




**City Council**  
 April 07, 2026

**Item #7 RTC 26-244**  
**2892 Mesquite Drive**

**Afshan Hamid**  
**Community Development Director**

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2892 Mesquite Drive




**Request**

- **Appeal** of Planning Commission’s affirmation of the Development Review Officer’s approval of the architectural review for a 680 square foot first floor addition and a 282 square foot second floor addition to an existing two-story 2,081 square foot single-family residence with a 500 square foot attached garage.
- Per SCCC 18.144.020B., the City Council serves as the final review authority on Architectural Review of single-family residential projects.

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## Appeals

- Pursuant to SCCC 18.144.030.E, the City Council hears appeals as *de novo*
  - Issues raised and considered are not limited to those raised by the appellant.
  - The City Council may affirm, vacate, or reverse the previous decision.
  - Additional conditions of approval may be added, or the project may be referred to the Development Review Officer or Planning Commission for further consideration.

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## Background

- **July 2025** – Property Owner submitted Architectural Review permit application (PLN25-00295).
- **October 2025** – Application is deemed complete and scheduled for November 2025 Development Review Hearing (“DRH”).
- **November 2025** – Application is scheduled for Development Review Hearing but continued due to technical difficulties and to allow for community feedback to be received.
- **December 2025** – Application is reviewed and approved by the Development Review Officer (“DRO”). Neighbor appealed the decision to the Planning Commission.
- **February 2026** – Planning Commission reviewed appeal and affirmed DRO’s decision 4-3. Neighbor appealed the decision to City Council.

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## Existing Site

- Acreage: 0.17 (7,351 SF)
- Surrounding Uses:
  - N: Single-Family Residential (R1-6L)
  - S: Single-Family Residential (R1-6L)
  - E: Single-Family Residential (R1-6L)
  - W: Single-Family Residential (R1-6L)
- General Plan Designation: Very Low Density Residential
- Zoning: Single-Family Residential (R1-6L)




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## Development Standards

Compliance Table – PC's Approval

| Standard   | Existing  | Proposed | Requirement | Complies? (Y/N) |
|--|-----------|----------|-------------|-----------------|
| % of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor: | 0.52      | 0.56     | 66% max     | Y               |
| <b>Building Coverage (All):</b>                      | 0.26      | 0.34     | 40% max     | Y               |
| <b>Setbacks</b>                                      |           |          |             |                 |
| Front (1 <sup>st</sup> floor):                       | 17'       | 20'      | 20'         | Y               |
| (2 <sup>nd</sup> floor):                             | 34'       | 37'      | 25'         | Y               |
| Left Side (1 <sup>st</sup> floor):                   | 5'-0"     | 5'       | 5'          | Y               |
| (2 <sup>nd</sup> floor):                             | 9'-3"     | 9'-3"    | 10'         | Y               |
| Right Side (1 <sup>st</sup> floor):                  | 6' – 11"  | 8'       | 5'          | Y               |
| (2 <sup>nd</sup> floor):                             | 32' – 11" | 10'      | 10'         | Y               |
| Rear (1 <sup>st</sup> floor):                        | 22' – 9"  | 22' – 9" | 20'         | Y               |
| (2 <sup>nd</sup> floor):                             | 39' – 9"  | 39' – 9" | 20'         | Y               |
| <b>Height</b>  | 22' – 9"  | 25'      | 25'         | Y               |

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### Street View



Owner  
Appellant

2892 Mesquite



2896 Mesquite





2892 Mesquite (owner)



2896 Mesquite (appellant)

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### Site Plan (Existing - Aerial)

