

RESOLUTION NO. _____

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

PLN2024-00392 (Conditional Use Permit)

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

WHEREAS, on September 9, 2024, David Zamora & Reza Soleimany (“Applicant”), on behalf of Monar LLC (“Owner”), filed an application to modify an existing Conditional Use Permit (“Project”) to change Planning Division conditions 6 and 19 to allow the operation of existing roll-up doors during business hours to facilitate trash collection on Cecil Avenue for an existing car dealership located at 3225 Stevens Creek Boulevard (“Project Site”);

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

WHEREAS, the Project proposes to modify Planning Division conditions 6 and 19 to allow the existing roll-up doors fronting Cecil Avenue to be used during business hours to facilitate waste collection where currently waste is being required to be collected on Stevens Creek Boulevard; and,

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, which in this case is the Planning Commission;

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act per Section 15305 – Minor Alterations in Land Use Limitations (Class 5), which applies to minor alterations in the land use limitations as long as it doesn’t change the density or land use;

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 approves the modification of the existing Conditional Use Permit to allow the operation of the existing roll-up doors fronting Cecil Avenue during Business Hours to facilitate waste collection for the Project Site subject to modified Conditions of Approval, attached hereto by this reference.
3. Pursuant to SCCC Code Section 18.150.040, the Planning Commission hereby finds that the 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.
 - a. Specifically, Finding “D” of the 2016 Resolution approving the car dealership was that the dealership “is in keeping with the purposes and intent of the Zoning Code, in that auto sales and services, including vehicle prep are permitted uses” in the applicable zone, and because the dealership “is designed such that it does not adversely impact the surrounding areas.” Part of that design was the

condition requiring that the roll-up doors fronting Cecil remained closed most of the time. However, that aspect of the design is no longer necessary to avoid impacting the surrounding uses, because:

- i. The trash picked up restriction under Planning Division conditions 6 and 19 create an unreasonable constraint to the site’s waste management.
- ii. The constraint is unique to this site as future development abutting Cecil Avenue has been allowed to get their trash collected from this street.
- iii. The waste management company (“Mission Trail”) is operating their collection trucks on Cecil Avenue currently and changing these conditions will not generate additional noise pollution since they already operate on this street.
- iv. These conditions are no longer necessary 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 21 DAY OF MAY 2025, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

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

Attachments Incorporated by Reference:

1. Modified Conditions of Conditional Use Permit Approval