

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

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Approval Of The Agenda.
5. Approval Of Minutes From The August 19, 2010 Meeting.
6. Items From The Public.
7. New Business
 - a. Public Hearing
 - Variance No. 10-02
 - Applicant: Mario Taa
 - Description: Allow a 12' x 50' (600 square foot) accessory building that would exceed lot coverage standards.
 - Location: 749 Orestimba Peak Drive, approximately 130 feet west of Cedar Mountain Drive; more specifically described as Assessor's Parcel Number 026-060-018
 - b. Public Hearing
 - Conditional Use Permit No. 10-01
 - Applicant Benriya, Inc. DBA Sunny Recycling
 - Description: Allow a Recycling Center in an "I" District.
 - Location: The subject property is located at 2126 L Street, Suite C, approximately 200 feet south of Industrial Way; more specifically described as Assessor's Parcel Number 026-016-045.
 - c. Public Hearing
 - Conditional Use Permit No. 10-02
 - Applicant: SCM Sierra Creek, LLC
 - Description: Allow a one-year extension for the SCM Modular Sales Office.
 - Location: The subject property is located at 220 Red Lion Way, on the corner of Red Lion Way and Cinnamon Teal Way; more specifically described as Assessor's Parcel Number 049-056-030.
8. Items From Commissioners.
9. Items From Director And Staff.
10. Adjournment.

MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF AUGUST 19, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order - 7:00 P.M.
2. Pledge Of Allegiance.
3. Roll Call Present: Allan, Maurer, Sloan And Applegate.
Absent: Alves.
4. Approval Of The Agenda.

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

5. Approval Of Minutes From The April 15, 2010 Meeting.

ACTION: On Motion By Sloan Seconded By Allan And Carried By The Following Roll Call Vote, The Minutes From The April 15, 2010 Meeting Were Approved. AYES: Allan, Maurer, And Sloan NOES: None ABSENT: Alves NOT PARTICIPATING: Applegate.

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

- a. Public Hearing

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

Applicant: City Of Newman

Description: Formal Approval Of General Plan Amendment No. 09-01 (Revised Housing Element) And Recommendation To The City Council.

Location: City Of Newman City Limits

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

Chairperson Applegate Opened The Public Hearing At 7:06 P.M.

There Being No Further Public Comment The Hearing Was Closed At 7:07 P.M.

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

8. Items From Commissioners.

Commissioner Maurer Inquired About The Progress Of The Plaza Project, The I.O.O.F. Building And The Aquatic Center Funding.

9. Items From Director And Staff.

City Manager Holland Reported That The Plaza Project Is Progressing And That They May Even Be Slightly Ahead Of Schedule. Holland Noted That During The Construction Of The Plaza The Contractor Had Found Some Remnants Of The Russ House, Which Was Located At The Corner Of Fresno And "N" Street Prior To Burning Down. Holland Reminded The Commission That Several Important Construction Projects Were Currently Taking Place In Newman And He Encouraged Them To Visit The Sites And Review The Projects. Holland Mentioned That The City Had Applied For A Two-Hundred-Thousand Dollar Grant To Build An Outdoor Roller-Rink Near The Former City Pool Site.

Assistant Planner Ocasio Announced That The City Has First-Time Home Buyer Loans Available. Ocasio Reported That The City Council Will Consider Awarding The Bid For The Per Capita Park Improvement Project At Their Next Meeting. Ocasio Reminded The Commission That The "S" And "T" Street Improvements Would Commence Soon And That The City Has NSP Houses For Sale.

10. Adjournment.

ACTION: On Motion By Sloan Seconded By Allan And Unanimously Carried, The Meeting Was Adjourned At 7:15 P.M.

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

PLANNING COMMISSION MEETING DATE: October 21, 2010

AGENDA ITEM: 7.a.

VA	#10-02	Allow a 12' x 50' accessory building that would exceed lot coverage standards.
APN	026-060-018	Applicant/Owner: Mario & Procer Taa
CEQA	Exempt	

REQUEST:

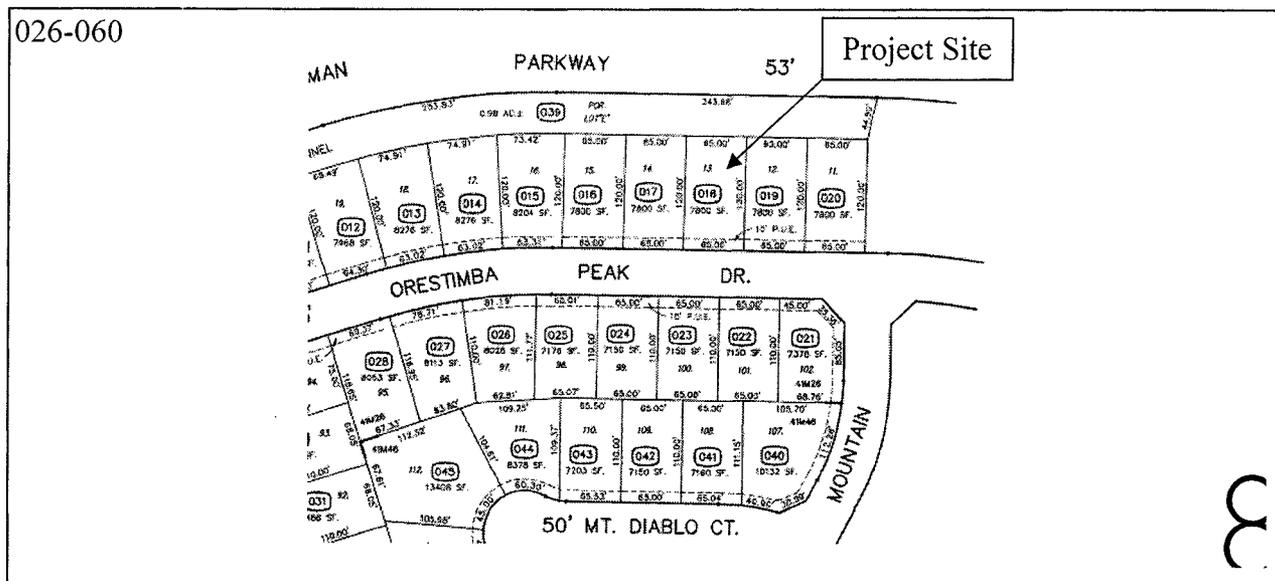
Allow a 12' x 50' (600 square foot) patio cover that would cause the parcel to exceed the permitted 50% lot coverage standards for that parcel.

LOCATION:

The subject property is located at 749 Orestimba Peak Drive, approximately 130 feet west of Cedar Mountain Drive, more specifically described as Assessor's Parcel Number 026-060-018.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt under Class 32, Article 19 of CEQA



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Residential	R-1	LD
North	Agriculture	N/A	PMR
South	Residential	R-1	LD
East	Residential	R-1	LD
West	Residential	R-1	LD

R-1 = Single Family Residential
PMR = Planned Mixed Residential

LD = Low Density Residential

SIZE OF PROPERTY: Approximately 7,800 square Feet

ACCESS: Orestimba Peak Drive

ORDINANCES:

NCC 5.03.020 Permitted Uses in R-1 District

NCC 5.23.030 Accessory Buildings

NCC 5.25.030 Variances

PROJECT DESCRIPTION:

The site plan identifies a single family dwelling and location of the proposed accessory structure. The proposed building measures 12' x 50' and stands 9'4" tall.

ANALYSIS:

Background: Due to proposed homes with large footprints in the Hearthstone Ranch Subdivision, Resolution No. 2004-33 was passed by the City Council in 2004 allowing an increase in lot coverage from 40% to 50% on lots numbered 2-52, 54 and 72-176; the applicant's lot is one of those affected by the increase. At the time of sale, this increased lot coverage was disclosed by the seller through a Buyers Acknowledgement with the understanding that "Due to the size of [the] Lot and the improvements already constructed on it by Seller, [the buyer] may not be able to build additional auxiliary structures on [the] Lot in the future. Such auxiliary structures include, but are not limited to, enclosed patios, sunrooms, sheds, pool houses and certain patio covers." The applicant at the time of purchase signed this acknowledgement and the Covenants, Codes and Restrictions (CC&R's) that also state as such.

On July 15, 2010, the applicant was red-tagged by the Building Department for construction of a patio cover without a permit. On July 18, 2010, the applicant subsequently applied for a Building Permit and was denied based on excessive lot coverage. On September 2, 2010, the applicant applied for a variance to allow the patio cover as proposed.

Land Use: The subject site and surrounding properties are zoned R-1 (single-family residential). The R-1 zone identifies accessory structures as a permitted use. In addition,

the proposed structure will have side and rear setbacks measuring at least 5 feet, meeting code standards. If constructed, the total lot coverage will be approximately 55.4%, above the maximum 50% as prescribed for that lot. Therefore, the proposed use is not consistent with the zone district and the general plan.

Lot Coverage: The intent of lot coverage regulations are to limit building density and intensification of square footage, which could have adverse impacts on neighborhoods. Adopted maximum lot coverage standards are also intended to limit the negative environmental impacts resulting from excessive land coverage. Overall, lot coverage requirements are created to regulate development, prevent visual intrusions, manage loss of open space, prevent bulky and incongruous homes that are incompatible with neighborhood character and avoid the loss of separation between houses. When lots exceed their specified coverage, it can change the appearance of a neighborhood and potentially cause issues related to accessibility, aesthetics and nuisances.