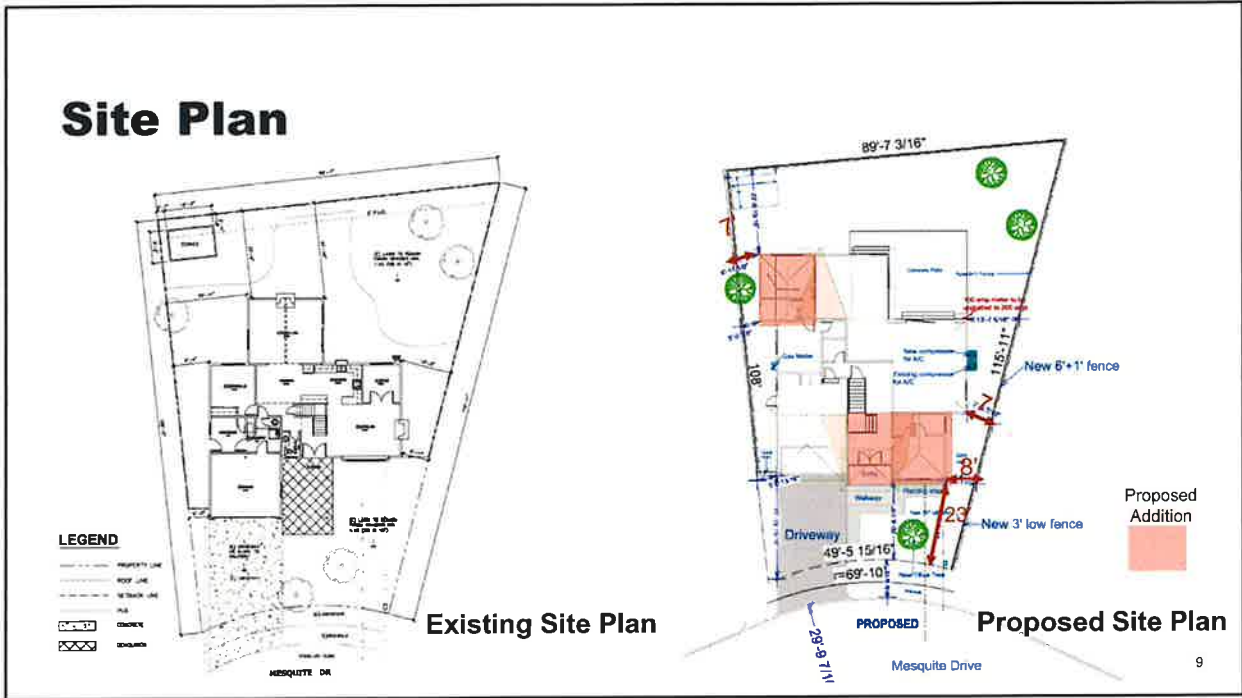




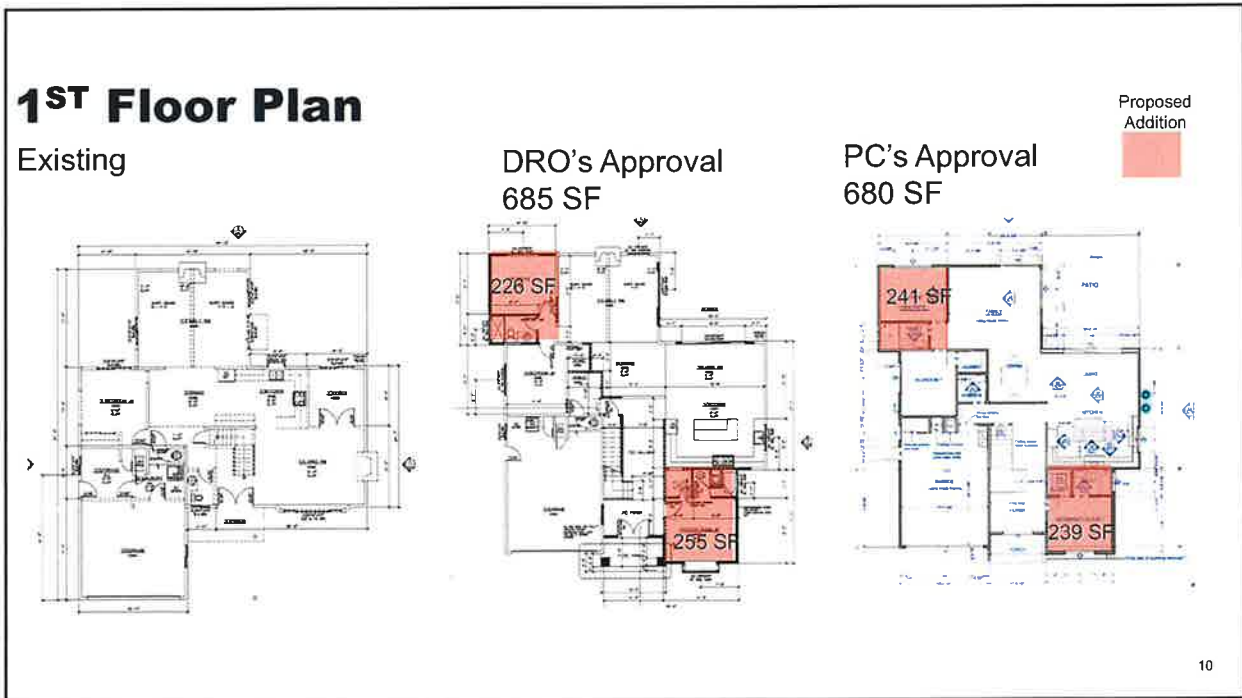
Owner  
Appellant

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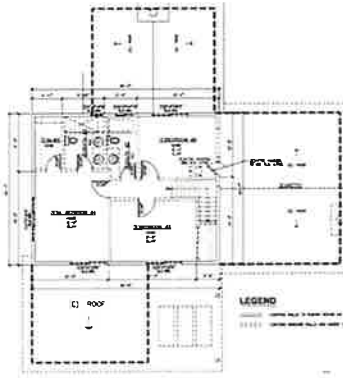
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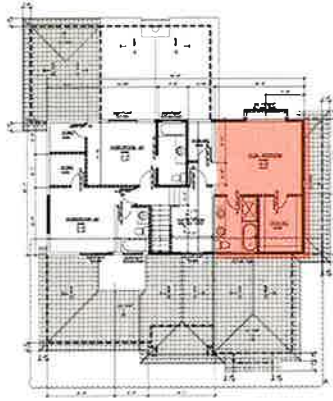
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# 2nd Floor Plan

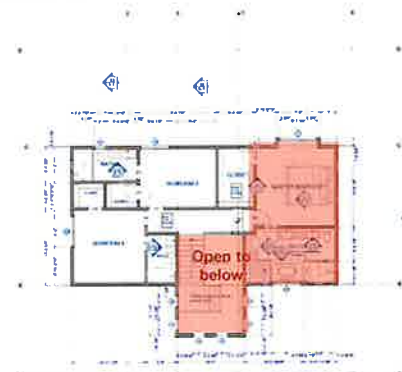
Existing



DRO's Approval  
397 SF



PC's Approval  
282 SF



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# Rendering

DRO's Approval



PC's Approval



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## Rendering (3D Reference)

DRO's Approval



PC's Approval



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## Summary of Proposed Changes


|                             | DRO's Approval  | PC's Proposal                     |
|-----------------------------|-----------------|-----------------------------------|
| First Floor Addition        | 685 SF          | 680 SF                            |
| - Rear Office               | 226 SF          | 241 SF                            |
| - Guest Bedroom             | 255 SF          | 239 SF                            |
| - Porch + Entrance          | 204 SF          | 200 SF                            |
| Second Story Addition       | 397 SF          | 282 SF                            |
| <b>TOTAL ADDITION SF</b>    | <b>1,082 SF</b> | <b>962 SF</b>                     |
| Guest Bedroom Front Setback | 21' – 8"        | 22' – 9"<br>(an increase setback) |
| Guest Bedroom Right Setback | 8'              | 8'                                |

\* Area above Foyer & Stairway is not counted twice

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## Consistency with General Plan

- The proposed project as conditioned is consistent with the Santa Clara General Plan through the following policies:
  - 5.5.2-P2 - Implement design review guidelines for setback, heights, materials, massing, articulation and other standards to support Transition Policies and promote neighborhood compatibility.
    - The request conforms with the City of Santa Clara Single-Family & Duplex Residential Design Guidelines Chapter 2b - Sensitive Design Solutions as the second story addition does not exceed approximately 66% of the first-floor area and the side walls of the second story addition are set back at least three feet from the side walls of the first floor.
  - 5.5.2-P3 - Implement site design solutions, such as landscaping and increased building setbacks, to provide a buffer between non-residential and residential uses.
    - The request conforms with the City of Santa Clara Single-Family & Duplex Residential Design Guidelines Chapter 4a - Site Planning as the first story addition on the front is setback more than required, preserving the prevailing development pattern in the neighborhood.

