

Special Permit

The special permit process provides for the establishment and conduct of certain uses presumed to be generally appropriate within a zoning district, but whose intensity, impacts, or other characteristics require discretionary review to ensure that projects meet all applicable standards and findings for the use at the designated location. Uses which require a special permit are considered generally lesser in intensity and impacts than those which require a use permit. Special permits are most commonly obtained for more intensive residential uses, such as secondary dwellings. They are also the designated permitting process for a number of other uses throughout the zoning ordinance.

Each special permit application is a unique case which is granted or denied on the basis of the file documents, field inspection, and the testimony presented at the public hearing. In addition to the criteria and findings specified for a particular use, the zoning administrator must make all of the following findings in order to grant a special permit, as specified in §5.60.030 of the zoning ordinance.

- A. The proposed use conforms with the general plan, with the zoning ordinance, and with all standards applicable to the proposed use that have been adopted by the planning commission or board of supervisors;
- B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;
- C. The proposed use will not be detrimental to the public health, safety, general welfare. In this respect the zoning administrator shall further find, without limitation, that:

1. Adequate off-street parking, loading and unloading areas (if applicable) and handicapped access will be provided;
2. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);
3. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;
4. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;
5. The use will not substantially worsen traffic congestion affecting the surrounding area;
6. Erosion will be adequately controlled; and
7. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

If all of the above findings cannot be made, the application shall be denied.

If a special permit is approved, the zoning administrator may include conditions deemed reasonable and necessary under the circumstances to mitigate negative impacts on adjacent properties, preserve the integrity and character of the district, and secure the general purposes of the zoning ordinance and the general plan.

Application Procedure

Application forms and a list of submittal requirements may be obtained at the Planning Office counter. The application submittal includes plans, copies of deeds, certain forms, and the applicable filing fee (see current fee schedule). A staff member reviews the submitted materials to make sure all

needed items and signatures are present. The application is taken in, a file number is assigned, and the applicant is given a receipt along with a copy of the submitted application form.

Processing involves creating a file, distributing copies of plans to various departments and agencies for review and recommendations, collecting and interpreting the various agency comments and recommendations, and evaluating the completeness of the application. When the application is deemed complete, it is scheduled for the next available hearing date.

At least 10 days prior to the special permit hearing, the owner, applicant, and all property owners within 300 feet of the exterior boundaries (minimum of 24 properties) of the subject property are notified of the hearing. Notice of upcoming hearings is also published in the newspaper, as well as the Planning Office's Web site.

The Hearing

The special permit hearing is the formal conclusion of the review and decision-making process. At the hearing the zoning administrator summarizes the issues and considers public testimony. A decision to grant or deny the proposal is usually rendered at the close of the hearing. In some instances, an item may be taken under advisement or continued to a future hearing. Formal documentation of the decision is normally mailed to the applicant within a week of the decision.

Time Limitations

The time limit for a special permit is normally two years from the effective date. If a building permit for the project is not obtained within the allotted time period, the special permit will expire.

An extension of time may be granted by the zoning administrator if an application is filed with the Planning Office prior to the expiration date.

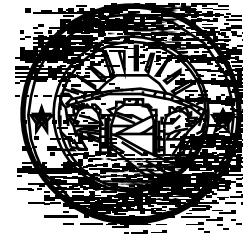
An application for an extension of time must be accompanied by payment of a fee in an amount prescribed by the Board of Supervisors.

Appeals

The decision or any specific condition imposed by the zoning administrator may be appealed to the County Planning Commission within 15 calendar days. Appeals are filed, along with the current fee, at the Planning Office. The Planning Commission's decision may be subsequently appealed to the County Board of Supervisors.



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Santa Clara County Planning Office

70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
TEL 408-299-5770 • FAX 408-288-9198
<http://www.sccplanning.org>

