

AGENDA
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF MARCH 17, 2011
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 January 20, 2011 Meeting.
6. Items From The Public.
7. New Business
 - a. Public Hearing
 - Zone Change No. 11-01
 - Applicant: City Of Newman
 - Description: Recommendation To The City Council To Approve The Proposed City-Wide Re-Zoning For Conformance To The 2030 General Plan.
 - Location: 177 Various Parcels Within The City Of Newman City Limits.
8. Items From Commissioners.
9. Items From Director And Staff.
10. Adjournment.

MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF JANUARY 20, 2011
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:** Sloan, Coleman, Allan, and Maurer.
ABSENT: Applegate (Excused).
4. **Approval Of The Agenda.**

ACTION: On Motion By Sloan Seconded By Coleman And Unanimously Carried, The Agenda Was Approved.

5. **Approval Of Minutes From The October 21, 2010 Meeting.**

ACTION: On Motion By Allan Seconded By Sloan And Unanimously Carried, The Minutes From The October 21, 2010 Meeting Were Approved.

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

- a. **Public Hearing**

Ordinance Amendment No. 11-01

Applicant: SCM Hearthstone, LLC

Description: Recommend Approval Of The Proposed Changes To The Sherman Ranch Development Agreement.

Location: The Subject Property Is Located In Northeast Newman, More Specifically Described As Assessor's Parcel Book 049, Pages 054 Through 063.

City Manager Holland Reviewed And Presented Ordinance Amendment No. 11-01.

Vice-Chairperson Maurer Opened The Public Hearing At 7:02 P.M.

Commissioner Coleman Asked About The Initial Premise Of The Lawsuit.

Steve Mothersell, SCM Homes, Explained That The Sherman Ranch Development Agreement Contained Numerous Pages And That There Was A Misunderstanding/Difference Of Opinion On Only One Paragraph Of The Entire Document. Mothersell Noted That The Difference Of Opinion Has Been Set Aside Because Of The Settlement And Proposed Changes To The Development Agreement. Mothersell Acknowledged That The Settlement Will Help The Sherman Ranch Project But It Will Not Solve All Of The Development's Problems But That It Would Put His Company In A Better Position; He Went On To Say That It Would Go A Long Way To Help But There Are Still Many Issues That Need To Be Addressed With The Park Villas Project. Mothersell Indicated That He Was Pleased With Staff And Their Spirit Of Resolution Rather Than Litigation. He Concluded By Stating That Good Ideas Are The Way To Resolve Disputes.

Vice-Chairperson Maurer Closed The Public Hearing At 7:38 P.M.

ACTION: On Motion By Coleman Seconded By Sloan And Unanimously Carried, Ordinance Amendment No. 11-01 Was Recommended For Approval.

8. Items From Commissioners

Commissioner Maurer Inquired About The Second Round Of Grant Funding For The Aquatic Center.

Commissioner Coleman Commented On How Great The Plaza Project Was Coming Together. Coleman Questioned When The Tenants Will Be Coming Back To The I.O.O.F. Building And Thanked Staff For All Their Efforts. Coleman Asked For An Update On The Taa Family And The Status Of Their Covered Patio Project.

Commissioner Sloan Asked About The Status Of Inyo Avenue Near Canal School Road And About The Future Plans For The McBride Building. She Concluded By Thanking Staff For A Job Well Done.

9. Items From Director And Staff.

Assistant Planner Ocasio Reported That Annual Planning Commissioner's Workshop Will Be In March This Year. Ocasio Informed The Commission That The Per Capita Project Had Been Completed, The City Wide Rezoning Process Had Begun And That Auto Zone Had A Pending Application. She Mentioned That She Would Be Following Up With Claire Souza Regarding The Development Of The Dog Park And That According To The Taa Family, The Patio Cover Would Be Compliant In February.

10. Adjournment.

ACTION: On Motion By Alan Seconded By Mauer And Unanimously Carried, The Meeting Was Adjourned At 7:50 P.M.

