



Coachella Civic Center, Hearing Room
53-462 Enterprise Way, Coachella, California
(760) 398-3502 ♦ www.coachella.org

AGENDA

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

March 16, 2022
6:00 PM

PURSUANT ASSEMBLY BILL 361, ALONG WITH THE GOVERNOR'S STATE OF EMERGENCY DECLARATION ISSUED ON MARCH 4, 2020, THIS MEETING MAY BE CONDUCTED VIA TELECONFERENCE.

If you would like to attend the meeting via zoom, here is the link:

<https://us02web.zoom.us/j/84544257915?pwd=VTdHWitpYVdOUk1NQW8vZ1pqUm0zQT09>

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Spanish: El idioma español está disponible en Zoom seleccionado la opción en la parte de abajo de la pantalla

Public comments may be received via email, telephonically, or via zoom with a limit of 250 words, or three minutes:

In real time:

If participating in real time via zoom or phone, during the public comment period, use the “raise hand” function on your computer, or when using a phone, participants can raise their hand by pressing *9 on the keypad.

In writing:

Written comments may be submitted to the commission electronically via email to gperez@coachella.org. Transmittal prior to the start of the meeting is required. All written comments received will be forwarded to the commission and entered into the record.

IF YOU WISH, YOU MAY LEAVE A MESSAGE AT (760) 398-3102, EXTENSION 122, BEFORE 4:00 P.M. ON THE DAY OF THE MEETING.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

APPROVAL OF THE MINUTES:

1. Draft Planning Commission Meeting Minutes - March 7, 2022

WRITTEN COMMUNICATIONS:

PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

REPORTS AND REQUESTS:

NON-HEARING ITEMS:

2. Presentation – Urban Greening and Heat Island Effect.

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

3. AMPM Convenient Store - Alcohol Sales

PH - Conditional Use Permit No. 350 to allow liquor sales as part of a proposed 5,170 square foot Convenient Store AMPM (ABC Type 21, Off Sale General Alcohol License) in an existing commercial building located at 48055 Grapefruit Boulevard in the C-G (General Commercial) zone. GSC & Son Corporation (Applicant)

INFORMATIONAL:

ADJOURNMENT:

Complete Agenda Packets are available for public inspection in the Planning Department at 53-990 Enterprise Way, Coachella, California, and on the City's website www.coachella.org.

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



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AGENDA
OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

16 de Marzo, 2022
6:00 PM

DE ACUERDO CON EL PROYECTO DE LEY 361 DE LA ASAMBLEA, JUNTO CON LA DECLARACIÓN DEL ESTADO DE EMERGENCIA DEL GOBERNADOR EMITIDA EL 4 DE MARZO DE 2020, ESTA REUNIÓN SE PODRÁ REALIZAR POR TELECONFERENCIA.

Si desea asistir a la reunión a través de zoom, aquí está el enlace:

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Los comentarios públicos se pueden recibir por correo electrónico, por teléfono o por zoom con un límite de 250 palabras o tres minutos:

En vivo:

Si participa en vivo a través de zoom o teléfono, durante el período de comentarios públicos, use la función "levantar la mano" en su computadora, o cuando use un teléfono, los participantes pueden levantar la mano presionando *9 en el teclado.

Por escrito:

Los comentarios escritos pueden enviarse a la comisión electrónicamente por correo electrónico a gperez@coachella.org. Se requiere la transmisión antes del inicio de la reunión. Todos los comentarios escritos recibidos serán enviados a la comisión e ingresados en el registro.

SI LO DESEA, PUEDE DEJAR UN MENSAJE EN EL (760) 398-3102, EXTENSIÓN 122, ANTES DE LAS 4:00 P.M. DEL DÍA DE LA REUNIÓN.

LLAMADO AL ORDEN:

JURAMENTO A LA BANDERA:

PASE DE LISTA:

ORDEN DEL DÍA ESPECIAL

APROBACIÓN DE LA AGENDA:

“En este momento, la Comisión puede anunciar cualquier punto que está siendo retirado de la agenda o continuado a otra fecha o solicitar el traslado de un punto de la agenda”.

APROBACION DE LAS ACTAS:

1. Borrador de las Actas de la Comisión de Planificación - 7 de Marzo de 2022

COMUNICACIONES ESCRITAS:

COMENTARIOS DEL PÚBLICO (PUNTOS QUE NO ESTÁN EN LA AGENDA):

“El público puede dirigirse a la Comisión sobre cualquier tema de interés para el público que no esté en la agenda, pero que esté dentro de la jurisdicción de la materia de la misma. Por favor limite sus comentarios a tres (3) minutos”.

