



Planning and Inspection Department

Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Ph: (408) 615-2450

Appeal Form

Instructions

Use this form to appeal a decision of the Architectural Review Committee or Planning Commission. **All appeals must be filed in the Planning Division within seven calendar days of the action being appealed.**

Appeals from the Architectural Review Committee are made to the Planning Commission and will be set for hearing on the next available Planning Commission agenda. Appeals from the Planning Commission are made to the City Council and will be placed on the subsequent City Council Agenda to set a hearing date. Please contact the Planning Division at the number listed above with any inquiries about the process.

Please print, complete, and sign this form before mailing or delivering to the City, along with the fee payment, and supporting documentation, letters, etc. (if any).

Appeal Fees

Appeal Fees are set by the Municipal Code of the City of Santa Clara and are subject to annual review. Please call the Planning Division for the current Appeal Fee. **Fee payment must be received by the City of Santa Clara before this form submittal can be certified as complete.**

Appeal fees may be paid by cash, check, or with VISA, MasterCard, or American Express, at the Permit Center at City Hall. Alternatively, checks or money orders made payable to City of Santa Clara can be mailed or delivered to Planning Division, City Hall, 1500 Warburton Avenue, Santa Clara, California 95050.

Appellant Declaration

Name: _____

Street Address: _____

City, State, Zip Code: _____

Phone number: _____

E-mail address: _____

In accordance with the provisions of the Municipal Code of the City of Santa Clara, I hereby appeal the following action of the:

☐ Architectural Review Committee ☐ Planning Commission

at it's meeting of _____.
(date)

Agenda Item No.: _____

File No.(s): _____

Address:/APN(s): _____

Appellant Statement

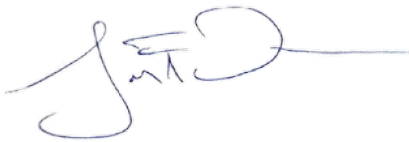
(If more space is required, attach a separate sheet of paper.)

Action being appealed:

Reason for Appeal:

Certification of Authenticity

Beware, you are subject to prosecution if you unlawfully submit this form. Under penalty of law, transmission of this form to the City of Santa Clara is your certification that you are authorized to submit it and that the information presented is authentic.



Signature of Appellant
John F. Domingue for Monar, LLC per
8.28.28 Property Owner Authorization

Date

August 20, 2025

Santa Clara City Council
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Santa Clara Subaru – Application Appeal

I. Introduction

This appeal is submitted by the Subaru dealership property owner, Monar LLC (“Monar”). The Planning Commission denied Monar’s modest request to conform garbage pickup to what the garbage company (Mission Trail) wants, and to have such pickup match every other business on the same block.

The Planning Commission heard Monar’s request at its regular meeting on August 13, 2025, as Agenda Item No. 25-717, File No. PLN24-00392. Monar requested modifications to just two planning conditions within its Conditions of Rezone and Use Permit (File No. PLN2015-11350 – the “CUP”). Monar sought to change just a few words within conditions P6 and P19 to allow solid waste and recycling to be collected from Cecil Avenue just like all of the neighboring businesses (otherwise, garbage would need to be picked up on Stevens Creek Boulevard, which Mission Trail states is unsafe).

At the meeting, the Planning Commission voted to make no changes to the CUP, and thus denied Monar’s application to allow garbage pickup on Cecil Avenue. By all indications, the Planning Commission either confused the request with other modifications being heard at the same time, or overly focused comments from a couple neighboring homeowners who misleadingly suggested that allowing garbage collection on Cecil Avenue would compromise “the safety, comfort, and peace of its residents.” This is entirely untrue because all of the neighboring businesses *already* have their garbage picked up on Cecil Avenue. Approving Monar’s modification request to the CUP would merely retain the existing practice—the weekly pickup would stay entirely the same and would secure the safety of Mission Trail employees (who say that pickup on Stevens Creek Boulevard is dangerous).

II. Prior Proceedings and the City Staff Report

Monar’s application first came before the Planning Commission on May 21, 2025. The Planning Commission heard from the City of Santa Clara, then Monar’s representative, David Zamora, and finally, public comment from a few residents living on Cecil Avenue. Mr. Zamora addressed a few questions from the Commission, mostly involving the mechanics of how the proposed trash pickup would impact the local residents (no impact whatsoever) and whether any

silicon valley | east bay | lake tahoe

465 N. Santa Cruz Ave.
Los Gatos, CA 95030

3201 Danville Boulevard
Suite 172
Alamo, CA 94507
please use this address for mailing

150 Alpine Meadows Road
Alpine Meadows, CA 96146
do not mail to this address

alternative pickup options were viable. After this, the Commission took public comment from the local residents.

Four supposed residents spoke, and each were each given two minutes to provide statements on why they believed the proposed change to allow Mission Trail to pick up trash on Cecil Avenue would negatively impact their neighborhood. At the conclusion of all this, the Commission expressed an inclination to deny Monar's application (which formally occurred at a follow-up, private action at the Commission's August 13, 2025 meeting).

The Commission's decision on the application was particularly surprising given the City of Santa Clara Staff Report to the Commission on the matter. The Staff Report first notes that Monar's request was made at the urging of the City, itself, to resolve the issue of Monar's garbage that was then being transferred to a neighbor for discard and pickup (on Cecil Avenue). The Staff Report then notes that oil and fluid pickup are already happening once a week on Cecil Avenue. Next, the Staff Report noted that under a CEQA study, it was found that noise pollution along Cecil Avenue was slightly high, which resulted in some mitigations such as keeping roll-up doors closed between 10:00 p.m. and 7:00 a.m., and limiting their use during business hours. According to the Staff Report, these mitigations *do not include* stopping garbage pickup on Cecil, which happens just once per week.

Next, the Staff Report noted that the CUP precluding trash pickup for Monar "created a unique situation for this project site as it is **the only commercial property along Cecil Avenue that does not have solid waste and recycling collected from Cecil Avenue.**" (emphasis added) Further, the Staff Report notes that a recent conditional use permit issued for another dealership along Cecil Avenue allows pickup on Cecil Avenue.

The Staff Report then concluded that the elements for modification of a conditional use permit (under Santa Clara City Code Chapter 18.150) had been satisfied, and the staff recommended that the Commission "**adopt a resolution approving a Conditional Use Permit for the modification of existing conditions of approval to allow solid waste and recycling collection from Cecil Avenue for the property located at 3225 Stevens Creek Boulevard.**" In support of this conclusion, the Staff Report notes the following:

- The solid waste and recycling collection restriction under Planning Division conditions 6 and 19 creates an unreasonable constraint to the site's waste management.
- The constraint is unique to this site as similar development abutting Cecil Avenue has been allowed to get their solid waste and recycling collected from this street for recent projects.
- The waste management company (Mission Trail) operates their collection trucks on Cecil Avenue currently and modifying these conditions will not generate additional noise pollution.
- These conditions are no longer necessary due to the conditions on the ground.

The full Staff Report, with exhibits, is attached as **Exhibit A**.

III. The Original CUP Restriction on Cecil Garbage Pickup Was a Mistake

In looking at the background of the particular conditions at issue prohibiting garbage pickup on Cecil, it becomes apparent that they were mistakenly included. As referenced above and in the Staff Report, Cecil Avenue was the subject of a study in 2015 looking at the growth of auto-oriented commercial businesses along Stevens Creek Boulevard (which runs parallel to Cecil Avenue). This study determined that there was an above-normal amount of noise pollution for a residential neighborhood, and suggested certain mitigations. Later, a Mitigation Monitoring and Reporting Program was created with the intent of lowering noise pollution along Cecil Avenue. As a part of this Mitigation Monitoring and Reporting Program, the Planning Commission approved a list of Conditions for Approval which, among other things, included adding restrictions to the use of the roll up doors located along Cecil Avenue. But, as noted by the City staff in their Staff Report, these mitigations did not include the prohibition on Cecil Avenue garbage pickup because that does not minimize noise (the mitigations focused on actual noise-creating conditions such as roll up doors staying open for hours on end allowing business and Stevens Creek Boulevard noise to pass through to Cecil Avenue). Apparently by mistake (because it does not reduce noise), the CUP for Monar included language in P6 and P19 to prevent garbage pickup along Cecil Avenue. A carbon-copy conditional use permit issued to a neighboring dealership afterward did not contain this exclusion further showing the Monar restriction to be a mistake (and one that does not serve to reduce noise pollution).

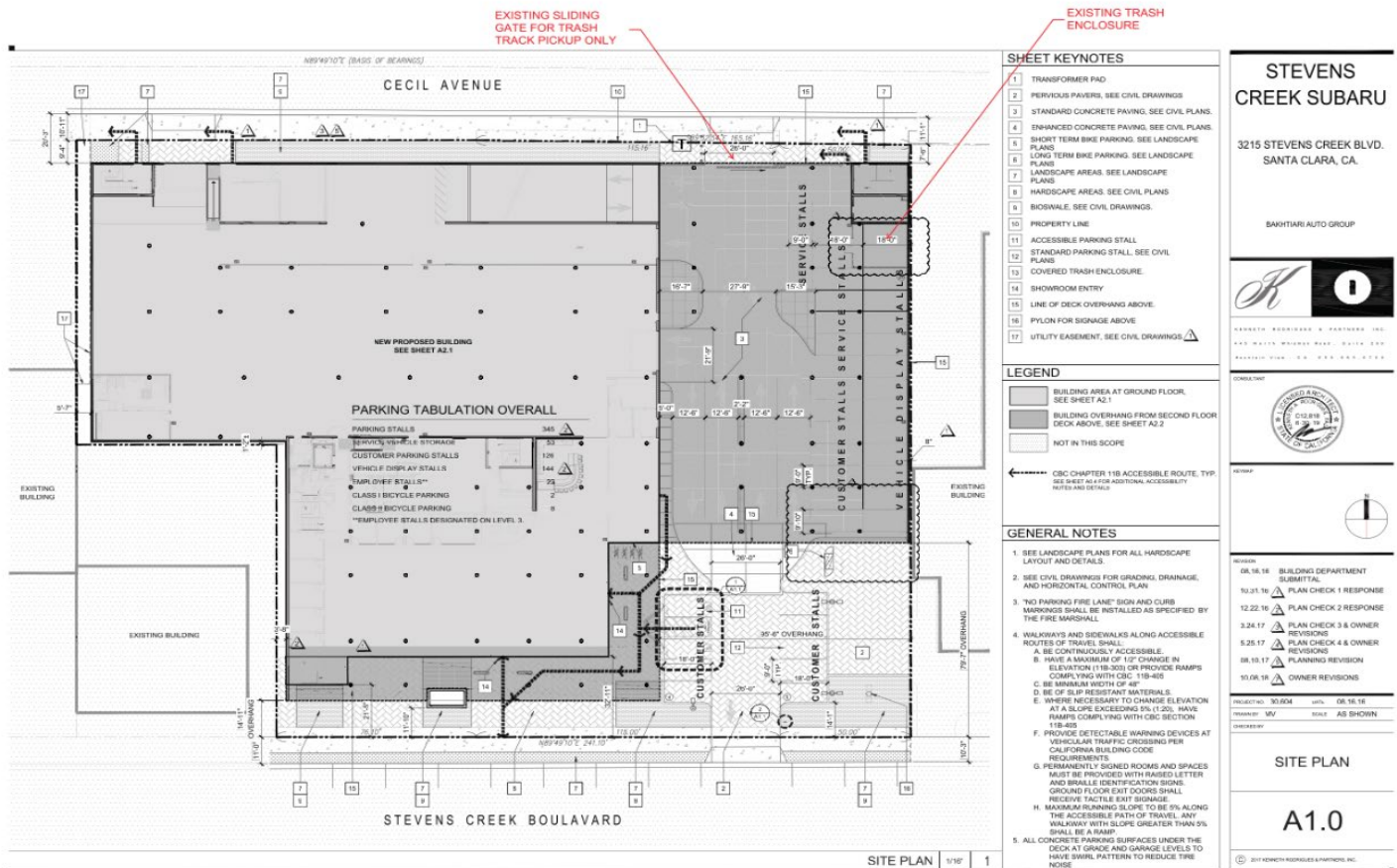
IV. Monar's Application

On September 9, 2024, Monar submitted an application to the Planning Commission of the City of Santa Clara for a "Conditional Use Permit to modify existing conditions of approval (condition P6 & P19) to allow trash to be picked up at Cecil Avenue for the existing Subaru dealership."

