ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, LAND USE ORDINANCE FOR THE INLAND AREAS, 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 22 of the San Luis Obispo County Code to encourage multi-family dwelling production. Any interpretation of this Ordinance shall be consistent with this purpose and intent.

SECTION 2. County Code Section 22.06.030 is hereby amended as follows:

22.06.030 – Allowable Land Uses and Permit Requirements

…

TABLE 2-2 – ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)(10)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Accessory Dwellings	P	P	P-	-	-	P		22.30.470
…								
Multi-Family Dwellings	A2	A2	A2			A2		22.30.490,500

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30

P	Permitted use, Zoning Clearance required. (4)	22.62.030
…	…	…

SECTION 3. County Code Section 22.08.030 is hereby amended as follows:

22.08.030 – Project-Based Permit Requirements.

…

TABLE 2-3

PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS

Land Use or Development Characteristic	**Criteria** (1)	**Permit Requirement**			
		Zoning Clearance	**Site Plan Review**	**Minor Use Permit**	**Conditional Use Permit**
Dwellings	Number of proposed primary dwellings per site (2)	4 or fewer	5 to 15	16 to ~~24~~50	~~25~~51 or more

Notes:

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(2) Or number of dwellings proposed to be constructed by a single developer, in a single subdivision that was recorded before March 19, 1962.

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SECTION 4. County Code Section 22.10.090 is hereby amended as follows:

22.10.090 – Height Measurement and Height Limit Exceptions.

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C. **Height limits.** The maximum height for new structures is as follows, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards). (For allowed fence heights, see Section 22.10.080.C.)

1. **Maximum allowed height by land use category.**

Use Category	**Maximum Height**
Agriculture, Rural Lands	35 feet
Commercial	
In Central Business District	45 feet

Use Category	Maximum Height
Elsewhere	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	35 feet
Multi-Family	
Low intensity	40~~35~~ feet
Medium Intensity	40~~35~~ feet
High intensity	45 feet

2. **Exceptions to height limitations.**

...

b. Residential exceptions.

(1) **Additional height.** The height limitations specified by Subsection C.1 for residential buildings may be adjusted (Section 22.70.030) to allow additional height to a maximum of 45 feet, provided that the required side, rear~~,~~ and interior setbacks shall be increased by one foot in width for each foot of height over the allowable maximum height~~35 feet~~.

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SECTION 5. County Code Section 22.10.130 is hereby amended as follows:

22.10.130 – Residential Density.

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C. **Multi-family dwellings.** The number of multi-~~ple~~ family dwellings 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 dwelling 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-f~~F~~amily dwellings in the Recreation Category are subject to Section 22.30.500 (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 22.30.490 (Residential Uses in Office or Commercial Land Use Categories).

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

Criteria		**Intensity Factor**		
		Low	**Medium**	**High**
Type of road access	Unpaved road	✓		
	Paved local street		✓	
	Paved collector or arterial (1)			✓
Sewer service	On-site septic	✓		
	Community sewer			✓
~~Distance from CBD (2)~~	~~More than 1 mile~~	~~✓~~		
	~~1 mile or less~~		~~✓~~	
	~~Less than 1,000 ft~~			~~✓~~

Notes:

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

~~(2) Straight-line distance from central business district (CBD).~~

2. **Determining allowable density.** The allowable density, maximum floor area and minimum open area for a multiple-family project shall 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, in compliance with Section 22.10.110.C (Minimum Site Area - Multi-Family Dwellings):

Intensity Factor	**Minimum number of units per acre**	**Maximum number of units per acre**	**Maximum floor area (1)**	**Minimum open area (2)**
Low	10	15	~~35%~~55%	~~55%~~40%
Medium	16	~~26~~30	~~48%~~75%	~~45%~~30%
High	27	~~38~~42	~~65%~~100%	~~40%~~25%

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.

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SECTION 6. County Code Section 22.10.140 is hereby amended as follows:

22.10.140 – Setbacks.

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D. **Front setbacks.** The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Chapter 22.16, and Section 22.10.080, respectively.

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

...

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

3. **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 D.2

4. **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 Subsection E.

5. **Recreation land use category.** A minimum 10-foot front setback is required, provided that residential uses are subject to the setback requirements of Subsection ~~A~~D.2.

...

E. **Side setbacks.** The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas.

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5. **Office and Professional land use category.** Side setbacks shall be provided as set forth in Subsection E.4, except within a central business district no side setback is required.

~~5.~~6. **Residential Multi-Family land use category.** For sites of one acre or larger, the side setback shall be a minimum of 10 feet.

7. **Side setbacks for special development types**.

...

F. **Rear ~~s~~Setbacks.** The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line. The minimum rear setback is 10 feet on sites of less than one acre in net area and 30 feet on sites of one acre or larger in net area except as follows:

...

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

...

SECTION 7. County Code Section 22.16.030 is hereby amended as follows:

22.16.030 – Water Efficient Landscape - Methods.

When landscape is required to be provided in compliance with Section 22.16.020, 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% 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 22.16.040.D)	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~~Staff review and approval of Landscape Plan

Notes:

(1) All plant materials shall be from the lists maintained by the Department 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 22.16.040 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 percent of the landscape area (as defined in Article 8 - landscape area) uses plant materials from the plant list, and the remaining 20 percent of the landscape area shall not include additional turf, an adjustment to the plant list may be granted in compliance with Section 22.70.030 (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.

SECTION 8. County Code Section 22.18.050 is hereby amended as follows:

22.18.050 – Required Number of Parking Spaces.

All land uses requiring a permit under this Title shall be provided off-street parking spaces as follows:

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G. **Parking requirements by land use.**

…

5. **Residential Uses:**

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
Single-Family Dwellings (Including mobile homes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (including for the purpose of parking calculations, condominiums and other attached ownership dwellings.)	Resident Parking: 1 per one bedroom or studio unit, 1.5 per two bedroom or three bedroom unit, 2 per ~~three~~four or more bedroom~~s~~ unit~~,~~ P~~p~~lus…	Low	N.A.

	Guest Parking: 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four.		

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SECTION 9. County Code Section 22.30.490 is hereby amended as follows:

22.30.490 – Residential Uses in Office or Commercial ~~Retail~~ Land Use Categor~~y~~ies.

Single family and multi-family dwellings in the Office and Professional, ~~or~~ Commercial Retail, or Commercial Service land use categories are subject to the standards of this Section; except for caretaker residences, which are subject to Section 22.30.430.

A. **Limitation on Use.** Except where prohibited by planning area standards (Article 9) and community planning standards (Article 10), [A] ~~new~~ single-family dwellings are allowed in Office and Professional and Commercial Retail land use categories and ~~or~~ [B] multi-family dwellings are allowed in ~~an~~ Office and Professional, ~~or~~ Commercial Retail, and Commercial Service land use categories,~~y, provided that they comply~~ in accordance with the ~~following~~ requirements of this section.~~:~~

B. **Existing Non-Conforming Uses.** In Office and Professional, Commercial Retail, and Commercial Service land use categories, a detached single-family dwelling which is the principal use of its site may be continued as a residential use as set forth in Section 22.72.050.d (Nonconforming Uses of Land).

C. **Permit Requirements.** Permit requirements are as follows unless a higher permit level is otherwise required by this Title 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 2-3 in Section 22.08.030.

2. **Commercial Service Land Use Category.** Minor use permit required, unless Table 2-3 requires a Conditional Use Permit.

D. **Number of Dwelling Units.** The minimum and maximum number of units per acre shall be based on intensity factor in accordance with Section 22.10.130.B, or applicable standards in Chapters 9 or 10,

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 10% of total dwelling units is provided as guaranteed affordable housing in the low- or very low-income category in accordance with Section 22.12.030 (Housing Affordability Standards).

~~1.~~2. **Design requirements.** The following requirements apply to ensure that commercial uses are not precluded from ground floor space:

a. **Structural.** Structural design shall take into account all necessary building code requirements for commercial uses, such as those for accessibility and fire safety.

~~a.~~ b. **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.

~~b.~~ c. **Ceiling height.** Ground floor space shall have a minimum floor-to-floor ceiling height of 12 feet.

~~c.~~ d. **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.

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

~~2. **Interim r**~~**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:~~

~~a. **Longevity.** Residential use of principal 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.~~

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

~~(1) Modifying the entryway to the unit.~~

~~(2) Reducing the transparency of storefront glass.~~

~~(3) Any other necessary modifications the Review Authority deems appropriate.~~

SECTION 10. 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 11. 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 12. This ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 13. 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 14. 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 23rd 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

By: _____
Deputy County Counsel

Dated: September 23, 2025