



**AGENDA**  
**NEWMAN PLANNING COMMISSION**  
**REGULAR MEETING OF NOVEMBER 19, 2015**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Approval Of The Agenda.
5. Approval Of Minutes From The October 15, 2015 Meeting. ([View Minutes](#))
6. Items From The Public.
7. New Business
  - a. Public Hearing ([View Report](#))  
**Conditional Use Permit No. 2015-02**  
**Applicant:** South Bay Naturals  
**Description:** Operate A Food Processing (Fruit Juice And Carbonated Soda) Facility,  
Including Process And Product Development, In The C-2 District.  
**Location:** The Subject Property Is Located At 1508 Main Street, More Specifically Described  
As APN 128-009-021.
  - b. Public Workshop ([View Report](#))  
**Housing Element Workshop**  
**Applicant:** City Of Newman  
**Description:** Receive Input From Members Of The Community And Other Housing  
Stakeholders For Consideration In The Housing Element Update.  
**Location:** City Of Newman City Limits.
8. Items From Commissioners.
9. Items From Director And Staff.
10. Adjournment.



**MINUTES**  
**NEWMAN PLANNING COMMISSION**  
**REGULAR MEETING OF OCTOBER 15, 2015**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Roll Call PRESENT:** Parker, Cardinal And Allan.  
**ABSENT:** Coleman.
4. **Approval Of The Agenda.**

**ACTION:** On Motion By Parker Seconded By Cardinal, The Agenda Was Approved By The Following Roll Call Vote: AYES: Parker, Cardinal, And Allan, NOES: None; ABSENT: Coleman; NOT PARTICIPATING: None.

5. **Approval Of Minutes From The July 16, 2015 Meeting.**

**ACTION:** On Motion By Parker Seconded By Cardinal, The Minutes From The July 16, 2015 Meeting Were Approved By The Following Roll Call Vote: AYES: Parker, Cardinal, And Allan, NOES: None; ABSENT: Coleman; NOT PARTICIPATING: None.

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

a. **Public Hearing**

**Parcel Map No. 2015-02**

**Applicant:** Lucas Holdings, LP

**Description:** Consider Approval Of A Tentative Parcel Map (Minor Land Division)  
Reconfiguring One Lot Into Two.

**Location:** The Subject Property Is Located At 443 Hills Ferry Road, More Specifically  
Described As APN 049-050-046.

City Planner Ocasio Presented And Reviewed Parcel Map No. 2015-02.

Chairperson Allan Opened The Public Hearing At 7:07 P.M.

Commissioner Parker Asked If The Property Could Be Rezoned Now.

City Planner Ocasio Responded That The Property Could Not Be Rezoned At That Time Due To Noticing Requirements.

Dennis Wilson, Horizon Consulting, Representing The Applicant, Stated That He Thought The Parcel Did Not Need To Be Rezoned. Wilson Noted That The City's Zoning Ordinance Allows Single Family Develop On A Property Zoned R-2 And That The Architectural Review Committee Would Need To Review The Project And Could Ensure That Only A Single Family Home Was Built On Said Property. He Indicated That The Applicant Planned To Build A Single Family Dwelling. Wilson Concluded By Stating That If The City Wanted The Parcel To Be Rezoned To R-2, Then They Should Take It Upon Themselves To Do So.

City Planner Ocasio Stated That The Architectural Review Committee Does Not Determine Density And Indicated That Staff Wanted To Ensure That The Development Of A Duplex Would Not Occur. Ocasio Elaborated That A Duplex Would Be Inconsistent With The Sounding Existing Neighborhood And That Staff Stood Firmly By The Recommended Condition To Rezone The Parcel To R-1.

Commissioner Parker Indicated That He Did Not Want To Delay The Project For The Applicant And Asked If An Agreement Could Be Put Into Place To Ensure That Only A Single Family Home Was Constructed On Said Property.

City Attorney Hallinan Noted That It Was Possible To Craft An Agreement To Ensure That Only A Single Family Home Was Constructed.