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## Consistency with Zoning Code

- The proposed construction complies with the R1-6L Zoning Districts development standards.
  - The proposal is consistent with SCCC 18.38.060D as the garage still maintains the code compliant two parking spaces of at least 8.5 feet wide by 18 feet deep
  - The proposal is consistent with SCCC 18.10.030 as it meets the require first story setbacks, second story setbacks for the new construction.
  - The structure's height is consistent with the maximum allowed at 25 feet

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## Consistency with Design Guidelines

- The proposed project as conditioned complies with the City's Single-Family & Duplex Residential Design Guidelines (2014), in that:
  - The design is compatible in scale and character of the typical housing types in the neighborhood.
  - The design protects the neighboring sight lines to the street.
  - The second story addition does not exceed 66% of the first-floor area.

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## Appellant's Request

- Requesting that Condition of Approval P3 & P4 be modified to have an objective measurable criteria.
- The Condition of Approval in question:
  - 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"*

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## Public Outreach

- A public hearing notice was mailed to property owners within a 300-foot radius of the project site on March 26, 2026, to 67 owners/tenants.
  - Staff previously received one public comment in opposition to the proposal after the prior staff report was posted online
    - Appellant: The comment was regarding the massing, size of the proposal, and how it would impact privacy.
  - Staff at the time of writing this presentation has not received any additional comments
- A Community Meeting was not required as the proposed project is considered a Small Development Proposal under the Santa Clara Public Outreach Policy.

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## CEQA Evaluation

- The project is found to be Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities), in that the project consists of the addition to an existing structure that will not result in an increase of more than 50% of the floor area before the addition, or 2500 square feet.

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## **Recommendation for 2892 Mesquite Dr:**

1. Determine the project to be exempt from the California Environmental Quality Act (CEQA) formal pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities); and
2. Affirm the decision of the Planning Commission to approve the Architectural Review for the construction of a 680 square foot first floor addition and a 282 square foot second floor addition to an existing two-story 2,081 square foot single-family residence with a 500 square foot attached garage on a 7,351 square foot lot at 2892 Mesquite Drive, subject to findings and conditions of approval.



## **City Council**

April 07, 2026

**Item #7 RTC 26-244  
2892 Mesquite Drive**

**Afshan Hamid  
Community Development Director**

# Appeal to Santa Clara City Council

**File:** PLN26-00094  
**Location:** 2892 Mesquite Drive, a 7,351 square foot lot located south of Mesquite Drive and approximately 1,000 feet from Kiely Boulevard; APN: 296-31-032; zoned R1-6L (Single-Family Residential)  
**Applicant:** Sorin Spanoche & Andrea Cosmin  
**Owner:** Kirk Festing and Ling Zhou  
**Subject:** **Appeal** (PLN26-00094) of Planning Commission's affirmation of Development Review Officer's Approval on an Architectural Review Permit for a 621 square foot first floor addition and a 397 square foot second story addition to an existing two-story residence.

