



## ADMINISTRATIVE USE PERMIT HEARING

**In accordance with City Council Resolution No. 2023-001 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 **Wednesday, February 22, 2023** at City Hall to consider the following projects:

**1. 4505 SYCAMORE ROAD (USE22-0112)**

The application is to allow for a 1750 sf detached shop on APN 028-021-001. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15303, Class 3: new construction of small structures. Staff recommendation is to approve the project. (*Mariah Gasch, Associate Planner*)

**2. 4590 PORTOLA ROAD (USE22-0104)**

The application is to allow for a 1512 sf detached RV storage garage on APN 054-051-068. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15303, Class 3: new construction of small structures. 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 \$1,530 and must accompany the appeal documentation.



# CITY OF ATASCADERO

## COMMUNITY DEVELOPMENT

**Administrative Hearing Agenda Report**

**ITEM # 1**

**FROM:** Mariah Gasch, Associate Planner

**MEETING DATE:** 2/22/23

**FILE NUMBER:** USE22-0112

**PROJECT ADDRESS:** 4505 Sycamore Road

### **SITUATION:**

The applicant, Ray Hasch, is proposing to construct an accessory structure that will serve as a workshop on the applicant's property at 4505 Sycamore Road. The proposed structure will be a one-story, 1,750 square foot building with an open floor plan. The design proposes a light teal green Hardie board for the building, dark gray composite shingle roof, and white for door and window trim. These colors and materials will match what is currently on the existing residence. The structure will be 12 feet tall at the eaves, and 29 feet tall at the peak. The structure is proposed to be five feet from the side property line to the west and ten feet from the rear property line to the north. The location of the structure is behind the residence near the back of the property and will be accessed from Sycamore Road by the driveway that serves the existing barn on the site. The structure will be mostly hidden from Sycamore Road. The property exists in an area that has been mapped as a potentially archaeologically sensitive area near the Salinas River.

### **EVALUATION:**

According to Atascadero Zoning Ordinance, residential accessory structures are permitted within the Residential Single-Family (RSF) zoning district. In accordance with the Atascadero Municipal Code, all buildings within the RSF 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 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 principal 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 Conditional Use Permit. Since the principal structure is 1,870 square feet, the site would be limited to an accessory structure of roughly 935 square feet or could be up to 1,870 with approval of an Administrative Use Permit if design criteria

are met, as listed below.

1. Accessory structure shall not be located between the primary structure and the public roadway
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)
3. Accessory structure is compatible or complementary with the architectural style of the primary structure;
4. The floor area of the accessory structure is equal or lesser than the floor area of the primary structure
5. The accessory structure is located on a conforming lot;
6. The accessory structure can be built to avoid substantial grading and the removal of significant native trees;
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
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; and
9. The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.

The proposed shop of 1,750 square feet exceeds the maximum 50% of the principal structure's square footage, and therefore is subject to approval of an AUP (AMC 9-6.106 (2)(i)), but must stay consistent with the appearance and design criteria listed above.

The proposed structure meets eight of the nine of the criteria listed above. The current proposal includes a 5-foot rear setback instead of the 10-foot setback required by the above listed standards. A condition has been added to revise the project so that this standard is met. The structure will not be located between the primary residence and Sycamore Road and the design will fit into the rural nature of the surrounding area. The proposed shop will be made of the same materials as the residence, with Hardie board siding and a dark composite shingle roof. The minimum lot size in the Residential Single Family-Y zoning district is one acre. The subject property is 1.05 acres which is above the required lot size.

The proposed location of the accessory structure is the most suitable because utilizes the existing driveway and is in an area where no trees will be impacted. The structure is shown as close as five feet to the side property line. Criterion number eight listed above states that the accessory structure be located no closer than ten feet to the side property line from a roof eave. A condition has been added that the structure be relocated on the plans to meet this setback requirements. If the setback cannot be met, the applicant will need to request an exception from the Planning Commission through conditional use permit approval. The proposed structure will be approximately 50 feet from the nearest dwelling on an adjacent property.

The subject site is in an area that has been deemed as potentially archaeologically

sensitive area due to its proximity to the Salinas River. The applicant provided a Phase I Archaeological Study with their application. This study was completed by Padre Associates, Inc. in July of 2021. The Phase I study did not identify any cultural resources within the project site. Padre made the recommendation to proceed without an additional Archaeological Survey but in the event that cultural materials are encountered during ground disturbance, all activity within 100 feet of the find should be stopped and a qualified archaeologist should be contacted for additional analysis and recommendation. Staff has added a condition for compliance with this recommendation.

**RECOMMENDATION:**

Staff recommends the Administrative Hearing Officer approve USE22-0112 to allow the construction of the oversized accessory structure 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**

*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.

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 along Sycamore Road have similar structures. The design of the proposed structure is not out of place in this environment. The view of the proposed structure from Sycamore Road will be filtered with vegetation.

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.

### **Conditions**

1. This AUP shall allow the accessory structure described in the attached exhibits and located on APN 028-021-001.
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the AUP 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.
4. Approval of this AUP shall be valid for 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 be similar to the existing residence with light colored siding and a dark shingle roofs with white doors and trim.
7. The applicant shall provide a Phase 1 Archaeological Study completed by a licensed professional upon building permit submittal.
8. In the event that cultural materials are encountered during ground disturbance, all activity within 100 feet of the find should be stopped and a County-qualified archaeologist should be contacted. The site shall be cleared by the archaeologist before proceeding with construction.
9. The accessory structure shall be relocated no closer than ten (10) feet to the side property line as measured from the nearest roof eave.

### **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

Attachment 5- Site photos

**Action:**

Approve

Approve as modified

Deny

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

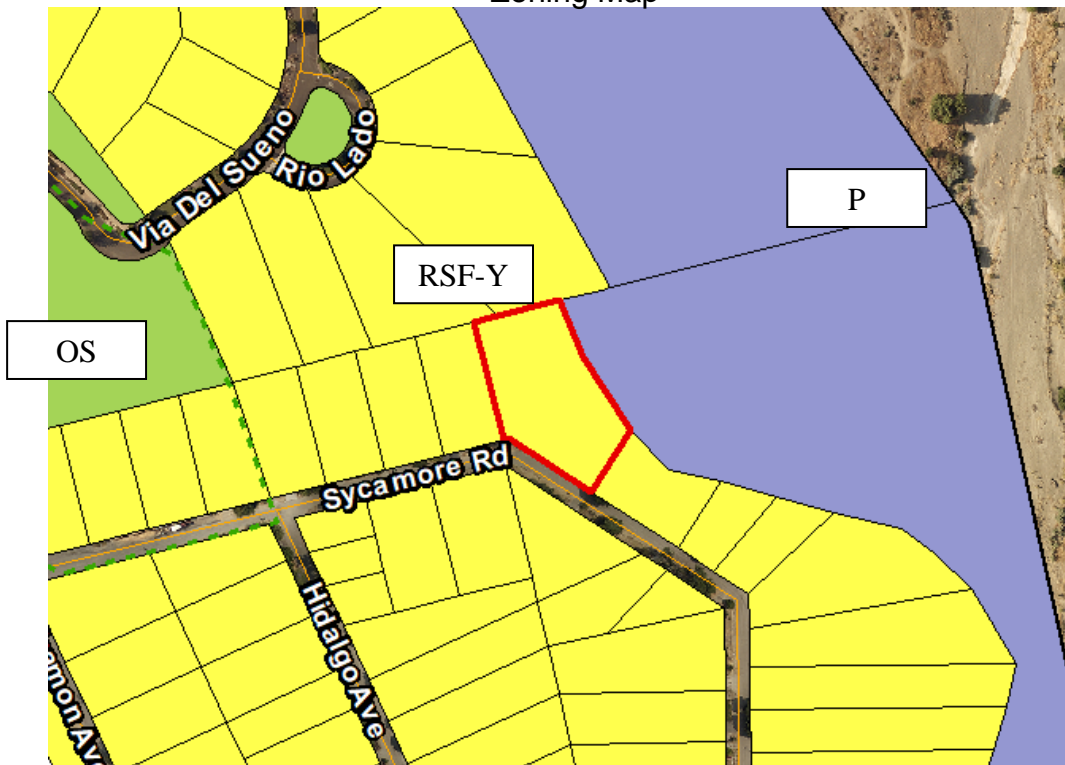
\_\_\_\_\_  
Phil Dunsmore, Hearing Officer

**Attachment 1: Location Map and Zoning**  
**USE 22-0112**

Aerial Map

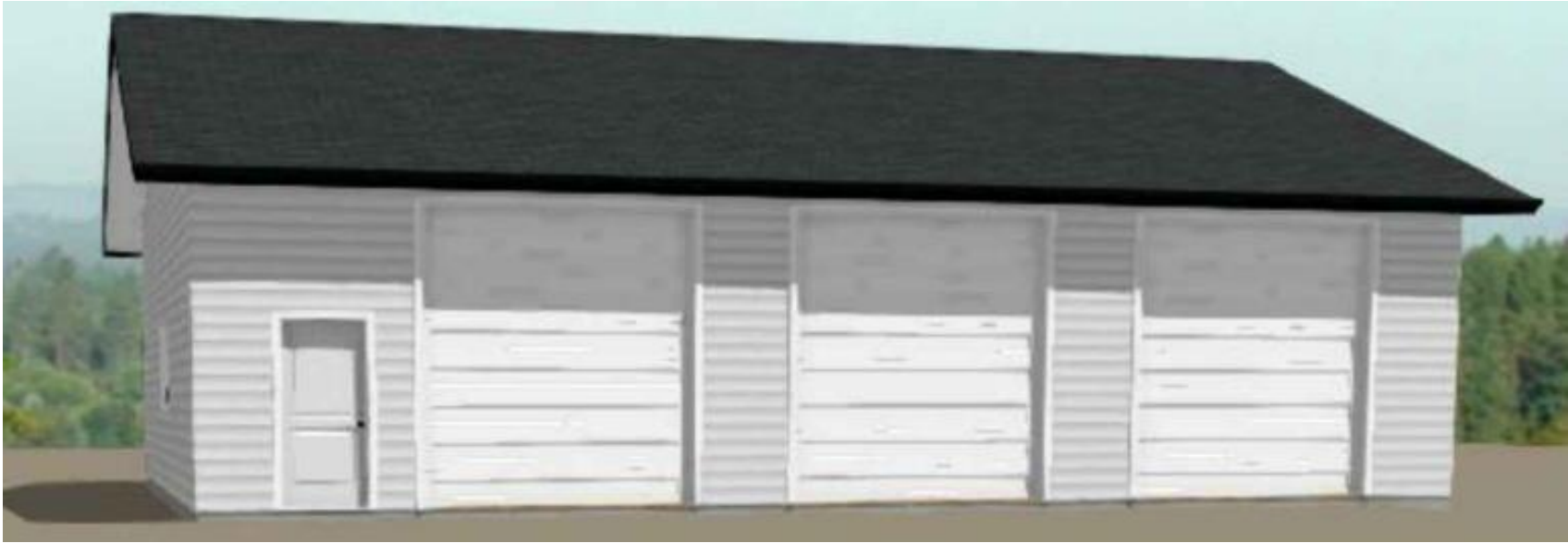


Zoning Map





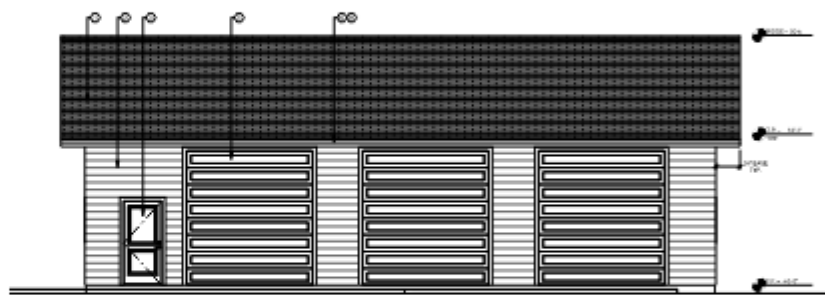
**Attachment 2: Proposed Elevations**  
**USE 22-0112**



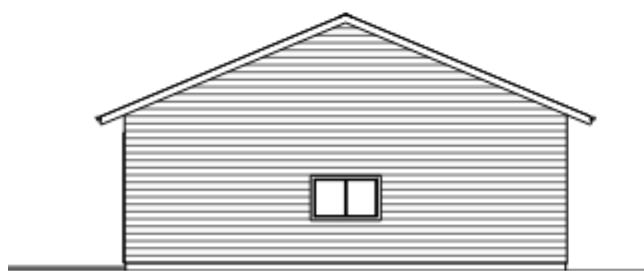


- ELEVATION NOTES**
- 1 CLASH COMPACTS SHINGLE ROOF
  - 2 WOOD SINGE
  - 3 BRICKS 800 40000 1/2" X 1 1/2" X 4"
  - 4 BRICKS 8000 1/2" X 4" X 8" (SEE OVER ALL SECTION A-1)
  - 5 2" X 4" BRICKS
  - 6 2" X 4" BRICKS
  - 7 2" X 4" BRICKS
  - 8 2" X 4" BRICKS
  - 9 2" X 4" BRICKS
  - 10 2" X 4" BRICKS

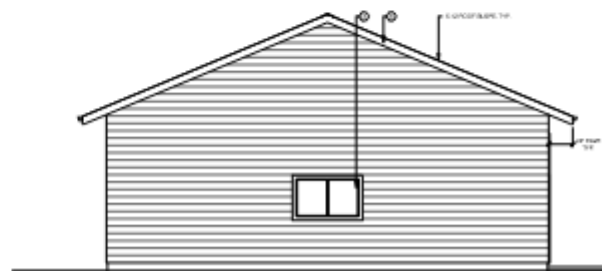
1 WEST ELEVATION  
A-3 SCALE: 1" = 1'-0"



