



# City of Santa Clara

## Meeting Agenda

### Planning Commission

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Wednesday, August 14, 2019

6:00 PM

City Hall Council Chambers

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#### **6:00 PM REGULAR MEETING**

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

#### **DECLARATION OF COMMISSION PROCEDURES**

#### **CONTINUANCES/EXCEPTIONS**

#### **CONSENT CALENDAR**

*Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.*

**1.A     19-885     [Planning Commission Meeting Minutes of July 24, 2019](#)**

**Recommendation:** Approve the Planning Commission Minutes of the July 24, 2019 Meeting.

**1.B     19-765**     [Recommendation on an Amendment to the Zoning Code, Santa Clara City Code Chapter 18.76 Architectural Review and other clarifying changes \(continued from May 22, 2019\)](#)

**Recommendation:**

Alternative 1:

Recommend City Council adopt an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to amend the existing Architectural Committee process to modify the composition of the Architectural Committee to be composed of three Planning Commissioners, to clarify which projects are subject to Architectural Review by the Architectural Committee, to clarify that decisions are appealable to the City Council on a *de novo* basis and changes to the appeal procedures so that appeals are available to the applicant, property owners, and residents within 500 feet of the project boundary.

**PUBLIC PRESENTATIONS**

*Members of the public may briefly address the Commission on any item not on the agenda.*

**PUBLIC HEARING**

*Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.*

**2.     19-857**     [Action on Appeal of Architectural Committee Approval for the Property at 2892 Sycamore Way](#)

**Recommendation:** 1. Sustain the appeal and modify the decision of the Architectural Committee on June 19, 2019 to allow five bedrooms and four and half bathrooms with an exterior access for Bedroom #1.

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1. Announcements/Other Items
2. Board or Committee Assignments
3. Architectural Committee
4. Commissioner Travel and Training Reports, Requests to attend Trainings

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Planning Commission Budget Updates
2. Upcoming Agenda Items
3. City Council Actions

**ADJOURNMENT:**

*The next regular scheduled meeting is on August 28, 2019 at 6:00 PM in the City Hall Council Chambers.*



# City of Santa Clara

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## Agenda Report

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**19-885**

**Agenda Date: 8/14/2019**

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**SUBJECT**

Planning Commission Meeting Minutes of July 24, 2019

**RECOMMENDATION**

Approve the Planning Commission Minutes of the July 24, 2019 Meeting.



# City of Santa Clara

## Meeting Minutes

### Planning Commission

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07/24/2019

6:00 PM

City Hall Council Chambers

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#### **6:00 PM REGULAR MEETING**

**Call to Order**

**Pledge of Allegiance and Statement of Values**

**Roll Call**

**Present** 7 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Commissioner Sudhanshu Jain, Vice Chair Lance Saleme, Chair Anthony Becker, Commissioner Nancy A. Biagini, and Commissioner Priya Cherukuru

#### **DECLARATION OF COMMISSION PROCEDURES**

**Chair Becker** read the Declaration of Commission Procedures.

#### **CONTINUANCES/EXCEPTIONS**

None.

#### **CONSENT CALENDAR**

**A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi to approve the consent calendar with exception of item 1E, which was pulled by Commissioner Ikezi.**

**Commissioners Cherukuru and Ikezi abstained from voting on Item 1.A. Operational Condition to be added to Item 1D.**

**Aye:** 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**1.A**     [19-867](#)     Planning Commission Meeting Minutes of June 12, 2019

**Recommendation:** Approve the Planning Commission Minutes of the June 12, 2019 Meeting.

**A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi that this item be approved.**

**Aye:** 5 - Commissioner Kelly, Commissioner Jain, Vice Chair Saleme, Chair Becker, and Commissioner Biagini

**Abstained:** 2 - Commissioner Ikezi, and Commissioner Cherukuru

**1.B**     [19-526](#)     Consent: Action on Rezone for the property located at 908 Fremont Street

**Recommendation:** Recommend to City Council approval of the rezoning of the property at 908 Fremont Street from Downtown Commercial (CD) to Single-Family Zoning District (R1-6L).

**A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi that this item be approved.**

**1.C**     [19-628](#)     Consent: Twelve-month Review of a Use Permit to Sell and Consume Alcoholic Beverages at the Puesto Restaurant Located at 2752 Augustine Drive

**Recommendation:** Note and file the twelve-month review of a Use Permit allowing the on-site sale and consumption of alcohol (ABC License Type 47) at the Puesto restaurant located at 2752 Augustine Drive.

**A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi that this item be approved.**

**1.D**     [19-734](#)     Consent: Action on an Amendment to an Existing Use Permit Allowing Alcohol Sales (ABC License Type 41) for Sky High Sports Located at 2880 Mead Avenue

**Recommendation:** Adopt a Resolution approving an amendment to the Use Permit for the sale and service of beer and wine (ABC License Type 41) in an existing recreational facility (Sky High Sports), subject to conditions of approval.

**A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi that this item be approved. Condition to be included in ABC License that alcohol sales are to be per the operational statement provide by the Applicant.**

- 1.E [19-815](#) Consent: Action on an Amendment of an Existing Use Permit to Allow Extended Hours of Outdoor Patio Dining with Beer and Wine Service for the Wicked Chicken Restaurant (ABC License Type 41) Located at 2565 The Alameda

**Recommendation:** Adopt a Resolution approving amendment of the Use Permit to allow the extension of hours of outdoor patio dining with beer and wine service (ABC License Type 41), subject to conditions of approval.

Item 1.E was pulled by Commissioner Ikezi who had questions on alcohol consumption in the outdoor area of the restaurant and how that would affect neighbors. A revised condition, C19, was included in the Conditions of Approval noting there would be a conditional one year review of the Use Permit for satisfactory performance.

Applicant spoke: Terrence Reilly

**A motion was made by Commissioner Kelly, seconded by Commissioner Ikezi to close Public Hearing.**

- Aye:** 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**Public Speaker:** Applicant - Terrence Reilly

**A motion was made by Commissioner Jain, seconded by Commissioner Biagini to approve this item with modifications to Conditions C3 and C4 regarding operational hours, and adding C19 extending the hours of operation for the beer and wine service on the patio and C20 regarding upon a change in service or business operation on the patio area that has a potential to disturb residential properties in the vicinity the hours of operation for outdoor beer and wine services will be subject to a six-month and one-year review on the operation hours of the patio.**

- Aye:** 6 - Commissioner Kelly, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

- Nay:** 1 - Commissioner Ikezi

### **PUBLIC PRESENTATIONS**

None.

### **PUBLIC HEARING**

**A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to move item 3 before item 2.**

**Aye:** 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

3. [19-761](#) Public Hearing: Action on a Request for a Variance from the Maximum Height Requirements in the R1-6L Zoning District for a Proposed Detached Accessory Dwelling Unit at 450 Monroe Street.

**Recommendation:** Alternative 1: Adopt a resolution denying the variance to allow construction of a new two story detached 797 square foot ADU with an attached 311 square foot garage at an increased height of 22'-6".

**Public Speaker(s):**

Rob Mayer  
Todd Walsh  
Adam Thompson

**A motion was made by Commissioner Ikezi, seconded by Commissioner Biagini to close public hearing.**

**Aye:** 6 - Commissioner Kelly, Commissioner Ikezi, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**Recused:** 1 - Commissioner Jain

**A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to approve the variance and change the resolution with the following findings: a. There are unusual conditions, b. The granting of variance is necessary for the preservation and enjoyment of substantial property rights, and c. The granting of the variance is in keeping with the purpose and intent of the zoning ordinance.**

**Aye:** 6 - Commissioner Kelly, Commissioner Ikezi, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**Recused:** 1 - Commissioner Jain



2. [19-413](#) Public Hearing: Action on Appeal of Architectural Review Approval by the Architectural Committee for the property at 3533 Gibson Court

**Recommendation:** Alternative 1:

1. Overrule the appeal and uphold the Architectural Committee's decision approving the project, as modified by the revised plans received January 24, 2019 that address the Committee's conditions of approval.

**Associate Planner** Jeff Schwilk provided the staff presentation.

**Appellant Francis Liu** provided a presentation.

**Public Speakers:**

Ming Sun - Applicant

Murali Gubbala

Jennifer Liu

Yuan Lin

Xiaoquan He

Michael Hsieh

Martha Hull

Suohai Mei

James Wang

Qing Mou

Hong Liu

Shirdi Prem

Qian Huang

**Chair Becker and Vice Chair Saleme** recused themselves as they heard the item at the Architectural Committee Meeting.

**Commissioner Biagini** presided as Chair.

**A motion was made by Commissioner Ikezi, Seconded by Commission Kelly** to close public hearing.

**Aye:** 5 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Commissioner Biagini, and Commissioner Cherukuru

**Recused:** 2 - Vice Chair Saleme, and Chair Becker

**A motion was made by Commissioner Kelly, seconded by Commissioner Ikezi** to adopt the resolution to uphold the Architectural Committee's decision approving the project.

**An amendment was added by Commissioner Jain** that the property owner shall provide evergreen plantings that could grow to 15' as a screening along the utility easement.

**Aye:** 5 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Commissioner Biagini, and Commissioner Cherukuru

**Recused:** 2 - Vice Chair Saleme, and Chair Becker

The Planning Commission went into a five minute recess and reconvened.

4. [19-873](#) Planning Commissioner Assignments

**Recommendation:** There is no staff recommendation.

**Commissioner Saleme and Commissioner Biagini were selected to be Architectural Review Committee members, and Commissioner Jain was selected as Alternate Architectural Review Committee member for Fiscal Year 2019-2020.**

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1. Announcements/Other Items

**Planning Manager Reena Brilliot** provided information on upcoming American Planning Association, California Planning Association and League of California Cities trainings.

2. Board or Committee Assignments

3. Architectural Committee

4. Commissioner Travel and Training Reports, Requests to attend Trainings

**A motion was made by Commissioner Ikezi, seconded by Commissioner Biagini to Approve funds for Commissioner Kelly to attend an upcoming Silicon Valley Leadership Group meeting, Celebrating VTA Bart Extension, taking place on August 9, 2019.**

**Aye:** 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Planning Commission Budget Updates

**Development Review Officer/Staff Liaison Gloria Sciara** provided updates.

2. Upcoming Agenda Items

**Planning Manager Reena Brilliot** provided updates.

3. City Council Actions

**Development Review Officer/Staff Liaison Gloria Sciara** provided updates.

4. Update on Climate Action Plan

**Principal Planner John Davidson** provided a presentation.

5. Information on Zoning Code Update

**Principal Planner John Davidson** provided a presentation.

**ADJOURNMENT:**

Meeting adjourned at 10:10 p.m. The next regular scheduled meeting is on August 14, 2019.

**A motion was made by Commissioner Biagini, seconded by Commissioner Cherukuru to adjourn the meeting.**



## Agenda Report

19-765

Agenda Date: 8/14/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Recommendation on an Amendment to the Zoning Code, Santa Clara City Code Chapter 18.76  
Architectural Review and other clarifying changes (continued from May 22, 2019)

#### **BACKGROUND**

At the May 22, 2019 Planning Commission meeting, the Planning Commission discussed a proposed Zoning Code amendment that would modify the City's Architectural Review process, including the composition of the Architectural Committee, with the goals of addressing potential due process conflicts for Planning Commissioners, establishing clearer policy guidance for appeals, streamlining the review process for non-controversial projects, eliminating double appeals and utilizing standard staff level public hearings practices found to be effective in other jurisdictions.

At the March 5, 2019 City Council meeting, staff received direction from the City Council to amend Chapter 18.76 of the Santa Clara City Code (SCCC) to revise the architectural review procedure, replacing the Architectural Committee with an administrative process. The City Council also provided direction to include design feedback from architectural professionals in the design review process and to maintain the City Council as the hearing authority for all appeals of architectural review public hearing actions. The March 5, 2019 City Council agenda report on this matter is attached (Attachment 2).

#### **DISCUSSION**

The Planning Commission discussed the proposal and gave staff direction to revise the proposed ordinance to keep the Architectural Committee as the initial decision maker for public hearing items, but to change the composition of the Architectural Committee to three Planning Commissioners, with all appeals going to the City Council. The Planning Commission also wanted to use the number of bathrooms as a criterion for determining which single-family houses were subject to a public hearing, and to include properties on the historic resources inventory undergoing exterior additions or demolition as hearing items for the Architectural Committee. Those changes have been incorporated into the draft ordinance, which is attached.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

#### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time and expense. Should the Council adopt the staff recommendation to add architectural consultation on multifamily projects, the

City would initially charge applicants the time and materials cost for this consultation service. After data is collected on the typical cost of this service, the City would bring forward a new Architectural Consultation fee to be added to the City's Fee schedule.

### **COORDINATION**

This report has been coordinated with the Finance Department and the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Staff previously received input on the architectural review hearing process through outreach at a community workshop at the outset of the comprehensive Zoning Code update and at a Neighborhood University Relations Committee meeting.

### **RECOMMENDATION**

Alternative 1:

Recommend City Council adopt an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to amend the existing Architectural Committee process to modify the composition of the Architectural Committee to be composed of three Planning Commissioners, to clarify which projects are subject to Architectural Review by the Architectural Committee, to clarify that decisions are appealable to the City Council on a *de novo* basis and changes to the appeal procedures so that appeals are available to the applicant, property owners, and residents within 500 feet of the project boundary.

Prepared by: John Davidson, Principal Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

### **ATTACHMENTS**

1. Architectural Review Ordinance, 6-12-2019
2. Agenda Report 18-325 to Planning Commission dated 5-22-2019

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SANTA CLARA,  
CALIFORNIA AMENDING CHAPTER 18.76,  
("ARCHITECTURAL REVIEW") OF TITLE 18 ("ZONING")  
OF "THE CODE OF THE CITY OF SANTA CLARA,  
CALIFORNIA" AND MAKING OTHER CLARIFYING  
CHANGES**

**BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, Chapter 18.76 ("Architectural Review") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") establishes the procedure for Architectural Review for new construction within the City of Santa Clara;

**WHEREAS**, SCCC Chapter 18.76 establishes an Architectural Committee, which includes two Planning Commissioners and one appointee by the City Council, who are responsible for the initial decision for Architectural Review approvals;

**WHEREAS**, the current procedure includes multiple levels of appeals, with an initial appeal to the Planning Commission and ultimately to the City Council; and,

**WHEREAS**, the City Council now intends to vest the authority for initial architectural review decisions in an Architectural Committee comprised of three members of the Planning Commission, and to provide for the City Council as the singular appeal body for the Architectural Review process.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:**

**SECTION 1:** That Chapter 18.76 (entitled "Architectural Review") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

“Chapter 18.76

ARCHITECTURAL REVIEW

Sections:

18.76.010 Intent.

18.76.020 Architectural review process.

**18.76.010 Intent.**

The City Council of the City of Santa Clara finds, determines and declares that in order to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the general plan; there is hereby established the architectural review process.

**18.76.020 Architectural review process.**

(a) Architectural review shall be the responsibility shall be the responsibility of the Director of Community Development or designee (“Director”), in combination with the Architectural Committee, composed three members of the Planning Commission appointed by the chairman of said Commission. The appointments shall be made on a rotating basis. (b)

Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone district, plans and drawings of such sign, building or alteration shall be submitted, in such form and detail as the Director may prescribe. The Director shall approve or deny the architectural design without a hearing, unless the type of project is listed in subsection (c).

(c) The Architectural Committee shall conduct a public hearing, after providing notice pursuant to Section 18.112.060, for the following types of projects:

(1) New or expanded single-family homes resulting in:

(A) a two-story structure with four or more bedrooms and four or more  
bathrooms; or

(B) a one-story structure resulting in six or more bedrooms and five or more bathrooms.

(2) Residential parcel or subdivision maps and any associated development plans.

(3) New multi-family developments of any size.

(4) New non-residential development greater than 5,000 square feet in size.

(5) Modifications or additions to existing non-residential development greater than 5,000 square feet in size.

(6) Demolition, exterior reconfiguration, or expansions to properties on the City's Historic Resources Inventory (HRI).

(7) Any other project not listed above that the Director determines should be considered at a public hearing.

(d) In order to grant architectural approval, the findings and determinations shall be that the proposed development, as set forth in such plans and drawings to be approved, is based on the following standards of architectural design:

(1) That any off-street parking areas, screening strips and other facilities and improvements necessary to secure the purpose and intent of this title and the general plan of the City are a part of the proposed development.

(2) That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard.

(3) That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City.



(4) That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

(5) That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this title.

(e) The Director or the Architectural Committee may require the applicant or owner of any such proposed development, as a condition to the approval of any such proposal, to modify buildings, parking areas, landscaping, signs, and other facilities and improvements deemed necessary to secure the purposes of this title and general plan of the City, and may require guarantees and evidence that such conditions will be complied with by the applicant.

(f) If the Director or Architectural Committee is unable to make the findings and determinations prerequisite to the granting of architectural approval pursuant to subsection (d) of this section, the application shall be denied.

(g) The Director or Architectural Committee shall render a decision on any application for architectural approval within forty (40) days following a determination by the planning division office that the application is complete, except where the applicant consents to an extension of time. Failure to render a decision within said period of forty (40) days and said period of extension consented to by applicant shall be deemed to be a decision of denial.

(h) The granting of any architectural approval, when conforming to the provisions of this section is hereby declared to be an administrative function, and the action shall be final and conclusive, except in the event of an appeal and referral as hereinafter provided.

(i) In the event the applicant or any property owner or tenant within a 500-foot radius from the project boundary are not satisfied with the decision of the Director or Architectural Committee, they may within seven (7) days after such decision, appeal in writing to the City Council, in accordance with the procedures set forth in SCCC 18.108.060(b). Said appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk. All appeals of Architectural Review approvals will be heard de novo. The Director of Community Development may refer any application for architectural consideration to the City Council for its decision with the same effect as if an appeal had been taken.

(j) No permit shall be issued, and no structure, building, or sign shall be constructed or used in any case hereinabove mentioned until such plans and drawings have been approved by the Director or designee, or on referral to the Architectural Committee by the Director, and no appeal or review is pending and the time to appeal has expired. In the event of an appeal by the applicant or others affected, or action to review is taken by the City Council, no such permit shall be granted until the matter has been finally acted upon and final approval has been received. All signs, buildings, structures, and grounds shall be in accordance with the plans and drawings as finally approved.

(k) Said approvals shall be on file with the City planning division office.

(l) Any architectural review approval granted in accordance with the terms of this title shall be automatically revoked and terminated if not used within two years of original grant or within the period of any authorized extensions thereof."

**SECTION 2: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the

effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

**SECTION 3: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this XX day of XXXXXX, 2019, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

\_\_\_\_\_  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

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## Agenda Report

19-325

Agenda Date: 5/22/2019

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Recommendation on an Amendment to the Zoning Code, Santa Clara City Code Chapter 18.76  
Architectural Review and other clarifying changes

#### BACKGROUND

Chapter 18.76 of the City Code establishes an architectural review procedure for new construction within Santa Clara. Projects typically subject to the architectural review procedure include new construction or modification of single-family, multi-family, commercial or industrial developments that conform to the zoning district in which they are located. The code in its current form establishes an Architectural Committee, composed of two Planning Commissioners and an appointee of the City Council, which conducts a public hearing and makes a determination to approve, conditionally approve, deny or defer projects considered at that hearing. Decisions made by the Architectural Committee may be appealed by any member of the public to the Planning Commission. The Planning Commission's decision on the appeal in all cases may be appealed to the City Council which acts as the final decision-making body.

While modification of the architectural review procedure was part of the scope of the comprehensive zoning code update in progress, potential modification of the procedure was discussed in advance of the comprehensive update by the City Council on March 5, 2019, prompted by a December 21, 2018 memorandum from the City Attorney's Office regarding Due Process Requirements in Multilevel Reviews of Decisions (Attachment 1). This memorandum identified possible due process issues that might be raised under the current procedure where a member of the Architectural Committee could later hear an appeal of the decision in which he or she had participated.

The memorandum also raised concerns that the City Code does not specify upon what grounds the appellant must base their appeal; who has the right to bring such an appeal; and whether deference is given to the decision being appealed, or whether the appeal is heard *de novo*. (A *de novo* public hearing for the project is conducted as a new, "clean slate" hearing, with no deference given to the prior decision.)

In addition to the memorandum, staff provided the City Council with information on common architectural review procedures employed in neighboring cities (Attachment 2) and proposed a staff-conducted public hearing procedure with a streamlined appeal process where actions taken at the hearing would be appealable to either the City Council or Planning Commission depending upon the type of project. Members of the public speaking at the hearing requested that the City's architectural review procedure include input from professional architects and that the City Council remain the final decision making body for any appeals.

At the March 5, 2019 City Council meeting, staff received direction from the City Council to amend Chapter 18.76 of the Santa Clara City Code (SCCC) to revise the architectural review procedure, replacing the Architectural Committee with an administrative public hearing process. The City Council also provided direction to include design feedback from architectural professionals in the design review process and to maintain the City Council as the hearing authority for all appeals of architectural review public hearing actions. The March 5, 2019 City Council agenda report on this matter is attached (Attachment 3).

## **DISCUSSION**

The Planning Commission is being asked to make a recommendation on a proposed amendment to Chapter 18 of the City Code (the Zoning Code) that would address the concerns raised by the City Attorney and implement the direction provided by the City Council. The proposed amendment clarifies the applicability of the design review procedure, alters the hearing body to address potential due process conflicts for Planning Commissioners, establishes clearer criteria for appeals, and streamlines the review process for non-controversial projects, eliminating double appeals and utilizing staff level public hearings. The proposed Zoning Code amendments are shown in Attachment 6.

### *Projects subject to Architectural Review*

Current Zoning Code language specifies that Architectural Committee review is required for the "issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone district" (Code Section 18.76.020 (b)). However, over the past thirty years, some levels of construction have been delegated to staff and staff has relied on direction from the City's adopted citywide design guidelines to determine which projects are subject to a public hearing process and which may be reviewed administratively. In recent years, the majority of projects considered by the Architectural Committee have been non-controversial projects that did not require modifications that would warrant the cost of the public hearing process for both the applicant and the City. The proposed code changes would create codified thresholds for a noticed public hearing held by the Director of Community Development, giving greater clarity to applicants and the public, and streamline the review process where experience has shown a public hearing is not required. As proposed, public hearing items would include:

- New or expanded single-family homes resulting in a two-story structure with four or more bedrooms; or a one-story structure resulting in six or more total bedrooms;
- Residential subdivision maps and any associated development plans;
- New multi-family developments of any size;
- New non-residential development greater than 5,000 square feet in size; or
- Modifications or additions to existing non-residential development greater than 5,000 square feet in size.

### *Architectural Review Hearing*

To address due process concerns, consistent with Council direction and standard practices in neighboring jurisdictions, the proposed amendments would establish a new administrative hearing conducted by staff in place of the current Architectural Committee hearing. The new hearing would be titled the Development Review Hearing, with actions taken at that hearing appealable to the City Council without the same potential for conflict of interest that would arise under the current process.

### *Appeal Procedures*

The proposed amendment would eliminate the double appeal process, which creates a burden in terms of cost and time for the community, applicant, and the City. The current process requires General Fund subsidy as appeal fees do not sufficiently cover costs. When actions are appealed to the Planning Commission, a second appeal to the City Council is the likely outcome. If the Planning Commission upholds the initial action, the same appellants will likely then appeal the Planning Commission denial of the appeal to the City Council. If, instead, the Commission overturns the original action, the applicant will most likely appeal that decision to the City Council. The potential for double appeals significantly extends the City's decision-making process, resulting in project delays and additional costs for the applicant and the City, which generally makes the first hearing inconsequential as a second appeal is very likely. The removal of the double appeal process will reduce the number of appeals that need to be placed on the Planning Commission and City Council agendas. Based on direction given by the City Council on March 5, as drafted all appeals would be taken directly to the City Council for action.

The proposed amendment would also limit the standing for an appeal to the applicant and property owners and tenants within a 500-foot radius of the project boundary. Current code language only indicates that "others affected" could appeal the decision without specifying a radius or other method of determining proximity.

The proposed amendment also provides greater clarity on how to conduct the appeal, establishing that the standard of review on appeal will be *de novo*, meaning that the appeal body is able to weigh in on any aspect of the project, without deference to the earlier staff-level determination. The appeal body would still be required to make the findings for Architectural Review approvals per Section 18.76.020(c) of the Zoning Code.

The proposed process would continue to be a duly noticed hearing and noticing would follow the City's Public Outreach Policy for Planning Applications, which was adopted by the City Council on June 27, 2017, and the requirements of City Code Section 18.112.060.

### *Design Consultation*

Based on City Council's direction at the March 5, 2019 meeting, staff is proposing that the City modifies its procedures so that the review of all multi-family/attached residential projects include input from a practicing architect with similar experience and/or practice, the architect would be hired by the City with all costs passed on to the project applicants. Multi-family and attached residential projects (e.g., apartment buildings, condominiums and townhouses) are typically the projects with the greatest community interest in design issues and for which it is more difficult to rely upon codified design standards or the City's design guidelines. These projects often also involve sensitive adjacent land uses where design expertise would be the most helpful. The costs associated with architectural consultation will be borne by applicants through an additional fee charged upon application submittal. As proposed, staff would follow procurement rules in order to retain as consultants two or more licensed, practicing architects with substantial experience with multi-family design and development. The consultants would be provided routed plans submitted with applications and provide comments to staff within the established timeframes to provide feedback to applicants. The architectural consultant would be available to help ensure a project's conformance with adopted design direction contained in the City's design guidelines, General Plan and Specific Plans.

The City will continue to develop policies, including an update to the City's community design

guidelines, single family and duplex design guidelines, and design standards incorporated into Specific Plans or Zoning Ordinance standards, which will further serve as guidance from the Planning Commission and City Council on the City's architectural standards for new development. Design standards and guidelines have been incorporated into the recently adopted Lawrence Station and Tasman East Specific Plans and are part of the scope for the El Camino Real, Patrick Henry and Freedom Circle Specific Plans now under development. The City also maintains and updates generally applicable design guidelines. Staff anticipates future updates to these guidelines as the work program allows to address additional types of development and provide greater clarity where recent projects have indicated such clarity is needed.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time and expense. Should the Council adopt the staff recommendation to add architectural consultation on multifamily projects, the City would initially charge applicants the time and materials cost for this consultation service. After data is collected on the typical cost of this service, the City would bring forward a new Architectural Consultation fee to be added to the City's Fee schedule.

### **COORDINATION**

This report has been coordinated with the Finance Department and the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Staff previously received input on the architectural review hearing process through outreach at a community workshop at the outset of the comprehensive Zoning Code update and at a Neighborhood University Relations Committee meeting.

### **ALTERNATIVES**

1. Recommend City Council adopt an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee process with an administrative public hearing process for Architectural Review appealable to the City Council on a *de novo* basis and changes to the appeal procedures so that appeals are available to the applicant, property owners, and residents within 300 feet of the project boundary.
2. Recommend City Council adopt an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee with other elements.

**RECOMMENDATION**

Alternative 1:

Recommend the City Council adopt an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee with an administrative public hearing process for Architectural Review appealable to the City Council on a *de novo* basis and changes to the appeal procedures so that appeals are available to the applicant, property owners, and residents within 500 feet of the project boundary.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna Santana, City Manager

**ATTACHMENTS**

1. Due Process in multilevel reviews 12-21-18
2. Neighboring Cities Hearing Analysis 2-19-19
3. City Council Agenda Report 3-5-18
4. 2001 Architectural Committee Procedures and Excerpt of Council Minutes
5. Architectural Committee Procedures, revised 1-15-19
6. Architectural Review Ordinance 05-07-19





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**Date:** December 21, 2018

**To:** Honorable Mayor and Council Members

**From:** Brian Doyle, City Attorney

**Subject:** Due Process Requirements in Multilevel Reviews of Decisions

### **SUMMARY**

Current City of Santa Clara practices involving multiple levels of review of land use decisions where the same decision-maker is involved with reviewing a decision that he or she was involved in making may deprive an applicant of a due process right to an impartial hearing. This Office recommends amending the City Code to streamline the levels of review of land use decisions and to re-examine who sits on appellate bodies to ensure that due process is complied with.

### **BACKGROUND**

The purpose of this memorandum is to provide advice regarding the due process issues relevant to a decision-maker's multiple decisions on a project in different stages of review or appeal.

Under § 18.76.020(a) of the Santa Clara City Code (SCCC) Santa Clara's Architectural Committee (AC) is composed of two Planning Commissioners and one "member appointed by the City Council." No subject matter expertise is required by Code for serving on the AC. The AC cannot grant approval of any application without first making findings and determinations that the proposal follows generally defined "standards of architectural design," that consider traffic and "character of the neighborhood," among other things. Within 40 days of the submission of the application, the AC must make a decision, unless the applicant consents to an extension, and the failure to render the decision is deemed a denial. The Code does not require that the AC conduct public hearings, though the AC as a practice does conduct hearings during its twice-monthly meetings.

Applicants and "others affected" can appeal a decision of the AC to the Planning Commission (PC). SCCC § 18.76.010(h). Procedures for all PC public hearings are posted to the City's website, which includes appeals of AC actions. A copy of PC "Procedural Items," including Hearing Procedures, is attached hereto as **ATTACHMENT 1**. PC hearing rules, which are ostensibly informal and not required by

Code, specify that the Chair of the PC has discretion to apply “special procedures/time limits ... to any items.” *Id.*, Hearing Procedures, (e).

Actions of the PC on AC application can be appealed “in writing” to the City Council, either by an applicant, “others affected [that] are not satisfied” or by the City Council itself. SCCC §§ 18.76.010(h), 18.108.060(a). An appeal is filed with the City Clerk and a hearing is then set with notice to the Applicant. Within 45 days of the hearing, the City Council must render a decision to affirm, reverse, modify or remand the decision, or else the failure to render a decision is deemed an affirmation.

In addition to applications concerning simpler projects that receive initial examination and action by the AC, the AC also often receives applications for projects that the PC and City Council have already taken action on. The Code does not require that the PC and City Council, when considering an appeal, apply any measure of deference to prior decisions, Planning Office staff reports, or the findings and conclusion of the AC. In practice, the PC and City Council often consider applications *de novo* (entirely new), and consider all evidence and arguments again. As a result, members of PC and City Council may consider the same application more than once if they serve on the AC that initially hears an application, and no deference or presumption of correctness is afforded.

## ANALYSIS

### I. Procedural Due Process as Applied in Local Government Land-Use

Government bodies that make quasi-judicial decisions, applying facts in individual cases to existing sets of rules or laws, must comply with constitutional procedural due process rights. (*Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 482.)

#### 1. Property Owners Must be Given Sufficient Notice of a Hearing

A decision-making body reviewing a permit application must give the applicant sufficient advance notice of both the information and issues it will examine during a hearing, “so that he may have an opportunity to refute, test, and explain it.” *Clark v. City of Hermosa Beach* (1996) 48 Cal.App.4th 1152, 1171-1172, *as mod.*; *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612. Where members of a decision-making body are required to “make a determination after a hearing,” they “cannot act upon their own information, and nothing can be considered as evidence that was not introduced at a hearing of which the parties had notice or at which they were present.” *Clark, supra*, at 1172. In *Clark*, the city council failed to give notice when it based its decisions on a permit on issues raised after it completed the public hearing.

## **2. Hearing Officers and/or Panels Must be Impartial and without Conflicts**

Procedural due process in an administrative setting requires that the hearing be conducted “before a reasonably impartial, noninvolved reviewer.” *Nasha, supra*, at 483. When a city council acts in an adjudicatory capacity, such as when it makes a decision on land use permits, it must be neutral and unbiased in its decision-making. *Woody’s Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4<sup>th</sup> 1012, 1021. Public officials must not be influenced by their personal and/or private interests. See *Clark, supra*, at 1170-1171. “The standard of impartiality required at an administrative hearing is less exacting than that required in a judicial proceeding,” particularly as administrative decision-makers are “drawn from the community at large” and therefore likely “have knowledge of and contact or dealings with parties to the proceeding.” *Nasha, supra*, at 483, citing *Gai v. City of Selma* (1998) 68 Cal.App.4<sup>th</sup> 213, 219.

### **a. Hearing Officers Are Not Impartial if they have Previously Expressed or Taken a Position**

A decision-maker cannot be a “reasonably impartial, noninvolved reviewer” if he or she publically advocated for a specific position on an application before the hearing. *Nasha, supra*, at 483-484. In *Nasha v. City of Los Angeles*, a planning commissioner’s involvement in the hearing on a specific project violated the applicant’s right to a fair hearing because that commissioner had previously authored a persuasive “newsletter” advocating for the denial of the permit. That same commissioner also made the motion to review the planning department’s decision. *Id.* In *Woody’s Group*, a city council member had an unacceptable probability of actual bias as evidenced by his “taking a position” on the permit when he emailed a notice of appeal of the planning commission’s decision, and expressed his strong opposition to the permit application. *Woody’s Group, Inc., supra*, 1022-1023; see also *Clark, supra* [Council member’s letter years earlier when he was a private citizen opposing a prior version of the project].

Here, because of the composition and review of the AC, there may be substantial risk that a decision-maker develops and expresses an opinion on an application at or around the time it receives consideration before the AC, such that he or she lacks impartiality if and when the application is appealed and subsequently reviewed by either the PC or City Council. It is foreseeable that a planning commissioner serving on the AC expresses an opinion or viewpoint regarding an application either during an AC meeting or in writing afterwards. Although such an expression would be reasonably within the deliberative process, it could nevertheless signal that the decision-maker’s mind is already made up and the subsequent review will not be fair and impartial. The more instances a decision-maker participates in consideration of an application, the greater the risk to impartiality.

**b. A Panel that Initiates an Appeal then Hears the Appeal Creates the Perception of Not Being Impartial**

A city council that initiates the appeal of a subordinate commission's decision and then reviews that same decision creates at least the "appearance" of a conflict of interest. *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4<sup>th</sup> 547, 559. But, it does not violate procedural due process as long as the superior body is authorized by statute or ordinance to initiate and hear the appeal. See § II, *infra*.

Here, the City Council as a body is explicitly authorized by the City Code to initiate the appeal of PC decisions. So long as the act of appealing follows the Code and is not combined with evidence of impartiality, such as biased statements, it does not violate procedural due process. However, it does create the perception of bias regarding the appealed decision, which could amplify other indications that the applicant will not receive a fair and impartial hearing, should other indications exist.

In *Cohan v. City of Thousand Oaks*, developers applied for a planning permit for a proposed 47-acre development. The city's planning commission approved the permit at a public hearing. After the ordinance-imposed deadline for an appeal passed, the city council received substantial public input opposing the project. Thereafter, the council itself appealed the planning commission's decision even though the city ordinance only permitted individual persons to appeal. A hearing was held on emergency notice under the Brown Act, and the council ultimately overturned the planning commission's decision and denied the permit. The applicant developers then petitioned for a writ of mandamus in Superior Court, which the trial court denied. The Court of Appeal ordered a writ of mandamus nullifying the denial of the permit because "the cumulative effect of Council's actions resulted in a violation of appellants' substantive and procedural due process rights":

- The council failed to give notice of the grounds for the appeal to the applicant.
- The council's appeal of the lower commission's decision, which violated the express review procedures of the city ordinances, created "at least the appearance of conflict of interest in the proceedings."
- The council failed to announce in writing its decision on the appeal within the period of time set forth in both the city ordinance and the Subdivision Map Act.

In *Clark v. City of Hermosa Beach*, the Clarks applied for a building permit to renovate their residence, including building a portion of their home up to 35-feet high. At the time, a neighbor who later served as a member of the city council who rented a home nearby wrote a letter to the city opposing the Clark's 1989 permit. The city approved the application and issued a permit, but it later expired. Thereafter, the city adopted a new set-back requirement.

In 1992, the Clarks revised their plans and reapplied with a similar proposed improvement that complied with the new set-back requirement. The 1992 application was approved by the planning commission. Neighbors appealed the decision to the city council. Around the same time the council heard the appeal, it had debated, but then failed to pass, a moratorium on buildings over 30-feet because it lacked the three fifths of votes needed.

At the hearing, following the public input portion, the council raised new issues of whether the proposed improvement left sufficient open space on the lot and whether it exceeded maximum lot coverage, which the council acknowledged as new issues that were not considered by the planning commission. The council ultimately reversed the planning commission's decision and denied the application without prejudice. At a subsequent council meeting, while considering whether to rehear the appeal, council members expressly recognized they had denied the Clark's permit because it exceeded the 30-foot limits of the failed moratorium, and that they had also denied permits for other buildings that would have similarly exceeded 30-feet. The Clarks petitioned the Superior Court for a writ, which the court granted and reinstated the planning commission's ruling. The city appealed.

The Court of Appeal held that the city deprived the Clarks of a fair hearing under the state standard for administrative writs. First, the council was not impartial. The individual council member who rented and resided at a home near the proposed project had a conflict of interest due to the potential personal impact of the proposed permit on his residence, even if he was not the owner, which was evidenced in part by his 1989 opposition letter. Second, the council failed to give the Clarks proper notice and an opportunity to be heard on the two issues of open space and lot coverage, which were decided against them. Third, the council had an institutional bias against the Clarks because it attempted to implement the 30-foot moratorium (by majority) against individual applicants rather than adopt it city-wide for which it lacked the necessary (three fifths) votes.

## **II. Appeals**

### **1. Rules for Hearing Appeals**

A quasi-adjudicative decision-making body should only employ a review process that is set forth in statute, and should not rely on informal policies and practices, however longstanding. *Woody's Group, Inc., supra*, at 1028. Review of an appeal either without clear authority to do so in the city's ordinance, or in direct violation of code-prescribed procedures, may be so arbitrary and highhanded as to violate an applicant's due process rights. *Id.* at 1029.

The City Council may only initiate the appeal of the decision of a subordinate board or commission, and review the decision itself, if the appeal is authorized by ordinance(s) or



rule(s) that govern appeals. Those same ordinances or rules should specify grounds for appeal and burdens of proof.

Here, vagueness and ambiguity in the City Code language that defines the appeals process and procedures could be problematic. The PC does not have separate bylaws for hearing appeals, and its posted rules for public hearings do not specify that appeals are heard differently. Its rules also allow that "[s]pecial procedures/time limits may be applied to any items as prescribed by the Chair." **ATTACHMENT 1**, Hearing Procedures, (e).

The Code allows for an appeal based on dissatisfaction with a decision by the AC and PC, and it defines who may initiate the appeal and how. It also states that the appeal is "written," and must be made within a specific timeframe. But beyond that, it does not specify upon what grounds the appellant must base their appeal (e.g., how the AC applied a City standard); whether deference is given to the decision being appealed, including that the appeal could be heard *de novo*; and that the applicant continues to carry the burden of proof in the subsequent review hearing regardless of who initiates the appeal. As a result, applicants and appellants, should they be different, may not be advised of their respective roles in the hearing, including sequence of arguments, and their right to present information (including types of evidence – e.g. testimony from other neighbors) and argument. Moreover, without clear guidelines, the PC or City Council considering an appeal is left to develop its own informal policies and customary practices, and also has substantial discretion to deviate therefrom.

## CONCLUSION

The City's current procedures for appeal of land use decisions are in substantial need of revision to ensure adequate due process for parties to the appeal. This Office recommends the following:

1. Direct the City Attorney and City Manager to draft amendments to the City's Zoning Code to provide for improved due process of appeals and to ensure impartiality of the decision-making body by eliminating the possibility of the same person sitting on multiple levels of an appeal.
2. Consider revising procedures for appeals to create only one level of appeal and clearly define the required basis for appeal and the level of review, i.e. *de novo* or abuse of discretion, as well as clear written procedures for hearings on appeals.

Brian Doyle /CEE

Brian Doyle

City Attorney

cc: Deanna Santana, City Manager  
Manuel Pineda, Assistant City Manager  
Andrew Crabtree, Director, Community Development Department

## ATTACHMENT 1



### City of Santa Clara PLANNING COMMISSION

#### PROCEDURAL ITEMS

##### DATE, TIME, and LOCATION OF MEETINGS

The City of Santa Clara Planning Commission holds its regular meetings generally on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Wednesdays of the month, with some exceptions, at 7:00 p.m. in the Council Chambers, City Hall, 1500 Warburton Avenue. Please refer to the schedule of meetings available in the Planning Division office and as provided in the City calendar. From time to time the Commission may hold a study session on special items.

##### SUBMITTAL OF MATERIALS/AVAILABILITY OF STAFF REPORTS

Interested parties may submit materials for the Commission's consideration. Materials submitted by Thursday at 5:00 p.m. of the week prior to the meeting can be included in the Commissioners' packets. Materials received late or at the public hearing may not be considered due to time constraints, unless special circumstances apply. Staff reports for items being heard by the Planning Commission are available the week of the meeting at the Planning Division Office located in the West Wing of City Hall. The Division's hours are 8:00 a.m. to 5:00 p.m., Monday – Friday; please phone (408) 615-2450 for more information.

##### STATUS OF PLANNING COMMISSION ACTIONS

###### Recommendations to the City Council:

The Commission's decisions on rezoning, prezoneing and subdivision applications, Ordinance amendments and certain other items are recommendations to the City Council, which will hold public hearings on these items, normally 13 days following the Planning Commission's decision.

###### Decisions final at the Planning Commission hearing:

Decisions by the Commission on use permits, variances and other applications that are final at the Planning Commission hearing are administrative decisions. However, an administrative decision by the Planning Commission:

1. may be appealed to the City Council by the applicant(s) or opponent(s) of the item by filing a written appeal at the Office of the City Clerk [City Hall, 1500 Warburton Avenue (East Wing)] within seven (7) calendar days of the action, or
  2. may be appealed by the City Council on its own motion.
- City Zoning Ordinance Article 54

##### JUDICIAL REVIEW/STATUTE OF LIMITATIONS

Administrative decisions granting, denying or revoking an application for a permit, license, or other entitlement are subject to a ninety (90) calendar day statute of limitations for judicial review pursuant to California Code of Civil Procedures Sec. 1094.6 (City Ord. No.1630). For purposes of commencement of the ninety- (90) calendar day statute of limitations, an administrative decision by the Planning Commission is final at the time it is announced. If the decision is continued to a later time upon the close of the

Planning Commission hearing on the matter, the date, time, and place of the announcement of the decision shall be provided at this hearing.

##### SCOPE OF CHALLENGE TO A PLANNING COMMISSION DECISION

If you challenge land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to the public hearing. (California Government Code Sec.65009)

##### HEARING PROCEDURES

Public hearings are conducted by the Chair in accordance with the following procedures:

- a) The Chair of the Commission directs all activity during the hearings. All comments shall be addressed to the Commission.
- b) Any item on this agenda may be continued to a subsequent hearing.
- c) Applicants will be allotted up to ten (10) minutes to present and justify proposals, following staff presentation of the item; other speakers will be given up to four (4) minutes; the applicant is allotted up to five (5) minutes for rebuttal of comments.
- d) No additional comments will be accepted upon the close of the public hearing, although the Commission reserves the right to direct questions to any speaker on any matter.
- e) Special procedures/time limits may be applied to any items as prescribed by the Chair.
- f) Appeal of Commission actions must be filed in writing within seven (7) calendar days.

##### ORAL PETITIONS and ANNOUNCEMENTS

(15 minutes maximum)

Members of the public are provided with an opportunity to address the Commission on unagendized items within the jurisdiction of the Commission. Each speaker may be allotted up to 4 minutes. The law does not permit agency action on or extended discussion of any item not on the agenda except under special circumstances. Matters may be agendized for a subsequent meeting.

##### AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the Americans with Disabilities Act of 1990, the City of Santa Clara will ensure that all existing facilities will be made accessible to the maximum extent feasible. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure full and equal access for all individuals with a disability. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's ADA office at (408) 615-3000 to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities. For individuals with a Hearing Impairment, the Council Chambers has a headset system, which allows one to hear more clearly from any seat in the room. Ask a City staff member for details.

### Neighboring Cities Hearing Level and Process Analysis

City	Hearing Body Approval Name	Approval Body Members	Decision Appeale	Type of Permits
Santa Clara	Architectural Committee	1 City Council Member; 2 Planning Commissioners	Planning Commission with double appeal of Planning Commission decision to City Council permissable	Single-Family House; Development permits for: Multifamily, Mixed Use, Non-Residential; Landscape Master Plans; Master Sign Programs
Morgan Hill	Director Hearing	Staff	Planning Commission	Administrative Use Permits; Design Permits Historic Alteration Permits; Sign Permits; Temporary Use Permits; Minor Exceptions; RA; Zoning Clearance
Campbell	Director Hearing	Staff	Planning Commission	Stealth wireless telecommunication facilities; Most of the Single-Family Houses;
Sunnyvale	Zoning Administrator (Director) Hearing	Staff	Planning Commission	Variances; Design Review; Tentative Maps; Use Permits; Special Development Permits
San Jose	Director Hearing	Staff	Planning Commission	Single-Family House Permitted with certain conditions; Development Permits - New Constrcution; Special Use Permits; Reasonable Accomodations; Tree Removals; Tentative Maps; Variances

### Neighboring Cities Hearing Level and Process Analysis

City	Hearing Body Approval Name	Approval Body Members	Decision Appeale	Type of Permits
Mountain View	Zoning Administrator Hearing	Staff* [Separate Development Review Committee, comprised of staff Deputy Zoning Administrator and two consulting architects recommend approval of certain projects to the Staff Zoning Administrator.]	City Council	Development Review Permits, Conditional Use Permits, Variances, and Planned Unit Developments with a Parcel Map; Single-family residential major floor area ratio exceptions; Special Design Permits
Palo Alto	Director of Planning and Community Environment Hearing	Staff* [Separate Architectural Review Board recommends approval of certain projects to Staff/Director of Community Development. If the Director disagrees with the Board's recommendation, the project will be sent back to the ARB or to the City Council.]	Planning Commission	Major Site Design Review: New building or building addition over 5,000 square feet, Use Permits, multiple-family residential construction, Variances, Construction of three or more adjacent single-family homes or duplexes, signs and sign programs; Minor Site Design Review: New building or building addition of fewer than 5,000; signs; landscaping; wireless facilities





## Agenda Report

19-175

Agenda Date: 3/5/2019

### REPORT TO COUNCIL

#### SUBJECT

Direction to Prepare an Amendment to the Zoning Code, SCCC Chapter 18.76 Architectural Review

#### BACKGROUND

Chapter 18.76 of the Santa Clara City Code (SCCC) establishes an architectural review procedure whereby the Santa Clara Architectural Committee (AC) acts as the review body for specified new land use development projects not otherwise subject to Planning Commission or City Council review or other proceedings established within the City Code. Projects typically considered by the AC include additions to single-family residences and new construction within commercial and industrial districts. The City Code currently provides that the AC be composed of one member appointed by the City Council and two members of the Planning Commission appointed by the Chair of the Commission. In recent years the City Council has appointed a member of the Council to serve on the AC along with the two Planning Commissioners.

AC meetings are conducted one or more times monthly, typically on a Wednesday evening when the Planning Commission is not meeting. The AC meetings are noticed as public hearings but conducted in an informal setting with AC members, staff and the applicant seated around a table where they discuss the project design prior to the AC members' vote on approval, approval with conditions, deferment for redesign, or denial of the project. Members of the public may participate in the discussion. Per the City Code, decisions made by the AC may be appealed by any member of the public to the Planning Commission. The Planning Commission's decision on the appeal is in all cases appealable to the City Council.

On May 8, 2001, the City Council adopted voting procedures and guidelines for the AC, which provided that the AC could only take action with a quorum of two members present (Attachment 1). The adopted procedures did not specify that the two members making up the quorum must include a Councilmember, but sometime around 2003, the AC meeting agendas began to include an attached statement of procedures with the statement: "[a]t least one City Council member and at least one Planning Commissioner must be present in order to establish a quorum for voting purposes."

On December 21, 2018, the City Attorney's Office issued a Memorandum on Due Process Requirements in Multilevel Reviews of Decisions (Attachment 2), which identified possible due process issues that might be raised if a member of the AC then hears an appeal of the decision in which he or she had participated. Therefore, staff recommended that the City Council direct the City Attorney and the City Manager to draft amendments to the Zoning Code to resolve these issues. The Memorandum also raises concerns that the City Code does not specify upon what grounds the appellant must base their appeal; whether deference is given to the decision being appealed, or whether the appeal is heard *de novo*; and whether the applicant continues to carry the burden of proof in the subsequent review hearing regardless of who initiates the appeal. A *de novo* public

hearing for the project is conducted as a new “clean slate” hearing with no regard to the prior decision.

On January 15, 2019, following consultation with the City Attorney, the City Council adopted new procedures for the AC (Attachment 3), restoring the 2001 Council-adopted language. As restored, the procedures state that any two members of the AC constitute a quorum. This allows for the Council to appoint someone other than a Councilmember to serve on the AC.

## **DISCUSSION**

Staff is recommending further changes to the City’s Architectural Review process, including the composition of the AC, with the goals of addressing potential due process conflicts for Planning Commissioners, establishing clearer policy guidance for appeals, streamlining the review process for non-controversial projects, eliminating double appeals and utilizing standard staff level public hearings practices found to be effective in other jurisdictions.

While staff had contemplated proposing these improvements as part of the comprehensive update to the Zoning Code now underway, the release of the City Attorney’s Memorandum warrants consideration of process changes in advance of the City Council’s consideration of the comprehensive update anticipated for late 2019 or early 2020. Staff has previously received input on the AC hearing process through outreach at a community workshop at the outset of the comprehensive Zoning Code update and at a Neighborhood University Relations Committee meeting.

### *Composition of the Architectural Committee*

The City Attorney and staff are recommending that the AC members should not be current members of the Planning Commission or of the City Council.

A survey of neighboring jurisdictions indicates that it is more common for staff to conduct an administrative public hearing subordinate to the Planning Commission, with decisions made at the staff level appealable to the Planning Commission and/or City Council. Staff is recommending that Santa Clara adopt a similar administrative hearing process for the City’s Architectural Review. Such an approach would maintain the authority currently exercised by the Commission and Council in the Architectural Review process, through appeals, while allowing routine land use actions to be completed administratively. Under the current process most projects are approved as consent items or with minimal discussion by the AC, suggesting that there is little benefit for those projects from the time and effort required to conduct a public hearing, the cost of which is passed on to the applicant. As many of the land use actions performed at the AC level can be non-controversial, members of the Planning Commission and City Council could focus on items, identified through an appeal process, that most warrant a higher level City review.

Staff is not recommending that the AC continue as an appointed body comprised of three community members. While this approach would be similar to the current Architectural Review process, it may be challenging on an ongoing basis to find three well qualified community members, in addition to the Planning Commission membership, able to commit the required amount of time to serve on the AC.

The City will continue to develop policies, including an update to the City’s community design guidelines, single family and duplex design guidelines, and design standards incorporated into Specific Plans or Zoning Ordinance standards, which will further serve as guidance from the Planning

Commission and City Council on the City's architectural standards for new development. Design standards and guidelines have been incorporated into the recently adopted Lawrence Station and Tasman East Specific Plans and are part of the scope for the El Camino Real, Patrick Henry and Freedom Circle Specific Plans now under development. The City maintains and updates generally applicable design guidelines as well and staff anticipates future updates to these guidelines as the work program allows to address additional types of development and provide greater clarity where recent projects have indicated such clarity is needed.

### *Appeal Procedures*

The Code allows for an appeal based on dissatisfaction with a decision by the AC or Planning Commission, and it defines who may initiate the appeal and how. It also states that the appeal needs to be in writing and must be made within a specific timeframe. But beyond that, it does not specify upon what grounds the appellant must base their appeal; whether deference is given to the decision being appealed, or whether the appeal is heard *de novo*; and whether the applicant continues to carry the burden of proof in the subsequent review hearing regardless of who initiates the appeal.

To provide greater clarity, staff is recommending amendment of the City Code to establish that the standard for appeal be *de novo*, and that the appeal body be able to weigh in on any aspect of the project. The appeal body would still be required to make the findings for Architectural Review approvals per Section 18.76.020(c) of the Zoning Code.

Staff is also recommending elimination of the double appeal process. The current AC appeal process can be very time consuming and requires General Fund subsidy as appeal fees are not cost recovery. When AC actions are appealed to the Planning Commission, a second appeal to the City Council is the likely outcome. If the Planning Commission upholds the AC action, the same appellants will likely then appeal the Planning Commission approval to the City Council. If, instead, the Commission overturns the AC action, the other party will most likely appeal that decision to the City Council. The potential for double appeals significantly extends the City's decision making process resulting in project delays and additional costs for the applicant and the City and generally makes the first hearing inconsequential as a second appeal is very likely. The removal of the double appeal process will reduce the number of appeals that need to be placed on Planning Commission and City Council agendas.

Therefore, staff recommends the elimination of the current double appeal process and to distinguish which AC actions are appealable to either the Planning Commission or to the City Council, but not to both in succession. Staff recommends that AC actions on single family projects would be appealable to the Planning Commission. AC actions on all other projects, including industrial and commercial developments, would be appealable to the City Council only. (Attachment 4)

### *Survey of Standard Practices*

The City of Santa Clara AC is unique when compared to neighboring cities which do not have a separate body, other than a Planning Commission, responsible for development and land use approvals. As summarized in the attached table (Attachment 5), neighboring jurisdictions instead utilize staff-level review processes for minor architectural approvals. The criteria for a minor approval vary by jurisdiction, but typically include site and architectural review approvals for single-family, multi-family, commercial and industrial projects and some use permits. This approach appears to be generally accepted within those communities and is beneficial in that it enables a more predictable

review process and reduces the load upon volunteer or elected community members. Some cities, such as Mountain View and Palo Alto, include an Architectural Review Board (ARB) in their design review process. The ARB may be composed of design professionals and/or community volunteers. In the two local examples the ARB acts in an advisory capacity to City staff which then conduct an administrative hearing in the same manner as other local cities, with the exception of Santa Clara.

### *Conclusion*

Staff recommends amending Chapter 18.76 Architectural Review of the SCCC to replace the AC process with an administrative hearing process (Development Review Hearing), streamline the approval and appeal process and remove due process conflicts. An administrative hearing process would eliminate due process conflicts and ensure impartiality of the decision-making body by eliminating the possibility of the same person making decisions on multiple levels of an appeal. The proposed process would continue to be a duly noticed hearing and noticing would follow the City's Public Outreach Policy for Planning Applications, which was adopted by the City Council on June 27, 2017.

This potential amendment would revise procedures for appeals to allow only a single appeal, determined by the project type, and clearly define the required basis for appeal and the level of review. The potential amendment would create a process where AC actions on single family projects would be appealable to the Planning Commission. AC actions on all other projects, including industrial and commercial developments, would be appealable to the City Council only.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time and expense.

### **COORDINATION**

This report has been coordinated with the Finance Department and the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **ALTERNATIVES**

1. Direct staff to prepare an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee process with an alternate Administrative Level Hearing Process (Development Review Hearing) including identifying the permits or projects subject to the approval of the Administrative Level Hearing Process, Planning Commission, or the City Council; identifying the hearing body that is responsible for the review on

appeal based on the types of permit or project; and limiting any planning application to a maximum of one potential appeal.

2. Direct staff to prepare an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee process with an alternate Administrative Level Hearing Process (Development Review Hearing) with only some or other components as identified in the staff report.

### **RECOMMENDATION**

Alternative 1:

Direct staff to prepare an Ordinance to amend Chapter 18.76 Architectural Review of the City of Santa Clara Zoning Code to replace the existing Architectural Committee process with an alternate Administrative Level Hearing Process (Development Review Hearing) including identifying the permits or projects subject to the approval of the Administrative Level Hearing Process, Planning Commission, or the City Council; identifying the hearing body that is responsible for the review on appeal based on the types of permit or project; and limiting any planning application to a maximum of one potential appeal.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. 2001 Architectural Committee Procedures and Excerpt of Council Minutes
2. Due Process in multilevel reviews 12-21-18
3. Architectural Committee Procedures, revised 1-15-2019
4. Architectural Review Process Diagram
5. Neighboring Cities Hearing Level and Process Analysis

Meeting Date: 5-8-01

Council ☒  
Agency ☐  
SOSA ☐

## AGENDA REPORT

City of Santa Clara, California

Agenda Item # 74.10



**Date:** April 18, 2001  
**To:** City Manager for Council Action  
**From:** Director of Planning and Inspection  
**Subject:** Architectural Committee Procedures

### EXECUTIVE SUMMARY

There has been discussion regarding the Architectural Committee's procedure for voting on matters brought before the Committee. Article 38 of the Zoning Ordinance establishes the Architectural Committee and defines that it shall be "composed of a member appointed by the City Council and two members of the Planning Commission appointed by the Chairman of said Commission. The appointments shall be made on a rotating basis." The Committee has utilized the concept of alternatives when regular appointed members cannot be present.

This question was brought into focus recently with a question on the matters at the Architectural Committee meeting of March 21, 2001. In the interest of the Council, Committee members, staff and the public all having an assurance of consistency in the process, the following guidelines might be considered.

- Any appointed member who cannot attend a scheduled meeting may be replaced by an alternate, which shall be appointed by a decision making body. An alternate for any member shall be from the same body as the member replaced.
- The Committee may only take action with a quorum present and a majority vote (Brown Act). Only a Committee member may vote.
- Each member or alternate acting on behalf of a member shall have one vote, for up to three votes on any action. A tie vote of two members shall be considered no action. (Section 38-2(f) addresses failure to render a decision).
- Any item may be continued by a vote of the Committee.
- Any other City Council or Commission member who attends the Architectural Committee meetings may provide advice to the Committee.

### ADVANTAGES AND DISADVANTAGES

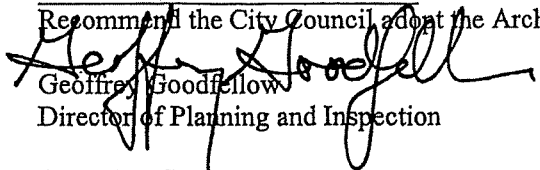
This approval would clarify Architectural Committee voting procedures and provide consistent guidelines for the Committee members and the public.

### ECONOMIC/FISCAL IMPACT

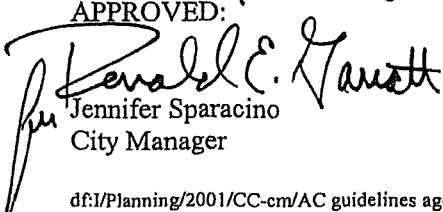
None associated with this request.

### STAFF RECOMMENDATION

Recommend the City Council adopt the Architectural Committee voting procedures and guidelines.

  
Geoffrey Goodfellow  
Director of Planning and Inspection

APPROVED:

  
Jennifer Sparacino  
City Manager



MOTION was made by Diridon, seconded and unanimously carried, that, per the Director of Electric Utility (5/2/01), the Council **approve** the use of City Electric forces for the installation of facilities at 2199 Ronald Street and at Mathew Street, Reed Street and Lafayette Street. [File: City Forces]

MOTION was made by Diridon, seconded and unanimously carried, that, per the Director of Planning and Inspection (4/18/01), the Council **adopt the voting procedures and guidelines for the Architectural Committee.** [File: Planning and Inspection Department Miscellaneous]

MOTION was made by Diridon, seconded and unanimously carried, that, per the Director of Planning and Inspection (4/30/01), the Council **approve** and authorize the City Manager to execute an Agreement with Psomas in an amount not to exceed \$131,125 for development of a Geographic Information System plan. [File: Psomas Geographic Information System]

MOTION was made by Diridon, seconded and unanimously carried, that the Council **note and file** the following Informational Memos: Positive Federal Assessment of the City's Community Development Block Grant and HOME Programs (Director of Planning and Inspection - 4/30/01) [File: Community Services Federal Funding] and Extension of Term for Decision on Award of the Northern Receiving Station - 115KV Project (Contract #2242B) (Director of Electric Utility - 5/2/01) [File: Electric Department Miscellaneous].

MOTION was made by Diridon, seconded and unanimously carried, that the Council **note and file** the Minutes of the Board of Library Trustees for the meeting of April 2, 2001, and the Sesquicentennial Steering Committee for the meeting of April 2, 2001. [Files: Board of Library Trustees Minutes and Sesquicentennial Steering Committee Minutes]

PUBLIC HEARING: The Mayor declared the hearing open for consideration of the Water Rate Schedule for Fiscal Year 2001-02. The Director of Water and Sewer Utilities reviewed his memo (4/24/01) and recommendation for approval of Water Rate Schedule 2001-1 resulting in a 8% increase effective July 1, 2001. The Director of Water and Sewer Utilities made an electronic presentation regarding the justification for the proposed increase. Bob Mortenson addressed the Council regarding the increase. There being no further public input, MOTION was made by Diridon, seconded and unanimously carried, that the public



# City of Santa Clara

## ARCHITECTURAL COMMITTEE PROCEDURES

[REVISED 1-15-2019]

### LOCATION, DATE, and TIME OF MEETINGS

The Architectural Committee is comprised of three members and typically meets in the City Council Chambers, 1500 Warburton Avenue, Santa Clara, CA 95050. The meetings usually occur on Wednesday evenings at 6:00 p.m., according to a schedule published by the Planning Division.

### AMERICANS WITH DISABILITIES ACT (ADA)

In accordance with the Americans with Disabilities Act of 1990, the City of Santa Clara will ensure that all existing facilities will be made accessible to the maximum extent feasible. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure full and equal access and enjoyment of all programs and activities for all individuals with a disability. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's ADA office (408) 615-3000, to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities.

