



## ADMINISTRATIVE USE PERMIT HEARING

**In accordance with City Council Resolution No. 2022-006 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)

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 Wednesday, March 23, 2022** at City Hall to consider the following projects:

1. **7705/7707 SAN GABRIEL ROAD (USE21-0113)**

The application is to allow for an oversized accessory structure. Staff recommendation is to approve the project.  
(*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:** March 23, 2022

**FILE NUMBER:** USE21-0113

**PROJECT ADDRESS:** 7705-7707 San Gabriel Road

#### **SITUATION:**

The applicants, Christopher and Elizabeth Collins, are proposing to construct an accessory structure that will serve as a workshop on the applicant's property at 7705 San Gabriel Road. The property has an existing residence and accessory dwelling unit (ADU). The proposed structure will be a one story, 2,400 square-foot workshop with two metal roll up garage doors. Due to its size and corner location, the structure will be highly visible from both San Gabriel Road and Carmelita Avenue.

#### **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 design proposes a Hardie-board siding, class-a composite shingle roofing, wooden fascia, and trim around all windows and doors. The structure will be 12 feet tall at the eaves, and 21'-6" tall at the peak. It will be located approximately 68 feet from the side property line and 40 feet from the front. There will be an interior setback of 26 feet to the existing ADU.

The proposed structure meets the setback and height standards for the RS zoning district. The closest property line is 40-feet from the proposed structure.

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 2,191 square feet, the site would be limited to an accessory structure of roughly 1,096 square feet or could be up to 2,191 if design criteria were met, as listed below.

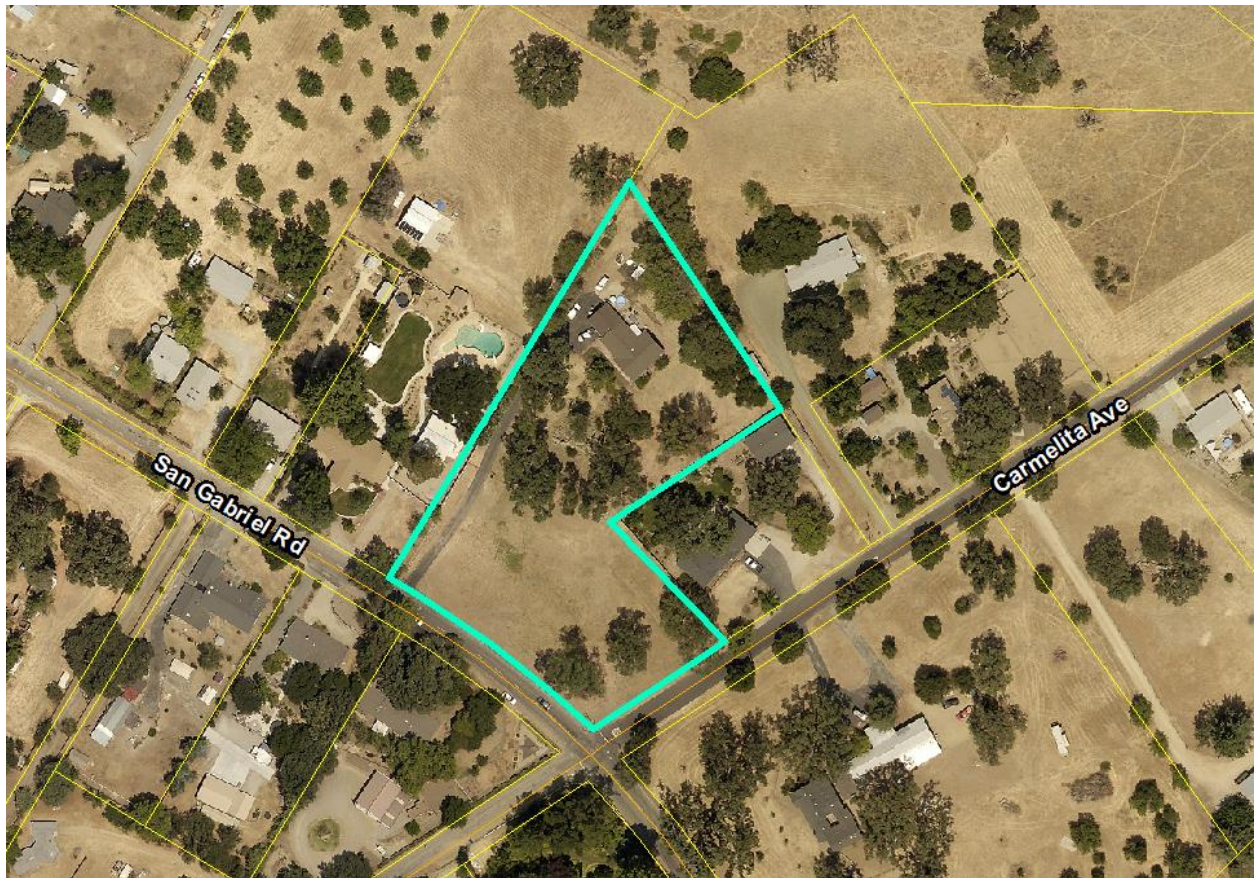
- AMC 9-6.106 (3i) Accessory structure shall not be located between the primary structure and the public roadway
- AMC 9-6.106 (3iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure
- AMC 9-6.106 (3vii) The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property

The structure conflicts with two other design criteria that would allow the added size threshold. The proposed accessory structure is to be located between the primary residence and both San Gabriel Road and Carmelita Ave. The floor area of the accessory structure is proposed as 2,400 square feet, and the primary structure has a floor area of 2,191 square feet (including attached garage).

The proposed structure has two metal rollup doors on the rear and Carmelita facing sides. The structure includes windows throughout that have been increased in size to be proportional to the scale of the structure. The structure does not include any blank exterior walls. The applicant is flexible on the color scheme. Staff has added a condition that the structure be dark red, green, or brown to give the structure a barn-like appearance, matching its rural surroundings. Additionally, the horizontal siding and inclusion of windows add to compatibility with the 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. The applicant relocated the building further from nearby trees to avoid any negative impacts.

As designed, and with the incorporation of conditions, the project will fit into the surrounding neighborhood and will not cause any negative impacts.

Aerial Photo



**RECOMMENDATION:**

Staff recommends the Administrative Hearing Officer approve USE21-0113 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 as a workshop.

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 in the immediate vicinity have similar structures. The design of the proposed structure is not out of place in this environment.

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 as a workshop.

*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 located between the primary structure and both San Gabriel Rd and Carmelita Ave. However, it is immediately adjacent to a secondary residence and conditions have been added to minimize negative neighborhood impacts.

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 Hardie-board siding that will fit in with the rural character of the setting.

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 a conforming lot for a Residential Suburban zoned area.

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

Fact: There will be very limited grading necessary as the proposed location is on a relatively flat area of the lot. No trees will be removed for this project.

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. However, it will alter the visual quality of the property as it will be highly visible from both San Gabriel Rd and Carmelita Ave. Conditions have been added by staff to minimize negative visual impacts.

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 40-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 90 feet away from the nearest dwelling on an adjacent property.

## **Conditions**

### *Planning*

1. This AUP shall allow the accessory structure described in the attached exhibits and located on APN 054-142-015.
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. Architectural elevations shall be consistent with Attachment 2.
7. Colors shall be dark red, green or brown to give the structure a barn-like appearance, matching its rural surroundings to the satisfaction of the Community Development Department.

### *Public Works*

8. Utilities:
  - a. Sewer line needs to meet plumbing code requirements for size, type and slope. Clean outs are required every 100'. Label sewer line accordingly.
  - b. For an accessory structure, water and electricity is typically run from a main residence rather than having separate connection. Consult Atascadero Mutual Water Company and PG&E for their preference for providing services. Utility lines to avoid crossing under the driplines of trees.
9. Add note according to CBC 1804.4 Site Grading away from foundations.

## **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 \_\_\_\_\_

\_\_\_\_\_

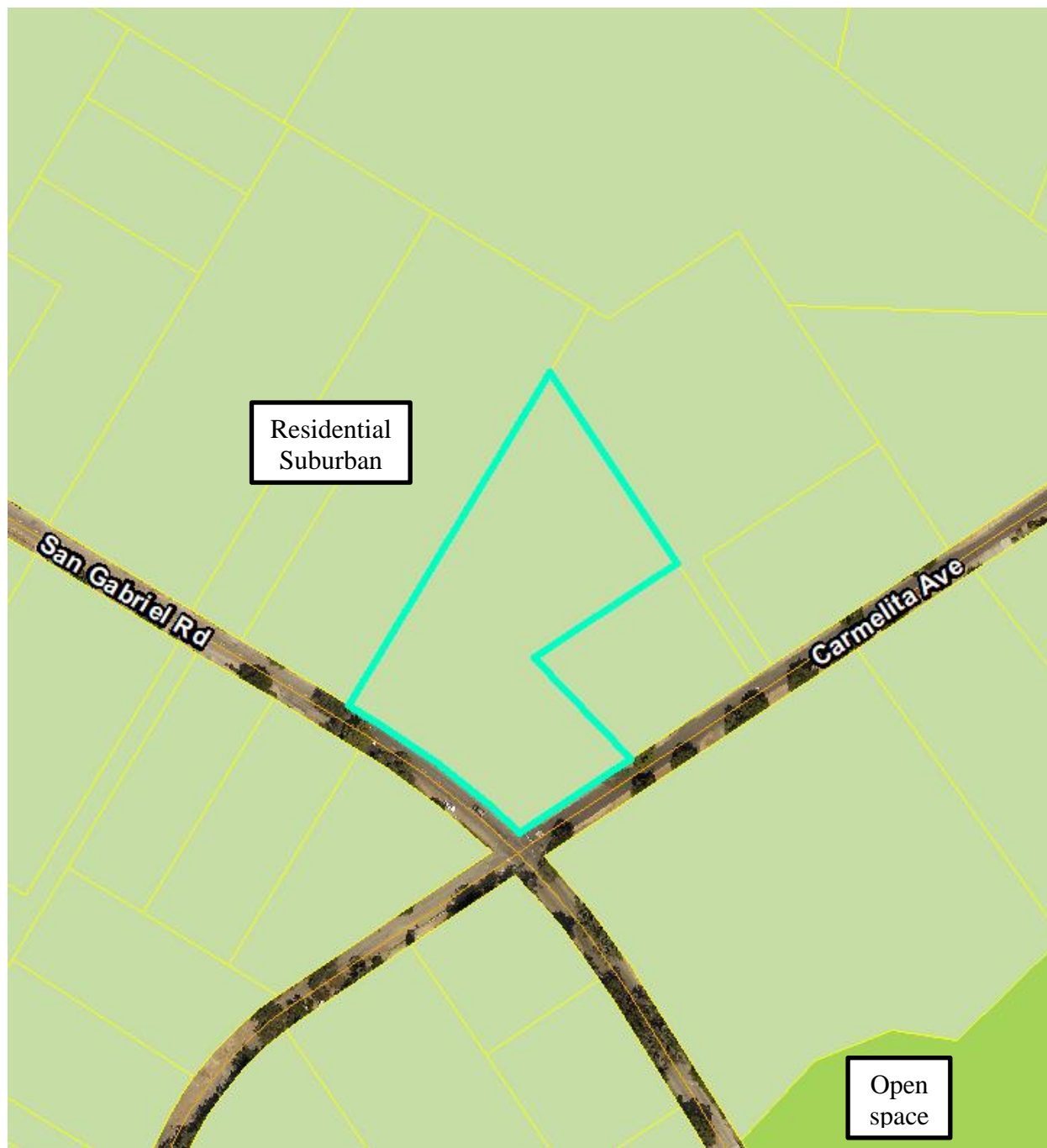
Continue indefinitely to allow: \_\_\_\_\_

