File: 11156-17SP
Special Permit for an accessory structure with more than two internal plumbing fixtures (5,352 s.f. barn / pavilion)

Summary: Special Permit for a detached accessory structure with more than two internal plumbing fixtures (5,352 s.f. barn / pavilion with 9 plumbing fixtures).

Owner: Daniel & Susan Carlino
Applicant: Hanna & Brunetti
Lot Size: 4.7 acres
APN: 825-27-034 & -045
Supervisorial District: #1

Gen. Plan Designation: Rural Residential
Zoning: RR-5ac
Address: 14295 Foothill Ave., San Martin
Present Land Use: Single-family residence
Approved Building Site: None

RECOMMENDED ACTIONS
A. Approve the determination that the proposed project qualifies for a Categorical Exemption, under Section 15303(e) (Class 3 – conversion of accessory structures) of the CEQA Guidelines, Attachment A

B. Grant the Special Permit, subject to conditions outlined in Attachment B

ATTACHMENTS INCLUDED
Attachment A – Proposed CEQA Determination
Attachment B – Proposed Conditions of Approval
Attachment C – Location & Vicinity Map
PROJECT DESCRIPTION

The proposed project is a request to construct a 5,352 s.f. detached accessory structure, a proposed barn / pavilion that includes a pavilion, gathering room, art studio, two offices, three stalls, a tack room, tool room, read rooms, and other storage rooms. The proposed barn will be located to the west of the existing house, where two (2) barns are currently existing. The proposed building will be furnished with 2.5 full baths (toilet, sink and shower) and a sink in the proposed wetbar area.

Setting/Location Information

The subject parcel is approximately 4.7 acres in size and fronts on Foothill Avenue in San Martin. The parcel is currently improved with a single-family residence, several riding areas, corrals and barns. The existing site is not an approved building site, and the project will not necessitate building site approval, as the addition is not a dwelling. The subject parcel is zoned RR-5ac. The site is moderately sloped. The predominant use in the vicinity is single-family residential.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)
   The proposed project qualifies for a Categorical Exemption, Section 15303(e) (Class 3) for accessory structures, including garages, carports, patios, swimming pools and fences.

B. Project/Proposal
   1. General Plan: Rural Residential is the General Plan land use designation, where residential and its accessory uses are allowed.

   2. Approval Building Site: The subject site is not an Approved Building Site. However, the proposed project to build a proposed barn / pavilion with more than 2 plumbing fixtures would not necessitate Building Site Approval review. Any future addition greater than 500 s.f. onto the residence, or a Rebuild, would require Building Site Approval review.

   3. Zoning: The subject parcel is zoned RR-5ac, and accessory structures, such as a detached barn / pavilion, are an allowed use (See Table 2.20-1 of the Zoning Code).

      The proposed structure is subject to development standards stipulated for accessory structures (see Section 4.20.020). The location of the proposed barn conforms to the development standards stipulated for accessory structures (75-foot front setback, 3 foot side and rear setbacks, 6 foot separation from the main residence, and 12 foot maximum height limit), and the proposed barn is not designed to be used for dwelling purposes. The proposed layout of the barn includes a pavilion, a gathering room, an art studio, offices, stalls, tack room, tool room and read rooms for property owner’s personal use. The property owner has provided justification for each of the proposed
rooms (Attachment D). The proposed layout and floor plan would not contribute to utilizing the structure for dwelling purposes. The proposed accessory building is approximately 5,352 s.f. in size, with an unenclosed covered patio. The architectural style of the proposed barn complements the character of the neighborhood and the existing architectural style for the main residence.

5. **Special Permit:**
Section 4.20.02(I)(2) requires any accessory building (such as a barn / pavilion) with more than two (2) internal plumbing fixtures to be subject to a Special Permit. The proposed building includes 2.5 full baths (toilet, sink and shower) and a sink in the wet bar area of the proposed barn. In the following discussion, the scope of review findings are in **bold**, and an explanation of how the project meets the required findings is in plain text below. The Zoning Administrator is required to make findings to approve the project.

