

February 2, 2024

TO: Santa Clara County Planning Department
Attn: Parya Seif, Assoc. Planner, parya.seif@pln.sccgov.org
Samuel Gutierrez, Principal Planner, samuel.gutierrez@pln.sccgov.org

FROM: Alan and Meg Giberson

RE: **PLN22-137, 15581 Glen Una Drive, Los Gatos (County), APN 510-26-007**

We appreciate the Planning Outreach program (on February 1) and consideration of our comments concerning the development at 15581 Glen Una Drive. We submit the following comments for inclusion in the packet to be sent to the Planning Commission for the scheduled hearing on the project.

A private road provides access to the developing parcel at 15581 Glen Una Drive (APN 510-26-007, PLN22-137, Jaladi & Vuppala) and three other residential parcels at 15555, 15561, and 15567 Glen Una Drive. We appreciate the County's recognition of the need for the (private) access road beginning at Glen Una Drive to be 20 feet wide—as stated in the November 27, 2023, County Planning letter to Tom Sloan, Jaladi/Vuppala project representative. (A similar requirement of a 20' private access road was required of the property at 15555 Glen Una, when it was developed in 2013; those developer-owners agreed to the conditions.)

This unnamed access roadway that begins on Glen Una Drive, between the subject parcel and APN 510-26-087 (15555 Glen Una) to its north is by definition a fire apparatus access road. As defined in California Codes, a Fire Apparatus Access Road is a "road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway." Cal. Fire Code, Ch. 15.14, § 202 General Definitions. The Santa Clara County Deputy Fire Marshal, in a 6/9/2023 email, pointed out that "An access road is a portion of road that is serving 3 or more lots, a driveway serves no more than 2 lots." In this case, the access road serves five existing dwelling units (on four lots), with two more units in the form of ADUs scheduled to be approved for the developing lot at 15581 Glen Una and for development at 15567 Glen Una (PLN22-216, which latter project includes an ADU with attached garage, and a second detached garage serving the primary residence and its existing garage).

California Code describes the unobstructed access to be maintained along such access roads: "Fire Department Access and Egress: Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such-right-of-way shall be unobstructed and maintained only as access to the public street." Cal. Code Regs. Tit. 19, § 3.05(a).

CALFIRE's email regarding the project stated: "This project (Record No. PLN22-137) is located within the State Responsibility Area (SRA) and is recommended to follow all minimum wildfire

protection standards of **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.** (Alcantar email to planner Seif, February 16, 2023, boldface type in original.) The November 27, 2023, County Planning letter contained the CALFIRE requirement for the project: “This project is located within the ... SRA and is recommended to follow all minimum wildfire protection standards of 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.”

The CALFIRE code cited (Cal. Code of Regulations, Tit. 14...Subchapter 2) states, regarding the width of ingress and egress roads: “§ 1273.01(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.” (Also, developers of 15581 Glen Una were previously notified regarding *Fire Department Access* General requirements: “These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.”)

These standards apply to the unnamed access road and have apparently been incorporated into the Planning Department requirements.

The unnamed road has at times been inaccurately described as a “driveway access” by planning staff and/or the developers. The road should be labelled correctly on all planning documents as a “road.” An additional 10-foot dedication of property (right of way, ROW) proposed on the developing property’s north side for an eventual road expansion has apparently not been required to be paved, or even covered with gravel, which could have served as a parking area. Landscaping has instead been planned for that ROW area.

Parking was unfortunately not prohibited on the unnamed road either during construction or subsequently, when this project was previously considered by the Planning Commission in 2023, despite Fire Code regulations that require that “Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.” Cal. Fire Code, Ch. 15.14, § 503.4.

The importance of limiting parking on critical access roads is clearly recognized in California regulations, which include emergency vehicles in the “fire apparatus” definition: “§ 1270.01 (k) Fire Apparatus: A vehicle designed to be used under emergency conditions to transport personnel and equipment *or to support emergency response*, including but not limited to the suppression of fires.” Cal. Code of Regs., Tit. 14...Subchapter 2. [Italics added]

Indeed, County regulations require that “When parking is permitted on streets, in both residential/commercial applications, it shall conform to the following: ...no parking is permitted

when street widths are less than 28 feet.”¹ In this case, the access road is to have a 20’ width, purportedly with a three-foot shoulder on the Jaladi/Vuppala side. This clearly indicates a road with less than 28 feet width; therefore no parking should be allowed on this access road. Adequate signage needs to be placed. Further, in referencing minimum Fire Marshal standards, the County has required: “Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.”

County road development standards and policies require: “All private roads that are not designed for on-street parking shall be signed for “no parking” in accordance with Section 22658 of the Vehicle Code. In addition to signs, curb painting or curb lettering may be used.”² As we have previously requested, “no parking” signs should be placed notifying drivers of conditions on the unnamed access road.

The failure to prohibit parking along this unnamed road—since it is not of regulation width—further violates California regulations requiring unobstructed fire apparatus access. The maintenance of unobstructed access to our property at the end of the unnamed access road is critical for our health and safety. In an emergency, critical minutes could be lost if rescue efforts—either for a fire or medical emergency—were delayed by obstructing vehicles.

Vehicles parked along this unnamed road at times obstruct half or more of the roadway. Large construction vehicles will only compound the problem. The failure to apply California codes and regulations to this project approval should be remedied through appropriate modifications of project approval, including appropriate signage.

Additionally, the parcel continues to be labelled a .9 acre parcel, although the Assessor’s Parcel map and the square footage figures used by the county show a smaller lot: the gross lot (33,120 sq. ft.) equals .76 acre; the net lot area (30,890 sq. ft.) equals .71 acres. This mislabeling of the parcel as larger than it actually is affects calculations regarding floor area to lot ratio, and neighborhood compatibility.

¹ https://www.sccfd.org/wp-content/uploads/documents/fire_prevention/standards/2.4.6_fire_department_apparatus_access.pdf [accessed 2/2/2024]

² https://stgenpln.blob.core.windows.net/document/StandardsPoliciesManual_Vol1.pdf