



## ADMINISTRATIVE USE PERMIT HEARING

**In accordance with City Council Resolution No. 2022-064 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 **9:00 a.m. on Monday, August 15, 2022** at City Hall to consider the following project:

1. **5802 TRAFFIC WAY (USE22-0067)**

The application is to allow for a non-commercial art mural at 5802 Traffic Way for the Equality Mural Project. Staff recommendation is to approve the art mural project subject to conditions. (*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 \$1,530 and must accompany the appeal documentation.



# CITY OF ATASCADERO

## COMMUNITY DEVELOPMENT

### Administrative Hearing Agenda Report

ITEM # 1

**FROM:** Mariah Gasch

**MEETING DATE:** August 15, 2022

**FILE NUMBER:** USE22-0067

**PROJECT ADDRESS:** 5802 Traffic Way, Atascadero, CA 93422

**SITUATION:** The mural was painted concurrently with construction of a new mixed-use building known as The Block. The mural faces Traffic Way and appears on an otherwise blank white wall. It is one of the murals in the Equality Mural Project series.

**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 Traffic Way. The size and location will not pose any safety hazards and artwork does not depict a commercial message or advertisement for a business.

**RECOMMENDATION:** Staff recommends the Administrative Hearing Officer approve USE 22-0067 determining that the mural at the above address is non-commercial in nature and poses no safety concerns.

#### ENVIRONMENTAL DETERMINATION

- Categorical Exemption CEQA – Guidelines Section 15311
- Statutory Exemption §§ 21000, et seq & \_\_\_\_\_
- No Project – Ministerial Project

The 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 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 project is not commercial in nature and does not conflict with the character of the immediate neighborhood. The 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 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 artwork does not display a commercial message.

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

The mural is located on the Northeast side of the building and will be seen by traffic heading into downtown. 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: Mural Location

**Attachment 1: Location Map  
USE 22-0067**

Mural Location  
(5802 Traffic Way)



**Attachment 2: Mural Location  
USE 22-0067**