INFORMES Y SOLICITUDES:

PUNTOS QUE NO SON DE AUDIENCIA:

1. Presentación – Ecologización urbana y efecto Isla de Calor (Jacob Alvarez, Asistente de la Administración Municipal y Miembro de TAC de ICARP)

CALENDARIO DE AUDIENCIAS PÚBLICAS (CUASI-JUDICIAL):

2. AMPM – Venta de Alcohol
Permiso de Uso Condicional No. 350 para permitir la venta de licores como parte de una tienda abierta 24 horas "AMPM" propuesta de 5,170 pies cuadrados (Licencia ABC Tipo 21, Licorera General) en un edificio comercial existente ubicado en 48055 Grapefruit Blvd. en la zona C-G (Comercial General).
GSC & Son Corporation (Solicitante)

INFORMATIVO:

SE SUSPENDE LA SESIÓN:

Los paquetes completos de la agenda están disponibles para inspección pública en el Departamento de Servicios de Desarrollo en 53-990 Enterprise Way, Coachella, California, y en el sitio web de la ciudad www.coachella.org.



ESTA REUNIÓN ES ACCESIBLE PARA PERSONAS CON DISCAPACIDAD



Coachella Civic Center, Hearing Room
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MINUTES

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

March 07, 2022
6:00 PM

PURSUANT ASSEMBLY BILL 361, ALONG WITH THE GOVERNOR’S STATE OF EMERGENCY DECLARATION ISSUED ON MARCH 4, 2020, THIS MEETING MAY BE CONDUCTED VIA TELECONFERENCE.

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CALL TO ORDER: 6:04 P.M.

PLEDGE OF ALLEGIANCE:

Vice Chair Navarrete

ROLL CALL:

Commissioners Present: Commissioner Gonzalez, Commissioner Figueroa, Alternate Commissioner Gutierrez, Chair Virgen, Vice Chair Navarrete (All Planning Commissioners participated via teleconference)

Commissioners Absent: Commissioner Leal

Staff Present: *Gabriel Perez, Development Services Director
*Rosa Montoya, Development Service Technician
*Participated in meeting via teleconference

APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

IT WAS MOVED BY COMMISSIONER GONZALEZ AND SECOND BY VICE CHAIR NAVARRETE TO APPROVE THE AGENDA.

Approved by the following roll call vote:
AYES: Commissioner Gonzalez, Commissioner Figueroa, Chair Virgen.
NOES: None.
ABSTAIN: Alternate Commissioner Gutierrez, Vice Chair Navarrete.
ABSENT: Commissioner Leal.

APPROVAL OF THE MINUTES:

1. Draft Planning Commission Minutes – February 16, 2022

IT WAS MOVED BY COMMISSIONER FIGUEROA AND SECONDED BY COMMISSIONER GONZALEZ TO APPROVE THE MINUTES.

Approved by the following roll call vote:
AYES: Commissioner Gonzalez, Commissioner Figueroa, Chair Virgen.
NOES: None.
ABSTAIN: Alternate Commissioner Gutierrez, Commissioner Vice Chair Navarrete.
ABSENT: Commissioner Leal.

WRITTEN COMMUNICATIONS:

None

PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

REPORTS AND REQUESTS:

Welcome Alternate Commissioner Gutierrez, appointed by City Council to fill the vacated Alternate Commission position by Miguel Leal.

NON-HEARING ITEMS:

2. Adopt Resolution No. PC 2022-04, an Interpretation of Coachella Municipal Code Section 17.72.010.F.1 (Architectural Review) approval authority for the architectural review of single-family residences. (City-Initiated).

Gabriel Perez, Development Services Director, narrated a power point presentation for the item. A copy of the presentation is on file in the Planning Division.

IT WAS MOVED BY COMMISSIONER GONZALEZ AND SECONDED BY COMMISSIONER CHAIR VIRGEN TO ADOPT RESOLUTION NO. PC 2022-04 APPROVING AN INTERPRETATION OF COACHELLA MUNICIPAL CODE SECTION 17.72.010.F.1 (ARCHITECTURAL REVIEW) APPROVAL AUTHORITY FOR THE ARCHITECTURAL REVIEW OF SINGLE-FAMILY RESIDENCES.

Approved by the following roll call vote:

AYES: Commissioner Gonzalez, Commissioner Figueroa, Vice Chair Navarrete, Chair Virgen.

NOES: None.

ABSTAIN: Alternate Commissioner Gutierrez.

ABSENT: Commissioner Leal.

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

3. Vino Y Seis – Alcohol Sales

Conditional Use Permit No. 352 to allow liquor sales as part of a proposed 1,213 sq. ft. square foot restaurant and wine bar (ABC Type 41, On-Sale Beer and Wine – Eating Place) in an existing commercial building located at 1517 6th Street in the C-G (General Commercial) zone. Nicolas Meza and Leticia Meza Ayon (Applicant).

Gabriel Perez, Development Services Director, narrated a power point presentation for the item. A copy of the presentation is on file in the Planning Division.

Public Hearing Opened at 6:34 pm by Chair Virgen

Nick Meza, applicant, made himself available for questions.
Jesus Gonzalez spoke in support of the project.

Public Hearing Closed at 6:38 pm by Chair Virgen

IT WAS MOVED BY COMMISSIONER GONZALEZ AND SECONDED BY VICE CHAIR NAVARRETE TO ADOPT RESOLUTION NO. PC 2022-03 APPROVING CONDITIONAL USE PERMIT NO. 352 TO ALLOW ON-SALE BEER AND WINE SERVICE FOR THE 1,213 SQUARE FOOT VINO Y SEIS EATING PLACE (ABC LICENSE TYPE 41 – ON-SALE BEER AND WINE – EATING PLACE), IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 1517 6TH STREET, (APN 778-062-001).

Approved by the following roll call vote:

AYES: Commissioner Gonzalez, Commissioner Figueroa, Vice Chair Navarrete, Chair Virgen.

NOES: None.

ABSTAIN: Alternate Commissioner Gutierrez.

ABSENT: Commissioner Leal.

4. Architectural Review No. 21-12 (Amendment)

Modification to Conditions of Approval related to screening of rooftop-mounted equipment of the proposed 20,442 sq. ft. Aldi Supermarket building on 1.94 acres at the northeast corner of Cesar Chavez Street and First Street (APN# 778-020-007 and 778-010-017). Applicant: Coachella Retail Realty Associates, LP.

Gabriel Perez, Development Services Director, narrated a power point presentation for the item. A copy of the presentation is on file in the Planning Division.

Public Hearing Opened at 6:58 pm by Chair Virgen

Sean Unsell, Architect-RDC, spoke regarding solutions to the project.
Jesus Gonzalez spoke in support of the project

Public Hearing Closed at 7:06 pm by Chair Virgen

IT WAS MOVED BY VICE CHAIR NAVARRETE AND SECONDED BY COMMISSIONER GONZALEZ TO ADOPT RESOLUTION NO. PC 2022-05 APPROVING A REQUEST TO AMEND CONDITIONS OF APPROVAL NOS. 72 AND 73 OF ARCHITECTURAL REVIEW 21-12 RELATED TO THE SCREENING OF ROOF-TOP MOUNTED EQUIPMENT OF THE PROPOSED 20,442 SQ. FT. ALDI SUPERMARKET BUILDING ON 1.94 ACRES OF VACANT LAND LOCATED AT THE NORTHEAST CORNER OF FIRST STREET AND CESAR CHAVEZ STREET (APN 778-020-007 AND 778-010-017).

Approved by the following roll call vote:

AYES: Commissioner Gonzalez, Commissioner Figueroa, Vice Chair Navarrete, Chair Virgen.

NOES: None.

ABSTAIN: Alternate Commissioner Gutierrez.

ABSENT: Commissioner Leal.

INFORMATIONAL:

Gabriel Perez, Development Services Director, reported that the City Council will have a presentation about a potential future use of the Glenroy Hotel property on March 9, 2022.

ADJOURNMENT: 7:06 P.M.

Respectfully Submitted by,

Gabriel Perez
Planning Commission Secretary

*Complete Agenda Packets are available for public inspection in the
Development Services Department at 53-990 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



STAFF REPORT
3/16/2022

To: Planning Commission Chair and Commissioners

FROM: Nikki Gomez, Associate Planner

SUBJECT: AM PM – Type 21 Alcohol Sales

SPECIFICS: Conditional Use Permit No. 350 to allow liquor sales as part of a proposed 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)

STAFF RECOMMENDATION:

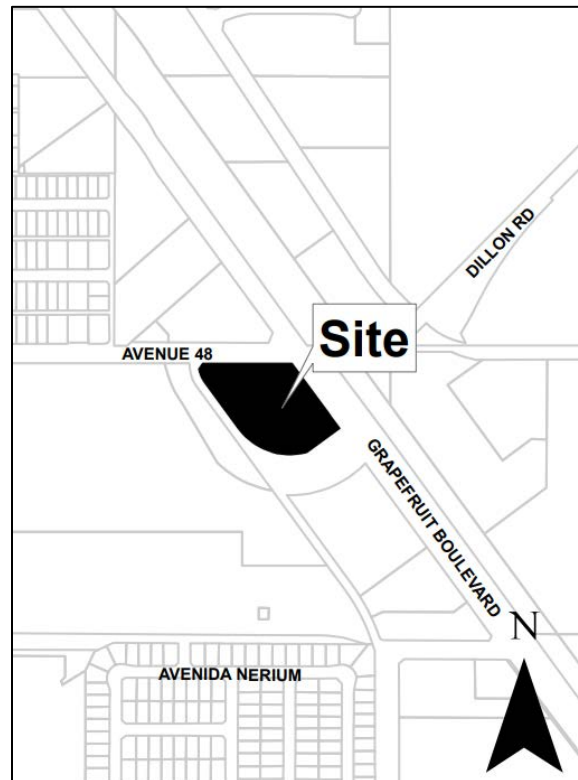
Staff recommends that the Planning Commission adopt Resolution No. PC 2022-07 approving Conditional Use permit No. 350 to allow a liquor sales license (Type 21 On Sale General Alcohol License) at AMPM convenient store located at 48055 Grapefruit Blvd. pursuant to the findings and conditions of approval 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 convenient store currently utilizes Type 20 Off -Sale Beer and Wine license type with the California Department of Alcohol Beverage Control since September 2017.

DISCUSSION/ANALYSIS:

The applicant, GSC & Son Corporation, has submitted a request for a 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 is issued.





The zoning designation of the commercial center where the store is proposed is within the C-G (General Commercial) and allows liquor sales with approval of a CUP. In December of 2016, the City adopted an ordinance requiring a conditional use permit for any off-sale and on-sale alcohol sales establishment, with additional land use regulations contained in Section 17.74.015 of the Zoning Code. The Conditional Use Permit findings are required to be made by the Planning Commission.

Section 17.74.015(C)(2) of the Municipal Code establishes that off-sale establishments must comply with the following requirements:

- 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**

The establishment is within 700 feet of Rancho Las Flores Park and residences at the Carver Tract Neighborhood located outside of Coachella city limits.

- 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; and**

The establishment is within 700 feet of other off-sale establishments, which is the Tower Market across the street north of Avenue 48; however, the Tower Market is not within the City of Coachella jurisdiction but within the City of Indio.

- 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:**

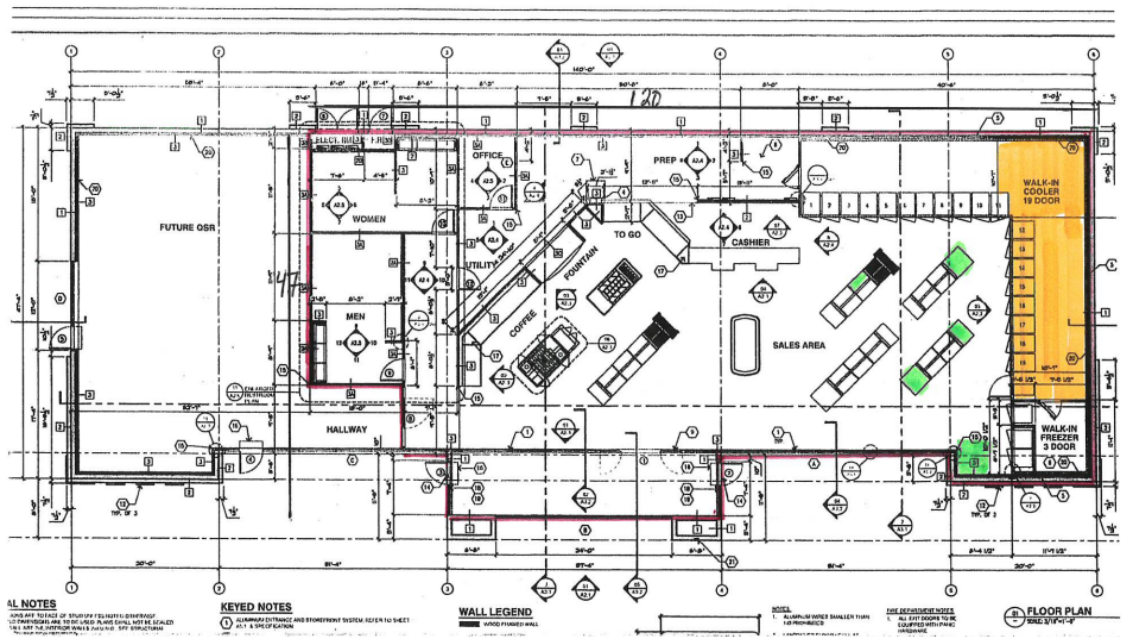
Staff recommends that the Planning Commission makes the finding that the public convenience or necessity is justified to issue the off-sale beer, wine and distilled spirits license as the convenient store offers goods and services in the nearby neighborhood.

- (A) **The establishment provides a substantial benefit to the immediate neighborhood not provided by another existing establishment within the restricted distance; and**

The establishment provides benefit to the immediate neighborhood, as it is the one of the facilities offering food and services to the neighborhood at the most northwest city boundary.

(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;

The floor plan and picture shown below shows the location of the display and storage of the beer, wine and distilled spirits, which is 4.5 percent which does not exceed the five percent or the 1,000 sf for the display and storage of alcoholic beverages.



