

**CALIFORNIA COASTAL COMMISSION**

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# W20b

**Prepared July 6, 2015 for July 8, 2015 Hearing**

**To:** Commissioners and Interested Persons

**From:** Susan Craig, District Manager  
Kevin Kahn, District Supervisor

**Subject: STAFF REPORT ADDENDUM for W20b (Warehousing)**

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The purpose of this addendum is to respond to public comments that have been received regarding the proposed LCP amendment. This addendum does not change staff's recommendation, which is still approval of the LCP amendment as submitted by the County of San Luis Obispo.

### **Response to comments**

Public comments have asserted that the proposed amendment is overly broad, will result in numerous existing warehousing facilities being deemed legal nonconforming, and will not help provide additional affordable housing. Specifically, the commenter states that deleting warehousing as an allowable land use within the Residential Multi-Family (RMF) designation will render existing warehousing facilities legal nonconforming, resulting in those properties' loss of value due to greater difficulties in securing financing. The commenter further states that because of the potential loss of property value, a takings analysis should have been prepared to ascertain the degree to which the proposed amendment would reduce such value and result in a regulatory taking of private property. Furthermore, the commenter states that there is no substantial evidence to substantiate the County's claim that eliminating warehousing as an allowed use will lessen competition for land in the RMF category. The commenter also suggests that the agenda item was not properly noticed. Finally, the commenter suggests that the Commission should consider incorporating language approved by the County Planning Commission that retains warehousing as an allowable, Special Use subject to specific standards.

First, with respect to noticing, contrary to the commenter's claim, the agenda item has been properly noticed throughout the amendment process, including at the local level and for the Commission's hearing on the LCP amendment. As part of its application, the County provided the Commission with an extensive mailing list and evidence that the local hearings were published in the local newspaper and other media. The Commission properly sent notice to all of the interested individuals and organizations who were known by the Executive Director to have a particular interest in this LCP amendment. Therefore, the item has been duly noticed.

Second, while the Planning Commission approved a tightening of existing Special Use standards that warehousing facilities must meet, the Board of Supervisors decided against this approach and instead voted to prohibit new warehousing uses altogether in the RMF designation. Therefore, while both the Planning Commission and Board approaches could have accomplished similar goals of prioritizing housing within the RMF designation, the Board ultimately decided to eliminate the use, based upon findings that warehousing would still be allowed in Commercial Service, Industrial, and Public Facilities land use designations (designations that are more appropriate for such use rather than within a residential district); that doing so would eliminate competition between industrial and residential use within a residential use district; and that on-site storage space within a particular multi-housing development would still be allowed for residents to satisfy their potential storage needs. Essentially, the Board decided that eliminating warehousing will help harmonize appropriate land uses within residential communities, and also act as a tool in the prioritization and provision of housing.

When reviewing the proposed LCP amendment, the Commission must review the Land Use Plan amendment, as it was submitted to the Commission by the Board, for its consistency with the Chapter 3 policies of the Coastal Act. As stated on page 6 of the staff report, and acknowledged by the commenter, the Coastal Act considers general industrial and general commercial uses, of which warehousing and mini-storage facilities would be classified, as a very low priority land use within the coastal zone. Therefore, the Board's decision to eliminate warehousing eliminates a low Coastal Act priority land use, and is therefore consistent with relevant Coastal Act policies.

Finally, with respect to the request that a takings analysis be prepared because of the proposed amendment's potential impact on property values, the Commission finds that such an analysis is not required at this time. Even with the proposed amendment, properties with RMF designations still have numerous allowed land uses, including a broad range of residential uses as principally permitted, and a host of other uses potentially allowed if use-specific standards are met, including Food and Beverage Retail Sales, Temporary Offices, and Crop Production and Grazing. Furthermore, the proposed amendment specifically allows any existing warehousing facilities in the RMF designation to retain their operation as legal nonconforming uses, which will allow such facilities to continue to operate and be repaired and maintained. The commenter's claim that the amendment could result in the diminution in value of specific properties is highly speculative, and in any case a diminution in value of property does not, by itself, establish an unconstitutional taking.

Attachment 1: Comment Letter from Jeff Edwards

J. H. EDWARDS COMPANY  
A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

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California Coastal Commission  
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W20b

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

June 29, 2015

RE: San Luis Obispo County LCP Amendment Number LCP-3-SL--15-0013-1 Part D  
(Warehousing)

Dear Mr. Kahn,

The above referenced matter will be considered at the regular meeting of the California Coastal Commission on Wednesday, July 8, 2015. Please be aware, that I oppose the amendment as proposed. The amendment is overly broad and has unintended consequences for a certain class of properties and will render them legal nonconforming. Moreover, there has been no demonstrated need for this amendment as it relates to the provision of housing, affordable or otherwise, in the coastal zone.