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

PLANNING COMMISSION MEETING DATE: March 17, 2011

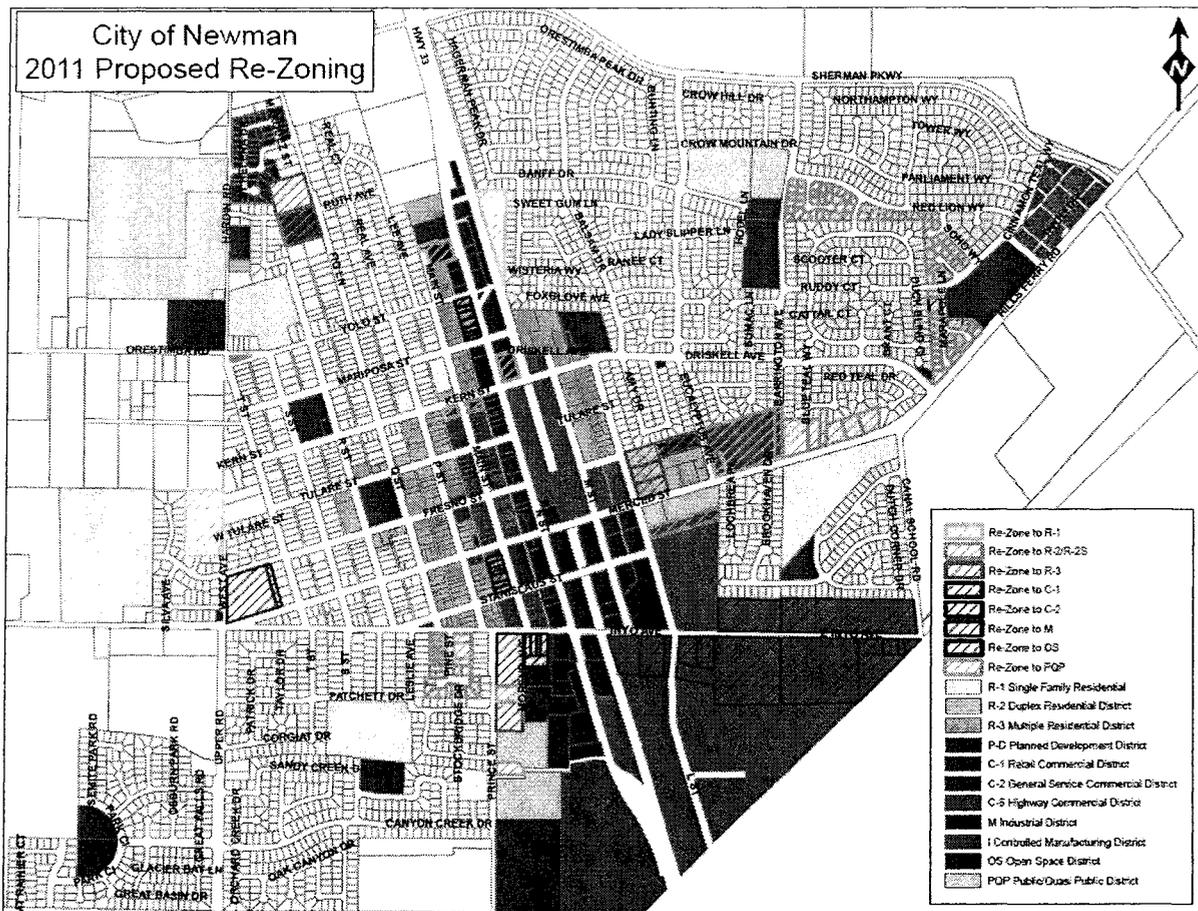
AGENDA ITEM: 7a

CZ #11-01	Applicant: City of Newman
APN: Various	CEQA: Completed Under GP EIR

REQUEST: Recommend to the City Council approval of the proposed City-Wide re-zoning for conformance to the General Plan.

LOCATION: The 179 subject properties are located at various locations within the City Limits (see Exhibits A and B).

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 has already met environmental review requirements through the adopted General Plan EIR.



LAND USE:

<u># of Parcels</u>	<u>Proposed Zoning</u>
3	R-1
117	R-2/R-2S
7	R-3
13	C-1
7	C-2
15	M
3	OS
12	PQP
<i>177 Parcels</i>	

- | | |
|---------------------------------------|----------------------------------|
| R-1 = Single Family Residential (SFR) | C-2 = General Service Commercial |
| R-2S = Medium Density SFR | M = Industrial |
| R-3 = Multiple Residential | OS = Open Space |
| C-1 = Retail Commercial | PQP = Public/Quasi Public |

ORDINANCES:

NMC 5.02: Establishment and Designation of Zoning Districts

PROJECT DESCRIPTION:

The proposed City-Wide Re-Zoning consists of the re-zoning of 179 parcels within the City Limits of the City of Newman. The proposed zoning is to conform to the Newman 2030 General Plan as required by NMC §5.02.060.A; "Zoning districts shall be applied to all public and private property in a manner that is consistent with applicable policies and land use arrangements set forth in the General Plan."

BACKGROUND:

The 1992 City of Newman General Plan was adopted on October 20, 1992. As a part of the process, the City Council adopted a new land use map (the prior map dated back to 1976).

In 1997, the current Zoning Code and Map were adopted however for reasons unknown to current staff, not all parcels were re-zoned in conformance to the General Plan.

On April 10, 2007, the City Council adopted the Newman 2030 General Plan. The new General Plan Land Use map featured many of the same land use designations as the 1992 Plan. In fact, 44 parcels proposed for re-zoning were originally identified in the 1992 plan for a zone change.

June 2010, the Newman 2030 General Plan Housing Element was certified by the California Department of Housing and Community Development (HCD). Technically a part of the General Plan, the Housing Element requires that a number of parcels be re-zoned as well.

In October 2010, staff notified all potentially affected property owners in writing about the upcoming re-zoning process and invited them to attend two informational meetings where questions could be addressed and discussed; those meetings were held in the early afternoon and evening.

PROJECT ANALYSIS:

Land Use: The proposed subject sites vary in zoning, all of which are inconsistent with the adopted General Plan, the proposed zoning is consistent with the Newman 2030 General Plan. To address the existing medium density single family development in the Sherman Ranch subdivision (also known

as the Heritage Collection), staff has developed the R-2S Zoning District. If recommended to Council by the Planning Commission, staff will be proposing an amendment to the zoning code to include the R-2S zoning classification.

Environmental Review: All potential environmental impacts have been evaluated in the Newman 2030 General Plan EIR, no further environmental review is necessary.

FINDINGS:

No specific guidelines for re-zoning are provided in the municipal code. To better provide the Planning Commission with information in its decision making process, staff has utilized the following findings for reference and analysis.

1.) Is the proposed re-zoning consistent with the goals, policies and actions of the General Plan?

Pro: All proposed zoning amendments are consistent with and conform to the City's adopted General Plan.

Con: None

2.) Are the affected sites physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use?

Pro: All potentially affected sites are physically suited for their proposed zoning classifications as dictated by the General Plan. Based upon the analysis conducted during the General Plan update process, all affected parcels were reviewed and found to be suitable for re-zoning to their specific proposed zoning districts. Each parcel has the necessary access, compatibility with adjoining land uses, and provision of utilities for the proposed zoning designations.

Con: As with any re-zoning, the change in zoning may be inconsistent with the existing use of the property. If approved, all inconsistent properties/uses would be classified as "legal nonconforming" and may limit certain types of land use(s) within said properties.

3.) Is public health, safety or welfare affected by the zone change? If so, does public necessity, convenience and general welfare permit it?

Pro: Given that the Zone Change has been thoroughly analyzed under the General Plan and accompanying EIR and all potential impacts have been mitigated in said documents; the finding is that public health and safety are not affected by the zone change.

Con: It is not anticipated that the public health, safety or welfare will be affected by the proposed re-zone.

Public Comment

As per NMC 5.25.050.B.4, "...public hearings affecting property on a City-wide level or where more than 1,000 notices would have to be mailed, an alternative [noticing procedure] may be used by publishing a display advertisement of at least one-eighth page in size, published at least 10 working days prior to the date of the public hearing in a newspaper of general circulation." Said notice was published in the West Side Index on Thursday March 3, 2011. Additionally, staff chose

to exceed minimum noticing requirements by notifying all potentially affected property owners with a written notice of the public hearing.

Since the date of publication (3-3-11) and as of this date (3-10-11), one phone call asking about the re-zone has been received; no opposition was noted.

CONCLUSION:

Generally speaking, the proposed project is to re-zone existing parcels for conformance with the Newman 2030 General Plan. A city-wide re-zoning has not occurred for many years and with the adoption of a new General Plan and updated Housing Element, now is the time to get the City's land use designations and zoning in order.

The re-zoning process requires the Planning Commission's review and recommendation to Council. At the Council level, staff will be proposing not only a City-Wide Re-Zoning for conformance with the General Plan but also an Ordinance Amendment to include the R-2S zoning classification in the Newman Municipal Code.

