

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA DENYING A VARIANCE TO ALLOW AN EXPANSION TO AN EXISTING SERVICE STATION WITH IMPROVEMENTS TO THE SITE THAT RESULT IN A REDUCED REAR SETBACK, AND REDUCED LANDSCAPING PLANTERS AND BUFFERS 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 with three parking spaces onsite (“Project”);

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

**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 18.124.050, the Planning Commission cannot grant a Variance without first making specific findings, 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, at the conclusion of which, the Planning Commission voted to reopen the public hearing and continue the Project to the March 19, 2025 Planning Commission hearing to allow for the applicant to work with staff to resolve issues related to noise, landscaping, setbacks, hours of operations, and screening; and

**WHEREAS**, on March 19, 2025 the Planning Commission reconvened the 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 Variances for rear setback reduction from 20-feet to one foot - seven inches, reduced landscaping planter depth along the street frontages from 15 feet to a range of five to 10 feet, reduced landscaping planter depth at the rear property line from five feet to three feet 11 inches, and a reduction in the requirements for a dense landscaped buffer in each planter area.
3. That pursuant to SCCC Section 18.124.050, the Planning Commission determines that the following findings do not exist in support of the variance:
  1. There are special circumstances or conditions applicable to the subject property or existing buildings (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification: the project site exceeds the minimum size

requirement for Neighborhood Commercial zoned properties, the applicant has other areas on the site to construct a carwash that would not require a variance, and the applicant could plant the required landscaping if the carwash was moved to a different location and the store can be made smaller to meet the correct setbacks;

2. Strict compliance with Zoning Code requirements would not deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification: the applicant is able to update the site, create an appropriately sized convenience store, and could reposition the carwash to be on the western side of the lot without the need for a variance to setbacks;
3. Approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated, the only other Commercial Zoned property in the area is adjacent to the west side of the subject property, the adjacent property has an eight foot landscaped screened on the rear of the property that abuts the multi-family residences to the south and the structure is setback approximately ten feet from the rear property line, which meets the Classic Code requirements. By allowing the proposed carwash tunnel at one foot - seven inches from the rear setback, without the proper landscaped screening the subject property would be receiving privilege inconsistent with the limitations of the Code and other properties in the vicinity; and
4. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property in question, in that the car wash is proposed to be operated daily without the proper landscaped screening, which would shine car headlights directly into residences and the public rights-of way.

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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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 19<sup>th</sup> DAY OF MARCH, 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