#### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT



1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354 Planning Phone: (209) 525-6330 Fax: (209) 525-5911 Building Phone: (209) 525-6557 Fax: (209) 525-7759

## Re-Referral Early Consultation

Date: March 3, 2022

To: Distribution List (See Attachment A)

From: Emily Basnight, Assistant Planner

**Planning and Community Development** 

Subject: USE PERMIT APPLICATION NO. PLN2021-0029 – OASIS CARDROOM

Respond By: March 18, 2022

#### \*\*\*\*PLEASE REVIEW REFERRAL PROCESS POLICY\*\*\*\*

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Benchmark Engineering, Inc.

Project Location: 5001 McHenry Avenue, on the northwest corner of Kiernan and McHenry

Avenues, in the Modesto area.

APN: 004-094-010

Williamson Act

Contract: N/A

General Plan: Planned Development

Current Zoning: Planned Development (P-D) (210)

Project Description: Request to amend the uses permitted in P-D (210), to allow for the sale and service of alcohol for on-site consumption at an existing cardroom and restaurant on a 2.32± acre parcel. The property was rezoned from A-2-40 to P-D (210) in 1994, under Rezone No. 93-08 – Mathew Bruno, to allow H-1 (Highway Frontage) uses and a cardroom to be operated on-site. While the operation of a cardroom was permitted under Rezone 93-08, a cardroom was never operated on the site prior to 2011. As such, an amendment to the development plan for P-D (210) was approved by the Planning Commission on July 7, 2011, under Use Permit No. 2011-04 – Oasis Investments for operation of the existing cardroom. Rezone No. 93-08 did not permit the sale or service of alcohol on-site therefore a Use Permit is required to amend the permitted uses of P-D (210).

The project site is currently improved with  $27,005\pm$  square feet of building space consisting of three apartment buildings, a cardroom, and restaurant. No construction or changes to the businesses

are proposed as part of this request. The current hours of operation for the cardroom are 24 hours a day, seven days a week; and the restaurant is operated from 2:30 p.m. to 9:00 p.m., Tuesday through Sunday. The project site is served by a private well and septic system and has access to State Route 219 (Kiernan Avenue), and State Route 108 (McHenry Avenue). A previous proposal to amend the uses permitted in P-D (210) to allow for the on-site sale and service of alcohol within the cardroom only was circulated as an Early Consultation Referral from April 22, 2021 to May 7, 2021. Following the referral period, the applicant revised their project description to include the on-site sale and service of alcohol within the restaurant as well.

Full document with attachments available for viewing at: http://www.stancounty.com/planning/pl/act-projects.shtm



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#### USE PERMIT APPLICATION NO. PLN2021-0029 - OASIS CARDROOM

Attachment A

Distri	bution List		
Х	CA DEPT OF ALCOHOLIC BEVERAGE CONTROL		STAN CO ALUC
	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ANIMAL SERVICES
Х	CA DEPT OF FISH & WILDLIFE	Χ	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF FORESTRY (CAL FIRE)	Χ	STAN CO CEO
Χ	CA DEPT OF TRANSPORTATION DIST 10		STAN CO CSA
Χ	CA OPR STATE CLEARINGHOUSE	Χ	STAN CO DER
Χ	CA RWQCB CENTRAL VALLEY REGION	Χ	STAN CO ERC
	CA STATE LANDS COMMISSION		STAN CO FARM BUREAU
	CEMETERY DISTRICT	Χ	STAN CO HAZARDOUS MATERIALS
	CENTRAL VALLEY FLOOD PROTECTION		STAN CO PARKS & RECREATION
Χ	CITY OF: MODESTO	Х	STAN CO PUBLIC WORKS
	COMMUNITY SERVICES DIST:		STAN CO RISK MANAGEMENT
Х	COOPERATIVE EXTENSION	Х	STAN CO SHERIFF
	COUNTY OF:	Х	STAN CO SUPERVISOR DIST #4: GREWAL
Х	DER GROUNDWATER RESOURCES DIVISION	Х	STAN COUNTY COUNSEL
Х	FIRE PROTECTION DIST: SALIDA	Χ	StanCOG
X	GSA: STANISLAUS AND TUOLUMNE RIVERS	Х	STANISLAUS FIRE PREVENTION BUREAU
	HOSPITAL DIST:	Χ	STANISLAUS LAFCO
Х	IRRIGATION DIST: MODESTO	Х	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
Χ	MOSQUITO DIST: EASTSIDE		SURROUNDING LAND OWNERS
Х	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	Х	TELEPHONE COMPANY: AT&T
	MUNICIPAL ADVISORY COUNCIL:		TRIBAL CONTACTS (CA Government Code §65352.3)
Х	PACIFIC GAS & ELECTRIC		US ARMY CORPS OF ENGINEERS
	POSTMASTER:		US FISH & WILDLIFE
	RAILROAD:		US MILITARY (SB 1462) (7 agencies)
	SAN JOAQUIN VALLEY APCD	Х	USDA NRCS
Х	SCHOOL DIST 1: STANISLAUS UNION		WATER DIST:
Х	SCHOOL DIST 2: MODESTO UNION		
	WORKFORCE DEVELOPMENT		
	STAN CO AG COMMISSIONER		

## STANISLAUS COUNTY CEQA RE-REFERRAL RESPONSE FORM

**Stanislaus County Planning & Community Development** 

TO:

	1010 10 <sup>th</sup> Street, S Modesto, CA 953			
FROM:				_
SUBJECT:	USE PERMIT APP	LICATION NO. PLN2021-00	029 - OASIS CARDROOM	
Based on this project:	s agency's particula	r field(s) of expertise, it is	our position the above described	d
		nificant effect on the environ cant effect on the environme		
		which support our determina c.) – (attach additional sheet	ation (e.g., traffic general, carrying if necessary)	g
TO INCLUDE	E WHEN THE MITI	GATION OR CONDITION	listed impacts: PLEASE BE SURI NEEDS TO BE IMPLEMENTEL FA BUILDING PERMIT, ETC.):	
In addition, οι	ır agency has the fol	lowing comments (attach ad	lditional sheets if necessary).	
Response pre	epared by:			
Name		Title	Date	_

# OASIS CARDROOM UP PLN2021-0029

### AREA MAP

LEGEND

Project Site

Sphere of Influence

City

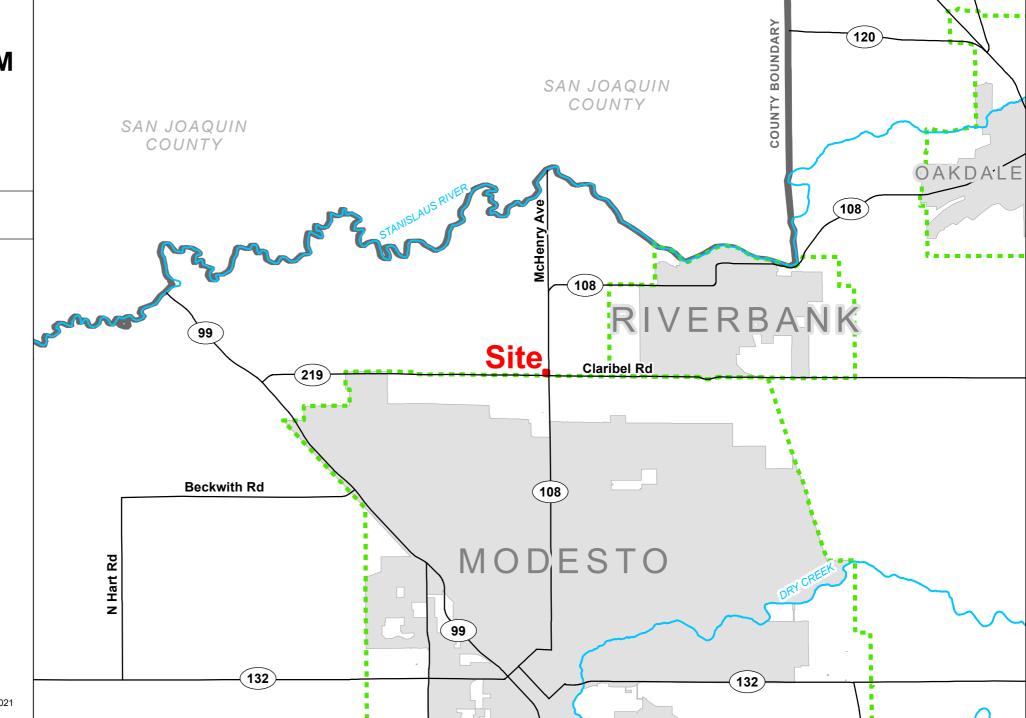
—— Road

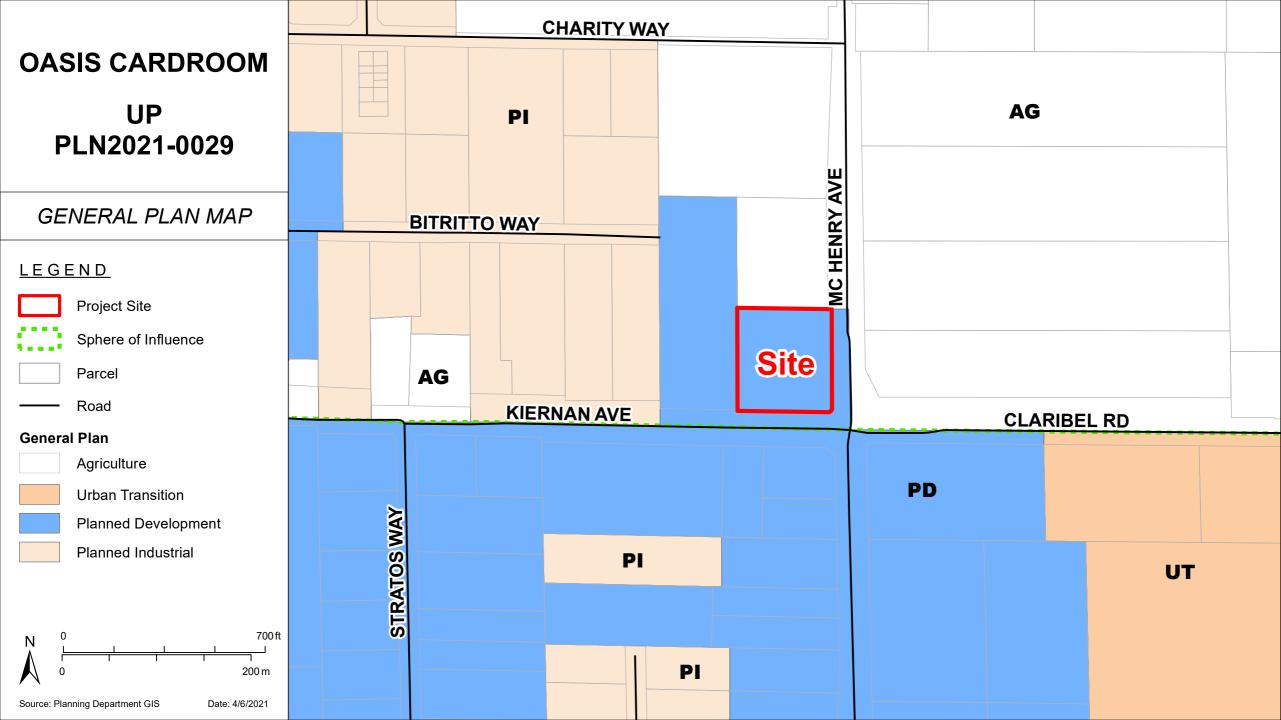
----- River

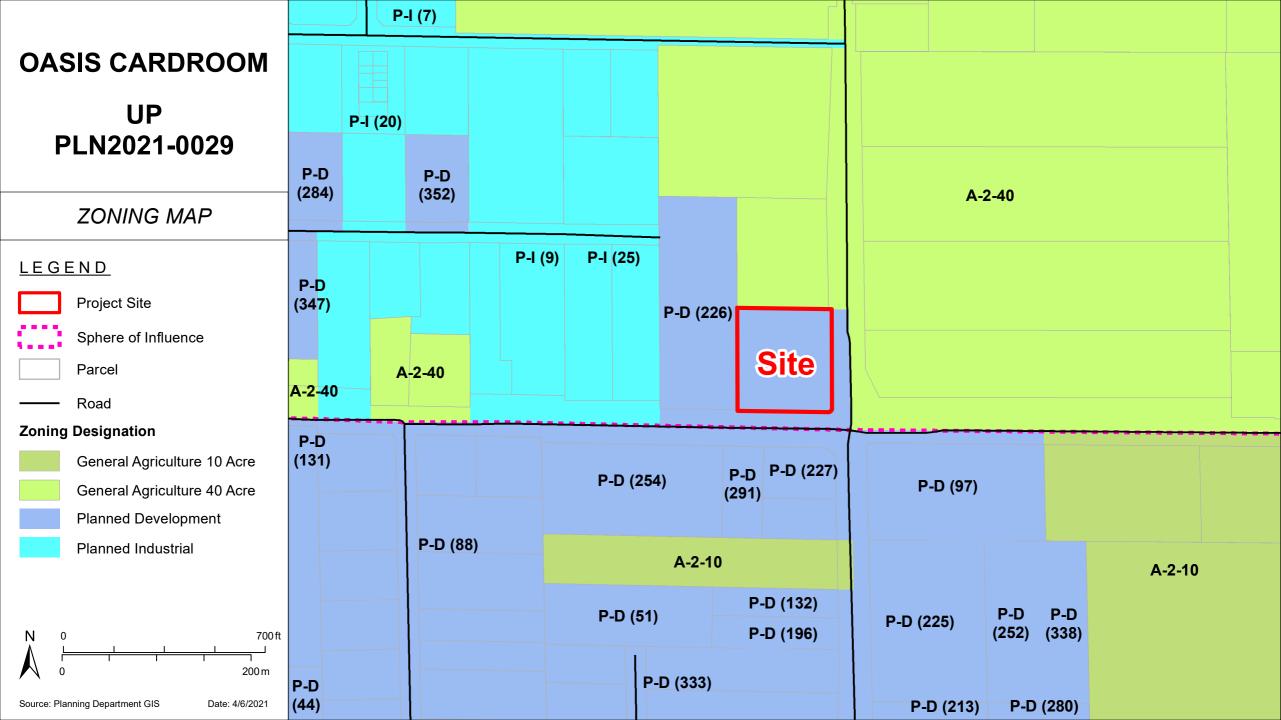


Source: Planning Department GIS

Date: 4/6/2021







## **OASIS CARDROOM** UP PLN2021-0029

2017 AERIAL AREA MAP

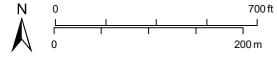
<u>LEGEND</u>

Project Site

Sphere of Influence

Road





Source: Planning Department GIS

Date: 4/6/2021

## **OASIS CARDROOM** UP PLN2021-0029

2017 AERIAL SITE MAP

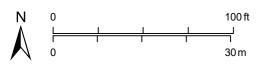
#### LEGEND

Project Site

Road

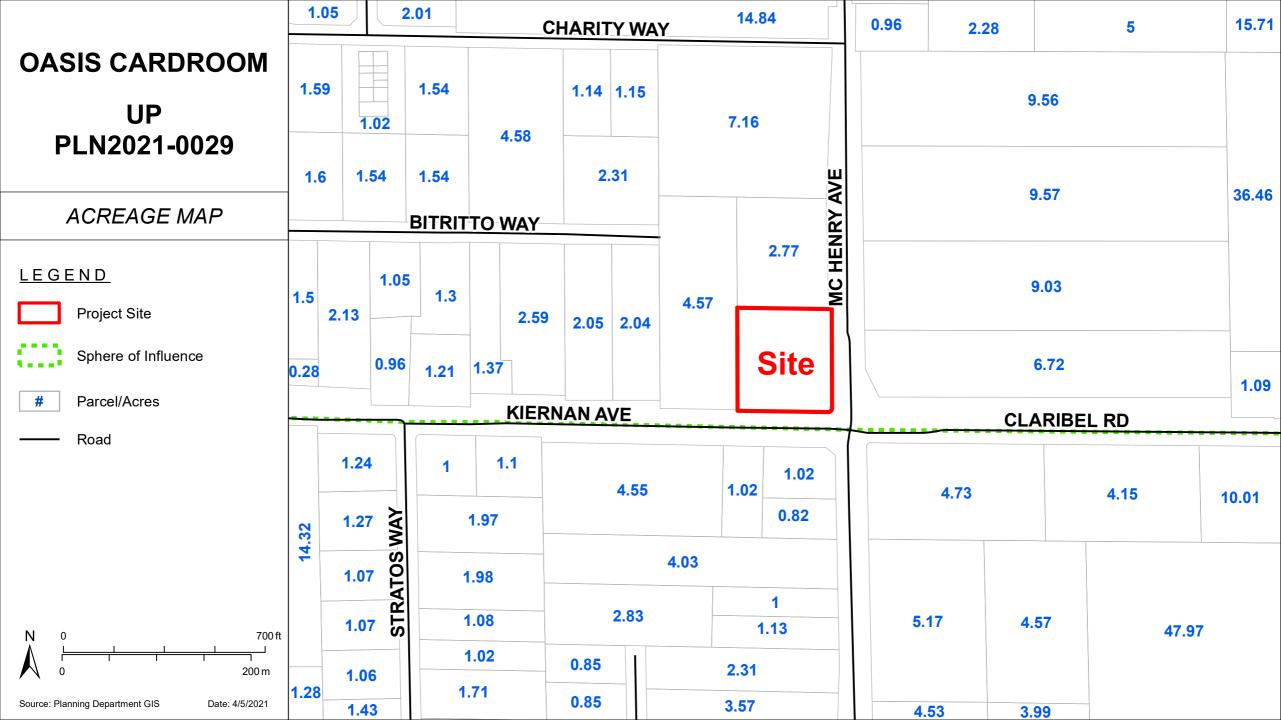
Canal





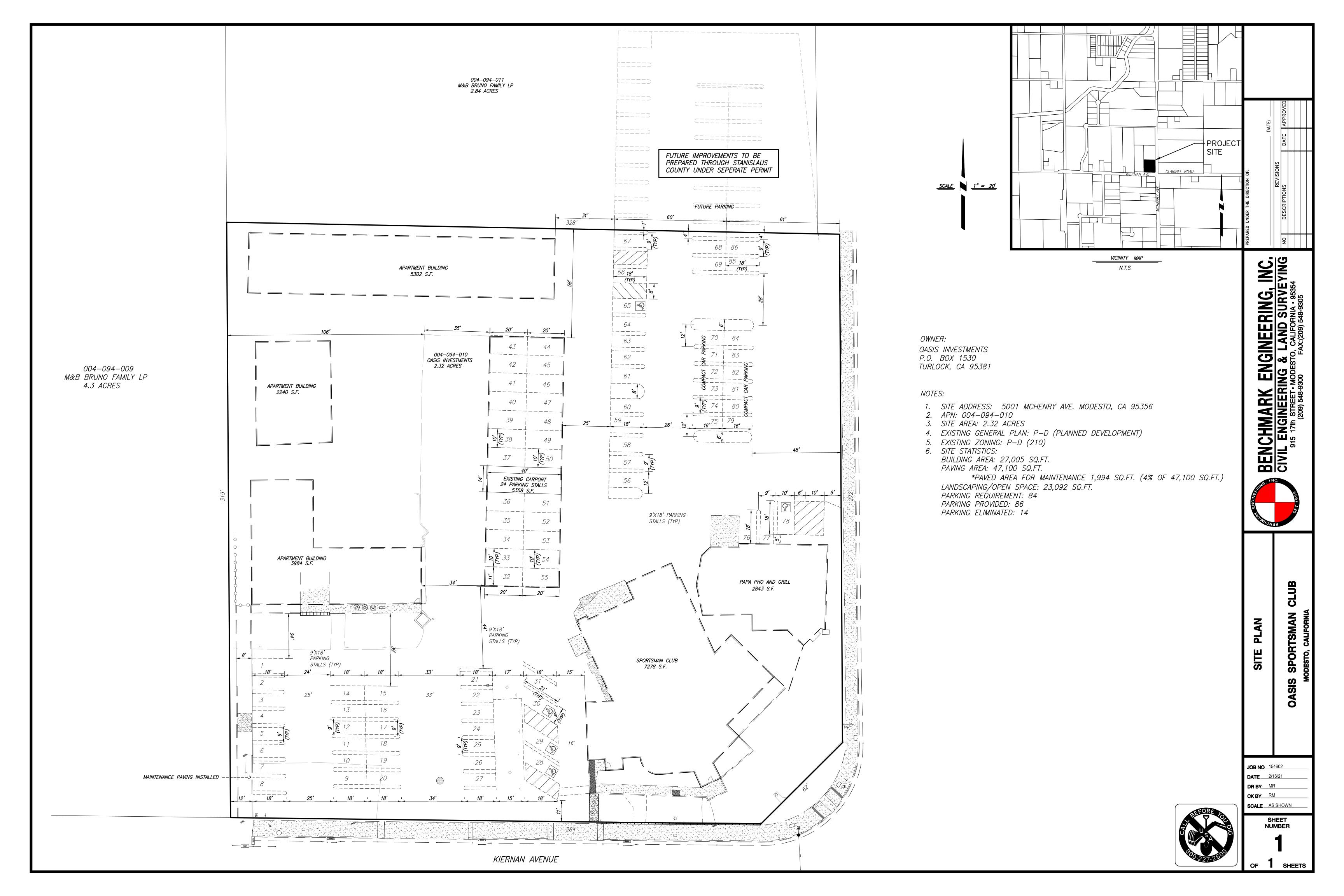
Source: Planning Department GIS

Date: 4/6/2021



	JOSEPH & ANTOINETTE PEDOTA ALMOND ORCHARD 14.90 ACRES  CHARITY WAY	RUBEN GARCIA BAR/RESIDENCE 1.0 ACRES  HELEN MALEKOS RESIDENCE 2.31 ACRES	LUIS SANDOVAL & BEATRIZ CASTILLO  RESIDENCE/ALMOND CROPS  2.31 ACRES	DATE:
JERRY & NEVA ADAMS VACANT 4.58 AC.	VARNI BROS LLC VACANT 1.15 AC.  