Should the re-zoning not be recommended for approval, the City's existing zoning map will be inconsistent with General Plan and technically noncompliant with the Municipal Code (as it has been for many years). Both the 1992 and 2030 General Plans identified a need for re-zoning. The 2030 General Plan thoroughly analyzed all impacts and effects of the proposed land uses and found them to be the best option for the City and public at large.

Staff recommends that the Commission recommend approval of the Zone Changes to the City Council. As required by law; advisory groups such as the Planning Commission must make their decisions based on existing laws and mandates, said decisions are usually made through findings; staff has provided the Commission findings supporting both approval and denial of the project.

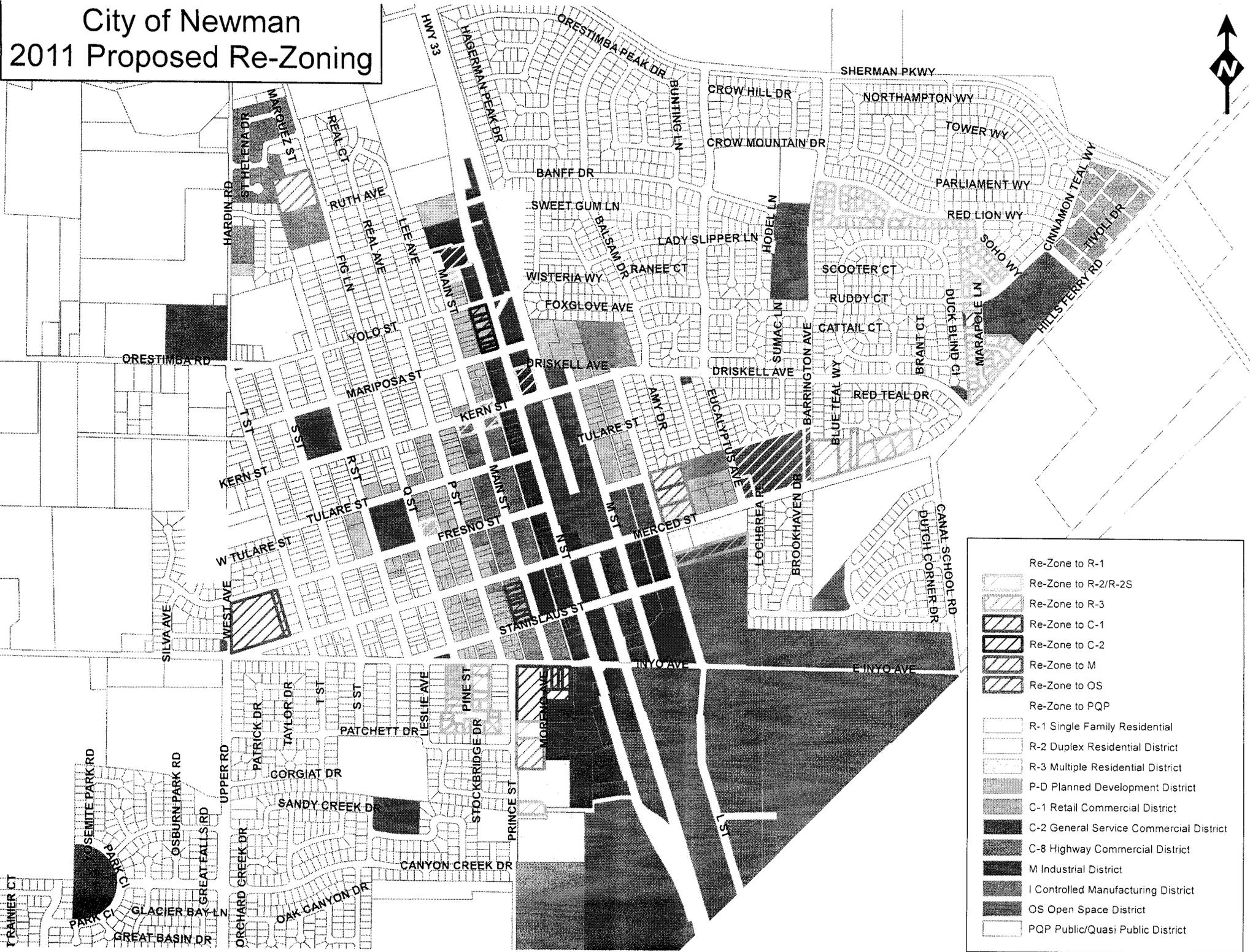
CONDITION OF APPROVAL:

1. All proposed zoning shall be consistent with the General Plan.

ATTACHMENTS:

1. Exhibit A, Re-Zoning Map
2. Exhibit B, Re-Zoning List
3. Exhibit C, Current Zoning Map
4. Exhibit D, Copy of Published Advertisement
5. Exhibit E, 1992 General Plan Land Use Map
6. Exhibit F, 2030 General Plan Land Use Map
7. Exhibit G, Proposed R-2S Zoning Description
8. Exhibit H, Resolution Approving the Project

City of Newman 2011 Proposed Re-Zoning



	Re-Zone to R-1
	Re-Zone to R-2/R-2S
	Re-Zone to R-3
	Re-Zone to C-1
	Re-Zone to C-2
	Re-Zone to M
	Re-Zone to OS
	Re-Zone to PQP
	R-1 Single Family Residential
	R-2 Duplex Residential District
	R-3 Multiple Residential District
	P-D Planned Development District
	C-1 Retail Commercial District
	C-2 General Service Commercial District
	C-8 Highway Commercial District
	M Industrial District
	I Controlled Manufacturing District
	OS Open Space District
	PQP Public/Quasi Public District

