

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA DENYING A CONDITIONAL USE PERMIT TO ALLOW AN ADDITION OF A CAR WASH TO A SERVICE STATION AT 2455 LAWRENCE EXPRESSWAY, SANTA CLARA

PLN23-00513 (Conditional Use Permit, Variance)

WHEREAS, on November 06, 2023, Muthana Ibrahim (“Applicant”), on behalf of Gadri Corporation (“Owner”) made an application for the redevelopment of a 18,544 square foot parcel (Assessor’s Parcel Number: 220-18-005) located at 2455 Lawrence Expressway in Santa Clara (“Project Site”);

WHEREAS, the Project Site has a General Plan designation of Neighborhood Commercial and was zoned Neighborhood Commercial (CN) when the application was “deemed complete”, and is now currently zoned Commercial-Neighborhood (C-N);

WHEREAS, the Project Site is currently developed with an approximately 5,485 square-foot fuel canopy, six fuel dispensers, a 502 square-foot service kiosk, and site landscaping;

WHEREAS, the Applicant proposes to remove two fuel dispensers, the service kiosk, and 2,929 square-feet of fuel canopy, in order to construct a 1,605 square-foot convenience store, a 692 square-foot self-serve carwash, a 248 square-foot carwash equipment room, and retain 1,556 square feet of fuel canopy and four fuel dispensers (“Project”);

WHEREAS, the Project requires a Conditional Use Permit, Variances, and Architectural Review by the City for which the Applicant has simultaneously applied;

WHEREAS, pursuant to Section 18.34.040 of the Classic Santa Clara City Code (“SCCC”) , a Conditional Use Permit is required in order to allow an automobile service station in the CN zoning district;

WHEREAS, the California Environmental Quality Act (“CEQA”) Guidelines Section 15270 provides that “CEQA does not apply to projects which a public agency rejects or disapproves”;

WHEREAS, pursuant to SCCC Section 18.114.050, the Planning Commission cannot grant a Conditional Use Permit without first making specific findings related to the effect of the project on public convenience, health, interest, safety, and general welfare, among other factors, based upon substantial evidence in the record;

WHEREAS, on January 2, 2025, notices of the public meeting for the Planning Commission Hearing of January 15, 2025, were mailed to all property owners within 500 feet of the Project Site boundaries; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to consider the Project during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby denies the Conditional Use Permit, to allow the redevelopment of an existing service station to construct a self-serve carwash tunnel at the rear of the property, as depicted on Exhibit “Development Plans,” attached hereto and incorporated herein by this reference.
3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:
 - A. The proposed use is inconsistent with the General Plan, in that the project site has a General Plan land use designation of Neighborhood Commercial, which is intended for local-serving retail, personal service and office uses that meet neighborhood needs, and a service station does not fit that description. Moreover, the proposed expansion would violate General Plan policies requiring commercial uses to respect surrounding neighborhoods and reduce potential land use conflicts, encouraging

adequate protections of adjacent residential uses from incompatible commercial activities, and discouraging auto-oriented uses from properties abutting residential uses;

B. The proposed use is only allowed within the subject zone through the Conditional Use Permit process and does not comply with other applicable provisions of this Zoning Code and the City Code, in that the project does not meet the development standards listed in Chapter 18.34 of the Classic Code, does not meet screening standards set in Section 18.60.100 of the Classic Code, and does not meet the landscaping standards set forth in Chapter 18.36 of the current Zoning Code;

C. The design, location, size, and operating characteristics of the proposed use are not compatible with the allowed uses in the vicinity; in that the project is adjacent to multi-family residential to the rear and the proposed location, size, and operating characteristics of the proposed self-serve carwash tunnel without any mitigation factors such as, adding automatically closing doors on either side of the tunnel to reduce noise, using lower noise “quiet” dryers, installing an eight foot landscaped screening wall, introducing hand drying, or moving the location of the carwash to the western side of the property, would create an incompatible use.

D. Operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, in that the proposed project has not offered any mitigation factors for the proposed carwash, there is no evidence that the carwash at seven inches from lot line would meet the Zoning Code’s noise ordinance, and the proposed project does not comply with multiple sections of the Zoning Code.

E. The subject site is:

1. Not physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire

and medical) access and public services and utilities; in that the site is immediately adjacent to residential zoned property and does not meet the City's regulations for landscaping or setbacks for the proposed use.

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 15th DAY OF JANURARY, 2025, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
AFSHAN HAMID
DIRECTOR OF COMMUNITY DEVELOPMENT

Attachments Incorporated by Reference:
None