

ORDINANCE NO. 3536

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
LAND USE ORDINANCE FOR THE INLAND AREAS, TO UPDATE REGULATIONS
RELATING TO ACCESSORY DWELLINGS FOR CONSISTENCY WITH STATE LAW AND
TO STREAMLINE AND SUPPORT AFFORDABLE HOUSING PRODUCTION
(COUNTY FILE NUMBER: LRP2024-00013)

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 relating to accessory dwellings in Title 22 of the San Luis Obispo County Code for consistency with State Law (California Government Code Sections 66310-66342) and to streamline and support affordable housing production. Any interpretation of this Ordinance shall be consistent with this purpose and intent. Per the 2020-2028 County Housing Element, dwelling units that are 1,200 square feet or smaller in size are considered low- and moderate-income affordable housing by design, which contribute to achieving the County's Regional Housing Needs Allocation objectives.

SECTION 2. County Code Section 22.30.410 is hereby amended as follows:

22.30.410 – Residential – Accessory Uses.

...

E. **Guesthouses and home offices.** OneA guesthouse or home office (sleeping or home office facilities without indoor connection to the living area of a principal residence) per parcel may be established as a use accessory to a residence 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.c.~~ In the Residential Multi-Family land use category, shall satisfy the residential density provisions of Section 22.10.130 (Multi-Family Dwellings); and
- ~~e.d.~~ Shall not be provided an electric meter separate from the principal residence.

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SECTION 3. County Code Section 22.30.470 is hereby amended 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 ~~urban dwelling~~, or multi-family dwellings; ~~and "accessory dwelling" shall apply to both accessory dwellings and junior accessory dwellings.~~

A. ~~_____~~ **Authority.** Accessory dwellings are authorized in compliance with the authority established by ~~California~~A Government Code Sections ~~65852.2 et seq~~66310-66342. Accessory dwellings that comply with the ~~standards and~~ regulations ~~contained~~ in this ~~s~~Section shall be subject to ministerial review, without discretionary review or public hearing. In accordance with ~~California~~ Government Code Sections ~~66310-66342~~65852.2 ~~et seq~~, where the standards of this Section conflict with other provisions of this Title, the standards of this Section control.

B. **Applicable standards.** Accessory dwellings are subject to public health and safety ~~regulations (including but not limited to fire, drainage, flood control, wastewater, and water supply regulations), which may affect the allowed number of accessory dwellings and applicable design standards (such as setbacks, height, and other standards).~~

1. **Fire sprinklers.** Fire sprinklers shall be required for attached accessory dwellings if the ~~primary dwelling requires fire sprinklers or if two or more accessory dwellings (including junior accessory dwellings) are attached to primary dwelling, even if the total floor area of the accessory dwellings is less than 50 percent of the existing floor area of the primary dwelling.~~

~~B.C.~~ **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 ~~counted towards~~considered to ~~exceed~~ the allowable ~~density~~ 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.~~
 - ~~a. **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. Permit requirement.** Accessory dwellings require Zoning Clearance subject to ministerial approval. Submittal of accessory dwelling plans shall include the following:
 - 1. Checklist.** Accessory dwelling checklist completed by the applicant, indicating the proposed accessory dwelling adheres to this Section, applicable site constraints, and applicable public health and safety regulations in accordance with Subsection B.
 - 2. Site Layout Plan.** Site layout plan containing all required information for Zoning Clearance per Section 22.62.030.A.1 including all proposed accessory dwelling(s) and urban dwellings (Section 22.30.471), and, if applicable, urban lot splits (Section 21.02.041) for the site.
 - E. Review timeline.** Land use and construction applications for accessory dwellings shall be approved or denied within 60 days from the date the application is deemed complete and within 30 days from the date the application is deemed complete if the accessory dwelling is in the form of a manufactured/mobile home or using County-authorized pre-reviewed accessory dwelling plans. For the purpose of the review timeline, the time period during which the applicant is in receipt of County review comments and responding to such comments shall not be counted towards the 60-day and 30-day review period, respectively.
 - F. Number of accessory dwellings.** The number of accessory dwellings is as allowed by this section except when limited by public health and safety regulations in accordance with Subsection B.
 - 1. Accessory dwellings on a parcel with a single-family dwelling or urban dwelling.** Up to three accessory dwellings are allowed per parcel with an existing or proposed primary dwelling and can be any combination of the following types:
 - b. Attached or detached accessory dwelling.** An accessory dwelling that is either attached to or detached from the existing or proposed primary dwelling.
 - c. Junior accessory dwelling.** A junior accessory dwelling is a type of attached accessory dwelling.
 - 2. Accessory dwellings on a parcel with multi-family dwellings.**
 - a. Converted accessory dwellings.** Accessory dwellings may be created within the portions of existing multi-family dwelling structures that are not livable space. The number of converted accessory dwellings allowed shall be at least one and, if more than one, shall not exceed 25 percent of the number of existing multi-family dwelling units.
 - b. Detached accessory dwellings.** Up to eight detached accessory dwellings are allowed per parcel with existing multi-family dwellings; however, the total number shall not exceed the existing number of multi-family dwelling units.
 - 3. Accessory dwellings using onsite wastewater treatment systems.** On parcels served by onsite wastewater treatment systems, the number of accessory dwellings shall be

limited to comply with regulations of the San Luis Obispo County Local Agency Management Program (LAMP) and Title 19. **Unless served by community sewer, accessory dwellings shall not be allowed in the Nipomo Regional Water Quality Control Board Prohibition Zone for new or expanded onsite wastewater treatment systems.**

G. **Size.** The maximum allowable size for an accessory dwelling includes livable space, attics greater than six feet in height, basements, and lofts, but excludes garages and any other accessory structures. The minimum size for an accessory dwelling is an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code.

1. **Attached, detached, and converted accessory dwellings.** Maximum of 1,200 square feet.

2. **Junior accessory dwellings.** Maximum of 500 square feet.

H. **Entrance.** Accessory dwellings shall have an exterior entrance separate from the proposed or existing primary dwelling. If a junior accessory dwelling does not include a separate bathroom, it shall include an interior entrance to access the bathroom within the existing structure.

I. **Maximum height.** Accessory dwellings are subject to the height limits ministerially allowable per Section 22.10.090.C (Height Limits) and Chapter 22.09 (Community Planning Standards).

J. **Setbacks.** Except as otherwise required by public health and safety regulations in accordance with Subsection B, setbacks for accessory dwellings shall be as follows.

1. **Detached accessory dwellings.**

a. **Front setback:** For accessory dwellings 800 square-feet or below, no minimum. For accessory dwellings over 800 square-feet, subject to ministerially required setback for the primary dwelling.

b. **Side and rear setback:** Four (4) feet minimum.

2. **Converted and attached accessory dwellings (including junior accessory dwellings).** Subject to the ministerially allowable setback requirements of the primary residential use.

3. **Exceptions.** 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. And front setbacks cannot preclude an attached or detached accessory dwelling of at least 800 square feet and with at least four feet side and rear setbacks from being built on the property.

K. **Parking.** No off-street parking spaces are required for accessory dwellings. Existing off-street parking spaces for the primary residential use shall be maintained for automobile parking unless they are demolished or converted to construct the accessory dwelling.

L. **Driveways.** The driveways serving the primary residential use and accessory dwelling(s) 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.

M. **Amendments to state law.** In the event California Government Code Section 66310 et seq. is amended to impose additional mandatory requirements on the approval of accessory dwellings, those requirements shall be imposed without the need to amend this Section.

N. Conflict with state law. If any provision of this section conflicts with California Government Code Section 66310 et seq., or other applicable state law, state law shall supersede the provisions of this Section.

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 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 4. The adoption of this ordinance is not considered a project under CEQA, pursuant to California Government Code Section 65852.21(j), which states that a local ordinance adopted to implement State urban dwelling unit standards shall not be considered a project under CEQA and California Government Code Section 21080.17, which states that a local ordinance adopted to implement State standards for accessory dwellings and junior accessory dwellings are statutorily exempt from CEQA.

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

SECTION 7. 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 8. In accordance with Government Code Section 25131, after reading the title of this ordinance, further reading of the ordinance in full is waived.

RECOMMENDED for adoption at a San Luis Obispo County Planning Commission meeting held on the 24th day of April, 2025 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on the 3rd day of June, 2025, by the following roll call vote, to wit:

- AYES:** Supervisors Jimmy Paulding, Bruce S. Gibson, John Peschong, Heather Moreno and Chairperson Dawn Ortiz-Legg
- NOES:** None
- ABSENT:** None
- ABSTAINING:** None

Dawn Ortiz-Legg
Chairperson of the Board of Supervisors
County of San Luis Obispo State of California

ATTEST:

MATTHEW PONTES
Ex-Officio Clerk of the Board of Supervisors

By: Vandy Currens
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:

JON ANSOLABEHERE
County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: July 2, 2025

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **MATTHEW P. PONTES**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on July 2, 2025.

MATTHEW P. PONTES,
Ex-Officio Clerk of the Board of Supervisors

By: Vandy Currens
Deputy Clerk of the Board of Supervisors