

County of Santa Clara
Department of Planning and Development



DATE: October 14, 2021

TO: Fire Marshal's Office – Appeal Hearing Officer (Chief Estrada)

FROM: Robert Cain, Associate Planner

SUBJECT: Appeal of CAL Fire Exception Denial for PLN20-141

RECOMMENDED ACTION

Consideration of an Appeal of the decision of CAL Fire to deny an exception request regarding access road standards in the State Responsibility Area. Owners/Appellants: Miriam al Saadi and Adil Allawi. Property address/location: 15570 Canon Drive, Los Gatos. Assessor's Parcel No.: 510-49-001. Zoning: RHS-d1. Supervisorial District: 5. File No.: PLN20-141-APL. CEQA: Deemed not to be a project under CEQA.

Possible Actions:

- a. Deny the appeal, thereby upholding CAL Fire's denial of the exception request and require access road improvements as a condition of approval for the property located at 15570 Canon Drive, Los Gatos.
- b. Grant the appeal, thereby allowing the subject application to proceed without the required access road improvements.

PROJECT DESCRIPTION

Project Setting

The subject parcel, undeveloped, is located at 15570 Canon Drive (APN 510-49-001), and is approximately 1.8 acres (gross) in size. The proposed development would allow the construction of a new single-family residence and associated site improvements. The General Plan land use designation is Saratoga Urban Service Area, and the Zoning is RHS-d1 (Urban Hillside Residential, Santa Clara Valley Viewshed Design Review). The property is located within the State Responsibility Area (SRA), which is defined in Public Resources Code Section 4125 as areas where the State is financially responsible for fire suppression and prevention. CAL Fire is designated as the "*inspection entity*" for projects located within the SRA.

The subject property is located approximately 570 feet from Glen Una Drive, along Canon Drive. The roads to access the subject property appear to be as narrow as 12 feet in width, which do not meet the minimum standards for CAL Fire access.

On October 20, 2020, the property owner submitted an application for a Design Review (Administrative) to construct a two-story, 4,805 square foot single-family residence and associated improvements. The application was routed for review by the appropriate land use agencies. As part of the review, CAL Fire provided comments outlining that it would not approve the proposed project, because it was not in compliance with the existing Board of Forestry fire access standards.

Discussion of Fire Safe Regulations Exceptions

The State SRA Fire Safe Regulations are contained in Title 14 of the California Code of Regulations, beginning at Section 1270.00 (“Fire Safe Regulations”) (refer to Attachment H and Table A below). The Fire Safe Regulations detail the basic wildfire protection standards of the California Board of Forestry and Fire Protection, which apply to the SRA and the Local Responsibility Area Very High Fire Hazard Severity Zone (LRA/VHFHSZ). Section § 1270.06 of the Fire Safe Regulations establishes a process for applicants to request exceptions to the standards (refer to Attachment H and Table A below).

The first step in that process is for Applicants to request an exception from the *inspection entity*. For projects in the SRA, CAL Fire makes the initial decision to approve or deny the exception request. If CAL Fire denies the exception, the applicant may appeal that decision to the local jurisdiction (County of Santa Clara). Subsection (c) of the Fire Safe Regulation states “(w)here an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.” The County has established an appeal process specifically for these types of appeals, approved by the Board of Supervisors on August 31, 2021 via Ordinance No. NS-1100.134. For properties within the SRA, the Fire Staff designated by the Fire Marshal shall review such appeals at a public hearing, with consultation of the Building Official and the Director of the Roads and Airports Department. The decision of the Fire Staff is final.

Standard of Review on Appeal of CAL Fire Exception Decision

When making a decision on an appeal of an *exception* request denied by CAL Fire, the local jurisdiction must comply with the following requirements in Section 1270.06, specifically 1270.06 (d) and (e) of the Fire Safe Regulations:

- (d) Before the local jurisdiction makes a determination on an appeal, the *inspection authority* [CAL Fire] shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.
- (e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

Discussion of Applicable Fire Safe Regulations

The provision of the Fire Safe Regulations at issue in this appeal is in Section 1273.01(a), which states in part that “...*(a)ll roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.*” The Applicant has not demonstrated that Canon Drive meets this road width standard.

On November 20, 2020, the Department transmitted an Incomplete letter to the Applicant, which also includes additional information and issues of concern. The letter included a comment from CAL Fire stating “*CAL Fire does (not) have an accurate scale of Canyon Drive on the plans given, therefore, CAL Fire would like to confirm that Canyon Drive is a two-way road with ten (10) foot traffic lanes in each direction.*”

On January 13, 2021, the Applicant applied to CAL Fire for an exception, stating that “...*(w)idening Canon Drive in this area is an off-site improvement that is not within the control of the owners of the subject property. It is not possible for the subject property owners because it would require both acquisition of property from four other property owners, and extensive slope work due to the topography and grade in that area. The total cost of the improvement would undoubtedly be more than the value of the subject property, which was most recently purchased in 2020 for \$2,200,000.*” The Applicant offered to dedicate a portion of the road along their property to create a turnout and to increase the density of fire sprinklers in the house as part of their exception request to Cal Fire. On January 28, 2021, CAL Fire informed the applicant that the exception was denied.

In accordance with the appeal process, an appeal of the exception request was subsequently submitted to the County. County staff has found that Public Resources Code Section 4290(a) states that the Fire Safe Regulations “*do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance.*” Consistent with this statutory mandate, Section 1270.02 of the Fire Safe Regulations discusses the scope of the regulations, and subsection (b) states: “*These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map [if the final map for the tentative map is approved within the time prescribed by the local ordinance] approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.*”

The subject property was created pursuant to a parcel map recorded prior to January 1, 1991, which the applicant provided on February 11, 2021 to Cal Fire Staff. On February 16, 2021, CAL Fire informed the Applicant that CAL Fire did not believe the parcel map met the criteria stated above, and that the roads proposed in the map would meet standards, but that it does not appear that the roads were actually built to these standards. CAL Fire further instructed the Applicant that the CAL Fire decision on the exception request was appealable

to the local jurisdiction (the County). On March 2, 2021, the Applicant submitted an appeal of the CAL Fire determination to deny the exception to the County.

Subsequently, the Applicant asked CAL Fire to reconsider the applicability of the regulations on March 10, 2021, on the basis that a structure already exists on the property (a dog kennel). CAL Fire did not agree with the Applicant's interpretation, and ruled that the regulations do apply as they are seeking to construct a new building, and that only alterations to existing buildings which increase the square footage or change the use of the structure are exempt.

The Applicant resubmitted again on September 17th, 2021, and the project is currently under review for Completeness.

REASONS FOR RECOMMENDATION

The appeal hearing on the exception request shall be heard by the Fire Staff designated by the Fire Marshal, and shall consider the entire scope of the exception request, including the proceedings and conclusions of the original decision-maker (CAL Fire), and consider the merits of the cases made by the appellants and the applicants.

