

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BEB*
DATE: AUGUST 3, 2007

**AGENDA ITEM
E-3
AUGUST 8, 2007**

REVIEW AFFORDABLE HOUSING ORDINANCES FEIR

ITEM

Review SLO County Affordable Housing Ordinances Final Environmental Impact Report (FEIR) [FORWARD COMMNETS TO COUNTY].

BACKGROUND

Attached is a compact disk containing the 474 page Affordable Housing Ordinances FEIR (A hard copy is available for review at the NCSD Office). This June 2007 FEIR includes the revised Draft EIR (circulated from February 9, 2007 through March 11, 2007); the comments received on the Draft EIR; and the responses to those comments. Also attached is the Draft Ordinance amending title 22 of the County Code (The Land Use Ordinance); the August 9, 2007 Planning Commission Meeting Agenda, at which the FEIR and the Ordinances will be discussed, and the staff note from County Planning to the County Planning Commission for the August 9, 2007 meeting. The ordinances (the Title 22 ordinance included with this note and two additional Coastal Zone Ordinances not reprinted here) under consideration include Revisions to the Residential Development Standards, new Requirements for development of Affordable Housing, and General Plan Amendments Establishing Minimum Multi-Family (RMF) Densities. The provisions regarding revisions to the Residential Development Standards would reduce lot sizes resulting in 538 additional potential lots in the South County Inland Planning Area. The provisions regarding Inclusionary Housing are expected to add 5,051 "Bonus Units" county-wide. The provisions regarding Minimum Density Requirements for RMF Designated Land would add 337 new dwellings to Nipomo out of the 384 dwellings countywide. The attached staff note (Page 3) summarizes SCAC's comments on the ordinances and responds.

County Planning Department Staff have requested that the Planning Commission develop recommendations to pass on to the Board of Supervisors. The Board of Supervisors could consider the Ordinances as early as November.

RECOMMENDATION

The ordinances would clearly intensify the density of development in urban core areas like the West Tefft Corridor and thus increase future water demands and sewer flows. Staff recommends that the Board authorize the President to caution the County that the Nipomo Mesa has limited water resources and that the District will need time to expand the Southland WWTF.

ATTACHMENTS

- CD of Affordable Housing Ordinances FEIR
- Draft Land Use Ordinance Amending County Code, Title 22
- Staff note for August 9, 2007 Planning Commission Meeting
- Agenda for August 9, 2007 Planning Commission Meeting

LVO

EXHIBIT LRP 2005-00010:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.10, 22.12, 22.18, AND 22.22 BY AMENDING VARIOUS SECTIONS RELATING TO SINGLE FAMILY AND MULTI FAMILY LOT SIZES, ALLOWED DENSITY AND DESIGN STANDARDS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Chapter 22.10 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding Section 22.10.155 as follows:

22.10.155 - Telecommuting

A. **New land divisions.** To the extent feasible, residences constructed on new land divisions shall have internal wiring/cabling that allows telecommuting, teleconferencing and telelearning to occur simultaneously in at least three locations in each residence. All land division applications, except for the condominium subdivision of existing residential units, shall be conditioned to require these improvements.

SECTION 2: Section 22.10.110C of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

C. **Required area.** The following land uses shall be located only on sites with the minimum areas specified, unless other minimum site area requirements are established by Chapter 22.30 for specific uses, by Chapter 22.14 for combining designations or by planning area standards in Article 9.

Type of Land Use	Minimum Site Area
Agricultural, Resource, and Open Space Uses	None required
Industry, Manufacturing & Processing, Warehousing	None required except as follows
Food and beverage products	5 acres for tallow works and rendering plants; none required otherwise.
Metal industries, primary	5 acres
Paving materials	1 acre
Petroleum refining and related activities	20 acres for refineries and tank farms; 20,000 sf for petroleum product distributors where all storage is underground or within a building.
Wholesaling and distribution	None required

Recreation, Education & Public Assembly Uses	None required except as follows
ORV courses	20 acres, or larger as required by Conditional Use Permit approval
Public assembly & entertainment	20,000 sf. A theater within a shopping center or parking district may have the minimum area combined with other uses and common parking facilities.
Residential Uses	
Multi-family dwellings	6,000 4,000 square feet for two units. Minimum site area for a Additional units are allowed consistent with is established by Section 22.10.130.B (Multi-Family Dwellings).
Single-family dwellings	1,750 sf (1)
Mobile homes	As required by Section 22.30.450 (Residential - Mobile Homes).
Retail Trade Uses	None required

SECTION 3: Section 22.10.130B of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

B. Multi-family dwellings. The number of multiple family dwellings allowed on a single lot or adjoining lots is based upon the "intensity factor" of the site. The intensity factor will be either low, medium or high, based upon the type of street serving the site, the sewer service provided, and the distance of the site from the central business district. The intensity factor determines the maximum number of units allowed, ~~the maximum floor area for all units in the project and minimum areas for landscaping and pedestrian use and the maximum lot coverage ratio.~~ A multi-family project must satisfy the floor area and open area standards of this Section, as well as all applicable requirements for parking, setbacks and height. (Multi-Family dwellings in the Recreation Category are subject to Section 22.30.500 (Residential Uses in the Recreation Land Use Category).)

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

Criteria	Intensity Factor			
	Low	Medium	High	
Type of road access	Unpaved road	✓		

	Paved local street		✓	
	Paved collector or arterial (1)			✓
Sewer service	On-site septic	✓		
	Community sewer			✓
Distance from CBD(2)	More than 1 mile	✓		
	1 mile or less		✓	
	Less than 1,000 ft			✓

Notes:

- (1) Site access may be from a cross street where the site abuts a collector or arterial.
- (2) Straight-line distance from central business district (CBD).

2. **Determining allowable density.** The allowable density, ~~maximum floor area and minimum open area and lot coverage ratio~~ for a multiple-family project shall be as shown in the following table (all area figures are expressed as percentages of the total usable site area). A minimum of ~~6,000~~ 4,000 square feet of site area is required to establish more than one dwelling unit, in compliance with Section 22.10.110.C (Minimum Site Area - Multi-Family Dwellings):

Intensity Factor	Maximum number of units per acre	Maximum floor area lot coverage ratio (1)	Minimum open area (2)
Low	15	35%	55%
Medium	26	48.45%	45%
High	38	65.60%	40%

Notes:

- (1) ~~The gross floor area footprint area of all residential structures, including upper stories, but not and residential accessory structures including garages and carports (but not swimming pools).~~
- (2) ~~Includes required setbacks, and all areas of the site except buildings and parking spaces.~~

3. **Common open space.** Site design for multi-family projects shall provide a varied distribution of buildings, separated by usable private and common open spaces and parking areas. Common area open space shall include at least one usable, active recreation area with the following area and features as follows:

Number of Dwelling Units	Minimum Area per Unit	Features (1)
4	250 sf	Table with benches, shade and playground equipment, for every 4 units.

<u>40</u>	<u>300 sf</u>	Above plus enclosed sheltered mail delivery point at vehicle and pedestrian focal points, in compliance with Postal Service regulations for multi-family dwellings.
<u>60</u>	<u>800 sf</u>	Above plus enclosed common room(s) with recreation equipment, meeting furniture and kitchen for every 60 subsequent units.

Notes:

- (1) **Examples:** An eight-unit project would have at least 500 square feet of usable outdoor area, with tables and benches, shade and playground equipment. A 100-unit project would have a combination of passive and active playground areas totaling 6,250 square feet, enclosed mail rooms, and an enclosed common room.

SECTION 4: Section 22.10.140D of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

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

1. **Basic front setback requirement.** All structures with a height greater than three feet shall be set back a minimum of 25 feet from the nearest point on the front property line; except where this Section establishes other requirements or where otherwise provided by Chapter 22.20 (Signs) or Section 22.10.080 (Fencing and Screening).
2. **Residential uses.** All residential uses except for second-story dwellings over a commercial or office use shall have a minimum front setback of 25 feet, except as follows:
 - a. **Residential Single and Multi-Family Categories.** Lots less than one acre in size that are located in either the Residential Single or Multi-Family land use categories may have a front setback of 20 feet, except where a smaller front setback is allowed by Section 22.22.080.D, by Chapter 22.12 (Affordable Housing Incentives) for density bonus development or by Section 22.22.140 for Cluster Divisions.
 - ab. **Shallow lots.** The front setback shall be a minimum of 20 feet for any legally-created lot with an average depth less than 90 feet.
 - bc. **Sloping lot adjustment.** In any case where the elevation of the natural grade on a lot at a point 50 feet from the centerline of the adjacent street right-of-way is seven feet above or below the elevation of the centerline, required parking (including a private garage) may be located, at the discretion of the applicant, as close as five feet to the street property line, in compliance with Section 22.70.030 (Adjustment), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.
 - cd. **Variable setback block.** Where a residential block is partially developed with single-family dwellings having less than the required front setbacks, and no uniform front setback is established by a planning area standard, the front setback may be adjusted (Section 22.70.030) at the option of the applicant, as follows:

- (1) **Prerequisites for adjustment.** Adjustment may be granted only when 25 percent of the lots on the block with the same frontage are developed, and the entire block is within a single land use category.
 - (2) **Allowed adjustment.** The normally required minimum front setback shall be reduced to the average of the front setbacks of the existing dwellings (which include attached garages but not detached garages), to a minimum of 10 feet.
- de. Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Section 22.22.140), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code.
- ef. Lots with parkways.** Where a lot is fronted by a fixed-width parkway between the curb and sidewalk, or meandering sidewalk that varies the parkway separation between the curb and the sidewalk, and where in either case the parkway is landscaped with one or more street tree for each 50 feet of frontage, and turf or low maintenance plants, the front setback may be reduced to a minimum of 15 feet for all portions of the residence except the garage. The garage shall have a minimum front setback of 25 feet.

SECTION 5: Section 22.12.040D.2. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- 2. **Minimum parcel size and maximum number of units per acre.** The minimum parcel size required in the Residential Single-Family land use category by Section 22.22.080 may be decreased, or the maximum floor area maximum number of units per acre and the maximum lot coverage ratio permitted in the Residential Multi-Family land use category by Section 22.10.130.B; may be decreased may be increased by the same percentage that the density may be increased under this Section; except that where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions have been granted, the minimum parcel size may be decreased or maximum floor area the maximum number of units per acre and the maximum lot coverage ratio may be increased by only 25 percent.

SECTION 6: Section 22.18.050.C.5 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

5. Residential Uses:

USE	PARKING SPACES REQUIRED	PARKING LOT TURNOVER	LOADING BAY INTENSITY
-----	----------------------------	-------------------------	-----------------------------

Single-Family Dwellings (Including mobile homes, on individual lots.)	2 per dwelling	Low	N.A.
Multi-Family Dwellings (including for the purpose of parking calculations, condominiums and other attached ownership dwellings.)	<u>Resident Parking:</u> 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 2 per three or more bedrooms, plus <u>Guest Parking:</u> 1 space, plus 1 for each 4 units, or fraction thereof beyond the first four. Guest parking may be reduced by one space for projects of 15 units or less. In no case shall there be less than one <u>guest space.</u>	Low	N.A.
Nursing and Personal Care	1 per 4 beds	N.A.	N.A.
Group Quarters (including boarding houses, rooming houses, dormitories, and organizational houses.)	1 per bed, plus 1 per 8 beds.	Low	N.A.

SECTION 7: Section 22.22.080 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.22.080 - Residential Single-Family and Multi-Family Categories

The minimum parcel size is based upon the type of public road serving the property proposed for division, terrain features, and the type of sewage disposal facilities to be used for the parcels to be created. Minimum parcel size is determined by applying the three tests of this Section to the features of the parcels to be created. The allowable minimum size is the *largest area* obtained from any of the tests, except as provided by ~~Subsection D~~: Subsection E for condominium-type projects, and except for cluster divisions in compliance with Section 22.22.140. Community water service is a prerequisite to land division in the Residential Single-Family and Multi-Family categories in every case.

- A. **Lot access test.** The lot size test considers both the type of public roadway providing vehicular access to the site and roads to be constructed with the land division. If more than one public street would serve a proposed parcel, this access standard shall be applied only to the street that actually provides vehicular access.

Road Type (1)	Minimum Parcel Size
Arterial	20,000 sf
Collector	10,000 sf

Local Residential Single Family Residential Multi-Family	6,000 5,000_sf <u>6,000 sf</u>
--	--

Notes:

- (1) As identified by the Land Use Element (Part II).

- B. **Slope test.** Site slope shall be measured as an average for each proposed parcel, as defined in Article 8 (Definitions - Slope).

Average Slope	Minimum Parcel Size	
	Outside GSA	Inside GSA (1)
Over 30%	20,000 Sq. Ft.	1 Acre
16-30%	8,500 Sq. Ft.	15,000 Sq. Ft.
0-15% - Residential Single Family	6,000 5,000 Sq. Ft.	6,000 <u>5,000</u> Sq. Ft.
<u>0-15% - Residential Multi-Family</u>	<u>6,000</u> Sq. Ft.	6,000 Sq. Ft.

Notes:

1. Geologic Study Area combining designation.

- C. **Sewer test.** The sewer test considers the type of sewage treatment facilities that will serve the proposed parcels.

Sewage Facility	Minimum Parcel Size
Community Sewer Residential Single Family Residential Multi-Family	6,000 5,000 Sq. Ft. <u>6,000</u> Sq. Ft.
Septic Tank Leaching Capacity: 0-5 Minutes/Inch 5+ Minutes/Inch	20,000 Sq. Ft. 1 Acre

- D. **Permit Requirement and Design Standards.** In the Residential Single Family category, a Conditional Use Permit shall be approved concurrently with the tentative subdivision map for any land division with parcels of less than 6,000 square feet in size. The purpose of the Conditional Use Permit is to establish, to the satisfaction of the Review Authority, that land divisions with parcels of less than 6,000 square feet in size shall be developed in conformance with the design standards and guidelines of this subsection.

As used in this subsection, a *standard* is used to indicate mandatory requirements and a *guideline* is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding other alternatives. In the case of a guideline, the land division application shall state why the proposal is better than the guideline set forth in this subsection. An adjustment to the design standards may be approved by the Review Authority pursuant to Section 22.70.030 when a subdivided parcel is constrained by limited site area, physical site constraints or natural features that make application of the design standards infeasible.

1. Site Design.

a. Access. (Standard). The project shall connect with adjacent residential and commercial areas, by both car and pedestrian/bike access where such access is feasible. Alley access is encouraged. Where an alley is being created to provide access, the alley may be included in the net site area.

b. Public and Private Streets. (Standard). All on-site streets shall provide special design features such as bulb-out intersections, neckdown curbs and separated sidewalks with street trees. Neckdown curbs and decorative paving shall be incorporated at crosswalks, entries, parks, tot lots and open space areas.

c. Public Streets. (Guideline). A minimum of one public street should be constructed for any development over 12 units or one acre, to connect to existing or future streets in order to create a neighborhood network. This street should connect to adjacent roads at a minimum of two locations creating a through street whenever feasible.

d. Street Design. (Guideline). New public and private streets should be designed to create a connected patterns with a variety of linear and curvilinear forms for aesthetic interest, environmental sensitivity and efficient use of land. A "grid" layout is encouraged; however, the grid may be occasionally interrupted (while still remaining in compliance with the design criteria in the Real Property Division Ordinance) in order to prevent "cut-through" traffic in neighborhoods.

e. Vistas. (Guideline). Streets, walkways, trails, vehicular and pedestrian access routes should focus on important vistas such: as community buildings, mountains, trees, and open spaces.

2. Lot and Building Design. The design of the subdivision shall comply with all standards as set forth in Title 21 of this code, except where the following subsections provide relief to those standards or where relief is granted pursuant to the Conditional Use Permit and Title 21 Section 21.03.020 - Adjustments.

a. Lot Width (Standard). The minimum lot width for each parcel shall be not less than thirty-five feet at the front yard setback and not less than seventy feet in depth, provided that corner parcels permit structures to conform to the setback line of each street.

- b. **Lot Coverage (Standard).** The coverage of each residential parcel by structures shall not exceed fifty percent (50%) of the total area of the parcel. Cluster division lot coverage is authorized pursuant to Section 22.22.140.
- c. **Backyards. (Standard)** The minimum dimension of a backyard shall be 15 feet by 20 feet. Where substantial grading is not necessary this area shall be reasonably flat and usable.
- d. **One and Two Story Requirements. (Standard).** For land divisions with five or more parcels, at least 25 percent of the residences shall be one story (a maximum of 16 feet in height) and scattered evenly throughout the project. For the remaining residences, designs for two story residences shall include a variety sizes and shapes. The second story area should generally be located in the rear or to one side of the of the house, creating a bay or vertical element on the front facade. To ensure variation when viewed from the street, different two story designs shall be scattered throughout the project. It is recommended that the following size limits for second story floor area be used:
- (1) At least 25 percent of the residences shall have one story (maximum height of 16 feet above grade).
 - (2) A maximum of 25 percent of the residences may have a small second story area that covers up to 30 percent of the first story.
 - (3) A maximum of 25 percent of the residences may have a medium second story area that covers up to 60 percent of the first story.
 - (4) A maximum of 25 percent of the residences should have a second story area that covers up to 100 percent of the first story.
- e. **Massing. (Guideline).** Building should be broken into three or four distinct elements: entry, main building, single story element, and the roof.
- f. **Perimeter Building Orientation. (Guideline).** Buildings located on the perimeter of the site should be designed to face existing streets.
- g. **Setbacks (Guideline).** Setbacks shall be as set forth in Section 22.10.140 except as follows, but in no case shall be less than required by the Uniform Building Code:
- (1) Front setback. The minimum front setback should be 15 feet, Required on-site parking shall not extend outside of the parcel or into any public right-of-way. Setbacks for cluster divisions authorized under section 22.22.140 shall be set through land use permit approval.

- (2) Side setback. The minimum combined side setbacks should be 10 feet for single story units, and 15 feet for two story units. Dwelling units should be separated by at least 10 feet except for structures sharing common walls.
- (3) Rear setback. The minimum rear setback should be 10 feet.
- (4) Garages along an alley should be setback 4 feet from the property line.
- (5) Zero lot line design consistent with Section 22.10.140.E.2.6.c is encouraged where feasible.

- g. Garage Location. (Guideline). Garages, either attached or detached, should be located a minimum of 10 feet behind the main facade line of the residence. To create articulation when viewed from the street garages on adjacent lots should not be in identical locations and should vary from one another by a front setback of at least five feet. To prevent partial encroachment of on-site parking over any parcel boundaries or into any public right-of-way, all garages and other parking structures shall be located 20 feet or more, or four feet or less, from any front or rear lot line or public right-of-way.

- h. Materials. (Guideline).** For land divisions with five or more parcels, there should be different material and color palettes that use various materials for the exterior of the residences and color palettes for both the exterior and trim of the residences as follows:

<u>Number of Proposed Lots</u>	<u>Minimum Number of Material and Color Palettes</u>
<u>5-10</u>	<u>2</u>
<u>11-20</u>	<u>3</u>
<u>21 +</u>	<u>4</u>

- i. Entry/Porch. (Guideline).** Locate the dwelling entries and porches on the front street facade. Entry porches should extend along 50 percent of the residence's primary front building facade. The porch should be a covered, one story element.

3. Walls and Fencing

- a. Sound Walls. (Standard).** Sound walls shall have sectional or undulating surface areas rather than a single monotonous design, with periodic entries for bike and walk paths. Frontage roads, landscaped berms and open space are preferred in lieu of sound walls whenever possible.
- b. Retaining Walls. (Guideline).** Retaining walls should be no taller than four feet above grade. On steep slopes, a stepped wall arrangement should be used.
- c. Fencing. (Guideline).** Wrought iron, split rail or other fencing that is partially transparent (excluding chain link) should be used to visually open the areas between residences while still providing privacy. Fencing height should not exceed five feet wherever feasible.

- DE. Condominiums.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, provided that:

EF. **Condominium conversion.** The standards in this Subsection apply to the conversion of an existing residential or nonresidential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership. All conversions shall comply with the California Subdivision Map Act and Title 21 of the County Code in addition to the standards of this Subsection.

