



ADMINISTRATIVE USE PERMIT HEARING

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 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 **2:00 p.m.** on **Monday, June 12, 2023** at City Hall to consider the following project:

1. 5000 LLANO ROAD (USE23-0025)

The application is to allow for an oversized accessory structure on APN 055-451-031. The proposed structure is 2400 square feet, where 2000 square feet is the maximum allowable without use permit approval. The project is exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption §15303, Class 3: small structures. Staff recommendation is to approve the project, subject to conditions. (*Sam Mountain, 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). 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: Sam Mountain, Assistant Planner

MEETING DATE: 6/12/23

FILE NUMBER: USE23-0025

PROJECT ADDRESS: 5000 Llano Road

SITUATION:

The applicants, Bill and Janet Stockton, are proposing to construct an accessory structure that will serve as a workshop on the applicant's property at 5000 Llano Road. The proposed structure will be a one-story, 2,400 square foot metal building with an open floor plan. The design proposes a pewter grey steel for the siding, pewter grey steel for the roofing, and white exterior trim. The structure will be 16 feet 5 inches tall at the eaves, and 21 feet 10 inches tall at the peak. The structure is proposed to be approximately 300 feet from the nearest property line, roughly in the center of an oddly-shaped 27.5-acre property. The structure is north of the residence and will be accessible via the same private driveway off of Llano Road that currently serves the primary residence. The structure will be hidden from Llano Road due to existing topographic conditions and landscape screening. The property is crossed by a blue line creek near its northeastern edge; the creek is approximately 250 feet away from the proposed building site.

EVALUATION:

According to Atascadero Zoning Ordinance, residential accessory structures are permitted within the Residential Suburban (RS) zoning district.

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 A.M.C. 9-6.106 (3) and when additional findings can be made to support an increased size. Since the proposed accessory structure is over 2,000 square feet, it can only be permitted with approval of an Administrative Use Permit and if all 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 structure meets eight of the nine of the criteria listed above. The structure may fail criterion 2 by nature of its size. However, it is screened from neighboring properties by topography and trees, and there are similar (though generally smaller) workshops and garages on neighboring properties. The structure will not be located between the primary residence and Llano or Santa Lucia Road. The minimum lot size in the Residential Suburban zoning district is two-and-one-half (2 ½) acres. The subject property is roughly 27.53 acres which is well above the required lot size.

The proposed location of the accessory structure is suitable because it utilizes the existing driveway and is in a flat area where no native trees will be impacted.

RECOMMENDATION:

Staff recommends the Administrative Hearing Officer approve USE23-0025 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

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 character of the immediate neighborhood. Many of the properties along Llano Road have similar metal storage structures. Additionally, this structure will be nearly entirely screened from Llano Road and Gallina Court due to topography and 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 055-451-031.
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.

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
- Attachment 6 – Colors

Action:

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

- Continue indefinitely to allow: _____

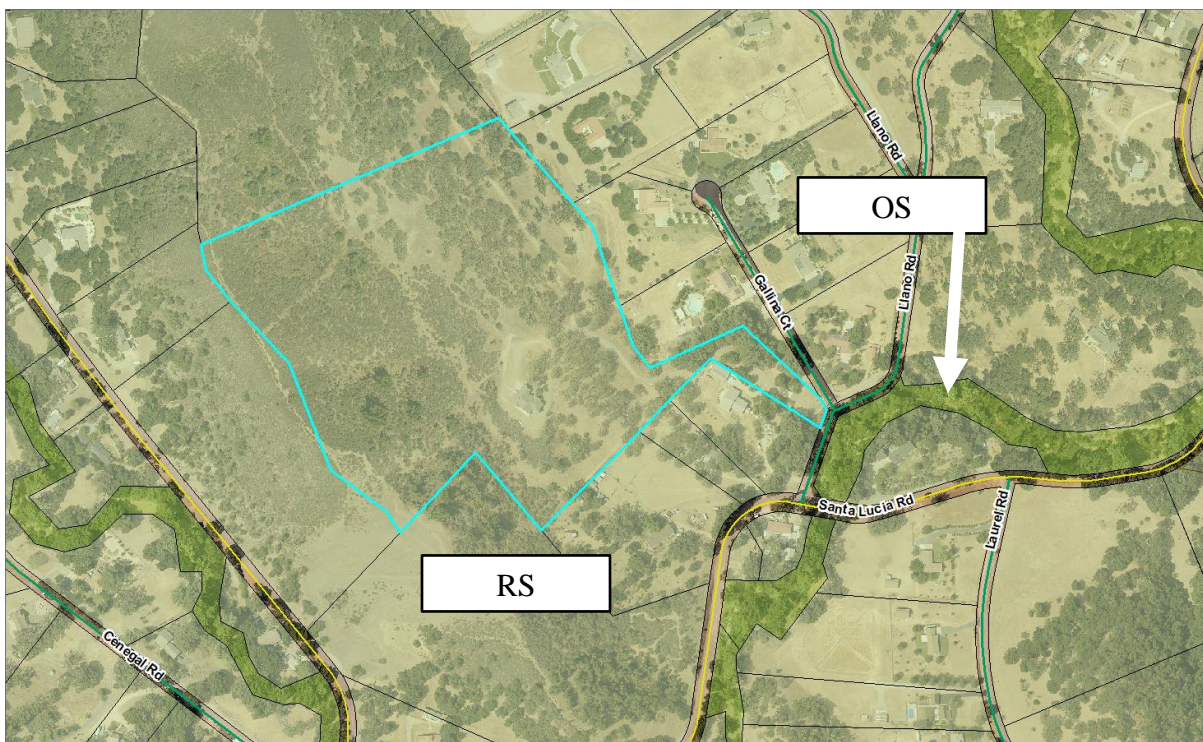
Phil Dunsmore, Hearing Officer

**Attachment 1: Location Map and Zoning
USE 23-0025**

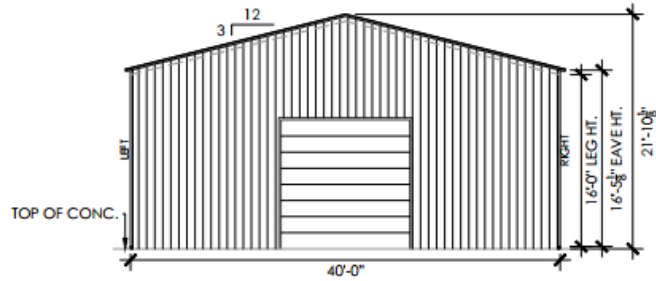
Aerial Map



Zoning Map

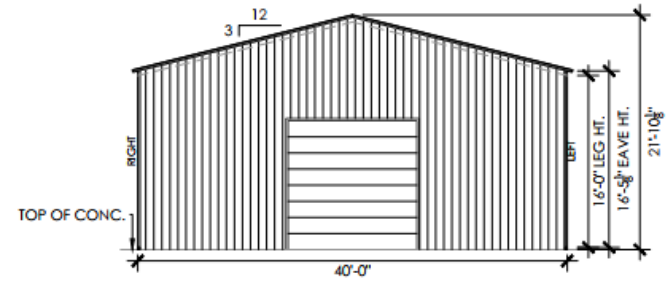


Attachment 2: Proposed Elevations
USE 23-0025



FRONT END WALL ELEVATION

SCALE: 3/32" : 1"

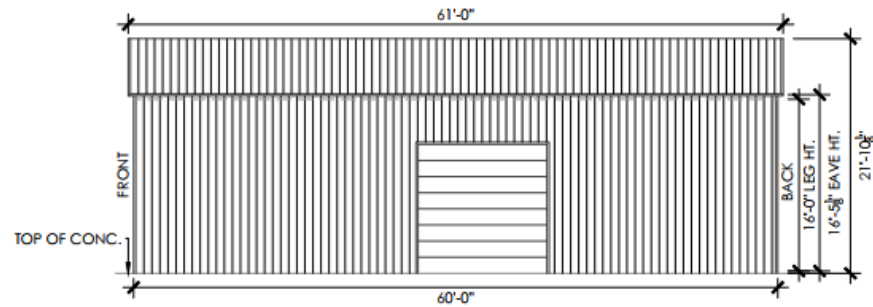


BACK END WALL ELEVATION

SCALE: 3/32" : 1"

