

# County of Santa Clara

## Department of Planning and Development

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November 23, 2022

David Faria  
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\*\*\* VIA EMAIL \*\*\*

**FILE NUMBER:** PLN22-192  
**SUBJECT:** Additional Information / Issues of Concern  
**SITE LOCATION:** 0 Grove Rd, Los Gatos (APN: 558-06-029)  
**DATE RECEIVED:** October 24, 2022

Dear David Faria,

Staff has reviewed your application received on the above date. Please see a list of Additional Information regarding the Building Site Approval and Grading Approval for a new Single-Family Residence (1,269 SF), a detached ADU (600 SF), and a detached carport (400 SF) at 0 Grove Rd, Los Gatos (APN: 558-06-029).

The information in this section is/are not incomplete item(s) and are not required to deem the application complete for processing. The information in this section is informational only and can be discussed further if desired with County Staff.

1. The proposed water tanks on the site plan appear to be sitting right next to the edge of the 60-foot right-of-way. Per County Zoning Ordinance § 4.20.020 (O), water tanks that are 12 feet in height shall be set back from any side or rear property lines a minimum of three (3) feet. Per County Zoning Ordinance § 1.30.030, the setback shall be taken from the edge of the right-of-way in situations where the property line lies within the right-of-way. With that being said, the proposed water tanks shall be located at least three (3) feet from the edge of the 60-foot right-of-way. As such, the proposed water tanks, do not meet development standards under § 4.20.020 (O). Staff recommends relocating the water tanks to meet the setback requirements. Please note that the height shall be measured from the ground to the top of the water tank, not just the total height of the water tank.

### ***§ 4.20.020 Accessory Buildings and Structures***

***O. Water Tanks.*** The following regulations shall apply to all private, noncommercial water storage tanks that are ancillary to residential development or agriculture:

1. *The following setback requirements shall apply:*
  - a. *Water tanks shall have a minimum front yard setback equal to that required for dwellings in the applicable zoning district; except that on flag lots or lots that otherwise have no direct frontage on a street or right-of-way, the side and rear setbacks provided in subsections b and c (below) shall also apply to the designated front yard.*
  - b. *Water tanks that are 12 feet or less in height shall be set back from any side or rear property lines a minimum of three (3) feet.*
  - c. *Water tanks that are greater than 12 feet in height shall be set back from any side or rear property lines a minimum of 30 feet.*
  - d. *Water tanks shall be exempt from the foregoing setback requirements under either of the following circumstances: (1) when located within a designated area created for water storage as part of a subdivision, or (2) when located on any lot whose area is less than 3,750 square feet.*
2. *The maximum height of water tanks, including tower-mounted tanks, shall be 35 feet.*

### **§1.30.030 Definitions of Terms**

**Setback:** *The horizontal separation required between lot lines (and/or rights-of-way), and the nearest point of a building or structure, including below-grade walls. The setback line shall be deemed to mean a line parallel to the lot line separated by the required setback distance.*

*Note: In situations where the property line lies within the right-of-way, the setback shall be taken from the edge of such right-of-way. However, if an official plan line or future width line has been established for the abutting right-of-way, setback measurement shall be taken from such official plan line or future width line.*

2. **Detached Accessory Dwelling Unit** – Please note that the ADU is limited to sixteen (16) feet in height per current ADU regulations when an ADU is proposed within the setback area for a single-family residence, per County Zoning Code § 4.10.015 (D) (3). Currently, the ADU is proposed within the 30-foot setback area, so the ADU will be limited to 16 ft in height and a setback of no less than 4 ft to a side or rear yard setback. Note: this is not a comment that needs to be addressed to move this application forward, it is instead an informational comment for future ADU plan development for permitting processing at the building permit stage.

### **§ 4.10.015 (D) (3)**

*Detached Accessory Dwelling Units shall not exceed sixteen (16) feet in height if the dwelling unit does not comply with the setback limitations for a single-family residence, as prescribed by the applicable zoning district.*

*If the accessory dwelling unit complies with the setback limitations for a single-family residence, the accessory dwelling unit shall be subject to the same height limitations as the single-family residence in the applicable zoning district, as measured from the lowest finished grade to the highest point of the structure.*

*Detached accessory dwelling units exceeding sixteen (16) feet in height shall incorporate a hip, gable, or other similar styled roof design.*

If you have questions regarding this letter, please contact me at [lulu.pang@pln.sccgov.org](mailto:lulu.pang@pln.sccgov.org) or (408) 299-5718 to discuss or schedule an appointment.

Warm regards,

Handwritten initials "LP" in a cursive script.

Lulu Pang  
Assistant Planner

**cc:**  
Samuel Gutierrez, Principal Planner