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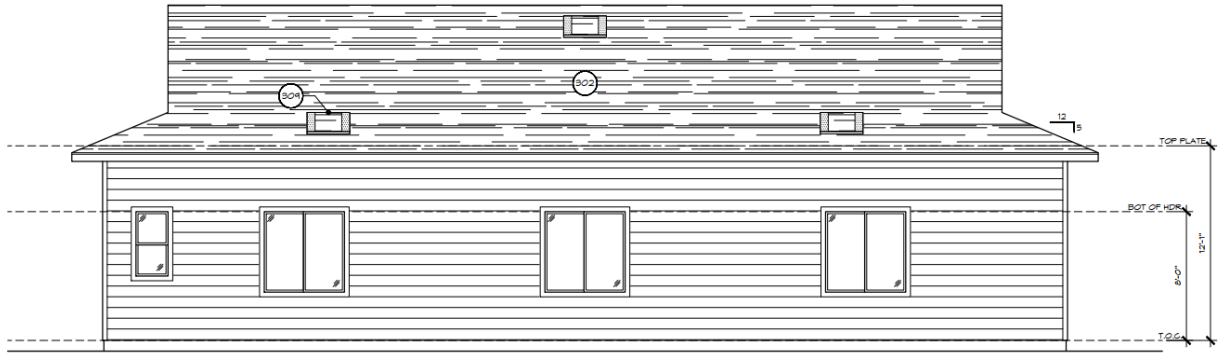
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\_\_\_\_\_  
Phil Dunsmore, Hearing Officer

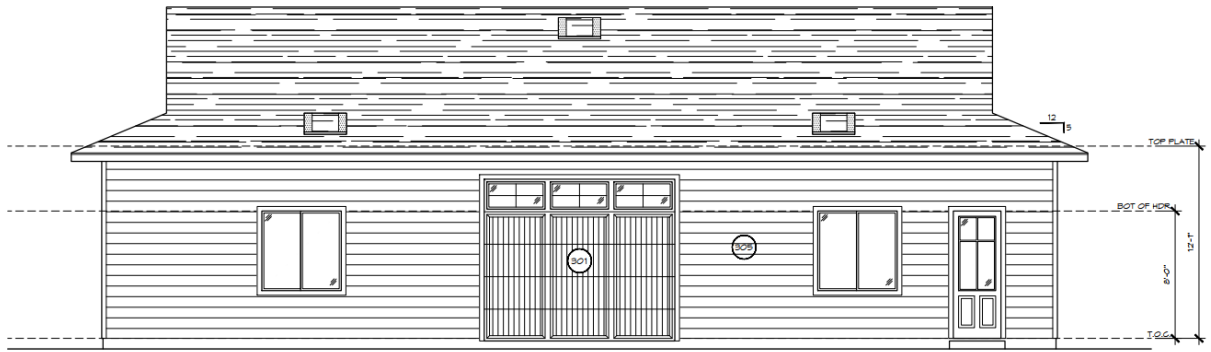
**Attachment 1: Location Map and Zoning  
USE 21-0113**



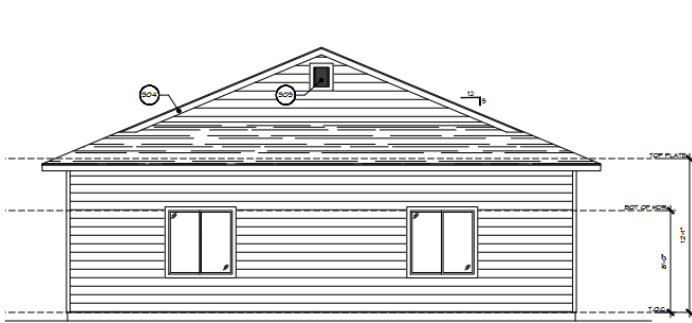
**Attachment 2: Proposed Elevation**  
**USE 21-0113**



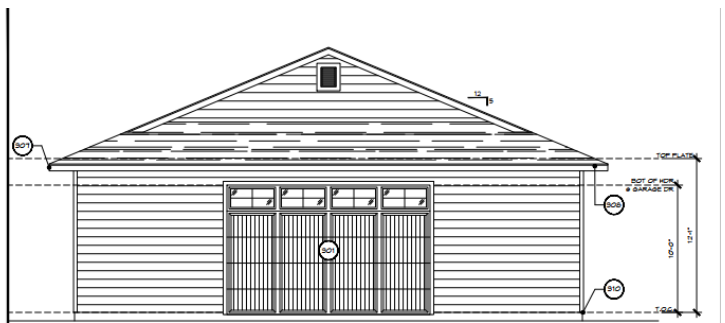
LEFT (WEST) ELEVATION | 1/4" = 1'-0"



RIGHT (EAST) ELEVATION | 1/4" = 1'-0"



