

AGENDA
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF JANUARY 21, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Oath of Office - New Commissioner.
5. Approval Of The Agenda.
6. Approval Of Minutes From The September 17, 2009 Meeting And The October 15, 2009 Meeting.
7. Items From The Public.
8. New Business
 - a. Public Hearing
 - Conditional Use Permit No. 09-06 - Marty's Illusions
 - Applicant: Deedee Sequeira
 - Description: Allow Operation Of A Bar/Nightclub/Restaurant In The C-8 District
 - Location: The Subject Property Is Located At 2042 "N" Street; Approximately 1,160 Feet South Of Inyo Avenue.
 - b. Public Hearing
 - Site Plan Review No. 09-01 - Silo and Alcove Hallway Additions
 - Applicant: Saputo Cheese USA, Inc.
 - Description: Conduct A Site Plan Review For The Addition Of An Alcove Hallway And Four (4) Silos To The Existing Cheese Plant
 - Location: The Property Is Located On The Corner Of Inyo Avenue And "L" Street At 691 Inyo Avenue, Approximately 300 Feet South Of Merced Street.
9. Items From Commissioners.
10. Items From Director And Staff.
11. Adjournment.

MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF SEPTEMBER 17, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order - 7:00 P.M.
2. Pledge Of Allegiance.
3. Roll Call **PRESENT:** Allan, Alves, Maurer and Chairperson Wallace.
ABSENT: Applegate.
4. Approval Of The Agenda.

ACTION: On Motion By Maurer Seconded By Allan And Unanimously Carried, The Agenda Was Approved.

5. Approval Of Minutes From The August 20, 2009 Meeting.

ACTION: On Motion By Allan Seconded By Alves And Unanimously Carried, The Minutes From The August 20, 2009 Meeting Were Approved.

6. Items From The Public - None
7. New Business

- a. **Public Hearing (Continued From The August 20, 2009 Planning Commission Meeting)**
Conditional Use Permit No. 09-04, To Allow A Bar/Nightclub In A C-1 District, Where The Municipal Code Requires A Conditional Use Permit.
Applicant: Suzie Cortes And Alma Ponce, St. George
Description: Allow Operation Of A Bar/Nightclub In A C-1 District.
Location: The Subject Property Is Located At 1347 Main Street, Approximately 125 Feet North Of Fresno Street.

Assistant Planner Ocasio Reviewed and Presented Use Permit No. 09-04.

Chairperson Wallace Opened The Public Hearing At 7:11 P.M.

Suzie Cortez, 661 Hope Drive, San Jose; Explained That The St. George Would Be A Full Restaurant But That She Doesn't Want To Serve Food Until 2:00 A.M. She Explained That She Would Like To Have A D.J. Once A Month And Has An Average Of Approximately 50 People In The Establishment On A Weekend Night.

Rick Fauss, 203 Parliament Court, Pointed Out That There Is A Lack Of Eating Establishments That Don't Serve Alcohol In Newman. He Stated That It Is Hard To Enjoy A Meal When People Nearby Are Drinking. Fauss Told The Commission That He Is Dead Set Against This Approval And That He Thinks That When You Mix Alcohol With Young Adults Plus Entertainment That It Just Leads To Problems.

David Reed, 1541 Kern Street, Stated That He Agreed With Rick Fauss And Is Concerned About The Bar.

Alex Ram, 2201 Redwood Way, Commented That Newman Has A Slower Way Of Life And This Is Not Going To Be Like A Large City Night Club. Ram Mentioned That He Has Worked Security At Ten Different Bars And That St. George Has Had Very Little Problems Comparatively. He Stated That He Thinks The Impacts Would Be Minimal And That Three Security Guards Would Be More Than Sufficient.

There Being No Further Public Comment The Hearing Was Closed At 7:34 P.M.

ACTION: On Motion By Allan Seconded By Alves And Carried By The Following Roll Call Vote, Use Permit No. 09-04 Was Approved. AYES: Alves, Alan And Wallace NOES: Maurer ABSENT: Applegate NOT PARTICIPATING: None.

b. Public Hearing

Conditional Use Permit No. 09-05, To Allow A One-Year Extension For The SCM Modular Sales Office, Where The Municipal Code Requires A Conditional Use Permit.

Applicant: SCM Sierra Creek, LLC

Description: Allow A One-Year Extension For The SCM Modular Sales Office

Location: The Subject Property Is Located At 220 Red Lion Way, On The Corner Of Red Lion Way And Cinnamon Teal Way.

Assistant Planner Ocasio Reviewed And Presented Use Permit No. 09-05.

Chairperson Wallace Opened The Public Hearing At 7:44 P.M.

Mark Trinta, 920 Standiford Avenue, Suite No. 1, Modesto, Requested An Extension Of The Existing Use Permit. He Stated That The Staff Has Added Conditions Of Approval And That One Of Those Conditions Requires Only One Storage Container, But That His Company Is Asking For Two Containers For At Least A Four-Month Period. He Mentioned That The Condition Of Adding A \$100.00 Dog Park Fee To Each Of The 204 Remaining Lots And Requested That The Condition Be Removed. Trinta Read A Letter From Their Attorney Requesting That Said Condition Be Removed In Its Entirety, Explaining That It Is Unrelated To The Use Permit Application Stated And Stating That There Is No Relationship Or "Nexus" To The Use Permit.

There Being No Further Public Comment The Hearing Was Closed At 7:58 P.M.

ACTION: On Motion By Allan Seconded By Alves And Unanimously Carried, Use Permit No. 09-05 Was Approved With The Added Condition That The Second Storage Container Would Be Allowed For A Period Of Five Months And With The Additional Findings Present By Chairperson Wallace.

8. Items From Commissioners - None

9. Items From Director And Staff.

Assistant Planner Ocasio Updated The Commission On Several Projects Including The Hill Park Project, Safe Routes To School Project, Aquatic Center Project, Neighborhood Stabilization Program, Housing Element And The Corporation For Better Housing Project.

10. Adjournment.

ACTION: On Motion By Allan Seconded By Maurer And Unanimously Carried, The Meeting Was Adjourned At 8:17 P.M.

MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 15, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order - 7:03 P.M.**
2. **Pledge Of Allegiance.**
3. **Roll Call PRESENT:** Allan, Applegate and Chairperson Wallace.
ABSENT: Alves (Excused) And Maurer (Unexcused).
4. **Approval Of The Agenda.**

ACTION: On Motion By Allan Seconded By Wallace And Unanimously Carried, The Agenda Was Approved.

5. **Approval Of Minutes From The September 17, 2009 Meeting**

ACTION: This Item Was Postponed Due To A Lack Of A Quorum Of Commissioners Present At The September 17, 2009 Meeting.

6. **Items From The Public - None.**

7. **New Business**

a. **Public Hearing**

General Plan Amendment No. 09-01, Housing Element Update

Applicant: City of Newman

Description: Formal Approval And Recommendation To Council Of General Plan Amendment No. 09-01 For The Purpose Of HCD Submittal.

Location: City of Newman City Limits

Assistant Planner Ocasio Reviewed And Presented General Plan Amendment No. 09-01.

Chairperson Wallace Opened The Public Hearing At 7:11 P.M.

There Being No Further Public Comment, The Hearing Was Closed At 7:12 P.M.

ACTION: On Motion By Applegate Seconded By Allan And Unanimously Carried, General Plan Amendment No. 09-01 Was Approved.

8. **Items From Commissioners - None.**

9. **Items From Director And Staff**

City Manager Holland Informed The Commission That Construction Of Hill Park Had Begun And That SCM Sierra Creek Would Be Appealing One Of The Conditions Of Approval Related To Use Permit No. 09-05 At The October 27, 2009 City Council Meeting.

Assistant Planner Ocasio Updated The Commission On Several Projects Including The Fresno/"T"
Street Project, Development Of Sherman Ranch\Silver Oaks, The Safe Routes To School Project And A
Potential Energy Efficiency Grant.

10. Adjournment

ACTION: On Motion By Applegate Seconded By Allan And Unanimously Carried, The Meeting Was
Adjourned At 7:17 P.M.

**CITY OF NEWMAN
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION MEETING DATE: January 21, 2010

AGENDA ITEM: 3.a.

UP	#09-06	Allow Operation of a bar/nightclub/restaurant in the C-8 District
APN	026-016-010	Applicant: Deedee Sequeira
CEQA	Exempt	

REQUEST:

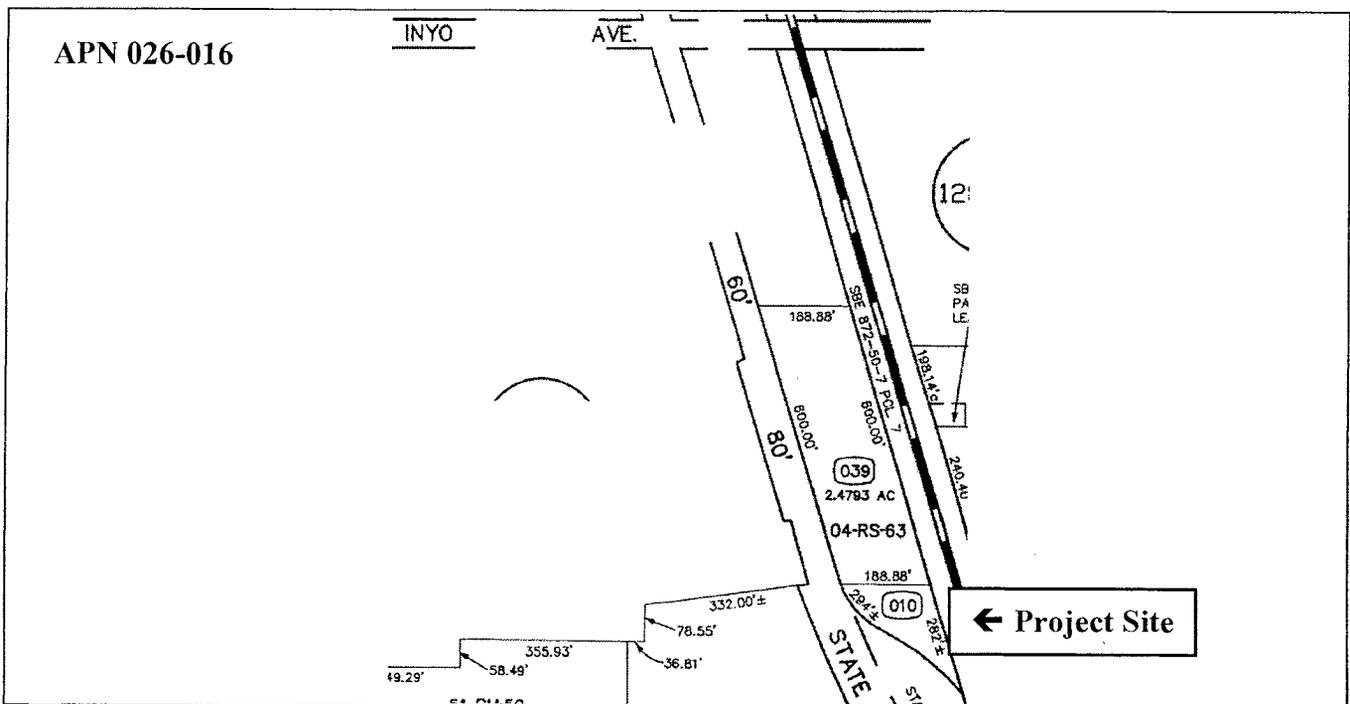
Allow the operation of a bar/nightclub/restaurant in the "C-8" Highway Commercial District.

