



# Second Dwelling Units, Guest Houses and Accessory Living Spaces

CITY OF NEWARK, CALIFORNIA

BUILDING INSPECTION DIVISION

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**GENERAL:** Under certain conditions a second dwelling unit, accessory living space, or guest house can be located on the same lot as a legally established single family dwelling.

**DEFINITIONS:** The following definitions are derived from the Newark Municipal Code.

**Second Dwelling Unit:** A second dwelling unit is an attached or detached second residential dwelling unit which provides complete independent living accommodations and facilities for one or two people and includes permanent provisions for living, sleeping, eating, cooking and sanitation, on the same parcel as a legally established single family dwelling. Second dwelling units are limited to a total gross floor area of 275 square feet or ten percent (10%) of the primary dwelling unit, whichever is larger, but in no case larger than 360 square feet.

**Guest House:** A guest house is an attached or detached structure accessory to a legally established single family dwelling containing bathing facilities but without a kitchen intended for the occasional occupancy and use by guests of the household residing in the main dwelling unit. The gross floor area of a guest house is limited to a maximum of 275 square feet or ten percent (10%) of the primary dwelling unit, whichever is larger, but in no case larger than 360 square feet.

**Accessory Living Space:** An accessory living space is a habitable space located in a detached accessory structure on the same parcel as a legally established single family dwelling or a habitable space attached to an established single family dwelling in which there is no internal access between the single family dwelling and the accessory living space. Accessory living spaces shall not contain any food preparation facilities, such as a kitchen sink, bar sink, stove, hot plate, or refrigerator. An accessory living space may contain a toilet and lavatory but can not contain bathing facilities such as a shower or bathtub. There are no limitations on the allowable gross floor area for an accessory living space except as may be required by lot coverage or setback restrictions imposed by the Zoning Ordinance.

**Habitable Space:** Habitable space is a room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, garages, carports, enclosed patios, and similar areas, are not considered habitable space.

**Garages:** Garages and similar non-habitable spaces, whether attached or detached, shall not contain food preparation facilities or bathing facilities but may contain a single toilet and lavatory.

## ZONING APPROVAL:

**Guest Houses and Accessory Living Spaces:** All guest house and accessory living space projects must be reviewed and approved by the Planning Division for compliance with the Zoning Ordinance. Standards normally include the issues listed below. The owner of a guest house or accessory living

space shall not receive compensation for occupation of a guest house or accessory living space. Guest houses and accessory living spaces can not be rented.

- Maximum lot coverage
- Setbacks to property lines
- Separation from other structures
- A single lot can contain only one guest house or only one second dwelling unit in addition to a legally established single family dwelling.

**Second Dwelling Units:** The construction of a second dwelling unit requires review by the Planning Division and the issuance of a Second Dwelling Unit Permit (in addition to a building permit). A second dwelling unit may be rented. The zoning standards for second dwelling units are;

- To apply for a second dwelling unit permit, a site plan showing the entire parcel and all existing buildings on the parcel, together with floor plans and elevations of the proposed second unit, shall be submitted to the Planning Division along with written verification from sanitary, water, gas and electric districts and companies verifying that the utilities in the area are adequate to serve the second unit. Planning staff shall approve or deny the application for the permit based on the adequacy of utilities and compliance with the conditions listed in this section.
- Second units shall meet all current zoning requirements applicable to a main structure.
- Second units shall meet applicable construction codes requirements.
- One uncovered parking space shall be provided for a second unit. This space may be provided in a required interior side yard providing all other off-street parking requirements are met.
- Second units may be rented and shall not be sold as separate units or lots.
- Second units shall only be permitted on lots already containing only a single-family detached unit.
- No more than one second unit shall be allowed on a single lot.
- A second unit shall not be allowed on lot with an existing guest house.
- A second unit shall be no more than 275 square feet in floor area, excepting that where the first (existing) unit is larger than 2,750 square feet in floor area, then the second unit may have a maximum floor area equal to 10 percent of the floor area of the first (existing) unit or 360 square feet, whichever is less. Not more than 10 percent of the floor area of the first (existing) unit shall be included as or converted into part of the second unit. For calculating these percentages, the floor area of a first (existing) unit is defined as not including carports, garages, or detached structures.
- The second unit shall have not more than one bedroom and no dens, studios or the like.
- Outside stairways to second story second units attached to, within or partly within the first (existing) unit shall not be at the front of the house.
- Detached second units shall be located behind the first (existing) unit.
- No second unit shall be permitted on any lot which has less than the minimum site area required for its zoning district.
- The second unit shall incorporate architectural features, building materials, and colors which are similar to and compatible with the first (existing) unit and the character of the neighborhood, and shall maintain the scale and appearance of a single-family dwelling.

**BUILDING PERMITS:** A building permit, issued by the City's Building Inspection Division, is required prior to commencing any construction of a second dwelling unit, guest house, or accessory living space.

**SPACE HEATING AND ENERGY CONSERVATION REQUIREMENTS:** All second dwelling units, guest houses and accessory living spaces must be heated. In addition, documentation demonstrating compliance with state energy conservation standards is required prior to the issuance of a building permit.

**ACKNOWLEDGEMENT OF PROHIBITION OF SECOND DWELLINGS:** Applicants for guest houses, accessory living spaces, and additions or alterations to single family dwellings may be requested to complete an acknowledgement of prohibition of second dwelling form if such development has the appearance of becoming an illegal second dwelling. These acknowledgement forms are recorded with the County Recorder.