

**ORDINANCE NO. 3409**

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE  
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 22.80.030 (Definitions of Land Uses, And Specialized Terms and Phrases) of Title 22 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 22.30.470 (Residential – Secondary Dwellings) of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

**22.30.470 - Residential - Accessory Dwellings**

Accessory dwellings may be allowed, in compliance with this Section, in addition to the primary residential use on a site, as allowed by Section 22.06.030 (Allowable Land Uses and Permit Requirements). For the purpose of this Section, primary residential use shall mean a single-family dwelling or multi-family dwellings.

**A. Authority.** Accessory dwellings are authorized in compliance with the authority established by Government Code Sections 65852.2 et seq. 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 22.72.060 (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.**

- a. 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.
- b. Less than 30 days.** Rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days shall be prohibited.
- c. 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 February 28, 2020.

**C. Limitations on location.**

**1. Excluded areas.** Accessory dwellings shall not be allowed within the following areas:

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

**D. Establishment of accessory dwelling.** A lot or parcel shall be limited to establishing accessory dwelling(s) in accordance with Subsections F, G, H, I, or J. Only one (1) of the accessory dwelling developments described in the five (5) Subsections (F, G, H, I, or J) may be established on a single lot or parcel. To establish accessory dwelling(s) in accordance with Subsections F, G, H, I, or J, all standards of the respective Subsection shall be satisfied. The standards of Subsections F, G, H, I, or J shall not be combined or interchanged. All other provisions of this Section, including parking standards under Section 22.30.470(F)(5), shall apply to all accessory dwelling developments.

**E. 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.

**F. 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.**

- a. Maximum size of accessory dwelling.** 1,200 square feet, including attics greater than six feet in height, unconditioned storage space, and lofts.
- b. 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 22.70.030 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:**

- a. When an accessory dwelling is attached to the primary dwelling, the entrances shall be designed:
  - i. to maintain the character of a single-family dwelling; and
  - ii. to avoid changing the appearance of the primary dwelling to resemble a duplex.
- b. 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. **Setbacks.**

- a. **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 22.10.140 (Setbacks), however, minimum setback requirements for detached accessory dwellings shall not exceed four (4) feet from side and rear lot property lines.
- b. **Attached accessory dwellings.** Attached accessory dwellings shall comply with the setback requirements of the primary residential use.
- c. **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.

#### 5. **Parking.**

- a. **Accessory dwellings.** No off-street parking spaces are required for accessory dwellings.
- b. **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.

### G. **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.

**H. 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 G pertaining to junior accessory dwelling.

**I. 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.

**J. 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 22.06.030 (Allowable Land Uses and Permit Requirements) of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)
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	AG(9)	RL	RR	RS	RSF	RMF	OP	CR	CS	IND	OS	REC	PF
<b>RESIDENTIAL USES</b>													
Multi-Family Dwellings						A1	A2	A2				A2	
<b>Accessory Dwellings</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	-	-	-	<b>P</b>	
Single-Family Dwellings	P	A1	A1	A1	A1	A1	A2	A2				A2	

SECTION 4: Section 22.22.145.B.3 of Title 22 of the San Luis Obispo County Code, is hereby removed.

SECTION 5: Section 22.30.477.E.2.b (Residential – Workforce Housing Subdivisions) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**b. Residential Single-Family:**

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

SECTION 6: Section 22.30.510.B.6 of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 6. Number and type of dwellings allowed as vacation rentals.** No more than one residential vacation rental shall be established on any single parcel. Farm support quarters and/or caretaker dwellings shall not be used as residential vacation rentals. On parcels that contain two primary dwellings, only one of the dwellings shall be used as a residential vacation rental.

SECTION 7: Section 22.94.032.B.6 (Land Use Category Standards for the Adelaida Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.94.032.B is renumbered.

SECTION 8: Section 22.94.042.C.7.a (Land Use Category Standards for the El-Pomar-Estrella Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.94.042.C.7 is renumbered.

SECTION 9: Section 22.96.050.E.4.a (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 4. Bishop Peak Ranch.** The following standards apply only to property shown in Figure 96-12, which includes a portion of Bishop Peak.

- a. Residential density.** The maximum allowable residential density shall be as follows:

SECTION 10: Section 22.96.050.E.5.a (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.96.050.E.5 is renumbered.

SECTION 11: Section 22.96.050.E.8 (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby amended.

**8. Maximum density - CO 82-040, Parcels 1 and 3.** (See Site “C” in Figure 96-14). The maximum allowable density for new land divisions shall be one unit per five acres, unless Chapter 22.22 would otherwise require a larger minimum parcel size. The allowable lots shall be clustered outside of environmentally sensitive areas in compliance with Section 22.22.140 (Cluster Division), or if clustering is not used, building sites shall be located in the least environmentally sensitive areas consistent with an environmental constraints analysis and previously approved building sites. Future parcels or building sites shall be designed to use combined access with the existing access from See Canyon Road and shall also minimize the following types of impacts: wastewater disposal, water availability, oak tree removal, visual impacts (including landscape screening), topographic alteration and archeological resources.

SECTION 12: Section 22.96.050.E.9.a.(1) (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.96.050.E.9.a is renumbered.

SECTION 13: Section 22.96.050.E.10.b (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed.

SECTION 14: Section 22.96.050.F.3.a (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.96.050.F.3 is renumbered.

SECTION 15: Section 22.96.060.F.1.b (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**b. Limitation on use.** All uses identified by Section 22.06.030 as allowable, permitted, or conditional within the RS land use category may be authorized subject to the land use permit requirements of that Section.

SECTION 16: Section 22.96.060.F.2.b (Land Use Category Standards for the San Luis Obispo Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed and Section 22.96.060.F.2 is renumbered.

SECTION 17: Section 22.98.052.B.1.b (Land Use Category Standards for the San Luis Bay Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**b. Density limitation.** Residential density in Alisos Road area A shall be limited to a maximum of one primary single family residence for each 10 acre parcel.

SECTION 18: Section 22.98.070.I.10 (Land Use Category Standards for the South County Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**10. Residential densities.** Densities within the village should occur within a range from two to 20 units per acre. The average density within the village site should be at least five dwelling units per acre, which is intended to achieve a predominant single-family character. Suburban densities at two units per acre should be balanced by multi-family densities to maintain this average.

SECTION 19: Section 22.98.072.H.9.g(3) (Land Use Category Standards for the San Luis Bay Sub-Area) of Title 22 of the San Luis Obispo County Code, is hereby removed.

SECTION 20: Section 22.104.030.A.2 (Land Use Category Standards for Heritage Ranch Village) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**2. Limitation on residential units.** The total number of residential units (including existing RV sites) allowed at Heritage Ranch shall be 2,900 in accordance with the following table:

SECTION 21: Section 22.104.040.F.7.a (Land Use Category Standards for Santa Margarita Community) of Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

a. For the eastern-most building site, a Minor Use Permit shall be required for the primary residence and any accessory structures. The Minor Use Permit shall propose locating the residence and any accessory structures such that oak tree removal and visual impacts from the development are minimized.

SECTION 22: Section 22.108.040.H.1.f (Land Use Category Standards for Nipomo Urban Area) of Title 22 of the San Luis Obispo County Code, is hereby removed.

SECTION 23: Section 22.30.410.D.1 (Residential - Accessory Uses) of Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1. **Limitation on use.** A guesthouse or home office:
  - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink and an under-counter refrigerator that are not located in a separate room;
  - b. 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;
  - c. Shall not be allowed on any site containing an accessory dwelling established in compliance with Section 22.30.470, 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;
  - d. In the Residential Multi-Family land use category, shall satisfy the residential density provisions of Section 22.10.130 (Multi-Family Dwellings); and
  - e. Shall not be provided an electric meter separate from the principal residence.

SECTION 24: Title 22 of the San Luis Obispo County Code, is hereby amended to replace all references to “secondary dwellings” with “accessory dwelling units”.

SECTION 25: 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 26: 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 27: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 28: 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 29: 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 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