



ZONING CLEARANCE – ACCESSORY STRUCTURES

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

1960 TATE STREET, CITY OF EAST PALO ALTO, CA 94303
TEL: 650. 853. 3189 E-MAIL: planning@cityofepa.org

Introduction:

An accessory structure is an attached or detached structure that is incidental and secondary or subordinate to a main or primary residential or non-residential structure, which does not change the character of the primary structure, and the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or to the main use of the land, and which is located on the same parcel with the main structure or use. Accessory structures do not include Second/Accessory Dwelling Units or Guest Houses.

Development standards and requirements, pursuant to chapter 18.24 of the East Palo Alto Municipal Code (EPAMC), are intended to ensure that accessory structures do not adversely impact either adjacent parcels or the surrounding neighborhood or uses and are developed in a manner that protects the integrity of the Zone.

Illustrative examples:

1. Residential

Accessory Structures associated with **residential dwellings** include carports, decks, fences, fireplaces and fire pits, garages, gazebos, greenhouses (noncommercial), outdoor kitchens and play equipment, patios, platforms, porches, spas and hot tubs, storage or work sheds, studios, swimming pools, tennis and other on-site sport courts, terraces, walls, workshops.

2. Non-Residential

Those associated with **non-residential primary structures** include decks, fences, garages, gazebos, kiosks, and carts selling beverages, food, clothing, phones, toys, etc., outdoor fireplaces, outdoor kitchens, outdoor play equipment, patios, platforms, refuse collection structure/trash enclosures, spas and hot tubs, storage or work sheds, swimming pools, tennis and other on-site sport courts, terraces, walls, and workshops.



ZONING CLEARANCE – ACCESSORY STRUCTURES
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

1960 TATE STREET, CITY OF EAST PALO ALTO, CA 94303
 TEL: 650. 853. 3189 E-MAIL: PLANNING@CITYOFEPA.ORG

Permit #: _____
PLANNING
<input type="checkbox"/> <i>Approved</i> <input type="checkbox"/> <i>Denied</i>
Reviewer: _____
Date: _____
For Staff Use Only

Check applicable box:

- Proposed Accessory Structure is 120 square feet or smaller.
- Proposed Accessory Structure is larger than 120 square feet.

Note: Applicant shall obtain a Zoning Clearance Approval for all Accessory Structures. Subsequent Building Permits are typically required only for Accessory structures larger than 120 square feet.

General Information		
Project Location (Address):	Assessor's Parcel Number(s):	Zoning Designation:
Applicant Name (Print):	Applicant Signature:	Phone Number:
Applicant Address:	City: State: Zip Code:	Email:
Property Owner/Manager Name (Print):	Property Owner/Manager Signature:	Phone Number:
Property Owner /Manager Address:	City: State: Zip Code:	Email:
Project Description ¹		
SECTION A – Residential Zones Supplemental Questionnaire		
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>ZONING (Verify designation with Planning Staff or website www.cityofepa.org/planning):</u> Is the property located in a residential zone? If No, got to SECTION B	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>LOCATION / SITE PLACEMENT:</u> Is the proposed Accessory Structure detached? If No, the Accessory Structure should comply with the setbacks of the underlying zone.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>TREE REMOVAL:</u> Does the proposed Accessory Structure involve the removal of any trees that were required by a previous permit or are larger than 8-inches in diameter? If so, a separate Tree Removal Permit application is required. See the following link: tree_removal_handout_updated_on_11.19.2020.pdf (cityofepa.org)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>HISTORIC PRESERVATION:</u> Is the property listed in the city's historic resources inventory report? To verify, please check: http://cityofepa.org/DocumentCenter/View/829 . If Yes, the Accessory Structure should be constructed and finished in a way that is compatible with the primary/main structure. The Secretary of Interior standards may be applicable if the property is a historic landmark that is listed in the State or National Historic Registers.	

¹ E.g., #1 - To construct a 100-square foot storage shed in the rear yard of a single-family residence, e.g., #2 – To construct a 146-square foot gazebo at the south-east quadrant of the property, six feet from the rear property line and 10-feet from the rear façade of the primary single-family residence.

