



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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

AGENDA

Tuesday, April 14, 2026
7:00 P.M.

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of March 24, 2026

(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.

(RESOLUTION)

F. STAFF REPORTS

F.1. Objective Design Standards Project Update.

(INFORMATIONAL ITEM)

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. PLANNING COMMISSIONER COMMENTS

I. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, watch online, or watch on Cable Channel 26. The ability to observe online or on Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the Planning Commission otherwise encounter technical difficulties that make those platforms unavailable, the Planning Commission will proceed with business in person unless otherwise prohibited by law.

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Cable Channel 26 - if the meeting does not broadcast live, please contact your service provider and request the City of Newark channel lineup.

Zoom will no longer be available for public participation unless required by Assembly Bill 2449. Should a Planning Commission Member attend the meeting via Zoom pursuant to Assembly Bill 2249, then the Webinar **ID 814 9606 4029** will be activated. The Planning Commissioner Chairperson will make an announcement at the beginning of the meeting that the Planning Commission will be allowing public comment via Zoom. Raise your virtual hand to notify the Clerk that you would like to speak during the item that you wish to speak on.

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.

No question shall be asked of a Planning Commissioner, city staff, or an audience member except through the Chairperson. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Chairperson for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agendas and 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 at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> and will concurrently be made available for public inspection during regular business hours at City Hall, 37101 Newark Boulevard, Newark CA. 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 Administrative Support Specialist at least two days prior to the meeting at planning@newark.org or 510-578-4330.

Certification of Meeting Notice and Agenda Posting

This notice and agenda were posted on the City’s website and at the City Hall bulletin board located at 37101 Newark Boulevard, Newark, CA, at least 72 hours prior to the meeting date, in accordance with the Ralph M. Brown Act.

Mission Statement

It is our mission to serve and partner with our community to continually enhance the quality of life of everyone in Newark.



CITY OF NEWARK

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MINUTES

Tuesday, March 24, 2026
7:00 P.M.

A. ROLL CALL

Chair Becker called the meeting to order at 7:00 p.m. All members of the Planning Commission were present: Chair Becker, Vice Chair Fitts, and Commissioners Aguilar, Bogisich, and Dhillon.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of March 10, 2026.

MOTION APPROVED

Chair Becker requested a motion. Vice Chair Fitts moved, and Commissioner Bogisich seconded, to approve the Minutes of the regular Planning Commission meeting on March 10, 2026. **The motion passed unanimously – 5 AYES.**

C. WRITTEN COMMUNICATIONS

None

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.

None.

E. PUBLIC HEARINGS

E.1. Hearing to consider DR2024-009, a Resolution approving a Design Review and Vesting Tentative Tract Map for a 7-unit townhome development and associated on-site improvements located at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02). The subject site is zoned RM Residential Medium Density with a General Plan designation of Medium Density Residential. The project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15332.

(RESOLUTION)

Brandon DeLucas, Senior Contract Planner at Good City Company, presented the Cherry Street Townhomes project, Design Review No. 2024-009. He began by outlining the agenda, mentioning that the presentation would cover the project overview, requested entitlements, CEQA determination, and a desk item with minor modifications.

He explained that the applicant, My Truong of Bay Area Project Pros, is proposing a seven-unit attached townhome development at 37503 and 37501 Cherry Street, near the intersection of Cherry Street and Central Avenue. He noted that the surrounding area is mainly composed of multi-family residential uses, with single-family homes across the street. He added that the site is zoned RM (Residential Medium Density) and designated for 14–30 units per acre, and stated that the proposed density of approximately 19 units per acre complies with these standards.

He described the site plan, explaining that the townhomes would be situated along the northern part of the property, with a private alley, while the southern part would include guest parking, a trash enclosure, and shared open space with seating, walking paths, and landscaping. He mentioned that bicycle parking would be available through short-term racks at the front and long-term storage at the back.

He explained that the development features a mix of unit types, noting that Units 2 through 6 share a repeated floor plan, while Units 1 and 7 are unique. He stated that all units include two-car garages, ground-floor study rooms, and upper-level living areas with

balconies, and he added that Unit 1 faces Cherry Street to support a pedestrian-friendly streetscape. He also noted that upper-level units usually have two bedrooms and bathrooms, with some units offering small balconies.

Turning to design, he described the project as modern and contemporary, noting that it features white and gray stucco, brick veneer, stone tile accents, and dark gray roofing. He explained that variations in rooflines, step-backs, and front articulation are used to reduce massing and increase visual interest.

He stated that the project meets open space requirements through both private balconies and a shared common area. He noted that the landscaping plan includes 10 trees, including one additional tree added as part of the desk item, along with a mix of plantings and vines in restricted areas. He explained that the lighting plan, which includes bollards and pole lights, complies with municipal standards for required illumination levels.

He then discussed the vesting tentative map, explaining that it would merge the two existing lots and subdivide them into seven residential lots and two common lots, including a separate parcel for the private alley.

Regarding fees, he explained that the project is subject to the City's affordable housing impact fees, as it was deemed complete before the new inclusionary housing ordinance. He mentioned that fees are usually due when the building permit is issued, but recent state law allows payment at occupancy if requested.

He stated that the project is categorically exempt under CEQA (Section 15332, Infill Development), explaining that it meets all criteria, including consistency with zoning, the absence of significant environmental impacts, and the availability of utilities.

Finally, he addressed the desk item, noting that staff worked with the applicant on minor revisions, including adding a tree along Cherry Street and clarifying a condition related to undergrounding a joint utility pole while maintaining a streetlight.

He concluded by stating that staff recommends approval of the design review and vesting tentative map, subject to the findings and modified conditions in the draft resolution, and noted that staff was available to answer questions.

Staff Recommendation: Staff requests the Planning Commission to consider the following action:

- **Adopt the Draft Resolution approving Design Review and Vesting Tentative Map (DR2024-009) for the Project based on the findings provided in Attachment 1, Draft Resolution.**

Chair Becker thanked Sr. CP DeLucas for the comprehensive presentation and invited the Commission to ask questions before opening the public hearing.

Commissioner Aguilar inquired about the use of affordable housing in-lieu fees and asked how those funds are allocated after collection.

DCDD Interiano explained that the fees are deposited into the City's housing fund and used for various purposes aligned with the City's affordable housing work plan. He mentioned that these funds may support projects through a Notice of Funding Availability (NOFA), such as a recent fully affordable development on Thornton Avenue, SAHA, as well as programs like emergency rental assistance and a planned first-time homebuyer program.

Commissioner Aguilar acknowledged that the funds are pooled and used flexibly to support community benefit.

Chair Becker asked if the units would be for sale, and Mr. DeLucas confirmed they would be ownership units. He also inquired about how guest parking spaces would be managed. Mr. DeLucas explained that such regulations are usually handled through CC&Rs, which often include limits on guest parking duration, although the specific approach will be determined by the applicant.

Chair Becker started the public hearing and called the applicant to the podium.

The applicant, Giridhar Doppalapudi, introduced himself as the property owner. He explained that the site was previously approved for four single-family homes, but that approval expired, leading to a new plan that meets current density requirements by proposing seven townhomes. He confirmed that guest parking rules would be included in the CC&Rs.

Chair Becker asked the applicant whether he had read and agreed to the conditions of approval. The applicant responded that he had reviewed and agreed to the resolution and conditions of approval.

Chair Becker inquired if any audience members would like to share their thoughts on the project.

Members of the public, Tina and Mike Takayama, spoke against the project, highlighting concerns about parking, traffic, safety, and site access. They explained that their neighborhood already faces significant parking shortages due to multi-generational households, and they worried that additional vehicles from the project would put more pressure on street parking. They noted that although each unit has a two-car garage, extra vehicles per household could spill into nearby streets.

They also expressed concerns about traffic and speeding, noting that nearby streets, especially Market Avenue, are often used as cut-throughs to avoid signalized intersections, with vehicles reportedly traveling at high speeds. They pointed out the multiple parked cars in the area that had been hit by speeding vehicles, highlighting ongoing safety issues. Additionally, they questioned the driveway location and circulation, specifically whether vehicles could safely turn into the development from Cherry Street and how access would work in relation to nearby intersections.

In response, DCDD Interiano explained that the project's traffic impact would be minimal given its small size of seven units. He acknowledged the broader concerns about speeding

and said that such issues would be better handled through Public Works strategies, like traffic calming measures or speed feedback signs.

Chair Becker added that cut-through traffic is a common issue unrelated to new developments and noted that enforcement and traffic calming could help reduce speeding, although it cannot eliminate it completely.

Addressing parking concerns, Mr. DeLucas stated that the project complies with all City parking requirements, including two garage spaces per unit, four guest spaces, and bicycle parking. He mentioned that while CC&Rs could promote garage use for parking, state laws permitting accessory dwelling units (ADUs) limit the long-term enforceability of such restrictions.

DCDD Interiano noted that although such conditions were used in the past, state regulations have diminished their effectiveness.

Chair Becker acknowledged the broader challenge of rising vehicle ownership and housing costs, noting that parking shortages are a widespread issue that cannot be fully addressed through individual projects.

Regarding site access, Mr. DeLucas explained that the driveway will be right-in/right-out only because of a median and coordination with Public Works. He noted that while signage will restrict certain turns, compliance can't be guaranteed. He also mentioned that due to site constraints, trash collection will happen along Cherry Street, with temporary no-parking restrictions during pickup times to allow service vehicles.

Commissioner Bogisich requested clarification on trash placement near parked vehicles, and Mr. DeLucas confirmed that designated no-parking zones would be enforced during collection times.

Commissioner Dhillon expressed concerns about privacy issues caused by balconies facing neighboring properties.

Mr. DeLucas explained that although privacy standards are stricter for single-family compared to multi-family uses, they are more flexible within multi-family developments. He mentioned that some separation exists through setbacks, walkways, and landscaping, although some overlooking is common in such developments.

Motion: After confirming there were no further questions, Chair Becker closed the public hearing and brought the item back to the Commission. He then requested a motion to approve the project. Commissioner Dhillon moved, and Vice Chair Fitts seconded, with Commissioner Bogisich opposing the motion. **The motion passed, 4 AYES and 1 NO.**

Following the vote, Commissioner Aguilar expressed gratitude to the Takayamas for their input, noting that their concerns about traffic calming were valid and useful. He recommended exploring potential measures, such as enlarging the center median.

Ms. Takayama also suggested adding speed bumps, to which Chair Becker responded that such measures depend on specific criteria and may not be practical on certain road types, but staff could follow up with more information.

Chair Becker finished the item by wishing the applicant success and encouraging them to work with staff to address community concerns when possible.

E.2. Hearing to consider U2026-001, a Resolution approving a Conditional Use Permit for a temporary special event (i.e., Butler Amusements Carnival) at NewPark Mall located at 1100 Newpark Mall (APN 901-111-19). The subject site is zoned RC: Regional Commercial with a NewPark Place Specific Plan Overlay District and has a General Plan Land-Use designation of Regional Commercial.

(RESOLUTION)

Assistant Planner Yvonne Huynh presented the proposed Butler Amusements Carnival, which is to be held at 1100 New Park Mall. She noted that the Planning Commission

previously considered the item on March 10, 2026, and voted to continue it until March 24, 2026, at the applicant's request to allow more time to finalize the event dates. She explained that the applicant, Butler Amusements Inc., is seeking approval for a Conditional Use Permit to operate a temporary carnival in the southwest parking lot of Newpark Mall, in front of the former Sears building. The event is scheduled to take place over 10 days, from October 16 to October 25, 2026, with operating hours starting at either 12:00 p.m. or 5:00 p.m., depending on the day, and ending at 10:00 p.m. each night.

She noted that the site is zoned as Regional Commercial (RC) with a New Park Place Specific Plan overlay, and that the mall has a variety of commercial uses. She described the event as including 12 rides, 8 games, 2 food trucks, an on-site carnival office, and 6 bunkhouses for employee lodging.

She explained that the event would be open to the public free of charge, although tickets would be needed for rides and games. Attendance is expected to range from 200 to 400 people each day, with about 45 staff members, including supervisors and administrative staff. She added that four security officers would always be on duty, and that all staff would have radios to keep in touch and ensure safety.

Regarding parking, she mentioned that Newpark Mall offers over 5,000 parking spaces, and the area near the former Sears is usually underused. She added that attendees would be directed to designated parking spots and that sufficient parking would be available during the event.

She explained that under the zoning code, events lasting more than three consecutive days require a Conditional Use Permit if they do not exceed one month and do not cause significant impacts. She stated that, based on staff analysis, the project is compatible with surrounding uses, would not negatively affect nearby businesses, and would not create major adverse effects, especially since most retail businesses close earlier in the evening.

She further noted that the project is clearly exempt from CEQA, as detailed in the staff report.

She concluded by stating that staff recommended approval of the Conditional Use Permit based on the findings in the draft resolution and indicated her availability to answer questions.

Staff Recommendation: Staff requests the Planning Commission to consider the following action:

- **Adopt the Draft Resolution, approving the Conditional Use Permit (U2026-001) to allow for the temporary special event (i.e., Butler Amusement Carnival) at Newpark Mall based on the findings in Attachment 1, Draft Resolution.**

Chair Becker encouraged the Commission to ask questions after the staff presentation.

Commissioner Bogisich asked about the farmers' market schedule and if it would conflict with the proposed carnival event.

DCDD Interiano mentioned that staff would need to verify the current location and schedule, noting that the market is typically held on Sundays.

Vice Chair Fitts noted that the market is likely near Macy's, and Chair Becker mentioned that the mall would likely help avoid scheduling conflicts with current events.

Vice Chair Fitts asked whether similar incidents at the mall had raised public safety concerns.

DCDD Interiano explained that, although this will be the first Butler Carnival at this location, the City has hosted similar events such as circuses and festivals. Staff is unaware of any significant issues, and they note that conditions of approval usually include security and cleanup requirements.

Commissioner Aguilar asked whether staff had received any feedback from mall tenants or nearby property owners regarding parking or operating hours.

AP Huynh stated that public notices had been distributed, but no comments or concerns had been received.

Chair Becker expressed concern about public safety, especially given the event's 10-day duration, which is longer than that of other temporary events at the site. He mentioned

that larger events, like the annual Newark Days carnival, require a significant police presence and asked if the Police Department had reviewed the proposal.

DCDD Interiano confirmed that the project had been reviewed by the Police Department and invited Captain Jolie Macias to provide additional details.

Captain Macias explained that the proposed event will require enhanced security measures, like those used at other carnival-style events. She mentioned that these include metal detectors, more security personnel, and staff training in crowd management, evacuation, and dispersal procedures. She noted that these steps are designed to handle the expected daily attendance of 200 to 400 people.

In response to a follow-up question from Chair Becker, Captain Macias clarified that the Police Department does not plan to provide a dedicated on-site presence but will conduct periodic patrols, like other events held at the mall.

Chair Becker opened the public hearing, and the applicant's representative, Mark Whitney (Keva Works, on behalf of Butler Amusements), joined via Zoom.

Mr. Whitney introduced himself and explained that his firm manages partnerships between amusement operators and property owners. He stated that the proposed event has been coordinated with mall management to avoid conflicts with existing activities, including the farmers market, and confirmed that approval from mall tenants has been obtained. He offered to answer any additional questions the Commission may have.

After confirming there were no further questions, Chair Becker asked whether the applicant had reviewed and agreed to the conditions of approval, to which Mr. Whitney responded affirmatively.

With no additional speakers, Chair Becker closed the public hearing and returned the item to the Commission, requesting a motion to approve the conditional use permit as presented by staff. Commissioner Bogisich moved to approve, and Commissioner Aguilar seconded. **The motion passed, 5 AYES.**

Chair Becker thanked Mr. Whitney for his participation and responses to the Commission's questions, and Mr. Whitney expressed his appreciation to the Commission.

F. STAFF REPORTS

None

G. COMMISSION MATTERS

G.1 Report on City Council actions.

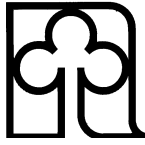
None

H. PLANNING COMMISSIONER COMMENTS

None

I. ADJOURNMENT

Chair Becker adjourned the meeting at 7:52 p.m.



F.1 Objective Design Standards Project Update – from Senior Planner Carmelisa Lopez and Housing Policy and Programs Manager Michael Coulom (INFORMATIONAL ITEM)

EXECUTIVE SUMMARY

The purpose of this study session is to provide an overview of the draft Objective Design Standards (ODS) and associated zoning code amendments (see Attachments 1 and 2), and to obtain input from the Planning Commission prior to presenting formal recommendations to the Planning Commission and City Council.

Staff prepared draft ODS for residential and residential mixed-use development. ODS would replace subjective design standards with clear, measurable criteria, enabling more predictable, transparent, and efficient review of residential and mixed-use development while maintaining high-quality design outcomes.

Adoption of ODS would implement key programs in the City’s 2023–2031 Housing Element, primarily Program H3.2, and responds to state laws requiring objective standards and ministerial review processes. It builds on extensive analysis of the City’s existing standards and design guidelines, as well as extensive community and stakeholder engagement to ensure the standards reflect community priorities while aligning with state requirements. Through this effort, additional Housing Element programs were identified that support the project’s goals of reducing regulatory constraints and creating a more efficient, predictable environment for housing development consistent with the City’s housing goals. The project directly fulfills these programs by developing comprehensive objective standards and accompanying amendments to the Zoning Code (Title 17 of the Newark Municipal Code (NMC)) that clarify design expectations and support compliance with state law.

The draft ODS and associated zoning code amendments (see Attachments 1 and 2) were released for public review on March 27, 2026, with the review period ending on April 17, 2026. The draft ODS would establish a new chapter in the Zoning Code, Chapter 17.28 Residential and Residential Mixed-Use Design Standards, which would replace many of the existing additional standards in NMC Chapter 17.07 Residential Districts. Additional chapters of the Zoning Code would also be amended to ensure consistency with the new Chapter 17.28 as well as expand opportunities for various housing types to support increased housing production.

Staff will incorporate feedback received from this study session and during the public review period and return with final recommendations to the Planning Commission and City Council for consideration, anticipated in late Spring.

BACKGROUND

Housing Element

Since 1969, state law has required all cities and counties in California to adequately plan to meet the housing needs of all members of their communities, at all income levels, by adopting housing plans, now called Housing Elements, into their general plan. The Bay Area region is now in its sixth Housing Element cycle, which encompasses the years 2023 through 2031. Newark has an identified regional housing need assessment (RHNA) of 1,874 new homes. RHNA is a housing production goal, and the Housing Element contains programs and policies that, when implemented, would incentivize the development of homes for all community members.

On October 26, 2023, the City Council adopted the [City's 6th Cycle Housing Element](#) (Housing Element). Subsequently, the Department of Housing and Community Development (HCD) certified the Housing Element on December 21, 2023, finding it in compliance with state law.

The Housing Element includes 45 unique programs and 35 policies designed to achieve community-driven goals and meet the City's RHNA. These programs and policies also respond to state legislative priorities intended to speed up land use approvals and permitting to build more housing faster, reduce greenhouse gas emissions, improve project feasibility, and reduce displacement and homelessness. Additionally, these programs and policies further the "Three Ps" of housing— production, preservation, and protection. Staff has meaningfully considered these layered policy objectives to craft implementable and appropriate recommendations for addressing housing affordability in Newark.

The City has completed approximately 29 percent of Housing Element programs, with 65 percent in progress or ongoing throughout the duration of the 6th Cycle. Only six percent of programs have not yet started. Staff plans to recommend approval of at least five additional programs for the City Council's consideration later this year, including ODS, which would bring the City to a completion rate of 40 percent.

While the City is making progress toward its RHNA goals, it is doing so at a slower pace than at this stage of the 6th Cycle compared to the previous cycle. Newark is halfway through the 6th Cycle and has issued permits for approximately 22 percent of the 1,874 units in the total RHNA. Unlike in previous years, the City is not on target to meet RHNA targets for any income band. It is likely the City will be subject to SB 423, a state law that would allow residential developments that restrict at least 10 percent of units to low-income households, or 20 percent to moderate-income households, to opt in to a streamlined ministerial approval process until at least 2031.

Affordable Housing Work Plan

City Council also approved the 2021-2023 Affordable Housing Work Plan (Work Plan) on May 13, 2021 (Resolution No. 11,201) to direct housing impact fees and policies to meet very low-, low-, and moderate-income targets for the 5th Cycle Housing Element (2015-2023). The Work Plan identified priority populations for housing assistance, based on available data and input from the City Council and the Planning Commission. Priority populations included young families, key workers like teachers and first responders, people and families at risk of homelessness, people with disabilities and other special housing needs, and low-income seniors. The Work Plan further

identified priority housing types, namely rental apartments of medium to high density in select areas, condominiums and townhomes (including for first-time homebuyers), and missing middle housing types such as duplexes and four-plexes.

The City has completed nearly all projects called for in the Work Plan but continues to fall below RHNA targets for very low-, low-, and moderate-income housing affordable to priority populations. This reflects continued softening in the market for new construction as the result of the high cost of debt, labor and materials, and is consistent with trends in other [Association of Bay Area Governments \(ABAG\)](#) jurisdictions. Staff presented the 2025 Annual Progress Report to City Council on April 9, 2026 and requested direction from the City Council on preparation of a new Work Plan to support 6th Cycle Housing Element implementation (see Attachment 3).

Development vs Design Standards

The Zoning Code regulates development through two complementary types of standards: development standards (also commonly referred to as “base standards”) and design standards. Together, these standards establish both the allowable scale of development and the quality of its physical design.

- **Development Standards** – These standards define the fundamental parameters of what can be built on a site. These include measurable requirements such as building height, setbacks, lot coverage, density, and parking. These standards establish the “building envelope” and intensity of development, ensuring consistency with zoning district regulations and land use policies. In the Zoning Code, these standards are located within the base zoning district and overlay district chapters.
- **Design Standards** – These standards address how a building and site are designed within the parameters of development standards. They focus on elements such as building massing, articulation, façade design, materials, open space, and the relationship of the development to the street and neighboring properties. Design standards are intended to improve the visual quality, functionality, and compatibility of development. In the Zoning Code, these standards are located within base zoning district and overlay district chapters, as well as chapters addressing citywide regulations, including site development, landscaping, and parking.

Objective Design Standards

The State has enacted laws that require approval for multi-unit and mixed-use development to be based on uniformly verifiable criteria (i.e. objective standards). State law defines objective standards as those that “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and public official before submittal.” (Government Code Section 65913.4.)

The City’s current regulations have a mix of subjective and objective standards. For example, many of the City’s design review guidelines for single-family homes are subjective. This means that the standard is not clearly defined and can be interpreted differently by different people and at different times. One subjective example is that “new residences and additions should be

compatible in scale and height with surrounding houses so as to blend in with them, versus overwhelming them with disproportionate size.” In contrast, objective standards might require new houses and additions to not exceed a certain height limit, to be built a certain distance from the street, and to provide specified landscaped area.

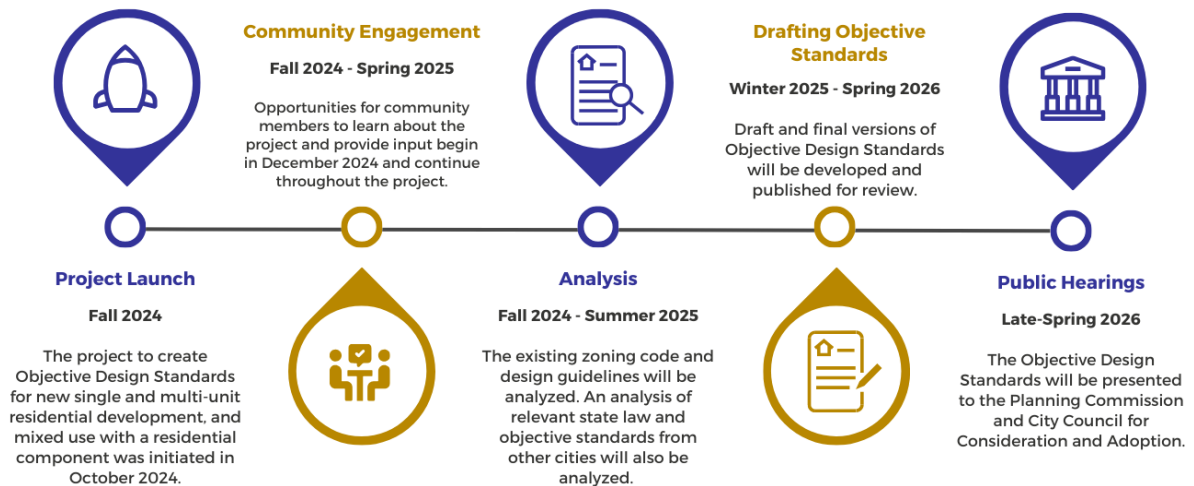
The City has committed to developing ODS for single-unit and multi-unit residential development through Housing Element Program H3.2. This program includes a quantified objective to develop ODS that will result in designs that reflect the needs of the community while supporting new developments that are responsive to local ecological conditions and climate change while reducing development costs where applicable.

ODS would refine the City’s design standards by replacing subjective guidelines with clear, measurable criteria. ODS will supplement development standards established for each zoning district. While the base development standards establish what is allowed, the ODS provide objective direction on how those projects should be designed. Together, the two sets of standards (design and development) will provide applicants and developers with a clear understanding of the City’s expectations for project design, resulting in a more streamlined, objective, and efficient project review process and supporting both housing production and high-quality design outcomes.

Project Update

The City has engaged Good City Company to assist with drafting the City’s ODS. Initiated in Fall 2024, the project has made significant progress as illustrated in Figure 1 below.

Figure 1. Objective Design Standards Project Timeline



The following key components have been completed:

1. **Analysis of Standards:** Good City Company evaluated the City’s existing zoning regulations and design guidelines to inform the development of ODS. This effort included a review of State requirements and best practices from other jurisdictions and identified opportunities to improve clarity, consistency, and alignment with State laws. The analysis informed recommendations on the draft ODS and other amendments to the Zoning Code and potential updates to design review processes.

2. **Community Engagement:** Staff and Good City Company conducted a range of outreach efforts to gather input. Feedback received was used to develop a set of community priorities for the project. These included balancing design quality with flexibility and feasibility; emphasizing human scale, attractive and functional design; as well as preserving Newark’s existing character and identity.
 - a. A virtual “Builders Roundtable” held on January 22, 2025, convened 16 stakeholders, including developers, architects, and designers, to provide professional insights on existing regulations and potential improvements.
 - b. A community open house held on February 26, 2025 at the Newark Library included interactive stations and a presentation, but experienced lower-than-anticipated attendance, prompting additional outreach.
 - c. A pop-up event at Newark Family Day in the Park on April 12, 2025, attracted approximately 35–50 participants and generated strong engagement, particularly among families.
 - d. A pop-up event at Newark Family Day in the Park on March 28, 2026, attracted approximately 20 participants and generated strong engagement, particularly among families.
 - e. Ongoing project communications have been supported through the City’s websites (www.newarkca.gov/ods and housing.newarkca.gov), newsletters, email distribution lists, and physical flyers to ensure continued public awareness and participation.
3. **Drafting Standards:** Good City Company began drafting standards by drawing upon existing objective development and design standards in the Zoning Code and Single Family Residential Design Guidelines, translating existing standards and guidelines with subjective language into objective terms, and then supplementing with additional design standards to support the development of housing and encourage specific design characteristics. These supplemental standards were developed through a comprehensive review of established ODS in other jurisdictions and observed best practices. By starting with the community engagement process and a detailed review of the City’s existing standards, the draft ODS have been tailored to the design priorities and goals of the City without being overly prescriptive or encouraging homogenous approaches to building design. Staff and Good City Company also reviewed opportunities to address other Housing Element programs that align with the intent of ODS.
4. **Public Review of Draft Standards:** The draft ODS and associated zoning code amendments were posted for public review on March 27, 2026, initiating a three-week review period that will end on April 17, 2026. The draft ODS proposes a new Zoning Code chapter (Chapter 17.28 – Residential and Residential Mixed-Use Design Standards), intended to replace most additional standards in Chapter 17.07 (Residential Districts), along with related amendments to ensure consistency with the new Chapter 17.28. The public was notified through the City’s websites, newsletters, and email distribution lists, and physical flyers were made available at the Newark Family Day in the Park event on March 28, 2026 and Development Counter at City Hall.

ANALYSIS/DISCUSSION

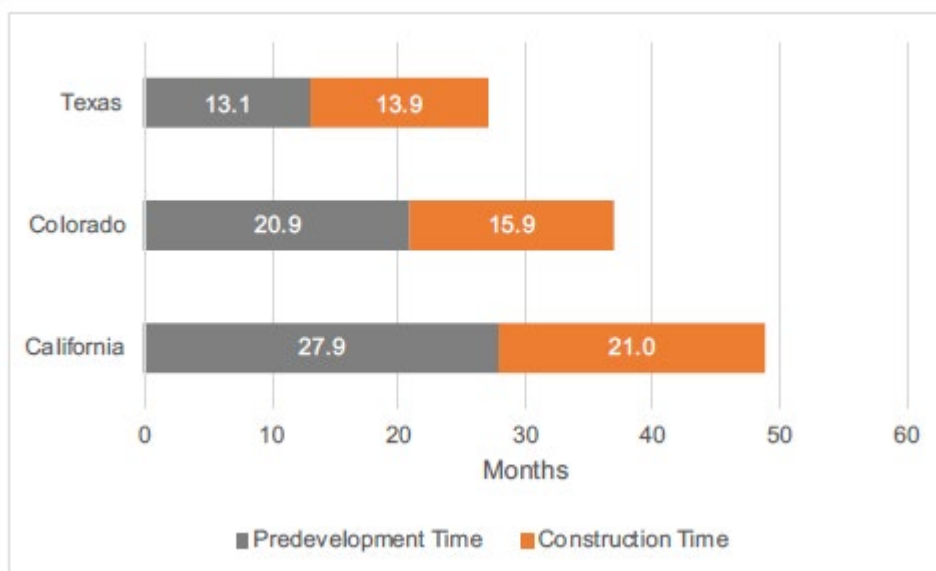
Purpose of ODS

The draft ODS would establish a new chapter in the Zoning Code: Chapter 17.28 Residential and Residential Mixed-Use Design Standards. This new chapter would replace many of the existing additional standards in NMC Chapter 17.07 Residential Districts. Additional chapters of the Zoning Code would also be amended to ensure consistency with the new Chapter 17.28.

The development of ODS is in response to broader state and local efforts to address California's housing crisis, which has been driven in part by rising construction costs and lengthy, unpredictable approval timelines. State legislation has increasingly emphasized streamlined, ministerial review processes and limits on subjective design standards that can delay or constrain housing development. In response to the evolving state laws, the Housing Element includes Programs H3.2 and H3.4 which commit to implementing ODS to incentivize housing production and improve permitting efficiency.

A 2025 report by the [Rand Institute](#) found that longer housing production timelines are strongly associated with higher development costs. It takes, on average, 22 months longer to complete a residential development in California than it does in Texas. Of this difference, 15 months is just predevelopment (the period between application submittal and construction commencement) and the remainder is construction. Overall, the average housing production time for California is 49 months, compared to 27 months in Texas and 37 months in Colorado (see Figure 2 below). This means it takes nearly two years longer to produce a market rate apartment in California than in Texas, and one year longer than in Colorado. The report estimates that California could reduce total development costs by eight percent if it could produce housing on timelines similar to Texas, with additional accrued benefits by allowing construction workers, design officials, and equipment to be redeployed to other projects and produce more housing.

Figure 2. Average Production Times by State for Market-Rate Apartments



Source: Figure 3.4, *The High Cost of Producing Multifamily Housing in California*, RAND Center

on Housing and Homelessness (2025)

The Rand report further finds that architectural and engineering fees are significantly more expensive for both market rate and affordable housing in the Bay Area. While accounting for differences in cost of living, the report suggests that the greatest cost driver is likely discretionary design requirements with potential to reduce per unit total development costs by more than 25 percent with consistent and predictable design requirements. This is consistent with stakeholder feedback that design professionals in the Bay Area “cushion” their contract rates to account for multiple rounds of review and revisions against unclear standards and discretionary processes.

The City reported in its 6th Cycle Housing Element that design review applications approved against existing subjective design standards can take four to seven months longer to approve under a discretionary process than a ministerial process. In practice, approval times can take longer based on a variety of factors (see Table 1).

Table 1: Average Permit Processing Time, Newark, 2022 (6th Cycle Housing Element)

Permit Process	Decision Type	Level of Review	Permit Types	Timeframe
Accessory Dwelling Unit Process	Ministerial (by-right)	Staff	Building permits for projects that comply with applicable building, zoning, and development regulations	1 to 3 months
	Discretionary	Staff	Single Family Design Review permits for projects involving a second story addition for an ADU that is taller than 16 feet	2 to 5 months
Ministerial By-Right	Ministerial (by-right)	Staff	Building permits for projects that comply with applicable building, zoning, and development regulations; parcel maps; and lot line adjustments	2 to 5 months
Discretionary By-Right	Discretionary	Staff	Includes design review permits, minor use permits, and sign permits	3 to 5 months
Discretionary (Hearing officer if Applicable)	Discretionary	Hearing officer	Includes variances, certain site development permits, and certain conditional use permits. Site development permits are required when development is proposed on Environmentally Sensitive Lands and for large multifamily developments on consolidated lots. Conditional use permits are required when development is proposed that is subject to supplemental conditions identified in the Municipal Code	4 to 9 months
Discretionary (Planning Commission)	Discretionary	Planning Commission	Includes certain minor use permits, conditional use permits, variances, and certain design review permits	6 to 9 months
Discretionary (City Council)	Discretionary	Planning Commission Recommendation and City Council approval	Includes tentative maps, condominium conversion maps, easement vacations, public right-of-way vacations, rezoning, land use plan and specific plan amendments, and planned development permits. Planned development permits are not required for residential development but are an option for large residential developments to allow greater flexibility than standard zoning.	9 to 18 months

Source: City of Newark, 2022

ODS will enable a streamlined review process for residential and mixed-use development where residential is the primary use. This process is intended to remove constraints to housing development by reducing uncertainty and delays that can result from imposing subjective design guidelines or standards. Overall, ODS aim to balance the need for certainty and clarity for applicants with the City’s longstanding priorities of promoting high-quality design and facilitating housing development. This advances the City’s goals of meeting its RHNA targets and producing housing that is affordable to all members of the community.

State law requires that ODS be clear, measurable, and uniformly applicable. The draft ODS not only meet these requirements but, in some cases, exceed them by proactively supporting housing

feasibility and anticipating future regulatory changes, such as those related to density bonus provisions and small-lot residential development (e.g., SB 9 and SB 10). The standards are designed to work in conjunction with existing development standards, while replacing more subjective design guidelines with ODS that can be understood by applicants of all experience levels, including smaller-scale property owners.

Benefits and Potential Outcomes

The draft ODS were designed to provide clear, measurable criteria for residential and mixed-use development, complementing existing development standards in the Zoning Code. The ODS do not remove the City or community's role in setting the standards by which projects are evaluated, they simply codify that discretion at the beginning of the review process. By replacing subjective design guidelines with objective standards, ODS promote a more predictable and transparent review process, establish clear expectations for project design, and reduce reliance on discretionary processes such as Planned Development (PDs), which are typically reserved for larger, complex, or unique projects.

A key strength of the ODS is that they are developed through a rigorous community and stakeholder engagement process prior to adoption. This process ensures that the standards reflect community priorities, are accessible and inclusive to the general public, and provide a transparent framework for evaluating projects. In many cases, this approach is more inclusive and representative than the review of individual projects under subjective standards, where design decisions are interpreted on a case-by-case basis.

Adoption of ODS is expected to provide several key benefits. Projects will be reviewed against objective, measurable criteria, providing applicants with a clear understanding of requirements early in the process. This predictability can minimize redesigns, reduce back-and-forth during review, and support more efficient project delivery. Ministerial approval for projects that meet established standards can shorten review timelines, improve operational efficiency, and facilitate efficient housing production. At the same time, the standards encourage high-quality design outcomes by ensuring new developments are compatible with surrounding properties, use durable materials, respect community character, and allow flexibility for unique site conditions.

Enabling ministerial approval for projects that meet established standards can shorten review timelines, improve operational efficiency, and support efficient housing production. At the same time, the standards encourage high-quality design outcomes, ensuring new developments are compatible with their surroundings, use durable materials, and respect community character while still allowing flexibility for unique site conditions.

Consistent with state law, the ODS would enable the City to apply objective standards in a ministerial manner to qualifying residential developments, including projects with two or more units as well as single-unit developments with accessory dwelling units (ADUs). Projects that meet these standards can be approved without discretionary review, reducing processing times and increasing certainty for applicants.

Whether subjective or objective, design standards must strike a balance between prescriptive requirements and allowing architects and designers to be creative. Standards that are too prescriptive might result in a design that is "busy" or unbuildable, whereas standards that are too

flexible could result in a design that does not address the community’s vision or will be a challenge to maintain. The draft ODS mitigate these risks with standards that promote neighbor privacy, ensure new developments use durable and high-quality materials, and accommodate unique lot sizes, shapes, and locations. While ODS improve clarity and predictability, they may not, by definition, meet all subjective standards or perspectives for good design that prior design standards provided more discretion to address.

Ultimately, the standards are set by the community and can be changed if they do not yield the right results. As development patterns, community priorities, and state laws evolve, the City will have opportunities to revisit and refine the standards to ensure they remain effective and aligned with the City’s goals.

Chapter 17.28 Residential and Residential Mixed-Use Design Standards

Chapter 17.28 establishes design standards for residential and mixed-use development where residential is the primary use. These standards are intended to work alongside all other applicable zoning code requirements, including development standards within the base zoning districts, Planned Development standards, overlay district standards, site regulations, landscaping, and parking. Table 17.28.020 is also included to clarify when ODS apply in addition to, or take precedence over, other standards, including adopted specific plans.

This chapter would apply to the following projects:

1. Residential projects in residential districts
2. Residential projects in other districts subject to design review
3. Residential mixed-use developments, as follows:
 - a. If two-thirds or more of a building’s floor area is dedicated to residential use, the entire building is subject to ODS.
 - b. If less than two-thirds of the floor area is residential, the standards apply only to the residential portion, with non-residential portions subject to the underlying zoning district standards.
4. State-mandated ministerial projects, such as SB 35, SB 9, and AB 2011 developments.
5. Additions and exterior modifications to existing residential or residential mixed-use projects, except that non-street facing ground floor additions comprising less than 50 percent of the proposed total floor area may be exempt from specific ODS.

The standards in Chapter 17.28 are organized into three categories: standards applicable to all residential development, standards specific to one- to four-unit developments, and standards specific to developments with five or more units. Within these categories, the chapter establishes objective, measurable requirements for key design elements, including building massing and articulation, building elements, materials and colors, site design, open space, and supplemental standards for residential mixed-use development.

A key change introduced by this chapter is the application of ODS to single-unit development, in addition to multi-unit and mixed-use projects. Under the existing Zoning Code, design standards have primarily focused on multi-unit and larger-scale development. Expanding ODS to include single-unit development establishes consistent, objective expectations across all residential project types. Staff acknowledges that some applicants – for example, for a new single-unit dwelling or a front addition to an existing single-unit dwelling – may prefer the City’s existing

discretionary review process (i.e. the City’s current Single Family Design Review process). Staff is considering allowing applicants to opt out of ministerial design review and be subject to discretionary review. See the *Streamlined Ministerial Review* below for further discussion.

The draft ODS include updated approaches to design for residential projects, primarily related to building massing and articulation and building element standards. More limited changes address materials and colors, site design, open space, and specific standards for residential mixed use development. Existing standards, for example, provide some objective measures for required articulation and building variation to break up building massing. These have been expanded upon to create objective standards that allow multiple ways to achieve sufficient variation in building façades. Options include horizontal and vertical variation, wall plane breaks, projecting elements such as balconies, and diversity in materials and openings. This approach is intended to avoid creating new constraints on housing development, such as requiring approaches that may be prohibitively costly, while also preventing unpreferred design outcomes.

The standards are intended to work in conjunction with existing development standards, such as height and setbacks, to provide a comprehensive framework for project design. Overall, this chapter provides a clear and predictable framework for applying ODS, ensuring consistency across projects while maintaining flexibility to accommodate different building types, unit counts, and site conditions.

Associated Zoning Code Amendments

The draft ODS include amendments to the Zoning Code to ensure consistency with the proposed standards and state law requirements. Updates are proposed to base zoning and overlay districts (Chapters 17.07–17.15), as well as Chapter 17.17 (General Site Regulations), Chapter 17.21 (Landscaping), Chapter 17.23 (Parking), and Chapter 17.46 (Definitions).

The amendments include updates to zoning district permitted use tables across base and overlay districts to clarify where residential and residential mixed-use development is allowed. In some cases, permitted uses are expanded or refined to better support housing production and align with Housing Element programs, including Program H3.4 (allowing residential and mixed-use development in commercial districts) and Program H5.3 (allowing affordable housing by right in the Public Facility district). The amendments also incorporate provisions recognizing state laws that permit qualifying residential development in commercial and industrial districts.

Development standards tables have also been updated to ensure consistency with the ODS. These updates include refinements to height limits, setbacks, open space requirements, and other site development standards to improve feasibility and eliminate conflicts with the new design standards. These changes also support Program H2.12 by introducing flexibility to help projects achieve maximum allowable densities.

Additional technical revisions are included to improve clarity, consistency, and overall organization of the Zoning Code.

A key proposed change is an update to terminology, replacing the terms “single-family” and “multi-family” with “single-unit” and “multi-unit.” The term “single-family” has historically been used in zoning codes but can be interpreted as referring to a specific type of household,

rather than the physical characteristics of a development. In contrast, “single-unit” more accurately describes a development containing one dwelling unit, regardless of occupancy, while “multi-unit” refers to developments with multiple dwelling units without implying a particular household composition. This terminology shift aligns with current planning practices and State housing policy and improves clarity and consistency in how regulations are applied.

Exceptions and Waivers

Staff recognizes that some projects may face challenges in fully meeting certain ODS. Some standards may be difficult to achieve in practice, and alternative approaches could improve feasibility or enhance the overall project design. The draft ODS have been developed to provide limited flexibility where needed within an otherwise objective process. Exceptions and waivers are provided for specific standards to allow deviations from the standards where conformance may be difficult to achieve, or the site conditions call for an alternative approach to improve project feasibility and design outcomes. Exceptions and waivers would be subject to review by the Community Development Director, providing a streamlined process for small adjustments. This component of the draft ODS would achieve Housing Element Program H2.12 to review and amend city requirements and development standards to ensure that maximum densities are achievable.

Staff is reviewing the City’s existing processes to grant deviations and will present recommendations to the Planning Commission and City Council. Feedback from the Planning Commission is welcome on potential improvements to these processes.

Streamlined Ministerial Review

Currently, most residential projects are subject to discretionary review, which typically includes a public hearing before the Planning Commission or City Council for multi-unit residential and mixed-use projects, or a decision by the Community Development Director for single-unit residential projects. In certain cases, state law requires that qualifying residential projects be reviewed through a ministerial process, which does not involve a public hearing or discretionary decision-making by the Planning Commission or City Council.

The State’s rationale for many of these laws is that if a City has adopted a general plan, zoning code, and objective standards and other requirements through an inclusive public process, then a discretionary process and public hearings are not necessary for conforming projects. This is similar to how building permit applications are reviewed and processed. Some examples of applicable state laws include:

- **SB 423, also referred to as SB 35, (Government Code Section 65913.4)** allows specified multi-unit housing projects to opt in to streamlined ministerial review if located in a jurisdiction that has not met its RHNA targets. Projects in Newark that satisfy labor and objective standard requirements are currently eligible to opt in to streamlined ministerial review if they restrict 50 percent of units to low-income households. In the future and at least until 2031, staff anticipates Newark projects will be eligible to opt in to streamlined ministerial review if they restrict 10 percent of units to low-income households, or 20 percent to moderate-income households.

- **SB 9 (Government Code Sections 65852.21 and 66411.7)** requires ministerial approval of housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. ADUs can be combined with primary units in a variety of ways to achieve the maximum unit counts provided for under SB 9. The calculation varies slightly depending on whether a lot split is involved, but in all scenarios SB 9 would allow for up to four units to be built on the same lot area typically used for a single-family home.
- **AB 2011 (Government Code Section 65912.100)** requires ministerial approval for qualifying affordable and mixed-income housing projects on commercially zoned properties that meet specified criteria.
- **SB 1123 (Government Code Section 65852.28 and 66499.41)** requires ministerial approval for subdivisions of up to 10 parcels, or for specified residential developments containing 10 or fewer units. This applies to all lots zoned for multi-unit development and unimproved single-unit lots.

Projects eligible for streamlined ministerial review typically include residential developments that comply with applicable development and objective standards, including requirements for height, setbacks, lot coverage, and design. Projects on sites with notable environmental features or that require legislative changes such as rezonings or General Plan land use designation amendments are typically not eligible for streamlined ministerial review. Examples of ineligible sites include projects proposed on farmland, hazardous waste sites, earthquake fault and flood hazard zones, or in proximity to creeks or protected habitats and conservation areas. By requiring streamlined ministerial review for qualifying projects, state law aims to reduce uncertainty, shorten approval timelines, and facilitate housing production while maintaining consistency with local standards.

In addition to state-mandated processes, the City has established a local ministerial pathway through Chapter 17.15 By-Right Housing (-BRH) Overlay District. Adopted by the City Council on January 11, 2024, the -BRH Overlay District implements Housing Element requirements to rezone “reused” sites to allow residential development by right. Projects on these sites may be approved ministerially if they meet all applicable objective standards, achieve a minimum density of 20 units per acre, and provide at least 20 percent of units as affordable to lower-income households.

In response to state law, some jurisdictions have created their own ministerial processes to incentivize applicants to stay within local rules and discourage builders from using state law to avoid the City’s process. These typically apply only to projects that are consistent with the General Plan and meet all applicable zoning, design, and building requirements.

As part of this project, staff is evaluating the City’s existing review processes to determine which types of projects may be appropriate for ministerial review and where discretionary review should continue to apply. This effort includes identifying opportunities to improve clarity, consistency, and efficiency in the review process while ensuring compliance with state law and supporting the City’s housing goals. At a minimum, staff anticipates creating a ministerial design review process for projects subject to state-mandated ministerial approval. Staff is considering creating a ministerial design review process for single-unit residential projects if they meet all applicable objective standards. If a single-unit residential project cannot meet all the applicable objective

standards or opts out of the ministerial design review process, they would have the option to apply for discretionary review (i.e. the City's current Single Family Design Review process).

Staff will return to the Planning Commission and City Council with formal recommendations on potential updates to the City's review processes. At this stage, staff is seeking input from the Planning Commission on the proposed direction, including the appropriate balance between ministerial and discretionary review, the potential expansion of local ministerial pathways, and how best to maintain design quality while improving process efficiency.

Housing Element Commitments

The draft ODS would implement Housing Element Program H3.2: Develop objective design standards for single-family and multi-family developments and infill housing, as well as Program H3.4: Adjust zoning to allow mixed use in current Commercial zones. These programs include quantified objectives to prepare ODS to govern residential and mixed-use housing development, replacing subjective design guidelines with measurable criteria that support streamlined and ministerial review of qualifying projects. The ODS project directly fulfills these programs by drafting comprehensive objective standards and accompanying zoning code amendments that clarify design expectations and support compliance with state law.

Staff and Good City Company also reviewed other Housing Element programs that the project could support. Through this process, several other Housing Element programs were identified that would support the project's goals to reduce regulatory constraints and facilitate a more efficient, predictable environment for housing development consistent with the City's housing goals including:

- **Program H2.8 – “Missing Middle” and Open Space Requirements in RL Zones.** This program calls for zoning for missing middle housing types and includes reviewing open space requirements in the RL zoning district to support such housing forms. The ODS project complements this program by clarifying design expectations for a range of residential types, including small multi-unit and missing middle housing, and by providing objective open space standards that are tailored to different project scales.
- **Program H2.12 – Ensure maximum residential densities are achievable.** This program aims to reduce constraints on housing development by providing regulatory flexibility, such as adjustments to height, setbacks, and lot coverage, to make maximum allowable densities achievable. This is important to demonstrate that the City's zoned capacity for residential development is realistic. Changes are proposed to certain base development standards to support housing production without compromising design quality such as removing the Minor Use Permit (MUP) requirement for buildings over 35 feet in the Residential Medium Density (RM) and Residential High Density (RH) zoning districts. The intent of Program H2.12 is supported by ensuring that design standards work in harmony with existing development standards and provide objective options for projects to meet design and development requirements without unnecessary barriers. This alignment improves development feasibility and reduces uncertainty in achieving the densities anticipated in the Housing Element.

- **Program H3.1 – Streamlined Ministerial Approvals (SB 35/AB 423, etc.).** This program includes preparing procedures for processing streamlined, ministerial approvals under State laws such as SB 35/423 and related provisions.
- **Program H3.4 – Adjust zoning to allow mixed use in current Commercial zones –** In addition to creating ODS for mixed-use projects, the proposed zoning code amendments address Program H3.4 by permitting attached single-unit development, multi-unit development, and live-work units in most commercial districts as long as they are not located on the ground floor of any façade facing a public right-of-way with the exception of live-work units.
- **Program H5.3 – Public Lands for Affordable Housing.** Program H5.3 prioritizes the use of public lands for affordable housing development by right. The proposed zoning code amendments support this program by proposing to allow 100 percent affordable housing in the Public Facilities (PF) zoning district by right.

Each Housing Element program includes quantified objectives that the City aims to achieve, including measurable outcomes and deadlines by which HCD will monitor progress. Failure to demonstrate satisfactory progress could result in HCD rescinding the City’s Housing Element compliance or mandating additional actions without community input.

Specifically regarding this project, if ODS were not adopted, the City would be out of compliance with its own Housing Element as well as state law. This could subject the City to loss of local land use control, fines, or potentially other legal action. Additionally, cities that have not adopted ODS have a harder time expressing their vision to developers and are at a disadvantage in shaping and serving their communities.

NEXT STEPS

After the conclusion of the public review period on April 17, 2026, staff and Good City Company will review the comments received both during this evening’s Planning Commission meeting and throughout the public review period. Feedback will be considered and incorporated into the final drafts, which are anticipated to be presented to the Planning Commission and City Council for adoption in late Spring.

ATTACHMENT(S)

1. Draft Chapter 17.28 Residential and Residential Mixed-Use Design Standards
2. Draft Zoning Code Amendments
3. April 9, 2026 City Council Staff Report

ATTACHMENT 1

City of Newark

Objective Design Standards – DRAFT

New ODS Chapter (Proposed)

March 27, 2026 (Draft)

CHAPTER 17.28: Residential and Residential Mixed-Use Design Standards

17.28.010: Purpose

Purpose. The purposes of this chapter are to facilitate the production of quality housing for all members of the community and foster pedestrian-oriented, mixed-use areas as indicated in the City’s general plan, applicable sections of the Zoning Code, and applicable specific or area plans. The objective design standards included in this chapter are intended to serve as part of a predictable, objective, and streamlined entitlement process for applicable new housing development. These standards define a set of clear and measurable design review criteria, which are available to applicants and reviewers in advance of submitting a development application. These standards complement the standards specified in the City’s Zoning Code (Newark Municipal Code Division 17) and further the goals, policies, and actions of the City’s General Plan, including those in the Housing Element related to housing production, zoning reform, streamlining design review, and expediting permit approval.

Additional purposes of this chapter are as follows:

- A. Establish or clarify objective design standards for residential and residential mixed-use developments consistent with recognized architectural and urban design best practices for building and site design;
- B. Preserve and enhance the character of the city's different neighborhoods and the quality of life of city residents;
- C. Ensure adequate light, air, privacy, and open space for each dwelling; and
- D. Ensure that the scale and design of new development and alterations to existing structures are appropriate to the physical characteristics of the site and the area where the project is proposed.

17.28.020: Applicability

- A. This chapter prescribes design standards for projects subject to objective design standards. These standards shall be used in conjunction with all other applicable sections of the Zoning Ordinance as described in Table 17.28.020.
- B. Projects subject to the design standards of this chapter:
 - 1. Residential development (as defined in Chapter 17.46) in any residential district and residential developments subject to design review in any other district.

2. Residential mixed-use developments (as defined in Chapter 17.46) in any residential district and residential mixed-use developments subject to design review in any other district. This chapter shall be applied as follows:
 - i. If two-thirds or more of the floor area of an individual mixed-use building is dedicated to residential uses, the entire building shall be subject to the Residential and Residential Mixed-Use Design Standards.
 - ii. If less than two-thirds of the floor area of an individual mixed-use building is dedicated to residential uses, the Residential and Residential Mixed-Use Design Standards shall only apply to the residential component. The non-residential component shall follow the applicable design standards for the underlying zoning district.
 - iii. If multiple buildings are proposed for a development, each building will be evaluated individually according to the criteria set in (i) and (ii) above.
 3. Pursuant to State Law, regardless of the zoning district, the City will apply the design standards in this chapter to state-enacted ministerial projects, such as but not limited to streamlined “SB 35” ministerial approval under Government Code Section 65913.4; “SB 9” ministerial approval under Government Code Sections 65852.21 and 66411.7; and the Affordable Housing and High Road Jobs Act “AB 2011” streamlining under Government Code Section 65912.100.
 4. Additions and exterior modifications to existing residential and residential-mixed use developments. The new portion of any additions and exterior modifications to existing residential and residential mixed-use developments shall be subject to the design standards of this chapter.
 - i. Exceptions. Ground floor additions that do not face a public street and comprise less than fifty percent of the proposed total floor area may be exempt from specific design standards of this chapter subject to approval by the Community Development Director.
- C. Design standards based on the number of residential units:
1. Single- to four-unit design standards shall apply to residential and residential mixed-use developments (pursuant to 17.28.020 (A)) with one to four units on a single parcel, regardless of how multi-unit development is defined in Chapter 17.45 - Use Classifications.
 2. Five or more-unit design standards shall apply to residential and residential mixed-use developments (pursuant to 17.28.020 (A)) with five or more units on a single parcel or five or more attached units on any number of parcels.
 3. When design standards applicable to residential and residential mixed-use developments are not delineated as applying to only single- to four-unit developments or five or more units, those standards shall apply to all residential and residential mixed-use developments (in accordance with the 17.28.020(A)) regardless of the number of units.
- D. Exceptions and Waivers:
1. Exceptions. Minor exceptions to eligible objective design standards contained and as prescribed in Chapter 17.28 may be approved ministerially by the Community Development Director.

2. Waivers. Projects requesting a waiver of eligible objective design standards contained and as prescribed in Chapter 17.28 shall follow the waiver procedures prescribed in Chapter 17.37.
- E. Table 17.28.020 Applicability of Standards prescribes when the design standards contained in this chapter are used in addition to or prevail over standards defined in Base Zoning District Standards (Chapters 17.07–17.11), Planned Development Standards (Chapter 17.12), and Overlay Zoning District Standards (Chapters 17.13–17.15), General Site Regulations Standards (Chapter 17.17), Landscaping Standards (Chapter 17.21), and Parking Area Design and Development Standards (Section 17.23.090). The table also prescribes when any objective design standard included in this chapter prevails over the standards in an adopted specific plan.

Table 17.28.020: Applicability of Standards

Regulation Source	Applicability
Base Zoning District Standards (Ch. 17.07–17.11)	The standards in this chapter prevail over base zoning district standards when base zoning district standards applicable to residential or residential mixed-use development are subjective, silent, or in conflict with the standards in this chapter.
Planned Development Standards (Ch. 17.12)	The standards in this chapter prevail over planned development standards applicable to residential or residential mixed-use development when planned development standards are subjective or silent.
Overlay Zoning District Standards (Ch. 17.13–17.15)	The standards in this chapter prevail over overlay zoning district standards when overlay zoning district standards applicable to residential or residential mixed-use development are subjective or silent.
General Site Regulations Standards (Ch. 17.17)	The standards in this chapter shall be required in addition to the standards in Chapter 17.17 except that a standard in Section 17.28.080 of this chapter shall prevail over a standard in Chapter 17.17 that is in conflict, is subjective, or silent.
Landscaping Standards (Ch. 17.21)	The standards in this chapter shall be required in addition to the standards of Chapter 17.21. Where there is a conflict between a standard of Chapter 17.28 and Chapter 17.21, the standard provided in Chapter 17.28 shall prevail.
Parking Area Design and Development Standards (Sec. 17.23.090)	The standards in this chapter shall be required in addition to the standards of Section 17.23.090.
Accessory Dwelling Units Standards (Sec. 17.26.040)	The standards in this chapter shall be required as prescribed in Chapter 17.26.040.
Specific Plan Design Standards	The standards in this chapter prevail over specific plan design standards when specific plan design standards are subjective or silent.

17.28.030: Building Massing and Articulation Standards

A. Single- to Four-Unit Development.

1. Massing and Articulation. For all new development and additions above the ground floor, the following standards apply:
 - a. Primary Articulation. Street-facing building facades shall include at least one of the following treatments for every horizontal length of wall of at least thirty feet:
 - i. Change in building material for at least thirty percent of the surface area of that facade.
 - ii. Change in wall plane depth of at least eighteen inches for at least thirty percent of the surface area of that facade.
 - iii. Incorporation of bays, decks, balconies, or similar protrusions with a minimum projection from the wall plane of one foot and comprising at least ten percent of the total wall plane of the base and upper floor(s).

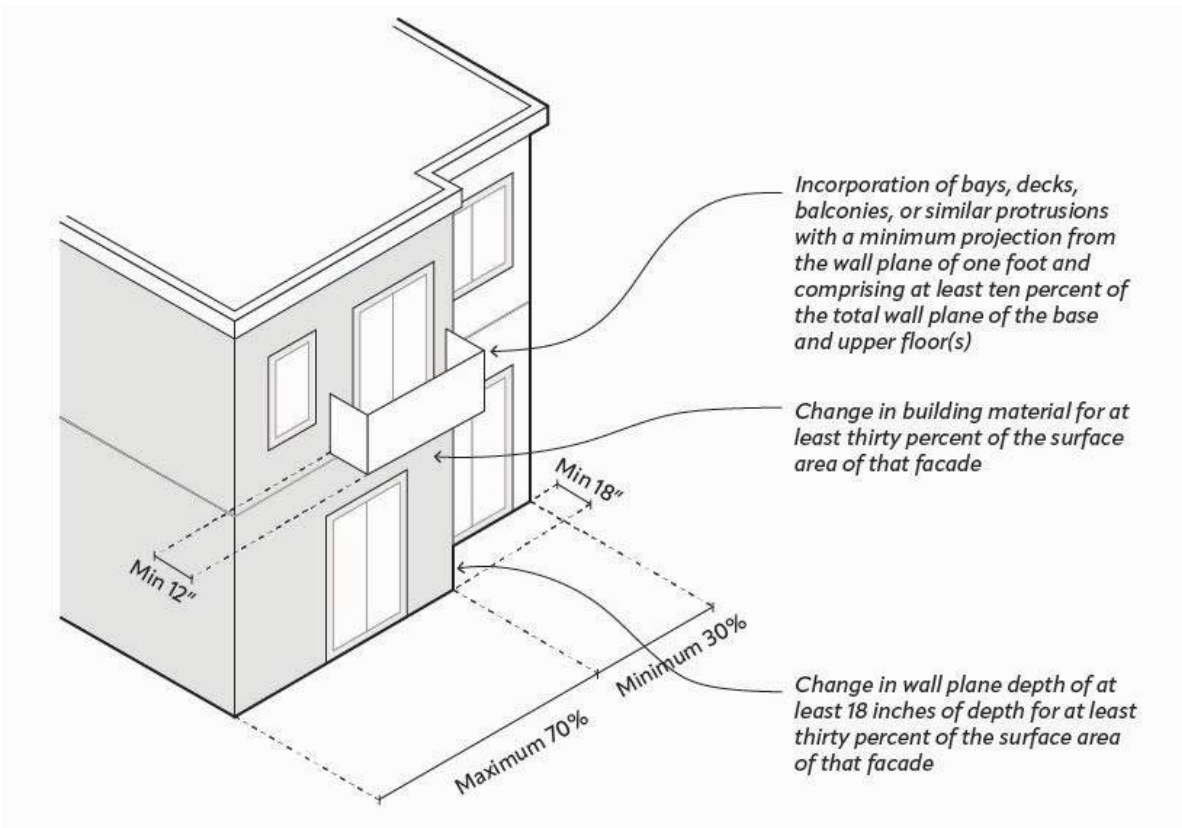


FIGURE 17.28.030(A)(1): PRIMARY ARTICULATION – SINGLE- TO FOUR-UNITS

- b. Secondary Articulation. No street-facing building facade shall have a continuous length of wall plane of more than twenty feet without at least one of the following treatments per every twenty feet of wall plane:
 - i. Window.
 - ii. Entry door.
 - iii. Change in materials.

- iv. Change in wall plane of at least twelve inches.
 - v. Decorative shutters.
 - vi. Trellis.
2. Roof design. For all new development, the following standards shall apply:
- a. Roof projections into setbacks as prescribed in Section 17.17.090 are permitted.
 - b. Include at least one architectural feature, such as but not limited to, a cornice, parapet, fascia, or projection with a minimum height of six inches.
 - c. Articulate the roof along any street facing façade using at least one of the following techniques for every forty linear feet of street-facing roof:
 - i. Change in the topmost roof elevation of at least twelve inches.
 - ii. Change in the angle of the roof slope of at least fifteen degrees.
 - iii. Change in the eave depth of at least twelve inches.
 - iv. Provide a roof dormer or gable with a minimum width equal to at least fifteen percent of the linear length of the roof line.

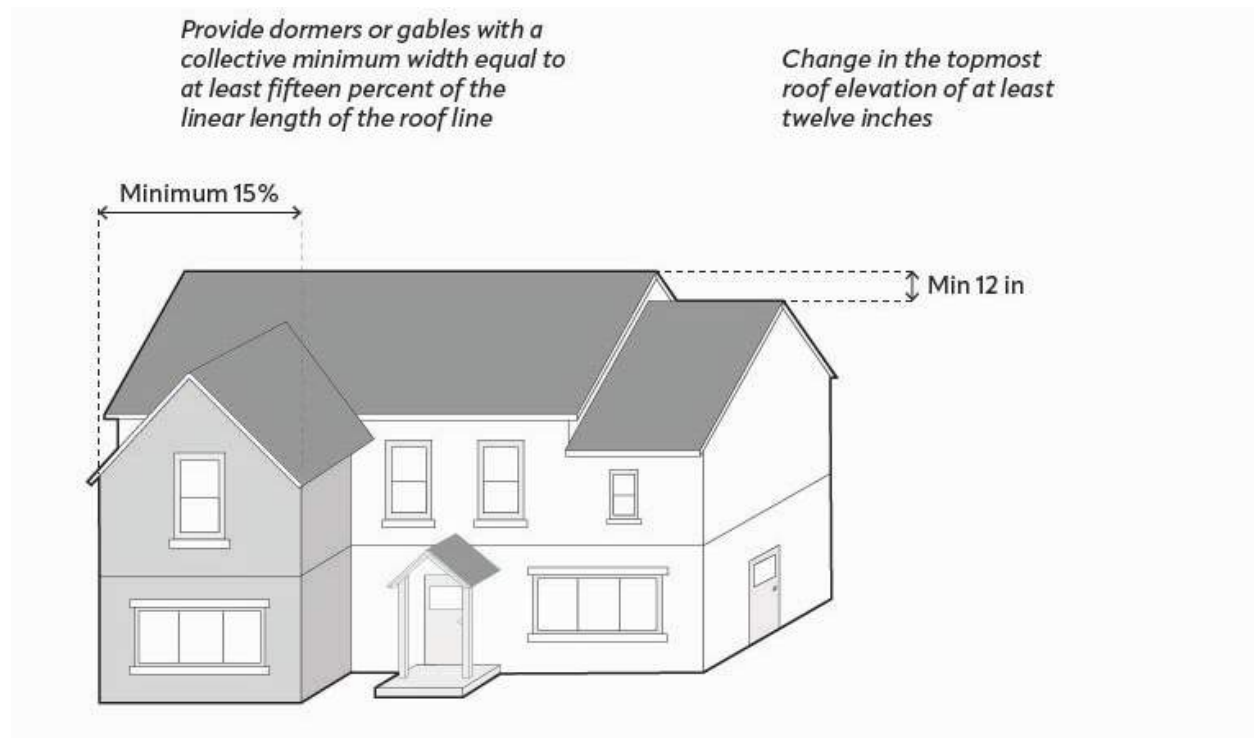


FIGURE 17.28.030(A)(2)-A: ROOF DESIGN – SINGLE- TO FOUR-UNITS

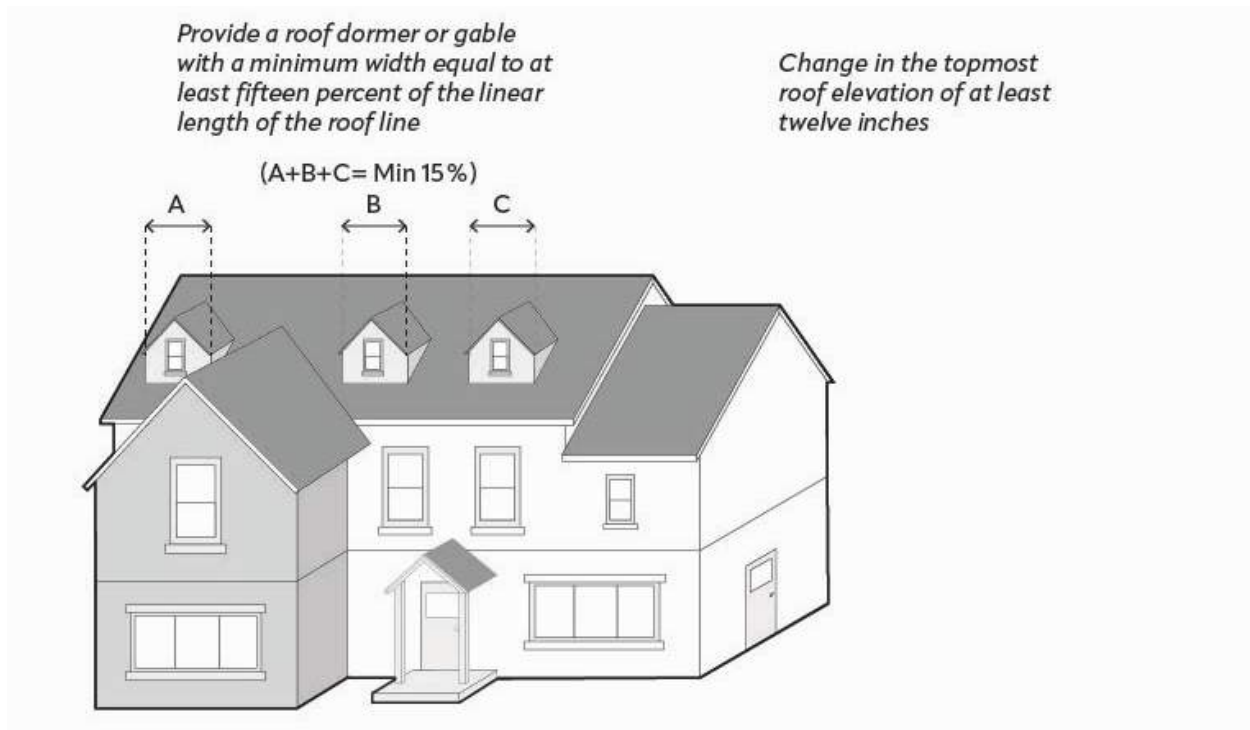


FIGURE 17.28.030(A)(2)-B: ROOF DESIGN (SHOWING MULTIPLE DORMERS) – SINGLE- TO FOUR-UNITS

- B. Five or More Unit Development.
1. Projections. Projections into required setbacks for balconies and other features as prescribed in 17.17.090 are permitted.
 2. Massing and Articulation. Building articulation is required for facades facing any public street or public park through the use of either vertical building variation (a) or horizontal building variation (b) as described below:
 - a. Vertical building variation. The façade shall be designed with a base, upper floors, and top and shall include the following (i-iii):
 - i. The base and the upper floor(s) shall each have a minimum height of one story.
 - ii. The base and the upper floor(s) shall be differentiated through the use of at least two of the following approaches (1-3):
 1. Change in building material for at least thirty percent of the surface area of the base or upper floors.
 2. Change in wall plane depth of at least eighteen inches for at least thirty percent of the surface area of that façade.
 3. Projections and recesses. Incorporation of bays, decks, balconies, landings, permanent shading structures, or planter boxes, with a minimum projection or recess from the wall

plane of eighteen inches Incorporated projecting elements shall combine to comprise at least ten percent of the of the surface area of that façade.

- a. Juliet balconies and other ornamentation (columns, banding, fins, molding, artistic inlays or reliefs, sculptures, etc.) with a minimum projection from the wall plane of eight inches may satisfy up to fifty percent of the projection or recess requirement.
- iii. The top shall include an architectural feature, such as but not limited to a cornice, parapet, fascia, or projection with a minimum height of eighteen inches along the entire length of the street-facing façade. Alternatively, where two architectural features are proposed to distinguish the roof from the upper floors (e.g., an upper-level and mid-level cornice), the combined height of the two features shall be a minimum of eighteen inches.

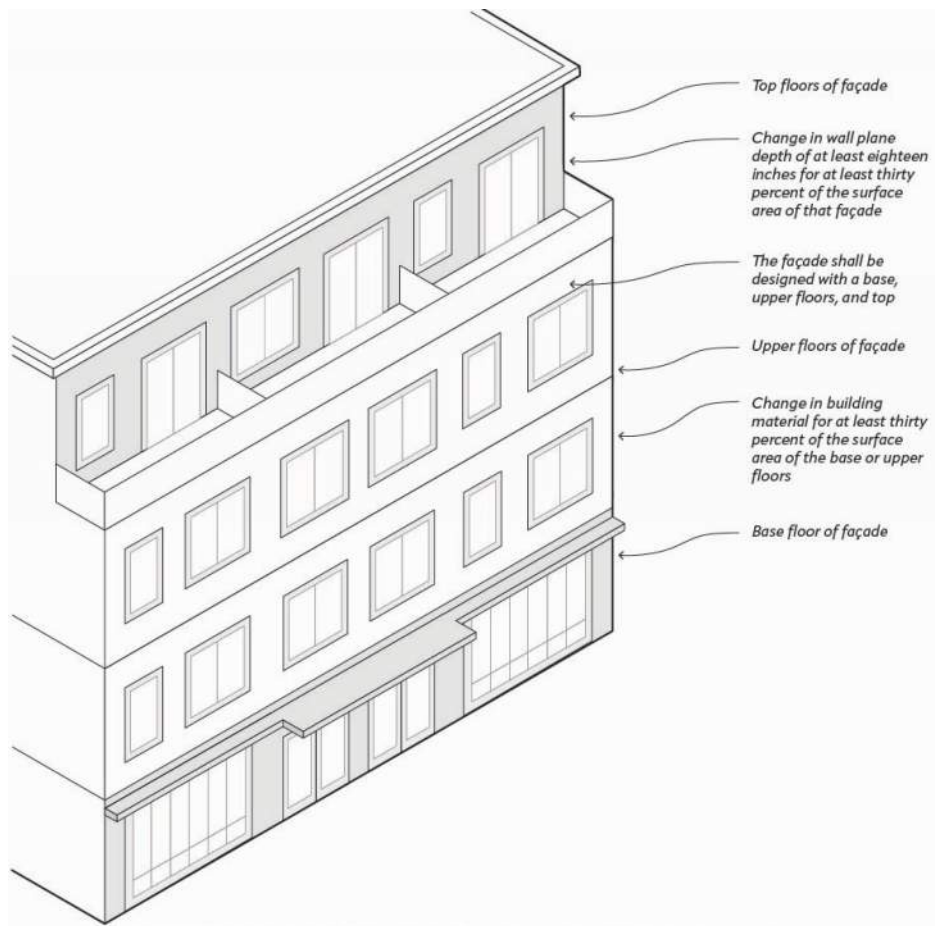


FIGURE 17.28.030(B)(2)(a): VERTICAL BUILDING VARIATION – FIVE OF MORE UNIT DEVELOPMENT

- b. Horizontal building variation. Provide one of the following (i-iii). These features may be grouped rather than evenly spaced modules, however, there can be no length of the building to exceed seventy-five feet without at least one of the required treatments.
 - i. Change in building material for at least thirty percent of the surface area of the façade.

- ii. Change in wall plane depth of at least eighteen inches for at least thirty percent of the surface area of the façade.
- iii. Projections and Recesses. Incorporation of bays, decks, balconies, landings, permanent shading structures, or planter boxes with a minimum projection or recess from the wall plane of eighteen inches. Incorporated projecting elements shall combine to comprise at least ten percent of the surface area of that façade.
 1. Juliet balconies and other ornamentation (columns, banding, fins, molding, artistic inlays or reliefs, sculptures, etc.) with a minimum projection from the wall plane of eight inches may satisfy up to fifty percent of the projection or recess requirement.

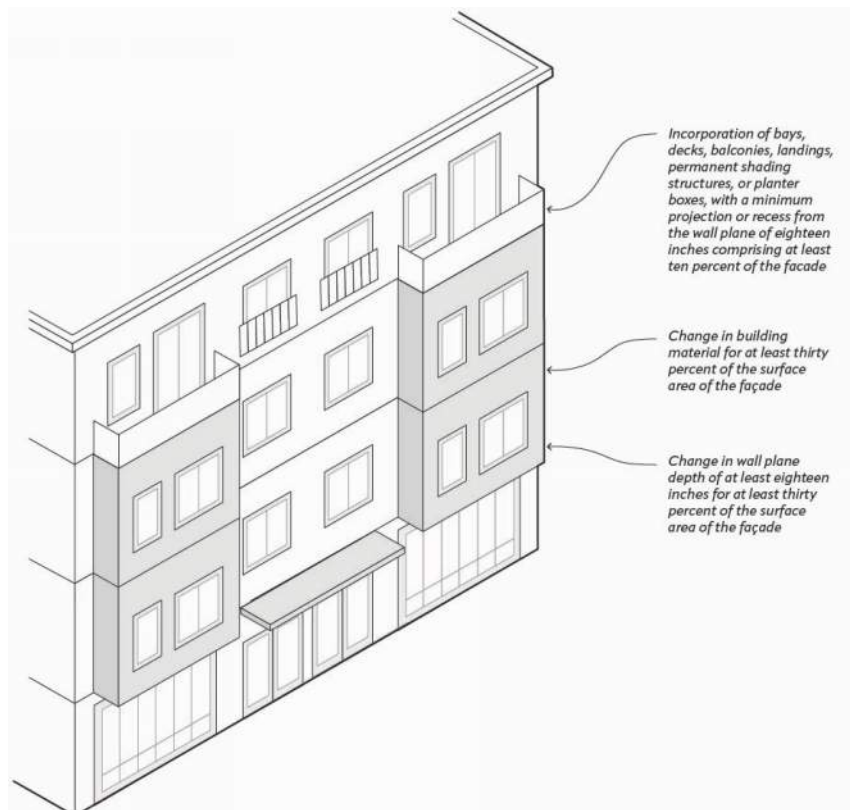


FIGURE 17.28.030(B)(2)(B): HORIZONTAL BUILDING VARIATION – FIVE OR MORE UNIT DEVELOPMENT

3. Roof design. The roof design must include all of the following:
 - a. Roof projections into setbacks as prescribed in Section 17.17.090 are permitted.
 - b. Roof articulation utilizing at least one of the following techniques for every seventy-five linear feet of street-facing roof line. For buildings with a roof line exceeding 150 feet, required roof articulation only needs to be provided twice.:

- i. Change in the topmost roof elevation or parapet elevation of at least eighteen inches within a length of seventy-five linear feet of roof line.
- ii. Change in the angle of the roof slope of at least fifteen degrees.
- iii. Change in the eave depth of at least eighteen inches.
- iv. Provide roof dormers or gables with a collective minimum width equal to at least fifteen percent of the linear length of the roof line.

