ORDINANCE NO. 557

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE OFFICIAL ZONING MAP ESTABLISHED PURSUANT TO TITLE 17 (ZONING) AND SECTION 17.03.020 OF THE NEWARK ZONING ORDINANCE BY REZONING A .84 PARCEL (LOT H) FROM PARK TO RESIDENTIAL HIGH DENSITY (RH). ALSO REZONING A 28.26 ACRE PARCEL FROM PARK TO RESIDENTIAL LOW DENSITY WITH A PLANNED OVERLAY DISTRICT FOR THE "MOWRY VILLAGE" SUBDIVISION PROJECT AT 7400–7550 MOWRY AVENUE (APNS 537-0850-001-11, 537-0850-001-13, AND 537-0850-002-00)

WHEREAS, Mowry Project Owner, LLC ("Applicant"), submitted applications for a General Plan Amendment, Specific Plan Amendment, Rezoning, Vesting Tentative Tract Map, Design Review, Alternative Means of Compliance, and Density Bonus Waiver for the "Mowry Village" subdivision project ("Project"), an approximately 29.1 acre site located at 7400–7550 Mowry Avenue (APNs 537-0850-001-11, 537-0850-001-13, and 537-0850-002-00) ("Project Entitlements"); and

WHEREAS, the Project proposes demolition of the existing auto dismantler ("Pick-n-Pull") and construction of 196 market-rate single-family detached homes, a 31-unit multifamily building consisting of 30 deed-restricted affordable units and one manager's unit, on-site private streets, utility and drainage improvements, off-site roadway improvements (including the widening of Mowry Avenue), and approximately 4.89 acres of open space; and

WHEREAS, the Project site is Residential Low Density on the General Plan Figure LU-1 (Land Use Diagram) and Golf/Recreation in Subarea D of the Areas 3 and 4 Specific Plan ("Specific Plan"). A General Plan Amendment is required to re-designate a .84 acre portion of project site to High Density Residential to allow a 31-unit multifamily building consisting of 30 deed-restricted affordable units and one manager's unit. A zoning change is required to make the zoning consistent with the General Plan; and

WHEREAS, pursuant to Chapter 17.12 of the Newark Municipal Code, the Applicant applied for a Planned Development (PD) overlay district to facilitate site-specific design and development standards for the Project, in conjunction with rezoning the property; and

WHEREAS, a component of the Project is an amendment to Title 17 (Zoning) of the Newark Zoning Ordinance and the Official Zoning Map, to rezone property described as follows:

Rezone Park (PK) to Residential Single-Family (RS-6000) for a 28.26 acre parcel with a Planned Development Overlay District. Rezone Park (PK) to Residential High Density (RH) for a .84 acre parcel (Lot H).

WHEREAS, Exhibit A to this Ordinance depicts the affected portions of real property proposed for re-zoning as shown on Vesting Tentative Tract Map 8517 in the City of Newark, County of Alameda; and

WHEREAS, the Environmental Impact Report (SCH #2021110436) ("EIR") consisting of the Draft EIR and Responses to Comments/Final EIR has been prepared pursuant to the California Environmental Quality Act ("CEQA" (Public Resources Code § 21000 et seq.)) to analyze the environmental effects of the project and alternatives, including the Partial Affordable Alternative which is the Project recommended by staff for City Council approval; and

WHEREAS, on November 19, 2025, the City Planning Commission held a public hearing on the Project Entitlements and EIR and unanimously voted (5-0) to adopt resolutions recommending that the City Council (1) certify the EIR and adopt environmental findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and (2) approve the Project and Project Entitlements; and

WHEREAS, pursuant to Newark Zoning Ordinance Section 17.39.050.C, a public hearing notice was published in the Tri-City Voice on November 25, 2025, and mailed as required, and the City Council held a public hearing to consider the Ordinance at 7:00 p.m. on December 11, 2025 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, on December 11, 2025 the City Council of the City of Newark conducted a duly noticed public hearing to consider the Project and EIR, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the December 11, 2025 public hearing related to the proposed Project; and

WHEREAS, the City Council fully considered the Project application, entitlements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing and meeting; and

WHEREAS, on December 11, 2025, after the public hearing, the City Council adopted a Resolution certifying the EIR and adopting findings on impacts, mitigation measures and alternatives, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program relating to the Project; and

WHEREAS, as described fully in section IV of the Findings of Determinations for the Project attached hereto as Exhibit B and incorporated herein, the City Council finds that the Ordinance meets the following criteria required by Newark Municipal Code section 17.39.080:

a. The amendments are consistent with the General Plan;

b. Any change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district; and

c. The amendments will promote the growth of the City in an orderly manner and promote and protect the public health, safety, peace, comfort and general welfare; and

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

Section 1: The above recitals are true and correct and are incorporated herein.

Section 2: Pursuant to Section 17.39.080 of the City of Newark Zoning Ordinance, the City Council of the City of Newark does hereby make the Findings and Determinations attached hereto as Exhibit B and incorporated herein, including specifically the findings contained in section IV, which support the zoning map amendments in this Ordinance. The City Council further finds that the that this Ordinance is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Zoning Ordinance; is consistent with the policies, goals, and objectives of the General Plan; and promotes the public health, safety, morals, comfort, convenience, and general welfare of the residents of the City of Newark.

Section 3: The City's Official Zoning Map established pursuant to Title 17 (Zoning) and Section 17.03.020 of the Newark Zoning Ordinance is hereby amended by rezoning the territory in the City of Newark, County of Alameda, State of California as shown on Exhibit A attached to this Ordinance, which is incorporated herein.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

Section 5: 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 Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

Exhibit A: Zoning Map Amendment for real property shown on Vesting Tentative Tract Map 8517
Exhibit B: Findings of Determinations for Rezone of the Mowry Village Project

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Council Member Grindall at the regular meeting of the City Council of the City of Newark held on December 11, 2025.

This ordinance was read at the regular meeting of the City Council held January 8, 2026. Council Member Catancio moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES: Council Members Catancio, Grindall, Little, Vice Mayor Jorgens, and Mayor Hannon

NOES: None

ABSENT: None

SECONDED: Mayor Hannon

APPROVED:

_____
MICHAEL K. HANNON
Mayor

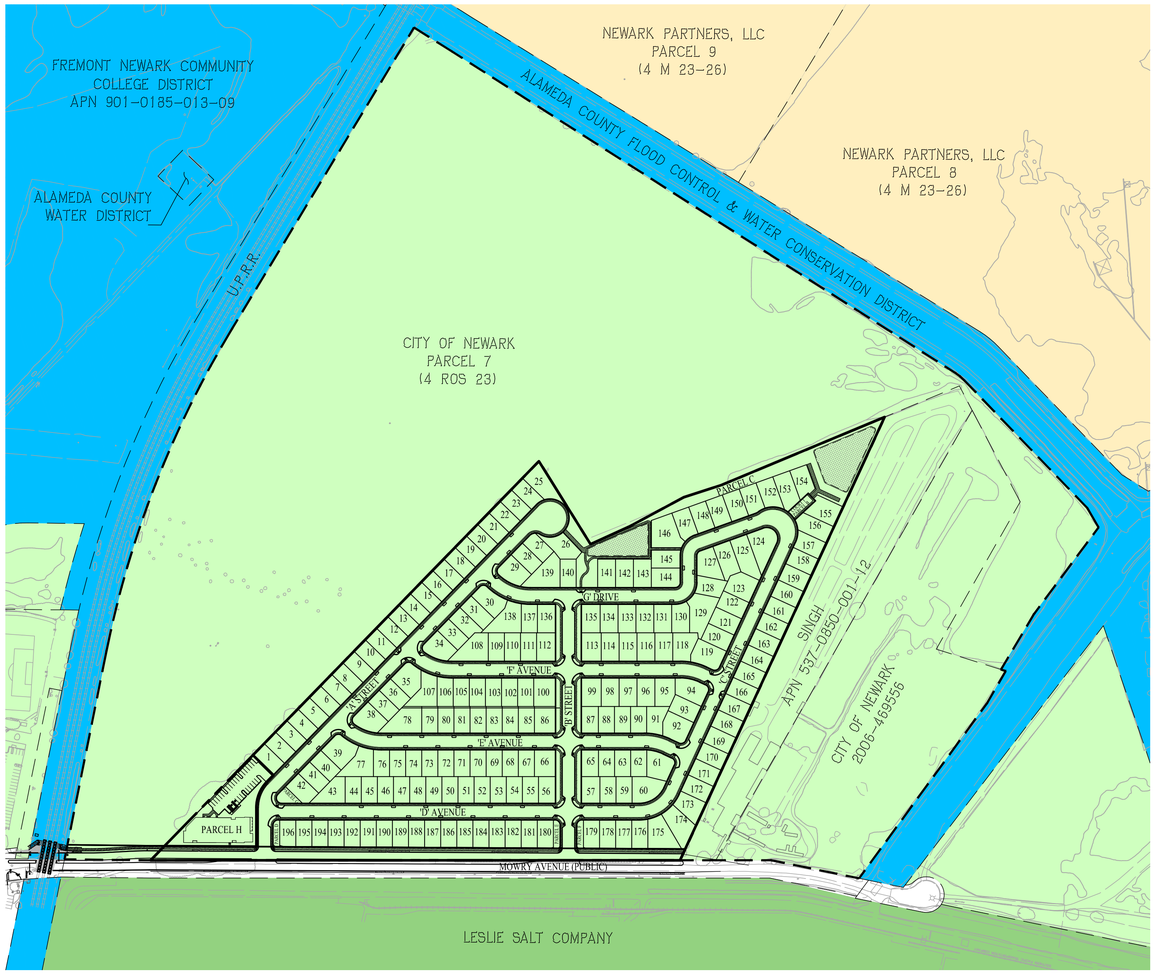
ATTEST:

_____
NEETU SALWAN
City Clerk

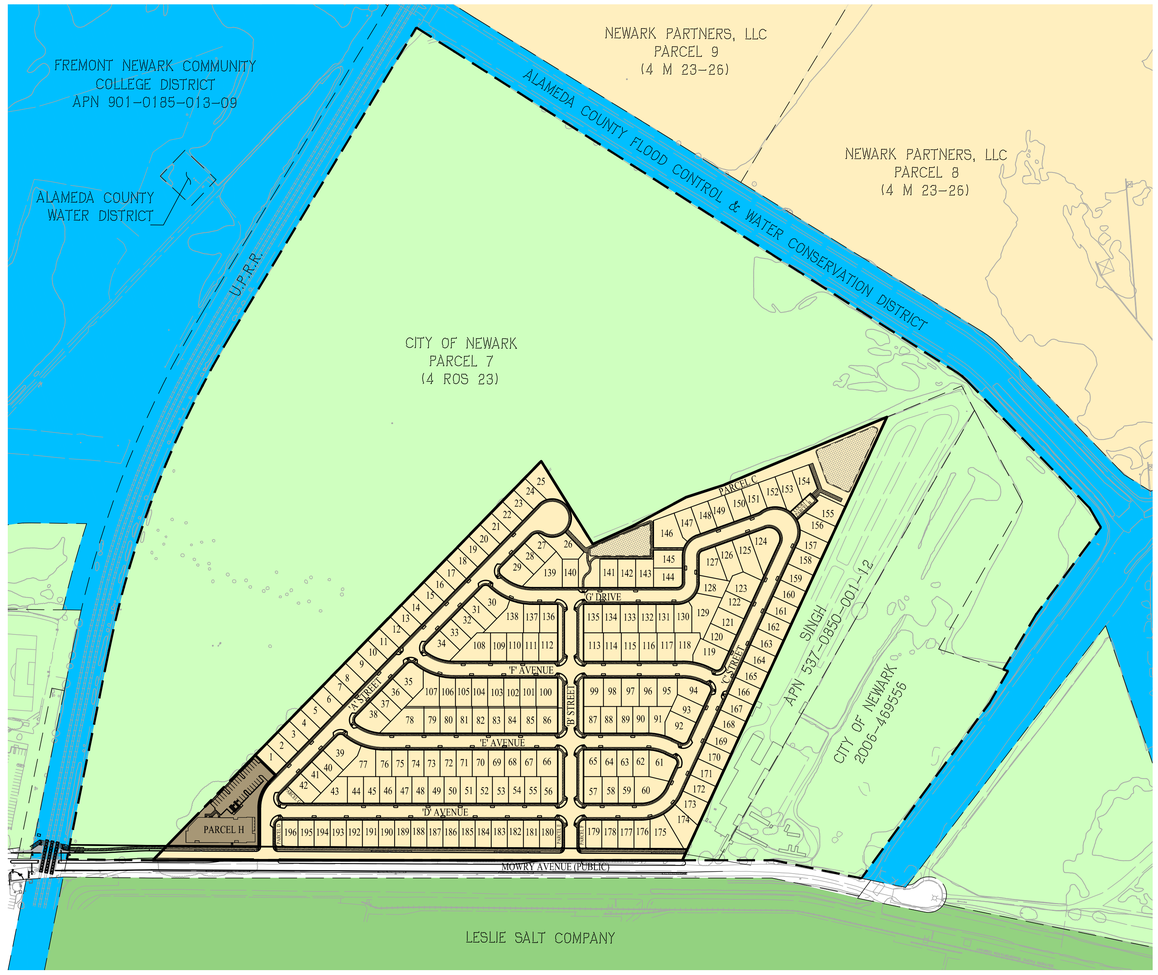
APPROVED AS TO FORM:

_____
KRISTOPHER J. KOKOTAYLO
City Attorney

EXHIBIT A



ORIGINAL LAND USE PER SPECIFIC PLAN



PROPOSED LAND USE CHANGE

AREA 3 & 4 SPECIFIC PLAN SUB AREA D ORIGINAL LAND USE VS PROPOSED LAND USE			
LAND USE CATEGORY	ORIGINAL LAND USE	PROPOSED LAND USE	PROPOSED LAND USE CHANGE
PARK/RECREATIONAL USE	100.2 AC±	71.0 AC±	(29.2) AC±
RS-6000: RESIDENTIAL SINGLE FAMILY-PLANNED DEVELOPMENT OVERLAY	0.0 AC±	28.4 AC±	28.4 AC±
RH: RESIDENTIAL HIGH DENSITY	0.0 AC±	0.8 AC±	0.8 AC±
GENERAL PLAN: PARCEL H	LOW DENSITY RESIDENTIAL	HIGH DENSITY RESIDENTIAL	–

LEGEND

- RH: RESIDENTIAL HIGH DENSITY
- RS-6000: RESIDENTIAL SINGLE FAMILY - PLANNED DEVELOPMENT OVERLAY
- PUBLIC FACILITIES
- PARK
- RESOURCE PRODUCTION
- PROJECT BOUNDARY
- AREA 3 & 4 SPECIFIC PLAN SUB AREA D

SPECIFIC PLAN AND ZONING LAND USE CHANGES

MOWRY VILLAGE

CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA

SCALE: 1" = 200' DATE: OCTOBER 6, 2025

0 200 400 600

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
ROSEVILLE ▪ (916) 788-4456
WWW.CBANDG.COM

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I. Planned Development (PD) Plan

