

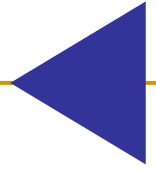


CITY OF NEWARK

Planning Commission

City Administration Building, City Council Chambers

Various Locations, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org



AGENDA
Special Meeting
Tuesday, December 15, 2020
7:30 P.M.

**THIS IS A MEETING BY VIRTUAL TELECONFERENCE ONLY.
THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN.
REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN
THE MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.**

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 23, 2020. (MOTION)**

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

E. PUBLIC HEARINGS

- E.1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel. (RESOLUTIONS – 2)**

- E.2 Hearing to consider Z-20-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to amend Section 17.26.040, Accessory Dwelling Units, generally affecting development standards for the construction of Accessory Dwelling Units– from Deputy Community Development Director Interiano.**
(Resolution & Ordinance)

F. STAFF REPORTS

G. COMMISSION MATTERS

- G.1 Election of Officers.**
- G.2 Report on City Council actions.**

H. ADJOURNMENT

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

Due to the COVID-19 pandemic, the City of Newark is making several changes related to City Council meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Planning Commission using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Chairperson Aguilar, Vice Chairperson Bridges, and Commissioners Becker, Fitts, Otterstetter will be attending this meeting via teleconference. Teleconference locations are not open to the public.

All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Live television broadcast - Comcast Channel 26

Livestream online at- <https://www.newark.org/departments/city-manager-s-office/agendas-minutes/live-streaming-meetings>

How to participate in the meeting remotely:

From a PC, Mac, iPad, iPhone or Android device: <https://us02web.zoom.us/j/84282979120>

From a telephone dial 1 669 900 9128, Webinar ID 842-8297-9120

Provide live, remote public comments, when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Administrative Support Specialist.

Submission of Public Comments:

Public comments received by 4:00 p.m. on the Planning Commission meeting date will be provided to the Planning Commission and considered before Planning Commission action. Comments may be submitted by email to planning@newark.org. Comments may also be submitted via e-mail to planning@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The Administrative Support Specialist will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Planning Commission meeting and consistent with all applicable laws.

Commission Meeting Access/Materials:

The agenda packet is available for review at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and will be posted, if time allows, at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting at city.clerk@newark.org or 510-578-4266.



CITY OF NEWARK

Planning Commission

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

MINUTES

Tuesday, June 23, 2020

A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:36pm. Present were Commissioners Becker, Fitts, Otterstetter (all via teleconference). Vice Chairperson Bridges was absent.

B. MINUTES

B.1 Approval of Minutes of the Planning Commission meeting of June 9, 2020.

MOTION APPROVED

Commissioner Fitts moved, Commissioner Becker seconded, to approve the Minutes of the regular Planning Commission meeting on June 9, 2020. The motion passed 4 AYES, 1 ABSENT.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

F.1 Design Review of LUCID Master Sign Plan (SIGN2020-006), located at 7373 Gateway Blvd – from Deputy Community Development Director Interiano

Deputy Community Development Director (DCDD) Interiano provided an overview of the master sign plan and asked that the master sign plan be approved.

Aaron Bowen, 7373 Gateway Blvd, Newark CA, from Lucid Motors provided additional information regarding the larger roof sign, Sign D.

Commissioner Fitts asked if Sign D will be illuminated at all times. Mr. Bowen stated Sign D will be on a timer which is typically set to be illuminated from dusk to dawn.

Commissioner Becker asked when manufacturing will begin. Mr. Bowen stated Lucid Motors is currently building the showroom vehicles within the 7373 Gateway Blvd location and it will be the first retail location for in person vehicle purchases. They are currently accepting preorders for the Lucid Air model. They are anticipating production of the vehicles in quarter one of 2021. Production will be conducted at their Casa Grande location which is currently under construction.

DCDD Interiano asked if the back of Sign D will be illuminated as well. Mr. Bowen stated the panel behind the letters will block the light on the back side of the sign. The light wattage should simply accent the signage and not cause a large glow.

Sharon Foery from Lucid Motors stated the sign has a night view where the background is dark and only the edging of the letters will be illuminated.

Chairperson Aguilar asked if this sign plan was approved, how long it will take for the signs to be built. Ryan Jensky from Lucid Motors stated it typically takes 8 weeks from the time of approval.

Commissioner Becker moved, Commissioner Otterstetter seconded, to approve the Lucid Motors Master Sign Plan. The motion passed 4 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

Community Development Director (CDD) Turner reported that City Council adopted an urgency ordinance to allow the Community Development Director to waive or relax requirements of the zoning ordinance to assist businesses in the COVID-19 business reopening phase. Businesses that are allowed to reopen include restaurants providing outdoor dining. Staff is preparing guidelines and standards for outdoor dining and hope to release them as early as tomorrow. CDD Turner provided a brief overview of the new requirements, processes, and guidelines for outdoor dining. There would also be a social media program to highlight and spread the information to promote outdoor dining.

Chairperson Aguilar asked how the City will reach out to businesses. CDD Turner stated outreach will be completed through the Economic Development mailing lists, Chamber of Commerce, social media outlets, and word of mouth since other counties in the Bay Area also have their own guidelines for outdoor dining.

Commissioner Fitts expressed excitement for the outdoor dining program.

Commissioner Fitts asked if this is strictly for restaurants or if it applies to retail as well. CDD Turner stated this was geared more for restaurants since indoor and outdoor retail is already allowed to open with the newest Alameda County Health Order.

CDD Turner reported that staff is requesting permission from City Council to apply for the LEAP (Local Early Action Planning) grant that provides money to jurisdictions to promote affordable housing policy and programs. Many cities are requesting the grant to help fund the upcoming update to the housing element which is due to the state in January 2023. If the grant request is approved, the funds will be used to hire consultants and specialists to help assist in understanding the rules, regulations, and policies that The City would be subject to and ensure proper compliance with state guidelines.

CDD Turner reported that staff is seeking City Council approval of the agreement with the urban county of Alameda County for the CDBG (Community Development Block Grant) for projects and services related to the grant.

CDD Turner stated the main item in the next City Council meeting is the FY21 budget approval.

Commissioner Fitts asked if staff anticipates any items for the next Planning Commission meeting. CDD Turner stated staff is working on the Accessory Dwelling Unit ordinance update. However, that probably won't be on the agenda until the late July meeting.

Chairperson Aguilar asked if we have to update the EIR when we update the housing element. CDD Turner stated the EIR will be updated as part of the draft housing element.

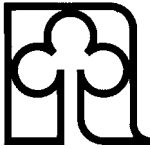
Commissioner Fitts and Chairperson Aguilar hopes everyone has a safe Fourth of July.

H. ADJOURNMENT

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:13 p.m.

Respectfully submitted,

STEVEN TURNER
Secretary



- E. 1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel.**

(RESOLUTIONS – 2)

Background/Discussion

Sawart S. Fahmy is requesting to subdivide Lots 13 and 14 of Block 56 in Map Book 17, page 10 filed with the Alameda County records on May 6, 1878 into a five-parcel subdivision consisting of four single-family residential lots and one common lot. The common lot, “Parcel 5,” would serve as a private street to access the four residential lots.

The project site comprises of two vacant lots, located at 37503 and 37511 Cherry Street, which combine for an aggregate size of approximately 0.38 of an acre. The lots are zoned RM: Residential Medium Density and have a General Plan Land-Use Designation of “Medium Density Residential.” The respective zoning and land-use designation are intended for residential densities from 14 to 30¹ units per net acre. Generally, the RM district allows for garden apartments and condominiums, townhomes, row houses, four- to eight-plexes, and in established areas near Old Town Newark, a mix of multi-family and single-family homes within this range. These areas tend to be multi-family in character but retain some of the characteristics of suburban neighborhoods.

Project Context and Proposal

The project site sits near the outskirts of the Old Town Newark area. The stretch of Cherry Street between Central Avenue to the south and Baine Avenue to the north is transitioning from industrial to residential uses. This transition would tie into the urban fabric that exists south of Thornton Avenue, particularly with the multifamily developments on the west-side of Cherry Street along the two blocks that are separated by Clark Avenue.

Specifically, the project site is surrounded by single-family residences to the north; multi-unit developments to the east and west; and a newly-constructed self-storage facility to the south. As previously described, the project would combine two existing lots and subdivide the property into five parcels, ranging in size from 2,800 to 3,570 square feet. “Parcel A” would be the largest at 3,570 square feet and serve as an emergency vehicle access easement, a private vehicle access easement, a public utility easement, a sanitary sewer easement, a waterline easement, and a private storm drain easement. Each of the other four parcels would be developed with a two-story, single-

¹ Up to 30 units/net acre in the RM district are allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area subject to conditional use permit approval.

family residence. The single-family homes would provide between 1,631 to 1,884 square feet of living area and an attached two-car garage, which would range between 471 to 514 square feet. As detached, single-unit dwellings, the proposed residences are permitted in the RM district. However, as detailed later in this staff report, the proposed development does not meet all of the RM development standards specified in [Newark Municipal Code \(NMC\) §17.07.030](#).

Per the application materials on file, each of the four homes would comprise of 3 bedrooms and 2.5 bathrooms in a two-story structure. The homes would be relatively modest in size and differ from the new, largely three-story residential construction that has taken place elsewhere in the City over the last few years.

The City's off-street parking requirement would be satisfied by the provision of a two-car garage for each home, which would be front-loaded. Additionally, the driveway apron on each lot, as well as the two guest parking spaces between Lots 1, 2, and 3, would provide for guest parking spaces.

As reported by the applicant, the homes will honor Craftsman architecture. As suggested by the elevations, the home designs give attention to the roof forms, gable elements, and porch details. While each home would have a distinct color scheme, the consistency in materials and finishes would provide design elements that are visually harmonious. For instance, each house would apply a wainscoting base of stone or brick veneer to anchor it to the ground. The homes would also include accent materials for richness. This is particularly true for Lot 1 because it would be visible from Cherry Street. The home design for Lot 1 would incorporate a large porch element to reduce the massing and break up the two-story façade at the street-facing elevation. This street-facing elevation would also express detail in the porch railing and the gable framing.

Furthermore, to help soften the development and settle the homes into the landscape, the project proposes a total of 10 trees, including two 36-inch box street trees, and over 200 5-gal shrubs. The landscape improvements would give definition and variety to the development.

Requested Entitlements

The proposed project requires the approval of the following items to allow for site improvements and construction of the residences.

1. *Vesting Tentative Tract Map*. The applicant has submitted a Vesting Tentative Tract Map 8531 to allow for a five-parcel, four-lot residential subdivision on an approximately 0.38-acre site. The four residential lots will range in size from 2,800 to 3,512 square feet.
2. *Planned Development (PD) Overlay District and PD Plan*. The proposed project deviates from some of the RM district development standards as specified in [NMC §17.07.030](#). The specific deviations are as follows:
 - a. Density – A minimum density of 14 units per acre is required. The project would result in a density of 13.4 units per acre.
 - b. Lot Size – All four lots would not meet the minimum lot size of 6,000 square feet. The average lot size for all four lots would be approximately 3,250 square feet.

- c. Lot Width – Lots 1, 2, and 3 would not meet the minimum lot width requirement of 60 feet. The average lot width for all four lots would be approximately 50 feet.
- d. Lot Depth – All four lots would not meet the minimum lot depth of 100 feet. The average lot depth for all four lots would be approximately 67 feet.
- e. Public Street Frontage – Lots 2, 3, and 4 would not meet the minimum lot frontage on a public street of 40 feet.
- f. Rear Setback – Lots 1, 2, and 3 would not meet the minimum rear-yard setback of 10 feet.

Lot #	Frontage	Home Size	Lot Size
Lot 1	Cherry Street	1,631	3,253
Lot 2	No public street frontage	1,631	2,800
Lot 3	No public street frontage	1,631	3,512
Lot 4	No public street frontage	1,884	3,570

Per [NMC §17.12.060](#), a PD plan and zoning amendment shall only be approved if all of the findings called out below are made in the affirmative. The findings given in the draft resolution of approval contain language that comes from the NMC Title 17 and is supported by the application materials on file.

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The proposed development would be generally consistent with the General Plan. The development’s density would not exceed the maximum density of 30 dwelling units per acre allowed under the General Plan Land-Use Designation of Medium Density Residential. The development’s density of 13.4 dwelling units per acre would present a negligible difference, one that is not worth eliminating given the possibility of affecting other development standards, in the meeting the minimum density requirement of 14 dwelling units per acre. In addition, the application was filed in 2017 and was in consideration at a lower density prior to the 2018 update to NMC Title 17, Zoning; and therefore, the proposal for single-family homes carries from when the project was first conceived. Moreover, given the context existing single-family neighborhoods, single-family development is encouraged in the area.

- b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The project site is zoned Residential Medium Density and has a minimum density requirement of 14 dwelling units per acre. As the existing parcel is under-developed, the addition of four single-family homes to the area would not require additional street improvements for traffic mitigation. In addition, the proposed development would dedicate a 2-foot wide area, amounting to a total of 200 square feet, towards the City’s right-of-way.

By doing so, the project would improve the street frontage and eliminate the current pedestrian network gap on the western block of Cherry Street between Central Avenue to the south and Clark Avenue to the north.

Each of the four homes would include a two-car garage and a driveway apron in front of each garage would provide for guest parking. In addition, the project development would also provide two separate guest parking spaces between Lots 1, 2, and 3. Therefore, the proposed development would provide for a total of 18 off-street parking spaces.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

With the exception of the light industrial use to the south, the project site is surrounded by a mix of single-family and multi-family residential units to the north, east, and west. Thus, the subject site would be compatible with the existing character the neighboring land use.

- d. *The development generally complies with applicable adopted design guidelines.*

The overall design of the project including its scale, massing, site plan, exterior design, and landscaping would enhance the appearance and features of the project site and its immediate surrounding. The project would promote high-quality design and well-crafted and maintained buildings. The landscaping would be compatible with and enhance the architectural character and features of the homes and help relate the structures to the surrounding landscape. Project details, materials, and landscaping would be internally consistent, fully integrated with one another, and used in a manner that would be visually consistent with the proposed architectural design as well as the intended character of the area. Therefore, the development generally would comply with applicable design guidelines.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The subject site is zoned as Residential Medium Density and has the potential to result in a multi-family development that could increase the traffic in the area and disrupt the single-family characteristics of the surrounding neighborhood. Under the proposed project, however, the development would result in four high-quality, single-family homes which would be superior to the development that could otherwise occur under the standards applicable to the underlying zoning district.

California Environmental Quality Act (CEQA)

The proposed project is categorically exempt from CEQA analysis under Guidelines per §15303, “New Construction or Conversion of Small Structures.”

Recommendation

The proposed project would offer a quality product whose design would substantially align with the applicable design guidelines. The proposed development would also be suitable given its

juxtaposition to the single-family neighborhoods along the eastern side of Cherry Street.

Action

The Planning Commission, hereby, recommends by resolution, that the City Council, approve the following: 1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan, with Exhibit A and B; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow for a five-parcel, four-lot residential subdivision for the construction of four single-family homes located at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02), with Exhibit A.

Attachment(s)

- Exhibit A. Project Plans (Site Plan, Elevations, Floor Plans, Landscape Plan, etc.)
- Exhibit B. Resolution – P-20-02
- Exhibit C. Resolution – TTM-20-03
- Exhibit D. Draft Ordinance (PD Overlay District)

5 Lot- 4-Unit Subdivision

FOR

Sawart S. Fahmy

37487, 37495 37503, & 37511, Cherry St Newark

Applicable Codes and Ordinances

CALIFORNIA BUILDING CODE
 CALIFORNIA FIRE CODE
 CALIFORNIA MECHANICAL CODE
 CALIFORNIA PLUMBING CODE
 CALIFORNIA ELECTRICAL CODE
 CALIFORNIA GREEN BLDG STANDARDS
 CALIFORNIA ENERGY CODE
 CALIFORNIA RESIDENTIAL CODE

Project shall comply with applicable codes in effect when the building permit application is filed

Scope of Work

Subdivide two existing parcels (combined approx 17,200 sf) into a five unit subdivision. One unit will be the new private street and the other four will be parcels for single family lots. Note that a portion of the original two lots will be dedicated to the City of Newark for future street widening along Cherry St.

Four new two story homes will be constructed as part of this project.

SHEET INDEX

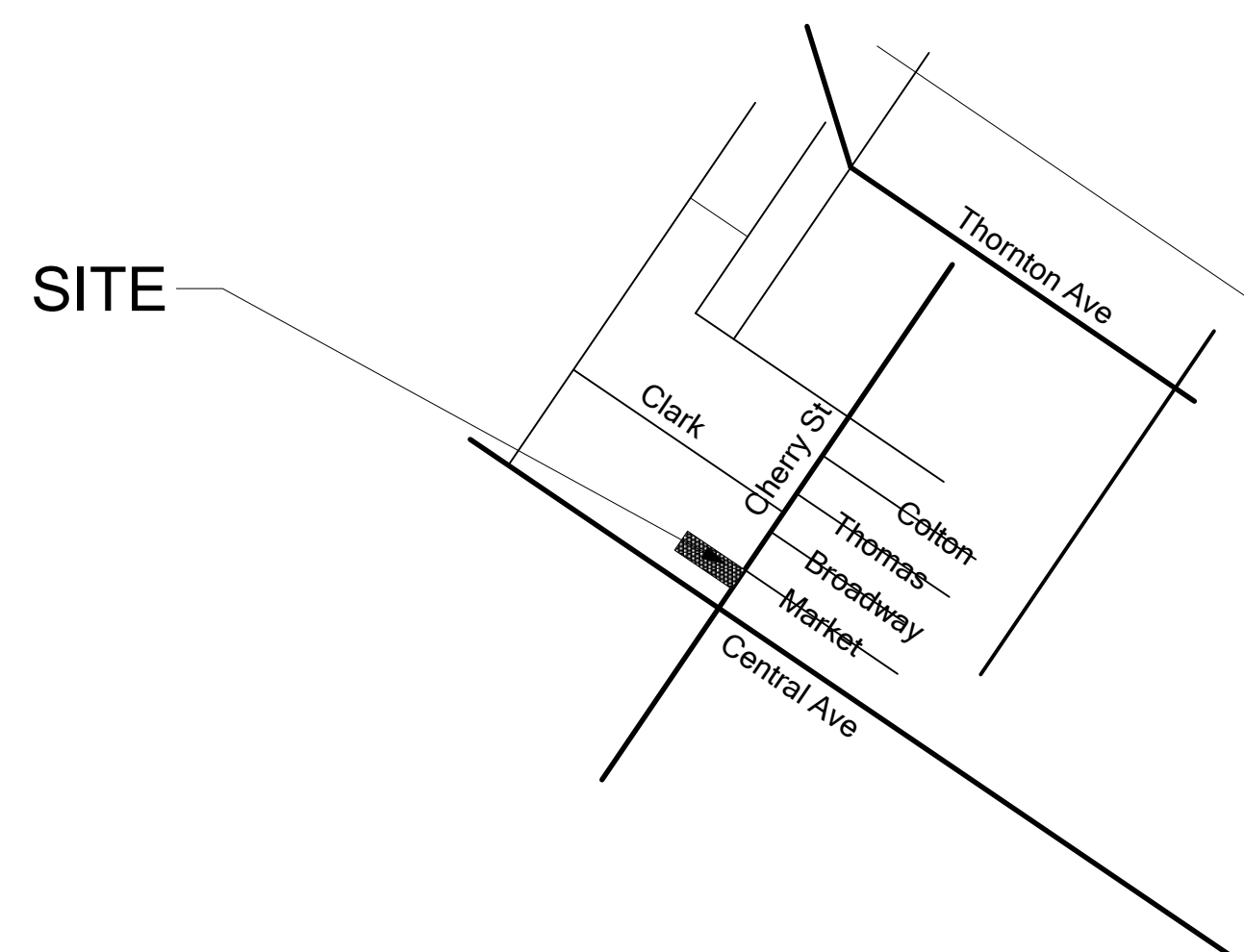
T-1 Cover Sheet

Civil Drawings

- TM1 Tentative Map-Lot Plan
- TM2 Site Plan
- TM3 Preliminary Grading Plan
- TM4 Preliminary Grading Plan
- TM5 Preliminary Utility Plan
- TM6 Cross Sections

Architectural

- S-1 Architectural Site Plan
- L-1 Conceptual Landscape Plan
- A-1A Plan 1A Floor Plans
- A-1B Plan 1B Floor Plans
- A-1C Plan 1C Floor Plans
- A-2 Plan 2 Floor Plans
- A-3A Plan 1A Exterior Elevations
- A-3B Plan 1B Exterior Elevations
- A-3C Plan 1C Exterior Elevations
- A-4 Plan 2 Exterior Elevations
- A-5 Streetscape Elevations



Vicinity Map

Construction Notes

- Construction for this project, including site work and all structures, can occur only between the hours of 7:00 am and 6:00 pm. Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request, the Building Official will take into consideration the nature of the construction activity which would occur during the extended hours/days, the time duration of the request, the proximity to residential neighborhoods, and input from affected neighbors. All approvals will be done so in writing.

PROJECT DATA

LOCATION 37503 & 37511 Cherry St Newark CA

Zoning RM (Residential Medium Density) General Plan Use - Medium Density Residential

OWNER Sawart S. Fahmy 331 Santa Rosa Drive Los Gatos, CA 95032

ARCHITECT JOHN BARTON ARCHITECT 43575 MISSION BLVD #703 FREMONT CA 94539

CONTACT JOHN BARTON 510 290 9007 JBARCH100@MSN.COM

Civil Engineer SAN BENITO ENGINEERING & SURVEYING INC 502 MONTEREY ST HOLLISTER, CA 95023 831 637 2763

Building and Lot Information

Lot Area 16,767 SF
 (after Frontage dedication) 16,567 SF

Parcel 1 95-75-4-2
 Parcel 2 95-75-5-2 to be combined and then subdivided

Proposed Subdivision

(net-excludes private street) h12,997 SF

Lot 1/37519 Cherry St	3,253 SF
Lot 2/37511 Cherry St	2,800 SF
Lot 3/37503 Cherry St	3,432 SF
Lot 4/37495Cherry St	3,512 SF
Lot 5(Private Street)	3,570 SF

Lot Coverage

Lot 1/37519 Cherry St	1138 SF/3,253 SF = 34.9%
Lot 2/37511 Cherry St	1,054 SF/2,800 SF = 37.6%
Lot 3/37503 Cherry St	1,054 SF/3,432 SF = 30.7%
Lot 4/37495Cherry St	1,243 SF/3,512 SF = 35.4%

Floor Areas

Lot 1/37519 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 2/37511 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 3/37503 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 4/37495Cherry St	
Lower Floor	725 SF
Upper Floor	1,159 SF
Subtotal Living	1,884 SF
Garage	514 SF
Total Building	2,398 SF

Landscaping

Lot 1/37519 Cherry St	
Landscaping (area)	947 SF
Landscaping (percent)	29%

Lot 2/37511 Cherry St	
Landscaping (area)	650 SF
Landscaping (percent)	23%

Lot 3/37503 Cherry St	
Landscaping (area)	1,095 SF
Landscaping (percent)	32%

Lot 4/37495Cherry St	
Landscaping (area)	1,130 SF
Landscaping (percent)	32%

Revisions

JOHN BARTON ARCHITECT
 43575 Mission Blvd #703 Fremont Ca 94539
 510 290 9007 jbarch100@msn.com

Fahmy Subdivision
 37503 & 37511 Cherry St Newark Ca

Title Sheet
 General Notes
 Site and Building Data

Date
 August 2020

Scale

NA

Drawn By

JB

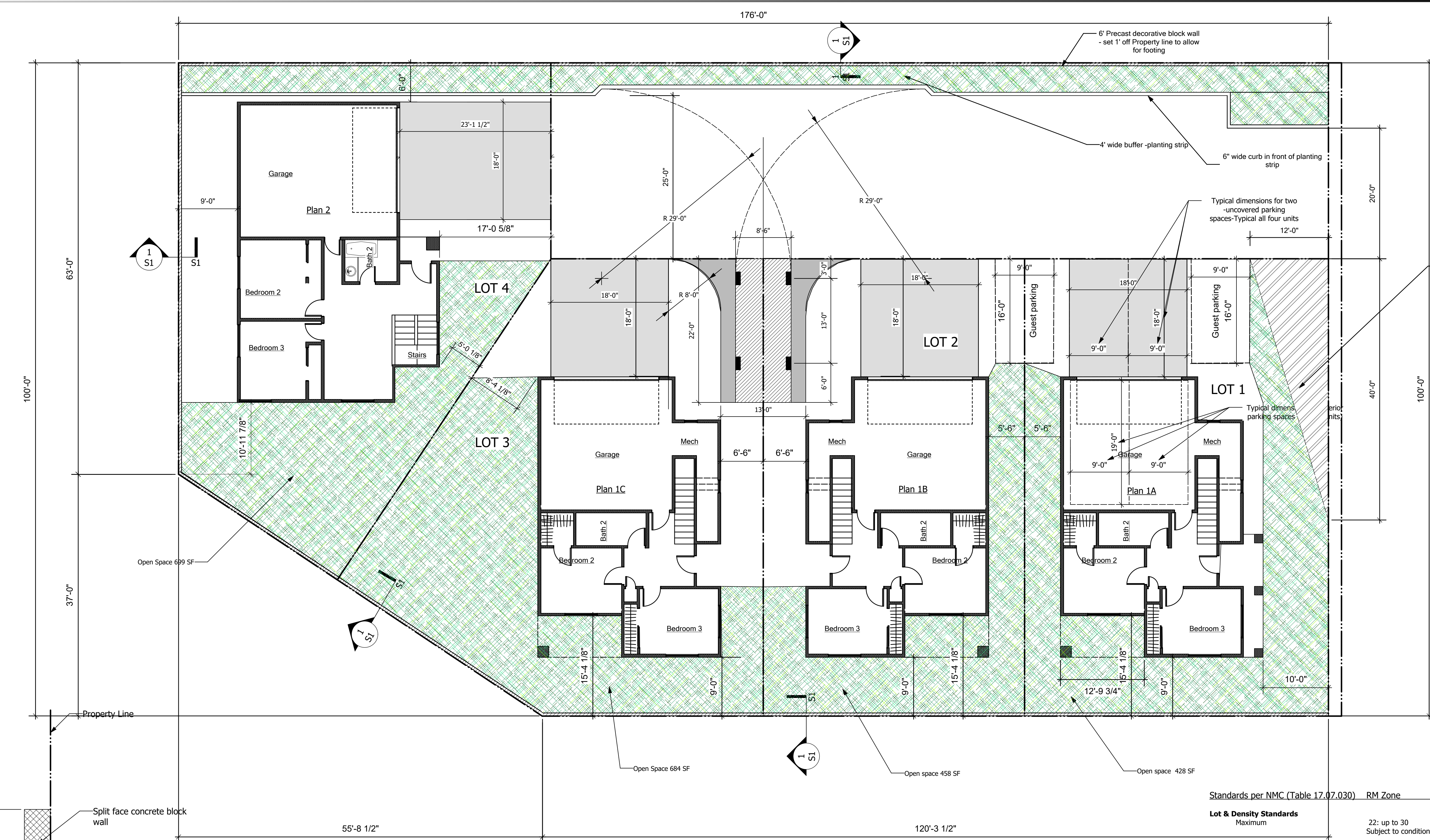
Status

Con Docs.

Sheet

T-1

Of T1-A7 Sheets



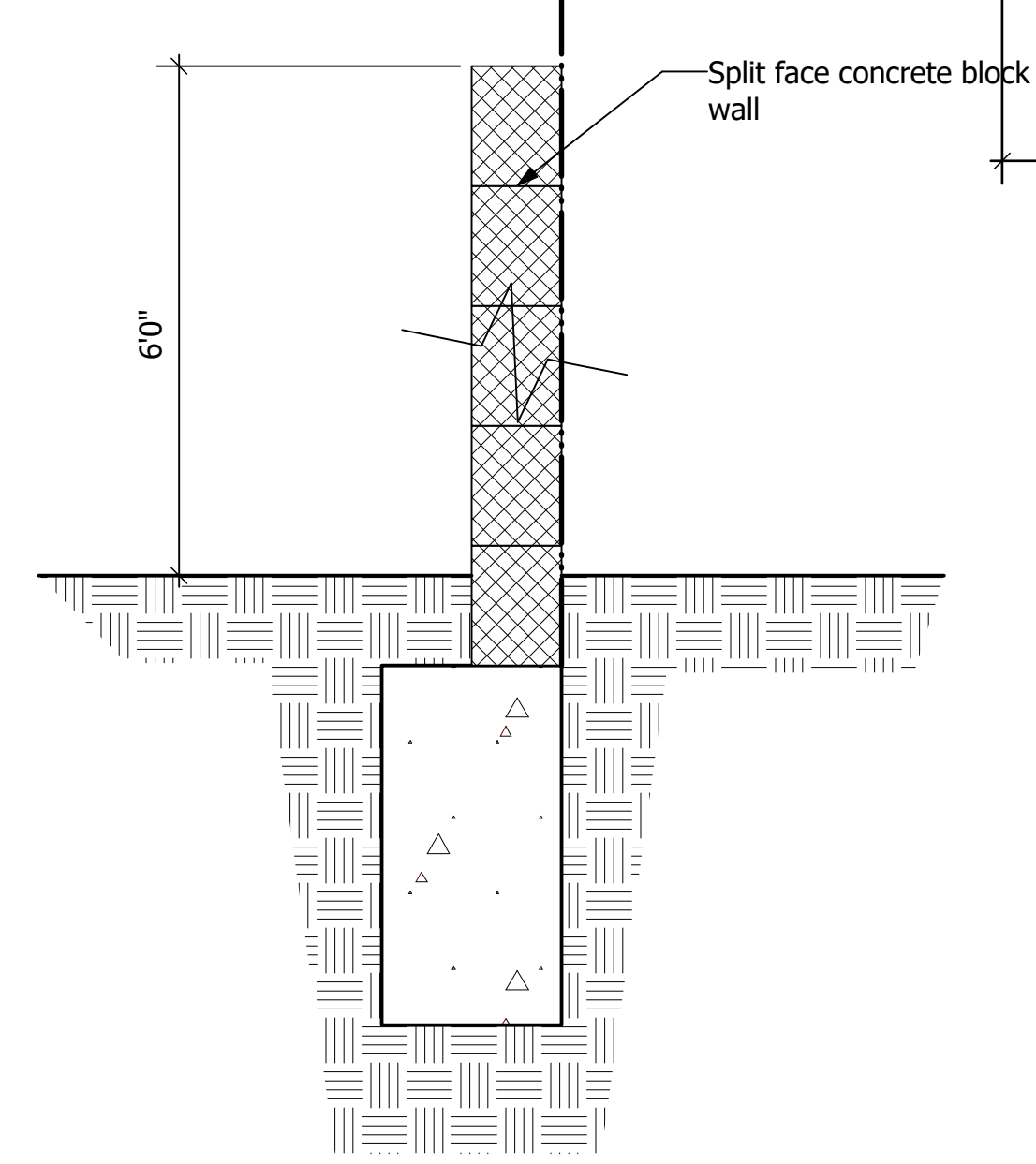
indicates restricted visibility triangle-No obstructions over 36" above the nearest paved surface per City of Newark Ordinance-Note that plant "BP" (dwarf coyotebrush) is a low growing shrub-approx 18" high

Preliminary Site Plan

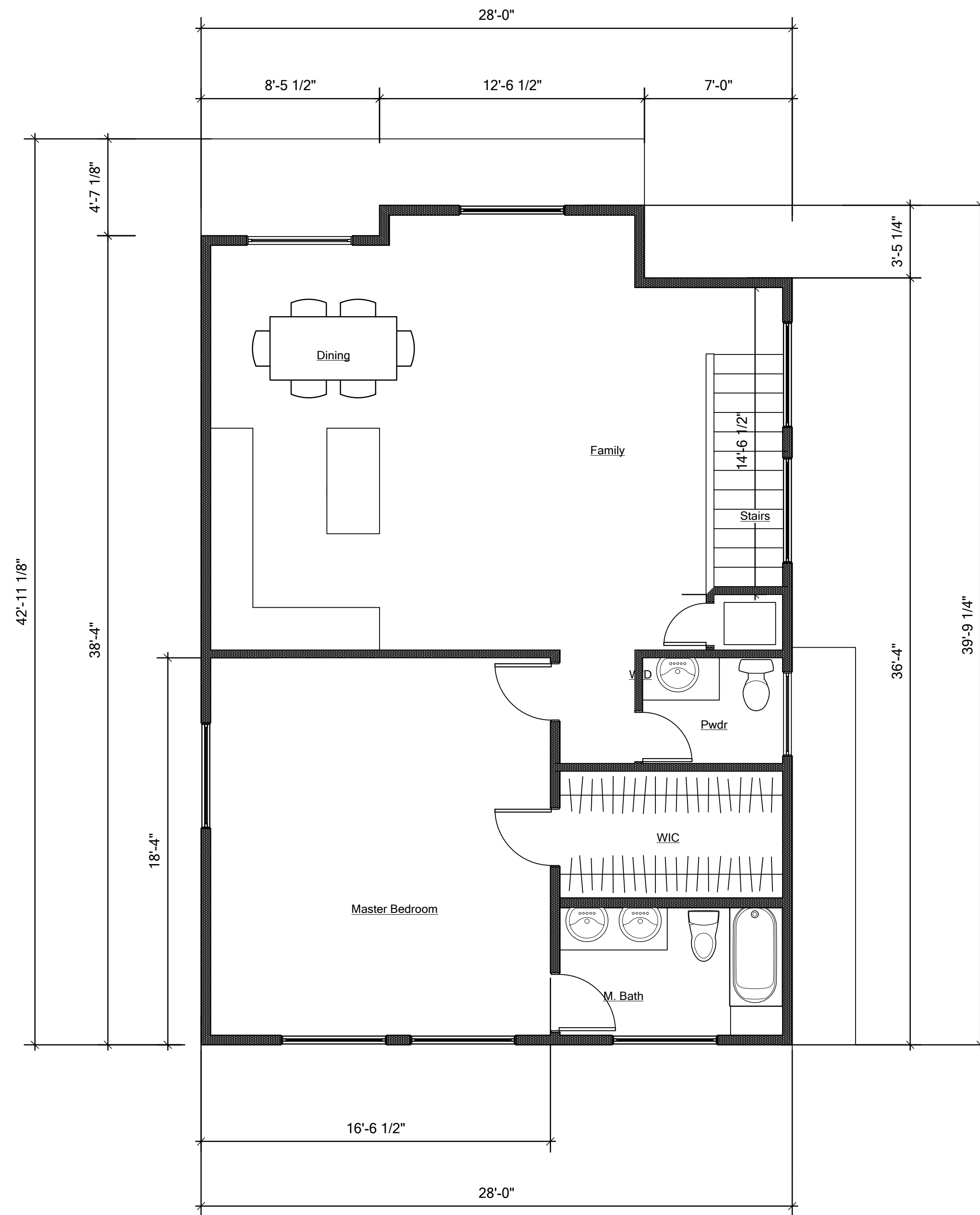
Scale: 1/8" = 1'-0"

- Subsequent to rough grading, the applicant shall hire a qualified biologist to:
- Determine if Burrowing Owl habitat(s) exist on the site.
 - Implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl Study shall be conducted not more than 30 days prior to the time of site grading activities will commence.

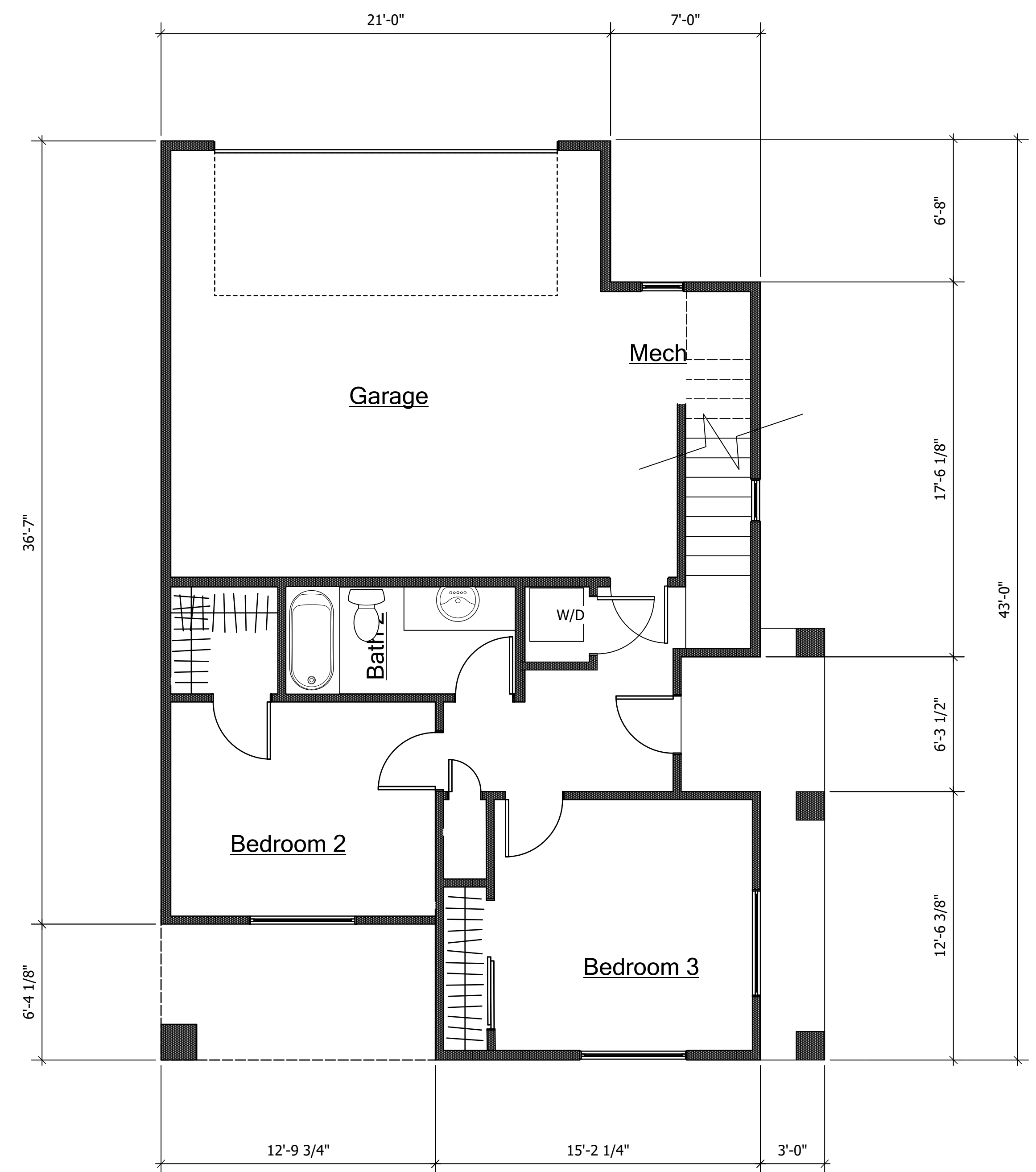
Standards per NMC (Table 17.07.030)	RM Zone	Proposed for Project
Lot & Density Standards		
Maximum	22: up to 30 Subject to conditions	13.4 units/acre
Minimum	14 units/acre	
Minimum Lot Size	6,000 SF	2,800 SF
Minimum Lot Width	60'	40'
Minimum Lot Depth	100'	70'
Minimum Frontage on a Public Street	40'	NA (Lots front onto a private Street- Lot#1 has 70' frontage on Cherry St)
Building Form and Location		
Maximum Height	75' (35' within 20' of an RS or RL District)	Approx 27' 2"
Minimum Setbacks	Front 15' Interior Side 5' Street Side 8' Rear 10'	17'2 Min (Lot 4) 5'-6" 10' 9'
Min Distance Between Structures	10'	11'
Lot Coverage, Landscape and Open Space Standards		
Max Lot Coverage	55% Max	37.5% (Lot 2)
Min Landscaping (% of Lot)	25% Min	26% min
Min Open Space per unit	300 SF Min	450 SF Min



1 Fence Detail
Scale: 1" = 1'-0"

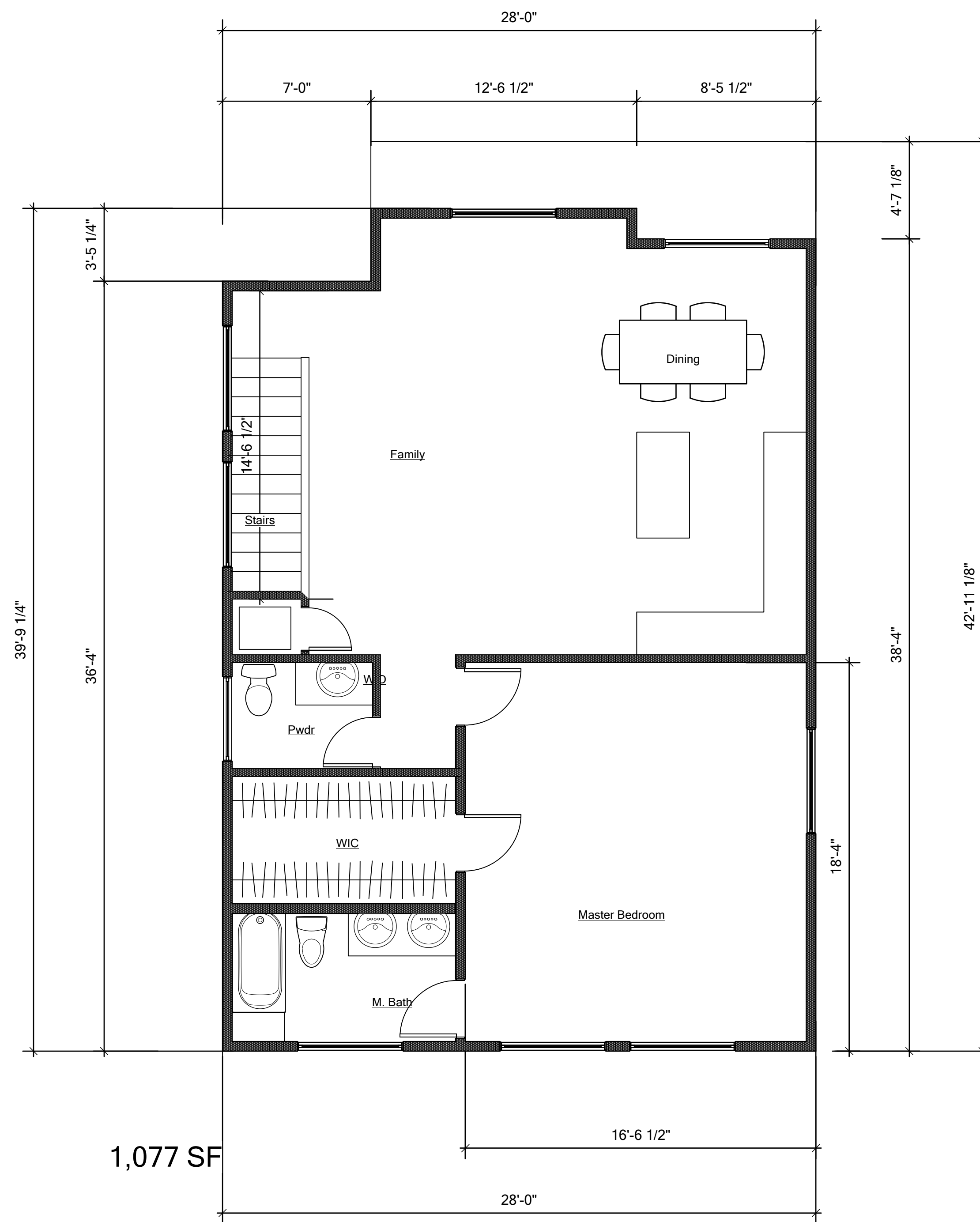


Plan 1A - Upper Level Floor Plan
Scale: 1/4" = 1'-0"

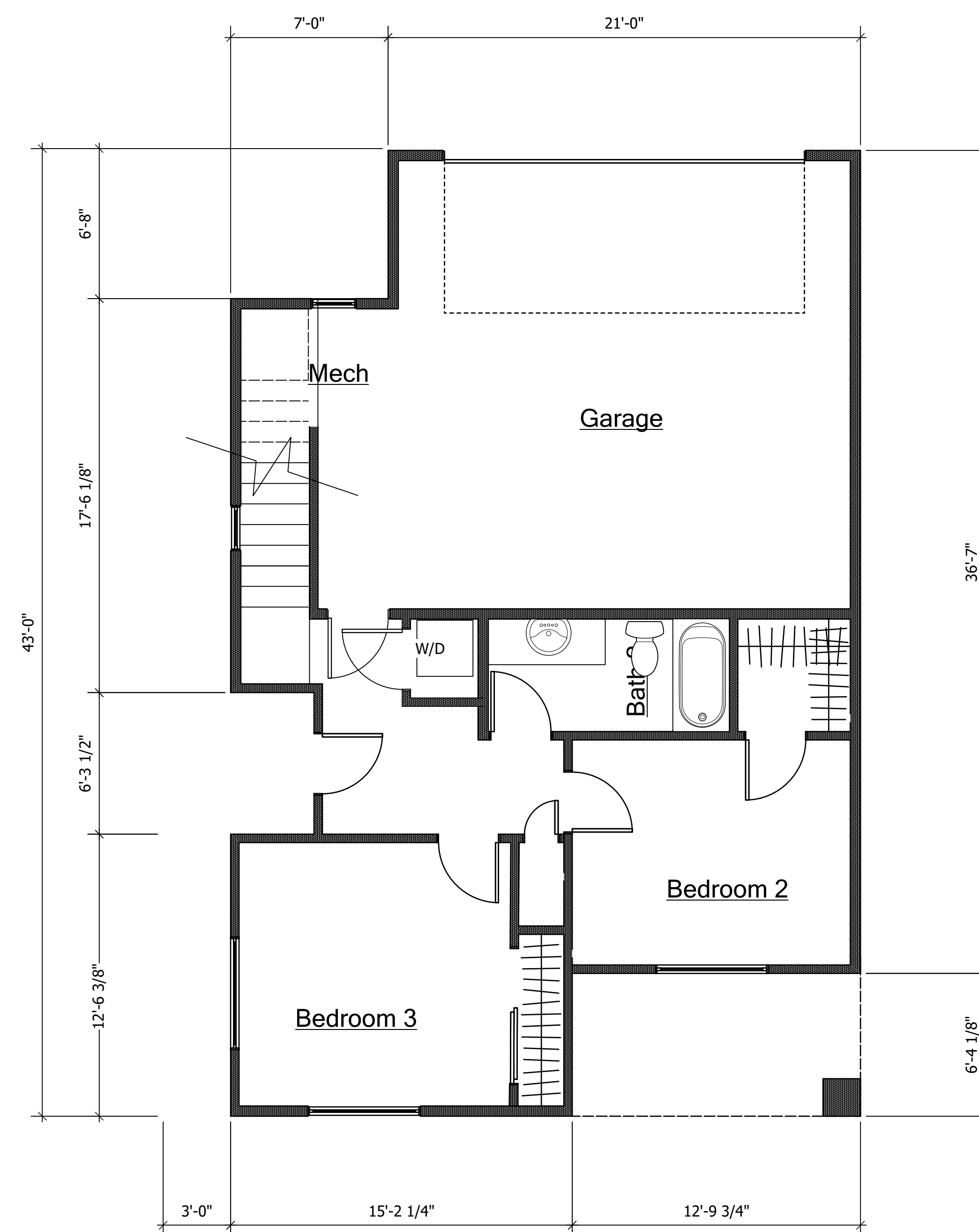


Plan 1A Lower Floor Plan
Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

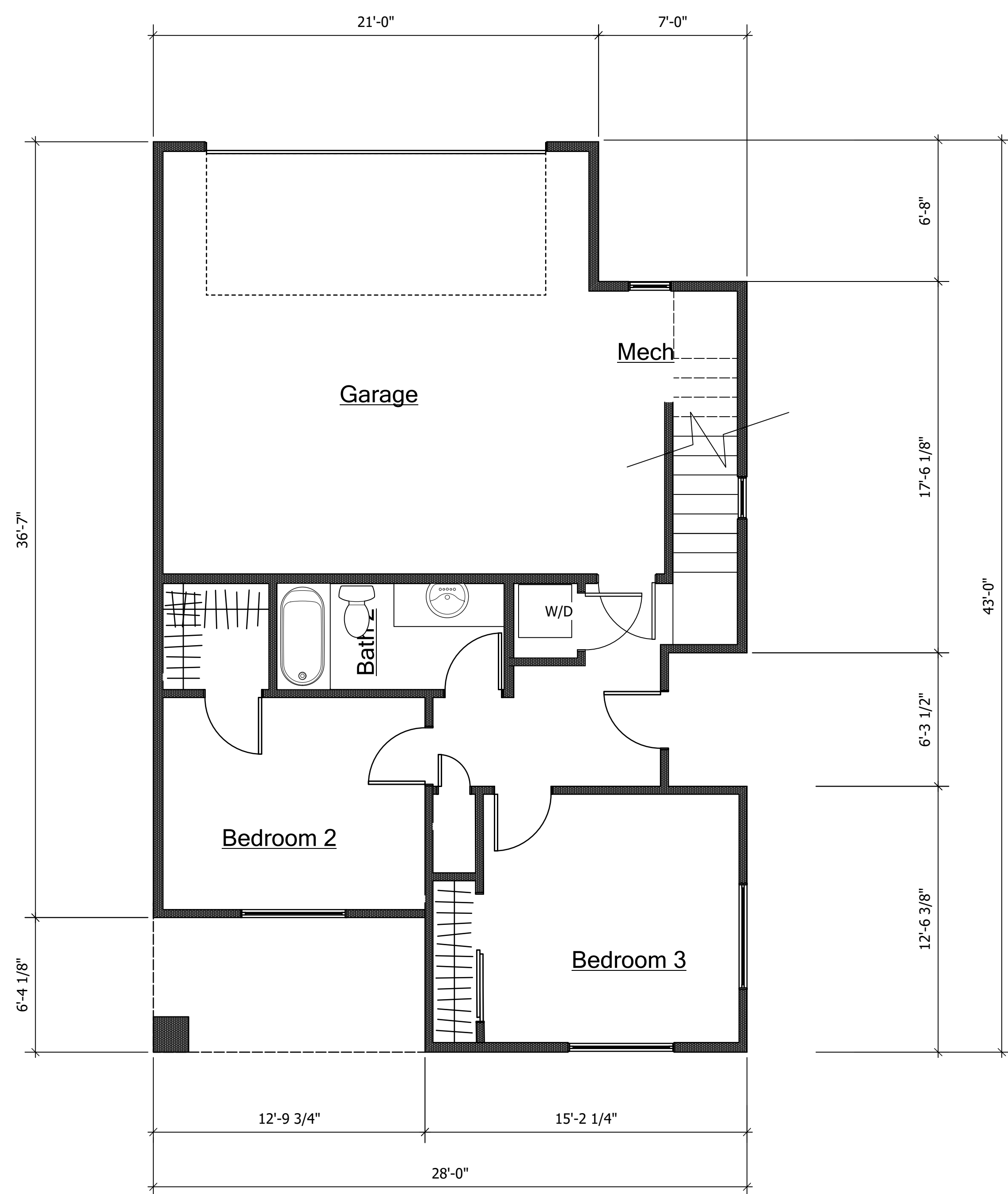
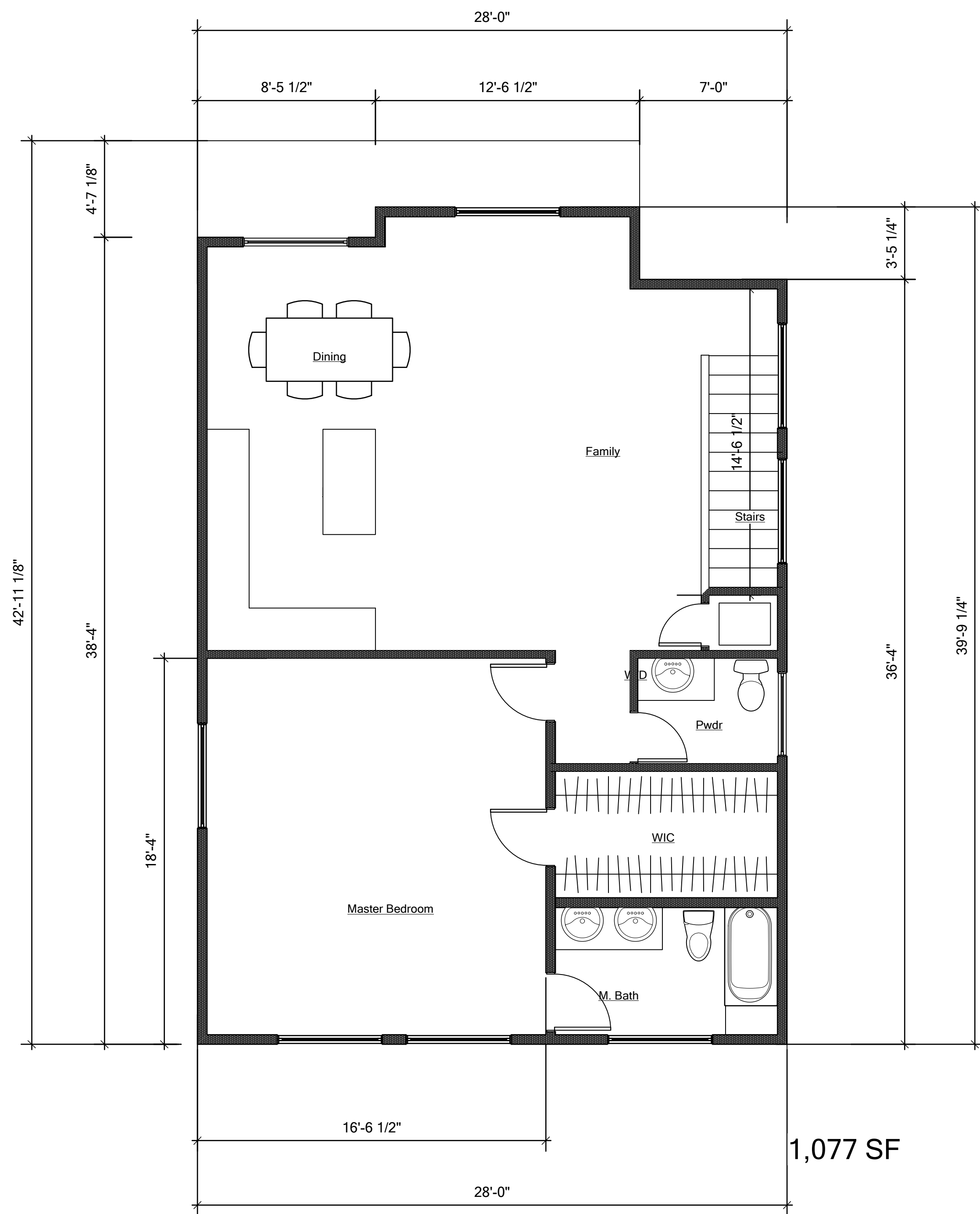


Plann 1B Upper Floor Plan
Scale: 1/4" = 1'-0"



Plan 1B Lower Floor Plan
Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF



Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

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 jbarch100@msn.com

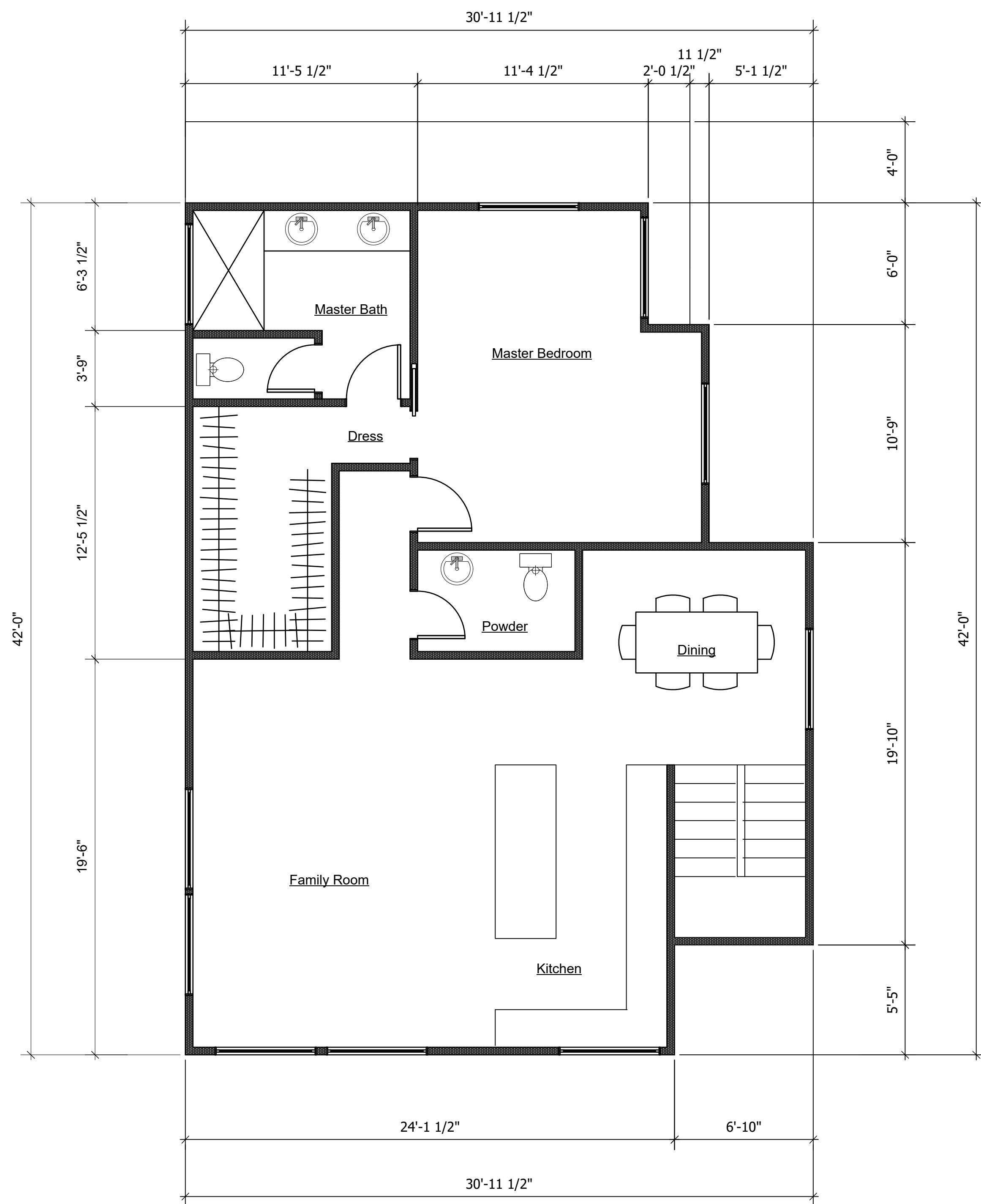
Conceptual Design
 Fahmy Subdivision

Plan 1C Floor Plans
 Lot 3

Date
 August 2020
 Scale
 1/4" = 1'-0"
 Drawn By
 JB
 Status
 Preliminary Review
 Sheet

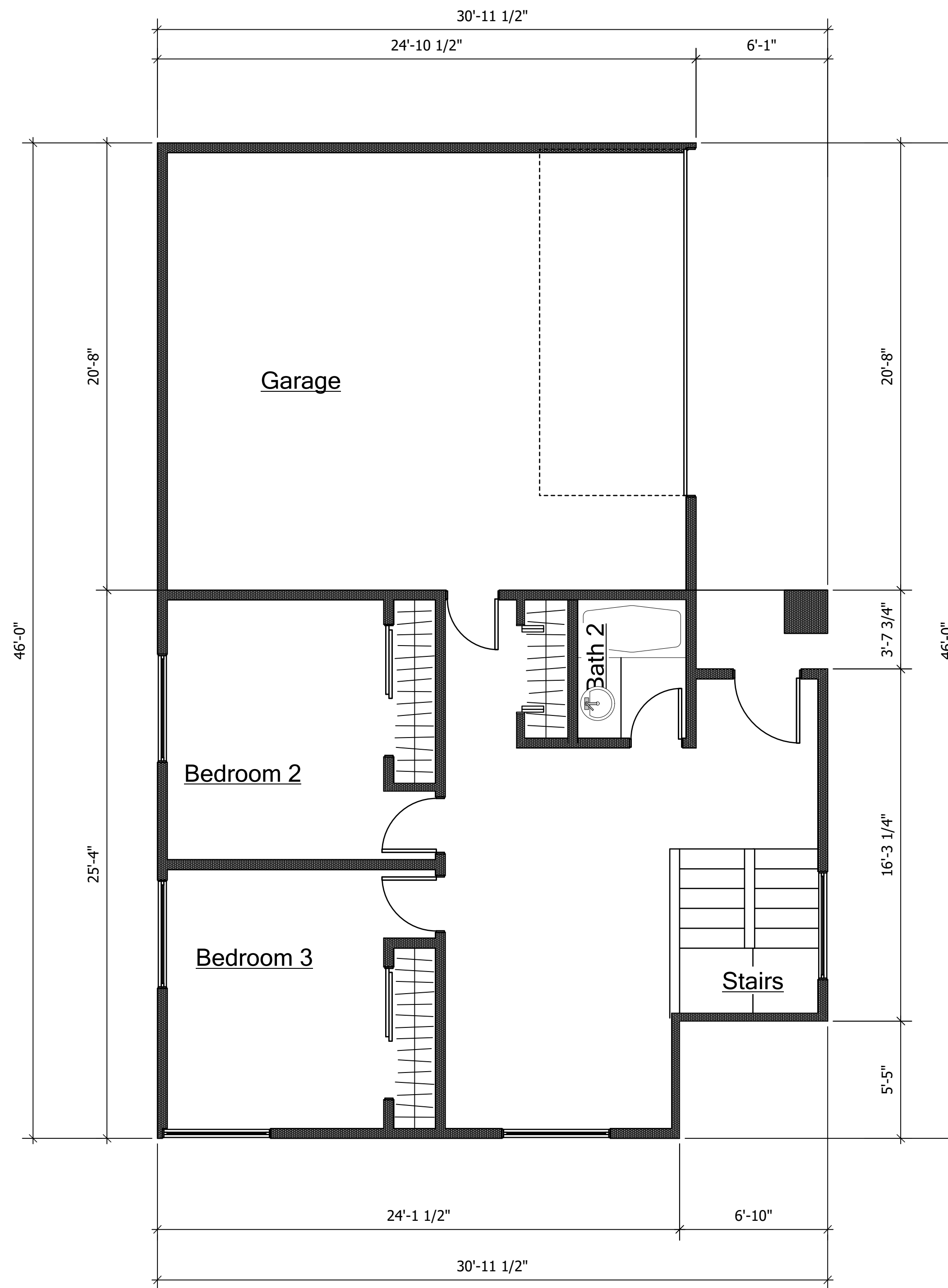
A-1C

Of _____ Sets



Plan Two Upper Level Floor Plan

Scale: 1/4" = 1'-0"



Plan Two Lower Level Floor Plan

Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	725 SF
Upper Floor	1,159SF
Subtotal Living	1,884 SF
Garage	514 SF
Total Building	2,398 SF

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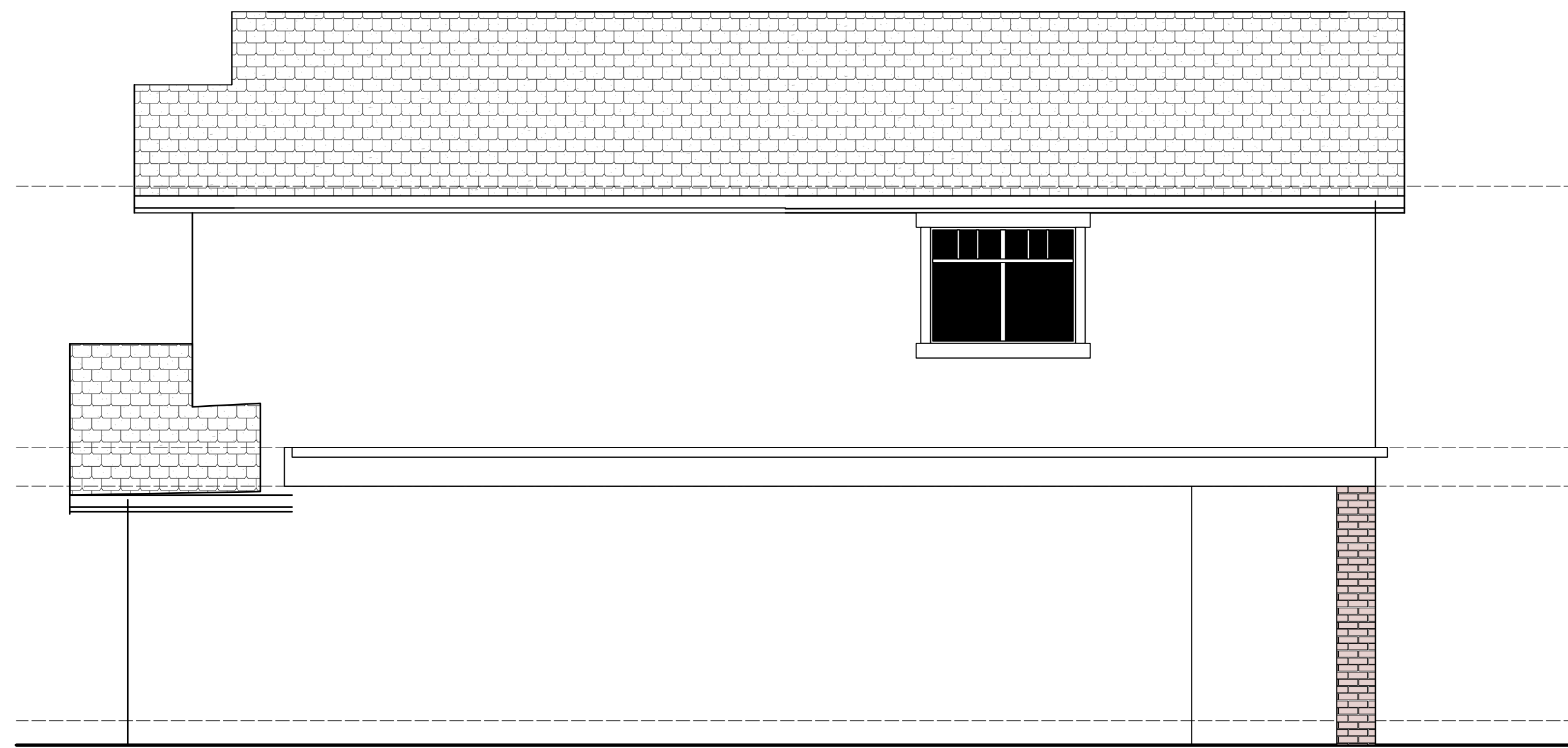
Conceptual Design
 Fahmy Subdivision

Plan 2 Floor Plans
 Lot 4

Date
 August 2020
 Scale
 1/4" = 1'-0"
 Drawn By
 JB
 Status
 Preliminary Review
 Sheet

A-2

Of _____ Sheets



Plan 1C - Right Side Elevation
Scale: 1/4" = 1'-0"



Plan One- Front Elevation from Cherry Street
Scale: 1/4" = 1'-0"



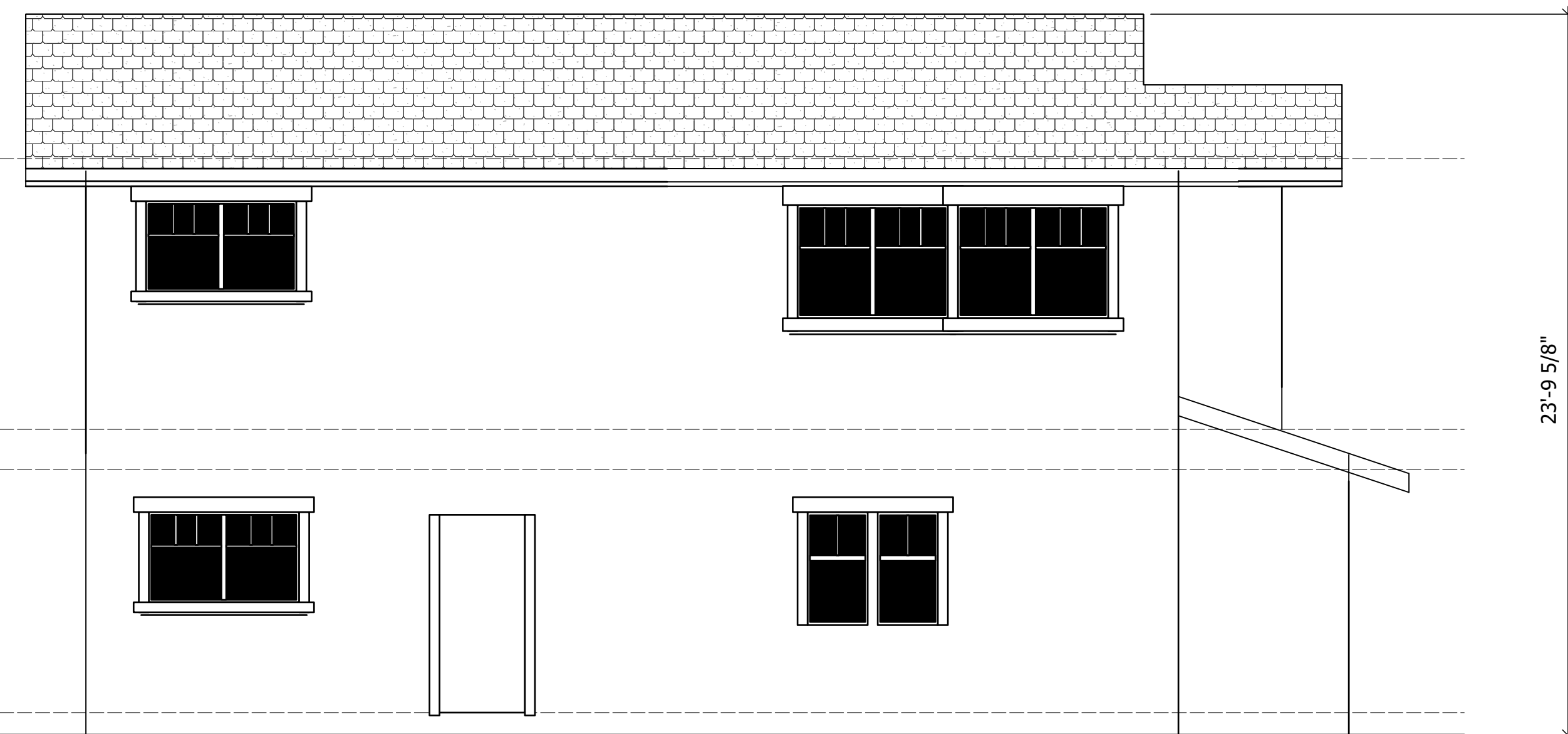
Plan One - Rear Elevation
Scale: 1/4" = 1'-0"



Plan One - Front Elevation from Private Driveway
Scale: 1/4" = 1'-0"



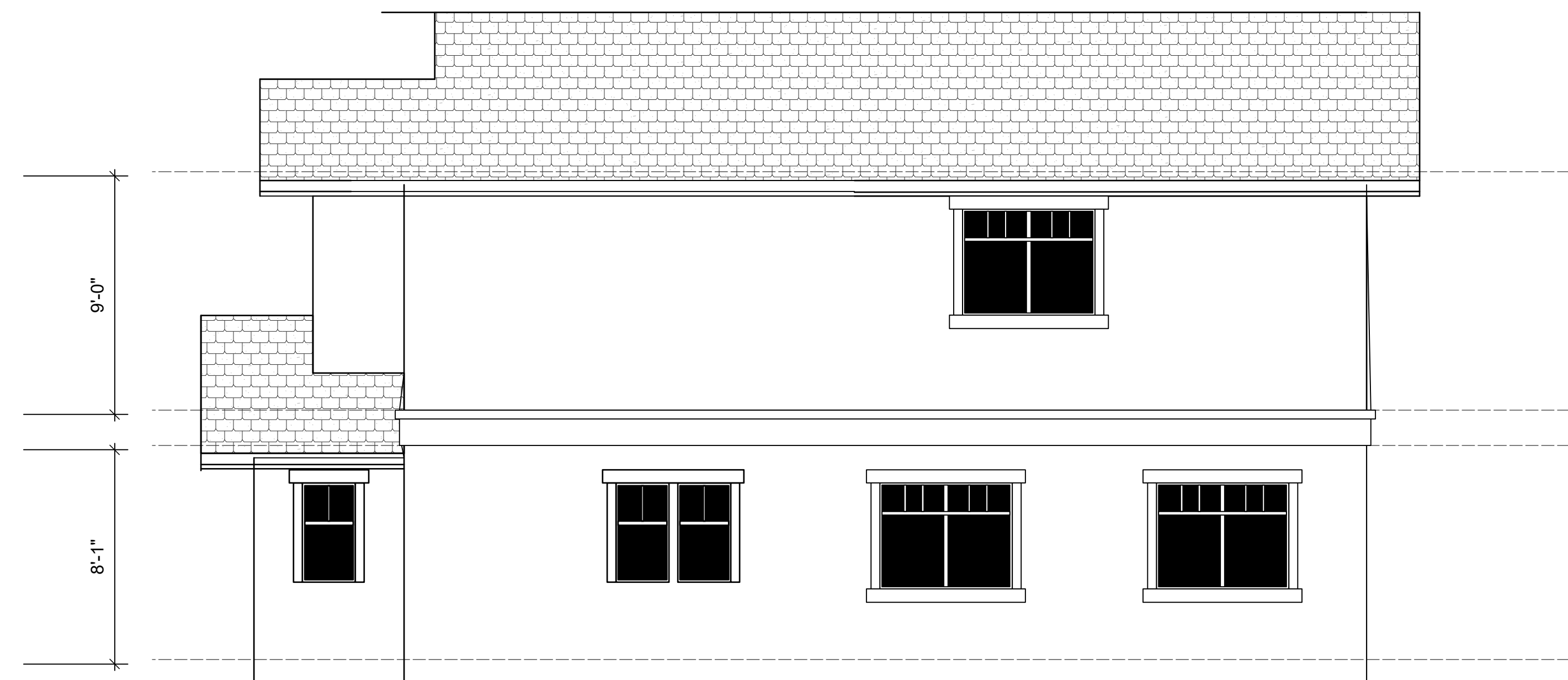
Plan 1B Front Elevation
Scale: 1/4" = 1'-0"



Plan 1B - Left Side Elevation
Scale: 1/4" = 1'-0"



Plan 1B - Rear Elevation
Scale: 1/4" = 1'-0"



Plan 1B - Right Side Elevation
Scale: 1/4" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Plan 1B Exterior Elevations
Lot 2

Date

August 2019

Scale

1/4" = 1'-0"

Drawn By

JB

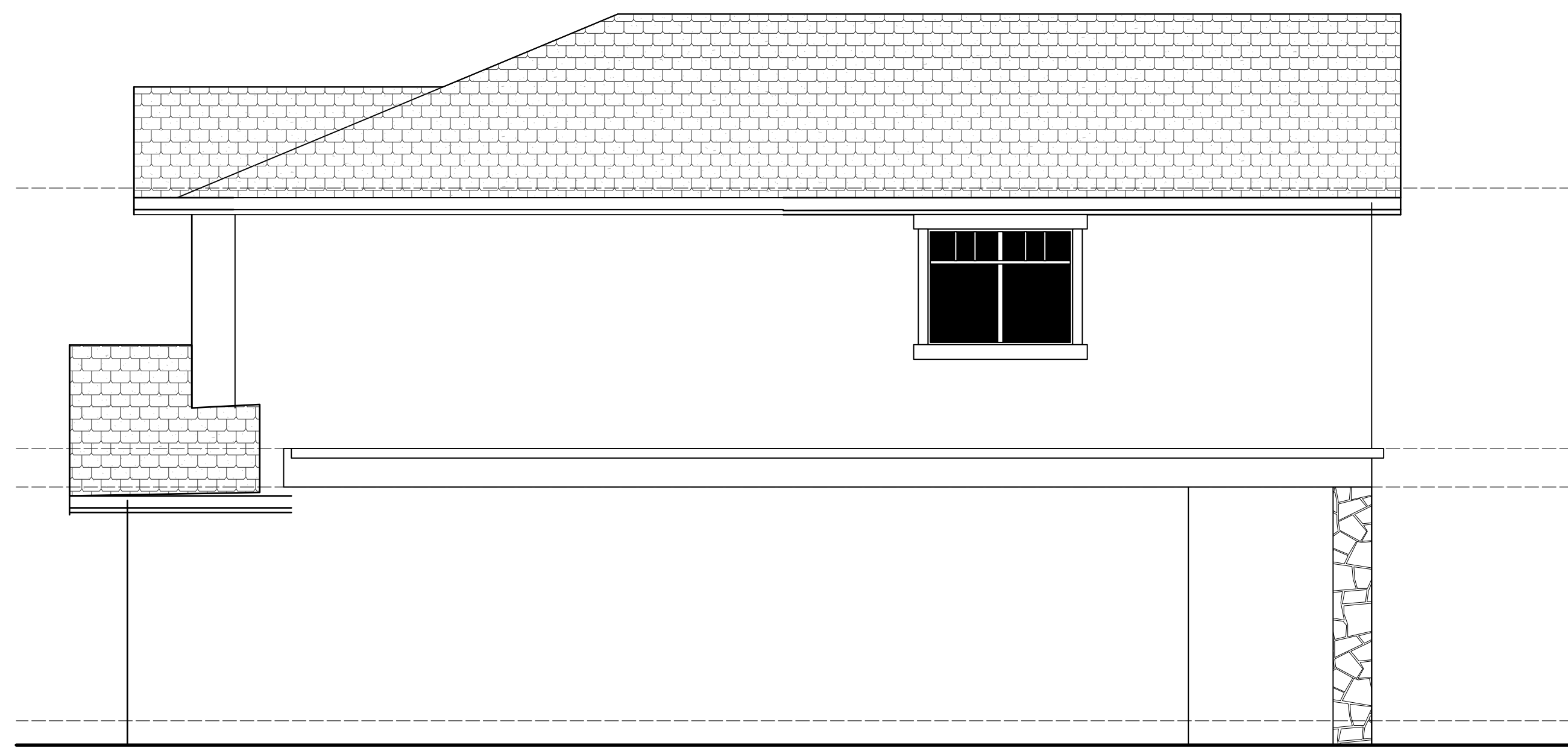
Status

Preliminary Review

Sheet

A-3B

Of Sets



Right Side Elevation
Scale: 1/4" = 1'-0"



Plan 1C- Front Elevation from Private Driveway
Scale: 1/4" = 1'-0"



Plan 1C Left Side Elevation
Scale: 1/4" = 1'-0"



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Conceptual Design
Fahmy Subdivision

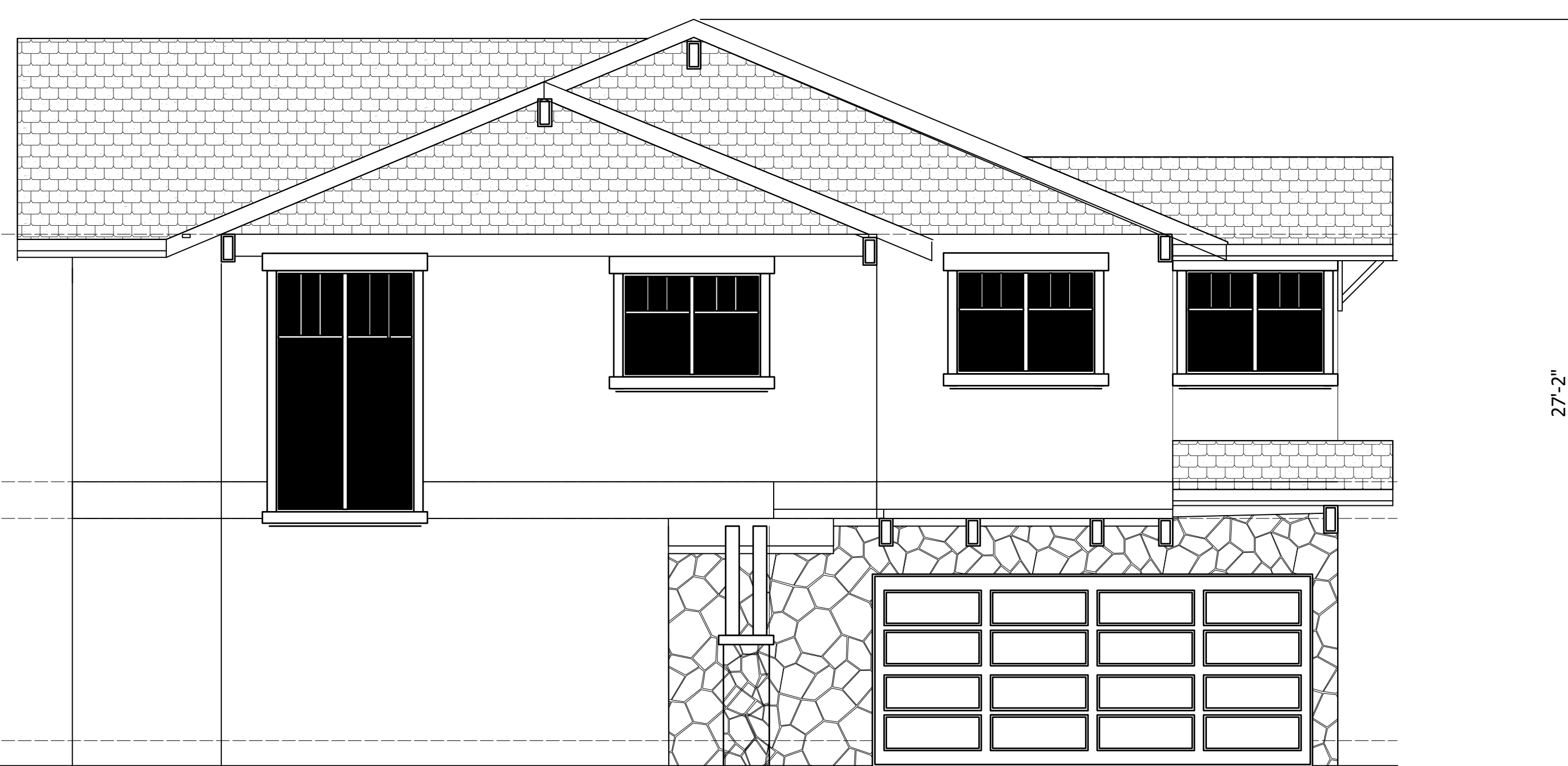
Plan 1C Exterior Elevations
Lot 3

Date
August 2019
Scale
1/4" = 1'-0"
Drawn By
JB
Status
Preliminary Review
Sheet

A-3C
Of Sets



Plan 2 Right Side Elevation
Scale: 1/4" = 1'-0"



Plan 2 Front Elevation
Scale: 1/4" = 1'-0"



Plan 2 Rear Elevation
Scale: 1/4" = 1'-0"



Plan 2 Left Side Elevation
Scale: 1/4" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Plan 2 Exterior Elevations
Lot 4

Date
August 2019

Scale
1/4" = 1'-0"

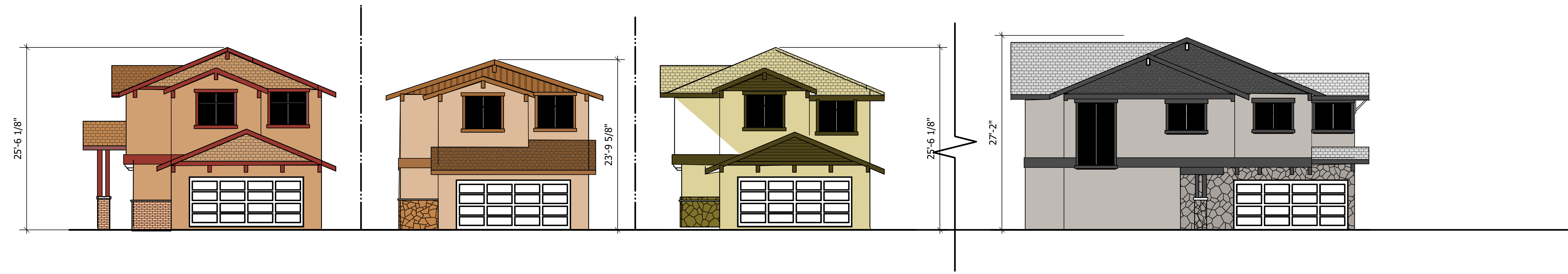
Drawn By
JB

Status
Preliminary Review

Sheet

A-4

Of Sheets



Lot 1-Plan 1A (from private driveway)

Lot 2-Plan 1B (from Private Driveway)

Lot 3-Plan 1C - Reverse (from Private Driveway)

Lot 4-Plan 2 - (from Private Driveway-but faces Cherry St)

Streetscape
 Scale: 1/8" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Streetscape Elevations

Date
 August 2020
 Scale
 1/4" = 1'-0"
 Drawn By
 JB
 Status
 Preliminary Review
 Sheet

A-5
 Of Sets

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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



Plan 1A

Scale: 1/8" = 1'-0"

Roofing

Presidential by GAF-"Timberline"



Windows

Milgard vinyl "Classic White"



Stone Veneer

El Dorado Stone- Tundra Brick
"Riverbed"



Paint Colors

Body and Trim by Kelley Moore



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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



○ Plan 1B
Scale: 1/8" = 1'-0"

Roofing
Presidential by GAF-"Hickory"



Windows
Milgard vinyl "Tan"



Stone Veneer
El Dorado Stone- Country Rubble
"Cognac"



Paint Colors
Body and Trim by Kelley Moore

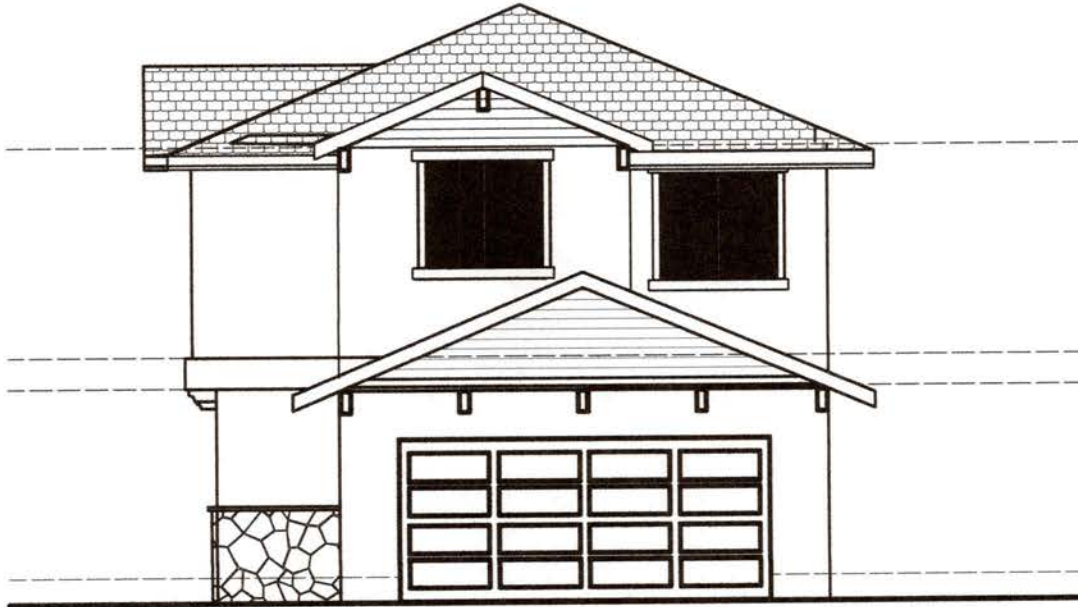


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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



Plan 1C
Scale: 1/8" = 1'-0"

Roofing
Presidential by GAF- "Hunter Green"



Windows
Milgard vinyl "Tweed"



Stone Veneer
El Dorado Stone- Cut Coarse Stone
"Madone"



Paint Colors
Body and Trim by Kelley Moore

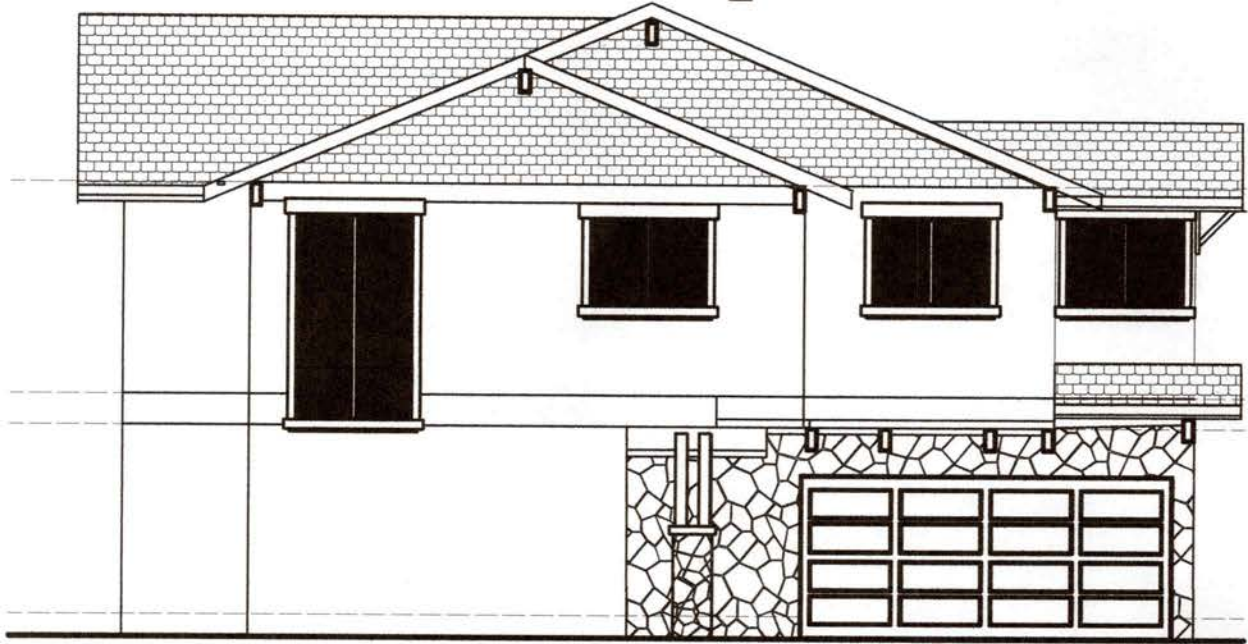


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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



Plan 2

Scale: 1/8" = 1'-0"

Roofing

Presidential by GAF-"Pewter Grey"



Windows

Milgard vinyl "Clay"



Stone Veneer

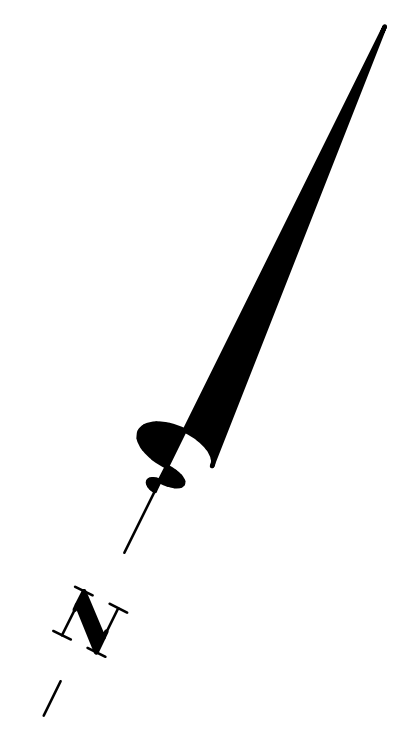
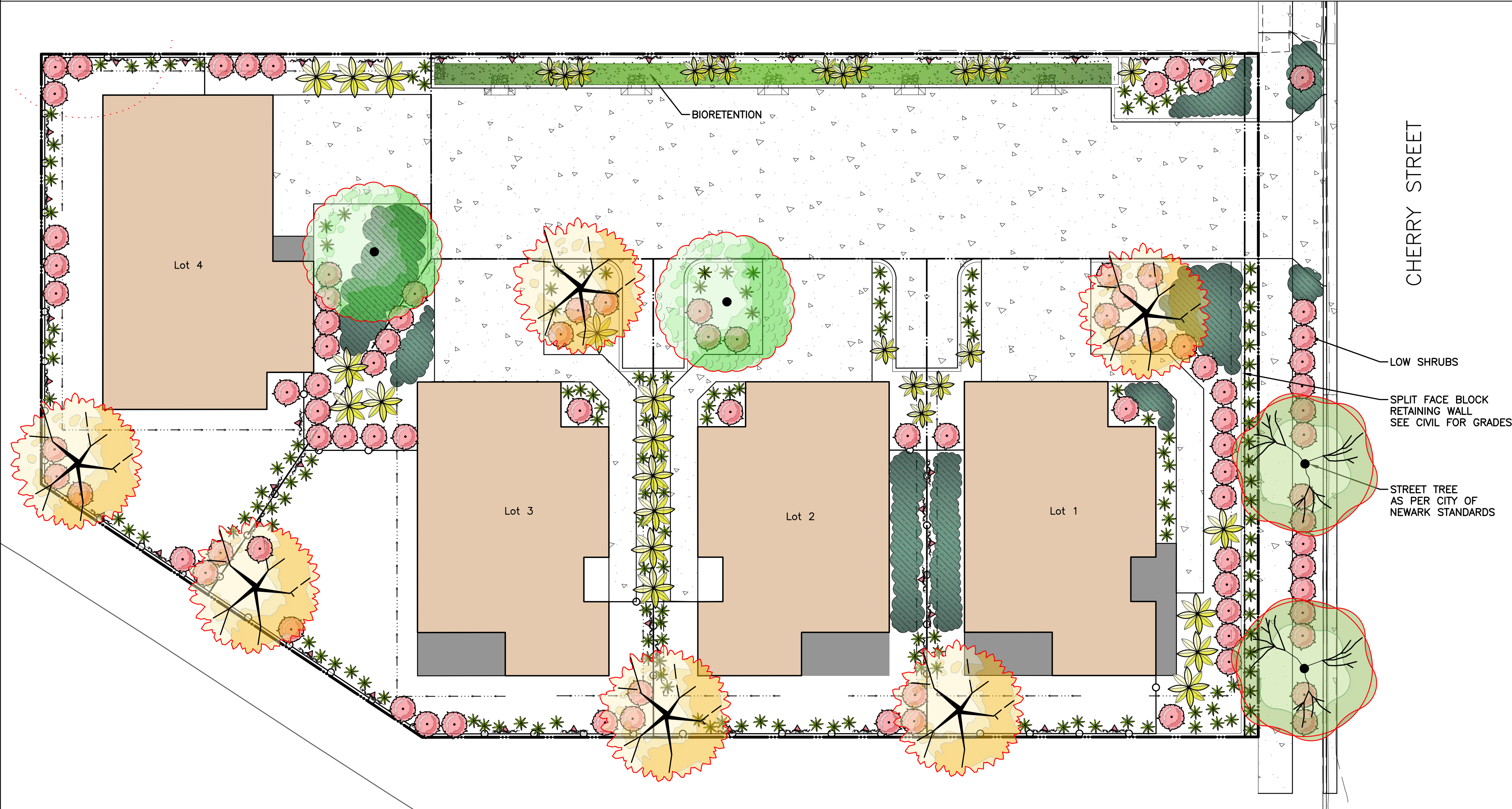
El Dorado Stone- Cliffstone
"Lantana"






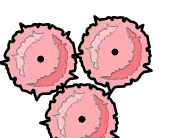

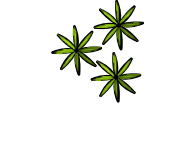

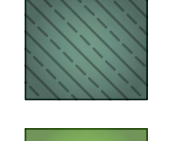

Paint Colors

Body and Trim by Kelley Moore





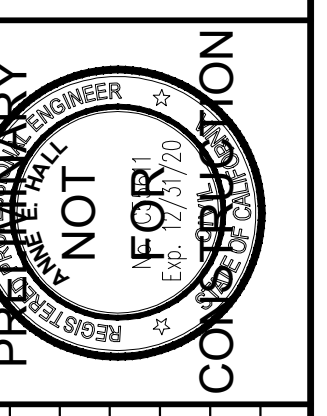
CONCEPT PLANT SCHEDULE

	STREET TREE 36-inch box Pyrus calleryana 'Aristocrat' TM / Aristocrat Flowering Pear	QTY 2
	EVERGREEN TREES 24-inch box Arbutus x 'Marina' / Arbutus Standard	2
	DECIDUOUS TREE 24-inch box Cercis occidentalis / Western Redbud Lagerstroemia x 'Natchez' / Crape Myrtle Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache	6
	EVERGREEN SHRUBS 5-gal Arbutus unedo / Strawberry Tree Arctostaphylos 'Howard McMin' / Manzanita Pittosporum 'Wheeler's Dwarf' / Wheeler's Dwarf Pittosporum Raphiolepis indica / Indian Hawthorn Salvia greggii 'Lipstick' / Autumn Sage	90
	ACCENT SHRUBS 5-gal Agapanthus africanus 'Queen Anne' / Queen Anne Lily of the Nile Chondropetalum tectorum / Cape Rush Diets bicolor / Fortnight Lily Phormium tenax / New Zealand Flax	36
	GRASSES/PERENNIALS 1-gal Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass Erigeron karvinskianus / Fleabane Juncus patens / Blue Rush Tulbaghia violacea / Society Garlic	158
	VINES 1-gal Parthenocissus tricuspidata 'Veitchii' / Boston Ivy	43
	GROUND COVER 1-gal Myoporum parvifolium / Trailing Myoporum	14
	BIORETENTION AS PER ALAMEDA COUNTY CLEAN WATER PROGRAM PLANT LIST	300 s.f.

LANDSCAPE NOTES

1. IRRIGATION SHALL BE VIA AN AUTOMATIC TIMED SYSTEM UTILIZING DRIP SYSTEMS WHERE APPROPRIATE.
2. ALL SHRUB BEDS TO BE TOP DRESSED WITH APPROVED BARK MULCH.
3. ALL PLANTS ARE LOW TO MEDIUM USE WATER PLANTS.
4. STREET TREES TO BE PLANTED AS PER CITY OF NEWARK STANDARDS.