Council Member Murray Day, 739 Gibraltar Lane, Stated That He Was No Longer A Planning Commissioner As He Was Recently Appointed To The City Council But Wanted To Comment On The Item As A Citizen. Day Agreed That Only A Single Family Residence Should Be Developed On The Property But Would Concur With Commissioner Parker Regarding An Agreement.

There Being No Further Public Comment, Chairperson Allan Closed The Public Hearing At 7:16 P.M.

**ACTION:** On Motion By Parker Seconded By Cardinal, The Planning Commission Approved Parcel Map No. 2015-02 With A Clause That Amended Condition Three To Read That Parcel One Shall Have An Agreement Recorded With The Land Prior To Final Map Recordation Requiring That Only A Single Family Residence Be Developed By The Following Roll Call Vote: AYES: Parker, Cardinal, And Allan, NOES: None; ABSENT: Coleman; NOT PARTICIPATING: None.

#### **b. Public Hearing**

**Variance No. 2015-01**

**Applicant:** Donald F. Harmon II.

**Description:** Allow A 15'8" Tall Accessory Building That Would Exceed Height Limits.

**Location:** The Subject Property Is Located At 1158 "M" Street, More Specifically Described As Assessor's Parcel Number 128-019-027.

City Planner Ocasio Presented And Reviewed Variance No. 2015-01.

Chairperson Allan Opened The Public Hearing At 7:23 P.M.

Donald Harmon, 1158 "M" Street, Stated That He Does Not See Any Issues With The Proposed Building And Noted That His Neighbors Were Supportive Of The Project. Harmon Pointed Out That It Would Provide Additional Privacy, Safety And Storage For His Family. He Noted That He Owns A Trailer That Is 12' 9" Tall And Also A Car Lift That's 12' 6" Tall, Both Exceeding The City's 12' Standard. Harmon Concluded By Mentioning That The Building Is Pre-Fabricated.

Council Member Murray Day, 739 Gibraltar Lane, Thanked The Applicant For His Efforts And Stated That He Understood His Concerns. Day Indicated That The Difficulty That He Was Having With The Variance Related To The Fact That There Were No Other Variances In The Area. Day Asked The Commission To Not Approve The Variance And Thus Preventing The Granting Of A Special Privilege.

Commissioner Parker Stated That He Did Not Think Granting The Variance Would Constitute A Special Privilege. Parker Pointed Out The Spirit Of The Law Is Different Than The Letter Of The Law And Stated That Most Likely There Were Other Buildings In The City That Exceed The 12' City Requirement. He Clarified The Applicant's Request For The Height Difference And Confirmed That He Was Aware Of All The Conditions Of Approval.

Commissioner Cardinal Noted That She Visited The Site And Stated That She Is Willing To Approve The Variance Because She Thought That It Did Not Negatively Impact The Surrounding Area.

There Being No Further Public Comment, Chairperson Allan Closed The Public Hearing At 7:32 P.M.

**ACTION:** On Motion By Parker Seconded By Cardinal, The Planning Commission Approved Variance No. 2015-01 By The Following Roll Call Vote: AYES: Parker, Cardinal, NOES: Allan, ABSENT: Coleman; NOT PARTICIPATING: None.

**8. Items From Commissioners.**

Commissioner Parker Stated That He Had Enjoyed The Recent Planning Commissioner's Workshop.

**9. Items From Director And Staff.**

City Planner Ocasio Stated That The Power Point From The Planning Commissioner's Workshop Would Soon Be Sent To The Commission And Informed The Commission That There Will Most Likely Be a Planning Commission Meeting In November.

