Staff Report
Zoning Administration
October 10, 2020

Item #3

Staff Contact: Mark Connolly
(408) 299-5786, mark.connolly@pln.sccgov.org

File: PLN20-108
Major Modification of Building Site Approval, Grading Approval and Design Review for a new single-family residence

Summary: Major Modification of the 2016 Building Site Approval, Grading Approval and Design Review concurrent land use entitlement for a 5,944 square-foot single-family residence and 980 square-foot attached garage, with associated improvements including driveways, onsite wastewater system and well. Grading quantities are 910 cubic yards (c.y.) cut and 910 c.y. fill. Modification also includes review of on-site landscaping.

Owner: Norman DePeau / Duong Nguyen
Applicant: Norman DePeau / Duong Nguyen
Lot Size: 29.9 acres

APN: 537-07-009
Supervisiorial District: 1

Gen. Plan Designation: Hillsides
Zoning: HS-d1
Address: 15300 Blackberry Hill Road, Los Gatos, CA
Present Land Use: Residential
HCP: N/A

RECOMMENDED ACTIONS
A. Accept the determination that the proposed project qualifies for a Categorical Exemption, under Section 15303 (Class 3(a) – One Single-Family residence in an urbanized area) of the CEQA Guidelines, Attachment A.

B. Grant Modification of Building Site Approval, Grading Approval and Design Review, subject to revised Conditions of Approval, outlined in Attachment B.
ATTACHMENTS INCLUDED
Attachment A – Proposed CEQA Determination
Attachment B – Originally Approved Design Review Permit, Conditions of Approval and Plans (File 10709)
Attachment C – Original Building Permit number 2016-61363
Attachment D - Grading Permit issued plans with staff modification
Attachment E - Modified Planning Conditions of Approval
Attachment F - Proposed Landscape Plan
Attachment G - Location & Vicinity Exhibit Map
Attachment H – Color Board and LRV

PROJECT DESCRIPTION
The proposed project is a Major Modification of a concurrent land use entitlement for Building Site Approval, Grading Approval and Design Review Approval, approved in 2016 by the then-Zoning Administrator, at a public hearing. The 2016 approval included a request for a 5,944 square-foot single-family residence and 980 square-foot attached garage, with associated improvements including driveways, onsite wastewater system and well. Previously approved grading quantities were 803 cubic yards of cut and 904 cubic yards of fill. (See Attachment B)

Upon a request for a final inspection of the project, the current Planner observed that the project did not reflect the 2016-ZA-Approved project plan design. It is important to note that during the plan check process, the project was modified/revised several times, resulting in the relocation of the residence, redesign the driveway configuration and addition of a new driveway. These changes to the site design resulted in increased grading quantities by 86 c.y of cut and 200 c.y. fill, to total quantities of 910 c.y. cut and 910 c.y. fill See Attachment D). These modifications were not publicly noticed. Additionally, required landscape plans were not revised to accommodate the newly located residence in the County’s records of approved documents. The residence and on-site improvements are installed and pending a final for occupancy, however a Major Modification to accommodate a redesign of the landscaping is required. Additionally, this Major Modification request will concurrently reconcile the Planning Office records for the previously-authorized changes to the site design by the then-Zoning Administrator, while ensuring that adequate landscaping is installed for screening of the new residence through a public hearing before the Zoning Administration Hearing Officer. The modification also includes the demolition of a historically significant barn. A more detailed outline of the modifications is described in Section C of this Staff Report.

Setting/Location Information
The subject parcel is 29.9 acres in size and is currently developed with a new single-family residence and associated improvements. Access to the subject property is via a County maintained Road (Blackberry Hill Road). The property is in the unincorporated Los Gatos Hills area, above Lexington Quarry.

The property is a steeply sloping parcel with a mixture of trees and shrubs. The slope of the subject lot is approximately 24%. In addition to Lexington Quarry, parcels surrounding the

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subject property are also larger rural lots and are either vacant or developed with a mixture of one (1) to two (2) story single-family residences.

**REASONS FOR RECOMMENDATIONS**

A. **Environmental Review and Determination (CEQA)**
   The proposed project qualifies for a Categorical Exemption under Section 15303(a) of a new single-family residence. No new impacts have resulted from the modifications made to the project (site design and additional grading). As such, an Initial Study and further analysis under the CEQA was not required.

B. **Project/Proposal**
   1. **General Plan**: The project is a single-family residence within the HS-d1 combined zoning district with no jurisdictional Urban Service Area. The General Plan land use designation for the subject parcel is Hillsides, which is intended to allow low density single-family residential use.

   2. **Building Site Approval**: Per County Ordinance Section C12-307, Building Site Approval is required for new single-family or two-family dwellings, including any HS zoning district. An application for Building Site Approval was applied for in 2015 and ultimately approved in September 2016 at the County Zoning Administration hearing, concurrently with the Design Review and Grading application. The Building Site Approval was effectuated through the issuance of Building Permit number 2016-61363 in 2016 (Attachment C).

   3. **Zoning Standards**. The Zoning Ordinance specifies the required development standards for HS-d1 Zoning District, as summarized below, followed by a Table A, noting the project’s conformance with Section 3.20.040 “-d1” Combining District:

      - **Setbacks (HS-d1)**: 30-feet from all property lines and/or rights-of-way (ROW)
      - **Height**: 35-feet maximum
      - **Stories**: 3-stories maximum

   **Table A: Compliance with Development Standards for -d1 Combining District**

<table>
<thead>
<tr>
<th>STANDARDS &amp; REQUIREMENTS</th>
<th>CODE SECTION</th>
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<tr>
<td>Story Poles</td>
<td>§ 3.20.040 (A)(2)(c)</td>
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<td>Color &amp; LRV</td>
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<td>Building Form &amp; Massing</td>
<td>§ 3.20.040 (C)</td>
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<td>Retaining Walls</td>
<td>§ 3.20.040 (D)</td>
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<td>Ridgeline Development</td>
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<tr>
<td>Design Review Guidelines</td>
<td>§ 3.20.040 (F)</td>
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C. Modification
Pursuant to Zoning Ordinance Section 5.20.200(B), a Major modification is defined as the following:

*Major Modification. A modification shall be considered major if any of the following circumstances apply:*

1. It involves substantive changes to the approved site plan;
2. It significantly changes the nature of the approved use;
3. It results in intensification of the approved use; or
4. It may result in new or substantially greater environmental impacts than the originally approved project.

*Major modifications shall be subject to a new public hearing, if a public hearing was required for the original approval.*

Following a September 2016 approval at the Zoning Administration hearing, the project had major modifications that were processed through the Grading Permit Plan Check process and Building Permits for the new residence. The major changes were the following:

- Demolition of a historically significant barn that was proposed to be used as a garage, requiring a short driveway at the top of the site.
- Construction of a new, longer driveway at the top of the site required the footprint of the proposed home to be shifted slightly to afford for turnaround space.
- Addition of a garage in previously approved underfloor area beneath the residence at the end of the driveway.
- Abandonment of a long driveway that circled below the site and around the proposed residence.
- Modification of the Landscape plan in keeping with the approved Zoning Administration hearing Conditions of Approval, but with modified planting locations to provide screening.

Per the Zoning Ordinance definition of a Major modification, the project should have been required to return to the Zoning Administration hearing for approval of the modifications. However, the project was modified during the permit stage and subsequent permits were issued. Staff was not able to locate documentation as to the determination made at that time. Additionally, according to an e-mail between Staff and the owner, the barn was a historically contributing structure and not a registered historic structure.
Therefore, the removal was found not to be a significant CEQA impact and it was allowed to be removed administratively.

It is also important to note that at the time of the 2016 Zoning Administrator hearing, staff reports with findings were not yet a part of the Staff level hearing process. Therefore, an audio recording and draft preliminary conditions are the entirety of the record for that hearing. However, staff has included the originally approved plans and modified Grading and Building Permit plans in this report. Because the residence and associated improvements are constructed, the modification

D. Design Review Findings:

All Design Review applications are subject to the scope of review, 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. For the purposes of this Major Modification, Staff is reviewing the findings to ensure that the revised project design and landscaping continue to meet the required findings for Design Review. In the following discussion, the scope of the modification review criteria is in bold, and an explanation of how the project meets the required standard is in plain text below.

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

Attachment B demonstrates how the original approval included Conditions of Approval to mitigate adverse visual impacts with a Landscaping Plan showing size, species and location of native trees to help screen views of the residence from the valley floor.

As noted in the Project Description section of this Staff Report, the project was revised several times during the plan check phase, and the residence has been constructed as shown in the plans in modified and approved grading and building permits (Attachment C and D). It is important to note that elevations exposed toward the valley floor are quite tall. Although the residence conforms to the County height requirements, the way that height is calculated is done using an average formula, thus exposing walls taller than 35 feet tall on downhill slopes. This can be visualized by reviewing the Architectural elevations in Attachment B and C.

Given the tall walls exposed toward the valley floor, no amount of landscape screening will provide significant screening of the residence immediately, or in the near future. Also, the property is located within the Wildland Urban Interface (WUI) high fire risk area. The residence is developed up to the required 30-foot setback. This makes it difficult to meet defensible space requirements for trees and shrubs, which has been established to be 30 feet on this subject property. Therefore, the proposed trees along the northern property line to screen the residence from the valley floor are already within the 30-foot defensible space area. However, the residence is painted a very dark color with an LRV between 8 and 15 (see Attachment H), which helps the structure blend into the dark evergreen native tree canopy upslope of the property.
Despite the complexities of planting trees within a WUI defensible space, Staff has required the owner to provide a Landscape Plan (Attachment F), along with a Landscape Architect letter, providing recommendations to ensure long term survivability of the trees. Additionally, Staff has determined that the trees proposed to be planted are the minimum necessary to attempt to screen the project. Staff suggests that it be up to the discretion of the hearing officer to consider the record and the site circumstances to condition additional screening mitigation measures, or larger box sizes for installation.

With regard to the modified grading, the current project design avoids tall retaining walls by incorporating contour grading instead of tall cut slopes and retaining walls. The contour slopes have been hydrosseeded to blend back into the natural environment and avoid erosion control per the Land Development Engineering requirements. The modified residence and project design includes a two-story design with a basement that includes dark colors and materials with a Light Reflectivity Value (LRV) of 45 or less. As such, Staff recommends that as conditioned, this finding can continue to be made.

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

The proposed residence is located on the most suitable building pad on the top of the site, with minimal grading and tree removal to accommodate onsite improvements. The second driveway below the house was required by the Fire Marshal after the Zoning Administration hearing approval, and a Grading Permit revision was applied for and issued. Overall, the proposed residence and driveways are designed to be follow the contours of the natural topography and be compatible with the natural environment. As such, Staff recommends that this finding can continue to be made.

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

The proposed project conforms to the Design Review Guidelines as the siting of the proposed residence utilizes the top of the 29.9 – acre site and its related improvements are designed to follow the natural contours, thereby minimizing excessive grading. The bulk and mass of the building has been designed to minimize long and tall wall planes and is broken up by incorporating varied roof planes. As conditioned and as constructed, the exterior colors for the house façade, trim and roof materials have a Light Reflectivity Value less than or equal to 45. Lastly, Staff has modified the Conditions of Approval to require additional/new landscaping to assist in screening the residence, as seen from the valley floor and neighboring properties. As conditioned, Staff recommends this finding can be made.

4. **Compatibility with the neighborhood and adjacent development;**

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The proposed residence is in keeping with the characteristics of the surrounding neighborhood. The neighboring parcels are developed with low density single-family development and surrounded by dense trees to minimize impacts on privacy and view of neighboring properties. The architectural styles range from contemporary to older ranch style homes. The residence is a two-story design with a basement, which is found in the neighborhood. Staff recommends that this finding can continue to be made.

5. **Compliance with applicable zoning district regulations; and**

Residential uses are allowed in HS Hillside zoning district, and the project complies with the HS zoning regulations. The proposed residence exceeds all required setbacks (30-feet from all property lines) and is below the maximum allowed building height at 33 feet tall (maximum of 35-feet). The proposed design is also in keeping with the –d1 design standards, building massing standards, and natural (dark) exterior colors and materials. Staff recommends that this finding can continue to 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 No. 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 designed the project with a modest building footprint and has located the residence higher on the slope to avoid excessive grading.

The residence is visible toward the lower hillsides and valley floor below the parcel. However, the elevation and location, as viewed from the valley floor immediately below, would not be perceived as projecting above the natural topography.

The project is located within the Los Gatos Specific Plan Area. County General Plan policies R-LU 111 and 112 refer to the jointly adopted ‘*Los Gatos Hillside Specific Plan*’ between the County and Los Gatos.

R-LU 111 states: *The Specific Plan shall serve to implement the provisions of the Land Use Element of the Santa Clara County General Plan for those lands included within the Study Area Boundary of the Specific Plan. Refer to the Specific Plan (not contained within the General Plan) for the allowable uses and densities permitted for each sub-area of the lands governed by the Specific Plan. 1. All policy provisions of the Specific Plan shall be deemed compatible with the County’s General Plan. 2. For areas governed by the “20-160-acre variable slope density formula,” development must fully conform to Hillsides policies concerning clustering of residential development and open space dedication.*
R-LU 112 states: *Urban development shall not occur outside of city jurisdiction. Unincorporated land within the Urban Service Area of the Town of Los Gatos and which is suitable for urban development: a. should be annexed at a time consistent with the development schedule of the city; and b. shall conform to the city’s General Plan.*

The project continues to be in conformance with the County General Plan, is not a subdivision and is not annexable to the Town of Los Gatos. As such, the project would be in conformance with the General Plan and this finding can be made.

D. **Grading Findings:**
Pursuant to Section C12-433, all Grading Approvals are subject to specific findings. For the purposes of this Major Modification, Staff is reviewing the findings to ensure that the revised project design and changes to grading and landscaping continue to meet the required findings for Grading Approval. 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 includes 910 cubic yards cut and 910 cubic yards fill, up by 85 c.y. of cut and 200 c.y. of fill from the originally approved grading quantities. The additional grading accommodated the new location of the residence and associated site improvements. The majority of the proposed grading was necessary to establish the onsite driveways and fire-truck turn-arounds for the residence. The amount, design, location and the nature of proposed grading was necessary and appropriate to establish the single-family residential use, which is a permissible use in the HS zoning district and this finding can continue to 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 Applicant has applied for and obtained permits to contour grade slopes along the driveway and below the residence, which resulted in less steep and more stable graded slopes, as opposed to steep cuts and retaining walls near the proposed residence and right-of-way. The grading is mostly contour grading and blended slopes to avoid unnecessary fills and balance the grading. The owner has satisfied the Conditions of Approval and requirements of final grading plans to ensure that grading around the building pad and driveway is stable and avoids erosion. The changes to the grading to reconcile the County’s records and new landscape plan continue to meet this finding.
3. **Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.**

The proposed grading has been designed and constructed to contour to the natural topography to the maximum extent possible for both driveways and the residence. The residence is sited on the most suitable building pad location. The majority of the proposed grading is for onsite improvements, such as the driveway and yard space. The grading will not impose any impacts to the natural landscape, biological, or aquatic resources. Furthermore, maximum cuts for the proposed grading will generally not exceed 5 feet in height in most areas and are consistent with design guidelines for retaining walls located in the –d1 zoning district. The applicant has submitted a revised landscape plan to ensure that on-site landscaping is provided and the applicant has installed some ground cover. For these reasons, this finding continues to be supported by Staff.

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 driveways and improvements to serve the new residence and create yardspace. The grading is designed to follow the natural contours to the maximum extent possible. No on-site alternative location would minimize grading amounts. All other alternatives downslope of the proposed location would greatly exacerbate grading amounts and would be found unnecessary and excessive, as well as aesthetically inferior. This finding continues to 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, because the grading is designed using contour grading as opposed to tall retaining walls, which would create more of a visual scar. This finding continues to 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 22 and 23, which state that grading
should be the minimum necessary to establish the use and to balnce cuts and fills. This finding continues to 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( driveway) design, building form and design, and landform grading. The proposed residence will be located in the area on top of the slope, away from any ridgelines. Grading for longer driveways is limited to those required by the County Fire Marshal. The driveway is designed in keeping with Guidelines 5, 7, 8 and 9 that require the proposed driveway design is curved to follow the existing contours, an existing dirt road in this case. The project must meet the minimum emergency access standards for width and slope of driveway and turnarounds. This finding continues to be made.

BACKGROUND

In September of 2016, the project achieved approval at the Zoning Administration Hearing. Through the Plan Check process for the subsequent Grading Permit and Building Permits, the project design changed, necessitating a major modification, but was not processed accordingly.

In June 2020 Planning Staff was called to perform a final inspection and became aware that the owner could not install their required landscaping as approved. Upon further investigation, it was discovered that significant modification to the design and footprint had occurred. Staff reached out to the Owner in July of 2020 to apply for a Major Modification at no cost to them, where the modifications could be properly processed, and an appropriate Landscape plan conditioned for installation.

September 10, 2020, the applicant submitted the Major Modification application. Because the residence is constructed with full approvals and permits, as well as partially finaled, the application was only routed to Planning for the purposes of approving the Major Modification and amended landscape plan. The application was deemed complete September 29, 2020. A public notice was mailed to all property owners within a 300-foot radius on September 21,2020 and was also published in the Post Record Newspaper on September 21,2020.

STAFF REPORT REVIEW

Prepared by: Mark J. Connolly, Senior Planner / Deputy Zoning Administrator

Reviewed by: For: Leza Mikhail, Principal Planner / Zoning Administrator
ATTACHMENT A

Notice of Exemption from CEQA
ATTACHMENT A

Notice of Exemption from CEQA

To: County Clerk-Recorder  
   County of Santa Clara

Project Title  
DePeau Major Modification of Building Site, Grading and Design Review
File PLN20-108

Project Location  
15300 Blackberry Hill Rd. Los Gatos, CA

Public Agency Approving Project  
County of Santa Clara

Person or Agency Carrying Out Project  
Mark J Connolly, Senior Planner

Project Description (including purpose and beneficiaries of project)
Major Modification a of the 2016 Building Site Approval, Grading Approval and Design Review concurrent land use entitlement for a 5,944 square-foot single-family residence and 980 square-foot attached garage, with associated improvements including driveways, onsite wastewater system and well. Grading quantities are 910 cubic yards (c.y.) cut and 910 c.y. fill. Modification also includes review of on-site landscaping.

Exempt Status check one/indicate type of State CEQA Guidelines section number:

- Categorical Exemption [CEQA Guidelines 15301-15333]:
- Statutory Exemption [CEQA Guidelines 15260-15285]:
- Declared Emergency [15269(a)]:
- Emergency Project [15269(b)(c)]:
- General Rule [CEQA Guidelines 15061(b)(3)]:

Reasons the project is exempt:
Class 15303 (a)
One single-family residence, or a second dwelling unit in an urbanized residential zone.

County Contact Person  
Mark J. Connolly

Title  
Senior Planner

Telephone Number  
(408) 299-5786

Date: 9/30/2020  
Signature: __________________________
ATTACHMENT B

Originally Approved Design Review Permit, Conditions of Approval and Plans
(File 10709)
EXECUTIVE SUMMARY
BUILDING SITE APPROVAL, PRELIMINARY GRADING, DESIGN REVIEW

File No: 10709-15B-15G-15DR
Permittee: N. DePeau, D. Nguyen
Site Address: 15300 Blackberry Hill Rd
Description: New single-family residence and associated site improvements. Proposed 5,850 square-foot dwelling subject to Viewshed Preservation Ordinance (Tier 2 Project). Grading quantities include 803 cubic yards cut, 904 yards fill.

In accordance with the provisions of Chapter 5.50 and Chapter 3.20 of the County Zoning Ordinance, and Chapters II and III of Division C12 of the County Ordinance Code, the Zoning Administrator hereby grants approval for the specified construction subject to the following:

- The date of this decision is September 1, 2015. This permit shall become effective on September 17, 2015, provided no appeal has been filed before that date (see below).
- All applicable building permits must be obtained and all conditions of approval (attached) must be completed on or before September 16, 2019, or these approvals and permits will expire.

Note: Read this permit and attached conditions carefully. If any wording is incorrect or inconsistent with the understood action of the hearing, it must be resolved prior to the effective date. The permit will become effective with the presumption that the applicant fully understands, accepts, and agrees to comply with all conditions.

Any person dissatisfied with this action or any specific conditions may appeal to the Planning Commission. Appeals must be filed at the Planning Office within fifteen (15) days of the decision date (see above), and must be accompanied by the current filing fee established by the Board of Supervisors.

James Reilly, Deputy Zoning Administrator

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, Joe Simitian
County Executive: Jeffrey V. Smith
Conditions of Approval

File Number: 10709-15B-15G-15DR

Date: September 17, 2015
Owner: Norman DePeau, Duong Nguyen
Location: 15300 Blackberry Hill Road, Los Gatos vicinity

Project Description:
BUILDING SITE APPROVAL, GRADING and DESIGN REVIEW for proposed 5,850 square-foot single-family residence and related site improvements. Design review requirement based on Viewshed Protection Ordinance (§ 3.20.040); Tier 2 project. Grading quantities include 803 cubic yards cut, 904 yards fill.

Items marked with an asterisk (*) must be completed prior to building permit issuance.
Items marked with a double asterisk (**) must be completed prior to final inspection.
Items not marked with asterisks may be general requirements or informational items, or they may have specific timing requirements stated in the condition.

PLANNING:
Contact JIM REILLY at (408) 299-5799 (or james.reilly@pln.sccgov.org) for details on the following:

1. Development must take place according to approved architectural plans, prepared by James Stroup, dated August 24, 2015; and approved engineering plans, prepared by Hanna & Brunetti, dated August 2015.

   LANDSCAPE PLAN: Prior to issuance of the building permit, submit three (3) copies of a landscape plan (including irrigation systems), prepared and stamped by a licensed landscape architect. The landscape plan shall emphasize native plant species, and shall be designed to sustainably stabilize and vegetate the disturbed earthwork areas, and to provide some visual mitigation of the house as viewed from adjacent properties and the valley floor.

   a. The requirements of Division B33 of the County Ordinance Code (Water Conservation in Landscaping) shall apply. In particular:

   i. Landscape water efficiency must be demonstrated by utilizing any one of the three options provided in Section B33-5: Demonstration of Landscape Water Efficiency.

   ii. Landscape design must comply with all applicable standards and
criteria of Section B33-6: Water-Efficient Design Elements.

iii. Landscape and irrigation plans must comply with all applicable standards and criteria of Section B33-8: Landscape and Irrigation Design Plans.

The landscape ordinance and supporting information can be found on the Planning Office web site: <www.sccplanning.org> > Permits and Development > Landscape Ordinance

b. The landscape plan shall consist of a variety of landscape material types (i.e. large/small trees, shrubs, forbs, vines/ivy, and ground cover) of varying species. Canopy trees shall, for the purposes of this condition, mean deciduous or evergreen trees of a species whose height and spread at maturity normally exceeds 35 feet, and shall not include palms (family Arecaceae or Palmae).

c. The plan shall include at least four (4) native or naturalized canopy trees (oaks or other), to be installed in locations where they would eventually provide meaningful ridgeline construction mitigation, screening, or both, with the following specific requirements:

i. Two of the trees shall be planted to the northwest of the house site, above the 1,768-foot contour line (pad elevation is 1,790). Remaining two (or more) trees shall be installed elsewhere in the vicinity of the house, above the 1,750-foot contour line.

ii. Trees shall be from (minimum) 24-inch box containers.

iii. Due to the increased frequency of observed sudden oak death (Phytophthera ramorum) in the western portions of Santa Clara County, oak choices should be limited to species which have not shown susceptibility to sudden oak death, such as valley oak (Quercus lobata), Oregon white oak (Quercus garryana), blue oak (Quercus douglasii).

d. The grading plan shows that several trees are proposed to be removed. All trees to be removed shall be so indicated on the plan and replaced with native canopy trees in equivalent numbers. This is in addition to trees required by (c), above.

e. Arrangement of trees and other plant materials shall provide for defensible space for fire protection around proposed buildings. Please contact the Fire Marshal’s Office (408 299-5760) for more information.

f. Soil must be capable of supporting the proposed installation and must
have adequate water storage capacity. Soil characteristics, including structure, texture, percolation, pH, mineral content, and microbiology, shall be evaluated early in the design process. Soil amendments, such as compost or fertilizer, shall be added as appropriate.

3.** The landscape architect shall oversee the installation of plant materials and irrigation hardware, and assess the quality of installation. After the planting is complete, the property owner shall provide to the Planning Office a written summary report from the landscape architect, which shall:

a. Detail the plant materials installed (species, number, location, size, quality) per the approved plan. Indicate any discrepancies between plan and installation (if applicable), and state reasons for such discrepancies.

b. Detail any necessary soil augmentation, fertilizer, staking or other plant-specific maintenance required for the installation.

c. Report any installation problems or concerns of long-term viability.

d. Detail any longer-term maintenance needs, including periodic professional tree fertilizing and pruning to better assure successful growth.

4. Landscaping materials must be installed per approved plan prior to final inspection.

5. Original invoices and receipts from landscape contractor(s) and tree nursery must be kept on hand for one year following installation. Should verification of proper installation be necessary, such invoices shall be made available to the zoning administrator for inspection.

6.** COLOR/ LRV: With the exception of trim and minor details, the exterior surfaces of the structure must be of muted colors with light reflectivity value (LRV) of 30 or lower. Provide two sets of color samples for review prior to building permit issuance.

7.** ONGOING COMPLIANCE: Record a “Notice of Permit and Conditions” with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance.
8.* PLAN REVIEW: Obtain a grading permit from the Land Development Engineering (LDE) office prior to beginning any construction activities. The process for obtaining a grading permit includes submitting the following:

- Six sets of grading plans on 24"x36"
- One set of plans on 11x17 or pdf
- Engineer’s estimate
- One set of drainage calculations per the County Drainage Manual
- One set of retaining wall details and structural calculations, if applicable
- One copy of the title report
- One copy of soils report
- One copy of a letter from the geotechnical engineer approving the final plans
- Pay the plan check and inspection fee

A performance bond for the engineer’s estimate is required; this can be in the form of cash deposit, assignment of a savings account or CD, a surety from an insurance company, or a letter of credit. LDE will provide the final amount of the engineer’s estimate.

Expect six to twelve weeks to complete the review process. Once all the fees and security have been submitted, and the plan has been approved and signed, a grading permit will be issued and said construction may begin. This permit does not imply that a building permit has been issued. Please contact LDE (408 299-5734) for additional information and timelines.

Additional information about the processing requirements and various forms may be found at the following link:


9.* Final plans shall contain standard notes and certificates as shown on County Standard Cover Sheet. The minimum letter size for plan submission and approval shall be no smaller than 1/10 inch.

10.* IMPROVEMENT PLANS: Preliminary plans prepared by Hanna and Brunetti dated August 2015 have been reviewed. Submit final improvement, grading, and drainage plans prepared by a registered civil
engineer for review and approval by Land Development Engineering. All improvement, grading, and drainage plans require plan, profile (if applicable), typical sections, and contour grading. All the following standards shall be consistent the March 1981 Standards and Policies Manual, Volume 1 (Land Development), County of Santa Clara, as appropriate. Copies of these details are available at the following web sites:

Land Development Engineering Standards and Policies Manual, Santa Clara County Drainage Manual, Flood Plain Ordinance, and/or Grading Ordinance can be found at the following link:


Private road standard details are at the bottom of the page along with links to the standard policy manual.

ROADS NOT TO BE COUNTY MAINTAINED: Final plans shall reflect the following:

   a. Driveway approaches per County Standard SD4. The driveway approach shall conform to County standard slopes of less than 5% grade 20 feet from the edge of pavement, or to the right of way, whichever is greater.

   b. Single lot driveways per County Standard SD5. All geometries shall be consistent with the conditions imposed by the Fire Marshal’s Office below.

   c. Drainage ditch linings per County Standard SD8.

   d. Energy dissipaters per County Standard SD10.

   e. Standard turnarounds and turnouts per County Standard SD16.

EROSION CONTROL: Provide an erosion/sediment control plan that provides seasonally appropriate erosion and sediment controls during construction in accordance with Section C12-568 through C12-571 of the Grading Ordinance and NPDES municipal regional permit. The plan should include BMPs (Best Management Practices) as appropriate, such as:

   e. Erosion and Sediment Control: soil binders, geotextiles, mats, creek and hillside stabilization, hydroseeding, silt fence, sediment basin, check dams, fiber rolls, gravel bags, drainage inlet protection, construction entrance/exit, street sweeping requirements, perimeter controls, etc.

   f. Good Site Management: containment, spill prevention, material
storage/protection, sanitary waste management, etc.

g. Non-Stormwater Management: dewatering operations, paving operations, concrete washouts, vehicles and equipment storage and refueling, etc.

h. Include the County’s Standard Best Management Practice Plan Sheets (BMP-1 and BMP-2) in the plan set.

GRADING: Final plans shall reflect the following:

i. Cross sections of the driveway and house pad.

j. Retaining walls plans and sections necessary to establish the grades shown including retaining wall structural calculations. No retaining walls shall be installed across property lines.

k. All other improvements required by these conditions of approval.

l. The requirement to take all exported materials from the site to a County approved disposal site must be clearly indicated on the plan.

m. Indicate how the graded areas shall comply with setback requirements from property line for cuts and fills per Section C12-558.

n. A licensed land surveyor, or registered civil engineer authorized to practice land surveying shall set or verify permanent survey monuments (lot stakes), and identify the parcel boundary on the plan. If property was previously surveyed, the monuments must be exposed, verified and shown on grading and building plans. If new monuments will be set, the stakes shall be set pursuant to the State Land Surveyor’s Act prior to issuance of a construction or grading permit as necessary. The land surveyor/engineer in responsible charge of the boundary survey shall file appropriate records pursuant to §8762 or 8771 of the Land Surveyors Act with the County Surveyor.

DRAINAGE: Final plans shall reflect the following:

o. Provide for the uninterrupted flow of water in swales and natural courses on the property or any access road. No fill or crossing of any swales or watercourses is allowed unless shown on the approved plans. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

p. Demonstrate the subject property has adequate existing and proposed
storm drainage facilities in accordance with criteria as designated in the County Drainage Manual. At the minimum, plans and calculations shall demonstrate all of the following:

i. The site can be adequately drained,

ii. The development of the site will not cause problems to nearby properties, and

iii. The on-site drainage will be controlled in such a manner as not to increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.

STORM WATER TREATMENT: This project is located within the San Francisco Bay Watershed. Provide at least one of the following site design measures:

q. Direct roof runoff into cisterns or rain barrels for reuse.

r. Direct roof runoff onto vegetated areas.

s. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.

t. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.

u. Construct sidewalks, walkways, and/or patios with permeable surfaces.

EASEMENTS: Indicate on the improvement plans all applicable easements affecting the parcel(s) with benefactors and recording information. Supply one copy of a preliminary title report, dated within 60 days of the day of submittal, with the submission of the grading/improvement plans for review by Land Development Engineering.