1. **Purpose and intent.** The purpose of this section is to establish standards for the conversion of rental housing into condominiums that conform to the General Plan and Housing Element, maintain a supply of affordable housing units, retain some rental units, reduce the impact of such conversions on the tenants, facilitate resident ownership of the converted units, ensure that converted housing achieves a high standard of safety and quality, and inform the prospective buyers of the physical conditions of the structure.
2. **Parcel sizes.** As set forth in Subsection 22.22.080 ~~DE~~.
3. **Application contents.** The Conditional Use Permit application required by Subsection ~~DE~~ - Condominiums, shall include all information specified by Article 6 of this Title, in addition to the following:
 - a. **Impact Report.** A report shall be prepared and submitted with the application that describes: the number of households that will be displaced, the numbers of persons residing in all households, the age and income levels for all tenants, the rental rates and vacancy rate of all units for the previous three years, documentation of the community-wide number of rental units with similar rental rates, and the current rental vacancy rate for the urban or village area where the project is located. This information shall be used in the Relocation Plan required in subsection ~~E.5.b.~~ F.5.b.
 - b. **Property Condition Report.** A report shall be prepared by a structural or civil engineer and submitted with the application that contains: a detailed description of the physical condition of the roads, paving, buildings, structures, common areas, recreation features, landscape, utilities and infrastructure, an analysis of property and structural compliance with the current building, fire and land use codes, cost estimates for needed repairs and ongoing maintenance costs, and an estimate of the annual amount of homeowners' association fees.
 - c. **Tenant Information Package.**
 - (1) The name and address of developer and/or property owner.
 - (2) A copy of the Impact Report and Property Condition Report that are submitted in compliance with subsections ~~E.3.a and b~~ F.3.a and b.
 - (3) The approximate date that the units shall be vacated if the Conditional Use Permit and tentative map are approved.
 - (4) The tenant has the right to continue to rent his or her unit for at least 180 days after the date of approval of the Conditional Use Permit and tentative map.
 - (5) A general description of the relocation assistance to be provided pursuant

to subsection E.5 F.5.

- (6) The tenant has the right to terminate any long term rental lease or agreement that he or she may have with the manager or property owner.
- (7) The approximate sales price of the tenant's unit.
- (8) The tenant has an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.
- (9) Protection from unjust eviction shall be provided to tenants who comply with their rental or lease agreements and with the written regulations of the rental property.
- (10) Once the applicant has issued a notice of "intent to convert," a tenant's rent shall not be increased more than once annually, and such increase shall not exceed the rate of increase in the Consumer Price Index for the same period. Only rate increase terms covered by existing rental or lease agreements are exempt from this provision.

4. **Special noticing requirements.** The applicant shall provide evidence, to the satisfaction of the Planning Director, that each tenant has received or will receive each of the following notices and documents, in addition to the notice required by Section 22.70.060.

- a. **Notice of intent to convert.** A notice of "intent to convert" at least 60 days prior to submittal of the Conditional Use Permit and tentative map application, pursuant to Government Code Section 66427.1. After the notice of "intent to convert" has been issued, the applicant shall inform any new and/or prospective tenants that the County has received the request for approval of a condominium conversion, or that the condominium conversion request has been granted. The format of this notice shall comply with Government Code Section 66452.8(b), or superseding code.
- b. **Submittal notice.** A "submittal notice" issued within 10 days of the submittal of an application for a public report to the Department of Real Estate, pursuant to Government Code Section 66427.1. The notice shall indicate that the report will be available on request. No such notice is necessary if a public report is not required.
- c. **Approval notice.** An "approval notice" within 10 days after the County's approval of the final map, pursuant to Government Code Section 66427.1.
- d. **Option to purchase.** An "option to purchase" notice that grants the tenant an exclusive right to purchase his or her respective unit upon the same terms that such unit will initially be offered to the general public, or more favorable terms, for a period of at least 90 days after a subdivision public report has been issued by the State Department of Real Estate, pursuant to Government Code Section 66427.1. If no public report is required then the 90 day period shall begin when the final subdivision map is approved by the County.

- e. **Termination of tenancy.** A "termination of tenancy" notice that provides each tenant a minimum period of 180 days after County approval of the Conditional Use Permit and tentative map to vacate his or her residential unit. All relocation assistance to be provided, pursuant to Subsection E.5.a and b, shall be described. The said notice shall be delivered by U.S. mail to each tenant within 10 days of County approval of the Conditional Use Permit and tentative map.

5. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.

- (1)a. **Affordable Housing.** Where the project consists of three (3) or more units, the applicant shall agree to rent or sell 25 percent of the total number of units to low or moderate income households, and a minimum of 50 percent of the affordable units shall be affordable to low income households. The sales prices, rental rates, terms and restrictions for the affordable units shall comply with Section 22.12.070- Housing Affordability Standards. Existing project residents who are income qualified shall be given priority in acquiring the affordable units, and a lottery shall be used if necessary to determine unit possession. Any existing deed restricted affordable units shall remain in the project, and may be counted towards meeting the project's affordable housing requirements. The affordability period of the existing deed restricted units that are counted to meet the project's affordable housing requirements shall be extended to meet the affordability requirements of this project pursuant to Section 22.12.070- Housing Affordability Standards. If the project is subject to the affordable housing requirements of other ordinances or agencies then the most restrictive requirements shall apply.

- b. **Relocation assistance.** Applicant shall provide each displaced household with a relocation payment of a dollar amount equal to three months rent in the unit currently occupied by that household. Said relocation payment shall be paid at least 30 days before the household vacates its unit.

- (1) **Rent Subsidy.** For displaced low income households, when the household moves into a comparable unit where the rent is higher than the rent for the unit that the household occupied in the conversion project then the applicant shall pay the difference for a period of one year from the date of relocation. If the Planning Director determines that no comparable unit is available then the applicant shall extend the household's rental agreement for one (1) year beyond the 180 day termination period, at a rental rate determined by the household's income level and Section 22.12.070.

A comparable unit is one that is decent, safe, sanitary, and in compliance with all local and state housing codes. A comparable unit has facilities that are equivalent to the household's existing dwelling unit with regards to the following features: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped or senior citizen; and e) willingness to accept families with children. A comparable unit is located in an area no less desirable than the household's existing unit with regards to accessibility to the following features: a) the tenant's place(s) of employment; b) community and commercial facilities; c) schools; and d) public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given.

- (2) **Relocation Plan.** The Relocation Plan shall describe the affordable housing or relocation benefits that each tenant will received as a result of the conversion. All affordable housing unit sales, transfer of displaced tenants to new housing and execution of one-year lease agreements shall be completed prior to termination of tenancy of each displaced resident.
 - c. **Property improvements.** Each residential unit shall have separate utility hook-ups and meters (i.e., water, electricity and gas meter for each unit).
 - d. **Compliance with codes.** The property, plus all structures and improvements shall be in substantial conformance with building codes, fire codes, and the standards of the County Public Works. The property, plus all structures and improvements shall be inspected and approved by the Chief Building Official, the fire agency responsible for service, and County Public Works.
 - e. **Compliance with land use standards.** The condominium conversion shall comply with the development standards for new residential projects pursuant to the Land Use Ordinance and Land Use Element. This shall include the standards for unit density, setbacks, landscape and irrigation, fencing, parking and paving. All project elements shall be refurbished and restored as necessary to achieve a high standard of appearance, quality, and safety.
 - f. **Warranty.** Applicant shall provide a one-year warrantee free of charge to the homeowners' association for all project components which are owned or maintained by the association. The applicant shall guarantee the condition of common area items, including but not limited to roads, paving, drainage systems, landscaping, and recreational facilities. The applicant shall also guarantee the condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical, heating, ventilation, mechanical systems and utilities. All of these items shall be guaranteed to be in sound, usable condition for a period of one year from the date of the sale of the last individual unit sold.
 - g. **Covenants, Conditions, and Restrictions.** Covenants, Conditions and Restrictions shall be submitted for review and approval by the County.
 - h. **Property Condition Report.** Applicant shall provide each prospective buyer with a copy of the Property Condition Report before the unit is sold.
6. **Special findings for condominium conversion.** A Conditional Use Permit for the conversion of an existing residential development into a residential condominium, planned development, stock cooperative or similar residential unit ownership may be approved only after the Review Authority makes the following findings:
- a. That the total number of residential rental units to be converted to condominium units in any calendar year does not exceed 25 percent of the number of multi-family rental dwellings that were built in the previous calendar year. The converted residential units are not required to be located in the same community as the newly constructed residential rental units.
 - b. That the proposed condominium conversion will not create a substantial loss of affordable rental housing stock in the community where the conversion project is located.

SECTION 8: Section 22.30.090.E.2.b(2) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- (2) **Setback from streets.** ~~As required by Section 22.10.140, a~~Animal enclosures shall be located a minimum of 25 feet from a front property line and 10 feet from a street side property line; except that no such setbacks are required in the Agriculture, Rural Lands and Open Space categories, or in the Residential Rural or Suburban categories outside of urban or village areas.

SECTION 9: Section 22.52.080.B.1. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection h and i as follows:

- h. Methods for minimizing run-off rates and volumes of storm water on-site to allow percolation to the underlying aquifer. Methods that may be used to facilitate groundwater recharge and reduce surface water runoff include, but are not limited to, the use of pervious paving material within parking lots and other paved areas, vegetated swales and other low impact development techniques and retention basins designed to allow percolation.
- i. Integration of available technologies and techniques to remove pollutant from site runoff prior to entering the drainage courses. Such techniques shall include, but are not limited to, reduced slope grading, drainage through a vegetative zone (ex: bio-swale), and other options to intercept pollutants being conveyed toward drainage paths. Technological solutions, that include but are not limited to gravity filter blankets or particulate filters (ex: Fossil Filters) may also be installed as pollutant-removal solutions.

SECTION 10: Section 22.70.030.A of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- A. **When allowed.** When a standard of Articles 3, 4, or 5, or a planning area standard of Article 9 identifies specific circumstances under which reduction of the standard is appropriate, an applicant may request an adjustment to the standard. (For example, Section 22.10.140.D.2.b~~c~~ provides that a required front setback may be reduced to a minimum of five feet through the adjustment process when the elevation of the lot is seven feet above or below the street centerline at 50 feet from the centerline.)