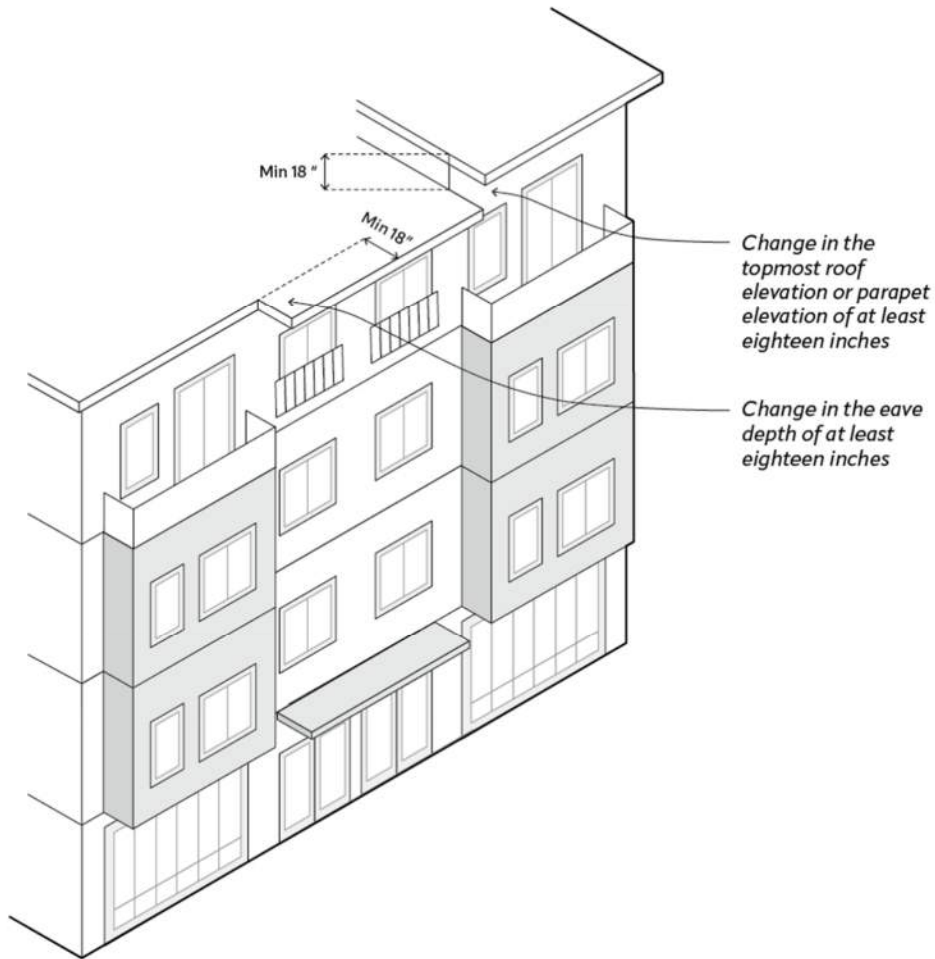


FIGURE17.28.030(B)(3)(B): ROOF DESIGN – FIVE OF MORE UNIT DEVELOPMENT

17.28.040: Building Element Standards

A. All Residential Development.

1. Building Entrances.

a. Projection or Recess.

- i Building entrances must have a roofed projection (such as a porch), or recess, or combination thereof, with a minimum depth of at least three feet and a minimum horizontal area of fifteen square feet. This requirement shall apply to a single entrance for those buildings with more than one building entrance.
- ii Roofed projections into setbacks as prescribed in Section 17.17.090 are permitted.

b. Dwelling Unit Access. Exterior entrances to units may be in the form of individual or shared entrances.

c. Entrance Orientation. Building entrances shall utilize one of the following approaches:

- i The entrance of at least one unit or one shared entrance for multiple units shall be oriented to face the public right-of-way, or
- ii An entry feature within five feet of the front setback line indicating where the building entrance may be accessed from the street via a walkway shall be provided. Entry features may be attached to or detached from the building and shall include a trellis, covered walkway, archway, or decorative posts of at least eight inches wide by eight inches deep by three feet tall. Detached entry features located within the front yard shall have a maximum height and width of eight feet and a maximum depth of five feet per the requirements of 17.17.040.

d. Entrance Height.

- i Structures with a single floor. Entrance structures must comply with all height limits and are further limited to one-and-one-half times the height of the adjoining primary structure.
- ii Structures with two or more floors. Entrance structures must comply with all height limits and are further limited to two times the floor height of the floor that entrance structure provides access to.

2. Window and Balcony Placement and Design.

a. Windows. Windows facing an adjoining RS or RL district: where the face of the window is within five feet of the property line and the sill is eight or more feet above grade, no portion of windows or transparent doors may overlap any existing windows or transparent doors serving floor area within five feet of the property line on an adjacent property.

- i Alternatively, windows and doors may be etched, frosted, or in a clerestory configuration so that views into and from the window are obscured. Windows with clear glass are permitted if they are located five or more feet above any adjacent occupied floor space or face greater than forty-five degrees from parallel to the property line.

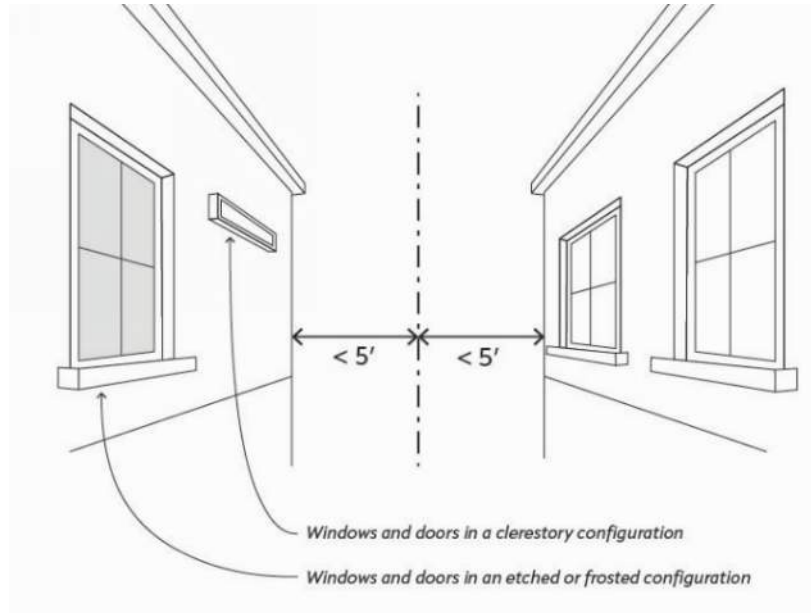


FIGURE 17.28.040(A)(2)(a)-A: Window and Balcony Placement and Design

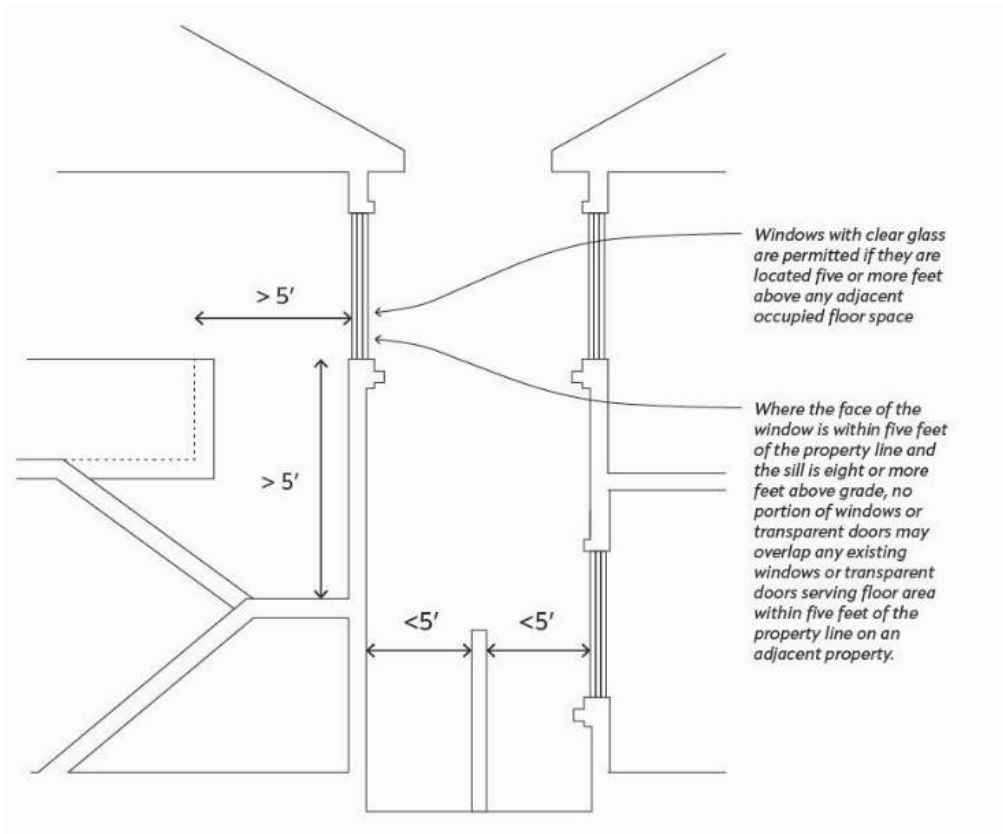


FIGURE 17.28.040(A)(2)(a)-B: Window and Balcony Placement and Design

- b. Balconies. For property lines adjacent to RS and RL districts, balconies or decks may not be located within ten feet of the property line and shall be required to have a railing of not less than forty-two inches high that is at least fifty percent opaque.
- c. Window Trim. All edges of all windows facing a public street must have trim or sills of at least one-half inch in depth or be recessed at least two inches from the plane of the surrounding exterior wall.

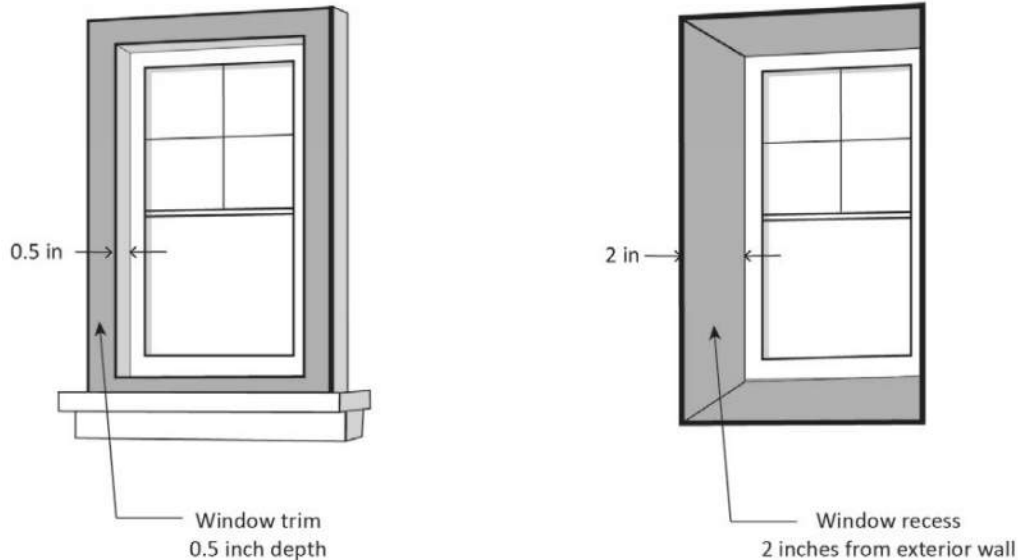


FIGURE 17.28.040(A)(2)(c): Window Trim or Recess

- 3. Garages and Parking Structures.
 - a. All Residential Development:
 - i. Garage façade materials, exclusive of the garage doors, shall be the same primary materials of the main building façade.
 - ii. Garage lighting shall not be directed or glare onto adjacent properties. Bare light bulbs and LEDs shall be shielded from view from any adjacent public right of way, public park, or adjacent residential district.
 - iii. Combined garage width for any street-facing building elevation shall not exceed the lesser of fifty percent of the linear street-facing elevation or fifty feet. For lots less than fifty feet in width, the combined garage width shall not exceed sixty percent of the linear street facing elevation.
 - iv. Where permitted, roof-top parking shall be screened. Screening shall be a minimum of three feet in height and shall be constructed from the same building materials and color palette as the residential building.
 - v. A maximum of two curb cuts for vehicle access shall be provided per street facing elevation, except where additional access points are required for fire department access.
 - vi. An external pedestrian door or gate shall be provided for each parking structure serving five or more vehicles.
 - vii. Any portion of a building used for parking five or more vehicles along a street-facing façade shall be screened from view or enclosed within the building in accordance with Section 17.23.090 (M).
 - b. Single- to Four-Unit Development:

- i For projects that provide dedicated garages for each unit, any street-facing garage door shall be recessed a minimum of eighteen inches behind the building façade closest to the street-facing property line.
- c. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve any plan for garages or parking structures that deviates from the above garage and parking structures standards.

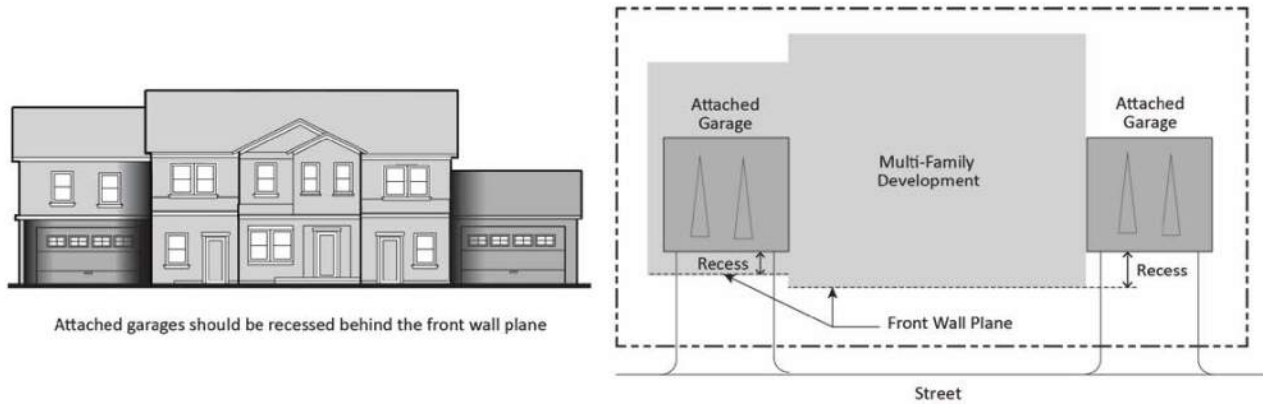
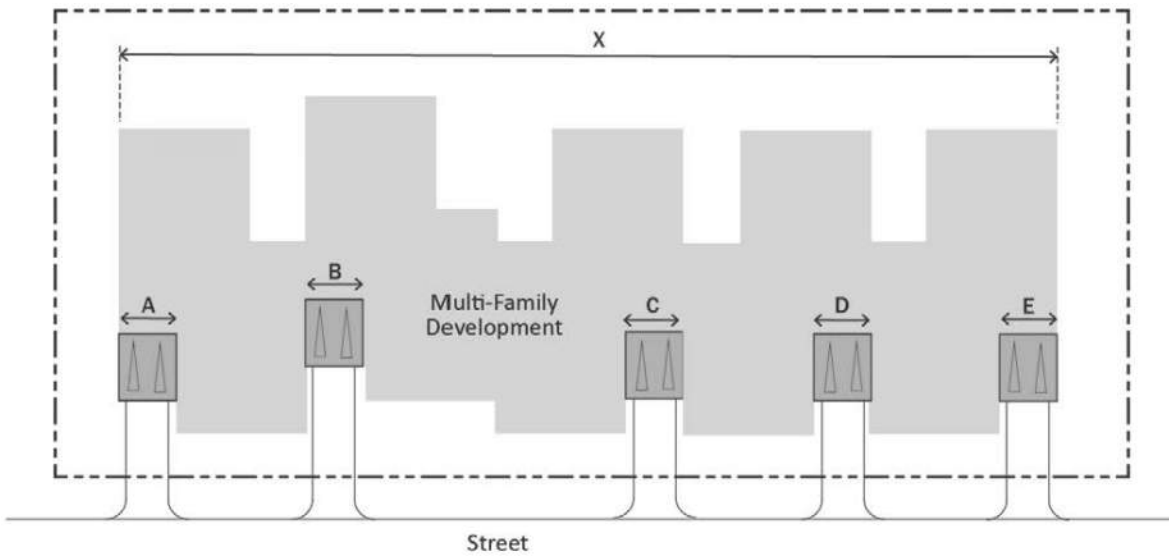


FIGURE 17.28.ABC: ATTACHED GARAGES



Attached garage width shall not exceed 50% of the linear street-facing elevation.
 $(A+B+C+D+E) < (X/2)$

FIGURE 17.28.ABC: GARAGE FRONTAGE

17.28.050: Materials and Colors

A. All Residential Development.

1. Exterior Materials and Colors.

a. Materials.

- i. Roofs. Cool roof membranes are only permitted on flat roofs (not exceeding a slope of ten degrees).
 - a. Where cool roof membranes are used at or above twenty-five feet, such areas are to be located behind a raised roof parapet with a minimum height of eighteen inches.
- ii. Prohibited Materials. The following materials shall be prohibited for all building exteriors:
 - a. T1-11 siding, except T1-11 siding is allowed on the façade of additions to one- to four-unit developments when such siding is already used on the same façade.
 - b. Foam trim and siding, except for use of durable foam coating for building and window trims with smooth stucco finish above the ground level
 - c. Mirrored glass or glazing with a reflective index above twenty percent above the ground level.

b. Colors.

- i. Building colors, excluding trim and accent colors, shall have a minimum light reflective value (LRV) of ten percent.
- ii. Fluorescent, iridescent, or metallic paints are prohibited as primary building colors but may be used on trim, windows, doors, building lettering and numbering, and light fixtures.
- iii. For all exteriors, metal seam or other metal materials shall be anodized, fluoropolymer-coated, or painted. Copper or zinc on building exteriors shall be natural or pre-oxidized.

B. Five or More Unit Development.

1. Exterior Materials and Colors.

- a. The use of stucco shall be limited to a maximum of ninety percent of the non-glazed wall plane (the total wall plane less the total surface area of any windows and doors) of any street or public park facing façade.
- b. Every building shall have a palette of at least two colors, inclusive of exterior walls and finishes. Roof and glazing material or color are excluded and do not count towards this requirement. For public street and public park facing facades, the primary exterior wall color shall not be used for more than eighty percent of the non-glazed wall plane (the total wall plane less the total surface area of any windows and doors).

C. Exceptions.

1. Existing Materials. For additions and modifications that do not replace the existing materials along a street frontage, the addition or modification may utilize the same materials and colors of the existing structure regardless of whether those materials conform to the requirements of this section.
2. Artwork. Where murals or other public art consistent with the Chapter 12.36 Public Art in Public Places and Private Development are included on the building facade, the included public art is exempted from any conflicting requirements of this section.
3. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve any plan that deviates from the above exterior materials and colors standards.

17.28.060: Site Design Standards

A. All Residential Development.

1. Paving.
 - a. The maximum amount of impervious paving in street-facing yards is fifty percent of the required yard.
2. Pedestrian Access.
 - a. An on-site walkway shall connect the primary entrance to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, no more than one hundred twenty-five percent of the straight line distance.
 - b. A separate walkway shall be provided for pedestrian access. Driveways shall not satisfy this requirement.
 - c. Differentiated paving materials shall be used for driveway aprons, entries, and pedestrian walkways. This may include, but is not limited to, textures or colors, concrete pavers, brick, or stamped concrete.
 - d. Walkways shall be a minimum of three feet wide, unless required to be wider by the Building Code or some other objective standard required for safety and accessibility, and shall be paved with concrete, stone, tile, brick, or comparable material.
3. Parking and Driveways. In addition to the requirements of Chapter 17.23, the following shall apply.
 - a. A minimum two-foot-wide buffer of pervious or landscaped surface shall be provided between any driveway and a side property line, except in cases where a shared driveway agreement has been established.
 - b. When more than one entrance/exit driveway is allowed, the number of such entrances is limited to a maximum of two per two hundred feet of street frontage.
 - c. Single-purpose driveways shall not be created for rolling out solid waste bins or to access utility rooms. These facilities shall be accessed through internal driveway aisles or shared with the main driveway.
4. Mechanical and Electrical Equipment and Trash and Recycling Collection Areas

- a. Location. No Mechanical and Electrical Equipment and Trash and Recycling Collection Areas shall be located within a front yard or street facing side yard. Where utility connections or equipment must be located in street facing yards, equipment shall be screened from public rights-of-way or public parks per the screening requirements of this subsection.
 - b. Screening. All Mechanical and Electrical Equipment and Trash and Recycling Collection Areas shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way or adjacent residential districts.
 - i. Screening color shall match other paint, finishes or trim colors of the building and colors and material of screening shall be consistent with all requirements of Section 17.28.050.
 - ii. Equipment and areas to be screened include, but are not limited to, waste and recycling container storage, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
 - iii. Exceptions may be granted for utilities where such screening is prohibited by the utility provider.
 - b. Enclosure of Trash and Recycling Collection Areas. A covered and enclosed area shall be provided for waste and recycling container storage areas.
5. Landscaping. In addition to the requirements of Chapter 17.21, the following shall apply.
- a. Visibility. Landscaping shall meet visibility requirements at street intersections and driveways pursuant to Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.
 - b. Interior Property Lines Abutting RS and RL Districts. For developments greater than thirty-five feet in height, the following shall apply.
 - i. The area within four feet of interior property lines and across the length of the building shall be landscaped with trees, shrubs and other plantings.
 - 1. Pedestrian walkways within this area shall be comprised of permeable surface and located in a maximum of fifty percent of such areas.
 - 2. At least one tree of at least fifteen-gallon size shall be planted per twenty-five linear feet of wall length.
 - 3. Maximum linear feet of wall length between any shrub, tree or other planting shall be four feet.
 - i. Shrubs. Shrubs shall be a minimum size of one gallon.
 - ii. Trees.
 - 1. Tree trunks shall be placed at least five feet from utilities and fifteen feet from light poles.
 - 2. Selected trees shall be a minimum 15-gallon or 24-inch box size at time of planting.
 - iii. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve a landscaping plan that deviates from the standards for interior property lines abutting RS and RL Districts in this subsection to allow for alternative landscape design approaches that provide a sufficient landscape buffer in cases where meeting the standards of this section may not be practicable.

- c. A minimum of fifty percent of the required front yard area and fifty percent of the required street side yard area shall be landscaped.
 - i. A maximum of fifty percent of the required landscape area may be turf or lawn.
 - ii. Bare dirt areas may not be used toward the required landscaped areas. Unpaved and unplanted surfaces, such as mulch or gravel, may not exceed more than fifty percent of the required landscape area.
- 6. Fences and Walls. In addition to the requirements of Section 17.17.040, the following shall apply:
 - a. Only the finished side of a fence may face any public right-of-way or public park.
 - b. Fences and individual retaining walls in the front yard or street-side yard may not exceed three feet in height, except for fences provided for required utility screening.
 - c. Retaining walls exceeding fifteen feet in length shall be screened with a planting strip measuring a minimum of one foot in width. At time of planting, screening plants shall be a minimum of fifty percent of the height of the retaining wall.
 - d. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve any plan for a fence or wall that deviates from the above fences and walls standards to allow for alternative fence or wall designs and dimensions that may be necessary for the security and safety of schools, day care centers, and other vulnerable populations, at the discretion of the Zoning Administrator.
- 7. Exterior Lighting. All exterior lighting shall be designed and installed so that light and glare are not directed onto adjoining properties or adjacent public rights-of-way, consistent with Chapter 17.24, Performance Standards.
 - a. All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. "Shielded fixture" means outdoor light fixtures shielded or constructed so that all light is emitted below the lowest point on the fixture. No exposed light bulbs shall be permitted.
 - b. Use of uplighting is prohibited.
 - c. Fixtures shall not have the ability to swivel or adjust direction, except path lighting, which shall not swivel above a forty-five-degree angle from a vertical line down.
 - d. Lighting Placement. With the exception of additional required lighting fixtures as described in the building code, the following shall apply:
 - i. Up to two fixtures shall be allowed at each exterior door.
 - ii. Garage doors may have a maximum of two fixtures.
 - iii. Landscape lighting shall only be permitted for navigation purposes along pedestrian paths and within driveways and parking areas.
 - iv. Lighting for exterior patios and dining areas shall be recessed and shielded from off-site visibility.
 - e. Lighting Control. Lighting controls shall be included to limit use of outdoor lighting outside of daylight hours. Controls may include manual switches, photo-cells, timers, and motion sensors, or other methods, with the following limitations:
 - i. Motion-sensor lights shall be triggered only by motion within a property and shall not be activated by motion in adjacent property or public rights-of-way.

- f. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve any lighting plan that deviates from the above exterior lighting standards.
- B. Five or More Unit Development.
 - 1. Interior Pedestrian Walkways.
 - i. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, to all on-site open space areas and pedestrian amenities, and to the adjacent public rights-of-way.
 - ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
 - 2. Additional Parking and Driveway Standards.
 - a. For corner lots, provide the vehicular and driveway access on the street with lesser pedestrian, bicycle, and vehicular circulation. Curb cuts shall be located at least twenty feet from an intersection curb return or pedestrian cross walk.
 - b. Uncovered parking areas shall not exceed twenty percent of the lot area.
 - c. At grade and above ground parking that is not time restricted may not be located within the required setback of a street facing property line. Short-term parking such as for drop off or loading areas or timed parking for visitors are exempt from this requirement. Exceptions to locate above ground parking within the required setback may be provided when all of the following conditions are met.
 - i. The site does not conform to the minimum lot dimensions.
 - ii. Surface parking areas shall be screened pursuant to the requirements of 17.23.090 (M).
 - 3. Additional Landscaping Standards.
 - a. Areas along the front or street side property lines where landscaping is required per 17.21.030 may count Onsite Amenities as described in 17.28.080.C.2 (seating, outdoor dining areas, patios, or similar uses) toward the landscaping requirement.

17.28.070: Supplemental Standards for Residential Mixed Use

A. Ground Floor Requirements.

1. Locate the primary building entrance for commercial uses at the building edge that faces a primary street. Commercial uses shall be located within those portions of the building closest to the street.
2. A minimum of fifty percent of the ground floor street frontage shall be dedicated to active uses as permitted for the Zoning District. Active uses include eating and drinking establishments, general personal services, retail sales, cultural institutions, day care centers, park and recreation facilities, hospital and clinics, instructional services, tutoring facilities, animal care, sales and services, artist's studio, banks and financial institutions, banquet halls, and commercial entertainment and recreation uses.
 - i. This requirement shall not apply to the street frontage along a freeway in NMC Chapter 17.46.
3. Entrances to residential units shall be provided separately from the entrance to non-residential uses.
4. Ground floor commercial entrances must have a roofed projection, recess, or combination thereof, with a minimum depth of at least three feet.
5. Ground floor commercial entrances shall be parallel or no more than fifteen degrees from parallel to the street except that entrances at building corners may be located at a forty-five-degree angle (plus or minus 5 degrees) from the front face of the building.
6. Building entrances for non-residential uses shall be connected to a public sidewalk by a walkway with a minimum width of three feet.
7. Building Transparency/Required Openings. Exterior walls for the ground-floor leasable area facing and within twenty feet of a front or street-side lot line shall include windows, doors, or other openings for at least fifty percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may have a continuous length of wall plane for up to thirty feet without an opening.
 - i. Design of Required Openings. Openings shall have transparent glazing and provide views into the building or into window displays that are at least three feet deep.
 - ii. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve a waiver to utilize opaque exterior materials outside of primary entrances, lobbies and other non-sensitive areas.

- #### B. Drive through lanes: Drive-through lanes for commercial purposes (such as bank or restaurant drive through lanes) shall not be located between the building and primary street.

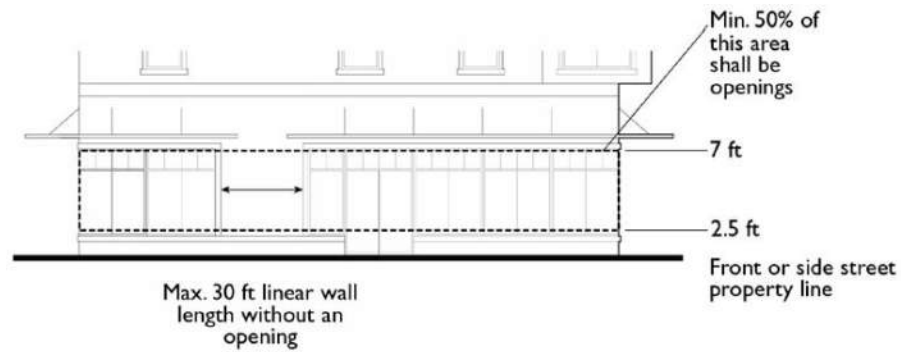


FIGURE 17.28.070(A)(7): BUILDING TRANSPARENCY/REQUIRED OPENINGS

C. Site Design

1. Landscaping Requirements.

- i. Areas along the front or street side property lines where landscaping is required per 17.21.030 may count Onsite Amenities as described in 17.28.080.C.2 (seating, outdoor dining areas, patios, or similar uses) toward the landscaping requirement.

D. Required ground floor commercial area exception.

- 1. For developments in the CMU district subject to the standards of this chapter, Subsection 17.08.040(F)(1) shall be replaced as follows: Required ground floor commercial area shall be no less than fifteen percent of the gross lot area of the site.
 - i. Exceptions. An exception to this provision will be granted where required parking, utilities, and setbacks make the fifteen percent minimum commercial area geometrically impossible as confirmed by the Director. Any such reductions will be prorated no more than is necessary to achieve a geometrically possible design, except that there shall be no required ground floor commercial area if that reduced area would be less than the greater of one thousand square feet or five percent of the gross lot area.

17.28.080: Open Space

A. All Residential Development.

- 1. Open Space. Open space shall be provided in accordance with the following standards:
 - a. Required open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more such areas.
 - b. Open space shall be enclosed on a maximum of three sides (e.g., a recessed balcony), or consist of uncovered or trellised areas that are at least 50% open to the sky above (e.g. an internal, trellised courtyard).

- c. No portion of the required open space shall be used for parking or for driveways for off-street parking and loading facilities.
 - d. Walkways required for internal circulation shall not be counted toward the open space requirement, however, landscaped areas of at least five feet in depth and at least five feet in width bordering a walkway may be included.
 - e. Open space may be located on the roof of buildings, podiums, or off-street parking facilities if accessible to all residents during daylight hours.
 - f. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such a surface may be any combination of lawn, landscaping, flagstone, wood planking, concrete, decking, or other dust-free surfacing. The slope shall not exceed ten percent. The horizontal surface area of a pool, fountain or similar feature may be counted toward the required open space area.
2. Minimum Dimensions.
- a. Private Open Space. Private open space (e.g., yards, decks, patios, balconies) used to satisfy required open space shall have at least one dimension of no less than five feet. The minimum area of any single area of private open space shall be fifteen square feet.
 - b. Common Open Space. Common open space used to satisfy required open space shall have one minimum dimension (width or length) of no less than fifteen feet. The other dimensions shall be a minimum of five feet. The minimum area of any single area of required common open space shall be one hundred square feet.
- B. Single- to Four-Unit Development.
- 1. Required Ratio. Required open space may consist of any combination of Private and Common Open Space.
- C. Five Unit and Above Development.
- 1. Required Ratio. A minimum of fifty percent of the required open space shall be provided as common open space.
 - 2. Required Onsite Amenities.
 - a. A minimum of thirty percent of the required common open space is to be dedicated to onsite amenities, which may include but are not limited to the following permanently installed facilities: community gardens, outdoor kitchens or BBQ areas, playgrounds, dog parks, swimming pools, exercise areas, and sports courts. Landscaping, turf or lawn areas, or open courtyard and patio seating areas that do not include onsite amenity features to encourage resident use shall not be counted toward this requirement.
 - b. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve any plan for required amenities that deviates from the required onsite amenities standards above to allow for alternative approaches that provide required amenities in cases where meeting the specific standards of this section is not practicable.

3. Open Space Screening.

- a. Private open space shall be screened by a fence not less than six feet in height when located at ground level within ten feet of a rear or interior side lot line. If more than ten feet from a rear or interior side lot line, private open space shall be separated from adjoining spaces by a fence, wall or landscape screening measuring a minimum of three feet in height that is at least fifty percent opaque.

ATTACHMENT 2

City of Newark

Objective Design Standards – DRAFT

Zoning Amendments Redline (Proposed)

March 27, 2026 (Draft)

DIVISION II. BASE AND OVERLAY DISTRICTS

Chapter 17.07 RESIDENTIAL DISTRICTS

17.07.010 Purpose and applicability.

The specific purposes of residential districts are to:

- A. Provide for a full range of housing types consistent with the general plan;
- B. Preserve, protect and enhance the character of the city's different residential neighborhoods and the quality of life of city residents;
- C. Ensure adequate light, air, privacy, and open space for each dwelling;
- D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding ~~residential development~~ homes and appropriate to the physical characteristics of the site and the area where the project is proposed; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve city residents and will complement surrounding residential development.

Additional purposes of each residential district are as follows:

RS residential single family. This district is intended for residential densities up to 8.7 units per net acre. It provides for single-~~unit family~~ residential developments on lots typically larger than five thousand square feet. In addition to single-~~unit family residential development~~ homes, this district provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a single-~~unit family~~ residential neighborhood. This district implements the low density residential general plan land use designation.

RL residential low density. This district is intended for residential densities up to fifteen units per net acre. Densities at the higher end of this range are only 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 area.~~ This district provides for small lot single-~~unit family residential development~~ homes, ~~zero lot line and patio homes~~, mobile home parks, and other areas characterized by a mix of older single-~~unit family~~

~~homes~~ and small multi-unit buildings. These areas have the basic characteristics of single-~~unit~~family neighborhoods. In addition, this district provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a low-~~density~~ residential neighborhood. This district implements the low-medium density residential general plan land use designation.

RM residential medium density. This district is intended for residential densities from fourteen to thirty units per net acre. Densities at the higher end of this range are only 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 area.~~ This district provides for garden apartments and condominiums, townhomes, row houses, four- to eight-~~plexes~~unit residential development, and older areas that contain a mix of multi-~~unit~~family and single-~~unit residential development~~family homes within this range. These areas tend to be multi-~~unit~~family in character but retain some of the characteristics of suburban neighborhoods. In addition, this district provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a medium density residential neighborhood. This district implements the medium density residential general plan land use designation.

RH residential high density. This district is intended for residential densities from twenty-five to sixty units per net acre. It provides for apartment and condominium complexes that are generally three stories or more. On larger parcels with this designation, common open space and other shared amenities are typically provided. In addition, this district provides for other compatible uses, such as schools, childcare centers, parks, and community facilities that may be appropriate in a high-~~density~~ residential neighborhood. This district implements the high density residential general plan land use designation.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.07.020 Land use regulations.

Table 17.07.020, Land Use Regulations-Residential Districts, prescribes the land use regulations for residential districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Additional regulations are denoted in the right-hand column. Section numbers in the right-~~hand~~ column refer to other sections of this title.

TABLE 17.07.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed					
Use Classification	RS	RL	RM	RH	Additional Regulations
Residential Uses					
Residential Housing Types					
Single-Unit Dwelling, Detached	P	P	P	P	<u>See Chapter 17.28, Residential and Residential Mixed-Use Design Standards</u>
Single-Unit Dwelling, Attached	<u>P-</u>	P	P	P	<u>See Chapter 17.28, Residential and</u>

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					Residential Mixed-Use Design Standards
Two-Unit Dwelling	-	P	P	P	See Chapter 17.28, Residential and Residential Mixed-Use Design Standards
Multi-Unit Development	-	P	P	P	See Chapter 17.28, Residential and Residential Mixed-Use Design Standards
Accessory Dwelling Unit	P	P	P	P	See Section 17.26.040, Accessory Dwelling Units
Guesthouse	P	P	P	P	See Section 17.26.280, Guesthouse
Lodging House	P	P	P	P	See Section 17.46.120, Lodging House
Family Day Care					
Small	P	P	P	P	
Large	M	M	M	M	See Section 17.26.090, Day Care
Group Residential	-	-	M	M	
Residential Care Facilities					
Small	P	P	P	P	
Large	-	M	M	M	See Section 17.26.220, Residential Care Facilities
Residential Facility, Assisted Living	-	M	M	M	
Single Room Occupancy	-	-	-	C	See Section 17.26.230, Single Room Occupancy Units
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.				
Transitional Housing					
Public/Semi-Public Uses					
Community Assembly	C	C	C	C	
Community Garden	P	P	P	P	See Section 17.26.080, Community Gardens
Cultural Institutions	-	C	C	C	

Day Care Centers	-	C	C	C	See Section 17.26.090, Day Care
Emergency Shelter	-	-	M	P	See Section 17.26.110, Emergency Shelters
Government Offices	C	C	P	P	
Hospital and Clinics					
Skilled Nursing Facility	-	-	C	C	
Park and Recreation Facilities	P	P	P	P	
Public Safety Facilities	C	C	P	P	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Transportation, Communication, and Utility Uses					
Communication Facilities					
Telecommunication	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	C	C	C	C	
Other Applicable Types					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Home Occupations	See Section 17.26.140, Home Occupations				
Nonconforming Use	See Chapter 17.22, Nonconforming Provisions				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				

(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 505, § 3(Exh. A), 7-12-2018; Ord. No. 516, § 4(Exh. A), 9-26-2019)

17.07.030 Development standards.

Table 17.07.030, Development Standards-Residential Districts, prescribes the development standards for residential districts. Additional regulations are denoted in the right-hand column. Section numbers in this column refer to other sections of this title. [See Section 17.07.040 and Chapter 17.28 for design standards for residential and residential mixed-use development.](#)

TABLE 17.07.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
Standard	RS	RL	RM	RH	Additional Regulations
Lot and Density Standards					
Density (units/net acre)					
Maximum	8.7	11; up to 15 subject to (A) below	22; up to 30 subject to (A) below, 50 within the Old Town Specific Plan area	60	

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Minimum	n/a	n/a	14, 20 within the Old Town Specific Plan area (D)	25	
Minimum Lot Size (sq ft)	RS-10,000: 10,000 RS-8,000: 8,000 RS-7,000: 7,000 RS-6,000: 6,000	6,000, 3,000 for Single-Unit Dwelling, Detached	6,000	6,000	
Minimum Lot Width (ft)	RS-10,000: 80 RS-8,000: 70 RS-7,000: 65 RS-6,000: 60	60	60	60	
Minimum Lot Depth (ft)	100	80	100	100	
Minimum Frontage on a Public Street (ft)	60	40	40	40	
Building Form and Location					
Maximum Height (ft)	30 (F)	35 (F)	75 (E) ; 48 within the Old Town Specific Plan area, 35 within the Old Town Specific Plan Area within 20 ft of an RS or RL District(C)	100, 35 within 120 ft of an RS or RL District(C)	See Section 17.17.050, Height and Height Exceptions. Heights over 35 feet in the RM and RH Districts shall require a Minor Use Permit.
Minimum Setbacks (ft)					
Front	20 (G)	20 (G)	5 15	5 15	See Section 17.17.090, Projections into Yards and Required Building Separations
Interior Side	5 (B), (M)	5(B)	5(B)	5(B)	See Section 17.17.090, Projections into Yards and Required Building Separations
Street Side	10 (H)	10 (H)	5 8	5 8	See Section 17.17.090,

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					Projections into Yards and Required Building Separations
Rear	20	15	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Distance Between Main Structures (ft)	n/a	n/a	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Lot Coverage, Landscape, and Open Space Standards					
Maximum Lot Coverage (% of lot)	50 (I)	50 (I)	60 55 (J) , 65 within the Old Town Specific Plan area	60 55 (J)	
Minimum Landscaping (% of lot)	25	25 (K)	25 (L)	25 (L)	At least half of the landscape area in RS District shall be provided along public rights-of-way or near sidewalks. See Chapter 17.21, Landscaping. <u>See Chapter 17.28, Residential and Residential Mixed-Use Design Standards</u>
Minimum Open Space (sq ft per residential unit)	n/a 200	200 400 (C)	100 300 (C) , 100 within the Old Town Specific Plan area	50 200 (C)	<u>See Chapter 17.28, Residential and Residential Mixed-Use Design Standards</u>
<p>Specific Requirements <u>Limitations</u>:</p> <p>A. Additional Density, RL and RM Districts. Up to fifteen units/net acre in the RL district and up to thirty units/net acre in the RM district are allowed on properties which have their primary access on an arterial or collector street <u>as defined in the General Plan and which are found to be compatible</u></p>					

~~with the character and intensity of residential development in the immediate area subject to conditional use permit approval.~~

- B. Attached Single-Unit Dwellings. Required setbacks apply to the ends of rows of attached single-unit dwellings.
- C. ~~Heights over thirty-five feet in the RM and RH Districts shall require a minor use permit, except within the Old Town Specific Plan area where building heights are further reduced to 35 within 20 ft of an RS or RL District. building height up to the limit stated in Table 17.07.030 is permitted by right.~~
- D. Minimum density of twenty du/ac in the Old Town Specific Plan area applies to lot sizes at or greater than seven thousand five hundred square feet. Properties within this district and specific plan area are not considered nonconforming based on existing residential density that is less than the base density.
- E. Height limits are further reduced to: 35 ft within 10 ft of an abutting RS or RL District along an interior side property line, 35 ft within 15 ft of an abutting RS or RL District along a rear property line.
- F. Height limit will be increased by 5 ft if two or more primary units are provided.
- G. Front setback will be reduced by 5 ft if two or more primary units are provided.
- H. Street side setback will be reduced by 2 ft if two or more primary units are provided.
- I. Maximum lot coverage will be increased to 60% if two or more primary units are provided.
- J. Maximum lot coverage will be increased to 70% if at least 85% of maximum allowed density is provided. Additional limitations in the Old Town Specific Plan area still apply.
- K. Minimum landscaping is decreased to 20% of lot if two or more primary units are provided.
- L. Minimum landscaping is decreased to 15% of lot if at least 85% of maximum allowed DUAdensity is provided. Additional limitations in the Old Town Specific Plan area still apply.
- M. There shall be no minimum interior side setback requirement along such portions of a property line where the adjoining parcel does not require a side setback.

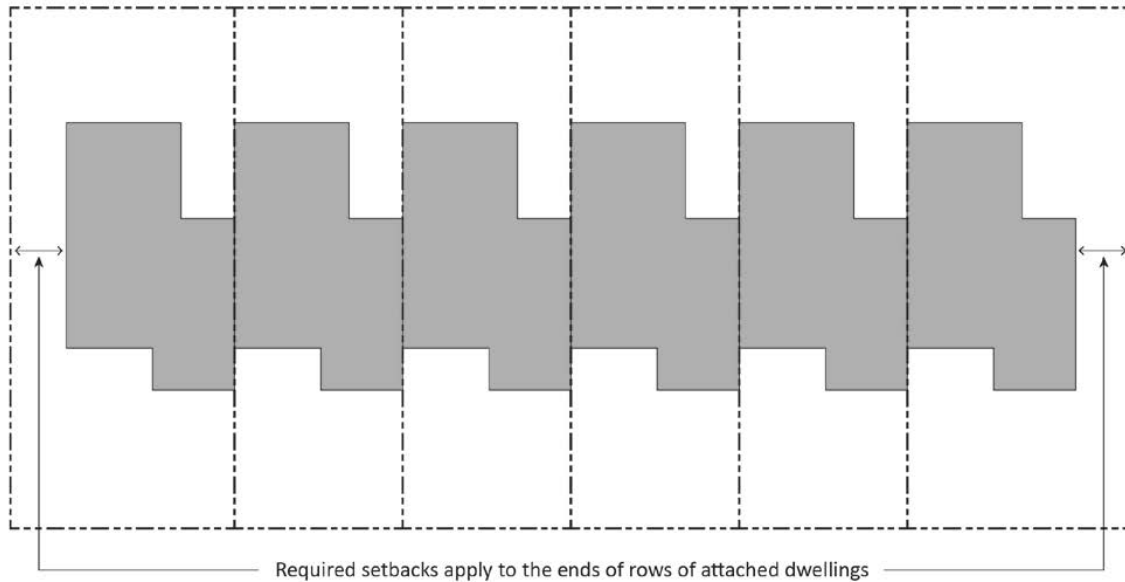


FIGURE 17.07.030.B: ATTACHED SINGLE-UNIT DWELLINGS

17.07.040 Design standards for residential and residential mixed-use development.

A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

17.07.050 Supplemental regulations.

- A. Parking of Commercial Vehicles Prohibited. No commercial vehicle in excess of ten thousand pounds manufacturer's gross vehicle weight rating shall be parked or stored on any lot in a residential district. This section shall not prohibit temporary parking of any such vehicle while making pickups or deliveries or providing services for the residents of the lot on which the vehicle is parked.
- B. Vehicle and Equipment Repairs or Fabrication. Repair, fabrication or other work on automobile or vehicle or equipment on residential premises shall be subject to the following conditions and restrictions:
 - 1. Such work shall be limited to those vehicles or equipment which may be stored within a private garage upon residential premises.
 - 2. Such work shall be done only upon such vehicles or equipment which are owned by an occupant of the residential premises.
 - 3. Such work shall be done only between the hours of 8:00 a.m. and 8:00 p.m.
 - 4. Such work shall not be done in a public right-of-way.
 - 5. Storage of parts for such vehicles or equipment on the premises shall be limited to those parts reasonably necessary for the repair of the occupant's vehicle or equipment.

6. Such work shall be limited to minor repair and service on noncommercial vehicles to include such things as battery replacement, tire repair, brake servicing, changing of small parts, oil changes and lubrication, engine tune-up and similar routine maintenance and preventative maintenance work.
- C. Single Family Residential Design Review Guidelines. Projects consisting of a single-unit dwelling (single-unit residential development) shall be subject to the applicable objective design and development standards in Chapter 17.28 Residential and Residential Mixed-Use Design Standards, except that single-unit residential development- projects that meet the applicable criteria for Single-Unit Design Review in Chapter 17.37-34 Design Review shall comply with the applicable guidelines -adopted by the Planning Commission on April 24, 2007, or as amended.

Removed sections of 17.07

- D. ~~Open Space. Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards:~~
1. ~~Single Unit and Two Unit Development. Required usable open space may consist of a single area or several adjacent or separate areas.~~
- a. ~~Minimum Dimensions. Minimum dimension of fifteen feet.~~
- b. ~~Location.~~
- i. ~~Must be provided on the site at ground level.~~
- ii. ~~Required open space shall not be located in a required front or street side setback.~~
- iii. ~~No portion of required open space shall be used for driveways or off-street parking facilities.~~
2. ~~Multi Unit Development. Required usable open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more of such areas.~~
- a. ~~Type of Open Space. A minimum fifty percent of the required open space shall be provided as common open space. The rest of the required open space shall be provided as private open space.~~
- i. ~~Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence.~~
- ii. ~~Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.~~
- b. ~~Minimum Dimensions.~~
- i. ~~Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than ten feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.~~
- ii. ~~Common Open Space. Minimum dimension of twenty feet.~~

- ~~c. Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Slope shall not exceed ten percent.~~
- ~~d. Location.~~
 - ~~i. Required open space shall not be located in a required front or street side setback.~~
 - ~~ii. No portion of required open space shall be used for driveways or off-street parking and loading facilities or as access to more than one dwelling unit.~~
 - ~~iii. Open space may be located on the roof of buildings or required off-street parking facilities.~~
- ~~e. Accessibility.~~
 - ~~i. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.~~
 - ~~ii. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.~~
- ~~f. Screening. Required private open space shall be screened by a solid fence or visually solid fence not less than six feet in height when located at ground level and by a solid railing or visually solid railing not less than forty two inches in height when located on a balcony or balconies.~~

~~(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 505, § 3(Exh. A), 7-12-2018; Ord. No. 516, § 4(Exh. A), 9-26-2019; Ord. No. 532, § 4(Exh. B), 10-14-2021)~~

~~17.07.040 Supplemental regulations.~~

- ~~A. Paving. The maximum amount of paving in street-facing yards is fifty percent of the required yard.~~
- ~~B. Parking of Commercial Vehicles Prohibited. No commercial vehicle in excess of ten thousand pounds manufacturer's gross vehicle weight rating shall be parked or stored on any lot in a residential district. This section shall not prohibit temporary parking of any such vehicle while making pickups or deliveries or providing services for the residents of the lot on which the vehicle is parked.~~
- ~~C. Vehicle and Equipment Repairs or Fabrication. Repair, fabrication or other work on automobile or vehicle or equipment on residential premises shall be subject to the following conditions and restrictions:~~
 - ~~1. Such work shall be limited to those vehicles or equipment which may be stored within a private garage upon residential premises.~~
 - ~~2. Such work shall be done only upon such vehicles or equipment which are owned by an occupant of the residential premises.~~
 - ~~3. Such work shall be done only between the hours of 8:00 a.m. and 8:00 p.m.~~
 - ~~4. Such work shall not be done in a public right-of-way.~~
 - ~~5. Storage of parts for such vehicles or equipment on the premises shall be limited to those parts reasonably necessary for the repair of the occupant's vehicle or equipment.~~

6. Such work shall be limited to minor repair and service on noncommercial vehicles to include such things as battery replacement, tire repair, brake servicing, changing of small parts, oil changes and lubrication, engine tune-up and similar routine maintenance and preventative maintenance work.
- D. Single Unit Attached and Multi-Unit Development. All attached single unit and multi-unit development shall meet the following development standards. Exceptions may be granted through design review to accommodate alternative design solutions.
 1. Building Entrances.
 - a. Orientation. All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multi-unit housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.
 - b. Projection or Recess. Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of thirty square feet. Exceptions to this requirement may be approved for alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry.



FIGURE 17.07.040.D.1.B: PROJECTION OR RECESS

- c. Dwelling Unit Access. Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, no exterior access corridor located above the ground floor may provide access to five or more units.
2. Building Design. Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.
 - a. Roof Line. The roof line at each elevation shall demonstrate an offset of at least eighteen inches for each one to three units exposed on that elevation. Large, continuous roof planes are prohibited.



The roof line for each elevation shall be offset at least 18 inches for each one to three units exposed on that elevation.

FIGURE 17.04.040.D.2.A: ROOF LINE

b. ~~Window Trim or Recess. Trim at least one half inch in depth shall be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall.~~

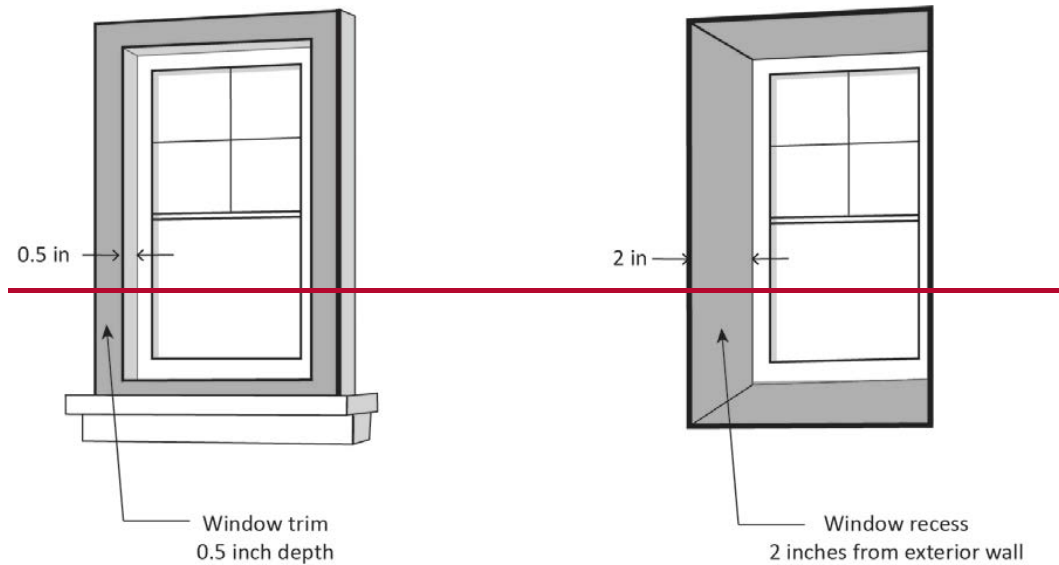
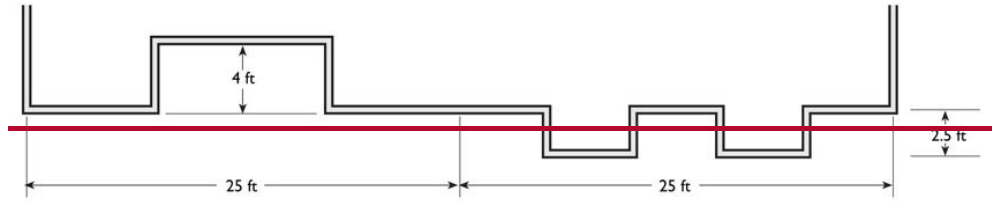


FIGURE 17.07.040.D.2.B: WINDOW TRIM OR RECESS

c. ~~Façade Articulation. All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth, or two projections or recesses at least two and one-half feet in depth, for every twenty-five horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in twenty-five-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.~~



Street-facing facades shall have at least one projection or recess at least 4 feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 linear feet of wall.

FIGURE 17.07.040.D.2.C: FACADE ARTICULATION

- d. ~~— Façade Detailing and Materials. All visible building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.~~
- e. ~~— Building Colors. Every building shall have at least two complementary colors.~~
- f. ~~— Building Materials. All materials shall be high quality to allow for long-term durability and appearance.~~
- g. ~~— Transition Areas. Where new multi-unit development is built adjacent to existing lower-scaled residential development, the facade facing the existing lower-scaled residential development shall be designed to provide architectural relief and interest, while also respecting the scale of adjacent neighbors.~~
- i. ~~— Full Height Recesses. Full height recesses, a minimum of five feet deep, shall be provided along the facade to break the building into smaller discrete masses.~~

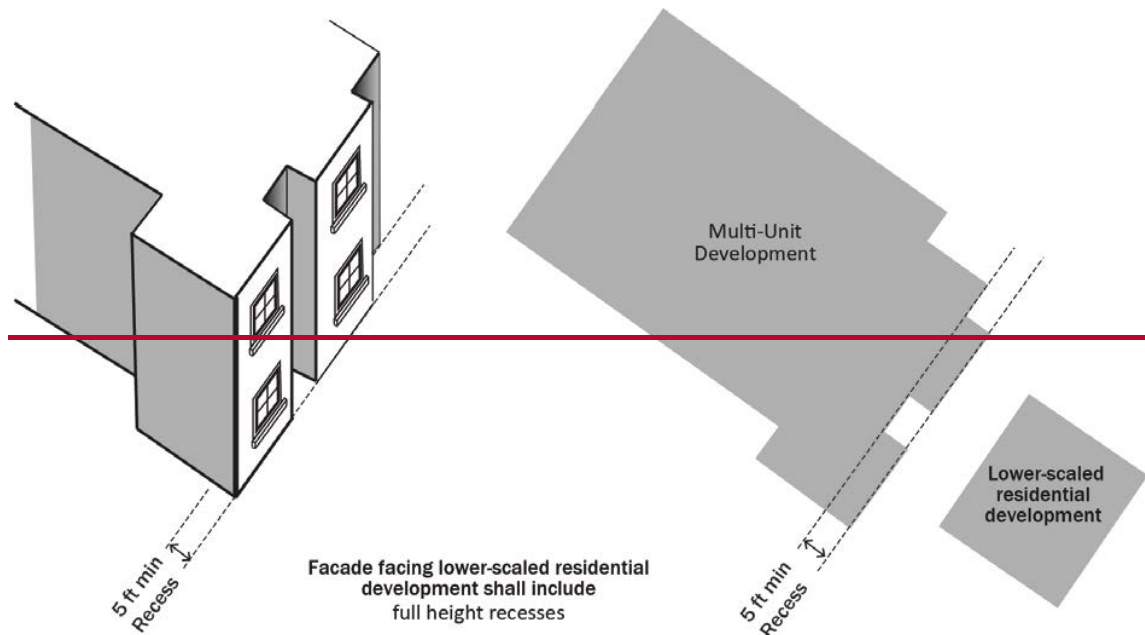


FIGURE 17.07.040.D.2.G.I: FULL-HEIGHT RECESSES

- ii. ~~Window and Balcony Placement. Offset windows to avoid direct sight lines into and from neighboring properties. Position balconies and other private open space so they minimize views into neighboring properties.~~

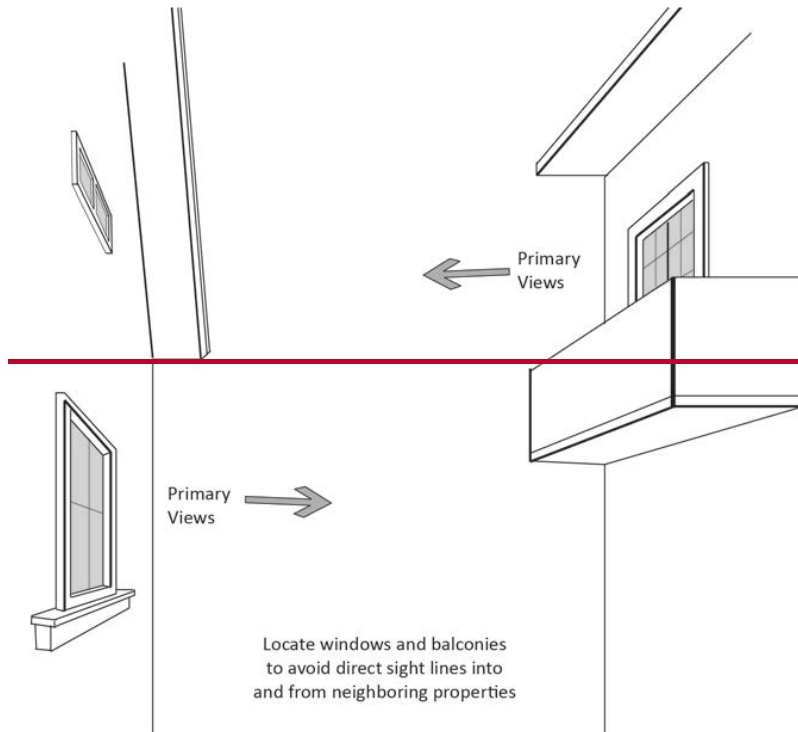
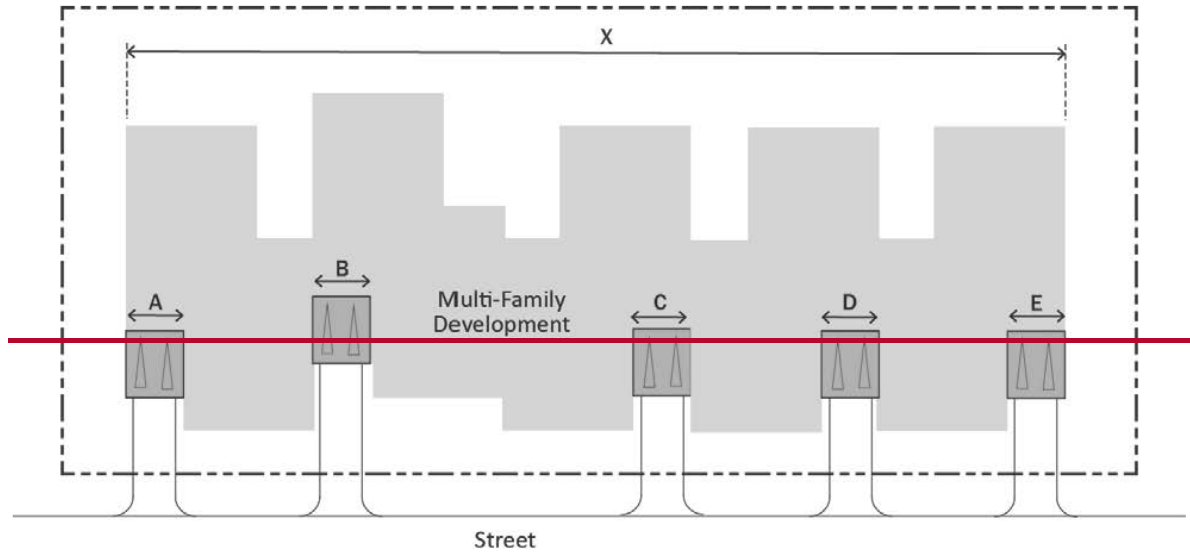


FIGURE 17.07.040.D.2.G.II: WINDOW AND BALCONY PLACEMENT

- 3. ~~Garage Frontage. Limit the appearance of attached garages. Garage width shall not exceed fifty percent of the linear street-facing elevation of any multi-unit development.~~



Attached garage width shall not exceed 50% of the linear street-facing elevation.
 $(A+B+C+D+E) < (X/2)$

FIGURE 17.07.040.D.3: GARAGE FRONTAGE

- a. Attached garages located on the unit frontage should be recessed behind the front elevation wall plane.

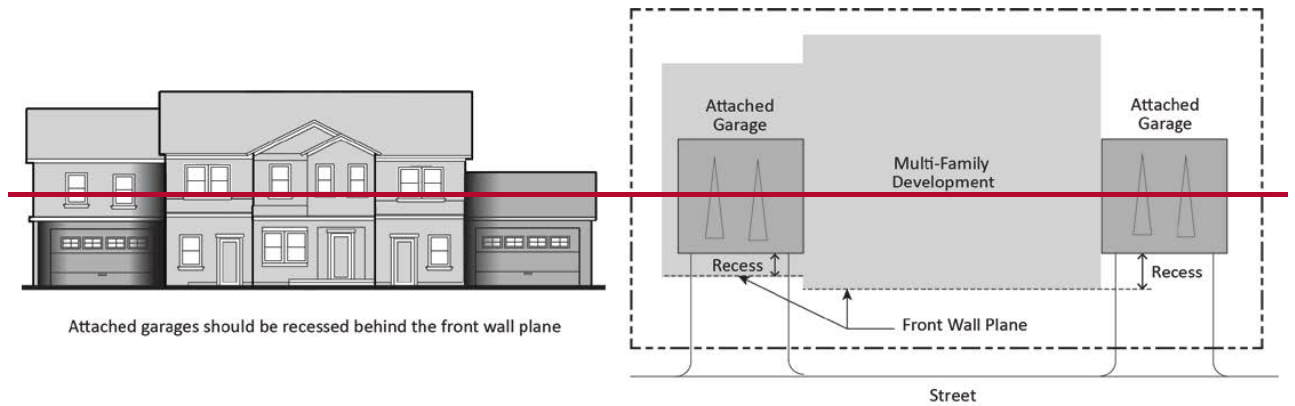


FIGURE 17.07.040.3.A: ATTACHED GARAGES

- b. Garage placement should minimize paved area and maximize usable open space areas on the site.
- 4. Parking Area Limitation. Uncovered parking areas shall not exceed twenty percent of the total site area unless a greater area is approved through design review.
- 5. Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards.

- ~~a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.~~
 - ~~b. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.~~
 - ~~c. To Neighbors. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.~~
 - ~~d. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.~~
 - ~~e. Pedestrian Walkway Design.~~
 - ~~i. Walkways shall be a minimum of four feet wide, shall be hard surfaced, and paved with concrete, stone, tile, brick, or comparable material.~~
 - ~~ii. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.~~
 - ~~iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.~~
 - ~~E. Single Family Residential Design Review Guidelines. The following projects are subject to single family residential design review process as adopted by the Planning Commission on April 24, 2007, or as amended:~~
 - ~~1. New single family residences.~~
 - ~~2. Second story additions and exterior modifications to existing single family residences.~~
 - ~~3. Additions and exterior modifications at the front (including street side yards for corner lots) of existing single family residences.~~
- ~~(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 516, § 4(Exh. A), 9-26-2019)~~

Chapter 17.08 COMMERCIAL AND MIXED USE DISTRICTS

17.08.010 Purpose and applicability.

The specific purposes of the commercial and mixed use districts are to:

- A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;
- B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the general plan to maintain and strengthen the city's economic resources;

- C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;
- D. Provide opportunities for a mix of complementary uses that may combine residential and non-residential uses or combine a variety of non-residential uses on the same site; and
- E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

Additional purposes of each commercial and mixed use district are as follows:

NC neighborhood commercial. This district is intended to provide areas for smaller-scale neighborhood shopping centers which provide goods, services, and businesses to meet the day-to-day needs of surrounding residential neighborhoods. These areas should be developed and maintained to provide convenient, walkable shopping destinations for nearby residents. Structures that are entirely residential or entirely commercial are both permitted, but the optimal development form on larger sites includes housing located above ground level commercial. This district implements the neighborhood commercial general plan land use designation.

CMU commercial mixed use. This district is intended to support a combination of office, residential, and retail uses, with an emphasis on specialty commercial uses such as antique stores, boutiques, galleries, cafes, and restaurants. Development standards are intended to foster a walkable, pedestrian-oriented character that emphasizes a fine-grained building scale and streetscape. Structures that are entirely residential or entirely commercial are both permitted, but the optimal development form on larger sites includes housing located above ground level ~~retail shops or services~~commercial. This district implements the commercial mixed use general plan land use designation.

CR commercial retail. This district is intended to support a pedestrian-oriented retail environment that encourages pedestrian activity. This district provides a variety of uses including, but not limited to, grocery, personal service, neighborhood serving retail, and entertainment. Development standards are intended to foster a walkable, pedestrian-oriented character that emphasizes a fine-grained building scale and streetscape. Parcels may include multiple land uses as individual buildings or within each building. This district implements the community commercial general plan land use designation.

CC community commercial. This district provides locations for services and businesses which meet the comparison shopping needs of the city's residents and workers. Such centers may include supermarkets, home improvement stores, variety stores, pharmacies, restaurants, and similar uses which serve the community. Larger-scale commercial uses such as hotels and office buildings are acceptable. Structures that are entirely residential or entirely commercial are both permitted, but the optimal development form on larger sites includes housing located above ground level commercial.~~Community commercial areas are generally not appropriate for residential use, although housing may be considered as a component of planned developments within these areas in the event a shopping center is reused.~~ This district implements the community commercial general plan land use designation.

RC regional commercial. This district is intended to support the large scale shopping facilities. It includes a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region. Uses such as hotels and corporate office buildings are acceptable. Housing at densities greater than thirty units per acre may be included if such housing is a component of a vertically mixed-use building or planned development which is primarily oriented around regional retail uses. This district implements the regional commercial general plan land use designation.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.08.020 Land use regulations.

Table 17.08.020, Land Use Regulations-Commercial and Mixed Use Districts, prescribes the land use regulations for commercial and mixed use districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the ~~right~~-hand column refer to other sections of this title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed						
Use Classification	NC	CMU	CR	CC	RC	Additional Regulations
Residential Uses						
Residential Housing Types						
Single-Unit Dwelling, Attached	<u>P (2)-</u>	<u>P(1, 2)</u>	-	-	-	See Chapter 17.28, Residential and Residential Mixed-Use Design Standards
Multi-Unit Development	<u>P (2)-</u>	<u>P(1, 2)</u>	-	<u>P (2)-</u>	<u>P C(2)</u>	See Chapter 17.28, Residential and Residential Mixed-Use Design Standards
Family Day Care						
Small	-	P	-	-	-	
Group Residential	-	M(1)	-	-	-	
Residential Care Facilities						
Small	-	P	-	-	-	
Single Room Occupancy	-	C(1)	-	-	-	See Section 17.26.230, Single Room Occupancy Units
Public/Semi-Public Uses						
Colleges and Trade Schools	C	C	C	M	M	
Community Assembly	C	C	C	C	C	
Cultural Institutions	M	M	M	M	M	
Day Care Centers	M	M	M	M	M	See Section 17.26.090, Day Care
Funeral Parlors and Interment Services	-	-	-	M	-	
Government Offices	P	P	P	P	P	
Hospital and Clinics						
Clinic	M	M	M	M	M	
Instructional Services	M	M	M	M	M	A minimum separation of 300 ft is required

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						between two instructional services
Park and Recreation Facilities	M	M	M	M	M	
Parking Lots and Structures	M	M	M	M	M	
Public Safety Facilities	P	P	P	P	P	
Schools	M	M	M	M	M	
Social Service Facilities	-	M	M	M	M	
Tutoring Facilities	M	M	M	M	M	A minimum separation of 300 ft is required between two tutoring facilities
Commercial Uses						
Adult Business	-	-	-	P	-	See Section 17.26.050, Adult Oriented Businesses
Animal Care, Sales, and Services						
Animal Sales and Grooming	P	P	P	P	P	
Boarding/Kennels	-	-	-	C	C	
Veterinary Services	M	M	M	M	M	
Artist's Studio	P	P	P	P	P	
Automobile/Vehicle Sales and Services						
Automobile Rentals	M	M	M	M	P	See Section 17.26.060, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	-	-	-	P	P	
Automobile/Vehicle Service and Repair, Minor	-	-	-	M	M	
Large Vehicle and Equipment Sales, Service and Rental	-	-	-	-	M	
Service and Gas Stations	C	-	-	M	M	
Washing	-	-	-	M	M	
Banks and Financial Institutions						
Banks and Credit Unions	P	P	P	P	P	
Check-Cashing Businesses	-	-	-	-	C	See Section 17.26.070, Check Cashing Business
Banquet Hall	-	-	-	-	C	
Business Services	P	P	P	P	P	
Commercial Entertainment and Recreation						
Cinema/Theaters	-	P	P	P	P	
Indoor Sports and Recreation	-	-	C	C	C	
Outdoor Entertainment	-	-	-	-	M	
Outdoor Recreation	-	-	-	-	M	

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Drive-Through Facility	C	-	M	M	M	See Section 17.26.100, Drive-In and Drive-Through Facilities
Eating and Drinking Establishments						
Bars/Night Clubs/Lounges	-	M	M	M	M	
Restaurant, Full Service	M	M	M	M	M	
Restaurant, Limited Service	M	M	M	M	M	
Restaurant, Take-Out Only	M	M	M	M	M	
Farmer's Markets	P	P	P	P	P	See Section 17.26.120, Farmer's Markets
Food Preparation	M	M	M	M	M	
Hookah Lounge	-	-	-	P	-	See Section 17.26.150, Hookah Lounges
Live/Work Units	<u>P-</u>	<u>P(1, 2)M</u>	<u>--</u>	<u>P-</u>	<u>P(2)M</u>	See Section 17.26.130, Live/Work Units
Lodging						
Hotels	C	C	P	P	P	
Motels	-	-	-	-	C	
Maintenance and Repair Services	M	M	M	M	M	
Nurseries and Garden Center	P	P	P	P	P	
Offices						
Business, Professional, and Technology	M	M	M	M	M	
Medical and Dental	M	M	M	M	M	
Walk-In Clientele	M	M	M	M	M	
Personal Services						
General Personal Services	M	M	M	M	M	See Section 17.26.200, Personal Services
Fortune, Palm, and Card Reader	-	-	-	P	-	
Massage Establishments	-	-	C	C	C	
Tattoo or Body Modification Parlor	-	-	-	P	-	
Retail Sales						
Building Materials Sales and Services	-	-	-	P	P	
Convenience Markets	P(3)	P(3)	P(3)	M(3)	M(3)	
Food and Beverage Sales	P(3)	P(3)	P(3)	P(3)	P(3)	
Gold, Semi-Precious, Precious Metal Buying Stores	-	-	-	-	C	
General Retail	P	P	P	P	P	
Pawn Store	-	-	-	-	C	

Secondhand Store	C	C	C	C	C	
Tobacco Retailer	-	-	-	-	C	See Section 17.26.270, Tobacco Retailers
Transportation, Communication, and Utility Uses						
Communication Facilities						
Telecommunication	See Section 17.26.250, Telecommunication Facilities					
Light Fleet-Based Services	C	C	C	C	C	
Recycling Facility						
Reverse Vending Machine	M	M	M	M	M	See Section 17.26.210, Recycling Facilities
Transportation Passenger Terminals	M	M	M	M	M	
Other Applicable Types						
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses					
Home Occupations	See Section 17.26.140, Home Occupations					
Live Entertainment	C	C	C	C	C	
Nonconforming Use	See Chapter 17.22, Nonconforming Provisions					
Outdoor Dining and Seating	See Section 17.26.170, Outdoor Dining and Seating					
Outdoor Display and Sales	See Section 17.26.180, Outdoor Display and Sales					
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems					
Temporary Use	See Section 17.26.260, Temporary Uses					
<p>Specific Limitations:</p> <ol style="list-style-type: none"> 1. Single-Unit Dwelling, Attached uses are not permitted in the Old Town Newark Specific Plan area. Residential uses are not allowed on the ground floor along Newark Boulevard frontage and Thornton Avenue frontage, between the Union Pacific Railroad tracks and Olive Street. 2. <u>Commercial ground floor areas are required pursuant to the standards established in Section 17.08.040 (F). Residential uses are Not allowed on the ground floor of any façade facing a public right of way except for live work units. Residential units shall be intended to support retail commercial uses of the project.</u> 3. Conditional use permit pursuant to Chapter 17.35, Use Permits, is required for any establishment that either devotes forty percent or more of floor area or display area to, or derives seventy-five percent or more of gross sales receipts from, the sale or exchange of alcohol. 						