A. **The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors;**

   As discussed in Section 4 of this report, the project conforms to all standards stipulated in County General Plan and Zoning Ordinance.

B. **The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;**

   The site is adequate to accommodate the proposed barn. The subject site is approximately 4.7 acres, and the proposed barn satisfies the required setbacks for residential accessory structure (front – 75 feet, side and rear – 3 feet). The proposed layout within the barn is of an appropriate design to have 2.5 full baths (toilet, sink and shower), and a sink in the wet bar area as part of the overall rural residential development.

C. **The proposed use will not be detrimental to the public health, safety, or general welfare. In this respect the zoning administrator shall further find, without limitation, that:**

   1. **Adequate off-street parking, loading and unloading areas (if applicable) and handicapped access will be provided;**

   2. ** Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);**
Finding Nos. C (1) & (2) are not applicable.

3. **The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;**

   All plumbing fixtures will be connected to the existing septic system supporting the property.

4. **The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;**

   This project would be permitted “by-right” if the application only included two (2) plumbing fixtures. The installation of more than two (2) plumbing fixtures would not create significant impacts related to noise, odor, dust or excessive light impacts. Furthermore, residential and accessory uses shall be subject to the County Noise Ordinance.

5. **The use will not substantially worsen traffic congestion affecting the surrounding area;**

   Not applicable.

6. **Erosion will be adequately controlled; and**

   Standard conditions and BMP’s will be required through Building Permit review.

7. **Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.**

   Adequate storm drainage will be reviewed through a Drainage Permit and Building Permit for full compliance.

**BACKGROUND**

The application for a Special Permit was submitted on November 28, 2017, and was subsequently deemed incomplete on December 4, 2017. After submitting all required information, the application was deemed complete on February 13, 2018. A public notice was mailed to all property owners within a 300-foot radius on February 15, 2018, and was also published in the Post Records on February 16, 2018.
ATTACHMENT A

Notice of Exemption from CEQA

To: County Clerk-Recorder
   County of Santa Clara
   ☐ Office of Planning & Research
      PO Box 3044, Room 222
      Sacramento, CA 95812-3044

Project Title
Foothill Avenue Special Permit

File Number (if applicable)
File 11156-17SP

Project Location
14295 Foothill Ave., San Martin

Public Agency Approving Project
County of Santa Clara

Person or Agency Carrying Out Project
Mark Connolly, Senior Planner

Project Description (including purpose and beneficiaries of project)
Special Permit to allow nine (9) plumbing fixtures in the proposed barn / pavilion.

Exempt Status check one/indicate type of State CEQA Guidelines section number:

☒ Categorical Exemption [CEQA Guidelines 15301-15333];
☐ Statutory Exemption [CEQA Guidelines 15260-15285];
☐ Declared Emergency [15269(a)];
☐ Emergency Project [15269(b)(c)];
☐ General Rule [CEQA Guidelines 15061(b)(3)];

Reasons the project is exempt:
Class 15303(Class 3)(e)
Conversion of Accessory structures including garages, carports, patios, swimming pools and fences.

County Contact Person
Mark Connolly

Title
Senior Planner

Telephone Number
(408) 299-5786

Date: 2/12/18
Signature: Mark Connolly

Name/Title: Mark Connolly, Senior Planner

Approved by: [Signature]
ATTACHMENT B

Preliminary Conditions of Approval

11156-17SP

SPECIAL PERMIT
CONDITIONS OF APPROVAL

Owner/Applicant: Daniel & Susan Carlino
File Number: 11156-17SP
Location: 14295 Foothill Ave., San Martin
Project Description: Special Permit to allow more than two (2) plumbing fixtures in the
5,352 s.f. barn / pavilion (nine (9) fixture proposed).

Items marked with one asterisk (*) must be completed prior to building permit issuance.
Items marked with two asterisks (**) must be completed prior to occupancy or final inspection
permit issuance.

