

RESIDENTIAL: ACCESSORY STRUCTURES

Permit Information:

A building permit is required to construct a detached accessory structure with a floor area exceeding 120 square feet and/or above 6 ½” feet in height.

Things To Know:

- A Building Permit may be issued only to a State of California Licensed Contractor or the Homeowner. If the Homeowner hires workers, State Law requires the Homeowner to obtain Worker’s Compensation Insurance.
- To apply for a permit, bring the required plans and documents to the Development Services Center for submittal.
- Permits may be required for electrical or plumbing work even if the accessory structure itself does not require a permit.
- Plans for structures smaller than 750 square feet in floor area may be reviewed **by appointment** over the counter. Contact Plans and Permits for an appointment at 510-494-4461 or email us at dsc_recep@fremont.gov
- Check and see if your property is *IN* the Wildland Urban Interface (WUI) Area; there might be additional code requirements.

Detached Accessory Structures:

- Structures that are detached from the primary structure, and have uses such as tool sheds, cabanas, etc.
- Accessory structures are allowed only in rear and side yards of conventional detached single-family lots.
- Different regulations may apply to lots with zero lot line homes, town houses, or patio homes, as well as condominium and rental apartment uses.
- Accessory structures may not be used for business or other non-residential purposes.

Setback, Size, and Location Requirements: FMC 18.153.040 (apply whether or not a permit is required)

- The exterior face of the accessory structure wall shall be **set back five feet** from any property line
- Roof eaves or other projections within five feet of the property line must meet building and fire code requirements including fire-resistance rating.
- An accessory structure must be at least 6 feet from the primary structure or any other structure, measured from wall to wall (this may vary as indicated below).
- Accessory structures may be placed less than 6 feet from the house or any other structure when they are:
 - Open-roofed structures such as trellises
 - Structures with 120 square feet in floor area or less, and 6 ½ feet in height or less, when they do not encroach in the required side yard setback that applies to the house
 - No structure less than 6 feet from another structure may block a door or window
 - Constructed with a one-hour fire rating

- If the house does not have fire sprinklers, a minimum of 8 feet is needed between the main and accessory structure greater than 120 square feet in size.
- Structures may not be located in front yards or within the street setback on corner lots.
- Corner Lots: the required distance from a property line along the street right-of-way depends on the zoning of a property. Check with our Planning staff at (510) 494-4455 for the minimum distance.
- Height: Accessory structures may be up to 12 feet in height from grade.
 - Outside of the Hill Area, this refers to the maximum mean height (midpoint between the roof peak and the top of the wall). Within the Hill Area, this refers to the maximum overall height of the structure.
- Up to 30% of the required rear yard may be occupied by accessory structures and/or room additions. The “required rear yard” is an area at the rear of the lot whose size is determined by the lot’s zoning. Contact Planning staff for information on this requirement.

Planning Commission Review:

- Planning Commission review is required for accessory structures over 600 square feet when located in planned districts (P zoning), or the Hill Area as defined by the Hillside Initiative of 2002.

Easements:

- Easements are restrictions which may prohibit building on portions of a property. It is the responsibility of the applicant to indicate the presence of any easements on a plot plan. The most reliable way to know if there are easements on a lot is to consult a title report. Any easements recorded at the time of a lot’s creation (after City incorporation in 1956) will also be shown on the tract map on file with the City of Fremont’s Engineering Division.

Guest Houses:

- Accessory structures containing no kitchen or cooking facilities that are used for the occasional accommodation of a guest or guests.
- Guest houses shall be located on the rear half of a building site. On corner lots, guest houses shall be located no closer to the public street than the principal dwelling structure.

Patios, Decks, and Lath-Covered Structures:

- Patios and decks with finished floor no more than 18 inches above grade as measured at the midpoint of the side having the greatest change in elevation may be located in interior side yards and rear yards.
- Decks with finished floors over 18 inches above grade but not more than 10 feet above grade at any point may encroach to within 10 feet of the rear lot line, except that no deck finished floor shall exceed a height of 5 feet in a (HI) hillside overlay district.
- Patio structures may encroach into required rear yards to within 10 feet of the rear lot line, provided that there remains an open space equal to 70% of the otherwise required yard area into which such encroachment is made.
- Lath-covered structures for nonconventional principal residential structures may encroach to within 3 feet from the property line, provided that the lath cover is uniformly open.

Submittal Information:

Plans should include the following information:

- Plot plan

- Floor plan
- Elevation (front, side, and rear views)
- Foundation and roofing plans
- Plumbing, electrical and mechanical details (if any)
- Building structural details as required

Permit Fees:

- Contact our Building staff for an estimate of permit fees. The fees are based on the valuation of the project (the total value of the materials and labor required).

Inspections:

- The first inspection for decks, sheds, patio covers, and arbors is typically a footing or foundation inspection. Further required inspections are dependent on the scope of work and will be determined when the building permit is reviewed.

Contact Information:

- On setback, height, location, and lot coverage: Planning at (510) 494-4455 or planinfo@fremont.gov
- On inspections: Inspection information line at (510) 494-4400 or bldinspection@fremont.gov
- On permit procedures and fees: Building at (510) 494-4460 or bldinfo@fremont.gov
- For an appointment: Permit Center Appointment line at (510) 494-4461 or DSC_Recep@fremont.gov
- The Development Services Center office is located at 39550 Liberty St., Fremont, CA, 94538.
- Hours are 8:00 a.m. to 4:00 p.m. Monday-Thursday, and 8:00 a.m. to 12:00 noon on Friday.