

Interpretation No.: ACS-OEA

**COMMUNITY DEVELOPMENT AND INFRASTRUCTURE DEPARTMENT
ADMINISTRATIVE PRACTICE GUIDELINE**

Interpretation No.: ACS-OEA (Accessory Structures - Outdoor Entertainment Areas)

Effective Date:

Originally Issued:

Revised:

Question

What features are allowed in open or partially enclosed non-habitable outdoor entertainment structures?

Applicable Regulatory Section(s)

SCCC §13.10.611

§13.10.700

INTERPRETATION:

Non-habitable accessory structures used for outdoor entertaining, such as covered patios, may have kitchen facilities as defined in 13.10.700-K such as sinks, cooking facilities and food preparation areas, as long as the walls within any area containing these facilities are at least 50% open to the exterior. Structures that are open and unenclosed or partially enclosed as defined above may also have built-in heaters, - as allowed under the California Building Code. Standard screens are allowed to abate pests etc. and do not count toward the 50% maximum wall area. Roofs are also allowed.

Such open structures are not subject to the limitations for built in heating/cooling and kitchen facilities that apply to other non-habitable accessory structures provided in Table 13.10.611-1. However, outdoor entertainment structures are subject to all other requirements applicable to non-habitable accessory structures as provided in SCCC 13.10.611, including size limits. In conformance with this code, a declaration of restriction to maintain an attached or detached non-habitable accessory structure (outdoor entertainment structure) will be required to be recorded, with permitted features clearly specified. If attached to another non-habitable accessory structure, the combined area shall comply with size limitations set out in 13.10.611, or the applicant shall obtain all required approvals for a larger structure.

Reason

In recent years, as indoor-outdoor living has gained popularity, outdoor entertainment areas including outdoor kitchens or dining areas are becoming a commonly desired feature for residences. It is often desirable include cooking facilities and portable or built-in heating, and partially enclose these areas with walls or screening for insect control, and include a roof, to provide protection from wind and rain, and make these outdoor living areas more useful and comfortable.

The regulations for accessory structures provided in SCCC 13.10.611 do not specifically address outdoor entertainment areas that may be partially enclosed. The primary purpose of table

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13.10.611-1, Amenities Regulations for Accessory Structures, is to identify features that differentiate non-habitable from habitable accessory structures and ensure that structures that are habitable meet building code requirements for habitability. Since a structure that is completely enclosed and includes heating and kitchen facilities would meet the criteria for a habitable accessory structure, these features are not appropriate in completely enclosed non-habitable accessory structures. However, since outdoor entertainment areas that are only partially enclosed cannot be occupied as indoor living space, it is appropriate to allow kitchen facilities and heating in outdoor entertainment areas, along with some limited protection from the elements. Structures are also subject to Building Code regulations which ensure the safety of any heating and cooking facilities.

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1/18/2024

Date