Pursuant to Newark Municipal Code Chapter 17.12.60, the City finds as follows:

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 planned development plan is consistent with the goals and policies of the Newark General Plan and the Areas 3 and 4 Specific Plan, as amended. The project site is currently designated Low Density Residential, which is intended primarily for single-family residential development on lots greater than 5,000 square feet, with a maximum allowable density of less than 8.7 units per net acre. The Areas 3 and 4 Specific Plan further refines this designation by establishing four single-family lot sizes ranging from 3,150 to 4,800 square feet. The Mowry Village Project proposes 196 market-rate single-family detached homes across three lot types—45' x 75' (3,375 sf), 45' x 80' (3,600 sf), and 50' x 80' (4,000 sf)—all of which are consistent with the Specific Plan's development framework and support a mix of housing options. The PD Overlay District allows the zoning standards to be adjusted to be consistent with the development standards of the Area 3 & 4 Specific Plan.

In addition, the Project includes a 31-unit below-market-rate multifamily building located on Parcel H, which proposes a density of 36.1 dwelling units per acre. Due to the exceeded density limits of Low Density Residential, the Project includes a General Plan Amendment to apply a higher-density land use designation to Parcel H. With this amendment, the Project is consistent with applicable General Plan density and intensity standards, and it advances the City's goals of producing a range of housing types, including affordable units, in planned growth areas as outlined in the General Plan and Areas 3 and 4 Specific Plan.

This finding can be made in the affirmative.

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.* Adequate transportation facilities and public services currently exist or will be provided through conditions of approval to support the proposed Mowry Village Project. The Project has been evaluated through an Environmental Impact Report (EIR), including a transportation impact analysis that assessed vehicle trips, intersection performance, and vehicle miles traveled (VMT) in accordance with CEQA and City standards. While the Project would result in a significant and unavoidable impact related to VMT, mitigation measures, including transportation demand management strategies and regional fee programs, will be implemented. No intersection or roadway segment is projected to operate below acceptable levels of service as a result of the Project.

The Project will also dedicate 1.21 acres of right-of-way for the widening of Mowry Avenue and will construct internal private streets to City standards. Water, sewer, storm drainage, solid waste, and emergency response services are available and can be extended to the site as part of the subdivision improvements. The City's service providers have reviewed the Project and confirmed the adequacy of infrastructure and capacity. Accordingly, the proposed development will not result in a reduction of traffic performance or public services so as to be detrimental to public health, safety, or welfare.

This finding can be made in the affirmative.

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.* The proposed planned development plan will not have a substantial adverse effect on surrounding land uses and is compatible with both existing and planned land use character in the area. The project site is located within the Area 3 and 4 Specific Plan, which was adopted to guide the phased development of up to 1,260 residential units. While Subareas A, B, and C were originally intended to accommodate the full buildout, environmental constraints in Subareas B and C have limited the amount of developable land. The proposed project reassigns residential units to a disturbed, previously developed 29.1-acre site in Subarea D, thereby preserving sensitive wetlands and supporting the overall residential vision of the Specific Plan. The lot sizes, architecture, and site layout are consistent with the character and standards of existing residential neighborhoods within Areas 3 and 4, including The Sanctuary and Sanctuary West projects, ensuring land use compatibility and cohesive neighborhood development. The remaining acreage in Subarea D retains the capacity for future recreational use consistent with the Specific Plan framework.

This finding can be made in the affirmative.

D. *The development generally complies with applicable adopted design guidelines.* The proposed development generally complies with the adopted design guidelines for Areas 3 and 4 Specific Plan. The project includes three lot sizes that fall within the ranges identified in the Specific Plan's land use and design framework and are consistent with the overall lot patterns established in nearby residential developments such as The Sanctuary and Sanctuary West. The architectural styles incorporate varied rooflines, recessed garages, articulated façades, and high-quality materials that reflect the Specific Plan's objectives for visual interest, neighborhood cohesion, and pedestrian orientation. Landscaping, lighting, and fencing elements have been designed to align with the area's established character, ensuring that the project contributes to a cohesive and high-quality residential environment.