Building Location: The applicant has placed the building a minimum of 5 feet from the side and rear property lines, meeting municipal code requirements.

Variance

Newman Municipal Code (NMC) section 5.01.070 (Definitions) defines lot coverage as "...the percentage of a site covered by a roof and any soffit, trellis, eave or overhang extending more than two and one-half feet from a wall, and/or by a deck more than 30 inches in height." Additionally, NMC §5.03.050.E (Property development standards) identifies that "Lot coverage shall specifically include all buildings and structures." The applicant is proposing a structure that measures 600 square feet, resulting with a lot coverage of 55.4%. The applicant has indicated the proposed size is necessary in order to make their rear yard more enjoyable and protect the rear of their home from high winds, rain and sun damage. In order to comply with existing standards for the lot, the applicant would only be able to construct an accessory building measuring 178 square feet or less. The applicant states that the accessory building will not be a nuisance or be detrimental to public health and safety.

NMC 5.25.030 (F) states "Neither personal, family, or financial difficulties; the loss of perspective profits; or the existing of neighboring violations shall constitute justification for a variance."

Findings: The planning commission may approve/conditionally approve, a variance application only if the following findings can be made:

1. The variance does not form a grant of special privilege inconsistent with the limitations on other properties in the same zoning district and the vicinity.

Pro: Given that the subject property is located in an established residential area where attached accessory buildings (such as patio covers) are common, the approval of the variance will not constitute a granting of special privilege.

Con: Given that other properties within the general area abide by lot coverage standards and that the subject parcel already has a 10% increase in allowable lot coverage, approval of this request will constitute a granting of special privilege.

2. The variance will not be detrimental to the public health, safety and general welfare.

Pro: The proposed structure is a permitted use within the zone district; it should not be harmful to the public health, safety and general welfare.

Con: The proposed building does not meet lot coverage requirements; as discussed above, lot coverage requirements are mandated to ensure appropriate density, prevent visual intrusions, manage loss of open space and to decrease the potential of environmental issues (such as storm water run-off, etc). Approval of the variance is not consistent with lot coverage intent and may be harmful to the public health, safety and general welfare.

3. The variance will not substantially impair the purposes of this title or the General Plan.

Pro: Given that the proposed use is permitted within the zone district and approval of the request does not authorize a use that is inconsistent with the General Plan, approval of the variance will not substantially impair the purposes of this Title or the General Plan.

Con: Given that the zoning code and/or resolution identifies maximum lot coverage and states that finances and personal/family difficulties shall not constitute justification when approving variances, approval of the request will set a precedent for approving variances and thereby impair the purpose of the code.

4. The subject property has special circumstances or conditions whereby the strict application of the zoning ordinance standards would deprive the property of privileges enjoyed by other properties in the same zoning district and the vicinity.

Pro: Given that the existing home on the subject property has a large footprint and the existence of increased lot coverage on 156 neighboring lots, the strict application of the zoning ordinance may deprive the property of privileges enjoyed by other properties in the same zoning district and the vicinity.

Con: Given that other properties within the vicinity and same zone district comply with the development standards identified within the municipal code, the subject property is not deprived of privileges enjoyed by other properties in the same zoning district and the vicinity.

5. The variance will be compatible with the neighborhood.

Pro: Given that other attached accessory structures exist within the general area, that the proposed accessory building is located at the rear one-half of the property and that

the lot will never have an immediate neighbor to the north; the variance will be compatible with the current neighborhood.

Con: Given that the accessory building would exceed lot coverage and potentially affect the character of the existing neighborhood compounded with its inconsistency with the municipal code/adopted resolution, the variance would not be compatible with the neighborhood.

Public Comment

Public Notices were published in the West Side Index on October 7, 2010 and mailed out to surrounding property owners within a 300' radius. As of this date (10-12-10), no comments have been received.

CONCLUSION:

Newman Municipal Code section 5.25.030 states that "The purpose of granting a variance is to allow, in certain cases, deviation from the strict application of the setback, building height, lot coverage, usable floor area, usable open space, floor area ratio, off-street parking or landscaped area requirements of the title, when appropriate. A variance may be granted only where the literal enforcement of the requirements of the title would involve practical difficulties or cause undue hardship that would necessarily deprive the property owner of reasonable use of the land or buildings involved by reason of the exceptional narrowness, shallowness or unusual shape of a parcel of property [and the] exceptional topographic conditions, natural features, existing improvements or other extraordinary situation or physical conditions." The proposed project is a permitted use within the zoning district; however, Resolution No. 2004-33 identifies the maximum lot coverage for the subject property as 50 percent of the total lot area.

Currently, there are no extraordinary physical conditions that would justify the need for a variance (as defined in the code); the accessory structure is proposed for general residential purposes. The Planning Commission however, may grant the variance on the basis of "extraordinary situation". Staff has provided the commission findings supporting both approval and denial. Given the lack of indisputable supportive findings, staff recommends denial of the variance.

CONDITIONS OF APPROVAL:

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

1. The applicant shall apply for and receive a building permit for the structure.

Standard Conditions

2. This application shall become null and void if the project is not initiated within one year from the date of approval.
3. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
4. All plans shall be consistent with the site plan, reflecting amendments as approved.

5. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new variance review application.
6. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
7. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
8. During Construction, and for safety purposes, the applicant and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
9. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
10. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.

ATTACHMENTS:

1. Exhibit A, Plot Plan
2. Exhibit B, Patio Cover Drawings
3. Exhibit C, Excerpted CC&R's
4. Exhibit D, Applicant's Statement

END

LAST PLOTTED OR REVISED: 10/14/04

LOT "E"
STORM DRAIN CHANNEL

- CABLE T.V.
- TELEPHONE
- GAS
- ELECTRICAL
- TRANSFORMER BOX
- WATER LAT/METER BOX
- SEWER LAT/CLEAN OUT
- ELECTROLIER
- CATCH BASIN
- FIRE HYDRANT
- 10' P.U.E
- WALL
- WOOD FENCE
- W.C.
- IRON PIPE
- PROPERTY LINE (P.L.)
- AC
- COR.
- TP
- STB
- STVP
- PGE
- SLB
- STREET SIGN

SCALE 1" = 20'

REC'D DEC 09 2004

LOT 14
PAD:100.7

LOT 13

PLAN 1
ELEVATION "C"
PAD ELEVATION=100.3
FFE=101.13

LOT 12
PAD:100.1

LOT AREA = 7800.0 SQ. FT.
FOOTPRINT = 3722.0 SQ. FT.
COVERAGE = 47.7%

3 CAR GARAGE (OPT.)
SLAB=100.63
Must be kept on the same lines and it is narrow
on the 100' P.U.E. or permission from Building
Department.
Date: 10/19/2005

APPROVED

The stamping of this plan and specifications SHALL NOT be held as approval of the holder of any provisions of any Ordinance or structure not permitted under the final address.

NOTES:

1. PAD ELEVATIONS, GRADES, & UTILITIES SHOWN ARE BASED ON RECORD INFORMATION.
2. GRADE ALL DRAINAGE SWALES 1%.
3. ALL DRAINAGE SWALES AND FINISH GRADING SHALL CONFORM TO F.H.A. STANDARDS.
4. FINAL MAP SUPERSEDES ALL DIRECTIONAL INFORMATION SHOWN (I.E. LOT LINES & PROPERTY CORNERS).
5. FINAL FENCE LOCATION TO BE DETERMINED BY CONTRACTOR

749 ORESTIMBA PEAK DRIVE

DUE TO THE UNIQUE CONDITIONS OF THIS LOT, THE CLIENT AGREES AND APPROVES THE FOLLOWING: SPOT ELEVATIONS ARE APPROXIMATE. FINAL GRADING CONDITIONS MAY VARY. THE INFORMATION ON THIS PLOT PLAN IS PROVIDED FOR YOUR CONVENIENCE AS A GUIDE TO THE GENERAL LOCATION OF THE SUBJECT PROPERTY AS TAKEN FROM RECORD INFORMATION. THE ACCURACY OF THIS PLOT PLAN IS NOT GUARANTEED, NOR IS IT A PART OF ANY POLICY, REPORT OR GUARANTEE TO WHICH IT MAY BE ATTACHED. ACTUAL DIMENSIONS MAY VARY OR CHANGE WITHOUT PRIOR NOTICE DUE TO ACTUAL SITE CONDITIONS.

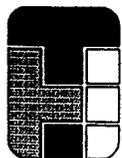
UNAUTHORIZED CHANGES & USES: THOMPSON-HYSELL ENGINEERS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS PLOT. ALL CHANGES WILL BE SUBMITTED IN WRITING.

NOTE: THIS PLOT IS PREPARED TO SHOW THE DIMENSIONAL RELATIONSHIP FROM BUILDING FOUNDATIONS TO PROPERTY LINE, DESIGN AND DRAINAGE CONTROL ELEVATIONS, AND DIRECTION OF DRAINAGE FLOW TO CONFORM WITH THE CITY OF NEWMAN ORDINANCES FOR THE PURPOSE OF BUILDING PERMIT ISSUANCE ONLY. ANY DEVIATION FROM SLOPES SHOWN, GRADING ON LOT AND SETBACK DIMENSIONS SHALL BE APPROVED IN WRITING BY THE CITY OF NEWMAN.

ALL FOOTPRINT INFORMATION IS SHOWN AS PROVIDED BY THE ARCHITECT ON 03/01/04 AND CHECKED AGAINST THE HARD COPY SET DATED 02/03/04 WITH THE LAST REVISION DELTA OF 000 AS BUILDS 02/03/04.