California Environmental Quality Act (CEQA) Review

A determination regarding the applicability of the California Environmental Quality Act (CEQA) to the proposed project will be made at the approvability stage of the project. This appeal of the fire exception determination made by CAL Fire is not subject to CEQA.

Appeal Summary & Response to Appeal

The Applicant is appealing CAL Fire's denial of an exception to the SRA Fire Safe Regulations on the basis that the subject parcel was created pursuant to a subdivision map approved prior to 1991, and the approved map contained road development requirements. Additionally, the Applicant states that the imposition of the Fire Safe regulations would be overly burdensome. The relevant code sections cited by CAL Fire are listed below in Table A for reference, with the findings that CAL Fire could not make identified in **bold**, followed by a summary of the Applicant's grounds for appeal and Staff's response. All of the below regulations apply to new development or construction in the SRA .

[Continued on next page.]

Table A: Fire Safe Regulations not met per CAL Fire

<u>SRA/VHFHSZ Fire Safe Regulations</u>	
§ 1270.02 (a)	<p>These regulations shall apply to:</p> <ul style="list-style-type: none"> (1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsections (b) through (d), inclusive, and (f); (2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below; (3) all tentative and parcel maps or other developments approved after January 1, 1991; and (4) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.
§ 1270.02 (b)	<p>These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.</p>
§ 1273.01 (a)	<p>All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.</p>

The Applicant stated that these regulations should not apply to their project, and even if they did, an exception should be granted. The Applicant identified two main grounds for the appeal, each of which is summarized below, followed by Staff's response to each appeal issue:

1. The SRA Fire Safe Regulations do not apply to the Project, pursuant to 14 CCR §1270.02 (a) (1) and (b).

Appellants' Reason for Appeal: The Applicant asserts that since the subject parcel was created via the Parcel Map for Glen Una Meadows in 1960, it is not subject to the Fire Safe Regulations. More specifically, the Appellant states *“Our application for construction on our parcel is thus outside of the scope of the CALFIRE regulations because the Final Map fully and completely describes the conditions relating to the access to the parcel, and the future buildings on the parcel, and under the SMA then in effect, the Final Map could not have addressed anything further about the future location of buildings on the subject parcel such as building setbacks, perimeters or the location of building pads.”*

Staff's Response: Department Staff and County Counsel have reviewed the documents provided by the Applicant. While the neighboring parcels along Sky Oaks Way were created by the 1960 subdivision map (refer to Attachment B), the County has assessed that this parcel was not created by this map. Therefore, this project does not qualify for “grandfathering” pursuant to Public Resources Code section 4290(a), which provides:

The board shall adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to state responsibility area lands under the authority of the department, and to lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section....These regulations do not apply where an application for a building permit was filed prior to January 1, 1991 or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance.

As the Applicant has provided no evidence that their property is part of a subdivision with roadway improvements *approved* prior to January 1, 1991, County Staff believes the appeal grounds identified under No. 1 cannot be supported.

2. Granting an exception to our application by request for alternate means of protection is justified and necessary to avoid creating an undue burden

Appellants' Reason for Appeal: The Applicant asserts that not granting this exception creates an undue burden beyond the Applicant's fair share responsibility for a common access road, and asserts this burden was not placed on other recent development along this same road. The Applicant *"proposed to CALFIRE a combination of road dedication, road improvements, fire sprinkler improvements, and exterior window shutter installation, which we felt can satisfy the standard in the SRA Fire Safe Regulations and provide more than the fair share of our property to address fire safety and access along Canon Drive, to our parcel, and the surrounding area."* The Applicant states that *"exceptions to the CALFIRE standards in 14 CCR §1270.06 have similarities to variances allowed under State planning and zoning law. Variances may be granted when the strict application of the zoning regulation in question, if strictly applied, would cause unnecessary hardship because of some special circumstances of the particular property, in contrast to similarly situated properties."*

Staff Response: CAL Fire is the *inspection entity* and technical expert to review exception requests and had the opportunity to grant an exception to these standards. However, for reasons stated in Attachment D, CAL Fire denied the request. In summary, CAL Fire notes that the proposed alternative means of protection do not meet the same practical effect of the requirement for access described in the SRA Fire Safe Regulations. Furthermore, County Planning Staff would assert that a request for an exception to the *"standards in 14 CCR §1270.06"* of the fire safe regulations and Public Resources Code Section 4290 are not a "Variance" request under Planning and Zoning laws, and should not be considered akin. CAL Fire denied the applicant's exception request and, in this particular case, Staff has not found a valid reason to overturn that determination.

ADDITIONAL INFORMATION

Consultation with CAL Fire Staff

As noted in the "Standard of Review on Appeal of CAL Fire Exception Decision" section of this report, pursuant to Section 1270.06(d) of the Fire Safe Regulations, *"before the local jurisdiction makes a determination on an appeal, the inspection authority [CAL Fire] shall be consulted and shall provide to that local jurisdiction [the County] documentation outlining the effects of the requested exception on wildfire protection."* Additionally, pursuant to Section 1270.06(e) of the Fire Safe Regulations, *"if an appeal is granted, the local jurisdiction [appeal hearing officer] shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL Fire Unit headquarters that administers SRA fire protection in that local jurisdiction."*

County Staff has informed CAL Fire Staff of this appeal and provided CAL Fire a copy of the staff report and appeal record. CAL Fire staff was requested to provide the required documentation outlining the effects of the requested exception on wildfire protection. If County Staff receives a response, said documentation will be uploaded to the Fire Safe Regulation Appeals webpage, and supplemental information for this application record. Additionally, CAL Fire Staff was invited to the hearing. The CAL Fire Staff contact information was provided to the Appeal hearing officer.

Consultation with Director of Roads and Airports and Building Official

Pursuant to Ordinance Code Section C1-104, as part of the County's process for implementation of the State Minimum Fire Safe Regulations, the appeal hearing officer (Fire Staff designated by the Fire Marshal for projects within the SRA) shall consult with the Director of Roads and Airports (Director of R & A) and Department of Planning and Development Building Official (Building Official) in making their decision. The Director of R & A and Building Official were provided a copy of the subject appeal and provided a copy of the appeal record. Both officials or their designees will be present at the hearing to provide further consultation.

Proposed Fire Safe Regulations Amendments

The Board of Forestry and Fire Protection is currently considering amendments to the State regulations. Currently proposed is a separate standard for existing roads which are less strict than the current standards for all roads. The Board of Forestry at its meeting on June 22, 2021 continued the matter to consider proposed amendments to the regulations presented by various jurisdictions throughout the State. The County has requested that the Board exempt single-family residences on existing lots along existing roads entirely from road access standards; however, County Staff is uncertain if the County's proposed amendments will be accepted by the Board of Forestry in its final adoption of new regulations.

BACKGROUND

Public Noticing

As a result of the Appeal, and pursuant to the County of Santa Clara Ordinance Code Section C12-449, notice of the meeting to hear the appeal was mailed to all real property owners within 300-feet of the subject property on October 4, 2021.

Public Comments

As of the preparation of this report, no public comments were received by the Department for the subject application appeal (PLN20-141-APL1).

STAFF REPORT REVIEW

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

Reviewed by: Leza Mikhail, Interim Planning Manager & Zoning Administrator, (408) 299-5773, leza.mikhail@pln.sccgov.org.

ATTACHMENTS:

- Attachment A - Appeal Against CAL Fires Decision (PDF)
- Attachment B - 125M12 Final Parcel Map (PDF)
- Attachment C - 510-49-001 Assessor Parcel Map (PDF)
- Attachment D - CAL Fire Correspondence (PDF)
- Attachment E - Historic Aerial Photos (PDF)
- Attachment F - Nearby Construction Projects (PDF)
- Attachment G - CAL Fire Appeal Application (PDF)
- Attachment H – State Minimum Fire Regulations (PDF)

Miriam Al Saadi and Adil Allawi

[REDACTED]
Saratoga, CA 95070

Appeal against CALFIRE's decision to deny approval for the project:

15570 Canon Drive
Los Gatos, CA 95030
PLN20-141

March 2, 2021

Pursuant to 14 CCR §1270.02 we hereby request that the County of Santa Clara's Department of Planning and Development grant our appeal against CALFIRE's decision dated February 16, 2021, and allow us to proceed with the building project as outlined in PLN20-141 (the "Project"). The County should grant our appeal because the SRA Fire Safe Regulations do not apply to the Project and because the Project should be granted an exception even if the Regulations did apply.

1. The SRA Fire Safe Regulations do not apply to the Project pursuant to 14 CCR §1270.02 (a) (1) and (b).

Section 1270.02 provides:

"(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, *to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.*"

To prove the above, we are submitting the Final Map 125M12 ([Appendix 1](#)) containing the Tract Map no. 2216 and County Assessor's map ([Appendix 2](#)) for clarification.

The Final Map 125M12 for Glen Una Meadows, including our parcel, was approved in 1960 (the "Final Map"). The Final Map includes the certification that "all provisions of the Map Act and any local ordinances applicable at the time of approval of the tentative map have been complied with." Consistent with the opinion of the Attorney General of California from March 17, 1993 (Document No. 92-807) concerning 14 CCR §1270.02(b) and the "grandfather clause" described in their opinion, we believe the conditions relating to the perimeters and access to the buildings were imposed by the Final Map at the time of the subdivision's approval prior to January 1, 1991. Therefore, our construction should be exempt from the requirements as described in §1270.02.

The Final Map identified the access to our parcel in detail. The Final Map shows the public road widths of Canon Drive and provides the owner/subdivider's consent to dedicating the access to the public for the subdivided parcels. It clearly also identifies the perimeters of the subdivision and each of the parcels within it, including our parcel.

However, CALFIRE did not accept the Final Map on the grounds that they "*did not see conditions relating to the perimeters and access to **buildings** on this Final Map*" (see email copy, [Appendix 3](#)).

CALFIRE's insistence on seeing "conditions relating to the perimeters and access to buildings" on the Final Map is not consistent with the actual subdivision approval process in the Subdivision Map Act (SMA). The SMA has dozens of specific requirements about what has to be on final maps and how they are to be prepared. Govt. Code 66433 – 66443. Many of them address access and dedications of roads. E.g., Govt Code 66439. None of them requires that a final map identify the location of the buildings or the perimeter of a building pad that may be placed on each parcel. The only authority by which a local ordinance may require information that could include even "building setback lines," but not explicitly building locations or building perimeters was not added until 1985. Govt Code 66434.2(b), Chapter 883, Statutes of 1985 (effective January 1, 1987). Our application for construction on our parcel is thus outside of the scope of the CALFIRE regulations because the Final

Map fully and completely describes the conditions relating to the access to the parcel, and the future buildings on the parcel, and under the SMA then in effect, the Final Map could not have addressed anything further about the future location of buildings on the subject parcel such as building setbacks, perimeters or the location of building pads.

Even today, development information, including proposed building locations and land alterations, existing improvements and topography can usually only be found on County tentative maps, not on final maps. However, once tentative maps are processed and approved, only the resulting final maps are recorded and become applicable to future owners.

Therefore, we ask the County to accept the Final Map 125M12 for our parcel's 1960 subdivision as proof that the SRA Fire Safe Regulations do not apply to our Project because, to the extent allowed by the SMA and consistent with County practice, the Final Map does address perimeters and access.

2. Granting an exception to our application by REQUEST FOR ALTERNATE MEANS OF PROTECTION is justified and necessary to avoid placing an undue burden on us.

None of our inquiries during our due diligence prior to buying the parcel in February 2020 brought up any potential issues in relation to the SRA Fire Safe Regulations, specifically the road width of Canon Drive now expected by CALFIRE. As a matter of fact, we found that our lot had valid building site approval, was the site of various houses since 1953 (see historic aerial photos, [Appendix 4](#)), and was within the vicinity of several other new construction projects approved within the last 2-3 years, which have the same access road via Canon Drive (see map, [Appendix 5](#)).

In our REQUEST FOR ALTERNATE MEANS OF PROTECTION (dated January 13, 2021) ([Appendix 6](#) with its [Appendices A-F](#)), pursuant to 14 CCR §1270.06 ("REQUEST"), we proposed to CALFIRE a combination of road dedication, road improvements, fire sprinkler improvements, and exterior window shutter installation, which we felt can satisfy the standard in the SRA Fire Safe Regulations and provide more than the fair share of our property to address fire safety and access along Canon Drive, to our parcel, and the surrounding area. By not granting us an exception, CALFIRE is effectively making the width of Canon Drive for the length of the access to our

parcel a condition for the approval of our Project even though we have no control over topography, road widths, and dedications on off-site parcels. Therefore, we ask the County to grant us the exception in order to avoid placing an undue burden on us.

The exceptions to the CALFIRE standards in 14 CCR §1270.06 have similarities to variances allowed under State planning and zoning law. Variances may be granted when the strict application of the zoning regulation in question, if strictly applied, would cause unnecessary hardship because of some special circumstances of the particular property, in contrast to similarly situated properties. *Eskeland v. City of Del Mar* (2014) 224 Cal. App. 4th 936, 954. The “special circumstances” that may support granting of a zoning variance include factors such as “size, shape, topography, location or surroundings” that distinguish it from other properties in the vicinity with the same zoning. Govt Code 65906. These factors are similar to why we are asking that an exception under 14 CCR §1270.06 be granted here. We request that the County grant us an individual exception based on the special circumstances surrounding our parcel, its location on a separate parcel from the narrower portion of Canon, and the unnecessary and unreasonable hardship that would be caused by the strict application of the CALFIRE regulations to the Project.

In conclusion, we ask the County of Santa Clara’s Department of Planning and Development to allow us to move forward with our Project, based on either one or both of the above grounds. We are only asking to rebuild a single-family home on an existing building site. Approving the Project will provide us with fair and equitable treatment relative to other projects approved in our neighbourhood since 1991.

TRACT NO. 2216 GLEN UNA MEADOWS

CONSISTING OF TWO SHEETS

BEING A PORTION OF LOT 25 OF MAP NO.2
OF THE W.S. CLAYTON, J.R. CHASE, E. SHILLINGSBURG
& J.P. DORRANCE SUBDIVISION OF PART

OF THE
GLEN UNA RANCH

SANTA CLARA COUNTY, CALIFORNIA

Raymond W. Fisher
CIVIL ENGINEER
SAN JOSE, CALIFORNIA

1873430
CERTIFICATE OF COUNTY RECORDER

Accepted for record and recorded in Book 125 of
Maps, Pages 12 and 13 in the office of the 8th
County Recorder of the County of Santa Clara, this 8th
day of September, 1960 at 1:46 P.M.

\$ 7.00

Paul R. Teilh, County Recorder

Donald E. Robinson
By Deputy

CERTIFICATE OF COUNTY ENGINEER

This is to certify that I have examined the final map of
Tract No 2216, Glen Una Meadows, that the subdivision
shown thereon, is substantially the same as it appeared
on the tentative map and any approved alterations;
that all provisions of the Map Act and any local
ordinances applicable at the time of the approval of the
tentative map have been complied with; and that I am
satisfied that the map is technically correct.

JAMES T. POTT
County Engineer

By Deputy Alan P. Larson

ACKNOWLEDGMENT

STATE OF CALIFORNIA } s.s.
COUNTY OF SANTA CLARA }

On this 25th day of August, 1960, before me M.M. BRICKWEDEL
a Notary Public in and for said County of Santa Clara,
State of California, residing therein, personally appeared
Don S. Fuller and Alice S. Fuller. Known to me to be the
persons whose names are subscribed to the foregoing
instrument, and acknowledged to me that they
executed the same as owners

Witness my hand and official seal

10-21-63
My Commission Expires

M.M. Brickwedel
Notary Public
M.M. BRICKWEDEL

OWNER'S CERTIFICATE

Consent: We certify that we, the only parties having any record title interest in the land
shown on this map, as subdivided, consent to the preparation and recordation of this final
map. Persons whose signatures are omitted under Section 11587 of the California
Business and Professions Code, together with their interests are: None.

Dedication: That certain strip of land designated on this map as "SKY OAKS WAY" is not
offered for dedication for public use, but is intended for the exclusive use of the lot owners
in the subdivision their licensees, visitors, tenants, and servants.

We offer for dedication to public use that portion of "CANYON DRIVE" not heretofore
existing as a public street shown upon this map within the subdivision. We also hereby
dedicate to public use easements for public utilities and/or Storm Drains and/or Sanitary
Sewers under, on or over those certain areas each designated "Public Utilities Easement"
and/or "Storm Drain Easement" and/or "Sanitary Sewer Easement" and/or "Wire Clearance
Easement" as shown on said map within said subdivision. Such strips to be kept open and
free from buildings and structures of any kind, except utility company structures and
lawful fences. Wire Clearance Easements to be limited to buildings, structures, or
appurtenances thereto which have a maximum height of fifteen (15) feet above the
grade at the ground line of poles.

We also hereby dedicate for purposes of maintenance and construction, that certain
strip of land labeled as "drainage easement to Santa Clara County".

That certain strip of land designated as "easement for slope" is not dedicated to Public use, but is reserved
for the exclusive use of all lot owners in the Subdivision, for the purpose of protecting roadway
slope.

Signature Don S. Fuller

Signature Alice S. Fuller

CERTIFICATE OF CIVIL ENGINEER

I, Raymond W. Fisher, hereby certify that I am a Registered
Civil Engineer of the State of California; that this map, con-
sisting of two sheets correctly represents a survey made
under my supervision during May, 1960; that the survey
is true and complete as shown, that all monuments
shown hereon will be set or do actually exist; and that
their positions are correctly shown and that said mon-
uments are sufficient to enable the survey to be traced.

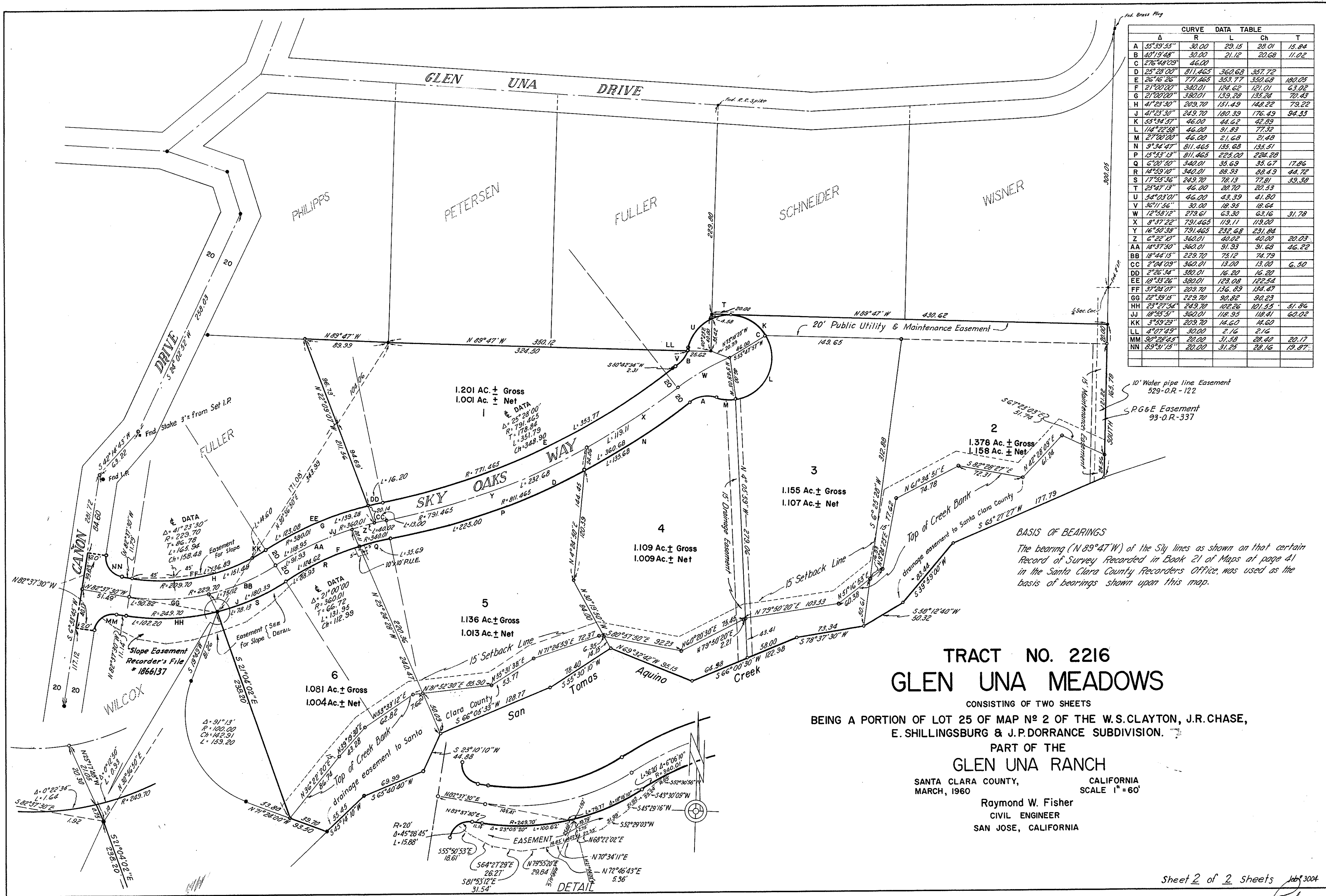
Raymond W. Fisher
Registered Civil Engineer No 483

