



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 PLN15-10815-MOD1-APL1

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: Margaret Belska and Peter Manca. Property address/location: 0 Higuera Highland Lane, San Jose. Assessor's Parcel No.: 654-15-028. Zoning: HS-d1. Supervisorial District: 3. File No.: PLN15-10815-MOD1-APL1. 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 requiring access road improvements as a condition of approval for the property at 0 Higuera Highland (APN: 654-15-028), San Jose.
- b. Grant the appeal, thereby allowing the project to proceed to a final determination without requiring access road improvements.

PROJECT DESCRIPTION

Project Setting

The subject parcel is located at 0 Higuera Highland Lane (APN 645-15-028), and is approximately 18.8 acres (gross) in size. The property is undeveloped, and the Applicant is proposing a single-family residence and associated site improvements. The General Plan land use designation is Hillsides, and the Zoning is HS-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 considered the “*inspection entity*” for projects located within the SRA.

The subject property is located near the end of Higuera Highland Lane, a privately maintained road, approximately 10,000 feet from Mount Pleasant Road, along Higuera Road. The roads to access the subject property appear to be less than 20 feet in width, which do not meet the minimum standards for CAL Fire access. As Higuera Highland Lane is a private

road, the County does not have records on the actual paved width. A Survey was requested but not provided by Applicant.

The Applicant applied for a Modification of a previously approved concurrent land use application for Building Site Approval, Grading Approval, and Design Review (PLN15-10815, approved June 7, 2016) to reduce the approved 7,176 square-foot single-family residence to 3,000 square-feet, with modifications to associated on-site improvements. The Modification was accepted into the Department of Planning and Development on September 3, 2020. As part of the review of this application, CAL Fire provided comments that it would not approve the requested project due to the existing Board of Forestry fire access standards that are not currently being met.

Discussion of Fire Safe Regulations Exceptions

The State SRA/VHFHSZ 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 C 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 Very High Fire Hazard Severity Zone (VHFHSZ). Section § 1270.06 of the Regulations establishes a process for applicants to request exceptions to the standards (refer to Attachment C 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 Regulations 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 designated that the Fire Staff designated by the Fire Marshal for such purposes, in consultation with the Building Official and the Director of the Roads and Airports Department, shall hear this appeal.

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 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

There are two provisions of the Fire Safe Regulations at issue in this appeal. First, Section § 1273.01 (a) requires that “*(a)ll roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.*” Higuera Highland Lane is not demonstrated to meet this road width standard.

Second, Section § 1273.08(a) sets the maximum length of dead-end roads based partially on the zoning density. The longest a dead-end road may be is 1 mile, but CAL Fire has interpreted that, in this case, the maximum allowed length is 0.5 miles because the area where Higuera Road and Mount Pleasant Road meet is zoned for one residence per 5 acres. Per Section § 1273.08 (a), dead-end roads shall not exceed the designated length regardless of the number of parcels served, and for parcels zoned 5 to 19.99 acres that maximum length is 2,640 feet. Even though where the subject property is zoned for parcels of 20 acres or larger that would allow a maximum length of 5,280 feet, in cases that a dead-end road crosses areas of differing zoned parcel sizes, the shortest allowable length shall apply. Higuera Highland Lane is a dead-end road, and this project is located approximately 1.9 miles down Higuera Highland Lane and Higuera Road from the nearest collector road.

On October 6, 2020, the Applicant was sent an Incomplete Letter from the Department. This initial Incomplete Letter did not include comments from CAL Fire. The Applicant resubmitted the application on January 28, 2021. On March 9, 2021, a second Incomplete Letter was sent to the applicant with new information submitted by CAL Fire. It included several incomplete items from CAL Fire:

14. Access: one access road to the property must provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.
15. This project location appears to be located beyond the maximum length of a dead end road.
16. Approved turnaround is required: 40-foot radius or hammerhead/T with the top of the "T" being 60-feet. The Hammerhead/T in this plan is not in the correct orientation for the top of the "T".
17. Maintain vegetation clearance requirements of Public Resource Code 4291. Stating “CAL Fire does 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 April 20, 2021, the Applicant applied to CAL Fire for an exception, stating that “*(i)t is beyond my financial ability to modify either the width or length of Higuera Highland Lane, and requiring such modification places an undue burden on me as a landowner.*” The Applicant offered to meet strict on-site fire safety standards on their property and noted that the access road might meet the standards in proposed amendments to the Fire Safe

Regulations that the Board of Forestry was considering adopting. These proposed standards included complying with a new clear width requirement of 20 feet from the center median, and not applying dead-end road standards to existing roads. The Applicant further indicated that most of the road, including the area adjacent to the Applicant's property, is zoned to a density that would allow a one-mile long dead-end road, and the subject property was located less than one mile from the nearest intersection. On April 29, 2021, CAL Fire informed the Applicant that the exception would not be granted. This included a note that the dead-end road measurement must be from an intersection with a road which is not a dead-end, which put the distance to the subject property approximately two miles (refer to Attachment B).

CAL Fire further instructed the Applicant that the CAL Fire decision was appealable to the local jurisdiction (the County). On May 3, 2021, the Applicant requested an appeal of the CAL Fire determination to deny the exception to the County.

On June 7, 2021, Staff requested that the Applicant provide County with a copy of the exception request sent to CAL Fire (refer to Attachment A) and its denial of that request (refer to Attachment B). Staff also requested information pertaining to the width of Higuera Highland Lane from the Applicant. Staff has not received the information pertaining to the width of Higuera Highland Lane to date.

Additionally, on June 3, 2021, the Applicant emailed Staff requesting that several items included in the second Incomplete Letter, including all items from CAL Fire, be removed as they were not included in the initial Incomplete Letter. This request was based on the *Permit Streamlining Act*. After reviewing the request by the Applicant, Staff sent out a revised Incomplete Letter with items first noted on the initial Incomplete Letter, which had not been resolved to date. Staff also sent a separate letter highlighting areas of concern, which may prevent staff from recommending approval of the project, including compliance with the CAL Fire standards.

On June 30, 2021, the Applicant resubmitted their project addressing each of the incomplete items and also all areas of concern other than those of CAL-Fire. On July 30, 2021 this project was deemed complete and Conditions of Approval, including meeting the 1991 State Minimum Fire Regulations, were issued on September 30, 2021.

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 considering the merits of the cases made by the appellants/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/VHFHSZ Fire Safe Regulations on the basis that the requirements for access are onerous and may be superseded in the near future. 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 State Response Area.

Table A: Fire Safe Regulations not met per CAL Fire's Determination

<u>SRA/VHFHSZ Fire Safe Regulations</u>	
§ 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. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
§ 1273.08 (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.

The Applicant states that it is beyond their financial ability as a single landowner to modify either the width or length of the approximate two miles of existing road, which is also utilized by approximately 30 previously developed parcels, and creates an undue burden. The Applicant identified four main grounds for appeal, each of which is summarized below, followed by Staff's response to each appeal issue:

- 1. The Board of Forestry and Fire Protection has clarified that the requirements above were not intended to be applied to projects such as mine.**

Applicant's Reason for Appeal: Based on email correspondence with a Land Use Planning Program Manager for the Board of Forestry and Fire Protection, the

Applicant asserts that the intent of the Fire Safe Regulations “... *was not to block small scale residential development...*” The Applicant states that the Board of Forestry “...*advised the County to approve my project.*” As such, the Applicant believes that the Fire Safe Regulations should not apply to their project.

Staff’s Response: The Land Use Planning Program Manager for the Board of Forestry and Fire Protection did not actually weigh in on whether this exception should be approved, qualifying her response that she had only a limited understanding of the project. That person did state that “*Due to the ambiguous nature of the existing regulations with regard to existing roads and the Board’s policy statements on that issue over the last six months, it would be appropriate for your local decision-making agency to approve a project such as the one Ms. Belska is proposing, as I understand her proposal.*” However, the County disagrees that the applicability of these regulations is “ambiguous.” Furthermore, the Board of Forestry is not an approval body for construction or development projects, and while it adopts the applicable regulations, it is not the State body that applies the regulations, nor is it the “*inspection entity.*” CAL Fire is charged with the responsibility as the “*inspection entity*” and has determined that this project is both covered by the Fire Safe Regulations and does not meet the standards set forth within them. In the context of this appeal of CAL Fire’s denial of the applicant’s exception request, it is the Appeal hearing officer’s role to determine whether the proposed project would comply with the current Fire Safe Regulations and, if not, what the effects of the requested exception on wildfire protection and defensible space would be.

2. CAL FIRE has stated that it is not their intent, nor jurisdiction, to block ‘my’ project with these comments

Appellant’s Reason for Appeal: The Applicant asserts that CAL Fire lacks the authority to prevent this project. The Applicant states that CAL Fire is “*not a decision-making agency and that they do not have the power to either block or allow my project to move forward.*”

Staff’s Response: While it is true that CAL Fire does not approve or deny projects, it is charged with enforcing regulations and providing local jurisdictions which do approve or deny projects with information as to whether a particular project meets the standards in the Fire Safe Regulations. Additionally, CAL Fire is the “*inspection entity*” and does the initial review and determination of projects within the County SRAs regarding compliance with the Fire Safe regulations. CAL Fire’s determinations are not advisory, and its decisions may only be overruled through the exception process. CAL Fire denied the applicant’s exception request and, in this particular case, Staff has not found a valid reason to overturn that determination.

3. Allowing the project to move forward actually improves the fire safety of the entire neighborhood

Applicant's Reason for Appeal: The Applicant asserts that not granting this exception contravenes the intent of the SRA/VHFHSZ Fire Safe Regulations to reduce the risk of wildfires in these areas. The Applicant states that allowing this development project *"...brings with it significant benefits such as fire protection water supplies, wharf hydrants, and road improvements such as fire truck turnarounds. By blocking development, the County is actually blocking much needed fire safety infrastructure."* Additionally, the Applicant states that the original approvals from 2016 required a fire truck turnaround at the end of Highland Higuera Lane, at the subject property, which will benefit the entire neighborhood.

Staff Response: The SRA/VHFHSZ Fire Safe Regulations lay out very specific standards, not just general goals or guidelines. The fact remains that this project does not comply with these specific standards. CAL Fire had the opportunity to grant an exception to these standards and determined that they would not do so. As noted in No. 2 above, in this particular case, Staff has not found a valid reason to overturn the determination to deny the exception by CAL Fire.

4. The regulation in question is currently undergoing a revision which will make the two requirements obsolete

Applicant's Reason for Appeal: The Applicant asserts the project will not have to meet these standards once the Board of Forestry amends the Fire Safe Regulations, a process which is currently ongoing. The Applicant states that *"It is unwarranted for the County to require me to wait for six to nine months while this process unfolds, given its inevitable outcome and the guidance they have received from both the Board of Forestry and CAL FIRE to allow me to move forward. During this completely avoidable delay I will be required to pay additional County fees to extend my resubmittal deadline, and I will lose my General Contractor to other work, jeopardizing my project entirely."*

Staff Response: While the Board of Forestry is currently considering amendments to the Fire Safe Regulations, the Board has not made any decisions or given any indication of how it will ultimately amend the Regulations. Thus, it is premature to state that this particular project would meet all standards after the amendments are adopted. On June 22, 2021, the Board of Forestry held a public hearing on the proposed amendments. There were a significant number of speakers both for and against the proposed amendments. Many of the commenters, including the County of Santa Clara, advocated that numerous changes be made before the Board of Forestry adopts any amendments. Consequently, there is no way to know what amendments the Board will ultimately adopt. While the draft regulations released in April contained separate standards that are proposed for existing roads versus new roads, there will still likely be some kind of standard to be met, and CAL Fire will have to determine if this project meets them once the amendments go into effect. The County has suggested to

the Board of Forestry that single-site residential development on existing parcels along existing roads be exempt from the regulations, but at the time of this appeal it is unknown if that exemption will be adopted. Furthermore, unless and until the regulations are amended, this application is subject to the existing 1991 regulations, and the project does not satisfy the existing regulations, as described in Table A above. As stated above, Staff has not found a valid reason to overturn the determination to deny the exception by CAL Fire.

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 supplementation 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, and removing dead-end road requirements from existing roads that meet minimum standards for “existing 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 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 (PLN15-10815-MOD1-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 - CAL Fire Exception Denial Appeal Request (PDF)
- Attachment B - CAL Fire Exception Request (PDF)
- Attachment C - SRA VHFHSZ Fire Safe Regulations (PDF)

Margaret Belska
[REDACTED]
Sunnyvale, CA 94087
[REDACTED]
PLN15-10815-MOD1

May 13, 2021

County of Santa Clara Board of Supervisors
70 W. Hedding Street, East Wing, 10th Floor
San Jose, CA 95110

Santa Clara County Planning Commission
70 W. Hedding Street, 7th Floor
San Jose, CA 95110

Dear Supervisors and Commissioners,

I would like to appeal the decision by CAL FIRE to deny my request for exception to SRA Fire Safe Regulations § 1273.01. Width and § 1273.08. Dead-end Roads as they pertain to the Access Roads leading to my parcel at APN 654-15-028.

In a revised version of my March 9th Incomplete Letter, provided on March 24, 2021, CAL FIRE added the following comments:

14. Access: one access road to the property must provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping.
15. This project location appears to be located beyond the maximum length of a dead-end road.

It is completely beyond my financial ability as a single landowner to modify either the width or length of the approximately two miles of existing road leading to my parcel, and about 30 other already developed parcels. Requiring such modification in order to obtain a Site Approval Modification places an undue burden on me as a landowner.

I believe my project should be allowed to move forward based on the following factors, explained in more detail below:

1. The Board of Forestry and Fire Protection has clarified that the requirements above were not intended to be applied to projects such as mine.
2. CAL FIRE has stated that it is not their intent, nor jurisdiction, to block my project with these comments.
3. Allowing my project to move forward actually improves the fire safety of the entire neighborhood.
4. The regulation in question is currently undergoing a revision which will make the two requirements obsolete.

1.

Ms. Leza Mikhail, a Principal Planner in the Santa Clara County Planning office insisted that I reach out directly to the Board of Forestry and Fire Protection regarding this issue. In an April 13, 2021 email from Ms. Mikhail to me she states that “we are trying to obtain acceptable responses and answers from the Board of Forestry representatives.”

On April 15th, the Board of Forestry provided those answers, clarifying that the intent of the SRA Fire Safe Regulations was not to block small scale residential development such as mine, and advised the County to approve my project.

In an April 15, 2021 email from Edith Hannigan, Land Use Planning Program Manager for the Board of Forestry and Fire Protection, to Leza Mikhail and Rob Eastwood of the Santa Clara County Planning Department, Ms. Hannigan writes:

“

The current requirements in the Fire Safe Regulations (see [westlaw](#)) are very unclear regarding their application to existing roads. However, what has been made clear through many of the Board’s workshops and meetings on the Fire Safe Regulations update is that their intention regarding the interpretation of the regulations’ applicability to existing roads is **not** to stop small-scale residential development such as Ms. Belska’s project, based on my extremely limited understanding of her proposal.

Due to the ambiguous nature of the existing regulations with regard to existing roads and the Board’s policy statements on that issue over the last six months, it would be appropriate for your local decision-making agency to approve a project such as the one Ms. Belska is proposing, as I understand her proposal.

“

Despite this guidance from the Board of Forestry, Ms. Mikhail still insisted she could not allow my project to proceed and deferred me to CAL FIRE.

2.

In an April 19th email Ms. Mikhail states that “At this time, County Staff is deferring to Cal-Fire on their ability to allow the project to move forward.”

However, CAL FIRE has insisted that they are not a decision-making agency and that they do not have the power to either block or allow my project to move forward. Mr. Marcus Hernandez, the Santa Clara County CAL FIRE representative, has told me that, although CAL FIRE is unable to approve my request for exception, it is not their intent to block my project.

In a March email from Mr. Hernandez, he states:

“

The CAL FIRE Santa Clara Unit provides comments as fire protection recommendations based on the current version of the SRA Fire Safe Recommendations as written. Although the CAL FIRE Santa Clara Unit will not grant an exception as the "inspection entity," the CAL FIRE Santa Clara Unit does not prohibit the applicant from requesting an exception from the local

decision-making agency / the "local jurisdiction" as described in § 1270.06. Exceptions to Standards.

Concerning this specific project, the local jurisdiction reached out directly to the Board of Forestry and Fire Protection and was given clear direction on what would be appropriate action for the local decision-making agency to take. CAL FIRE will not object if the local decision-making agency were to act on the response received. Although not granting the exception as the inspection entity, CAL FIRE Santa Clara is not acting as a decision-making agency in relation to whether or not the project progresses. In this case, the local jurisdiction would be the County of Santa Clara Department of Planning and Development.

“

3.

CAL FIRE states that they cannot grant exceptions because “limiting building construction in those areas where these minimum wildfire protection standards are not satisfied reduces the risk of wildfires in these areas.” However, I would argue that the opposite is true; allowing new development can actually increase the fire safety of a neighborhood.

Many older homes already exist along these roads, some being built before stringent fire safety requirements were put in place. New development brings with it significant benefits such as fire protection water supplies, wharf hydrants, and road improvements such as fire truck turnarounds. By blocking development, the County is actually blocking much needed fire safety infrastructure.

As part of my Conditions of Approval in 2016 (when I originally received Site Approval for my project), I was asked to provide a fire truck turnaround at the termination of Higuera Highland Lane (where my driveway begins). Such a turnaround would benefit my neighbors and all of the properties along Higuera Highland Lane. If I am not allowed to build my home, this much-needed fire truck turnaround will not be built either. When a grass fire finally hits this neighborhood, fire trucks are at risk of getting trapped at the end of Higuera Highland Lane or having to back down a steep, winding mountain road.

By blocking all development because the roads need to be improved, the County is, in effect, blocking all road improvements. This is a self-defeating policy.

4.

Although CAL FIRE is only allowed to base comments on the current version of the SRA Fire Safe Regulations, there is a new revision of the Regulations that is currently open for comment (<https://bof.fire.ca.gov/regulations/proposed-rule-packages/>). This new revision clarifies that the road width and dead-end road length limits are to apply only to newly built roads being proposed as part of the development project. They do not apply to existing roads, as is the case in my situation. Once the new version of the SRA Fire Safe Regulations is approved, the two requirements blocking my project will be obsolete. However, Ms. Mikhail has stated that until that happens, there is nothing the County can do.

It is unwarranted for the County to require me to wait for six to nine months while this process unfolds, given its inevitable outcome and the guidance they have received from both the Board

of Forestry and CAL FIRE to allow me to move forward. During this completely avoidable delay I will be required to pay additional County fees to extend my resubmittal deadline, and I will lose my General Contractor to other work, jeopardizing my project entirely.

My project was already granted Site Approval in 2016. My current application is for a Minor Modification to decrease the size of the approved house. Since I was substantially reducing the scope of my project, and thereby it's impact, I assumed this would be simple process. Instead, it has dragged on for eight months and has included three different Incomplete Letters. I believe I have complied with every reasonable request made of me by the County. I would like to be able to complete my application without unnecessary delays or the unreasonable requirement to personally upgrade an entire existing roadway system to a multi-home neighborhood.

I therefore sincerely ask that you grant my appeal and allow my project to move forward. Thank you for your consideration.

Sincerely,
Margaret Belska

ATTACHMENT B

From: Margaret B <[REDACTED]>
Sent: Monday, June 7, 2021 3:59 PM
To: Cain, Robert
Subject: [EXTERNAL] Fwd: Request for Exception to PRC 4290 for PLN15-10815-MOD1
Attachments: PLN15-10815 Dead End Road Distance.png; CountyMap.pdf

Below is my request for expedition and CAL FIRE response.

Margaret

----- Forwarded message -----

From: Hernandez, Marcus@CALFIRE <Marcus.Hernandez2@fire.ca.gov>
Date: Thu, Apr 29, 2021 at 1:03 PM
Subject: Re: Request for Exception to PRC 4290 for PLN15-10815-MOD1
To: Margaret Belska <[REDACTED]>

Good afternoon Ms. Belska,

After reviewing the exception request via email for PLN15-10815-MOD1 concerning the SRA Fire Safe Regulations § 1273.01. Width and § 1273.08. Dead-end Roads. The CAL FIRE Santa Clara Unit will not grant an exception as the inspection entity for this project (PLN15-10815) concerning § 1273.01. Width and § 1273.08. Dead-end Road of the SRA Fire Safe Regulations. Regarding projects that are currently located within the State Responsibility Area, the CAL FIRE Santa Clara Unit encourages conformance with the fire protection recommendations 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).

Limiting building construction in those areas where these minimum wildfire protection standards are not satisfied reduces the risk of wildfires in these areas, which protects the health, safety, and welfare of residents, and protects natural resources and the environment.

The CAL FIRE Santa Clara Unit recommends providing safe access for emergency wildfire equipment and civilian evacuation concurrently, with the intent of providing unobstructed traffic circulation during a wildfire emergency.

