



- E. 1 **Hearing to consider Z-19-3, Text amendments to the Zoning Ordinance of the Newark Municipal Code to revise various sections including Ch. 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020, 17.13.040(B), 17.26.090(E) & 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards– from Deputy Community Development Director Interiano.**

(RESOLUTION)

Background/Discussion – Upon adoption of the 2018 Zoning Ordinance, staff began an ongoing process to monitor and improve the zoning regulations. Specifically, staff has identified areas that contain either vague or inconsistent language or areas where design standards could be improved. Staff anticipated the need to consider such corrections after the Zoning Ordinance was adopted. The current proposed ordinance is the second set of amendments. The previous changes were approved by the City Council in July 2018.

Most of the recommended changes are minor, with a few needing further explanation:

- Tutoring and Instructional Services are allowed through a Minor Use Permit. Tutoring uses are those in a classroom setting where an adult accompanies a minor. Instructional uses are specialized programs that include music, martial arts, vocal, fitness or dancing instruction. Staff recommends that these uses require a 300 foot distance separation between uses. Traditionally, these uses are found in Office Professional zoning districts and in a limited basis in other commercial zoning districts. Recently, a large number of these businesses have located in commercial shopping centers, which are causing an overconcentration of non-retail uses and reduce the number of available retail spaces in the City’s shopping centers. In order to maintain a healthy balance of retail uses in shopping centers that support the City’s tax base, staff recommends limiting the impact of these uses in commercial zoning districts.
- Government Offices and Public Safety Facilities are a permitted use in most of the City’s zoning districts. Staff is recommending these uses also be allowed in the Residential Medium Density (RM) and Residential High Density (RH) zoning districts. City owned lands may be used for various government purposes which may include administrative offices and public safety buildings which are compatible with the RM and RH zoning districts. These uses were previously allowed prior to 2018 and the fact that they were not included in the new zoning regulations was simply an oversight.
- Large Family Daycares are currently allowed through a Minor Use Permit. If approved, a MUP has no notification or appeal process which applies to the surrounding neighbors. Due to large family daycares being located in residential neighbors, staff believes it is best to gather community input due to the potential impacts such as noise and traffic to the neighborhood. As such, staff is recommending a notice and appeal requirement to all

neighbors within 200 feet of the subject property, similar to a Single Family Design Review application.

- Multifamily landscaping standards, similar to single-family zoning districts, currently require 25% of the project area to be landscaped and half of that amount needs to be along the right-of-way. The current standards are better designed for single family homes which are designed to have a consistent and uniform appearance within the same subdivision, however these standards are not as practical for multifamily projects. Staff is supportive of 25% landscape requirement for aesthetic reasons but would recommend removing the requirement of having half of the landscaping being along the roadways. The change would allow staff flexibility to better design projects with developers and provide larger continuous landscaped areas.
- Guest house standards were previously allowed prior to the 2018 Zoning Ordinance. The guest house regulations were not intended to be removed from the zoning code. A guest house would be allowed in residential zoning districts, but not be available for rental purposes and be limited to 275 sq.ft. Staff also recommends slightly larger setbacks than previously allowed to provide a buffer to adjacent neighbors.

Summary of Changes:

Subject	Zoning Section	Proposed Change
Guesthouse	<i>17.07.020 (Table) & 17.26.280</i>	Reintroduce standards. Unintentionally removed during 2018 overhaul of Zoning Ordinance.
Government Offices	<i>17.07.020 (Table)</i>	Add Use to RM and RH zoning districts
Public Safety Facilities	<i>17.07.020 (Table)</i>	Change to Permitted Use in RM and RH zoning districts instead of CUP
Lodging House	<i>17.07.020 (Table)</i>	Add as Permitted use in Zoning Tables to be consistent with definition.
Multifamily Landscaping	<i>17.07.030 (Table)</i>	Clarify that 25% landscaping along ROW only applies to SF Zoning districts.
Pedestrian Walkways	<i>17.07.040(D)(5)</i>	Reduce the walkway width to 4 feet instead of 6 feet.
SF Design Guidelines	<i>17.07.040(E)</i>	Adding reference to guidelines. Existing guidelines have been in effect since 2007.
Tutoring Center & Instructional Service	<i>17.08.020 (Table)</i>	Add distance separation between uses of 300ft. within CMU, CR, NC, CC and RC zoning districts.
Form-Based Code	<i>17.13.040(B)</i>	Change distance separation of buildings in the Form Based Code from 16ft to 19ft. for better spatial design
Large Family Daycare	<i>17.26.090(E)</i>	Establish a notification and appeal process to the surrounding neighbors within 200 ft.

The proposed amendments discussed above will make the regulations clearer and more effective.

They will ultimately save staff time, minimize confusion, improve project designs, and improve customer service.

CEQA-The proposed text amendment is categorically exempt from the California Environmental Quality Act (CEQA) under section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 1506(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Action – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve Z-19-3, Text amendments to the Zoning Ordinance of the Newark Municipal Code to revise various sections including Ch. 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020, 17.13.040(B), 17.26.090(E) & 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards.

Attachment

1. Resolution
2. Draft Ordinance
3. Exhibit A