

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE,
LAND USE ORDINANCE FOR THE COASTAL ZONE, AND LOCAL COASTAL PROGRAM TO UPDATE
REGULATIONS TO ENCOURAGE MULTI-FAMILY DWELLING PRODUCTION
(COUNTY FILE NUMBER: LRP2024-00015)

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

SECTION 1. The purpose and intent of this ordinance is to update regulations in Title 23 of the San Luis Obispo County Code and Local Coastal Program to encourage multi-family dwelling production. Any interpretation of this Ordinance shall be consistent with this purpose and intent.

SECTION 2. County Code Section 23.03.042 is hereby amended as follows:

23.03.042 – Determination of Permit Requirement.

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TABLE 3-A: PERMIT REQUIREMENT				
LAND USE OR DEVELOPMENT CHARACTERISTIC	CRITERIA [1]	PERMIT REQUIREMENT		
		PLOT PLAN [2]	MINOR USE PERMIT	DEVELOPMENT PLAN
DWELLINGS (these land use permit requirements apply to construction of single- or multi- family dwellings)	Number of dwellings per site [3]	4 or less	5 to 2450	2551 or more
...

Notes to Table 3-A:

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[3] Or number of dwellings constructed by a single developer in a single land division recorded before March 19, 1962.

SECTION 3. County Code Section 23.04.084 is hereby amended as follows:

23.04.080 – Multi-Family Dwellings.

The number of multiple family dwellings (as defined by the Land Use Element, Chapter 7, Part I), allowed on a single lot or adjoining lots is based upon the "intensity factor" of the site. The intensity factor will be either low, medium or high, based upon the type of street serving the site, ~~and the sewer service provided and the distance of the site from the central business district.~~ The intensity factor determines the ~~minimum and~~ maximum number of units allowed, the maximum floor area for all units in the project, and minimum areas for landscaping and pedestrian use. A multi-family project must satisfy the floor area and open area standards of this section, as well as all applicable requirements for parking, setbacks and height. ~~(Multi-family dwellings in the Recreation land use cCategory are subject to Section 23.08.168 – (Residential Uses in the Recreation Land Use Category.) Multi-family dwellings in the Commercial Service, Commercial Retail, or Office and Professional land use categories are subject to Section 23.08.162 – Residential Uses in Office or Commercial Land Use Categories.~~ In areas where the maximum number of units per acre is specified by planning area standards (Part II of the Land Use Element), the allowed intensity factor, maximum floor area and minimum open area shall correspond to the maximum units per acre as provided by subsection b. below.

- a. **Determining intensity factor:** The intensity factor is the lowest obtained from any of the following criteria:

	INTENSITY FACTOR		
	Low	Medium	High
<u>Type of Road Access</u>			
Unpaved Road	X		
Paved Local Street		X	
Paved Collector or Arterial ¹			X
<u>Sewer Service</u>			
On-site septic	X		
Community sewer			X
<u>Distance² from Central Business District</u>			
More than 1 mile	X		
One mile or less		X	
Less than 1,000 ft.			X

Notes:

1. Site access may be from a cross street where the site abuts a collector or arterial.

~~2. Straight-line distance.~~

- b. **Determining allowable density:** The allowable density, maximum floor area and minimum open area for a multiple-family site is to be shown in the following table (all area figures are expressed as percentages of the total usable site area). A minimum of 6,000 square feet of site area is required to establish more than one dwelling unit, pursuant to Section 23.04.044e(1) (Minimum Site Area - Multi-Family Dwellings):

INTENSITY FACTOR	<u>MINIMUM UNITS PER ACRE</u>	MAXIMUM UNITS PER ACRE	MAXIMUM FLOOR AREA ¹	MINIMUM OPEN AREA ²
Low	<u>10</u>	15	35% <u>55%</u>	55% <u>40%</u>
Medium	<u>16</u>	26 <u>30</u>	48% <u>75%</u>	45% <u>30%</u>
High	<u>27</u>	38 <u>42</u>	65% <u>100%</u>	40% <u>25%</u>

Notes:

1. The gross floor area of all residential structures, including upper stories, but not garages and carports.
2. Includes required setbacks, and all areas of the site except buildings and parking spaces.

SECTION 4. County Code Section 23.04.110 is hereby amended as follows:

23.04.108 – Front Setbacks.

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- a. **Residential uses:** All residential uses except for second-story dwellings over a commercial or office use are to have a minimum front setback of 25 feet, except as follows:

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(6) **Multi-family dwellings:** The front setback for multi-family dwellings is a minimum of 20 feet.

- b. **Commercial and office land use categories:** No front setbacks are required within a central business district; a 10-foot front setback is required in Commercial and Office categories elsewhere. Ground floor residential uses in Commercial and Office categories are subject to the setback requirements of subsection a of this section.
- c. **Industrial land use category:** A minimum 25-foot front setback is required except on interior and flag lots, where the front setback shall be the same as that required for side setbacks by Section 23.04.110d.
- d. **Recreation land use category:** A minimum 10-foot front setback is required, provided that residential uses are subject to the set-back requirements of subsection a of this section.

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SECTION 5. County Code Section 23.04.110 is hereby amended as follows:

23.04.110 – Side Setbacks.

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e. Office and Professional land use category: Side setbacks are to be provided as set forth in Subsection d of this section, except within a central business district no side setback is required.

e.f. Residential Multi-Family land use category. For sites of one acre or larger, the side setback shall be a minimum of 10 feet.

f.g. Side setbacks for special development types:

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SECTION 6. County Code Section 23.04.112 is hereby amended as follows:

23.04.112 – Rear Setbacks.

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d. Residential Multi-Family land use category. For sites of one acre or larger, the rear setback shall be a minimum of 10 feet.

d.e. Adjustment. Within urban and village reserve lines, on sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 23.05.104f. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 23.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.

SECTION 7. County Code Section 23.04.124 is hereby amended as follows:

23.04.124 – Height Limitations.

The maximum height for new structures is as follows, except where other height limitations are established by planning area standards of the Land Use Element (for allowed fence heights, see Section 23.04.190c(2):

a. Permitted heights by land use category.

LAND USE CATEGORIES	MAXIMUM HEIGHT
Agriculture, Rural Lands	35 feet
Commercial: In CBD Elsewhere	45 feet 40 35 feet
Industrial	45 feet
Office & Professional	40 35 feet
Open Space	25 feet
Recreation	40 35 feet
Public Facilities	45 feet
Residential: Single Family, Rural and Suburban Multi-Family Low Intensity	35 feet 40 35 feet

Medium Intensity	40 35 feet
High Intensity	45 feet

b. Exceptions to height limitations:

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(2) Residential exceptions:

(i) Additional height: Except where building height limits are established by planning area standards of the Land Use Element, the height limitations specified by subsection a. for residential buildings may be adjusted (Section 23.01.044) to allow additional height to a maximum of 45 feet, provided that the required side, rear and interior setbacks are to be increased by one foot in width for each foot of height over the allowable maximum height 35 feet.

SECTION 8. County Code Section 23.04.166 is hereby amended as follows:

23.04.166 – Required Number of Parking Spaces.

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c. Parking requirements by land use:

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(5) Residential Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Single-Family Dwellings (Including mobilehomes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (Including for the purpose of parking calculation, condominiums & other attached ownership dwellings.)	<u>Resident Parking:</u> 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 1.5 <u>2</u> per three or more bedrooms, <u>2 per four or more bedrooms.</u> plus <u>Guest Parking:</u> 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four	Low	N.A.
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SECTION 9. County Code Section 23.04.184 is hereby amended as follows:

23.04.184 – Water Efficiency Landscape - Methods.

When landscape is required to be provided in compliance with Section 23.04.182, the applicant shall choose one of the following methods to determine and guarantee that the proposed planting will be water efficient.

	Plant List	Plant List Adjustment	Modification
Methods	All plant materials selected from the plant list ¹	80% ² of plant materials selected from plant list (2)	Plant materials not selected from plant list/Does not qualify for plant list adjustment ³
Landscape Plan (Section 23.04.186d)	Can be prepared by landscape professional ⁴ or other	Must be prepared by landscape professional ⁴	Must be prepared by landscape professional ⁴
Level of Review	Staff review and approval of Landscape Plan	Staff review and approval of Landscape Plan	Minor Use Permit <u>Staff review and approval of Landscape Plan</u>

Notes:

- (1) All plant materials shall be from the lists maintained by the Department of Planning and Building for the area of the county where the planting is proposed. The applicant shall provide, with the application submittal, a landscape plan that meets the requirements of Section 23.04.186 showing that all the proposed plant materials have been selected from the appropriate plant list(s). The landscape plan may be prepared by the applicant or a landscape professional as defined in Note 4 below. Addition of a specific plant to the plant list(s) may be approved by the Director upon written request by the applicant.
- (2) In any case where 80% of the landscape area (as defined in Chapter 23.11 - landscape area) uses plant materials from the plant list, and the remaining 20% of the landscape area shall not include additional turf, an adjustment to the plant list may be granted in compliance with Section 23.01.044 (Adjustment).
- (3) If the applicant does not choose to use the plant list method or does not qualify for an adjustment as described in Note 2 above, a request for modification of the standard may be granted through ~~Minor Use Permit approval~~ staff review and approval of landscape plan. The applicant shall provide justification for the request through calculations from a landscape professional (see note 4) showing that water conservation techniques will create a water efficient landscape.
- (4) Licensed landscape architect, licensed architect, licensed landscape contractor, certified nurseryman practicing in San Luis Obispo County, or other qualified individual acceptable to the Director of Planning and Building.

SECTION 10. County Code Section 23.08.162 is hereby amended as follows:

23.08.162 – Residential Uses in Office ~~and Professional~~ or Commercial Land Use Categories.

Single-~~f~~Family and mMulti-~~f~~Family dwellings identified as S-8 uses in the Office and Professional, ~~or~~ Commercial Retail, or Commercial Service land use categories are subject to the standards of this section; except for ~~c~~Caretaker rResidences (Section 23.08.161)-:

a. **Limitation on use.** Except where prohibited by planning area standards of the Land Use Element, [A] single-family dwellings are allowed in Office and Professional and Commercial Retail land use categories and [B] multi-family dwellings are allowed in Office Professional, Commercial Retail, and Commercial Service land use categories, in accordance with the requirements of this section.

~~a. **Limitation on use – Office and Professional category.** Except where prohibited by planning area standards of the Land Use Element new single family or multi-family dwellings are allowed in an Office and Professional category, provided that they are:~~

~~(1) Located on either the second floor and/or the rear of the site, and structurally attached to the main building. The first floor or front part of the building shall be used for the principal office use; and~~

~~(2) Subordinate to the primary office use of the site; or~~

~~(3) Multi-family residential development as a principal use authorized through Development Plan approval, in an Office and Professional category where planning area standards of the Land Use Element allow residential development as a principal use.~~

~~b. **Limitation on use – Commercial categories.** Except where prohibited by planning area standards of the Land Use Element, new single family or multi-family dwellings are allowed in the Commercial Retail land use category provided that they are:~~

~~(1) Located outside of any visitor serving "V" designation as shown on the Land Use Element; and~~

~~(2) Located on either the second floor and/or the rear half of the site and structurally attached to the main building. The first floor or front part of the building shall be used for the principal retail use; and~~

~~(3) Subordinate to the primary commercial use of the site.~~

~~New dwellings are not allowed in the Commercial Service category, except for a caretaker residence (Section 23.08.161).~~

~~c.~~**b. Existing non-conforming uses.** In an Office and Professional, ~~or~~ Commercial Retail, and Commercial Service land use categories, a detached single-~~f~~family dwelling which is the principal use of its site may be continued as a residential use as set forth in Section 23.09.026d (Nonconforming Uses of Land).

d.c. Permit requirements. Permit requirements are as follows unless a higher permit level is otherwise required by this Title or the Land Use Element or is required for an accompanying nonresidential use.

(1) Office Professional and Commercial Retail land use categories. Permit requirements are based on the project characteristics per Table 3-A in Section 23.03.042.

(2) Commercial Service land use category. Minor Use Permit required, unless Table 3-A requires a Development Plan.

~~(1) The land use permit required to authorize residential uses pursuant to this section shall be the same as that required by this title for the principal use of the site; except that where Section 23.03.040 would require a higher permit level for the residential uses, the higher permit shall be required.~~

(2)(3) Required Findings for Office and Commercial land use categories. When Minor Use Permit or Development Plan approval is required by this title to authorize the proposed residential use, the applicable approval body shall, before granting such approval, find that the proposed residential use will not:

- (i) Significantly reduce the community inventory of office or commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan.
- (ii) Impede the continuing orderly development of community shopping and office areas with office and other commercial uses.

e.d. Minimum site area and density. To be as required by Section 23.04.084 (Residential Density - Multi-Family Dwellings), or applicable planning area standards of the Land Use Element.

e. Required commercial use. For sites that are either [A] one acre or larger or [B] within a central business district, ground-level floor area that faces or has frontage on an access road shall be for commercial uses.

(1) Exception for Guaranteed Affordable Housing. Commercial use is not required if 16% of total dwelling units is provided as guaranteed affordable housing in the low- or very low-income category in accordance with Section 23.04.094 (Housing Affordability Standards).

(2) Design requirements. The following requirements apply to ensure that commercial uses are not precluded from ground floor space.

- (i) Structural. Structural design shall take into account all necessary building code requirements for commercial uses, such as those for accessibility and fire safety.
- (ii) Building façade. The ground floor building façade must abut front and street side property lines. Setbacks of up to 10 feet may be approved if needed to provide useable public space such as a plaza or dining area.
- (iii) Ceiling height. Ground floor space shall have a minimum floor-to-floor ceiling height of 12 feet.

(iv) **Windows.** A minimum of 60 percent of the street-facing façade between two feet and eight feet in height shall be comprised of transparent storefront windows that allow views of indoor space or product display areas.

(v) **Primary entrance.** The primary entrance to ground floor commercial space shall be oriented towards the public street.

(3) **Interim residential use.** The Review Authority may authorize commercial spaces, including the ground floor of buildings fronting a public road, to be used for residential purposes through Minor Use Permit approval. The Review Authority's approval shall, at a minimum, consider the following:

(i) **Longevity.** Residential use of commercial space shall only be allowed as an interim use when the space would otherwise be vacant due to lack of commercial demand. The Review Authority shall establish the length of the interim period at the time of subdivision approval, and may grant future extensions of the interim period. The owner shall provide notification to occupants of residential units at least six months prior to cessation of the residential use of the space.

(ii) **Exterior modifications for conversion to residential use.** Even when used for interim residential purposes, the ground floor of buildings fronting an access road shall maintain a commercial appearance. Exterior modifications to commercial space to accommodate an interim residential use shall not preclude future commercial use and shall be limited to the following:

a. Modifying the entryway to the unit.

b. Reducing the transparency of storefront glass.

c. Any other necessary modifications the Review Authority deems appropriate.

f. **Parking.**

(1) When a commercial and residential use are located on the same site, the number of parking spaces provided is to be 80% of the total required for each residential and commercial use on the same site by Section 23.04.160 (Parking).

(2) All parking for a residential use in a Commercial Retail, Commercial Service or Office and Professional category is to be located on-site.

SECTION 11. The adoption of this ordinance is exempt from CEQA via the General Rule Exemption, pursuant to CEQA Guidelines Section 15061(b)(3). The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the General Rule Exemption approved for this project and all comments that were received during the public hearing process. On the basis of the General Rule Exemption, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 12. 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 13. This ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 14. Within 15 days after adoption of this ordinance, a summary shall be published once in a newspaper of general circulation 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 15. 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 San Luis Obispo County Planning Commission meeting held on the 26th day of June, 2025 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 21st day of September, 2025, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

ATTEST:

Chairperson of the Board of Supervisors
County of San Luis Obispo
State of California

MATTHEW PONTES

Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:

JON ANSOLABEHERE

County Counsel

A handwritten signature in cursive script, appearing to read "Jon Ansolabehere", is written over a horizontal line.

By:

Deputy County Counsel

Dated: June 27, 2025