(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 505, § 3(Exh. A), 7-12-2018; Ord. No. 516, § 4(Exh. A), 9-26-2019; Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.08.030 Development standards.

Table 17.08.030, Development Standards-Commercial and Mixed Use Districts, prescribes the development standards for commercial and mixed use districts. Additional regulations are denoted in the ~~right-right~~-hand column. See Section 17.07.050 and Chapter 17.28 for design standards for residential and residential mixed-use development. Section numbers in this column refer to other sections of this title.

TABLE 17.08.030: DEVELOPMENT STANDARDS-COMMERCIAL AND MIXED USE DISTRICTS

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Standard	NC	CMU	CR	CC	RC	Additional Regulations
Lot and Density Standards						
Density (units/acre)						
Maximum	120-	60 120, 100 within the Old Town Newark Specific Plan area	-	120-	120	
Minimum	40	40, 30 within the Old Town Newark Specific Plan area	(F)-	40-	40 30	
Minimum Lot Size (sq ft)	5,000	20,000	20,000	20,000	20,000	
Minimum Lot Width (ft)	50	100	100	100	100	
Height Standards						
Maximum Height (ft)	40 (D), 30 within 20 ft of an RS or RL District boundary	60 (D), 75 within the Old Town Newark Specific Plan area (G), 48 within 20 ft of an RM District boundary	75 (D)	100 (D)	250 (D)	See Section 17.17.050, Height and Height Exceptions
Minimum Ground Floor Height (ft)	18	18, 16 within the Old Town Newark Specific Plan area	18	18	18	
Building Location Standards						
Minimum Setbacks (ft)						
Front	0	0	0	0	0	
Interior Side	0, 20 abutting an RS or RL Residential District, 5 abutting an RM or RH District, (E)	0, 20 abutting an RS or RL District, 5 abutting an RM or RH District, (E), (H)	0	0, 20 abutting an RS or RL District (10 within the Old Town Newark Specific Plan area),	0	See Section 17.17.090, Projections into Yards and Required Building Separations.

		a RS District boundary or any lot developed with a single family residence		5 abutting an RM or RH District, (E) a Residential District		<u>Required setbacks apply to the ends of rows of attached single-unit dwellings</u>
Street Side	0	0	0	0	0	
Rear	0, 20 <u>abutting an RS or RL District, 10 abutting an RM or RH District</u> abutting a Residential District	0, 10 abutting a <u>RS Residential District</u> boundary or any lot developed with a single family residence	0, <u>20 abutting an RS or RL District, 10 abutting an RM or RH District</u>	0, 20 <u>abutting an RS or RL District, 10 abutting an RM or RH District,</u> abutting a Residential District, (-)	0, <u>20 abutting an RS or RL District, 10 abutting an RM or RH District</u>	See Section 17.17.090, Projections into Yards and Required Building Separations
Maximum Setbacks (ft)						
Front	n/a	10 (B)	n/a	n/a	n/a	
Street Side	n/a	10 (B)	n/a	n/a	n/a	
Landscaping and Open Space Standards						
Minimum Landscape Area (% of lot)	10	5, 0 within the Old Town Specific Plan area	10	10	10	See Chapter 17.21, Landscaping
Minimum Open Space (sq ft per residential unit)	<u>50 (C)</u> n/a	50 (C)	<u>50 (C)</u> n/a	<u>50 (C)</u> n/a	50 (C)	

Additional Development Standards.

- A. Reserved.
- B. Required Building Location, CMU District. The following building location requirements apply in the CMU district.
 1. Build-to Line. Buildings shall be located within ten feet of street-facing property lines for at least sixty percent of the linear street frontage.
 2. Corner Build Area. Buildings shall be located within ten feet of the property line within thirty feet of the street corner.
 3. Frontage Improvements. The area between buildings and the property line shall be improved as part of a wider sidewalk, bicycle facility, outdoor dining/seating area, or with landscaping.

- 4. Exceptions and Waivers. These requirements may be modified or waived through design review or for projects subject to Chapter 17.28 Residential and Residential Mixed-Use Design Standards through the waiver procedures prescribed in Chapter 17.37 upon finding that:
 - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area.
 - b. ~~The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.~~

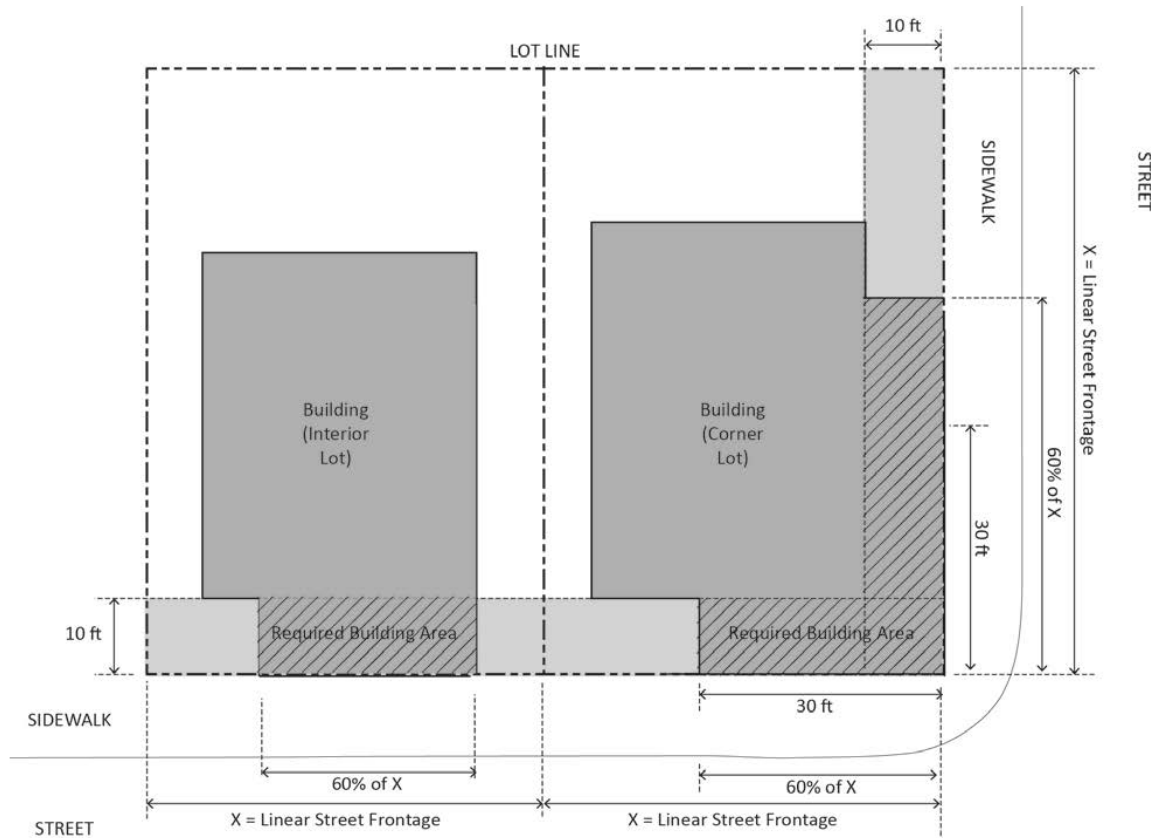


FIGURE 17.08.030.B: REQUIRED BUILDING LOCATION, CMU DISTRICT

- C. Open Space. ~~Where required, open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards:~~
 - 1. ~~Configuration. Required usable open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more of such areas.~~
 - 2. ~~Type of Open Space. Required open space shall be provided as private or common open space.~~
 - a. ~~Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence.~~

-
- b. ~~Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.~~
3. ~~Minimum Dimensions.~~
- a. ~~Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than ten feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.~~
- b. ~~Common Open Space. Minimum dimension of twenty feet.~~
4. ~~Usability. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust free surfacing. Slope shall not exceed ten percent.~~
5. ~~Location.~~
- a. ~~Required open space shall not be located in a required front or street side setback.~~
- b. ~~No portion of required open space shall be used for driveways of off-street parking and loading facilities or as access to more than one dwelling unit.~~
- c. ~~Open space may be located on the roof of buildings or above required off-street parking facilities.~~
6. ~~Accessibility.~~
- a. ~~Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.~~
- b. ~~Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.~~
7. ~~Screening. Required private open space shall be screened by a solid fence or visually solid fence not less than six feet in height when located at ground level and by a solid railing or visually solid railing not less than forty two inches in height when located on a balcony or balconies. Required open space shall conform to the standards provided in 17.28.080.~~
- D. Transition standards for NC, CMU, CR, CC, RC Districts: Height limits are further reduced to: 35 ft within 10 ft of an abutting RS or RL District along an interior side property line, 35 ft within 15 ft of an abutting RS or RL District along a rear property line.
- E. There shall be no minimum interior side setback requirement along such portions of a property line where the adjoining parcel does not require a side setback.
- F. A minimum residential density of 40 ~~DUA~~ units/acre is required if residential is allowed under state law and any residential units are proposed.
-

- G. Transition standards for Old Town Specific Plan Area: Height limits are further reduced to 35 ft within 20 ft of an abutting RS or RL District along an interior side property line, 48 ft within 20 feet of an abutting RM District.
- H. Interior side setbacks may be reduced to -5 feet within the Old Town Specific Plan area regardless of an abutting RS or RL use.
- I. Rear setback of 10 feet allowed within the Old Town Specific Plan area regardless of abutting use.

(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.08.040 Supplemental regulations.

Applicability: Unless otherwise prescribed in Section 17.08.050, all non-residential uses in all commercial and mixed-use districts are subject to the supplemental regulations in this section.

- A. Minimum Dimensions of Leasable Area. Each individual lease space shall have a minimum width of thirty feet and a minimum depth of sixty feet. Modifications to these requirements may be granted where the review authority finds that site constraints are such that meeting the minimum leasable space dimensions is infeasible and the proposed leasable spaces are adequate to accommodate quality retail establishments.
- B. Building Transparency/Required Openings. Exterior walls facing and within twenty feet of a front or street side lot line shall include windows, doors, or other openings for at least fifty percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than thirty feet without an opening.
 - 1. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 - 2. Exceptions for Parking Garages. Multi-level garages are not required to meet the ground-floor transparency requirement.
 - 3. Reductions through Design Review. The building transparency requirement may be reduced or waived through design review upon finding that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

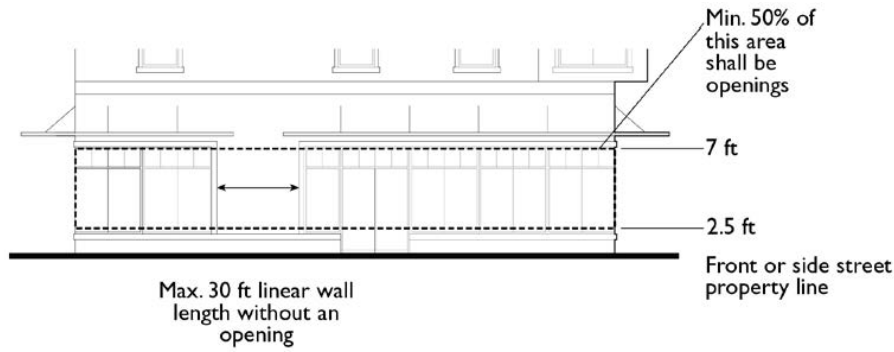


FIGURE 17.08.040.B: BUILDING TRANSPARENCY/REQUIRED OPENINGS

C. Exterior Building Materials and Colors.

1. A unified palette of quality materials shall be used on all sides of buildings.
2. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved through design review.

D. Pedestrian Access. On-site pedestrian circulation and access shall be provided according to the following standards:

1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. To Circulation Network. Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, no more than one hundred twenty-five percent of the straight-line distance.
3. To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
4. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances. Sidewalk "bulb-outs" or bus "pull-outs" may be required at potential bus stops serving commercial centers (building floor area over twenty-five thousand square feet) to provide adequate waiting areas for transit users and safety for passing motorists.
5. Interior Pedestrian Walkway Design.
 - a. Walkways shall have a minimum clear unobstructed width of six feet, shall be hard-surfaced, and paved with permeable materials.
 - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

- c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
- E. Limitations on Curb Cuts. Curb cuts shall be minimized and located in the location least likely to impede pedestrian circulation. Curb cuts shall be located at least twenty feet from an intersection curb return or pedestrian cross walk. New curb cuts shall not be permitted on Thornton Avenue, between the Union Pacific Railroad tracks and Olive Street, except in the case of interior lots or where sites are not accessible from any public right-of-way.
- F. Additional Supplemental Regulations, NC, CMU, CC, and RC Districts. The following additional supplemental regulations apply in the NC, CMU, CC, and RC districts:
 1. Required ground floor commercial area shall be no less than fifteen percent of the gross lot area of the site.
 - a. Waivers. In accordance with the waiver procedures prescribed in Chapter 17.37, the Zoning Administrator may review and approve a waiver to the required ground floor commercial area requirement where required parking, utilities, and setbacks make the fifteen percent minimum commercial area geometrically impossible. Any such reductions will be prorated no more than is necessary to achieve a geometrically practical design, except that there shall be no required ground floor commercial area if that reduced area would be less than the greater of one thousand square feet or five percent of the gross lot area.
 2. Building Articulation. Any building with a dimension over one hundred twenty-five feet wide shall be broken down to read as a series of buildings no wider than one hundred twenty-five feet each.
 3. Building Orientation.
 - a. Buildings shall be oriented to face public streets.
 - b. Building frontages shall be generally parallel to streets.
 - c. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).
 4. Building Entrances.
 - a. The primary building entrance shall face a public sidewalk.
 - b. Building entrances shall be emphasized with special architectural and landscape treatments.
 - c. Entrances located at corners shall generally be located at a forty-five-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
 - d. All building and dwelling units located in the interior of a site shall have entrances ~~from a sidewalk that is designed as an extension of the public sidewalk and that~~ connect to a public sidewalk.

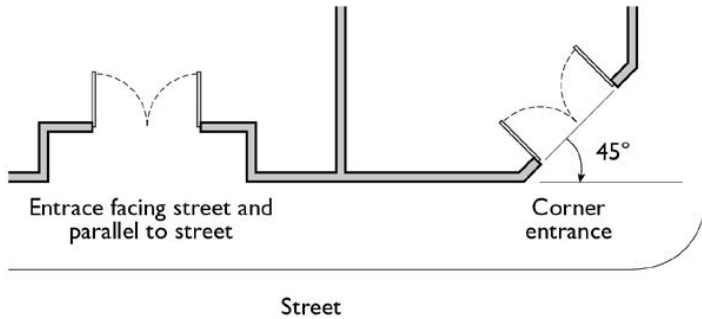


FIGURE 17.08.040.B.F.4: BUILDING ENTRANCES

5. Limitations on Location of Parking. Off-street parking spaces shall be located to the rear of principal buildings whenever possible. At grade and above ground parking that is not time restricted may not be located within the required setback of a street facing property line. Short-term parking such as for drop-off or loading areas or timed parking for visitors are exempt from this requirement. Above ground parking may not be located within forty feet of a street facing property line. Exceptions may be granted through design review upon finding that:
 - a. Exceptions and Waivers. These requirements may be modified or waived through design review or for projects subject to Chapter 17.28 Residential and Residential Mixed-Use Design Standards the waiver procedures prescribed in Chapter 17.37 upon finding that
 - a.-i. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
 - b.-ii. The site is small and constrained such that underground parking or surface parking located ~~more than forty feet from the street frontage~~outside of the required setback is not feasible.

17.08.050 Design standards for residential and residential mixed-use development.

B. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 532, § 4(Exh. B), 10-14-2021)

Chapter 17.09 EMPLOYMENT DISTRICTS

17.09.010 Purpose and applicability.

The specific purposes of the employment districts are to:

- A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the general plan to maintain and strengthen the city's economic resources;
- B. Provide a range of employment opportunities to meet the needs of current and future residents; and

- C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist.

Additional purposes of each employment district are as follows:

PO professional office. This district reserves area for local-serving professional and administrative office uses such as finance, insurance, and real estate businesses, legal and other professional services, banks, personal services, business support activities, and dental and medical services. These uses may form a transition between retail and residential uses, or a buffer between arterial streets and residential areas. Residential uses are only permitted as a component of a planned development. This district implements the office commercial general plan land use designation.

BTP business and technology park. This district provides locations for advanced technology research and development, manufacturing, and related support facilities in large or campus-like environments with high quality building design, landscaping, and aesthetic amenities, including business parks, industrial parks, technology parks, and other master planned industrial subdivisions. Complementary uses which support the employee population, such as hotels, restaurants, office buildings, childcare facilities, and business services are allowed. This district implements the special industrial general plan land use designation.

LI limited industrial. This district is intended to meet the needs of a variety of light industrial and commercial service uses. It serves as a transition between heavier industrial activities and residential neighborhoods. Typical uses include light manufacturing, warehousing, auto repair, and general services. Limited office, recreation, assembly, and retail uses are allowed where appropriate in a light industrial setting. This district implements the limited industrial general plan land use designation.

GI general industrial. This district is intended to accommodate the broadest range of industrial uses. It includes industrial buildings and complexes, distribution, warehouses, manufacturing and assembly, and other uses that are often characterized by outdoor storage, noise, odors, hazardous materials handling, and heavy truck activity. Non-industrial uses such as retail stores, free-standing office buildings, and assembly uses are not allowed. This district implements the general industrial general plan land use designation.

(Ord. No. 503, § 1(Ex. A), 1-25-2018)

17.09.020 Land use regulations.

Table 17.09.020, Land Use Regulations-Employment Districts, prescribes the land use regulations for employment districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the ~~right-hand~~right-hand column refer to other sections of this title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.09.020: LAND USE REGULATIONS-EMPLOYMENT DISTRICTS					
"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed					
Use Classification	PO	BTP	LI	GI	Additional Regulations
Residential Uses					
<u>Multi-Unit Development</u>					<u>Residential uses are not permitted uses, however, in some cases residential may be allowed under state law. Any residential and residential mixed-use development permitted by state law are</u>

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	<u>subject to the provisions of this chapter and Chapter 17.28. Residential and Residential Mixed-Use Design Standards.</u>				
Caretaker Unit	-	-	C	C	
Public/Semi-Public Uses					
Colleges and Trade Schools	C	M	M	M	
Community Assembly	C	-	-	-	
Cultural Institutions	C	-	-	-	
Day Care Centers	C	C(1)	-	-	See Section 17.26.090, Day Care
Government Offices	P	P	-	-	
Hospital and Clinics					
Hospitals	-	M	-	-	
Clinic	P	-	-	-	
Instructional Services	P	-	-	-	
Park and Recreation Facilities	P	M	M	-	
Parking Lots and Structures	M	C(1)	-	-	
Public Safety Facilities	M	C	M	M	
Schools	C	-	-	-	
Social Service Facilities	M	-	-	-	
Tutoring Facilities	C	-	-	-	
Commercial Uses					
Animal Care, Sales, and Services					
Animal Sales and Grooming	-	-	M	-	
Boarding/Kennels	-	-	-	M(2)	
Veterinary Services	C	-	M	-	
Artist's Studio	-	-	P	M	
Automobile/Vehicle Sales and Services					
Automobile/Vehicle Sales and Leasing	C	-	P	-	See Section 17.26.060, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	-	-	M	P	
Automobile/Vehicle Service and Repair, Minor	-	-	P	-	
Large Vehicle and Equipment Sales, Service and Rental	-	-	M	P	
Service and Gas Stations	-	-	M	C	
Towing and Impound	-	-	-	C	
Washing	-	-	M	M	
Banks and Financial Institutions					
Banks and Credit Unions	P	-	-	-	
Business Services	P	P	M	M	
Eating and Drinking Establishments					
Restaurant, Full Service	-	C(1)	-	-	See Section 17.26.170, Outdoor Dining and Seating
Restaurant, Limited Service	C	C(1)	-	-	
Restaurant, Take-Out Only	-	C(1)	-	-	

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Food Preparation	-	M	M	M	
Lodging					
Hotels	C	C(1)	C	C	
Maintenance and Repair Services	-	-	P	P	
Nurseries and Garden Center	-	-	C	C	
Offices					
Business, Professional, and Technology	P	P	C	C	
Medical and Dental	P	M	M	-	
Walk-In Clientele	P	-	M	-	
Personal Services					
General Personal Services	M	C(1)	-	-	See Section 17.26.200, Personal Services
Retail Sales					
Building Materials Sales and Services	-	-	P	P	
Convenience Markets	M(3)	M(1)	-	-	
Food and Beverage Sales	M(3)	M(1)	C	-	
General Retail	M	M(1)	C	-	
Industrial Uses					
Construction and Material Yards	-	-	C	P	
Custom Manufacturing	-	P	P	P	
Donation Center/Station	-	-	C	C	
Food and Beverage Manufacturing					
Small Scale	-	-	P	P	
Large Scale	-	-	P	P	
General Industrial	-	-	P	P	
Light Industrial	-	M	P	P	
Research and Development	M	P	P	P	
Salvage and Wrecking	-	-	-	C	
Warehousing and Storage					
Chemical, Mineral, and Explosives Storage	-	-	-	C	
Indoor Warehousing and Storage	-	C	C	C	
Outdoor Storage	-	-	C	C	
Personal Storage	-	-	M	M	See Section 17.26.200, Personal Storage
Wholesaling and Distribution	-	C	C	C	
Transportation, Communication, and Utility Uses					
Communication Facilities					
Facilities within Buildings	M	M	M	M	
Telecommunication	See Section 17.26.250, Telecommunication Facilities				
Freight/Trucking Terminals	-	-	C	C	
Light Fleet-Based Services	-	-	P	P	
Public Works and Utilities	-	C	M	P	

Recycling Facility					
Reverse Vending Machine	-	-	M	M	See Section 17.26.210, Recycling Facilities
Recycling Collection Facility	-	-	C	C	
Recycling Processing Facility	-	-	-	C	
Transportation Passenger Terminals	M	M	M	M	
Other Applicable Types					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Live Entertainment	C	-	-	-	
Nonconforming Use	See Chapter 17.22, Nonconforming Uses				
Outdoor Dining and Seating	See Section 17.26.170, Outdoor Dining and Seating				
Outdoor Display and Sales	See Section 17.26.180, Outdoor Display and Sales				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				
Specific Limitations:					
1. Permitted only as complementary uses serving industrial and technical campus-like development such as business parks, industrial parks, technology parks, and other master planned industrial subdivisions. <u>Conditional if otherwise.</u>					
2. Prohibited within three hundred feet of any residential district.					
3. Establishments that either devotes forty percent or more of floor area or display area to, or derives seventy-five percent or more of gross sales receipts from, the sale or exchange of alcohol are prohibited.					

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.09.030 Development standards.

Table 17.09.030, Development Standards-Employment Districts, prescribes the development standards for employment districts. Additional regulations are denoted in the ~~right hand~~right-hand column. Section numbers in this column refer to other sections of this title. Residential uses are not permitted uses in Employment Districts, however, in some cases residential uses may be allowed under state law. Any residential and residential mixed-use development permitted by state law are subject to the provisions of this chapter and Chapter 17.28. Residential and Residential Mixed-Use Design Standards.

TABLE 17.09.030: DEVELOPMENT STANDARDS-EMPLOYMENT DISTRICTS					
Standard	PO	BTP	LI	GI	Additional Regulations
Lot and Density Standards					
<u>Density (units/acre)</u>					
<u>Maximum</u>	<u>100 (D)</u>	<u>120 (D)</u>	<u>120 (D)</u>	<u>120 (D)</u>	
<u>Minimum</u>	<u>40 (D)</u>	<u>40 (D)</u>	<u>40 (D)</u>	<u>40 (D)</u>	
Minimum Lot Size (sq ft unless noted)	10,000	2 acres	15,000	20,000	

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Minimum Lot Width (ft)	60	100	60	60	
Building Form and Location					
Maximum Building Height (ft)	35, up to 50 with CUP, <u>50 for Residential uses (C)</u>	100, 45 within 300 ft of an <u>RS</u> or <u>RL</u> Residential District boundary	100, 35 within 100 ft of an <u>RS</u> of <u>RL</u> Residential District boundary	See (B) below	See Section 17.17.050, Height and Height Exceptions
Minimum Setbacks (ft)					
Front	10	20(A)	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Interior Side	5	15	15, 25 from a Residential District boundary	15, 50 from a Residential District boundary	See Section 17.17.090, Projections into Yards and Required Building Separations
Street Side	10	15(A)	15	15	See Section 17.17.090, Projections into Yards and Required Building Separations
Rear	10	50	20, 25 from a Residential District boundary	20, 50 from a Residential District boundary	See Section 17.17.090, Projections into Yards and Required Building Separations
Minimum Landscape Area (% of lot)	5	10	n/a	n/a	See Chapter 17.21, Landscaping

Additional Development Standards.

A. BTP District: Setbacks for Loading Dock Areas. In the BTP district, loading docks shall be set back a minimum of one hundred fifty feet from an arterial street unless an alternative noise barrier wall is approved through design review.

B. GI District: Maximum Height. In the GI district, maximum height is as follows:

1. Within ten feet of an RS or RL Residential District boundary: Thirty five feet.
2. More than ten feet but less than ~~Within~~ four hundred feet of a residential district boundary: One hundred feet.
3. More than four hundred feet but less than six hundred feet from a residential district boundary: One hundred fifty feet.
4. More than six hundred feet but less than one thousand feet from a residential district boundary: Two hundred feet.
5. One thousand feet or more from a residential district boundary: Five hundred feet or as approved through a conditional use permit.

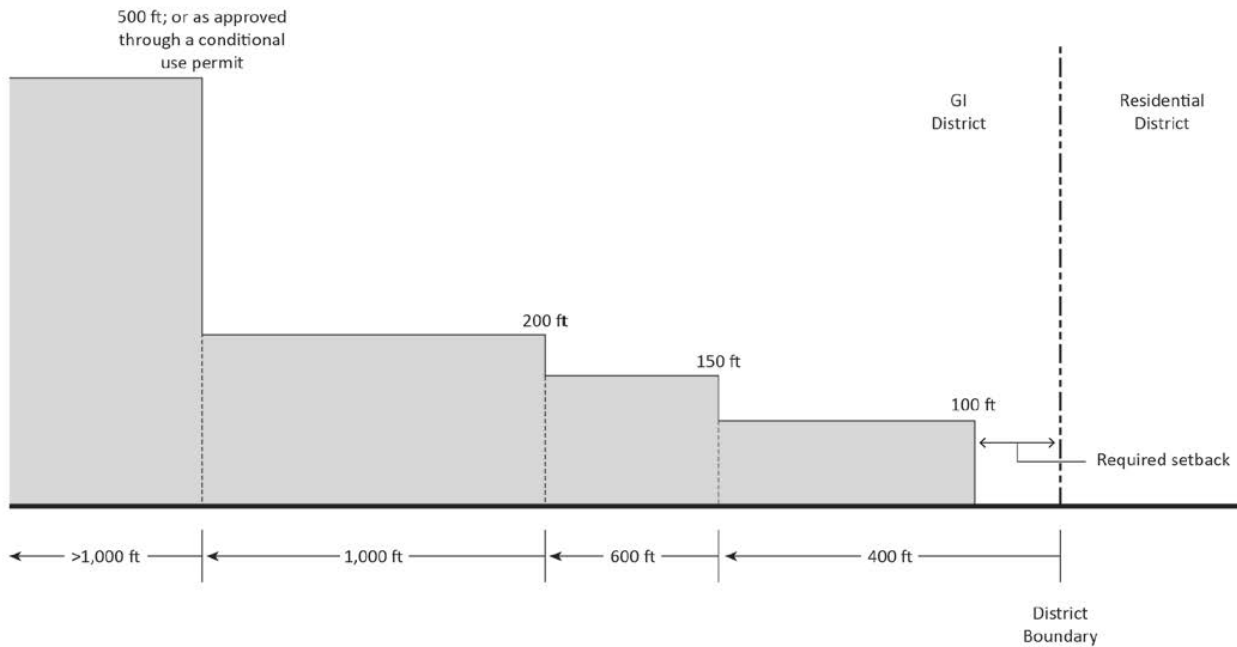


FIGURE 17.09.030.B: GI DISTRICT: MAXIMUM HEIGHT

C. Transition standards for PO, BTP, LI, and GI Districts: Height limits are further reduced to: 35 ft within 10 ft of an abutting RS or RL District along an interior side property line and 35 ft within 15 ft of an abutting RS or RL District along a rear property line

D. Residential is not a permitted use, however, any residential and residential mixed-use development permitted by state law is subject to the provisions of this Chapter and Chapter 17.28. Residential and Residential Mixed-Use Design Standards.

1. A minimum residential density of 40 units/acre is required in the PO, BTP, LI, and GI Districts if a residential use is allowed under state law and any residential units are proposed.
2. A maximum residential density of 100 units per net acre is required in the PO District and 120 units per net acre in the BTP, LI, and GI Districts if residential is allowed under state law.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.09.040 Supplemental regulations.

- A. Hazards and Hazardous Materials.
1. Occupancy Classification. Groups H-1 and H-2 occupancy, as defined in the building code, shall not exceed fifty percent of the total building floor area on any site.
 2. Hazardous Materials. The direct use of hazardous materials in fabrication shall not exceed thirty-five percent of the total building floor area on any site.
- B. Business, Technology, and Office Parks. Business, technology, and office parks containing eighty thousand square feet or more of floor area shall provide the following:
1. Open space areas equal to ten percent of the site area that provide gathering space or opportunities for active or passive recreation. Open space areas shall include benches or other seating. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, drinking fountains, water features, or public art.
 2. Pedestrian walkways that connect all parts of the park, and connect to any existing or planned pedestrian facilities in adjacent neighborhoods.
 3. Stormwater detention facilities incorporated into the site landscaping as a visual amenity.
 4. A lighting, landscaping, and signage design concept for common areas.
- C. Additional Supplemental Regulations, PO District. The following additional supplemental regulations apply in the PO district:
1. Building Transparency/Required Openings. Exterior walls facing and within twenty feet of a front or street side property line shall include windows, doors, or other openings for at least thirty percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than thirty feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 - a. Reduction through Conditional Use Permit Design Review. The building transparency requirement may be reduced or waived through design review upon finding that:
 - i. The proposed use has unique operational characteristics with which the provision of the required windows and openings is incompatible, such as in the case of a cinema, theater, or historic building; and

- ii. Street-facing building walls will exhibit architectural relief and detail, or will be screened with attractive landscaping, in such a way as to create visual interest at the pedestrian level.

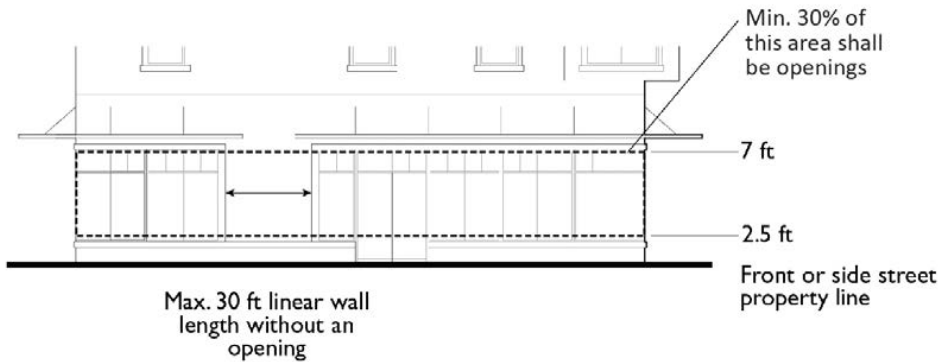


FIGURE 17.09.040.C.1: BUILDING TRANSPARENCY/REQUIRED OPENINGS, PO DISTRICT

- 2. Parking Location. In the PO district, parking shall be located at the side or rear of buildings wherever possible.
- D. Additional Supplemental Regulations, BTP District. The following additional supplemental regulations apply in the BTP district:
- 1. Building Construction. Buildings shall be of new construction, and modular offices, relocated or prefabricated metal wall buildings shall not be permitted, except for temporary construction office trailers pursuant to Section 17.26.260, Temporary Uses.
 - 2. Landscape Buffer. The following landscape buffers shall be provided unless the director finds a different landscape buffer requirement is adequate to provide an appropriate transition between the parking area or other use of the site and the right-of-way.
 - a. Landscaped Setback between Parking Area and Right-of-Way. A landscaped setback at least ten feet wide shall be provided between the parking area and adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every forty feet of the street frontage.

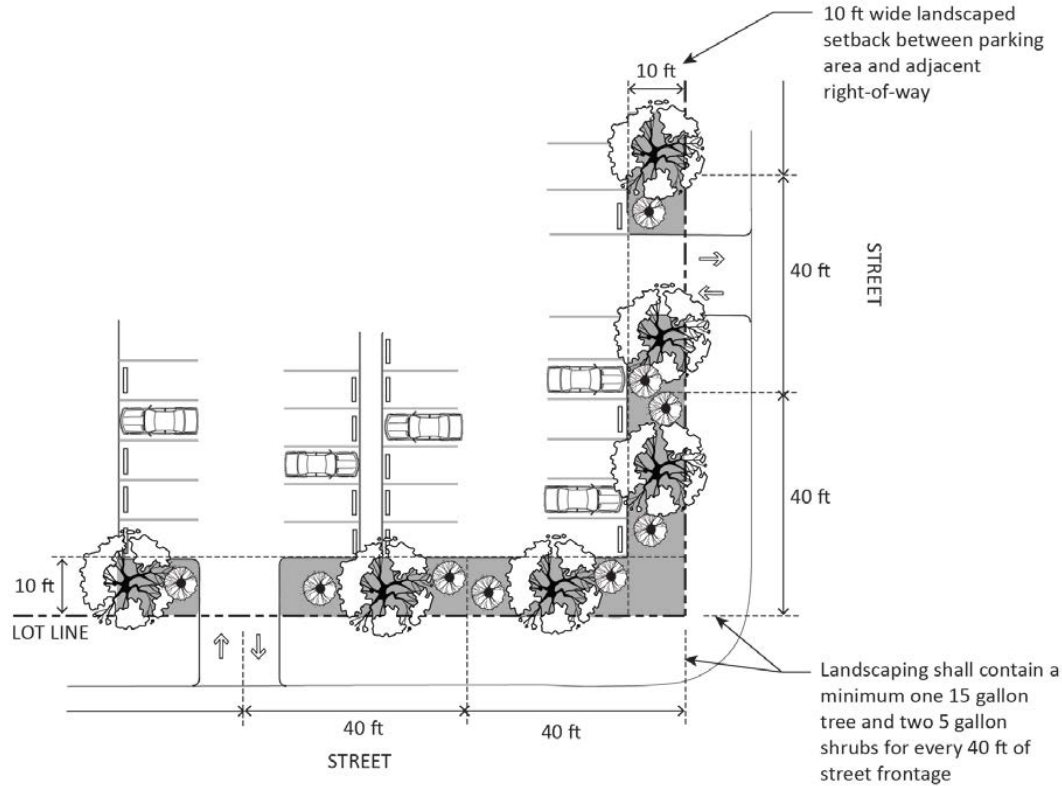


FIGURE 17.09.040.D.2.A: LANDSCAPED SETBACK BETWEEN PARKING AREA AND RIGHT-OF-WAY

- b. Landscape Buffer Adjacent to Wide Right-of-Way. The first fifty feet of any site depth contiguous to any existing or proposed right-of-way exceeding one hundred feet in width shall be landscaped and shall not be used for off-street parking and loading.
- 3. Truck Docks, Loading, and Service Areas, BTP District. In the BTP district, truck docks, loading, and service areas shall be set back a minimum of one hundred fifty feet from an arterial.
- 4. Public Art Plan. In the BTP district, a public art plan may be provided for city council review and approval to assure that the intent of Resolution No. 6582 "Resolution of the City Council of the City of Newark adopting a policy for providing art in public places and private development" is met. The plan shall provide for high quality architecture and for the provision of public art at locations that are of critical aesthetic concern to the city (i.e., gateways and major arterials).
- E. Additional Supplemental Regulations, LI and GI Districts. In the LI and GI Districts, a landscaped setback at least ten feet wide shall be provided between the parking area and adjacent right-of-way. A minimum of one fifteen-gallon tree and two five-gallon shrubs shall be provided for every forty feet of the street frontage.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.09.050 Design standards for residential and residential mixed-use development.

- A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

Chapter 17.10 PUBLIC AND SEMI-PUBLIC DISTRICTS

17.10.010 Purpose and applicability.

The specific purposes of the public and semi-public districts are to:

- A. Provide land for development of public, quasi-public, recreation, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
- B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, transit facilities, and other similar and related supporting uses; and
- C. Provide opportunities for outdoor recreation, and meet the recreational needs of Newark residents.

Additional purposes of each public and semi-public district are as follows:

PF public facilities. This district is intended for public facilities, such as fire stations, city offices, libraries, corporation yards, pumping stations, transportation facilities, utilities, schools, institutional uses, residential uses providing one hundred percent of the units in the project as affordable to lower-income households, and other public and quasi-public uses. The public facilities district implements the public-institutional general plan land use designation.