SECTION 11: Section 22.104.070.F. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pertaining to the **COMMUNITY OF SAN MIGUEL**, is hereby amended as follows and add Figures 104-056, 057 and 058 and renumber all other figures as necessary:

- F. **Residential Multi-Family (RMF).** The following standard applies within the Residential Multi Family land use category
1. **East side of Highway 101.** The following standards apply only to the areas as shown on Figure 104-55 within the Residential Multi-Family land use category.
 - ±. a. Upon application for a grading, construction, or land use permit east of the Union Pacific Railroad, the applicant shall submit the following biological reports:
 - a: (1) Vernal Pool Habitat Evaluation
 - b: (2) In-season Floristic Botanical Survey
 - ±. b. Any land division shall be clustered west of the Flood Hazard (FH) combining designation, in compliance with the cluster division criteria in Section 22.22.140, or use other techniques that achieve the same result as clustering. Open space areas should be considered for the FH area (no residential site is allowable in the FH area), as well as for noise, visual, and cultural resource protection.
 - ±. c. Residential development shall include the following design elements:
 - a: (1) Link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel.
 - b: (2) Install traffic calming modifications to roads, such as narrower streets, speed platforms, bulb-outs, and intersection modifications designed to reduce vehicle speeds.
 - c: (3) Include easements or land dedications for bikeways and pedestrian walkways.
 - d: (4) Provide continuous sidewalks separated from the roadway by landscaping and on-street parking.
 - e: (5) Include adequate lighting for sidewalks and crosswalks at intersections.
 - f: (6) Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements.

- (7) Provide street trees.
- h. (8) Include outdoor electrical outlets.
- i. (9) Provide secure on-site bicycle parking.
- j. (10) Where portions of the Salinas River are located on a site, easements or land dedications for trails consistent with the Parks and recreation Element or other adopted Trails Plan, shall be included in any proposed land division or land use permit.

2. Minimum Density Areas. The following standards apply only to the areas as shown on Figures 104-56, 104-57, and 104-58 within the Residential Multi-Family land use category.

a. Minimum Density - residential development. A minimum density of 20 units per acre of total usable site area is required. A higher density may be allowed if it can be designed in compliance with the design and density standards of this Title. The following area(s) shall be excluded when calculating the project's usable site area. These area(s) shall be incorporated into the project's designated open space area(s).

- (1) Excluded Areas: Portions of the site determined by the County Review Authority to have unmitigable environmental resource constraints (i.e., endangered species, flood hazard) pursuant to the County's environmental data base or pursuant to an environmental analysis prepared by a qualified consultant and submitted by the applicant.

b. Lot coverage. The lot coverage ratio shall be calculated based on the total usable site area. A maximum lot coverage ratio of 45 percent is allowed for sites with low and medium intensity factors, and a maximum lot coverage ratio of 60 percent is allowed for sites with a high intensity factor consistent with Section 22.10.130.B - Multi-Family Dwellings.



—~~20~~-foot front yard setback shall be adjusted at least five feet in either direction if a building site is between or adjacent to two residences that are located at the required front setback. Existing front building setbacks shall be shown on application submittals.

SECTION 13: Section 22.104.090.E.1. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pursuant to the **COMMUNITY OF TEMPLETON**, is hereby amended as follows:

- E. **Residential Single-Family (RSF)**. The following standards apply within the Residential Single-Family category.
1. **Land division limitation**. Single family lots created through new land divisions shall be at least ~~7,500~~ 5,000 square feet. Affordable housing projects may have smaller parcels in compliance with Chapter 22.22. See the Templeton Community Design Plan for other guidelines on subdivisions.

SECTION 14: Section 22.104.090.F. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pursuant to the **COMMUNITY OF TEMPLETON**, is hereby amended as follows and add Figures 104-56 and renumber all other figures as necessary:

- F. **Residential Multi-Family (RMF)**. The following standards apply within the Residential Multi-Family category.
1. **Density limitation**. Allowable density is limited to a maximum of 26 dwelling units per acre, with maximum floor area and minimum open area lot coverage ratio to be in compliance with the medium density criteria in Chapter 22.22.

An exception is provided that the area shown in Figure 104-65 is limited to a maximum of 12 dwellings per acre, with maximum floor area and minimum open area lot coverage ratio to be in compliance with the low density criteria in Chapter 22.22.

An exception is provided that the area shown in Figure 104-65 is limited to a maximum of 12 dwellings per acre, with maximum floor area and minimum open area lot coverage ratio to be in compliance with the low density criteria in Chapter 22.22.
 2. **Minimum Density Areas**. The following standards apply only to the areas as shown on Figures 104-56 within the Residential Multi-Family land use category.

- a.** Minimum Density - residential development. A minimum density of 20 units per acre of total usable site area is required. A higher density may be allowed if it can be designed in compliance with the design and density standards of this Title. The following area(s) shall be excluded when calculating the project's usable site area. These area(s) shall be incorporated into the project's designated open space area(s).
- (1) Excluded Areas: Portions of the site determined by the County Review Authority to have unmitigable environmental resource constraints (i.e., endangered species, flood hazard) pursuant to the County's environmental data base or pursuant to an environmental analysis prepared by a qualified consultant and submitted by the applicant.
- b.** Lot coverage. The lot coverage ratio shall be calculated based on the total usable site area. A maximum lot coverage ratio of 45 percent is allowed for sites with low and medium intensity factors, and a maximum lot coverage ratio of 60 percent is allowed for sites with a high intensity factor consistent with Section 22.10.130.B - Multi-Family Dwellings.

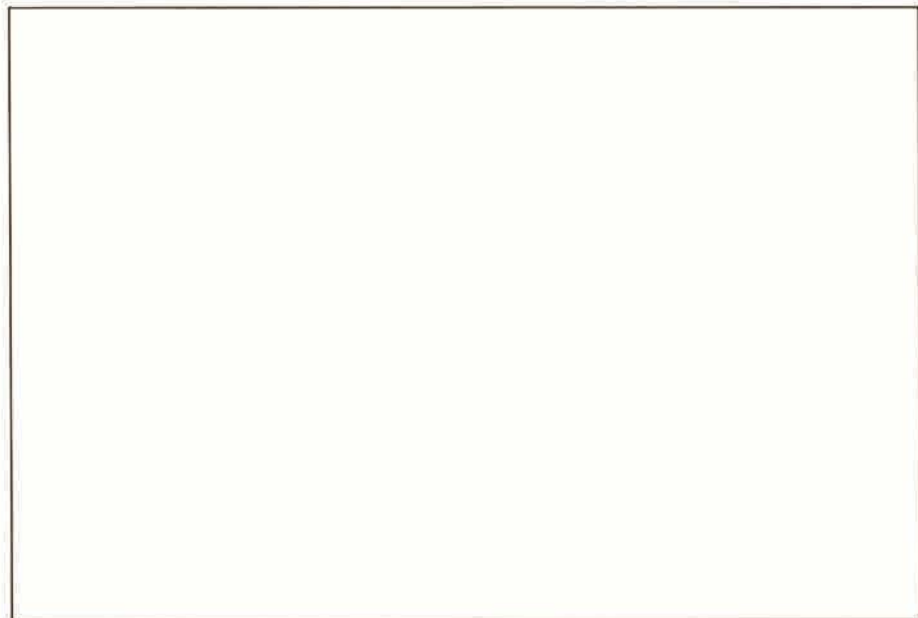


Figure 104-56 - RMF - 20 du/acre - Brewer Street - Templeton

23. **Design standards - Zoning Clearances for four or fewer multi-family residential and accessory buildings.** Multi-family residential structures and accessory buildings that are required by Section 22.06.030 (Allowable Land Uses and Permit Requirements) to have Zoning Clearance approval shall comply with the following design standards. Applicants who wish to design a project differently than allowed by these standards may apply for a Minor Use Permit to be reviewed for conformance with the Templeton Community Design Plan. An exception or modification to these standards may be granted through approval of a Minor Use Permit.

SECTION 15: Section 22.106.040.A. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pursuant to the **COMMUNITY OF ARROYO GRANDE**, is hereby amended as follows:

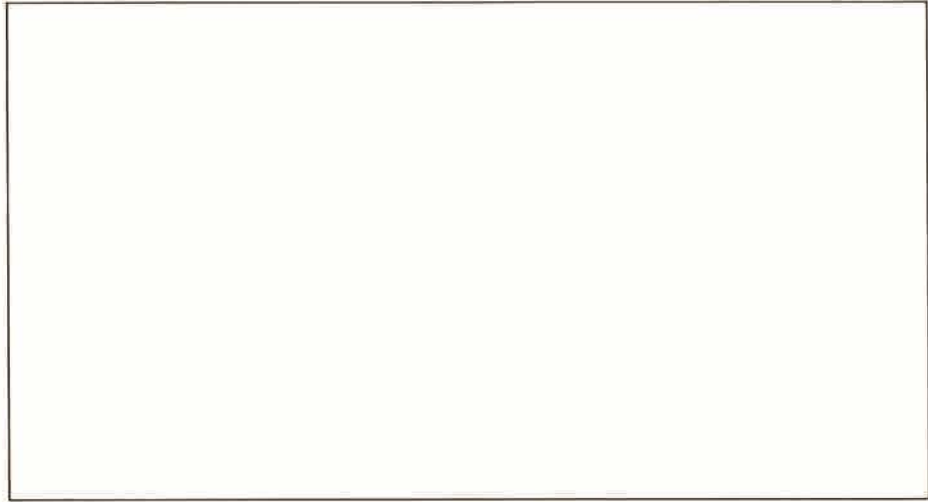
- A. **Residential Multi-Family (RMF) - Density limitation.** Within the Residential Multi-Family land use category, new residential uses shall not exceed a maximum density of 26 units per acre.

SECTION 16: Section 22.106.070G.2. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pursuant to the **COMMUNITY OF OCEANO**, is hereby amended as follows:

2. **Maximum Density.** New multi-family development is not to exceed a density of 15 units per acre. Maximum floor-area lot coverage ratio may not exceed ~~48~~ **45** percent. This standard does not apply to development proposals accepted for processing by the Department of Planning and Building prior to the effective date of general plan amendments included in the Spring Cycle, 2002 nor to the parcels as shown in Subsection G.3 - Minimum Density.

SECTION 17: Section 22.106.070G. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, pursuant to the **COMMUNITY OF OCEANO**, is hereby amended by adding new Subsection G.3., renumbering the original G. 2, adding Figure 106.10 and renumbering the figures as necessary as follows:

3. **Minimum Density Areas.** The following standards apply only to the areas as shown on Figures 106-10 within the Residential Multi-Family land use category.
- a. **Minimum Density - residential development.** A minimum density of 20 units per acre of total usable site area is required. A higher density may be allowed if it can be designed in compliance with the design and density standards of this Title. The following area(s) shall be excluded when calculating the project's usable site area. These area(s) shall be incorporated into the project's designated open space area(s).
- (1) Excluded Areas: Portions of the site determined by the County Review Authority to have unmitigable environmental resource constraints (i.e., endangered species, flood hazard) pursuant to the County's environmental data base or pursuant to an environmental analysis prepared by a qualified consultant and submitted by the applicant.
- b. **Lot coverage.** The lot coverage ratio shall be calculated based on the total usable site area. A maximum lot coverage ratio of 45 percent is allowed for sites with low and medium intensity factors, and a maximum lot coverage ratio of 60 percent is allowed for sites with a high intensity factor consistent with Section 22.10.130.B - Multi-Family Dwellings.



-

1. **Density limitations.** Multi-family development is allowable at a base density for areas as shown in Figure 112-57 using the medium density criteria in Chapter 22.22, except that the minimum open area shall include required setbacks and all areas of the site except buildings, parking aisles or driveways and parking spaces maximum lot coverage ratio shall include all residential structures and residential accessory structures (such as a garages and carports, but not swimming pools) and shall also include all parking spaces and parking aisles. The density limitations of this section do not apply to the parcels shown below in subsection 2 - Minimum Density.

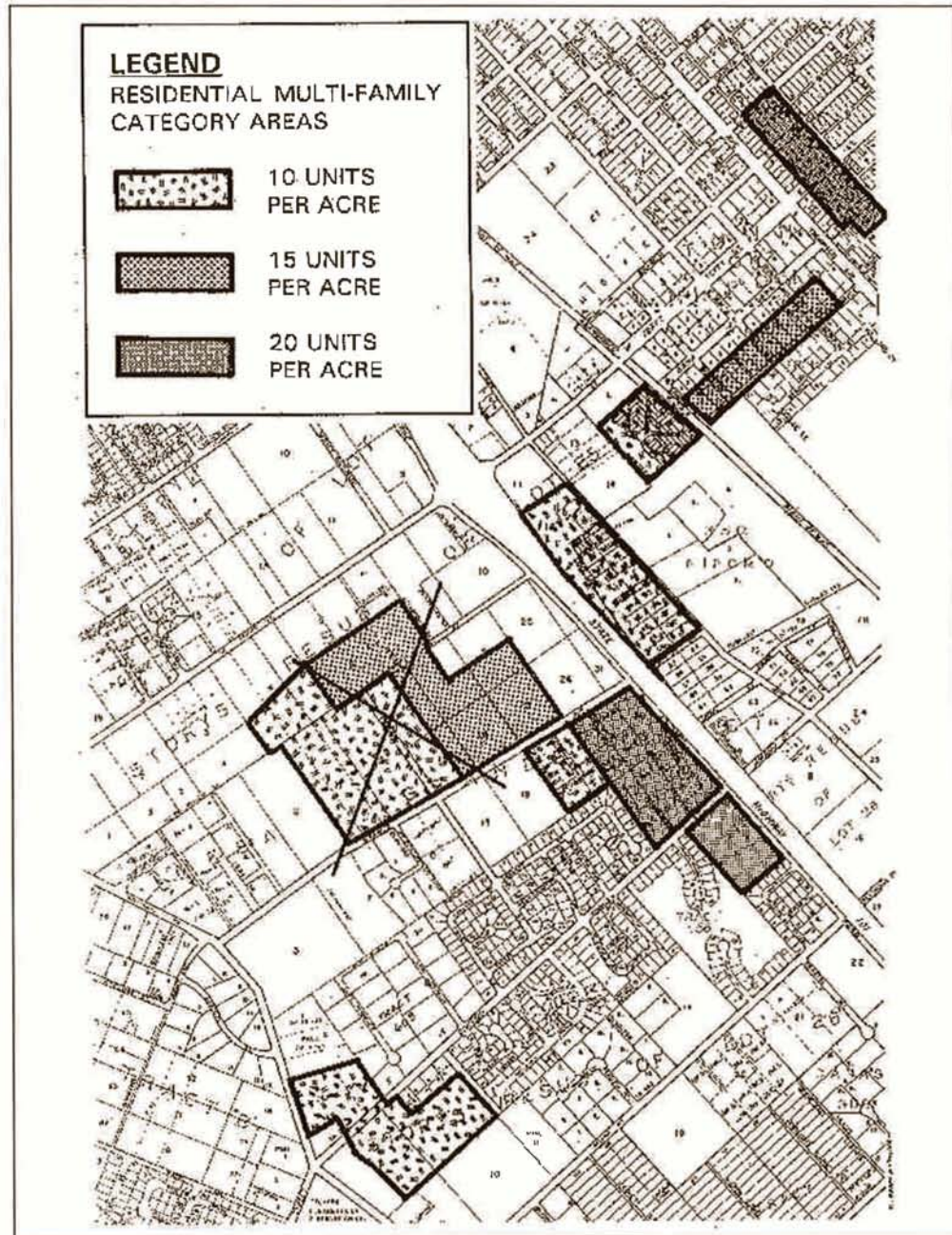
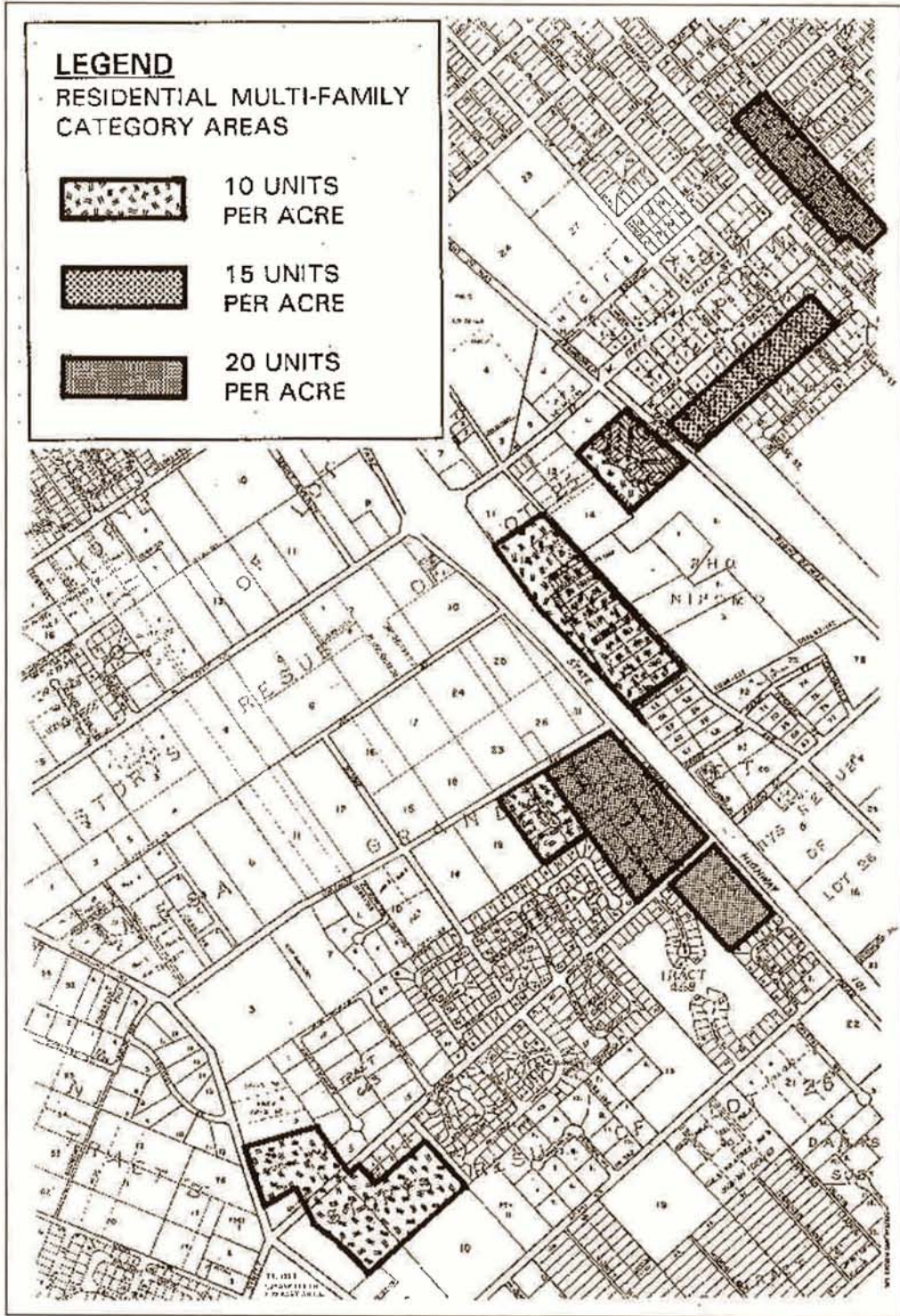


Figure 112-58 - RMF - Residential Multi-Family Areas in Nipomo



AMENDED - Figure 112-58 - RMF - Residential Multi-Family Areas in Nipomo - AMENDED

2. Minimum Density Areas. The following standards apply only to the areas as shown on Figures 112-59, 112-60, and 112-61 within the Residential Multi-Family land use category.

a. Minimum Density - residential development. A minimum density of 20 units per acre of total usable site area is required. A higher density may be allowed if it can be designed in compliance with the design and density standards of this Title. The following area(s) shall be excluded when calculating the project's usable site area. These area(s) shall be incorporated into the project's designated open space area(s).

(1) Excluded Areas: Portions of the site determined by the County Review Authority to have unmitigable environmental resource constraints (i.e., endangered species, flood hazard) pursuant to the County's environmental data base or pursuant to an environmental analysis prepared by a qualified consultant and submitted by the applicant.

b. Lot coverage. The lot coverage ratio shall be calculated based on the total usable site area. A maximum lot coverage ratio of 45 percent is allowed for sites with low and medium intensity factors, and a maximum lot coverage ratio of 60 percent is allowed for sites with a high intensity factor consistent with Section 22.10.130.B - Multi-Family Dwellings.

