

**Exhibit A – Resolution No. 2024-55**

**CONDITIONS OF APPROVAL FOR ENTERTAINMENT PERMIT NO. 24-01  
VMP NIGHTCLUB AND EVENT CENTER**

**General Conditions**

- 1.) Entertainment Permit No. 24-01 is an approval for an entertainment venue where alcohol may be served with entertainment from Thursday through Sunday. The approval is based on the site plan and floor plan submitted for the proposed project. Violation of any of the conditions of approval shall be cause for revocation of the Entertainment Permit No. 24-01.
- 2.) The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the City Attorney, within five days of the effective date of this approval.
- 3.) Any break in service, meaning the closure of the event venue for a period of 180 consecutive days, will result in the expiration of this Entertainment Permit.
- 4.) Entertainment Establishment Permit No. 24-01 shall be valid for 12 months commencing on the first day of the operation. A request for renewal must be submitted by the applicant in order to extend the term of the Permit after the initial term of 12 months has lapsed, at which time the City Council will review compliance with the conditions of approval and consider granting up to a 36-month renewal of the entertainment permit. Relinquishment of the entertainment permit will require an amendment to this resolution, subject to review by the City Council.
- 5.) Any violation of the conditions of approval for this project may result in the issuance of citations and fines, and may result in revocation of the Entertainment Establishment Permit.
- 6.) 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.
- 7.) The applicant shall comply with Noise Control standards of the Municipal Code (Chapter 7.04). No amplified sound equipment or live music performances are permitted to occur outdoors. Entrances shall be closed during events, and shall not be continuously left open for an extended period of time during events. The applicant shall mitigate noise levels if determined by the Code Enforcement Manager to be excessive through measures approved

by the Code Enforcement Manager and with consultation of a certified acoustical professional.

- 8.) The applicant shall comply with Municipal Code requirements of Chapter 5.24 – Entertainment Establishments where alcohol is served.
- 9.) The applicant shall comply with all requirements imposed by the State Department of Alcoholic Beverage Control.
- 10.) The applicant shall obtain all other applicable permits, if required, from the appropriate agencies (i.e. Fire Department, Building Division, City Engineering Department, Sheriff's Department, and Department of Public Health, etc.).

**Signage**

- 11.) All exterior signage shall comply with the City of Coachella Sign Ordinance. Signage shall be approved by the Development Services Department and installed prior to Certificate of Occupancy. Signage shall be individual channel lettering or other high quality signage.
- 12.) Signage advertising brands of alcoholic beverages or the availability of alcoholic beverages shall not be visible from the exterior of the building or anywhere off-site.

**Hours of Operation**

- 13.) Hours of operation and restrictions for event venue are as listed below. Live Entertainment may include live performances, live music, comedy shows, night club use, or other similar live entertainment uses, this restriction does not apply to ambient music. Special event rentals may include birthday parties, anniversaries, or similar uses with no live music permitted. No dancing or entertainment shall be permitted prior to eight p.m. nor after one-thirty a.m for all days. The City reserves the right to modify the hours of business operation after 12 months of continuous Entertainment establishment use has lapsed, based on information provided by the Coachella Police regarding calls for service.

Regular Hours of Operation

- a. 2PM – 10PM Monday thru Wednesday
- b. 2PM – 2AM Thursday thru Sunday

Hours Restrictions

- c. 1:30AM is last call for alcohol service
- d. 9PM – 2AM Thursday – Sunday Live Entertainment Hours
- e. 2PM – 10 PM Wednesday – Friday Special Event Rental Hours
- f. 8PM – 1:30 AM – Allowed Dancing or Entertainment Hours

- 14.) Any other proposed entertainment event beyond the scope of this permit shall require a special event permit to be approved by the City Manager's office. Said application and applicable fees shall be submitted a minimum of ten (10) working days, not including days when City Hall is closed, prior to the event.