2 EAST ELEVATION  
A-3 SCALE: 1" = 1'-0"

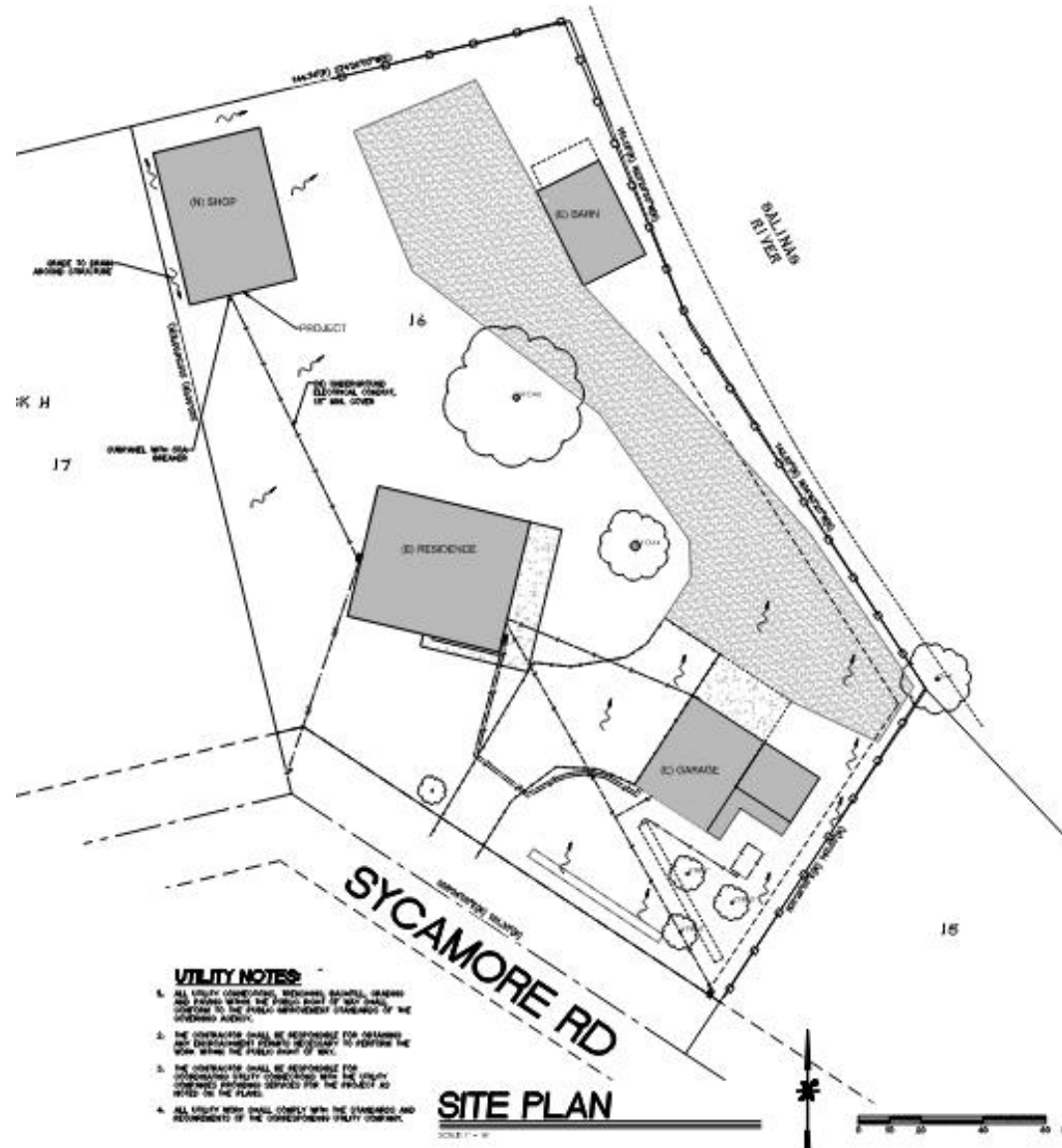


3 NORTH ELEVATION  
A-3 SCALE: 1" = 1'-0"

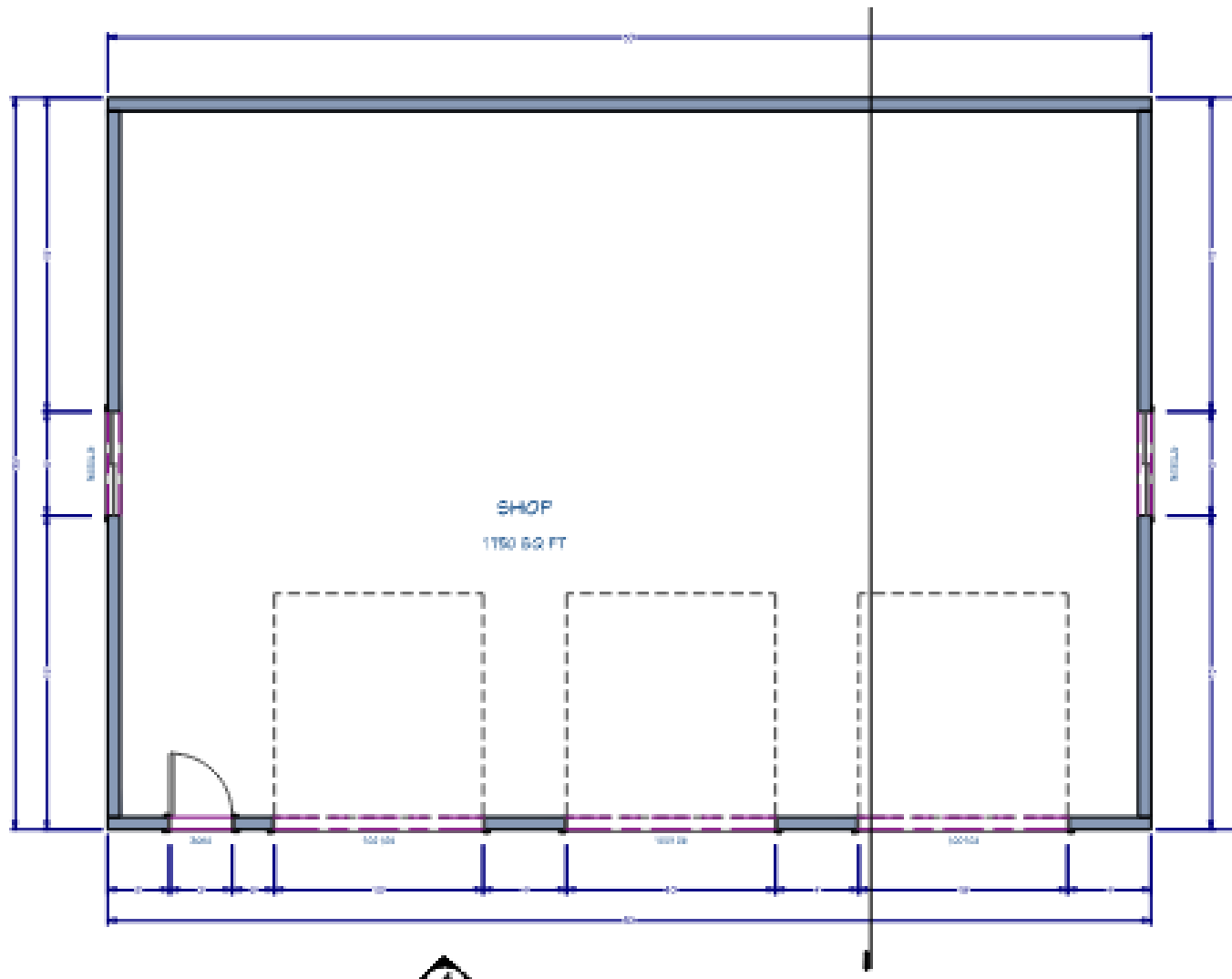


4 SOUTH ELEVATION  
A-3 SCALE: 1" = 1'-0"

**Attachment 3: Site Plan**  
**USE 22-0112**



**Attachment 4: Floor Plan**  
**USE 22-0112**



**Attachment 5: Site Photos**  
**USE 22-0112**

Location of Proposed Structure



View Looking Northeast on Sycamore Road





# CITY OF ATASCADERO

## COMMUNITY DEVELOPMENT

### Administrative Hearing Agenda Report

ITEM # 2

**FROM:** Mariah Gasch, Associate Planner

**MEETING DATE:** 2/22/2023

**FILE NUMBER:** USE22-0104

**PROJECT ADDRESS:** 4590 Portola Road

#### **SITUATION:**

The applicants, John and Frieda Langford, are proposing to construct an oversized accessory structure that would be used as workshop at 4590 Portola Road. The subject property currently has a 1,456 square-foot residence with an attached 492 square-foot garage that is under construction. This residential construction permit was issued in September 2022. The shop is proposed to be 1,512 square feet with an attached 336 square foot covered porch. The design proposes vertical sheetrock siding in a neutral shade of either white, to match the new residence, or natural walnut colored wood grain to contrast the residence. The roof material is proposed as a standing seam metal in a dark grey color which will also mirror the new residence. The windows will also match with a proposed dark bronze frame. The proposed shop will be 10-feet tall at the eaves and 20'-6" feet tall at the peak. The subject parcel does not have any property lines that abut a public right-of-way and the structure will not be visible from the nearest right-of-way, Portola Road. The subject property itself is accessed off a long driveway from Portola Road. The proposed workshop will be 40 feet from the nearest property line and approximately 30 feet from the residence currently under construction.

#### **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 RSF-Z zoning district must adhere to the 30-foot building height maximum (AMC 9-4.113(a)). The property is designated as a lot without street frontage, thus, development on these lot types must also adhere to the following setback distances (AMC 9-4.106-108):

- Front Setback: Ten (10) feet
- Side Setback: Five (5) feet
- Rear Setback: Ten (10) feet
- Easement Setback: Five (5) feet

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 principal 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 Conditional Use Permit.