Total Square Footage: 5,170 square feet ■
 Liquor storage: 192 square feet ■
 Liquor display: 43.5 square feet ■

G & SON CORPORATION
 DBA: AMPM
 48055 Grapefruit Blvd.
 Coachella, CA 929236

c. That the requested establishment at the proposed location will not adversely affect the economic welfare of the nearby community; and

Moreover, the establishment will not adversely affect the economic welfare of the nearby community since general access to the establishment since the applicant is not establishing or introducing a new liquor license in the area, rather is it a change of a type of liquor license. The establishment is within a commercial center along a major arterial (Grapefruit Blvd.) which provides essential services for nearby residents like food and fuel. However, staff added conditions to the project since it is within a commercial center along an

entryway commercial corridor to the City of Coachella. One of the condition is to provide general upkeep of the perimeter landscape along the entire commercial center to an acceptable condition. This includes the removal of dead or trash debris and replacement plant material of along the perimeter landscape of the commercial center. Another condition is to install sidewalk along the southeast portion of the commercial center specifically the frontage (along Grapefruit Blvd.) of the vacant parcel APN: 603-220-057. Although the establishment is within 700 feet from the park and residential uses, the establishment is not fronting with no direct access to the nearby residences and park rather it is oriented towards the major arterial, Grapefruit Blvd.

- 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.**

There will be no alterations to the exterior facade of the establishment, the AMPM convenient store was built along with the other structures within the site. In addition, a condition has been added to include the requirement of providing Covenants, Conditions and Restrictions (CC&R) and name the City as third party beneficiary containing obligation of maintenance obligations such as private landscaping, private streets, sidewalks and other pertinent items.

- D. Additionally, if the California Department of Alcoholic Beverage Control (ABC) notifies the City that the proposed establishment is either (1) subject to the State law moratorium/limit on the number of liquor licenses that may be issued within the city under California Business and Professions Code Section 23817.7 or, (2) is in an area of "undue concentration" of liquor licenses, as defined in California Business and Professions Code Section 23958.4; the planning commission must additionally find that the public convenience or necessity nonetheless justifies the issuance of the liquor license to the establishment.**

The subject site is located within Census Tract 9404.00, where ABC concentration standards allow a maximum of 3 of off-sale licenses, where 12 exists as shown on Table 1. When it is determined by ABC that there is an undue concentration of off-sale licenses, the Planning Commission must make findings that the public convenience or necessity justifies the issuance of the liquor license to the establishment.

Table 1 – Off-Sale Alcohol Licenses

Off-Sale Alcohol License within Census Tract 9404.00			
Business Name		Address	License Type
1	Food 4 Less 517	49241 Grapefruit Blvd.	21 (General)
2	Coachella Travel Center	46155 Dillon Rd.	20 (Beer and Wine)
3	Victory Liquor & Sports Goods	49968 Cesar Chavez St.	21 (General)
4	CVS Pharmacy	84010 Avenue 50	21 (General)
5	Garibaldi Meat Market	49975 Harrison St.	20 (Beer and Wine)

6	Coachella Florist	49889 Harrison St.	20 (Beer and Wine)
7	Family Dollar	49681 Harrison St.	20 (Beer and Wine)
8	Coachella Oil Corporation	46651 Dillon Rd.	20 (Beer and Wine)
9	Smart & Final Store 718	49978 Harrison St.	21 (General)
10	Baja Meat Market	47570 Van Buren St.	21 (General)
11	ARCO AMPM	48055 Grapefruit Blvd.	20 (Beer and Wine)
12	Tower Market	84417 Indio Blvd.	21 (General)

Per ABC, If the applicant surrenders the current type 20 upon issuance of the type 21, a PCN letter is required. The applicant’s intent is to surrender existing Type 20 and replace it with the new Type 21 license, if approved by the Planning Commission.

Staff contacted the Lieutenant Martinez with the Riverside County Sheriff regarding any concerns or complaints for the AMPM convenient store License change from Type 20 to Type 21 Liquor License that the Planning Commission may want to consider when making findings or including conditions of approval for the CUP. Lieutenant Martinez did not identify any concerns with the applicant for the AMPM Convenient Store and does not recommend any conditions of approval.

Hours of Operation:

The AMPM convenient store will continue the same operating hours, which is open for 24 hours.

Environmental Setting:

The subject site is within an existing commercial building at 48055 Grapefruit Blvd substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

- North: Tower Market/City of Indio
- South: Lighthouse Marijuana Dispensary / (C-G, General Commercial)
- East: Highway 111 & Railroad
- West: Lighthouse Marijuana Dispensary / (C-G, General Commercial)

Site Plan / Parking and Circulation:

The site is fully developed with three points of access, one from Grapefruit Blvd., second one from Avenue 48 and third one from Dillon Road. The site provides ample parking spaces for the existing commercial center. No modifications to the site are proposed with this request. As shown on the existing conditions photos, attachment 4 of the report, the landscape perimeter requires landscaping maintenance. There are some portions along the landscaping perimeter where there are missing plant material that may have died but never replaced. In addition, there is an abandoned tall iron monument sign that has remained after the construction of the commercial center. In comparison the landscaping on the new gas station, Tower Market across Avenue 48, the project

site shows lack of landscaping plant material and maintenance. Therefore, staff is has included conditions to ensure the applicant maintain the landscaping along the perimeter of the entire commercial center especially since it is the first commercial center along the entry way to the City of Coachella.

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

1. Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 350 with the findings and conditions listed in Resolution No. PC 2022-07, and in the attached resolution.
2. Deny the proposed project.
3. Continue this item and provide staff and the applicant with direction.

Attachments:

1. Resolution No. PC 2022-07
2. AMPM Convenient Store Floor Plan
3. Vicinity Map
4. Existing Conditions

RESOLUTION NO. PC 2022-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 350 TO ALLOW OFF-SAE BEER, WINE, DISTILLED SPIRITS FOR THE 5,170 SQUARE FOOT “AMPM” CONVENIENCE STORE (ABC LICENSE TYPE 21- OFF-SALE GENERAL) IN AN EXISTING COMMERCIAL BUILDING LOCATED AT 48055 GRAPEFRUIT BLVD. (APN 603-220-056); GSC & SON CORPORATION, APPLICANT.

WHEREAS, GSC & SON Corporation filed an application for Conditional Use Permit No. 350 (CUP 350) to allow a 5,170 square foot eating place with service of beer, wine and distilled spirits (ABC License Type 21 – Off-Sale General) in an existing commercial building located at 48055 Grapefruit Blvd.; Assessor’s Parcel No. 603-220-056 (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on CUP No. 350 on March 16, 2022 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding the proposed Project; 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 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 part of an existing commercial center and the establishment currently utilizes an ABC Type 20 – Off-Sale Beer and Wine and will accommodate the proposed ABC Type 21- Off-Sale General; 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. 350, subject

to the findings and conditions of approval listed below.

FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT NO. 350:

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 retailers located in major crosstown corridors, retail districts balance the need to provide convenient access and parking for motorists providing an attractive shopping environment. The proposed Type 21 Off-Sale General liquor license support the type of established as convenient store located at the major arterial supporting 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 convenient store subject to obtaining a conditional use permit to sell alcoholic beverages. The proposed use in the C-G zone 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.
2. 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 has all infrastructure available on-site for the convenient store. The project was part of a commercial center that was approved by Planning Commission as Architecture Review 12-07, CUP 254 and CUP 256, therefore the project conforms to the on-site parking pursuant to the City Parking Ordinance Chapter 17.54.
3. Although the AMPM Type 21 Off-Sale General establishment does fall within seven hundred (700) feet, measured from property line to property line of Rancho Las Flores Park and residences at the Carver Tract Neighborhood located outside of Coachella city limits. establishment is not fronting with no direct access to the nearby residences and park rather it is oriented towards the major arterial, Grapefruit Blvd.
4. Although the AMPM Type 21 Off-Sale General establishment does fall within seven hundred (700) feet, measured from property line to property line, of a convenient store, with a Type 21 Off-Sale General, which is the Tower Market across the street north of Avenue 48; however, the Tower Market is not within the City of Coachella jurisdiction but within the City of Indio. The establishment provides benefit to the immediate neighborhood, as it is the one of the facilities offering food and services to the neighborhood at the most northwest city boundary. The establishment will have 4.5 percent display and storage of alcoholic beverage which is less than the requirement of 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.

5. The AMPM Type 21 Off-Sale General establishment at the location will not adversely affect the economic welfare of the nearby community since general access to the establishment since the applicant is not establishing or introducing a new liquor license in the area, rather is it a change of a type of liquor license. The establishment is within a commercial center along a major arterial (Grapefruit Blvd.) which provides essential services for nearby residents like food and fuel. The project has been condition to provide general upkeep of the perimeter landscape along the entire commercial center to an acceptable condition. This includes the removal of dead or trash debris and replacement plant material of along the perimeter landscape of the commercial center. Another condition is to install sidewalk along the southeast portion of the commercial center specifically the frontage (along Grapefruit Blvd.) of the vacant parcel APN: 603-220-057.
6. There will be no alterations to the exterior facade of the establishment, the AMPM convenient store was built along with the other structures within the site. In addition, a condition has been added to include the requirement of providing Covenants, Conditions and Restrictions (CC&R) and name the City as third party beneficiary containing obligation of maintenance obligations such as private landscaping, private streets, sidewalks and other pertinent items.
7. 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 no concerns about the operations of this establishment including service of Type 21 – Off-Sale General Alcohol License. The Sherriff’s Department not recommend conditions related to public safety concerns. 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 interference with traffic on surrounding public streets or roads. Existing vehicular approaches from Avenue 48, Dillon Road, and Grapefruit Blvd. will be utilized for the project. Existing on-site vehicular parking is sufficient.
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) as the proposed on sale service of liquor will occur in conjunction with an existing business in an existing commercial building.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 350:

1. Conditional Use Permit No. 350 is an approval for the on sale of beer, wine and distilled spirits in an existing commercial facility AMPM convenient 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. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval prior to establishment of the Type 21 License and sale of distilled spirits. 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.
4. The CUP No. 350 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. 350 is considered affective.
5. The site landscaping shall be maintained in good condition at all times, and the owner or operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as soon as practicable, and in accordance with the approved landscape plan.
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.
7. Any break in service, meaning the closure of the convenience convenient store for a period of 180 consecutive days, will result in the expiration of this CUP.
8. 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.

- 9. 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.
- 10. Hours of operation will continue the same operating hours, which open for 24 hours.
- 11. 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.

PASSED APPROVED and ADOPTED this 16th day of March 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Virgen
Planning Commission Chairperson

ATTEST:

Gabriel Perez
Planning Commission Secretary

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. PC2022-07 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 16th day of March 2022 by the following vote of the Planning Commission:

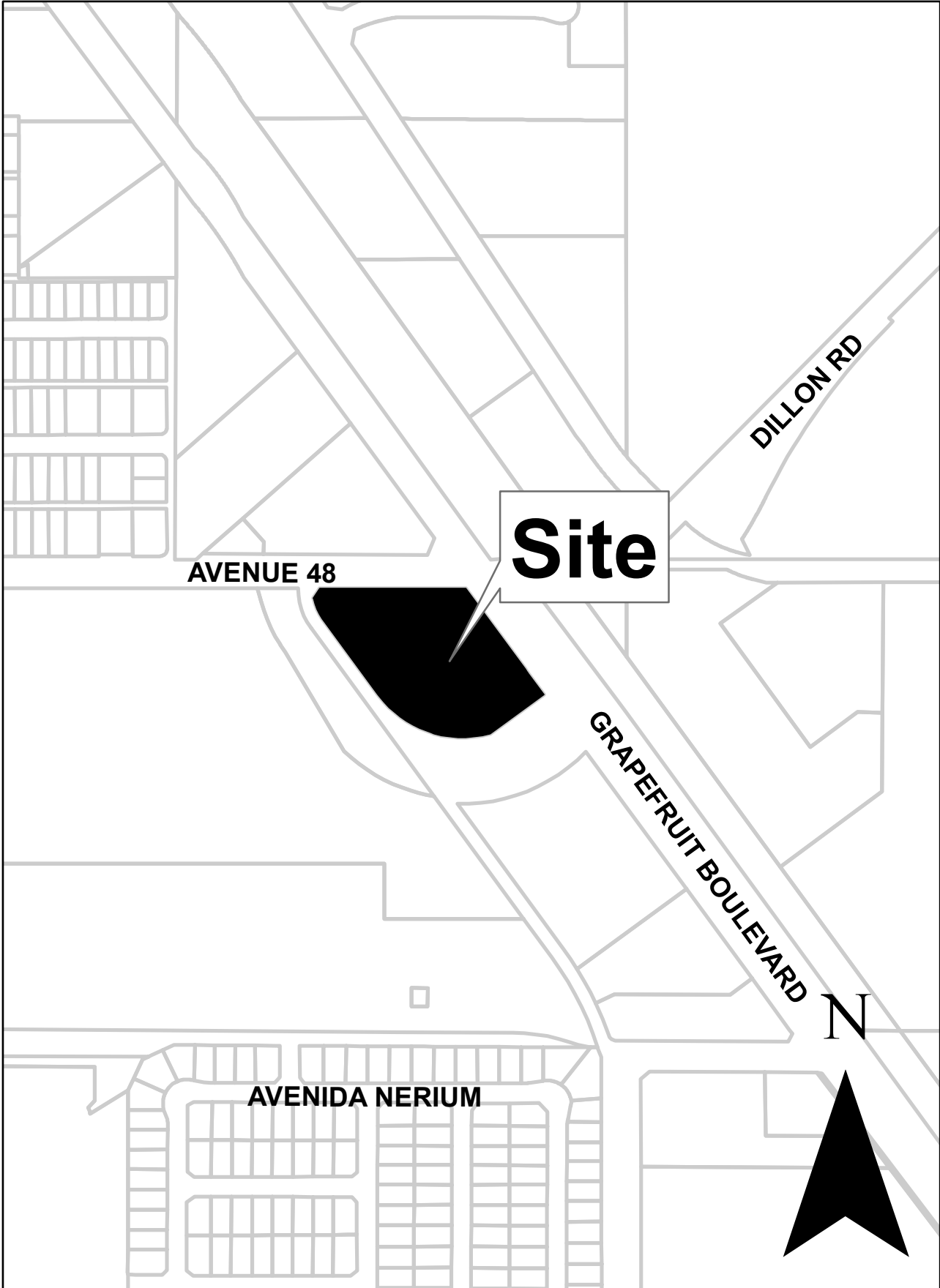
AYES:

NOES:

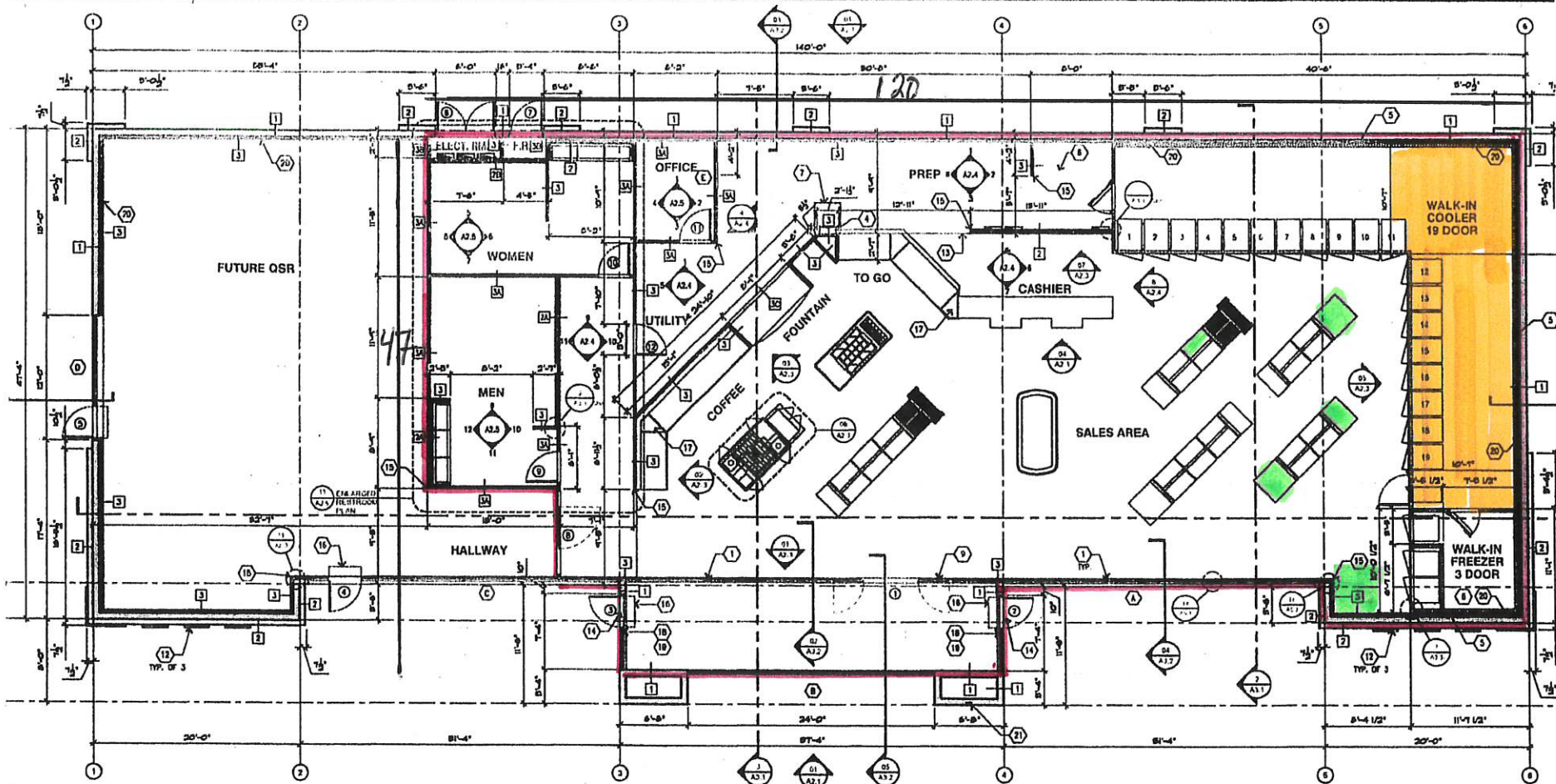
ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary



Vicinity Map



AL NOTES

1. DIMS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE
 2. DIMENSIONS ARE TO BE USED PLANS SHALL NOT BE SCALED
 3. ALL ARE 3/4" INTERIOR WALLS UNLESS NOTED OTHERWISE

KEYED NOTES

1. ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A3.1 & SPECIFICATION

WALL LEGEND

WOOD FRAMED WALL

NOTES

1. ALUMINUM WIPED SMALLER THAN 1/4" PROHIBITED

FIRE DEPARTMENT NOTES

1. ALL EXIT DOORS TO BE EQUIPPED WITH PANDA HARDWARE

FLOOR PLAN

SCALE: 3/16"=1'-0"

Total Square Footage: 5,170 square feet
Liquor storage: 192 square feet
Liquor display: 43.5 square feet

G & SON CORPORATION
DBA: AMPM
48055 Grapefruit Blvd.
Coachella, CA 929236

FLOOR PLAN

CUP 350 – Existing Conditions
AMPM 48055 Grapefruit Blvd.