### COMMITTEE POLICIES AND PROCEDURES

The Committee's policy is to limit discussion of each item to 15 minutes, except for complex proposals, at the Committee's discretion. The public may address the Committee on any item on the agenda when the Committee opens the item for comment. Members of the public are also provided with an opportunity to address the Committee on items within the jurisdiction of the Committee under Oral Communications at the end of the agenda. The Committee is precluded from action or extended discussion but may place an Oral Communications matter on the agenda of the next regular meeting. All Architectural Committee decisions are final unless appealed in writing to the Planning Division within seven days; appeals will be set for hearing before the Planning Commission. The Committee may only take action with a quorum present and a majority vote. Only a Committee member may vote. At least two Committee members must be present in order to establish a quorum for voting purposes. If you have any questions, please contact the Planning Division at (408) 615-2450.

### COMMITTEE FINDINGS AND ACTIONS

In accordance with the provisions of the City of Santa Clara Zoning Ordinance, Sections 18.76.010 through 18.76.020 of the City Code for the City of Santa Clara, in order to grant architectural approval, the findings and determinations of the Architectural Committee shall be that the proposed development, as set forth in such plans and drawings to be approved, is based on the following standards of architectural design:

- (1) That any off-street parking areas, screening strips and other facilities and improvements necessary to secure the purpose and intent of this ordinance and the General Plan of the City are a part of the proposed development.
- (2) That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard.
- (3) That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this ordinance and the General Plan of the City.
- (4) That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.
- (5) That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the Planning Division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this ordinance.

The Architectural Committee may require the applicant or owner of any such proposed development, as a condition to the approval of any such proposal, to modify buildings, parking areas, landscaping, signs, and other facilities and improvements as the Architectural Committee deems necessary to secure the purposes of this ordinance and General Plan of the City, and may require guarantees and evidence that such conditions will be complied with by the applicant. If the Architectural Committee is unable to make the findings and determinations prerequisite to the granting of architectural approval pursuant to the standards described above, the application shall be denied.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SANTA CLARA,  
CALIFORNIA AMENDING CHAPTER 18.76,  
("ARCHITECTURAL REVIEW") OF TITLE 18 ("ZONING")  
OF "THE CODE OF THE CITY OF SANTA CLARA,  
CALIFORNIA" AND MAKING OTHER CLARIFYING  
CHANGES**

**BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, Chapter 18.76 ("Architectural Review") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") establishes the procedure for Architectural Review for new construction within the City of Santa Clara;

**WHEREAS**, SCCC Chapter 18.76 establishes an Architectural Committee, which includes two Planning Commissioners and one appointee by the City Council, who are responsible for the initial decision for Architectural Review approvals;

**WHEREAS**, the current procedure includes multiple levels of appeals, with an initial appeal to the Planning Commission and ultimately to the City Council; and,

**WHEREAS**, the City Council now intends to vest the authority for initial architectural review decisions in the Director of Community Development, and to provide for the City Council as the singular appeal body for the Architectural Review process.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:**

**SECTION 1:** That Chapter 18.76 (entitled "Architectural Review") of Title 18 (entitled "Zoning") of "The Code of the City of Santa Clara, California" ("SCCC") is amended to read as follows:

“Chapter 18.76

ARCHITECTURAL REVIEW

Sections:

18.76.010 Intent.

18.76.020 Architectural review process.

**18.76.010 Intent.**

The City Council of the City of Santa Clara finds, determines and declares that in order to encourage the orderly and harmonious appearance of structures and property; maintain the public health, safety and welfare; maintain the property and improvement values throughout the City and to encourage the physical development of the City as intended by the general plan; there is hereby established the architectural review process.

**18.76.020 Architectural review process.**

(a) Architectural review shall be the responsibility of the Director of Community Development or designee (“Director”).

(b) Before action is taken on an application for the issuance of a permit for any sign, building, structure, or alteration of the exterior of a structure in any zone district, plans and drawings of such sign, building or alteration shall be submitted, in such form and detail as the Director may prescribe. The Director shall approve or deny the architectural design without a hearing, unless the type of project is listed in subsection (c).

(c) The Director shall conduct a public hearing, titled the “Development Review Hearing,” after providing notice pursuant to Section 18.112.060, for the following types of projects:

- (1) New or expanded single-family homes resulting in:
  - (A) a two-story structure with four or more bedrooms; or
  - (B) a one-story structure resulting in six or more bedrooms.

(2) Residential parcel or subdivision maps and any associated development plans.

(3) New multi-family developments of any size.

(4) New non-residential development greater than 5,000 square feet in size.

(5) Modifications or additions to existing non-residential development greater than 5,000 square feet in size.

(6) Any other project not listed above that the Director determines should be considered at a public hearing.

(d) In order to grant architectural approval, the findings and determinations shall be that the proposed development, as set forth in such plans and drawings to be approved, is based on the following standards of architectural design:

(1) That any off-street parking areas, screening strips and other facilities and improvements necessary to secure the purpose and intent of this title and the general plan of the City are a part of the proposed development.

(2) That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard.

(3) That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City.

(4) That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

(5) That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this title.

(e) The Director or designee may require the applicant or owner of any such proposed development, as a condition to the approval of any such proposal, to modify buildings, parking areas, landscaping, signs, and other facilities and improvements deemed necessary to secure the purposes of this title and general plan of the City, and may require guarantees and evidence that such conditions will be complied with by the applicant.

(f) If the Director or designee is unable to make the findings and determinations prerequisite to the granting of architectural approval pursuant to subsection (d) of this section, the application shall be denied.

(g) The Director or designee shall render a decision on any application for architectural approval within forty (40) days following a determination by the planning division office that the application is complete, except where the applicant consents to an extension of time. Failure to render a decision within said period of forty (40) days and said period of extension consented to by applicant shall be deemed to be a decision of denial.

(h) The granting of any architectural approval, when conforming to the provisions of this section is hereby declared to be an administrative function, and the action shall be final and conclusive, except in the event of an appeal and referral as hereinafter provided.

(i) In the event the applicant or any property owner or tenant within a 500-foot radius from the project boundary are not satisfied with the decision of the Director or designee, they may within seven (7) days after such decision, appeal in writing to the City Council, in accordance with the procedures set forth in SCCC 18.108.060(b). Said appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk. All appeals of Architectural

Review approvals will be heard de novo. The Director of Community Development may refer any application for architectural consideration to the City Council for its decision with the same effect as if an appeal had been taken.

(j) No permit shall be issued, and no structure, building, or sign shall be constructed or used in any case hereinabove mentioned until such plans and drawings have been approved by the Director or designee, or on referral to the City Council by the Director, and no appeal or review is pending and the time to appeal has expired. In the event of an appeal by the applicant or others affected, or action to review is taken by the City Council, no such permit shall be granted until the matter has been finally acted upon and final approval has been received. All signs, buildings, structures, and grounds shall be in accordance with the plans and drawings as finally approved.

(k) Said approvals shall be on file with the City planning division office.

(l) Any architectural review approval granted in accordance with the terms of this title shall be automatically revoked and terminated if not used within two years of original grant or within the period of any authorized extensions thereof.”

**SECTION 2: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

**SECTION 3: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this XX day of XXXXXX, 2019, by  
the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

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## Agenda Report

19-857

Agenda Date: 8/14/2019

### REPORT TO PLANNING COMMISSION

#### **SUBJECT**

Action on Appeal of Architectural Committee Approval for the Property at 2892 Sycamore Way

#### **REPORT IN BRIEF**

Project: Architectural review to allow the demolition of an existing single-family residence and construction a new 3,450 square foot two-story residence with five bedrooms, three and a half bathrooms, and an attached two-car garage.

Applicant/Owner: Lei Xu (Jane)

General Plan: Very Low Density Residential

Zoning: Single-Family Residential (R1-6L)

Site Area: 11,589 square feet

Existing Site Conditions: One-story residence with four bedrooms, two bathrooms, and an attached two-car garage.

Surrounding Land Uses: The project site is located at the southwest side of Sycamore Way before it turns into Bancroft Street. The site is surrounded by one- and two-story single-family residences on all sides.

Issues: Consistency with City's Design Guidelines and Zoning Ordinance.

Staff Recommendation: Adopt the resolution to sustain the appeal and modify the decision of the Architectural Committee on June 19, 2019 to allow five bedrooms and four and half bathrooms with exterior access for Bedroom #1 (as designated in the attached development plans) in addition to access from the front, rear and garage.

#### **BACKGROUND**

Since the purchase of the subject residence in August of 2018, the owner has been renting out the property to long-term and short-term tenants to cover expenses while she pursued design review for a new home on the property. The Community Development Department received two service calls from neighboring residents in October of 2018 regarding poor waste management, overcrowded occupancy, tenant sleeping in car, and excessive on-street parking. The City's Building Inspector and Code Enforcement Technician contacted the property owner and inspected the site. The inspectors did not discover any room conversion or structural alteration. Warnings were given for poor property management, and one violation was identified for replacement of a water heater without a permit. After the owner was informed of these impacts and addressed them, City staff has not received further complaint on nuisances.

The owner, Lei Xu, filed an application on March 21, 2019 to demolish the existing 2,197 square foot four bedroom and two bathroom residence with an attached two-car garage, and construct a new 3,450 square foot two-story residence with five bedroom, five and a half bathroom and an attached two-car garage ("Project"). The proposal also included two second-story balconies facing the rear yard.

The project was considered at two Architectural Committee meetings on April 17, 2019 and June 19, 2019. The Architectural Committee approved a modified version of the Project on June 19 to allow for five bedrooms, three and a half bathrooms (instead of the proposed five and a half bathrooms), an attached two-car garage, and one balcony (instead of two proposed balconies). The Committee also limited exterior access to three entrances from the: front, rear and garage (instead of the proposed six exterior accesses including two ground floor bedrooms and a dining room). The staff report for June 19, 2019 and the meeting minutes for both Architectural Committee meetings are attached to this report.

On June 26, 2019, the applicant filed an appeal on two aspects of the Architectural Committee's approval including 1) requesting an increase in the number of the bathrooms from the approved three and half bathrooms to four and a half bathrooms and 2) requesting one exterior access for Bedroom #1 beyond the three approved exterior accesses (front, rear and garage). The applicant's justification statement for the appeal is attached.

## **DISCUSSION**

### ***April 17, 2019 Architectural Committee Meeting***

On April 17, 2019, the Architectural Committee ("Committee") considered the initial Project with five-bedrooms and five and a half bathrooms. Following public testimony, the Committee continued the project for redesign with the following four recommendations:

1. Reduce bathroom count to three and a half bathrooms.
2. All second-story side (except at staircase) windows must have a minimum five-foot window sill height.
3. Integrate more hip-style roof or horizontal gable-style roof to closely match the roof form in the surrounding neighborhood.
4. Incorporate similar external building materials or design in the neighborhood into the building façade.

After the April 17 meeting, the owner reached out to the neighbors for feedback. The neighbors expressed privacy concerns from the second-story side-facing windows and the rear-facing balconies. The neighbors also requested that the owner stop the short-term rental activity. The City has received a neighborhood petition requesting action to limit the high volume short-term rental practice occurring on this property. Community Development has notified the property owner about the community concerns and the upcoming Zoning Code Update to address short-term rental regulations.

### ***June 19, 2019 Architectural Committee Meeting***

The applicant revised the development plans according to the Committee's recommendations and made additional changes to accommodate for privacy concerns from the balconies and second-story side facing windows ("Revised Project"). In addition to the changes, the applicant committed to terminating contracts with the current property manager by July, two months before the end of the contract term. The Revised Project's submitted for the June 19 meeting included the following:

1. The number of bathrooms was reduced to three and a half from the previous five and a half count.
2. All second-story windows on the two sides of the house were revised to have a five-foot



window sill height.

3. Replaced one of the gable roofs to a hip roof to be more consistent with the second-story form of the neighborhood.
4. Added stone veneer to garage and porch columns to provide similar exterior features as other residences.
5. Removed the north balcony entirely.
6. Proposed a five-foot wall on the south side of the remaining balcony to address privacy concerns.

On June 19, 2019, the Committee considered the Revised Project and a verbal request from the applicant for an additional bathroom (for a total of four and a half bathrooms) in Bedroom #2. During the public comment period, neighbors expressed concerns with the six exterior accesses from the ground floor, the fourth full bathroom, and the continued operation of short-term rentals. The concern is that additional bathrooms and excessive exterior accesses could provide further accommodation for high volume short-term rental in the future. Planning staff informed the public that the City does not currently have regulations addressing short-term rentals, or limiting the number of bathrooms for a single-family residence. Following public testimony, Committee members Becker and Kelly agreed to limit the exterior access to only three entrances: front, rear, and garage. However, the Committee members did not have consensus on the total number of bathrooms to be allowed. Committee Kelly supported the fourth full bathroom in Bedroom #2 with the condition that the exterior access in Bedroom #2 be removed. Committee Becker noted that four and a half bathrooms for a five bedrooms residence is excessive. Ultimately, the Committee members approved the Revised Project with exterior modifications, including five bedrooms, three and a half bathrooms, one balcony and limited exterior access (front, rear and garage).

### ***Appeal of June 19, 2019 Approval***

The applicant filed a timely appeal of the Architectural Committee's approval to propose a fourth full bathroom in Bedroom #2 and retain the exterior access for Bedroom #1, as shown in the attached development plans. All exterior changes remain the same as approved. The attached plans also include a minor 65 square foot alteration in the floor plan for a workout space in the garage. The applicant's basis for the appeal are set forth in the applicant's appeal justification statement, and are the following:

- The proposed number of bathrooms is common in the immediate neighborhood;
- The Committee's past approvals of four bathrooms or more;
- The common nature of having access to the back yard from a master bedroom on the first floor; and
- Early termination of agreement with the property manager in response to concerns of short-term rentals.

The applicant agrees to the majority of changes included with the Architectural Committee approval however the basis for appeal is to add of one bathroom and an exterior access for Bedroom #1 on the ground floor. As noted in the applicant's justification statement and confirmed by staff that within the last six months, the Architectural Committee meeting agendas have approved single-family projects with four or more bathrooms. The applicant also noted that rear yard access from a master

bedroom is common in single-family residences and asked that the Planning Commission consider allowing an exterior access to the rear yard for one master bedroom on the ground floor. The applicant has confirmed that they have followed through with the early termination of agreement with the property manager operating the short-term rental. The applicant ended the property manager contract in July 2019 and all tenants moved out by July 26, 2019. A documentation of this early termination is attached.

### **City's Design Guidelines**

The proposed design of the new two-story residence is consistent with the City's Single-Family Design Guidelines as noted in the following supporting findings:

- 1) *That any off-street parking area, screening strips and other facilitates and improvements necessary to secure the purpose and intent of this title and the general plan of the City area a part of the proposed development, in that;*
  - The development provides two covered parking spaces on site with adequate driveway access.
- 2) *That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that;*
  - Public streets are adequate in size and design to serve the proposed single-family residence, and the use will not create a substantive increase in traffic.
  - Construction of a new single-family home will enhance the property and the neighborhood.
- 3) *That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City, in that;*
  - The Project Site is in a neighborhood with predominately ranch styles homes that are one- and two-story in height.
  - The new two-story ranch style residence is in keeping within the scale and general building form of other residences in the neighborhood.
- 4) *That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development, and will not be materially detrimental to the public welfare or injuries to property or improvements in said neighborhood, in that;*
  - The project would be subject to the California Building Code and City Code requirements.
  - All second-story windows on the sides of the building have a minimum five-foot window sill height to prevent privacy concerns for adjacent neighbors.
  - The proposed balcony in the rear incorporate a five-foot solid wall on the south side to prevent privacy concerns for the adjacent neighbor to the south.
- 5) *That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same*

*extent as if written into and made a part of this title, in that;*

- The City's Design Guidelines require second floor area to not exceed 66% of the first floor area; the proposed second floor is 53% of the first floor and it is compatible in scale and form with other residences in the neighborhood.

### **Zoning Ordinance Consistency**

The subject property is in an R1-6L, Single-family Zoning District, which is intended to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable single-family residential environment. This zone and other residential zoning districts do not regulate the total number of bedrooms, bathrooms or exterior access. Further, the City has no land use regulations currently limiting short term rental activity. Regulations are being proposed with the Zoning Code Update to address this land use activity. The first hearing is tentatively scheduled to be heard by the City Council in early 2020.

Although the Architectural Committee and Planning Commission have the discretion to reduce number of bedroom, bathroom, and exterior access, and have done so in the past, it is also not an uncommon Architectural Committee approval of residences with four or more bathrooms and an exterior access for at least one ground-floor master bedroom. Common community concerns for residences with four or more bathroom and excess exterior access is the potential for higher volume rental or partition of isolated units. Considering the physical structure and floor plan, the proposed two-story residence on a 11,589 square foot lot with five bedrooms, four and a half bathrooms, and an attached two-car garage is consistent the intent of the Single-family Zoning District. With the exterior access reduced, the proposed accesses are limited to a sliding door in a ground-floor master bedroom to the rear yard, a sliding door from the family room to the rear yard, a door in the garage to the side yard, and the main front entrance. The floor plan for the ground floor is designed with an open concept without the common areas partitioned in a closed space. Common areas are primarily on the ground floor and occupies about 40% of the total living area. Two bedrooms and two and half bathrooms are on the ground floor and three bedrooms and two bathrooms are on the second floor. The overall floor plan function as a single-family home from the spatial design.

### **Conclusion**

Approval of the proposed two-story residence with five bedrooms, four and a half bathrooms, attached two-car garage, and an exterior access for Bedroom #1 on the ground floor would be in keeping with intent of the Single-family Zoning District and Single-Family Design Guidelines, and the general building form as other residences in the neighborhood. The property owner worked with staff and the community to address exterior modifications for neighborhood compatibility and privacy concern. Upon request of the community, the property owner ended the short-term rental in advance of the contract deadline. Single-family residence with four and half bathrooms for a five bedrooms home is not an unusual single-family floor plan. The floor plan primarily remains the same with an open layout concept for the common space on the ground floor and majority of the bedrooms upstairs. The proposal will provide an attached two-car garage similar to other residences in the area.

The concerns raised about this property's practice of high-volume short-term rental activity are best regulated by proposed ordinance changes with the Zoning Code Update to address this activity. Further the applicant has provided evidence of steps taken to stop short-term rental activity on the property since July 2019.

The applicant has also shared their interest in beginning construction promptly after approvals which

would also cease any short-term rental activity that may occur on the property.

As the revised project design demonstrated consistency with the City's Design Guidelines and Single-family Zoning District standards, staff is recommending the Planning Commission sustain the applicant's appeal and modify the Committee's June 19, 2019 decision.

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303(a) of the CEQA Guidelines (New Construction or Conversion of Small Structures).

### **FISCAL IMPACT**

There is no impact to the City for processing the requested application other than administrative staff time and expense typically covered by application fees paid by the applicant.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

On August 2, 2019, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site.

### **ALTERNATIVES**

1. Sustain the appeal and modify the decision of the Architectural Committee on June 19, 2019 to allow five bedrooms and four and half bathrooms with an exterior access for Bedroom #1.
2. Overrule the appeal and uphold the decision of the Architectural Committee on June 19, 2019 to allow five bedrooms, three and half bathrooms, limit exterior access to three entrances, and no exterior access from the ground floor bedrooms.

### **RECOMMENDATION**

1. Sustain the appeal and modify the decision of the Architectural Committee on June 19, 2019 to allow five bedrooms and four and half bathrooms with an exterior access for Bedroom #1.

Prepared by: Steve Le, Assistant Planner

Reviewed by: Diana Fazely, Deputy City Attorney

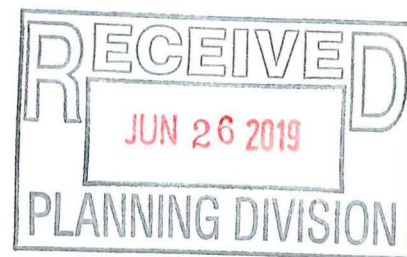
Approved by: Reena Brilliot, Planning Manager

### **ATTACHMENTS**

1. Appeal Justification Statement
2. Early Agreement Termination Letter
3. Project Data
4. Excerpt of Architectural Committee Meeting Minutes of April 17, 2019
5. Excerpt of Architectural Committee Meeting Minutes of June 19, 2019
6. Architectural Committee Staff Report of June 19, 2019
7. Public Comments Received to 8.2.2019
8. Development Plans with Revisions
9. Resolution to Sustain Architectural Committee Approval



Appeal Letter  
Lei Xu  
16 Cook Pl, Santa Clara CA 95050



June 25, 2019

To Santa Clara City Planning Commission  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: 2892 Sycamore Way, Appeal, Request Adjustments Architectural Committee Public Hearing

Dear commission members,

I, as the owner of 2892 Sycamore Way, Santa Clara CA 95051, appeal the Architectural Committee's decision on building permit on June 19, 2019.

At the Public Hearing on June 19, one member of the Committee stated that four and a half bathrooms are too much for five bedrooms, and three and a half bathrooms are sufficient for my project at 2892 Sycamore Way. The Architectural Committee approved five bedrooms, three and a half bathrooms with conditions to eliminate the two doors going outside from the two bedrooms and one door going outside from the dining room on the first floor.

I request to demolish the existing structure and construct a new 3,450 square foot two-story residence with five bedrooms, four and a half bathrooms, and an attached two car garage on an 11,589 square foot lot. In addition to that, I request to keep access to the back yard for the master bedrooms on the first floor (BEDROOM#1). I would also like to add 69 square foot inside the garage for extra exercise space and storage.

The justifications for my appeal are below.

1. From the preliminary review on the Zillow and Redfin, we discovered the number of bathrooms and bedrooms in the immediate neighborhood varies from two and a half bathrooms to six bathrooms with three bedrooms to six bedrooms. It's common to have five bedrooms and four and a half bathrooms in the immediate neighborhood. See attached for data supporting this statement.

2. From the approval records of the Architectural Committee in 2019 alone, the Committee had approved four bathrooms or more on a common basis. See attached projects approved on consent and public hearing items in the past agenda for the first half of this year.

3. The access to the back yard from a master bedroom on the first floor is common in a single-family residence. I ask the Planning Commission to allow access to the back yard for the master bedroom (BEDROOM #1) on the first floor as a common amenity.

4. In response to community's concerns and the City's notice of the new zoning code update on a short-term rental, I have followed through on my end and reached an agreement with my tenant to end the lease early on July 31 which the original end date is September 17, 2019.

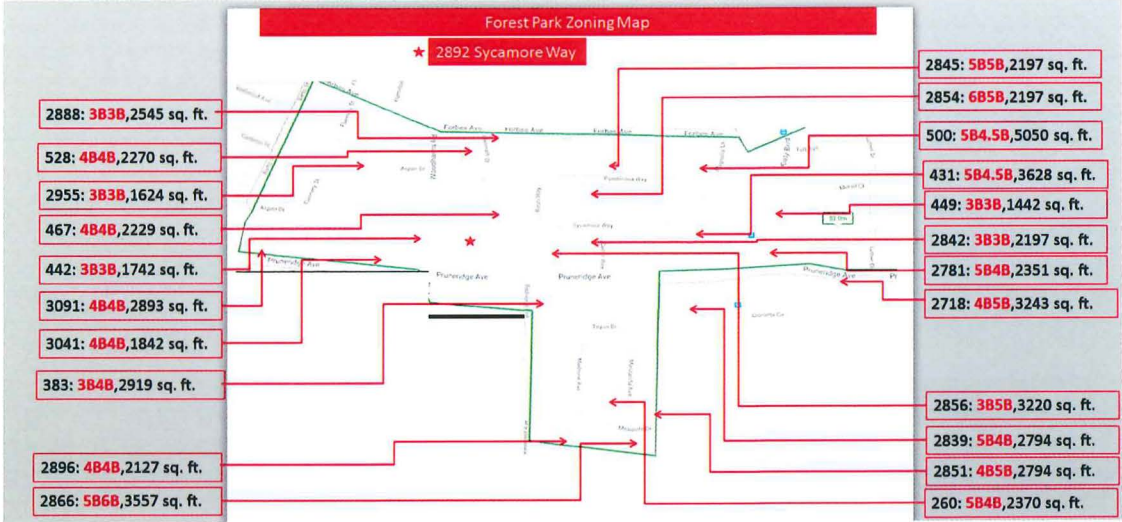
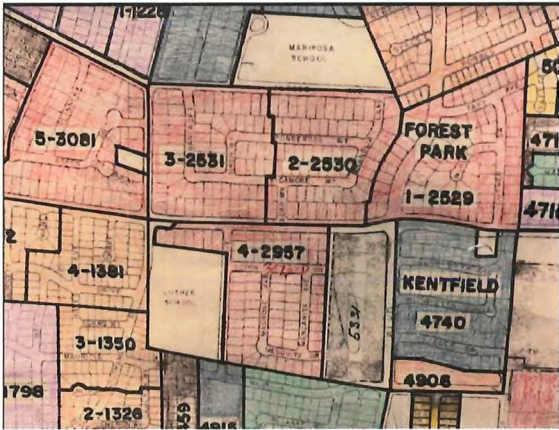
5. I ask that you the Planning Commission review the facts and my proposal which is not an unusually large size home. Please consider and approve the five bedrooms and four and half bathrooms with access to the back yard for BEDROOM #1 on the first floor; and add 65.25 square foot inside the garage for extra exercise space and storage that meets the need for my family.

Very truly yours,

Lei Xu

The map and table below shows the number of bedroom and bathroom for some residences in the Forest Park neighborhood.

Address	# of Bedroom	# of Bathroom	Neighborhood
442 Woodhams Rd	3	3	Within 300 foot Radius. Forest Park Lot 3
467 Bancroft St	4	4	Within 300 foot Radius. Forest Park Lot 3
2888 Forbes Ave	3	3	Forest Park Lot 2 & 3
2842 Sycamore Way	3	3	Forest Park Lot 2 & 3
383 Redwood Ave	3	4	Forest Park Lot 2 & 3
2856 Sycamore Way	3	5	Forest Park Lot 2 & 3
528 Bancroft St	4	4	Forest Park Lot 2 & 3
500 Magnolian Ln	5	4.5	Forest Park Lot 2 & 3
431 Magnolian Ln	5	4.5	Forest Park Lot 2 & 3
2845 Ponderosa	5	5	Forest Park Lot 2 & 3
2854 Ponderosa Way	6	5	Forest Park Lot 2 & 3
2955 Aspen Dr	3	3	Forest Park Lot 1 4 & 5
3091 Pruneridge Ave	4	4	Forest Park Lot 1 4 & 5
3041Pruneridge Ave	4	4	Forest Park Lot 1 4 & 5
2896Mesquite Dr	4	4	Forest Park Lot 1 4 & 5
2851 Mesquite Dr	4	5	Forest Park Lot 1 4 & 5
2839 Tonyon Dr	5	4	Forest Park Lot 1 4 & 5
260 Manzanita Ave	5	4	Forest Park Lot 1 4 & 5
2781 Pruneridge	5	5	Forest Park Lot 1 4 & 5
2866 Mesquite Dr	5	6	Forest Park Lot 1 4 & 5
2718 Pruneridge Ave	4	5	Forest Park Lot 1 4 & 5
2770 Pruneridge Ave	3	3	Forest Park Lot 1 4 & 5
2724 Pruneridge Ave	5	5	Forest Park Lot 1 4 & 5





**Below are residences with four or more bathrooms approved by the Architectural Committee in 2019.**

Public Hearing Date	File No.	Address	# of Bedrooms	# of Bathrooms
Janaury 16, 2019	7.G.PLN2018-13588	677 Los Padres Blvd	4	4
Februray 6, 2019	7.G. PLN2018-13645	2349 Menzel Pl	5	4
Februray 6, 2019	8.E. PLN2018-13613	2558 Elliot Ct	5	4
May 15 ,2019	7.I. PLN2018-13852	150 Elmhurst Ct	4	4
April 17, 2019	7.E. PLN2019-13706	1112 Crowley Ave	5	4
April 17, 2019	7.F. PLN2018-13456	403 Dayton Ave	4	4
June 19, 2019	8.B. PLN-2019-13841	970 Teal Dr	6	4
June 19, 2019	8.C. PLN2018-13782	1654 Scott Blvd	5	5



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**ARCHITECTURAL COMMITTEE  
CITY HALL COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050**

## **AGENDA**

**Wednesday, January 16, 2019 – 6:00 P.M.**

Please refer to the Architectural Committee Procedural Items coversheet for information on all procedural matters.

**7.G File No.(s):** PLN2018-13588  
**Location:** 677 Los Padres Boulevard, a 5,900 square foot property, located at the east side of Los Padres Boulevard, APN. 294-08-070, property is zoned Single Family (R1-6L).  
**Applicant:** Amaranta Hernandez  
**Owner:** Wen Lai Ye  
**Request:** Architectural Review to allow 758 square-foot addition to an existing 1,584 square-foot three-bedroom and two-bathroom residence resulting in a 2,361 square-foot four-bedroom, four-bathroom residence with an existing attached two-car garage.  
**CEQA Determination:** Categorical exemption per Section 15303, New Construction or Conversion of Small Structures



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CITY HALL COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050**

## **AGENDA**

**Wednesday, February 6, 2019 – 6:00 P.M.**

Please refer to the Architectural Committee Procedural Items coversheet for information on all procedural matters.

- 7.G. File No.(s): **PLN2018-13645**  
Location: **2349 Menzel Place**, a 6,600 square foot lot located on the south side of Menzel Place, approximately 275 feet east of Los Padres Boulevard, APN:224-12-024; property is zoned Single Family Residential (R1-6L)  
Applicant: Ryan Morris, Architect  
Owner: David and Daisy Rutstein  
Request: **Architectural Review** of the proposed remodel of an existing single-story three bedroom and two bathroom 1,821 square foot home, resulting in a 2,583 square foot two-story five bedroom and four bathroom home, with an existing 489 square foot detached garage.  
CEQA Determination: Categorical Exemption per Section 15303, New Construction or Conversion of Small Structures  
Project Planner: Yen Han Chen, Associate Planner  
Staff Recommendation: **Approve**, subject to conditions
- 8.C. File No.(s): **PLN2018-13456**  
Location: **403 Dayton Avenue**, a 8,470 square foot lot located on the east side of Dayton Avenue between Clinton Avenue and Rosemont Drive; APN: 296-02-033; property is zoned Single Family Residential (R1-6L).  
Applicant: Azadeh Masroui / AMS Designs  
Owner: Bharathi and Venkat Gorthi  
Request: **Architecture Review** to allow complete demolition of an existing 3 bedroom 2 bathroom 1,091 square foot one-story residence with an attached 502 square foot two-car garage, and proposed construction of a 3,396 square foot 4 bedroom and 4 bathroom two-story residence with 440 square foot attached two-car garage, and a 1,109 square foot two-story attached accessory dwelling unit.  
CEQA Determination: Categorical Exempt per Section 15303, New Construction or Conversion of Small Structures
- 8.E. File No.(s): **PLN2018-13613**  
Location: **2558 Elliot Court**, a 9,100 square foot lot, located at the end of the Elliot Court cul-de-sac, APN: 216-11-032; property is zoned Single Family Residential (R1-6L).  
Applicant: Matthew Hum  
Owner: Venkata Chanamolu  
Request: **Architectural Review** to allow demolition of an existing one-story 1,614 square foot three bedroom two bathroom residence with an attached two-car garage, and new construction of a proposed two-story 4,181 square foot five bedroom with an office on the first floor and a theater room on the second floor, four bathroom residence with an attached 512 square foot two-car garage.  
CEQA Determination: Categorical Exemption per CEQA Section 15303, New Construction or Conversion of Small Structures.  
Project Planner: Elaheh Kerachian, Associate Planner  
Staff Recommendation: **Approve**, subject to conditions



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CITY HALL COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050**

## **AGENDA**

**Wednesday, April 17, 2019 – 6:00 P.M.**

Please refer to the Architectural Committee Procedural Items coversheet for information on all procedural matters.

7.E.

**File No.(s):** PLN2019-13706  
**Location:** 1112 Crowley Avenue, a 6,534 square foot lot at the southwest intersection of Crowley Avenue and Wallace Street; APN: 290-15-051; property is zoned Single-Family Residential (R1-6L).  
**Applicant/Owner:** Raja Hithayathullah  
**Request:** Architectural Review to permit a 949 square foot addition to the front, rear and sides of an existing ~~three bedroom and two bathroom~~ 1,616 square foot house, resulting in a ~~five bedroom and four bathroom~~ house, with an existing attached two car garage to remain, and, Zoning Administrator Modification to allow reduced 15-foot rear yard setback (to replace existing sunroom in rear yard setback).  
**CEQA Determination:** Categorically Exempt per CEQA 15301, Existing Facilities  
**Project Planner:** Jeff Schwilk, AICP, Associate Planner  
**Staff Recommendation:** Approve, subject to conditions

7.F.

**File No.(s):** PLN2018-13456  
**Location:** 403 Dayton Avenue, a 8,470 square foot lot located on the east side of Dayton Avenue between Clinton Avenue and Rosemont Drive; APN: 296-02-033; property is zoned Single-Family Residential (R1-6L).  
**Applicant:** Azadeh Masrour / AMS Designs  
**Owner:** Bharathi and Venkat Gorthi  
**Request:** Architecture Review to allow complete demolition of an existing three bedroom two bathroom 1,091 square foot one-story residence with an attached 502 square foot two car garage and proposed construction of a 3,482 square foot ~~four bedroom and four bathroom~~ two-story residence with 440 square foot attached two-car garage and a 1,074 square foot two-story attached accessory dwelling unit.  
**CEQA Determination:** Categorically Exempt per Section 15303, New Construction or Conversion of Small Structures  
**Project Planner:** Nimisha Agrawal, Assistant Planner I  
**Staff Recommendation:** Approve, subject to conditions



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CITY HALL COUNCIL CHAMBERS  
1500 Warburton Avenue  
Santa Clara, CA 95050**

## AGENDA

Wednesday, May 15, 2019 – 6:00 P.M.

Please refer to the Architectural Committee Procedural Items coversheet for information on all procedural matters.

7.I.

**File:** PLN2019-13852  
**Location:** 150 Elmhurst Court, a 6,402 square foot lot at the southwest corner of Elmhurst Court and Elmhurst Avenue, APN: 296-19-022; property is zoned Single-Family Residential (R1-6L)  
**Applicant:** Yuan Lin  
**Owner:** Minal Mehta  
**Request:** Architectural Review of 406 square front and rear addition to a 1,427 square foot three bedrooms and two bathrooms residence with an attached 431 square foot two-car garage, resulting in a new 1,833 square foot single-story residence with ~~four bedrooms, and four bathrooms~~ with a new 56 square foot porch and an existing garage.  
**CEQA Determination:** Categorically Exempt per CEQA 15301, Existing Facilities  
**Project Planner:** Steve Le, Assistant Planner I  
**Staff Recommendation:** Approve, subject to conditions





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Santa Clara, CA 95050

## **AGENDA**

**Wednesday, June 19, 2019 – 6:00 P.M.**

Please refer to the Architectural Committee Procedural Items coversheet  
for information on all procedural matters.

**8.B**

File No.(s):  
Location:

**PLN2019-13841**

**970 Teal Drive**, a 6,098 square-foot acre parcel on the west side of Teal Drive south of Dunford Way, APN: 313-22-030; property is zoned Single-Family Residential (R1-6L).

Applicant:  
Owner:  
Request:

Prateek Khanna  
Prateek Khanna

**Architectural Review** of a 115 square-foot first floor addition and 1,163 square-foot second-story addition to an existing 1,415 square-foot one-story residence, resulting in a six bedroom, four bathroom two-story residence, with an attached two-car garage to remain.

CEQA Determination:

Categorical Exemption per CEQA 15301(e)(1), Existing Facilities Project  
Planner: Rebecca Bustos, Associate Planner

Staff Recommendation:

**Approve**, subject to conditions

**8.C**

File No.(s):  
Location:

**PLN2019-13782**

**1654 Scott Boulevard**, a 7,501 square foot lot located on the northwest side of the intersection of Scott Boulevard and Bray Avenue, APN: 224-16-022; property is zoned Single Family Residential (R1-6L).

Applicant:  
Owner:  
Request:

Ashish Kumar / Open Remodel  
Snehanshu Ashar

**Architectural Review** to demolish the existing 1,021 square feet single-family residence with an attached two-car garage and construct a new 3,931 square feet two-story single-family residence with five bedrooms and five bathrooms with a 510 square feet attached two-car garage.

CEQA Determination:

Categorical Exemption per Section 15303(a), New Construction or Conversion of Small Structures

Project Planner:

Tiffany Vien, Assistant Planner I

Staff Recommendation:

**Approve**, subject to conditions

## Mutual Agreement of Early Termination

This Mutual Agreement of Early Termination (this "Agreement") is dated July 1<sup>st</sup>, 2019 by and between LEI XU ("Landlord"), and Executive Rentals and Property Management Inc. ("Tenant"). The parties agree as follows:

**PREMISES.** Landlord, in consideration of the lease payments provided in this Lease, leases to Tenant a 4 bedroom 2.5 bathroom single family (the "Premises") located at 2892 Sycamore Way, Santa Clara, CA. No other portion of the building (hereinafter, the Building), wherein the Premises is located is included unless expressly provided for in this Agreement.

**TERM.** The lease term will end early on July 26, 2019 instead of the original end date on September 16<sup>th</sup>, 2019.

The tenant will clean up the house upon the end date, return two main entrance keys and two garage keys, and the landlord will return the appropriate amount of the security deposit after everything is clear.

**LANDLORD:**

LEI (JANE) XU



**TENANT:**

Angel S. Moran



Executive Rentals and Property Management Inc.,

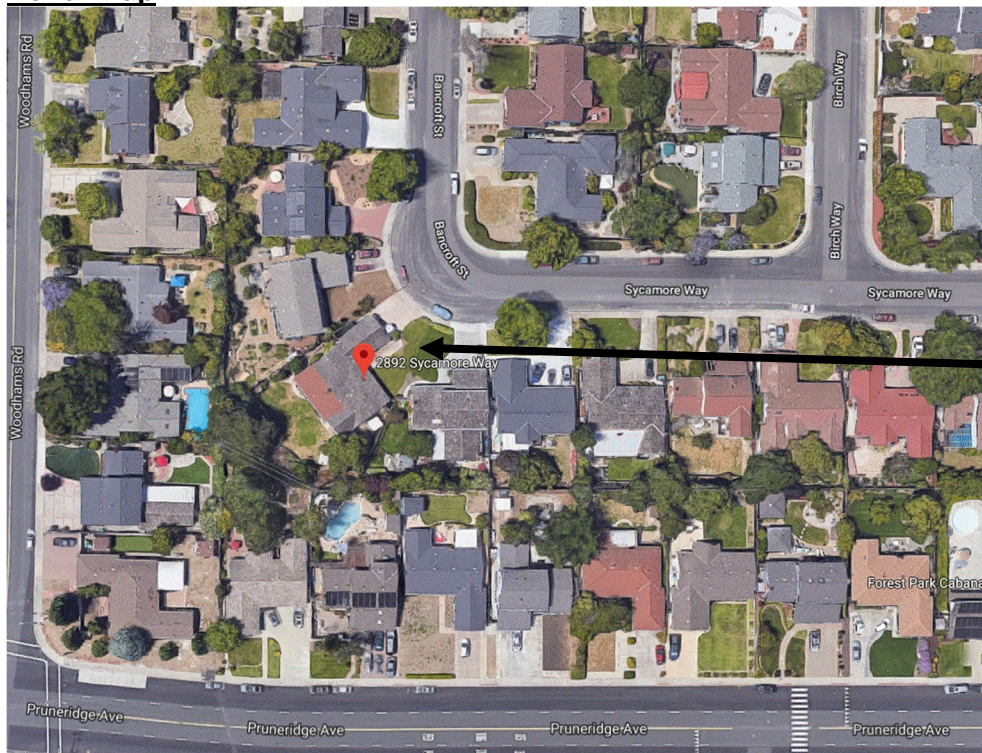
## Project Data

File: **PLN2019-13972**  
Location: **2892 Sycamore Way**, a 11,589 square foot lot at the southwest side of Sycamore Way before it turns into Bancroft Street; APN: 293-21-010; property is zoned Single-Family Residential (R1-6L).  
Applicant: Masoud Bashi  
Owner: Lei Xu  
Request: **Appeal of Architectural Approval** to allow the demolition of a 2,197 square foot four bedrooms and two bathrooms residence with an attached two-car garage, and construction a new 3,450 square foot two-story residence with five bedrooms, three and a half bathrooms with an attached two-car garage.  
CEQA Determination: Categorical Exemption per CEQA Section 15303(a), New Construction or Conversion of Small Structures  
Project Planner: Steve Le, Assistant Planner I

Lot Size: 11,589			
	Existing Floor Area (sq. ft.)	Demolition/ Addition (sq. ft.)	Proposed Floor Area (sq.ft.)
First Floor	2197	-2197/2074	2074
Second Floor	n/a	1376	1,376
Porch cover	-	145.5	145.5
Garage	504		504
ADU First Floor	n/a	n/a	
ADU Second Floor	n/a	n/a	
Gross Floor Area	2,701	3,560	3,989.5
Lot Coverage	2,701/11,589= 23%		2855.5/11,589= 24.6%
F.A.R.	2,701/11,589= 0.23		3,989.5/11,589= .34
% of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor	n/a		1,376/2,578= 53.3%
Bedrooms/Baths	4/2.5	1/1	5/3.5
Proposed Bd/Ba			5/4.5



### Aerial Map



**Project Site**

### Front Street View



**Project Site**

**Excerpt of Architectural Committee Meeting Minutes  
of April 17, 2019  
2892 Sycamore Way**

Assistant Planner I Steve Le presented the project with recommendations for approval. Approximately 15 neighbors were present, but six members spoke to express their concern regarding poor property management of short-term rental, waste management, overcrowded occupancy, tenant sleeping in car, excessive on-street parking, privacy from balconies and windows, exterior material, and porch height. Following public testimony, the Committee deliberated and continued the project for redesign with the following four recommendations:

1. Reduce bathroom count to three and a half bathrooms.
2. All second-story side (except at staircase) windows must have a minimum five-foot window sill height.
3. Integrate more hip-style roof or horizontal gable-style roof to closely match the roof form in the neighborhood.
4. Incorporate similar external building materials or design in the neighborhood into the building façade.

**Motion/Action:** Motion made by Planning Commissioner Anthony Becker and seconded by Planning Commissioner Steve Kelly to continue the project to a date not certain. The motion was unanimously approved by the Architectural Committee (2-0-0).



# 2892 Sycamore Way

**Staff Recommendation:**

**Motion/Action:** Motion to approve the current proposal, a new two-story residence with five bedrooms, three and a half bathrooms, and closed off entrances from the dining room and two ground floor bedrooms, was made by Planning Commissioner Steve Kelly, seconded by Planning Commissioner Anthony Becker and unanimously approved by the Architectural Committee (2-0-0-0).



**Meeting Date:** June 19, 2019

**File:** PLN2019-13808

**Location:** 2892 Sycamore Way, a 11,589 square foot lot at the southwest side of Sycamore Way before it turns into Bancroft Street; APN: 293-21-010; property is zoned Single-family Zoning District (R1-6L).

**Applicant:** Masoud Bashi

**Owner:** Lei Xu

**Request:** **Continued Architectural Review** of the proposed demolition of a 2,197 square foot four bedrooms and two bathrooms residence with an attached two-car garage, and construct a new 3,450 square foot two-story residence with five bedrooms, three and a half bathrooms, and an attached two-car garage. The item was continued from April 17, 2019 Architectural Committee meeting.

**CEQA Determination:** Categorical Exemption per CEQA Section 15303(a), New Construction or Conversion of Small Structures

**Project Planner:** Steve Le, Assistant Planner I

**Staff Recommendation:** **Approve**, subject to conditions

**Project Data**

Lot Size: 11,589			
	Existing Floor Area (sq. ft.)	Demolition/ Addition (sq. ft.)	Proposed Floor Area (sq.ft.)
First Floor	2197	-2197/2074	2074
Second Floor	n/a	1376	1,376
Porch cover	-	145.5	145.5
Garage	504		504
ADU First Floor	n/a	n/a	
ADU Second Floor	n/a	n/a	
Gross Floor Area	2,701	3,560	3,989.5
Lot Coverage	2,701/11,589= 23%		2855.5/11,589= 24.6%
F.A.R.	2,701/11,589= 0.23		3,989.5/11,589= .34
% of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor	n/a		1,376/2,578= 53.3%
Bedrooms/Baths	4/2.5	1/1	5/3.5

**Points for consideration for the Architectural Committee**

- The revised plans provide changes, listed below, that address the Architectural Committee's recommendations from the April 17, 2019 hearing.
  - Number of bathrooms was reduced to 3 ½ from the previous 5 ½.
  - All second-story windows on the two sides of the house were revised to have a five-foot window sills height.
  - Removed one of the gable roof to a hip roof to be more consistent with the second-story form of the neighborhood.
  - Added stone veneer to garage and porch columns to provide similar exterior features as other residences.

- One of the two balconies was removed in response to community concerns. The remaining balcony incorporate a five-foot solid wall on the south side to further prevent privacy concerns.
- The porch entry height is consistent with the Single-family Design Guideline with no more than two feet separation between the entry eave line and the first floor eave line.
- The second-story exterior walls have variety of step back from the exterior wall of the first floor to reduce mass and bulk.
- Should the project gets approved, the operation of short-term rental would stop during the months of construction period. The comprehensive zoning code update is anticipated for adoption in early 2020 with more detail on the limitation and requirements of short-term rental.
- Denial of the project would not provide any legal ground to cease the current operation of short-term rental because the City does not currently have regulations addressing this matter, and the use is not illegal under local, state, or federal law.
- There are no active City code enforcement cases for this property.
- 300-foot neighborhood notice was distributed for this project review.

### **Findings supporting the Staff Recommendation**

- 1) *That any off-street parking area, screening strips and other facilitates and improvements necessary to secure the purpose and intent of this title and the general plan of the City area a part of the proposed development, in that;*
  - The development provides two covered parking spaces on site with adequate driveway access.
- 2) *That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that;*
  - Public streets are adequate in size and design to serve the proposed single-family residence, and the use will not create a substantive increase in traffic.
  - Construction of a new single-family home will enhance the property and the neighborhood.
- 3) *That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City, in that;*
  - The Project Site is in a neighborhood with predominately ranch styles homes with one- and two-story height.
  - The Project is proposing to construct a new two-story ranch style residence while keeping within the scale and general building form of other residences in the neighborhood.
- 4) *That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development, and will not be materially detrimental to the public welfare or injuries to property or improvements in said neighborhood, in that;*
  - The project would be subject to the California Building Code and City Code requirements.
  - All second-story windows on the sides of the building have a minimum five-foot window sill height to prevent privacy concerns for adjacent neighbors.
  - The proposed balcony in the rear incorporate a five-foot solid wall on the south side to prevent privacy concerns for the adjacent neighbor to the south.

- 5) *That the proposed development, as set forth in the plans and drawings, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this title, in that;*
- The City's Design Guidelines require second floor area to not exceed 66% of the first floor area; the proposed second floor is 53% of the first floor and it is compatible in scale and form with other residences in the neighborhood.

**Conditions of Approval:**

- 1) Garage or carport shall be maintained clear and free for vehicle parking use at all times. It shall not be used as only storage.
- 2) Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage.
- 3) Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- 4) Rehabilitate the front yard landscaping between the fence and sidewalk. New landscape areas of 500 square feet or more or rehabilitated landscape areas of 2,500 square feet or more shall conform to the California Department of Water Resources Water Efficient Landscape Ordinance.
- 5) Developer/Owner is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- 6) Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- 7) Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits.

**Attachments:**

1. Revised Development Plans 6.19.19
2. Public Comments Received After 4.17.19

## 8.B. AC Post Meeting Materials

**From:** [Mayor and Council](#)  
**To:** [Gloria Sciara](#); [Reena Brilliot](#); [Andrew Crabtree](#); [Manuel Pineda](#); [Walter Rossmann](#)  
**Cc:** [Rebecca Elizondo](#); [Elizabeth Elliott](#); [Jose Armas](#)  
**Subject:** FW: [PLN2019-13808] Sycamore Way proposed new residence  
**Date:** Wednesday, April 17, 2019 11:44:18 AM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Hi there:

Please see the correspondence below received in the Mayor and Council Offices regarding Item 8.B. (PLN2019-13808) on this evening's Architectural Committee meeting agenda. This has been forwarded to the full City Council for their reference.

Cordially,

**GENEVIEVE YIP**

Mayor & Council Offices | City of Santa Clara  
1500 Warburton Avenue, Santa Clara, CA 95050  
Tel: 408-615-2250 | Email: [gyip@santacalaraca.gov](mailto:gyip@santacalaraca.gov)



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**From:** Jan Eurich [mailto:[jan@jecafe.com](mailto:jan@jecafe.com)]  
**Sent:** Wednesday, April 17, 2019 10:04 AM  
**To:** Mayor and Council  
**Subject:** [PLN2019-13808] Sycamore Way proposed new residence  
**Importance:** High

To whom it may concern,

Regarding the Public Meeting being held on Wednesday, April 17, 2019, at 6:00 PM:

My husband and I have lived at 2846 Sycamore Way, Santa Clara, for almost 40 years and the activities at 2892 Sycamore Way have not gone unnoticed.

Since the owners of this property have been in violation of the R-1 Zoning ordinance regarding single family homes, and it is no secret they are running a "hostel" type operation, why haven't they been cited as being in violation of the ordinance and this operation closed?

As a result of this "business," there is traffic congestion and lack of street parking in our once quiet neighborhood, different people around all the time and people sleeping in their cars on the street and in the house's driveway. We do not know who these "tenants" are, how long they will be staying or what they are doing here. Since this is a transient population, they are not adding anything to our family oriented neighborhood.

If the new construction is to create a larger facility for more beds, etc., and for the "business" to be left to continue without being cited and closed, then my husband and I urge the Architectural Committee to *deny this permit*.

Regards,

Cecelia and John Eurich  
2856 Sycamore Way  
Santa Clara, CA 95051

--

\*\*\*\*\*

Jan Eurich \* [jan@jeCafe.com](mailto:jan@jeCafe.com) \* 408-243-2404 \* 408-806-3523 (mobile)

\*\*\*\*\*

**From:** Aiden Kwon  
**To:** [Planning; Mayor and Council](#)  
**Subject:** 2892 Sycamore Way serious concern  
**Date:** Wednesday, April 17, 2019 6:59:34 AM

---

Greetings from 2862 Sycamore Way,  
We do have a serious concern about 2892 Sycamore Way.  
We felt unsafe, scared,  
and worried. We saw cars changing every day. I am 8 years old and is a student in John Sutter elementary, and when I was riding my bike, a really fast car went by and stopped in front of me. We think this is an AirBNB house. I saw loitering and people sleeping in their cars. This was happening since they started this illegal housing business. Isn't this house an R-1 (single family) Zone? Isn't this an violation of R-1 zoning? This is a dwelling house, not an AirBNB isn't it? They also have a serious sprinkler problem in the front yard. One of the sprinklers don't have a head so when sprinkler system works, water is spilled onto the curb, into the bay drain. Thank you

P.S click on link for picture of 2892 [https://www.zillow.com/homedetails/2892-Sycamore-Way-Santa-Clara-CA-95051/19598545\\_zpid/](https://www.zillow.com/homedetails/2892-Sycamore-Way-Santa-Clara-CA-95051/19598545_zpid/)

Sincerely,

-Aiden Kwon([aiden.kwon1201@gmail.com](mailto:aiden.kwon1201@gmail.com)) ;)

## 8.B. AC Post Meeting Materials

**From:** [Mayor and Council](#)  
**To:** [Gloria Sciara](#); [Reena Brilliot](#); [Andrew Crabtree](#); [Manuel Pineda](#); [Walter Rossmann](#)  
**Cc:** [Rebecca Elizondo](#); [Elizabeth Elliott](#); [Jose Armas](#)  
**Subject:** FW: 2895 Sycamore Way Proposing 5 bedroom/5 1/2 Bath Redevelopment  
**Date:** Wednesday, April 17, 2019 11:08:50 AM  
**Attachments:** [image001.png](#)

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Good morning:

Please see the correspondence below received in the Mayor and Council Offices regarding Item 8.B. (PLN2019-13808) on this evening's Architectural Committee meeting agenda. This has been forwarded to the full City Council for their reference.

Cordially,

**GENEVIEVE YIP**

Mayor & Council Offices | City of Santa Clara  
1500 Warburton Avenue, Santa Clara, CA 95050  
Tel: 408-615-2250 | Email: [gyip@santaclaraca.gov](mailto:gyip@santaclaraca.gov)



**From:** Ellen Veccia [<mailto:ellen.veccia3@gmail.com>]  
**Sent:** Tuesday, April 16, 2019 5:22 PM  
**To:** Planning; Mayor and Council  
**Subject:** 2895 Sycamore Way Proposing 5 bedroom/5 1/2 Bath Redevelopment

To Whom It May Concern,

I am vehemently opposed to allowing this "dwelling" to be expanded into an even larger commercial operation that it already is. Our property values will be negatively affected by the transient nature of this operation is NOT residential, it is clearly commercial. It also raises security concerns for the residents - especially children - in the neighborhood.

I am appalled this operation is allowed to continue even on the less expansive scope, let alone an even larger one. People sleeping in cars and loitering around the streets at night is not the neighborhood I bought into and have worked hard to maintain.

It is my hope that this proposal will be immediately rejected and the current operation will be shut down for code and zoning violations.

Sincerely,

Ellen M. Veccia PhD  
2809 Ponderoa Way  
Santa Clara, CA 95051



## 8.B. AC Post Meeting Materials

**From:** Qi Zhu  
**To:** [Planning](#)  
**Subject:** Concerns about PLN2019-13808  
**Date:** Tuesday, April 16, 2019 8:23:06 PM

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Dear Sir/Madam,

I'm writing this email to express my concerns about this proposal:  
PLN2019-13808 related to this property: 2892 Sycamore Way, Santa Clara, 95051.

This property has been used as "Airbnb" style which violets the current zoning ordinance for single family use. As a result of this, I have observed congested parking and some very strange cars parked in front of my house, which makes me feel unsafe. The current proposal would make this case even worse.

As a neighbor lives nearby, I like this peaceful community and I'm asking for your help to keep it peaceful and safe.

Please disapprove the current proposal and correct the usage for the property mentioned above.

Thank you,  
Qi

## 8.B. AC Post Meeting Materials

**From:** Jiang Wang  
**To:** [Planning; Mayor and Council](#)  
**Subject:** Opposition to the 2892 Sycamore Way 5 Bedroom 5 1/2 Bath Reconstruction  
**Date:** Tuesday, April 16, 2019 8:36:58 PM

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Hi,

I live very close to 2892 Sycamore Way. The building is currently used as a very short-term rental like AirBnb without any regulation or management. This already violates the zoning ordinance and it already seriously affected the life of the neighbors.

I strongly oppose the reconstruction plan of this house as a result! Moreover, I think we need to stop people from running this business that violates the zoning ordinance.

Thanks.

Best Regards,

Jiang Wang

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Google Research

Tel: (+1)-312-730-6055

[wangjiangb@gmail.com](mailto:wangjiangb@gmail.com)

homepage: <http://users.eecs.northwestern.edu/~jwa368/>

## Steve Le

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**From:** Matt & Jerie Campi <campi@prodigy.net>  
**Sent:** Friday, June 07, 2019 9:32 PM  
**To:** Steve Le  
**Cc:** Mike Fales; Mary Smoker; Joe Garcia; Marjory Bauman  
**Subject:** 2893 Sycamore

Hi Steve,

I have been watching for the agenda to be posted for the June 19 Architectural Review meeting. I would like to know if 2892 Sycamore is scheduled for that meeting.

As suggested by Steve Kelly, the owner, Jane, did bring 2 sets of plans to the neighbors. One with 4 1/2 bathrooms and the other with 3 1/2 bathrooms. The neighbors all would like to see 3 1/2 bathrooms, just as the Architectural committee suggested. We also discussed the balconies, both the depth (one is over 8' deep) and the outside walls. Neighbors on either side definitely want a solid 6' side, while Jane suggested a 5' lattice. We also were firm in a minimum 5' window sill height on the upstairs side windows. Jane asked for lower height sills with obscure glass. The neighbors explained our concern that it is quite easy to pop window glass out and change it to clear in the future, and that if she was ever to move, this could happen. We also pointed out the side windows in any existing 2 story in our neighborhood.

Please let me know when the agenda will be posted and if you know if 2892 Sycamore is on it.

thank you,  
Jerie Campi

## Steve Le

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**From:** Gloria Sciara  
**Sent:** Wednesday, May 01, 2019 8:57 AM  
**To:** Steve Le  
**Subject:** FW: Concerns about PLN2019-13808

Steve

Please add to file. And copy for next hearing. Thanks

---

**From:** Mayor and Council  
**Sent:** Wednesday, April 17, 2019 11:13 AM  
**To:** Gloria Sciara <GSciara@santaclaraca.gov>; Reena Brilliot <RBrilliot@SantaClaraCA.gov>; Andrew Crabtree <ACrabtree@SantaClaraCA.gov>; Manuel Pineda <MPineda@SantaClaraCA.gov>; Walter Rossmann <WRossmann@SantaClaraCA.gov>  
**Cc:** Rebecca Elizondo <RElizondo@SantaClaraCA.gov>; Elizabeth Elliott <EElliott@santaclaraca.gov>; Jose Armas <JArmas@santaclaraca.gov>  
**Subject:** FW: Concerns about PLN2019-13808

Good morning:

Please see the correspondence below received in the Mayor and Council Offices regarding Item 8.B. (PLN2019-13808) on this evening's Architectural Committee meeting agenda. This has been forwarded to the full City Council for their reference.

Cordially,

**GENEVIEVE YIP**

Mayor & Council Offices | City of Santa Clara  
1500 Warburton Avenue, Santa Clara, CA 95050  
Tel: 408-615-2250 | Email: [gyip@santaclaraca.gov](mailto:gyip@santaclaraca.gov)



**City of  
Santa Clara**  
*The Center of What's Possible*

**From:** Qi Zhu [<mailto:jeffrey.zhuqi@gmail.com>]  
**Sent:** Tuesday, April 16, 2019 8:26 PM  
**To:** Mayor and Council  
**Subject:** Concerns about PLN2019-13808

Dear Sir/Madam,

I'm writing this email to express my concerns about this proposal:  
PLN2019-13808 related to this property:  
2892 Sycamore Way, Santa Clara, 95051.

This property has been used as "Airbnb" style which violets the current zoning ordinance for single family use. As a result of this, I have observed congested parking and some very strange cars parked in front of my house, which makes me feel unsafe. The current proposal would make this case even worse.

As a neighbor lives nearby, I like this peaceful community and I'm asking for your help to keep it peaceful and safe.

Please disapprove the current proposal and correct the usage for the property mentioned above.

Thank you,  
Qi

## Steve Le

---

**From:** Planning  
**Sent:** Monday, April 22, 2019 3:56 PM  
**To:** Anthony Becker; Lance Saleme; Steve Kelly  
**Cc:** Gloria Sciara; Steve Le  
**Subject:** Post Meeting Material - FW: Feedback on 2892 Sycamore Way

Hello,

The following email below was received in the planning inbox for the Architectural Committee members.

Regards,

**Rebecca Elizondo** | Office Specialist  
Community Development Department | Planning Division  
1500 Warburton Avenue | Santa Clara, CA 95050  
Office: 408-615-2450 | Direct: 408-615-2469



---

**From:** Gregory Niven [mailto:gregniven@live.com]  
**Sent:** Saturday, April 20, 2019 11:23 AM  
**To:** Planning <Planning@santaclaraca.gov>  
**Subject:** Feedback on 2892 Sycamore Way

Dear Architecture Committee members,

I wanted to add my voice to the neighbors who are extremely concerned and alarmed about what is happening at 2892 Sycamore Way.

I was not able to attend the meeting as I was out of town on April 17 (this past Wednesday).

The person who owns that house is running a "Hacker House", which is even advertised on AirBnb. I have put a sample web link here to show what is happening:  
[https://www.airbnb.com/rooms/28962483?location=Santa%20Clara%2C%20CA%2C%20United%20States&adults=1&check\\_in=2019-04-24&check\\_out=2019-04-28&guests=1](https://www.airbnb.com/rooms/28962483?location=Santa%20Clara%2C%20CA%2C%20United%20States&adults=1&check_in=2019-04-24&check_out=2019-04-28&guests=1)

The owner has this room divided into multiple beds per room, creating parking issues and transient guest issues in what is otherwise a really great, family oriented neighborhood. It is simply not respectful to the area to have 10 transient people living in this house. I don't mind if they had it rented out for normal permanent use, but the owner cannot be trusted.

As you may now, we already have a problem family who runs a lawn care business out of their house (on the corner of Cedar and Pruneridge) that parks 7 to 10 work trucks on the street each night.

