

**EXHIBIT LRP 2005-00010:B**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, CHAPTER 23.04 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: Section 23.04.028 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**23.04.028 - 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 ~~de~~ of this section for condominium-type projects, and except for cluster divisions pursuant to Section 23.04.036. 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:** 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 is to be applied only to the street that actually provides vehicular access.

<b>ROAD TYPE<sup>1</sup></b>	<b>MINIMUM PARCEL SIZE</b>
Arterial	20,000 square feet
Collector	10,000 square feet
Local	
Residential Single Family	65,000 square feet
Residential Multi-Family	6,000 square feet

**Notes:**

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

- b. Slope test.** Site slope is to be measured as an average for each proposed parcel, as defined in Chapter 23.11 (Definitions - Slope).

AVERAGE SLOPE	MINIMUM PARCEL SIZE	
	Outside GSA	Inside GSA <sup>1</sup>
Over 30%	20,000 Sq. Ft.	1 Acre
16-30%	8,500 Sq. Ft.	15,000 Sq. Ft.
0-15% - Residential Single Family	<del>6,000</del> 5,000 Sq. Ft.	<del>6,000</del> 5,000 Sq. Ft.
0-15% - Residential Multi-Family	6,000 Sq. Ft.	6,000 Sq. Ft.

**Notes:**

1. Geologic Study Area combining designation.

- c. 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	<del>6,000</del> 5,000 Sq. Ft. 6,000 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 Development Plan 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 Development Plan 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.

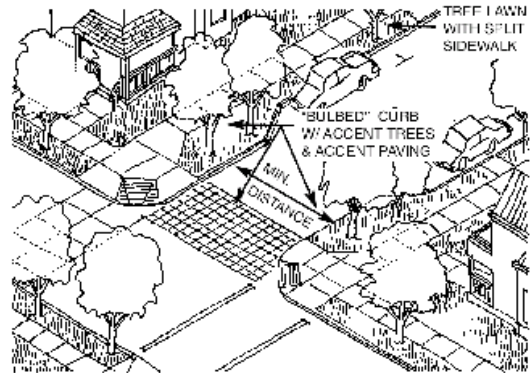
As used in this subsection, a *standard* is used to indicate mandatory requirements and a *guideline* is used to indicate that among several possibilities one is recommended as particularly suitable, without mentioning or excluding other alternatives. In the case of a guideline, the land division application 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.**

- (i) 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.

**(ii). 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.

**(iii). 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.



*"Bulbed" intersection*

**(iv). 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.

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



Desirable Vistas & Connections to Amenities

**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 Development Plan and Title 21 Section 21.03.020 - Adjustments.

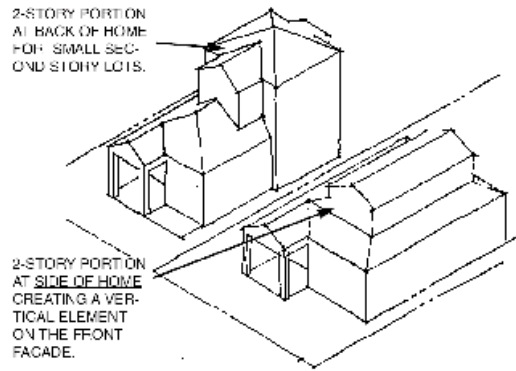
**(i). Lot Width (Standard).** The minimum lot width for each parcel shall be not less than thirty-five feet at the front yard setback and not less than seventy feet in depth, provided that corner parcels permit structures to conform to the setback line of each street.

**(ii). 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.

**(iii). 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.

**(iv). 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 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.



*Variations and orientation in building heights*

It is recommended that the following size limits for second story floor area be used:

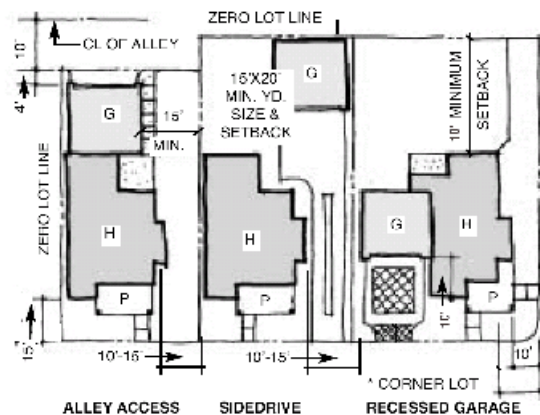
- (a) At least 25 percent of the residences shall have one story (maximum height of 16 feet above grade).
- (b) A maximum of 25 percent of the residences may have a small second story area that covers up to 30 percent of the first story.
- (c) A maximum of 25 percent of the residences may have a medium second story area that covers up to 60 percent of the first story.
- (d) A maximum of 25 percent of the residences should have a second story area that covers up to 100 percent of the first story.

