



STAFF REPORT 9/4/2024

TO: Planning Commission Chair and Commissioners

FROM: Adrian Moreno, Associate Planner

SUBJECT: VMP Night Club & Event Center – Alcohol Sales and Entertainment Establishment Permit

SPECIFICS: Entertainment Permit No. 24-01 and Conditional Use Permit No. 380 for a nightclub and special event center to allow for live events and a Type 48 ABC license to allow the on-sale of beer, wine, and distilled spirits at the 5,867 SF commercial suite at 49974 Cesar Chavez Street. Applicant: Reyes Hernandez

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2024-16 recommending to the city council to approve Conditional Use Permit (CUP) No. 380 for the Type 48 (On-Sale General – Public Premises) ABC license to allow the on-sale of beer, wine, and distilled spirits, and to adopt Resolution No. 2024-17 to approve Entertainment Permit 24-01 for a bar, nightclub, and event center.

BACKGROUND:

VMP Nightclub & Event Center is a proposed nightclub establishment within a 5,867 SF commercial suite at 49974 Cesar Chavez Street at the commercial plaza at the northeast corner of Avenue 50 and Cesar Chavez Street. The property at 49974 Cesar Chavez Street was previously a furniture store prior to the commercial center remodel in 2015. In May 2015, the commercial center was approved for a remodel, and the 5,867 SF suite has been vacant ever since. The applicant is Reyes Ramirez Hernandez and two associates Hernandez Ilse Alicia and Samantha Aaliyah Hernandez. The applicant Reyes Ramirez Hernandez has operated other establishments that include Viva Mexico Tax & Travel at 52309 Cesar Chavez Street, and previously Mi Lindo Sinaloa at 49967 Cesar Chavez Street.



Figure 1 - Vicinity Map

ABC LICENSE DISCUSSION/ANALYSIS:

The applicant submitted a request for a CUP to allow the on-sale of beer, wine, and distilled spirits at the proposed nightclub and special event center at 49974 Cesar Chavez Street. The zoning designation of the commercial center is Downtown Town –Pueblo Viejo and allows liquor sales with approval of a CUP. The CUP findings are required to be made by the Planning Commission.

The subject site is located within Census Tract 9404 with a population of 6,242 person, where ABC concentration standards allow a maximum of 5 on-sale, and 3 off-sale licenses, where 20 active licenses exist. When it is determined by ABC that there is an undue concentration of on-sale licenses, the Planning Commission must make findings that the public convenience or necessity justifies the issuance of the liquor license for the establishment.

Table 1 – On-Sale Alcohol Licenses

On-Sale Alcohol License within Census Tract 9404				
	Business Name	Address	License Type	
1	FRATERNAL ORDER OF EAGLES AERIE NO 2594	46425 TYLER ST	51 (Club)	
2	FRATERNAL ORDER OF EAGLES AERIE NO 2594	46425 TYLER ST	58 (Special On-Sale General)	
3	SPOTLIGHT 29 CASINO	46200 HARRISON ST	47 (On-Sale General – Eating Place)	
4	SPOTLIGHT 29 CASINO	46200 HARRISON ST	68 (Portable Bar License)	
5	SPOTLIGHT 29 CASINO	46200 HARRISON ST	77 (Event Permit)	
6	SPOTLIGHT 29 CASINO	46200 HARRISON ST	58 (Caterer’s Permit)	
7	TAQUERIA ALLENDE	49715 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)	
8	SANTA FE RESTAURANT	46425 TYLER ST	47 (On-Sale General – Eating Place)	
9	ASADERO LOS CORRALES	46425 TYLER ST	41 (On-Sale Beer and Wine – Eating Place)	
10	EASTERN BUFFET	49939 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)	
11	PIZZA HUT	46200 HARRISON ST	41 (On-Sale Beer and Wine – Eating Place)	
12	CARNITAS LA PIEDAD RESTAURANT INC	49625 US HIGHWAY 86	41 (On-Sale Beer and Wine – Eating Place)	
13	CARNITAS LA PIEDAD RESTAURANT INC	49625 US HIGHWAY 86	58 (Caterer’s Permit)	
14	MARISCOS GUAMUCHIL INC	49405 GRAPEFRUIT BLVD	47 (On-Sale General – Eating Place)	
15	TACO SHOP 760 CORP	48975 GRAPEFRUIT BLVD, STE 3	58 (Caterer’s Permit)	
16	TACO SHOP 760 CORP	48975 GRAPEFRUIT BLVD, STE 3	47 (On-Sale General – Eating Place)	
17	LA NORIA FONDA CENADURIA AND CAFÉ INC	49613 CESAR CHAVEZ ST	41 (On-Sale Beer and Wine – Eating Place)	
18	MARISCOS EL PATRON	84400 INDIO BLVD	47 (On-Sale General – Eating Place) <i>(SUSPENDED)</i>	
19	MI LINDO SINALOA	49291 GRAPEFRUIT BLVD, STE 2	58 (Caterer’s Permit) <i>(SURRENDERED)</i>	
20	MI LINDO SINALOA	49291 GRAPEFRUIT BLVD, STE 2	47 (On-Sale General – Eating Place) <i>(SURRENDERED)</i>	

*Surrendered licenses are counted by ABC towards the concentration of ABC licenses.

On-sale establishments may not fall within 700 feet of a church, school, park, playground, residence or another existing on-sale use as measured from property line to property line. The

subject site is within 700 feet of the following active on-sale liquor uses; Santa Fe- Restaurant, Pizza Hut restaurant, Carnitas La Piedad restaurant, La Noria Fonda Cenaduria And Café. The subject site is within 700 feet of residential property to the west of the subject property, west of Cesar Chavez Street and south of Avenue 50.

Staff contacted Lieutenant Vasquez with the Riverside County Sheriff regarding any concerns about the proposed business. Lieutenant Vasquez identified a concern with the off-sale of liquor. Off-sale of liquor is prohibited in the conditions of approval. Lieutenant Vasquez also identified the need for requiring metal detectors and placement of signage at the exterior that prohibits solicitors. the police requests are conditions of approval for the project. Lieutenant Vasquez did not identify further concerns with the proposed use and does not recommend any further conditions of approval. No comments have been received from the public concerning approval of the proposed CUP for Type 48 (On-Sale General – Public Premises) alcohol sales.

The total square footage of the commercial suite is 5,867 SF, with a sales floor area of 5,475 SF and a non-customer area of 392 SF, the total square footage of the commercial suite is 5,867 SF. Alcohol is proposed to be stored within 14.46 SF within the office, and within 40.67 SF in display shelves behind the bar counter. This project does not exceed the 5% maximum sales floor area that may be dedicated to the display or sale of alcohol (273.75 SF). The project does not exceed the maximum 20% of gross floor area (1,173 SF) that may be dedicated to the display and storage of alcohol at the proposed establishment.

Hours of Operation:

The hours of operation for the establishment are listed below. Live entertainment may include live performances, live music, comedy shows, night club use, or other similar live entertainment uses. Indoor ambient music is not restricted. Special event rentals may include birthday parties, anniversaries, or similar uses with no live music permitted.

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

ENTERTAINMENT PERMIT USE DISCUSSION/ANALYSIS:

The proposed VMP Night Club and Event Center is a proposed bar, nightclub, and event center that will also allow rental of the facility for special events. The establishment is planned to be 21 years of age and older. The floor plan of the VMP Nightclub includes an approximately 288 SF portable stage and a 393 SF dance floor area. The establishment has three different floor plan configurations that provide different table arrangements for a 403 person maximum occupancy..

The establishment will not be a full-service restaurant but will have small prepackaged snacks and bar foods such as nachos, chips and salsa, etc.

SECURITY:

The applicant is required to have an approved security plan and camera plan by City Staff and the Riverside County Sheriff Department, per conditions of approval for this project. The security plan for the project requires events that exceed 50 guests to have a minimum of 5 total security guards. Any events that exceed 250 guests are required to provide 1 additional security guard per every additional 50 guests. There shall be a minimum of 1 security officer monitoring the parking lot, a minimum of 2 security officers at the main entrance, and a minimum of 2 security officers that roam the interior of the establishment. Security will help ensure that guests do not solicit outside the premises, control lines outside the main entrance, operate metal detectors, and patrol the interior of the site. At the closing time at 2:00am, officers will do their best to ensure guests leave the building and security will monitor until 3 am on special event nights Thursday - Sunday.

Parking:

The shopping center is owned by two separate owners. The property owner owns 120 parking spaces at the center. The existing uses (Dollar Tree, Victory Liquor, and Aldinno’s apparel store) require 57 of the 120 parking spaces available. The applicant is required to accommodate 94 additional parking spaces for the proposed use. With the new proposed use, the applicant exceeds the 120 spaces available by 31 spaces. The applicant will be required to accommodate the 31 additional parking spaces with a park share use agreement or other parking measures and is a required condition of approval for the project.

The adjacent property with the Smart and Final business owns 145 parking spaces and is owned by a different owner. The Smart and Final only requires approximately 110 spaces, leaving 35 spaces of excess parking available. Staff finds that there is sufficient parking at that center to accommodate the 31 additional spaces required for the proposed nightclub.

Table 2 – Parking Calculation

Location	Use	Area	Parking Ratio	Required Parking
VMP Nightclub	Dance Floor	393 SF of Dance Floor	Dance Floor: 1 space per 30 SF	13 spaces
	Waiting Area	1038 SF	1 space per 21 SF of assembly area	49 spaces
	Seating Area	96 seats	1 space per 3 seats	32 spaces
TOTAL				94 spaces
Dollar Tree	Commercial	10,120 SF	Commercial Ratio: 1 per 250 SF	41 Spaces

Victory Liquor and Aladinno's	Commercial	3,922 SF	Commercial Ratio: 1 per 250 SF	16 Spaces
Total Required Parking				151 required parking spaces required
Total Parking Available (Owner's property)				120 spaces provided

Environmental Setting:

The subject business at 49974 Cesar Chavez Street is along the Cesar Chavez Street commercial corridor surrounded by commercial uses, with adjoining zoning and land uses as follows:

North: Andy's #5 and Pizza Hut (DT-PV, Downtown)

West: Victory Liquor store and Aladinno's apparel store (DT-PV)

South: American Tires (DT-PV, Downtown)

East: Dollar Tree and Smart & Final / (DT-PV, Downtown)

LANDSCAPING/PARKING LOT:

The existing commercial site conditions include missing landscape materials and parking lot pavement deficiencies and requests these be improved as conditions of approval and subject to a maintenance agreement with the city.

SITE IMPROVEMENTS:

The applicant is required to make improvements at the rear entrance to the property at Cesar Chavez Street, which include construction of a security fence, ADA ramp, trash enclosure, and paving improvements. The security fence is requested to control access and deter trespassing. The ADA ramp will provide ADA accessibility to the rear entrance. A new trash enclosure would replace the existing chain link enclosure that is in neglected condition. New rooftop mechanical equipment is required to be screened.

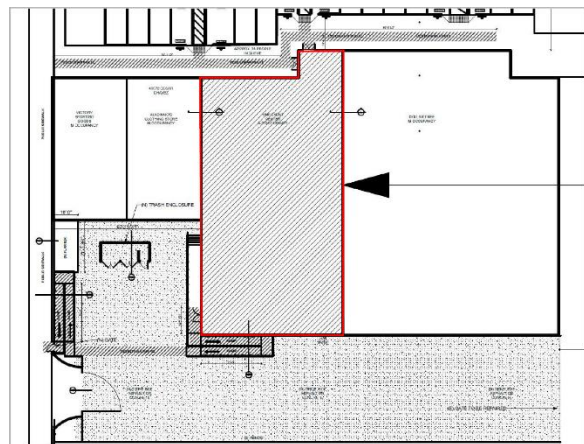


Figure 2 - Site Improvements

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 negligible or no expansion of existing or former commercial use on the property. The subject site does not propose expansion of the existing floor area.

ALTERNATIVES:

- 1) Adopt Resolution No. 2024-16 and Resolution No. 2024-17 recommending that the City Council approve Entertainment Permit No. 24-01 and Conditional Use Permit No. 380 with the findings and conditions as recommended by Staff.
- 2) Adopt Resolution No. 2024-16 and Resolution No. 2024-17 with the findings and conditions as recommended by Staff with modifications as proposed by the Planning Commission.
- 3) Not approve Resolution No. 2024-16 and Resolution No. 2024-17 and request that staff prepare a Planning Commission Resolution for denial of Entertainment Permit No. 24-01 and Conditional Use Permit No. 380.
- 4) Continue this item and provide staff and the applicant with direction.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission adopt Resolution No. 2024-16 and Resolution No. 2024-17 recommending that the City Council approve Entertainment Permit No. 24-01 and Conditional Use Permit No. 380 with the findings and conditions as recommended by Staff. Staff recommends that the Planning Commission makes the finding that the public convenience or necessity is justified to issue the Type 48 (On-Sale General – Public Premises).

Attachments:

1. Resolution No. 2024-16
 - a. Exhibit A – Conditions of Approval
2. Resolution No. 2024-17
 - a. Exhibit A – Conditions of Approval
 - b. Exhibit B – Development Plan Set
3. Security Plan
4. Landscape Exhibit
5. Vicinity Map
6. Site Photos