CERTIFICATE OF THE CLERK OF THE BOARD OF SUPERVISORS

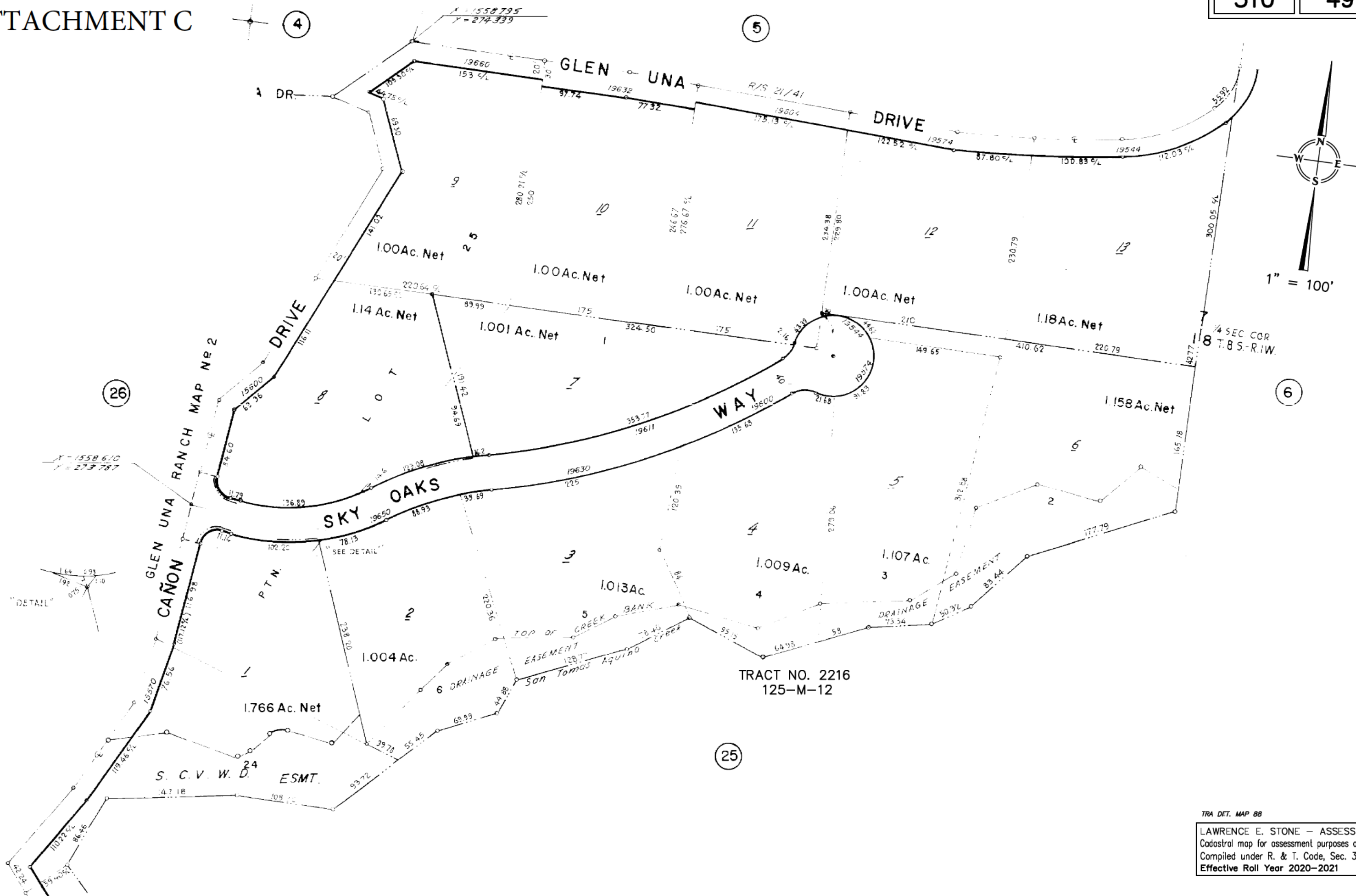
I certify that the following order was adopted by the Board of Supervisors of
the County of Santa Clara, State of California, at a meeting of the said
Board on the 6 day of Sept., 1960.
It is ordered that the map of Tract No 2216 Glen Una Meadows be and
the same is hereby approved, that the Public Utilities Easements, Storm Drain
Easements, Sanitary Sewer Easements are hereby accepted for the purposes
set forth in the offer of dedication, that the portion of Canyon Drive
offered for dedication is hereby accepted.

Clerk of the Board of Supervisors of the
County of Santa Clara, California

Jean Pullen



ATTACHMENT C



TRA DET. MAP 88

LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2020-2021

Subject: Re: PLN20-141 - 15570 Canon Drive Los Gatos
From: "Hernandez, Marcus@CALFIRE" <Marcus.Hernandez2@fire.ca.gov>
Date: 16/02/21, 21:20
To: Miriam Al Saadi <>
CC: Christina daSilva <christina.dasilva@sccfd.org>

Good evening Miriam,

I obtained a second opinion on this email in relation to the comments that you forwarded, and it was agreed that we did not see conditions relating to the perimeters and access to **buildings** on this Final Map.

Secondarily, it does not appear that the roads were constructed to the specifications of the Final Map 125M12, it appears that if the roads were constructed to what is displayed on Final Map 125M12 it would meet the requirements of the SRA Fire Safe Regulations.

CAL FIRE Santa Clara is the inspection entity; however, you may appeal to the local jurisdiction (County of Santa Clara Department of Planning and Development). I would urge you to supply these maps to the County of Santa Clara Department of Planning and Development with any appeal. I would also add that these regulations are currently being rewritten by the Board of Forestry and Fire Protection and the new regulations will take effect July 01, 2021.

§ 1270.06. Exceptions to Standards.

(c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

(d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.

