EXHIBIT G030002L:B

ORDINANCE NO. 3098

AN ORDINANCE AMENDING COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE BY AMENDING VARIOUS SECTIONS RELATING TO SECONDARY DWELLING STANDARDS AND PERMIT REQUIREMENTS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.03.042(c) (Table 3-A) Note 2 of the Coastal Zone Land Use Ordinance, Title 23 of the County Code, is hereby amended to read as follows:

Note 2 - Any use normally required by this title to have Plot Plan approval (except signs, pursuant to 23.04.306(a)) shall instead require Minor Use Permit approval, except secondary dwellings, where Section 23.01.043 (Appeals to the Coastal Commission) identifies the proposed project as development which is appealable to the Coastal Commission.

SECTION 2: Section 23.08.014, 2nd paragraph, of the Coastal Zone Land Use Ordinance, Title 23 of the County Code is amended to read as follows:

Where Plot Plan approval is the land use permit required by this chapter and the proposed development is appealable to the Coastal Commission as provided by Section 23.01.043, Minor Use Permit approval (23.02.033) shall instead be required, except for secondary dwellings.

SECTION 3: Section 23.08.169(c)(1)(i) of the Coastal Zone Land Use Ordinance, Title 23 of the County Code is hereby amended to read as follows:

c. **Limitations on location.**

(1) **Excluded areas.** A Secondary Dwelling Unit shall not be allowed within the following areas. In such areas, secondary dwelling units are deemed to be incompatible with existing development, or the density increase resulting from secondary units pursuant to this section would create adverse cumulative effects on essential community services and natural features. Such services and features include but are not limited to water supplies, storm drainage facilities, roadway traffic capacities, and soils with limited suitability for septic system sewage disposal or subject to erosion:

(i). **South Bay.** The South Bay urban area as defined by the Land Use Element, Estero area plan, except that where the site and secondary dwelling unit satisfy the following provisions, a detached unit may be allowed.

a. Within the Residential Single-Family category.

1. Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or

2. Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or

3. Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.

b. Other allowed land use categories.

1. Where the site is two acres (net) or larger and the site is served by community water or sewer.

2. Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.

SECTION 4. Section 23.08.169c(2) (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby deleted as follows:

SECTION 5. Section 23.08.169d (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

d. **Permit requirement.** Plot Plan approval is required in all areas where Secondary Dwelling Units are allowed. For a secondary dwelling meeting the definition of appealable development pursuant to Coastal Zone Land Use Ordinance Section 23.01.043(c), a public hearing is not required. Instead, a notice shall be filed in accordance with Coastal Zone Land Use Ordinance section 23.02.070(b). The notice shall be provided to all property owners within 300 feet of the subject property and to all residents within 100 feet. In addition to the items listed in 23.02.070(b), the notice shall state that the project may be appealed to the California Coastal Commission. Nothing in this section shall exempt secondary dwellings from meeting any applicable Local Coastal Plan policies.

SECTION 6. Section 23.08.169g (Secondary Dwelling Units, S-8) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

g. **Design standards:**

(1) The following standards apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT (1)	TYPE OF ROAD SURFACE (2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre.	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip Seal (3)	50 feet
> 2 acres	1,200 square feet	Chip Seal (3)	250 feet

Notes:

(1) Includes attics greater than 6 feet in height, unconditioned storage space and lofts.

(2) If the road that provides access to the property is maintained by the County, State, or special district, the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.

(3) Chip seal must be placed over a Class II ,or better ,base material as defined by California Department of Transportation standards along the property frontage and back to the nearest maintained road.

(2) **Driveways:** The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 23.01.044 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent or would require the removal of oak trees or other native trees.

(3) **Within urban and village reserve lines:**

a. The secondary dwelling shall employ a design style compatible with the primary dwelling.

b. When a secondary dwelling is attached to the primary dwelling, the entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.

c. No more than 50 percent of the site shall be covered by structures.

(4) **Exceptions to design standards**. Alternatives to the design standards of subsections g. of this section may be approved by the Review Authority pursuant to Section 23.02.033. These standards are the only provisions of this section subject to such action. The maximum size of unit as set forth in Subsection g(1), and the maximum size of the garage workshop as set by Subsection g(6), cannot be modified except by a Variance (Section 23.01.045). The maximum distance from the primary unit may be adjusted in compliance with Section 23.02.033 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

(i) Locating the secondary dwelling within the distance as set forth in subsection g(1) would necessitate the removal of, or impact to, any of the following:

(a) Exiting improvements, such as detached accessory structures, swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.

(b) Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

(c) Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.

(d) Archaeological resources.

5. **Parking.** A Secondary Dwelling Unit shall be provided one off-street parking space per bedroom up to a maximum of two spaces, in addition to those required for the primary residence by Section 23.04.166c(5) (Required Parking Spaces - Residential Uses), and such parking space shall be located, designed and constructed pursuant to Sections 23.04.163, 164 and 168, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.

6. **Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

SECTION 7. That the activity is covered by a Statutory Exemption (pursuant to California Environmental Quality Act Guidelines Section 15282(i) from the California Environmental Quality Act(CEQA).

SECTION 8. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 9. This ordinance shall become operative only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 10: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on twelfth of September, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the twelfth of September, 2006, by the following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson, Chairperson K.H. 'Katcho' Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California
By: C M Christensen Deputy Clerk
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By:_____
Deputy County Counsel

Dated:_____