

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF REPORT Zoning Administration May 2, 2019 **Continued Item #1**

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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 was 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 Company, which requires the company to become a public water system by State regulations. If Stonebridge Municipal Water Company 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 applied for a Special Permit application, requesting that the mostly constructed secondary dwelling be revised to be considered as 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 since the accessory structure would exceed the required 12-foot average height requirement for accessory structures, as the structure is 21 feet in height, which would require consideration of a Variance application instead. The Zoning Administrator noted that there was some uncertainty in whether a Variance could be supported and that an analysis would be necessary. However, prior to requesting a Variance, the Zoning Administrator directed the applicant to submit additional 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 DEH, or the State, have any discretion to not require the second dwelling unit to trigger an additional connection to the water company, or to find additional alternatives. The Zoning Administrator continued the public hearing to March 7, 2019, pending the need for additional research as directed.

On March 7, 2019 and April 4, 2019, the Hearing Officer continued the public hearing to allow additional Staff time to coordinate a meeting with DEH to further discuss and find a solution for the project.

DISCUSSION

As of the preparation of this report, Planning Staff met with DEH Staff to discuss the project details and the Zoning Administrator's concerns with the project history. DEH Staff is currently in the process of contacting State agencies in charge of water companies to discuss options available to the property owner. Additionally, Staff will be meeting with the property owner to go over options that are available to address the abovementioned issues of concern. Given that additional time is necessary to determine an appropriate path forward, Staff is recommending that File 10972-18SP be continued to a date uncertain to allow Planning Staff time to coordinate a meeting between the property owner, Planning Staff, and DEH Staff to discuss the best option for the owner moving forward.

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 to allow Staff and the applicant time to do additional research and meet with the DEH on next steps and reaching resolution on the project. The Permit Streamlining Act deadline is May 27, 2019.

REVIEWED BY

Prepared by Lara Tran, Associate Planner

Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator

Handwritten signatures in blue ink. The first signature is a stylized 'L' and 'T' for Lara Tran. The second signature is a circular mark with a stylized 'Z' or 'M' inside, likely for Leza Mikhail.