**(v). Massing. (Guideline).** Building should be broken into three or four distinct elements: entry, main building, single story element, and the roof.

**(vi). Perimeter Building Orientation. (Guideline).** Buildings located on the perimeter of the site should be designed to face existing streets.

**(vii). 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:

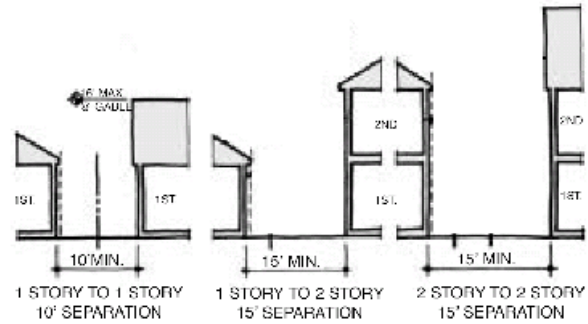
- (a) **Front setback.** The minimum front setback should be 15 feet, Required on-site parking shall not extend outside of the parcel or into any public right-of-way. Setbacks for cluster divisions authorized under section 22.22.140 shall be set through land use permit approval.



*Typical Building Setbacks and/or Building Separations*



(b) **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.



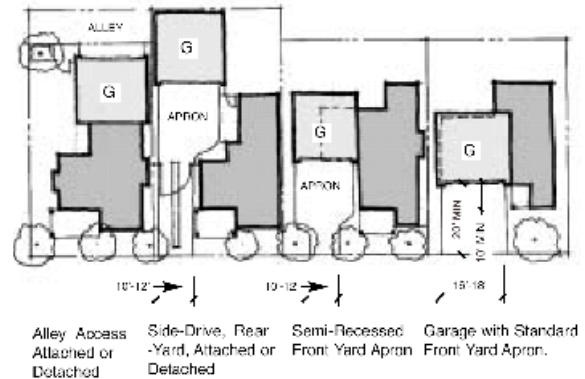
(c) **Rear setback.** The minimum rear setback should be 10 feet.

(d) **Garages along an alley** should be setback 4 feet from the property line.

(e) **Zero lot line design** consistent with Section 22.10.140.E.2.6.c is encouraged where feasible.

**(viii). 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.

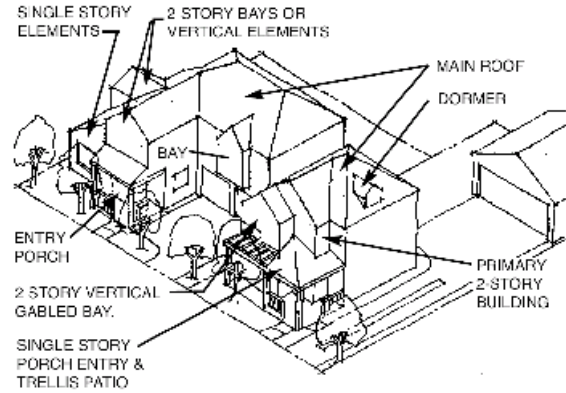


*Typical Garage Locations and Proportions*

**(ix). 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:

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

- (x). **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.



*Example of single-story covered entry porch with building oriented toward the street*

**(3) Walls and Fencing**

- (i). **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.
- (ii). **Retaining Walls. (Guideline).** Retaining walls should be no taller than four feet above grade. On steep slopes, a stepped wall arrangement should be used.
- (iii). **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 pursuant to Section 66427 et seq. of the Subdivision Map Act may use smaller parcel sizes to be determined through Development Plan approval by the Review Authority, as set forth in Section 23.02.034, at the same time as tentative map approval, provided that:

- (1) The common ownership external parcel is in compliance with the provisions of this section; and
- (2) The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

SECTION 2: Section 23.04.044 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**e. Residential uses:** The minimum site area for any residential use is 6,000 square feet, except as follows:

- (1) **Multiple-family dwellings:** ~~6,000~~ 4,000 square feet for two units. Minimum site area for ~~additional units~~ three or more units is established by Section 23.04.084 (Residential Intensity - Multi-Family Dwellings).

