

## **CHAPTER 24. USE PERMITS**

**SECTION 6500. WHEN MAY BE ISSUED.** Use permits, conditional use permits, revocable use permits, and use permits valid for a term of one year, may be issued for any of the following:

- (a) Any of the uses or purposes for which such permits are required or permitted by the provisions of this Part.
- (b) Location of electric power, gas, water and oil lines; public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare, except that a use permit shall not be required for local distribution lines.
- (c) Location of the following uses in any district outside the Coastal Zone, except the R-1/CCP District, when found to be necessary for the public health, safety, convenience or welfare:
  - 1. Airport.
  - 2. Cemetery.
  - 3. Hospital.
  - 4. Rest Home.
  - 5. Sanitarium.
  - 6. Institution of a philanthropic or charitable nature.
  - 7. Quarries subject to the provisions of Section 7702.
  - 8. Topsoil sites subject to the provisions of Section 6502.
  - 9. Waste disposal sites and large collection facilities for recyclable materials.
  - 10. Directional signs subject to standards as established by the Planning Commission.
  - 11. Golf Courses.
  - 12. Small boat harbors with related facilities.
  - 13. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size.

14. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area for the sale of agricultural products grown on the premises, or elsewhere within San Mateo County by the operator or members of his immediate family, provided the following findings can be made:
    - a. That the use is not in conflict with the County General Plan.
    - b. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.
    - c. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (d) Location of the following uses in any district, within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare:
1. Hospital.
  2. Rest Home.
  3. Sanitarium.
  4. Institution of a philanthropic or charitable nature.
  5. Directional signs for public information purposes only (i.e., hospitals, schools, park locations, etc.). Signs shall be distinctive in their design, easy to understand, and uniform in format.
  6. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size
  7. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises or elsewhere within San Mateo County by the operator or members of his immediate family, provided the following findings can be made:
    - a. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.

- b. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (e) Location of the following uses in any district, within the Rural Areas of the Coastal Zone, when found to be necessary for public health, safety, convenience or welfare:
  - 1. Directional signs for public information purposes only (i.e., hospitals, schools, park locations, etc.). Signs shall be distinctive in their design, easy to understand, and uniform in format.
  - 2. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size.
  - 3. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area for the sale of agricultural products grown on the premises, or elsewhere within San Mateo County by the operator or members of his immediate family, provided the following findings can be made:
    - a. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.
    - b. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (f) Additional Requirements in the Coastal Zone. Use permits issued in the Coastal Zone will be subject to the hearing, notification, and appeal requirements outlined in Sections 6328.10, 6328.11, and 6328.16 of the Coastal Development District regulations. Approved uses in the Coastal Zone shall be consistent with the policies and standards of the San Mateo County Local Coastal Program.
- (g) Uses in Historic Structures and Districts. Location of uses not allowed by the zoning district regulations but determined by the Planning Commission to be compatible in structures listed in the National Register of Historic Places, or County Historic Landmarks and/or Historic Districts as designated by Division VI, Part Four of the County Ordinance Code and subject to the permit requirements of that Chapter and, in the Coastal Zone, also subject to the permit requirements of Chapter 20B (Coastal Development District).
  - 1. The Historic Resources Advisory Board shall review all applications and report to the Planning Commission prior to its public hearing on the

compatibility and appropriateness of the use in the historic landmark and/or historic district.

2. The Planning Commission shall make the following findings prior to approving any permit:
  - a. The use will contribute to the preservation of the historic landmark.
  - b. The use is compatible with the design of the structure and will not require alterations which will destroy or alter its historic character.
  - c. The use is compatible with surrounding land use and the character of the area.
  - d. It is demonstrated that the impacts of the use on the surrounding area, including noise and traffic, can be mitigated.
  - e. The use is not detrimental to the public health, safety, or welfare.
3. In the Coastal Zone, the Planning Commission shall make the following additional findings prior to approving any permit:
  - a. In rural areas (as designated in LCP Policy 1.7):
    - (1) Density of use shall not exceed that permitted under Policy 1.8(b) of the San Mateo County Local Coastal Program.
    - (2) Water use for the permitted use shall not exceed that provided for under “priority uses” in Policy 1.8(c) of the San Mateo County Local Coastal Program. Priority uses are allocated a maximum daily water use of 615 gallons per density credit.
    - (3) Uses allowed shall be limited to the following: (a) single-family residential, (b) multiple-family residential, (c) schools, public and private, (d) libraries, (e) community centers, (f) conference centers, (g) clubs, public and private, (h) professional offices, (i) art galleries, (j) art studios, (k) museums, (l) shops and boutiques, (m) book stores, country inns and hotels, and (n) restaurants and cafes, bars.
  - b. In urban areas (as designated in LCP Policy 1.4):
    - (1) Uses allowed shall be limited to the following: (a) single-family residential, (b) multiple-family residential, (c) schools, public and private, (d) libraries, (e) community centers, (f) conference centers, (g) clubs, public and private, (h) professional offices,

(i) art galleries, (j) art studios, (k) museums, (l) shops and boutiques, (m) book stores, country inns and hotels, and (n) restaurants and cafes, bars.

- c. The use is consistent with the resource protection policies of the San Mateo County Local Coastal Program.

### **SECTION 6502. TOPSOIL SITES.**

- (a) Topsoil sites may be operated in any portion of the County subject to the securing of an annual use permit and subject to the posting of a corporate surety bond, the amount to be determined by the San Mateo County Engineer and approved by the Planning Commission for the faithful performance of the conditions of the permit.
- (b) The provisions of Sections 7701.3, 7701.4, and 7701.5 of the San Mateo County Ordinance Code shall apply to all topsoil site applications.
- (c) General regulations for topsoil sites.

1. **Erosion Control**

The depth of topsoil left on the site shall comply with the conditions of each permit.

Topsoil shall not be removed from slopes steeper than those specified in any permit.

The topsoil site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain.

As directed by the Planning Commission, the topsoil site shall be fertilized, mulched, and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion. Said cover shall be established within time limits specified in each permit.

All surface drainage existing or developing by or through the topsoil site shall be controlled by dikes, barriers, or drainage structures to prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on State or County roads or private property. All provisions to control natural drainage or floodwater shall meet with the approval of the County Engineer.

(d) Drainage of Premises

The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of stormwaters or natural seepage.

(e) Maintenance and Operation

1. The premises of the topsoil site shall be maintained at all times in a neat and orderly manner.
2. The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition providing such surfacing or other treatment deemed necessary by the Planning Commission.

**SECTION 6503. PROCEDURE.** Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by his authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. If a hearing or hearings are held, notice shall be given by:

- (a) One (1) publication in a newspaper of general circulation in the County, within ten (10) days next preceding the date of said hearing; and
- (b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment; or
- (c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.

At such hearings, the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or

conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 6132.10), the following findings must also be made:

- (a) The proposed development is proportioned to the size of the parcel on which it is being built,
- (b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and
- (d) Use permit approval does not constitute a granting of special privileges.

Notwithstanding the provisions of this Section 6503, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Midcoast.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this Part as to light, air, and the public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps necessary to make such forfeiture effective.

**SECTION 6504. APPEAL TO BOARD OF SUPERVISORS - USE PERMITS.** The applicant or any interested property owner aggrieved by a determination of the Planning Commission may appeal to the Board of Supervisors within ten (10) working days from the date of such determination. Said appeal shall be taken by filing a notice of appeal with the Planning Commission, on a form provided by said Commission. Upon the filing of such notice of appeal, the Planning Commission shall immediately transmit same, together with its minutes and all other records in the matter, to the Board of Supervisors.

The Board of Supervisors may, upon receiving a notice of appeal:

- (a) Review the record and transcript or minutes of the proceedings held before the Planning Commission and either affirm or reverse the action of said Commission, or it may refer the matter back to the Planning Commission for further proceedings; or
- (b) Set the matter for hearing before itself. At such hearing, the Board of Supervisors shall hear (and decide the matter de novo as if no other hearing had been held), and shall have all the powers of the Planning Commission in this connection.

In deciding an appeal, the Board of Supervisors shall not hear or consider any evidence of any kind other than the evidence contained in the record received from the Planning Commission, nor any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself, as provided in this section, and gives the same notice of hearing as is required for hearings before the Planning Commission.

The decision of the Board of Supervisors upon an appeal is final and conclusive in the matter.

**SECTION 6505. REVOCATION OF USE PERMITS.**

- (a) In the event any person, firm, or corporation holding a use permit for any of the uses or purposes for which such permits are required or permitted by the terms of this Part, or any other law or ordinance, shall fail to make any use of said permit for a period of one year after the granting of said permit, or shall violate the terms of the use permit, or shall conduct or carry on said use in such a manner as to materially affect adversely the health, welfare, or safety of persons residing, or working in the neighborhood of the property of the said permittee, or shall conduct or carry on said use so that the said use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Planning Commission shall revoke or suspend said use permit.
- (b) Procedure for Revoking Use Permit. No use permit shall be revoked or suspended until a hearing is held by the Planning Commission. Written notice of



such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:

1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
2. The time when, and the place where, such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five (5) days prior to the date set for said hearing. At any such hearing, the permittee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of such hearing, the Planning Commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal such decision to the Board of Supervisors in the same manner as provided hereinabove for appeals taken on applications for the granting of such permits.

(Section 6500(c) - Amended by Ordinance No. 1402 - June 8, 1960)  
(Section 6500(c) - Amended by Ordinance No. 1922 - July 23, 1968)  
(Section 6500(c) - Amended by Ordinance No. 2314 - May 27, 1975)  
(Section 6500(c) - Amended by Ordinance No. 2370 - June 1976)  
(Section 6500(c) - Amended by Ordinance No. 2708 - December 16, 1980)  
(Section 6500(c) - Amended by Ordinance No. 3565 - April 5, 1994)  
(Section 6500(c)9 - Amended by Ordinance No. 3131 - December 15, 1987)  
(Section 6500(c)9 - Amended by Ordinance No. 3157 - September 13, 1988)  
(Section 6500(d) - Added by Ordinance No. 2709 - December 16, 1980)  
(Section 6501(a) - Amended by Ordinance No. 2370 - July 22, 1976)  
(Section 6501 - Repealed by Ordinance No. 2767 - February 9, 1982)  
(Section 6500 - Amended by Ordinance No. 2892 - June 5, 1984)  
(Section 6500(c)(9) - Amended by Ordinance No. 3131 - December 15, 1990)  
(Section 6502(b) - Amended by Ordinance No. 2067 - August 25, 1970)  
(Section 6503 - Amended by Ordinance No. 1919 - July 9, 1968)  
(Section 6503 - Amended by Ordinance No. 3594 - September 20, 1994)  
(Section 6503 - Amended by Ordinance No. 3673 - September 12, 1995)  
(Section 6503 - Amended by Ordinance No. 4062 - August 21, 2001)  
(Section 6503(b) - Amended by Ordinance No. 3673 - September 12, 1995)  
(Section 6504 - Amended by Ordinance No. 4158 - February 25, 2003)  
(Section 6505(a) - Amended by Ordinance No. 1404 - June 21, 1960)

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