

## *Detached Residential Accessory Structures*

### **PURPOSE**

Detached structures accessory to single family dwellings can contribute to the use and enjoyment of residential properties. These structures come in many variations ranging from one story detached garages, workshops, art studios, pool house, to barns, two story structures with a garage on the bottom floor, large vehicle storage buildings, etc. This wide variety of proposed uses can raise many questions in the review and approval process in terms of use and occupancy. The purpose of this policy and procedure is to clarify the applicable building, zoning and septic requirements based on the physical features of the structure and its highest and best use, regardless of the labeling or intended use of the structure when applying for a permit for such structures.

### **GENERAL**

1. It is critical to be aware that building, zoning and septic regulations classify uses and structures using similar nomenclature, but not always with the same exact meaning. This policy references building occupancy classifications as defined in the California Building Code, zoning terms as defined in the Zoning Code and septic terms as defined in PRMD Septic Policies.
2. The type and occupancy classification of residential accessory structure shall be determined by staff based on the physical features of the structure and highest and best use of the building as described in the attached Table *Types of Detached Residential Accessory Structures*. The Type of accessory structure as determined by staff shall be properly labeled on the plans and in any permit issued by PRMD. Staff shall take into consideration any zoning or use permit issued to a property that allows for public uses when determining the highest and best use of a building.
3. Building codes require that all habitable spaces within a dwelling be conditioned (heated and/or cooled). Accessory structures may contain living space, but conditioning is not required for these structures except for second dwelling units and guest houses. Conditioning of accessory structures may be included at the option of the owner. All conditioned and unconditioned spaces are required to meet the requirements of the California Energy Code. All plans shall indicate whether or not the structure is conditioned. Whether an accessory structure is conditioned or not does not determine the occupancy of the structure.
4. Separate electric meter service is not allowed for residential accessory structures with exceptions for second dwelling units, and garages with a dedicated service for electric vehicle charging stations (max. 100 amps).
5. Zoning Code regulations include limitations on the number, type and size of accessory structures both conditioned and unconditioned.

- a. Any accessory structure with a kitchen, as defined in Policy 1-4-5, is considered a dwelling unit and must either be classified as a second unit limited to 840 sq. ft. in size or meet the allowable density under zoning for another dwelling.
  - b. Any accessory structure with a bedroom and no kitchen is considered a guest house limited to 640 sq. ft. and must meet the zoning requirements for a guest house. (See definition below)
    - i. A detached structure with a full bathroom that is accessible from the interior is considered a bedroom/guest house, unless specifically exempted under Policy 1-4-1.
    - ii. A detached structure with a ½ bath and more than one other room (2 or more) will be considered a bedroom/guest house, unless specifically exempted under Policy 1-4-1.
    - iii. A detached structure with a ½ bath and an open floor area (1 room) will not generally be considered a bedroom/guest house and will be classified by the criteria below and the accompanying Table 1.
6. Required upgrades or expansion of septic systems may be required for any proposed residential accessory structure.  
(See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)
7. Rough-in for future improvements include wood stove flues, mechanical ducts, electrical circuits, gas lines, and water and waste lines. (See definition of rough-in below.)
- a. Rough-ins shall only be allowed if the type of structure, inclusive of any future appliance or fixture supported by such rough-in, is allowed under zoning regulations.
  - b. When an appliance or a fixture supported by the rough-in is installed, a permit shall be required.
  - c. Rough-ins shall not be permitted if the installation will trigger another building use which is not allowed on the property under review. For example, a rough-in for a kitchen in a guest house would not be permitted when the property under review does not qualify for a second dwelling unit.
  - d. Plans submitted for permits that include rough-ins shall label the rough-ins on the floor plan. Staff must note approval of any rough-ins in the approval section for the permit.

## **DEFINITIONS**

**Accessory structure** is a structure not greater than 3,000 square feet (sq. ft.) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot. (Cal Res Code Section R202). Accessory structures containing a full bathroom accessed from the interior of the structure will be considered as having a bedroom(s). Further size limitations are detailed by this policy on some types of structures (see below).

