

## County of Santa Clara

Department of Planning and Development  
Planning Office

County Government Center, East Wing, 7th Floor  
70 West Hedding Street  
San Jose, California 95110-1705  
(408) 299-5770 FAX (408) 288-9198  
www.sccplanning.org



## STAFF REPORT Zoning Administration November 12, 2020 **Item #2**

Staff Contact: Xue Ling, Associate Planner  
(408) 299-5784, [xue.ling@pln.sccgov.org](mailto:xue.ling@pln.sccgov.org)

### **File: PLN20-051 Variance to Reduce Side Setback**

**Summary:** A Variance request to reduce the side setback from thirteen feet (13'-0") to eight feet-six inches (8'-6") for a 677-square foot addition to the existing single-family residence.

**Owner:** Aeron and Anya Boynton  
**Applicant:** Tony Rowe  
**Address:** 5464 Fairway Drive, San Jose  
**APN:** 599-33-015  
**Supervisory District:** 3

**Gen. Plan Designation:** San Jose  
**Zoning:** R1-20  
**Lot Size:** 12,370 square feet  
**Present Land Use:** Single-family Residence  
**HCP:** Not in HCP Area

### **RECOMMENDED ACTIONS**

- A. Accept a Categorical Exemption, under Section 15301 (Class1)(e) of the CEQA Guidelines, Attachment A; and
- B. Grant Variance approval, pursuant to Conditions of Approval outlined in Attachment B.

### **ATTACHMENTS INCLUDED**

Attachment A – CEQA Determination  
Attachment B – Preliminary Conditions of Approval  
Attachment C – Plans and Vicinity Map  
Attachment D – Applicant's Variance Statement of Justification  
Attachment E – Ordinance No. NS-1200.81.4  
Attachment F – File No. 2170-47-74-84B-84V

## PROJECT DESCRIPTION

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The proposed Variance would allow the reduction of the required side yard setback from thirteen feet (13'-0") to eight feet-six inches (8'-6"), as measured from the east side property line to accommodate a 677-square foot addition to the existing residence. More specifically, the additions include converting the existing 316-square foot covered porch and carport into living space and adding a 361-square foot attached garage and living space, both of which encroach into the required setback. The existing residence is currently constructed with a six-foot (6'-0") side yard setback from the west property line, and an eight foot-six inch (8'-6") side yard setback from the east property line, in conformance with a Variance that was previously approved in 1984 (Attachment F). The new additions would be located within the required thirteen-foot (13'-0") setback, with no further encroachment beyond the eight foot-six inch (8'-6") setback that was approved in the 1984.

### Setting/Location Information

The subject property is located within San Jose urban service area (USA) in the Alum Rock neighborhood, bordered by San Jose Country Club, Toyon Avenue, and Alum Rock Avenue. The neighborhood is comprised of properties ranging in sizes between 6,000 square feet to over one (1) acre, with the majority of the existing residences developed with six-foot (6'-0") side yard setbacks that are legal non-conforming.

## REASONS FOR RECOMMENDATIONS

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### A. Environmental Review and Determination (CEQA)

The proposed project's environmental impacts were analyzed, resulting in a Categorical Exemption under Section 15301 (Class1)(e) - addition to the existing structure resulting in an increase less than 50 percent of the floor area (See Attachment A).

### B. Project/Proposal

1. **General Plan:** Urban Service Area
2. **Approved Building Site:** The site is exempt from Building Site Approval (BSA) as within R1-20 Zoning District per Municipal Code Section C12-309.2-Exemption for Certain Urban Districts. However, the subject site obtained BSA in 1989, before the exemption to urban parcels applied.
3. **Zoning Standards:** Single-family residences are an allowed use in R1-20 Zoning District. The County Zoning Ordinance specifies the required development standards as summarized below:

<b>Front Setback:</b>	30-feet
<b>Side Setback:</b>	13-feet (10% of the lot width)*
<b>Rear Setback:</b>	25-feet
<b>Height:</b>	35-feet
<b>Stories:</b>	2-stories

\*Note: The Variance request is to reduce the side setback from thirteen feet (13'-0") to eight feet-six inches (8'-6").

### C. Variance Findings

Pursuant to Section 5.70.020 of the County Zoning Ordinance, a Variance may be considered and justified to enable discretionary relief from the development standards of the zoning ordinance where it can be clearly determined that, due to unique circumstances, enforcement of the applicable standards would preclude reasonable use and development of a lot. Furthermore, “unique circumstances” that warrant variance approval must be both substantial and detrimental, and must relate to tangible characteristics of the lot, subject to specific findings of fact. An approved Variance should logically and reasonably remedy a specific hardship that may result from a lot’s unique circumstances. In the following discussion, the required Variance findings are in **bold**, and an explanation of how the project meets the required finding is in plain text below.

**1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and**

The Variance request is to reduce the side setback from thirteen feet (13’-0”) to eight feet-six inches (8’-6”), as measured from the east side property line to the new 677-square foot addition to the existing residence. The subject lot is 12,370 square feet in area, which is considered a substandard lot size with respect to the minimum 20,000 square feet prescribed to create a lot within the R1-20 zoning district. Compared to a majority of the lots in the area, the lot is relatively narrow, with an average lot width of 62 feet and a lot depth of 201 feet. Additionally, over one-third of the total lot area is occupied by Miguelita Creek and its riverbank in the rear.

The substandard lot size and the narrow lot width, combined with the required riparian setback and existing, on-site development, constrain the ability of the applicant to expand development on the property. The existing detached accessory structure (BP File No. 1986-61375-00) and the pool (BP File No. 1998-84766-00) are permitted structures that occupy the area behind the residence, and are located adjacent to the riparian setback, leaving an unreasonable amount of area on the property for an addition.

The shape and size of the lot constitute circumstances which make the subject property relatively unique in its zoning district and neighborhood context. The grant of this variance is thus not a grant of special privileges inconsistent with the privileges and limitations affecting neighboring properties. The subject property received approval of a Variance in 1984, which reduced the required setback along the east property line from 13 feet (13’-0”) to eight feet-six inches (8’6”). Furthermore, a number of Variances have been approved in the neighborhood to reduce required setbacks, including the neighboring property located at 64 Oakmore Drive (File No. 6402-96V).

It is important to note that during a Pre-Application submittal to the County, the applicant requested a reduction of the required setback beyond what was previously approved in 1984, however Staff was unable to support such a request. As such, the applicant redesigned their project to maintain the previously approved setback of 8'-6" for the construction of the proposed new additions. For the reasons provided above, staff is able to make this finding.

**2. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.**

The subject property and the surrounding neighborhood were previously located within R1-6 zoning designation. On January 25, 1981, the County Board of Supervisors adopted a Zoning Amendment (Ordinance No. NS-1200 – Attachment F) to rezone the area (where the subject property is located) from R1-6 (single-family residential with 6,000 square foot minimum lot size) to R1-20 (single-family residential with 20,000 square foot minimum lot size). The majority of the parcels in the neighborhood were developed prior to the zone change, with a required side yard setback of six feet (6'-0") at the time of construction.

Based on Staff research, homes in the immediate neighborhood have setbacks ranging from six feet (6'-0") to twelve feet (12'-0"). Although the existing residence was built in 1984, after the Zoning Amendment in 1981, it is currently constructed with a six foot (6'-0") side yard setback along the west side property line, and an eight feet-six inches (8'-6") along the east side property line, in conformance with the approved 1984 Variance (Attachment F).

The subject Variance request to expand an addition along the east side property line that matches the Variance setback encroachment approved in 1984 is compatible with the neighborhood character and construction patterns found in the area. Therefore, staff has determined this finding can be made.

In conclusion, based on the unique circumstances, Staff recommends that the Zoning Administration Hearing Officer grant the requested Variance to allow the east side yard setback to be eight feet-six inches (8'-6"). The Variance can be justified for the reasons in the Findings discussed in the body of this report. The Variance is reasonably necessary to provide a practical remedy to the substantial and detrimental hardships presented by the lot's characteristics, and conforms to the applicable findings of the Zoning Ordinance.

## **BACKGROUND**

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On January 26, 1981, the Board of Supervisors adopted a Zoning Amendment (Zone Change)(Ordinance No. NS-1200. 81.4 – Attachment E), to amend the zoning on the subject property and surrounding neighborhood from R1-6 to R1-20. The rezoned area is bordered by

San Jose Country Club, Toyon Avenue, and Alum Rock Avenue. The majority of the affected 366 parcels had been developed prior to the zone change under R1-6 zoning designation requirements, with side setbacks of six (6) feet.

The existing residence was built in 1984, after the 1981 zone change, with a Building Site Approval and Variance to reduce the side setback from fifteen feet (15'-0") to six feet (6'-0") along the west side property line and eight feet-six inches (8'-6") along the east side property line.

On December 10, 2019, the property owner submitted the Variance Pre-application, and a Pre-application meeting was held on January 20, 2020. At the time, the property owner requested to further reduce the east side yard setback from eight feet-six inches (8'-6") to six-feet (6'-0"). Staff relayed concerns with this additional encroachment and noted that the County could only support maintaining the existing, approved 8'-6" side yard setback along the east property line.

On March 16, 2020, the property owner filed the Variance request application. Staff issued the initial incomplete letter on May 5, 2020, with a one-month extension due to the circumstances under the County Shelter-in-Place Order.

On August 21, 2020, the applicant made the final resubmittal, and the project was subsequently deemed complete for processing on September 22, 2020. A public notice was mailed to all property owners within a 300 radius on October 28, 2020, and was also published in the Post Records on October 30, 2020. Staff has not received any comment letters as a result of the public notice, as of the preparation or sign-off of this report.

## STAFF REPORT REVIEW

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Prepared by: Xue Ling, Associate Planner



Reviewed by: Leza Mikhail, Principal Planner & Zoning Administrator

DocuSigned by:  
  
4272684C30A646B...

# Attachment A

## Statement Of Exemption from the California Environmental Quality Act (CEQA)

## Attachment A

# STATEMENT OF EXEMPTION

## from the California Environmental Quality Act (CEQA)

<b>FILE NUMBER</b> PLN20-051	<b>APN(S)</b> 599-33-015	 11/6/2020
<b>PROJECT NAME</b> Single-Family Residence; 5464 Fairway Drive, San Jose, CA, 95127	<b>APPLICATION TYPE</b> Variance	
<b>OWNER</b> Aeron and Anya Boynton	<b>APPLICANT</b> Tony Rowe	
<b>PROJECT LOCATION</b> 2940 Paseo Robles, San Martin, CA, 93446		
<b>PROJECT DESCRIPTION</b> A Variance request to reduce the side setback from thirteen feet (13'-0") to eight feet-six inches (8'-6") for a 677-square foot addition to the existing single-family residence.  All discretionary development permits processed by the County Planning Office must be evaluated for compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended). Projects which meet criteria listed under CEQA may be deemed exempt from environmental review. The project described above has been evaluated by Planning Staff under the provisions of CEQA and has been deemed to be exempt from further environmental review per the provision(s) listed below.		
<b>CEQA (GUIDELINES) EXEMPTION SECTION</b> Section 15301 - Class 1(e): addition to the existing structure resulting in an increase less than 50 percent of the floor area		
<b>COMMENTS</b>  The subject property is located in an area where all public services and facilities are available. The proposed home addition is outside the riparian setback in the rear of the property and is less than 50 percent of the floor area of the structure before the addition.		
<b>APPROVED BY:</b>		
Xue Ling, Associate Planner	 _____ Signature	11/05/2020 _____ Date

# Attachment B

## Preliminary Variance Conditions Of Approval

**ATTACHMENT B**  
**PRELIMINARY VARIANCE CONDITIONS OF APPROVAL**

**Date:** November 5, 2020

**Owner/Applicant:** Aeron and Anya Boynton

**Location:** 5464 Fairway Drive, CA (APN: 599-33-015)

**File Number:** PLN20-051

**CEQA:** Categorically Exempt – Section 15301, Class 1(e)

**Project Description:** A Variance request to reduce the side setback from thirteen feet (13'-0") to eight feet-six inches (8'-6") for a 677-square foot addition to the existing single-family residence.

If you have any question regarding the following final Conditions of Approval, call the person whose name is listed below as the contact for that agency. She/he represents a specialty and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
<b>Planning</b>	Xue Ling	(408) 299- 5784	<a href="mailto:xue.ling@pln.sccgov.org">xue.ling@pln.sccgov.org</a>
<b>Building Inspection</b>		(408) 299- 5700	
<b>Land Development Engineering</b>	Ed Duazo	(408) 299 - 5733	<a href="mailto:ed.duazo@pln.sccgov.org">ed.duazo@pln.sccgov.org</a>

**STANDARD CONDITIONS OF APPROVAL**

Building Inspection

1. For detailed information about the requirements for a building permit, obtain a Building Permit Application Instruction handout from the Building Inspection Office or visit the website at [www.sccbuilding.org](http://www.sccbuilding.org).

Planning

2. Development must take place in substantial conformance with the approved plans, submitted on August 21, 2020, and these Conditions of Approval. The reduced setbacks are a six-foot (6'-0") side yard setback from the west property line, and an eight foot-six inch (8'-6") side yard setback from the east property line. Future additions to the residence require review and approval of the Planning Division, and may require additional permits.

Land Development Engineering

3. Construction staking is required and shall be the responsibility of the developer.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO FINAL GRADING AND BUILDING PERMIT ISSUANCE**

Land Development Engineering

4. Survey monuments shall be shown on the plans to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments shall be exposed,

verified and noted in the plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.

5. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.

**CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO SIGN-OFF OF THE FOUNDATION FOR THE ADDITION**

6. **Prior to inspection sign-off by the Building Division of the foundation forms**, provide a setback certification prepared by a licensed surveyor or civil engineer, stating that the proposed addition walls will not be closer to the east side property line than eight feet- six inches (8'-6"), as measured from the closest point of the structure to the east property line.

# Attachment C

## Plans and Vicinity Map



REVISIONS	BY

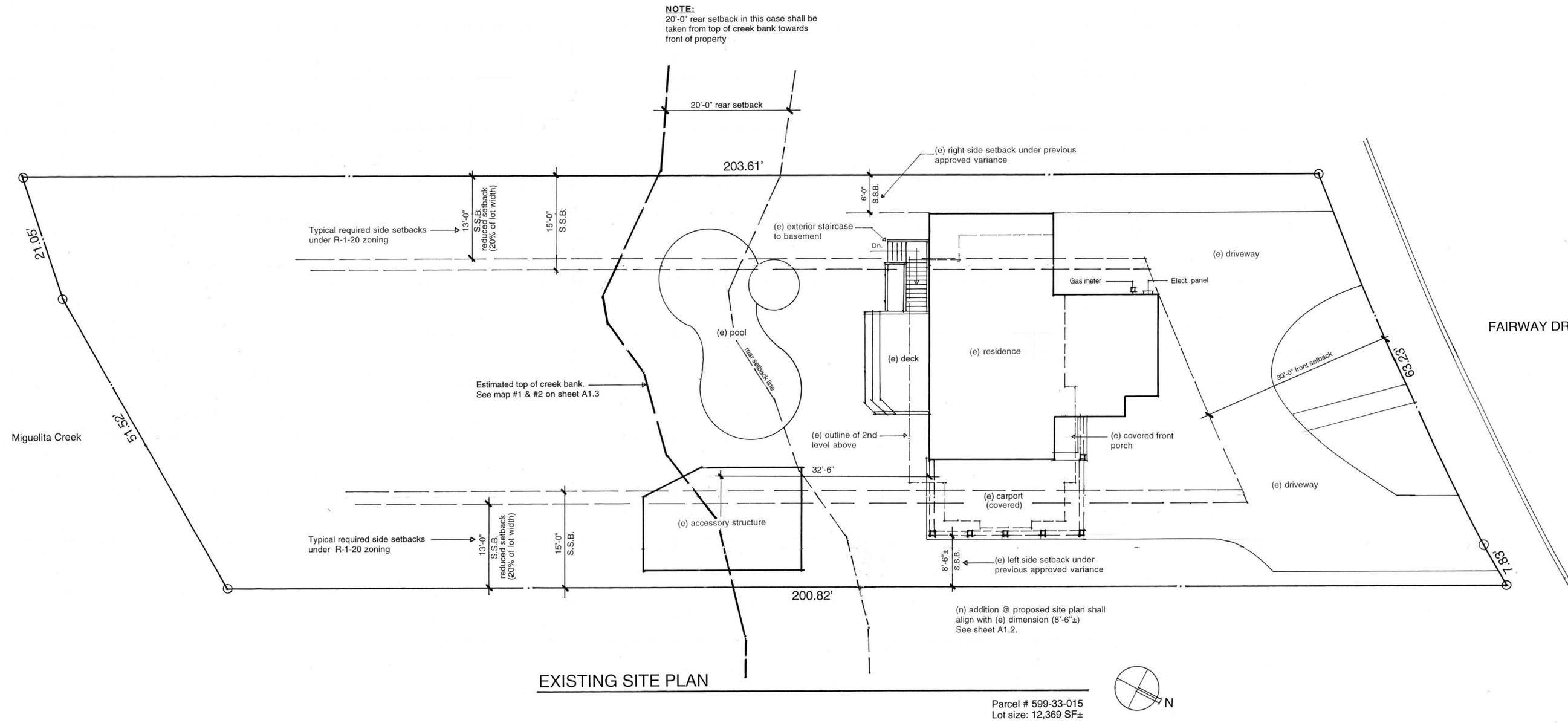
**BR**  
 Britt • Rowe  
 108 N. Santa Cruz Ave.  
 Los Gatos, CA 95030  
 408.354.6224 (office)  
 408.354.6514 (fax)

