



TOWN OF LOS GATOS
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LOS GATOS, CA 95031

June 22, 2021

Sent by Email Only

Thomas N. Lippe, APC
Lippelaw@sonic.net
201 Mission Street
12th Floor
San Francisco, California 94105

Re: 16466 Bonnie Lane; Subdivision Application M-21-003

Dear Mr. Lippe,

This correspondence is in response to your correspondence dated June 8, 2021 directed to Town employee Ryan Safty. Please direct any further communications to my attention.

Initially, it is important to recognize that the Conceptual Development Advisory Committee (CDAC) that reviewed the above reference project advises a prospective applicant on the overall consistency of a project with Town policies prior to submitting a formal application and investing in the development review process. The Committee also endeavors to identify the potential issues that will need to be addressed during the development review process should the applicant wish to submit an application. The issues identified by the Committee are not intended to be all-inclusive and other additional issues may be identified during the formal development review process.

In addition, the Staff Technical Review Comments dated May 26 is not a report. All development applications of any type are required to go through a process. This process begins with a technical review of the application by staff representatives of Town departments, which include Community Development (Planning and Building Divisions), Fire, and Parks and Public Works (Engineering Division) to determine whether the project applicant is complete, meets all code and policy requirements; and meets the requirements of the California Environmental Quality Act. Applications that do not meet all of these requirements are continued at this level until the application is complete. At this time, the above reference project is not complete.

In regard to the specific points set forth in your correspondence, the Town responds as follows:

1. Town Code requires a minimum of 100' frontage for interior lots in the R-1:20 zone. The proposed frontage for the parcels would be 142' and 121' along the existing ingress/egress easement. Per Town Code, "lot frontage" is defined as, "the property line of a lot abutting on a street, which affords access to a lot other than the sideline of a corner lot." "Street" is then defined as, "any thoroughfare for the motor vehicle travel which affords the principal means of access to abutting property, including public and private rights-of-way and easements."

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2. The CDAC staff report states, "An arborist report will be required during development review to evaluate the potential impact to trees." No development is proposed with this subdivision application, and therefore, no tree impacts would occur. Any future proposed development (construction activities, grading, etc.) would be reviewed for compliance with the Town Code regarding protected trees. The applicant has chosen not to submit development applications at this time. The driveways and home footprints shown are conceptual.

3. No construction is proposed as a part of this subdivision application. Potential house footprints and driveways are shown to demonstrate that the proposed parcels could accommodate development in a manner consistent with the Zoning Code and General Plan. Pursuant to the Subdivision Map Act and Town Code, any subdivision that results in four or fewer parcels (referred to as a "minor subdivision") requires a "parcel map." This project appears to meet all of the criteria and is eligible for a Class 15 Categorical Exemption per Section 15315 of the State CEQA Guidelines as it involves a minor land division.

4. A large portion of the Town is within a Wildland Very High Fire Hazard Area. The future development applications will be reviewed by the Fire Department and Building Official for compliance with applicable Fire and Building Codes.

5. Average slope is requested to determine the allowable building size on each parcel and to confirm that the existing structures on proposed Parcel 1 would comply with maximum FAR allowances with reductions for lots over 10% slope. Additionally, if the lots are over 10% slope, they will be subject to portions of the HDS&G during construction, not subdivision.

6. Previous code enforcement cases on this property are irrelevant to the minimum requirements to subdivide the property and current code enforcement compliance is also not a basis for denial findings under the Subdivision Map Act.

If you have any questions, please do not hesitate to contact me by calling (408) 354-6880.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Schultz", with a stylized flourish at the end.

ROBERT SCHULTZ

Town Attorney