

# County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



## STAFF REPORT Zoning Administration March 7, 2019 **Continued Item # 2**

Staff Contact: Lara Tran, Associate Planner  
(408) 299-5759/ [lara.tran@pln.sccgov.org](mailto:lara.tran@pln.sccgov.org)

### **File: 10972 - 18SP**

**Special Permit for a detached accessory building (barn and game room) containing more than two (2) internal plumbing fixtures.**

**Address: 14632 Stonebridge Court, Morgan Hill**

### **BACKGROUND**

On April 6, 2017, an application for Design Review and a Special Permit were approved to allow the construction of a new single-family residence (6,700 s.f.), a 1,427 s.f. accessory building (barn) with a secondary dwelling (800 s.f.) above, and pool house (600 s.f.) with more than two (2) internal plumbing fixtures.

On March 14, 2018, a Building Permit (BP# 65048) was issued for the single-family residence, secondary dwelling, and pool house. During construction of the secondary dwelling, the Department of Environmental Health (DEH) communicated to the owner that the proposed secondary dwelling would require an additional connection to the Stonebridge Municipal Water Co., which requires the company to become a public water system by State regulations. If Stonebridge Municipal Water Co. becomes a public water company, additional upgrades to the water mutual would be required to meet State standards for a public water system, as opposed to a private water company. As an alternative, the property owner was informed that they could consider construction of a well. In response to these requirements, the property owner requested to redesign their proposed secondary dwelling into an accessory structure (barn and game room) in order to obtain approval for the project from DEH without having to upgrade the water mutual or drill a well for the secondary dwelling.

On November 28, 2018, the owner submitted for a revision to the approved Special Permit application, requesting that the approved and mostly constructed secondary dwelling be revised

to be considered an accessory structure (barn and game room) with more than two (2) internal plumbing fixtures.

On February 7, 2019, the Zoning Administrator considered the application for a Special Permit to allow more than two (2) internal plumbing fixtures in the redesigned accessory structure. At the public hearing, the Zoning Administrator heard testimony from the Applicant and DEH Staff. The Zoning Administrator informed the applicant that the request for an accessory structure could not be approved as designed due to the fact that the accessory structure would be over-height, and therefore would require submittal and consideration of a Variance instead. The Zoning Administrator noted that there was some uncertainty in whether a Variance could be supported and that an analysis would be necessary and directed the applicant to submit information that substantiated why they could not meet the requirements for a new well or to convert the private water company to a public water company. Additionally, the Zoning Administrator directed Staff to gain a better understanding of whether or not the DEH, or the State, have any discretion to not require the second dwelling unit that was originally approved to trigger an additional connection. The Zoning Administrator continued the public hearing to March 7, 2019, pending the need for additional research as directed.

## **DISCUSSION**

As of the preparation of this report, Staff has not received the necessary information from DEH and has not received an application for a Variance with a justification statement from the applicant. Staff is coordinating a meeting with DEH Staff and Planning Staff to discuss the requirements of supplying adequate water and required connections for water companies. As such, Staff is recommending that File 10972-18SP be continued to the April 4, 2019 Zoning Administration Hearing to allow additional time for staff to do research and provide resolution and next steps on the project.

## **ADDITIONAL INFORMATION**

### **Permit Streamlining Act**

The Special Permit application was deemed complete for processing on December 28, 2018, with a Permit Streamlining Act deadline of February 26, 2019 (60-days). At the Zoning Administration Hearing on February 7, 2019, the applicant granted a one-time, 90-day extension to the Permit Streamlining Act for staff to do additional research and meet with the Department of Environmental Health on reaching next steps and resolution on the project. The new Permit Streamlining Act deadline is May 27, 2019.

## **REVIEWED BY**

---

Prepared by: Lara Tran, Associate Planner   
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator 