 City of Santa Clara <small>The Center of What's Possible</small>	Planning Division: (408) 615-2450 Email: planning@santaclaraca.gov
Planning Appeal Form	

Instructions

Use this form to appeal a decision made at the Development Review Hearing or Planning Commission. **All appeals must be filed with the Planning Division within seven calendar days of the action being appealed.**

Appeals from the Development Review Hearing are made to the Planning Commission (for single-family residential projects) or to the City Council (for projects other than single-family residential projects) and will be set for hearing on the next available agenda. Appeals from the Planning Commission are made to the City Council and will be placed on a subsequent City Council Agenda. Please contact the Planning Division at the number listed above with any inquiries about the process.

Applications will be filed through the City's [Permitting Online Portal](#). You will need to register for an account to file. Applications may also be filed in person at the Permit Center, City Hall, 1500 Warburton Avenue, Santa Clara.

Information submitted on this form is public record.

Appeal Fees

Appeal Fees are set by the Municipal Code of the City of Santa Clara and are subject to annual review. Submitted appeals will be invoiced by staff for payment. **Fee payment must be received by the City of Santa Clara before this form submittal can be certified as complete.**

Appellant Declaration

Name: Andrea Cosmin and Sorin Spanoche
 Street Address: 2896 Mesquite Dr
 City, State, Zip Code: Santa Clara, CA 95051
 Phone number: (408) 204-6809
 E-mail address: amc9612@gmail.com

In accordance with the provisions of the Municipal Code of the City of Santa Clara, I hereby appeal the following action at the:

Development Review Hearing Planning Commission

at it's meeting of 02/11/2026
(date)

Agenda Item No.: 3

File No.(s): 26-52

Address:/APN(s): 2892 Mesquite Dr, Santa Clara, CA 95051

Appellant Statement

(If more space is required, attach a separate sheet of paper.)

Action being appealed:

Resolution on Appeal (PLN25-00561) of Development Review Officer's Approval
at 2892 Mesquite Drive for an Architectural Review (PLN25-00295), requesting
that conditions of approval P3 (guest bedroom setbacks for sight line preservation
of the adjacent property) and P4 (front yard landscape) be defined with
measurable criteria.

Reason for Appeal:

The Approval (that was reaffirmed in the Public Hearing at the Planning Commission
meeting on 02/11/2026, with a 4-3 vote) relies on Conditions P3 and P4 to
support the Architectural Review findings that the project will not unreasonably
interfere with neighboring property's use and enjoyment and is compatible
with the neighborhood's character.

But P3 and P4 are unenforceable in their current form.

(Please see attached page for further details.)

Certification of Authenticity

Beware, you are subject to prosecution if you unlawfully submit this form. Under penalty
of law, transmission of this form to the City of Santa Clara is your certification that you are
authorized to submit it and that the information presented is authentic.



Signature of Appellant

02/18/2025

Date

To: City of Santa Clara Council
Project: 2892 Mesquite Dr, File No. PLN26-00094

Applicant: Andrea Cosmin and Sorin Spanoche
2896 Mesquite Dr,
Santa Clara, CA 95051
Amc9612@gmail.com

Date: 04/01/2026

Subject: PLN26-00094: Appeal to City Council of PLN25-00561 - 2892 Mesquite Drive
Architectural Review (PLN25-00295) *Requesting measurable criteria for Conditions P3 and P4*

Dear City Council,

Thank you for your time and consideration for our appeal.

Action Being Appealed

Resolution on Appeal (PLN25-00561) of the Development Review Officer's Approval at 2892 Mesquite Drive for an Architectural Review (PLN25-00295), requesting that Conditions of Approval P3 (guest bedroom setbacks for sight line preservation of the adjacent property) and P4 (front yard landscape) be defined with measurable, enforceable criteria.

We are not appealing to block the project. We support updates and improvements to neighboring properties. Our appeal is focused solely on the fact that the project's approval relies on Conditions P3 and P4 to mitigate massing and sight line impacts, yet these conditions lack the measurable standards necessary for enforcement during the plan check and inspection phases.

The City's Architectural Review findings include that the design and location of the project "will not unreasonably interfere with the use and enjoyment of neighboring developments" and is consistent with neighborhood character (SCCC 18.30.010.A).

The plan of the neighborhood and how the houses were originally built ensure that all homes have appropriate openings towards the street, without obstructions from neighboring buildings.

We would like to highlight that our property has the **narrowest front (40 ft)** and very long distance from the front rooms from the lot line (**53 ft**). This compares with **49.77 ft** and about **38 ft**, respectively for the existing building at 2892 Mesquite dr. Typical lots in our neighborhood have a front of about **65 ft** (Exhibit A).

Why Measurable Criteria Are Necessary

The code prescribes baseline minimums for rectangular lots, and P3 and P4 are discretionary mitigations intended to address impacts beyond those minimums - precisely because these pie-shaped lots present special circumstances that standard setback rules do not contemplate.

The Review Officer acknowledged this when P3 was added at the December 2025 Architectural Review public hearing: *“These are three unique properties in this tract. And building the property out does impact the neighboring property.”*

The approval included two conditions:

P3. Guest Bedroom Setback: *The proposed guest bedroom shall adhere to the prevailing development pattern in the subdivision by reducing the footprint of the proposed guest room by providing a greater front and side setback. The setbacks shall preserve the existing sight line of the adjacent property.*

P4. Front Yard Landscape: *Bushes and code-compliant hedges shall be added to the front yard.*

As currently written, terms like “greater front and side setback” and “sight line preservation” are open to interpretation. Without specific numerical criteria (e.g., “a minimum additional setback of X feet from the front”), these conditions are **effectively unenforceable** by City staff during the building permit review process. There are no current code definitions for pie/wedge-shaped lots, and the conditions were intended to ensure equitable sight lines for all residents, regardless of lot geometry.

The Owner’s Response Highlights the Problem

Since the conditional approvals - which the current owners accepted without appealing - the owners’ response to Condition P3’s requirement for a “greater setback” has been a wall retraction of approximately **8½ inches at the front**. 8½ inches is comparable with the length of a single brick. This is precisely why numerical criteria are necessary - without them, a cosmetic adjustment can be presented as compliance with a condition that was clearly intended to produce a meaningful reduction in massing and sight line impact.

The Planning Commission Resolution

The Planning Commission reaffirmed the Approval on February 11, 2026, with a **narrow 4-3 vote** - nearly half the Commission was not satisfied that the conditions, as written, could be checked to adequately address the impacts.

During deliberation, Commissioner Cherukuru stated: *“...If I had an opportunity to suggest, I would suggest the architect to rethink the front.”* She acknowledged that design review exists precisely because meeting minimum code standards does not automatically make a design compatible with the neighborhood: *“If everything was allowed by right... then they didn’t have to go through a discretionary approval at all. Why is there a design review committee, then?”*

The Planning Commission strongly encouraged a neighborly compromise to define these criteria. The current owners have explicitly refused to engage in any discussion to reach a mutual agreement.

Fence Does Not Satisfy the Hedge Requirement and Worsens the Sight Line Impact

Condition P4 specifically mandates “bushes and code-compliant hedges.” Instead, after the February 11, 2026 Planning Commission Review where we expressed our concerns about a new tall fence, the current owners have erected a **6+1-foot-tall fence extending approximately 20 feet further into the front yard** than the existing (lower) fence.

The fence extension actively **undermines the sight line preservation that Condition P3 was designed to protect**. For 23 years, including the 7 years since the adjacent property was purchased by the current owner, our home had an unobstructed sight line to and from the street.

Due to the narrow front and very long distance of the front rooms from the lot line, the fence makes our home feel as though it is situated in the backyard of the neighboring property, rather than facing a street.

The fence extension also raises a practical security concern: as our front door is further from the street than is typical in the neighborhood, the tall fence now provides concealment that makes it easier for someone to approach our home entrance unseen.

Our Request

We respectfully ask the City Council to direct the Planning team to amend the Conditions of Approval to include objectively defined, measurable criteria:

For Condition P3 - Guest Bedroom Setback:

Set back the front wall of the guest bedroom addition approximately **4 feet** to align with the front plane of the planned foyer addition. This is consistent with the prevailing development pattern referenced in Condition P3 itself. Neighboring homes on pie-shaped lots were designed so that no structure projects significantly in front of an adjacent home's primary façade.

This would be consistent with the existing building and the design pattern in the neighborhood and could help preserve at least one of the mature Japanese maples currently in the front yard, rather than removing it and replacing it with a small olive tree as shown in the current plans.

For Condition P4 - Front Yard Landscape:

Limit a 6+1 feet fence to the extent of the previously existing low fence or reduce the height of the approximately 20-foot new extension to **3 feet**, consistent with similar front-yard fences in the neighborhood. The tall fence contradicts the sight line preservation intent of Condition P3. We do not object to the fence height adjacent to the current building walls, where it serves a privacy function from the newly proposed kitchen window on the side wall close to the front our home (where there is no window right now).

Closing

We want to emphasize the modesty of our request. We are not asking for the 5-foot side setback preservation that all homes on regular lots are entitled to. We are just asking for measurable criteria that ensure the Conditions of Approval achieve their stated purpose: preserving equitable sight lines for all residents, regardless of lot geometry.

We trust the City Council to ensure that the conditions attached to this approval are meaningful and enforceable - so that they protect not only our home's livability, but also the neighborhood character that made this community worth choosing 23 years ago and worth preserving for the future.

Thank you for your time and consideration.

Respectfully,
Andrea Cosmin and Sorin Spanoche

Exhibit A: Vicinity map (32 – 2892 Mesquite Dr., 31 – 2896 Mesquite Dr.)



(30)

(35)

Exhibit B: Sight line prior to February 17 2026



Sight line at 4.5 ft from home wall (tangent to 2892 corner)

Exhibit C: 2892 2896 Mesquite drive site plan (based on 1'-0" = 1/8" scale drawings)

