



# CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

City Administration Building  
7:30 p.m.  
City Council Chambers

## **AGENDA** Tuesday, December 13, 2016

### A. ROLL CALL

### B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, November 8, 2016. (MOTION)

### C. WRITTEN COMMUNICATIONS

- D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

### E. PUBLIC HEARINGS

- E.1 Hearing to consider recommending approval of an ordinance amending the Zoning Code to replace Newark Municipal Code Section 17.08.415 (Secondary dwelling units) with new Chapter 17.08.415 (Accessory Dwelling Units) and to amend various other sections of the Newark Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units – from Assistant City Manager Grindall. (MOTION)

### F. STAFF REPORTS

### G. COMMISSION MATTERS

- G.1 Election of Officers.

- G.2 Cancellation of the regularly scheduled Planning Commission Meeting of Tuesday, December 27, 2016.

**G.3 Report on City Council actions.**

**H. ADJOURNMENT**

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 at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. 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.

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City Administration Building  
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## **MINUTES** Tuesday, November 8, 2016

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### **A. ROLL CALL**

At 7:31 p.m., Chairperson Aguilar called the meeting to order. All Planning Commissioners were present.

### **B. MINUTES**

#### **B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, August 23, 2016.**

Vice-Chairperson Nillo moved, Commissioner Otterstetter seconded, to approve the Minutes of August 23, 2016. The motion passed 5 AYES.

### **C. WRITTEN COMMUNICATIONS**

None.

### **D. ORAL COMMUNICATIONS**

None.

### **E. PUBLIC HEARINGS**

#### **E.1 Hearing to consider a Conditional Use Permit (U-16-16) to allow for a college, DeVry University, to operate in an existing building located at 8000 Jarvis Avenue (APN: 537-853-38).**

Assistant City Manager Grindall gave the staff report.

Answering Commissioner Fitts, ACM Grindall confirmed this building was part of the Sun Microsystems Campus and was intended to be used as a training center.

Answering Commissioner Otterstetter, ACM Grindall stated the parking spaces for this location is independent to the parking spaces for the Aloft Hotel, and it meets City standards.

Answering Chairperson Aguilar, ACM Grindall stated with the phasing of class starting times, and the reciprocal parking agreement with the two other office buildings at this site, staff does not anticipate any parking issues.

ACM Grindall stated no property owners within 300' of the subject site had notified the City with any concerns.

Chairperson Aguilar opened the Public Hearing.

Mr. Ray Hashimoto, HRH Civil Engineers, 1570 Oakland Road, San Jose, CA 95131, representing DeVry University, stated he has read and is in agreement with the conditions listed in Resolution 1940.

Answering Commissioner Bridges, Mr. Daniel Cardenas, Regional Director for DeVry University, 2160 Lundy Avenue, Suite 250, San Jose, CA 95131, stated this campus will have a scaled-down footprint due to fewer students on site, and more students taking online classes.

Answering Commissioner Fitts, Mr. Cardenas, stated they offer both Bachelors and Graduate Degrees.

Answering Vice-Chairperson Nillo, Mr. Hashimoto estimates the opening of their campus will be the second quarter of 2017.

Chairperson Aguilar closed the Public Hearing.

Motion by Commissioner Fitts, seconded by Commissioner Bridges, to approve Resolution 1940, approving U-16-16, a conditional use permit, with Exhibit A, pages 1 through 5, for a university campus. Motion passed 5 AYES.

This item will be heard at the December 8, 2016 City Council Meeting.

## **F. STAFF REPORTS**

None.

## **G. COMMISSION MATTERS**

### **G.1 Report on City Council actions.**

ACM Grindall informed the Planning Commission that the City Council will consider the reappointment of Karen Bridges to the Planning Commission at their November 10, 2016 Meeting.

ACM Grindall also informed the Planning Commission that a Community Meeting for the Citywide Parks Master Plan is scheduled for November 9, 2016 at 6 p.m. at the Community Center, and a duplicate Community Meeting is scheduled for November 12, 2016 at noon at the Silliman Center.

**Commissioners' Comments**

None.

**H. ADJOURNMENT**

At 7:46 p.m., Chairperson Aguilar adjourned the regular Planning Commission meeting of Tuesday, November 8, 2016.

Respectfully submitted,



TERRENCE GRINDALL  
Secretary



- E.1 Hearing to consider recommending approval of an ordinance amending the Zoning Code to replace Newark Municipal Code Section 17.08.415 (Secondary dwelling units) with a new Chapter 17.08.415 (Accessory Dwelling Units) and to amend various other sections of the Newark Municipal Code to achieve consistency with California Senate Bill 1069 and Assembly Bill 2299 pertaining to the construction of accessory dwelling units – from Assistant City Manager Grindall.** *JG* **(MOTION)**

**Background/Discussion** – Staff is proposing to amend Title 17 (Planning and Zoning) of the Newark Municipal Code to respond to the recent state legislation and to implement policies in the General Plan Housing Element. Senate Bill (SB) 1069, Assembly Bill (AB) 2299, and AB 2406 were all signed by Governor Brown in late September, requiring that cities and counties in California adopt conforming regulations for Accessory Dwelling Units (ADU). The new State regulations are intended to make it easier to create ADUs on single-family residential properties, thereby addressing the shortage of affordable rental units in California.

Accessory Dwelling Units (ADUs), previously known as secondary units, and also known as in-law apartments, or granny flats, are an important housing resource in California. ADUs are typically created through the construction of a detached structure in the rear yard, the conversion of existing living space in a single-family home to a separate dwelling unit, or the addition of space to an existing home. Over the last two decades, the State has adopted a number of laws that encourage ADUs and limit the requirements that may be imposed by cities on such units. ADUs are generally regarded as an effective way to increase housing options without changing neighborhood character. They can effectively provide affordable housing for renters, a source of income for homeowners, and a housing resource for extended families, seniors, college students, and others.

Newark currently permits ADUs in all residential zoning districts, subject to rules relating to size, location, parking, height, lot size, and other physical features. Key features of the City's existing requirements are limiting the maximum size of the units to 275 square feet, and the required addition of a parking space to the property. These requirements have impeded the development of secondary units in Newark.

The new State laws requires that the Cities regulations be relaxed and that ADUs meeting the City's regulations be ministerial approved—in other words, approved by staff without a public hearing and not subject to a discretionary action, The Housing Element of the Newark General Plan recognizes ADUs as a key part of the City's rental housing supply.

On September 27 and 28, 2016, Governor Brown signed three pieces of legislation into law that require California cities and counties to substantially revise their ADU regulations. The specific provisions of the legislation are described below:

- **SB 1069**, sponsored by State Senator Wieckowski (D-Fremont), was signed by the Governor on September 27, 2016. The bill requires that:
  - Municipal code references to “secondary dwelling unit” be replaced with the term “accessory dwelling unit.”
  - Local ordinances must state that ADU applications will be approved or disapproved within 120 days after a complete application is received.
  - ADUs up to 1,200 square feet or up to 50 percent of the living area in an existing dwelling may be permitted.
  - Cities cannot require more than one parking space per bedroom.
  - Cities must allow off-street parking requirements to be met through tandem parking or within required setback areas (as well as through covered parking or extended driveways).
  - Cities must waive parking requirements for ADUs that are entirely contained within existing structures, or that are within one-half mile of public transit, one block of a car-share vehicle, or in a historic district.
  - Fire sprinklers can only be required for the ADU if they would be required for an equivalent addition to the primary residence.
  - Additional streamlined requirements (relating to setbacks and other development standards) apply to ADUs that are contained entirely within existing structures.
  - Cities are given an opportunity to limit the use of ADUs as short-term rentals.
  - Local agencies may not collect water and sewer connection fees for ADUs that do not add habitable floor space, and must structure fees for other types of ADUs so they are proportional to the impacts on service demand.
- **AB 2299**, sponsored by Assemblyman Bloom (D-Santa Monica), was signed by the Governor on September 27, 2016. The bill features many of the same provisions as SB 1069, including prohibitions on requiring additional parking for ADUs in certain circumstances.
- **AB 2604**, sponsored by Assemblyman Thurmond (D-Richmond), was signed by the Governor on September 28, 2016. The bill creates a new class of ADUs called Junior Accessory Dwelling Units that are entirely contained within the footprint of existing homes. Junior ADUs must incorporate an existing bedroom, include an efficiency kitchen, have a door leading directly to the outside of the house, and be less than 500 square feet. The new law requires that Junior ADUs be permitted without an off-street parking space and without utility connection charges.