SECTION 3: Section 23.04.084 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**23.04.084 - Multi-Family Dwellings:**

The number of multiple family dwellings (as defined by the Land Use Element, Chapter 7, Part I), 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 23.08.168 (Residential Uses in the Recreation Land Use Category.) In areas where the maximum number of units per acre is specified by planning area standards (Part II of the Land Use Element), the allowed intensity factor, ~~maximum floor area and minimum open area and the maximum lot coverage ratio~~ shall correspond to the maximum units per acre as provided by subsection b. below.

**SECTION 4:** Section 23.04.084b of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**b. Determining allowable density:** The allowable density, ~~maximum floor area and minimum open area and lot coverage ratio~~ for a multiple-family site ~~is to~~ 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, pursuant to Section 23.04.044e(1) (Minimum Site Area - Multi-Family Dwellings):

<b>INTENSITY FACTOR</b>	<b>MAXIMUM UNITS PER ACRE</b>	<b>MAXIMUM FLOOR AREA LOT COVERAGE RATIO (1)</b>	<b>MINIMUM OPEN AREA (2)</b>
Low	15	35%	55%
Medium	26	<del>48%</del> <u>45%</u>	<u>45%</u>
High	38	<del>65%</del> <u>60%</u>	<u>40%</u>

**Notes:**

- (1) The gross floor area footprint area of all residential structures, including upper stories, but not 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.

**c. 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:

<b>Minimum Dwelling Units</b>	<b>Minimum Area per Unit</b>	<b>Features</b>
<u>4</u>	<u>250 sf</u>	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 <u>60 subsequent units.</u>
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**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.

SECTION 5: Section 23.04.090e(2) of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

- (2) **Residential Multi-Family land use category:** The maximum allowable density is determined by multiplying the base density as determined under Subsection b of this section by a factor of 1.35 if the affordable housing units are proposed to be provided on the site proposed to receive a density bonus, or a factor of 1.30 if the affordable housing units are proposed to be provided on a site separate from that proposed to receive a density bonus. The maximum number of units per acre and the maximum lot coverage ratio floor area permitted under Section 23.04.084b of this title in the Residential Multi-Family land use category may be increased by the same percentage factor that is used to increase the number of housing units. However, where an applicant has requested only a 25 percent increase in density, and no other incentives or concessions will be granted by the county, the maximum number of units per acre and the maximum lot coverage ratio floor area permitted under Section 23.04.084b can be increased by only 25 percent.

SECTION 6: Section 23.04.108a of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**23.04.108 - Front Setbacks:**

All structures with a height greater than three feet shall be setback 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 Section 23.04.310 (Sign Design Standards) or Section 23.04.190 (Fencing and Screening). The front setback is established parallel or concentric to the front property line. Front setback landscape and fencing standards are in Sections 23.04.180 et seq. and 23.04.190, respectively.

- a. **Residential uses:** All residential uses except for second-story dwellings over a commercial or office use are to have a minimum front setback of 25 feet, except as follows:

(1) **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 23.04.028d, or for cluster divisions authorized pursuant to section 23.04.036, or density bonus development authorized pursuant to section 23.04.090.

~~(1)~~(2) **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.

~~(2)~~(3) **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, pursuant to Section 23.01.044 (Adjustment), provided that portions of the dwelling other than the garage are to be established at the setback otherwise required.

**(3)(4) 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 23.01.044) at the option of the applicant, as follows:

**(i) Prerequisites for adjustment:** Adjustment may be granted only when 25% of the lots on the block with the same frontage are developed, and the entire block is within a single land use category.

**(ii) Allowed adjustment:** The normally required minimum front setback is to 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.

**(4)(5) Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Section 23.04.036), front setbacks may be determined through Development Plan approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code.

**(5)(6) Lots with parkways.** Where a lot is located in an area which incorporates detached sidewalks with fixed parkways between the curb and sidewalk, or meandering sidewalks which vary the separation between the curb and sidewalk, where the parkway between the curb and sidewalk is landscaped and includes one or more street tree per 50 feet of frontage and turf or low maintenance plants, front setbacks may be 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 7: Section 23.04.166c(5) of the Coastal Zone Land Use Ordinance, Title 23 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 8: Chapter 23.04 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding new subsection 23.04.370 as follows:

**23.04.370 - 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 9: Section 23.05.044a of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended by adding new subsections (9) and (10) as follows:

(9) 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.

(10) 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 23.08.046d(2)(ii)(b) of the Coastal Zone Land Use Ordinance, Title 23 of

the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Setback from streets.** ~~As required by Sections 23.04.108 and 23.04.110,~~ 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 set-backs 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 11. 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 12. 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 13. This ordinance shall become operative only upon approval without any modifications by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 14: 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: \_\_\_\_\_