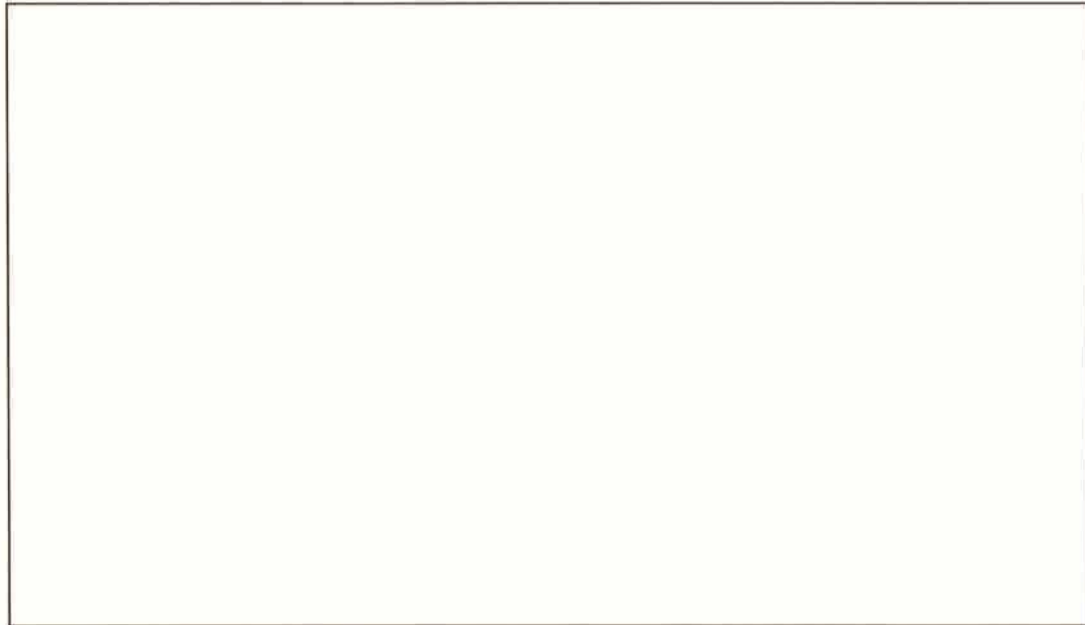


Figure 112-59 - RMF - 20 du/acre - North of Grande Ave. - Nipomo

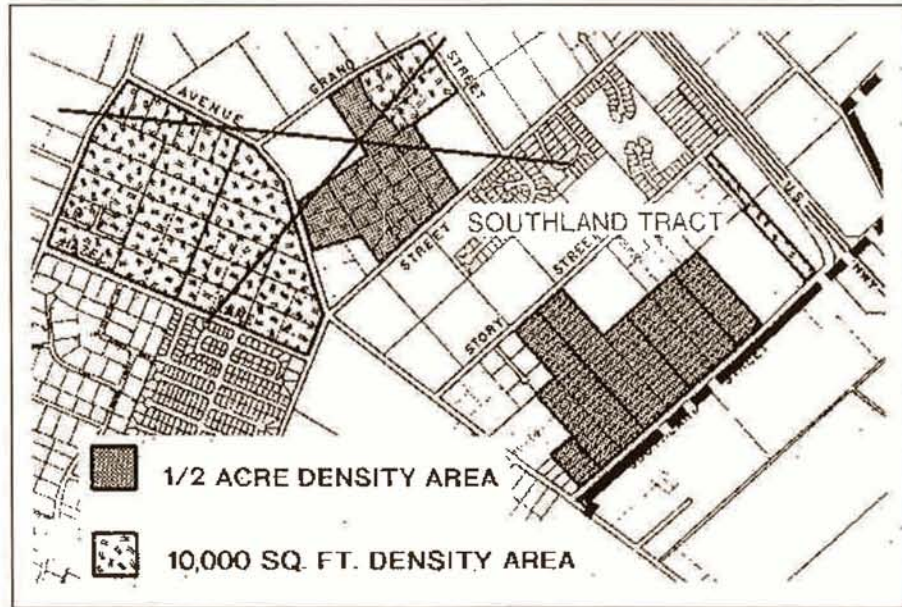


Figure 112-60 - RSF - Low Density Single Family Areas

2. **Knotts Street area.** The following standards apply only to the property southeast of Knotts Street, shown in Figure 112-61.

a. **Subdivision requirement.** New residential subdivisions or lot line adjustments of existing legal lots of record within area "A" shown in Figure 112-61 shall be limited to a total of 46 parcels ~~when accompanied by provide~~ the following:

- (1) ~~A re-subdivision of the parcels in area "B" to the minimum size for supporting productive commercial agriculture;~~
- (2) ~~Permanent agriculture/open space agreement(s) for area "B";~~
- (3) 1 Adequate agricultural buffers to be determined through project review;
- (4) 2 Dedication of approximately ~~±~~ 5 acres within area "A" for a community park located optimally to serve the existing and new neighborhoods;
- (5) 3 A lot pattern that locates smaller parcels near Knotts Street that are similar in size with the neighborhood, and larger parcels at the edge of the subdivision.
- (6) 4 A trail/linear park easement shall be dedicated between Knotts Street and Rancho Road along Thompson Road.
- (7) 5 A building setback of 100 feet from Thompson Road between Rancho Road and Knotts Street.
- (8) 6 Street access to Thompson Road shall be limited to one point in addition to Knotts Street.
- (9) ~~Reservation of sufficient, long-term water production capacity for both~~

areas A and B shown in Figure 112-61.

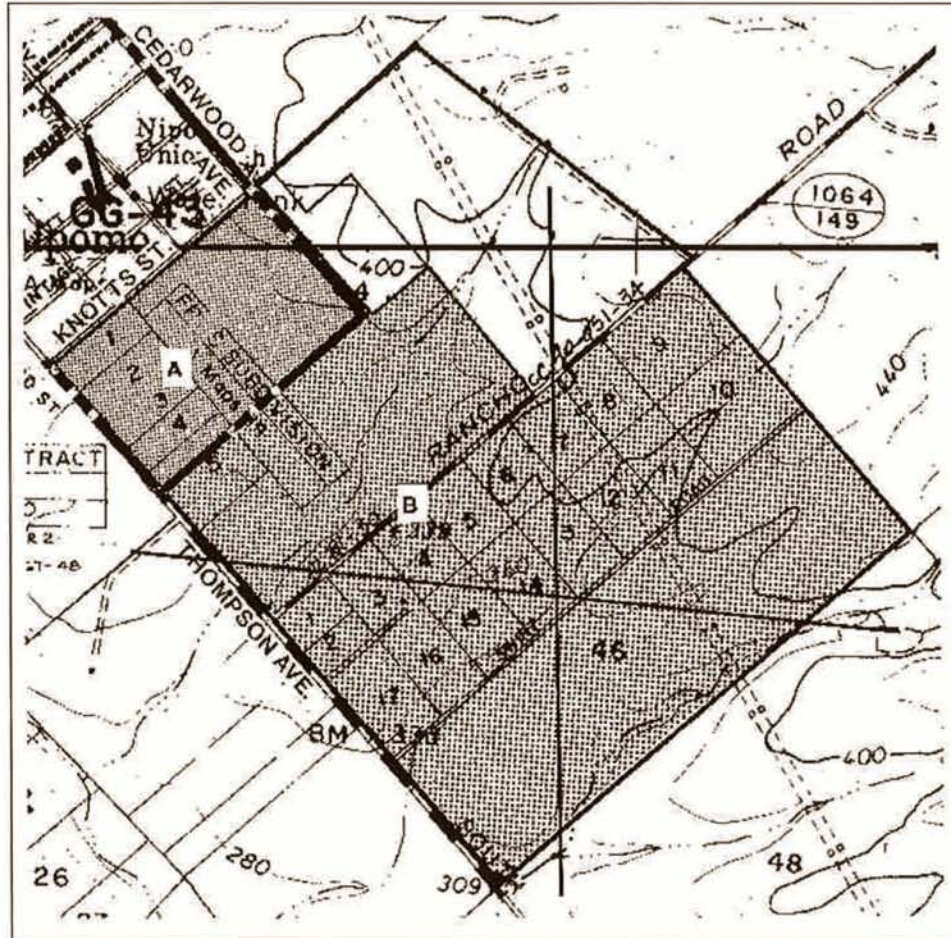


Figure 112-61 - RSF - Knotts Street Area

- b. — Water supply. A detailed hydro-geologic analysis shall be completed at the time of Conditional Use Permit application for the residential subdivision. The analysis shall be prepared such that long-term water availability is determined to be adequate for the residential subdivision and the agricultural use of areas A and B shown in Figure 112-61. The data used in the analysis shall provide for conclusions with a high degree of certainty, and shall be based on 1) monitoring over a certain period (as recommended by the hydro-geologist), 2) recent, detailed existing information on water availability, or 3) a combination of these two:

SECTION 22. Regarding the Final Environmental Impact Report (FEIR) issued for amendments, the Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth.

SECTION 23. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 24: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____



"Making a Difference"

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Table with 4 columns: MEETING DATE (August 9, 2007), CONTACT/PHONE (Ted Bench, 805-781-5701), APPLICANT (County of San Luis Obispo), FILE NO. (LRP2005-00010: A, B, C & D)

SUBJECT

Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to amend sections of the land use ordinances and general plan in order to: 1) revise residential development standards and 2) require a minimum density of 20 units/acre on selected Residential Multi-Family zoned lots throughout the unincorporated areas of the County.

Amendment revisions for residential development standards include the following: allow a 20-foot front setback on the Residential Single Family (RSF) and Residential Multi-Family (RMF) zoned properties less than one acre in size; reduce the number of required guest parking spaces by one space on development of 15 units or less within the RMF land use category; establish a lot coverage ratio for multi family structures of 35% for low, 45% for medium, and 60% for high density residential development, thereby eliminating maximum floor area and minimum open space requirements; allow multi-family projects to be built on pre-existing parcels no less than 4,000 square feet in size in the RMF land use category instead of the current 6,000 square foot requirement; and allow a 5,000 square foot minimum parcel size in the RSF land use category instead of the current 6,000 square foot requirement. The following County documents may be affected:

- Title 22, sections 22.10.140, 22.18.050, 22.10.130, 22.10.110, 22.22.080, 22.10.155, 22.52.080
• Title 23, sections 23.04.108, 23.04.166, 23.04.084, 23.04.044, 23.04.028, 23.04.370, 23.05.044
• Inland Area Plans including: Salinas River Area Plan (San Miguel Urban Area Standards - 22.104.070, Santa Margarita Urban Area Standards - 22.104.080, Templeton Urban Area Standards - 22.104.090); San Luis Bay Area Plan (Arroyo Grande Urban Area Standards - 22.106.040, Oceano Urban Area Standards, including Halcyon- 22.106.070); South County Area Plan (Nipomo Urban Area Standards - 22.112.080)
• Coastal Area Plans including: North Coast Area Plan (Cambria Urban Area Standards); Estero Area Plan (Los Osos Urban Area Standards)
• Oceano Specific Plan
• Templeton Design Plan

Amendment revisions for the requirement of a 20 units/acre minimum density will be proposed on 37 lots located in the Residential Multi-Family land use category in the unincorporated areas of the County. The following County documents may be affected:

- Title 22, sections 22.112.080 (South County Area Plan - Nipomo Urban Area), 22.104.070 (Salinas River Area Plan - San Miguel Urban Area Standards), 22.104.090 (Salinas River Area Plan - Templeton Urban Area Standards), 22.106.070 (San Luis Bay Area Plan - Oceano Urban Area Standards)
• Coastal Area Plans including: San Luis Bay-Coastal Area Plan (Avila Beach), San Luis Bay-Coastal Area Plan (Oceano), North Coast Area Plan (Cambria Urban Area Standards); Estero Area Plan (Los Osos Urban Area Standards)

This ordinance amendment affects all land in the Residential-Single Family and Residential Multi-Family land use categories in planning areas of the county that are outside of the jurisdictions of the incorporated cites.

RECOMMENDED ACTION Adopt the resolution recommending to the Board of Supervisors: 1. Certify the Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approval of Land Use Ordinance, Coastal Zone Land Use Ordinance, Oceano Specific Plan and Templeton Design Plan amendments LRP2005-00010 as shown in Exhibits LRP2005-00010:A, B, C, and D based on the recommended findings listed in this report.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Agricultural Resources, Air Quality, Cultural Resources, Hydrology and Water Quality, Geologic Hazards, Noise, Public Services and Utilities, Transportation and Circulation, and Water Resources. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Biological Resources			
LAND USE CATEGORY Residential Single Family and Residential Multi Family	COMBINING DESIGNATION N/A	ASSESSOR PARCEL NUMBER N/A	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤ All
PLANNING AREA STANDARDS: See project description above.			
EXISTING USES: N/A			
SURROUNDING LAND USE CATEGORIES AND USES: N/A			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: All Advisory Groups			
TOPOGRAPHY: N/A		VEGETATION: N/A	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: N/A		ACCEPTANCE DATE: N/A	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROJECT BRIEF

The purpose of this package of affordable housing ordinances is to allow higher residential density in urban areas. It would amend the County's existing ordinances to do the following:

- Reduce the front setback from 25 feet to 20 feet in Residential Single and Multi-Family categories.

- Reduce guest parking by one space in residential multi-family projects of 15 units or less.
- Replace the floor area ratio (FAR) requirement with a lot coverage requirement for multi-family projects.
- Reduce the required lot size for multi-family projects from 6,000 square feet to 4,000 square feet.
- Reduce the required lot size for subdivisions in the Residential Single Family category from 6,000 square feet to 5,000 square feet.
- Require a minimum density of 20 units/acre on selected lots within the Residential Multi-Family category.

These amendments would apply only to Residential Single Family and Residential Multi-Family zoned parcels in the County. They offer design flexibility and do not add any affordable housing requirements.

LEGISLATIVE HISTORY

This ordinance amendment was authorized for processing through the adoption of the Housing Element (as amended on July 20, 2004) of the County of San Luis Obispo's General Plan.

AUTHORITY

Land Use Ordinance Amendment

The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The guidelines that your Commission and the Board of Supervisors should use when considering ordinance amendments are provided in Part I - Framework For Planning, Chapter 6.A - Guidelines for Amendments to Land Use Ordinance.

The proposed affordable housing ordinance amendments are consistent with these guidelines. The proposed amendments that are attached to this report would: (1) implement Housing Element Program HE 1.4: Revise Residential Development Standards; (2) implement Housing Element Program HE 1.10: Establish Minimum Residential Multi-Family Densities; and (3) support the County's Smart Growth policies by encouraging denser, in-fill development in urban areas of the County.

COMMUNITY ADVISORY GROUP COMMENTS:

The Department received comments from Community Advisory Groups during staff presentations to the advisory groups and in response to the Environmental Impact Report. Staff responded to concerns regarding compatibility between smaller lots and communities by adding residential design standards for housing on small lots. The South County Advisory Council (SCAC) commented on the EIR in a letter (dated March 27, 2007). A summary of the concerns expressed in that letter and staff's response appears below:

1. SCAC: reducing the minimum lot size from 6,000 square feet to 5,000 square feet in the Residential Single Family would impact the community resources (i.e., water). Staff response: subdivisions (with or without smaller lots) will not be permitted without prior approval from the community services district.
2. SCAC: where the allowable density is now 10 units/acre on Residential Multi-Family parcels, SCAC supports an increase to 15 units/acre. Staff response: land within the Residential Multi-Family category is seldom developed to the allowable density. After careful review of selected parcels in or adjacent to high intensity urban areas throughout the County, staff is recommending a minimum density of 20 units/acre on those parcels.
3. SCAC: recommends strong design standards for residential multi-family projects. Staff response: Nipomo urban area has design standards for such projects, but other areas may not. Staff is not proposing additional multi-family design standards at this time.

4. SCAC: does not support reduction of open space requirements in multi-family projects. Staff response: the existing floor area ratio and proposed lot coverage ratio have comparable open space requirements. The amendment will include a requirement for usable common area.

STAFF COMMENTS

The attached exhibits show proposed deletions with ~~strikeout~~ and proposed additions with redline. The four exhibits are arranged as follows:

- LRP2005-00010:A - Land Use Ordinance (LUO)
- LRP2005-00010:B - Coastal Zone Land Use Ordinance (CZLUO)
- LRP2005-00010:C - Coastal Zone Area Plans
- LRP2005-00010:D - Oceano Specific Plan and Templeton Design Plan

Background

In July, 2004, the County amended its Housing Element to include the following two programs:

- Program HE 1.4 - Revise Residential Development Standards.
The County will revise its development standards for multi-family housing and single-family to encourage well-designed housing at relatively high residential densities (10-26 units/acre).

- Program HE 1.10 - Establishment of Minimum Residential Densities.

The County will consider requiring minimum densities of between 15 and 25 units per acre for multi-family developments in some areas, to encourage more affordable housing in locations near employment, shopping, schools, parks and transportation systems.

Staff reviewed the development standards of several jurisdictions, and in October, 2005, staff issued the Residential Development Standards Concept Paper and held public workshops. Staff also reviewed all Residential Multi-Family zoned parcels within the County's urban areas. A concept paper was issued in March 2006. Staff selected parcels that could support higher density residential development. Initially, 50 parcels were selected. Upon further review, staff is now recommending that 37 parcels receive the 20 units/acre development standard.

The potential impacts of the proposed ordinance amendments have been identified and analyzed in an Environmental Impact Report (EIR). This EIR also addresses the potential impacts that could occur if the County were to adopt an inclusionary housing ordinance. The draft EIR was distributed to community advisory groups, community service districts, home builders associations, environmental groups and housing advocates. Public comments were addressed in the final environmental impact report (FEIR). The FEIR is available to the public, and its mitigation measures have been incorporated both in the proposed amendments and in the attached Mitigation Monitoring and Reporting Program.

County staff sought and received public input on the proposed amendments through distribution of the concept papers and the environmental impact report, at meetings with interested parties and at presentations to community advisory groups. The public's input has helped staff to identify specific housing needs and to prepare the proposed ordinance amendments.

Ordinance Amendments

Any change to a basic design standard causes a ripple effect through other county documents. For example, changing the setback standard in the Land Use Ordinance requires consideration and changes in all other documents that have setback standards, such as area plans, specific plans, design plans and the Coastal Zone Land Use Ordinance. The attachments to this report contain the recommended changes. The proposed ordinance amendments are described below:

- ! Reduce the front setback from 25 feet to 20 feet in Residential Single Family and Residential Multi-Family categories on parcels that are less than one acre in size. This amendment would encourage denser urban development without significant impacts.
- ! Reduce the guest parking requirement in residential multi-family projects by one space on small projects with 15 units or less. Parking requirements consume much of the site area in multi-family development, so this standard would help smaller projects to meet their parking requirement.
- ! Replace the floor area ratio (FAR) with a lot coverage ratio for multi-family projects. Projects on small lots are limited to small floor areas. This amendment would allow such projects to add floor space above the footprint of the first floor. Height and parking constraints will still limit the size of multi-family projects. Staff found that other jurisdictions typically use the lot coverage ratio instead of FAR.

The open space requirement is being removed. Community advisory groups have suggested that there should still be some requirement for usable open area (to avoid the paved-over syndrome). Staff has responded by adding a requirement for usable common area in multi-family projects.

The amended ordinance (residential density ordinance) appears below:

Determining allowable density. The allowable density, ~~maximum floor area and minimum open area and lot coverage ratio~~ for a multiple-family project ~~shall be~~ shall be as shown in the following table (all area figures are expressed as percentages of the total usable site area). A minimum of ~~6,000~~ 4,000 square feet of site area is required to establish more than one dwelling unit, in compliance with Section 22.10.110.C (Minimum Site Area - Multi-Family Dwellings):

Intensity Factor	Maximum number of units per acre	Maximum floor area (1) lot coverage ratio (1)	Minimum open area (2)
Low	15	35%	55%
Medium	26	48% 45%	45%
High	38	65% 60%	40%

Notes:

(1) The gross floor area footprint area of all residential structures, including upper stories, but not and residential accessory structures including garages and carports (but not swimming pools).

(2) Includes required setbacks, and all areas of the site except buildings and parking spaces.

Common open space. Site design shall provide a varied distribution of buildings, separated by usable private and common open spaces and parking areas. Common area open space shall include at least one usable, active recreation area with the following area and features for every number of dwelling units listed:

<u>Minimum Dwelling Units</u>	<u>Minimum Area</u>	<u>Features</u>
<u>4</u>	<u>250 sf</u>	<u>Table with benches, shade and playground equipment, for every 4 units.</u>
<u>40</u>	<u>300 sf</u>	<u>Provide features above plus enclosed sheltered mail delivery point at vehicle and pedestrian focal points, in compliance with Postal Service regulations for multi-family dwellings.</u>
<u>60</u>	<u>800 sf</u>	<u>Provide features above plus enclosed common room(s) with recreation equipment, meeting furniture and kitchen for every 60 subsequent units.</u>

Examples: An eight-unit project would have at least 500 square feet of usable outdoor area, with two tables with benches and shades and playground equipment. A 100-unit project would have a combination of passive and active playground areas totaling 6,250 square feet, enclosed mail rooms, and an enclosed common room.

- ! Reduce the required lot size for multi-family projects from 6,000 square feet to 4,000 square feet. There are 180 lots in the Residential Multi-Family category that are between 4,000 and 6,000 square feet in size. Most of them are in the coastal communities (e.g., Cambria, Avila Beach and Oceano.) Allowing these lots to have multi-family units, such as duplexes, would allow as many as 87 additional housing units to be built.
- ! Reduce the required lot size for subdivisions in the Residential Single Family category from 6,000 square feet to 5,000 square feet. This amendment would allow as many as 2105 additional single family lots to be created. However, it is unlikely that all future subdivisions will be developed entirely with 5,000 square foot lots, and lot sizes are also affected by environmental constraints and a lack of urban utilities or resources. Some communities face little impact because they have little available vacant land in the Residential Single Family category (i.e., Templeton). The planning areas which have the largest amount of available land that could be influenced by this amendment are South County, North Coast, and Estero.

If a future inclusionary housing ordinance is adopted with a density bonus provision, then on-site lots could be created that are under 5,000 square feet in size. Staff proposes that residential development standards be adopted to encourage compatibility between small residential lots and existing communities. Please see below:

Permit Requirement and Design Standards. In the Residential Single Family category, a Conditional Use Permit shall be approved concurrently with the tentative subdivision map for any land division with parcels of less than 6,000 square feet in size. The purpose of the Conditional Use Permit is to establish, to the

satisfaction of the Review Authority, that land divisions with parcels of less than 6,000 square feet in size shall be developed in conformance with the design standards and guidelines of this subsection.

As used in this subsection, a *standard* is used to indicate mandatory requirements and a *guideline* is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding other alternatives. In the case of a guideline, the land division application shall state why the proposal is better than the guideline set forth in this subsection. An adjustment to the design standards may be approved by the Review Authority pursuant to Section 22.70.030 when a subdivided parcel is constrained



AGENDA

Planning Commissioners

Bob Roos, 1st District
 Anne Wyatt, 2nd District
 Penny Rappa, 3rd District
 Eugene Mehlschau, 4th District
 Sarah Christie, 5th District

MEETING DATE: Thursday, August 9, 2007

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the (new) Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:		8:45 a.m.
Morning Recess:	10:30 a.m.	10:45 a.m.
Noon Recess:	12:00 p.m.	1:30 p.m.
Afternoon Recesses:	3:00 p.m.	3:15 p.m.

HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENT PERIOD

PLANNING STAFF UPDATES

CONSENT AGENDA:

- a. GENERAL PLAN CONFORMITY REPORTS - the Planning Director has issued the following General Plan conformity reports. This is a notice of completed conformity reports to the Planning Commission as required by

Section B, Chapter 7 of Framework for Planning, Part 1 of the county Land Use Element and Local Coastal Plan, and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File the reports. The decision to issue a General Plan conformity report is solely at the discretion of the Planning Director, although appeals of the Planning Director's determination may be made in accordance with the provisions of the Land Use Ordinance and Coastal Zone Land Use Ordinance. (Recommend Receive and File)

Staff Report

HEARINGS:

1. Continued hearing to consider a request by ED AND NANCY HARDEN/NEXTEL COMMUNICATIONS for a Conditional Use Permit to allow the construction and operation of a four carrier wireless telecommunications facility. The facility would consist of sixteen six-foot panel antennae (four per carrier), four microwave dishes, four emergency back-up generators, a 1,440 square-foot steel barn to house associated equipment, and utility installation. The project includes approval of the disturbance of approximately 5,000 square feet and 1,850 cubic yards of a 24.5 acre parcel that has already occurred. The proposed project is within the Rural Lands land use category and is located at 6800 Toro Creek Road, approximately 3000 feet north of Highway 41, approximately 8.3 miles, west of the City of Atascadero. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation on an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 19, 2007, for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, and hazards/hazardous materials, and are included as conditions of approval. CONTINUED FROM JUNE 14, 2007.

County File No: DRC2005-00052 APN: 046-221-081 Supervisorial District #2 Date Accepted: February 6, 2006 Marsha Lee, Project Manager Continue off calendar

Staff Report

2. Hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to 1) revise residential development standards and 2) require a minimum

density of 20 units/acre on fifty Residential Multi-Family zoned lots located throughout the unincorporated areas of the County. Amendment revisions for residential development standards include the following: allow a 20-foot front setback on the Residential Single Family (RSF) and Residential Multi-Family (RMF) zoned properties less than one acre in size; reduce the number of required guest parking spaces by one space on development of 15 units or less within the RMF land use category; establish a lot coverage ratio for multi family structures of 35% for low, 45% for medium, and 60% for high density residential development, thereby eliminating maximum floor area and minimum open space requirements; allow multi-family projects to be built on pre-existing parcels no less than 4,000 square feet in size in the RMF land use category instead of the current 6,000 square foot requirement; and allow a 5,000 square foot minimum parcel size in the RSF land use category instead of the current 6,000 square foot requirement. The following County documents may be affected: * Title 22, sections 22.10.140, 22.18.050, 22.10.130, 22.10.110, 22.22.080 * Title 23, sections 23.04.108, 23.04.166, 23.04.084, 23.04.044, 23.04.028 * Inland Area Plans including: Salinas River Area Plan (San Miguel Urban Area Standards - 22.104.070, Santa Margarita Urban Area Standards - 22.104.080, Templeton Urban Area Standards - 22.104.090); San Luis Bay Area Plan (Arroyo Grande Urban Area Standards - 22.106.040, Oceano Urban Area Standards, including Halcyon- 22.106.070); South County Area Plan (Nipomo Urban Area Standards - 22.112.080) * Coastal Area Plans including: North Coast Area Plan (Cambria Urban Area Standards); Estero Area Plan (Los Osos Urban Area Standards) * Oceano Specific Plan * Templeton Design Plan Amendment revisions for the requirement of a 20 units/acre minimum density will be proposed on 50 lots located in the Residential Multi-Family land use category in the unincorporated areas of the County. The following County documents may be affected:

Staff Report

3. Hearing to consider a request by the County of San Luis Obispo to amend Framework for Planning, Part I of the Land Use and Circulation Elements of the County General Plan, to incorporate "smart growth" principles, implementing actions and strategies into chapters or sections including General Goals, Public Service Considerations for expansion of urban and village areas, Circulation Element policies on pedestrian circulation, bikeways and public transit, and guidelines for Land Use Category amendments. The amendments would bring the principles and implementing actions that were endorsed by the Board of Supervisors on June 7, 2005 into the Land Use Element, Framework for Planning, which is the overall guiding policy document for the County's general plan. Eleven

principles are proposed that provide guidance for planning and directing growth toward compact, walkable communities and for conserving and sustaining important agricultural, natural and scenic resources. Implementing actions are proposed for both public and private measures to address the location, amount and design of future population and commercial growth and to provide supportive public services and facilities, to achieve the county's over-arching goals for safe, healthy, livable, prosperous and well-governed communities. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation on an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 25, 2007, for this request. County File Number: LRP 2005-00013 Assessor Parcel Number: Countywide Supervisorial District: All Date Authorized: June 7, 2005 James Lopes, Project Manager, Recommend Approval (60 min)

Staff Report

4. Hearing to consider a request by THOMAS AND CHARLOTTE ROBAK for a Third Time Extension for a Minor Use Permit to allow for the construction of an approximately 21,275 square-foot winery consisting of an approximately 18,118-square foot wine processing building, 3,157-square foot visitor's center (tasting room and administration building), sixteen-space parking lot, above-ground water storage tank, access road, standard leach field, wastewater ponds, landscaping, grading, and related site improvements. The project is located on the north side of Highway 46, 0.3 mile west of Anderson Road, approximately 2.0 miles west of the City of Paso Robles, in the Adelaida (Rural) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 4, 2003 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Geology and Soils, Public Services/Utilities, Transportation/Circulation, Wastewater, and Water and are included as conditions of approval. County File No: D010060P Assessor Parcel Number: 040-111-024 Supervisorial District: 1 Date

Accepted: N/A Holly Phipps, Project Manager Recommend Approval (30 min)

Staff Report

5. Hearing to consider a request by the LOS OSOS COMMUNITY SERVICES DISTRICT for a Development Plan / Coastal Development Plan to allow the construction of a shallow percolation pond and appurtenances, including two 10,000 gallon tanks for onsite disposal of backwash water from the potable water filtration system at an existing well site. The project will result in the disturbance of approximately 3,000 square feet of a 21,875 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1428 8th Street in the community of Los Osos. The site is in the Estero planning area. Consider and rely on the previously approved Mitigated Negative Declaration adopted on February 20, 2007, and Addendum prepared by the Los Osos Community Services District acting as Lead Agency. County File No: DRC2006-00179 Assessor Parcel Number: 038-291-039 Supervisorial District: 2 Accepted: July 10, 2007 Kerry Brown, Project Manager Recommend Approval (45 min)

Staff Report

6. Hearing to consider a request by Gregg Berge for a Minor Use Permit/Coastal Development Permit to allow an approximately 2,623 square foot two story single family residence with attached garage. The proposed project is within the Residential Single Family land use category and is located at 2255 Adams Street in the community of Cambria. The site is in the North Coast planning area. This project is exempt under CEQA. County File No: DRC2006-00009 Assessor Parcel Number: 023-383-041 Supervisorial District 2 Acceptance Date: February 15, 2007 John Euphrat, Project Manager Recommend Denial (60 min)

Staff Report

7. Continued hearing to consider an appeal by ANNE WINBURN of a Planning Director Determination that the production of plastic eye forms is an allowable use as a Home Occupation as referenced in Coastal Zone Land Use Ordinance Section 23.08.030 f (2) of Title 23 of the County Code. An environmental determination is not required. County File No: ZON2006-00461 Assessor Parcel Number: N/A Supervisorial District: N/A Date Accepted: N/A Nick Forester, Project Manager Recommend denial (60 min)

ADJOURNMENT: 5 p.m.

1. The Planning Department staff will present the staff report and recommendation on the proposal being heard and respond to questions from commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair will invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the commission and staff prior to the commission taking a decision. **RULES FOR PRESENTING TESTIMONY** Planning Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony must observe the following rules: