CAL FIRE
San Luis Obispo
County Fire Department

100 Cross Street Suite 101 • San Luis Obispo, CA 93401
Phone: 805.543.4244 • Fax: 805.543.4248
www.calfireslo.org

John Owens, Unit Chief

Exception Process

Per the California Code of Regulations Title 14 (CCR 14), section 1270.07, upon request by the applicant, an exception to standards may be allowed by the inspection entity where the exceptions provide the same practical effect. Exceptions shall be made on a case-by-case basis only.

Same Practical Effect as defined in CCR Title 14 means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

(1) access for emergency wildland fire equipment,

(2) safe civilian evacuation,

(3) signing that avoids delays in emergency equipment response,

(4) available and accessible water to effectively attack wildfire or defend a structure from wildfire, and

(5) fuel modification sufficient for civilian and fire fighter safety.

Requests for an exception shall be made in writing to the San Luis Obispo Planning and Building department located at 976 Osos St #200, San Luis Obispo, CA 93401 by the applicant or the applicant's authorized representative. The fee for an exception request is $721.00. At a minimum, the request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant; the details of the exception proposed; and a map showing the proposed location and siting of the exception. Included will be a finding report documenting the reasons based on health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, as defined by Exceptions in CCR Title 14. The exception must have some type of nexus between standard and the approved exception.

County Fire will notify the applicant of its decision in writing within 30 days. An applicant may appeal County Fire's decision to the Department of Building and Planning.

Other Key Definitions.:

Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem

Defensible Space: The area within the perimeter of a parcel, Development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching Wildfire or defense against encroaching Wildfires or escaping Structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or Development, excluding the physical Structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, Road names and Building identification, and fuel modification measures.

1270.07. Exceptions to Standards.

(a) Upon request by the applicant, an Exceptions to standards within this Subchapter may be allowed by the inspection entity in accordance with 14 CCR § 1270.05 (Inspections) where the Exceptions provide the Same Practical Effect as these regulations towards providing Defensible Space. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.05, shall be made on a case-by-case basis only. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06 shall be forwarded to the appropriate CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located and shall be retained on file at the Unit Office.

(b) Requests for an Exception shall be made in writing to the Local Jurisdiction listed in 14 CCR § 1270.05 by the applicant or the applicant's authorized representative. At a minimum, the request shall state the specific section(s) for which an Exception is requested; material facts supporting the contention of the applicant; the details of the Exception proposed; and a map showing the proposed location and siting of the Exception. Local jurisdictions listed in § 1270.05 (Inspections) may establish additional procedures or requirements for Exception requests.

(c) Where an Exception is not granted by the inspection entity, the applicant may appeal such denial to the Local Jurisdiction. The Local Jurisdiction may establish or utilize an appeal process consistent with existing local Building or planning department appeal processes.

(d) Before the Local Jurisdiction makes a determination on an appeal, the inspector shall be consulted and shall provide to that Local Jurisdiction documentation outlining the effects of the requested Exception on Wildfire protection.

(e) If an appeal is granted, the Local Jurisdiction shall make findings that the decision meets the intent of providing Defensible Space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers