



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING JANUARY 26, 2016**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
7. **Items from the Public - Non-Agenda Items.**
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants. ([View Warrant Register](#))
  - c. Approval Of Minutes Of The January 12, 2016 Meeting. ([View Minutes](#))
  - d. Adopt Resolution No. 2016- , A Resolution Authorizing The Approval Of The "Statement Of Investment Policy" For The City Of Newman. ([View Report](#))
9. **Public Hearings**
  - a. Second Reading And Adoption Of Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code And Authorize Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
  - b. Conceptual Approval Of General Plan Amendment No. 16-01 For The Purpose Of HCD Submittal And Review. ([View Report](#))
10. **Regular Business**
  - a. Report On Agreement For Biological Assessment And Wetland Delineation. ([View Report](#))
11. **Items From District Five Stanislaus County Supervisor.**
12. **Items From The City Manager And Staff.**
13. **Items From City Council Members.**
14. **Adjournment.**

### **Calendar of Events**

January 26 - City Council - 7:00 P.M.

February 9- City Council - 7:00 P.M.

February 11 - Recreation Commission - 7:00 P.M.

February 15 - Presidents' Day Holiday - City Offices Closed.

February 16 - Two-On-Two Meeting With The School Board - 4:00 P.M.

February 18 - Planning Commission - 7:00 P.M.

February 23 - City Council - 7:00 P.M.



## AP Check Register January 22, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
ABBOTT & KINDERMANN, LLP	10-06-6690	\$ 80.00	108672	1/22/2016	15th Annual Law Update registration/Ocasio
		<b>\$ 80.00</b>	<b>108672 Total</b>		
Advanced Building Cleaners, Inc.	10-33-6200	\$ 3,634.02	108673	1/22/2016	Power sweeping service/December 2015
		<b>\$ 3,634.02</b>	<b>108673 Total</b>		
AUS Sacramento MC Lockbox	10-14-6200	\$ 121.00	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	10-21-6200	\$ 71.00	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	10-22-6200	\$ 25.84	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	10-33-6200	\$ 103.82	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	10-44-6200	\$ 69.21	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	60-50-6200	\$ 103.82	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
AUS Sacramento MC Lockbox	63-56-6200	\$ 69.20	108674	1/22/2016	Uniform cleaning/mat rental/shop towels/Dec 2015
		<b>\$ 563.89</b>	<b>108674 Total</b>		
ARMCO ROOFING	10-44-6660	\$ 450.00	108675	1/22/2016	Sealed duct work @ Memorial Bldg
		<b>\$ 450.00</b>	<b>108675 Total</b>		
AT&T MOBILITY	10-02-6420	\$ 33.89	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-03-6420	\$ 40.66	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-06-6420	\$ 81.32	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-07-6420	\$ 22.19	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-14-6420	\$ 51.38	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-21-6420	\$ 580.42	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-22-6420	\$ 29.02	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-33-6420	\$ 43.42	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-44-6420	\$ 59.33	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	10-45-6420	\$ 67.78	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	22-20-6420	\$ 5.80	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	60-50-6420	\$ 328.16	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	63-56-6420	\$ 263.89	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
AT&T MOBILITY	69-47-6420	\$ 20.96	108676	1/22/2016	Cell phone usage 12-06-15 to 1-05-16
		<b>\$ 1,628.22</b>	<b>108676 Total</b>		
BERTOLOTTI DISPOSAL	10-33-6220	\$ 78.00	108677	1/22/2016	Bin rental @ corp yard
		<b>\$ 78.00</b>	<b>108677 Total</b>		
B G AUTO	10-33-6530	\$ 11.46	108678	1/22/2016	Motor oil
		<b>\$ 11.46</b>	<b>108678 Total</b>		
BJ's Consumers Choice Pest Control, Inc	10-07-6200	\$ 145.63	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	10-07-6200	\$ 50.63	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	10-07-6665	\$ 60.63	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	10-21-6200	\$ 60.63	108679	1/22/2016	Pest control services



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BJ's Consumers Choice Pest Control, Inc	10-22-6200	\$ 60.62	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	10-44-6660	\$ 50.62	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	10-44-6670	\$ 50.62	108679	1/22/2016	Pest control services
BJ's Consumers Choice Pest Control, Inc	63-56-6200	\$ 55.62	108679	1/22/2016	Pest control services
		<b>\$ 535.00</b>	<b>108679 Total</b>		
BUSINESS CARD	10-21-6200	\$ 10.00	108680	1/22/2016	ScheduleBase 12-19-15 to 1-19-16/PD
BUSINESS CARD	10-21-6300	\$ 85.02	108680	1/22/2016	Poster Compliance/PD
BUSINESS CARD	10-21-6530	\$ 9.99	108680	1/22/2016	MHz replacement stubby antenna
BUSINESS CARD	10-21-6695	\$ 216.60	108680	1/22/2016	Lodging/PD
BUSINESS CARD	10-22-6690	\$ 23.64	108680	1/22/2016	Meals/Fire dept
BUSINESS CARD	10-33-6690	\$ 2.00	108680	1/22/2016	Parking
BUSINESS CARD	10-45-6739	\$ 134.39	108680	1/22/2016	Supplies for teen center snack bar
BUSINESS CARD	10-45-6740	\$ 72.05	108680	1/22/2016	Supplies for teen center snack bar
BUSINESS CARD	42-36-6635	\$ 125.00	108680	1/22/2016	Exam fee/Millan
BUSINESS CARD	60-50-6300	\$ 39.99	108680	1/22/2016	Smoke detector with heat sensor
		<b>\$ 718.68</b>	<b>108680 Total</b>		
CALIFORNIA CONSULTING, LL	10-02-6200	\$ 1,000.00	108681	1/22/2016	Grant writing/Lobbying
CALIFORNIA CONSULTING, LL	60-50-6200	\$ 1,000.00	108681	1/22/2016	Grant writing/Lobbying
CALIFORNIA CONSULTING, LL	63-56-6200	\$ 1,000.00	108681	1/22/2016	Grant writing/Lobbying
		<b>\$ 3,000.00</b>	<b>108681 Total</b>		
Canon Solutions America, Inc.	10-14-6200	\$ 41.02	108682	1/22/2016	Copier maintenance/copy charges
Canon Solutions America, Inc.	10-21-6200	\$ 108.39	108682	1/22/2016	Copier maintenance/copy charges
Canon Solutions America, Inc.	60-50-6200	\$ 7.03	108682	1/22/2016	Copier maintenance/copy charges
Canon Solutions America, Inc.	60-50-6200	\$ 41.02	108682	1/22/2016	Copier maintenance/copy charges
Canon Solutions America, Inc.	63-56-6200	\$ 7.02	108682	1/22/2016	Copier maintenance/copy charges
Canon Solutions America, Inc.	63-56-6200	\$ 41.02	108682	1/22/2016	Copier maintenance/copy charges
		<b>\$ 245.50</b>	<b>108682 Total</b>		
Canon Financial Services, Inc.	10-14-6200	\$ 106.06	108683	1/22/2016	Copier lease payment
Canon Financial Services, Inc.	10-21-6200	\$ 196.96	108683	1/22/2016	Copier lease payment
Canon Financial Services, Inc.	60-50-6200	\$ 106.06	108683	1/22/2016	Copier lease payment
Canon Financial Services, Inc.	60-50-6200	\$ 86.70	108683	1/22/2016	Copier lease payment
Canon Financial Services, Inc.	63-56-6200	\$ 106.06	108683	1/22/2016	Copier lease payment
Canon Financial Services, Inc.	63-56-6200	\$ 86.70	108683	1/22/2016	Copier lease payment
		<b>\$ 688.54</b>	<b>108683 Total</b>		
Central Valley Toxicology, Inc.	10-21-6300	\$ 78.00	108684	1/22/2016	Abuse screen and drug confirmation level
		<b>\$ 78.00</b>	<b>108684 Total</b>		
Chevron & Texaco Business Card Services	10-07-6500	\$ 24.93	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	10-21-6500	\$ 2,304.52	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16



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Chevron & Texaco Business Card Services	10-22-6500	\$ 313.05	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	10-33-6500	\$ 145.06	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	10-44-6500	\$ 100.14	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	60-50-6500	\$ 153.83	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	63-56-6500	\$ 533.19	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
Chevron & Texaco Business Card Services	69-47-6500	\$ 72.87	108685	1/22/2016	Gas and diesel purchases 12-15-15 to 1-14-16
		<b>\$ 3,647.59</b>	<b>108685 Total</b>		
Churchwell White, LLP	10-15-6200	\$ 1,575.80	108686	1/22/2016	Contract service/legal fees/Nov 2015
		<b>\$ 1,575.80</b>	<b>108686 Total</b>		
City National Bank	63-56-8125	\$ 5,717.71	108687	1/22/2016	Refinancing of 1982 Water Revenue Bonds/interest
		<b>\$ 5,717.71</b>	<b>108687 Total</b>		
City of Oakdale	10-21-6615	\$ 15,500.00	108688	1/22/2016	Dispatch services/Jan 2016
		<b>\$ 15,500.00</b>	<b>108688 Total</b>		
COMCAST CABLE	10-14-6200	\$ 41.28	108689	1/22/2016	High speed internet 12-22-15 to 2-21-16/city wide
COMCAST CABLE	10-21-6420	\$ 143.90	108689	1/22/2016	High speed internet service @ 245 N. 2nd St/dispatch
COMCAST CABLE	10-21-6420	\$ 145.99	108689	1/22/2016	High speed internet service @ 1200 Main St/dispatch
COMCAST CABLE	60-50-6200	\$ 41.28	108689	1/22/2016	High speed internet 12-22-15 to 2-21-16/city wide
COMCAST CABLE	63-56-6200	\$ 41.28	108689	1/22/2016	High speed internet 12-22-15 to 2-21-16/city wide
		<b>\$ 413.73</b>	<b>108689 Total</b>		
CROP PRODUCTION SERVICES	60-50-6230	\$ 14,232.00	108690	1/22/2016	Purchase and application of Gypsum to alfalfa @ WWTP
CROP PRODUCTION SERVICES	60-50-6230	\$ 1,909.36	108690	1/22/2016	Gly Star/pursuit application to alfalfa @ WWTP
		<b>\$ 16,141.36</b>	<b>108690 Total</b>		
CSG Consultants, Inc	10-23-6215	\$ 17,627.12	108691	1/22/2016	Building permit issuance/Dec 2015
CSG Consultants, Inc	10-23-6215	\$ 1,575.00	108691	1/22/2016	Plan check services/Dec 2015
CSG Consultants, Inc	10-23-6243	\$ 50.00	108691	1/22/2016	Business License inspect-Newman Physical Therapy/Dec 2015
		<b>\$ 19,252.12</b>	<b>108691 Total</b>		
Dave's Drain Cleaning & Plumbing	10-07-6200	\$ 168.15	108692	1/22/2016	Replaced toilet in restroom at Police Station
Dave's Drain Cleaning & Plumbing	10-07-6200	\$ 85.00	108692	1/22/2016	Inspected lead @ women's restroom @ theater
Dave's Drain Cleaning & Plumbing	10-44-6200	\$ 106.25	108692	1/22/2016	Checked leaking Zurn valve @ Sherman Park
Dave's Drain Cleaning & Plumbing	63-56-6200	\$ 340.00	108692	1/22/2016	Repairs for backflow @ Janet Carlson park
		<b>\$ 699.40</b>	<b>108692 Total</b>		
DFM Associates	10-03-6240	\$ 53.75	108693	1/22/2016	2016 California Elections code book
		<b>\$ 53.75</b>	<b>108693 Total</b>		
Division of the State Architect	10-00-2601	\$ 52.00	108694	1/22/2016	SB1186 fees payable/Oct-Dec 2015
Division of the State Architect	10-00-5095	\$ (36.40)	108694	1/22/2016	SB1186 fees payable 30% retention/Oct-Dec 2015
		<b>\$ 15.60</b>	<b>108694 Total</b>		
E&M ELECTRIC, INC.	10-33-6200	\$ 739.72	108695	1/22/2016	Repaired 2 street lights
E&M ELECTRIC, INC.	10-33-6200	\$ 86.92	108695	1/22/2016	Repaired street light #265



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E&M ELECTRIC, INC.	10-33-6300	\$ 66.80	108695	1/22/2016	3 Intermatic photo eyes
E&M ELECTRIC, INC.	60-50-6225	\$ 169.83	108695	1/22/2016	1 APC backup outlet
		<b>\$ 1,063.27</b>	<b>108695 Total</b>		
ENTENMANN-ROVIN CO.	10-21-6300	\$ 574.78	108696	1/22/2016	10 Police officer/1 cheif/2 corporal/1 lieutenant badges
		<b>\$ 574.78</b>	<b>108696 Total</b>		
Estrada Magdaleno	10-22-6690	\$ 345.00	108697	1/22/2016	Reimbursement for Fire Officer trng/Command C1/Estrada
		<b>\$ 345.00</b>	<b>108697 Total</b>		
Fairbank, Maslin, Maullin, Metz & Associates, Inc	10-01-6200	\$ 16,500.00	108698	1/22/2016	City of Newman Finance Measure survey contract services
		<b>\$ 16,500.00</b>	<b>108698 Total</b>		
FGL ENVIRONMENTAL, INC	60-50-6200	\$ 4,440.00	108699	1/22/2016	Fourth quarter groundwater monitoring
FGL ENVIRONMENTAL, INC	60-50-6200	\$ 381.00	108699	1/22/2016	Fourth quarter groundwater monitoring
FGL ENVIRONMENTAL, INC	60-50-6200	\$ 381.00	108699	1/22/2016	Fourth quarter groundwater monitoring
		<b>\$ 5,202.00</b>	<b>108699 Total</b>		
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 0.80	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 26.40	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 56.40	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 5.20	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 19.20	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 6.40	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 1.20	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 1.60	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 10.40	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 26.00	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 7.20	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 8.00	108700	1/22/2016	Animal disposal clinic
FRANKLIN PET CEMETERY & C	10-21-6208	\$ 3.20	108700	1/22/2016	Animal disposal clinic
		<b>\$ 172.00</b>	<b>108700 Total</b>		
Garcia and Associates	18-32-7739	\$ 5,533.05	108701	1/22/2016	Professional services thru 12-25-15/Hwy 33 & Inyo Ave intersecti
		<b>\$ 5,533.05</b>	<b>108701 Total</b>		
GEOANALYTICAL LAB, INC.	60-50-6200	\$ 355.00	108702	1/22/2016	BOD/TDS/Nitrate/WWTP/Dec 2015
GEOANALYTICAL LAB, INC.	63-56-6200	\$ 480.00	108702	1/22/2016	Weekly bacti testing/nitrates/EDT reporting/Dec 2015
		<b>\$ 835.00</b>	<b>108702 Total</b>		
GOLDEN STATE WARRIORS	10-45-6730	\$ 2,786.00	108703	1/22/2016	Youth basketball and coaches uniforms
		<b>\$ 2,786.00</b>	<b>108703 Total</b>		
Hansford Economic Consulting	60-50-6200	\$ 132.50	108704	1/22/2016	Newman sewer rate study/Dec 2015
		<b>\$ 132.50</b>	<b>108704 Total</b>		
HOUSE STEPHANIE	10-45-6740	\$ 29.93	108705	1/22/2016	Reimbursement for supplies for teen center/House
		<b>\$ 29.93</b>	<b>108705 Total</b>		



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Housing authority of County of Stanislaus	73-70-8130	\$ 50,000.00	108706	1/22/2016	Third payment of Housing contract for low income housing require
		<b>\$ 50,000.00</b>	<b>108706 Total</b>		
INFOSEND, INC	60-50-6200	\$ 985.17	108707	1/22/2016	Late notice and utility bill mailing/Dec 2015
INFOSEND, INC	63-56-6200	\$ 985.17	108707	1/22/2016	Late notice and utility bill mailing/Dec 2015
		<b>\$ 1,970.34</b>	<b>108707 Total</b>		
J&E Janitorial and Handyman	10-07-6200	\$ 200.00	108708	1/22/2016	Buffed & cleaned city hall floors/cleaned bathrooms
J&E Janitorial and Handyman	10-44-6660	\$ 300.00	108708	1/22/2016	Swept, mopped and buffed Memorial Bldg floors
		<b>\$ 500.00</b>	<b>108708 Total</b>		
JOE'S LANDSCAPING & CONCR	24-32-7727	\$ 1,959.00	108709	1/22/2016	Sidewalk demolition and new concrete/402 Driskell
JOE'S LANDSCAPING & CONCR	24-32-7727	\$ 19,100.00	108709	1/22/2016	Demolition & new concrete at 5 different locations
JOE'S LANDSCAPING & CONCR	69-47-6200	\$ 317.49	108709	1/22/2016	Bobcat rental
JOE'S LANDSCAPING & CONCR	69-47-6200	\$ 7,425.00	108709	1/22/2016	LLD landscape services/Dec 2015
		<b>\$ 28,801.49</b>	<b>108709 Total</b>		
KAISER PERMANENTE	10-00-2260	\$ 2,718.33	108710	1/22/2016	Health insurance premium/Feb 2016
		<b>\$ 2,718.33</b>	<b>108710 Total</b>		
Kennedy/Jenks Consultants, Inc	63-56-6200	\$ 3,655.00	108711	1/22/2016	Professional services thru 11/27/15 CASGEM funding
		<b>\$ 3,655.00</b>	<b>108711 Total</b>		
LEAGUE OF CALIF. CITIES	10-01-6635	\$ 5,841.68	108712	1/22/2016	Membership dues for 2016 LCC
		<b>\$ 5,841.68</b>	<b>108712 Total</b>		
Marko Construction Group, Inc	24-32-7766	\$ 3,633.53	108713	1/22/2016	Progress payment #6 on CNF Fast Fueling station
		<b>\$ 3,633.53</b>	<b>108713 Total</b>		
MARTIN CARVER, AICP	40-06-6200	\$ 17,257.00	108714	1/22/2016	Newman 2015 Housing Element
		<b>\$ 17,257.00</b>	<b>108714 Total</b>		
Matthew Bender & Co., Inc	10-21-6300	\$ 276.70	108715	1/22/2016	3 Calif Penal code books/2016
		<b>\$ 276.70</b>	<b>108715 Total</b>		
Mendonca Sarah	10-14-6690	\$ 52.12	108716	1/22/2016	Mileage reimbursement/Mendonca
		<b>\$ 52.12</b>	<b>108716 Total</b>		
MID VALLEY IT, INC	10-14-6200	\$ 791.60	108717	1/22/2016	IT CONTRACT/FIN
MID VALLEY IT, INC	10-21-6200	\$ 1,583.20	108717	1/22/2016	IT CONTRACT/PD/Feb 2016
MID VALLEY IT, INC	60-50-6200	\$ 791.60	108717	1/22/2016	IT CONTRACT/SEWR
MID VALLEY IT, INC	63-56-6200	\$ 791.60	108717	1/22/2016	IT CONTRACT/WATR
		<b>\$ 3,958.00</b>	<b>108717 Total</b>		
NBS	69-47-6200	\$ 2,495.45	108718	1/22/2016	Quarterly administration fees Jan 1, 2016 to March 31, 2016
		<b>\$ 2,495.45</b>	<b>108718 Total</b>		
NEWMAN SMOG AND LUBE	10-21-6530	\$ 976.06	108719	1/22/2016	Replaced alternator assembly/driver belt/radiator assembly/06 Ch
		<b>\$ 976.06</b>	<b>108719 Total</b>		
Newman City Tow Service, Inc	10-21-6530	\$ 225.00	108720	1/22/2016	Towing of Ford Explorer from Los Banos to Newman/PD
		<b>\$ 225.00</b>	<b>108720 Total</b>		



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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Nino's Auto Repair	10-33-6530	\$ 14.23	108721	1/22/2016	Oil change/2014 Ford
Nino's Auto Repair	10-44-6530	\$ 16.86	108721	1/22/2016	Changed fuse and holder/Chevy
Nino's Auto Repair	60-50-6530	\$ 25.62	108721	1/22/2016	Oil change/2014 Ford
Nino's Auto Repair	60-50-6530	\$ 25.30	108721	1/22/2016	Changed fuse and holder/Chevy
Nino's Auto Repair	63-56-6530	\$ 17.08	108721	1/22/2016	Oil change/2014 Ford
		<b>\$ 99.09</b>	<b>108721 Total</b>		
North Star Engineering Group, Inc	18-32-7739	\$ 1,255.00	108722	1/22/2016	Right of Way mapping/Hwy 33 & Inyo Ave
		<b>\$ 1,255.00</b>	<b>108722 Total</b>		
O'Dell Engineering	17-44-7521	\$ 793.80	108723	1/22/2016	Professional services Skate Plaza 11-2-15 to 12-06-15
		<b>\$ 793.80</b>	<b>108723 Total</b>		
OPERATING ENGINEERS/	10-00-2260	\$ 749.00	108724	1/22/2016	Health insurance premium/Feb 2016
		<b>\$ 749.00</b>	<b>108724 Total</b>		
Otis Elevator Company	10-07-6200	\$ 592.10	108725	1/22/2016	Elevator service contract 1-1-16 to 3-31-16
		<b>\$ 592.10</b>	<b>108725 Total</b>		
CITY OF PATTERSON	10-03-6200	\$ 660.00	108726	1/22/2016	Video reimbursement council meetings/Dec 2015
		<b>\$ 660.00</b>	<b>108726 Total</b>		
P G & E	10-07-6410	\$ 294.50	108727	1/22/2016	Gas and electric @ 938 Fresno St/12-8-15 to 1-06-16
P G & E	10-07-6410	\$ 931.81	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-07-6665	\$ 150.59	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-22-6410	\$ 220.26	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-33-6410	\$ 7,638.31	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-44-6410	\$ 651.12	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-44-6660	\$ 294.26	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-44-6670	\$ 409.64	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-45-6410	\$ 141.25	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	10-46-6410	\$ 298.50	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	60-50-6410	\$ 294.50	108727	1/22/2016	Gas and electric @ 938 Fresno St/12-8-15 to 1-06-16
P G & E	60-50-6410	\$ 1,171.33	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	62-60-6411	\$ 254.27	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	62-60-6412	\$ 927.22	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	63-56-6410	\$ 294.50	108727	1/22/2016	Gas and electric @ 938 Fresno St/12-8-15 to 1-06-16
P G & E	63-56-6410	\$ 7,628.54	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
P G & E	69-47-6410	\$ 3,143.68	108727	1/22/2016	Gas and electric 11-16-15 to 12-14-15
		<b>\$ 24,744.28</b>	<b>108727 Total</b>		
PITNEY BOWES, Inc	10-14-6330	\$ 42.06	108728	1/22/2016	postage meter rent
PITNEY BOWES, Inc	60-50-6330	\$ 41.94	108728	1/22/2016	postage meter rent
PITNEY BOWES, Inc	63-56-6330	\$ 41.93	108728	1/22/2016	postage meter rent
		<b>\$ 125.93</b>	<b>108728 Total</b>		



## AP Check Register January 22, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Precision Concrete Cutting	24-32-7727	\$ 453.75	108729	1/22/2016	Sidewalk improvements/Ladyslipper Ln/Magpie
Precision Concrete Cutting	24-32-7727	\$ 1,921.25	108729	1/22/2016	Sidewalk improvements
		<b>\$ 2,375.00</b>	<b>108729 Total</b>		
Rabobank	10-22-6120	\$ 1,500.00	108730	1/22/2016	HSA deposit/Bowen
		<b>\$ 1,500.00</b>	<b>108730 Total</b>		
Ready Refresh by Nestle	10-45-6300	\$ 8.60	108731	1/22/2016	Water cooler rent/rec dept
Ready Refresh by Nestle	60-50-6300	\$ 51.03	108731	1/22/2016	Bottled water delivered @ WWTP
		<b>\$ 59.63</b>	<b>108731 Total</b>		
Rios Carlos	10-00-5723	\$ 400.00	108732	1/22/2016	Refund Men's Basketball registration/Rios
		<b>\$ 400.00</b>	<b>108732 Total</b>		
Secretary of State	10-14-6635	\$ 20.00	108733	1/22/2016	Statement of filing/Newman Rec opportunities
		<b>\$ 20.00</b>	<b>108733 Total</b>		
Solar Integrated Fund III	60-50-6410	\$ 9,870.22	108734	1/22/2016	Solar production period 10-22-15 to 11-30-15 @ WWTP
		<b>\$ 9,870.22</b>	<b>108734 Total</b>		
SOLECON, INC	10-07-6200	\$ 198.78	108735	1/22/2016	Check AC unit @ school house/replaced filters
		<b>\$ 198.78</b>	<b>108735 Total</b>		
Soto Juan	10-00-5723	\$ 400.00	108736	1/22/2016	Refund Men's Basketball registration-cancelled
		<b>\$ 400.00</b>	<b>108736 Total</b>		
Soundscapes Electric Security & Audio Video	10-07-6200	\$ 195.00	108737	1/22/2016	3 months alarm monitoring Jan-March 2016
		<b>\$ 195.00</b>	<b>108737 Total</b>		
State of Calif Dept of Justice	10-00-2014	\$ 487.00	108738	1/22/2016	Fingerprint apps/firearms security/FBI/Dec 2015
State of Calif Dept of Justice	10-22-6200	\$ 32.00	108738	1/22/2016	Fingerprint apps/firearms security/FBI/Dec 2015
		<b>\$ 519.00</b>	<b>108738 Total</b>		
Stanislaus Council of Governments	10-01-6635	\$ 406.00	108739	1/22/2016	STANCOG FY 2015-2016 dues
		<b>\$ 406.00</b>	<b>108739 Total</b>		
Stanislaus County Auditor-Controller	10-21-6510	\$ 9.33	108740	1/22/2016	Natural gas pumped @ Morgan
Stanislaus County Auditor-Controller	10-21-6530	\$ 167.49	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	10-33-6510	\$ 20.75	108740	1/22/2016	Natural gas pumped @ Morgan Rd
Stanislaus County Auditor-Controller	10-33-6530	\$ 372.66	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	10-33-6530	\$ 260.88	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	10-44-6510	\$ 12.20	108740	1/22/2016	Natural gas pumped @ Morgan Rd
Stanislaus County Auditor-Controller	10-44-6530	\$ 240.09	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	10-44-6530	\$ 45.42	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	60-50-6530	\$ 146.45	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	60-50-6530	\$ 136.25	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	63-56-6530	\$ 146.45	108740	1/22/2016	Lube & oil all CNG vehicles
Stanislaus County Auditor-Controller	69-47-6530	\$ 170.64	108740	1/22/2016	Lube & oil all CNG vehicles
		<b>\$ 1,728.61</b>	<b>108740 Total</b>		



