

## 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 6<sup>th</sup> 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 6<sup>th</sup> 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 polices.

2. The proposed amendments to Title 17 are also consistent with the 6<sup>th</sup> 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 6<sup>th</sup> 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 22<sup>nd</sup> day of September 2021.

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Tyler Corey, Secretary  
Planning Commission