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(831) 637-2763 FAX (831) 637-6835 email: sbes@garlic.com



NO.	REVISIONS	DATE

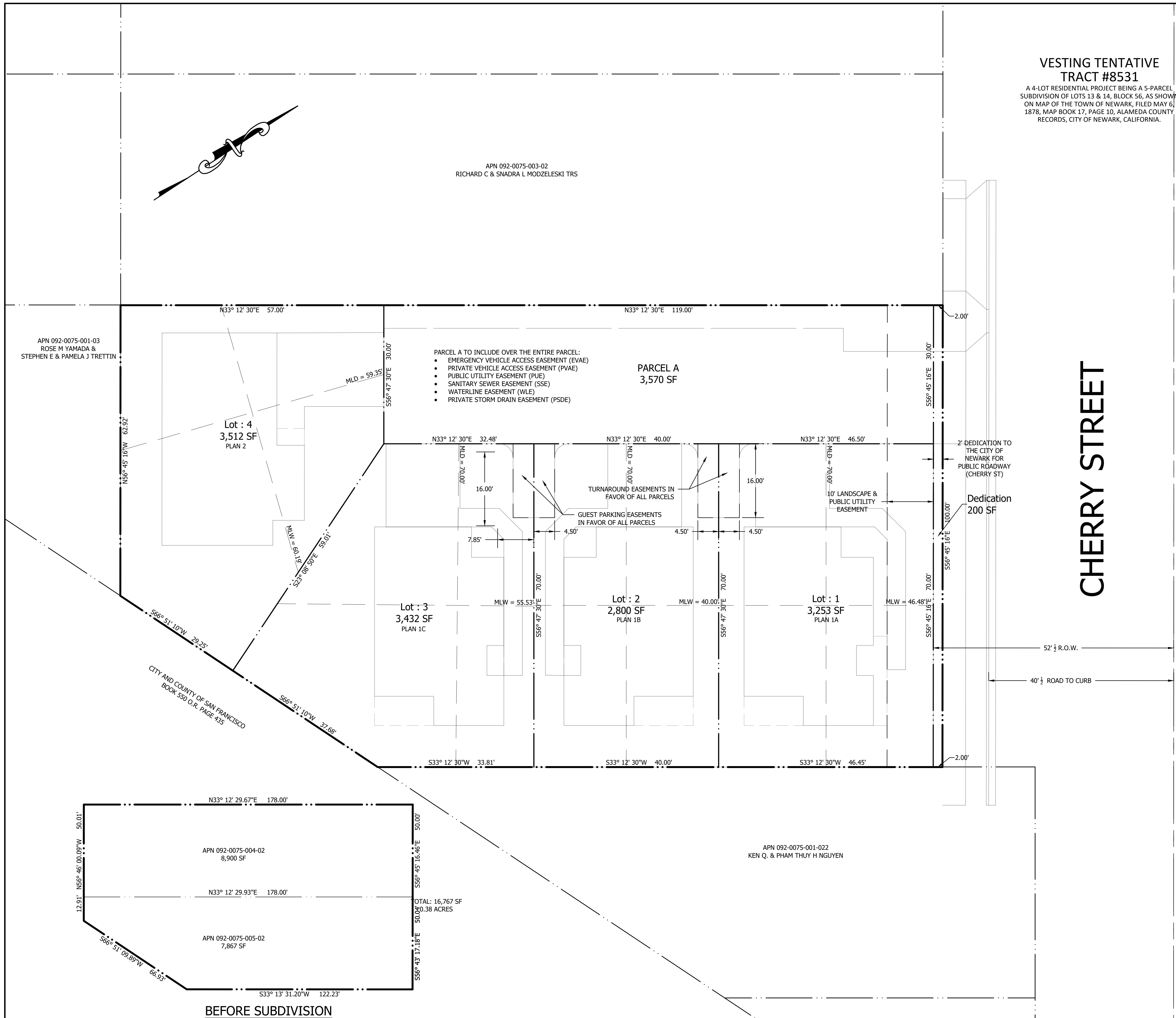
CITY OF NEWARK
37503 & 37511 CHERRY ST
APNS 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

CONCEPTUAL LANDSCAPE DESIGN
FAHMY SUBDIVISION
LANDSCAPE PLAN

SCALE: 1" = 10'
DATE: 01 September 2020
JOB #: 118037
DWG: 118037 Pre-Land.dwg

SHEET: **1-1**
OF SHEETS

* FILE NAME: X:\AutoCAD Projects\118037\118037 TM.dwg * Plotted on: Monday, 09 November 2020 at 6:08pm by: SBE1 *



**VESTING TENTATIVE
TRACT #8531**

A 4-LOT RESIDENTIAL PROJECT BEING A 5-PARCEL SUBDIVISION OF LOTS 13 & 14, BLOCK 56, AS SHOWN ON MAP OF THE TOWN OF NEWARK, FILED MAY 6, 1878, MAP BOOK 17, PAGE 10, ALAMEDA COUNTY RECORDS, CITY OF NEWARK, CALIFORNIA.

APPLICANT: SAWART S. FAHMY
331 SANTA ROSA DRIVE
LOS GATOS, CA 95032
408-453-7777

OWNER: SAWART S. FAHMY
331 SANTA ROSA DRIVE
LOS GATOS, CA 95032
408-453-7777

ENGINEER: SAN BENITO ENGINEERING & SURVEYING
502 MONTEREY ST
HOLLISTER, CA 95023
831-637-2763

ASSESSORS PARCEL NO. 092-0075-004-02, 092-0075-005-02
EXISTING PARCEL AREA = 0.38 ACRES

CURRENT GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
CURRENT ZONING: RM - MEDIUM DENSITY RESIDENTIAL

EXISTING LAND USE: VACANT FIELD
PROPOSED LAND USE: SINGLE FAMILY HOMES

PROPOSED # OF LOTS: 4 SINGLE FAMILY HOME
1 COMMON LOT FOR ROAD AND DRAINAGE
NET DENSITY - 13.4 UNITS/ACRE

SINGLE-FAMILY RESIDENTIAL LOTS: 12,997 SF
COMMON LOT: 3,570 SF
DEDICATIONS: 200 SF
OVERALL PROJECT SITE: 16,767 SF

SINGLE FAMILY HOMES
MINIMUM LOT SIZE: 2,800 SF
AVERAGE LOT SIZE: 3,249 SF
MAXIMUM LOT SIZE: 3,512 SF

WATER SOURCE: ALAMEDA COUNTY WATER DISTRICT
43885 S GRIMMER BLVD, FREMONT, CA 94538
UNION SANITARY DISTRICT
5072 BENSON ROAD, UNION CITY, CA 94587

SEWER: ALAMEDA COUNTY FLOOD CONTROL DISTRICT
399 ELMHURST STREET, HAYWARD, CA 94544

STORM DRAIN: ALAMEDA COUNTY FIRE DEPARTMENT
37101 NEWARK BLVD, NEWARK, CA 94560

FIRE: PACIFIC GAS & ELECTRIC
24300 CLAWITTER ROAD, HAYWARD, CA 94545

TELEPHONE: AT&T
304 SOUTHLAND MALL, HAYWARD, CA 94545

GARBAGE SERVICE: REPUBLIC SERVICES
42600 BOYCE ROAD, FREMONT, CA 94538

CABLE: COMCAST
23525 CLAWITTER ROAD, HAYWARD, CA 94545

IMPROVEMENTS: CITY OF NEWARK STANDARDS

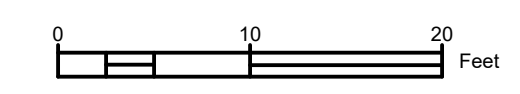
THIS PROJECT IS WITHIN FLOOD ZONE X ACCORDING TO THE FLOOD INSURANCE MAP 06001C0444G, DATED APRIL 16, 2009.

CHERRY STREET

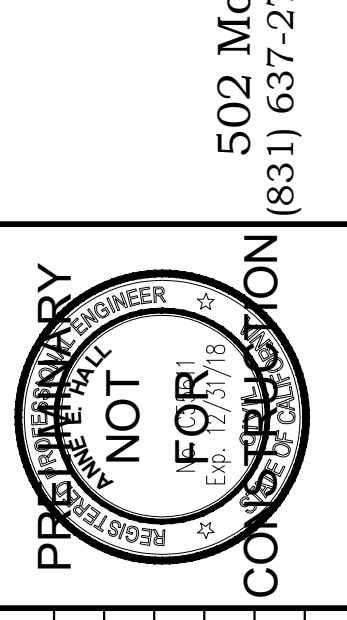
CENTERLINE

LEGEND

- (---) EXISTING CONTOUR
- (G) EXISTING GAS MAIN - SIZE AS INDICATED
- (SD) EXISTING STORM DRAIN - SIZE AS INDICATED
- (T) EXISTING UNDERGROUND TELEPHONE CABLE
- (SS) EXISTING SANITARY SEWER - SIZE AS INDICATED
- (W) EXISTING WATER LINE - SIZE AS INDICATED
- W WATER MAIN - SIZE AS INDICATED
- SD STORM DRAIN - SIZE AS INDICATED
- SS SANITARY SEWER - SIZE AS INDICATED
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- BOUNDARY
- CENTERLINE
- ⊕ STORM DRAIN - DROP INLET
- ⊕ WATER METER
- ↑ DIRECTION OF FLOW OF SURFACE DRAINAGE
- ↘ DIRECTION OF SLOPE
- ⊙ SURVEY MONUMENT
- TRAFFIC SIGN
- ⊕ STREET NAME SIGN
- ⊕ ELECTROLIER
- ⊕ EXISTING POWER POLE
- E ELECTRIC SERVICE
- MLW MINIMUM LOT WIDTH
- MLD MINIMUM LOT DEPTH



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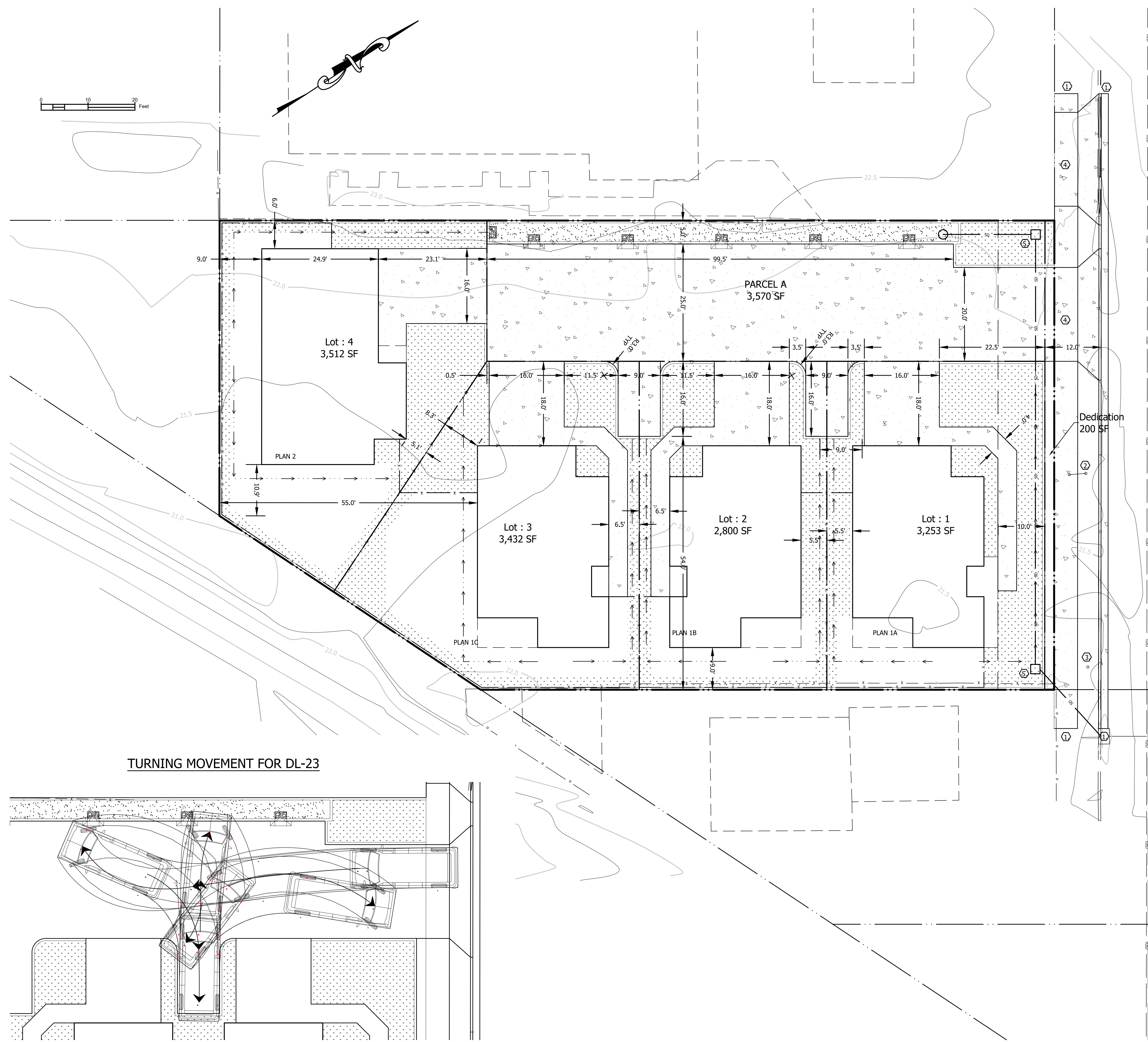
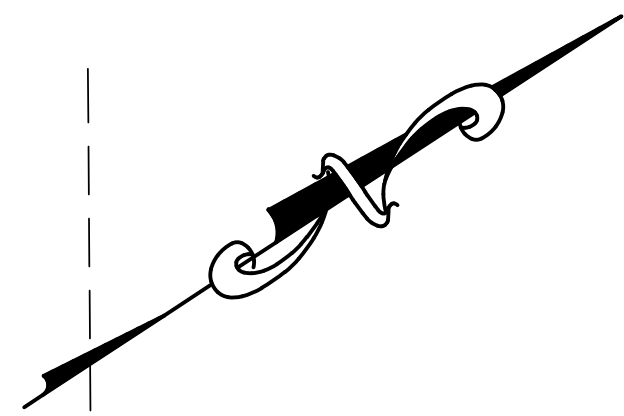
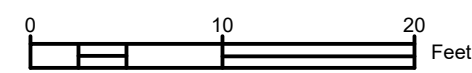
NO.	REVISIONS	DATE

CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

LOT PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
DATE: 09 November 2020
JOB #: 118037
DWG: 118037 TM.dwg

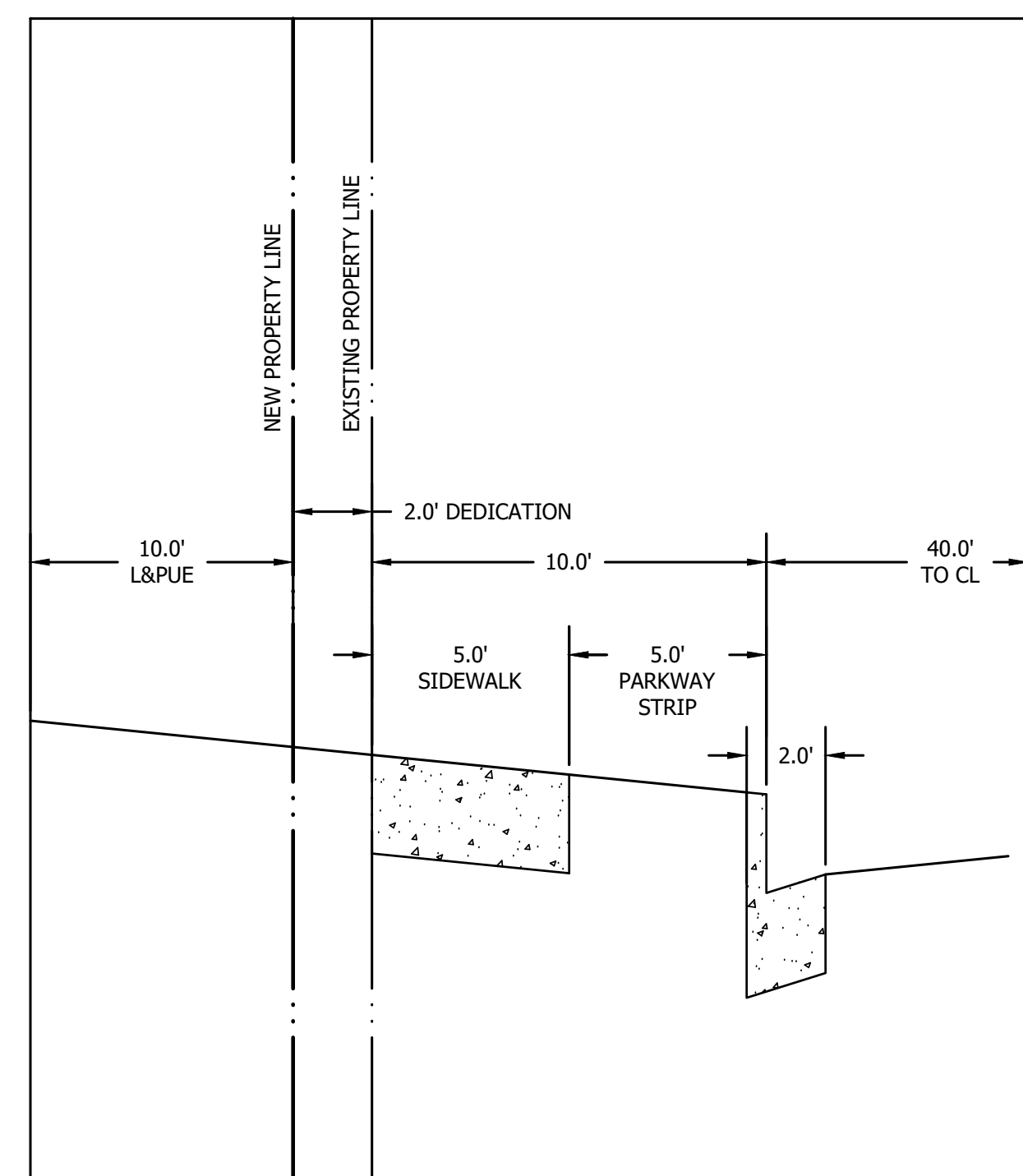
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6
OF SHEETS



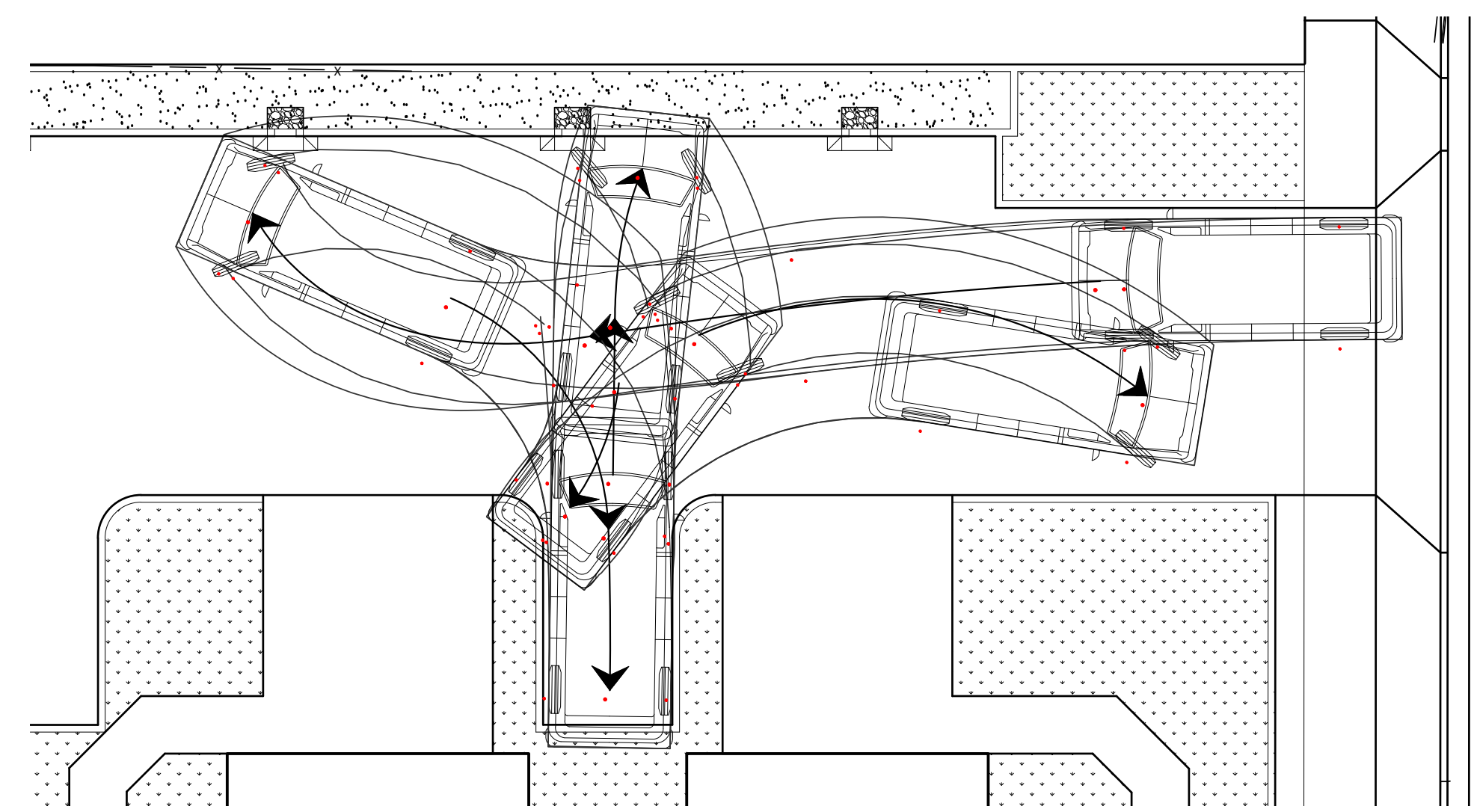
- 6" PCC
- DRAINAGE SWALE
- STORMWATER TREATMENT AREA
- LANDSCAPE AREA

- LIMIT OF CONC WORK - MATCH EXISTING
- REPLACE/RELOCATE "CENTRAL AVE" SIGN
- REPLACE/RELOCATE "TRUCK ROUTE" SIGN
- INSTALL NEW CITY OF NEWARK TYPE C DRIVEWAY APPROACH
- INSTALL NEW STORM DRAIN LINE AND JUNCTION BOXES

Lot	Lot 1	Lot 2	Lot 3	Lot 4
SF	3,253	2,800	3,432	3,512
Footprint	1,215 37%	1,158 41%	1,158 34%	1,258 36%
Concrete	552 17%	538 19%	537 16%	394 11%
Landscaping	1,141 35%	711 26%	860 25%	862 25%
Open Space	345 11%	393 14%	877 25%	998 28%

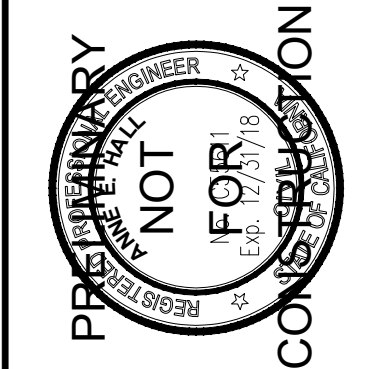


TURNING MOVEMENT FOR DL-23



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NO.	REVISIONS	DATE

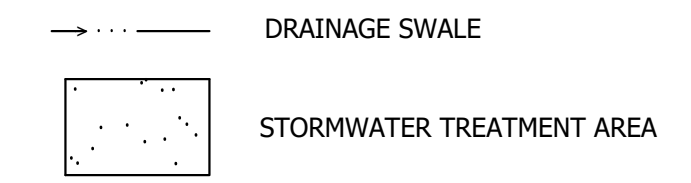
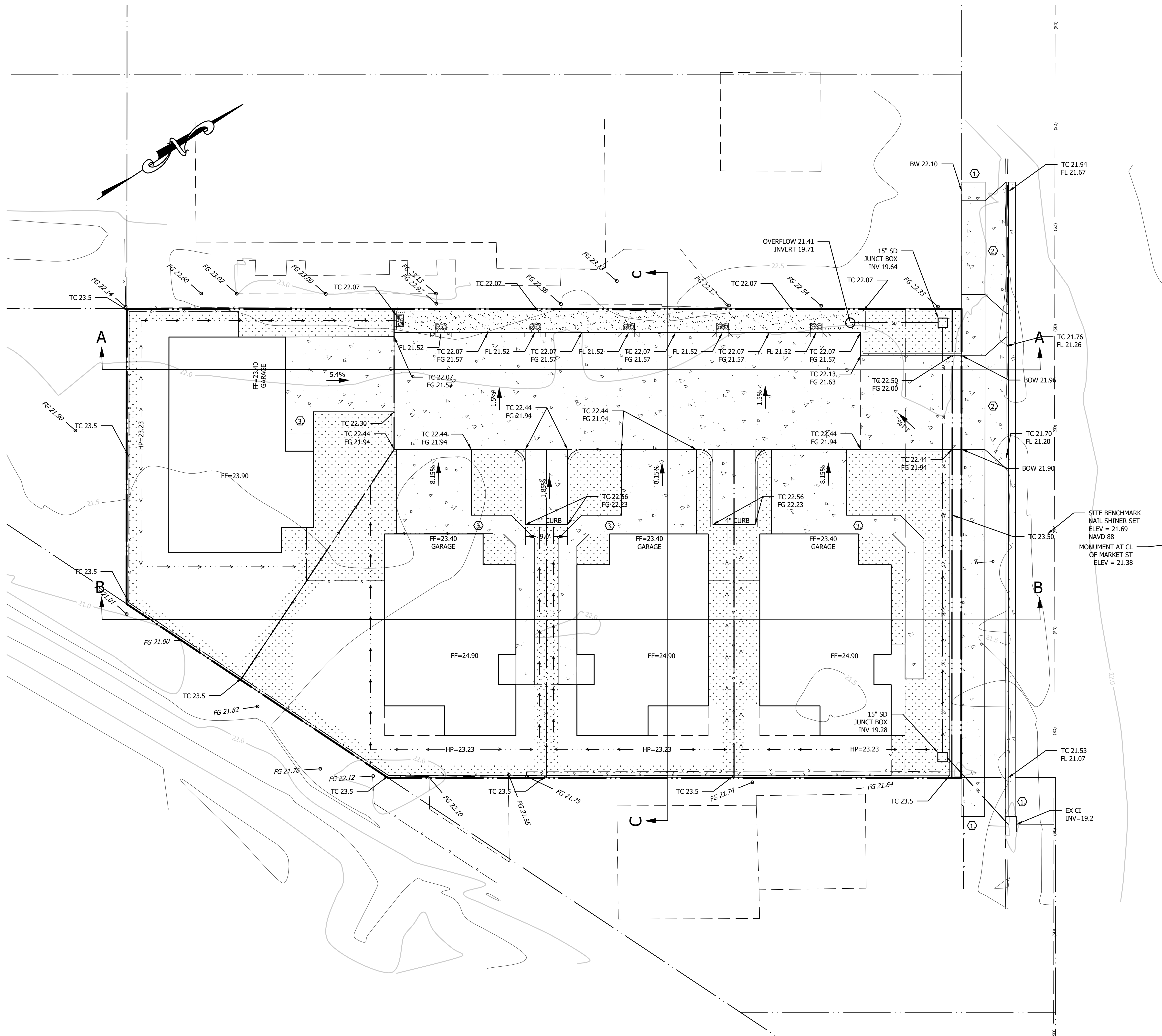
CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
 ALAMEDA COUNTY, CALIFORNIA

SITE PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
 DATE: 09 November 2020
 JOB #: 118037
 DWG: 118037 TM.dwg
 SHEET: **TM2**
 OF 6 SHEETS

* FILE NAME: X:\AutoCAD Projects\2018\118037 TM.dwg * Plotted on: Monday, 09 November 2020 at 6:05pm by: SBE1 *

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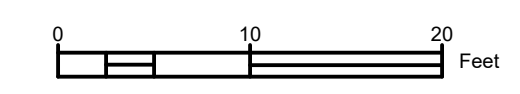
- ① LIMIT OF CONC WORK - MATCH EXISTING
- ② INSTALL NEW CITY OF NEWARK TYPE C DRIVEWAY APPROACH
- ③ ALL DOWNSPOUTS TO GO TO CONCRETE SPLASHPAD. SEE ARCH DRAWINGS FOR LOCATIONS
- 4. ALL CURB & GUTTER TO BE 6" UNLESS OTHERWISE NOTED

TC TOP OF CURB
 FG FINISH GRADE
 FL FLOW LINE
 BOW BACK OF WALK
 LOG LIP OF GUTTER
 INV INVERT

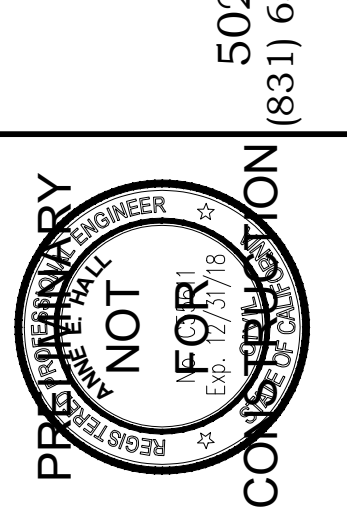
EARTHWORK QUANTITIES:
 CUT = 397 CY
 FILL = 657 CY
 NET = 260 CY (IMPORTED FILL)

SEE CROSS-SECTIONS SHEET TM6

SITE BENCHMARK
 NAIL SHINER SET
 ELEV = 21.69
 NAVD 88
 MONUMENT AT CL
 OF MARKET ST
 ELEV = 21.38



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NO.	REVISIONS	DATE

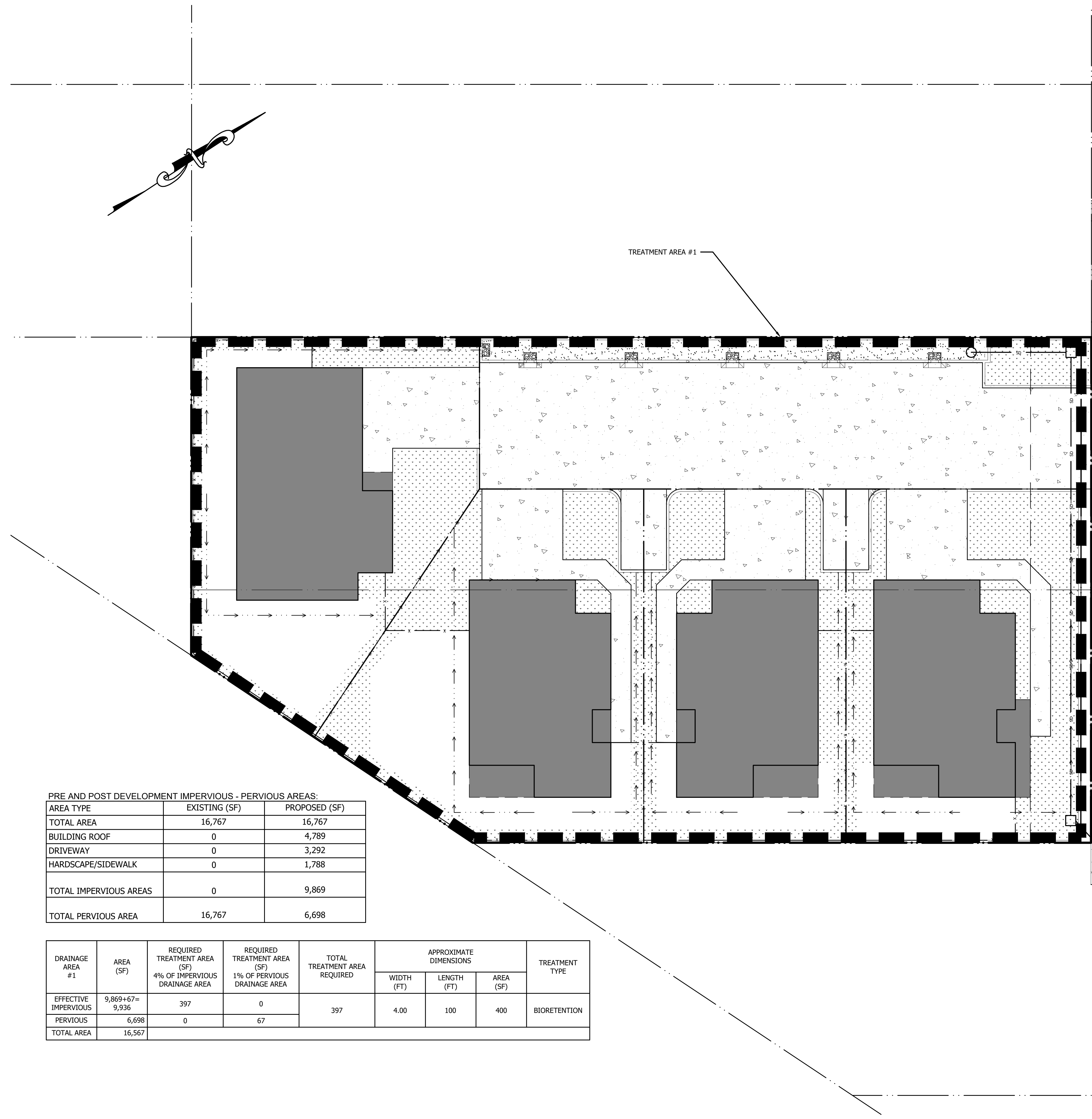
CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
 ALAMEDA COUNTY, CALIFORNIA

PRELIMINARY GRADING PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
 DATE: 09 November 2020
 JOB #: 118037
 DWG: 118037 TM.dwg

SHEET: **TM3**
 OF 6 SHEETS

* FILE NAME: X:\AutoCAD Projects\118037 TM.dwg * Plotted on: Monday, 09 November 2020 at 6:05pm by: SBE1 *



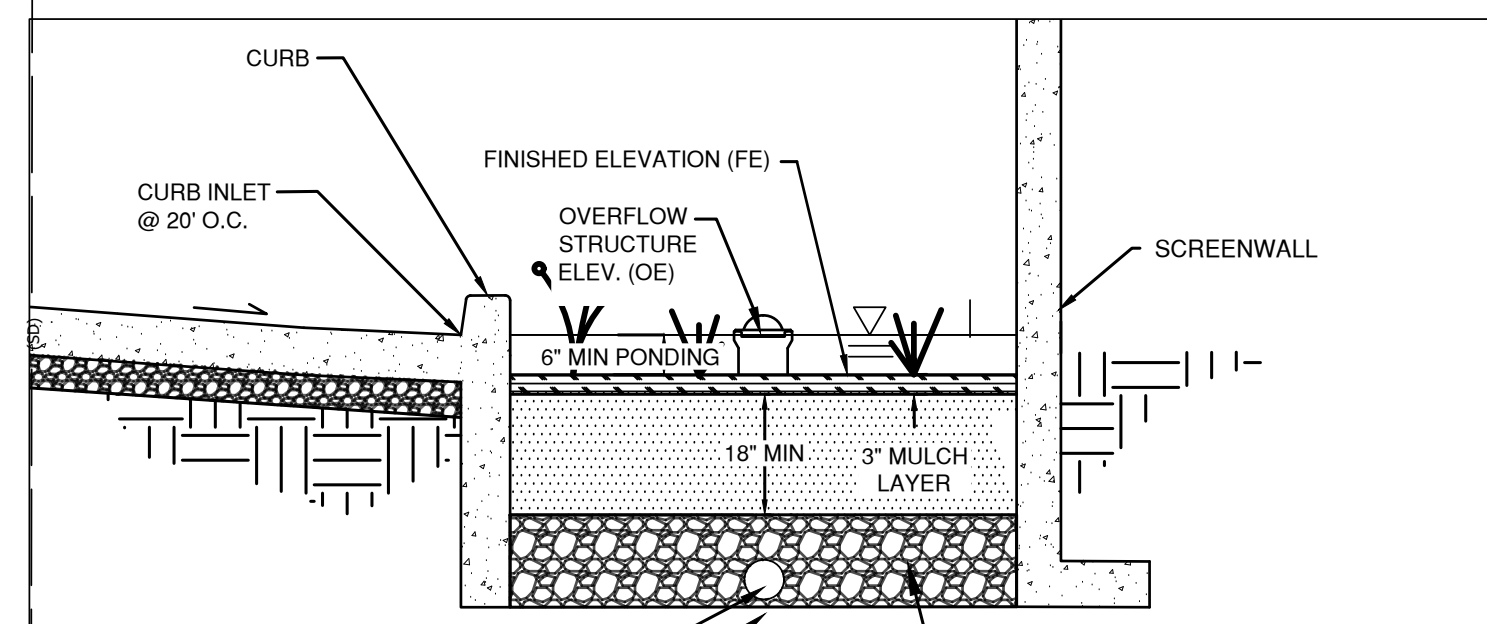
PRE AND POST DEVELOPMENT IMPERVIOUS - PERVIOUS AREAS:

AREA TYPE	EXISTING (SF)	PROPOSED (SF)
TOTAL AREA	16,767	16,767
BUILDING ROOF	0	4,789
DRIVEWAY	0	3,292
HARDSCAPE/SIDEWALK	0	1,788
TOTAL IMPERVIOUS AREAS	0	9,869
TOTAL PERVIOUS AREA	16,767	6,698

DRAINAGE AREA #1	AREA (SF)	REQUIRED TREATMENT AREA (SF) 4% OF IMPERVIOUS DRAINAGE AREA	REQUIRED TREATMENT AREA (SF) 1% OF PERVIOUS DRAINAGE AREA	TOTAL TREATMENT AREA REQUIRED	APPROXIMATE DIMENSIONS			TREATMENT TYPE
					WIDTH (FT)	LENGTH (FT)	AREA (SF)	
EFFECTIVE IMPERVIOUS	9,869+67=9,936	397	0	397	4.00	100	400	BIORETENTION
PERVIOUS	6,698	0	67					
TOTAL AREA	16,567							

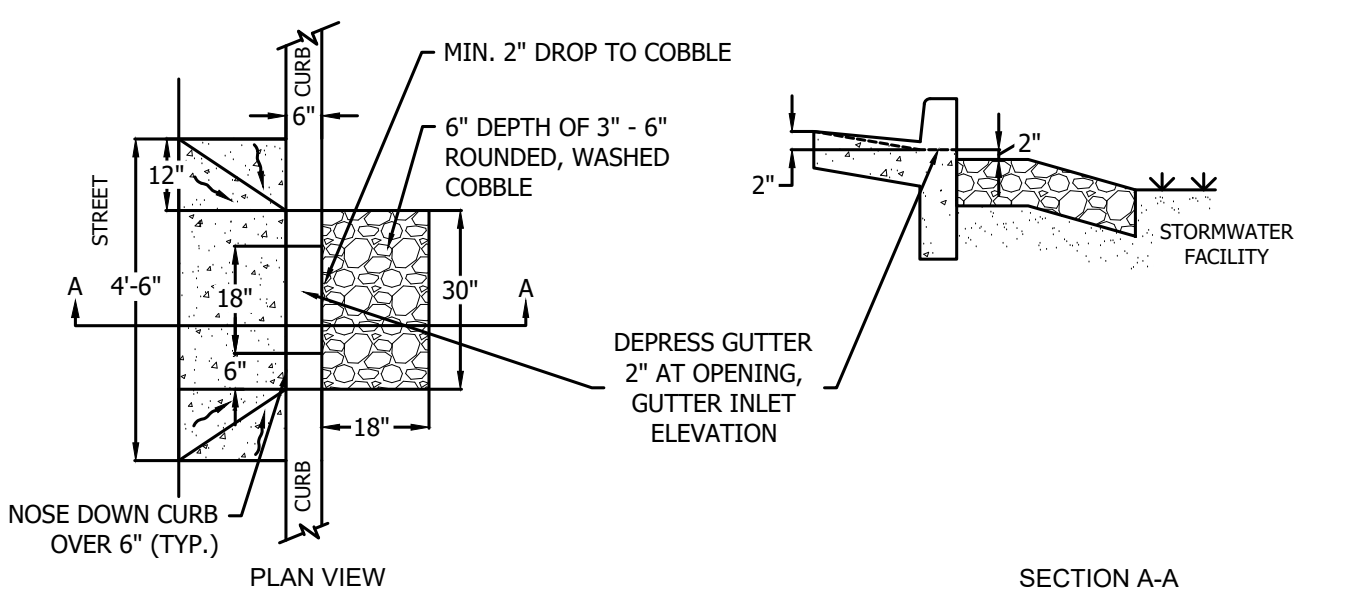
LEGEND

- PROPOSED STORM DRAIN MANHOLE
- PROPOSED OVERFLOW STRUCTURE
- PROPOSED STORM DRAIN LINE
- DRAINAGE BOUNDARY
- LIMITS OF ROOF (IMPERVIOUS SURFACE)
- LIMITS OF HARDSCAPE/CONCRETE SIDEWALK (IMPERVIOUS SURFACE)
- STORMWATER TREATMENT AREA

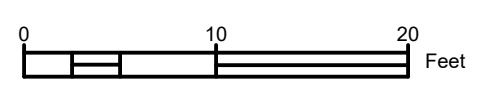


- UNDERDRAIN, MIN. 4" DIA. PVC SDR 35 PERFORATED PIPE, SEE CONSTRUCTION NOTE 4
- UNDERDRAIN AND OVERFLOW CONNECT TO STORM DRAIN OR APPROVED DISCHARGE LOCATION
- CALTRANS CLASS 2 PERMEABLE MATERIAL (AGGREGATE), DEPTH MINIMUM 12"
- MULCH/COMPOST LAYER (SEE DESIGN NOTE 12)
- BIORETENTION SOIL MEDIA (BSM)
- AGGREGATE
- NATIVE SOIL

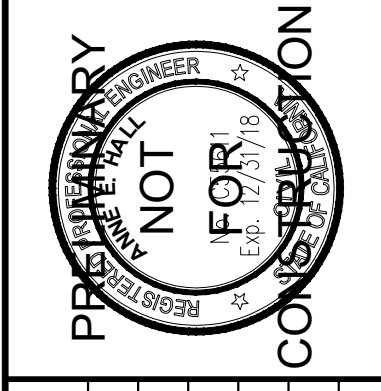
- CONSTRUCTION NOTES**
- MAINTAIN UNDISTURBED NATIVE SOIL BENCH TO SUPPORT ADJACENT SIDEWALK/ROAD. SEQUENCE WORK TO CONSTRUCT CURBS BEFORE EXCAVATING BIOFILTRATION AREA FOR AGGREGATE AND BSM.
 - SCARIFY SUBGRADE BEFORE INSTALLING BIORETENTION AREA AGGREGATE AND BSM.
 - FACILITY EXCAVATION TO ALLOW FOR SPECIFIED AGGREGATE, BSM, AND MULCH DEPTHS TO ACHIEVE FINISHED ELEVATIONS ON CIVIL PLANS.
 - COMPACT EACH 6" LIFT OF BSM WITH LANDSCAPE ROLLER OR BY LIGHTLY WETTING. IF WETTING, LET DRY OVERNIGHT BEFORE PLANTING. SUBDRAIN TO BE PLACED A MIN 6" ABOVE THE BOTTOM OF ROCK LAYER.
 - DO NOT WORK WITHIN BIOFILTRATION AREA DURING RAIN OR UNDER WET CONDITIONS.
 - KEEP HEAVY MACHINERY OUTSIDE BIOFILTRATION AREA LIMITS.
 - STORMWATER SHOULD BE DIRECTED AWAY FROM BIOFILTRATION UNTIL CONSTRUCTION IS COMPLETE AND DRAINAGE AREA VEGETATION IS STABILIZED.



- CONSTRUCTION NOTES**
- AFTER CONSTRUCTION PLACE SAND BAGS AT GUTTER OPENINGS TO KEEP STORM FLOWS FROM ENTERING FACILITY UNTIL VEGETATION IS ESTABLISHED.



SAN BENITO ENGINEERING & SURVEYING, INC.
 502 Monterey Street Hollister, California 95023
 (831) 637-2763 FAX (831) 854-9581 email: info@sanbenitoeng.com



NO.	REVISIONS	DATE

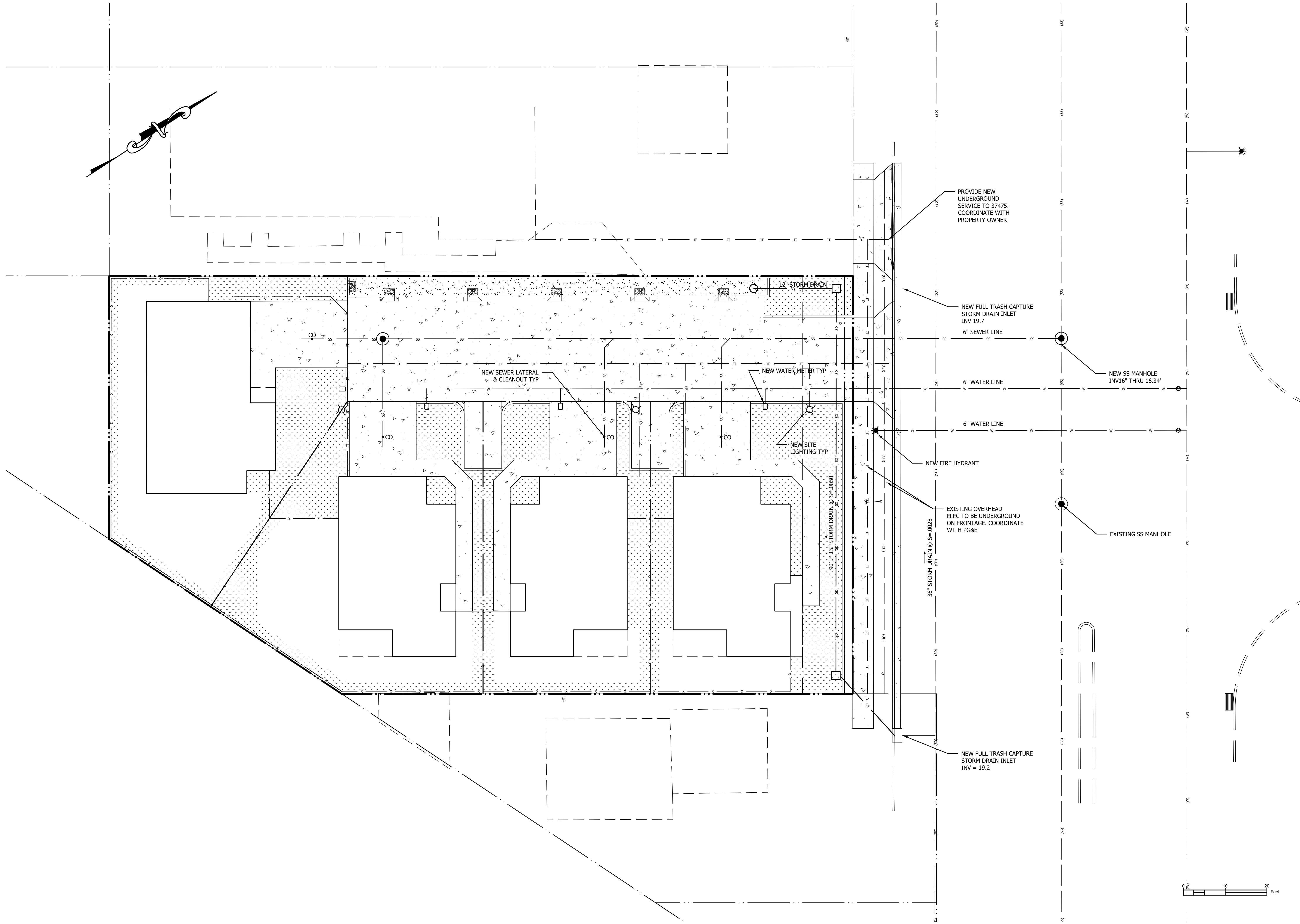
CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
 ALAMEDA COUNTY, CALIFORNIA

PRELIMINARY STORMWATER MANAGEMENT PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
 DATE: 09 November 2020
 JOB #: 118037
 DWG: 118037 TM.dwg

SHEET: **TM4**
 OF **6** SHEETS

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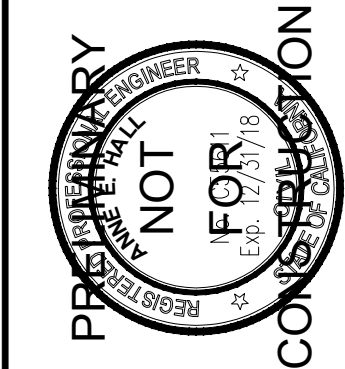
SHEET: **TM5**
6 OF SHEETS

SCALE: SCALE 1" = 10'
DATE: 09 November 2020
JOB #: 118037
DWG: 118037 TM.dwg

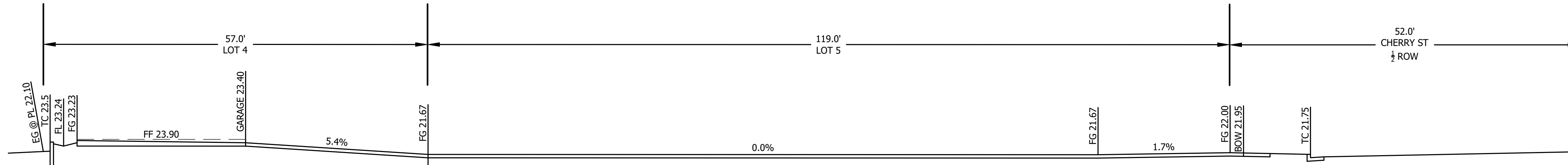
PRELIMINARY UTILITY PLAN
VESTING TENTATIVE
TRACT MAP 8531

CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

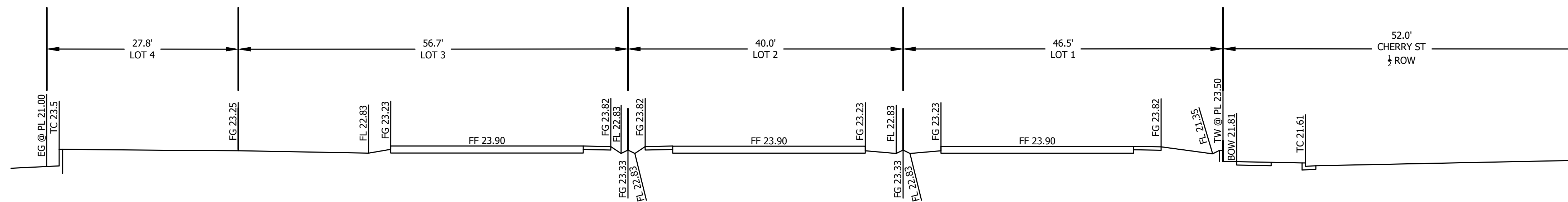
NO.	REVISIONS	DATE



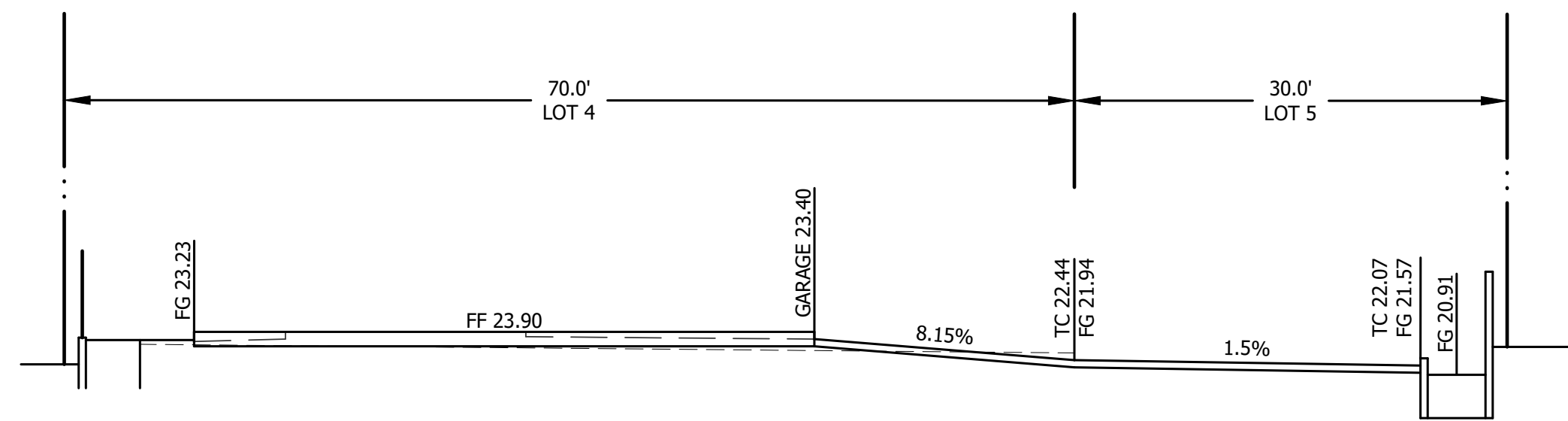
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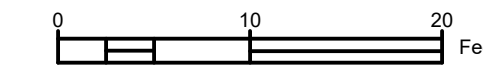
CROSS-SECTION A-A



CROSS-SECTION B-B



CROSS-SECTION C-C



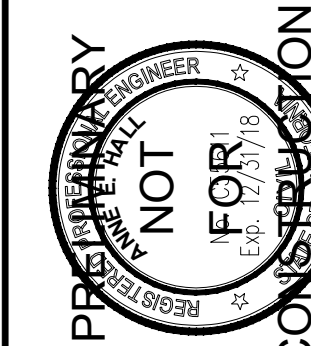
CROSS-SECTIONS

VESTING TENTATIVE
TRACT MAP 8531

CITY OF NEWARK

37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

NO.	REVISIONS	DATE



SAN BENITO ENGINEERING
& SURVEYING, INC.

502 Monterey Street Hollister, California 95023
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SCALE: SCALE 1" = 10'
DATE: 09 November 2020
JOB #: 118037
DWG: 118037 TM.dwg

SHEET: **TM6**
6
OF SHEETS

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK RECOMMENDING THAT THE CITY COUNCIL APPROVE P-20-02, ESTABLISHING A PLANNED DEVELOPMENT OVERLAY DISTRICT AND A PLANNED DEVELOPMENT PLAN TO ALLOW FOR A 5-PARCEL, 4-LOT SUBDIVISION FOR THE CONSTRUCTION OF FOUR SINGLE-FAMILY RESIDENCES AT 37503 AND 37511 CHERRY STREET (APNS 092-0075-004-02; 092-0075-005-02)

WHEREAS, Sawart S. Fahmy has filed with the City of Newark an application for a Planned Development Plan to allow a five-parcel, four-lot subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02); and

WHEREAS, pursuant to [Newark Municipal Code \(NMC\) §17.31.060](#), a public hearing notice was published in The Tri City Voice on December 1, 2020 and mailed as required, and the Planning Commission held a special meeting on said application at 7:30 p.m. on December 15, 2020 utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic; and

WHEREAS, pursuant to [NMC Chapter 17.12](#) (Planned Development Overlay District), [§17.12.060, Required Findings](#), the Planning Commission hereby makes the following findings:

- A. *The proposed development is consistent with the general plan and any applicable specific plan, including the density and intensity limitations that apply;*

The proposed development is generally consistent with the General Plan. The development’s density does not exceed the maximum density of 30 dwelling units per acre allowed under the General Plan Land-Use Designation of Medium Density Residential. Having said that, the development’s density of 13.4 dwelling units per acre presents a negligible difference, one that is not worth eliminating given the possibility of affecting other development standards, in the meeting the minimum density requirement of 14 dwelling units per acre. In addition, the application was filed in 2017, predating the 2018 update to NMC Title 17, Zoning; and therefore, the proposal for single-family homes carries from when the project was first conceived. Moreover, given the context existing single-family neighborhoods, single-family development is encouraged in the area.

- B. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;*

The project site is zoned Residential Medium Density and has a minimum density requirement of 14 dwelling units per acre. As the existing parcel is under-developed, the addition of four single-family homes to the area does not require additional street improvements for traffic mitigation. In addition, the proposed development dedicates a 2-foot wide area, amounting to a total of 200 square feet, towards the City's right-of-way. By doing so, the project improves the street frontage and eliminates the current pedestrian network gap on the western block of Cherry Street between Central Avenue to the south and Clark Avenue to the north.

Each of the four homes includes a two-car garage and a driveway apron in front of each garage provides for guest parking. In addition, the project development also provides two separate guest parking spaces between Lots 1, 2, and 3. Therefore, the proposed development provides for a total of 18 off-street parking spaces.

- C. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;*

With the exception of the light industrial use to the south, the project site is surrounded by a mix of single-family and multi-family residential units to the north, east, and west. Thus, the subject site is compatible with the existing character the neighboring land use.

- D. *The development generally complies with applicable adopted design guidelines; and*

The overall design of the project including its scale, massing, site plan, exterior design, and landscaping enhances the appearance and features of the project site and its immediate surrounding. The project promotes high-quality design and well-crafted and maintained buildings. The landscaping is compatible with and enhances the architectural character and features of the homes and helps relate the structures to the surrounding landscape. Project details, materials, and landscaping are designed to be internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the architectural design as well as the intended character of the area. Therefore, the development generally complies with applicable design guidelines.

- E. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The subject site is zoned as Residential Medium Density and has the potential to result in a multi-family development that would arguably increase the traffic in the area and disrupt the single-family characteristic of the surrounding neighborhood. Under the proposed project; however, the development results in four high-quality, single-family homes which is superior to the development that could otherwise occur under the standards applicable to the underlying zoning district.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of

Newark does hereby recommend that the City Council of City of Newark approve this application as shown in Exhibit A, subject to the following conditions:

- a. All applicable conditions listed in Planning Commission Resolution No. _____, dated December 15, 2020, recommending approval of TTM-20-03, a Vesting Tentative Tract Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02)
- b. If any condition of this Planned Development Plan be declared invalid or unenforceable by a court of competent jurisdiction, this planned-unit development and conditional-use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

This Resolution was introduced at the City of Newark Planning Commission's December 15, 2020 special meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWARK RECOMMENDING THAT THE CITY
COUNCIL APPROVE TTM-20-03, VESTING TENTATIVE MAP
8531

WHEREAS, Sawart S. Fahmy has submitted TTM-20-03, Vesting Tentative Tract Map 8531, to the City of Newark with subdivision and zoning variances covered by P-20-02, a Planned Development (PD) Overlay District and PD Plan, to allow a five-parcel, four-lot subdivision for the construction on four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newark does hereby recommend that the City Council of City of Newark approve TTM-20-03, Tentative Tract Map 8531 covered by PD Overlay District and a PD Plan, P-20-02, as shown on Exhibit A and made part hereof by reference, subject to the following conditions:

Planning Division

- a. There shall be no roof-mounted equipment other than satellite dishes, other similar television or radio antennas, and solar equipment.
- b. AC units shall not be placed in front or street side yard, and if placed in any other location that makes it visible to public view, shall be properly screened with solid material.
- c. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- d. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- e. Measures to respond to and track complaints pertaining to construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- f. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any

vehicle or portable building brought on the site during construction shall remain graffiti free.

- g. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- h. Prior to the issuance of a building permit, any changes to the approved color elevations shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- i. Prior to the issuance of a building permit, any changes to the approved floor plans shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- j. Prior to the issuance of a building permit, the roof material as submitted by the applicant as part of this application shall be reviewed and approved by the Community Development Director. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
- k. Prior to the issuance of a building permit, the project shall be submitted for the review and approval of Republic Services and the Community Development Director, in that order. The appropriate garbage, refuse and recycling service shall be approved prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling containers.
- l. Prior to issuance of a grading permit, the applicant shall hire a qualified biologist to: (1) determine if occupied Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The occupied Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.
- m. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA §15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan.

If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.

- n. Prior to the issuance of a building permit, the applicant shall pay the City's impact fees in effect as well as the Community Development Maintenance Fee.
- o. There shall be no short term rentals.
- p. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster, in that order. The mailbox compartments of centralized mailboxes shall identify the individual dwelling units with permanent, easily legible lettering.
- q. Prior to the issuance of a Certificate of Occupancy, roll-up garage doors with automatic garage door openers shall be provided for each unit.
- r. Prior to final inspection and utility release for each unit, the applicant shall pre-wire each unit for satellite and cable television connections, as required by the Community Development Director. The exterior connections for the pre-wire shall be made to the roof and not on the side elevation walls of the units.
- s. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted for the review and approval of the Community Development Director.
- t. Prior to the issuance of a building permit, any proposed fence details shall be submitted for the review and approval of the Community Development Director.
- u. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives shall be installed and striped as shown on the approved site plan. Guest parking spaces shall be clearly marked as reserved for guests, as approved by the Community Development Director.
- v. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 7:00 a.m.
- w. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.

Engineering Division

- x. The development will require approval of tentative and final tract maps filed in accordance with the State Subdivision Map Act and the City of Newark Subdivision Ordinance for the creation of 5 lots and easement dedications. The final map must be approved prior to the issuance of any building permits.

- y. The final map shall designate and/or dedicate emergency vehicle access ways, private vehicle access ways, public utility easements, and other easement as may be required over the common area.
- z. The applicant shall dedicate right-of-way and install complete street improvements for Cherry Street. Cherry Street is a four-lane divided arterial with a half-street right-of-way width of 52 feet along the project frontage. A 2-foot right-of-way dedication and a 10-foot landscape easement shall be dedicated adjacent to Cherry Street.
- aa. Prior to approval of the final map, the applicant shall guarantee all necessary street improvements adjoining the development and over the common area in accordance with tract improvement plans to be approved by the City Engineer. Improvement plans for on-site common areas in the development shall be included with the tract improvement plans to ensure that such improvements are designed and constructed to City Standards. These plans must be prepared by a qualified person licensed by the State of California to do such work. Street improvements shall include, but may not be limited to, driveway access, public sidewalks, curb and gutter removal and replacement, frontage landscaping, pavement removal and replacement, replacement or repair of existing damaged public improvements, street lighting, undergrounding existing overhead utilities, relocation of existing signage, pavement striping, and other related improvements. Common area improvements on-site include, but may not be limited to driveways, drive aisles, parking facilities, utilities, recreational areas and facilities, storm water treatment measure installations, screen walls, fencing, and all landscape areas.
- bb. The applicant shall limit the amount of open trenching within Cherry Street, to the extent possible, by installing utility connections via bore and jack method. To maintain the pavement condition on Cherry Street, the applicant will be required to grind and overlay and/or slurry seal the pavement to centerline or beyond to the nearest lane line where utility tie-ins are necessary.
- cc. Prior to the issuance of the initial grading or any building permits for this project, the applicant shall submit a Storm Water Pollution Prevention Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording "No Dumping - Drains to Bay," and other applicable practices.
- dd. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and

increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The applicant shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to final map approval.

- ee. The applicant shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. These plans must be based upon a City benchmark and need to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The applicant shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the applicant's responsibility.
- ff. Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer and the Alameda County Flood Control District prior to approval of the final map(s). The calculations shall show that the City and County freeboard requirements will be satisfied.
- gg. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.
- hh. In accordance with Provision C.10 of the Regional Water Quality Control Board's Municipal Regional Permit, storm drain inlet filters shall be installed in all on-site and adjacent off-site storm drain inlets on Cherry Street. The storm drain inlet filters shall meet the full trash capture requirements of the San Francisco Bay Regional Water Quality Control Board and shall comply with maintenance and performance requirements of the Mosquito Abatement District.
- ii. The property owner shall enter into an Agreement with the City of Newark to provide verification and assurance that all stormwater treatment and trash capture devices will be properly operated and maintained and to guarantee the owner's perpetual maintenance obligation for all storm drain inlet filters installed as part of the project per requirements of

Provision C.3 of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049. The Agreement shall be recorded against the property and shall run with the land.

- jj. Where a grade differential of more than a 1-foot is created along the boundary lot lines between the proposed development and adjacent property, the applicant shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- kk. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.
- ll. The geotechnical consultant shall review and approve all geotechnical aspects of the project plans to ensure that the recommendations have been properly incorporated. The geotechnical consultant shall clarify the distance over which differential settlement is indicated and provide alternative foundation recommendations should the estimated differential settlement exceeds the ASCE 7-16 0.01L threshold for multistory structures.
- mm. The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of the inspections shall be described in a letter and shall be provided to the City Engineer for review and approval prior to project acceptance.
- nn. Prior to approval of the final map, the applicant's engineer shall submit a pavement maintenance program for the drive aisles and parking areas for the review and approval of the City Engineer. The applicant shall incorporate the program into the required Storm Water Pollution Prevention Plan and Storm Water Treatment Measures Maintenance Agreement.
- oo. Prior to issuance of a Certificate of Occupancy or release of utilities for any building, vehicle access ways and parking facilities serving said building shall be paved in accordance with the recommendation of a licensed engineer based on a Traffic Index of 5.0 and striped as shown on the approved site plan. Minimum asphalt concrete thickness for the vehicle access ways shall be 4 inches.
- pp. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling unit, the on-site drive aisles and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces.

- qq. The applicant shall establish a Homeowner's Association consisting of all property owners of lands in the development at the time of incorporation and in the future for the purpose of maintaining the association's property, common drive aisles, parking facilities, stormwater treatment facilities, and landscaping, including landscaping in adjacent public rights-of-way, and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and other functions of a Homeowner's Association. All common areas within the development shall be owned and maintained by the Homeowner's Association. Each property owner shall automatically become a member of the association and shall be subject to a proportionate share of the maintenance expenses. The Homeowner's Association shall be incorporated prior to the sale of any individual lots and/or prior to acceptance of tract improvements, whichever occurs first.
- rr. Prior to City Council approval of the final map(s), the bylaws governing the property owners' association(s) and any declaration of covenants, conditions and restrictions (CC&Rs) filed for this development shall be reviewed and approved by the City Council at its discretion after mandatory review and recommendations by the City Attorney. Said covenants, conditions and restrictions shall be prominently displayed in the project sales office at all times. Approval of the covenants, conditions and restrictions shall not make the City a party to enforcement of same. The CC&Rs shall apply equally to both owners and renters. The CC&Rs shall be written to require renters to comply with the regulations of the CC&Rs, and a copy of the CC&Rs shall be given to each renter. The CC&Rs shall be written to allow less than a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&Rs shall include a pavement maintenance program for on-site pavement.
- ss. The Homeowner's Association CC&Rs shall prohibit the on-site parking of non-self-propelled recreational vehicles, including boats, and any self-propelled recreational vehicles not used for transportation unless separate storage facilities are provided. The CC&Rs shall regulate the provision of any on-site parking of self-propelled recreational vehicles used for transportation.
- tt. The applicant shall also assist the Homeowner's Association by having a management consultant firm review the maintenance and operating functions of the association. The management consulting firm shall be responsible to prepare a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the development and shall run with the land. The applicant shall pay all costs of incorporation and initial management review and reports.
- uu. The Homeowner's Association shall be responsible for trash and litter control and sweeping of all private streets within the development. All private storm drain systems and all associated trash capture devices shall be cleaned on a regularly scheduled basis as detailed in the required Stormwater Treatment Measures Maintenance Agreement.
- vv. The Homeowner's Association shall be required to contract with a professional management firm to handle all necessary maintenance operations. Documentation of such

contract shall be submitted to the City of Newark. All commonly owned facilities shall be properly maintained in a manner consistent with the CC&Rs and project requirements.

- ww. All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way.
- xx. The joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval.
- yy. The applicant shall request Pacific, Gas & Electric Co. to commence with the design of the underground utility improvements for the proposed development immediately following approval of the tentative map. The applicant shall also continue coordination with the adjacent property owner and PG&E to underground existing overhead service to 37475 Cherry Street. Right-of-entry agreements from the adjacent property to do the underground work shall be obtained prior to final map approval.
- zz. The applicant shall repair and/or replace any public improvements along the Cherry Street right-of-way and private improvements along the exterior boundary of the site damaged as a result of construction activity to the satisfaction of the City Engineer.
- aaa. The applicant shall ensure that a water vehicle for dust control operations and a pick-up or vacuum type street sweeper to remove tracked dirt and debris from adjacent streets is kept readily available at all times during construction at the City Engineer's direction.
- bbb. The applicant shall implement the following measures for the duration of all construction activity to minimize air quality impacts:
 - 1. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
 - 2. All trucks hauling demolition debris from the site shall be covered.
 - 3. Dust-proof chutes shall be used to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
 - 4. All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to the existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
 - 5. All trucks hauling soil, sand, and other loose materials shall be covered or require all trucks to maintain at least 2 feet of freeboard.
 - 6. All unpaved access roads, parking areas, and staging areas at construction sites shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.

7. All paved access roads, parking areas, and staging areas at construction sites shall be swept daily with water sweepers; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Minimize idling time (5 minutes maximum).
12. Maintain properly tuned equipment.

These measures shall be incorporated into the grading specifications as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

- ccc. The applicant shall provide all required paper and digital submittals of the tentative map, project final map, tract improvement plans, and as-built plans as required by the City Engineer, including, but not necessarily limited to the following: (1) One full-sized reproducible copy and one reduced reproducible copy of the approved tentative map; (2) Two electronic copies of the approved final map and improvement plans in a format approved by the City Engineer; (3) One full-sized mylar copy and one reduced copy of the recorded final map; (4) One reproducible set and four blue-line or photocopied sets of the approved tract improvement plans; (5) Two electronic copies and one mylar set of the as-built tract improvement plans. All digital copies of the final map and improvement plans shall be prepared in accordance with Union Sanitary District digital submittal standards. A deposit of \$5,000 shall be provided by the applicant to the City to ensure submittal of all required documentation.
- ddd. The plans submitted for construction must be drawn to an appropriate scale as required by the City Engineer.
- eee. The CC&Rs for the project shall include a disclosure statement to all property owners indicating that the project site is located within a seismic hazard zone for liquefaction. The disclosure statement shall indicate that the buildings have been designed to current code requirements. The disclosure statement shall also indicate that the buildings, site improvements, and utilities are subject to damage during an earthquake and that the buildings may be uninhabitable after an earthquake. This CC&R disclosure statement is subject to review and approval of the City Engineer prior to final map approval.
- fff. The following language shall be included in the CC&Rs:

Rights of City: Notwithstanding anything to the contrary in this Master Declaration, no amendment hereto which deals with any of the following matters shall be effective without

the prior written consent of the Director of the City's Community Development Department, such consent not to be unreasonably withheld: (i) Any amendment, the design or purpose of which is to eliminate an obligation of the Association to maintain, manage and repair the Master Common Property all Improvements therein or to lower the standards for maintaining and repairing such Master Common Property and Improvements; (ii) Any amendment with regard to the fundamental purpose for which the Project was created (e.g., a change from residential use to a different use);(iii) Any amendment to Sections....(list sections required by condition of approval), and all defined terms therein, each of which were required as a condition of approval for the Project.(note: will need to define "Project.")

Enforcement by City: If the Association or any Owner (as the case may be) fails to Maintain the Common Area or any Improvement, or if the Association fails to enforce any of the provisions, listed in Section XXX (Rights of City), the City, as an intended third party beneficiary of the provisions of this Master Declaration, shall have the right, but not the duty, to compel performance of such provisions in any manner provided by law or in equity and in any manner provided in this Master Declaration.

Landscape Division

- ggg. Prior to the approval of the final map, the developer shall enter into a Landscape Maintenance Agreement to ensure the perpetual maintenance of all landscaping along the property frontage and within the public right-of-way between the back of curb and sidewalk. This agreement shall be transferred to the Homeowners Association and incorporated into the project CC&Rs.
- hhh. The developer shall retain a licensed landscape architect to prepare detailed landscape plans for construction in accordance with City of Newark requirements and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to final map approval.
- iii. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- jjj. Prior to the issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacement shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Fire Department

- kkk. A NFPA13D automatic fire sprinkler system shall be provided for each home.

- III. The first 25 feet of the driveway will be fire access road. A minimum 20-foot fire access road shall be maintained and not be obstructed. Fire marking or signage are required.

Building Division

- mmm. Per [NMC §17.24.100.A.3](#), construction for this project, including site work and all structures, shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request, the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods, and input by affected neighbors. All approvals shall be made in writing.

Police Division

- nnn. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and §5.10 of the California Fire Code for radio reception.
- ooo. Housing numbers shall be well placed, illuminated, and easily recognizable for first responders.

General

- ppp. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.
- qqq. If any condition of this Planned Development be declared invalid or unenforceable by a court of competent jurisdiction, this planned development shall terminate and be of no force and effect, at the election of the City Council on motion.
- rrr. The applicant hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- sss. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against

the City and/or its agents, officers and employees with counsel selected by the applicant (which shall be the same counsel used by applicant) and reasonably approved by the City. Applicant's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with [Government Code §66474.9](#).

- ttt. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to [Government Code §66020\(d\)\(1\)](#), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to [Government Code §66020\(a\)](#), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of [Government Code §66020](#), the applicant will be legally barred from later challenging such exactions.

This Resolution was introduced at the City of Newark Planning Commission's December 15, 2020 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK ESTABLISHING A PLANNED DEVELOPMENT
OVERLAY DISTRICT AT 37503 AND 37511 CHERRY STREET
(APNs 092-0075-004-02; 092-0075-005-02)

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to [Newark Municipal Code \(NMC\) §17.39.070](#), the City Council of the City of Newark does hereby find that the zoning map amendment embodied in this ordinance is consistent with the General Plan; is necessary and desirable to achieve the purposes of NMC Title 17 (Zoning), which seeks to establish a Planned Development Overlay District at the subject site.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning map amendment embodied in this ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by _____ at the regular meeting of the City Council of the City of Newark held on January _____, 2021.

This ordinance was read at the regular meeting of the City Council held January _____, 2021. Council Member _____ moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

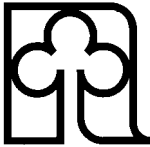
ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney



**E. 2 Hearing to consider Z-20-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to amend Section 17.26.040, Accessory Dwelling Units, generally affecting development standards for the construction of Accessory Dwelling Units– from Deputy Community Development Director Interiano.
(Resolution & Ordinance)**

Background/Discussion – On January 1, 2020, several bills pertaining to ADUs became effective, including Senate Bill 13, Assembly Bill 68, Assembly Bill 881, and Assembly Bill 587. These bills were passed by the State Legislature to mitigate the statewide housing crisis by expanding property owner rights to build ADUs. Collectively, these bills update development standards and permit requirements with specific requirements for local ordinances. There were no additional changes for the 2020 legislative year.

Staff has prepared draft text amendments to the NMC Ch.17 (Zoning Regulations) to modify Section 17.26.040, development standards for Accessory Dwelling Units (ADUs). The proposed ordinance would revise the City’s ADU regulations to implement the following new mandates under State law:

List of New State Mandates:

- Number of ADUs- one ADU and one Junior ADU (JADU) permitted by right on a single-family lot, subject to certain constraints.
- ADUs allowed by right in multi-family and mixed-use zones. Up to two detached ADUs, plus conversion of uninhabited spaces for multiple ADUs. The total allowed ADUs may not exceed 25% of existing units in multifamily buildings.
- No minimum lot size for ADUs.
- Maximum 4’ side and rear setbacks for newly constructed ADUs.
- Lot coverage, floor ratios or open space requirements must allow at least an 800 sf ADU
- Minimum 16 ft. height allowed.
Allowance of minimum square footage of 850 sf for up to one-bedroom ADU, or 1,000 sf for two bedrooms
- JADUs are no longer limited to smaller kitchen appliances and sewer connections.
- 60-day building permit processing timeline.
- No replacement parking required for garage conversions to ADUs.
- Proximity to transit must be within one-half mile to qualify for parking waiver.
- No impact fees on ADUs less than 750 square feet. For larger ADUs, impact fees are to be proportional to main house.
- ADUs or JADUs may not be used as short-term rentals.
- *Homeowners associations must allow ADUs and JADUs.*
- *5-year moratorium on local owner-occupancy restrictions until 1/1/25.*

- *5-year stay of building code enforcement available on unpermitted ADUs if they meet health and safety standards.*
- *ADUs count for RHNA*

**Applicable State mandates not included in draft ADU amendments..*

In summary, new state laws have substantially eliminated many of the existing regulatory barriers in order to incentive ADU construction.

