

PLANNING COMMISSION – March 8, 2023
REQUIRED FINDINGS AND STATEMENT OF REASONS FOR:

144 Wood Road
Building Permit Application B22-0025

Appeal of a Santa Clara County Fire Department Decision Denying a Request for an Exception to the State Minimum Fire Safe Regulations on Property Zoned HR-5. APN 510-47-045.

PROPERTY OWNERS/APPELLANTS: Omari and Kavita Bouknight
PROJECT PLANNER: Sean Mullin

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

Required for Granting an Appeal of a Santa Clara County Fire Department Decision Denying an Exception to the Fire Safe Regulations:

- As required, granting the appeal meets the intent of providing defensible space consistent with the Fire Safe Regulations as provided in the following statement:

While the section of Wood Road between S. Santa Cruz Avenue and the proposed driveway serving the subject property does not comply with the Fire Safe Regulations and an exception could not be granted by the SCCFD, there is no feasible or reasonable remedy available to address the deficiencies of the road. Reducing the slope of the road and introducing turnarounds at compliant intervals to meet the Fire Safe Regulations would require lengthening and reengineering portions of the road to create numerous switchbacks. Any reengineering of the road could result in rendering existing driveways unable to connect to Wood Road, impacting access to existing properties. The existing topography, private property ownership, and construction costs of such an endeavor represent insurmountable practical barriers to achieving this goal. Further, potentially requiring one property owner to reengineer a public road serving 13 homes at an estimated cost exceeding \$1,000,000 in order to reduce the slope of the roadway and add a turnaround is not “roughly proportional” to the impacts of the proposed single-family home. Imposing such an exaction would result in an unconstitutional “taking.”

The operational assessment performed in November 2022 demonstrated the ability of fire apparatus to service the road in its current condition under ideal weather conditions. The appellants have provided information confirming that the roadway surface meets minimum load minimum load requirements and propose to make emergency access and egress

improvements by constructing a turnout at the base of their driveway. While not meeting the statutory requirements of the Fire Safe Regulations, the demonstrated serviceability of Wood Road, along with the incremental emergency access and egress improvements of a new turnout offered by the appellants, improves existing conditions and meets the intent of providing defensible space consistent with the Fire Safe Regulations.