**Security**

- 15.) The following preventative measures shall be undertaken to reduce the potential for alcohol related problems:
  - a. Food service, which may include snacks, shall remain available during all hours of operation;
  - b. Taxicab phone numbers shall be posted in visible locations at all times in the area(s) where alcohol is served;
  - c. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol. Applicant shall provide confirmation that employees to serve alcohol upon first event to City staff have obtained training and applicant shall obtain acknowledgement by the Development Services Director or designee that the training was completed; and
  - d. The availability of a variety of non- alcoholic beverages shall be made known and offered to customers.
- 16.) Management shall patrol the business premises, parking lot, and the surrounding vicinity, during the entertainment venue operation and until all patrons have left the parking area after operational hours. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the property.
- 17.) Any and all weapons shall be prohibited at the premises, outside the premises or at the parking lot outside the premises except by those individuals lawfully permitted to possess such.
- 18.) The Chief of Police shall have the authority and power to temporarily close the establishment when it becomes apparent that a situation exists wherein there is a probability that the general welfare and safety of the patrons or of the public may be in jeopardy. If closed under this condition, the premises will not be allowed to reopen before the beginning of regular business hours on the date following the closure.
- 19.) The applicant shall employ the use of hand- held metal detectors at all entrances to protect the safety and general welfare of patrons or of the public.
- 20.) A minimum of one licensed security officer will be required for Thursday through Sunday after 8 p.m. when any entertainment events occur (musicians, karaoke, or similar related entertainment activities), unless more security is required per the approved security plan for this project. Applicant shall comply with the required approved Security Plan for the project. Applicant shall meet the minimum security requirements and other security measures per the approved Security Plan.
- 21.) Licensed security guards shall be required for events that exceed 50 guests or when alcohol is served subject to the approved security plan. These guards must possess State of

California guard cards issues through the California Department of Consumer Affairs. Additional guards shall be used as needed to adequately patrol the parking areas. The City Manager, Code Enforcement Manager or Chief of Police may administratively modify the entertainment permit security plan as deemed necessary to preserve the safety and welfare of guests and the public.

- 22.) A maximum of **403** total occupants are permitted on-site for events at any given time. The applicant shall maintain a count of all event participants on-site at all times during events. Event counts for all events shall be maintained by event staff at the main entrance and made available upon request by the Coachella Police or City Staff.
- 23.) Applicant or property owner shall be responsible in installing security cameras in the parking lot to ensure that the Sheriff's Department has video surveillance or evidence should any public safety issue arise from the establishment or proposed business use; such as, but not limited to fights, shootings, noise, public intoxication. Parking lot security cameras shall be installed prior to certificate of occupancy to the satisfaction of the Development Services Director.
- 24.) A camera plan shall be reviewed and approved by Coachella Police and Code Enforcement Division prior to occupancy and installation. Applicant is required to provide camera footage to City staff or Police based on any incidences of concern on the property or related to the nightclub operation.
- 25.) Applicant shall ensure to their best ability, that the area in front of nightclub is free of solicitors at all times of the day, which includes the tenant frontage directly adjacent to the nightclub, property frontage along Cesar Chavez Street, and shopping center parking stalls. Signage that prohibits solicitors shall be posted outside of tenant premises.
- 26.) Applicant shall provide a patron line queue plan that shows how the event center will ensure that any queuing lines are organized, avoid any blockage of accessible pathways, and neighboring tenant entrances/exits are blocked off. Applicant shall submit for City review prior to certificate of occupancy. City Staff or Riverside County Sheriff Department may administratively approve and require modifications to patron line queue plan as deemed necessary to preserve the safety and welfare of guests and the public.

### **Improvements**

- 27.) Exterior. Applicant or property owner shall improve exterior property area outside rear entrance which shall include replacement of missing rails, improvement of rear pavement to a first class condition, improvements at concrete landing at exit, landscape improvements within planter established adjacent to existing sidewalk, new tubular fencing and gate to control rear access, all trash bins shall be placed in improved trash enclosure for approval by the Development Services Department and completed prior to issuance of a certificate of occupancy and commencement of events.
  - e. 10 foot long landscape planter with irrigation, with a variety of shrub and flower varieties. Add  $\frac{3}{4}$  inch gravel California Gold. Landscape Planter shall be constructed up to any required ADA access ramp. Shall provide varieties of

flowering and shrubs, and a shade tree. This may include bougainvillea shrubs, red yucca, agave, or other high quality desert landscape plants to be approved by the Director of Development Services.

- f. Replacement of missing rails at exterior exit and stairs.
  - g. Installation of ADA ramp improvements.
  - h. Trash Enclosure shall be constructed. Trash enclosure shall be designed to be compatible with the existing structure, and shall include overhead enclosure. The trash enclosure shall be of masonry construction with metal gates and shall be architecturally compatible with main commercial center. Trash enclosure shall be sufficient in size to fit trash bins. Please reach out to Cynthia Avalos – Burrtec [cavalos@burrtecdesert.com](mailto:cavalos@burrtecdesert.com) for trash enclosure requirements. Applicant shall submit trash enclosure plans to be approved and installed prior to Certificate of Occupancy
  - i. New approximately 6 ft high tubal fence and gate at rear entrance at Cesar Chavez Street is required to be installed. A Knox box is required. The required rear fence and gate is required to completely enclose the rear area to prohibit vehicular and pedestrian trespassers. Fence design to be administratively approved by Development Services Director.
  - j. Pavement (concrete or asphalt) shall be installed at rear entrance at Cesar Chavez Street for all unimproved surfaces up to existing concrete pad behind the Dollar tree, approximately located 200 feet from the public R.O.W.
- 28.)** Parking Lot. Applicant shall repair the on-site parking lot, curb, driveway, and driveway approach pavement to a high quality and safe condition in conformance with the standards of the City Municipal Code to the satisfaction of the City Engineer. Parking lot parking spaces to be restriped to the satisfaction of the City Engineer and Development Services Director.
- 29.)** Landscape. Property Owner shall rehabilitate existing landscape and irrigation areas. Landscape areas shall be rehabilitated along all landscape areas visible from the public R.O.W along Cesar Chavez Street, and all on-site parking lot landscape areas, to the satisfaction of the Director of Development Services. The property owner shall submit a final landscape exhibit or equivalent landscape document for entire center owned by the property owner, to be approved by the Development Services Director prior to Certificate of Occupancy. Property owner shall show on the required landscape submittal, and make the following improvements:
- k. Replace missing, dead, or decaying landscaping.
  - l. Add ¾ inch gravel California Gold in all landscape areas visible from the public R.O.W along Cesar Chavez Street.

- m. Add complete ¾ inch gravel California Gold or a combination of ¾ inch gravel and DG in all on-site parking lot landscape areas to ensure compatibility with entire center.
  - n. Shall provide varieties of flowering and shrubs. This may include bougainvillea shrubs, red yucca, agave, or other high quality desert landscape plants to be approved by the Director of Development Services.
  - o. Shall install landscape and irrigation at the southern rear entrance at Cesar Chavez Street.
  - p. Shall ensure new and existing on-site and off-site irrigation is in functional condition.
  - q. Landscape areas shall include shade trees, varieties of flowering and shrubs.
  - r. Applicant shall install a weed fabric below DG and rock to prevent weeds for landscape areas to the satisfaction of the Development Services Director.
  - s. Applicant may provide an alternative landscape design from the above landscape improvement requirements that ensures a first class landscape design to be approved by the Director of Development Services.
- 30.) Rooftop Equipment.** Screening of new rooftop equipment is required. Exposed mechanical equipment shall be visually screened by a seventy-five (75) percent (minimum) opaque or solid, non-reflective visual barrier. The design and materials of the visual barrier shall comply with the following requirements: Screening be comprised of parapets, screen walls, trellis systems, or mechanical penthouses and shall include common design elements and finish materials of the building facades. Screening shall be as high and wide or higher and wider than the equipment it screens. Mechanical equipment screening shall be to the satisfaction of the Development Services Director.
- 31.) ADA accessible restrooms** shall be provided and available to use by all guests on-site during events and shall require inspection by the Building Official prior to commencement under this entertainment permit. This condition shall be met to the satisfaction of the Building Official.
- 32.) All on-site and off-site requirements** for the project shall be completed prior to Certificate of Occupancy to the satisfaction of the Development Services Director.

### **Maintenance**

- 33.) Applicant or property owner** shall enter into a Parking Lot and Landscape Maintenance Agreement with the City of Coachella for the commercial center landscape areas prior to Certificate of Occupancy. Maintenance Agreement shall ensure commercial irrigation and landscaping is maintained in a first class condition. Asphalt pavement shall be improved clear of cracks and other visible deterioration. Shall be met to the satisfaction of the City Engineer and Development Services Director. Landscape Maintenance Agreement shall

provide a detailed description that includes a list of plant types and plant counts that are required in each landscape area.

- 34.) The exterior area in front of nightclub and exterior area at the outside rear entrance shall be maintained in a good and clean condition at all times, and the owner or operator of the facility shall be responsible for the regular removal and clean-up of trash, visible spills, stains, debris, refuse, dirt, grime, weeds, and any other neglected or unkept condition.

**General**

- 35.) Parking. At the discretion of the Development Services Director, the Director may require parking improvement measures if it is determined that the parking impacts/demand from the businesses do not meet the current on-site or off-site parking supply.
- 36.) Applicant shall submit a Parking Share Use Agreement or equivalent parking measures prior to certificate of occupancy to meet parking requirements for the project, to the satisfaction of the Development Services Director.
- 37.) Burrtec. Applicant shall coordinate with Burrtec and meet their requirements for the project. This business may require the (3) waste program which include trash, recycling and organic recycling services.
- 38.) Any gate established at the rear entrance to the property along Cesar Chavez Street is required to be open on service days and be clear of obstructions for Burrtec services of bins. The gate shall be closed once Burrtec services are complete.

