



Planning Commission
AGENDA

Wednesday, September 8, 2021, 6:00 p.m.

Teleconference - Broadcast via Webinar

Due to the increasing number of COVID-19 cases in San Luis Obispo County, City Administration has made the difficult decision to return to a virtual meeting format. There will be no physical location for the Public to view the meeting. Below are instructions on how to view the meeting remotely and how to leave public comment. Additionally, members of the Planning Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Using the most rapid means of communication available at this time, members of the public are encouraged to participate in Planning Commission meetings in the following ways:

Remote Viewing - Members of the public who wish to watch the meeting can view:

View the Webinar (**recommended for the best viewing quality**):

URL: <https://slocity->

[org.zoom.us/j/89718288322?pwd=cldHTnFFbnRtYzVPMGFHZAhtVXhHUT09](https://slocity-)

Telephone Attendee: +1 (669) 900-6833

Webinar ID: 897 1828 8322; Passcode: 364993

Note: The City utilizes Zoom Webinar for City Council Meetings. All attendees will enter the meeting muted. An Attendee tutorial is available on YouTube; please test your audio settings.

Televised live on Charter Cable Channel 20

View a livestream of the meeting on the City's YouTube channel: <http://youtube.slo.city>

Public Comment - The Planning Commission will still be accepting public comment. Public comment can be submitted in the following ways:

Mail or Email Public Comment

Received by 3:00 PM on the day of meeting - Can be submitted via email to advisorybodies@slocity.org or U.S. Mail to City Clerk at 990 Palm St. San Luis Obispo, CA 93401. All emails will be archived/distributed to Commissioners, however, submissions *after* 3:00 p.m. on the day of the meeting may not be archived/distributed until the following day. Emails **will not** be read aloud during the meeting.

Verbal Public Comment

In Advance of the Meeting – Call (805) 781-7164; state and spell your name, the agenda item number you are calling about and leave your comment. The verbal comments must be limited to 3 minutes. All voicemails will be forwarded to the Commissioners and saved as Agenda Correspondence. Voicemails **will not** be played during the meeting.

During the meeting – Join the webinar (instructions above). Once public comment for the item you would like to speak on is called, please raise your virtual hand, your name will be called, and your microphone will be unmuted. If you have questions, contact the office of the City Clerk at cityclerk@slocity.org or (805) 781-7100.

Pages

1. **CALL TO ORDER**
2. **PUBLIC COMMENT**

At this time, people may address the Commission about items not on the agenda. Comments are limited to three minutes per person. Items raised at this time are generally referred to staff and, if action by the Commission is necessary, may be scheduled for a future meeting.

3. **CONSENT**

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Planning Commission to pull an item for discussion. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

Recommendation:

To approve Consent Item 3a.

- 3.a. **CONSIDERATION OF MINUTES - AUGUST 25, 2021 PLANNING COMMISSION MINUTES**

4. PUBLIC HEARINGS

Note: Any court challenge to the action taken on public hearing items on this agenda may be limited to considering only those issues raised at the public hearing or in written correspondence delivered to the City of San Luis Obispo at, or prior to, the public hearing. If you wish to speak, please give your name and address for the record. Please limit your comments to three minutes; consultant and project presentations limited to six minutes.

4.a. 1953 CHORRO (APPL-0512-2021) AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO DENY A DIRECTOR'S ACTION APPLICATION (DIR-0599-2019) REGARDING A REQUEST FOR SETBACK EXCEPTIONS TO ACCOMMODATE AN 800 SQUARE-FOOT ACCESSORY STRUCTURE

9

Recommendation:

Adopt a Resolution entitled, "A Resolution of the Planning Commission of the City of San Luis Obispo, California, denying an Appeal and upholding the Community Development Director's decision denying a request for a discretionary exception from Side and Rear Setback Standards for an Accessory Structure at 1953 Chorro Street (APPL 0512 2021)."

5. COMMENT AND DISCUSSION

5.a. STAFF UPDATES AND AGENDA FORECAST

6. ADJOURNMENT

The next Regular Meeting of the Planning Commission meeting is scheduled for September 22, 2021 at 6:00 p.m. via teleconference.

LISTENING ASSISTIVE DEVICES for the hearing impaired--see the Clerk

The City of San Luis Obispo wishes to make all of its public meetings accessible to the public. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's Office at (805) 781-7100 at least 48 hours before the meeting, if possible. Telecommunications Device for the Deaf (805) 781-7410.

Planning Commission regular meetings are televised live on Charter Channel 20. Agenda related writings or documents provided to the Planning Commission are available for public inspection on the City's website:

<http://www.slocity.org/government/advisory-bodies>. Meeting video recordings can be found on the City's website:

<http://www.slocity.org/government/department-directory/city-clerk/on-demand-meeting-videos>



Planning Commission Minutes

August 25, 2021, 6:00 p.m.
Teleconference - Broadcast via Webinar

Planning Commissioners Present: Commissioner Hemalata Dandekar, Commissioner Michael Hopkins, Commissioner Steve Kahn, Commissioner Michelle Shoresman, Commissioner Mike Wulkan, Chair Bob Jorgensen

Planning Commissioners Absent: Vice Chair Nick Quincey

City Staff Present: Community Development Director Michael Codron, Deputy Community Development Director Tyler Corey, Deputy City Clerk Kevin Christian

1. CALL TO ORDER

A Regular Meeting of the San Luis Obispo Planning Commission was called to order on August 25, 2021 at 6:00 p.m.

2. PUBLIC COMMENT

Chair Jorgensen opened the public hearing.

Public Comments:

Jill Stelfox

--End of Public Comment--

Chair Jorgensen closed the public hearing.

