



Planning Commission
AGENDA

Wednesday, October 13, 2021, 6:00 p.m.

Teleconference - Broadcast via Webinar

Pursuant to Executive Orders N-60-20 and N-08-21 executed by the Governor of California, and subsequently Assembly Bill 361, enacted in response to the state of emergency relating to novel coronavirus disease 2019 (COVID-19) and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.), commissioners and members of the public may participate in this regular meeting by teleconference.

Using the most rapid means of communication available at this time, members of the public are encouraged to participate in Planning Commission meetings in the following ways:

Remote Viewing - Members of the public who wish to watch the meeting can view:

View the Webinar (**recommended for the best viewing quality**):

URL: <https://slocity->

[org.zoom.us/j/82996049810?pwd=elp0Q2l0YVRpY0FoNVVlWnFjZmZHQQT09](https://slocity-)

Telephone Attendee: +1 (669) 900-6833

Webinar ID: 829 9604 9810; Passcode: 714986

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Public Comment - Public comment can be submitted in the following ways:

Mail or Email Public Comment

Received by 3:00 PM on the day of meeting - Can be submitted via email to advisorybodies@slocity.org or U.S. Mail to City Clerk at 990 Palm St. San Luis Obispo, CA 93401. All emails will be archived/distributed to Commissioners, however, submissions *after* 3:00 p.m. on the day of the meeting may not be archived/distributed until the following day. Emails **will not** be read aloud during the meeting.

Verbal Public Comment

In Advance of the Meeting – Call (805) 781-7164; state and spell your name, the agenda item number you are calling about and leave your comment. The verbal comments must be limited to 3 minutes. All voicemails will be forwarded to the Commissioners and saved as Agenda Correspondence. Voicemails **will not** be played during the meeting.

During the meeting – Join the webinar (instructions above). Once public comment for the item you would like to speak on is called, please raise your virtual hand, your name will be called, and your microphone will be unmuted. If you have questions, contact the office of the City Clerk at cityclerk@slocity.org or (805) 781-7100.

Pages

1. CALL TO ORDER

Chair Jorgensen will call the Regular Meeting of the Planning Commission to order.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

At this time, people may address the Commission about items not on the agenda. Comments are limited to three minutes per person. Items raised at this time are generally referred to staff and, if action by the Commission is necessary, may be scheduled for a future meeting.

3. CONSENT

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Planning Commission to pull an item for discussion. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

Recommendation:

To approve Consent Item 3a.

3.a. CONSIDERATION OF MINUTES - SEPTEMBER 22, 2021 PLANNING COMMISSION MINUTES

4. PUBLIC HEARINGS

Note: Any court challenge to the action taken on public hearing items on this agenda may be limited to considering only those issues raised at the public hearing or in written correspondence delivered to the City of San Luis Obispo at, or prior to, the public hearing. If you wish to speak, please give your name and address for the record. Please limit your comments to three minutes; consultant and project presentations limited to six minutes.

4.a. REVIEW OF PROPOSED AMENDMENTS TO MUNICIPAL CODE TITLE 6 (ANIMALS) AND TITLE 17 (ZONING REGULATIONS) (CODE- 0663-2021)

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Recommendation:

Adopt a Resolution entitled, "A Resolution of the Planning Commission of the City of San Luis Obispo recommending the City Council introduce and adopt an Ordinance amending Title 17 (Zoning Regulations) of the Municipal Code with changes implemented from the adoption of the 6th Cycle Housing Element, the updated County Airport Land Use Plan, and general corrections identified and executed by internal staff with an exemption from Environmental Review (CEQA), as represented in the staff report and attachments dated October 13, 2021 (Zoning Regulations, CODE-0663-2021)."

5. COMMENT AND DISCUSSION

5.a. STAFF UPDATES AND AGENDA FORECAST

Receive a brief update from Deputy Community Development Director Tyler Corey.

6. ADJOURNMENT

The next Regular Meeting of the Planning Commission meeting is scheduled for October 27, 2021 at 6:00 p.m. via teleconference.

LISTENING ASSISTIVE DEVICES for the hearing impaired--see the Clerk

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Planning Commission Minutes

September 22, 2021, 6:00 p.m.
Teleconference - Broadcast via Webinar

Planning Commissioners Present: Commissioner Hemalata Dandekar, Commissioner Michael Hopkins, Commissioner Steve Kahn, Commissioner Michelle Shoresman, Commissioner Mike Wulkan, Vice Chair Nick Quincey, Chair Bob Jorgensen

City Staff Present: Community Development Director Michael Codron, Deputy Community Development Director Tyler Corey, Assistant City Attorney Markie Jorgensen, Deputy City Clerk Kevin Christian

1. CALL TO ORDER

A Regular Meeting of the San Luis Obispo Planning Commission was called to order on September 22, 2021, at 6:02 p.m. by Chair Jorgensen with Commissioners present via teleconference.

2. PUBLIC COMMENT

Public Comments:
None

--End of Public Comment--

3. CONSENT

3.a CONSIDERATION OF MINUTES - SEPTEMBER 8, 2021, PLANNING COMMISSION MINUTES

Approve the Planning Commission Minutes of September 8, 2021.

Motion By Commissioner Dandekar

Second By Commissioner Kahn

CARRIED

4. PUBLIC HEARINGS

4.a 175 VENTURE DR. (ARCH-0624-2020) REVIEW OF THE PROPOSED DESIGN AND LAYOUT FOR THE PHASED MEDIUM DENSITY RESIDENTIAL (R-2) COMPONENT OF THE AVILA RANCH DEVELOPMENT PROJECT

Commissioner Hopkins recused himself due to a conflict with his employer.

Contract Planner John Rickenbach presented the staff report and responded to Commission inquiries.

Applicant representatives, Carol Florence, Oasis Associates, Inc., and Michael Stone, Bassenian Lagoni Architecture, provided a brief summary of past Planning Commission review of project stages, presented a synopsis of the current phase project attributes including project layout and architectural features, and responded to questions raised.

Chair Jorgensen opened the public hearing.

Public Comments:

Dan Garson

--End of Public Comment--

Chair Jorgensen closed the public hearing.

Motion By Commissioner Dandekar

Second By Commissioner Wulkan

Adopt a Resolution entitled, "A Resolution of the Planning Commission of the City of San Luis Obispo approving site design and layout for 297 residential units within the R-2 Component of the Avila Ranch Project to be developed within Phases 1-3 of the Development Plan, including a fence height exception adjacent to an industrial area and finding the project is exempt from further environmental review under the California Environmental Quality Act (CEQA); as represented in the staff report and attachments dated March 11, 2020, for the project located at 175 Venture Drive (ARCH-0624-2020)." *with the following modifications and condition additions:*

- Staff to work with the applicant to provide windows and/or other details on the left and right elevations of Cottage Plan 4, Spanish Style, to reduce the apparent mass, to the satisfaction of the Community Development Director.

Added Conditions:

1. *For future housing development within Phases 2 and 3, the unit sizes for each product type must be substantially consistent with those in Phase 1 and include the full range of approved floor plans to the satisfaction of the Community Development Director.*
2. *Prior to occupancy of the first production unit in Phase 1, a park development phasing plan must be submitted for review and approval by the Parks and Recreation and Public Works Directors.*

Ayes (6): Commissioner Dandekar, Commissioner Kahn, Commissioner Shoresman, Commissioner Wulkan, Vice Chair Quincey, and Chair Jorgensen

Recused (1): Commissioner Hopkins

CARRIED (6 to 0)

Commissioner Hopkins rejoined the meeting at 8:05 p.m.

4.b REVIEW OF A DRAFT ORDINANCE AMENDING TITLE 17 (ZONING REGULATIONS) OF THE MUNICIPAL CODE WITH OBJECTIVE DESIGN STANDARDS FOR QUALIFYING RESIDENTIAL PROJECTS

Associate Planner Rachel Cohen presented the staff report and responded to Commission inquiries.

Chair Jorgensen opened the public hearing.

Public Comments:

Molly Kern

--End of Public Comment--

Chair Jorgensen closed the public hearing.

Motion By Commissioner Kahn
Second By Commissioner Dandekar

Adopt a Resolution entitled, "A Resolution of the Planning Commission of the City of San Luis Obispo recommending the City Council introduce and adopt an Ordinance amending Title 17 (Zoning Regulations) of the Municipal Code adding Objective Design Standards Chapter 17.69 for qualifying residential projects with an exemption from Environmental Review (CEQA) as represented in the Planning Commission Agenda Report and attachments dated September 22, 2021 (Citywide; CODE-0523-2021)" *with the following modifications:*

17.69.020 Building and Site Design

B. Building Details

- 1. Buildings shall use ~~high-quality~~ exterior wall materials chosen from the list below.*
- 2. ~~Buildings shall use the same colors, materials, and detailing throughout all elevations. Street facing and the most visible elevations may use more architectural details, but colors and materials shall be the same on all elevations.~~*
- 112. ~~All residential units that front, face, or overlook a public, common or private outdoor space shall be designed with at least one window that provides overlook on the outdoor space.~~ Residential buildings shall include windows that overlook outdoor spaces.*

E. Common and Private Spaces

- 1. Residential projects within the R-2, R-3, and R-4 zones shall have a minimum of sixty-five (65) square feet of private outdoor space per ~~each unit for at least 60% of the units or~~ and provide a minimum of one hundred (100) square feet per unit, for all units in the project, to common space. Common space is recreation space provided inside or outside a residential building for the use of all the residents for recreation or social purposes and is readily accessible by all the residents. To qualify as private open space, the space must be private and directly accessible from the unit it serves and must have a minimum dimension in every direction of six (6) feet. To qualify as common space, individual spaces must have a minimum dimension in every direction of ten (10) feet.*

F. Landscaping

- 2. All required front and street-facing side setbacks, except for areas used for exit, entry, or common outdoor space shall be landscaped. All projects shall landscape at least ~~fifteen~~ ten (10~~5~~) percent of the project site.*
- 5. Any trees removed from the residential project site shall be:
a. Replaced on-site with a 1:1 replanting. Required street trees may be counted as part of the replacement plantings; or
a-b. Replaced off-site at a 2:1 ratio by: 1) planting trees off-site on private property within the City limits, 2) planting street trees off-site (only after required street trees for the project site has been satisfied), or 3) purchasing trees for the City's Urban Forest program.*

17.69.030 - Downtown Building Design

B. Building Details

- 4. Veneers shall turn corners and terminate into the inside corner of the building or be finished and not expose edges so that finish materials ~~do not~~ appear "thin" or artificial, as in the example of "brick" veneer applied to a single building face so that it is obviously only ½ -inch thick when viewed from the side.*

17.69.040 - Additional Design Details

C. Bicycle Parking Areas

- 4. Short-term bicycle racks shall be peak style racks.*

Ayes (7): Commissioner Dandekar, Commissioner Hopkins, Commissioner Kahn, Commissioner Shoresman, Commissioner Wulkan, Vice Chair Quincey, and Chair Jorgensen

CARRIED (7 to 0)

5. COMMENT AND DISCUSSION

5.a STAFF UPDATES AND AGENDA FORECAST

Deputy Community Development Director Tyler Corey provided an update of upcoming projects.

6. ADJOURNMENT

The meeting was adjourned at 9:54 p.m. The next Regular Meeting of the Planning Commission meeting is scheduled for October 13, 2021, at 6:00 p.m. via teleconference.

APPROVED BY PLANNING COMMISSION: XX/XX/202X



Planning Commission Agenda Correspondence

DATE: October 13, 2021
TO: Chair and Commissioners
FROM: Owen Goode, Assistant Planner
SUBJECT: **ITEM #4a – CODE-0663-2021 (REVIEW OF PROPOSED AMENDMENTS TO MUNICIPAL CODE TITLE 6 (ANIMALS) AND TITLE 17 (ZONING REGULATIONS) (CODE-0663-2021))**

Staff has provided agenda correspondence to respond to questions from a Commissioner that relate to language and amendments proposed by staff within the newly proposed ordinance.

1. ADUs: The proposed changes are in a "repeal and replace" format, so it's very difficult to identify and consider the actual language to be revised. Could you identify the language to be revised with underlines and strikeouts, or at least discuss the language changes in more detail? The reason I ask is that, based on the staff report discussion, it appears that several of the proposed revisions appear to be substantive and not just "clean-ups" or clarifications. For example, the changes regarding minimum lot size for larger ADUs, setbacks for balconies, maximum size of balconies, and replacement parking for JADU garage conversions seem to be substantive changes, but without seeing the actual legislative changes, I can't tell.

- The changes proposed to the ADU ordinance can be divided into three areas: 1) simplifying the language; 2) modifying the language to be consistent with state law and HCD guidance; and 3) previous council direction.
- The ADU update in early 2020 divided the ADU provisions into two areas: 1) single-family properties; and 2) multi-family properties. This has caused some confusion with developers and property owners and is not necessary to comply with state law. The proposed modifications will allow the same size and type of ADUs on both types of residential properties. In the draft ordinance, subsection 3 covers what was previously provided in subsections 3 through 5.
- Other changes to the ordinance reflect consistency with state law and HCD guidance or incorporate previous direction from the City Council. This includes specifying that requests for ADUs over 1,000 square feet in an R-1 zone are only allowed on lots that are double the minimum lot size (Council Direction in 2020), and the ability to convert a garage into a Junior ADU (State law and HCD guidance). Clarifying replacement parking requirements when a garage is converted to a JADU was not previously addressed and the draft ordinance now includes this language.
- An additional objective of the "clean-up" was to reduce the number of ADUs that require a height exception. Currently, nearly all ADUs that are constructed above 16 feet in height require the approval of an exception. This includes two story ADUs and ADUs that are constructed above a new garage. The current ordinance requires this exception process to ensure that privacy or solar exposure are considered and addressed. This exception process is required even if the proposed structure is consistent with normal

Staff Agenda Correspondence – Review of Proposed Amendments to Municipal Code Title 6 (Animals) and Title 17 (Zoning Regulations) (CODE-0663-2021)

building setback standards, where privacy and solar exposure impacts are not presented. This has created significant delays in ADU permitting.

- The draft ordinance includes language that allows for ADUs (or ADUs above garages) to be constructed up to 25 feet in height without the need for an exception process as long as the building is consistent with normal setback standards. In order to address privacy impacts, limits on balcony size and a required setback for such are included.

2. Mixed Use Development by Right in C-S and M zones: It appears that such development would be considered a "Minor" Development Review with a decision by the Director without a hearing. Presumably, this would involve at least some level of discretion in order to implement the mixed use standards in the Zoning Regulations, which seem to call for some discretion in determining compatibility and residential character, for example. Is my understanding correct? Also, it appears that a Director decision on such a mixed use project would be appealable. Is that correct?

- The update to Table 2-1 to allow Mixed Use by right in the C-S and M zones is to allow this type of use in those zones without a use permit consistent with Housing Element Program 5.5. Any mixed-use project within any zone would require a discretionary development review process. The level of development review (i.e. minor, moderate or major) is dependent on the size of the structure and number of residential units proposed. Decisions on development review applications are appealable to the appropriate review authority.

3. Thresholds for "Minor" and "Moderate" Development Review: The proposed thresholds are a significant change from the existing ones. I understand the rationale as stated in Housing Element Program 6.23, but perhaps in your staff presentation you could highlight this proposal and discuss how the particular thresholds were chosen.

- These thresholds were based on expectations set by HCD in their review and certification of the City's 6th Cycle Housing Element. The proposed thresholds were generally discussed and agreeable to HCD with the intent of providing more streamlined review of housing projects. Staff will highlight this in tonight's presentation.

4. Section 17.158.018, Guest Quarters: To me, the proposed language is confusing. Perhaps you could explain what is meant by "living space amenities." What rooms cannot be directly accessed?

- The purpose of the additional proposed language is to clarify that if the separate accessory space is not integrated by an interior connection with the primary dwelling unit then it is defined as a Guest Quarters. Rooms that cannot be directly accessed would be a kitchen, which is what we would consider as a living space amenity. If there was direct access to a kitchen, then it would no longer be considered a Guest Quarters and would therefore qualify as a bedroom.
- In light of this discussion, staff would be in support of swapping out the term "living space amenities" with the term kitchen, to provide greater clarification.



PLANNING COMMISSION AGENDA REPORT

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO THE CITY OF SAN LUIS OBISPO MUNICIPAL CODE TITLE 6 (ANIMALS), AND TITLE 17 (ZONING REGULATIONS) TO UPDATE REGULATIONS FOR BEE KEEPING, STATE HOUSING LAW CONSISTENCY AND OTHER VARIOUS ZONING REGULATIONS AS REQUIRED FOR INTE

PROJECT ADDRESS: City-wide

BY: Owen Goode, Assistant Planner
Phone Number: (805) 781-7576
Email: ogood@slocity.org

FILE NUMBER: CODE-0663-2021

FROM: Tyler Corey, Deputy Director

RECOMMENDATION

Adopt a draft Resolution (Attachment 1) recommending the City Council introduce and adopt an Ordinance (Attachment 2) amending the City of San Luis Obispo Municipal Code Title 6 (Animals), and Title 17 (Zoning Regulations) updating regulations for bee keeping, state housing law consistency and other various zoning regulations as required for internal consistency.

1.0 COMMISSION'S PURVIEW

The Planning Commission's role is to review the proposed Municipal Code amendments for consistency with the City's Housing Element and State Law, clarity, internal consistency and to make a recommendation to the City Council regarding the proposed amendments.

2.0 PROJECT INFORMATION

2.1 Background

On November 17, 2020, the City Council adopted the [6th Cycle Housing Element, which includes](#) housing policies and programs for 2020-2028. Some programs in the 6th Cycle Housing Element require that city staff update the Zoning Regulations within one year of adoption to maintain consistency with the City's General Plan and state law.

The Airport Land Use Plan (ALUP) was recently amended on May 26, 2021. With the recent update of the ALUP, staff has proposed amendments to the Zoning Regulations to ensure consistency with the latest ALUP.

Additionally, after more than 18 months of implementation of the 2018 Zoning Regulations Update (GENP-0327-2017), a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the General Plan that are implemented through Zoning Regulations.

Lastly, staff has identified one Section in Title 6 of the municipal code that requires an amendment for general clarification related to beekeeping provisions.

2.2 Previous Public Review

Housing Element: In 2020, the City of San Luis Obispo, as well as the County and other cities within the County updated their Housing Elements based on the new 6th Cycle Regional Housing Needs Allocation (RHNA) requirements administered by the State of California Department of Housing and Community Development (HCD). The 6th Cycle Housing Element was updated in response to input received through 12 presentations, meetings, online surveys, and a public workshop, as well as other extensive community outreach leading up to adoption of the 6th Cycle Housing Element at the November 17, 2020, City Council Meeting. The proposed ordinance implements several of the policies and programs as prescribed in the adopted 6th Cycle Housing Element.

Other proposed revisions to the Zoning Regulations are intended for general clean-up purposes and are based upon input received from working with the community in the implementation of the 2018 Zoning Regulations.

3.0 PROJECT ANALYSIS

3.1 Implementation of Several Programs in the 6th Cycle Housing Element Update

The Housing Element is a state required element of the General Plan that must be updated regularly as determined by State housing law. Updating the Housing Element is a key step in the City's efforts to expand affordable housing opportunities and is required by California Government Code Sections 65580-65589.8. On November 17th, 2020, the City adopted the 6th Cycle Housing Element, which includes housing policies and programs for 2020-2028. On September 3, 2021, HCD found the City's adopted 6th Cycle Housing Element in full compliance with State Law.

With the adoption of the 6th Cycle Housing Element by the City and the state certification of compliance from HCD, several programs are required to be implemented in the City's Zoning Regulations within one-year of adoption to maintain consistency with General Plan and state law. It should be noted that there are many new or revised policies and programs in the 6th Cycle Housing Element that will require implementation over the 2020-2028 period and the proposed ordinance contains only select regulations that are considered to be directly prescribed by Housing Element program language and state law. Other policies and programs, such as the Commission's recent consideration of Objective Design Standards, and future implementation of programs pertaining to "missing middle" housing, or inclusionary housing for example, will be brought forward separately in order to provide more opportunities for wider community engagement and discussion.

CODE-0663-2021

Planning Commission Report – October 13, 2021

Housing Element programs that are proposed for implementation with this ordinance update include the following:

- **Program 5.5:** Update the Zoning Regulations to allow mixed-use development within Service Commercial (C-S) and Manufacturing (M) zones without a use permit within one year of the adoption of the Housing Element.
- **Program 8.18:** Review and amend the Zoning Regulations within one year of Housing Element adoption to ensure compliance with: 1) the Supportive Housing Streamlining Act (AB 2162) to allow supportive housing a use-by-right in zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed development meets specified criteria; and 2) AB 101, to allow Low Barrier Navigation Centers¹ by-right in all residential zones, areas zoned for mixed-uses, and nonresidential zones permitting multifamily uses.
- **Program 8.23:** To address conflicts of the City's code and the Employee Housing Act, proposed amendments to the Zoning Regulations include: 1) An update of Table 2-1 (Refer to Attachment 2 Exhibit A) to allow Single-Unit Dwellings without a CUP within the Open Space and Conservation (C/OS) zone and allow employee housing consisting of no more than 36 beds in a group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household within the C/OS and AG zones; and 2) remove Section 17.148 (High Occupancy Residential Use Regulations), to be consistent with the intent of the Employee Housing Act (Government Code Section 17021.5 and 17021.6) and to be consistent with the Uniform Housing Code which regulates occupancy limits, as confirmed in the case of *Briseno v. City of Santa Ana*.

3.2 Key Revisions Related to Housing Element and State Law Requirements

This section provides a summary of amendments to the Zoning Regulations that are intended to address consistency with the updated Housing Element, specifically the programs stated above:

- 1) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow mixed-use development within the C-S and M zones without a minor use permit. Mixing residential and commercial uses is encouraged to promote housing development close to jobs and employment centers, to exploit affordable infill housing opportunities and to promote a compact, pedestrian- and transit-friendly urban structure.
- 2) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow supportive housing by-right in zones where multi-family and mixed-uses are permitted. This amendment is required to maintain consistency with AB 2162 that requires supportive housing by-right in zones where multi-family and mixed uses are permitted.

¹ AB 101 defines "Low Barrier Navigation Center" as a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

- 3) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to allow Low Barrier Navigations Centers by-right in all residential zones, areas zoned for mixed-uses, and non-residential zones permitting multifamily uses, consistent with AB 101.
- 4) Section 17.10.020 (Table 2-1: Uses Allowed by Zone) has been amended to be consistent with the Employee Housing Act and allows employee and farmworker housing by right within the C/OS and AG zones consisting of no more than 36 beds in group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household.
- 5) Section 17.86.210.E (Recreational Vehicles as Tiny Houses in Residential Zones) has been amended to clarify that Tiny Houses on Wheels are not considered a dwelling unit by the State of California and are not subject to the provisions under Government Code Section 65852.2.
- 6) Section 17.106.030 (Levels of Development Review) has been amended for consistency with the Housing Element to streamline the approval process for housing developments and clarification has been provided for projects that are exempt from development review. This section has also been amended to increase the thresholds for projects that are considered Minor, Moderate, and Major Projects.
- 7) Section 17.138.090 (Incentives) has been amended to correct an inconsistency with long-term standard procedures allowing the review authority to approve Affordable Housing Incentives rather than City Council.
- 8) Section 17.138.140 (Affordability Restrictions) has been amended to adjust the number of years for ownership and rental deed restricted affordable housing for consistency with state law.
- 9) Section 17.138.160 (Early Resale of Shared Equity Properties) is amended to correct language to provide consistency with Table 8-1: Percent of Equity Build-up Recaptured. The previous language was incorrect by stating recapture fees only apply within six years, but the table states within seven. The language now reads that recapture fees apply within 7 years, as reflected in the table.
- 10) Section 17.140.040 (Standard Incentives for Housing Projects) has been amended to be consistent with Assembly Bill 2345 (“AB 2345”). For more than forty years, California’s Density Bonus Law (Government Code Section 65915 *et seq.*) has been a mechanism to encourage developers to incorporate affordable units within a residential project in exchange for density bonuses and relief from or relaxation to other development standards. Effective as of January 1, 2021, AB 2345 amends the Density Bonus Law to expand and enhance development incentives for projects with affordable and senior housing components.

- 11) Sections 17.140.060 (Standard Incentives for Conversion of Apartments to Condominium Projects) and 17.140.070 (Alternative or Additional Incentives) are amended for internal consistency. These amendments are required to be consistent with Table 6-1: Review Authority by referring approval to the applicable review authority, rather than the inconsistent references to Planning Commission or City Council.
- 12) Removed Chapter 17.146 (Residential Occupancy Standards). This section was identified to be inconsistent with the Uniform Housing Code, which regulates occupancy limits and restricts the ability of local agencies to impose more restrictive requirements.
- 13) Removed Chapter 17.148 (High Occupancy Residential Use Regulations). This section was removed for consistency with Housing Element Program 8.23 and was also identified to be inconsistent with the Uniform Housing Code.

3.3 Airport Land Use Update

The San Luis Obispo County Regional Airport (SBP) ALUP was officially amended and restated May 26, 2021. As a result, in accordance with the State Aeronautics Act, the City must update regulations within 180 days to maintain consistency with this plan. The proposed ordinance has been referred to the County's Airport Land Use Commission and will be effective upon its findings for consistency.

Key revisions made to the Zoning Regulations, because of the updated ALUP, are as follows:

- 1) Section 17.20.020 (Table 2-8: R-3 Zone Development Standards) has been amended to remove density restrictions for properties within the Airport Safety Zones, as the updated ALUP now provides for additional residential density that can accommodate the standard density provided for in R-3 zoned areas which are within ALUP boundaries.
- 2) Removed the Airport Overlay Zone (Chapter 17.64). The Airport Overlay Zone (AOZ) Chapter was added to the Zoning Regulations since the City overruled the Airport Land Use Commission's determination the Land Use and Circulation update of 2014 was not consistent with the ALUP in effect at the time. With the updated ALUP now in effect, the City is able to be in conformance with the ALUP and the AOZ Chapter needs to be removed since it would not be consistent with the updated ALUP and is no longer necessary.
- 3) New Section 17.70.020 (Airport Land Use Plan Consistency) has been added to note the requirement that all projects within the Airport Influence Area (AIA) (Refer to Attachment 2 Exhibit B) boundaries shall be consistent with the ALUP update.
- 4) Section 17.10.020.D (Airport Land Use Plan and Airport Overlay Zone) has been amended to include language to clarify that projects within existing Specific Plans subject to the AIA are recognized as existing development in the County's 2021 ALUP and continue to be in effect.

3.4. Miscellaneous Changes to Zoning Regulations (Title 17)

After more than 18 months of implementation of the 2018 Zoning Regulations Update, and additional updates since, pertaining to Accessory Dwelling Units, as well as a recognition of refinements needed with changing business operations during the COVID-19 pandemic, a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the General Plan.

Uses Allowed by Zone (Table 2-1)

As discussed above, several amendments are proposed to address the Housing Element Update in addition to general cleanup revisions to Table 2: Uses Allowed by Zone. Below is a summary of the changes to Table 2-1 that have also been provided in Attachment 2, Exhibit A:

- 1) **Homeless Shelter:** amended to be allowed by-right in all zones that allow multi-unit and mixed-use developments for consistency with AB 101.
- 2) **Boarding House:** removal of reference to Chapter 17.146.
- 3) **Fraternities and Sororities:** add reference to Section 17.86.130.
- 4) **High Occupancy Residential Use:** removed in its entirety.
- 5) **Supportive and/or Transitional Housing, with On or Off-Site Services:** amended to be allowed by-right in all zones that allow multi-unit and mixed-use developments for consistency with AB 101.
- 6) **Farmworker Housing:** new land use added and provided as allowed by right in the AG and C/OS zones.
- 7) **Mixed-Use Development:** amended to be allowed by right in the C-S and M zones.
- 8) **Commercial Recreation – Large Scale:** amend reference in PF zone to be Conditional Use Permit (CUP) instead of PC which is an old reference.
- 9) **Bars, Live Entertainment, and Taverns:** remove reference to Live Entertainment which is now a separate land use, and update Section reference from 17.86.030 to 17.86.050.
- 10) **Medical and Dental Offices:** change from Minor Use Permit (MUP) to Allowed (A) to be allowed by right in the Community Commercial (C-C) zone.
- 11) **Theaters:** amend reference in PF zone to be CUP instead of PC which is an old reference.
- 12) **Service Stations:** amend Section reference to include Section 17.86.060.
- 13) **Cannabis – Microbusiness:** change to add CUP required for C-R zone instead of C-D zone which was an edit made in error.
- 14) **Cannabis – Retailer (Storefront):** change to add CUP required for C-R zone instead of C-D zone which was an edit made in error.

- 15) **Nightclubs and Live Entertainment:** add new land use classification to require MUP in the C-C, C-D, C-T, C-S, M zones.
- 16) **Safe Parking:** amend reference in R-1, R-2, R-3, and R-4 zones to be CUP instead of PC which is an old reference.

Accessory Dwelling Units

Since adoption of the City's Accessory Dwelling Unit (ADU) ordinance on March 3, 2020, staff has identified clean up and organization items that will improve ambiguities of the existing language and provide greater clarification for the development of ADU's (Section 17.86.020). The proposed changes are summarized below:

- 1) Clarification of what zones ADU's are permitted (AG, C/OS, R-1, R-2, R-3, R-4, or O [Office] zone) on lots with an existing or proposed residential structure.
- 2) Allowing the Director to authorize an exception to square footage standards for an ADU of up to 1,200 square feet, through Director's Action process. For R-1 zones this is only applicable for lots that are at least 12,000 square feet in area.
- 3) Provided additional design options for ADUs that involve the creation of new square footage by allowing up to twenty-five feet in height if constructed above an existing garage, or if consistent with setback standards provided in Article 2 of Title 17.
- 4) Increasing the minimum setback for a balcony or terrace to 10 feet from adjacent property lines. Upper level private or common open space areas, as accessory to an ADU shall not exceed 50 square feet, and roof decks and rooftop open spaces are prohibited.
- 5) ADUs that are consistent with Government Code Section 65852.2(e) will also receive ministerial approval.
- 6) Clarification of the sixty-day timeline under "Procedure Requirements."
- 7) Requiring building permit applications for ADUs on lots with existing primary dwelling unit(s) to not include changes or improvements to those existing structures unless those improvements are required to facilitate the creation of the ADU.
- 8) Requiring Junior Accessory Dwelling Unit (JADU) conversions to provide replacement parking when converting a garage. Parking must be consistent with Sections 17.70.170 (Setbacks) and 17.76.040 (Front Yard Parking) without setback exceptions to accommodate replacement parking.
- 9) Clarification of when JADU's are allowed in relation to when there is an existing attached or detached ADU.
- 10) The Guest Quarters section has also been amended to address consistency with changes to ADUs and JADUs. The review process for Guest Quarters has also been decreased from discretionary review to ministerial review to streamline the review process.

The purpose of these changes is to continue to allow efficient processing of ADUs, while still providing an element of privacy for neighbors. Staff has determined that allowing height exceptions for the development of ADUs above garages, while still requiring specific setbacks for those units, provides additional options to those who would like to develop ADUs, while still providing a sense of privacy for their neighbors. Additionally, staff has determined that applicants who can meet these requirements can still have their permits processed within the sixty-day timeline enforced by HCD and be ministerially approved. The goal of these changes is to provide consistency with state law, while maintaining privacy for neighbors.

Parking Requirements

Staff has recognized the need for additional changes to the City's parking requirements. Changes relevant to parking are summarized below:

- 1) Sections 17.16.020; 17.18.020; 17.20.020; 17.22.020; 17.24.020 (Development Review Standards) have been amended to clarify restrictions for front yard parking setbacks for R-1, R-2, R-3, R-4, and O (Office) zones, with cross reference to Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited) for internal consistency.
- 2) Section 17.26.030 (Additional Regulations) has been amended to provide cross reference to parking requirements for the C-N zone under Section 17.72.030.C (Required Parking).
- 3) Section 17.32.030 (Additional Regulations) has been amended to provide cross reference to parking requirements for the C-D zone under Section 17.72.030.D (Required Parking).
- 4) Section 17.72.020.C (Parking Calculations) has been amended to provide clarifications regarding parking for new accessory uses, such as tasting rooms and breweries. If a primary use includes an accessory use that generates higher parking requirements than the primary use, the Director may require that the accessory activity provide parking in accordance with Table 3-4 (Parking Requirements by Use) in addition to the parking required for the primary use.
- 5) Section 17.72.030 (Table 3-4: Parking Requirements by Use) has been amended to remove reference to Handicraft Manufacturing, provide clarification for Religious Facilities, and Food Preparation uses.
- 6) Section 17.72.050 (Parking Reductions) has been amended to provide clarification for Bicycle and Motorcycle Parking Reduction Rates to allow reductions of vehicle parking up to 10 percent without the requirement of a Parking Demand Study. Section 17.72.060 (Nonresidential Additions and Reconstruction) has been amended to provide clarification and flexibility for minor modifications to existing structures.
- 7) Section 17.72.070 (Applicability) has been amended to remove exemptions for single family residences and nonresidential developments of less than 2,500 square feet.

- 8) Section 17.76.040 (Front Yard Parking) has been amended to bring back Legal Non-Conforming Front Yard Parking, which was previously omitted from the 2018 Zoning Regulations Update.

Removal of Table 6-1: Review Authority

Section 17.102.020 (Table 6-1: Review Authority) has been removed for consistency within Title 17 of the Municipal Code. Staff identified that Table 6-1 was unnecessary as it was only provided as a summary of different review thresholds throughout the Zoning Regulations, and this table is better served as a separate independent summary document for staff and the public to understand the thresholds of review for various entitlements identified in the Zoning Regulations.

Zoning Regulations - General and Miscellaneous Changes

Other revisions made to the Zoning Regulations are as follows:

- 1) Section 17.06.020.D (Table 1-1: Zones Established) add the Business Park (BP) zone and remove the Airport Overlay (AO) reference.
- 2) Sections 17.16.020 and 17.18.020 (Development Standards) have been amended to provide clarification for minimum setbacks for corner lots.
- 3) Section 17.24.020 (Table 2-12) has been amended to provide clarification of minimum density thresholds.
- 4) Article 3 (Regulations and Standards Applicable to All Zones) has been amended to relabel Figure references and cross references to the now removed Chapter 17.64.
- 5) Section 17.70.040 (Density) has been amended to clarify that density is calculated based on net area of a property.
- 6) Section 17.70.040.A.2.a (Table 3-1: Maximum Residential Density for Cross-Slope Categories) has been corrected for R-3 zones in slopes that range from 16-20% and 21-25% to be consistent with the other zones based on standard density thresholds.
- 7) Section 17.70.050 (Table 3-2: Edge Condition Zones) the BP zone has been added, which was previously missing.
- 8) Section 17.70.070.C.3 (Driveway Gates) has been amended to provide cross reference to Municipal Code Section 12.38.040 (Parking Driveway Standards) for vehicle maneuverability requirements.
- 9) Section 17.70.130.D.1.a (Ground Floor Limitations) has been amended to be quantified as an objective standard, existing language was not consistent with the Housing Accountability Act.
- 10) Section 17.70.130 (All Other Zones that Allow Mixed Use Projects) has been amended to extend the hours of operation for businesses in a mixed-use building from 8:00 PM to 10:00 PM to be consistent with the City's Noise Ordinance.

- 11) Section 17.70.150 (Rooftop Uses) has been amended to differentiate between language in Section 17.76.090 (Rooftop Uses), clarification has been provided regarding cross reference to Section 17.70.080 (Height Measurement and Exceptions).
- 12) Section 17.70.170.C.6 (Mechanical Equipment) has been amended to provide clarification regarding ground mounted equipment within required setbacks.
- 13) Section 17.70.200.D (Maintenance) has been amended to include language regarding maintenance of solid waste containers.
- 14) Section 17.72.050 (Parking Reductions) has been corrected for grammar.
- 15) Section 17.72.090 (Residential Uses) has been corrected for grammar.
- 16) Section 17.76.060 (Trash Receptacles) was amended for grammar and to provide clarification to the different standards for containers within the C-D zone to be removed before 10:00 AM, to reflect current practices and requirements for properties within the Downtown Association boundary.
- 17) Section 17.76.090 (Rooftop Uses) was retitled to “Roofs” and amended to differentiate between the duplicate Section 17.70.150 (Rooftop Uses).
- 18) Section 17.76.100 was amended to remove language from Screening of Visible Storage and Maintenance. Screened objects no longer need to be below a solid six-foot-high fence, but only behind the fence to be considered screened.
- 19) Section 17.76.100.A (Screening of Visible Storage and Maintenance) was amended to clarify that 6-foot fencing qualifies as screening.
- 20) Section 17.76.100.A.4.f (Exceptions) was amended to provide greater clarification between outdoor furniture and recreational furniture.
- 21) Section 17.86.050 (Alcoholic Beverage sales – Bars, Live Entertainment, Late Night Alcohol Service) has been relabeled to “Alcoholic Beverage Sales – Bars and Restaurants with Late Night Alcohol Service”, with amendments to provide clarification on Use Permit requirements, and clarification regarding live entertainment.
- 22) Section 17.86.100.D (Day Care as an Accessory Use) has been relocated under Section 17.86.100.B (Permits Required) as new subsection 4 to provide clarification for permit requirements for Day Care facilities that are accessory to other approved uses.
- 23) Section 17.86.110 (Electronic Game Amusement Centers) has been removed as staff identified that regulations surrounding the development and location of Electronic Game Amusement Centers were outdated and inconsistent with the purpose of the City’s Zoning Regulations. Electronic Game Amusement Centers licensing requirements will remain in effect in Municipal Code Title 5.

- 24) Section 17.86.120 (Duration and Hours of Operation) has been relabeled as “Hours of Operation” in light of the impacts that COVID-19 has created, and with new and creative dining opportunities being presented, it was inconsistent to restrict a food truck from providing service for a certain number of days in a specific location.
- 25) Section 17.86.160 (Performance Standards) has been amended for clarification of terms and restrictions of homestay uses within recreational vehicles and ADUs.
- 26) Section 17.86.260.B.5 (Other Temporary and Intermittent Uses and Special Events) has been corrected for grammar.
- 27) Added language to Section 17.86.290 under Exempt Facilities for Wireless Telecommunications Facilities.
- 28) Section 17.92.020 (Limits on Reconstruction – Exceptions) has been amended to provide greater clarification and organization of standards applicable to nonconforming structures.
- 29) Article 6 (Permit Procedures) has been amended to remove all references to the now removed Table 6-1 (Review Authority).
- 30) Section 17.102.020.A.1 (Affordable Housing Incentives) has been amended to provide reference to alternative or additional incentives.
- 31) Section 17.106.040 (Recommendations from Advisory Bodies) has been amended to provide greater clarification on applicable review authorities for moderate and major projects.
- 32) Section 17.108.020 (Applicability) has been removed for the same reason Table 6-1 was removed, as this section provided an incomplete list of projects which are better listed as a separate independent reference document.
- 33) Section 17.108.040 (Required Findings) subsection 4 has been amended to clarify conflicting terminology.
- 34) Section 17.109.020 (Applicability) has been removed for consistency with Chapter 17.108 (Director’s Action).
- 35) Section 17.110.070 (Required Findings) subsection A.2 has been amended to provide clarification to be inclusive of uses that are conditionally allowed, per Table 2-1: Uses Allowed by Zone.
- 36) Section 17.110.080 (Requirement for and Compliance with Use Permits) has been amended to remove language that requires additional use permits for properties occupied by conditionally allowed use. This language is inconsistent with processes and procedures by the City and was determined to be an unnecessary obstacle for businesses that are typically allowed by-right.
- 37) Section 17.113.010.B (Applicability) subsection B.3 has been amended to provide internal consistency adding reference to Section 17.86.190.C (Garage and Yard Sales).
- 38) Section 17.120.020.B (Duties and Authority) subsection B.2 has been amended to revise language referring to the previous Table 6-1.

- 39) Chapter 17.120 (Administrative Responsibility) has been amended to include a new Section 17.120.045 (Cultural Heritage Committee) to address the applicability of the Cultural Heritage Committee's responsibility under the Zoning Regulations.
- 40) Section 17.120.050.C (Compliance) has been amended to revise language referring to the previous Table 6-1.
- 41) Chapter 17.124 (Amendments – Zoning Regulations and Zoning Map) has been amended to include a new Section 17.124.050 (Other requirements). This section which previously existed before the 2018 Zoning Regulations Update addresses procedures for pre-zoning and adoption of urgency interim regulations.
- 42) Section 17.154.004 (Organization) subsections B and C have been re-organized to be in proper order, and subsection C has been amended to remove reference to Airport Overlay land uses and has been revised to address land use definitions prior to the 2018 Zoning Regulations Update for consistency with land use classifications within existing Specific Plans and Area Plans.
- 43) Section 17.156.004 (Agricultural Accessory Structure) has been amended to include produce stands.
- 44) Section 17.156.006 (Boarding House) has been amended to address residential occupancy thresholds for internal consistency.
- 45) Section 17.156.012 (Eating and Drinking Establishments – Bars, Live Entertainment, and Taverns) has been amended to remove Live Entertainment which is now separately defined.
- 46) Section 17.156.014 (Farmworker Housing) provides a new definition for Farmworker Housing to be consistent with State Law and Table 2-1 (Uses Allowed by Zone).
- 47) Section 17.156.018 (Handicraft Manufacturing) has been removed as it is no longer a land use under Table 2-1 (Uses Allowed by Zone).
- 48) Section 17.156.018 (High-Occupancy Residential Use) and (High-Occupancy Residential Use), has been amended to remove duplicate definitions and to ensure consistency with the removal of Chapter 17.144.
- 49) Section 17.156.020 (Instructional Services) has been amended for clarification of terminology.
- 50) Section 17.156.026 (Live Entertainment) and (Low Barrier Navigation Centers) has been amended to add new definitions for Live Entertainment and Low Barrier Navigation Centers.
- 51) Section 17.156.028 (Maintenance and Repair Services) has been amended to address previous definition of Client Site Services.
- 52) Section 17.156.028 (Multi-Unit Dwellings) has been amended to clarify terminology regarding Accessory Dwelling Units.
- 53) Section 17.156.030 (Nightclubs) has been amended to reference new definition of Live Entertainment.

- 54) Section 17.156.044 (Vacation Rentals) has been amended to include recreational vehicles.
- 55) Section 17.158.008 (Bedroom) has been amended to include clarification regarding Junior Accessory Dwelling Units.
- 56) Section 17.158.008 (Bicycle Parking Space) has been added as a new definition for clarification, new definitions have also been added for (Alternative Bicycle), (Long-term Bicycle Parking), and (Short-term Bicycle Parking).
- 57) Section 17.158.018 (Guest Quarters) has been amended to clarify qualifications for spaces which may be defined as a Guest Quarters.
- 58) Section 17.158.022 (Intermittent use) has been amended to increase the duration per year from 90 days to 120 days.
- 59) Section 17.158.028 (Landscape Area) has been added as a new definition for internal consistency.
- 60) Section 17.158.034 (Outdoor Furniture) has been added as a new definition for internal consistency and clarification on terminology.
- 61) Section 17.158.036 (Patio) and (Porch) have been added as a new definition for internal consistency and clarification of terminology.
- 62) Chapter 17.160 (Airport Overlay Zone Land Use Definitions) has been retitled (Previous Land Use Definitions).

3.5 Proposed Changes to Title 6 (Animals)

Due to interest expressed by staff and the City Council during the meeting of July 20, 2021, concerning available areas for limited bee keeping activities, and due to the importance of honey bees for pollination in domestic agriculture, Section 6.28.070 entitled “Bees Prohibited” is proposed to be amended to allow for bee keeping for agricultural purposes within a Conservation/Open Space or Agricultural zoning district, along with the existing allowance for the purpose of study and observation in a hive or box within a school building.

4.0 ENVIRONMENTAL REVIEW

The proposed amendments to the Municipal Code Title 6 and Title 17 have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the state CEQA Guidelines, and the environmental regulations of the City. Specifically, the proposed amendments have been determined to be exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption, because the proposed actions will have no possibility of a significant effect on the environment and will not cause impacts. In this case, minor amendments to streamline the development review process by allowing supportive and employee housing in expanded districts, to reduce the number of public hearings required for housing projects and to expand districts to allow mixed use projects, are consistent with State Law requirements and the City’s 6th Cycle Housing Element and will not have a significant effect and project specific environmental review will be required;

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additionally, minor amendments to regulations in Chapter 17.64 and Sections 17.10.020.D and 17.70.020 require continued referral of certain projects to the San Luis Obispo County Airport Land Use Commission and clarify existing procedure and will not cause significant effects or cause impacts; further, the minor amendments throughout Title 17 are included to provide for grammatic correction, clarity, comprehensibility and internal and procedural consistency and are not anticipated to have a significant effect on the environment or cause impacts. And lastly, minor amendments to Title 6 to add limited provision for the keeping of bees for agricultural purposes on lands zoned Agriculture or Conservation/Open Space is not anticipated to cause a significant effect on the environment or cause impacts.

5.0 OTHER DEPARTMENT COMMENTS

Staff comments have been incorporated into the proposed changes to Titles 6 and 17. In addition, the Utilities and Public Works departments have provided input regarding clean up amendments.

6.0 ATTACHMENTS

- A - Planning Commission Resolution
- B - Draft City Council Ordinance
- C - Exhibit A Section 17.10,020 Table 2-1 Uses Allowed by Zone
- D - Exhibit B San Luis Obispo County Airport Land Use Plan Map

RESOLUTION NO. PC-XXXX-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO RECOMMENDING THE CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE AMENDING TITLE 17 (ZONING REGULATIONS) OF THE MUNICIPAL CODE WITH CHANGES IMPLEMENTED FROM THE ADOPTION OF THE 6TH CYCLE HOUSING ELEMENT, THE UPDATED COUNTY AIRPORT LAND USE PLAN, AND GENERAL CORRECTIONS IDENTIFIED AND EXECUTED BY INTERNAL STAFF WITH AN EXEMPTION FROM ENVIRONMENTAL REVIEW (CEQA). AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED OCTOBER 13, 2021 (ZONING REGULATIONS, CODE-0663-2021)

WHEREAS, on February 5, 2019, the City of San Luis Obispo adopted a comprehensive update of the Zoning Ordinance (2018 Zoning Ordinance); and

WHEREAS, on March 3, 2020, The City of San Luis Obispo adopted a comprehensive update of the Zoning Ordinance specifically to address consistency regarding Accessory Dwelling Units due to recent state legislature; and

WHEREAS, after more than 18 months of implementation of the 2018 Zoning Ordinance Update, a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the City of San Luis Obispo's General Plan that are implemented through Zoning Regulations (Title 17); and

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on November 17, 2020, for the purpose of final adoption of the sixth cycle update to the General Plan Housing Element that included Program 5.5 that states, "Update the Zoning Regulations to allow mixed-use development within Service Commercial (C-S) and Manufacturing (M) zones without a use permit within one year of the adoption of the Housing Element." ; and

WHEREAS, the 6th Cycle Housing Element includes Program 8.18 that states, "Review and amend the Zoning Regulations within one year of Housing Element adoption to ensure compliance with: 1) the Supportive Housing Streamlining Act (AB 2162) to allow supportive housing a use-by-right in zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed development meets specified criteria; and 2) AB 101, to allow Low Barrier Navigation Centers by-right in all residential zones, areas zoned for mixed-uses, and nonresidential zones permitting multifamily uses."; and

WHEREAS, the 6th Cycle Housing Element includes Program 8.23 Update Zoning Regulations, within one year of Housing Element adoption, to be consistent with the

Employee Housing Act; including: 1) an update of Table 2-1 to allow single-unit dwellings without a Conditional Use Permit within the Open Space and Conservation (C/OS) zone and employee housing consisting of no more than 36 beds in a group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household within the C/OS and AG zones, and 2) remove Chapter 17.148 - High-Occupancy Residential Use Regulations.”; and

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, on May 26, 2021, adopted an update to the San Luis Obispo County Airport Land Use Plan and the State Aeronautical Act (SAA) requiring timely action to make minor amendments to the Zoning Ordinance (Title 17) for consistency; and

WHEREAS, the State of California Office of Housing and Community Development, on September 3, 2021, certified the City of San Luis Obispo’s 6th Cycle General Plan Housing Element as in full compliance with State Law; and

WHEREAS, On July 20, 2021, the City Council asked staff for clarification of Municipal Code provisions for the keeping of bees regarding desired agricultural application; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on October 13, 2021, for the purpose of recommending the various amendments to implement programs of the 6th Cycle Housing Element, ensure consistency with the San Luis Obispo County Airport Land Use Plan, and for miscellaneous clean-up purposes to Title 6 and Title 17 of the Municipal Code; and

WHEREAS, notice of said public hearing were made at the time and in the manner required by the law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Planning Commission does hereby recommend the City Council introduce and adopt the proposed

SECTION 2. Findings. Based upon all evidence, the City Council makes the following findings:

1. The proposed amendments to Titles 6 and 17 will not cause significant health, safety, or welfare concerns since the amendments are consistent with the General Plan and directly implement City goals and policies.

2. The proposed amendments to Title 17 are also consistent with the 6th Cycle Housing Element and implements many policies and programs including programs 5.5, 6.23, 8.18 and 8.23. As represented in the staff report, additional follow up actions are needed in order to further implement Housing Element policies and programs not addressed by this Zoning Code Update.

SECTION 3. Environmental Determination. The proposed amendments to the Municipal Code Title 6 and Title 17 have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the state CEQA Guidelines, and the environmental regulations of the City. Specifically, the proposed amendments have been determined to be exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption, because the proposed actions will have no possibility of a significant effect on the environment and will not cause impacts and Section 15308 Actions by Regulatory Agencies for Protection of the Environment. In this case, minor amendments to streamline the development review process by allowing supportive and employee housing in expanded districts, to reduce the number of public hearings required for housing projects and to expand districts to allow mixed use projects, are consistent with State Law requirements and the City’s 6th Cycle Housing Element and will not have an significant effect and project specific environmental review will be required; additionally, minor amendments to regulations in Chapter 17.64 and Sections 17.10.020.D and 17.70.020 require continued referral of certain projects to the San Luis Obispo County Airport Land Use Commission and clarify existing procedure and will not cause significant effects or cause impacts; further, the minor amendments throughout Title 17 as outlined in the staff memorandum to City Council on November 16, 2021 are included to provide for grammatic correction, clarity, comprehensibility and internal and procedural consistency and are not anticipated to have a significant effect on the environment or cause impacts, and lastly, minor amendments to Title 6 to add limited provision for the keeping of bees for agricultural purposes on lands zoned Agriculture or Conservation/Open Space, are not anticipated to cause significant effect on the environment or cause impacts.

Upon motion of _____, seconded by _____ and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was passed and adopted this 22nd day of September 2021.

Tyler Corey, Secretary
Planning Commission

ORDINANCE NO. _____ (2021 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, APPROVING CLARIFICATION OF BEE KEEPING REGULATIONS (TITLE 6); AND AN UPDATE TO THE CITY'S ZONING REGULATIONS (TITLE 17) OF THE MUNICIPAL CODE INCLUDING AMENDMENTS TO IMPLEMENT SEVERAL 6th CYCLE HOUSING ELEMENT POLICIES TO STREAMLINE DEVELOPMENT REVIEW PROCESSES FOR CERTAIN HOUSING PROJECTS, PROVIDE CONSISTENCY WITH THE UPDATED SAN LUIS OBISPO COUNTY AIRPORT LAND USE PLAN, AND ADDITIONAL MISCELLANEOUS CLEAN-UP ITEMS WITH AN EXEMPTION FROM ENVIRONMENTAL REVIEW (CEQA) (ZONING REGULATIONS, CODE-0663-2021)

WHEREAS, on February 5, 2019, the City of San Luis Obispo adopted a comprehensive update of the Zoning Ordinance (2018 Zoning Ordinance); and

WHEREAS, on March 3, 2020, The City of San Luis Obispo adopted a comprehensive update of the Zoning Ordinance specifically to address consistency regarding Accessory Dwelling Units due to recent state legislature; and

WHEREAS, after more than 18 months of implementation of the 2018 Zoning Ordinance Update, a number of minor changes and corrections have been identified in order to correct errors and omissions, clarify confusing or ambiguous language/references, and add clarification to development review processes to more efficiently implement policies and programs of the City of San Luis Obispo's General Plan that are implemented through Zoning Regulations (Title 17); and

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on November 17, 2020, for the purpose of final adoption of the sixth cycle update to the General Plan Housing Element that included Program 5.5 that states, "Update the Zoning Regulations to allow mixed-use development within Service Commercial (C-S) and Manufacturing (M) zones without a use permit within one year of the adoption of the Housing Element."; and

WHEREAS, the 6th Cycle Housing Element includes Program 8.18 that states, "Review and amend the Zoning Regulations within one year of Housing Element adoption to ensure compliance with: 1) the Supportive Housing Streamlining Act (AB 2162) to allow supportive housing a use-by-right in zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed development meets specified criteria; and 2) AB 101, to allow Low Barrier Navigation Centers by-right in all residential zones, areas zoned for mixed-uses, and nonresidential zones permitting multifamily uses."; and

O _____

WHEREAS, the 6th Cycle Housing Element includes Program 8.23 Update Zoning Regulations, within one year of Housing Element adoption, to be consistent with the Employee Housing Act; including: 1) an update of Table 2-1 to allow single-unit dwellings without a Conditional Use Permit within the Open Space and Conservation (C/OS) zone and employee housing consisting of no more than 36 beds in a group quarters, or 12 units or separate rooms or spaces designed for use by a single-family or household within the C/OS and AG zones, and 2) remove Chapter 17.148 - High-Occupancy Residential Use Regulations.”; and

WHEREAS, the Board of Supervisors of the County of San Luis Obispo, on May 26, 2021, adopted an update to the San Luis Obispo County Airport Land Use Plan and the State Aeronautical Act (SAA) requiring timely action to make minor amendments to the Zoning Ordinance (Title 17) for consistency; and

WHEREAS, the State of California Office of Housing and Community Development, on September 3, 2021, certified the City of San Luis Obispo’s 6th Cycle General Plan Housing Element as in full compliance with State Law; and

WHEREAS, On July 20, 2021, the City Council asked staff for clarification of Municipal Code provisions for the keeping of bees regarding desired agricultural application; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on October 13, 2021, for the purpose of recommending the various amendments to implement programs of the 6th Cycle Housing Element, ensure consistency with the San Luis Obispo County Airport Land Use Plan, and for miscellaneous clean-up purposes to Title 6 and Title 17 of the Municipal Code; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California on November 16, 2021, for the purpose of the amendments to the Title 17 of the Municipal Code;

WHEREAS, notices of said public hearing were made at the time and in the manner required by law.

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Incorporation of Recitals. The City Council find that the foregoing recitals and administrative report presented with this ordinance are true and correct and are incorporated in the ordinance by this reference and adopted as the findings of the City Council.

O _____

SECTION 2. Findings. Based upon all the evidence, the City Council makes the following finding:

1. The proposed amendments to Titles 6 and 17 will not cause significant health, safety, or welfare concerns since the amendments are consistent with the General Plan and directly implement City goals and policies.
2. The proposed amendments to Title 17 are also consistent with the 6th Cycle Housing Element and implements many policies and programs including programs 5.5, 6.23, 8.18 and 8.23. Additional follow up actions will be needed in order to further implement Housing Element policies and programs not addressed by this Zoning Code Update.

SECTION 3. Environmental Determination. The proposed amendments to the Municipal Code Title 6, 12 and 17 have been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the state CEQA Guidelines, and the environmental regulations of the City. Specifically, the proposed amendments have been determined to be exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption, because the proposed actions will have no possibility of a significant effect on the environment and will not cause impacts. In this case, minor amendments to streamline the development review process by allowing supportive and employee housing in expanded districts, to reduce the number of public hearings required for housing projects and to expand districts to allow mixed use projects, are consistent with State Law requirements and the City’s 6th Cycle Housing Element and will not have a significant effect and project specific environmental review will be required; additionally, minor amendments to regulations in Chapter 17.64 and Sections 17.10.020.D and 17.70.020 require continued referral of certain projects to the San Luis Obispo County Airport Land Use Commission and clarify existing procedure and will not cause significant effects or cause impacts; further, the minor amendments throughout Title 17 as outlined in the staff memorandum to City Council on November 16, 2021 are included to provide for grammatic correction, clarity, comprehensibility and internal and procedural consistency and are not anticipated to have a significant effect on the environment or cause impacts, and lastly, minor amendments to Title 6 to add limited provision for the keeping of bees for agricultural purposes on lands zoned Agriculture or Conservation/Open Space, are not anticipated to cause significant effect on the environment or cause impacts.

SECTION 4. Section 6.28.070 entitled “Bees Prohibited” is hereby amended as follows:

Section 6.28.070 Bees Prohibited – Exception

No person, firm or corporation shall keep bees within the corporate limits; provided, that nothing herein contained shall be deemed to apply to keeping of bees for the purpose of study and observation in a hive or box, which is situated and kept within a school building, or for agricultural purposes located within a Conservation/Open Space or Agriculture zoning district.