VARNI BROS LLC VARNI BROS LLC VARNI BROS LLC BAR/RETAIL 7.20 ACRES	BERBERIAN PROPERTIES LLC GOLF RANGE 9.02 ACRES		PREPARED UNDER THE DIRECTION OF:    Comparisons   Prepared   Prepa
	DEHART PROPERTIES LLC SHOP/SCHOOL 2.29 ACRES  BITRITTO WAY	BERBERIAN PROPERTIES LLC GOLF RANGE 9.60 ACRES		K ENGINEERING, INC.
JL ADAMS LLC WAREHOUSE/OFFICE BUILDINGS 4.71 AC.	M & B BRUNO LP PROJECT LOCATION 2.84 ACRES   M & B BRUNO LP CAR DEALERSHIP 4.30 ACRES	BERBERIAN PROPERTIES LLC ALMOND ORCHARD 9.60 ACRES		BENCHMARK  BENCHMARK  FOR THE FOR THE FEB I
STATE OF CALIFORNIA VACANT 1.28 AC.	OASIS INVESTMENTS CASINO/ APTS. 2.32 ACRES  KIERNAN AVE	ANN MUSSMAN ALMOND ORCHARD 6.83 ACRES		EA MAP
CHARLES NOBLE RETAIL 1.01 AC.  BARKLAY PROPERTIES LLC OFFICE 1.93 AC.	CAS STATION 1.02 ACRES  KIERNAN AT MCHENRY OFFICE PARK LLC VACANT 4.55 AC.  DALE BOYETT GAS STATION 1.02 ACRES  VERISSIMO INVESTMENTS LLC VACANT 1.02 AC.  BEEBE & CAROL ALLEN RESTAURANT 0.82 ACRES	MARY BAMBACIGNO MANUFACTURING 4.68 ACRES	MARY BAMBACIGNO RESIDENCE 0.76 ACRES	JOB NO 154602  DATE 2/16/21
	CHIU & LOW INVESTMENTS  CAR DEALERSHIP  4.02 ACRES	ANTHONY MISTLIN CAR DEALERSHIP 5.17 ACRES  ANTHONY MISTLIN CAR DEALERSHIP 4.57 ACRES	DEFORIS OF SALOS	DR BY MR CK BY RM SCALE AS SHO SHEE NUMBE

OF SHEETS





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Form Available Online: http://www.stancounty.com/planning/applications.shtm

## APPLICATION QUESTIONNAIRE

	e Check all applicable boxes LICATION FOR:			PLANNING STAFF USE ONLY:			
	is available to assist you with determ	Application No(s): <u>UP PLN 2021-002</u> Date: <u>3/19/2021</u>					
_				s <u>32</u> <u>t</u> 2 <u>r</u> 9			
	General Plan Amendment		Subdivision Map	GP Designation:			
	Rezone		Parcel Map	Zoning: P-D 210			
×	Use Permit	П	Exception	Fee: \$4751 00			
			•	Receipt No. <u>559565</u>			
	Variance	<u>  </u>	Williamson Act Cancellation	Received By: KA I mail			
	Historic Site Permit		Other	Notes:			
	` '			e. Staff will attempt to help you in any way			
	PR	0.	JECT INFORMA	ATION			
impro	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)						
appr infor "Find so to Find are a	rove a project, the Planning Ormation available to be able to dings". It is your responsibil hat staff can recommend tha lings are shown on pages 17-applying for a Variance or Exc	omr ma lity a t the 19 eptic	nission or the Board of Supervisor ke very specific statements about t is an applicant to provide enough i to Commission or the Board make t				

## PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff,  $1010 \ 10^{th}$  Street  $-3^{rd}$  Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL	. NUMBER(S):	Book	004	Page	094	Parcel	010		
Additional parcel numbers: Project Site Address or Physical Location:	5001 McHeni	5001 McHenry Avenue, Modesto							
Property Area:	Acres:	2.32	or Squai	re feet:					
Current and Previous Land U	se: (Explain exist	ting and pr	evious land us	se(s) of site t	for the last t	en years)			
P-D (210), Apartments, Card	Room			7 (04 )					
List any known previous p project name, type of project, an	d date of approval)						Please Identity		
Existing General Plan & Zo	ning: Planned D	evelopme	ent (PD) & Plar	ned Develo	pment Dist	rict (P-D)			
Proposed General Plan & Z (if applicable)	oning:	10th O							
ADJACENT LAND US	E: (Describe adj	jacent land	d uses within	1,320 feet	(1/4 mile) a	and/or two pa	arcels in each		
East: McHenry Avenue, g	olf driving range,	agricultur	ral uses, and E	Bambacigno	Steel Comp	oany			
West: P-D (226) and Plann	ed Industrial parc	cels							
North: Parking Lot/Single F	amily Residence,	outbuildi	ngs, vacant la	nd					
South: Kiernan Avenue, Ga									
WILLIAMSON ACT CO									
Yes No 🗷	Is the property Contract Num								
	If yes, has a N	Notice of N	on-Renewal b	een filed?					
	Data Filad:								

Yes	No		Do you propose to cancel any portion of the Contract?
Yes 🗆	No		Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)
			If yes, please list and provide a recorded copy:
SITE CI	HAR.	ACTEF	RISTICS: (Check one or more) Flat 🗷 Rolling 🛘 Steep 🗖
VEGET	ATIC	N: Wh	at kind of plants are growing on your property? (Check one or more)
Field crop	s C	]	Orchard  Pasture/Grassland  Scattered trees
Shrubs	X		Woodland ☐ River/Riparian ☐ Other ☐
Explain C	ther:	Landsca	aped grass
Yes 🛚	No	¥	Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)
GRADII	NG:		
Yes 🗷	No	¥	Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.)
STREA	MS,	LAKES	S, & PONDS:
Yes 🗆	No	X	Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)
Yes 🗆	No	¥	Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed)
Yes 🗆	No	X	Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)
Yes 🗆	No	<b>3</b>	Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)
			Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUC	TUR	RES:					
Yes 🗷	No		Are there structures on the property lines and other feat		ase show on plot plan.	Show a relationship	to
Yes 🛚	No	X	Will structures be moved or	demolished? (If yes,	indicate on plot plan.)		
Yes 🗆	No	¥	Do you plan to build new str	ructures? (If yes, show	v location and size on plot	plan.)	
Yes 🏻	No	¥	Are there buildings of possisize on plot plan.)	_		plain and show location a	ınd
PROJE	CT S	SITE CO	OVERAGE:				
Existing E	Buildii	ng Cover	age: <u>27,005</u> Sq.	Ft.	Landscaped Area:	Sq. F	t.
Proposed	l Buile	ding Cov	erage:Sq.	Ft.	Paved Surface Area:	Sq. F	t.
Size of no	ew sti	ructure(s	CTERISTICS: ) or building addition(s) in gro				
•	•	,	measured from ground to hig		additional sheets if necessa	ary)	
Existing	Apar	tments =	18', Sportsman Club = 18', C	Grill 9'			
			enances, excluding buildings etc.): (Provide additional sheet		ound to highest point (i.e	e., antennas, mechanio	cal
Light Po	les =	17'					
Proposed material to			erial for parking area: (Prov			res if non-asphalt/concre	ete
UTILITI	ES /	AND IR	RIGATION FACILITIES				
Yes 🗷	No		Are there existing public or yes, show location and size on		e site? Includes telepho	ne, power, water, etc.	(11
Who prov	vides	, or will p	rovide the following services t	to the property?			
Electrica	l:		MID	Sewer*:	On-s	ite septic	
Telephor	ne:		Various Providers	Gas/Pro	opane:	PG&E	
Water**:			Private Domestic Well	Irrigatio	n:	N/A	