**Andrea Cosmin and Sorin Spanoche**

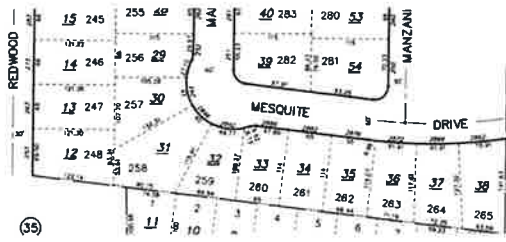
2896 Mesquite Drive, Santa Clara

City Council Hearing - April 7, 2026

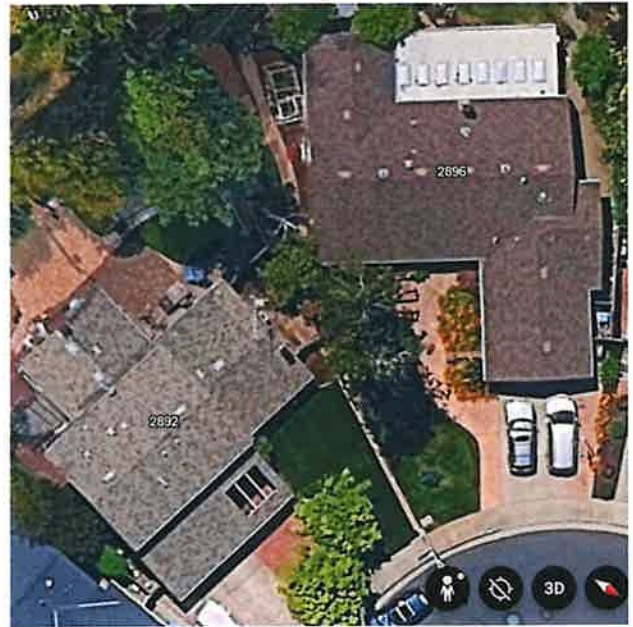
## We Support the Improvement Project

- We are only asking for **measurable, enforceable criteria** for **Conditions P3 and P4** of the Architectural Review Approval, meant to ensure that at plan check the project aligns with the Santa Clara General Plan's purposes:
  - Respect neighborhood scale and spacing (Community Character)
  - Ensure compatibility with existing homes (Infill and Compatibility)
  - Protect privacy and livability (Urban Design)
  - Preserve street frontage openness (Neighborhood Design)

# Unique Lot Shapes and Positioning of Properties



- 2896 Mesquite Dr.** 40 ft front lot line  
53 ft house front to lot line
- 2892 Mesquite Dr.** 49.77 ft front lot line  
38 ft house front to lot line  
**20.68 ft** as proposed
- Typical lots** ~65 ft front lot line



2892 & 2896 Mesquite Dr. / Google Earth

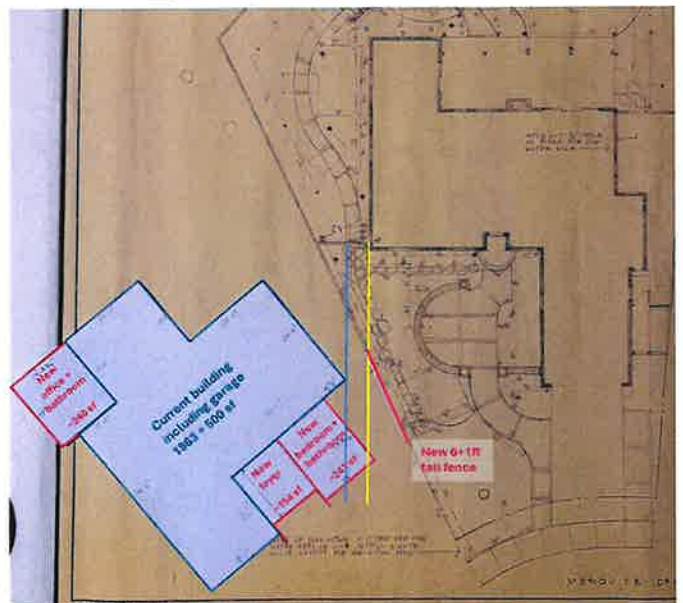
# Impact of the Proposed Forward Extension

Standard setback rules assume rectangular lots:

- These pie-shaped lots converge
- Houses are rotated towards each to face the street

The proposed forward extension creates disproportionate impact.

*"These are three unique properties... building the property out does impact the neighboring property."* - DRO Singh, Dec 2025



2892 & 2896 Mesquite Dr. site plans (based on 1' = 1/8" scale drawings)

## P3 and P4 Conditions for Approval

**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.

Conditions P3 and P4 were added as the key mitigation mechanisms for the impacts we raised at the previous meetings (sight line/openness and privacy/visibility).

The enforceability of these conditions is essential.

