

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



August 3, 2022



Dear [REDACTED]

County Staff has reviewed the specific details of your particular parcel located at 16968 Bohlman Road, (APN: 517-30-013) concerning your application for Design Review (Tier II) and Grading Approval Application and the applicability of the State Minimum Fire Safe Regulations ("Regulations"). After consultation with the Roads and Airports Department and County Counsel, the Department of Planning and Development (Department) has determined that regarding your specific application, requirements related to off-site road improvements are in conflict with other state and federal laws. As such, the Department will no longer require compliance with the regulations. Other requirements in the Regulations still apply. Please note that this determination is specific to this particular property.

Please let me know if you have any questions.

Sincerely,

Joanna Wilk
Senior Planner

cc Jacqueline R. Onciano, Director, Department of Planning and Development
 Leza Mikhail, Planning Manager
 Elizabeth Pianca, Lead Deputy County Counsel

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STAFF MEMORANDUM

July 19, 2022

Staff Contact: Robert Cain – Associate Planner
(408) 299-5706, robert.cain@pln.sccgov.org

FILE: Administrative Design Review (PLN20-141)
SUBJECT: Land Use Entitlement for new 4,246 square-foot single-family residence and related improvements
ADDRESS: 15570 Canon Drive (APN: 510-49-001)

BACKGROUND

The subject property is located at 15570 Canon Drive, in Los Gatos. The General Plan designation is Urban Service Area - Saratoga and Zoning District is Urban Hillside Residential – Santa Clara Valley Viewshed District (RHS-d1). The parcel is approximately 1.8 acres in size. The parcel previously contained a single-family residence and is currently undeveloped.

On December 8, 2021, the Department of Planning and Development approved this application for Administrative Design Review (DRX) and issued preliminary Conditions of Approval. The DRX was not subject to a public hearing. On December 23, 2021, the Applicant filed an appeal of the Conditions to the Planning Commission, requesting that Conditions No. 8 and 34 be removed or substantially modified. These Conditions relate to the applicability of the State Minimum Fire Safe Regulations (“Regulations”) and requires that the project comply with all standards in effect at the time of building permit issuance unless an Exception is granted. At the time the Property Owner agreed to delay scheduling the Appeal hearing to see how the amendments to the Regulations may impact the project.

The Property Owner requested an Exception from the Regulations from CAL Fire on January 13, 2021, which was denied on January 28, 2021, by CAL Fire. The Property Owner later

appealed this decision to the County, and on October 28, 2021 the appeal was denied by the County. At this time, the Board of Forestry had published a draft amendment to the Regulations which, if adopted, would have eased the Applicant's ability to meet the standards therein. However, since that time the Board of Forestry has abandoned their attempt to overhaul the Regulations.

On February 25, 2022, the Property Owner contacted Staff to see if a resolution could be reached and to avoid the Appeal moving forward to a hearing. County Staff began analyzing all available solutions and provided draft language on March 15, 2022. On March 16, 2022, the Property Owner notified Staff that the draft language was not acceptable, and requested the Appeal be scheduled for the next possible hearing date.

After consultation with the Roads and Airports Department and County Counsel, Staff has determined that imposition of Condition No 34, which applies Regulation § 1273.01(a), would not comply with state and federal laws. Consequently, Staff modified Condition No. 8 and removed Condition No. 34 on July 11, 2022, and the Planning Director approved the modification on July 19, 2022.

ATTACHMENTS

- Attachment A: Final Conditions of Approval

REVIEWED BY

Prepared by: Robert Cain, Associate Planner

DocuSigned by:

Robert Cain

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Approved by: Jacquelin R. Onciano, Director, Department of Planning and Development

DocuSigned by:

Jacqueline R. Onciano

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August 2, 2022

David Reed
5525 Sierra Rd.
San Jose, CA 95132

Via Email Only
dandjreed@yahoo.com

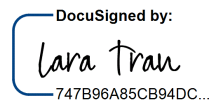
FILE NUMBER: PLN14-10694 Mod 1
SUBJECT: Minor Modification of Grading Approval
SITE LOCATION: Felter Road, San Jose (APN: 042-32-002)

Dear Mr. Reed,

County Staff reviewed the details of your specific parcel on Felter Road, San Jose (APN: 042-32-002) concerning the application for a Grading Modification and the applicability of the State Minimum Fire Safe Regulations ("Regulations"). After consultation with the Roads and Airports Department and County Counsel, the Department of Planning and Development (Department) has determined that regards to your specific application, requirements related to off-site road improvements are in conflict with other state and federal laws. As such, the Department will no longer require compliance with the regulations. Other requirements in the regulations still apply. Please note that the determination is specific to this particular property.

Please let me know if you have any questions.

Warm regards,

DocuSigned by:

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Lara Tran
Senior Planner

cc Jacqueline R. Onciano, Director, Department of Planning and Development
Leza Mikhail, Planning Manager
Elizabeth Pianca, Lead Deputy County Counsel