\*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc. \*\*Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development. Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:) N/A Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required. No 🔀 Yes 🔲 Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.) Yes Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.) No 🔀 Yes 🗆 Does the project require extension of utilities? (If yes, show location and size on plot plan.) AFFORDABLE HOUSING/SENIOR: Yes No 🗵 Will the project include affordable or senior housing provisions? (If yes, please explain) RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary) Total Dwelling Units:\_\_\_\_\_ Total Acreage:\_\_\_\_ Total No. Lots: Net Density per Acre: Gross Density per Acre: Two Family Multi-Family Multi-Family Single Duplex Apartments Condominium/ (complete if applicable) Family Townhouse Number of Units: Acreage: COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER **PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary) Square footage of each existing or proposed building(s): Apartment Building 1 = 3,984 SF, Apartment Building 2 = 2,240 SF, Apartment Building 3 = 5,302 SF, Sportsman Club = 7,278 SF, Grill = 2,843 SF Type of use(s): Buildings 1-3 are Apartment Buildings, Building 4 is a Commercial Business, and Building 5 is a

Restaurant

Days and hours of operation: Sportsmen Club = 24/7, Grill = Tues-Sunday 2:30pm-9pm						
Seasonal operation (i.e.	, packing shed, huller, etc.) months	and hours of operation: n/a				
Occupancy/capacity of	building: <u>176</u>		·			
Number of employees:	(Maximum Shift): 14	(Minimum Shift): _	10			
Estimated number of da	aily customers/visitors on site at peak	time:	50			
Other occupants: None	e	A SANDANIA MARIANIA M				
Estimated number of tru	uck deliveries/loadings per day:	0.2 daily	,			
	k deliveries/loadings per day:					
	of traffic to be generated by trucks: _					
	ilroad deliveries/loadings per day: _					
Square footage of:						
Office area:	426	Warehouse area:				
Sales area:		Storage area:	1,179			
Loading area:			45-445-57			
Other: (explain	type of area)					
Yes □ No □	Will the proposed use involve toxic	or hazardous materials or waste?	(Please explain)			
	Lange Control of the					
	- Anna de					
	Manual Control of the	Market and the second s				
ROAD AND ACCE	SS INFORMATION:					
What County road(s) w	ill provide the project's main access?	(Please show all existing and propo	sed driveways on the plot plan)			
The site will be accesse	ed indirectly through PD (226) from	driveways on California Highway	v 108 (McHenry Avenue)			
and California Highway	y 219 (Kiernan Avenue)					

Yes		No	×	Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)						
Yes		No	X	Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)						
Yes		No	X	Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)						
аррі	oval	of ar	Exce	s that do not front on a County-maintained road or require special access may require ption to the Subdivision Ordinance. Please contact staff to determine if an exception is is the necessary Findings.						
STO	ORM	DR	AINA	GE:						
	•		-	handle storm water runoff? (Check one) Drainage Basin Direct Discharge Doverland						
<b>X</b> (	Other:	(ple	ase ex	plain) Existing Underground Drain						
lf dir	ect di	scha	rge is p	proposed, what specific waterway are you proposing to discharge to?						
lf yo		າ on ເ	<b>ONTI</b>	ROL: any portion of the site, please provide a description of erosion control measures you propose to						
Plea Con	se no trol E	ote: Board	You m I and p	ay be required to obtain an NPDES Storm Water Permit from the Regional Water Quality prepare a Storm Water Pollution Prevention Plan.						
AD	DITIO	ONA	L INF	FORMATION:						
				e to provide any other information you feel is appropriate for the County to consider during review of ach extra sheets if necessary)						
		1.07								