I support retaining the existing Special Use status for development of mini-storage facilities in the Residential Multiple Family (RMF) land use category (LUC). The San Luis Obispo County Planning Commission crafted language that made the amendment acceptable. However, the Board of Supervisors "gutted" the important provisions thoughtfully included by the Planning Commission and opted for the outright prohibition of mini-storage (warehouse) facilities in the RMF LUC.

I respectfully request the Commission delay further consideration of this matter or propose modifications that will bring the amendment more in alignment with the original approval by the Planning Commission which is shown immediately below. There is no urgency to this matter. The County has been working on such modifications since 2007 and there has been no demonstrated need for the deletion of mini-storage facilities as an allowable use, as proposed. This is notwithstanding the fact warehousing is a low priority use in the coastal zone.

## SLO Co. Planning Approval

**23.08.402 - Warehousing:** The standards of this section apply to warehouse uses in the Agriculture, Rural Lands and Residential Multi-Family land use categories.

**a. Limitation on use.**

- (1) **Agriculture and Rural Lands.** Warehousing uses in the Agriculture and Rural Lands categories are limited to storage facilities that support approved agricultural production or processing operations conducted on the same site.
- (2) **Residential Multi-Family.** Warehousing in the Residential Multi-Family land use category is limited to mini-storage facilities.

**b. Permit requirement – Residential Multi-Family category.** Minor Use Permit approval ~~when located in the Residential Multi-Family category, provided that the applicable review authority first find that~~ is required for mini-storage facilities in the Residential Multi-Family land use category, except where a Development Plan is otherwise required by this Title.

**c. Required findings – Residential Multi-Family category.** A land use permit may be approved only where the Review Authority makes the following findings in addition to those required by Section 23.02.034c:

- (1) The proposed storage facilities are designed primarily to serve the needs of apartment residents in the same land use category.
- (2) That residential development is entirely precluded on the site due to:
  - (i) Land use conflicts with existing land uses adjacent to the site, or
  - (ii) Agricultural buffers required by the provisions of the Agriculture Element of the General Plan, or
  - (iii) Limitations on urban services, including but not limited to water or wastewater service, where the service provider cannot, within the foreseeable future, serve residential development. (This finding does not preclude the applicant from obtaining any required approvals for necessary urban services for the proposed mini-storage facility.)

**cd. Development standards – Residential Multi-Family category.** Warehouse facilities in the Residential Multi-Family land use category are subject to the same site design and site development standards in Chapters 23.04 and 23.05 of this Title as Multi-Family Dwellings.

The proposed amendment will have significant unintended consequences that will render properties legal nonconforming. Using the community of Los Osos as an example, five (5) of the existing six (6) ministorage facilities will become legal nonconforming. A list of properties and their addresses is provided below.

### **Mini-Storage (warehousing) in the community of Los Osos**

<b>Business</b>	<b>Address</b>	<b>Land Use Category</b>
Main Mini Storage	1380 Santa Ynez Ave.	RMF
Main Mini Storage	2000 Mountain View Dr.	RMF
Bay Osos Mini Storage	2028 Mountain View Dr.	RMF
Los Osos Mini Storage	2110 Mountain View Dr.	RMF
Los Osos Mini Storage	2124 Mountain View Dr.	RMF
Budget Mini Storage	1133 Santa Ynez Ave.	CS

Chapter 9 of the Coastal Zone Land Use Ordinance (CZLUO) addresses Nonconforming Uses. Nonconforming Uses may not be expanded and if such a use is destroyed or partially destroyed (fire, explosion, flood or act of God) it is subject to replacement limitations. If 75% or more of the replacement cost of the structure is destroyed then it may not be reconstructed.

Additionally, the status as a legal nonconforming property will likely have a diminution in value. Legal nonconforming properties are more difficult to sell and to finance or refinance. In the post "Great Recession" era of real estate financing and underwriting it is extremely difficult to secure financing for legal nonconforming properties. If financing is available at all, it will be more expensive (i.e. higher interest rate) given the increase in real and perceived risk on the part of lenders.

Presently in Los Osos, Table O allows mini-storage facilities in the Commercial Service, Industrial, Public Facilities and RMF LUC's. In Los Osos, there is no Industrial LUC or available Public Facility LUC. Couple this with the fact that all of the Commercial Service LUC is occupied would make it impossible to develop any additional mini-storage facilities in the community of Los Osos.

Using Los Osos as a further example, there is no shortage of undeveloped land in the RMF LUC. According to the San Luis Obispo County office of Geographic Information Systems (GIS) there is approximately (70) acres of developed RMF. Conversely, there is approximately (69.1) acres of undeveloped RMF. Clearly there are other reasons for the limited development of new RMF housing in the community.

**J. H. EDWARDS COMPANY**  
A REAL PROPERTY CONCERN  
*Specializing in Water Neutral Development*

The principal constraint in many of the coastal communities, such as Los Osos, Cambria and San Simeon is the availability of water. In the case of Los Osos, the water resource concerns are significant. It may be many years before the situation is addressed to the point new residential development may proceed. To not allow property owners an opportunity to present alternative uses to establish some viable economic use is contrary to good planning and legal precepts.

An important question is, whether, or not, the owners of existing mini-storage facilities that would become legal non-conforming have been properly noticed of the proposed amendment. Given this is a limited class of properties it is feasible to accomplish. Individual owners may want to consult with their lenders, as applicable. It does not appear a proper noticing has occurred.

Finding number 1 asserts that this amendment, if adopted, will lessen competition for land in the RMF category for non-residential uses. There is no substantial evidence to support this assertion. Additionally, Finding number 4 allows the continued operation of the existing mini-storage facilities as legal non-conforming uses but fails to consider the unintended consequences of a diminution in value of existing facilities.

**ATTACHMENT 1**  
**EXHIBIT LRP2014-00007:A**  
**Findings**

1. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because they will help lessen competition for land in the Residential Multi-family land use category that can be used for the construction of housing, consistent with a) Housing Element objectives to facilitate the development of new housing units and b) Land Use Element principles and policies, including the provision of multi-family housing near shopping, services and transit.
2. Under the proposed amendments, mini-storage warehouse facilities will remain allowable in the Commercial Service, Industrial and Public Facilities land use categories.
3. Under the proposed amendments, multi-family projects will not be precluded from including on-site storage space for residents as an accessory use.
4. Under the proposed amendments, existing mini-storage warehouse facilities may continue their operation, as previously approved, as legal non-conforming uses.
5. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

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Thank you for the opportunity to comment on the proposed amendment. In terms of a cost benefit analysis, I respectfully submit the costs of proceeding with the proposed amendment greatly outweigh any benefits that may accrue to the expansion of housing opportunities in the county. Also, no Takings Analysis has been performed to assess the degree by which the proposed amendment will reduce property values.

In conclusion, I respectfully request the Commission delay further consideration of the proposed amendment until the breadth of unintended consequences may be evaluated. Alternatively, if the Commission wishes to proceed with the amendment, please consider incorporating the language approved the County Planning Commission when the matter was considered. In doing so, the issue of a regulatory taking and the related constitutional issues can be completely avoided by retaining mini-storage in an RMF category as a Special Use in Table O.

Sincerely,

*Jeff Edwards*

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W20b

CALIFORNIA  
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CENTRAL COAST AREA

June 29, 2015

RE: San Luis Obispo County LCP Amendment Number LCP-3-SL--15-0013-1 Part D  
(Warehousing)

Dear Mr. Kahn,

The above referenced matter will be considered at the regular meeting of the California Coastal Commission on Wednesday, July 8, 2015. Please be aware, that I oppose the amendment as proposed. The amendment is overly broad and has unintended consequences for a certain class of properties and will render them legal nonconforming. Moreover, there has been no demonstrated need for this amendment as it relates to the provision of housing, affordable or otherwise, in the coastal zone.

I support retaining the existing Special Use status for development of mini-storage facilities in the Residential Multiple Family (RMF) land use category (LUC). The San Luis Obispo County Planning Commission crafted language that made the amendment acceptable. However, the Board of Supervisors "gutted" the important provisions thoughtfully included by the Planning Commission and opted for the outright prohibition of mini-storage (warehouse) facilities in the RMF LUC.

I respectfully request the Commission delay further consideration of this matter or propose modifications that will bring the amendment more in alignment with the original approval by the Planning Commission which is shown immediately below. There is no urgency to this matter. The County has been working on such modifications since 2007 and there has been no demonstrated need for the deletion of mini-storage facilities as an allowable use, as proposed. This is notwithstanding the fact warehousing is a low priority use in the coastal zone.



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**b. Permit requirement – Residential Multi-Family category.** ~~Minor Use Permit approval when located in the Residential Multi-Family category, provided that the applicable review authority first find that is required for mini-storage facilities in the Residential Multi-Family land use category, except where a Development Plan is otherwise required by this Title.~~

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Finding number 1 asserts that this amendment, if adopted, will lessen competition for land in the RMF category for non-residential uses. There is no substantial evidence to support this assertion. Additionally, Finding number 4 allows the continued operation of the existing mini-storage facilities as legal non-conforming uses but fails to consider the unintended consequences of a diminution in value of existing facilities.

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3. Under the proposed amendments, multi-family projects will not be precluded from including on-site storage space for residents as an accessory use.
4. Under the proposed amendments, existing mini-storage warehouse facilities may continue their operation, as previously approved, as legal non-conforming uses.
5. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

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Thank you for the opportunity to comment on the proposed amendment. In terms of a cost benefit analysis, I respectfully submit the costs of proceeding with the proposed amendment greatly outweigh any benefits that may accrue to the expansion of housing opportunities in the county. Also, no Takings Analysis has been performed to assess the degree by which the proposed amendment will reduce property values.

In conclusion, I respectfully request the Commission delay further consideration of the proposed amendment until the breadth of unintended consequences may be evaluated. Alternatively, if the Commission wishes to proceed with the amendment, please consider incorporating the language approved the County Planning Commission when the matter was considered. In doing so, the issue of a regulatory taking and the related constitutional issues can be completely avoided by retaining mini-storage in an RMF category as a Special Use in Table O.

Sincerely,

*Jeff Edwards*

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# W20b

**Prepared June 18, 2015 for July 18, 2015 Hearing**

**To:** Commissioners and Interested Persons

**From:** Susan Craig, District Manager  
Kevin Kahn, District Supervisor

**Subject: San Luis Obispo County LCP Amendment Number LCP-3-SLO-15-0013-1 Part D (Warehousing)**

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## SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County proposes to amend the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) by deleting “warehousing” as an allowable land use within the LCP’s Residential Multi-Family land use category. Specifically, the amendment would modify Table O (the LCP’s table of allowed land uses for each of the coastal zone’s thirteen land use designations<sup>1</sup>) of the LUP’s Framework for Planning document by deleting warehousing as a special use (i.e. a conditional/appealable use allowed in a particular land use category subject to special standards) in Residential Multi-Family designations, and would amend the IP by deleting a reference to the required standards that warehousing facilities in the Residential Multi-Family land use designation must meet. The primary impetus behind the amendment is to lessen the competition between housing and other uses for Residential Multi-Family-designated land and therefore to maximize housing opportunities in these areas, which tend to be located within existing developed communities near services and transit where such higher density residential development should be encouraged.

The Coastal Act considers general industrial and commercial uses, such as warehousing facilities, a low-priority land use, and encourages the provision of affordable housing, which generally is accommodated via multi-housing developments. Therefore, the proposed amendment would remove a potential barrier to the provision of affordable housing by deleting a low-priority Coastal Act general commercial/industrial use. Removing warehousing facilities will also help ensure visual resource and community character protection of the coastal zone’s higher density residential neighborhoods by eliminating the imposition of potentially visually obtrusive warehousing facilities. The amendment will help ensure that such residential development is sited within the coastal zone’s existing developed communities and in close

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<sup>1</sup> The San Luis Obispo County LCP does not have zoning designations, but instead solely land use designations.

**LCP-3-SLO-15-0013-1 Part D (Warehousing)**

proximity to services, both of which are Coastal Act objectives. Finally, because the LUP amendment deletes Coastal Table O’s listing of warehousing as an allowable use within the Residential Multi-Family land use designation, the proposed IP amendment’s deletion of the required standards for such warehousing facilities within that land use designation is consistent with and adequately carries out the LUP, as amended.

In conclusion, staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the Coastal Act and Land Use Plan, and that the Commission **approve** the amendment as submitted. The required motions and resolutions are on page 3.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on June 16, 2015. The proposed amendment affects the LCP’s LUP and IP, and the 90-day action deadline is September 14, 2015. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 14, 2015 to take a final action on this LCP amendment.

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    C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ..... 6

**EXHIBITS**

Exhibit 1: Proposed LCP Amendment

## **I. MOTION AND RESOLUTION**

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make two motions in order to act on this recommendation.

### **A. Certify the LUP Amendment as Submitted**

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the LUP amendment as submitted and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

***Motion:** I move that the Commission **certify** Land Use Plan Amendment LCP-3-SLO-15-0013-1 Part D as submitted by San Luis Obispo County, and I recommend a yes vote.*

***Resolution:** The Commission hereby certifies Land Use Plan Major Amendment LCP-3-SLO-15-0013-1 Part D as submitted by San Luis Obispo County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.*

### **B. Certify the IP Amendment as Submitted**

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in the certification of the IP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **reject** Implementation Plan Amendment LCP-3-SLO-15-0013-1 Part D as submitted by San Luis Obispo County. I recommend a no vote.*

***Resolution:** The Commission hereby certifies Implementation Plan Amendment LCP-3-SLO-15-0013-1 Part D as submitted by San Luis Obispo County and adopts the findings set forth in this staff report that, as submitted, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.*

## **II. FINDINGS AND DECLARATIONS**

### **A. DESCRIPTION OF PROPOSED LCP AMENDMENT**

San Luis Obispo County proposes to amend the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP) by deleting “warehousing” as an allowable land use within the LCP’s Residential Multi-Family land use category. Currently, warehousing is listed as an “S-19” use within the Residential Multi-Family designation, meaning it is an allowable use if it meets specific criteria and if required findings are made. Coastal Table O within the LUP’s Framework for Planning document lists thirteen land use categories<sup>2</sup>, the allowable uses within those categories, and the permitting status for each, including whether the use is principally permitted (denoted with a “P”), allowed (denoted with an “A”), or special (denoted with an “S”). The S-19 designation requires conformance with the special standards listed in IP Section 23.08.400. This section describes requirements for “Wholesale Trade” uses, with Section 23.08.402 applying to warehousing. For warehousing in the Residential Multi-Family designation, the IP limits such use solely to mini-storage facilities and only when such facilities are found to be designed primarily to serve the needs of apartment residents.

The amendment would modify Table O by deleting warehousing as an S-19 use in the Residential Multi-Family land use designation, and would amend the IP by deleting the special standards identified in Section 23.08.400 that warehousing facilities in the Residential Multi-Family land use designation must meet. The primary impetus behind the amendment is to lessen the competition between housing and other uses for Residential Multi-Family-designated land and therefore to maximize housing opportunities in these areas, which tend to be located within existing developed communities near services and transit where such higher density development should be encouraged.

Please see Exhibit 1 for the proposed LUP and IP amendment language.

### **B. CONSISTENCY ANALYSIS**

#### **Standard of Review**

The proposed amendment affects the LUP and IP components of the San Luis Obispo County LCP. The standard of review for LUP amendments is that they must conform with the policies of Chapter 3 of the California Coastal Act, and the standard of review for IP amendments is that they must conform with and be adequate to carry out the provisions of the certified LUP.

#### **LUP Amendment Consistency Analysis**

General industrial and general commercial developments are low-priority land uses under the Coastal Act:

*Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority*

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<sup>2</sup> The San Luis Obispo County LCP does not have zoning designations, but instead solely land use designations.



## LCP-3-SLO-15-0013-1 Part D (Warehousing)

*over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The Coastal Act also contains strong requirements to ensure that development protects public views of scenic coastal areas and is visually compatible with the character of surrounding communities:

***Section 30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Coastal Act requires new development to be located within existing developed communities to reduce the dependence on private automobile trips:

***Section 30250(a).** (a) New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

***Section 30253(d).** New development shall do all of the following:*

*Minimize energy consumption and vehicle miles traveled.*

Finally, while not an applicable standard of review for an LUP amendment, it should be noted that the Coastal Act encourages the provision of affordable housing:

***Section 30604(f).** The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low-and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.*

***Section 30604(g).** The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

The proposed amendment would prohibit mini-storage facilities (currently the only allowable

## **LCP-3-SLO-15-0013-1 Part D (Warehousing)**

type of warehousing facilities within Residential Multi-Family areas) within the coastal zone's higher density residential communities. As described above, the Coastal Act considers general industrial and commercial uses, such as mini-storage facilities, a low-priority land use, and encourages the provision of affordable housing, which generally is accommodated via multi-unit housing developments. Therefore, the proposed amendment would remove a potential barrier to the provision of affordable housing by deleting a low-priority Coastal Act general commercial/industrial use. Removing mini-storage facilities will also help ensure visual resource and community character protection of the coastal zone's higher density residential neighborhoods by eliminating the imposition of potentially visually obtrusive warehousing facilities. Finally, the amendment will help ensure that such residential development is sited within the coastal zone's existing developed communities and in close proximity to services, both of which are Coastal Act objectives.

For the reasons discussed above, the proposed LUP amendment can be found consistent with and adequate to carry out the Coastal Act.

### **IP Amendment Consistency Analysis**

Because the LUP amendment deletes Coastal Table O's listing of warehousing as an allowable use within the Residential Multi-Family land use designation, the proposed IP amendment's deletion of the required standards for such warehousing facilities within that land use designation is consistent with and adequately carries out the LUP, as amended. Therefore, the proposed IP amendment carries out the amended LUP.

## **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The County, acting as lead CEQA agency, determined that the proposed LCP amendments were categorically exempt from the requirements of CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Specifically, Section 21080.9 of the California Public Resources Code – within CEQA – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program amendment. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP amendment.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA

### **LCP-3-SLO-15-0013-1 Part D (Warehousing)**

provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b)).

The County's LCP Amendment consists of a Land Use Plan (LUP) and Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act conformity into this CEQA finding as if it is set forth in full. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Thus, the proposed amendment is consistent with CEQA Section 21080.5(d)(2)(A).

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, March 24, 2015

**PRESENT:** Supervisors Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton, and  
Chairperson Debbie Arnold

**ABSENT:** None

**RESOLUTION NO. 2015-75**

RESOLUTION TO AMEND THE SAN LUIS OBISPO COUNTY GENERAL PLAN, FRAMEWORK FOR PLANNING (INLAND), PART I OF THE LAND USE AND CIRCULATION ELEMENTS (LUCE); THE CARRIZO, NORTH COUNTY, SAN LUIS OBISPO, AND SOUTH COUNTY AREA PLANS, PART II OF THE LUCE; THE OFFICIAL MAPS, PART IV OF THE LUCE; THE CONSERVATION AND OPEN SPACE ELEMENT; THE RULES OF PROCEDURE TO IMPLEMENT THE CALIFORNIA LAND CONSERVATION ACT OF 1965; THE REAL PROPERTY DIVISION ORDINANCE, TITLE 21 OF THE COUNTY CODE; THE LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE; THE COASTAL ZONE LAND USE ORDINANCE, TITLE 23 OF THE COUNTY CODE AND APPROVAL OF ENVIRONMENTAL DOCUMENTS

