

County of Santa Clara

Department of Planning and Development
Planning Office

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STAFF MEMORANDUM
Zoning Administration
May 4, 2023

Continued Item No. 1

Staff Contact: Robert Salisbury – Principal Planner
(408) 299-5799, robert.salisbury@pln.sccgov.org

File: PLN20-178

Subdivision Approval for a two-lot minor subdivision of a 78.9-acre site into two (2) lots of 37.1 acres (Lot A) and 43.32 acres (Lot B) for the purposes of future residential development.

Address: 2425 Old Calaveras Road, Milpitas

DISCUSSION

This project was noticed and placed on the Zoning Administration Hearing for April 6, 2023, slightly less than 6 months after the project application was deemed completed. During the April 6, 2023, Zoning Administration hearing, the item was continued to a date uncertain to address concerns over compliance with PRC 4290 Fire Safe Regulations. In brief, the concern centered on the lack of response and confirmation from CalFire relating to the project's compliance with the requirements of PRC 4290. Because CalFire Staff were not readily available at the Zoning Administration hearing, the continuance was required to allow additional time for County Staff to contact CalFire and discuss the project and its' compliance with PRC 4290. Understanding the need for confirmation from CalFire, the applicant granted a 90-day extension of the permit streamlining act deadline to allow for the continuance.

BACKGROUND

On December 17, 2020, the subject application for a Minor Subdivision was submitted, and the application was deemed incomplete on January 15, 2021. After meeting with the applicant and their representative to discuss the incomplete comments, the applicant resubmitted on July 12, 2021. The application was deemed incomplete again on August 12, 2021, and after two more submission review cycles resulted in the application being deemed incomplete, the application was deemed complete on October 20, 2022.

The CEQA process started on January 4, 2023, and a negative declaration was required for this project. The Initial/Negative Declaration was completed and circulated on February 24, 2023, and the 20-day public review period closed on March 16, 2023.

PRC 4290 Fire Safe Regulations

The project was routed to CalFire for their review and comment when the project application was first submitted on December 20, 2020, however no response from CalFire was received at that time. During application completeness review, County Fire Marshall staff requested that the applicant demonstrate and show on the plans that the project met PRC 4290 requirements, and when the project was subsequently resubmitted, the applicant provided sufficient information such that Fire Marshall's Office staff was satisfied that the project was in compliance with PRC 4290. However, due to the seriousness of the issue and its implications for life, health and safety, during the April 6, 2023, project consideration hearing, the County Zoning Administrator continued the project to a date uncertain to allow staff additional time to receive comments from CalFire to confirm that they find the project to be in compliance with PRC 4290. Subsequent to the April 6, 2023, ZA hearing, staff was able to reach out to CalFire staff and discuss the project. CalFire determined that the proposed project does comply with the requirements of PRC 4290. An email from CalFire with their assessment of the project's compliance with PRC 4290 is included with this memo as **Attachment A**.

Subdivision Findings

As noted in the staff report for this project, the subdivision application has been reviewed in accordance with the Subdivisions and Land Development Ordinance Section C12-122 of the County of Santa Clara Ordinance Code, and the State Subdivision Map Act. Pursuant to these standards, the Zoning Administrator shall deny approval of a tentative or final subdivision map if it makes any of seven (7) findings. Staff has determined that none of the following findings are applicable to the proposed subdivision, resulting in a favorable recommendation by staff to approve the project.

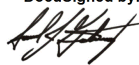
Attachments:

Attachment A: Email from CalFire on PRC 4290, dated April 20, 2023

REVIEWED BY

Prepared by: Robert Salisbury, Principal Planner *RS*

Reviewed by: Sam Gutierrez, Principal Planner

DocuSigned by:

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From: [Alcantar, Carlos@CALFIRE](mailto:Alcantar.Carlos@CALFIRE)
To: [Salisbury, Robert](mailto:Salisbury.Robert)
Subject: [EXTERNAL] Re: Plans for PLN20-178 (2-lot subdivision)
Date: Thursday, April 20, 2023 3:28:16 PM

Robert,

After reviewing this access to the subdivision I have no comments as the road meets the width requirements in the 4290 Fire Safe Regulations. When the lots start to get develop they will also have to meet all of the 4290 Fire Safe Regulations. Good Luck with your project.

Respectfully,

Carlos Alcantar
Morgan Hill Fire Department
CAL FIRE
Battalion 59

From: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Sent: Thursday, April 20, 2023 11:04 AM
To: Alcantar, Carlos@CALFIRE <Carlos.Alcantar@fire.ca.gov>
Subject: RE: Plans for PLN20-178 (2-lot subdivision)

Warning: this message is from an external user and should be treated with caution.
Here are sheets 5-8.

If you have questions about the project, please feel free to email me, or call me on my cell phone at 408 693-1820.

I really appreciate your assistance with this!

Robert Salisbury, Principal Planner
County of Santa Clara Planning Office
70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
email: Robert.Salisbury@pln.sccgov.org
Phone: (408) 299-5785

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

From: Salisbury, Robert
Sent: Thursday, April 20, 2023 11:00 AM
To: Alcantar, Carlos@CALFIRE <Carlos.Alcantar@fire.ca.gov>
Subject: Plans for PLN20-178 (2-lot subdivision)

Carlos,

Here are sheets 1-4 of the plans for project. Please be aware that all structures shown are existing and are not part of this specific application. This project is a subdivision for purposes of future residential development, but no development of the lots is proposed as part of project.

I've included the Initial Study prepared for the project for reference; I will send the sheets 5-8 in a separate email due to size limitations.

Robert Salisbury, Principal Planner
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70 W. Hedding Street, East Wing, 7th Floor
San Jose, CA 95110
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Phone: (408) 299-5785

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