<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>CODE ENFORCEMENT:</u> Does the property currently have an active code case with the City of East Palo Alto?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>HEIGHT:</u> Is the proposed Accessory Structure taller than 15-feet? Note: The maximum allowable height of an Accessory Structure is 15-feet.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>SIZE:</u> Is the projected roof area of the proposed Accessory Structure larger than 1,000 square feet? Note: The maximum allowable size is 1,000 square feet (sf).	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>REAR SETBACK AREA COVERAGE</u> Does the proposed Accessory Structure occupy more than 25% of the rear setback area? Note: the maximum allowable coverage is 25%.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>LOT COVERAGE REQUIREMENT:</u> Does the proposed Accessory Structure exceed the site coverage limitations applicable to the site's zoning? If Yes, the size of the proposal must be reduced.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>FRONT SETBACK AREA LIMITATION:</u> Is the proposed Accessory Structure located in the front first half of the lot? Note: Location in front half of lot is not allowed.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>CORNER LOT SETBACK LIMITATION:</u> If proposal is on a corner lot, does it encroach upon the exterior side setback? Note: No such encroachment is allowed.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>MINIMUM SETBACK REQUIREMENTS:</u> Is the proposal consistent with the following setback requirements?	
	<table border="1"> <tr> <td><u>No more than 120 sf</u> Side – 3 ft Rear – 3 ft From adjacent structures – 3 ft</td> <td><u>Larger than 120 sf</u> Side – 3 ft Rear – 6 ft From adjacent structures – 6 ft</td> </tr> </table>	<u>No more than 120 sf</u> Side – 3 ft Rear – 3 ft From adjacent structures – 3 ft
<u>No more than 120 sf</u> Side – 3 ft Rear – 3 ft From adjacent structures – 3 ft	<u>Larger than 120 sf</u> Side – 3 ft Rear – 6 ft From adjacent structures – 6 ft	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>USEABLE REAR YARD AREA:</u> For Accessory Structures that are larger than 120 sf, at least 750 sf useable rear yard area must be maintained. Does this proposal meet this standard?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>PLUMBING:</u> Does the proposal include plumbing for fixtures with the exception of a single wash basin and washing machine?	

SECTION B – Non-Residential and Mixed-Use Zones Supplemental Questionnaire

<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>USE:</u> Does the proposed Accessory Structure serve occupants and/or patrons of the primary/main structure and not those of off-site structures and uses? The Accessory Structure must be subordinate to the primary structure.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>SITE COVERAGE:</u> Does the total square footage of all Accessory Structures on the parcel, including the proposal, meet the total allowable site coverage for the zone of the site?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>TREE REMOVAL:</u> Does the proposed Accessory Structure involve the removal of any trees that were required by a previous permit or are larger than 8-inches in diameter? If so, a separate Tree Removal Permit application is required. See the following link: tree_removal_handout_updated_on_11.19.2020.pdf (cityofepa.org)
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>HISTORIC PRESERVATION:</u> Is the property listed in the City's historic resources inventory report? To verify, please check: http://cityofepa.org/DocumentCenter/View/829 . If Yes, the Accessory Structure should be constructed and finished in a way that is compatible with the primary/main structure. The Secretary of Interior standards may be applicable if the property is a historic landmark that is listed in the State and/or National Historic Registers.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<u>CODE ENFORCEMENT:</u> Does the property currently have an active code case with the City of East Palo Alto?

<input type="checkbox"/> Yes <input type="checkbox"/> No	HEIGHT: Is the proposal limited to one story and no greater than 15 ft in height?
<input type="checkbox"/> Yes <input type="checkbox"/> No	SETBACKS: Does the proposed Accessory Structure maintain setbacks that meet the setback requirements for the zone in which it is located? Note: All Accessory Structures should comply with the setbacks of the underlying zone.

OWNER / APPLICANT CERTIFICATION AND INDEMNIFICATION AGREEMENT

I hereby guarantee, as authorized agent for the applicant, owner, and project sponsors, that they individually and jointly assume full responsibility for all costs incurred by the City in processing this application. By signing below, the property owner consents that all information is true and accurate and to the processing of the application by the applicant and authorizes the applicant to comply with the requirements placed on the application by the City. A letter of authorization from the owner may be submitted in lieu of the property owner's signature.

As part of the application, the applicant and/or property owner agree to defend, indemnify, and hold harmless the City of East Palo Alto, its agents, officers, council members, employees, boards, commissions, and Council from any and all claims, actions or proceedings brought against any of the foregoing individuals or entities, seeking to attack, set aside, void or annul any approval of the application or related decision, or the processing or adoption of any environmental documents or negative declarations which relate to the approval. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence on the part of the City, its agents, officers, council members, employees, boards, commissions, and Council. If for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

The City of East Palo Alto shall have the right to appear and defend its interest in any litigation arising from the approval of the application or any related decision through its City Attorney or outside counsel selected by the City Attorney. The applicant shall be required to reimburse the City for attorney's fees incurred by the City in connection with the litigation.

I have read and agree with all the above:

Date

Owner's Signature

ARCHITECTURAL DRAWINGS COPYRIGHT STATEMENT

Under California State Government Code Section §65103.5 (State Law), official copies of architectural drawings submitted to the City of East Palo Alto Community and Economic Development Department (Department) may contain protected information under federal copyright law. State Law nevertheless allows the City of East Palo Alto to maintain official copies of architectural drawings. Such drawings may be subject to public inspection or review on the Department's premises, the City's planning agency. Copies, however, may be made for internal review, provided to various governing bodies, including the Planning Commission and City Council, or otherwise made public as part of a development application during a public hearing.

Except otherwise provided for under State Law, the City will ensure the drawings are made available to the public in a way that does not facilitate duplication, including that they are not to be copied or posted to the internet by the Department.

Pursuant to State Law, the City hereby requests that the undersigned provide a site plan or a massing diagram for posting online or for distribution to the public. If, however, such site plan and/or massing diagram is not submitted, permission is deemed granted to the Community Development and Economic Department to post online the architectural drawings without the restrictions that would otherwise apply.

BASED ON THE FOREGOING, THE UNDERSIGNED ATTESTS AS FOLLOWS:

I, the design professional, or owner of the copyright if different from the design professional, acknowledge that the City of East Palo Alto Community and Economic Development Department has formally requested a "site plan" and/or "massing diagram" to accompany this application for posting online or for distribution to the

public. If I fail to submit a “site plan” or “massing diagram” for online posting or for distribution to the public, then permission is deemed granted to post online or to provide to the public (if requested) copies of the architectural drawings without the restrictions that would otherwise apply.

If the design professional, or owner of the copyright if different than the design professional, does not consent to the posting of only certain selected drawings, please draft a letter stating that authorization has not been granted to the City of East Palo Alto Community and Development Department to post those particular drawings, and provide any details that may help in locating the drawings in question.

Please include a physical or digital signature on the letter mailed to:

City of East Palo Alto Community and Economic Development Department

1960 Tate Street

East Palo Alto, CA 94303

Or by email to: planning@cityofepa.org

Property owner's signature	Date	Applicant's signature	Date

STANDARD CONDITIONS OF APPROVAL:

PLANNING DIVISION:

1. The project shall be constructed in substantial compliance with the drawings and application materials submitted as part of East Palo Alto zoning clearance application.
2. This approval is valid for a period of two (2) years of the date the zoning clearance was issued. If the Accessory Structure is not constructed within the two years of approval, the applicant must apply for an extension at least thirty (30) days before expiration in order to extend the term of the zoning clearance.
3. Modifications to the approved plans shall be subject to the approval of the Planning Manager.
4. The applicant shall hold harmless the city, its officers, agents, and employees from any liability or claims for damages due to the injury of any person, loss of life, or damage to property caused by, or arising out of activities authorized by these approvals. The applicant shall employ legal counsel approved by the city and/or indemnify the City for the cost of legal counsel and legal services.
5. Prior to the issuance of any building permits (if applicable), the property owner / developer shall acknowledge in writing all of the conditions of approval and must accept these conditions with full awareness of the responsibilities associated with each requirement.
6. Prior to the issuance of the first building permit (if applicable), applicable development impact fees shall be paid in full on the fee schedule in effect at the time of building permit issuance. Where construction of a project is phased, fees can be paid for each residential unit or building when the applicable building permit issued.
7. **If the property is located within the High-Risk Flood Zone**, the project may be required to meet requirements of Chapter 15.52 of the East Palo Alto Municipal Code relating to floodplain management. Elevation of the proposed unit must be 18" above base flood elevation (BFE) and properly floodproofed and anchored according to the code. An elevation certificate prepared by a licensed land surveyor may be required.