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**BOYNTON RESIDENCE**  
 5464 FAIRWAY DR.  
 SAN JOSE, CA 95127

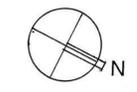
SHEET: (E) SITE PLAN  
 SCALE: 1/8"=1'-0"  
 DATE: SEPT. 20, 2019  
 DRAWN:

**A1.1**



**EXISTING SITE PLAN**

Parcel # 599-33-015  
 Lot size: 12,369 SF±



REVISIONS	BY

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 408.354.6514 (fax)

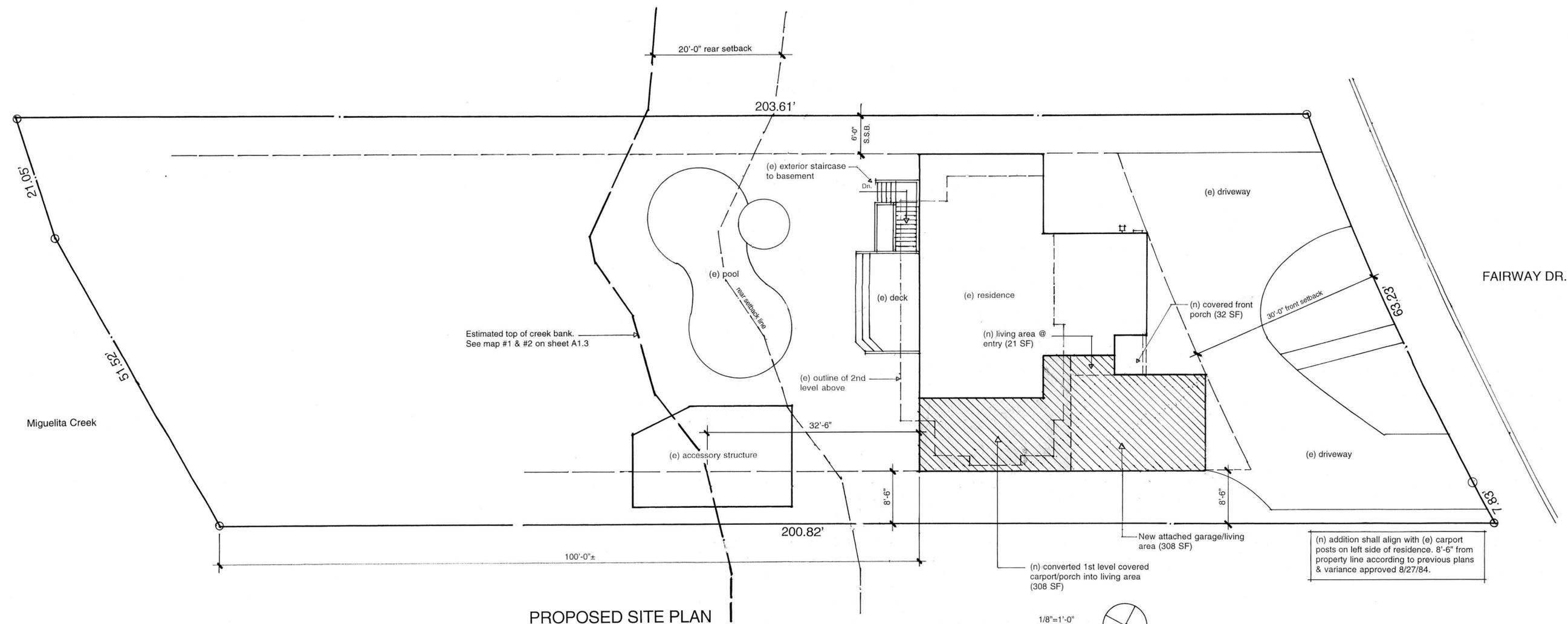
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**BOYNTON RESIDENCE**  
**5464 FAIRWAY DR.**  
**SAN JOSE, CA 95127**

SHEET : (N) SITE PLAN  
 SCALE : 1/8" = 1'-0"  
 DATE : SEPT. 20, 2019  
 DRAWN :

**A1.2**

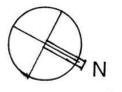
**NOTE:**  
 20'-0" rear setback in this case shall be taken from top of creek bank towards front of property



**PROPOSED SITE PLAN**

- Area of construction
- Area of (e) carport/porch converted to living area

1/8" = 1'-0"  
 Parcel # 599-33-015  
 Lot size: 12,369 SF±



(n) addition shall align with (e) carport posts on left side of residence. 8'-6" from property line according to previous plans & variance approved 8/27/84.





PHOTO OF EXISTING RESIDENCE (FRONT)

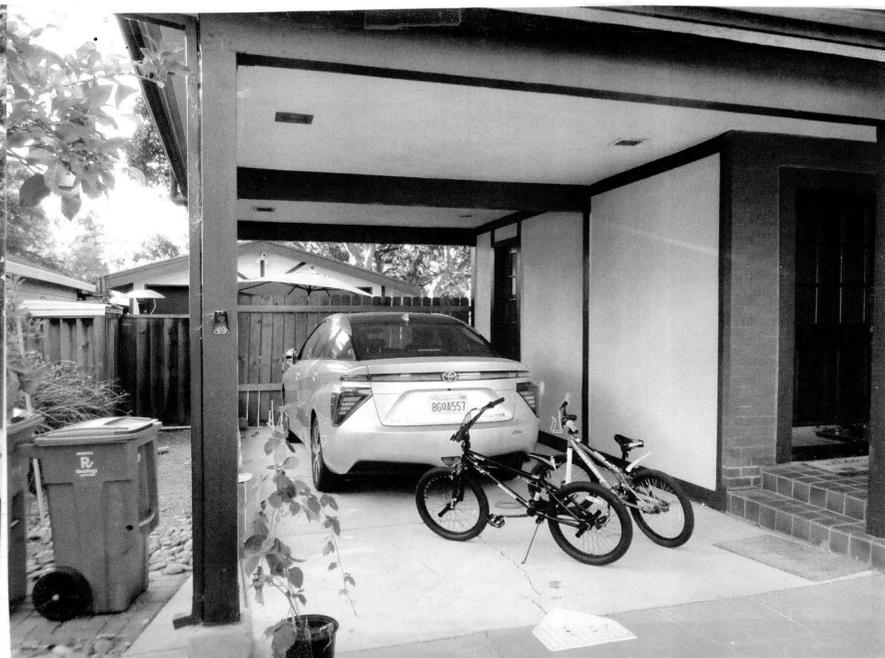


PHOTO OF (E) CARPORT & PORCH



PHOTO OF EXISTING RESIDENCE (REAR)



1 MAP OF SUBJECT PROPERTY



2 GEOGRAPHIC MAP SHOWING CREEK BED BEHIND SUBJECT PROPERTY

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BOYNTON RESIDENCE  
 5464 FAIRWAY DR.  
 SAN JOSE, CA 95127

SHEET : (E) PHOTOS/GEOGRAPHIC MAPS  
 SCALE : NO SCALE  
 DATE : SEPT. 20, 2019  
 DRAWN :

**A1.3**

REVISIONS	BY

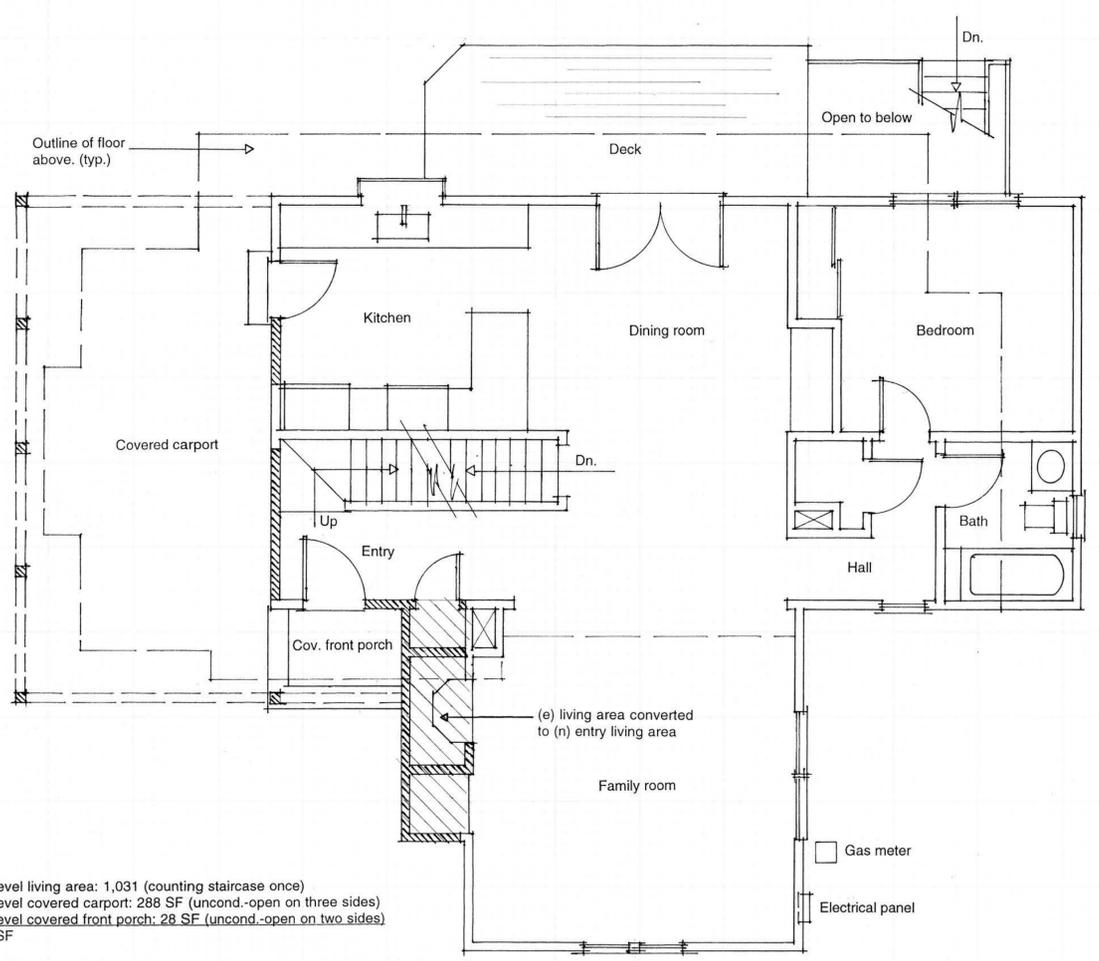
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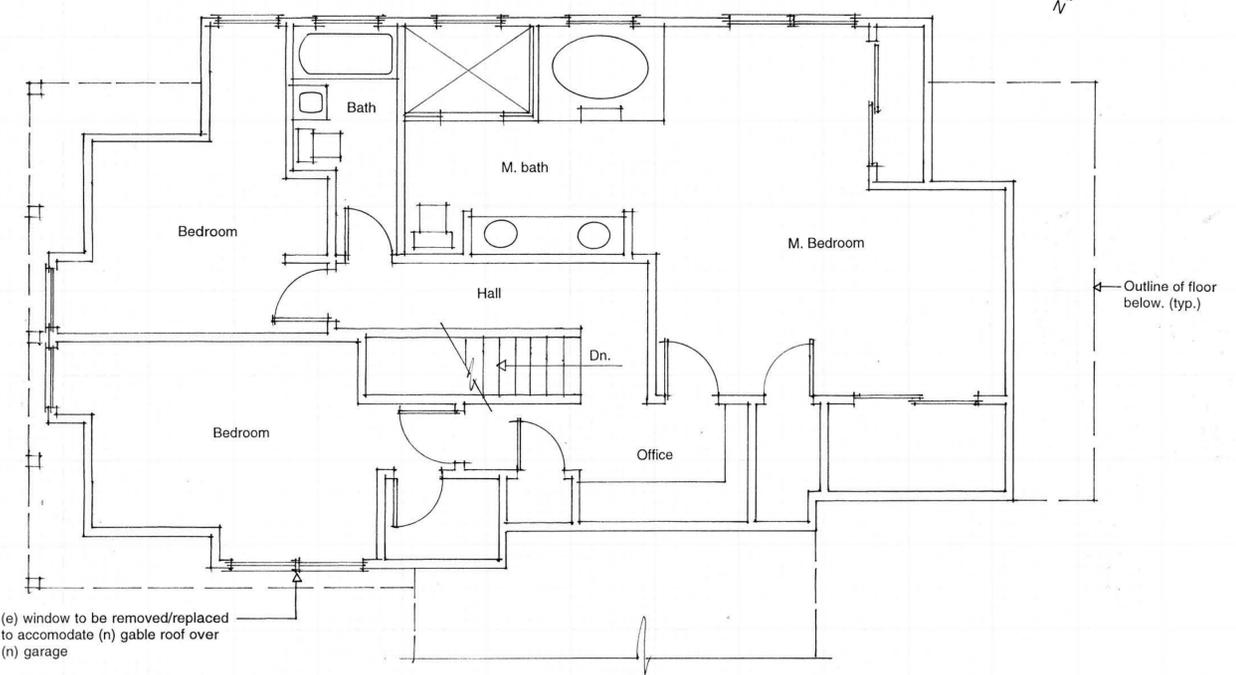
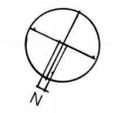
SHEET: (E) FLOOR PLANS
SCALE: 1/4"=1'-0"
DATE: SEPT. 20, 2019
DRAWN:

**A2.1**



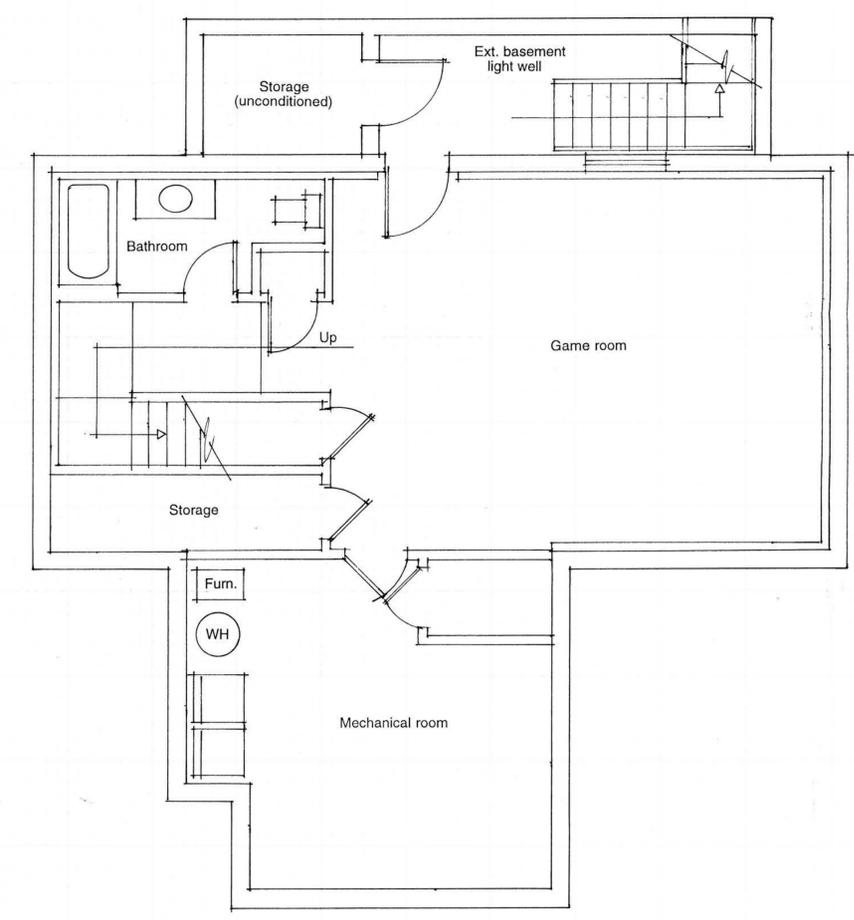
**EXISTING 1ST LEVEL FLOOR PLAN**

Walls to be removed/alterred



**EXISTING 2ND LEVEL FLOOR PLAN**

Existing 2nd level living area: 994 (not counting staircase twice)



