

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, CA 95110  
Phone: (408) 299-5700  
www.sccplandev.org



December 7, 2023

Gurpreet Sangha  
776 W 9th St,  
Gilroy, CA 95020  
Email: [gurpreeti.mann@gmail.com](mailto:gurpreeti.mann@gmail.com)

**\*\*Sent via email \*\***

**FILE NUMBER:** PLN23-205  
**SUBJECT:** Special Permit for the Proposed Use of Expanded Home Occupation  
Conducted in the Unpermitted Accessory Building to Partially Abate  
VIO23-0216  
**SITE LOCATION:** 0 Las Animas Av, Gilroy (APN: 835-15-050)

Dear Gurpreet:

Staff has reviewed the submittal that was received on November 9, 2023, and would like to request additional information related to the project. The items provided below are not incomplete items and are not required to deem the application complete for processing. The following additional information is required to be able to approve/ condition the project:

### **PLANNING**

Contact Lulu Pang at (408) 299-5718 or [lulu.pang@pln.sccgov.org](mailto:lulu.pang@pln.sccgov.org) regarding the following:

1. The project is associated with an open violation (#VIO23-0216) and partially abates the violation by special permit for the proposed use of expanded home occupation conducted in the detached accessory structure. Staff noted several application records are associated with the parcel and were submitted by the same applicant:
  - DEV23-1900 (Finalized): Partial abatement of VIO23-0216, remove unpermitted accessory, item #1 on Violation Map;
  - AR23-242 (pending resubmittal): Permit to abate VIO23-0216, convert existing 669 S.F. house (item #2 on Violation Map) to a detached ADU, and build a new 4,493 S.F. single-family house with 1,175 S.F. attached garage, 1,586 S.F. carport and 1,122 S.F. shop/storage.
  - DEV23-2709 (in review): Permit to abate VIO23-0216, remodel existing detached accessory structure (pump house) to home office, item #3 on Violation Map;
  - DEV23-2093 (Finalized): Partial abatement of VIO23-0216, unsafe structure damaged by fire to be demolished, item #4 on Violation Map;

Pursuant to County Zoning Ordinance § 4.10.180 Home Occupation – *“The use shall be clearly incidental and subordinate to the residential and (if applicable) agricultural use of the property and shall not change the character thereof;”* As there is lack of evidence to verify the legality of the existing house (669 S.F., item #2 on Violation Map), the proposed use for expanded home occupation cannot be approved before the building permit approval of the main house proposed on the property.

2. The subject parcel is zoned A-40Ac (Exclusive Agriculture basic zoning district with Standard Lot-Size Combining District). Pursuant to County Zoning Ordinance § 4.20.020 - Accessory Buildings and Structures - *“Accessory buildings or structures exceeding 12 feet in height (16 total feet with gable/hip roof allowance as provided in subsection 4.20.020(E)(1)(a), above) on lots 2.50 acres or larger are subject to side and rear yard setbacks of no less than 30 feet. For buildings or structures conforming to the provisions of subsection 4.20.020(E)(1)(a), setbacks from side and rear property lines shall be as required by the California Building Code for fire separation.”* As the subject parcel is larger than 2.5 acres and the accessory structure has a proposed height of 18’, a minimum of 30-foot side yard setback is required by the Zoning Ordinance. The currently proposed western side setback of 6’-1” does not comply with the 30-foot side yard setback requirement. Staff recommends modifying the design and revising the site plan.
3. The submitted plan indicates that the use of Expanded Home Occupation is proposed in the accessory structure, instead of a dwelling unit. The submitted first-floor plan shows a full bathroom with more than two plumbing fixtures, a library, and one walk-in closet. Please remove the shower. On the submitted second-floor plan, two closet rooms and one storage room are proposed. Please explain how the library, walk-in closets, and storage room are relevant to the use of the home office and why a home office needs three walk-in closets.

Below are excerpts from County policies, regulations, findings and guidelines whereby Staff is having difficulty supporting the project as currently designed.

**§ 4.20.020 Accessory Buildings and Structures**

*1. Restrictions on Plumbing Fixtures. Plumbing in accessory buildings shall be limited as follows:*

*1. Residential accessory buildings shall have no more than two (2) internal plumbing fixtures (“internal” excludes outdoor showers, spigots, or other fixtures mounted on an exterior wall), unless otherwise provided in sub-paragraph 2, below. If a half bath is proposed, the fixtures may include a toilet and a sink within a room minimally sized to accommodate only those two fixtures. For the purposes of this restriction, a water heater shall not be considered a plumbing fixture.*

For questions regarding this letter, please call me at (408) 299-5718 to discuss by telephone or to schedule an appointment to do so.

Sincerely,

LP

Lulu Pang  
Assistant Planner

**cc:**  
Samuel Gutierrez, Principal Planner