Staff commented that they will provide a follow-up communication to the Commission regarding the 163 Serrano project.

3. **CONSENT**

3.a CONSIDERATION OF MINUTES - JULY 28, 2021 PLANNING COMMISSION MINUTES

Approve the Planning Commission Minutes of July 28, 2021.

Motion By Commissioner Dandekar

Second By Commissioner Shoresman

Absent (1): Vice Chair Quincey

CARRIED

4. **PUBLIC HEARINGS**

4.a 279 BRIDGE ST. (ARCH-0597-2020) REVIEW OF A MIXED-USE PROJECT WITH A 24% DENSITY BONUS, INCLUDING A MINOR USE PERMIT, CONSISTING OF 94 RESIDENTIAL UNITS AND 924 SQUARE FEET OF COMMERCIAL SPACE

Commissioner Hopkins declared a conflict on this item. Commissioner Hopkins recused himself and left the meeting due to his employer having a current project with HASLO.

Associate Planner Kyle Bell presented the staff report and responded to Commission inquiries.

Applicant representative, Scott Smith of HASLO and Joel Snyder of Ten Over Studio, provided an overview of the project, commented on financing of affordable housing, addressed public comments raised in advance of the meeting, and responded to questions brought forward by Commissioners.

Chair Jorgensen opened the public hearing.

Public Comments:

Helene Finger

--End of Public Comment--

Chair Jorgensen closed the public hearing.

Motion By Commissioner Kahn
Second By Commissioner Dandekar

Adopt a Resolution entitled, "A Resolution of the City of San Luis Obispo Planning Commission approving a Minor Use Permit and the development of a Mixed-Use Project consisting of 94 affordable residential units for low-income households and 924 square feet of commercial space within the Manufacturing (M) Zone. The Project includes a Density Bonus of 24% including a request for an affordable housing concession and waiver from the edge conditions standards for the orientation of balconies and window placement on the second and third floors of the building sides facing adjacent properties located in the Medium-Density (R-2) Zone and an addendum to the previously adopted Mitigated Negative Declaration (ER#0286-2014), as represented in the staff report and attachments dated August 25, 2021 (279 Bridge Street, ARCH-0587-2020, USE-0412-2021, & AFFH-0413-2021)." with the following condition modifications:

Condition No. 9: Plans submitted for a building permit shall clearly depict the location of all required short and long-term bicycle parking for all intended uses, plans submitted for construction permits shall include bicycle lockers or interior space within each residential unit or other area for the storage of at least one bicycle per residential unit. Plans shall also include at least one first floor, secured and lockable bike storage area that can accommodate oversized cargo and electric bikes with access to electricity. Short-term bicycle racks such as "Peak Racks" shall be installed in close proximity to, and visible from, the main entry into the buildings (inverted "U" rack designs shall not be permitted). Sufficient detail shall be provided about the placement and design of bike racks and lockers to demonstrate compliance with relevant Engineering Standards and Community Design Guidelines, to the satisfaction of the Public Works and Community Development Directors.

New Condition No. 11: "Plans submitted for a building permit shall include low level foot lighting along the pedestrian accessway across the bridge compliant with §17.70.100. Preference shall be towards motion sensor lighting fixtures in close proximity to the finished grade intended for enhancing pedestrian safety and security, subject to the satisfaction of the Community Development Director."

Condition No. 13-14: "...The landscape plans shall provide trees planted along the southern and eastern perimeter of the project site to be of a height and breadth at greater maturity to provide substantial additional screening between the existing and new structures, minimum size 36-inch box, subject to the satisfaction of the Community Development Director."

Ayes (5): Commissioner Dandekar, Commissioner Kahn, Commissioner Shoresman, Commissioner Wulkan, and Chair Jorgensen

Absent (1): Vice Chair Quincey

Recused (1): Commissioner Hopkins

CARRIED (5 to 0)

5. COMMENT AND DISCUSSION

5.a STAFF UPDATES AND AGENDA FORECAST

Deputy Community Development Director Tyler Corey provided an update of upcoming projects.

6. ADJOURNMENT

The meeting was adjourned at 7:58 p.m. The next Regular Meeting of the Planning Commission meeting is scheduled for September 8, 2021, at 6:00 p.m. via teleconference.

APPROVED BY PLANNING COMMISSION: XX/XX/202X



PLANNING COMMISSION AGENDA REPORT

SUBJECT: APPEAL OF DIRECTOR'S DECISION TO DENY A DIRECTOR'S ACTION APPLICATION (DIR-0599-2019) REGARDING A REQUEST FOR SETBACK EXCEPTIONS TO ACCOMMODATE AN 800 SQUARE-FOOT ACCESSORY STRUCTURE

PROJECT ADDRESS: 1953 Chorro Street

BY: Walter Oetzell, Assistant Planner
Phone Number: (805) 781-7593
Email: woetzell@slocity.org

FILE NUMBER: APPL-0512-2021

FROM: Brian Leveille, Senior Planner

RECOMMENDATION

Adopt the draft resolution (Attachment A) denying the appeal and upholding the Community Development Director's decision to deny the Director's Action application DIR-0599-2019, regarding a request for a reduction of the required side and rear setback requirements to accommodate placement of an accessory structure on the property at 1953 Chorro Street.

SITE DATA

Appellant	Todd Miller
General Plan	Medium Density Residential
Zoning	Medium-Density Residential (R-2)
Site Area	7,500 sq. ft.
Environmental Status	Categorically Exempt from environmental review (CEQA Guidelines § 15270: Projects Which Are Disapproved)



SUMMARY

On July 5th, 2019, City Code Enforcement staff issued a Notice of Violation to the owner of the property at 1953 Chorro Street and posted a Stop Work Order on the property, upon observing installation of a large accessory structure in the southwest corner of the

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property, noting permit requirements and setback standards applicable to the work (see Notices and Photos, Attachment B).

On September 9th, 2019, Todd Miller, the property owner, filed Director's Action application DIR-0599-2019 requesting an exception to setback requirements, to reduce the side and rear setbacks from five feet to eighteen inches, in order to accommodate the structure, described as a "pre-fab metal carport" (see Project Plans, Attachment C).

In April 2021, Planning staff met on site with Mr. Miller to review the site conditions, including the placement of the accessory structure on the property. Based on the observations made in the site visit and the information available in the record file, the application was denied by the Community Development Director on July 14th, 2021 (see Decision Letter, Attachment D) based on several findings regarding:

- Inconsistency of the proposed placement of the accessory structure, within side and rear setbacks, with the neighborhood character and development pattern as required by Zoning Regulations § 17.70.170 (D) (2) (d) (ii);
- Inconsistency with the Historic Preservation Ordinance due to the size, scale, and industrial character and appearance of the accessory structure with the primary dwelling on the site, which is a Master List historic resource;
- Adverse visual and scale effects on neighboring properties from the placement of the structure within setbacks, contrary to the intent of setback standards set out in Zoning Regulations § 17.70.170 (A); and
- Absence of site characteristics or improvements that make adherence to Zoning Regulations impractical or infeasible, according to required findings.

Denial findings are discussed in further detail in the Analysis of Appeal section of this report, below.

On August 9th, Todd Miller, the property owner, filed an appeal of the Director's decision (see Appeal Form, Attachment E). The appeal cited the Director's findings for denial and consisted of a statement disagreeing with the Director's findings.

1.0 COMMISSION'S PURVIEW

As provided in Zoning Regulations § 17.126.040, decisions of the Community Development Director are appealed to the Planning Commission, for their consideration.

2.0 PROJECT SITE

The subject property is a residential lot measuring 7,500 square feet in area (50 feet wide and 150 feet deep) located on the west side of Chorro Street, about 125 feet north of High Street, within a Medium-Low Density Residential (R-2) Zone. It is developed with a single-family dwelling built between 1890 and 1910 and relocated to the site (from 40 Prado Road) in 1993. It was included in the City's Inventory of Historic Resources as a Master List Resource in 1994 (added as the Oliver House by Council Resolution 8352), as a good

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example of “Queen Anne Victorian” style and for its association with an early farming family of immigrants in the area.

3.0 ANALYSIS OF APPEAL

Development of an accessory structure requires approval of a building permit from the City’s Building & Safety Division (Zoning § 17.70.010 (D) (1)). Additionally, accessory structures must conform to all applicable Zoning Regulations, including setback standards (Zoning § 17.70.010 (C) (1)).



Figure 1: 1953 Chorro

Under Director’s Action application DIR-0599-2019, the Community Development Director was asked to consider reducing the side and rear setbacks by 3 ½ feet (from required 5 feet to 18 inches), as provided in Zoning Regulations § 17.70.070 (D) (2), to accommodate the accessory structure installed in the southwest corner of the site. Such exceptions may be granted in certain circumstances, upon making the findings for an individual exception, along with the Required Findings for Director’s Action set out in Zoning § 17.108.040 (A). An excerpt from the City’s Municipal Code describing the required findings for a setback exception and for approval of a Director’s Action application is provided for convenience as Attachment F (Required Findings).

As described in the decision letter denying the application (Attachment D), staff was unable to make three of the required findings for setback reductions, and the structure itself could not be found to be consistent with the City’s Historical Preservation policies, therefore the setback reduction could not be granted. The four findings upon which denial of the application was based have been cited by the Appellant as the basis for his appeal of the Director’s decision (Attachment E).

Neighborhood Development Pattern (Finding #1). In order to grant a setback reduction, the Director must find that, in the case of a detached single-story accessory structure, the structure is consistent with the traditional development pattern of the neighborhood (Zoning Regulations § 17.70.170 (D) (2) (d) (ii) (b)). This neighborhood is characterized by the placement of primary dwellings at or near the 20-foot front setback limit (see Figure 2) and, as is common in an R-2 Zone, additional dwelling units to the rear of a lot, subject to minimum 5-foot side and rear setbacks applicable within the R-2 Zone (Zoning Regulations § 17.82.20 (A) & (B)). Likewise, new accessory structures are subject to the same minimum 5-foot side and rear setback standards (for structures up to 12 feet in height).¹ Existing dwellings and accessory structures in the vicinity are constructed of conventional residential building materials, such as wood or masonry.

¹ The depth of a required setback increases with building height above 12 feet (see Zoning § 17.18.020 (B))

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Figure 2: Neighborhood Pattern (Google Maps)

While a limited number of accessory structures in the vicinity may be observed within side or rear setbacks, such accessory structures are of a small scale, typically single-car garages or storage sheds of limited depth and width, which are most commonly “legal non-conforming” structures pre-dating the City’s setback standards.

The applicant has indicated that a permitted structure was located on the property in approximately the same location. Aerial imagery appears to show a smaller accessory structures in the rear yard area of the property, but no corresponding permit record is



Figure 3: "Pre-Fab Carport" Accessory structure (completed, left; under construction, right)

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found in City records. Nonconforming Provisions in the City's Zoning Regulations which may have allowed continued use of a prior nonconforming accessory structure would not apply to the new carport building, as the prior structure has been demolished and the new carport building is an entirely new structure subject to current setback standards.

At 20 feet in width and 40 feet in depth, the new accessory structure is about double the size of typical legal non-conforming accessory structures in the neighborhood. Its metal construction also represents a departure from the predominant wood and stucco building materials that dominate construction in this neighborhood. The surrounding neighborhood does not contain similarly sized accessory structures and exceptions have not been provided for reduced setbacks for structures of similar size or material.

Adverse Effects (Finding #3). Required findings for Director's Action approval call for consideration of, and measures to address, any potential impacts to surrounding properties (Zoning § 17.108.040 (A) (3)). The visual impact from the unusually large size of the subject accessory structure and its incongruous metal material are made more noticeable to adjacent properties when placed almost directly against the property's boundaries. The structure rises several feet above the boundary fence and no natural



Figure 4: Accessory Structure, right wall

elements such as tall hedges or trees are present to screen the structure from view of neighboring properties. Setback standards are intended, among other purposes, to help determine the pattern of building masses and open areas within neighborhoods (Zoning § 17.70.170 (A)). Placement of this large metal building closer to neighboring properties than permitted under current setback standards does not provide adequate consideration of adverse visual and scale effects on surrounding properties arising from the pattern and lack of open area that would result from the proposed setback reduction.

Impracticality or Infeasibility of Conformance (Finding #4). Approval of a Director's Action application is also subject to finding that, in light of site characteristics or existing improvements that make strict adherence to the regulations, including setback standards, impractical or infeasible, a project nonetheless conforms with the intent of Zoning Regulations (Zoning § 17.108.040 (A) (4)). Here, there are no discernable site characteristics or existing improvements that render strict adherence to the setback standards impractical or infeasible, and none were described by Appellant in the application submittal or in his subsequent correspondence.

As a rectangular lot measuring 7,500 square feet in area (50 feet wide by 150 feet deep) and developed only with a modestly-sized single-family dwelling, the property is not of unusual size or shape and existing improvements present no barrier to adherence to setback standards. The structure itself is a very large pre-fabricated structure and

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granting a setback exception to accommodate a building that was not designed to fit this particular site would be inconsistent with the intent of setback standards and the exceptions thereto. In addition to lack of basis for making the required finding that strict adherence to the setback standards is infeasible or impractical, staff could not find the requested exception to be nonetheless consistent with the intent of setback standards (see Adverse Effects, above).

Historical Character (Finding #2). The Conservation and Open Space Element (COSE) of the City's General Plan sets out policies for the protection of historical and architectural resources (see COSE § 3.3),² and as described in Section 12.4 of the General Plan Land Use Element, these policies are implemented through the City's Historic Preservation Ordinance (SLOMC Ch. 14.01) and supporting Historic Preservation Program Guidelines (HPPG).³ The HPPG provide that construction on properties that contain listed historic resources shall conform to those General Plan policies and to the Historic Preservation Ordinance and supporting Guidelines (HPPG § 3.1.1). In particular, new accessory structures are to complement the primary structure's historic character through compatibility with its form, massing, color, and materials (HPPG § 3.4.1 (c)).

The accessory structure installed on this property does not satisfy this guideline, and therefore, is inconsistent with General Plan policies for preservation of historic and architectural resources. It is an unusually large accessory structure, at 800 square feet in area and 40 feet in depth, about 70% of the size of the 1,130 square-foot Oliver house. It exhibits a functionally-oriented industrial appearance that contrasts with the Oliver House's Victorian (Queen Anne) form, detailing, and decoration, and is constructed of a utilitarian metal material without apparent relation to the wood-sided Oliver House, apart from the horizontal orientation of its metal siding. For these reasons, the accessory structure is not seen to complement the Oliver house in form, massing, color, or materials, and granting a setback exception to accommodate the structure could likewise not be found consistent with General Plan policies, as implemented through the City's historical preservation policies.



² Relevant policies include Policy 3.3.1: Significant historic and architectural resources should be identified, preserved and rehabilitated; and Policy 3.3.4: New buildings in historical districts, or on historically significant sites, should reflect the form, spacing and materials of nearby historic structures. The General Plan can be accessed online at: www.slocity.org/government/departments-directory/community-development/planning-zoning/general-plan

³ Historical Preservation documents available online at: www.slocity.org/government/departments-directory/community-development/historic-and-archeological-preservation

4.0 CONCLUSION

Exceptions from setback standards, as requested under Director's Action application DIR-0599-2019, could not be approved because the required findings for such an exception, as set forth in Zoning Regulations § § 17.70.170 & 17.108.040, could not be made, as described above. The appeal of the Director's decision to deny the application does not identify authority indicating misapplication of the setback standards or any factual inaccuracies on which the decision to deny was based. No information has been provided with this appeal demonstrating that a setback exception is appropriate in this case, or that could serve as the basis for making the required findings necessary to approve the requested setback exception.

5.0 ENVIRONMENTAL REVIEW

Denial of a reduction in Setback Standards is not subject to the California Environmental Quality Act (CEQA), as described in CEQA Guidelines § 15270 (Projects Which Are Disapproved).

6.0 ALTERNATIVES

1. Uphold the appeal and adopt a resolution granting a Discretionary Exception from side and rear setback standards, reducing the required setback to 18 inches to accommodate the accessory structure.

This action is not recommended since the appeal provides no justification for granting a setback exception or any basis for making the required findings necessary to approve a setback exception. Staff could not uncover any basis on which to find that the structure could comply with Historic Preservation Ordinance and Historic Preservation Program Guidelines, which require the structure to be complementary to the primary structure in form, massing, color, and materials. Any consideration to uphold the appeal should first include a continuance to allow the Cultural Heritage Committee (CHC) to review and provide a recommendation on the project, to provide a basis for required CEQA findings and findings of conformance with the City's General Plan and Historic Preservation Ordinance and Guidelines.

