



## ADMINISTRATIVE USE PERMIT HEARING

### **\* COVID-19 NOTICE \***

**In accordance with City Council Resolution No. 2021-066 and the requirements of AB 361, 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/88417152051?pwd=M2h5bWIDekZhUWRwNi9yUUxPcWVhZz09>

Webinar ID: 884 1715 2051

The video recording of the meeting will be available through YouTube.

#### **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)

Webinar ID: 884 1715 2051      \*\*no passcode required\*\*

If you wish to provide written public comment, please email your comments to [aup-comments@atascadero.org](mailto: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](mailto: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](http://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](http://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 public hearing at **10:00 a.m. on Thursday, October 21, 2021** at City Hall to consider the following project:

1. **2300 FERROCARRIL RD. (USE21-0081)** The application for the project is to allow for an oversized accessory structure. Staff recommendation is to approve the proposed structure with conditions. (**Gregory Porte**) (*Mariah Gasch, Associate 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](http://www.atascadero.org)). The fee for filing an appeal is \$806 and must accompany the appeal documentation.



# CITY OF ATASCADERO

## COMMUNITY DEVELOPMENT

### Administrative Hearing Agenda Report

ITEM # 1

**FROM:** Mariah Gasch

**MEETING DATE:** Oct. 21, 2021

**FILE NUMBER:** USE21-0081

**PROJECT ADDRESS:** 2300 Ferrocarril Road

#### **SITUATION:**

The applicant, Greg Porte, is proposing to construct an accessory structure that will serve as a workshop and a storage space on the applicant's property at 2300 Ferrocarril Road. The proposed structure will be a two story, 3,560 square foot building that includes a 2,760 square foot shop/storage area and an 800 square second story loft. The design proposes a white color for the building, dark gray roof, and dark bronze/black for door and window trim. The structure will be 17 feet tall at the eaves, and 23 feet and 5 inches tall at the peak. It will be located about 63 feet from the side property line and 40 feet from the rear. The location of the structure is behind the existing residence near the back of the property and will be accessed from Ferrocarril Road by a new driveway on the northwest corner of the property, separate from the main residence. The structure will be highly visible from Ferrocarril Road and slightly from Traffic Way, which runs parallel to the railroad track adjacent to the rear property line. The property exists in a known archaeologically sensitive area.

The proposed structure has three rollup doors and the exterior color will complement the gray of the existing residence. Additionally, the design of the building will be compatible with the existing rural, suburban character of the surrounding neighborhood. Construction of the building will not require significant grading or tree removal as most of the space is currently flat and not vegetated. Atascadero Municipal Code 9-6.106 limits gross floor area of a detached accessory structure to one hundred percent (100%) of the gross floor area of the principal structure, up to 2,000 square feet. The floor area may be increased by approval of an Administrative Use Permit (AUP) to allow additional floor area over the specified limits, when consistent with the appearance and design criteria in Section 9-6.106 (3) and when additional findings can be made to support an increased size. An accessory structure that exceeds fifty percent (50%) of the gross floor area of the principle structure is required to follow design criteria. If an accessory structure is over the 50% threshold and does not meet the design criteria, it requires an AUP. Since the principal structure is 1,883 square feet, the site would be limited to an accessory structure of roughly 942 square feet or meet design criteria. Approval of this AUP is required as the structure exceeds these thresholds.

#### **EVALUATION:**

According to Atascadero Zoning Ordinance, residential accessory structures are permitted within the Residential Suburban zoning district. In accordance with the Atascadero Municipal Code, all buildings within the RS zoning district must adhere to the

30-foot building height maximum (AMC 9.4.113(a)). All development in this district must also adhere to the following setback distances (AMC 9.4.106-108):

- Front Setback: Twenty-five (25) feet
- Side Setback: Five (5) feet
- Rear Setback: Ten (10) feet

The proposed structure meets these setback standards. The closest property line is 40-feet from the proposed structure.

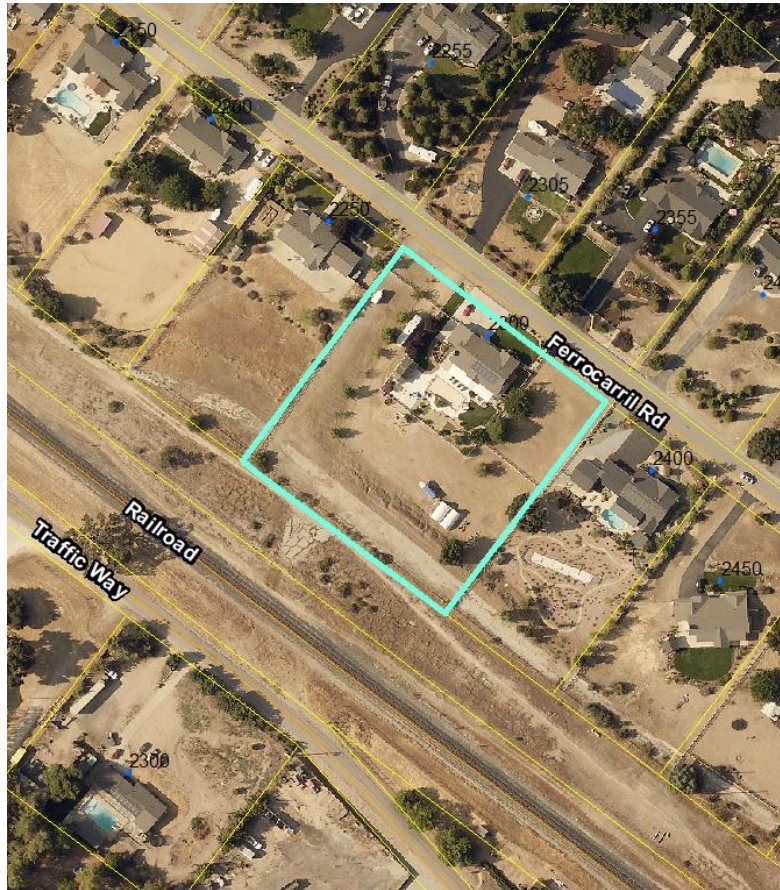
The Atascadero Municipal Code allows for staff level approval of accessory structures that are a maximum of 50% of the size of the primary residence, and can be increased up to 100% if additional design criteria area included. In addition to the size criteria, the structure also conflicts with two other design criteria.

- AMC 9-6.106 (3iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure
- AMC 9-6.106 (3v) The accessory structure is located on a non-conforming lot
- AMC 9-6.106 (3vii) The accessory structure does will substantially alter the visual quality of the property.

The floor area of the accessory structure is proposed as 2,670 square feet, and the primary structure has a floor area of 1883 square feet. Also, because minimum lot size for the Residential Suburban zoning district is 2.5 acres and the subject property is about 1.9 acres, the lot is considered legal non-conforming. Finally, since it is such a large structure, it will be visible from Ferrocarril Road and potentially visible from Traffic Way. To mitigate these impacts staff has added conditions that the applicant provide a landscape and irrigation plan to provide additional screening vegetation from Traffic Way. Staff has also added that the applicant choose a neutral color scheme to match the surrounding neighborhood, subject to approval by the Community Development Department.

Atascadero General Plan program LOC 6.2.2 states, "For discretionary projects within the generalized areas of archaeological resources, require Phase I surveys to determine the extent and significance of archaeological sites prior to approval". A qualified archaeologist will need to complete a Phase I survey of the site to appraise its potential significance and determine appropriate mitigation needs, if any are necessary. If any archaeological resources are unearthed during construction, work must suspend until mitigation plans are established. Staff has added a condition to include a Phase 1 archaeological survey with submittal of building permits.

### Aerial Photo



### **RECOMMENDATION:**

Staff recommends the Administrative Hearing Officer approve USE21-0081 to allow the construction of the oversized accessory structure with conditions of approval.

#### **ENVIRONMENTAL DETERMINATION**

- ☒ Categorical Exemption CEQA – Guidelines Section 15303
- ☐ Statutory Exemption §§ 21000, et seq & \_\_\_\_\_
- ☐ No Project – Ministerial Project

### **Findings**

*Administrative Use Permit (AMC 9-6.106)*

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

Fact: Detached accessory structures are consistent with the Single-Family Residential land use designation of the General Plan. Land Use, Open Space and Conservation Element Program 1.1.6 requires the size, use and appearance of accessory structures in the residential zoning districts to be compatible with the surrounding neighborhood. The proposed structure has an agricultural appearance in keeping with the area. While the proposed structure

is over 100% of the size of the primary residence, it will serve a residential use, including a workshop and noncommercial storage.

2. *Modification of the applicable standard will not result in a project that is inconsistent with the character of the immediate neighborhood or contrary to its orderly development;*

Fact: The proposed accessory structure is consistent with the surrounding rural suburban character of the immediate neighborhood. Many of the properties along Ferrocarril Road have similar structures. The design of the proposed structure is not out of place in this environment. The view of the proposed structure from Traffic Way will be filtered with vegetation.

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;*

Fact: Detached accessory structures are permitted in the residential districts. The proposed structure, with staff recommended conditions, is compliant with all related zoning codes and plans.

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

Fact: The proposed structure will serve a residential use, including a workshop and noncommercial storage.

#### *Oversized accessory structure exception (9-6.106)*

5. *Accessory structure shall not be located between the primary structure and the public roadway.*

Fact: The proposed structure is not located between the primary structure and public right-of-way.

6. *Accessory structure shall be compatible with the pattern of development in the neighborhood (there are similar structures on adjacent properties, and properties are of a size, nature and topography so as to not create a significant aesthetic impact)*

Fact: The proposed structure is consistent with the rural nature of the neighborhood. Nearby properties have similar detached structures. A condition has been added to ensure the color scheme matches its rural surroundings.

7. *Accessory structure is compatible or complementary with the architectural style of the primary structure.*

Fact: The architectural style of the proposed structure matches the existing residence. The proposed structure will also have a stucco finish similar to the existing residence.

8. *The floor area of the accessory structure is equal or lesser than the floor area of the primary structure*

Fact: the accessory structure is larger than 100% of the primary residence. However, conditions have been added to minimize negative neighborhood impacts.

9. *The accessory structure is located on a conforming lot.*

Fact: The lot is smaller than required for lots in the Residential Suburban (RS) zoning district. However, due to the structure's location and design it will not have a negative impact on its surroundings.

10. *The accessory structure can be built to avoid substantial grading and the removal of significant native trees*

Fact: Minimal grading will be required along the rear portion of the site to accommodate the building. The location of the structure on the rear portion of the site limits its visibility from the road.

11. *The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property.*

Fact: The structure will not block sunlight, roads or views for adjacent properties. It will be located up against the Union Pacific Railroad's tracks.

12. *The accessory structure shall be located no closer than ten (10) feet to the side property line as measured from the nearest roof eave.*

Fact: The building is more than 60-feet away from the nearest side property line.

13. *The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.*

Fact: The proposed structure will be approximately 150 feet away from the nearest dwelling on an adjacent property.



### **Conditions**

1. This AUP shall allow the accessory structure described in the attached exhibits and located on APN 049-291-015.
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the administrative use permit 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 and any associated Tentative Maps unless appealed to the City Council.
4. Approval of this administrative use permit 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 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 applicant shall submit a landscape and irrigation plan concurrently with their building permit submittal. Landscaping shall be focused along southeastern side of the structure to screen from Traffic Way to the satisfaction of the Community Development Department.
7. Architectural elevations shall be consistent with Attachment 2. Exterior building and roof colors and materials shall be neutral to match the rural surroundings.
8. The applicant shall provide a Phase 1 archaeological study completed by a licensed professional upon building permit submittal.

### **Code Requirements**

1. AMC 9-6.106 (Residential accessory uses)
2. AMC 9-1.112 Administrative Use Permit

### **Attachments**

Attachment 1 - Location Map and Zoning  
Attachment 2 - Proposed Elevation  
Attachment 3 – Site Plan  
Attachment 4 – Floor Plan  
Attachment 5- Site photos



**Action:**

☐ Approve

☐ Approve as modified

☐ Deny

☐ Continue to: \_\_\_\_\_ to allow \_\_\_\_\_

\_\_\_\_\_

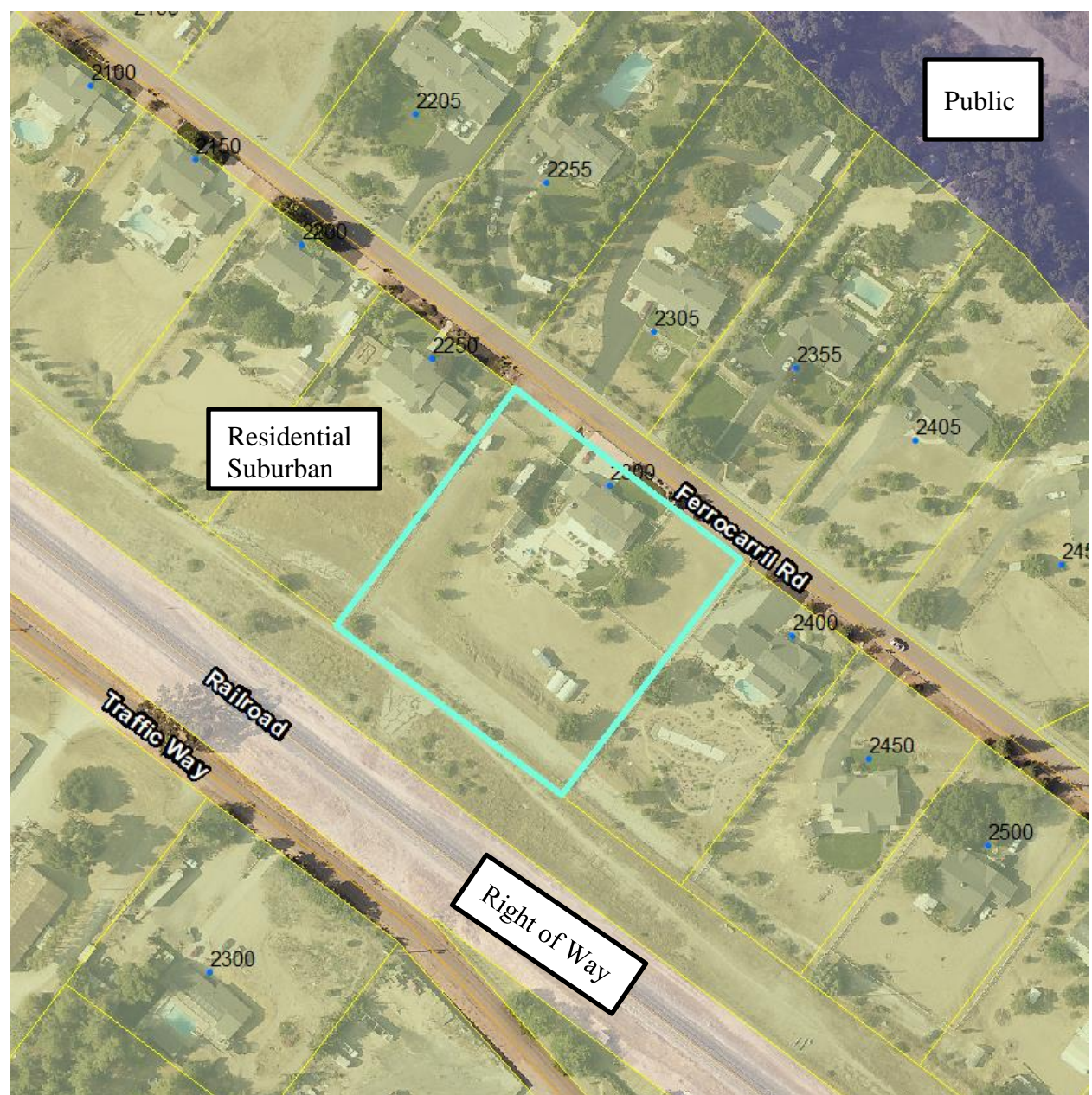
☐ Continue indefinitely to allow: \_\_\_\_\_

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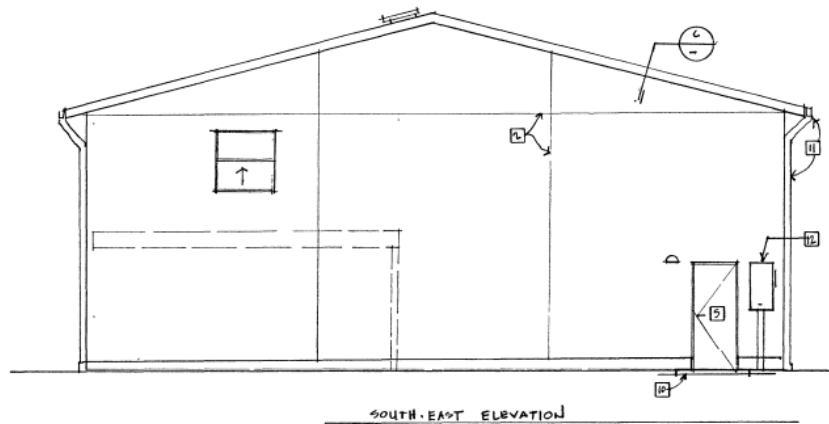
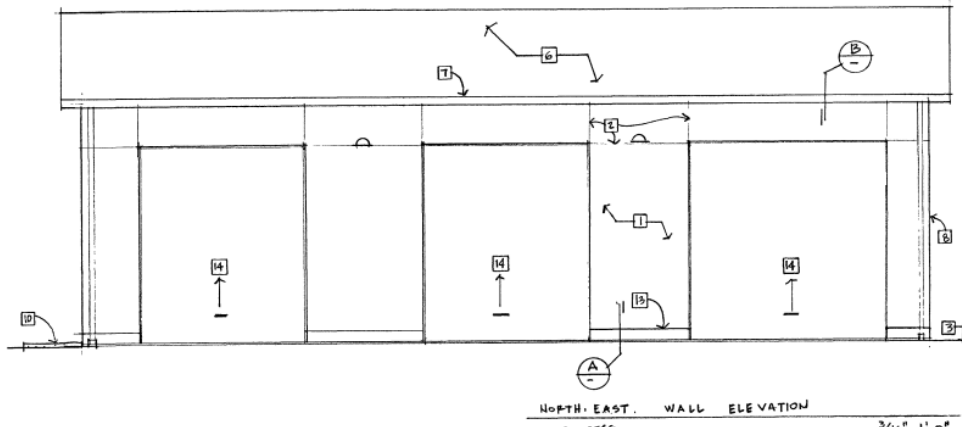
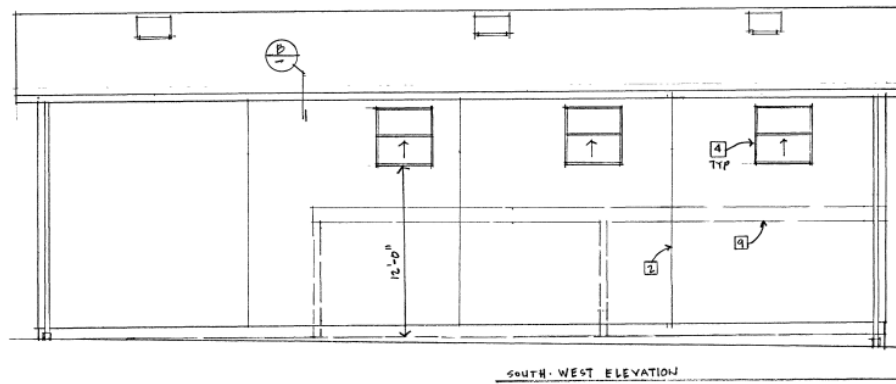
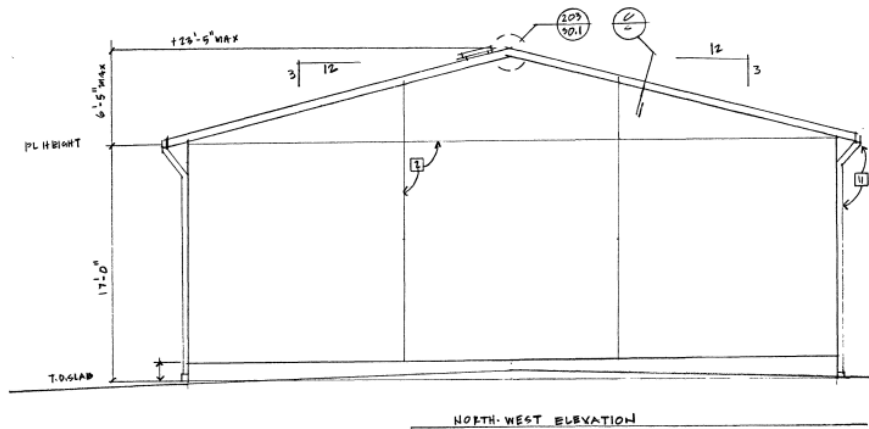
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Phil Dunsmore, Hearing Officer

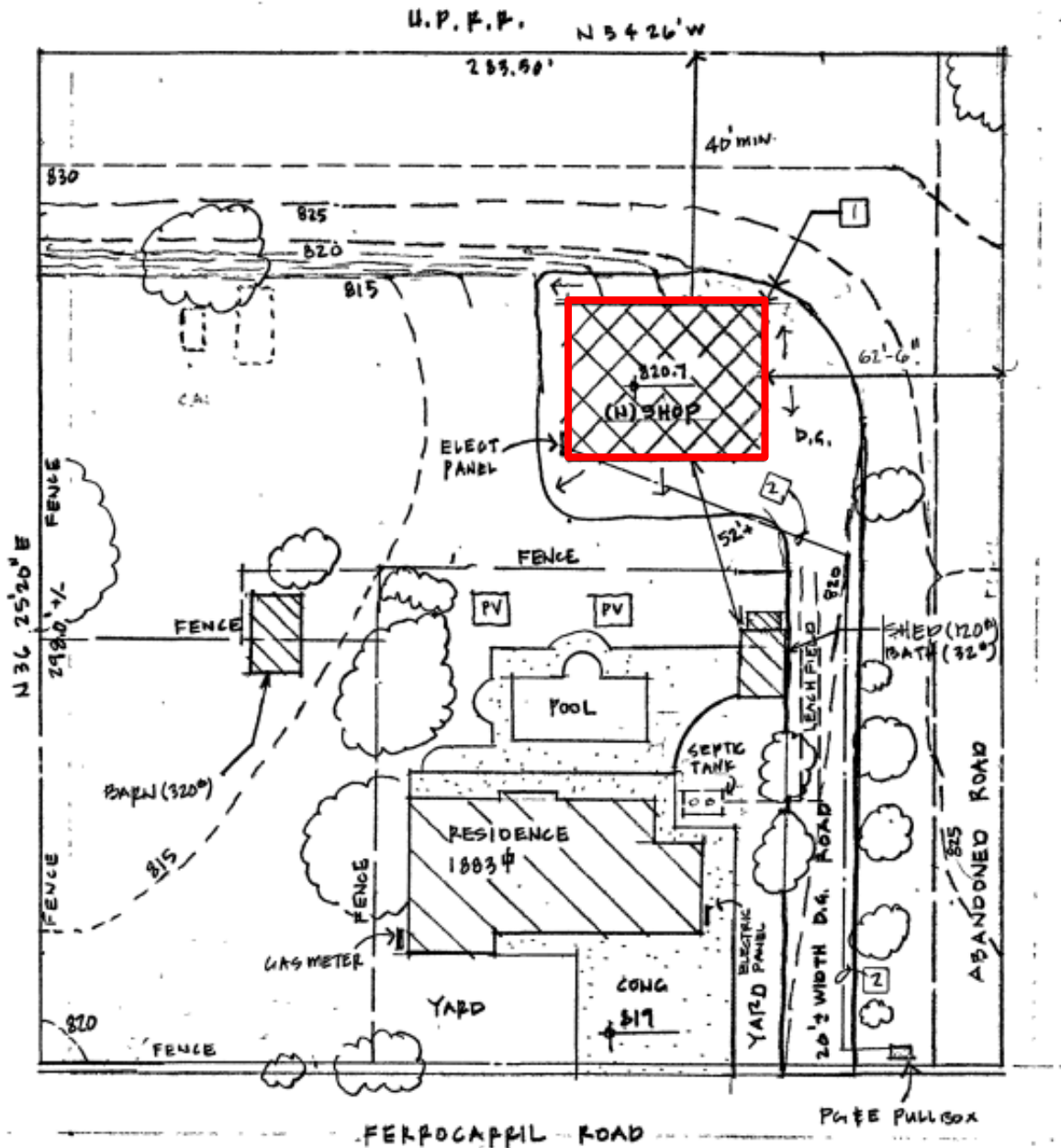
**Attachment 1: Location Map and Zoning  
USE 21-0081**



**Attachment 2: Proposed Elevation**  
**USE 21-0081**



Attachment 3: Site Plan  
USE 21-0081

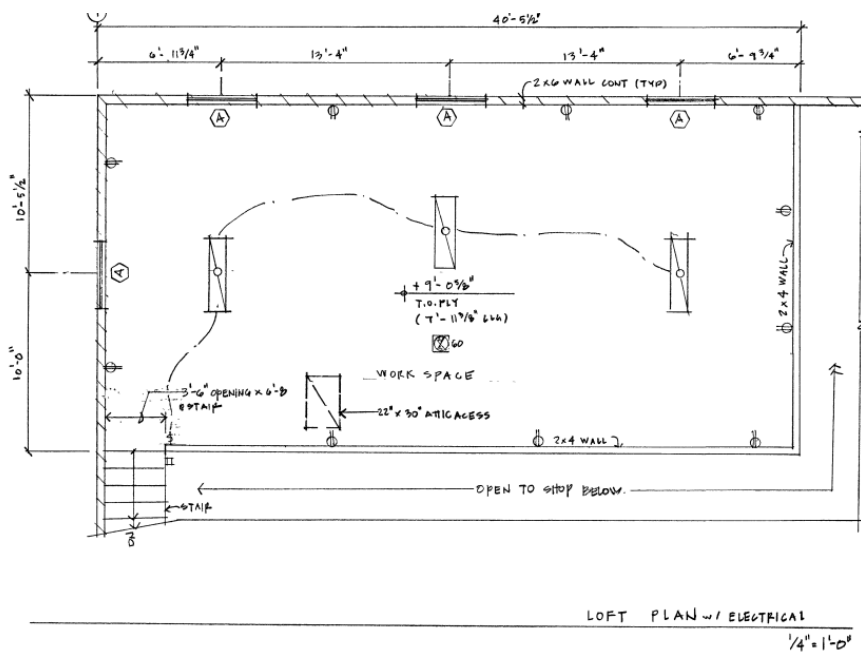
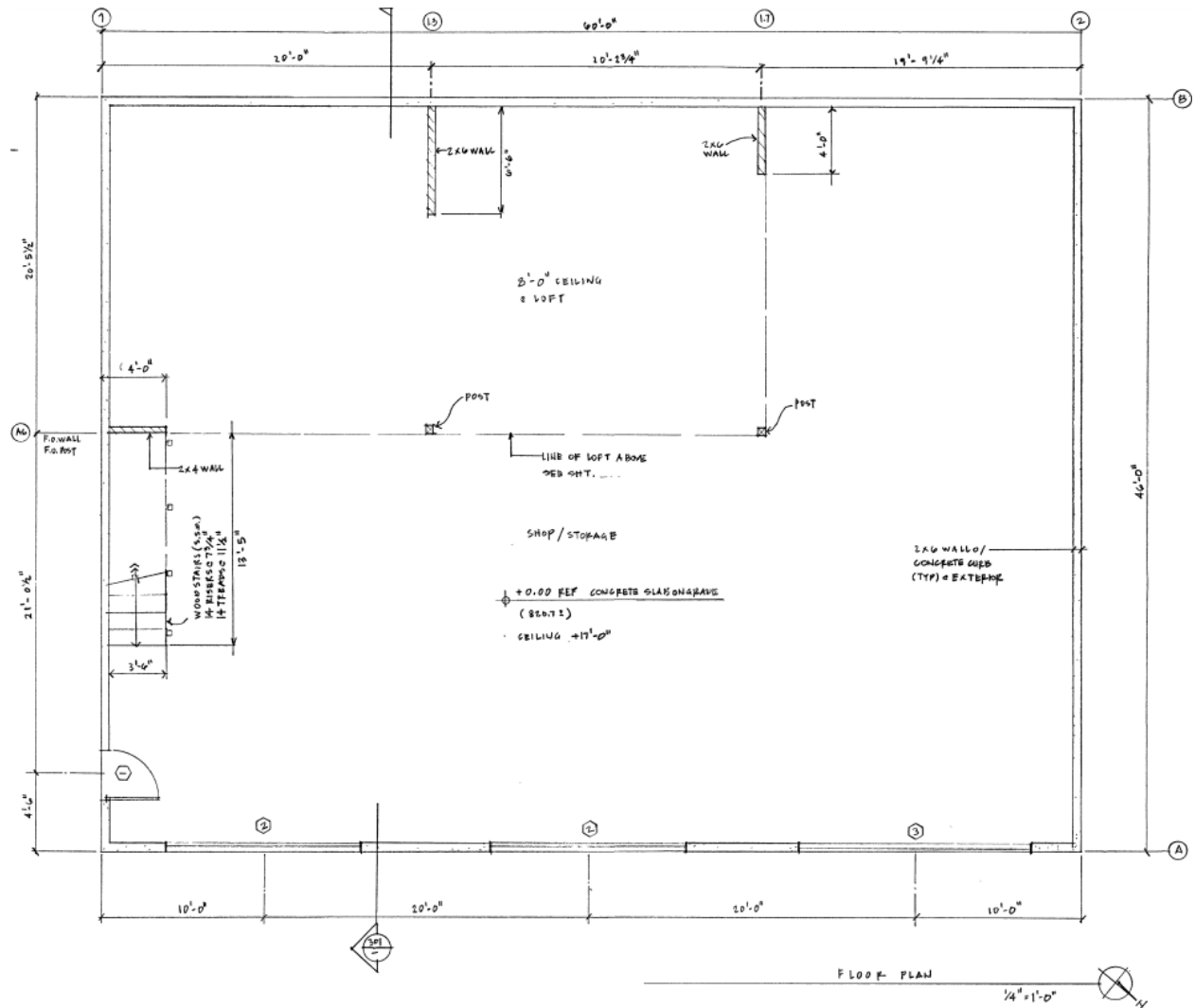


SITE PLAN

- 1 ADJUST BUILDING SET BACK FROM ASCENDING SLOPE AS NEEDED FOR DRAINAGE (5'-0" MIN) 1" = 40'-0"
- 2 (H) U.G. 3" Ø ELECTRICAL CONDUIT TO SHOP BUILDING.

## Attachment 4: Floor Plan

### USE 21-0081





**Attachment 5: Site Photos**  
**USE 21-0081**



Front of Primary Residence



Proposed Entrance to Accessory Structure



View of Residence from Traffic Way