



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) Webinar ID: 845 6756 8854
<https://us02web.zoom.us/j/84567568854?pwd=UytsbTU1OVb3N2JYQVJVJQmlMT1FaZz09>

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 Administrative Hearing Officer 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.

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Administrative Use Permit Hearing

A G E N D A

MEETING WILL BE HELD VIRTUALLY

The City of Atascadero's Administrative Hearing Officer will hold a VIRTUAL public hearing at **2:00 p.m. on Friday, February 9, 2024** at City Hall to consider the following project:

1. 7660 CORTEZ AVE (USE23-0106)

The application is to allow for a front setback exception to allow a 20-foot front setback on APN 029-153-009. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15305, Class 5, because it is limited to a minor setback exception that does not result in a change in land use or density. 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.

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CITY OF ATASCADERO

COMMUNITY DEVELOPMENT

Administrative Hearing Agenda Report

ITEM # 1

FROM: Sam Mountain, Assistant Planner

MEETING DATE: 02/09/24

FILE NUMBER: USE23-0106

PROJECT ADDRESS: 7660 Cortez Avenue

SITUATION:

Setback Modification

The applicant is requesting an exception to Atascadero Municipal Code (AMC) street setback standards through the Variable Setback Block exception described in AMC 9-4.106(a)(4). They plan to construct an addition to their home that extends up to 20 feet from the front property line, below the standard 25 feet established for the RSF-Y zoning district. Along Cortez Avenue, most homes were constructed under previous setback standards. Staff measurements show setbacks throughout this block ranging from 16 to 25 feet. Approval of this Administrative Use Permit as conditioned will modify the street setback to 20 feet for any future construction on the subject property.

Site Description

The subject property is an approximately quarter-acre lot located at 7660 Cortez Avenue in the RSF-Y zoning district. It contains a 780 square-foot single-family home with a partially-completed attached garage and various permit-exempt detached storage sheds. The property also includes two temporary seatrains put in place to hold construction and demolition equipment related to an active demolition permit; a condition has been added that they must be removed prior to final inspection.

Project History

The previous owner of the property received a building permit to construct the aforementioned attached garage, but the project was unable to be completed, the permit expired, and the property was sold as-is to the applicant. The applicant applied for a building permit in December of 2022 to complete the garage with modifications including a second story living space addition and a reduced setback in order to avoid placing a stairwell entrance in his kitchen. The applicant was informed that an Administrative Use Permit would be required in order to achieve the desired setback, therefore; a Planning application was submitted in October of 2023.

EVALUATION:

Street setbacks for all zoning districts are established in AMC 9-4.106. The standard street setback in the RSF-Y zoning district is 25 feet, though there are several adjustments and exceptions described in the code based on the specifics of the subject property.

The applicant is requesting one of these exceptions, denoted in the Municipal Code as the Variable Setback Block adjustment. AMC 9-4.106(a)(4) describes it as follows:

“Where a residential block is partially developed with single-family dwellings having less than the required primary front setbacks and no uniform front setback is established, the primary street setback may be adjusted by approval of an administrative use permit (Section 9-1.112 of this title) at the option of the applicant...”

The Municipal Code lists two conditions on the use of this process to request an exception:

AMC 9-4.106(a)(4)(i): *“[a]djustment may be granted only when twenty-five percent (25%) of the lots on the block with the same frontage are developed and the entire block is within a single zone.”*

The subject block is developed with single family residences on one side and a railroad on the other. The entire block, with the exception of the railroad right-of-way, is zoned RSF-Y.

AMC 9-4.106(a)(4)(ii): *“[t]he normally required minimum primary street setback is to be reduced to the average of the primary front setbacks of the existing dwellings, which include attached garages but not detached garages, to a minimum of ten (10) feet.”*

The average of the primary front setbacks of existing dwellings on the block is 20.3 feet based on Staff calculations of internal GIS maps. Per AMC 9-1.109, this may be rounded down to 20 feet. The applicant requests a 20-foot setback for this project, fulfilling this requirement.

CEQA:

The proposed project is Categorically Exempt (Class 5) 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.) CEQA pursuant to CEQA Guidelines Section 15305, because it is limited to a minor setback exception that does not result in a change in land use or density.

RECOMMENDATION:

Staff recommends the Administrative Hearing Officer approve USE23-0106 to adjust the street setback at 7660 Cortez Avenue to twenty (20) feet.

FINDINGS:

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

1. *Modification of the applicable standard will not result in a project that is inconsistent with the General Plan;*

Reduced setback standards are consistent with the Single-Family Residential land use designation and SFR-Y lot size designation within the Atascadero 2025 General Plan. Land Use, Open Space, and Conservation Element Program 8 requires that land use and

corresponding site development decisions be made in the context of neighborhood compatibility. The proposed variable setback block adjustment corresponds to the average of other front setbacks on the block in order to keep with its surroundings.

- 2. 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;*

Atascadero Municipal Code 9-4.106(a)(4) requires that the variable setback block adjustment match the average of other front setbacks on the block of the subject property. As a result, the proposed 20 foot front setback is consistent with the character of the neighborhood by definition. Other homes in the neighborhood are set back a distance of 16 feet to 25 feet.

- 3. 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;*

The proposed project does not conflict with City policies.

- 4. Modification of the applicable standard will not result in the authorization of a use not otherwise allowed.*

The proposed project will not authorize any new land use.

CONDITIONS:

1. This Administrative Use Permit shall reduce the front setback at 7660 Cortez Avenue, APN 029-153-009, to twenty (20) feet for all future construction on the property.
2. 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 the project has received a building permit to develop structures consistent with the reduced setback, or a time extension has been granted, consistent with the Atascadero Municipal Code.
3. 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 proposed project.
4. Applicant shall remove or permit seatrains prior to occupancy.

CODE REQUIREMENTS:

1. AMC 9-4.106 "Street setbacks."
2. AMC 9-1.112 "Administrative use permit."

ATTACHMENTS:

- Attachment 1 - Location Map
- Attachment 2 - Zoning Map
- Attachment 3 - Proposed Site Plan

Attachment 4 - Proposed Elevations
Attachment 5 - Site Photos

ACTION:

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

- Continue indefinitely to allow: _____

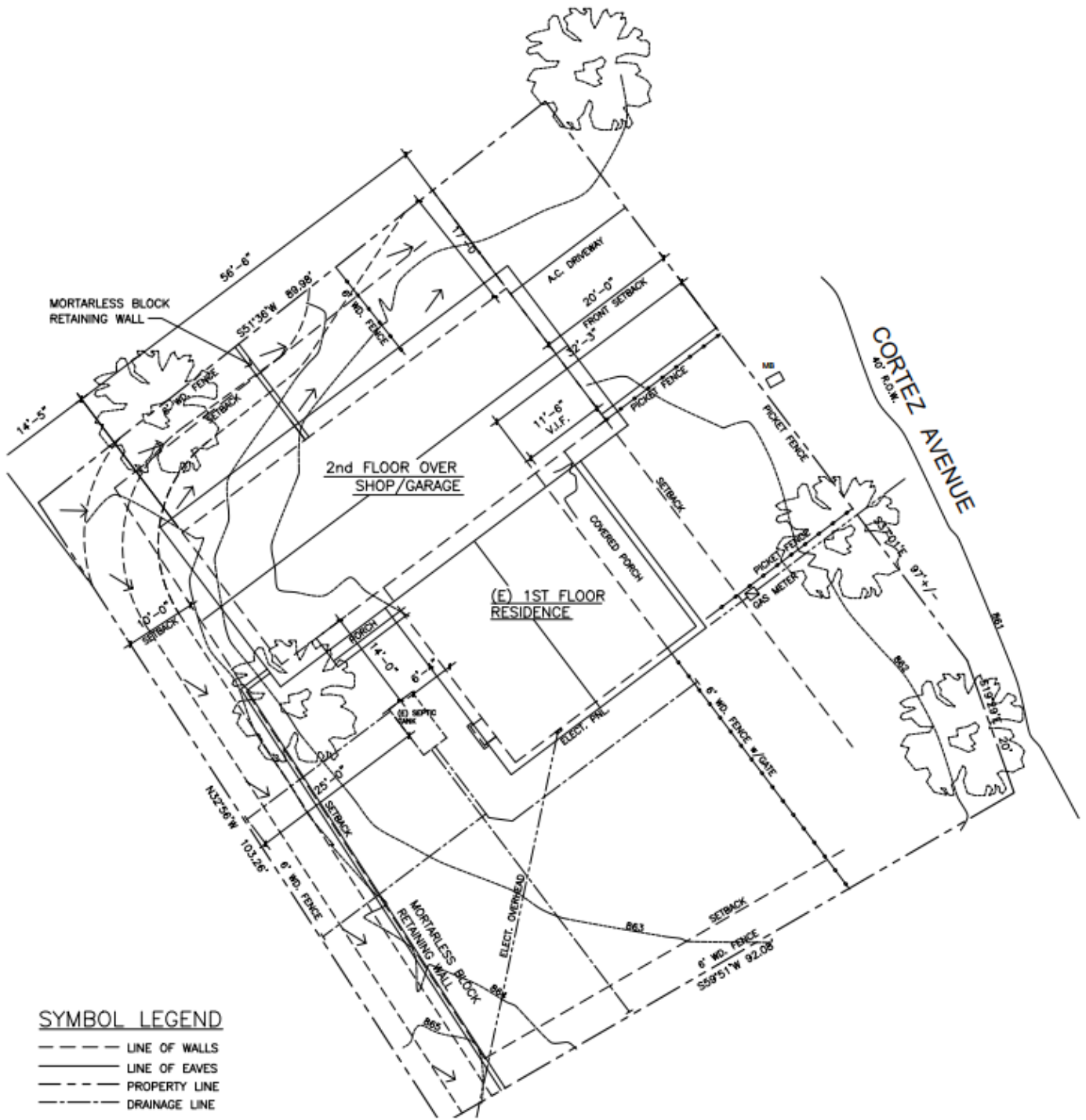
Phil Dunsmore, Hearing Officer

Attachment 1: Location Map
USE23-0106





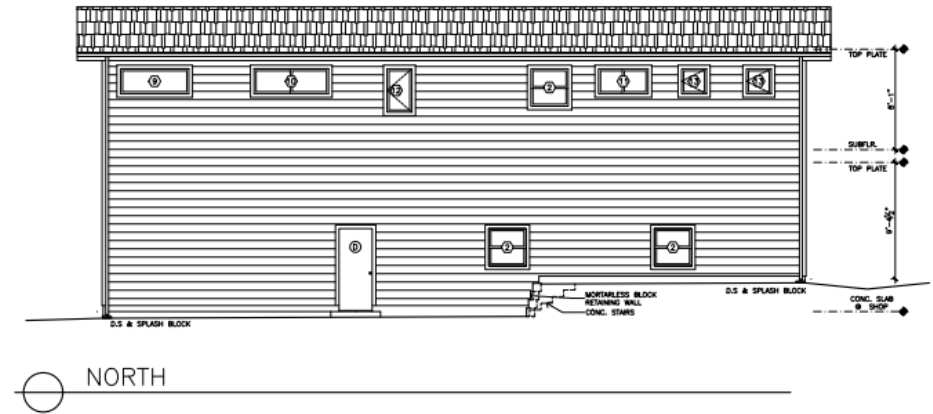
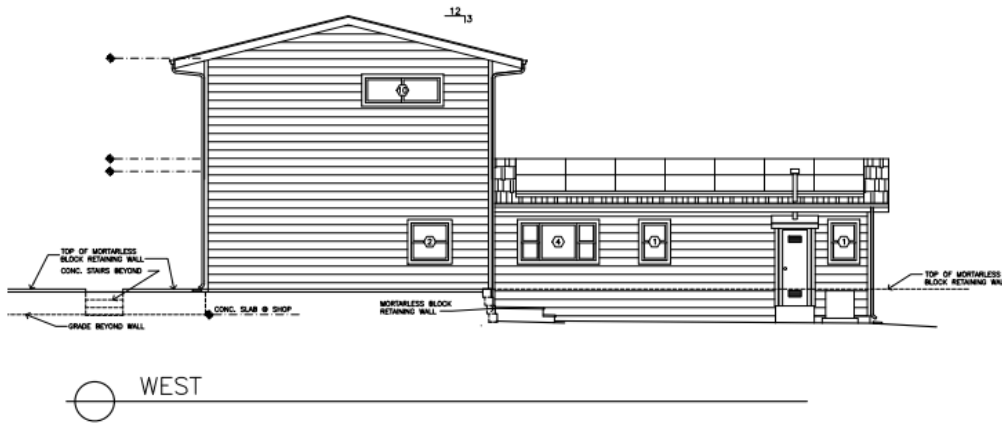
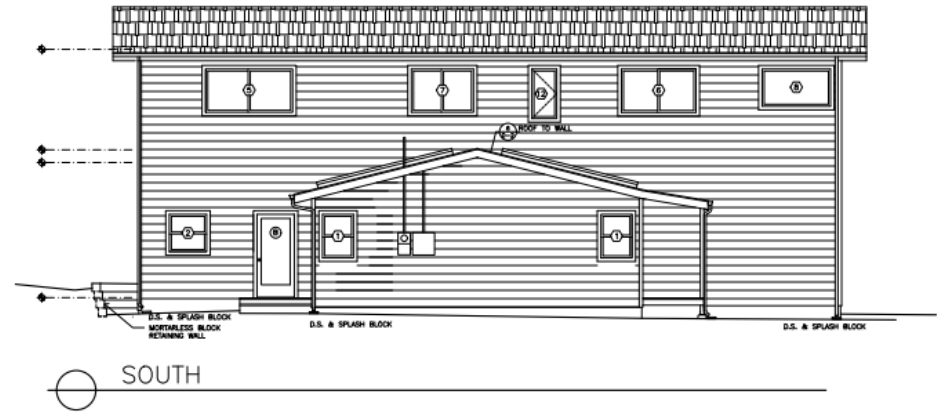
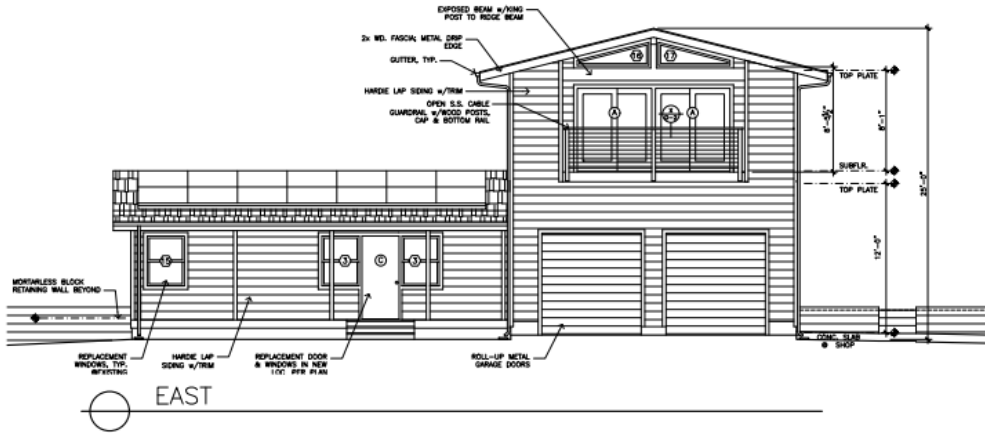
Attachment 3: Proposed Site Plan
USE23-0106



SYMBOL LEGEND

- LINE OF WALLS
- LINE OF EAVES
- PROPERTY LINE
- DRAINAGE LINE

Attachment 4: Proposed Elevations
USE23-0106



Attachment 5: Site Photo
USE23-0106

Existing partially-completed garage