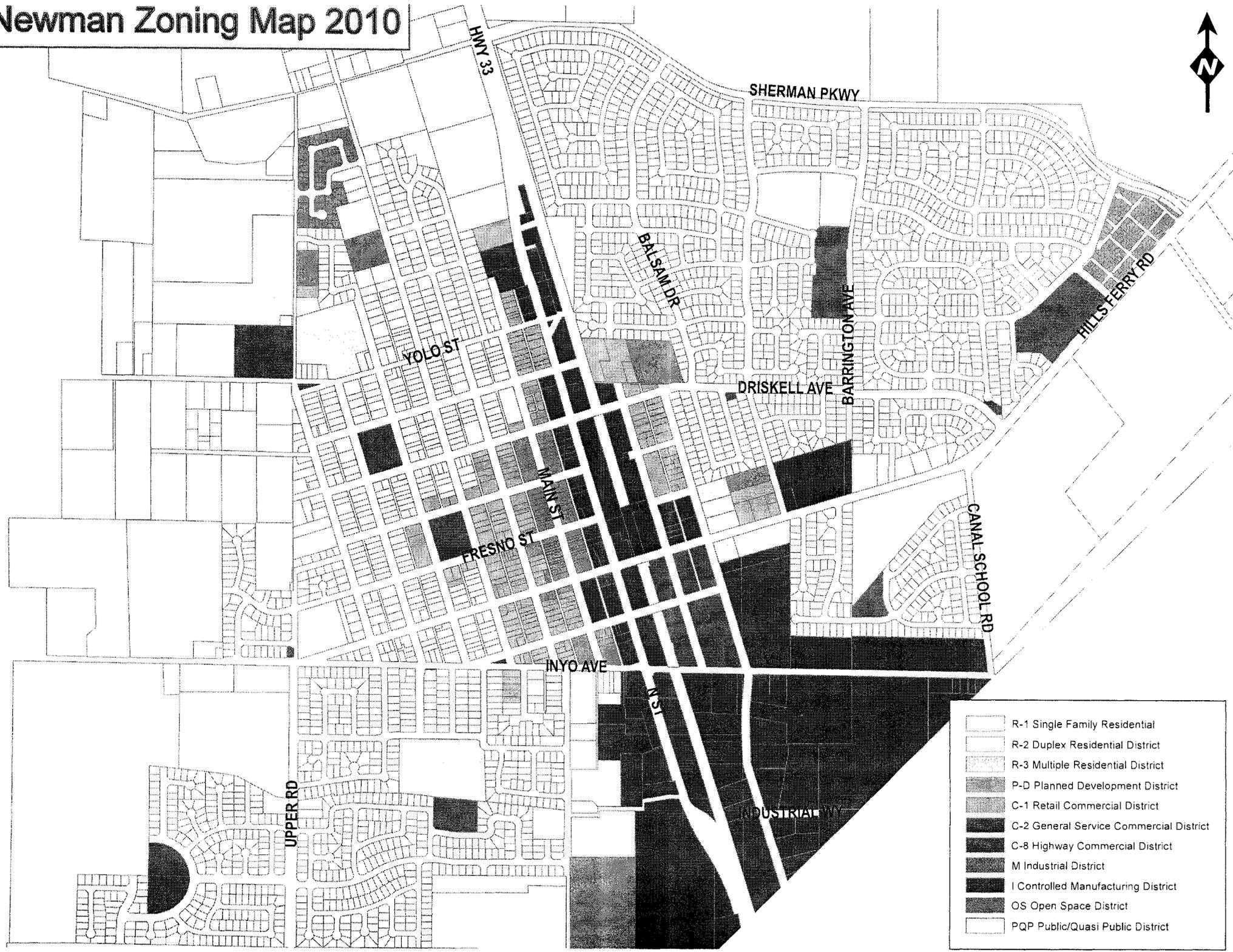
C-1	Retail Commercial
	General Service Commercial
	Industrial
OS	Open Space (Parks)
PQP	Public/Quasi Public

APN	Site Number	Site Street	Est. Acres	Current Zone	Proposed Zone
049-054-060	900	BARRINGTON AVE	0.13	R-1	R-2
049-054-059	906	BARRINGTON AVE	0.12	R-1	R-2
049-054-058	912	BARRINGTON AVE	0.13	R-1	R-2
049-054-057	1000	BARRINGTON AVE	0.12	R-1	R-2
049-054-056	1006	BARRINGTON AVE	0.12	R-1	R-2
049-054-055	1012	BARRINGTON AVE	0.14	R-1	R-2
049-054-083	432	CHUKAR WAY	0.14	R-1	R-2
049-059-002	1000	CHUKAR WAY	0.21	R-1	R-2
049-059-001	1004	CHUKAR WAY	0.19	R-1	R-2
049-054-084	1005	CHUKAR WAY	0.14	R-1	R-2
049-054-085	1009	CHUKAR WAY	0.16	R-1	R-2
049-059-033	345	CINNAMON TEAL WAY	0.22	R-1	R-2
049-059-034	349	CINNAMON TEAL WAY	0.14	R-1	R-2
128-022-015	1405	EUCALYPTUS AVE	1.37	P-D	R-3
026-041-004	673	FIG LN	2.53	R-1	R-3
026-041-058		FIG LN	2.52	R-1	R-3
128-007-014	1125	FRESNO ST	0.52	R-3	PQP
049-054-061	901	HAYCASTLE CT	0.13	R-1	R-2
049-054-077	902	HAYCASTLE CT	0.13	R-1	R-2
049-054-062	905	HAYCASTLE CT	0.12	R-1	R-2
049-054-076	906	HAYCASTLE CT	0.13	R-1	R-2
049-054-063	909	HAYCASTLE CT	0.13	R-1	R-2
049-054-075	910	HAYCASTLE CT	0.13	R-1	R-2
049-054-064	913	HAYCASTLE CT	0.13	R-1	R-2
049-054-065	917	HAYCASTLE CT	0.22	R-1	R-2
049-054-066	921	HAYCASTLE CT	0.16	R-1	R-2
049-054-067	925	HAYCASTLE CT	0.14	R-1	R-2
049-054-074	928	HAYCASTLE CT	0.16	R-1	R-2
049-054-068	929	HAYCASTLE CT	0.15	R-1	R-2
049-054-073	932	HAYCASTLE CT	0.15	R-1	R-2
049-054-069	933	HAYCASTLE CT	0.14	R-1	R-2
049-054-072	936	HAYCASTLE CT	0.19	R-1	R-2
049-054-070	937	HAYCASTLE CT	0.2	R-1	R-2
049-054-071	941	HAYCASTLE CT	0.19	R-1	R-2
049-050-044	407	HILLS FERRY RD	1.83	R-1	R-2
049-050-045	437	HILLS FERRY RD	0.71	R-1	R-2
049-050-046	443	HILLS FERRY RD	0.51	R-1	R-2
049-050-047	507	HILLS FERRY RD	0.77	R-1	R-2
049-050-049	531	HILLS FERRY RD	0.75	R-1	R-2
049-050-050	541	HILLS FERRY RD	0.81	R-1	R-2
128-014-004	1162	HWY 33	1.01	C-2	PQP
026-043-019	27924	HWY 33	3.02	N/A	R-1
026-024-002		INYO AVE			
026-010-026		INYO AVE			
026-016-018		INYO AVE			
026-016-027		INYO AVE			
026-013-024		INYO AVE			
026-013-020		INYO AVE			
026-013-004		INYO AVE			
026-013-008		INYO AVE			
128-060-016	948	INYO AVE	0.18	R-1	C-1
128-060-015	956	INYO AVE	0.28	R-1	C-1
128-060-012	1014	INYO AVE	2.79	R-1	C-1
026-016-026		INYO AVE			
026-016-022		INYO AVE			

128-013-010	908	MAIN ST	0.15	R-3	PQP
128-013-009	912	MAIN ST	0.14	R-3	PQP
128-011-011	1162	MAIN ST	0.17	R-3	PQP
128-010-028	1200	MAIN ST	0.35	C-1	PQP
128-010-029	1209	MAIN ST	0.35	C-1	PQP
128-009-043	1515	MAIN ST	0.17	R-3	C-1
128-009-044	1519	MAIN ST	0.17	R-3	C-1
128-009-045	1527	MAIN ST	0.13	R-3	C-1
128-009-046	1533	MAIN ST	0.13	R-3	C-1
128-009-083	1537	MAIN ST	0.26	R-3	C-1
128-009-049	1553	MAIN ST	0.17	R-3	C-1
128-009-050	1561	MAIN ST	0.17	R-3	C-1
049-064-004	1307	MARAPOLE CT	0.13	R-1	R-2
049-064-005	1311	MARAPOLE CT	0.13	R-1	R-2
049-064-012	1312	MARAPOLE CT	0.13	R-1	R-2
049-064-006	1315	MARAPOLE CT	0.13	R-1	R-2
049-064-011	1316	MARAPOLE CT	0.17	R-1	R-2
049-064-007	1319	MARAPOLE CT	0.13	R-1	R-2
049-064-010	1320	MARAPOLE CT	0.19	R-1	R-2
049-064-008	1323	MARAPOLE CT	0.14	R-1	R-2
049-064-009	1327	MARAPOLE CT	0.3	R-1	R-2
049-059-035	1265	MARAPOLE LN	0.19	R-1	R-2
049-059-036	1269	MARAPOLE LN	0.4	R-1	OS
049-059-037	1273	MARAPOLE LN	0.19	R-1	R-2
049-064-001	1277	MARAPOLE LN	0.17	R-1	R-2
049-064-002	1281	MARAPOLE LN	0.15	R-1	R-2
049-064-003	1303	MARAPOLE LN	0.13	R-1	R-2
128-022-003	309	MERCED ST	6.51	I	PQP
128-022-004	315	MERCED ST	0.5	I	PQP
128-022-002		MERCED ST	0.86	I	PQP
128-002-020	1583	MERCED ST	4.21	R-1	OS
128-002-032		MERCED ST	0.48	R-1	OS
128-060-011	1975	MORENO AVE	0.88	R-1	R-2
128-060-013	1940	MORENO AVE	0.51	R-1	C-1
026-016-025	336	N CANAL SCHOOL RD	2.42	I	M
026-040-042	985	N HWY 33	1.26	C-2	PQP
128-011-001	1005	N ST	0.26	R-3	C-2
128-011-002	1010	N ST	0.17	R-3	C-2
128-011-003	1025	N ST	0.25	R-3	C-2
128-011-004	1037	N ST	0.22	R-3	C-2
128-011-005	1042	N ST	0.17	R-3	C-2
128-011-006	1055	N ST	0.13	R-3	C-2
128-011-007	1071	N ST	0.13	R-3	C-2
049-064-015	340	ORCHARD HILLS CT	0.17	R-1	R-2
049-064-016	341	ORCHARD HILLS CT	0.16	R-1	R-2
049-064-017	345	ORCHARD HILLS CT	0.17	R-1	R-2
049-064-014	348	ORCHARD HILLS CT	0.22	R-1	R-2
049-064-018	349	ORCHARD HILLS CT	0.16	R-1	R-2
049-064-013	356	ORCHARD HILLS CT	0.14	R-1	R-2
049-064-020	357	ORCHARD HILLS CT	0.28	R-1	R-2
128-005-042		ORESTIMBA RD	0.15	OS	PQP
128-050-044	1960	PINE CT	0.19	R-1	R-2
128-050-039	1961	PINE CT	0.15	R-1	R-2
128-050-030	1962	PINE CT	0.14	R-1	R-2
128-050-038	1967	PINE CT	0.19	R-1	R-2
128-050-031	1968	PINE CT	0.22	R-1	R-2
128-050-037	1973	PINE CT	0.17	R-1	R-2
128-050-032	1974	PINE CT	0.22	R-1	R-2
128-050-036	1979	PINE CT	0.14	R-1	R-2
128-050-033	1980	PINE CT	0.15	R-1	R-2
128-050-035	1983	PINE CT	0.18	R-1	R-2

128-050-043	1938	FINE ST	0.13	R-1	R-2
128-060-010		PRINCE RD	1.57	R-1	R-3
128-060-021		PRINCE ST	0.62	N/A	R-2
049-059-012	332	RED LION WAY	0.12	R-1	R-2
049-059-011	336	RED LION WAY	0.12	R-1	R-2
049-059-010	340	RED LION WAY	0.12	R-1	R-2
049-059-009	344	RED LION WAY	0.12	R-1	R-2
049-059-008	348	RED LION WAY	0.12	R-1	R-2
049-059-007	406	RED LION WAY	0.12	R-1	R-2
049-059-006	410	RED LION WAY	0.13	R-1	R-2
049-059-005	414	RED LION WAY	0.14	R-1	R-2
049-059-004	418	RED LION WAY	0.17	R-1	R-2
049-059-003	422	RED LION WAY	0.21	R-1	R-2
049-054-082	436	RED LION WAY	0.12	R-1	R-2
049-054-081	440	RED LION WAY	0.11	R-1	R-2
049-054-080	444	RED LION WAY	0.11	R-1	R-2
049-054-079	448	RED LION WAY	0.12	R-1	R-2
049-054-078	452	RED LION WAY	0.14	R-1	R-2
049-059-018	1105	SOHO WAY	0.12	R-1	R-2
049-059-019	1109	SOHO WAY	0.12	R-1	R-2
049-059-020	1113	SOHO WAY	0.12	R-1	R-2
049-059-021	1117	SOHO WAY	0.12	R-1	R-2
049-059-022	1121	SOHO WAY	0.12	R-1	R-2
049-059-017	300	STRANDS CT	0.13	R-1	R-2
049-059-013	301	STRANDS CT	0.16	R-1	R-2
049-059-016	304	STRANDS CT	0.12	R-1	R-2
049-059-014	305	STRANDS CT	0.17	R-1	R-2
049-059-015	308	STRANDS CT	0.19	R-1	R-2
049-059-027	1100	WALSHFORD CT	0.19	R-1	R-2
049-059-028	1101	WALSHFORD CT	0.18	R-1	R-2
049-059-026	1104	WALSHFORD CT	0.14	R-1	R-2
049-059-029	1105	WALSHFORD CT	0.16	R-1	R-2
049-059-025	1108	WALSHFORD CT	0.12	R-1	R-2
049-059-030	1109	WALSHFORD CT	0.19	R-1	R-2
049-059-024	1112	WALSHFORD CT	0.12	R-1	R-2
049-059-031	1113	WALSHFORD CT	0.12	R-1	R-2
049-059-023	1116	WALSHFORD CT	0.12	R-1	R-2
049-059-032	1117	WALSHFORD CT	0.14	R-1	R-2
026-056-058	1603	WEST AVE	4.98	N/A	R-1
026-056-059		WEST AVE	0.09	N/A	R-1

Newman Zoning Map 2010



	R-1 Single Family Residential
	R-2 Duplex Residential District
	R-3 Multiple Residential District
	P-D Planned Development District
	C-1 Retail Commercial District
	C-2 General Service Commercial District
	C-8 Highway Commercial District
	M Industrial District
	I Controlled Manufacturing District
	OS Open Space District
	PQP Public/Quasi Public District



DAVID CLARK/MATTOS NEWSPAPERS

Above, Matthew Barraza brings the ball
The youth league was affiliated with the

nership league

House was told there would be a chance Newman would be selected to play a special game at the end of the youth league - which has come to pass.

"They selected us to play in the Junior Warriors' classic against a team from Marin," House said.

The Newman league will field a 10-member all-star team of 8- and 9-year-old girls playing at Oracle Arena on the afternoon of March 16.

The all-stars had not been selected as of Friday afternoon.

"After they play we'll have a tailgate dinner before attending the Warriors' game that evening," House said.

Before the game, the girls will be able to be down on the floor to 'high-five' NBA players as they enter the court



West Side Public Notices

862-2222 | WWW.WESTSIDECONNECT.COM

PUBLIC NOTICE • PUBLIC NOTICE • PUBLIC NOTICE • PUBLIC NOTICE

City of Newman
NOTICE OF PUBLIC HEARING

Zone Change #11-01

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held to consider a proposal by the City of Newman to rezone 177 parcels to conform with the Newman 2030 General Plan. The subject properties are located within the City Limits and can be reviewed at City Hall between the hours of 8:00am and 5:00 pm Monday through Friday. Given that all potential environmental impacts have been evaluated in the Newman 2030 General Plan EIR, no further environmental review is necessary.

A PUBLIC HEARING will be held at the regular meeting of the Planning Commission on March 17, 2011 at 7:00pm, or as soon thereafter as may be heard, in the Newman City Council Chambers located at 1200 Main Street. Questions regarding the above-referenced items may be directed to Stephanie Ocasio, Assistant Planner at City Hall or at (209) 862-3725.

Persons wishing to provide oral comment on the described proposal may do so at this meeting or may provide written comments on this matter prior to the March 17, 2011, meeting date. Written comments may be sent by U.S. Mail or hand delivered to the City of Newman City Hall at 1162 Main Street, Newman, California 95360. If no comments are received prior to or on above dates, it will be assumed that no comments are being offered. The public is also informed that should this matter at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

PLANNING COMMISSION OF THE CITY OF NEWMAN

STEPHANIE OCASIO, Assistant Planner
DATED: February 28, 2011

PUBLISHED: March 3, 2011

PUBLIC NOTICE • PUBLIC NOTICE

ORDINANCE NO. 457

The following is a summary of Gustine City Council Ordinance No. 457. This ordinance amends the City of Gustine Code of ordinances in regard to City Council meeting time and place.

An amendment to the Gustine Municipal Code Title 2-Administration, Chapter 2-City Council, Article 2-Organization and Procedure Section 2-2-33 Regular Meeting Time and Place to read as follows:

The city council shall hold regular meetings on the first and third Tuesdays of each month. The regular meeting time and location shall be established by resolution of the city council. When the day for any regular meeting falls on a city holiday, such meeting shall be at the same hour and place on the next succeeding day.

The foregoing ordinance was introduced and considered on the 1st day of February 2011 and was given its second reading by the Gustine City Council on February 15, 2011 and passed by the following roll call vote 5-0.

MOTION: Motion by Council member Garcia, seconded by Council member Nagy to adopt Ordinance No. 457 as presented. This item was approved by the following roll call vote:

AYES: Council members: Garcia, Nagy, Schultz, Oliveira and Mayor Brazil
NOES: None
ABSFNT: None

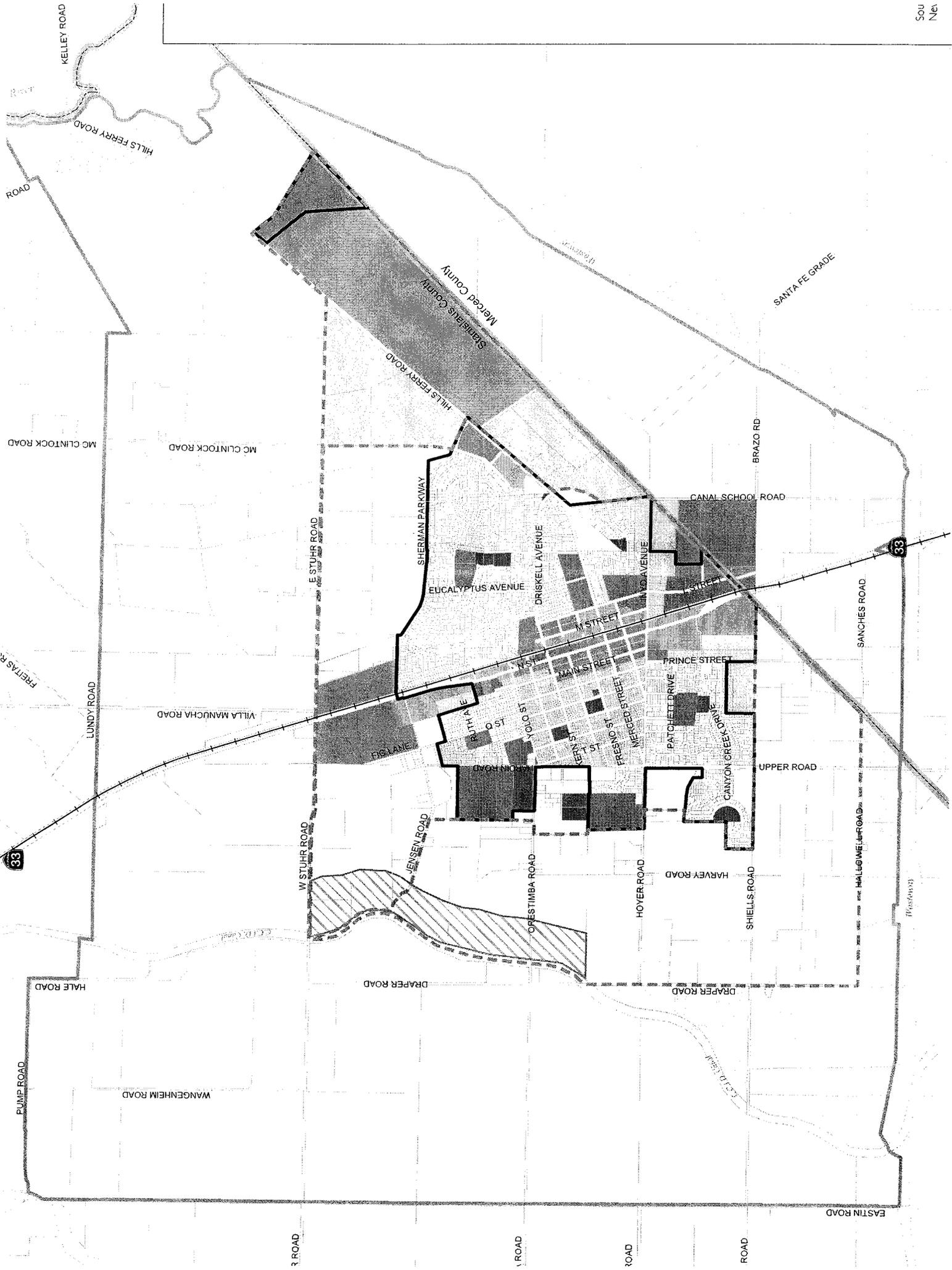
PUBLIC NOTICE • PUBLIC NOTICE

NOTICE OF TRUSTEE'S SALE TS No. 09-0152701 Title Order No. 4280937 Investor/Insurer No. 1701413753 APN No. 020-181-045-000 YOU ARE IN DEFAULT UNDER A DEED OF TRUST, DATED 05/05/2006. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER." Notice is hereby given that RECONTRUST COMPANY, N.A., as duly appointed trustee pursuant to the Deed of Trust executed by JOSE D PARTIDA, AND CELILIA PARTIDA, HUSBAND AND WIFE AS JOINT TENANTS, dated 05/05/2006 and recorded 05/17/06, as Instrument No. 2006-035460, in Book , Page), of Official Records in the office of the County Recorder of Merced County, State of California, will sell on 04/01/2011 at 3:00PM, At the West 21st Street entrance to the Merced County Courts Building on the corner of West 21st and "M" Streets, located at 627 21st Street, Merced CA 95340 at public auction, to the highest bidder for cash or check as described below, payable in full at time of sale, all right, title, and interest conveyed to and now held by it under said Deed of Trust, in the property situated in said County and State and as more fully described in the above referenced Deed of Trust. The street address and other common designation, if any, of the real property described above is purported to be: 375 MEREDITH AVENUE, GUSTINE, CA, 95322. The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. The total amount of the unpaid balance with interest thereon of the obligation secured by the property to be sold plus reasonable estimated costs, expenses and advances at the time of the initial publication of the Notice of Sale is \$359,248.74



FIGURE 5-1

NO PROJECT ALTERNATIVE



R-2/R-2S DUPLEX/MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

- 5.04.010 Purpose.
- 5.04.020 R-2 Permitted uses.
- 5.04.021 R-2S Permitted uses
- 5.04.030 Accessory uses – Administrative approval required.
- 5.04.040 R-2 Conditional uses – Commission approval required.
- 5.04.041 R-2S Conditional uses – Commission approval required.
- 5.04.050 R-2 Property development standards.
- 5.04.051 R-2S Property development standards.

5.04.010 Purpose.

To encourage flexibility in the design and type of dwelling unit, including single-family and two-family residential buildings in those areas where access, topography and existing development are compatible with low to medium density residential uses. (Ord. 97-17, 10-28-1997)

5.04.020 R-2 Permitted uses.

Unless otherwise governed by this title, the following uses shall be permitted in the R-2 Zoning District:

- A. Accessory buildings.
- B. Animals. The keeping of household animals (pets) shall be as follows: for one-family residences, three dogs maximum, three cats maximum, two rabbits, domestic birds and other small caged animals, excluding fowl, are permitted where the total number of animals in one place of residence shall not exceed five.
- C. Duplexes and halfplexes.
- D. Single-family dwellings. (Ord. 97-17, 10-28-1997)

5.04.021 R-2S Permitted uses.

Unless otherwise governed by this title, the following uses shall be permitted in the R-2S Zoning District:

- A. Accessory buildings.
- B. Animals. The keeping of household animals (pets) shall be as follows: for one-family residences, three dogs maximum, three cats maximum, two rabbits, domestic birds and other small caged animals, excluding fowl, are permitted where the total number of animals in one place of residence shall not exceed five.
- C. Single-family dwellings. (Ord. 97-17, 10-28-1997)

5.04.030 Accessory uses – Administrative approval required.

The following uses are permitted in the R-2/R-2S Zoning Districts with administrative approval:

- A. Home occupations pursuant to Chapter 5.20 NCC.
- B. Temporary sales office and/or construction offices, and neighborhood or block parties, fairs or festivals, pursuant to Chapter 5.22 NCC.
- C. Sale of produce pursuant to Chapter 5.22 NCC. (Ord. 97-17, 10-28-1997)

5.04.040 R-2 Conditional uses – Commission approval required.

Unless otherwise governed by this title, the following uses, and uses determined to be similar, may be permitted in the R-2 Zoning District subject to approval of a conditional use permit by the Planning Commission:

- A. Accessory residential units and guesthouses.
- B. Apartments.
- C. Boardinghouses.
- D. Churches and other religious institutions.
- E. Condominiums.
- F. Dwelling groups.
- G. Second single-family dwelling when, prior to the adoption of this or prior zoning regulations, a single-family dwelling exists on the rear one-half of a large lot.
- H. Triplexes. (Ord. 97-17, 10-28-1997)

5.04.041 R-2S Conditional uses – Commission approval required.

Unless otherwise governed by this title, the following uses, and uses determined to be similar, may be permitted in the R-2S Zoning District subject to approval of a conditional use permit by the Planning Commission:

- A. Churches and other religious institutions.
- B. Guesthouses and accessory residential units
- C. Accessory residential units and guesthouses.
- D. Halfplex, two-family dwelling on corner lots.

5.04.050 R-2 Property development standards.

Unless otherwise governed by this title, the following standards shall apply to all land uses, development and subdivisions in the R-2 Zoning District:

- A. Minimum building site: 6,000 square feet for interior lots and/or corner lots for each single-family dwelling or duplex. Three thousand square feet for each halfplex unit on interior lots and 3,500 square feet for each halfplex unit on a corner lot.
- B. Minimum average lot width: 60 feet for interior lots and 65 feet for corner lots.
- C. 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, except the inner lot of halfplex lots which shall have a minimum street frontage of 30 feet.
- D. Minimum lot area per unit: 3,000 square feet of lot per dwelling unit.
- E. Minimum front yard setback: 15 feet from property line.
- F. Minimum rear yard setback: 15 feet from property line.
- G. Minimum side yard setbacks: Five feet from property line. However, a corner lot shall have a side yard abutting a street of not less than 10 feet from the property line. Minimum side yard setbacks for halfplexes as set forth for halfplexes in the R-1 District.
- H. Maximum lot coverage: 60 percent of the total lot area. Lot coverage shall specifically include all buildings and structures.
- I. Maximum building height: 30 feet for duplex units, 35 feet for normal apartment structures. The Planning Commission may approve building heights over 30 feet by means of a conditional use permit where it can be demonstrated that the additional building height is necessary in order to achieve some purpose which is in keeping with the architectural character

of the neighborhood and where such additional building height is not likely to be detrimental to the overall residential quality of the neighborhood.

- J. Minimum Floor Area Requirements.
 - 1. Studio units: 550 square feet.
 - 2. One bedroom units: 650 square feet.
 - 3. Two bedroom units: 800 square feet.
 - 4. Three bedroom units: 900 square feet.
 - 5. Four bedroom units: 1,000 square feet.
- K. Usable Open Space Requirement.
 - 1. A minimum of 300 square feet of usable open space shall be provided for each single-family dwelling unit, attached or detached.
 - 2. A minimum of 200 square feet of usable open space shall be provided for each dwelling unit in a duplex residential building.
- L. Architectural and Site Plan Review.
 - 1. Architectural and site plan review shall be required for those projects which could result in the development of new single-family and/or duplex residences (including in-fill projects), or the development of any nonresidential building or use.
 - 2. Architectural and site plan review may be required by the Planning Department and Architectural Review Committee prior to issuance of a permit based on the finding that a proposed residence is out of character with the existing neighborhood or if the design and/or materials of a proposed residential addition are inconsistent with the existing residence.
- M. Other Applicable Provisions. Other provisions of this title as applicable such as off-street parking and loading, signs, landscaping and screening, fences, etc. (Ord. 97-17, 10-28-1997)

5.04.051 R-2S Property development standards.

Unless otherwise governed by this title, the following standards shall apply to all land uses, development and subdivisions in the R-2S Zoning District:

- A. Minimum building site: 4,500 square feet for interior lots and/or corner lots for each single-family dwelling.
- B. Minimum average lot width: 50 feet for interior lots and 55 feet for corner lots.
- C. 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, except the inner lot of halfplex lots which shall have a minimum street frontage of 30 feet.
- D. Minimum front yard setback: 10 feet from property line.
- E. Minimum rear yard setback: 15 feet from property line.
- F. Minimum side yard setbacks: Five feet from property line. However, a corner lot shall have a side yard abutting a street of not less than 10 feet from the property line. Minimum side yard setbacks for halfplexes as set forth for halfplexes in the R-1 District.
- G. Maximum lot coverage: 40 percent of the total lot area. Lot coverage shall specifically include all buildings and structures.
- H. Maximum building height: 30 feet. The Planning Commission may approve building heights over 30 feet by means of a conditional use permit where it can be demonstrated that the additional building height is necessary in order to achieve some purpose which is in keeping with

the architectural character of the neighborhood and where such additional building height is not likely to be detrimental to the overall residential quality of the neighborhood.

I. Minimum Floor Area Requirements.

1. One bedroom units: 650 square feet.
2. Two bedroom units: 800 square feet.
3. Three bedroom units: 900 square feet.
4. Four bedroom units: 1,000 square feet.

J. Usable Open Space Requirement.

1. A minimum of 300 square feet of usable open space shall be provided for each single-family dwelling unit.

K. Architectural and Site Plan Review.

1. Architectural and site plan review shall be required for those projects which could result in the development of new single-family residences (including in-fill projects), or the development of any nonresidential building or use.

2. Architectural and site plan review may be required by the Planning Department and Architectural Review Committee prior to issuance of a permit based on the finding that a proposed residence is out of character with the existing neighborhood or if the design and/or materials of a proposed residential addition are inconsistent with the existing residence.

L. Other Applicable Provisions. Other provisions of this title as applicable such as off-street parking and loading, signs, landscaping and screening, fences, etc.

RESOLUTION #2011-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN
RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR ZONE CHANGE #11-01**

PROJECT NAME: Newman City-Wide Re-Zoning

PROPOSAL DESCRIPTION:

The proposed City-Wide Re-Zoning consists of the re-zoning of 179 parcels within the City Limits of the City of Newman. The proposed zoning is to conform to the Newman 2030 General Plan as required by NMC §5.02.060.A.

PROJECT APPLICANT: City of Newman

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and recommends approval of Zone Change #11-01 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

- 1.) That the proposed re-zoning consistent with the goals, policies and actions of the General Plan.
- 2.) That the affected sites are physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use.
- 3.) That the public health, safety or welfare are not affected by the zone change and that the public necessity, convenience and general welfare permit it.

CONDITION OF APPROVAL

- 1. All proposed zoning shall be consistent with the General Plan.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 17th day of March, 2011, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution adopted by the following vote:

AYES: _____
 NOES: _____
 ABSENT: _____

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2011- AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON MARCH 17, 2011, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

DATED