



CITY OF ATASCADERO

ADMINISTRATIVE HEARING

NOTICE OF ACTION

ITEM # 1

Department: Community
Development
Date: 08/03/2026

TO: Phil Dunsmore, Administrative Hearing Officer
FROM: Kelly Gleason, Planning Manager
PREPARED BY: Erick Gomez, Associate Planner
Samantha Cabrera, Planning Intern
SUBJECT: USE26-0039, Old Morro Road Sloping Lot Adjustment

RECOMMENDATION:

The Administrative Hearing Officer approve Administrative Use Permit USE26-0039, allowing an oversized accessory structure with a sloping lot setback and neighboring residential setback adjustment on a 0.51-acre lot, based on findings and subject to conditions of approval.

DISCUSSION:

PROJECT SUMMARY

The applicant, Cullen Joy, requests a sloping lot adjustment for an oversized accessory structure with an accompanying setback adjustment for an addition to an existing residential accessory structure. The resulting accessory structure floor area will exceed 50% of the floor area of the primary residence and requires approval of two setback exceptions, necessitating approval of this use permit. The subject property is 0.51-acre corner lot in the Residential Suburban (RS) zoning district located at 9950 Old Morro Road (APN 056-451-010). The garage addition is currently constructed. Permits are being sought retroactively.

Sloping Lot Adjustment

The Atascadero Municipal Code (AMC) requires a minimum of 25' front setback in the Residential Suburban (RS) zone. Corner lots are allowed a reduced front setback of 10' along their secondary frontage. Any street setback may be further reduced to a minimum of 5' for a private garage subject to the approval of an AUP for a *Sloping Lot Adjustment*. To qualify for the exception, the applicant must show that the elevation of the site at a point 50 feet onto the property from the centerline of the adjacent street in the vicinity of the garage is seven feet above or below the elevation of the street centerline.

The property is a corner lot with a primary front setback along Old Morro Road and secondary street setback along Morro Road. The as-built garage addition is eligible for a sloping setback adjustment because the property is topographically located approximately 13 feet above the elevation of the centerline of the Morro Road, as depicted on the site plan. The as-built structure is nearly imperceptible from Morro Road due to the elevation of the property and an existing six-foot privacy fence installed along the property line that abuts Morro Road. The existing privacy fence is allowed to remain in its location because it is consistent with nature of the surrounding neighborhood and does not impair sight distance for vehicular traffic.

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Oversized Accessory Structure

Residential accessory structures, such as garages, are permitted in the RS zoning district, with structures limited in size to 100% of the gross floor area of the principal structure, up to 2,000 SF, or whichever is less. Structures that exceed 50% of the floor area of the principal structure are subject to the following additional development standards:

1. Accessory structure shall not be located between the primary structure and the public roadway
2. Accessory structure must be compatible with the pattern of development in the neighborhood and compatible with the architectural style of the primary structure
3. The accessory structure is located on a conforming lot at least one acre
4. The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, or alter visual quality of the property
5. The accessory structure can be built to avoid substantial grading and removal of significant native trees
6. The accessory structure shall be located no closer than 10' to the side property line
7. The accessory structure shall be located no closer than 40' to the nearest residential dwelling

Exceptions to these criteria may be approved subject to approval of an Administrative Use Permit (AUP).

The proposed structure triggers application of these additional development standards because it exceeds 50% of the floor area of the principal structure. The primary structure on the property is a 1,774 SF Colony House. The existing 660 SF garage with the proposed addition will be 1,102 SF, equivalent to 62% the floor area of the existing colony house. The project requires approval an AUP to allow the following as exceptions to standards number 3 and 7 listed above:

- Placement of an oversized accessory structure on a lot less than one-acre; and
- Placement of an oversized accessory structure approximately 30 feet from the single-family residence on the south adjacent property at 9954 Old Morro Road East.

The project will continue to be consistent with the intent of the AMC if the two exceptions are approved. The building is already located 30 feet from the neighboring residential structure. The project will not reduce that distance because it expands the garage on the side furthest away from the neighboring residence and towards Morro Road. The limited scope and orientation of the addition do not affect the rural residential character of the property even though it is less than an acre in size.

The project complies with remaining applicable development standards. The proposed addition will utilize horizontal siding on exterior walls and a gable roof to match the style of the existing colony house. The limited expansion to the existing structure keeps the building compatible with the pattern of development in the neighborhood in design and size. The project construction location avoids grading and the removal of significant native trees. The project will not block sunlight for south adjacent properties, alter site distance for roads or driveways, or alter visual

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quality of the property. The orientation of the existing building and location of the addition will make the project discreet and innocuous to neighboring properties.

FINDINGS:

AMC 9-1.112 requires the Administrative Hearing Officer to make the following 4 findings:

1. **Finding:** *Modification of the applicable standard will not result in a project that is inconsistent with the General Plan.*
Fact: The project is consistent with the 2025 General Plan to retain Atascadero's rural character and land use pattern. The proposed limited addition will expand an existing building towards Highway 41 without affecting neighboring properties or affecting the low density/intensity character of the neighborhood's RE land use designation.
2. **Finding:** *Modification of the applicable standards will not result in a project that is inconsistent with the character of the neighborhood or contrary to its orderly development.*
Fact: The project is consistent with the intent of the RS zone. The orientation of the building and setback reduction allow for a project design that avoids grading, removal of significant native trees, and potential encroachment onto the adjacent properties, and retains the integrity of surrounding rural character.
3. **Finding:** *Modification of the applicable standard will not result in a project that is not in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.*
Fact: The project, as conditioned, will not conflict with any applicable City policy or criteria and is consistent with all applicable provisions of the Atascadero Municipal Code.
4. **Finding:** *Modification of the applicable standard will not result in the authorization of a use not otherwise allowed.*
Fact: Residential accessory structures, such as garage additions, are allowed in the RS zoning district.

ENVIRONMENTAL DETERMINATION:

The proposed project qualifies for a Class 3 exemption from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to CEQA Guidelines Section 15303, "New Construction or Conversion of Small Structures."

CONCLUSION:

The request to allow a 442 SF garage addition to an existing garage meets all the applicable requirements of the City's Municipal Code with approval of this Administrative Use Permit. The structure is compatible with other on-site structures and neighboring development.

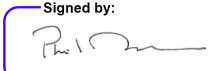
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CONDITIONS:

1. Approval of Administrative Use Permit USE26-0039, as depicted and described in the following attachments, allows a sloping lot setback adjustment for a garage addition to an existing garage at 9950 Old Morro Road, Atascadero, CA 93422 (APN 056-451-010), as depicted on the attached plans. The approval of this entitlement runs with the land, regardless of the owner.
2. Exterior wall siding materials shall use horizontal fiber cement or similar material to match the style of the existing Colony Home. The siding color shall match or be compatible with the color of the main residence.
3. Exterior lighting conditions shall follow any applicable standards of the Atascadero Municipal Code.
4. A building permit shall be submitted to bring the garage addition into compliance with any applicable standards of the Atascadero Municipal Code and building codes.
5. The approval of this entitlement shall become final and effective for the purposes of issuing building permits fourteen (14) days after the Administrative Officer action unless an appeal is made in accordance with the Atascadero Municipal Code.
6. Approval of this entitlement shall be valid for twenty-four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless building permits have been issued for the project and the project has received a certificate of occupancy from the City.
7. The Community Development Department shall have the authority to approve minor changes to the project that result in a superior site design or appearance
8. The Applicant shall define, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this administrative use permit.

ACTION:

☒ APPROVE ☐ APPROVE AS MODIFIED ☐ DENY
☐ CONTINUE TO ALLOW _____

SIGNED:  Signed by: 8/5/2026
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Phil Dunsmore, Administrative Hearing Officer Date

ATTACHMENTS:

1. Site Pictures
2. Project Plans

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ATTACHMENT 1: Site Pictures
USE26-0039



Aerial View: Subject Property Zoned RS

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East Façade of (E) Garage with As-Built Addition



West Façade of (E) Garage with As-Built Addition

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Interior of (E) Garage with As-Built Addition



View of (E) Garage with As-Built Addition from Morro Road



(E) Colony House / Primary Structure

ATTACHMENT 2: Project Plans
USE26-0039

See Following Sheets