STAFF REPORT
Zoning Administration
July 11, 2019

Item #2

Staff Contact: Colleen Tsuchimoto
(408) 299-5797, Colleen.Tsuchimoto@pln.sccgov.org

File: PLN17-10836
Design Review and Grading Approval for a new Single-Family Residence

Summary: Design Review and Grading Approval for a new 5,990 square foot single-family residence (Tier 2 project), and ancillary site improvements including a new driveway with associated retaining walls and a new pool and patio. Estimated grading quantities include 2,118 cubic yards of cut and 997 cubic yards of fill.

Owner: Juan and Maria Mendoza
Applicant: Steve Benzing
Address: 4320 Bella Madeira Lane, San Jose
APN: 654-65-017
Supervisorial District: #3

Gen. Plan Designation: Hillsides
Zoning: HS-d1
Lot Size: 6.08 acres
Present Land Use: Vacant
HCP: Not a covered project

RECOMMENDED ACTIONS
A. Open the public hearing and receive a Staff Report and public testimony for the subject project; and,
B. Continue the project to the August 1, 2019 Zoning Administration hearing, with direction to the applicant to submit a landscape plan to mitigate visual impacts of the proposed residence, and adequately screen the project as seen from the valley floor and neighboring properties.
ATTACHMENTS INCLUDED

Attachment A – Location and Vicinity Map
Attachment B – Color Board and Photo Simulations
Attachment C – Proposed Plans

PROJECT DESCRIPTION

The proposed project is for Design Review and Grading Approval for a new 5,990 square foot single-family residence and attached garage. Ancillary site improvements include an attached patio with pool, driveway, on-site wastewater system, landscaping and retaining walls. The project proposes a total of 2,119 cubic yards of cut and 997 cubic yards of fill to accommodate the construction of the new residence and ancillary site improvements. San Jose Water Company would serve the property for domestic water supply. No trees would be removed as there are no trees on-site.

Setting/Location Information

The subject parcel is currently vacant and located at 4320 Bella Madeira Lane, at the southern end of the road, within unincorporated San Jose. The subject property is a steep lot with an average slope of approximately 44.5%, however, the development area has a slope of 30%. The property is highly visible as it overlooks the valley floor, and has no existing trees or other hedges on-site.

The surrounding neighborhood is comprised of either low density single-family residences on larger lots, or vacant parcels. Vegetation on-site consists of California annual grasslands.

REASONS FOR RECOMMENDATIONS

A. Environmental Review and Determination (CEQA)
   Pending – The CEQA Determination has not been finalized, as the project, through the Design Review process, requires submittal of a landscape plan.

B. Project/Proposal
   1. General Plan: Hillsides
   2. Approved Building Site: The site is an approved building site as a result of a numbered tract map (Tract 6455, Lots 11, and 12).
   3. Zoning Standards: The Zoning Ordinance specifies the required development standards for HS-d1 Zoning District, as summarized below, followed by a Table noting the project’s conformance with Section 3.20.040 “-d1” Combing District:

      Setbacks (HS): 30-ft from all property lines
      Height: 35-feet
      Stories: 3-stories
<table>
<thead>
<tr>
<th>STANDARDS &amp; REQUIREMENTS</th>
<th>CODE SECTION</th>
<th>Assessed (Y)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siting</td>
<td>§ 3.20.040 (A)(2)(b)</td>
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</tr>
<tr>
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<tr>
<td>Color &amp; LRV</td>
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<td>Y</td>
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<td>Building Form &amp; Massing</td>
<td>§ 3.20.040 (C)</td>
<td>Y</td>
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<td>Retaining Walls</td>
<td>§ 3.20.040 (D)</td>
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<tr>
<td>Ridgeline Development</td>
<td>§ 3.20.040 (E)</td>
<td>Y</td>
</tr>
<tr>
<td>Design Review Guidelines</td>
<td>§ 3.20.040 (F)</td>
<td>Y</td>
</tr>
</tbody>
</table>

*See Discussion in Design Review Findings Section C below

C.  **Design Review Findings**

All Design Review applications are subject to the Scope of Review (Findings), as listed in §5.50.040 of the County Zoning Ordinance. The overall purpose of Design Review is to encourage quality design and mitigate potential adverse visual impacts of development. In the following discussion, the scope of review finding is in **bold**, and an explanation of how the project meets the required finding is in plain text below.