## AP Check Register January 22, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
STANISLAUS COUNTY	73-00-2501	\$ 60,000.00	108741	1/22/2016	Economic developmenmt bank loan/RDS annual payment
		<b>\$ 60,000.00</b>	<b>108741 Total</b>		
STAPLES ADVANTAGE	10-21-6300	\$ 3.54	108742	1/22/2016	Topband memobook
STAPLES ADVANTAGE	10-21-6300	\$ 32.17	108742	1/22/2016	9 volt batteries
STAPLES ADVANTAGE	10-21-6300	\$ 104.12	108742	1/22/2016	Paper/batteries/binderclips/pens
STAPLES ADVANTAGE	63-56-6300	\$ 27.87	108742	1/22/2016	5 Document frames
		<b>\$ 167.70</b>	<b>108742 Total</b>		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 23,831.00	108743	1/22/2016	Water and wastewater On-call 2015-2016
		<b>\$ 23,831.00</b>	<b>108743 Total</b>		
Sun Valley Portables	69-47-6200	\$ 155.76	108744	1/22/2016	Portable restroom rental-service/Dec 2015
		<b>\$ 155.76</b>	<b>108744 Total</b>		
TESCO CONTROL, INC.	60-50-6225	\$ 1,800.00	108745	1/22/2016	SCADA and system upgrades
TESCO CONTROL, INC.	63-56-7105	\$ 15,000.00	108745	1/22/2016	SCADA and system upgrades
		<b>\$ 16,800.00</b>	<b>108745 Total</b>		
Timeless Memories	10-01-6620	\$ 64.58	108746	1/22/2016	Get well soon flower arrangement/Davis
		<b>\$ 64.58</b>	<b>108746 Total</b>		
TOSTA BARBARA J.	10-45-6725	\$ 180.00	108747	1/22/2016	Young @ Heart instructor/Dec 2015
		<b>\$ 180.00</b>	<b>108747 Total</b>		
BARDILL SHARON	63-00-2010	\$ 99.04	108748	1/22/2016	Refund Check
		<b>\$ 99.04</b>	<b>108748 Total</b>		
CENTRAL VALLEY PROPERTY MANAGEMENT	63-00-2010	\$ 75.09	108749	1/22/2016	Refund Check
		<b>\$ 75.09</b>	<b>108749 Total</b>		
GARCIA JONATHAN	63-00-2010	\$ 33.74	108750	1/22/2016	Refund Check
		<b>\$ 33.74</b>	<b>108750 Total</b>		
UNIVAR USA, INC	63-56-6300	\$ 682.63	108751	1/22/2016	235 gallons sodium hypochlorite delivered @ well #8
		<b>\$ 682.63</b>	<b>108751 Total</b>		
USA BLUEBOOK	60-50-6300	\$ 1,246.88	108752	1/22/2016	Replacement element paper filter/conductivity solution Macro-Zym
USA BLUEBOOK	63-56-6300	\$ 172.94	108752	1/22/2016	Reagent refill tablets
		<b>\$ 1,419.82</b>	<b>108752 Total</b>		
VALLEY PARTS SERVICE	10-21-6530	\$ 116.56	108753	1/22/2016	Battery for Nissan Altima
VALLEY PARTS SERVICE	10-21-6530	\$ 16.71	108753	1/22/2016	Air filter/air flow sensor cleaner
VALLEY PARTS SERVICE	10-22-6530	\$ 30.64	108753	1/22/2016	Slick mist detailer/terry towels
VALLEY PARTS SERVICE	60-50-6300	\$ 56.45	108753	1/22/2016	Air/fuel filters/cable ties
		<b>\$ 220.36</b>	<b>108753 Total</b>		
MATTOS NEWSPAPERS, INC.	10-21-6300	\$ 91.48	108754	1/22/2016	100 No Parking signs
MATTOS NEWSPAPERS, INC.	10-21-6300	\$ 758.49	108754	1/22/2016	1000 "Notice to Appear" citations
MATTOS NEWSPAPERS, INC.	10-21-6600	\$ 72.00	108754	1/22/2016	Public Hearing "Adoption of Marijuana ordinance"
MATTOS NEWSPAPERS, INC.	10-21-6600	\$ 60.00	108754	1/22/2016	Display ad Christmas greeter ad/PD



## AP Check Register January 22, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
MATTOS NEWSPAPERS, INC.	63-56-6330	\$ 17.21	108754	1/22/2016	UPS freight returned equipment to Tesco
MATTOS NEWSPAPERS, INC.	63-56-6635	\$ 32.00	108754	1/22/2016	Annual newspaper subscription/PW
		<b>\$ 1,031.18</b>	<b>108754 Total</b>		
West Stanislaus Fire District	10-22-6690	\$ 310.00	108755	1/22/2016	50% cost of I-300 & Fire Command 1B/Estrada
		<b>\$ 310.00</b>	<b>108755 Total</b>		
Wreco	18-32-7739	\$ 9,430.41	108756	1/22/2016	Professional services/Why 33 & Inyo project/8-1-15 to 9-30-15
		<b>\$ 9,430.41</b>	<b>108756 Total</b>		
YANCEY LUMBER COMPANY	10-07-6300	\$ 15.68	108757	1/22/2016	Redwood
YANCEY LUMBER COMPANY	10-21-6300	\$ 33.97	108757	1/22/2016	plumbers putty/sink strainer/key/clamp
YANCEY LUMBER COMPANY	10-21-6307	\$ 101.16	108757	1/22/2016	2 bags dog food/K-9
YANCEY LUMBER COMPANY	10-33-6300	\$ 35.84	108757	1/22/2016	Bucket/concrete/lock and hex bolts
YANCEY LUMBER COMPANY	24-32-7727	\$ 5.80	108757	1/22/2016	1 cubic foot top soil
YANCEY LUMBER COMPANY	60-50-6300	\$ 16.26	108757	1/22/2016	Plastic pail/halogen bulb
YANCEY LUMBER COMPANY	62-60-6225	\$ 6.29	108757	1/22/2016	Glass cleaner/pvc cement
YANCEY LUMBER COMPANY	63-56-6300	\$ 155.56	108757	1/22/2016	Gloves/rebar tie wire/storage bags/fastners
		<b>\$ 370.56</b>	<b>108757 Total</b>		
		<b>\$ 391,825.91</b>	<b>Grand Total</b>		



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING JANUARY 12, 2016**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Martina 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Day.
4. **Roll Call** - **PRESENT:** Graham, Mayor Pro Tem Candeia, Day And Mayor Martina.  
**ABSENT:** Davis.
5. **Declaration Of Conflicts Of Interest** - None.

6. **Ceremonial Matters**

- a. Badge Pinning Of Police Officer Richard Eric Watts.

Chief Richardson Introduced Officer Richard Eric Watts And Presided Over His Badge Pinning Ceremony.

7. **Items from the Public - Non-Agenda Items** - None.

8. **Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The December 8, 2015 Meeting.
- d. Adopt Resolution No. 2016-01, A Resolution Authorizing Participation In Joint Application For FEMA Assistance To Firefighters Grant For Purchase Of Self-Contained Breathing Apparatus.
- e. Adopt Resolution No. 2016-02, Accepting The Water And Sewer SCADA Systems Improvement Project As Complete And Authorizing Robert Martina As Mayor, And Mike Maier As City Clerk To Record A Notice Of Completion.

**ACTION:** On A Motion By Candeia Seconded By Graham, The Consent Calendar Was Approved By The Following Vote: AYES Graham, Candeia, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

9. **Public Hearings** - None.

10. **Regular Business**

- a. Report On Marijuana Ordinance

Council Member Graham Noted He Thought It Was A Good Ordinance And That It Should Help Prevent Marijuana Related Problems That Other Local Communities Have Experienced.

Council Member Day Thanked Staff For Ensuring That The Ordinance Would Also Apply To Recreational Marijuana.

Chief Richardson Noted That His Office Does Receive Complaints About Neighboring Marijuana Grows And Noted That Although The Proposed Ordinance Does Not Criminalize These Activities, It Should Help Alleviate The Problem. Richardson Noted That There Had Been Two Structure Fires Within The City That Were A Result Of Indoor Marijuana Grows.

- I. Adopt Resolution No. 2016-03, A Resolution Reaffirming And Confirming The Newman City Zoning Code Is Adopted And Operates Under The Principles Of Permissive Zoning.

**ACTION:** On Motion By Graham Seconded By Day, Resolution No. 2016-03, A Resolution Reaffirming And Confirming The Newman City Zoning Code Is Adopted And Operates Under The Principles Of Permissive Zoning, Was Adopted By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

- II. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code.

**ACTION:** On Motion By Graham Seconded By Day, Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code Was Introduced By Council Member Graham, And Had Its First Reading By Title Only, By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

- b. Report On Memorandum Of Understanding With Stanislaus Business Alliance.

**ACTION:** On Motion By Day Seconded By Graham, The Council Approved The Memorandum Of Understanding With The Stanislaus Business Alliance And 2015/2016 Funding Request By The Following Roll Call Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

## **11. Items From District Five Stanislaus County Supervisor.**

Supervisor DeMartini Mentioned That The South County Corridor Report Was Available And That It Contained Four Potential Corridor Routes. DeMartini Noted That The South County Corridor Would Be On The StanCOG Policy Board's Agenda Sometime In February Or Possibly Later. He Concluded By Reminding Everyone That The Next West Side Healthcare Taskforce Meeting Will Be in Gustine On Thursday, January 14<sup>th</sup>.

Council Member Graham Stated That He Thought The Southern Crows Landing Road/Fink Road Route Was The Best Option For The South County Corridor.

Supervisor DeMartini Agreed And Noted That The Crows Landing Road/Fink Road Route Would Likely Be The Most Cost Effective Route.

Mayor Martina Noted That The Improvements Made To The Intersection Of Crows Landing Road And West Main Street Were Great.

## **12. Items From The City Manager And Staff.**

City Manager Holland Welcomed Fire Division Chief Keith Bowen And Officer Eric Watts. Holland Reminded Everyone That The City Would Celebrating Chief Mel Souza's Retirement After 42 Years

On Thursday, January 14<sup>th</sup> From 4-6 PM And Encouraged Everyone To Attend. He Concluded By Mentioning That City Offices Would Be Closed On January 18<sup>th</sup> In Honor Of Martin Luther King Jr. Day.

Chief Bowen Thanked Everyone And Noted That He Was Working On Collaboration And The Establishment Of An Office.

Public Works Director Kim Provided The Council With An Update Regarding The Super El Niño And Noted That Sand Bags Were Available At The City's Corporation Yard.

Finance Director Humphries Reported That W-2 Forms Were Mailed Out And That The Mid-Year Budget Would Be In February.

City Planner Ocasio Welcomed Chief Bowen And Informed The Council That The Housing Element Update Would Be Brought To The Planning Commission In January. Ocasio Noted That The Annual Point-In-Time Homeless Count Was Scheduled For January 28<sup>th</sup>.

### **13. Items From City Council Members.**

Council Member Graham Welcomed Chief Bowen And Officer Watts. Graham Thanked The Public Works Department For Their Efforts During The Recent Storms.

Council Member Candea Welcomed Chief Bowen And Officer Watts.

Council Member Day Welcomed Chief Bowen And Officer Watts. Day Also Thanked The Public Works Department For Their Efforts During The Recent Storms. He Asked Staff To Remind Residents Of The Importance To Keeping Their Leaves And Brush Out Of The Gutters To Allow The Storm Water To Better Flow Down The Drains.

Mayor Martina Congratulated Chief Bowen And Officer Watts.

### **14. Adjournment.**

**ACTION:** On Motion By Candea Seconded By Graham And Unanimously Carried, The Meeting Was Adjourned At 7:36 P.M.

Honorable Mayor and Members  
of the Newman City Council

**ADOPT RESOLUTIONS AUTHORIZING THE APPROVAL OF THE “STATEMENT OF INVESTMENT POLICY” FOR THE CITY OF NEWMAN**

**RECOMMENDATION:**

It is recommended that the Newman City Council approve Resolution 2016- authorizing the approval of the “Statement of Investment Policy” for the City of Newman.

**BACKGROUND:**

The City of Newman’s cash management system is designed to monitor and forecast expenditures and revenues, thus enabling the City to invest funds to the fullest extent possible. The City attempts to obtain the highest yield obtainable as long as investments meet the criteria established for safety and liquidity. The State of California Government Code requires the City to follow the Prudent Investor Rule (Government Code Section and §53600 et. seq.). This affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent.

**ANALYSIS:**

Currently the City has the following accounts. These constitute the balance of the total cash held by the City. It does not include deposits held by our bonding company. This information is available on the annual audit. The accounts are:

General Checking	(Bank of the West)
Savings	(Bank of the West – 2014 Calendar Year - 0.082%)
Petty Cash	(Cash in Drawers and Petty Cash Drawer)
UBS	(Investment in CD’s – 2014 Calendar Year - 1.164%)
LAIF	(Local Agency Invest. Fund – 2014 Calendar Year - 0.308%)
Chandler Asset Mgmt.	(CSJVRMA Investment Pool – 2014 Calendar Year - 1.201%)

**FISCAL IMPACT:**

None.

**CONCLUSION:**

Staff recommends the City approve Resolution No. 2016- authorizing the approval of the “Statement of Investment Policy” for the City of Newman.

**ATTACHMENTS:**

1. Resolution No. 2016-
2. Exhibit A: Statement of Investment Policy

Respectfully submitted:



Lewis Humphries  
Finance Director

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

**RESOLUTION NO. 2016-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING THE  
"STATEMENT OF INVESTMENT POLICY" FOR THE CITY OF NEWMAN**

WHEREAS, the City Council of the City of Newman is desirous of providing a "Statement of Investment Policy" for the City's idle cash.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman accepts and implements the "Statement of Investment Policy" (Exhibit A).

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9<sup>th</sup> day of February, 2016 \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Newman

## EXHIBIT "A"

### CITY OF NEWMAN STATEMENT OF INVESTMENT POLICY

**PURPOSE:**

This statement is intended to provide guidelines for the prudent investment of the City's temporary idle cash, and outline the policies for maximizing the efficiency of the City's cash management system. The ultimate goal is to enhance the economic status of the City while protecting its pooled cash.

**OBJECTIVE:**

The City's cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the City to invest funds to the fullest extent possible. The City attempts to obtain the highest yield obtainable as long as investments meet the criteria established for safety and liquidity.

**POLICY:**

The City of Newman investment policy follows California Government Code §53600.3 the "Prudent Investor Rule". This "Rule" affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent and is allowable under current legislation of the State of California (G.C. Section §53600 et. seq.).

Investments may be made in the following media;

- Securities of the US Government, or its agencies (Treasury Bills/Notes)
- Small Business Administration Loans
- Certificates of Deposits
- Bankers Acceptances (Letter of Credit)
- Local Agency Investment Fund (LAIF) - State Pool
- Chandler Asset Management – CSJVRMA Pool
- Passbook Savings Account Demand Deposits
- Other products which are totally guaranteed and insured by the US Government

Criteria for selecting investments and the order of priority are:

1. **SAFETY:** The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. The City only operates in those investments that are considered very safe.
2. **LIQUIDITY:** This refers to the ability to "cash in" at any moment in time with a minimal chance of losing some portion of the principal or interest. Liquidity is an important investment quality especially when the need for unexpected funds occurs occasionally.
3. **YIELD:** Yield is the potential dollars earnings an investment can provide, and sometimes is described as the rate of return.

**SAFEKEEPING:** Securities purchased from brokers/dealers shall be held in third party safekeeping by the trust department of the local agency's bank or other designated third party trust, in local agency's name and control, whenever possible.

**INVESTMENT OBJECTIVE:** The cash management system of the City of Newman is designed to accurately monitor and forecast expenditures and revenues, thus insuring the investment of monies to the fullest extent as possible. The City attempts to obtain the highest interest yields possible as long as investments meet the criteria required for safety and liquidity.

**CITY CONSTRAINTS:** The City of Newman operates its pooled idle cash investments under the “Prudent Investor Rule”. This affords a broad spectrum of investment opportunities so long as the investment is deemed prudent and is permissible under currently effective legislation of the State of California and other imposed legal restrictions.

The City strives to maintain the level of investment of all idle funds as near 100% as possible, through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the City Finance Officer and City Treasurer.

The basic premise underlying is the City’s investment philosophy is, and will continue to be, to insure that money is always safe, available when needed, and earning maximum interest yield on deposits.

**REPORT ON MARIJUANA ORDINANCE**

**RECOMMENDATIONS:**

1. Conduct Public Hearing
2. Conduct Second Reading Of Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code
3. Adopt Ordinance and authorize staff to publish a summary of said ordinance.

**BACKGROUND:**

Marijuana is classified as a Schedule I Drug under the the Federal Controlled Substances Act (21 U.S.C. § 801 et seq.). This classification recognizes that the drug has a high potential for abuse, has no currently accepted medical use in treatment in the United States and has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, transport, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act does not exempt the cultivation, manufacture, distribution, dispensation, transportation or possession of marijuana for medical purposes.

In 1996, California voters enacted Proposition 215, the Compassionate Use Act (CUA), to enable persons who are seriously ill and have the approval of a physician to access marijuana for medical purposes and use it without fear of criminal prosecution under limited specified circumstances. In 2003, the Legislature enacted the Medical Marijuana Program (MMP), to clarify CUA's scope and promote CUA's consistent application throughout the State. The MMP expressly allows cities and other local governing bodies to adopt and enforce local rules and regulations consistent with the MMP. The CUA and the MMP primarily address aspects of criminal law that pertain to the possession, cultivation or distribution of marijuana by providing certain qualified individuals who cultivate marijuana for medical purposes with a limited defense to certain state criminal statutes.

The City of Newman has had an ordinance in place prohibiting the establishment of medical marijuana dispensaries in Newman since October 2008. This ordinance was put in place to protect public health, safety and welfare. The secondary effects of allowing medical marijuana dispensaries would be detrimental to the quality of life of the citizens of Newman and harm the economic health of the City due to increased crime and violence. Documented crimes ranged from the resale of medical marijuana to individuals who do not have physician recommendations or valid identification cards, increased vagrancy and public smoking of marijuana, increased violence in and around the dispensaries, take-over robberies of the dispensaries themselves, increased illegal cultivation of marijuana by parties not authorized under State law, and increased sale and trafficking of marijuana and other drugs in violation of both State and Federal law. Of particular concern is the fact that crime is not being consistently reported by dispensaries and users because they do not want to jeopardize the status of the dispensaries.

On October 9, 2015, Governor Brown signed three bills into law (AB 266, AB 243, and SB 643), collectively known as the "Medical Marijuana Regulation and Safety Act", or MMRSA, that sets up a State licensing scheme for commercial medical marijuana uses. The Act protects local control by requiring all such business to have a local license or permit to operate in addition to a State license. The MMRSA allows cities and counties to completely prohibit commercial medical marijuana activities, including cultivation; however, local agencies must have enacted such prohibitions by March 1, 2016. In order to have an ordinance in place by said deadline, the City of Newman would need to have the second reading of such an ordinance by its January 26 regularly scheduled City Council meeting. The first reading of Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code was held by the City Council on January 12, 2016.

**ANALYSIS:**

In 2013, the California Supreme Court ruled in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* that each local government has the inherent authority to regulated the use of land within its jurisdictional boundary, and more specifically, to prohibit the cultivation of marijuana for any purpose. Since the passage of Prop 215, the City of

Newman has experienced a marked increase in complaints and crime associated with the usage and cultivation of marijuana, including those cases where the marijuana was being grown for personal use with a valid medical marijuana card. Additionally, the Police Department receives requests for assistance from its citizens during the marijuana harvest season due to the pungent odor of marijuana. While the Police Department does look into these, the individuals responsible for the cultivation are, more often than not, also in possession of a medical marijuana card.

There have been incidents in the region where individuals who had been cultivating marijuana on their premises were attacked in attempts to steal the marijuana being grown. A number of these incidents were classified as attempted homicides, another being a homicide. These types of incidents not only endanger victims but also neighbors and the community as a whole.

The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that marijuana cultivation or other concentration of marijuana in any location or premise without adequate security increases the risk to surrounding homes and businesses. Residents that grow marijuana for their own personal use for a medical condition are ill-equipped to provide the security necessary to protect their neighbors and neighborhoods from the increase in criminal activity generated by such activities.

Furthermore, the malodorous smells and degradation in the natural environment negatively impacts the quality of life for residents and can negatively impact the economic vitality of adjacent businesses. Indoor cultivation of medical marijuana creates a greater risk of indoor electrical fire hazards. Since adoption of the City's Marijuana Dispensary ban in 2008, there have been approximately 7 thefts of power offenses; some with indications of an indoor cultivation of marijuana utilizing indoor growing fixtures and two resulting in fires. Fire hazards from electricity theft include: excessive heat, poor ventilation and poor electrical fixtures, in addition to posing a potential electrocution hazard to neighbors and their children.

Since 2008, there have been approximately 50 Compliance Checks regarding complaints of cultivation of marijuana for personal use (per Prop 215 and SB 420); three of those resulted in arrest or criminal investigation. Many indoor or outdoor grows are in excess of what is considered personal use per a medical marijuana card. These complaints were directly due to citizens calling regarding their observation of marijuana grow/cultivations and or the pungent odor caused from the plants.

Cases involving the cultivation of marijuana both indoor and outdoor have been observed to either have children present or easily accessible to children who may be in the area due to proximity of their homes, schools and or parks. For example, the cultivation of medical marijuana at locations or premises within the vicinity of schools creates unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with the cultivation or distribution of medical marijuana at such locations poses heightened risks that juveniles will be involved or endangered. The cultivation of marijuana at such locations or premises is especially hazardous to public safety and welfare, and to the protection of juveniles and the person or persons cultivating the marijuana plants. Moreover, as marijuana plants begin to flower, they produce an extremely strong odor that is offensive to many people and detectable well beyond property boundaries upon which they are grown. The strong, distinctive odor of marijuana plants may create an attractive nuisance, alerting individuals to the location of the plants and thereby creating the risk of potential crimes such as burglary, robbery, armed robbery, assault, attempted murder and murder.

The MMRSA allows cities and counties to completely prohibit commercial medical marijuana activities including the sale, transportation and distribution, and cultivation of marijuana, even for personal medicinal use. The current law includes language that requires cities and counties to prohibit the cultivation of marijuana use by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority for such activities. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other commercial medical marijuana activities. If the State were to become the licensing authority, such activities would be authorized under the provisions of the MMRSA.

The purpose of this report is to give the City Council the opportunity to consider a complete ban the commercial sale, transportation and distribution, and cultivation of marijuana, including medical marijuana, within the City of Newman. The proposed amendments to Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue

Licenses And 8.07 Medical Marijuana Dispensaries would prohibit any commercial activity or use involving marijuana, any deliveries of marijuana that originate or terminate in the City, any activities that may be regulated under the MMRSA, and the cultivation of marijuana for non-commercial purposes in any zone, planned development, or specific or master plan area within the City. The Ordinance, once adopted, would declare any violation to be a public nuisance, and establishes civil penalties for violations of the ordinance. Additionally, the proposed amendments would allow the City to deny any/all business license/use applications for medical marijuana collectives, cooperatives or dispensaries, any uses for the distribution, cultivation, transportation, delivery, or processing of medical marijuana, or any activity that requires a license under the MMRSA.

**FISCAL IMPACT:**

Costs associated with the adoption of this ordinance are nominal.

**CONCLUSION**

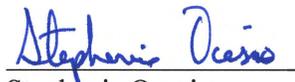
Staff believes that expressly prohibiting all and any of the activities related to the commercial and noncommercial use or cultivation of marijuana would make it abundantly clear that such uses are prohibited throughout the entire City. In order to retain local control, the prohibition must be in place by March 1, 2016 or the State will become the sole licensing authority.

Therefore, staff recommends that the City Council hold the public hearing, conduct the second reading of, approve Ordinance No. 2016- , An Ordinance Of The City Of Newman Amending Titles 3 Business Regulations And 8 Health And Sanitation; Sections 3.01 Revenue Licenses And 8.07 Medical Marijuana Dispensaries Of The Newman Municipal Code and authorize staff to publish a summary of said ordinance.

**ATTACHMENTS:**

1. Exhibit A – Ordinance No. 2016-

Respectfully submitted,



Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**ORDINANCE NO. 2016 -**

**AN ORDINANCE OF THE CITY OF NEWMAN AMENDING  
TITLES 3 BUSINESS REGULATIONS AND 8 HEALTH AND SANITATION;  
SECTIONS 3.01 REVENUE LICENSES AND 8.07 MEDICAL MARIJUANA  
DISPENSARIES OF THE NEWMAN MUNICIPAL CODE.**

WHEREAS, the City Council believes that the cultivation of marijuana (cannabis) compromises the public peace, health and safety and quality of life for Newman residents; and

WHEREAS, the City of Newman is desirous of drafting a comprehensive policy to expressly make clear that the commercial and personal cultivation of medical marijuana (cannabis) as allowed by the CUA and MMP, and related commercial uses, are prohibited in all zones, planned developments, specific and master plan areas throughout the City; and

WHEREAS, the City Council of the City of Newman desires to prohibit the following:

- I. All Commercial Cannabis Activities,
  - II. Cannabis Deliveries Within The City,
  - III. All Activities For Which A License Is Required Under The Medical Marijuana Regulation And Safety Act,
  - IV. Cultivation Of Cannabis For Non-Commercial Purposes In The City Of Newman;
- and

WHEREAS, the proposed ordinance is not defined as a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN AS FOLLOWS:

**SECTION 1.**

**FINDINGS AND PURPOSE.**

- A. In 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code § 11362.5 and entitled “The Compassionate Use Act of 1996” or “CUA”).
- B. The intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.” The ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere.”
- C. In 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code § 11362.7 et seq. and referred to as the “Medical Marijuana Program” or “MMP”) to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.
- D. In *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . .” Additionally, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana. . . .” The Court in *Maral* affirmed the

ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

- E. The Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there is recent case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed.
- F. On October 9, 2015 Governor Brown signed 3 bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter “MMRSA”). The MMRSA set up a State licensing scheme for commercial medical marijuana activities while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities.
- G. The City Council finds that commercial medical marijuana (cannabis) activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.
- H. The limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.
- I. The MMRSA contains language that requires the city to prohibit cultivation uses by March 1, 2016 either expressly or otherwise under the principles of permissive zoning, or the State will become the sole licensing authority. The MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. The MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana (cannabis) activities.
- J. While the City Council believes that cultivation and all commercial medical marijuana (cannabis) uses are prohibited under the City’s permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones, planned developments, specific and master plan areas throughout the City.

## SECTION 2.

TITLE 3, Chapter 3.01.040 of the Newman City Code is amended as follows:

### **3.01.040 License and tax payment required.**

- A. It shall be unlawful for any person to commence, establish, maintain or carry on any business enterprise whatever in the City:
  - 1. Without first obtaining a license from the City, whether the business enterprise or the person is subject to a City license tax under this chapter or not; and
  - 2. Without fully complying with any and all other regulations of such business contained in this chapter, or other regulatory provisions now existing or hereafter to be adopted by the City.
- B. This section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or the State of California. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this chapter.

C. Notwithstanding any provision of this code to the contrary, any use, entitlement, authorization, license or permit allowed or issued under this code shall be consistent with state and federal law.

D. *The City shall not approve licenses or uses for a medical marijuana (cannabis) collective, cooperative or dispensary or any other commercial cannabis (marijuana) activity.*

E. *The City shall not approve licenses or uses for the distribution, cultivation, manufacturing, transportation, delivery, testing, or processing of medical marijuana (cannabis).*

F. *The City shall not approve licenses or uses for any activity that requires a license or any other authorization or approval under the Medical Marijuana Regulation and Safety Act.*

### SECTION 3.

TITLE 8, Chapter 8.07 of the Newman City Code is amended as follows:

#### Chapter 8.07 MEDICAL MARIJUANA DISPENSARIES (CANNABIS) AND CULTIVATION

Sections:

8.07.010 Definitions.

8.07.020 ~~Medical marijuana dispensaries as prohibited use.~~ *Prohibition.*

8.07.030 *Public Nuisance.*

8.07.040 *Civil Penalties.*

8.07.010 Definitions.

~~The term “medical marijuana dispensary” or “dispensary” means any facility or location, stationary or mobile, where medical marijuana is cultivated, made available to and/or distributed to any of the following: a primary caregiver, a qualified patient, or a person with an identification card, in accordance with Health and Safety Code Section 11362.5 et seq. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in Health and Safety Code Section 11362.5 et seq.~~

~~A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with the applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.~~

~~The term “medical marijuana dispensary” as defined herein is not intended, nor shall it be construed, to apply to the cultivation, delivering, giving away, providing, or furnishing of marijuana by a qualified patient, a primary caregiver, or a person with an identification card, as defined in Health and Safety Code Section 11362.5 et seq., provided such activity complies strictly with all applicable California law, including but not limited to Health and Safety Code Sections 11362.5, 11362.765, and 11362.77. (Ord. 2008 6, 10 28 2008)~~

*“Cannabis” shall have the same meaning as set forth in Business & Professions Code § 19300.5(f) as the same may be amended from time to time.*

*“Caregiver” or “primary caregiver” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.*

*“Commercial cannabis activity” shall have the same meaning as that set forth in Business & Professions Code § 19300.5(k) as the same may be amended from time to time.*

*“Cooperative/Collective” shall mean two or more persons collectively or cooperatively cultivating, distributing, using, transporting, possessing, administering, delivering or making available medical marijuana (cannabis), with or without compensation.*

*“Cultivation” shall have the same meaning as set forth in Business & Professions Code § 19300.5(l) as the same may be amended from time to time.*

*“Cultivation site” shall have the same meaning as set forth in Business & Professions Code § 19300.5(x) as the same may be amended from time to time.*

*“Delivery” shall have the same meaning as set forth in Business & Professions Code § 19300.5(m) as the same may be amended from time to time.*

*“Dispensary” shall have the same meaning as set forth in Business & Professions Code § 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, “Dispensary” shall also include a cooperative/collective.*

*“Dispensing” shall have the same meaning as set forth in Business & Professions Code § 19300.5(o) as the same may be amended from time to time.*

*“Distribution” shall have the same meaning as set forth in Business & Professions Code § 19300.5(p) as the same may be amended from time to time.*

*“Distributor” shall have the same meaning as set forth in Business & Professions Code § 19300.5(q) as the same may be amended from time to time.*

*“Manufacturer” shall have the same meaning as set forth in Business & Professions Code § 19300.5(y) as the same may be amended from time to time.*

*“Manufacturing site” shall have the same meaning as set forth in Business & Professions Code § 19300.5(af) as the same may be amended from time to time.*

*“Medical cannabis,” “medical cannabis product,” or “cannabis product” shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.*

*“Medical Marijuana Regulation and Safety Act” or “MMRSA” shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.*

*“Nursery” shall have the same meaning as set forth in Business & Professions Code § 19300.5(ah) as the same may be amended from time to time.*

*“Qualifying patient” or “Qualified patient” shall have the same meaning as set forth in Health & Safety Code § 11362.7 as the same may be amended from time to time.*

*“Testing laboratory” shall have the same meaning as set forth in Business & Professions Code § 19300.5(z) as the same may be amended from time to time.*

*“Transport” shall have the same meaning as set forth in Business & Professions Code § 19300.5(am) as the same may be amended from time to time.*

*“Transporter” shall have the same meaning as set forth in Business & Professions Code § 19300.5(aa) as the same may be amended from time to time.*

~~8.07.020 Medical marijuana dispensaries as prohibited use. A medical marijuana dispensary as defined in this chapter is prohibited in all zones and planned developments as defined in NCC Title 5, Zoning, and no permit shall be issued therefor. (Ord. 2008-6, 10-28-2008)~~

#### *8.07.020 Prohibition.*

- A. Commercial cannabis (marijuana) activities of all types including, but not limited to, dispensaries, collectives, cooperatives, transportation, distribution, cultivation, manufacturing, delivery, testing, and processing are expressly prohibited in all zones, planned developments, and all specific and master plan areas in the City of Newman. No person shall establish, operate, conduct or allow any commercial cannabis (marijuana) activity anywhere within the City.*
- B. To the extent not already covered by subsection A above, all deliveries of medical cannabis (marijuana) are expressly prohibited within the City of Newman. No person shall conduct any deliveries that either originate or terminate within the City.*
- C. This section is meant to prohibit all activities for which a State license is required. Accordingly, the City shall not issue any permit, license, authorization or other entitlement for any activity for which a State license is required under the MMRSA.*
- D. Cultivation of cannabis (marijuana) for non-commercial purposes including, but not limited to, cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones, planned developments, and all specific and master plan areas in the City of Newman. No person including, but not limited to, a qualified patient or primary caregiver, shall cultivate any amount of cannabis (marijuana) in the City, even for medical purposes.*

E. *In the event that there is future legislation or an initiative that authorizes recreational marijuana (cannabis) use/activities, to the greatest extent permitted by law and to the extent not already prohibited by this Chapter, the prohibitions contained herein related to medical cannabis (marijuana) shall apply to recreational marijuana (cannabis).*

*8.07.030 Public Nuisance.*

*Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.*

*8.07.040 Civil Penalties.*

*In addition to any other enforcement remedies permitted by this Chapter, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity violating this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.*

**SECTION 4.**

All other sections and provisions of Titles 3 and 8 shall remain in full force and effect.