BUILDING DIVISION:

AT PERMIT SUBMITTAL

1. A digital copy of the plans must be submitted for building review; to include the digital submittal of all relevant supporting documents; structural calculations, energy compliance forms, soils report, etc.
2. Building permit applications/building plans submitted on or after January 1, 2023, will have to be designed to the new 2022 California Building Codes. Permit/plans submitted prior to January 1st may be submitted to the 2021 California Building Codes.
3. Properly complete and submit the EPA Special Inspection form for any proposed work requiring special inspections as per CBC 1705. Link to access form: [General Permit Forms | City of East Palo Alto \(cityofepa.org\)](https://www.cityofepa.org/general-permit-forms)
5. Complete Architectural plan sheets are required at the time of the permit submittal, which includes; electrical information, mechanical information, plumbing information, floor plan, elevation views and structural construction details which include brace wall or shear wall panels and locations, truss information, headers, and foundation information.
6. Please imprint the Conditions of Approval on the plans submitted for building permits.
7. Please imprint on the submitted plans, the Construction Best Management Practices. To access the standard plan, please visit: <http://www.flowstobay.org/construction>
8. The applicant shall properly complete and incorporate, on plans, the 2019 CAL Green Residential Mandatory Measures on the plans submitted for building permits. The link to access the form: [2019 cal green residential checklist.pdf \(cityofepa.org\)](https://www.cityofepa.org/2019-cal-green-residential-checklist.pdf)
9. Please note on plan: The City of East Palo Alto Municipal Code Section 15.04.125 limits construction activity to the following hours:
 - a. Monday through Friday: 7:00 AM to 6:00 PM
 - b. Saturday: 9:00 AM to 5:00 PM
 - c. Sundays and national holidays: No activity allowed

PRIOR TO THE ISSUANCE OF THE PERMIT

10. Applicable Development Impact Fees must be paid prior to the permit issuance. Please refer to Engineering Division for applicable Impact Fees.
11. Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:
 - a. Grading Permit and Improvement Plan
 - b. Fire Permit
 - c. School District Development Impact fee requirements
12. Prior to the issuance of building permits, the applicant/developer shall submit a Construction and Demolition Application to the Building and Safety Division. The link to access application: [General Permit Forms | City of East Palo Alto \(cityofepa.org\)](http://www.ci.east-palo-alto.ca.us/documentcenter/view/1132)

ENGINEERING DIVISION:

1. ENCROACHMENT PERMIT:
The developer shall obtain an encroachment permit from the Engineering Division prior to performing any work in the public right-of-way. See the link below for an application. (EPAMC 13.06.200 and 13.06.280)
[encroachment_permit_application_201902011229167360_201903251407548161.pdf \(cityofepa.org\)http://www.ci.east-palo-alto.ca.us/documentcenter/view/1132](http://www.ci.east-palo-alto.ca.us/documentcenter/view/1132)
2. TRAFFIC CONTROL:
Activities that require temporary closures of sidewalks, vehicle and/or bike lanes, or other public paths shall require review and approval by the Engineering Division through an encroachment permit.
3. CONSTRUCTION VEHICLES, EQUIPMENT, AND MATERIALS:
All construction related vehicles, equipment, and materials shall be managed on-site. At no time shall such items be parked or stored in the public right-of-way without an encroachment permit or written approval by the City Engineer.
4. GRADING PERMIT:
Any grading over 150 cubic yards (cut + fill), or when the height of the site is increased or decreased more than 2 feet will require a grading permit. (EPAMC 15.48.030)
5. PUBLIC IMPROVEMENTS:
The developer shall provide public street improvements along the project frontage where existing streets (vehicle and/or pedestrian paths) do not meet current City standards. These improvements may include sidewalk, curb and gutter, driveway approach, curb ramp, and any right-of-way dedication. (EPAMC 15.04.040)
6. STREET TREE:
The developer shall install one street tree along the property frontage. (EPAMC 13.24.410 and 13.24.420)
7. STORMWATER DRAINAGE:
The project shall not create any negative impacts to adjacent properties such as cross-lot drainage. The project shall also mitigate any impacts to the public stormwater system through the installation of rain gardens, bubblers or other infiltration devices, swales, increasing of pervious areas, or other methods. (EPAMC 12.12.150 and 12.12.160)
8. FENCES/WALLS:
No new or existing fence and/or wall shall be permitted outside of the property boundary lines. No new or existing concrete (or similar) wall and/or fence is permitted where there is a public easement. The removal of such existing structures shall be required prior to the issuance of any permits.
12. WATER METER:
This project shall use the existing public water meter. Any additional water meters shall be purchased by the developer, maintained privately, and stored onsite.
13. SEWER CLEANOUT:
If one does not already exist, the developer shall install a sanitary sewer cleanout at the front property line based on the standards of the sewer service provider for the property.

**FOR INFORMATION PURPOSES ONLY
BUILDING PERMIT SUBMITTAL REQUIREMENTS**

Submittal Requirements for a Proposed Accessory Structure:

SUBMIT:

- One (1) properly completed Zoning Clearance application.
- Five sets of plans (1/4-inch scale, 18"x24" size minimum, 36"x48" size maximum)
- A digital copy of the plans, including digital copies of all supporting documents.
- Two (2) copies of each of the following documents (if proposed Accessory Structure is larger than 120 sf):
 - Cal Green Mandatory Checklists
 - [2022 cal green residential checklist.pdf \(cityofepa.org\)](#)
 - [2022 cal green non-residential mandatory requi rn1603.pdf \(cityofepa.org\)](#)
 - Title 24 Energy Compliance Report
 - Geotechnical/Soils Report (if applicable)
 - Manufactured Truss Calculations (if applicable)
 - Structural Calculations

PLANS SHALL CONSIST OF:

- Cover Sheet:**
 - Project address and parcel number
 - Flood zone designation
 - Square footage of all proposed structures
 - Notate all deferred submittals on sheet
 - Sheet index
 - Note on plan: Project to comply with the 2022 CBC, 2022 CEC, 2022 CMC, 2022 CPC, 2022 CA Energy Code, 2022 CA Green Building Standards Code and East Palo Alto Municipal Code. (if larger than 120 sf)
 - Location Map
 - Type of construction (if larger than 120 sf)
 - Occupancy Classification (R-3) (if larger than 120 sf)
 - Building fire sprinkler systems (if larger than 120 sf)
 - Detailed project scope
- Plot Plan:**
 - Lot dimensions with property lines and any easements identified
 - Size and use of all structures on the lot
 - Show all site utilities; (water/gas/sewer/storm)
 - Grades and elevation of the site and building
 - Dimensions from structures to property lines (measured at right angles to structures)
- Architectural Sheets:**
 - Cross section in each direction
 - Floor Plan (identify and dimension all room usage)
 - Window and door schedule
 - Structural Roof, floor framing and foundation plan sheets (if larger than 120 sf)
 - Elevations from all sides of building with exterior materials used
 - Interior Elevations
 - Truss configuration and locations (if larger than 120 sf)
 - Show on plan, automatic garage openers (an installed must have a battery backup function) (if larger than 120 sf)
- Structural Sheets (if larger than 120 sf):**
 - Include structural design criteria (design load, wind, seismic, etc.) on plan
 - Foundation Plan (anchorage, rebar, piers, etc.)
 - Roof Framing Plan and construction details
 - Structural Details
 - Structural wall sections with construction details
 - Location, size, and grade of all framing members to include location(s) of shearwalls
- Electrical, Plumbing & Mechanical Plan (if larger than 120 sf):**
 - Fixture schedule
 - Main panel size and location, including subpanel(s)
 - Location of HVAC equipment and plumbing fixtures
 - Show all equipment, outlets, smoke/carbon monoxide alarms, switches, luminaires, etc. on the plan sheets
 - Location and type of water heating system
 - Gas pipe schematic (may be deferred)
- Prefabricated Roof Trusses (if larger than 120 sf):**
 - Truss calculations must be reviewed/stamped by the individual responsible for the design of the structure
- Separate Plans & Permits Required for the Following Types of Work (if larger than 120 sf):**
 - Automatic fire sprinklers and fire alarms. See [Menlo Park Fire District - Permits \(menlofire.gov\)](#)
 - Structural demolition
 - Encroachment of public right-of-way
 - Revisions to the approved plan

Note: This is not a complete list of all required submittals; additional information may be required after the initial plan review