(e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

Best Regards,

Marcus Hernandez

Fire Marshal

Morgan Hill Fire Department

CAL FIRE

Battalion 1608

From: Miriam Al Saadi <>

Sent: Thursday, February 11, 2021 3:08 PM

To: Hernandez, Marcus@CALFIRE <Marcus.Hernandez2@fire.ca.gov>

Cc: Christina daSilva <christina.dasilva@sccfd.org>; Good, Dwight@CALFIRE <Dwight.Good@fire.ca.gov>

Subject: Re: PLN20-141 - 15570 Canon Drive Los Gatos

Warning: this message is from an external user and should be treated with caution.

Dear Marcus,

Thank you for your response to my husband's and my request for an AMMR for PLN20-141. I was disappointed with CAL FIRES' decision not to grant us an exemption.

However, I am emailing today to submit the additional documentation you referred to in your email in relation to SRA Fire Safe Regulations § 1270.02. Scope. In reference to (a) (1) and subsection (b).

"(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991."

Please find attached to my email the document Final Map 125M12 containing the Tract Map no. 2216. This is the Final Map approved in 1960 and relating to our parcel. It was certified on the map that "all provisions of the Map Act and any local ordinances applicable at the time of approval of the tentative map have been complied with". As per the opinions of the Attorney General of the State and Deputy Attorney General of California from March 17, 1993 (Document No. 92-807) concerning § 1270.02. Scope subsection (b) and the "grandfather clause" described in their opinion, I believe the "conditions relating to the perimeters and access to the buildings" would have been covered by the Map Act at the time of the subdivision's approval prior to January 1, 1991. Therefore, our construction should be exempt from the requirements as described in § 1270.02. Scope.

I have also attached our County Assessor's map again as a reference to where our parcel is located within the Tract Map 2216 (Final Map 125M12).

If you have any question regarding my submission, please let me know.

Looking forward to your reply.

Kind regards,

Miriam

Miriam Al Saadi

Hernandez, Marcus@CALFIRE wrote on 28/01/21 10:53:

Good morning Christina,

This email submittal will be fine.

We have viewed the AMMR for PLN20-141. CAL FIRE SCU will not grant an exemption as the inspection entity for this project as the location of the property and proposed alternative means of protection do not meet the same practical effect of the requirement for access described in the current version of the SRA Fire Safe Regulations (California Code of Regulations Title 14 Natural Resources Division 1.5 Department of Forestry Chapter 7 - Fire Protection Subchapter 2 SRA Fire Safe Regulations Articles 1-5).

As the inspection entity, the CAL FIRE Santa Clara Unit will recommend the current version SRA Fire Safe Regulations be applied as written.

§ 1270.02. Scope

(a) These regulations shall apply to:

(1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991 except as set forth below in subsection (b.);

(c) Affected activities include, but are not limited to:

(2) application for a building permit for new construction, not relating to an existing structure;

We have not received documentation of "conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991." Documentation of such would make this new building construction exempt from the requirements as described in § 1270.02. Scope.

Although the CAL FIRE Santa Clara Unit will not grant an exemption as the "inspection entity," we do not prohibit the applicant from appealing for an exemption to the "local jurisdiction" as described in § 1270.06. Exceptions to Standards. In this case, the Local Jurisdiction would be the County of Santa Clara Department of Planning and Development. I have included excerpts from the SRA Fire Safe Regulations that describe that process below:

§ 1270.06. Exceptions to Standards.

(c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

(d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation

outlining the effects of the requested exception on wildfire protection.

(e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

The County of Santa Clara Department of Planning and Development can receive an appeal and consider granting an exemption to the SRA Fire Safe Regulations. If it is granted, their findings and the statement of reasons for the decision shall be provided to the CAL FIRE Santa Clara Unit Headquarters for recordkeeping.

Best Regards,

Marcus Hernandez
Fire Marshal
Morgan Hill Fire Department
CAL FIRE
Battalion 1608

From: Christina daSilva <christina.dasilva@sccfd.org>
Sent: Friday, January 22, 2021 3:25 PM
To: Hernandez, Marcus@CALFIRE <Marcus.Hernandez2@fire.ca.gov>
Cc:
Subject: PLN20-141 - 15570 Canon Drive Los Gatos

Warning: this message is from an external user and should be treated with caution.
Good afternoon Chief Hernandez,

The applicant is requesting an AMMR for the project at 15570 Canon Drive Los Gatos. You can access the files "CALFIRE application.docx" and "Appendices A-F" from my dropbox https://www.dropbox.com/sh/4v7ce3vxz9ubt2x/AAA44DTf_YDUpf7zaD81MXn3a?dl=0. The Appendices were a bit too large to attached to my email.

What is the best way to submit an AMMR? Can you please let us know the process?

Regards,
Christina daSilva
Associate Fire Plans Examiner

Santa Clara County Fire Department

Office of the Fire Marshal, Santa Clara County
County Government Center, East Wing, 7th Floor
70 W. Hedding Street, San Jose, California 95110
408-299-5767 | christina.dasilva@sccfd.org

— Attachments: —

SRA Fire Safe Regulations 2020 ADA - January 2020.pdf

777 KB













Miriam Al Saadi and Adil Allawi

[REDACTED]
Saratoga, CA 95070

REQUEST FOR ALTERNATE MEANS OF PROTECTION

15570 Canon Drive
Los Gatos, CA 95030
PLN20-141

Date: January 13, 2021

Code Section: 14 CCR 1273.01(a) states “all roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping”; except pursuant to 14 CCR 1270.06(a) when “the exceptions provide the same practical effect as these regulations toward providing defensible space.”

Code Requirement: 14 CCR 1273.01; 14 CCR 1270.06.

Code Intent: To provide fire access standards, while allowing exceptions that provide the same practical effects and reflect landowners’ rights.

Request: Approve an exception pursuant to 14 CCR 1270.06 to the provision of two ten (10) foot traffic lane fire access under 14 CCR 1273.01(a).

Justification: Approving an exception allowed by 14 CCR 1270.06 would result in alternative improvements that will improve fire access and safety in the area of the subject property and prevent an impossible burden from being placed on the subject property that would render it undevelopable, unusable and valueless.

Records show that the subject property was a parcel occupied by a family home since 1953. In 1994 an application for a new build was approved by Santa Clara County. Due to a change in personal circumstances of the previous owners, this project could not be completed. The current property owners now propose to

build a 5000 square foot, 4-bedroom single family house with a similar footprint to the house that was approved in 1994. When the property was purchased in February 2020, the purchasers were provided with a County Planning Site approval verification issued on March 27, 2017 that stated that the property is an approved building site, and made no mention of the potential requirement of an off-site road upgrade.

The subject property is in an established neighbourhood of 16 family homes and on an approximately 1.77-acre parcel located on the corner of Canon Drive and Sky Oaks Way (see attached parcel map 510-49, [Appendix A](#)). Access to the property to the north is via Canon Drive to Glen Una Drive. However, there is also access to the south via Hidden Drive and Redberry Drive towards Bainter Avenue (see attached road map, [Appendix B](#)). Canon Drive is two lanes and a total of 16 feet wide for its full length along the property line, approaching the general standard in 14 CCR 1273.01(a) (see attached photo, [Appendix C](#)). However, the portion of Canon immediately north of the subject property narrows to one lane approximately 12 feet in width for a distance of approximately 474 feet (see attached photos, [Appendix D & E](#)). The one-lane section borders on a total of four built-out properties owned by other property owners (see attached photo, [Appendix F](#)). Canon Drive in this area also traverses a steep upslope that rises from east to west.

Widening Canon Drive in this area is an off-site improvement that is not within the control of the owners of the subject property. It is not possible for the property owners because it would require both acquisition of property from four other property owners, and extensive slope work due to the topography and grade in that area. The total cost of the improvement would undoubtedly be more than the value of the subject property, which was most recently purchased in 2020 for \$2,200,000.

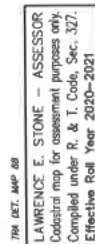
The strict application of 14 CCR 1273.01 is not required here because of the exception in 14 CCR 1270.06. An exception is allowed where there is one or more alternative means that would provide the same practical effect as the regulations. Here, the property owners propose to significantly improve the fire access on Canon Drive and the means of defending their house from fire.

The property owners will dedicate space along their property line and create a turnout on Canon Drive (10' wide, with two 25' tapers and 35' long), which will be marked "No Parking". This improvement will provide a safe staging location for emergency vehicles and emergency parking in close proximity to the existing narrow section of Canon Drive. This new turnout will provide the same or similar practical effect as improving the length of Canon Drive. It will improve the existing condition, capacity, and fire safety of Canon Drive, by adding critical road capacity near the area where a backup would be most likely to occur. Fire vehicles that park in this location would be near an existing fire hydrant on the corner of Canon Drive and Sky Oaks Way, and well positioned to provide fire service to a number of surrounding properties, while still allowing ample road width for continued egress of vehicles on Canon Drive.

The property owner will also increase the density of the fire sprinklers installed in the house (in lieu of a two head residential calculation for a NFPA 13D system, they propose a four head residential calculation for a modified NFPA 13D with sprinklers in all closets and restrooms regardless of size). They will also install exterior metal window shutters as a means of improving their home's structural fire defence.

The exception in 14 CCR 1270.06 appears to be intended for this exact type of situation, where the strict application of one of the standards in the Fire Safety Regulations would be unfair and unnecessary. Here, requiring a single property owner to widen the entire section of Canon Drive to the property would place an unfair burden on them, far out of proportion to their impact on fire safety service or road capacity. Constitutionally, that burden on this single property owner would go too far. The effect of this requirement would be to deprive the property of all its economic value and deny the property owners of any use for it. Improving Canon Drive to two lanes is not needed here because the property owner's combination of other improvements that exceed the Fire Safe Regulations and provide similar benefits.

Conclusion: The property owners propose a combination of road dedication, road improvements, fire sprinkler improvements and window shutter installation, that satisfy the standard in 14 CCR 1270.06 and provide more than the fair share of this property to address fire access along Canon Drive and the surrounding area.





16 feet wide

15570 Canon Dr
frontage

Canon Dr (north)

Canon Dr (south)



ONE LANE
ROAD
AHEAD

SLOW

12 feet wide

Canon Dr (north)

Canon Dr (south)

Sky Oaks Way (Not A Through Road)



Canon Dr (north)

12 feet (width)

474 feet (Length of narrow lane)



Title 14. Natural Resources

Division 1.5. Department of Forestry and Fire Protection

Chapter 7. Fire Protection [FNA2]

Subchapter 2. SRA/Vhfhsv Fire Safe Regulations

Article 1. Administration

14 CCR § 1270

Article 1. Administration

§ 1270.00. Title.

These regulations shall be known as the “SRA/VHFHSZ Fire Safe Regulations,” and shall constitute the basic wildfire protection standards of the California Board of Forestry and Fire Protection.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126, 4127 and 4290, Public Resources Code.

§ 1270.01. Purpose.

- (a) These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones as defined in Government Code § 51177(i) (VHFHSZ).
- (b) The future design and construction of structures, subdivisions and developments in the SRA and, after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles.
- (c) These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.02. Scope.

- (a) These regulations shall apply to:

- (1) the perimeters and access to all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsections (b) through (d), inclusive, and (f);

(2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971, except where being sited or installed as an accessory or junior accessory dwelling unit as set forth in subsection (d) below;

(3) all tentative and parcel maps or other developments approved after January 1, 1991; and

(4) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.

(c) (1) At the discretion of the local jurisdiction, and subject to any requirements imposed by the local jurisdiction to ensure reasonable ingress, egress, and capacity for evacuation and emergency response during a wildfire, these regulations shall not apply to the reconstruction or repair of legally constructed residential, commercial, or industrial buildings due to a wildfire, to the extent that the reconstruction or repair does not:

(A) increase the square footage of the residential, commercial, or industrial building or buildings that previously existed; or

(B) change the use of the building or buildings that had existed previously; or

(C) construct a new building or buildings that did not previously exist on the site.

(2) Nothing in this subsection shall be construed to alter the extent to which these regulations apply to the reconstruction or repair of a legally constructed residential, commercial, or industrial building for reasons unrelated to a wildfire.

(d) These regulations do not apply to the creation of accessory or junior accessory dwelling units that comply with Government Code sections 65852.2 or 65852.22, or any local ordinances enacted thereunder, as applicable, including any local ordinances requiring provisions for fire and life safety.

(e) Unless otherwise exempt pursuant to this subchapter, affected activities include, but are not limited to:

(1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);

- (2) application for a building permit for new building construction;
- (3) application for a use permit; and
- (4) road construction.

(f) EXEMPTION: Roads used solely for agricultural, mining, or the management and harvesting of wood products.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.03. Provisions for Application of These Regulations.

This subchapter shall be applied as follows:

- (a) the local jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or development within the SRA or, after July 1, 2021, the VHFHSZ.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1270.04. Local Ordinances.

- (a) Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule, or regulation of any state or local jurisdiction provided that such ordinance, rule, or regulation is equal to or exceeds these minimum standards.
- (b) Counties may submit their local ordinances for certification via email to the Board, and the Board may certify them as equaling or exceeding these regulations when they provide the same practical effect. If the Board determines that the local requirements do not equal or exceed these regulations, it shall not certify the local ordinance.
- (c) When the Board grants certification, the local ordinances, in lieu of these regulations, shall be applied as described in 14 CCR § 1270.02 and used as the basis for inspections performed under 14 CCR § 1270.05.
- (d) The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions, or the regulations are amended by the Board, without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local

ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be submitted for re-certification.

Note: Authority cited: Sections 4111 and 4290, Public Resources Code. Reference: Sections 4117 and 4290, Public Resources Code.

§ 1270.05. Inspections.

Inspections shall conform to the following requirements:

(a) Inspection shall be made by:

(1) the Director, or

(2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or

(3) local jurisdictions where the inspection duties have been formally delegated by CAL FIRE to the local jurisdiction.

(b) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws even when the inspection duties have been delegated pursuant to this section.

(c) Reports of violations shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the local jurisdiction.

(d) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

Note: Authority cited: Sections 4111, 4119 and 4290, Public Resources Code. Reference: Section 4290, Public Resources Code.

§ 1270.06. Exceptions to Standards.

(a) Upon request by the applicant, exceptions to standards within this subchapter or to local jurisdiction certified ordinances may be allowed by the inspection entity listed in 14 CCR § 1270.05, where the exceptions provide the same practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR § 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

(b) Requests for an exception shall be made in writing to the inspection entity listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception proposed, and a map showing the proposed location and siting of the

exception. Local jurisdictions listed in 14 CCR section 1270.05 may establish additional procedures or requirements for exception requests.

(c) Where an exception is not granted by the inspection entity, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

(d) Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildfire protection.

(e) If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that local jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1271.00. Definitions.

Agriculture: Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, except Utility and Miscellaneous Group U buildings.

CAL FIRE: California Department of Forestry and Fire Protection.

Dead-end road: A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

Defensible space: The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, road names and building identification, and fuel modification measures.

Development: As defined in section 66418.1 of the California Government Code.

Director: Director of the Department of Forestry and Fire Protection or their designee.

Driveway: A vehicular access that serves up to two (2) parcels with no more than two (2) residential units and any number of non-commercial or industrial buildings on each parcel.

Distance Measurements: All specified or referenced distances are measured along the ground, unless otherwise stated.

EXCEPTION: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.

Fire valve: see hydrant.

Fuel modification area: An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

Greenbelts: A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

Hammerhead/T: A road or driveway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

Hydrant: A valved connection on a water supply or storage system, having either one two and a half (2 1/2) inch or one four and a half (4 1/2) inch outlet, with male American National Fire Hose Screw Threads (NH), used to supply fire apparatus and hoses with water.

Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Residential unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for one or more persons. Manufactured homes, mobilehomes, and factory-built housing are considered residential units for the purposes of mandatory measures required in 14 CCR § 1270.01(c), unless being sited or installed as an accessory or junior accessory dwelling unit in accordance with 14 CCR § 1270.02(d).

Road: Vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Road or driveway structures: Bridges, culverts, and other appurtenant structures which supplement the traffic lane or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and
- (e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Vehicular access adjacent to the traffic lane.

State Board of Forestry and Fire Protection (Board): As defined in Public Resources Code section 730.

State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a road or driveway that provides a single line of vehicle travel.

Turnaround: A road or driveway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a road or driveway to allow vehicles to pass.

Utility and Miscellaneous Group U building: A structure of an accessory character or a miscellaneous structure not classified in any specific occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the road or driveway.

Wildfire: As defined in Public Resources Code Section 4103 and 4104.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 2. Emergency Access and Egress

§ 1273.00. Intent.

Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by local jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All one-way roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including shoulders. The local jurisdiction may approve one-way roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) residential units.

(2) In no case shall a one-way road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.02. Road Surfaces.

(a) Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base.

(b) Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

(c) Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.03. Grades.

- (a) At no point shall the grade for all roads and driveways exceed 16 percent.
- (b) The grade may exceed 16%, not to exceed 20%, with approval from the local authority having jurisdiction and with mitigations to provide for same practical effect.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.04. Radius.

- (a) No road or road structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.
- (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.05. Turnarounds.

- (a) Turnarounds are required on driveways and dead-end roads.
- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
- (c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- (d) A turnaround shall be provided on driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

Figure A/Image 1 is a visual representation of paragraph (b).

- (f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.

Figure B/Image 2 is a visual representation of paragraph (b).

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.06. Turnouts.

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.07. Road and Driveway Structures.

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single traffic lane conditions, shall reflect the capability of each bridge.

(b) Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.08. Dead-end Roads.

(a) The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet

parcels zoned for 5 acres to 19.99 acres - 2,640 feet

parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end

road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1273.09. Gate Entrances.

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 3. Signing and Building Numbering

§ 1274.00. Intent.

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads and buildings shall be designated by names or numbers posted on signs clearly visible and legible from the road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.01. Road Signs.

(a) Newly constructed or approved roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each local jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a road providing access only to a single commercial or industrial occupancy require naming or numbering.

(b) The size of letters, numbers, and symbols for road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.02. Road Sign Installation, Location, and Visibility.

(a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.

(b) Signs required by this article identifying intersecting roads shall be placed at the intersection of those roads.

(c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:

(i) at the intersection preceding the traffic access limitation, and

(ii) no more than one hundred (100) feet before such traffic access limitation.

(d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.03. Addresses for Buildings.

(a) All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.

(b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.

(c) Addresses for residential buildings shall be reflectorized.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1274.04. Address Installation, Location, and Visibility.

(a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property.

(b) Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.

- (c) Address signs along one-way roads shall be visible from both directions.
- (d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.
- (e) Where a road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 4. Emergency Water Standards

§ 1275.00. Intent.

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a wildfire or defend property from a wildfire.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.01. Application.

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.02. Water Supply.

- (a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.
- (b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.
- (c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.

(d) Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

(e) Where freeze or crash protection is required by local jurisdictions having authority, such protection measures shall be provided.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.03. Hydrants and Fire Valves.

(a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.

(b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.

(c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1275.04. Signing of Water Sources.

(a) Each hydrant, fire valve, or access to water shall be identified as follows:

(1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or

(2) if located along a road,

(i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or

(ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

Article 5. Fuel Modification Standards

§ 1276.00. Intent.

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide for increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways, and a point of attack or defense from a wildfire.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.01. Setback for Structure Defensible Space.

(a) All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of a road.

(b) When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easements, the local jurisdiction shall provide for same practical effect.

(i) Same practical effect requirements shall reduce the likelihood of home-to-home ignition.

(ii) Same practical effect options may include, but are not limited to, noncombustible block walls or fences; five (5) feet of noncombustible material horizontally around the structure; installing hardscape landscaping or reducing exposed windows on the side of the structure with a less than thirty (30) foot setback; or additional structure hardening such as those required in the California Building Code, California Code of Regulations title 24, part 2, Chapter 7A.

(c) Structures constructed in the SRA are required to comply with the defensible space regulations in Title 14. Natural Resources Division 1.5. Department of Forestry and Fire Protection Chapter 7. Fire Protection Subchapter 3. Fire Hazard.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.02. Maintenance of Defensible Space Measures.

To ensure continued maintenance of commonly owned properties in conformance with these standards and to assure continued availability, access, and utilization of the defensible space provided by these standards during a wildfire, provisions for annual maintenance shall be provided in emergency access covenants or similar binding agreements.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.03. Disposal of Flammable Vegetation and Fuels.

Disposal, including chipping, burying, burning or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.

§ 1276.04. Greenbelts.

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

Note: Authority cited: Section 4290, Public Resources Code. Reference: Sections 4290 and 4291, Public Resources Code.