**Project Description** – As noted above, the project would amend provisions of NMC Title 17 (Zoning) relating to ADUs in order to implement new State mandates and create additional affordable housing opportunities. All cities and counties in California must make similar changes. The changes remove NMC Section 17.08.415 regulating “secondary dwelling units” and replace this content with Section 17.08.415 defining “accessory dwelling units.” State law now requires that all references to “secondary dwelling units” be replaced with “accessory

dwelling units” for consistency with the Government Code. Section 17.16.030 subsection h is proposed to be replaced in its entirety with new regulations governing ADUs.

The proposed new regulations are organized into four sections as follows:

- Definition of terms, including “Standard Accessory Dwelling Unit” (SADU) and “Junior Accessory Dwelling Unit” (JADU)
- Regulations that apply to all Accessory Dwelling Units (ADU).
- Regulations that apply only to Standard Accessory Dwelling Units (SADU)
- Regulations that apply only to Junior Accessory Dwelling Units (JADU)

The changes also includes conforming amendments to other sections of Title 17 to reflect the new ADU regulations, including the replacement of the term “secondary dwelling unit” with the term “accessory dwelling unit” throughout the Zoning code.

### **PROJECT ANALYSIS**

The narrative below highlights the proposed regulations, including the most significant changes from existing regulations.

In section 17.08.415 the proposed language change includes a definition of ADUs. It also notes that there are two types of ADUs in the City: Standard ADUs (SADUs) and Junior ADUs (JADUs). **SADUs** are units that result in a net increase in habitable floor area on a parcel. Examples would be new detached units in the rear yard, new units above a garage, conversion of unfinished attic or basement space into habitable space, or major home additions with second kitchens and new bathrooms. On the other hand, **JADUs** are created through the conversion of an existing bedroom within an existing single-family home. JADUs may be no larger than 500 square feet, are not separately metered (for utilities) and involve no net increase in habitable floor area on the property.

#### ***Regulations Applicable to All ADUs***

The changes indicate that an application for an ADU must be approved ministerially (e.g., without discretionary action or a hearing) within 120 days of submission of a complete application. It maintains existing requirements that requires a building permit for an ADU, and review for ADUs that involve exterior alterations.

The regulations explicitly allow the City to collect fees for any permits associated with ADU creation (building permit, design review, etc.). However, as required by SB 1069, the City cannot adopt special service charges or fees that apply only to homes with ADUs but not to homes without them.

The regulations carry forward the existing requirement that only one ADU is permitted per property. ADUs continue to be subject to the same height, setback, and lot coverage requirements that apply to single-family homes in the same zoning district.



The regulations also carry forward the existing requirement that the owner reside on the property (either in the principal residence or in the ADU), as well as the requirement that a deed restriction be filed with Alameda County that limits the sale of the ADU separate from the principal residence. It is required that the unit is architecturally compatible with the principal residence, and that any exterior stairs (to any upper floor unit) be in the rear or side yards, and that ADUs be on a permanent foundation is carried forward.

New language has been added addressing fire sprinklers. Sprinklers may only be required where they would also be required for a principal residence under the Newark Fire Code. Typically, a new detached ADU would require sprinklers (just as a new residence would require sprinklers), but the conversion of interior space in an existing house to an ADU would not.

New language has also been added that would prohibit the rental of ADUs for terms shorter than 30 days. This is a reiteration of city wide regulations.

### ***Regulations Applicable to Standard ADUs***

Standard ADUs have the potential to be more impactful than Junior ADUs. They are typically larger and result in a net increase in habitable floor space on a property.

As with the current regulations, the new regulations continue to require that detached ADUs be separated from other habitable structures on the site by at least 10 feet. The regulations incorporate the following new requirements, which are specifically required by SB 1069:

- The City cannot require a continuous passageway (e.g., a path) from the street to the front door of the ADU.
- An existing garage may be converted to an ADU, even if it is in the required setback area, provided the applicant still meets all off-street parking requirements after the ADU is completed.

The most substantial changes required by SB 1069 relate to off-street parking. Currently, one off-street parking space is required per bedroom for an ADU. This continues to be the case under the proposed revisions, but off-street parking cannot be required for units meeting any of the following criteria:

- The unit is within one-half mile of public transit
- The unit is within a designated historic district
- The unit is entirely within the principal residence and results in no net increase in habitable floor area on the property
- The unit is in an area where on-street permit parking is required, but such permits are not available to the tenant
- The unit is within one block of a car-share vehicle

SB 1069 does not include a definition of “public transit.” The proposed ordinance defines transit as a rail transit station or a bus stop with service frequencies of no greater than 15 minutes.

Where off-street parking is required, SB 1069 further limits the City’s ability to specify how and where it must be sited. The proposed regulations allow ADU parking requirements to be met in

conventional garages or carports, uncovered paved areas such as an extended driveway, tandem parking in an existing driveway, or parking on other locations on the property, including the front setback. The City can prohibit parking in required setbacks if it finds that such parking is not feasible due to life safety conditions.

The existing 275 square foot maximum size of a second unit is not consistent with the new state legislation. Thus the proposed ordinance limits the maximum size of a SADU to 600 square feet.

The recent State legislation also limits the ability of “local agencies” to collect water and sewer connection fees for new ADUs. However, it defines “local agencies” as cities and counties, and does not directly regulate independent water and sewer districts. In 2016, the Alameda County Water District (ACWD) connection fee for a new ADU was \$4,111, while the Union Sanitary District sewer connection fee was \$5,129.50. The high cost of connection fees is a major obstacle to ADU construction. Because the City itself does not regulate these fees, the draft regulations impact them.

The draft regulations note that other fees for ADUs should be proportionate to the burden of the proposed ADU, and must not treat an ADU as if it were a new principal residence. The City may exercise discretion in determining whether impact fees (for parks, transportation, and other City services) may be waived or reduced for ADUs.

#### ***Regulations Applicable to Junior ADUs***

As noted earlier, Junior ADUs are units that repurpose a bedroom in an existing residence into an independent living unit. They are less impactful than SADUs since they result in no increase in habitable space. Creating a JADU would typically require constructing a door from a bedroom to the exterior of the home, installing an efficiency kitchen, and installing a double door that separates this living space from the rest of the home. Consistent with AB 2406, JADUs may not exceed 500 square feet in floor area.

The proposed regulations for JADUs require an efficiency kitchen with a counter no less than six feet long, a sink, and electrical service. JADUs may have their own bathrooms, or they may share bathroom space with the principal residence. Under AB 2406, the City cannot impose parking requirements on JADUs. However, such units would only be permitted in residences that already meet off-street parking requirements for single-family homes.

#### ***Conforming Code Changes***

Other sections of Title 17 would need to be amended for internal consistency with the changes related to ADUs.

**Finding for Approval** – In order to adopt the proposed amendments, the City Council must make the following findings:

1. The proposed amendment is consistent with the General Plan, and where the amendment is to the text of the General Plan, it is consistent with the other policies and chapters.

*Analysis:* The proposed Zoning Text Amendment would be consistent with the General Plan Land Use and Housing Elements.

2. The proposed amendment furthers the public interest, convenience, and general welfare of the City.

*Analysis:* The proposed amendments further the public interest, convenience and general welfare of the City. The amendments would ensure consistency of the Newark Municipal Code with the General Plan and State law, and provide zoning standards that are relevant to current development trends, demographic changes, and local and regional housing needs.

## **ENVIRONMENTAL REVIEW**

Pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), “the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.a and 65852.2 of the Government Code” relating to “granny” housing and “second unit ordinances” are exempt from the requirements of CEQA. Similarly, the ministerial approval of ADUs would not be a “project” for CEQA purposes, and environmental review would not be required prior to approving individual applications.

## **PUBLIC NOTICE AND COMMENT**

Public hearing notification is applicable. A Public Hearing Notice was published by the Tri-City Voice on November 29, 2016.

## **Attachment**

**Action** - It is recommended that the Planning Commission by motion: recommend that the City Council: (1) Find that the proposed Newark Municipal Code Amendments are exempt from the requirements of CEQA under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h); (2) Find that the proposed Zoning Text Amendment is consistent with the General Plan, including the policies described and analyzed in this report; (3) Find that the proposed Zoning Text Amendment furthers the public interest, convenience, and general welfare of the City. The proposed amendments would ensure consistency of the Newark Municipal Code with the State Government Code, and provide zoning standards that are relevant to current development trends, demographic changes, and local and regional housing needs; (4) Introduce an Ordinance approving amendments to Title 17 (Zoning) as shown on Exhibit “A”; and (5) Direct staff to prepare and the City Clerk to publish a summary of the Ordinance.

## EXHIBIT A

### MUNICIPAL CODE CHANGES FOR ACCESSORY DWELLING UNITS

**17.08.415 Second Unit** - Replace in its entirety with:

**Accessory Dwelling Unit-** An Accessory Dwelling Unit (ADU) shall mean an attached or detached residential dwelling that is subordinate to a principal residence on the same lot, and that provides complete independent living facilities for one or more persons. ADUs include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the principal residence. There are two categories of ADUs, distinguished by the size and location of the ADU and the extent to which the ADU results in a net increase in habitable floor space on the property. These categories are defined as follows:

(1) Standard ADUs (SADU) may be attached to the principal residence or may be a detached structure and include ADUs that meet any of the following criteria when constructed:

(A) A net increase in habitable floor space on a property; or

(B) A floor area exceeding 500 square feet; or

(C) Created within the footprint of an existing primary residence without incorporating an existing bedroom.

(2) Junior ADUs (JADU) includes ADUs that meet all of the following criteria when constructed:

(A) No net increase in habitable floor space on a property; and

(B) A floor area of 500 square feet or less; and

(C) Contained entirely within the existing walls of an existing principal residence, and

(D) Created at least in part through the conversion of an existing bedroom.

**17.16.030 (h)** replaces the subsection it is entirety with the following:

Accessory Dwelling Units (ADUs) in any residential district. All ADUs shall be subject to the provisions of this section. In the event of a conflict between the provisions of this section and another section of the Newark Municipal Code, the provisions of this section shall prevail.

(a) Regulations Applicable to All Accessory Dwelling Units (ADUs):

(1) Permitting Procedure. Any application for an ADU that meets the applicable location and development standards contained in Section 16.16.030 shall be subject to ministerial review and approval without discretionary review or public hearing. All permits shall be

issued within 120 days of submission of a complete application for ADUs conforming to the provisions of this section.

(2) Building Permit Required. No ADU shall be established or maintained until there has been a building permit approved by the city. The application for the permit shall include:

(A) Site plan indicating the location of the principal residence, the location and type of the proposed ADU, and parking (for those ADUs where parking is required);

(B) Floor plans of the principal residence and proposed ADU;

(C) Elevations of all sides of the principal residence and ADU;

(3) Applicability of Fees.

(A) This ordinance shall not be construed to prohibit the City from adopting an ordinance or regulation relating to services or utility connection fees that applies to a single-family residence that contains an ADU so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether they include an ADU.

(B) This ordinance will have no impact on the connection or fees charged by other government entities.

(4) Locational Criteria

(A) In no case shall the total number of dwelling units exceed two (i.e., principal residence and ADU) on any lot wherein a principal single-family residence has been authorized.

(B) ADUs are not required to meet the density requirements of the General Plan or zoning ordinance and do not count toward the permissible number of units per acre (or required lot area per dwelling). However, ADUs shall otherwise be consistent with the General Plan text and diagrams as provided in California Government Code §65852.2.

(C) An ADU shall be located only within the area of the lot allowed for the principal residence as established by its zoning district, except as provided in Section 17.16.030.

(D) An ADU may be attached to the principal residence (i.e., created through conversion of existing floor area or addition of new floor area to the principal residence) or detached.

(E) An ADU shall not be counted in any ordinance, policy, or program to limit growth (the number of residential units permitted in a year, etc.)

(5) Occupancy Criteria.

(A) An ADU may be occupied as a separate single-family dwelling only if the legal owner of the lot occupies one of the dwellings located on the lot; otherwise, the ADU and the principal residence shall be occupied as if they were one single-family dwelling.

(B) The rental of ADUs for terms shorter than 30 days shall be prohibited.

(C) Nothing in this section prohibits the ADU or principal residence on the lot from remaining vacant.

(6) Size.

(A) An ADU must be a minimum of 150 square feet and may not exceed the lower of 600 square feet or 50 percent of the existing living area of the principal residence on the property.

(B) An ADU may not include more than one bedroom.

(7) Design.

(A) An ADU shall incorporate architectural features, building materials and colors that are compatible with the principal residence and the adjacent neighborhood.

(B) Outside stairways to the ADU shall not be in the front of the principal residence.

(C) If the ADU is visible from the public right-of-way it would be subject to the Single Family Design Review Process.