O _____

SECTION 5. Section 17.06.020 D, entitled “Table 1-1: Zones Established”, is hereby amended to add “*Business Park*” and “*BP*” as a new, Nonresidential Zone; and remove “*Airport Overlay*” and “*AO*” from “*Overlay Zones*”.

Table 1-1: Zones Established	
Nonresidential Zones	
<u>BP</u>	<u>Business Park</u>
Overlay Zones	
<u>AO</u>	<u>Airport Overlay</u>

SECTION 6. Section 17.10.020 C, entitled “Primary and Accessory Uses”, is hereby amended as follows:

C. *Primary and Accessory Uses.* *Listed uses are primary uses. Accessory uses are allowed only where a primary use is established, as defined in Section 17.158.046 (U Definitions). An accessory use may be allowed if it is listed as an allowed or conditionally allowed use in Table 2-1 for the applicable zone. Bars and Taverns, Live Entertainment, or other uses or activities as identified in Article 4 (Regulations for Specific Land Uses and Activities), are not considered accessory uses, unless specifically defined as accessory in Article 4 (Regulations for Specific Land Uses and Activities) or Article 9 (Definitions).*

SECTION 7. Section 17.10.020 D, entitled “Airport Land Use Plan and Airport Overlay Zone” is hereby amended as follows:

D. ~~Airport Land Use Plan and Airport Overlay Zone.~~ ~~See Chapter 17.64 (Airport Overlay Zone) concerning uses that may be allowed within the Airport Overlay Zone. Land Uses within the Airport Land Use Plan (ALUP) boundaries shall be consistent with ALUP Table 4-5 (Airport Land Use Compatibility Table) as identified in the Amended and Restated San Luis Obispo County Regional Airport (SBP) Airport Land Use Plan. Properties within Specific Plan areas that are also within the boundaries of the ALUP Airport Influence Area (AIA), shall be reviewed for conformance with the standards of their respective Specific Plans, which have received a determination of consistency with the ALUP from the Airport Land Use Commission.~~

SECTION 8. Section 17.10.020 Table 2-1 entitled “Uses Allowed By Zone” is hereby amended as reflected in EXHIBIT A.

SECTION 9. Section 17.16.020.A, entitled “Table 2-4: R-1 Zone Development Standards” is hereby amended to include the addition of Parking Space requirements for Enclosed and Unenclosed Parking Spaces to maintain consistency with Section 17.70.170.C.10., as follows:

Table 2-4: R-1 Zone Development Standards		
Development Standard	R-1 Zone	Additional Regulations
Maximum Residential Density	7 units/net acre	See also Section 17.70.040 (Density)
Maximum FAR	0.4	Maximum FAR may be increased up to 0.50 if consistent with Section 17.16.030.A (Requirements and Findings for FAR Increase in R-1 Zone). See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Setbacks		
Front	20 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.16.020.B, Table 2-5: R-1 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot – Street Side	10 feet. See Figure 2-1: Street Side Setback on Corner Lots	See also Figure 2-1: Street Side Setback on Corner Lots.
<u>Parking Spaces</u>	<u>20 feet</u>	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	25 feet	Roof pitches with a slope of at least 30 degrees above a horizontal plane may extend beyond the maximum height no more than 30 inches. See also Sections 17.16.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	40%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	6,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)

SECTION 10. Section 17.18.020.A, entitled “Table 2-6: R-2 Zone Development Standards” is hereby amended to include the addition of Parking Space requirements for Enclosed and Unenclosed Parking Spaces to reference Section 17.70.170.C.10., as follows:

Table 2-6: R-2 Zone Development Standards		
Development Standard	R-2 Zone	Additional Regulations
Maximum Residential Density	12 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least two density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	20 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.18.020.B, Table 2-7: R-2 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet. See Figure 2-3: Street Side Setback on Corner Lots	See also Figure 2-3: Street Side Setback on Corner Lots.

<u>Parking Spaces</u>	<u>20 feet</u>	<u>See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)</u>
Maximum Building Height	35 feet	See also Sections 17.18.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	50%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)

SECTION 11. Section 17.20.020.A, entitled “Table 2-8: R-3 Zone Development Standards” is hereby amended to clarify the Maximum Residential Density and add Parking Space requirements for Enclosed and Unenclosed Parking Spaces to reference Section 17.70.170.C.10., as follows:

Table 2-8: R-3 Zone Development Standards		
Development Standard	R-3 Zone	Additional Regulations
Maximum Residential Density	20 units/net acre 18 units/net acre for properties within an Airport Safety zone	See also Section 17.70.040 (Density). Regardless of the density calculation, at least three density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	10 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.20.020.B, Table 2-9: R-3 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet	
<u>Parking Spaces</u>	<u>20 feet</u>	<u>See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)</u>
Maximum Building Height	35 feet	See also Sections 17.20.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	60%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 70.050 (Edge Conditions)	

SECTION 12. Section 17.22.020.A, entitled “Table 2-10: R-4 Zone Development Standards” is hereby amended to include the addition of Parking Space requirements for Enclosed and Unenclosed Parking Spaces to reference Section 17.70.170.C.10., as follows:

Table 2-10: R-4 Zone Development Standards		
Development Standard	R-4 Zone	Additional Regulations
Maximum Residential Density	24 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least four density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.

<i>Minimum Setbacks</i>		
<i>Front</i>	<i>10 feet</i>	<i>See also Section 17.76.030 (Front Yard Paving)</i>
<i>Interior Side and Rear</i>	<i>See Section 17.20.020.B, Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks.</i>	
<i>Corner Lot - Street Side</i>	<i>10 feet</i>	
<u><i>Parking Spaces</i></u>	<u><i>20 feet</i></u>	<u><i>See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)</i></u>
<i>Maximum Building Height</i>	<i>35 feet</i>	<i>See also Sections 17.20.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).</i>
<i>Maximum Lot Coverage</i>	<i>60%</i>	<i>See also Section 17. 70.120 (Lot Coverage)</i>
<i>Minimum Lot Area</i>	<i>5,000 square feet</i>	<i>See also Section 16.18.030 (Subdivisions; Lot Dimensions)</i>
<i>Edge Condition Requirements</i>	<i>See Section 70.050 (Edge Conditions)</i>	

SECTION 13. Section 17.24.020.A, entitled “Table 2-12: O Zone Development Standards” is hereby amended to include the addition of Parking Space requirements for Enclosed and Unenclosed Parking Spaces to reference Section 17.70.170.C.10., as follows:

<i>Table 2-12: O Zone Development Standards</i>		
<i>Development Standard</i>	<i>O Zone</i>	<i>Additional Regulations</i>
<i>Maximum Residential Density</i>	<i>12 units/net acre</i>	<i>See also Section 17.70.040 (Density). Regardless of the density calculation, at least two <u>density</u> units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.</i>
<i>Minimum Setbacks</i>		
<i>Front</i>	<i>15 feet</i>	<i>See also Section 17.76.030 (Front Yard Paving)</i>
<i>Interior Side and Rear</i>	<i>See Section 17.22.020.B, Table 2-13: O Zone Minimum Interior Side and Rear Setbacks.</i>	
<i>Corner Lot - Street Side</i>	<i>15 feet</i>	
<u><i>Parking Spaces</i></u>	<u><i>20 feet</i></u>	<u><i>See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)</i></u>
<i>Maximum Building Height</i>	<i>35 feet</i>	<i>See also Sections 17.22.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).</i>
<i>Maximum Lot Coverage</i>	<i>60%</i>	<i>See also Section 17.70.120 (Lot Coverage)</i>
<i>Maximum Floor Area Ratio</i>	<i>1.5</i>	<i>See also Section 17.70.060 (FAR Measurement and Exceptions)</i>
<i>Minimum Lot Area</i>	<i>5,000 square feet</i>	<i>See also Section 16.18.030 (Subdivisions; Lot Dimensions)</i>
<i>Edge Condition Requirements</i>	<i>See Section 17.70.050 (Edge Conditions)</i>	

SECTION 14. Section 17.26.030, entitled “Additional Regulations” is hereby amended to add a new subsection C entitled “Number of Parking Spaces Required in the C-N Zone.”, as follows:

O _____

C. Number of Parking Spaces Required in the C-N Zone. See Section 17.72.030.C (Required Parking)

SECTION 15. Section 17.32.030, entitled “Additional Regulations” is hereby amended to add a new subsection G entitled “Number of Parking Spaces Required in the C-D Zone.”, and reads as follows:

G. Number of Parking Spaces Required in the C-D Zone. See Section 17.72.030.D (Required Parking)

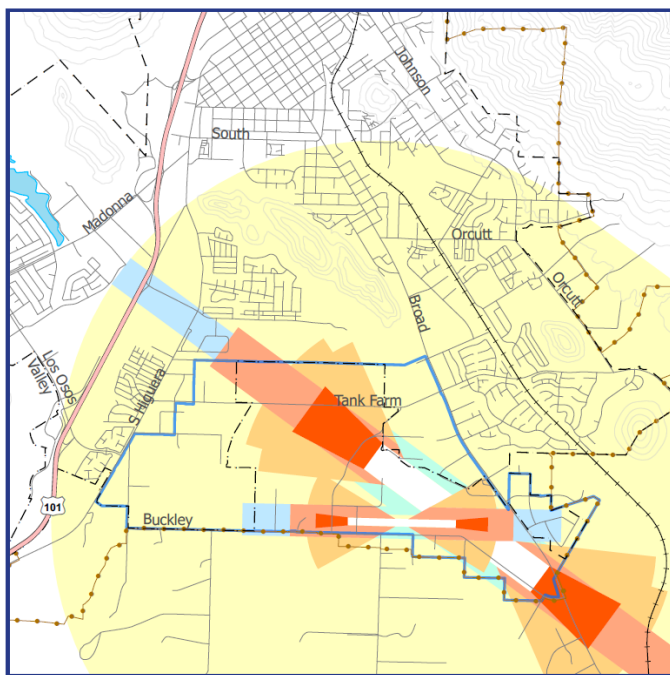
SECTION 16. Chapter 17.64, entitled “Airport (AOZ) Overlay Zone”, is hereby removed from the San Luis Obispo Municipal Code in its entirety.

SECTION 17. Chapter 17.70 entitled “Site Development and General Development Standards” is hereby amended to add a new subsection Section 17.70.020 entitled “Airport Land Use Plan Consistency” and add Figure 3-1 “Airport Land Use Plan Airport Influence Area (AIA)” (existing Figures 3-1 through 3-20 are hereby relabeled as 3-2 through 3-21, respectfully, including all text references throughout Title 17) to read as follows:

17.70.020 – Airport Land Use Plan Consistency

A. Requirement for Consistency. *All projects including but not limited to renovation, remodeling, new construction, or granting of any permits for land uses or other activities, shall be consistent with the height, use, noise, safety, and density criteria of the Amended and Restated San Luis Obispo County Regional Airport (SBP) Airport Land Use Plan (ALUP).*

B. Applicability. *The requirement for consistency with the ALUP applies to all projects within the boundaries of the Airport Influence Area (AIA) within City limits. Properties within Specific Plan areas that are also within the boundaries of the ALUP AIA shall be reviewed for conformance with the standards of their respective Specific Plans, which have received a determination of consistency with the ALUP from the Airport Land Use Commission.*

Figure 3-1: Airport Land Use Plan Airport Influence Area (AIA)

SECTION 18. Section 17.70.040.A.1., entitled “Density Calculation – General” is hereby amended as follows:

1. **Density Calculation – General.** Density Units are calculated based on the net area of a property subject to thresholds established per zone. In the AG, C/OS, R-1 zones, each single-unit dwelling counts as one density unit. In the other zones, different size dwellings have density unit values as follows:

SECTION 19. Section 17.70.040.A.2.a. Table 3-1 entitled: Table 3-1: Maximum Residential Density for Cross-Slope Categories” is hereby amended to correct the Maximum Density Allowed in R-3 Zones based on slope, as follows:

Table 3-1: Maximum Residential Density for Cross-Slope Categories					
Average Cross-Slope in %	Maximum Density Allowed (units per net acre)				
	R-1	R-2, O, C-N, C-T	R-3	R-4	C/OS, AG, PF, C-R, C-D, C-C, C-S, M
0 – 15	As allowed in the Zoning Regulations for that zone.				
16 – 20	4	6	9 10	12	As allowed in the Zoning Regulations for that zone.
21 – 25	2	4	6 7	8	As allowed in the Zoning Regulations for that zone.
26+	1	2	3	4	As allowed in the Zoning Regulations for that zone.

SECTION 20. Section 17.70.050.B., entitled “Table 3-2: Edge Condition Zones” is hereby amended to include “Business Park” in the list of Edge Condition Zones, as follows:

Table 3-2: Edge Condition Zones	
Zones Receiving Transition	R-1, R-2
Zones Providing Transition	R-3, R-4, O, PF, C-N, C-C, C-D, C-R, C-T, C-S, M, <u>BP</u>

SECTION 21. Section 17.70.050 D. 1., entitled “FAR Reduction” is hereby amended as follows:

1. **FAR Reduction.** *The maximum floor area ratio for a property in a zone providing transition shall be 10 percent less than indicated in the Zoning Regulations for that zone (Chapters 17.12 through ~~17.64~~ 17.60, inclusive).*

SECTION 22. Section 17.70.070.C.3., entitled “Driveway Gates” is hereby amended as follows:

3. **Driveway Gates.** *In the R-1 zone, gates across driveways shall be set back a minimum of 10 feet behind the property line. In all other zones, gates across driveways shall allow for adequate space to queue vehicles entering the property consistent with Section 12.38.040 (Parking and Driveway Standards).*

SECTION 23. Section 17.70.120.A., entitled “Purpose and Application” is hereby amended as follows:

- A. **Purpose and Application.** *As defined in Chapter 17.158 (General Definitions), lot coverage is the ratio of the total area of a lot covered by the footprint of all structures to the net lot area, typically expressed as a percentage of the total lot area, including all buildings, decks, balconies, porches, accessory structures and accessory dwellings, and similar architectural features. Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapters 17.12 through ~~17.64~~ 17.60, inclusive.*

SECTION 24. Section 17.70.130.D.1.a., entitled “Ground Floor Limitations” is hereby amended as follows:

- a. **Ground Floor Limitations.** *In the C-D zone, residential units shall not occupy any ground floor space. In all other zones, residential units shall not occupy more than 50 percent of the ground floor space within the first 50 feet of floor area measured from each building face adjacent to a street toward the rear of the building ~~unless the review authority finds that the project enhances the pedestrian environment in the surrounding area or will perform a function or provide a service that is essential or beneficial to the community or City, with no more than 30 percent of the building frontage to be occupied by residential uses.~~*

SECTION 25. Section 17.70.130 F.4. b., entitled “All Other Zones that Allow Mixed-Use Projects” is hereby amended to extend the hours of operation from 8:00 PM to 10:00 PM, as follows:

- b. All Other Zones that Allow Mixed-Use Projects.** *The commercial component of a mixed-use project shall be allowed to operate from 7:00 AM to 8:00 PM 10:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial use will not negatively impact the residential uses within the project.*

SECTION 26. Section 17.70.150. A., entitled “Height” is hereby amended to clarify internal consistency, as follows:

- A. Height.** *The height of any railings or parapets, exterior stairways, and other access features such as stairwells or elevators for access to roof decks shall not exceed the maximum allowable building height for the structure, ~~including exceptions except as~~ allowed by Section 17.70.080 (Height Measurement and Exceptions).*

SECTION 27. Section 17.70.150.B., entitled “Furniture” is hereby repealed and Subsections C and D entitled “Performance Standards” and “Edge Conditions” are hereby reclassified as subsections B. and C. respectively:

- ~~B. Furniture.~~** *~~No furniture or equipment, including chairs, mattresses, couches, recreational furniture, or other materials may be placed on any roof, patio cover, carport, shed top, or similar structure, except for the following.~~*
- ~~1. Roof-top equipment, including antennas, satellite dishes, masts, poles, heating, ventilation, air conditioning equipment, and similar devices that are designed for roof-top installation, and were lawfully installed, may remain on the roof as long as they are properly maintained.~~*
 - ~~2. Furniture or other equipment may be placed on a roof deck or other similar place that was lawfully designed and created for such use. All such furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.~~*

SECTION 28. Section 17.70.170.C.6., entitled “Mechanical Equipment” is hereby amended for internal consistency with Chapter 9.12 (Noise Control) and reads as follows:

- 1. Mechanical Equipment.** *Mechanical equipment shall comply with required setbacks, with the following exceptions:*
 - a. Ground mounted heating and air conditioning equipment, and tankless water heaters shall be setback not less than 30 inches from the side and rear property lines may encroach into the required side and rear setbacks by 30 inches and shall comply with Chapter 9.12 (Noise Control) of the Municipal Code.*

b. Mechanical equipment serving swimming pools, spas, and water features shall be set back not less than three feet from a side or rear property line. All such equipment shall be acoustically shielded to comply with Chapter 9.12 (Noise Control) of the Municipal Code.

~~*c. All ground-mounted heating and air conditioning equipment shall be set back not less than five feet from any side or rear property line and shall comply with Chapter 9.12 (Noise Control) of the Municipal Code.*~~

SECTION 29. Section 17.70.170.D.1.b., entitled “Reduced Front or Street Side Setback for New Structure Providing Additional Creek Setback.” is hereby amended as follows:

b. Reduced Front or Street Side Setback for New Structure Providing Additional Creek Setback. *Where a new structure provides a rear or side creek setback larger than required by these Zoning Regulations, the required front and/or street side setback, respectively, shall be reduced by one foot for each one foot of additional creek setback, so long as the front and street side setback is at least one-half that required by the zone in which the property is located. Refer to the front and street side setback standards for each zone in Chapters 17.12 through ~~17.64~~ 17.60, inclusive.*

SECTION 30. Section 17.72.020.C., entitled “Parking Calculations” is hereby amended to add new subsection 3., entitled “Accessory Uses”, to read as follows:

3. Accessory Uses. *If a primary use includes accessory uses that generate higher parking requirements than the primary use, such as an accessory bar or tasting room to a brewery or other uses or activities as identified in Article 4 (Regulations for Specific Land Uses and Activities), the Director may require that the accessory activity provide parking in accordance with Table 3-4 (Parking Requirements by Use) in addition to the parking required for the primary use. Accessory offices shall not require additional parking, unless stated otherwise.*

SECTION 31. Section 17.72.030 Table 3-4 entitled “Parking Requirements by Use” is hereby amended to remove “Handicraft Manufacturing” from the table, to read as follows:

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
PUBLIC AND ASSEMBLY USES	
Handicraft Manufacturing	1 space per 1,000 sf

SECTION 32. Section 17.72.030 Table 3-4 entitled “Parking Requirements by Use” is hereby amended to add language to the “Number of Off-Street Parking Spaces Required” for “Religious Assembly Facilities” to read as follows:

O _____

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
PUBLIC AND ASSEMBLY USES	
Religious Assembly Facilities	1 space per 100 sf <u>in largest assembly room</u>

SECTION 33. Section 17.72.030 Table 3-4 entitled “Parking Requirements by Use” is hereby amended to remove language from the “Type of Land Use” entitled “Food Preparation” to read as follows:

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
COMMERCIAL USES	
<i>Food Preparation (no on-site sales or service)</i>	1 space per 1,500 sf

SECTION 34. Section 17.72.050.C.1., entitled “Criteria for Approval” is hereby amended to read as follows:

1. **Criteria for Approval.** *The review authority may only approve a request for reduced parking if it finds that:*

SECTION 35. Section 17.72.050.C.3., entitled “Reduction Rates” is hereby removed, including its subsections a. and b. Current subsection 4. Entitled “Vehicle Trip Reduction Plan” is now reformatted as subsection 3, and reads as follows.

