

 <b>City of Santa Clara</b> <small>The Center of What's Possible</small>	Planning Division; (408) 615-2450 Email: <a href="mailto:planning@santaclaraca.gov">planning@santaclaraca.gov</a>
<b>Planning Appeal Form</b>	

**Instructions**

Use this form to appeal a decision made at the Development Review Hearing or Planning Commission. **All appeals must be filed with the Planning Division within seven calendar days of the action being appealed.**

Appeals from the Development Review Hearing are made to the Planning Commission (for single-family residential projects) or to the City Council (for projects other than single-family residential projects) and will be set for hearing on the next available agenda. Appeals from the Planning Commission are made to the City Council and will be placed on a subsequent City Council Agenda. Please contact the Planning Division at the number listed above with any inquiries about the process.

Applications will be filed through the City's [Permitting Online Portal](#). You will need to register for an account to file. Applications may also be filed in person at the Permit Center, City Hall, 1500 Warburton Avenue, Santa Clara.

*Information submitted on this form is public record.*

**Appeal Fees**

[Appeal Fees](#) are set by the Municipal Code of the City of Santa Clara and are subject to annual review. Submitted appeals will be invoiced by staff for payment. **Fee payment must be received by the City of Santa Clara before this form submittal can be certified as complete.**

**Appellant Declaration**

Name: Xiangqiong Wu  
 Street Address: 839 Winifred Dr  
 City, State, Zip Code: San Jose 95122  
 Phone number: 6124564357  
 E-mail address: qiongwu1008@gmail.com

In accordance with the provisions of the Municipal Code of the City of Santa Clara, I hereby appeal the following action at the:

Development Review Hearing     Planning Commission

at it's meeting of \_\_\_\_\_  
 (date)

Agenda Item No.: \_\_\_\_\_

File No.(s): PZC25-00381

Address:/APN(s): 770 Kiely Blvd Unit 125 Santa Clara CA

**Appellant Statement**

(If more space is required, attach a separate sheet of paper.)

Action being appealed:

**Administrative Denial of Zoning Clearance for Business License**

(File No . PZC25-00381, dated December 15,2025)

Reason for Appeal:

The administrative denial is improper because the City applied zoning regulations adopted after the application was submitted. The application was submitted in April, prior to the July ordinance amendment, but the denial relies on the amended definition and restrictions without any vested rights or transitional analysis.

Additionally, the Administrative denial is based solely on staff's understanding of the business description,

without providing the applicant an opportunity to clarify or correct the zoning classification.

For these reasons, the Administrative Denial should be reversed.

**Certification of Authenticity**

Beware, you are subject to prosecution if you unlawfully submit this form. Under penalty of law, transmission of this form to the City of Santa Clara is your certification that you are authorized to submit it and that the information presented is authentic.



12/16/2025

Signature of Appellant

Date



smokecharms59

Linked Accounts

	Account #	Business Name	Address	Expire Date	Balance Due	Actions
<ul style="list-style-type: none"> <li> Renew/File/Link Account)</li> <li> Pay for Balance Due</li> <li> Update Account</li> <li> Submit New Application</li> <li> View/Print My Documents</li> <li> Update Profile</li> <li> Sign Out</li> <li> Report a Problem</li> </ul>	315243	Smoke Charms LLC	770 KIELY BLVD 125 SANTA CLARA, CA 95051-5743	5/7/2026	\$0.00	<a href="#">Renew/File</a>   <a href="#">Update</a> <a href="#">Close</a>   <a href="#">Remove</a>



City of Santa Clara  
Municipal Services Division - Business License Unit  
1500 Warburton Ave Santa Clara, CA 95050  
Phone (408) 615-2310  
Business Hours: Mon-Fri (8am - 5pm)



Transient Occupancy Tax:



Inquiry Regarding Opening a Smoke Shop at 770 Kiely Blvd, Santa Clara



我 3月13日  
发给planning ▾



Dear City Hall Team,

I hope this message finds you well.

I am writing to inquire about the zoning regulations and business licensing requirements regarding the establishment of a smoke shop at the following address:

770 Kiely Blvd,  
Santa Clara, CA 95051

Could you please advise if this type of business is permitted at this location, and inform me of any special regulations or procedures I should be aware of?

Thank you very much for your assistance. appreciate your time and guidance and look forward to your reply.

Best regards,

Ellie

← 回复

→ 转发





## 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



santa clara city



Compose

- Inbox 2
- Starred
- Snoozed
- Sent
- Drafts
- More

- Labels +
- 烟店执照
  - 烟网络
  - Challenge school

5 of 16 < > 拼

### City of Santa Clara Business Tax Payment Inbox x

**donotreply@santaclaraca.gov** to me Thu, May 8, 11:38 AM

Certificate: 315243  
Business Name: Smoke Charms LLC  
Location: 770 KIELY BLVD 125

Thank you, for your recent payment for certificate number 315243.  
Please do not reply to this email as this account is not monitored.

Thank you,  
**City of Santa Clara**  
Business Tax Division

\*\*The four dollar (\$4) State Disability Access Education Fee is required for all Business License applications and renewals under California Senate Bill 1186. Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You obtain information about your legal obligations and how to comply with disability access laws at the following agencies: The Division of the State Architect at [www.dgs.ca.gov/dsa/home.aspx](http://www.dgs.ca.gov/dsa/home.aspx) The Department of Rehabilitation at [www.rehab.cahwnet.gov](http://www.rehab.cahwnet.gov) The California Commission on Disability Access at [www.cdda.ca.gov](http://www.cdda.ca.gov)

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