**Building**

- 39.) Plans must be prepared by Licensed Design Professional.
- 40.) Show handicap access and seating at bar and all areas of the proposed seating areas.
- 41.) The proposed rear egress door shall have handicap accessibility to the public right of way. The current rear door leads to non-accessible stairs. Show exterior path of travel at rear door.
- 42.) Maintain and repair handicap parking stalls, striping and ramps for the proposed TI.
- 43.) Stage shall be equipped with a ramp or lift for accessibility.
- 44.) Show 5' radius at all accessible restrooms.

**Utilities**

- 45.) Is this project proposing using the same meter as Dollar Tree and same sewer connection?
- 46.) Project may be required to make its own separate connections to the water and sewer system

- 47.) Submit water and sewer plans to Engineering for approval from Utilities Manager
- 48.) Applicant will be required to submit a source control survey; all requirements shall be completed prior to issuance of a certificate of occupancy
- 49.) Detailed plumbing and mechanical plans shall be submitted
- 50.) Water & Sewer impact fees to be paid prior to certificate of occupancy
- 51.) Project must install a designated water service connection with a 4G AMI master meters.
- 52.) Backflows required on all nonresidential meters, backflow devices would require Reduced Pressure Principle Device (RP) within 12 inches of water service installed to protect water supply from contamination or pollution.
- 53.) Domestic water service line Type K Soft Copper Tubing Polywrap-C Blue (6Mil, use applicable size)
- 54.) Additional requirements subject to water and sewer plan checking process
- 55.) All new water and sewer service connections must be shown on water and sewer improvement plans.
- 56.) Plumbing blueprints depicting water, sanitary, industrial, and/or grease waste line. (all lines that are applicable)
- 57.) Domestic water and sewer point of connection to the City's utilities.
- 58.) Plumbing code fixture schedule with total DFU's listed.
- 59.) Complete wastewater discharge survey.
- 60.) For tenant improvements, current and proposed plumbing code fixture schedule must be provided
- 61.) Pretreatment equipment/Sample box: (if applicable) Provide manufacture specifications and sizing chart.
- 62.) Pretreatment Equipment Minimum Requirements
  - t. 750 gal minimum
  - u. Clean outs and vents before and after pretreatment equipment
  - v. Sample box immediately downstream of the pretreatment equipment
  - w. Multi suite buildings requesting pretreatment installation require separate sewer lateral connection per pretreatment device.



**Fire**

- 63.) Applicant shall satisfy all Fire Department conditions listed below, and all additional conditions requested from the Fire Department for the project prior to certificate of occupancy. All fire conditions for the project shall be addressed by the applicant to the satisfaction of the Fire Department.
- 64.) PRIOR TO FINAL- FIRE SPRINKLERS. Prior to issuance of Certification of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinklers plans shall be submitted to Fire Marshal's office for approval prior to installation
- 65.) PRIOR TO FINAL- FIRE ALARM. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station or as approved by Riverside County Fire, based on a requirement for monitoring the sprinkler system, occupancy, or use. Fire alarm panel shall be accessible from the exterior of building in an approved location. Plans shall be submitted to the Fire Marshal's office for approval prior to installation.
- 66.) PRIOR TO FINAL- HAZMAT PLAN. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Fire Marshal's office to maintain, store, use, handle materials, or conduct process which produce conditions hazardous to life or property, and to install equipment used in connection with such activities.
- 67.) PRIOR TO FINAL- FIRE EXTINGUISHERS. Prior to issuance of Certificate of Occupancy, fire extinguishers of appropriate type and size shall be mounted in an accessible location within adequate travel distance.
- 68.) PRIOR TO FINAL KNOX BOX. Prior to issuance of Certificate of Occupancy, a "Knox Box Rapid Entry System" shall be provided. The Knox Box shall be installed in an accessible location approved by the Fire Code Official. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switch for access by emergency personnel.
- 69.) PRIOR TO FINAL TANK PERMIT. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or aboveground tank permit for the storage of combustible liquids, flammable liquids or any other hazardous material from both the County of Riverside Community health Agency Department of Environmental health and Fire Marshal's office.

**Additional Conditions**

- 70.) Pressure washing shall be required twice a month.
- 71.) Parking lot lighting plan shall be revisited at year of renewal.