

From: [Cove Britton](#)
To: [Ling, Xue](#)
Cc: [Mikhail, Leza](#); [Onciano, Jacqueline](#); [Pianca, Elizabeth](#)
Subject: Re: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004
Date: Wednesday, June 23, 2021 2:45:39 PM
Attachments: [image001.png](#)

Dear Ms. Ling-

As noted I am asking for a 90 extension per Government Code 65957. My understanding from your email is that planning staff believes a request for continuance is consistent with Government Code section 65957.

Based on your communication:

As the applicant for PLN20-124 (APN 351-42-004) I hereby request a 90 day continuance consistent with a request of extension under Government Code 65957.

Please provide this email chain to the hearing officer as part of the planning package for this hearing (i.e. please provide this email chain to the hearing office *prior* to the hearing request).

Thank you for your consideration.

On Wed, Jun 23, 2021 at 1:32 PM Ling, Xue <xue.ling@pln.sccgov.org> wrote:

Hello Mr. Britton,

I have spoken with Leza, and I am writing to confirm that the subject project was publicly noticed for the July 1, 2021 Zoning Administration Hearing which will begin at 10 am. The final staff will be posted on the County's Zoning Administration webpage by Thursday afternoon or earlier Friday morning. It may be up this afternoon as well, if the staff can upload the report today.

As will be addressed in the staff report in more detail, the application was deemed complete on March 18, 2021 by operation of law. Staff deemed the project exempt from CEQA on June 10th, 2021.

It appears you would like an one-time, 90-day extension to the Permit Streamline Act which we will mutually grant for the processing of this application and it will extend your application timeline. With regards to the July 1 ZA Hearing, you may ask the Hearing Officer for a continuance of the application and staff would not object, if asked. That being said, it is at the discretion of the Hearing Officer to grant the continuance or render a decision. At the end of staff's presentation on July 1st, staff will inform the hearing officer of your desired continuance, however, **please confirm your desire for a continuance**, as this

would be staff's recommendation at this point.

Please let Leza and I know if you would like to discuss.

Sincerely,



Xue Ling

Associate Planner

Department of Planning and Development

Direct: 408-299-5784

70 W. Hedding Street, 7th Floor, East Wing

San Jose, CA 95110

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Questions on the status of your permit? Please e-mail: E-Permits@pln.sccgov.org

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From: Mikhail, Leza <leza.mikhail@pln.sccgov.org>

Sent: Wednesday, June 9, 2021 8:28 PM

To: Cove Britton <cove@matsonbritton.com>

Cc: Ling, Xue <xue.ling@pln.sccgov.org>

Subject: RE: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004

Mr. Britton,

I will not be the Hearing Officer.

Thank you for your inquiry: Due to the immediate need of the Department of Planning and Development staff to support the County-wide effort regarding the COVID-19 Pandemic; there will be a delay in our ability to respond to telephone calls and emails.



LEZA MIKHAIL

Interim Planning Manager & Zoning Administrator

Department of Planning and Development

County of Santa Clara

70 W. Hedding Street | 7th Floor | East Wing

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Planning Division Inquiries: (408) 299-5700

Direct Line: (408) 299-5773

leza.mikhail@pln.sccgov.org

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Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Cove Britton <cove@matsonbritton.com>

Sent: Wednesday, June 9, 2021 8:01 PM

To: Mikhail, Leza <leza.mikhail@pln.sccgov.org>

Cc: Ling, Xue <xue.ling@pln.sccgov.org>

Subject: Re: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004

If you have any ethics at all....it should not be you.

On Wed, Jun 9, 2021 at 7:53 PM Mikhail, Leza <leza.mikhail@pln.sccgov.org> wrote:

Mr. Britton,

We are taking your item to the July 1st Zoning Administration Hearing.

Thank you for your inquiry: Due to the immediate need of the Department of Planning and Development staff to support the County-wide effort regarding the COVID-19 Pandemic; there will be a delay in our ability to respond to telephone calls and emails.



LEZA MIKHAIL

Interim Planning Manager & Zoning Administrator

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leza.mikhail@pln.sccgov.org

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Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Cove Britton <cove@matsonbritton.com>
Sent: Wednesday, June 9, 2021 7:52 PM
To: Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Cc: Ling, Xue <xue.ling@pln.sccgov.org>
Subject: Re: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004

Hi Leza-

Respectfully....I have specifically asked what is the date the County determined the application complete. I.e. the application was complete prior to the hearing...it was an appeal of completeness meaning the incomplete determination was invalid therefore the project was complete prior to the PC hearing. I I am requesting a specific answer to that question.

I.e. In this email I am not asking when you are scheduling hearings....I am asking what the County believes they are required to do so under the PSA?

Respectfully you may want to review Government Code 65944. The County is required to provide that information.

I also want to note that I have the right to request an extension. That you have failed to notice us should be noted. The PSA requires the jurisdiction to inform the applicant of the PSA specifically (Government Code 65940-65945.7).

Under Government Code 65957 I may request an extension. Something I know but you have not informed me of....as required by the PSA.

I consider you to be rude, and you have ignored prior requests of information, and your actions to be inconsistent with required State legislation.

I hereby request a determination on what date the project has been determined complete specifically. *And I do mean specifically.*

Based on your answer I *may* request a 90 day extension per the PSA.

I should note that you should not be the hearing officer in this situation. I can provide you the legal authority for that if you wish.

Regards-

On Wed, Jun 9, 2021 at 6:40 PM Mikhail, Leza <leza.mikhail@pln.sccgov.org> wrote:

Hello Mr. Britton,

I will step in here. This item is going to the July 1st Zoning Administration Hearing. We will be analyzing the plans that were deemed complete by the Planning Commission, since we do not have any resubmitted materials to consider, and the clock is ticking. Xue's Staff Report is due next Monday, so she is moving quickly.

The determination of the ZA Hearing Officer is appealable to the Planning Commission.

You can submit a photo-simulation at any stage, as this is not a required to process the application. Feel free to submit it when it is ready and we will include it with the packet. Alternatively, you may present it at the public hearing.

Thank you for your inquiry: Due to the immediate need of the Department of Planning and Development staff to support the County-wide effort regarding the COVID-19 Pandemic; there will be a delay in our ability to respond to telephone calls and emails.



LEZA MIKHAIL

Interim Planning Manager & Zoning Administrator

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leza.mikhail@pln.sccgov.org

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Questions on the status of your permit? Please e-mail: PLN-PermitCenter@pln.sccgov.org

From: Cove Britton <cove@matsonbritton.com>
Sent: Wednesday, June 9, 2021 6:10 PM
To: Ling, Xue <xue.ling@pln.sccgov.org>
Cc: Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: Re: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004

Hi Xue-

The consultants are finishing things up....as you are aware probably....minor stuff but people are busy. I expect the package to be ready in a matter of days. The photorealistic showing the residence is largely not visible from the valley floor two

miles away is being prepared and may take a bit longer. Hard to locate the site from the valley floor!

What would be *really helpful*:

Under the Permit Streamlining Act what exactly does the County of Santa Clara consider the required hearing date to be? Frankly that is a critical point.

Also my understanding from Leza, we were going to a ZA hearing first? I prefer going directly to the Planning Commission but I would like to understand why this project is skipping that step.

I should also note that once I have the photo realistic I believe I can demonstrate the project does address the County of Santa Clara issues and policies in a positive way. I hope to discuss that prior to any hearing.

Thank you!

On Wed, Jun 9, 2021 at 5:08 PM Ling, Xue <xue.ling@pln.sccgov.org> wrote:

Hi Cove,

I haven't heard back from you on when you plan to resubmit the full package. Planning is going to bring this project as currently proposed and deemed complete by the Planning Commission to the July Zoning Administration Hearing.

Sincerely,



Xue Ling

Associate Planner

Department of Planning and Development

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From: Cove Britton <cove@matsonbritton.com>
Sent: Thursday, June 3, 2021 5:07 PM
To: Ling, Xue <xue.ling@pln.sccgov.org>
Cc: Mikhail, Leza <leza.mikhail@pln.sccgov.org>
Subject: [EXTERNAL] Re: PLN20-124 Peacock Court 351-41-004

Hi Xue-

We pretty much intend to resubmit the full package. The civil engineers believe they have resolved the fire department issues (including CAL FIRE) , the geotechnical engineers also had a few minor comments but are resolved, and also septic's minor issues are resolved. Our plans had a couple of clarifications necessary but those are done or will be done shortly.

As Leza knows...I do not agree that everything noted in the completeness letter as completeness comments were indeed "completeness" issues under the Permit Streamlining Act.....but I also do not believe going to hearing with technical issues unresolved (whether or not they are actual completeness issues) is helpful.

As far as the discretionary issues, I have a 3d being prepared that should be helpful for all concerned. In addition a photo realistic is being prepared looking at the site from the valley floor.

But what I am attempting to do is get the technical issues resolved, if possible, and then address the subjective issues. I think I can demonstrate that indeed the project does comply with the subjective issues...but I do completely understand that planning staff may well disagree. Hopefully not ultimately but that is a whole nother ball of wax from the technical issues.

That all said....:)

I am available tomorrow at 9:30, I do have another meeting scheduled at 10ish. So let me know if you feel we need longer.

Cheers!

On Thu, Jun 3, 2021 at 2:51 PM Ling, Xue <xue.ling@pln.sccgov.org> wrote:

Hi Cove,

I would like to introduce myself as your project planner. Before discussing the tentative hearing date, could you please let me know what documents you would like to resubmit? I am happy to schedule a meeting between you and me today or 8-10 am tomorrow morning (June 4, 2021). If you are not available during these time frames, please reach me via email.

Sincerely,



Xue Ling

Associate Planner

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