



AGENDA
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF MARCH 20, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Oath of Office - New Commissioner.
5. Approval Of The Agenda.
6. Approval Of Minutes From The August 15, 2013 Meeting. ([View Minutes](#))
7. Items From The Public.
8. New Business
 - a. Public Hearing
 - Vesting Tentative Tract Map No. 13-02** ([View Report](#))
 - Applicant:** The Villas, LLC
 - Description:** Consider Approval Of A Tentative Map Revising The Finaled VTTM No. 05-01 For The Villas At Sherman Ranch In Conjunction With Zone Change No. 13-01.
 - Location:** The Subject Properties Are Located North Of Hills Ferry Road, West Of Sherman Parkway And South Of Cinnamon Teal Way; More Specifically Described As Park Villas At Sherman Ranch.
9. Items From Commissioners.
10. Items From Director And Staff.
11. Adjournment.



MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF AUGUST 15, 2013
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - 6:59 P.M.
2. **Pledge Of Allegiance.**
3. **Roll Call PRESENT:** Sloan, Coleman, Lucas, Maurer And Allan.
ABSENT: None.
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 July 18, 2013 Meeting.**

ACTION: On Motion By Maurer Seconded By Lucas And Unanimously Carried, The Minutes From The July 18, 2013 Meeting Were Approved.

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

- a. **Public Hearing**

Zone Change No. 2013-01

Applicant: The Villas, LLC

Description: Consider A Proposal To Revise An Existing P-D (Planned Development).
Revisions Include A Revised Layout, Wider Lots, Reduced Density,
Replacement Of Two-Story With Single Story Plans, Elimination Of Paseos
And Creation Of Alleys.

Location: The Subject Properties Are Located North Of Hills Ferry Road, West Of Sherman
Parkway And South Of Cinnamon Teal Way; More Specifically Described As
Park Villas At Sherman Ranch.

Commissioner Lucas Recused Herself From The Meeting Due To The Fact That Her Family Owns Property Involved In This Evenings Discussion.

City Planner Ocasio Presented And Reviewed Zone Change No. 2013-01. City Planner Ocasio Provided Information Regarding The Plans To Revise The Layout Of The Villas Which Would Result In Wider Lots And Reduced Density. Ocasio Also Stated That Staff Would Be Willing To Sit Down And Discuss Utilities. Staff Recommends Adoption Of The New Revised Plan.

Chairperson Allan Opened The Public Hearing At 7:10 P.M.

Steve Mothersell, SCM Homes of California, Presented The New Layout Plan. He Explained That Since It Is Five Years Later, The Old Plans No Longer Work And Will Probably Not Sell. The New Plan Will Have One Story Homes Where, The Center Lots Will Have Interchangeable Plot Plans To Better Cater To The Housing Market. Bonus Lots Will Also Be Offered Which Means That A Loft Can Be Built Above The Garage With Its Own Entrance Allowing For A Care Giver's Quarters Or Extra Space For A Family Member. Mothersell Stressed That It Is Not Intended To Be Used As A Rental Space, It Will Be Meant For Immediate Household Members.

Commissioner Maurer Asked About The Proposed Alleys And The Parking Aspect. Mothersell Informed The Commission Of The Strict Enforcement Of The Home Owners Association (HOA) Guidelines. The HOA Has Their Own Code Enforcement Person, Residents Who Do Not Follow The Parking Rules Are Ticketed And Pay Fines To The HOA. Alley Parking Will Be Prohibited At All Times.

Commissioner Sloan Asked If There Were Going To Be Access Into The Project's Development From Hills Ferry Road.

Mothersell Stated That There Will Be No Access Points Off Of Hills Ferry Road. Visitors Will Be Able To Park On Hills Ferry Road And Walk In To The Development.

City Manager Holland Reminded Them That There Is No Parking Allowed On Hills Ferry Between The Hours Of 2 AM To 5 AM.

Maurer Inquired As To How The New Plans Would Tie In With The Existing Complex.

Mothersell Turned That Portion Over To Steve Balliet Who Is One Of The Project's Design Architects.

Steve Balliet, JDA Architects-Planners, Described The Benefits Of The New Design Stating That They Brought Back The Older Concept Of Designing Homes With The Front Door And Living Room In The Front And The Kitchen In The Back With A Yard That Is Not Too Large But Big Enough To Sit And Enjoy And Have Company Over For A Bar-B-Q. He Also Stated That The New Homes Will Use Similar Materials And Color Schemes So That They Will Blend In With The Existing Homes.

Mothersell Returned To The Podium To Conclude And Take Questions.

Commissioners Sloan And Maurer Asked About The Re-Configured Lots And How Parking Would Work.

Mothersell Explained That With The New Lot Configuration You Would Be Able To Park Two Cars In Front Of The Home, But Stressed Again About The Rules Governing Parking For Residents And Their Guests.

Maurer Asked What The Cost Of The New Homes Will Be.

Mothersell Reported Them To Be Estimated At A Range Of \$115,000 - 140,000.

Allan Asked If Anyone Had Any Comments Or Questions Before Closing The Hearing.

Coleman Stated That He Would Be Interested In Seeing The Landscaping Layouts In The Future.

Maurer Stated That She Felt It Was Feasible And Attractive And Was Very Impressed With The New Plan.

Coleman Stated That He Agreed With What Maurer Said And Thanked Them For The Presentation And Everything They Are Doing To Bring This Together. He Also Stated That He Likes The Inclusion Of The Sound Barrier.

Allan Stated That She Was Appreciative Of The Smaller One Story Homes With Smaller Yards Being Offered, She Feels It Will Be A Benefit To Seniors And They Would Also Make A Good Starter Home For Young Families.

There Being No Further Public Comment, Chairperson Allan Closed The Public Hearing At 7:55 P.M.

ACTION: On Motion By Coleman Seconded By Maurer And Carried By The Following Roll Call Vote, The Planning Commission Recommended Approval Of Zone Change No. 13-01 To The City Council. AYES: Sloan, Coleman, Maurer And Allan; NOES: None; ABSENT: None; NOT PARTICIPATING: Lucas.

8. Items From Commissioners.

Commissioner Sloan Noticed That Along Flour Mill Drive And Particularly Brookhaven Drive There Were So Many Different Types Of Fences Which She Felt Was Not Uniform, She Was Wondering If There Was Anything In The City Code That Stated The Type Of Fencing Allowed. Planner Ocasio Stated That There Are Height And Placement Regulations But Noted That There Is Nothing That States What Style Of Fence It Has To Be Other Than Non-Hazardous.

Commissioner Coleman Stated That It Was Nice To Be Back And To See Everyone Since It Has Been A While Since They Had A Meeting.

9. Items From Director And Staff.

City Planner Ocasio Updated The Commission On The Valley Vision Stanislaus Plan And How It Is Gaining Momentum.

Ocasio Also Stated That She Is Looking For Volunteers To Help Work At The 125th Booth Selling Books And Providing Information At The Upcoming Fall Festival.

City Manager Holland Stated That The City Is Expecting To Have The New Master Plan Out By 2014. The Plans Works Out Of The General Plan, But Expands From Building Neighborhoods To Building Entire Subdivisions. The Master Plan Will Show 10 Acres Of Land Which Will Serve As A Sports Complex And A Soccer Field. In The Plan There Are More Parks And An Elementary School So That There Will Be A School Close In Proximity To The New Subdivision. It Is Anticipated To Be A 15-Year Build Out Which Will Bring The Population To Around 15,000.

Commissioner Coleman Asked For The Status Of The Dollar General. Holland Replied Permits Should Be Issued Within The Next 30 Days.

Commissioner Allan Asked For Status Of The Orestimba Flood Control Plan. Holland Informed Them That The WRDA Document Is In Washington Awaiting Final Signatures.

10. Adjournment.

ACTION: On Motion By Sloan Seconded By Coleman And Unanimously Carried, The Meeting Was Adjourned At 8:19 P.M.

CITY OF NEWMAN COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

PLANNING COMMISSION MEETING DATE: March 20, 2014

AGENDA ITEM: 8.a.

VTTM	#13-02	Reconfigure 86 existing residential lots into 68 residential lots and 4 public parking areas.
APN	049-061,062 & 063	Applicant/Owner: The Villas, LLC
CEQA	Completed Under GP EIR	

REQUEST:

Revise finalized VTTM No. 05-01 for The Villas at Sherman Ranch in conjunction with Zone Change No. 13-01. Revisions include a revised layout, wider lots, reduced density, elimination of paseos and creation of alleys.

LOCATION:

The subject properties are located north of Hills Ferry Road, west of Sherman Parkway and south of Cinnamon Teal Way; more specifically described as The Villas at Sherman Ranch.

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

R-1 = Single Family Residential
HD = High Density Residential
IR = Industrial Reserve
OS = Open Space

P-D = Planned Development
LI = Light Industrial
LD = Low Density Residential
PQP = Public/Quasi Public

SIZE OF PROPERTY: 10.23 acres

ACCESS: Lucca Drive, Monville Way and Tivoli Drive via Edinburgh Way and Cinnamon Teal Way

ORDINANCES:

NMC Title 6: Subdivisions

PROJECT DESCRIPTION:

The submitted Vesting Tentative Subdivision Map and accompanying statement propose the following changes to the existing subdivision (VTTM No. 05-01):

1. Reconfigure 86 existing residential lots into 68 residential lots and 4 public parking areas.

This new configuration will result in:

1. Project density reduced from the current 123 lots to 105 lots (total, including built lots).
2. Wider remaining lots (68 total).
3. Redesignated areas will have access from streets and/or alleys, rather than the paseos.
 - a. 24 lots will have their garages accessed from an alley
 - b. 16 lots will face the backside of the lots across the street (Tivoli Drive)
 - c. 12 lots will front on Hills Ferry Road

BACKGROUND:

On September 15, 2005, the Planning Commission approved Vesting Tentative Tract Map #05-01 subdividing the project area into 123 single-family lots and 5 common lots. The project was designed to be a high density single family community utilizing a “pull-a-part” unit design.

However, due to the economic downturn, construction and sales stalled around 2007. In response to the changing real estate market, the developer analyzed the project and proposed a zone change (to allow for changes to the existing P-D) and new lot configuration. The Zone Change was approved by the City Council on January 14, 2014.

ANALYSIS:

Land Use: With the approved Zone Change now in effect, the developer wishes to record a new revised Vesting Tentative Tract Map for the project. Per Title 6 of the Newman Municipal Code, a tentative map shall be processed in accordance with the Subdivision Map Act.

As required by the Act, the VTTM shall be reviewed to ensure that it meets the requirements of the General Plan and the subdivision ordinance. If approved, the map will be subject to conditions that the developer must meet within a specific time period. While these conditions are being met, no lots will be officially approved.

Prior to the cessation of the map's active status, when all of the conditions set out in the approved VTTM have been satisfied and compliance is certified by City staff, the project's Final Map will be brought to the City Council for approval. Lots within the subdivision cannot be sold and are not legal divisions of land until the Final Map is recorded. The developer has at least two years (with extensions, can be longer) in which to comply with the improvement requirements, gain final City approval and record the Final Map.

Layout

The project is designed in a grid pattern containing three (3) full blocks, five (5) half blocks, two (2) quarter blocks and a cul-de-sac. A revised total of 105 lots are proposed (86 will be reduced to 68).

Access and Circulation

Project access will not be impacted by the reconfiguration. Interior project streets will not be affected by the new VTTM. Paseos will be converted into alleys for the central units fronting along Castellona and Tivoli Drives. These streets will remain private and shall be maintained by the Home Owners Association. The Home Owners Association will be responsible for enforcement of parking regulations.

Non-Access Easements

The City of Newman strongly discourages 'through lots,' driveways onto major roadways, and non-approved access over landscaped areas. On the Final Map, a one (1') foot access easement was identified to discourage "through lots". That easement was not clearly identified on the proposed new VTTM. The developer will be required to include said easement or other method of restricted access on the VTTM.

Utilities:

Some utility services will need to be capped off and/or redirected due to the new lot configuration. According to the City Engineer, "The fact that the existing water and sewer stub-outs will no longer line up with the homes in the proposed layout will require easements where the laterals for water and sewer cross other parcels. The extent of these crossings may vary significantly and may preclude construction of some permanent improvements on some of the lots". He recommended that the City require review and approval of said easements to reduce future potential liability issues.

Additionally, Lot 66 (as shown on the new layout), is configured in such a manner that "wet" and "dry" utility services are not immediately available. Lot 66 will require entirely

new sewer lateral and water service/lateral connections to the main lines in the adjacent street.

A revised utility plan will need to be submitted to the City for review and approval; this can be done through the Improvement Plan process. Given that the proposed reconfiguration will result in decreased density, no utility capacity issues are expected.

Sewer

The submitted map identifies some instances where the sewer lateral is extended across an adjacent lot to a connection point. This has the potential to create hydraulic issues and cause sewer back-ups. New sewer service connections will need to be provided in those cases.

As mentioned above, there are some utility issues for Lot 66. The submitted map identifies a new service called out for Lot 66 but it is unclear if it is meant for that or another lot.

Additionally, per City Standards and Specifications, the proposed driveway Clean-outs on driveway aprons are not permitted.

Water

All Water services that are abandoned in place need to have the corporation stop closed off at the water main.

Similar to sewer, the submitted map identifies a new water service called out for Lot 66 but it is unclear if it is meant for that or another lot.

Storm Drainage

On January 20, 2005, the State Water Resources Control Board adopted sustainability as a core value; a major part of this consists of Low Impact Development (LID) measures. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Therefore, keeping with State policy, the developer should include Low Impact Development measures in the completion of the subdivision, as much as practically possible.

Additionally, the project requires a SWPPP under NPDES regulations for storm water pollution prevention and control prior to start of any activities in accordance with SWRCB Order No. 2009-0009-DWQ NPDES No. CAS000002 effective July 1, 2012. A WDID number for the project needs to be provided to the City for review. The SWPPP must comply with SWRCB requirements for QSD, QSP and LRP responsibilities and oversight.

All sewer and storm drainage lines will remain private and shall be maintained by the Home Owners Association. The City will continue to maintain control of the water lines (via easements) due to public health and safety issues.

Noise

Based upon the General Plan EIR, all houses within 100 feet of Hills Ferry Road may be subject to noise from vehicular traffic. As a result, the developer completed an Environmental Noise

Assessment for the new project layout. Per said assessment, all windows with a direct line of site to Hills Ferry Road should be fitted with sound transmission class (STC) 28, or higher, rated window assemblies. This mitigation was included as a condition of approval in the project's recent zone change.

Environmental Review

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.

FINDINGS:

The Subdivision Map Act (CGC §66410, *et seq.*) requires that a proposed subdivision not be approved unless the map, together with its design and improvements unless the following findings are made:

1. Is the map substantially consistent with the General Plan and any applicable Specific Plan?

Pro: The proposed changes, albeit different from the original design, are not contradictory to the original planned development (P-D). The proposed density is 10.3 units to the acre, just short of the General Plan's requirement of 12 to 30 units per gross acre for High Density Residential (HDR). However, it should be noted that the original P-D project was being processed at the time of the General Plan update and the Plan's land use map was revised to include the original P-D's density at that time. Therefore, although technically below the minimum density for HDR, the project is substantially consistent with the General Plan.

Con: The project's proposed density is inconsistent with the General Plan.

2. Is the site is physically suitable for the proposed type and density of development?

Pro: Given that the proposal is an amendment to an existing subdivision and that the project site has already been improved, the site is physically suitable for the proposed development. Additionally, all development shall occur in accordance with adopted development standards, goals, objectives and policies in the City of Newman.

Con: The proposed reconfiguration will require some amendments to existing improvements (capping off utility lines, moving driveway approaches, etc.). The developer is aware of the necessary changes required for the proposed reconfiguration.

3. Are the proposed subdivision design and improvements likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat?

Pro: No damages will be caused. Biological resource surveys conducted as a part of the Newman 2030 General Plan EIR, concluded that the Sphere of Influence, which contains the developed parts of Newman, no longer maintain a wildland habitat for migratory fish or wildlife species nor is it a corridor or a nursery site.

Con: None

4. Are the proposed subdivision design and improvements likely to cause serious public health and safety problems?

Pro: The subdivision will conform with City health and safety standards.

Con: None

5. Will the proposed subdivision design conflict with public easements within or through the site?

Pro: No public easements will be disturbed.

Con: None

6. Does the design of the subdivision provide, to the extent feasible, for future passive and natural heating or cooling opportunities?

Pro: Passive and natural heating or cooling opportunities exist due to the use and placement of landscaping and unit orientation of the proposed lots.

Con: None

Public Comment

A Public Notice was published in the West Side Index on March 3, 2014 and mailed out to surrounding property owners within a 300' radius on March 6, 2014. As of this date (3-14-14), one project inquiry has been received; no formal comments were submitted.

CONCLUSION:

The proposed changes to The Villas' Tract Map are compatible with the approved use (residential) but technically inconsistent with the General Plan's density for that area.

The proposed reconfiguration is different from the original development but maintains a high density design. Given the recently approved Zone Change, where changes in the housing market, housing trends and valley housing tendencies was discussed; staff believes that the revised map is necessary and consistent with the original intent of The Villas P-D.

Therefore, staff recommends that the Commission approve VTTM No. 13-02 subject to the Conditions of Approval. 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. Please note that Planning Commission action of the proposed Vesting Tentative Tract Map is final, unless appealed to the City Council.

CONDITIONS OF APPROVAL:

Should the Planning Commission approve the Vesting Tentative Tract Map; staff recommends the following conditions of approval:

1. All prior project conditions of approval shall remain in effect (including past VTTM, FM, ZC and ARC).

2. All issues identified by the City Engineer in his letter dated March 10, 2014 shall be addressed/ resolved prior to Final Map approval.
3. The developer shall submit Improvement Plans to the following for City review and approval, said plans shall include:
 - a. A detailed Sewer Plan to address each lot's sewer service and to identify services to be abandoned.
 - b. A detailed Water Plan to address each lot's water service connection and to identify services to be abandoned.
 - c. A detailed Storm Drain Plan to address specific modifications to the existing drainage collection system, including the new alley way and any necessary landscape drainage.
 - d. A Grading and Drainage Plan for construction of the new interior alley way.
 - e. Street Light Plans
 - f. Storm Water Pollution Prevention Plan (SWPPP)
4. Per the Environmental Noise Assessment, all windows with a direct line of site to Hills Ferry Road should be fitted with sound transmission class (STC) 28, or higher, rated window assemblies.

Standard Conditions

5. This application shall become null and void if the project is not initiated within one year from the date of approval.
6. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
7. 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.
8. 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.
9. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
10. 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.
11. 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.
12. 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, Proposed VTTM
2. Exhibit B, Proposed Preliminary Site Plan
3. Exhibit C, Original Tentative Lotting/Phasing Plan
4. Exhibit D, Aerial Photograph
5. Exhibit E, City Engineer's Comments – dated March 10, 2014
6. Exhibit F, Resolution Approving the Project



Google earth

feet
meters





GOUVEIA ENGINEERING, INC.
CONSULTING ENGINEERS

March 10, 2014

Ms. Stephanie Ocasio, City Planner
City of Newman
938 Fresno Street
Newman, California 95360

Re: The Villas at Sherman Ranch Unit 2

Dear Stephanie,

We reviewed the first submittal of the Summary of Anticipated Utility and Mapping Revisions dated November 14, 2012 and the Vesting Tentative Map dated December 3, 2013 for the above referenced project and have the following comments:

MISCELLANEOUS

1. This review was performed solely for the purpose of providing comments to the City of Newman (City) to be considered by the City when taking action on the developer's application and does not constitute approvals, explicitly or implicitly, for the improvements and modifications discussed.
2. Improvement Plans shall be submitted to the City for review and approval and shall include all the proposed modifications to the existing facilities and any other requirements stipulated by the City.

SEWER SERVICE

1. Extending a sewer lateral across an adjacent lot to a point of connection will likely create hydraulic issues and cause sewer back-ups. A new service needs to be provided in those cases.
2. Is the new service called out for Lot 66 meant to be for another lot? Clarify.
3. Clean-outs on driveway aprons are not allowed per City Standards.

WATER SERVICE

1. Water services that are abandoned in place need to have the corporation stop closed off at the water main.

2. Is the new service called out for Lott 66 meant to be for another lot?

STORM DRAINAGE FACILITIES

1. The developer should include Low Impact Development measures in the completion of the subdivision, as much as practically possible.
2. The project requires a SWPPP under NPDES regulations for storm water pollution prevention and control prior to start of any activities in accordance with SWRCB Order No. 2009-0009-DWQ NPDES No. CAS000002 effective July 1, 2012. A WDID number for the project needs to be provided to the City for review. The SWPPP must comply with SWRCB requirements for QSD, QSP, and LRP responsibilities and oversight.

DRIVEWAY LOCATIONS

1. Relocation of curb cuts will require some removal and replacement of pavement.
2. It is proposed that individual plot plans be prepared for each lot. Infrastructure modifications, including pavement and concrete adjustments, need to be included in one set of improvement plans for the entire development.

PROPOSED ALLEY ACCESS

1. The proposed 20-foot wide alleys may be too narrow for proper maneuvering of larger vehicles in and out of garages.

ELECTRIC SERVICE

1. The modified decorative street light plans will need to be included in the Improvement Plans.

GAS SERVICE

No comments.

PHONE AND CABLE TV SERVICE

No comments.

MAPPING REVISIONS

No comments.

LOT 66

1. Should the reference to Lot 66 have been for another lot?

THE VILLAS AT SHERMAN RANCH TENTATIVE PARCEL MAP 1ST REVIEW COMMENTS

On the map:

1. General Notes 1 doesn't include all of the APNs included in the mapped area. The note is missing APNs 049-063-013 through 022 and 049-063-043.
2. Also, on that same note, using a hyphen to indicate a range of APNs is confusing due to the hyphen within each of the listed APNs. It is suggested that the word "through" be used instead for clarity.
3. General Note 8 refers to common area lots. Which lots are common area lots?
4. The area designated as Lots M & N appears to be 3 lots based upon the line work. There are 2 lot letters (M & N). Can this area simply be 1 lot? The same goes for Lots K & L.
5. The original map (43-M-13) shows a 1' wide non-access easement along Hills Ferry Road. Will this be perpetuated over the backs of lots that adjoin that road? Or will that easement be vacated and another easement or other method of restricted access be put into place?
6. There is a park indicated in directly adjoining Lot 100. Is this a private park? If this is a separate lot from the Street (Lot B) then it will need a separate Lot letter and be included in the notes.
7. No dimensions are shown for Lots 37 and J.

From the title report:

1. There are several documents recorded that affect this property and it is imperative that the developer and the Planning Department ensure that all of them are fully reviewed as to how they will affect the development.
 1. 2005-0003184 Development Agreement No. 04-01 for Sherman Ranch
 2. 2007-0018602 Covenants, Conditions, Restrictions, Easements, Assessments, Liens, Charges, Terms, and Provisions
 3. 2007-0020755 which re-records the previous document
 4. 2007-0053030 which is a declaration of annexation
 5. 2007-0029643 Resolution No. 2007-8
 6. 2009-0104376 Grant of Maintenance, Construction, and Access Easements and Agreements.
2. The Legal Description of the title report includes Lot A of the original map (43-M-13) however that area does not appear to be included on this tentative map.

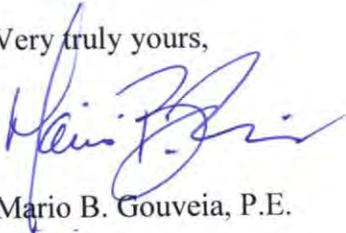
3. The summary of APNs given doesn't appear to include the APNs for the streets (Lots B, C, D, & E).

General:

1. The street cross-section is a non-standard section and presumably based upon what is already constructed.
2. No cross-section for the alleys (Lots K, L, M, & N) is given.
3. The point of entrance and a space layout for the parking areas (Lots G, H, I, & J) would ensure that the intention is clearly shown.

Please let us know if you have any questions.

Very truly yours,



Mario B. Gouveia, P.E.
City Engineer

Enclosure: Map Redlines
 Preliminary Title Report Redline

OWNER/APPLICANT

MR. MARK TRINTA
THE VILLAS COMMUNITIES, LLC
1920 STANDIFORD AVE., SUITE 1
MODESTO, CALIFORNIA 95350
PH: (209) 579-2020

APN'S PER MAPS
049-061-1-27
33-42
049-062-44

MISSING
049-063-013
THRU 022 & 043

GENERAL NOTES

- ASSESSOR'S PARCEL NUMBERS: 049-061-001 - 049-061-027, 049-061-033 - 049-061-042, 049-062-001 - 049-062-044. *THRU*
- PRESENT ZONING: P-D *THRU*
- SITE SUMMARY: THE TOTAL AREA SUBDIVIDED BY THIS MAP IS 7.60 ACRES, COMPRISING 68 RESIDENTIAL LOTS AND 13 LETTERED LOTS (B - N).
- LOTS B-E AND G-N INCLUDE PRIVATE STREETS, ALLEYS, AND PARKING AREAS. LOT F IS A PARK (LANDSCAPED LOT) AND ALL LETTERED LOTS ARE TO BE MAINTAINED BY THE ASSOCIATION, AS DEFINED BY CALIFORNIA CIVIL CODE, SECTION 1351(a) AS PROVIDED BY THE DECLARATION.
LOT B = 30,423 S.F., LOT C = 33,147 S.F.,
LOT D = 26,450 S.F., LOT E = 9,876 S.F.,
LOT F = 2,217 S.F., LOT G = 1,145 S.F.,
LOT H = 959 S.F., LOT I = 1,417 S.F.,
LOT J = 2,605 S.F., LOT K = 1,407 S.F.,
LOT L = 1,407 S.F., LOT M = 1,407 S.F.,
LOT N = 1,407 S.F.,
- PARKING SUMMARY: 460 ± SPACES (INCLUDING ON-STREET, DRIVEWAY APRON AND GARAGE FOR ENTIRE VILLAS SITE)
- THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.
- PURSUANT TO SECTION 66463.1 OF THE SUBDIVISION MAP ACT, THE OWNER/APPLICANT HEREBY RESERVES THE RIGHT TO FILE MULTIPLE SUBDIVISION MAPS.
- ALL COMMON AREA LOTS TO BE PUBLIC UTILITY AND RECIPROCAL ACCESS EASEMENTS. *WHAT AREAS ARE COMMON AREA LOTS?*

ASSOCIATED
ENGINEERING
GROUP



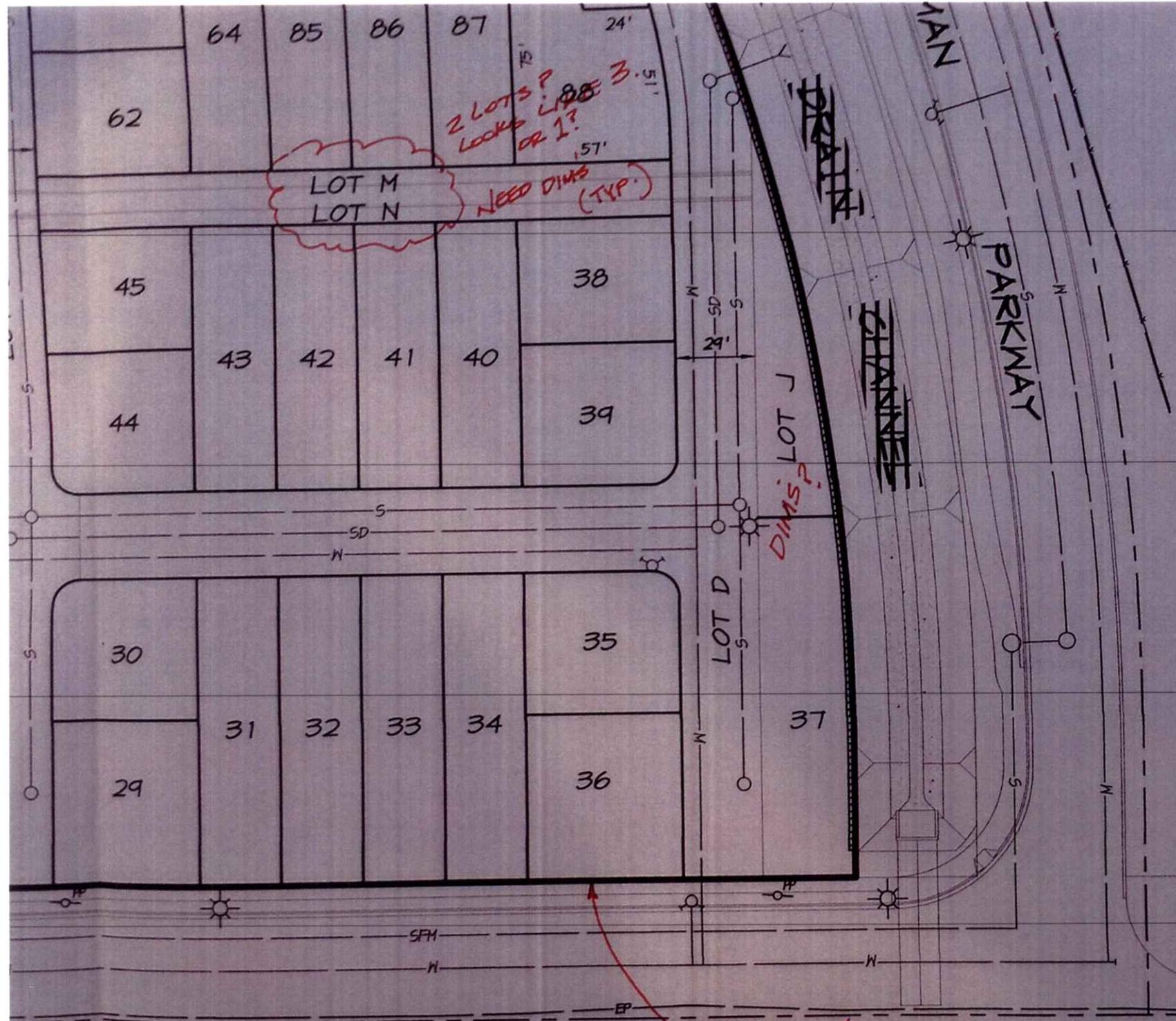
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO
PHONE: (209) 545-3390 FAX: (209) 545-3875 WWW