Since the principal structure is 1,948 square feet, the site would be limited to an accessory structure of roughly 974 square feet or could be up to 1,948 with approval of an Administrative Use permit if design criteria are met, as listed below.

1. Accessory structure shall not be located between the primary structure and the public roadway
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)
3. Accessory structure is compatible or complementary with the architectural style of the primary structure;
4. The floor area of the accessory structure is equal or lesser than the floor area of the primary structure
5. The accessory structure is located on a conforming lot;
6. The accessory structure can be built to avoid substantial grading and the removal of significant native trees;
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
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; and
9. The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.

The proposed shop of 1,512 square feet exceeds the maximum 50% of the principal structure's square footage, and therefore is subject to an approval of an Administrative Use Permit and must meet the above listed criteria.

The proposed structure meets all nine of the criteria listed above. The structure will not be located between the primary residence and Portola Road and the design will fit into the rural nature of the surrounding area. The proposed shop will be made of the same materials as the residence, with vertical siding and a standing seam metal roof. Staff has added a condition that allows the applicant to choose between a white vertical siding that matches the new residence or a darker natural wood color to add a contrast to the property. The minimum lot size in the Residential Single Family- Z zoning district is 1.5 acres. The subject property is 1.56 acres which is above the required lot size.

The proposed location of the accessory structure is the most suitable because it is nearest to the accessible driveway and in an area with fewer trees than the remainder of the site. The proposed project will impact two pine trees nearby. However, pine trees are not native or protected trees per the Atascadero Municipal Code standards. The structure is no closer than 40 feet from the nearest property line and approximately 80 feet from the nearest adjacent residential dwelling.

**RECOMMENDATION:**

Staff recommends the Administrative Hearing Officer approve USE22-0104 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 is consistent with the primary residence.

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 Portola Road have accessory structures, and the design of the proposed structure is not out of place in this environment. The proposed structure will not be visible from Portola Road.

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.

### **Conditions**

1. This AUP shall allow the accessory structure described in the attached exhibits and located on APN 054-051-068.
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the AUP 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 AUP shall be valid for 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 new single-family residence on the property. This includes white vertical siding, grey metal roofing and dark bronze window frames. Alternately, the siding may be natural wood grain with a medium dark wood color instead of white. The applicant shall provide color details upon building permit submittal.

### **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 – Floor Plan  
Attachment 4 – Site Plan  
Attachment 5 – Site Photos

