

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE May 4, 2010

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider an Appeal of the Planning Commission's Decision of Denial for Use Permit Application No. 2009-06, Los Artistas Nightclub, a Request to Allow a Nightclub Within an Existing Building on a One (1) Acre Parcel in the C-2 (General Commercial) Zoning District at 1705 Crows Landing Road, in the Modesto Area

STAFF RECOMMENDATIONS:

After conducting a public hearing at its regular meeting of April 18, 2010, following a staff recommendation of approval, the Stanislaus County Planning Commission voted 5-2 (Poore, DeLaMare) to deny the proposed project. Should the Board of Supervisors wish to approve the Use Permit, the Board must take the following actions:

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this project. Costs associated with this project are covered by the appeal fee paid by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2010-280

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Based upon the staff report, comments by staff and testimony received at the public hearing, the board approved the appeal of stanislaus county planning commission's decision of denial, thereby approving use permit application no. 2009-06, los artistas nightclub; and, amended the first sentence of condition of approval no. 14 to read as follows "the applicant shall construct an 8 foot high solid block wall along the western irrigation easement line (except for the 10 foot side yard setback) prior to occupancy."; finds that the revised condition is equal or better mitigation and will not result in any additional environmental impact; approved use permit application no. 2009-06, los artistas, subject to the attached conditions of approval as amended.



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Adopt the Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(d).
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
5. Approve Use Permit Application No. 2009-06 - Los Artistas, subject to the attached conditions of approval.

DISCUSSION:

This item is an appeal of the Planning Commission's decision to deny Use Permit Application No. 2009-06, Los Artistas Nightclub. The appeal has been filed by the applicant's representative Tim Berry and the property owner Francisco Chavez. The appeal letter submitted discusses that the project will not have a negative impact on the neighboring properties and will upgrade the building, provide street improvements on Butte Avenue, and bring economic stimulus to the area (see Attachment "1"). In addition, the appeal letter includes six (6) letters of support signed by residents within 200-feet of the project site. The letters of support have been provided in an effort to address specific concerns raised by the Planning Commission at the April 1, 2010 public hearing. A discussion of the Planning Commission's concerns and the letters of support provided with the appeal are discussed in greater detail later in this report.

Project Description and Background

The project requests to construct and operate a nightclub within an existing 12,487 square foot retail building on a one-acre parcel located at 1705 Crows Landing Road in the Modesto area. The project is located within the City of Modesto's LAFCO-adopted Sphere of Influence (SOI). The building is presently vacant.

The applicant is proposing opening four nights a week, from 9:00 p.m. to 2:00 a.m., Thursday through Sunday. The project is proposing live music, recorded music, a bar, a lounge, and dancing. The applicant has submitted a plan that has approximately 396 seat capacity. A combination of on-site and off-site parking for a total of 164 spaces is proposed.

The property is zoned "General Commercial" (C-2). Dancehalls, bars, and nightclubs are allowed uses within the C-2 zone except when they are located within two hundred feet of a residential zoning district boundary. This project property is 32½ feet from the nearest residentially zoned neighboring property, and as such, a use permit is required.

A full discussion and analysis of the proposed project is included in the attached Planning Commission Staff Report (see Attachment "3").

Use Permit and City of Modesto Requirements

A use permit may be allowed when the Planning Commission or Board of Supervisors makes the following finding:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

In addition, in accordance with County's General Plan policies, if the project is located within a City's Sphere of Influence (SOI), the City must approve of the project, and the project must comply with City development standards. The project is located within the City of Modesto's LAFCO-adopted Sphere of Influence (SOI), and as such, the project has been referred to the City to determine whether or not the proposal shall be approved and whether it meets their development standards. As a result of several project revisions completed by the applicant to address both County and City concerns, the City of Modesto provided three separate responses. (A fourth letter was solicited by County Staff following the receipt of the Appeal request.) The City's first three responses were provided as Exhibit "I" of the Planning Commission Staff Report. (See Attachment "3") The City's response dated October 30, 2009, reflects the final version of the project presented to the Planning Commission on April 1st.

The City's letter is neutral on support of the project, but does state that, due to safety concerns, none of the shared parking may be located on the east side of Crows Landing Road. A complete discussion on the proposed parking is provided below.

Areas of Concern

The three main issues acknowledged with this project were: parking; security; and noise.

Parking. City of Modesto standards require one off-street parking space for each three seats in a nightclub/bar use. With the proposed 396 seats, the number of required parking spaces for the proposed use is 132 spaces. City standards allow for shared parking between uses/properties provided certain criteria are met.

The applicant proposed a combination of on-site and off-site parking to meet the required 132 parking spaces. The final version of the project proposes: 41 on-site parking spaces, 70 parking spaces on the adjoining parcel to the south (1715 Crows Landing Road), 22 parking spaces two parcels to the south (1739 Crows Landing Road), and 31 parking spaces on the parcel across Butte Avenue to the north (see Attachment "2"). Only parking spaces meeting current City and County setback requirement are allowed to be considered in meeting the parking requirements. As proposed, the applicant will have permission to use/control 164 total parking spaces. If approved, Condition of Approval No. 10 requires irrevocable reciprocal parking agreements be recorded prior to opening the nightclub. None of the proposed parking is located on the eastside of Crows Landing Road.

City of Modesto criteria for shared parking requires: 1) the nightclub be open substantially different hours or days of the week from all other uses providing parking spaces to share, 2) the area where the required parking is provided be located no more than four hundred (400) feet walking distance from the use it serves, and 3) the parking spaces for both uses comply with all other requirements of the City's parking ordinance. All of the proposed parking spaces are within four hundred feet of the proposed use and all comply with the City's parking ordinance.

Security. The Stanislaus County Sheriff's Department wrote the proposed security plan for this business. The Department has found that a nightclub, with dancing and live bands, could be a potentially significant impact without security issues addressed. Security for the nightclub and for the parking area has been discussed in the Sheriff's Security Plan and has been agreed to by the applicant. This security plan is similar to other security plans in this County. The security plan has been made a mitigation measure for the project. If approved, there is a condition to amend this security plan to reflect a closing time of 2:00 a.m. prior to occupancy (Condition No. 13).

Noise. A noise assessment was completed and submitted by Acoustical Engineering Consultants (AEC). According to the assessment, the existing exterior sound levels plus the project are expected to be insignificant to the surrounding residential properties; however, staff has included the consultant's assumptions as mitigation measures in order to ensure that all available measures are incorporated into the project to lessen potential impacts to neighbors. Mitigation measures include: sealing joints and openings in exterior walls and the roof, insuring doors remain closed during operating hours, utilizing the doors on the east side of the building as the main entrance, prohibiting the installation of outside speakers, and establishing a maximum indoor sound level.

In addition, a condition has been added requiring that in the event documented noise complaints are received from property owners within a one thousand foot (1,000 ft) radius of the property, the applicant/operator shall be responsible for preparing and implementing a noise study and implementing any resulting mitigation measures required to reduce the noise to acceptable levels. A noise study will not be required if the Sheriff's Department finds that the nightclub event is not exceeding noise levels and/or violating noise limitations as set forth in County Code Chapter 10.46 - Regulation of Nuisance Noise (Conditions of Approval - No. 15).

Planning Commission Hearing

The Stanislaus County Planning Commission held a public hearing on this project at its regular meeting of April 1, 2010.

The Planning Commission Staff Report included correspondence from three (3) persons in opposition to the proposed project (see "J" of Attachment "3"). Prior to the Planning Commission meeting, staff received one (1) additional letter of opposition and it was provided to the Planning Commission the night of the meeting (see Attachment "5").

During the Planning Commission hearing, two neighbors, both living on Eureka Street within 400 feet of the project site, spoke in opposition of the project. Both expressed concern with the violence that already exists in the neighborhood and how the proposed nightclub will not improve the neighborhood. One of the neighbors cited the violence and noise associated with a bar operating to the north of the proposed project on Crows Landing Road. And both neighbors expressed concern that the proposed use would promote drunk driving, fighting, and drugs in the neighborhood. In general, the neighbors expressed concern with the proposed use being too close to homes and families and how any economic boost brought by the nightclub would come as a cost to the neighborhood.

Seven people spoke in favor of the project. The applicant's representative, Tim Berry, presented two different petitions signed by persons favoring the nightclub (see Attachment "6"). He responded to the neighbors' safety concerns by stating that the nightclub operator, Rudy Baca, has an excellent reputation and provides 'real' on-site

security, there is a Sheriff approved Security Plan, and the owner is willing to install "No Parking" signs in the residential area near the proposed nightclub. He also stated that property value will go up with the improvements made to the project site.

The Planning Commission discussed some concerns and asked Mr. Berry questions in relation to the project. One Commissioner asked for clarification on which property values would be going up; residential or commercial. Mr. Berry responded by saying both would go up. Other Commissioners' had questions regarding security, how the petition was collected and how many neighbors within 200 feet of the project site support the project, and how close the nightclub building is to the closest residential building. The closest distance from the nightclub building to a residential building is approximately 160 feet. Since the hearing, staff has reviewed the petitions presented by Mr. Berry and found that none of the residential neighbors within 200 feet of the project site signed the petition. There are eleven (11) residential parcels located within 200 feet of the project site.

Ricardo Cardenas (South Modesto Business Association), Frank Alvarez (American GI), Cynthia Ruiz (business owner), and Ken Kaestner (project applicant/architect) all expressed support for the project because it would economically enhance and beautify the area and compared the project to Los Amigos Tires, located across the street from the project site, which improved the neighborhood by triggering new growth. Several of those who spoke identified the proposed nightclub as an upper scale club with standards and a focus on serving working people. Rudy Baca, the operator of the proposed nightclub, spoke about his experience with operating nightclubs and how the project will have more than adequate security.

Following the public hearing, the Planning Commissioners discussed the project indicating positions both against and in favor of the project. Some of the Commissioners asked questions and expressed concerns about the use permit transferring with the land if the club operator was to change. The conditions of the use permit apply to any operation of the club, but do not limit the ability of the property to be sold or a change in the club operator. Several of the Planning Commissioners questioned the City's support for the project based on their October 9, 2010 project response which stated opposition to shared parking on the east side of Crows Landing Road.

One Commissioner expressed concern with the inability to keep nightclub patrons from parking on the east side of Crows Landing Road and another Commissioner questioned the use of the site when the nightclub is not in operation. In general, the Commissioners who voted against the project expressed concerns with safety, parking, and impacts to neighboring residents. One Commissioner noted that the proposed use would be better policed than other permitted "by right" commercial uses, such as a liquor store or a pawn shop. However, that same Commissioner expressed the need for a higher wall along the western property line and a higher level of security.

Ultimately, the Planning Commission voted 5-2 (Poore, De La Mare) to deny the project based on an inability to make the required use permit finding.

Appeal Letter

The appeal letter (Attachment 1) was received on April 6, 2010, and includes six (6) letters in support of the project from residences within 200 feet of the project site. Five (5) of the six (6) letters are identical with respect to the information provided of the form letter and the petitions provided to the Planning Commission on April 1, 2010. However, one of the letters signed by Brandon Towers, a resident of 1650 Eureka Street, states that support for the project is conditional upon item 4 of the security plan and that there be posted "No Parking" signs along Butte Avenue, first block in from Crows Landing Road, on both sides stating no parking from 8:00 p.m. to 3:00 a.m. Mr. Tower's had previously provided a letter of opposition to the project which was included in the Planning Commission Staff Report (see Exhibit "J" of Attachment "3").

Item 4 of the security plan requires that there be a dedicated team of two (2) uniformed security guards on duty to patrol the outside of the premises including, but not limited to, the back alley and adjacent property during hours of operation. The guards are not to be counted as bouncers or doormen or the minimum ration of security personnel. All security guards shall be licensed as provisioned by California State Statute at hire as referenced in item/condition 1 of the Security Plan. As for "No Parking" signs, Condition of Approval No. 31 restricts the parking, loading or unloading of vehicles within the right-of-way of Crows Landing or Butte Avenue and requires the developer to pay the cost of installation for all required signs and/or markings.

Additional Correspondence Received

In response to the Planning Commission's concerns regarding the City's October 9th response, staff requested clarification of the City's position on the project. In a response dated April 15, 2010, the City states that the project site is located within a commercial designation which provides for a range of commercial uses to serve the current and projected needs of Modesto's population (see Attachment "7"). Commercial zoning within the incorporated area of the City recognizes a nightclub as permitted "by right" as long as it meets all applicable codes and City standards. Although the use would be permitted "by right", the individual business in accordance with City's Code would be required to apply for an Entertainment Permit from the City's Entertainment Commission.

The Board of Supervisors also received an e-mail from Maggie Mejia, following the Planning Commission hearing, expressing opposition to the project (see Attachment "8"). Her concern is for the families that live in South Modesto and possible impacts the proposed nightclub may have on public safety.

POLICY ISSUES:

The Board should consider if approval of this appeal meets the priorities of a safe community, a strong local economy, and a well-planned infrastructure system.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Appeal letter dated April 6, 2010, from Tim Berry and Francisco Chavez
2. Proposed On-Site and Off-Site Parking Plan
3. Planning Commission Staff Report dated April 1, 2010
4. Planning Commission Minutes dated April 1, 2010
5. Letter of Opposition dated March 24, 2010 from Anita Estrada Chapa
6. Petitions presented to the Planning Commission on April 1, 2010
7. City of Modesto response dated April 15, 2010
8. E-mail of Opposition dated April 15, 2010 from Maggie Mejia
9. Letter dated April 29, 2010 from Francisco Chavez

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

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 -

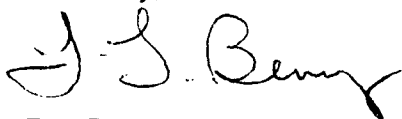
Request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. The Planning Commission will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

APN: 056-018-001

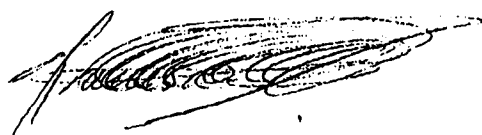
I represent Francisco Chavez the building owner and Rudy Bacca the Los Artistas business owner and we are appealing the negative vote for the above conditional use application. It appears that the only concern the commissioners had, were the residences within 200 feet of the property. There are approximately 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 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: nissan240sx-sbc@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 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

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1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

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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**

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Name: Mike Sweeney Address: 1638 Eureka 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**

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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**

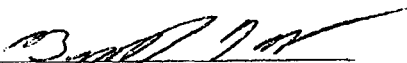
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I give my support for this project conditionally upon item 4 of the Security plan and that there be posted no parking signs along Butte Avenue, first block in from Crows Landing Rd. on both sides stating no parking from 8 p.m. to 3 a.m.

TB

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

**UP 2009-06 – LOS ARTISTAS
PARKING**

BUTTE AVENUE

Required Parking Spaces = 134
(1 space per 3 seats @ 396 Seats)

Available Parking:

On-site = 41 Spaces



Off-site = 123 Spaces

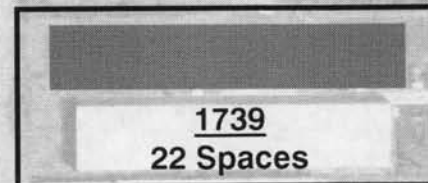
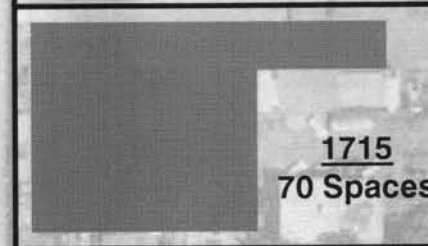
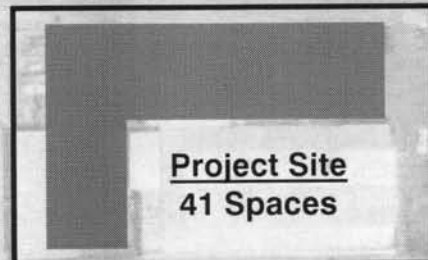
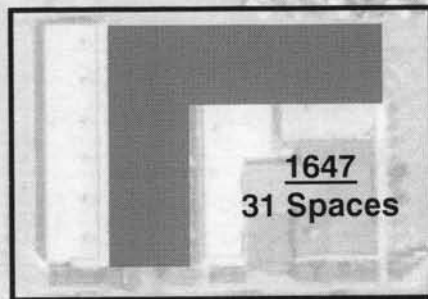
1647 Crows Landing Rd = 31 Spaces

1715 Crows Landing Rd = 70 Spaces

1739 Crows Landing Rd = 22 Spaces

Total Available Parking = 164 Spaces

-  = Parking Locations
-  = Parking Spaces



CROWS LANDING ROAD

WINMOORE WY

STANISLAUS COUNTY PLANNING COMMISSION

April 1, 2010

STAFF REPORT

USE PERMIT APPLICATION NO. 2009-06
LOS ARTISTAS NIGHTCLUB

REQUEST: TO ALLOW A NIGHTCLUB WITHIN AN EXISTING BUILDING ON A ONE (1) ACRE PARCEL IN THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT.

APPLICATION INFORMATION

Property Owner:	Francisco Chavez
Applicant:	Kenneth Kaestner, Kaestner Architects
Location:	1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area.
Section, Township, Range:	8-4-9
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	056-018-001
Referrals:	See Exhibit K Environmental Review Referrals
Existing Zoning:	C-2 (General Commercial)
General Plan Designation:	Commercial
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant 12,487 square foot retail building
Surrounding Land Use:	Low Density Residential to the west, Commercial to the north and south, City of Modesto commercial uses to the east

PROJECT DESCRIPTION AND BACKGROUND

This is a request to allow a nightclub within an existing 12,487 square foot retail building on a one-acre parcel. The building is presently vacant. A use permit is required when a nightclub is located within two hundred feet of a Residential zoning district boundary. This project is 32½ feet from the nearest residential neighbor. The applicant is proposing opening four nights a week, from 9:00 p.m. to 2:00 a.m., Thursday through Sunday. The project is proposing live music, DJ/recorded music, a bar, a lounge, and dancing. The applicant has submitted a plan that has approximately 396 seats. On-site parking will be 41 spaces, with 23 parking spaces on the adjoining property to the south. All additional parking will be located on other business properties along Crows Landing Road, located south of the property (1715 and 1739 Crows Landing Road) and also across Butte Avenue to the north (1647 Crows Landing Road). Parking off-site is proposed at 134 spaces (see Exhibit A-8 - *Maps*). It should be noted that all correspondence and advertising for this project was under the title "Las Artistas"; however, staff was informed while writing this report that the name should be "Los Artistas".

Background

The existing building was constructed in 1962 as a market and later converted into a retail business. The last business (Bargain Hunters, Inc.) went out of business at this location in 2008.

The original application for this request was submitted in March of 2009 as a building permit application. The application was determined to require a use permit due to the location of residential property found 32½ feet west of the project site. A use permit application was submitted soon thereafter and the project was sent to various agencies for preliminary early consultation review. The project was ultimately deemed to be incomplete within 30 days of receipt and the applicant was sent a letter explaining the issues needing to be addressed. Those issues included: missing owner information; parking plan and agreements; site plan inconsistencies; landscape plans; a security plan; and a noise study. The application was finally deemed complete in December of 2009 following several meetings and many revisions to address concerns with both County and City staff.

SITE DESCRIPTION

The property is located at the southwest corner of Crows Landing Road and Butte Avenue (see Exhibit A - Maps). The commercial site is located within the Sphere of Influence (SOI) of Modesto. The east side of Crows Landing Road is within the City of Modesto. The surrounding area includes residential subdivisions to the west and commercial buildings and uses to the north, south, and east.

DISCUSSION

The site is zoned C-2 (General Commercial) which is consistent with the County General Plan land use classification of Commercial. The proposed nightclub is an allowable use in all commercial zones unless it is within two hundred feet (200) of a Residential zoning district, in which case a use permit is required. The Ordinance states that: "ballrooms, commercial clubs, dance halls, drive-in theaters, nightclubs, stadiums and tent or open-air churches, when located within two hundred feet of the boundary of any Residential District, a use permit shall first be secured in each case."

A Use Permit may be allowed when the Planning Commission makes the following finding:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The project is in Modesto's SOI. According to Goal Five, Policy Twenty-Four of the Stanislaus County General Plan Land Use Element, "Development within a city's Sphere of Influence must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration." Implementation Measure One states that, "All discretionary development proposals within the Sphere of Influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards

of the city and County conflict, the city's standards shall govern." According to the Spheres of Influence section of the Land Use Element, "development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval."

Due to the project's location in the SOI of Modesto, the project was referred to the City for comments. Modesto sent three letters to the County on this project with specific conditions of approval to comply with their standards. In those letters, Modesto states that the site is designated for commercial use according to the City's General Plan for this area.

The three main issues with this project are: parking; security; and noise.

Parking

Since the project site is within the City of Modesto's SOI, the project shall comply with Modesto's parking standards at a ratio of one off-street parking space for each three seats or one for each sixty square feet of drinking area when the number of seats is not permanently fixed. The applicant's current plan has approximately 396 seats. This would required 132 parking spaces.

The project site can accommodate 41 parking spaces on the nightclub's property. That leaves the applicant 91 spaces short. The City of Modesto allows parking agreements with neighboring businesses to meet the parking requirements provided that the parking spaces are within a 400 foot walking distance from a business. Also, the hours of operation of the neighboring businesses must not conflict with the nightclub hours. The three off-site businesses do not have evening hours; therefore, there will be no conflict with the nightclub's proposed business hours.

The applicant has permission to use the parking lots at 1715 and 1739 Crows Landing Road (south) and at 1647 Crows Landing Road (across Butte Avenue to the north). (See Exhibit A-8 - *Maps*.) Parking off-site is proposed at 134 spaces, where 132 spaces are required. Total parking spaces for the project is 175 spaces. After many months, in October of 2009, the City of Modesto finally accepted the site plan and parking analysis which is present in the staff report. A condition has been added that any off-site parking requires an irrevocable agreement for as long as the nightclub is in business (see Exhibit C - *Conditions of Approval* - No. 10). The agreement shall also be recorded at the County Clerk-Recorders office.

Security Plan

The Sheriff's Department had written a security plan for this type of business. The Department has found that a nightclub, with dancing and live bands, could be a potentially significant impact without security issues addressed. Security for the nightclub and for the parking area has been discussed in the Sheriff's Security Plan and has been agreed to by the applicant. This security plan is similar to other security plans in this county. The Security Plan has been made a mitigation measure for the project (see Exhibit G - *Security Plan*).

The applicant is proposing to close the nightclub at 2:00 a.m. The Sheriff's security plan has a different closure time under the "soft-close" section; however, the applicant application states a 2 a.m. closing time and the environmental review calls for the business to be closed at 2:00 a.m. The Sheriff's Department and the applicant need to amend this security plan to reflect a closing time of 2:00 a.m. prior to occupancy.

Noise/Operating Hours

The applicant has requested to allow indoor music and dancing until 2:00 a.m. Thursday through Sunday. Los Artistas plans live bands and DJ music for patrons to listen to and/or dance. Musical equipment and speakers are proposed near the dance floor, which is directed towards Crows Landing in the eastern portion of the building. This location is oriented more to direct music toward the front of the building and not toward the rear of the building where the residences are located. The western portion of the building (rear) will be restrooms, storage, kitchen, and an electrical room.

A noise assessment was completed in July of 2009 by Acoustical Engineering Consultants (AEC), which was submitted on behalf of the applicant (see Exhibit H - *Noise Study*). According to the assessment, the change in exterior sound levels from "existing" to "existing plus" the project is expected to be insignificant to the surrounding residential properties. A new noise ordinance was implemented in January of 2010 and the nightclub would need to meet this ordinance as well as the Noise Element of the General Plan. A condition has been added requiring that in the event documented noise complaints are received from property owners within a one thousand foot (1,000 ft) radius of the property, the applicant/operator shall be responsible for preparing and implementing a noise study and implementing any resulting mitigation measures required to reduce the noise to acceptable levels. A noise study will not be required if the Sheriff's Department finds that the nightclub event is not exceeding noise levels and/or violating noise limitations as set forth in County Code Chapter 10.46 - Regulation of Nuisance Noise (see Exhibit C - *Conditions of Approval* - No. 15).

Existing ambient noise in the project area that comes from traffic along Crows Landing Road is also a main factor found on the property. The noise assessment determined that the maximum amount of indoor noise produced by events, including noise produced by amplified music, announcements, and applause, did not exceed 95 decibels or dB(A). According to the Noise Element of the General Plan, noise shall not exceed 65 dB(A) maximum in a Commercial district in evening hours (10 p.m. to 7 a.m.). Sound levels from the nightclub are predicted to be about 45 dB(A) at the property line, well below the 65 dB(A) level. The nighttime hourly sound level limit is 40 dB(A) per the Noise Element when the penalty for music is included. Existing hourly background sound levels are 45 dB(A) or greater during the 10:00 p.m. to 2:00 a.m. operation of the nightclub; therefore, 45 dB(A) is the new limit for the nightclub and will not be exceeded.

The analysis done by the noise consultant demonstrates that this project can meet the County's Noise Element. The noise study states that the existing exterior sound levels plus the project are expected to be insignificant to the surrounding residential properties; however, staff wanted to include consultant's assumptions as mitigation measures in order to ensure that all available measures are incorporated into the project to lessen potential impacts to neighbors.

Mitigation measures have been added to ensure potential noise impacts are reduced to a level of less than significant. Some of these include:

- Building walls to be modified.
- Applicant shall install sound-reducing resilient materials within the building as part of the tenant improvements.
- Doors of the establishment must remain closed except for doors on the east side facing Crows Landing Road.

Compliance with the adopted regulations and mitigation measures provides an adequate level of noise protection (see Exhibit E - *Mitigation Monitoring Plan* and Exhibit H - *Noise Study*).

Staff is requesting the applicant construct a 6 foot high solid block wall along the western irrigation easement line (except for the 10 foot side yard setback) prior to occupancy. Given the nature of the business and the proximity to residential, a wall is a standard requirement. The wall shall be outside the 12.5 foot easement of the western property line. The County Code states that: *Screening - An eight-foot masonry wall shall be constructed along the property line adjacent to any residential or agricultural zone or any P-D zoning for residential use, except where a building abuts an alley in which case no wall shall be required.*

Adjoining the western property line of the project site lies an irrigation easement and a ditch which runs behind the proposed nightclub from north to south of the proposed project (see Exhibit A - *Maps*). It is a 25-foot covered ditch that is located just outside the twenty-foot alley. It is called the Kofoed Ditch. The ditch was covered and improved to a pipeline a few years ago. Half the ditch is an easement on the applicant's property. The other half is on a 12.5 foot wide piece of property running parallel to the alley which is owned by the improvement district. The ditch belongs to Improvement District 1430, operated under the jurisdiction of the Turlock Irrigation District (TID). TID commented on the project, and they indicated that "no permanent structures are to be located within this easement." However, a wall could be located 12.5 feet from the western property line.

If the Planning Commission feels that a wall is not necessary, Condition of Approval No. 14 can be eliminated. Technically, the applicant's property does not abut a residential zone or an alley. Also, the noise study did not require or suggest a wall as a mitigation measure.

South Modesto Municipal Advisory Council

The project was presented to the South Modesto Municipal Advisory Council (MAC) in June of 2009, July of 2009, and February of 2010. The MAC has expressed concerns about noise, traffic, and parking in the residential neighborhoods. At the meetings staff explained the application process and the information needed to move forward (noise study, security plan, and parking plan). At the last meeting staff gave a status report and asked if there were any questions on the initial study. All the meetings had some citizens with concerns about the proposed use. Staff invited members to the April 1, 2010, Planning Commission meeting where they could voice their opinion in favor or in opposition to the proposal. Staff did not receive an official response from the MAC on this project.

Public Correspondence

Staff has received three letters in opposition to the project (see Exhibit J - *Public Correspondence*). The first letter, from Maggie Mejia, indicated that she originally supported the project at the time of the first MAC meeting. The letter indicated that the Crows Landing Road area needed economic improvement and a nightclub would be a good boost for the community. The letter then states the reason for withdrawing support for the project. The concerns are public safety issues based on recent budget problems. The other two letters, from Brad and Wendy Towers, also oppose the project due to concerns of potential problems in the alley next to their property and not wanting a night club in their neighborhood. The Security Plan, which was recommended by the Sheriff's Department and incorporated into the project as a mitigation measure, will help with most of these concerns.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit K - *Environmental Review Referrals*). Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption (see Exhibit D - *Initial Study* and Exhibit E - *Mitigation Monitoring Plan*).

RECOMMENDATION

Staff believes the necessary findings can be made with mitigation measures and conditions of approval in place.

Based on all evidence on the record, staff recommends that the Planning Commission take the following actions regarding this project:

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Adopt the Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(d).
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
5. Approve Use Permit Application No. 2009-06 - Los Artistas, subject to the attached conditions of approval.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay **\$2,067.25** for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

UP 2009-06
Staff Report
April 1, 2010
Page 7

Report written by: Sean D. Purciel, Associate Planner, March 17, 2010
Reviewed by: Bill Carlson, Senior Planner

Attachments:

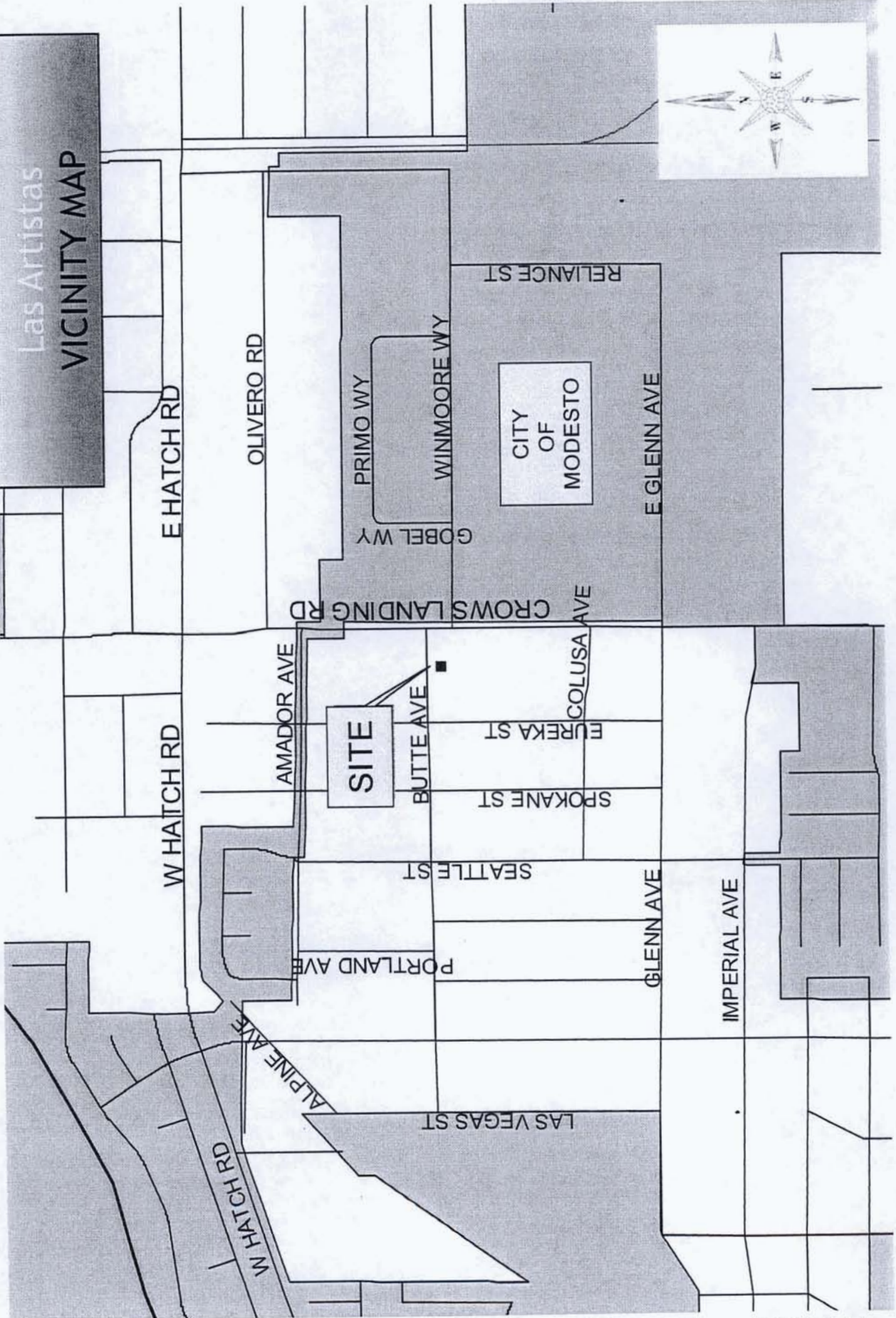
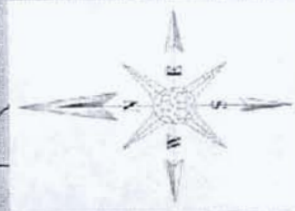
- Exhibit A - Maps
- Exhibit B - Applicant's Project Description
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Mitigation Monitoring Plan
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Security Plan
- Exhibit H - Noise Study
- Exhibit I - City of Modesto Correspondences
- Exhibit J - Public Correspondence
- Exhibit K - Environmental Review Referrals

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UP No. 2009-06

Las Artistas

VICINITY MAP



UP No. 2009-06

Las Artistas

ACREAGE

CROWS LANDING RD

3.96

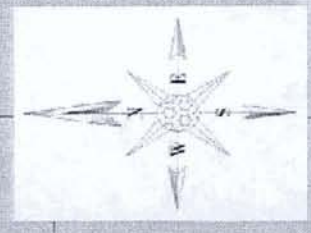
CITY OF MODESTO

0.43

WINMOORE WY

1.28

1.54



2.03

1.16

056-018-001
1.01

0.93

0.81

0.18

SITE

0.19

BUTTE AVE

EUREKA ST

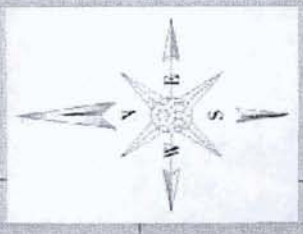
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UP No. 2009-06
Las Artistas
GENERAL PLAN

CITY
OF
MODESTO



WINMOORE WY

CROWS LANDING RD

COMMERCIAL

SITE

BUTTE AVE

EUREKA ST

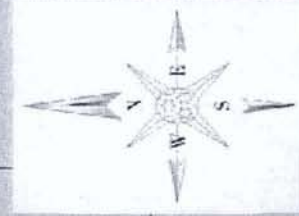
LOW
DENSITY
RESIDENTIAL

UP No. 2009-06

Las Artistas
ZONING

CITY
OF
MODESTO

WINMOORE WY



CROWS LANDING RD

056-018-001

C-2

SITE

BUTTE AVE

EUREKA ST

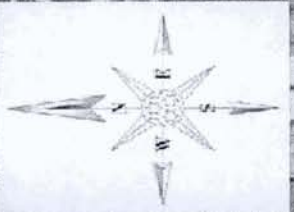
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UP No. 2009-06

Las Artistas

AERIAL PHOTO

CITY OF
OF
MODESTO



WINMCORE WY

CROWS LANDING RD

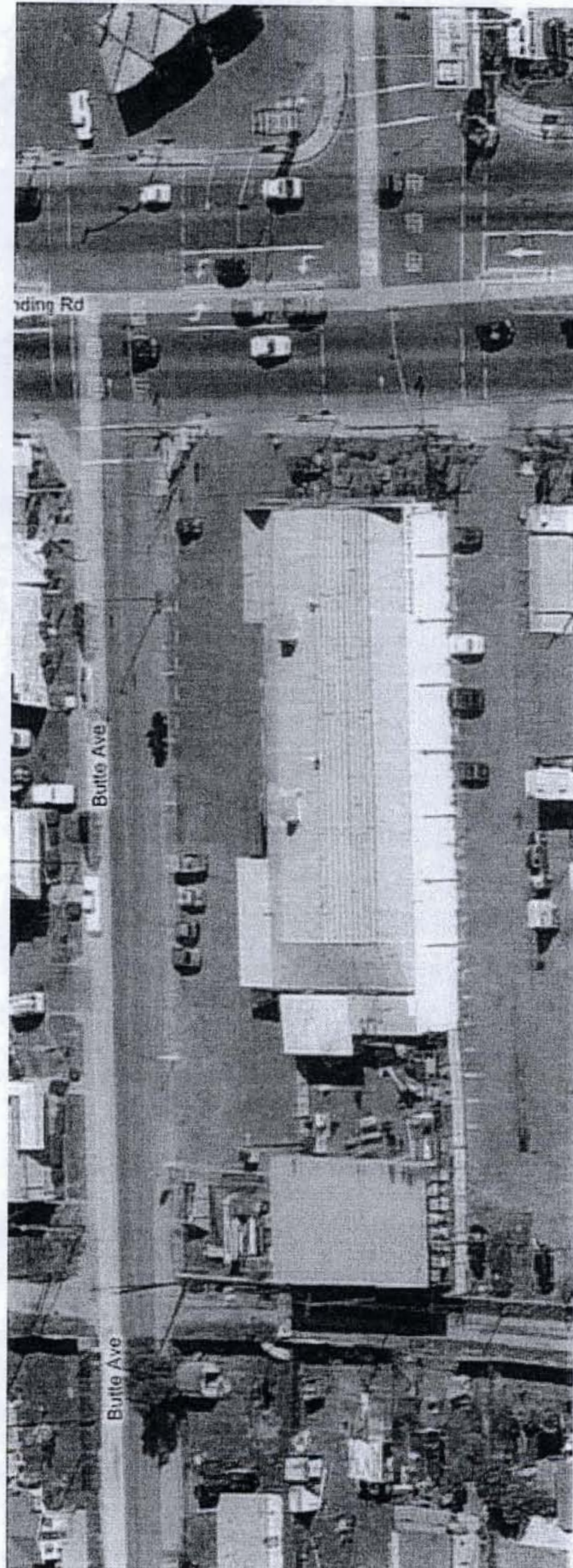
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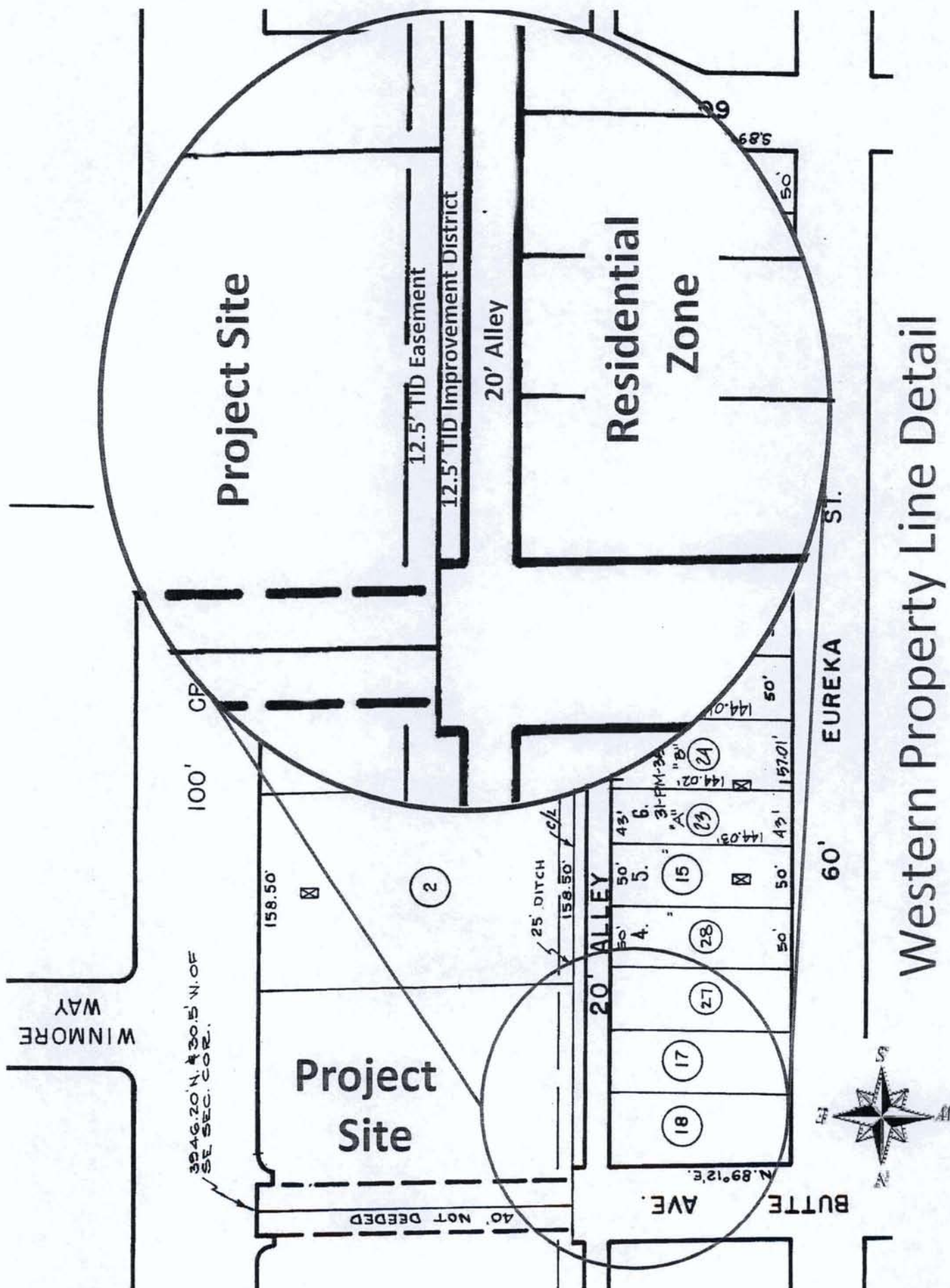
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BUTTE AVE

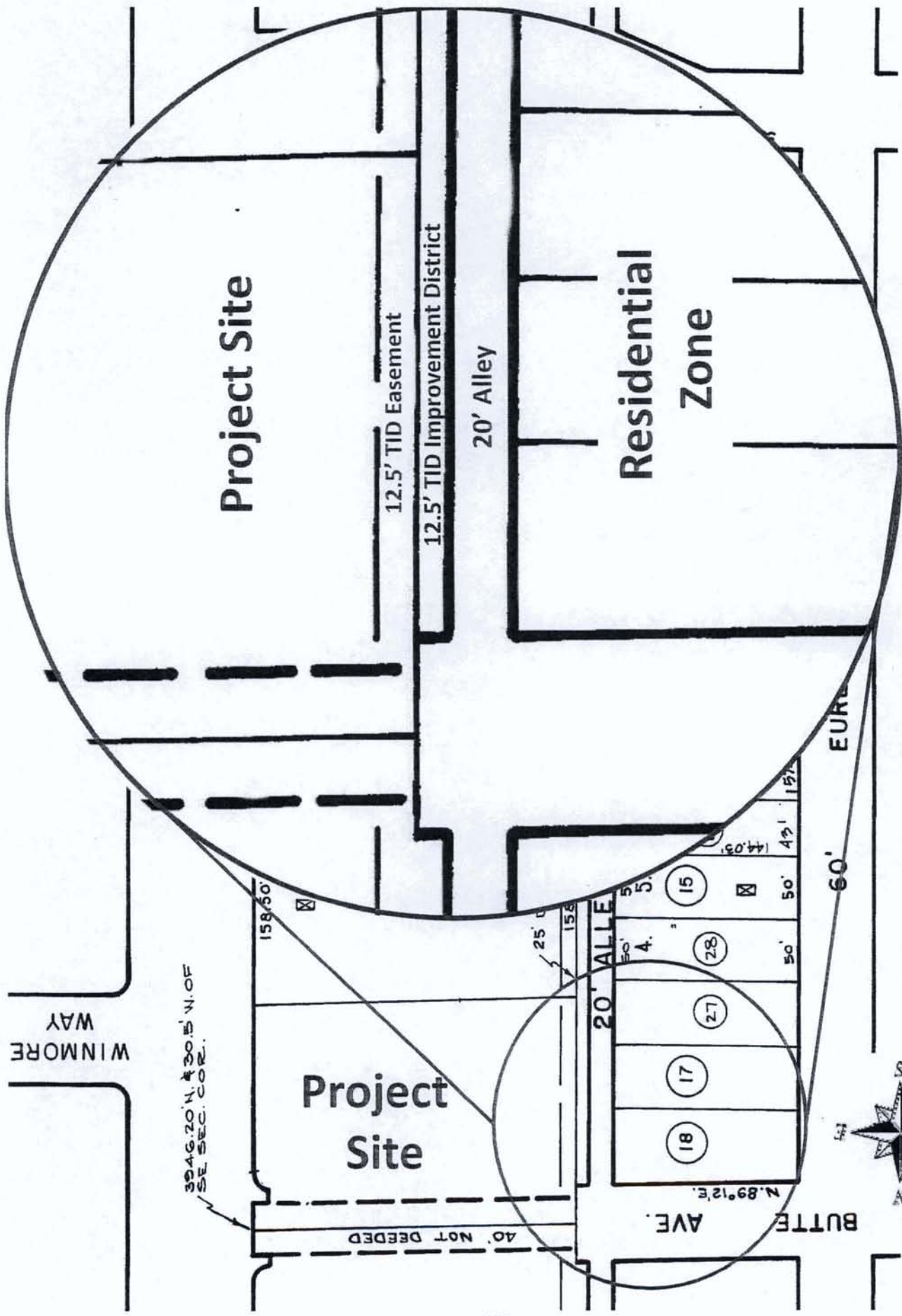
EUREKA ST

UP No. 2009-06
Las Artistas
CLOSE AERIAL PHOTO





Western Property Line Detail



3946.20' N. & 30.15' W. OF
SE SEC. COR.

Project Site

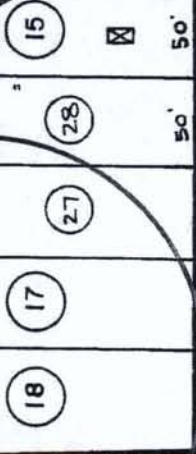
158/50

40' NOT DEEDED

20' ALLEY

AVE. BUTTE

N. 89° 12' E.



60'

Project Site

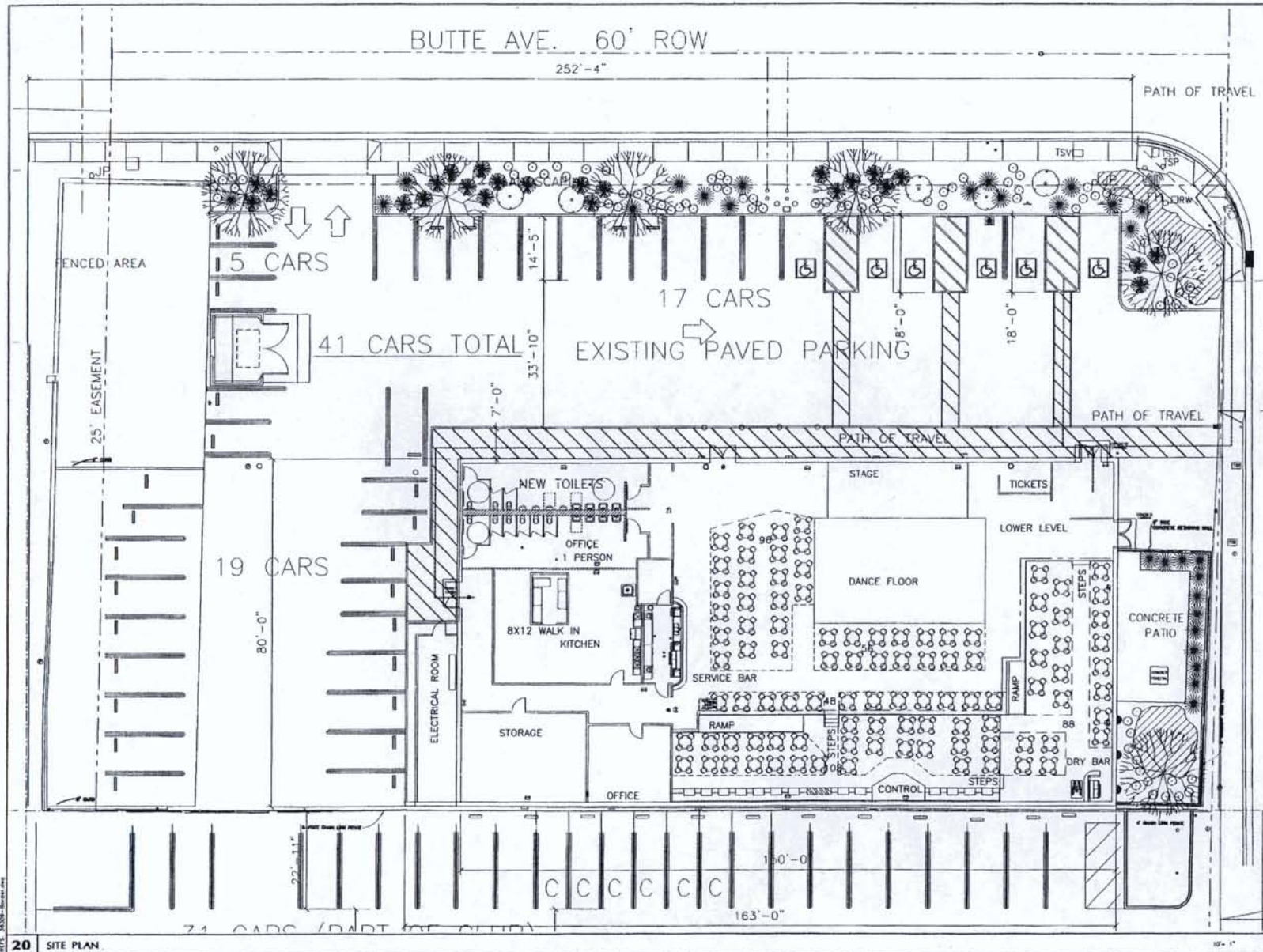
12.5' TID Easement

12.5' TID Improvement District

20' Alley

Residential Zone

Western Property Line Detail



KAESTNER
 ARCHITECT
 P.O. Box 1777
 Empire, California 95319
 Office (209) 577-2153
 Fax (209) 577-2708
 WWW.KAESTNER.COM

REGISTERED ARCHITECT
 C-13523
 State of California

LOS ARTISTAS
 NIGHT CLUB
 1705 CROWS LANDING ROAD
 CALIFORNIA
 MODESTO

PROJECT NUMBER	10/12/08
FILE NAME	1705-18-01
ISSUED BY	CROWS LANDING
DRAWN BY	K.A.K.
CHECKED BY	K.A.K.
REVISIONS	
PLAT DATE	12/10/2008
ISSUE DATE	
SHEET TITLE	SITE PLAN
SHEET NUMBER	A1

LANDSCAPING PLAN



KAESTNER
ARCHITECT
P.O. Box 1777
Eureka, California 95518
Phone: (707) 577-2253
Fax: (707) 577-2358
www.kaestner.com



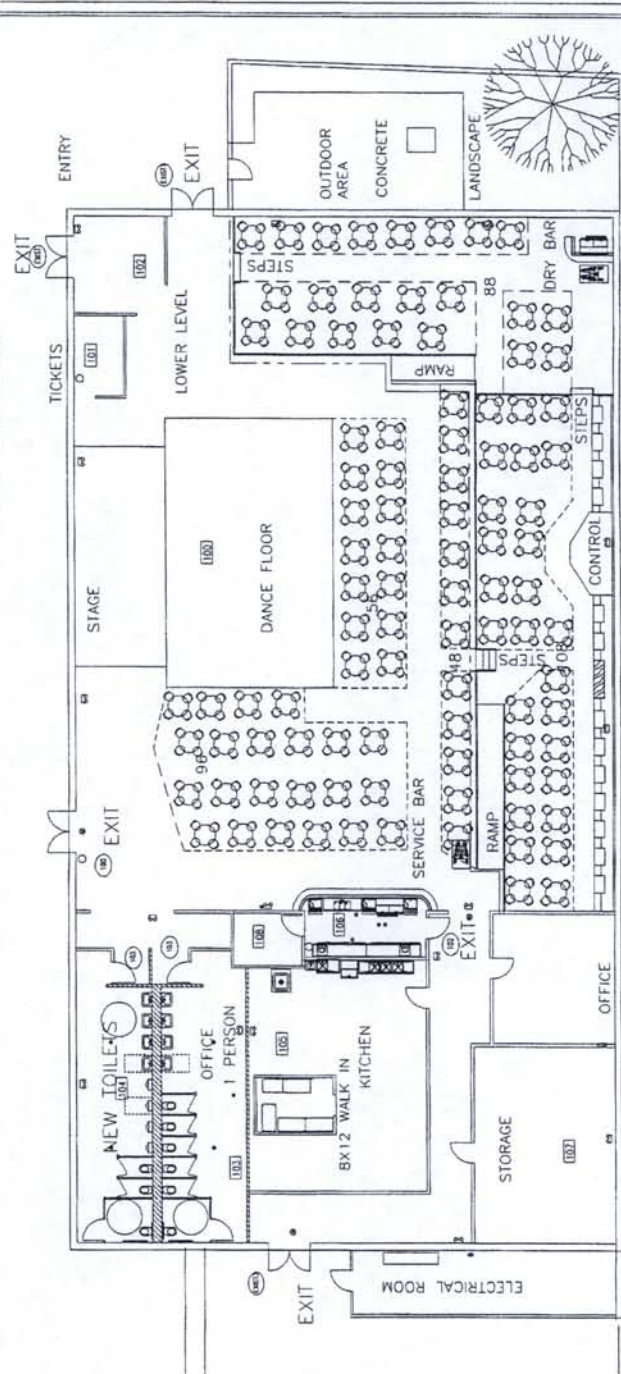
LOS ARTISTAS
NIGHT CLUB
1705 CROWS LANDING ROAD
MODESTO CALIFORNIA

PROJECT NUMBER: 20-18-01
DATE: 7/27/09
DRAWN BY: [Blank]
CHECKED BY: [Blank]
REVISIONS: [Blank]
SCALE: [Blank]
SHEET NUMBER: [Blank]
FLOOR PLAN

A 2
OF

REVISED SEATING PLAN OCT 28, 2009

WALL LEGEND
 ———— EXISTING SHELL CONSTRUCTION
 - - - - - NEW WOOD STAIRS AT 1/4" O.C.



20 FLOOR PLAN

SEATING PLAN



NIGHT CLUB
1701 CROWS LANDING ROAD
MODESTO
CALIFORNIA

PROJECT NUMBER: 1099-18-01
DATE: 5/18/09
FLOOR PLAN: 1099-18-01
SCALE: AS SHOWN
DRAWN BY: [blank]
CHECKED BY: [blank]
DATE: [blank]

FLOOR PLAN
PARKING ANALYSIS

A2

DEDICATED 1701 CROWS LANDING ROAD
NO JOINT USE SPACES ALLOWED

ADDRESS	REQ. PARKING/GROSS	PROVIDED	EXCESS PARKING
1705 CROWS LANDING RD	40	44	
1700 CROWS LANDING RD	40	40	0
1715 CROWS LANDING RD	35	59	24
TOTAL	115	143	28

