



CITY OF NEWARK

City Council

City Hall, City Council Chambers

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

PUBLIC HEARING NOTICE

Thursday, December 14, 2023, at 7:00 p.m.

Publication Date: November 28, 2023

Meetings will be held in the City Hall Council Chambers at 37101 Newark Boulevard, Newark, CA 94560.

Members of the public may attend the meetings in person and may watch the meetings via YouTube or Cable Channel 26.

Details on how to participate in this meeting virtually will be set forth in the meeting agenda, which is anticipated to be posted by 5:00 p.m. on December 7, 2023 at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. If you have any questions regarding viewing or participating in the meetings after reviewing the posted agenda, please contact the Community Development Department at planning@newark.org.

Pursuant to California Government Code [§6061](#), [§65090](#), [§65091](#), [§65094](#), and [§65095](#) and Newark Municipal Code (NMC) [§17.31.060](#) and [§17.39.050](#), on December 14, 2023 at or after 7:00 p.m., the City Council will hold a public hearing to consider the following, for the purpose of this notice, the "Project":

Amendment to Title 17 (Zoning) and Rezoning of Select Sites. The 2023-2031 Housing Element site inventory contains sites that allow residential uses as a permitted use. Certain sites in the inventory were identified in the 2015-2022 Housing Element as sites appropriate for residential uses but were not developed with housing during the 2015 to 2022 period. The city proposes to include these undeveloped housing sites in the 2023-2031 Housing Element. State law requires that these "carry over" sites must have an appropriate zoning designation that allows residential uses to be developed by right without discretionary review that typically applies to development projects throughout the city. The amendments to Title 17 include adding Chapter 17.03.010 to establish a By Right Housing (-BRH) Overlay District and a new chapter, Chapter 17.15 (By Right Housing Overlay District). The requested action includes the rezoning of selected sites to the newly established -BRH overlay district. The sites where the -BHR overlay would apply are identified by the following Assessor Parcel Numbers (APNs): 92-30-16-2; 92-30-15-2; 92-30-17-2; 92-30-14-3; 92-30-18-4; 92-31-15; 92-31-16-2; 92A-900-1-2; 92-29-13; 92-29-19-2; 92-29-18-2; 92-29-17-2; 92-29-16-2; 92-51-2-3; 92-29-20-2; 92-51-5-3; 92A-2125-17; 92A-2125-11-2; 92A-2125-13; 92A-2585-32; 92-50-13; 92-255-11; 92A-2375-32; 92-131-3; 92-131-2-4; 92-131-1-9

Environmental Review: The Project exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) since the proposed amendments to the Zoning Code and Zoning Map have no potential for causing a significant effect on the environment. The proposed changes to the Zoning Code and Zoning Map do not provide entitlements for any land use development projects, nor do they change the allowed uses of land or the intensity of any previously

City of Newark Planning Commission

William Fitts, John Becker, Jeff Aguilar, Lori Bogisich, Patricia Pitpitan

authorized use of land. Therefore, it can be seen with certainty that the adoption of the proposed Zoning Code and Zoning Map amendments will have no significant effect on the environment.

The City Council will consider the proposed project on December 14, 2023.

At their regular meeting on November 14, 2023, the Planning Commission held a noticed public hearing to consider a resolution recommending that the City Council adopt amendments to Title 17 for the Project. The Planning Commission voted to adopt the resolution (5-0).

Any interested person or authorized agent, or interested members of the public may appear at the public hearing to be heard and may submit written comments or request to view project details and information, including the complete application and project file (including any environmental impact assessment prepared in connection with the application) by contacting the project manager, Steven Turner via email at: steven.turner@newark.org.

If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Newark at, or prior to, the public hearing.

Steven Turner
Community Development Director

Chapter 17 ZONING ORDINANCE

17.03.010 - Districts established.

The city shall be classified into districts or zones, the designation and regulation of which are set forth in this title and as follows:

- A. Base Zoning Districts. Base zoning districts into which the city is divided are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.
- B. Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS		
Zoning District Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District
Residential Districts		
RS	Residential Single Family	Low Density Residential
RL	Residential Low Density	Low-Medium Density Residential

RM	Residential Medium Density	Medium Density Residential
RH	Residential High Density	High Density Residential
Commercial and Mixed Use Districts		
NC	Neighborhood Commercial	Neighborhood Commercial
CMU	Commercial Mixed Use	Commercial Mixed Use
CR	Commercial Retail	Community Commercial
CC	Community Commercial	Community Commercial
RC	Regional Commercial	Regional Commercial
Employment Districts		
PO	Professional Office	Office Commercial
BTP	Business and Technology Park	Special Industrial
LI	Limited Industrial	Limited Industrial
GI	General Industrial	General Industrial
Public and Semi-Public Districts		
PF	Public Facilities	Public-Institutional
TS	Transit Station	Public-Institutional
PK	Park	Parks and Recreation Facilities
OS	Open Space	Conservation-Open Space
Resource Production District		
RP	Resource Production	Salt Harvesting, Refining, and Production
Overlay District		

-FBC	Form Based Code	Not Applicable
-PD	Planned Development	Not Applicable
-OT	Old Town	Not Applicable
<u>-BRH</u>	<u>By-Right Housing</u>	<u>Not Applicable</u>

Chapter 17.15 – BY RIGHT HOUSING (-BRH) OVERLAY DISTRICT

Chapter 17.15.010 - Purpose.

This overlay district provides supplementary land use, affordable housing requirements, and review procedures for base districts located within the City of Newark. The overlay district implements requirements of state law regarding streamlined review procedures for residential projects identified in the city's adopted General Plan Housing Element that have been "carried over" from previously adopted housing elements. This district does not modify permitted uses, nor does it restrict property owners from developing projects consistent with the requirements provided in this Title for the base or underlying zone district.

17.15.020 - Applicability.

The standards and regulations of this chapter apply to the planning area designated with the -BRH extension on the Zoning Map. Except as provided in this chapter, all new structures and development, as well as alterations to existing structures, shall comply with the requirements of the base zoning district.

17.15.030 – Permitted Uses.

Any use permitted in the underlying District that is combined with an -BRH Overlay District shall be allowed subject to the procedures of the underlying District, as modified by the -BRH district.

17.15.040 – Procedures.

- A. Residential Uses Allowed By-Right. Residential projects that comply with all applicable objective standards and criteria of the underlying District, include a minimum of 20 dwelling units per acre, and provide 20 percent of the units in the project as affordable to lower-income households do not require discretionary review under this Title. Lower-income shall have the same meaning as in Health and Safety Code section 50079.5. Qualifying projects are still subject to Design Review, except that such Design Review shall be ministerial, notwithstanding anything in NMC Chapter 17.35 to the contrary.

Requirements for Affordable Units. The developer of a residential project under this chapter shall comply with the provisions of NMC 17.18.060 for the residential units designated as affordable to lower-income households, consistent with applicable requirements in state law. Where the requirements of state law conflict with the requirements of this Title, state law shall prevail.