REVISED ON:

DATE _____ A.P.N. _____



THOMPSON-HYSELL ENGINEERS

A DIVISION OF THE KEITH COMPANIES, INC.
1016 12TH STREET, MODESTO, CA 95354
(209) 521-8986 FAX (209) 521-9045

WESTERN PACIFIC HOUSING
AT HEARTHSTONE RANCH
UNIT 1, LOT 13
NEWMAN, CALIFORNIA

APPROVED:

ORIG. DATE: 10/14/04

BY: AR CK BY: TH\JD

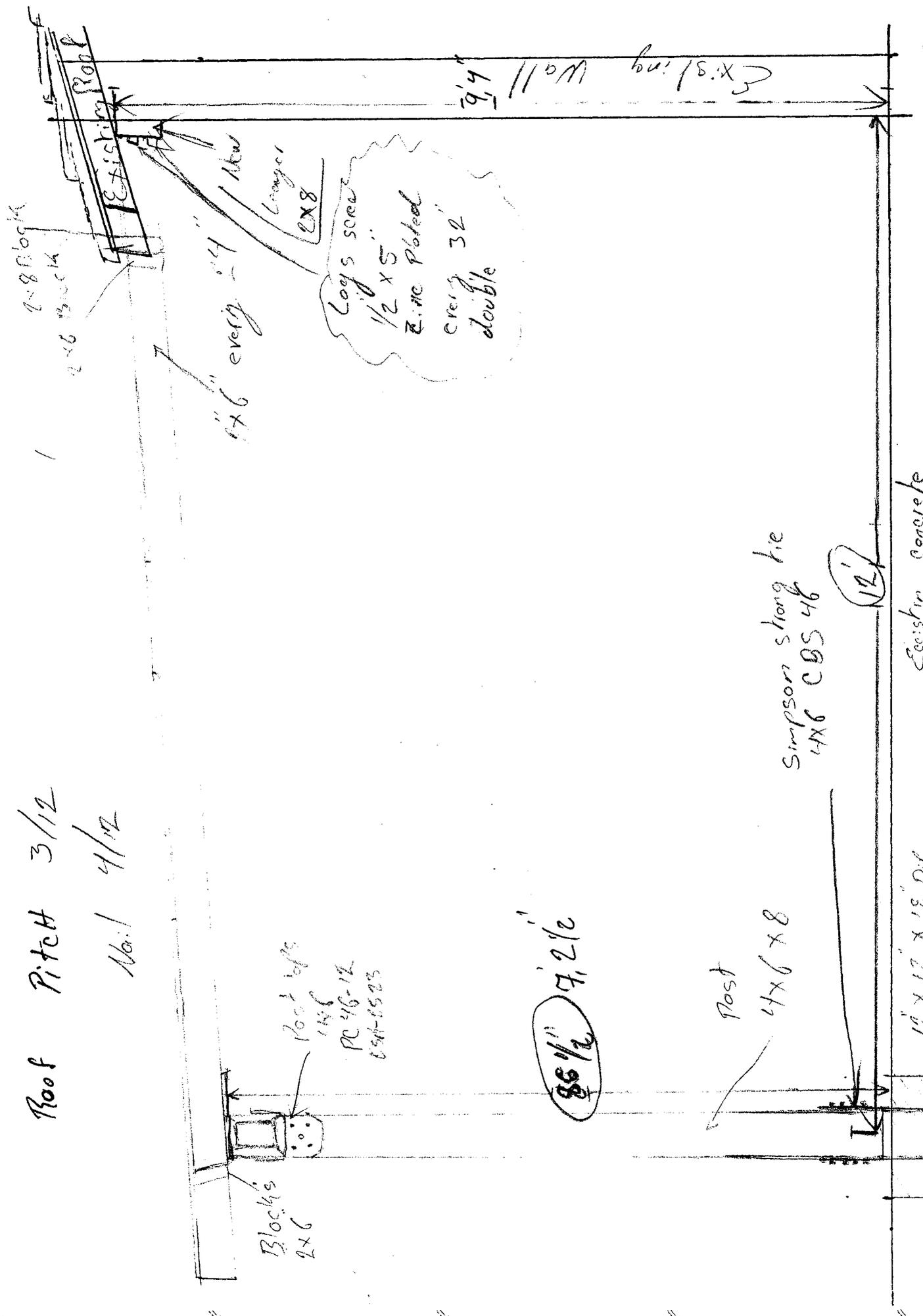
S:\NEWMAN\257010\DWG\PLDT PLANS\013.dwg

STREET ADDRESS:

749 ORESTIMBA PEAK DRIVE

Roof Pitch 3/12

Nail 4/12



Roof w/ps
1x6
PC 1/8-12
694-8523

Blocks
2x6

86 1/2" 7' 2 1/2"

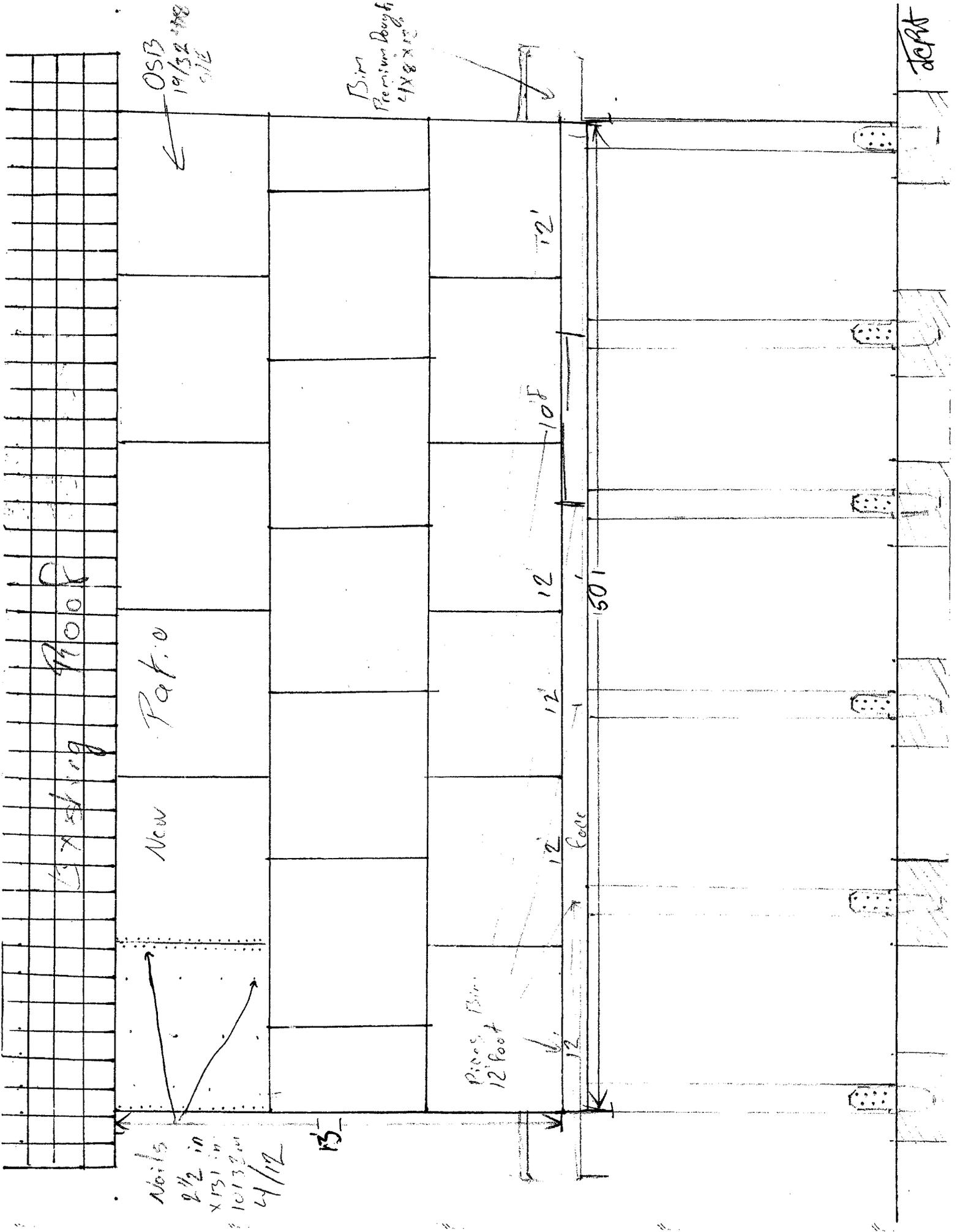
Post
4x6x8

Simpson strong tie
4x6 CBS 4/6

12'

Existing concrete

14' x 12' x 18" D.f



OSB
19/32 1/2
9/12

Bin
Premium Dought
6'X8'X12'

Existing Floor

New
Patio

New

Patio Bin
12' foot

Nails
2 1/2 in
x 151 in
10132m
4/12

12'

10'

12'

12'

12'

Garage

50'

Garage

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY

WHEN RECORDED MAIL TO:
Luce, Forward, Hamilton & Scripps LLP
600 West Broadway, Suite 2600
San Diego, Ca 92101
Attn: Nancy T Scull, Esq.



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2004-0168921-00
Acct 501-Chicago Title
Thursday, OCT 14, 2004 08:00:00
Tit Pd \$34.00 Nbr-0001610663
BOT/R4/1-10

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE PAGE

DECLARATION OF COVENANTS

CHICAGO TITLE
6612 - 0000 SKH

RECORDED IN ORDER PRESENTED

10
OT

RECORDING REQUESTED BY:)
 Chicago Title)
 _____)
 _____)
 WHEN RECORDED MAIL TO:)
 Luce, Forward, Hamilton & Scripps LLP)
 600 West Broadway, Suite 2600)
 San Diego, CA 92101)
 Attention: Nancy T. Scull, Esq.)

6012-0000-SKH

Space Above For Recorder's Use

SECTION 4 OF THIS DECLARATION CONTAINS (I) A BINDING ARBITRATION PROVISION IN ACCORDANCE WITH THE FEDERAL ARBITRATION ACT, AND (II) A WAIVER OF THE CONSTITUTIONAL RIGHT TO A JURY TRIAL. YOU SHOULD CONSULT LEGAL COUNSEL WITH ANY QUESTIONS ON THESE OR OTHER PROVISIONS OF THIS DECLARATION.

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS ("Declaration") is entered into this 10th day of September, 2004, by WESTERN PACIFIC HOUSING INC., a Delaware corporation ("Declarant"), with reference to the facts set forth below.

RECITALS

A. Declarant is the owner in fee simple of that certain real property (the "Property") situated in the City of Newman, County of Stanislaus, State of California, more particularly described on **Exhibit "A"** attached hereto and incorporated herein. The Property is in the master planned community commonly know as "Hearthstone Ranch".

B. The Property is subject to that certain Hearthstone Ranch Protective Restrictions recorded in the Office of the County Recorder of Stanislaus County, California, on February 13, 2004 as Document No. 2004-0020482-00 and any amends thereto (collectively, the "Master Declaration"). The Master Declaration imposes use restrictions, sets forth disclosures and establishes a planning committee for review of any improvements built on the Property.

C. Declarant desires to record this Declaration to impose certain obligations and covenants upon the Owner of the Property related to the residential development to be developed on the Property by Declarant. The obligations and covenants set forth in this Declaration are in addition to those set forth in the Master Declaration.

NOW THEREFORE, Declarant declares that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the following

limitations, restrictions, covenants, and conditions, and all of which are declared and agreed to be for the purpose of enhancing, maintaining and protecting the value and attractiveness of the Property. All of the limitations, restrictions, covenants and conditions shall run with the land, shall be binding on and inure to the benefit of all parties having or acquiring any right, title or interest in the Property, shall be enforceable equitable servitudes and shall be binding on and inure to the benefit of the successors-in-interest of such parties.

1. Defined Terms.

1.1 City. The term “City” refers to the City of Newman.

1.2 Customer Care Program. The term “Customer Care Program” means the Customer Care Program described in the Homeowner Maintenance Manual which provides certain services with respect to the Residence during the first year after the sale of such Residence from Declarant.

1.3 Homeowner Maintenance Manual. The term “Homeowner Maintenance Manual” refers to any manuals which may be prepared by the Declarant or its consultants and provided to each Owner, specifying obligations for maintenance of the Residential Lots by the Owners including, without limitation, all manufactured products maintenance and preventative maintenance information provided to the Owners, as updated and amended from time to time. The Customer Care Program is contained within the Homeowner Maintenance Manual.

1.4 Limited Warranty. The term “Limited Warranty” refers to the Home Builders Limited Warranty provided by Declarant to Owners for their Residential Lot conveyed by Declarant and is contained in the Homeowner Maintenance Manual and Customer Care Program Guide.

1.5 Maintenance Obligations. The term “Maintenance Obligations” refers to each Owner’s obligations to perform (i) all reasonable maintenance consistent with the terms of the Homeowner Maintenance Manual, any maintenance obligations and schedules in any warranty offered by Declarant or any manufacturer, and any maintenance obligations and schedules otherwise provided by Declarant or any manufacturer; and (ii) any commonly accepted maintenance practices to prolong the life of the materials and construction of the Residences.

1.6 Owner. The term “Owner” means the record owner, whether one or more persons or entities, including Declarant, of the Residential Lot excluding those having such interest merely as security for the performance of an obligation. A contract purchaser under a recorded installment land sales contract shall be included as an Owner but those merely having an interest as security for the performance of an obligation shall not be Owners.

1.7 Project. The term “Project” means all property set forth in Exhibit “A” which is commonly known as “Traditions at Hearthstone Ranch”.

1.8 Residence. The term “Residence” means the residential dwelling situated within the Residential Lot.

1.9 Residential Lot. The term “Residential Lot” means the legally subdivided lot upon which the Residence has been constructed.

2. Maximum Lot Coverage And Auxiliary Structures Disclosure. The City has a residential zoning ordinance which provides that the size of a residence and other improvements cannot exceed forty percent (40%) of the square footage of the lot. The City has granted Declarant a variance from such ordinance for the homes constructed by Declarant within the Project to allow Declarant to build homes which cover up to fifty percent (50%) of the square footage of the Lots in the Project. The certain residences within the Project will cover more than forty percent (40%) of the square footage of the Lots (“Variance Lots”). Due to the size of the Variance Lots and the improvements which will be constructed on them by Declarant, the Owners of the Variance Lots may not be able to build additional auxiliary structures on the Variance Lots in the future. Such auxiliary structures include, but are not limited to, enclosed patios, sunrooms, sheds, pool houses and certain patio covers. Prior to constructing any additional improvements on any Variance Lot, the Owner of such Lot should contact the City to determine if this is allowable under the City’s ordinance and if any permits are required.

3. Owners’ Compliance with Maintenance Obligations. Each Owner will comply with the Maintenance Obligations and each Owner is further obligated to provide a copy of any documentation describing the Maintenance Obligations to any successor purchaser of the Residential Lot.

4. Alternative Dispute Resolution. The purpose of this **Section 4** is to provide an expedited means of resolving any claims, disputes and disagreements which may arise between Owner and Declarant after the close of escrow concerning the Property, Limited Warranty and/or Customer Care Program that are not resolved pursuant to any applicable statutory dispute resolution procedures (individually referenced to herein as “Dispute” and collectively as “Disputes”); provided, however, that Disputes arising under the Limited Warranty shall initially be resolved as provided therein. Initially, Declarant will attempt to resolve any Dispute asserted by the Owners of which it is given notice. If the Dispute cannot be resolved between the parties in this manner, it will be decided through the arbitration procedure as set forth below. **THIS PROCESS INVOLVES WAIVER OF THE RIGHT TO A JURY TRIAL. BY EXECUTING THIS DECLARATION AND BY ACCEPTING A DEED TO ANY PORTION OF THE PROPERTY, RESPECTIVELY, DECLARANT AND THE OWNERS AGREE TO BE BOUND BY THE PROVISIONS OF THIS SECTION 4.**

4.1 Non-Adversarial Procedure for Statutory Construction Claims. Any claims or disputes for construction defects pursuant to California Civil Code Sections 895, et seq. with the exception of any claims brought under any warranty provided by Declarant shall, prior to the initiation of any mediation, arbitration or other proceeding, be subject to the non-adversarial procedures set forth in Civil Code Sections 910 through 938 (“**Non-Adversarial Procedures**”). These procedures impact the legal rights of Owners with respect to the Property. According to the terms of the Civil Code, the non-adversarial procedures will not apply if Declarant does not or cannot comply with the requirements set forth therein if a claim arises. If the non-adversarial procedures provided in Civil Code Sections 910 through 938 fail to resolve

To whom it may concern,

DEAR Sir,

My wife and I MR. & MRS. MARIO TAA AT
749 ORESTIMBA PEAK DR. NEWMAN, CA is Requesting
FOR a VARIANCE ON OUR PROPERTY. Installation of
PATIO COVER to the REAR OF OUR HOME. Main
PURPOSE is to MAKE OUR BACK YARD MORE
USEFUL & ENJOYABLE. Also to protect the REAR
PART OF OUR HOME FROM high winds, rain &
SUN damage. IN addition, MUCH SAFER PLACE
FOR OUR 4 years old grandson to hang-out & play.
PLEASE be considerate when making your FINAL
decision. A great AMOUNT of HARD EARNED MONEY &
HAS already been spent ON this project.
Your cooperation is greatly appreciated.

Thank you in advance,
MR. & MRS. MARIO TAA

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

PLANNING COMMISSION MEETING DATE: October 21, 2010

AGENDA ITEM: 7.b.

UP	#10-01	Allow a Recycling Center in an "I" District
APN	026-016-045	Applicant/Owner: Benriya, Inc. DBA Sunny Recycling
CEQA	Exempt	

REQUEST:

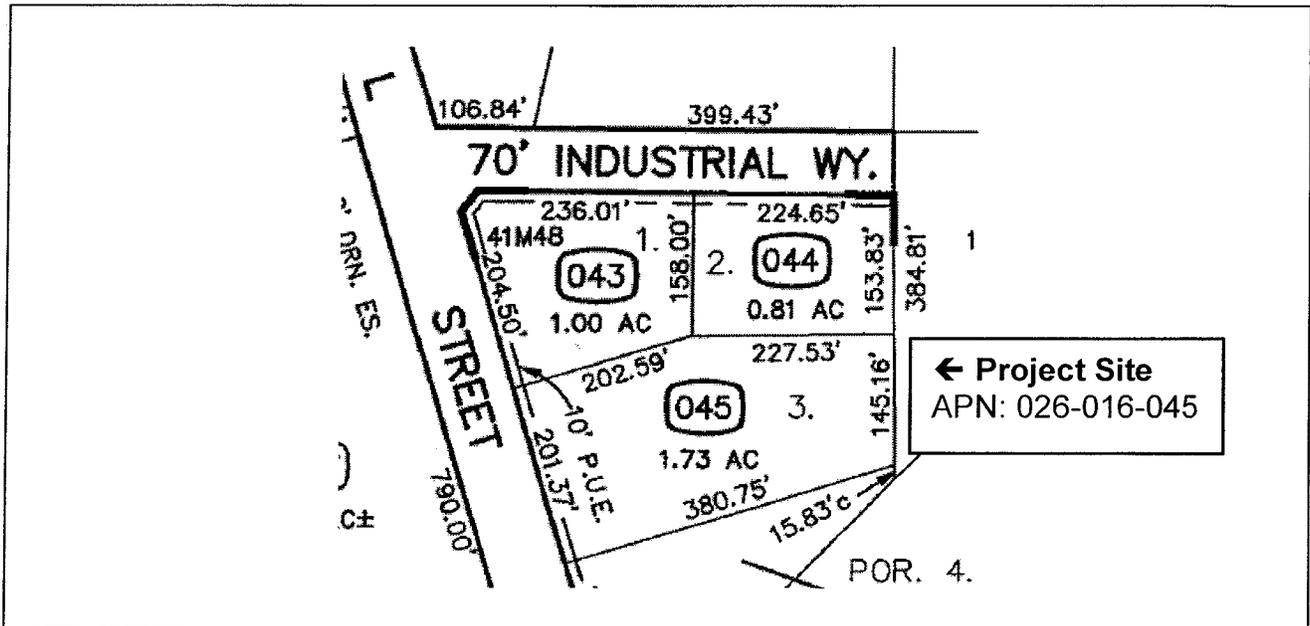
Allow a recycling center in the "I" Controlled Manufacturing District, where the municipal code requires a conditional use permit.

LOCATION:

The subject property is located at 2126 L Street, Suite C, approximately 200 feet south of Industrial Way.

ENVIRONMENTAL ASSESSMENT:

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



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Industrial/Business Park	I	HI
North	Industrial/Business Park	I	HI
South	Industrial	I	HI
East	Vacant/Agriculture	N/A	HI
West	Industrial	I	HI

I = Controlled Manufacturing District

HI = Heavy Industrial

SIZE OF PROPERTY: Parcel - Approximately 1.73 acres
Suite – 1,200 square feet

ACCESS: L Street

ORDINANCES:

NMC 5.01.070: General Zoning Definitions

NMC 5.10: “I” Controlled Manufacturing District

NMC 5.25.020: Conditional use permits

PROJECT DESCRIPTION:

The site plan identifies an industrial warehouse building with three sections, an office, main entry and open floor area. The applicant is proposing to operate Monday through Saturday from 7:00am to 7:00pm. Operations will include the drop off, collection and shipping of state approved recyclable/e-waste products. All processing will take place inside the facility, not visible to the public. All loading and unloading will take place at the building’s rear access.

BACKGROUND:

Sunny Recycling was formerly United Recycling who had established an e-waste recycling facility under Eagle Recycling in 2009. In July 2010, United Recycling ceased its affiliation to Eagle Recycling and became Benriya, Inc DBA Sunny Recycling. Given that it is no longer a subsidiary of Eagle Recycling, Sunny Recycling is now required to obtain a Conditional Use Permit for its recycling activities in the “I” District.

The applicant submitted its Conditional Use Permit application on September 17, 2010; they are requesting the Use Permit in order to operate a recycling facility within the City of Newman.

The applicant currently plans to employ 9 employees at the project site and they intend to increase employment as their business progresses. The proposed use is industrial in nature as is the “I” district. The applicant states that their proposed use will not constitute a nuisance or be detrimental to the general welfare of the public.

ANALYSIS:

Land Use: The subject site is zoned "I" (Controlled Manufacturing District), as are surrounding properties. The General Plan designation for the subject property is HI (Heavy Industrial). The zoning code identifies the proposed use as a permitted use with a conditional use permit. Per municipal code requirements, the applicants have applied for said use permit.

Use Permit

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

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

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

Pro: The General Plan identifies the project site as Heavy Industrial, this designation "provides for ...processing ...storage uses...public and quasi-public uses, and similar and compatible uses" (GP LU-19). Given that the zoning code identifies recycling operations as a compatible use (with an approved use permit) it can also be identified as a compatible use per the General Plan.

Con: The General Plan does not directly identify the proposed use for the Heavy Industrial designation.

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

Pro: The proposed use will be entirely contained within a building away from public view. In addition, the applicant plans to increase recycling awareness through partnerships with local schools and community groups, thus providing a service to the community while encouraging recycling. As the applicant's business increases, they also plan to provide potential employment opportunities for local residents. Staff does not anticipate any detrimental effect to public health, safety and general welfare.

Con: The proposed use may cause increased traffic in the surrounding area, causing accelerated wear on the public right-of-way.

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

Pro: Located on L Street, the project site was initially built for industrial/business park purposes; at approximately 1,200 square feet, the location should provide adequate space and access for the applicant's current business needs.

Con: Given that the size of the suite is only 1,200 square feet, future business growth/expansion may not be accommodated at the proposed location.

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

Pro: The applicant is proposing the use of the building's rear access doors. They anticipate an average of 18 employee and up to 50 customer vehicular trips per day. The current level of service (LOS) for L Street is "A", with an approximate daily volume of 350 vehicles (GP EIR 4.13-7); the addition of 68 vehicles will not adversely affect the LOS for L Street. In addition, L Street has been identified as a dedicated truck route (GP Fig. TC-3), which is intended to provide for the movement of goods by truck through and to and from Newman, while also minimizing the negative impacts of truck traffic on residences and other noise sensitive land uses.

Con: Given the parcel's location and orientation on L Street, the proposed use may cause increased traffic on the driveways of the project site.

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

Pro: The proposed use is entirely contained within the site and will not cause any detrimental effects on the surrounding neighborhood.

Con: None

Public Comment

Public Notices were published in the West Side Index on October 7, 2010 and mailed out to surrounding property owners within a 300' radius. As of this date (10-12-10), no comments have been received.

CONCLUSION:

The proposed project is a permitted conditional use within the zoning district. A conditional use is defined as a "use which is listed as a conditional use in any given district... [which] may be required to meet certain requirements as a condition precedent to the granting of [said] use permit." (NMC §5.01.070) NMC §5.25.020 states that "The Planning Commission shall be responsible for determining the merits of a conditional use permit application." With approval of a use permit, the proposed use will be consistent with the

General Plan and Zoning Code. In addition, the proposed use will increase recycling awareness and potential employment opportunities within the City. Per the municipal code, staff has provided the Commission findings supporting both approval and denial. Given the potentially positive effects and supportive findings, staff recommends approval of the conditional use permit.

CONDITIONS OF APPROVAL:

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

1. Applicant shall update the Business License record to reflect Benriya Inc. DBA Sunny Recycling instead of United Recycling.

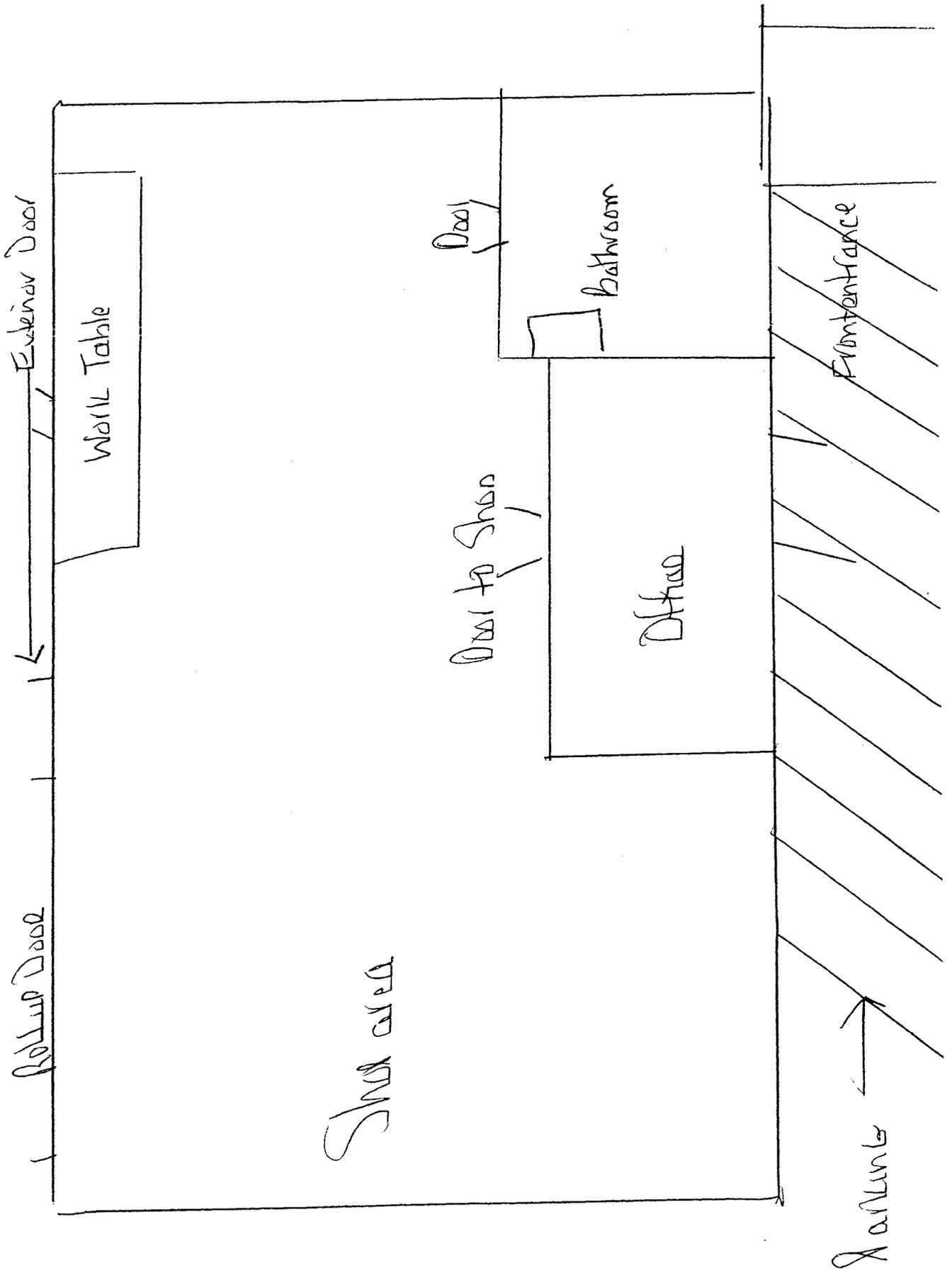
Standard Conditions

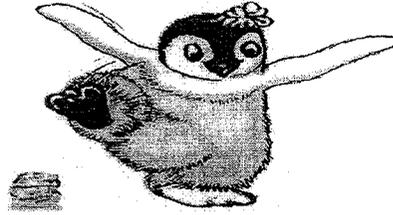
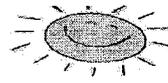
2. All plans shall be consistent with the site plan, reflecting amendments as approved.
3. Any proposed modifications of a significant and/or permanent nature to the approved use, site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications,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

ATTACHMENTS:

1. Exhibit A, Submitted Plot Plan
2. Exhibit B, Operational/Environmental Statement
3. Exhibit C, Site Photographs

Sunnys Recycling - 21260 LST Suite C Newman





Sunny Recycling

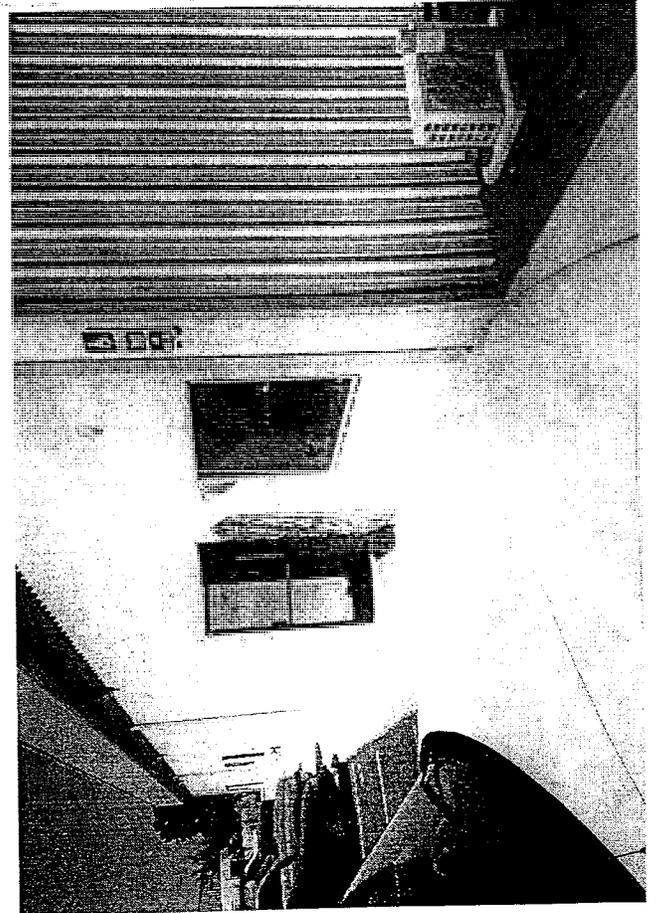
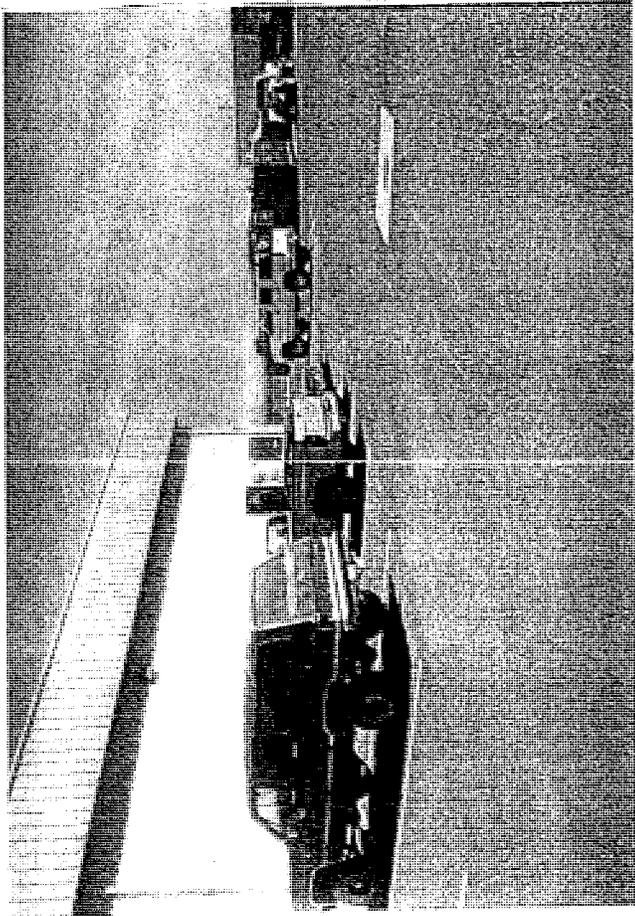
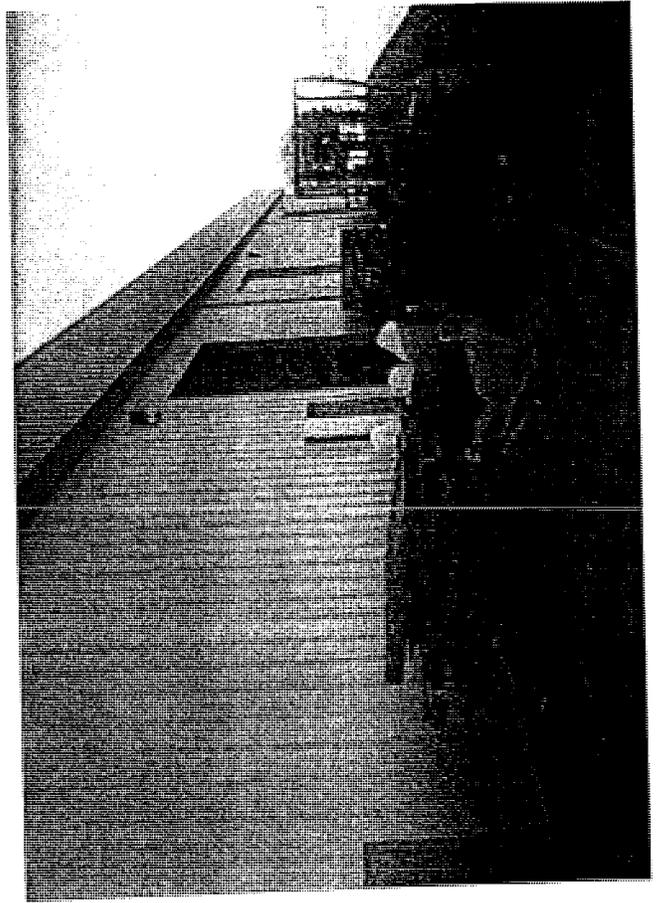
Stomp Out Trash! Recycle More!

1. Parcel# 3
Donald Ciammaichella
2126 L St Suite C Newman, Ca 1-408-988-9012
2. Collection and Recycling of E-waste (electronics) CRV Collection and processing.
3. Recycling and dismantling of E-Waste.
4. We will not be producing any products. All items dismantled are shipped to other sites.
5. Operation time will be- Monday –Saturday 7a.m. – 7 p.m. Closed Sundays and legal holidays.
6. Special events will only be scheduled if need be for a school function or community fundraiser with City permission.
7. Customers approximately 25 a day. During operations hours.
8. At this time there are 9 employees.
9. See attached photos. Containers provided by e-recycling are used for storing of E-waste. Pallets and bags used for storage of CRV products. A forklift on site. A 4x4 floor scale.
10. Deliveries are done by a 24 foot truck or trailer of 30 feet/ upon customer pick-up request. Monthly loads of old E-waste are delivered 2-3 times a month.

11. There are 24 parking spaces within 50 feet of building for employee and customer usage including handicap spaces.
12. Access to and from Sunny Recycling will be from L. street.
13. 12-15 Car entrance and exits per day estimated usage.
14. No sign will be placed on building Yancey lumber allows us to hang a 3x3 banner on their fence facing highway 33. Sunny recycling is on the front entrance to building in 3" lettering.
15. Existing building is being used no change in plans at this time for further construction.
16. No landscaping fencing needed or changed at this time.
17. All business around this location are light industrial.
18. No noise change at this location.
19. Water is provided in the existing bathroom. No excessive amounts used for any production.
20. None.
21. During a week the solid waste generated will be bathroom and office collection and floor cleaning. 1 yard max a week.
22. No grading or tree removal needed at this location.
23. No archeology or historically significant sites located on this property.
24. No ditches, gullies, ravines or natural drainage at this location.
25. We will not be accepting hazardous waste at this location.
Customers will be directed to another recycler for their items.
26. No items with hazardous waste will be dismantled at this location.
27. No need for use of any other locations at this time.
28. We are very involved in the household hazardous clean up programs for Merced county and Stanislaus County helping to keep the items off the side of the roads and improve the clean up of illegal

dumping of these items. We will be a state certified E-waste collector and processor and a State certified CRV collector and processor allowing us to continue working with schools and lots of local organizations in fundraising.

29. Sunny Rrecycling will impact the local business with a positive outlook on helping our city and county in the practices and education to GO GREEN!!
30. Sunny Recycling proposes use of the building as a State Certified location for Recycling and Processing.
Square feet-3000
Total number of employees- 9-19
Building height- 20 feet



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

PLANNING COMMISSION MEETING DATE: October 21, 2010

AGENDA ITEM: 7.c.

UP	#10-02	Allow a one-year extension for the SCM Modular Sales Office.
APN	049-056-030	Applicant/Owner: SCM Sierra Creek, LLC
CEQA	Exempt	

REQUEST:

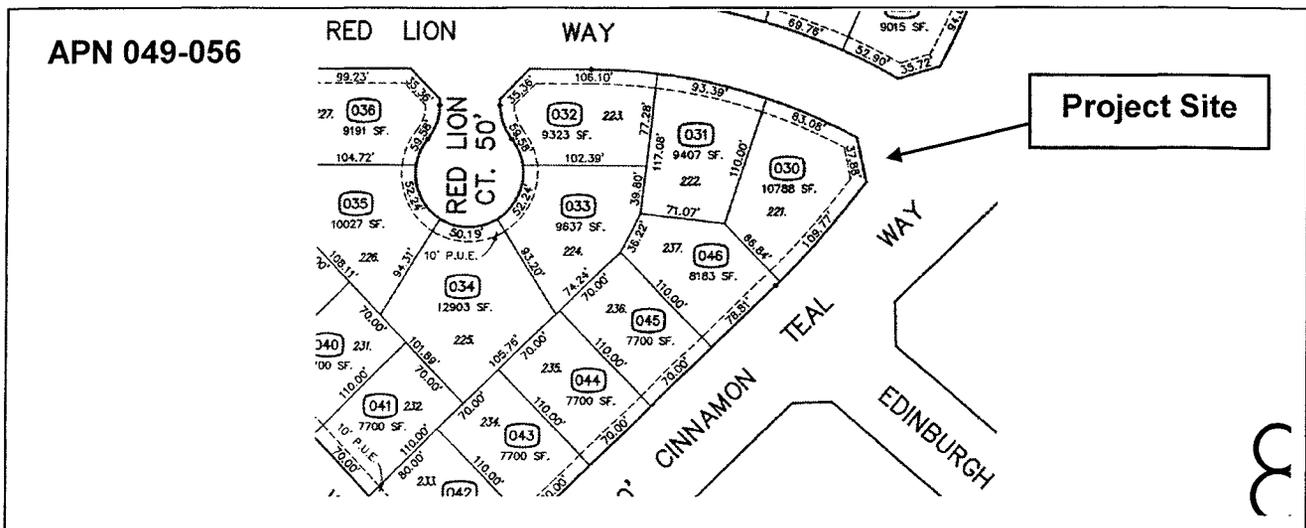
Allow a one-year extension for the SCM modular sales office, where the municipal code requires a conditional use permit.

LOCATION:

The subject property is located at 220 Red Lion Way, on the corner of Red Lion Way and Cinnamon Teal Way.

ENVIRONMENTAL ASSESSMENT:

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



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject site	Residential	R-1	LD
North	Residential	R-1	LD
South	Residential	OS	PQP
East	Residential	P-D	HD
West	Residential	R-1	LD

R-1 = Single Family Residential

P-D = Planned Development

PQP = Public/Quasi Public

OS = Open Space

LD = Low Density Residential

HD = High Density Residential

SIZE OF PROPERTY: 10,788 square feet

ACCESS: Red Lion Way and Cinnamon Teal Way

ORDINANCES:

NMC §5.01.070: General Zoning Definitions

NMC §5.22.040.H: Temporary Land and Sales Uses

NMC §5.25.020: Conditional use permits

PROJECT DESCRIPTION:

The site plan identifies a single-story modular office fronting on Cinnamon Teal way with ADA Access from Red Lion Way. Said office is utilized for the applicant's real estate sales purposes.

BACKGROUND:

Staff was contacted in September 2010 regarding a Conditional Use Permit application to allow their modular sales office to operate for more than the allowed time period as mandated by the code. Staff subsequently received the applicant's Conditional Use Permit application on October 1, 2010.

The applicants are requesting a use permit based on the grounds that they wish to continue utilizing their sales office. Given the slowing housing market, the need to be present at a subdivision has exceeded the two years as provided for by the code. They state that their model home complex will not constitute a nuisance, is in the interest of public necessity and will not cause an adverse impact to the surrounding area.

ANALYSIS:

Land Use: The subject site and surrounding properties to the north and west are zoned R-1 (Single Family Residential), properties to the east and south are zoned P-D (Planned Development) and OS (Open Space) respectively. The General Plan designation for the subject property, northern and western parcels is LD (Low Density Residential) while the

parcels to the east and south are designated as HD (High Density Residential) and PQP (Public/Quasi-Public) respectively.

The municipal code identifies temporary sales offices as a permitted use; in order for the applicants to continue use for an additional year, a conditional use permit is required. Given that a use permit has been issued prior to this point, the subject sales office is currently compliant. However, without an extension, said permit will expire and trigger non-compliance with the zoning code.

Use Permit

Per NMC §5.22.040.H “A temporary sales office, and/or construction offices, open to the general public, may be permitted by the Planning Director within a new residential subdivision for a maximum period of one year [and] Temporary commercial, industrial and administrative buildings may be permitted for a maximum two-year period of time, but only after approval of a conditional use permit application by the City Planning Commission.”

On September 18, 2008, the Planning Commission approved a use permit allowing a one-year extension for the model home complex immediately adjacent to the proposed sales office. Because the modular building was utilized as a construction office and not open to the public at that time, it was not included in the one-year extension period.

On September 17, 2009, the Planning Commission approved a use permit allowing a one-year extension for the modular sales office.

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

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

Pro: The sales office consists of a single modular building, given that it is located in a residential neighborhood and landscaped as such; the proposed use is consistent with the zone district and the General Plan.

Con: The sales office was finalized on February 5, 2007; after the ministerially approved one year period, continued operation of the said office will be non-compliant without an approved use permit.

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

Pro: The proposed use is a common one in new residential areas and should not be detrimental to public health, safety or general welfare.

Con: None

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

Pro: The project site adequately accommodates the proposed use; the structure has the appropriate setbacks, lot coverage and required ADA parking.

Con: Although the project site physically accommodates the proposed use, the commercial activities therein are not consistent with residential uses and therefore may cause a disparity in the surrounding neighborhood.

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

Pro: The project site is directly accessed from both Cinnamon Teal Way and Red Lion Way. Per the applicant, the site can create an average of two to six (2-6) vehicular trips per day; this nominal amount does not adversely affect the surrounding area.

Con: Current trends do not identify a large amount of traffic; however, should traffic increase, the project site offers minimal off-street parking (on the gravel lot behind the sales office) and therefore may congest the public right of way.

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

Pro: The proposed use is residential in nature and is not a permanent activity in the surrounding neighborhood; the sales office is consistent and compatible with the contiguous residential area.

Con: Given that the proposed use is commercial in nature, the model home complex is not compatible with the surrounding neighborhood.

Public Comment

A Public Notice was published in the West Side Index on October 7, 2010 and public notices were mailed to surrounding property owners. As of this date (October 12, 2010), no comments have been received.

CONCLUSION:

NMC §5.25.020 states that “The purpose of requiring a conditional use permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and to provide that such uses are arranged or operated in a particular manner.” As granted by the municipal code, the Planning Commission may prohibit any use found to be objectionable or incompatible with the character of the City and its environs due to noise, dust, odors, traffic, lack of off-street parking, or other undesirable characteristics (NMC 5.25.020.F). The proposed use has reached the end of its allowable operational time through UP No. 09-05 and the site provides little off-street parking (however surrounding

on-street parking is expected to be adequate), in order to continue operation, an approved use permit is necessary. Staff has provided the Commission findings supporting both approval and denial. Given the slowing economy and the existing housing market, staff recommends approval of the conditional use permit.

CONDITIONS OF APPROVAL:

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

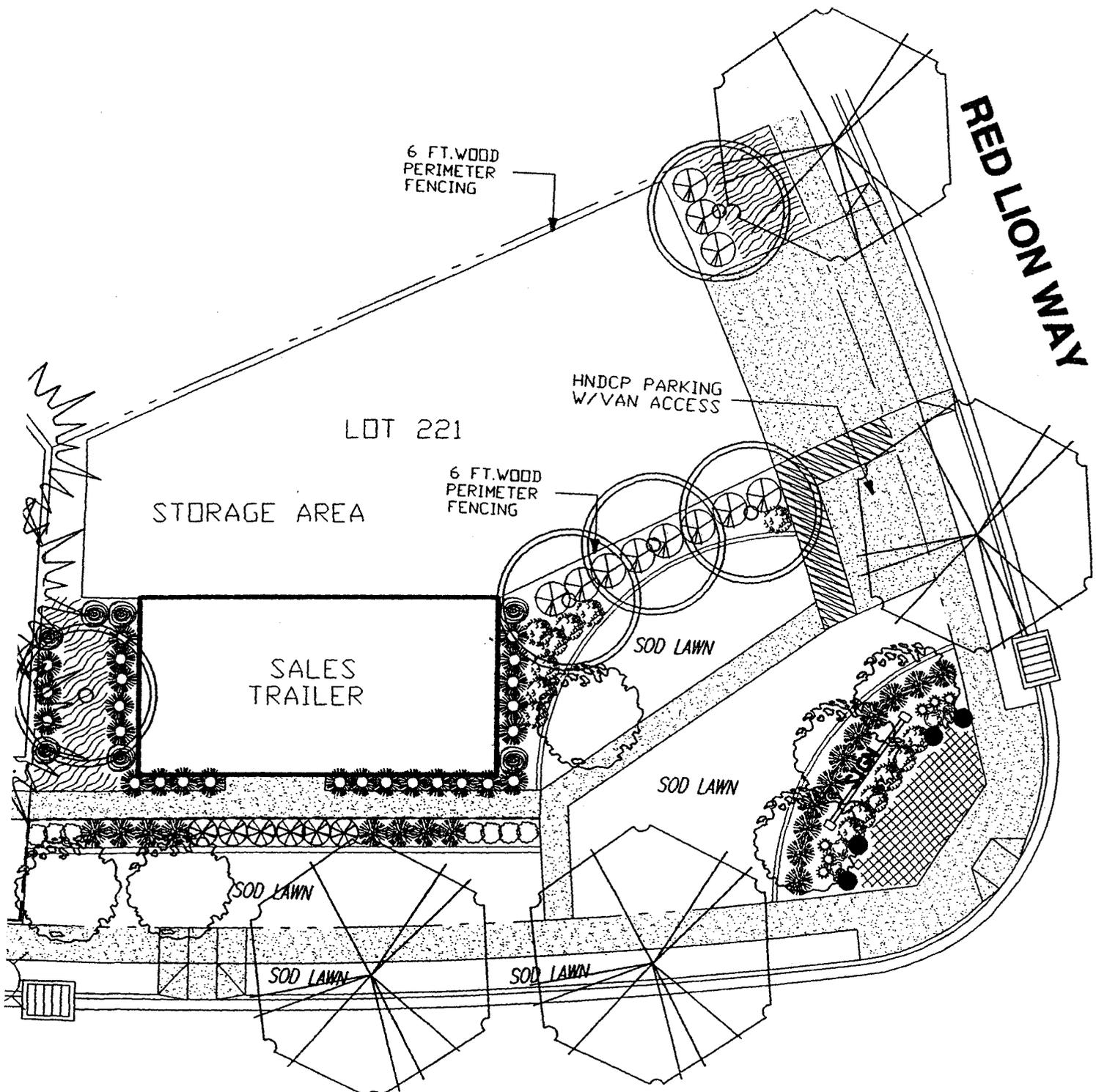
1. This conditional use permit granted pursuant to the provisions of the Newman Municipal Code shall run with the land until October 31, 2011.
2. Developer shall comply with the City of Newman sign ordinance.
3. No more than one (1) temporary storage container shall be maintained on site.

Standard Conditions

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

ATTACHMENTS:

1. Exhibit A, Site and Plot Plans
2. Exhibit B, Operational/Environmental Statement
3. Exhibit C, Findings of Fact



6 FT. WOOD PERIMETER FENCING

RED LION WAY

LOT 221

HANDICAPPED PARKING W/VAN ACCESS

STORAGE AREA

6 FT. WOOD PERIMETER FENCING

SALES TRAILER

SOD LAWN

SOD LAWN

SOD LAWN

SOD LAWN

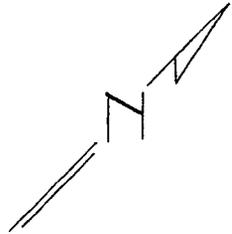
SOD LAWN

3

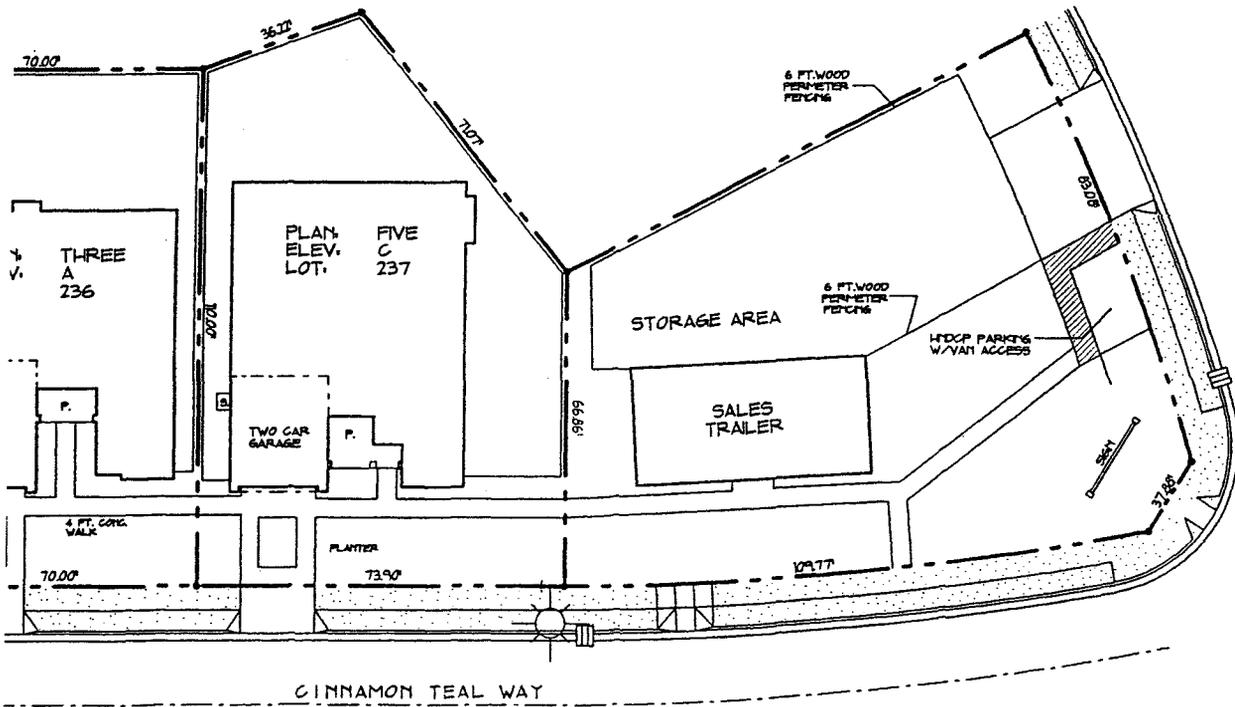
1/4 OF PARCEL "3"
BOOK 52
C.R. & LYING

NEWMAN
F CALIFORNIA

IS ONE, TWO, THREE
S TWO, THREE, FIVE, SIX
WAY & SOHO WAY



SCALE: 1" = 40'



OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

1. APN: 049-056-030-000
SCM Sierra Creek, LLC
1920 Standiford Avenue, Suite 1
Modesto, CA 95350
(209) 579-2020
2. To operate a subdivision sales and construction office from the existing modular structure.
3. The existing use of the property has been the same for over two years. The subject lot/parcel is zoned single-family.
4. No products will be produced at the site.
5. Year-round operation. Sales hours are typically 10:00 a.m. to 6:00 p.m.
6. No special activities or events.
7. Average number of customers/visitors per day has been one for the last twelve months.
8. 1-3 employees on site per day.
9. No equipment is stored at the site.
10. No service or delivery vehicles at site.
11. Curbside parking is available and additional parking is available at the rear of the structure with gravel surface.
12. Access to structure is from Cinnamon Teal Way.
13. Vehicle trips per day are estimated at five to six.
14. 4' by 8' site sign on post in front of structure.
15. Existing structure only.
16. No new fencing proposed.
17. All surrounding land uses are single-family.
18. No noise generating equipment at the site.

19. Landscape irrigation only from public sources.
20. The structure contains one restroom.
21. Minimal solid waste daily.
22. No grading will be conducted.
23. No.
24. None.
25. None.
26. No.
27. Schools, no. Parks, no. Police and Fire, yes.
28. No negative impact to surrounding areas.
29. Impact to police will be routine patrols. Fire protection only if needed.

CONDITIONAL USE PERMIT
FINDING OF FACTS

1. The proposed use is consistent with the build-out of the Sherman Ranch community and the site's use over the last two years.
2. The proposed use will not constitute a nuisance or be detrimental to public health. It will be a compliment to the sale-out of the community.
3. The site is adequate in size and shape to accommodate the proposed use. It has performed the same function in the past.
4. The site's orientation to two public streets accommodates traffic adequately.
5. The proposed use will be compatible to the surrounding neighbors. We know them all!