**SECTION 5.**

That a duly noticed public hearing was held by the City Council.

**SECTION 6.**

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> day of January, 2016 by Council Member Graham, and adopted at a regular meeting of said City Council held on the 26<sup>th</sup> day of January, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CONCEPTUAL APPROVAL OF GENERAL PLAN AMENDMENT #16-01  
(5<sup>TH</sup> CYCLE HOUSING ELEMENT UPDATE) FOR HCD SUBMITTAL**

**RECOMMENDATION:**

Conceptual approval of General Plan Amendment No. 16-01 for the purpose of HCD submittal and review.

**BACKGROUND:**

State law requires each city and county to adopt a general plan containing, at a minimum, seven (7) mandatory elements, including housing. Unlike the other mandatory general plan elements, the housing element update period is set forth in state statute and currently is either four (4) or eight (8) years, depending on the timeliness of adoption by the local jurisdiction (the longer period being available for jurisdictions that adopt their plans on time). To qualify for the longer update period, the City of Newman must adopt its updated housing element by April 29, 2016. Newman completed its last housing element update in August 2010.

In order to meet the April 2016 deadline, the City Council awarded a contract for professional services to Coastplans in October 2015, and Coastplans has been busy preparing the document update since. On November 19, 2015, Coastplans worked with City staff to organize a public workshop to hear ideas and concerns from member of the public and public officials. Coastplans also completed a windshield survey in late 2015 to assess housing conditions in the community. This survey is available to members of the public upon request.

The draft Housing Element update (GPA No. 16-01) is scheduled for Planning Commission approval and recommendation to Council on January 21, 2016; the results of that meeting will be presented to the Council.

**ANALYSIS:**

Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law also mandates that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems providing opportunities for, and not unduly constraining, housing development. In short, housing policy in California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

Housing elements are subject to detailed statutory requirements and must, among other things, analyze:

- The results of the previous housing element;
- Housing characteristics and conditions;
- Housing costs and affordability;
- Housing needs, including an analysis of special housing needs;
- Vacant and available land and services;
- Governmental and non-governmental constraints; and
- Opportunities for energy conservation.

Based on the analysis described above, the housing element must then set forth housing goals, policies, programs, and quantified objectives. The draft 2015 Housing Element includes the following to meet these requirements:

1. Population Profile
2. Housing Stock Characteristics
3. Employment And Income Data
4. Affordability, Housing Costs And Overpayment
5. Housing Needs
6. Availability Of Services And Land
7. Governmental And Nongovernmental Constraints
8. Housing Programs
9. Analysis Of Existing Assisted Housing
10. Publicly Owned Surplus Land
11. Energy Conservation Opportunities
12. General Plan Consistency
13. Public Participation
14. Housing Goals, Policies, Programs And Objectives
15. Appendices; Including Analysis of Last Housing Element, Homeless Services, Etc.

**FISCAL IMPACT:**

None

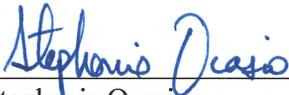
**CONCLUSION:**

Staff recommends conceptual approval of General Plan Amendment No. 16-01 for the purpose Of HCD submittal and review.

**ATTACHMENTS:**

1. Exhibit A - Draft Housing Element Update

Respectfully submitted,



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Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR**



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Michael Holland  
City Manager

# Newman 2030 General Plan Housing Element

Public Review Draft



City of Newman

January 2016



Coastal Plans  
Land Use and Housing Plans  
Transportation Plans  
Environmental Reports



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# Introduction

Under the requirements of state law, every city and county in California must prepare a housing element as part of its general plan. The housing element must document in detail existing conditions and projected needs. It must also contain goals, policies, programs, and quantified objectives that address housing needs over the planning period. Progress made by the City of Newman in implementing its 2008 Housing Element and a summary of the market conditions that exist today in 2015 are discussed below.

## PROGRESS SINCE 2008

The housing market has been depressed for much of the period since 2008, with limited new housing construction, greater demand for rental housing, and the sale/absorption of the hundreds of housing units that were in foreclosure in 2008-2009. The one bright spot during the period was the completion in 2010-2011 of the Newman Family Apartments, a 72-unit tax credit project initiated in 2008 by the Corporation for Better Housing (Sherman Oaks).

Only very recently—in the last year—has there been evidence of interest in new housing construction. Previously approved subdivisions in the northeast section of the city have now started to once again pull building permits for moderate-income housing (#8 and #22 in the list of vacant and available housing sites). In the northwest section, a 40-unit planned development has also been active building (#11 on the list). Final maps have also recently been approved for Mattos Ranch (#9 on the list) and a re-tooled Park Villas (#6 on the list).

While the City of Newman implemented Housing Program H-1, which committed the City to rezone 6.610 acres of land from R-1 to R-3, its progress on other programs has been mixed. A full analysis of the implementation of 2008 Housing Element is presented in Appendix A.

There are currently 24 properties in Newman that are in some state of foreclosure as of November 2015—10 in pre-foreclosure and 14 bank owned properties (source: <http://www.realtytrac.com>). This represents less than one (1) percent of the total housing stock in the city. This is a dramatic improvement over April 2009 when 312 properties in Newman (almost 10 percent) were in some state of foreclosure. The median sales price of homes in Newman has recovered only slightly, from a low of \$140,000 in 2009 to \$166,000 as of January 1, 2015.

The housing market disruption has improved housing ownership affordability in Newman. Lower prices have made more housing available and affordable to more people in the short-term, and mortgages are once again available at historic low interest rates. At the same time, the disruption

has placed pressure on the housing rental market, resulting in low vacancy rates and more expensive rents.

## Population Profile

This section summarizes information about Newman’s current and future population. The information in this section comes from the 2010 U.S. Census, the California Department of Finance (DOF), and the Stanislaus County Council of Governments (StanCOG).

### HISTORIC POPULATION AND HOUSEHOLD GROWTH

Newman experienced a relatively low rate of population growth during the last housing element period. Since the last Housing Element Update adopted in 2008, Newman’s population grew slowly at an annual average rate of growth of 0.9 percent, adding 724 persons. Table II-1 shows historical population and household growth in Newman.

**Table II-1**  
**Historical Population and Household Growth**  
1980 to 2015

(Annual Average Population Growth Rate (2008 to 2015) = 0.9 Percent)

	<b>Total Population</b>	<b>Households</b>	<b>Group Quarters</b>
1980	2,785	2,785	0
1990	4,158	4,158	0
1998	6,298	6,247	51
2000	7,092	7,026	66
2003	7,602	7,536	66
2005	8,798	8,732	66
2008	10,029	9,963	66
2010	10,224	10,158	66
2015	10,753	10,687	66

*Source: City of Newman Finance Department; California Department of Finance*

RACE AND ETHNICITY

According to the U.S. Census Bureau, approximately 62 percent of Newman’s population was Hispanic or Latino in 2010, up from 51 percent in 2000 and 42.4 percent in 1990. This is significantly more than the percent of total population for Stanislaus County, which was 42 percent in 2010, up from 31.7 percent 2000 and 21.6 percent in 1990. Table II-2 shows the racial and ethnic composition of Newman and Stanislaus County in 2010.

Table II-2  
 Racial Composition in 2010  
 City of Newman and Stanislaus County

	City of Newman		Stanislaus County	
	Number	Percent	Number	Percent
White	6,812	66.6%	337,342	65.6%
Black	234	2.3%	14,721	2.9%
American Indian	106	1.0%	5,902	1.2%
Asian	191	1.9%	26,090	5.1%
Pacific Islander	40	0.4%	3,401	0.7%
Other Single Race	2,287	22.4%	99,210	19.3%
Two or More Races	554	5.4%	27,787	5.4%
<b>Total</b>	<b>10,224</b>	<b>100.0%</b>	<b>514,453</b>	<b>100.0%</b>
Hispanic (of any race)	6,299	61.6%	215,658	41.9%
Non Hispanic	3,925	38.4%	298,795	58.1%

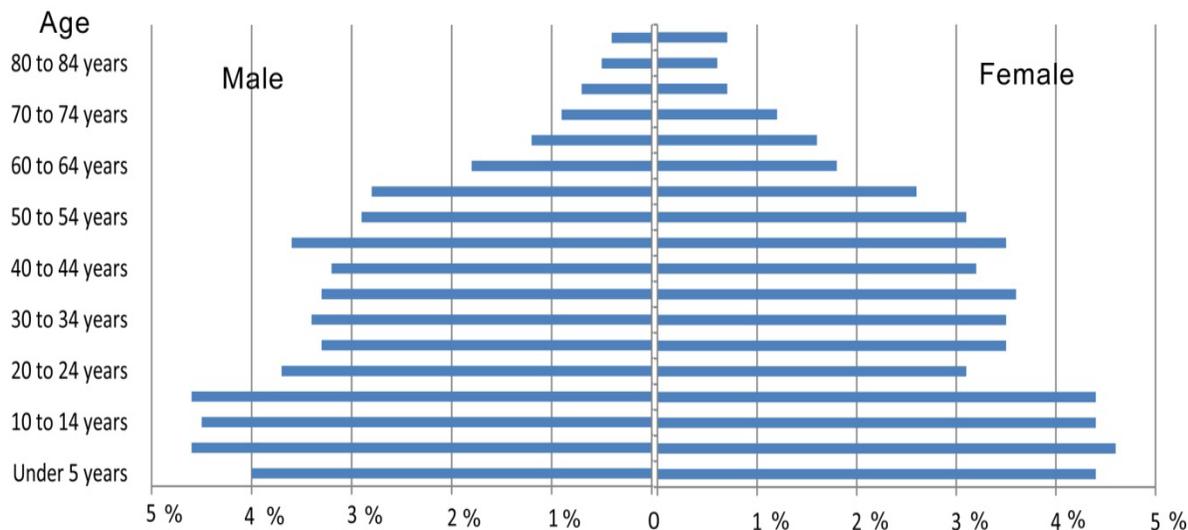
Source: U.S. Census Bureau, *Coastplans*

POPULATION AGE STRUCTURE

Another interesting aspect of Newman’s changing population is the relative increase in middle-age persons since 2000. According to the U.S. Census Bureau, approximately 25 percent of Newman’s population was between the ages of 45 and 69 in 2010, up from 19 percent in 2000. On the other hand, the reduction in younger cohorts that was evident between 1990 and 2000 has

largely stabilized.<sup>1</sup> This change corresponds to the new and relatively affordable housing built in Newman in the last couple of decades, which has attracted homebuyers who tend to be middle age. Figure II-1 shows the population pyramid for Newman in 2010.

Figure II-1  
Newman Population Pyramid  
2010



Source: U.S. Census Bureau; Coastplans

### PROJECTED POPULATION GROWTH

According to StanCOG’s “2040 Regional Demographic Forecast,” Newman’s 2040 population is expected to be 18,592 persons, growing at a 2.2 percent annual average growth rate. Newman’s actual growth rate since the last Housing Element update (i.e., 2008 to 2015) was 1.0 percent.

### HOUSEHOLD COMPOSITION

Newman is a traditional family city. According to the U.S. Census Bureau, approximately 60 percent of all households in Newman are headed by a married couple. This compares to 53

---

<sup>1</sup> According to the U.S. Census, there was a noticeable reduction in population in the age cohorts of 25 to 29 and 30 to 34 between 1990 and 2000 (from 18 percent to 14 percent, respectively). In 2010, this percent was still approximately 14 percent.

percent for Stanislaus County as a whole. Newman also has a slightly lower percentage of single-parent households and persons living alone than Stanislaus County as a whole. Table II-3 shows household composition for Newman and Stanislaus County.

Table II-3  
Household Composition  
Stanislaus County and Newman  
2010

	Newman		Stanislaus County	
	Number	Percent	Number	Percent
Family households				
Husband-Wife Family	1,818	60.5%	88,016	53.3%
Male Householder (no wife present)	214	7.1%	11,923	7.2%
Female householder (no husband present)	400	13.3%	24,093	14.6%
Non-family households				
Male householder				
Living alone	231	7.7%	13,938	8.4%
Not living alone	70	2.3%	5,351	3.2%
Female householder				
Living alone	235	7.8%	17,985	10.9%
Not living alone	38	1.3%	3,874	2.3%
Total	3,006	100.0%	165,180	100.0%

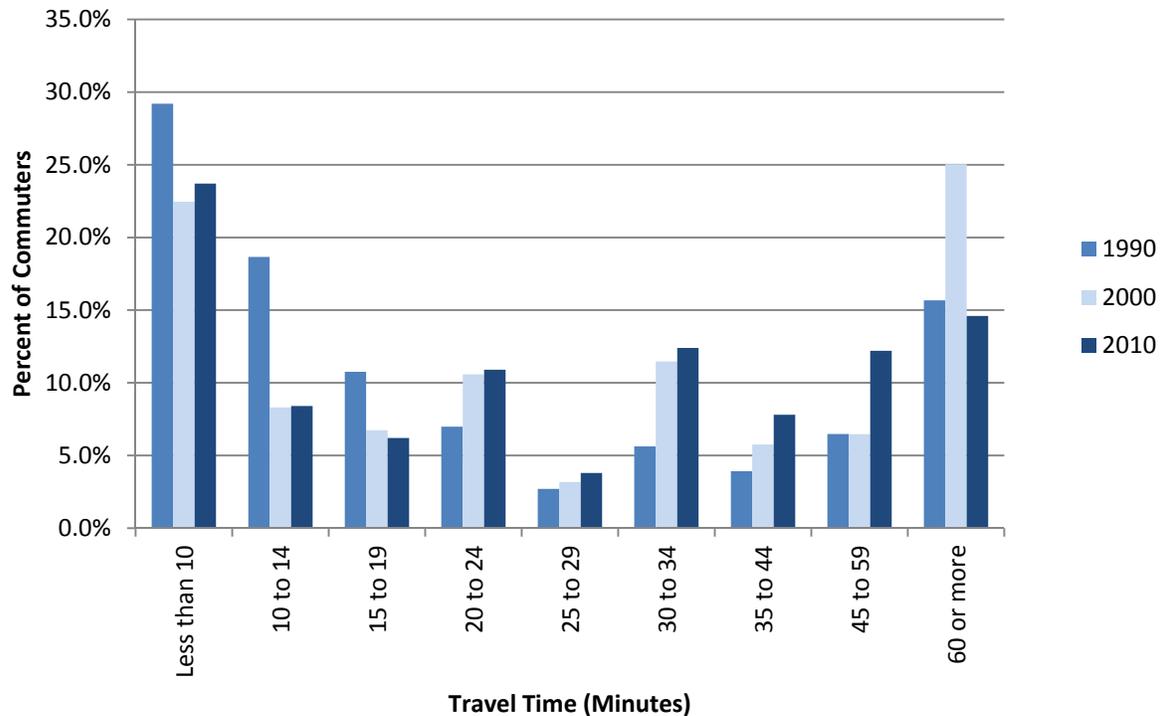
Source: U.S. Census Bureau; Coastplans

### COMMUTER PATTERNS

The most pronounced change in commuter patterns since 2000 has been the significant increase in the number of persons working at home. According to an analysis of travel time using U.S. Census Bureau data, approximately eight (8) percent of Newman residents worked at home in 2010, compared with only one (1) percent in 2000. While the overall, long-term trend is toward lengthier commutes, there has been a drop in the percentage of Newman residents travelling 60 minutes or greater to work. The most likely explanation for these trends is that many of the workers who hold jobs in Silicon Valley, where high tech companies promote telecommuting

arrangements, are managing to do more of their work at home. Figure II-2 shows the change in travel time to work by Newman residents.

Figure II-2  
Changes in Travel Time  
1990, 2000, and 2010



Source: Coastplans; U.S. Census Bureau

## Housing Stock Characteristics

This section describes Newman’s housing stock characteristics, with comparisons to surrounding cities and Stanislaus County. The information in this section comes primarily from the U.S. Census Bureau, the California Department of Finance, and StanCOG, and the City of Newman.

HOUSING GROWTH AND VACANCY RATES

Since the last Housing Element Update adopted in 2008, Newman added 163 housing units resulting in a growth rate of about 0.3 percent. This has resulted in a significant decrease in the housing vacancy rate from 9.2 percent to 3.3 percent. A community’s vacancy rate provides a quantified measure of the health of the local housing market. A high vacancy rate indicates an overabundance of housing stock, which in this case is a reflection of housing prices fell starting in 2008 with the housing market collapse and which have not yet recovered significantly. A low vacancy rate indicates a tight housing market with few choices and high rents. As a rule of thumb, a vacancy rate of 4.5 to 5.0 percent indicates a market reasonably well balanced between supply and demand. Newman’s low vacancy rate is probably a result of the slowdown in housing construction since 2008, which has led to a tight rental market and higher rental prices.

Table II-4 shows housing unit growth and vacancy rates in Newman.

Table II-4  
Housing Unit Growth and Vacancy Rates  
1980 to 2015

(Annual Average Housing Growth Rate (2008 to 2015) = 0.3 Percent)

	Housing Units			Persons per Household
	Total	Occupied	Vacancy Rate	
1980	1,049	1,007	--	2.700
1990	1,523	1,347	11.6%	3.087
1998	1,978	1,869	5.5%	3.342
2000	2,175	2,078	4.5%	3.381
2003	2,346	2,186	6.8%	3.447
2005	2,775	2,557	7.9%	3.415
2008	3,274	2,973	9.2%	3.351
2010	3,357	3,006	10.5%	3.379
2015	3,437	3,323 <sup>1</sup>	3.3% <sup>1</sup>	3.473

Note: <sup>1</sup>The California Department of Finance reports a vacancy rate of 10.5%; records kept by the Newman Finance Department suggest this state estimate is probably inaccurate and that there are 114 vacant units—3.3 percent vacancy rate

Source: California Department of Finance, Table E5 and E5a

HOUSING STOCK COMPOSITION

Newman’s housing stock remains predominantly single family, with approximately 86 percent of all housing stock being single family. When compared to other Stanislaus County jurisdictions, Newman’s housing stock has a larger proportion of single family housing than the county as a whole (86 percent versus 79 percent) and a corresponding lower proportion of multi-family housing (14 percent versus 16 percent). Table II-5 compares Newman’s housing stock to that of other Stanislaus County jurisdictions.

Table II-5  
 Comparison of Housing Stock Composition  
 Stanislaus County Jurisdictions  
 2015

Jurisdiction	Total	Single Family		Multiple Family		Mobile Homes	Percent of Total
		Single Family	Percent of Total	Multi Family	Percent of Total		
Ceres	13,764	11,152	81.0%	1,856	13.5%	756	5.5%
Hughson	2,365	2,029	85.8%	275	11.6%	61	2.6%
Modesto	75,712	55,888	73.8%	17,694	23.4%	2,130	2.8%
<b>Newman</b>	<b>3,437</b>	<b>2,948</b>	<b>85.8%</b>	<b>489</b>	<b>14.2%</b>	<b>0<sup>1</sup></b>	<b>0.0%</b>
Oakdale	8,019	6,638	82.8%	1,061	13.2%	320	4.0%
Patterson	6,363	5,805	91.2%	425	6.7%	133	2.1%
Riverbank	7,125	6,361	89.3%	468	6.6%	296	4.2%
Turlock	24,779	18,722	75.6%	5,432	21.9%	625	2.5%
Waterford	2,665	2,179	81.8%	474	17.8%	12	0.5%
Unincorporated	36,189	30,370	83.9%	1,564	4.3%	4,255	11.8%
Incorporated	144,229	111,722	77.5%	28,174	19.5%	4,333	3.0%
County Total	180,418	142,092	78.8%	29,738	16.5%	8,588	4.8%

Note: While the California Department of Finance reports no mobile home units in Newman, Coastplans counts 27 units in one mobile home park located on M Street.

Source: California Department of Finance, Coastplans

If the single family dwelling category is broken down into attached and detached units and compared with other jurisdictions, it becomes evident that Newman has developed slightly fewer of the more affordable forms of attached single family housing, such as the halfplex and other types of zero-lot-line development, than any of its neighboring Stanislaus County cities. On average, 4.8 percent of the single family housing stock in Newman is attached housing, compared to 5.3 percent in Stanislaus County. Table II-6 compares attached and detached housing in Stanislaus County jurisdictions.

Table II-6  
Attached and Detached Single Family Dwelling Units  
Stanislaus County Jurisdictions  
2015

Jurisdiction	Total SFD	Detached	Percent of Total	Attached	Percent of Total
Ceres	11,152	10,436	93.6%	716	6.4%
Hughson	2,029	2,014	99.3%	15	0.7%
Modesto	55,888	52,652	94.2%	3,236	5.8%
<b>Newman</b>	<b>2,948</b>	<b>2,806</b>	<b>95.2%</b>	<b>142</b>	<b>4.8%</b>
Oakdale	6,638	6,216	93.6%	422	6.4%
Patterson	5,805	5,627	96.9%	178	3.1%
Riverbank	6,361	6,111	96.1%	250	3.9%
Turlock	18,722	17,159	91.7%	1563	8.3%
Waterford	2,179	2,118	97.2%	61	2.8%
Unincorporated	30,370	29,469	97.0%	901	3.0%
Incorporated	111,722	105,139	94.1%	6,583	5.9%
County Total	142,092	134,608	94.7%	7,484	5.3%

Source: California Department of Finance, Coastplans

### SURVEY OF HOUSING CONDITIONS

Newman’s housing stock is relatively new and in good condition. A windshield survey was conducted in October 2015 in those neighborhoods of Newman identified in the *Newman 2030 General Plan* as “mature residential neighborhoods” constructed primarily in the 1940s through

the 1970s. The survey area contained 987 housing units—most of the pre-1980 housing stock in the city—which represents approximately 29 percent of the total housing stock in the city. Figure II-3 shows the neighborhoods surveyed.

Figure II-3  
 Surveyed Neighborhoods  
 Newman Housing Conditions Survey  
 2015



Source: Coastplans; City of Newman

**Survey Results**

Each of the 987 houses in the survey area were inspected from the street, and where any one of four categories of problems was detected—foundation, roofing, siding/stucco, and windows—a survey form was completed for the property. In all, 35 survey forms were completed (see “Newman 2030 General Plan Housing Element, Housing Conditions Survey).” Only 19 units had problems that were considered minor or greater. Table II-7 summarizes the results of the survey.

Table II-7  
Housing Conditions Survey Results  
2015

Condition	Numerical Score	Number of Units
Sound w/ no detectable problems	[No Survey Form completed]	953 Units
Sound w/ detectable problems	1 to 9 points	15 Units
Minor problems	10 to 15 points	7 Units
Moderate problems	16 to 39 points	8 Units
Substantial problems	40 to 55 points	2 Units
Dilapidated	56 and over points	2 Units
TOTAL	[35 Survey Forms Completed]	987 Units

Source: Coastplans, 2015

**Survey Conclusions**

Newman’s housing stock in 2015 was in very good to excellent condition overall. The large majority of units surveyed had no detectable problems. In general, units with problems were not clustered in any one neighborhood, although P Street and to a lesser degree Fig Street had more problems than other streets.

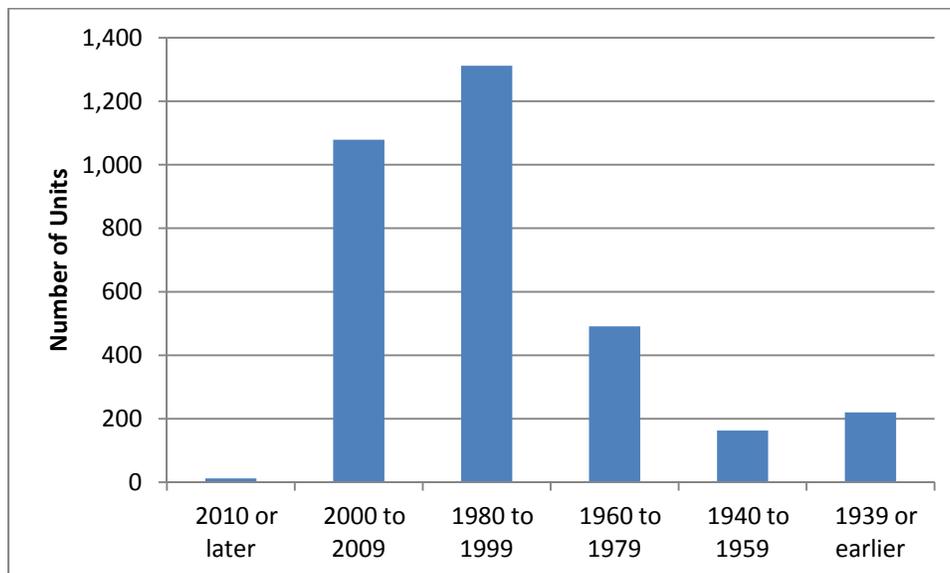
Many of the 987 units surveyed had old single-pane windows, which are energy inefficient. Survey points were not assigned to such units, but it is recommended that all single-pane windows in the residential housing stock be replaced with energy efficient double-pane windows over the course of the current housing element period. It is also likely (but not verified) that many houses have inadequate insulation. This too should be addressed in the coming years. Both of these measures would increase energy efficiency in Newman’s housing stock.

**AGE OF HOUSING STOCK**

According to Coastplans, in 2010 the median year in which Newman’s housing stock was constructed was approximately 1990. A decade ago, the median year built for Newman’s housing was 1969. Figure II-4 summarizes information on the age of Newman’s housing stock.

Figure II-4  
Year Structure Built  
2010

Median Year Built ≈ 1990



Source: Coastplans; U.S. Census Bureau

Housing Tenure

Newman has a high percentage of homeownership. One-third (1,004 units) of Newman’s housing units were occupied by renters in 2010. This is up from approximately 28 percent in 2000 but is less than Stanislaus County’s 2010 housing stock as a whole, 40 percent of which is occupied by renters. Table II-8 shows tenure by housing type for Newman.

Table II-8  
Housing Tenure by Type  
2010

Housing Tenure	Number	Percent
Owner-occupied	2,002	67%
Renter-occupied	1,004	33%
Total Occupied Housing Units	3,006	100%

Source: Census 2010; Coastplans

LACK OF OVERCROWDING

Newman does not suffer from a significant overcrowding problem, and the overcrowding rate has improved since 2008. An overcrowded dwelling unit is defined as one in which more than 1.01 persons per room resides (excluding kitchen and bath), and a severely overcrowded units is more than 1.50 persons per room. According to U.S. Census Bureau, seven (7) percent of all dwelling units in Newman were overcrowded in 2012, and less than one-half (1/2) percent were severely overcrowded. This is less than half the rate estimated in 2000 (approximately 18 percent overcrowded) and is consistent with the relatively high vacancy rates discussed above. Table II-9 summarizes data on overcrowding in 2012.

**Table II-9  
Overcrowding  
Newman, Stanislaus County and California  
2012**

	Newman		Stanislaus County	
	Number	Percent	Number	Percent
Overcrowded				
Owner Occupied	69	2.2%	3,814	2.3%
Renter Occupied	141	4.5%	7,717	4.6%
Severely Overcrowded				
Owner Occupied	0	0.0%	796	0.5%
Renter Occupied	12	0.4%	2,135	1.3%
Total Occupied Units	3,155	7.0%	165,999	8.7%

Source: U.S. Census Bureau (ACS 2008-2012 Table B25014); Coastplans

## Employment and Income

### EMPLOYMENT

According to the U.S. Census Bureau, Newman’s population had a higher percentage of workers in agriculture, manufacturing, and professional/scientific jobs than Stanislaus County as a whole in 2012. Table II-10 shows employment statistics for Newman and Stanislaus County in 2012.

According to the California Employment Development Department, Newman's (seasonally unadjusted) unemployment rate was 7.2 percent in September 2015, an improvement over the 15.1 percent rate estimated in 2008.

**Table II-10**  
**Employment by Industry**  
Newman and Stanislaus County  
2012

Employment by Industry	Newman		Stanislaus County	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	386	9.6%	11,004	5.4%
Construction	318	7.9%	15,185	7.4%
Manufacturing	765	19.1%	26,026	12.8%
Wholesale trade	186	4.6%	8,532	4.2%
Retail trade	328	8.2%	26,074	12.8%
Transportation and warehousing, and utilities	156	3.9%	10,762	5.3%
Information	0	0.0%	2,741	1.3%
Finance and insurance, and real estate and rental and leasing	117	2.9%	7,939	3.9%
Professional, scientific, and management, and administrative and waste management services	521	13.0%	16,803	8.2%
Educational services, and health care and social assistance	624	15.6%	44,568	21.8%
Arts, entertainment, and recreation, and accommodation and food services	284	7.1%	16,107	7.9%
Other services, except public administration	186	4.6%	10,428	5.1%
Public administration	136	3.4%	7,863	3.9%
Civilian employed population 16 years and over	4,007	100.0%	204,032	100.0%

Source: American Community Survey 2008-2012 Table DP-03

**HUD INCOME LIMITS AND NEWMAN’S MEDIAN FAMILY INCOME**

Each year the California Department of Housing and Community Development (HCD) publishes income limits (based on data from U.S. Department of Housing and Urban Development) to be used in conjunction with state and federal housing programs. State housing law requires housing developers to use these income limits when defining income for various housing programs (Health and Safety Code § 50079.5). The median family income for a family of four in Stanislaus County was \$62,000 in 2015. Table II-11 shows HCD income limits for Stanislaus County in 2015.

**Table II-11  
2015 Income Limits  
Stanislaus County**

Median Family Income = \$62,000

	<b>1 Person</b>	<b>2 Person</b>	<b>3 Person</b>	<b>4 Person</b>
Extremely Low Income (≤ 30% of Median)	\$13,050	\$15,930	\$20,090	\$24,250
Very Low Income (30% to 50% of median)	21,700	24,800	27,900	31,000
Low Income (50% to 80% of median)	34,750	39,700	44,650	49,600
Median (80% to 100% of median)	43,400	49,600	55,800	62,000
Moderate (100% to 120% of median)	\$52,100	\$59,500	\$66,950	\$74,400

Source: Department of Housing and Community Development

According to the U.S. Census Bureau, Newman’s median family income was lower than that of Stanislaus County in 2014. Therefore, the price established by HCD for a dwelling unit affordable to any particular income group would be less affordable for families in Newman.

## Affordability, Housing Costs, and Overpayment

The following section reviews affordability, housing costs, and overpayment.

### RENTAL AFFORDABILITY AND COSTS

Rental housing in Newman has become less available and more expensive since 2008. According to the few listings that were available in area websites (i.e., Westside Connect, Oodle.com, and Craigslist), rent for a one-bedroom unit was in the range of \$500 to \$600 per month. Two-bedroom apartments were \$750 to \$900, and three and four-bedroom homes were \$1,200 to \$1,800. Increases in median income since 2008 have somewhat mitigated higher rental prices. The family earning the County median family income of \$62,000 and spending 30 percent of its income on housing could afford approximately \$1,550 in monthly rent. Table II-12 shows rental affordability for all income groups in Newman.

Table II-12  
Rental Affordability  
Stanislaus County

	HCD Annual Income Limit <sup>1</sup>	Affordable Monthly Rent <sup>2</sup>
Extremely Low Income (up to 30%)	\$24,250	\$606
Very Low Income (Up to 50%)	31,000	775
Low Income (50% to 80%)	49,600	1,240
Median (80% to 100%)	62,000	1,550
Moderate (100% to 120%)	74,400	\$1,860

Notes: <sup>1</sup>Income limit for a four-person family as defined by HCD in 2015

<sup>2</sup>Assumes 30 percent of monthly income

Sources: Coastplans; California Department of Housing and Community Development

### OWNERSHIP AFFORDABILITY AND COSTS

Housing prices in Newman have recovered only slightly since their dramatic fall beginning in 2008, when prices were in the \$140,000 range. In 2014, the median sales price of a home in Newman was \$166,250. According to Realtytrac (<http://www.realtytrac.com>), there are now only

24 properties in some state of foreclosure in Newman as of November 2015, compared with 312 in April 2009.

The family earning the County median family income of \$62,000 and spending 30 percent of its income on housing can afford a \$250,000 house. Table II-13 shows ownership affordability for Newman.

**Table II-13  
Ownership Affordability  
Stanislaus County**

Median Housing Price (2014) = \$166,250

<b>% Area Median Income<sup>1</sup></b>	<b>HCD Annual Income Limit</b>	<b>Mortgage<sup>2</sup></b>	<b>Monthly Payment<sup>3</sup></b>	<b>Price of Affordable House<sup>4</sup></b>
Extremely Low Income (~15%)	\$9,300	\$34,022	\$233	\$37,802
Very Low Income (~40%)	\$24,800	\$90,724	\$620	\$100,805
Low Income (~65%)	\$40,300	\$147,427	\$1,008	\$163,807
Moderate (100%)	\$62,000	\$226,810	\$1,550	\$252,011

Notes: <sup>1</sup>Income limit for a four-person family as defined by HCD in 2015  
<sup>2</sup>Assumes 30 percent of income for house expense, 2.85 percent interest rate, 15-year fixed-rate mortgage  
<sup>3</sup>Assumes a 10 percent down payment  
Sources: California Department of Housing and Community Development; Coastplans

In general, housing prices in Newman are affordable to low- and moderate-income households.

**OVERPAYMENT AND OTHER HOUSING PROBLEMS**

As a rule of thumb, housing is considered affordable if less than 30 percent of household income is spent on rent or mortgage. According to the U.S. Census, approximately 62 percent of Newman’s lower-income owner households and 86 percent of lower-income renter households paid more than 30 percent of their income in 2010. Table II-14 shows overpayment and other housing problems in Newman.

Table II-14  
Overpayment Problems  
City of Newman  
2010

Household	Extreme Low	Very Low	Low	Moderate	Above Moderate	Total
Ownership Households	242	118	381	387	753	1,881
Overpaying households	179	113	165	147	235	838
Percentage overpaying	73.8%	96.0%	43.3%	37.8%	31.2%	44.5%
Renter Households	391	225	272	206	30	1,123
Overpaying households	381	225	156	46	0	808
Percentage overpaying	97.6%	99.7%	57.4%	22.5%	0.0%	71.9%
Total Households	632	343	653	593	783	3,005
Overpaying households	560	338	321	193	235	1,646
Percentage overpaying	88.5%	98.4%	49.1%	32.5%	30.0%	54.8%

Source: American Community Survey 2008-2012 Table B25106

## Housing Needs

This section describes Newman’s housing needs, with comparisons to surrounding cities and Stanislaus County. The information in this section comes primarily from StanCOG, the California Department of Housing and Community Development, the California Department of Finance, the U.S. Census Bureau, the Stanislaus County Housing Authority, social service providers, and the City of Newman.

### SUMMARY OF DEMOGRAPHIC AND HOUSING RESEARCH

The results of demographic and housing research, which are presented in the sections above, paint a picture of a small Central Valley town increasingly influenced by the Bay Area economy.

- ✓ Newman’s rate of growth has been slow since 2008. Since the last Housing Element Update adopted in 2008, Newman’s population grew at an annual average rate of growth of 1.0 percent, adding only 724 persons.
- ✓ Almost a third of Newman’s residents moved to the city since 1995.

- ✓ Newman was hit hard by the collapse of the housing market that began in 2008 but has made significant steps toward recovery; there were 24 properties in some stage of foreclosure in 2015, compared with 312 properties in 2009.
- ✓ Newman residents continue to traveling longer distances to get to work, but there is a noticeable increase in people working at home.
- ✓ As Newman's population has grown, much of the increase has been middle age persons (age 45 to 69).
- ✓ Newman is a traditional family city. Approximately 60 percent of all households in Newman are headed by a married couple compared to 53 percent for Stanislaus County as a whole. Newman also has a lower percentage of single-parent households and persons living alone than Stanislaus County as a whole.
- ✓ Newman's housing stock is predominantly single family, with approximately 86 percent of all housing stock being single family (14 percent multi-family).
- ✓ Newman's housing stock is relatively new and in good condition. A recent survey found only 19 units with minor, moderate, or substantial rehabilitation needs. Two units were dilapidated.
- ✓ Newman has an increasing percentage of renters. Approximately one-third of Newman's housing units were occupied by renters in 2010. This is up from approximately 28 percent in 2000.
- ✓ Newman's vacancy rate significantly decreased since 2008 from about nine (9) percent to around three (3) percent.
- ✓ Newman's unemployment rate has shown signs of recovery since 2008/2009. Approximately seven (7) percent of Newman's labor force was unemployed in 2015, compared to 15 percent in 2008.
- ✓ The price of rental housing in Newman has risen but is still generally affordable. Rents for a one-bedroom unit was in the range of \$500 to \$600 per month. Two-bedroom apartments were \$750 to \$900, and three and four-bedroom homes were \$1,200 to \$1,800.
- ✓ For-sale housing in Newman is generally affordable. The median sales price collapsed in 2008/09 to \$140,000 and has only recovered slightly to \$166,000 in 2015. The median income family of four can afford a \$250,000 house.

NEWMAN’S SHARE OF REGIONAL HOUSING NEEDS

Newman’s share of regional housing needs originates with the California Department of Housing and Community Development (HCD). HCD first estimates a statewide need for housing, which is broken down into regions, each of which then has an assigned share of estimated housing needs. The Stanislaus County Council of Governments (StanCOG) is the local agency mandated by California Government Code §65554(a) to distribute the “Fair Share Allocation” of the regional housing need to each jurisdiction in Stanislaus County. The “Fair Share Allocation” of housing is a specific number of residential units, in different price ranges, assigned to each local jurisdiction including Newman. Table II-15 shows the official StanCOG allocation.

Table II-15  
Newman’s Housing Needs Allocation  
StanCOG  
2014-2023

	Percent	StanCOG RHNA
Extremely Low Income <sup>1</sup>	11.0%	86
Very Low Income	12.9%	100
Low Income	15.3%	119
Moderate Income	17.5%	136
Above Moderate Income	43.3%	337
<b>Total Units</b>	<b>100.0%</b>	<b>778</b>

Note: <sup>1</sup>This represents 46% of very low income households (see Table II-15 above)  
Source: Stanislaus County Council of Governments; Coastplans

SPECIAL HOUSING NEEDS

An assessment of the housing needs of individuals that may have special needs within the community is a required part of a Housing Element as mandated by State HCD. Special Need individuals are defined in the following categories:

- ✓ Elderly persons over 65 years of age,
- ✓ Persons with disabilities,

- ✓ Persons with developmental disabilities,
- ✓ Families with female heads of households,
- ✓ Large families,
- ✓ Families or persons in need of emergency shelter or transitional housing; and
- ✓ Farmworkers.

Based on US Census Bureau 2010 data, the total number of persons in Newman within each of the Special Needs categories is shown in Table II-16.

**Table II-16**  
**Summary of Special Needs Housing**  
**2010**

<b>Special Needs Category</b>	<b>Number</b>
Households with Elderly (65+ years)	424
Large Households (5+ persons)	696
Female Householder Living Below Poverty Level	140
Total Families Living Below Poverty Level	360
Persons Visibly Living in Street Locations	7
Disabled Persons	2,360
Developmentally Disabled Persons	68
Persons in Agriculture Industries (include related industries)	386

Source: U.S. Census Bureau

### ***Disabled Persons***

The term "disabled" refers to a disability (physical, mental, or sensory) which prevents or precludes a person from doing work either in or outside of the home. This term also refers to those with developmental disabilities. The number of disabled persons in a community has important implications for providing certain social services, in the removal of barriers to facilities, and in developing housing which has specialized access for disabled residents.

Special needs of disabled persons vary depending upon the particular disability of the person. For example, the needs of a blind person differ greatly from those of persons confined to wheelchairs. Special facilities such as ramps, elevators, or specially designed restrooms necessary for wheelchair access are architectural features needed to make dwellings suitable for wheelchairs. Special features needed by ambulatory persons constrained by other disabilities may not be architectural. Instead, these might be simple alterations to conventional dwelling units for furnishing and appliances which make ordinary tasks of housekeeping and home life simpler. In families, the needs of the disabled person, in terms of special features, are fewer than those of a single person. Nevertheless, a disabled person in a family does have special needs. Special architectural features could be valuable in giving this person a greater independence, dignity, and quality of life. Table II-17 summarizes data on persons with disabilities in Newman in 2000 (data from the 2010 Census was not available at time this plan was prepared).

Table II-17  
Persons with Disabilities  
2000

	Number	Percent
<b>Total Disabilities Tallied</b>	2,360	100.0%
<b>Total Disabilities for Ages 5-64</b>	1,547	65.6%
Sensory Disability	113	4.8%
Physical disability	289	12.2%
Mental disability	250	10.6%
Self-care disability	126	5.3%
Go-outside-home disability	298	12.6%
Employment disability	471	20.0%
<b>Total Disabilities for Ages 65 and Over</b>	813	34.4%
Sensory Disability	169	7.2%
Physical disability	226	9.6%
Mental disability	135	5.7%
Self-care disability	105	4.4%
Go-outside-home disability	178	7.5%

Source: U.S. Bureau of the Census, 2000

In 2011, Senate Bill 812 took effect in California, requiring Housing Elements to include a focused evaluation of the special housing needs of persons with developmental disabilities. A "developmental disability" is defined as a disability that originates before an individual becomes 18 years old, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This includes mental retardation, cerebral palsy, epilepsy, and autism. The development of affordable and accessible homes is critical to expand opportunities for persons with developmental disabilities to live in integrated community settings. One of the biggest obstacles to living independently in the community is a lack of financial resources. Income is often limited and affordable housing where people can rent homes, apartments, duplexes, or mobile homes is crucial to the long-term stability of a person with developmental disabilities. In addition, access to various types of supported living services is critical for persons with developmental disabilities to live as independently as possible.

According to the California Department of Developmental Services, 68 of Newman's residents had some sort of developmental disability. Table II-18 summarizes data on people with developmental disability for Zip Code 95360 (Newman and surrounds).

**Table II-18**  
**People with Developmental Disabilities**  
 Zip Code 95360

<b>Age Group</b>	<b>Residence Type</b>	<b>Number</b>
0 to 14 yrs	Own Home	37
15 to 22 yrs	Own Home	15
23 to 54 yrs	Independent/Supportive Living	1
23 to 54 yrs	Own Home	14
55 to 64 yrs	Own Home	1
<b>Total</b>		<b>68</b>

*Source: California Department of Developmental Services, Quarterly Client Characteristics by County of Residence*

**Elderly**

Newman has a lower percentage of households with elderly persons than as Stanislaus County as a whole. According to the U.S. Census Bureau, approximately 13 percent of Newman households

include persons 65 years or older. The percent in Stanislaus County is almost 20 percent. Table II-19 summarizes data on elderly households in Newman and Stanislaus County.

Table II-19  
Elderly Households  
Newman and Stanislaus County  
2012

	City of Newman		Stanislaus County	
	Number	Percent	Number	Percent
<b>Total Households</b>	3,155		165,999	
<b>Owner Occupied</b>				
Householder 65 to 74 years	168		12,935	
Householder 75 to 84 years	41		7,733	
Householder 85 years and over	51		3,515	
Subtotal Elderly	260	8.2%	24,183	14.6%
<b>Renter Occupied</b>				
Householder 65 to 74 years	136		4,231	
Householder 75 to 84 years	28		2,694	
Householder 85 years and over	0		1,543	
Subtotal Elderly	164	5.2%	8,468	5.1%
<b>Total</b>	<b>424</b>	<b>13.4%</b>	<b>32,651</b>	<b>19.7%</b>

*Source: Coastplans; U.S. Census Bureau (ACS 2012, 5-year (B25007))*

While older residents are still drawn to Newman because of the city's overall low cost of living, the stability of the area, and its warm year-round climate, an influx of younger newcomers has lowered the overall percentage of senior citizens in the community. Nonetheless, many of the senior citizens that live in Newman have mobility limitations which restrict their access to other services, such as public transportation, shopping facilities, and senior citizens. Although the West Side Dial-a-Ride will arrange door-to-door pickup, the service provides only limited service to Modesto. The Westside Shopping Center, which contains a Nob Hill store, pharmacy, video store, and other shopping is centrally located on Highway 33, and provides easy access for seniors with transportation difficulties. The Newman Medical Clinic at 1349 Main Street, the Golden Valley

Health Center at 637 Merced Street, and various doctor’s offices, provides medical services for the Newman community.

**Large Households**

Newman has a higher percentage of large households than as Stanislaus County as a whole. According to the U.S. Census Bureau, approximately 22 percent of Newman households had five (5) or more persons. The percent in Stanislaus County was approximately 18 percent. Table II-20 summarizes data on elderly households in Newman and Stanislaus County.

Table II-20  
Large Households  
Newman and Stanislaus County  
2012

	City of Newman		Stanislaus County	
	Number	Percent	Number	Percent
<b>Total Households</b>	3,155		165,999	
<b>Owner occupied</b>				
5-person household	238		8,737	
6-person household	125		4613	
7-or-more person household	43		2789	
Subtotal Large Households	406	12.9%	16,139	9.7%
<b>Renter occupied</b>				
5-person household	95		6,991	
6-person household	125		3709	
7-or-more person household	70		2378	
Subtotal Large Households	290	9.2%	13,078	7.9%
<b>Total:</b>	<b>696</b>	<b>22.1%</b>	<b>29,217</b>	<b>17.6%</b>

Source: Coastplans; U.S. Census Bureau (ACS 2012, 5-year (B25009))

Household size is an important consideration when it comes to planning for housing. Very simply, areas which have large concentrations of large households (i.e., five persons or more) need to assure that units large enough to accommodate such households are available.

***Farmworkers***

According to the U.S. Department of Agriculture, Stanislaus County had 14,657 farmworkers in 2012. As the proportion of Hispanic population in Newman is greater than for Stanislaus County as a whole, it is possible that the city hosts more farmworkers as a percentage of population than the County as a whole also. As in the case for most low-income households, housing needs of farm workers far exceeds government's ability to provide assistance. The Farmer's Home Administration (FmHA) is the most important provider of permanent housing for farm workers, but FmHA assistance suffers from its own income qualifying standards and a shortage of staff and funds. The State HCD and Office of Migrant Services also supplies housing assistance for farm workers. Because farm workers are usually low-income and their employment status is often tenuous, they are unable to compete for housing on the open market. The housing that is available is often of substandard condition and located in areas of the community lacking adequate services. In relation to their low incomes, farm workers often overpay for substandard housing and live in crowded conditions.

Throughout Stanislaus County, farm workers are housed predominately in farm labor camps owned and operated by the Stanislaus County Housing Authority and camps privately owned in the unincorporated areas. Housing in these camps consists of both permanent residential buildings and mobile homes. Within areas in the county, permits are issued with the stipulation that the occupant be employed on a full-time basis in conjunction with the farming operation. Mobile homes, modest single family homes, multi-family housing, and farm labor camps and other group housing, provide important housing for seasonal or year round workers who may otherwise have a difficult time obtaining housing at an affordable price and within close proximity to their jobs. Within the City of Newman, permanent housing for agricultural workers is a permitted use in all residential zoning districts, and short-term rooming or boarding houses are allowed as a conditional use in the R-2 and R-3 Zoning Districts. Per Health and Safety Code §17021.5, employee housing for six or fewer employees is considered a single family use, and single family uses are allowed by right in all residential zoning districts in the City. There are no special permit conditions that apply specifically to farmworker housing in the City of Newman. The City of Newman solicits input regarding farmworker housing needs from a wide variety of social service, homeless, and housing advocate organizations during its housing element update process every five years.

The Stanislaus County Housing Authority maintains an inventory of farm labor and migrant housing, and this inventory is summarized in Table II-21 below.

Table II-21  
Farm Labor and Migrant Housing  
Stanislaus County

Location of Farm Labor Housing	Number of Units	Percent
Westley – FmHA Units	85	22.6%
Westley – Mobile Homes/Trailers	20	5.3%
Ceres	104	27.7%
Modesto	91	24.2%
Patterson	76	20.2%
Total	376	100.0%

Source: Stanislaus County Housing Authority

**Families Headed by Single Females**

The incidence of families headed by single females with children under the age of 18 increased between 2000 and 2010 and greater than that of Stanislaus County as a whole. The 2010 Census indicated that 15.1 percent of Newman’s families were headed by single females with children under 18, compared to 7.9 percent in 2000. Of the families headed by a female, 5.6 percent were living under the poverty level. Table II-22 summarizes data on female headed households in Newman and Stanislaus County.

Table II-22  
Female Headed Households  
Newman and Stanislaus County

Householder Type	Newman City		Stanislaus County	
	Number	Percent	Number	Percent
Total Householders	2,489	100.0%	122,902	100.0%
Female Headed Householders	450	18.1%	23,952	19.5%
Female Heads with Own Children	376	15.1%	16,327	13.3%
Female Heads without Children	74	3.0%	7,625	6.2%
Female Headed HH Under the Poverty Level	140	5.6%	8,025	6.5%
Total families Under the Poverty Level	360	14.5%	17,672	14.4%

Source: ACS 2008-2012 B17012

The California Department of Housing and Community Development identifies the following distinguishing characteristics for female householder families:

- ✓ Low homeownership rate
- ✓ Younger householder
- ✓ Children present
- ✓ Low incomes and a high poverty rate
- ✓ Overcrowded
- ✓ High percentage of household income spent for housing

**Persons Needing Emergency Shelter and Transitional Housing**

Stanislaus County has been active in organizing local jurisdictions and other housing advocates throughout the county to address homelessness. In September 2015, Stanislaus County officials organized a “Summit on Homelessness” with the Westside Homeless Action Committee, a group of public officials and homeless advocates committed to addressing homeless in Western Stanislaus County. The City of Newman participated in this summit. According to City of Newman officials, the last census of homeless persons in Newman took place in January 2015, at which time seven (7) homeless persons were counted. Table II-23 summarizes data on homelessness in Stanislaus County as a whole.

Table II-23  
Homelessness  
Stanislaus County<sup>1</sup>  
2012

	Total	Sheltered	Unsheltered
Homeless Individuals	861	262	599
Homeless Families	609	417	192
Total Homeless	1,470	679	791

Note: <sup>1</sup>Turlock/Modesto/Stanislaus County CoC  
Source: HUD Point-in-Time Counts

Throughout California, homelessness has become a major concern. Factors contributing to the increase in homeless persons and families, and those in need of transitional housing, include:

- ✓ The lack of housing affordable to very-low- and low-income persons
- ✓ Increases in unemployment or underemployment
- ✓ Reductions in government subsidies
- ✓ Deinstitutionalization of the mentally ill
- ✓ Domestic violence
- ✓ Drug addiction
- ✓ Dysfunctional families

The Newman Police Department receives a few complaint calls periodically but the problem is minor. In addition, the Newman Family Resource Center reported that they are seeing an increase in the need for assistance in paying monthly utility bills. They also reported that they have not seen any increase the need for emergency shelter.

As with all communities, Newman has youth that for one reason or another have chosen to run away from home. According to Veronica Garcia at Hutton House, a youth shelter located in Modesto, there were two (2) youth from Newman sheltered at Hutton House in 2015.<sup>2</sup> The City of Newman posts notices (in English and Spanish) in city hall of shelter services offered by Community Housing and Shelter Services on the first and third Wednesdays in nearby Patterson at the Westside Resource Center. A full list of services available to homeless persons is presented in Appendix C.

## Availability of Services and Land

This section evaluates the availability of public services and facilities and the potential for residential development in Newman.

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<sup>2</sup> Phone conversation with Veronica Garcia, Program Supervisor, Hutton House on January 12, 2016 at 3:10 pm

## PUBLIC SERVICES

The City of Newman provides water service to areas within the City through a system of municipal wells and distribution pipes, which provide water to all areas of the city. According to the Community Development Director, the City installed a new well to expand service capacity in 2011/2012. Accordingly, the City is able to provide water service to all new development within its primary urban service area.

With regard to sanitary sewer service, the City of Newman maintains a sanitary sewer system that includes a sewer treatment plant and collection system. The City of Newman calculates its influent limit at 1.45 MGD and is currently treating around 1.20 MGD. It is permitted to discharge up to 1.69 MGD and is now in the process to increase this to 2.2 MGD, which would accommodate growth in the Northwest Master Plan Area and other parts of the Sphere of Influence. According to City officials<sup>3</sup>, approximately 33 acres of expansion area are needed for the waste water treatment plant to accommodate the entire Primary Sphere of Influence, of which the Northwest Master Plan Area is part. The City has already purchased 342 acres for plant expansion and is waiting on the state to approve the permit to expand. The Northwest Master Plan Area will have a wastewater demand of 304,119 gallons per day. The City's current capacity is sufficient to serve all new development within the incorporated area. This plant upgrade is expected to be online in time to proceed with annexation of the area in FY 2016/17.

## VACANT AND UNDERUTILIZED RESIDENTIAL SITES

According to a survey completed by Coastplans in December 2015, Newman has approximately 380 acres of vacant and underutilized land available for residential use which can accommodate approximately 2,381 units. A part of this inventory—approximately 9 acres designated for high-density residential use and 80 acres designated for medium and low-density use—is in a master plan area located at the northwest edge of the city.<sup>4</sup> This area is slated for annexation in 2016 and should be available for development by the midpoint of the current housing element cycle. The Newman Zoning Ordinance allows development up to 23 dwelling units per gross acre (i.e., 29

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<sup>3</sup> Source: Lance Perry, Wastewater Superintendent, City of Newman Waste Water Treatment Plant

<sup>4</sup> The master plan area is outside the Newman city limits but within its LAFCO primary sphere of influence. Of the 89 acres, 9 acres is specifically identified for high-density residential development. The remaining 80 acres is designated as Planned Mixed Residential (PMR), and the *Newman 2030 General Plan* requires that no more than 75 percent of units developed in the PMR designation develop at densities less than six dwelling units per gross acre and that at least 10 percent be developed at a density of at least 12 units per gross acre. In addition, at least 10 percent of the units built at six dwelling units an acre or less must have at least two dwelling units per lot (either as a duplex or as a house with a second unit).

dwelling units per net acre) in the R-3 Zoning District and 12 dwelling units per gross acre (15 dwelling units per net acre).