PARKING ANALYSIS
1705 CROWS LANDING RD

USE	REQ. PARKING	REQ. PARKING/GROSS
RETAIL	20	11,300
DRINKING AREA	18	1,100
TOTAL	38	12,400

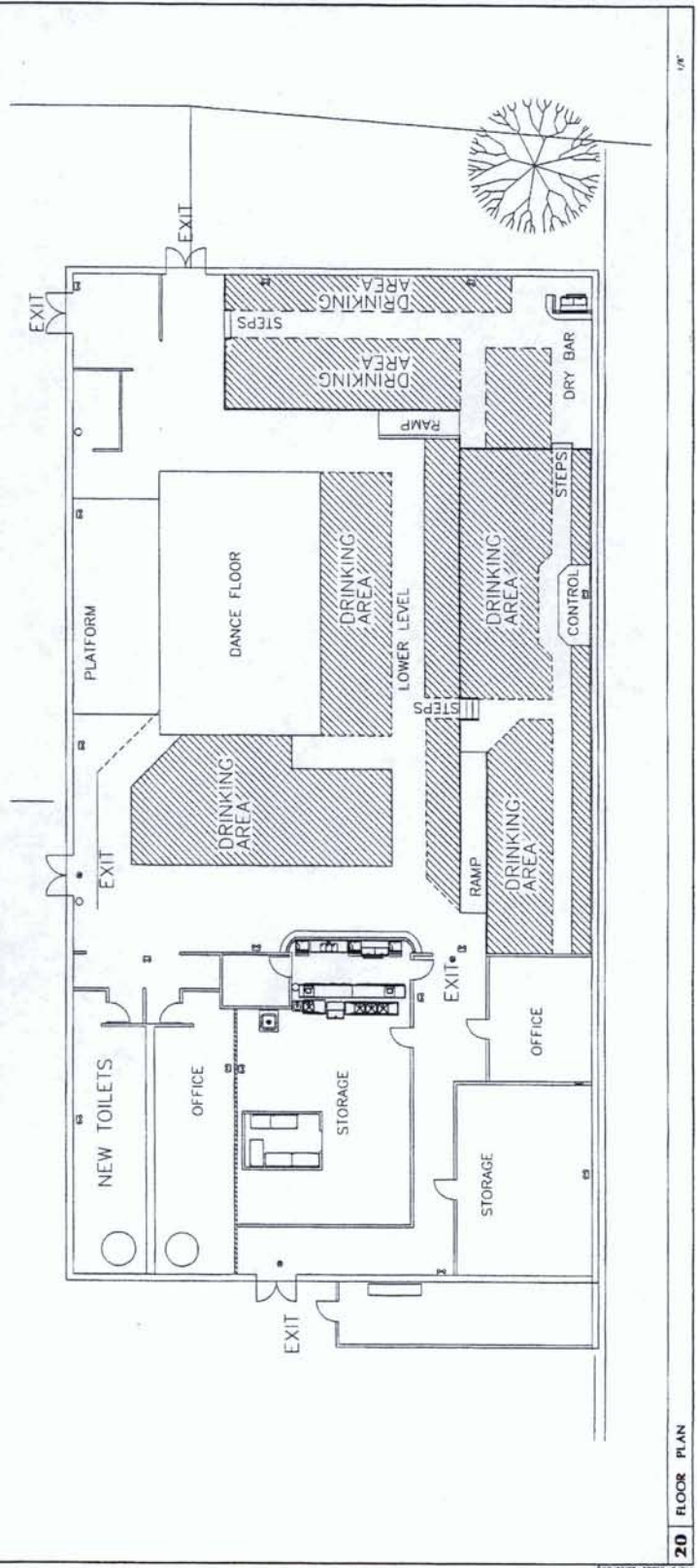
PARKING ANALYSIS
1700 CROWS LANDING RD

USE	REQ. PARKING	REQ. PARKING/GROSS
RETAIL	40	1,700
TOTAL	40	1,700

PARKING ANALYSIS
1715 CROWS LANDING RD

USE	REQ. PARKING	REQ. PARKING/GROSS
RETAIL	1	1,700
STORAGE	32	1,700
EATING	2	1,100
TOTAL	35	4,500

DOCUMENT SUBMITTED TO CITY
10/14/2009

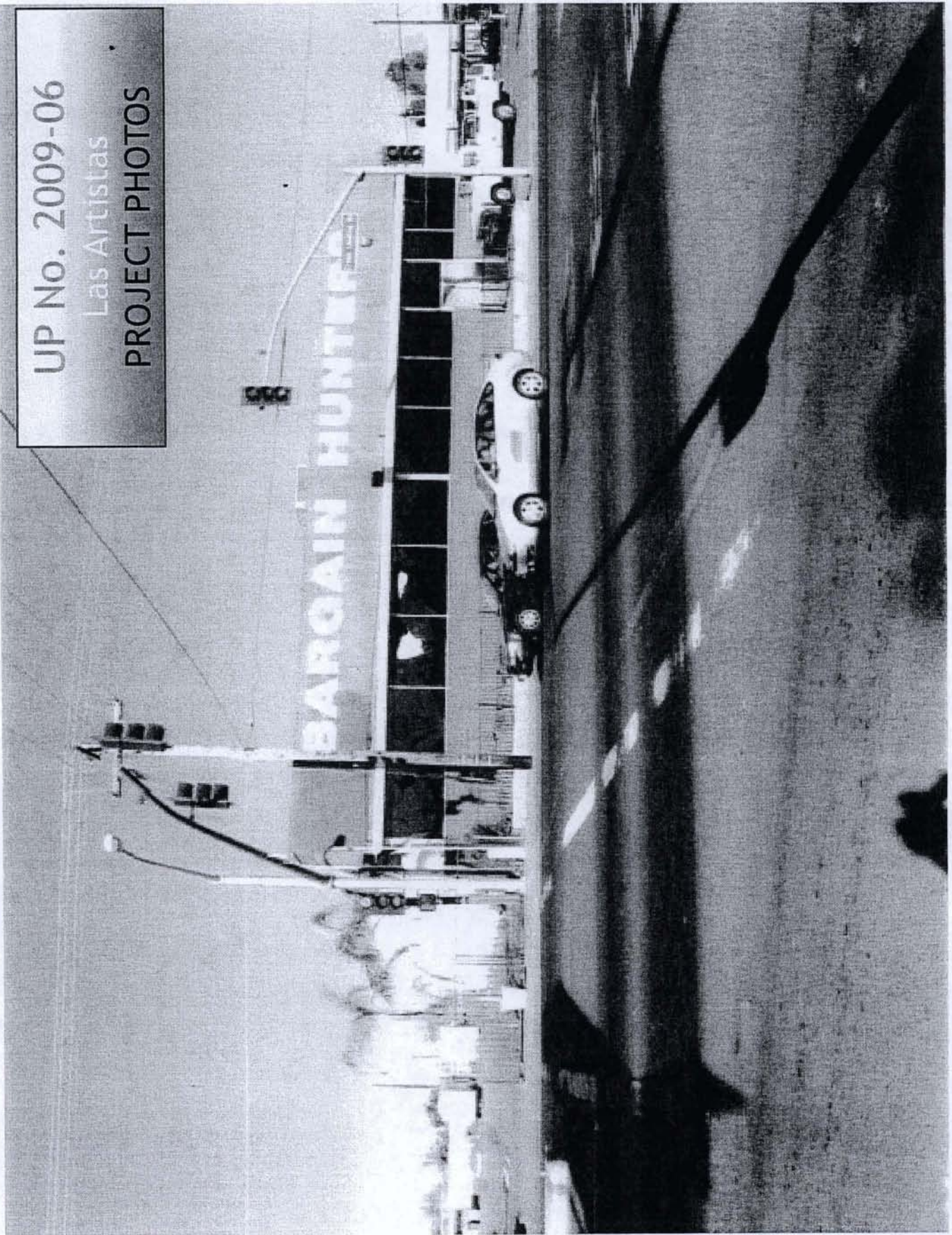


20 FLOOR PLAN 1/8"

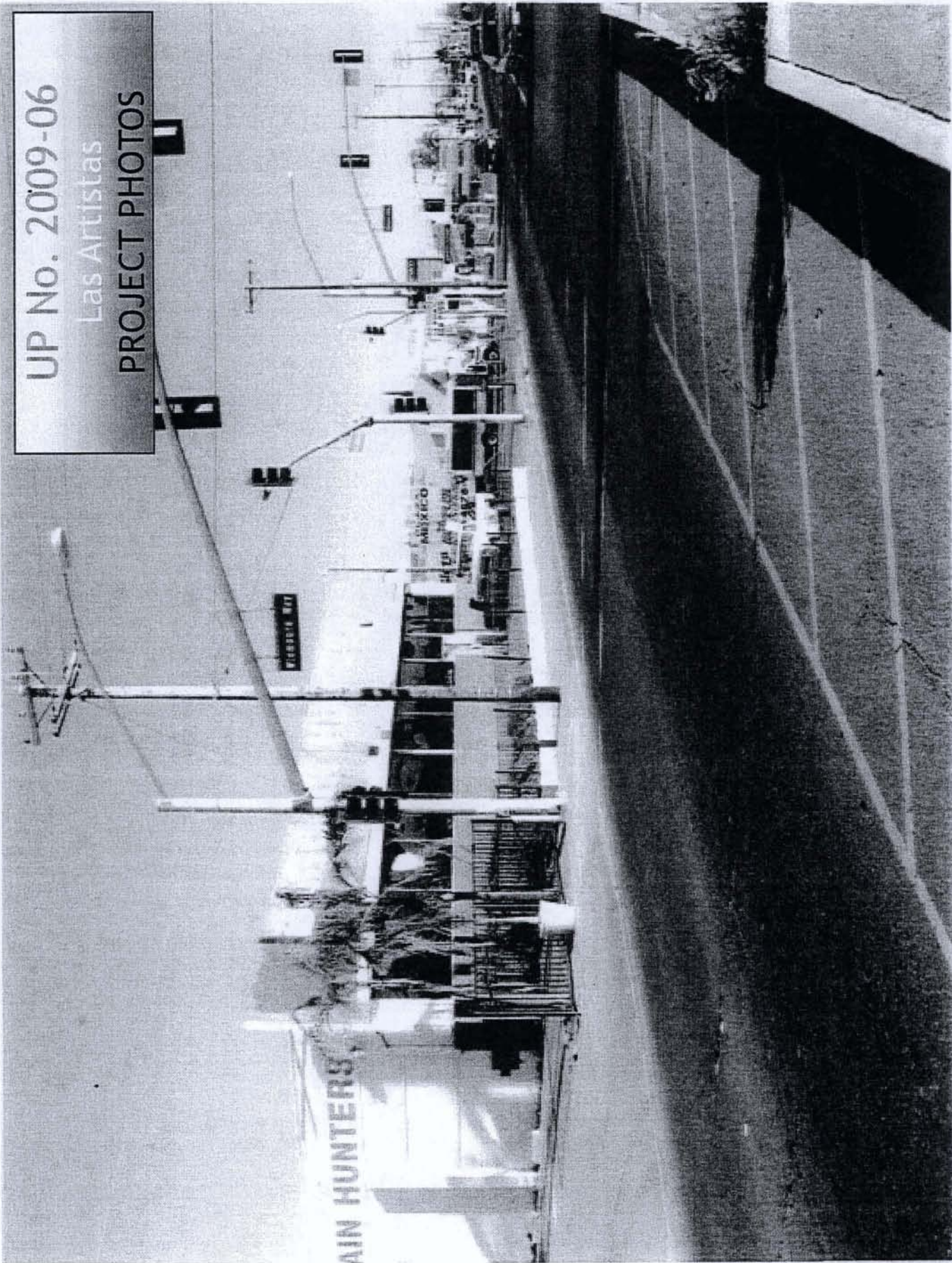
UP No. 2009-06

Las Artistas

PROJECT PHOTOS



UP No. 2009-06
Las Artistas
PROJECT PHOTOS



APPLICANT'S NAME:

Mailing Address

ENGINEER / APPLICANT:

Mailing Address

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 18 – 20 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

The existing building was a retail use, the current tenants wish to change the use into a night club. The hours of operation are as follows, Thursday thru Sunday, 9 pm to 2 am

Parking will be partially on site and a composite of agreements to use the nearby lots of which will have security and trash removal services for the area in use.

The club expects to serve up to 800 patrons, and have a crew of 30 staff during business hours.

Delivery trucks come from Crows Landing Road and will not be entering the residential neighborhood to the west, expect three or four deliveries during the week.

The parking areas all empty onto Crows Landing and for the most part are controlled by lights and median islands

Traffic to the site is from Crows Landing Road and the main entry is from Butte Ave. Ave. but it will not pass thru the residential area to the west.

The building is constructed of concrete block, the audio should be contained within the building, and also masked by the ambient sounds of the traffic on Crows Landing Road.

All utilities are on site, the only change will be needed will be upsizing the water to a 2" service with back flow preventer.

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

**USE PERMIT APPLICATION NO. 2009-06
LOS ARTISTAS NIGHTCLUB**

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the map as set forth in Government Code Section 66474.9. The County shall promptly notify the subdivider of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
3. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
4. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance for any building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
5. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
6. Hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m., Monday thru Saturday, with no construction allowed on Sundays and holidays.
7. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
8. A plan for any proposed signs indicating the location, height, area of the sign, and message shall be consistent with any applicable sign regulation of the City of Modesto and be approved by the City of Modesto prior to installation.

9. The final landscape plan shall be approved by the City of Modesto. The applicant shall provide one tree for every eight parking spaces, dispersed evenly throughout the parking lot. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. The landscaping shall be installed prior to final occupancy.
10. Prior to issuance of any building permit, an Irrevocable Reciprocal Parking Agreement between Los Artistas and the southern parking properties located on 1715 and 1739 Crows Landing Road and northern parking properties located on 1647 Crows Landing Road shall be recorded and a copy provided to the Stanislaus County Department of Planning and Community Development.
11. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director or his appointed designee.
12. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2010), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,067.25**, made payable to **Stanislaus County**, for the payment of Fish and Game and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
13. The Sheriff's Department and the applicant shall amend the security plan to reflect a closing time of 2:00 a.m. prior to occupancy.
14. The applicant shall construct a 6 foot high solid block wall along the western irrigation easement line (except for the 10 foot side yard setback) prior to occupancy. The wall shall be outside the 12.5 foot easement of the western property line. In addition to the wall, the applicant shall provide additional landscaping to prevent the wall from being vandalized. The additional landscaping shall be approved by both City of Modesto and Stanislaus County Planning Directors or designees.
15. In the event that documented noise complaints are received from property owners roughly within a one thousand foot (1,000 ft) radius of the property, the applicant/operator shall be responsible for preparing and implementing a noise study and implementing any resulting mitigation measures required to reduce the noise to acceptable levels. A noise study will not be required if the Sheriff's Department finds that the nightclub event is not exceeding noise levels and/or violating noise limitations as set forth in County Code Chapter 10.46 - Regulation of Nuisance Noise.

Turlock Irrigation District

16. It will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications.

Building Permits Division

17. Building Permits are required for the proposal. The proposed development must comply with current adopted California Code of Regulations (CCR), Title 24.

Department of Environmental Resources

18. The applicant must submit three sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Retail Food Code, Section 114380.

Stanislaus Fire Prevention Bureau

19. Full compliance with the current California Building Standards including the Building, Fire, Electrical, Mechanical, and Plumbing Codes is required.
20. A nightclub over 5,000 square feet in area shall be equipped with a fully compiling automatic fire sprinkler system designed and installed in accordance with NFPA Standards 13 and 24.
21. Fire department access and water for fire protection shall be provided and maintained in accordance with all requirements, applicable codes and ordinances.
22. Adequate fire flows shall be provided and the project shall comply with the current California Fire Code requirements.
23. A fire hydrant shall be provided every 300 feet so that no part of the front of a lot is more than 250 feet from a fire hydrant.

Department of Public Works

24. Crows Landing Road is classified as a major roadway, so the ultimate right-of-way is 110-feet. An Irrevocable Offer of Dedication of 55-feet west of the centerline of Crows Landing Road shall be dedicated to the County. This will bring the parcel frontage into conformance with the minimum right-of-way width in the current circulation element. The developer's engineer shall prepare this document prior to the issuance of any building or grading permit.

25. Butte Avenue is classified as a local roadway with an ultimate right-of-way of 60-feet. A roadway dedication of 30-feet south of the centerline of Butte Avenue shall be dedicated to the County. This will bring the parcel frontage into conformance with the minimum right-of-way width in the current circulation element. The developer's engineer shall prepare this document prior to the issuance of any building or grading permit.
26. Full street improvements will need to be installed to the ultimate right-of-way of Butte Avenue (within the right-of-way widths provided above). The improvements will include, but not be limited to, curb and gutter, sidewalk, drainage, pavement, associated striping, and streetlights. City of Modesto Standards and Specifications will apply to these improvements. The improvements shall be installed prior to occupancy of any building.
27. Prior to the issuance of any building permits, off-site improvement plans for Butte Avenue road frontage shall be approved by the Department of Public Works.
28. An Engineer's Estimate shall be provided so the amount of the financial guarantee can be determined. This shall be done prior to the issuance of any building permit.
29. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the improvements on Butte Avenue shall be deposited with the Department prior to the issuance of any building permit.
30. An encroachment permit shall be taken out with Public Works prior to any work in the road right-of-way.
31. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Crows Landing Road or Butte Avenue. The developer will be required to install or pay for the installation of all required signs and/or markings.
32. All driveway locations and widths shall be approved by this Department.
33. All driveways and parking areas shall be paved and double striped per county standards.
34. Prior to the approval of a grading and drainage permit, encroachment permit, or building permit, whichever comes first, the applicant shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.
35. A Grading and Drainage Plan for the entire property that meets County standards shall be approved by the Department of Public Works prior to the issuance of any building permit. The drainage system shall be installed prior to final and/or occupancy of any building.
36. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.

City of Modesto

37. The required parking for the proposal shall be based on 396 seats; the number of parking spaces that must be allotted overall for the proposed nightclub is 132 spaces.
38. The City will not support the use of shared parking located on any parcel on the east side of Crows Landing Road.
39. Prior to issuance of a Building Permit, trash enclosures for the project shall be elevated to prevent storm water run-off. Trash enclosures shall comply with the provisions of the City of Modesto, to include adequate, accessible and convenient areas for the collection and loading of recyclable materials.
40. For water, sewer, and wastewater infrastructure, the applicant shall pay the appropriate connection fees to the Land and Development Engineering Department.

Mitigation Measures

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) Hold a public hearing to consider the project; and***
- 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)***

41. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures and other illuminated objects. Additionally, all outside storage shall be screened from public view.
42. The applicant shall install or verify that all joints in exterior walls and the roof shall be sealed airtight at the perimeter and at major seams.
43. The applicant shall verify that all above ground penetrations of exterior walls and roof by electrical and plumbing components shall be sealed airtight on both sides of the assembly with a resilient, non-hardening caulking or mastic.
44. The applicant shall verify that any new or existing doors shall weigh a minimum of 5 pounds per square foot and where double doors exit.
45. The applicant shall keep all doors closed during the operating hours of the nightclub, opened only to let customers in and out of the building. Where possible, only use the doors on the east side of the building as the main entrance and exit.
46. All loudspeakers and music must be kept inside the nightclub. No speakers may be installed on the outside of the building.

47. The interior sound levels shall not exceed 95dB(A) average over an hour.
48. The applicant shall comply with the conditions of the recommended Stanislaus County Sheriff's Department Security Plan. (Exhibit G)

Please note: *If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. 2009-06 - Las Artistas Night Club
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Sean Purciel, Associate Planner
(209) 525-6330
4. **Project location:** 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. APN: 056-018-001
5. **Project sponsor's name and address:** Kenneth Kaestner
Kaestner Architect
P.O. Box 1777
Empire, CA 95319
6. **General Plan designation:** Commercial
7. **Zoning:** C-2 (General Commercial)
8. **Description of project:**

This is a request to change the use of a 12,487 square foot retail market to a night club on a one-acre property. The request requires a Use Permit when located within two hundred feet of a Residential zoning district boundary. The project is proposing opening four nights a week, from 9:00 p.m. to 2:00 a.m., Thursday through Sunday, and the project is proposing live music, a bar, a lounge and dancing. The applicant has submitted a plan that has approximately 396 seats. Parking for the proposal has been determined to be 132 required parking spaces. On-site parking will be 41 spaces, and 23 parking spaces on the adjacent property will be counted as on-site parking. Additional parking will be located south of the property (1647, 1715 and 1739 Crows Landing Road) and also across Butte Avenue to the north (1647 Crows Landing Road). Parking off-site is proposed at 132 spaces.
9. **Surrounding land uses and setting:** Low Density Residential to the west, commercial to the north and south, and City of Modesto commercial uses to the east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Department of Environmental Resources
City of Modesto

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		
<p>Discussion: The one-acre site is currently a vacant 12,487 square foot retail market building with an outdoor food vendor on the property. The area is not considered to be a scenic resource. This project will be in compliance with City of Modesto Standards as it is within the Sphere of Influence of the City. There are no significant trees, rock outcroppings, or historic buildings in the vicinity of the site. The site is in a commercialized area of the County, located across the street from the City of Modesto. The project and vicinity of the project are not identified as scenic vistas in the Stanislaus County General Plan, <i>Land Use and Circulation Elements</i>. There are no eligible or designated State scenic highways in the area, according to the Stanislaus County General Plan. Interstate 5 is the only officially designated State Scenic Highway in Stanislaus County.</p> <p>The site is surrounded by a residential subdivision to the west and commercial businesses surround the rest of the property. The proposed night club (building) exists and would not urbanize this area (anymore than it already is) and would not substantially degrade the existing visual character or quality of the site.</p> <p>The proposed project could create a new source of light or glare. Existing buildings are the only light source in the area. Therefore, the emission of light and glare would be considered minimal. A mitigation measure will be added to the project for exterior lighting of the parking areas. Lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect onto surrounding properties.</p>				
<p>Mitigation:</p> <p>1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures and other illuminated objects. Additionally, all outside storage shall be screened from public view.</p>				
<p>References: Stanislaus County General Plan¹, <i>Land Use and Circulation Elements</i>, Stanislaus County Code Title - 21 - Zoning Ordinance.</p>				

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<p>Discussion: The property has an existing building, which is presently unoccupied. The site is not within an agricultural zone. Immediately adjoining properties are residential and commercial uses. The larger surrounding area is characterized by other urbanized uses. This project will not take any agricultural land away from the community.</p> <p>No forest land or timberland exists within the vicinity of the project. Therefore, this item is not applicable.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan¹, <i>Land Use & Agricultural Elements</i>.</p>				
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: According to the San Joaquin Valley Air Pollution Control District (SJVAPCD), the San Joaquin Valley, which includes Stanislaus County, air quality has been designated as "non-attainment" by the Environmental Protection Agency and by the Air Resources Board for PM-10 and PM 2.5 (fine particulate matter and dust). Additionally, the San Joaquin Valley Air Basin (SJVAB) is currently in non-attainment for both the Federal and State designation for one-hour ozone (O3) and is classified as "extreme". The District maintains permit authority over stationary sources of pollutants. The Federal Clean Air Act and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met.

We have not received any comments from the SJVAPCD as of yet. The project is not expected to have significant adverse impacts on air quality. We can consider that the proposed project will have minimal impacts with the implementation of the District's rules and regulations, which will be conditioned into the project's design.

The project will not expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people. The air emissions associated with the proposal will not exceed the thresholds set by the SJVAPCD; however, conditions of approval will be added to the project to lessen potential air quality impacts. The applicant should be aware of the District's Rules and Implementation Plans to reduce airborne particulates, such as PM-10 and NOx during construction. A condition of approval will be imposed on the project stating that the applicant shall comply with rules and regulations adopted by the SJVAPCD. The condition would read: Any future development may be subject to the following Air District Rules: Regulation VIII (Fugitive PM-10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings) and Rule 4641 (Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

Mitigation: None.

References: Stanislaus County General Plan¹, San Joaquin Valley Air Pollution Control District, Regulation VIII Fugitive Dust/PM-10 Synopsis, Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), Rule 9510 Indirect Source Review (ISR) (Adopted December 15, 2005), <http://www.valleyair.org/index.htm>.

IV. BIOLOGICAL RESOURCES -- Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The parcel is zoned C-2 (General Commercial) and has an existing building on the property. Currently, the project proposes conversion of the retail store into a night club. The build-out of the parcel will not convert sensitive habitat to an urbanized use. The proposed project would have minimal impacts to sensitive species. After a review of the County General Plan, *Conservation and Open Space Elements*, the site is not located within a biologically sensitive area. No vernal pools, sensitive and endangered species, or wetland habitats have been found.

Early consultation referral responses have not been received from either the California Department of Fish and Game or the U.S. Fish and Wildlife Service. Staff believes the proposed project will have minimal impacts in regards to sensitive and endangered species, conservation plans, wildlife and vegetation habitat, and significant biological resources. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans.

Mitigation: None.

References: Stanislaus County General Plan¹, *Conservation and Open Space Elements*, California Natural Diversity Database, U.S. Fish and Wildlife Service Conservation Plans and Agreements Database.



V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
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Discussion: The site is located in the central portion of Stanislaus County bordering the City of Modesto. According to the Stanislaus County General Plan, *Conservation and Open Space Elements*, the area is not known to be within a location of archaeological resources. No known historically important resources or paleontological resources have been found on the project site. It is possible that the site could contain undiscovered archaeological resources. Disturbance of any archaeological resources during construction of the project would be considered a significant environmental impact. The project proponent would be required to comply with the General Plan Program, in regards to finding significant resources, which requires the developer to halt construction if cultural resources are encountered unexpectedly during construction and requires consultation with a qualified archaeologist to determine the significance of the resource.

Standardized conditions of approval will be added to this project to address any discovery of cultural resources during construction phases of the project. If there are suspected human remains identified through project construction, the Stanislaus County Coroner's Office shall be contacted immediately. If the remains or other archaeological materials are of Native American origin, the Native American Heritage Commission shall be contacted immediately. Implementation of this condition will reduce the potential impact to a minimum.

Mitigation: None.

References: Stanislaus County General Plan¹, *Conservation and Open Space Elements*.



VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?				X

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
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Discussion: According to the Stanislaus County General Plan, *Safety Element*, several known faults exist in the Diablo Range, west of Interstate 5. The Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone, is located in the southwestern portion of the County. The project site is located in central Stanislaus County. It has not been identified by the Alquist-Priolo Earthquake Fault Zone. Therefore, there is little impact in regards to this issue.

Any new construction will be subject to all applicable County policies and ordinances. The County is within Seismic Zone 3, indicating moderate potential for ground shaking. All structures and facilities constructed as part of the proposed project will be designed in compliance with the requirements of the California Building Code for seismic safety. Compliance with the engineering requirements of the Code would ensure that the risk of structural failure during a seismic event is minimized to the greatest degree feasible. As a result, the risk of adverse effects from ground shaking would be minimal for the proposal.

The project has a connection to the City of Modesto sewer and water system. Correspondence from the Department of Environmental Resources (DER) has not indicated any issues involved in geology or soils, or wastewater or sewer disposal issues associated with the project expansion. On-site Wastewater Disposal Systems will comply with the Department's permitting requirements as necessary. Therefore, we can consider the project will have minimal impacts in regards to geology and soils issues. There is no indication that soils on the project site are incapable of adequately supporting the use of a septic system (since the project is on a city sewer service).

Mitigation: None.

References: California Building Code (2007), Stanislaus County General Plan¹, *Safety, Agriculture and Land Use Elements*, Farmland Mapping Layer, Stanislaus County Code Title - 21 - Zoning Ordinance, letter dated April 9, 2009 from Bella Badal with the Department of Environmental Resources.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X

Discussion: The project is an existing retail building with a proposed change of occupancy to a night club. The average daily traffic trips are approximately equal and will not produce significantly more emissions.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X	

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: DER is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Since the project is not located in an agricultural zone, pesticide exposure is not a factor in this case. Therefore, this issue is considered minimal since the building already exists.

The proposed project will comply with all Federal, State, and local regulations and policies involving the routine transport, use, or disposal of hazardous materials. The applicant should contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to California Health and Safety, Division 20, which is a standard condition.

The State Department of Toxic Substances (DTS) maintains a Hazardous Waste and Substances List (also known as the "Cortese List"), in accordance with California Government Code Section 65962.5. The most current Cortese List indicates that there are no hazardous waste or substance sites in the vicinity.

The proposed project is not located within the jurisdiction of an airport land use plan or within the vicinity of a private airstrip.

There will be no impact in regards to airports, airplane safety, or safety hazards associated with the existing building. Hazards associated with traffic and security will be discussed in the Public Services and Transportation and Traffic sections of this Initial Study. The project is located 2.5 miles west of the Modesto City/County Airport.

The proposed project will comply with the development standards for the Stanislaus Fire Prevention Bureau and the Stanislaus County Sheriff's Department for issues related to emergency evacuation.

According to the Stanislaus County General Plan, *Safety and Land Use Elements*, the areas of potential wildland fires are the Diablo Range, located west of Interstate 5, and the Sierra Nevada foothills in the eastern portion of Stanislaus County. The proposed project is not located within the Diablo Range or the Sierra Nevada foothills. Therefore, this item is not applicable.

Mitigation: None.				
References: Stanislaus County General Plan ¹ , <i>Safety and Land Use Elements</i> , State Department of Toxic Substances (DTS) Hazardous Waste and Substances List - http://www.envirostor.dtsc.ca.gov/public/ , letter dated April 9, 2009 from Bella Badal with the Department of Environmental Resources.				
IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X
Discussion: The existing building is already connected to a city water and sewer system. The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.				

The proposed project does not include the placement of housing or other structures within the 100-year flood plain. The Modesto area (in the vicinity of the project) is also located outside the flood zone according to the Federal Emergency Management Agency (FEMA). The project is not located in an area of major flood inundation. The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a dam. The likelihood of a seiche, an earthquake induced wave in a lake, or a tsunami, is less than significant due to the proposed project's distance from the above-mentioned bodies of water. The project site is not in an area subject to seiche, tsunami, or mudflow and is not likely to be involved in such hazards.

Mitigation: None.

References: Stanislaus County General Plan¹, *Safety Element*, Federal Emergency Management Agency (FEMA).

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: The proposed project involves a use permit for a night club in an existing building. The site is currently zoned C-2 (General Commercial), with a Commercial General Plan designation. Night clubs located within two hundred feet of the boundary of any Residential zoning district require an approved use permit from Stanislaus County. The zoning of the parcel is consistent with the General Plan land use classification. The project is within the Sphere of Influence of the City of Modesto, which has a land use classification of Commercial. The City of Modesto requires 132 parking spaces based on the seating layout of the night club. The City has stated that they cannot support the shared use of parking located on any parcel on the east side of Crows Landing Road.

The project will not physically divide an established community to include the surrounding community. The project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project, including but not limited to the Stanislaus County General Plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect. The proposed use of the project area does not conflict with the applicable zoning designation for the project area. The proposed project will not conflict with an applicable habitat conservation plan or natural community conservation plan.

Mitigation: None.

References: Stanislaus County Code Title - 21 - Zoning Ordinance, Stanislaus County General Plan¹, *Land Use Element*.

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

<p>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</p>				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on or immediately adjacent to the project site.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan¹, <i>Safety and Land Use Elements</i>, State Division of Mines and Geology Special Report 173.</p>				
<p>XII. NOISE -- Would the project result in:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>		X		
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>				X
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>		X		
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			X	
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>				X
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>				X
<p>Discussion: There is no indication that approval of this project will result in a significant permanent increase in ambient noise levels. However, an intermittent noise increase will be associated with events, music and concerts. A condition could be put in place if neighborhood complaints are received. The applicants have proposed opening only four nights a week, from 9:00 p.m. to 2:00 a.m., Thursday through Sunday, and the project is proposing live music, a bar, a lounge and dancing. The applicant estimates 400 persons maximum could attend the establishment. Single-family dwellings do exist in the immediate area, directly behind the night club. The closest homes are approximately 150 feet west of the project site.</p>				
<p>A noise assessment was completed in July 2009 by Acoustical Engineering Consultants (AEC), which was submitted on behalf of the applicant. According to the assessment, the change in exterior sound levels from existing to existing plus the project is expected to be insignificant to the surrounding residential properties. With the lack of a noise ordinance and a noise abatement program, the night club would meet the Noise Element of the General Plan. However, nuisance complaints could still be received. AEC suggests that the applicants retain control of interior noise levels through a volume control mechanism should any complaints arise. Existing ambient noise in the project area that comes from traffic along Crows Landing Road has also been a main factor in the report. Noise control and noise discipline has been addressed in the</p>				

Security Plan, as well. The noise assessment also determined that the maximum amount of noise produced by events, including noise produced by amplified music, announcements and applause, did not exceed 95 dB (A). According, to the Noise Element of the General Plan noise shall not exceed 65 dB (A) in a Commercial district. Sound levels within the night club are predicted to be about 45 dB (A) at the property line, well below the 65 dB (A). Consequently, based on the results of the noise study, staff has included the recommendations provided by the noise consultant as mitigation measures for the project.

Mitigation:

2. *The applicant shall install or verify that all joints in exterior walls and the roof shall be sealed airtight at the perimeter and at major seams.*
3. *The applicant shall verify that all above ground penetrations of exterior walls and roof by electrical and plumbing components shall be sealed airtight on both sides of the assembly with a resilient, non-hardening caulking or mastic.*
4. *The applicant shall verify that any new or existing doors shall weigh a minimum of 5 pounds per square foot and where double doors exit.*
5. *The applicant shall keep all doors closed during the operating hours of the night club, opened only to let customers in and out of the building. Where possible, only use the doors on the east side of the building as the main entrance and exit.*
6. *All loudspeakers and music must be kept inside the night club. No speakers may be installed on the outside of the building.*
7. *The interior sound levels shall not exceed 95dB(A) average over an hour.*

References: Stanislaus County General Plan¹, *Noise Element*, Noise Impact Study dated July 17, 2009, provided by Acoustical Engineering Consultants.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: The proposed use of the site will not create significant service extensions or new infrastructure that could be considered growth inducing. No housing or persons will be displaced by the project.

Mitigation: None.

References: Stanislaus County General Plan¹, *Housing Element*.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?		X		
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p>Discussion: The County has adopted a standardized mitigation measure requiring payment of all applicable Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. These fees will be required upon issuance of any building permits and will be placed as conditions of approval for this project. No impact is anticipated to public schools or recreational facilities as a result of this project.</p>				
<p>The Sheriff's Department has recommended a security plan for the business. The Department has found that a night club with dancing and live bands could be a potentially significant impact without mitigation measures and security issues addressed. Their concerns were due to traffic, parking and crime. The applicant has received a copy of the Sheriff's Security Plan and has agreed to its contents. Security for the night club and for the parking area has been discussed in the Sheriff's Security Plan.</p>				
<p>Mitigation: 8. <i>The applicant shall comply with the Stanislaus County Sheriff's Department Security Plan.</i></p>				
<p>References: Stanislaus County General Plan¹, <i>Land Use Element.</i></p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: The proposed project will not result in the construction of new residential dwellings. The use of existing parks and other recreational facilities will not be increased and no new or expanded facilities will be required. Implementation of the proposed project would not result in impacts to recreation.</p>				

Mitigation: None.				
References: Stanislaus County General Plan ¹ , <i>Land Use and Conservation/Open Space Element</i> .				
XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p>Discussion: The Stanislaus County Department of Public Works and Caltrans have reviewed this project during the early consultation stage. Caltrans did not have comments for the project. The proposed project will not increase the trip generation along adjacent streets and intersections, notably Crows Landing Road. Crows Landing Road is a five-lane arterial roadway with high volumes of traffic. The project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant. Any design improvements (i.e. curb, gutter, sidewalk, as required), will be considered in accordance with City of Modesto Standards and Specifications, and shall be approved by the Department of Public Works prior to development. The Stanislaus County Department of Public Works has not identified any significant traffic impacts to local County roads associated with this project. No mitigation or environmental concerns have been raised. Therefore, the project will not conflict with an applicable plan, ordinance or policy as indicated in components of the County circulation system.</p> <p>The City of Modesto Police Department had concerns on traffic and safety, but did not provide any conditions or mitigation measures. The intersection is controlled with traffic signals, and Crows Landing Road is already a five-lane arterial roadway with a 35 mile per hour speed limit. Pedestrian access to the proposed project site would be provided by a network of sidewalks and traffic signals, which are already in the area.</p> <p>The project will not conflict with an applicable congestion management program as indicated by the Department of Public Works. The Department of Public Works is requiring street improvements along Butte Avenue to reduce potential impacts by providing the necessary infrastructure to the streets with construction and repair of sidewalks on the property, which will be made a condition of approval. The proposed project will not conflict with any plans related to alternative transportation.</p>				

According to the Stanislaus Fire Prevention Bureau, the proposed project will not impair the Bureau's ability to access the proposed project during emergencies.