**EXISTING BASEMENT PLAN**

**NOTE:**  
 No work in basement

Existing basement living area: 657 SF (conditioned)  
 Existing basement mechanical room: 257 SF (unconditioned)  
 Existing basement staircase/storage area: 156 SF (unconditioned)  
 Total: 1,070 SF

REVISIONS	BY

**BR**

**Britt • Rowe**

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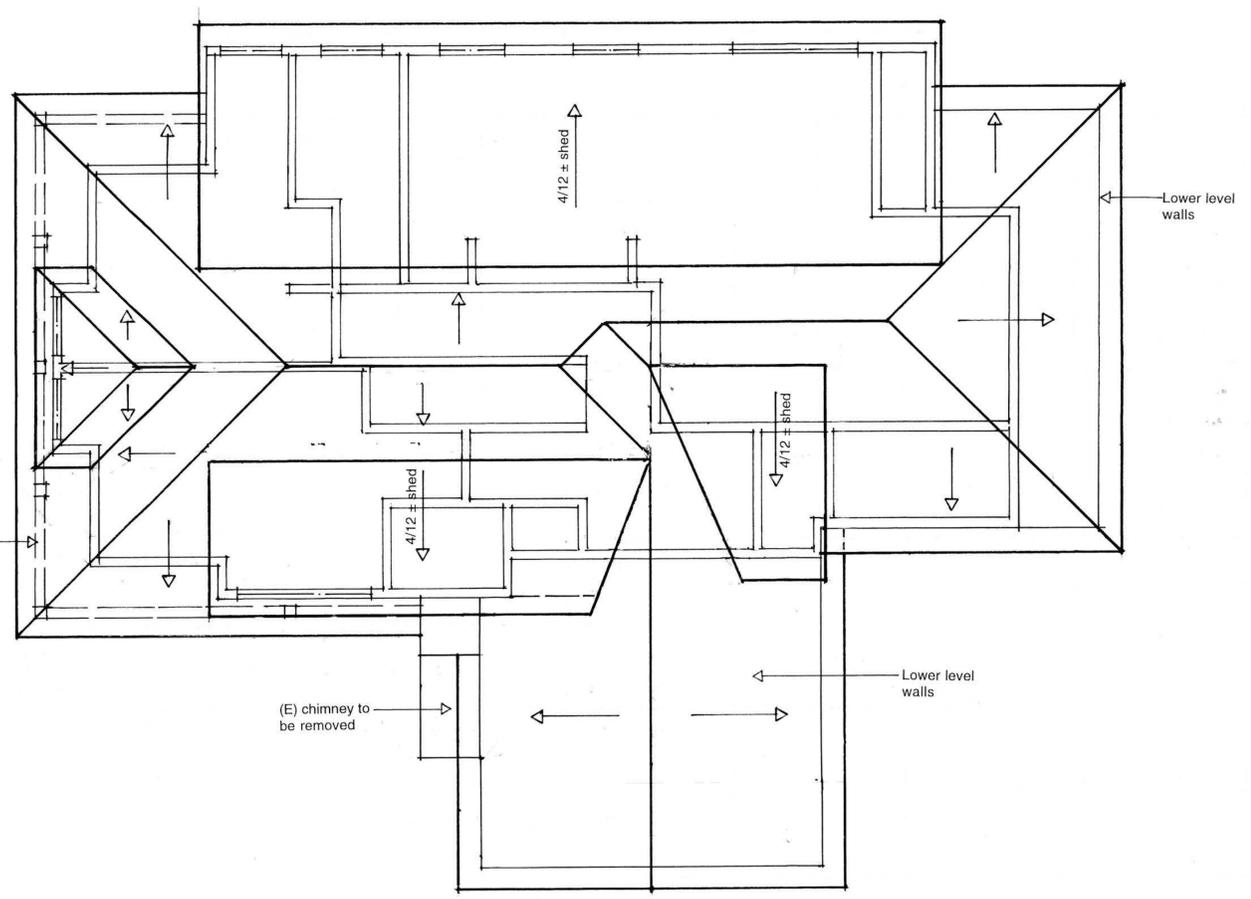
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**BOYNTON RESIDENCE**  
5464 FAIRWAY DR.  
SAN JOSE, CA 95127

SHEET : EXISTING ROOF PLAN  
SCALE : 1/4"=1'-0"  
DATE : SEPT. 20, 2019  
DRAWN :

**A2.2**



**EXISTING ROOF PLAN**

Existing roof pitch: 16/12 (typ.-U.N.O.) Verify!  
Existing roof material: Class "A" asphalt comp.

REVISIONS	BY

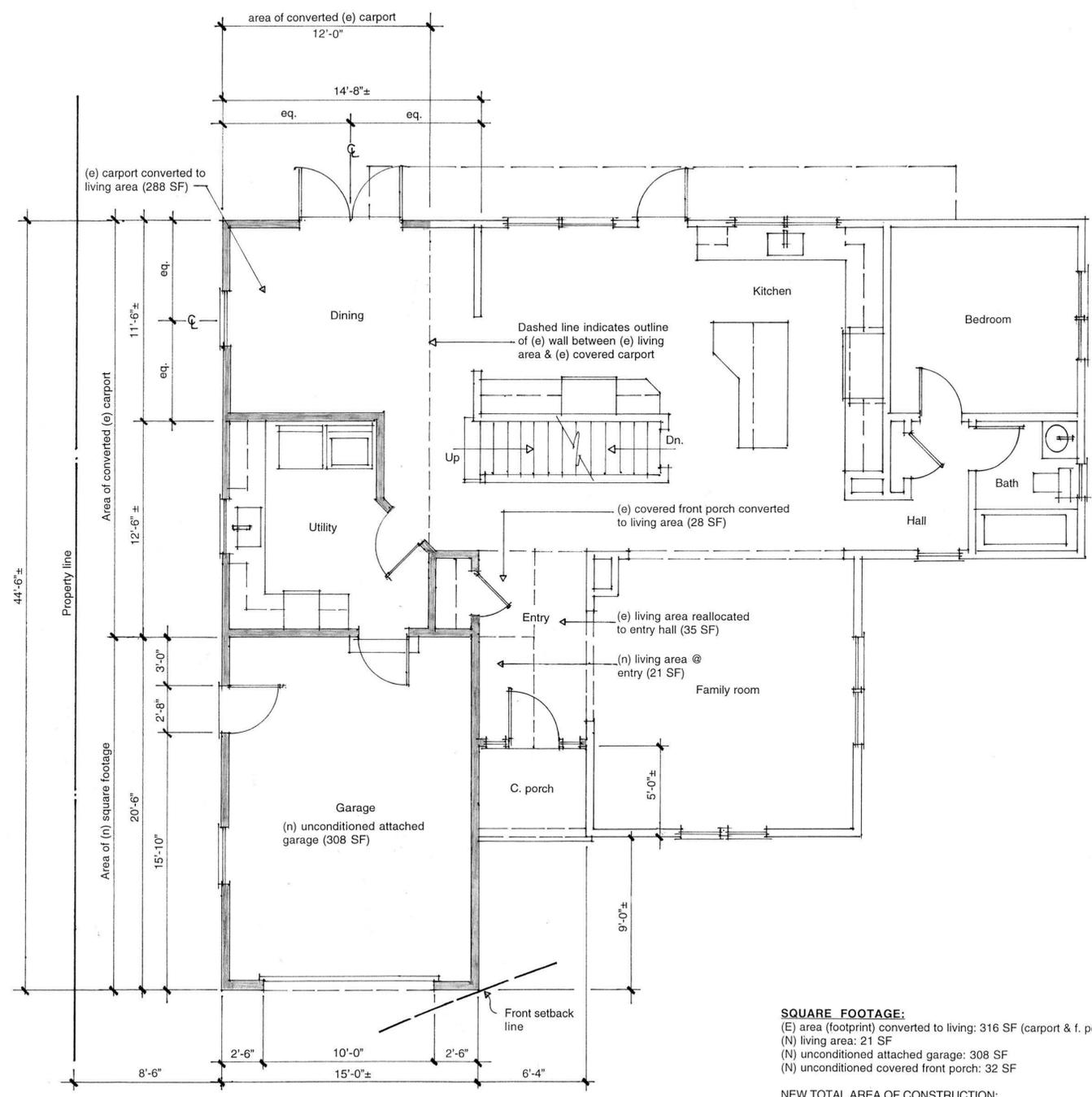
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**BOYNTON RESIDENCE**  
 5464 FAIRWAY DR.  
 SAN JOSE, CA 95127

SHEET : PROPOSED FLOOR PLAN
SCALE : 1/4"=1'-0"
DATE : JULY 10, 2020
DRAWN :

**A3.1**



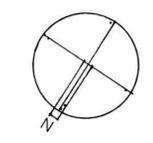
(n) addition shall align with (e) carport posts on left side of residence. 8'-6" from property line according to previous plans & variance approved 8/27/84.

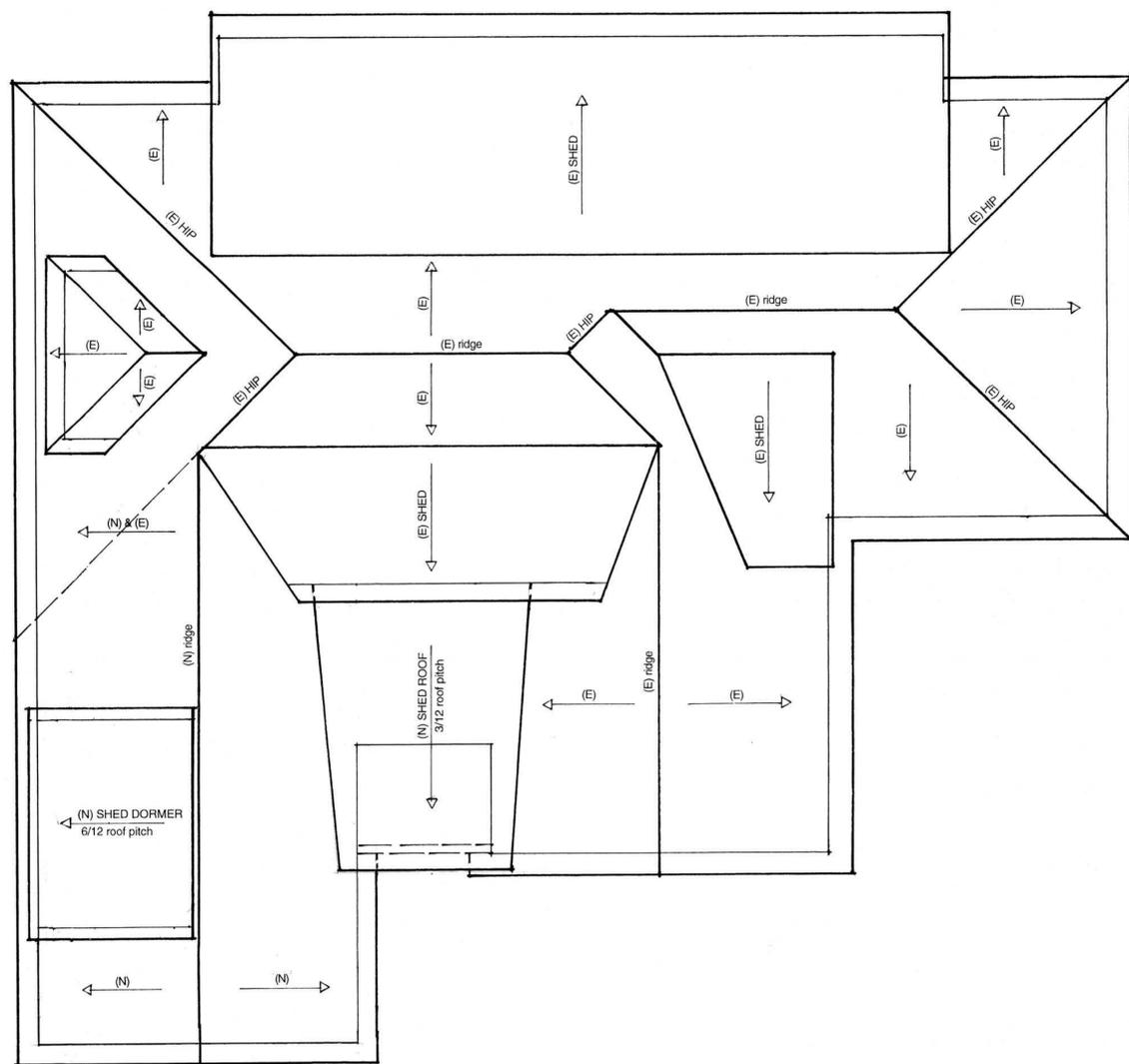
**PROPOSED FLOOR PLAN**

█ New walls (2x4 studs @ 16" O.C.-typ. U.N.O.)

**SQUARE FOOTAGE:**  
 (E) area (footprint) converted to living: 316 SF (carport & f. porch)  
 (N) living area: 21 SF  
 (N) unconditioned attached garage: 308 SF  
 (N) unconditioned covered front porch: 32 SF

**NEW TOTAL AREA OF CONSTRUCTION:**  
 (E) area converted to other: 316 SF  
 (N) additions: 361 SF





### PROPOSED ROOF PLAN

ROOF PITCH @ new shall be 14/12 to match existing (typ.-U.N.O.) Verify in field!  
All overhangs shall match existing. (typ.)

REVISIONS	BY

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**BOYNTON RESIDENCE**  
**5464 FAIRWAY DR.**  
**SAN JOSE, CA 95127**

SHEET : PROPOSED ROOF PLAN
SCALE : 1/4"=1'-0"
DATE : FEB. 25, 2020
DRAWN :

**A3.2**

REVISIONS	BY

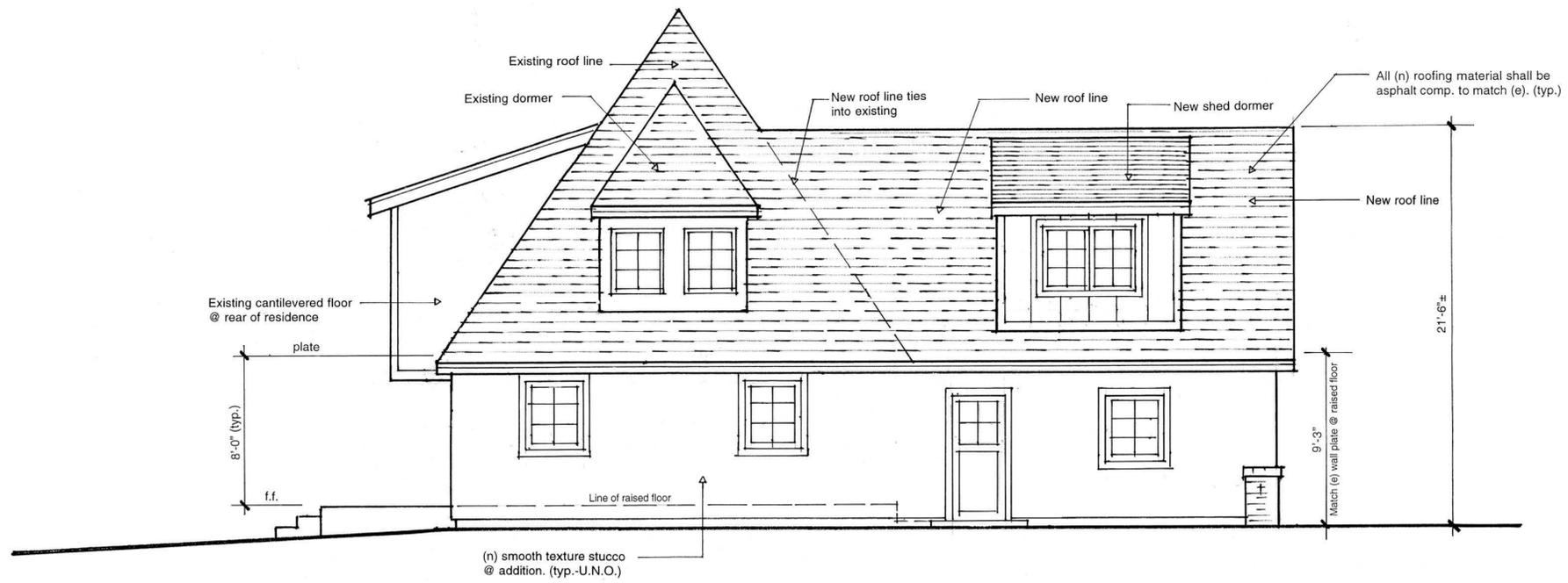
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**BOYNTON RESIDENCE**  
 5464 FAIRWAY DR.  
 SAN JOSE, CA 95127

SHEET: EXTERIOR ELEVATIONS  
 SCALE: 1/4"=1'-0"  
 DATE: MARCH 10, 2020  
 DRAWN:

**A3.3**



**NORTHEAST ELEVATION (LEFT SIDE)**

**ROOFING:**  
 Class A, asphalt shingles to match existing, over 30lb. felt building paper min. underlayment or per manufacturers specifications, over 1/2" CDX plywood sheathing, nailed w/10d @ 6" O.C. edges and 12" O.C. field min. (UNO), over framing (See framing plans). Verify min. nailing w/CBC table 2304.10.1 (fastening schedule) & structural engineer's min. nailing requirements (typ.) Provide 0.75" x 6" (5.5") smooth finish "Hardie soffit" ship lap or equal above rafters @ all visible overhangs. Roof coverings per CRC R905. All flashing per CRC section 905.2.8. (Roof) Color & style of roofing to match (e) residence. Verify w/owner!