**Bathroom, Full bath** A full bath contains a toilet, sink and shower and/or bathtub.

**Bathroom, Half bath** A half bath contains a toilet and a sink (See PRMD Policy 1-4-1, Definition of a Bedroom) Note: Half baths that are designed with enough floor area (greater than 45 sq. ft.) to easily accommodate a bathtub and/or shower is considered as having a “Rough-in” for a full bath. Half baths, accessed from the interior with an exterior door leading to a shower, are considered a full bath.

**Bedroom** is any room in a dwelling or accessory structure that can be used for sleeping purposes. For purposes of sizing the on-site sewage disposal system, habitable rooms with a floor area equal to or greater than 70 square feet and designed to provide privacy to the occupant will typically be considered bedrooms. Such rooms include, but are not limited to, those designated on plans as bedrooms, lofts, sewing rooms, dens, offices, recreation rooms, hobby rooms, gyms, and game rooms. A closet, or lack thereof, shall not determine whether a room is considered a bedroom. Kitchens, bathrooms, laundry rooms, rooms with large entry ways lacking doors and designed such that the installation of a door would require a building permit and rooms not meeting the Uniform Housing Code are not bedrooms. (See PRMD Policy 1-4-1, Definition of a Bedroom)

**Class I System** is a non-conforming system that does not meet all of the current standards, but is the best available system that is most effective, economically achievable and state of the art technology currently in use for controlling the pollution that will result in reasonable progress toward improving the discharge to the environment given the site conditions. (See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)

**Class III Septic System** is a non-conforming system that does not meet current standards, but is functioning properly with a concrete or fiberglass septic tank and some leaching field or seepage pit. (See PRMD Policy 9-2-12 *Guidelines for Remodeling and Additions*)

**Conditioned space** is any area, room or space in a building being heated exceeding 10 Btu/hr-ft<sup>2</sup> or cooled exceeding 5 Btu/hr-ft<sup>2</sup> directly or indirectly by any equipment or passive design feature for the comfort of occupants or for other reasons such as preserving temperature-sensitive goods. (Building Science)

**Guest house** is an accessory building which consists of a detached living area of a permanent type of construction with no provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to; wet bars, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the primary dwelling. The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject

lot, except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics. (See Section 26-02-140 of Sonoma County Code)

**Living Area-** living area, for the purpose of this policy, includes all areas of residential dwellings and residential accessory structures including: bathrooms, kitchens, closets, utility rooms, hallways and any other area in a building that is designed for human use. New residential rooms above garages and/or other new residential accessory structures on the property will be considered living area. Areas such as unfinished attic space, unfinished basements, and garages are not considered living area.

**Kitchen** is any area designed or used for preparation or cooking of food, with either cooking appliances/rough-ins; OR sink and refrigerator > 5 cu ft or space w/outlet (See PRMD Policy 1-4-5, *Definition of a Kitchen*)

**Occupancy** is the classification of a structure as defined in the California Building Code (CBC), which is given based on the intended use and/or designed use of such structure. See CBC chp 3.

**Residential** is any structure or room labeled “R-” occupancy as defined by the California Building Code.

**Rough-in** means to install the preliminary (rough) plumbing, electrical and/or mechanical building materials without making the final connections.

**Unfinished** is any structure, or any part of a structure, with exposed studs, and no insulation or sheet rock covering the walls. Unfinished rooms in a primary dwelling and/or residential accessory structure shall have exterior access doors only with no direct access to the interior of a primary dwelling and/or residential accessory structure.