For the purpose of this analysis, residential sites that are designated HDR in the *Newman 2030 General Plan* were categorized for extremely low-, very low- or low-income housing. MDR sites and selected mixed-use sites (i.e., D and CR land use designations) were categorized as potential sites for moderate income housing. LDR sites and the balance of the mixed use sites were categorized as potential sites for market rate housing.

Of the 380 acres, approximately 26.4 acres are available for extremely low-, very low-, and low-income housing; approximately 143.2 acres are available for moderate-income housing, and approximately 209.8 acres are available for market-rate housing. The development potential for these sites is shown in Table II-24, which lists Newman's vacant and underutilized housing sites. Figure II-5 and Figure 11-5a show the location of each vacant or underutilized site in Newman.

Table II-24  
Vacant and Available Sites  
2015

Map No.	APN	Size (Acres)	Zoning	GP	Density	Units	Comments
<b>Extremely low, Very Low, and Low Income</b>							
1	128-060-010	1.580	R-3	HDR	20	25	
2	026-041-004	2.500	R-3	HDR	20	40	
3	026-041-058	2.530	R-3	HDR	20	40	
4	026-031-008 (Part)	9.000	na	HDR	20	144	Master Plan Area (estimate only -- 108 to 270 possible)
5	128-022-016	0.800	R-3	HDR	20	12	Vacant; senior housing to north
6	049-040-008	10.000	R-3	HDR	20	108	Development agreement in place that sets # of units
<b>Subtotal</b>		26.410				369	
<b>Moderate Income -- No Action Required</b>							
7	Various	79.850	R-2	PMR	10	638	Master Plan Area (Planned Mixed Residential -- Medium Density)
8	049-059-006	10.590	R-2	MDR	6.5	69	Heritage Collection; approved project (includes other APNs)
9	026-016-049 (Part)	13.873	R-2	MDR	12	106	Mattos Ranch; approved project
10	049-064-001-020	4.259	R-2	MDR	12	14	6 permits issued in 2007; 14 remain to be issued
11	026-041-070	9.000	PD	MDR	12	40	Undeveloped -- approved PD for 40 starter homes
12	128-008-021	0.258	R-3	CR	12	3	Vacant; small size limits potential
13	128-009-024	0.131	C-1	D	12	1	Mixed use upper floor only
14	128-009-073	0.086	C-1	D	12	1	Mixed use upper floor only
15	128-022-010	1.680	I	MDR	12	20	Requires rezoning
16	128-050-016	0.189	R-1	MDR	12	2	Vacant; requires rezoning
17	128-060-011	0.880	R-1	MDR	12	10	Underutilized; requires rezoning

Map No.	APN	Size (Acres)	Zoning	GP	Density	Units	Comments
18	049-050-044	1.930	R-1	MDR	12	23	Underutilized; requires rezoning
19	049-050-045	0.750	R-1	MDR	12	9	Vacant; requires rezoning
20	026-015-014	4.000	--	MDR	12	48	Requires annexation
21	026-015-013	15.709	--	MDR	12	188	Requires annexation
<b>Subtotal</b>		143.185				1,172	
<b>Market Rate Units</b>							
22	049-040-010	106.000	R-1	PMR	2	235	Underutilized; also includes 049-040-008 and 049-041-017
23	026-056-058	4.970	R-1	LDR	5	24	Underutilized
24	026-059-070	2.020	R-2	LDR	5	10	Underutilized
25	049-042-001	12.800	R-3	LDR	8	104	Underutilized
26	128-003-031	0.258	R-1	CR	5	1	Vacant
27	128-003-033	0.234	R-1	CR	5	1	Vacant
28	128-006-047	0.172	R-1	CR	5	1	Vacant
29	128-006-066	0.259	R-1	CR	5	1	Vacant
30	128-013-017	0.185	R-1	CR	5	1	Vacant
31	128-013-018	0.185	R-1	CR	5	1	Vacant
32	128-013-019	0.167	R-1	CR	5	1	Vacant
33	026-043-019	2.750	R-1	LDR	5	13	Underutilized; odd shaped; poor access; next to RR tracks
7	Various	79.850	R-1	LDR	7	447	Master Plan Area (Planned Mixed Residential -- Low Density)
<b>Subtotal</b>		209.850				840	
<b>Total All Unit Types</b>		379.445				2,381	

Note: <sup>2</sup>This site needs rezoning to R-3 and re-designation to HDR

<sup>3</sup>This density represents average density to be obtained in the area designated PMR in the Newman General Plan (8,773 units ÷ 1,835 ac); (see GP page 4.11-7 and Figure LU-4)

Sources: Coastplans, City of Newman, County of Stanislaus Assessor

Figure II-5  
Vacant and Underutilized Residential Sites  
City of Newman

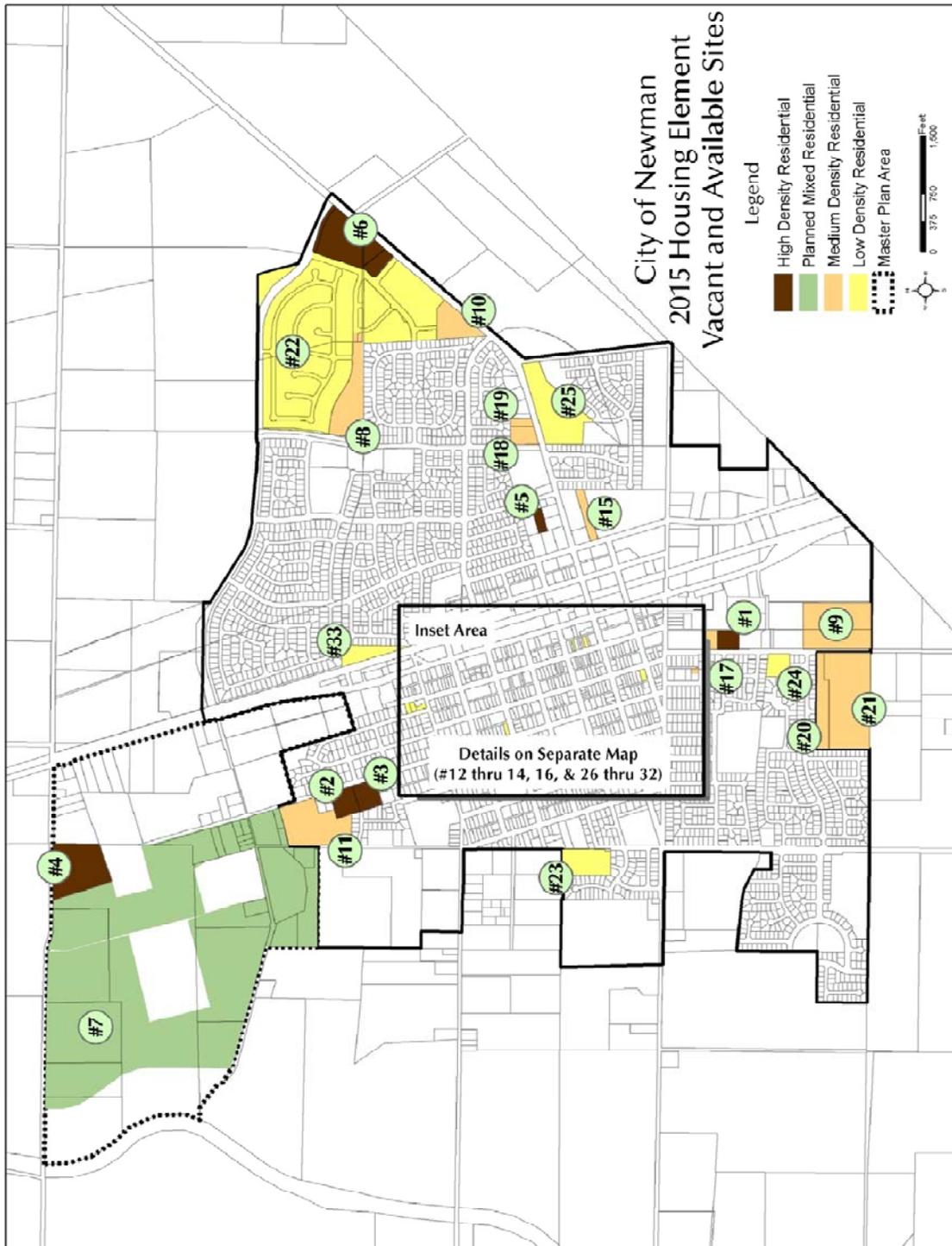
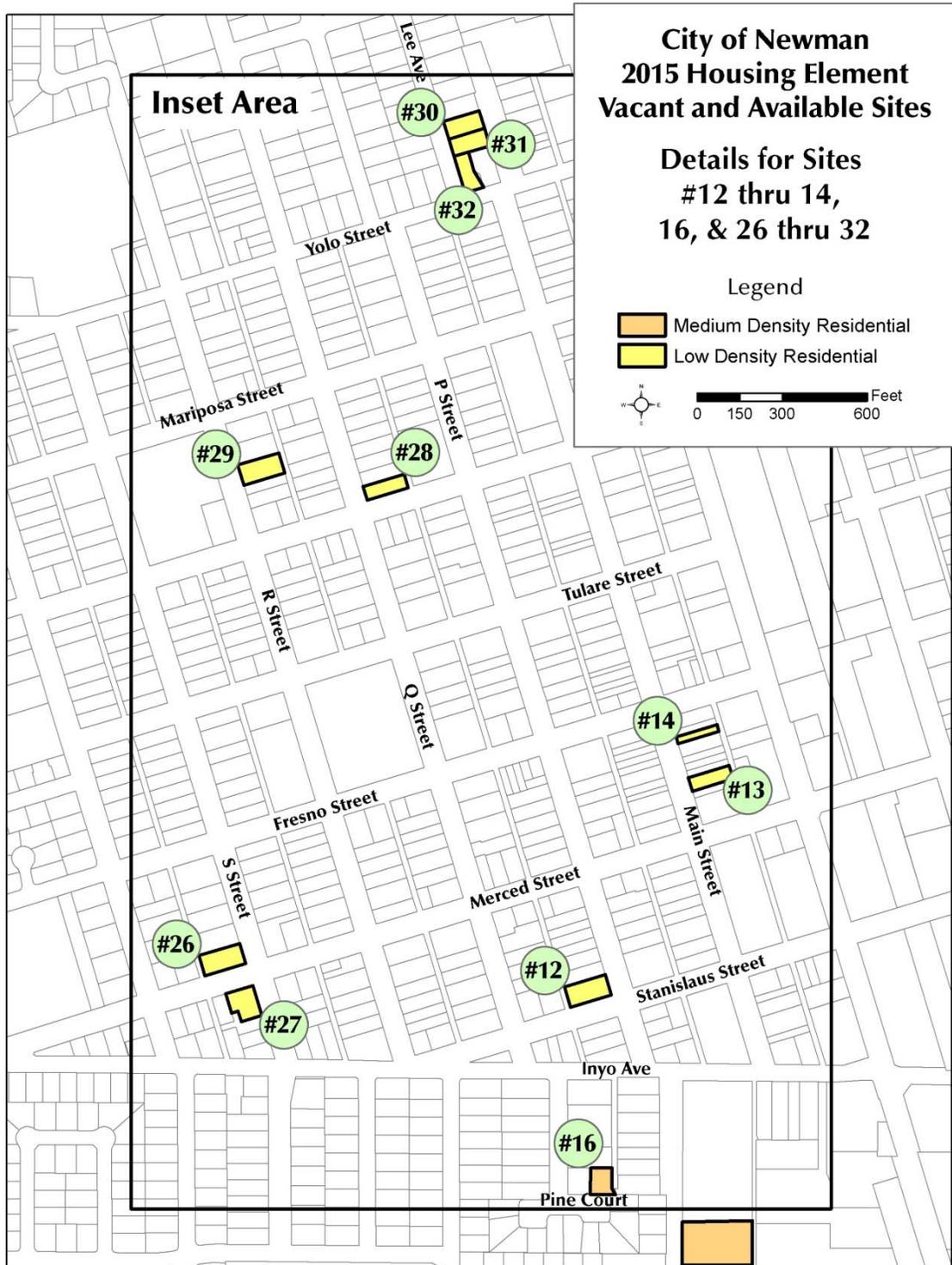


Figure II-5a  
Vacant and Underutilized Residential Sites  
Details for Inset Area  
City of Newman



VACANT RESIDENTIAL SITES BY INCOME CATEGORY

In addition to listing all vacant and underutilized sites by qualifying income category, a summary of sites within each category has been compared to the City RHNA to determine if the City of Newman has adequate sites for all income categories. As demonstrated in Table II-24, the City currently has vacant, available, and appropriately zoned/designated sites to accommodate its Regional Housing Needs Allocation (RHNA) set by StanCOG. Table II-25 summarizes the vacant land inventory by qualifying income category.

Table II-25  
Summary Table of Vacant and Underutilized Land  
By Qualifying Income Category

	Number of Sites	Number of Acres	Housing Potential	StanCOG Allocation	Surplus
Extremely Low, Very Low and Low	6	26.410	369	305	64
Moderate*	15	143.185	1,172	136	1,036
Market Rate*	13	209.850	840	337	503
Total	33	379.445	2,381	778	1,603

Note: \*Site #7 is in the Master Plan Area and contains both moderate- and market-rate housing  
Source: Coastplans 2015; City of Newman; StanCOG

FUTURE GROWTH AREAS

In addition to sites identified above in Table II-24 and Figures II-5 and III-5a, the City of Newman has approximately an additional 445 acres of land outside its city limits but within its LAFCO primary sphere of influence that is designated Planned Mixed Residential (PMR) and available for residential development upon annexation. The *Newman 2030 General Plan* requires that no more than 75 percent of units developed in the PMR designation develop at densities less than six dwelling units per gross acre and that at least 10 percent be developed at a density of at least 12 units per gross acre. In addition, at least 10 percent of the units built at six dwelling units an acre or less must have at least two dwelling units per lot (either as a duplex or as a house with a second unit). Using these parameters as guidance, Table II-26 presents one possible scenario that would result in the minimum number of higher density units being built. The future growth area (primary sphere of influence only) is shown in Figure II-6.

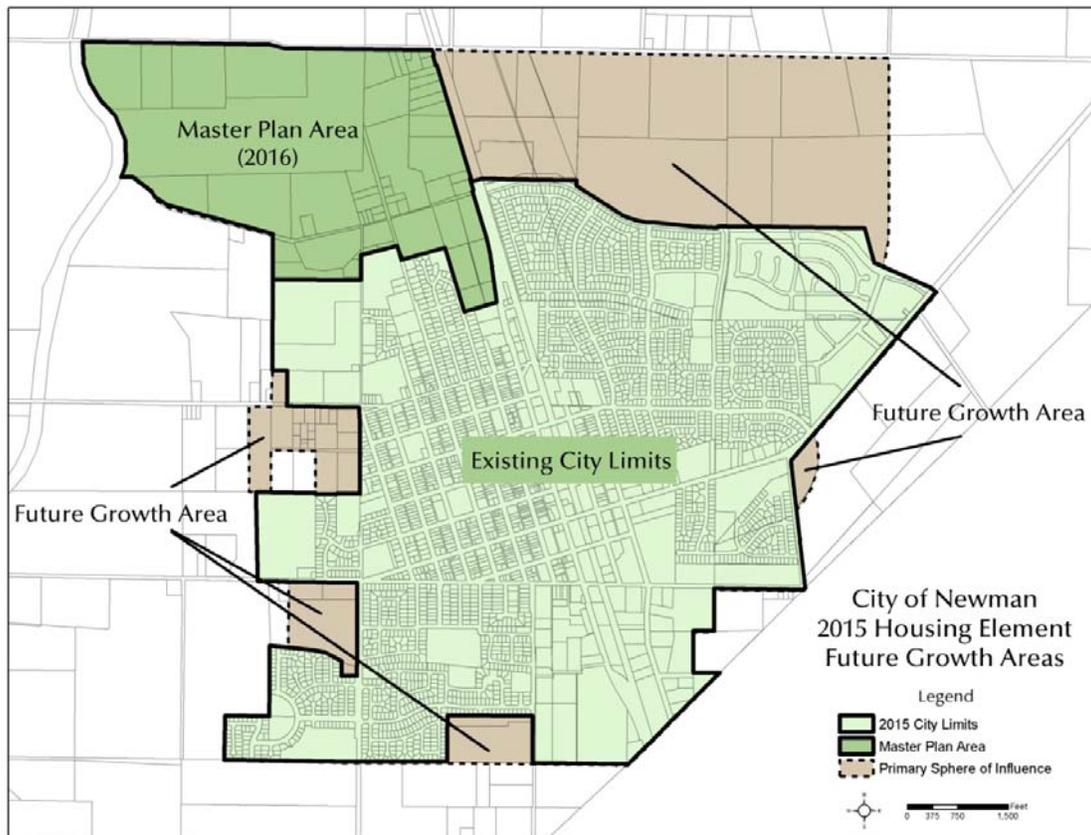
Table II-26  
 Housing Potential in Future Growth Areas  
 Primary Sphere of Influence Only

	Acres	Density <sup>1</sup>	Units	% of Total
Planned Mixed Residential				
Low Density	364	4	1,455	68%
Low Density 2 <sup>nd</sup> Units	18	8	146	7%
Medium Density	45	7	314	15%
High Density	18	12	218	10%
Subtotal	445		2,133	100%

Notes: <sup>1</sup>These are sample densities that fit within the parameters set forth in Newman 2030 General Plan

Sources: Newman 2030 General Plan; Coastplans

Figure II-6  
 Future Growth Areas



Source: Coastplans; City of Newman

## Governmental Constraints

While local governments have little influence on such market factors as interest rates, their policies and regulations can affect both the amount of residential development that takes place and the affordability of housing. Since governmental actions can constrain development and affordability of housing, state law requires the housing element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (*Government Code § 65583(c)(3)*). The City's primary regulations affecting residential development and housing affordability include the *Land Use Element of its General Plan*, the *Zoning Ordinance*, and the City's processing procedures, standards, and fees related to development.

### GENERAL PLAN

Discretionary control over land use in Newman is currently exercised by the Planning Commission, City Council, and the City's Planning Department through the *Newman 2030 General Plan*, *Zoning Ordinance*, and other implementing ordinances. These documents and ordinances are described in Chapter I, Land Use.

The City of Newman's development standards for new residential development are meant to ensure compatibility between land uses and to maintain the livability and safety of its neighborhoods. The City has included policies and programs in its zoning regulations and development standards that address the community's interest in preserving and expanding its affordable housing stock. Development standards include parking standards, building setback requirements, and construction of certain on-site and off-site improvements such as curbs, gutters, and sidewalks. These standards are considered the minimum standards designed to protect the public health, ensure compatibility between adjacent land uses, and to maintain as well as to enhance the livability of Newman's neighborhoods. Further, the density bonus provisions provide the opportunity for flexibility in the development standards when units of affordable housing are being included in a plan. This allows for evaluation of alternatives and reduces constraints that may otherwise exist for the development of housing.

As mentioned above, the *Newman 2030 General Plan* requires that no more than 75 percent of units developed in the Primary Sphere of Influence (designated as Planned Mixed Residential or PMR) develop at densities less than six dwelling units per gross acre and that at least 10 percent be developed at a density of at least 12 units per gross acre. In addition, at least 10 percent of the units built at six dwelling units an acre or less must have at least two dwelling units per lot (either as a duplex or as a house with a second unit).

Newman has defined a community identity in its older areas and its desire to maintain the character of the historic districts. The community design element defines the importance of new and rehabilitated structures that are compatible with existing neighborhood scale and character. These provisions provide guidance to developers and contractors at the preliminary planning stage of their projects so that design features reflect the scale and character of adjacent uses. The design review is incorporated into the standard project review process to avoid delays in the expeditious processing of projects. Limitations on architectural style are central to the maintenance of the fabric and character of the neighborhood which make it an asset to the community and a desirable living environment.

According to the Newman Zoning Ordinance (Section 5.25.040 NMC), architectural and site plan review is required for projects that could result in the development of new single or multi-family residences (including in-fill projects and new subdivisions). When considering a site plan review application, the Planning Commission evaluates:

- ✓ The elevation of the proposed buildings or structures;
- ✓ The location of all the proposed buildings, structures, facilities and open spaces;
- ✓ The location of all on-site vehicular and pedestrian circulation;
- ✓ The location of all on-site parking, garages and/or carports;
- ✓ The location of all land to be dedicated to or reserved for public use;
- ✓ The location and extent of street improvements;
- ✓ The location of all garbage and refuse facilities;
- ✓ All dimensions required by any applicable provision of this code;
- ✓ The landscaping and irrigation plan;
- ✓ Compliance with standards and requirements of this title and the General Plan;
- ✓ Other information as may be deemed necessary.

The ordinance allows the Planning Commission to deny, approve, or approve with modification, any application before it, based on the following findings:

- ✓ That the architectural and general appearance of the structures and grounds shall have architectural unity and be 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.

- ✓ That the site plan is consistent with all adopted City plans, documents, and ordinances, including but not limited to this title, any applicable specific and/or master plans, any adopted development standards and design guidelines, and the General Plan.

While the latitude provided in the ordinance has some potential for abuse (i.e., used to deny unwanted projects), according to the Newman Planning Director, such review has never resulted in the denial of a residential project or in the retraction of an application due to unsustainable financial burdens resulting from attached conditions. Therefore, the ordinance as it has been used in Newman has not posed an undue constraint on the development of housing in the community.

As with the issue of compatibility of new units in older neighborhoods, the community has also defined value in the appearance of its gateways and circulation corridors. Landscaping is proposed to enhance these areas and the overall appearance of the community with potential provision of a citywide maintenance district to maintain the areas. These amenities may serve as a constraint on the development of affordable housing, depending on the extent of the improvements and cost to maintain them. The plan does identify means to minimize maintenance costs through the selection of materials and irrigation systems. The zoning ordinance affords opportunity for developers to have density bonuses and other incentives which can offset the cost of the amenity improvements.

## ZONING

In accordance with state law, cities and counties have broad latitude in establishing zoning standards and procedures. Outside of a general requirement for open space zoning and several specific requirements governing residential zoning, state law establishes only broadly the scope of zoning regulations and sets minimum standards for its adoption and administration.

### ***Base Residential Districts***

Newman's Zoning Ordinance has four base residential zoning districts, which allow up to a maximum of 29 dwelling units per net acre. Table II-27 summarizes residential development regulations contained in the Zoning Ordinance.

Table II-27  
Synopsis of Regulations for Base Residential Districts  
November 2015

Item	R-1 Single-Family Residential District	R-2/R-2S Duplex Residential District	R-3 Multiple- Residential District	R-M Mobile Home Park (Combining) District
Maximum Allowable Density (Units/Net Acre)	7 du/net ac	15 du/net ac	29 du/net ac	18 du/net ac
Minimum Area/Unit	6,000 sq. ft.	3,000 sq. ft.	1,500 sq. ft.	2,400 sq. ft.
Permitted Residential Uses	Single Family Dwellings	Single Family Dwellings, Duplex and Halfplex	Apartment, Duplex, Halfplex, Single Family Dwelling, and Triplex	Residential Manufacturing Housing
Conditionally Permitted Residential Uses	Duplex, Halfplex, Guesthouse, and Accessory Dwelling Unit*	Triplex, Condominium, Apartment, Dwelling Group, Boardinghouse, Guesthouse, and Accessory Dwelling Unit	Dwelling Group, Rooming, and Boardinghouse	Conditional uses allowed in base district
Front Yard Setback	20 ft.	15 ft.	15 ft.	25 ft.
Side Yard Setback	5 ft.	5 ft.	5 ft.	5 ft.
Rear Yard Setback	10 ft.	15 ft.	15 ft.	15 ft.
Lot Coverage	40 percent	60 percent	80 percent	60 percent
Building Height	30 ft.	35 ft.	35 ft.	30 ft.
Parking				
SFDs	2 spaces	2 spaces	2 spaces	2 spaces
MFDs •2	n/a	2 spaces	2 spaces	2 spaces
MFDs •3	n/a	2 plus 1 per 5 units	2 plus 1 per 5 units	2 plus 1 per 5 units
Architectural Review	Yes	Yes	Yes	No

Notes: \*Duplex and Halfplex units require 3,000 square feet of lot per dwelling unit  
Source: City of Newman Zoning Ordinance

### **Emergency Shelters and Transitional and Supportive Housing**

The following sections discuss emergency shelters and transitional and supportive housing.

**Emergency Shelters**

The Zoning Ordinance allows emergency shelters, transitional housing, and short-term farmworker housing as conditional uses in the R-3 Zoning District. The ordinance contains no special conditions for these uses but allows the imposition of any of the following conditions to ensure that required findings can be made in favor of the project:

- ✓ Special setbacks, landscape buffers, screening, fences and/or walls
- ✓ Lighting
- ✓ Regulation of hours
- ✓ Regulation of points of ingress and egress
- ✓ Regulation of displays, noise, vibration, and/or odors
- ✓ Provision of public improvements, easements, and/or dedications
- ✓ Any other such conditions as will facilitate the orderly and efficient development in conformity with the intent and purposes set forth in this title and the General Plan.

To respond to the new requirements imposed by SB 2, the City has included a new housing program (Program H-17) to amend the New Zoning Ordinance to allow emergency shelters in the M Light Industrial/Business Park district. According to the *Newman 2030 General Plan*, there are a total of 320 acres of land designated for light industrial use. Of this, 250 acres are vacant and available for development. This district currently conditionally allows multi-family residential use with the same standards that apply in the R-3 District, and there are many areas where this district abuts residential districts. Accordingly, there is ample opportunity for developing an emergency shelter in this district.

**Transitional and Supportive Housing**

Transitional housing is defined in Health & Safety Code §50675.2 of the as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. Supportive housing as defined at §50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code §53260 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons

whose disabilities originated before the person turned 18). Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

SB 2 provides that transitional and supportive housing constitute a residential use. SB 2 requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the zone.

To respond to the new requirements imposed by SB2, the City has included a new housing program (Program H-19) to amend the Zoning Ordinance to ensure that transitional and supportive housing is treated appropriately in all residential zoning districts.

### **Single-Room Occupancies (SROs)**

The C-1 Retail Business District allows residential uses that are compatible with the Retail Business District such as residential uses in buildings previously used for residential purposes, owner-occupied residential uses located in the rear of buildings or above the ground floor. Accordingly, SROs are allowed in this district, and in fact, there exists numerous such units in the Downtown area. Approval of such units requires a conditional use permit.

### **Manufactured Housing**

The Zoning Ordinance allows the establishment and combination of the R-M, Mobile Home Park District, with any other zoning district in the City. This district, once established and combined, allows manufactured housing by right. An R-M Zoning District may be established and combined with any other zoning district of the City where it is determined that the lots or parcels within such district are compatible with a residential manufactured housing use. The use of a combining district to enable the construction of a manufactured home in a residential district is a form of rezoning and as such constitutes a level of approval for manufactured housing that is not required for a typical single family dwelling in the same district. This is an unnecessary constraint on the development of affordable housing and is inconsistent with State law. Accordingly, a new housing program has been added to revise the zoning ordinance allowing manufactured housing by right in all residential zones in the city (see Program H-22, below).

General development standards for residential manufactured housing are those set forth for the zoning district with which the R-M Zoning District is combined. The following supplemental standards shall be applied to the R-M District generally:

- ✓ Minimum development site required: Five acres.
- ✓ Minimum average lot width: 100 feet for interior lots and/or corner lots.
- ✓ Minimum Street Frontage. The City Planning Commission shall be responsible for determining the minimum street frontage based on the buildable area of the lot, access requirements and good design. However, in no case shall the Planning Commission approve lots having less than 35 feet of street frontage.
- ✓ Minimum lot area per unit: 2,400 square feet of lot per dwelling unit.
- ✓ Minimum front yard site setback: 25 feet from property line.
- ✓ Minimum rear yard site setback: 10 feet from property line.
- ✓ Minimum side yard site setbacks: 10 feet from the property line.
- ✓ Maximum allowable lot coverage: 60 percent by all structures exclusive of parking areas; 20 percent to be dedicated, preserved and maintained as usable open space for parks, playgrounds and similar uses.
- ✓ Maximum building height: 30 feet.

The following supplemental standards are applied to all R-M Zoning Districts combined with or adjacent to any R Zone to assure compatibility with surrounding residential uses.