**10. Adjournment.**

**ACTION:** On Motion By Parker Seconded By Cardinal And Unanimously Carried, The Meeting Was Adjourned At 7:41 P.M.

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

**PLANNING COMMISSION MEETING DATE:** November 19, 2015

**AGENDA ITEM:** 7.a.

<b>UP</b>	<b>#13-01</b>	<b>Operate a food processing (fruit juice and carbonated soda) facility, including process and product development, in the "C-2" General and Service Commercial District.</b>
<b>APN</b>	<b>128-009-021</b>	<b>Applicant/Owner: South Bay Naturals</b>
<b>CEQA</b>	<b>Exempt</b>	

**REQUEST:**

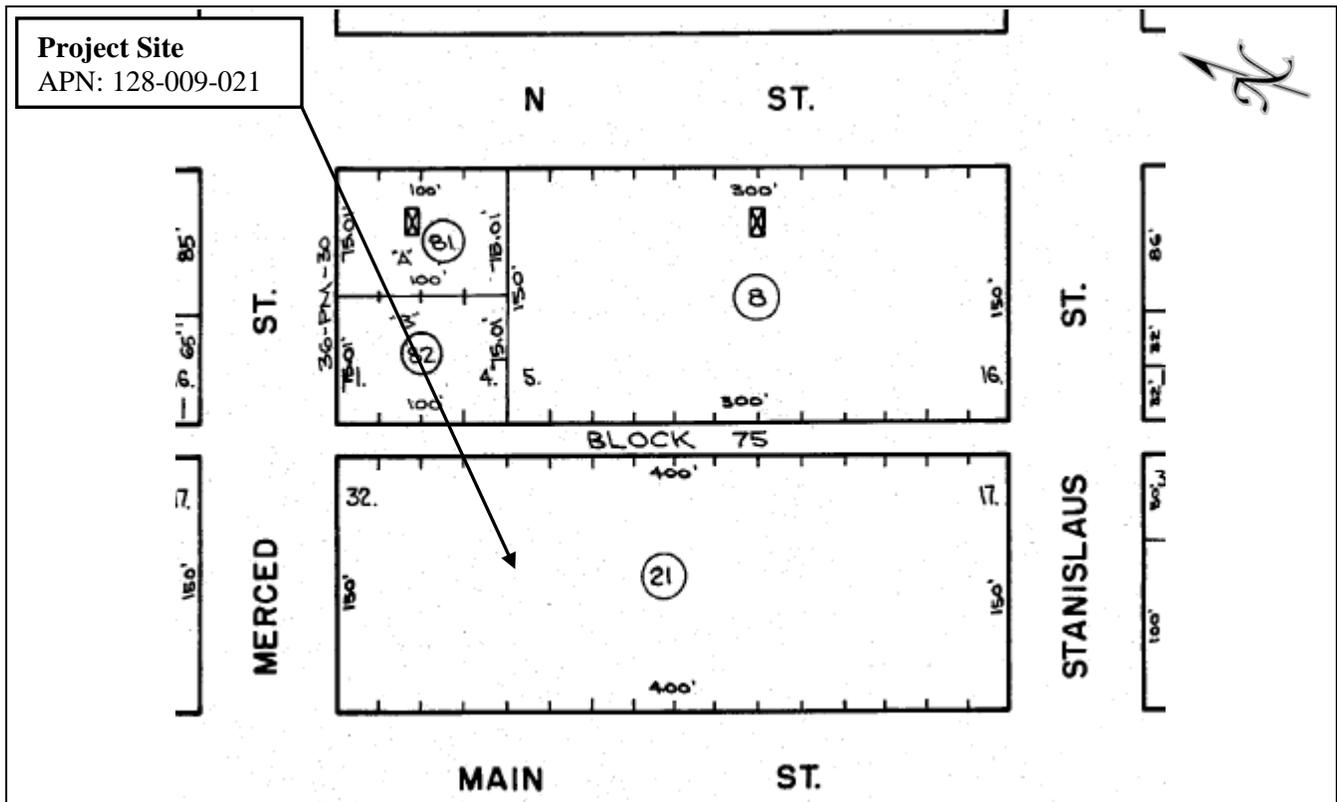
The operation of a food processing (fruit juice and carbonated soda) facility, including process and product development, in the "C-2" General and Service Commercial District; where the Municipal Code requires a conditional use permit.