The project will not impair any air traffic patterns associated with flights departing and arriving into a municipal airport.

Mitigation: None.

References: Stanislaus County General Plan¹, *Circulation Element*, letter dated April 22, 2009 from Angie Halverson with the Department of Public Works.



XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion: The existing building is currently being served by City of Modesto water and sewer services. Garbage is handled by Bertolotti Transfer for refuse collection. The existing structure will not need to connect to such facilities, therefore the project will not result in the violation of any discharge standard established by the Regional Water Quality Control Board or any other federal or state water discharge standard. State law (AB 939) requires that local jurisdictions meet specified solid waste reduction goals through the implementation of recycling programs. DER has requested that the applicants comply with the California Retail Food Code with their proposal by submitting plans to the Department and paying appropriate fees at the building permit stage, which will be made conditions of approval.

Mitigation: None.

References: Stanislaus County General Plan¹, *Land Use and Conservation/Open Space Element*, letter dated April 9, 2009 from Bella Badal with the Department of Environmental Resources.



XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p>Discussion: On the basis of an analysis of the project and its potential adverse physical environmental impacts, as described above, it has been determined that the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of, a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Potential adverse effects on human beings can be mitigated through the implementation of Stanislaus County General Plan policies or the implementation of mitigation measures and conditions of approval presented herein.</p>				

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on December 12, 2003 and certified by the California Department of Housing and Community Development Department on March 26, 2004; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

Stanislaus County
Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

Phone: (209) 525-6330
Fax: (209) 525-5911

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

January 7, 2010

- | | |
|---|--|
| 1. Project title and location: | Use Permit Application No. 2009-06 - Las Artistas Night Club

1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area.
APN: 056-018-001 |
| 2. Project Applicant name and address: | Kenneth Kaestner
Kaestner Architect
P.O. Box 1777
Empire, CA 95319 |
| 3. Person Responsible for Implementing Mitigation Program (Applicant Representative): | Kenneth Kaestner |
| 4. Contact person at County: | Sean Purciel, Associate Planner (209) 525-6330 |

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

I. AESTHETICS

- No. 1 Mitigation Measure: All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures and other illuminated objects. Additionally, all outside storage shall be screened from public view.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	Stanislaus County Department of Environmental Resources

XII. NOISE

- No. 2 Mitigation Measure: The applicant shall install or verify that all joints in exterior walls and the roof shall be sealed airtight at the perimeter and at major seams.

Who Implements the Measure:	Applicant
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- When should the measure be implemented: Ongoing
- When should it be completed: Ongoing
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff
- No. 3 Mitigation Measure: The applicant shall verify that all above ground penetrations of exterior walls and roof by electrical and plumbing components shall be sealed airtight on both sides of the assembly with a resilient, non-hardening caulking or mastic.
- Who Implements the Measure: Applicant
- When should the measure be implemented: Ongoing
- When should it be completed: Ongoing
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff
- No. 4 Mitigation Measure: The applicant shall verify that any new or existing doors shall weigh a minimum of 5 pounds per square foot and where double doors exit.
- Who Implements the Measure: Applicant
- When should the measure be implemented: Ongoing
- When should it be completed: Ongoing
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: Stanislaus County Department of Environmental Resources
- No. 5 Mitigation Measure: The applicant shall keep all doors closed during the operating hours of the night club, opened only to let customers in and out of the building. Where possible, only use the doors on the east side of the building as the main entrance and exit.
- Who Implements the Measure: Applicant
- When should the measure be implemented: Ongoing
- When should it be completed: Ongoing
- Who verifies compliance: Stanislaus County Sheriff
- Other Responsible Agencies: N/A

No. 6 Mitigation Measure: All loudspeakers and music must be kept inside the night club. No speakers may be installed on the outside of the building.

Who Implements the Measure: Applicant
When should the measure be implemented: Ongoing
When should it be completed: Ongoing
Who verifies compliance: Stanislaus County Sheriff
Other Responsible Agencies: Stanislaus County Department of Planning and Community Development

No. 7 Mitigation Measure: The interior sound levels shall not exceed 95dB(A) average over an hour.

Who Implements the Measure: Applicant
When should the measure be implemented: Ongoing
When should it be completed: Ongoing
Who verifies compliance: Stanislaus County Sheriff
Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Department of Planning and Community Development

XIV. PUBLIC SERVICES

No. 8 Mitigation Measure: The applicant shall comply with the Stanislaus County Sheriff's Department Security Plan.

Who Implements the Measure: Applicant
When should the measure be implemented: Ongoing
When should it be completed: Ongoing
Who verifies compliance: Stanislaus County Sheriff
Other Responsible Agencies: Stanislaus County Department of Planning and Community Development

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file. _____
Person Responsible for Implementing
Mitigation Program

December 22, 2009 _____
Date

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2009-06 - Las Artistas Night Club

LOCATION OF PROJECT: 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. APN: 056-018-001

PROJECT DEVELOPER: Kenneth Kaestner
Kaestner Architect
P.O. Box 1777
Empire, CA 95319

DESCRIPTION OF PROJECT: This is a request to change the use of a 12,487 square foot retail market to a night club on a one-acre property. The request requires a Use Permit when located within two hundred feet of a Residential zoning district boundary. The project is proposing opening four nights a week, from 9:00 p.m. to 2:00 a.m., Thursday through Sunday, and the project is proposing live music, a bar, a lounge and dancing. The applicant has submitted a plan that has approximately 396 seats. Parking for the proposal has been determined to be 132 required parking spaces. On-site parking will be 41 spaces, and 23 parking spaces on the adjacent property will be counted as on-site parking. Additional parking will be located south of the property (1647, 1715 and 1739 Crows Landing Road) and also across Butte Avenue to the north (1647 Crows Landing Road). Parking off-site is proposed at 132 spaces.

Based upon the Initial Study, dated January 7, 2010, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include but not be limited to: the use of shielded light fixtures and other illuminated objects. Additionally, all outside storage shall be screened from public view.*
2. *The applicant shall install or verify that all joints in exterior walls and the roof shall be sealed airtight at the perimeter and at major seams.*
3. *The applicant shall verify that all above ground penetrations of exterior walls and roof by electrical and plumbing components shall be sealed airtight on both sides of the assembly with a resilient, non-hardening caulking or mastic.*

4. *The applicant shall verify that any new or existing doors shall weigh a minimum of 5 pounds per square foot and where double doors exit.*
5. *The applicant shall keep all doors closed during the operating hours of the night club, opened only to let customers in and out of the building. Where possible, only use the doors on the east side of the building as the main entrance and exit.*
6. *All loudspeakers and music must be kept inside the night club. No speakers may be installed on the outside of the building.*
7. *The interior sound levels shall not exceed 95dB(A) average over an hour.*
8. *The applicant shall comply with the Stanislaus County Sheriff's Department Security Plan.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Sean Purciel, Associate Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

Stanislaus County Sheriff's Department Security Plan

The Sheriff's Department recommends the following security plan conditions:

SECURITY:

1. A California State Licensed/Certified Security Company or Guard shall provide security for the business. The company shall be licensed to do business in Stanislaus County.
 - a. All security guards shall be licensed, as provisioned by California State Statute.
 - b. All Security guard applicants must be able to meet the application requirements by the Department of Consumer Affairs for a guard card/license.
 - c. All security guards currently employed and new hires shall have 60 days to come into compliance with the guard card requirements through the State.
2. There shall be at least one (1) security officer stationed at the entrance of the business during hours of dancing. These officers shall keep count of the patrons entering and leaving the business by use of two mechanical counting devices, one for those entering and one for those patrons exiting and made available for inspection by the Stanislaus County Sheriff department upon demand.
3. There shall be at least one (1) staff personnel stationed at every exit of the building.
4. There shall be one dedicated team of two (2) uniformed security guards on duty to patrol the outside of the premises including, but not limited to, the back alley and adjacent property during hours of operation. The guards are not to be counted as bouncers or doormen or the minimum ratio of security personnel. All security guards shall be licensed as provisioned by California State Statute at hire referenced in Condition #1.
5. There shall be one (1) state licensed and certified security guard per fifty (50) occupants inside the premises.

PERMIT REQUIREMENTS:

6. If the applicant/establishment is owned as a corporation or partnership, it shall provide to Stanislaus County Sheriff Department a full disclosure of all partners, and /or officers, including their addresses or phone numbers, must be reported to the Stanislaus County Sheriff Department within 3 business days of any changes.

7. This condition letter shall be posted along with the dance hall establishment permit in public view and available to law enforcement for inspection upon request.
8. There shall be no topless dancing, nude dancing and/or male, female revues permitted on the premises at anytime or any violation to the Adult Businesses Ordinance, SCC 21.68.010 through 21.68.080

UNIFORMS:

9. All private security guards and security staff/bouncers must be in light colored (white, yellow, tan or light gray) shirts and outer layering with the following on the back of the shirts or outer layering, in black or dark blue lettering: 'SECURITY'. Only black or blue lettering is permitted and no smaller than 4 inches in height. Lettering must be monogrammed, embroidered or silk-screened. The front of the shirts shall also display the name of the security company and/or the club name and 'SECURITY' in smaller, visible print. Dark colored pants are acceptable.

SAFETY PROVISIONS:

10. Occupancy for the premises shall be posted above the main entrance, visible to the public, and also posted above every bar(s) location within the establishment.
11. At no time shall the occupancy exceed the rated number posted for occupancy. If it is determined that the premise is over their posted occupancy, the Sheriff Department shall have the authority to restrict further entrance of patrons until the facility has abated their occupancy issue.
12. Entertainment provided by the licensee shall not be audible beyond the entertainment venue under the control of the licensee.
13. The licensee is responsible for the orderly disbursement of all patrons upon closing and within thirty (30) minutes prior to the establishments' closing time.
14. Security staff will remain on the premises until all patrons have left the vicinity of the premises and surrounding neighborhoods when the business closes, discourage any loitering in the parking areas to business during and at the close of the business.
15. At all times, during the hours of operation, the business shall remain open and accessible to law enforcement and the fire department.
16. A soft close is mandatory under the following conditions:
 - a. Dancing shall cease at approximately 2:30 A.M., so that patrons can be cleared from the establishment by 3:00 A.M.
 - b. All sales of alcohol must cease at 1:30 A.M.

- c. Consumption of alcohol must stop by 2:00 A.M. and drinks are to be collected and disposed of.
- d. No new patrons are to be allowed into the club after 1:30 A.M.
- e. No outside advertising of 'soft close' or after hours dancing.
- f. Patrons requesting taxi service or alternative transportation will be given reasonable assistance by the club management/security staff.
- g. Conditions to this soft close can be amended.
- h. The soft closing is revocable at any time by the Stanislaus County Sheriff department.

ABC REQUIREMENTS:

- 17. Licensee shall adhere to all conditions of their ABC license issued to the premises.
- 18. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the licensee.
- 19. On duty employees for the business shall not consume alcoholic beverages or be under the influence of an alcoholic beverage on the premises during hours of operation.
- 20. Those areas adjacent to the business shall be maintained litter free. All litter shall be removed within (3) three hours of closing time.

SPECIAL EVENTS:

- 21. Any valid establishment use permit holder that holds a special event shall notify the Stanislaus County Sheriff Department by submission of an Outdoor Entertainment Permit request.
 - a. A "special event" is defined as any live performance, concert, live music event, live entertainment or any person or persons including DJ's providing musical entertainment with live or recorded music.
 - b. The Stanislaus County Sheriff shall review the written permit request of the special event and determine, based upon past experience and/or research whether it is reasonably likely that the special event may draw a large attendance, evoke increased violence, noise, public drunkenness, drug-trafficking and other illegal activity.
 - c. The Stanislaus County Sheriff Department will notify the permit holder of its determination 15 calendar days before the event, provided the Stanislaus County Sheriff Department receives timely notice of the special event. If the Stanislaus County Sheriff Department determines that the special event is reasonably likely to draw a large attendance, evoke increased violence, noise, public drunkenness, drug trafficking or other illegal activities, the Stanislaus County Sheriff Department will require the dance establishment to increase its security requirements. The additional security required for any special event is an express condition of the dance

permit and is in addition to all other security requirements of the dance establishment permit.

- d. The use establishment permit holder and/or establishment manager must notify neighboring businesses, which will be affected by the special event, at least 24 days in advance of the special event.

FINES, SUSPENSION AND REVOCATION:

22. Any violations of these conditions, local ordinances or state laws, may result in administrative fines, or the immediate suspension and/or revocation of the Stanislaus County Use Permit.

Chief Mike Radford
Central Area Command

AEC

ACOUSTICAL ENGINEERING CONSULTANTS


ACOUSTICS • NOISE & VIBRATION CONTROL • AUDIOVISUAL SYSTEM DESIGN

Noise Impact Study For Las Artistas Nightclub At 1705 Crows Landing Road In Stanislaus County

Prepared for

Las Artistas Nightclub
1705 Crows Landing Road
Modesto, CA 95358

Prepared by



Brian R. Smith, Principal
INCE Board Certified

July 17, 2009
09-0110

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A. SUMMARY

A noise impact study was completed for the proposed Las Artistas Nightclub at 1705 Crows Landing Road in Stanislaus County. The nightclub will take over an existing building, formerly used as a retail space, approximately 120 feet east of single family homes. Aside from the residential property west of the project site, the remainder of the surrounding property is commercial. The facility is planned to be open only on Friday and Saturday nights from about 10:00 p.m. to 2:00 a.m.

Measurements were made at the project site to determine existing background sound sources and levels. Traffic on Crows Landing Road is the major noise source impacting the site and surrounding properties and will continue to be the major noise source for future conditions. Secondary sources include sound generated by traffic on Butte Avenue and other nearby roadways, barking dogs, train whistles on a nearby rail line, and general activity around the site. The nightclub will add sound sources to the existing acoustic environment, most notably, the sound reinforcement system within the club and general activity within the parking lot. Traffic generated by the project is not expected to raise day-night average, L_{dn} , sound levels by more than 1 dB on local roadways.

New stationary sound sources are regulated by performance standards within the Stanislaus County Noise Element [1]*. Once complete, the non-transportation sources associated with the project would have to meet the standards stipulated within the "Regulation of Nuisance Noise" section of the Stanislaus County Code [2], a policy that sets prohibitions of "loud and raucous" noise on a completely subjective basis. Las Artistas was evaluated per the requirements of the Noise Element. Limits within the Noise Element performance standards are based on hourly average, L_{eq} , and maximum, L_{MAX} sound level descriptors. Nighttime stationary sources are required to meet an hourly L_{eq} of 45 dB(A) at the residential property line to the west, with a 5 dB(A) penalty for noise that contains primarily speech or music as is the case for the nightclub sound system. Where measured existing "ambient" or background sound levels exceed the standards, the standards are increased to the ambient levels. Based on sound level measurements made at the site between 10:00 p.m. and 12:30 a.m., it was determined that on any given night existing hourly L_{eq} sound levels would not drop below 45 dB(A) at the residential property line. Therefore, 45 dB(A) was used as the residential property line design limit for sources associated with the nightclub.

Acoustical modeling was performed to determine the potential for noise impacts on nearby residential properties. Assuming an interior hourly L_{eq} sound level limit of 95 dB(A) within the nightclub and with the existing construction and proposed modifications to the nightclub building, sound levels at the nearby residential property line are not expected to exceed 45 dB(A) over any given hour due to the sound system. No mitigation is required. This assumes certain minimum construction and operational requirements are met as described at the end of this report. Despite meeting the performance standards of the Noise Element, the owners must retain control over the volume of the sound system in case the activities are subjectively considered a "nuisance" per the County Code. Normal vehicle and

* - Number in brackets refers to references listed at the end of this letter report.

human activity within the parking lot is not expected to exceed the 45 dB(A) design limit assuming vehicles and car stereos meet applicable standards within the California Motor Vehicle Code [3]. Customers of the nightclub must also be responsible for their own noise levels in the parking lot so as to not disturb nearby residents.

B. NOISE REGULATIONS

There are two documents used for assessing noise impacts within Stanislaus County; the Noise Element of the General Plan [1] and "Regulation of Nuisance Noise" within the County Code [2]. The Noise Element addresses noise impacts from both transportation and non-transportation sound sources. A typical noise ordinance with specific numerical sound level limits is not within the Stanislaus County Code and only a "Regulation of Nuisance Noise" exists in the County Code that uses subjective metrics to evaluate noise impacts.

B.1 County Noise Element

The Stanislaus County Noise Element contains acoustical criteria for both transportation and "stationary" noise sources. Noise levels from transportation sound sources, such as road or rail traffic, are typically used to address potential noise impacts on new residential or other noise sensitive developments. The transportation noise criteria can also be used to address impacts from potential increases in road traffic or other transportation noise as a direct result of the new project. Acoustic criteria contained in the Noise Element for transportation sound sources are based on the day-night average, L_{dn} , or Community Noise Equivalent Level (CNEL) sound level. The L_{dn} noise descriptor averages measured or predicted sound levels over 24-hours after applying a 10 dB penalty to nighttime (10 p.m. to 7 a.m.) sounds. An acoustical study is needed when noise-sensitive land uses will be subjected to day-night average sound levels, L_{dn} greater than 60 dB.

Potential stationary or non-transportation sound sources associated with a new project are regulated by Table 4 of the Noise Element. Hourly average, L_{eq} , and maximum, L_{MAX} , sound level descriptors are used to regulate stationary noise sources with limits as shown in Table 1 below:

TABLE 1. Maximum Allowable Noise Exposure for Stationary Noise Sources from Table 4 of Stanislaus County Noise Element.

Land Use	Noise Level Descriptor	Exterior Sound Level in dB(A)	
		7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
Residential or Other	Hourly L_{eq} , dB(A)	55	45
Noise Sensitive	Maximum, L_{MAX} , dB(A)	75	65

The limits presented in Table 1 apply to the property line of the receiving land use. A 5 dB(A) penalty reduces the limits of Table 1 for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. Where measured ambient (existing background) noise levels exceed the standards, the standards are increased to the ambient levels.

B.2 Stanislaus County Code Noise Regulation

Chapter 10.46 of the county code is the only noise regulation enforced by law that currently exists. It is not a typical noise ordinance that specifies numerical limits, rather, it is a policy on "nuisance noise." The policy states "It is unlawful for any person to willfully or knowingly make, continue, or cause to be made or continue any loud and raucus noise." It contains numerous subjective factors for evaluating a potential impact and is ultimately at the discretion of the enforcing officer to determine if a violation exists. The regulation specifically declares the "loud and raucous" use of a sound reinforcement system, playing of instruments and people speaking, whistling, or singing loudly as public nuisances.

C. SITE & PROJECT DESCRIPTION

Las Artistas is a proposed 12,000 square foot nightclub at 1705 Crows Landing Road in Stanislaus County. The nightclub is anticipated to be open from 10:00 p.m. to 2:00 a.m. on Friday and Saturday nights only. A former "Bargain Hunters" discount store building is being renovated to house the nightclub. The nightclub will occupy the east portion of the building with restrooms and offices in a divided area on the west side of the building. The interior features multiple stages with a mix of live and pre-recorded music played through an installed sound system. The walls are mostly painted concrete block with metal entrance doors along the north and east sides of the building. According to the site plan provided by the architect [4], the main parking for the facility will be along the north side of the building, with overflow parking to the south and staff parking to the west.

Surrounding property is a mix of residential and commercial uses. Properties to the east, north, and south are commercial while land to the west is single-family residential. A 20-foot wide alley exists between the Las Artistas commercial property line and the residential property line to the west. The west face of the nightclub building is approximately 120 feet from the parallel residential property line.

D. MEASUREMENT EQUIPMENT & METHODS

Standard sound measuring equipment was used during the tests. Field sound measurements were made using one CEL 593 (s/n 016672) Sound Analyzer and one CEL 573 Sound Analyzer (s/n 3/0511876). Both CEL meters employ ½ inch random incidence condenser microphones. A CEL Type 284/2 calibrator was used to calibrate these meters and the microphones to 114 dB at 1000 Hz before beginning measurements. These meters conform to the requirements of a Type I meter per American National Standards Institute [5]. A windscreen covered each microphone during all sound measurements. All meters can measure statistical sound levels such as the L_{25} , L_{50} and L_{90} . These are, respectively, the sound levels exceeded 25 percent, 50 percent and 90 percent of the time. The sound level meters also capture the maximum sound level, L_{MAX} and the average sound level, L_{eq} .

Field sound measurements were made on June 30, 2009 between 10:20 p.m. and 12:25 a.m. at two positions on the project site. Microphones were mounted on tripods 5.5 to 6 feet above ground level. For all positions, sound levels were measured during consecutive five minute intervals to identify sources and variations in sound with time. Data was also acquired in 1 second intervals at each position. A summary description of each test position

follows:

- a. Position #1: Within the alley west of the nightclub building. Approximately 115 feet south of the road edge of Butte Avenue along the west commercial property line.
- b. Position #2: Near the northwest corner of the proposed Las Artistas building.

E. SOUND SOURCES

E.1 Existing

Traffic on Crows Landing Road is the major sound source affecting existing properties near the proposed Las Artistas nightclub site. Sound of traffic on Butte Avenue and traffic on other local roads also contributed to the existing acoustic environment. Other sources of sound include barking dogs in the backyards of nearby residents, distant train horn blasts, and general human activity.

E.2 Existing Plus Project

Road traffic on Crows Landing Road will continue to dominate the daytime and nighttime acoustic environment near the project site. The nightclub will add several sources of sound to the existing acoustical environment including the sound reinforcement system within the building, mechanical equipment for heating and cooling, as well as vehicles and people in the parking lot.

E.3 Cumulative Plus Project

The number of sound sources will only increase in the future. Traffic will increase on Crows Landing and other local roadways. Other sources will be added as surrounding commercial properties are built-out. As a result, the significance of the nightclub sound sources will be reduced for future conditions.

F. EXTERIOR ACOUSTIC ENVIRONMENT

F.1 Existing

Field sound measurements were used to evaluate the existing acoustic environment. A measurement time period of between 10:00 p.m. and 12:30 a.m. was chosen to represent typical background sound levels when the nightclub is expected to be open. Averages of the 5-minute test samples were computed for the test period. Averages of the short interval sound levels and other statistical descriptors are given in Table 2.

TABLE 2. Sound Levels Measured at Two Positions on the Las Artistas Nightclub Project Site.

Position	Time of Day	Measured Sound Level, dB(A)						
		L_{eq}	L_{MAX}	$L_{1.7}$	$L_{8.3}$	L_{25}	L_{50}	L_{90}
#1	22:20-23:00	55	73	65	57	53	50	46
	23:00-0:00	50	72	56	52	49	48	45
	0:00-0:25	49	64	58	53	49	47	44
	22:20-0:25	52	73	60	54	51	48	45
#2	22:50-23:00	57	68	65	62	58	53	48
	23:00-0:00	58	84	66	61	57	53	47
	0:00-0:25	57	74	67	61	57	51	46
	22:50-0:25	57	84	66	61	57	52	47

Background L_{eq} sound levels, or “ambient” as defined by the Stanislaus County Noise Element, ranged from about 49 to 55 dB(A) at Position #1 due mostly to road traffic on Crows Landing Road, but also influenced by transient events. Position #1 is within the alley between the Las Artistas building and the residential property line. Displayed in Figure 1 are the results of continuous measurements made at Position #1. As shown in the figure, average sound levels in 5-minute intervals ranged from about 47 to 59 dB(A) during the over two hours of testing. Average sound levels generally followed the L_{25} sound level descriptor for the entire test period, indicating that the sound sources were not continuous. This is mostly a result of the time period of testing, when vehicle traffic was sporadic on both Crows Landing Road and Butte Avenue. Also, sound levels trended lower as the time approached the early morning hours and general activity slowed. Based on the late night and early morning measurements on a Tuesday, it is safe to assume that hourly average, L_{eq} , sound levels will do not drop below 45 dB(A) between the hours of 10:00 p.m. and 2:00 a.m. on a Friday or Saturday night at the nearby residents west of the nightclub building.

Sound levels for Position #2 were higher than those measured for Position #1 because of the closer proximity to the major noise source, traffic on Crows Landing Road. Background L_{eq} sound levels ranged from about 53 to 59 dB(A) at Position #2 as displayed in Figure 2.

F.2 Existing Plus Project

Several new sources will be added to the existing acoustic environment by the nightclub. The primary sound source will be music from the sound reinforcement system within the nightclub building. Secondary sources will include vehicles and general activity within the parking lot areas. Building mechanical equipment will remain unchanged from when the building operated as a retail store, therefore, it is not a new source associated with the project.

From previous project experience of measuring and monitoring outdoor concerts of touring rock bands as well as measurements within similar nightclubs, it is estimated that

hourly average sound levels will not exceed 95 dB(A) within Las Artistas. Shorter duration measurements may exceed this level, but the hourly average should not. Acoustical modeling was performed to predict sound levels at the nearby residential property line. Based on the construction and layout of the nightclub, sound levels from within the nightclub are predicted to be 45 dB(A) or less at the residential property line to the west. The nighttime hourly L_{eq} sound level limit is 40 dB(A) per the Noise Element when the penalty for music is included. Existing hourly L_{eq} background sound levels are 45 dB(A) or greater during the 10:00 p.m. to 2:00 a.m. operation of the nightclub, therefore, 45 dB(A) is the new limit. As predicted, worst case sound levels within the nightclub will not exceed the Noise Element limits. This assumes that the doors to the nightclub are kept closed and that certain minimum construction standards are followed.

Sound levels from vehicles or people in the parking lot are difficult to quantify, especially when trying to estimate an hourly L_{eq} or maximum L_{MAX} sound level. Vehicle exhaust and car stereo sound levels that meet the California Motor Vehicle Code will meet the sound level limits at the residential property line without the need for a property line wall. It is possible that car door closures could exceed the maximum sound level limits in the Noise Element at the residential property line, but this is easily remedied by only allowing employees to park in spaces along the west property line of the project and instructing those employees to close their doors softly when leaving. The increased distance of the remaining parking spaces should be such that the limits are not exceeded.

Additional road traffic generated by the project is insignificant compared to the Average Daily Traffic (ADT) volumes of Crows Landing Road. The additional road traffic created by the project is expected to raise day-night average, L_{dn} , sound levels by less than 1 dB(A) in the surrounding neighborhood.

G. NOISE IMPACT

The change in exterior sound levels from existing to existing plus project is expected to be insignificant for the surrounding residential properties relative to the County's Noise Element without modification. No mitigation is necessary.

The lack of a noise ordinance and the use of a noise nuisance regulation in the county code opens the door for nearby residents to complain about potential noise despite meeting the Noise Element sound level limits at the property line. The owners and operators of Las Artistas should retain control of interior sound levels through a volume control on the sound system should any complaints arise. Customers of Las Artistas should also be encouraged to keep sound levels down in the parking lot as a good neighbor policy.

H. DESIGN ASSUMPTIONS

No mitigation is required to meet the Noise Element standards. This assumes minimum construction and operation requirements are met for the project. These requirements are outlined below:

I General Requirements

- A. All joints in exterior walls and the roof shall be sealed airtight at the perimeter and at major seams.
- B. All above ground penetrations of exterior walls and roof by electrical and plumbing components shall be sealed airtight on both sides of the assembly with a resilient, non-hardening caulking or mastic.
- C. Any new or existing doors shall weigh a minimum of 5 lbs./sq.ft. and include full perimeter door seals such that no light is visible around the perimeter of the door or between doors where double doors exist.
- D. All doors must be kept closed during the operating hours of the nightclub, opened only to let customers in and out of the building. Where possible, only use the doors on the east side of the building as the main entrance and exit.
- E. All loudspeakers and music must be kept inside the nightclub. No speakers may be installed on the outside of the building.
- F. Predicted exterior sound levels are based on interior sound levels not exceeding 95 dB(A) averaged over an hour.