(8) Building Safety

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

(B) No fire sprinklers shall be required for the ADU, unless the associated improvements meet the threshold for a "substantial remodel" as defined by the Newark Fire Code, or are associated with a new detached ADU on a property where sprinklers would otherwise be required for a new single-family home.

(C) Permanent Foundation. A permanent foundation shall be required for all detached ADUs.

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

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

(A) A prohibition on the sale of the ADU separate from the sale of the principal residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) Occupancy restrictions and requirements, as specified in Section 17.16.030.

(C) A restriction on the size and attributes of the ADU that conforms with Section 17.16.030.

(b) Regulations Applicable to Standard Accessory Dwelling Units (SADU):

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

(2) Building Height. A SADU may not exceed the building height limitation applicable to the principal residence on the lot.

(3) Connection to Street. No passageway shall be required in conjunction with the construction of a SADU, unless such a connection is mandated by the Americans with Disabilities Act, or other state or federal safety code or standard. A passageway is a pathway that is unobstructed and clear to the sky that extends from the street to the door of the SADU.

(4) Separation. Except as noted in Section (6) below, detached SADUs must be separated from other habitable structures on site by at least 10 feet. The separation may be reduced to eight feet if one structure is equipped with fire sprinklers or six feet if both structures are fire sprinklered. Roof eave projections into this separation may be limited by the building code.

(5) Garage Conversions. An existing garage may only be converted to a SADU if the property will meet all applicable parking standards upon completion of the SADU. Setback requirements shall not apply to an existing garage that is converted to an ADU, provided that any walls within setback areas comply with applicable building and fire codes. In the event an ADU is constructed above an existing or newly constructed garage, a setback requirement of five feet from the side and rear property lines shall be required.

(6) Parking. One parking space per bedroom shall be required for a SADU, except as noted Below:

(A) Required parking may be provided through any of the following methods:

(i) Conventional garages or carports;

(ii) Uncovered paved areas such as an extended driveway.

(iii) Tandem parking in an existing driveway; or

(iv) Parking on other locations on the property, unless specific findings are made that parking in setback areas is not feasible based upon life safety conditions. Mechanical lifts may be permitted where consistent with design review criteria.

(B) No off-street parking shall be required for a SADU in any of the following instances:

(i) The SADU is located within one-half mile of public transit. This is limited to areas within one-half mile of rail transit station or bus stops served by bus lines with a 15 minute or less headway. In such cases, the one-half mile standard shall be based on the actual walking route between the SADU and the transit stop rather than on a straight line between the two points;

(ii) The SADU is located within a designated architecturally and historically significant historic district or on a property that includes a register resource or potential register resource;

(iii) The SADU is located entirely within the existing principal residence or an existing habitable accessory structure and results in no net addition of habitable floor area on the property;

(iv) The SADU is located in an area where on-street parking permits are required, but are not offered to the occupants of the SADU;

(v) The SADU is located within one block of a designated parking area for one or more car-share vehicles available to the general public by subscription.

(C) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a SADU, and replacement parking is required, the replacement parking spaces may be provided as in Section 17.16.005(c)(7)(A) above.

(7) Fees. SADUs resulting in a net increase in habitable floor area on a property may be subject to City impact fees that are proportionate to the burden of the proposed ADU on City services. However, under no circumstance may the SADU be considered equivalent to a new principal dwelling unit for the purpose of fee calculation.

### (c) Junior Accessory Dwelling Units (JADUs)

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



(1) Applicability. Performance standards for JADUs shall apply in all residential zoning districts.

(2) Development Standards.

(A) Number Per Lot. Only one JADU is permitted on a single-family residential lot. A JADU is not permitted if another ADU already exists on the property.

(B) Location. The JADU shall be constructed entirely within the existing walls of an existing single-family home and must incorporate an existing bedroom.

(C) Size. The JADU shall not exceed 500 square feet in size.

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

(E) Sanitation. A JADU may include a bathroom, or may share bathroom facilities within the principal residence.

(F) Kitchen. The JADU shall include an efficiency kitchen, which shall include all of the following:

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

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

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

(3) Parking. No additional off-street parking shall be required beyond that required for the principal residence. The principal residence shall meet the current off-street parking standard in effect at the time the JADU is approved.

(4) Building and Fire Code Requirements. For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate dwelling unit. No fire wall separation or noise attenuation measures are required between the principal residence and the JADU.