11. UTILITIES: All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed residence. All extensions shall be included in the improvement plans submitted to LDE for review. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

12.* SOILS AND GEOLOGY: Submit one copy of the geotechnical report for the improvements, prepared by a registered civil engineer, as required by the Santa Clara County Ordinance Code, to Land Development Engineering.
13.* Submit a plan-review letter by the project geotechnical engineer certifying that the geotechnical issues identified in the above geotechnical report been mitigated on the improvement plan. This letter shall be submitted to and reviewed by Land Development Engineering.

14.* DEDICATIONS AND EASEMENTS: The following offers to dedicate easements shall be submitted to LDE. All easement dedications shall include legal descriptions, plats, and corresponding documents to be reviewed and approved by the County Surveyor’s Office. The owner/applicant will be required to record the document with the County’s Recorder’s Office after reviewed and approved by the County Surveyor’s Office. For additional information, please contact Jess Tanciangco, at (408) 299-5734 or by email at Jess.Tanciangco@pln.sccgov.org.

   a. Offer to dedicate a minimum 25-foot wide or 5 feet beyond top of bank, whichever is greater, easement to the public and the County for storm-drainage purposes for all swales and channels effected by this development that pass drainage through the site.

15.* AGREEMENTS: Enter into a land development improvement agreement with the County for the off-site work. Submit an Engineer’s Estimate of Probable Construction Cost prepared by a registered civil engineer with the all stages of work clearly identified for all improvements and grading as proposed in this application. Post financial assurances based upon the estimate, sign the development agreement and pay necessary inspection and plan check fees, and provide County with a Certificate of Worker's Compensation Insurance. (C12-206)

16.* CONSTRUCTION: Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

ENVIRONMENTAL HEALTH:
Contact DARRIN LEE at (408) 299-5748 or (or darrin.lee@deh.sccgov.org) for details on the following conditions:

17.* Submit revised plot plans to scale (1" = 20') on a grading and drainage plan showing house, driveway, all accessory structures, septic tank and required drainlines to contour. In order to prepare the plans the following must be included/completed:

   a. For the proposed use of an alternative waste water treatment system, submit a final onsite waste water treatment system design with corrections to the application rates and sizing of the drip dispersal field.
18.* Provide a geotechnical report prepared by a state registered civil engineer, state certified engineering geologist or a state registered environmental health specialist which demonstrates that use of a subsurface sewage disposal system will not permit sewage effluent to surface, affect soil stability, degrade water quality, create a public nuisance or present a threat to the public health or safety. The report must address the specific engineered septic system plan. This report is required where drainfields are proposed to be installed on slopes exceeding 20%.

19.* Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50-foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Ann Peden at the Department of Environmental Health at 408-918-3480 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the drinking water section.

FIRE MARSHAL:
Contact MAC BALA at (408) 299-5763 (or mac.bala@pln.sccgov.org) for details on the following conditions:

20. Fire protection water system shall be installed, functioning and inspected prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop-work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

21.* ON-SITE WATER STORAGE: Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply (e.g. onsite well, shared well); tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration.
   a. All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
   b. Provide 10,000 gallons of secondary aboveground storage tank dedicated to the wharf hydrant.
   c. Above-ground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
d. Installation of aboveground storage tanks located less than 20 feet to a structure requires tanks to be of noncombustible construction.

e. Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.

f. Underground storage tanks and swimming pools shall not be accepted in place of aboveground storage tanks.

22. WHARF HYDRANT: One on-site wharf hydrant with 2 1/2-inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.

   a. Minimum distance to structure shall not be less than 55 feet from the closest portion of the structure and shall not exceed 150 feet from the farthest portion of the structure, measured along path of travel.

   b. Hydrant shall be installed within eight (8) feet of driving surface in a location acceptable to the Fire Marshal's Office.

   c. Installation of a hydrant adjacent to a driveway (12 feet wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.

   d. Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

23. Fire protection water shall be made to the fire department.

24. FIRE SPRINKLER SYSTEM: An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure.

   NOTE: The fire sprinkler system shall be installed and finalized by this office (FMO) prior to occupancy. A separate permit shall be obtained from this office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

25. GENERAL ACCESS REQUIREMENTS: These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
a. Construction of access roads and driveways shall use good engineering practice.

b. All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop-work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

26. DRIVEWAYS (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 feet. (measured along the path of travel).

   a. **Width**: Clear width of drivable surface of 12 feet.

   b. **Vertical Clearance**: Minimum vertical clearance of 13 feet 6 inches shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).

   c. **Curve Radius**: Inside turn radius for curves shall be a minimum of 42 feet.

   d. **Grade**: Maximum grade shall not exceed 15%. The Fire Marshal may permit grades up to a maximum of 20% if no other method is practicable and if consistent with good engineering practices. In no case shall the portion exceeding 15% gradient be longer than 300 feet in length, unless there is at least 100 feet at 15% or less gradient between each 300-foot section. Grades exceeding 15% shall be paved in compliance with County Standards.

   e. **Surface**: All driving surfaces shall be all-weather and capable of sustaining 65,000-pound gross vehicle weight.

   f. **Turnarounds**: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be 40-foot by 48-foot pad, hammerhead, or bulb of 32-foot radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

   g. **Gates**: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a fire department lock box/gate switch to allow for fire department access. Installation shall comply with CFMO-A3.
27. Property is located within the Santa Clara County Fire Department response area.

28. This property is located in the **wildland/urban interface** fire area. All of the following conditions shall apply:

   a. A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.

   b. Provide a ½-inch spark arrester for the chimney.

   c. Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.

29. **MAINTENANCE:** Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.

30. Fire department access roads, driveways, turnouts and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

**GEOLOGY:**

Contact JIM BAKER at (408) 299-5774 (or jim.baker@pln.sccgov.org) for details on the following conditions:

31.* Submit a geotechnical report and plan review letter that address slope stability near the building. Include one wet-signed print copy and an electronic version (pdf on CD) of the report and letter to the Planning Office, along with the appropriate report review fee.

**BUILDING INSPECTION:**

Contact BUILDING INSPECTION OFFICE at (408) 299-5700 for details on the following conditions:

32. At the time an application is filed for a building permit, a checklist from either LEED for Homes or Build it Green (GreenPoint) will be required. The checklist must demonstrate compliance with the Santa Clara County Green Building Ordinance (§ C3-50).

33. The building shall be designed with enhanced structural shearing and surface finishes to withstand the anomalous local wind loads characteristic of the Blackberry Hill Road ridgeline area. Refer to wind load criteria in
chapters C26, C27 and C28 of the American Society of Civil Engineers/Structural Engineering Institute 7-10 Minimum Design Loads for Buildings and Other Structures.
BACKGROUND
**PROPERTY OWNER'S NAME**
Charity Homes, LLC

**Mailing Address**
8555 Burchell Road
Gilroy, CA 95020

**APPLICANT OR APPELLANT NAME**
Hanna & Brunetti

**Mailing Address**
7651 Egleberry Street
Gilroy, CA 95020

**ADDRESS OF SUBJECT PROPERTY:**
15300 Blackberry Hill Road
**APN:** 537-07-009

**EXISTING USE OF PROPERTY:**
Vacant

**ACCESS RESTRICTIONS**

The **ACKNOWLEDGEMENTS AND AGREEMENTS** FORM on the reverse side of this application must be completed and signed by the property owner(s).

**FOR DEPARTMENT USE ONLY**

**FILE NUMBER:**
10709 - 15B(R1) - 5G(R1) - 15DR(R1)

**PROJECT DESCRIPTION:**
RESUBMITTAL; Revised plans and informational documents as per 3/27/15 letter.

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**TOTAL FEES**

Application fees are not refundable.

**Submittal reviewed and received by:**
Date: 6/3/15

**USA: Los Gatos**

**Zoning:**

**General Plan:**

**Parcel Size:**
SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

PROPERTY OWNER'S NAME
Charity Homes, LLC
Mailing Address: 8555 Burchell Road
City: Gilroy
Zip: 95020
Phone: (408)702-0348
Email: john_paiva@yahoo.com

APPLICANT OR APPELLANT NAME
Hanna & Brunetti
Mailing Address: 7651 Eigleberry Street
City: Gilroy
Zip: 95020
Phone: (408)842-2173
Email: awilson@hannabrunetti.com

ADDRESS OF SUBJECT PROPERTY:
15300 Blackberry Hill Road
CA
APN: 537-07-009

EXISTING USE OF PROPERTY: Vacant
ACCESS RESTRICTIONS (gate, dog, etc.):
The ACKNOWLEDGEMENTS AND AGREEMENTS FORM on the reverse side of this application must be completed and signed by the property owner(s).

FOR DEPARTMENT USE ONLY
FILE NUMBER: 10709 - 15 DR B G
PROJECT DESCRIPTION: Building Site Approval, Grading, Design,
New House on St. Slopes <300' on Review
Vacant Lot

APPLICATION TYPES | FEE(S) | COMMENTS / SU MITTAL MATERIALS
Architecture and Site Approval / ASX | 10894 | 
Building Site Approval / BA (Urban / Rural) | 
Certificate of Compliance | 
Design Review / DRX | 3982 | 
CEQA (EA / Cat Ex / Prior CEQA / EIR) | 
Compatible Use Determination (WA / OSE) | 
Geologic Report / Letter | 
Grading Approval / Abatement | 2383 | project planner: Jim Reilly 
Lot Line Adjustment / Lot Merger | Pre-Screening | 
Special Permit | 
Subdivision | Use Permit | 
Variance | Other | 

TOTAL FEES | 7289 |

Application files not funded
Submittal reviewed and received by: 2-9-15
Date: 

Coordinates: Y 31 X 48
Zoning: H8 C1
General Plan: H8 111 sides
Parcel Size: H8 200
USA / BO C2
WA / OSE / HCP
Early Outreach: N
Previous Files: 11-12 PAEB
July 17, 2015

John Paiva
Charity Homes, LLC
8555 Burchill Road
Gilroy, CA 95020

Re: File 10709-15B-15G-15DR
15300 Blackberry Hill Road

Dear Mr. Paiva:

YOUR BUILDING SITE APPROVAL, GRADING AND DESIGN REVIEW APPLICATION IS COMPLETE. The project has been scheduled for a public hearing on Tuesday, August 4, 2015. Once the meeting agenda has been finalized, you will be sent a notice that includes specific information about the hearing, including time and location.

Story poles must be installed in accordance with the County’s story pole guidelines. They must be fully installed before 10:30 am, Monday July 27, and must remain during the hearing process, including any active appeal period thereafter.

If you have any questions, please feel free to contact me (408-299-5799)/ james.reilly@pln.sccgov.org).

Sincerely,

James Reilly
Associate Planner

cc: Amanda Wilson, Hanna & Brunetti
THIS IS AN AGREEMENT between the COUNTY OF SANTA CLARA, State of California (hereinafter called County), and the developer named above (hereinafter called Developer), setting forth the requirements for construction of certain land development improvements.

1. Approval of Plans, etc.

The County hereby approves the improvement plans and specifications prepared for the aforesaid described project by J.W. Hoskins. A true copy of said plans and specifications is on file in the office of the County Surveyor and the same are incorporated herein by reference as though set out in full. Said plans and specifications shall be referenced herein as "the Plans," and the work to be done under the Plans shall be referenced as "the Work." The work shall include the setting of construction stakes, the adjustments or setting of monument boxes, the setting of survey monuments, or resetting of monuments disturbed or removed during the course of construction. All work performed in connection with setting monuments shall be done by persons legally qualified to perform such work.

2. Installation of the Work.

(a) The Developer shall install and complete the Work May 24, 197
prior to occupancy of any new building or additions to existing buildings resulting from County approval of subject project, but not later than one year from the date of this agreement. The County Surveyor may, upon written request and submission of satisfactory evidence that the specified time limits are not appropriate or practical, give written authorization of an extension of time.

In the event the Developer fails or refuses to complete the Work within the specified period of time, the County, at its sole option, shall be authorized to complete the Work in whatever manner the County shall decide. In the event the County completes the Work, the County may recover any and all costs incurred thereby from the Developer or the Developer’s surety, or both. Developer hereby grants County, its employees, contractors and subcontractors right of entry to Developer's land to inspect or perform Work as provided herein.

(b) The Developer shall install and complete the Work in a good and workmanlike manner and in accordance with the standards and specifications of the County for such Work. The decision of the County shall be final as to whether any material or workmanship meets the standards and specifications of the County. Any special investigations, tests and reports done at County expense pursuant to provisions of the Santa Clara County Ordinance Code, or any retesting of compaction or materials due to failure to comply with plan specifications, shall be paid by Developer prior to final approval of the Work and release of any performance bond. In the event that Work is not proceeding in a good and workmanlike manner, the County Surveyor may order suspension of Work pending corrective action.

(c) The Developer hereby certifies that the plans conform to the tentative map or development plan previously approved by the County. Developer agrees to cooperate with other property owners, contractors, the County, and public agencies that may be affected by the construction Work.


The Developer shall maintain the Work until all deficiencies in the Work are corrected to conform to the Plans and

May 24, 1978
March 26, 2015

Charity Homes, LLC
8555 Burchell Road
Gilroy, CA 95020

FILE NUMBER: 10709 - 15B - 15G - 15DR
SUBJECT: Building Site and Grading Approvals with Design Review
SITE LOCATION: Blackberry Hill Road
DATE RECEIVED: 2/9/2015

Dear Charity Homes, LLC Representative:

Your application for Building Site and Grading Approvals and Design Review is incomplete. In order for application processing to resume, you must resolve the following issues and submit the information listed below. Resubmittals are made in person at the Planning Office counter and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is submitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. He or she represents a particular specialty or office and can provide details about the requested information.

AN APPOINTMENT IS REQUIRED FOR THIS RESUBMITTAL. PLEASE CALL ME AT (408) 299-5781 TO SCHEDULE AN APPOINTMENT.

Submit four (4) revised full set of plans addressing the following items.

PLANNING OFFICE
Contact Jim Reilly (408-299-5799 / jim.reilly@pln.sccgov.org) for information regarding the following items.

1. If the existing barn is located within the existing 50-foot easement and is to be incorporated into the new residence it will need to be moved outside of the easement and it must adhere to the required setback from the north property line. If it remains as a stand-alone structure, then its Agricultural Exemption status can remain and the barn may be considered appropriate in its current location relative to the easement and relative to its proximity to the north property line. Also, if the existing barn is to remain and is attached to the residence, label the intervening construction as a breezeway. If it is a breezeway, show the width of the breezeway on the architectural plans to demonstrate that the width...
of the breezeway is 8 feet or less. Revise the architectural plans to ensure that the sides of the breezeway are entirely open except for necessary structural supports. Again, if the barn is attached to the residence and considered living space and part of the residence (not a detached accessory structure connected by a breezeway of 8 feet in width or less) it must be moved out of the required setback.

2. Provide a site plan that shows the parcel in its entirety. On the existing site plan a line exists 120 feet south of the north property line, what does this line represent? If nothing, please remove the line or label it appropriately. Show complete lot dimensions on the revised site plan.

3. On the architectural plans, provide square foot totals for each individual floor. Also, provide at least one set of plans stamped and signed by the architect who prepared the plans.

4. Provide a table on the civil plans enumerating the trees to be removed and any trees that will remain whose dripline will be located within any area of construction. Within the table; list the size, type and general health of each of the trees to be removed and those whose dripline will be located within any area of construction.

5. Provide color and texture samples for the proposed residence and the existing barn. Also, list on the architectural plans those colors and textures as well as the Light Reflectivity Value (LRV) of the proposed colors.

6. Provide documents/deeds showing legal creation of the lot. The deed recorded February 27, 1969 does not match the current grant deed. Please demonstrate whatever mechanism was used to allow for the difference between the two deeds and how the parcel was legally created.

7. Regarding the existing barn: fill out and submit with your resubmittal the enclosed Part I and Part II Identification of Potential Historical Resources form.

LAND DEVELOPMENT ENGINEERING
Contact Ed Duazo (408-299-5733 / ed.duazo@pln.sccgov.org) for information regarding the following items.

8. Please submit evidence of legal access to the site from the nearest publicly maintained road compiled and / or prepared by a Licensed Land Surveyor or Registered Civil Engineer who is authorized to practice land surveying.
9. Provide additional information on the private road used to access the property. Specifically, provide the following information for the portions of private road within the unincorporated County:

a. The location / limits of ingress / egress easement used to access the property,
b. The location of existing pavement relative to the ingress / egress easement(s),
c. A road profile, and
d. Topographic survey information (contours, trees, existing improvements, etc.) adjacent to the existing roadway and ingress / egress easement.

NOTE: The above information outlined in item #9 is necessary to determine whether improvements to the private access road will be required as part of the building site approval. The owner’s engineer is to provide a proposal to build a pro rata portion of the access road based upon the fully developed use of the road (County Standard Detail SD2).

10. Please provide a Drainage Plan that demonstrates the following items:

a. The site can be adequately drained,
b. The proposed development will not cause problems to the nearby properties,
c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.

DEPARTMENT OF ENVIRONMENTAL HEALTH
Contact Darrin Lee (408-299-5748 / darrin.lee@deh.sccgov.org) for information regarding the following items.

11. Submit revised plot plans to scale (1"= 20") on a grading and drainage plan showing house, driveway, all accessory structures, septic tank and required drainlines to contour. In order to prepare the plans the following must be included / completed:

a. An alternative Onsite Wastewater Treatment System (OWTS) proposed as a means for onsite sewage disposal, submit septic plans / designs to the Department of Environmental Health (Nicole Jorgensen at 408-918-3492). Separate fees may be applicable.
b. Although percolation tests and soil profiles were conducted, submit the following information to the Department of Environmental Health (Nicole Jorgensen at 408-918-3492): percolation test hole location, percolation test data, stabilized percolation rate, and soil profile test hole locations.

12. Provide a geotechnical report prepared by a state registered civil engineer, state certified engineering geologist or a state Registered Environmental Health Specialist THAT DEMONSTRATES that use of a subsurface sewage disposal system will not permit sewage effluent to surface, affect soil stability, degrade water quality, create a public nuisance or present a threat to the public health or safety. The report must address the specific engineered septic system plan. This report is required where drainfields are proposed to be installed on slopes exceeding 20%.

NOTES:

a. Floor plan shows an eight (8) bedroom single family residence. Commercial wastewater flows maybe applicable to determine OWTS.

b. Will this residence be a commercial use?

c. Plans show an onsite well.

FIRE MARSHAL OFFICE
Contact Mac Bala (408-299-5763 / mac.bala@pln.sccgov.org) for information regarding the following items.

13. Provide an access road profile from the nearest county / city maintained public road. Provide widths, grade, turning radii, type of surface.

14. The plans do not denote the gross square footage of the proposed structure. CFMO W-1 addresses the quantity of water needed to support the on-site wharf hydrant. Homes in excess of 10,000 - 15,000 gross square foot require a minimum of 30,000 gallons of water. Please provide the square footage for the residence including the garage.

15. The civil drawings (sheet 2) drawn by Hanna-Brunetti and the partial site plan drawn by James Reed Stroupe (sheet 1 of 7) do not match. Revise and / or clarify.
16. The proposed project area has the possibility of containing unrecorded archaeological sites. A study is recommended prior to commencement of project activities.

17. We (Northwest Information Center) recommend you contact the local Native American tribes regarding traditional, cultural and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916) 373-3710.

18. Since the Office of Historical Preservation has determined that any building or structure 45 years or older may be of historical value. If the project area contains such structures, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Santa Clara County conduct a formal CEQA (environmental / historical) evaluation. For your reference, a list of qualified professionals in California that meet the Secretary of the Interior’s standards can be at http://www.chrisinfo.org.

19. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation.

If the requested information is not submitted within 180 days, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted within 1 year of the date of this letter and will not be accepted after 1 year. PARTIAL RESUBMITTALS WILL NOT BE PROCESSED. Fees required at the time of resubmittal will be those in effect at that time.

Please note that your Building Site and Grading Approvals and Design Review application has been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted. In submitting this land use application you provided an initial application fee. Application fees are categorized as "fixed fees" and "billable fees," based on the particular application type. "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application. As of the date of this letter, less than 25% of the initial deposit associated with your "billable fee" application has been spent on the processing of your application.
If you have any additional questions regarding this application, please call me at (408) 299-5799 to discuss by telephone or to schedule an appointment to do so.

Sincerely,

Jim Reilly

Deputy Zoning Administrator
jim.reilly@pln.sccgov.org

cc: Ed Duazo, LDE
    Darrin Lee, DEH
    Mac Bala, Fire Marshal Office
    David Cheung, LDE
    Northwest Information Center

Hanna & Brunetti
7651 Eigleberry Street
Gilroy, CA 95020
Attn: Amanda Wilson

Resubmittal: Referral to Greg Bazhaw (copy of application and letter only)

Enclosures:
February 6, 2015

County of Santa Clara
70 West Hedding St
San Jose, CA 95110

Re: Project Background
15300 Blackberry Hill Road
APN 537-07-009

To whom it may concern:

This parcel applied for and was granted Building Site Approval in 1975, but the approval has since expired. One of the Building Site Approval conditions was for the project to improve their pro-rata share portion of Blackberry Hill Road. In 1978 the owners of this and adjoining properties prepared road improvement plans and constructed their pro-rata share improvements on Blackberry Hill Road. These improvements were inspected and approved in 1980 (please reference file 75M11.924 for more information). Since the BSA expired, we are currently applying for BSA, however we believe that the property has already satisfied their fair share portion of road improvements to this site and there is not a nexus to complete them again.