- ~~3. **Reduction Rates.** *The review authority may consider the following rates for parking reductions associated with a parking demand study:*~~

~~a. *One car space for each five motorcycle spaces provided in excess of required parking.*~~

~~b. *One car space for each five bicycle spaces provided in excess of required parking. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 3-6: Required Bicycle Parking. Any additional bicycle parking provided for residential uses shall be covered.*~~

3. **4. Vehicle Trip Reduction Plan.** *Based on the parking study, the Director may require implementation of a vehicle trip reduction plan and such other conditions deemed necessary to reduce parking demand.*

SECTION 36. Section 17.72.050, entitled “Parking Reductions” is hereby amended to add new subsection F., entitled “Bicycle and Motorcycle Parking Reduction Rates” to read as follows:

F. Bicycle and Motorcycle Parking Reduction Rates. *The review authority may consider the following rates for parking reductions:*

- 1. One car space for each five motorcycle spaces provided in excess of required parking spaces, up to a 10 percent reduction, reductions greater than 10 percent shall comply with subsection C of this section.*
- 2. One car space for each five bicycle spaces provided in excess of required parking, up to a 10 percent reduction, reductions greater than 10 percent shall comply with subsection C of this section. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 3-6: Required Bicycle Parking. Any additional bicycle parking provided for residential uses shall be provided for long-term storage.*

SECTION 37. Section 17.72.060.A., entitled “Nonconforming Parking” is hereby amended to read as follows:

- A. Nonresidential Additions and Reconstruction.** *When expansion of floor area creates an increase of 10 percent or more in the number of required onsite parking spaces in an existing nonresidential building, additional onsite parking shall be provided for such addition and not for the entire building or site. Additional parking spaces are not required for the reconstruction of an existing building when there is no less than 10 percent increase in floor area.*

SECTION 38. Section 17.72.070.A., entitled “Applicability” is hereby amended to remove subsection 2., including associated subsections a. and b., as follows:

- ~~2. The provisions of this Section shall not apply to:~~
- ~~a. Single unit residential dwellings, or accessory dwelling units.~~
 - ~~b. Any site where there is less than 2,500 square feet of gross building area.~~

SECTION 39. Section 17.72.090 B. 1., entitled “Residential Uses” is hereby amended to remove reference to nonresidential to read as follows:

- 1. Residential Uses.** *Required parking spaces serving ~~nonresidential~~ uses shall be located on the same lot as the use they serve or in an off-site parking facility as provided in subsection B.3 (Off-Site Parking Facilities) of this Section. If located in an off-site parking facility, a parking agreement shall be filed as provided in subsection B.3.b (Parking Agreement) of this Section. Refer to Section 17.76.040 (Front Yard Parking) for additional residential parking location regulations associated with single-unit residential dwellings and accessory dwelling units.*

SECTION 40. Section 17.76.040, entitled “Front Yard Parking” is hereby amended to add new subsection E. to read as follows:

E. Legal Non-Conforming Front Yard Parking. *In cases where permits have been granted to allow parking in the front yard area that is not in conformance with subsection B of this Section; Or, in cases where evidence has been provided that the pavement surfacing has been constructed for the purposes of parking a vehicle in compliance with Section 12.38.040 (Parking and Driveway Standards) prior to the adoption of Ordinance No. 941 (1982 Series) establishing Section 17.70.170.C, such parking shall be considered a legal non-conforming use, and may continue.*

SECTION 41. Section 17.76.060.B., entitled “Trash Receptacles” is hereby amended to read as follows:

B. Trash Receptacles. *Trash, green waste, and recycling receptacles shall not be within the front yard (see definition of “front yard” in Section 17.158.016 – F Definitions) area except as provided in Chapter 8.04, ~~which states~~ and as stated below:*

Trash and garbage containers shall not be placed adjacent to the street for pickup more than 24 hours before pickup time, and such containers shall be removed within the 12-hour period following pickup. Trash and recycling containers shall not be placed adjacent to the street for pickup before 5:00 pm or the close of business on the day preceding pickup, whichever is later. Such containers located within the C-D zone shall be removed before 10:00 am following pickup.

Trash, green waste, and recycling receptacles shall be completely screened from public view from the public right-of-way that abuts the front yard by a fence, landscaping, or wall that is otherwise allowed by zoning and building codes. Multi-unit residential developments that are approved for individual waste wheelers shall remove waste wheelers from the common area visible from the public right-of-way in compliance with this Section. Multi-unit residential developments with shared bin service shall utilize approved enclosure locations consistent with project approvals.

SECTION 42. Section 17.76.090 entitled “Rooftop Uses”, is amended to be retitled as “Roofs”. Subsections A. and C. are hereby removed from this section and existing subsection B. is reformatted as subsection A. to read as follows:

17.76.090 – Roofs ~~Rooftop Uses~~

~~A. Height.~~ *~~The height of any railings or parapets, exterior stairways, and other access features such as stairwells or elevators for access to roof decks shall not exceed the maximum allowable building height for the structure, including exceptions allowed by Section 17.70.080 (Height Measurement and Exceptions).~~*

BA. Furniture. *No furniture or equipment, including chairs, mattresses, couches, recreational furniture, or other materials may be placed on any roof, patio cover, carport, shed top, or similar structure, except for the following:*

1. *Roof-top equipment, including antennas, satellite dishes, masts, poles, heating, ventilation, air conditioning equipment, and similar devices that are designed for roof-top installation, and were lawfully installed, may remain on the roof as long as they are properly maintained.*
2. *Furniture or other equipment may be placed on a roof deck or other similar place that was lawfully designed and created for such use. All such furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.*

~~C. Performance Standards.~~

1. **~~Lighting.~~** *Lighting for rooftop uses shall be appropriately designed, located, and shielded to not negatively impact any adjacent residential uses.*
2. **~~Noise.~~** *All rooftop decks shall be designed to minimize adverse impacts to surrounding properties in compliance with the City's noise regulations.*
3. **~~Hours of Operation.~~**
 - a. **~~C-N and O Zones.~~** *Nonresidential rooftop uses shall be allowed to operate from 7:00 AM to 8:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial rooftop use will not negatively impact surrounding residential uses.*
 - b. **~~All Other Nonresidential Zones.~~** *Nonresidential rooftop uses shall be allowed to operate from 7:00 AM to 10:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial rooftop use will not negatively impact surrounding residential uses.*
 - c. **~~General.~~** *Rooftop decks and activities shall also comply with restrictions for development subject to Edge Conditions regulations (Section 17.70.050: Edge Conditions). Commercial hours of operation for rooftop uses also may be restricted upon evidence of a substantiated complaint.*

SECTION 43. Section 17.76.100.A., entitled "Screening of Visible Storage and Maintenance" is hereby amended to read as follows:

- A. Screening of Visible Storage and Maintenance.** *Parking, storage, stockpiling, or maintenance of any of the following items on private property shall be screened from view from any public right-of-way, except as otherwise provided in this Chapter. Objects and activities will be considered "screened" when they are either not visible from a public right-of-way or behind and below a solid six-foot-high fence, wall, or hedge where such fence, wall, or hedge is otherwise allowed by zoning and building codes.*

SECTION 44. Section 17.76.100.A.4., entitled "Exceptions" is amended to provide additional language to subsection f. to read as follows:

- f. Barbecues and furniture that is designed and intended for outdoor use (“Outdoor Furniture” as defined in Section 17.158) may remain on a porch or in a walled front patio where the walls are designed in compliance with fence height regulations. Recreational furniture, including but not limited to, gaming tables such as ping-pong tables, billiards tables, and foosball tables, are not to remain in front yards when not actively being used, even if designed and intended for outdoor use.

SECTION 45. Section 17.86.020 Entitled “Accessory Dwelling Units, and Junior Accessory Dwelling Units, and Guest Quarters” is hereby repealed and replaced as follows:

17.86.020 – Accessory Dwelling Units, and Junior Accessory Dwelling Units, and Guest Quarters.

A. Purpose and Applicability. The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to accessory dwelling units, junior accessory dwelling units, and guest quarters, as defined in Chapter 17.156 (Land Use Definitions).

B. Accessory Dwelling Units. The provisions in this subsection shall apply to accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).

1. **Purpose.** The purpose of this chapter is to provide for the creation of accessory dwelling units in a manner that is consistent with requirements identified in Government Code Section 65852.2, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

2. **General Requirements.**

- a. **Application.** Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
- b. **No Subdivision of Property.** No subdivision of property shall be allowed where an accessory dwelling unit has been established and the resulting subdivision does not maintain the primary residence on the same lot as the accessory dwelling unit(s).
- c. **Sale of Property.** This section shall apply to new owners of property where an accessory dwelling unit has been established. All conditions of director’s action (if applicable), restrictive covenants and other contractual agreements with the city shall apply to the property and the new owners, except as allowed or prohibited by state law.
- d. **Applicability of Building Codes.** Accessory dwelling units shall conform to all applicable building and construction codes.

3. Specific Requirements and Standards.

- a. **Zones Where Allowed.** An accessory dwelling unit can be created in the AG, C/OS, R-1, R-2, R-3, R-4, or O (Office) zone on lots with an existing or proposed residential structure. For the purposes of this section, structures that contain both commercial and residential uses are not considered residential structures unless the property has a mixed-use overlay.
- b. **Size of Accessory Dwelling Unit.** The gross floor area of an accessory dwelling unit shall be no less than 150 square feet and shall not exceed 850 square feet for a studio or one-bedroom unit, or 1,000 square feet for a unit containing two or more bedrooms.
 - (1) The director may authorize an exception to the square footage standards to allow an accessory dwelling unit up to 1,200 square feet through the director's action process. In the R-1 zone, this exception can only be approved on lots that are at least 12,000 square feet in area. In all other zones, exceptions shall be based on compatibility with the development pattern of the neighborhood.
- c. **Limitation on Number.** Only one accessory dwelling unit is permitted per lot.
- d. **Design Standards.** Accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage, unless otherwise stated in this section or prohibited by state law.
 - (1) No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall be required in conjunction with the construction of an accessory dwelling unit.
 - (2) No setback shall be required for an existing permitted structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit that is constructed in replacement of an existing permitted structure, provided it is in the same location and has the same dimensions including height.
 - (3) A setback of no more than four feet from the side and rear lot lines are required for an accessory dwelling unit, for walls up to 16 feet in height.
 - (4) Accessory dwelling units that include the creation of new square footage shall be limited to sixteen feet in height. Up to one hundred fifty square feet of new square footage may be exempted from this requirement in connection to a conversion of existing upper floor square footage, but only as needed to accommodate ingress and egress.

- i. In order to provide additional design options for accessory dwelling units, units that include the creation of new square footage can be constructed up to twenty-five feet in height if consistent with the setback standards provided in Article 2 (Zones, Allowable Uses and Development and Design Standards).*
- (5) Architectural style and form shall match the style and form of the primary residential structure(s) on the property.*
- (6) The materials of the accessory dwelling unit shall match the materials of the primary residential structure(s) on the property.*
- (7) The minimum required setback for any balcony or terrace above the first floor shall be increased to 10 feet from the adjacent property line(s). Upper level private or common open space areas provided as accessory to an accessory dwelling unit shall not exceed an aggregate area of 50 square feet. Roof decks or rooftop open spaces are prohibited.*
- (8) Exceptions to these design standards can be approved by the director, through director's action, subject to required findings (Section 17.108.040).*
- e. **Fire Sprinklers.** Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.*
- f. **Parking Requirements.** No additional parking spaces shall be required for an accessory dwelling unit. If a garage or car port is converted or removed to accommodate an accessory dwelling unit, replacement parking is not required.*
- g. **Historic Resources.** Accessory dwelling units on listed historic properties and in historic districts shall be found consistent with the historic preservation ordinance, including historic preservation guidelines and Secretary of the Interior standards for the treatment of historic properties.*
- h. **Utility Connection Fees.** Where an accessory dwelling unit is created within an existing structure (primary or accessory), no new utility connection or payment of impact fees shall be required. For all other accessory dwelling units, a new utility connection for the accessory dwelling unit and payment of impact fees may be required if the accessory dwelling unit is seven hundred fifty square feet or more. New accessory dwelling units located in sewer capacity constrained areas are subject to Municipal Code Section 13.08.396 (Wastewater Flow Offset).*
- i. **Additional Accessory Dwelling Unit Types.** Accessory dwelling units that are consistent with Government Code Section 65852.2(e) will receive ministerial approval. The provisions of Government Code Section 65852.2(e) cannot be combined with other accessory dwelling unit provisions of Section 17.86.020 and no exceptions are available for projects subject to Section 65852.2(e). Building Permit applications to*

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create accessory dwelling units consistent with Government Code Section 65852.2(e) shall clearly be labeled as such (e.g., "ADU-e"). In connection to the provision of Government Code Section 65852.2(e), multifamily dwelling structures shall be defined in accordance with Government Code Section 65589.5(h)(2).

4. **Procedural Requirements.** An accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.
 - a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements and development standards identified in this chapter. When an accessory dwelling unit is proposed within a new residential structure, this sixty-day requirement shall only apply once all other aspects of the permit are approved.
 - b. Building permit applications for accessory dwelling units on lots containing an existing primary dwelling or dwellings shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the accessory dwelling unit.
5. **No Short-Term Rental.** An accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of an accessory dwelling unit is prohibited.
6. **Violations.** Violation of any of the provisions of this chapter shall be subject to basic code enforcement action as provided in Title 1.

C. Junior Accessory Dwelling Units. The provisions in this subsection shall apply to junior accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).

1. **Purpose.** The purpose of this chapter is to provide for the creation of junior accessory dwelling units in a manner that is consistent with requirements identified in Government Code Section 65852.22, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.
2. **General Requirements.**
 - a. **Application.** Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
 - b. **Areas Where Junior Accessory Dwelling Units Are Allowed.** Upon meeting the requirements of this section, junior accessory dwelling units may be established in any zone where the use of the property is a single-unit dwelling, either existing or proposed. A junior accessory dwelling unit

may only be allowed on a lot with an accessory dwelling unit if the accessory dwelling unit is detached from the single-family structure.

- c. **Sale of Property.** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- d. **Location.** A junior accessory dwelling unit must be created within the walls of a proposed or existing primary dwelling.
 - (1) Conversion of an existing garage into a junior accessory dwelling unit shall only be permitted if replacement parking is provided consistent with Sections 17.70.170 (Setbacks) and 17.76.040 (Front Yard Parking). No setback exception shall be approved to accommodate replacement parking.
- e. **Size of Junior Accessory Dwelling Unit.** The gross floor area of a junior accessory dwelling unit shall not exceed five hundred square feet.
- f. **Limitation on Number.** Only one junior accessory dwelling unit may be located on any residentially zoned lot. A junior accessory dwelling unit may only be located on a lot that contains one permitted single-family structure or in connection with the construction of a single-family structure. A junior accessory dwelling unit may be located on the same lot as an accessory dwelling unit under one of the following circumstances:
 - (1) The accessory dwelling unit was constructed at the same time as the single-family residence.
 - (2) The accessory dwelling unit was created through the conversion of existing space within a single-family residence or accessory structure.
 - (3) The accessory dwelling unit, either new or existing, is a detached unit, and the detached accessory dwelling unit is no larger than 800 square feet, no taller than sixteen feet in height, and has setbacks of no less than four feet from side and rear lot lines.
- g. **Applicability of Building Codes.** Junior accessory dwelling units shall conform to all applicable building and construction codes.

3. **Performance Standards and Compatibility.**

- a. **Design Standards.** Junior accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage and shall be subject to the provisions below. A junior accessory dwelling unit that conforms to this section shall not be considered a dwelling unit for the purpose of calculating density.
 - (1) A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
 - (2) The interior connection to the main living area may be maintained or removed.

- (3) At a minimum, junior accessory dwelling units shall include an efficiency kitchen, which shall contain a cooking facility, food preparation counter, and storage cabinets.
 - (4) Junior accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
 - (5) No additional parking spaces shall be required for a junior accessory dwelling unit.
- b. Utility Connection Fees.** Where a junior accessory dwelling unit is created no new utility connection or payment of impact fees shall be required.
- c. Fire and Life Protection.** For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- 4. Procedural Requirements.** A junior accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.
 - a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements of this section.**
 - b. Building permit applications for junior accessory dwelling units on lots containing an existing single-family residence shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the junior accessory dwelling unit.**
- 5. Owner Occupancy.** The owner of the property shall occupy either the primary residence or the junior accessory dwelling unit.
- 6. Covenant Agreement.** Prior to the issuance of building permits for a junior accessory dwelling unit, a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as a "junior accessory dwelling unit" and agreeing that the owner of the property will occupy either the primary residence or the junior accessory dwelling unit. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property.
- 7. No Short-Term Rental.** A junior accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of a junior accessory dwelling unit is prohibited.
- 8. Violations.** Violation of any of the provisions set forth in this chapter shall be subject to code enforcement action as provided in Title 1.

D. Guest Quarters.

1. **Purpose and Intent.** *The purpose of this section is to establish regulations for the development of guest quarters as an approved accessory use to a primary residential unit in accordance with Section 17.70.010 (Accessory Structures).*
2. **Applicability.** *This section does not apply to legally established dwellings or accessory dwelling units, or accessory structures, which are separately defined in Chapter 17.158 (General Definitions).*
3. **General Requirements.** *Guest quarters shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., and shall be subject to the following provisions:*
 - a. **Accessory to Primary Residence.** *Guest quarters may only be used in conjunction with a primary residence that contains a kitchen and may consist of detached structures or additions to primary structures. Only one guest quarters may be permitted per property.*
 - b. **Size.** *Guest quarters shall be no larger than four hundred fifty square feet.*
 - c. **Density and Development Standards.** *Guest quarters shall be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multi-unit residential zones, guest quarters will be considered an additional bedroom, accessory to the primary unit. The structure may not exceed four hundred fifty square feet and shall remain in an open floor plan (studio configuration).*
 - d. **Zones in Which Guest Quarters May Be Allowed.** *Upon meeting the requirements in this section, guest quarters may be established in the following zones: R-1, R-2, R-3, R-4, and O, when the primary use on the site is a single-unit residential dwelling.*
 - e. **Areas Prohibited.** *Guest quarters shall not be established in any condominium or planned development project unless specifically addressed in the planned development ordinance as adopted or amended, or any mobile home subdivision or trailer park. Guest quarters shall not be allowed on lots with an existing accessory dwelling unit.*
 - f. **Owner Occupancy.** *The property must be occupied by the property owner as the owner's primary place of residence. If a property can no longer be occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but can no longer be used as overnight sleeping quarters.*
 - g. **No Separate Rental.** *Guest quarters may not be rented separately from the primary dwelling unit.*
 - h. **No Kitchen Facilities.** *No facilities meeting the definition of a "kitchen" as defined in Chapter 17.158 (General Definitions) may be installed and plumbing shall be provided for bathroom use only. No plumbing may be provided to "wet bars," dishwashers, or any features that could be used for a kitchen. Plans approved for construction of guest quarters shall not*

include countertops or plumbing designed for subsequent installation of sinks, dishwashers, garbage disposals, or any other features consistent with the definition of a “kitchen.”