## What City Officials Have Said

*"These are three unique properties in this tract. And building the property out does impact the neighboring property. [...] I think as a condition of approval states, it's something that would allow and preserve some of that character from that neighborhood. We don't have a setback, a particular what that number is, because I think **there are probably different ways that you could approach it. Maybe there'd be a temper, maybe there'd be, step back, stagger, not sure. Leave that to the flexibility.**"*

DRO Singh - December 10, 2025 (Approval Hearing Transcript)

*"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? [...] does your right impact somebody else's life or right? There are balances. Sometimes there are compromises. If I had an opportunity to suggest, [...] **I would suggest the architect to rethink the front...**"*

Commissioner Cherukuru - February 11, 2026 (Planning Commission Hearing Transcript)

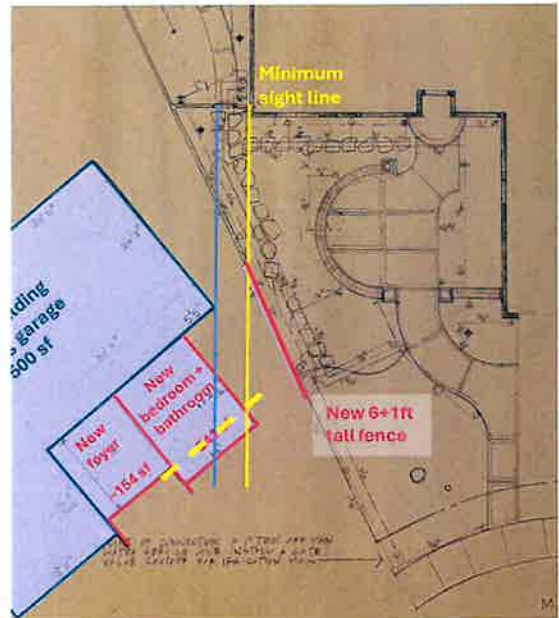
- **The Planning Commission voted 4-3 to keep the P3 and P4 conditions as written and encouraged a neighborly compromise.**
- **The property owners have refused to make any compromise or engage in any discussion.**

## Condition P3: Intent vs. Proposed Plan

**P3:** "The proposed guest bedroom shall adhere to the prevailing development pattern... by providing a greater front and side setback. The setbacks shall preserve the existing sight line of the adjacent property."



PLN26-00094 - Appeal to City Council - 2892 Mesquite Drive



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## Condition P4: Intent vs. Reality

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

**Before (23 years unobstructed sight line)**



**After - 6+1 ft fence was erected (Feb 18, 2026)**



The newly erected fence obstructs the sight line that P3 was designed to protect and creates a concealment concern near our deep-set front entrance.

PLN26-00094 - Appeal to City Council - 2892 Mesquite Drive

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## The Resolution Depends on a Vague Condition

### Proposed Resolution Finding 3.e.i:

The project satisfies design compatibility **"with adherence to condition P3."**

### P3 has no measurable criteria:

- No target setback distance for front and/or side
- No sight line definition
- No compliance measurement method
- No minimum threshold

***If the Council adopts this resolution, it certifies findings based on a condition definition that demonstrably did not work.***

# Our Modest Requests

## Condition P3

Guest Bedroom Setback

**Ensure that sight line along the side wall of our building towards the neighboring building is unobstructed towards the street**

- **Set back front wall 4 feet, to align with the foyer plane, or**
- **Some other measurable front and side setback increases that achieve the same sight line preservation**

Consistent with the prevailing development pattern - no home on pie-shaped lots projects significantly in front of an adjacent home's front. May also help preserve at least one of the existing mature Japanese maple trees (Resolution condition 3.c.iii).

***We are not asking for the 5-foot side setback from the wall of our building, that all homes on regular lots are entitled to, and were respected in the neighborhood design. We are asking for conditions that a plan checker can measure.***

PLN26-00094 - Appeal to City Council - 2892 Mesquite Drive

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## Condition P4

Front Yard Landscaping

**Reduce the height of the newly constructed ~20-foot fence extension from 6+1 feet to 3 feet as it contradicts the purpose of Condition P3 and is not consistent with the character of the neighborhood.**

Before the newly built fence there were no fences between neighboring properties in our corner lots

## What Does a Plan Checker Do With No Measurable Criteria?

We trust that the City Council will ensure that the Conditions of the Architectural Review Approval are enforceable - so that they protect not only our home's livability, but also the neighborhood character that made this community worth choosing to be our home 23 years ago and will continue to be so for all neighbors.