2. Continue consideration of the item to a future date, with relevant guidance to staff and applicant including an opportunity for review by the CHC so that the project may then return to the Planning Commission for action (as described in Alternative 1 above).

7.0 ATTACHMENTS

- A – Draft Planning Commission Resolution denying the Appeal for 1953 Chorro
- B – Code Enforcement Notices and Photographs
- C – Project Plans for 1953 Chorro
- D – Decision Letter (DIR-0599-2019)
- E – Appeal Form (APPL-0512-2021)
- F – Required Findings (Zoning Regulations – Excerpts)

RESOLUTION NO. PC-XXXX-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN LUIS OBISPO, CALIFORNIA, DENYING AN APPEAL AND
UPHOLDING THE COMMUNITY DEVELOPMENT DIRECTOR'S
DECISION DENYING A REQUEST FOR A DISCRETIONARY
EXCEPTION FROM SIDE AND REAR SETBACK STANDARDS FOR AN
ACCESSORY STRUCTURE AT 1953 CHORRO STREET
(APPL-0512 2021)**

WHEREAS, the Community Development Director denied a request for a Discretionary Exception from Side and Rear Setback standards for an accessory structure located at 1953 Chorro Street, on July 14, 2021, under Director's Action application DIR-0599-2019; Todd Miller, applicant; and

WHEREAS, On August 9, 2021, Todd Miller filed an appeal of the Community Development Director's decision to deny the request for a Discretionary Exception from Side and Rear Setback standards; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing by teleconference from San Luis Obispo, California, on September 8, 2021, to consider the appeal of the Community Development Director's decision; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the City Council has duly considered all evidence, including the testimony of the applicant, interested parties, and evaluation and recommendations by staff presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. Based upon all the evidence, the Commission makes the following findings:

1. The proposed accessory structure for which the setback reduction is requested is neither consistent with, nor an improvement to, the character or traditional development pattern of the neighborhood (Zoning §§ 17.70.170 (D) (2) (d) (2) (b) & 17.108.040 (A) (2)). It is of an excessive scale, being significantly deeper and wider and greater in total enclosed floor area than structures which are typically considered to be accessory and subordinate to a single-family dwelling, and it is constructed with an exclusively metal exterior material which is inconsistent with conventional building materials and design for a residential building of this size and scale. As such, its placement directly against the property line without building setback is not consistent with the prevailing pattern of building masses in the vicinity, in which larger structures are set back from side and rear property lines in conformance to Setback Standards set out in Zoning Regulations.

R _____

2. The proposed setback reduction does not provide adequate consideration of potential adverse visual and scale effects on surrounding properties (Zoning Regulations § 17.108.040 (A) (3)). The accessory building's perceived scale and the incongruity of its metal surface material are amplified and made more noticeable to neighboring properties by placement of the building directly adjacent to the side and rear property line without setback.
3. No site characteristics or existing improvements have been identified or observed which would make strict adherence to the Setback Standards set out in Zoning Regulations impractical or infeasible, and placement of the unusually large proposed accessory building directly against the side and rear property lines without setbacks does not conform with the intent of Setback Standards to determine the pattern of building masses and open space (Zoning Regulations § 17.108.040 (A) (4)). The property is of a conventional rectangular shape, and of dimensions exceeding minimum standards for the zone, without constraining topographical features such as creeks or unusual slope characteristics, and existing property improvements are limited to one modestly sized single-family dwelling.
4. The proposed setback reduction is not consistent with policies for protection of historical and architectural resources set out in § 3.3 of the Conservation and Open Space Element of the General Plan, or their implementing guidelines (Land Use Element § 12.4). The industrial character and metal construction of the accessory building for which the setback exception is proposed is not consistent with, and does not complement, the historical character of the primary structure on the property (Historical Preservation Program Guidelines § 3.4.1 (d)), a Victorian Queen Anne Cottage (Oliver House), designated as a Master List Resource in the City's Inventory of Historic Resources. Contrary to the guidance for Related New Construction (including new accessory structures) provided in the Secretary of the Interior's Standards for the Treatment of Historic Property, the accessory building's austere metal surface material and industrial character are not stylistically appropriate for the character of Oliver House, which exhibits a conventional residential character through wood exterior materials and decorative detailing.

SECTION 2. Environmental Review. This application is exempt from the provisions of the California Environmental Quality Act (CEQA). It involves a request that a public agency will disapprove, as described in CEQA Guidelines § 15270 (Projects which are disapproved).

SECTION 3. Action. The Planning Commission does hereby deny the subject appeal filed by Todd Miller, and upholds the Community Development Director's decision to deny a Discretionary Exception from Side and Rear setback standards for an Accessory Structure, under Director's Action application DIR-0599-20201.

Upon motion of _____, seconded by _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was adopted this _____ day of _____ 2021.

Brian Leveille, Secretary
Planning Commission

R _____



Community Development

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7170
slocity.org

Notice to Correct Code Violation(s)/Notice of Violation

(Courtesy Warning Prior to Issuance of Administrative Citation)

July 5, 2019

Kimberly Miller
816 Clearview Lane
San Luis Obispo, CA 93401

(Note: Property Address subsequently corrected)

SUBJECT ADDRESS: 816 Clearview Lane, San Luis Obispo, CA 93401

APN: 003-644-011

Code Case #: CODE-493-2019

Dear Property Owner,

On July 5, 2019, City of San Luis Obispo Community Development Department staff noted the following violations of the San Luis Obispo Municipal Code or other relevant codes at the above listed address:

1. **Permit Required (SLOMC 15.02.010, California Building Code A105.1)**

“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”

2. **Development Standards (SLOMC 17.16.020[B])**

The interior side and rear setback standards for the R-1 zone shall be as set forth in Table 2-5.

Table 2-5: R-1 Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1—12 feet	5 feet (minimum setback)

Officer Comments: A Stop Work Order was posted at the property due to a structure under construction in the rear yard. The structure is being built without a permit and within required setbacks.

Corrective Action: A permit will be required for the structure. Once a permit is issued please ensure to schedule necessary inspection(s).

**A COPY OF THIS NOTICE MUST BE ATTACHED TO ALL APPLICATIONS FOR A PERMIT.
ALL REQUIRED WORK MUST BE COMPLETED WITHIN 90 DAYS OF PERMIT ISSUANCE.**

We request that you voluntarily take action to correct the above noted violation(s) no later than **August 4, 2019**. These violations constitute a public nuisance and must be abated. Failure to correct the violation(s) by the specified date will result in the issuance of an Administrative Citation requiring payment of FINES in accordance with SLOMC Chapter 1.24. For Municipal Code violations that remain uncorrected after issuance of an Administrative Citation, the City may seek enforcement by other civil or criminal remedies.

Any person having a title interest in the property may request a Director's review of this Notice by completing the enclosed Request for Director's Review Form and submitting it to the Community Development Department, 919 Palm Street, San Luis Obispo, CA 93406, within five (5) days of the date of this Notice. This Notice shall be deemed final unless you timely file a Request for Director's Review.

We look forward to working with you to resolve these violations and would like to thank you for your efforts to maintain your property and to help preserve the safety and beauty of our community. If you have questions, please contact the undersigned Officer at (805) 783-7841 or ssheats@slocity.org.

Sincerely,

A handwritten signature in black ink, appearing to be 'SS' with a stylized flourish extending from the top right.

Steve Sheats, Code Enforcement Officer

Cc: File

Enclosures: Request for Directors Review





Community Development Department
Building & Safety

919 Palm Street, San Luis Obispo, CA 93401-3218
T 805.781.7180

STOP WORK

DO NOT REMOVE THIS TAG

Owner/Agent: _____
Address 1953 Chorro

Notice is hereby given that the following violation(s) of the Building Code and/or Zoning Regulations have been identified on the above property.

☒ CONSTRUCTION WITHOUT PERMIT ☐ THE FOLLOWING IS NOT ACCEPTABLE

Garage type structure in rear yard
over 120 sq ft. Within required setback

The violation(s) noted above must be corrected.
Failure to comply with this notice may result in legal action and penalties as provided by the Municipal Code.

Posting Date: 7.5.19 Time: 0900
Inspector: Steve Sheats Phone: 805. 783 7841
Email: ssheats @slocity.org



Steve Sheats
Code Enforcement Officer
Community Development
Building and Safety

919 Palm Street
San Luis Obispo, CA 93401-3218

E ssheats@slocity.org
T 805.783.7841
F 805.781.7173

slocity.org

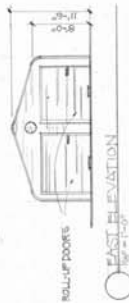
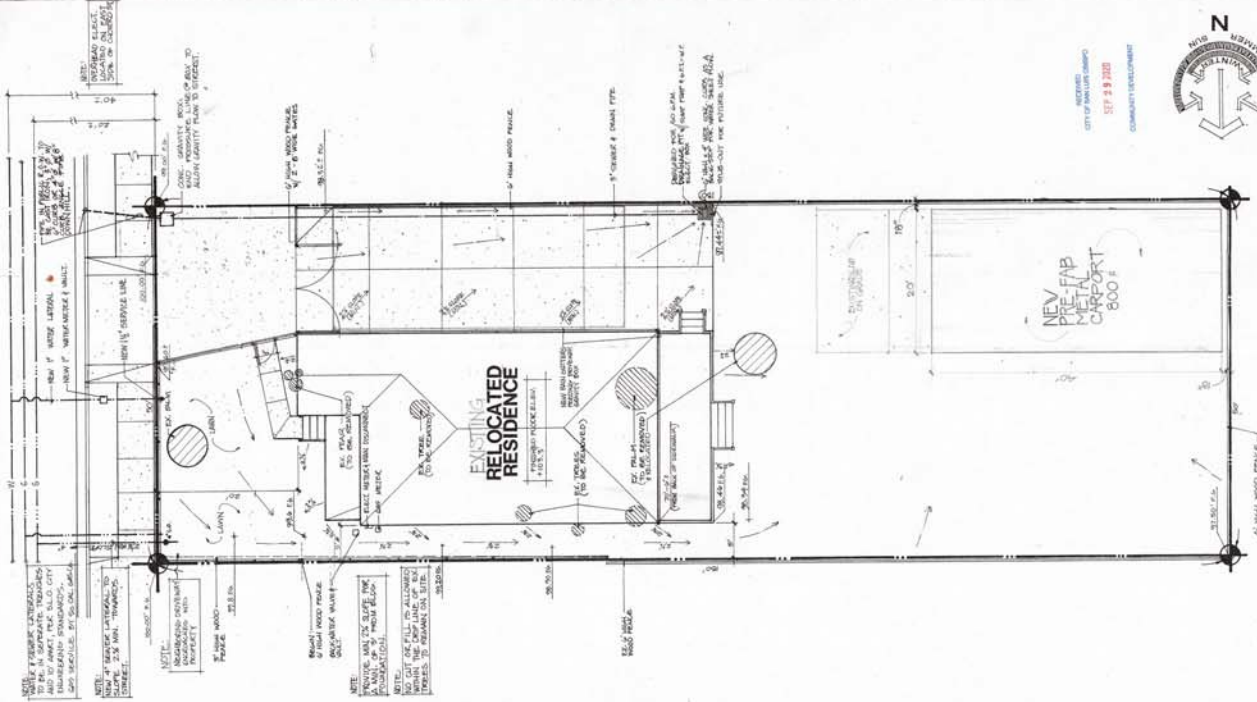


