

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA DENYING THE
MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT
AT 3225 STEVENS CREEK BOULEVARD.**

PLN2024-00392 (Conditional Use Permit)

WHEREAS, on July 27, 2016, the Planning Commission of the City of Santa Clara approved a Conditional Use Permit (PLN2015-11350) for the operation of a car dealership located at 3225 Stevens Creek Boulevard (“Project Site”);

WHEREAS, Conditions P6 and P19 of the existing Use Permit require that trash pickups occur on Stevens Creek Boulevard, and not on Cecil Avenue;

WHEREAS, on September 9, 2024, David Zamora & Reza Soleimany (“Applicant”), on behalf of Monar LLC (“Owner”), filed an application to modify the existing Conditional Use Permit (“Project”) to change Planning Conditions P6 & P19 to allow the operation of existing roll-up doors during business hours to facilitate trash pick-up on Cecil Avenue;

WHEREAS, the Project Site is currently zoned Regional Commercial (“C-R”) and has a General Plan land use designation of Regional Commercial;

WHEREAS, the Santa Clara City Code requires that any request to modify an existing Conditional Use Permit be reviewed by the Review Authority that originally approved the discretionary permit;

WHEREAS, the Project is not subject to review under the California Environmental Quality Act per CEQA Guidelines Section 15270(a), which provides that CEQA does not apply to projects that a public agency rejects or disapproves;

WHEREAS, on May 8, 2025, the notice of public hearing for the May 21, 2025, Planning Commission meeting was mailed to property owners within a 500 foot radius of the Project Site boundaries; and

WHEREAS, on May 21, 2025, the Planning Commission held a duly noticed public hearing to consider the application to modify an existing Conditional Use Permit and all pertinent information

in the record, during which the Planning Commission invited and considered any, and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT 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 denies the proposed modification of the existing Conditional Use Permit, which would have allowed the operation of the existing roll-up doors fronting Cecil Avenue during Business Hours to facilitate waste collection for the Project Site.
3. The Planning Commission takes this action because the Commission is unable to make the finding required by SCCC Section 18.150.140.A related to the modification request:
 - a. "Circumstances under which the permit or approval was granted have been changed to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the modification or revocation." The Commission is unable to make this finding because of the following reasons:
 - i. The site's waste can be safely picked up on Stevens Creek Boulevard by following the correct administrative procedures ("redlining the curb").
 - ii. The constraint is not unique to this site, as no other commercial property fronting Cecil Avenue get their waste picked-up on Cecil Avenue.
 - iii. The waste management company ("Mission Trail") is operating their garbage trucks on Stevens Creek Boulevard currently and the addition of this site on their operating schedule as originally intended won't undermine the general welfare if the correct administrative procedures are followed.

iv. The required findings for these conditions can be met due to the conditions on the ground.

4. 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 13TH DAY OF AUGUST, 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
AFSHAN HAMID, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. None