



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=M2h5bWlDekZhUWRwNi9yUUxPcWVhZz09>

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 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 public hearing at **2:00 p.m. on Thursday, January 6, 2022** at City Hall to consider the following project:

1. 5900 ENTRADA AVE, (USE21-0109)

The application is to allow a non-commercial message art mural. Staff recommendation is to approve the proposed mural with conditions. **(Equality Mural Project)** (*Mariah Gasch, Associate Planner*)

2. 10,000 CORONA ROAD, (USE21-0104)

The application is to allow for a sloping lot adjustment to reduce the front setback for a new single-family residence. Staff recommendation is to approve the proposed structure with conditions. **(Nate Simmon)** (*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). 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: Bailey Sullivan, Assistant Planner

MEETING DATE: January 6, 2022

FILE NUMBER: USE21-0109

PROJECT ADDRESS: 5900 Entrada Ave., Atascadero, CA 93422

SITUATION: The applicant is proposing an approximately 700 square foot art mural at 5900 Entrada Avenue as part the Equality Mural Project. The mural will be located on the wall of the business Monarch Behavior Solutions. The wall dimensions include an overall length of 59’ and a height ranging from 9’ and 12’ due to the slope of the sidewalk. The project is located in the Downtown Commercial zoning (DC) district along the wall of a building occupied by various commercial businesses. The proposed mural will be highly visible from the adjacent retail store, Anna and Company as well as State Farm Insurance. The project is in a highly trafficked area of downtown and will be visible to vehicles and pedestrians on Palma Avenue.

EVALUATION: City policy allows art and murals in all zoning districts with review of an Administrative Use Permit to ensure that the message is non-commercial in nature and does not create any safety issues related to distractive or reflective elements. The mural will be painted on a blank wall facing Palma Avenue. The size and location will not pose any safety hazards and proposed artwork does not depict a commercial message or advertisement for a business.

RECOMMENDATION: Staff recommends the Administrative Hearing Officer approve USE 21-0109 determining that the proposed mural at the above address is non-commercial in nature and poses no safety concerns.

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

The proposed project is Categorically Exempt (Class 11) 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 15311, because the proposed project includes addition of a sign.

Findings

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

There are no conflicts with the policies set forth in the City's General Plan. Land Use, Open Space and Conservation (LOC) Goal #4 is to "provide for a strong and distinctive Downtown area". Adding public art contributes to achieving this goal by providing a distinct feature that is not seen outside of the Downtown.

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;*

The proposed project is not commercial in nature and does not conflict with the character of the immediate neighborhood. The proposed mural will enhance building quality in the DC zoning district.

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 mural will not conflict with City policies. The City allows non-commercial art murals in all commercial zoning districts.

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

No new or modified uses are proposed.

5. *The proposed art display is non-commercial in nature; and*

The proposed artwork does not display a commercial message.

6. *The size, location, and/or medium used will not pose any safety risks to drivers.*

The proposed mural is located on the north-side of the building and will be seen from the adjacent store commercial businesses. The size and location do not pose a safety risk to drivers. No reflective or otherwise distracting elements are proposed.

Conditions:

1. If the mural is defaced, or vandalized, the property owner will repair or repaint the wall as needed.

2. Prior to any modification or replacement of the mural, the applicant or property owner shall provide staff with a sketch or photo of any proposed changes to ensure a non-commercial message at least five (5) working days prior to any changes.

Code Requirements

1. AMC 9-1.112 Administrative Use Permit
2. AMC 9-15: Signs

Action:

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

- Continue indefinitely to allow: _____

Hearing Officer

ATTACHMENTS:

- Attachment 1: Location Map
- Attachment 2: Proposed Mural Location
- Attachment 3: Proposed Mural

**Attachment 2: Proposed Mural Location on building
USE 21-0109**



Attachment 3: Proposed Mural
USE 21-0109





CITY OF ATASCADERO

COMMUNITY DEVELOPEMENT

Administrative Hearing Agenda Report

ITEM # 2

FROM: Bailey Sullivan, Assistant Planner

MEETING DATE: January 6, 2022

FILE NUMBER: USE 21-0104

PROJECT ADDRESS: 10000 Corona Road

SITUATION: The applicant seeks to build a 2,564 square foot single-family residence with a 613 square foot attached garage on a steeply sloping lot. A sloping lot adjustment to the front building setback (AMC 9-4.106) is requested to minimize the quantity of grading needed to develop the site.

EVALUATION: The 5th goal of the Land Use, Open Space and Circulation element of the General Plan is to “[p]reserve the contours of the hills.” The policies and programs that support this goal are generally to increase minimum lot size on steeper slopes and to use site planning that minimizes the amount of grading needed. The Hillside Grading Guidelines interpret this General Plan goal and give practical requirements for development projects that propose grading. They include the prohibition of cut and fill pads when the native slope is 30% or greater.

Atascadero Municipal Code (AMC) 9-4.106(a)(3) permits a reduction to the front setback for sloping lots where the slope results in an elevation change of at least 7 feet, as measured from the centerline of the adjacent street to a point 50 feet onto the property in the vicinity of the proposed structure. The reduction allows a non-habitable structure or portion of a structure to be placed as close as 5 feet from the front property line, while the other portions of the residence must be placed at the standard 25-foot setback. The grade at the centerline of Corona Road is 16 feet lower than the elevation 50 feet onto the property. This is more than double the threshold to consider a sloping lot adjustment. The property is located off of Corona Road and accessed directly from the Corona Road right-of-way. The Corona Road right-of-way is 40 feet wide, with asphalt that is 20 feet wide in the general vicinity of the project. The residence is proposed on the flattest portion of the site. The average slope of the building location is approximately 18.8%.

The proposed development plan locates the garage 10-feet from the front property line, alleviating the need for a longer driveway and reducing site disturbance. The unused portion of the right-of-way acts somewhat to increase the perceived front setback, so that while the garage would be 10 feet from the property line, it is approximately 25 feet from the existing asphalt. If the requested adjustment is denied, relocating the residence further onto the site will increase the amount of grading required as the slope begins to drop off steeply behind the current proposed location.

RECOMMENDATION: Staff recommends the Administrative Hearing Officer approve Administrative Use Permit USE21-0104 reducing the front setback for the attached

garage from 25 feet to 10 feet, 4 inches from the front property line on Corona Road with Conditions of Approval.

ENVIRONMENTAL DETERMINATION
<input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15303
<input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____
<input type="checkbox"/> No Project – Ministerial Project

Findings

AMC 9-1.112 requires the Hearing Officer to make the following 5 findings:

- (1) Modification of the applicable standard will not result in a project that is inconsistent with the General Plan;

Staff comment: Reducing the front setback for the garage will minimize the impact to the property. The setback reduction will result in significantly less grading to develop the site and “[p]reserve the contours of the hills.”

- (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;

Staff comment: The project is a single-family residence in a residential suburban (RS) zoning district. The neighborhood is located on steep slopes (30%+) with narrow, winding roads and houses configured on sites in multiple ways to accommodate the slope.

- (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; and

Staff comment: The proposed residence will be in compliance with all pertinent City policies and criteria.

- (4) Modification of the applicable standard will not result in the authorization of a use not otherwise allowed; and

Staff comment: A single-family residence is permitted in the Residential suburban zoning district.

- (5) Any other findings deemed necessary.

Staff comment: No other findings are deemed necessary.

Conditions

- 1. The garage shall be placed no closer than 10 feet to the front property line.

2. Other portions of the residence shall meet all standard setback requirements.
3. The owner/applicant shall plant a minimum of 4 coyote bushes or other native bush species between the garage face and the property line.

Code Requirements

1. AMC 9-4.106(a)(3) Sloping Lot Adjustment.
2. AMC 9-1.112 Administrative Use Permit.

Action:

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

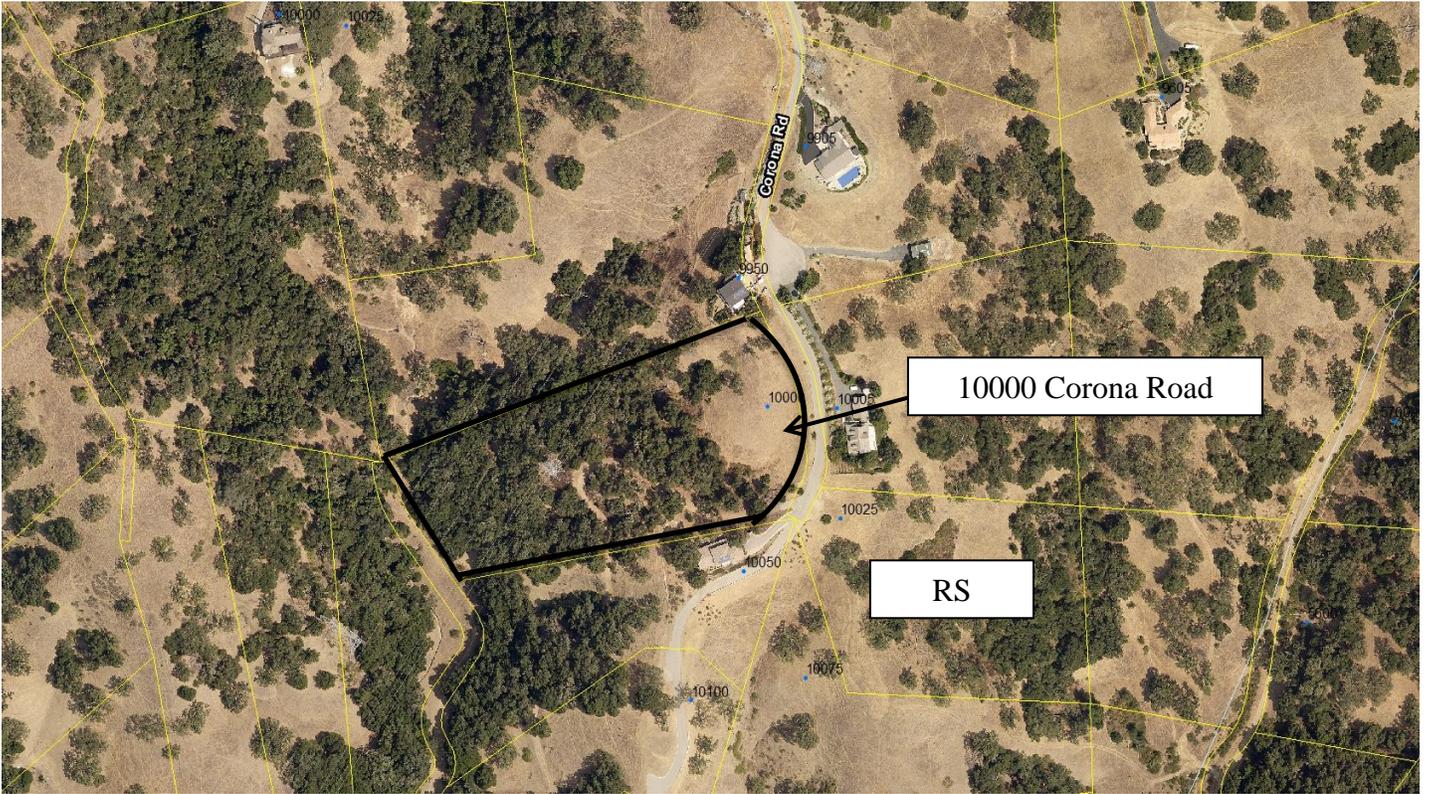
- Continue indefinitely to allow: _____

Hearing Officer

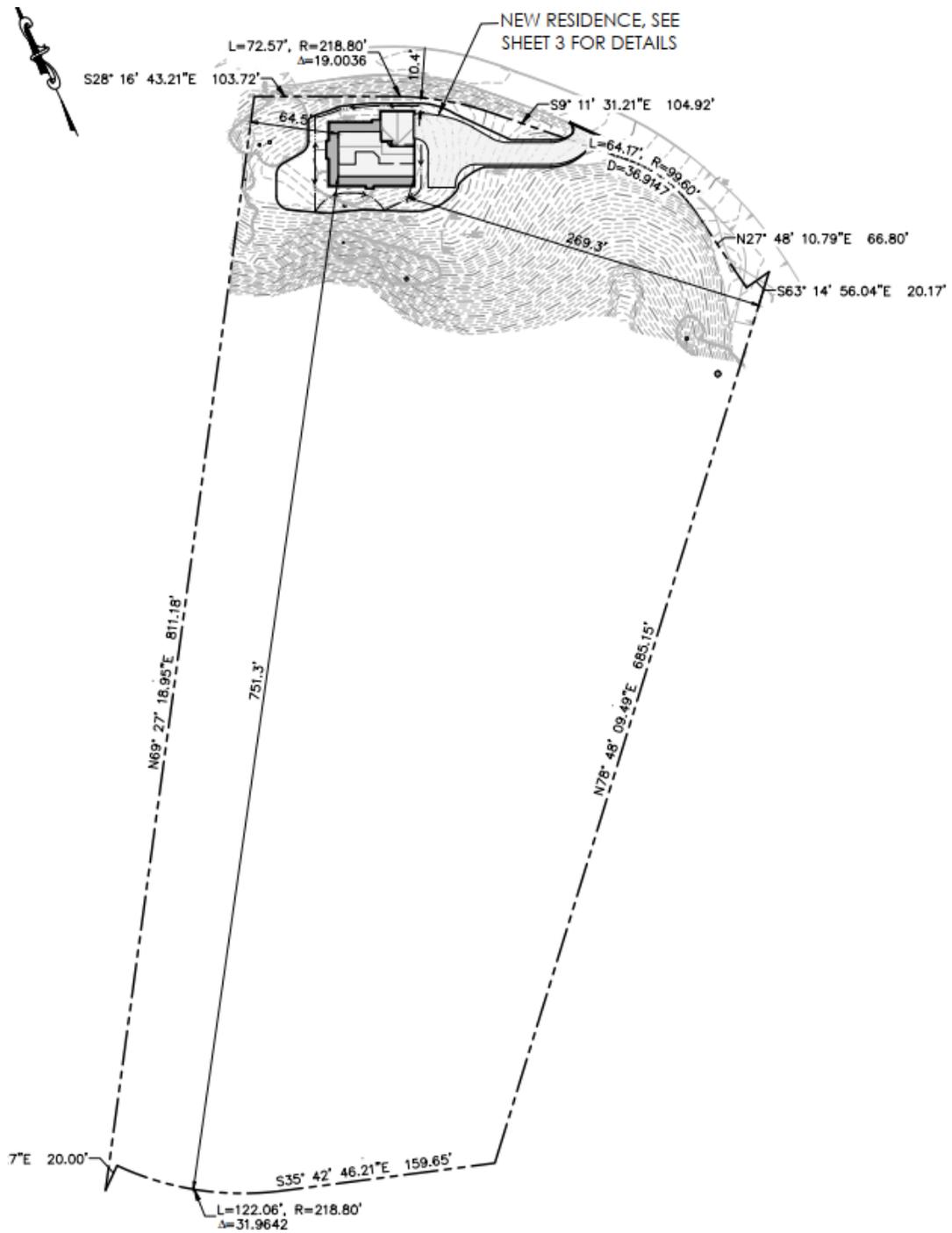
ATTACHMENTS:

- Attachment 1: Location and Zoning
- Attachment 2: Overall Site Plan
- Attachment 3: Building Site Plan
- Attachment 4: Elevation
- Attachment 5: Site Photos

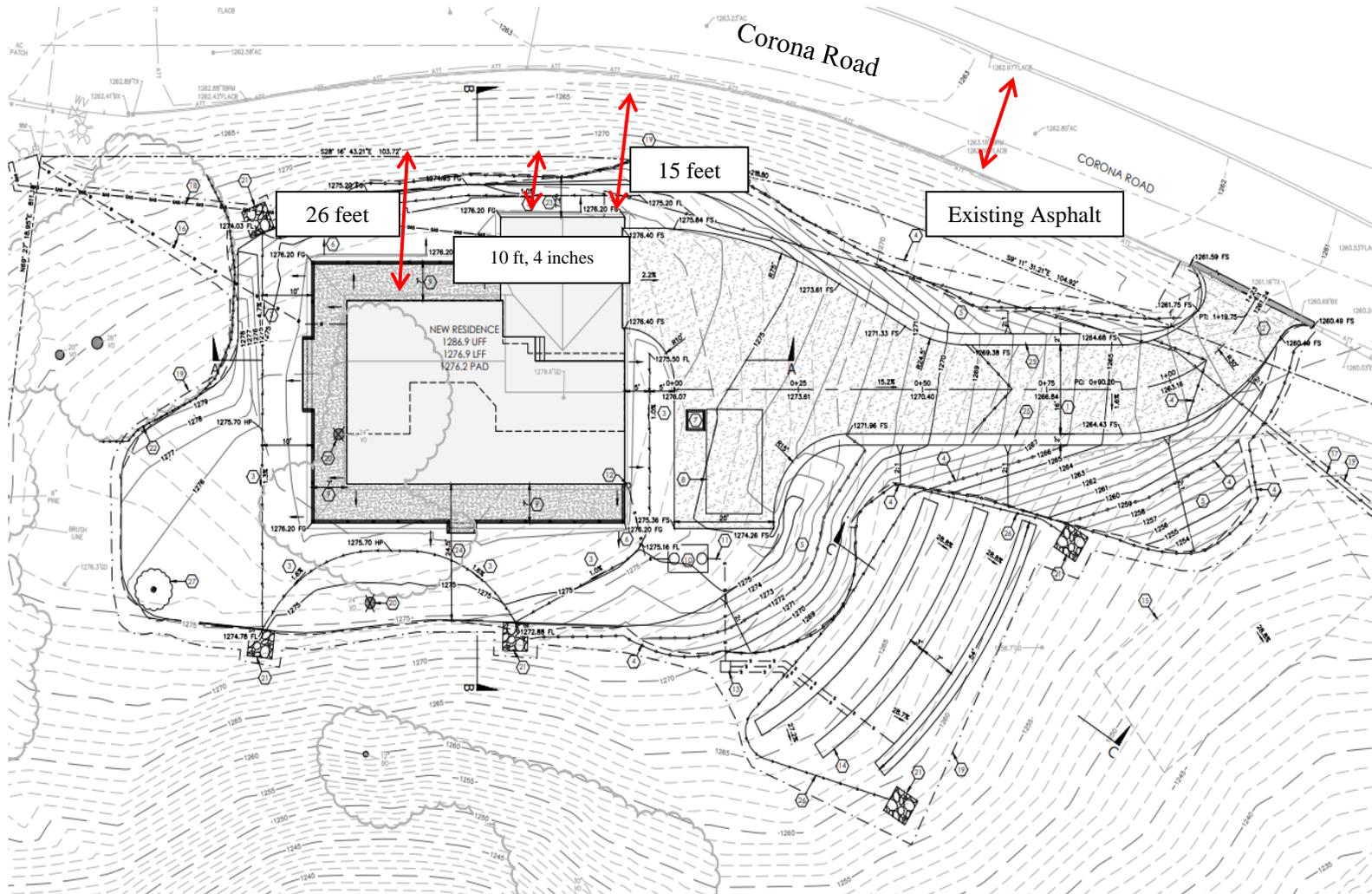
**ATTACHMENT 1: Location and Zoning
USE 21-0104**



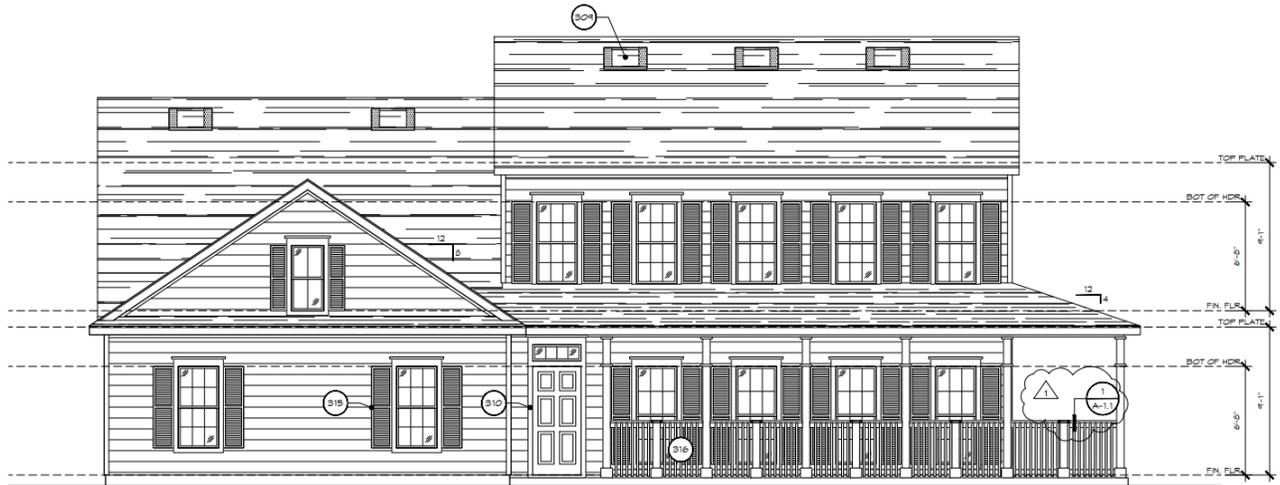
ATTACHMENT 2: Overall Site Plan
USE 21-0104



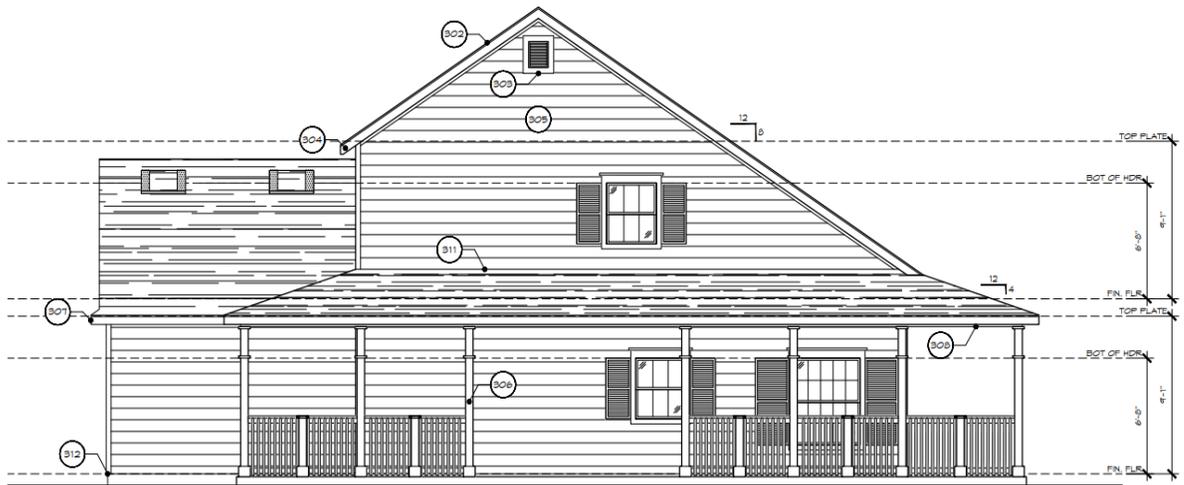
ATTACHMENT 3: Building Site Plan
USE 21-0104



ATTACHMENT 4: Elevation
USE 21-0104



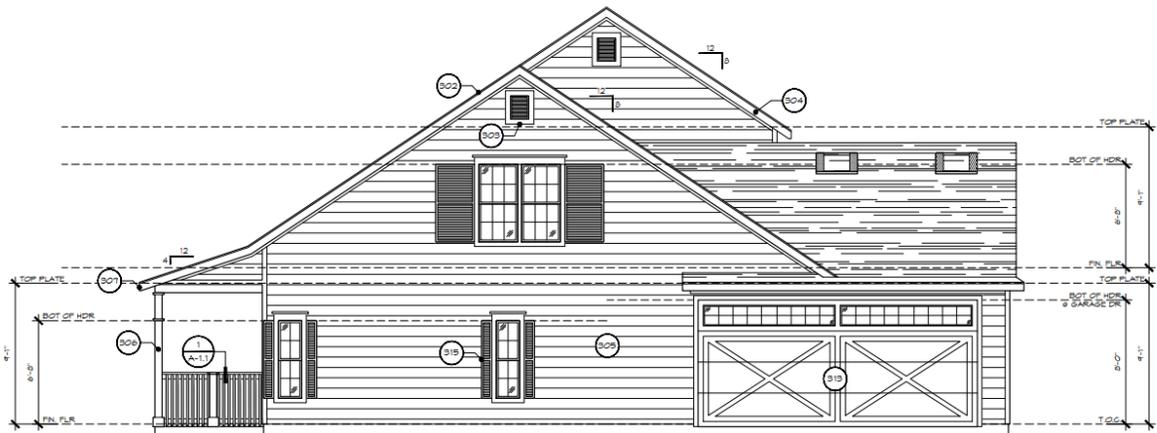
FRONT ELEVATION | 1/4" = 1'-0"



RIGHT ELEVATION | 1/4" = 1'-0"



REAR ELEVATION | 1/4" = 1'-0"



LEFT ELEVATION | 1/4" = 1'-0"

Note: AMC 9-4.106 (a)(3) allows a sloping lot adjustment when a point 50 feet from the centerline of the adjacent right-of-way is 7 feet above or below the elevation of the centerline. In the exhibit above, the slope is measured from the property line, but the project also meets the actual code requirement. 50 feet from the centerline of the road, the elevation is 13 feet higher than the road.

ATTACHMENT 5: Site Photos
USE 21-0104