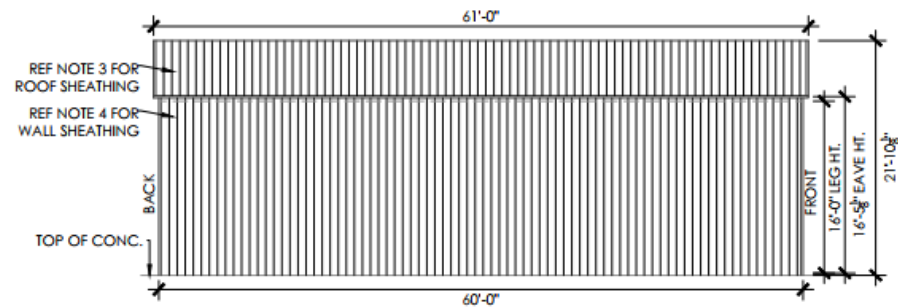
DESIGN NOTES

1. THE INTENTION OF ELEVATIONS PROVIDED ON THIS SHEET IS TO INDICATE STRUCTURAL COMPONENTS, DIMENSIONS, AND BUILDING ORIENTATION ONLY.
2. ARCHITECTURAL DESIGN REQUIREMENTS ARE NOT COVERED IN THIS PLAN SET. THESE DESIGN REQUIREMENTS SHALL BE ADDRESSED IN A SEPARATE ARCHITECTURAL SET BY RESPONSIBLE LICENSED PROFESSIONALS IN CHARGE, AS NEEDED.
3. ALL EXT ROOF SHEATHING SHALL BE: CLASS A RATED 29GA. 3/4" RIB HT - GALV OR PAINTED STEEL (FY=80 KSI) OR EQ.
4. ALL EXT WALL SHEATHING SHALL BE: CLASS A RATED 29GA. 3/4" RIB HT - GALV OR PAINTED STEEL (FY=80 KSI) OR EQ.
5. LOC. OF WALK-IN DOORS OR WINDOWS CAN BE DETERMINED ON SITE AS LONG AS THEY FALL BETWEEN BAYS (BETWEEN FULL FRAMES).



RIGHT SIDE WALL ELEVATION

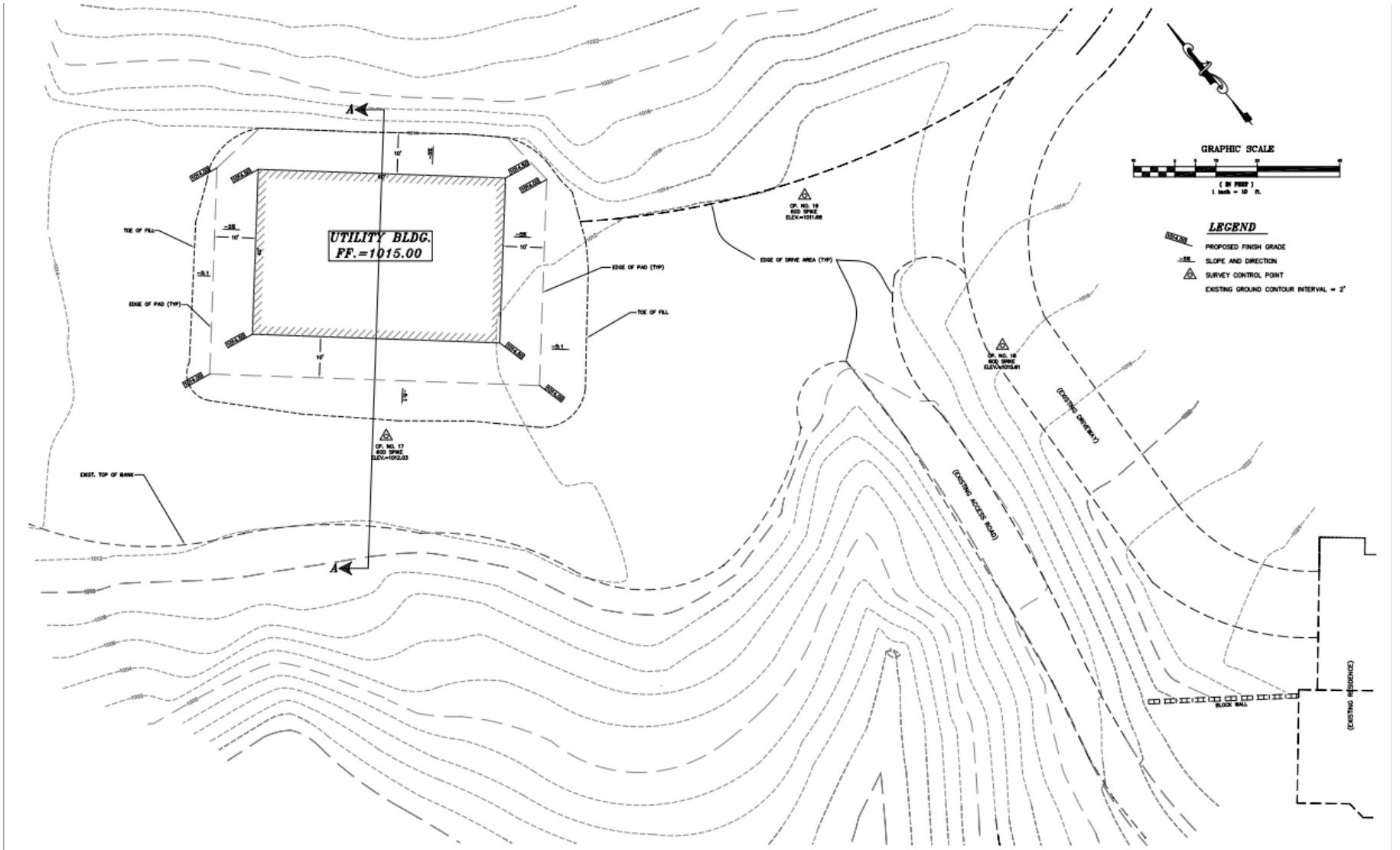
SCALE: 3/32" : 1"



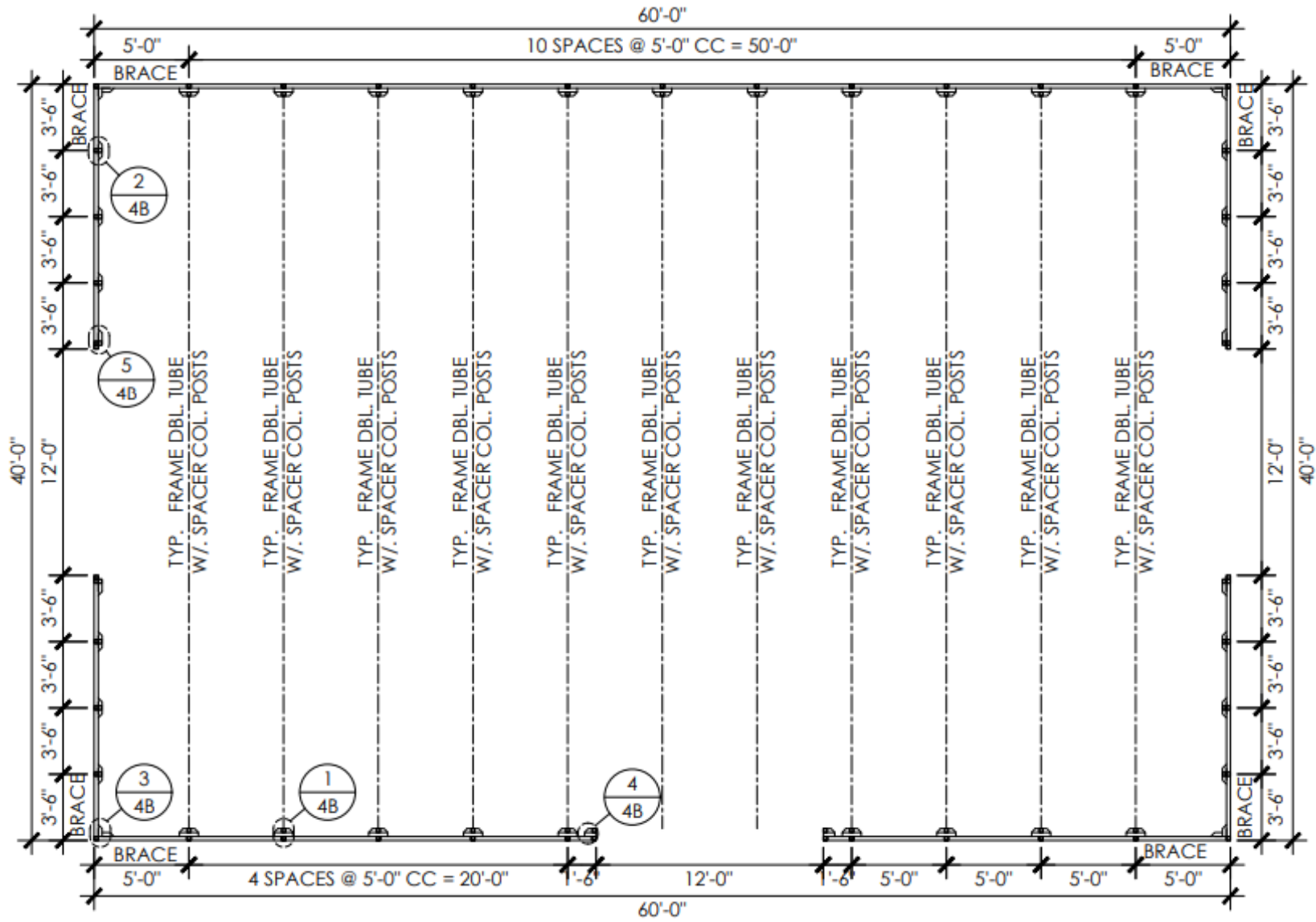
LEFT SIDE WALL ELEVATION

SCALE: 3/32" : 1"

Attachment 3: Site Plan
USE 23-0025



Attachment 5: Floor Plan
USE 23-0025



Attachment 6: Site Photos
USE 23-0025





Attachment 7: Colors
USE 23-0025

Color Options

Variety of colors available