1. **Mitigation of any adverse visual impacts from proposed structures, grading, vegetation removal and landscaping;**

   According to the County’s records, the existing property is vacant with little- to no vegetation and is highly visible as seen from the valley floor. The property is very steep with no existing building pads or flat areas that would be better suited for development. Given the extreme slopes on the property and the need to meet various development requirements for access and fire turn-around, the project has been sited and designed to reduce adverse visual impacts to the maximum extent possible. Additionally, the applicant has revised the design of the residence and pool location to further minimize visual impacts.

   The residence is proposed to be two stories along the east façade, facing a new internal driveway, and three stories along the west façade, which faces the valley floor. The design of the residence incorporates natural colors and materials with a Light Reflectivity Value (LRV) of 45 or less, as shown on the submitted color board (see Attachment B).

   As the project site is considered a highly visible project site, and does not have any existing on-site landscaping, the planning of new native trees would be to screen the visibility of the proposed residence, as seen from the valley floor. The addition of appropriate landscaping would help blend the new residence into the natural environment and mitigate adverse visual impacts. In order to make this finding, Staff is recommending that the Hearing Officer continue the project to next available Zoning Administration hearing to allow the applicant to submit a landscape plan that includes landscape screening for all proposed retaining walls and the new residence. Staff is recommending that the landscape plan include 24” boxed screening trees on the lower
hillside along the access driveway and surrounding the home on the frontage of the lot and view from the valley floor. This will help mitigate visibility from both the valley floor and the immediate neighborhood. Also, the grading of retaining walls have been designed with tiered walls to help minimize grading impacts to the site by blending in with the natural topography. Shrubbery and hanging vines landscaping are required to screen retaining walls on the downhill slope facing the valley floor as part of the landscape plan submittal.

As such, Staff is in general support of this finding, pending the submittal of a landscape plan to mitigate adverse visual impacts of the new residence on a highly visible property.

2. **Compatibility with the natural environment;**

The proposed residence is located in the most suitable building area on the site, and incorporates existing natural features of the land and takes into consideration the contours of the land. The project grading includes 2,118 cubic yards of cut and 997 cubic yards of fill. A total of 650 cubic yards of cut and 85 cubic yards of fill would be necessary for the construction of the building pad of the residence and garage. The remainder of grading is for the construction of the driveway access, retaining walls and landscaping improvements. While the design of the project would blend with the natural environment to the maximum extent possible, additional landscaping is necessary in order to further mitigate visual impacts of the project as seen from the valley floor. As such, Staff is in general support of this finding, pending the submittal of a landscape plan.

3. **Conformance with the “Design Review Guidelines,” adopted by the Board of Supervisors;**

The project has been designed in conformance with the *Design Review Guidelines*. The proposed exterior colors would maintain a Light Reflectivity Value of 45 or less, consistent with the approved color board, outdoor lighting to be not visible from off site, and grading minimal to blend in with the natural terrain of the site. Additionally, various design elements have been incorporated into the plans. The bulk of the residence is broken up with varied roof heights. The second and third stories are setback from the first-floor façade, which reduces the appearance of the building. The bulk of the 1st floor is hidden within the lower elevation of the hillside which maintains the appearance of a 2-story home. Lastly, retaining walls are tiered and landscaped (i.e. hanging vines and shrubbery) to reduce the height and visibility. As previously noted, Staff is of the opinion that new landscaping shall be used to blend the structure into the hillside and soften the impact of the development. As such, pending submittal of a landscape plan, Staff can support this finding.

4. **Compatibility with the neighborhood and adjacent development;**
The surrounding residences range in sizes from approximately 4,600 sq. ft. to 7,700 sq. ft. and are mostly three-story designs. The architectural styles are predominantly Mediterranean or ranch style. The proposed residence is a three-story design (that appears to be two stories based on the stepping of the land). Despite the adequate design of the new residence, the project would be highly visible from the valley floor and would be obtrusive and stand out without the additional landscaping. It is important to note that the residences that were approved in the neighborhood were approved prior to rezoning to the "-d1 Santa Clara Valley Viewshed zoning district (approximately 3,800 to 9,000 sq. ft. in size) and did not incorporate viewshe landscaping or minimization of bulk and massing. Thus, with the incorporation of screening landscaping, this residence would be less visible and in compliance with the "-d1" Santa Clara Valley viewshe design review regulations. In speaking with the applicant, they intend to propose a mixture of oak, redbud, crape myrtle, and pepper trees are proposed to be planted on the lower hillside to mitigate visual impacts to the Santa Clara Valley Viewshed, and along the frontage of the residence to screen the property from neighboring properties, as viewed from the neighborhood. As such, pending the submittal of a landscape plan, Staff will be able to support this finding.