**Thank you for your time and consideration.**

PLN26-00094 - Appeal to City Council - 2892 Mesquite Drive

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## CITY OF SANTA CLARA – APPLICANT RESPONSE

## MEMORANDUM

**Project Address:** 2892 Mesquite Drive, Santa Clara, CA

**File Nos.:** PLN25-00295 / PLN25-00561

**Property Owner:** Annie Zhou

Honorable Members of the Appeals Board:

The applicant respectfully requests that the Appeals Board deny the appeal and uphold the prior approvals of this project.

### 1. Project Compliance with Municipal Code

The proposed project is consistent with all applicable provisions of the Santa Clara Municipal Code, including development standards for setbacks, height, and lot coverage. There are no identified violations, and the project meets all objective zoning requirements.

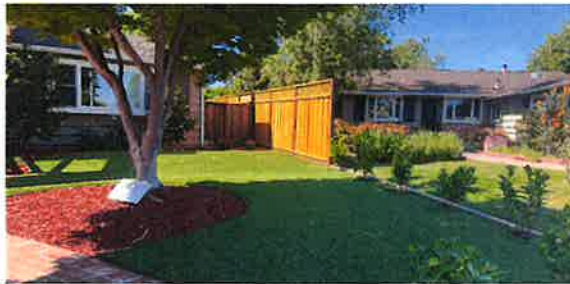
### 2. Procedural Background

The project has been approved by the Development Review Officer and the Planning Commission (4-3 vote). Conditions of approval, including P3 and P4, were evaluated and deemed sufficient to ensure compatibility.

### 3. Condition P3 – Setbacks and Compatibility

Condition P3 has been satisfied and exceeded. In coordination with Planning staff, the applicant removed the bay window and increased the front setback by approximately one (1) foot. These changes reduce perceived mass and reflect good-faith compliance. The appeal's concern regarding "sight line preservation" relates to maintaining a private view across the subject property, which is not protected under municipal code. The viewing condition described is a function of the neighboring property's irregular lot configuration, which was an existing

condition at the time of purchase and is not attributable to the applicant's project.



The separation between the two houses



The distance between two House The city requires a 5-foot side setback on each side. The existing side setback is over 7 feet.



The extension does not extend beyond the existing fence and existing side setback



The extension does not extend beyond the existing fence

#### 4. Condition P4 – Front Yard Improvements and Fencing

Condition P4 requires front yard landscaping. The project includes front yard improvements consistent with City standards.

##### Front Yard Improvements (Planting Only)

The design incorporates front yard landscaping consistent with City standards. No fence is proposed outside of the front yard setback area. In fact, we are 24' from the front yard property line setback where 20' is permitted. The other improvement is small shrubbery from the end of the 6+1 fence to the property line. Plantings comply with applicable visibility and landscaping requirements. We had a licensed survey company marking the property side and front property lines.

##### Side/Rear Yard Fence (6' + 1')

The project includes a six (6) foot fence with a one (1) foot extension. Under Santa Clara Municipal Code standards for residential fencing, fences of this height are permitted in side and rear yard locations. The proposed fencing complies with applicable height limits and placement requirements outside of visibility triangles.

The inclusion of code-compliant fencing does not negate landscaping requirements and does not constitute non-compliance with Condition P4.



**The distance from the front of the house to the end of the existing fence in the front yard is approximately 17 feet. There are still 4 feet remaining within the permitted limit.**

#### **5. Good Faith Design Refinements**

Although not required, the applicant worked with Planning staff, reduced building massing, and increased setbacks beyond minimum standards. These actions demonstrate a good-faith effort to address compatibility.

#### **6. Basis for Appeal**

The appeal does not identify any violation of the Municipal Code, any failure to comply with conditions, or any new evidence. It reflects disagreement with prior discretionary approvals and seeks to impose additional subjective design restrictions.

#### **7. Conclusion**

The project complies with all applicable Municipal Code provisions, has been approved through the City's process, and includes voluntary refinement. The appeal provides no substantive basis to overturn prior approvals.

#### **Request**

The applicant respectfully requests that the Appeals Board deny the appeal and uphold the prior approvals.

Respectfully submitted,

Annic Zhou