

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF REPORT
Zoning Administration
September 6, 2018
Item #3

Staff Contact: Joanna Wilk
(408) 299-5799 joanna.wilk@pln.sccgov.org

File: 11261 - 18SP

Special Permit for a detached accessory building (pool house) containing more than two internal plumbing fixtures

Summary: Special Permit to allow more than two plumbing fixtures in a 450 sq. ft. pool house pursuant to § 4.20.020(I).

Owner: Naeem Afzal
Applicant: Naeem Afzal
Lot Size: 5 acres
APN: 835-28-019
Supervisory District: #1

Gen. Plan Designation: Hillside
Zoning: HS- d1
Address: 9514 Sugar Babe Drive
Present Land Use: Single Family Residential
Approved Building Site: Yes

RECOMMENDED ACTIONS

- A. Accept a Categorical Exemption, under Section 15303(e) of the CEQA Guidelines, Attachment A
- B. Grant Special Permit Approval, 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
Attachment D – Proposed Plans

PROJECT DESCRIPTION

The proposed project includes a detached 450 square foot accessory structure, with a 165 square foot covered patio, and six plumbing fixtures. The accessory structure is proposed to be used as a pool house and has a maximum height of 17 feet. The structure includes two (2) full baths and an open lounge area. Proposed grading quantities include 97 cubic yards of fill for the pool house foundation and patio area. The proposed location of the pool house is in the central portion of the lot, adjacent to an existing pool in the rear yard, approximately 92 and 180 feet from the side property lines and 360 feet from the rear and front property lines.

The lot is a 5-acre parcel on the south side of Sugar Babe Drive, and the north side of Lassie Court, in the unincorporated area of Santa Clara County. Associated site improvements include a new septic tank and leach field for the proposed pool house.

Setting/Location Information

The subject property is located in the southern portion of the unincorporated area of Santa Clara County, east of Highway 101, between Sugar Babe Drive and Lassie Court in the Rolling Hill Estates subdivision. The neighborhood character consists of homes built in the late 1980's ranging from 2,000 – 3,000 square feet.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in a residential zone.

B. Project/Proposal

1. **General Plan:** Hillsides.
2. **Approved Building Site:** Yes. – Rolling Hill Estates subdivision, Tract number 35
3. **Zoning Standards.** The proposed project satisfies the required development standards for accessory structures, as summarized below:

Setbacks (HS-d1): 75-feet from the front property line or in the rear yard, and 30 feet from rear and side yard property lines if height exceeds 12 feet (17 feet proposed).

Maximum Height: 35-feet

Stories: 1 story

4. **Compliance with Development Standards (Accessory Structures) and Specific Findings (Restrictions on Plumbing Fixtures).**

The proposed structure is subject to development standards stipulated as accessory structures (see Section 4.20.020). The location of the pool house conforms to the development standards stipulated for accessory structures (75 feet front setback, 30

feet side and rear setback, 6 feet separation from the main residence, and 35 feet maximum height limit), and the proposed pool house is not designed to be used for dwelling purposes or overnight accommodations. The proposed layout of the pool house includes two full baths and a lounge area. There is no partitioning inside the pool house that would contribute to utilizing the structure for dwelling purposes. The proposed accessory building is approximately 450 sq. ft. in size, with a 165 sq. ft. unenclosed covered porch and patio area. As such, the pool house is of an appropriate size and design for the intended use and complies with the specific findings for "Restrictions on Plumbing Fixtures," pursuant to Section 4.20.020(I)(2).

5. Special Permit:

In addition to specific findings identified in Section 4 above, accessory structures (such as a pool house) with more than two (2) internal plumbing fixtures are also subject to a Special Permit (Chapter 5.60). In the following discussion, the scope of review findings for a Special Permit are delineated in **bold** type, 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 pool house. The subject site is approximately 5.0 acres, and the proposed pool house satisfies the required setbacks for residential accessory structure (front – 75 feet, side and rear – 30 feet). The proposed layout in the pool house is of an appropriate design to have two full baths (toilet, sink and shower) and a lounge room. As such, the area of the property and the location of the proposed structure offers adequate separation and provides a buffer between the proposed use and the surrounding uses and/or neighborhood.

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 proposed (and approved) septic system supporting the pool house.

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 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 property was created through the Rolling Hill Estate Subdivision in January of 1979. The existing 3,969 square foot residence was built in 1987 along with a pool in 2002. The previous owner applied for a Special Permit for an 800 square foot pool house in 2003 and received approval from the Zoning Administrator in 2004. A building permit was issued for the previous pool house; however, it was never built and therefore expired in 2005.

The current owner, Naeem Afzal, applied for a Special Permit April 25, 2018. On July 25, 2018 Staff deemed the application complete. A public notice was mailed to all property owners within a 300-foot radius on August 21, 2018.

STAFF REPORT REVIEW

Prepared by: Joanna Wilk, Assistant Planner 

Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator 

- Attachments:
- 1) Notice of Exemption from CEQA
 - 2) Preliminary Conditions of Approval
 - 3) Location and Vicinity Map
 - 4) Proposed Plans

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 Special Permit for a pool house at 9514 Sugar Babe Drive	File Number (if applicable) 11261-18SP	
Project Location 9514 Sugar Babe Drive, between Sugar Babe Drive and Lassie Court in the Rolling Hill Estate Subdivision near Gilroy, CA. Zoning HS-d1.		
Public Agency Approving Project County of Santa	Person or Agency Carrying Out Project Joanna Wilk, Assistant Planner	
Project Description (including purpose and beneficiaries of project) Special Permit for a 450 s.f. pool house with a 165 s.f. covered porch. The pool house contains two full bathrooms (six plumbing fixtures) and a lounge area. Associated site improvements consist of 97 cubic yards of fill for the pool house foundation and an onsite wastewater treatment system.		
Exempt Status check one/indicate type of State CEQA Guidelines section number: <input checked="" type="checkbox"/> Categorical Exemption [CEQA Guidelines 15301-15333]: <input type="checkbox"/> Statutory Exemption [CEQA Guidelines 15260-15285]: <input type="checkbox"/> Declared Emergency [15269(a)]: <input type="checkbox"/> Emergency Project [15269(b)(c)]: <input type="checkbox"/> General Rule [CEQA Guidelines 15061(b)(3)]:		
Reasons the project is exempt: The proposed project qualifies for a Categorical Exemption, Section 15303 (Class 3e) for accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences in a residential zone. No unusual circumstances exist so as to constitute significant effects, per subsection 15000.2(c).		
County Contact Person	Title	Telephone Number
Joanna Wilk	Assistant Planner	(408) 299-5799

Date: 8/20/18

Signature: 

Name/Title: Joanna Wilk/Assistant Planner

Approved by: _____

ATTACHMENT B
SPECIAL PERMIT
Preliminary Conditions of Approval

11261 – 18SP

Owner/Applicant: Naeem Afzal
File Number: 11261-18SP
Location: 9514 Sugar Babe Drive (APN: 825 28 019)
Project Description: Special Permit for a pool house with three or more plumbing fixtures

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning	Joanna Wilk	(408) 299- 5799	joanna.wilk@pln.sccgov.org
Environmental Health	Darrin Lee	(408) 299 – 5748	darrin.lee@pln.sccgov.org
Land Development Engineering	Darrell Wong	(408) 299 – 5735	darrell.wong@pln.sccgov.org
Building Inspection		(408) 299-5700	

STANDARD CONDITIONS OF APPROVAL

Planning

1. Development must take place in accordance with the approved plans, prepared by Michael Abler, dated May 30, 2018.
2. Subject pool house may not be used for dwelling purposes or overnight accommodations.

Environmental Health

3. Sewage disposal conditions have been determined at 300 plus 300 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 a 450 square foot pool house/ accessory structure with 2 bathrooms.

4. Provide a water will serve from the local water purveyor, New Avenue Mutual Water.
5. 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

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE

Planning

6. 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.

Land Development Engineering

7. Survey monuments shall be shown on the building plans to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
8. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
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.

Utilities

12. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the building plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

Storm Water Treatment - SF Bay watershed

11. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to incorporate as many site design measures as possible into the project. For additional information, please refer to the C.3 Stormwater Handbook (April 2012) available at the following website:

www.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (April 2012)

12. The proposed project appears to meet the grading and drainage exemption requirements as outlined in the County's Grading Ordinance. If any Building Plan revisions or construction field changes occur that alter the existing drainage pattern, alter a drainage course, increase the proposed impervious area greater than 2000 square feet, and/or any earthwork that is in excess of the limits as outlined the County's Grading Ordinance starting at C12-400 then a Grading Permit or Drainage Permit will be required. To obtain a Grading Permit apply to the Planning Office for grading approval, once the Planning Office authorized the grading approval, apply and obtain and Grading Permit from LDE. To obtain a Drainage Permit submit drainage plans and calculations to LDE. Penalties and rigid abatement procedures are required by ordinance for correction of any grading violation.

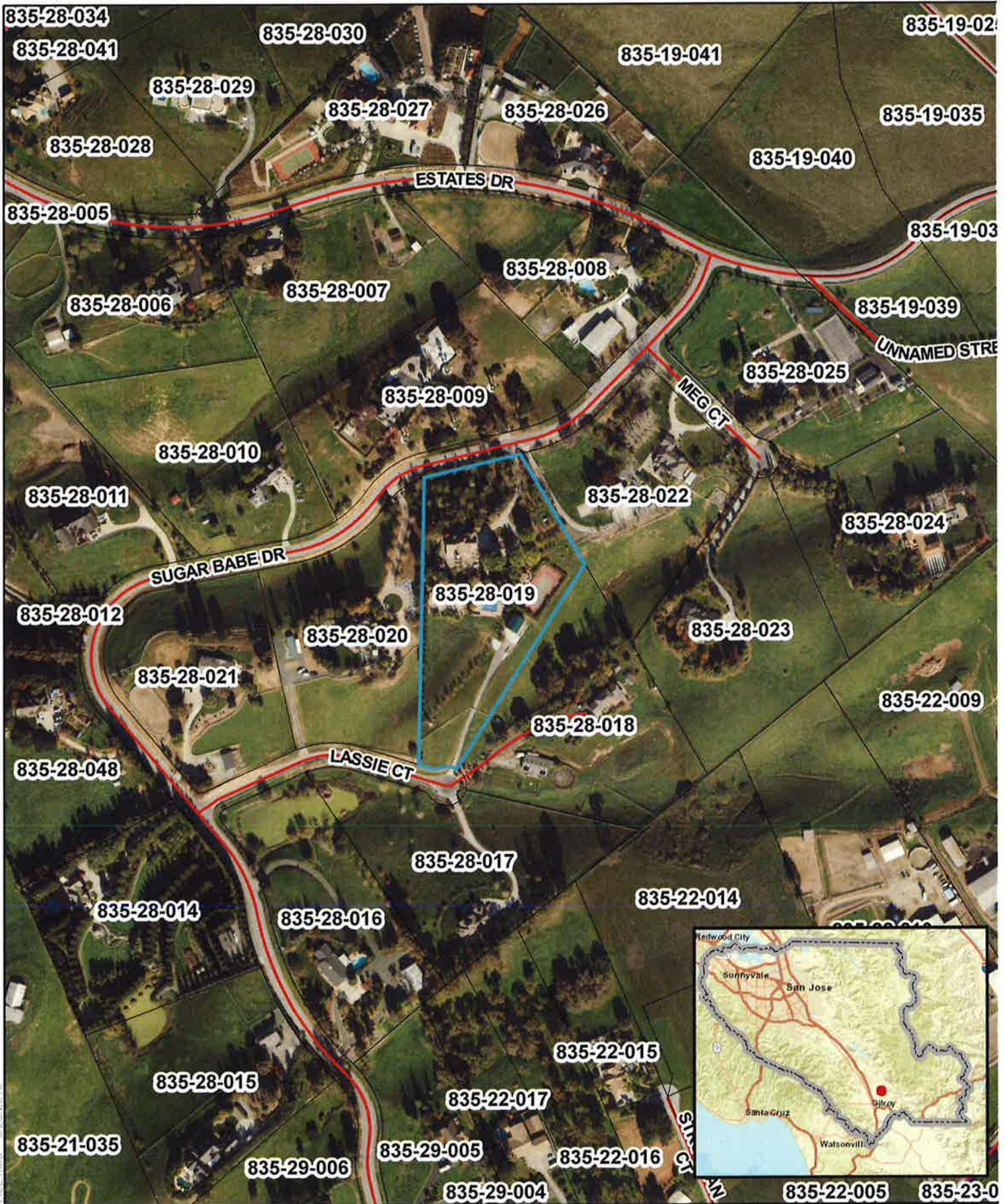
Department of Environmental Health

13. At the time of application for a building permit, 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 within county of county of Santa Clara Onsite Manual. The original plans must be submitted to the field office 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 sign-off.

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.

Building Inspection Office

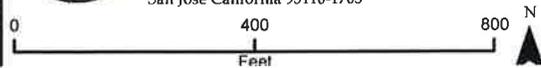
14. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).



County of Santa Clara
 Department of Planning and Development
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 70 West Hedding Street, 7th Floor
 San Jose California 95110-1705

LOCATION & VICINITY MAP

9514 Sugar Babe Drive



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