- ✓ Minimum front yard setback: 25 feet from any R zoned property line.
- ✓ A six-foot high visual screen, as approved by the Planning Commission, shall be provided around all sides of a mobile home park which abuts an established residential use or R zoned district. (Ord. 97-17, 10-28-1997)

***Residential Uses in “Non-Residential” Districts***

In addition to the base residential zoning districts described above, the Newman Zoning Ordinance allows limited residential use in the following “non-residential” zones:

C-1, Retail Business District	Residential uses that are compatible with the district such as residential uses in buildings previously used for residential purposes and owner-occupied
-------------------------------	--

	residential uses located at the rear of buildings or above the ground floor.
C-2, General and Service Commercial District	Residential uses in accordance with the standards of the R-3, Multiple-Family Residential District
M, Light Industrial/Business Park District	Residential, as listed in, and in accordance with, the standards of the Multi-Family Residential Zoning District
I, Controlled Manufacturing District	Residential uses only when accessory to a permitted or conditional use

***Planned Development District***

The Zoning Ordinance contains a floating Planned Development (PD) District that can be applied to any property in the city of two acres or greater. The PD District, which requires the submittal of a development plan, allows design flexibility and a mix of densities and/or uses within the parameters of the General Plan. The PD designation and development plan must be adopted by the Newman Planning Commission.

***Historical/Cultural Resource District***

The Zoning Ordinance contains a combining Historical/Cultural Resource (H-C) District designed to maintain the character of Newman’s historic neighborhoods. The H-C District requires review of development plans by the Architectural Review Committee to ensure the project will not adversely affect the historical value of an existing structure or create an incompatibility with surrounding historic properties.

***Density Bonus Overlay District***

The Zoning Ordinance contains a Density Bonus Overlay (DBO) District, which implements state law regarding density bonus incentives for affordable housing. The DBO District provides a density bonus for projects with at least 20 percent lower-income housing units, ten percent very-low-income housing units, or 50 percent senior-citizen units.

## BUILDING AND HOUSING CODES

Building and housing codes establish minimum standards and specifications for structural soundness, safety, and occupancy. The State Housing Law requires cities and counties to adopt minimum housing standards based on model industry codes.

Code enforcement and inspection services within Newman are contracted out by the City. The City relies on the following uniform codes: the *Uniform Building Code*, *Mechanical Code*, *Uniform Plumbing Code*, and *Code for Abatement of Dangerous Buildings*, and *National Electrical Code*. The City has not adopted amendments to these uniform codes that operate as a significant constraint on the production of housing. Code enforcement for existing buildings focuses primarily on nuisance abatement and condemnation of unsafe structures. Cities and counties pursue code enforcement in several ways, including:

Complaint-Response: The City may inspect buildings for deficiencies only upon receipt of complaints by neighbors or tenants.

Change of Occupancy for Rental Properties: A city may issue occupancy permits that require inspection and code compliance at time of turnover.

Systematic: Code enforcement on a systematic basis with provision for financial assistance is especially appropriate in areas where strong and supportive neighborhood groups exist, the majority of homes are owner-occupied, housing is relatively sound, and income levels are moderate-income or above.

Pre-Sale and "Truth in Sale": Pre-sale enforcement requires code inspection and violation abatement prior to sale of a home. A "truth in sale" ordinance requires information concerning code violations, zoning status, and property taxes to be provided to the buyer.

Concentrated Code Enforcement: Code inspections may be conducted on a systematic basis through certain areas or for specific properties (such as rental or multi-unit residences).

The City's enforcement activities are divided among three responsibility groups: new construction, maintenance, and nuisance abatement. New construction enforcement applies to new buildings or construction projects for which building permits are required. Maintenance enforcement applies primarily to commercial and industrial projects and is conducted in conjunction with the granting of business licenses. Nuisance abatement is generally conducted on a "complaint-

response" basis and typically concerns such problems as unsanitary conditions and unsafe structures. Newman has a residential resale inspection program in place.

#### PLANNING AND DEVELOPMENT FEES

Residential developers in Newman are required to pay permit processing fees charged by the City of Newman and impact/development fees charged by both the City of Newman and Stanislaus County. Each of these is discussed below.

##### **Local Permit Processing Fees**

State law requires that permit processing fees charged by local governments not exceed the estimated actual cost of processing the permits. Table II-28 lists the fees charged by the City of Newman for processing various land use permits.

Table II-28  
City of Newman Planning Fees  
2015

<b>Planning Item</b>	<b>Cost</b>
Annexation and Pre-Zone	\$3,000
General Plan Amendment	\$750 <sup>1</sup>
GP Amendment/Rezone	\$1,500
Specific Plan	Actual cost
Rezone to Planned Development (PD)	\$825
Tentative Subdivision Map	\$1,000 <sup>1</sup>
Final Subdivision Map	\$375
Tentative Parcel Map	\$275 <sup>1</sup>
Final Parcel Map	\$150
Lot Line Adjustment	\$500
Certificate of Compliance	Actual Cost
Use Permit	\$375
Variance	\$375
Neg. Dec/Environmental Impact Report	Actual cost
Site Plan Review	\$500

Notes: <sup>1</sup>Plus actual cost by City

Source: City of Newman, Ordinance 2009-1, Resolution 2009-14

**City and County Development Fees**

In addition to the fees that the City assesses to process planning related permits, it also charges various fees related to actual development of projects. Development fees in 2015/16 are approximately 29 percent higher than fees in 2008/09. School fees (as set by the State Allocation Board) have increased approximately 13 percent (from \$2.97/sf to \$3.36/sf) since 2009. Table II-29 lists Newman's development fees.

Table II-29  
City of Newman Development Fees, plus School Fees  
Per Housing Unit  
2015 – 2016

	March 2015 thru Feb 2016		
	Low Density	Med Density	High Density
Water	\$1,239.22	\$604.99	\$378.13
Traffic	\$4,494.04	\$4,003.49	\$3,160.69
Storm	\$2,060.09	\$1,005.76	\$628.59
Sewer	\$841.85	\$411.00	\$256.87
Park	\$5,783.49	\$5,713.55	\$5,194.26
Municipal	\$3,127.72	\$3,084.85	\$2,803.17
<b>TOTAL</b>	<b>\$17,546.41</b>	<b>\$14,823.64</b>	<b>\$12,421.71</b>
<b>School</b>	--- \$3.36/sf ---		

*Source: City of Newman; Coastplans*

In addition to City development fees, Stanislaus County levies development fees on residential and non-residential development on a countywide basis, including development that takes place in incorporated cities. Countywide fees fund roads, jails and courts, library, parks, public health, and other costs. Table II-30 lists the countywide development fees for residential uses.

Table II-30  
Countywide Development Fees  
Stanislaus County  
2014

Fee	Single Family	Multi-Family
Intercity Roads	\$4,379	\$2,684
Justice	132	92
Detention	816	570
Library	413	288
Parks Fee	344	239
Public Health	303	211
Emergency Services	22	15
Behavioral Health	148	103
Other Facility	879	614
Information Technology	47	33
Admin. Fee	76	49
<b>Total Fee</b>	<b>\$7,559</b>	<b>\$4,898</b>

*Source: County of Stanislaus, as of June 13, 2014*

### ***Summary of Fees on New Residential Development***

In the City of Newman, planning, development, and school district fees amount to \$32,225 per SFD unit (up 26 percent from \$25,632 in 2008) and \$20,855 per MFD unit (up 17 percent from \$17,782 in 2008). Table II-31 summarizes fees for single family and multi-family residential development in Newman.

Table II-31  
 Summary of Fees  
 Typical Single Family and Multi-Family  
 Residential Development  
 (Per Unit)

	<b>25-Unit Single Family Subdivision</b>	<b>45-Unit Multi- Family Development</b>
Planning Fees	\$400	\$175
City Development Fees	\$17,546	\$12,422
County Development Fees	\$7,559	\$4,898
School District Fees*	\$6,720	\$3,360
<b>Total</b>	<b>\$32,225</b>	<b>\$20,855</b>

*Note: \*This assumes a 2,000 square foot SFD and a 1,000 square foot MFD, each at \$3.36 per square foot*

*Source: City of Newman; Coastplans; State Allocation Board*

**PERMIT PROCESSING PROCEDURES AND TIMES**

The planning and building permit process for a large single family subdivision typically takes six months to a year to process and involves preparation of a negative declaration or environmental impact report, approval of tentative and final subdivision maps, and issuance of building permits and certificates of occupancy for each dwelling unit. This length of time involved in completing this process varies widely, depending on the degree to which plan submittals conform to city standards and the complexity of environment issues that are present on a particular site. These processing times are typical for Central Valley cities. Infill projects are simpler and quicker because they typically require only a tentative parcel map (or no subdivision at all) and may be exempt from the California Environmental Quality Act. The planning and building permit process for multi-family projects typically less than a single family subdivision requiring three to six months. This is because multi-family development does not typically require subdivision or parcel maps, which eliminates the need for Planning Commission review and City Council approval.

The time lines with which the City processes the various permits and applications necessary for residential development can affect the overall cost of housing. The minimum processing time for residential development project applications in Newman is determined by state requirements for environmental review and public notice and by the meeting schedules of the Planning Commission and the City Council. The maximum time for processing residential development

permits is set by state law (California Government Code §65929 et seq). The statutory time limit for completion of environmental review and approval or denial of a permit application starts when an application is accepted by the lead agency (i.e., the City) as complete. The lead agency then has one year in which to approve or disapprove a project for which an EIR will be prepared or six months for projects for which no EIR is prepared.

The City currently processes residential development applications in the shortest possible time, given requirements for environmental review, public notice, and the schedules of the Planning Commission and City Council. Table II-32 summarizes permit processing times in the City of Newman.

Table II-32  
City of Newman Permit Processing Times  
2015

Planning Item	Processing Time
General Plan Amendment	3 months
Specific Plan	6 months to 1 year
Rezone	3 months
Rezone to Planned Development (PD)	3 to 6 months
Zoning Ordinance Amendment	3 months
Tentative Subdivision Map	6 months to 1 year
Final Subdivision Map	1 month
Tentative Parcel Map	3 months
Final Parcel Map	1 month
Lot Line Adjustment	2 months
Certificate of Compliance	2 weeks
Use Permit	3 months
Home Occupation Use Permit	2 weeks
Variance	3 months
Environmental Review	2 weeks
Neg Dec/Environmental Impact Report	2 months to 1 year
Time Extension	n/a
Appeal	1 month
Annexation and Pre-zone	1 to 3 years

Source: City of Newman

ON- AND OFF-SITE IMPROVEMENTS

Like all cities, the City of Newman requires new development to provide a variety of on- and off-site improvements. Improvements required by the City of Newman are standard for California cities and do not pose an extraordinary constraint to residential development. Table II-33 summarizes typical improvements for residential development.

Table II-33  
Required Improvements for Residential Development  
2015

Subject	Project-Related Improvements and Fees
Street Improvements	<ul style="list-style-type: none"> <li>✓ Provide all on-site streets, curbs, gutters, sidewalks, fire hydrants, and street lighting. The typical city street has a 50- to 60-foot right-of-way with a 40-foot pavement area, a five-foot sidewalk with attached vertical curb, and on the 60-foot right-of-way, a five-foot utility corridor on each side.</li> <li>✓ If existing street network does not provide adequate access or circulation to accommodate project, provide necessary off-site streets, curbs, gutters, sidewalks, and street lighting consistent with the design standards and standard specifications adopted by the City of Newman to adequately accommodate project.</li> </ul>
Parks	<ul style="list-style-type: none"> <li>✓ Provide five acres of park space for every 1,000 residents</li> <li>✓ Dedication of land, dedication of improvements, in-lieu fees, or a combination of these, as determined acceptable by the City</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>✓ New subdivisions are required to install street trees. The City requires 15-gallon trees one per house (40' intervals on corner lots).</li> <li>✓ All sections of a lot not devoted to buildings, decks, patios, sidewalks, lighting, signing, trash collection, parking, and/or driveway improvements shall be landscaped</li> </ul>
Public Services	<ul style="list-style-type: none"> <li>✓ Provide all on-site water, sewer, and storm drain infrastructure improvements to accommodate project.</li> <li>✓ If existing infrastructure system does not have capacity to serve project, provide necessary off-site water, sewer, and storm drain infrastructure to adequately accommodate project</li> </ul>

Subject	Project-Related Improvements and Fees
Miscellaneous	<ul style="list-style-type: none"> <li>✓ Sound walls are required for new development when an environmental analysis has determined that there is a significant noise impact that could be mitigated by the construction of a sound wall.</li> <li>✓ The City does not require public art.</li> </ul>

Source: City of Newman

### LOCAL EFFORTS TO ACCOMMODATE DISABLED PERSONS

State housing law requires a Housing Element to contain an analysis that demonstrates local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and from meeting the need for housing for persons with disabilities, including persons with developmental disabilities. This requirement came about in the 2001 legislative session (SB 520) and supplements the provisions of the Federal Fair Housing Amendments Act of 1988. In 2010, this requirement was supplemented with Senate Bill 812 requiring housing elements to include an analysis of persons with developmental disabilities.

#### *Conclusion*

The 2003 Housing Element identified a few shortcomings in the Newman Zoning Ordinance and set forth three programs III-12 (Offering Optional Design), III-13 (Analyze Development Regulations), and III-14 (Reasonable Accommodation Ordinance), to bring the City into compliance. This issue was still unresolved in 2008/09 in the last Housing Element update cycle. This 2015 Housing Element contains a new program committing the City of Newman to implementing Housing Program H- 7, now carried over from the 2008 Housing Element (which provided for reasonable accommodations, including accommodations for developmentally disabled persons) before the end of FY 2015/16.

Much of the regulation and fees that accompany the development of housing act to increase the cost of housing and constrain the availability of affordable housing. Yet these regulations and fees are needed to protect city residents from the otherwise externalized effects and costs of development. With the exception of procedures for making reasonable accommodations for disabled persons, the City's regulations do not pose any unnecessary constraints to the production of affordable housing.

The City requires developers to comply with all ADA requirements, and compliance language is contained in the standard conditions of approval for site plan reviews and other approvals.

#### CONCLUSIONS FOR GOVERNMENTAL CONSTRAINTS

Much of the regulation and fees that accompany the development of housing act to increase the cost of housing and constrain the availability of affordable housing. Yet these regulations and fees are needed to protect city residents from the otherwise externalized effects and costs of development. With the exception of procedures for making reasonable accommodations for disabled persons, the City's regulations do not pose any unnecessary constraints to the production of affordable housing. Regarding reasonable accommodations for disabled persons, the City should redouble its efforts to provide reasonable accommodation and ensure that it is in compliance with the Fair Housing Act and the Americans with Disabilities Act.

## Nongovernmental Constraints

The availability of housing is strongly influenced by market factors over which local government has little or no control. State law requires that the housing element contain a general assessment of these constraints. This assessment can serve as the basis for actions which local governments might take to offset the effects of such constraints. The primary market constraints to the development of new housing are the costs of constructing and purchasing new housing. These costs can be broken down into four categories: materials, labor, land, and financing. Newman can be considered as part of a very broad general housing market that includes the Central Valley area. For the most part, housing cost components in Newman are comparable to those in other parts of the general market area. The following paragraphs briefly summarize these components vis-à-vis the local market and the statewide market.

#### MATERIAL COSTS

A major component of the cost of housing is the cost of building materials, such as wood and wood-based products, cement, asphalt, roofing materials, and plastic pipe. Prices for these goods are affected primarily by the availability and demand for such materials.

Because the Central Valley is served by such a well-developed regional transportation network and because many of the materials needed for construction are produced in the region, availability of materials is excellent. In addition, the land in Newman which is most likely to be developed in

the future for housing is well-suited for the kind of large projects which allow developers to realize economy-of-scale savings on materials.

The cost of building materials in the Central Valley in general and in Newman in particular is relatively low and therefore does not constitute a constraint to the development of affordable housing.

#### COST OF LABOR

Another major cost component of new housing is labor. Inflated labor costs due to high wage rates significantly increase the overall cost of housing in some markets. The cost of labor in Newman is, however, relatively low for a number of reasons. Overall, the Central Valley's cost of living is relatively low; wage scales in the area, therefore, tend to be somewhat lower than in markets with higher living costs, such as the San Francisco Bay Area. Also labor is generally less costly because the area is predominantly non-union. Labor in highly unionized markets is typically more expensive.

#### LAND COSTS

Costs associated with the acquisition of land include the market price of raw land and the cost of holding land throughout the development process. These costs can account for as much as half of the final sales prices of new homes in very small developments or in areas where land is scarce. Among the variables affecting the cost of land are its location, its amenities, the availability of public services, and the financing arrangement made between the buyer and seller. According Stephens & Borrelli Real Estate,<sup>5</sup> the typical single family lot (6,000 to 8,000 square feet) with improvements is currently selling for \$49,000.

#### COST AND AVAILABILITY OF FINANCING

The cost and availability of capital financing affect the overall cost of housing in two ways: first, when the developer uses capital for initial site preparation and construction and, second, when the homebuyer uses capital to purchase housing.

The capital used by the developer is borrowed for the short-term at commercial rates, which are considerably higher than standard mortgage rates. Commercial rates nonetheless fluctuate when

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<sup>5</sup> Phone conversation with Doug Borrelli on January 12, 2016, 3:45 pm

the overall interest rates fluctuate, so overall interest rates have an effect on housing construction. The typical homebuyer uses capital financing in the form of long-term mortgage loans, and the ability to obtain this kind of financing is very sensitive to interest rates. While interest rates are currently (December 2015) low, interest rates can fluctuate significantly during the course of the Housing Element planning period, and as interest rates go, buyer power decreases. Table II-34 shows the price of a house affordable to the moderate-income family in Newman at various interest rates.

**Table II-34  
Fluctuation in Buying Power  
Price of House Affordable to the Median-Income Family  
By Interest Rate**

Median Income for a Four-Person Family = \$62,000<sup>1</sup>

<b>Interest Rate (15-Year Fixed)</b>	<b>Mortgage Amount</b>	<b>Down Payment</b>	<b>Buying Power</b>
2.800%	\$227,605	\$25,289	\$252,895
2.825%	\$227,207	\$25,245	\$252,453
2.850%	\$226,810	\$25,201	\$252,011
2.875%	\$226,414	\$25,157	\$251,571
2.900%	\$226,019	\$25,113	\$251,132

Notes: <sup>1</sup>Up to 100 percent of median family income

<sup>2</sup>Assumes a 15-year fixed-rate mortgage term

<sup>3</sup>Assumes down payment is 10 percent of price

Source: Coastplans; California Department of Housing and Community Development

Interest rates are currently (December 2015) at approximately 2.85 percent for a 15-year fixed-rate mortgage; 30-year mortgages are not currently offered given the historical low interest rates of the 15-year instrument. At this rate, the moderate-income family of four with an annual income of \$62,000 can afford a house priced over \$250,000. Should interest rates increase during the next few years, however, buying power will decrease accordingly.

Potential homebuyers must also meet other financial requirements in order to purchase of home, including a down payment, insurance, and taxes. Down payment requirements can limit the

ability of first-time homebuyers to purchase a home, even with an adequate annual income. Table II-35 summarized the typical out-of-pocket expenses for the purchase of a \$200,000 house.

Table II-35  
 Typical Housing Costs  
 (\$200,000)

Item	Cost
Sales Price	\$200,000
Down Payment (10%)	\$20,000
Approximate Closing Costs	\$4,500
Total Up-Front Cash Layout	\$24,500
Mortgage Balance (w/o closing costs included)	\$180,000
Annual Principal and Interest (2.85%; 15 years)	\$13,622
Approximate Insurance	\$780
Approximate Taxes	\$2,500
Total Annual Carrying Costs	\$16,902
Required Annual Income @ 30% of Gross	\$56,340

Source: *Coastplans*

Regarding evidence of income groups that may be under-served by financial institutions, discussions with city staff indicate that there is no evidence of redlining in any of Newman’s neighborhoods.

## Housing Programs in Newman

Programs to support the development and provision of affordable housing in Newman are generally sponsored by the Stanislaus County Housing Authority and through state Community Development Block Grants.

### NEWMAN AFFORDABLE HOUSING FUND

The former Redevelopment Agency housing set aside fund was essentially eliminated along with redevelopment agencies in 2012. The only source of income in that fund is the loan payments to

the former agency. It is anticipated that there may be some funds in the account by 2018 but they would be minimal and not a likely source of housing program funds.

#### STANISLAUS COUNTY HOUSING AUTHORITY

The Stanislaus County Housing Authority administers the Section 8 Rental Subsidy program in Stanislaus County. In January 2016, there were \_\_ Section 8 Voucher program participants in Newman out of a total of \_\_\_\_\_ vouchers countywide. Total program capacity is \_\_\_\_\_ vouchers. The Stanislaus County Housing Authority also owns and operates two projects in Newman—16 conventional low-income housing units on Merced Street and 48 project-based Section 8 units on Driskell Avenue. This latter project, called Valley Manor Apartments, was privately-owned affordable housing that was due to convert to conventional housing. The Housing Authority purchased the units in 2004 to preserve affordability.

#### STANISLAUS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM

In 2002, Stanislaus County formed the Stanislaus County Community Development Block Consortium. The Consortium, which consists of the Cities of Ceres, Newman, Oakdale, Patterson, Waterford and the unincorporated areas of Stanislaus County, annually receives entitlement Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Funds from the United States Department of Housing and Urban Development (HUD).

The main objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment and by expanding opportunities for persons of low and moderate-income. A portion of the Consortium's CDBG entitlement allocation is designated under the "Public Service" category. The Public Service program provides funds to non-profit organizations, through a competitive application process, to provide essential public service programs throughout the participating CDBG Consortium jurisdictions. The Emergency Shelter Grant Program is part of the public Service program.

The remaining funds are distributed among the Consortia jurisdictions, via a formula that represents poverty and population census data, to address community infrastructure needs. These needs may include, but are not limited to, sidewalks and storm drainage to community facilities. CDBG funds are used to address infrastructure improvement needs, which in turn improve the quality of life promoting safe and healthy communities.

### ***Emergency Shelter Grant Program***

The Emergency Shelter Grants (ESG) program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living. ESG is a formula-funded program that uses the CDBG formula as the basis for allocating funds to eligible jurisdictions, including states, territories, and qualified metropolitan cities and urban counties for:

- Rehabilitation/Renovation/Conversion
- Essential Services
- Operational Costs
- Homeless Prevention Activities
- Administrative Costs

The ESG Program is to supplement State, local and private efforts to improve the quality and number of emergency shelters and transitional facilities for homeless people. The purpose is to help operate these facilities, to provide essential support services to residents, and to help prevent at-risk families or individuals from becoming homeless.

## **Analysis of Existing Assisted Housing**

Pursuant to Government Code § 65583, an analysis of assisted housing was conducted for Newman to determine which, if any, assisted housing projects are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

There are five assisted projects in Newman: Valley Manor Apartments, Westside Village Senior Apartments, and Merced Street Apartments.

- Valley Manor Apartments at 719 Driskell Avenue, which contains 48 assisted housing units, was completed in March 1982 with FHA 221 (D)(4) and Section 8 program assistance. The Stanislaus County Housing Authority purchased the property in 2004, and the units will be held as assisted units for the life of the project.
- Westside Village Senior Apartments at 2030 Prince Street, which contains 40 assisted senior apartments, was completed in 2001 under a tax credit contract, which requires 55

years of income restrictions. One and two-bedroom apartments are available with prices ranging from \$295 to \$455 per month.

- Rolling Hills Apartments at 2110 Prince Road, which contains 52 assisted housing units, was placed in service in 2004.
- Newman Family Apartments at 751 Driskell Avenue, which contains 68 assisted housing units, was just completed in 2011.
- The Merced Street Apartments, which contains 16 low-income units, is owned by the Stanislaus County Housing Authority and will be held as assisted units for the life of the project.

## Publicly-Owned Surplus Land

According to state law, all public agencies intending to dispose of surplus land must first send a written offer to any local agencies within whose jurisdiction the land lies offering to sell or lease the land for the following purposes: recreation or open-space uses; enterprise zone uses; schools; or development of low- and moderate-income housing. In the event that the agency disposing of the land receives more than one offer, it shall give first priority to the entity which agrees to use the site for development of low- or moderate-income housing, unless the land is already being used for park or recreation uses, in which case the entity offering to continue these uses shall receive priority (*California Government Code §54220 et seq*). There is no publicly-owned surplus land in Newman suitable for residential development.

## Opportunities for Energy Conservation

As mandated by Government Code §65583(a)(7), each housing element must include an analysis of energy conservation opportunities in residential development. Such analysis must include a discussion of the subsidies and incentives that are available from public and private sources for energy conservation. An assessment of any changes that could be made to local building codes to increase energy conservation is also required while not placing undue constraints on affordable housing in the form of increased costs associated with building code changes.

## EXISTING RESIDENTIAL ENERGY USE IN NEWMAN

According to 2014 US Census Bureau statistics<sup>6</sup>, the predominant method for household heating fuel in Newman is natural gas, with 79.5 percent of the households reporting use of this method. Electricity was the second most common type of heating fuel used in Newman with 16.2 percent of the population reporting.

Newman's use of gas as home heating fuel is greater than the state as a whole, where 66 percent of statewide residents use utility gas and 26 percent use electricity.

## IMPLICATIONS OF ENERGY USE

Growing concern about climate change due to greenhouse gas emissions has placed energy use and conservation at the legislative forefront in California. Residential heating, cooling and water consumption account for a significant portion of the nation's energy consumption and greenhouse gas emissions. Therefore the need to understand fuel consumption and the opportunities for energy conservation are never more pressing.

To place home fuel consumption in perspective, the Local Government Commission (LGC) a non-profit organization promoting sustainable and livable communities recently noted that the average California household's annual use of electricity produces the same amount of smog as the average car when driven across the country from Los Angeles to New York. In addition, the LGC notes that most electricity in the U.S is produced from coal, nuclear or natural gas plants. Production of electricity from these sources generates approximately two-thirds of the nations emissions associated with global warming, one-third of the pollution that causes acid rain and smog, and one-half of the nuclear waste in this country.

With the high number of households in Newman using both gas and electricity as fuel for their homes, and with electricity use on the rise, it is important to note several approaches available to the residents of Newman to reduce energy costs and consumption. Among the opportunities for energy conservation are subsidies and incentive programs offered on the state level, as well as implementation of ordinance revisions to encourage energy efficiency within new residential developments in Newman.

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<sup>6</sup> Source: 2010-2014 American Community Survey 5-Year Estimates, Table S2504, Physical Housing Characteristics for Occupied Housing Units.

## THE CALIFORNIA SOLAR INITIATIVE

The CPUC's California Solar Initiative (CPUC ruling - R.04-03-017) moved the consumer renewable energy rebate program for existing homes from the Energy Commission to the utility companies under the direction of the CPUC. This incentive program also provides cash back for solar energy systems of less than one megawatt to existing and new commercial, industrial, government, nonprofit, and agricultural properties. The CSI has a budget of \$2 billion over 10 years, and the goal is to reach 1,940 MW of installed solar capacity by 2016.

## NEW SOLAR HOMES PARTNERSHIP

The Energy Commission's New Solar Homes Partnership, a \$400 million program, offers incentives to encourage solar installations, with high levels of energy efficiency, in the residential new construction market for investor-owned electric utility service areas. The goal of the NSHP is to install 400 MW of capacity by 2016.

## SAVINGS BY DESIGN (PG&E)

The Savings by Design program, offered by PG&E, SCE, SDG&E, and SoCal Gas, as well as the Sacramento Municipal Utility District (SMUD), provides two incentive tracks for integrating energy efficiency measures into new construction and major renovations, the preferred whole building approach and the systems approach. The program offers building owners and their design teams a range of services, including design assistance, owner's incentives (up to \$0.40 per annualized kWh and \$1.00 per annualized therm savings), and design team incentives (up to \$50,000, plus an extra \$5,000 stipend for early collaboration). Owner Incentives include a separate 20% bonus for incorporating end-use monitoring and a 10% bonus for enhanced commissioning. The maximum total incentive per project is \$150,000.

## STATEWIDE CUSTOMIZED OFFERING FOR BUSINESS (PG&E)

Under the Statewide Customized Offering for Business, PG&E, SCE, SDG&E, and SoCal Gas offer financial incentives for efficiency upgrades that may include lighting, air conditioning, refrigeration, motors, variable speed drives, and natural gas equipment, as well as controls, building shell retrofits and demand reduction measures. Payments (up to 50% of the total project cost) are based on fixed incentive rates for actual energy savings (kWh and/or therms) and peak electric demand (kW) reduction achieved in the first year after implementation. SCE offers bonus incentives for comprehensive projects that include measures from at least three different

technology categories, plus participation in either a retro-commissioning or price-responsive demand response program.