5. Compliance with applicable zoning district regulations;

Residential use is an allowed use in HS Hillside zoning district, and the project complies with the HS zoning regulations. The proposed residence is in compliance with required setbacks (30-feet from all property lines) and height (35 feet maximum height) with a proposed height up to 33 ½ ft. The proposed design is also in keeping with the – d1 design standards, building massing standards, and exterior colors are conditioned to be less than 45 in LRV. This site is an approved building site per numbered tract map (Tract 6455, Lots 11, and 12). The Building Site Approval process is not applicable to the development; although the proposed building area is 30% slope. As such, this finding can be made.

6. Conformance with the general plan, any applicable specific plan, or any other applicable guidelines.

The General Plan Growth and Development Chapter for Rural Unincorporated Areas contains specific policies under Strategy #3, to Ensure Environmentally Safe and Aesthetic Hillside Development. To address policies intended to minimize or avoid unnecessary grading and for development of lots which propose hilltop or ridgeline development, the applicant has modified the design to reduce bulk and mass of the development from a previous design submitted to the County.

The proposed residence (30 ft. away from front setback) complies with the required setbacks for the property under the HS-d1 zoning district. The project design would blend in with the topography, in compliance with Design Review Finding No. 2, as the bulk and massing of the building has been minimized using a variation of rooflines, and tiered approach with stepping of the floor levels with the lower level blending in with the lower hillside of the rear of the residence. The patio with swimming pool is stepped.
down to also minimize the visibility impacts to the valley floor and surrounding neighborhood. In compliance with General Plan Policy R-GD 34, landscaping and colors will be implemented that blends in with the surrounding environment. Natural colors and materials with an LRV below 45 are proposed in consistency with the submitted color board, and new native trees are required to be planted along the access driveway and surrounding the frontage of the residence. As such, pending the submittal of a landscape plan to mitigate potential adverse visual impacts, Staff will be able to support this finding.

D. Grading Findings:

Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. In the following discussion, the scope of review findings are listed in **bold**, and an explanation of how the project meets the required standard is in plain text below.

1. The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.

   The project’s grading quantities are 2,118 cubic yards of cut and 997 cubic yards of fill. This grading would be necessary to establish the access, building pad for residence with attached garage, swimming pool, water tanks and landscaping. The proposed grading is mostly related to establishing the onsite access and a building pad for the residence. In addition, as a result of revising the design of residence, grading has been substantially reduced. The 1st submittal proposed 3,100 cubic yards of cut, and 300 cubic yards of fill to establish construction of the residence (with larger mass and bulk). The design of grading has been minimized using a combination of tiered walls and retaining walls landscaped to blend in with the surrounding environment. Consequently, the amount, design, location and the nature of proposed grading is necessary and appropriate to establish the single-family residential use, which is a permissible use in the HS zoning district. As such, this finding can be made.

2. The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right-of-way, or impair any spring or existing watercourse.

   The proposed grading will not endanger public or private property. No excessive grading will be conducted. All export will be deposited at an approved site. No unnecessary fills will occur. Standard Conditions of Approval and requirements of final grading plans will ensure that grading around the building pad will not result in slope instability or erosion. No watercourses are located on the subject site. As such, this finding can be made.

3. Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.
The proposed grading has been designed to contour to the natural topography to the maximum extent possible, with the residence sited on the most suitable building area location, as foreseen in the subdivision approval for building sites. The majority of the proposed grading fill is for onsite improvements, such as the driveway. The majority of the grading cut is to lower the elevation pad of the new residence in blending in with the hillside environment. The grading will not impose any impacts to the natural landscape, biological, or aquatic resources as there are no existing landscaping, or water resources on-site or in the immediate vicinity. There are no creeks or other biological concerns such as endangered or special status species. The lot is located in the County Habitat Conservation Plan Area 2 – Rural Development greater or equal to 2 acres covered. As the development impacts less than 2 acres of land, the project is not subject to HCP conditions and fees. Furthermore, maximum cuts for the proposed grading will generally not exceed 5 feet in height and are consistent with design guidelines for retaining walls located in the –d1 zoning district. As such, this finding can be made.

4. For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.

The majority of the proposed grading is related to the onsite driveway and improvements to serve the new residence. The grading is designed to follow the natural contours to the maximum extent possible. Other alternative site locations further away from the frontage of the lot would require more grading establishing a longer driveway for access. Furthermore, the proposed site location was previously determined to be the best site location through the subdivision. As such, this finding can be made.

5. Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible, and should not create a significant visual scar.

The proposed grading is designed to conform with natural terrain and existing topography and will not create any significant visual scar. The 1st floor of the residence with retaining walls are tucked into the hillside which makes the building to appear to be 2 stories on the frontage of the residence. The front patio with swimming pool likewise is tiered down at a lower elevation to minimize the visibility of improvements. Access to the site is via the existing road (Bella Madeira Lane). As this site is highly visible from the valley floor, screening trees and shrubbery will be required to minimize visibility of the home and retaining walls per updated landscape plans to be approved prior to final grading and building permit issuance. The grading takes into consideration the grading to establish new vegetation. As such, this finding can be made.

6. Grading conforms with any applicable general plan or specific plan policies; and
The proposed grading is in conformance with specific findings and policies identified in the County General Plan. The proposed grading is designed to follow the natural terrain, to minimize grading and to reduce visual impacts from hillside development in keeping with General Plan policies R-GD 20-27, which require that grading be the minimum necessary for the use, with no significant visual scar or impact the environment. As such, this finding can be made.

7. Grading substantially conforms with the adopted "Guidelines for Grading and Hillside Development" and other applicable guidelines adopted by the County.

The proposed grading is in conformance with the adopted “Guidelines for Grading and Hillside Development,” in particular, the specific guidelines for siting, road design, building form and design. The proposed residence is located toward the frontage of the lot, which minimizes the need for grading for longer driveways. The driveway and retaining walls is designed in keeping with Guidelines 5, 7, 8 and 9, which require the proposed driveway and wall design is curved to follow the existing contours, while meeting the minimum emergency access standards. The new building meets Guideline 11 which notes that a tiered design approach is used in order to reduce building massing and visual bulk with varief roof heights and plants, and stepped down floor level to make the building appear to be 2 story on the frontage of the site. As such, this finding can be made.

BACKGROUND

The property owner submitted the Grading Approval and Design Review (Tier 2 project, 5,000 s.f. – 12,500 s.f.) applications on June 16, 2017. The initial incomplete letter was issued on September 28, 2017, and outlined numerous issues of concern, including a recommendation to redesign the residence to minimize visibility from the valley floor.

On April 3, 2018 the owner resubmitted plans and documents in response to Staff’s initial incomplete letter. An additional incomplete letter was issued on May 2, 2018, with continued issues of concern related to the residence being significantly visible and in conflict with the County Viewshed Ordinance, and pending an early outreach neighborhood meeting, as required by the Zoning Administrator.

On October 24, 2018 the owner resubmitted plans and documents in response to the May 2, 2018 incomplete letter. The size of the home was reduced to 5,900 sq. ft., however the project continued to be incomplete.

On November 27, 2018, an early neighborhood outreach meeting was held. Neighbors within 1,000 feet from the subject parcel were noticed of the meeting as well as the local Homeowners Association of Bella Madeira Lane. The applicant provided a presentation regarding the proposed plans. Concerns brought up were mainly related to how the storm drainage will not impact neighboring sites.
The applicant resubmitted on several more occasions to address other agency incomplete items, and after addressing all incomplete comments, the application was deemed complete on May 29, 2019.

A public notice was mailed to all property owners within a 1,000-foot radius on June 28, 2019, and was also published in the Post Records on July 1, 2019.

**STAFF REPORT REVIEW**

Prepared by: Colleen Tsuchimoto, Senior Planner
Reviewed by: Leza Mikhail, Principal Planner/Zoning Administrator
ATTACHMENT A -
LOCATION & VICINITY MAP
File No. PLN17-10836  APN: 654-65-017

Vicinity Map

Attachment C: Location and Vicinity Map
ATTACHMENT B -
COLOR BOARD & PHOTO SIMULATIONS
**4320 Bella Madera Lane**

Project Address
654-65-017

APN

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**Color/Materials Board***

**Roof**

Celotex Presidential Shake

Manufacture & Material
Product Name, Number

**Door & Window Frames, Railings**

Jen-Weld

Manufacture / Number
Color Name, LRV

**Trim**

Sherwin Williams – Bohemian Black

Manufacture / Number Color Name, LRV - 4

**Exterior Walls**

Stucco - Sherwin Williams Fawn Brindle

Manufacture / Number
Color Name, LRV - 36

**Architectural Accents (Ex. Stone Veneer)**

El Dorado Stone - Coarsed Stone- Santa Barbara

Manufacture / Number
Color Name, LRV

**Retaining Walls**

Allan Block – Europa Collection

*This information shall also be provided on the elevation drawings in the plans.