**LOCATION:**

The subject property is located at 1508 Main Street, near the corner of Merced and Main Streets.

**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	Vacant	C-2	DC
North	Commercial	C-1/C-2	DC
South	Residential (LNC)	C-1	DC
East	Commercial	C-2	DC
West	Residential (LNC)	C-1	DC

C-1 = Retail Business District  
LNC = Legal Non-Conforming

C-2 = General and Service Commercial District  
DC = Downtown Commercial

**SIZE OF PROPERTY:** Parcel – 60,000 square feet  
Building – Approximately 23,645 square feet of which 2,000 square feet will be used for the proposed use (remaining suites/buildings are utilized by other tenants).

**ACCESS:** Main Street

**ORDINANCES:**

NMC 5.01.070: General Zoning Definitions

NMC 5.07: C-2 General And Service Commercial District

NMC 5.25.020: Conditional use permits

**PROJECT DESCRIPTION:**

1508 Main Street is located within the former Leprino Foods facility on the 1500 block of Main Street. The former creamery once spanned between Main and N streets and is now leased out as individual business suites of which food processing has taken place. The site plan identifies 1508 Main Street on the southwest side of the parcel, closest to Main and Merced Streets.

The suite is approximately 2,000 square feet, which includes a small office space, restroom facility and 1,320 square feet of workspace for the proposed use. The applicant is proposing to operate three to four days a week year-round. Activities at the site will be small in scale and include the use of the following equipment: fruit press, plate and frame filtration unit, nitrogen and carbon dioxide gas tanks, Rational Combi oven, manual bottling and labeling machines, steam cleaner, stainless steel tanks and bench top lab equipment including pH meter, rotary evaporator, weighing balance and glassware. All activities will take place inside the facility, not visible to the public.

**BACKGROUND:**

Staff received the use permit application on October 15, 2015. The applicant is requesting the use permit in order to operate a food processing (fruit juice and carbonated soda) facility, including process and product development, in the “C-2” General and Service Commercial District.

The applicant desires to expand his company, South Bay Naturals, to the City of Newman through the utilization of 1508 Main Street for the manufacturing of fruit juices. The company’s CEO, Bala Sreenivasan, has stated that the potential for business growth [in Newman] is enormous and [South Bay Naturals] should create job opportunities for local residents.

The proposed use is commercial in nature as is the “C-2” District. The applicant states that their proposed use will be in the best interest of public convenience and necessity and not constitute a nuisance or be detrimental to the general welfare of the public.

**ANALYSIS:**

*Land Use:* The subject site is zoned “C-2” (General and Service Commercial District). Properties surrounding the site are either zoned C-1 (Retail Business District) or C-2 (General Service Commercial), both are commercial in nature. The zoning code identifies the proposed use (Food processing) as a permitted use with a conditional use permit. Per municipal code requirements, the applicants have applied for said use permit.

Newman 2030 General Plan:

*“Development within areas designated Downtown Commercial shall be consistent with the goals of and the design guidelines within the City of Newman, Downtown Revitalization Plan” (GP LU-18).* Please refer to analysis under the Downtown Revitalization Plan subsection below.

*Policy LU-1.1 The City shall encourage development of a scale and type that is compatible with the existing scale and character of Newman.*

The proposed use will be utilizing an existing structure and continuing its intended food processing use. The proposal will not only be compatible with the immediate area through the use of an existing building but will also fill a current vacancy in the facility.

*Action LU-2.4 seeks to “...Ensure consistency with the General Plan in terms of the permitted uses and development standards.”*

The subject site was designated as Downtown Commercial as a part of the 2030 General Plan update; the proposed use is considered a compatible use and is therefore consistent with this designation.

Highway 33 Specific Plan

*Principle 2. Strengthen and enhance Downtown as the Central Business District.*

The project site is designated as Downtown Commercial in the General Plan and is keeping with the plan’s goal of stimulating the economic growth of the downtown core.

Downtown Revitalization Plan (DRP)

The Plan is intended to promote the development of businesses in Newman, among other things. The DRP Vision Statement states *“Downtown Newman will continue as the focal expression of commerce and civic ideals for the community and will serve as a model for new development in the area and for future expansion... The essential functions necessary for the conduct of business will be ensured.”*

The proposed use would be a new business in the area, consistent with identified General Plan, Zoning District and Downtown Revitalization Plan land uses.

*DRP §IV.E.1 states “The overall mass of a building in downtown Newman should be compatible which surrounding buildings. This includes new infill buildings or existing buildings.”*

The proposed use will utilize an existing building; meeting this requirement.

*Landscaping/Open Space:* NMC §5.07.050.G. requires that a minimum 5% of the total lot area be landscaped.

Given that the facility was designed specifically for food processing uses and is ‘grandfathered in’, the landscaping requirement does not apply.

*Parking:* NMC §5.17.030.E requires

*“1 space per 500 square feet of GFA, or 1 space for every 1½ employees on an individual shift, whichever is greater”.* With this formula; the proposed project would require four (4) off-street spaces. The submitted application identifies 3 parking spaces. However, upon review of the site plan, ample parking space is available, thus meeting the requirement. A condition of approval has been recommended to require the striping of four off-street parking spaces on-site.

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.”

Food processing and similar types of processing are categorized as a conditional use in the “C-2” 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 site and shall be out of view from the public. No objectionable noise, dust, odors or lack of necessary parking is anticipated. In fact, were it not for the past food processing use been vacant for over 6 months, a conditional use permit wouldn’t be required.

*Environmental Review:* Pursuant to applicable standards, 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 Article 19, Class 32 (In-Fill Development).

*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 Downtown Commercial, this designation “... provides for retail and service uses...public and quasi-public uses, and similar and compatible uses” (GP LU-18). Given that the zoning code identifies food processing 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 Downtown Commercial 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 an existing building, away from public view. In addition, the applicant will be creating a new business as well as providing employment opportunities for local residents. Staff does not anticipate any detrimental effect to public health, safety and general welfare.

Con: The proposed use will cause an insignificant traffic increase in the surrounding area (approximately 1-3 cars per day).

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

Pro: Located on Main Street, the project site was originally developed as a food processing facility (Leprino Cheese plant). The 2,000 square foot suite (identified as 1508 Main Street) provides adequate space and access for the applicant’s business needs.

Con: None

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: Primary access will be from Main Street. The applicant anticipates up to 3 employee and customer vehicular trips per day. The current level of service (LOS) for Main Street is "A", with an approximate daily volume of 1,100 vehicles (GP EIR 4.13-7); the addition of 3 vehicles will not adversely affect the LOS for Main Street.

Con: None

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

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

Con: None

#### Public Comment

A Public Notice was published in the West Side Index on Thursday November 5, 2015 and mailed out to surrounding property owners within a 300' radius. As of this date (11-10-15), 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 create a new business and increase economic activities 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 recommends the following conditions of approval:

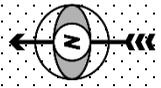
1. All loading/unloading shall take place on-site.
2. Four (4) parking spaces shall be striped in accordance with City Standards and Specifications

#### Standard Conditions

3. All plans shall be consistent with the site plan, reflecting amendments as approved.
4. 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.
5. It shall be the responsibility of the applicants to convey copies of the conditions of approval to all contractors and sub-contractors.
6. 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 Plan/Layout
2. Exhibit B, Site Photographs
3. Exhibit C, Site Aerial & Detail



Alley

1508  
Main  
Street

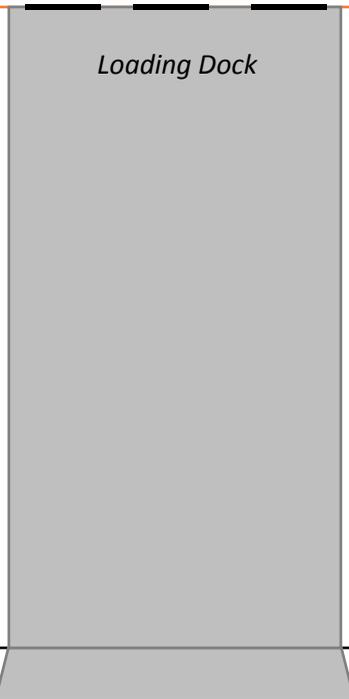
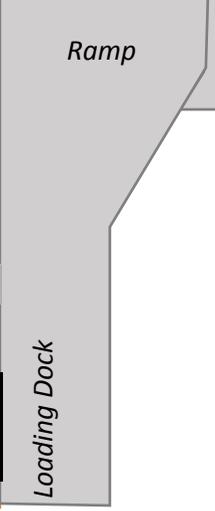
1528  
Main  
Street  
Bldg. A



1528  
Main  
Street  
Bldg. B

1528  
Main  
Street  
Bldg. C

Merced Street



Stanislaus Street

Main Street

Site Photograph



Site Photograph



Site Aerial



Stanislaus St

1508 Main Street

Main St

Merced St

33

N St



228 ft

© 2015 Google

GOO

Site Aerial Detail



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

**PLANNING COMMISSION MEETING DATE:** November 19, 2015

**AGENDA ITEM:** 7.b.

<b>GPA</b>	<b>#16-01</b>
<b>Applicant:</b>	<b>City of Newman</b>
<b>CEQA :</b>	<b>To be completed upon final adoption.</b>

**REQUEST:**

Receive a presentation on the 2016 update the Newman General Plan Housing Element and hold a workshop to afford community members, policy makers, and stakeholders an opportunity to ask questions, suggest ideas, and express concerns to be considered in the update process.

**ENVIRONMENTAL ASSESSMENT:**

Staff will initiate environmental assessment for this project upon submittal of a draft updated Housing Element document to the California Department of Housing and Community Development.



**BACKGROUND:**

State law requires each city and county to adopt a general plan containing, at a minimum, seven mandatory elements. Housing elements have been a mandatory part of general plans since 1969. In April 2007, the City of Newman adopted its updated general plan, and in August 2010, the City last updated its housing element. Unlike the other mandatory general plan elements, the housing element is required to be updated every eight years (or as otherwise specified in statute).

In the current housing element cycle, the City of Newman is required to adopt an updated housing element by December 31, 2015. The California Department of Housing and Community Development (HCD) provides a 120-day grace period for adoption that will end on April 29, 2016. Aware of the compressed timeframe for completing the update and in preparation for the April 2016 deadline, the City contracted with Coastplans in October 2015 to undertake a prompt review and update of its housing element.

This November 19, 2015 workshop is a part of the public involvement process required for housing element updates and is designed to solicit input from members of the public as well as from policymakers. In addition to this workshop, Coastplans has coordinated with City staff to organize a meeting with housing providers, regional service agencies, and other interested stakeholders in the area.

**PROJECT ANALYSIS:**

Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in the State rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

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

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

Based on the analysis described above, the housing element must then set forth housing goals, policies, programs, and quantified objectives.

**SCHEDULE:**

The proposed schedule for update of the Newman Housing Element is as follows:

<b>Milestone</b>	<b>Timeframe</b>
Housing Conditions Survey	November 9, 2015
Planning Commission Workshop	November 19, 2015
Administrative Draft Housing Element	December 18, 2015
Public Review Draft Housing Element	January 8, 2016
Planning Commission Hearing	January 21, 2016
City Council Hearing	January 26, 2016
Submit Housing Element to HCD	February 1, 2016
Final Housing Element Adoption	April 26, 2016

**CONCLUSION:**

Staff recommends that the Planning Commission hold a public workshop to discuss update of the Newman Housing Element.