For clarification on the length measured for the dead-end road for this project; the length of the dead-end road is measured from the intersection of Higuera Road and Mt. Pleasant Road as that is the closest intersection in which a dead-end road does not connect to another dead-end road before reaching APN 654-15-028.

§ 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.

§ 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.

The CAL FIRE Santa Clara Unit provides comments as fire protection recommendations based on the current version of the SRA Fire Safe Recommendations as written. Although the CAL FIRE Santa Clara Unit will not grant an exception as the "inspection entity," the CAL FIRE Santa Clara Unit does not prohibit the applicant from requesting an exception from the local decision-making agency / the "local jurisdiction" as described in § 1270.06. Exceptions to Standards.

Concerning this specific project, the local jurisdiction reached out directly to the Board of Forestry and Fire Protection and was given clear direction on what would be appropriate action for the local decision-making agency to take. CAL FIRE will not object if the local decision-making agency were to act on the response received. Although not granting the exception as the inspection entity, CAL FIRE Santa Clara is not acting as a decision-making agency in relation to whether or not the project progresses. In this case, the local jurisdiction would be the County of Santa Clara Department of Planning and Development.

Best Regards,

Marcus Hernandez

Morgan Hill Fire Department

CAL FIRE
Battalion 1608

From: Margaret Belska <[REDACTED]>
Sent: Tuesday, April 20, 2021 10:01 AM
To: Hernandez, Marcus@CALFIRE <Marcus.Hernandez2@fire.ca.gov>
Subject: Request for Exception to PRC 4290 for PLN15-10815-MOD1

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

Dear Mr. Hernandez,

I would like to formally request an exception to PRC 4290 § 1273.01. Width and § 1273.08. Dead-end Roads as they pertain to the Access Road, Higuera Highland Lane, leading to my parcel at APN 654-15-028.

It is beyond my financial ability to modify either the width or length of Higuera Highland Lane, and requiring such modification places an undue burden on me as a landowner.

Although Higuera Highland Lane does not have two 10-foot traffic lanes, it does maintain a twenty (20) foot Clear Width suitable to serve as a Traffic Lane for the length of the Road (per Google Satellite View measurements). Per the proposed March 15th, 2021 revision to PRC 4290, a twenty (20) foot Clear Width will be sufficient for existing Access Roads.

The length of Higuera Highland Lane up to my driveway is 0.9 miles, or approximately 4,752 feet, per Google Maps. My parcel and those around me are zoned for 20 acres or greater (HS-d1) and would technically comply with the 5,280-foot dead-end road limitation, however, four parcels at the start of Higuera Highland Lane are zoned for 5 acres and therefore the allowable length is reduced to 2,640 per § 1273.08. Per the proposed March 15th, 2021 revision to PRC 4290, the dead-end road length limitations will only apply to new roads, not to existing roads.

My proposed single-family residential project conforms to very strict fire regulations imposed by the Santa Clara County Fire Marshal's Office at the time of my original Site Approval in 2016. At that time, my parcel was located in a Wildland Urban Interface Fire Area, but not in a State Responsibility Area. The fire safety features included a wharf hydrant supplied by two 5000-gallon water storage tanks, a fire truck turnaround located at the house, a second fire truck turnaround at the termination of Higuera Highland Lane, and a fire truck turnout halfway up my driveway.

Additionally, both the architectural design and site planning took fire safety into account. All exterior materials are non-combustible products including stucco, stone, and cement board siding. The house is isolated from the native grass hillside from above by a concrete retaining wall, approximately 20-foot-wide driveway, and additional 23 feet of buffer zone. It is isolated from the grassland from below by more concrete retaining walls and between 20 to 30 feet of raised stone/concrete patios and a pool. Limited planters will include low-density plantings separated by river rocks and boulders.

My proposed project is much safer than many of the other older properties on Higuera Highland Lane. It is also definitely safer than leaving the 20 acres of grassland undeveloped right next to existing residential development. My parcel is one of the few remaining undeveloped parcels along Higuera Highland Lane and is bordered by houses on two sides.

I believe that allowing development of my parcel, which will add water tanks, a hydrant, fire truck turnarounds, and controlled vegetation, will increase not decrease the fire safety and defensibility of the surrounding neighborhood. I therefore sincerely request that you consider my request for exception so I am able to move forward with my project.

Thank you,
Margaret Belska

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.