TS transit station. This district is intended for transit stations and associated parking areas.

PK Park. The PK park district is intended to identify areas for active recreation, including city parks and other areas that support recreational activities. Typical uses include playgrounds, picnic areas, sports fields, golf courses, recreational clubs, and other appropriate recreational uses. This district implements the parks and recreation facilities general plan land use designation.

OS Open Space. The OS open space district is intended for undeveloped park lands, wildlife habitat, and wetlands. Land within this District is typically owned by public agencies. A limited number of recreational improvements such as trails and interpretive nature centers are allowed, however the intent of this district is to facilitate the restoration and enhancement of native habitat. The open space district implements the conservation-open space general plan land use designation.

17.10.020 Land use regulations.

Table 17.10.020, Land Use Regulations-Public and Semi-Public Districts, prescribes the land use regulations for public and semi-public districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the

table or not found to be substantially similar to the uses below are prohibited. Section numbers in the ~~right~~ **handright-hand** column refer to other sections of this title. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed					
Use Classification	PF	TS	PK	OS	Additional Regulations
Residential					
<u>Multi-unit</u>	<u>P - (6, 7)</u>	<u>-(7)</u>	<u>-(7)</u>	<u>-(7)</u>	<u>See Chapter 17.28, Residential and Residential Mixed-Use Design Standards</u>
Public/Semi-Public Uses					
Cemetery	P	-	-	-	
Colleges and Trade Schools	P	-	-	-	
Community Assembly	P	-	P(1)	-	
Community Garden	P	-	P	-	See Section 17.26.080, Community Garden
Cultural Institutions	P	-	P	-	
Day Care Centers	P	-	-	-	See Section 17.26.090, Day Care
Emergency Shelter	P	P	P	-	See Section 17.26.110, Emergency Shelter
Government Offices	P	-	-	-	
Hospital and Clinics					
Hospitals	P	-	-	-	
Clinic	P	-	-	-	
Instructional Services	P	-	-	-	
Park and Recreation Facilities	P	-	P	P(2)	
Parking Lots and Structures	P	P(4)	-	-	
Public Safety Facilities	P	-	-	-	
Schools	P	-	-	-	
Social Service Facilities	P	-	-	-	
Commercial Uses					
Animal Care, Sales, and Services					
Animal Sales and Grooming	C(3)	-	-	-	
Banks and Financial Institutions					

Banks and Credit Unions	-	P(4)	-	-	
Business Services	-	P(4)	-	-	
Commercial Entertainment and Recreation					
Indoor Sports and Recreation	M	-	M	-	
Outdoor Entertainment	C	-	C	-	
Outdoor Recreation	P	-	P	-	
Unmanned Aircraft Activities	-	-	M	M	Shall be consistent with Federal Aviation Administration Regulations and Policies
Eating and Drinking Establishments					
Restaurant, Limited Service	P(5)	P(4)	-	-	
Restaurant, Take-Out Only	P(5)	P(4)	-	-	
Farmer's Markets	P	P	C	-	See Section 17.26.120, Farmer's Markets
Offices					
Walk-In Clientele	-	P(4)	-	-	
Personal Services					
General Personal Services	-	P(4)	-	-	See Section 17.26.200, Personal Services
Retail Sales					
Convenience Markets	-	P(4)	-	-	
Food and Beverage Sales	P(5)	P(4)	-	-	
General Retail	P(5)	P(4)	-	-	
Transportation, Communication, and Utility Uses					
Communication Facilities					
Facilities within Buildings	P	-	-	-	
Telecommunication	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	P	-	-	-	
Recycling Facility					
Reverse Vending Machine	C	-	-	-	See Section 17.26.210, Recycling Facilities
Recycling Collection Facility	C	-	-	-	
Recycling Processing Facility	C	-	-	-	
Transportation Passenger Terminals	P	P	-	-	
Other Applicable Types					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Nonconforming Use	See Chapter 17.22, Nonconforming Uses				
Outdoor Dining and Seating	See Section 17.26.170, Outdoor Dining and Seating				

Outdoor Display and Sales	See Section 17.26.180, Outdoor Display and Sales
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems
Temporary Use	See Section 17.26.260, Temporary Uses
<p>Specific Limitations:</p> <ol style="list-style-type: none"> 1. Limited to facilities associated with park and recreation facilities. 2. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state and protects wildlife habitats and wetlands. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational centers and signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property. 3. Limited to government or non-profit animal shelters located a minimum of one hundred feet from a residential use or district. 4. Limited to parking areas, and ancillary uses (i.e., coffee stand, dry cleaner, florist) that would benefit transit patrons of transit stations. 5. Limited to gift shops, cafes and restaurants accessory to cultural institutions, community assembly, and conference/convention centers. <u>6. Only residential projects that comply with all applicable objective standards and criteria of the underlying district and Chapter 17.28. Residential and Residential Mixed-Use Design Standards and provide one hundred percent of the units in the project as affordable to lower-income households, not including manager's units, are permitted.</u> <u>7. If residential is a permitted use or allowed under state law and any residential units are proposed, any Residential and Residential Mixed-Use Development is subject to the supplemental regulations in Chapter 17.28. Residential and Residential Mixed-Use Design Standards.</u> 	

(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 505, § 3(Exh. A), 7-12-2018)

17.10.030 Development standards.

Table 17.10.030, Development Standards-Public and Semi-Public Districts, prescribes the development standards for public and semi-public districts. Additional regulations are denoted in the ~~right hand~~right-hand column. Section numbers in this column refer to other sections of this title. See Section 17.10.050 and Chapter 17.28 for design standards for residential and residential mixed-use development.

TABLE 17.10.030: DEVELOPMENT STANDARDS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
Standard	PF	TS	PK	OS	Additional Regulations
<u>Maximum Density (units/acre)</u>	<u>60 (A)</u>	<u>60 (A)</u>	<u>60 (A)</u>	<u>60 (A)</u>	
<u>Minimum Density (units/acre)</u>	<u>25 (A)</u>	<u>25 (A)</u>	<u>25 (A)</u>	<u>25 (A)</u>	
Maximum Height (ft)	40, up to 65 with CUP approval; <u>65 for Residential</u>	65	30	14	See Section 17.17.050, Height and Height Exceptions

	<u>uses, 40 within 10 ft of an RS or RL District</u>				
Minimum Setbacks (ft)					
Front	0	0	20	20	See Section 17.17.090 Projections into Yards and Required Building Separations
Interior Side	5	0	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Street Side	5	0	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Rear	5	0	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Maximum Lot Coverage (% of lot)	90	n/a	n/a	5	
<u>Specific Requirements:</u>					
<u>A. Residential is not a permitted use, however, any residential and residential mixed-use development permitted by state law is subject to the provisions of this Chapter and Chapter 17.28. Residential and Residential Mixed-Use Design Standards. A minimum residential density of 25 units/acre and maximum density of 60 units/acre are required if a residential use is allowed under state law and any residential units are proposed.</u>					

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.10.040 Supplemental regulations.

Tree removal in PK and OS districts. Removal of trees of five inches or more in diameter at the base is prohibited except as approved by the park superintendent, with conditional use permit approval, or, in the case of public park or public wildlife sanctuary facilities other than those owned by the city, with the approval of authorized agents or officials of the public agency owning the facilities.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.10.050 Design standards for residential and residential mixed-use development.

A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

Chapter 17.11 RESOURCE PRODUCTION DISTRICT

17.11.010 Purpose and applicability.

The specific purpose of the resource production district is to reserve areas suitable for natural resource production. Specifically, this district designates areas used for salt harvesting, refining and production, including man-made crystallizer beds used for salt crystallization, and related buildings, facilities, and operations for salt harvesting, stacking, sizing, packaging and/or distribution. This district implements the salt harvesting, refining, and production general plan land use designation.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.11.020 Land use regulations.

Table 17.11.020, Land Use Regulations-Resource Production District, prescribes the land use regulations for the resource production district. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the ~~right~~ handright-hand column refer to other sections of this title.

TABLE 17.11.020: LAND USE REGULATIONS-RESOURCE PRODUCTION DISTRICT		
"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed		
Use Classification	RP	Additional Regulations
Residential Uses		
Caretaker Unit	M	See Section 17.11.040, Design standards for residential and residential mixed-use development
Public/Semi-Public Uses		
Public Safety Facilities	C	
Industrial Uses		
General Industrial	P	
Transportation, Communication, and Utility Uses		
Communication Facilities		
Telecommunication	See Section 17.26.250, Telecommunication Facilities	
Public Works and Utilities	C	
Other Applicable Types		
Accessory Uses and Structures	Uses ancillary to salt harvesting, refining, and production are allowed. See Section 17.26.030, Accessory Uses	

Nonconforming Use	See Chapter 17.22, Nonconforming Uses
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems
Temporary Use	See Section 17.26.260, Temporary Uses

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.11.030 Development standards.

Table 17.11.030, Development Standards-Resource Production Districts, prescribes the development standards for the resource production district. Additional regulations are denoted in a ~~right-hand~~right-hand column. Section numbers in this column refer to other sections of this title. See Section 17.11.040 and Chapter 17.28 for design standards for residential and residential mixed-use development.

TABLE 17.11.030: DEVELOPMENT STANDARDS-RESOURCE PRODUCTION DISTRICT		
Standard	RP	Additional Regulations
Lot and Density Standards		
Minimum Lot Area (acres)	40	<u>See Section 17.11.040, Design standards for residential and residential mixed-use development</u>
Maximum Density	Caretaker housing only	
Building Form and Location Standards		
Maximum Height (ft)	35	See Section 17.17.050, Height and Height Exceptions
Minimum Setbacks (ft)		
Front	30	See Section 17.17.090, Projections into Yards and Required Building Separations
Side	25	See Section 17.17.090, Projections into Yards and Required Building Separations
Rear	25	See Section 17.17.090, Projections into Yards and Required Building Separations
Maximum Lot Coverage (% of lot)	20	

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.11.040 Design standards for residential and residential mixed-use development.

A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

Chapter 17.12 PLANNED DEVELOPMENT (-PD) OVERLAY DISTRICT

17.12.010 Purpose.

The purpose of this chapter is to establish a planned development (-PD) overlay district that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

- A. Provide for greater flexibility in the design of the developments than is otherwise possible through the strict application of zoning district regulations;
- B. Ensure compliance with the general plan and provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development; and
- C. Promote creativity in building design and innovation in development concepts.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.020 Zoning map designation.

A -PD overlay district shall be noted on the zoning map by the designation "-PD," followed by the number of the planned development or specific plan based on order of adoption.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.030 Land use regulations.

No use other than an existing use is permitted in a -PD overlay district except in accord with a valid PD plan or specific plan.

- A. Any permitted or conditional use authorized by this title may be included in an approved PD plan or an adopted specific plan consistent with the general plan land use designation(s) for the property.
- B. In addition to permitted or conditional uses otherwise allowed in the CC, RC, and PO districts, residential uses may be allowed as part of a planned development. In the RC district, the minimum density of such housing is thirty units ~~/per net~~ acre or any higher minimum density where a higher minimum density has been established.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.040 Development regulations.

- A. Minimum Area. The minimum area of a -PD overlay district shall be ten thousand square feet; however, the city council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of Newark's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. Residential Unit Density. Except where a density bonus is granted in compliance with Chapter 17.19, Density Bonus for Affordable Housing, the total number of dwelling units in a PD plan shall not exceed the maximum

number permitted by the general plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.

- C. Performance Standards. The performance standards prescribed by Chapter 17.24, Performance Standards, apply.
- D. Other Development Regulations. Other development regulations shall be as prescribed by the PD plan.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.050 Procedures.

- A. Decision-Making Body. A -PD overlay district must be adopted by the city council. A public hearing before the planning commission is required prior to city council review; and the planning commission shall make a recommendation to the city council.
- B. Review Procedures.
 - 1. Zoning Amendment. An application for a -PD overlay district shall be processed as amendment to the zoning map, according to the procedures of Chapter 17.39, Amendments to Zoning Map and Text, and shall include a specific plan or PD plan.
 - 2. PD Plan. The PD plan shall be accepted and processed concurrently, in the same manner as a conditional use permit application, pursuant to Chapter 17.35, Use Permits, except that the city council shall be the review authority.
 - 3. Tentative Subdivision Map. When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. Initiation. An application for a -PD overlay district shall be initiated by a property owner or authorized agent, planning commission, or the city council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. Application Content. A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the planning division accompanied by the required fee. The planning division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.060 Required findings.

A PD plan and zoning amendment shall only be approved if all of the following findings are made:

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

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

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.070 Conditions.

In approving a PD plan and zoning amendment, the city council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the general plan and with any other applicable plans or policies that the city has adopted;
- B. Achieve the general purposes of this title or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.080 Expiration and renewal.

- A. Expiration.
 - 1. PD Plan. A PD plan shall be effective on the same date as the ordinance creating the -PD overlay district for which it was approved and shall expire three years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD plan may specify a development staging program exceeding three years.
 - 2. Tentative Map. Where a tentative map has been approved in conjunction with a PD plan, the PD plan shall expire upon the expiration of the tentative map.
 - 3. Phased Development. In the event that the applicant intends to develop the project in phases, and the city council approves phased development, the PD plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.
- B. Renewal. An approved PD plan that has not been exercised may be renewed for a three-year period approved by the city council after a duly-noticed public hearing. Application for renewal shall be made in writing between thirty and one hundred twenty days prior to expiration of the original approval. The city council may renew a PD plan if it finds the renewal consistent with the purposes of this chapter.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.090 Amendments of approved plans.

- A. Changed Plans. Amendments to a -PD overlay district or PD plan or specific plan may be requested by the applicant or its successors. ~~amendments-Amendments~~ to the approved plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the director shall determine if the proposed amendment constitutes a major or minor amendment.

- B. Major Amendments. Major amendments to an approved -PD overlay district or PD plan or specific plan shall be considered by the city council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
 - 1. A change in the boundary of the -PD overlay district;
 - 2. An increase or decrease in the number of dwelling units for the -PD overlay district that is greater than the maximum or less than the minimum stated in the PD plan or specific plan (this does not apply to additional units allowed under the State Density Bonus program as prescribed in Chapter 17.19 Density Bonus for Affordable Housing);
 - 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD plan or specific plan (this does not apply to additional floor area allowed under the State Density Bonus program as prescribed in Chapter 17.19 Density Bonus for Affordable Housing);
 - 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the public works director;
 - 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD overlay district or to the overall major street system, as determined by the public works director; or
 - 6. Any other proposed change to the PD plan or specific plan or the conditions of approval that substantively alters one or more of its components as determined by the director.

- C. Minor Amendments. Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor amendments may be approved by the director.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.100 Status of specific plan.

A specific plan adopted by resolution of the city council shall be administered as prescribed by the council, consistent with Government Code Section 65450.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.110 Development plan review.

Plans for a project in a -PD overlay district shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD plan or specific plan and any conditions of approval. No project

may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD plan or specific plan.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.12.120 Design standards for residential and residential mixed-use development.

A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

Chapter 17.13 FORM BASED CODE (FBC) OVERLAY DISTRICT

17.13.010 Purpose.

Form based codes address the relationships between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.13.020 Applicability.

The standards and regulations of this chapter apply to areas designated with an -FBC 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 and all residential and residential mixed-use development shall comply with the requirements of Chapter 17.28 – Residential and Residential Mixed Use Design Standards as prescribed by Section 17.13.060.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.13.030 Maximum height and required setbacks by street.

The following height, setback, and block standards apply on lots with frontage on the following streets:

- A. Transit Station Entrance Road:
 - 1. Maximum Height. Six stories or seventy-five feet measured from finished grade at entry to the top of the ridge/parapet.
 - 2. Front Yard. The minimum front yard setback shall be zero feet; the maximum front yard setback shall be ten feet.
 - 3. Street Side Yard. The minimum side street yard setback shall be zero feet; the maximum side street yard setback shall be ten feet.

- B. North Side of Enterprise Drive West, from Willow to Hickory:
 - 1. Maximum Height. Six stories or seventy-five feet measured from finished grade at entry to the top of the ridge/parapet.

2. Front Yard. The minimum front yard setback shall be zero feet; the maximum front yard setback shall be twenty feet.
 3. Street Side Yard. The minimum side street yard setback shall be five feet; the maximum side street yard setback shall be ten feet.
- C. South Side of Enterprise Drive West, from Willow to Hickory:
1. Maximum Height. Six stories or seventy-five feet measured from finished grade at entry to the top of the ridge/parapet.
 2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be eighteen feet.
 3. Street Side Yard. The minimum side street yard setback shall be five feet.
 4. Maximum Block Length. The maximum block length shall be six hundred feet.
 5. Minimum Block Width. The minimum block width shall be four hundred fifty feet.
 6. Maximum Percent of Buildings at Minimum Setback Line. Buildings may be located at the minimum setback line for a maximum of eighty percent of the length of the setback line.
- D. Hickory Street:
1. Maximum Height. Four stories or fifty feet; two stories or twenty-five feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
 2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be eighteen feet.
 3. Street Side Yard. The minimum side street yard/side of building setback shall be five feet.
- E. Willow Street:
1. Maximum Height. Four stories or fifty feet; two stories or twenty-five feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
 2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be twenty-five feet.
 3. Street Side Yard. The minimum side street yard setback shall be eight feet, three inches; the maximum side street yard setback shall be fifteen feet.
 4. Maximum Percent of Buildings at Minimum Setback Line. Buildings may be located at the minimum setback line for a maximum of eighty percent of the length of the setback line.
- F. Central Avenue:
1. Maximum Height. Four stories or fifty feet; two stories or twenty-five feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.

2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be eighteen feet.
 3. Street Side Yard. The minimum side street yard/side of building setback shall be five feet.
- G. Enterprise Drive East:
1. Maximum Height. Two and one-half stories or thirty feet maximum; two stories or twenty-five feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
 2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be eighteen feet.
 3. Street Side Yard. The minimum side street yard setback shall be five feet.
 4. Maximum Percent of Buildings at Minimum Setback Line. Buildings may be located at the minimum setback line for a maximum of eighty percent of the length of the setback line.
- H. All Neighborhood Streets:
1. Maximum Height. Four stories or fifty feet; two stories or twenty-five feet for accessory buildings. Building height is measured from finished grade at entry to the top of the ridge/parapet.
 2. Front Yard. The minimum front yard setback shall be ten feet; the maximum front yard setback shall be eighteen feet.
 3. Street Side Yard. The minimum side street yard setback shall be five feet.
 4. Maximum Percent of Buildings at Minimum Setback Line. Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.13.040 General development standards.

The following development standards apply except where a more stringent requirement is established in Section 17.13.030, Maximum Height and Setback Standards by Street. [See Section 17.13.060 and Chapter 17.28 for design standards for residential and residential mixed-use development.](#)

- A. Single- ~~to Four~~-Unit Development. Table 17.13.040.A, Development Standards-Single-~~to Four~~ Unit Development, prescribe the development standards for single-unit development with the following adjustments:
1. Lot depth for alley loaded ~~residential development~~homes shall be measured from back of walk/centerline of paseo to the centerline of the alley.
 2. For attached ~~residential development~~homes with garages at the rear or front of the lot, the setback may be reduced to five feet to the garage door.
 3. For front loaded single-~~unit residential development~~family homes, the rear yard setback may be reduced to five feet for up to fifty percent of the lot width.

4. Building height shall be measured from the finished grade at the front entry to the top of the ridge/parapet.
5. Front setback shall be measured from back of sidewalk or centerline of paseo.
6. For all alley-loaded residential development homes, the setback may be reduced to four feet to the garage door. The setback to living space on second- and third-floors may be reduced to two feet from the edge of alley.

TABLE 17.13.040.A: DEVELOPMENT STANDARDS-SINGLE-TO-FOUR-UNIT DEVELOPMENT				
Standard	Single-Unit, Detached		Single Unit, Attached	
	Front Loaded	Alley Loaded	Front Loaded	Alley Loaded
Lot Dimensions				
Lot Width				
Minimum	32 ft	30 ft	15 ft	15 ft
Maximum	65 ft	60 ft	35 ft	35 ft
Lot Depth				
Minimum	45 ft	50 ft	50 ft	50 ft
Maximum	150 ft	150 ft	90 ft	90 ft
Setbacks				
Front				
Porch/stoops (minimum)	6 ft	6 ft	6 ft	6 ft
Building Face (minimum)	8 ft	8 ft	8 ft	8 ft
Building Face (maximum)	18 ft	16 ft	16 ft	16 ft
Rear				
Main Building (minimum)	10 ft	10 ft	10 ft	10 ft
Accessory Building (minimum)	5 ft (A)	4 <u>14 or 28</u> ft (A)	5 or 28 ft (A)	5 or 28 ft (A)
Side				
Main Building (minimum)	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
Main Building at Corners (minimum)	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in
Porch/stoops at Corners (minimum)	6 ft	6 ft	6 ft	6 ft
Accessory Building/Garage (minimum)	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
Accessory Building/Garage at Corners (minimum)	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in

Site Coverage				
Maximum Site Coverage (not including porches)	60%	60%	75%	75%
<u>Specific Requirements:</u>				
<u>A. On lots with access easements located at the rear of the property, the setback shall be measured from the easement boundary nearest the primary building.</u>				

- B. Commercial, Office, and Multi-Unit Development. Table 17.13.040.B, Development Standards- Commercial, Office, and Multi-Unit Development, prescribe the development standards for commercial, office, and multi-unit development. [See Section 17.13.060 and Chapter 17.28 for design standards for residential and residential mixed-use development.](#)

TABLE 17.13.040.B: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT		
Standard	Commercial and Office	Multi-Unit
Building Form		
Maximum Length of Building Façade with no Courtyard Break (ft)	300	300
Maximum Building Depth (ft)	300	n/a
Setbacks		
From Public Right-of-Way		
Porches/Stoops/Balconies	n/a	6 10 ft min
Building	Ground floor: 0 min, 10 ft max Upper floors: 10 ft where ground floor at 0 to 5 ft; 5 ft where ground floor at 5 to 10 ft	8 15 ft min
From Other Buildings On-Site		
Residential Buildings	20 ft min	Front/front: 19 ft min Side/side: 10 ft min Front/side: 15 ft min
Community or Service Buildings	n/a	25 ft min
Building Form		
Non-residential Buildings	20 ft min	n/a
Carports	15 ft min	15 ft min
From Non-Street Property Line		
Of Single-Unit Dwelling, Attached or Multi-Unit Lot	20 ft min	10 ft min
Of Single-Unit Dwelling, Detached Lot	25 ft min	30 ft min
Non-residential Buildings	25 ft min	n/a

From On-Site Parking, Drive Aisle, or Lane	15 ft min	5 ft min
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(Ord. No. 503, § 1(Exh. A), 1-25-2018; Ord. No. 505, § 3(Exh. A), 7-12-2018; Ord. No. 516, § 4(Exh. A), 9-26-2019)

17.13.050 Parking.

Parking shall be provided pursuant to Chapter 17.23, Parking and Loading, except as provided below:

- A. Required Parking Spaces.
 - 1. Senior Housing. For senior housing, parking shall be at 0.5 spaces per unit, inclusive of guest parking.
 - 2. Commercial Uses. For all uses in the commercial use classification, parking shall be at three spaces per one thousand square feet.
- B. Minimum Parking Space and Garage Dimensions. Minimum parking space/interior garage dimensions shall be as follows. Appliances such as washers, dryers, water heaters and utility sinks that take up the floor area of garages shall be outside of the required minimum dimensions.
 - 1. Parallel striped spaces: Eight feet wide by twenty feet deep.
 - 2. Single car garage: ten feet wide by twenty feet deep.
 - 3. Two car, side by side, garage: twenty feet wide by twenty feet deep.
- C. Maximum Garage Width.
 - 1. For street facing garages, ~~maximum garage width shall be that which accommodates two conventional cars and an area for guest parking~~ the maximum width of a driveway door shall be twenty-two feet.
 - 2. A street loaded garage may not occupy fifty percent or more of a lot's width.
- D. Maximum Driveway Width. Dwelling unit driveways that serve as parking areas shall be a maximum of twenty feet wide. If such parking areas are included, a pedestrian walkway connecting parking to the units is ~~recommended~~required.
- ~~E. Garage aprons directly adjacent to sidewalks shall be either less than five feet deep or more than eighteen feet deep as measured from the garage door. Parking shall not be allowed on aprons that are five feet or less.~~
- ~~E. Design Guidelines. The following guidelines and recommendations apply to garages and parking:
 - 1. Nonstreet-loaded garages are encouraged.
 - 2. Site and building design shall be utilized to minimize the impact of parking aprons and garages on the streetscape.
 - 3. Garage layout and design should minimize the visual impact of the garage door and parking apron on the streetscape.~~

-
- ~~4. A garage should not occur directly at the end of a parking court as viewed from the street.~~
- ~~5. To discourage obstruction of the driveway, garage aprons shall be either less than five feet deep or more than eighteen feet deep as measured from property line. The deeper parking aprons should be limited to the rear units; however, they can be visible from the street. Parking shall not be allowed on aprons that are five feet.~~

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

17.13.060 Design standards for residential and residential mixed-use development.

- A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

Chapter 17.14 OLD TOWN (-OT) OVERLAY DISTRICT

17.14.010 Purpose.

This overlay district provides supplementary design standards and modifies development standards for base districts located within the Old Town Newark Specific Plan Area. The overlay district accommodates a range of medium and high-density housing, and retail and service commercial uses; and encourages development in a vertical mixed-use pattern. It enforces design standards to support pedestrian connections, human-scaled design, housing opportunity, commercial viability, usable open spaces, and financial feasibility.

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.14.020 Applicability.

The standards and regulations of this chapter apply to the planning area designated in the Old Town Specific Plan and areas designated with the -OT 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. All residential and residential mixed-use development shall comply with the requirements of Chapter 17.28 – Residential and Residential Mixed Use Design Standards as prescribed by section 17.14.070.

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.14.030 Permitted uses.

Any use permitted in the underlying district which is combined with an -OT overlay district, shall be allowed subject to the permitting levels of the underlying district. Additionally, the following uses are permitted in the CMU-OT district, subject to a minor use permit:

- A. Custom manufacturing.
- B. Food and beverage manufacturing (small scale).

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.14.040 Supplementary design standards.

- A. Facade Length. For buildings with facade lengths greater than sixty feet along Thornton Avenue, place an entry point at least every fifty feet along the Thornton Avenue frontage.
- B. Ground-Floor Residential. Where residential uses occupy the ground-floor, the following requirements shall apply:
1. Residential units shall not be permitted on the ground-floor of a development fronting on Thornton Avenue, with the exception of live/work units, but may be located elsewhere on the ground-floor if set back a minimum of ten feet from the property line.
 2. Stoops and/or common areas, such as lobbies, community rooms, and work-out spaces, are permitted on the ground-floor of Thornton Avenue frontage, up to the property line, as long as one or more windows or openings provide transparency into the common space.
- C. Mixed-Use Residential Buildings. Mixed-use residential buildings shall meet the following standards:
1. On corner lots, residential lobbies shall be located on Thornton Avenue or within fifty feet from Thornton Avenue. If there is ~~not enough~~ less than 25 feet of Thornton Avenue frontage for a residential lobby and a retail space, the Thornton Avenue frontage shall accommodate the retail space and the residential entry may be placed elsewhere. In a building with two or more retail entrances and a residential lobby on a single frontage, retail entrances shall be located adjacent to one another, such that residential lobbies do not break up continuous retail or inhibit future demising.
 2. Work with the structural grid to minimize interruptions by columns. Place columns to maximize flexibility for reconfiguring commercial spaces over time. Maintain spacing of a minimum 30 feet in all directions for concrete or steel construction and of fifteen feet in all directions for wood frame construction. Portions of parcels of less than 30 feet in width shall be exempt from this requirement.
 3. Restaurants and food service businesses shall locate vents away from pedestrian areas and usable open spaces. Vents shall be located at least ten feet above grade on the Thornton Avenue frontage and adjacent to usable open spaces.
- D. Open Space. Open space shall be designed as required by ~~subsection 17.07.030.D~~ Chapter 17.28, with the following exceptions:
1. Location. Notwithstanding ~~subsections 17.07.030.D.1.b.ii and 17.07.030.D.2.d.i~~ Section 17.28.060, required open space for single-, two-, or multi-unit buildings may be located in a required front or street side setback.
 - ~~2. Minimum Dimensions. Notwithstanding subsection 17.07.030.D.2.b.ii, common open space shall have a minimum dimension of ten feet in any direction.~~
 - ~~3. Screening. Required private open space shall be screened by a fence not less than six feet in height located at ground level and by a railing not less than forty two inches in height when located on a balcony. Fencing and railings do not need to be solid.~~
- E. Commercial Entrances on Corner Lots. For lots with two or more frontages and containing at least twenty feet of frontage on Thornton Avenue:

1. At least one retail entrance shall be located on Thornton Avenue or at the corner intersection of the lot lines.
 2. Notwithstanding subsection 17.08.040.F.4 or Section 17.28.070, corner parcels need not locate building entrances at a forty-five-degree angle.
- F. Small Vendors. The overlay district accommodates small commercial vendor spaces, such as flower shops and craft vendors through tenant space demising. Notwithstanding subsection 17.08.040.A, small commercial vendor space may be accommodated as follows:
1. A space with a minimum dimension of two feet may be built into an exterior wall as a shelf for vending outdoors for existing or new development.
 2. For an existing non-conforming commercial tenant space, further demising is allowed for the establishment of a stall or pop-up vendor with a minimum depth of five feet.
- G. Back of House. Commercial loading, trash, and other back of house functions shall be accessed from alleys or rear of buildings, away from Thornton Avenue, unless the parcel does not have secondary access, so that they are accessible for deliveries and employees, and not disruptive to pedestrian circulation.
- H. Refuse Collection. To supplement regulations in Section 17.17.120 (trash and recycling collection areas) and Section 17.28.060, the following standards apply to existing businesses and new development. The intent is to facilitate organized, consolidated, and clean refuse areas that do not obstruct the public realm:
- a. Location. Notwithstanding the requirements of subsection 17.17.120.B.2.b, waste and recycling storage areas may be located within parking areas, required street side setback, and be visible from the public right-of-way, and—in the case of existing buildings only may be located in the front yard setback—if they meet the screening and enclosure requirements in subsection 17.17.120.B.2. Storage areas may also be located in, and replace, a required parking space, if screening and enclosures are designed to the satisfaction of the community development director.
 - b. Screening and Enclosures. Existing properties and businesses shall construct screening ~~and roofed~~ enclosures for refuse, as specified in subsection 17.17.120.B.2.d and e, as a condition of any building permit valued at fifty thousand dollars or higher, or upon approval of a change of use/use permit.
 - c. Drainage. Existing properties and businesses shall provide floor drains in trash enclosures, as specified in subsection 17.17.120.B.2.j, as a condition of any building permit valued at one hundred thousand dollars or higher. Projects with one to four residential units subject to the provisions of Chapter 17.28 are exempt from this requirement.
 - d. Shared Containers. Shared containers or dumpsters may service two or more commercial tenants on a single parcel, or two or more abutting parcels, to consolidate the space devoted to refuse containers.
 - e. Pick-up Operations. On pick-up days, containers shall be placed back in enclosures or storage locations immediately following pick-up.

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.14.050 Supplementary design guidelines and standards.

- A. Outdoor Dining. To supplement regulations in Section 17.26.170 (outdoor dining), the following guidelinesstandards encourageapply to outdoor dining adjacent to the building edge:
 - 1. Connect restaurant interiors to outdoor seating areas by providing direct access atthrough windows, doors, or other openings.
 - 2. Provide movable seating to facilitate flexibility in dining configurations and to support public health.
 - 3. Provide shade opportunities with awnings, or colonnades, umbrellas, or similar shade features.
- B. Architectural Features. The following guidelinestandard applies to new New-developments: -should i
 - 1. Incorporate public art, such as murals, gates, screens, and sculpture, as part of the building exterior.

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

17.14.060 Parking.

Notwithstanding Chapter 17.23, the following modifications to parking standards shall apply:

- A. Vehicle Parking Requirements. This chapter modifies the requirements in Table 17.23.040 as follows:
 - 1. Multi-Unit Residential Building: Minimum of one and one-quarter spaces per unit; maximum of two spaces per unit. No additional guest parking required.
 - 2. Group Residential: One-quarter per bedroom.
- B. Parking Credits.
 - 1. On-street parking along a lot's corresponding frontage lines shall be counted toward the parking requirement. Where an on-street parking space is adjacent to multiple lots, the credit shall be given to the development on the lot whose frontage contains more than fifty percent of the parking space length.

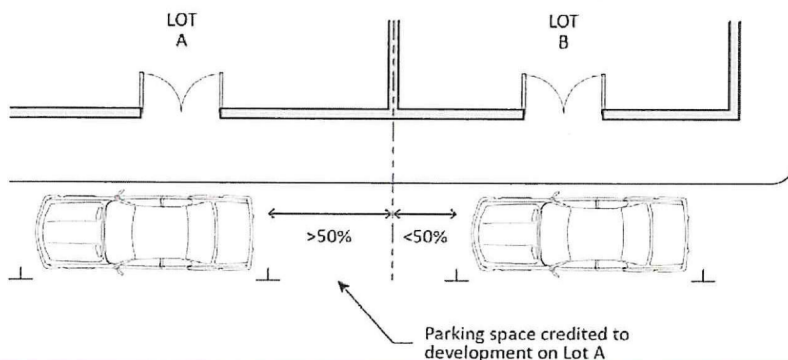


FIGURE 17.14.060.B.1: ON-STREET PARKING CREDIT

- 2. Where a use with a legal nonconforming parking deficiency is replaced, the new use shall receive a parking credit equal to the number of required automobile parking spaces unmet (based on this zoning) by the previous use.

- C. Driveway Access. New driveway access to sites on Thornton Avenue ~~which that~~ require vehicular movement across the sidewalk on Thornton Avenue shall be prohibited. Exceptions shall be granted where required by law; as applied to parcels owned, leased or controlled by the city; or in the case of interior lots or where sites are not accessible from any other public right of way.
- D. Location. No off-street surface parking spaces shall be located between the front lot line and the front wall of a building fronting Thornton Avenue, except upon the granting of a minor use permit. To grant such a minor use permit, the city shall make the following findings:
 - 1. That the parking spaces are required by Section 17.23.040.
 - 2. That there is no other feasible way to provide the required parking.
 - 3. That all applicable provisions of the design standards in Section 17.23.090 and Chapter 17.28 have been met.
- E. Long-Term Bicycle Parking Requirements. This chapter modifies the requirements in subsection 17.23.070.B.1.a as follows:
 - 1. Residential Uses. A minimum of one long-term bicycle parking space shall be provided for each apartment in a multi-unit development, and for each bedroom in a group residential and/or single room occupancy.
- F. Multiple Uses. Retail parking shall be separated from residential parking in parking structures; retail parking areas shall not have access to residential entrances or parking spaces.
- G. Mechanical Lifts. Mechanical parking lifts may be used for parking spaces intended and required for frequent users, such as residents and employees. Parking spaces intended and required for visitors, customers or infrequent users shall not use mechanical lifts unless an attendant is provided during all operating hours of the use the parking is intended to serve. Lift design must allow for removal of any single vehicle without necessitating the temporary removal of any other vehicle.
- H. Wrapped Structured Parking. Structured parking is encouraged, but must be concealed from Thornton Avenue by wrapping with commercial or habitable uses. Alternatively, structured parking may be designed with sufficient architectural treatment, subject to the approval of the community development director. Unutilized air shafts between parking structures and wrapped uses are prohibited.
- I. Unbundled Parking. Residential parking spaces in multi-unit family or mixed-use rental projects shall be leased separately from dwelling units. No resident shall be required to lease a parking space.

17.14.070 Design standards for residential and residential mixed-use development.

A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

(Ord. No. 532, § 4(Exh. B), 10-14-2021)

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

17.15.010 Purpose.

This overlay zone district provides supplementary land use, affordable housing requirements, and review procedures for base districts located within the city. The overlay zone 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 zone 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.

(Ord. No. 547, § 4(Exh. B), 1-11-2024)

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 [and Chapter 17.28 – Residential and Residential Mixed Use Design Standards](#). [See Section 17.15.050 for design standards for residential and residential mixed-use development.](#)

(Ord. No. 547, § 4(Exh. B), 1-11-2024)

17.15.030 Permitted uses.

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

(Ord. No. 547, § 4(Exh. B), 1-11-2024)

17.15.040 Procedures.

- A. Residential Uses Allowed By-Right. Residential projects that comply with all applicable objective standards and criteria [applicable to](#) the underlying district, include a minimum of twenty dwelling units per acre, and provide twenty 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.
- B. 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.

(Ord. No. 547, § 4(Exh. B), 1-11-2024)

17.15.050 Design standards for residential and residential mixed-use development.

- A. Design standards for residential and residential mixed-use development (as defined in Chapter 17.46) are prescribed by Chapter 17.28 Residential and Residential Mixed-Use Design Standards. These standards shall be used as described in Section 17.28.020.

DIVISION III. CITYWIDE REGULATIONS

Chapter 17.17 GENERAL SITE REGULATIONS

17.17.010 - Purpose and applicability.

The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district established in Article II, Base and Overlay District Regulations. In any case of conflict, the standards specific to the zoning district shall override these regulations. For residential and residential mixed-use development subject to Chapter 17.28 Residential and Residential Mixed-Use Design Standards, the standards contained in Chapter 17.17 shall be used in conjunction with the standards established in Section 17.28.060 as described in Section 17.28.020.

(Ord. No. 503, § 1(Exh. A), 1-25-2018)

Chapter 17.21 LANDSCAPING

17.21.020 Applicability.

The provisions of this chapter shall apply to the following:

- A. All new development.
- B. Additions to multi-unit and non-residential development that expand existing floor area by ten percent or more.
- C. All new and rehabilitated landscaping projects that include new irrigated landscaping over five hundred square feet.
- D. Exceptions. The provisions of this chapter do not apply to the following:
 - 1. Farming, agriculture, and crop production including vegetable gardens, vineyards, and small orchards.
 - 2. Public recreational areas (designated for active play, recreation, interpretation or public assembly).
 - 3. Registered local, state or federal historical sites.
 - 4. Habitat restoration projects that do not require a permanent irrigation system.

5. Mined-land reclamation projects that do not require a permanent irrigation system.
6. Existing plant collections, as part of botanical gardens and arboretums open to the public.

E. For residential and residential mixed-use development subject to Chapter 17.28 Residential and Residential Mixed-Use Design Standards, the standards contained in Chapter 17.21 shall be used in conjunction with the standards established in Section 17.28.060 as described in Section 17.28.020.

17.23.090 PARKING AREA DESIGN AND DEVELOPMENT STANDARDS.

17.23.090 - Parking area design and development standards.

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections I through M. Stacked or valet parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this section.

For residential and residential mixed-use development subject to Chapter 17.28 Residential and Residential Mixed-Use Design Standards, the standards contained in Section 17.23.090 shall be used in conjunction with the standards established in Section 17.28.060 as described in Section 17.28.020.

A. Tandem Parking. Tandem parking is not permitted to satisfy the off-street parking requirement- ~~except for residential parking if all the following requirements are satisfied:~~

i. The minimum dimension of any tandem parking space shall be nine feet wide by thirty-eight feet deep.

ii. A tandem parking space shall only count as two required parking spaces if both spaces ~~in~~ the tandem parking space are reserved exclusively for use by a single residential unit.

~~A.~~ B. Tandem parking shall ~~be~~ only be permitted to count as two required parking spaces in parking areas or structures available to multiple residential units if a parking management program is in place to ensure that both spaces in a given tandem parking space are reserved exclusively for use by a single residential unit.-

17.46 DEFINITIONS.

Main Building

Main Building. An existing or proposed structure to which an accessory structure is accessory.

Onsite Amenities.

Onsite Amenities. Areas provided for use by building tenants that may include but are not limited to the following: community gardens, outdoor kitchens or barbeque (BBQ) areas, playgrounds, dog parks, swimming pools, exercise areas, and sport courts. Landscaping, turf or lawn areas, or open courtyard and patio seating areas.

Open Space.

Open Space. Area that is not fully enclosed by walls or solid roof that allows for outdoor living, recreation and/or the creation and maintenance of natural and planted areas.

Private Open Space. Private Open Space shall be accessible to only one dwelling unit by a doorway to a habitable room or hallway or an exterior accessway qualifying as an egress facility.

Common Open Space. Common Open Space shall be accessible to all dwelling units in the development and shall be served by an accessway qualifying as an egress facility.

Primary Dwelling Unit

Primary Dwelling Unit. An existing or proposed residential structure to which an accessory dwelling unit is accessory to.

Residential Development.

Residential Development. One or more structures containing one or more dwelling units with no non-residential uses.

Residential Mixed-Use Development.

Residential Mixed-Use Development. One or more residential units located in the same building, parcel, or planning application as a commercial, office, or other non-residential use(s).

Wall Plane.

Wall Plane. A continuous flat area of wall surface that is not broken by a change in depth or angle.



ATTACHMENT 3

STAFF REPORT

Item F.4.

DATE 04/09/2026
TO Honorable Mayor and City Council Members
FROM Michael Coulom, Housing Policy and Programs Manager
SUBJECT Receive a report on the status of implementation of the 2025 Housing Element Annual Progress Report and Informational Update on the Affordable Housing Work Plan

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council receive the 2025 Housing Element Annual Progress Report and provide direction on an update to the City's Affordable Housing Work Plan and forthcoming 2026-2031 Capital Improvement Plan.

BACKGROUND

Pursuant to the California Government Code (GC) Section 65400, local jurisdictions are required to prepare an Annual Progress Report (APR) on the status and progress towards implementing the General Plan's Housing Element to the Department of Housing and Community Development (HCD) and the Governor's Office of Land Use and Climate Innovation (LCI) by April 1 of each year. This Staff Report provides a high-level summary of the 2025 APR and reflects the accomplishments for the third year of the 2023 – 2031 (6th Cycle) Housing Element. The period covered in this report is January 1 to December 31, 2025.

The APR provides the state and the public with an annual update on local governments' progress towards meeting their Regional Housing Needs Allocation (RHNA) over the entire planning cycle. It also tracks the implementation of the goals, policies, and programs defined in each jurisdiction's Housing Element. This process gives local governments an opportunity to assess programs and identify necessary adjustments to improve implementation.

The 2025 APR is significant because it marks the middle of the 6th Cycle Housing Element. HCD has indicated its intent to more extensively scrutinize this "mid-cycle" review to ensure jurisdictions are fulfilling their commitments to timely and effective implementation of all Housing Element programs. As such, the APR provides more granular detail on program implementation progress than in past years. If HCD believes a jurisdiction is not implementing its Housing Element in a timely and effective fashion, it may request a mid-cycle consultation and compel a jurisdiction to implement or augment such programs to achieve housing goals.

City Council approved the 2021-2023 Affordable Housing Work Plan on May 13, 2021 (Resolution 11,201) to guide the City's investments through the end of the 5th Cycle Housing Element. That plan is now obsolete and City Council has requested staff update the plan to support 6th Cycle Housing Element implementation.

DISCUSSION/ANALYSIS

On October 26, 2023, the City Council adopted Newark's 6th Cycle Housing Element after a robust community and stakeholder engagement process and presentation to the Planning Commission (Attachment 4). Subsequently, HCD certified the City's Housing Element on December 21, 2023, finding it in compliance with state law. The Housing Element consists of two primary components, the first being an evaluation of the City's RHNA targets, and the second being the goals, policies and programs that the City has identified to achieve its RHNA production goals and otherwise meet the housing needs of all members of the community.

The City has reported its Housing Element progress to HCD and LCI in the form of an APR each year since 2017 for the 2015-2023 (5th Cycle) Housing Element and has already submitted reports for the first three years of the 6th Cycle, including the APR for 2025.

RHNA Allocation Process

A key component of the APR is to provide data on overall housing production and affordability within a jurisdiction. This information helps determine whether jurisdictions are on track to meet the state-mandated target number of housing units to plan for in their communities. This target is called the Regional Housing Needs Allocation, or RHNA. RHNA is based on estimates from the State Department of Finance (DOF), which projects how many homes will be needed to accommodate projected population growth during the planning period and to address existing housing shortages and affordability across all income levels. DOF establishes the total housing need for each region in California. That need is then distributed by the region's Council of Governments (COG) to individual cities and counties. In the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) serves as the COG and is responsible for assigning RHNA targets to each local jurisdiction.

The Bay Area is currently in the 6th Cycle Housing Element planning period which accounts for years 2023-2031. Newark's 6th Cycle RHNA target is 1,874 new homes. This is significantly higher than the City's 5th Cycle RHNA target of 1,078 homes, but still approximately 600 fewer homes than the 2,146 units the City actually permitted in the 5th Cycle. Table 1 in Attachment 2 (Housing APR Data Visualization) summarizes Newark's 6th Cycle RHNA by income band and compares it to the City's 5th Cycle RHNA achievements.

Housing units counted toward RHNA are reported in the APR using detailed project information, including addresses, permit numbers, dates of completed application submittals, issued entitlements, issued and finalized building permits, affordability levels, housing tenure, and whether the project used any streamlining provisions. All data is reported for the calendar year, covering the period from January 1 to December 31. HCD publishes a data dashboard visualizing APRs from all local jurisdictions at www.hcd.ca.gov/housing-open-data-tools/apr-dashboard.

State law is primarily concerned with the number of building permits a jurisdiction issues, however, as that signals actual housing production activity contributing toward the City's RHNA target. State laws such as Senate Bill 423 (2023, formerly known as SB 35), for example, allows mixed-income housing projects to opt in to a streamlined ministerial approval process (SMAP) in jurisdictions that have not met their RHNA targets. Newark is currently subject to SMAP because it did not achieve its 5th Cycle RHNA targets for low- and very low-income permits. Projects that reserve at least 50 percent of units for low-income households may opt in to SMAP.

2025 RHNA Progress

The City issued building permits for 139 housing units in 2025, roughly half of which are attributable to the 73-unit CCCMA Assisted Living Facility project at 6214 Thornton Avenue consisting of a four-story building with 73 residential rooms and 97 memory care beds for senior residents. Approximately 23 percent of total units permitted were single-family dwellings intended for homeownership at above moderate-income rates. Accessory Dwelling Units (ADUs) account for the remaining 24 percent of the total units permitted in 2025.

The City entitled 288 new housing units in 2025 (see Table 2 in Attachment 2). Entitled units were distributed across four projects: one multifamily development, two single-family dwelling (SFD) projects, and a large-scale residential development that includes both single-family homes and a multifamily apartment building. Thirteen percent of entitled units are designated for very low-income households, twelve percent for low-income households, and the remainder for above moderate-income households.

Finally, the City issued certificates of occupancy (COO) to mark completion of 53 housing units in 2025. Roughly 74 percent of completed units were single-family detached dwellings for above-moderate income households, with the remainder consisting of ADUs. Table 3 in Attachment 2 summarizes all entitled, permitted, and completed units in 2025 by affordability level, and Table 4 (Attachment 2) summarizes the projects by structure type.

Development Trends and Comparison to Previous Years

Compared to previous years, the number of housing units permitted and completed in 2025 decreased. The City issued 139 units in 2025 compared to 185 permits issued in 2024. This reflects continued softening in the market for new construction as the result of the high cost of debt, labor and materials, and is consistent with trends in other ABAG jurisdictions. Notably, the number of units receiving Certificates of Occupancy in 2025 is significantly lower than in prior years, with only approximately 50 units completed compared to about 250 in 2024 and 450 in 2022. This decrease is to be expected, as several large developments completed construction in earlier years, while more recent projects have not yet reached final inspection. Optimistically, entitled units increased to 288 from the 162 units entitled in 2024, although this is still down from the high of 370 units in 2022. Figure 1 in Attachment 2 shows the change in entitled, permitted, and completed projects by unit count between 2022 and 2025.

While the City is making progress toward its RHNA goals, it is doing so at a slower rate relative to this stage of the 6th Cycle. Newark is halfway through the 6th Cycle and has issued permits for approximately 22 percent of the 1,874 units in the total RHNA. Unlike in previous years, the City is not on target to meet RHNA targets for any income band. Table 5 in Attachment 2 presents the number of building permits issued for new homes cumulatively and during each year of the 6th Cycle thus far. It is likely the City will continue to be subject to SB 423 and projects that restrict at least 10 percent of units to low-income households, or 20 percent to moderate-income households, will be eligible to opt in to a streamlined ministerial approval process until at least 2031.

The City has a pipeline of several hundred homes for which entitlement applications have been submitted or approved, such as but not limited to FMC Willow, Mowry Village, and the SAHA Thornton Avenue Apartments. The former two projects are reliant on significant and expensive site preparation work prior to pulling building permits, and the latter is dependent on scarce and highly competitive public subsidy. Table 6 in Attachment 2 summarizes entitled housing units for major projects that are still in the pipeline and have not yet received building permits. Building permits for these projects would bring the City's RHNA progress to 61 percent in total (see Table 7 in Attachment 2).

For additional details on the permits and projects included in the 2025 Housing Element Annual Progress Report, please refer to Attachment 1 (Housing Element APR Tables).

Accessory Dwelling Unit (ADU) Production

The growth of Accessory Dwelling Units represents a significant contribution to the city's RHNA production goals. City Council approved Ordinance 563 in January to amend Newark Municipal Code Section 17.26.040 (Accessory Dwelling Units). The ordinance took effect March 14, 2026 and augments ADU design standards to comply with state law and best practices.

The Association of Bay Area Governments (ABAG) publishes guidelines on how to count ADUs in

the APR. Jurisdictions are allowed to use ADUs to satisfy RHNA requirements by reporting actual or anticipated affordability levels. In cases where data is not available, jurisdictions may apply ABAG's ADU affordability methodology for their APRs covering calendar years 2023, 2024, and 2025. This methodology makes the following assumptions for ADU affordability:

1. 30 percent of ADUs are affordable to very low-income households.
2. 30 percent are affordable to low-income households.
3. 30 percent are affordable to moderate-income households.
4. 10 percent are affordable to above moderate-income households.

ADUs are a reliable way of making RHNA progress across all income levels. In 2025, the City issued building permits for 34 ADUs, showing an increase of approximately 17 percent compared to the 29 ADUs permitted in 2024. ADU production in Newark is anticipated to grow now that the newly amended ADU Ordinance has gone into effect, allowing for greater incentives and allowances for ADU production. Additional production may also increase when interest rates decline, making financing more accessible for homeowners and developers.

Table 8 in Attachment 2 shows the number of ADUs permitted in 2025, categorized by income level.

Notable Affordable Housing Accomplishments

In the past year and ongoing, the City has made significant progress in advancing the development of affordable and accessible housing across all income levels. Key accomplishments include the following:

- *Mowry Village (P2020-002)*: Entitled in December 2025, the project will include 30 homes affordable to very low- and low-income households, and one manager's unit. The project is in predevelopment.
- *SAHA Thornton Avenue Apartments (DR2023-003)*: Entitled in April 2025, this 5-story development will provide 59 affordable units, including one manager's unit. Alameda County awarded \$2.9 million to the project in January 2026 to reserve 13 units for households exiting or at-risk of homelessness. Staff and the developer are working together to advance the project as quickly as possible. The project is working to secure low-income housing tax credits and additional necessary funding from other agencies.
- *Terracina at FMC Willow (RZ2020-001)*: City Council approved this 91-unit affordable housing community as part of the FMC Willow / Grand Park development. Lennar, the master developer, has commenced site work for the larger FMC Willow and Grand Park development. The project is working to secure low-income housing tax credit financing and plans to commence construction in the first half of 2027 if awarded.
- *Timber Senior Housing*: This 79-unit affordable senior housing development will celebrate its grand opening on May 29, 2026. 20 units are reserved for seniors exiting or at-risk of homelessness and 20 have vouchers from the Housing Authority of the County of Alameda. The project is the first to implement the City's policy giving preference to households who live or work in Newark. 34 percent of preference-eligible units were offered to Newark community members.

Housing Element Programs Progress

The Housing Element identifies seven goals, 32 policies, and 45 programs to meet the housing needs of all members of the community. **Table D in Attachment 1 (2025 Annual Progress Report)** provides detailed information on each program, including implementation status and alignment with the goals and policies.

The City has completed approximately 29 percent of Housing Element programs, with 65 percent in progress or continuous over the duration of the 6th Cycle. Only six percent of programs have not yet started. Staff have tentatively agendaized at least five additional programs for City Council's

consideration in the next three months, which would bring the City to a completion rate of 40 percent. Additional programs are on track for council consideration before the end of 2026.

HCD sent a letter to the City on December 21, 2023, confirming the adopted Housing Element is substantially compliant with state law (see **Attachment 3**). The letter identified 19 programs for which the City must continue timely and effective implementation. Staff expect HCD to focus its mid-cycle review on these programs. The APR documents progress with each of these programs and realistic pathways to completion within 12 months.

Affordable Housing Work Plan- Overview

City Council adopted the 2021-2023 Affordable Housing Work Plan with three years remaining in the fifth Housing Element cycle (2015-2023). At that time, the City had exceeded its RHNA targets for above moderate-income housing but was not on track to meet targets for other income bands. The purpose of the 2021-2023 Affordable Housing Work Plan was to direct housing impact fees and policy to meet very low-, low-, and moderate-income targets. The City developed this plan with support from Baird + Driskell Planning, now known as Community Planning Collaborative, who also supported the City in preparing the 6th Cycle Housing Element.

The 2021-2023 Affordable Housing Work Plan identified priority populations for housing assistance, based on available data and input from City Council and the Planning Commission. Priority populations included young families, key workers like teachers and first responders, people and families at risk of homelessness, people with disabilities and other special housing needs, and low-income seniors. The plan further identified priority housing types, namely rental apartments of medium to high density in select areas, condominiums and townhomes (including for first-time homebuyers), and missing middle housing types such as duplexes and four-plexes.

In order to achieve the Fifth Cycle RHNA targets and address City-identified priorities, the plan established an investment framework for spending housing impact fees across six program areas. 40 percent of funds were earmarked for development of new affordable housing, 40 percent for acquisition of sites or other uses that advanced affordable housing production, and the remainder allocated to the Housing Element update, the Inclusionary Housing Study and Nexus Study, preparation of a local preference policy, and a first-time homebuyer program.

The City ultimately achieved 42.1 percent of its Fifth Cycle RHNA target for very low-income housing permits, 35.3 percent for low-income, 22.8 percent for moderate-income, and 515.8 percent for above moderate-income. Since the 2021-2023 Affordable Housing Work Plan was passed, the City has completed the Housing Element Update, Inclusionary Housing Study, local preference policy, and committed \$12 million in City resources and acquired land for affordable housing production. The City is also preparing to formally update its Nexus Study for impact fees and to launch a first-time homebuyer program.

Affordable Housing Work Plan- Update

City Council has requested that staff update the Affordable Housing Work Plan. The timing for this request is prudent given the 2021-2023 plan's programming is complete or nearing completion, and the City is now approaching the middle of the 6th Cycle. Staff request preliminary feedback from City Council on the purpose, goals, and priorities of the Work Plan, its term, and how to approach use of housing impact fees.

The 2025 APR demonstrates that the City may still expect to meet its RHNA targets for above moderate-income homes if the developers of large projects with approved entitlements or submitted applications are able to advance to permitting. Achieving very low-, low-, and moderate-income targets will require continued focus from the City, however. The priority populations identified in the 2021-2023 Work Plan would typically fall into these income categories. With a median home price of \$1.4 million and trending upward, the majority of the City's existing housing stock does not serve

these populations.

The Housing Element includes several programs aimed at addressing the housing needs of these priority populations and removing constraints to developing priority housing types. Some of these programs include amending zoning and development standards to permit duplexes and small multi-unit buildings, streamlining approval processes to improve development certainty and reduce development costs, studying and updating parking standards, considering the reuse of underutilized City and Newark Unified School District property for affordable housing development, and developing or implementing specific plans for Newpark Mall, Old Town, and Four Corners. Several of these programs are already underway and will be presented to City Council over the course of 2026 and 2027.

The City has collected substantial housing impact fee revenue to support affordable housing development and program implementation. The Fund has approximately \$29 million available to spend as of April 2026. This does not include projected revenue from approved residential projects and non-residential projects that will pay the housing impact fee. Staff have identified the following potential actions to include in a revised investment framework:

1. Notice of Funding Availability (NOFA): One or more competitive applications for Housing Impact Funds to support production of 100 percent affordable housing.
2. Augmented Funding for existing projects in the wake of reduced state and federal contributions.
3. First Time Homebuyer Program: Continued program implementation and funding to be formally recommended at an upcoming City Council meeting.
4. Homeless Action Plan implementation.
5. Partnering with Newark Unified School District to provide technical assistance and evaluate school sites for reuse with housing and other benefits.
6. An Affordable Housing Fund Innovation Study to assess how to further leverage housing investments, and
7. A Mid-Cycle Constraints Analysis to perform a 360-degree review of the City's regulations, policies, and practices that help or hinder housing production, and identify recommendations for meaningful improvement.

Affordable Housing Work Plan- Staff Recommendations

Staff recommend the City Council provides direction on an update to the Affordable Housing Work Plan.

- Should the Work Plan's goal be to achieve 6th Cycle RHNA targets?
 - Staff recommend the Work Plan's goal and purpose be to direct housing-related spending and programming toward achieving 6th Cycle RHNA targets for very low-, low-, and moderate-income households.
- Should the Work Plan's term extend through the end of the 6th Cycle?
 - Staff recommend a five-year work plan for years 2026 through 2031 (the remainder of the 6th Cycle)
- Should the Work Plan adopt the same priority populations and housing types as the previous plan?
 - Staff recommend maintaining priority populations and housing types, which also align with the 6th Cycle Housing Element.
- How should the Work Plan's Investment Framework reflect these priorities?
 - Staff recommend the majority of housing impact fees be directed toward producing and preserving the City's inventory of affordable housing, consistent with the previous plan.
 - Staff recommend retaining funding for the First Time Homebuyer Program, with formal recommendations to be presented in the coming months.

- Staff recommend earmarking a percentage of funds for implementation of the forthcoming Homeless Action Plan, including homelessness prevention.
- Staff recommend earmarking additional funding to analyze how to further leverage housing investments.

FISCAL IMPACT

The 2024-2026 Biennial Budget established two Capital Improvement Plan (CIP) projects totaling \$850,000 pertaining to Housing Element implementation, both of which are now nearly exhausted. Staff recommend establishing two CIP projects for the 2026-2031 CIP to support continued Housing Element implementation. One CIP project would reserve funds for further assessments and revisions to Title 17 of Newark Municipal Code (Zoning), should the Planning Commission and City Council direct staff to make further zoning changes to achieve housing goals, or should Title 17 require revisions to comply with state law. A second CIP project would serve to implement additional Housing Element programs as directed by City Council or as deemed necessary by the California Department of Housing and Community Development to retain Housing Element compliance.

Housing Programs – Implementation of Adopted Housing Element:	\$450,000
Title 17 (Zoning) Housing-related Assessment and Updates:	\$400,000

STRATEGIC PRIORITY AREA

Further Economic Vitality and Housing for All

REVIEW AND APPROVAL

Prepared by - Michael Coulom, Housing Policy and Programs Manager

Reviewed by - Steven Turner, Community Development Director

Reviewed by - Krysten Lee, Finance Director

Reviewed by - Kristopher J. Kokotaylo, City Attorney

Approved by - David J. Benoun, City Manager

Attachments

Staff Presentation

1. 2025 Annual Progress Report
 2. Housing APR Data Visualization
 3. HCD Housing Element Compliance Letter
 4. 2023-2031 6th Cycle Housing Element
-

Attachment 1

**2025 Housing Element Annual Progress
Report**

Please Start Here

General Information	
Jurisdiction Name	Newark
Reporting Calendar Year	2025
Contact Information	
First Name	Yvonne
Last Name	Huynh
Title	Assistant Planner
Email	yvonne.huynh@newarkca.gov
Phone	5105784258
Mailing Address	
Street Address	37101 Newark Blvd
City	Newark, CA
Zipcode	94560

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

Click here to add rows to a table. If you add too many rows, you may select a cell in the row you wish to remove and type ctrl + d.

v_01_07_26

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: <https://hcd.my.site.com/hcdconnect>

Toggles formatting that turns cells green/yellow/red based on data validation rules.

Submittal Instructions
<p>Please save your file as Jurisdictionname2025 (no spaces). Example: the City of San Luis Obispo would save their file as SanLuisObispo2025</p> <p>Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:</p> <ol style="list-style-type: none">1. Online Annual Progress Reporting System - Please see the link to the online system to the left. This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. <i>Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.</i>2. Email - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Newark	
Reporting Year	2025	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	01/31/2023 - 01/31/2031

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Acutely Low	Deed Restricted	0
	Non-Deed Restricted	0
Extremely Low	Deed Restricted	0
	Non-Deed Restricted	0
Very Low	Deed Restricted	0
	Non-Deed Restricted	10
Low	Deed Restricted	0
	Non-Deed Restricted	10
Moderate	Deed Restricted	0
	Non-Deed Restricted	10
Above Moderate		109
Total Units		139

Units by Structure Type	Entitled	Permitted	Completed
Single-family Attached	0	8	4
Single-family Detached	197	24	35
2 to 4 units per structure	0	0	0
5+ units per structure	90	73	0
Accessory Dwelling Unit	1	33	14
Mobile/Manufactured Home	0	0	0
Total	288	138	53

Infill Housing Developments and Infill Units Permitted	# of Projects	Units
Indicated as Infill	67	138
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	6
Number of Proposed Units in All Applications Received:	366
Total Housing Units Approved:	288
Total Housing Units Disapproved:	0

Use of SB 423 Streamlining Provisions - Applications	
Number of SB 423 Streamlining Applications	0
Number of SB 423 Streamlining Applications Approved	0

Units Constructed - SB 423 Streamlining Permits			
Income	Rental	Ownership	Total
Acutely Low	0	0	0
Extremely Low	0	0	0
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Streamlining Provisions Used - Permitted Units	# of Projects	Units
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 423 (2023)	0	0

Ministerial and Discretionary Applications	# of	Units
Ministerial	2	2
Discretionary	4	364

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	3
Number of Units in Applications Submitted Requesting a Density Bonus	90
Number of Projects Permitted with a Density Bonus	0
Number of Units in Projects Permitted with a Density Bonus	0

Housing Element Programs Implemented and Sites Rezoned	Count
Programs Implemented	42
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	Newark	
Reporting Year	2025	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B Regional Housing Needs Allocation Progress Permitted Units Issued by Affordability														
		1	Projection Period	2									3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2022-01/30/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Acutely Low	Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Extremely Low	Deed Restricted		-	-	20	-	-	-	-	-	-	-	20	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	
Very Low	Deed Restricted	464	124	-	58	-	-	-	-	-	-	-	221	243
	Non-Deed Restricted		-	-	9	10	-	-	-	-	-	-	-	
Low	Deed Restricted	268	-	-	-	-	-	-	-	-	-	-	19	249
	Non-Deed Restricted		-	-	9	10	-	-	-	-	-	-	-	
Moderate	Deed Restricted	318	-	-	-	-	-	-	-	-	-	-	19	299
	Non-Deed Restricted		-	-	9	10	-	-	-	-	-	-	-	
Above Moderate		824	96	84	80	109	-	-	-	-	-	-	369	455
Total RHNA		1,874												
Total Units			220	84	185	139	-	-	-	-	-	-	628	1,246

*For years prior to 2025, Acutely Low-Income units are reported within the Extremely Low-Income category

*For jurisdictions that received RHNA determinations for the current cycle prior to the passage of AB 3093 (September 19, 2024):

- You were not allocated Acutely Low-Income and Extremely Low-Income RHNA targets, therefore the allocations in Field 1 are listed as "0"

- If you wish to set your own targets in these income categories for informational purposes, contact HCD staff at apr@hcd.ca.gov.

- All Acutely Low-Income and Extremely Low-Income units reported during the cycle are counted towards Very-Low Income RHNA progress

*For years prior to 2025, data on deed-restricted vs. non-deed restricted Extremely Low-Income units is approximated from whether the projects reported any deed-restricted Very Low-Income Units. If you wish to edit this historical data for accuracy or have any questions about the data, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

Jurisdiction		Newark						
Reporting Year		2025 (Jan. 1 - Dec. 31)						
Table D								
Program Implementation Status pursuant to GC Section 65583								
Housing Programs Progress Report								
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.								
1	2	3	4	5	6	7	8	9
Name of Program	Objective	Projected Completion Date in Housing Element	Applicable Cycle	Status of Program Implementation	Program Implementation Details	Quantified Outcomes: Category	Quantified Outcomes: Count	Supporting Documents
PROGRAM H1.1: Housing, Rehabilitation & Repair Programs	The City plans to support 13 households per year with home rehabilitation. The City will facilitate place-based revitalization by focusing on lower-income households with rehabilitation programs and promoting availability of programs in areas with a high concentration of housing in need of rehabilitation and repair, such as the Old Town and Mirabeau Park areas.	12/31/2031	6th Cycle	<i>Continuous</i>	The City promotes Alameda County's Healthy Homes program. Structures improved so far this cycle have an average age of 55 years.	Households	33	I12_Monitoring
PROGRAM H1.2: Develop citywide rental inspection program to maintain high-quality housing throughout the City.	Update Newark's Community preservation and nuisance abatement ordinance to create a proactive citywide rental inspection program, and develop an online reporting system for tenants to report substandard housing conditions. Support 12 rental units in improved condition per year.	6/30/2024	6th Cycle	<i>In Progress</i>	Pilot program has commenced, with inspections beginning in April 2026. See Supporting Documents for detailed program schedule. Implementation was delayed due to staff constraints.	Units		I13_Work Plan

<p>PROGRAM H2.1: Develop new housing options in areas of the city close to services such as parks, schools and grocery stores, with existing infrastructure.</p>	<p>Draft and implement SB9 and SB10 ordinances to provide additional opportunities for missing middle housing. Review the City's Zoning Ordinance and Subdivision Ordinance and implement updates as needed to provide clarity and facilitate housing development under SB9. These include adopting updated definitions, use regulations, development standards, and ministerial processes. Production and affordability will be monitored every two years and alternative actions will be implemented if necessary to meet the RHNA. In coordination with research being conducted at the State level, pursue opportunities to incentivize and provide funding assistance for homeowners to provide affordable units under SB9 to further housing opportunities and more affordable homeownership options in high-opportunity areas. Develop and implement the City's SB9 Ordinance to expand the housing supply in single-family zones by allowing for lot splits, cottage housing developments, triplexes and duplexes. 120 moderate-income SB9 units developed during the housing element cycle, with a focus on expanding housing opportunity in neighborhoods in the northern portion of the city. Through programs such as H3.2, Objective Design Standards, and H3.5, Parking standards update and study, the city will be able to ensure that development standards, including parking and open space requirements, are not a constraint to development. Adopt an SB10 Ordinance to allow up to 10 units to be developed on smaller residential parcels throughout the City, with a goal to produce 80 units of missing middle housing, targeting 75% of these units in</p>	<p>6/30/2024</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>The City has drafted SB 9 and 10 ordinances (see Supporting Documents) which are under review by the City Attorney's Office.</p> <p>The City is preparing draft Objective Design Standards (Program H3.2) for public review, which include standards for "Missing Middle" housing types commensurate with SB 9 and small SB 10 projects.</p> <p>As stated in the Housing Element, the City is pursuing SB 9 and 10 in coordination with Program H2.8, for which the City is under contract for and beginning a study and rezonings.</p> <p>The City has not received any SB 9 applications.</p>	<p>Units</p>		<p>See files "Draft SB 9 Ordinance.docx" and Draft SB 10 Ordinance.docx"</p>
<p>PROGRAM H2.2: Accessory Dwelling Unit (ADU) Program.</p>	<ul style="list-style-type: none"> •Increase viability and uptake of accessory dwelling units through a multi-pronged approach. Develop an ADU calculator to be available for Newark residents, pre-approved plans, and increase community outreach, in partnership with Alameda County. •Work to develop a series of incentives and a low-interest loan program (if feasible in collaboration with Alameda County) to bring more ADU production for affordable rental housing to the city, specifically in areas that are identified as high in opportunity by the Tax Credit Allocation Committee. •Per SB 897, Increase height limits for detached accessory dwelling units on a lot with an existing multifamily or multistory building to 18 feet and 25 feet if the unit is attached to a primary dwelling. •Per AB 345, Accessory Dwelling units built or developed by non profit entities to be sold separately from the primary residence to a qualified buyer. •Remove parking requirements 	<p>6/30/2026</p>	<p>6th Cycle</p>	<p><i>Completed</i></p>	<p>City Council adopted a statutorily compliant ADU ordinance on February 13, 2026 and it will take effect in March 2026. The ordinance exceeds statutory minimum design and development standards to incentivize and boost production.</p> <p>The City created a pre-approved ADU program in 2025 but has yet to receive any plan submittals.</p> <p>The City is on track to meet or exceed unit targets.</p>	<p>Units</p>	<p>160</p>	<p>See Table A Ordinance No. 563 https://www.newarkca.gov/departments/community-development/planning-division/pre-approved-adu-program</p>

<p>PROGRAM H2.3: Investigate opportunities in the Four Corners area to facilitate market-rate and affordable housing and promote neighborhood revitalization through increased mixed use development and walkability.</p>	<p>•Creation of a community-guided plan for the Four Corners area (in between Lake-Rosemont and Mirabeau Neighborhoods), to bring housing and local retail to the area. The plan will consist of community engagement, with the objective of developing community-led decision-making around housing, commercial space, and public infrastructure improvements. As a key element of the community guided Four Corners area plan, the city will incorporate the Transit Oriented Communities (TOC) development policies and requirements as a portion of the Four Corners area is within a transit priority area. The Four Corners area is zoned for community commercial, which does not allow for residential development by right, but housing may be considered as a component of planned developments within these areas in the event a shopping center is reused. The regulations provided in AB2011 are available to property owners, to facilitate the redevelopment of older underutilized strip malls in the Four Corners area. •For example, per state law AB2011, 4.5 acres of underutilized land can be developed with mixed-income housing at 80 dwelling units per acre due to being within 0.5 miles of the proposed Ardenwood rail stop as part of the South Bay Connect rail realignment project.</p>	<p>12/31/2025</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>City staff have engaged City Council to collect input on a plan for the Four Corners area. Council has expressed strong interest in a plan for the area and identified it as a priority for the Community Development Department.</p> <p>On February 18, 2026 the City released a request for proposals for qualified consultants or consultant teams to support the City in development of a Four Corners Specific Plan. The requested scope of work includes community and stakeholder engagement and rezonings.</p> <p>Implementation was delayed due to staff capacity and uncertainty regarding the area's relation to MTC's Transit-Oriented Communities Policy and the South Bay Connect project. The City is electing to proceed even though those closely related efforts are still uncertain.</p>	<p>Units</p>	<p>360</p>	<p>I16_4 Corners Specific Plan RFP</p>
<p>PROGRAM H2.4: Universal Design Ordinance</p>	<p>Develop a Universal Design ordinance for new construction of single-family, accessory dwelling units, duplex, and building 20 units or larger.</p>	<p>6/30/2025</p>	<p>6th Cycle</p>	<p><i>Completed</i></p>	<p>In lieu of developing an individual universal design ordinance, universal design was incorporated into the City's adopted building code (Newark Municipal Code Title 15).</p> <p>Further amendments to the building code are currently prohibited per AB 130 (2025).</p> <p>See Supporting Documents for a memorandum outlining H2.4 completion.</p>	<p>Other</p>		<p>Memorandum I17_Ordinance No. 555</p>

<p>PROGRAM H2.5: Develop a local response to support people experiencing homelessness.</p>	<p>•The City of Newark adopted a resolution endorsing the Alameda County Home Together 2026 Implementation Plan to address homelessness. •Newark is preparing a local homelessness plan intended to be consistent with the Home Together 2026 Plan, which will further the objectives of the County plan. The City will maintain a city webpage to (www.newark.org/residents/homelessness) provide a connection to resources for those at risk of, or experiencing homelessness. The City has responded to homelessness needs by proactively partnering with an affordable housing developer and services provider to create and support 124 units of housing for homeless households and people at risk of becoming homeless. •To develop this plan, the City shall work with the appropriate homeless agencies, community stakeholders, and faith-based organizations to identify new strategies, funding, and opportunities to provide new emergency shelter and transitional housing options and address the needs of 40 unsheltered persons (in addition to the completed 124-unit HomeKey project) annually in need of emergency shelter or temporary housing.</p>	<p>12/31/2024</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>City Council approved a contract with Strategic Change Partners on September 11, 2025 to support the City in developing a 5-year Homeless Action Plan. Strategic Change Partners is engaging stakeholders and developing the plan for City Council adoption by September 2026. Implementation was delayed due to staff capacity and uncertainty regarding the Alameda County Home Together "Refresh" and Alameda County Measure W investment framework. The City is working to align the 5-year plan's recommendations with those of the County's work, which is on a similar but delayed timeline.</p>	<p>Other</p>		<p>I18_Contract</p>
<p>PROGRAM H2.6: Work in Partnership with the Newark Unified School District</p>	<p>•Develop a strategy in collaboration with the Newark Unified school district and the community on a long term development plan and funding for the redevelopment of school district owned sites. •AB 2295 supports housing development on property owned by a local educational agency for teachers and staff on both active and vacant district owned properties. AB2295 establishes minimum standards for development, including a minimum of 10 units, deed restricted for affordability for 55 years and be offered to district teachers and staff. The units are required to be for low and moderate income households, with thirty percent of units required to be for very low incomes. The development standards are 35 feet, with a minimum density of 30 dwelling units per acre.</p>	<p>12/31/2025</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>The City now hosts NUSD Board meetings at City Hall in the spirit of collaboration and resource sharing. The City has notified NUSD of its interest in partnering and providing technical assistance and resources to develop a long-term development plan for surplus and underutilized NUSD sites. The NUSD Board has met to discuss formation of a 7/11 Commission to plan for property disposition but has yet to take action to form this statutorily-required commission. The Board has requested an assessment of all district properties be conducted prior to forming the 7-11 committee. NUSD is working to select an asset management consultant.</p>	<p>Other</p>		<p>I19_26.02.17 NUSD Agenda</p>
<p>PROGRAM H2.7: Affordable Housing Development Fund</p>	<p>Support the development of at least 343 lower-income units.</p>	<p>12/31/2031</p>	<p>6th Cycle</p>	<p><i>Continuous</i></p>	<p>The City has committed funding for 262 lower income homes across three projects, two of which are now complete and one of which is seeking matching funds. The City's commitments include \$19.3 million in direct assistance and an additional \$1.2 million in land value. The City is considering pairing future notices of funding availability with notices of surplus land availability in 2026 (Program H.3).</p>	<p>Units</p>	<p>262</p>	<p>I20_Ordinance No. 560 I20_Cedar Loan I20_Reso No. 11730 SAHA Loan I20_Reso No. 11731SAHA SLA I20_Timber Loan</p>