LOCATION:

The subject property is located at 2042 "N" Street; approximately 1,160 feet south of Inyo Avenue.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Commercial	C-8	CC
North	Industrial	I	CC
South	Vacant	N/A	CC
East	Industrial	I	HI
West	Commercial	C-2	CC

C-8 = Highway Commercial District

I = Controlled Manufacturing District

C-2 = General Service Commercial District

CC = Community Commercial

HI = Heavy Industrial

SIZE OF PROPERTY: 22,651 square feet (parcel)
4,462 Square feet (building)

ACCESS: "N" Street (CA Highway 33)

ORDINANCES:

NMC 5.01.070: General Zoning Definitions

NMC 5.08: C-8 Highway Commercial District

NMC 5.25.020: Conditional use permits

PROJECT DESCRIPTION:

According to the Newman Municipal Code, a restaurant is defined as "an establishment which serves food or beverages primarily to persons seated within the building." Additionally the Merriam-Webster dictionary defines "nightclub" as "a place of entertainment open at night usually serving food and liquor and providing music and space for dancing and often having a floor show" ("nightclub." Merriam-Webster Online Dictionary. 2009. Merriam-Webster Online. December 2009 <http://www.merriam-webster.com/dictionary/nightclub>). Given these definitions and the information submitted by the applicant, staff has determined that the applicant is proposing to utilize the existing building as a bar/nightclub/restaurant.

The applicant is proposing to operate the bar daily from 10:00am to 2:00am and the restaurant Tuesday through Saturday from 11:00am to 9:00pm. Operations will include the mixing and serving of drinks, food preparation and service, Karaoke, Disc Jockey entertainment, Country/Jazz/Hip-Hop/New-Age/Rock Live Music, Mariachis, Sports Nights, Comedians, Magicians, dancing, pool, darts and a future dart league. Additionally, the applicant would like to reestablish and host the "Poker Run". All activities are proposed to take place inside the building or in the attached patio area at the southeast portion of the property. All entry and exit will take place from the front entrance of the building.

BACKGROUND:

Staff received the use permit application on October 1, 2009, at which point the application and all exhibits were forwarded for comments from affected agencies/departments.

The applicant is requesting a use permit in order to change the previous use of a primary restaurant with ancillary bar to a primary bar/nightclub with a subsidiary restaurant. The

applicant has contacted Alcohol Beverage Control (ABC) and has applied for a Class 47 alcohol license (a bona fide eating place). The California Business & Professions Code defines a Bona fide public eating place as "a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals... "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement." The California Department of Alcoholic Beverage Control considers a bona fide eating place to have gross sales of food prepared and sold to guests exceed the gross sales of alcoholic beverages (i.e. food sales must account for 50% or more of total gross sales). ABC license approval cannot be finalized until the applicant has met all ABC requirements and secured the required conditional use permit from the City.

The applicant currently plans to employ 16 employees at the project site with intentions to increase staffing as business dictates. The proposed use is consistent with the C-8 district with an approved use permit. The applicant states that their proposed use will not constitute a nuisance or be detrimental to the general welfare of the public and that they desire to be in good standing with the City and law enforcement.

ANALYSIS:

Land Use: The subject site is zoned C-8 (Highway Commercial District), surrounding properties to the north and east are zoned I (Controlled manufacturing District), the neighboring property to the west is zoned C-2 (General Service Commercial District). The General Plan designation for the subject property is CC (Community Commercial). The zoning code identifies the proposed use as a permitted use with a Conditional Use permit. Per municipal code requirements, the applicant has applied for said use permit.

Public Safety: The applicant has not yet begun operating the establishment; therefore no public safety history is on record. However, the Newman Police Department has reviewed the application and subsequently recommended conditions of approval for the use permit.

Improvements: The eastern portion of N Street (Highway 33) requires improvements. Said improvements shall include: curbs, gutter, sidewalk and landscaping. All improvements shall be to City of Newman and Caltrans standards.

Landscaping/Open Space: The applicant has not submitted a landscaping plan, however she has stated that she has cleaned and trimmed the existing site's landscaping. The subject site currently has a number of oleander bushes and various trees. The municipal code requires a minimum of ten percent of the total lot be landscaped; in this case the minimum landscaping area would be 2,265 square feet. Additionally, the site's parking lot must be set back a minimum 15 feet from the public right of way, this set back area must too be landscaped (the landscaped set back may be counted towards the aforementioned 10% requirement). Said parking lot must also have one shade tree provided for every five parking spaces; as identified in the application, there is an estimated 55-65 parking spaces at the project site, thus requiring a minimum of 11-13 shade trees.

Parking: The municipal code states that “the purpose of... [Off-street parking regulations] is to promote successful business operations... within the City by setting forth uniform standards for the amount and design of off-street parking and loading areas. Implementation of these standards is intended to provide an appropriate amount of off-street parking, reduce traffic congestion, facilitate vehicle movement, enhance vehicle and pedestrian safety and support high-quality commercial...neighborhoods.”

NMC §5.17.030.B requires “1 space per 150 square feet of GFA, with a minimum of 10 spaces”; with this formula, the proposed project will require 30 spaces. The submitted application identifies a potential of 55-65 spaces; if confirmed, this will exceed municipal code requirements. According to NMC §5.17.030.F, given the minimum parking space requirement of 30 spaces, a minimum of 3 bicycle spaces on a secured bicycle rack is also required. Additionally, NMC §5.17.070.K (Curbs/Wheel Stops) mandates that “Curbs shall be provided at the front of all parking spaces located along exterior property lines. All such curbs, wheel stops, or other devices shall be located a minimum of three feet from the exterior property line and shall be firmly attached to the ground” and NMC §5.17.080.B (Off-street parking, paving, grading and drainage) requires that “Off-street parking lots in all districts shall be surfaced and maintained in accordance with the City “Standard Specifications and Details” and any additional requirements of the City Engineer.”

Access: The applicant is proposing access from the existing entry located on “N” Street/Highway 33.

Use Permit

NMC §5.25.020.A. states that “the purpose of requiring a conditional use permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and to provide that such uses are arranged or operated in a particular manner...[and] allows a particular use or activity not allowed as a matter of right within a zoning district” Bars, taverns, nightclubs, and cocktail lounges are categorized as a conditional use in the C-8 district and must be approved through the use permit process. The Planning Commission may deny any use permit application that is “...found to be objectionable or incompatible with the character of the City and its environs due to noise, dust, odors, traffic, lack of off-street parking, or other undesirable characteristics.” The proposed use will be contained within the building and adjacent patio and should be out of view from the general public. No objectionable noise, dust, odors or lack of off-street parking is anticipated.

Findings: The Planning Commission may approve, or conditionally approve, a use permit application only if the following findings can be made:

1. The proposed conditional use permit is substantially consistent with the General Plan and this title.

Pro: The General Plan identifies the project site as Community Commercial, this designation “provides for land-extensive retail and wholesale commercial uses, professional offices, public and quasi-public uses, and similar and compatible uses” (GP LU-19). Given that the zoning code identifies bars, taverns, nightclubs, and cocktail

lounges as compatible uses (with an approved use permit) it can also be identified as a compatible use per the General Plan.

Con: The General Plan does not directly identify the proposed use for the Community Commercial designation.

2. The proposed use will not constitute a nuisance or be detrimental to the public health, safety, and general welfare, and will be in the best interest of public convenience and necessity.

Pro: The proposed use will be contained within a building and patio and should be away from public view. The applicant would be utilizing a recently vacant and unmaintained building, thus protecting public health and safety through the repair and maintenance of said building. In addition, the applicant plans to increase employment opportunities within the City, thus providing approximately 16 jobs to local residents. Staff does not anticipate any more of a detrimental effect to public health, safety and general welfare than any other bar in the City.

Con: The proposed use may cause increased traffic in the surrounding area, causing accelerated wear on the public right-of-way. Also, given it's location on Highway 33 and the existing road curvature immediately south of the project site, alcohol-related automotive accidents/collisions may occur. In addition, the proposed use may increase public safety calls regarding alcohol-related issues and incidents.

3. The site is adequate in size and shape to accommodate the proposed use, building(s) and all related activities.

Pro: The project site was originally built in 1928 as a restaurant and bar; located on "N" Street south of Inyo Avenue, the applicant has stated that the building is adequate for their business needs. According to the California Building Code and discussions with the Chief Building Official, it is recommended that the maximum occupancy be set at 180 persons.

Con: The proposed use may host special events such as live music, performances, etc which may cause increased clientele and traffic at the project site, thus potentially exceeding occupancy standards and parking availability.

4. The site relates to streets and highways in such a manner that the type and quantity of traffic generated by the subject use will not have an adverse impact on the surrounding area.

Pro: The applicant is proposing to use the front entrance of the existing building. It is estimated that the proposed use may create up to 32 employee and 120 consumer vehicular trips per day, these figures may vary depending on the day of the week. The current level of service (LOS) for "N" Street is "A", with an approximate daily volume of 7,300 vehicles (GP EIR 4.13-8). The addition of 152 vehicles will not adversely affect the LOS for "N" Street.

Con: Given the parcel's location and orientation on "N" Street, the proposed use may cause increased traffic on "N" Street and surrounding areas. Additionally, given the existence of the road curvature immediately south of the project site, ingress and egress to the establishment may have an adverse impact on the area.

5. The proposed use will be compatible with the surrounding neighborhood.

Pro: The proposed use will be contained within the existing building and adjacent patio and should not cause any detrimental effects on the surrounding neighborhood.

Con: Given that the majority of business will occur at later hours, the proposed use may cause additional noise and traffic, negatively affecting the surrounding neighborhood at those times.

Public Comment

A Public Notice was published on December 3, 2009 and Public Notices were mailed out to surrounding property owners within a 300' radius on December 4, 2009. As of this date (12-10-09), no comments have been received.

CONCLUSION:

The proposed project is a permitted conditional use within the zoning district. A conditional use is defined as a "use which is listed as a conditional use in any given district... [which] may be required to meet certain requirements as a condition precedent to the granting of [said] use permit." (NMC §5.01.070) NMC §5.25.020 states that "The Planning Commission shall be responsible for determining the merits of a conditional use permit application." With approval of a use permit, the proposed use will be consistent with the General Plan and Zoning Code. In addition, the proposed use will prevent the vacancy of a locally significant structure, increase employment opportunities within the City and offer local entertainment to the community. As with any bar/nightclub, there are risks involved; as referenced earlier, issues/altercations may arise due to alcohol consumption. With proper staffing and management, these types of issues can be avoided; however, should the applicant not manage the establishment at a level that encourages appropriate patron behavior, future issues will most-likely arise. Per the municipal code, staff has provided the Commission findings supporting both approval and denial.

CONDITIONS OF APPROVAL:

Should the Planning Commission grant the applicant's request for a Conditional Use Permit, staff has recommended the following conditions of approval:

Community Development

1. The applicant shall obtain a "Type 47" license from ABC and follow all regulations required therein.
2. All use-permit related activities shall be kept within the building/patio at all times.
3. The use permit location (2042 "N" Street) shall be kept clean and free of garbage, cigarette butts and any other debris.
4. The applicant shall attend an ABC Licensee Education on Alcohol and Drugs (LEAD) training course within three (3) months of use permit approval and submit proof of attendance to the City of Newman Police Chief.

5. City staff will review the use permit in six (6) months.
6. No off-street parking shall be permitted on N Street/Highway 33.
7. Curb, gutter, sidewalk and landscaping improvements shall be installed on the eastern portion of "N" Street/Highway 33 adjacent to the subject property. All improvements shall be to City of Newman and Caltrans standards and completed within six (6) months of use permit approval.
8. Within 30 days of use permit approval, the applicant shall submit a landscape plan (identifying existing and proposed landscaping improvements) and timeline to the Community Development Department for approval; the approved plan shall be implemented and completed by June 30, 2010.
9. Within 30 days of use permit approval, the applicant shall submit a parking lot plan (identifying paving plan and timeline) to the Community Development Department for approval; the approved plan shall be implemented and completed by June 30, 2010.
 - i) Said plan must include proposed paving, striping, ingress/egress points, curb stops and any/all necessary improvements – all in accordance with the City's Standard Specifications and Details.
10. The applicant shall provide a secured bicycle rack with a minimum of three spaces prior to business operation.
11. No Adult business related activities (as defined in NMC §3.13.020) shall be permitted at the project site (i.e. wet t-shirt contests, partial nudity, etc).

