

Sec. 35-178. Land Use Permits.

(Amended by Ord. 3851, 3/20/90)

Sec. 35-178.1. Purpose and Intent.

This section establishes procedures and findings for the issuance of Land Use Permits in cases where the County approves certain discretionary permits for new development, but the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Sec. 35-169.2.1.i. or, (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission. In such cases, the Land Use Permit is the final permit required by the Planning and Development Department, following issuance of the Coastal Development Permit by the Coastal Commission. The intent of this section is to enable the Planning and Development Department to ensure that development proposals are in conformity with the provisions of this Article, the Coastal Land Use Plan, and applicable provisions of the Comprehensive plan. *(Amended by Ord. 4318, 6/23/98)*

Sec. 35-178.2. Applicability.

A Land Use Permit shall be required for all development in the Coastal Zone for which the California Coastal Commission issues the Coastal Development Permit because the development is (1) exempt from the provisions of this Article as provided in Sec. 35-169.2 or (2) located in areas where the County's Coastal Plan has not been certified by the Coastal Commission.

Sec. 35-178.3. Contents of the Application.

1. As many copies of an application as may be required shall be submitted to the Planning and Development Department. Said application shall include a site plan which indicates clearly and with full dimensions the following information, if applicable:
 - a. North arrow and scale of drawing.
 - b. Site address.
 - c. Lot dimensions.
 - d. All proposed and existing buildings and structures: locations, size, height, and proposed use.

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- e. Distance from proposed structure(s) to property lines, centerline of street or alley and other existing structures on the lot.
 - f. Walls and fences: location, height and materials.
 - g. Name and widths of streets (right-of-way) abutting the site.
 - h. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.
 - i. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.
 - j. Signs: location, size, height and method of illumination.
 - k. Loading spaces: location, dimensions, number of spaces.
 - l. Lighting: general nature, locations and hooding devices.
 - m. Proposed street dedications and improvements.
 - n. Landscaping, if required.
 - o. Method of sewage disposal: show position of septic tank and leach lines, if applicable.
 - p. For commercial and industrial projects indicate where applicable:
 - 1) Number of motel or hotel units.
 - 2) Seating capacity or square footage devoted to patrons.
 - 3) Total number of employees.
 - q. All easements.

Sec. 35-178.4. Processing.

1. A Land Use Permit shall not be issued until all necessary approvals, except building permits but including issuance of a Coastal Development Permit by the California Coastal Commission, have been obtained. For such Land Use Permits, staff from Planning and Environmental Services shall review final plans, the final project description, and fulfillment of the project's conditions of approval for conformance with the previously granted approvals, and shall issue the Land Use Permit upon verification of such conformity and compliance. There is no noticing requirement for approval of these Land Use Permits, nor is there an appeal of the Land Use Permit. *(Amended by City Ord. 07-06, 6/4/2007)*
2. In the case of a development which requires a public hearing and final action by the Planning Commission or the Zoning Administrator, the Planning and Development Department shall not issue a Land Use Permit within 10 calendar days of the date that the Planning Commission or Zoning Administrator took final action, during which time an appeal may be filed according to Section 35-182. (Appeals).

3. If a Land Use Permit is requested for property subject to a resolution of the Board of Supervisors initiating a rezoning, a Land Use Permit shall not be issued while the proceedings are pending on such rezoning, unless the proposed buildings or structures would conform to the existing zoning of such property and also to the said rezoning initiated by the Board of Supervisors or unless a Preliminary Development Plan was approved by the County before the adoption of said resolution.

Sec. 35-178.5. Findings Required for Approval of a Land Use Permit.

A Land Use Permit shall be issued only if all of the following findings are made:

1. That the proposed development conforms to the applicable policies and provisions of this Article, the Coastal Plan, and the Comprehensive Plan as applicable.
2. That the proposed development is located on a legally created lot as determined by the County Surveyor.
3. That the subject property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and such zoning violation enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal non-conforming uses and structures under Sec. 35-169 *et seq.*

Sec. 35-178.6. Expiration.

A Land Use Permit shall expire one year from the date of issuance if the use, building, or structure for which the permit was issued has not been established, or commenced, except that for "major public works and major energy facilities," the Land Use Permit shall expire two (2) years from the date of issuance. Prior to the expiration of such one or two (2) year period, the Coastal Planner may extend such period for good cause shown.

Sec. 35-178.7. Revocation.

Issuance of the Land Use Permit is contingent upon compliance with all conditions imposed as part of the project approval. If it is determined that development activity is occurring in violation of any or all conditions, the Director of Planning and Development may revoke this permit and all authorization for development.

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