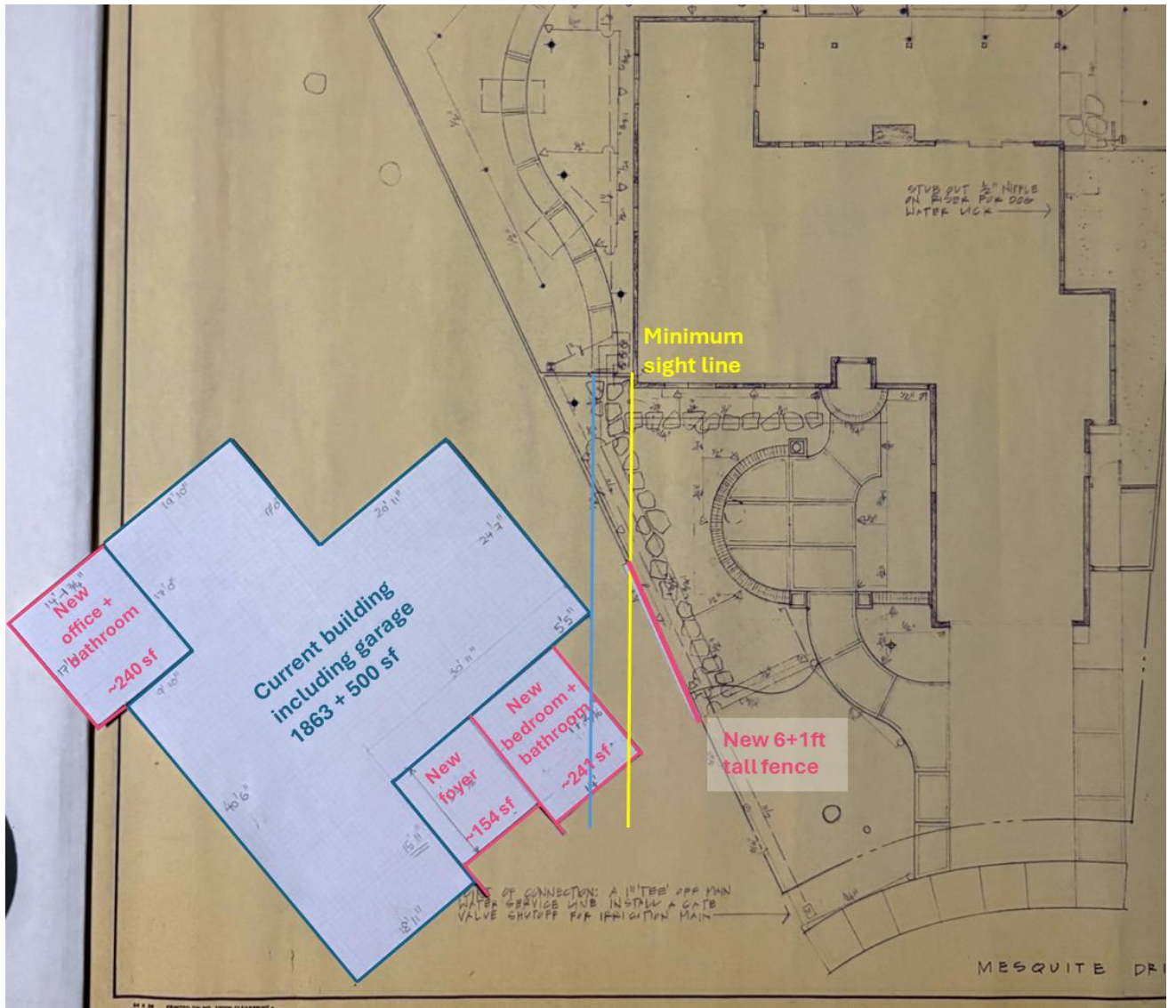


Exhibit D: Impact of new fence and planned building extension simple rendering on front rooms' sight lines (looking straight ahead)

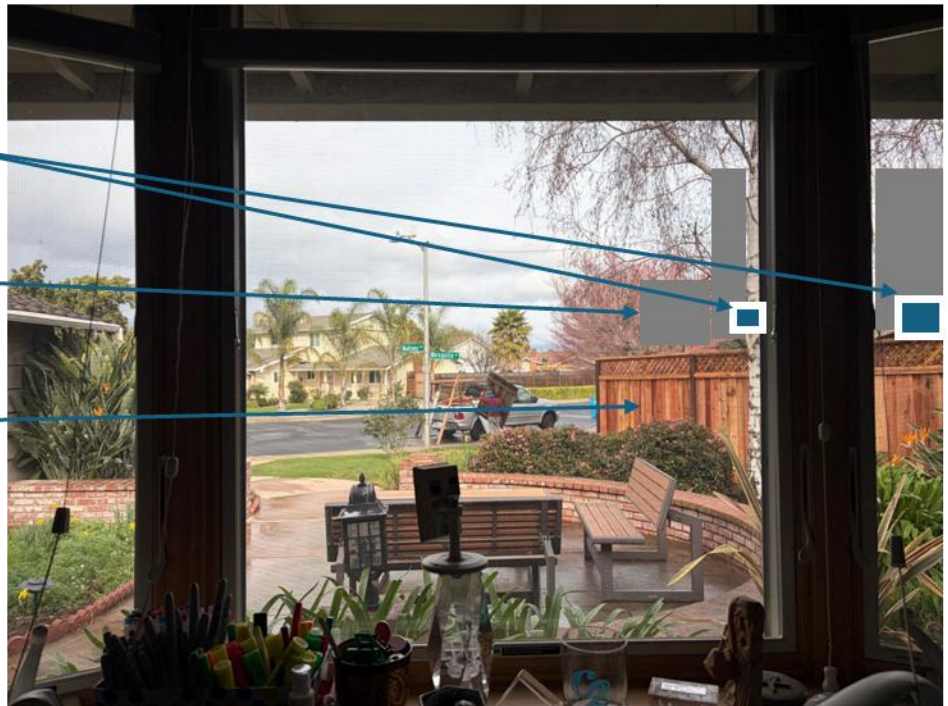
Room 1



New side-windows

New front addition

Newly erected 6+1ft tall fence



Room 2



New side-windows
New front addition
Newly erected 6+1ft tall fence