1/24/2019
ATTACHMENT C - PROPOSED PLANS
OWNERSHIP & USE OF DRAWINGS

ALL DRAWINGS, SPECIFICATIONS AND COPIES THEROF FURNISHED BY STEVE BENZING-ARCHITECT ARE AND SHALL BE HIS PROPERTY. THEY ARE TO BE USED ONLY WITH RESPECT TO THE PROJECT AND ARE NOT TO BE USED ON ANY OTHER PROJECT. SUBMISSION OR DISTRIBUTION TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF STEVE BENZING-ARCHITECT. COMMON LAW COPYRIGHT OR OTHER RESERVED RIGHTS
**PLANT LEGEND AND NOTES**

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<th>Symbol</th>
<th>Species</th>
<th>Size</th>
<th>Water</th>
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<td><em>Salvia sonomensis</em> / Creeping Sage @ 5' oc</td>
<td>1 gallon</td>
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<td>C</td>
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<td>.3</td>
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<tr>
<td>D</td>
<td><em>Zauschneria californica</em> / California Fuschia @ 5' oc</td>
<td>1 gallon</td>
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<td>.2</td>
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<tr>
<td>E</td>
<td><em>Carex divulsa</em> / Berkeley Sedge @ 24&quot; oc</td>
<td>1 gallon</td>
<td>low</td>
<td>.3</td>
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<tr>
<td>F</td>
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<td>.2</td>
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<tr>
<td>H</td>
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<tr>
<td>I</td>
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<td>.3</td>
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<td>J</td>
<td><em>Quercus agrifolia</em> / Coast Live Oak</td>
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<td>.2</td>
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<tr>
<td>K</td>
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<td>24&quot; box</td>
<td>low</td>
<td>.2</td>
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<td>L</td>
<td><em>Lagestroemia Tuscorora std.</em> / Crape Myrtle</td>
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<tr>
<td>M</td>
<td><em>Schinus molle</em> / California Pepper</td>
<td>24&quot; box</td>
<td>low</td>
<td>.2</td>
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</table>

1) Verify placement of all plants in field.
2) Contractor shall deliver samples of soil to Waypoint Analytical in San Jose, or equal, for soil fertility analysis. Recommendations for soil preparation shall be followed prior to planting.
3) All proposed plants are considered deer resistant, but not deer proof.
4) Double stake all trees.
5) I have complied with the criteria of the water efficient ordinance and applied them to the landscape design.
6) Landscape placement shall conform to the requirements of the wildland interface and fire department requirements.

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**TECHNICAL SPECIFICATIONS**

- **Culture:** Plant and grow in full sun
- **Soil Type:** Well drained
- **Watering:** Light
- **Fertilizer:** Light
- **Pruning:** None

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**CONTACT INFORMATION**

- **Landscape Architect:** W. Jeffrey Heid
  - **Address:** Oneida Drive, San Jose, California 95123
  - **Phone:** 408 691-5207
  - **Fax:** 408 226-6085
  - **Email:** wjheidasla@comcast.net

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**MENDOZA RESIDENCE**

- **Location:** 4620 Bella Madera, San Jose, CA 95127

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**MASTER PLANTING PLAN**

- **Scale:** 1/10" = 1'-0"

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**REVISION HISTORY**

- **Date:** 6/24/17
- **Revised:** 6/69/69

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**REVIEWER:**

- **Date:** 6/21/2019 3:47:08 PM
1. Verify point of connection; water meter for irrigation only, and placement of backflow preventer.
2. Verify site water pressure at 65 psi - notify architect prior to construction if found to be different.
3. Verify electrical source and placement of controller at garage.
4. Verify operation of system before backfilling trenches. Drip line to be secured to grade with stakes and covered with final mulch.
5. System layout is diagrammatic; actual field conditions will dictate final layout, addition of drip line, etc.
7. Verify placement of rain sensor in field.
8. Contractor shall be responsible for setting and monitoring irrigation system to apply adequate water for establishment, but to eliminate runoff and soil saturation.
9. Contractor to submit maintenance and irrigation schedule to owner at completion of installation and maintenance/warranty period.
10. Contractor shall verify location of all underground utilities prior to any trenching or excavation.
11. Verify and coordinate installation of sleeving and/or mainline and lateral lines access under all pavement. Verify with paving contractor. Piping under driveway shall be installed a minimum of 24" deep with piping surrounded by a 6" sand envelope. Control wires shall be set adjacent to mainline.
12. Contractor shall provide all necessary safety precautions throughout construction. This shall include signage and barriers.
13. "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the irrigation design plan".

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SAN JOSE, CA. 95127
RESIDENCE

IRRIGATION PLAN
1/16 = 1'-0"
IRRIGATION PLAN
1/16" = 1'-0"

PROPOSED RESIDENCE

50' DEFENSIBLE SPACE

100' DEFENSIBLE SPACE

6/30/17

revised - 6/69/69

6/21/19 3:47:28 PM