ING TENTATIVE SUBDIVISION MAP
VILLAS AT SHERMAN RANCH UNIT 2

CALIFORNIA

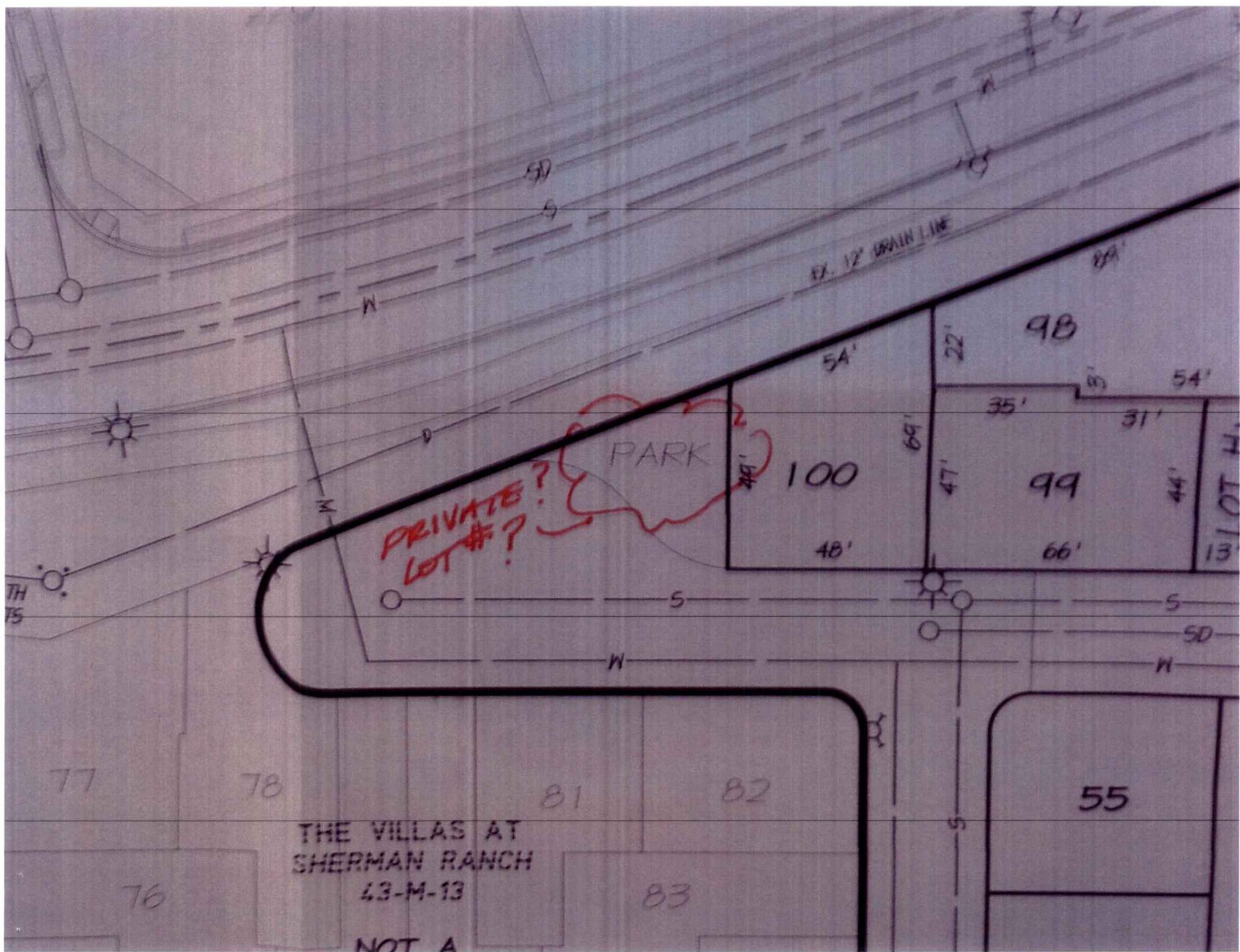
MAN

STATEMENT OF SUBDIVIDED



- 7. PURSUANT TO ACT, TO FILE
- 8. ALL CO... ACCESS

- STA**
- A. ALL IN IN AG
 - B. STORM CITY
 - C. SANITA CITY
 - D. WATER EXIST
 - E. STREET WITH



PRIVATE?
LOT #?

PARK

100

98

99

55

THE VILLAS AT
SHERMAN RANCH
43-M-13

EX. 12" DRAIN LINE

77

78

81

82

76

83

NOT A

13' LOT H

TH
75

BRE Report



First American Title

First American Title Company

2200-A Douglas Boulevard, Suite 275
Roseville, CA 95661

E-Mail Loan Documents to: Lenders please contact the Escrow Officer for email address for sending loan documents.

Property: Park Villas at Sherman Ranch
Newman, CA

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. *The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.* Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of August 13, 2013 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To Be Determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

THE VILLA COMMUNITIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO LOTS 13 THROUGH 64, 85 THROUGH 111, 117 THROUGH 123 AND COMMON AREA LOTS B THROUGH E AND PARK VILLAS AT SHERMAN RANCH OWNERS' ASSOCIATION, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT CORPORATION, AS TO COMMON AREA LOT A

The estate or interest in the land hereinafter described or referred to covered by this Report is:

A fee.

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
2. Taxes and assessments. Report to follow. Please verify before closing.
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. The terms and provisions contained in the document entitled "Development Agreement No. 04-01 for Sherman Ranch" recorded January 7, 2005 as Instrument No. 2005-0003184 of Official Records.
5. A Deed of Trust to secure an original indebtedness of \$11,477,000.00 recorded May 9, 2006 as Instrument No. 2006-0069951 of Official Records.
Dated: April 10, 2006
Trustor: The Villa Communities, LLC, a California limited liability company
Trustee: First Santa Clara Corporation, a California corporation
Beneficiary: Bank of the West, a California banking corporation

Affects: The land and other property.

The above deed of trust states that it is a construction deed of trust.

A document disclosing an additional advance in the amount of \$1,040,170.00, recorded October 9, 2008 as Instrument No. 2008-0108891 of Official Records.

The terms and provisions contained in the document entitled "Memorandum of Loan Extension Agreement" recorded April 14, 2009 as Instrument No. 2009-0035446 of Official Records.

According to the public records, the beneficial interest under the deed of trust was assigned to Land Fund, LLC, a California limited liability company by assignment recorded December 19, 2011 as Instrument No. 2011-0103627 of Official Records.

A document entitled "Assignment of Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing" recorded December 19, 2011 as Instrument No. 2011-0103627 of Official Records, as additional security for the payment of the indebtedness secured by the deed of trust recorded May 9, 2006 as Instrument No. 2006-0069951 of Official Records.

The effect of a document entitled "Deed of Partial Reconveyance", recorded February 20, 2007 as Instrument No. 2007-0020756 of Official Records.

Affects: Common area Lot A

6. Any and all offers of dedications, conditions, restrictions, easements, notes and/or provisions shown or disclosed by the filed or recorded map referred to in the legal description.

