

**SANTA CLARA CITY PLANNING COMMISSION
SPECIAL MEETING MINUTES
2603 Santa Clara Drive
Thursday, November 9, 2021**

Present: Curtis Whitehead, Acting Chair
James Call
Shelly Harris
Ryan Anderson

Staff: Jim McNulty, City Planner
Selena Nez, Permit Technician
Cody Mitchell, Building Official

Excused: Marv Wilson
Mark Hendrickson
Mark Weston

1. Call to Order.

In the absence of Chair Mark Weston, Curtis Whitehead assumed the Chair called the meeting to order at 5:30 p.m.

2. Opening Ceremony.

Acting Chair Whitehead offered the invocation and led the Pledge of Allegiance.

3. Communications and Appearances.

A. General Citizen Communication.

There were no citizen comments.

4. Working Agenda:

A. Public Hearings.

1. No Items.

5. General Business.

A. No Items.

6. Discussion Items.

A. Chapter 17.28: Requirements for Walls and Fences.

City Planner, Jim McNulty reported that there have been questions and differing interpretations regarding Chapter 17.28: Requirements for Walls and Fences. As a result, a revision was needed to make it clear and consistent for homeowners and developers. The issue was discussed during a Work Meeting with the City Council on November 3, 2021. Building Official, Cody Mitchell explained that the ordinance needs to follow the Code and the fencing ordinance should match the development standards.

Mr. Mitchell explained that the standard privacy wall is six feet in height, but the Mayor, City Council, and City Manager have all been receiving requests to allow property owners to build a nine-foot wall. The current ordinance limits walls to six feet in height unless written consent is given by the neighboring property owner. The ordinance can be changed so that if the wall is moved inside the owner's property line, the nine-foot wall could be built. The neighboring property owner's written permission would only be required if the wall was built on the shared property line. If that permission is denied, the wall can be no taller than six feet. Mr. McNulty clarified that a property owner is not allowed to build a nine-foot wall unless there is a difference in grade. He clarified that a property owner cannot create a man-made grade just to get the nine-foot height. Any wall that is planned to exceed four feet in height from the footing to the top is required to go to engineering. Any wall or fence that measures over seven feet tall from the bottom of the fence to the top is also required to go to engineering.

Commissioner Anderson asked about an area where there are six to eight-foot-tall concrete retaining walls along the side of the road. He asked about future owners purchasing the lots above the walls. He asked if the property owners would be placing six-foot wrought iron fences on top of those walls. Mr. Mitchell stated that they might, but it would not be within their purview to approve a fence outside the one-to-one slope. There would be a clause requiring it to go back to the Planning Commission for review. Mr. McNulty agreed and stated that any fence that exceeds nine feet in height would come before the Planning Commission. Mr. Mitchell stressed that since it is not possible to write an ordinance that applies to every situation, anything that falls outside the usual parameters would be passed on to the Planning Commission for review.

Commissioner Harris asked if there were any plans to eliminate the language that measures the walls from the bottom of the footer to the top of the fence. Mr. Mitchell responded that the language is actually going to be strengthened. Staff has been asked by the Mayor to follow Code. A permit is not required for a retaining wall that measures four feet or less from the bottom of the footing to the top of the wall. Mr. Mitchell explained said property owners would be strongly urged to come in for review to avoid building a fence that they then have to modify. Mr. McNulty noted that property lines are a civil matter. He stated that property owners should have their property surveyed before putting up a fence if they are not absolutely certain of where the property line is.

Mr. Mitchell discussed contradictions in the Pool Code. He noted that the Commercial Code requires pool barriers to be six feet. However, the International Pool and Spa Code, which Santa

Clara will adopt, specifies that a residential pool only requires a four-foot wall. Mr. McNulty reported that language is also being considered that states that a powered pool cover that is rated for foot traffic may be used in lieu of a barrier. Mr. McNulty preferred both a barrier and a cover.

Commissioner Call pointed out that a tall wall, depending on the material it is made of, can look like a cold, imposing barrier, which can be off-putting. Mr. McNulty agreed and stated that landscaping can help soften that.

Acting Chair Whitehead asked if there would be any specifications on fencing materials. Mr. Mitchell explained that the City Council decided to refrain from regulating finish styles and materials. The fencing materials to be installed should be listed in a fencing application to prevent potentially unsightly items from being installed. Mr. Mitchell also stated that materials could be mixed so there could be two or three feet of wrought iron on top of a four-foot wall, for example.

Acting Chair Whitehead inquired about shrubs and hedges. Mr. Anderson stated that with some walls, he would feel more comfortable recommending them if there was landscaping to soften the appearance. Mr. McNulty commented that shrubs and hedges would be better suited for the landscaping section, which will also be reviewed.

Mr. McNulty stated that the revisions to Chapter 17.28 will be brought back to the Planning Commission as a public hearing item, since they involve a change to City code. He added that ordinances for drought-tolerant, water-efficient landscaping, and lower water usage were being considered and may be brought before the Planning Commission in the near future.

7. Approval of Minutes.

A. Request Approval of the October 14, 2021, Regular Meeting Minutes.

Commissioner Harris moved to approve the minutes of the October 14, 2021, Regular Meeting, with the correction that the sentence at the top of page 6, “Mr. Carlson reported that clay would be used,” be corrected to state, “Mr. Carlson reported that piers would be used.” Commissioner Call seconded the motion. The motion passed with the unanimous consent of the Commission.

8. Adjournment

The Planning Commission Meeting adjourned at 6:34 p.m.

Jim McNulty

Jim McNulty
City Planner

Approved: December 9, 2021