



DATE: December 15, 2020
TO: Planning Commissioners
FROM: Art Interiano, Deputy Community Development Director
SUBJECT: Today's Planning Commission Meeting

Dear Planning Commissioners,

We are providing this memo as an update on the two items you have on your agenda this evening. The first item E.1, Famhy Subdivision will be requested to be continued to the next available meeting. Staff needs additional time to provide a PD Plan resolution and some additional analysis.

In regards to the second item, E.2 ADU Ordinance, staff has made some revisions and corrections to the draft ordinance and resolution (see attached). There are no changes to the draft regulations provided as part of the ordinance.

My apologies for any confusion and we will see you this evening,

Thank you

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 TO GENERALLY AFFECT DEVELOPMENT STANDARDS FOR CONSTRUCTION OF ACCESSORY DWELLING UNITS.

WHEREAS, Accessory Dwelling Units can provide an important housing resource for low and very low income households, and a means of making home ownership more viable for moderate income homeowners; and

WHEREAS, the City has developed provisions in its Zoning Code for Accessory Dwelling Units in Title 17, Section 17.26.040; and

WHEREAS, these provisions are subject to periodic modification in response to new State laws and changes to the California Government Code; and

WHEREAS, recent State laws that impact regulations related to Accessory Dwelling Units include, Senate Bill 13, Assembly Bill 68, Assembly Bill 587, Assembly Bill 670, and Assembly Bill 881; and

WHEREAS, the proposed amendments to Newark Municipal Code Section 17.26.040 would meet all requirements of State law and are consistent with the new State guidelines for Accessory Dwelling Unit regulations published by the California Department of Housing and Community Development; and

WHEREAS, the proposed amendment to Newark Municipal Code Section 17.26.040 is in conformance with the City's General Plan; and

WHEREAS, pursuant to Newark Municipal Code Section 17.31.060, the Planning Commission held a public hearing on the proposed amendment at 7:30 p.m. on December 15, 2020 at the City Administration Building (via virtual meeting), 37101 Newark Boulevard, Newark, California, made the necessary findings required pursuant to the Newark Municipal Code and recommended City Council adoption by a ____ decision; and

WHEREAS, pursuant to Newark Municipal Code Section 17.31.070, the City Council held a public hearing on the proposed amendment on January ____, 2021 at the City Administration Building (via virtual meeting), 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, the City Council of the City of Newark does ordain as follows:

Section 1: That the foregoing recitals are true and correct and hereby made part of this Ordinance.

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 requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15282(h) pertaining to “[t]he adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code,” and under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the adoption of this ordinance may have a significant effect on the environment. .

Section 3: 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 Newark Municipal Code Section 17.26.040 by amending the zoning development standards affecting the construction of Accessory Dwelling Units.

Section 4: 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 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Newark hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

Section 6: 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

RESOLUTION NO.

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE 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 TO GENERALLY AFFECT DEVELOPMENT STANDARDS FOR CONSTRUCTION OF ACCESSORY DWELLING UNITS.

WHEREAS, Accessory Dwelling Units can provide an important housing resource for low and very low income households, and a means of making home ownership more viable for moderate income homeowners; and

WHEREAS, the City has developed provisions in its Zoning Code for Accessory Dwelling Units in Title 17, Section 17.26.040; and

WHEREAS, these provisions are subject to periodic modification in response to new State laws and changes to the California Government Code; and

WHEREAS, recent State laws that impact regulations related to Accessory Dwelling Units include, Senate Bill 13, Assembly Bill 68, Assembly Bill 587, Assembly Bill 670, and Assembly Bill 881; and

WHEREAS, the proposed amendments to Newark Municipal Code Section 17.26.040 would meet all requirements of State law and are consistent with the new State guidelines for Accessory Dwelling Unit regulations published by the California Department of Housing and Community Development; and

WHEREAS, the proposed revisions to Newark Municipal Code Section 17.26.040 are categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15282(h) pertaining to “[t]he adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code,” and under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility the adoption of this ordinance may have a significant effect on the environment; and

WHEREAS, the proposed amendment to Newark Municipal Code Section 17.26.040 is in conformance with the City’s General Plan; and

WHEREAS, pursuant to Newark Municipal Code Section 17.31.060, a public hearing notice was published in the Tri-City Voice on December 1, 2020 and the Planning Commission

held a public hearing on the proposed amendment 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 City of Newark Planning Commission does hereby resolve as follows:

- a. That the foregoing recitals are true and correct and hereby made part of this resolution.
- b. That the proposed amendment to Newark Municipal Code Section 17.26.040, as set forth in Exhibit A, attached hereto and incorporated herein by reference, is consistent with the general plan and will promote the growth of the City in an orderly manner and promote the public health, safety, peace, comfort and general welfare.
- c. That a copy of the minutes from this Planning Commission meeting be forwarded to the City Council as a summary of the hearing.

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