

August 20, 2019

Project: Tract 3138

Project Description

Tract 3138 is an existing 10.88 acre lot with street frontage on Bennett Way. The proposed project is a 15 lot subdivision with an affordable housing component that allows an increase in density and deviation from the development standards.

Project Data

Bennet Way, Templeton
APN 040-311-014
Gross Lot Area: 10.88 acres
Average Slope: 8%
Zoning: Residential Suburban
15 lot subdivision with an affordable housing unit

Code Analysis

The following subdivision proposal conforms to San Luis Obispo County Title 22 Land Use Ordinance (Article 3 Site Planning and Project Design Standards, Chapter 22.22 Subdivision Design Standards, Section 22.2207 Residential Suburban Category).

The 2-part test under the relevant section:

- A. Slope – the average slope of this property is 8% (see attached slope map and calc). Thus it is within the 0-15% category, making the minimum lot size 1 acre
- B. Water and sewer – this property has a 19 unit water meter agreement with Templeton Community Service District, effective March 11, 2019 (see attached). Owner will purchase the required sewer units. Based on this, the minimum lot size is 1 acre.

Under the standard subdivision rules under San Luis Obispo County Land Use Title 22, the 10.73 acres may be divided into 10 one acre lots. This project will be including a very low affordable housing unit which will entitle it to a density bonus.

Affordable Housing

SLO County Title 22 Land Use Ordinance, Section 22.12.08(B)(2)(h) Inclusionary Housing provides exemption from Chapter 22.12 Affordable Housing section 22.12.020 that provides bonus density only to RSF and RMF land use categories. Our project is in the Residential Suburban Category. In relevant part of Inclusionary Housing Section 22.12.08 (A)(2), the purpose of this section is to, “fulfill the responsibility of the County under State Housing Law (California Government Code Section 65580 et seq.) to provide housing opportunities for all economic segments of the County.” Further, section 22.12.080 (B)(2) provides exemptions from the requirements of Affordable Housing section which only designates RSF and RMF land use categories eligible for bonus density. As such, there is an exemption for, “Residential

development that provides affordable housing units in conformance with California Government Code Section 65915 et seq. (the “State density bonus law”) will simultaneously satisfy the requirements of this section.”

22.12.080 C Inclusionary housing requirements for residential development. For all residential development subject to this Section, the base density shall be determined at the time of application submittal pursuant to Subsection C.6 (below), and a portion of that base density shall be restricted for occupancy by workforce, moderate, low or very-low income households as follows:

22.12.080 (C)(6) Determining base density. Base density is the maximum number of dwellings, or in the case of a residential land division, the maximum number of residential parcels that may be allowable on a given site under this Title not including any density bonuses as provided under this Title or state statute. Establishing the base density is necessary for purposes of determining how many inclusionary housing units must be provided and the total number of dwellings that may be allowable including the density bonus units. However, base density as determined under this Section does not affect the provisions of this Title for review of proposed developments or land divisions which are not subject to this Section. Base density is determined as follows:

22.12.080(C)(6)(c) Other land use categories. The base density for a site in a land use category other than Residential Single-Family or Residential Multi-Family is the maximum number of residential parcels that are allowable under this Title, not including any density bonus as provided under this Title.

We have met the County inclusionary housing element by providing 10% very low income housing.

Base Density

As noted prior, the base density is 10.88 lots under the RS land use designation in San Luis Obispo County Title 22. However, the CA Density Bonus Statute 65915(q) and (r) allow, “each component of any density calculation including base density and bonus density, resulting in fractional units shall be separately rounded up to the net whole number. The Legislature finds and declares that this provision is declaratory of existing law. (r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.” Further, per Section 65915(a)(1) below, “When an applicant seeks a density bonus for a housing development withinthe jurisdiction of a city, county or county and city, that local government shall comply with this section.” Meaning the entire section, including (q) and (r) above.

Because the total gross acreage of the proposed subdivision is 10.88 acres, we rounded up the fractional unit to 11 pursuant to the foregoing statute. Thus we will be starting with a base density of 11.

Bonus Density

Section 65915(a)(1) "When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within the jurisdiction of a city, county or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county or city and county from complying with this section"

Our county has complied with the foregoing provisions in Title 22 by providing Inclusionary Housing 22.12.080C and 22.12.080(C)(6)(c) which provides for other land use categories, such as this project, zoned Residential Suburban.

65915(b)(1) A city, county, or city and county shall grant one bonus density, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reduction of development standards as described in subdivision (e), and parking ratios described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the bonus density award pursuant to this section, that will contain at least any one of the following:

Our project complies with section 65915(b)(1)B, in which, "Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code. The statute further provides a chart under (f)(2): For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

We are designating 10% of the lots as very low income (ie 1 lot of the 10 original lots), gaining a 32.5% bonus density. $32.5\% \times 11$ (base density) lots is 3.58 additional units, + base density 11 allows the property to be divided into 14.58 which would be rounded up to 15 per above statutes. Thus, this property may legally be divided into 15 lots, one of which is designated very low income.

Concessions and Incentives

Section 65915(e)(2) of the state bonus statute says, "A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d). Therefore the reduction in lot size is a reduction in development standards and this project is still entitled to 2 concessions per section (d),.

Section 65915(d)(2)(B) gives us these 2 concessions, "Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households....." This project has designated 10% for very low income, thus as we are installing a very low income unit, we request a fee waiver of all County fees for the entire project including planning, building, impact, Quimby, road, etc.

Accessory Dwelling Units

This project has 4 additional water meters that it will intend to use for Accessory Dwelling units in conjunction with the 15 lots. Based on the TCSD rules we can purchase additional water units if desired.

San Luis Obispo County Title 22 Land Use Ordinance Section 22.30.470 Residential Secondary Dwelling:

Limitations on use:

B1. Accessory unit only - This is a new subdivision thus in compliance with B1 of this section, there are currently no other structures on the lots that would conflict with the requirement of a current guest house or more than one dwelling unit being on the property already

Further, under the new amendment to the accessory dwelling unit category, "An accessory dwelling that conforms to this section shall be deemed to be a residential accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located."

C1. Excluded areas – Accessory dwellings are not excluded from this property and are not incompatible with existing development, as the lot has not been built on. Further the density increase would have no adverse effects on essential community services or natural features. The proposal is for 4 accessory dwelling units and the property already has a water agreement with Templeton Community Service District for a total of 19 water meters. 15 of the water meters would be used on the 15 proposed lots and the other 4 would be for the accessory dwelling units. This property also has community sewer, and

the owner would buy any additional sewer units if necessary for the Accessory Dwelling in addition to the main house.

- D. Application content – there are no conditions, covenants or restrictions on the property that would prohibit an accessory dwelling unit.
- E. Minimum Site area: Currently Title 22 requires a minimum lot size of 6,000 square feet for an ADU with water and sewer and 1-acre for sites served by a septic system. In areas without a community sewer, the minimum size will be determined by the Local Agency Management Plan (LAMP). The new amendment eliminates the minimum lot size for parcels on sewer and community water. This property has community water and sewer so a minimum lot size will not need to be determined.