This finding can be made in the affirmative.

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 proposed planned development plan is demonstratively superior to what could occur under the standards of the base RS-6000 zoning district and achieves superior community design and environmental preservation. The project introduces a thoughtfully designed neighborhood that integrates smaller lot sizes, private streets, passive recreation pedestrian paths, and approximately 4.89 acres of common open space, which exceeds what would typically be required under the base zoning. Additionally, by locating the project on a previously developed industrial site, the project facilitates the removal of a legal non-conforming auto dismantling use and avoids development in wetland-constrained portions of Subareas B and C. This approach advances the Specific Plan's residential goals while preserving sensitive environmental resources. Although Subarea D was originally identified for recreational use, approximately 70 acres remain available for future public amenities, and the project provides long-term community benefits that would not be realized under conventional zoning or recreational reserve.
This finding can be made in the affirmative.

II. Zoning Map Amendment

Pursuant to Newark Municipal Code section 17.39.080, the City finds as follows:

A. *The amendment is consistent with the General Plan.* The Project requires a Zoning Map Amendment to change the zoning of the project site from Park (PK) to RS-6000 (Single-Family Residential) and with a Planned Development (PD) overlay district. The proposed RS-6000 zoning is consistent with the site's General Plan designation of Low Density Residential, which allows for single-family development at a density of less than 8.7 units per net acre. The PD overlay enables implementation of a Planned Development Plan that ensures tailored standards for lot sizes, setbacks, and design elements, consistent with the goals of the Areas 3 and 4 Specific Plan. The project also requires a Zoning Map Amendment to change the .84 acre (Parcel H) to Residential High Density to allow the 36.1 du/ac density needed for the affordable housing building. The RH zoning change would allow up to 60 du/ac, which would be consistent with the General Plan amendments. The zoning amendments support applicable General Plan policies including LU-1.1 (Balance of Land Uses), LU-1.2 (Growth Focus Areas), LU-1.10 (Vacant and Underutilized Sites), and LU-7.1 (Area 3 and 4 Development) by enabling the productive reuse of a formerly industrial site for housing development in a planned growth area. Therefore, the Zoning Map Amendment is consistent with the General Plan.

This finding can be made in the affirmative.

B. *Any change in district boundaries is necessary to achieve the balance of land uses desired by the city, consistent with the general plan, and to increase the inventory of land within a given zoning district.* The Zoning Map Amendment reflects a shift from a recreational land use designation that is no longer feasible to one that supports much-needed residential development. The existing PK zoning was intended to support recreational facilities such as a golf course, but due to environmental constraints elsewhere in the Specific Plan area and the infeasibility of constructing a large-scale recreational use on the subject site, it is appropriate to rezone the site for residential use. The change allows for the reallocation of residential units from environmentally constrained areas (Subareas B and C) to an infill site (Subarea D) that is already disturbed, previously developed, and well-served by infrastructure. This adjustment increases the supply of land available for residential use and helps implement the City's housing goals in a balanced and environmentally responsible manner.

This finding can be made in the affirmative.

C. *The amendment will promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare.* The Zoning Map Amendment and accompanying Planned Development Plan will guide the orderly development of the site through the application of customized development standards that promote high-quality architecture, pedestrian connectivity, and integration of open space. The proposed development removes a heavy industrial use that is incompatible with surrounding neighborhoods and replaces it with a well-planned residential community, enhancing the character of the area while preserving sensitive wetland areas elsewhere in the Specific Plan boundary. The zoning change ensures consistency with the General Plan and Areas 3 and 4 Specific Plan, supports environmental preservation, and promotes public health, safety, and welfare by eliminating incompatible land uses, remediating the site, and providing new housing consistent with the City's long-term vision.

This finding can be made in the affirmative.