

**ORDINANCE NO. 3464**

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY  
CODE, THE LAND USE ORDINANCE, BY AMENDING SECTION 22.30.477  
WORKFORCE HOUSING SUBDIVISION TO REMOVE THE TERMINATION DATE**

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

SECTION I: That Section 22.30.447 of Title 22 of the San Luis Obispo County Code be amended as follows:

**Chapter 22.30.447 Residential – Workforce Housing Subdivision**

- A. Purpose and intent.** The purpose of this Section is to create a program that incentivizes development of new housing that is affordable to San Luis Obispo County's workforce. The ordinance provides a means to reduce the standard subdivision requirements in exchange for a commitment to construct workforce housing. ~~This "pilot" ordinance can allow up to 200 units and will expire on December 22, 2021.~~

A workforce housing subdivision is meant to facilitate the creation of small fee-simple lots to accommodate infill housing within existing communities. A workforce housing subdivision differs from a planned development (see Section 22.22.145), in that there is no requirement for common space and lots. Lots are individually owned and structurally independent of one another, as in a conventional subdivision.

- B. Workforce housing subdivision requirements.** To qualify as a workforce housing subdivision, a subdivision of land or adjustment of lot lines shall meet the following standards:
- 1. Location and land use category.** Workforce housing subdivisions shall be located within the Residential Rural, Residential Suburban, Residential Single-Family, Residential Multi-Family, Office and Professional, and Commercial Retail land use category.
  - 2. Services.** Workforce housing subdivisions shall be served by community water and sewer service.
  - 3. Restriction on first conveyance.** The first conveyance of a developed workforce housing lot shall be subject to the following restrictions:
    - a. The initial sales price shall be limited to the maximum affordable sales price for workforce households, as set forth in Subsection C of Section 22.12.030 (Housing Affordability Standards), except in the following communities:
      - (1) Oceano: The initial sales price shall be limited to 75 percent of the maximum affordable sales price for workforce households.
      - (2) San Miguel: The initial sales price shall be limited to 71 percent of the maximum affordable sales price for workforce households.
  - 4.** The grantee shall occupy the parcel as their primary residence.

**5. Workforce Housing Units within Residential Subdivision.** Workforce housing units may be proposed as part of a larger residential subdivision. When workforce housing units comprise a minimum of 50% of the subdivision, the entire subdivision shall comply with Subsections C, D, E, F and G of Section 22.30.477.

**C. Permit level.** A workforce housing subdivision may be approved as part of a tentative parcel map or tentative tract map. A lot line adjustment may be approved in compliance with this Section, if processed concurrently with a Minor Use Permit.

**D. Application content.** In addition to the application materials required by Chapter 21.02 of the Real Property Division Ordinance, the following shall be submitted with any application for a workforce housing subdivision:

**1. Lot design.** For each lot, the tentative map shall identify the following features:

- a. Designation of a front property line. The front entrance for the primary residence will be required to align with the front property line on each new lot.
- b. The setbacks proposed from the front, rear, and side property lines.
- c. The location of required parking spaces.

**2. Floor plans and elevations.** Conceptual-level floor plans and elevations demonstrating how a workforce residence may be located on each lot.

**3. Draft maintenance agreement.** A draft agreement identifying how subdivision infrastructure will be maintained.

**4. Preliminary grading and drainage plans.** Preliminary grading and drainage plans for all lots and subdivision improvements. Such plans shall be compliance with Section 22.10.155 and Chapter 22.52.

**5. Preliminary landscaping and fencing plans.** Preliminary landscaping and fencing plans in compliance with Chapter 22.16.

**E. Development standards for workforce housing subdivisions.** The following standards apply to projects approved as workforce housing subdivisions:

**1. Minimum Site Area.** The Minimum Site Area for a workforce housing subdivision is 6,000 gross square feet.

**2. Residential Density.** The maximum residential density for workforce housing subdivisions shall be determined on the basis of the gross area of the subdivision as follows:

a. **Commercial Retail, Office and Professional, and Residential Multi-Family:** As specified in Section 22.10.130; except where a lower maximum density is required by Article 9 (Planning Area Standards) or Article 10 (Community Planning Standards) of this Title.

b. **Residential Single-Family:**

- (1) A density of one lot per 6,000 square feet.

**3. Lot size and design.** Notwithstanding the minimum parcel sizes designated in Chapter 22.22 and the parcel design standards established in Section 21.03.010, the minimum lot dimensions resulting from a workforce housing subdivision shall be as follows:

a. **Minimum Lot Size: 1,000 gross square feet**

b. **Minimum Lot Width: 15 feet.**

c. **Minimum Private Outdoor Area:** A useable private outdoor area shall be provided for each lot. This area may include patios, decks, balconies, or yards. The following requirements apply:

(1) The private outdoor area shall include at least one unobstructed area measuring at least 6 feet by at least 8 feet.

(2) Each lot shall have at least 200 square feet of cumulative private outdoor area.

**4 .Setbacks.** Notwithstanding the setbacks specified in Section 22.10.140, the following setbacks shall apply within a workforce housing subdivision:

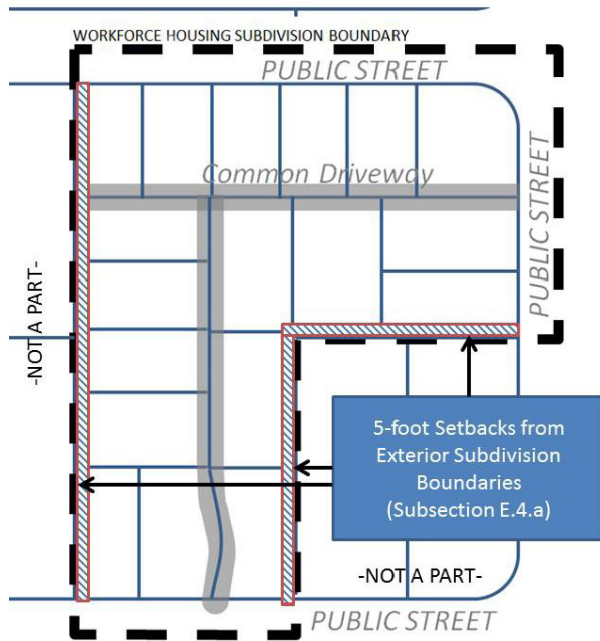
a. **Setbacks from Exterior Subdivision Boundaries.** A lot within a workforce housing subdivision shall maintain a minimum setback of 5 feet from any lot outside of the subdivision, as indicated in Figure 30-1.

b. **Interior Lot Line Setbacks.** A minimum 3-foot setback shall be established from all lot boundaries adjacent to other lots within the workforce housing subdivision, as indicated in Figure 30-2. This setback may be reduced to 0 feet with an adjustment, pursuant to Section 22.70.030, provided that development on each parcel remains structurally independent.

c. **Balconies.** If approved by the hearing body, a balcony can extend over a public right-of-way in conformance with UBC Chapter 3202.2 (Encroachments). The balcony shall extend no more than 5 feet over the public right-of-way if the allowed front setback is zero and shall be a minimum of 8-foot depth by 10-foot width.

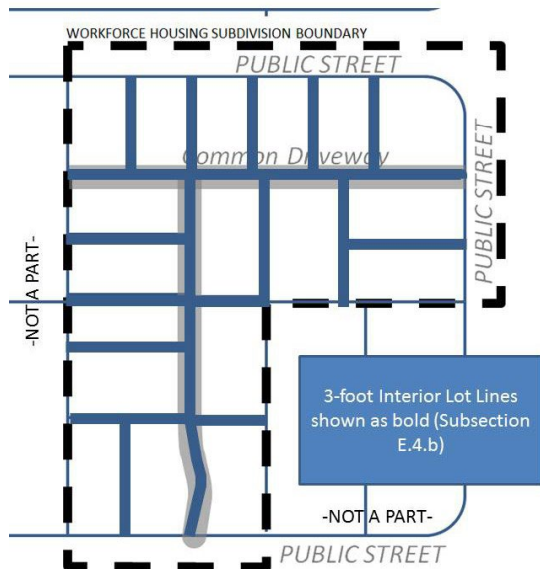
**Figure 30-1—Exterior Subdivision Boundaries**

**Figure 30-1 – Exterior Subdivision Boundaries**



**Figure 30-2—Interior Lot Lines**

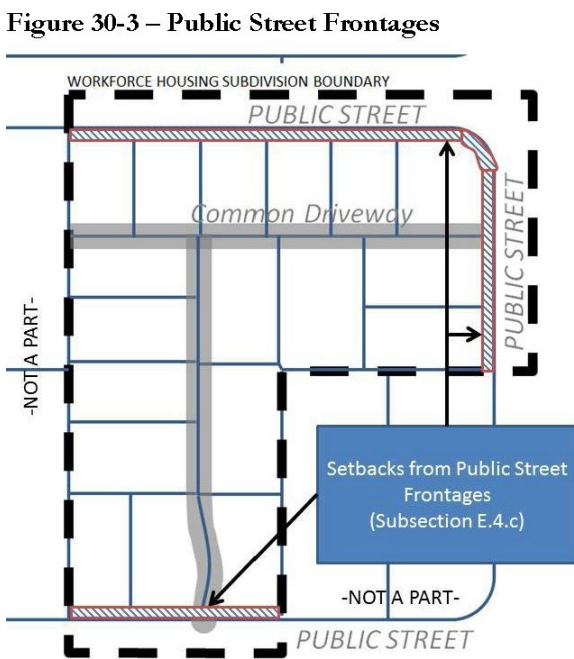
**Figure 30-2 – Interior Lot Lines**



- d. Setbacks from lot lines with public street frontages:** A minimum setback of 15 feet shall be established from any public road right-of-way, as indicated in Figure 30-3; except in the following circumstances:

- (1) Front porches and/or entryway features shall be set back a minimum of 10 feet. If front porches are a minimum of 8-foot depth and a minimum 10-foot width, the minimum setback shall be 5 feet.
- (2) Garages fronting and directly accessible from a public road shall be set back a minimum of 20 feet from back of sidewalk.
- (3) Where a lot created by a workforce housing subdivision has frontage on two public streets, one of the two frontages shall have a minimum set back of 10 feet.
- (4) A reduced structural setback of 10 feet may be approved with an adjustment, pursuant to Section 22.70.030.

**Figure 30-3—Public Street Frontages**



**5. Parking.**

**a. Number of spaces.** Parking shall be provided on each parcel or in a consolidated location within or adjacent to the workforce housing subdivision, as follows:

Size of Unit	Number of Parking Spaces
Units 800 square feet or less in size	1 space
Units 801 to 1,000 square feet in size	1.5 spaces
Units over 1,000 square feet in size	2 spaces

**b. Consolidated parking.** If parking within the workforce housing subdivision is proposed to be consolidated, the following standards shall apply.

- (1) Uncovered residential parking spaces shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.
- (2) Shall be located in clusters of not more than six spaces. Each parking bay of six spaces shall be separated by at least a six-foot landscape area unless located under a covered structure, which would allow up to 10 spaces.
- (3) All detached covered parking shall have a roof design that is consistent with the architecture of the primary structures. Flat or slightly pitched roofs may be used for solar access applications or where the architectural relationship to the overall design is compatible.

## **6. Road Access.**

- a. All lots shall have vehicular access (either direct or by private easement) to a publicly maintained road; except that an adjustment may be granted pursuant to Section 21.03.020 for subdivisions where the following standards are met:
  - (1) Designated parking for multiple lots is consolidated on-site or adjacent to the site in a location that has vehicular access from a publicly maintained road.
  - (2) Lots with no vehicular access to a publicly maintained road shall, at a minimum, have pedestrian access by way of a passageway of at least 10 feet in width, extending from a publicly maintained road to one entrance of each dwelling unit.
- b. Notwithstanding the provisions of Section 21.03.010(d)(7), a private easement may be used to provide vehicular access within a workforce housing subdivision, regardless of the number of lots.

## **7. Site planning and residential design.**

- a. Minimum Open Area.** The minimum open area, including setbacks and all areas of the site except buildings shall be at least 35 percent of the gross lot area.
- b. Compliance with Countywide and Community Design Plans.** Residences in workforce housing subdivisions should be consistent with the Countywide Design Plan and any relevant local design plans.
- c. Compliance with Workforce Housing Design Guidelines.** Residences in workforce housing subdivisions should be consistent with the Workforce Housing Design Guidelines.
- d. Front entrances.**
  - (1) Each primary residence shall be provided with a decorative entry feature, consistent with the Workforce Housing Design Guidelines.
- e. Storage.** For units with no dedicated enclosed parking, a storage area of a minimum of 100 cubic feet shall be provided for each unit. The storage may be attached to the dwellings or may be attached to a carport structure.
- f. Street trees.** A minimum of one street tree per 25 feet of public road frontage shall be provided. Street trees shall be located within the road right-of-way or the front or street side setback of the subdivision.

**g. Fencing.** Fencing within designated street frontage setbacks shall not exceed four feet in height.

**8. Inclusionary housing.** Workforce housing subdivisions are exempt from the requirements for Section 22.12.040 (Inclusionary Housing).

**F. Ownership and maintenance.** Facilities that are common to a workforce housing subdivision shall be owned and maintained in common by the owners of the separate interests who have rights to beneficial use and enjoyment through easements and a maintenance agreement.

**G. Additional map sheet.** An additional map sheet shall be concurrently recorded with the final tract map or parcel map (or a developer's agreement with a certificate of compliance effectuating a lot line adjustment), including, at a minimum, the following items:

**1. Graphic exhibit.** A graphic exhibit, consistent with plans approved by the Reviewing Authority showing the following features in relation to the lot and subdivision boundaries:

- a. Identification of the location of the front property line for each parcel.
- b. Building setback lines. Alternatively, a setback table indicating the approved setbacks for each lot may be provided.
- c. Conceptual floor plans and elevations.
- d. Restricted open areas where structural development is precluded, such as the designated useable yard area.
- e. Identification of common facilities, such as driveways, utilities, drainage systems, garbage collection, and guest parking.
- f. Location of any infrastructure referenced in the maintenance agreement.

**2. Notification of Maintenance Agreement.** Notification that a maintenance agreement for common subdivision infrastructure is recorded.

**3. Conditions of approval.** A copy of the conditions of approval affecting the workforce housing subdivision shall be included with the additional map sheet.

#### **H. Timing.**

**1. Eligibility.** An application for subdivision pursuant to this Section shall only be accepted for processing when the following timing eligibility criteria have been satisfied:

**a. Cap on number of lots.** No more than 200 cumulative lots may be approved pursuant to this Section as part of one or more workforce housing subdivisions.

**2. Expiration.** Timeframes and time extensions for workforce housing subdivisions are the same as those timeframes associated with the approved tentative map or lot line adjustment.

SECTION II: 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 III: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION IV: This project is covered under the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. The project is to make permanent a County Land Use Ordinance governing workforce housing subdivisions and mixed use developments as well as amendments to throughout to ensure document consistency. The proposed ordinance will not change the allowed residential density or development potential that can already be achieved on any given site. In addition, this ordinance would not directly result in any physical changes to the environment. Any future projects pursuant to the ordinance would be subject to subject to environmental review. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

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



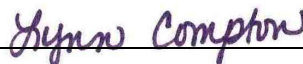
**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 7th day of December, 2021, and **PASSED AND ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 14<sup>th</sup> day of December, 2021, by the following roll call to vote, to wit:

AYES: Supervisors Bruce S. Gibson, Debbie Arnold, John Peschong, Dawn Ortiz-Legg and Chairperson Lynn Compton

NOES: None

ABSENT: None

ABSTAINING:None

  
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Lynn Compton  
Chairperson of the Board of Supervisors of the  
County of San Luis Obispo, State of California

ATTEST:

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

By: T'Ana Christiansen  
Deputy Clerk