



## ADMINISTRATIVE USE PERMIT HEARING

**In accordance with City Council Resolution No. 2022-010 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

### **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](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 VIRTUAL public hearing at **10:00 a.m. on Thursday, May 5, 2022** at City Hall to consider the following project:

**1. 4995 DOLORES AVE (USE22-0039)**

The application is to allow for an oversized accessory structure on APN 028-152-040. Staff recommendation is to approve the project. (*Bailey Sullivan, 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](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:** Bailey Sullivan

**MEETING DATE:** 5/5/2022

**FILE NUMBER:** USE22-0039

**PROJECT ADDRESS:** 4995 Dolores Avenue

### **SITUATION:**

The applicant, Jeff Skinner, is proposing to construct an oversized accessory structure that would be used as workshop and storage space at 4995 Dolores Ave. The shop is proposed to be 1,183 square feet and will be located on the basement level of a new accessory dwelling unit (ADU). The design proposes a smooth stucco finish in a neutral shade of white for the exterior and basement level of the building. The upper level of the design consists of contrasting 1x6 siding in Shou Sugi Ban (Fire-Charred black). The windows and doors are proposed to be a color of anthracite gray with no trim. There will be a natural wood element at the beams that will be visible from the front. The proposed ADU residence itself will be 9 feet tall at the eaves and 14 feet tall at the peak, and will be located 40 feet from the front property line. The workshop is proposed to be a height of 10 feet and 6 inches. The location of the structure is between the existing residence and San Jacinto Avenue. The front entrance of the ADU can be accessed off of Dolores Avenue, but the shop is accessed via the rear of the structure through full-light swinging doors.

This location was intentionally chosen for the proposed ADU and shop due to the low slope percentage. The location avoids any obstruction of view or access to the existing residence, and requires the removal of one 11" native oak tree. Nearby oaks will be protected with fencing during construction. The shop will connect to existing utility lines that are currently connected to the existing residence. Along with a workshop for painting and general storage, this accessory structure will also contain an ADU on top.

### **EVALUATION:**

According to the Atascadero Zoning Ordinance, residential accessory structures are permitted within the Limited Single-Family zoning district. In accordance with the Atascadero Municipal Code, all buildings within the LSF-X zoning district must adhere to the 30-foot building height maximum (AMC 9-4.113(a)). The property is designated as a double-frontage lot, all development on these lot types must also adhere to the following setback distances (AMC 9-4.106-108):

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

The proposed setbacks for the structure are as follows: a front setback of 40', a side setback of 58', side setback of 115', and a rear setback of 51'.

Atascadero Municipal Code 9-6.106 (2) also limits the gross floor area of a detached accessory structure, which is not to exceed one hundred percent (100%) of the gross floor area of the principle structure. Since the principal structure is 1,618 square feet, the floor area of the detached accessory structure is limited to 1,618 square feet.

The proposed ADU, shop, and attached garage, at 1,675 square feet, exceeds the maximum 100% of the principal structure square footage, and therefore is subject to an Administrative Use Permit (9-1.112). The floor area may be increased by approval of an AUP (AMC 9-6.106 (2)(i)), but must stay consistent with the appearance and design criteria in AMC 9-6.106 (3).

The proposed location of the accessory structure is the most suitable because the natural slope of the property lends itself to a lower level. Since the shop is mostly buried underground, sound levels from any shop activity will be minimal, particularly on the San Jacinto and Dolores side.

There are some nearby oaks that will be required to be protected during construction. The arborist's report highlighted 7 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. The arborist is also requiring monitoring for tree numbers 1, 3, 5, and 8. One tree is planned to be removed, which is tree number 2.

**RECOMMENDATION:**

Staff recommends the Administrative Hearing Officer approve USE22-0039 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 a clean and natural 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 character of the immediate neighborhood. Many of the properties along Dolores Avenue 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 Dolores Road and San Jacinto Ave would be screened by an existing fence.

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: An existing fence located along Dolores and San Jacinto buffers the viewshed of the accessory structure.

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 44 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 floor area of the workshop is less than the floor area of the primary structure. However, when including the ADU and attached garage on top of the workshop, the floor area is larger than the primary structure.

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

Fact: Lot is conforming, as LSF-X has a minimum lot size of half an acre and the property at hand conforms to that.

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

Fact: Minimal to moderate grading will be required to accommodate the ADU and underground workshop. One native 11" oak tree will be removed.

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 58-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 44 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 028-152-040.
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. Architectural elevations shall be consistent with Attachment 2. Exterior building and roof colors and materials shall match the 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

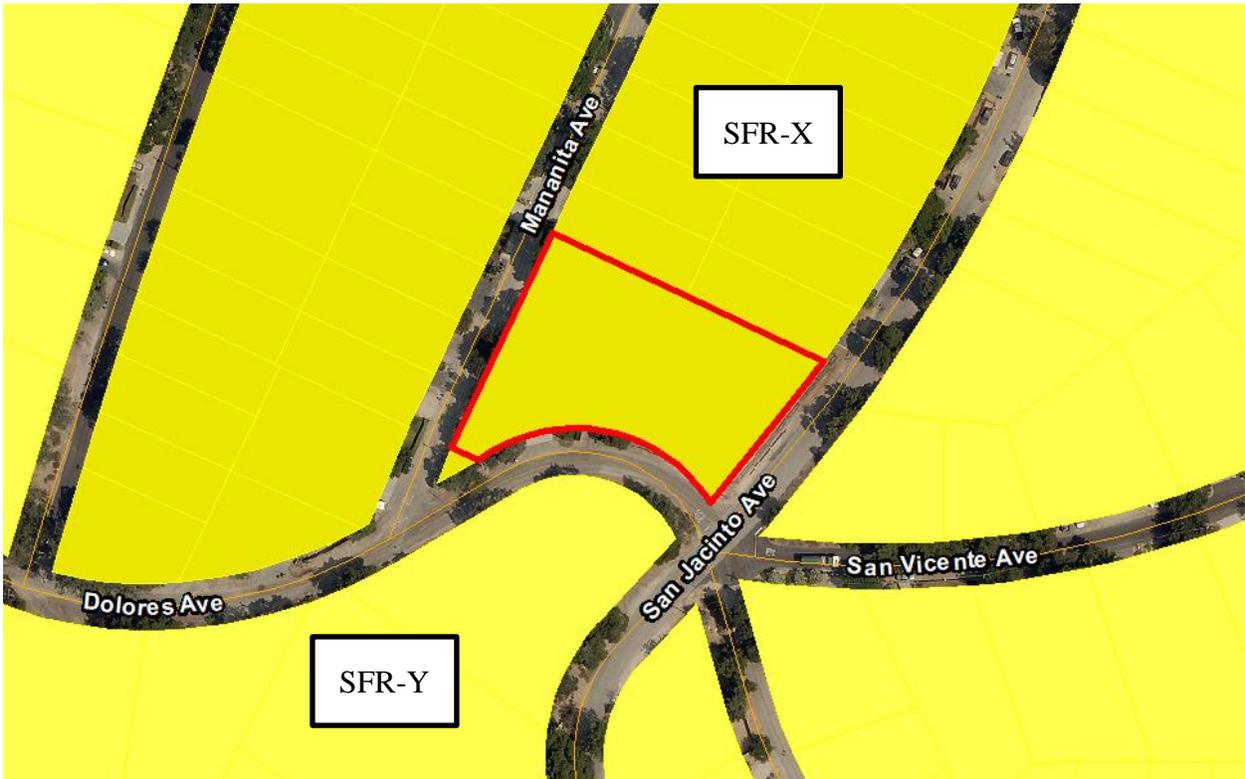
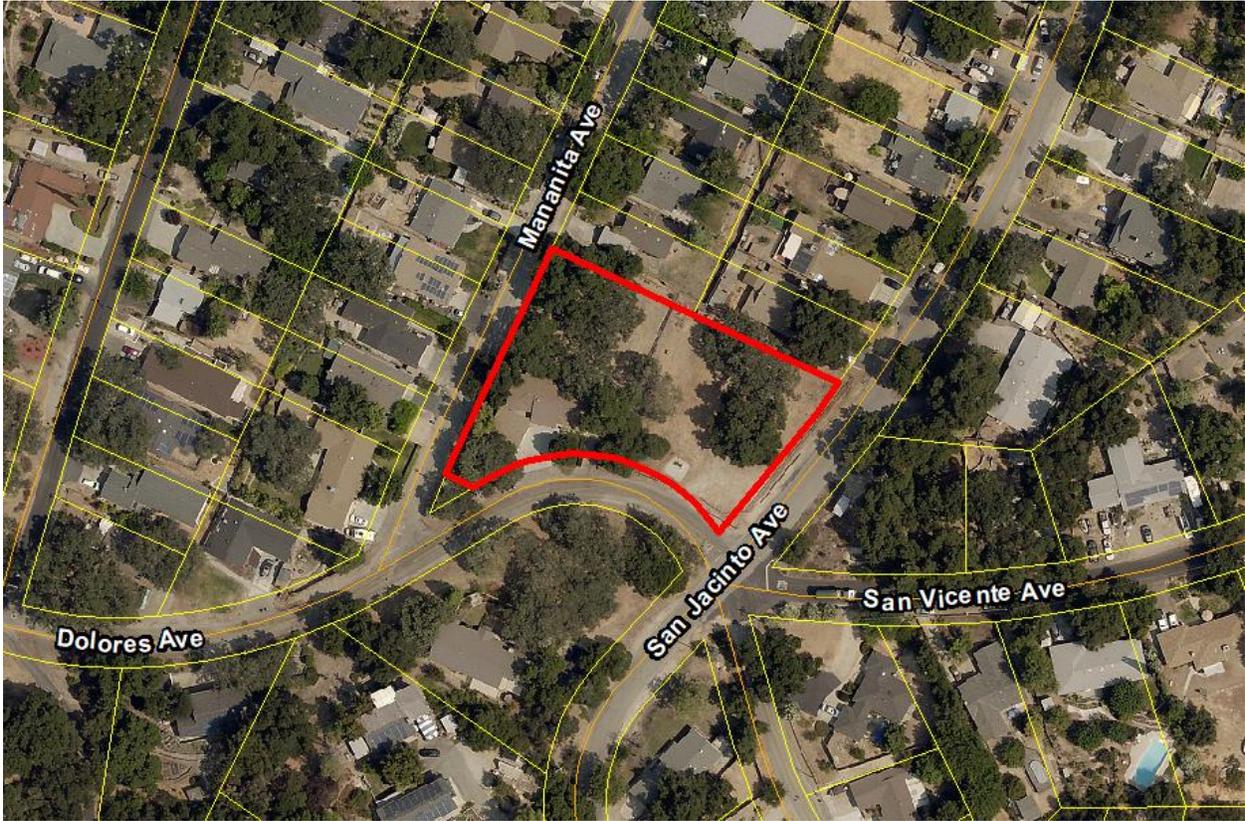
**Action:**

- Approve
- Approve as modified
- Deny
- Continue to: \_\_\_\_\_ to allow \_\_\_\_\_

- Continue indefinitely to allow: \_\_\_\_\_

Phil Dunsmore, Hearing Officer

**Attachment 1: Location Map and Zoning  
USE22-0039**

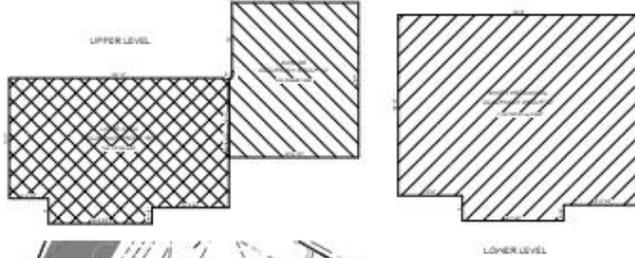




# Attachment 3: Site Plan USE22-0039

**SHEET INDEX**

- T-1 SITE PLAN, SITE NOTES, PROJECT DATA, SHEET INDEX
- TOPOGRAPHIC SURVEY
- TREE PROTECTION PLAN
- C-1 GRADING AND DRAINAGE PLAN
- C-2 GRADING AND DRAINAGE PLAN
- C-3 GRADING AND DRAINAGE PLAN
- A-2 FLOOR PLAN FIFTH ELEVATIONS
- A-3 EXTERIOR ELEVATIONS
- A-4 INTERIOR ELEVATIONS AND CROSS SECTIONS
- A-5 FRAMING (VISUAL REFERENCE)
- A-6 DOOR AND WINDOW SCHEDULE, ARCHITECTURAL DETAILS
- A-7 ROOF DETAILS
- S-01 STRUCTURAL SPECIAL INSPECTIONS
- S-10 STRUCTURAL NOTES
- S-11 TYPICAL DETAILS
- S-12 TYPICAL CONCRETE DETAILS
- S-20 FOUNDATION PLAN
- S-21 FLOOR FRAMING PLAN, GARAGE SLAB FOUNDATION
- S-22 ROOF FRAMING PLAN
- S-23 STRUCTURAL DETAILS
- S-24 STRUCTURAL DETAILS
- S-25 STRUCTURAL DETAILS
- S-26 STRUCTURAL DETAILS
- S-27 STRUCTURAL DETAILS
- S-28 STRUCTURAL DETAILS
- S-29 STRUCTURAL DETAILS
- E-1 ELECTRICAL PLAN



**PROJECT DATA**

STREET ADDRESS: 497 DOLores AVE, ATASCADERO, CA 94022  
 ASSASSIN'S PARCEL NUMBER: 029-02-040  
 PARCEL SIZE: 31,800 S Q.F. ( 0.73 ACRES)  
 EXISTING RESIDENCE SIZE: 1018 S Q.F.  
 PROPOSED ADU:  
 INTERIOR CONDITIONED SPACE: 148 S Q.F. (EXTERIOR OF FRAMING)  
 GARAGE AREA UNCONDITIONED: 800 S Q.F. (EXTERIOR OF FRAMING)  
 COVERED PORCH AREA: 10 S Q.F.  
 DECK AREA: 353 S Q.F.  
 TOTAL FOOTPRINT UNCONDITIONED SPACE + GARAGE: 1033 S Q.F. (EXT. OF FRAMING)  
 OCCUPANCY GROUP: GROUP R-1 745 S Q.F. UNOCCUPIED SPACE GROUP "U" 800 S Q.F. UPPER LEVEL, 144 S Q.F.

LOWER LEVEL (LAP PERMIT)  
 CONSTRUCTION TYPE: TYPE V-B  
 FIRE SEVERITY ZONE: MSF  
 FIRE SPRINKLERS: NO  
 CLIMATE ZONE: V  
 ROOF CLASSIFICATION / TYPE: CLASS A: STANDING SEAM METAL  
 EXTERIOR WALL MATERIAL: CEMENT PLASTER / LAP SIDING

**APPLICABLE CODES**  
 CITY OF ATASCADERO MUNICIPAL CODE IN ADDITION TO THE FOLLOWING MODEL CODES AND BUILDING STANDARDS...

STATE BUILDING STANDARDS CODE	REQUIRED REFERENCE STANDARDS
CALIFORNIA BUILDING CODE, VOL 1 (S)	PAGE 1108 PERMIT DESIGN LOADS
CALIFORNIA MECHANICAL CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA PLUMBING CODE	SEC 901.10 (2) PREQUALIFIED CONNECTIONS FOR SPECIAL AND INTERMEDIATE TIGHTENING MOMENTS
CALIFORNIA MECHANICAL CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA ELECTRICAL CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA ENERGY CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA GREEN BUILDING CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA FIRE CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)
CALIFORNIA REFERENCED STANDARDS CODE	SEC 901.10 (2) MIN. DESIGN FOR STEEL BLOSS (I)



- SITE PLAN NOTES**
- EXISTING HOUSE
  - EXISTING GARAGE
  - EXISTING CONCRETE DRIVE
  - PROPOSED NEW ADU
  - PROPOSED NEW CONCRETE DRIVE
  - UPGRADE EXISTING SERVICE TO 400 AMP. INSTALL NEW 2 METER ELEC. PANEL. 200 AMP LINE TO BE BROUGHT TO ADU SUBPANEL. WIRE TO BE RUN THROUGH SHARED UTILITY TRENCH @ 2 MIN. DEPTH AND IS TO MAINTAIN 24" SEPARATION FROM OTHER UTILITIES. TRENCHED PORTION OF WIRE TO BE RUN IN SCH. 40 ELEC. PVC CONDUIT.
  - INSTALL NEW 1" DIRECT-BURIED GAS MAINFOLD. INSTALL NEW 1-1/2" PE GAS LINE TO ADU. GAS LINE TO MAINTAIN A MIN. 24" DEPTH AND A 24" SEPARATION FROM ELEC. @ SHARED TRENCH. PE TO TRANSITION TO GALV. PIPE UNDER CONCRETE AND POINT OF ENTRY @ GAS METER AND ADU.
  - INSTALL NEW 1" DIRECT-BURIED POLYETHYLENE GLASS REINFORCED (HDPE) WATER LINE TO ADU. MAINTAIN A MIN. 24" DEPTH. SUB METER TO BE INSTALLED @ ADU.
  - INSTALL 4" ABS SEWAGE LINE FROM ADU TO (N) SEWAGE. SHOWER EJECTOR PUMP WITH ALARM. PUMP TO FEED INTO (S) SEWAGE LINE. MAINTAIN 1% PER FT. SLOPE FROM ADU PUMP.



**SITE PLAN**  
1" = 15 FT.

**Attachment 4: Floor Plans**  
**USE22-0039**

