

RESOLUTION NO. PC-XXXX-24

A RESOLUTION OF THE CITY OF SAN LUIS OBISPO PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE AMENDING TABLE 2-1 (USES ALLOWED BY ZONE) IN TITLE 17 (ZONING REGULATIONS) OF THE MUNICIPAL CODE TO ADD SINGLE-FAMILY AND MULTI-FAMILY USES AS CONDITIONALLY ALLOWED WITH APPROVAL OF A MINOR USE PERMIT IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW (CEQA) AS REPRESENTED IN THE PLANNING COMMISSION AGENDA REPORT AND ATTACHMENTS DATED JUNE 12, 2024 (CITYWIDE; CODE-0224-2024)

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 June 12, 2024, for the purpose of recommending an amendment to Table 2-1 (Uses Allowed by Zone) of Title 17 (Zoning Regulations), pursuant to a proceeding under CODE-0224-2024; City of San Luis Obispo, applicant; and

WHEREAS, notices 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 interested parties and the evaluation and recommendations provided 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. Based upon all evidence, the Planning Commission makes the following findings:

1. The proposed amendment to Table 2-1 (Uses Allowed by Zone) in Title 17 (Zoning Regulations) of the Municipal Code to add single-family and multi-family residential uses as conditionally allowed uses with approval of a Minor Use Permit is consistent with the intent of the Neighborhood Commercial (NC) land use designation and purpose of the Neighborhood Commercial (C-N) zone.
2. The proposed amendment to Table 2-1 (Uses Allowed by Zone) in Title 17 (Zoning Regulations) of the Municipal Code to add single-family and multi-family residential uses as conditionally allowed uses with approval of a Minor Use Permit would not alter the character of the City or cause health safety or welfare concerns because the amendment is consistent with the General Plan. In addition, the amendment would directly implement City goals and policies, particularly the Major City Goal for Housing & Homelessness, to support the expansion of housing options and facilitate housing production.

3. Parcels located in the C-N zone include historical residential uses that are currently nonconforming. The proposed amendment would allow these residential uses to become conforming and facilitate additional opportunities for these uses to continue and expand.

SECTION 2. Environmental Determination. The proposed amendment to Table 2-1 (Uses Allowed by Zone) of Title 17 (Zoning Regulations) has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the CEQA Guidelines, and environmental regulations of the City. The amendment is exempt under Section 15061(b)(3) of the CEQA Guidelines. This “Common Sense” exemption states that CEQA only applies to projects that have the potential for causing significant effect on the environment. Since the text amendment is a minor revision that would conditionally allow residential uses with a Minor Use Permit in the C-N zone, the scope of this action is limited to a text amendment where subsequent single-family and multi-family residential development would be subject to discretionary review. Since these uses are subject to discretionary review, environmental review would be evaluated on a project-specific basis. It is also noted that there are existing single-family residences in some of the C-N zoned parcels. Therefore, there would not be additional environmental impacts for these parcels.

SECTION 3. Action. The Planning Commission hereby recommends to the City Council the introduction and adoption of an ordinance to amend Table 2-1 (Uses Allowed by Zone) in Title 17 (Zoning Regulations) of the San Luis Obispo Municipal Code and add single-family and multi-family uses as conditionally allowed uses in the C-N zone as set forth in Exhibit A and incorporated herein.

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

AYES:
NOES:
ABSENT:

The foregoing resolution was passed and adopted this 12th day of June 2024.

Tyler Corey, Secretary
Planning Commission

EXHIBIT A

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																	
Outdoor Storage														MUP	MUP		
Personal Storage														A	A		
Warehousing and Indoor Storage														A	A	MUP	

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	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	
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	A	A	A	A	A	A	A	A	A	A	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

[illegible]

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RESIDENTIAL USES

General Residential Housing Types																	
Single-Unit Dwellings, Detached	A	CUP	A	A	A	A		A	MUP								
Multi-Unit Residential				A	A	A		A	MUP								
Boarding House					CUP	CUP					MUP	MUP					
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
Fraternities and Sororities					CUP	CUP											Section 17.86.130
Hospice In-Patient Facility				CUP	CUP	MUP	CUP	CUP			MUP						
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	A	A	A	A	A	A	A		See GC Sec. 65583(a)(5)
Farmworker Housing	A	A															

MIXED USES

Mixed-use Development								A	A	A	A	A	A	A	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							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	
Day Care Center			MUP	MUP	MUP	MUP	MUP	A	A	A	A	M/A	MUP	MUP	MUP	MUP	See Sec. 17.86.100

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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
Eating and Drinking Establishments																	
Bars and Taverns										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 MUP 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		A	A	M/A		MUP		MUP	See Sec. 17.36.030.C
Personal Services									A	A	A	A	MUP	A		MUP	

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Retail Sales										A	A	A		A	A		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							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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TRANSPORTATION, COMMUNICATIONS, & UTILITIES

[illegible]

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CANNABIS ACTIVITY

Cannabis																See Section 17.86.080		
Specialty Cultivator														MUP	MUP	MUP		
Small Cultivator														MUP	MUP	MUP		
Nursery														MUP	MUP	MUP		
Manufacturing														MUP	MUP	MUP		
Distributor														MUP	MUP	MUP		
Microbusiness										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				

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			CUP	CUP	CUP	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									