Accessory Housing
Unit Code Changes
Summary

- SB 1069, AB 2299, AB 2406 require that cities relax restrictions on Accessory (Second) Dwelling Units.
- Permitted without City Council approval.
- Junior ADU in existing buildings (Up to 500 SQFT).
- Standard ADUs as separate structures or in existing buildings (Up to 600 SQFT).
- Require relaxed parking requirements.
Key Provisions of Proposed Code

**Approach:** relax restrictions but ensure neighborhood quality.

- Owner must reside on the property
- Subject to the same height, setback, and lot coverage requirements.
- Cannot be sold separately from the main residence.
- Must be architecturally compatible with the principal residence.
- Cannot be more than one bedroom.
Parking

- Newark neighborhoods are sensitive to parking issues.
- Legislation does not allow parking to be required for Junior ADUs or Standard ADUs if close to transit.
- However, transit is undefined. Proposed code requires “effective” transit to waive parking requirement for Standard ADU.
Transit

- No effective transit in Newark at this time.
- 6 AC transit routes.
- No rail transit.
- No route has more frequency than once every half hour.
- Fremont has more than twice Newark’s transit ridership rate. Berkeley and Oakland have more than 7 times Newark’s ridership rate.
Weekday Transit Boardings Per Capita

Berkeley  | Oakland  | Fremont  | Newark
0.9      | 0.8      | 0.2      | 0.1
Exceptions and Monitoring

- Code includes Conditional Use Permit potential to allow Standard ADU with no new parking with Commission/Council approval.
- If issues arise, regulations could be modified as a part of Zoning Code Update.
- Transit “effectiveness” would be assessed whenever Housing Element was update.
Recommendation

After a public hearing, adopt an Urgency Ordinance and introduce a Zoning Text Amendment Ordinance amending Newark Municipal Code Chapters 17.08 ("Definitions") and 17.16 ("R Residential Districts") to comply with recent amendments to State law regarding Accessory Dwelling Units.