



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/84567568854?pwd=UytsbTU1OVB3N2JYQVVJQmlMT1FaZz09>

Webinar ID: 845 6756 8854

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 VIRTUAL public hearing at **10:00 a.m.** on **Wednesday, January 26, 2022** at City Hall to consider the following projects:

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 project with conditions. **(Nate Simmon)** (*Mariah Gasch, Associate Planner*)

3. **8945 ORTEGA ROAD, (USE21-0091)**

The application is to allow for an oversized accessory structure. Staff recommendation is to approve the proposed structure with conditions. **(David Horton)** (*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 26, 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 1: Location Map
USE 21-0109

Proposed Project
(5900 Entrada Avenue)



**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 26, 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 _____

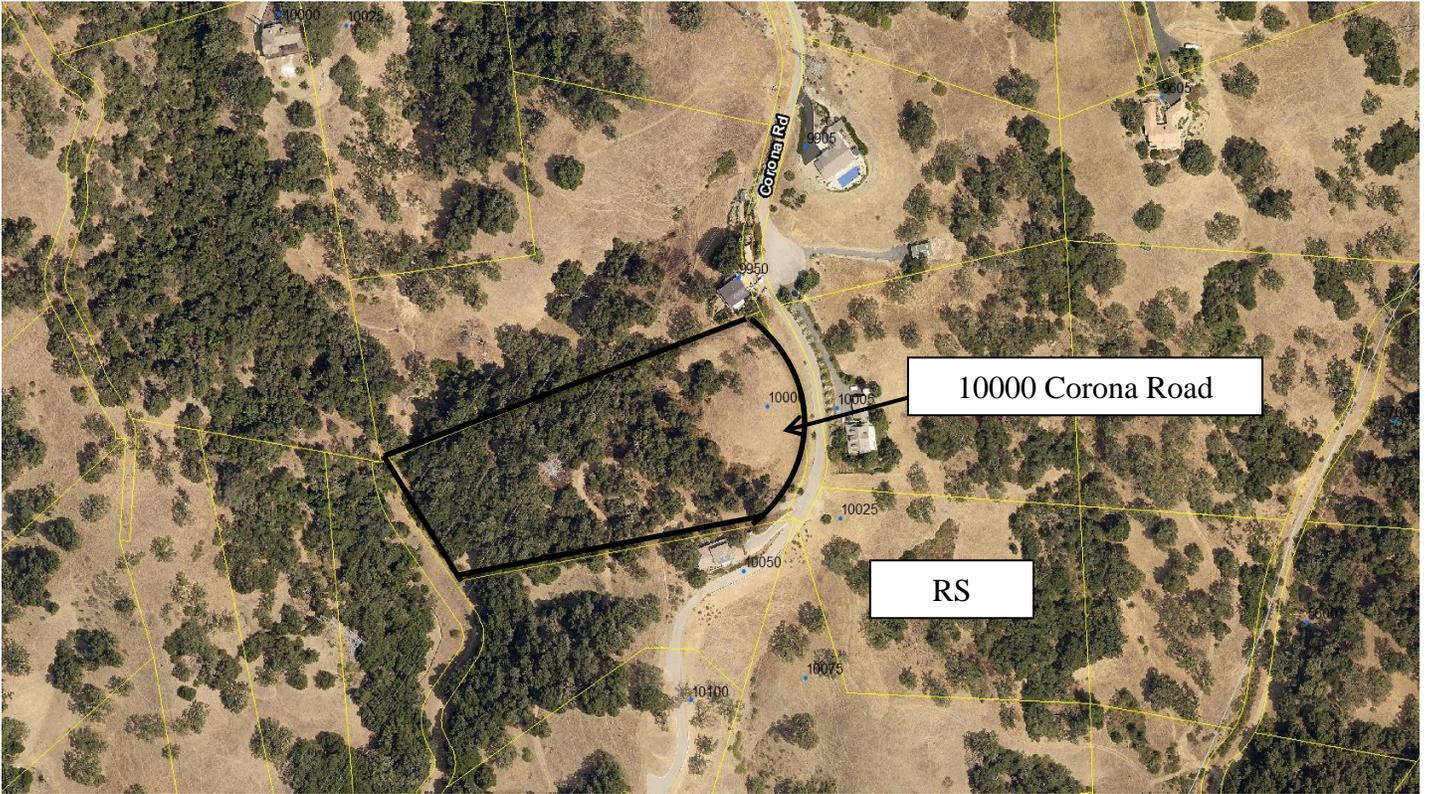
- Continue indefinitely to allow: _____

Hearing Officer

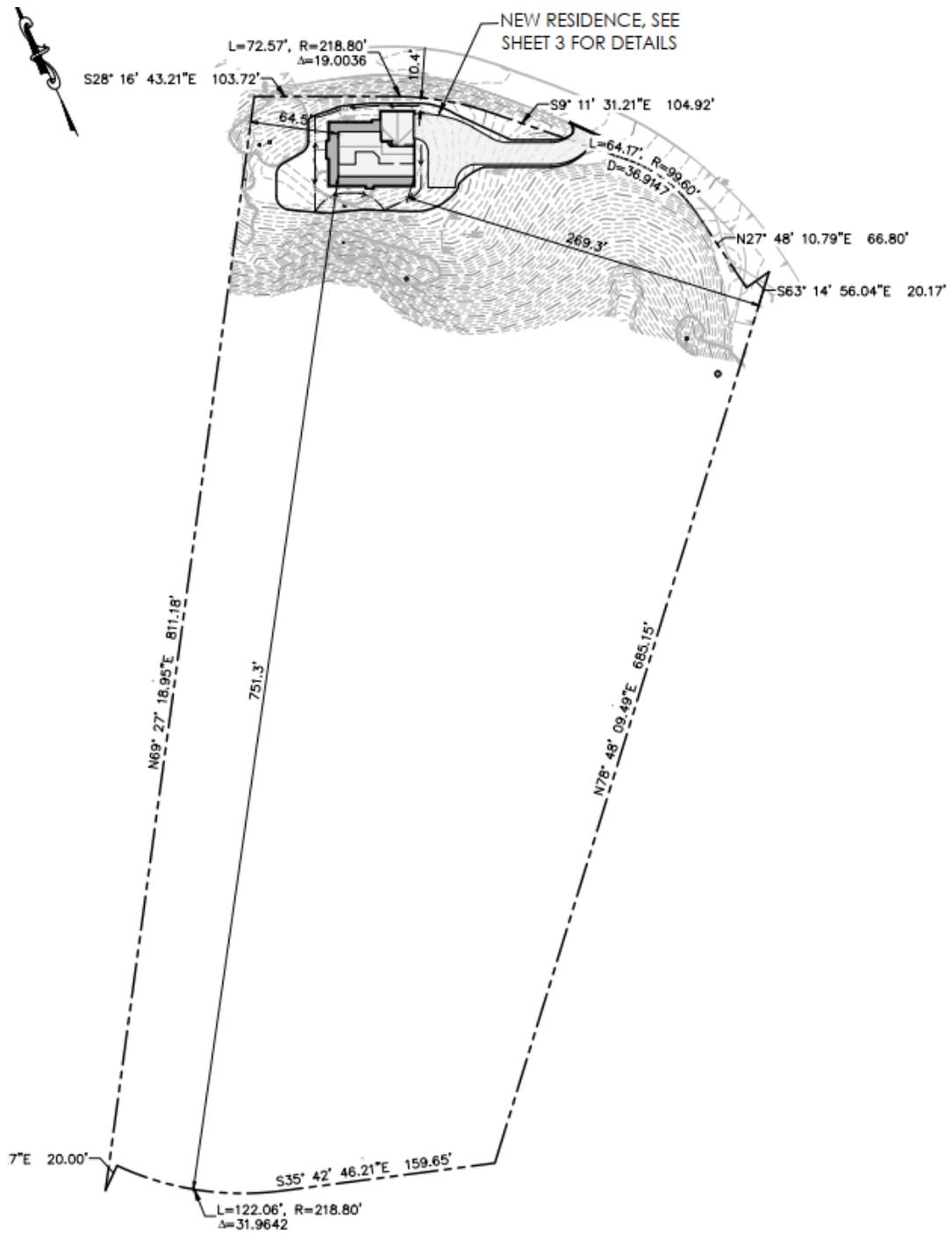
ATTACHMENTS:

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

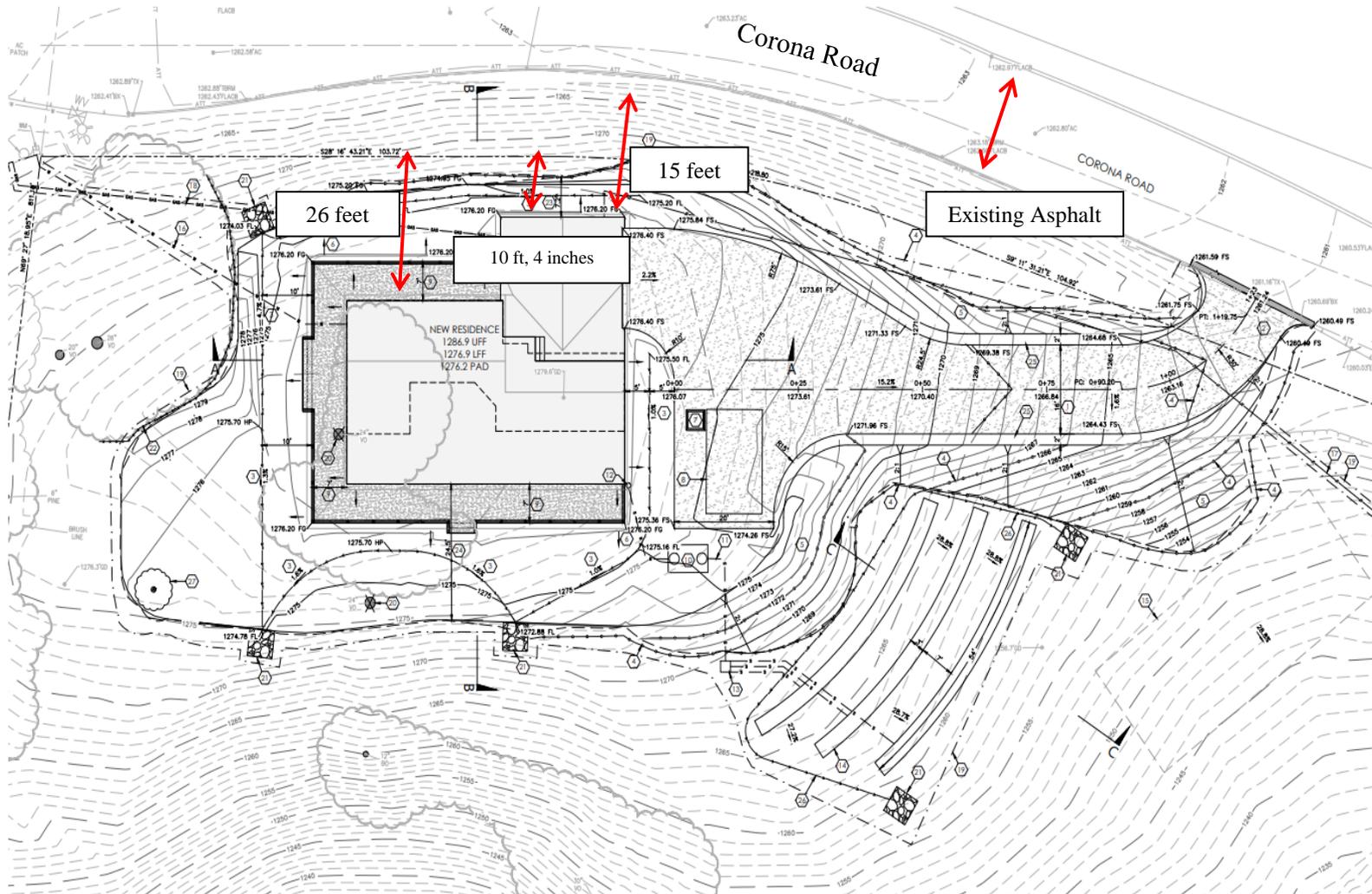
**ATTACHMENT 1: Location and Zoning
USE 21-0104**



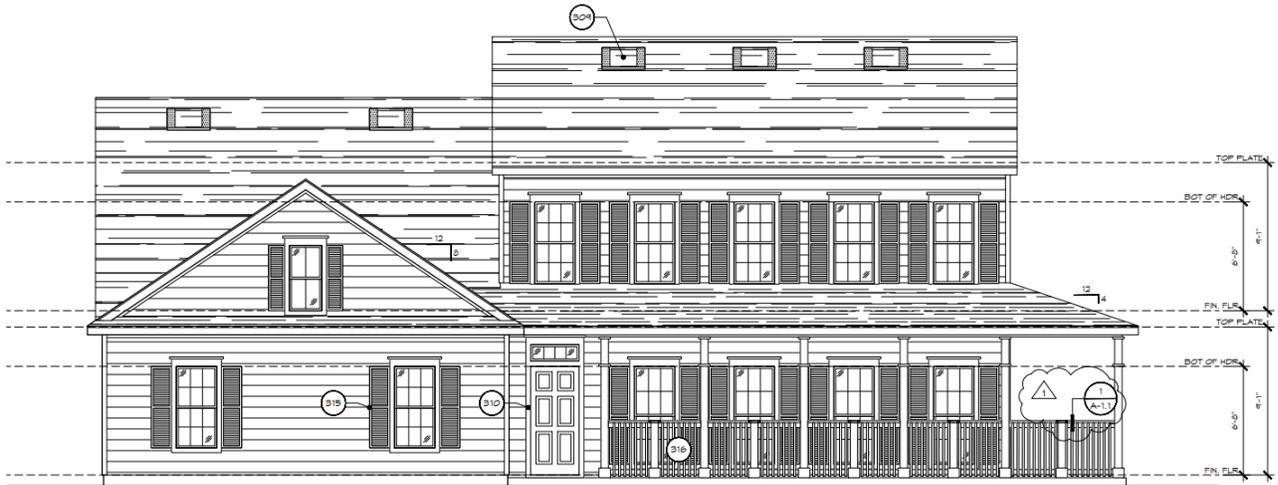
ATTACHMENT 2: Overall Site Plan
USE 21-0104



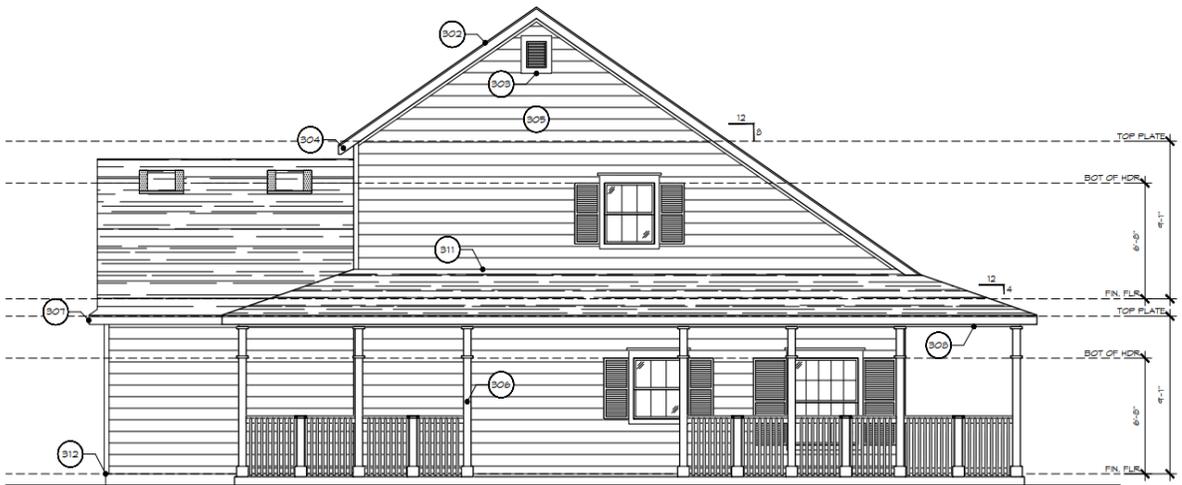
ATTACHMENT 3: Building Site Plan
USE 21-0104



ATTACHMENT 4: Elevation
USE 21-0104



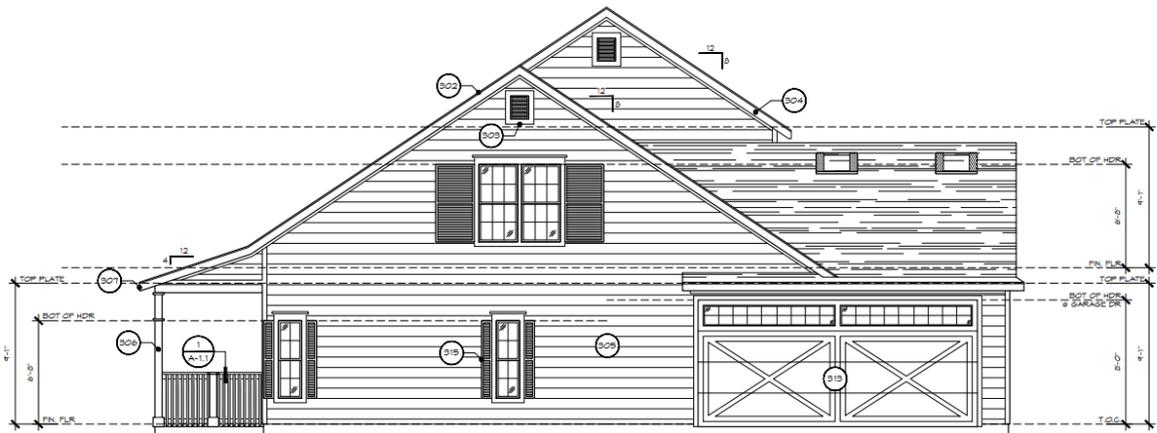
FRONT ELEVATION | 1/4" = 1'-0"



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





CITY OF ATASCADERO

COMMUNITY DEVELOPMENT

Administrative Hearing Agenda Report

ITEM # 3

FROM: Mariah Gasch

MEETING DATE: 1/26/22

FILE NUMBER: USE21-0091

PROJECT ADDRESS: 8945 Ortega Road

SITUATION:

The applicants, David and Stacie Horton, are proposing to construct a metal structure that will serve as a workshop and a storage space on the applicants' property at 8945 Ortega Road. The proposed structure will be a one story, 1,715 square foot (35' x 49') building that will include two interior walls, one pedestrian door, three rollup doors, and four windows. 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 12 feet tall at the eaves and 18 feet tall at the peak, and will be located 25 feet from the front property line. The location of the structure is between the existing residence and Ortega Road and will be accessed from the road by an existing secondary driveway

This location was intentionally chosen for the proposed south-southwest facing roof that is designed to support future solar photovoltaic system. The location is also on flat ground, avoids any obstruction of view or access to the existing residence, and doesn't require the removal of any vegetation. Nearby oaks will be protected with fencing during construction. It's close proximity to the water main and electric lines will make connection to utilities feasible in support of future solar. Along with a workshop and general storage, this accessory structure will also house a travel trailer, ATV, boat, and yard equipment.

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

Atascadero Municipal Code 9-6.106 also limits the size of a detached accessory structure to be 50% or less of the principal structure. Since the principal structure is 1,825 square feet, the site would be limited to an accessory structure of roughly 913 square feet.

Since the proposed structure exceeds the maximum 50% of the principal structure square footage, it is subject to additional criteria. The proposed accessory structure fails to meet

two of these criteria and thus requires approval of the Administrative Use Permit. AMC 9-6.106 (3i) states that “accessory structure shall not be located between the primary structure and the public roadway”. This structure is located between the residence and Ortega Road. The accessory structure will also be developed on a non-conforming lot (AMC 9-6.106 (3v)). The minimum lot size in the RS zone is 2.5 acres.

The property currently has a fence with gates allowing access to the secondary driveway. AMC 9-4.128 requires residential gates be located at least 20 feet from the edge of the right-of-way, therefore the existing gate is non-compliant. The existing gates will be removed as part of this project, leaving an opening in the fence for access to the structure.

The proposed location of the accessory structure is free of any vegetation that may need to be removed and is also the most suitable location for future solar. The metal structure is fitting to the rural character of this neighborhood. Staff has added a condition that vegetation should be planted along Ortega Road, to screen the structure from Ortega Road. Additionally, the color palette should be a darker neutral to blend in to the surrounding rural color scheme. Staff has added a condition that the colors be a darker earth toned and subject to staff approval prior to the issuance of permits.

There are some nearby oaks that will be required to be protected during construction. The arborist’s report highlighted 6 trees that will be impacted by construction as well as mitigation measures to protect them. These measures include tree protection fencing, wood chips, and proper root pruning.

Proposed Location



PROPERTY PHOTOS
SCALE: NTS

RECOMMENDATION:

Staff recommends the Administrative Hearing Officer approve USE21-0091 to allow the construction of the oversized accessory structure, subject to 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 9-6.106 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;*

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 50% 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 character of the immediate neighborhood. Many of the properties along Ortega Road have storage structures, and the design of the proposed structure is not out of place in this environment. The view of the proposed structure from Ortega Road will be filtered with vegetation. The project also includes a condition that the color palette shall be dark to match the rural surroundings.

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)

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

Fact: As conditioned, the proposed building will have a landscape buffer from the road.

2. *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.

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

Fact: The architectural style of the proposed structure is complementary to the existing residence. The structure is approximately 100 feet away from the primary residence but the color scheme and simplistic architecture will tie them together.

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

Fact: The accessory structure smaller than 100% of the primary residence.

5. *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.

6. *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 front portion of the site to accommodate the building.

7. *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.

8. *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 20-feet away from the nearest side property line.

9. *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 300 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 045-301-002.
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.
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 southern side of the structure to screen from Ortega Road 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 darker earth toned to match the rural surroundings.

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

Action:

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

- Continue indefinitely to allow: _____

Phil Dunsmore, Hearing Officer

**Attachment 1: Location Map and Zoning
USE21-0091**



**Attachment 2: Proposed Elevation
USE21-0091**

Front Elevation

FRONT – FACING ORTEGA ROAD



ELEVATIONS
SCALE: NTS

Rear Elevation

REAR – FACING HOUSE



Attachment 4: Floor Plan
USE21-0091