Finance

1. Any/all outstanding debts must be paid in full prior to Business License issuance.

Public Safety

Security

12. A California State Licensed/Certified Security Company or Guard shall provide security for the business. The company shall be licensed to do business in the City of Newman.
13. All security guards shall be licensed, as provisioned by California State Statute.
14. All Security guard applicants must be able to meet the application requirements by the Department of Consumer Affairs for a guard card/license.
15. Upon receipt of guard card, a copy of the guard card must be furnished to the Newman Police Department.
16. All security guards currently employed and new hires shall have 60 days to come into compliance with the guard card requirements through the State.
17. There shall be at least one (1) security officer stationed at the entrance of the business during hours of operation. This officer 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 police department upon demand.
18. There shall be at least (1) uniformed security guard on duty to patrol the outside of the premises including, but not limited to, the patio area and parking lot during hours of operation on Fridays and Saturdays. The guard is not to be counted as a bouncer 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 of conditions of dance permit.
19. Additional security may be required as outlined in Section 26, Special Events.

Permit Requirements:

20. If the facility is leased, subletted, or rented, the organization or individual must apply for a Daily Dance Permit application 15 days in advance of the event providing proof of security, and a copy of the lease agreement for use of the facility.
21. If the applicant/establishment is owned as a corporation or partnership, it shall provide to Newman Police Department a full disclosure of all partners, and /or officers, including their addresses or phone numbers, must be reported to the Newman Police Department within 3 business days of any changes.
22. These conditions shall be posted along with the dance hall establishment permit in public view and available to law enforcement for inspection upon request.
23. There shall be no topless dancing, nude dancing and/or male, female revues permitted on the premises at anytime.
24. Newman Police Department is not responsible or required to send reminder notices regarding the renewal of a dance permit. The permit holder is responsible to file a dance permit application within 15 days of the expiration date. If the permit expires, the dance permit is no longer valid and enforcement or administrative fines may be levied.
25. As a condition of the dance permit issued to the permittee, the Newman Police Department must have on file at all times, evidence of liability insurance naming the City of Newman as an additional insured. Minimum liability amounts must be one million dollars (\$1,000,000).
26. A dance permit shall not be issued or renewed if the business license fees, filings and/or taxes are not current or paid in full.
27. Newman Police Department may change or revise conditions of this dance permit with 48-hour written notice.

Uniforms

28. 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 layer, 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

29. 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.
30. 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 Police Department shall have the authority to restrict further entrance of patrons until the facility has abated their occupancy issue.
31. Entertainment provided by the licensee shall not be audible beyond the entertainment venue under the control of the licensee.
32. The licensee is responsible for the orderly disbursement of all patrons upon closing and within thirty (30) minutes prior to the establishments' closing time.

33. 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.
34. At all times, during the hours of operation, the business shall remain open and accessible to law enforcement and the fire department.
35. Closing conditions are as follows:
36. All sales of alcohol must cease at 1:30 A.M.
37. Consumption of alcohol must stop by 2:00 A.M. and drinks are to be collected and disposed of.
38. No new patrons are to be allowed into the club after 1:30 A.M.
39. Patrons requesting taxi service or alternative transportation will be given reasonable assistance by the club management/security staff.

ABC Requirements

40. Licensee shall adhere to all conditions of their ABC license issued to the premises.
41. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the licensee.
42. 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.
43. 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

44. Any valid dance establishment permit holder that holds a special event shall notify the Newman Police Department by electronic e-mail notification to the Police Chief at amcgill@cityofnewman.com no less than twenty four (24) calendar days in advance of the special event.
 - 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 Newman Police Department shall review the written notification 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 Newman Police Department will notify the permit holder of its determination 15 calendar days before the event, provided the Newman Police Department receives timely notice of the special event. If the Newman Police 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 Newman Police 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) Additionally, the holder of the establishment's dance permit will be responsible for costs of additional police officers, community service officers and other staffing as determined by the Newman Police Department, based upon past

experience and/or research which is required to maintain the tranquility, good order, and well being of the downtown area and the community at large, prior to, during and after the dance establishment's special event. The Newman Police Department will invoice the dance establishment permit holder for the cost of additional police officers, or other staffing within fifteen (15) days of the special event. The dance establishment permit holder shall pay said invoice within fifteen (15) days of the date on the invoice.

- e) Any promotional advertising for any special event must be submitted 24 days in advance of the special event, to the attention of the Police Chief. Promotional advertising is all draft radio advertising, posters, handbills and any printed media advertising of a special event as defined in section 28(a) of these dance permit conditions.
- f) The dance establishment permit holder and/or establishment manager must notify all neighboring businesses within 150 feet, at least 24 days in advance of the special event.

Fines, Suspension and Revocation

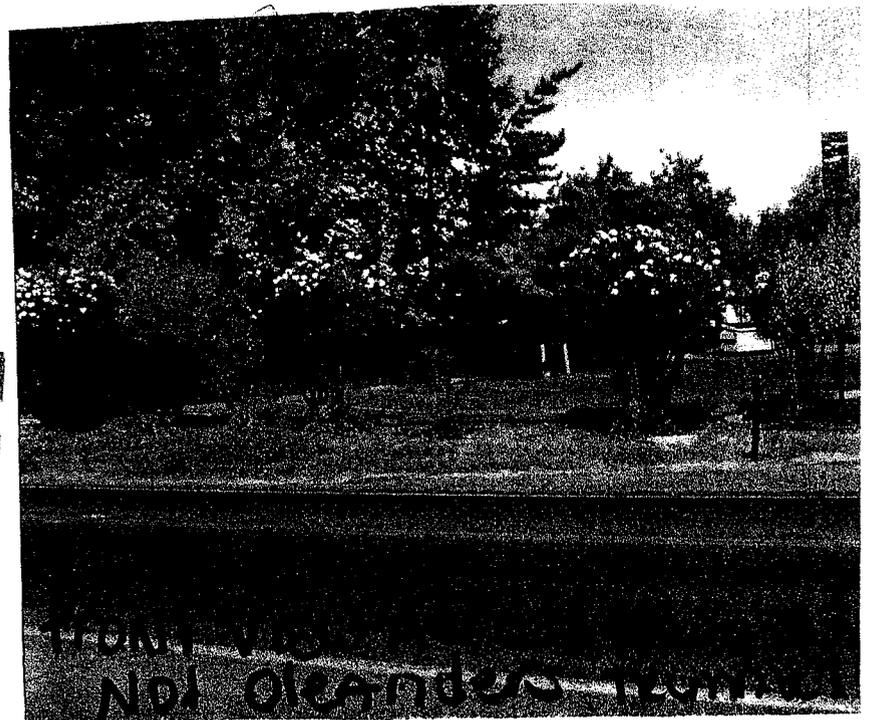
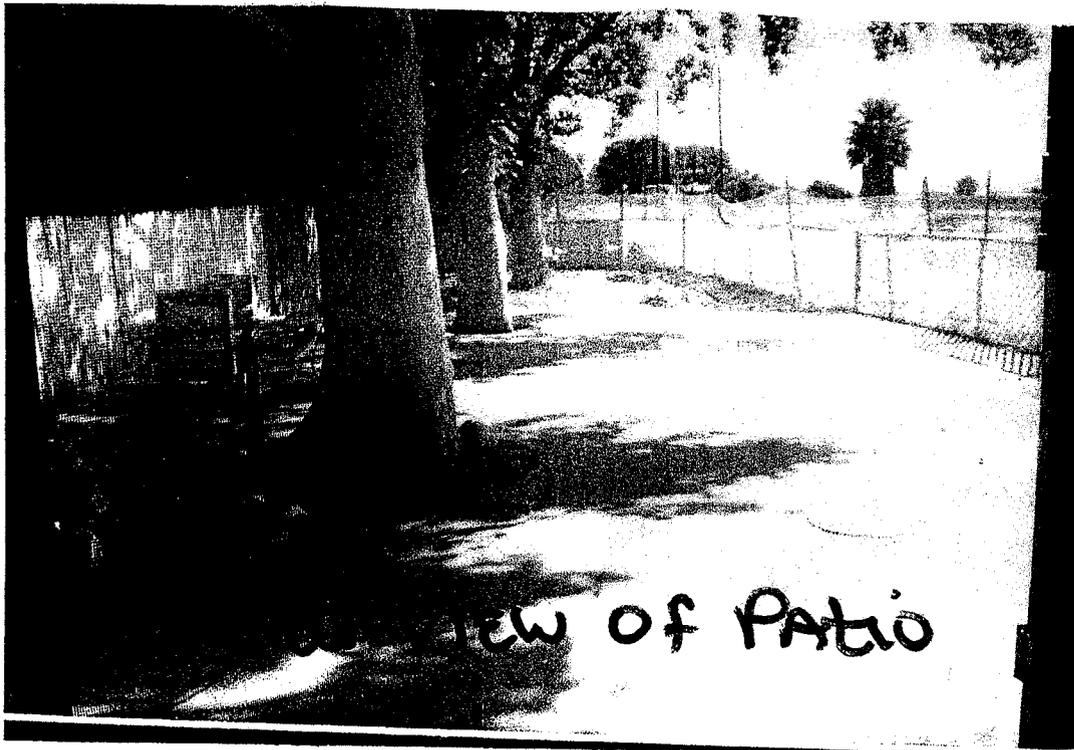
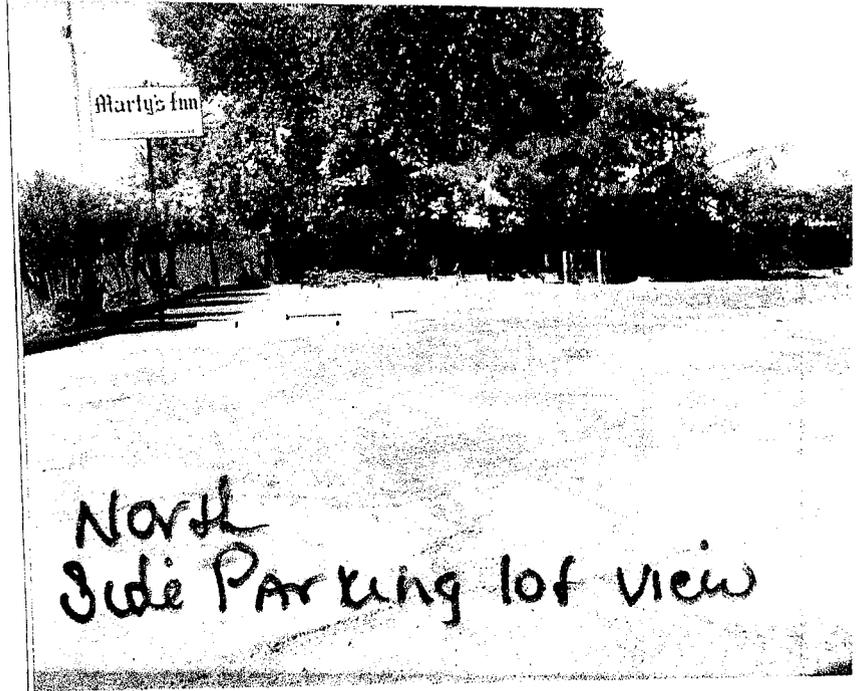
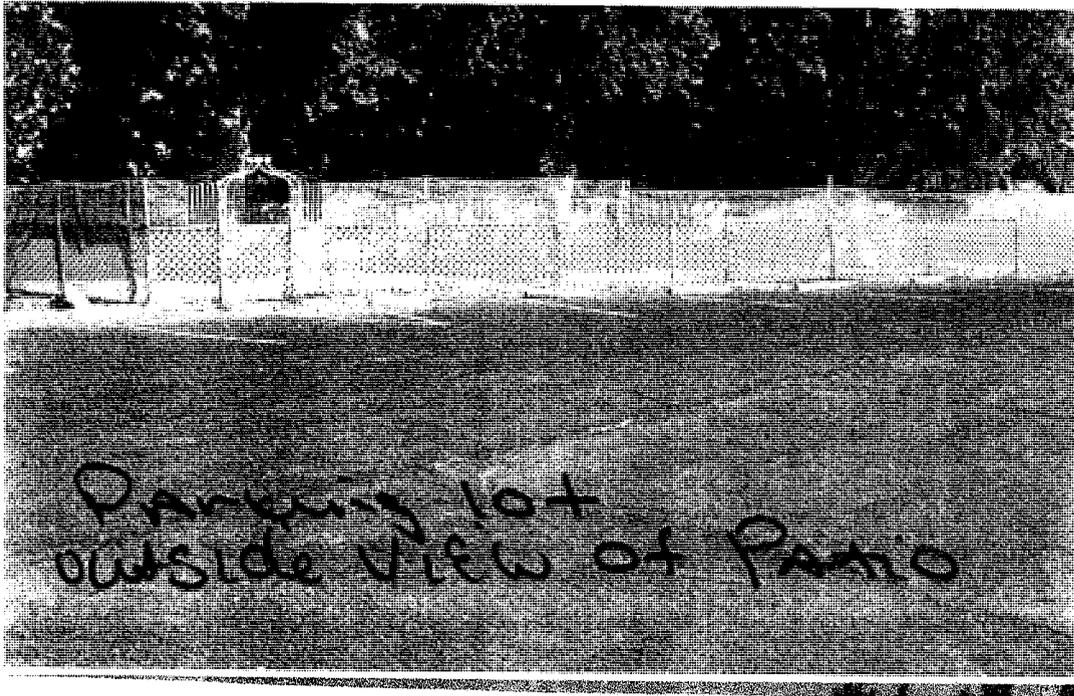
- 45. The licensee agrees to pay for police services provided by the City of Newman for costs of police services, as determined by the Chief of Police, and are a result of public disorder, arising from patrons of the establishment.
- 46. Any violations of these conditions, local ordinances or state laws, may result in administrative fines, or the immediate suspension and/or revocation of the dance hall permit per Newman Municipal Code.

