

CHAPTER 20B. "CD" DISTRICT **(COASTAL DEVELOPMENT DISTRICT)**

SECTION 6328. ESTABLISHMENT AND PURPOSE OF COASTAL DEVELOPMENT DISTRICT. There is hereby established a Coastal Development ("CD") District for the purpose of implementing the Coastal Act of 1976 (Division 20 of the Public Resources Code) in accordance with the Local Coastal Program of the County of San Mateo.

SECTION 6328.1. REGULATIONS FOR "CD" DISTRICT. The regulations of this Chapter shall apply in the "CD" District. The "CD" District is an "overlay" district which may be combined with any of the districts specified in Chapters 5 through 20A of this Part, or other districts which may from time to time be added by amendment to this Part. The regulations of this Chapter shall apply in addition to the regulations of any district with which the "CD" District is combined.

SECTION 6328.2. LOCATION OF "CD" DISTRICT. The "CD" District is and shall be coterminous with that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of San Mateo County.

SECTION 6328.3. DEFINITIONS. For the purpose of this Chapter, certain terms used herein are defined as follows:

- (a) "Aggrieved person" means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on a Coastal Development Permit informed the County of his concerns about an application for such permit, or who for good cause was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- (b) "Applicant" means the person, partnership, corporation or State or local government agency applying for a Coastal Development Permit.
- (c) "Approving authority" means the County officer, commission or board approving a Coastal Development Permit.
- (d) "Coastal Commission" means the California Coastal Commission.
- (e) "Coastal Development Permit" means a letter or certificate issued by the County of San Mateo in accordance with the provisions of this Chapter, approving a project in the "CD" District as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all applicable materials, plans and conditions on which the approval is based.

- (f) “Coastal Policy Checklist” means a form prepared and completed by the Planning Director as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all Local Coastal Program policies, those policies with which the application does not comply and recommended conditions, if any, which could be imposed to bring the application into compliance.
- (g) “Coastal Zone” means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of San Mateo County.
- (h) “Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lots splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan, submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

- (i) “Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- (j) “Historic structure” means, in accordance with Health and Safety Code Section 18955, any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or State governmental jurisdiction. This shall include structures on existing or future national, State, or local historical registers or official inventories, such as the National Register of Historical Places, State Historical Landmarks, State Points of Historical Interest, and city or County registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

- (k) “Local Coastal Program” means the County’s land use plans, zoning ordinances, zoning maps and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
- (l) “Major energy facility” means any energy facility as defined by Public Resources Code Section 30107 and exceeding \$25,000 in estimated cost of construction.
- (m) “Major public works project” means any public works project as defined by California Administrative Code Section 13012 and exceeding \$25,000 in estimated cost of construction.
- (n) “Other permits and approvals” means permits and approvals, other than a Coastal Development Permit, required by the San Mateo County Ordinance Code before a development may proceed.
- (o) “Overlay district” means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the overlay district and the underlying district(s). The “CD” District is an overlay district.
- (p) “Permittee” means the person, partnership, corporation or agency issued a Coastal Development Permit.
- (q) “Principal permitted use” means any use representative of the basic zone district allowed without a use permit in that underlying district.
- (r) “Project” means any development (as defined in Section 6328.3(h)) as well as any other permits or approvals required before a development may proceed. Project includes any amendment to this Part, any amendment to the County General Plan, and any land division requiring County approval.
- (s) “Project appealable to the Coastal Commission” if approved by the Board of Supervisors means:
 - (1) Projects between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) Projects in County jurisdiction located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
 - (3) Any project involving development which is not a principal permitted use in the underlying zone, as defined in Section 6328.3(p).

- (t) “Project appealable to the Coastal Commission” if approved, conditioned, or denied by the Board of Supervisors means any project involving development which constitutes a major public works project or a major energy facility (as defined in Section 6328.3).
- (u) “Scenic Road Corridor” means any scenic road corridor as defined and mapped in the Visual Resources Component of the Local Coastal Program.
- (v) “Underlying district” means any district with which the “CD” District is combined.
- (w) “Working day” means any day on which County offices are open for business.

SECTION 6328.4. REQUIREMENT FOR COASTAL DEVELOPMENT PERMIT.

Except as provided by Section 6328.5, any person, partnership, corporation or state or local government agency wishing to undertake any project, as defined in Section 6328.3(r), in the “CD” District, shall obtain a Coastal Development Permit in accordance with the provisions of this Chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.