I. REFERENCES

- 1. *Stanislaus County General Plan, Chapter 4 Noise Element*, Last amended April 18, 2006.
- 2. *Chapter 10.46: Regulation of Nuisance Noise*, Stanislaus County Code.
- 3. *Sections 27150 and 27007*, California Motor Vehicle Code.
- 4. "Las Artistas Night Club, 1705 Crows Landing Road," Site Plan & Architectural Drawings, by Kaestner Architect, Empire, CA; APN# 56-18-01, date unknown.
- 5. American National Standards Institute, ANSI, *Standard Specification for Sound Level Meters, S1.4-1983 (Precision)*

**Las Artistas Nightclub, Crows Landing Rd
Site 1: Alley West of Project Site Near Residents**

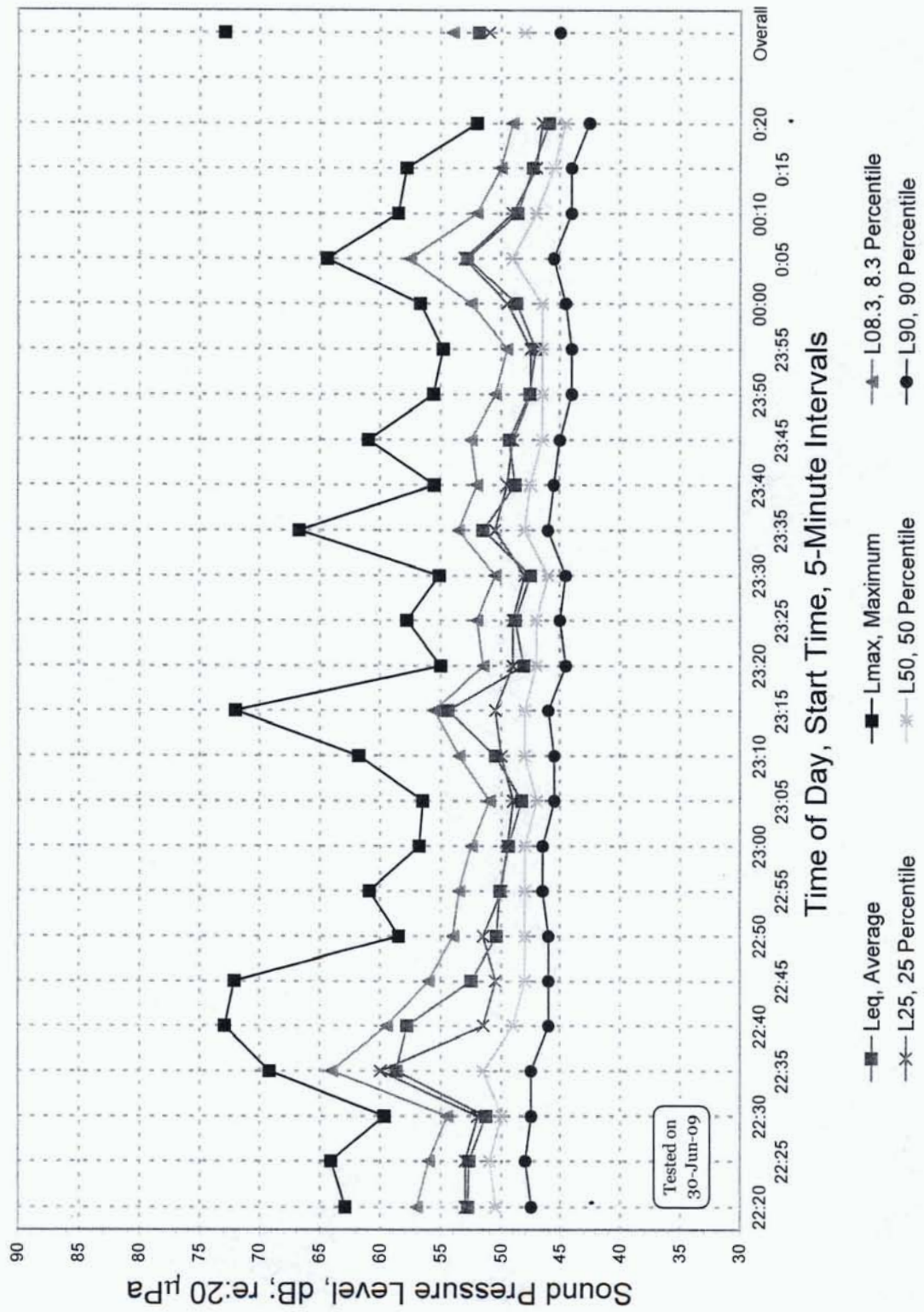


Figure 1. Variation in Statistical Descriptors of Sound at Position #1 Within the Alley West of the Site.

Las Artistas Nightclub, Crows Landing Rd
 Site 2: Northwest Corner of Nightclub Building

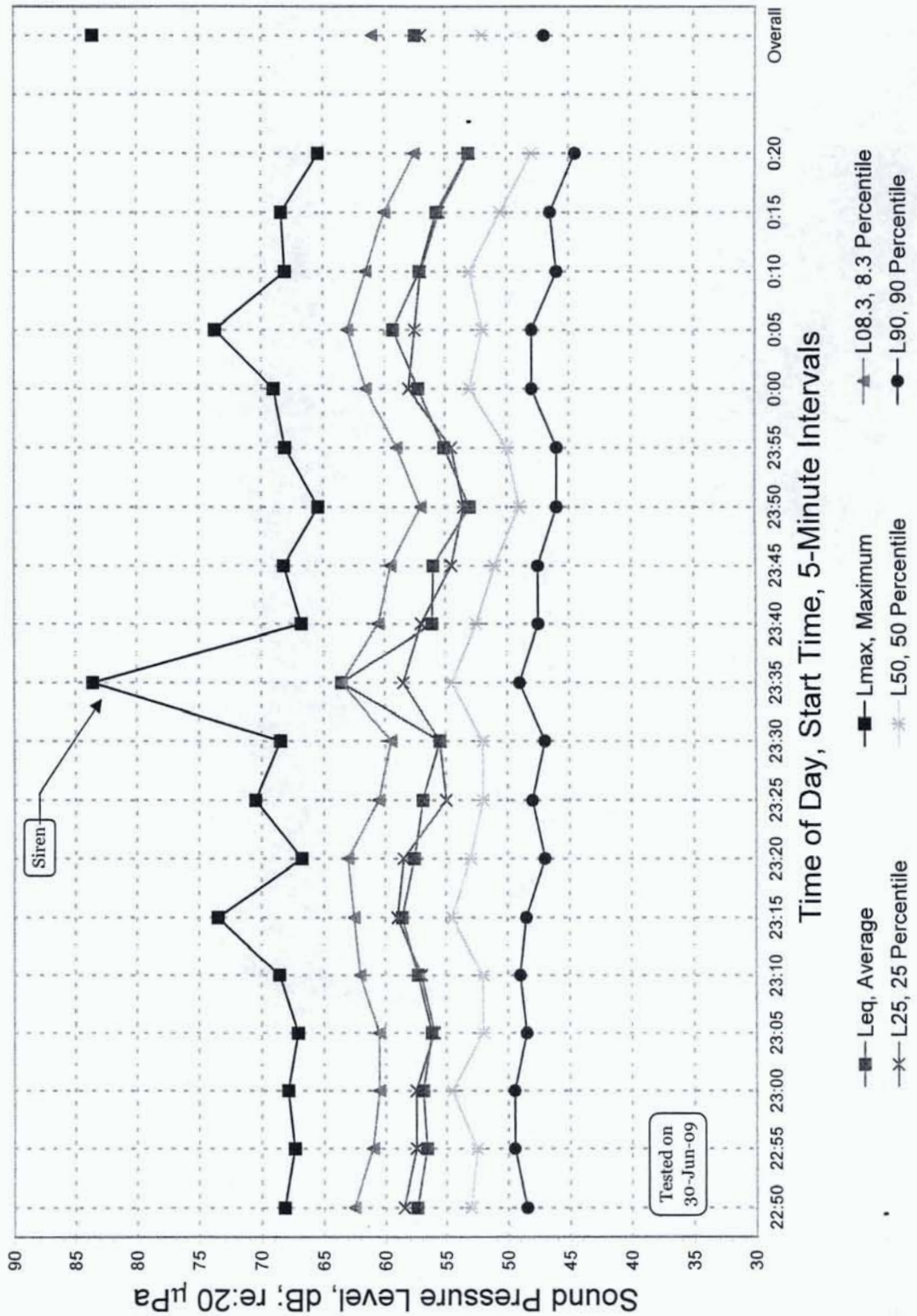
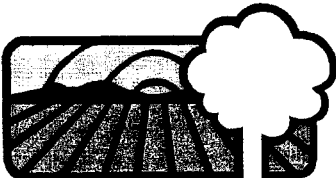


Figure 2. Sound Level Variations Measured in 5-min Intervals at Position #2, NW Corner of the Building.



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October 30, 2009

Sean Purciel
Stanislaus County Planning
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: PRR-09-011, Use Permit Application 2009-06, Las Artistas Nightclub, 1705 Crows Landing Road (APN 056-018-001)

Dear Mr. Purciel,

This is in regards to the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal for a Use Permit for a nightclub in an existing 12,487 square foot retail building. The application as originally proposed included live music, a bar, a lounge and dancing, for up to 800 patrons. The application was later revised to demonstrate 553 total seats in the proposed nightclub/bar and to propose shared parking at three separate off-site parcels on the west side of Crows Landing Road in the County unincorporated area.

On October 28, 2009, the property's owners met with the Director of Community and Economic Development to discuss the issues pertaining to shared parking with neighboring parcels. The owners presented a revised floor plan that reduces the number of seats to 396, and a revised site plan that demonstrates 42 on-site parking spaces with an additional 22 spaces located at the contiguous parcel to the south, those spaces being adjacent to the existing building and available for sharing with the proposed nightclub by way of a separate agreement between the respective property owners.

Modesto Municipal Code Section 10-2.2002(b) requires one off-street parking space for each three seats in a nightclub/bar use. At 396 seats, the number of parking spaces that must be allotted overall for the proposed nightclub is 132 spaces.

Per MMC Section 10-2.2002(h)(1) & (2) and MMC Section 10-2.2004(e), shared parking between the proposed nightclub and other properties for the remaining 66 required spaces may be considered, provided that:

- (1) The property's owner and applicant demonstrates that the proposed nightclub is open substantially different hours or days of the week from all other uses providing parking spaces to share;
- (2) The area where required parking is provided shall be located no more than four hundred (400) feet walking distance from the use it serves, the distance being measured along sidewalks, alleys and crosswalks from the nearest point of the parking area to the nearest point of the building;
- (3) The parking spaces for both uses comply with all other requirements of the parking ordinance (Title 10, Article 20, Modesto Municipal Code). This includes demonstration of access to shared parking by way of agreements and/or covenants between all property owners for the use of shared parking.

Lastly, due to significant safety concerns, the City cannot support the use of shared parking located at any parcel on the east side of Crows Landing Road. Crows Landing Road is a five-lane arterial roadway with high volumes of commercial truck traffic, resulting in a significant potential for collisions between vehicles and nightclub patrons attempting to access parking on the east side of Crows Landing Road.

If you have any questions concerning this letter, please contact me at (209) 577-5465.

Sincerely,



Katharine Martin, Associate Planner

cc: Brent Sinclair, C&ED Director
Steve Mitchell, Principal Planner
Patrick Kelly, Planning Division Manager



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September 25, 2009

Sean Purciel
Stanislaus County Planning
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: PRR-09-011, Use Permit Application 2009-06, Las Artistas Nightclub, 1705 Crows Landing Road (APN 056-018-001)

Dear Mr. Purciel,

This is in response to the revised site plan of the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal for a Use Permit for a nightclub in an existing 12,487 square foot retail building. The application proposes live music, a bar, a lounge and dancing, with the times of operation to be Thursday through Sunday, 9:00 PM to 2:00 AM, with a staff of 30 serving up to 800 patrons during business hours. The application was revised to demonstrate 553 total seats in the proposed nightclub/bar and to propose shared parking at three separate off-site parcels on the west side of Crows Landing Road, located at 1647, 1715, and 1739 Crows Landing Road in the County unincorporated area. The project site is located within the City of Modesto's Sphere of Influence. According to the City's General Plan, this area is designated for Commercial use.

After review of the revised site plan, the following issues remain:

1. Per Modesto Municipal Code Section 10-2.2002(b), one off-street parking space is required for each three seats in a nightclub/bar use. Based on this standard, 184 parking spaces are required for the proposed nightclub/bar. The revised site plan reflects 40 off-street parking spaces located on-site and approximately 124 spaces located at parcels under different ownership to the south and north of the project site. The number of proposed parking spaces is well short of the minimum required by code.
2. Per the Modesto Municipal Code Section 10-2.2002(h)(1) & (2), shared parking between two different properties may be considered provided (1) a maximum of fifty (50) percent of the requirement for one use may be provided by the spaces for another use if the two uses are open substantially different hours or days of the week, and (2) the parking spaces for both uses comply with all

other requirements of the parking ordinance (Article 20, Title 10, Modesto Municipal Code).

According to the proposed shared parking plan, 124 parking spaces are proposed off-site to be shared which far exceeds the number permitted to be shared (50%); The hours of operation of uses with parking proposed to be shared does not lend toward shared parking for the proposed nightclub/bar. For example, the parcel to the south of the project site contains two or more taco trucks and related parking, and an automotive dealership. Parking spaces used for inventory cannot be considered as part of the nightclub's proposed parking allotment. If the taco trucks are in operation during the nightclub's open hours, the parking spaces used by the taco trucks cannot be considered as part of the nightclub's proposed parking allotment.

The existing parking at the east side of the retail building shown at 1647 Crows Landing Road (APN 056-017020) does not meet city standards for parking spaces at a retail/office location, in that they are too close to the Crows Landing right of way and cannot be exited without backing onto Crows Landing Road, running the risk of collision by oncoming traffic. Due to this substandard and unsafe situation, the subject spaces cannot be considered as part of the nightclub's proposed parking allotment. For the reasons cited above, the proposed shared parking concept does not comply with the Modesto Municipal Code.

3. Prior concerns about the nightclub's patrons choosing to park on nearby Winmoore Way due to the limited number of on-site parking spaces remains a significant safety issue. Crows Landing Road is a five-lane arterial roadway, and the potential for collisions between vehicles and pedestrians attempting to access Winmoore Way remains high.

For the reasons cited above, the proposed Use Permit cannot be supported by the City of Modesto Community and Economic Development Department, Planning Division.

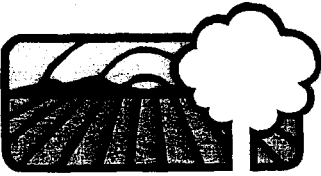
Thank you for the opportunity to comment on this project. If you have any questions concerning these comments, please contact me at (209) 577-5465.

Sincerely,



Katharine Martin, Associate Planner

cc: Steve Mitchell, Principal Planner
Patrick Kelly, Planning Division Manager



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May 26, 2009

Sean Purciel
Stanislaus County Planning
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: PRR-09-011, Use Permit Application 2009-06, Las Artistas Nightclub, 1705 Crows Landing Road (APN 056-018-001)

Dear Mr. Purciel,

This letter is in response to the Referral/Early Consultation submitted by Stanislaus County for the application listed above, proposal for a Use Permit to allow a nightclub in an existing 12,487 square foot retail building. The application proposes live music, a bar, a lounge and dancing, with the times of operation to be Thursday through Sunday, 9:00 PM to 2:00 AM, with a staff of 30 serving up to 800 patrons during business hours. The application also proposes the use of shared parking at an off-site shopping center located at the northeast corner of Crows Landing Road and Winmore Way.

The project site is within the Baseline Urbanized Area of the City of Modesto's Sphere of Influence. According to the City's General Plan, this area is designated for Commercial use. The off-site shopping center proposed for shared parking is located within the City's Incorporated Area at the northeast corner of Crows Landing Road and Winmore Way, and is zoned for C-1 Neighborhood Commercial uses.

The proposal was referred to the City's Police, Land Development Engineering, and Fire departments for review and comment. The comments received are outlined as follows Planning Division comments below:

Community and Economic Development Department, Planning Division
(Katharine Martin, Associate Planner, 209-577-5267)

As specified by the project's "area plan" (sheet T-1), 45 parking spaces would be provided on-site, 45 additional parking spaces would be provided at an adjacent lot to the south, and 65 spaces would be shared off-site at an unidentified location across the street. However, a parking plan hand-drawn over an aerial photograph included with the application proposes that 40 parking spaces would be provided at the

adjacent parcel to the south, and 69 spaces would be shared with an off-site shopping center across Crows Landing Road.

As the project proposes to share parking with an off-site shopping center located within the City's jurisdiction, the City of Modesto Municipal Code will apply to this use of parking. City staff is very concerned about the safety of patrons crossing Crows Landing Road to reach vehicles parked across the street at the shopping center. As the nightclub's patrons would be exiting the nightclub in varying degrees of intoxication and at a very late hour in the middle of the night, the risk for collision by oncoming traffic is extremely high. See comments from the Police Department below for further details of staff's concerns.

In order to share parking with the off-site shopping center located within the City's jurisdiction, an approval by the City's Board of Zoning Adjustment (BZA) is required. The BZA may approve joint use of parking if it meets the following criteria: a maximum of fifty (50) percent of the requirement for one use may be provided by the spaces for another use if the two uses are open substantially different hours or days of the week. The City Zoning Code further specifies that if the properties where the use and the required parking are located are owned by different parties, a covenant shall be recorded by the owner of the parking lot to ensure that the parking will be maintained as long as the use requiring it continues.

In order to present this proposal to the Board, a formal City of Modesto Uniform Planning Application for a Plot Plan Review must be submitted. The application for the Plot Plan Review must include the consent of all property owners of the off-site shopping center's parcel(s) in the form of signatures on the Uniform Planning Application as well as copies of title reports or deeds for each parcel, and a complete parking study to analyze the parking needs of the shopping center. The application will need to follow the City of Modesto Zoning Application Submittal Requirements.

However, the applicant should be aware that due to the concerns with providing parking across Crows Landing Road, City staff would not be able to recommend that the BZA approve such a proposal.

Police Department (Lt. Christopher Fuzie, MPD Traffic Unit 209-572-9592)

Traffic Impact

- The proposed nightclub is at the corner of Crows Landing and Butte and Crows Landing and Winmore. This intersection is controlled with traffic signals, however it has insufficient crosswalks to accommodate 800 patrons, many of whom will have been drinking, leaving the club to walk across to the added parking on the east side of Crows Landing.
 - Frequently, pedestrians will become frustrated with waiting for pedestrian crossing lights and will take the shortest route (in this case a diagonal route) across the street the their vehicles.
- The potential for auto/pedestrian, injury and fatal collisions is greatly increased during this time with vehicles and pedestrians all attempting to leave in different directions.
- Crows Landing Road is already a 5 lane arterial roadway with a 35 mile per hour speed limit, however many large trucks use this roadway at all hours of

the day and night, especially during harvest season for tomatoes, and there is increased potential for collisions located directly adjacent to the proposed night club.

- Collisions on this section of Crows Landing Road would be within the County Jurisdiction and require response by CHP, however I am confident Modesto Fire and Modesto PD would be dispatched to respond also.

Parking Impact

- With an expectation of approximately 800 patrons on Thursday, Friday, Saturday, and Sunday nights, there will be a larger than average need for parking. The proposed site only has 45 "onsite" parking spaces, and 109 "offsite" parking spaces. That means only 154 total parking spaces for 800 patrons. This would require approximately 5 people per vehicle to stay within the limits of the parking lots and still bring the expected number of patrons. I don't believe this is an adequate parking plan for a business bringing in the numbers of patrons listed in the document.
- Due to the limited number of parking spaces, it is foreseeable that many patrons will chose to park in the residential (county) areas on the west side of Crows Landing Road (on Butte and Eureka Streets)
- Other patrons could foreseeably park along Winmore Way, which would also increase the potential for crime victims walking to/from their vehicles.

General Law Enforcement Concerns

- Security for parking is discussed in the plan; however there is no direct mention of impact to crime in the parking lots.
- An increase in vehicle burglaries, robberies, etc would need to be reported to the City of Modesto Police Department due to the jurisdictional issues. This would increase the number of officers required for this service area of the city. Currently there is one officer assigned to this area of town. (Beat 31)
- An increase in patrons from outside the Modesto Area will bring additional sets or subsets of gang related activity due to the proximity of gangs in the area of the proposed club.

Land Development Engineering, Capital Facilities Planning (Eva Danka-Kelly, Capital Facilities, 209-571-5120)

Water

- There are existing City water mains in Crows Landing Road and Butte Avenue, for connection availability, a Will serve letter has to be applied for and obtained from the City prior to connection.
- Water Related Fees: To calculate water related fees proceed to the following website <http://www.modestogov.com/ced/engineering/> and click on the Water Related Fees Link.

Sewer

- There are existing City sewer mains in Crows Landing Road and Butte Avenue, for connection availability, a Will serve letter has to be applied for and obtained from the City prior to connection.

Land Development Engineering, Stormwater (Dhyan Gilton, Land Development Engineering, 209-577-5264)

- Prior to the issuance of a Grading or Building Permit, Developer shall provide plans for trash enclosure floor:
 - a. To be sufficiently elevated to prevent stormwater run-on from parking lot, and;
 - b. To be graded to drain to an adjacent landscape area.
 - c. As an alternative to items a & b, trash enclosure can be covered with a roof.
 - d. Trash enclosure runoff can not flow to City storm drain.
- Not a Condition of Approval: Project will be subject to a Wastewater Capacity Charge. Go to: <http://www.modestogov.com/ced/engineering/> and click on the Wastewater Capacity Charge link to obtain an estimate of wastewater fees for project, or call Land Development Engineering at (209) 577-5264.

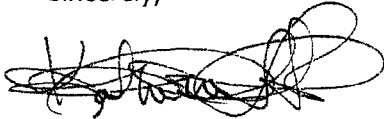
Fire Department (Paul Easter, Deputy Fire Marshall, 209-571-5516)

- Change of Occupancy Classification is required from "M" to "A-2". Contact the Building Department for specific requirements.
- Fire hydrant spacing and distribution for this business is 300' O.C. A fire hydrant is required to be within 90' of a Fire Sprinkler System Fire Department Connection (FDC)
- Please show on plans the location of Sprinkler Fire Department Connection, check valves and fire hydrants.
- A fire alarm system installed in accordance with NFPA 72 is required.

For the safety reasons cited above, Planning Staff cannot support the proposal for shared parking at any location on the east side of Crows Landing Road or Winmore Way. Should the applicant decide to pursue Plot Plan Approval from the City's Board of Zoning Adjustment for shared parking at parcels within the City's jurisdiction, Planning Staff would recommend denial of the application to the Board.

Thank you for the opportunity to comment on this project. If you have any questions concerning these comments, please contact me at (209) 577-5465 or the other staff members noted above.

Sincerely,



Katharine Martin, Associate Planner

cc: Steve Mitchell, Principal Planner
Patrick Kelly, Planning Division Manager

Sean Purciel - Fw: Los Artistas Nightclub on Crows landing Road

From: maggie mejia
To: , Angela Freitas
Date: 3/15/2010 2:49 PM
Subject: Fw: Los Artistas Nightclub on Crows landing Road

I previously sent this email out to those listed below. I would like this to please be shown on the record.

Thank you

Maggie Mejia
4113 Mayfield Drive
Modesto, CA 95356
(209) 303-2664

----- Forwarded Message -----

From: maggie mejia <mejiam3@sbcglobal.net>
To: Jim DeMartini <DEMARTINI@stancounty.com>; Adam Christianson <chradam@stanislaussheriff.com>; Mike Harden <hardenm@modestopd.com>; Jim Miguel <jmiguel@modestofire.com>; Jim Ridenour <jridenour@modestogov.com>; Dave Geer <dgeer@modestogov.com>; Lenley Duncan <lcduncan@CHP.ca.gov>
Cc: Rebecca Harrington <raharrington_99@yahoo.com>; Raul Mendez <MENDEZR@stancounty.com>
Sent: Fri, March 12, 2010 10:07:09 PM
Subject: Los Artistas Nightclub on Crows landing Road

I attended the South Modesto MAC Thursday evening and withdrew my support for Los Artistas Night Club.

I am aware that this is coming before the Planning Commission on April 1, 2010 and I will be sending a letter prior to that date with my opposition.

I was at a MAC meeting last Summer and gave my support under the Crowslanding Road of Stanislaus County Comerciantes Unidos at that time because Crows landing Road needs an economic boost, but now I see that the entire Nation needs an economic boost.

These are some of following reasons why I am withdrawing my support:

1. Stanislaus County has had many budget cuts since last Summer, and far too many of them are with the Sheriff's Department and the District Attorney's office. The State of California has had budget cuts and the California Highway Patrol has been effected due to the budget cuts. The City of Modesto is experiencing budget cuts in the Modesto Police Department and the Fire Department. With all the cuts that have occurred and will continue to come in the future, I withdraw my support due to Safety Issues.
2. The Gang Injunction is working in South Modesto. With a nightclub that brings top Latino entertainment it will draw more people to South Modesto in the evening, and many will be Gang members from other areas of Modesto, the County and surrounding Counties.
3. You will get many patrons of Los Artistas that will drive expensive vehicles. You will see more auto thefts and Modesto will climb to the top once again with auto thefts.
4. The curfew with the Gang Injunction is working, but will it work with the Minors that may not get

- into the Night Club but will linger in the vicinity?
5. I would hate to see any DUI checkpoints on Crows landing Road only because I don't want anyone, especially the media to call the "racial card," or insinuations of targeting Latinos that frequent nightclubs on Crows landing Road.
 6. I don't believe that the nightclub will actually increase the economic revenues of the business owners on Crows landing Road. The only ones that may benefit will be the liquor stores and perhaps one or two gas stations. Most restaurants close by 9pm and most businesses close either at 7pm or 8pm.
 7. Already there have been concerns and issues in dialing 911. How many people won't complain if they have to dial 911 and don't get a quick responses. It could be for an ambulance, fire department or any law enforcement.
 8. When I attended the MAC meeting last Summer, I was representing the Crows landing Road of Stanislaus County Comerciantes Unidos and offered the support of the members. That Organization folded in December 2009 so therefore, at this time and by April 1, 2010 there is no organized effort that I am aware of to bring the support of the business owners to Los Artistas Nightclub.
 9. Last, the only ones that will truly benefit from this Night club is the person or persons that applied for the liquor license and the owner or owners of the building.

Maggie Mejia

4113 Mayfield Drive

Modesto, CA 95356

(209) 303-2664

Fax: (209) 549-2316

RE : Permit application # 2009-06
Property parcel # 056-018-001

I am writing this letter to inform you of my sole concern on the permit for a night club at 1705 Crows Landing Road.

The physical address to my property is 1650 Eureka St. But the front of my house and property faces south onto Butte Ave.

My fence line is a common place that people park when there is a function on Crows Landing Road. Functions such as ; bands and cultural events. People park up and down my fence line periodically . Though it is sporadic at this point it has become a problem. My fence has been damaged on two separate occasions by drivers with a lack of skill and I assume no consideration for others because they drove off. Many times my wife and I would be trying to enjoy our own yard when one of the people after having a good time would stand between a car and my section of six foot tall wood fence and relieve themselves. It has been so bad that if we are outside during one of these functions I put a chair next to the fence and look over occasionally and catch them in the act and let them know I will call police. I haven't called yet because they would be gone before they arrive anyway. Also during many of these functions people have parked their vehicles so close to my fence we can not go through the gate. I am also unable to water at these times for fear of angering a car owner. Which I do not believe I should need to worry about.

My greatest fear is that when the night club opens this will be a nightly occurrence. My gate will be blocked, and my fence a urinal for those too lazy to wait a few moments inside the club for a real urinal, and last but not least more fence damage, in witch case if I do not catch the driver I will do my best to hold the owners of the club responsible.

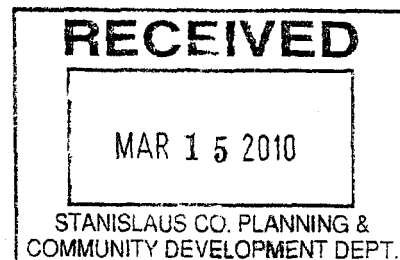
All of these circumstances really diminish mine and my wifes rights to a peaceful existence.

The picture is of my fence line that I am trying to protect. It was taken from the near corner of the parking lot of the proposed night club at a distance of only 98 feet away.

I formally request that no parking signs be put up along my fence on Butte Ave. that restrict parking from 9 P.M. until 2A.M.

I believe this request is very reasonable to protect our right to a peaceful existence.

Brad towers
209-679-9021





March 22, 2010

Planning Commission
Department of Planning and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Dear Committee Members:

SUBJECT: Use Permit Application NO: 2009-06
Assessor Parcel Number: 056-018-001

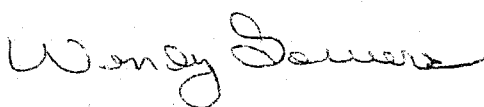
This letter will not arrive within the 10 days required. I tried to use your email address to send my concerns, but the link given—planning@co.stanislaus.ca.us— did not work.

I am writing to voice my concerns about the plans for a night club to be located at 1705 Crows Landing Road. This location is barely a stone's throw from the home my husband and I own on 1650 Eureka Street and from many families with children. This is already a blighted area. It is a main traffic route to the Salvation Army shelter which attracts many homeless people. A night club in this location may bring prosperity to some, but I can't see any good coming from it for the families who must live in the immediate area. It is a place where families must live and children must play.

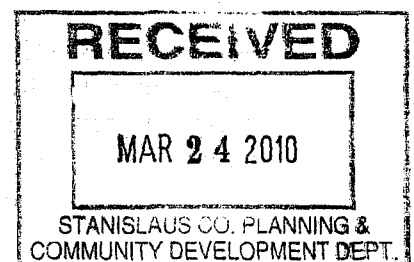
As a homeowner in that area, I think it may be difficult to keep renters with a night club "in their back yard." For those who live there, I believe the noise from the music and partying crowd will easily spill into their homes. These are families. Families have children who must get up early for school and working parents who must get up for work. That kind of noise so close to bedroom windows is not conducive to a good night's sleep and it is not the kind of activity children and working people should have to listen to.

There is likely to be much more traffic, much of it from drinkers, and a lot more activity in the alleyways than there already is. The alleys are frequented by the homeless. I don't like the idea of adding drinking, partying, and fighting to the mix.