Best regards,

Greg Niven

Mobile: +1-408-636-6375

## Steve Le

---

**From:** Andrew Crabtree  
**Sent:** Thursday, April 18, 2019 7:26 PM  
**To:** Steve Le  
**Subject:** Fwd: regarding home improvement on 2892 sycamore way santa clara

Get [Outlook for Android](#)

---

**From:** Mayor and Council  
**Sent:** Thursday, April 18, 2019 5:16:38 PM  
**To:** Mayor and Council; Gloria Sciara; Reena Brilliot; Andrew Crabtree; Manuel Pineda; Walter Rossmann  
**Cc:** Rebecca Elizondo; Elizabeth Elliott; Jose Armas  
**Subject:** FW: regarding home improvement on 2892 sycamore way santa clara

Hi there:

The Mayor and Council Offices received the correspondence below regarding Item 8.B. (PLN2019-13808) on last night's Architectural Committee meeting agenda. This has been forwarded to the full City Council for their reference.

Cordially,

**GENEVIEVE YIP**

Mayor & Council Offices | City of Santa Clara  
1500 Warburton Avenue, Santa Clara, CA 95050  
Tel: 408-615-2250 | Email: [gyip@santaclaraca.gov](mailto:gyip@santaclaraca.gov)



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**From:** Jiong Chen [mailto:[jiongjc@hotmail.com](mailto:jiongjc@hotmail.com)]  
**Sent:** Thursday, April 18, 2019 1:39 PM  
**To:** Planning; Mayor and Council  
**Subject:** regarding home improvement on 2892 sycamore way santa clara

To the planning committee,

Hello,

My name is Jiong Chen and I am the owner of 2837 sycamore way, santa clara. I received a notice that the owner of 2892 sycamore way, santa clara way who is running 18 bed hostel on their location. The owner is planning the demolition and turn their property to a even larger hostel and the case was present to the planning committee on 4.17.2019.



As a neighbor in this community, I have strong concern of the safety, the congest parking as well as the loitering problems due to this expanding and I strongly oppose this home improvement on 2892 sycamore way, santa clara.

Sincerely,  
Jiong



GRADING and DEMO NOTES:

1. CONTACT PUBLIC WORKS, FOR DRAINAGE AND FINAL GRADE INSPECTION, WHICH INCLUDES DRAIN LINES AND ROOF DRAINS/DOWN SPOUTS.
2. ALL PUBLIC IMPROVEMENTS MUST BE COMPLETED PRIOR TO OCCUPANCY.
3. CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL AND INSURING THE AREA ADJACENT TO THE WORK IS LEFT IN A CLEAN CONDITION.
4. THE CONTRACTOR SHALL REVIEW STD. DETAIL 6-4 ON TREE PROTECTION PRIOR TO ACCOMPLISHING ANY WORK OR REMOVING ANY TREES.
5. UTILIZE BEST MANAGEMENT PRACTICES (BMP'S), AS REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, FOR ANY ACTIVITY, WHICH DISTURBS SOIL.
6. ALL NEW ELECTRICAL SERVICE (POWER, PHONE, AND OR CABLE) SHALL BE UNDER GROUND.
7. TO INITIATE RELEASE OF BONDS, CONTACT THE PUBLIC WORKS INSPECTOR FOR FINAL INSPECTION.
8. ALL DOWNSPOUTS TO BE RELEASED TO THE GROUND SURFACE, DIRECTED AWAY FROM BUILDING FOUNDATIONS AND DIRECTED TO LANDSCAPE AREAS.
9. PRIOR TO BEGINNING ANY WORK WITHIN THE PUBLIC RIGHT OF WAY, THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING AN ENCROACHMENT PERMIT FROM THE PUBLIC WORKS DEPARTMENT.
10. PROVIDE MIN. 5% GRADE SLOPE AWAY FROM FOUNDATION FOR A MIN. DISTANCE OF 10 FEET MEASURE PERPENDICULAR TO THE FACE OF THE WALL. WITH EXCEPTION:
  - a. IF BUILDING SITE DOES NOT ALLOW 10 FEET OF SLOPE, INDICATE THE INSTALLATION OF DRAINS OR SWALES TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE.
  - b. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION

TREE PROTECTION NOTES:

11. (E) DRAINAGE SHALL REMAIN THROUGHOUT CONSTRUCTION.
1. A PLOT PLAN SHALL BE PREPARED DESCRIBING THE RELATIONSHIP OF PROPOSED GRADING AND UTILITY TRENCHING TO THE TREES DESIGNATED FOR PRESERVATION. CONSTRUCTION AND GRADING SHOULD NOT SIGNIFICANTLY RAISE OR LOWER THE GROUND LEVEL BENEATH TREE DRIP LINES. IF THE GROUND LEVEL IS PROPOSED FOR MODIFICATION BENEATH THE DRIP LINE, THE ARCHITECT/ARBORIST SHALL ADDRESS AND MITIGATE THE IMPACT TO THE TREE(S).
2. ALL TREES TO BE PRESERVED ON THE PROPERTY AND ALL TREES ADJACENT TO THE PROPERTY SHALL BE PROTECTED AGAINST DAMAGE DURING CONSTRUCTION OPERATIONS BY CONSTRUCTING A FOUR-FOOT-HIGH FENCE AROUND THE DRIP LINE, AND ARMOR AS NEEDED. THE EXTENT OF FENCING AND ARMORING SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT. THE TREE PROTECTION SHALL BE PLACED BEFORE ANY EXCAVATION OR GRADING IS BEGUN AND SHALL BE MAINTAINED IN REPAIR FOR THE DURATION OF THE CONSTRUCTION WORK.
3. NO CONSTRUCTION OPERATIONS SHALL BE CARRIED ON WITHIN THE DRIP LINE AREA OF ANY TREE DESIGNATED TO BE SAVED EXCEPT AS IS AUTHORIZED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT.
4. IF THE TRENCHING IS REQUIRED TO PENETRATE THE PROTECTION BARRIER FOR THE TREE, THE SECTION OF TRENCH IN THE DRIP LINE SHALL BE HAND DUG SO AS TO PRECLUDE THE CUTTING OF ROOTS. PRIOR TO INITIATING ANY TRENCHING WITHIN THE BARRIER APPROVAL BY STAFF WITH CONSULTATION OF AN ARBORIST SHALL BE COMPLETED.
5. TREES WHICH REQUIRE ANY DEGREE OF FILL AROUND THE NATURAL GRADE SHALL BE GUARDED BY RECOGNIZED STANDARDS OF TREE PROTECTION AND DESIGN OF TREE WELLS.
6. THE AREA UNDER THE DRIP LINE OF THE TREE SHALL BE KEPT CLEAN. NO CONSTRUCTION MATERIALS NOR CHEMICAL SOLVENTS SHALL BE STORED OR DUMPED UNDER A TREE.
7. FIRES FOR ANY REASON SHALL NOT BE MADE WITHIN FIFTY FEET OF ANY TREE SELECTED TO REMAIN AND SHALL BE LIMITED IN SIZE AND KEPT UNDER CONSTANT SURVEILLANCE.
8. THE GENERAL CONTRACTOR SHALL USE A TREE SERVICE LICENSEE, AS DEFINED BY CALIFORNIA BUSINESS AND PROFESSIONAL CODE, TO PRUNE AND CUT OFF THE BRANCHES THAT MUST BE REMOVED DURING THE LANDSCAPE ARCHITECT/ARBORIST WITH APPROVAL OF STAFF.
9. ANY DAMAGE TO EXISTING TREE CROWNS OR ROOT SYSTEMS SHALL BE REPAIRED IMMEDIATELY BY AN APPROVED TREE SURGEON.
10. NO STORAGE OF CONSTRUCTION MATERIALS OR PARKING SHALL BE PERMITTED WITHIN THE DRIP LINE AREA OF ANY TREE DESIGNATED TO BE SAVED.
11. TREE PROTECTION REGULATIONS SHALL BE POSTED ON PROTECTIVE FENCING AROUND TREES TO BE PROTECTED.

LEGEND:



2nd FLOOR  
PROPERTY LINE  
BLDG 1st FLOOR FOOTPRINT LINE  
BLDG 2nd FLOOR FOOTPRINT LINE

2 SITE PLAN  
1/8" = 1'-0"



21000 HOMESTEAD RD. SUITE 180  
CUPERTINO, CA 95014  
TEL: (408) 708-1234  
EMAIL: OFFICE@GOLDENGATEGROUP.COM

RESIDENTIAL :  
2892 Sycamore Way, Santa  
Clara, CA 95051

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR ACCURACY AND COMPLIANCE WITH THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT ARISE OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE REPORTED TO THE GOLDEN GATE GROUP IMMEDIATELY. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY UNEXPECTED CONDITIONS UNLESS THEY ARE INDICATED ON THE DRAWINGS. IF THE CONTRACTOR DISCOVERS SUCH CONDITIONS, HE SHALL BE PROCEEDING AT HIS OWN RISK.

BASED UPON THE DRAWINGS AND SPECIFICATIONS FOR THE RECONSTRUCTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, WE HEREBY CERTIFY THAT WE SHALL NOT RELEASE THE CONTRACTOR FROM PERFORMING SUCH LIMITED OR UNRESOLVED DETAILS OF THE WORK AS NOT FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

SITE CONDITIONS: AS CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY CONDITIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF DETECTING THE WORK IF VIOLATION, DISCREPANCY OR OMISSION.

BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS AND DETAILS, THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOT BE RELEASED FROM THE DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM GOLDEN GATE GROUP AND DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.

NO.	DESCRIPTION	DATE	BY
1			

PROGRESS

BUILDING OWNER APPROVAL DATE:	DESIGNER ARCH SIGNATURE DATE:
RESIDENTIAL	

SITE PLAN			
NORTH	DATE	PROJECT	SCALE
DRAWN	CKD BY	FLOOR	A0.1



**RESIDENTIAL :**  
2892 Sycamore Way, Santa  
Clara, CA 95051

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE GOLDEN GATE GROUP INC DESIGN'S ATTENTION IMMEDIATELY DO NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PROCEEDING AT HIS OWN RISK.

OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS OR THE MISDESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS CUSTOMARILY REFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MIS-DESCRIBED DETAILS OF THE WORK AS FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE

**DRAWINGS AND SPECIFICATIONS.** SITE CONDITIONS. ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK IF VARIATION, DISCREPANCY OR OMISSION.

**BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY GOLDEN GATE GROUP INC. DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM GOLDEN GATE GROUP INC. DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.**

1	ISSUED FOR -	06-12-2004	
NO	DESCRIPTION	DATE	BY

DESCRIPTION
PROGRERSS

_____ BUILDING OWNER APPROVAL DATE: _____	_____ DESIGNER / ARCH. SIGNATURE DATE: _____
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RESIDENTIAL

## DEMOLITION PLAN

NORTH	DATE	PROJ.NO	SCALE	DRAWING
	08/20/18	1-018	1/8" = 1'-0"	A1.0
	DRAWN	CKD.BY	FLOOR	



**RESIDENTIAL:**  
2892 Sycamore Way, Santa  
Clara, CA 95051

ALL WORK DESCRIBED IN THE DRAWINGS SHALL BE VERIFIED FOR DIMENSION, GRADE, EXTENT AND COMPATIBILITY TO THE EXISTING SITE. ANY DISCREPANCIES AND UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE GOLDEN GATE GROUP DESIGN'S ATTENTION IMMEDIATELY. IT SHALL NOT PROCEED WITH THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO HE SHALL BE PROCEEDING AT HIS OWN RISK.

SITE CONDITIONS: All CONTRACTORS and SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELEASE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK IF VARIATION, DISCREPANCY OR OMISSION (BETWEEN THE INTENT OF THESE CONTRACT DOCUMENTS AND THE EXISTING CONDITIONS ARE FOUND, THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY GOLDEN GATE GROUP INC. DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM GOLDEN GATE GROUP INC. DESIGN PRIOR TO PROCEEDING WITH ANY RELATED WORK.


1	ISSUED FOR: -	16-03-2016	
NO	DESCRIPTION	DATE	BY

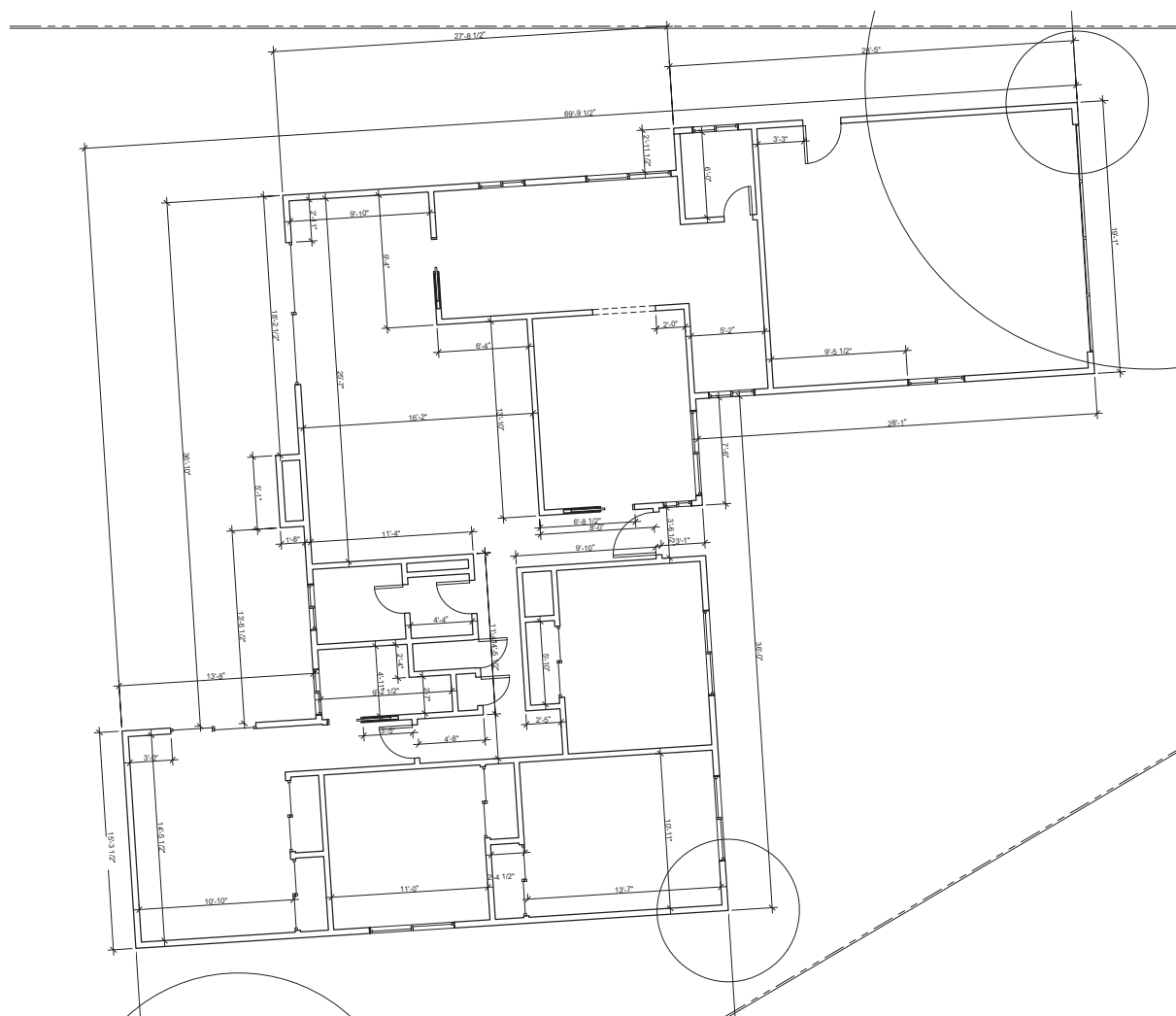
IPROGRERSS

BUILDING OWNER APPROVAL DATE:		DESIGNER / ARCH. SIGNATURE DATE:
CLIENT/TENANT APPROVAL DATE:		

RESIDENTIAL

EXISTING FLOOR PLAN

NORTH	DATE	PROJ.NO	SCALE	DRAWING
	11/07/16	1-018	1/2" = 1'-0"	A1.1
	DRAWN	CKD.BY	FLOOR	
NA	NA			



## WALL

## INTERIOR ENVIRONMENT

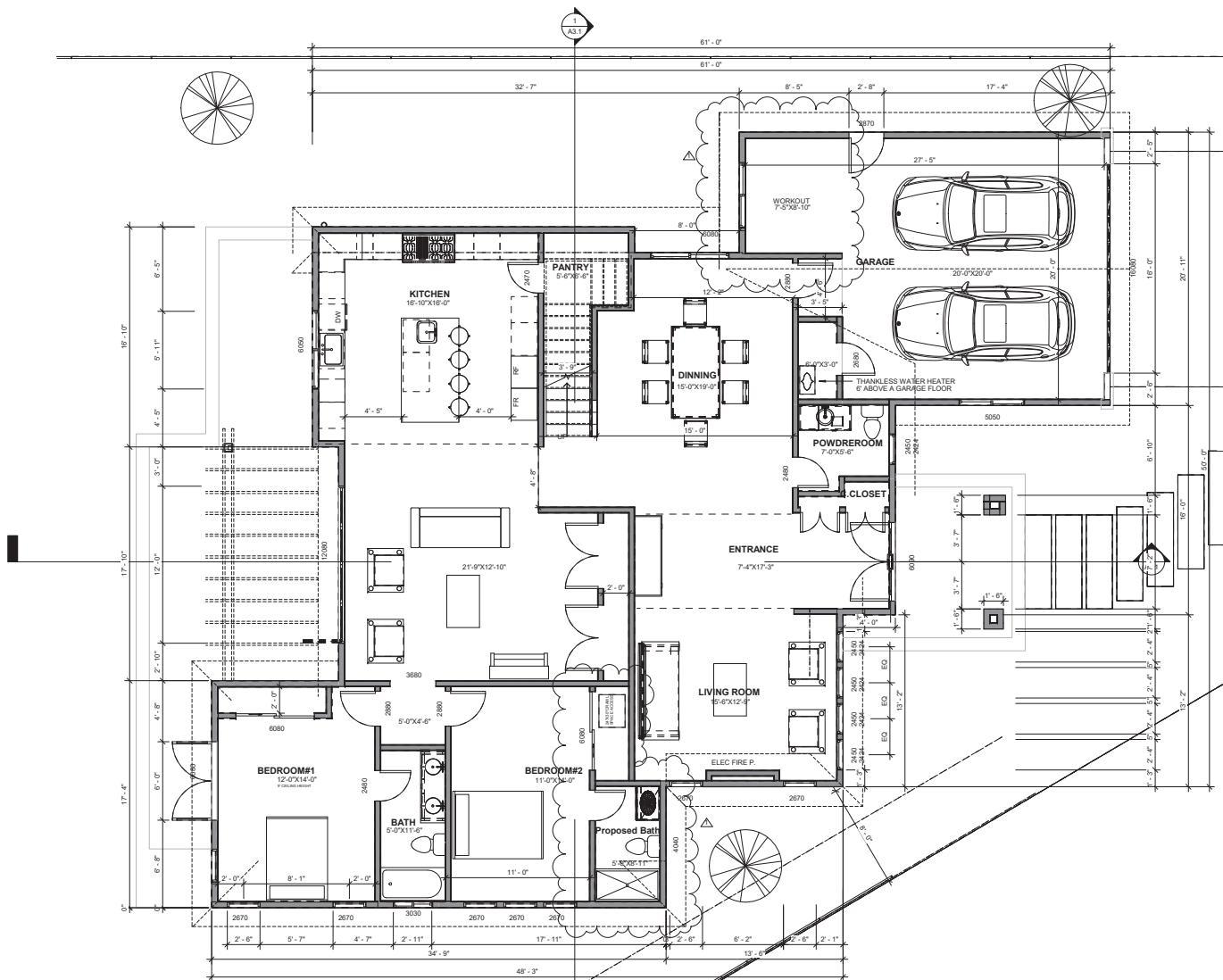
1. UNDER-FLOOR VENTILATION SHALL BE NOT LESS THAN 1/150 OF UNDER FLOOR AREA. (R408.1)

## BUILDING ENVELOPE

1. DAMPPROOFING, WHERE REQUIRED, SHALL BE INSTALLED WITH MATERIALS AND AS REQUIRED IN SECTION R408.1.

2. PROTECTION OF WOOD AND WOOD BASED PRODUCTS FROM DECAY SHALL BE PROVIDED IN THE LOCATIONS SPECIFIED PER SECTION R317.1 BY THE USE OF NATURALLY DURABLE WOOD OR WOOD THAT IS PRESERVATIVE-TREATED IN ACCORDANCE WITH AWPA U1 FOR THE SPECIES, PRODUCT, PRESERVATIVE AND END USE. PRESERVATIVES SHALL BE LISTED IN SECTION 4 OF AWPA U1.

① EXISTING FLOOR PLAN-  
1/4" = 1'-0"



1 PROPOSED FLOOR PLAN  
1/4" = 1'-0"

## LEGEND:



21060 HOMESTEAD RD SUITE# 180  
CUPERTINO, CA 95014  
TEL: (408) 708-1234  
EMAIL: GYG@GOLDENGATEGROUP.COM

**RESIDENTIAL :**  
2892 Sycamore Way, Santa  
Clara, CA 95051

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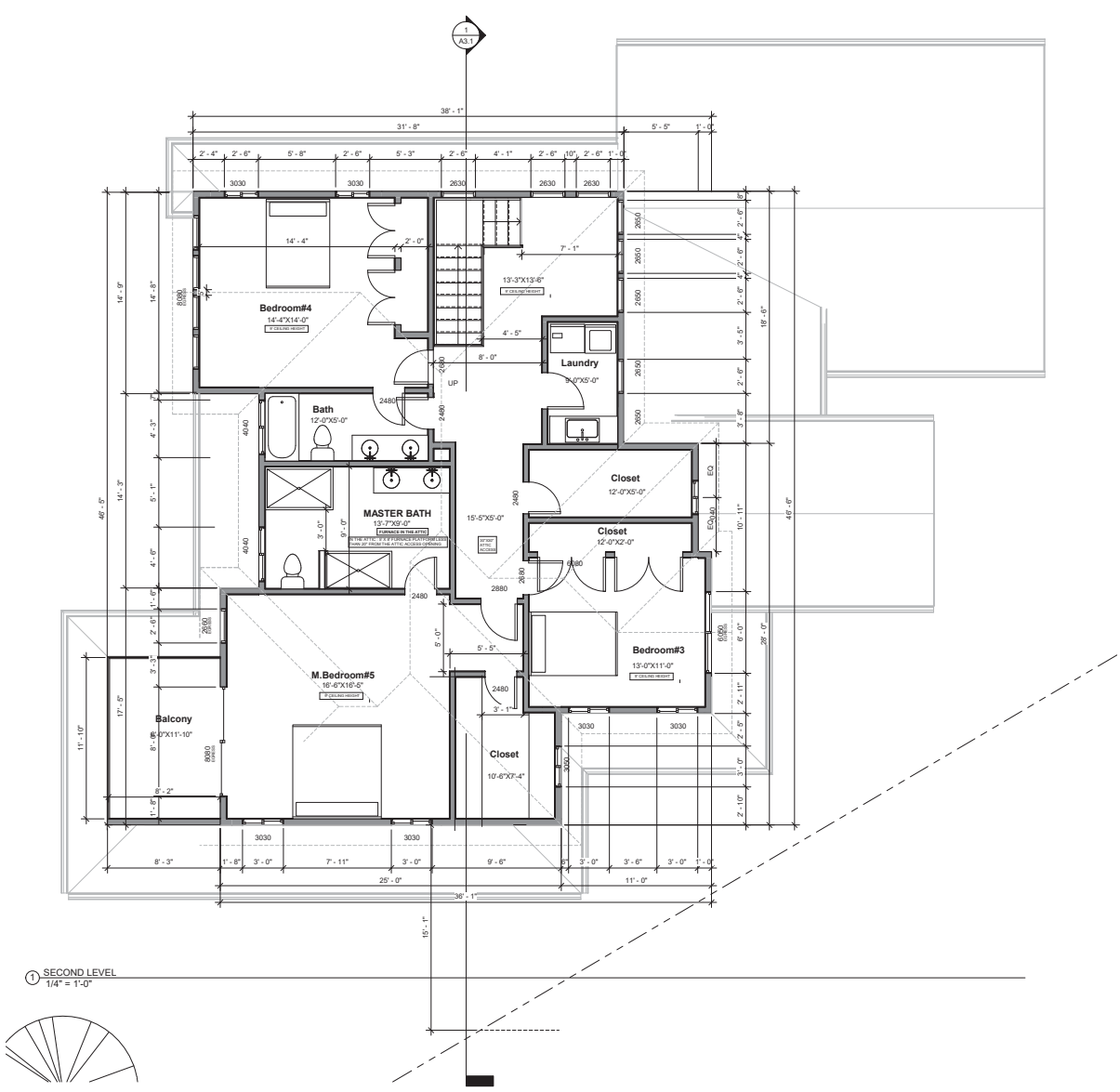
NO.	DESCRIPTION	DATE	BY
1	PROPOSED BATHROOM	July 26	
2	WORKOUT	July 26	

## PROGRESS

BUILDING OWNER APPROVAL DATE:	CLIENT/ARCHITECT APPROVAL DATE:
----------------------------------	------------------------------------

## RESIDENTIAL

PROPOSED FLOOR PLAN			
NORTH	DATE	PROJECT NO.	SCALE
DRAWN	CHECKED	FLOOR	A1.2



① SECOND LEVEL  
1/4" = 1'-0"

LEGEND:



21060 HOMESTEAD RD SUITE# 180  
CUPERTINO, CA 95014  
TEL: (408) 708-1234  
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**RESIDENTIAL :**  
2892 Sycamore Way, Santa Clara, CA 95051

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THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO THE WORK DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

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NO.	DESCRIPTION	DATE	BY
1			

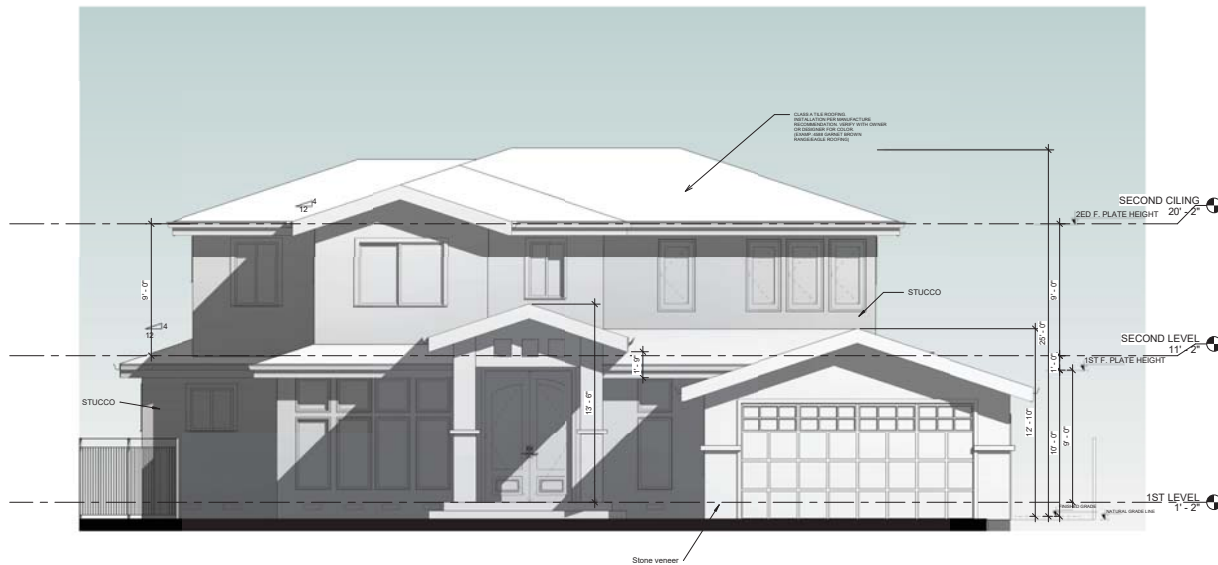
PROGRESS

BUILDING OWNER APPROVAL DATE:	CLIENT/ARCHITECT APPROVAL DATE:	REVISOR: ARCH. SIGNATURE DATE:
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RESIDENTIAL

PROPOSED SECOND FLOOR				
NORTH	DATE	PROJECT	SCALE	DRAWING
DRAWN	CHK'D	FLOOR		A1.3





① FRONT ELEVATION  
1/4" = 1'-0"



② BACK ELEVATION  
3/16" = 1'-0"



21060 HOMESTEAD RD SUITE# 180  
CUPERTINO, CA 95014  
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Clara, CA 95051

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NO.	DESCRIPTION	DATE	BY
1			

#### PROGRESS

BUILDING OWNER APPROVAL DATE:	CLIENT/ARCHITECT APPROVAL DATE:	RESIDENTIAL ARCHITECT SIGNATURE DATE:
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#### RESIDENTIAL

#### EXTERIOR ELEVATIONS

NORTH	DATE	PROJECT	SCALE	DRAWING





21060 HOMESTEAD RD SUITE# 180  
CUPERTINO, CA 95014  
TEL: (408)-708-1234  
EMAIL: OFFICE@GOLDENGATEGROUP.COM

RESIDENTIAL :  
2892 Sycamore Way, Santa  
Clara, CA 95051

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DISCREPANCIES FROM THE DRAWINGS AND SPECIFICATIONS OR THE MISDESCRIPTION OF THE WORK WHICH IS IMMEDIATELY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS OTHERWISE REQUIRED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMISSIONS OR MISDESCRIPTIONS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.

SITE CONDITIONS, ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELIEVE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK FROM VARIATION, DISCREPANCY OR OMISSION.

THE INTENT OF THESE CONTRACT DOCUMENTS AND THE CONTRACTOR'S OBLIGATION TO FOLLOW THE CONTRACTOR'S DESIGN IN WRITING AND OBTAIN WRITTEN RESOLUTION FROM GOLDEN GATE GROUP INC DESIGN PRIOR TO PROCEEDING WITH ANY PRELIMINARY WORK.

NO.	DESCRIPTION	DATE	BY
1			

#### PROGRESS

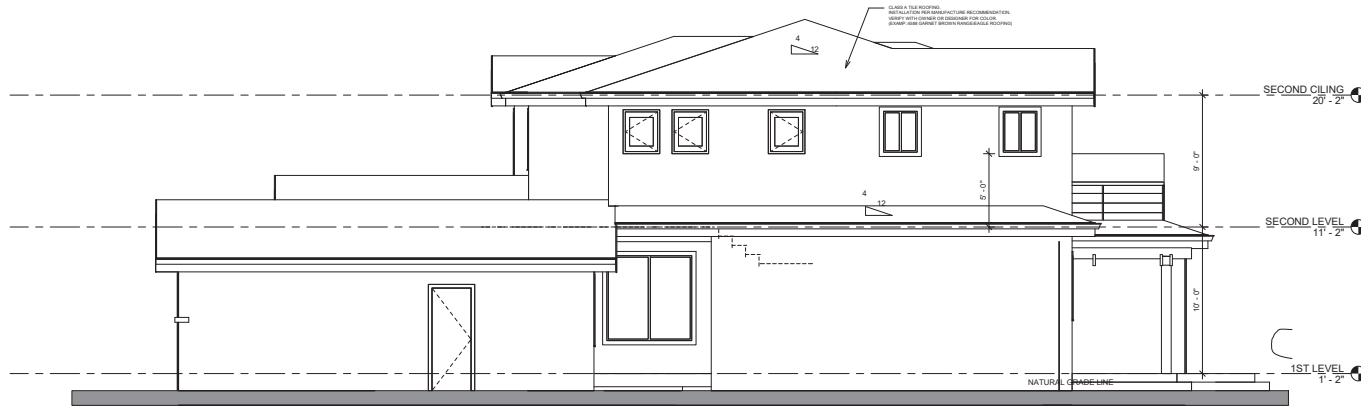
BUILDING OWNER APPROVAL DATE:	RESIDENTIAL ARCH. SIGNATURE DATE:
CLIENT/TERMINAL APPROVAL DATE:	

#### RESIDENTIAL

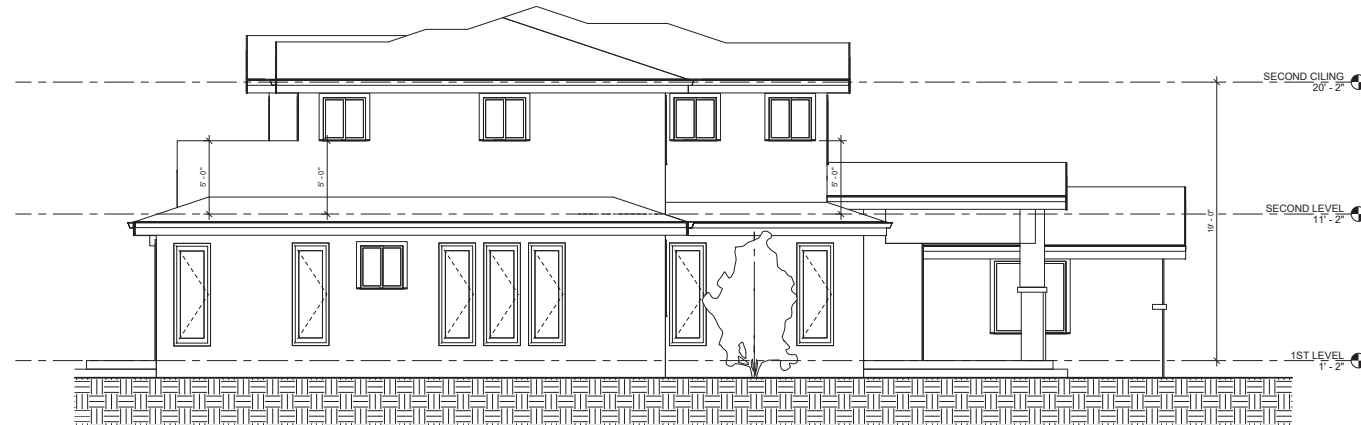
#### EXTERIOR01 ELEVATIONS

NORTH	DATE	PROJECT	SCALE	DRAWING

DRAWN	CHECKED	FLOOR	A2.2



1 NORTH ELEVATION  
1/4" = 1'-0"



2 SOUTH ELEVATION  
1/4" = 1'-0"



**RESIDENTIAL :**  
2892 Sycamore Way, Santa  
Clara, CA 95051

[illegible]

NO	DESCRIPTION	DATE	BY
1			

## PROGRESS

BUILDING OWNER APPROVAL DATE: _____   CLIENT/TENANT APPROVAL _____	_____ DESIGNER / ARCH. SIGNATURE
--	-------------------------------------

RESIDENTIAL

## SECTIONS

SECTIONS				
NORTH	DATE	PROJ.NO	SCALE	DRAWING
	05/10/14	1-003	1/2" = 1'-0"	A3.0
	DRAWN	CKD.BY	FLOOR	



Existing View



Front Rendering View



21060 HOMESTEAD RD SUITE# 180  
CUPERTINO, CA 95014  
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CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CUPERTINO. THE CONTRACTOR SHALL NOT RELY ON THE ARCHITECT FOR OBTAINING SUCH PERMITS OR APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CUPERTINO. THE CONTRACTOR SHALL NOT RELY ON THE ARCHITECT FOR OBTAINING SUCH PERMITS OR APPROVALS.

SITE CONDITIONS, ALL CONTRACTORS AND SUB-CONTRACTORS SHALL VERIFY DIMENSIONS AND CONDITIONS AT THE SITE PRIOR TO COMMENCEMENT OF THEIR WORK. FAILURE TO DO SO SHALL NOT RELIEVE THEM FROM THE RESPONSIBILITY OF ESTIMATING THE WORK. A VARIATION ORDER MAY BE REQUIRED.

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF GOLDEN GATE GROUP ARCHITECTURAL & CONSTRUCTION. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION WITHOUT THE WRITTEN PERMISSION OF GOLDEN GATE GROUP ARCHITECTURAL & CONSTRUCTION IS STRICTLY PROHIBITED.

NO.	DESCRIPTION	DATE	BY
1			

PROGRESS

BUILDING OWNER APPROVAL DATE:	RESIDENTIAL ARCH. SIGNATURE DATE:

RESIDENTIAL

MATERIAL & STREET VIEW

NORTH	DATE	PROJECT	SCALE	DRAWING

DRAWN: CKD BY: FLOOR: A4.1

EXTERIOR MATERIAL SCHEDULE

TITLE	TYPE	INFO
ROOF	TILE ROOFING	US TILE/ CARMEL BLEND
SIDING	STUCCO	SMOOTH/BEIGE
EXTERIOR TRIM	SQR. EDGE - 4" HT. X 2" DPT.	DECORAMOULD/WHITE
CLOUMAN	STONE VENEER	VERSETTA STONE VENEER
GARAGE DOOR	vinyl	Garage Door Windows Decals
DOOR	Feather River Doors	BROWN COLOR
WINDOWS	MILGARD	TUSCANY /BROWN

STUCCO



TILE ROOFING



versetta stone veneer



GARAGE DOOR



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SANTA CLARA, CALIFORNIA TO SUSTAIN THE  
APPEAL AND MODIFY THE ARCHITECTURAL COMMITTEE  
APPROVAL FOR A NEW SINGLE-FAMILY RESIDENCE ON  
THE PROPERTY LOCATED AT 2892 SYCAMORE WAY,  
SANTA CLARA, CALIFORNIA**

PLN2019-13972 (Architectural Committee Appeal)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS  
FOLLOWS:**

**WHEREAS**, Lei Xu, (“Applicant”) filed an application for architectural approval of a development proposal on a 11,589 square foot lot at 2892 Sycamore Way (“Project Site”);

**WHEREAS**, the General Plan designation for the Project Site is Very Low Density Residential and the zoning designation is Single Family Residential (R1-6L);

**WHEREAS**, the proposal is to allow for the demolition of a 2,197 square foot four bedrooms and two bathrooms residence with an attached two-car garage, and construct a new 3,450 square foot two-story residence with five bedrooms, four and a half bathrooms, an attached two-car garage, and exterior access for garage, front entrance, Bedroom #1, and rear entrance (“Project”), as shown on the development plan, attached hereto as “Development Plan” and incorporated herein by this reference;

**WHEREAS**, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15303(a) (Class 3 - New Construction or Conversion of Small Structures), in that the Project involves the demolition of the existing house and construction of a new 3,450 square foot single-family house;

**WHEREAS**, the Project was presented at a publicly noticed meeting on June 19, 2019, and following public testimony, the Architectural Committee approved the demolition of the existing

residence and construction of a new two-story residence with five bedrooms, three and a half bathrooms, attached two-car garage, and limit exterior access to three entrances: front, rear and garage;

**WHEREAS**, Santa Clara City Code ("SCCC") Section 18.76.020 sets forth the architectural review process by the City's Architectural Committee;

**WHEREAS**, if the decision of the Architectural Committee is appealed pursuant to SCCC Section 18.76.020(h), within seven days of the decision, the Planning Commission will conduct an appeal hearing;

**WHEREAS**, the City received an appeal of the Architectural Committee's approval of the Project on June 26, 2019;

**WHEREAS**, the Planning Commission held a duly noticed public meeting on August 14, 2019 to consider the appeal.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby sustains the appeal filed by the appellant of the Architectural Committee approval of the proposal granted on June 19, 2019 and modifies the Architectural Committee's approval to allow construction of the Project, as shown in the Development Plans attached hereto.
3. That pursuant to SCCC Section 18.76.020, the Planning Commission determines that the following findings exist to support modifying in part the architectural approval and justify sustaining this appeal:
  - A. That any off-street parking area, screening strips and other facilitates and improvements necessary to secure the purpose and intent of this title and the general plan of

the City area a part of the proposed development, in that the proposed project provides the required two covered parking spaces on site.

B. That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that there is no intensification of use that would cause increased traffic congestion or hazards.

C. That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the general plan of the City, in that the proposed project is located in a neighborhood with other one- and two-story homes within the 300 feet radius from the project site; the two-story houses within the 300 feet radius were approved with traditional architecture; the proposed project is an improvement to the existing home; and the proposed project is replacing an existing two-story home with a new two-story home designed similar in scale and form as other two-story homes in the neighborhood.

D. The granting of this approval, as modified in part, will not materially affect adversely the health, comfort of general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements, in that the proposed project provides privacy designs such as incorporating five foot window sill height for second-story side-facing windows and five foot wall on the south side of the second-story balcony; and the proposed project is in compliance with the all standards of the Zoning Code.

E. The proposed development, as set forth in the plans and drawings, is consistent with the City's Single-Family Residential Design Guidelines, in that the proposed project integrate hip-style roof structure to be more consistent in the roof form as other residences; the

project incorporate stone veneer to the garage and porch columns to provide similar exterior features in the neighborhood; the project is consistent with the style of homes on this block; and the proposed project would not result in more than 66 percent of second floor to first floor living area.

3. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission modifies in part the Architectural Review Committee's approval of the architectural design of the proposed development as set forth herein and sustains the appeal.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 14TH DAY OF AUGUST, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plan

I:\PLANNING\2019\Project Files Active\PLN2019-13972 2892 Sycamore Way (Appeal of AC)\PC\PC Reso - 2892 Sycamore Way.doc