

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-2

Urgent Routine

AGENDA DATE April 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on May 4, 2010, at 9:15 a.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2009-06 - Los Artistas Night Club

STAFF RECOMMENDATIONS:

Set a public hearing on May 4, 2010, at 9:15 a.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-06 - Los Artistas Night Club.

FISCAL IMPACT:

There is a nominal fiscal impact associated with setting this public hearing for mandatory newspaper publishing and the notification of property owners by mail. These expenses are covered by a portion of the \$607.00 Planning Commission appeal fee paid by the Applicant.

BOARD ACTION AS FOLLOWS:

No. 2010-197

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

All appeals of the Stanislaus County Planning Commission's Decision are filed with the Stanislaus County Board of Supervisors. Upon receiving an appeal, the Board of Supervisors places an item setting a public hearing date and time on their agenda for consideration. Once a public hearing date is approved, the Clerk of the Board is required to publish a Notice of Public Hearing in a newspaper of general circulation. The Planning and Community Development Department notifies surrounding property owners by mail, and prepares the public hearing agenda item.

On April 1, 2010, the Planning Commission, based on the inability to make the necessary findings, denied Use Permit Application No. 2009-06, Los Artistas Night Club. This is a request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area.

POLICY ISSUE:

Setting a public hearing to consider an appeal of the Planning Commission's decision is consistent with the Board's priority of a well-planned infrastructure system.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Christine Ferraro Tallman, Clerk of the Board of Supervisors Telephone: 209-525-4494

Tim Berry, P.E.
1701 Coffee Rd. #3
Modesto, CA 95355

BOARD OF SUPERVISORS

2010 APR -6 1 P 4: 30

209-572-5090 ph.
209-572-4698 fx.

Stanislaus County Board of Supervisors
1010 Tenth St.
Suite 6500
Modesto, CA 95354

April 6, 2010

RE: Appeal of Stanislaus County Planning Commission ruling April 1, 2010.

C. USE PERMIT APPLICATION NO. 2009-06 - LOS ARTISTAS NIGHT CLUB -

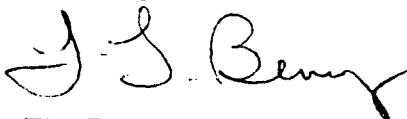
Request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration for this project.

APN: 056-018-001

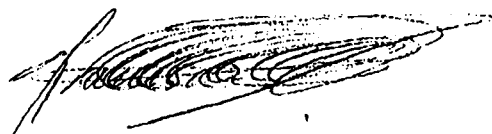
I represent Francisco Chavez the building owner and Rudy Bacca the Los Artistas business owner and we are appealing the negative vote for the above conditional use application. It appears that the only concern the commissioners had, were the residences within 200 feet of the property. There are approximately 10 homes within the 200 feet sphere of the site and I have enclosed 6 letters out of the 10 that are for the project. Only one home had possible concerns and the other 3 homes were either not home or not available.

In summary, this is the best case business scenario at this site due to: actual substantial security approved by the Sherriff's office, street improvement being installed on Butte Ave, giving to the County the center line of Butte to 30 feet, upgrading the building with fire sprinklers, updating the appearance significantly of the area. Other types of businesses have the ministerial right to use this building and not have any required conditions, which may have no regard to the area i.e., "on-sale liquor establishments", "billiard parlors" etc. This is a rare opportunity in this economy to provide a real economic boost to a depressed area. The conditions that have been put on Los Artistas are regulated so as to assure that the night club is kept in check.

Sincerely,



Tim Berry



Francisco Chavez

**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

Los Artistas Night Club has decided to make an investment creating a night club that will be located at 1705 Crows Landing Rd. We are currently at the stage of obtaining permits. We strongly believe this project is going to be an engine of economic development and help the economy of Stanislaus County.

- Los Artistas Night Club Project will provide around 60 direct new jobs to Stanislaus County.
- Stanislaus County will benefit with tax revenue increases.
- Businesses such as restaurants and gas stations located in the area will have a direct impact from an increase in sales.
- Top talent will enhance the county image as a place to visit and stay.
- The service industry overall will be economically enhanced with the opening of the night club.
- Businesses will benefit with the extra exposure.
- This project will economically benefit not only for the Crows Landing Business District but also the entire county.

The undersigned **strongly** support Los Artistas Night Club Project proposal to bring JOBS and economic development to Stanislaus County, and

The residents of Stanislaus County strongly endorse Los Artistas Project and call upon the elected and appointed officials of Stanislaus County to support this exciting visionary job-producing project.

Name: Jose Jimenez Address: 1642 Eureka
Signature: Jose Jimenez Email: nissan146sx-stc@yahoo.com
Telephone Number: 584-6214

**Please Return This Resolution to:
1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
Fax: (209) 531-2358**

**APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"
1705 CROWS LANDING RD.
AYUDEMOS A CREAR EMPLEOS Y AYUDEMOS LOS NEGOCIOS A CRECER**

Los Artistas Night Club han decidido realizar una inversión en un club nocturno que estará localizado en la 1705 de la calle Crows Landing Rd. Actualmente estamos en la etapa de tramitación de los permisos. Creemos fuertemente que este proyecto será una maquina de desarrollo económico y ayudará a la economía del condado de Stanislaus.

- El proyecto del club nocturno Los Artistas creará aproximadamente 60 nuevos empleos.
- El Condado de Stanislaus se verá beneficiado con un incremento en el ingreso de impuestos.
- Negocios tales como restaurants y gasolineras localizados en el área se verán beneficiados directamente debido al incremento de sus ventas.
- El talento artístico internacional mejorará la imagen del condado y lo convertirá en un lugar para visitar y quedarse.
- La industria de servicios se verá beneficiada con la apertura del club nocturno.
- Los negocios de la calle Crows Landing se beneficiarán más exposición.
- El proyecto no solo beneficiará la a los negocios de la calle Crows Landing sino a todo el condado.

El que abajo firma apoya la propuesta para establecimiento del club nocturno en la creación de EMPLEOS y

Los residentes de Stanislaus County dan su endoso a "Los Artistas Night Club" haciendo un llamado a los funcionarios electos y designados para que apoyen este proyecto en la creación de empleos.

Nombre:

Claudia Ortiz

Domicilio:

EUREKA 1722 ST

Firma:

Claudia Ortiz

Email:

Número de Teléfono: 209 5-463216

**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

Los Artistas Night Club has decided to make an investment creating a night club that will be located at 1705 Crows Landing Rd. We are currently at the stage of obtaining permits. We strongly believe this project is going to be an engine of economic development and help the economy of Stanislaus County.

- Los Artistas Night Club Project will provide around 60 direct new jobs to Stanislaus County.
- Stanislaus County will benefit with tax revenue increases.
- Businesses such as restaurants and gas stations located in the area will have a direct impact from an increase in sales.
- Top talent will enhance the county image as a place to visit and stay.
- The service industry overall will be economically enhanced with the opening of the night club.
- Businesses will benefit with the extra exposure.
- This project will economically benefit not only for the Crows Landing Business District but also the entire county.

The undersigned **strongly** support Los Artistas Night Club Project proposal to bring JOBS and economic development to Stanislaus County, and

The residents of Stanislaus County strongly endorse Los Artistas Project and call upon the elected and appointed officials of Stanislaus County to support this exciting visionary job-producing project.

Name: Jamie Gearhart Address: 1702 Eureka St.
Signature: Jamie Gearhart Email: Jamie_gearhart@yahoo.com
Telephone Number: (209) 495 4239

**Please Return This Resolution to:
1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
Fax: (209) 531-2358**

**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

Los Artistas Night Club has decided to make an investment creating a night club that will be located at 1705 Crows Landing Rd. We are currently at the stage of obtaining permits. We strongly believe this project is going to be an engine of economic development and help the economy of Stanislaus County.

- Los Artistas Night Club Project will provide around 60 direct new jobs to Stanislaus County.
- Stanislaus County will benefit with tax revenue increases.
- Businesses such as restaurants and gas stations located in the area will have a direct impact from an increase in sales.
- Top talent will enhance the county image as a place to visit and stay.
- The service industry overall will be economically will be economically enhanced with the opening of the night club.
- Businesses will benefit with the extra exposure.
- This project will economically benefit not only for the Crows Landing Business District but also the entire county.

The undersigned **strongly** support Los Artistas Night Club Project proposal to bring JOBS and economic development to Stanislaus County, and

The residents of Stanislaus County strongly endorse Los Artistas Project and call upon the elected and appointed officials of Stanislaus County to support this exciting visionary job-producing project.

Name: Mike Sweeney Address: 1638 Leeward St
Signature: Mike Sweeney Email: MBDad@HotMail.com
Telephone Number: 416-4111

**Please Return This Resolution to:
1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
Fax: (209) 531-2358**

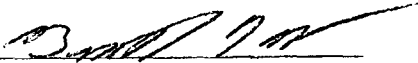
**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD.**

LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLURISH

Los Artistas Night Club has decided to make an investment creating a night club that will be located at 1705 Crows Landing Rd. We are currently at the stage of obtaining permits. We strongly believe this project is going to be an engine of economic development and help the economy of Stanislaus County.

I give my support for this project conditionally upon item 4 of the Security plan and that there be posted no parking signs along Butte Avenue, first block in from Crows Landing Rd. on both sides stating no parking from 8 p.m. to 3 a.m.

TB

Name: Bradon Towers Address: 1650 Eureka St.
Signature: 
Telephone Number: 209-679-902

**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

Los Artistas Night Club has decided to make an investment creating a night club that will be located at 1705 Crows Landing Rd. We are currently at the stage of obtaining permits. We strongly believe this project is going to be an engine of economic development and help the economy of Stanislaus County.

- Los Artistas Night Club Project will provide around 60 direct new jobs to Stanislaus County.
- Stanislaus County will benefit with tax revenue increases.
- Businesses such as restaurants and gas stations located in the area will have a direct impact from an increase in sales.
- Top talent will enhance the county image as a place to visit and stay.
- The service industry overall will be economically enhanced with the opening of the night club.
- Businesses will benefit with the extra exposure.
- This project will economically benefit not only for the Crows Landing Business District but also the entire county.

The undersigned **strongly** support Los Artistas Night Club Project proposal to bring JOBS and economic development to Stanislaus County, and

The residents of Stanislaus County strongly endorse Los Artistas Project and call upon the elected and appointed officials of Stanislaus County to support this exciting visionary job-producing project.

Name: Ricardo Castro Address: 1726 Eureka St

Signature: Ricardo Castro Email: _____

Telephone Number: 209-538-0248

**Please Return This Resolution to:
1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
Fax: (209) 531-2358**



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

April 7, 2010

Tim Berry, P.E.
1701 Coffee Rd. #3
Modesto, CA 95355

RE: Appeal of Planning Commission's Denial of Use Permit Application No. 2009-06
– Los Artistas Night Club

Dear Mr. Berry:

We received your Letter of Appeal regarding the Planning Commission's denial of Use Permit Application No. 2009-06 – Los Artistas Night Club. An item requesting the Board of Supervisors schedule a public hearing on Tuesday, **May 4, 2010 at 9:15 a.m.**, to consider this appeal, will be on the Board of Supervisors' April 20, 2010, agenda.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors

cc: Supervisor Jim DeMartini, District 5
Planning & Community Development Department
Francisco Chavez
Kenneth Kaestner



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

1010 Tenth Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT
APPLICATION NO. 2009-06 – LOS ARTISTAS NIGHT CLUB

NOTICE IS HEREBY GIVEN that on May 4, 2010, at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-06 – Los Artistas Night Club, a request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. A CEQA Mitigated Negative Declaration will be considered for this project. APN: 056-018-001.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 20, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:

Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

**NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING
COMMISSION'S DENIAL OF USE
PERMIT APPLICATION NO. 2009-06 -
LOS ARTISTAS NIGHT CLUB**

NOTICE IS HEREBY GIVEN that on May 4, 2010, at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-06 - Los Artistas Night Club, a request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. A CEQA Mitigated Negative Declaration will be considered for this project. APN: 056-018-001. NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: April 20, 2010. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates Apr 24, 2010

Apr 24, 2010

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

April 26th, 2010

(Signature)

Marie Hickman



BOARD OF SUPERVISORS

2010 APR 26 A 11: 50

April 23, 2010

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, May 4, 2010**, starting at **9:15 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

Appeal of Planning Commission Denial of Use Permit Application No. 2009-06 - Los Artistas Night Club - Request to allow a night club within an existing building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The proposal requires a use permit when located within two hundred feet of a residential zone. The project proposes opening four (4) nights a week from 9:00 p.m. to 2:00 a.m., Thursday through Sunday, with live music, a bar, a lounge, and dancing. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area.

The property is further identified as Assessor's Parcel No. 056-018-001

The Board of Supervisors will also consider approval of a Mitigated Negative Declaration for this item.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354


On April 23, 2010, I served the attached Notice of Public Hearing:
(Date)

Appeal of Planning Commission Denial of Use Permit Application No. 2009-06 - Los Artistas Night Club on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 23, 2010, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

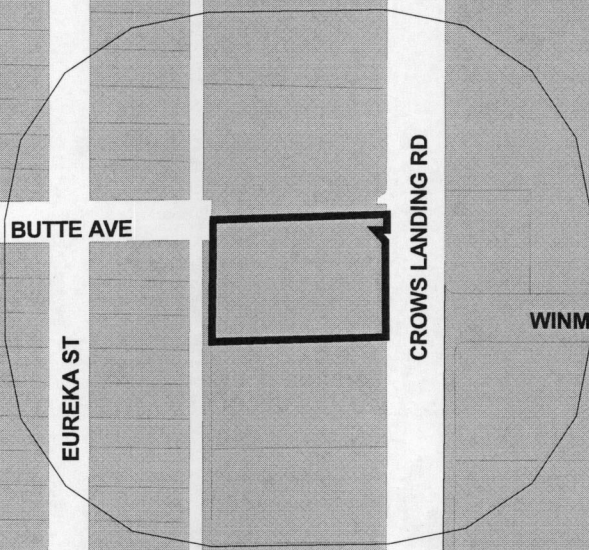
USE PERMIT APPLICATION NO. 2009-06 - LAS ARTISTAS NIGHT CLUB

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
X	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
X	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION	X	REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
X	CITY OF: MODESTO		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: MODESTO
X	COOPERATIVE EXTENSION		SCHOOL DIST 2:
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL		StanCOG
	COUNTY OF:	X	STAN CO ERC
	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES		STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: INDUSTRIAL		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 5: DeMARTINI
X	HAZARDOUS MATERIALS		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: TURLOCK		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: TURLOCK	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO		WATER DIST:

LAS ARTISTAS NIGHT CLUB
UP 2009-06
APN: 056-018-001



BUTTE AVE

EUREKA ST

CROWS LANDING RD

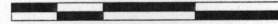
WINMOORE WY



LANDOWNER NOTIFICATION AREA

FEB 16, 2010

135 0 135 270 Feet



This map is for display purposes only.



Map printed: 2/16/2010

