

**ORDINANCE NO. 3410**

**AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE  
COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS  
REGARDING ACCESSORY DWELLING UNITS**

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

SECTION 1: Section 23.11.030 (Definitions of Land Uses, And Specialized Terms and Phrases) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

**Accessory Dwelling (land use).** An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling is an accessory use to the permitted primary residential use and shall be located on the same parcel as the primary residential use.

**Residence, Primary.** A primary residence is one single-family dwelling constructed on a lot.

SECTION 2: Section 23.169 (Residential – Secondary Dwellings) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

**23.08.169 - Accessory Dwellings (S-8)**

Accessory dwellings may be allowed, pursuant to this section, in addition to the primary residential use on a site, as allowed by Coastal Table “O” (Allowable Uses) in the Framework for Planning Excerpts – Coastal Zone. For the purpose of this Section, primary residential use shall mean a single-family dwelling or multi-family dwelling.

- a. Authority.** Accessory dwellings are authorized by this title pursuant to the authority established by Sections 65852.2 et seq. of the California Government Code. Accessory dwellings that comply with the standards and regulations contained in this section shall be subject to ministerial review, without discretionary review or public hearing. In accordance with Government Code Sections 65852.2 et seq., where the standards of this Section conflict with other provisions of this Title, the standards of this Section control.
- b. Limitations on use.**
  - (1) Accessory unit only.** Accessory Dwellings shall be accessory to the primary residential use and are considered residential accessory uses. Certificates of occupancy for accessory dwellings and junior accessory dwellings shall not be issued prior to the issuance of certificates of occupancy for the primary residential use.
  - (2) Density.** Accessory dwellings that conform to this Section shall be deemed to be a residential accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located.
  - (3) Nonconforming primary residential use.** Subject to the requirements of this Section and in lieu of Section 23.09.030 (Nonconforming Buildings, Structures Or Site Development), accessory dwellings in compliance with this Section may be established without the correction of

nonconforming zoning conditions, provided that (1) the degree of nonconformity will not be increased and (2) no new nonconformities will be created or established.

**(4) Rental of accessory dwellings.**

- (i) **30 days or more.** An accessory dwelling may be rented separately from the primary dwelling, but shall not be sold or otherwise conveyed separately from the primary dwelling.
- (ii) **Less than 30 days.** Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days shall be prohibited.
- (iii) **Exception. Rental** of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days may continue as approved if such use was approved prior to [INSERT EFFECTIVE DATE OF ADU ORDINANCE – PHASE II (Coastal)].

**c. Limitations on location.**

**(1) Excluded areas.** Accessory Dwellings shall not be allowed within the following areas:

- (i) **Tract or parcel map conditions.** Any parcel within a tract or parcel map that contains conditions prohibiting accessory dwellings.
- (ii) **Regional Water Quality Control Board exclusion.** All areas of the county where the Regional Water Quality Control Board has issued a notice of resource constraint through moratoria or other means.

**d. Permit requirement.** Plot Plan approval is required in all areas where Accessory Dwellings are allowed. For an accessory 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 accessory dwellings from meeting any applicable Local Coastal Plan policies. Notice of Final County Action is required in accordance with Coastal Zone Land Use Ordinance section 23.02.036.

**e. Establishment of accessory dwelling.** A lot or parcel shall be limited to establishing accessory dwelling(s) in accordance with Subsections g, h, i, j, or k. Only one (1) of the accessory dwelling developments described in the five (5) Subsections (g, h, i, j, or k) may be established on a single lot or parcel. To establish accessory dwelling(s) in accordance with Subsections g, h, i, j, or k, all standards of the respective Subsection shall be satisfied. The standards of Subsections g, h, i, j, or k shall not be combined or interchanged. All other provisions of this Section, including parking standards under Section 23.08.169(g)(4), shall apply to all accessory dwelling developments.

**f. Sites served by onsite wastewater treatment systems.** Sites served by onsite wastewater treatment systems shall satisfy all applicable provisions of Title 19 of this Code for onsite wastewater treatment system design and performance prior to the establishment of any accessory dwelling.

**g. Standards to establish one (1) accessory dwelling on a lot with an existing single-family dwelling.** The following apply to all land use categories where accessory dwellings are allowed.

**(1) Size of accessory dwelling.**

- (i) **Maximum size of accessory dwelling.** 1,200 square feet,
- (ii) **Minimum size of accessory dwelling.** Efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

(2) **Driveways.** The driveways serving the primary residential use and accessory dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 23.01.044 if combining driveways is hindered 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:**

- (i) When an accessory dwelling is attached to the primary dwelling, the entrances shall be designed:
  - a. to maintain the character of a single-family dwelling; and
  - b. to avoid changing the appearance of the primary dwelling to resemble a duplex.
- (ii) An accessory dwelling shall have independent exterior access separate from the primary dwelling. The entrance to an attached accessory dwelling shall not be located on the same building face as the entrance to the primary dwelling.

(4) **Parking.**

- (i) **Accessory dwellings.** No off-street parking spaces are required for accessory dwellings.
- (ii) **Primary residential use.** The existing off-street parking spaces for the primary residential use shall be maintained for automobile parking. However, off-street parking spaces for the primary residential use that are demolished or converted in conjunction with the establishment of accessory dwellings are not required to be replaced.

(5) **Setbacks.**

- (i) **Detached accessory dwellings.** Detached accessory dwellings shall comply with the same setback requirements pertaining to distance from property lines or alleys for residential accessory buildings and structures in Section 23.04.100 – 23.04.118 (Setbacks), however, minimum setback requirements for detached accessory dwellings shall not exceed four (4) feet from side and rear lot property lines.
- (ii) **Attached accessory dwellings.** Attached accessory dwellings shall comply with the setback requirements of the primary residential use.
- (iii) **Exception.** No additional setback shall be required for accessory dwellings or portions of accessory dwellings constructed in the same location and to the same dimensions of a permitted existing structure.

**h. Standards to Establish One (1) Accessory Dwelling or Junior Accessory Dwelling within a Proposed Single-Family Dwelling or Existing Structure.** The following apply to all land use categories where accessory dwellings are allowed.

- (1) The accessory dwelling or junior accessory dwelling will be completely within the (1) proposed space of a single-family dwelling, (2) existing space of a single-family dwelling, or (3) existing space of an accessory structure.
  - (2) The existing accessory structure to be converted to an accessory dwelling may be expanded by a maximum of 150 square feet. Such expansion shall only be permitted to accommodate ingress and egress.
  - (3) The space for an accessory dwelling or junior accessory dwelling has exterior access separate from the proposed or existing single-family dwelling.
  - (4) The side and rear setbacks are sufficient to satisfy fire and safety requirements.
  - (5) The junior accessory dwelling complies with the requirements of Government Section 65852.22.
  - (6) The maximum size of the accessory dwelling shall not exceed 1,000 square feet.
- i. Standards to Establish One (1) Detached, New Construction, Accessory Dwelling and one (1) Junior Accessory Dwelling on a Lot with a Single-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
- (1) The lot contains a proposed or existing single-family dwelling.
  - (2) The maximum size of the detached accessory dwelling shall not exceed 800 square feet.
  - (3) The maximum height of the detached accessory dwelling shall not exceed 16 feet.
  - (4) The minimum side and rear setbacks of the detached accessory dwelling shall be four (4) feet.
  - (5) The junior accessory dwelling complies with the requirements of Subsection h pertaining to junior accessory dwelling.
- j. Standards to Establish Multiple Accessory Dwellings within an Existing Multi-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
- (1) Accessory dwellings shall be established completely within portions of existing multi-family dwelling structures that are not used as livable spaces, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each accessory dwelling complies with the building standards for dwellings.
  - (2) A minimum of one (1) accessory dwelling in accordance with this Subsection shall be allowed.
  - (3) The number of accessory dwellings allowed shall not exceed 25 percent of the existing multi-family dwelling units.
  - (4) The maximum size of the accessory dwelling(s) shall not exceed 1,000 square feet.
- k. Standards to Establish Two (2) or Less Detached Accessory Dwellings on a Lot with an Existing Multi-Family Dwelling.** The following apply to all land use categories where accessory dwellings are allowed.
- (1) The maximum height of the accessory dwellings shall not exceed 16 feet.
  - (2) The minimum side and rear setbacks of the detached accessory dwelling(s) shall be four (4) feet.

- (3) The maximum size of the accessory dwelling(s) shall not exceed 1,000 square feet

SECTION 3: Section 23.08.032.e(1) (Residential Accessory Uses) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

**(1) Limitation on use:**

- (i) A guesthouse may contain living area, a maximum of two bedrooms and one bathroom. A living area may include a wet bar, but such facility shall be limited to a single sink and an under-counter refrigerator, and shall not be located in a separate room. A guesthouse shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental.

A home office may contain the same facilities as a guesthouse. This includes the restriction on containing or designing to accommodate cooking or laundry facilities separate from the principal residence. The home office shall not be used for residential occupation independent from the principal residence or as a dwelling unit for rental.

- (ii) A guesthouse/home office shall not be allowed on any site containing an accessory dwelling established pursuant to Section 23.08.169 of this title, except that in the Agriculture and Rural Lands land use categories, one guesthouse or home office may be allowed on any site containing one accessory dwelling and two primary dwellings.
- (iii) A guesthouse/home office in the Residential Multi-Family land use category shall satisfy the residential density provisions of Section 23.04.084 (Multi-Family Dwellings).
- (iv) A guesthouse/home office shall not be provided an electric meter separate from the principal residence.

SECTION 4: Title 23 of the San Luis Obispo County Code, is hereby amended to replace all references to “secondary dwellings” with “accessory dwelling units”.

SECTION 5: 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 6: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, 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.

SECTION 7: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 8: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 9: This project is statutorily exempt from the California Environmental Quality Act (CEQA). The project is covered by a specific statutory exemption [Sec. 15282(h)] for the adoption of an ordinance regarding secondary units in a single-family or multi-family residential zone to implement the provisions of Section 65852.2 of the Government Code.

SECTION 10: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing meeting of the San Luis Obispo County Planning Commission held on the 12<sup>th</sup> day of September, 2019, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 28<sup>th</sup> day of January, 2020, by the following roll call to vote, to wit:

AYES: Supervisor Debbie Arnold, Chairperson Adam Hill, Supervisors John Peschong, Bruce S. Gibson and Lynn Compton

NOES: None

ABSENT: None

ABSTAINING: None



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Adam Hill  
Chairperson of the Board of Supervisors  
County of San Luis Obispo, State of California

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors  
San Luis Obispo County, State of California

By: T'Ana Christensen, Deputy Clerk