



**TOWN OF LOS GATOS
PLANNING COMMISSION
SPECIAL MEETING REPORT**

MEETING DATE: 11/21/2022

ITEM NO: 1

DESK ITEM

DATE: November 21, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Construction of a New Single-Family Residence and Site Improvements Requiring a Grading Permit and an 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-1. **Located at 17121 Crescent Avenue.** APN 532-21-007. Architecture and Site Application S-21-021.
PROPERTY OWNERS/APPLICANTS: Eric and Lee Ann Wade.
PROJECT PLANNER: Sean Mullin.

REMARKS:

Exhibit 20 includes a letter from the applicant responding to the November 21, 2022 Staff Report.

After further consideration, staff recommends that the Planning Commission grant the appeal of the Santa Clara County Fire Department's (SCCFD) decision denying a request for an exception to the SRA/VHFHSZ Fire Safe Regulations and approve the Architecture and Site application subject to the revised Recommended Conditions of Approval (Exhibit 22). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 21);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 21);
3. Make the finding that due to the constraints of the site, exceptions to the depth of fill standard, and the architectural design standard prohibiting exterior structural supports and undersides of decks not enclosed by walls, are appropriate, and the project is otherwise in compliance with the applicable sections of the Hillside Development Standards and Guidelines (Exhibit 21);

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

REMARKS (continued):

4. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 21);
5. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 21); and
6. Make the finding that granting the appeal of the Santa Clara County Fire Department's decision denying a request for an exception to the SRA/VHFHSZ Fire Safe Regulations meets the intent of providing defensible space consistent with the SRA/VHFHSZ Fire Safe Regulations as provided in the Statement of Reasons included in Exhibit 21;
7. Grant the appeal of the Santa Clara County Fire Department's decision denying a request for an exception to the SRA/VHFHSZ Fire Safe Regulations, removing Condition of Approval #102, and adding Condition of Approval #116 as reflected in the revised Recommended Conditions of Approval (Exhibit 22); and
8. Approve Architecture and Site Application S-21-031 with the conditions contained in Exhibit 22 and the development plans in Exhibit 18.

Pursuant to Section §1270.06 of the Fire Safe Regulations, the SCCFD has provided Exhibit 23 outlining the effects of the requested exception on wildfire protection.

A Planning Commissioner asked several questions after receiving the November 21, 2022 Staff Report. Responses to each question are provided below in italics:

1. Condition #9 concerns front yard landscaping. Is this consistent with the owner's landscaping plans?

This condition is standard and is intended to ensure that any areas disturbed by construction activities within the front yard visible from the street be landscaped prior to final inspection. If implemented, the proposed landscape plans would satisfy this condition.

2. Staff is recommending exceptions to the Hillside Development Standards and Guidelines (HDS&G) regarding exposed deck posts and grading, but Condition #55 on Page 33 requires compliance with the HDS&G.

The recommended Revised Findings and Considerations (Exhibit 21) include findings for granting the requested exceptions to the HDS&G. If the Findings and Considerations are made as drafted and the Planning Commission approves the project with the requested exceptions, the Condition #55 would apply to the approved project which includes the HDS&G exceptions. This condition would not cancel out the exception if granted.

REMARKS (continued):

3. Condition #80 on Page 36 regarding a shared maintenance agreement does not seem applicable.

Condition #80 is a standard condition from Parks and Public Works that is not applicable to this application and can be removed.

4. Should Condition #103 on Page 40 be amended to require a minimum width of 17 feet?

Condition #103 requires a minimum road width providing for two 10-foot traffic lanes. In consultation with the SCCFD, the roads widths included on Sheet 17 of Exhibit 18 require third-party validation prior to Fire's approval of the Building Permit.

5. Why is Condition #104 on Page 41 regarding the weight load capacities of roads and driveways struck out?

See answer to #6 below.

6. Condition #105 on Page 41 regarding maximum steepness of 16% is removed. Why?

The Recommended Conditions of Approval (Exhibit 3) distributed with the Staff Report reflect staff's recommendation to remove all conditions related to PRC 4290 and the Fire Safe Regulations in granting the appeal. Pursuant to the discussion above, staff has prepared revised Conditions of Approval that include Conditions #104 and #105 and add a condition that the project must comply with the SCCFD requirements and regulations (Exhibit 22).

7. Condition #115 on Pages 42-43 states that there shall be no deviations from the fire code. This is inconsistent with granting an exception for maximum driveway length.

The revised Findings and Considerations (Exhibit 21) include findings for granting the requested appeal of the SCCFD decision denying an exception the Fire Safe Regulations. If the Findings and Considerations are made as drafted and the Planning Commission grants the appeal and approves the project, Condition #115 would not cancel out the granted appeal.

REMARKS (continued):

8. Is board and batten siding on all shown locations cementitious? (per a website, fiber cement board and batten is a practical way to get more durable siding without compromising the classic look of board and batten design. Fiber cement is crafted using a unique composition of cement, sand, water and cellulose fibers.)

Yes.

9. Is the road width study available? Portions of Crescent Avenue appeared quite narrow.

The road width exhibit included on Sheet 17 of Exhibit 18 was prepared by the applicant. In consultation with the SCCFD, third-party validation of the road widths will be required prior to issuance of the Building Permit.

Exhibit 24 includes public comment received between 11:01 a.m., Friday, November 18, 2022, and 11:00 a.m., Monday, November 21, 2022.

EXHIBITS:

Previously received with the November 17, 2022 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Letter of Justification
5. Color and Materials Board
6. Consulting Architect's Report
7. Applicant's Response to Consulting Architect's Report
8. Consulting Arborist's Report
9. Public Resources Code 4290
10. Fire Hazard Severity Zones Map
11. SRA/VHFHSZ Fire Safe Regulations
12. SCCFD Deficiency Letter, dated May 18, 2022
13. Applicant's Exception Request to the Fire Safe Regulations, dated May 25, 2022
14. SCCFD Denial of Applicant's Exception Request to the Fire Safe Regulations, dated July 20, 2022
15. Crescent Hill Subdivision Map, 1929
16. Applicant's Neighbor Outreach Effort Summary
17. Public Comments received by 11:00 a.m., Thursday, November 17, 2022
18. Development Plans

PAGE 5 OF 5

SUBJECT: 17121 Crescent Drive/S-21-021

DATE: November 21, 2022

EXHIBITS (continued):

Received with the November 17, 2022 Addendum Report:

19. Public Comment received between 11:01 a.m., Thursday November 17, 2022, and 11:00 a.m., Friday, November 18, 2022

Received with this Desk Item Report:

20. Letter from the applicant responding to the November 21, 2022 Staff Report
21. Revised Required Findings and Considerations
22. Revised Recommended Conditions of Approval
23. SCCFD statement outlining the effects of the requested exception on wildfire protection
24. Public Comment received between 11:01 a.m., Friday, November 18, 2022, and 11:00 a.m., Monday, November 21, 2022

***This Page
Intentionally
Left Blank***