SECTION 6328.5. EXEMPTIONS. The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section.

- (a) The maintenance, alteration, or addition to existing single-family dwellings; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
 - (1) Improvements to a single-family structure on a beach, wetland or seaward of the mean high tide line.
 - (2) Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 50 feet of the edge of a coastal bluff.
 - (3) The expansion or construction of water wells or septic systems.
 - (4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of internal floor area of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant non-attached structure such as garages, fences, shoreline protective works, docks or trees.

- (5) In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.
- (b) The maintenance, alteration, or addition to existing structures other than single-family dwellings and public works facilities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
- (1) Improvements to any structure on a beach, wetland, stream or lake, or seaward of the mean high tide line.
 - (2) Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated as a sensitive habitat.
 - (3) The expansion or construction of water wells or septic systems.
 - (4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland intent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of external floor area of the existing structure, and/or the construction of an additional story (including lofts) in an existing structure.
 - (5) In areas determined to have critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system.
 - (6) Any improvement to a structure which changes the intensity of use of the structure.
 - (7) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.

- (c) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
 - (1) Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, or similar shoreline work that involves:
 - a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
 - b) The placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;
 - c) The replacement of 20% or more of the materials of an existing structure with materials of a different kind; or
 - d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
 - (2) The replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership.
- (e) Any category of development requested by the County as a Categorical Exclusion pursuant to Section 13241 of the Coastal Commission's Regulations and approved by the Coastal Commission pursuant to Section 13243 of the Regulations. Categorical Exclusions in effect on March 25, 1986, may be deleted or restricted by the Board of Supervisors, but they may not be increased, expanded, or otherwise altered without approval by a majority of the voters of San Mateo County, voting in a valid election. The Board of Supervisors may, by four-fifths vote, after consideration by the Planning Commission, submit the proposed amendment(s) to the voters.
- (f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development provided that the County may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

- (g) The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

- (h) Projects normally requiring a Coastal Development Permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident, provided such projects are reported to the Planning Director and an application for a Coastal Development Permit is submitted within five days.
- (i) Lot line adjustments not resulting in an increase in the number of lots.
- (j) Harvesting of agricultural crops, including kelp.
- (k) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- (l) Land division brought about in connection with the purchase of land by a public agency for public recreational use.
- (m) Encroachment permits.
- (n) Street closure permits.

SECTION 6328.6. PREAPPLICATION CONFERENCE. A prospective applicant, or his agent, may request a preapplication conference with the Planning Director or his designee prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Planning Director shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to his property, suggest improvements to the proposed development based on review of a sketch plan provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The sketch plan provided by the owner should be drawn approximately to scale and should contain, in a general manner, the information

required by Section 6328.7(c) for a site plan. The Planning Director shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties.

SECTION 6328.7. APPLICATION REQUIREMENTS. Application for a Coastal Development Permit shall be made to the Planning and Building Division on forms provided by the Planning Director. Where required by this Chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the San Mateo County Ordinance Code. The application for a Coastal Development Permit shall be accompanied by:

- (a) A nominal fee set by resolution of the Board of Supervisors.
- (b) A location map showing the lot to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and major landforms.
- (c) A site plan, to scale, showing:
 - (1) Existing and proposed property lines of the lot to be developed, including all easements over or adjacent to the lot.
 - (2) Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed.
 - (3) All existing and proposed structures, roads, utility lines, signs, fences and other improvements.
 - (4) Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted.
 - (5) For projects proposed between the first through public road and the sea, indicate on the site plan existing and/or proposed public access to and along the shoreline.
- (d) Building elevations showing:
 - (1) All exterior walls.
 - (2) Type and color of roof and other exterior materials.
 - (3) Location and design of roof equipment, trash enclosures, fences, exterior lights, signs and other exterior structures and equipment.

- (e) For all proposed development requiring a domestic well water source, except single-family residences and any permitted use on a parcel of 40 acres or greater, demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.
- (f) Any additional information determined by the Planning Director to be necessary for evaluation of the proposed development.

SECTION 6328.8. REFERRAL OF APPLICATION. It shall be the duty of the Planning Director to forward an application for a Coastal Development Permit together with his recommendation thereon to the appropriate body specified in Section 6328.9 for its action.

In so doing, the Planning Director shall instruct his staff to process any proposed development providing affordable housing ahead of other residential development proposals and shall forward applications for comment to other reviewing officials and/or agencies as may be required by Local Coastal Program policies.

SECTION 6328.9. ACTION ON COASTAL DEVELOPMENT PERMIT. Action to approve, condition or deny a Coastal Development Permit shall be taken only by the Planning Director (acting in that capacity or as the Zoning Administrator or as the Design Review Administrator), the Zoning Hearing Officer, the Planning Commission or the Board of Supervisors. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project, in accordance with the following procedures:

- (a) Where action on other permits or approvals is to be taken by the Planning Director, the Zoning Hearing Officer, the Planning Commission or the Board of Supervisors, then that person, commission, or board shall also act on the Coastal Development Permit.
- (b) Where action on other permits or approvals is to be taken by a County officer or body other than those specified in paragraph (a), the Planning Director shall act on the Coastal Development Permit prior to action by the appropriate body on the other required permits or approvals.
- (c) Should the project require no County permit or approval other than a Coastal Development Permit, the Planning Commission shall act on the Coastal Development Permit.*

* By the operation of law, Ordinance No. 3022 returned subsection (c) to its state prior to the enactment of the ordinance, on February 21, 1987. Ordinance No. 3022 was in full force and effect for a 2-year period prior to February 21, 1987, during which subsection (c) read as follows: "If no building permit or other County permit or approval is required for the project, other than a Coastal Development Permit, the Board of Supervisors shall act on the Coastal Development Permit. In all other cases not otherwise provided for in this section, the Planning Commission shall act first on the Coastal Development Permit."

- (d) Where, in accordance with paragraphs (a) and (b), above, action on a Coastal Development Permit would be taken by the Planning Director, but Section 6328.10(a)2 requires a public hearing, the Zoning Hearing Officer or Planning Commission, as appropriate, shall act in place of the Planning Director.
- (e) Where final action on other permits or approvals requires the recommendation of one officer or body to another, as in the case of a Planning Commission recommendation to the Board of Supervisors, that officer or body shall make a concurrent recommendation on the Coastal Development Permit.

SECTION 6328.10. PUBLIC HEARING AND COMMENT.

- (a) The appropriate person or body specified in Section 6328.9 shall hold a public hearing prior to any action on a Coastal Development Permit where any of the following apply:
 - (1) Action or recommendation on other permits or approvals required for the project require the holding of a public hearing.
 - (2) The permit is for a project appealable to the Coastal Commission, as defined in Section 6328.3(r).
 - (3) The project is proposed by a public agency, including special districts or a public utility which requires no County permit or approval other than a Coastal Development Permit.
- (b) A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project held by the appropriate person or body specified in Section 6328.9.
- (c) Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the notice required by Section 6328.11.2(2). Written comments shall be submitted to the Planning Director who shall forward them to the appropriate person, commission, board, or applicant.

SECTION 6328.11.1. NOTICE OF DEVELOPMENTS APPEALABLE TO COASTAL COMMISSION.

- (a) Definition of development appealable to the Coastal Commission is that provided in Sections 6328.3(r) and (s).
- (b) Contents of Notice:

- (1) A statement that the development is within the Coastal Zone.
 - (2) The date of filing of the application and the name of the applicant.
 - (3) The number assigned to the application.
 - (4) A description of the development at its proposed location.
 - (5) The date, time and place at which the application will be heard by the local governing body or hearing officer.
 - (6) A brief description of the general procedure of local governing body concerning the conduct of hearing and local actions.
 - (7) The system for local governing body and Coastal Commission appeals, including any local fees required.
- (c) Provision of Notice Prior to Public Hearing: Mail notice at least ten (10) calendar days before the first public hearing on the project to the following people and agencies:
- (1) Applicant.
 - (2) Owner of the property.
 - (3) All property owners and residents within 100 feet of the perimeter of the subject parcel.
 - (4) All persons who have, within the past calendar year submitted a written request for notice of all Coastal Permit applications.
 - (5) All persons who have requested, in writing, notices relating to the Coastal Permit in question.
 - (6) The Coastal Commission.
 - (7) Public agencies which, in the judgment of the Planning Director, have an interest in the project.
 - (8) Newspaper of general circulation in the Coastal Zone. Notice to be published once.
- (d) Notice of Continued Public Hearings: If a decision of an appealable Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided

in the same manner and within the same time limits as outlined in Sections 6328.11.1(a), (b), (c).

- (e) Notice of Decision: On or before the fifth working day following action by the Zoning Hearing Officer or the Planning Commission, notice of the decision, including findings for approval and conditions (if any) on the project proposal shall be mailed to the following people:
 - (1) The applicant.
 - (2) The owner of the subject parcel.
 - (3) All persons who have submitted a written request for notification of action on this specific permit.

- (f) Notice of Final Local Decisions: On or before the fifth (5th) working day following action by the Board of Supervisors, notice of the decision, including findings for approval and conditions (if any) shall be mailed to the following people and agencies:
 - (1) The applicant.
 - (2) The owner of the subject parcel.
 - (3) All persons who have submitted a written request for notification of action on this specific permit.
 - (4) The Coastal Commission.

SECTION 6328.11.2. NOTICE OF DEVELOPMENTS NOT APPEALABLE TO THE COASTAL COMMISSION.

- (a) Notice of Projects for which Local Ordinance Requires a Public Hearing.
 - (1) Contents of Notice:
 - a) A statement that the development is within the Coastal Zone.
 - b) The date of filing of the application and the name of the applicant.
 - c) The number assigned to the application.
 - d) A description of the development at its proposed location.
 - e) The date, time and place at which the application will be heard by the local governing body or hearing officer.

- f) A brief description of the general procedure of local government concerning the conduct of hearing and local actions.
- (2) Provision of Notice: Notice of developments shall be given at least ten (10) calendar days before the first public hearing in the following manner:
- a) If the matter is heard by the Planning Commission, notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction.
 - b) Notice by first class mail to any person who has filed a written request therefore.
 - c) Notice by first class mail to property owners within 300 feet.
 - d) Notice by first class mail to the Coastal Commission.
- (b) Notice of Projects for which no Public Hearing is Required.
- (1) Contents of Notice:
- a) A statement that the development is within the Coastal Zone.
 - b) The date of filing of the application and the name of the applicant.
 - c) The number assigned to the application.
 - d) A description of the development and its proposed location.
 - e) The date the application will be acted upon by the local governing body or decision-maker.
 - f) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision.
 - g) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.
- (2) Provision of Notice: Notice of these development proposals shall be given within ten (10) calendar days of receipt of the application or at least seven (7) calendar days prior to the local decision date to the following people and agencies:

- a) Applicant.
 - b) The owner of the property.
 - c) All property owners and residents within 100 feet of the perimeter of the subject parcel.
 - d) All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications.
 - e) All persons who have requested, in writing, notices relating to the Coastal Permit in question.
 - f) The Coastal Commission.
- (c) Categorically Excluded Developments:
- (1) Definitions: Any project exempted from Coastal Development District permit requirements pursuant to a Coastal Commission approved Categorical Exclusion.
 - (2) Notice Requirements: Those required by County Ordinance for any other permits and approvals required for the project.
 - (3) Maintenance of Permit Records: A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review and shall include the following information for each permit: name of applicant, location of the project, and brief description of the project.

SECTION 6328.12. STANDARDS FOR APPLICATION REVIEW. The officer, commission or board acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program, as stated in Sections 6328.19 through 6328.30 of this Chapter; the County General Plan; requirements of the underlying district; and other provisions of this Part. To assist this review, the Planning Director shall, as part of the recommendation required by Section 6328.8, complete a Coastal Policy Checklist, as defined in Section 6328.3.

SECTION 6328.13. PRECEDENCE OF LOCAL COASTAL PROGRAM. Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the “CD” District, conflict with those of the underlying district, or other provisions of this Part, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.

SECTION 6328.14. CONDITIONS. Approval of a Coastal Development Permit shall be conditioned as necessary to ensure conformance with and implementation of the Local Coastal Program. The approving authority may require modification and resubmittal of project plans, drawings and specifications to ensure conformance with the Local Coastal Program. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to the project.

For all proposed development requiring a domestic well water source and not subject to the provisions of Section 6328.7(e), require as a condition of approval demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.

SECTION 6328.15. FINDINGS. A Coastal Development Permit shall be approved only upon the making of the following findings:

- (a) That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
- (b) Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
- (c) That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.
- (d) That the number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitations of Policies 1.22 and 1.23 as stated in Section 6328.19.

SECTION 6328.16. APPEALS. Development pursuant to an approved Coastal Development Permit shall not commence until all applicable appeal periods expire or, if appealed, until all appeals, including to the Coastal Commission, have been exhausted.

- (a) Action by the Planning Director, Zoning Hearing Officer or Planning Commission to approve, condition or deny any Coastal Development Permit may be appealed on or before the tenth working day following such action. Action by the Planning Director or Zoning Hearing Officer may be appealed only to the Planning Commission. Action by the Planning Commission may be appealed only to the Board of Supervisors.

- (b) Action by the Board of Supervisors to approve a Coastal Development Permit for projects defined in Section 6328.3(r) may be appealed to the Coastal Commission in accordance with Coastal Commission regulations.
- (c) Action by the Board of Supervisors to approve, condition, or deny a Coastal Development Permit for projects as defined in Section 6328.3(s) may be appealed to the Coastal Commission in accordance with Coastal Commission regulations.
- (d) An appeal pursuant to this section may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person, or any two members of the Coastal Commission.
- (e) An appeal shall be filed with the Planning and Development Division on a form provided by the Planning Director. The appeal shall be accompanied by a fee set by resolution of the Board of Supervisors and statement of the grounds for the appeal.
- (f) It shall be the duty of the Planning Director to forward a Coastal Development Permit appeal, together with his recommendation thereon, to the appropriate body specified in Paragraph (a) or (b) for its action.

SECTION 6328.17. EXPIRATION OF COASTAL DEVELOPMENT PERMIT. A

Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project require no County permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the project has not been commenced during that time.

SECTION 6328.18. PERMIT AMENDMENT. Upon application by the permittee, a Coastal Development Permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this Chapter for initial approval of a Coastal Development Permit. All sections of this Chapter shall apply to permit amendments.

SECTION 6328.19. EMERGENCY PERMITS.

- (a) Method of Application: Applications in cases of emergencies shall be made to the Planning Director by letter if time allows, and by telephone or in person if time does not allow.
- (b) Necessary Information: The information to be reported during the emergency, if it is possible to do so, or as soon as possible after the emergency shall include the following:

- (1) The nature of the emergency.
 - (2) The cause of the emergency, insofar as this can be established.
 - (3) The location of the emergency.
 - (4) The remedial, protective or preventative work required to deal with the emergency.
 - (5) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
- (c) Verification of Emergency: The Planning Director shall verify the facts, including the existence and nature of the emergency insofar as time allows.
- (d) Criteria for Granting Permit: The Planning Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself. The Planning Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:
- (1) An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits and the development can be completed within 30 days unless otherwise specified by the terms of the permit;
 - (2) Public comment on the proposed emergency action has been reviewed if time allows; and
 - (3) The work proposed would be consistent with the requirements of the certified LCP.
- (e) Reporting of Emergency Permits: The Planning Director shall report emergency permits to the Planning Commission at their next regular meeting and to the Coastal Commission. The decision to issue an emergency permit is solely at the discretion of the Planning Director although subsequent coastal permits required for the project are subject to all applicable hearing requirements as specified in the certified LCP.

SECTION 6328.20. CRITERIA FOR LOCATING AND PLANNING NEW DEVELOPMENT. (See Locating and Planning New Development Component.*)

SECTION 6328.21. PUBLIC WORKS CRITERIA. (See Public Works Component.*)

SECTION 6328.22. HOUSING CRITERIA. (See Housing Component.*)

SECTION 6328.23. COASTAL ENERGY DEVELOPMENT CRITERIA. (See Coastal Energy Component.*)

SECTION 6328.24. AGRICULTURAL CRITERIA. (See Agriculture Component.*)

SECTION 6328.25. AQUACULTURE CRITERIA. (See Aquaculture Component.*)

SECTION 6328.26. SENSITIVE HABITAT CRITERIA. (See Sensitive Habitat Component.*)

SECTION 6328.27. VISUAL RESOURCES CRITERIA. (See Visual Resources Component.*)

SECTION 6328.28. HAZARDS CRITERIA. (See Hazards Component.*)

SECTION 6328.29. SHORELINE ACCESS CRITERIA. (See Shoreline Access Component.*)

SECTION 6328.30. CRITERIA FOR RECREATION/VISITOR SERVING FACILITIES.
(See Recreation/Visitor Serving Component.*)

SECTION 6328.31. COMMERCIAL FISHING/RECREATIONAL BOATING CRITERIA.
(See Commercial Fishing and Recreational Boating Component.*)

(Chapter 20B, Sections 6328 through 6328.30 - Added by Ordinance No. 2693 - December 16, 1980)

(LCP Policies 1.15(d), 2.16, 2.19(a), 2.20, 2.21(a), 2.28, 2.29, 2.32(a), 2.33, 2.35(b), 2.41, 2.44(d), 2.59(c), 3.17, 3.18(b), 3.19(a), (b), (d), 3.23, 3.24, 3.26, 3.27(a), (b), 3.29, 4.3(a), 4.37, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.16, 7.9b, 7.18, 9.3(c), 9.10, 10.11(a), 10.30(c)(2), 11.1, 11.12(b), 11.14(c), (d), (e), (f), 11.15(a), 11.23(c), 11.26(a), 11.30(a) amended, and Policies 1.5(c), 1.8(b), 2.53, 3.13(a)(b), 3.18, 3.19(e)(f), 3.20, 3.21, 7.5(a), 11.26(c) deleted, and Policies 1.8(b)(c), 2.13, 2.19(b) (c) (d) (e) (f) (g), 3.13, 3.14, 3.15, 3.20, 3.21, 3.22, 3.25, 3.28, 3.34(c), 5.1(4)(5), 7.5(a), 7.15(b), 11.26(c), 11.30(b) added by Resolution No. 43219 - April 6, 1982.)

* The components of the Local Coastal Program referred to on pages 20B.18 and 20B.19 are available as a separate document at the offices of the San Mateo County Planning Division.

Because of added and deleted policies, certain policies were automatically renumbered within components. For a complete record of the renumbering of policies due to 1982 amendments to the LCP, the reader is referred to the Local Coastal Program Policies publication available at the offices of the San Mateo County Planning Division.

- (Chapter 20B, Sections 6328 through 6328.30 - Repealed and Replaced by Ordinance No. 2779 - April 6, 1982)
- (Section 6328.7 - Amended by Ordinance No. 3801 - November 18, 1997)
- (Section 6328.9(c) - Amended by Ordinance No. 3022 - January 22, 1985. See footnote at bottom of page 20B.10)
- (Section 6328.14 - Amended by Ordinance No. 3801 - November 18, 1997)
- (Section 6328.19** - Amended LCP Policy 1.20 by Ordinance No. 2873 (Resolution No. 45327) - January 17, 1984)
- (Section 6328.19** - Amended LCP Table 1.2 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.19** - Amended LCP Table 1.3 by Ordinance No. 3002 - July 3, 1984)
- (Section 6328.19** - Amended LCP Policies 1.13, 1.14, 1.15, 1.19 and Added Policies 1.27, 1.28, 1.29, 1.30 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.20** - Amended LCP Policies 2.21, 2.23, and Table 2.7 by Ordinance No. 2873 (Resolution No. 45327) - January 17, 1984)
- (Section 6328.20** - Amended LCP Policies 2.14, 2.22, 2.37 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.21** - Amended LCP Policy 3.22 by Ordinance No. 2895 - June 5, 1984)
- (LCP Policy 5.6 - Amended by Resolution No. 45327 - January 17, 1984)
- (Section 6328.23** - Amended LCP Policy 5.14 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.25** - Amended LCP Policy 7.18 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.26** - Amended LCP Policy 8.22 and Added Policies 8.23, 8.33 and 8.34 by Ordinance No. 2895 - June 5, 1984)
- (Section 6328.27** - Amended LCP Policies 9.2 and 9.9 by Ordinance No. 3002 - July 3, 1984)
- (Section 6328.3, subsections (i) through (v) - Redesignated as subsections (j) through (w); new subsection (i) added by Ordinance No. 3102 - April 14, 1987)
- (Section 6328.5, subsection (h) - Repealed by Ordinance No. 3102 - April 14, 1987)
- (Section 6328.5, subsections (i) through (n) - Redesignated as subsections (h) through (m) by Ordinance No. 3102 - April 14, 1987)
- (Section 6328.5 - Amended by Ordinance No. 3188 - October 31, 1989)
- (Sections 6328.19 through 6328.30 - Redesignated as Sections 6328.20 through 6328.31 respectively; new Section 6328.19 added by Ordinance No. 3102 - April 14, 1987)

Chapter 20B (CD District) (09/19/12)

** As a standard procedure, through Ordinance No. 3002, July 3, 1984, nearly all Local Coastal Program, Land Use Plan policy and table amendments were processed as amendments to sections of Chapter 20B of this Part (Zoning Regulations). Following July 3, 1984, all amendments of the Local Coastal Program, Land Use Plan, except Ordinance No. 3150 (1988), No. 3358 (1992) and No. 3380 (1992), were adopted only by Resolution of the Board of Supervisors.