**Action:**

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

\_\_\_\_\_

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

\_\_\_\_\_

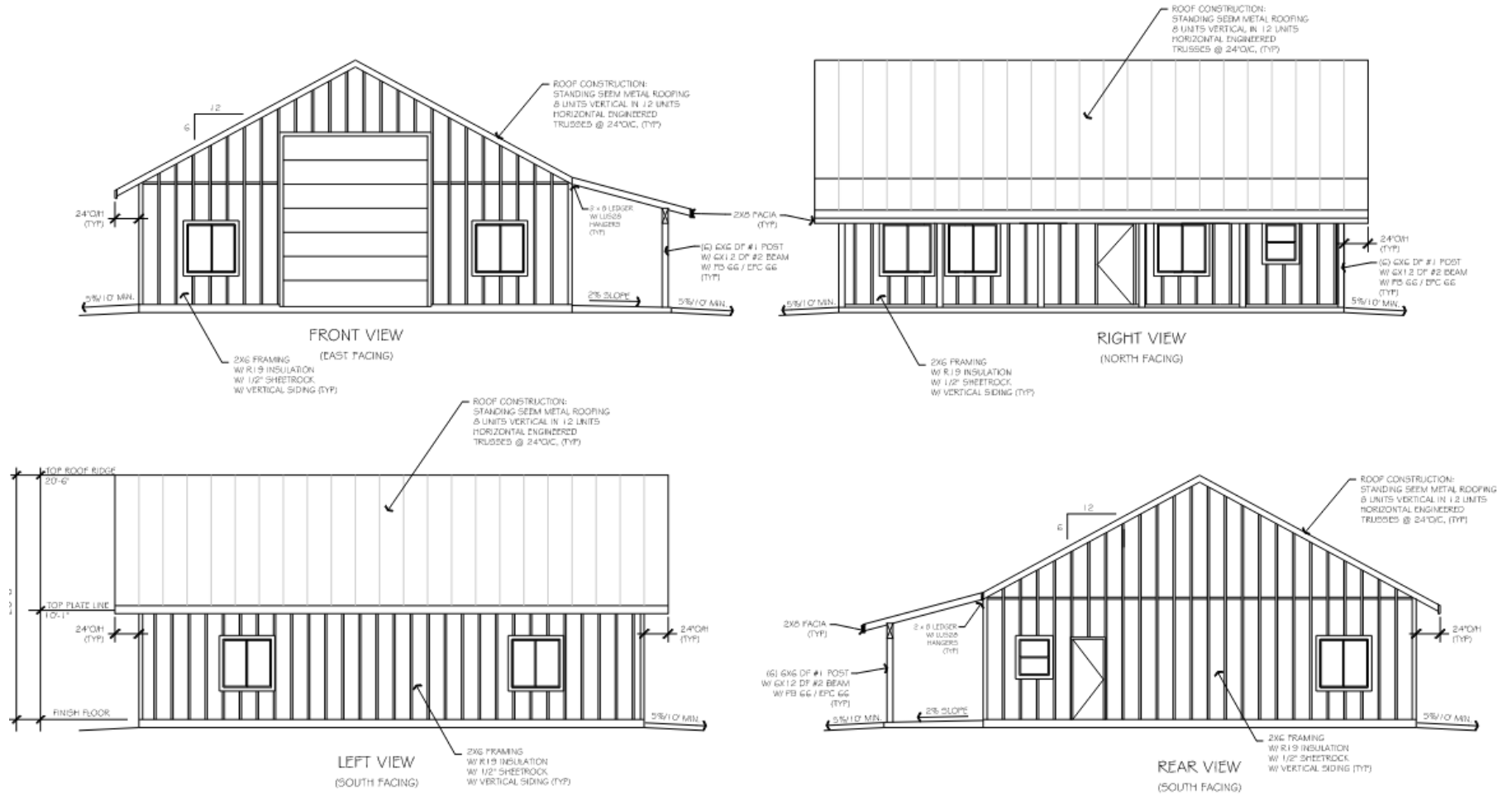
\_\_\_\_\_

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

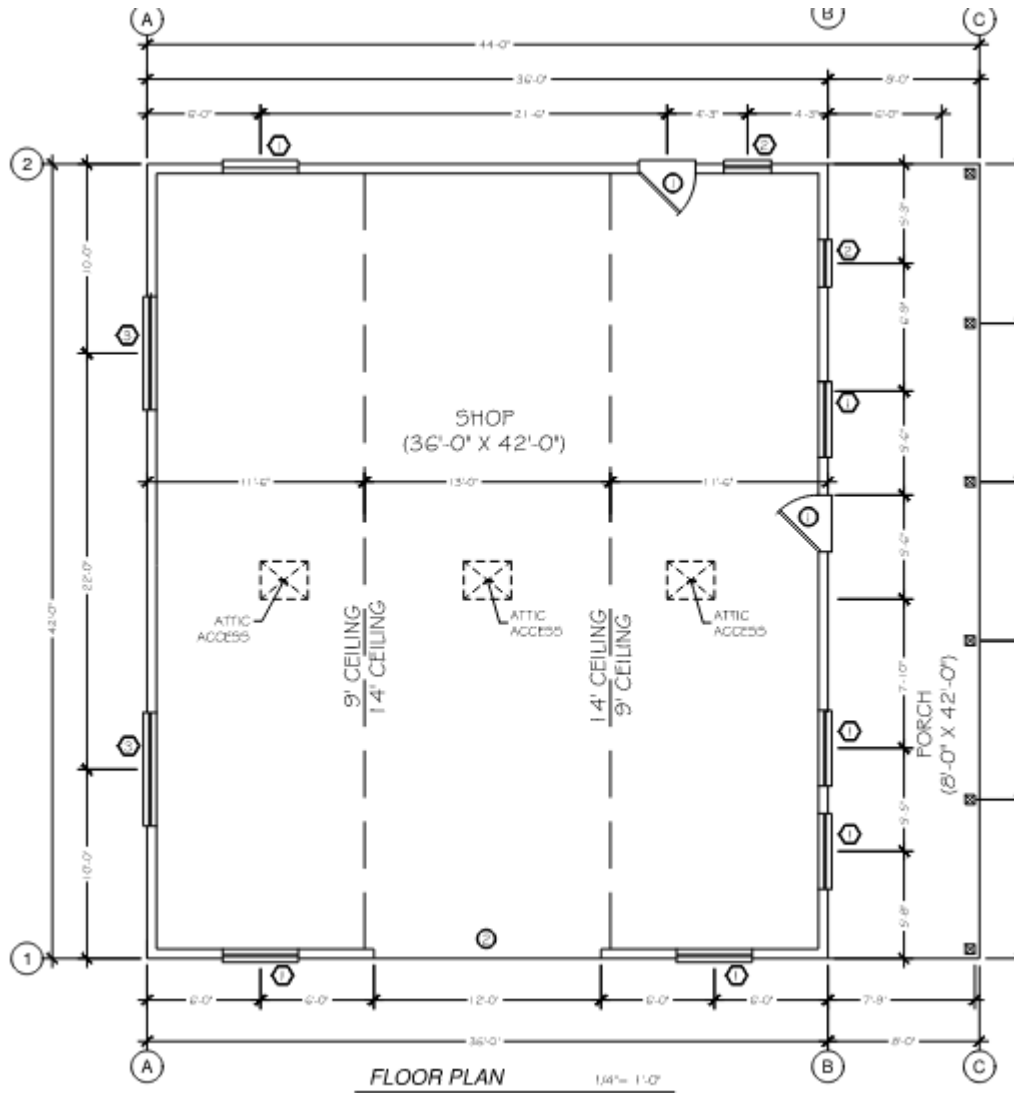
**Attachment 1: Location Map and Zoning  
USE22-0104**



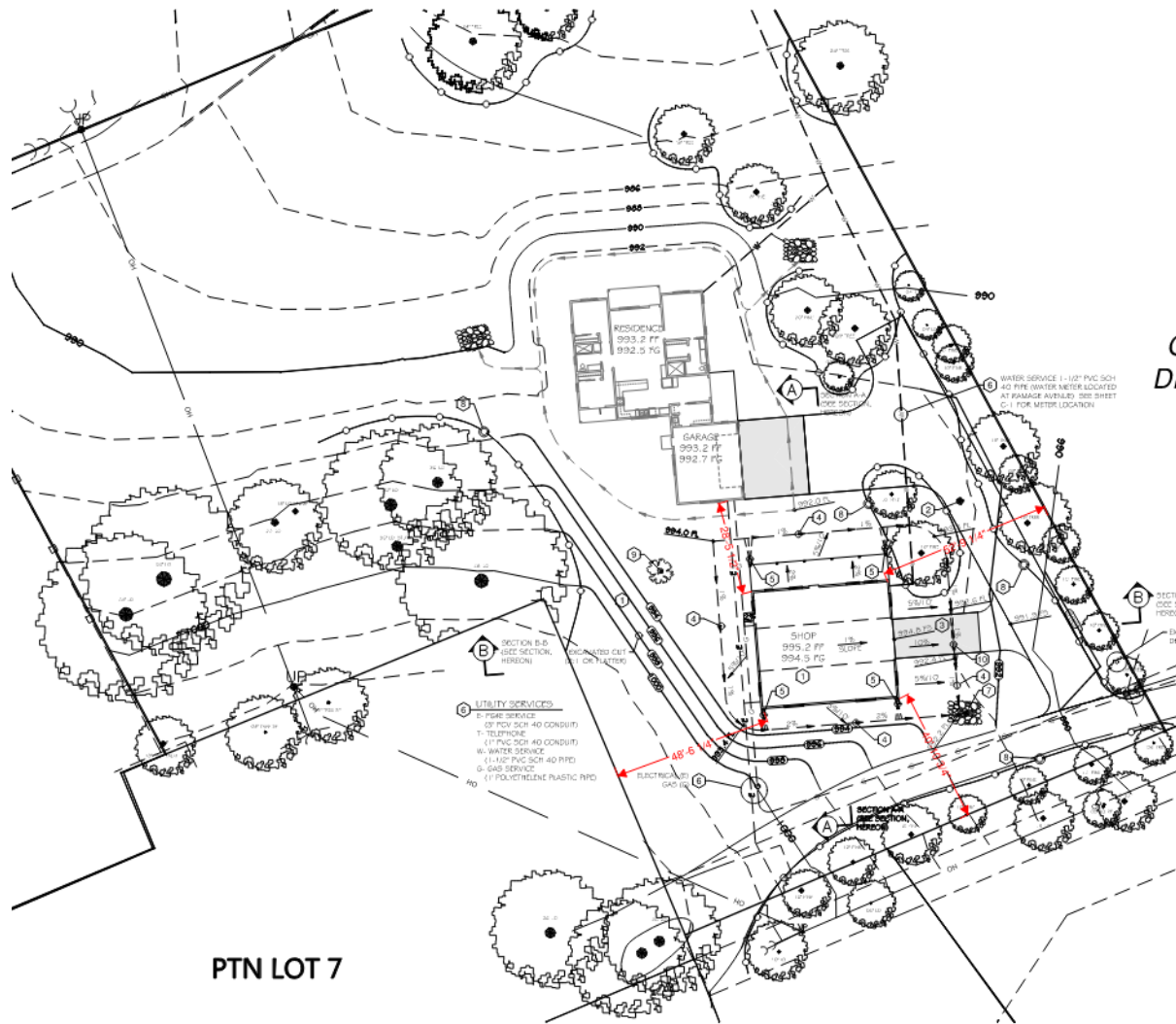
**Attachment 2: Proposed Elevation  
USE22-0104**



**Attachment 3: Floor Plans**  
**USE22-0104**



**Attachment 4: Site Plan  
USE22-0104**



PTN LOT 7

**Attachment 5: Site Photos**  
**USE22-0104**

**Proposed Shop Location**



**New house under construction**



**Example of Proposed Style**