**SIDING: (per elevation)**  
 Vertical James Hardie composite Batten Board (Board & Batt) siding per exterior elevation by builder, over (2)-layers grade "D" building paper min. or per manufacturer, over 3/8" min. CDX plywood wall sheathing. Nail w/8d @ 6" O.C. @ edges & 12" O.C. field min. (UNO), over framing (See framing plans). Verify nailing with CBC table 2304.10.1. (fastening schedule) For all shear walls, see structural engineer's shear wall schedule for plywood thickness & minimum nailing requirements. (as applicable)

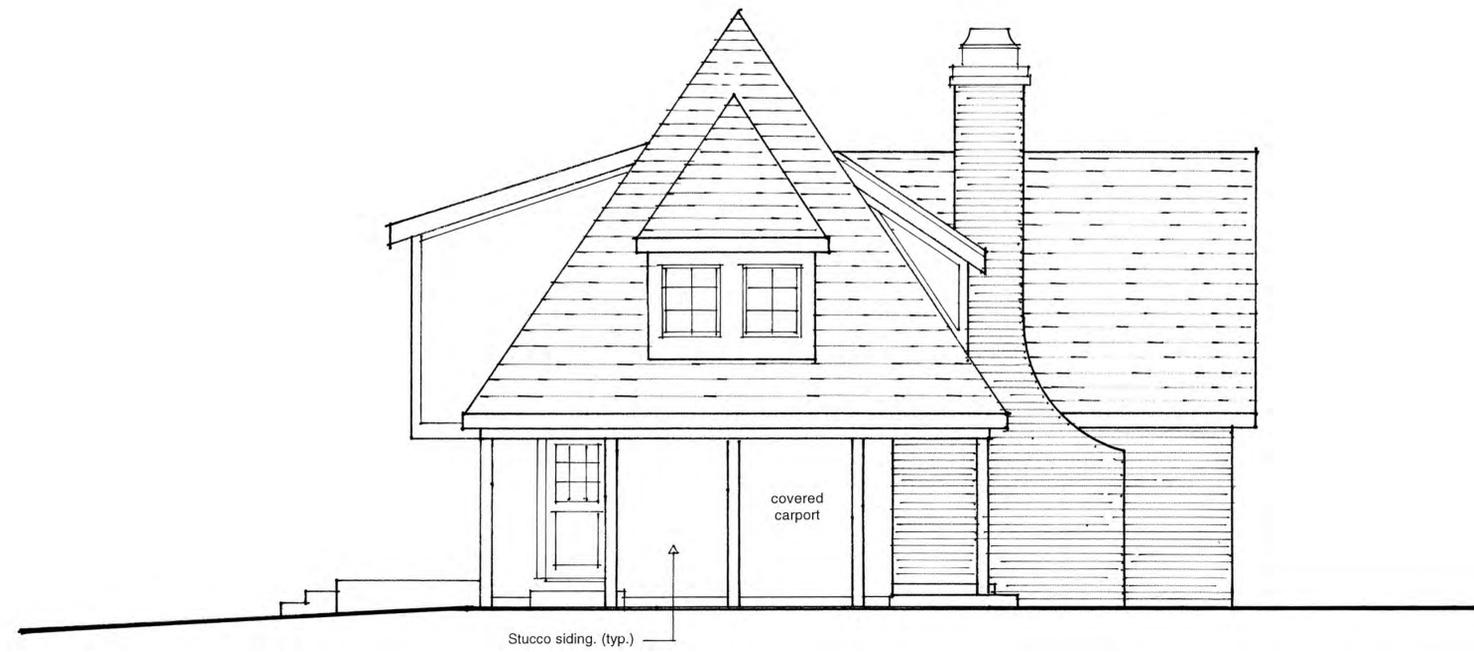
**SIDING: (per elevation)**  
 Stucco: (3) coat, 7/8" min. thickness, smooth texture stucco siding to match (e), over G.I. (17 GA) 1-1/2" mesh stucco wire or G.I. expanded metal lath, over (2)-layers grade "D" building paper min. or equal, over 3/8" min. CDX plywood wall sheathing. Nail w/8d @ 6" O.C. @ edges & 12" O.C. field min. (UNO), over framing (See framing plans). Verify nailing with CBC table 2304.10.1. (fastening schedule) For all shear walls, see structural engineer's shear wall schedule for plywood thickness & minimum nailing requirements. (as applicable) Wall coverings per R703. All flashing per CRC R703.4 (walls)

Provide 26 GA. galvanized weep screed @ bottom of stucco walls @ or below the foundation plate line w/min. of 2" of clearance to hardscape & 4" clearance to softscape per CRC Section R703.7.2.1 Color coated stucco upon request of owner. Use elastomeric primer prior to painting as applicable.

**TRIM & MISC.:**  
 Windows & doors: Match existing  
 Fascia board: Match existing  
 Gutters & downspouts: 26 GA G.I. gutters & downspouts. Gutters shall slope to downspouts 1/8" per foot min. (match existing)  
 Trim bands: 2x8 min. composite material. By builder.  
 Overhang: Match existing



**NORTHWEST ELEVATION (FRONT)**



EXISTING NORTHEAST ELEVATION (LEFT SIDE)



EXISTING NORTHWEST ELEVATION (FRONT)

REVISIONS	BY

**BR**

Britt • Rowe

108 N. Santa Cruz Ave.  
Los Gatos, CA 95030

408.354.6224 (office)  
408.354.6514 (fax)

BRITT • ROWE retains all rights and ownership in all drawings and specifications. The contents of the drawings and specifications may not be used on any other project without the expressed, written consent of BRITT • ROWE.

BOYNTON RESIDENCE  
5464 FAIRWAY DR.  
SAN JOSE, CA 95127

SHEET : EXISTING EXTERIOR ELEVATIONS

SCALE : 1/4"=1'-0"

DATE : JULY 10, 2020

DRAWN :

A3.4

# Attachment D

## Applicant's Variance Statement of Justification

# Santa Clara County Planning Office

## Statement of Circumstances/Justification

### For Variance Application



BOYNTON RESIDENCE

Name

5464 FAIRWAY DR.

Address

599-33-015

Assessor Parcel Number

On separate sheets of paper, please provide the information requested.

SEE RESPONSE

1. Describe the project for which you are requesting consideration of a variance and the specific nature and scope of the variance requested (e.g.: reduce front setback on north side of property from 25 to 21 feet).
2. Describe the unique physical characteristics of the property that you consider to be a basis for the proposed variance. Such characteristics may include size, shape, topography, location, or similar characteristics that have an actual bearing on the reasonable use and development of the property.
3. Explain why the property characteristics or circumstances, together with the applicable regulation(s) of the zoning ordinance, represent a substantial and detrimental hardship that precludes reasonable use and development of the property.
4. Explain whether and to what extent other properties in the vicinity of your property and under identical zoning designation possess similar characteristics or circumstances.
5. Explain how you believe it is possible to make the minimum findings required for granting a variance in this case. Refer to the Section 5.70.020 for the findings on reverse.

\*\*\*\*\*

Please note that a variance application is subject to certain principles of law and zoning administration practice, including, but not necessarily limited to the following:

- a. design/development preferences are not a basis for approval;
- b. the presence of commonly encountered development constraints that do not rise to the level of significant and unique hardship or that do not preclude reasonable use and development of the property are not necessarily a basis of approval;
- c. the mere existence of a peculiar situation or unusual circumstances if an ordinance or standard is enforced does not obligate a city or county to grant a variance;
- d. a grant of variance, where warranted, should be limited in nature and provide relief from a zoning standard to the extent necessary to address the specific circumstances.

(over)

**Santa Clara County Zoning Ordinance, Chapter 5.70, Variance**

§5.70.020 Findings

A variance may not be granted unless both of the following findings can be made:

- A. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification; and
- B. The grant of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located.

\*\*\*\*\*

**PROPERTY LINE VERIFICATION INFORMATION and DISCLAIMER**

Property lines must be verified with survey monumentation whenever a project is proposed that necessitates verification due to proximity of a property line or right-of-way from which setbacks are taken. Setback variances always require verification of property lines. Because a precise determination of setback distance is required for proper legal noticing, an incorrectly calculated setback dimension, or incorrect depiction of property lines on site plans, will nullify an approved variance. It is the policy of the Planning Office to require verified property lines to be shown on the submitted site plans for setback variance applications.

If you do not wish to provide the required survey monumentation prior to filing your application, you are required to sign this form acknowledging your understanding that an incorrectly represented property line or setback will likely invalidate an approval. If your variance approval becomes invalidated by such a misrepresentation, you will be limited to certain options, including: (a) abandon the project; (b) modify the project to conform with the approved variance; or (c) apply for a new variance and pay the required application fee.

By signing this form, you acknowledge you have been informed of these requirements and further agree that prior to building permit issuance, you will provide the necessary monumentation and/or documentation to enable the building inspector to ascertain the exact property line location(s) and the setback distance(s) in question in order to verify setback compliance in the field.

\_\_\_\_\_  
Signature of Property Owner



\_\_\_\_\_  
Date

3/7/2020



## JUSTIFICATION FOR THE REQUESTED VARIANCE

---

Date: 3/16/20 12:24 PM  
To: To whom it may concern  
Firm: County of Santa Clara  
From: Tony Rowe @ Britt/Rowe Design  
Via: Transmittal  
Phone: 408.354-6224  
Fax: 408.354-6514  
Re: Boynton Residence-5464 Fairway Dr San Jose, CA. Parcel #599-33-015

---

To whom it concern,

1. Subject property is located at **5464 Fairway Dr.** in the Alum Rock area. The variance requested shall be for a reduction of the northeast left side setback from (e) 8'-0"± to 6'-0".
2. The existing residence currently has a 6'-0" right side setback and a 8'-0" ± left side setback. The owners would like to build an attached covered garage at the front of the residence & convert their original detached garage at the left rear of the property into an ADU (Accessory dwelling Unit) possibly in the future. In order to create a reasonable size garage (17'-0" across face) at the front of the property without pushing the structure into the center of the lot and cutting off the entry, it would make more sense to use a portion of the left side setback area similar to the existing setback on the right side of the residence and the rest of the neighborhood.
3. Most of the rear portion of the lot falls off into a creek bed making it unusable. The existing lot width is 71.06'. Even a 20% side setback reduction is  $14.2' \times 2 =$  for a total of 28.4'. That is 40% of the lot width for a combined side setback area. It makes for a lot of unusable space on the sides. Furthermore, 1/3 of the rear yard of subject property is occupied by Miguelita Creek and its creek bed. In this case, the rear yard 20'-0" setback is taken from the creek "Top of Bank" location which reduces rear yard use as well. See sheet A1.2

4. Because the the whole surrounding neighborhood was once zoned R-1-6 from it's conception to Jan. of 1981, just about every home has evidence of an R-1-6 zoning or a 6'-0" side setback unless there is a driveway which leads to a an existing detached garage. Please see the attached color GIS map for reference. (Sht. A1.3) Blue outline is subject property.

5. The area was once zoned R-1-6 from it's conception to Jan. of 1981. Most, if not all of the homes in the area where designed around these old zoning rules. The neighborhood was rezoned R-1-20 with a min. lot size of 20,000 SF but only 7% of the lots in this zone are larger than 20K. The subject property is roughly 12,369 SF. The idea of rezoning the area in 1981 was to prevent subdividing lots that would create more housing but not taking into effect adverse planning conditions such as setbacks.

The findings per section 5.70.020 (A) & (B) have been met per the history of this area. Please see the attached color GIS map for reference. (Sht. A1.3) Blue outline is subject property.

If you have any questions, please don't hesitate to call.



Tony Rowe  
Britt/Rowe Design  
408.354.6224

# Attachment E

Ordinance No. NS-1200.81.4

ORDINANCE NO. NS-1200.81.4

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA, CHANGING CERTAIN PROPERTY FROM ONE ZONING DISTRICT TO ANOTHER

The Board of Supervisors of the County of Santa Clara, State of California, does ordain as follows:

SECTION 1:

Section 2-3 of Ordinance No. NS-1200, as amended, is amended to change property described in Exhibit "A", attached hereto and made a part hereof, from R1-6 Zoning District (s) to R1-20 Zoning District.

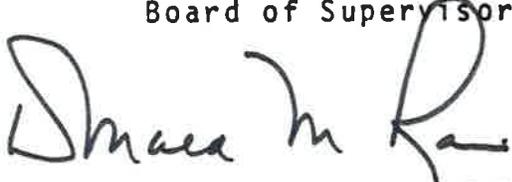
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on JAN 26 1981 by the following vote:

- AYES: Supervisors, DIRIDON, LOFGREN, MCCORQUODALE, MORGAN, WILSON
- NOES: Supervisors, NONE
- ABSENT: Supervisors, NONE



Chairman, Board of Supervisors  
Rod Diridon

ATTEST: DONALD M. RAINS, Clerk  
Board of Supervisors



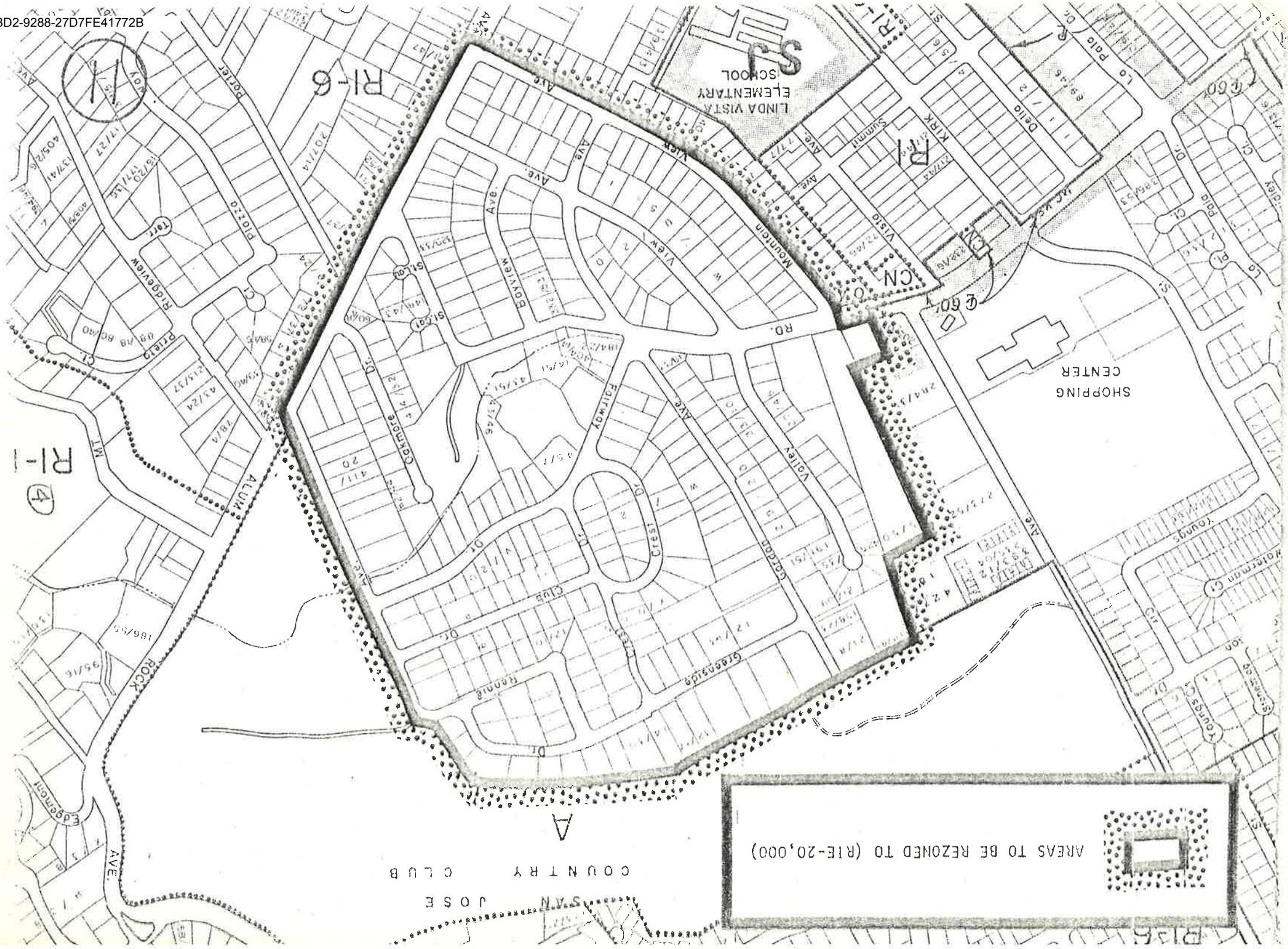
File #1235 47 74 80Z  
McKee Alum Rock Rezoning  
EXHIBIT A

Bordered by San Jose Country Club, Toyon Avenue, and Alum Rock Avenue

Z-2

*1-memo paper, Planning, Central Permit Co. Council, Address*

*1/26/81  
mf*



ALUM ROCK-MCKEE  
REZONING

Beginning at the most easterly corner of lot 9, block 4, map of resurvey of Country Club Heights, as recorded in volume W of maps at pages 50 & 51, office of County Recorder, Santa Clara County, California. Said point also lying on the northwesterly right of way line of Alum Rock Avenue (106 feet).