<p>PROGRAM H2.8: Zoning for Missing Middle Housing Types</p>	<ul style="list-style-type: none"> •To remove constraints and better encourage small multi-family developments in the RS, RL, and RM zoning districts, particularly in the northeast area of the city, including Lake-Rosemont, Mirabeau, and Mayhews Landing neighborhoods, zoning text amendments will be implemented. •Zoning text amendments to may include, but are not limited to: <ul style="list-style-type: none"> oMinimum Lot Size: 5,000 square feet for all building types. oMinimum Lot Width: 50 feet for all building types. oParking Requirements: Parking requirements include a minimum of 1 space per unit for a multifamily dwelling outside the specific plan areas and mixed-use zones, Remove requirements for covered parking spaces, allow parking to be located within required setbacks, and remove guest parking requirements. oOpen Space Requirements: Review 400 square foot/unit requirement in RL zoning districts. •Study feasible densities, identify sites, corridors, and neighborhoods for intensification. Develop a strategy to increase allowable densities to at least 15 du/ac, housing choices, and affordability in RL and high opportunity areas with a target of 200 moderate-income units in the planning period (as noted in Program H2.1) •Zoning text amendments will be implemented to support the overall strategy to encourage small, multi-family developments. •The City shall evaluate the effectiveness of meeting missing middle housing targets of these strategies by 2027, including but not limited to further increasing 	<p>12/31/2024</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>The City is under contract with a consultant to commence community engagement, studies, and rezoning to achieve the quantified objectives of this program. Implementation was delayed due to staff capacity.</p>	<p>Other</p>		<p>I21_Task Order</p>
<p>PROGRAM H2.9: Area Specific Plans</p>	<p>1,594 total units for the three specific plan areas. 147 very low, 101 low, 82 moderate and 1,263 above moderate units.</p>	<p>12/31/2031</p>	<p>6th Cycle</p>	<p><i>Continuous</i></p>	<p><i>Development underway and through 2031</i></p> <p>In progress The City continues to implement specific plans for the Old Town, Bayside, and Newpark Mall areas.</p> <p>-Old Town: Continuing consideratino of modified development impact fees and other incentives. Entitled one mixed-use condominium project in the plan area, including 13 below-market units, as well as two projects just outside of the plan area for affordable housing and supportive senior living.</p> <p>-Newpark Mall: The City conducted Technical Assistance Panel with the Urban Land Institute in February 2026 to evaluate the amended specific plan and generate strategies for implementation and to attract new development. The City is received applications for over 1,000 housing units in the plan area, but is now expecting revised applications in light of AB 1893.</p> <p>-Bayside: The developer is completing buildout of the 134-unit Bridgeway development. A subsequent 279-unit phase, FMC Willow, is entitled and coordinating infrastructure improvement plans with the City and other public agencies. The City is</p>	<p>Units</p>		<p>Old Town: Newpark Mall: Bayside:</p>

PROGRAM H2.10: Single Room Occupancy Housing	In order to support an increase in this housing type in the city, SROs will be permitted use in Residential Medium Density, Commercial Mixed Use and Residential High Density, with a priority for SRO development to occur along transit corridors. Review and update existing development standards (Chapter 17.26.230), including parking requirements, to ensure they are not a barrier to the development of SROs. City fees for SRO projects will remain in line with fees for multifamily projects.	12/31/2024	6th Cycle	<i>In Progress</i>	<p>The City is implementing this program in coordination with several other programs that involve zoning amendments in order to maximize outcomes. Items will be presented to the Planning Commission in March 2026 and to City Council in April 2026.</p> <p>The City is beginning by revising definitions of RM, CMU, and RH zoning to permit SROs. Subsequently, the City intends to review and amend parking standards in coordination with Program H3.5.</p> <p>Development fees will be considered as part of the City's ongoing nexus study.</p>	Other		Draft Ordinance(s)
PROGRAM H2.11: Small Sites Incentives	Implement a lot consolidation incentive program to catalyze development on small sites. The program would include deferring fees specifically for consolidation, expediting permit processing, providing flexible development standards such as setback requirements, reduced parking or increased heights, committing resources for development of affordable housing on small sites, and/or increasing allowable density or lot coverage. In addition, the city will adopt a development standard waiver system for cases when city requirements may preclude development on small sites.	6/30/2025	6th Cycle	<i>In Progress</i>	<p>Fee deferrals are being considered as part of the ongoing nexus study (H3.3) and fee reform for the Old Town Specific Plan Area.</p> <p>Other development incentives, including development and design standard reforms and a waiver system, are being considered as part of the Objective Design Standards project (H3.2)</p>	Other		Draft ODS?
PROGRAM H2.12: Ensure maximum densities are achievable	Review, and amend as necessary, city requirements and development standards in all zones that allow residential development to ensure that maximum densities are achievable. This includes those standards and requirements related to maximum units per building, maximum building coverage, required open space per unit, minimum lot area, setbacks, height limits, parking (also see Program H3.5) and limits on allowable densities. Specifically, remove the MUP requirement for buildings over 35 feet in the RM and RH zones and review whether the 60-foot height limit in the CMU zone (outside of the Old Town Specific Plan area) is a constraint on development and make needed changes, or allowing for flexibility to achieve maximum allowable densities. The analysis will consider impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.	12/31/2024	6th Cycle	<i>In Progress</i>	The City is reviewing and reforming standards to achieve maximum densities as part of the Objective Design Standards project (H3.2), including removing the MUP requirement for buildings over 35 feet in RM and RH zones and reviewing the 60-foot height limit in the CMU zone.	Other		Draft ODS?

PROGRAM H3.1: Streamline Ministerial Approval Permit Procedures	Prepare and publish administrative procedures by 2024 for the processing of housing developments eligible for streamlined review pursuant to SB 35. Assign a staff member to support the streamlined development review.	6/30/2026	6th Cycle	<i>In Progress</i>	The City is implementing this program in coordination with program H3.2 to maximize outcomes and streamline implementation among applicants and staff. Recent larger project applications have been instructive real world examples to inform procedure development.	Other		Draft Design Review chapter?
PROGRAM H3.2: Develop objective design standards for single-family and multi-family developments and infill housing	Develop new objective design standards that result in designs that reflect the needs of the community while supporting new developments that are responsive to local ecological conditions and climate change while reducing development costs where applicable.	6/30/2024	6th Cycle	<i>In Progress</i>	The City contracted with a consultant in October 2024 to assist with developing objective design standards. The City held community and stakeholder engagement activities in winter 2024-25 and anticipates adopting objective design standards in spring 2026. Staff published a draft for public review in March. This project incorporates ODS noted in program H3.4.	Other		Draft ODS and Zoning?
PROGRAM H3.3: Assess and update impact fees	The city will undergo a comprehensive impact fee study to assess and update the impact fee structure to reflect the needs of the community and ensure fee structure is in line with neighboring jurisdictions. Currently the policy in the Old Town Specific Plan area is to temporarily reduce fees to encourage development. The City will provide a fee waiver for senior and housing for people with disabilities.	12/31/2023	6th Cycle	<i>In Progress</i>	The City is conducting a nexus study to review and update development impact fees. The City anticipates the study to be completed and adopted by mid-2026.	Other		Draft Nexus Study?
PROGRAM H3.4: Adjust zoning to allow mixed use in current Commercial zones	Amend the City's Neighborhood Commercial and Community Commercial zones and land use code to create objective standards for mixed-uses and facilitate the redevelopment of commercial sites to mixed-use.	6/30/2025	6th Cycle	<i>In Progress</i>	The City contracted with a consultant in October 2024 to assist with developing objective design standards for residential and mixed-use developments. Staff published a draft for public review in March. Definitions of Commercial-Mixed Use, Neighborhood Commercial, Community Commercial are being revised to permit residential uses.	Other		Draft ODS and Zoning?

PROGRAM H3.5: Parking standards update and study	<ul style="list-style-type: none"> •Update the Zoning Ordinance to encourage infill development for housing for persons with disabilities, senior housing, accessory dwelling units. •Engage with the development community to discuss changes to parking minimums. Identify and implement parking requirement reductions in NMC 17.23.50, eliminating parking minimums for ADUs, and/or unbundled parking from the dwelling unit for large housing projects. Revised parking changes include: <ul style="list-style-type: none"> oSenior Parking: Reduce from 1 space per unit to .5 spaces per unit oRemove parking requirements for ADUs oTwo Unit Dwelling: Remove the guest parking requirement oMulti Unit Dwelling: <ul style="list-style-type: none"> □Reduce covered parking requirement to 0.5 spaces per unit □Reduce guest parking to 0.25 spaces per unit □Reduce overall parking requirement for studios and one bedrooms to 1 space per unit. □Reduce 2-plus bedroom requirement to 1.5 spaces per unit with 0.25 spaces for guest parking. •Provide more opportunities for alternatives to individual automobile such as: <ul style="list-style-type: none"> oCAR SHARING <ul style="list-style-type: none"> □One stall reduction for each stall dedicated and designated for use by a locally-operating car sharing program, such as Zipcar. oON-STREET PARKING CREDIT <ul style="list-style-type: none"> □One-half stall reduction for each new public, on-street parking stall provided as part of a project (through the installation of angled or perpendicular 	6/30/2025	6th Cycle	In Progress	<p>The City has contracted with a consultant to study and recommend parking and transportation demand management standards for new development. Zoning amendments are anticipated to be adopted by the end of 2026.</p> <p>Parking minimums for ADUs were eliminated per Ordinance 563 (2026).</p>	Other		Ordinance 563 Parking Contract/Task Order
PROGRAM H3.6: By-Right Approval of Projects with 20 Percent Affordable Units on "Reused" Sites	602 total units, 304 very low and low income units, 67 moderate income units and 231 above moderate income units.	12/31/2024	6th Cycle	Completed	<p>Ordinance complete as of January 2024.</p> <p>No units have been developed on this site as of yet. Sites 8 and 9 have active approved entitlements for 88 units, including 13 low-income units. The City has received a preliminary plan review application for 56 market-rate units on site 18.</p>	Units		I31_Ordinance No. 547
PROGRAM H4.1: Develop Anti-Displacement Programs for the Old-Town Newark Specific Plan Area	Apply local preference ordinance to new residential development in the Old Town area. Convene an Old Town community working group composed of residents, youth and business owners in the neighborhood. This group will work with staff to develop neighborhood priorities for an anti displacement program for the Old Town Newark Specific Plan area that supports community residents and small businesses to stay in place	6/30/2026	6th Cycle	In Progress	<p>A live/work preference policy was adopted as part of the City's updated inclusionary housing requirements in January 2026.</p> <p>Consideration of further anti-displacement measures for Old Town are under consideration and subject to staff capacity.</p>	Other		I32_Ordinance No. 560
PROGRAM H4.2: Develop a Tenant/Community Opportunity to Purchase Policy	The recommendations will include a framework for an ordinance, administrative and supportive policies, program process and design, community engagement plan, and identification of costs and funding sources for implementation.	6/30/2026	6th Cycle	Not Yet Started	Commencement of this program will commence subject to staff capacity, budget and further prioritization.	Other		
PROGRAM H4.3: Develop a Just Cause Eviction Ordinance	Develop and implement a just cause eviction ordinance for the city to cover tenants under state law when AB 1482 expires in 2029. Support 15 low income residents per year to stay in their homes.	6/30/2025	6th Cycle	Completed	<p>Ordinance adopted January 2026.</p> <p>Program monitoring will commence in 2026 (quantifying beneficiaries).</p>	Persons		I34_Ordinance No. 561

PROGRAM H4.4: Small Sites Program	Develop an RFP for small sites program. Recipients of funding from the Small Sites Program sign a 55-year regulatory agreement that governs the income limits for tenants and rents that can be charged. The program will focus on the Old Town/ Central area, identified as vulnerable to displacement, and with higher concentrations of low income residents.	6/30/2027	6th Cycle	Not Yet Started	The City is updating its Affordable Housing Work Plan and will consider the Small Sites Acquisition Program for inclusion.	Other		March 26, 2026 staff report
PROGRAM H4.5: Connect Residents to Existing Shared Housing Programs	Work to connect 20 residents per year to existing shared housing resource programs through non profit partners for Newark such as the Home Match program.	6/30/2027	6th Cycle	Continuous	The City refers individuals to Home Match, a shared housing resource portal in the Bay Area, including Alameda and Contra Costa Counties. The City does not have data from Home Match on the number of Newark residents who obtain housing through the service.	Persons		https://www.housing.newarkca.gov/resources/#assistancesupport
PROGRAM H4.6: Support Tenant Stability Through Minimum Lease Terms and Relocation Assistance	Develop an ordinance outlining minimum lease terms and relocation assistance for renters.	6/30/2024	6th Cycle	Completed	A relocation assistance ordinance was adopted in January 2026. Community engagement for this project, as well as recent state legislation concerning lease terms and security deposit regulation obviated the need for Minimum Lease Terms. In lieu of this and in response to tenant and landlord interest, the City adopted an anti-harassment ordinance and rent review and mediation program.	Other		134_Ordinance No. 561
PROGRAM H4.7: Identify Housing Opportunities For Those With Developmental Disabilities	20 units to increase housing opportunities for those with developmental disabilities in Newark.	6/30/2024	6th Cycle	In Progress	In April 2024, the City approved entitles for the 59-unit Thornton Avenue Apartments project with 10 units for I/DD households.	Units	10	138_SAHA Entitlements
PROGRAM H4.8: Connect Residents with Foreclosure assistance.	Connect residents with existing foreclosure prevention resources for Alameda County to stem the displacement of 20 low and moderate income residents. With a focus on Hispanic/ Latinx, Indigenous and Black residents.	6/30/2024	6th Cycle	Continuous	The City participates in the Alameda Urban County Emergency Mortgage Assistance Program to provide one-time grants of up to \$30,000 to help homeowners pay for home-related delinquencies, offered in connection with legal services. The City promotes this service on its website, www.housing.newarkca.gov .	Persons		https://www.housing.newarkca.gov/resources/#homebuyerassistance
PROGRAM H4.9: No Net Loss of Units	Replace any of the units if (a) they are planned to be demolished for purposes of building new housing, and (b) they are determined to be occupied by low-income residents.	12/31/2023	6th Cycle	Continuous	The City implements No Net Loss Law. The City has not received any applications for demolition without replacement of residential structures, or demolition of dwelling units known to be occupied by low-income households.	Other		
PROGRAM H4.10: Zoning Ordinance Amendments for Special Needs Housing	Ensure compliance with State law	10/26/2024	6th Cycle	In Progress	The City is implementing this program in coordination with several other programs that involve zoning amendments in order to maximize outcomes. Items will be presented to the Planning Commission in March 2026 and to City Council in April 2026.	Other		Draft Ordinance(s)

<p>PROGRAM H4.11: Scattered Site Housing for Persons Experiencing Homelessness</p>	<p>Conversion of a Homekey-funded hotel containing 124 units for households experiencing homelessness and households at risk of homelessness was completed in 2023. Through a scattered-sites program, purchase 1-2 single-family properties in partnership with nonprofits utilizing available funds to provide extremely low-income housing units for persons experiencing homelessness, with a goal of identifying the majority of sites in high resource census tracts</p>	<p>12/31/2026</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p><i>The Cedar Community Apartments (Project Homekey) was completed in 2023 and a certificate of occupancy was issued.</i></p> <p><i>The City will consider making scattered site housing an eligible use of funds in upcoming NOFAs (program H2.7) and continues to look out for regional, state, and federal opportunities for scattered site housing funding.</i></p>	<p>Units</p>	<p>124</p>	<p>I42_Cedar COO</p>
<p>PROGRAM H5.1: First-Time Homebuyer Assistance</p>	<p>The City will target an average of four households for down payment assistance each year, with a focus on recruitment of moderate-income BIPOC households.</p>	<p>6/30/2024</p>	<p>6th Cycle</p>	<p><i>In Progress</i></p>	<p>The City refers individuals to the Alameda County AC Boost program for first-timehomebuyer assistance. 2 households successfully utilized the program to purchase homes in Newark during the 6th Cycle.</p> <p>City Council approved a contract with Hello Housing in July 2025 to design and administer a first-time homebuyer program. Council is expected to approve program guidelines and other documents in April 2026 to formally launch the program.</p>	<p>Households</p>	<p>2</p>	<p>I43_DPAL Guidelines I43_Hello Housing Contract</p>
<p>PROGRAM H5.2: Affordable Housing Development Programs</p>	<p>778 housing units over the period of the Housing Element. 326 very low, 326 low income units, 126 moderate units</p>	<p>12/31/2031</p>	<p>6th Cycle</p>	<p><i>Continuous</i></p>	<p>BMR Units entitled, permitted, and completed in 6th cycle so far: VLI: 291 LI: 112 MI: 11</p> <p>The City updated its inclusionary housing ordinance in 2026 to prioritize inclusionary-build requirements, as opposed to collecting in-lieu fees, consistent with HE Policy H5.4. The City continues to collect in-lieu fees from certain projects, complies with state density bonus law, and intends to release subsequent NOFA(s) in accordance with program H2.7.</p>	<p>Units</p>	<p>414</p>	<p>I44_Ordinance No. 560</p>

PROGRAM H5.3: Public Lands for dedicated affordable housing.	<p>1.Rezone PF (Public Facility) zoned land to allow affordable housing as a permitted use, by-right.</p> <p>2.Rezone publicly owned land, from Single Family to Mid-rise Residential for the development of 20 new housing units targeted for disabled, single-parent, and low and moderate- income households.</p> <p>3.Develop a public land framework/ policy that enables a coordinated interagency approach to public land reuse.</p> <p>4.Maintain long-term ownership of public sites to ensure permanent affordability and long-term financial benefits.</p> <p>5.Work with the school district to reuse excess and underutilized school sites and meet the needs of the local education workforce for the creation of 50 new units of housing for low and moderate-income households.</p> <p>6.Consider interim uses of public sites that can provide amenities to the community (e.g., housing for those experiencing homelessness, art installations and non-profit art spaces)</p> <p>7.The City shall also continue to monitor the status of available land owned by other public agencies and actively work with developers that may wish to develop such properties for affordable housing.</p>	12/31/2025	6th Cycle	<i>In Progress</i>	<p>The City is rezoning PF to permit 100% affordable housing.</p> <p>The City is drafting a public lands strategy and anticipates adopting it before the end of 2026.</p> <p>The City is coordinating with Newark Unified School District in accordance with program H2.6, and processing an application for 174 homes on surplus Ohlone Community College Land.</p> <p>The City is considering interim uses of public sites in the development of its 5-year Homeless Action Plan, in accordance with program H2.5.</p>	Other		Draft ODS and Zoning?
PROGRAM H5.4: Affordable Housing Overlay Zone	Work to develop a series of incentives such as reduced parking requirements, and fast tracked permitting to bring increased production of affordable rental housing to the Four Corners area and other high opportunity areas of the city.	6/30/2026	6th Cycle	<i>In Progress</i>	The City is developing an Affordable Housing Overlay Zone as part of the Four Corners Specific Plan process (H2.3).	Other		I46_4 Corners Specific Plan RFP
PROGRAM H6.1: In Response to Multi-Year Drought Conditions, Support a Community Reduction of Local Water Usage	Develop a citywide water-wise garden challenge, and partner with local non-profit organizations and city departments to support the transformation of yards and medians with drought-tolerant plants. Update municipal code to incorporate language on drought-resistant landscaping.	6/30/2026	6th Cycle	<i>Completed</i>	In January 2026 the City adopted Climate Action Newark, an update to its Climate Action Plan. The Plan includes 4 individual actions to prioritize water-wise practices, including partnering with local non-profits, updating municipal code, and otherwise incentivizing residential water conservation.	Other		https://www.newarkca.gov/departments/green-newark/climate-action-plan
PROGRAM H6.2: Encourage Water Utilities to Participate in BayREN's Water Upgrades \$ave Program	Provide information in citywide mailings twice a year and post on City of Newark website and social media outlets.	6/30/2025	6th Cycle	<i>Completed</i>	<p>In January 2026 the City adopted Climate Action Newark, an update to its Climate Action Plan. The Plan includes several actions to partner with BayREN and encourage participation in their programs.</p> <p>The City hired a Communications and Public Engagement Manager in 2025 to revamp the Newark News and connect community members to more resources.</p>	Other		https://www.newarkca.gov/departments/green-newark/climate-action-plan https://www.newarkca.gov/departments/city-manager-s-office/newark-news

PROGRAM H6.3: Cool Roofs for Cool Homes	Amend the City's building ordinance to exceed Title 24 standards by requiring cool roofs for all new or replacement roofs.	6/30/2025	6th Cycle	Completed	The City updated its building code in November 2025 to comply with the latest California Building Code, which exceeds requirements for cool roofs in effect at time of Housing Element adoption (Newark Municipal Code Title 15). Further amendments to the building code are currently prohibited per AB 130 (2025).	Other		I49_Ordinance No. 555
PROGRAM H6.4: Flood Risk Disclosure for New Development	Require developments in the flooding and other high-risk inundation areas to disclose flood risks and identify appropriate flood mitigation actions for incorporation into project design.	6/30/2025	6th Cycle	Completed	The City adopted an update to the Tri-City Local Hazard Mitigation Plan in September 2024. Since then, the City has approved entitlements for the Mowry Village Project. The project includes mitigations and conditions of approval to mitigate flood and inundation risk. Subsequent projects, if any, will have similar mitigation requirements.	Other		https://www.newarkca.gov/residents/emergency-preparedness/local-hazard-mitigation-plan-lhmp https://www.newarkca.gov/departments/community-development/planning-division/projects-under-environmental-review
PROGRAM H7.1: Training for Voucher Program and Landlord Responsibilities	Hold two workshops annually for rental property owners/managers	6/30/2025	6th Cycle	Completed	<p>The City promotes fair housing and tenants rights programs offered by ECHO Housing, including via in-person pop up events at the Newark Public Library.</p> <p>The City will contract with a HUD-certified housing counselor to advise tenants and landlords on their rights and obligations under AB 1482 and Newark Ordinance 561 (2026), before the ordinance takes effect in May 2026.</p>	Meetings	6	https://www.echofairhousing.org/events.html
PROGRAM H7.2: Increase City Access, and Partner With Community Organizations To Ensure That Community Members Have Access To Tenant Rights Information and Fair Housing In Multiple Languages.	<ul style="list-style-type: none"> •Cocreation of tenants rights information in collaboration with local community organizations made accessible in culturally relevant ways and in a variety of formats such as videos, flyers, social media and public workshops. •The city is working to install and implement the community development information module on the city's website. The city expects to have this operational by the end of 2023 or early 2024. The City has launched a service called "TextMyGov" which is a streamlined way to interact with community members on various topics and services. Users can send questions or concerns via text on mobile devices. Responses are provided via a return text with links to additional information and city services. Users can also register to receive push notifications via text on various city topics such as general city affairs (in English and Spanish), City Council meetings, and community events. 	6/30/2024	6th Cycle	Completed	In 2026, the City opened the Newark Resource Center, a one-stop shop for housing and social services. The Resource Center is operated by the City with flex space for community organizations and service providers.	Other		https://www.housing.newarkca.gov/ https://www.newarkca.gov/departments/recreation-and-community-services/human-services

Jurisdiction	Newark	
Reporting Period	2025	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields.			TOTAL UNITS ⁺	The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the checklist here: https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺		
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Newark	
Reporting Period	2025	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

Note:
Cells in gre

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Se

Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income
Summary Row: Start Data Entry Below												

Jurisdiction	Newark	
Reporting Period	2025	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	01/31/2023 - 01/31/2031

Local governments are required to inform HCD about any local tenant preference ordinance under California Labor Code 7061 (SB 649, 2022, Cortese). Effective January 1, 2023, local governments adopting a local ordinance must include the following information in the ordinance:

Does the Jurisdiction have a local tenant preference policy?	Yes	
If the jurisdiction has a local tenant preference policy, provide a link to the jurisdiction's webpage containing authorizing local ordinance and supporting materials.		
Notes		

LEGAL ELEMENT PROGF

Table K

Tenant Preferenc

ce the local government maintains
ing a tenant preference are required
more than 90 days after the ordinan



<https://www.housing.newarkca.g>

PROGRESS REPORT

e Policy

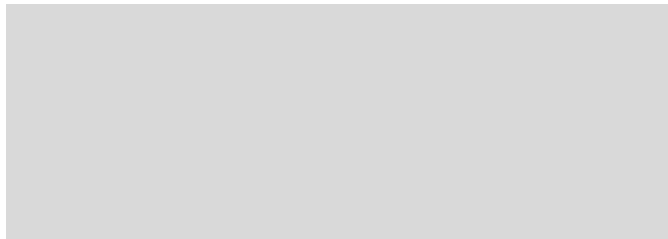
when the jurisdiction submits their annual progress report on housing to create a webpage on their internet website containing authorizing ordinance becomes operational.



[ov/current-efforts#inclusionary-ordinance](#)



g approvals and production, per Government
g local ordinance and supporting materials, no



Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

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Notes

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Notes

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Jurisdiction	Newark
Reporting Year	2025

Please update the status of the proposed uses listed i

Total Award Amount	\$
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Task	\$ Amount Awarded
LEAP Award Notification	\$150,000.00

Summary of entitlements, building permits, and certific

Completed Enti
In
Acutely Low
Extremely Low
Very Low
Low
Moderate

Moderate
Above Moderate
Total Units

Building Per
In
Acutely Low
Extremely Low
Very Low
Low
Moderate
Above Moderate
Total Units

Certificate of Oc
In
Acutely Low
Extremely Low
Very Low
Low
Moderate
Above Moderate
Total Units

Non-Deed Restricted	0
	200
	288

Permits Issued by Affordability Summary	
Income Level	Current Year
Deed Restricted	0
Non-Deed Restricted	0
Deed Restricted	0
Non-Deed Restricted	0
Deed Restricted	0
Non-Deed Restricted	10
Deed Restricted	0
Non-Deed Restricted	10
Deed Restricted	0
Non-Deed Restricted	10
	109
	139

Occupancy Issued by Affordability Summary	
Income Level	Current Year
Deed Restricted	0
Non-Deed Restricted	0
Deed Restricted	0
Non-Deed Restricted	0
Deed Restricted	0
Non-Deed Restricted	2
Deed Restricted	0
Non-Deed Restricted	2
Deed Restricted	0
Non-Deed Restricted	3
	46
	53

PROGRESS REPORT (LEAP) Reporting (202)

... by region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 202. The amount is auto-populated based on amounts entered in rows 15-26.

Task Status	Other Funding
In Progress	None

ation 50515.02 or 50515.03, as applicable.

Notes
The LEAP grant was applied to the Housing Element/Safety Element update effort. Reimbursement was received in January 2025.

Attachment 2

**Housing Element Annual Progress
Report Data Visualization**

Exhibit B – Housing APR Data Visualization

Table 1 – City of Newark RHNA Housing Allocations for 2023-2031 Planning Period

Income Category	5th Cycle			6th Cycle	
	RHNA	Units Permitted	Units Permitted (%)	RHNA	Percent of RHNA
Very Low Income (up to 50% AMI)	330	139	42%	464	25%
Low Income (51-80% AMI)	167	59	35%	268	14%
Moderate Income (81-120% AMI)	158	36	23%	318	17%
Above Moderate Income (121 AMI+)	423	2,168	513%	824	44%
Total	1,078	2,402	223%	1,874	100%

Table 2 – 2025 Entitled Housing Projects and Developments

Project Name	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Thornton Ave Apartments	44	14	-	1	59
Front addition and attached ADU	-	-	-	1	1
3130 SF Two Story House with 420 SF Attached Garage	-	-	-	1	1
Mowry Village	10	20		197	227
Total	54	34	0	200	288

Table 3 – 2025 Affordability Levels of Development Projects

Income Level		Entitled	Permitted	Completed
Very Low	<i>Deed Restricted</i>	54	0	0
	<i>Non-Deed Restricted</i>	0	10	2
Low	<i>Deed Restricted</i>	34	0	0
	<i>Non-Deed Restricted</i>	0	10	2
Moderate	<i>Deed Restricted</i>	0	0	0
	<i>Non-Deed Restricted</i>	0	10	3
Above Moderate		200	109	46
Total Units		288	139	53

Table 4 – 2025 Units by Structure Type

Structure Type	Entitled	Permitted	Completed
Single Family, Attached	-	8	4
Single Family, Detached	197	24	35
2 to 4 Unit	-	-	-
5+ Units	90	73	-
ADU	1	34	14
Mobile Homes	-	-	-
Total	288	139	53

Figure 1. Development Projects Permits Status (2022-2025)

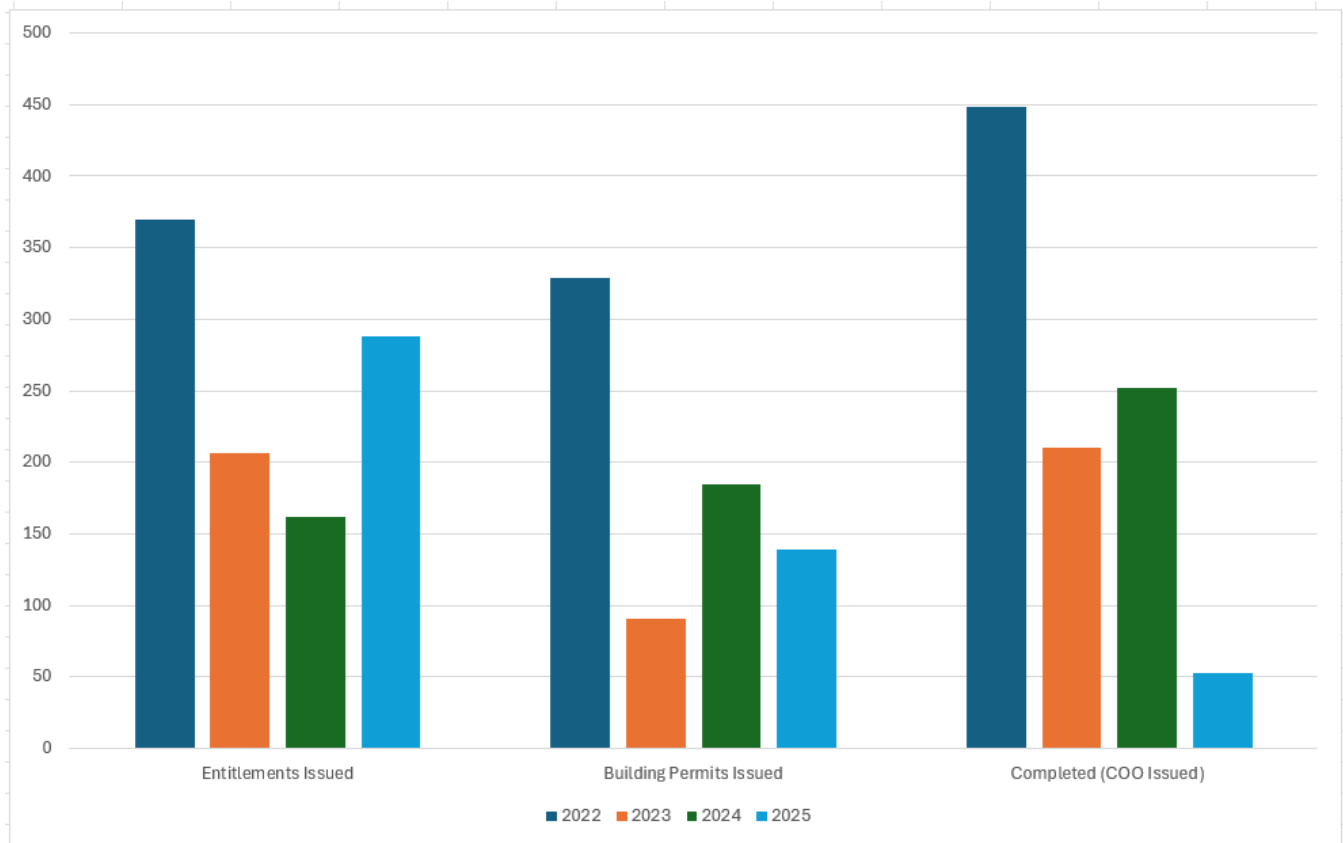


Table 5 – Progress towards Regional Housing Needs Allocation

Income Level	RHNA Allocation by Income Level	2023			2024			2025			Total Units to Date (All years)	Total Remaining RHNA by Income Level	Percentage of Goal Met
		2023	2024	2025	2023	2024	2025	2023	2024	2025			
Very Low	464	-	87	10	-	87	10	-	87	10	97	387	21%
Low	268	-	9	10	-	9	10	-	9	10	19	249	7%
Moderate	318	-	9	10	-	9	10	-	9	10	19	299	6%
Above Moderate	824	84	80	109	84	80	109	84	80	109	273	551	33%
Total	1,874	84	185	139	84	185	139	84	185	139	408	1486	22%

Table 6 – Approved Entitlement Projects Pending Building Permit Issuance

Entitlement Projects	Very Low	Low	Moderate	Above	Total
	Income	Income	Income	Moderate	
Thornton Ave Apartments	44	14	-	1	59
FMC Willow	47	23	20	280	370
Lepakshi Homes	-	13	-	75	88
Mowry Village	10	20	-	197	227
Total	101	70	20	553	744

Table 7 – Modeled Progress towards Regional Housing Needs Allocation

Income Level	RHNA Allocation by Income Level	2023			2024			2025 (Model)			Total Units to Date (All years)	Total Remaining RHNA by Income Level	Percentage of Goal Met	
		2023	2024	2025 (Model)	2023	2024	2025 (Model)	2023	2024	2025 (Model)				
Very Low	464	-	87	111	-	87	111	-	87	111	101	198	387	43%
Low	268	-	9	80	-	9	80	-	9	80	70	89	249	33%
Moderate	318	-	9	30	-	9	30	-	9	30	20	39	299	12%
Above Moderate	824	84	80	662	84	80	662	84	80	662	553	826	551	100%
Total	1,874	84	185	883	84	185	883	84	185	883	744	1152	1486	61%

Table 8 – 2025 Issued ADU Units by Estimated Affordability

Income Category	Percentage of Total	Permitted ADUs
Very Low <i>(Non Deed Restricted)</i>	30%	10
Low <i>(Non Deed Restricted)</i>	30%	10
Moderate <i>(Non Deed Restricted)</i>	30%	10
Above Moderate	10%	4
Total	100%	34

Attachment 3

California Department of Housing and Community Development Housing Element Compliance Letter

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



December 21, 2023

David Benoun, City Manager
City of Newark
37101 Newark Blvd
Newark, CA 94560

Dear David Benoun:

RE: City of Newark's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Newark's (City) housing element, which was adopted October 26, 2023 and received on November 1, 2023. The California Department of Housing and Community Development (HCD) also received modifications on December 11, 2023. All modifications were authorized by Resolution Number 11575 and were made available to the public for seven days before HCD's review. The City confirmed the modifications are consistent with the direction and authority granted by Resolution 11575. In addition, HCD considered comments from East Bay for Everyone, pursuant to Government Code section 65585, subdivision (c). Pursuant to Government Code section 65585, HCD is reporting the results of its review.

HCD is pleased to find the adopted housing element, including modifications, in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq) as of the date of this letter. The adopted element, including all modifications, meets the requirements described in HCD's October 17, 2023 review.

Additionally, the City must continue timely and effective implementation of all programs including, but not limited to, the following:

- Program H2.1 (Develop New Housing Options)
- Program H2.2 (Accessory Dwelling Unit (ADU) Program)
- Program H2.3 (Four Corners Area Mixed use Development)
- Program H2.6 (Work in Partnership with the Newark Unified School District)
- Program H2.8 (Zoning for Missing Middle Housing Types)
- Program H2.9 (Area Specific Plans)
- Program H2.10 (Single Room Occupancy Housing)
- Program H2.11 (Small Sites Incentives)
- Program H2.12 (Maximum Residential Densities)
- Program H3.4 (Mixed Use in Commercial Zones)

- Program H3.5 (Parking Standards Update)
- Program H3.6 (By-Right Approval of Projects with 20 Percent Affordable Units)
- Program H4.4 (Small Sites Program)
- Program H4.9 (No Net Loss of Units)
- Program H4.10 (Zoning Ordinance Amendments for Special Needs Housing)
- Program H4.11 (Housing for Persons Experiencing Homelessness)
- Program H5.4 (Affordable Housing Overlay Zone)
- Program H7.5 (Mid-cycle Review)
- Program H7.6 (Annual Progress towards the City's RHNA Goals)

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), programs to make prior identified sites available or address a shortfall of capacity to accommodate the regional housing need allocation (RHNA) (e.g., Program H3.6) must be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at <https://opr.ca.gov/planning/general-plan/>.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD wishes the

David Benoun, City Manager
Page 3

City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If you have any questions or need additional technical assistance, please contact Helen Eldred, of our staff, at Helen.Eldred@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

Attachment 4
2023-2031 6th Cycle Housing
Element

[https://www.housing.newarkca.gov/s/
Newark2023-2031HousingElement_co
mpliant_December_2023.pdf](https://www.housing.newarkca.gov/s/Newark2023-2031HousingElement_compliant_December_2023.pdf)