4. Procedural Requirements. Prior to filing building plans with the city building division, the following shall be met:

- a. Design Review.** All requests shall be reviewed for consistency with the city’s community design guidelines and this section. All new development projects within historic districts or within properties that contain designated historic structures shall be referred to the Cultural Heritage Committee to be reviewed for consistency with Secretary of the Interior standards for treatment of a historic property.
- b. Owner’s Agreement with the City.** Prior to the issuance of construction permits, a covenant agreement shall be recorded that discloses the structure’s approved floor plan and status as “quest quarters,” which cannot be used as an independent dwelling unit, and may only be used in conjunction with the primary residence that contains a kitchen. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections, and to allow the city upon reasonable time and notice to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this section and health and safety codes. If a property can no longer be occupied as the owner’s primary place of residence, the quest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but shall no longer be used as overnight sleeping quarters.
- c. Conversion of Guest Quarters to an Accessory Dwelling Unit.** A legally established quest quarters may either be retained in its configuration or be converted to an accessory dwelling unit in compliance with the provisions of this chapter. (Ord. 1679 § 3, 2020; Ord. 1657 § 17, 2019; Ord. 1650 § 3 (Exh. B), 2018)

SECTION 46. Section 17.86.050, entitled “Alcoholic Beverage Sales – Bar, Live Entertainment, Late Night Service” is hereby retitled as “Alcoholic Beverage Sales-Bars and Restaurants with Late Night Alcohol Service” and Sections 17.86.050.A, Section 17.86.050.B.1 through B.4 (subsections B.6 through B.8 and subsections C and D remain as written) are amended as follows:

17.86.050 – Alcoholic Beverage Sales – Bars and Restaurants with, Live Entertainment, Late Night Alcohol Service

- A. Purpose and Applicability.** The provisions in this Section shall apply to Eating and Drinking Establishments – Bars, Live Entertainment and Taverns, and Eating and Drinking Establishments – Restaurant with Late-Night Alcohol Service as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations). The purpose of this Section is to protect

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and promote the public health, safety, comfort, convenience, prosperity, and general welfare, and to ensure operations are compatible with surrounding neighborhoods.

B. Alcohol Outlet Operational Requirements. *The following standards shall apply to all Alcohol Outlets ~~and shall be incorporated into conditions of approval of the associated Minor Use Permit or Conditional Use Permit:~~*

- 1. Noise.** *The proposed use shall operate in conformance with the City Noise Ordinance (M.C. Chapter 9.12, Noise Control) to maintain compatibility with the nearby residences and businesses. The applicant shall make reasonable efforts to minimize the potential for adverse noise and crowd impacts on adjacent establishments and nearby residences, including, but not limited to, ensuring that all windows and doors are closed no later than 10:00 pm, nightly.*
- 2. Hours of Operation.** *Hours of operation for the alcohol services shall not be outside the hours from 8:00 am until 11:00 pm each day of the week, unless otherwise specified by a Use Permit.*
- 3. Menu Service.** *Full food service shall be available at all times alcohol is served, unless otherwise specified by the Use Permit. The restaurant shall have full meals and restaurant service available during all hours of operation, consistent with the approved hours of operation for the proposed use, unless otherwise specified by the Use Permit.*
- 4. Events.** *Tables, chairs, and the general floor plan layout shall remain consistent with approved plans and may not be removed or modified for late night operation or special events to create a performance stage, dance floor, or similar area for performance/assembly unless approved by a separate City-issued permit.*
- 5. Entertainment.** *Entertainment shall maintain an ambient level, which is clearly incidental, that allows for normal conversation levels, and for which no cover fee or ticket is required. Live or amplified entertainment that meets the definition of a Live Entertainment ~~venue~~ shall not be allowed without the approval of a Live Entertainment Permit. Upon review of a Live Entertainment Permit, the hours of operation may be re-evaluated or restricted.*

SECTION 47. Section 17.86.100.B, entitled "Permits Required" is hereby amended to add Subsection 17.86.100.B.4 as follows:

- 4. Day Care as an Accessory Use.** *When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches, and where an employer provides onsite child care to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards.*

SECTION 48. Section 17.86.100.D, entitled "Day Care as an Accessory Use" is hereby removed and Subsection 17.86.100.E, entitled "Exceptions" is renumbered as 17.86.100.D:

~~**D. Day Care as an Accessory Use.** When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches, and where an employer provides onsite child care to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards.~~

DE. Exceptions. Nothing in this Section shall prohibit applicants from requesting a Director's Action or Variance from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations.

SECTION 49. Section 17.86.110, entitled "Electronic Game Amusement Centers" is hereby removed from the San Luis Obispo Municipal Code.

SECTION 50. Section 17.86.120.B.3., entitled "Duration and Hours of Operation" is hereby amended as follows:

3. ~~Duration and Hours of Operation.~~ No food truck shall operate ~~for more than two consecutive days in the same location, and before 6:00 am or after 11:00 pm, including set up and clean up.~~

SECTION 51. Section 17.86.160.D., entitled "Performance Standards" is hereby amended as follows:

D. Performance Standards.

1. Homestays shall comply with the property development and performance standards set forth in Article 2 (Zones, Allowable Uses, and Development and Design Standards) and Article 3 (Regulations and Standards Applicable to All Zones).
2. All building and fire code regulations shall be met.
3. The number of overnight guests shall be limited to four ~~persons~~ adults. Bedrooms shall meet the minimum size requirements as defined in the Building Code.
4. At all times when a homestay rental is occurring, the owner or responsible party shall be within a 15-minute drive of the property. The owner or responsible party shall be available via telephone 24 hours a day, seven days a week, to respond to complaints regarding the homestay. Contact information for the owner and responsible party shall be provided to homestay guests, adjacent neighbors and stated on the application.
5. Upon sale or transfer of the home for which a homestay permit has been granted, a new homestay application shall be required within 60 days of the transfer. Failure to submit a new application as required within 60 days shall result in the termination of the existing allowed use.
6. The homestay shall be limited to only the owner-occupied dwelling unit on the property. Homestays shall not be permitted within Recreational Vehicles or within Accessory Dwelling Units.

7. Any advertisements for the homestay shall include the business license number. Onsite advertising of the homestay is prohibited.

SECTION 52. Section 17.86.210.E., entitled "Recreational Vehicles as Tiny Houses in Residential Zones." is hereby amended as follows:

E. Recreational Vehicles as Tiny Houses in Residential Zones. Moveable tiny houses shall be considered an additional type of accessory ~~dwelling unit structure~~, allowed as an accessory use to single-unit residential dwelling unit, ~~consistent however, moveable tiny houses are not identified as accessory dwelling units and are not subject to the provisions of~~ with Government Code, Section 65852.2 subdivision (g) ~~which allows cities to adopt less restrictive requirements than the State mandated minimums for accessory dwelling units.~~ A moveable tiny house that meets the definition in this subsection may be built and occupied as ~~a new detached accessory dwelling unit~~ accessory to a single-unit residence, subject to the Director's review and approval of a Director's Action application if it complies with the standards of this subsection.

1. **Development Standards.** Moveable tiny houses shall conform with the requirements ~~for new detached accessory dwelling units under Section 17.70.010 (Accessory Structures),~~ including but not limited to setbacks, height, and other applicable zoning requirements of the zone in which the site of the proposed moveable tiny house is located, except as modified by this subsection.
 - a. **Number.** ~~No parcel may be approved for more than one moveable tiny house in a 12-month period.~~ No parcel may contain more than one moveable tiny house at a time. No parcel may contain both a moveable tiny house and a conventional accessory dwelling unit.
 - b. **Renewal.** The approval of a movable tiny home shall expire after five years from the date of approval, unless the property owner submits a time extension application prior to the expiration of the permit. The Director shall may renew the approval of a movable tiny home for a period of up to three ~~to~~ five years upon receipt of a complete application and completion of an inspection by the City to confirm continued compliance with the standards in this section.
 - c. **Maintenance.** The site shall be maintained as set forth in Chapter 17.76 (Property Maintenance Standards).
 - d. **Location.** The moveable tiny house shall be located toward the rear of the property.
 - e. **Size.** The maximum square footage or habitable floor space for a moveable tiny house shall be 400 square feet, as measured by exterior wall dimensions (lofts shall not be counted toward the maximum square footage). The moveable tiny house shall have at least 100 square feet of first floor interior living space.

- f. Replacement Parking.** Where a moveable tiny house occupies a required parking space, a replacement parking space is required. A replacement parking space may be located in any configuration on the same lot as the moveable tiny house, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Parking shall be permitted only in those locations specified in these Zoning Regulations.
- g. Design.** The design of a tiny house shall resemble the general appearance, siding, and roofing of a traditional home.
- h. Energy Efficiency.** Applications submitted for tiny houses shall demonstrate that the tiny home has been constructed to exceed ANSI energy standards through one of the following methods:

 - i. Include insulation with values of R13 for the walls and R19 for the floor and ceiling; or
 - ii. Ensure that the stud/joist/rafter space in the walls, floors and ceiling are completely filled with insulation.
- 2. Parking Spaces.** Moveable tiny houses shall not require additional parking.
- 3. Mechanical Equipment.** All mechanical equipment for a moveable tiny house shall be incorporated into the structure and shall not be located on the roof, except for solar panels.
- 4. Utility Connections and Requirements.** Moveable tiny houses shall not require separate utility meters from the primary unit. Moveable tiny houses may be off-grid and not connected to one or more utility systems, but only if the applicant provides sufficient proof, to the satisfaction of the Director and the Building Official, that the moveable tiny house has adequate, safe, and sanitary utility systems providing water, sewer, heating, cooling, and electric power. Gas connections and use of propane tanks are prohibited.
- 5. Addresses.** Moveable tiny houses shall not have separate street addresses from the primary unit.
- 6. Foundation Requirements.** Once sited on the parcel of the primary unit, moveable tiny houses shall meet the following foundation requirements:

 - a.** The moveable tiny house shall not have its wheels removed, and all wheels and leveling/support jacks shall sit on a concrete, paved, or compacted gravel surface sufficient to support its weight.
- 7. Emergency and Rescue Openings.** Moveable tiny houses shall meet the requirements of Section R310 of the California Building Code for emergency escape and rescue openings. Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet this requirement if installed such that the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of California Building Code Section R310.2.1.

8. ~~Procedure~~ Procedural Requirements. A Director's Action application shall be required to establish a moveable tiny house, ~~including the application materials and information required by Section 17.86.020 (Accessory Dwelling Units and Guest Quarters) for an accessory dwelling unit,~~ an applicant for a moveable tiny house shall submit proof that:

- a. The proposed moveable tiny house is licensed and registered with the California Department of Motor Vehicles;
- b. The proposed moveable tiny house has been certified by a qualified third-party inspector as meeting ANSI, 119.2 or 119.5 requirements or comparable standards, or was built to meet ANSI 119.2 or 119.5 requirements as demonstrated by sufficient evidence satisfactory to the Director; at a minimum this inspection shall verify that the unit is in good working order for living, sleeping, eating, cooking, and sanitation, including the absence of any exterior shell water leaks;
- c. The applicant is the property owner, or has sufficient written permission from the property owner, of the intended location of the proposed moveable tiny house;
- d. Prior to the issuance of building permits, a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as a movable tiny home and agreeing that the property will be owner-occupied. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections for compliance with the agreement and to verify continued compliance with requirements of this Section and health and safety codes. If a property can no longer be occupied as the owner's primary place of residence, the movable tiny home shall no longer be used as overnight sleeping quarters.

SECTION 53. Section 17.86.260.B.5., entitled "Other Temporary or Intermittent Uses and Special Events." is hereby amended to read as follows:

- 5. Other Temporary or Intermittent Uses and Special Events.** Upon approval of a Temporary Use Permit, the Director may approve other temporary or intermittent uses, including but not limited to musical events, auctions, estate sales, clothing outlet sales, nonprofit benefits, parking lot sales, and car shows. At the discretion of the Director, certain small-scale events with limited duration, consisting of activities with no potential to detrimentally affect those working and living in the vicinity, may be allowed through Director's Action ~~administrative action~~, without a public hearing.

SECTION 54. Section 17.86.290.B., entitled "Exempt Facilities" is hereby amended to add new subsection 5 to read as follows:

5. A Collocation, or Modification of a Pole, Tower or Support Structure or Replacement of a Pole, for Collocation of a Communications Facility, that qualifies as an "Eligible Facilities Request." An "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3).

SECTION 55. Section 17.92.020, entitled "Limits on Reconstruction – Exceptions" is hereby amended to read as follows:

- A.** *A nonconforming structure that is involuntarily damaged to an extent of 75 percent or more of its replacement cost immediately prior to such damage, as determined by the Chief Building Official, may be restored only if made to conform.*
- B.** *Notwithstanding paragraph A, above, nonconforming residences in the R-1, R-2, R-3, R 4, O, C-N, C-C, C-R, C-T, C-D, and C/OS zones that have been involuntarily damaged to an extent of 75 percent or more of its replacement value cost immediately prior to such damage, as determined by the Chief Building Official, may be rebuilt at the same density and up to the same size under the following circumstances:*
 - 1.** *All construction must conform to current building codes, Zoning Regulations, and design guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.*
 - 2.** *A building permit for the replacement structure(s) must be obtained within three years of the date of the damage or destruction.*
 - 3.** *Exceptions to the above provisions may be granted by the Director for historic structures designated as such in any list or plan element adopted by the City, or for buildings that are over 50 years old where the existing building and any proposed additions or modifications are consistent with the Historic Preservation Guidelines and Community Design Guidelines, as determined by the Director.*
 - 34.** *Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the Director makes one of the following findings:*
 - a.** *The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons living or working in the neighborhood.*
 - b.** *The reconstruction, restoration, or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.*
 - c.** *There no longer exists a zone in which the existing nonconforming use is permitted.*
- C.** *Changes to ~~structural elements~~, interior partitions or other nonstructural improvements and repairs may be made to a nonconforming building. However, demolition, as defined in Section 17.158.012 (D Definitions), and reconstruction shall be permitted only if the structure is made to conform.*

D. The value of additions allowed pursuant to subsections (F)(1) and (2) of this Section shall be excluded from calculation of replacement cost of the nonconforming structure.

ED. Decisions of the Chief Building Official regarding replacement cost may be appealed to the Council.

~~**E.** Exceptions to this Chapter may be granted by the Director for historic structures designated as such in any list or plan element adopted by the City, or for buildings that are over 50 years old where the existing building and any proposed additions or modifications are compatible with the surrounding neighborhood, as determined by the Director.~~

~~**F.** Exceptions to this Chapter may be granted by the Director, Additions to nonconforming structures that further the intent of this Chapter may be permitted through a Director's Action, to allow additions to nonconforming structures occupied by conforming uses, subject to a finding of consistency with the intent of this Chapter as follows:~~

- ~~1. Additions conform to current building codes, Zoning Regulations, and design guidelines, where the addition and associated modifications do not result in demolition of the existing structure, as defined in Section 17.158.012 (D Definitions). Conforming additions to residential structures may be approved by the Director.~~
- ~~2. The Director, may allow certain setbacks to be reduced to zero in some instances for minor additions to existing legal nonconforming structures (see Section 17.70.170(D)(2)(d)).~~

~~**G.** The value of additions allowed pursuant to subsections (F)(1) and (2) of this Section shall be excluded from calculation of replacement cost of the nonconforming structure.~~

SECTION 56. Section 17.102.010, entitled "Purpose and Intent" is hereby amended to read as follows:

This Article 6 establishes the overall structure for the application, review, and action on City-required permit and project review applications and identifies and describes those discretionary permits and other approvals required by these Zoning Regulations in Table 6-1: Review Authority.

SECTION 57. Section 17.102.020.A.1., entitled "Affordable Housing Incentives" is hereby amended to read as follows:

- 1. Affordable Housing Incentives.** An action authorizing a residential density bonus that includes an alternative or additional incentive in compliance with Chapter 17.140 (Affordable Housing Incentives).

SECTION 58. Section 17.102.020.B.3., entitled "Director's Hearing on Various Permits" is hereby amended to read as follows:

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- 3. Director's Hearing on Various Permits.** *A quasi-judicial action authorizing the construction or alteration of specific development projects as set forth in Table 6-4 and as otherwise called for in these Zoning Regulations for projects subject to a Director's Hearing. A public hearing is required in compliance with Chapter 17.122 (Public Notices and Hearings).*

SECTION 59. Section 17.102.020.C.6., entitled "Planning Commission Hearing on Various Exceptions and Special Development Projects" is hereby amended to read as follows:

- 6. Planning Commission Hearing on Various Exceptions and Special Development Projects.** *A quasi-judicial action authorizing an exception (modification or deletion) to certain specified development standards of these Zoning Regulations and for the construction or alteration of specific development projects as set forth in Table 6-1 and as otherwise called for in these Zoning Regulations. A public hearing is required in compliance with Chapter 17.122 (Public Notices and Hearings).*

SECTION 60. Section 17.102.020.D. Table 6-1, entitled "Review Authority" is hereby removed from the San Luis Obispo Municipal Code.

SECTION 61. Section 17.102.020.E.2., entitled "Concurrent Processing" is hereby amended to read as follows:

- 2. Concurrent Processing.** *Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority designated by these Zoning Regulations for any of the applications. For example, a project for which applications for Moderate Development Review project and a Conditional Use Permit are filed shall have both applications decided by the Planning Commission, instead of the Director being the final decision-making authority for the Moderate Development Review project, as otherwise required by Table 6-1: Review Authority.*

SECTION 62. Section 17.104.010, entitled "Purpose and Authority for Land Use and Planning Decisions" is hereby amended to remove Subsection 17.104.010.B and renumber Subsection 17.104.010.C as Subsection 17.104.010.B, to read as follows:

- A.** *This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications and legislative actions required by the City and specified in these Zoning Regulations.*
- ~~**B.** *Table 6-1: Review Authority identifies the review authority responsible for reviewing and making decisions on each type of application required by these Zoning Regulations.*~~
- ~~**CB.** *The Architectural Review Commission has the authority to review and make recommendations to either the Director or the Planning Commission, depending upon the type of project application, regarding compliance with applicable design*~~

guidelines. Municipal Code Section 2.48.050 (Projects Subject to Architectural Review) establishes the types of projects subject to architectural review.

SECTION 63. Section 17.106.010, entitled “Purpose and Intent” (Subsections A through H shall remain as written) is hereby amended to read as follows:

The purpose of this Chapter is to provide a process for the appropriate review of development projects ~~that do not require any discretionary permits or other types of review,~~ and to ensure that all approved site and structural development:

SECTION 64. Section 17.106.020, entitled “Applicability” is hereby amended to read as follows:

A. Development Review Required. No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until Development Review has been completed and approved in compliance with this Chapter.

1. Cultural Heritage Committee Review. Notwithstanding subsection C of this section and Section 17.106.030 (Levels of Development Review) certain projects may require review by the Cultural Heritage Committee in accordance with Municipal Code Section 14.01 (Historic Preservation).

B. Enlargements and Modifications. For the purposes of this Chapter, the term “significantly enlarge or modify” shall be measured from the increase in size gross floor area of the original approval and be defined as follows:

1. Residential Enlargement or Modification. Residential enlargements or modifications larger than 1,000 square feet or 25 percent of the existing gross floor area before the addition, whichever is less.

2. Nonresidential Enlargement or Modification. Nonresidential enlargement, modification, reconstruction, rehabilitation, or remodel resulting in an increase in gross floor area equal to or exceeding 25 percent of the existing gross floor area of the structure or more than 2,500 square feet, whichever is less, before the construction.

3. Mixed Use Development. Mixed use development enlargement, modification, reconstruction, rehabilitation, or remodel resulting in increase in gross floor area equal to or exceeding 25 percent of the existing gross floor area of the structure or more than 2,500 square feet, whichever is less, before the construction.

C. Exceptions—Accessory Structures. ~~Accessory structures less than 500 square feet in size shall not be subject to Development Review.~~ The following types of projects are exempt from the Levels of Development Review:

1. Accessory Structures as defined in Section 17.70.010 (Accessory Structures);

2. Accessory Dwelling Units, Junior Accessory Dwelling Units, and Guest Quarters as defined in Section 17.86.020 (Accessory Dwelling Units, Junior Accessory Dwelling Units, and Guest Quarters);

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3. Housing development projects which qualify under Chapter 17.69 (Objective Design Standards for Qualifying Residential Projects);
4. Single-Unit Dwellings as defined in Section 17.156.038 (S Definitions) and minor or significant additions or modifications to existing single-unit dwellings, except as identified in Section 17.106.030.B.1 of this Chapter;
5. Small residential development projects that consist of the construction, minor or significant additions, rehabilitation or remodel of less than five dwellings, where the gross floor area of each individual dwelling does not exceed one thousand two hundred square feet, except as identified in Section 17.106.030.B.1 of this Chapter;
6. Aesthetically insignificant projects which include modifications, additions, reconstruction, rehabilitation, or remodel of existing structures or other site features, that are not defined as a significant enlargement or modification, and have no potential for conflict with the objectives of development review as identified in Section 17.106.010 (Purpose and Intent).

SECTION 65. Section 17.106.030, entitled “Levels of Development Review” is hereby amended to read as follows:

A. Three Levels. Three levels of Development Review are hereby established, and the thresholds set forth below shall apply to Development Review.

B. Minor. Minor Development Review is a staff-level review process with public notice provided, with no public hearing required. The following projects shall be subject to Minor Development Review, including but not limited to;

1. New single-unit residence and significant additions to an existing single-unit residence as described in Section 17.106.020 (Enlargements and Modifications), or small residential development projects where:
 - a. Architectural review is required as a condition of a subdivision approval, use permit, or other discretionary entitlement;
 - ~~b. The developer proposes to construct three or more units not defined to be a “small residential development project” per Chapter 2.48 (Architectural Review Commission);~~
 - ~~eb.~~ The Director determines that the site is a “sensitive site” as set forth in the Architectural Review Commission’s procedures manual;
 - ~~d.~~ A covered required parking space or spaces are proposed to be converted to another use and replacement parking is proposed, except in conjunction with an accessory dwelling unit application;
 - ~~ec.~~ The project site is within or along a creek or waterway, as identified in the City’s General Plan Open Space Element as defined by the City’s floodplain management policy;
 - ~~d.~~ The scale and character of the proposed dwelling contrasts significantly with adjacent or neighboring structures. The project site is located on a parcel

having an average natural slope gradient of 16 percent or more;

2. Projects that include a public or private roof top deck, or upper level balconies or open space on a third-floor or above.
3. Multi-unit residential/mixed-use developments 10 units or less, which are not defined to be a "small residential development project";
4. Nonresidential/Mixed-use development with less than 2,500 gross square feet of new construction;
- ~~35. Building addition or remodel that is considered minor~~ Minor or incidental to a larger, previously approved project, as determined by the Director. building addition or remodel, which is not considered exempt under Section 17.106.020.C and is not considered a significant enlargement or modification to a previously approved project, as described in Section 17.106.020 (Enlargements and Modifications).

C. Moderate. Moderate Development Review is a discretionary Director-level review process that includes public notice with a public hearing before the Architectural Review Commission ~~conducted as required by the applicable advisory body or review authority~~, including but not limited to;

1. Multi-unit residential/mixed-use developments up to between 11 and 49 10 units;
2. New single-unit subdivisions developments up to between 11 and 49 10 units;
3. Nonresidential/mixed-use development with up to 2,500 to 10,000 gross square feet of new construction;
4. ~~A project is located on a property included on the City's Inventory of Historic Resources, or is near a historic resource where the development might adversely impact the historic resource;~~
5. ~~All development located on hillsides having a natural slope gradient of 20 percent or greater when no other discretionary review is required;~~
- ~~46.~~ Building addition or remodel, that is not considered minor or incidental or is considered a significant enlargement or modification to a previously approved project, as described in Section 17.106.020 (Enlargements and Modifications).

D. Major. Major Development Review is a discretionary Planning Commission review process that includes a recommendation from Architectural Review Commission and public notice with a public hearing conducted as is required for all Planning Commission actions.

1. Multi-unit residential/mixed-use developments with more than 10 units 50 units or more;
2. New single-unit subdivisions developments with more than 10 units 50 units or more;
3. Nonresidential/mixed-use development with more than 10,000 gross square feet of new construction;

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4. *Significant additions and new construction of principal buildings in the C-D zone;*
5. *Any development project for which an ~~EIR~~ Environmental Impact Report is required.*

SECTION 66. Section 17.106.040, entitled “Recommendations from Advisory Bodies” subsection A.2 is hereby amended to read as follows:

2. *For Major Development Review, the Architectural Review Commission shall conduct a public hearing and ~~forward its~~ make a recommendation to the ~~Director~~ Planning Commission by forwarding its recommendation through the Director. The Director shall have the authority to either:*

SECTION 67. Section 17.108.010, entitled “Purpose and Intent” is hereby amended to read as follows:

The purpose of this Chapter is to authorize the Director to act on certain applications on an administrative basis, without a public hearing, due to the minor nature of a proposed improvement, use of land, or allowed deviation from specified development standards ~~in Table 6-4~~ and as further described in this Chapter. Notwithstanding these provisions, the Director shall have the authority to refer any application subject to this Chapter to a Director’s Hearing or to the Planning Commission for consideration.

SECTION 68. Section 17.108.020, entitled “Applicability” is hereby removed from the San Luis Obispo Municipal Code.

SECTION 69. Section 17.108.040 A, entitled “Required Findings” subsection 4. is hereby amended to read as follows:

4. *While site characteristics or existing improvements make strict adherence to the Zoning Regulations impractical or infeasible, or the project nonetheless conforms with the intent of these Regulations.*

SECTION 70. Section 17.109.020, entitled “Applicability” is hereby removed from the San Luis Obispo Municipal Code.

SECTION 71. Section 17.110.070, entitled “Required Findings” subsection A.2. is hereby amended to read as follows:

2. *The proposed use is allowed or conditionally allowed within the applicable zone and complies with all other applicable provisions of these Zoning Regulations and the Municipal Code;*

SECTION 72. Section 17.110.080, entitled “Requirement for and Compliance with Use Permits” subsection A. is hereby amended to read as follows:

- A.** *The modification or addition to a use requiring Use Permit approval shall itself be subject to Use Permit approval. ~~The addition of an allowed use to a premises occupied by a conditionally allowed use shall require Use Permit approval of the type required for the existing use.~~ The Director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further Use Permit control.*

SECTION 73. Section 17.113.010.B., entitled “Applicability” subsection 3., is hereby amended to read as follows:

- 3.** *Garage and yard sales involving the sale of personal property conducted in a residential zone consistent with Section 17.86.190.C (Garage and Yard Sales).*

SECTION 74. Section 17.120.020.B., entitled “Duties and Authority” subsection 2. is hereby amended to read as follows:

- 2.** *Perform the duties and functions prescribed in these Zoning Regulations, including the review of administrative development projects, in compliance with ~~Table 6-4: Review Authority~~ these Zoning Regulations, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);*

SECTION 75. Chapter 17.120, entitled “Administrative Responsibility” is hereby amended add a new Section 17.120.045, entitled “Cultural Heritage Committee” to read as follows:

17.120.045 – Cultural Heritage Committee

The Cultural Heritage Committee shall have the duties and authority as established in Chapter 14.01.030 (Historic Preservation Ordinance) of the Municipal Code.

SECTION 76. Section 17.120.050.C., entitled “Compliance” is hereby amended as follows:

- C. Compliance.** *The above-listed functions shall be performed in compliance with ~~Table 6-1: Review Authority~~ these Zoning Regulations, and the California Environmental Quality Act (CEQA).*

SECTION 77. Chapter 17.124, entitled “Amendments – Zoning Regulations and Zoning Map” is hereby amended to add a new section 17.124.050 entitled “Other Requirements” to read as follows:

17.124.050 – Other requirements.

Procedures for pre-zoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to general plan amendments, reports from the planning commission to the council upon referral, and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code.

SECTION 78. Section 17.138.090.B., entitled “Affordable Housing Agreement” is hereby amended to read as follows:

B. Affordable Housing Agreement. Any incentives provided by the City, beyond those incentives to which a developer may be automatically entitled to under Chapter 17.140 (Affordable Housing Incentives) shall require Council approval by the appropriate review authority and shall be set out in an affordable housing agreement. The form and content of such agreement shall be to the approval of the City Attorney and the Director. Developers are further encouraged to utilize other local, State or Federal assistance, when available, to meet the affordable housing standards.

SECTION 79. Section 17.138.140, entitled “Affordability Restrictions” is hereby amended to read as follows:

Developers of affordable units for sale shall specify the type of affordability restriction to be applied. The developer shall choose to either: (1) participate in a shared equity purchase program, as described in Section 17.138.150, or (2) enter into an affordable housing agreement to ensure that affordability is maintained for the longest period allowed or required by State law ~~but not less than 30 years. Affordable rental units shall be affordable for the longest period allowed or required by State law, but not less than 30 years..~~

SECTION 80. Section 17.138.160, entitled “Early Resale of Shared Equity Properties” is hereby amended to read as follows:

In the event of “early resale,” owners of properties subject to the shared equity purchase program shall either: (1) pay an equity recapture fee to the City as described in the schedule below, in addition to the City’s equity share, or (2) sell the property to another eligible household. “Early resale” shall mean the sale, lease, or transfer of property within ~~six~~ seven years of the initial close of escrow. If the owner chooses to pay the equity recapture fee, the recapture fee shall be paid to the City upon resale at close of escrow, based on the following schedule:

Table 8-1: Percent of Equity Build-up Recaptured	
Year	% of Equity Build-up Recaptured
0 – 3	100%
4	75%
5	50%
6	25%
7 and after	0%

The recapture amount shall be determined prior to the calculation of escrow closing costs.

SECTION 81. Section 17.140.040, entitled “Standard Incentives for Housing Projects” subsection A is hereby amended to read as follows:

- A.** *This Section shall apply only to housing projects consisting of five or more dwelling units, including mixed-use developments. Per State law, projects that provide affordable housing are allowed up to a ~~35~~ 50 percent density bonus based on the tables outlined below for the respective affordability levels. In addition, the Director may approve a density bonus in excess of ~~35~~ 50 percent at the request of the developer, as well as other concessions and incentives outlined in Section 17.140.070.*

SECTION 82. Section 17.140.040 Table 8-2 entitled “Density Bonus for Percentage of Low Income Dedicated Units” is hereby amended to read as follows:

<i>Table 8-2: Density Bonus for Percentage of Low Income Dedicated Units</i>	
<i>Percentage Low Income Units</i>	<i>Percentage Density Bonus</i>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
<u>16</u>	<u>29</u>
17	30.5
18	32
19	33.5
20	35
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

SECTION 83. Section 17.140.040 Table 8-3 entitled “Density Bonus for Percentage of Very-Low Income Dedicated Units” is hereby amended to read as follows:

<i>Table 8-3: Density Bonus for Percentage of Very-Low Income Dedicated Units</i>	
<i>Percentage Very-Low Income Units</i>	<i>Percentage Density Bonus</i>
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
<u>12</u>	<u>38.75</u>
<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

SECTION 84. Section 17.140.040 Table 8-4 entitled “Density Bonus for Percentage of Moderate Income Dedicated Units” is hereby amended to read as follows:

<i>Table 8-4: Density Bonus for Percentage of Moderate Income Dedicated Units</i>	
<i>Percentage Moderate Income Units</i>	<i>Percentage Density Bonus</i>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14

<i>Table 8-4: Density Bonus for Percentage of Moderate Income Dedicated Units</i>	
<i>Percentage Moderate Income Units</i>	<i>Percentage Density Bonus</i>
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
<u>40</u>	<u>35</u>
<u>41</u>	<u>38.75</u>
<u>42</u>	<u>42.5</u>
<u>43</u>	<u>46.25</u>
<u>44</u>	<u>50</u>

SECTION 85. Section 17.140.060, entitled “Standard Incentives for Conversion of Apartments to Condominium Projects” subsection F., is hereby amended to read as follows:

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- F. The City shall grant the developer's request for development incentive(s) unless the Council Review Authority makes written findings of fact that the additional incentive(s) are not required to achieve affordable housing objectives as defined in Section 50062.5 of the Health and Safety Code, or to ensure that sales prices for the targeted dwelling units will be set and maintained in conformance with City affordable housing standards.*

SECTION 86. Section 17.140.070, entitled "Alternative or Additional Incentives" subsection B., (subsection B.1. through B.6 shall remain as existing) is hereby amended to read as follows:

- B. Alternative incentive proposals shall include information set forth in Section 17.140.030 (Application Process), as well as a description of the requested incentive. Alternative incentive proposals shall be considered by the Planning Commission Review Authority and may include but are not limited to one or more of the following:*

SECTION 87. Section 17.140.070, entitled "Alternative or Additional Incentives" subsection E., is hereby amended to read as follows:

- ~~E. Nothing in this Section shall be construed to require the Planning Commission to approve any alternative incentive or concession. The Planning Commission Review Authority shall approve the requisite number of incentives or concessions afforded by this Section. However, the details surrounding the incentives or concessions shall be at the discretion of the Planning Commission. The Review Authority shall grant the specific concession or incentive requested by the applicant unless it can make a written finding, based upon substantial evidence, that the incentive or concession doesn't result in cost reductions, or would have a specific adverse impact upon public health and safety or the environment or on historical properties that can't be mitigated, or would be contrary to state or federal law (Government Code 65915(d)(1)).~~*

SECTION 88. Section 17.140.070, entitled "Alternative or Additional Incentives" subsection F., is hereby amended to read as follows:

- ~~F. The Planning Commission Review Authority's action on any alternative incentive proposal shall be by resolution. Any such resolution shall include findings relating to the information required in subsection B or C of this Section.~~*

SECTION 89. Chapter 17.146, entitled "Residential Occupancy Standards" is hereby removed from the San Luis Obispo Municipal Code.

SECTION 90. Chapter 17.148, entitled "High-Occupancy Residential Use Regulations" is hereby removed from the San Luis Obispo Municipal Code.

SECTION 91. Section 17.154.004, entitled "Organization" is hereby amended to read as follows:

This Article is subdivided into the following Chapters.

- A. Chapter 17.156 (Land Use Definitions) applies to land uses and activities identified in Table 2-1: Uses Allowed By Zone of Section 17.10.020 (Use Regulations By Zone).*
- ~~B. Chapter 17.60 (AOZ Land Use Definitions) applies to land uses and activities identified in Table 2-24: Airport Overlay Zone — Maximum Allowed Persons of Section 17.64.040 (Development Standards and Uses).~~*
- BC. Chapter 17.158 (General Definitions) applies to all other terms used in Title 17.*
- C. Chapter 17.160 (Previous Land Use Definitions) applies to land use classification identified in project approvals prior to the 2018 Zoning Regulations Update and land use classification identified within existing Specific Plans or Area Plans.*

SECTION 92. Section 17.156.004, entitled “A Definitions”, the definition for “Agricultural Accessory Structure” is hereby amended to read as follows:

Agricultural Accessory Structure. *Incidental and accessory structures and uses located on the same site with a permitted agricultural use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm outbuildings, private garages and carports, storehouses, garden structures, produce stands, greenhouses, recreation rooms, private swimming pools, and tennis courts for the use of the persons residing on the site.*

SECTION 93. Section 17.156.006, entitled “B Definitions”, the definition for “Boarding House” is hereby amended to read as follows:

Boarding House. *A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms, with or without individual or group cooking facilities, are rented to ~~three~~ six or more individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in the residence. Meals may also be included. This use type includes convents, monasteries, and student dormitories, but does not include “Fraternities and Sororities,” which are separately defined, nor does it include a fraternity or sorority that is not in good standing with the California Polytechnic University. Notwithstanding this definition, no single-unit dwelling operated as a group home pursuant to the Community Care Facilities Act, which is otherwise exempt from local Zoning Regulations, shall be considered a boarding house.*

SECTION 94. Section 17.156.012, entitled “E Definitions”, the definition for “Bars, Live Entertainment and Taverns” under “Eating and Drinking Establishments” is hereby reclassified as “Bars and Taverns” to read as follows:

~~Bars, Live Entertainment, and Taverns.~~ *Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the*

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establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. This use includes wine tasting rooms and micro-breweries where alcoholic beverages are sold and consumed onsite and any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses.

SECTION 95. Section 17.156.014, entitled “F Definitions” is hereby amended to add a new definition for a new term, entitled “Farmworker Housing” to be located after the existing definition entitled “Farm and Feed Stores” to read as follows:

Farmworker Housing. *Housing accommodation developed for and/or provided to farmworkers and shall consist of any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites. Farmworker housing includes:*

- 1. Farmworker Dwelling Unit – Housing for up to six farmworkers or one farmworker and his or her household.*
- 2. Farmworker Housing Complex – Either housing that (1) contains group style housing, such as barracks or a bunkhouse, with a maximum of thirty-six (36) beds and is occupied exclusively by farmworkers; or (2) contains a maximum of twelve (12) residential units occupied exclusively by farmworkers and their households.*

SECTION 96. Section 17.156.018, entitled “H Definitions” is hereby amended to remove “Handicraft Manufacturing”, “High-occupancy Residential Use” and “High Occupancy Residential Use”, a duplicate definition, from its list of “H Definitions” and reads as follows:

~~**Handicraft Manufacturing.** Establishments primarily engaged in onsite production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment. Handicraft Manufacturing uses shall include the accessory direct retail sale to consumers of only those goods produced onsite. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers. For handicraft manufacturing uses without a retail component, see “Manufacturing – Light.” For retail uses with an accessory manufacturing component, see “Retail Sales – General Retail.”~~

~~**High-occupancy residential use.** Any dwelling in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more persons over the age of 18. Does not include “Residential Care Facilities.”~~

~~**High occupancy residential use.** Any dwelling in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.~~

SECTION 97. Section 17.156.020, entitled “I Definitions”, the definition for “Instructional Services” is hereby amended to read as follows:

Instructional Services. *Commercial establishments that offer specialized programs in personal growth and development served provided on an individual or group setting.*

Typical uses include classes or instruction in music, fitness, art, or academics. Instructional Services also include rehearsal studios as an accessory use.

SECTION 98. Section 17.156.026, entitled “L Definitions” is hereby amended to add a new definition for a new term entitled “Live Entertainment” to be located after the existing definition entitled “Liquor Stores” and reads as follows:

Live Entertainment. *A facility providing entertainment, examples of which include, but are not limited to, amplified live or recorded music and/or dancing, comedy, disc jockeys, etc., or for which a cover fee or ticket may be required, which may also serve alcoholic beverages for on-site consumption. Does not include activities that are defined as ambient (see “Ambient Music”). Does not include facilities that provide entertainment as a primary use (see “Sports and Entertainment Assembly Facility”). Does not include adult entertainment businesses which is separately defined, see Section 17.86.030 (Adult Business Uses).*

SECTION 99. Section 17.156.026, entitled “L Definitions” is hereby amended to add a new definition for a new term, entitled “Low Barrier Navigation Centers” to be located after the existing definition “Lodging” and reads as follows:

Low Barrier Navigation Centers. *Low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (see “Transitional Housing and Supportive Housing”).*

SECTION 100. Section 17.156.028, entitled “M Definitions” is hereby amended to add language to the “Maintenance and Repair Services” definition to read as follows:

Maintenance and Repair Services. *Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification includes base facilities for various businesses that provide services on the premises of their clients such as gardening, janitorial, pest control, water and smoke damage recovery, and appliance services (computer, electronic, elevator, equipment, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. This classification excludes maintenance and repair of vehicles or boats (see “Vehicle Sales and Services”), office-only facilities with no storage of the equipment that is serviced (see “Offices”), and personal apparel (see “Personal Services”).*

SECTION 101. Section 17.156.028, entitled “M Definitions” hereby amends the “Multi-Unit Dwellings” definition to read as follows:

Multi-Unit Dwellings. *Two or more dwelling units attached or detached, ~~not including any Accessory Dwelling Units, on a site or lot, which does not include an accessory dwelling unit.~~ Types of multiple unit dwellings include a duplex, townhouses, common interest subdivisions, garden apartments, senior housing developments, and multistory apartment buildings. Multi-unit dwellings may also be combined with non-residential*

uses as part of a Mixed-Use Development.

SECTION 102. Section 17.156.030, entitled “N Definitions” hereby amends the “Nightclubs” definition to read as follows:

Nightclubs. See ~~“Eating and Drinking Establishments—Bars, Live Entertainment, and Taverns.”~~

SECTION 103. Section 17.156.044, entitled “V Definitions” hereby amends the “Vacation Rentals” definition to read as follows:

Vacation Rentals. *A dwelling or part of a dwelling or recreational vehicle, where lodging is furnished for compensation for fewer than 30 consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed and breakfast establishments, homestay rentals, hotels, motels, or boarding/rooming houses, which are separately defined.*

SECTION 104. Section 17.158.008, entitled “B Definitions” hereby amends “Table 9-1: Rooms and Common Spaces Not Considered Bedrooms” within the “Bedroom” definition to read as follows:

Table 9-1: Rooms and Common Spaces Not Considered Bedrooms	
Hallway	Den (see definition, Section 17.158.012)
Bathroom	Mezzanine (see definition for requirements, Section 17.158.030)
Kitchen/breakfast nook	Laundry room
Living room, family room, dining room	<u>Junior Accessory Dwelling Units (see definition, Section 17.156.022)</u>

SECTION 105. Section 17.158.008, entitled “B Definitions” is hereby amended to add a new definition entitled “Bicycle Parking Space.”, and three additional definitions associated to “Bicycle Parking Space” entitled “Alternative Bicycle.”, “Long-term Bicycle Parking.”, and “Short-term Bicycle Parking.” and reads as follows:

Bicycle Parking Space: *The volume of space that is used to accommodate the storage of one locked bicycle. Bicycle parking spaces are to be designed and spaced in a way that accommodates for typical two-wheel bicycles and/or alternative bicycles.*

Alternative Bicycle: *Non-traditional bicycles with larger parking space requirements, including but not limited to, cargo bikes, bikes with trailers, recumbent bikes, etc.*

Long-term Bicycle Parking. *Bicycle parking spaces designed for employees, residents, public transit users, and other long-term users that need to park their bike for several hours or more. Long-term bicycle parking provides for increased security in lit and covered (weather protected) locations. Common examples of*

long-term bike parking are storage lockers, internal lockable rooms or enclosures reserved for bicycle storage, or secured parking areas managed by attendants.

Short-term Bicycle Parking. Bicycle parking space used by visitors, customers, and other short-term users of residential, commercial, and institutional uses. Bicycle racks compliant with City standards are used to satisfy this need.

SECTION 106. Section 17.158.018, entitled “G Definitions” hereby amends the “Guest Quarters.” definition to read as follows:

Guest Quarters. A separate accessory space that does not provide direct access to primary living space amenities, attached or detached, which contains bathroom facilities including toilets, bathing facilities, showers, or sinks but does not contain a kitchen (see “kitchen” definition in Section 17.158.050: K Definitions).

SECTION 107. Section 17.158.022, entitled “I Definitions” hereby amends the “Intermittent use.” definition to read as follows:

Intermittent use. A Temporary Use (see “Temporary Use”) that occurs no more than 90 120 days in a year, but which may continue from year to year.

SECTION 108. Section 17.158.034, entitled “L Definitions” is hereby amended to add a new definition entitled “Landscape Area” located before the definition entitled “Landscape, Rehabilitated” and reads as follows:

Landscape Area. Landscape area means all the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, artificial turf, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

SECTION 109. Section 17.158.034, entitled “O Definitions” is hereby amended to add a new definition entitled “Outdoor Furniture.” located after the definition entitled “Owner Occupancy” and reads as follows:

Outdoor Furniture. Furniture such as chairs, tables, settees or loungers, suited for use on an open porch or patio, i.e. furniture that is designed and intended for outdoor use such that it is weather proof or weather resistant and generally will not be damaged by exposure to rain, sun or other outdoor elements.

SECTION 110. Section 17.158.036, entitled “P Definitions” is hereby amended to add a new definition entitled “Patio” located after the definition entitled “Parking Management Plan” and reads as follows:

Patio. An outdoor space paved with concrete, rock, bricks, or other pavers that adjoins a residence and is designed and intended for standing, sitting, dining or recreation.

SECTION 111. Section 17.158.036, entitled “P Definitions” is hereby amended to add a new definition entitled “Porch” located after definition entitled “Planning Commission” and reads as follows:

Porch. *A covered deck, landing or platform adjoining an entrance to a residence or other building.*

SECTION 112. Chapter 17.160, entitled “Airport Overlay Zone Land Use Definitions (Table 2-24)” is hereby retitled as “Previous Land Use Definitions” to read as follows:

Chapter 17.160: ~~Airport Overlay Zone~~ Previous Land Use Definitions (~~Table 2-24~~)

SECTION 113. Severability. If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or any other provisions of the city' s rules and regulations. It is the city' s express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 114. Implementation. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in the Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage or when considered and approved as necessary upon referral by the San Luis Obispo Airport Land Use Commission.

INTRODUCED on the ____ day of ____, 2021, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 2021, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

O _____

Exhibit A – Table 2-1: Uses Allowed By Zone

Table 2-1: Uses Allowed By Zone																	
Key:	A = Allowed; MUP = Minor Use Permit approval required; CUP = Conditional Use Permit approval required																
	M/A = Minor Use Permit approval required on ground floor along street frontage, allowed on second floor or above																
Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

AGRICULTURE

Agricultural Accessory Structure	A	A															
Animal Husbandry and Grazing	A	A															
Community Garden	A	MUP	A	A	A	A	A										
Crop Production	A	A					A							MUP	MUP		
Greenhouse/Plant Nursery, Commercial	CUP	CUP															

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Fuel Dealer (propane, etc)														MUP	A		See also Sec. 17.74.060
Laboratory - Medical, Analytical, Research, Testing								CUP			A			A	A	A	See also Sec. 17.74.060
Manufacturing - Heavy															CUP	CUP	See also Sec. 17.74.060
Manufacturing - Light														A	A	A	See also Sec. 17.74.060
Recycling																	
Recycling - Collection Facility										MUP	MUP			MUP	A		
Recycling - Processing Facility															MUP		
Research and Development														A	MUP	A	See also Sec. 17.74.060
Salvage and Wrecking															MUP		
Warehousing, Storage, and Distribution																	

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	Permit Requirement by Zoning District																
Land Use	AG	C/ OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	Specific Use Regulations
Outdoor Storage														MUP	MUP		
Personal Storage														A	A		
Warehousing and Indoor Storage														A	A	MUP	
Wholesaling and Distribution														A	A	MUP	

LODGING

Bed and Breakfast Establishment	MUP				CUP	CUP					A	A	A				See Sec. 17.86.070
Homeless Shelter				A	CUP A	CUP A	A	CUP A	CUP A	CUP A	CUP A	CUP A	CUP A	CUP A	CUP A		See Sec. 17.86.150 and GC Sec. 65583(a)(4)
Hostel					CUP	CUP					A	A	A				
Hotels and Motels											A	A	A	CUP		CUP	
RV Parks													CUP				

PUBLIC AND QUASI-PUBLIC USES

Cultural Institutions							CUP			A	A	A	CUP				
Hospitals and Clinics																	
Clinic								MUP		MUP	A	MUP		MUP		MUP	See Sec. 17.36.030.C and Sec. 17.42.030.A
Hospital							CUP	CUP									
Park and Recreation Facilities			A	A	A	A	A	A	A	A	A	A	A	A	A	A	Parks and Recreation Commission review required.
Public Assembly Facilities							CUP	A		MUP	MUP	M/A	MUP	CUP			
Religious Assembly Facilities			CUP	MUP	MUP	MUP	MUP	A	MUP	MUP	A	M/A	MUP	MUP	MUP		See 42 U.S.C. §§ 2000cc, et seq.
Schools - Colleges							CUP										
Schools - Primary and Secondary			CUP	CUP	MUP	MUP	CUP	CUP		CUP	MUP			CUP			See Sec. 17.86.240

Table 2-1: Uses Allowed By Zone

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Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/ OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	
Schools - Trade Schools							CUP	MUP				CUP		MUP		MUP	In the C-D zone, Trade Schools are not allowed on the ground floor.
Sports and Entertainment Assembly Facility							CUP								CUP		

RESIDENTIAL USES

General Residential Housing Types																	
Single-Unit Dwellings, Detached	A	CUP	A	A	A	A		A									
Multi-Unit Residential				A	A	A		A									
Boarding House					CUP	CUP					MUP	MUP					See Chapter 17.146
Caretaker Quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	MUP	
Continuing Care Community			MUP	MUP	MUP	MUP		MUP			MUP	MUP					
Elderly and Long Term Care					MUP	MUP		MUP			M/A	M/A	MUP				
Family Day Care (Small and Large)	A		A	A	A	A		A	A	A	A	A	A	A	A		See Sec. 17.86.100 and H&SC 1597.40
Fraternalities and Sororities					CUP	CUP											Section 17.86.130
Hospice In-Patient Facility				CUP	CUP	MUP	CUP	CUP			MUP						
High Occupancy Residential Use			MUP	MUP													See Chapter 17.148
Mobile Home Park			A	A	A	A											See GC Sec. 65852.7, 65863.7, 65863.8
Residential Care Facilities - 6 or Fewer Residents	A		A	A	A	A		A	M/A		M/A	M/A	MUP				Multiple state statutes
Residential Care Facilities - 7 or More Residents			MUP	MUP	MUP	MUP		MUP			MUP	MUP					Multiple state statutes
Supportive and/or Transitional Housing, with On or Off-Site Services			A	A	A	A	MUP	A	MUP A	A	MUP A	A	A	A	A		See GC Sec. 65583(a)(5)
Farmworker Housing	A	A															

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Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

MIXED USES

Mixed-use Development								A	A	A	A	A	A	MUP A	CUP A		See Sec. 17.70.130
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COMMERCIAL USES

Adult Entertainment Businesses											A		A				See Sec. 17.86.030 and GC Section 65850.4
Animal Care, Sales and Services																	
Animal Boarding/Kennels	CUP													MUP	MUP		Outdoor runs and kennel areas shall be allowed only in the C-S zone. See also Sec. 17.86.170.
Animal Grooming									A	A	A	A		A	MUP		
Animal Retail Sales									MUP	A	A	A		A			
Veterinary Services, Large Animal	CUP													MUP	MUP		
Veterinary Services, Small Animal								A	A	A	A	M/A		A			
Banks and Financial Institutions																	
ATMs								A	A	A	A	A	A	A	A	A	
Banks and Credit Unions								A		A	A	A		MUP	MUP	MUP	See Sec. 17.36.030.B and Sec. 17.40.030.A
Check Cashing Shops/Payday Loans										MUP	MUP						
Business Services								A		A	A	M/A		A	A	A	
Cemetery		CUP	CUP	CUP	CUP	CUP	CUP				CUP		CUP	CUP	CUP		
Commercial Recreation - Large Scale							PG CUP			CUP	CUP	CUP	CUP	CUP	CUP	MUP	See Sec. 17.36.030.D and Sec. 17.86.110
Commercial Recreation - Small Scale								MUP	MUP	A	A	A	A	A	A	MUP	

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	Permit Requirement by Zoning District																
Land Use	AG	C/ OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	Specific Use Regulations
Day Care Center			MUP	MUP	MUP	MUP	MUP	A	A	A	A	M/A	MUP	MUP	MUP	MUP	See Sec. 17.86.100
Eating and Drinking Establishments																	
Bars, Live Entertainment, and Taverns										MUP	MUP	MUP	MUP	MUP	MUP	MUP	See also Sec. 17.86.040 and Sec. 17.86.050
Restaurant									A	A	A	A	A	A	MUP	MUP	
Restaurant with Late Hour Alcohol Service									MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	See Sec. 17.86.040 and Sec. 17.86.050
Food and Beverage Sales																	
General Market									A	A	A	A	CUP				See Sec. 17.26.030.B.1
Convenience Store				MUP	MUP	MUP			A	A	A	A	A	MUP	MUP	MUP	See Sec. 17.26.030.B.1 and Sec. 17.86.090
Produce Stand	MUP	MUP							A		A	A		A			
Liquor Store									MUP	MUP	MUP	MUP	CUP				See Sec. 17.26.030.B.2 and Sec. 17.86.040
Food Preparation											A			A	A		
Funeral Parlors and Internment Services							MUP	MUP			A			MUP			
Instructional Services							MUP	CUP	MUP	M/A	A	M/A	CUP	A	MUP		
Maintenance and Repair Services														A	A	CUP	
Offices																	
Business and Professional Offices							MUP	A		A	A	M/A		M/A	MUP	MUP	In the C-S zone, a Minor Use Permit is required for office uses on the ground floor. See also Sec. 17.36.030.B and Sec. 17.40.030.A.
Medical and Dental Offices								A		MUP	A	M/A		MUP		MUP	See Sec. 17.36.030.C
Personal Services									A	A	A	A	MUP	A		MUP	

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	Permit Requirement by Zoning District																
Land Use	AG	C/ OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	Specific Use Regulations
Retail Sales																	See Sec. 17.26.030.A, 17.30.030.A, 17.32.030, and 17.34.034.A and 17.36.030.A
Building Materials and Services - Indoor										A	A	A		A	A		
Building Materials and Services - Outdoor										MUP	A	MUP		A	A		
Extended Hour Retail								MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP		
General Retail									MUP	A	A	A	MUP	MUP			
Large-Scale Retail										CUP	CUP	CUP					
Nurseries and Garden Centers											CUP			A	A		
Theaters							PC CUP			MUP	MUP	MUP				MUP	Only nonprofit theaters are allowed in the PF zone. See also Sec. 17.86.030.
Vehicle Sales and Services																	
Auto and Vehicle Sales and Rental											MUP		CUP	A	MUP		
Large Vehicle, Construction and Heavy Equipment Sales, Service, and Rental														MUP	A		
Service Stations									MUP	MUP	MUP		MUP	A			See Sec. 17.86.250, and Sec. 17.86.060.
Vehicle Services - Major Repair/Body Work														A	A	MUP	
Vehicle Services - Minor Repair/Maintenance										CUP	MUP			A	A	MUP	
Vehicle Services - Washing										MUP	MUP		CUP	MUP	MUP		

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Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

TRANSPORTATION, COMMUNICATIONS, & UTILITIES

Airport							CUP							CUP	CUP	MUP	
Wireless Telecommunications Facilities	MUP	MUP					MUP	MUP		MUP	MUP	MUP	MUP	MUP	MUP	MUP	See Sec. 17.86.290, 47 USC Sec. 332(c)(7) of the Telecommunications Act, Pub. Util. Code Sec. 7901 et seq., GC Sec. 65850.6
Freight/Truck Terminals														A	A	MUP	
Light Fleet-Based Services														A	MUP	MUP	
Media Production																	
Backlots and Soundstages														MUP	MUP	MUP	
Broadcast Studios								A			A	M/A		A	A	A	
Heliport							CUP	CUP						CUP	CUP		
Parking Facilities							CUP	CUP			CUP	CUP		CUP	CUP		See Sec. 17.86.200
Public Safety Facilities							CUP									CUP	
Transit Station or Terminal							CUP				CUP	CUP		MUP	A		
Utilities Facilities																	
Facilities with Onsite Staff	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Ground-mounted equipment in residential zones shall be screened by landscaping to the satisfaction of the Director.
Facilities with No Onsite Staff (unmanned)	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Transmission Lines	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

CANNABIS ACTIVITY

Cannabis																	See Section 17.86.080
Specialty Cultivator														MUP	MUP	MUP	
Small Cultivator														MUP	MUP	MUP	

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	M/A = Minor Use Permit approval required on ground floor along street frontage, allowed on second floor or above																
Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	
Nursery														MUP	MUP	MUP	
Manufacturing														MUP	MUP	MUP	
Distributor														MUP	MUP	MUP	
Microbusiness											CUP	CUP		MUP / CUP	MUP / CUP	MUP / CUP	See Sec. 17.86.080(E)(12) for specific requirements per zone.
Testing								CUP						A	A	A	Director's action required. See also Sec. 17.86.080(E)(9).
Retailer (Delivery)														MUP	MUP	MUP	
Retailer (Storefront)											CUP	CUP		CUP			

SPECIFIC AND TEMPORARY LAND USES

Educational Conferences Housing					MUP	MUP					MUP	MUP					
Homestay Rentals	See Sec. 17.86.160																
Home Occupation	See Sec. 17.86.140																
Food Trucks	See Sec. 17.86.120																
Nightclubs and Live Entertainment										MUP	MUP	MUP	MUP	MUP	MUP		
Office - Temporary	See Chapter 17.113																
Outdoor Temporary and/or Seasonal Sales	See Sec. 17.86.190 and Chapter 17.113																
Parking Facility - Temporary							CUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	See Chapter 17.113
Safe Parking			PG CUP	PG CUP	PG CUP	PG CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		See Sec. 17.86.230
Special Event							MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP		See Chapter 17.113
Vending Machine								See Section 17.86.280									

Exhibit B - Figure 3-8: Airport Land Use Plan

