



"Making a Difference"

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

**PLANNING COMMISSION**

MEETING DATE August 30, 2007	CONTACT/PHONE Ted Bench 805-781-5701	APPLICANT County of San Luis Obispo	FILE NO. LRP2005-00010: A, B, C & D
<b>SUBJECT</b> Hearing to consider a request by the <b>COUNTY OF SAN LUIS OBISPO</b> 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 15 units/acre on selected Residential Multi-Family zoned lots throughout the unincorporated areas of the County.			
<p>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:</p> <ul style="list-style-type: none"><li>• Title 22, sections 22.10.140, 22.18.050, 22.10.130, 22.10.110, 22.22.080, 22.10.155, 22.52.080</li><li>• Title 23, sections 23.04.108, 23.04.166, 23.04.084, 23.04.044, 23.04.028, 23.04.370, 23.05.044</li><li>• 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)</li><li>• Coastal Area Plans including: North Coast Area Plan (Cambria Urban Area Standards); Estero Area Plan (Los Osos Urban Area Standards)</li><li>• Oceano Specific Plan</li><li>• Templeton Design Plan</li></ul> <p>Amendment revisions for the requirement of a 15 units/acre minimum density will be proposed on 34 lots located in the Residential Multi-Family land use category in the unincorporated areas of the County. The following County documents may be affected:</p> <ul style="list-style-type: none"><li>• 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)</li><li>• 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)</li></ul> <p>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 cities.</p>			

<p>RECOMMENDED ACTION</p> <p>Adopt the resolution recommending to the Board of Supervisors:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>			
<p>ENVIRONMENTAL DETERMINATION</p> <p>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</p>			
<p>LAND USE CATEGORY</p> <p>Residential Single Family and Residential Multi Family</p>	<p>COMBINING DESIGNATION</p> <p>N/A</p>	<p>ASSESSOR PARCEL NUMBER</p> <p>N/A</p>	<p>SUPERVISOR DISTRICT(S)</p> <p>① ② ③ ④ ⑤ <b>All</b></p>
<p>PLANNING AREA STANDARDS:</p> <p>See project description above.</p>			
<p>EXISTING USES:</p> <p>N/A</p>			
<p>SURROUNDING LAND USE CATEGORIES AND USES:</p> <p>N/A</p>			
<p>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</p> <p>The project was referred to: All Advisory Groups</p>			
<p>TOPOGRAPHY:</p> <p>N/A</p>		<p>VEGETATION:</p> <p>N/A</p>	
<p>PROPOSED SERVICES:</p> <p>Water supply: N/A          Sewage Disposal: N/A          Fire Protection: N/A</p>		<p>ACCEPTANCE DATE:</p> <p>N/A</p>	
<p>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:          COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</p>			

**EXHIBITS**

The attached exhibits show proposed deletions with ~~strikeout~~ and proposed additions with underlining and redlined text. 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

## **PROJECT BRIEF**

At its August 9, 2007 hearing, the Planning Commission considered the attached package of affordable housing ordinances. Testimony and written comments were received from health and fire protection agencies, community advisory groups and individual community members, property owners, housing advocates and the general public. The Commission directed staff to revise the package and return to the August 30, 2007 hearing. The testimony and revisions are described below in the Discussion section.

The purpose of this affordable housing ordinances package 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 15 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. They also would implement the following Housing Element 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.

## **DISCUSSION**

### **Summary of Revisions**

Initially 50 residential multi-family zoned (RMF) parcels were selected to receive a minimum density designation of 20 units/acre. At the August 9, 2007 hearing, the Planning Commission concurred with property owners and dropped three more parcels from the current list of 37 RMF parcels. Now 34 parcels remain. The removed parcels are:

- APN 013-151-034 - Cambria - the People's Self-Help parcel legally restricted to 40 dwelling units
- APN 021-241-001 - San Miguel - the Buckman parcel partly developed with a mobilehome park
- APN 092-141-037 - Nipomo - the Hernandez parcel partly covered with a Commercial Retail zone

In response to the testimony and letters from community advisory groups and fire prevention agencies, staff recommends that the minimum density requirement be reduced from 20 units/acre to 15 units/ acre on the selected RMF parcels. This revision would:

- Address the concerns of community advisory groups regarding community compatibility. The South County Advisory Group (SCAC) supports increasing the 10 unit/acre **maximum** limit that covers portions of Nipomo to 15 units/acre. The revised 15 unit/acre **minimum** density would be a compromise from a 20 units/acre standard. A 15 units/acre project can be built with two story buildings. Therefore the San Miguel Design Plan would not need to be amended to remove the two story height limit that it has.
- Fire prevention officers told of a shortage of equipment for fighting fires in three story structures. Since 15 units/acre projects can be built with two story buildings their concern would be met.
- The Homebuilders Association notes that it is feasible to build 15 to 20 units/acre multi-family projects. But 20 to 30 units/acre projects are more difficult to construct because of insurance, liability and design issues. This revision reflects the current building conditions.

Individual Planning Commissioners discussed whether the parcels removed from the original list of 50 RMF parcels should be assigned a minimum density requirement. Staff notes that some of the deleted parcels have environmental or development constraints (i.e., slope, vegetation, access) and that such parcels would be difficult to develop even at low densities.

### **Additional Issues**

At the August 9, 2007 hearing community advisory council members expressed concerns that higher density development would exacerbate the traffic and water issues facing several communities. However, the amendment package does not waive or modify any utility standards or fees. All new development must still obtain "will-serve" letters from service districts and pay all traffic and utility fees before they can be built. Ordinance 3090 was discussed, since it prohibits the County from adopting any general plan amendments for Nipomo that could increase the water demands. However, this amendment package will change land use ordinances and not the general plan, so Ordinance 3090 does not prohibit the adoption of this ordinance amendment package.

Several Planning Commissioners discussed incentives for directing residential growth away from rural areas and into the County's urban centers. A separate effort could be started to require larger minimum parcel sizes in rural areas. Or the Growth Management Ordinance could be amended so that more construction permits are issued for urban residential development rather than rural residential development. Crafting such incentives is outside the scope of work for this ordinance amendment package. The Planning Commission may consider directing staff to bring one of the following recommendations forward for the Board of Supervisors to consider:

- Recommend that the Board authorize staff to prepare general plan amendments that would enlarge the minimum parcel size allowed in the Agriculture, Rural Lands, and Residential Rural land use categories.

- Recommend that the Board authorize staff to prepare an amendment to the Growth Management Ordinance that would govern how the annual allotment of residential construction permits are issued. A greater number of such permits could be granted for residential development in urban areas rather than rural areas.

Planning Commissioners also discussed how mini-storage facilities are currently allowed in the Residential Multi-Family (RMF) category. In the interest of reserving RMF zoned land for residential development, the Planning Commission may consider directing staff to bring the following recommendation forward for the Board of Supervisors to consider:

- Recommend that the Board authorize staff to prepare a general plan amendment that would remove mini-storage facilities from the list of allowable uses in the Residential Multi-Family category.

### **SUMMARY**

The majority of negative responses to the affordable housing amendment package were focused on the proposed 20 du/acre minimum density requirement. The revised standard of 15 dwelling units/acre (du/acre) minimum density is in response to concerns about community compatibility and fire safety. Most of the 34 selected parcels have a maximum density requirement of 15 to 28 du/acre. So the 15 du/acre requirement does not significantly add to the number of residential units that can already be built under the existing zoning. This amendment package does not waive or change any utility or fee requirements for new development.

The purpose of this affordable housing ordinance package is to allow higher residential density in urban areas. More housing units may lead to lower unit sales prices. The attached ordinance amendments 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.

Please consider the attached amendments and recommend that the Board of Supervisors approve them.

## FINDINGS

### *Environmental Determination*

- A. 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
- B. The proposed land use ordinance amendments are consistent with the Land Use Element, Housing Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element, the Housing Element, and the County adopted Smart Growth policies.
- C. The proposed land use ordinance amendments are consistent with, and implement, Housing Element Programs:
  - Program HE 1.4: Revise Residential Development Standards.
  - Program HE 1.10: Establishment of Minimum Residential Densities.
- D. The proposed land use ordinance amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the modifications will ensure that future development assists in reducing the potential loss of existing affordable housing units within the County.
- E. The proposed land use ordinance amendments will protect the public health, safety and welfare of the area residents by reducing the potential loss of the existing, affordable housing stock within the County.