Sincerely,



Wendy Towers
Homeowner
1650 Eureka Street
Modesto, CA



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. 2009-06 - LOS ARTISTAS NIGHTCLUB

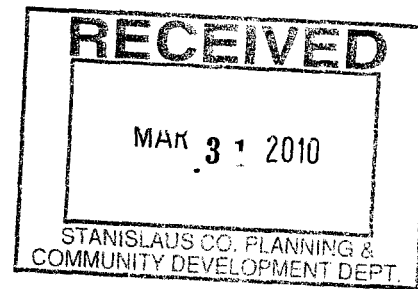
REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS				
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X			X	X				X		X
ALLIANCE	X	X			X	X				X		X
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X	X		X				X		X
CHIEF EXECUTIVE OFFICE	X	X			X	X				X		X
CITY OF: Modesto	X	X	X	X			X			X	X	
COOPERATIVE EXTENSION	X	X	X		X	X				X		X
COUNTY COUNSEL	X	X			X	X				X		X
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: INDUSTRIAL	X	X	X		X	X				X		X
FISH AND GAME	X	X	X		X	X				X		X
HAZARDOUS MATERIALS	X	X			X	X				X		X
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
LAFCO	X	X			X	X				X		X
MOSQUITO DISTRICT: TURLOCK	X	X	X		X	X				X		X
SOUTH MODESTO MAC	X	X	X	X		X		X		X		X
PACIFIC GAS & ELECTRIC	X	X	X		X	X				X		X
PARKS & FACILITIES	X	X		X		X				X		X
PUBLIC WORKS	X	X		X		X				X	X	
PUBLIC WORKS - TRANSIT	X	X		X		X				X		X
REDEVELOPMENT	X	X		X		X				X		X
REGIONAL WATER QUALITY CONTROL	X	X	X	X		X				X		X
SAN JOAQUIN VALLEY APCD	X	X	X		X	X						X
SCHOOL DISTRICT 2: Modesto	X	X	X	X		X						X
SHERIFF	X	X		X			X		X			X
STANISLAUS ERC	X	X		X		X				X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X		X		X				X	X	
SUPERVISORIAL DISTRICT:DE MARTINI	X	X			X	X				X		X
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: ATT	X	X	X		X	X				X		X
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X	X				X		X
US FISH & WILDLIFE	X	X	X		X	X				X		X

- 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
Staff Report: Sean Purciel Recommends **APPROVAL**.
Report presented by: Bill Carlson
Public hearing opened.
OPPOSITION: Erika Angel, 1708 Eureka Street, Modesto, CA 95358; Miranda Juevas, 1622 Eureka Street, Modesto, CA 95358.
FAVOR: Tim Berry, 1701 Coffee Road, Suite 3, Modesto, CA 95355 ; Ricardo Cardenas, 1809 El Sereno Court, Modesto, CA 95358; Frank Alvarez, 521 Magnolia Avenue, Modesto, CA 95354; Cynthia Ruiz, 1800 River Road, Modesto, CA 95351; Ken Kaestner, 101 A Street, Empire, CA 95319; Rudy Baca, 33867 9th Street, Union City, CA 94587.
Public hearing closed.
Assali/Pires, 5-2 (Poore, DeLaMare), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2009-06 - LOS ARTISTAS NIGHT CLUB.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"> _____ Secretary, Planning Commission</p> <p style="text-align: center;"> _____ Date</p>

Ms. Annie Estrada Chapa
530 Coffee Road, #207
Modesto, CA 95355
(209) 576-2484

March 24, 2010



Stanislaus County Planning Commission
1010 10th Street Place
Modesto, CA 95354

Dear Members of the Planning Commission:

Application 2009-06

I am submitting this letter as a protest against allowing Los Artistas Nightclub/bar permission to open on Crows landing Road.

On behalf of other and myself who live in South Modesto. You should not grant a permit to the owners of Los Artistas Nightclub/bar.

Have any of you taken into consideration the additional problems this would bring to an area that already has problems. At a time when the Sheriff's Department and the Police Department are short staffed due to budget cuts.

South Modesto does not need or want a cheap bar that would add more problems like gangs, home break-ins, drugs, prostitution, robberies, car thefts and people that drive without drivers licenses or have no car insurance, etc, etc, .

Any bar is a bad element to add to a neighborhood that is already under siege. Where would the additional law enforcement officers come from when needed to respond to a car from problems from Los Artistas Nighclub/bar.

There is already a noise ordinance in the neighborhood that prohibits loud noise after 10pm. There are residential homes behind the bar location.

Would you want Los Artistas Nightclub/bar in your neighborhood? Neither do the people that live near Crows landing Road and South Modesto.

Would you feel safe if this bar was in your area?

We need the laws that we already have enforced, but due to budget cuts, our officers are already overwhelmed with your public safety issues and cannot handle the problems that already exist in South Modesto.

I know the problems that South Modesto has and continues to have. I lived at 1125 Inyo Street for 4 ½ years and I was a witness to three drive by killings in a one block area. I saw many drug deals doing business there and many neighbors who called the police were later vandalized or threatened or had their cars broken into or stolen. The area is already so congested with auto and foot traffic after dark. There are already many alcoholics and homeless that roams the streets and use force on innocents or armed holdups.

Why would you, members of the Planning Commission consider granting a permit to another bar? We already have problems from those that exist there. It is not the home residents or citizens in that area that is out at night, they know better. You will bring more from the outside that could give us more reason to be concerned for our safety and that of our families.

You will see the increase of drunks on the street, drug dealing, auto thefts, etc etc etc.

Granting a permit to a bar is not an option you should consider.

During the 4 ½ years that I lived in South Modesto, I served on the South Modesto Municipal Advisory Council. Therefore, I know of the many problems in that area and what they continue to have as major problems. Bringing a bar will not eliminate of these problems, it will only increase them.

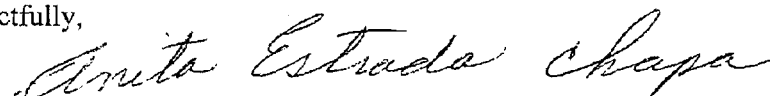
There are many many good families in South Modest that deserve better, they are my good friends and I want to protect them, even though I am a senior citizen.

South Modesto needs more development and the children need a clean decent park to play in. We need better lighting, pave sidewalks, gutters, walk hookups, curbs and place where we can feel safe in. Another bar is not what they need. A bar would not contribute anything to that area. It would only bring the standards of living down and would not improve the quality of life for anyone other than the bar owner who will make dollars and dollars and dollars from the cover charge and bar sales.

What this area needs is improvement not more degradation. The people in South Modesto deserve better.

Please vote no on bringing Los Artistas Nightclub/bar to South Modesto.

Respectfully,



Anita Estrada Chapa
530 Coffee Road, #207
Modesto, CA 95355
(209) 576-2484

(55) BUSINESS →

COMMISSION 4/11/2010
BY TIM BERRY

1 copy only

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

LET'S 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.


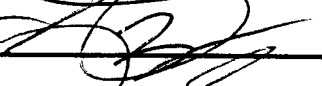


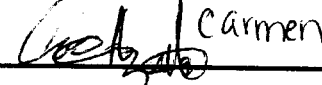
- Los Artistas Night Club Project will provide around 60 direct new jobs to Stanislaus County.
- Stanislaus County will benefit with tax revenue increases.
- Businesses such as restaurants and gas stations located in the area will have a direct impact from an increase in sales.
- Top talent will enhance 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.

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

WE THE FOLLOWING SUPPORT LOS ARTISTAS NIGHT CLUB, 1705 CROWS LANDING RD. MODESTO, CA

NAME/SIGNATURE	ADDRESS	BUSINESS NAME	PHONE/EMAIL
 Jaime	1612 Crows Landing Rd.	Mit Pebble Foots	209-537-5799
	1580 Crow Landing Rd	Mariscos Sinaloa	(209) 872-7000
	1319 Crows Landing Rd	Mariscos Sinaloa	(209) 544-1530 (209) 577-5923
Ray Phyn	1230 Crows Landing Rd	Super Save Mini Mart	(209) 524-8827
Ricardo Ricardo Cort	1117 Crows Landing Rd	Carniceria Garcia	209 529 82 20
Agustine Roche	1117 Crows Landing Rd	VALLE PRODU	(209) 526-9122
DHILON A	1217 Crows Landing Rd.	Arturo	(209) 526-9122
King Luis	1225 Crows Landing Rd	Tires N More	209 409 8073
MARIA DIAZ	1239 Crows Landing Rd	"El Marinero"	549-9310
Rebeca Perez	1377 Crows Landing Rd		577-4000
Moncayo	Sierra Western 1333 Crows Landing Rd		575-4005
Juana Zent	1337 Crows Landing Rd	STEAM & CA 95351	Sanita Hartsden (549) 300-5778
Esteban Sainz	1405 Crows Landing Rd	Modesto CA 95351	(209) 577-8000
Arturo Lopez	205 W HATCH RD	ARTURO'S TOOLS Modesto CA	95351
Jose Hernandez	205 W HATCH RD	ATZTECA SAT	(209) 495-7982
Miguel De	209 W Hatch Rd	AT AUTO Modesto CA	(209) 238-0800
	1511 Crows Landing Rd	INTER PLANET	(209) 531-1155 (209) 499-6090
Juan Talala	1511 Crows Landing Rd	BOONERS CAR AUDIO	209-581-9881
NASIR KHAN	1541 Crows Landing Rd,	CROWS LANDING TIRE & WHEEL	(209) 450-7610
Salvador Ramirez	109 Amador Ave	Al Amigos Sausage	209-531-2500
Lourdes Macias	111 Amador	Jessie's Pet	209) 538 9098
 Carmen	1627 Crows Landing Rd.	Zambranos Creations	(209) 872-9392
Maria MURRAY	1705 Crows Landing Rd.	Mariscos La Roca.	909 703 4603
Fany Kok	1769 Crows Landing Rd.	TOKIYO TEKIYAKI	538-4427 (209) 538-0838
Josefin Medina	1777 Crows Landing Rd	La Colibarda Restaurant	

Name: Emilio's Tools Address: 1620 Sciff FTRosslandig Rod

Name: ~~ALDO LIQUOR~~ Address: 1620 Crowslanding Rd.

Name: RICARDO VERGARA Address: 1620 Crowslanding Rd Suite E

Name: R. Gonzalez Address: 213 Bittle Ave

Name: Patricia Perez Address: 1612 Crowslanding

Name: Vivi Saldivia Address: 1612 Crowslanding

Name: Miriam Lopez Address: 404 Hatchard 95351

Name: Osca Zelle Address: 1627 Crowslanding

Name: Jose Alvarado Address: 1627 Crowslanding

Name: Salvador Mejia Address: 1703 Dallas ST

Name: Amelia's Fashion Address: 1641 Crowslanding Rd

Name: Deditis Jewelry Address: 1643 Crows Landing Rd.

Name: Jaime Hernandez Address: 1647 Crowslanding Rd. Mod.

Name: Nelly Arguedas Address: 1649 Crows Landing Rd.

Name: Joe Luis Voldarino Address: 1651 Crows Landing Rd.

Name: Angelina Navarro Address: 1651 Crows Landing

Nombre Negocio

Name: Mariscos Cocina
Name: Salvador Rodriguez Address: 1715 Crowslanding

Name of Business: Don Juan Foods Address: 1731 Crowslanding Rd.

Name: ~~ALDO LIQUOR~~ Address: _____

Name of Business: GOI'S REAL ESTATE Address: 1739 Crows Landing Rd #A

Name: ~~ALDO LIQUOR~~ Address: _____

Name of Business: Allstate Ins Address: 1739 Crows Landing Rd. Suite C

Name: Alfonso Ramirez Address: _____

WE THE FOLLOWING SUPPORT LOS ARTISTAS NIGHT CLUB, 1705 CROWS LANDING RD. MODESTO, CA

NAME/SIGNATURE

ADDRESS

BUSINESS NAME

PHONE/EMAIL

Jimmy [Signature] 2001 Crows Landing Rd 95358 Bill Sport & Bait Shop (209) 537-4294

[Signature] 2025 Crows Landing Rd PROFESSIONAL BUSINESS 209 537-1414

[Signature] 2021 Crows Landing Rd LA PERLA Tapatia 209 531 9210

Business Name: Latinoamericana Travel Address: 1739 Crows Landing Rd

Name: [Signature] Address: _____

Business Name: Stilos Beauty Salon Address: 1739 Crows Landing Rd

Name: Nijeli Rovees Address: _____

Business Name: MP Servicio Rapido Address: 1751 Crows Landing Rd

Name: [Signature] Address: _____

Business Name: _____ Address: _____

Name: _____ Address: _____

Business Name: _____ Address: _____

Name: _____ Address: _____

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PRESENTED TO PLANNING
COMMISSION 4/1/2016 BY

(25) IN AREA TIM BERRY
1 copy only

**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: Maria C. Garcia Domicilio: 1609 Boothe Rd.

Firma: Maria C. Garcia Email: _____

Número de Teléfono: (209) 846 5279

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Nombre: Josely Figareda Domicilio: 308 Glacier Ave
Modesto Ca 95351

Firma:  Email: shpmi@yahoo.com

Número de Teléfono: 681-8968

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1705 CROWS LANDING RD
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Name: Rodolfo Aisa Address: 501 Butte Ave

Signature: Rodolfo Aisa Email: _____

Telephone Number: 209-538-7977

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

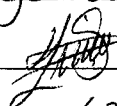
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Name: Angelica Rios M Address: 1823 Spokane
Signature:  Email: _____
Telephone Number: (209) 450 3636

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

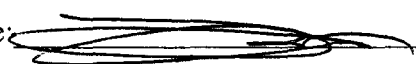
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Name: Luis E MAYORGA Address: 1205 LASSEN AVE Modesto
Signature:  Email: KKMAYORGA@kfhwo.com
Telephone Number: (209) 596 7617

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1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
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Name: Roberto Address: 1830 Las Vegas St
Signature: Roberto Email: _____
Telephone Number: 604 09 85

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Name: Luis Carrillo Address: ~~18~~ 239 Dallas Ave.

Signature: Luis Carrillo Email: _____

Telephone Number: (209) 8183829

Please Return This Resolution to:
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Name: DANNY GENTRY Address: 1526 INYO AVE Mod
Signature: Danny Gentry Email: WA
Telephone Number: 537-4627

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1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
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Name: JAVIER C. VIZCARRA Address: 1513 GLENN AVE MODESTO CA.

Signature: Javier C. Vizcarras Email: _____

Telephone Number: 209-918-1281

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

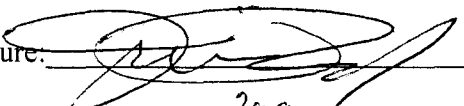
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Name: JAVIER RANGEL Address: 1620 CROWSLANDING Rd
MODESTO, CA 95354
Signature:  Email: JAVIER@RANGELAGENCY.COM
Telephone Number: 209-552-1382

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

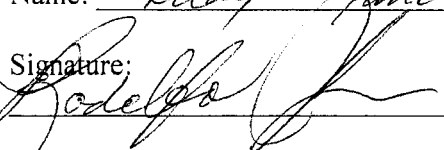
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Name: Rudy Gomez Address: 101. E. Glenn Ave. Ste. I
Signature:  Email: _____
Telephone Number: 209-613-3510

Please Return This Resolution to:
1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
Fax: (209) 531-2358
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Name: Francisco J Chavez Address: 2613 Carol LN Modesto CA -

Signature:  Email: _____

Telephone Number: 209-538-1937

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1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
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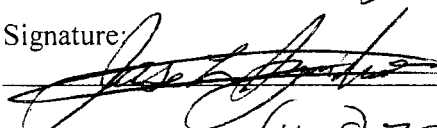
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Name: Jose Luis Aguilera Address: 903 Kansas Ave, Modesto CA
95351
Signature:  Email: jaguilar@bustasmedia.com
Telephone Number: (408) 781-9149

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1700 Crowslanding Rd. • Modesto, California 95358 • (209) 450-1406
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Name: Jose Cardenas Address: 1418 Crows Landing Rd

Signature: Jose D. Cardenas Email: AIRPATA@AOL.COM

Telephone Number: (209) 491-0500

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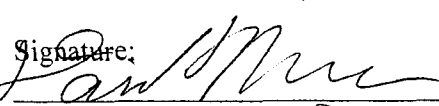
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Name: David Moreno Address: 531 Crows Landing Rd
Modesto. Ca 95351
Signature:  Email: ~~est~~ DW5B1 @ Yahoo . Co
Telephone Number: (209) 581-6375

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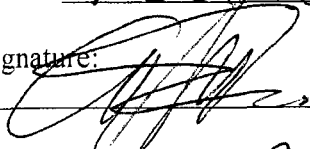
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Name: Adela Cordova Address: 1643 Crows Landing Rd.
Modesto Ca 95358
Signature:  Email: Cordova - Adela @ Yahoo.com
Telephone Number: 209 - 568 - 3919

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

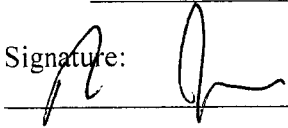
**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
1705 CROWS LANDING RD.
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

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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: NIKKO JONES Address: 2025 CROWS LANDING RD.
Signature:  Email: DISI NIKKO @ SBC GLOBAL.NET
Telephone Number: 502-755-2355

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

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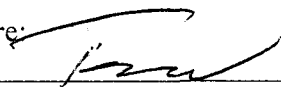
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Name: TOAY WOOD Address: 2025 Crows Landing Rd.

Signature:  Email: 0151stone@sbeglobal.net

Telephone Number: (310) 901-0495

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



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1705 CROWS LANDING RD
JOBS AND ALLOW BUSINESSES TO FLOURISH**

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Name: Ismael Lopez Address: 11647 1/2 crowslanding Rd
Signature: Ismael Lopez Email: ilopez6560@yahoo.com
Telephone Number: 209 538-4678
CELL 681-6560

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

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Name: Paul Castro Address: 1829 Crows Landing Rd
Signature: [Signature] Email: _____
Telephone Number: _____

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

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Name: Sergio Coribay Address: 2036 Donna Way Ceres CA 95307

Signature:  Email: _____

Telephone Number (209) 241-2788

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

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Name: Carlos Mendez Address: 1936 Basell Ave.
Signature: Carlos Mendez Email: _____

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Name: TOMAS ALBA RADO Address: 1929 DONAL ST. Modesto
Signature: Tomas Alarado Email: _____ CA95621
Telephone Number: 5340290

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 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:

Jose Luis OETA. Domicilio: 464 HATCH Road. Modesto
CA 95358

Firma:

Jose Luis OETA Email: _____

Número de Teléfono: 544 91469

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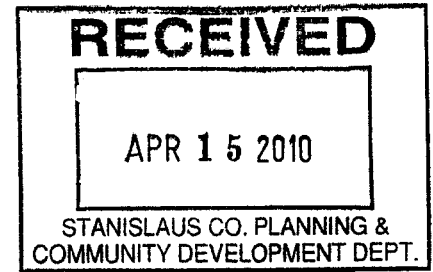
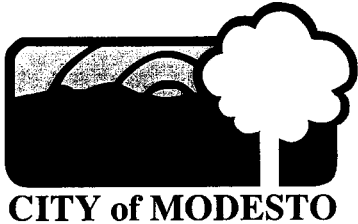
Nombre:

Patricia Perez Domicilio: 1612 Crows Landing

Firma:

Email: _____

Número de Teléfono: _____



*Community and
Economic
Development*

*Planning
Division*

*P.O. Box 642
1010 Tenth Street
Third Floor
Modesto, CA 95353
209/577-5267
209/491-5798 Fax*

www.modestogov.com

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

April 15, 2010

Kirk Ford, Director
Stanislaus County Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Re: PRR-09-011, UP 2009-06, Las Artistas Nightclub, 1705 Crows Landing Road
(APN 056-018-001)

Dear Mr. Ford,

You have requested further clarification of the City's General Plan land use designation and Municipal Code requirements in regards to the above project, a proposed nightclub in an existing 12,000 square-foot retail building located at the southwest corner of Crows Landing Road and Butte Avenue in the County unincorporated area.

The project site is within the Baseline Developed Area of the City of Modesto's Sphere of Influence. The General Plan designation for the subject site is Commercial. The purpose and intent of the Commercial General Plan designation is to provide for a range of Commercial uses to serve the current and projected needs of Modesto's population.

Were this proposal to be located within the incorporated area of the City, the Zoning designation required to allow for a nightclub or bar is C-2 "General Commercial" or C-3 (Highway Commercial). Such a use would be permitted by right as long as it meets all applicable Codes and City Standards for building construction, utility connections and stormwater handling, street dedications and improvements, and parking and landscaping prior to issuance of a Building Permit and/or Certificate of Occupancy of the building.

Although the use would be permitted by right, the individual business would be required to apply for an Entertainment Permit from the City's Entertainment Commission, a seven-member panel appointed by the City Council to coordinate and facilitate the planning and permitting process for special events and entertainment establishments. The Entertainment Commission reviews proposed entertainment businesses and conducts hearings to gather the information needed to make decisions regarding all applications.

Please contact me if you have any questions concerning this matter at 209-577-5268 or pkelly@modestogov.com.

Sincerely,

Patrick Kelly, AICP
Planning Manager

PK:km

Los Artistas NightClub - Permit Application No 2009-06

From: maggie mejia <mejiam3@sbcglobal.net>
To: Jeff Grover <groverj@co.stanislaus.ca.us>, Jim DeMartini <DEMARTINI@stancounty.com>, Vito Chiesa <Vito.Chiesa@stancounty.com>, Dick Monteith <MONTEITHD@stancounty.com>, Bill O'Brien <obrienw@stancounty.com>, Rick Robinson <RICKCEO@stancounty.com>
Date: 4/13/10 11:41 PM
Subject: Los Artistas NightClub - Permit Application No 2009-06
CC: Adam Christianson <chradam@stanislaussheriff.com>, Birgit Fladager <BIRGIT.FLADAGER@STANDA.ORG>, Raul Mendez <MENDEZR@stancounty.com>, Rebecca Harrington <raharrington_99@yahoo.com>, Sylvia Camarrillo <scamarillo@prucalifornia.com>

Dear Members of the Board of Supervisors:

I am sending you this email to let you know that I oppose having Los Artistas Nightclub or any nightclub on Crowslanding Road.

I previously had supported the effort of having this nightclub open when I was employed by Crowslanding Road of Stanislaus County Comerciantes Unidos (CRSCCU.) I sent you several letters and emails from this organization. CRSCCU dissolved in December 2009 and there is now another organization that has formed but not all the board of directors from CRSCCU have returned or joined the new organization.

As a previous nightclub owner in the 1990's we too experienced many problems, but we were very fortunate that law enforcement supported our business and customers. In the 1990's there was no concern about budget cuts and the Modesto Police Department and Stanislaus County Sheriff and CHP had plenty of manpower and patrols, and we were grateful for that. But, my husband and I began to live in fear for ourselves and family when the bad element began to come on a frequent basis. They tried to intimidate us and our staff and the time came that we had to give up our business for our own safety and those of our staff.

We continue to see cuts in all law enforcement and I am sure that more cuts will be coming. I am concerned for the families that live in South Modesto. This does become a public safety issue. The Gang Injunction is working and families are beginning to feel safe once again, even though there is still much more progress to be made. Many of residents in South Modesto do not want a night club but are afraid to express themselves because they fear retaliation. They don't want any business that will bring negative business in their neighborhoods.

All of us would like to see the economy improve and bring more jobs. I say let's bring in a medical clinic or dentist or reopen the current grocery store that closed. There are jobs there and service to all the community. I would rather see public transportation expanded to later hours. Many families do not have vehicles and depend on the public transportation to get to their jobs that are not in South Modesto, especially in the Summer when the canneries are open and have different shifts. Our teens or young adults cannot take night classes at MJC because there is no public transportation in the evening. These are the issues that all of us need address, not a nightclub that can only provide entertainment to those that are 21 and older and will bring more negative problems to South Modesto.

ATTACHMENT 8

We need to bring more activities for our children and youth, not the adults that like to drink and party. I don't live in the area, but I am always helping the families in that area and many of the business owners still call me for my assistance. when they have issues. Many of them have told me they do not support another establishment that will be serving liquor.

How would you feel if someone wanted to open up a nightclub or bar in the heart of your neighborhood?

We need more positive economic development in our County and a nightclub is not positive.

Let us not tempt the drug dealers to take over South Modesto when they all want to claim this nightclub as their territory, we already have more than can be handled in South Modesto.

It does not surprise me at all that the parties involved with Los Artistas applied for a liquor license before they even applied for the permits required to begin construction inside the building. They have spent over \$80,000.00 BEFORE even applying for the various County permits. Check with the Alcoholic Beverage Control in Stockton and you will see the date they applied and posted and then check with County Planning and see those dates.

Thank you for your time.

Maggie Mejia
4113 Mayfield Drive
Modesto, CA 95356
(209) 303-2664
Fax: (209) 549-2316

Francisco Chavez
2613 Carol Ln.
Modesto, CA 95358

April 29, 2010

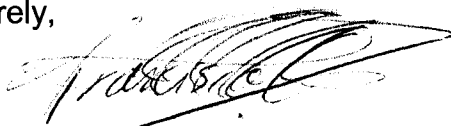
Board of Supervisors
1010 Tenth St.
Suite 6700
Modesto, CA 95354

Dear Board Members,

My name is Francisco Chavez and I am the property owner of 1705 Crows Landing Road. 19 years ago, I started a business on Crows Landing road and 13 years ago my wife and I decided that this is the place to raise our family and grow our business. In 2001 my wife and I purchased and developed the 1700 Crows Landing property and moved my business, Los Amigos Tire Pros, to this location. I decided to make not only an investment in the business, but also in the community. The business community along the Crows Landing area for many years has been very depressed, it wasn't until we developed the Los Amigos Tire Pros site that other businesses started to invest in the area. Last year my wife and I purchased the 1705 Crows Landing Road property across the street from our business Los Amigos Tire Pros in hopes of improving the area along with the property values. The reason for this letter is that I want to say that I personally will assure that all the Los Artistas terms of conditions will be enforced. I live, work and own property in this community. Above all, it is in my greatest desire to assure that this property and surrounding areas are safe for the whole community.

Thank you for your consideration in allowing the Los Artistas project to continue.

Sincerely,



Francisco Chavez

BOARD OF SUPERVISORS
2010 APR 29 A 10:59

5-4-10
9:15 am

1708 Eureka Street
Modesto, CA 95358

BOARD OF SUPERVISORS

2010 MAY -3 P 2:39

April 30, 2010

Board of Supervisors
1010 10th Street, Suite 3400
Modesto, CA 95354

Dear Board of Supervisors:

Subject: Appeal of Use Permit Application No. 2009-06, Los Artistas Night Club

Due to the current State Furloughs that are in place, I cannot afford to take time off of work to attend this hearing. Through this letter I plea that you deny the permit to open a Night Club on the property located at 1705 Crows Landing Road, for the reasons I will specify throughout this letter.

My name is Erika Angel and I live in the fourth parcel from the corner directly on the west side of the building in question. As I stated before, during the first hearing, I have lived in this community for 25 years and have seen how this neighborhood has changed and gone through its transition periods. As a child I recall being able to walk around in my neighborhood without much fear. My late father, who was very integrated into our community, promoted a Neighborhood Watch program along with the sheriff department and other community partners. Unfortunately as time has gone by, the gang activity in the "South Side" has increased to the point that you can find crosses at the corners of some of the streets, in remembrance of those who were killed. Then I turn my attention to incidents like the one that occurred on Sunday April 25, 2010. When four gang members and/or affiliates where caught on camera beating unconsciously a 25-year-old women in the downtown area and having raped a 20-year-old woman, who was found unconscious inside the SUV when the suspects were pulled over. When I heard this horrifying story, I thought to my self, "The only reason these suspects were caught is because of the surveillance cameras that had been put in place less than a year ago." I even recall reading the newspaper article that talked about these cameras and how there purpose would be to oversee live footage from the cameras during peak hours of the downtown club scene on weekday nights, weekend nights, and during special events downtown. Then I think about all the articles and press releases regarding how the state is in a budget deficit and how we need to cut spending. All of the state programs have felt this hit and we know that the police department has had to face many budget cuts and have laid off officers, due to these difficult times. Just days ago there was an article on the Modesto Bee that stated how the Sheriff's department alone is to lose a large amount of deputies. So then I ask, expensive cameras like those found downtown will not be placed in my neighborhood, nor will there be extra police or sheriffs patrolling the area, as some residents have been made to believe. So all that is left is for crime to increase.

Several weeks ago there was an article in the Modesto Bee that talked about how the Modesto Police Dept. had implemented a Gang task force and how there purpose was to focus where there was high gang activity. This article talked to the effect of how the "South Side" was the first area this task force implemented its presence and how it had made a huge difference in gang activity in this neighborhood. It also talked about how they would now be focusing their attention to another part of Modesto where gang activity was high. With the opening of this night club, I come to believe that instead of moving forward and progressing, we will be taking two steps back and hurting the hard work and the progress that it has taken these officers to make.

After the last hearing I went to several neighbor homes to talk to them about the proposed Night Club. I asked if they had received the letter informing them of the hearing that had been held. To my amazement I found that only three out of eight neighbors I spoke with received this letter. I do not want to believe that the only households that were informed were those who are within two hundred feet from the establishment. If so, this is inappropriate because all the individuals that live in this neighborhood will be affected directly or indirectly by this establishment and should be informed of what is occurring in our neighborhood. Second I noticed that both letters (first hearing and second) were sent in English, when the majority of the community is Spanish speaking. Furthermore neighbors informed me that they had recently found out of the nigh club due to the visit of several individuals visiting their homes. One neighbor stated that she felt harassed because she told the gentlemen who visited her she did not agree and that they needed to leave her property. She states the individuals did not leave and continued to tell her that she needed to sign, because her approval was important, given her homes location (home is directly behind the building in question, first parcel from the corner on the west side of the building on the same side of the street). When the individuals visited my home, I unfortunately was out of town, but a business card was left from the business across the street, Los Amigos Tire Shop, on the east side of the site in question. Now I am not sure why

May 3, 2010

another business would come out requesting signatures on behalf of this night club, but I can only imagine that it is because they have something to gain from it.

On another note, I recall that in the last hearing several individuals in favor of this night club stated that the individual who would be opening this club has other clubs in town. They stated that he had up to 25 security guards at any one given time at these clubs and that he would also have them at this new club. I have been to The Palladium Night Club, and I have never seen more than four security guards at a time. It was also alleged that they were bonded to carry firearms and to my experience, none of the guards I have seen at The Palladium carry firearms. Then I turn my attention to one neighbor who stated he agreed the club be opened if they were to meet certain standards. During our conversation he stated that they provided him with a copy of the proposition where it states they would follow county regulations and have one security guard for every 50 people. Now if I remember correctly this establishment is stated to fit close to 400 people, making the number of security guards present on one night no more than 8, which by no means measures up to the 25 they claim to have. On another note, in the last hearing it was also stated, by the individual attempting to open this club, that he had no records with the police department regarding his current clubs, but if I remember correctly he had once incident at The Palladium Night Club that was reported in the Modesto Bee. I also recall reading about this in the newspaper sometime ago. It related to how a private birthday party had gotten out of hand and ended with a brawl fight amongst many party goes, which began inside the club and culminated on the street. So with respect to this gentleman, but this is not having a clean record.

It was also stated in the previous hearing that the aesthetic appearance of this new planned development would beautify Crows Landing Rd. I do not deny in any way that the aesthetic appearance of this corner would be more appealing; it does not benefit the community or the neighborhood in any way. It was stated that the property values would increase, but I very much doubt this would be true. Especially because no one would want to invest his or her money into purchasing a home that is next to such an undesirable type of business. I would also like you to note that there are two existing clubs in this area already. There is one night club El Paraiso at 1550 Crows Landing Rd., corner of Olivero Rd. and Crows Landing, and the second one, La Huacana Night Club at 101 East Glenn St., corner of East Glenn and Crows Landing Rd. I honestly believe that we do not need another one. I understand that their intentions are to open a seemingly nice night club that would attract a higher caliber of people, but in all honesty we need to be truthful and look at the location of this site. With this I know that the focus of people they are targeting are not a "higher class" of adults, but rather lower class citizens and anyone who wants to spend the money to have a drink and night of dancing. Plus I cannot imagine people of importance in our community coming to this club to enjoy a night out with their respective partner. At least I do not believe that the individual who wants to open up this business would bring his respective partner to a site like this, unless it was on a business matter.

Another thing to consider is that this site is a bus stop for high school students in the mornings and to think that they may be exposed to broken glass, trash, drug and alcohol paraphernalia, and etc. during their morning wait saddens me. We often criticize the youth of this day and age about their likes, dress, manners, etc., but don't consider that the community they live in is partially influencing these behaviors. We all mold to our surroundings in order to survive, and this is what we are doing with the youth in our community.

Overall, I plea that you consider all of the points that I have addressed in this letter, as well as those that I did not address, such as drunk drivers amongst other issues. Many individuals who are in favor of this club are most likely not located close to this site and therefore feel that there is nothing wrong with opening this club, but people like me who live next to this building know the consequences and problems it can bring. I sincerely thank you for your time and consideration.

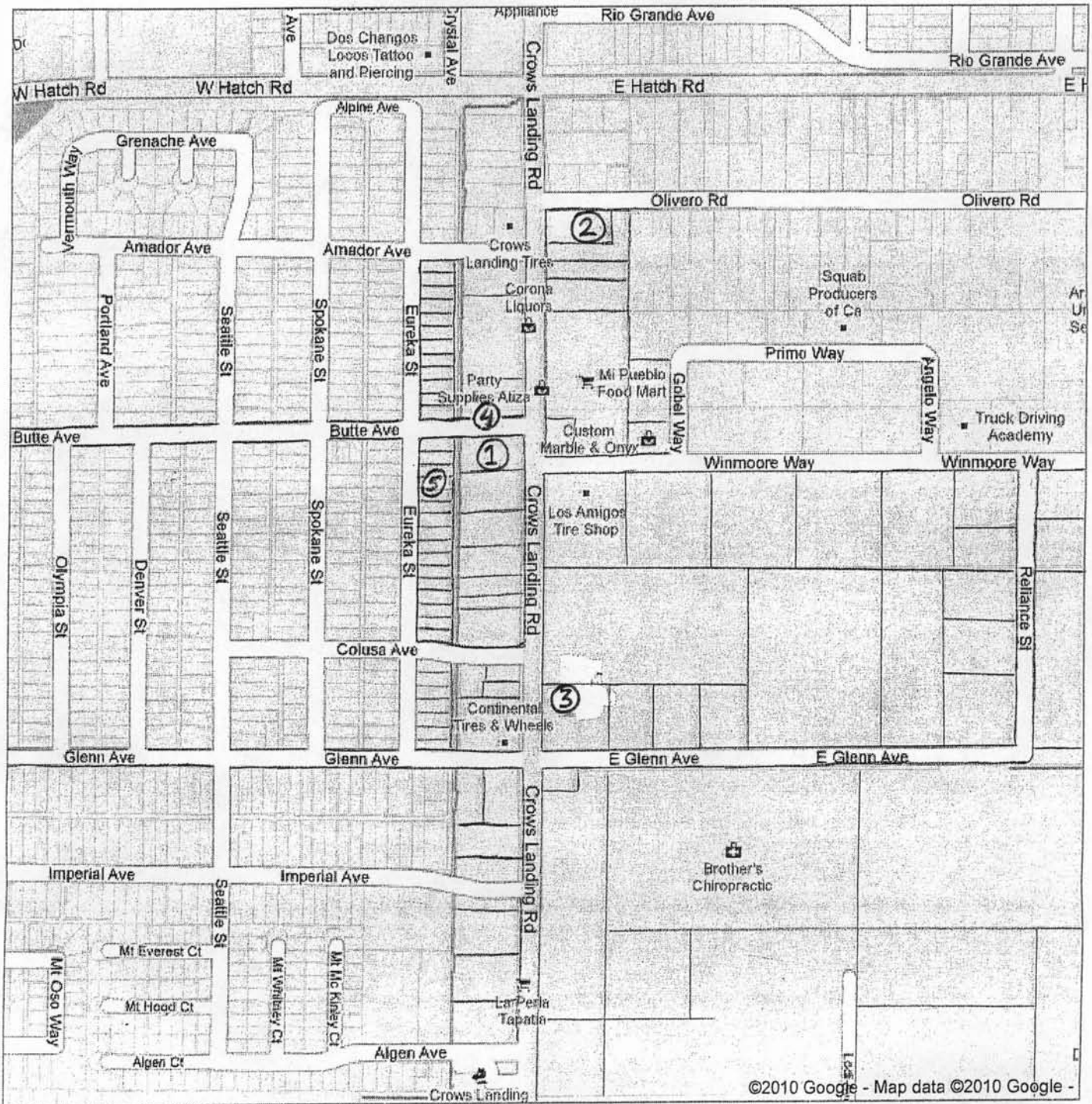
Respectfully,



Erika Angel

Enclosure (1)

Google maps



- 1 - Proposed sight for Los Artistas Night Club
- 2 - Existing El Paraiso Night Club
- 3 - Existing La Huacana Night Club
- 4 - High School bus stop
- 5 - My home

9:15 a.m.

From: Sandy Hopp
To: bill@obriensmarket.com; Dick Monteith; Grover, Jeff; Jim DeMartini; ...
CC: Christine Ferraro; Field Reps; Kirk Ford
Date: 5/3/10 3:28 PM
Subject: NIGHTCLUB PROJECT - Public Hearing Tomorrow

Paul Caruso just called in to ask that I provide each Supervisor with this message regarding tomorrow's appeal.

Paul said that he has been helping "Pancho" (Francisco) by providing advice regarding the appeal. He feels that the main reason the Planning Commission denied the project was because the neighbors had not been contacted. Since then, Pancho has circulated a petition and gone out to the neighbors.

Paul feels this would be a good thing for the community and asks you to consider approving the project, overturning the Planning Commission's decision.

Sandy K. Hopp
Field Representative for
Supervisor Jeff Grover, Dist. 3
(209) 525-6472 desk
(209) 595-0043 cell

Stanislaus County Board of Supervisors - 1010 10th Street, Suite 6500 - Modesto, CA 95354

• Rec'd at
BOB meeting
5/4/2010
9:15 pub
hearing

Flavio Flores Jr.
1706 Eureka St.
Modesto, CA 95358

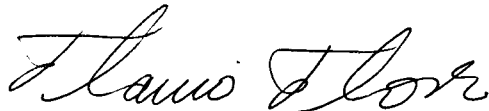
To: Department of Planning & Community Development

RE: Los Artistas Night Club 1705 Crows Landing Rd.

This letter is response to the notice of public hearing dated 4/23/10. I am against opening a night club directly behind my home. I am concerned about the proximity to my residence and disruptions that may result. We already have 2 night clubs- El Paraiso & La Huacana-less than ½ mile away, however, they are on the opposite side of Crows Landing.

I like to relax in my back yard and spend time outside, if the club is opened I will not be able to enjoy the tranquility of home. How can someone raise a family with a night club behind their home where there is people drinking and doing drugs? This is not the best area in town and adding a night club will bring the property values further down. Please decline the request of opening the night club behind a residential area, there are plenty other localities in Modesto. Who would want to live right behind a night club? Not me.

Concerned,



Flavio Flores Jr.
209-499-6699

4/30/10

9:15

Rec'd
5/4/2010
at meeting
of BOS

Ms. Annie Estrada Chapa
530 Coffee Road, #207
Modesto, CA 95355
(209) 576-2484

March 24, 2010

Stanislaus County Planning Commission
1010 10th Street Place
Modesto, CA 95354

Dear Members of the Planning Commission:

Application 2009-06

I am submitting this letter as a protest against allowing Los Artistas Nightclub/bar permission to open on Crows landing Road.

On behalf of other and myself who live in South Modesto. You should not grant a permit to the owners of Los Artistas Nightclub/bar.

Have any of you taken into consideration the additional problems this would bring to an area that already has problems. At a time when the Sheriff's Department and the Police Department are short staffed due to budget cuts.

South Modesto does not need or want a cheap bar that would add more problems like gangs, home break-ins, drugs, prostitution, robberies, car thefts and people that drive without drivers licenses or have no car insurance, etc, etc, .

Any bar is a bad element to add to a neighborhood that is already under siege. Where would the additional law enforcement officers come from when needed to respond to a car from problems from Los Artistas Nighclub/bar.

There is already a noise ordinance in the neighborhood that prohibits loud noise after 10pm. There are residential homes behind the bar location.

Would you want Los Artistas Nightclub/bar in your neighborhood? Neither do the people that live near Crows landing Road and South Modesto.

Would you feel safe if this bar was in your area?

We need the laws that we already have enforced, but due to budget cuts, our officers are already overwhelmed with your public safety issues and cannot handle the problems that already exist in South Modesto.

I know the problems that South Modesto has and continues to have. I lived at 1125 Inyo Street for 4 ½ years and I was a witness to three drive by killings in a one block area. I saw many drug deals doing business there and many neighbors who called the police were later vandalized or threatened or had their cars broken into or stolen. The area is already so congested with auto and foot traffic after dark. There are already many alcoholics and homeless that roams the streets and use force on innocents or armed holdups.

Why would you, members of the Planning Commission consider granting a permit to another bar? We already have problems from those that exist there. It is not the home residents or citizens in that area that is out at night, they know better. You will bring more from the outside that could give us more reason to be concerned for our safety and that of our families.

You will see the increase of drunks on the street, drug dealing, auto thefts, etc etc etc.

Granting a permit to a bar is not an option you should consider.

During the 4 ½ years that I lived in South Modesto, I served on the South Modesto Municipal Advisory Council. Therefore, I know of the many problems in that area and what they continue to have as major problems. Bringing a bar will not eliminate of these problems, it will only increase them.

There are many many good families in South Modest that deserve better, they are my good friends and I want to protect them, even though I am a senior citizen.

South Modesto needs more development and the children need a clean decent park to play in. We need better lighting, pave sidewalks, gutters, walk hookups, curbs and place where we can feel safe in. Another bar is not what they need. A bar would not contribute anything to that area. It would only bring the standards of living down and would not improve the quality of life for anyone other than the bar owner who will make dollars and dollars and dollars from the cover charge and bar sales.

What this area needs is improvement not more degradation. The people in South Modesto deserve better.

Please vote no on bringing Los Artistas Nightclub/bar to South Modesto.

Respectfully,

A handwritten signature in cursive script that reads "Anita Estrada Chapa". The signature is written in black ink and is positioned to the right of the word "Respectfully,".

Anita Estrada Chapa
530 Coffee Road, #207
Modesto, CA 95355
(209) 576-2484

Rec'd letters
of support
at BO3 5/4/2010
9:15 pub
Kearney

**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: Miguel A Ruiz Address: 1806 Eureka St
 Signature: Miguel Ruiz Email: Modesto, CA 95351
 Telephone Number: (209) 585-1015

**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

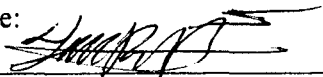
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- El proyecto del club nocturno Los Artistas creará aproximadamente 60 nuevos empleos.
- El Condado de Stanislaus se verá beneficiado con un incremento en el ingreso de impuestos.
- Negocios tales como restaurants y gasolineras localizados en el área se verán beneficiados directamente debido al incremento de sus ventas.
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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:



Domicilio: 1606 Eureka St

Firma:

Yuridia Rivera Email: _____

Número de Teléfono: 209-7389362

**APOYEMOS EL PROYECTO “LOS ARTISTAS NIGHT CLUB”
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Nombre:

Maribel Martinez Domicilio: 1809 Eureka St

Firma:

Maribel Martinez Email: _____

Número de Teléfono: (209) 534-1226

APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"
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Nombre:

Evangelina Ruano Domicilio: 1808 Eureka St Modesto 95358

Firma:

Evangelina Ruano Email: evangelinruano@att.net

Número de Teléfono: 918-3688

APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"

1705 CROWS LANDING RD.

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Nombre: DAVID CASTRO Domicilio: _____

ADDRESS

Firma: DAVID CASTRO Email: 1802 Eureka

Número de Teléfono: ~~1802 E~~ 1705 CROWS LANDING RD CA
95358

(709) 541-1513

APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"
1705 CROWS LANDING RD.
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Nombre: Engracia Ramos Domicilio: 1750 Emma St.

Firma: Engracia Ramos Email: _____

Número de Teléfono: (209) 496 2215

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1705 CROWS LANDING RD.
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Nombre:

Arisai Flores Domicilio: 1745 Eureka St Modesto #B

Firma:

Arisai Flores. Email: _____

Número de Teléfono: (209) 818-5362

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Nombre:

Gilbert Flores Domicilio: 1745 EUREKA ST #A

Firma:

Gilbert Flores Email: _____

Número de Teléfono: 209-484-4623

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Nombre: Rafael Gomez Domicilio: 1741 Curueka
Modesto CA

Firma: Rafael Gomez Email: _____

Número de Teléfono: ~~(537) 3146~~
537-3146

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Nombre:

Cecilio Onofre

Domicilio:

1737 Eureka
MODESTO CA 95358

Firma:

Cecilio Onofre

Email:

Número de Teléfono: (209) 985-3114

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1705 CROWS LANDING RD
LETS HELP TO CREATE JOBS AND ALLOW BUSINESSES TO FLOURISH**

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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**

**SUPPORT LOS ARTISTAS NIGHT CLUB PROJECT
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Name: Jose Juan Address: 1642 Eureka

Signature: Jose Juan Email: nissan240sx-sbc@yahoo.com

Telephone Number: 589-6214

**Please Return This Resolution to:
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**APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"
1705 CROWS LANDING RD.**

AYUDEMOS A CREAR EMPLEOS Y AYUDEMOS LOS NEGOCIOS A CRECER

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Nombre:

Esiquiel Meza

Domicilio:

1525 Eureka
Woodson, CA 95317

Firma:

Esiquiel Meza

Email:

Número de Teléfono: 209.303.2835

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Nombre:

Juan Escalante

Domicilio:

1525 EUROPA
MODESTO CA 95357

Firma:

Juan Escalante

Email:

1525

Número de Teléfono:

7032835

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Nombre:

Jose Gonzalez Domicilio: 1525 EUREKA ST

Firma:

Jose R Gonzalez Email: _____

Número de Teléfono: 209-968-0082

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Nombre:

ANTONIO GONZALEZ Domicilio: 1525 EUREKA ST
MUNDESVILLE, CA

Firma:

Antonio Gonzalez Email: _____

Número de Teléfono: 209 652 9127

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Name: *Phil Swamy* Address: *1638 Leland St*
Signature: *Mark J. Swamy* Email: *MBP@dHotMkt.com*
Telephone Number: *416-4111*

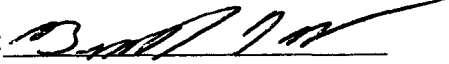
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I give my support for this project conditionally upon item 4 of the Security plan and that there be posted no parking signs along Butte Avenue, first block in from Crows Landing Rd. on both sides stating no parking from 8 a.m. to 3 a.m.

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

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

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Nombre:

Claudia Ortiz Domicilio: EUREKA 1722 ST

Firma:

Claudia Ortiz Email: _____

Número de Teléfono: 209 546 3216

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Nombre:

Miguel Gutierrez

Domicilio:

7825 Denver
Modesto CA 95351

Firma:



Email:

Número de Teléfono:

(209)

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Nombre: Leonel Soto Domicilio: 1821 Denver
Modesto, CA

Firma: Leonel Soto L. Email: _____

Número de Teléfono: (209) 538-6715

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Name: Frank Forse Address: 954 Glenn

Signature: [Handwritten Signature] Email: _____

Telephone Number: 209 3458-1041

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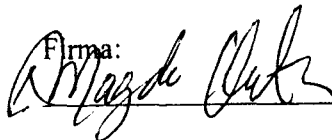
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Nombre: Magda Quinter Domicilio: 418 Glenn Ave - Modesto, CA

Firma:  Email: _____

Número de Teléfono: 209 480 7000

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Nombre:

Maria Dolz

Domicilio:

*#311 GLEN AVE
MODESTO, CA*

Firma:

Maria Dolz Email: _____

Número de Teléfono:

(209) 537-1422

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Nombre:

Carmen Aguayo Domicilio: 1830 Seattle
Modesto CA

Firma:

Carmen Aguayo Email: _____

Número de Teléfono: (209) 556-08-61

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Nombre: Jorge Garcia Domicilio: 1830 Denver
modesto, CA

Firma: Jorge Garcia Email: _____

Número de Teléfono: (209) 214-5507

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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.
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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:

MIGUEL Domicilio: 204 AMADOR

Firma:

[Firma] Email: Miguel-Maras@yahoo.com

Número de Teléfono: 617 408 2236

COPIES

**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 TAFOLLA Address: 1701 Spokane
 Signature: [Signature] Email: Modesto, CA 95357
 Telephone Number: (209) 560-6011

**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
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Name: Anwita Pelayo Address: 1747 Spokane #A
Signature: [Signature] Email: modesto,ca
Telephone Number: (209) 622-8869

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

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Name: Rita Pelayo Address: 174⁹ Spokane #3
Signature: Rita Pelayo Email: modesto, CA
Telephone Number: (209) 537-5598

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**

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Nombre: Carlos Perez Domicilio: 1725 Spokane
Modesto

Firma: Carlos Perez Email: _____

Número de Teléfono: (589) 529-7903

APOYEMOS EL PROYECTO "LOS ARTISTAS NIGHT CLUB"

1705 CROWS LANDING RD.

AYUDEMOS A CREAR EMPLEOS Y AYUDEMOS LOS NEGOCIOS A CRECER

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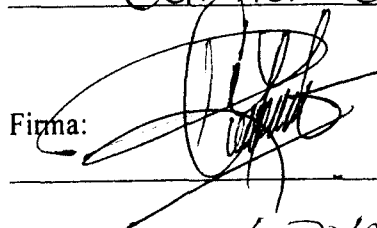
Nombre:

Carmen García

Domicilio:

400 Mt Hood
Modesto, CA

Firma:



Email:

Número de Teléfono:

(209) 541-0347

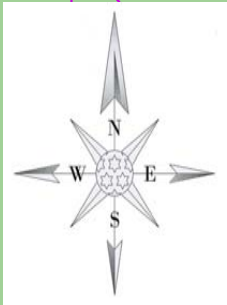
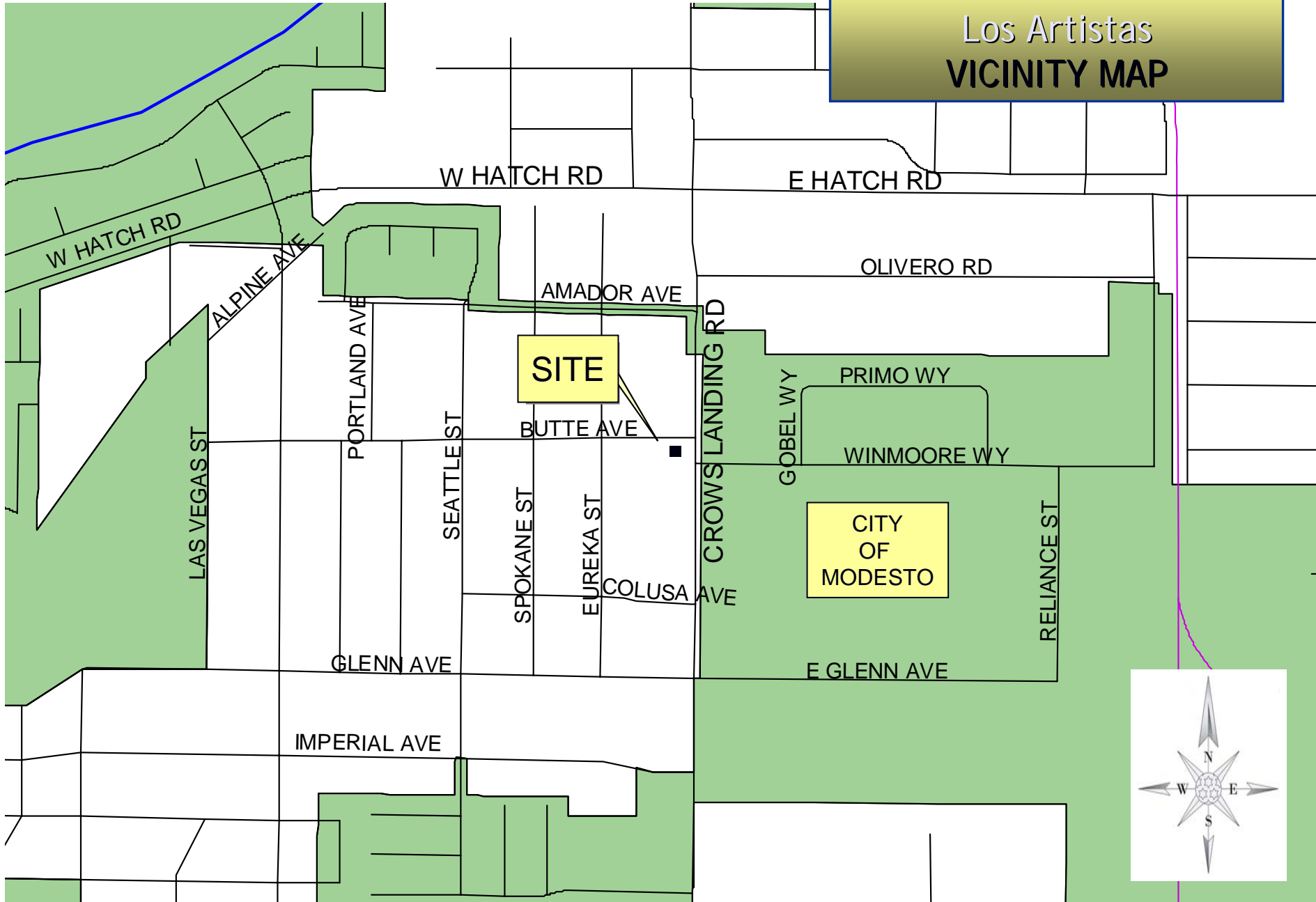
USE PERMIT APPLICATION NO. 2009-06 – Los Artistas Nightclub

**To Allow A Nightclub In The C-2
(General Commercial) Zoning District**

PowerPoint

UP No. 2009-06

Los Artistas
VICINITY MAP



UP No. 2009-06
Los Artistas
GENERAL PLAN

SITE

**CITY
OF
MODESTO**

BUTTE AVE

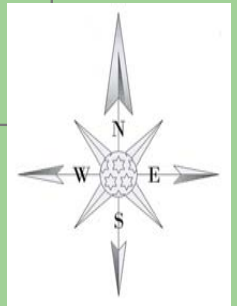
CROWS LANDING RD

WINMOORE WY

**LOW
DENSITY
RESIDENTIAL**

EUREKA ST

COMMERCIAL



UP No. 2009-06

Los Artistas

ZONING

SITE

CITY
OF
MODESTO

BUTTE AVE

056-018-001

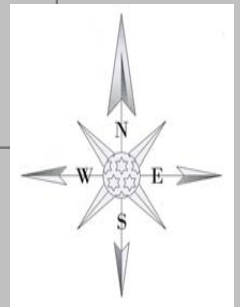
CROWS LANDING RD

WINMOORE WY

R-1

EUREKA ST

C-2



UP No. 2009-06
Los Artistas
AERIAL PHOTO

SITE

BUTTE AVE

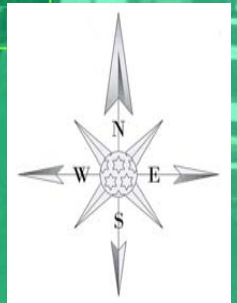
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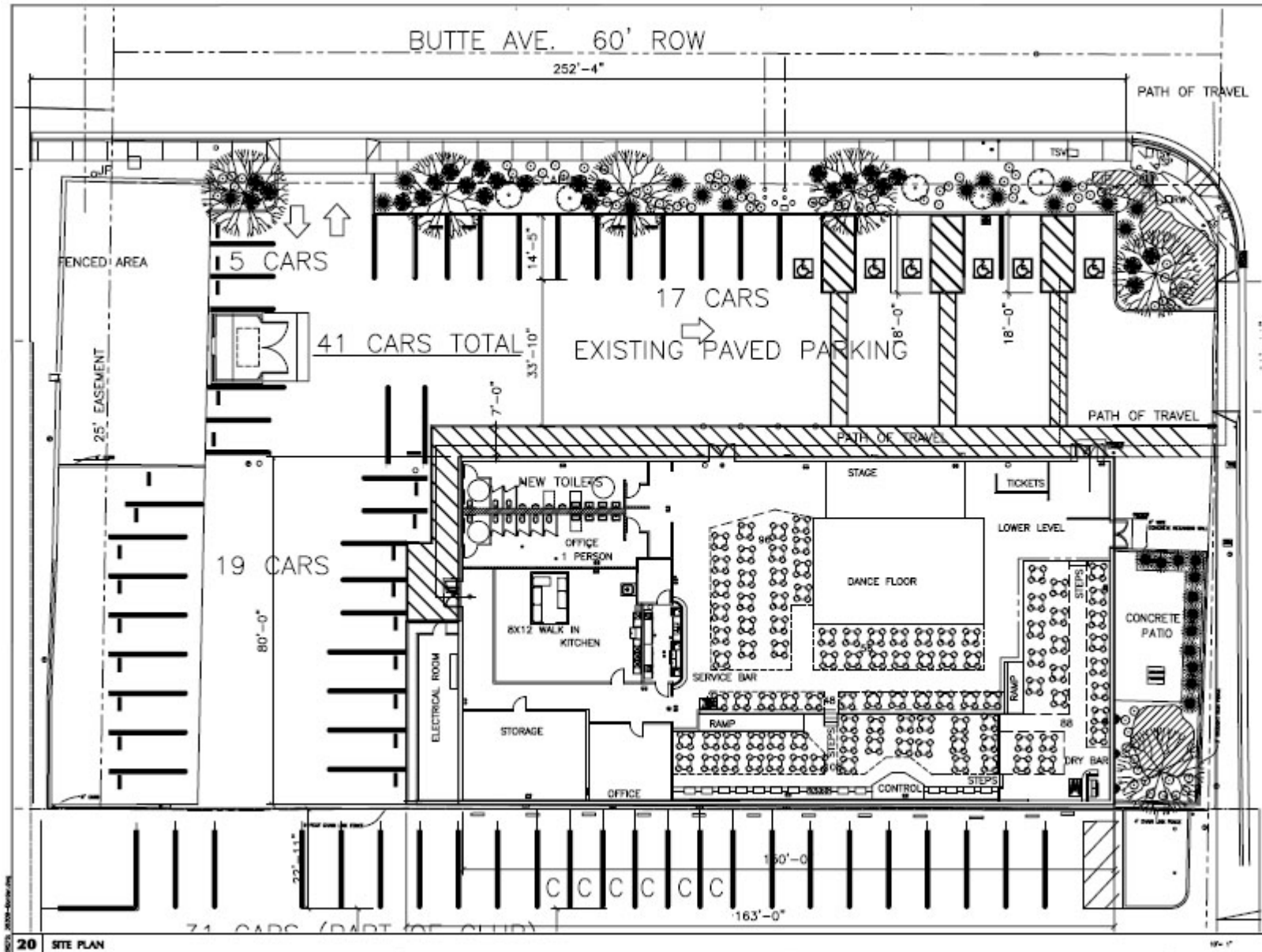
056-018-001

CROWS LANDING GRD

CITY
OF
MODESTO

WINMOORE WY





20 SITE PLAN

KARSTNER
ARCHITECTURE
P.O. Box 1777
Crows Landing, California 95319
Office: (209) 577-2750
Fax: (209) 577-2708
karstner@aol.com



LOS ARTISTAS
NIGHT CLUB
1785 CROWS LANDING ROAD
MODESTO CALIFORNIA

PROJECT NUMBER	
PLAN NO-18-01	
PLANNING	
CROWS LANDING	
DRAWN BY	
C.A.L.	
CHECKED BY	
C.A.L.	
REVISION	
PLAT DATE 12/10/2008	

DATE SHOWN
SHEET TITLE
SITE PLAN
SHEET NUMBER

A1



KARSTNER
Architecture

P.O. Box 1777
Croyce, California 95219

Office: (209) 877-8755
Fax: (209) 877-8758
KARSTNER@AOL.COM



THE STATE OF CALIFORNIA
DIVISION OF INDUSTRIAL SAFETY
REGISTERED PROFESSIONAL ENGINEER
No. C-13503
Name: [Redacted]
Date: 21 Jan 2011
Expiration: 2012

LOS ARTISTAS
NIGHT CLUB
1785 CROWS LANDING ROAD
MODESTO CALIFORNIA

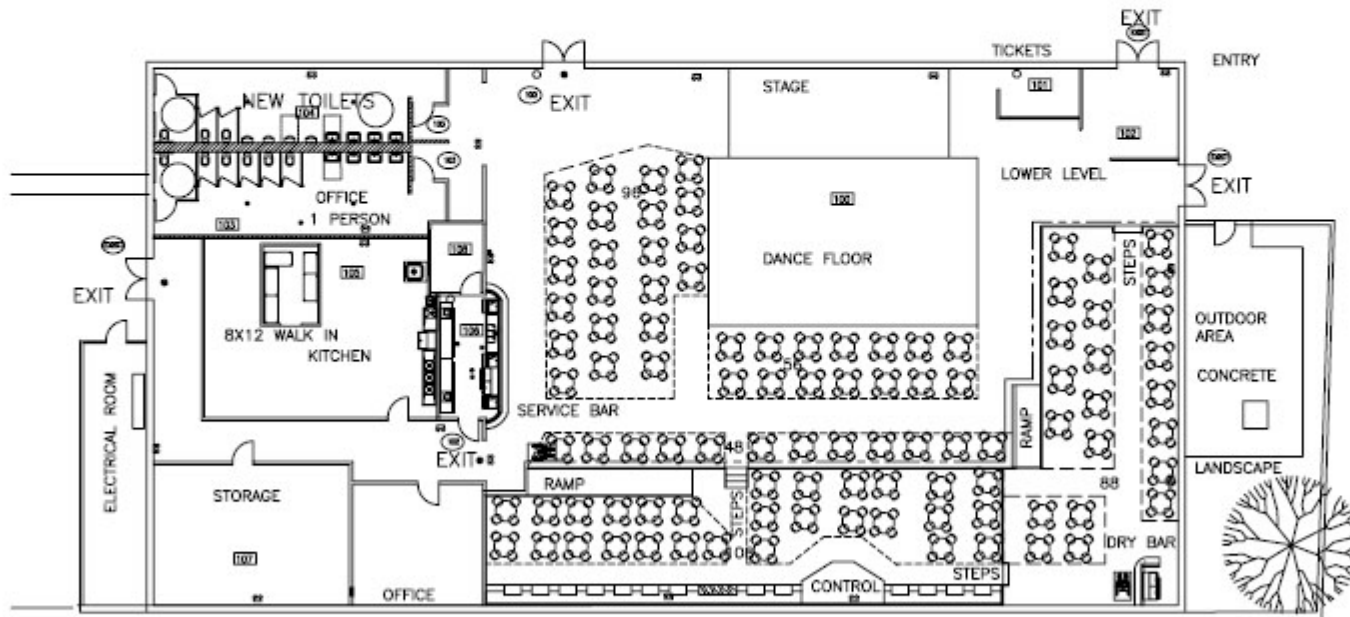
PROJECT NUMBER	
DATE 08-18-09	
FLORIANE	
ARCHITECTURE	
DESIGN BY	
C.A.R.	
DRAWN BY	
C.A.R.	
REVISIONS	

DATE 09/21/09	
1/20/09	
DRAWN BY	
FLORIANE	
PROJECT NAME	
FLOOR PLAN	
SCALE 1/8"=1'-0"	

A2

WALL LEGEND

- ==== EXISTING WALL CONSTRUCTION
- NEW WOOD STUDS AT 16" O.C.



REVISED SEATING PLAN OCT 28, 2009

Project Description

- Four nights a week, Thursday through Sunday, from 9:00 p.m. to 2:00 a.m.
- The project is proposing live and recorded music, a bar, and dancing.
- Plans for 396 seats.
- On-site parking will be 41 spaces.
- Additional parking at 1647, 1715 and 1739 Crows Landing

Discussion

- A use permit is required when a nightclub is located within 200 feet from residential.
- Use permit is required for “ballrooms, commercial clubs, dance halls, drive-in theaters, nightclubs, stadiums and tent or open-air churches, when located within two hundred feet of the boundary of any Residential District.”

Use Permit Findings

- Establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Modesto's SOI

- Land Use Element Goal 5, Policy 24 and Implementation Measure 1 requires development within a city's SOI to their development standards.
- The site is General Plan designation allows for commercial use.
- Specific conditions to comply with their standards.

PARKING

- Standards at a ratio of one off-street parking space for 3 seats.
- Plan has approximately 396 seats.
- 132 off-street parking spaces required.
- The project site has 41 parking spaces.
- That leaves the applicant 91 spaces short.
- The Modesto allows parking agreements with neighboring businesses

Parking

- Within 400 foot walking distance from a business.
- Hours of operation of the neighboring businesses must not conflict.
- Modesto accepted the parking analysis.
- Recorded irrevocable agreements for off-site parking for as long as the nightclub is in business.



31 Parking Spaces

1647

BUTTE AVE

EUREKA ST

SITE

41 Parking Spaces

056-018-001

1705

70 Parking Spaces

1715

CROWS LANDING RD

No Parking

1731

22 Parking Spaces

1739

1626

WINMOORE WY

Security Plan

- Sheriff's Department wrote security plan.
- Security Plan is for the nightclub and parking areas.
- The Sheriff's security plan has a different closure time under the "soft-close" section.
- Application and environmental review states a 2 a.m. closing time.
- Need to amend this security plan to reflect a closing time of 2:00 a.m. prior to occupancy.

Noise

- Noise consultant demonstrates that this project can meet the County's Noise Element.
- Noise study states that the existing exterior sound levels plus the project are expected to be meet the Noise Element.
- Staff include consultant's assumptions as mitigation measures in order to ensure that all available measures are incorporated into the project to lessen potential impacts to neighbors.

Planning Commission Meeting

- Two people spoke against the project, having concerns with potential problems in their neighborhood.
- Seven people spoke in favor of the project.
- The applicant's representative, responded to the neighbors' safety concerns, and the owner is willing to install "No Parking" signs in the residential area near the nightclub.

Commissioners' Questions

- Security Plan.
- How the petition was collected.
- How many neighbors within 200 feet of the project site support the project.
- How close the nightclub building is to the closest residential building.
- Modesto's letter which opposition to parking on the east side of Crows Landing.

Commissioners' Questions

- Several Commissioners questioned the City's October letter which stated opposition to parking on the east side of Crows Landing.
- Some Commissioners asked questions and expressed concerns about the use permit transferring with the land, if the club operator was to change.

Planning Commission's Vote

- Planning Commission voted 5-2 to deny the project based on an inability to make the required use permit finding. Concerns with safety, parking, and impacts to neighboring residents.

Appeal Letter

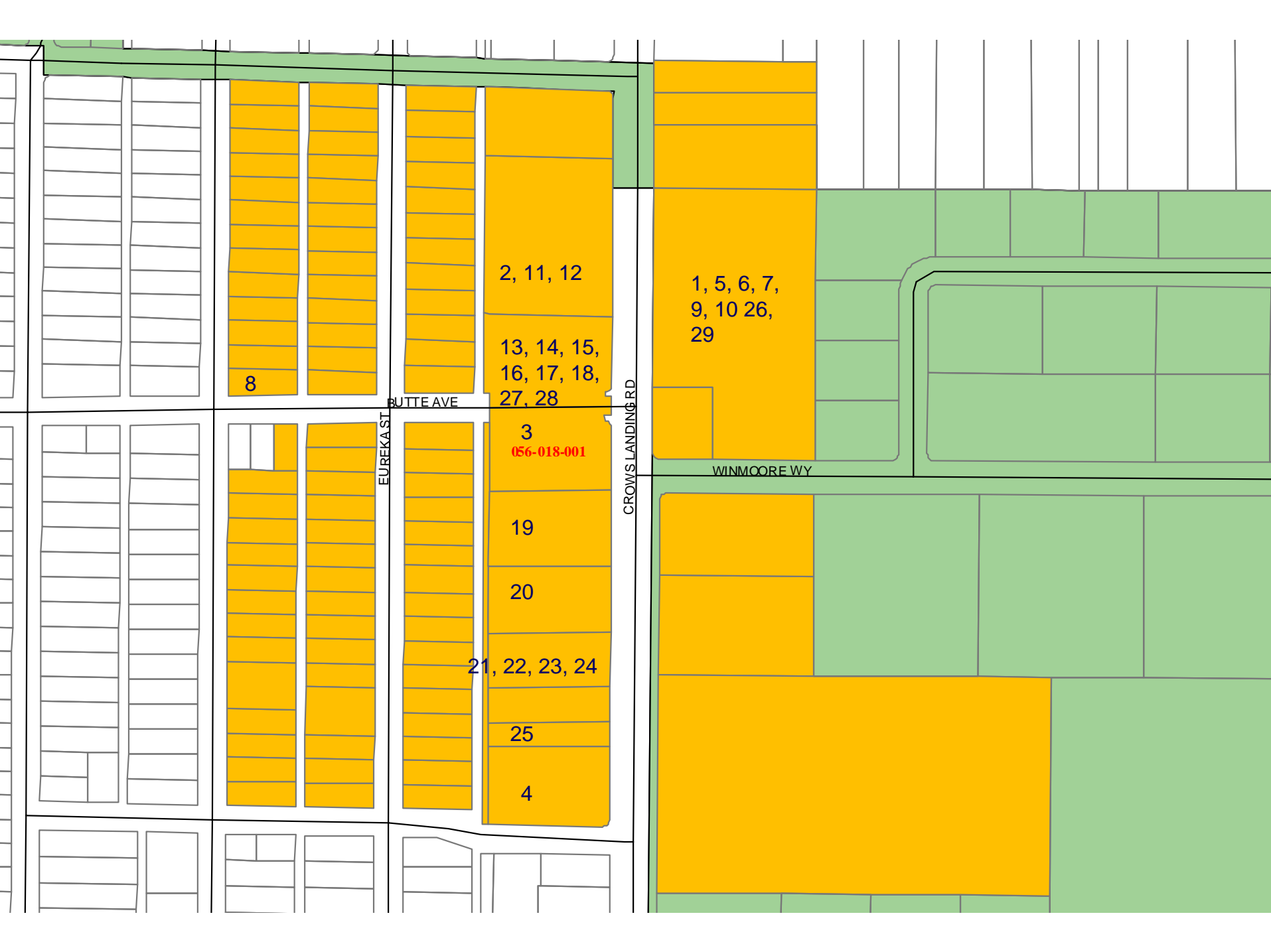
- The applicant discusses that the project will not have a negative impact on the neighboring properties and will upgrade the building, provide street improvements on Butte Avenue, and bring economic stimulus to the area.

Support Letters

- The appeal letter includes six letters of support signed by residents within 200-feet of the site.
- One of the letters, states that support for the project if (2) uniformed security guards on duty to patrol the outside of the premises including, the alley during hours of operation and post “No Parking” signs along Butte Avenue.

City of Modesto

- April 15, 2010, the City Clarified the October 9th response. The project is located within a commercial designation which allows for a range of commercial uses.
- Modesto's Commercial zoning recognizes a nightclub as permitted "by right" as long as it meets all applicable codes and standards.
- City's Code would be required to a nightclub to apply for an "Entertainment Permit" from the City's Entertainment Commission.



2, 11, 12

1, 5, 6, 7,
9, 10 26,
29

8

BUTTE AVE

13, 14, 15,
16, 17, 18,
27, 28

CROWS LANDING RD

3

056-018-001

WINMOORE WY

19

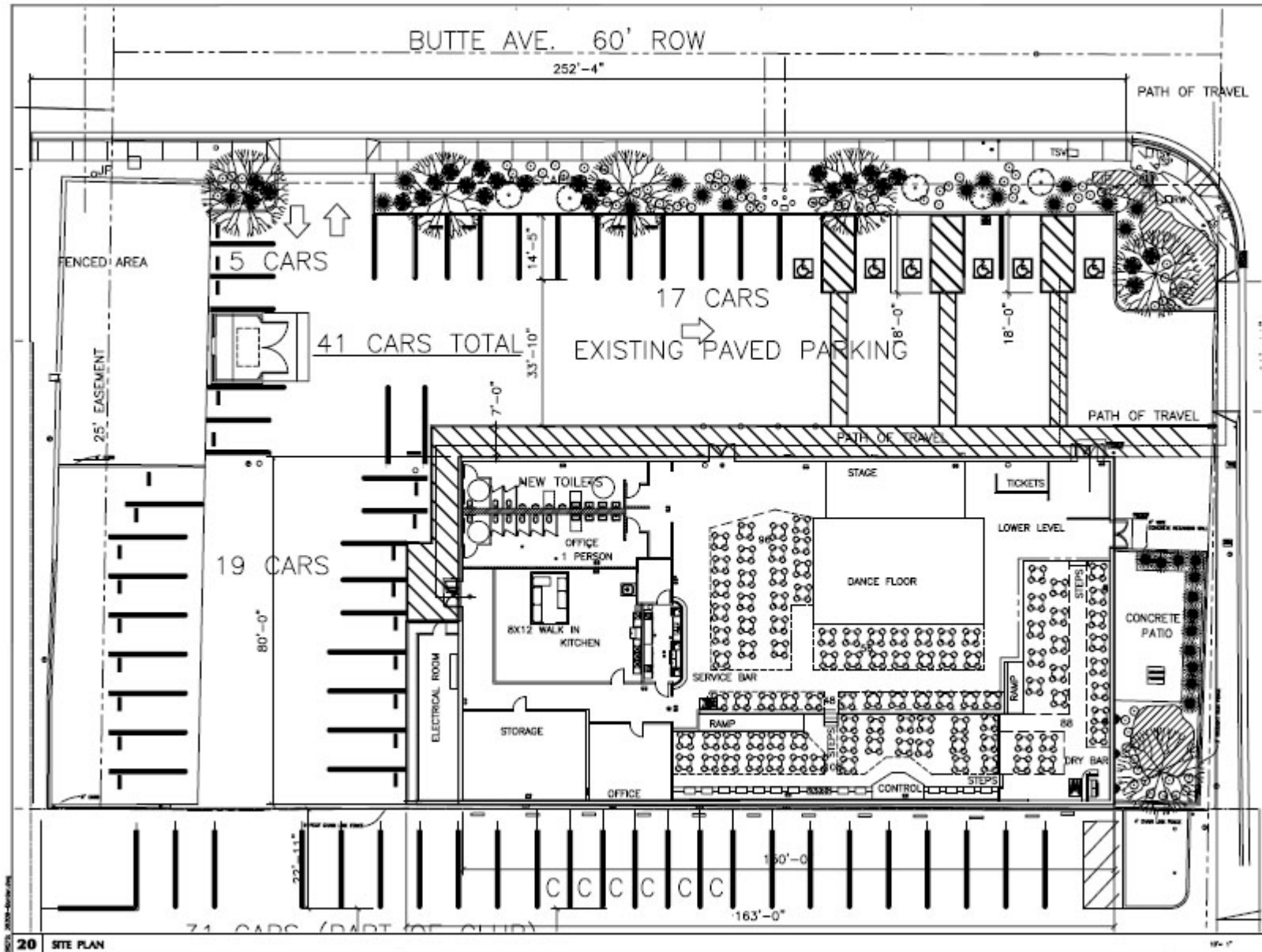
20

21, 22, 23, 24

25

4

EUREKA ST



KARSTNER
ARCHITECTURE
P.O. Box 1777
Crows Landing, California 95219
Office: (209) 577-2750
Fax: (209) 577-2708
KARSTNER@AOL.COM



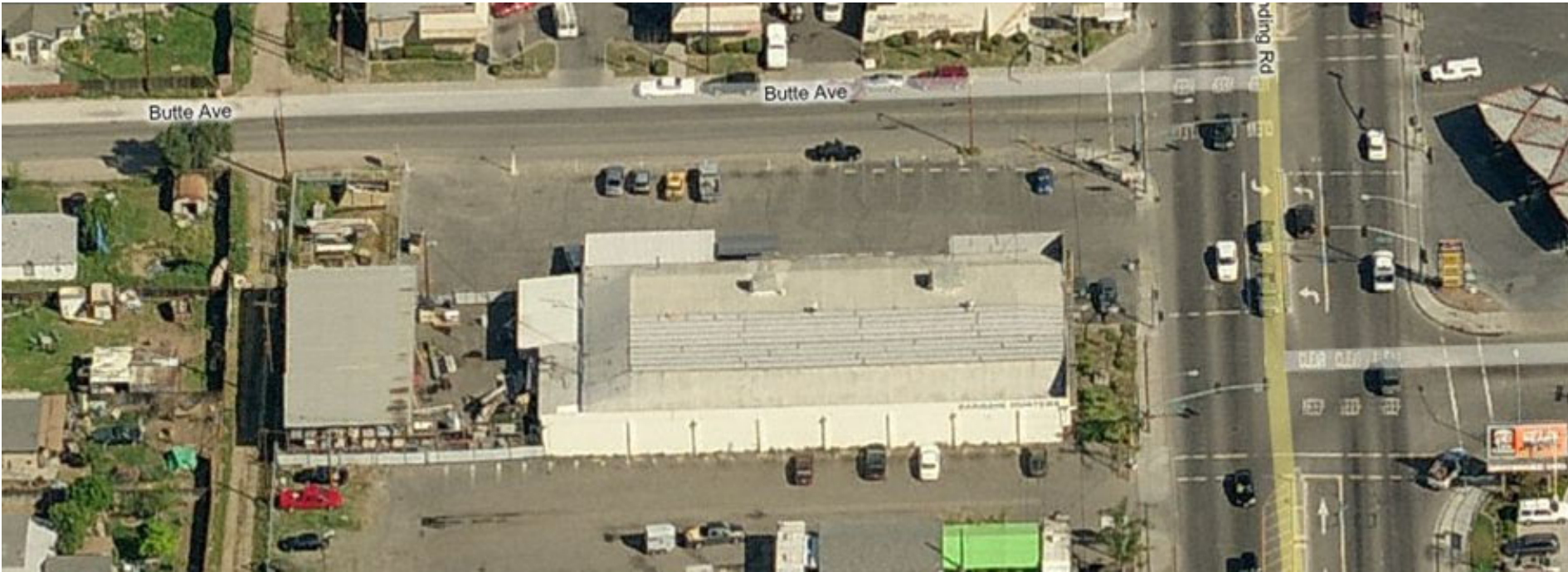
LOS ARTISTAS
NIGHT CLUB
1785 CROWS LANDING ROAD
MODESTO CALIFORNIA

PROJECT NUMBER: _____
 PLAN: MW-18-01
 PLAN NAME: CROWS LANDING
 DRAWN BY: _____
 C.A.S.: _____
 CHECKED BY: _____
 C.A.S.: _____
 REVISION: _____
 PLOT DATE: 12/10/2008

DATE: _____
 SHEET TITLE: _____
SITE PLAN
 REVISION: _____

A1

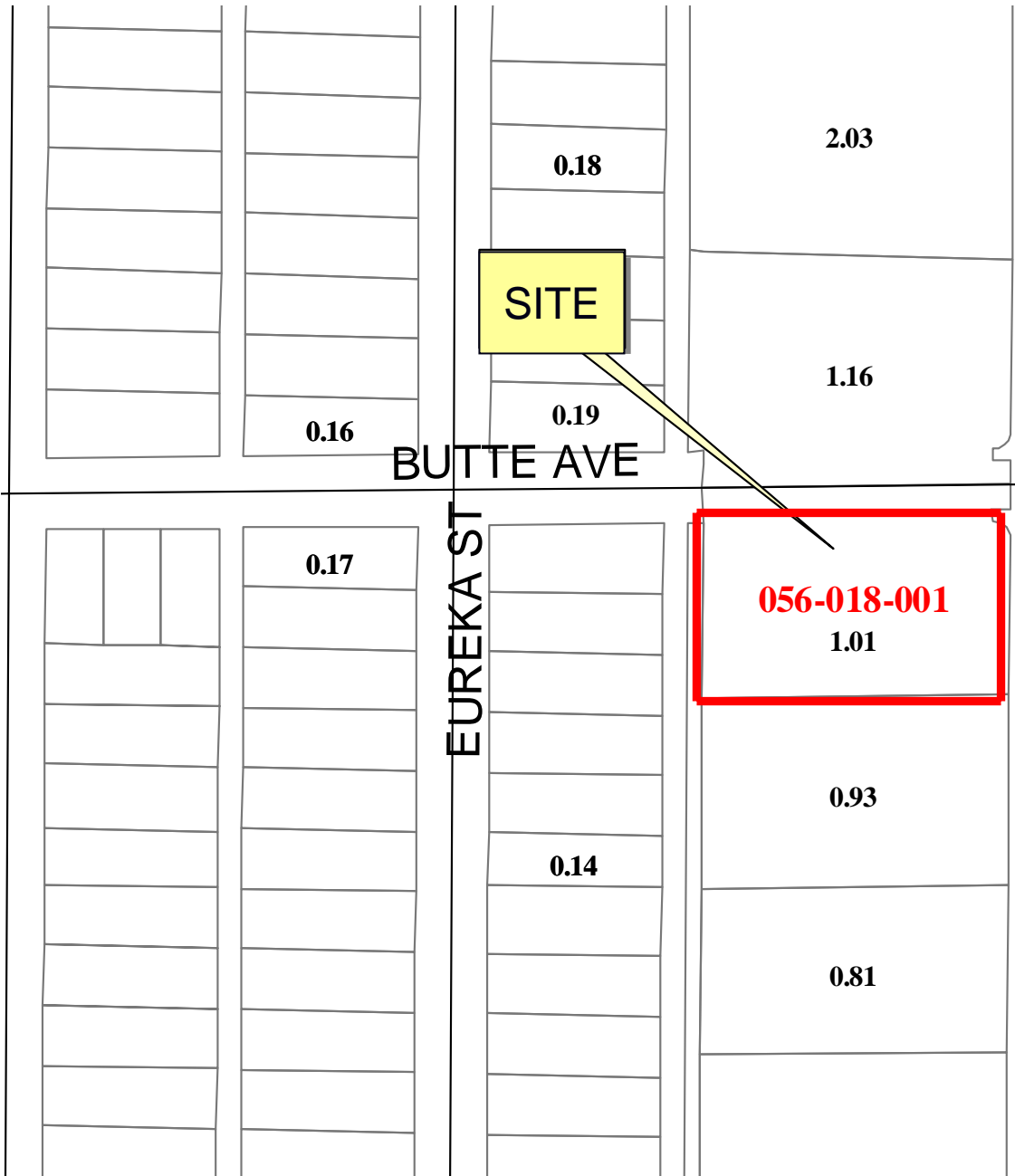
UP No. 2009-06
Los Artistas
CLOSE AERIAL PHOTO



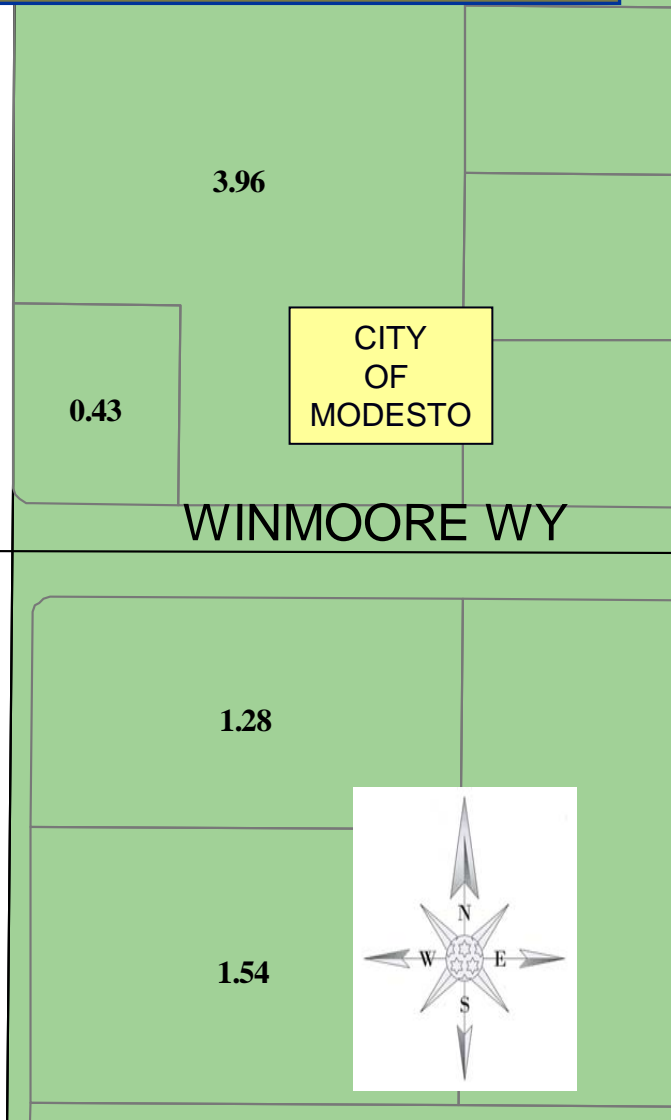
UP No. 2009-06
Los Artistas
PROJECT PHOTOS



UP No. 2009-06
Los Artistas
ACREAGE

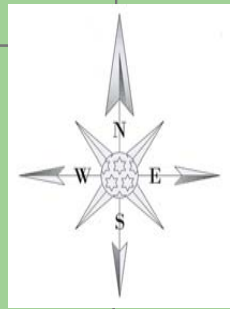


CROWS LANDING RD



CITY OF
MODESTO

WINMOORE WY



UP 2009-06 – LOS ARTISTAS PARKING

BUTTE AVENUE

Required Parking Spaces = 134

(1 space per 3 seats @ 396 Seats)

Available Parking:

On-site = 41 Spaces

Off-site = 123 Spaces

1647 Crows Landing Rd = 31 Spaces

1715 Crows Landing Rd = 70 Spaces

1739 Crows Landing Rd = 22 Spaces

Total Available Parking = 164 Spaces

 = Parking Locations

 = Parking Spaces

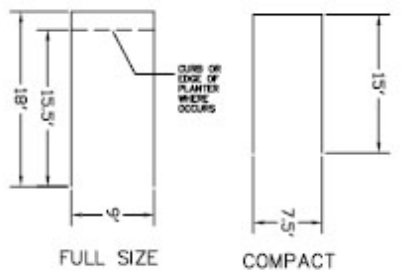
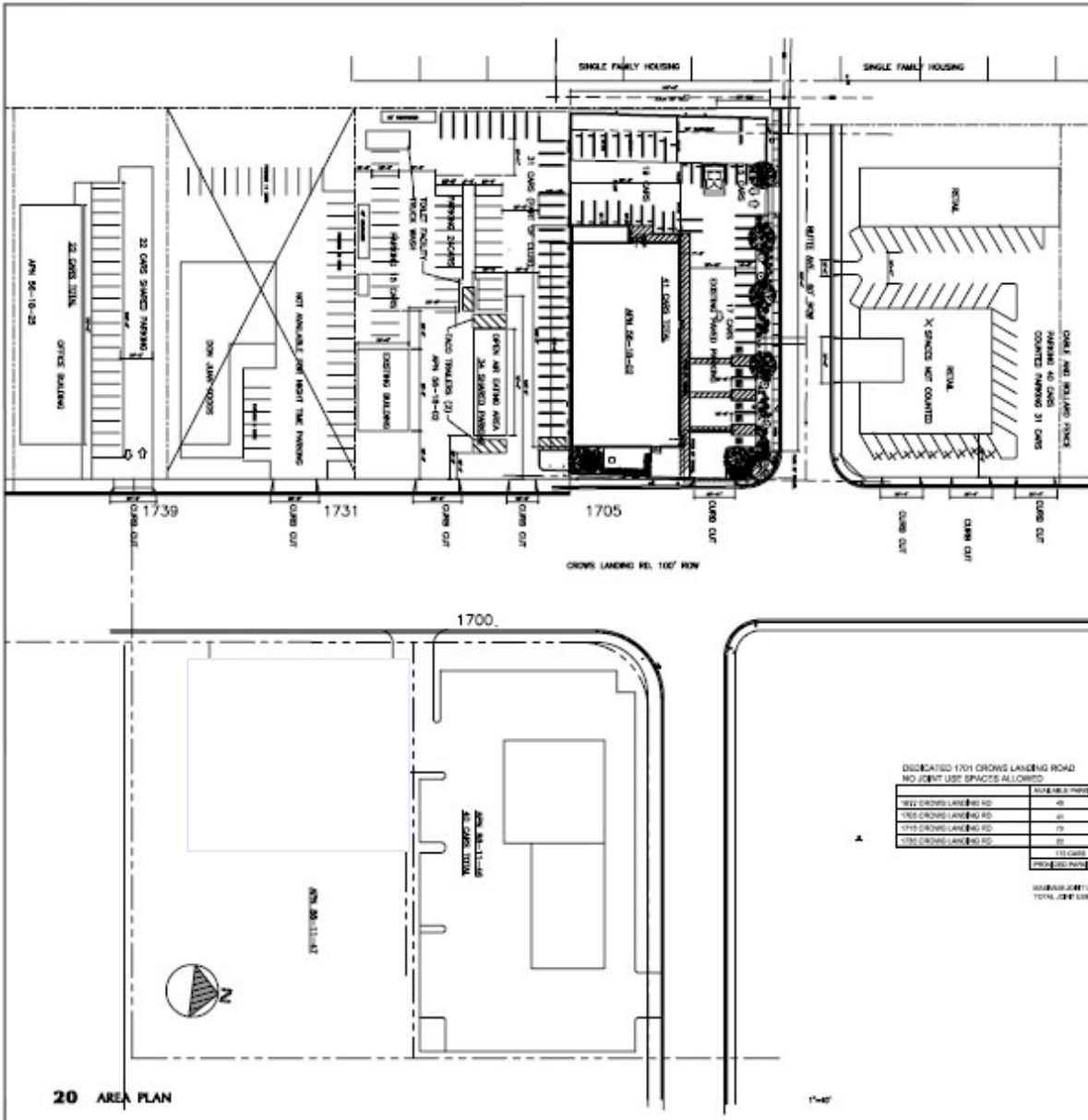


CROWS LANDING ROAD

WINMOORE WY

Background

- March 2009 during building permit application review it was determined a use permit. A use permit application was submitted
- Incomplete letter wanted more information on parking plan and agreements; a security plan; and a noise study; site plan inconsistencies.
- The application was deemed complete in December of 2009.



PROJECT NAME: LOS ARTISTAS
 PROJECT ADDRESS: 1705 CROWS LANDING ROAD
 MODESTO, CA.

APN: 056-0018-001
 OCCUPANCY USE GROUP: A.2 / S1
 CONSTRUCTION TYPE: V B

EXISTING: 12,487 SQ FT
 TI AREA: 12000 SQFT, NO INCREASE AREA

STORIES: 1
 SPRINKLERED: YES
 AREA: 12,000 SF

SEATS COUNTED: 396
 PARKING REQUIRED: 396/3=132 CARS

DEDICATED 1701 CROWS LANDING ROAD
 NO JOINT USE SPACES ALLOWED

STREET	SPACE TYPE	SPACE COUNT	SPACE TYPE	SPACE COUNT
1702 CROWS LANDING RD	STANDARD	20	COMPACT	11
1702 CROWS LANDING RD	STANDARD	20	COMPACT	11
1710 CROWS LANDING RD	STANDARD	19	COMPACT	10
1702 CROWS LANDING RD	STANDARD	20	COMPACT	11
TOTAL		79		43 TOTAL
PROPOSED PARKING		132		

MINIMUM JOINT USE PARKING ALLOWANCE TO
 TOTAL JOINT USE AND DEDICATED PARKING ALLOWANCE IS 144

DOCUMENT SUBMITTED TO
 COUNTY 11/12/2009



LOS ARTISTAS
 NIGHT CLUB
 1705 CROWS LANDING ROAD
 CALIFORNIA
 MODESTO

PROJECT NUMBER: _____
 DATE: 06-18-01
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____
 1/11/08 PARKING COUNTY AND LAURIT

PARKING ANALYSIS

T1