

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
September 6, 2018
Item #3

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

File: 11350-18SP **Special Permit for a detached accessory building (garage)** **containing more than two internal plumbing fixtures**

Summary: Special Permit to allow more than two plumbing fixtures (4 plumbing fixtures proposed) in a new 497 sq. ft. garage, pursuant to Section 4.20.020(I) of the Zoning Ordinance.

Owner: Remon Somico
Applicant: Remon Somico
Lot Size: 4,792 square feet
APN: 599-18-080
Supervisory District: 3

Gen. Plan Designation: USA: San Jose
Zoning: R1-6
Address: 4080 Holly 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 the demolition of an existing 326 square foot detached garage with a utility sink and washing machine, to construct a new 497 square foot detached garage with utility sink, washing machine, and a half bath. A total of four (4) plumbing fixtures are proposed.

The new garage location is in the rear yard, 21 feet away from the existing single-family residence, 3 feet away from the rear property line, 1 ½ feet away from the eastern property line, and 23 ½ feet from the western property line. The proposed height of the new garage is a maximum of 14 feet, with a top plate height of 10 feet, thereby meeting the County's average height requirement of 12 feet (Section 4.20.020(D)). No grading or tree removal is proposed as a part of this project. Evidence of a sewer connection permit from Sanitation District 2,3 is required prior to Building Permit issuance.

The lot is recorded as 4,792 square feet and is located on the southern side of Holly Drive, between Tallent Avenue and Gordon Avenue, in the Urban Service Area of San Jose. The property is over 1,200 feet east of the City limits. The scope of work does not include a new single-family residence, lot line adjustment, subdivision, use permit, architectural and site approval, or a zone change. Therefore, the project is not eligible for annexation into the City of San Jose.

Setting/Location Information

The subject property is located in the eastern portion of the unincorporated area of Santa Clara County, east of Highway 680, between Tallent Avenue and Gordon Avenue, in the Toyon Gardens Tract, north of the San Jose Country Club. The neighborhood character consists of single-story homes built in the late 1940's to early 1950's, ranging from 1,200 to 1,600 square feet in size. The project is in the Santa Clara Valley Habitat Conservation Plan - Private Development Area 4. The permanently disturbed footprint is less than 2 acres; therefore, the project is not covered under the Habitat Plan.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)

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

B. Project/Proposal

1. **General Plan:** Urban Service Area, City of San Jose.
2. **Approved Building Site:** Yes – Numbered lot on a numbered Tract Map.
3. **Zoning Standards.** The proposed project satisfies the required development standards for accessory structures, as summarized below:

Setbacks (R1-6): 75-feet from the front property line or in the rear yard. Side and rear yard setbacks, pursuant to CA Building Code (5 feet or a one-hour fire rated wall).

Maximum Height: 12-foot average

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 defined as accessory structures (see Section 4.20.020). The location of the garage conforms to the development standards for accessory structures, as the structure is located within the rear yard. The proposed rear and side yard setbacks are permitted to be reduced as they will be constructed pursuant to CA Building Code requirements with one-hour fire rated walls. The new detached garage does not result in a rear yard lot coverage of over 30% (Section 4.20.020(D)(5)). Additionally, Staff has confirmed with the applicant that the proposed garage will not be used for dwelling purposes or overnight accommodations. A condition of approval is included to restrict the use of the structure as a dwelling unit unless further approvals are obtained.

The proposed layout of the garage includes open area with two garage doors, a half bath, and a laundry room with a washer, dryer, and utility sink. There is no partitioning inside the garage that would contribute to utilizing the structure for dwelling purposes. The proposed accessory building is 497 square feet in area. As such, the garage is of an appropriate size and design for the intended use and complies with 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 garage) with more than two (2) internal plumbing fixtures, are also subject to a Special Permit (Chapter 5.60). In the following discussion, 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. The subject property is located in the San Jose Urban Service Area. However, the scope of work does not include a subdivision, lot line adjustment, use permit, or zone change, therefore City of San Jose General Plan conformance is not required (Section 5.20.060).

- 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 garage. The subject site is approximately 4,972 square feet, and the proposed garage satisfies the required setbacks for residential accessory structures in urban zones (front – rear yard, side and rear – pursuant to CA Building Code with fire-rated walls). The proposed floorplan is an appropriate design to have an open garage area, minimally sized half bath, and laundry 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;**

The existing single-family residence requires two (2) parking spaces, one (1) covered and one (1) uncovered. The new detached garage has room for one (1) covered parking space, while the existing driveway serves as an uncovered parking space. These parking spaces are in tandem and are permitted pursuant to Section 4.30.030(A)(4).

- 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);**

The Fire Marshal's office approved the proposed detached garage as submitted on September 18, 2018.

- 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;**

A sewer connection permit shall be provided during Building Permit review.

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

The installation of more than two (2) plumbing fixtures would not create noise, odor, dust or excessive light impacts. Temporary noise and dust

from construction may exist, but these impacts will be short-term and not have long-term impacts on adjacent neighbors. 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;

Temporary traffic from construction may exist, but these impacts will be short-term and not have long-term impacts on adjacent neighbors.

6. Erosion will be adequately controlled; and

Standard conditions and BMP's will be required as conditions of approval and included in Building Permit issuance.

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 Building Permit for full compliance and standard BMP's shall be included.

BACKGROUND

The property was created through the Toyon Gardens subdivision, Tract No. 5, in 1931. The existing 952 square foot residence was built in 1947 along with the existing 326 square foot garage. The current owner, Remon Somico, applied for a Special Permit on July 19, 2018, and subsequently deemed incomplete on August 17, 2018. After submitting all required information, the application was deemed complete for processing on October 12, 2018. A public notice was mailed to all property owners within a 300-foot radius on October 22, 2018 and published in the Post Record on October 22, 2018.

STAFF REPORT REVIEW

Prepared by: Joanna Wilk, Associate 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 garage at 4080 Holly Drive	File Number (if applicable) 11350-18SP	
Project Location 4080 Holly Drive, between Tallent Avenue and Gordon Avenue, within the Toyon Garden subdivision (Tract No. 5), near east San Jose. Zoning R1-6.		
Public Agency Approving Project County of Santa	Person or Agency Carrying Out Project Joanna Wilk, Associate Planner	
Project Description (including purpose and beneficiaries of project) Special Permit to demolish the current garage and construct a new 497 square foot garage. The garage contains a laundry room with a utility sink, as well as a half bath. No grading or other size improvements are proposed.		
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 adverse environmental effects, per subsection 15000.2(c).		
County Contact Person	Title	Telephone Number
Joanna Wilk	Associate Planner	(408) 299-5799

Date: 8/20/18

Signature: 

Name/Title:

Joanna Wilk/Associate Planner

Approved by: _____



ATTACHMENT B
SPECIAL PERMIT
Preliminary Conditions of Approval

11350 – 18SP

Owner/Applicant: Remon Somcio
File Number: 11350-18SP
Location: 4080 Holly Drive (APN: 599-18-080)
Project Description: Special Permit for a garage with two (2) or more plumbing fixtures (four (4) plumbing fixtures proposed)

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

Building Inspection Office

1. 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).

Planning

2. Development must take place in accordance with the approved plans, prepared by Jody T. Tai, received on September 18, 2018.
3. Subject garage may not be used for dwelling purposes or overnight accommodations. Should the applicant wish to convert the structure into a dwelling, additional review and permits by issued by Santa Clara County shall be required.

4. Accessory structures shall be located at least 75 ft. from the front setback (or located in the rear yard of property) and shall not exceed more than a 12 ft. average in height (maximum height of 16 ft. if there is a ridge).
5. Accessory structures shall be limited to one (1) story.
6. Two (2) off-street parking spaces are required for the residence where one (1) must be covered.

Environmental Health

4. 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

5. 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**.
6. **Prior to Building Permit issuance**, apply for a demolition permit to remove the existing garage.

Land Development Engineering

7. 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.
8. 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.
8. All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.

