



## LETTER OF DENIAL ZONING CLEARANCE – BUSINESS LICENSE

**File No.:** PZC25-00381  
**Project Description:** Business License  
**Project Address:** 770 KIELY BL 125  
**APN:** 293-25-038  
**Zoning:** MU-NC, Mixed Use-Neighborhood Commercial  
**General Plan:** Neighborhood Mixed Use

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**Action:** Administrative Denial

**Denial Date:** 12/15/2025

### Facts and Findings:

The subject property is located within the Mixed-Use Neighborhood Commercial zoning district (MU-NC). Based on email correspondence with the applicant, it is staff's understanding that the business description satisfies the definition of a "Smoke Shop", as defined in Section 18.160.190 of the Santa Clara City Code (SCCC). Pursuant to Section 18.160.190 ("S" Definitions) of the SCCC, a "Smoke Shop" is defined as the following:

**Smoke Shop.** Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco, vaping, compressed gas (i.e. nitrous oxide), or cannabis paraphernalia. Any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop" and is not subject to the restrictions in this chapter.

Pursuant to Table 2-11 contained in Section 18.14.020 of the Santa Clara City Code (SCCC), a "Smoke Shop" is an expressly prohibited use in the MU-NC zoning district.

Planning staff did not find record of an existing issued business license for the proposed use at this location.

Based on the facts and findings noted above, this zoning clearance is hereby denied.

### Denied by:

**Tracy Tam**  
**Associate Planner**