



ADMINISTRATIVE USE PERMIT HEARING

The Administrative Use Permit Meeting will not be physically open to the public and Staff will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING:

To maximize public safety while still maintaining transparency and public access, you may join the Zoom webinar from your computer, tablet, or smartphone by visiting:

To join the virtual hearing: (No passcode required)

<https://us02web.zoom.us/j/84567568854?pwd=UytsbTU1OVB3N2JYQVVJQmlMT1FaZz09>

Webinar ID: 845 6756 8854

HOW TO SUBMIT PUBLIC COMMENT:

Members of the public are highly encouraged to participate in live public comment through the Zoom platform using the link above or by calling the number below to listen and provide public comment via phone.

US: +1 (669) 900-6833 (and use *9 to raise your hand to speak)

If you wish to provide written public comment, please email your comments to aup-comments@atascadero.org by 5:00 pm the day before the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the Zoning Administrator and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the Zoning Administrator the next business day. ***Please note, email comments will not be read into the record.***

AMERICAN DISABILITY ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling (805) 470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Administrative Use Permit agendas and staff reports may be viewed on the City's website: www.atascadero.org. Final Action Reports will be available after the meeting, and upon request from the Community Development Department.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the Community Development Department and are available for public inspection on our website, www.atascadero.org. All documents submitted by the public during AUP meetings that are either read into the record or referred to in their statement will be noted in the audio recording and available for review by contacting the Community Development Department. All documents will be available for public inspection during City Hall business hours by appointment request.



CITY OF ATASCADERO

COMMUNITY DEVELOPMENT DEPARTMENT

Administrative Use Permit Hearing **A G E N D A**

MEETING WILL BE HELD VIRTUALLY

The City of Atascadero's Zoning Hearing Officer will hold a VIRTUAL public hearing at **9:00 a.m. on Wednesday, July 26, 2023** at City Hall to consider the following projects:

1. 7105 PORTOLA ROAD (USE23-0042)

The application is to allow for a height exception to increase the maximum height of a single-family residential structure from 30 feet to 34 feet in the RSF-Y zoning district on APN 054-081-027. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15303, Class 3: new construction of small structures. Staff recommendation is to approve the project, subject to conditions. (*Mariah Gasch, Associate Planner*)

2. 6435 MORRO ROAD (USE23-0052)

The application is to allow for signage over the maximum by-right square footage limit on APN 030-212-028. The proposed structure is 211 square feet in total, where 150 square feet is the maximum allowable without use permit approval. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15301, Class 1: existing facilities. Staff recommendation is to approve the project, subject to conditions. (*Sam Mountain, Assistant Planner*)

PLEASE NOTE: Any court challenge to the actions taken at the public hearing may be limited to considering only those issues raised at the public hearing described in this notice or in written correspondence to the City of Atascadero at, or prior to, the public hearing.

Any decision of the Hearing Officer is final unless appealed to the Planning Commission within 14 days of the action. Any person aggrieved by the decision may file an appeal. Appeal forms are available in the Community Development Department or on the City's website (www.atascadero.org). The fee for filing an appeal is \$1,615 (fee as of 8-24-23) and must accompany the appeal documentation.



CITY OF ATASCADERO

COMMUNITY DEVELOPEMENT

Administrative Hearing Agenda Report

ITEM # 1

FROM: Mariah Gasch, Associate Planner

MEETING DATE: July 26, 2023

FILE NUMBER: USE23-0042

PROJECT ADDRESS: 7105 Portola Rd, Atascadero CA, 93422

SITUATION: The applicant is requesting an Administrative Use Permit to grant a height exception for a single-family residence with attached garage in the RSF-Z zone.

EVALUATION: Atascadero Municipal Code Section 9-4.113 has a height limitation of 30-feet for all structures in the Residential Single-Family (RSF) zone. Height limitations of this section may be adjusted for a single-family residential building to exceed this limit to a maximum of forty (40) feet, provided that the required side and rear setbacks are increased one (1) foot in width for each foot of height over thirty (30) feet.

The Atascadero Municipal Code Sections 9-4.106-8 provide setback requirements for all structures within the City of Atascadero. In the RSF zone, the Municipal Code has a minimum side setback of 5- feet, a front setback of a non-street facing side of 10- feet, and a rear setback requirement of 10- feet.

The applicant is proposing a 34-foot tall, two-dome residential single-family home and garage to be built, requiring a four (4) foot height exception. The proposed structure is approximately 65 feet to the nearest side property line. In order to meet the code's requirement for the exception, the home and garage would only need to be located at least nine feet from the side property line. Additionally, the structure is less than 40 feet tall. Therefore, the proposal falls within the exception allowed.

RECOMMENDATION:

Staff recommends the Administrative Hearing Officer approve USE23-0042, allowing the dome shaped single family residence and home to be built.

ENVIRONMENTAL DETERMINATION

- Categorical Exemption CEQA – Guidelines Section 15301
- Statutory Exemption §§ 21000, et seq & _____
- No Project – Ministerial Project

Findings

The maximum height limit for a single-family residential building is forty (40) feet, provided that the required side and rear setbacks are increased one (1) foot in width for each foot of height over thirty (30) feet.

Conditions

1. This AUP shall allow the height exception of a single-family residence as described in the attached exhibits and located on APN 054-081-027.
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the AUP approval unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development. The AUP hearing officer shall have the final authority to approve any other changes to the Master Plan of Development.
4. Approval of this AUP shall be valid for 24 months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit and started construction on the project.
5. The applicant shall defend, 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 the construction or use of the detached accessory structure.
6. The maximum height of the residence shall be consistent with the elevations in Attachment 3. The maximum height shall not exceed 35 feet.
7. The location of the new residence shall be consistent with what is shown in Exhibit B.
8. The applicant shall provide proposed exterior paint colors upon submittal. The colors used shall be neutral and be compatible with the surrounding neighborhood. This color scheme shall be approved by the Community Development Department and the building shall be painted prior to requesting the final planning inspection.

Code Requirements

AMC 9-1.112 Administrative Use Permit

AMC 9-4.113 Height Limitations

Action:

- Approve
 - Approve as modified
 - Deny
 - Continue to: _____ to allow _____
-

Continue indefinitely to allow: _____

Hearing Officer

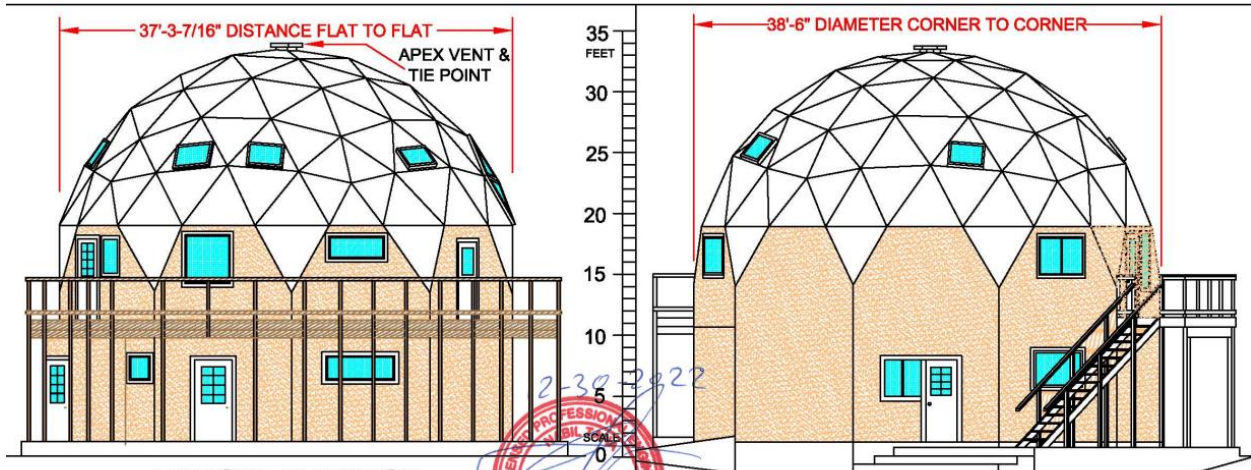
ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Proposed Building Locations
- Attachment 3: Proposed Elevations

Attachment 1: Location Map
USE23-0042



Attachment 3: Proposed Elevations
USE23-0042



LEFT SIDE ELEVATION
LIZA NEVILLE-OLSEN RESIDENCE

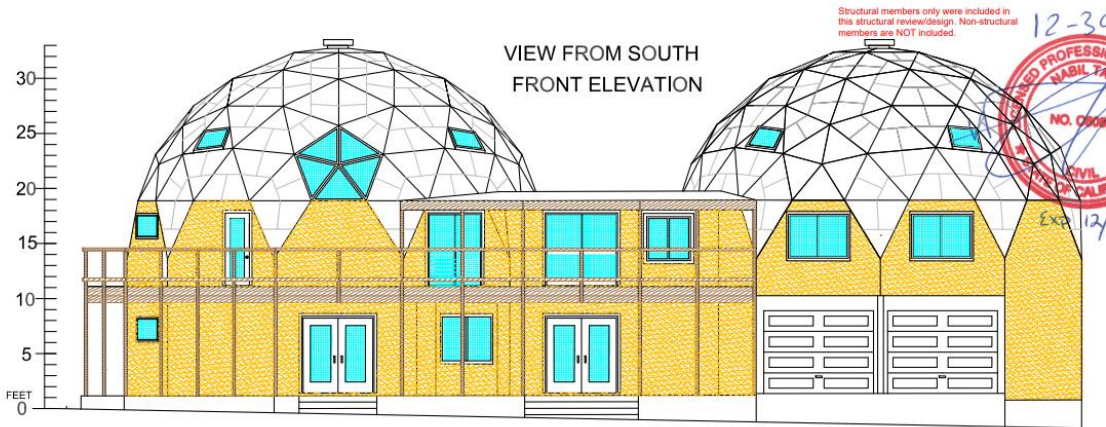
RIGHT SIDE ELEVATION
LIZA NEVILLE-OLSEN RESIDENCE

2-30-2022
 PROFESSIONAL ENGINEER
 NO. 009002
 CIVIL
 STATE OF CALIFORNIA
 EXP 12/31/24

Structural members only were included in this structural review/design. Non-structural members are NOT included.

BY WILF
3/28/22

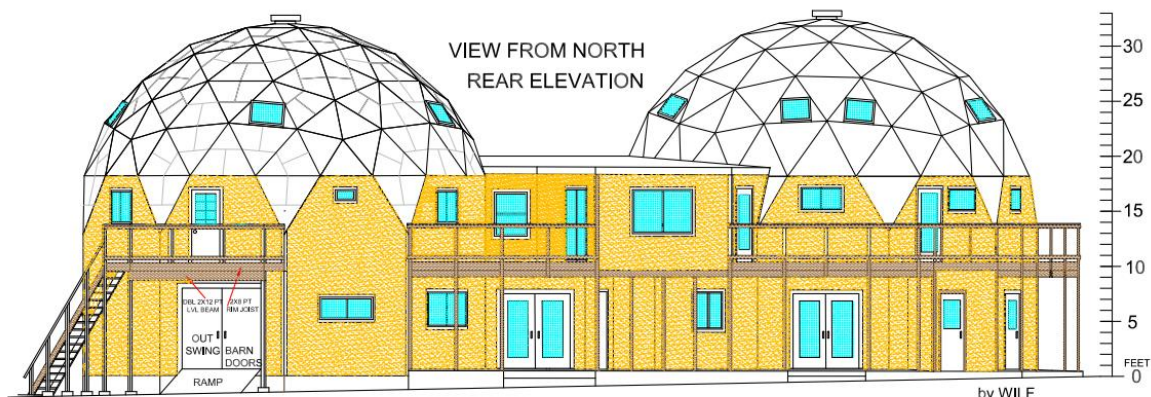
30



VIEW FROM SOUTH FRONT ELEVATION

Structural members only were included in this structural review/design. Non-structural members are NOT included.

12-30-2022
 PROFESSIONAL ENGINEER
 NO. 009002
 CIVIL
 STATE OF CALIFORNIA
 EXP 12/31/24



VIEW FROM NORTH REAR ELEVATION

LIZA NEVILLE-OLSEN RESIDENCE

by WILF
12/18/2022

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CITY OF ATASCADERO

COMMUNITY DEVELOPMENT

Administrative Hearing Agenda Report

ITEM # 2

FROM: Sam Mountain, Assistant Planner

MEETING DATE: 7/26/23

FILE NUMBER: USE23-0052

PROJECT ADDRESS: 6435 Morro Road

SITUATION:

The applicant, Signcraft, is proposing three (3) new sets of acrylic wall signs on building frontages for the upcoming Chipotle Restaurant in the CT (Commercial Tourism) zoning district, as well the installation of Chipotle branding on a monument sign and freeway-facing pylon sign. The total square footage of the proposed wall signs is 114 square feet, the square footage of the monument sign is 33 square feet, and the square footage of the freeway-facing sign is 64 square feet. In total, the aggregate sign area is 211 square feet, exceeding code allowance of 150 square feet by 61 square feet.

EVALUATION:




The signs are for the upcoming Chipotle Restaurant at 6435 Morro Road and will replace the previous tenant's signs. The building is located roughly 500 feet south-southwest of Highway 101. The proposal includes one sign on the north, south, and west facades, a monument sign on the western end of the property, and a freeway-facing pylon sign, as detailed below.

The proposed wall signs are acrylic logos adorned with the Chipotle pepper logo and name, the former backed by "adobe brown" paint and the latter backed by "roasted red" paint. The signs will be illuminated by white LEDs along the lettering and logo; the painted backgrounds will not be illuminated. The signs are located above the business entrance facing the south parking lot, the patio entrance on the western frontage, and on the western end of the north elevation above the drive-thru windows.

The monument sign is already installed from the previous tenant and located inside of a landscaped area along Morro Road, near the proposed patio area. The applicant proposes to repaint the base of the sign and replace the existing logo with that of Chipotle. It will be illuminated by 6 ft tube lights located inside of the sign.

The freeway-facing pylon sign will remain shared with the gas station adjacent to the subject property. The pylon sign is located on the gas station property and faces northwest/southeast; it is visible to drivers heading southbound on Highway 101. The applicant proposes to reface the right half of the sign, replacing existing 76 advertising with that of Chipotle. It will not be illuminated.

Atascadero Municipal Code Section 9-15.007 limits total aggregate sign area to 150 SF in the Commercial Tourism (CT) zone unless an exception is granted through the approval of an Administrative Use Permit. The following five (5) signs are proposed:

Sign	Location	Size (Square Feet)	Image
Wall Sign N1	Facing Morro Road	38 SF	
Wall Sign N2	Facing south parking lot	38 SF	
Wall Sign N3	Facing drive-thru	38 SF	
Monument Sign R1	Facing N/S Morro Road	33 SF	
Freeway Sign R2	Facing NW/SE towards Hwy 101	64 SF	
Total		211 SF	

The signs will help identify and promote this business and increase visibility from Highway 101 and Morro Road. The signs as proposed are proportional to building elevations in both size and quantity.

RECOMMENDATION:

Staff recommends the Administrative Hearing Officer approve USE23-0052 to allow the signage as proposed.

ENVIRONMENTAL DETERMINATION
<input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15311 and 15311(g)
<input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____
<input type="checkbox"/> No Project – Ministerial Project

Findings

AMC 9-15.011 requires the Hearing Officer to make the following 4 findings:

1. *The sign is consistent with the purposes set forth in Section 9-15.002;*

The proposed signs meets the listed purposes for signage outlined in section 9-15.002 of the Atascadero Municipal Code. Section 9-15.002(a) intends to “Maintain and improve the aesthetic environment and overall community appearance to foster the City’s ability to attract sources of economic development and growth.” The proposed signage will help promote a new business along the Morro Road commercial node.

Section 9-15.002(c) intends to “implement quality sign design standards that are consistent with the City’s General Plan, Zoning Ordinance and Appearance Review Guidelines;” The signage is well-designed, aesthetically-pleasing, and will improve a building façade on a commercial corridor. Section 9-15.002(g) intends to “generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.” The signage is limited to what is necessary for communication and visual balance, and does not create additional visual clutter.

Finally, Section 9-15.002(h) intends to “limit the size and number of signs to levels that reasonably allow for the identification of a residential, public or commercial location and the nature of any such commercial business.” The building has three facades visible to travelers on Morro Road and only one wall sign per building façade is proposed as required by code. The freeway-facing sign is a simple refacing of existing signage and is intended to draw in customers from Highway 101. The monument sign, while perhaps superfluous, is also a refacing and repainting of an existing sign.

2. *The opportunity to combine signs for more than one (1) use on a single sign structure has been considered;*

The proposed wall signs are limited to one per building frontage and are considered appropriate by staff in order to communicate the tenant’s location and services to potential customers. Chipotle will be the only building tenant; thus, there is no opportunity to combine uses on the wall signs or monument sign. The freeway-facing sign is shared with the adjacent 76 gas station and advertises both businesses’ services.

3. *For freeway-oriented signs, the sign area and height are the minimum needed to achieve adequate visibility along the freeway due to highway ramp locations and grade differences; and*

The freeway-oriented sign is existing and will simply be refaced as part of this project; the applicant is not proposing any additional freeway-oriented signage. The existing freeway-oriented sign is, if anything, slightly too short – trees along the southbound entrance off of Morro Road currently cover much of the sign when viewed from Highway 101. It is visible through gaps in the trees, but would be entirely screened from view if it was any shorter, and difficult to see if reduced in area.

4. *Conformance with all other applicable codes and ordinances of the City, including, but not limited to, the Zoning Ordinance, General Plan and its several elements, and the appearance review guidelines. (Ord. 604 § 2, 2016)*

The sign conforms with applicable codes and ordinances of the City, including Framework Principles of the General Plan that call for improving the appearance and character of Atascadero through signage. General Plan Policy 1.3 notes that projects should “[e]nhance the rural character and appearance of the City, including commercial corridors, gateways and public facilities.” The proposed signage helps promote the Morro Road commercial corridor by providing commercial signage to identify a major tenant on a newly-revitalized property near Highway 101. General Plan Policy 13.3 urges the City to “[e]xpand tourist commercial nodes to serve the traveling public at freeway interchanges and develop tourist destinations based on the Atascadero’s rural character.” While it is not a tourist destination, Chipotle is a draw for Highway 101 commuters, and the freeway sign in particular will draw the business of those who may otherwise drive past the City.

The proposed signage also conforms substantially with the City’s Appearance Review Manual. Guideline 5C notes that “the colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates,” and Guideline 5D elaborates: “the number of graphic elements...on a sign shall be held to the minimum needed to convey the sign’s major message and shall be composed in proportion to the area of the sign face.” The proposed signs are minimalist in nature, consisting of “CHIPOTLE” in an unornamented sans-serif font and the company’s logo, and the area of the sign is limited to the minimum needed to fit these elements. Moreover, components of the design of these signs are reflected in architectural elements of the building; for example, the “roasted red” color used for the sign background is also used for the vertical slats visible in the elevations containing signs N1 and N2.

Conditions

1. The design and location of the signs shall be consistent with the following attachments.

Code Requirements

1. AMC 9-15 (Sign Ordinance)
2. AMC 9-1.112 Administrative Use Permit

Attachments

Attachment 1 - Location Map

Attachment 2 - Zoning Map

Attachment 3 - Proposed Elevations

Action:

Approve

Approve as modified

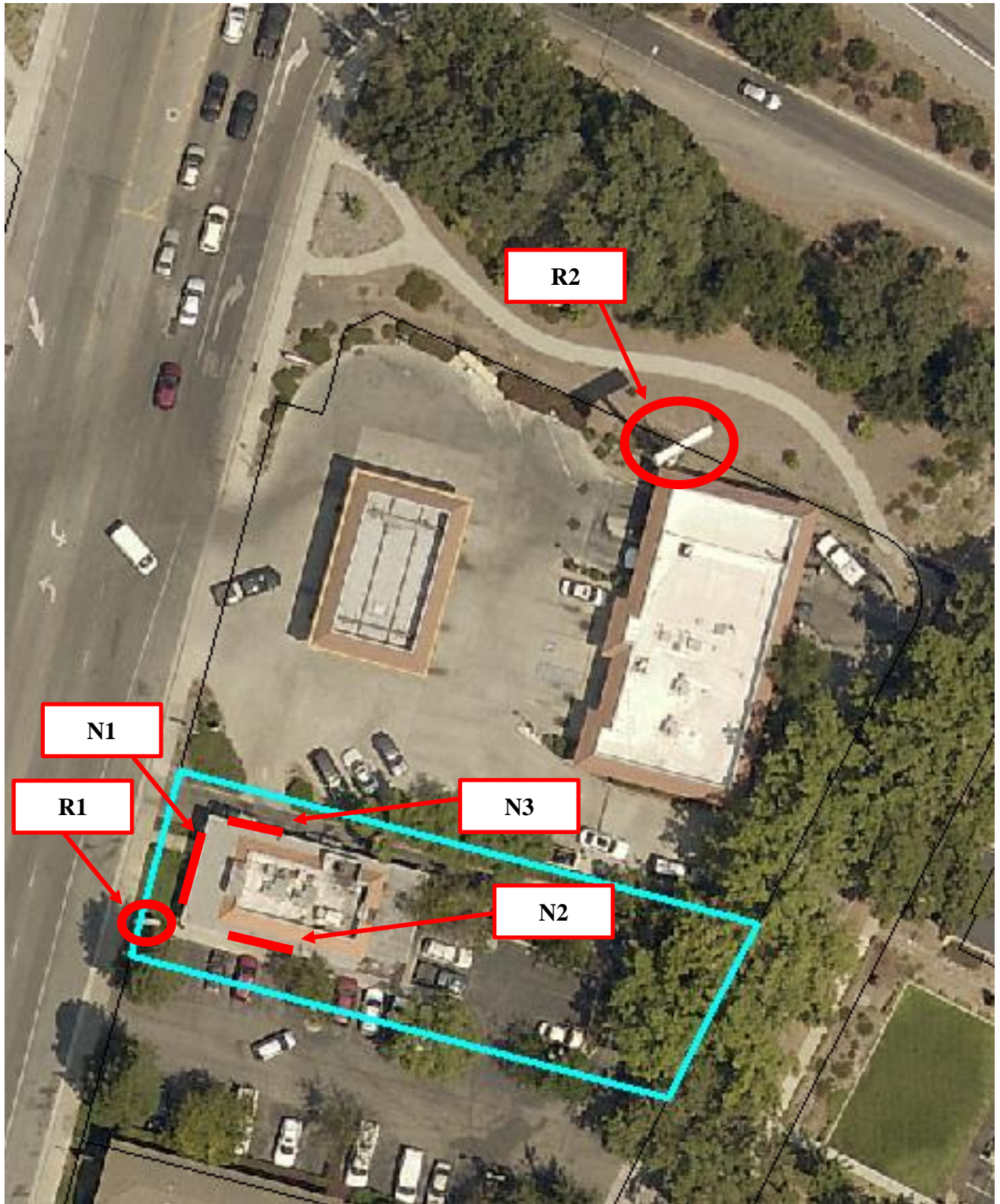
Deny

Continue to: _____ to allow _____

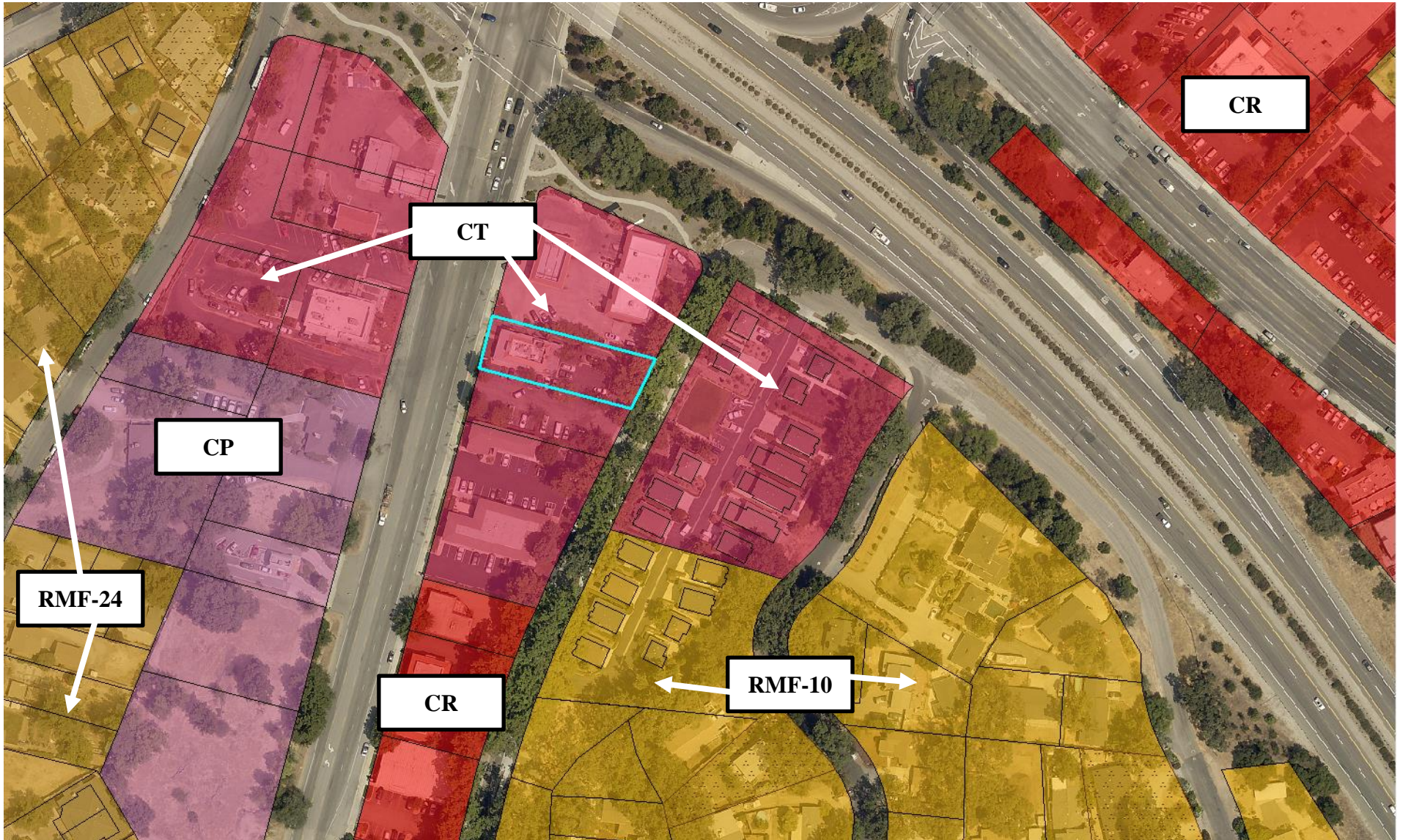
Continue indefinitely to allow: _____

Phil Dunsmore, Hearing Officer

Attachment 1: Location Map
USE23-0052

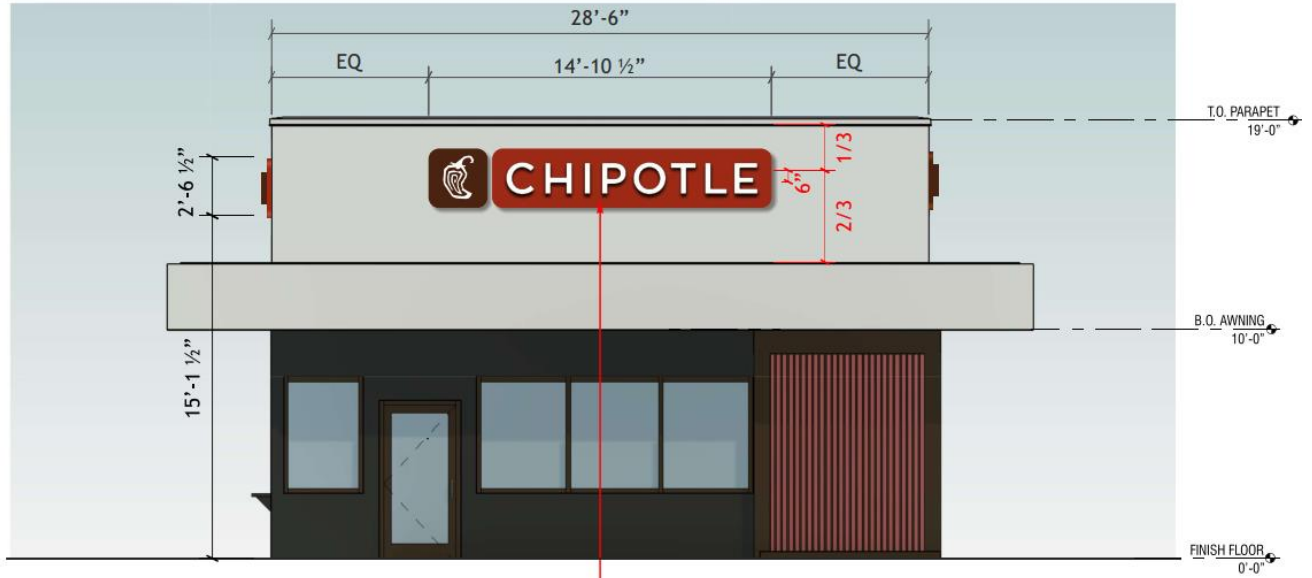


**Attachment 2: Zoning Map
USE23-0052**

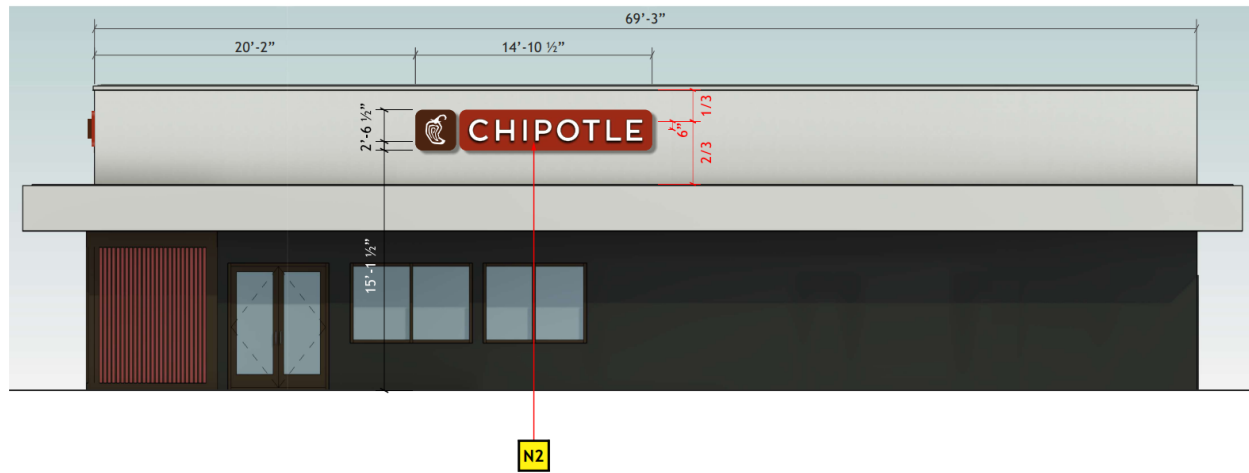


Attachment 3: Proposed Elevations
USE23-0052

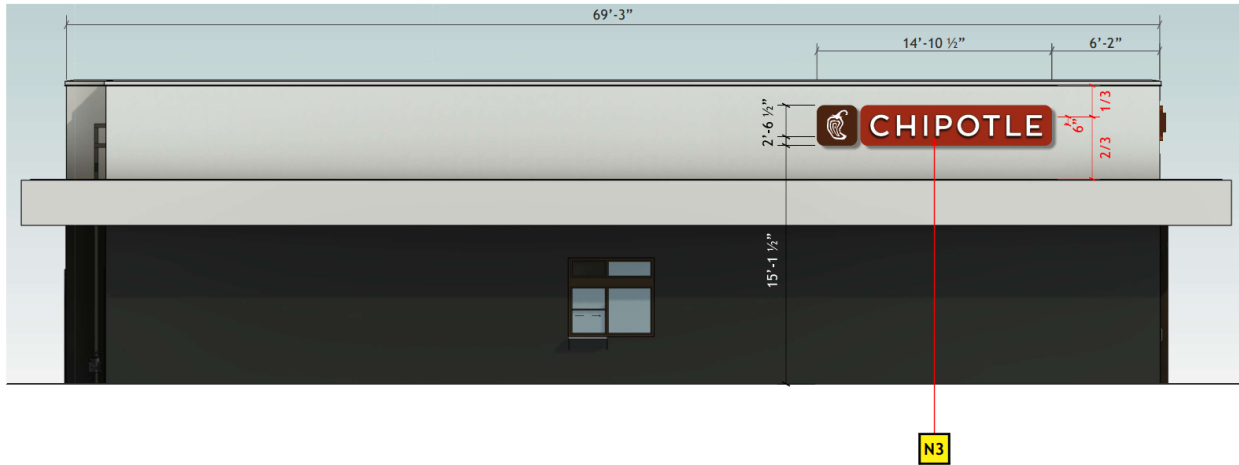
West Elevation Sign N1



South Elevation Sign N2



North Elevation Sign N3



Dimensions Sign R1



Dimensions Sign R2