**Wet bar** is limited to 2 sq. ft. sink with a drain  $\leq 1.5$  in diameter; 5 cu ft under counter refrigerator; and,  $\leq 6$  lineal ft of counter and cabinets (See PRMD Policy 1-4-5, *Definition of a Kitchen*)

## **TYPES OF STRUCTURES AND ALLOWED FEATURES**

The following summarizes the building classifications, septic and zoning requirements for various types of accessory structures based on their physical features as shown in the attached Table. Accessory structures must meet all code requirements for the type of structure including but not limited to the California Building Codes (CBC & CRC) and Chapter 26 Zoning of the Sonoma County Code. Refer to the relevant code sections for the detailed requirements.

### **1. Second Dwelling Unit**

- a. A second dwelling unit shall be classified as R-3 Occupancy.
- b. A second dwelling unit is an accessory structure with a kitchen and full bathroom.

- c. A second dwelling unit must be conditioned to meet state Energy Code.
- d. A second dwelling unit is limited to 840 sq. ft. in size.
- e. A second dwelling unit must meet zoning setbacks per Chapter 26, section 88-060.
- f. A code compliant septic system is required. However a bedroom swap with the primary dwelling is allowed with a Class I Best Available septic system. A second dwelling unit is considered a rental unit per Chapter 26, Article 89 of the Sonoma County Code if a waiver of affordable housing fees is granted and a covenant is recorded requiring that the unit be made available for rent to another household.
- g. See handout <http://www.sonoma-county.org/prmd/docs/handouts/pjr-032.pdf>

**2. Guest house**

- a. A guest house shall be classified as an R-3 Occupancy per the CBC.
- b. A guest house is a detached accessory structure with living/bedroom area.
- c. A guest house shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food.
- d. A guest house may or may not have a full or half bathroom.
- e. A guest house is considered a bedroom for septic purposes and a Class I (Best Available) septic system for the primary dwelling is required. However a bedroom swap with the primary dwelling is allowed with a Class III septic system. Septic reserve area is required.
- f. A guest house is limited to 640 sq. ft. in size.
- g. A guest house must be located within 100-feet of the primary dwelling (exceptions for unique characteristics or topography are allowed) and must be closer to the primary dwelling than to a primary dwelling on any adjacent lot.
- h. A guest house shall not be considered an affordable housing unit per Chapter 26, Article 89 of the Sonoma County Code and may not be rented separate from the primary dwelling.
- i. Affordable Housing Fees do not apply unless constructed as part of a larger addition with total combined floor area greater than 1,000 sq. ft.
- j. See handout <http://www.sonoma-county.org/prmd/docs/handouts/pjr-012.pdf>

**3. Miscellaneous Residential Occupancies (i.e. Gym, Office, Dance, Hobby or Art Studio, Recreation or Media Room etc.)**

- a. Miscellaneous residential occupancies or any other accessory structure with Living Space shall be classified as a Group R Occupancy per the CBC. If a zoning or use permit has been issued that allows events and public use, then the accessory building shall be classified for highest possible use, regardless of the building size.
- b. Miscellaneous residential occupancies have no bedroom, kitchen or full bathroom as defined by Policy 1-4-1 or 1-4-5, unless permitted as a second unit or guest house as defined above.
- c. Miscellaneous residential occupancies structures must be secondary and incidental to the primary residence and shall have an open floor plan with no partitions other than a ½ bath.
- d. Miscellaneous residential occupancies shall not exceed 3,000 sf.

- e. Miscellaneous residential occupancies < 640 sq. ft. require a class 3 septic system for the primary dwelling; > 640 sq. ft. require a class 1 septic system for the primary dwelling. Septic reserve area is required.
- f. Miscellaneous residential occupancies may have either one of the following: 1) a ½ bath only accessible from interior, optional shower with exterior access only or 2) a full bath with exterior access only.

**4. Room Above a Garage**

These rooms come in various configurations, from a typical attic to a finished room indistinguishable from the interior of a dwelling. For purposes of this policy a room above a garage refers to a detached garage with a room above. A room above a garage will be classified by the physical features as described in this policy and shown in the attached Table *Summary of requirements for Detached Residential Accessory Structures*.