Monar has attached as **Exhibit B** the CUP with Monar's proposed substantive modifications (shown with underlined language to be added and strike-throughs of the language to be deleted). Monar seeks to add language that the roll up door can be used as it is now, plus "to facilitate the collection of waste." Language in both P6 and P19 inconsistent with this addition is struck through and slated for deletion from the CUP. This is the essence of Monar's appeal.¹

With Monar's original application, it uploaded site plans to the City of Santa Clara portal identifying the requested pickup location. For convenience, this site plan and notice of development plans (that were posted on the Monar property for the public's visibility and awareness) are shown below:

¹ Within the Staff Report, there is also discussion of CUP conditions P8 and P20 about employee parking instructions and use of generator-powered car washing machines. The Planning Commission voted not to change these other conditions. Monar is *not* seeking to appeal the Planning Commission's decision on P8 and P20, which will therefore remain as is.



On May 15, 2025, a Notice of Public Hearing was posted at Monar's Subaru dealership notifying local residents that material related to Monar's request would be heard on May 21, 2025, and public comment would be open for interested parties.

On May 21, 2025, the Planning Commission meeting took place in which the Planning Commission ultimately said Monar's application for a Conditional Use Permit would be denied (and the formal denial was done on August 13, 2025). As noted above, during the meeting, Mr. Zamora gave a presentation showing the trash pickup recommendation. The Commission was permitted to ask questions following both presentations to help clarify any misunderstandings. Public comment was then opened, at which point a few residents of Cecil Avenue came forward to provide their concerns with the proposed change in the CUP.

Thereafter, a recommendation to deny was made by one of the Commission members but it was unclear to what it related exactly (because there was also the proposed CUP changes mentioned in the footnote above about employee parking instructions and washing machines). So the Santa Clara Assistant City Attorney, Jennifer Beyers, clarified to the Planning Commission that "the intent of the application was to change the location of the waste and recycling

collection, so to the extent the recommendation is outside of that scope, I would recommend reopening public comment, giving the applicant an opportunity to speak on it as well.” (Planning Commission Meeting, 2:52:52.)

Ms. Beyers then made an additional statement for consideration indicating that there was not a resolution prepared for denial at the time of the meeting, so it was recommended to the Planning Commission that the motion be modified to bring back a resolution of intent to deny at the following meeting. This recommendation was adopted, which permitted the Commission to vote to deny Monar’s application at the meeting, but allowed for the City of Santa Clara staff to prepare a written resolution on the findings by the Commission and summarize the items discussed in consideration of Monar’s application. This report was then set to be brought back during the next meeting as a consent item to be approved in form by the Commission on August 13, 2025, which triggered this timely appeal on August 20, 2025. (Planning Commission Meeting, 2:55:11.) Based upon the history, and Ms. Beyer’s comments at the May 21, 2025 meeting, it appears very possible that Monar’s request was lumped in for an *en masse* denial (with the other items the Commission actually wanted to deny) when it should have been considered separately and possibly approved consistent with the Staff Report recommending approval.

On August 13, 2025, the Planning Commission held a meeting to discuss several items, including the proposed resolution to deny Monar’s application. This action item, number 1.C 25-717, appeared on the meeting agenda prior to the meeting, with a recommendation that the Planning Commission “Adopt a Resolution Denying the Modification of an Existing Conditional Use Permit that would have allowed solid waste and recycling to be collected from Cecil Avenue for the existing Subaru Dealership.” At the Planning Commission meeting, Commissioner Biagini made a motion to adopt the resolution as proposed in the meeting agenda, which was seconded by Commissioner Bouza. Ultimately, the motion was passed on a vote of 5 to 1, with only Commissioner Qian Huang voting against the proposed motion. There does not appear to have been further discussion on the matter at that time.

V. SOLID WASTE AND RECYCLING PICKUP RELOCATION

A. Legal Standard

A Conditional Use Permit may be modified or revoked pursuant to Santa Clara City Code Chapter 18.150. This chapter allows for modification when the “[c]ircumstances 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.”

B. Location of Collection Activity

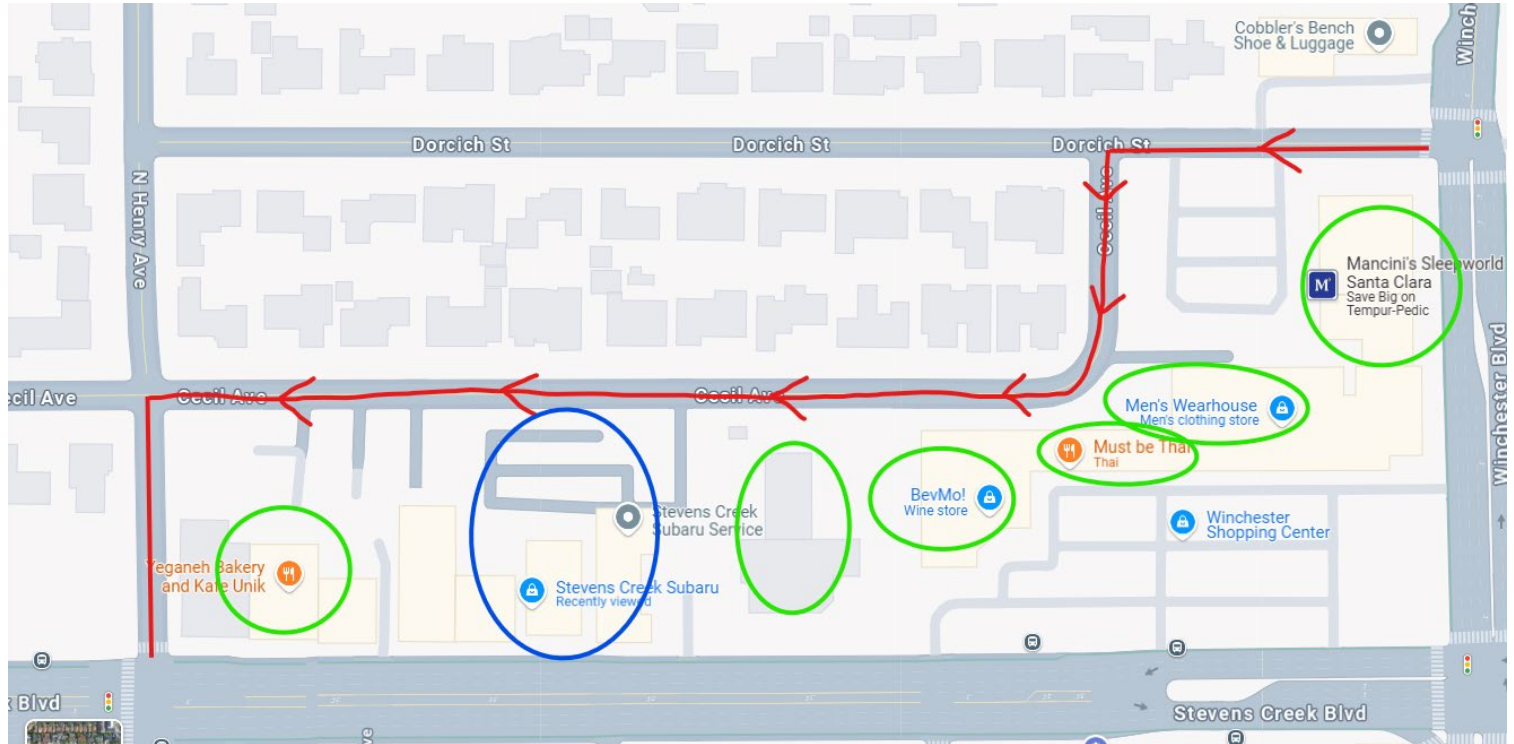
Monar’s Subaru dealership has an official address of 3225 Stevens Creek Boulevard, San Jose, California. The dealership is a large building, and the parcel on which it is located stretches the entire width of the city block, meaning the rear of the parcel is located on Cecil Avenue in San Jose. Monar’s Subaru is bordered on both sides with several other commercial

businesses, including the new Lincoln dealership that is currently under construction. The opposite side of Cecil Avenue is lined with residential homes. A vicinity map is included below to show the layout of the area. The blue "X" identifies the Subaru dealership location, and the green circles are the homes of the Cecil Avenue individuals who signed an opposition to Monar's application.



C. Current Garbage Pickup

Mission Trail is the garbage pickup company and for all of the businesses along Cecil Avenue. Mission Trail picks up once per week on Cecil Avenue (as noted by the City staff in the Staff Report). This has even included the garbage from Monar's Subaru dealership, which went into a dumpster emptied by Mission Trail on Cecil Avenue. Every business and conditional use permit before and after the Monar CUP provided for trash pickup on Cecil. This is how Mission Trail will pick up garbage regardless of the outcome of this appeal. Denying this appeal will not lessen the noise or trash pickup activities already happening on Cecil Avenue. A photo below depicts Mission Trail's current trash pickup route.



As shown in the photo above, Mission Trail's collection route runs behind the Subaru dealership and continues along Cecil Avenue to service other nearby commercial properties. This route is followed once per week, consistent with standard waste collection schedules. Identified in green are the existing commercial businesses that currently have their solid waste and recycling collected from Cecil Avenue—Yeganeh Bakery, Stevens Creek Lincoln, BevMo, Must be Thai, Men's Wherehouse, and Mancini's Sleep World.

Under the current conditions of approval, the Subaru dealership (circled in blue) is the *only* commercial property in the area excluded from trash and recycling collection on Cecil Avenue. Notably, the Subaru dealership already has its oil and fluids picked up weekly from Cecil Avenue, demonstrating that service infrastructure is in place. For what can only be explained as a mistake, particularly with a more recent conditional use permit allowing Cecil Avenue garbage pickup, Monar's Subaru dealership has been omitted from this collection route.

D. There Is No Additional Burden to the Cecil Avenue Residents

Allowing trash collection from Cecil Avenue would not place any additional burden on local residents. As previously discussed, Mission Trail already operates a weekly collection route along Cecil Avenue, servicing nearby commercial properties. Monar is not requesting that a new route be created or an increase in service amount or frequency—only that a single stop be added for Monar's Subaru dealership. This request would not increase noise pollution, as trucks already operate along Cecil Avenue, and the collection process would not involve reversing maneuvers. Furthermore, the adjacent Lincoln dealership, currently under construction, has already received approval for trash collection on Cecil Avenue. Extending the same approval to the Subaru

dealership would be consistent with current practices and would not adversely affect local residents.

During the public comment portion of the Planning Commission meeting, a local resident claimed Monar was seeking “a direct change to the status quo.” This statement is inaccurate. In reality, Monar seeks to preserve the status quo. Multiple commercial businesses along Cecil Avenue already receive trash and recycling services from Mission Trail. Maintaining the current conditions of approval would create an inconsistency by requiring Mission Trail to deviate from its regular route to provide special handling for just one property. This would unnecessarily extend the collection process, increase noise, and prolong the presence of trucks in the area—precisely the types of disturbances residents wish to avoid.

Another local resident expressed concern that the owners of Monar’s Subaru would fail to maintain cleanliness at the dealership and allow trash to accumulate in and around the new waste collection area. This claim is unfounded. The photograph below, taken from Cecil Avenue, shows a well-maintained dealership with no visible trash. Both the street and sidewalk are clean, with no signs of debris or garbage accumulation near the premises.



Furthermore, as shown on the site plan above, there is a trash enclosure within the above structure, which completely blocks any garbage from view. The current request by Monar would not change where garbage is collected or seen. That remains hidden from view. The only change is to roll the dumpster out once per week onto Cecil Avenue along with all of the other dumpsters of the neighboring businesses.

E. Safety Risks of Pickup on Stevens Creek Boulevard

One of the many grounds for modifying a condition in the CUP is to ensure safety. In support of Monar's Application, Mission Trail submitted a statement heavily favoring trash pickup on Cecil Avenue instead of Stevens Creek Boulevard for not only convenience, but also safety. The company cited the high traffic speeds and congestion on Stevens Creek as a significant safety hazard for its employees.

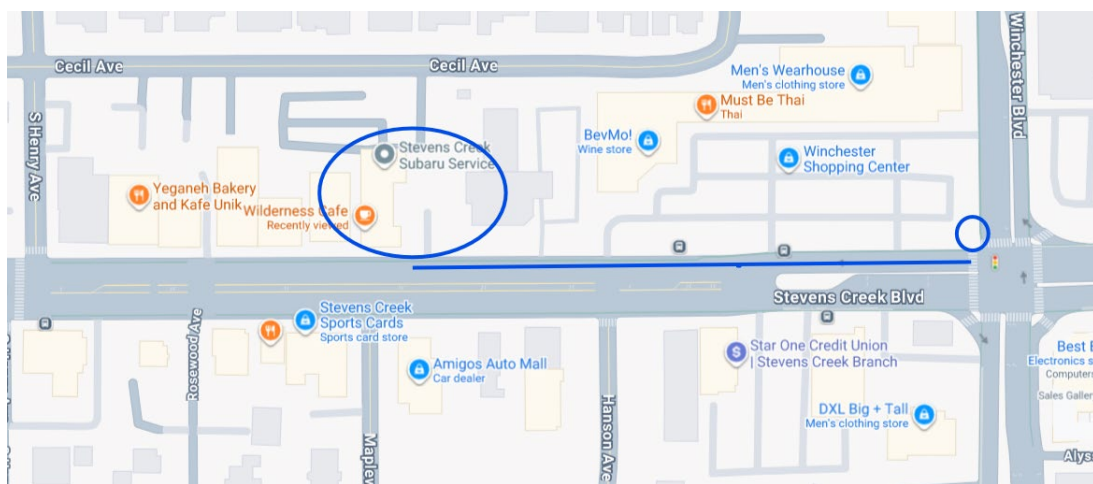
Stevens Creek Boulevard is one of the busiest thoroughfares in the Bay Area and sees thousands of commuters every day across its six lanes. The posted speed limit is 35 miles per hour, however, based on independent observation, local drivers typically drive anywhere between 40-50 miles per hour depending on the time of day and amount of traffic. Between the number of lanes, width of the road, and estimated average speed of regular commuters, it would be highly unsafe to require Mission Trail's trash collection truck to stop in the middle of traffic to collect waste when a perfectly safe and viable alternative route already exists along Cecil Avenue. Below is an aerial view of Monar's Subaru dealership and its frontage along Stevens Creek Boulevard.



As the above photo shows, the conditions presently in the CUP would require Mission Trail to stop a truck, blocking both the bike lane and one lane of traffic, while cars are zooming by at up to 50 miles per hour. This is why Mission Trail understandably says this is a major safety hazard and should *not* be done.

During the Planning Commission meeting, an alternative proposal was suggested—to preclude parking, at least on trash pickup days, in front of the Subaru dealership to create more room for the Mission Trail trucks. This proposal, however, does not resolve the underlying concerns. First, the trucks are much larger than cars and would still block traffic, especially when the equipment is operating and Mission Trail staff need to open the truck door. Second, the street parking is convenient for the bakery customers next door, who would likely pay no mind to a “no parking” sign for a quick run-in to grab their pick up item. Also, Mission Trail would still be required to deviate from their normal route for just one business and stop along a heavily-trafficked roadway. Finally, this proposal would not only prove futile to avoid safety risks and practical problems, it would remove several public parking spaces in the area for the businesses along the road.

It is also critical to consider how a Mission Trail stop in front of the dealership, certainly blocking at least one lane, will affect traffic flows. Monar’s Subaru dealership is located approximately one half a mile away from the nearest light, meaning cars travelling along Stevens Creek Boulevard are well up to speed by the time they reach the front of the dealership. These cars would be forced to stop, or worse swerve around Mission Trail’s collection truck. The picture below provides a visual example of the distance between the nearest light and the front of dealership.

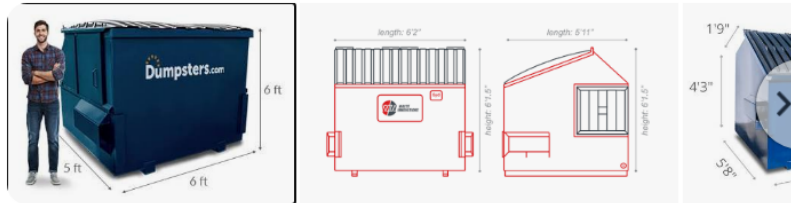


One other suggestion was having Mission Trail trucks enter the Subaru property from Stevens Creek to collect waste internally. This suggestion is not feasible. The dealership’s fire suppression system imposes a low clearance that prevents truck access. Additionally, the property layout would require trucks to reverse back onto Stevens Creek Boulevard or Cecil Avenue, introducing new safety risks, increased noise pollution, and greater disruption to traffic.

F. Health and General Welfare Risks of Employees

Under the present CUP conditions on garbage collection, Stevens Creek Subaru employees would be required to start manually pushing fully-loaded trash and recycling dumpsters from the rear of the property (just inside the roll-up door on Cecil Avenue) all the way to the front of the dealership on Stevens Creek Boulevard. This task is both impractical and

unsafe. A standard 6-yard dumpster weighs approximately 1,200 pounds when full, making it exceptionally hazardous and physically demanding for employees, who could risk injury attempting such a move. A picture and details of the dumpsters used by Subaru (and picked up by Mission Trail on Cecil Avenue) is below:



A typical 6-yard dumpster measures approximately 6 feet long, 5 feet wide, and 6 feet high. These dimensions provide a volume of 6 cubic yards, which can hold about 36 standard kitchen trash bags (33-gallon) or 12 larger garbage cans (96-gallon). The weight limit for a 6-yard dumpster is typically around 1,200 pounds, according to Fusion Waste.

Employees have no viable equipment or vehicles available to assist with moving these dumpsters. Using a car to push the dumpsters would create new dangers for staff, customers, and the building itself. While temporary alternatives for waste disposal have been used during this period, those options are no longer sustainable. Monar requires a safe, consistent method for weekly trash and recycling collection that does not place employees or the public at risk.

As currently written, the conditions of approval run counter to the goals of public health, safety, and general welfare (and they do not serve to reduce noise and garbage truck traffic, which were the main concerns raised by the Cecil Avenue residents). Monar is not requesting preferential treatment, but rather the same garbage pickup that every other business has along Cecil Avenue, which is also what Mission Trail wants. Permitting collection from Cecil Avenue would simply involve adding a single stop to an already-established route. In contrast, mandating pickup from Stevens Creek Boulevard would introduce safety hazards and contribute to traffic congestion. Given the zero impact on the residential community and the disproportionate burden placed on Mission Trail and Stevens Creek traffic, the balance of interests clearly supports modifying the current conditions to allow trash and recycling collection for Subaru on Cecil Avenue.

VI. The Apparent Confusion Surrounding the Planning Commission Decision

Anyone sitting through Planning Commission public hearings will notice that it is fairly uncommon for the Planning Commission to disregard a well-reasoned Staff Report recommendation, particularly one such as here with strong factual. Somehow, that occurred here and it may not have been the actual intent.

At various times throughout the Planning Commission meeting, several Commissioners made comments indicating that they were confused as to what was being discussed, and did not seem to understand the true purpose of Monar's application. In a round of comments by the Commission, Commissioner Bhatnagar stated "[j]ust to make a comment, **the extent of confusion that exists in the minds, certainly for me,** I will say it out loud, I would not approve any changes." (Planning Commission Meeting, 2:44:39, Emphasis Added.) Shortly thereafter,

commissioner Biagini stated “[t]his was a bit confusing but I do thank you for your comments...” (Planning Commission Meeting, 2:45:37, Emphasis Added.) These statements, made by commissioners who voted to deny Monar’s application, indicate a lack of understanding of Monar’s application by the Commission. Thus, the record suggests that the Commission denied what was otherwise a strong application likely because they did not understand it—again, possibly because it was mixed in with a proposal for two other CUP modifications that the Commission did, in fact, want to deny.

VII. CONCLUSION

Monar’s application does not represent a departure from the status quo. It does not increase vehicle traffic on Cecil Avenue. It does not increase trash pickup on Cecil Avenue (Subaru trash has already been picked up there). It does not increase noise. Mission Trail picks up—just once per week in a matter of minutes—all of the dumpsters from all of the other businesses along Cecil Avenue. Thus, allowing Mission Trail to do the same for Monar’s Subaru dealership does not create any new burden for the local residents.

By contrast, requiring trash collection from Stevens Creek Boulevard introduces unnecessary and avoidable safety hazards, logistical impossibilities for Mission Trail and Subaru employees, and increased traffic disruptions. The Planning Commission’s decision was based, in whole or in part, on confusion and an apparent misunderstanding of the true nature of the application. For these reasons, Monar respectfully requests that the City Counsel change the Planning Commission’s mistaken denial and grant Monar’s appeal to allow garbage and recycle pickup on Cecil Avenue under the modifications proposed in the attached version of the CUP.

**Agenda Report****25-372****Agenda Date: 5/21/2025****REPORT TO PLANNING COMMISSION****SUBJECT**

PUBLIC HEARING: Action on Conditional Use Permit (PLN24-00392) to Modify Existing Conditions of Approval (Conditions P6, P8, P19, & P20) to Allow Solid Waste and Recycling Collection from Cecil Avenue for the Existing Subaru Dealership Located at 3225 Stevens Creek Boulevard.

REPORT IN BRIEF

File No.: PLN24-00392

Project: Conditional Use Permit to modify existing conditions of approval (conditions P6 and P19) to allow solid waste and recycling to be collected from Cecil Avenue for the existing Subaru dealership.

Applicant: David Zamora / Reza Soleimany

Owner: Monar LLC

General Plan: Regional Commercial

Zoning: Regional Commercial (CR)

Site Area: 1.57 acres

Existing Site Conditions: The project site is built with an 45,778 square foot one story auto sales showroom with support offices, an auto repair center, and a three-story parking structure.

Surrounding Land Uses:

North: Very Low Density Residential (Single-Family Residential)

South: Mixed Use Commercial (San Jose City Limits)

East: Regional Commercial (Low-Rise Commercial)

West: Regional Commercial (Lincoln Car Dealership)

Issues: Consistency with the City's General Plan & Zoning Ordinance

Staff Recommendation: Determine that the request is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15305 (Class 5 - Minor Alterations in Land Use Limitations); and adopt a resolution approving a Conditional Use Permit for the modification of existing conditions of approval to allow solid waste and recycling collection from Cecil Avenue for the property located at 3225 Stevens Creek Boulevard.

BACKGROUND

On September 9, 2024, David Zamora & Reza Soleimany (Applicant), on behalf of Monar LLC (Owner) filed a Conditional Use Permit (CUP) modification application for the subject site located at 3225 Stevens Creek Boulevard. The Applicant requests to modify Conditions of Approval P6 and P19 associated with the current CUP (File No. PLN2015-11350) to allow the operation of existing roll-up doors during business hours to facilitate solid waste and recycling collection from Cecil Avenue.

The project site was originally developed in the 1960's and has since operated as a car dealership. The current active CUP (File No. PLN2015-11350) was approved by the Santa Clara Planning Commission on July 27, 2016, to allow an expanded car dealership and construction of a new building. A 0.28-acre portion of the project site (Former APN: 303-18-041) had to be rezoned from Agricultural (A) to Thoroughfare Commercial (CT) and was approved by Santa Clara City Council on August 30, 2016. Subsequently, as part of a citywide effort to make the zoning of parcels consistent with their General Plan land use designation, the subject property's zoning was changed to Regional Commercial (CR) in August 2024.

The car dealership did not build the approved solid waste and recycling enclosure as required under File No. PLN2015-11350 and was transferring solid waste and recyclables to the neighboring property's solid waste and recycling enclosure in violation of the Conditions of Approval. In August 2023, the City of Santa Clara became aware of the noncompliance and sent a violation letter (Attachment 7) with options for the dealership to remedy the violation. The car dealership has their oil / fluid picked up once a week on Cecil Avenue as allowed by the Conditions of Approval.