The project proposes to incorporate the existing barn in to the single family residence. The barn was permitted as an agriculture exemption in 1975, exemption no 2089, document attached.

If you need any clarification on the statements above, please contact me to discuss 408 842-2173.

Sincerely,

Amanda Wilson
APPLICATION FOR AGRICULTURAL EXEMPTION

APPLICANT PLEASE NOTE: This exemption, if granted, will exempt the applicant only from the necessity of Building, Plumbing, and Electrical permits, and inspections. It DOES NOT provide exemption from applicable Zoning, Health other Laws and Ordinances. IT DOES NOT APPLY TO DWELLINGS OR GAS INSTALLA

Application is hereby made for exemption from the Provisions of Chapter 1, Title 11, of the Santa Clara County Ordinance Code as follows:

1. Structure, etc., to be exempted, and use thereof: BARN

2. Address of Proposed Construction: END OF BLACKBERRY HILL RD

3. Description of Assessors Book No. 537 Page No. 07 Parcel No. 009

4. Area in Acres exclusive of public roads: 29.85

5. Type of present and primary agricultural use: TREES & SHRUBS

6. Supervisor District: 11 S. SANCHEZ

7. I attach hereto a plot plan showing location of the proposed improvement and all existing buildings and access thereto.

I am the OWNER of the above described land and declare under the penalty of perjury that the above statements are true and correct.

Owner's Signature: 

Print Name: DAVID B. LEXION

Owner's Address: 435 W. MAUDE AVE

SUNNYVALE, CA. 94086

Lessee's Address: 

Lessee's Signature: 

Print Name: 

Lessee's Address: 

Witnessed: Date: 6-30-75

APPLICANT: DO NOT WRITE BELOW THIS LINE
... attach hereto a plot plan showing location of the proposed improvement and all existing buildings and access thereto.

I am the OWNER of the above described land and declare under the penalty of perjury that the above statements are true and correct.

Owner's Signature: David B. Eison
Print Name: DAVID B. LEXTON
Owner's Address: 155 W. MAUNE AVE

Lessee's Signature: __________________________
Print Name: __________________________
Lessee's Address: __________________________

Witnessed __________________________ Date: 6-30-75

APPLICANT: DO NOT WRITE BELOW THIS LINE

1. Zoning: R-3 Setbacks Required: Front 75' Side 75' Rear 75' Planning Department, Date 6-30-75

2. Fire hydrant Engineering Services, Date 7-30-75

3. Septic tank Health Department, Date 6-30-75

4. Fire Marshal, Date 6-30-75

APPROVED __________________________ Date 7-3-75

TO: PACIFIC GAS & ELECTRIC CO. This Exemption permits connection of

Elec. meter

7/16/74

JUN-30-75 Exemption No. 2089
February 6, 2015

County of Santa Clara
70 West Hedding St
San Jose, CA 95110

Re: Statement of Justification for Proposed Grading
15300 Blackberry Hill Road
APN 537-07-009

To whom it may concern,

The project consists of building a single family residence, driveway, guest parking, and associated improvements. The zoning on the lot allows for a single family residence. The proposed residence will be located on the north east corner lost and placed at the right-of-way where the lot is the flattest, helping minimize the disturbed area footprint. The proposed grading will not endanger any public/private property or public health and safety. It will minimize the impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts. This site minimizes grading in comparison with other available sites, taking into consideration other development constraints and regulations applicable to the project. Grading and associated improvements will conform to the natural terrain and existing topography of the site as much as possible, and will not create a significant visual scar. The proposed grading conforms to the general plans and the Guideline for Grading and Hillside Development by the county.

If you have any questions, please call our office.

Sincerely,

Amanda Wilson
15300 Blackberry Hill Road
Los Gatos, CA

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NOTICE OF PERMIT AND CONDITIONS OF APPROVAL

PURSUANT TO COUNTY OF SANTA CLARA ZONING ORDINANCE § 5.20.125

Notice is hereby given by the County of Santa Clara, pursuant to Santa Clara County Zoning Ordinance Section 5.20.125, that a discretionary permit has been issued for the subject property described below, and that certain conditions of approval accepted by the owner of subject property at the time of permit issuance shall be the enduring obligation of successor property owners.

Permit and conditions of approval are on file with the Santa Clara County Department of Planning and Development, and are available for review.

File Number: 10709-15B-15G-15DR
Permit Type: Building site approval, grading, design review
Property Address: 15300 Blackberry Hill Road
Assessor's Parcel Number: 53707009

THE GRANT DEED IN EFFECT AT THE TIME OF RECORDING SHALL BE ATTACHED HERETO AND INCORPORATED HEREIN.

Property Owner(s)
(Print as appears on deed): Norman DePoe

Property owner(s) shall sign below in the presence of a notary public, who shall attest to the identity of the signatory(ies). Acknowledgement certificate shall be attached.

Signature(s): Norman DePoe
Date: October 6, 2015
Certificate of Acknowledgement

State of North Carolina
County of Wake

On October 6, 2015, before me, Norman D. Pau, personally appeared and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person executed the instrument.

WITNESS my hand and official seal

[Notary seal]

My Commission Expires: February 6, 2018
NOT CE OF PERM T AND COND TONS OF APPROVAL
PURSUANT TO COUNTY OF SANTA CLARA ZONING ORDINANCE § 5.20.125

Notice is hereby given by the County of Santa Clara, pursuant to Santa Clara County Zoning Ordinance Section 5.20.125, that a discretionary permit has been issued for the subject property described below, and that certain conditions of approval accepted by the owner of subject property at the time of permit issuance shall be the enduring obligation of successor property owners.

Permit and conditions of approval are on file with the Santa Clara County Department of Planning and Development, and are available for review.

File Number: 10709-15B-15G-15DR

Permit Type: Building site approval, grading, design review

Property Address: 15300 Blackberry Hill Road

Assessor's Parcel Number: 53707009

THE GRANT DEED IN EFFECT AT THE TIME OF RECORDING SHALL BE ATTACHED HERETO AND INCORPORATED HEREIN.

Property Owner(s)
(Print as appears on deed): Duong Nguyen

Property owner(s) shall sign below in the presence of a notary public, who shall attest to the identity of the signatory(ies). Acknowledgement certificate shall be attached.

Signature(s): ___________________________ Date: 10/4/15

Form revised March 2015
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SANTA CLARA
On OCT (e) 2015 before me, JERENA SODEN, NOTARY, personally appeared DI UONG NGUYEN

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature of Notary Public]

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: County Notice of Permit + Conditions / Approval
Document Date: 10/16/2015
Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)
Signer’s Name: DIUONG NGUYEN

☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: __________________________

Signer is Representing: SELF

Signer's Name:

☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: __________________________

Signer is Representing: __________________________
NOTICE OF PUBLIC HEARING - ZONING ADMINISTRATOR

Project: single-family residence and associated site improvements

Property Location: 15300 Blackberry Hill Rd, Los Gatos

Owner / Applicant: N. DePeau, D. Nguyen/ Applicant: A. Wilson

File # 10709 -15B-15G-15DR

Continued public hearing to consider BUILDING SITE APPROVAL, GRADING and DESIGN REVIEW for proposed single-family residence and associated site improvements. Proposed 5,850 square-foot dwelling subject to Viewshed Preservation Ordinance (Tier 2 project). Grading quantities include 803 cubic yards cut, 904 yards fill.

Environmental Determination: Categorical Exemption

Project Planner: Jim Reilly (408) 299-5799 jim.reilly@pln.sccgov.org

Public Hearing will be held on September 1, 2015 at 9:30 a.m.

County Government Center, 1st floor, Room 157, 70 W Hedding Street, San Jose, CA.

All interested persons may appear and be heard. Written communication should be filed with the Planning Office prior to the date of the hearing. In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the Clerk of the Board 24 hours prior to the meeting at 408-299-5001 or TDD 408-993-8272. For more information, visit our website at www.sccplanning.org.

Para obtener información en Español, llame a Sylvia Ornelas-Wise al 408-299-5759.
Dear Mr. Cooks:

At your request, we have reviewed the above references for the purpose of evaluating if the proposed wastewater system meets the requirements as specified in the Santa Clara County’s “Geotechnical Report and Engineering Requirements” Attachment D document.

**PROJECT DESCRIPTION**

Based on a review of reference 2, it is our understanding that subsurface drip dispersal system is planned to discharge treated sewage from the proposed new residence. The dispersal field is located in an area of the site upon an approximate 3:1 (horizontal to vertical) slope at the north western part of the site. The system applies the treated wastewater at a maximum rate of 0.28 gallons per day per square foot of field. The actual application is dependent on the number of house hold occupants and usage and is expected to be less than this figure on a regular basis.

Percolation test holes performed by Biosphere Consulting, Inc., in the proposed field area revealed 3 to 5 feet of sandy and clayey soil over sandstone bedrock. This soil profile is consistent with the conditions encountered in the soil report of reference 1.
EVALUATION AND REVIEW

The application rate of the treated water is equivalent to a rainfall of less than 0.025 inches per hour.

Based on this level of water dispersal, the use of this system on these slopes is acceptable. The field is located more than 100 feet away from slopes steeper than 50%, which is acceptable. The sewage is being treated in a tank before being discharged into the dispersion field.

Based on the above, it is our opinion, that the proposed on site water treatment system;

a) Has a very low risk of permitting sewage effluent to the surface
b) Has a very low risk of degrading water quality
c) Has a very low risk of affecting soil stability
d) Has a very low risk of presenting a threat to the public health or safety
e) Has a very low risk of creating a public nuisance

We trust the above information satisfies your present needs. Should there be any questions or should you require any additional information, please contact our office at your convenience.

Sincerely,

Quantum Geotechnical Inc.

Simon Makdessi, P.E., G.E.
President

Quantum Geotechnical Inc.
PLANS
EXTERIOR MATERIALS

Roofing Material: Thermoplastic Membrane. Color will be selected by Owner.

Exterior Walls: Lap Siding with Exterior-grade cement-based millboard, exterior-grade millboard with a 1/8" reinforced membrane at all interior walls on columns. Exterior walls to be painted with a 1/4" primer or sealant.

Duct, plenum, and structures with floor and roof access with a minimum of 20% left open over site.

See Title 26, Subtitle 2, Article 2, Section 10 of the California State Building Code.

EXTERIOR COLORS

Blackberry Hill Road
Lot 10/11, CA

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EXTERIOR MATERIALS

Roofing Material: 1" thick board roof over concrete sheathing. Color to be selected by Owner.

Wall Finish: 1" thick fiber cement board sheathing. Color to be selected by Owner.

Dual-paned glass windows with locks and screens with wood trim inside and anti-reflection coating applied on outside.

Fenestration: 2 sgl. 3/4" thick glass. - Integral color to be selected by Owner on 1/4" thick "Lexiglas" laminate. Materials manufactured by Benjamin Stieger, Inc.

Faux trim color to be selected by Owner.

Porch floor finish to be selected by Owner. Stair treads to be selected by Owner.

Paint colors to be selected by Owner. Interior doors to be selected by Owner.

Exterior Door: Steel - Double doors - Integral color to be selected by Owner. Manufacturer: Benjamin Stieger, Inc.

Exterior Walls: 1" thick fiber cement board sheathing. Color to be selected by Owner.

Exterior Roof: 1" thick board roof over concrete sheathing. Color to be selected by Owner.

Exterior Colors

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All exterior block in gray shade. - Integral color to be selected by Owner.

North Elevation, View Side

1/4" = 1'-0"
ATTACHMENT C
Original Building Permit number 2016-61363
Insulation and Caulking Notes

1. Provide Certainteed GREENGUARD certified unfaced Fiberglass batts as follows:
   - Roof: R-26, 1-1/2" thick R-19, 1-3/4" thick
   - Walls: R-15, 2-1/2" thick
   - Unfinished: R-7, 3-1/2" thick

   NOTE: Provide 3-1/2" thick R-15 sound insulation at all bedroom walls.

2. Provide expanding foam spray on insulation at all plate lines, penetrations in exterior sheathing,
   penetrations in bonded foam CFS ceiling and penetrations at exterior walls.
   Provide two VG3 caulking manufactured by Dow Industries.

---

Transverse Building Section Looking East
1/4" = 1'-0"

Longitudinal Building Section Looking North
1/4" = 1'-0"
CONSTRUCTION MATERIALS

1. All materials designated for use in the construction process shall be examined and tested to confirm compliance with specified requirements. The examiner of materials shall be responsible for quality control during every phase of the construction.

2. All materials shall be tested and accepted in accordance with applicable standards and shall be free from defects and imperfections that may affect the integrity of the finished project.

3. Materials shall be tested for compliance with the project standards and specifications, and shall be stored and handled in a manner that prevents damage or contamination.

4. Materials shall be installed in accordance with the approved construction plans and specifications, and shall be properly identified to ensure correct installation at the site.

5. Materials shall be tested and inspected periodically to ensure compliance with the project standards and specifications.

LANDSCAPE MATERIALS

1. All materials designated for the landscaping of the site shall be examined and tested to confirm compliance with specified requirements.

2. All materials shall be tested and accepted in accordance with applicable standards and shall be free from defects and imperfections that may affect the integrity of the finished project.

3. Materials shall be installed in accordance with the approved construction plans and specifications, and shall be properly identified to ensure correct installation at the site.

4. Materials shall be tested and inspected periodically to ensure compliance with the project standards and specifications.

VEHICLE STORAGE AND MAINTENANCE

1. All vehicles shall be stored and maintained in accordance with all applicable regulations and standards, including adherence to safety and environmental regulations.

2. All vehicles shall be stored in a clean and orderly manner, and shall be properly identified to ensure correct identification at the site.

3. All vehicles shall be tested and inspected periodically to ensure compliance with all applicable regulations and standards.

WASTE MANAGEMENT

1. All waste shall be disposed of in accordance with all applicable regulations and standards, including adherence to safety and environmental regulations.

2. All waste shall be stored in a clean and orderly manner, and shall be properly identified to ensure correct identification at the site.

3. All waste shall be tested and inspected periodically to ensure compliance with all applicable regulations and standards.
Califomia Green Building Standards Code
Chapter 8 - Building Water and Energy Efficiency

Section 8.1 - General Water and Energy Efficiency Requirements

8.1.1 General

This chapter establishes minimum water and energy efficiency standards for new buildings in order to ensure efficient water and energy use during its operation, and to meet the standards required by the California Environmental Quality Act (CEQA) and the California Conservation Code.

8.1.2 Definitions

For purposes of this chapter, the following terms shall have the meanings ascribed to them:

(a) Building: Any structure, including additions, alterations, and reconstructions, and any portion of a structure.

(b) Water: All waters, including surface water and groundwater, that are subject to the jurisdiction of the State Water Resources Control Board.

(c) Energy: All forms of energy, including electricity, natural gas, and other forms of energy used for space heating, water heating, and other energy-related purposes.

8.1.3 Compliance

(a) New buildings and structures shall comply with the provisions of this chapter unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this chapter unless exempted by the California Conservation Code.

8.1.4 Exceptions

(a) Buildings and structures that are exempted from the provisions of this chapter by the California Conservation Code.

(b) Buildings and structures that are exempted from the provisions of this chapter by other state or local laws.

Section 8.2 - Water Conservation

8.2.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.2.2 Water-Efficient Fixtures

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.2.3 Water-Efficient Appliances

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.2.4 Water-Efficient Landscaping

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

Section 8.3 - Energy Conservation

8.3.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.3.2 Energy-Tightness

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.3.3 Energy-Efficient Equipment

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

Section 8.4 - Water and Energy Performance

8.4.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.4.2 Water Performance

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.4.3 Energy Performance

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

Section 8.5 - Water and Energy Performance Monitoring

8.5.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.5.2 Water Performance Monitoring

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.5.3 Energy Performance Monitoring

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

Section 8.6 - Water and Energy Performance Verification

8.6.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.6.2 Water Performance Verification

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.6.3 Energy Performance Verification

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

Section 8.7 - Water and Energy Performance Improvement

8.7.1 General

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.7.2 Water Performance Improvement

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

8.7.3 Energy Performance Improvement

(a) New buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.

(b) Existing buildings and structures shall comply with the provisions of this section unless exempted by the California Conservation Code.
GENERAL NOTES

1. The contractor shall have a detailed and thorough knowledge of the plans and specifications prior to any work being undertaken. The contractor shall ensure that all work is in accordance with the plans and specifications and that all materials are of the correct grade and quality.

2. Any alteration or substitution of materials or workmanship must be authorized in writing by the architect and engineer. Any such alterations or substitutions must be made in accordance with the plans and specifications.

3. The contractor shall provide and keep the site clean and free of debris. All work shall be completed in a manner that is safe for the public.

4. The contractor shall coordinate with other contractors and trades to ensure that work is carried out in a timely and efficient manner.

5. The contractor shall ensure that all work is completed to the satisfaction of the architect and engineer.

FRAMING NOTES

1. All exterior walls shall be constructed in 2x6" nominal dimension 2x10" grade on 24" centers.
2. All interior walls shall be 2x4" nominal dimension on 16" centers.
3. All exterior doors shall be 36" x 80" without a transom.
4. All interior doors shall be 30" x 80" without a transom.
5. All windows shall be 36" x 80" without a transom.
6. All exterior walls shall be sheathed with 1/2" OSB panels on 24" centers.
7. All interior walls shall be sheathed with 1/2" OSB panels on 16" centers.
8. All roof sheathing shall be 1/2" OSB panels on 24" centers.
9. All exterior doors shall be 36" x 80" without a transom.
10. All interior doors shall be 30" x 80" without a transom.
11. All windows shall be 36" x 80" without a transom.
12. All roof trusses shall be provided by the manufacturer.
13. All exterior walls shall be insulated with R-19 insulation.
14. All interior walls shall be insulated with R-13 insulation.
15. All exterior doors shall be insulated with R-21 insulation.
16. All interior doors shall be insulated with R-21 insulation.
17. All windows shall be insulated with R-21 insulation.
18. All roof trusses shall be insulated with R-19 insulation.

SPECIFICATIONS

1. All concrete shall be placed and finished in accordance with ACI 308-95.
2. Concrete shall be proportioned to have a minimum 28 day compressive strength of 2800 psi. Concrete shall be placed and finished in accordance with ACI 308-95.
3. Steel reinforcing shall be in accordance with the requirements of Section 3B, "Reinforcement of the Concrete Standards Specifications." Steel reinforcing shall be of the size and grade specified in the plans and specifications.
4. All structural steel shall be furnished in accordance with the requirements of Section 3B, "Reinforcement of the Concrete Standards Specifications." Steel reinforcing shall be of the size and grade specified in the plans and specifications.
5. All exterior walls shall be sheathed with 1/2" OSB panels on 24" centers. All interior walls shall be sheathed with 1/2" OSB panels on 16" centers.
6. All exterior doors shall be 36" x 80" without a transom. All interior doors shall be 30" x 80" without a transom. All windows shall be 36" x 80" without a transom.
7. All roof trusses shall be provided by the manufacturer. All roof trusses shall be designed and calculated in accordance with the American Wood Council standards.
8. All exterior walls shall be insulated with R-19 insulation. All interior walls shall be insulated with R-13 insulation. All exterior doors shall be insulated with R-21 insulation. All interior doors shall be insulated with R-21 insulation. All windows shall be insulated with R-21 insulation.
9. All roof trusses shall be insulated with R-19 insulation.
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13. All roof trusses shall be insulated with R-19 insulation.

FRAMING NOTES

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10. All interior doors shall be insulated with R-21 insulation.
11. All windows shall be insulated with R-21 insulation.
12. All roof trusses shall be insulated with R-19 insulation.

STRUCTURAL FORCES

1. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
2. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
3. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
4. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
5. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
6. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria. All loads shall be applied in accordance with the American Institute of Steel Construction (AISC) criteria.
Landscape Specifications

1. GENERAL

1.1 Scope

This document establishes the design standards and guidelines for the landscape area of the project. The landscape features include plantings, hardscapes, and softscapes as described in this document.

1.2 Purpose

The purpose of this document is to provide a detailed description of the landscape design, including plant species, hardscape materials, and softscape elements. This information is intended to guide the construction and maintenance of the landscape area.

1.3 Referenced Documents

This document references the following documents:

- Landscape Design Plan
- Site Plan
- Construction Drawings
- Local Codes and Standards

1.4 Construction

The landscape construction shall be performed in accordance with the approved plans and specifications. The contractor shall be responsible for ensuring compliance with all applicable codes and standards.

1.5 Maintenance

The landscape area shall be maintained in accordance with the approved plans and specifications. The maintenance plan shall include regular inspections and adjustments as needed.

1.6 Materials

The use of materials shall be consistent with the approved plans and specifications. The materials shall be of high quality and suitable for the intended use.

2. DESIGN

2.1 Planting

2.1.1 Trees

The planting of trees shall be in accordance with the approved site plan. Trees shall be selected based on their suitability for the site conditions and their contribution to the overall aesthetics of the landscape.

2.1.2 Shrubs

Shrubs shall be planted in accordance with the approved site plan. The selection of shrubs shall be based on their suitability for the site conditions and their contribution to the overall aesthetics of the landscape.

2.1.3 Groundcover

Groundcover shall be selected and planted in accordance with the approved site plan. The selection of groundcover shall be based on its ability to withstand the site conditions and its contribution to the overall aesthetics of the landscape.

2.2 Hardscape

2.2.1 Pavement

Pavement shall be constructed in accordance with the approved plans and specifications. The selection of pavement materials shall be based on their durability and suitability for the site conditions.

2.2.2 Fences

Fences shall be constructed in accordance with the approved plans and specifications. The selection of fence materials shall be based on their durability and suitability for the site conditions.

2.2.3 Retaining Walls

Retaining walls shall be constructed in accordance with the approved plans and specifications. The selection of retaining wall materials shall be based on their durability and suitability for the site conditions.

2.3 Softscape

2.3.1 Irrigation

Irrigation systems shall be designed and installed in accordance with the approved plans and specifications. The selection of irrigation systems shall be based on their efficiency and suitability for the site conditions.

2.3.2 Lighting

Lighting systems shall be designed and installed in accordance with the approved plans and specifications. The selection of lighting systems shall be based on their suitability for the site conditions and their contribution to the overall aesthetics of the landscape.

3. INSTALLATION

3.1 Planting

Planting shall be performed in accordance with the approved plans and specifications. The planting process shall be monitored to ensure proper soil preparation and placement of plants.

3.2 Hardscape

Hardscapes shall be constructed in accordance with the approved plans and specifications. The construction process shall be monitored to ensure proper installation of materials and adherence to the approved plans.

3.3 Softscape

Softscapes shall be installed in accordance with the approved plans and specifications. The installation process shall be monitored to ensure proper placement and adherence to the approved plans.

4. REFERENCES

This document references the following standards and guidelines:

- Local Codes and Standards
- American Society of Landscape Architects (ASLA)
- National Landscape Council (NLC)

5. ACKNOWLEDGMENTS

This project would not have been possible without the contributions of the following individuals:

- Landscape Architects
- Contractors
- Site Engineers

6. CONCLUSIONS

The landscape design and implementation for this project have been completed in accordance with the approved plans and specifications. The landscape area will provide an aesthetic and functional enhancement to the site.

7. APPENDICES

This document includes the following appendices:

- Landscape Design Plan
- Site Plan
- Construction Drawings
- Local Codes and Standards

8. ATTACHMENTS

This document includes the following attachments:

- Landscape Plan
- Material List
- Construction Schedule

9. ADDENDUM

This document includes the following addenda:

- Additional Planting
- Additional Hardscape
- Additional Softscape

10. SUMMARY

The landscape area of the project has been designed and constructed in accordance with the approved plans and specifications. The landscape area will provide an aesthetic and functional enhancement to the site.
ATTACHMENT D

Grading Permit Issued plans with staff modification
ATTACHMENT E
Modified Planning Conditions of Approval
Attachment B
Planning Conditions of Approval

File Number: 10709-15B-15G-15DR
Date: October 8, 2020
Owner: Norman DePeau, Duong Nguyen
Location: 15300 Blackberry Hill Road, Los Gatos

Project Description:
MAJOR MODIFICATION of BUILDING SITE APPROVAL, GRADING APPROVAL AND DESIGN REVIEW APPROVAL, to construct a of the 2016 Building Site Approval, Grading Approval and Design Review concurrent land use entitlement for a 5,944 square-foot single-family residence and 980 square-foot attached garage, with associated improvements including driveways, onsite wastewater system and well. Grading quantities are 910 cubic yards (c.y.) cut and 910 c.y. fill. Modification also includes review of on-site landscaping.

Original Condition of Approval.
Deleted Condition of Approval. [Deleted – ZA Hearing 10/8/2020]
Modified Condition of Approval, including deleted language. [Modified – ZA Hearing 10/8/2020]
Added Condition of Approval. [Added – ZA Hearing 18/8/2020]

PLANNING:
Contact Mark J. Connolly at (408) 299-5786 / mark.connolly@pln.sccgov.org) for details on the following: [Modified – ZA Hearing 10/8/2020]

1. Development must take place according to approved architectural plans, prepared by James Stroup, dated August 24, 2015; and approved engineering plans, prepared by Hanna & Brunetti, dated August 2015, as well as modified Landscape Plan received on September 7, 2020 and approved at the Zoning Administrator on October 8, 20201. [Modified – ZA Hearing 10/8/2020]

2. LANDSCAPE PLAN: Prior to issuance of the building permit, submit three (3) copies of a landscape plan (including irrigation systems), prepared and stamped by a licensed landscape architect. The landscape plan shall emphasize native plant species, and shall be designed to sustainably stabilize and vegetate the disturbed earthwork areas, and to provide some visual mitigation of the house as viewed from adjacent properties and the valley floor. [Original Condition of Approval].

   a. The requirements of Division B33 of the County Ordinance Code (Water Conservation in Landscaping) shall apply. In particular:
i. Landscape water efficiency must be demonstrated by utilizing any one of the three options provided in Section B33-5: Demonstration of Landscape Water Efficiency.

ii. Landscape design must comply with all applicable standards and criteria of Section B33-6: Water-Efficient Design Elements.

iii. Landscape and irrigation plans must comply with all applicable standards and criteria of Section B33-8: Landscape and Irrigation Design Plans.

The landscape ordinance and supporting information can be found on the Planning Office web site: <www.sccplanning.org> > Permits and Development > Landscape Ordinance

b. The landscape plan shall consist of a variety of landscape material types (i.e. large/small trees, shrubs, forbs, vines/ivy, and ground cover) of varying species. Canopy trees shall, for the purposes of this condition, mean deciduous or evergreen trees of a species whose height and spread at maturity normally exceeds 35 feet, and shall not include palms (family Arecaceae or Palmae).

c. The plan shall include at least four (4) six (6) native or naturalized canopy trees (oaks or other), to be installed in locations where they would eventually provide meaningful ridgeline construction mitigation, screening, or both, with the following specific requirements:

   i. Two of the trees shall be planted to the northwest of the house site, above the 1,768-foot contour line (pad elevation is 1,790). Remaining two (or more) trees shall be installed elsewhere in the vicinity of the house, above the 1,750-foot contour line.

   ii. Trees shall be from (minimum) 24-inch box containers.

   iii. Due to the increased frequency of observed sudden oak death (Phytophthera ramorum) in the western portions of Santa Clara County, oak choices should be limited to species which have not shown susceptibility to sudden oak death, such as valley oak (Quercus lobata), Oregon white oak (Quercus garryana), blue oak (Quercus douglasii). [Modified Condition of Approval].

d. The grading plan shows that several trees are proposed to be removed. All trees to be removed shall be so indicated on the plan and replaced with native canopy trees in equivalent numbers. This is in addition to trees required by (c), above.

e. Arrangement of trees and other plant materials shall provide for defensible space for fire protection around proposed buildings. Please contact the Fire Marshal’s Office (408 299-5760) for more information.

f. Soil must be capable of supporting the proposed installation and must have adequate water storage capacity. Soil characteristics, including structure, texture, percolation, pH, mineral content, and microbiology, shall be evaluated early in the design process. Soil amendments, such as compost or fertilizer, shall be added as appropriate.
3. The landscape architect shall oversee the installation of plant materials and irrigation hardware, and assess the quality of installation. After the planting is complete, the property owner shall provide to the Planning Office a written summary report from the landscape architect, which shall:

   a. Detail the plant materials installed (species, number, location, size, quality) per the approved plan. Indicate any discrepancies between plan and installation (if applicable), and state reasons for such discrepancies.
   b. Detail any necessary soil augmentation, fertilizer, staking or other plant-specific maintenance required for the installation.
   c. Report any installation problems or concerns of long-term viability.
   d. Detail any longer-term maintenance needs, including periodic professional tree fertilizing and pruning to better assure successful growth.

4. Landscaping materials must be installed per approved plan prior to final inspection. [Original Condition of Approval].

5. Original invoices and receipts from landscape contractor(s) and tree nursery must be kept on hand for one year following installation. Should verification of proper installation be necessary, such invoices shall be made available to the zoning administrator for inspection. [Original Condition of Approval].

6.* COLOR/ LRV: With the exception of trim and minor details, the exterior surfaces of the structure must be of muted colors with light reflectivity value (LRV) of 30 or lower. Provide two sets of color samples for review prior to building permit issuance. [Original Condition of Approval].

7.* ONGOING COMPLIANCE: Record a “Notice of Permit and Conditions” with the County Office of Clerk-Recorder, to ensure that successor property owners are made aware that certain conditions of approval shall have enduring obligation. Evidence of such recordation shall be provided prior to building permit issuance. [Original Condition of Approval].
ATTACHMENT F
Proposed Landscape Plans
MEMO

Project Name & Description:
15300 Blackberry Hill Rd., Los Gatos
Use Permit Application

The Landscape Plans have been submitted with full consideration of the soil and environmental conditions at the site. We will have the soil where the proposed Oak trees will be planted tested by a soil lab for fertility considerations such as nutrient levels, pH, texture classification and other fertility factors. The soil lab will make recommendations on any fertilizer or amendments that are required for optimum growing conditions.

The trees will have supplemental drip irrigation that will be reduced over time and eventually stopped when the Oak trees are established.

The Blue Oaks that are proposed should do well at this site.

Greg Lewis – Landscape Architect - Lic. # 2176
ATTACHMENT G
Location and Vicinity Exhibit Map
ATTACHMENT H
Color Board
15300 Blackberry Hill Road

Color Selection Chart

**Location: Primary house color**

**Paint Color:** Sherwin-Williams Peppercorn SW7674  
**LRV:** 10

**Location: Trim color**

**Paint Color:** Sherwin-Williams Cyberspace SW7076  
**LRV:** 6

**Location: Standing Seam Metal Roof**

**Paint Color:** Taylor Metals Kynar 500 Matte Black SRI-23

**Location: Windows, Aluminum Clad**

**Paint Color:** Black