- a. A room above a garage that contains both a floor and a ceiling with a height of at least 7 feet or with sloped ceilings in compliance with §1208.2 of the California Building Code it shall be classified as an accessory to Group R Occupancy.
- b. If a room above a detached garage contains only one of the provisions in “a” above, and is unfinished it may be considered an attic and shall be classified as a Group U occupancy.
- c. A room above a garage classified as Group R occupancy, or as a mezzanine, must have a code compliant exit to grade level.
- d. A partial floor (less than 33% of the lower floor area) which meets the CBC definition of an unenclosed mezzanine is not considered a story and may be classified as part of the Group U Occupancy.
- e. Some areas which meet the definition of a mezzanine are quite small in area. Such areas may be classified as a shelf when the floor is less than 3 feet wide in one dimension. If the floor has more than one level, the levels must be separated by at least 2 feet vertically to be considered different levels.
- f. A room above a garage may have ½ bath only, unless permitted as a second dwelling unit or guest house in which a full bath is allowed.
- g. A room above a garage shall have no kitchen, bedroom or full bathroom as defined by Policy 1-4-1 or 1-4-5 unless permitted as a second unit or guest house as defined above with a Code Compliant septic system.
- h. A room above a garage shall have an open floor plan with no partitions other than a ½ bath.
- i. A room above a garage, along with the garage below shall not exceed 3,000 sq.ft.
- j. A room above a garage ≤640 sq. ft. must have a Class III septic system for the primary dwelling; a room above a garage >640 sq. ft. must have a Class I system for the primary dwelling. Septic reserve area is required.
- k. A room above a garage may be conditioned to meet state Energy Code.

**5. Pool House**

- a. A pool house shall be classified as a Group R-3 Occupancy per the CBC.
- b. A pool house shall not have a kitchen, but may have a wet bar or an outdoor kitchen area.

- c. A pool house must be secondary and incidental to the primary residence and shall have an open floor plan with no partitions other than a ½ bath. An equipment room is allowed with exterior access only.
- d. A pool house shall not exceed 3,000 sq.ft.
- e. A pool house may have either one of the following: 1) a ½ bath only accessible from interior, optional shower with exterior access only, or 2) a full bath with exterior access only.
- f. A pool house less than or equal to 640 sq. ft. requires a Class III septic system for the primary dwelling; a pool house greater than 640 sq. ft. requires a Class I septic system for the primary dwelling per Policy 9-2-12. Septic reserve area is required.

**6. Detached Private Garage**

- a. A detached private garage shall be classified as a Group U Occupancy.
- b. A detached private garage is an unconditioned accessory structure.
- c. A detached private garage shall not have a kitchen, bedroom or full bathroom as defined by Policy 1-4-1 and 1-4-5.
- d. A detached private garage may have either one of the following, 1) a ½ bath only accessible from the interior and a shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. A detached private garage has a minimum 8-foot wide nominal exterior door or opening through which a motor vehicle can be driven and a way of approaching the door with a motor vehicle from the public way.
- f. A detached private garage shall have a vehicle parking area at least 10 feet wide by 20 feet long is provided within the structure.
- g. A detached private garage greater than 1000 sq. ft. shall be for the parking of vehicles only.
- h. A garage must have a solid non-absorbent floor in compliance with CBC Section 406.
- i. A detached garage is limited to 3000 sq. ft. per CBC 406.3 and CRC definition of accessory structure. The exception in CBC 406.3 allowing area separation walls does not apply to detached residential accessory structures including garages.

**7. Workshops**

- a. A workshop accessory to a residence shall be classified as a group U occupancy.
- b. A workshop has an open floor plan with no partitions and is limited to 1000 sq. ft.
- c. A workshop shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food. No bedroom or full bathroom as defined by Policy 1-4-1 or 1-4-5 is allowed.
- d. A workshop may have either one of the following; 1) a ½ bath only accessible from interior, optional shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. Provision for a kiln, welder or other heat producing appliance is allowed.
- f. A workshop shall not be allowed to fulfill covered off street parking in compliance with Article 26-86 of the Sonoma County Code.

**8. Storage Building**

- a. A storage building accessory to a residence shall be classified as Group U occupancy.
- b. A storage building has no exterior door through which a motor vehicle can be driven.
- c. A storage building has an essentially open floor plan with no more than two rooms, minimum partitions and no waste plumbing.
- d. A storage building shall have no more than 40 amp electrical sub-panel.
- e. A storage building has no bedroom, no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food, or a bathroom as defined by Policy 1-4-1 or 1-4-5.

**9. Agricultural Structure**

- a. An agricultural structure accessory to a residence shall be classified as a Group U Occupancy.
- b. An agricultural structure is an unconditioned accessory structure for agricultural use commonly referred to as a barn.
- c. An agricultural structure shall have no provisions for appliances, cabinets, counters, sinks, or fixtures for the storage and/or preparation of food. No bedroom and no full bathroom as defined by PRMD policy 1-4-5 and 1-4-1.
- d. An agricultural structure may have either one of the following; 1) a ½ bath accessible from the interior, optional shower with exterior access only or; 2) a full bath with exterior access only provided that the on-site septic system meets Class III (septic tank and disposal field) as defined in Policy 9-2-12. Septic reserve area is required.
- e. An agricultural structure must have a minimum 8-foot wide exterior barn/garage door or an opening (no door) through which a motor vehicle can be driven and a way of approaching the door/opening with a vehicle.
- f. An agricultural structure must have stalls or other provisions for animal care OR is essentially an open floor plan (maximum partitioned areas totaling 25% of the floor area) intended and designed for storage of farm machinery, tack, hay, feed, etc
- g. Agricultural structures are not subject to the 3000 sq. ft. maximum of U occupancy when accessory to an agricultural operation in the zones which allow for agricultural uses (DA, LEA, LIA, RR, AR and RRD). An agricultural building permit exemption is only allowed for an agricultural structure in zones on parcels 5 acres or larger with an existing agricultural use. Refer to public handout CNI-030.
- h. Barns or other similarly labeled structures that are accessory to a residence are subject to the 3,000 sq. ft. maximum limit.

**PROCEDURE**

- 1. Permit Technicians shall make the initial determination of the type of structure at the time of application based on the Detailed Requirements noted above and the attached *Table Summary of Requirements for Detached Residential Accessory Structures*. Planning, Building and Septic staff shall be responsible to verify that permit applications and construction complies with the Detailed Requirements noted above and the attached *Table*

*Summary of Requirements for Detached Residential Accessory Structures.* In cases where the determination of the type of structure is appealed due to difficulty in making a determination on staff's part, the director of PRMD shall make the final determination.

2. Staff shall be diligent in the issuance of the minor improvement permits and have authority to require departmental approvals and reviews not normally associated with such permits if the improvement may change the use or character of the structure.
3. Inspection staff shall require plan revision or permit description revision of issued building permits if rough-ins are installed and not noted on the approved plans or permit description.
4. Staff shall have the authority to deny minor improvement permits if the permit changes the use or building character to a use that is not allowed.
5. Where a detached residential accessory structure is approved subject to limitations on the use, the restrictions shall be clearly stated on Conditions, Covenants and Restrictions in the form provided as Attachment B. The CCR's shall be executed by the owner and recorded by the owner at the County Clerk's office prior to issuance of building or zoning permits. The owner shall provide a certified copy of the fully executed and recorded form to PRMD prior to permit issuance.
6. Valuations for permit fees shall be based on the features, occupancies and uses determined by this policy.

**ATTACHMENTS**

1. TABLE 1: Summary of Requirements for Detached Residential Accessory Structures
2. Sample Form Conditions, Covenants and Restrictions Form

**AUTHORITY**

- 1. California Building Code, Section 1134b**
- 2. California Building Code, Section 106.3**
- 3. Section 26-92-210 Sonoma County Code**

**Approved by:**

Tennis Wick, Director

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***Permit and Resource Management Department***  
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