Compliance with the new laws also requires modifying existing ADU regulations in the City of Newark that are no longer consistent with State law. The laws ensure compliance with the State mandates by allowing the State Housing and Community Development department to require a review of the local ordinance with the ability to request changes if the ordinance is not compliant with new State laws.

In addition to these new state mandates, state law creates an exception to the general rule that ADUs could not be sold separately. Government Code Section 65852.26 now provides local agencies the option (not a mandate) to permit ADUs to be sold or conveyed separately from the primary residence if all of the following requirements are met:

- (1) The property was developed by a qualified nonprofit corporation.
- (2) There is an enforceable and recorded deed restriction memorializing a contract between the qualified buyer and the qualified nonprofit corporation. “Qualified buyer” means persons and families of low or moderate income as defined by Health and Safety Code Section 50093.
- (3) The property is held pursuant to a recorded tenancy in common agreement.

Staff is not recommending this narrow “for sale” option. Staff believes the principal purpose of an ADU is to be subordinate to the principal structure and that an ADU separated from the principal lot would create a non-conforming lot which would conflict with the zoning regulations.

Community Development Recommended Modifications to ADU Requirements

In addition to the State mandates described above, staff is recommending amendments that will address concerns regarding scale and compatibility of ADUs with the primary structure and adjacent homes. There are two areas that we believe need to be addressed, 1.) design considerations for garage conversions, and 2.) maximum ADU floor area.

Typically, aesthetic considerations are the primary goal of the existing Single Family Design Review permit. However, under State mandates, jurisdictions are no longer allowed to enforce subjective design review standards on ADU construction. Therefore in keeping the Single Family Design Review goals in mind, staff is recommending objective architectural improvement requirements for garage conversions that will improve the appearance of the new exterior façade that replaces the exterior garage door, thereby improving compatibility with the existing exterior walls, resulting in the appearance of a unified single family dwelling. The recommended amendment is listed below:

- *Garage Conversions.* An attached or detached garage may be converted into an ADU. No replacement parking is required for garage conversion into an ADU. If replacement parking is proposed, it shall conform to City requirements for parking space dimensions, backup area, and landscaping. The conversion of an existing garage to an ADU shall include the removal of the garage door. The garage door shall be replaced with an exterior building wall and shall be designed with one or more windows, architectural detailing, trim, colors and materials consistent with the primary dwelling. The improvements shall appear as a typical extension of the primary home. [See Section 17.26.040(C)(6) on Page 7 of Attachment 2].

In terms of maximum floor area, staff recommends a size limit be placed on future ADUs to help maintain the single-family design character of a neighborhood and reduce the impacts on adjacent homes. In Newark, one of the consistent concerns by residents affected by projects adjacent to their homes is the scale of the project and how that affects their privacy. In order to address those concerns and maintain a more suburban design character, the maximum size of ADUs are recommended to be limited to be 50% of the primary structure while still meeting the State mandated minimum sizes required.

- *Single-Family Dwellings.* An ADU that is on a lot with a primary single-family dwelling shall comply with all of the following:
 - (i) *Maximum Percentage.* An ADU shall not exceed 50 percent of the living area of the primary single-family dwelling. Notwithstanding the preceding requirement, the maximum floor area of an ADU shall be restricted to no less than 800 square feet or such greater maximum square footage, but not to exceed same, as may be required to comply with Government Code Section 65852.2 *et seq.*, as may be amended.
 - (ii) *Maximum Floor Area.* On a lot less than 10,000 square feet, a SADU shall not exceed 1,000 square feet in floor area. On a lot 10,000 square feet or greater, a ADU shall not exceed 1,200 square feet

Two-family dwellings and multiple dwellings. An ADU that is on a lot with a primary two-family dwelling or multiple dwelling shall not exceed 1,000 square feet. See Section 17.26.040(B)(6) on Page 4 of Attachment 2.

Recommendation

Staff is recommending the text amendments to the various Accessory Dwelling Unit sections be approved as discussed to address the mandated State law and the compatibility concerns raised by staff.

CEQA-The proposed text amendment is categorically exempt from the California Environmental Quality Act (CEQA) under section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 1506(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Action – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve Z-20-4, an Ordinance which includes text amendments to Title 17 (Zoning) of the Newark Municipal Code to revise Ch. 17.26.040. Generally affecting various section of the Accessory Dwelling Unit section and related development standards.

Attachment

1. Resolution
2. Draft Ordinance
3. Exhibit A

RESOLUTION NO.

RESOLUTION APPROVING Z-20-4, A TEXT AMENDMENT TO TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REVISE CHAPTER 17.26, SECTION 17.26.040, ACCESSORY DWELLING UNITS. GENERALLY AFFECTING DEVELOPMENT STANDARDS FOR CONSTRUCTION OF ACCESSORY DWELLING UNITS.

WHEREAS, an amendment to various sections of Chapter 17.26.040, generally affecting the size, placement, architectural requirements, duration of stay, impact fees, utilities and other development standards. All proposed changes are in conformance with the City’s General Plan.

PURSUANT to Municipal Code Section 17.31.060, a public hearing notice was published in the Tri-City Voice on July 30, 2019, and the Planning Commission held a public hearing on said application at 7:30 p.m. on December 15, 2020 at the City Administration Building (via virtual meeting), 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. That Chapter 17.26, Section 17.26.040 Accessory Dwelling Units is amended, generally affecting development standards related to construction of Accessory Dwelling Units.
- b. That the City Council amend Title 17 (Zoning) of the Newark Municipal Code as set forth in Exhibit A, attached hereto and made part hereof by reference.
- c. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.
- d. That the text amendments herein shall be added to the appropriate sections of the Newark Municipal Code, after review and approval by the City Council, when it is next published, with the notation of the date when the amendments became effective.

This Resolution was introduced at the Planning Commission’s December 15, 2020 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REVISE CHAPTER 17.26, SECTION 17.26.040 ACCESSORY DWELLING UNITS. GENERALLY AFFECTING DEVELOPMENT STANDARDS FOR CONSTRUCTION OF ACCESSORY DWELLING UNITS.

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to Section 17.39.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning text amendments embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part of by reference, is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code, which seeks to amend Section 17.26.040 by amending the zoning development standards affecting the construction of Accessory Dwelling Units.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning text amendment embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Title 17 (Zoning) of the Newark Municipal Code is hereby amended as shown in Exhibit A, with ~~strikeout~~ denoting deletions and underline denoting additions.

Section 4: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by _____ at the regular meeting of the City Council of the City of Newark held on January ____, 2021.

This ordinance was read at the regular meeting of the City Council held January ____, 2021. Council Member _____ moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit A

(12/15/2020)

|

Chapter 17.26 Standards for Specific Uses

17.26.010 Purpose

The purpose of this chapter is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.26.020 Applicability

Each land use and activity covered by this chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Ordinance requires in the zoning district where the use or activity is proposed and all other applicable provisions of this Ordinance.

- A. The uses that are subject to the standards in this chapter shall be located only where allowed by base zoning district or overlay district use regulations.
- B. The uses that are subject to the standards in this chapter are allowed only when authorized by the planning permit required by base district regulations, such as a Conditional Use Permit, except where this chapter establishes a different planning permit requirement for a specific use.

17.26.030 Accessory Uses

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zoning district. These regulations are found in the use regulation tables in Article II, Base and Overlay Districts, and may be subject to specific standards found in this chapter or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter 17.17, General Site Regulations.

17.26.040 Accessory Dwelling Units

Accessory Dwelling Units (~~ADUs~~) shall be located, developed, and operated in compliance with the following standards:

- A. **Categories.** ~~ADUs~~ Accessory Dwelling Units include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the ~~principal~~ primary residence. There are two categories of Accessory Dwelling Units ~~ADUs~~, distinguished by the size and location of the ~~ADU~~ unit and the extent to which the Accessory Dwelling Unit ~~ADU~~ results in a net increase in habitable floor space on the property. These categories are defined as follows:

1. Standard ADUs. Standard ADUs (~~SADUs~~) may be attached to the principal residence or may be a detached structure that provides complete independent living facilities and is located on a lot with a proposed or existing primary residence and meet any of the following criteria when constructed:

- a. ~~_____~~ An interior conversion of ~~non-habitable~~ area within an existing or proposed single family dwelling or existing accessory structure, a "Conversion ADU"; or
 - b. ~~_____~~ ~~An interior conversion of habitable area exceeding 500 square feet within single family dwelling or an attached new construction or addition to single family dwelling~~ A newly constructed attached unit, an "Attached ADU"; or
 - ~~1.c. _____~~ A newly constructed detached unit or an addition to an existing detached accessory structures, a "Detached ADU".
 - ~~a. _____~~ ~~A net increase in habitable floor space on a property; or~~
 - ~~b. _____~~ ~~A floor area exceeding 500 square feet; or~~
 - ~~c. _____~~ ~~Created within the footprint of an existing primary residence without incorporating an existing bedroom.~~
2. **Junior ADUs.** Junior ADUs (JADUs) include Accessory Dwelling Units ~~ADUs~~ that meet all of the following criteria when constructed:
- a. No net increase in habitable floor space on a property; and
 - b. A floor area of 500 square feet or less; and
 - c. Contained entirely within the existing walls of an existing ~~principal or proposed primary~~ residence, ~~and~~ primary residence; ~~and~~ primary
 - ~~d. _____~~ ~~Created at least in part through the conversion of an existing bedroom.~~

B. Regulations Applicable to All Accessory Dwelling Units ("~~ADUs~~"):

1. **Permitting Procedure.** Any application for an ADU that meets the applicable location and development standards contained in this Section shall be subject to ministerial review and ~~approval decision~~ without discretionary review or public hearing. Consistent with State law, All permits decisions shall be issued within ~~120-60~~ days of submission of a complete application for ADUs conforming to the provisions of this Section. If the permit application to create an ADU is submitted with a permit application to create a new primary single-family dwelling, two-unit dwelling, or multi-unit dwelling on the lot, the City may delay acting on the permit application for the ADU until the City acts on the permit application to create new dwelling. In this case, the application to create the ADU shall be considered without discretionary review or public hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
2. **Building Permit Required.** No ADU shall be established or maintained until there has been a Building Permit approved by the City. The application for the permit shall include:
 - a. Site plan indicating the location of the ~~principal~~ primary residence, the location and type of the proposed ADU, and parking (for those ADUs where parking is required);
 - b. Floor plans of the ~~principal~~ primary residence and proposed ADU; ~~and~~
 - ~~c. _____~~ Elevations of all sides of ~~the principal~~ the primary residence and ADU; ~~and~~

~~e.d.~~ Other building permit drawings including architectural, structural, civil, plumbing, mechanical, and electrical as requested by the Chief Building Official.

3. **Applicability of Fees.**

- a. This Ordinance shall not be construed to prohibit the City from adopting an ordinance or regulation relating to services or utility connection fees that applies to a ~~single-unit residence~~ single-family dwelling, two-unit dwelling, or multi-unit dwelling that contains an ADU so long as that ordinance or regulation applies uniformly to all single-family dwellings, two-unit dwellings, or multi-unit dwellings ~~single-unit residences~~ regardless of whether they include an ADU.
- b. Nothing in this Section shall be construed so as to impact the connection or fees charged by other government entities.

4. **Locational Criteria.**

- a. ~~In no case shall the total number of dwelling units exceed two (including the principal residence) on any lot wherein a principal single-unit residence has been authorized.~~ Except as otherwise prohibited by this section, ADUs shall be allowed in any zoning district that allows residential use including single-family, two-unit dwelling or multi-family dwellings.
- b. ADUs are not required to meet the density requirements of the General Plan or Zoning Ordinance and do not count toward the permissible number of units per acre (or required lot area per dwelling). However, ADUs shall otherwise be consistent with the General Plan text and diagrams as provided in California Government Code §65852.2.
- ~~c. An ADU shall be located only within the area of the lot allowed for the principal residence as established by its zoning district, except as provided in this Section.~~
- ~~d. An ADU may be attached to the principal residence either created through conversion of existing floor area or addition of new floor area to the principal residence or may also be detached.~~
- ~~e.c.~~ An ADU shall not be counted in any ordinance, policy, or program to limit growth, such as, but limited to, the number of residential units permitted in a year.

5. **Occupancy Criteria.**

- a. The rental of ADUs for terms shorter than 30 days shall be prohibited.
- b. Nothing in this Section shall be construed so as to limit the ADU or ~~principal~~ primary residence on the lot from remaining vacant.

6. **Size.**

- a. Single-Family Dwellings. An ADU that is on a lot with a primary single-family dwelling shall comply with all of the following:
 - (i) Maximum Percentage. An ADU shall not exceed 50 percent of the living area of the primary single-family dwelling. Notwithstanding the preceding requirement, the maximum floor area of an ADU shall be restricted to no less than 800 square feet or such greater maximum square footage, but not to exceed same, as may

be required to comply with Government Code Section 65852.2 et seq, as may be amended.

(ii) Maximum Floor Area. On a lot less than 10,000 square feet, a SADU shall not exceed 1,000 square feet in floor area. On a lot 10,000 square feet or greater, a ADU shall not exceed 1,200 square feet

~~a.b. Two-family dwellings and multiple dwellings. An ADU that is on a lot with a primary two-family dwelling or multiple dwelling shall not exceed 1,000 square feet. An ADU must be a minimum of 150 square feet and may not exceed the lower of 600 square feet or 50 percent of the existing living area of the principal residence on the property.~~

~~b. An ADU may not include more than one bedroom.~~

7. **Design.**

a. An ADU shall incorporate architectural features, building materials and colors, window and door trims, and roof pitch ~~that are compatible with the principal residence and the adjacent neighborhood.~~ to compliment the primary residence.

b. Outside stairways to the ADU shall not be in the front of the principal residence.

~~c. If the ADU is visible from the public right of way it shall be subject to Design Review.~~

c. An entrance to an ADU shall not be located on the front wall planes facing a public street of the primary residence.

d. A second story addition for an ADU shall require Design Review.

8. **Building Safety.**

a. A smoke alarm and carbon monoxide detector shall be installed in all ADUs.

b. The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence. ~~No fire sprinklers shall be required for the ADU, unless the associated improvements are required under the Newark Municipal Code, or are associated with a new detached ADU on a property where sprinklers would otherwise be required for a new single-unit home.~~

c. A permanent foundation shall be required for all detached ADUs.

~~d. This Section shall not be construed so as to prohibit the City from adopting an ordinance or regulation relating to fire or life protection requirements for ADUs so long as the ordinance or regulation applies uniformly to all single-unit homes within the zoning district regardless of whether the single-unit residence has an ADU or not.~~

9. **Deed Restriction.** A deed restriction, which shall run with the land, shall be filed and recorded with the County of Alameda for each ADU prior to the issuance of a building permit and shall include the following:

- a. A prohibition on the sale of the ADU separate from the sale of the ~~principal~~ primary residence, including a statement that the deed restriction may be enforced against future purchasers.
- b. Occupancy restrictions and requirements, as specified in ~~this~~ subsection (b)(5) of this Section.
- c. ~~The A restriction on the~~ size and attributes of the ADU that conforms with this Section.

C. **Regulations Applicable to ~~Standard~~ Conversion, Detached and Attached Accessory Dwelling Units. ~~("SADUs").~~**

~~1. **Location.** A SADU may only be permitted where only one principal residence exists on the lot. SADUs are not permitted in duplexes, triplexes, or other buildings with more than one principal residence.~~

1. **Number Per Lot.**

a. Lots with Single-Family Dwellings. A maximum of one Conversion, Detached or Attached ADU shall be permitted with a single-family dwelling, and is permitted even if a JADU already exists or is proposed on the lot provided that the area of the ADU does not exceed 800 square feet.

b. Lots with Two-Units Dwellings and Multiple Dwellings.

i. Conversion ADUs. ~~An~~ Multiple ADUs may be authorized through conversion of existing floor area within a two-dwelling unit or a multi-family dwelling that is not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. ~~The maximum numbers of Conversion ADUs allowed shall be one ADU~~ within an existing multifamily dwelling ~~plus~~ shall be 25 percent of number of existing multifamily dwelling units on the lot, but in no instance less than one ADU.

ii. Detached ADUs. A maximum of two ~~D~~etached ADUs shall be permitted on a lot developed with a two-unit dwelling or multi-family dwelling.

2. **Building Height.**

a. ~~A SADU~~ Conversion or Attached ADU ~~may~~ shall not exceed the building height limitation applicable to the ~~principal~~ primary residence on the lot.

b. A Detached ADU shall not exceed 16 feet in height.

3. **Setbacks.**

a. Conversion ADU. No setbacks shall be required when a lawfully existing structure (e.g., garage, shed, guest house) is converted to an ADU, or where an ADU is constructed in the same location and to the same dimensions as a lawfully existing structure. The structure may not be expanded, except that up to 150 square feet may be added if necessary to provide egress from the ADU.

- ~~2.b.~~ A Detached and Attached ADU shall be setback a minimum of four feet from side and rear property lines. The minimum front yard and street side yard setback requirements of the underlying zoning district shall apply to a Detached and Attached ADU.
- ~~3.4.~~ **Connection to Street.** No passageway shall be required in conjunction with the construction of a SADU, unless such a connection is mandated by the Americans with Disabilities Act, or other State or Federal safety code or standard. A passageway is a pathway that is unobstructed and clear to the sky and that extends from the street to the door of the SADU.
- ~~4.5.~~ **Separation.** Except as noted in Paragraph 5 below, ~~a detached SADUs~~ Detached ADU must be separated from other habitable structures on site ~~by at least 10 six feet as per the building code. The separation may be reduced to eight feet if one structure is equipped with fire sprinklers or six feet if both structures maintain fire sprinklers.~~ Roof eave projections into this separation may be limited by applicable building code(s).
- ~~6.~~ **Garage Conversions.** ~~An existing garage may only be converted to a SADU if the property will meet all applicable parking standards upon completion of the SADU. Setback requirements shall not apply to an existing garage that is converted to an ADU, provided that any walls within setback areas comply with applicable building and fire codes. In the event an ADU is constructed above an existing or newly constructed garage, a setback requirement of five feet from the side and rear property lines shall be required. An attached or detached garage may be converted into an ADU. No replacement parking is required for garage conversion into an ADU. If replacement parking is proposed, it shall conform to City requirements for parking space dimensions, backup area, and landscaping. The conversion of an existing garage to an ADU shall include the removal of the garage door. The garage door shall be replaced with an exterior building wall and shall be designed with one or more windows, architectural detailing, trim, colors and materials consistent with the primary dwelling. The improvements shall appear as a typical extension of the primary residence.~~
- ~~5.7.~~ **Other Development Standards.** Any ADU greater than 800 square feet in size shall comply with the applicable lot coverage and open space requirements of the underlying zoning district, except as modified by this section. ADUs 800 square feet or less in size are not required to conform to the lot coverage, or open space requirements of the underlying zoning district,
- ~~6.8.~~ **Parking.** Studio ADUs shall not be required to provide parking. A maximum of ~~One~~ one off-street parking space ~~per bedroom (regardless of number of bedrooms)~~ shall be required for an SADU, except as noted ~~below: under the subsection (C)(8)(b) and (c) of this section.~~
- a. Required parking may be provided through any of the following methods:
 - i. Conventional garages or carports;
 - ii. Uncovered paved areas such as an extended driveway;
 - iii. Tandem parking in an existing driveway; or

- iv. Parking on other locations on the property, unless specific findings are made that parking in setback areas is not feasible based upon life safety conditions. Mechanical lifts may be permitted where consistent with design review criteria.
- b. No off-street parking shall be required for ~~a~~an SADU in any of the following instances:
 - ~~i.~~ i. The SADU is located within one-half mile of public transit. The term "public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. ~~shall mean transit service adequate to facilitate area residents' reliance on transit for primary mobility. Factors used to determine adequacy include, but are not limited to, ridership, routing, frequency, and reliability. The City Council finds and declares that no area in Newark currently meets this definition of adequate public transit; however the City Council shall review this determination each time the Housing Element is updated;~~
 - ~~ii.i.~~ ii.i. The SADU is located within a designated architecturally and historically significant historic district or on a property that includes a register resource or potential register resource;
 - ~~iii.ii.~~ iii.ii. The SADU is located entirely within the existing principal residence or an existing habitable accessory structure and results in no net addition of habitable floor area on the property;
 - ~~iv.iii.~~ iv.iii. The SADU is located in an area where on-street parking permits are required, but are not offered to the occupants of the SADU;
 - ~~v.iv.~~ v.iv. The SADU is located within When there is a dedicated car share vehicle parking area located within one block of the ADU. ~~one block of a designated parking area for one or more car share vehicles available to the general public by subscription.~~
 - ~~c.~~ c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, no replacement parking is required. ~~When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a SADU, and replacement parking is required, the replacement parking spaces may be provided as in Subparagraph 6.a above.~~
 - ~~d.~~ d. ~~Although permitted by right in Residential Districts under this Chapter, in situations in which there is 90 percent overnight street parking occupancy within a 150-foot radius of the subject property, the Council may, after review and consideration by the Planning Commission, issue a Conditional Use Permit pursuant to Chapter 17.35 to a property owner to construct a SADU. The City Council may, in its discretion, impose reasonable conditions, including, but not limited to, requiring existing covered parking be used for vehicle parking.~~

~~7.9. Fees. SADUs resulting in a net increase in habitable floor area on a property may be subject to City impact fees that are proportionate to the burden of the proposed ADU on City services. However, under no circumstance may the SADU be considered equivalent to a new principal dwelling unit for the purpose of fee calculation. No impact fees shall be applicable to ADUs which ~~are~~ have floor areas less than 750 square feet. Impact fees for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.~~

D. **Junior Accessory Dwelling Units (JADUs).** The purpose of the Junior Accessory Dwelling Unit (JADU) regulations is to implement specific policies of the Housing Element of the Newark General Plan and specific provisions of State law authorizing the creation of JADUs. The intent of the JADU regulations is to expand the affordable rental housing stock through the repurposing of underutilized floor area in existing single-unit homes.

1. **Applicability.** Performance standards for JADUs shall apply in zoning districts that allows residential use including single-family, two-unit dwelling or multi-family dwellings.~~shall apply in the RS District, on lots within those portions of planned districts allowing single-unit dwellings, and on qualifying RL, RM, and RH lots developed with only one principal single-unit dwelling.~~

2. **Development Standards.**

a. Number Per Lot.

~~a. Residential Single-Family Districts-~~ Only one JADU is permitted on a single-unit residential lot. A JADU is ~~not~~ permitted even if another ADU already exists on ~~the~~ the property provided the size of ADU does not exceed 800 square feet.

b. **Location.** The JADU shall be constructed entirely within the ~~existing~~ walls of an proposed or existing single-family home. ~~and must incorporate an existing bedroom.~~

c. **Size.** The JADU shall not exceed 500 square feet in size.

d. **Unit Access.** The JADU shall include an exterior entrance that is separate from the main entrance to the single-family home. The exterior entry shall not be located on the front wall facing a public street of the ~~principal~~ primary residence. If the exterior entry is on the second floor, the stairway shall not be located in the front of the ~~principal~~ primary residence. ~~Interior access between the JADU and the principal primary residence is required, and can be a door equipped with a double lock. A second interior doorway may be provided for sound attenuation.~~

e. **Sanitation.** A JADU may include a bathroom or may share bathroom facilities within the ~~principal~~ primary residence.

f. **Kitchen.** The JADU shall include an efficiency kitchen, which shall include all of the following:

~~i. A sink with a maximum waste line diameter of 1.5 inches.~~

~~ii. i. A cooking facility with appliances that do not require electrical service greater than 120 volts and that do not use propane gas.~~

~~iii.~~ ii. A food preparation counter ~~no less than six feet in length~~ and storage cabinets that are of reasonable size in relation to the size of the JADU. The food preparation area may not be located in a closet.

3. **Parking.** No additional off-street parking shall be required beyond that required for the ~~principal~~ primary residence. The ~~principal~~ primary residence shall meet the current off-street parking standard in effect at the time the JADU is approved.
4. **Building and Fire Code Requirements.** For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate dwelling unit. No fire wall separation or noise attenuation measures are required between the ~~principal~~ primary residence and the JADU.
- ~~4.5.~~ **Building and Fire Code Requirements.** A JADU shall not be considered a separate dwelling unit, thus no fire wall separation or noise attenuation measures are required between primary residence and the JADU.

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