Drainage

9. 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

10. 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

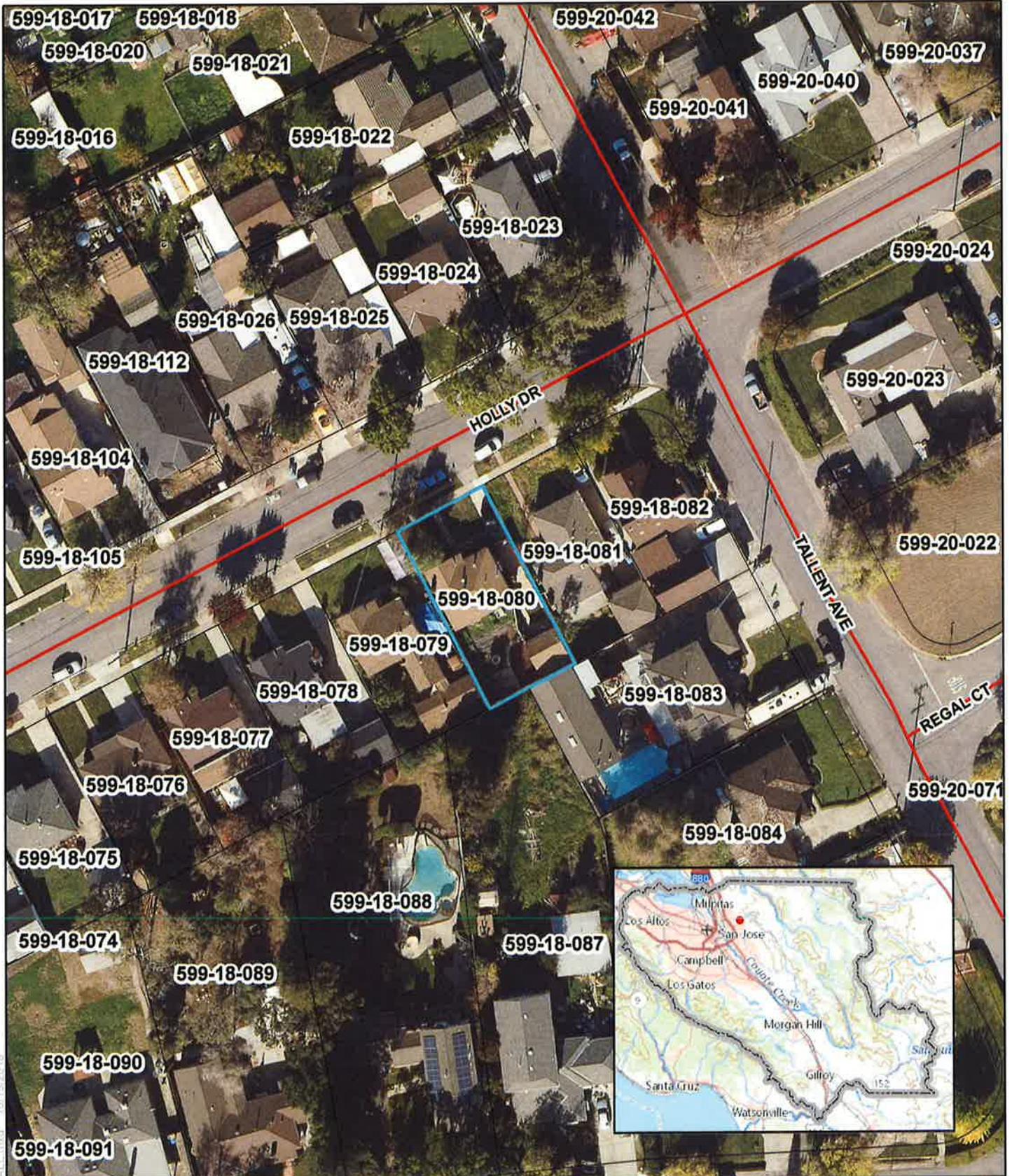
11. Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only 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)

Department of Environmental Health

12. Provide a sewer connection permit from Sanitation District 2,3. Call 408-255-2137.

ATTACHMENT C

Location & Vicinity Map



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

VICINITY MAP - 4080 HOLLY DRIVE



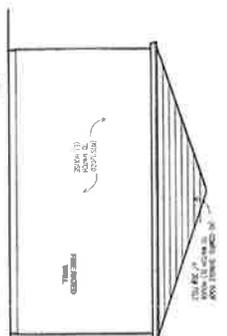
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ATTACHMENT D

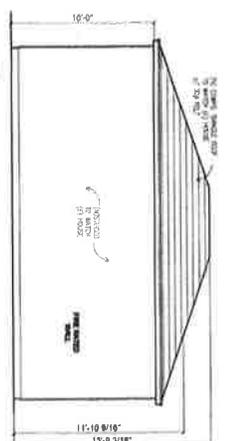
Proposed Plans

SHEET NOTES

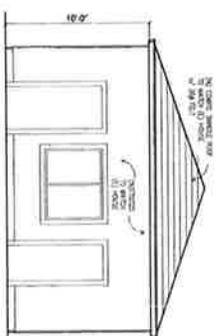
1. SEE GENERAL NOTES ON SHEET 1.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS SHALL BE AS SHOWN ON SHEET 1.
4. ALL ELECTRICAL, PLUMBING, AND MECHANICAL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL, PLUMBING, AND ELECTRICAL CODES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
8. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE MATERIALS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LABOR AGREEMENTS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING INFORMATION.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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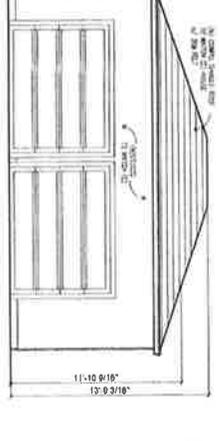
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SCALE 1/8\"/>



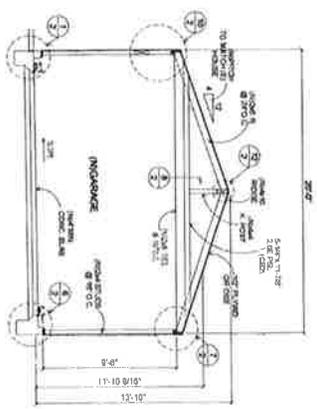
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SCALE 1/8\"/>



F RIGHT SIDE ELEVATION
SCALE 1/8\"/>



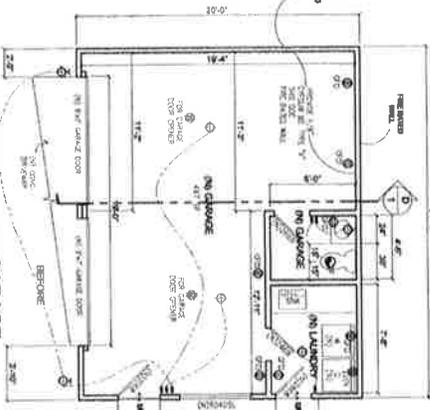
E FRONT ELEVATION
SCALE 1/8\"/>



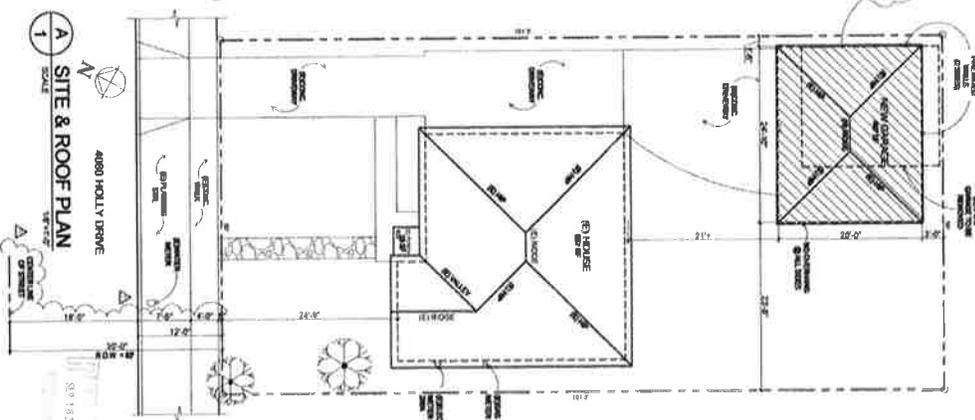
D SECTION-GARAGE
SCALE 1/8\"/>



C EXISTING GARAGE FLOOR PLAN
SCALE 1/8\"/>



B PROPOSED GARAGE FLOOR PLAN
SCALE 1/8\"/>



A SITE & ROOF PLAN
SCALE 1/8\"/>

PROJECT INFORMATION	
Project Name	PROPOSED GARAGE
Client	REMON BOMCIO
Address	4080 HOLLY DRIVE, SAN JOSE, CA 95127
Lot Area	11,100 SQ FT
Floor Area	320 SQ FT
Number of Stories	1
Year Built	2018

SCOPE OF WORK

- 1. DEMOLITION OF EXISTING GARAGE
- 2. FOUNDATION REPAIRS
- 3. CONSTRUCTION OF NEW GARAGE
- 4. ROOFING
- 5. INTERIORS
- 6. ELECTRICAL
- 7. PLUMBING
- 8. MECHANICAL
- 9. PAINTING
- 10. LANDSCAPING

11310 - 18 SP (A)

PROJECT: PROPOSED GARAGE FOR REMON BOMCIO
416 984 2526
JOB ADDRESS: 4080 HOLLY DRIVE, SAN JOSE, CA 95127

ENGINEER: JOEY T. TAL, P.E.
30988 HUNTWOOD AVE, STE 108, HAYWARD, CA 94544
(510) 477-8833 FAX 477-8838

CONTRACTOR: Royal Construction
DANNY YAMASAKI - General Contractor 846578
P.O. BOX 573, CUPERTINO, CA 95015
(408) 483-0314 doyamasa@rcpr.com

DRAWINGS PREPARED BY: RAY AREA ENGINEERING & DRAFTING
RAY AREA ENGINEERING & DRAFTING
14010 - 387-9914 ray@rayarea.com

REVISIONS

NO.	DATE	DESCRIPTION
1	11/30/18	ISSUED FOR PERMIT