The Applicant's request is one of the remedies proposed in the letter. This request is submitted pursuant to Santa Clara City Code Chapter 18.150, Permit Modifications and Revocations. The request was required to go through the Project Clearance Committee, and it was deemed cleared on March 11, 2025.

DISCUSSION

The project site is located along the City's southern border along the Stevens Creek Boulevard commercial corridor lined with auto-oriented uses. This corridor was developed at the same time as the suburban tract homes abutting the subject property to the north along Cecil Avenue. See Attachment 1 for a vicinity map of the area. Existing auto-oriented land uses have intensified over the decades, resulting in an increase in the noise, light, and air pollution. The residents of these residences voiced their opposition to the intensification of the subject site in 2015. Their concerns regarded noise and light pollution that the site would generate and how it would disrupt the residential character of their neighborhood.

An Initial Study was prepared for the proposed project in 2015 in accordance with the CEQA. The Initial Study determined that the noise pollution generated by the site's activities would exceed thresholds and needed mitigation. Mitigations were intended to restrict the ability of commercial vehicles to use the roll-up doors facing Cecil Avenue. The following mitigations were included in the project's Mitigation Monitoring and Reporting Program:

- Limit soundings of horns as vehicles
- Roll up doors shall remain closed at all times between the hours of 10:00 PM and 7:00 AM
- Close roll-up doors when practical during all hours of operation
- Utilize bays farthest from the roll up doors first and locate noisier activities in bays furthest from roll up doors
- Keep exterior door to compressor/tanks closed except while entering or exiting, and
- Limit all exterior activities, including loading and receiving of materials and site circulation to the hours of 10:00 PM and 7:00 AM

To address the community's concerns, the Planning Commission approved the CUP (File No. PLN2015-11350) after adding additional restrictions to the use of the roll up doors along Cecil Avenue by adding the following conditions:

- *Condition P6.* Any pedestrian and roll-up doors opening onto Cecil Avenue shall remain closed during operation, shall be used for emergency ingress/egress only, and shall not be used as a primary entrance to or exit from the site, except as allowed for oil/fluid removal and supply, consistent with Condition P19 below. The roll-up door between the service area and Cecil Avenue shall remain closed at all times, except in the event of emergency ingress/egress needs. The roll-up door for the service area that faces east shall remain closed except for vehicle ingress/egress in order to minimize noise disturbance to nearby neighbors, consistent with the Illingworth & Rodkin noise study recommendations dated July 18, 2016. Prior to approval of plans for Architectural Review, plans shall be revised to label doors opening to Cecil Avenue consistent with this condition, and plans shall note that signage will be posted on-site to inform employees and other users which doors are to remain closed during operations.”
- *Condition P19.* No loading, unloading, deliveries, trash/recycling pick-up, vehicle staging, vehicle parking, vehicle/site service, or other site function shall occur on Cecil Avenue or other nearby residential streets, with the exception of oil and other fluid extraction and supply to the business may occur on Cecil Avenue between the hours of 8:00 a.m. to 5:00 p.m. Oil and other fluid extraction and supply on Cecil Avenue shall occur no more than one time per week. The business operator shall maintain a log of activity for the oil and other fluid extraction and supply. Said log shall be furnished to the City upon request.

These conditions have created a unique situation for this project site as it is the only commercial property along Cecil Avenue that does not have solid waste and recycling collected from Cecil Avenue. A recent example is the Stevens Creek Lincoln dealership adjacent to the property was approved (File No. PLN21-15129) to have their solid waste and recycling collected from Cecil Avenue.

General Plan Conformance

The request abides with the following General Plan Policies:

- 5.5.2-P12: Screen loading and trash areas to preclude visibility from off site and public streets.
- 5.8.2-P7: Concentrate through traffic on major streets and encourage traffic distribution that maximizes the efficiency of the existing roadway network.
- 5.8.2-P8: Minimize disruption of traffic flow resulting from truck traffic and deliveries, particularly during commute hours.

Zoning Conformance

A CUP may be modified or revoked pursuant to Santa Clara City Code Chapter 18.150. The Review Authority which originally granted the permit is authorized to modify the permit if it meets the finding below:

“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”

Here, 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:

- The solid waste and recycling collection restriction under Planning Division conditions 6 and 19 creates an unreasonable constraint to the site's waste management.
- The constraint is unique to this site as similar development abutting Cecil Avenue has been allowed to get their solid waste and recycling collected from this street for recent projects.
- The waste management company (Mission Trail) operates their collection trucks on Cecil Avenue currently and modifying these conditions will not generate additional noise pollution.
- These conditions are no longer necessary due to the conditions on the ground.

After reviewing the current conditions and operations of the car dealership, staff also suggests modifications to conditions P8 regarding directing employees where to park, and P20 starting the car wash one hour later in the a.m. on weekdays so they are better enforceable and are consistent with the General Plan and Zoning. See Attachment 3 for the redline of the proposed edits to the conditions.

The Stevens Creek Subaru dealership currently has an unreasonable constraint implementing their waste management. Modifying conditions 6 and 19 to allow solid waste and recycling collection on Cecil Avenue will consolidate and improve both Mission Trail and this site's operations. The change will not be detrimental to the health, safety, peace, comfort and general welfare of residences in the neighborhood because no additional noise, light, and air pollution will be generated.

ENVIROMENTAL REVIEW

The proposed request is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15305 (Class 5 - Minor Alterations in Land Use Limitations), which applies to minor alterations in the land use limitations if it does not change the density or land use. The proposal involves changing a condition in the Conditions of Approval of the CUP.

FISCAL IMPACT

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

COORDINATION

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

PUBLIC CONTACT

Community Meeting

On November 18, 2024, the applicant held a virtual community meeting to present the request and answer questions. Staff was present in the meeting to hear the community's feedback and take notes, but no community members attended the meeting. The applicant's presentation was recorded and posted on the City's website. Additionally, Santa Clara's Public Works Department asked the applicant to prepare and distribute a survey to the residences abutting Cecil Avenue to gauge their support on this request. However, due to the amount of time needed to prepare and conduct the survey, and the immediate need to resolve the solid waste and recycling collection issue on the subject site it was determined that the request should proceed through the entitlement process without the survey.

Public Notice

On May 8, 2025, a notice of public hearing on this item mailed to property owners within 500 feet of the project site. At the time of this staff report, Planning Staff has not received public comments in support or opposition to the proposed request.

RECOMMENDATION

1. Determine the request is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15305 (Class 5 - Minor Alterations in Land Use Limitations);
2. Adopt a resolution approving a Conditional Use Permit to modify existing conditions of approval (Condition P6, P8, P19, & P20) to allow solid waste and recycling to be collected along Cecil Avenue for the existing Subaru dealership located at 3225 Stevens Creek Boulevard, subject to findings and the revised conditions of approval.

Prepared by: Alex Tellez, Assistant Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Lesley Xavier, Planning Manager

ATTACHMENTS

1. Vicinity Map
2. Resolution approving Conditional Use Permit
3. Conditions of Approval
4. Development Plans
5. Justification of Request
6. Web Links
7. Violation Letter
8. Code Enforcement Case Log

Vicinity Map (Zoning) - 3225 Stevens Creek



Legend

- Official City Limit
- Official City Limit
- City Operational Boundary
- Municipal Boundary
- Base Layers
- Site Addresses
- Single
- Streets
- Air Parcels
- Land Parcels
- Land Parcels
- Zoning
- Land Parcels
- CR - Commercial Regional



Notes

created on 04/21/2025 17:10:44

0 200 400
ft

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
©City of Santa Clara

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

CONDITIONS OF REZONE AND USE PERMIT APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

- P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- P2. The Director of Community Development may refer the use permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved proposal. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the use permit to the Planning Commission within three months for consideration of revocation proceedings.
- P3. Any modification to the approved proposal shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of the proposed changes.
- P4. Submit plans for Architectural Committee 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, stormwater control, and signage. Changes to the plans, as required by conditions of approval contained herein, shall be provided as part of the architectural review plan set.
- P5. The ground floor plan and building elevations shall be revised on plans submitted for Architectural Review to remove the roll-up door along the Cecil Avenue frontage of the property that accesses the car wash/detail area and modify the floor plan so that internal site circulation to/from this area occurs on-site and not using the public street.
- P6. Pedestrian and roll-up doors opening onto Cecil Avenue should remain closed during operation, and be used for emergency ingress/egress, and to facilitate the collection of waste only and shall not be used as a primary entrance to or exit from the site, except as allowed for oil/fluid removal and supply, consistent with Condition P19 below. The roll-up door between the service area and Cecil Avenue should remain closed at all times, except in the event of emergency ingress/egress needs and to facilitate the collection of waste. ~~The roll-up door for the service area that faces east should remain closed except for vehicle ingress/egress in order to minimize noise disturbance to nearby neighbors;~~

- ~~consistent with the Illingworth & Rodkin noise study recommendations dated July 18, 2016.~~ Prior to approval of plans for Architectural Review, plans shall be revised to label doors opening to Cecil Avenue consistent with this condition, and plans shall note that signage will be posted on-site to inform employees and other users which doors are to remain closed during operations.
- P7. Prior to approval of the plans for Architectural Review, the landscaped setback along Cecil Avenue shall be increased to 10 feet, as required by the Zoning Ordinance for a "through lot" with two front property lines. Alternatively, the applicant shall submit for a minor modification, along with the justification therefor, and request that the building setback be reduced by a maximum of 25% to a minimum setback of 7 feet 6 inches along Cecil Avenue.
 - P8. . Employees shall be directed to park within designated parking stalls on-site. The designated parking stalls shall be signed or stenciled "Employee Only". Employees shall be strongly discouraged to park off-site.
 - P9. Prior to approval of the plans for Architectural Review, the plans shall be revised to show the designated locations of all parking spaces required by the Zoning Ordinance to be provided for employees and customers. The Zoning Ordinance calls for 1 employee/customer space per 400 square feet of repair/showroom area (a total of 114 required parking spaces based on the proposed square footage) plus one space for every two non-auto-repair employees. The applicant shall identify the total number of non-auto-repair employees for the dealership as part of the architectural review application. Plans shall be labeled to identify whether parking stalls will serve retail customers, service/repair customers, or inventory purposes.
 - P10. The operator shall manage vehicular stacking for the service area such that it does not create back-up onto Stevens Creek Boulevard or otherwise affect vehicular, bike, or pedestrian circulation.
 - P11. All lighting shall be shielded to prevent any spillover onto adjacent properties. Developer shall adjust angle, shield, or dimming of the lights should there are spillover of lights onto adjacent properties. Bright white lighting for nighttime outdoor vehicle display shall not occur on the rooftop parking deck. Rooftop lighting shall be subdued and non-white in color (equivalent to low or high pressure sodium light) but adequate for safety as employee/customer parking and vehicle storage.
 - P12. The use of announcement or paging speaker systems outside the building is prohibited.
 - P13. Use of the 26-foot wide driveway exit to Cecil Avenue shall be minimized. Test drives shall use the Stevens Creek Boulevard driveway for ingress and egress. The solid gate across the 26-foot driveway to Cecil Avenue shall be closed at all times, except in the event of an emergency or in order to facilitate egress from the site by delivery or service trucks for which egress from the Stevens Creek Boulevard exit is problematic. Prior to approval of the plans for Architectural Review, the on-site circulation expected for vehicles and delivery trucks shall be identified.
 - P14. The interior service door to the car wash (facing east) shall be closed when the vehicle washing equipment is in operation. The applicant shall present service door and automatic opening device details to the satisfaction of the Architectural Committee to demonstrate that carwash and service area noise impacts on adjoining residences are minimized.
 - P15. The floors of the parking structure shall be textured or surfaced to minimize noise from vehicle tires in motion.
 - P16. All mechanical equipment associated with the ventilation of this building shall be located within the building or on the rooftop, screened from public view, and designed so that building ventilation exhaust areas do not directly face neighboring residential properties. Auto wash area shall not be open toward residential properties when in operation, to the