Thence along said north westerly right of way line Alum Rock Avenue, South - 26-20'-West 716.52 feet more or less to a point of curvature to the right, radius 25 feet in lot 1 of said subdivision; thence along said curve to the right 39.27 feet to a point on the northeasterly right of way line of Mountain View Avenue of said subdivision; thence along said right of way line North-63-40'-West 787.90 feet more or less to a point of curvature; thence continuing along said right of way on a curve to the right, having a radius of 1249.50 feet and an arc length of 508.09 feet thence continuing along said easterly right of way line of Mountain View Avenue and its prolongation, north-40-22'-West 671.83 feet more or less to the northerly right of way line (88 feet) at McKee Road, said point lying on the southwesterly line of parcel B of that parcel map recorded in volume 427 at pages 17 and 18, office of aforesaid County Recorder.

Thence along said line south 75-46'-West 26.4 feet more or less to the southwesterly corner of said parcel B; thence along said line South-24-25'-30''-East 2 feet more or less to the most southeasterly corner of that parcel shown on the record of survey recorded in volume 65 of maps at page 50, office of aforesaid county recorder, said point also lying in the northerly right of way line of aforesaid McKee Road.

Thence along the southerly line of said parcel and said right of way line South-75-46'-West 139.58 feet more or less to the southwesterly corner of said parcel; thence along the westerly line of said parcel and the boundary of the City of San Jose, North-24-25'-30''-West 185.3 feet more or less to its northwesterly corner; thence continuing along its northerly line and said city boundary, North-65-38'-East 137.48 feet more or less to its northeasterly corner.

Thence continuing along said city boundary and the westerly line of aforesaid parcel B, North-24-25'-30''-West 796.83 feet more or less to its northwesterly corner; thence along the northerly line of said parcel B, North-61-42'-30''-East 234.25 feet to its northeasterly corner; said point also being a southeasterly corner of parcel A of aforesaid parcel map; thence along the easterly line of said parcel A, North-18-16'-10''-West 365.86 feet to its northeasterly corner, said corner also lying on the southerly line of the lands of the San Jose Country Club, said point also being the northwesterly corner of that 1.251 acre parcel shown on that record of survey filed in Book 118 of maps at page 41, office of said County Recorder.

Thence along the northwesterly line of said parcel and said southerly line of San Jose Country Club, North 60-49'-15"-East 173.18 feet to its northeasterly corner, said point also being the northwesterly corner of that 2.375 acre parcel as shown on that record of survey filed in Book 21 of maps at page 8, office of aforesaid County Recorder; thence along the northwesterly line of said parcel and the southerly line of aforesaid San Jose Country Club, North-60-49'-15"-East 173.17 feet to the westerly right of way line of Gordon Avenue (40 feet); thence along the easterly line of said parcel and said westerly right of way line of Gordon Avenue South-28-39'-East 16.55 feet more or less.

Thence leaving said line North-61-25'-30"-East 40 feet to the easterly right of way line of said Gordon Avenue, said point also lying on the southerly line of aforesaid San Jose Country Club, said point also being the northwest corner of lot 26 of the subdivision map of Greenside Terrace, as recorded in Book X of maps at Page 12, office of aforesaid County Recorder.

Thence along the northerly line of said subdivision, North 61-25'-30"-East 825.14 feet, North 82-06'-East 127.61 feet to the northeast corner of lot 14 of said subdivision, said point also being the northwesterly corner of lot 24 of Tract 376, Country Club Manor, as recorded in Book 12 of maps at page 10, office of aforesaid county recorder; thence along the northerly and easterly line of said subdivision North 82-24'-East 616.71 feet, South-67-59'-East 239.95 feet, South-2-45'-East 380.93 feet to the southeast corner of lot 14 of said subdivision, said point also lying on the westerly right of way line of Rennie Avenue (50 feet).

Thence along said right of way line South 22-45'-East 60.00 feet to the northeast corner of lot 1 of map of Country Club Park subdivision as recorded in Book W of maps at pages 8 & 9, office of aforesaid country recorder thence continuing along aforesaid westerly right of way line of Rennie Avenue South-22-45'-East 155.16 feet to the southeast corner of lot 2 of said subdivision; thence continuing along said right of way line South-22-45'-East 60 feet to the northeasterly corner of lot 32 of the Fairway Park subdivision as recorded in volume V of maps at pages 20 & 21, office of aforesaid county recorder.

Thence southerly along said westerly right of way line of Rennie Avenue South-22-45'-East 894.51 feet to the southeast corner of lot 3 of said subdivision, thence south-22-45'-West 130 feet to the northwesterly right of way line of Alum Rock Avenue (100 feet): thence along said right of way line South-62-20'-West 315.39 feet to the southwesterly corner of lot 1 of said subdivision, said point also being the southeasterly corner of lot 1 of Tract 1182, Country Club Knolls addition subdivision, as recorded in Book 44 of maps at page 32, office of aforesaid county recorder.

Thence along said right of way line of Alum Rock Avenue South-62-20'-50"-West 348.10 feet to the southwesterly corner of lot 14 of said subdivision, said point also being the easterly corner of lot 9, of Tract 2025 subdivision, as recorded in Book 148 of Maps at Page 33, office of aforesaid County Recorder, thence along said right of way line south 26--20'-50" west 349.40 feet to a point intersecting the southerly prolongation of the westerly right of way line of aforesaid McKee Road.

Thence along said prolongation north 22-43'-54" - west 7.94 feet more or less to aforesaid most easterly corner of Lot 9, Block 4, map of Resurvey of Country Club Heights and the point of beginning.

# County of Santa Clara

## California

November 14, 1980

**Members of the Commission:**

Nancy Alexander  
Raymond C. Benech  
Joe Clark  
Robert L. Escobar  
George Hinoki  
Peg Muscato  
Andy Pepitone

TO: BOARD OF SUPERVISORS

FROM: LUCAS S. STAMOS  
SECRETARY, PLANNING COMMISSION

SUBJECT: APPLICATION TO CHANGE ZONING DISTRICT FROM R1-6 (ONE FAMILY RESIDENCE WITH 6,000 SQUARE FOOT MINIMUM LOT SIZE) TO R1-20 (ONE FAMILY RESIDENCE WITH 20,000 SQUARE FOOT MINIMUM LOT SIZE); PROPERTY TO BE REZONED IN BORDERED BY SAN JOSE COUNTRY CLUB, TOYON AVENUE, AND ALUM ROCK AVENUE. 1235 47 74 80 Z

Please be advised that the County of Santa Clara Planning Commission at its meeting of November 6, 1980 voted to send a favorable report to your Board on the above-mentioned zone change.

In taking this action, the Commission made the findings that the proposed zoning would be in keeping with the existing land use pattern of the neighborhood. Furthermore, it would eliminate any more land divisions for this already developed neighborhood.

  
\_\_\_\_\_

LSS:lo

1/26/81  
mf

TABLE OF CONTENT

1235 47 74 80Z - SAN JOSE COUNTRY CLUB AREA 11/6/80

1. Planning Commission covering letter to the Board regarding its action of November 6, 1980.
2. Planning Commission minutes of November 6, 1980.
3. Staff report and environmental clearance record summary
4. Rezoning map.

## Planning Commission meeting of November 6, 1980

1235 47 74 80Z BR/SAN JOSE COUNTRY CLUB AREA

Public hearing on an environmental assessment of and public hearing on an application to change zoning district from R1-6 (One family residence with 6,000 square foot minimum lot size) to R1-20 (One family residence with 20,000 square foot minimum lot size); property to be rezoned is bordered by San Jose Country Club, Toyon Avenue and Alum Rock Avenue. The secretary cited the land use history of the area proposed for rezoning. A zone change was granted to a homeowner to -h to make it possible to build two houses on his property. There were many complaints from neighboring residents that the new zoning was not compatible with uses in the area, so the Board of Supervisors initiated the proposed zone change to 20,000 square foot minimum lot size to prevent future lot splits. Staff recommends a negative declaration and a favorable report to the Board. Tom Woodard, president of Lifestyle Homes, appeared to be heard and stated he is the owner of the parcel referred to earlier on which the zone was changed. He advised the Commission that he has been issued building permits. He stated that from the Assessor's Parcel Map he ascertained that there are more than 300 parcels encompassed in the area proposed for rezoning, mostly on 6,000 to 10,000 square foot lots; about a dozen lots are larger than an acre, while about 7% are on lots of 20,000 square feet or larger. Commissioner Pepitone stated his opposition to the zone change due to the fact that it only affects about 12-14 parcels. Mary Valdez, 5403 Fairway Drive, spoke in favor of the change in order to preserve the character of the area. Roy Norrison, 5490 Fairway Drive, spoke in favor of the change in order to prevent further breaking up of lots in the area. The public hearing was closed. It was moved by Commissioner Pepitone, seconded by Commissioner Clark, and unanimously carried to adopt staff's negative declaration. The roll call vote follows:

AYES: ALEXANDER, CLARK, ESCOBAR, HINOKI, MUSCATO, PEPITONE, BENECH  
 NOES: NONE  
 ABSENT: NONE

It was moved by Commissioner Pepitone, seconded by Commissioner Clark, and carried, to send a favorable recommendation to the Board of Supervisors on the proposed zone change. The vote follows:

AYES: ALEXANDER, CLARK, ESCOBAR, HINOKI, MUSCATO, PEPITONE, BENECH  
 NOES: NONE  
 ABSENT: NONE

STAFF REPORT  
AND  
ENVIRONMENTAL CLEARANCE RECORD  
SUMMARY

File 1235-47-74-80Z Applicant BR/SAN JOSE COUNTRY CLUB AREA

Proposal Change in zoning district from R1-6 (One-family Residential with 6,000 square foot minimum lot size) to R1-20 (One-family Residential with 20,000 square foot minimum lot size).

Environmental Assessment Recommendation:

Categorically Exempt       Negative Declaration       Environmental Impact Report

Sanitary Disposal:

Sanitation District: Sanitation District 2

Septic system . . . . .  Approval       Disapproval

Water:

Public or mutual system San Jose Water Works

Individual well . . . . .  Approval       Disapproval

Storm Drainage System:

City Jurisdiction San Jose

County  Available       Unavailable

Natural drainage channelization via: \_\_\_\_\_

Urban Service Area: City of San Jose

Annexation:  Possible       Not Possible

City Recommendation:  No Comment       Favorable       Unfavorable

General Plan: County: Compatible       yes       no

City: Compatible       yes       no

Zoning Proposed: Compatible in Area       yes       no

Land Use Proposed: Compatible in Area       yes       no

Mitigable:  High Probability       Low Probability

Site Development Standards:

Compatible with County . . . . .  yes       no

Mitigable:  High Probability       Low Probability

Compatible with City . . . . .  yes       no

Mitigable:  High Probability       Low Probability

Comments:

The proposed change in minimum parcel size from 6,000 square feet (R1-6) to 20,000 square feet (R1-20) would prevent more intense development. The City of San Jose General Plan calls for a density of 5,000 square feet per lot. Under the present zoning, further development would be limited if not non-existent due to the siting of existing structures and lot configuration.

Recommendation:

Favorable on the zone change.

# County of Santa Clara

## California

### ENVIRONMENTAL CLEARANCE RECORD

File No.: 1235-47-74-80Z

Sponsor: BR/SAN JOSE COUNTRY CLUB

Date: October 30, 1980

Project: Change zoning district area from R1-6 (One-family Residential with 6,000 square foot minimum lot size) to R1-20 (One-family Residential with 20,000 square foot minimum lot size).

#### STATUS

Categorically Exempt  Negative Declaration  E.I.R. Required

Environmental Factors Potentially Affected:	
Physical Resources	Vegetation Wildlife Water Air Noise Geologic Misc. Hazards
Community Facilities	Sewage Water Police Fire Circulation Schools
Cultural Resources	Historic Archeological Visual Aesthetic Local Plans Displacement (Housing) Employment, Business Other

#### Staff Comments:

The proposed rezoning can be carried out without adverse impacts on the surrounding environment. The down-zoning of some 336 parcels will not result in a substantial alteration of the present or planned land use for the area. The parcels lie in an urbanized, fully serviced area within the San Jose Urban Service Area. Since the rezoning will not significantly change the characteristics of the area, no environmental impacts are expected to result. A Negative Declaration is recommended.

#### Project Description:

Approximately 336 parcels are proposed from the present R1-6, which limits parcel size for residential development to 6,000 square foot lots to R1-20, which limits parcel size for residential development to 20,000 square foot lots. The rezoning encompasses an area which lies immediately south of the San Jose Country Club. Precise boundaries include the San Jose Country Club along the northerly limits, Alum Rock Avenue along the easterly limit, Mountain View Avenue along the southern boundary and the City of San Jose city limits along the west. The majority of parcels in this area are already developed at acreages ranging from 6,500 square feet to several 4.0 acre sites. Approximately seven-percent of the total parcels are developed on lot sizes of 20,000 square feet or greater; all are developed at a density greater than the present zoning. A proposal for cluster development is the most recent approval in this area, allowing the development of 19 additional units on some 4.0 acres. Through field investigation, there appears to be no other vacant lands capable of supporting additional development.

(3a)

Environmental Clearance Record  
BR/SAN JOSE COUNTRY CLUB  
October 30, 1980  
Page 2

Discussion:

1. Local Plans. The parcels are located within the San Jose Urban Service Area and contiguous to the City boundaries. San Jose's General Plan designates this area for medium density residential 8.0 dwelling units per acre. The rezoning boundary is contiguous to the City of San Jose and capable of annexation. The City has not commented on the proposal.
2. Circulation. Impacts of the proposed rezoning on circulation will not be significant, since the zone change will retain residential development at the present density.
3. Sewage, Water. The area is served by sewer and water. Domestic water is supplied by San Jose Water Works and sewage disposal provided by Sanitation District No. 2.

Prepared by: Sandra Lewis-Watts

cc: City of San Jose  
Sandra Lewis-Watts

/ad

(3b)

**AFFIDAVIT OF MAILING NOTICE**

**STATE OF CALIFORNIA**

**COUNTY OF SANTA CLARA**

I, Hilda M. Rendon, declares as follows: That he or she is a citizen of the United States, over the age of 18 years, that at all times herein mentioned was an employee of the County of Santa Clara; that acting for the County of Santa Clara Board of Supervisors on 1/6/81, deposited in the United States Post Office at San Jose, California, a Notice of Hearing, a copy of which is attached hereto. That said mailing list has been provided by the applicant and lists the owners of property who are entitled to Notice of Hearing. That on said day, there was a regular communication by United States mail between San Jose, California, and the addresses shown on the attached mailing list.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 1-6-81

By: *Hilda M. Rendon*  
Signature

County Government Center, East Wing  
70 W. Redding Street  
San Jose, CA 95110

File No. 1235 47 74 80Z

Additional names may be added to the mailing list such as interested parties. These may include other County departments. County Department mail is mailed through the POBY mail.

# Attachment F

File No. 2170-47-74-84B-84V

SINGLE RES BLDG SITE

TYPE:	VARIANCE	DWR:	(2)
DATE:	MAY 18 1984	MF:	(4)
RESEARCHED			3
SUMMARIZED			5
INCOMPLETE			
HOLDING FILE			
MASTER FILE			

TYPE:	RESUBMITTAL	DWR:	(2)
DATE:	JUN 2 1984	MF:	(4)
RESEARCHED			3
SUMMARIZED			
INCOMPLETE			
HOLDING FILE			
MASTER FILE			

FAIRWAY DRIVE 2170-47-74-84B-84V  
MICHAEL & KATHY SPAMPINATO

**PURGED**  
 BY *Geology Co.*  
 DATE *2/20/91*

**PURGED**  
 BY *OK*  
 DATE *2-29-96*

SANTA CLARA COUNTY MASTER LAND DEVELOPMENT PERMIT APPLICATION

Owner's Name Sprinklers Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_ Phone (res/bus) \_\_\_\_\_

Applicant's Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_ Phone (res/bus) \_\_\_\_\_

Site Location \_\_\_\_\_

\_\_\_\_\_ side of Primary Drive at/between \_\_\_\_\_ and \_\_\_\_\_  
 (north, east, south, west) (road or street) (road or street) (road or street)

Existing Address of Property: \_\_\_\_\_ A.P.N. \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_ Adjoining property uses: \_\_\_\_\_

Specific Request (e.g. 2 lot subdivision, use permit for \_\_\_\_\_, modification of \_\_\_\_\_, extension of time for \_\_\_\_\_, etc.)  
Resubmitted as per 6-14-84 letter  
2 plus plus tracey

Notes:  
 1. All application fees are nonrefundable  
 2. The owner/applicant or their representative should be present at all public hearings.  
 3. A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I certify under penalty of perjury that the foregoing is true and correct.

Signature of Property Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

FOR DEPARTMENT USE ONLY

FILE # 2110 - 417 - 74 - 843 - 844

TYPE OF APPLICATION	FEES	Numbers refer to required information. See key on reverse side.
<input type="checkbox"/> ARCHITECTURAL AND SITE APPROVAL *		1, 3, 4, 6, 7, 9, 10, 12
<input type="checkbox"/> CERTIFICATE OF COMPLIANCE		1, 2, 11
<input type="checkbox"/> CLUSTER SUBDIVISION * *		1, 2, 3, 6, 7, 8, 11, 13, 14
<input type="checkbox"/> CONSTRUCTION PERMIT (Non-County maintained road)		10 or 18
<input type="checkbox"/> ENCROACHMENT PERMIT (County maintained road)		10 or 18
<input type="checkbox"/> ENVIRONMENTAL ASSESSMENT		17
<input type="checkbox"/> GRADING PERMIT *		1, 5, 7, 12
<input type="checkbox"/> GRADING ABATEMENT*		1, 5, 7, 12
<input type="checkbox"/> LOT LINE ADJUSTMENT		1, 2, 7, 10, 11, 14
<input type="checkbox"/> SUBDIVISION * *		1, 2, 14, 7, 11, 12, (for 4 lots or less); 13
<input type="checkbox"/> SINGLE RESIDENTIAL BUILDING SITE		1, 2, 7, 10, 11
<input type="checkbox"/> SPECIAL PERMIT *		1, 2, 6, 7, 10, 11
<input type="checkbox"/> SUBDIVISION DIRECTIONAL SIGN PERMIT		1, 3, 7, 10, 16
<input type="checkbox"/> USE PERMIT *		1, 2, 3, 6, 7, 10, 11
<input type="checkbox"/> VARIANCE*		1, 2, 7, 10
<input type="checkbox"/> ZONE CHANGE *		1, 2, 6, 7, 10, 15
<input type="checkbox"/> OTHER		
TOTAL FEES		

\*Denotes an environmental assessment may be required. A determination regarding the necessity of an assessment will be made at the time of the filing.  
 \*\*Denotes an environmental assessment shall be required.

DATES: RESUBMITTAL DATES 7-2-84 Application Received by [Signature] by Messenger 500' Scale Map \_\_\_\_\_

7/12/84 Distribution \_\_\_\_\_ Census Tract Number/TRA \_\_\_\_\_

7/17/84 Referral Response Deadline \_\_\_\_\_ Parcel Size \_\_\_\_\_

Application Evaluation Deadline \_\_\_\_\_ Sanitation District \_\_\_\_\_

Evaluation Notification \_\_\_\_\_ Zoning Violation # \_\_\_\_\_

Previous File # \_\_\_\_\_

Supervisorial District \_\_\_\_\_

**FOR OFFICE USE ONLY**

DATE OF REFERRAL	DATE OF RESUBMITTED REFERRAL	DISTRIBUTION OF MATERIALS	Referral Response Deadline		
			REFERRAL RESPONSE RECEIVED	RESUBMITTED REFERRAL RESPONSE RECEIVED	
		Planning Land Development Engineering and Surveying Environmental Health Services: Office County Fire Marshal City or Fire District County Transportation Agency Santa Clara Valley Water District CALTRANS Historical Heritage Commission School District City of Other	Investigation Project Assessment		
	7/12/84				

COUNTY OF SANTA CLARA  
CENTRAL PERMIT OFFICE

JUL 12 2 45 PM '84

Date application accepted as complete \_\_\_\_\_  
 Date preliminary report(s) to applicant and owner (Subdivision, Grading, Single Site) \_\_\_\_\_  
 Date notice to adjacent property owners (if applicable) \_\_\_\_\_  
 Tentative date(s) for action(s) \_\_\_\_\_  
 Date of Action(s) (CPO/ASA/SEC. P.C./P.C./BOARD) \_\_\_\_\_  
 Approval expiration date(s) \_\_\_\_\_

**ITEMS TO BE SUBMITTED WITH APPLICATION - INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED. SEE "LIST OF REQUIRED INFORMATION" FOR NUMBER OF REQUIRED COPIES.**

- |   |   |
|---|---|
| 1. Assessor's Parcel Map  | May be obtained from a title company, Assessor's Office or Central Permit Office..  |
| 2. Copy of Current Deed   | May be obtained from Recorder's Office or title company.  |
| 3. Exterior Elevations  | See sample exterior elevation.  |
| 4. Floor Plans  | See sample floor plan.  |
| 5. Grading Plans  | See information handout on grading plan.  |
| 6. Services Clearance Form (storm, water, and sewage)   | Form available at Central Permit Office.  |
| 7. Mailing List of all property owners located within 300 feet of subject property. (500 ft. for HS zoning) | Names may be obtained from most current assessment rolls available in the Assessor's Office or the Central Permit Office. Forms may be obtained at the Central Permit Office. |
| 8. Preliminary Development Plan   | See cluster handout.  |
| 9. Sign Program   | See information handout on signs.   |
| 10. Site Plan   | See sample site plan.   |
| 11. Copy of Deed Recorded Prior to June 25, 1969  | May be obtained from the Recorder's Office or Title Company   |
| 12. Stamped pre-addressed envelopes for adjacent property owners.   | Names may be obtained from most current assessment rolls available in the Assessor's Office or the Central Permit Office.   |
| 13. Tentative Map   | See information handouts on tentative map.  |
| 14. Title Report (Preliminary)  | Prepared by title company.  |
| 15. Zone Change Petition  | Forms available at Central Permit Office.   |
| 16. Subdivision Directional Sign Form   | Forms available at Central Permit Office.   |
| 17. E.I.A. Questionnaire  | Forms available at Central Permit Office.   |
| 18. Improvement Plan/Grading Plan   | Must be engineered plans approved by the County.  |

ALL DOCUMENTS AND MAPS SUBMITTED AS REQUIRED BECOME THE PROPERTY OF THE SANTA CLARA COUNTY CENTRAL PERMIT OFFICE.

SANTA CLARA COUNTY MASTER LAND DEVELOPMENT PERMIT APPLICATION

Owner's Name: Michael and Kathy Spampinato Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone (res/bus): \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Address: 5296 Alum Rock Avenue, San Jose, California City: 95127 Zip: \_\_\_\_\_ Phone (res/bus): 923-3094

Site Location: South side of Fairway Drive at/between Rennie Ave. and Crest Dr.  
(north, east, south, west) (road or street) (road or street) (road or street)

Existing Address of Property: None A.P.N. 599-3315

Existing Use of Property: Open/Vacant Adjoining property uses: Single family residence

Specific Request (e.g. 2 lot subdivision, use permit for \_\_\_\_\_, modification of \_\_\_\_\_, extension of time for \_\_\_\_\_, etc.) Single Family Residential Site and Variance Application to reduce side building setback from required 10 feet to 6 feet. ± 8' ±

Notes:  
 1. All application fees are nonrefundable  
 2. The owner/applicant or their representative should be present at all public hearings.  
 3. A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I certify under penalty of perjury that the foregoing is true and correct.

Signature of Property Owner(s): x Michael Spampinato Date: 5-18-84

FOR DEPARTMENT USE ONLY

FILE # 2170 - 47 - 74 - 84B - 84V - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

TYPE OF APPLICATION	FEES	Numbers refer to required information. See key on reverse side.
<input type="checkbox"/> ARCHITECTURAL AND SITE APPROVAL *		1, 3, 4, 6, 7, 9, 10, 12
<input type="checkbox"/> CERTIFICATE OF COMPLIANCE		1, 2, 11
<input type="checkbox"/> CLUSTER SUBDIVISION **		1, 2, 3, 6, 7, 8, 11, 13, 14
<input type="checkbox"/> CONSTRUCTION PERMIT (Non-County maintained road)		10 or 18
<input type="checkbox"/> ENCROACHMENT PERMIT (County maintained road)		10 or 18
<input type="checkbox"/> ENVIRONMENTAL ASSESSMENT		17
<input type="checkbox"/> GRADING PERMIT *		1, 5, 7, 12
<input type="checkbox"/> GRADING ABATEMENT*		1, 5, 7, 12
<input type="checkbox"/> LOT LINE ADJUSTMENT		1, 2, 7, 10, 11, 14
<input type="checkbox"/> SUBDIVISION **		1, 2, 14, 7, 11, 12, (for 4 lots or less), 13
<input checked="" type="checkbox"/> SINGLE RESIDENTIAL BUILDING SITE	<u>\$1600.00</u>	1, 2, 7, 10, 11
<input type="checkbox"/> SPECIAL PERMIT *		1, 2, 6, 7, 10, 11
<input type="checkbox"/> SUBDIVISION DIRECTIONAL SIGN PERMIT		1, 3, 7, 10, 16
<input type="checkbox"/> USE PERMIT *		1, 2, 3, 6, 7, 10, 11
<input checked="" type="checkbox"/> VARIANCE*	<u>\$350.00</u>	1, 2, 7, 10
<input type="checkbox"/> ZONE CHANGE *		1, 2, 6, 7, 10, 15
<input type="checkbox"/> OTHER		
TOTAL FEES	<u>\$1950.00</u>	

\*Denotes an environmental assessment may be required. A determination regarding the necessity of an assessment will be made at the time of the filing.  
 \*\*Denotes an environmental assessment shall be required.

178 REV 2/79

DATES: 5-18-84  
5/21/84  
6/2/84

RESUBMITTAL DATES

Application Received by TM

Distribution \_\_\_\_\_

Referral Response Deadline \_\_\_\_\_

Application Evaluation Deadline \_\_\_\_\_

Evaluation Notification \_\_\_\_\_

USA/SOFTZ SAN JOSE

Supervisorial District 400

500' Scale Map 52

Census Tract Number/TRA 5042

Zoning R1-20

Parcel Size 13159#

Sanitation District 2400

Zoning Violation # \_\_\_\_\_

Previous File # \_\_\_\_\_

**FOR OFFICE USE ONLY**

DATE OF REFERRAL	DATE OF RESUBMITTED REFERRAL	DISTRIBUTION OF MATERIALS	Referral Response Deadline	
			REFERRAL RESPONSE RECEIVED	RESUBMITTED REFERRAL RESPONSE RECEIVED
5/21/84		Planning	Investigation Project Assessment 5-21-84	5-28-84 6-5-84
5/21/84		Land Development Engineering and Surveying		6-2-84
5/21/84		Environmental Health Services: Office		6-7-84
5/21/84		County Fire Marshal		5-21-84
5/21/84		City or Fire District		
5/21/84		County Transportation Agency		6-5-84
5/21/84		Santa Clara Valley Water District		6-5-84
		CALTRANS		
		Historical Heritage Commission		
		School District		
5/21/84		City of SAN JOSE		
5/21/84		Other GEOLOGY		6-1-84

Date application accepted as complete \_\_\_\_\_

Date preliminary report(s) to applicant and owner (Subdivision, Grading, Single Site) \_\_\_\_\_

Date notice to adjacent property owners (if applicable) \_\_\_\_\_

Tentative date(s) for action(s) \_\_\_\_\_

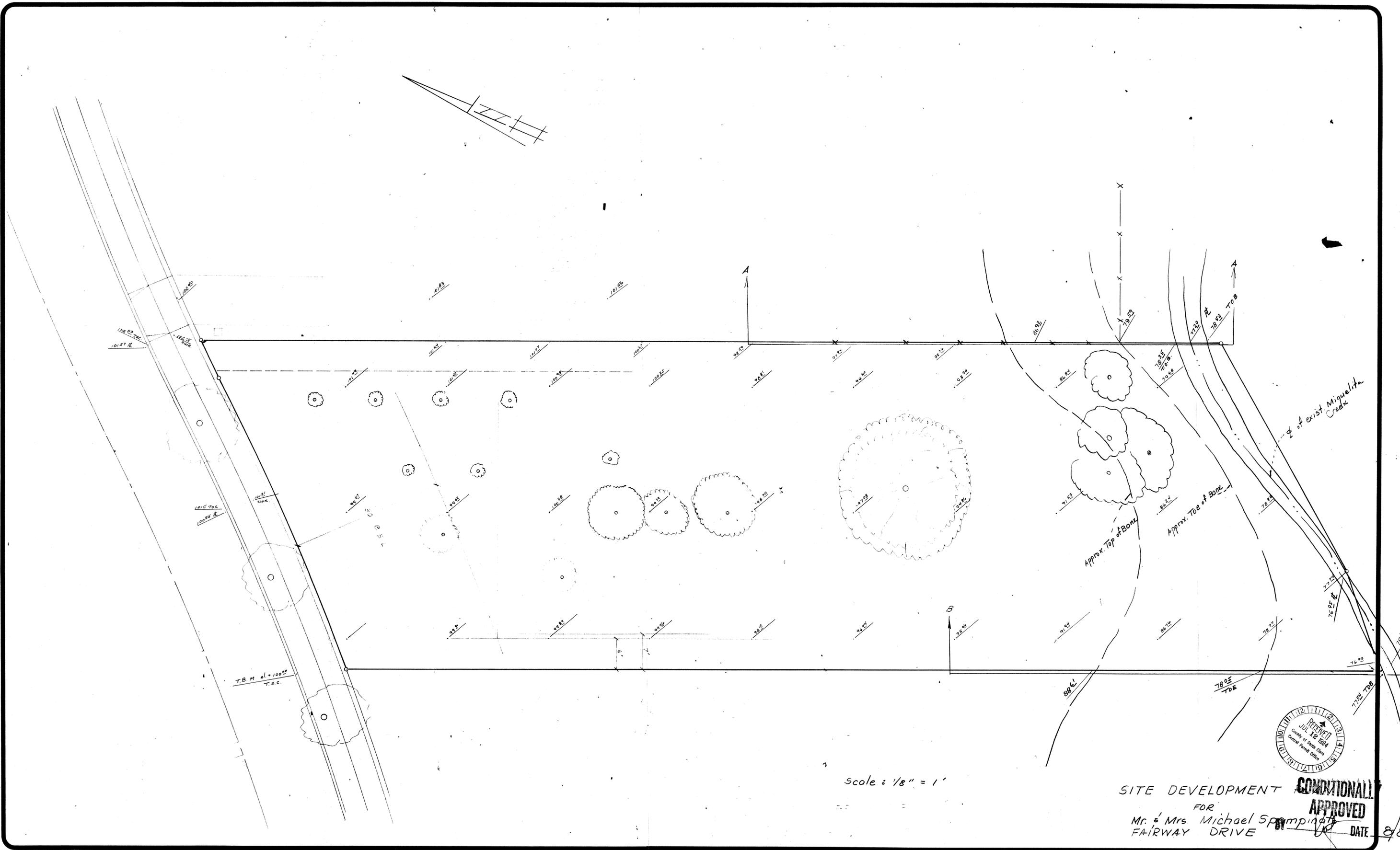
Date of Action(s) (CRO/SA/SEC. P.C./P.C./BOARD) 8/8/84

