

SPECIAL USE PERMITS AND CONDITIONAL USE PERMITS

Certain land use proposals require a Special Use or Conditional Use permit to ensure the use will be compatible with its surrounding area.

When is a Special Use Permit (SUP) or a Conditional Use Permit (CUP) required?

A SUP is required for:

- Demolition of buildings without a replacement building
- Late-night (past midnight) operations in the Downtown area
- Nonresidential condominiums
- Outdoor special events on private property
- Parking that is off-site or alternating arrangements
- Residential accessory structures larger than 650 sq. ft.
- Slimline monopoles

A CUP is required for:

- Bars and nightclubs
- Churches and religious assembly uses
- Drive-through businesses
- Monopoles
- Off-sale of alcohol
- Residential care or service facilities
- Utilities

There are other, less common uses that require a SUP or CUP. See the inset on how to looking up allowable uses and the related permit process in the Zoning Code.

How do I apply for a SUP or CUP?

1. Go to www.sanjoseca.gov/planningapplications and select the Universal Application page. Follow instructions for completing and submitting the [Universal Planning Application](#) form and application package.
2. An appointment to submit the package is required; visit www.sanjoseca.gov/planningappointments,
3. Fees for the application, environmental review, and public noticing are due when submitting the application. See the Fee Schedule at www.sanjoseca.gov/planningfees. Fees are required whether or not the application is approved.

How to Look Up Uses Allowed by the Zoning Code and General Plan

1. **Check the property's zoning.** Identify the zoning of a property address at: www.sanjoseca.gov/zoningmap
2. **Check what the Zoning Code allows.** At www.sanjoseca.gov/zoningcode, there are sections with tables that show if a SUP (indicated by "S") or CUP (indicated by "C") is required for various uses within zoning districts.
 - For residential zones: [Table 20-50](#)
 - For commercial/public/quasi-public zones: [Table 20-90](#)
 - For industrial zones: [Table 20-110](#)
 - For Downtown: [Table 20-140](#)
 - For Planned Development (PD) Zones: Consult with a Planner as each PD zone has unique requirements.
3. **Check what the General Plan allows.** The proposed use must be compatible with the General Plan designation for the property. Search the property address on the General Plan Land Use Map at: www.sanjoseca.gov/GPdesignation
4. Before investing in an application submittal, you may wish to consult with a planner to fully understand application requirements and the issues that may affect permit approval. Visit www.sanjoseca.gov/planningconsultation.

Application review process

The application review process is charted on page 2. The process timeline depends on the complexity of the project and is typically four to eight months from the time of application submittal. By providing accurate information and plans, you can help speed the processing of your application.

Planning Division staff will review the application and include reviews by other department staff as needed. A community meeting may be required as part of the application review process. If the application is ready to proceed, staff will schedule the item for a hearing.

Planning Director decides SUP approval. The Director of Planning is the authority to approve, conditionally approve, or deny the SUP application. The Director’s hearings are open to the public. The Director’s decision may be appealed to the Planning Commission, whose decision is final.

Planning Commission decides CUP approval. The Planning Commission is the authority to approve, conditionally approve, or deny a CUP application. Planning Commission hearings are open to the public. The Commission’s decision may be appealed to the San José City Council, whose decision is final.

Public notification is required for SUP and CUP hearings. See the Public Outreach Policy for Development Proposals at <http://www.sanjoseca.gov/documentcenter/view/374>.

What determines approval of a permit?

The proposed use must be allowed for the site under the Zoning Code and General Plan. The proposal must demonstrate that the use will not:

- Impair the character and integrity of the neighborhood;
- Impair the utility or value of adjacent property or the general welfare of the neighborhood;
- Be detrimental to the public peace, health, safety, morals or welfare.

Several types of use proposals will need to show conformance with regulations and policies outlined in:

- **Specific Use Regulations, Chapter 20.80** at www.sanjoseca.gov/zoningcode.
- **Planning and Zoning Policies, Section 6 - Council Policy Manual:** <http://www.sanjoseca.gov/index.aspx?NID=1961>

Permit conditions. To ensure compatibility with the neighborhood, the City may assign conditions as part of approving a permit. Conditions typically address:

- Hours of operation
- Noise levels
- Parking and circulation requirements
- Permit expiration date
- Security plan

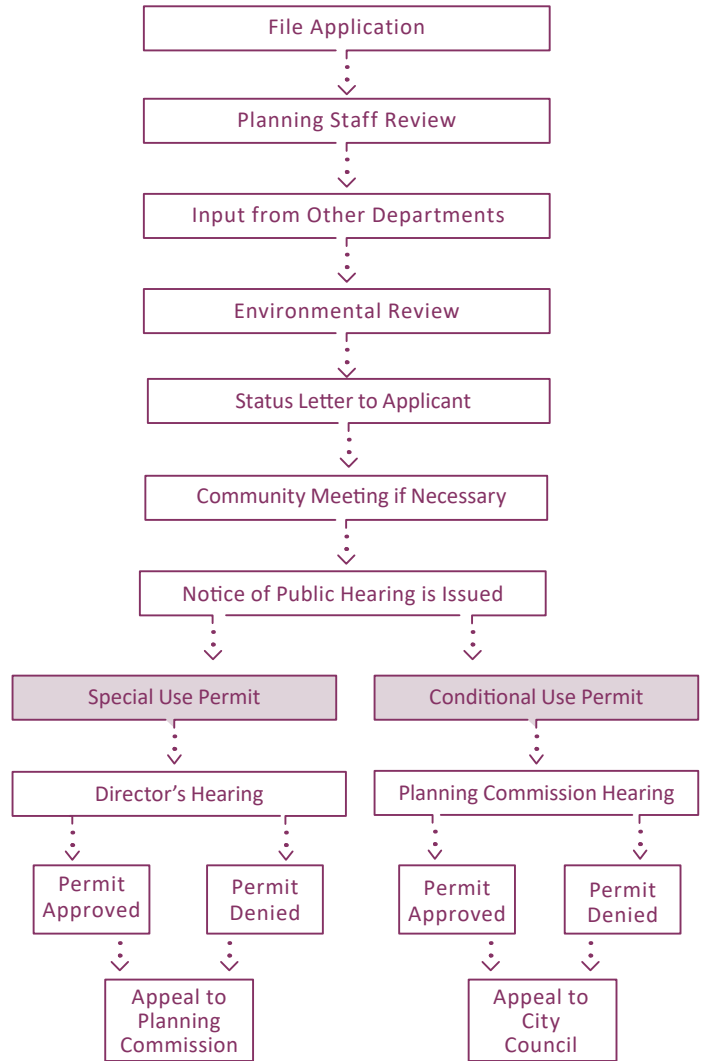
Questions? Speak with a Planner:

In person - Visit the Planning Counter at the Development Services Permit Center, www.sanjoseca.gov/permitcenter.

By phone - Call 408-535-3555 and ask to speak with a Planner during these hours: www.sanjoseca.gov/planning.

Consultation - For more guidance, the Planning Division offers one-hour, fee-based consultations: www.sanjoseca.gov/planningconsultations

Permit Application Review Process



Note: An approved permit can also be appealed, such as if a neighbor wishes to appeal an approval.

This publication is available upon request in alternative formats such as Braille, large print, audio tape, or computer disk. Call 408-535-3555 (voice) or 408-294-9337 (TTY).