

**RESOLUTION NO. \_\_\_\_ (2022 SERIES)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO UPHOLD 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**, On September 8, 2021, the Planning Commission of the City of San Luis Obispo conducted a public hearing by teleconference from San Luis Obispo, California, to consider the appeal of the Community Development Director's decision, and upheld the decision of the Community Development Director to deny the request for a Discretionary Exception from Side and Rear Setback standards; and

**WHEREAS**, On September 17, 2021, Todd Miller filed an appeal of the Planning Commission's decision upholding the Community Development Director's decision to deny the request for a Discretionary Exception from Side & Rear Setback standards; and

**WHEREAS**, the City Council conducted a public hearing via teleconference from the City of San Luis Obispo, California, on January 11, 2022 for the purpose of considering the appeal of the Planning Commission's decision upholding the Community Development Director's decision to deny the request for a Discretionary Exception from Side and Rear Setback standards, and has duly considered all evidence, including the record of the Planning Commission hearing and recommendation, testimony of the applicant and interested parties, and the evaluation and recommendation by staff, present at said hearing; and

**WHEREAS**, notices of said public hearings were made at the time and in the manner required by law.

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

**SECTION 1. Findings.** Based upon all the evidence, the City Council 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.
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 Determination.** The City Council has determined that 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 City Council does hereby deny the subject appeal filed by Todd Miller and upholds the Planning Commission's decision upholding 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.

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor Erica A. Stewart

ATTEST:

\_\_\_\_\_  
Teresa Purrington  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
J. Christine Dietrick  
City Attorney

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on \_\_\_\_\_.

\_\_\_\_\_  
Teresa Purrington  
City Clerk