Approval expiration date(s) 8/8/86

**ITEMS TO BE SUBMITTED WITH APPLICATION - INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED. SEE "LIST OF REQUIRED INFORMATION" FOR NUMBER OF REQUIRED COPIES.**

- |   |   |
|---|---|
| 1. Assessor's Parcel Map  | May be obtained from a title company, Assessor's Office or Central Permit Office.   |
| 2. Copy of Current Deed   | May be obtained from Recorder's Office or title company.  |
| 3. Exterior Elevations  | See sample exterior elevation.  |
| 4. Floor Plans  | See sample floor plan.  |
| 5. Grading Plans  | See information handout on grading plan.  |
| 6. Services Clearance Form (storm, water, and sewage)                               | Form available at Central Permit Office.  |
| 7. Mailing List of all property owners located within 300 feet of subject property. | Names may be obtained from most current assessment rolls available in the Assessor's Office or the Central Permit Office. Forms may be obtained at the Central Permit Office. |
| 8. Preliminary Development Plan   | See cluster handout.  |
| 9. Sign Program   | See information handout on signs.   |
| 10. Site Plan   | See sample site plan.   |
| 11. Copy of Deed Recorded Prior to June 25, 1969                                    | May be obtained from the Recorder's Office or Title Company   |
| 12. Stamped pre-addressed envelopes for adjacent property owners.                   | Names may be obtained from most current assessment rolls available in the Assessor's Office or the Central Permit Office.   |
| 13. Tentative Map   | See information handouts on tentative map.  |
| 14. Title Report (Preliminary)  | Prepared by title company.  |
| 15. Zone Change Petition  | Forms available at Central Permit Office.   |
| 16. Subdivision Directional Sign Form   | Forms available at Central Permit Office.   |
| 17. E.I.A. Questionnaire  | Forms available at Central Permit Office.   |
| 18. Improvement Plan/Grading Plan   | Must be engineered plans approved by the County.  |

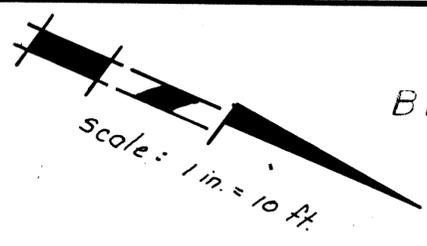
ALL DOCUMENTS AND MAPS SUBMITTED AS REQUIRED BECOME THE PROPERTY OF THE SANTA CLARA COUNTY CENTRAL PERMIT OFFICE.



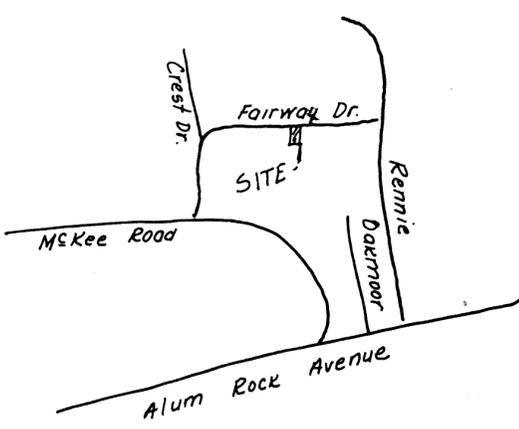
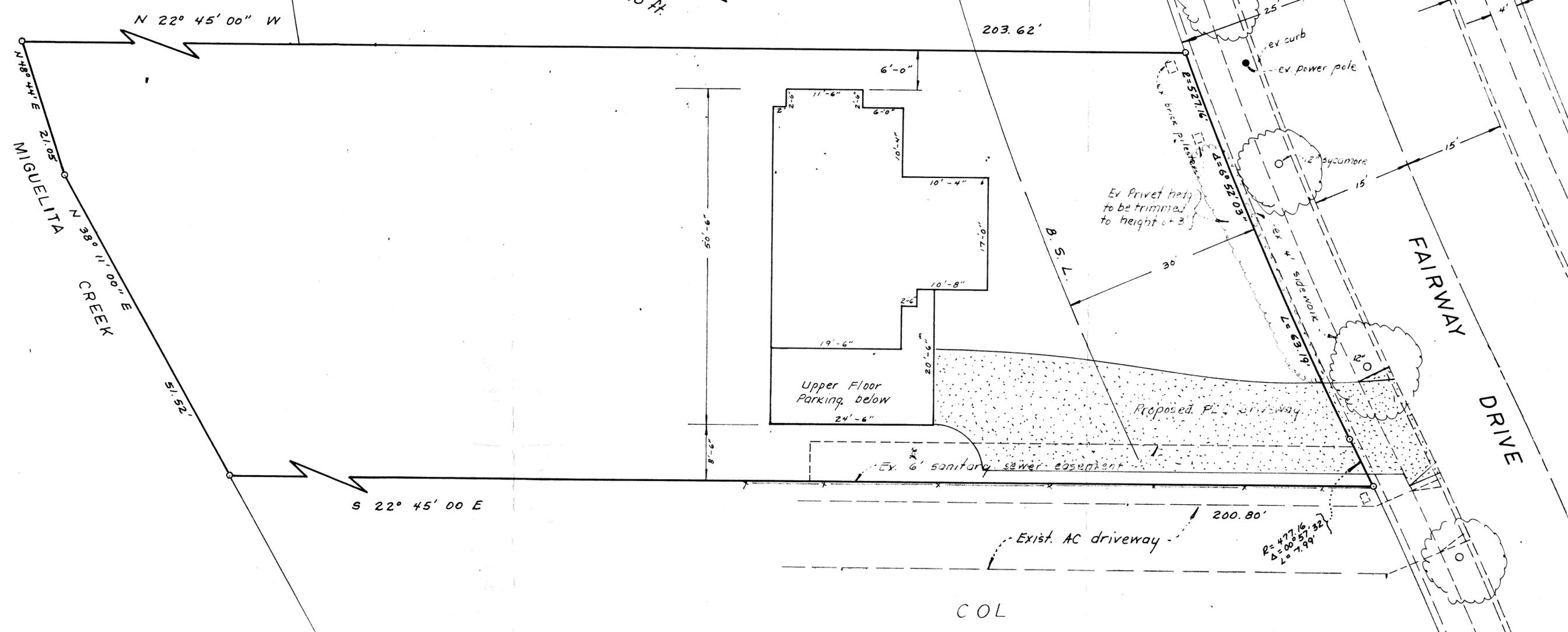
Scale: 1/8" = 1'



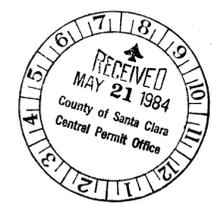
SITE DEVELOPMENT **CONDITIONALLY APPROVED**  
 FOR  
 Mr. & Mrs. Michael Spampinato  
 FAIRWAY DRIVE  
 DATE 8/8/84



BINDER



VICINITY MAP  
no scale



COUNTY OF SANTA CLARA  
PLANNING COMMISSION  
ARCHITECTURAL AND SITE APPROVAL  
**APPROVED**  
Permit No. 250  
STAFF  COMMITTEE  COMMISSION   
APPROVED BY [Signature] BY [Signature]  
BLDG. PERMIT BY [Signature]

SITE PLAN OF PROPOSED  
BUILDING SITE FOR

Michael & Kathey Spampinato

Net Lot Area = 13,189 ft<sup>2</sup> APN: 599-33-15

Land Development Engineering & Surveying  
PROJECT CLEARANCE FORM

To: Central Permit Office  
Subject: 2170-47-71-81B Fairway Dr. Spampinato  
(File) (Road) (Name)

- 1. The subject file has been cleared for issuance of building and/or grading permits.
- 2. Items remaining to be completed are as follows:

PARCEL NUMBER	NAME OF OWNER OR BUILDER	DATE BLDG. PERMIT SIGNED	*CONDITIONS
	<u>Spampinato</u>	<u>8/29/84</u>	<u>1c, 2a, 4, 7, 10, 11, 12, 13</u>

\*Note all appropriate conditions for each parcel at time of recording map.

- (1) Status of Maps
  - a. Subject of Further Approval \_\_\_\_\_
  - b. Existing Residence \_\_\_\_\_
  - c. Other Lot stakes or R/S
- (2) Encroachment Permit or Construction Permit
  - a. County Road Frontage per cond no. 16
  - b. Private Road Frontage \_\_\_\_\_
- (3) Site Drainage--Elevation of Structure Finished or Existing Grade
  - a. Storm Drainage Plan Requirement or Recommendation \_\_\_\_\_
  - b. Santa Clara Valley Water District Requirement \_\_\_\_\_
- (4) Road Improvements to be Completed Prior to Occupancy driv approach
- (5) Geologic Requirements or Comments \_\_\_\_\_
- (6) Grading Requirements for Individual Driveways or Access Road not covered by Tentative Map Approval
  - a. Grading Permit \_\_\_\_\_
  - b. Grading Clearance \_\_\_\_\_
- (7) Underground Utilities stamp on plans
- (8) Existing Easements on Parcels
  - a. Storm Drainage \_\_\_\_\_
  - b. Utility \_\_\_\_\_
  - c. Other \_\_\_\_\_
- (9) Building Setback for O.P.L. & Dedications F.W.L. & Scenic Roads \_\_\_\_\_
- (10) Other Elevate house pad per cond no. 7
- (11) Comply w cond. no. 6
- (12) Contact Sanitation Dist per cond. no. (8).
- (13) Def Annex Agmt to be recorded prior to occupancy

3. The attached work file with all pertinent documents is herewith returned to the main file.

Date: 8/29/84  
Cleared by: JR

Attachments  
6/26/78

Planning Commission  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
299-2521 Area Code 408

County of Santa Clara

California

OFFICE OF THE SECRETARY

VARIANCE PERMIT

File No: 2170 47 74 84V Permittee MICHAEL & KATHY SPAMINATO  
(Applicant)

For: Reduction of side yard setbacks from 10' to 6'

Location: South side of Fairway Drive, between Rennie Avenue and Crest Drive.

Having made the findings required by Article 49 of the Zoning Ordinance of the County of Santa Clara, the Secretary of the Planning Commission hereby grants a variance permit for the specified use subject to the following conditions: If any variance for which a variance permit has been granted is not established within one year of the date of delivery of the permit, the permit shall be deemed automatically revoked.

See Exhibit "A" Attached

This permit shall be effective on August 31, 1984 provided that (1) no appeal has been filed before the date, and (2) permittee has signed ACCEPTANCE STATEMENT and has filed it with the Secretary of the Planning Commission.

RECEIVED  
AUG 22 1984

COUNTY OF SANTA CLARA  
PLANNING DEPARTMENT

Lucas S. Stamos  
Lucas S. Stamos, Secretary

ACCEPTANCE STATEMENT:

The undersigned understands and accepts this permit and the conditions herein set forth, agrees to comply with all conditions of the permit, understands that failure to comply therewith will render the permit subject to revocation, and acknowledges receipt of the copy of this permit.

Michael P. Spaminato  
Signature of Permittee

8/21/84  
Date

Kathy Spaminato  
Signature of Applicant

8/21/84  
Date

Within fifteen (15) calendar days after the date of decision of the Secretary of the Planning Commission on an application for a variance permit, any person dissatisfied with the action of the Secretary may file with the Planning Commission an appeal from such action. At the time of the filing of the appeal, the appellant shall pay a filing fee of two hundred fifty (\$250) dollars.

cc: Permittee Applicant Building Inspection  
Central Permit Office Zoning Investigation  
Land Development Engineering

PLEASE SIGN AND RETURN THIS  
FORM IN THE ENCLOSED ENVELOPE  
THANK YOU



EXHIBIT "A"

VARIANCE PERMIT

Approval is given pursuant to the application on file and is subject to the conditions indicated:

    X    

That development take place in accordance with plans filed.

Variance granted, subject to the following conditions:

That final configuration be approved through the County Land Development procedure. Contact the Central Permit Office.

That development take place in accordance with plans and conditions approved by the Architectural and Site Approval Committee. Contact the Central Permit Office.

FILE NO. 2170 47 74 84V  
MICHAEL & KATHY SPAMINATO

County of Santa Clara

California

OFFICE OF THE SECRETARY

AGENDA AND NOTICE OF PUBLIC HEARING

The Secretary of the Planning Commission will review the following matters as shown below. The meeting will be held in the Seventh Floor Conference Room, East Wing, County Government Center, 70 West Hedding Street, San Jose. It is required that either the applicant and/or his or her representative be present at the time indicated to appear.

This agenda is being sent to neighboring property owners and affected public agencies. Please check the agenda to find the proposal in your area. If you are interested, you may come to the meeting and be heard at said time and place. Written communications may be filed prior to the public hearing.

Environmental assessment regarding these matters may be made by the Planning Department staff at least three working days prior to the hearing. That assessment may result in an exemption, a negative declaration, or the requirement of an environmental impact report. The staff environmental assessment can be reviewed at the Planning Department office.

Further details may be obtained from Lucas S. Stamos, Secretary of the Planning Commission (408) 299-2521.

AUGUST 10, 1984

- 10:00 a.m. ✓ 2170 47 74 84V MICHAEL & KATHY SPAMINATO  
 Public hearing on an application for a variance permit to reduce the side yard setbacks from 10' to 6'. Property situated on the south side of Fairway Drive, between Rennie Avenue and Crest Drive, property of Michael and Kathy Spaminato. RI-20 zoning district. Parcel size: 13,189 square feet. (SD-2) File completed July 23, 1984.
- 10:15 a.m. 2201 47 46 84V WINGS OF CALVARY SIGNAL FARMS (L. L. Spurlock)  
 Public hearing on an application for a variance permit to reduce the side yard setback from 20' to 5'. Property situated on the west side of Almaden Road, between Mockingbird Hill and Bertram Road, property of Wings of Calvary Signal Farms. Address: 20301 Almaden Road. RI-20s zoning district. Parcel size: 4.92 acres. (SD-1) File completed July 30, 1984.
- 10:30 a.m. 2115 16 62 84SP MIDPENINSULA REGIONAL OPEN SPACE DISTRICT (Ronald & Rolayne Stortz)  
 Public hearing on an application for a special conditional permit to reactivate a winery in an historic zone, including crushing, pressing, bottling, storage, winetasting and sales. Property situated on the south side of Montebello Road, between Stevens Canyon Road and the end of Montebello Road, property of Midpeninsula Regional Open Space District. Address: 13100 Montebello Road. HS zoning district. Parcel size: 54.13 acres. File completed July 27, 1984. Environmental Assessment: Categorical Exemption -Class 1.



Central Permit Office  
County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-2454

County of Santa Clara  
California

*Master*

August 8, 1984

Michael and Kathy Spampinato  
5296 Alum Rock Avenue  
San Jose, CA 95127

SUBJECT: BUILDING SITE APPROVAL  
FILE NO: 2170-47-74-84B (R-1) (Fairway Drive)

Dear Mr. and Mrs. Spampinato:

Enclosed are the final conditions of approval for your single building site. This approval is valid for 24 months. During this period, the conditions of approval must be completed and a building permit issued.

Please return a signed set of final conditions of approval to this office. When you are ready to proceed with this project, please call Land Development Engineering and Surveying at 299-2871, regarding instructions for compliance with the conditions of approval.

Please note that any person dissatisfied with the decision of the Land Development Coordinator may file an appeal within 15 calendar days after the Coordinator's final decision.

All appeals regarding this application shall be filed at the Central Permit Office and shall require a \$250.00 filing fee.

If you have any questions regarding this matter, please feel free to contact me at 299-2454.

Sincerely,

  
RAFFI SARKISIAN  
MANAGER/LAND DEVELOPMENT COORDINATOR

RS:rd

Enclosure

cc: Jerry Quilici  
Bob Van Etten



SINGLE BUILDING SITE  
FINAL CONDITIONS OF APPROVAL

Date: August 8, 1984

Owner/Applicant: Spampinato

File Number: 2170-47-74-84B (R-1) (Fairway Drive)

Items marked with an asterisk (\*) must be completed prior to building permit.

Items marked with a double asterisk (\*\*) must be completed prior to occupancy or one year from the date of the land development agreement, whichever occurs first.

PLANNING

1. Existing zoning is R1-20. Maintain the following minimum building setbacks:

Front: 30 feet; Rear: 20% lot depth not to exceed 25 feet;  
Sides: 15 feet.

NOTE: A variance application is in process to reduce sideyards.

ENGINEERING SECTION - CENTRAL PERMIT OFFICE

Maps:

- \* 2. Lot stakes set by a registered civil engineer or licensed land surveyor are required. If property was previously surveyed, the lot stakes must be exposed, verified and shown on building plans or new stakes set prior to issuance of a building permit. File a record-of-survey map (responsibility of engineer or land surveyor) where required by State law.

Drainage:

3. 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 water courses is implied by these conditions without approved plans. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard to life, health or damage to adjoining property.

Dedications and Easements:

4. Provide easements as required for water, sewers, and utilities.

AUG 20 10 19 AM '04  
COUNTY OF SANTA CLARA  
CENTRAL PERMIT OFFICE

Single Building Site  
File 2170-47-74-84B (R-1) (Fairway Drive)

Utilities:

- \*\* 5. All new on-site utilities, mains and services are to be placed underground and extended to serve the proposed residence. Off-site work should be coordinated with any undergrounding to serve other properties in the immediate area.

Other Conditions:

- 6. Comply with the requirements of the County Ordinance Code relating to fences and unlawful obstructions of view.
- 7. Where terrain is generally level, elevate house pad as necessary to avoid drainage problems.

ENVIRONMENTAL HEALTH

- 8. This site is located in a sewered area and therefore a sanitary sewer connection will be required. Contact Sanitation District Number 2 at (408) 295-2425.
- 9. Domestic water shall be supplied by San Jose Water Works.

FIRE MARSHAL

- 10. Property is located in the San Jose Fire Protection District.

SANTA CLARA VALLEY WATER DISTRICT

- 11. This site is not subject to flooding from a District stream. There is a District facility within this property named Miguelita Creek.
- \* 12. The District requires right-of-way as described under "Additional Comments" below.
- 13. Make a separate application in writing to the District for a permit to install any culvert, bridge or other type of construction in, over, or near a stream, channel or District water utility as required by District Ordinance 74-1. To prevent siltation of District's downstream facility, all grading operations are to be closely supervised; all cut and fill slopes are to be planted with erosion-resistant vegetation.
- 14. As required by District Ordinance 75-6, file an application with the District for a permit to construct or destroy any well or to drill any exploratory holes deeper than 45 feet.
- \* 15. Owner should contact Dan Lawrie of the Real Estate Department at (408) 265-2600 for transfer of right-of-way. Right-of-way required along the southeasterly property line.

COUNTY OF SANTA CLARA  
CENTRAL PERMIT OFFICE

AUG 20 10 19 AM '04

Single Building Site  
File 2170-47-74-84B (R-1) (Fairway Drive)

TRANSPORTATION AGENCY

Improvements--Existing County Roads or Roads to be County Maintained:

- \* 16. Obtain encroachment permit to plug existing driveway and construct a driveway approach per Transportation Agency 1982 Standard Detail B/9 and B/8, and provide County with Certificate of Worker's Compensation Insurance.
- \*\*17. Install driveway approach per Transportation Agency 1982 Standard Detail B/8.
- \* 18. The new driveway approach is proposed over an existing 6 foot sanitary sewer easement. Contact the Sanitation District for their approval.

BUILDING INSPECTION

- 19. When applying for building permit, submit the following:
  - a) Soils report by a registered civil engineer certifying suitability of soils for proposed types of structures on the particular property.
  - b) Present two complete sets of plans and specifications drawn to scale of proposed residence. Minimum sheet size 18" X 24". Plans and specifications to meet all applicable building codes. See Residential Information Sheet available at Central Permit Office.

LAND DEVELOPMENT COORDINATOR

- \* 20. Enter into and record a deferred annexation agreement with the County of Santa Clara and the City of San Jose to annex to the City when the property becomes legally eligible for annexation.

These conditions approved August 8, 1984 by the Land Development Coordinator are valid for a period of twenty-four (24) months.

This approval is based upon information submitted on the application form and map. Erroneous information, omission of relevant information or substantial changes will void this approval.

  
 \_\_\_\_\_  
 Authorized Signature

STATEMENT OF ACCEPTANCE

We, Michael and Kathy Spampinato, understand and accept the attached final conditions of approval.

Date AUGUST 17, 1984

COUNTY OF SANTA CLARA  
CENTRAL PERMIT OFFICE

AUG 20 10 19 AM '04

Single Building Site  
File 2170-47-74-84B (R-1) (Fairway Drive)

Signature of Property Owner *Michele J. Spampinato*

Signature of Property Owner *Kathy Spampinato*

NOTE: Please return one copy of these conditions, as per instructions of the enclosed cover letter, to:

County of Santa Clara  
Central Permit Office  
County Government Center  
East Wing, 7th Floor  
70 West Hedding Street  
San Jose, CA 95110

When you are ready to proceed with this project, please call Land Development Engineering and Surveying, at 299-2871, regarding instructions for compliance with the conditions of approval.

rd

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RDJOBI/n

COUNTY OF SANTA CLARA  
CENTRAL PERMIT OFFICE

AUG 20 10 19 AM '04

County of Santa Clara  
California

*Master*

July 23, 1984

Michael and Kathy Spampinato  
5296 Alum Rock Avenue  
San Jose, CA 95127

SUBJECT: VARIANCE  
FILE NO: 2170-47-74-84B-84V (Fairway Drive)

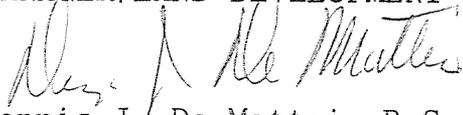
Dear Mr. and Mrs. Spampinato:

This letter is written to inform you that the subject application, which was resubmitted July 2, 1984, is complete.

Your application will be agendized in approximately two weeks. If you have any questions regarding this matter, please feel free to contact Mr. Lucas Stamos, Zoning Administrator, at 299-2521.

Sincerely,

RAFFI SARKISIAN  
MANAGER/LAND DEVELOPMENT COORDINATOR

  
Dennis J. De Mattei, R.S.  
Environmental Health Specialist

RS:DJD:rd

cc: Lucas Stamos (plus comments)

County of Santa Clara  
California

*Master*

June 14, 1984

Michael and Kathy Spampinato  
5296 Alum Rock Avenue  
San Jose, CA 95127

SUBJECT: SINGLE RESIDENTIAL BUILDING SITE - VARIANCE  
FILE NO: 2170-47-74-84B-84V (Fairway Drive)

Dear Mr. and Mrs. Spampinato:

This letter is written to inform you that the subject application, which was received May 18, 1984, is not complete and further processing of this application is discontinued.

In order to complete this application, the following information and material must be submitted to the Central Permit Office:

Two (2) copies and a reproducible tracing of revised plans showing two cross sections; one at each end of the property of the creek bank. Cross-sections should include the top and toe of the banks and extend approximately 30 feet from the top of bank. Contact Sue Tippits at (408) 265-2600.

Resubmission of the above required information and material will be subject to ample time for review and comments. If the requested information is not submitted within 90 days to this office, a new application will be required to reactivate your request.

The reactivation of your request will require the resubmission of all fees and information required for any new application, plus the information requested above. As a new application, your request will be subject to all conditions applicable at this time of filing.

If you have any questions regarding this matter, please feel free to call me at 299-2454.

Sincerely,

MICHAEL M. LOPEZ  
ACTING LAND DEVELOPMENT COORDINATOR

  
Dennis J. De Mattei, R.S.  
Environmental Health Specialist

MML:DJD:rd

cc: Sue Tippits



2246 Sharon Drive  
San Jose, CA 95129  
(408) 446-4426

EXHIBIT 405907  
STATEMENT NO. \_\_\_\_\_

**ADDENDUM: Geologic Zones and Flood Zones  
Santa Clara County**

INSTRUCTIONS: This document to be signed by buyer, seller and Realtor<sup>®</sup>/Agent and attached to the Agreement to Purchase and Sell-Deposit Receipt. The Realtor<sup>®</sup>/Agent should retain a copy in his/her files as proof of disclosure.

This Addendum is attached as Exhibit \_\_\_\_\_ to the Real Estate Purchase Contract and Receipt for Deposit dated \_\_\_\_\_, 198\_\_\_\_, in which \_\_\_\_\_ is referred to as seller.

The following property, which is the subject of the contract, Fairway Drive Street Address  
San Jose, Santa Clara, California 599-33-015 is located as indicated below:  
City County State Assessors Parcel No.

**SPECIAL STUDIES ZONE ACT DETERMINATION**

The subject property has been located by JCP Geologists, Inc. on the current OFFICIAL SPECIAL STUDIES ZONES MAP(S) issued by the State of California. The procedure for locating the subject property is disclosed in the Explanation Section below.

The subject property is: NOT in an Official Special Studies Zone.

NOTE: If the subject property is partially or wholly within an OFFICIAL SPECIAL STUDIES ZONE it may be subject to a requirement (city, county, or state) necessitating a geologic study prior to any new or additional construction. Therefore, the above information constitutes a material fact. The preceding information should be disclosed to the buyer by the seller or agent for the seller of the subject property in accordance with Section 2621.9 of the California Resources Code and Sections C12-645, C12-647 and C12-650 of the Santa Clara County Ordinance.

**SEISMIC SAFETY ELEMENT DETERMINATION**

The subject property has been located by JCP Geologists, Inc. on the current OFFICIAL RELATIVE SEISMIC STABILITY MAP adopted by the County of Santa Clara, California. The procedure for locating the subject property is disclosed in the Explanation Section below.

The subject property is located partially or wholly within the zone(s) designated:

Dr (IN a zone of High Geologic Hazard). "Area of high potential for ground displacement along fault traces."

as defined by the County of Santa Clara through the County Geologist.

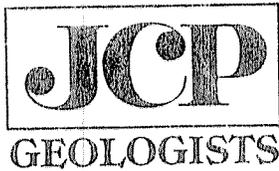
NOTE: If the subject property is located IN A ZONE OF HIGH GEOLOGIC HAZARD (as defined by Santa Clara County) or if geologic information of concern is contained in the City or County Files, the subject property may be subject to a requirement (city or county) necessitating a geologic study prior to any new or additional construction. Therefore, the above information constitutes a material fact. The preceding information should be disclosed to the buyer by the agent for the seller of the subject property in accordance with Section 10178(a) of the California Business and Professions Code and Sections C12-645, C12-647 and C12-650 of the Santa Clara County Ordinance.

**NATIONAL FLOOD INSURANCE ACT DETERMINATION:**

The subject property has been located by JCP Geologists, Inc., on the current FLOOD INSURANCE RATE MAP issued by the Department of Housing and Urban Development. The procedure for locating the subject property is disclosed in the Explanation Section below.

NOT in a Special Flood Hazard Zone. Located in Zone "D".  
The subject property is (Flood Insurance is not required by the lender in this zone designation).

NOTE: If the subject property is located partially or wholly within a SPECIAL FLOOD HAZARD ZONE, the Lending Institution may require Flood Insurance as a prerequisite to any loan. Therefore, the above information constitutes a material fact. The preceding information will assist the agent in fulfilling the State and Federal requirements for determining eligibility for Flood Insurance and should be disclosed to the buyer by the agent for the seller of the subject property in accordance with Section 10176(a) of the California Business and Professions Code.



Determined by 2170-47-74-84B-840

James C. Prendergast  
Date: March 1, 1984

**EXPLANATIONS ON REVERSE SIDE**

I acknowledge that I have read this document prior to signing and have received a copy hereof.

Real Estate Firm (Selling Office) \_\_\_\_\_ by \_\_\_\_\_ Agent

Date \_\_\_\_\_ Buyer \_\_\_\_\_

Date \_\_\_\_\_ Seller \_\_\_\_\_

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CENTRAL PERMIT OFFICE

**EXPLANATION:**

Our services (JCP Geologists, Inc.) consist of an examination of the appropriate OFFICIAL SPECIAL STUDIES MAP, OFFICIAL RELATIVE SEISMIC STABILITY MAP and NFIA FLOOD HAZARD BOUNDARY MAP for location of the above property as identified and described by the seller or agent for the seller. Our services include, where appropriate, the use of the Assessors Rolls, County Cadastral Maps, Photographic Enlargements of above Official Maps and various Cartographical Techniques to precisely locate the subject property on the appropriate map. The determination is made as accurately as reasonably possible using the said Official Maps. For the purposes of defining a parcel's property lines, the Assessors Parcel Number and the Assessors Parcel Maps are used. Therefore, any errors in the assessors rolls may effect the determination procedure.

Decisions by cities and counties relative to required studies, reports, etc., are often made using the above information as well as information contained in their files and relative to their ordinances and procedures. It should not be construed that the above information is a substitute for a geologic or engineering study or that a city or county will not, in the future, require a geologic or engineering study.

No visual examination of the subject property was performed nor was a study of the city's or county's files made to ascertain the presence or absence of any geologic or engineering hazard which may exist on the subject site. JCP Geologists, Inc., performs services for the licensed Real Estate Broker or owner and shall not be liable to anyone who may claim any right through his relationship with the agent except when acts or omissions are due to willful misconduct or negligence by JCP Geologists, Inc.

**DISCUSSION OF GEOLOGIC ZONES IN SANTA CLARA COUNTY**

People who receive a geologic disclosure often become upset or perplexed about the wording or meaning of the disclosure information. The primary cause is that the disclosure consists of broad-brushed generalized information presented out of context. The following is an attempt to place Geologic Disclosure information in perspective.

All property in Santa Clara County is on the Official Santa Clara County Relative Seismic Stability Map and is within one of the following zones.

**ZONES OF HIGH GEOLOGIC HAZARD**

**SPECIAL STUDIES ZONES and Dr ZONES**

Special Studies Zones are delineated and adopted by the State of California as part of the Alquist-Priolo Act of 1972. The "Dr" Zones, (Santa Clara County) include all of the Special Studies Zones as well as additional zones established by the County.

If a property is located in an "AREA OF HIGH POTENTIAL FOR GROUND DISPLACEMENT ALONG FAULT TRACES" (Dr), it does not necessarily follow that a fault line exists on the property or within several hundred feet of the property. The Dr Zones and ALQUIST-PRIOLO SPECIAL STUDIES ZONES are areas or bands on both sides of known or suspected active earthquake faults. In places the zones are more than one-quarter of a mile wide and the potential for fault rupture damage to a structure is relatively high only if the building is located directly across a fault trace.

Earthquake shaking normally will be nearly as strong a mile away from a fault as it would be 50 feet away. Therefore, the amount of shaking felt at a given property is not always proportional to the distance from the rupturing fault. In other words, a building located near a fault trace is not necessarily in a more hazardous location.

The important thing to remember is that during a major earthquake, the shaking will be strong everywhere in the Bay Area. Also, if a building is not built across an active fault trace then the shaking will be the primary affect of the earthquake. It is generally accepted that wood-frame houses are very earthquake resistant.

Ds — If a property is located in an "AREA OF HIGH POTENTIAL FOR EARTHQUAKE-INDUCED LANDSLIDES" it does not necessarily mean that specific landslides exist on the property nor that landsliding in the area is eminent or probable. It does mean that the designated area has a relatively higher chance of landsliding than flat area properties. The primary reason for an area being zoned as Ds is that the slopes are steeper than 15% and are underlain by "bedrock" units of low stability".

Df — If a property is located in an "AREA OF HIGH POTENTIAL FOR SALT WATER FLOODING FROM FAILURE OF DIKES" then there is a significant chance that it could be flooded following a large earthquake by the waters of San Francisco Bay. The ground shaking produced during a major earthquake could cause portions of the perimeter dike system to fail. At times of high tide, these openings would allow the salt water to flow through these low-lying areas identified as Df.

Dc — If a property is located in an "AREA OF HIGH POTENTIAL FOR DIFFERENTIAL SETTLEMENT", then there is a chance that the ground will move during a severe earthquake. The ground in these areas has a tendency to settle in places during severe shaking which may cause damage to buildings. Hazard to life and limb is relatively low in these areas.

**ZONES NOT OF HIGH GEOLOGIC HAZARD**

The following zones are NOT considered to be of high hazard. However, due to the terminology used in the County's Seismic Safety Element, they may appear to be hazardous areas: E1, Es, F1, Fs

**DISCUSSION OF NATIONAL FLOOD INSURANCE DISCLOSURE**

If the subject property is located in a SPECIAL FLOOD HAZARD ZONE "A", then it is in an area subject to flooding during a '100 year rain-storm'. A 100 year flood will occur on the average once every 100 years but might not occur in 1,000 years or may occur in several successive years. Other possible causes of flooding, such as failure of dams and dikes, were not considered in the development of the NATIONAL FLOOD INSURANCE MAPS.

ZONE		EXPLANATION	
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.	B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.	C	Areas of minimal flooding. (No shading)
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.	D	Areas of undetermined, but possible, flood hazards.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.	V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.	V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined

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