

## **RESOLUTION NO. 2022-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING ENTERTAINMENT PERMIT NO. 22-01 FOR THE COACHELLA ENTERTAINMENT PARK OUTDOOR ENTERTAINMENT VENUE LOCATED ON A 1.24 ACRE SITE AT 85-994 GRAPEFRUIT BLVD (APN# 778-030-005 AND 778-180-001). APPLICANT: NICOLAS MEZA**

**WHEREAS**, Nicolas Meza filed an application for Entertainment Permit No. 22-01 to allow a 1.24 acre outdoor entertainment venue where alcohol is served on a vacant site located at 85-994 Grapefruit Blvd.; Assessor's Parcel No. 778-030-005 AND 778-180-001 ("Project"); and

**WHEREAS**, the City Council conducted a duly noticed public hearing on Entertainment Permit No. 22-01 on March 23, 2022 at the 1515 6<sup>th</sup> Street, Coachella, California regarding the proposed Project; 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 15.24 of the Coachella Municipal Code; and

**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 outdoor entertainment venue with where alcohol is served; 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 Entertainment Permit No. 22-01, subject to the findings and conditions of approval listed below.

### **FINDINGS FOR APPROVAL OF ENTERTAINMENT PERMIT NO 22-01:**

1. The information provided in the application is accurate, complete and truthful, as evidenced by staff and there are no known violations of any laws, ordinances, or regulations related to the applicant's fitness to manage or operate the proposed entertainment venue.
2. The applicant possesses the required moral character to comply with the requirements of Chapter 5.24 and the conditions of approval imposed herein. As conditioned, the proposed added security measures will ensure that the public safety for the business will be maintained to the satisfaction of the Chief of Police.
3. The applicant has sufficient resources and expertise to operate the proposed entertainment venue in a safe, professional and effective manner in accordance with the City's Municipal Code. The owner has successfully operated a similar venue "Coachella Bar" and there have been minimal complaints or calls for services at this establishment. Additionally, the applicant was selected through a Request for Proposals process by the City of Coachella to operate a wine bar and eating establishment in the 6<sup>th</sup> Street "Old Firehouse" building at 1517 6<sup>th</sup> Street.
4. 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 entertainment venue allows the intended physical character to provide a convenient and congenial environment for everyday shopping and dining, the Downtown brings the entire community together in a one-of-a-kind Coachella center that is the civic heart of the City. Entertainment venue will offer unique shopping, dining and event experience for small businesses and the public in the pueblo Viejo area and citywide that accomplished the goals of the General Plan.
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). The proposed project consists of the operation, licensing and minor alteration of an existing location involving no expansion of existing or former commercial use on the property. The subject site has been used for manufacturing zone related uses and no expansions of floor area are proposed.

**CONDITIONS OF APPROVAL FOR ENTERTAINMENT PERMIT NO. 22-01:**

1. Entertainment Permit No. 22-01 is an approval for an entertainment venue where alcohol may be served. This approval is based on the site plan submitted for the proposed project. Violation of any of the conditions of approval shall be cause for revocation of the Entertainment Permit No. 22-01.
2. 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.
3. 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). The applicant shall execute a standard indemnification agreement subject to review by the City Attorney before any event is held subject to this permit.

4. 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.
5. The applicant shall comply with Noise Control standards of the Municipal Code (Chapter 7.04). Any amplified sound equipment shall be oriented to reduce noise impacts off-site with consultation from the Code Enforcement Manager.
6. Hours of operation for event venue may be from 7:00 a.m. to 2:00 a.m., seven days a week, with last call for alcohol service at 1:30 a.m. 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.
7. The applicant shall comply with all requirements imposed by the State Department of Alcoholic Beverage Control.
8. A maximum of 320 guests 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 concerts shall be maintained by event staff at the main entrance and made available upon request by the Coachella Police or City Staff.
9. The applicant shall obtain all other applicable permits, if required, from the appropriate agencies (i.e. Fire Department, Building Division, Sheriffs Department, Department of Public Health etc.).
10. Any large scale concert event that involves more than 320 guests shall require consultation with the City Manager or designee to determine if a special event permit will be required through the City Manager's office. Said application and applicable fees shall be submitted a minimum of five (5) working days, not including days when City Hall is closed, prior to the event.
11. Any signs displayed shall comply with the City of Coachella Sign Ordinance.
12. The permittee shall comply with the Chapter 7.04 of the Coachella Municipal Code, (Noise Control.)
13. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages at the subject site shall not be visible from the exterior of the building or anywhere off the site.
14. Licensed security guards shall be required for events that exceed 50 guests or when alcohol is served. 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 modify the entertainment permit security plan as deemed necessary to preserve the safety and welfare of guests and the public.

15. The following preventative measures shall be undertaken to reduce the potential for alcohol-related problems:
- Food service shall remain available during all hours of operation;
  - Taxicab phone numbers shall be posted in visible locations at all times in the area(s) where alcohol is served;
  - 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; and
  - 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, including the rear driveway area adjacent to the business, during the entertainment venue operation and until patrons have left the parking area after operation 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 or on the parking lot of 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 comply with Municipal Code requirements of Chapter 5.24.
20. The applicant shall employ the use of hand-held metal detectors at all entrances if deemed necessary by the Chief of Police to protect the safety and general welfare of patrons or of the public.
21. Entertainment Establishment Permit No. 22-01 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.
22. Any violation of the above conditions may result in the issuance of citations and fines, and may result in revocation of the Entertainment Establishment Permit.
23. The permittee shall implement and maintain a system by which the permittee separately identifies each and every adult in the entertainment establishment so as to distinguish each adult from any and all minors within the entertainment establishment in the service of alcohol. At a minimum, such system of adult identification shall require the permittee to place a

bracelet on either hand of each adult in the entertainment establishment. In addition, the Chief of Police is hereby authorized to require other methods and procedures to be implemented and maintained by any permittee to assure compliance with the requirement that each adult remain separately identified from any minor at the entertainment establishment.

24. 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 of events under this entertainment permit.
25. All structures, including stages, tenants, cabanas, and bleachers shall be installed, used and taken down per the engineered specifications stamped by a licensed engineer and on file with the City of Coachella.
26. The applicant shall ensure adequate dust control measures are in place to the satisfaction of the Code Enforcement Manager and the City Engineer. The City Manager, Code Enforcement Manager, or City Engineer may require additional dust control measures as may deemed necessary.
27. On-site event lighting shall be directed away from vehicle and pedestrian traffic on Grapefruit Boulevard.

Fire Department Conditions:

28. Tents and Membrane Structures - Tents in excess of 400 square feet shall not be erected for any purpose without first obtaining approval and a permit from the Office of the Fire Marshal.
29. Temporary Special Event Structures - Temporary special event structures in excess of 400 square feet shall not be erected for any purpose without first obtaining approval and a permit from the Office of the Fire Marshall and the Riverside County Building and Safety Division.
30. Vendor and food concession distribution - The placement and use of cooking appliance shall be approved by the fire code official. Portable fire extinguishers shall be available for cooking operations.
31. Hazardous Materials - The storage, use and handling of hazardous materials including liquefied petroleum gas, flammable and combustible liquids will require a permit from the Office of the Fire Marshall.

**PASSED, APPROVED and ADOPTED** this 23<sup>rd</sup> day of March 2022.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA                    )  
COUNTY OF RIVERSIDE                ) ss.  
CITY OF COACHELLA                    )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2022-33 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 23<sup>rd</sup> day of March 2022, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk