

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

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 r 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.

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 polices.
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.

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	
<i>BP</i>	<i>Business Park</i>
Overlay Zones	
<i>AO</i>	<i>Airport Overlay</i>

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:

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.

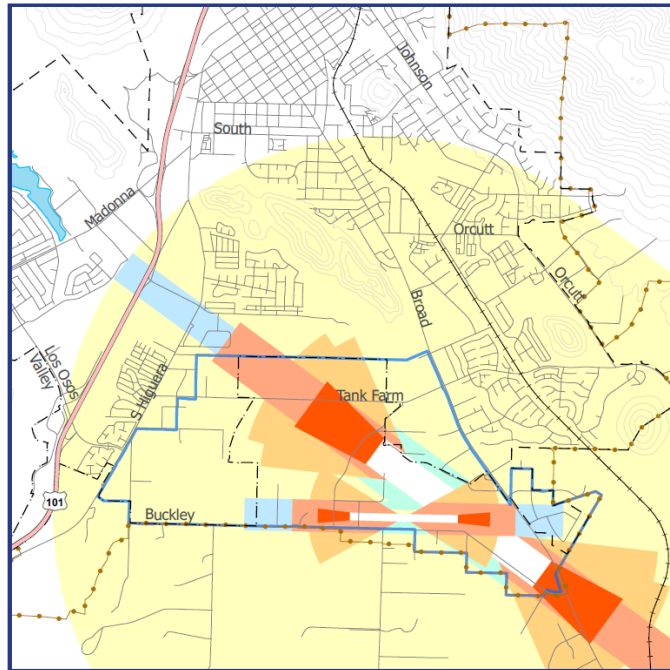
SECTION 17. Chapter 17.70 entitled “Site Development and General Development Standards” is hereby amended to add a new subsection Section 17.70.020 entitled “Airport Land Use Plan Consistency” and add Figure 3-1 “Airport Land Use Plan Airport Influence Area (AIA)” (existing Figures 3-1 through 3-20 are 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 <u>10</u>	12	As allowed in the Zoning Regulations for that zone.
21 – 25	2	4	6 <u>7</u>	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:

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	
<i>Handicraft Manufacturing</i>	<i>1 space per 1,000 sf</i>

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:

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	
Food Preparation (no on-site sales or service)	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 ~~non~~residential 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

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.

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

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:

- 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);

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;

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 6-1: 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:

Table 8-2: Density Bonus for Percentage of Low Income Dedicated Units	
Percentage Low Income Units	Percentage Density Bonus
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:

Table 8-3: Density Bonus for Percentage of Very-Low Income Dedicated Units	
Percentage Very-Low Income Units	Percentage Density Bonus
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:

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

Table 8-4: Density Bonus for Percentage of Moderate Income Dedicated Units	
Percentage Moderate Income Units	Percentage Density Bonus
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:

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*

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	Junior Accessory Dwelling Units (see definition, Section 17.156.022)

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