

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO AFFIRM THE DECISION OF THE PLANNING COMMISSION TO
DENY A CONDITIONAL USE PERMIT REQUEST TO MODIFY
EXISTING CONDITIONS OF APPROVAL FOR THE EXISTING
SUBARU DEALERSHIP AT 3225 STEVENS CREEK BOULEVARD,
SANTA CLARA**

PLN24-00392 (Conditional Use Permit)

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 changed Planning Conditions 6 & 19 to allow the operation of existing roll-up doors during business hours to facilitate trash pick-up 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 Conditions 6 & 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;

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

WHEREAS, the Project is 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, pursuant to SCCC Section 18.150.040, the Planning Commission cannot grant a Conditional Use Permit without first making specific findings related to the modification request;

WHEREAS, on May 21, 2025, the Planning Commission held a duly noticed public hearing to consider the Project, at the conclusion of which, the Commission voted 5-2 to deny the Conditional Use Permit modifications;

WHEREAS, on August 13, 2025, the Planning Commission voted on consent agenda to adopt a resolution to deny the Conditional Use Permit;

WHEREAS, pursuant to SCCC Section 18.114.040.B.3, The Planning Commission's decision is appealable to the Council in compliance with SCCC Chapter 18.144;

WHEREAS, on August 20, 2025, the Applicant filed a timely appeal of the Planning Commission's decision to the City Council;

WHEREAS, on October 7, 2025, the City Council conducted a public hearing to consider the appeal. After the close of the public hearing, although a motion was made to overturn the Planning Commission decision, a majority of the Council did not support the motion, which had the effect of sustaining the Planning Commission's denial of the Conditional Use Permit;

WHEREAS, pursuant Santa Clara Council Policy Manual 042, The City Council's decision may be reconsidered by the City Council at the same meeting as the initial action, or at the next regular meeting;

WHEREAS, at the next regular Council meeting, on October 21, 2025, the Applicant requested a timely reconsideration of the prior City Council's decision to the City Council, which the Council voted to grant by a vote of 6-1;

WHEREAS, pursuant to SCCC Chapter 18.144, on February 12, 2026, notices of the public meeting for the City Council Hearing of February 24, 2026, were mailed to property owners within a 500-foot radius;

WHEREAS, pursuant to SCCC Section 18.146.020, on February 19, 2026, notices of the public hearing of February 24, 2026, were posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website;

WHEREAS, on February 24, 2026, City Council held a duly noticed public hearing to consider the Appeal during which the City Council 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 CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council hereby Overrules the Appeal and Denies the Conditional Use Permit, to modify the existing Conditions of Approval to change Planning Conditions 6 & 19, which would have allowed the operation of existing roll-up doors during business hours to facilitate waste collection on Cecil Avenue for an existing car dealership located at the Project Site.
3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the City Council hereby finds that:
 - a. Circumstances under which the permit or approval was granted have not 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.
 - i. The trash pick-up restrictions under Planning Conditions 6 & 19 does not create an unreasonable constraint to the site's waste management.
 - ii. The constrain is not unique to this site as future development abutting Cecil Avenue has been allowed to get their trash picked up from that street.
 - iii. The waste management company ("Mission Trail") is operating their waste trucks on Cecil Avenue currently for Stevens Creek Lincoln and changing these conditions will generate additional noise pollution and traffic as more commercial waste vehicles will traverse on Cecil Avenue to pick up waste for both sites
 - iv. Mission Trail is unable to service Stevens Creek Subaru as their waste trucks cannot enter the rear of the property through Cecil Avenue due to the lack of clearance for trucks.

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

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3. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 24th DAY OF FEBURARY, 2026, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
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