

# Use Permits

## *General*

Within most zoning districts, certain uses are designated "conditional." Such uses may be established only by first securing a Use Permit. These are typically uses which have the potential of adverse impact and therefore, require more review than other permitted uses.

All Use Permits are revocable, conditional, or valid for a term period. Use Permits are confined to the particular use, building, property and plans submitted for which the Use Permit is granted. The life of a Use Permit approval, unless otherwise conditioned or revoked, shall continue indefinitely, with the exception that the approval shall expire and become null and void twelve (12) months following the cessation of the conditional use. ([SCCC 18.110.010](#))

In order to grant any Use Permit, the Planning Commission must make the following findings:  
That the establishment or operation of the use or building applied for, under the circumstances of the particular case, is essential or desirable to the public convenience or welfare;  
That said use will not be detrimental to any of the following:  
The health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use;  
Property or improvements in the neighborhood of such proposed use; or  
The general welfare of the City;  
That said use will not impair the integrity and character of the zoning district; and  
That said use is in keeping with the purposes and intent of this title.

### How to apply for a Use Permit

Applications must be to the Planning Division. Within approximately three weeks, a hearing date for Planning Commission consideration of the proposed project will be identified. Applications shall be accompanied by twelve (12) copies of fully dimensioned site plans, floor plans and elevation drawings of proposed structures and one 8 ½" x 11" reduced copy of each of the drawings. Applications must have the property owner's signature prior to submittal. Detailed instructions and submittal requirements are provided on the application form. Such application shall be accompanied by a non-refundable fee as shown in the Planning Application Fee Schedule.

## *Process*

When an application is received in Planning, it is date-stamped, receipted and tentatively scheduled for the Project Clearance Committee (PCC) meeting. All inter-departmental concerns regarding the proposed project including necessary design changes, recommended conditions of approval and environmental findings are discussed at the PCC meeting. The applicant and/or a representative is encouraged to attend. The Committee must determine if the application contains all necessary information in order to be deemed complete. When the Committee determines a Negative Declaration or Environmental Impact Report is required, the appropriate process must be completed prior to scheduling the item for a fully noticed public hearing. Copies of the PCC minutes are mailed to each owner and applicant within approximately five to ten days after Project Clearance Committee review.

Staff prepares a report for the items on the Planning Commission (PC) agenda. At the meeting, the Planning Commission reviews staff recommendations, public testimony and the applicant's presentation. The Commission then acts to approve or deny the application based on specified findings. The Planning Commission may also designate such conditions of approval in connection with the Use Permit as it deems necessary and may require guarantees and evidence that the applicant will comply with such conditions. The decision on any Use Permit by the Planning Commission is final except in the event of an appeal. ([Section 18.110.070](#)).

### ***Planning Commission Meeting Dates***

The [Planning Commission](#) conducts public hearings generally once or twice a month on matters such as Use Permits. Specific Planning Commission meeting dates are available at the Permit Center or can be found [online](#).

**Public Noticing Requirements** At least ten days prior to the Planning Commission meeting, Notices of Hearing are mailed to all property owners within a three hundred foot radius of the property. Ten days prior to the meeting, notices are posted in at least three conspicuous places near or on the affected property. Concerned citizens may contact the Planning Division and submit written comments regarding the application. They may also formally address the Planning Commission at the Public Hearing regarding the proposal. If a concerned citizen later chooses to challenge a land use decision of the Planning Commission (or Council), he or she may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Division or Planning Commission at, or prior to, the public hearing.

Regarding concurrent sales of beer and wine and motor vehicle fuel, the Use Permit requirements are included in Santa Clara [Municipal Code Section 18.68.030](#) – Service Station Standards. For Specified Regulated Businesses, such as adult theaters, adult bookstores and massage parlors, the requirements are included in the Santa Clara [Municipal Code Section 18.70.040](#) of – Use Regulations applicable to specified regulated businesses.

### ***Findings and Appeals***

Findings for Use Permits are usually accompanied by conditions of approval. Conditions of Use Permit approval should be implemented within ninety days of approval, but not later than the start of operation of the conditional use. The action of the Commission is final unless appealed. The owner/applicant or any concerned person may file an appeal of the Commission action with the City Clerk for hearing by the City Council. Any such appeal must be filed within 7 calendar days of the Commission action and must be accompanied by the appeal fee.

### ***Revocation***

Any Use Permit approval granted shall be automatically revoked and terminated if not used within two years of the original grant, or within the period of any authorized extensions thereof. If the use is not in operation or under construction within two years, an extension request must be filed for the purpose of extending the time on any approval for a maximum of two years.

Any Use Permit granted in accordance with the terms of Santa Clara [Municipal Code Section 18.110](#) may be revoked if basis for approval is found to be invalid or if any of the conditions of

such permit are violated, or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety or welfare.

The Planning Commission shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten days prior to the hearing and shall submit its recommendations to the City Council. The City Council shall act within forty-five (45) days after receipt of the recommendations of the Planning Commission.