



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.



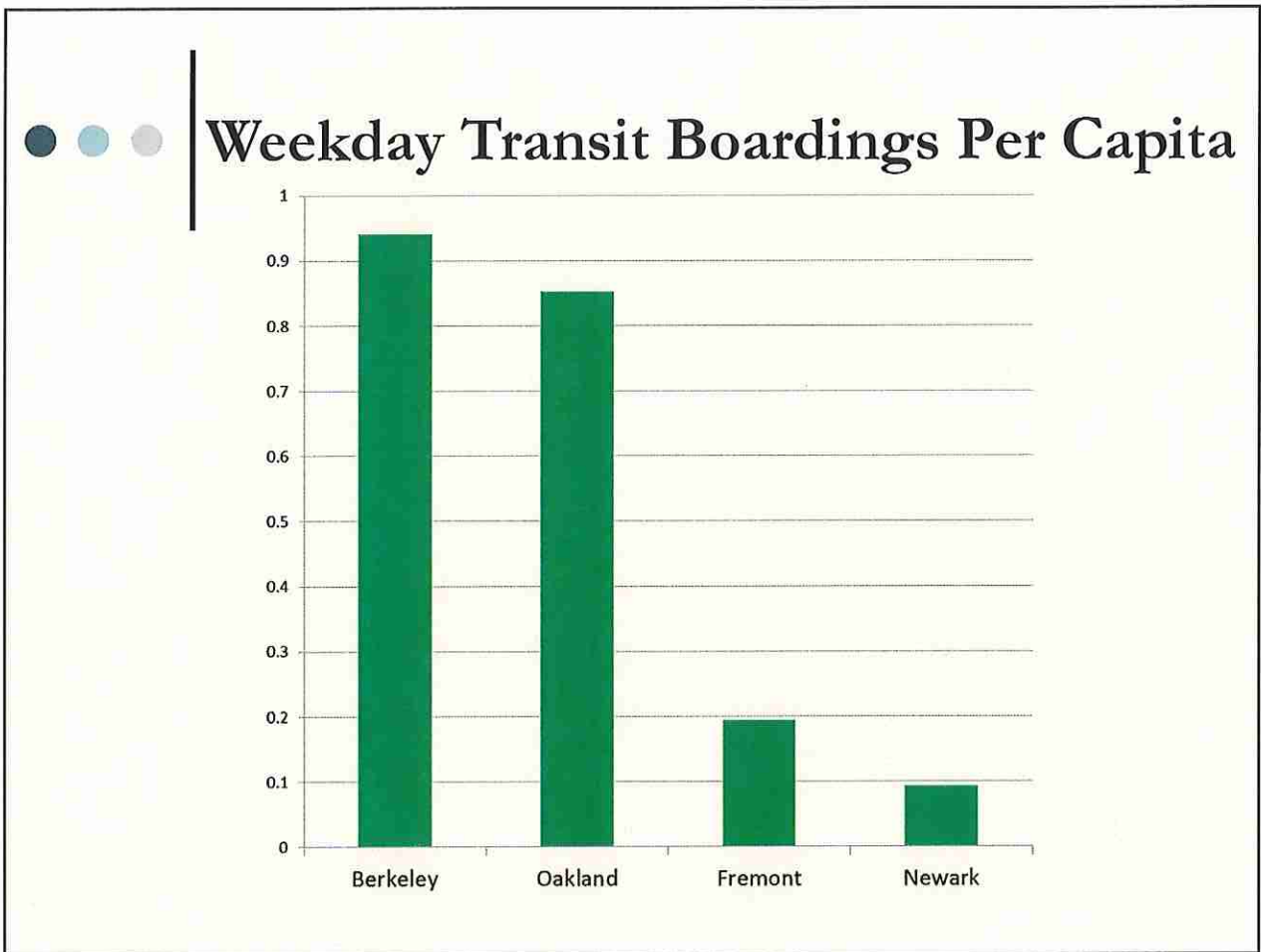
Parking

- ❖ 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 the 7 times Newark's ridership rate.





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.