The following resolution is now hereby offered and read:

WHEREAS, state law requires that a general plan be adopted; and

WHEREAS, the Land Use and Circulation Element of the San Luis Obispo General Plan was adopted by the Board of Supervisors on September 22, 1980; and

WHEREAS, the Conservation and Open Space Element of the San Luis Obispo General Plan was adopted by the Board of Supervisors on May 20, 2010 and is a proper element of the General Plan; and

WHEREAS, on March 1, 1988, the San Luis Obispo County Board of Supervisors adopted the Local Coastal Program as amendments and additions to the Land Use Element of the San Luis Obispo County General Plan, specifically incorporating the Land Use Plan of the Local Coastal Program into the Land Use Element of the General Plan hereinafter referred to as the "Land Use Element and Local Coastal Plan", and to the San Luis Obispo County Code Titles 19, 21, and 23; and

WHEREAS, state law, public necessity, convenience and general welfare requires that general and specific plans be amended from time to time; and

WHEREAS, Government Code Section 51231 authorizes the Board of Supervisors, by resolution, to adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish preserves; and

WHEREAS, on June 26, 1972, the Board of Supervisors duly adopted Resolution No. 72-396 wherein it adopted "Rules of Procedure to Implement the Land Conservation Act of 1965" in the County of San Luis Obispo pursuant to the provisions of Government Code Section 51231; and

WHEREAS, the Board of Supervisors subsequently amended said Rules of Procedure by duly adopting Resolution No. 73-579 on October 15, 1973, Resolution No. 74-135 on March 16, 1974, Resolution 76-574 on August 10, 1976, Resolution No. 91-370 on July 2, 1991, Resolution No. 95-58 on

February 7, 1995, and Resolution No. 2001-334 on August 14, 2001, Resolution No. 2007-442 on December 4, 2007, Resolution No. 2008-72 on February 26, 2008 and Resolution 2011-373 on November 8, 2011; and

WHEREAS, the Board of Supervisors finds that it is in the public interest to consider further amendments to the previously adopted Rules of Procedure; and

WHEREAS, the Planning Commission of the County of San Luis Obispo after noticed public hearings did recommend amendments to the San Luis Obispo County General Plan, Framework For Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE); the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; the Official Maps, Part IV of the LUCE; the Conservation and Open Space Element; the Rules of Procedure to Implement the California Land Conservation Act of 1965; the Real Property Division Ordinance, Title 21 of the County Code; the Land Use Ordinance, Title 22 of the County Code; the Coastal Zone Land Use Ordinance, Title 23 of the County Code; or otherwise took action recommending said amendments.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the twenty-fourth day of March, 2015, that the San Luis Obispo County General Plan, Framework For Planning (Inland), Part I of the Land Use and Circulation Elements (LUCE); the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; the Official Maps, Part IV of the LUCE; the Conservation and Open Space Element; the Rules of Procedure to Implement the California Land Conservation Act of 1965; the Real Property Division Ordinance, Title 21 of the County Code; the Land Use Ordinance, Title 22 of the County Code; the Coastal Zone Land Use Ordinance, Title 23 of the County Code; be amended as follows:

1. Amend the San Luis Obispo County General Plan, Land Use and Circulation Element, Official Maps, by changing the designation for the parcels shown on Exhibit LRP2014-00015:C, attached hereto and incorporated herein as though fully set forth. [This document was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
2. Amend the San Luis Obispo County General Plan – Land Use and Circulation Element and Conservation and Open Space Element, as such amendment appears on Exhibit LRP2014-00015:C, attached hereto and incorporated herein as though fully set forth. [This document was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
3. Amend the “Rules of Procedure to Implement the California Land Conservation Act of 1965” as such amendment appears on Exhibit LRP2014-00015:E attached hereto and incorporated herein as though fully set forth. [This document was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]
4. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance Amending Title 21 Of The San Luis Obispo County Code, The Real Property Division Ordinance, Chapter 3 Relating To Flood Hazard Combining Designation Areas” As Such Amendment Appears On Exhibit LRP2012-00002:B, which is attached hereto and incorporated herein as though fully set forth, and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.
5. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 22 Of The San Luis Obispo County Code, The Land Use Ordinance, Chapter 22.14 And

Article 8. Relating To Flood Hazard Combining Designation Areas”, as such amendment appears on Exhibit LRP2012-00002:C which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.].

6. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Title 23 Of The San Luis Obispo County Code, The Coastal Zone Land Use Ordinance, Chapters 23.07 And 23.11 Relating To Flood Hazard Combining Designation Areas”, as such amendment appears on Exhibit LRP2012-00002:D which is attached hereto and incorporated herein as though fully set forth, and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

7. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance Amending The Land Use Ordinance, Title 22 Of The San Luis Obispo County Code, Relative To The Renewable Energy Streamlining Program (RESP)", as such amendment appears on Exhibit LRP2014-00015:D which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.].

8. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending The San Luis Obispo County Land Use Ordinance, Title 22 Of The County Code, Relative To Mini-Storage Warehouse Facilities In The Residential Multi-Family Land Use Category”, as such amendment appears on Exhibit LRP2014-00007:B which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.].

8.5 Amend Table O of the Coastal Zone Framework for Planning, Land Use Element and Coastal Program of the San Luis Obispo County General Plan, as such amendment appears on Exhibit LRP2014-00007:C, attached hereto and incorporated herein as though fully set forth, and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

9. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending The San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 Of The County Code, Relative To Mini-Storage Warehouse Facilities In The Residential Multi-Family Land Use Category”, as such amendment appears on Exhibit LRP2014-00007:D which is attached hereto and incorporated herein as though fully set forth, and pursuant to Public Resources Code, section 30514, authorize submittal to the California Coastal Commission for consideration and certification.

10. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign "An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the Coastal Zone Land Use Ordinance, Title 23 of the County Code" which is attached hereto and incorporated herein as though fully set forth.

BE IT FURTHER RESOLVED AND ORDERED that the environmental documents for the above enacted amendments be approved as follows:

1. Regarding the amendments that were processed on the basis of a General Rule Exemptions (Flood Hazard and Residential Multi-Family), the Board of Supervisors finds that the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3) from the

California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. Regarding the amendment that was processed on the basis of a proposed Final Environmental Impact Report (FEIR) (RESP-LRP2014-00015:A), the Board of Supervisors reviewed and considered the proposed Final Environmental Impact Report together with all comments received during the public review process prior to enacting the amendments. Further, on the basis of the environmental review and comments received for the Final Environmental Impact Report, there is substantial evidence that the amendments will have significant, unmitigable, unavoidable, adverse effects on the environment; therefore the Board of Supervisors hereby certifies the Final Environmental Impact Report pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) and adopts the recommended findings of the County Environmental Coordinator, and adopts statements of overriding consideration, which are attached hereto in Exhibit LRP2014-00015:A and incorporated herein as though fully set forth. The Final Environmental Impact Report prepared reflects the independent judgment of the County of San Luis Obispo, acting as the lead agency for the adoption and amendments.

BE IT FURTHER RESOLVED AND ORDERED that this resolution with respect to Exhibits LRP2012-00002:B, LRP2012-00002:D, LRP2014-00007:C, and LRP2014-00007:D shall become operative automatically, pursuant to 14 California Code of Regulations §13551(b)(1), upon the certification without any modifications or amendments to said amendments 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 pursuant to 14 California Code of Regulations §13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code § 65350 et seq., before final local government adoption of the amendments with the modifications suggested by Coastal Commission pursuant to 14 California Code of Regulations §13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Section 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

BE IT FURTHER RESOLVED AND ORDERED that the local coastal program is intended to be carried out in a manner fully in conformity with the Coastal Act.

BE IT FURTHER RESOLVED AND ORDERED that in accordance with Government Code Section 25131, after reading of the title of the ordinances, further reading of the ordinances in full is waived.

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective on the same date as Ordinances 3288, 3289, 3290, 3291, 3292, 3293 and 3294, said date being April 25, 2015.

Upon motion of Supervisor Gibson, seconded by Supervisor Hill, and on the following roll call vote, to wit:

- AYES: Supervisors Gibson, Hill, Mecham, and Compton
- NOES: Chairperson Arnold
- ABSENT: None
- ABSTAINING: None

The foregoing resolution is hereby adopted.

Debbie Arnold  
Chairperson of the Board of Supervisors  
of the County of San Luis Obispo,  
State of California

ATTEST

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

By: Annette Ramirez  
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By: /s/ Timothy McNulty  
Assistant County Counsel

Dated: March 24, 2015

<p>STATE OF CALIFORNIA     ) COUNTY OF SAN LUIS OBISPO)     ss.</p> <p>I, <b>TOMMY GONG</b>, County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.</p> <p>Witness, my hand and seal of said Board of Supervisors on April 27, 2015.</p> <p style="text-align: center;"><b>TOMMY GONG,</b> County Clerk and Ex-Officio Clerk of the Board of Supervisors</p> <p>By: <u><i>Annette Ramirez</i></u> Deputy Clerk</p>
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## ATTACHMENT 3 EXHIBIT LRP2014-00007:C

### Table O of the Coastal Zone Framework for Planning

Amend Table O of the Coastal Zone Framework for Planning, Land Use Element and Local Coastal Program of the San Luis Obispo County General Plan, Chapter 6, page 6-31, by removing Warehousing as an “S-10” use in the Residential Multi-Family land use category as follows:

USE GROUP	PAGE NUMBER OF USE	LAND USE CATEGORY													
		Agriculture - Prime Soils	Agriculture - Non-Prime Soils	Kameli Lands	Recreation	Residential Rural	Residential Suburban	Residential Single-Family	Residential Multi-Family	Office & Professional	Commercial Retail	Commercial Service	Commercial	Industrial	Public Facilities
<b>J TRANSIENT LODGINGS</b>															
Bed & Breakfast Facilities	1	6-41	S-12	S-12-P	S-12-P	S-12-P	S-12-P		S-12	S-12	S-12-P	S-12		S-12	
Homestays	5	6-48					S-12	S-12							
Hotels, Motels	2	6-48			S-12-P				S-12	S-12-P	S-12			S-12	
Recreational Vehicle Parks	3	6-55			S-12-P						S-12	S-12		S-1	
Temporary Const. Trailer Park	4	6-59	S-12	S-12		S-12							S-12		
<b>J TRANSPORTATION</b>															
Airfields & Landing Strips	1	6-40	S-13	S-13	S-13	S-13	S-13			S-13		S-13	S-13	S-13-P	
Harbors	2	6-47												S-1-P	
Marine Terminals & Piers	3	6-50			S-5						S-5	S-5	S-5-P		
Pipelines & Transmission Lines	4	6-54	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-13	S-14
Public Utility Facilities	5	6-55	S-13	S-13	S-13		S-13	S-13	S-13	S-13	S-13	S-13	S-13	P	
Transit Stations & Terminals	6	6-60			S-2				S-2	S-2	S-2	A	A		
Truck Stops	7	6-60									A	A			
Vehicle & Freight Terminals	8	6-60									A	A			
Vehicle Storage	9	6-60			S-13				S-13	S-13	P	A	A		
<b>K WHOLESALE TRADE</b>															
Warehousing	1	6-60		S-19	S-19				S-10			P	A	A	
Wholesaling & Distribution	2	6-61		S-19	S-19						P	A			

**EXHIBIT LRP2014-00007:D**  
**ORDINANCE NO. 3293**

**AN ORDINANCE AMENDING THE SAN LUIS OBISPO COUNTY COASTAL ZONE LAND USE ORDINANCE , TITLE 23 OF THE COUNTY CODE, RELATIVE TO MINI-STORAGE WAREHOUSE FACILITIES IN THE RESIDENTIAL MULTI-FAMILY LAND USE CATEGORY**

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

**SECTION 1:** Section 23.08.402, Warehousing, of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

**23.08.402 - Warehousing:** The standards of this section apply to warehouse uses in the Agriculture and Rural Lands land use categories.

- a. Limitation on use.** Warehousing uses in the Agriculture and Rural Lands categories are limited to storage facilities that support approved agricultural production or processing operations conducted on the same site.

**SECTION 2:** This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

**SECTION 3:** 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 4:** The Local Coastal Program is intended to be carried out in a manner fully in conformity with the Coastal Act.

**SECTION 5:** This amendment shall become operative automatically, pursuant to 14 California Code of Regulations Section 13551(b)(1), upon the certification without any modifications to said amendments by the California Coastal Commission and upon acknowledgement by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification pursuant to 14 California Code of Regulations Section 13544. In the event that the California Coastal Commission recommends modifications to said amendments, the amendments with modification shall be processed in accordance with Government Code Section 65350 et seq., before final local government adoption of the amendments with modifications suggested by the Coastal Commission pursuant to 14 California Code of Regulations Section 13551(b)(2), or before the Board of Supervisors resubmits, pursuant to Public Resources Code Sections 30512 and 30513, any additional amendments to satisfy the Commission's recommended changes.

**SECTION 6:** 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 by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of

**23.08.402 - Warehousing:** The standards of this section apply to warehouse uses in the Agriculture, and Rural Lands ~~and Residential Multi-Family~~ land use categories.

**a. Limitation on use.**

~~(1) Agriculture and Rural Lands.~~ Warehousing uses in the Agriculture and Rural Lands categories are limited to storage facilities that support approved agricultural production or processing operations conducted on the same site.

~~(2) Residential Multi-Family.~~ Warehousing in the Residential Multi-Family land use category is limited to mini-storage facilities.

**b. Permit requirement.** ~~Minor Use Permit approval when located in the Residential Multi-Family category, provided that the applicable review authority shall first find that the proposed storage facilities are designed primarily to serve the needs of apartment residents in the same land use category.~~

**c. Development standards -- Residential Multi-Family category.** ~~Warehouse facilities in the Residential Multi-Family land use category are subject to the same site design and site development standards in Chapters 23.04 and 23.05 of this Title as Multi-Family Dwellings.~~