7. Covenants, conditions, restrictions, easements, assessments, liens, charges, terms and provisions in the document recorded February 13, 2007 as Instrument No. 2007-0018602 of Official Records, which provide that a violation thereof shall not defeat or render invalid the lien of any first mortgage or deed of trust made in good faith and for value, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, to the extent such covenants, conditions or restrictions violation 42 U.S.C. § 3604(c) or California Government Code § 12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Note: You may wish to contact the homeowners association referred to in the above document for information regarding assessments, transfer requirements or other matters.

Document re-recorded February 20, 2007 as Instrument No. 2007-0020755 of Official Records.

A declaration of annexation recorded April 26, 2007 as Instrument No. 2007-0053030 of Official Records, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, to the extent such covenants, conditions or restrictions violation 42 U.S.C. § 3604(c) or California Government Code § 12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Affects: Lots 13 through 22 and Common area Lot B

A declaration of annexation recorded October 27, 2008 as Instrument No. 2009-0104376 of Official Records, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, familial status, disability, handicap, national origin, genetic information, gender, gender identity, gender expression, source of income (as defined in California Government Code § 12955(p)) or ancestry, to the extent such covenants, conditions or restrictions violation 42 U.S.C. § 3604(c) or California Government Code § 12955. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Affects: Lots 112 through 116

In connection herewith we note:

"Rescission of Declaration of Annexation for Phases 3, 4 and 5 of the Villas at Sherman Ranch", recorded October 27, 2009 as Instrument No. 2009-0104377 of Official Records.

8. The terms and provisions contained in the document entitled "Resolution No. 2007-8" recorded March 7, 2007 as Instrument No. 2007-0029643 of Official Records.
9. The Terms, Provisions and Easement(s) contained in the document entitled "Grant of Maintenance, Construction and Access Easements and Agreement Park Villas at Sherman Ranch Subdivision Under Civil Code Section 1468" recorded October 27, 2009 as Instrument No. 2009-0104376 of Official Records.

Affects: Common Area Lots C, D and E

10. Water rights, claims or title to water, whether or not shown by the public records.

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. No known matters otherwise appropriate to be shown have been deleted from this report, which is not a policy of title insurance but a report to facilitate the issuance of a policy of title insurance.

For purposes of policy issuance, items NONE may be eliminated on the basis of an indemnity agreement or other agreement satisfactory to the Company as insurer.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

NOT INCLUDED?

LEGAL DESCRIPTION

Real property in the City of Newman, County of Stanislaus, State of California, described as follows:

LOTS 13 THROUGH 64, INCLUSIVE, 85 THROUGH 111, INCLUSIVE, 117 THROUGH 123, INCLUSIVE AND COMMON AREA LOTS A THROUGH E, INCLUSIVE, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED, "THE VILLAS AT SHERMAN RANCH", FILED FOR RECORD MAY 9, 2006 IN BOOK 43 OF MAPS AT PAGE 13, STANISLAUS COUNTY RECORDS.

- APN: 049-063-013 through 049-063-022 (Affects Lots 13 through 22) ✓
- 049-062-001 through 049-062-041 (Affects Lots 23 through 64) ✓
- 049-061-001 through 049-061-027 (Affects Lots 85 through 111) ✓
- 049-061-033 through 049-061-039 (Affects Lots 117 through 123) ✓

049-061-040
041
042
049-062-042
043
044
049-063-043

NEED TO INCLUDE FOR LOTS B, C, D & E

MAP LOTS... B, C, D, E

13-22, 23-64, 85-111, 117-123

PLANNING COMMISSION RESOLUTION No. 2014-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN
APPROVING VESTING TENTATIVE TRACT MAP No.13-02**

PROJECT NAME: Vesting Tentative Tract Map No.13-02

PROPOSAL DESCRIPTION:

Revise finalized VTTM No. 05-01 for The Villas at Sherman Ranch in conjunction with Zone Change No. 13-01. Revisions include a revised layout, wider lots, reduced density, elimination of paseos and creation of alleys.

PROJECT APPLICANT: The Villas, LLC

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 approves Vesting Tentative Tract Map No.13-02 based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

1. The map is substantially consistent with the General Plan and any applicable Specific Plans.
2. The site is physically suitable for the proposed type and density of development.
3. The proposed subdivision design and improvements are not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat.
4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems.
5. The proposed subdivision design will not conflict with public easements within or through the site.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities.

CONDITIONS OF APPROVAL

1. All prior project conditions of approval shall remain in effect (including past VTTM, FM, ZC and ARC).
2. All issues identified by the City Engineer in his letter dated March 10, 2014 shall be addressed/ resolved prior to Final Map approval.
3. The developer shall submit Improvement Plans to the following for City review and approval, said plans shall include:
 - a. A detailed Sewer Plan to address each lot's sewer service and to identify services to be abandoned.
 - b. A detailed Water Plan to address each lot's water service connection and to identify services to be abandoned.
 - c. A detailed Storm Drain Plan to address specific modifications to the existing drainage collection system, including the new alley way and any necessary landscape drainage.

- d. A Grading and Drainage Plan for construction of the new interior alley way.
 - e. Street Light Plans
 - f. Storm Water Pollution Prevention Plan (SWPPP)
4. Per the Environmental Noise Assessment, all windows with a direct line of site to Hills Ferry Road should be fitted with sound transmission class (STC) 28, or higher, rated window assemblies.

Standard Conditions

- 5. This application shall become null and void if the project is not initiated within one year from the date of approval.
- 6. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
- 7. 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.
- 8. 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.
- 9. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
- 10. 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.
- 11. 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.
- 12. 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.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 20th day of March, 2014, 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. 2014- 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 AUGUST 15, 2013, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

Dated