



ZONING CODE BULLETIN

EFFECTIVE DATE:

November 27, 2012 (*Supercedes related bulletins, 4/06/97, 4/03/00 & 6/18/03*)

PERTINENT CODE SECTIONS: 17.108.130(k)(3) (Exceptions to openness of required yards)
17.10.070 (Use Classifications, Accessory Facilities)
17.09.040 (Definitions, Accessory Facilities)

QUESTION/ISSUE:

What's Allowed in Accessory Facilities located within required Setbacks?

This Bulletin supercedes all previous determinations that outlined what was allowed (or prohibited) in "Accessory Facilities," or accessory structures located within the required setbacks. This determination is less restrictive and recognizes the variety of functional spaces that we often see in residential development today. This determination also recognizes the unique circumstances that can exist on a property and allows staff the discretion to make objective and practical determinations using general guidelines. The City's overall goal is to preclude the unauthorized conversion of accessory structures into residential dwelling units, while still ensuring the safest, most appropriate and most livable use of residential property.

Defining "Residential Living Quarters"

Section 17.108.130(k)(3) states that accessory structures located within the required setbacks may not contain any "residential living quarters", which is not specifically defined within the Planning Code. "Living quarters" does, however, appear within the definition for dwelling unit within Planning Code Section 17.09.040, which defines a "dwelling unit" as a room containing only one kitchen and designed and intended to be occupied as separate living quarters. This Code bulletin is being provided to give a clear list of features that will not be permitted within any accessory structure located within any setback because they are features that the Zoning Administrator has determined to be defining characteristics of a "dwelling unit" and/or "living quarters".

What's NOT ALLOWED in Accessory Structures:

1. Kitchens (including but not limited to cooking facilities, stove, microwave, hot plates, wet bars, or an electrical or counter configuration conducive for kitchen uses)
2. Full bathroom, which includes a toilet and sink, with a bathtub and/or shower (half baths, which include a toilet and/or sink are allowed)
3. Interior partitions that create separate rooms and/or closets (the only interior partitions that are appropriate are those enclosing half bathrooms)

Limitation of Use

A "Notice of Limitation of Use" must be filed with the Alameda County Recorder prior to the issuance of building permits for any accessory structure that could be easily converted to a residential dwelling unit. By recording the limitation, the property deed on file with the County specifies that the approved accessory structure shall not be converted to a residential dwelling unit or a secondary dwelling unit unless proper permits for such conversion are approved beforehand. This only ensures that future purchaser's of the property are aware of the limits of the approved accessory structure.

Notice of Limitation Process

1. Process the related Design Review application (DRX, DS, DR, etc.) with a Condition of Approval that a Notice of Limitation be recorded prior to issuance of any related building permit.
2. Place a "Hold" on any related building permit record on the PTS 104 Screen if one has already been filed.
3. Give the applicant a completed Notice of Limitation Form to file with the County Recorder.
4. The necessary building permit may be signed off on or the "Hold" can be released from the PTS 104 Screen upon receipt of the copy of the recorded Notice of Limitation that has been accepted and stamped by the County Recorder's Office and signed by a notary public.
5. File the completed Notice of Limitation in the designated Zoning case file or address files.

RECEIVED AND APPROVED BY:



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