PLANNING
Contact Mark Connolly (408-299-5786 / mark.connolly@pln.sccgov.org) regarding the
following conditions:

1. Development must take place in accordance with the approved plans, prepared by
   Frederick Stoenner, and dated January 26, 2018.

2. The proposed barn / pavilion shall be for personal recreational use only. There shall
   be no commercial use allowed within the proposed structure, such as a commercial
   horse staple or riding arena, without further review and approval of a Use Permit for
   Commercial Stables.

Ongoing Compliance
3.* Pursuant to §5.20.125, record a Notice of Permit and Conditions with the County
   Office of Clerk-Recorder, to ensure that successor property owners are made aware
   that certain conditions of approval shall have enduring obligation. Evidence of such
   recordation shall be provided prior to building permit issuance.
DEPARTMENT OF ENVIRONMENTAL HEALTH:
Contact Darrin Lee (408-299-5748 / Darrin.lee@pln.sccgov.org) regarding the following conditions:

4. Based upon a percolation rate of 26 minutes per inch and a wastewater design flow of 60 gallons per day, sewage disposal conditions have been determined at 254 plus 254 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 1500-gallon septic tank shall be required. This septic system is adequate to serve the proposed accessory structure with 5 rooms and 2.5 bathrooms.

5.* Prior to obtaining a building permit for the proposed accessory structure, submit four (4) revised plot plans to scale (1” = 20’) on a grading and drainage plan showing the house, driveway, accessory structures, septic tank and required drainlines to contour, in order to obtain a septic system permit. Maintain all setbacks as outlined in within Santa Clara County Onsite Manual. The original plans must be submitted to Environmental Health for sign-off prior to the issuance of the septic system permit, and submitted as the final grading plan to Land Development Engineering when a grading permit is required. Contact Jeff Camp at 408-918-3473 for signoff.

Be advised that any modification to the stamped approved septic system design which requires a subsequent review and approval by DEH will require the applicant to return all previously approved septic design plans to the district specialist prior to obtaining current design approval.

6.* Prior to obtaining a building permit, submit a set of floor plans to the Department of Environmental Health.

7. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.

8.** Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

LAND DEVELOPMENT ENGINEERING:
Contact Darrell Wong (408-299-5735 / Darrel.wong@pln.sccgov.org) regarding the following conditions:

9. The building plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period. Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.

10. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.
Drainage:

11.* Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Storm Water Treatment - Pajaro River/Monterey Bay Watershed

12.* Fill out and submit the forms in the Low Impact Development and Post Construction Stormwater Management Requirements (PCR) Applicant’s Packet.

13.* The improvement plans shall include at a minimum, one of the Low Impact Development site design measures. These measure include directing roof runoff into; cisterns or rain barrels for reuse, onto vegetated areas and; directing runoff from sidewalks, walkways, patios, driveways and uncovered parking onto vegetated areas; and constructing sidewalks, walkways, patios, driveways with permeable surfaces.

14.* Should the development use by changed from non-residential, the owner may be required to provide a Storm Water Control Plan prepared by a licensed civil engineer to include storm water quality treatment and peak flow management measures per the current requirements at the time of the conversion of the use.

Notice of Intent

15.* Indicate on the building plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at: www.waterboards.ca.gov > Water Issues > Programs > Stormwater

Other Conditions:

16.* Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

BUILDING INSPECTION OFFICE:

Contact BIO staff at (408) 299-5700 for information regarding the following conditions.

17.* This project requires submittal into Plan Check and issuance of a Building Permit prior to start of any construction activity. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).

18.* At the time of building permit application, Submit the Single Family Green Point Checklist or the LEED for Homes Checklist, at the time. The checklist is required to
demonstrate how the project will achieve the points required for certification, as required by the Santa Clara County Green Building Ordinance (starting at County Ordinance Code Section C3-50).
ATTACHMENT C

Location & Vicinity Map