

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA  
TO SUSTAIN AN APPEAL AND APPROVE A CONDITIONAL USE  
PERMIT 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 Condition 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 P6 & P19 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**, 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 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 modification to the Conditional Use Permit;

**WHEREAS**, on August 13, 2025, the Planning Commission adopted the resolution to deny the Conditional Use Permit modification;

**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**, pursuant to SCCC Chapter 18.144, on September 25, 2025, notices of the public meeting for the City Council Hearing of October 7, 2025, were mailed to property owners within a 500-foot radius;

**WHEREAS**, pursuant to SCCC Section 18.146.020, on October 2, 2025, notices of the public hearing of December 3, 2024, were posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website; and

**WHEREAS**, on October 7, 2025, 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 Sustains the Appeal and Approves the modification of the Conditional Use Permit, by changing Planning Conditions P6 & P19 to allow 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 as detailed in the modified Conditions of Approval, attached hereto by this reference.
3. Pursuant to SCCC Code Section 18.150.040, and based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the City Council hereby finds that the circumstances under which the permit or approval was granted have 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 Conditions 6 & 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 picked up from this street.
- iii. The waste management company (“Mission Trail”) operates their collection vehicles on Cecil Avenue currently and changing these conditions will not generate additional noise pollution.
- iv. The required findings for these conditions cannot be met anymore due to the conditions on the ground.

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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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING  
THEREOF HELD ON THE 7th DAY OF OCTOBER, 2025, 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:

1. Modified Conditions of Approval

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