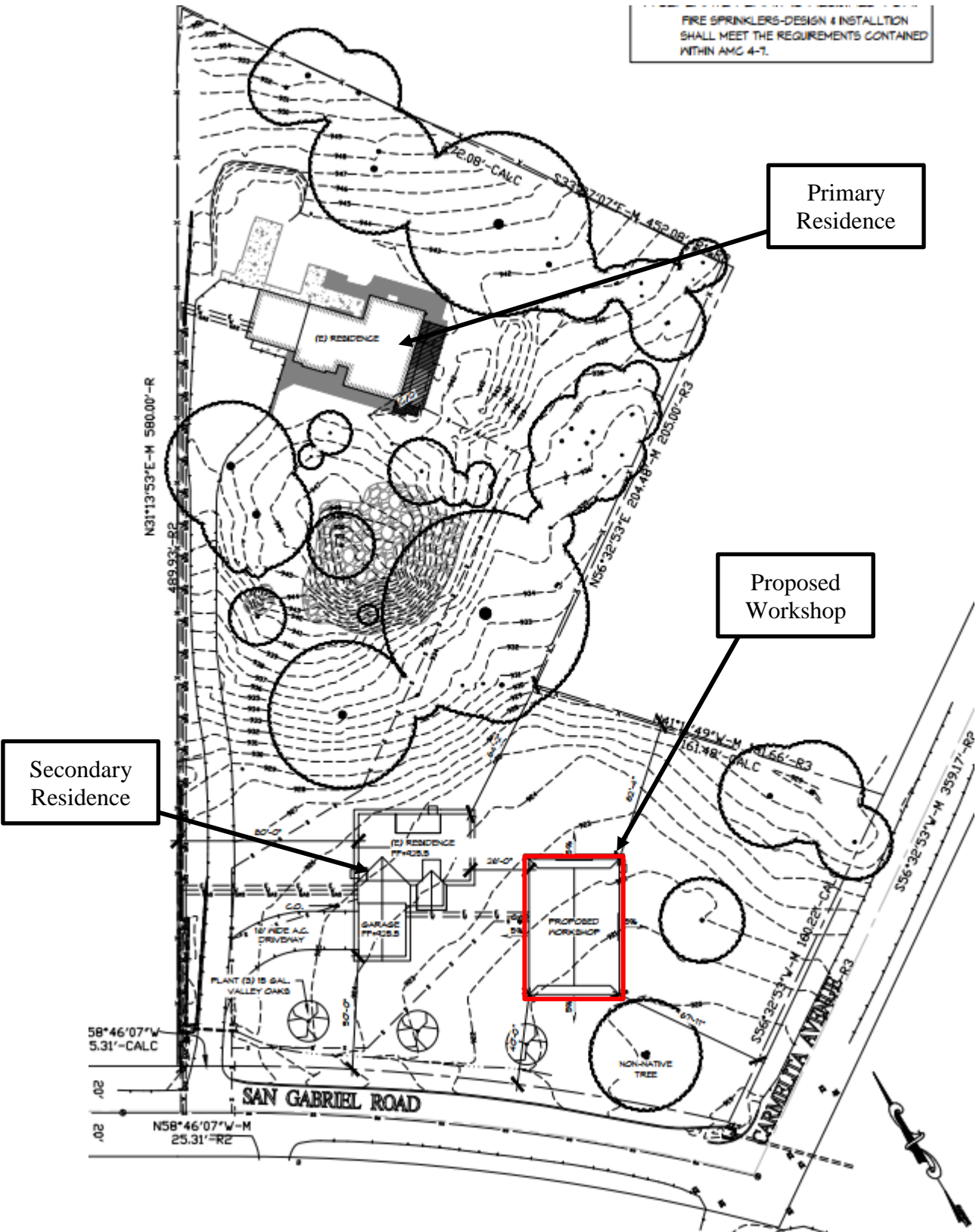
FRONT (SOUTH) ELEVATION | 1/4" = 1'-0"



REAR (NORTH) ELEVATION | 1/4" = 1'-0"

Attachment 3: Site Plan  
USE 21-0113

FIRE SPRINKLERS-DESIGN & INSTALLATION SHALL MEET THE REQUIREMENTS CONTAINED WITHIN AMC 4-7.



Primary Residence

Proposed Workshop

Secondary Residence

SAN GABRIEL ROAD

CARMELO AVENUE