PROJECT DATA

AREAS:
 SITE: 7,500 sq ft
 PORCHES: 0 sq ft
 LIVING AREAS: 0 sq ft
 SITE COVERAGE: 27.5 %

ZONING: R-2
 OCCUPANCY CLASSIFICATION: R-2
 ALLOWABLE AREA ANALYSIS: UNLIMITED
 TYPE OF CONSTRUCTION: V-N METAL PRE-FAB
 NUMBER OF STORIES: ONE
 ENERGY CONSERVATION COMPLIANCE METHOD: N/A

1953 CHORRO STREET



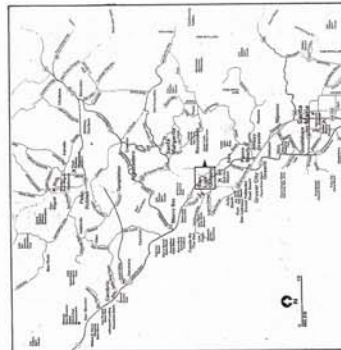
EAST ELEVATION
18'-0" x 10'-0"



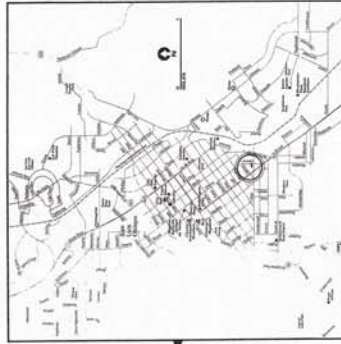
NORTH & SOUTH ELEVATION
18'-0" x 10'-0"



WEST ELEVATION
18'-0" x 10'-0"



VICINITY MAP



LOCATION MAP



REVISIONS
 SHEET 23 OF 200
 CITY OF SAN LUIS OBISPO
 COMMUNITY DEVELOPMENT

SCALE
 1/8" = 1'-0"
 DATE
 01-1-10
 A-1

PROJECT:

PRE-FAB METAL CARPORT
 1953 CHORRO STREET
 SAN LUIS OBISPO, CA 93401

OWNERS: TODD MILLER
 1953 CHORRO ST
 SAN LUIS OBISPO, CA 93401
 805-235-2959

SITE PLAN
 WITH ELEVATIONS

DESIGNED BY
 J. M. M.



Community Development

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7170
slocity.org

July 14, 2021

Todd Miller
1953 Chorro St
San Luis Obispo CA 93401

SUBJECT: Application DIR-0599-2019 (1953 Chorro)
Request for reduction of side and rear setbacks to accommodate a single-story accessory structure

Dear Mr. Miller:

On July 14th, 2021, I reviewed your request for a reduction of side and rear setbacks to accommodate a single-story accessory structure at 1953 Chorro Street. After careful consideration, and pursuant to Zoning Regulations § 17.108.040 (B) (Director's Action – Required Findings), I have denied your request because one or more of the required findings for approval of a Director's Action application could not be made, as described below:

Findings:

1. The proposed accessory structure for which the setback reduction is requested is neither consistent with, nor an improvement to, the character or traditional development pattern of the neighborhood (Zoning §§ 17.70.170 (D) (2) (d) (2) (b) & 17.108.040 (A) (2)). It is of an excessive scale, being significantly deeper and wider and greater in total enclosed floor area than structures which are typically considered to be accessory and subordinate to a single-family dwelling, and it is constructed with an exclusively metal exterior material which is inconsistent with conventional building materials and design for a residential building of this size and scale. As such its placement directly against the property line without building setback is not consistent with the prevailing pattern of building masses in the vicinity, in which larger structures are set back from side and rear property lines in conformance to Setback Standards set out in Zoning Regulations.
2. The industrial character and metal construction of the accessory building for which the setback exception is proposed is not consistent with, and does not complement, the historical character of the primary structure on the property (Historical Preservation Program Guidelines § 3.4.1 (d)), a Victorian Queen Anne Cottage (Oliver House), designated as a Master List Resource in the City's Inventory of Historic Resources. Contrary to the guidance for Related New Construction (including new accessory structures) provided in the Secretary of the Interior's Standards for the Treatment of Historic Property, the accessory building's austere metal surface material and industrial character are not stylistically appropriate for the character of Oliver House, which exhibits a conventional residential character through wood exterior materials and decorative detailing.

3. The proposed setback reduction does not provide adequate consideration of potential adverse visual and scale effects on surrounding properties. The accessory building's perceived scale and the incongruity of its metal surface material are amplified and made more noticeable to neighboring properties by placement of the building directly adjacent to the side and rear property line without setback.
4. No site characteristics or existing improvements have been identified or observed which would make strict adherence to the Setback Standards set out in Zoning Regulations impractical or infeasible, and placement of the unusually large proposed accessory building directly against the side and rear property lines without setbacks does not conform with the intent of Setback Standards to determine the pattern of building masses and open space. The property is of a conventional rectangular shape, and of dimensions exceeding minimum standards for the zone, without constraining topographical features such as creeks or unusual slope characteristics, and existing property improvements are limited to one modestly sized single-family dwelling.
5. Denial of a reduction in Setback Standards is not subject to the California Environmental Quality Act (CEQA), as described in CEQA Guidelines § 15270 (Projects Which Are Disapproved).

My action is final unless appealed within 10 calendar days of the date of the decision. Anyone may appeal the action by submitting a letter to the Community Development Department within the time specified. The appropriate appeal fee must accompany the appeal documentation. Appeals will be scheduled for the first available Planning Commission meeting date. If an appeal is filed, you will be notified by mail of the date and time of the hearing.

If you have any questions, or if you need additional information, please contact Walter Oetzell, Assistant Planner at (805) 781-7593 (or by email at woetzell@slocity.org).

Sincerely,

A handwritten signature in black ink, appearing to be 'TC' followed by a stylized flourish.

Tyler Corey
Deputy Director
Community Development



**CITY OF
SAN LUIS OBISPO**

Fee must accompany
original signed appeal form

Received by: CDO

RECEIVED
CITY OF SAN LUIS OBISPO
Date Received
CITY OF SAN LUIS OBISPO
AUG - 9 2021
AUG - 9 2021
AUG - 11 2021
COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT
COMMUNITY DEVELOPMENT

APPEAL FORM

Department of Community Development Planning Division

SECTION 1. APPELLANT INFORMATION

TODD MILLER

1953 CHORRO ST., SLO, 93401

Name

Mailing Address

(805) 235-2969

NONE

Phone

Fax

In accordance with the procedures set forth in **Title 17, Chapter 17.126** of the San Luis Obispo Municipal Code, I hereby appeal the decision of the:

Zoning Hearing Officer- Administrative Hearing (appealed to Planning Commission)
Minor and Moderate Architectural Review (appealed to the Planning Commission)

Tier 2

- ☐ Applicant Appeal: \$988.35
☐ Non-Applicant Appeal: \$395.35

Community Development Director (appealed to the Planning Commission)

Tier 3

- ☒ Applicant Appeal: \$346.22
☐ Non-Applicant Appeal: \$346.22

Community Development Director- Minor (appealed to the Planning Commission)

Tier 4

- ☐ Applicant Appeal: \$148.55
☐ Non-Applicant Appeal: \$148.55

If an action by the Architectural Review commission, Cultural Heritage Committee or Planning Commission is being appealed, an "Appeal to the City Council" form is needed and can be obtained from the City Clerk's Office.

SECTION 2. SUBJECT OF APPEAL:

The date the decision being appealed was rendered: JULY 14, 2021

Project address: 1953 CHORRO ST. Application number: DIR-0599-2019

Explain specifically **what** action(s) you are appealing and **why** you believe your appeal should be considered. You may attach additional pages, if necessary:


To Whom It May Concern,

I am appealing the Director's decision, for DIR-0599-2019, dated July 14, 2021 and will res

- 1) That the proposed building is not consistent with, nor an improvement to the the charac
- 2) That the character and building materials are not consistent with the historical character
- 3) That the setback reduction does not provide adequate consideration of potential advers
- 4) That there are no site characteristics or improvements that have been identified or obse

Warm Regards,


Todd Miller
1953 Chorro St.
(805)235-2969


Signature of Appellant

8-8-21
Date

RECEIVED
CITY OF SAN LUIS OBISPO

AUG - 9 2021

COMMUNITY DEVELOPMENT

17.70.170 Setbacks.

A. *Purpose.* This section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of the zoning regulations, are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Setback areas are further intended to help provide landscape beauty, air circulation, views, and exposure to sunlight for both natural illumination and use of solar energy.

D. Exceptions to Setback Requirements.

2. Discretionary Exceptions. Discretionary exceptions to setback requirements shall require a director's action and meet the findings required for a director's action (Chapter [17.108](#)), as well as any findings indicated below for an individual exception.

d. Other Setback Variations in Previously Subdivided Areas. Upon approval of a director's action, the director may allow side and rear setbacks to be reduced to zero under either of the following circumstances:

i. When there exists recorded agreement, to the satisfaction of the city attorney, running with the land to maintain at least ten feet of separation between buildings on adjacent parcels and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1; or

ii. When the reduction is for either a minor addition to an existing legal structure that is nonconforming with regard to side and rear setback requirements or **for a detached single-story accessory structure**; provided, that all such minor additions and new accessory structures shall comply with applicable provisions of Title [15](#), Building and Construction (see also Chapter [17.92](#), Nonconforming Structures) **and the director makes the following findings:**

- (a) In the case of a minor addition, that the minor addition is a logical extension of the existing nonconforming structure;
- (b) In the case of a detached single-story accessory structure (either new or replacing a previously approved nonconforming structure), that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater front and/or street side setback than the main structure;
- (c) That adjacent affected properties will not be deprived of reasonable solar exposure, and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1;
- (d) That no useful purpose would be realized by requiring the full setback;

(e) That no significant fire protection, emergency access, privacy, or security impacts are likely from the addition; and

(f) That it is impractical to obtain a ten-foot separation easement in compliance with subsection [\(D\)\(2\)\(d\)\(ii\)\(a\)](#) of this subsection.

17.108.040 Director's Action – Required findings.

A. *Required Findings.* The director may approve a director's action application only after first making all of the following findings. The proposed interpretation, determination, or modification to standards:

1. Is consistent with the intent of these zoning regulations and applicable general plan policies;
2. Is consistent with or an improvement to the character of the neighborhood or zone;
3. Provides adequate consideration of and measures to address any potential adverse effects on surrounding properties such as, but not limited to, traffic, vehicular and pedestrian safety, noise, visual and scale, and lighting.

With regard to cases of granting exceptions to the strict application of development standards, the following additional finding shall be made:

4. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of these regulations.

B. *Failure to Make Findings.* The director shall deny the application if any one or more of the required findings cannot be made. (Ord. 1650 § 3 (Exh. B), 2018)

The San Luis Obispo Municipal Code is current through Ordinance 1700, passed July 6, 2021.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.slocity.org](http://www.slocity.org)

City Telephone: (805) 781-7100

[Code Publishing Company](#)