#### CALIFORNIA LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

The Low Income Home Energy Assistance Program (LIHEAP) Block Grant is funded by the Federal Department of Health and Human Services (DHHS) and provides two basic types of services. Eligible low-income persons, via local governmental and nonprofit organizations, can receive financial assistance to offset the costs of heating and/or cooling dwellings, and/or have their dwellings weatherized to make them more energy efficient. This is accomplished through these program components:

- The Weatherization Program provides free weatherization services to improve the energy efficiency of homes, including attic insulation, weather stripping, minor housing repairs, and related energy conservation measures.
- The Energy Crisis Intervention Program (ECIP) provides payments for weather-related or energy-related emergencies.

#### ENERGY EFFICIENCY REBATES (PG&E)

PG&E, SCE, and SDG&E also offer prescriptive rebates for upgrading to more efficient lighting, HVAC, water heaters, food service equipment, refrigeration, motors, window film, insulation and other specific equipment and measures. Fuel switching and new construction projects do not qualify for these prescriptive programs.

#### RETRO-COMMISSIONING PROGRAM (PG&E)

Retro-commissioning programs offered by PG&E, SCE, SDG&E, and SoCal Gas provide no-cost diagnostic and engineering resources for identifying sub-optimal performance of equipment and building systems, plus financial incentives (up to \$0.08/kWh, \$1.00/therm, and \$100/on-peak kW saved) for implementing no- and low-cost measures that increase energy efficiency and occupant comfort through adjustments, minor repairs or enhancements. Remuneration rates are based on the amount of energy savings and peak demand reduction. Customers may be able to use on-bill financing to help pay for retro-commissioning implementation costs.

## ON-BILL FINANCING (PG&E)

PG&E, SCE, SDG&E, and SoCal Gas provide on-bill financing (OBF) that offers government entities zero percent, no-fee loans of up to \$250,000 (or \$1 million under certain conditions), with terms of up to ten years, for installation of qualified energy-efficiency measures installed under specified utility incentive programs. Loans are then paid back on the monthly utility bill. In some cases, the monthly energy savings may be equal to or greater than the monthly payment. PG&E and SDG&E offer incentives for HVAC equipment tune-ups, maintenance and equipment upgrades.

## General Plan Consistency

The 2015 Housing Element includes goals, policies, programs, and objectives that are consistent with the *Newman 2030 General Plan*. The provision of vacant and available sites neither requires expansion of the Primary Sphere of Influence nor changes the location or timing of new development envisioned in the *Newman 2030 General Plan*.

## Public Participation and Contacts

Pursuant to Government Code §65583(c), the City of Newman must make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element. Newman's public participation strategy involved extensive contacts with social service agencies, contacts with City officials, contacts with non-profit housing providers, and conversations with members of the public. In a many instances, the advice of the people contacted became the basis for new housing policies and implementation measures. Appendix E contains a complete list of contacts used in the development of this housing element.

### PUBLIC WORKSHOP AND HEARINGS

In November 2015, the City of Newman Planning Commission held a public workshop on the Housing Element update. At the public workshop, concerns were expressed about the need for affordable housing, the impacts of foreclosure on property maintenance, the need for property management standards, and the need for community education to protect homebuyers from unethical lending practices.

In January 2016, the Newman Planning Commission held a noticed public hearing and . . .

## Housing Goals, Policies, Programs, and Objectives

This section sets forth updated goals, policies, programs, and quantified objectives for housing in the City of Newman for the period between adoption and the next housing element update.

### GOALS AND POLICIES

#### HOUSING

**Goal H-1: To promote development of a balanced range and mix of housing types for all economic segments of the community.**

**Policies:**

- H-1.1 The City shall promote the provision of housing for all economic segments of the community and while doing so, seek to ensure the highest quality in all new residential development.
- H-1.2 The City shall endeavor to maintain an adequate supply of residential land in appropriate land use designations and zoning categories to accommodate Newman's fair share of projected regional growth, maintain normal residential vacancy rates, and keep downward pressure on residential land costs.
- H-1.3 The City shall seek to maintain an overall mix of 75 percent single family and 25 percent multi-family units in its housing stock.
- H-1.4 The City shall actively promote residential use in and adjacent to Downtown as a means of reinforcing Newman's Downtown Revitalization Program.
- H-1.5 Housing affordable to very low-, low- and moderate-income families shall be dispersed throughout the community and incorporated into new development to promote social and economic integration. Where possible, the City shall promote homeownership in new housing constructed for low- and moderate income households.
- H-1.6 The City shall pursue available state and federal funding assistance that is appropriate to Newman's needs to develop housing that is affordable to low- and moderate-income households. As appropriate, the City shall work with other local jurisdictions and agencies to take advantage of state and federal funding programs.

- H-1.7 Consistent with other City objectives, the City shall ensure that its policies, regulations, and procedures do not add unnecessarily to the costs of producing housing.
- H-1.8 The City shall provide for the development of secondary residential units, as required by state law, while protecting the single-family character of neighborhoods. Development of secondary residential units fronting on alleys shall be encouraged.
- H-1.9 Where single family residential units that are required to sell or rent at below-market-rates are included within a housing development, such units shall be interspersed within the development, and to the extent reasonable, shall be visually indistinguishable from market-rate units.
- H-1.10 The City shall work with the Stanislaus County Housing Authority, local nonprofit housing agencies, and the California Housing Partnership, in accordance with the Low Income Housing Preservation and Resident Homeownership Act of 1990, to preserve lower income housing units threatened with conversion to market-rate housing through prepayment of subsidized mortgages.

**Goal H-2: To promote the maintenance, improvement, and rehabilitation of the city's existing housing stock and residential neighborhoods.**

**Policies:**

- H-2.1 The City shall promote private reinvestment in older residential neighborhoods and private rehabilitation of housing.
- H-2.2 The City shall pursue available state and federal funding assistance that is appropriate to Newman's needs to rehabilitate housing. Housing rehabilitation efforts targeted to ensure that foreclosed properties do not fall into disrepair shall be given priority.
- H-2.3 The City shall support the revitalization of older neighborhoods by keeping streets and other municipal systems in good repair.
- H-2.4 The City shall promote the continued upkeep of existing mobile homes.
- H-2.5 The City shall require abatement of unsafe structures, giving property owners ample opportunities to correct deficiencies.

H-2.6 Existing housing occupied by very-low- or low-income households shall not be demolished without assurance of the availability of suitable alternative housing.

H-2.7 The City shall promote the preservation of architecturally- and historically-significant residential structures.

**Goal H-3: To encourage energy efficiency in both new and existing housing.**

**Policies:**

H-3.1 As required under California Uniform Building Code (Title 24), the City shall require the use of energy conservation features in the design of all new residential structures. The City shall also promote incorporation of energy conservation and weatherization features in existing homes.

**Goal H-4: To ensure the provision of adequate services to support existing and future residential development.**

**Policies:**

H-4.1 The City shall work with the Newman-Crows Landing Unified School District to ensure the availability of adequate school facilities to meet the needs of projected households in Newman.

H-4.2 The City shall support the use of CDBG funds for upgrading streets, sidewalks, and other public improvements.

H-4.3 The City shall ensure that new residential development pays its fair share in financing public facilities and services.

H-4.4 Through the *Citywide Services Master Plan*, the City shall strive to ensure that necessary public facilities and services are available prior to occupancy of residential projects.

**Goal H-5: To promote equal opportunity to secure safe, sanitary, and affordable housing for all members of the community regardless of race, religion, sex, marital status, national origin, or color.**

**Policies:**

H-5.1 The City shall give special attention in affordable housing programs to the needs of special groups, including the physically, mentally, and developmentally disabled, large families, farm-workers, the elderly, and families with lower incomes.

- H-5.2 The City shall make available to the public information on the enforcement activities of the State Fair Employment and Housing Commission.
- H-5.3 The City shall continue to work with the County and surrounding jurisdictions to address the needs of the homeless on a regional basis.
- H-5.4 The City shall cooperate with community-based organizations which provide services or information regarding the availability of services to the homeless.

## HOUSING PROGRAMS

~~Program H-1—The City shall amend its Zoning Map to rezone identified sites (Sites #1, 2, and 3 as specified in Figure II-5) to R-3 for low- and very low-income housing consistent with the 2003 RHNA, per the requirements of Government Code §65584.09.~~

~~Time Frame: Within one (1) year of Housing Element certification (FY 09-10)~~

Program H-1 The City shall work with property owner/developer to annex the area contained in the Northwest Newman Master Plan to ensure that the City has adequate and available sites for all forms of housing.

Time Frame: Within one (1) year of Housing Element certification (FY 16-17)

Program H-2 The City shall forward the certified Housing Element to public utilities providing gas, electricity and telephone and cable services and to the Newman Unified School District, to ensure that public utilities and school facilities are made available to meet the expected housing growth in those areas where development is planned.

Time Frame: Immediately upon Housing Element certification (~~FY 09-10~~FY 15-16)

Program H-3 The City shall adopt an ordinance that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited.

Time Frame: ~~Within six (6) months of Housing Element certification (FY 09-10)~~  
Revisions currently underway (FY 15-16)

~~Program H-4—The City shall create an incentive program to encourage the development of upper story housing on suitable Downtown sites. Such housing should be consistent with the historical character of neighborhoods adjacent to Downtown and reinforce Newman’s Downtown Revitalization Program.~~

~~Time Frame: Within three (3) years of Housing Element certification (FY 11-12)~~

Program H-5 The City shall, when applicable, include in all subdivision approvals after January 1, 2004, a notice as part of the conditions, covenants and restrictions (CC&Rs) that multi-family housing is planned for adjacent property.

Time Frame: Ongoing

Program H-6 The City shall promote the use of “Universal Design” in new housing to better accommodate persons with disabilities and the elderly.

Time Frame: Ongoing

Program H-7 The City shall amend its Municipal Code to create a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures. The amendment shall be based on an analysis that addresses zoning, development standards, building codes, and approval procedures for the development of housing for persons with disabilities. Examples of standards and requirements to be analyzed include: (1) the definition of family in the zoning code; (2) spacing or concentration requirements; and, (3) any restrictions on licensed residential care facilities with greater than six persons or group homes that will be providing services on-site.

~~Timeframe: Within six (6) months of Housing Element certification (FY 10-11)~~  
Revisions currently underway (FY 15-16)

Program H-8 The City shall continue to ~~proactively continue to~~ build relationships with the building community, including non-profits ~~like the Corporation for Better Housing~~, and establish an array of regulatory and financial tools to assist in the development of affordable housing, including utilizing local trust funds and other local financial resources, donating land, supporting funding applications, assisting entitlements and expediting permit processing.

Time Frame: ~~FY 09-10 through FY 13-14~~ Ongoing

Program H-9 The City shall continue to post and distribute information on currently available weatherization and energy conservation programs.

Time Frame: Ongoing

Program H-10 The City shall continue to update its locally adopted building code, including ~~adopt~~ the California Green Building Standards Code to ensure energy efficiency in new residential construction throughout the city., ~~whose provisions will be mandatory in January 2010. The standards include a 50 percent increase in landscape water conservation and a 15 percent reduction in energy use compared to current standards.~~

Time Frame: ~~FY 10-11~~ Ongoing

Program H-11 The City shall monitor the status of subsidized housing projects at risk of conversion to market-rate housing. If a Notice of Intent or Plan of Action pursuant to the Low Income Housing Preservation and Resident Homeownership Act of 1990 is filed, the City shall actively participate in obtaining financial assistance to preserve such units.

Time Frame: Ongoing

Program H-12 The City shall continue to disseminate information on fair housing, whereby the City publicizes the complaint referral process through the local media, schools, libraries, post office, housing advocacy groups, or other appropriate institutions and organizations. This information shall be provided in both Spanish and English.

Time Frame: Ongoing

Program H-13 Provide information sheets at City Hall about the ~~new~~ 211 phone system, which provides phone assistance to persons in need of emergency shelter.

Time Frame: Ongoing

~~Program H-14 The City shall adopt standards for the design, maintenance, and operation of multi-family housing to ensure that a basic level of quality is achieved and sustained for this important type of housing. Such standards shall be drafted to be non-discretionary (e.g., to ensure that they cannot become the basis for disapproving a multi-family housing project).~~

~~Time Frame: Within three (3) years of Housing Element certification (FY 11-12)~~

Program H-15 The City shall collaborate with fair housing advocates to promote first-time homebuyer education and help protect homebuyers from unwise lending practices.

Time Frame: ~~Within one (1) year of Housing Element certification (FY09-10) and then ongoing~~ Ongoing

~~Program H-16 The City shall develop a program to use Federal Neighborhood Stabilization Program funds to do one or more of the following:~~

- ~~• Establishment of financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, combined with the purchase and rehabilitation of homes/residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop;~~
- ~~• Establishment of land banks for homes that have been foreclosed upon;~~
- ~~• Demolition of blighted structures; and/or~~
- ~~• Redevelopment of demolished or vacant properties~~

~~Time Frame: Within one (1) year of Housing Element certification and then ongoing~~

Program H-17 The City shall amend the Newman Zoning Ordinance to add emergency shelters as an allowed use by right (i.e., no conditional use permit required) in the M Light Industrial/Business Park district.

Time Frame: ~~Within one (1) year of Housing Element certification FY 10-11)~~  
Revisions currently underway (FY 15-16)

Program H-18 The City shall, as staffing resources allow, participate in the annual census of homeless persons in collaborate with Stanislaus County Housing Authority.

Time Frame: Annually

Program H-19 The City shall revise the Newman Zoning Ordinance to allow transitional and supportive housing in all residential zones subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Timing: ~~Within one (1) year of Housing Element certification (FY 10-11)~~  
Revisions currently underway (FY 15-16)

Program H-20 The City shall require that all Low and Moderate-Income Housing Fund grant recipients target at a minimum 18 percent of project units for extremely low income families.

Time Frame: ~~Within three (3) years of Housing Element certification (FY 12-13)~~  
Ongoing

Program H-21 The City shall amend its density bonus ordinance (Section 5.14 NMC) to be consistent with recent changes in State statute.

Time Frame: Within six (6) months of Housing Element certification (FY 15-16)

Program H-22 The City shall amend its Zoning Ordinance to allow manufactured housing by right in all districts where a single family home is also allowed by right. The City may add restrictions to the design of manufactured housing that are consistent with state statute.

Timing: ~~Within one (1) year of Housing Element certification (FY 10-11)~~ Revisions currently underway (FY 15-16)

Program H-23 The City shall amend its 2<sup>nd</sup> Unit ordinance (Section 5.23.040 NMC) to be consistent with recent changes in State statute.

Timing: ~~Within one (1) year of Housing Element certification (FY 10-11)~~ Revisions currently underway (FY 15-16)

## QUANTIFIED OBJECTIVES

As explained in the introduction to this Housing Element, this plan has been prepared and adopted at a time when the recovery from the 2008/09 housing market collapse is almost complete. Starting in 2016, the City of Newman expects property owners to proceed with an application to annex the approximately 360-acre area contained in the *Northwest Newman Master Plan*, which includes nine (9) acres for apartments and 160 acres for single family housing at various densities. The City also expects to see activity on its south side to annex an approximately 20-acre area to be evenly split between apartments and single family housing.

These objectives represent a reasonable expectation for the construction of new housing units based on the policies and programs set forth in this General Plan Housing Element, the General Plan Land Use Element, and general market conditions. According to StanCOG's "2040 Regional Demographic Forecast," Newman is expected to grow at an average annual rate of 2.2 percent. If this holds true, Newman would be expected to add approximately 835 units over the 10-year period between 2014 and 2023. Table II-37 presents the quantified objectives for the City of Newman for the period 2014 through 2023.

Table II-37  
Quantified Objectives for Housing  
2014 to 2023

Category	RHNA	New Construction	Rehab/ Preservation	Notes
Extremely Low	86	108	0	1/3 of units from Site #6 (36 units); 1/2 of units from Site #4 (72 units)
Very Low	100	108	0	1/3 of units from Site #6 (36 units); 1/2 of units from Site #4 (72 units)
Low	119	126	0	1/3 of units from Site #6 (36 units); 90 units from Sites #20 and 21
Moderate	136	143	0	1/2 of Mattos Ranch (53 units); 40 starter homes on Site #11; 50 units from Heritage Collection on Site #8
Above Moderate	337	353	0	1/2 of Mattos Ranch (53 units); 300 units from active subdivision development on northeast side
<b>Total</b>	<b>778</b>	<b>838</b>	<b>0</b>	

Source: Coastplans; City of Newman

## Appendix A: Analysis of 2008 Housing Element

The goal of the 2008 housing element was to provide an adequate supply of sound, affordable housing in a safe and satisfying environment for all residents of the City of Newman. This goal was supported by housing objectives, policies, and implementation programs. This section reviews the effectiveness of the 2008 housing element in accomplishing its implementation programs.

Program H-1 The City shall amend its Zoning Map to rezone identified sites (Sites #1, 2, and 3 as specified in Figure II-5) to R-3 for low- and very low-income housing consistent with the 2003 RHNA, per the requirements of Government Code §65584.09. (Time Frame: within one (1) year of Housing Element certification (FY 09-10)).

*Status: Completed. The City of Newman re-designated the identified sites as High Density Residential in 2010.*

Program H-2 The City shall forward the certified Housing Element to public utilities providing gas, electricity and telephone and cable services and to the Newman Unified School District, to ensure that public utilities and school facilities are made available to meet the expected housing growth in those areas where development is planned. (Time Frame: Immediately upon Housing Element certification (FY 09-10)).

*Status: Completed.*

Program H-3 The City shall adopt an ordinance that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited. (Time Frame: Within one (1) year of Housing Element certification (FY 09-10)).

*Status: Not completed.*

Program H-2 The City shall create an incentive program to encourage the development of upper story housing on suitable Downtown sites. Such housing should be consistent with the historical character of neighborhoods adjacent to Downtown and reinforce Newman's Downtown Revitalization Program. (Time Frame: Within three (3) years of Housing Element certification (FY 11-12)).

*Status: Not completed.*

Program H-4 The City shall, when applicable, include in all subdivision approvals after January 1, 2004, a notice as part of the conditions, covenants and restrictions (CC&Rs) that multi-family housing is planned for adjacent property. (Time Frame: Ongoing).

*Status: Completed and ongoing*

Program H-5 The City shall promote the use of “Universal Design” in new housing to better accommodate persons with disabilities and the elderly. (Time Frame: Ongoing).

*Status: Completed and ongoing*

Program H-6 The City shall amend its Municipal Code to create a procedure wherein persons with disabilities seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures. The amendment shall be based on an analysis that addresses zoning, development standards, building codes, and approval procedures for the development of housing for persons with disabilities. Examples of standards and requirements to be analyzed include: (1) the definition of family in the zoning code; (2) spacing or concentration requirements; and, (3) any restrictions on licensed residential care facilities with greater than six persons or group homes that will be providing services on-site. (Timeframe: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Revisions underway and expected to be complete in 2016*

Program H-7 The City shall continue to proactively build relationships with the building community, including non-profits like the Corporation for Better Housing, and establish an array of regulatory and financial tools to assist in the development of affordable housing, including utilizing local trust funds and other local financial resources, donating land, supporting funding applications, assisting entitlements and expediting permit processing. (Time Frame: FY 09-10 through FY 13-14).

*Status: Completed*

Program H-8 The City shall continue to post and distribute information on currently available weatherization and energy conservation programs. (Time Frame: Ongoing).

*Status: Completed and ongoing*

Program H-9 The City shall adopt the California Green Building Standards Code, whose provisions will be mandatory in January 2010. The standards include a 50 percent

increase in landscape water conservation and a 15 percent reduction in energy use compared to current standards. (Time Frame: FY 10-11)

*Status: Completed.*

Program H-10 The City shall monitor the status of subsidized housing projects at risk of conversion to market-rate housing. If a Notice of Intent or Plan of Action pursuant to the Low Income Housing Preservation and Resident Homeownership Act of 1990 is filed, the City shall actively participate in obtaining financial assistance to preserve such units. (Time Frame: Ongoing).

*Status: Completed and ongoing– no activity to report*

Program H-11 The City shall continue to disseminate information on fair housing, whereby the City publicizes the complaint referral process through the local media, schools, libraries, post office, housing advocacy groups, or other appropriate institutions and organizations. This information shall be provided in both Spanish and English. (Time Frame: Ongoing).

*Status: Completed and ongoing*

Program H-12 Provide information sheets at City Hall about the new 211 phone system, which provides phone assistance to persons in need of emergency shelter. (Time Frame: Ongoing).

*Status: Completed and ongoing*

Program H-13 The City shall adopt standards for the design, maintenance, and operation of multi-family housing to ensure that a basic level of quality is achieved and sustained for this important type of housing. Such standards shall be drafted to be non-discretionary (e.g., to ensure that they cannot become the basis for disapproving a multi-family housing project). (Time Frame: Within three (3) years of Housing Element certification (FY 11-12)).

*Status: Not completed.*

Program H-14 The City shall collaborate with fair housing advocates to promote first-time homebuyer education and help protect homebuyers from unwise lending practices. (Time Frame: Within one (1) year of Housing Element certification (FY09-10) and then ongoing).

*Status: Completed and ongoing*

Program H-15 The City shall develop a program to use Federal Neighborhood Stabilization Program funds to do one or more of the following:

- Establishment of financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, combined with the purchase and rehabilitation of homes/residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop;
- Establishment of land banks for homes that have been foreclosed upon;
- Demolition of blighted structures; and/or
- Redevelopment of demolished or vacant properties

(Time Frame: Within one (1) year of Housing Element certification and then ongoing).

*Status: Not utilized.*

Program H-16 The City shall amend the Newman Zoning Ordinance to add emergency shelters as an allowed use by right (i.e., no conditional use permit required) in the M Light Industrial/Business Park district. (Time Frame: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Revisions underway and expected to be complete in 2016*

Program H-17 The City shall, as staffing resources allow, participate in the annual census of homeless persons in collaborate with Stanislaus County Housing Authority. (Time Frame: Annually).

*Status: Completed and ongoing*

Program H-18 The City shall revise the Newman Zoning Ordinance to allow transitional and supportive housing in all residential zones subject only to those restrictions that apply to other residential uses of the same type in the same zone. (Timing: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Revisions underway and expected to be complete in 2016*

Program H-19 The City shall require that all Low and Moderate-Income Housing Fund grant recipients target at a minimum 18 percent of project units for extremely low income families. (Time Frame: Within three (3) years of Housing Element certification (FY 12-13)).

*Status: Completed and ongoing*

Program H-20 The City shall amend its density bonus ordinance (Section 5.14 NMC) to be consistent with recent changes in State statute. (Time Frame: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Not formally completed but implemented in practice*

Program H-21 The City shall amend its Zoning Ordinance to allow manufactured housing by right in all districts where a single family home is also allowed by right. The City may add restrictions to the design of manufactured housing that are consistent with state statute. (Timing: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Revisions underway and expected to be complete in 2016*

Program H-22 The City shall amend its 2<sup>nd</sup> Unit ordinance (Section 5.23.040 NMC) to be consistent with recent changes in State statute. (Timing: Within one (1) year of Housing Element certification (FY 10-11)).

*Status: Not formally completed but implemented in practice*

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## Appendix B: New Legislation Since 2008

In addition to requiring each city and county adopt a housing element, the California Legislature enacts from time to time legislation to address specific housing issues. Since the last update of the Newman Housing Element in 2008, the State of California has adopted three bills that have bearing on housing element updates. Each of these is summarized briefly below.

### SB 812 (ASHBURN) 2010

This legislation requires the analysis of the disabled to include an evaluation of the special housing needs of persons with developmental disabilities. This analysis should include an estimate of the number of persons with developmental disabilities, an assessment of the housing need, and a discussion of potential resources.

### AB 1867 (HARKEY) 2010

This legislation allows multifamily “ownership” housing converted to rental housing affordable to lower income households by acquisition or the purchase of affordability covenants to qualify towards meeting the alternative adequate sites requirement.

### AB 1103 (HUFFMAN) 2011

This legislation allows, under specific conditions, foreclosed properties converted to housing affordable to lower income households by acquisition or the purchase of affordability covenants to qualify under the alternative adequate sites requirement.

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## Appendix C: Homeless Services In The Region

**Behavioral Health and Recovery Services:** 800 Scenic Drive / (209) 525-6225 /

[www.stancounty.com/bhrs](http://www.stancounty.com/bhrs)

Behavioral Health and Recovery Services (BHRS) administers Stanislaus County's behavioral health and recovery services. BHRS provides integrated mental health services to adults and older adults with a serious mental illness and to children and youth with a serious emotional disturbance. BHRS also provides outpatient and residential alcohol and drug treatment and prevention services and serves as Stanislaus County's Public Guardian.

- If you are in a crisis and need to speak to someone, call Emergency Services at (209) 558-4600.
- To access Stanislaus County program information or mental health and alcohol and drug services, call 1-888- 376-6246
- For client and family support information call the Peer Advocate at (209) 543-2425.
- For Family Advocate call (209) 568-9844.

**Catholic Charities Veteran's Support Services:** 2351 Tenaya Dr. Suite D, Modesto / (209) 529-3784 / [www.ccstockton.org](http://www.ccstockton.org)

The program assists low-income Veteran families who are currently homeless or imminently at-risk of becoming homeless. The program helps veterans and their families become re-stabilized by providing individual housing assistance through a variety of community resources and services in a veteran-friendly environment.

**Center for Human Services: Pathways:** 608 E. Granger Avenue, Unit 25, Modesto / (209) 526-3809 / [www.centerforhumanservices.org](http://www.centerforhumanservices.org)

Pathways is a transitional living and supportive services program for young adults ages 18-21 years. The program serves homeless youth and many of the participants are former foster care youth who have limited financial and emotional support.

**Children's Crisis Center:** P.O. Box 1062, Modesto / (209) 577-0138 / [www.childrenscrisiscenter.com](http://www.childrenscrisiscenter.com)

The Center provides 24-hour emergency shelter and childcare services to children from birth to 17 years of age. Support services offered to families in crisis through our Respite Childcare Program include the following: 24-hour FamilyLINE (crisis counseling), case management, family advocacy, Homelessness Prevention Rapid Re-housing.

**Community Housing and Shelter Services:** 708 H Street, Suite B, Modesto / (209) 527-0444

For those that meet eligibility requirements, the program provides housing counseling services, rental assistance, emergency shelter, and permanent supportive housing.

**Community Impact Central Valley (CICV):** 900 H Street, Suite D, Modesto / (209) 572-2437 / [www.communityimpactcv.org](http://www.communityimpactcv.org)

- Transitional Housing is 18-24 months of housing for qualified individuals and families. This program is designed to temporarily assist with low income housing. Transitional Housing gives people who have had a temporary financial setback a chance to improve their finances, rental history, and get back into independent housing.
- Permanent Supportive Housing is designed for those individuals with disabilities that are defined as chronically homeless. Chronic homelessness is defined as a year or more of homelessness or four or more episodes of homelessness over a three year period. Proof of chronic homelessness must be provided on agency letterhead by emergency shelters, doctors, and other agencies that serve the homeless community.
- Neighborhood Stabilization is a CICV program for families at risk of homelessness that meet the criteria.
- Human Immunodeficiency Virus (HIV) housing and support services available for those diagnosed with HIV.

**Community Services Agency - CalWORKs Homeless Program:** 251 E. Hackett Road, Modesto / (209) 558-2500 / [www.stanworks.com](http://www.stanworks.com)

Shelter for CalWORKs eligible families only; this program is provided through the Community Services Agency. CalWORKs serves families with children deprived of parental support because

of absence, disability or death, principal earner unemployed, and for needy caretaker of foster children.

**Family Promise:** 2301 Woodland Ave # 7, Modesto / (209) 549-9454 / [www.modestofamilypromise.org](http://www.modestofamilypromise.org)

An Interfaith Hospitality Network that provides shelter, meals and hope to local families in need. The program works to address the individual causes of homelessness and connect families to resources that will help them make the journey to a permanent home and a self-sustaining life. Working on the family's future by working with them on education, employment and housing goals. The program continues to help them transition to a self-sufficient lifestyle.

**Golden Valley Medical Center Corner of Hope Program:** 1130 6th Street, Modesto / (209) 238-4800 / [www.gvhc.org](http://www.gvhc.org)

Golden Valley Health Centers Corner of Hope Program exists to increase the health status and health outcomes for individuals and families who are homeless by increasing access to comprehensive primary health care, substance abuse programs, dental services, and mental health services. The program strives to fill gaps in homeless services in the rural County of Stanislaus. The program stresses wellness and health promotion for individuals who are homeless.

**Haven Women's Center:** 618 13th Street, Modesto / (209) 577-5980 / [www.hwcstan.squarespace.com](http://www.hwcstan.squarespace.com)

A 60-day program designed for women and their children who are fleeing domestic or sexual violence. The shelter is in an undisclosed location in Stanislaus County and can house up to 23 women and children. While at the shelter, residents receive one on one case management services, support groups, restraining order assistance, referrals and advocacy to assist them in increasing safety in their lives.

**Helping Other Sleep Tonight (H.O.S.T.):** 405 S. 4th Street, Patterson / (209) 247-2966 / [www.host-patterson.com](http://www.host-patterson.com)

H.O.S.T. is a group of residents from local churches and the surrounding community who have banded together to help their fellow citizens who are homeless and/or part of the working poor in our society. The program provides food and basic needs services and temporary housing in the winter.

**Housing Authority-County of Stanislaus:** 1701 Robertson Road, Modesto / (209) 557-2000 / [www.stancoha.org](http://www.stancoha.org)

Provide households with permanent, safe and sanitary affordable housing solutions for those in jeopardy of becoming homeless.

**Modesto Gospel Mission:** 1400 Yosemite Blvd, Modesto / (209) 529-8259 / [www.modestogospelmission.org](http://www.modestogospelmission.org)

Open 24 hours a day, every day of the year, the Modesto Gospel Mission provides emergency and transitional shelter, meals, and supportive services with the aim of breaking the cycles of homelessness.

**National Alliance of Mental Illness (NAMI):** 500 North 9th Street, Suite D, Modesto / (209) 558-4555 / [www.namistanislaus.org](http://www.namistanislaus.org)

Operating since 2002 as a charitable non-profit organization NAMI Stanislaus promotes the general welfare of persons with mental disorders. NAMI Stanislaus helps people with mental illness, their families and the community by providing emotional support, education and advocacy for those suffering from mental illness; to reduce stigma and to improve services by partnering with mental health agencies and family members.

**Oakdale Rescue Mission:** P.O. Box 1147, Oakdale / (209) 322-3575

ORM reaches out to transform lives and provide hope in Oakdale through support services to the homeless and others in need. Outreach includes meals, clothing, other humane support, resource and referrals, and hope. Our desire is to enhance the lives of the entire community of Oakdale.

**Second Harvest Food Bank:** 704 E. Industrial Park Drive, Manteca / (209) 239-2091 / [www.localfoodbank.org](http://www.localfoodbank.org)

Nationwide, Second Harvest Food Bank currently serves over 365,000 people in need each year through our partnership with 108 non-profit agencies. Stanislaus County non-profit agencies visit the Food Bank as often as once per week to select groceries, canned products, grains, dairy, meats, and fresh produce. The agencies then distribute the food to those in need through their food pantries, allowing them a very efficient way of receiving the help they need close to home or work.

**Stanislaus County Office of Education Homelessness:** Education B: Support Services 1100 H Street, Modesto / (209) 238-1500 / [www.stancoe.org](http://www.stancoe.org)

Every school district has a local homeless education liaison. This person can help you decide which school would be best for your child and communicate with the school. Support services may include referrals to community agencies, transportation arrangements (when feasible), school supplies, academic support, and assistance with enrollment in school programs (after school programs, school food programs).

**Telecare Stanislaus Homelessness Outreach Program (SHOP):** 500 N 9th Street, Modesto / (209) 341-1824/ [www.telecarecorp.com](http://www.telecarecorp.com)

The Telecare Westside SHOP program operates and exists to provide culturally competent mental health services to adults ages 18 and above with serious mental illness and a history of homelessness. The team provides the support our members need to successfully achieve their own personal recovery goals as well as creating an individualized housing plan. The Westside SHOP program provides continuity of care and a menu of treatment options utilizing the Assertive Community Treatment (ACT) model. This variety of options supports individuals in all levels of their recovery while offering choice and flexibility to members and their families. All of the programs offer case management and psychiatric services at the core as well as 24/7 crisis intervention services.

**Salvation Army Berberian Homeless and Transition Shelter:** Corner of 9th Street and D Street, Modesto / (209) 522-3209

The Salvation Army in Modesto operates a shelter located at 9th and D Streets. The shelter is available all year round on a limited basis during the summer months and at full capacity (80 men and 20 women) during the winter months. The winter season extends from the 1st Monday of November through the end of April.

**Turlock Gospel Mission:** 408 South First Street Turlock / (209) 656-1033/  
[www.turlockgospelmission.org](http://www.turlockgospelmission.org)

365 days a year our guests can find a hot meal, an encouraging word and a group of caring individuals who are eager to love and care for them. Turlock Gospel Mission offers an evening meal ministry, shelter for women and children during the cold months and a homeless assistance center, known as the HAM center, to offer support and encouragement during the day and a positive alternative to the parks.

**Turning Point: Integrated Services Agency (ISA):** 1001 Needham Street, Modesto / (209) 569-0373/ [www.tpcp.org/ISA-Modesto-Stanislaus](http://www.tpcp.org/ISA-Modesto-Stanislaus)

ISA works closely with individuals on conservatorship and for persons with high hospitalization rates to help them successfully reintegrate into the community. We provide intensive case management to adults with serious psychiatric disabilities. Our primary focus is on the relationship we establish with those we serve and how we can better assist them on their path of wellness and recovery.

**Turning Point: Garden Gate (GG):** 609 5th Street, Modesto / (209) 341-0718/  
[www.tpcp.org/garden-gate](http://www.tpcp.org/garden-gate)

GG provides short-term crisis housing for individuals known or suspected to be experiencing symptoms of mental illness and who are at risk for homelessness, incarceration, victimization or psychiatric hospitalization. The center consists of two houses (11 bed total capacity) in a residential area. We are open 24/7, year-round and there is no cost for services. Together with Stanislaus County Behavioral Health and Recovery Services (SCBHRS), its contractors, and other community organizations, we work to empower guests toward recovery through case management and support services focused on addressing basic needs, developing resources, and resiliency.

**Turning Point: Integrated Services Agency:** 1001 Needham Street, Modesto / (209) 569-0373/  
[www.tpcp.org/ISA-Modesto-Stanislaus](http://www.tpcp.org/ISA-Modesto-Stanislaus)

The Empowerment Center in Modesto provides a diverse cultural environment, peer support and encouragement from peers in recovery, reduced isolation, increased independence, links to services related to treatment of serious mental illness and co-occurring substance abuse problems, housing and volunteer and employment opportunities, along with pay and benefit options

**The United Samaritans Foundation:** 220 South Broadway, Turlock / (209) 668-4853/  
[www.unitedsamaritans.org](http://www.unitedsamaritans.org)

The United Samaritans Foundation currently operates four mobile food service trucks from our facilities in Turlock, Hughson, and Modesto, delivering nutritious lunches to nine Stanislaus communities five days per week. Volunteers help staff the food pantry, clothes closet and various other services. In Turlock, the Foundation facility offers homeless services including a drop-in breakfast center, laundry and shower facilities, and the use of a phone number and

address to aid in connectivity and job searches. In Hughson, the Community Center complex includes a county library, county medical office, pharmacy and a cafe. Nonprofit groups maintain offices at the Turlock and Hughson locations, and community organizations regularly use the Foundation's facilities for meetings and special events.

**Valley Recovery Resources Redwood Family Center:** 1030 California Ave, Modesto / (209) 521-1805 or (209) 550-7352/ [www.valleyrecoveryresources.org](http://www.valleyrecoveryresources.org)

The Redwood Family Center houses an average of 50 to 60 women and their 60 to 80 children, providing the opportunities and services necessary for a drug-free and productive future.

**We Care Turlock:** 221 S Broadway, Turlock / (209) 664-2003/ [www.wecareturlock.org](http://www.wecareturlock.org)

We Care provides emergency cold weather shelter and housing assistance to the Turlock homeless community. Services include rapid re-housing, supportive housing, emergency cold weather shelter, and affordable housing.

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## Appendix D: Reasonable Accommodation Analysis (completed in 2009)

In 2009, the City of Newman completed an analysis of reasonable accommodations based on a June 17, 2002 technical memorandum from HCD. HCD listed questions in three categories of analysis to guide the analysis of constraints on the development, maintenance and improvement of housing for persons with disabilities. These questions and Newman’s response to these questions are shown in Table D-1 below.

Table D-1  
Reasonable Accommodation Analysis  
2009

Category of Analysis	Response
<b>Over-Arching and General</b>	
Does the locality have any processes for individuals with disabilities to make requests for reasonable accommodation with respect to zoning, permit processing, or building laws? If so, describe the process for requesting a reasonable accommodation.	The City has no formal procedure for persons requesting reasonable accommodation.
Has the locality made any efforts to remove constraints on housing for persons with disabilities, such as accommodating procedures for the approval of group homes, ADA retrofit efforts, an evaluation of the zoning code for ADA compliance or other measures that provide flexibility?	No.
Does the locality make information available about requesting a reasonable accommodation with respect to zoning, permit processing, or building laws?	No.
<b>Zoning and Land Use</b>	
Has the locality reviewed all of its zoning laws, policies and practices for compliance with fair housing law?	No.

Category of Analysis	Response
<p>Are residential parking standards for persons with disabilities different from other parking standards? Does the locality have a policy or program for the reduction of parking requirements for special needs housing if a project proponent can demonstrate a reduced need for parking?</p>	<p>No, not directly. This City does however, require less parking (only 1 covered space per every three dwelling units) for senior and elderly housing. See Chapter 5.17, Off-Street Parking Regulations.</p>
<p>Does the locality restrict the siting of group homes? How does this affect the development and cost of housing?</p>	<p>No, family care homes, foster homes, or group homes serving six or fewer mentally disabled, or otherwise handicapped persons, or dependent or neglected children are allowed by right, without restriction in the R-1 Single Family Residential District. See Section 5.03.020 NMC)</p>
<p>What zones allow groups homes other than those residential zones covered by state law? Are group homes over six persons also allowed?</p>	<p>Group homes of any size are allowed in the R-2 and R-3 Zoning District with a conditional use permit (See Sections 5.04.040 and 5.05.040 NMC)</p>
<p>Does the locality have occupancy standards in the zoning code that apply specifically to unrelated adults and not to families? Do the occupancy standards comply with Fair Housing Laws?</p>	<p>Newman’s occupancy standards comply with state law. The NMC defines “Family” as a “reasonable number of persons occupying a dwelling . . . living as a single housekeeping unit.”</p>
<p>Does the land-use element regulate the siting of special need housing in relationship to one another? Specifically, is there a minimum distance required between two (or more) special needs housing?</p>	<p>No.</p>
<p><b>Permits and Processing</b></p>	
<p>How does the locality process a request to retrofit homes for accessibility (i.e., ramp request)?</p>	<p>Such requests are processed through the Community Development Department through the building permit process.</p>
<p>Does the locality allow group homes with fewer than six persons by right in single-family zones? What permits, if any, are required?</p>	<p>Yes. Building permits are required.</p>

Category of Analysis	Response
Does the locality have a set of particular conditions or use restrictions for group homes with greater than 6 persons? What are they? How do they effect the development of housing for persons with disabilities?	There are no special restrictions.
What kind of community input does the locality allow for the approval of group homes? Is it different than from other types of residential development?	Group homes are required to obtain a conditional use permit.
Does the locality have particular conditions for group homes that will be providing services on-site? How may these conditions affect the development or conversion of residences to meet the needs of persons with disabilities?	There are no special conditions.
<b>Building Codes</b>	
Has the locality adopted the Uniform Building Code? What year? Has the locality made amendments that might diminish the ability to accommodate persons with disabilities?	Yes, in 2007. No amendments have been made to the UBC.
Has the locality adopted any universal design elements in the building code?	No.
Does the locality provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits?	The City does not explicitly provide for reasonable accommodations in the enforcement of building codes and the issuance of building permits.

Source: City of Newman

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## APPENDIX E: CONTACT LIST

### LOCAL AGENCIES

1. City of Newman

Stephanie Ocasio, City Planner  
[socasio@cityofnewman.com](mailto:socasio@cityofnewman.com)

Michael Holland, City Manager  
[mholland@cityofnewman.com](mailto:mholland@cityofnewman.com)

Randy Richardson, Police Chief  
[rrichardson@cityofnewman.com](mailto:rrichardson@cityofnewman.com)

Brett Short, Lieutenant  
[bshort@cityofnewman.com](mailto:bshort@cityofnewman.com)

2. Newman Family Resource Center (c/o CHS)

Beatriz Ramirez, Program Coordinator  
1300 Patchett Drive  
Newman, CA 95360  
(209) 862-0295  
FAX: (209) 862-3754  
[bramirez@centerforhumanservices.org](mailto:bramirez@centerforhumanservices.org)

Laura Elkinton, Program Manager  
11 Plaza, Suite B  
Patterson, CA 95363  
(209) 895-4632  
FAX: (209) 895-4741  
[lelkinton@centerforhumanservices.org](mailto:lelkinton@centerforhumanservices.org)

3. Newman Partnership<sup>7</sup>

Chanelle Raboteau, Director of After School Programs  
Newman Crows Landing Unified School District  
890 Main Street  
Newman, CA 95360  
(209) 556-7461  
[NewmanPartnership@gmail.com](mailto:NewmanPartnership@gmail.com)

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<sup>7</sup> Has representatives from Salvation Army, Stable Living, Soroptimist, Senator Cannella's office, SEAPA, Food for Families, Toys for Tots, Newman - Crows Landing Unified School District and Newman Family Resource Center

4. Self-Help Enterprises

Denise Fletcher, Program Director  
Susan Atkins, Assistant Program Director

AREA CHURCHES

5. First Baptist Church of Newman

910 R Street  
862-2393

6. Kingdom Hall of Jehovah's Witnesses

1236 Q Street  
862-0949

7. Orestimba Presbyterian Church

1107 Kern Street  
862-2661

8. St. James Lutheran Church

1102 P Street  
862-0649

9. St. Joaquim's Catholic Church

1121 Main Street  
862-3528

10. The Church of Jesus Christ of Latter-Day Saints

Crows Landing Meetinghouse  
18601 Crows Landing Road  
Crows Landing, California 95313

REAL ESTATE CONTACTS

11. Greg Nunes Realty

(209) 892-2000  
[www.gregnunes.com](http://www.gregnunes.com)

12. Lafler Real Estate

(209) 854-2491  
[www.joannalafler.com](http://www.joannalafler.com)

13. PMZ Real Estate

Wendy Montgomery  
(209) 675-2521

Candice Terry  
(209) 678-1724

14. Stephens & Borrelli  
(209) 862-2881  
<http://www.jborrelli.com/>

15. Valley Real Estate Sales, Inc.  
(209) 854-1000  
[www.vresrenatls.com](http://www.vresrenatls.com)

#### COUNTY GOVERNMENT

16. Stanislaus Council of Governments  
Rosa De León Park, Executive Director  
(209) 525-4642  
rpark@stancog.org  
[www.stancog.org](http://www.stancog.org)

17. Stanislaus County Housing Authority  
Barbara Kauss, Executive Director  
1701 Robertson Road  
P.O. Box 581918  
Modesto, CA 95358  
(209) 557-2000  
[www.stancoha.org](http://www.stancoha.org)

18. Stanislaus County Behavioral Health & Recovery Services (BHRS) Housing & Employment Services  
1917 Memorial Drive  
Ceres, CA 95307  
209-541-2163  
<http://www.stancounty.com/bhrs/services-housing-employment.shtm>

#### OTHER PRIVATE RESOURCES

19. Center for Human Services (CHS)  
Main Office  
2000 W. Briggsmore Ave., Suite I  
Modesto, CA 95350  
(209) 526-1476  
FAX: (209) 526-0908  
<http://www.centerforhumanservices.org/index.html>

Hutton House  
Valrie Thompson, Program Manager  
201 Jennie Street  
Modesto, CA 95354  
(209) 526-1623  
FAX: (209) 526-4578

20. Community Housing and Shelter Services of Stanislaus County

708 H Street, Suite B  
Modesto, CA 95354  
Esther Rosas, Executive Director  
(209) 527-0444  
[chssinfomail@gmail.com](mailto:chssinfomail@gmail.com)

21. Habitat for Humanity

Anita Hellam, Executive Director  
630 Kearney Avenue  
Modesto, CA 95350  
(209) 575-4585 ext. x105  
[ahellam@stanislaushabitat.org](mailto:ahellam@stanislaushabitat.org)  
<http://www.stanislaushabitat.org>

22. Modesto Gospel Mission

Kevin Carroll, Executive Director/CEO  
[kcarroll@homelessmission.org](mailto:kcarroll@homelessmission.org)  
Dale Hartman, Director of Programs  
[dale@homelessmission.org](mailto:dale@homelessmission.org)  
1400 Yosemite Blvd  
Modesto, CA 95354  
(209) 529-8259  
<https://modestogospelmission.org/>

23. Salvation Army

Modesto Citadel  
Majors Kyle & Martha Trimmer  
Modesto Corps Community Center  
625 "I" Street  
Modesto, CA  
(209) 522-3209  
<http://salvationarmymodesto.org/>  
[Kyle.Trimmer@usw.salvationarmy.org](mailto:Kyle.Trimmer@usw.salvationarmy.org)

24. Salvation Army Berbian Homeless Shelter & Transitional Living Center

Karem Valenzuela  
320 9th Street  
Modesto, CA 95351  
(209) 525-8954

25. Stanislaus County Affordable Housing Corporation (STANCO)  
1207 13th Street, Suite 2  
Modesto, CA 95354  
(209) 574-1155  
Fax: (209) 574-0586  
[info@stancoahc.com](mailto:info@stancoahc.com)  
<http://www.stancoahc.com/>

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**AGREEMENT FOR BIOLOGICAL ASSESSMENT AND WETLAND DELINEATION**

**RECOMMENDATION:**

Staff recommends the Council authorize the City Manager to execute an agreement with EcoSystems West Consulting Group.

**BACKGROUND:**

In May 2014, the City completed the purchase of 103+ acres of land located near the intersection of Canal School Road and Inyo Avenue. The land is currently undeveloped ranchland and is utilized for cattle grazing. In August 2015, the City Council authorized staff to work with Solar City to analyze the possibility of placing solar panels on approximately 2.5 acres of the site. However, prior to moving forward, it has been recommended the City conduct a biological assessment of that area to ensure that it is not classified as 'wetlands.'

**ANALYSIS:**

During the early stages of Solar City engineering and analysis, the potential for wetlands to exist of the full project site was identified. While this is not a major issue with regard to development of the long-term plan, it does have the potential to create significant delay if the proposed solar project contains 'wetlands' as defined by sections 401 and 404 of the Clean Water Act. This initial biological assessment will be conducted for the solar project. Should the results indicate the presence of 'wetlands' on the 2.5 acres, the City would be better served to conduct a full environmental assessment for the long-term development plan so that appropriate mitigation measures can be incorporated into the entire project.

Attached is a copy of the proposed scope of work, which was developed after a conversation with staff indicating the City's project and goals.

**FISCAL IMPACT:**

\$10,000. This amount includes the cost of the project (\$9,077) plus a 10% contingency. With approval of this agreement, the cost will be added during the mid-year budget presentation.

**CONCLUSION:**

Staff recommends the Council approve an agreement with EcoSystems West to conduct a biological assessment and wetlands delineation on 2.5 acres of land for the purpose of placement of solar panels.

**ATTACHMENTS:**

1. Attachment A –Scope of Work

Respectfully submitted,



Michael E. Holland  
City Manager



January 5, 2016

Attn: Stephanie Ocasio, City Planner  
City of Newman  
Community Development Department  
938 Fresno Street  
Newman, CA 95360

**Subject: Scope of work and cost estimate to provide wetland delineation and biological resource assessment for the City of Newman Solar Array Project.**

Dear Ms. Ocasio,

EcoSystems West Consulting Group (EcoSystems West) is pleased to provide you with this proposed scope of work and cost estimate to conduct a wetland assessment for the City of Newman Solar Power Facility Project (hereinafter Project Area) east of the community of Newman in Merced County, California. Based on our previous phone and email discussions, it is our understanding the project intends to install a permanent solar panel array in a 2.4 acre portion of undeveloped rangeland near the intersection of Inyo Avenue and Canal School Road. This activity would involve installation of solar panels and associated infrastructure designed to remain for a minimum of 20 years.

Tasks presented in this proposed scope of work are based on your request to have EcoSystems West visit the site to conduct a wetland reconnaissance and delineation and to later provide a full wetland delineation report, if necessary.

## **SCOPE OF WORK**

### ***Task 1. Literature Review, Communication, and Agency Contacts***

Prior to conducting the field visits, EcoSystems West will review all relevant documents pertaining to this project including available aerial photographs and U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory maps, California Natural Diversity Database (CNDDDB), and California Native Plant Society (CNPS) occurrence records for special-status plants and wildlife on or near the site. EcoSystems West will maintain regular communication with the City of Newman and make appropriate contacts to Regulatory Agency staff when necessary. Communications and literature review are not expected to exceed six hours for the project.

### **Task 2-A and 2-B. *Field Reconnaissance Visit and Jurisdictional Wetland Delineation***

Aerial photographic review by EcoSystems West has identified the potential presence of jurisdictional wetlands in the vicinity of the proposed project. To determine whether the portion of the property selected for installation of solar panels contains wetland features, EcoSystems West will conduct an initial site reconnaissance visit in January 2016. If at this time it is evident that plants are identifiable to species level and hydrologic conditions are normal for the time of year, we will conduct a formal jurisdictional wetland delineation of wetlands and “other waters” of the U.S. within or bordering the 2.4 acre Project Area. However, it is likely that plant phenology will not readily support identification of species required to determine wetland indicator status and we would recommend delaying a formal verification until spring 2016. During the formal delineation, it is possible that potential wetland features that occur within the Project Area will extend beyond the mapped project boundary and will need to be delineated and mapped to their full extent. Our delineation will be conducted using protocols outlined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Environmental Laboratory 2008). The purpose of the delineation is to identify areas potentially subject to U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictions pursuant to Sections 404 and 401 of the Clean Water Act, Sections 9 and 10 of the Rivers and Harbors Act, and Sections 1600-1607 of the California Fish and Game Code. The delineation study will determine the presence or absence of wetland indicators used by the Corps in making a jurisdictional determination. The three criteria used to delineate wetlands are the presence of: (1) hydrophytic vegetation, (2) wetland hydrology, and (3) hydric soils. Wetlands will be mapped in the field using resource-grade GPS technology. We anticipate the reconnaissance visit will take approximately six hours and the subsequent delineation field visit to take up to 10 hours over one day including travel from Santa Cruz, California depending on the extent of potential wetlands identified in the field.

### **Task 2-C. *Biological Assessment and Habitat Characterization***

EcoSystems West will determine the potential for special-status biotic resources and characterize habitat types on the Project Area. Habitat types will be characterized based on plant community classification schemes of Holland (1986); Sawyer et al (2009); and CDFG (2010). All vascular plant species in identifiable condition at the time of the site visit, regardless of regulatory status, will be identified to species or infraspecific taxon using keys and descriptions in the Jepson Manual (Baldwin et al 2012) or other appropriate regional floras. We anticipate the special-status species assessment and habitat characterization will take up to four hours over one day (concurrent with the wetland delineation site visit) not including travel time.

### **Task 3. *Data Entry and Wetland Plant Identification***

Information will be collected in the field on standardized Corps *Arid West* data sheets which will be submitted to the relevant agencies along with the final report upon approval by the City of Newman. Any wetland plants not readily identifiable in the field will be collected and keyed to the species level using the *Jepson Manual Vascular Plants of California, Volume 2* (Baldwin et

al 2012) or other regional taxonomic reference guides. We anticipate data entry and wetland plant identification will take up to 12 hours depending on the number of sample points needed to delineate the footprint of the solar array.

#### **Task 4. Section 404 Wetland Delineation Report Preparation**

EcoSystems West will prepare a wetland delineation report indicating the extent and location of potential jurisdictional wetlands and “other waters” of the U.S. under Section 404 of the Clean Water Act. The report will include sufficient detail to determine whether wetland features may also be pursuant to Section 401 of the Clean Water Act, Sections 9 and 10 of the Rivers and Harbor Act, and/or Sections 1600-1607 of the California Fish and Game Code.

Upon approval from the City of Newman, we will submit our jurisdictional wetland determination report to the Corps and RWQCB for their review and verification pursuant to Sections 404 and 401 of the Clean Water Act, respectively. If applicable, areas potentially subject to CDFW jurisdiction pursuant to Sections 1601-1607 of the California Fish and Game Code will be identified to determine the need for application for a 1600 permit. Wetland areas will be mapped on a base aerial photograph and/or topographic map provided by the City of Newman using GIS technology. We anticipate preparation of the wetland delineation report will take up to 40 hours depending on the extent and unique types of wetlands and other waters indentified. We expect that word processing, edits, and supportive graphics will not exceed an additional 12 hours of preparation.

#### **COST ESTIMATE**

In summary, this scope of work and cost estimate include the level of effort for tasks EcoSystems West will conduct to provide a wetland delineation for the City of Newman Solar Array Project Area. We estimate our level of effort and travel to/from the project will not exceed \$ 9,077.20 (See attached Table). Upon the City of Newman’s request, EcoSystems West shall prepare an amended scope of work and cost estimate for any additional project related tasks. Thank you for providing us with the opportunity to provide this scope and estimate. Please review them and contact us if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'BD', with a long horizontal line extending to the right.

Bill Davilla, Principal

## REFERENCES

- California Department of Fish and Game. 2010. List of California terrestrial natural communities recognized by the Natural Diversity Data Base. Viewed online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24716&inline=1>
- California Department of Fish and Wildlife. 2015. State and federally listed Endangered, Threatened, and Rare plants of California. Viewed online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>
- California Native Plant Society (CNPS). 2015. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society. Sacramento, CA. Viewed online at: <http://www.rareplants.cnps.org/result.html?adv=t&quad=37121A7:9>
- Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual. Department of the Army, Waterways Experiment Station, Vicksburg, Mississippi 39180-0631.
- Environmental Laboratory. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West (Version 2.0). U.S. Army Engineer Research and Development Center, Vicksburg, Mississippi 39180-6199.
- Environmental Protection Agency and U.S. Army Corps of Engineers. 2008. Clean Water Act jurisdiction following the U.S. Supreme Court's decision in Rapanos vs. United States and Carabell vs. United States. Memorandum dated December 2, 2008.
- Federal Register. November 13, 1986. Department of Defense, Army Corps of Engineers, Department of the Army, 33 CFR Parts 320 through 330, Regulatory Programs of the Corps of Engineers; Final Rule. Vol. 51, No. 219; page 41217.
- Federal Register. July 13, 1994. Changes in Hydric Soils of the United States. Vol. 59, No. 133; pages 35680-35695.
- Holland, R. F. 1986. Preliminary descriptions of the terrestrial natural communities of California. Nongame-Heritage Program, California Department of Fish and Game, Sacramento, CA. 156 pp.
- Sawyer, J. O. and T. Keeler-Wolf. 2009. *A Manual of California Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA. 471 pp.
- U.S. Army Corps of Engineers 2014. National Wetland Plant List, version 3.2. Viewed online at: [http://wetland\\_plants.usace.army.mil/](http://wetland_plants.usace.army.mil/)
- Wetland Training Institute, Inc. 1995. Field Guide for Wetland Delineation, 1987 Corp of Engineers Manual, Glenwood, NM. WTI 02-1 143pp.

<b>EcoSystems West Consulting Group - January 2016</b>					
<b>Cost Estimate to Conduct a Wetland Delineation for the City of Newman Solar Array, Merced County, CA</b>					
<b>TASKS</b>	<b>J. Davilla</b>	<b>Graphics</b>	<b>E. McGinty</b>	<b>B. Davilla</b>	<b>Travel (miles)</b>
<b>Task 1</b>					
Literature Review	4				
Communications/Agency Contacts	2				
<b>Task 2</b>					
A-Field Reconnaissance	6				190
B-Jurisdictional Wetland Delineation	10				190
B-Biological Assessment and Habitat Characterization	4				
<b>Task 3</b>					
Data Entry and Plant ID	12				
<b>Task 4</b>					
Data Review, Draft and Final Report	40	8			
Word Processing and Report Edits			4		
Final Report Review				2	
<b>Task 5</b>					
<b>Total HRS/Miles</b>	78	8	4	2	380
<b>Rate</b>	\$99.00	\$75.00	\$75.00	\$125.00	\$0.54
<b>Subtotal</b>	\$7,722.00	\$600.00	\$300.00	\$250.00	\$205.20
<b>TOTAL</b>	<b>\$9,077.20</b>				