- satisfaction of the Director of Planning and Inspection.
- P17. Hours of vehicle sales and service operation are restricted to 7:00 a.m. to 10:00 p.m. every day, including loading and receiving of materials and site circulation. All roll-up doors shall remain closed during these hours.
 - P18. Parts and supply deliveries shall occur using the Stevens Creek Boulevard driveway, and not Cecil Avenue.
 - P19. No loading, unloading, deliveries, vehicle staging, vehicle parking, vehicle/site service, or other site function shall occur on Cecil Avenue or other nearby residential streets, with the exception of oil and other fluid extraction and supply to the business may occur on Cecil Avenue between the hours of 8:00 a.m. to 5:00 p.m. ~~Oil and other fluid extraction and supply on Cecil Avenue shall occur no more than one time per week. The business operator shall maintain a log of activity for the oil and other fluid extraction and supply. Said log shall be furnished to the City upon request.~~
 - P20. The use of portable-generator-powered equipment to wash display vehicles shall not occur before 7:00 A.M. on weekdays, and shall not occur before 8:00 A.M. on weekends.
 - P21. Consistent with the Illingworth & Rodkin noise report dated July 18, 2016, utilize service bays furthest from the roll-up doors first, locate the noisier repair/service activities in bays furthest from the roll-up doors, limit sounding of horns and loud car radio use, and emphasize to all dealership staff the neighborhood's sensitivity to noise and the importance of minimizing operational noise impacts to neighbors.
 - P22. Obtain Zoning Administrator Minor Modification for proposed building height (above 35 feet).
 - P23. 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.
 - P24. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
 - P25. It shall be the developer's responsibility through his engineer to provide written certification that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
 - P26. 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 Architectural Review approval. Post construction stormwater control measures must be certified for compliance with applicable Regional Water Quality Control Board requirements by a third-party certification body. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Division for incorporation into construction drawings and specifications.
 - P27. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the Seismic Hazard Mapping Act (Div.2 Ch7.8 PRC), and the developer shall prepare and submit a geotechnical hazards investigation report acceptable to the City of Santa Clara Building

- Official prior to issuance of permits.
- P28. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
 - P29. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
 - P18. The Project shall comply with all mitigations identified in the Mitigation, Monitoring and Reporting Program for the project.
 - P18. This Use Permit will only take effect following the effective date of the City Council's rezoning of the associated easterly 0.28 acre portion of the site from A – Agriculture to CT – Thoroughfare Commercial (City file number PLN2016-11888). Should the City Council not approve the associated rezoning, the Planning Commission's approval of this Use Permit shall be null and void.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees prior to issuance of the Building Permit. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. After City Council approval of the Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. The City approved Parcel Map shall be recorded by developer prior to building permit issuance.
- E5. File and record Parcel Map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E6. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E7. Sanitary sewer (SS) cleanout shall be installed at or near property line per City standard detail SS-1 for proposed SS lateral.
- E8. Proposed trees shall be 5' minimum clear of sidewalks. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.

- E9. Storm drain and sanitary sewer laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk.
- E10. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E11. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E12. Remove existing driveways and replace with ADA compliant driveways along the property frontages per City standards.
- E13. With the requirement to install the "Boulevard Style" frontage improvements (4-foot park strip with trees, and 10-foot sidewalk) along Stevens Creek Blvd, property owner will be required to dedicate sidewalk and utility easements for portions of sidewalk and any public utility within private property and pay the easement preparation fee. For more information regarding the easement contact Nelson Damian at 408-615-3000.
- E14. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E15. All proposed walkway, sidewalk, driveways, and curb ramps shall be ADA compliant.
- E16. Show and comply City's Driveway Triangle of Safety requirement at all proposed driveways including the Parking Garage driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety areas.
- E17. Provide pedestrian ADA walkway from proposed buildings to public sidewalk.
- E18. Proposed driveways on Stevens Creek Blvd. and Cecil Avenue shall be per City standard detail ST-8.
- E19. On-street parking shall not be counted toward on-site parking requirements.
- E20. Provide 2 Class I and 8 Class II bicycle parking spaces at main entrance and/or high visible area.

ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be overhead. See Electric Department Rules and Regulations for available services.
- EL4. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL5. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL6. Overhead services shall be installed per City of Santa Clara Electric Department standard OH-550, MS-G6, and MS-G7 latest revision.

- EL7. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Std. MS-G7, Rev. 2.
- EL8. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL9. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL10. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL11. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL12. Any relocation of existing electric facilities shall be at Developer's expense.
- EL13. Electric Load Increase fees may be applicable.
- EL14. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at developer's cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL15. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Chapter 17.15, Appendix A (Table III)).
- EL16. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL17. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

WATER

- W1. The applicant shall maintain 12" of vertical clearance at water service crossing with other utilities, and all required horizontal clearances from water services: 10' from sanitary sewer utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 5' from gas utilities, and 10' from landscaping. If applicant installs root barriers, clearance from landscaping reduces to 5'.
- W2. Prior to issuance of Building Permits, the applicant shall provide details for a sanitary sewer manhole on the property line for sanitary sewer services greater than 6".
- W3. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W4. Prior to the issuance of Building Permits, the applicant shall provide fixture unit counts so the Water Division can verify the appropriate size of all proposed water meters.
- W5. The applicant shall revise plans so that water meter and the back flow preventer are located behind the side walk in a landscaping area. Additionally, the proposed water and fire services layout shall comply with City Standards 11 and 16.
- W6. Prior to issuance of Building Permits, the applicant shall submit plans indicating that the proposed water utilities will be installed per City Standard Details 11 (water service with reduced pressure backflow prevention device), 16 (fire service with double check detector assembly), and 18 (fire hydrant assembly). The applicant shall include the applicable City Standard Details on the plans. Note that the standard details can be found on the City of Santa Clara website under Water and Sewer Utilities Technical Documents.
- W7. Prior to the issuance of building permit, applicant shall review the plan set, address discrepancies, and submit plans consistently showing the location of the proposed and existing utilities. Please note that there are several utility discrepancies between sheet L-2 (composite plan) and sheet C5.2 (utility plan).
- W8. The applicant shall label the sizes and type for the water main along Stevens Creek Boulevard. Additionally, the applicant shall label the sizes of the water laterals. Note that the applicant shall correct the discrepancies on sheet C5.2 (utility plan) involving callouts.
- W9. Prior to issuance of Building Permits, the applicant shall enlarge the scale of sheet L-2 (composite utility plan), such that utility conflicts can be identified. At its current scale, sheet L-2 is very difficult to read.

POLICE

- PD1. The business operator shall strictly adhere to the business hours as stated in the use permit.
- PD2. The developer shall provide a minimum average illumination of one-foot candle in parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD3. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. The numbers shall be illuminated during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street.
- PD4. The entrance to the driveway and parking area should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California vehicle Code section 22658(a) for guidance.

- PD5. Developer shall provide trash enclosure fencing that is either see through or has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these trash enclosures should remain locked.
- PD6. Landscaping should be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows to discourage criminal penetration.
- PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD8. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not limited to, employee security during working hours, after hours security, disaster preparation, etc. You may contact the Community Services Unit, Santa Clara Police Department, 601 El Camino Real, Santa Clara, CA 95050, Attn: CSU Sergeant, should you have questions or need advice on this matter.
- PD9. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, vehicle parking area, etc. Contact Alarm Administrator at Santa Clara Police Department for further details (408) 4615-4700.

FIRE

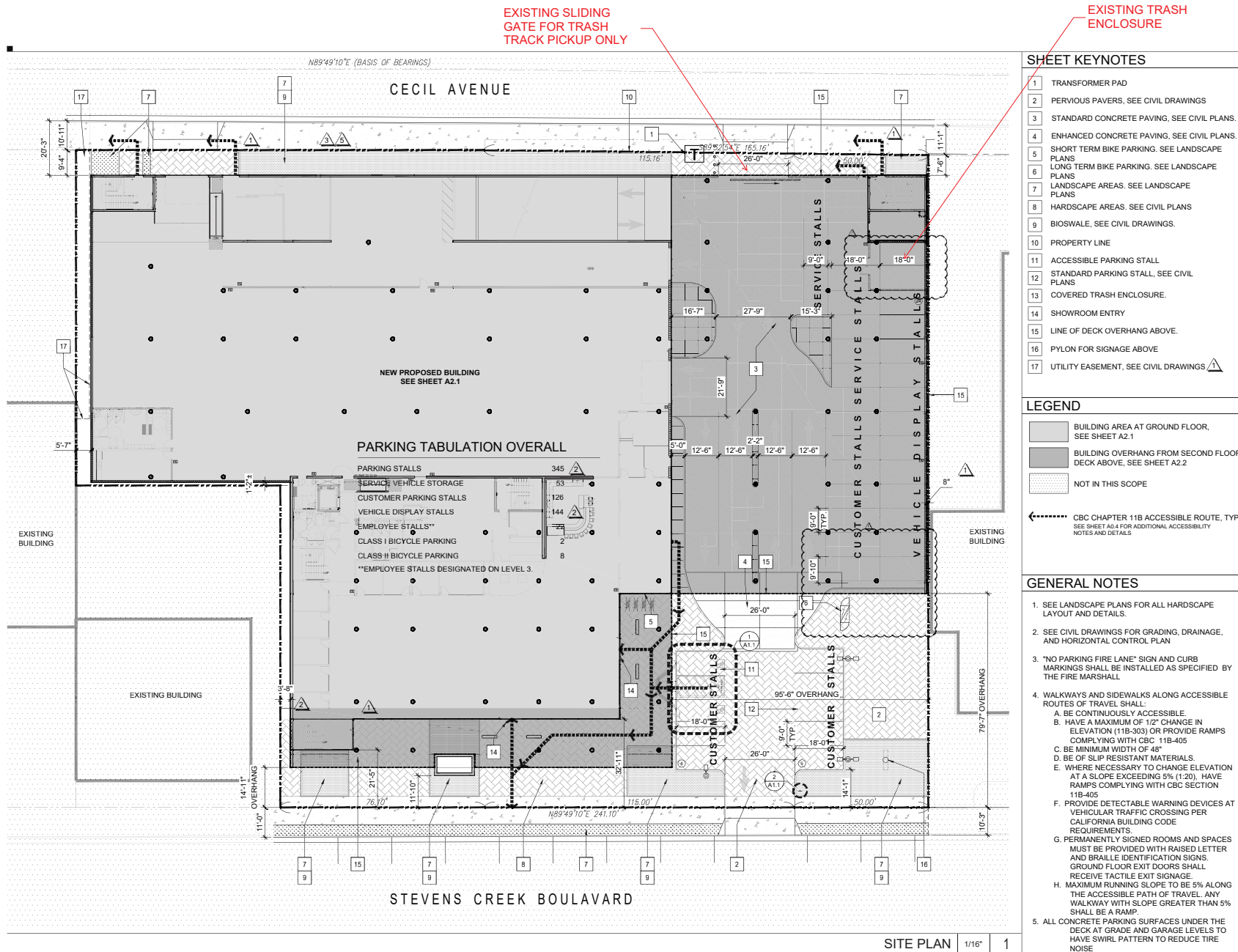
- F1. At time of Building Permit Application, submit documentation showing that the minimum required fire-flow in accordance with California Fire Code, Appendix B, and Table B105.1 can be met for the construction type and square footage of the building. A maximum reduction of 50% in fire-flow is allowed with the installation of an automatic fire sprinkler systems designed in accordance with California Fire Code. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration. From the hydrant flow data (current within one year) provide a hydraulic calculation that this fire flow can be met at a residual pressure of 20 psi.
- F2. At time of Building Permit Application, the Design Team shall submit an Alternate Means and Method Application (AMMA) Permit to mitigate the lack of fire department access. The mitigation shall include an increase in sprinkler density from 0.15 gpm/sq. ft. to 0.2 gpm/sq. ft. for all areas of the buildings and parking garage. Additional standpipe locations will also be required where deemed appropriate.

STREETS

- ST1. Submit a solid waste collection plan to meet the requirements. Please contact Street Department at 408-615-3080 for guideline.
 - a. Solid Waste enclosure must provide a minimum unobstructed inside opening of 12' and have minimum inside dimensions of 18.5' by 10.5'.
- ST2. Developer must have 3rd party verification of C.3 packet and storm water management plan, 3rd party inspection of stormwater treatment devices at time of installation, and Inspection and Maintenance agreement with the Street Division (we provide boiler plate). Document must be printed single-sided and be notarized. For more information, call 408-615-3080.
- ST3. Projects with active building permits over 1 acre in size must maintain a SWPPP and are to be inspected once a month during the wet season (October – April) – fees, subject to change, are \$162.63 per inspection.

- ST4. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards by the project during demolition and construction activities. No building, demolition or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties.
- ST5. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size to be determined by City Arborist.
- ST6. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
- ST7. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

I:\PLANNING\2015\Project Files Active\PLN2015-11350 3215 Stevens Creek Boulevard (Use Permit)\CC\Conditions of Approval - 3215 Stevens Creek Blvd (PLN2015-11350).doc



STEVENS CREEK SUBARU

3215 STEVENS CREEK BLVD.
SANTA CLARA, CA.

BAKHTIARI AUTO GROUP



KENNETH RODRIGUES & PARTNERS INC.
440 NORTH WHITTIER ROAD, SUITE 200
MOUNTAIN VIEW, CA 95035-0700

CONSULTANT



KEYMAP



REVISION	
08.16.16	BUILDING DEPARTMENT SUBMITTAL
10.31.16	PLAN CHECK 1 RESPONSE
12.22.16	PLAN CHECK 2 RESPONSE
3.24.17	PLAN CHECK 3 & OWNER REVISIONS
5.25.17	PLAN CHECK 4 & OWNER REVISIONS
08.10.17	PLANNING REVISION
10.08.18	OWNER REVISIONS

PROJECT NO. 30.604 DATE 08.16.16
DRAWN BY MV SCALE AS SHOWN
CHECKED BY

SITE PLAN

A1.0

© 2017 KENNETH RODRIGUES & PARTNERS, INC.

PLN24-00392 / 3225 Stevens Creek Developer Application

Response to PCC review dated November 5, 2024

Subject: Community Development -Planning Division P1. Written Project Description

The following is the revised project description:

The purpose of this application is to allow for the pickup of the trash and the recycle bins via the existing sliding door on the Cecil Street. The purpose is to permit the Mission Trail trash truck to access the rear of the Subaru dealership through the sliding door to collect trash from the existing trash enclosure.

This application does not propose any changes to the current access or operational use of the roll-up door. The roll up door will continue to function as it does currently.

It is important to note that the other adjacent business on Cecil Street have their trash collected from the same street. This request aligns with existing practices in the are and support fair and equitable approach to trash collection for neighbor business.

Web Links

Project Website:

Here you will find a summary of the project and information regarding past community meetings and prior plan submittals.

<https://www.santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/543/2495?alpha=NonAlpha&npage=3>

These documents are available for viewing in the Community Development Department

From: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Sent: Thursday, May 15, 2025 2:37 PM
To: Cliff Moore [REDACTED] Planning Public Comment <PlanningPublicComment@santaclaraca.gov>; Lesley Xavier <LXavier@santaclaraca.gov>; Alex Tellez <ATellez@santaclaraca.gov>; Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>
Subject: RE: PLN24-00392 Opposition to modify existing use permit at Subaru Dealership

Correspondence
5/21/25 Planning Commission Meeting
3225 Stevens Creek Boulevard
RTC 25-372

Good Afternoon,
Your email has been received in the Planning División and by way of my reply I am including the appropriate staff for their review. Please note, your comments will be part of the public record on this item.
I am also including Mayor and Council to this email, your email is addressed to City Council, but I did not see their email address in your email.

This item will be heard at the May 21, 2025 Planning Commission meeting.

Thank you for taking the time to provide your input.

Regards,

Elizabeth Elliott | Staff Aide II
Community Development Department | Planning Division
1500 Warburton Avenue | Santa Clara, CA 95050
O: 408.615.2450 | D: 408.615.2474
www.SantaClaraCA.gov

From: Cliff Moore [REDACTED]
Sent: Wednesday, May 14, 2025 3:20 PM
To: Planning Public Comment <PlanningPublicComment@santaclaraca.gov>
Subject: PLN24-00392 Opposition to modify existing use permit at Subaru Dealership

You don't often get email from [REDACTED]. [Learn why this is important](#)

PLN24-00392
Cliff Moore
On behalf of the Residents of Cecil Avenue Cecil Avenue Santa Clara, CA 95050
Date: 5/14/25

Santa Clara City Council
City Hall
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: Strong Opposition to Waste and Recycle Collection Access from Cecil Avenue for Stevens Creek Subaru
PLN24-00392

Dear Honorable Members of the Santa Clara City Council,

We, the undersigned residents of Cecil Avenue in Santa Clara, write to express our firm and united opposition to any proposal that would modify existing conditions to permit waste and recycling collection services for Stevens Creek Subaru to be accessed via Cecil Avenue rather than Stevens Creek Boulevard.

Cecil Avenue is a quiet, residential street designed for the safety, comfort, and peace of its residents—not for commercial vehicle traffic or industrial-scale waste collection. The introduction of regular waste and recycling collection from a commercial business on our street would dramatically and negatively impact our quality of life, increase noise, create traffic hazards, and diminish the residential character of our neighborhood.

Moreover, Stevens Creek Subaru has existing and viable access from Stevens Creek Boulevard. There is absolutely no justification for burdening our residential street with commercial waste operations when appropriate access already exists. Any attempt to modify this arrangement would prioritize corporate convenience over the well-being and safety of residents—a precedent we strongly oppose.

We respectfully urge the City Council to uphold the existing access conditions and reject any proposed changes that would allow Stevens Creek Subaru, or any other commercial entity, to divert its waste and recycling collection to Cecil Avenue. We are committed to preserving the integrity of our neighborhood and will continue to actively resist any actions that compromise its residential nature.

Thank you for your attention and prompt consideration of this matter. We request this letter be entered into the public record and that our opposition be reflected in any future deliberations on this issue.

Sincerely,
Cliff Moore
On behalf of the Residents of Cecil Avenue [Attached petition]



Residential petition in **OPPOSITION** to the following: Modify the existing use (Lincoln Dealership) permit to allow solid waste disposal and recycling collection on our residential street Cecil Ave instead of Stevens Creek. PLN24-00392

Name (Print)	Signature	Address #	Date Signed
Mark Irving	<i>[Signature]</i>	3267 Cecil Ave	5/12/2025
Mike & Marlene	<i>[Signature]</i>	3249 Cecil Ave	5/12/2025
Arezou Azar	<i>[Signature]</i>	3181 Cecil Ave	5/12/2025
Frank At			
Ashwanth Murvathagan	<i>[Signature]</i>	3191 Cecil Ave	5/12/2025
Dave Botelho	<i>[Signature]</i>	3217 Cecil Ave	5-12-2025
Patrick Burns	<i>[Signature]</i>	3205 Cecil Ave	5/12/25
Joe Tonnigan	<i>[Signature]</i>	3150 Doreen St	5-12-25
Cliff Moore	<i>[Signature]</i>	3310 Cecil Ave	5-12-25
Billy Chang	<i>[Signature]</i>	3161 Cecil Ave	5-13-25
Perry He	<i>[Signature]</i>	3157 Cecil Ave	5-13-2025
THE NGUYEN	<i>[Signature]</i>	3233 Cecil Ave	5-14-2025



City of Santa Clara

The Center of What's Possible

August 14, 2023

Stevens Creek Subaru

brian@stevenscreeksubaru.com

reza@stevenscreeksubaru.com

3225 Stevens Creek Blvd

San Jose, CA 95117

RE: Violation of Approved Rezone and Use Permits (File No. PLN2015-11350 and PLN2016-11888)

To Whom it May Concern:

It has come to the City's attention that the required trash enclosure for the above approved and completed project was never constructed. Please be advised, that per the conditions of approval (P3 and ST1) below and in the attached Conditions of Approval, a trash enclosure is required for the project. Any modification to the trash enclosure location requires an amendment to the Use Permit.

P3. Any modification to the approved proposal shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of the proposed changes.

ST1. Submit a solid waste collection plan to meet the requirements. Please contact Street Department at 408-615-3080 for guidelines. (a.) Solid Waste enclosure must provide a minimum unobstructed inside opening of 12' and have minimum inside dimensions of 18.5' by 10.5'.

Recent communication with the City of Santa Clara Public Works Department and Mission Trail Waste Systems, have indicated that the location of your trash enclosure as shown on your permit plans does not meet Mission Trail requirements for trash pickup. Currently, solid waste from 3225 Stevens Creek Boulevard is relocated to 3155 Stevens Creek Boulevard for service. However, each entity must subscribe to and maintain solid waste services independently. This requires you to submit a new solid waste collection plan for review.

One possible option would be to stage the trash bins out on Cecil Avenue. While this option works for Mission Trail, the Use Permit for the site would need to be amended to allow for this operation as the following condition prohibits trash pickup on Cecil Avenue.

P19. No loading, unloading, deliveries, trash/recycling pick-up, vehicle staging, vehicle parking, vehicle/site service, or other site function shall occur on Cecil Avenue or other nearby residential streets, with the exception of oil and other fluid extraction and supply to the business may occur on Cecil Avenue between the hours of 8:00 a.m. to 5:00 p.m. Oil and other fluid extraction and supply on Cecil Avenue shall occur no more than one time per week. The business operator shall maintain a log of activity for the oil and other fluid extraction and supply. Said log shall be furnished to the City upon request



City of Santa Clara

The Center of What's Possible

Another option would be to stage solid waste containers on Stevens Creek Boulevard. Mission Trail Waste Systems has approved of this area, but for safety reasons a portion of your frontage would need to be painted red. To initiate this process a formal written request on company letterhead must be forwarded to the City of Santa Clara Transportation Manager, Steve Chan, at SChan@SantaClaraCA.gov.

The red curb option on Stevens Creek Boulevard could be set up as a temporary solution while the amendment to allow solid waste collection service on Cecil is pursued.

To allow for solid waste services and resolve this violation the following must occur:

1. Application for a Minor Amendment to an Approved Permit, to address the lack of constructed trash enclosure,
2. Submittal of a formal written request on company letterhead requesting a red curb be installed on Stevens Creek Boulevard to allow Solid Waste collection and/or
3. Application of a Use Permit Amendment if condition modification is necessary (to allow service on Cecil Avenue)

Corrective action is necessary on your part to ensure that the conditions of approval are abided by or amended, and that mandatory solid waste services continue. Failure to address these issues may result in a citation.

Should you require more information or assistance regarding this notice, please contact me at Lxavier@SantaClaraCA.gov.

Sincerely,

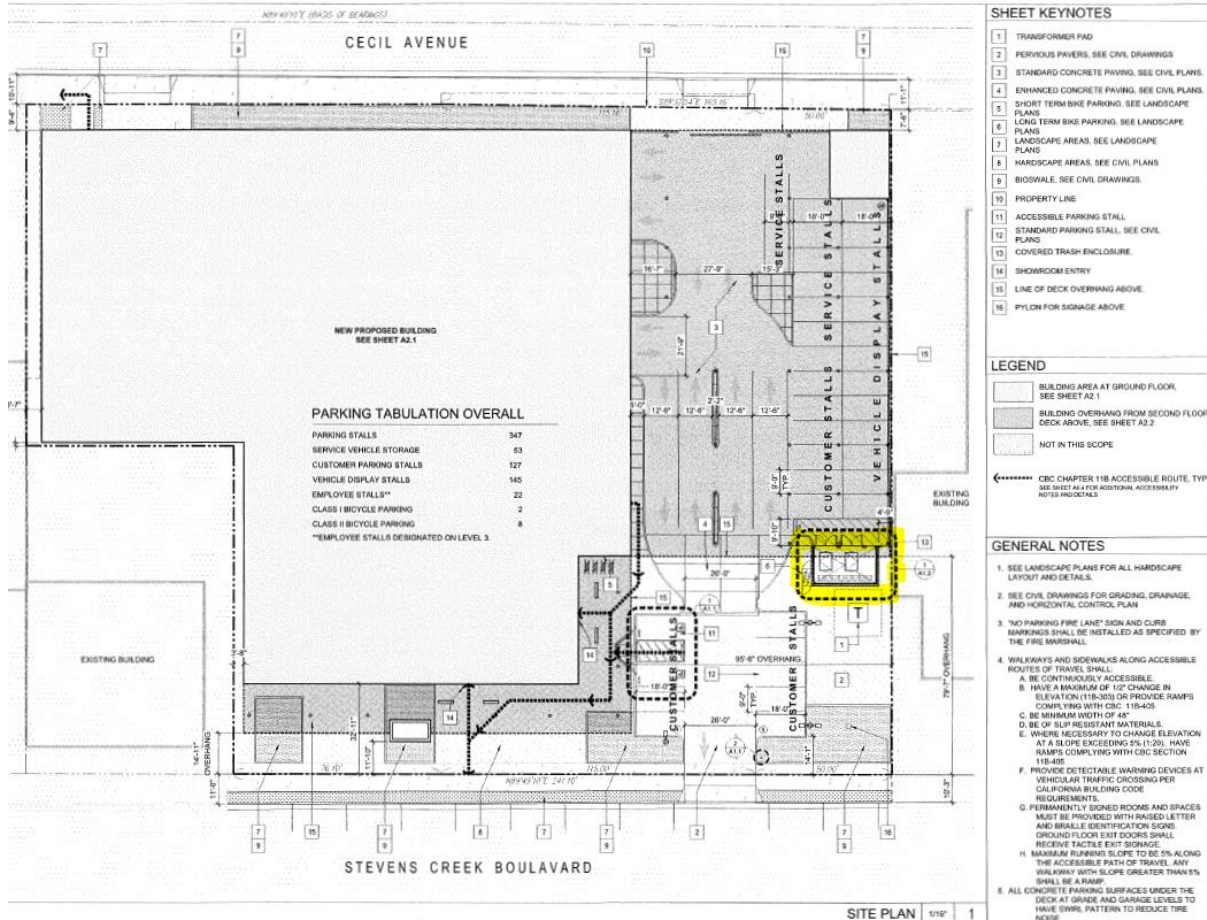
Lesley Xavier
Planning Manager



City of Santa Clara

The Center of What's Possible

Approved Architectural Plans:



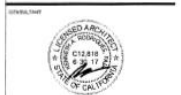
STEVENS CREEK SUBARU

3215 STEVENS CREEK BLVD.
SANTA CLARA, CA.

BAKHTIARI AUTO GROUP



PROJECT NO. 30.004 DATE 08.15.16
DRAWN BY: MV SCALE AS SHOWN
CHECKED BY: [Signature]



REVISION: 08.15.16 BUILDING DEPARTMENT SUBMITTAL

PROJECT NO. 30.004 DATE 08.15.16
DRAWN BY: MV SCALE AS SHOWN
CHECKED BY: [Signature]

SITE PLAN

A1.0

CREEK SUBARU

3215 STEVENS CREEK BLVD.
SANTA CLARA, CA.

BAKHTIARI AUTO GROUP



PROJECT NO. 30.004 DATE 08.15.16
DRAWN BY: MV SCALE AS SHOWN
CHECKED BY: [Signature]

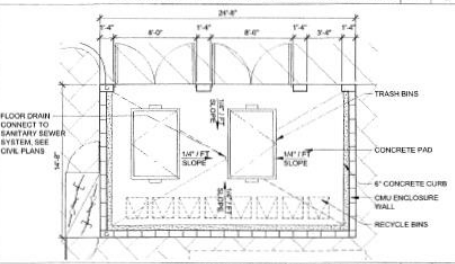
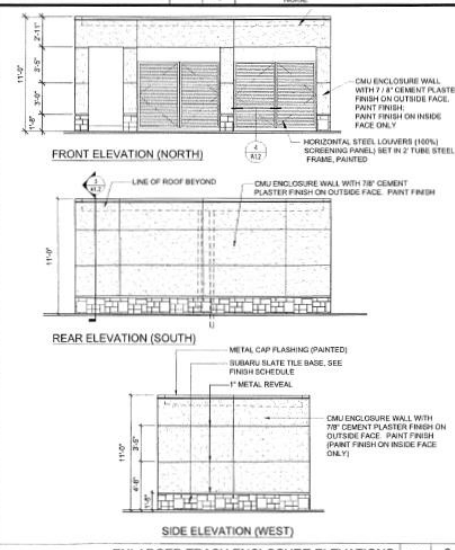
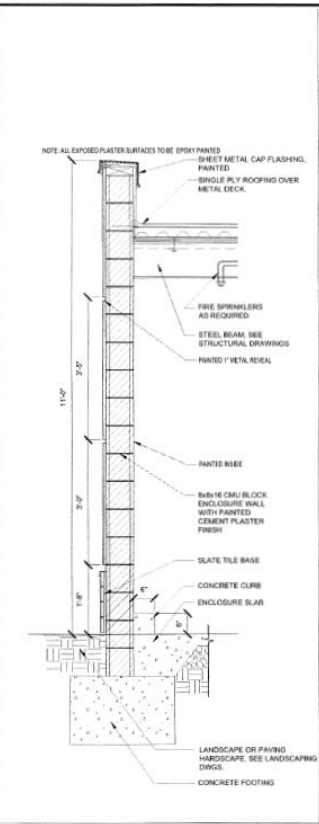
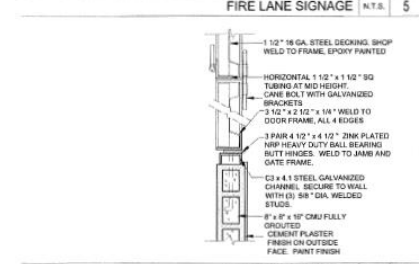
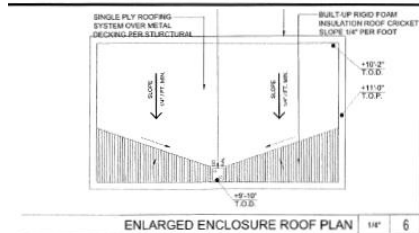


REVISION: 08.15.16 BUILDING DEPARTMENT SUBMITTAL

PROJECT NO. 30.004 DATE 08.15.16
DRAWN BY: MV SCALE AS SHOWN
CHECKED BY: [Signature]

SITE DETAILS

A1.2



15442026	Code Enforcement	Rear emergency gate being used by employees daily for general access. Operating permit requirements state for emergency access only. This gate is being utilized open daily in violation of code requirements.	3225 Stevens Creek Blvd, Santa Clara, CA 95117	None	Medium	Completed	May 22, 2024 7:19 am	June 26, 2024
14821190	Code Enforcement	Violation of development agreement	3225 Stevens Creek Blvd, San Jose, CA, USA	Michael Dapkin	None	Completed	January 12, 2024 7:42 am	N/A
14501162	Code Enforcement	CUP violation, employees using rear exit door.	3225 Stevens Creek Boulevard, San Jose, CA, USA	Michael Dapkin	Medium	Completed	October 31, 2023 12:39 pm	December 1, 2023
14483877	Code Enforcement	Violation of the conditional use permit. Operation of the vehicle carwash with the door in the retracted position.	3225 Stevens Creek Boulevard, San Jose, CA, USA	Michael Dapkin	Medium	Completed	October 11, 2023 2:59 pm	November 15, 2023
14129089	Mayor & Council Referral	Subaru Car Wash and Employee Parking Issues	3225 Stevens Creek Blvd, Santa Clara, CA 95117, USA		None	Completed	August 3, 2023 8:58 am	N/A
13994363	Graffiti	Rear of Subaru building on Cecil Ave side on the electrical box on the sidewalk	3225 Stevens Creek Blvd, San Jose, CA 95117, USA		None	Completed	June 14, 2023 8:56 pm	June 19, 2023
13994381	Graffiti	Graffiti on faded green street light pole on the street. Both sides	3225 Stevens Creek Blvd, San Jose, CA 95117, USA		None	Completed	June 14, 2023 8:49 pm	June 19, 2023
13828739	Code Enforcement	Car wash roll-up door has been open during business hours for the last 6 weeks. This is a direct violation of the dealership operating permit. Claims of random door is not credible. As the door is closed during non operating hours manually. Additionally, a pressure washer is being used outside of designated wash area.	3225 Stevens Creek Blvd, Santa Clara, CA 95117	Michael Dapkin	Medium	Completed	June 8, 2023 8:20 am	October 31, 2023
13622992	Code Enforcement	Use permit violation, operation of the carwash with the door in the up position.	3225 Stevens Creek Boulevard, San Jose, CA, USA	Michael Dapkin	Medium	Completed	April 27, 2023 12:49 pm	June 1, 2023
13411674	Code Enforcement	Violation of CUP, Stevens Creek Subaru	3225 Stevens Creek Blvd, San Jose, CA, USA	Michael Dapkin	Medium	Completed	March 14, 2023 7:58 am	April 18, 2023
13228217	Code Enforcement	Subaru employees are in direct violation of use permit P15. As of the 980 two weeks employees are parking on residential street (Cecil Ave) and I witnessed multiple people entering and exiting rear gate for emergency access only.	3225 Stevens Creek Blvd, Santa Clara, CA 95117	Michael Dapkin	Medium	Completed	February 3, 2023 7:26 am	March 9, 2023
12629542	Code Enforcement	Conditions of approval violation.	3225 Stevens Creek Boulevard, San Jose, CA, USA	Michael Dapkin	Medium	Completed	September 19, 2022 10:40 am	October 18, 2022
12616521	Code Enforcement	Subaru dealership is in violation of use permit. Deliveries at the roll up door on the residential side of Cecil Ave is not authorized.	3225 Stevens Creek Blvd, Santa Clara, CA 95117	None	Medium	Completed	September 8, 2022 3:48 pm	October 13, 2022

EXHIBIT B-PLN25-00362

CONDITIONS OF REZONE AND USE PERMIT APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

- P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- P2. The Director of Community Development may refer the use permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved proposal. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the use permit to the Planning Commission within three months for consideration of revocation proceedings.
- P3. Any modification to the approved proposal shall require an amendment to the Use Permit subject to Planning Commission review and approval prior to commencement of the proposed changes.
- P4. Submit plans for Architectural Committee 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, stormwater control, and signage. Changes to the plans, as required by conditions of approval contained herein, shall be provided as part of the architectural review plan set.
- P5. The ground floor plan and building elevations shall be revised on plans submitted for Architectural Review to remove the roll-up door along the Cecil Avenue frontage of the property that accesses the car wash/detail area and modify the floor plan so that internal site circulation to/from this area occurs on-site and not using the public street.
- P6. Pedestrian and roll-up doors opening onto Cecil Avenue should remain closed during operation, and be used for emergency ingress/egress, and to facilitate the collection of waste only and shall not be used as a primary entrance to or exit from the site, except as allowed for oil/fluid removal and supply, consistent with Condition P19 below. The roll-up door between the service area and Cecil Avenue should remain closed at all times, except in the event of emergency ingress/egress needs and to facilitate the collection of waste. ~~The roll-up door for the service area that faces east should remain closed except for vehicle ingress/egress in order to minimize noise disturbance to nearby neighbors,~~

- ~~consistent with the Illingworth & Rodkin noise study recommendations dated July 18, 2016.~~ Prior to approval of plans for Architectural Review, plans shall be revised to label doors opening to Cecil Avenue consistent with this condition, and plans shall note that signage will be posted on-site to inform employees and other users which doors are to remain closed during operations.
- P7. Prior to approval of the plans for Architectural Review, the landscaped setback along Cecil Avenue shall be increased to 10 feet, as required by the Zoning Ordinance for a "through lot" with two front property lines. Alternatively, the applicant shall submit for a minor modification, along with the justification therefor, and request that the building setback be reduced by a maximum of 25% to a minimum setback of 7 feet 6 inches along Cecil Avenue.
 - P8. Employees shall be directed to park within designated parking stalls on-site. The designated parking stalls shall be signed or stenciled "Employee Only". Employees shall be strongly discouraged to park off-site.
 - P9. Prior to approval of the plans for Architectural Review, the plans shall be revised to show the designated locations of all parking spaces required by the Zoning Ordinance to be provided for employees and customers. The Zoning Ordinance calls for 1 employee/customer space per 400 square feet of repair/showroom area (a total of 114 required parking spaces based on the proposed square footage) plus one space for every two non-auto-repair employees. The applicant shall identify the total number of non-auto-repair employees for the dealership as part of the architectural review application. Plans shall be labeled to identify whether parking stalls will serve retail customers, service/repair customers, or inventory purposes.
 - P10. The operator shall manage vehicular stacking for the service area such that it does not create back-up onto Stevens Creek Boulevard or otherwise affect vehicular, bike, or pedestrian circulation.
 - P11. All lighting shall be shielded to prevent any spillover onto adjacent properties. Developer shall adjust angle, shield, or dimming of the lights should there be spillover of lights onto adjacent properties. Bright white lighting for nighttime outdoor vehicle display shall not occur on the rooftop parking deck. Rooftop lighting shall be subdued and non-white in color (equivalent to low or high pressure sodium light) but adequate for safety as employee/customer parking and vehicle storage.
 - P12. The use of announcement or paging speaker systems outside the building is prohibited.
 - P13. Use of the 26-foot wide driveway exit to Cecil Avenue shall be minimized. Test drives shall use the Stevens Creek Boulevard driveway for ingress and egress. The solid gate across the 26-foot driveway to Cecil Avenue shall be closed at all times, except in the event of an emergency or in order to facilitate egress from the site by delivery or service trucks for which egress from the Stevens Creek Boulevard exit is problematic. Prior to approval of the plans for Architectural Review, the on-site circulation expected for vehicles and delivery trucks shall be identified.
 - P14. The interior service door to the car wash (facing east) shall be closed when the vehicle washing equipment is in operation. The applicant shall present service door and automatic opening device details to the satisfaction of the Architectural Committee to demonstrate that carwash and service area noise impacts on adjoining residences are minimized.
 - P15. The floors of the parking structure shall be textured or surfaced to minimize noise from vehicle tires in motion.
 - P16. All mechanical equipment associated with the ventilation of this building shall be located within the building or on the rooftop, screened from public view, and designed so that building ventilation exhaust areas do not directly face neighboring residential properties. Auto wash area shall not be open toward residential properties when in operation, to the

- satisfaction of the Director of Planning and Inspection.
- P17. Hours of vehicle sales and service operation are restricted to 7:00 a.m. to 10:00 p.m. every day, including loading and receiving of materials and site circulation. All roll-up doors shall remain closed during these hours.
 - P18. Parts and supply deliveries shall occur using the Stevens Creek Boulevard driveway, and not Cecil Avenue.
 - P19. No loading, unloading, deliveries, ~~trash/recycling pick-up~~, vehicle staging, vehicle parking, vehicle/site service, or other site function shall occur on Cecil Avenue or other nearby residential streets, with the exception of oil and other fluid extraction and supply to the business may occur on Cecil Avenue between the hours of 8:00 a.m. to 5:00 p.m. ~~Oil and other fluid extraction and supply on Cecil Avenue shall occur no more than one time per week. The business operator shall maintain a log of activity for the oil and other fluid extraction and supply. Said log shall be furnished to the City upon request.~~
 - P20. The use of portable-generator-powered equipment to wash display vehicles shall not occur before 7:00 A.M. on weekdays, and shall not occur before 8:00 A.M. on weekends.
 - P21. Consistent with the Illingworth & Rodkin noise report dated July 18, 2016, utilize service bays furthest from the roll-up doors first, locate the noisier repair/service activities in bays furthest from the roll-up doors, limit sounding of horns and loud car radio use, and emphasize to all dealership staff the neighborhood's sensitivity to noise and the importance of minimizing operational noise impacts to neighbors.
 - P22. Obtain Zoning Administrator Minor Modification for proposed building height (above 35 feet).
 - P23. 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.
 - P24. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
 - P25. It shall be the developer's responsibility through his engineer to provide written certification that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.
 - P26. 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 Architectural Review approval. Post construction stormwater control measures must be certified for compliance with applicable Regional Water Quality Control Board requirements by a third-party certification body. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Division for incorporation into construction drawings and specifications.
 - P27. The project site is located in Seismic Hazard Zone as identified by the State Geologist for potential hazards associated with liquefaction, pursuant to the Seismic Hazard Mapping Act (Div.2 Ch7.8 PRC), and the developer shall prepare and submit a geotechnical hazards investigation report acceptable to the City of Santa Clara Building

- Official prior to issuance of permits.
- P28. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
 - P29. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
 - P18. The Project shall comply with all mitigations identified in the Mitigation, Monitoring and Reporting Program for the project.
 - P18. This Use Permit will only take effect following the effective date of the City Council's rezoning of the associated easterly 0.28 acre portion of the site from A – Agriculture to CT – Thoroughfare Commercial (City file number PLN2016-11888). Should the City Council not approve the associated rezoning, the Planning Commission's approval of this Use Permit shall be null and void.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees prior to issuance of the Building Permit. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E4. After City Council approval of the Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. The City approved Parcel Map shall be recorded by developer prior to building permit issuance.
- E5. File and record Parcel Map for proposed development and pay all appropriate fees prior to Building Permit issuance.
- E6. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E7. Sanitary sewer (SS) cleanout shall be installed at or near property line per City standard detail SS-1 for proposed SS lateral.
- E8. Proposed trees shall be 5' minimum clear of sidewalks. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.

- E9. Storm drain and sanitary sewer laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk.
- E10. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E11. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E12. Remove existing driveways and replace with ADA compliant driveways along the property frontages per City standards.
- E13. With the requirement to install the "Boulevard Style" frontage improvements (4-foot park strip with trees, and 10-foot sidewalk) along Stevens Creek Blvd, property owner will be required to dedicate sidewalk and utility easements for portions of sidewalk and any public utility within private property and pay the easement preparation fee. For more information regarding the easement contact Nelson Damian at 408-615-3000.
- E14. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E15. All proposed walkway, sidewalk, driveways, and curb ramps shall be ADA compliant.
- E16. Show and comply City's Driveway Triangle of Safety requirement at all proposed driveways including the Parking Garage driveways. No trees and/or structures obstructing drivers' view are allowed in the Triangle of Safety areas.
- E17. Provide pedestrian ADA walkway from proposed buildings to public sidewalk.
- E18. Proposed driveways on Stevens Creek Blvd. and Cecil Avenue shall be per City standard detail ST-8.
- E19. On-street parking shall not be counted toward on-site parking requirements.
- E20. Provide 2 Class I and 8 Class II bicycle parking spaces at main entrance and/or high visible area.

ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be overhead. See Electric Department Rules and Regulations for available services.
- EL4. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL5. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL6. Overhead services shall be installed per City of Santa Clara Electric Department standard OH-550, MS-G6, and MS-G7 latest revision.

- EL7. Underground service entrance conduits and conductors shall be “privately” owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Std. MS-G7, Rev. 2.
- EL8. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL9. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL10. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL11. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL12. Any relocation of existing electric facilities shall be at Developer's expense.
- EL13. Electric Load Increase fees may be applicable.
- EL14. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at developer's cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL15. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Chapter 17.15, Appendix A (Table III)).
- EL16. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL17. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

WATER

- W1. The applicant shall maintain 12" of vertical clearance at water service crossing with other utilities, and all required horizontal clearances from water services: 10' from sanitary sewer utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 5' from gas utilities, and 10' from landscaping. If applicant installs root barriers, clearance from landscaping reduces to 5'.
- W2. Prior to issuance of Building Permits, the applicant shall provide details for a sanitary sewer manhole on the property line for sanitary sewer services greater than 6".
- W3. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.
- W4. Prior to the issuance of Building Permits, the applicant shall provide fixture unit counts so the Water Division can verify the appropriate size of all proposed water meters.
- W5. The applicant shall revise plans so that water meter and the back flow preventer are located behind the side walk in a landscaping area. Additionally, the proposed water and fire services layout shall comply with City Standards 11 and 16.
- W6. Prior to issuance of Building Permits, the applicant shall submit plans indicating that the proposed water utilities will be installed per City Standard Details 11 (water service with reduced pressure backflow prevention device), 16 (fire service with double check detector assembly), and 18 (fire hydrant assembly). The applicant shall include the applicable City Standard Details on the plans. Note that the standard details can be found on the City of Santa Clara website under Water and Sewer Utilities Technical Documents.
- W7. Prior to the issuance of building permit, applicant shall review the plan set, address discrepancies, and submit plans consistently showing the location of the proposed and existing utilities. Please note that there are several utility discrepancies between sheet L-2 (composite plan) and sheet C5.2 (utility plan).
- W8. The applicant shall label the sizes and type for the water main along Stevens Creek Boulevard. Additionally, the applicant shall label the sizes of the water laterals. Note that the applicant shall correct the discrepancies on sheet C5.2 (utility plan) involving callouts.
- W9. Prior to issuance of Building Permits, the applicant shall enlarge the scale of sheet L-2 (composite utility plan), such that utility conflicts can be identified. At its current scale, sheet L-2 is very difficult to read.

POLICE

- PD1. The business operator shall strictly adhere to the business hours as stated in the use permit.
- PD2. The developer shall provide a minimum average illumination of one-foot candle in parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD3. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. The numbers shall be illuminated during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street.
- PD4. The entrance to the driveway and parking area should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California vehicle Code section 22658(a) for guidance.

- PD5. Developer shall provide trash enclosure fencing that is either see through or has a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these trash enclosures should remain locked.
- PD6. Landscaping should be of the type and situated in locations to maximize visibility from the street while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows to discourage criminal penetration.
- PD7. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD8. All business or commercial establishments, of whatever nature, should have a comprehensive internal security plan, tailored to the specific use. This should include, but not limited to, employee security during working hours, after hours security, disaster preparation, etc. You may contact the Community Services Unit, Santa Clara Police Department, 601 El Camino Real, Santa Clara, CA 95050, Attn: CSU Sergeant, should you have questions or need advice on this matter.
- PD9. All business or commercial establishments, of whatever nature, should have an electronic intruder alarm system installed. The system should cover the interior and perimeter of structures determined to be a value target. Also, consideration should be given to exterior areas that are or contain value targets, such as a product display lot, vehicle parking area, etc. Contact Alarm Administrator at Santa Clara Police Department for further details (408) 4615-4700.

FIRE

- F1. At time of Building Permit Application, submit documentation showing that the minimum required fire-flow in accordance with California Fire Code, Appendix B, and Table B105.1 can be met for the construction type and square footage of the building. A maximum reduction of 50% in fire-flow is allowed with the installation of an automatic fire sprinkler systems designed in accordance with California Fire Code. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration. From the hydrant flow data (current within one year) provide a hydraulic calculation that this fire flow can be met at a residual pressure of 20 psi.
- F2. At time of Building Permit Application, the Design Team shall submit an Alternate Means and Method Application (AMMA) Permit to mitigate the lack of fire department access. The mitigation shall include an increase in sprinkler density from 0.15 gpm/sq. ft. to 0.2 gpm/sq. ft. for all areas of the buildings and parking garage. Additional standpipe locations will also be required where deemed appropriate.

STREETS

- ST1. Submit a solid waste collection plan to meet the requirements. Please contact Street Department at 408-615-3080 for guideline.
 - a. Solid Waste enclosure must provide a minimum unobstructed inside opening of 12' and have minimum inside dimensions of 18.5' by 10.5'.
- ST2. Developer must have 3rd party verification of C.3 packet and storm water management plan, 3rd party inspection of stormwater treatment devices at time of installation, and Inspection and Maintenance agreement with the Street Division (we provide boiler plate). Document must be printed single-sided and be notarized. For more information, call 408-615-3080.
- ST3. Projects with active building permits over 1 acre in size must maintain a SWPPP and are to be inspected once a month during the wet season (October – April) – fees, subject to change, are \$162.63 per inspection.

- ST4. Applicant to comply with City Code Section 8.25.285 and recycle or divert at least fifty percent (50%) of materials generated for discards by the project during demolition and construction activities. No building, demolition or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. After completion of project, applicant shall submit a construction and demolition debris recycling report as stipulated by ordinance, or be subject to monetary, civil, and/or criminal penalties.
- ST5. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size to be determined by City Arborist.
- ST6. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.
- ST7. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

I:\PLANNING\2015\Project Files Active\PLN2015-11350 3215 Stevens Creek Boulevard (Use Permit)\CC\Conditions of Approval - 3215 Stevens Creek Blvd (PLN2015-11350).doc