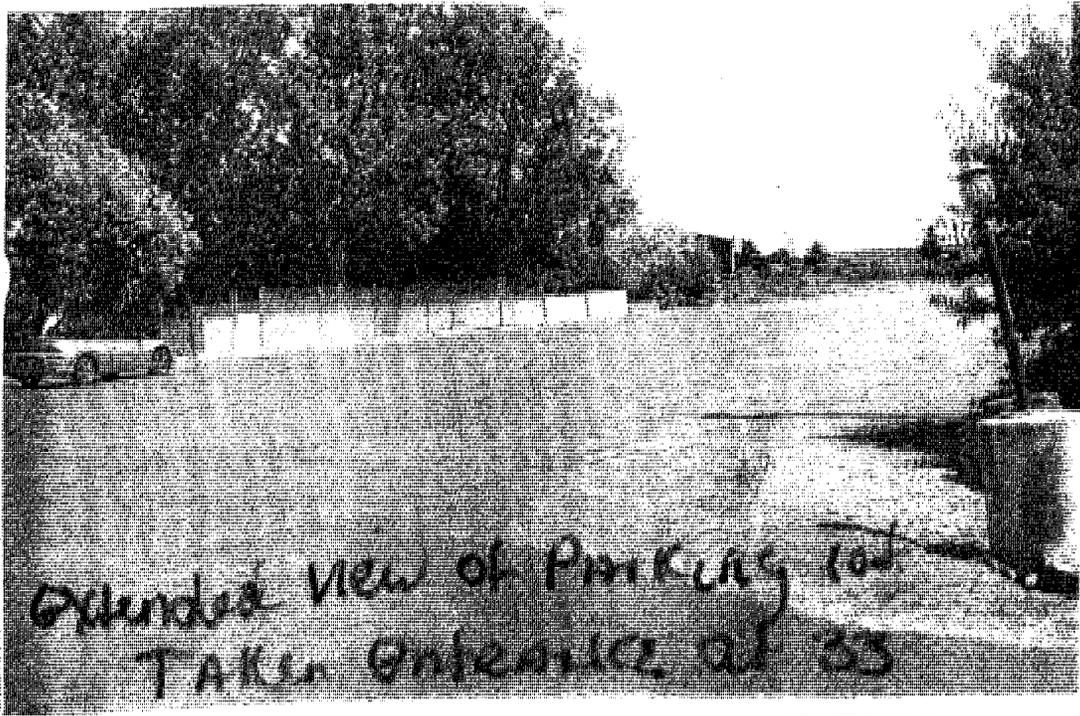
Standard Conditions

- 47. All plans shall be consistent with the site plan, reflecting amendments as approved.
- 48. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new use permit application.
- 49. It shall be the responsibility of the applicants to convey copies of the conditions of approval to all contractors and sub-contractors.
- 50. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.

ATTACHMENTS:

- 1. Exhibit A, Building Photographs
- 2. Exhibit B, Floor/Site Plans
- 3. Exhibit C, Operational/Environmental Statement
- 4. Exhibit D, ABC IMPACT Food Service Informational Flyer
- 5. Exhibit E, Dance Permit Application
- 6. Exhibit F, Collections Letter Dated 4-7-09



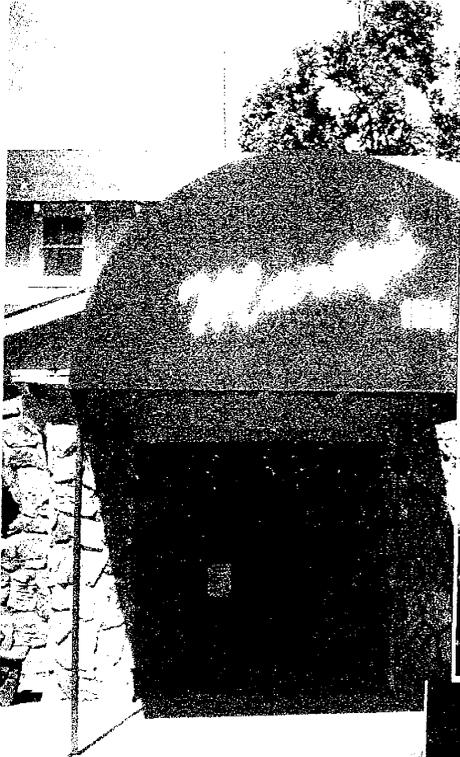


Expanded view of Parking lot
TAKEN Entrance of 33

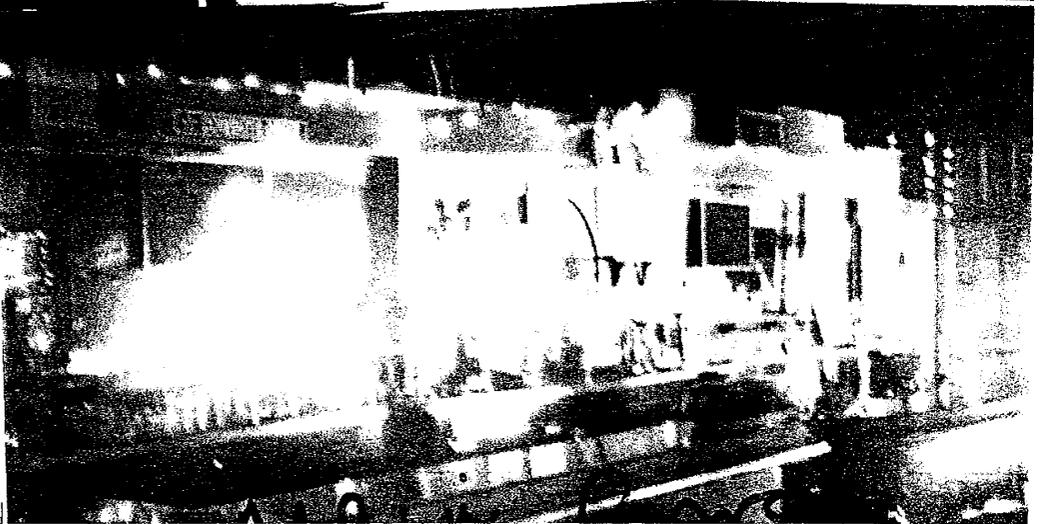


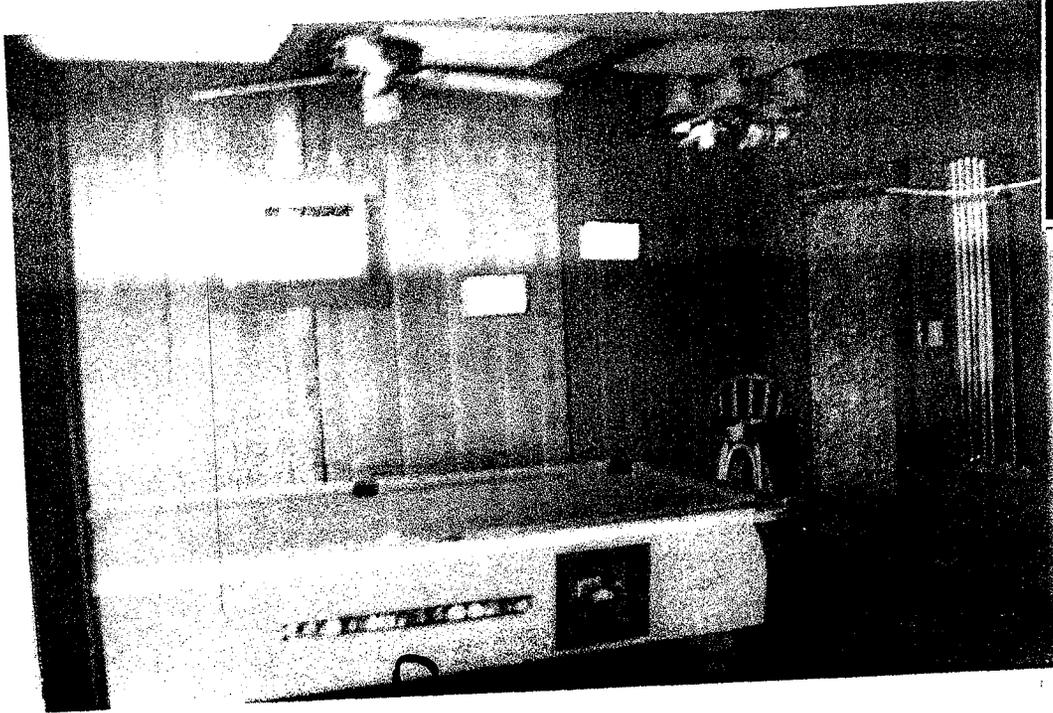
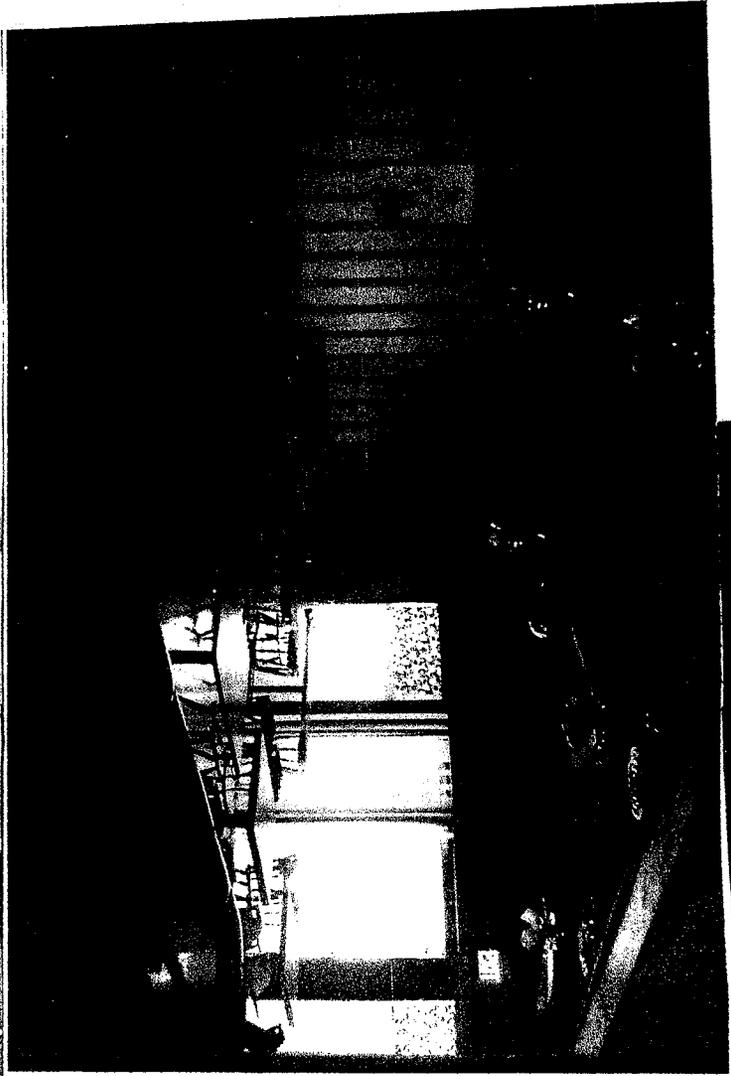
FRONT VIEW ACROSS HWY 33 -
NOTICE BEGINNING THINNING BUSHES





FRONT ENTRANCE
TO ILLUSION
MANSION





SITE PLAN

Property Owners:

Leonidas & Panagota Georgopoulos

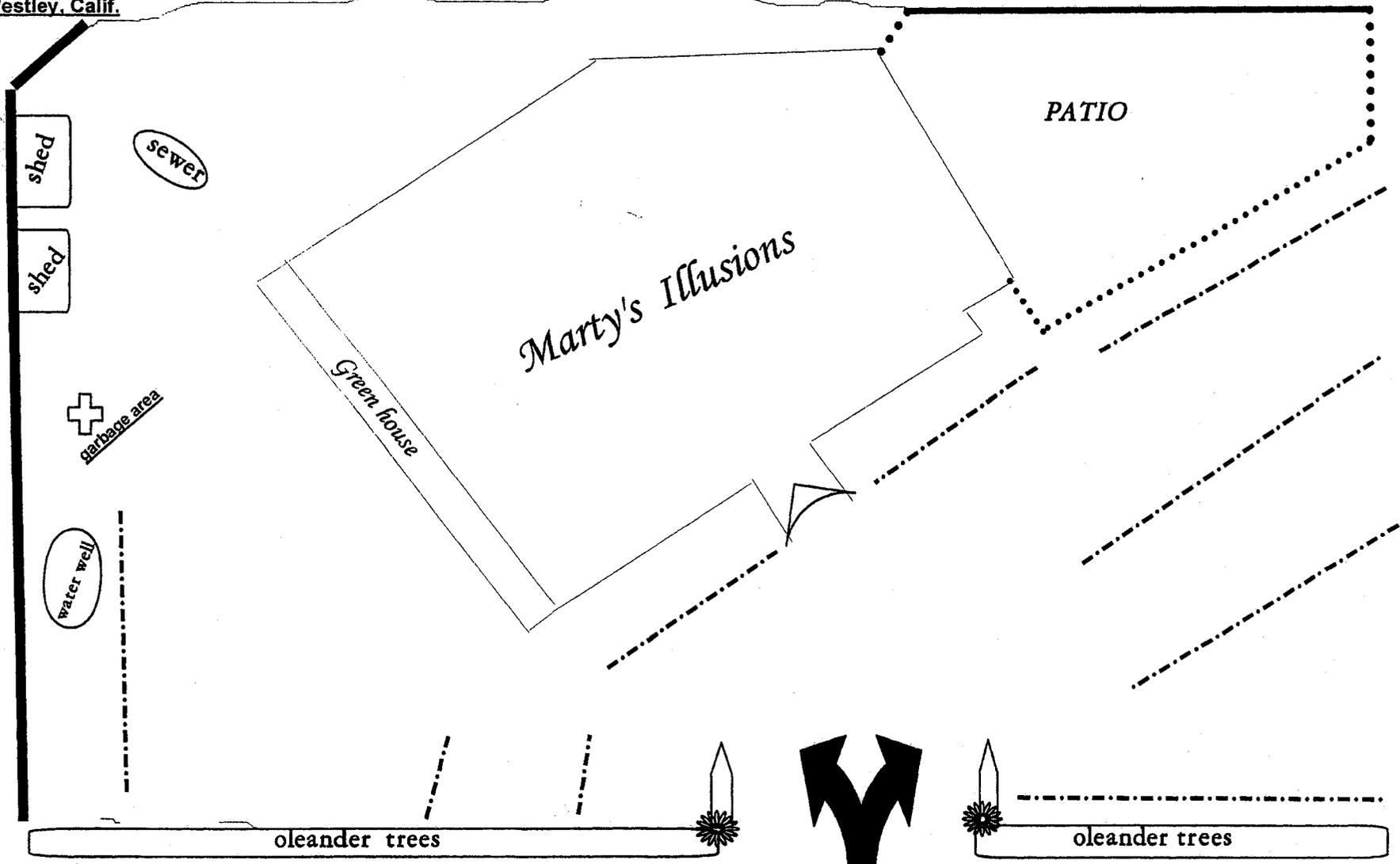
2042 N ST. Newman, California 95360

APN: 026 016 010 000

8615 HWY 33

Railroad Tracks

Westley, Calif.



CITY OF NEWMAN

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides a complete and detailed description of your proposal. Your operational/environmental statement must be typed or written in a legible manner on a separate sheet(s) of paper. **DO NOT SUBMIT THIS CHECKLIST AS YOUR STATEMENT.**

1. Please provide the following information:
 - Assessor's Parcel Number
 - Applicant(s) Name
 - Address
 - Phone Number
2. Describe the nature of your proposal/operation (please be specific).
3. What is the existing use of the property?
4. What products will be produced by the operation? Will they be produced on-site or at some other location? Will these products be sold on site? Explain.
5. What are the proposed operational time limits?
 - Months (if seasonal)
 - Days per week:
 - Hours (from _____ to _____)
 - Total hours per day:
6. Will there be any special activities or events?
 - Frequency:
 - Hours:
 - Are these activities indoors or outdoors?
7. How many customers or visitors are expected?
 - Average number per day:
 - Maximum number per day:
 - What hours will customers/visitors be there?
8. How many employees will there be?
 - Current:
 - Future:
 - Hours they work:
 - Do any live on-site? If so, in what capacity (i.e. caretaker)?
9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.
10. Will there be any service and delivery vehicles?
 - Number:
 - Type:
 - Frequency:
11. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

12. How will access be provided to the property/project? (street name)
13. Estimate the number and type (i.e. cars, trucks) of vehicle trips per day that will be generated by the proposed development.
14. Describe any proposed advertising including size, appearance and placement.
15. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations.
16. Is there any landscaping or fencing proposed? Describe type and location.
17. What are the surrounding land uses to the north, south, east and west boundaries of the property.
- If box is checked, complete #18 through #29 (for environmental review). Otherwise, skip to #30.
18. Will this operation, or equipment used therein, generate noise above or in excess of neighboring parcels.
19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development? (please be specific).
20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed?
21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?
22. Will there be any grading? tree removal? (please state the purpose, i.e. for roads, building pads, drainage, etc.)
23. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.
24. Locate and show all bodies of water on application plot plan or attached map.
25. Show all existing ditches, gullies, ravines, and natural drainage courses on the plot plan.
26. Will hazardous materials or waste be generated or used as part of this project? If so, what is it and how will it be shipped and/or disposed?
27. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?).
28. How do you see this development impacting the surrounding area?
29. How do you see this development impacting schools, parks, fire and police protection or special districts?
30. If your proposal is for commercial or industrial development, please complete the following:
 - Proposed Use(s)
 - Square Feet or Building Area(s)
 - Total Number of Employees
 - Building Height(s)

CITY OF NEWMAN

OPERATIONAL / ENVIRONMENTAL STATEMENT CHECKLIST (answer sheet)

1. Assessor's Parcel Number: 026-016-010-000
Applicants Name: Delilah Ruth (Deedee) Runnells-Sequeira
Applicants Address: 1722 Yellowstone Park Court
Newman, California 95360
Applicants Phone Number 209-862-2454 Home
209-862-2250 Marty's Illusions
209-613-7511 Personal Cell
2. I am going to briefly state my business proposal for this question as I have Attached a detailed business proposal and plan . I will be operating as A Bar and Restaurant. I am in NO WAY A NIGHTCLUB. NOR DO I WISH TO BE. I plan to open at 10 a.m. daily , the kitchen will open At 11 am and remain open until 9 p.m. Tuesday - Saturday. My Restaurant will be closed completely two days a week on Sunday and Mondays. My restaurant will close the remaining days of the week At 9p.m. At which time only customers 21 and over will be allowed.

I have double checked the legality of this situation with ABC investigator Tess from the Sacramento Office, and by law, once the restaurant closes I am not allowed to have anyone 21 and under in my establishment. Also, Restaurants, diners, etc. are allowed to have live entertainment and events Held at their business..

My business is a family joint venture.

My husbands ancestors goes back 100 plus years as residents of Newman, Myself My parents became residents in the early 50's. but, this my home, And I am proud To call it my "heritage", where my family hails from, just as if my side was here As long as my husbands history goes back to the great historic Newman.

My husband and I have 7 children, ranging from 30 to 13, we have 8 Grandchildren ranging from 2 years old to 10 years old. We also have The occasional Foster child or Foster Children living with us from time To time.

I am licensed to work with Child Protective Services, and I have been apart Of CPS for over 20 years now. So, in a way, its also a benefit to having a Restaurant, NOT a night club, as the children, when they are in my custody

Will be able to feel like they are a part of something, and to my own selfish Desire, I am allowed to have them at work with me even if it is a few hours Here and there.

That is one of the major advantages to NOT having a nightclub and having A restaurant, diner, café etc. what ever someone chooses to refer the Service of food as. AS far as ABC is concerned I am a license 47, Which only states that I am “ AN ON SALE EATINE PLACE.

My license does NOT specify that I m to use a specific terminology to Describe my restaurant, In all reality, the meaning of Restaurant, Café Diner, Grill, all means the same in the end. WE serve food as well As Alcoholic Beverages.

My menu will consist of steak sandwiches, steak dinners, chicken dinners, Pasta's, Salads, and of course the all American favorite the Burger Fest.

My menu will NOT be extensive as you have seen from previous owners The reason for that is. The flexibility to offer that one entrée as a special, Also, from growing up here in this town all my life, Every restaurant or eatery Is so set to their menus that they do not have the time or the expense to stock for The unusal or a special request item that a customer wishes that they could see On a menu at a restaurant in our small town of Newman.

I do have dedicated items on my menu that my customers will be assured that it Will be on the menu when they return again.

Also, myself and my staff feel that being flexible and creative with our menu, will Be able to get some great feedback from our customers as to what they would Like to see on the menu.

My Bar will be offering an array of specialty , blended, fruit, “imaginative” Cocktails as well. We will have our line of beers and micro brews as well. Wines of course will be available.

I plan on also offering a KIDS PORTION on our menu, and the kids will Receive their soda pop free with their dinners. I also will be offering Gift certificates for both the restaurant and the bar.

As far as entertainment. Yes, I do wish to have entertainment on Friday and Saturday Nights. If a recognized holiday falls during the week, then, most Likely I will trade that day during the week for one of the weekend days, Just depending on the holiday or event. I also like to offer my customers the Option that they can either hire their own entertainment or I will provide it For them in the cost of them booking their special events at our restaurant

And bar.

I plan on having, Karaoke , DJ's, Live Country Bands, Jazz Bands, Hip Hop Bands, even Marachee's for our Hispanic customers to celebrate on their Special holidays such as Cinco De Mayo. I plan on events that even includes, Comedians and of course my all time favorite Magicians.

Since there has been such a controversy over the name that I have chosen for my Business. This situation has made me take a second look at the name I choose. Since I am such a Newman history buff , And, I had the great honor of working With George and Bob Martin during their limelight of putting Marty's Inn on The map. Also, anyone and everyone that knows me, knows that I am a Huge Betty Boop Fan and I love Magic, Wizards, Renaissance area. That is Where my name came in. "illusions" is magic.

So, I will be changing my business name to Marty's Illusions. After all. George And Bob started the magic and the legend here at Marty's and I would like to Be honored enough to bring back a little of that "magic" that they had. Hence:

Marty's Magic

I also plan on entertaining the sports minded customers, such as Monday Nite football, with a drink special, and maybe even a food item special To be offered during the games. I would also like to have benefit events For citizens who are need in a little extra support.

I have a lot of pool and dart players around town. My husband and I And our children are all fans of both. I would like to start a dart league With other bars/restaurants around the area. This would also bring Others in to our town of Newman. My staff is also putting together A bowling league.

I have planned to have a mystery theater dinner nite here and there, adults Only, my past experience with this type of dinner show, the children seem To really distract the customers, as they are actually the characters of the Show , they just don't know it yet.

Also, my husband Ron belongs to a van club for over the last 30 years They van club was born in San Bernardino California back in 1970, The original members 30 plus and growing has stuck by each other over All these years and still are into their custom vans. One of our members actual Got to have his van appear in the Fast and Furious Movie.

This van club, to the amazement of several young men and women just having a Good time back in the 70's and have created literly live long friendship a

Brother hood. To the extreme surprise that our United States Congress just Recognized them with the prestigious honor of having there own postage stamps And their spot in history.

My plans are to have them make one of their famous van runs here to Newman, Where my husband can have the honor of hosting and showing to the citizens of Newman their accomplishments.

I would like to bring the Poker run back to town, Our Harley riders are missing a Place to take a ride to on a Saturday or Sunday I plan on bringing that back. Of Course Not all or even most of these events will have live entertainment.

I will as always have my designated drivers on full alert, and of course, I have Always followed the instructions by the chief for any permits regarding Security. I always put extra security on as well. AS well as I am constitenly Working the floor as well.

My security will be very visible to any of the Newman Police Officers and Customers should they need assistance or just making sure life is good. My staff/security will be wearing "Security" shirts and also will be wearing An I.d badge for Id purposes and also to be able to make them visible to Our customers for their safety as well.

Our designated drivers , I have requested Information from the CHP Department as well as ABC so that our drivers can learn the benefits of Providing safe rides home to our customers.

3. The existing use of the property/business was also a bar and a restaurant This building has only housed a bar and some type of "diner" Café, or Restaurant since its birth in 1928. Each of the previous owners, as well, Hosted the live entertainment on weekends, or special occasions, the Bike runs, the poker runs, the wet tshirt contests. Etc.
4. The only items that will be produced or made on this site is a mouth watering Meal and an awesome specialty drink .
5. My proposed operation limits?
 - A. Months? 12 months a year
 - B. Days? Bar 7 days a week, and the restaurant 5 days a week
However, I like to reserve the opportunity to change Those hours as business and customers calls for it.
 - C. Hours: Everyday I will open the Bar at 10 am and it will close Every nite at 2 a.m. Our restaurant will begin serving At 11 am to 9 pm. Tuesday through Saturday, of course

That can change as the demands change and our special Events are scheduled and booked.

D. My hours per day will be 18 hours a day for business. Of course I will be here longer, as I am also the clean up crew.

6. Yes, as I previously stated there will be special events and our activities
Frequency: Hard to say. Depends on the holiday or if someone books
A special activity or event. I will have to assume that the events
Will take place on the patio and inside the building. I don't for
See anything at this time that would consist of my customers
Roaming the parking areas for an event.
7. On a daily average, I would estimate somewhere between 50-60 customers
A day. The hours that the customers would even be allowed to be here. Is
During opening hours only.
8. Employees?
I have already on staff 16. Myself and my head Bartender whom I
Will be training to become a licensed ABC bar manager, will be the
Woodwork of the business, Our hours will consist of 50-60 hours
A week or more. The remaining staff are weekend help or part
Time employees at this point. However, I would like to state that I have
Already received 26 work applications for people looking for work.
9. For sure all the appliances within the Kitchen and Bar areas. Our Food supplies
Will be stored appropriately in the kitchen, walk ins, freezers, etc.... As well as
The inventory for the Bar. Our inventory that is not stored behind the bar, will
Be stored in a locked liquor room, which there are only 3 keys to it.
10. Yes, I will be having distributors, I believe on Mondays, Wednesdays, Thursdays
And Fridays, weekly, if that is the way my orders go.
11. Our parking spaces, are not all marked off. However, from the ones that are
Marked, and from previous experience of seeing the parking situation here at
Marty's Illusions, I am estimating somewhere between 55-65 spaces.
12. There is only one access to enter and to exit the property, that is directly off
Highway 33. As I have stated previously in my business proposal, My staff
And family took on the project to prune and spruce up the giant Oleanders
That line the highway. They decided to do this project not only for cosmetic
Purposes and the need for it to be done as well. But, also for the safety of our
Customers and Staff and for the citizens that has to depend on Highway 33
Daily. I have received numerous compliments from the citizens around town
Amazed at the difference and relief that this extra step was taken.

13. Ok. Well. Previous question asked about how many customers do I think I would Have daily etc. so if I have between 55-60 customers daily, assuming that they don't all come in their own cars, I would have to estimate about 25 - 30 cars Visiting our parking lot on a regular day. That would include I am sure, Harleys, Trucks of all sizes, sports cars, classic cars, etc.
14. Right now, I have No plans on replacing any of the existing signs that are already And has been in place for over 50 years.
15. There is NO existing buildings on our property and there is no plans to ever alter This historic building and site in anyway.
16. The only landscaping that has been done. Is the general cleaning, trimming and Weeding of the premises from the unfortunate time that the owners were not open. The only proposed fencing that I can see that would be replaced in the near future. Would be the white fencing around my patio area. But that will not be for some Time down the road.
17. The surrounding areas around me are commercial, agricultural, and there are I believe one or two farm houses back a ways from me across Highway 33.

NO CHECK IN THE BOX, I AM PRECEEDING TO ANSWER QUESTION 30.

30. My proposal is for commercial use, as it has always been used.
Proposed Use: Restaurant and Bar
Square Feet or Building? 4467
Total Number of Employees? AS stated in a previous question. As of right now I have 16 on staff. The future is another question.
Building Height? I have NO idea and have NO idea as to where to find That information.

IMPACT

Informed Merchants Preventing
Alcohol-Related Crime Tendencies

State of California
Department of Alcoholic Beverage Control

Food Service

To the licensee:

If you are licensed as a bona fide eating place (license Type 41, 47, or 49), you must operate and maintain your licensed premises as a bona fide eating place. You must make actual and substantial sales of meals, during the normal meal hours that you are open, at least five days a week. Normal meal hours are: Breakfast 6:00 a.m. - 9:00 a.m.; lunch 11:00 a.m. - 2:00 p.m.; and dinner 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open.

The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, posters, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the local health department.

Incidental, sporadic or infrequent sales of meals or a mere offering of meals without actual sales is not compliance. "Meals" means the usual assortment of food commonly ordered at various hours of the day. The service of only sandwiches or salads is not considered compliance. However, certain specialty entrees, such as pizza, fish, ribs, etc., and an assortment of other foods, such as soups, salads or desserts, may be considered a meal.

The Department will presume that a licensee is operating as a bona fide eating place if the gross sales of food prepared and sold to guests on the premises exceeds the gross sales of alcoholic beverages. "Prepared" means any processing preliminary to the final serving of food. (Note: Some licensees have a "conditional" license that requires food sales to be 50% or more of the total gross sales.)

Source: Instructions, Interpretations and Procedures, L-24.1 - L-24.2, April 1, 1975

23038. "Bona fide public eating place," "meals."

"Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

Source: California Business and Professions Code

_____, 2009

The INSERT BAR NAME
Newman, CA 95360

Attn:

A dance hall permit for 'The INSERT BAR NAME' located at XXX Street, Newman, CA, has been approved subject to the following conditions:

DANCE PERMIT EXPIRES XXXXX

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 the City of Newman.
 - (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) Upon receipt of guard card, a copy of the guard card must be furnished to the Newman Police Department.
 - (d) 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 operation. This officer 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 police department upon demand.
3. There shall be at least (1) uniformed security guard on duty to patrol the outside of the premises including, but not limited to, the patio area and parking lot during hours of operation on

Fridays and Saturdays. The guard is not to be counted as a bouncer 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 of conditions of dance permit.

4. Additional security may be required as outlined in Section 26 Special Events.

PERMIT REQUIREMENTS:

5. If the facility is leased, subletted, or rented, the organization or individual must apply for a Daily Dance Permit application 15 days in advance of the event providing proof of security, and a copy of the lease agreement for use of the facility.
6. If the applicant/establishment is owned as a corporation or partnership, it shall provide to Newman Police Department a full disclosure of all partners, and /or officers, including their addresses or phone numbers, must be reported to the Newman Police 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.
9. Newman Police Department is not responsible or required to send reminder notices regarding the renewal of a dance permit. The permit holder is responsible to file a dance permit application within 15 days of the expiration date. If the permit expires, the dance permit is no longer valid and enforcement or administrative fines may be levied.
10. As a condition of the dance permit issued to the permittee, the Newman Police Department must have on file at all times, evidence of liability insurance naming the City of Newman as an additional insured. Minimum liability amounts must be one million dollars (\$1,000,000).

11. A dance permit shall not be issued or renewed if the business license fees, filings and/or taxes are not current or paid in full.
12. Newman Police Department may change or revise conditions of this dance permit with 48-hour written notice.

UNIFORMS:

13. 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 layer, 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:

14. 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.
15. 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 Police Department shall have the authority to restrict further entrance of patrons until the facility has abated their occupancy issue.
16. Entertainment provided by the licensee shall not be audible beyond the entertainment venue under the control of the licensee.
17. The licensee is responsible for the orderly disbursement of all patrons upon closing and within thirty (30) minutes prior to the establishments' closing time.
18. 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.

19. At all times, during the hours of operation, the business shall remain open and accessible to law enforcement and the fire department.
20. Closing conditions are as follows:
 - (a) All sales of alcohol must cease at 1:30 A.M.
 - (b) Consumption of alcohol must stop by 2:00 A.M. and drinks are to be collected and disposed of.
 - (c) No new patrons are to be allowed into the club after 1:30 A.M.
 - (d) Patrons requesting taxi service or alternative transportation will be given reasonable assistance by the club management/security staff.

ABC REQUIREMENTS:

21. Licensee shall adhere to all conditions of their ABC license issued to the premises.
22. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under control of the licensee.
23. 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.
24. 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:

25. Any valid dance establishment permit holder that holds a special event shall notify the Newman Police Department by electronic e-mail notification to the Police Chief at

amcgill@cityofnewman.com no less than twenty four (24) calendar days in advance of the special event.

- (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 Newman Police Department shall review the written notification 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 Newman Police Department will notify the permit holder of its determination 15 calendar days before the event, provided the Newman Police Department receives timely notice of the special event. If the Newman Police 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 Newman Police 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) Additionally, the holder of the establishment’s dance permit will be responsible for costs of additional police officers, community service officers and other staffing as determined by the Newman Police Department, based upon past experience and/or research which is required to maintain the tranquility, good order, and well being of the downtown area and the community at large, prior to, during and after the dance establishment’s special event. The Newman Police Department will invoice the dance establishment permit holder for the cost of additional police officers, or other staffing within fifteen (15) days of the special event. The dance establishment permit holder shall pay said invoice within fifteen (15) days of the date on the invoice.
- (e) Any promotional advertising for any special event must be submitted 24 days in advance of the special event, to the

attention of the Police Chief. Promotional advertising is all draft radio advertising, posters, handbills and any printed media advertising of a special event as defined in section 28(a) of these dance permit conditions.

- (f) The dance establishment permit holder and/or establishment manager must notify all neighboring businesses within 150 feet, at least 24 days in advance of the special event.

FINES, SUSPENSION AND REVOCATION:

- 26. The licensee agrees to pay for police services provided by the City of Newman for costs of police services, as determined by the Chief of Police, and are a result of public disorder, arising from patrons of the establishment.
- 27. Any violations of these conditions, local ordinances or state laws, may result in administrative fines, or the immediate suspension and/or revocation of the dance hall permit per Newman Municipal Code.

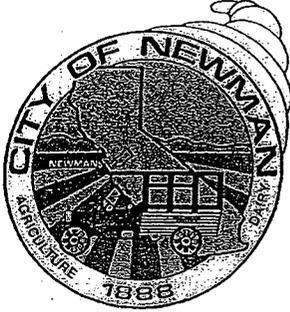
Sincerely,

Newman Police Department
Adam McGill, Chief of Police

Received, read
agreed and
acknowledged by:
INSERT BAR
NAME

By:

Permitee



City of Newman

1162 Main Street
P.O. Box 787
Newman, CA 95360
209-862-3725

*Sent to Coll.
5-14-09*

April 7, 2009

Marty's Inn
P.O. Box 687
Westley, CA 95387

Re: Account MAR0157
Service Address: 2042 N Street

Dear Mrs. Georgopoulos:

This is your final notice concerning your past due amount of \$744.22. We have continuously attempted to obtain your payment on this account.

If we do not receive full payment within ten (10) days from the date of this letter, we will have no alternative but to turn your account over to our collections agency.

If you wish to discuss your account, please contact us Monday through Friday, 8 a.m. to 5 p.m., at 209-862-3725. Your prompt attention to prevent further action will be greatly appreciated.

The above amount may not fully reflect what is owed to the City; you may have additional balances due.

Sincerely,

Becki Gomez
Accounting Assistant



UTILITY/CHANGE RECORD

Customer Id: **NR08157**
Stopped Customer on 01/22/09

Customer Name	NORTV'S INN	Route/Service	080/1190
Customer Address	2042 Name TH STREET	Location	000240N
Address	P.O. BOX 687		
City/State/Zip	WESTLEY CA 95387		
Phone - Home	() 952-9931	Start Date	01/11/08
Work	() 894-3663	Last Billing Date	01/27/09
Tenant ? (Y/N)	N	Last Service Date	01/22/09
Bill Number		Last Cut-off Note	/ /
Bad Check Code	Date / /	Last Payment Date	07/11/08
Late Notice Chg		Deposit Refund Date	/ /

Notes: **RECALL**

Current Payment	Penalty-Info only	Charges Fnd (D)	Total Due
.00	125.42	.00	794.22
Deposit	30 Days	60 Days	90 Days
.00	.00	.00	794.22

Line or -#1- 00000

**CITY OF NEWMAN
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION MEETING DATE: January 21, 2010

AGENDA ITEM: §.b.

SPR	#09-01	Conduct a Site Plan Review for the addition of an alcove hallway and four (4) silos to the existing cheese plant
APN	128-022-023	Applicant: Saputo Cheese USA, Inc.
CEQA:	Exempt Under Class 1, Article 19	

REQUEST:

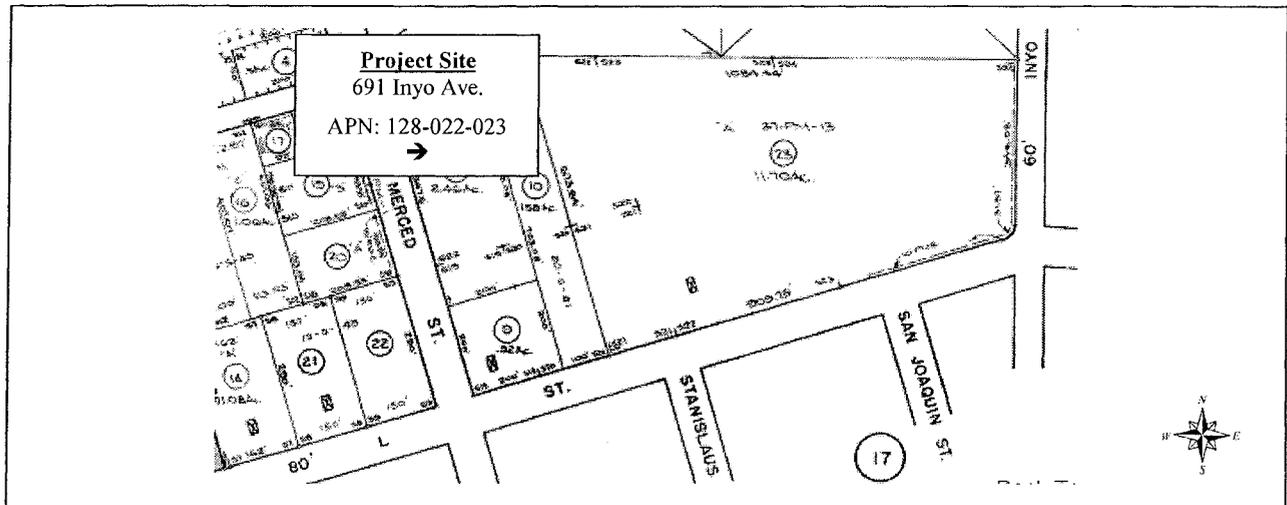
Conduct a Site Plan Review for the addition of an alcove hallway and four (4) silos to the existing cheese plant.

LOCATION:

The property is located on the corner of Inyo Avenue and "L" Street at 691 Inyo Avenue, approximately 300 feet south of Merced Street.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt under Article 19, Class 1.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Manufacturing/Cold Storage	I	HI
North	Vacant	I	MD
South	Industrial	I	LI
East	Residential/Industrial	R-1/I	LD/LI
West	Industrial	M	HI

I = Controlled Manufacturing

M = Industrial

R-1 = Single Family Residential

HI = Heavy Industrial

LD = Low Density Residential

LI = Light Industrial

MD = Medium Density Residential

SIZE OF PROPERTY: 11.7 Acres (Project Site)
61,571 Square Feet (Existing Buildings)

ACCESS: Inyo Avenue (Primary)
L Street (Shipping and Receiving)

ORDINANCES:

NMC 5.25.040: Architectural and Site Plan Review

PROJECT DESCRIPTION:

The submitted site plan and accompanying statement propose the addition of an alcove hallway and four silos to the existing cheese plant located at 691 Inyo Avenue. The proposed alcove hallway will measure 13'6" in height and have a footprint of 800 square feet and the proposed silos will measure 66' in height and have a combined footprint of 452.4 square feet.

The site plan identifies the proposed alcove hallway/silo location to be at the northeast portion of the existing plant, adjacent to the evaporator building and existing silos. The submitted site plan identifies the addition of the alcove hallway, four silos and a future addition of three silos.

BACKGROUND:

On October 28, 2009, the applicant contacted the City of Newman Building Department to inquire about the addition of an alcove hallway and four silos to the existing plant. Given the nature of the proposal and resulting change to the existing site, the applicant was notified of the Site Plan review requirement. The applicant submitted their Site Plan Review application on November 24, 2009.

PROJECT ANALYSIS:

Land Use: The subject site and immediate northern and southern properties are zoned "I" (controlled manufacturing) while parcels to the east and west are zoned "R-1", "I" and "M" (single family residential, controlled manufacturing and industrial, respectively). The

“I” zone identifies Manufacturing/Cold Storage as an approved use, the proposed alcove and silos are ancillary to this use and therefore consistent with the Newman 2030 General Plan and zoning district.

Development Standards: Policy LU-5.2 of the Newman 2030 General Plan states that The City shall promote the establishment, maintenance and expansion of businesses in Newman that generate high retail sales as important contributors to the local economy. The Applicant has been a part of the City’s economy since the mid-1980’s and continues to be a valuable economic force within the City. The proposed addition will assist the applicant in its business activities.

Building Location: The existing site will remain the same (as was approved in 1985); the proposed alcove hallway and silos will be added to the northeast corner of the plant; adjacent to existing silo #22 and the evaporator building. The silos will be approximately 67 feet from the eastern property line, exceeding the minimum set back of 10 feet as mandated by the municipal code. Additionally, the General Plan and municipal code allow a maximum FAR of 0.40; the addition of the alcove and silos will add approximately 1,252.4 square feet, resulting with a total FAR of 12.3% - well below the maximum.

Landscaping/Open Space: The municipal code requires that all required setbacks and yard areas, (with the exception of driveways and pedestrian walkways) be landscaped in addition to a minimum five-foot wide landscaped planter in front of buildings facing public streets; these must be permanently landscaped and maintained in a neat and weed-free condition. The existing site meets these requirements.

Parking: A Variance allowing the existing parking lot with 66 spaces (where the Municipal Code requires 109 spaces) was approved by the Planning Commission on July 16, 2009. Given that the proposed addition will not increase the plant’s number of employees, the applicant remains consistent with the Variance approval and is not required to provide additional parking.

Access: Currently, the plant’s primary access is via Inyo Avenue with shipping and receiving access being from L Street. The proposed addition will not affect these access points.

Improvements: The site has already been improved in accordance to the original site plan review in 1985. The proposed additions are to be located within the site, away from the public right of way.

Architectural Review Committee: Because the alcove hallway is not visible from the public right of way and silos usually being exempt, Architectural Review was not required for this project.

Environmental Review: All potentially significant effects have been analyzed adequately in the Newman 2030 General Plan EIR. Pursuant to applicable standards, the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt under Article 19, Class 1 (Existing Facilities).

FINDINGS:

1. Does the architectural and general appearance of the structures and grounds have architectural unity and are in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the City, or to the desirability of investment or occupation in the neighborhood?

Pro: Given that the design of the alcove is in keeping with the existing buildings, that the facility already contains 29 silos, that other facilities in the immediate area utilize buildings that exceed 50 feet in height, that the proposed location for the addition exceeds the minimum setback requirement and that the plant has been in existence for over 20 years; approval of the proposed alcove hallway and four silos will be compatible with the surrounding neighborhood and should not be detrimental to the community.

Con: None

2. Is the site plan consistent with all adopted City plans, documents, ordinances, included but not limited to the Newman Municipal Code, any applicable specific and/or master plans, any adopted development standards and design guidelines, and the general plan?

Pro: The General Plan identifies the project site as Heavy Industrial, this designation "provides for manufacturing, processing...and similar and compatible uses" (GP LU-19). Given that the zoning code directly identifies creameries and dairy product plants as a permitted use and the proposed additions are for said use, it can also be identified as a compatible use per the General Plan.

Con: None

Public Comment

A Public Notice was published on December 3, 2009 and Public Notices were mailed out to surrounding property owners within a 300' radius on December 4, 2009. As of this date (12-8-09), no comments have been received.

CONCLUSION:

The proposed project is to add an 800 square foot hallway alcove and four (4) sixty-six foot tall silos. The proposed additions are compatible with and will not have a negative impact upon the immediate neighborhood. These additions are ancillary to the existing use and will encourage economic activity for the applicant and the City.

Staff recommends that the Commission approve the proposed Site Plan Review and subsequent addition of the above-mentioned silos and alcove hallway and impose any conditions considered necessary for the project. Staff has provided the Commission findings supporting both approval and denial of the project.

CONDITIONS OF APPROVAL:

Community Development

1. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
2. The developer shall develop the site in accordance with the site plan and all changes required by the Planning Commission.
3. The development shall also exceed the state standards for energy efficiency (Title 24) by at least 15 percent (Newman 2030 General Plan Policy NR-5.1).

Standard Conditions

1. This application shall become null and void if the project is not initiated within one year from the date of approval.
2. All plans shall be consistent with the site plan, reflecting amendments as approved.
3. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.
4. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
5. It shall be the responsibility of the developer to convey copies of the conditions of approval to all contractors and sub-contractors.
6. During Construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
7. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
8. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.
9. The site shall be kept in a dust-free condition during construction in compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD).

ATTACHMENTS:

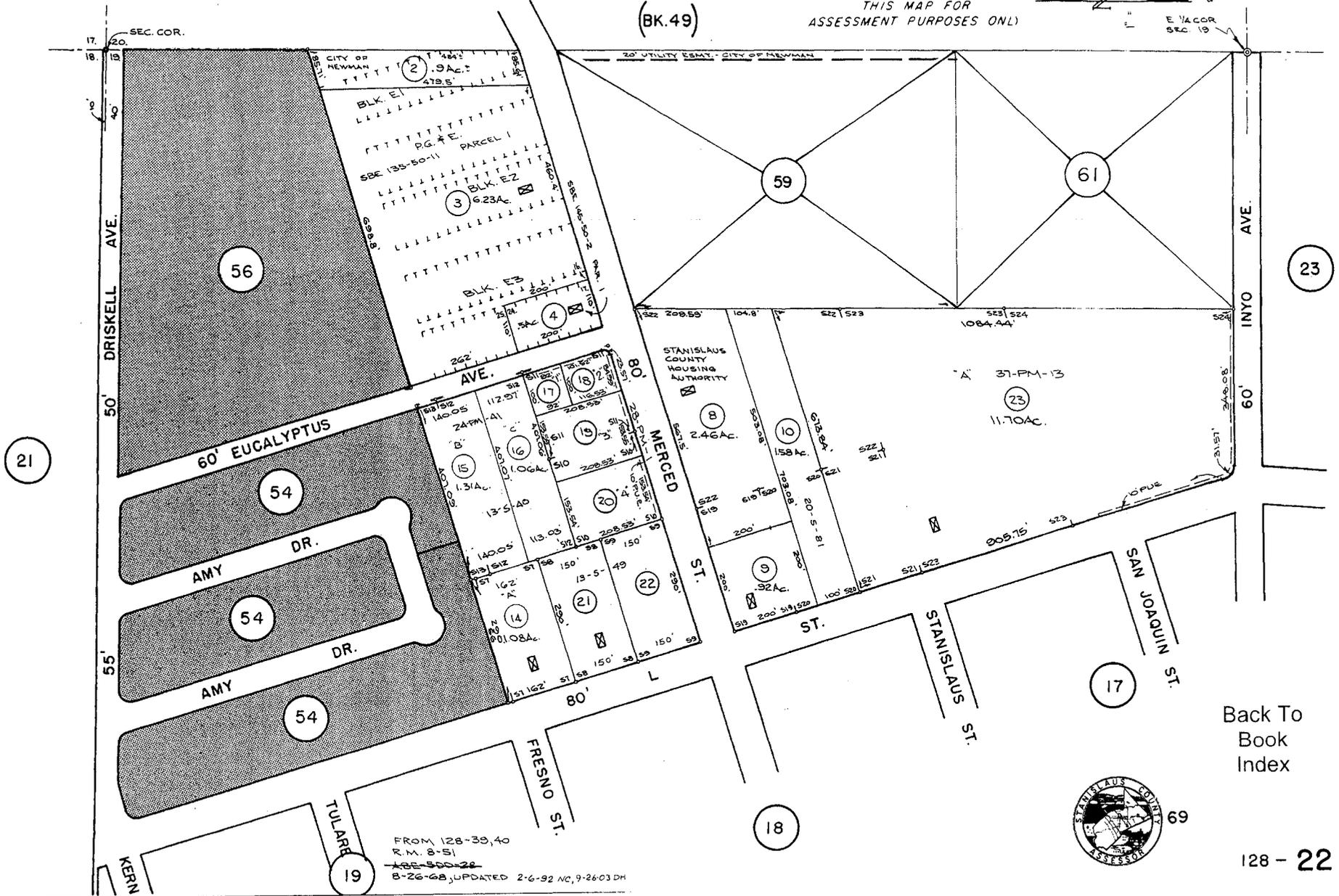
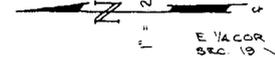
1. Exhibit A, Site Plan
2. Exhibit B, Assessors Map
3. Exhibit C, Floor Plan and Exterior Elevations

PORTION NE 1/4 SECTION 19 T.7S.R.9E. M.D.B. & M.
CITY OF NEWMAN-BLKS. E1, 2, 3, S6-13, S17-24

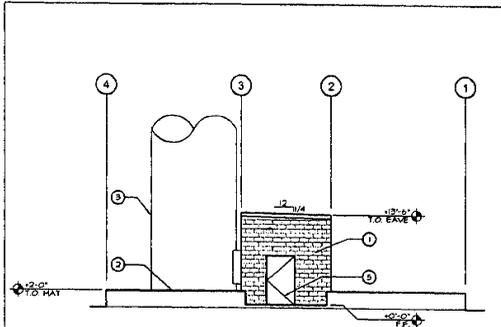
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(BK.49)

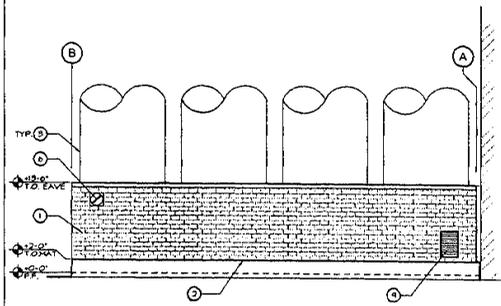
THIS MAP FOR
ASSESSMENT PURPOSES ONLY



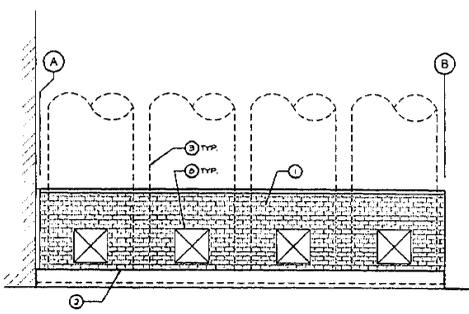
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NORTH ELEVATION



WEST ELEVATION

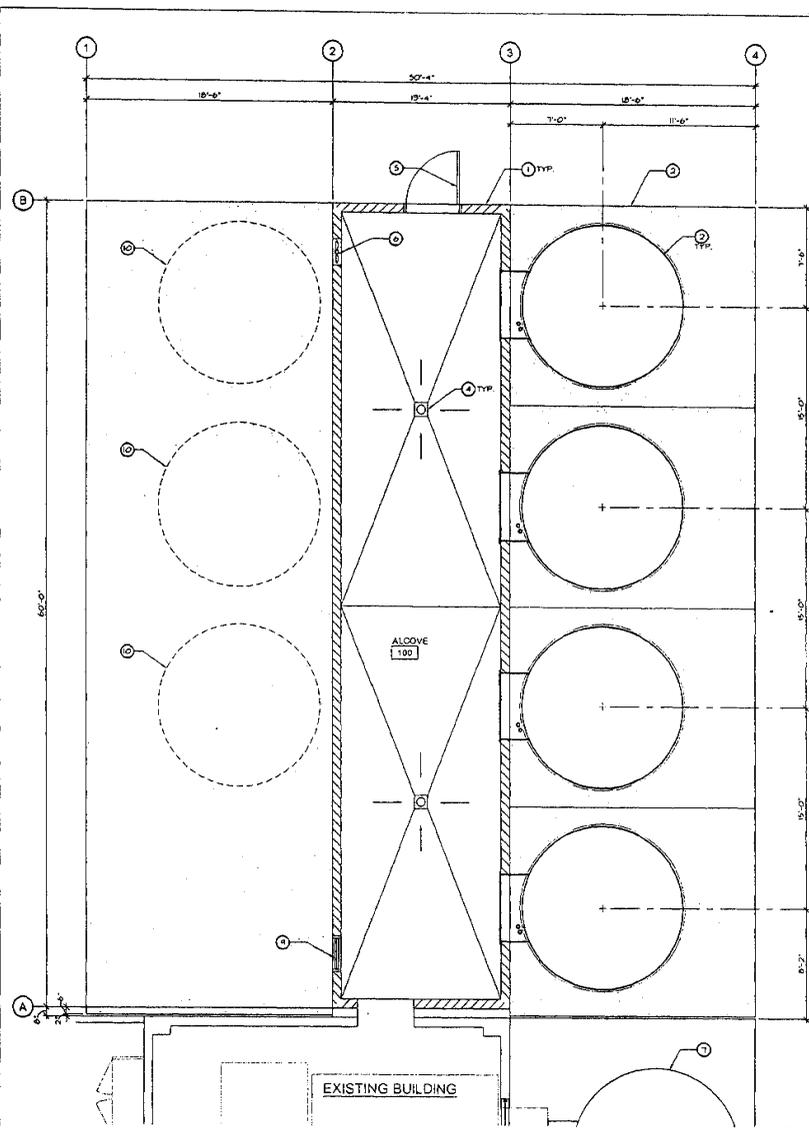


EAST ELEVATION

EXTERIOR ELEVATIONS

1/8" = 1'-0"

16



FLOOR PLAN

1/4" = 1'-0"

8

KEYNOTES

- ① 4" HALLS AT ALCOVE - PAINT TO MATCH EXISTING
- ② CONCRETE MAT FOUNDATION
- ③ 66" HIGH 55,000 GAL. SILO TANK BY OTHERS - PAINT TO MATCH EXISTING
- ④ FLOOR DRAIN
- ⑤ 4072 1/4" DOOR
- ⑥ WALL MOUNTED 3,000 CFM EXHAUST FAN
- ⑦ 18" SILO
- ⑧ 5' x 5' OPENING FOR SILO TO BE VERIFIED WITH MANUFACTURER
- ⑨ 33' x 48' HALL LOWER PAINT TO MATCH EXISTING
- ⑩ FUTURE SILO

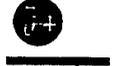
LEGEND

GENERAL NOTES

DATE	11-18-08	BY	JK	CHK	JK	APP	JK
SITE PLAN REVIEW SUBMITTAL							

NOT FOR CONSTRUCTION

TaylorTeter
PARTNERSHIP
ARCHITECTURE + ENGINEERING, LLP
100 W. WALDEN AVENUE, SUITE 200, MENLO PARK, CA 94025
707.654.8271 FAX 707.654.8272



NEW SILO-ALCOVE FOR SAPUTO CHEESE USA
NEWMAN, CA
DRAWING TITLE
FLOOR PLAN AND EXTERIOR ELEVATIONS_SPP

PROJECT NO.
04-1055.00

DRAWING
A200