



## CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2022-010 and the requirements of AB 361, the Planning Commission Meeting will not be physically open to the public and Planning Commissioners will be teleconferencing into the meeting.

### **HOW TO OBSERVE THE MEETING:**

To maximize public safety while still maintaining transparency and public access, the meeting will be available by clicking on the following link:

Planning Commission - 832 5023 8111 (No Passcode Required)

<https://us02web.zoom.us/j/83250238111?pwd=SG9OdGxyNHNTNmRWEpHTzRQK0VnQT09>

### **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 **669-900-6833** to listen and provide public comment via phone.

If you wish to comment but not via a live platform, please email public comments to: [pc-comments@atascadero.org](mailto:pc-comments@atascadero.org) by 12:00 pm on the day of 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 Planning Commission 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 Planning Commission 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.

Planning Commission agendas and minutes may be viewed on the City's website: [www.atascadero.org](http://www.atascadero.org).

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). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.



# **CITY OF ATASCADERO PLANNING COMMISSION AGENDA**

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**REGULAR MEETING  
Tuesday, April 19, 2022  
6:00 P.M.**

**City Hall Council Chambers  
6500 Palma Avenue, 4<sup>th</sup> Floor  
Atascadero, California 93422**

## **CALL TO ORDER**

Pledge of Allegiance

**Roll Call:** Chairperson Jeff van den Eikhof  
Vice Chairperson Tori Keen  
Commissioner Jason Anderson  
Commissioner Victoria Carranza  
Commissioner Greg Heath  
Commissioner Randy Hughes  
Commissioner Dennis Schmidt

## **APPROVAL OF AGENDA**

**PUBLIC COMMENT** (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

**CONSENT CALENDAR** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Commission or public wishes to comment or ask questions.)

### **1. APPROVE THE DRAFT MINUTES OF MARCH 15, 2022**

- **Recommendation:** Commission approve the March 15, 2022 Minutes.

**WEBSITE:**



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## **PLANNING COMMISSION BUSINESS**

### **COMMUNITY DEVELOPMENT STAFF REPORTS**

None

### **PUBLIC HEARINGS**

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

### **DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Prior to a project hearing, Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

#### **2. ADMINISTRATIVE USE PERMIT FOR 7705 / 7707 SAN GABRIEL ROAD**

The proposed project includes an Administrative Use Permit for an oversized accessory structure at 7705 / 7707 San Gabriel Road which was referred to the Planning Commission by the Administrative Hearing officer. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption §15303, Class 3 Construction of Small Structure Projects.

Recommendation: Staff's recommendation is to approve the project with conditions. (USE21-0113).

## **COMMISSIONER COMMENTS AND REPORTS**

### **DIRECTOR'S REPORT**

### **ADJOURNMENT**

*The next regular meeting will be held on May 3, 2022, at 6:00 p.m.*

*Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, this public hearing.*

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*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the Community Development Department and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). All documents submitted by the public during Commission meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information (470-3400).

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission to approach the lectern and be recognized.

1. Give your name for the record (not required).
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

**TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)**

Members of the audience may speak on any item on the agenda. The Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.
6. All comments limited to 3 minutes.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at 470-3402 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

The Chairperson will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Commission.

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## CITY OF ATASCADERO PLANNING COMMISSION

# DRAFT MINUTES

Regular Meeting – Tuesday, March 15, 2022 – 6:00 P.M.  
City Hall (Teleconference)  
6500 Palma Avenue, Atascadero, California

### CALL TO ORDER - 6:00 p.m.

Chairperson van den Eikhof called the meeting to order at 6:00 p.m. and Commissioner Schmidt led the Pledge of Allegiance.

### ROLL CALL

Present: **By Teleconference** - Commissioners Anderson, Carranza, Heath, Schmidt, and Chairperson van den Eikhof

Absent: Commissioner Hughes (excused absence)  
Vice Chairperson Keen (*arrived late*)

Vacant: None

Others Present: **By Teleconference** - Recording Secretary, Annette Manier

Staff Present: **By Teleconference** –  
Community Development Director, Phil Dunsmore  
Senior Planner, Kelly Gleason  
Associate Planner, Mariah Gasch  
Assistant Planner, Bailey Sullivan

### APPROVAL OF AGENDA

**MOTION: By Commissioner Schmidt and seconded by Commissioner Anderson to approve the Agenda.**

***Motion passed 5:0 by a roll-call vote.***  
*(Vice Chairperson Keen absent)*  
*(Commissioner Hughes absent)*

**PUBLIC COMMENT**

None

*Chairperson van den Eikhof closed the Public Comment period.***CONSENT CALENDAR****1. APPROVE THE DRAFT MINUTES OF MARCH 1, 2022**

- Recommendation: Commission approve the March 1, 2022 Minutes.

**MOTION:** By Commissioner Anderson and seconded by Commissioner Carranza to approve the Consent Calendar.

*Motion passed 5:0 by a roll-call vote.  
(Vice Chairperson Keen absent)  
(Commissioner Hughes absent)*

*Vice Chairperson Keen arrived at 6:06 p.m.***PLANNING COMMISSION BUSINESS**

None.

**COMMUNITY DEVELOPMENT STAFF REPORTS**

None.

**MOTION:** By Commissioner Schmidt and seconded by Commissioner Carranza to change the order of the Agenda due to technical difficulties with the first item, with Item 3 being heard first, then Items 2 and 4.

*Motion passed 6:0 by a roll-call vote.  
(Commissioner Hughes absent)*

**PUBLIC HEARINGS****2. CONDITIONAL USE PERMIT AMENDMENT FOR 8575 EL CENTRO**

The proposed project includes a minor Conditional Use Permit Amendment to the Master Plan of Development (Resolution PC1999-044) to build an Accessory Structure/Studio. The project is consistent with previously Certified Mitigated Negative Declaration approved 10/12/99.

Recommendation: Staff's recommendation is to approve the project with conditions. (AMND22-0023).

**EX PARTE COMMUNICATIONS**

None

Planner Gasch presented the staff report, and she and Director Dunsmore answered questions from the Commission.

**PUBLIC COMMENT**

The following members of the public spoke: Brighton Hushing-Kline and Mark Dariz.

**MOTION:** By Commissioner Schmidt and seconded by Commissioner Anderson to adopt PC Resolution approving an amendment to the Master Plan of Development (ZCH97005) to allow a detached studio at 8575 El Centro Road, based on findings and subject to Conditions of Approval, with the modification of Condition 10 to strike the condition that says “This shall include the installation of screening vegetation along the rear fence line to screen the structure from adjacent properties to the satisfaction of the CD Department,” and strike “Landscaping and irrigation shall be installed prior to requesting a final planning inspection.” The Condition will now read “A landscape and irrigation plan shall be included with the building permit submittal.”

*Motion passed 6:0 by a roll-call vote.  
(Commissioner Hughes absent)*

**3. CONDITIONAL USE PERMIT FOR 8850 SANTA ROSA ROAD**

The proposed project includes a minor Conditional Use Permit to open a Brown Butter Cookie Company bakery service to support online and in-store retail sales. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15332, Class 1 Existing Facilities Projects.

Recommendation: Staff’s recommendation is to approve the project with conditions. (USE22-0024).

**EX PARTE COMMUNICATIONS**

None

Planner Sullivan presented the staff report, and she and Director Dunsmore answered questions from the Commission.

**PUBLIC COMMENT**

The following members of the public spoke: Tracie Hozie attempted to speak, however due to technical difficulties, the Commission could hear her, but she was unable to hear the Commission.

*Chairperson van den Eikhof closed the Public Comment period.*

**MOTION:** By Vice Chairperson Keen and seconded by Commissioner Anderson to adopt PC Resolution approving USE22-0024 to allow a bakery use (manufacturing, repair, and processing-low intensity use) in the Commercial Retail (CR) zone, based on findings and subject to conditions of approval.

*Motion passed 6:0 by a roll-call vote.  
(Commissioner Hughes absent)*

**4. ZONE CHANGE FOR 5901 EAST MALL**

The proposed project includes a Planned Development (PD) overlay zone for Centennial Plaza lots. The PD would guide future development towards restaurant and retail development subject to specific design standards. The project is exempt from the California Environmental Quality Act (CEQA), under Categorical Exemption § 15305, Class 5 Minor Alterations to land use limitations.

Recommendation: Staff's recommendation is to approve the project with conditions. (ZCH22-0022).

**EX PARTE COMMUNICATIONS**

None

Director Dunsmore presented the staff report, and answered questions from the Commission, and said that if approved, this project will move forward to City Council.

**PUBLIC COMMENT**

None

*Chairperson van den Eikhof closed the Public Comment period.*

**MOTION:** By Commissioner Anderson and seconded by Commissioner Heath to adopt the PC Resolution, recommending the City Council adopt text amendments to Title 9 establishing a Planned Development 36 overlay zone for the vacant lots surrounding



**Centennial Plaza at 5901 West Mall, based on findings and subject to the future approval of a Master Plan of Development.**

***Motion passed 6:0 by a roll-call vote.  
(Commissioner Hughes absent)***

**COMMISSIONER COMMENTS AND REPORTS**

None

**DIRECTOR'S REPORT**

Director Dunsmore polled the Commission members on whether to continue virtual meetings, or meet in person. The Commissioners agreed to meet continue to meet virtually.

Director Dunsmore stated that the Commission will hear SB9 and ADU items on April 5, 2022.

**ADJOURNMENT – 7:38 p.m.**

The next regular meeting is scheduled for April 5, 2022, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

**MINUTES PREPARED BY:**

\_\_\_\_\_  
Annette Manier, Recording Secretary  
Administrative Assistant



# ***Atascadero Planning Commission***

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## ***Staff Report – Community Development Department***

### **Oversized Accessory Structure 7705-7707 San Gabriel Road / USE21-0113**

#### **RECOMMENDATION(S):**

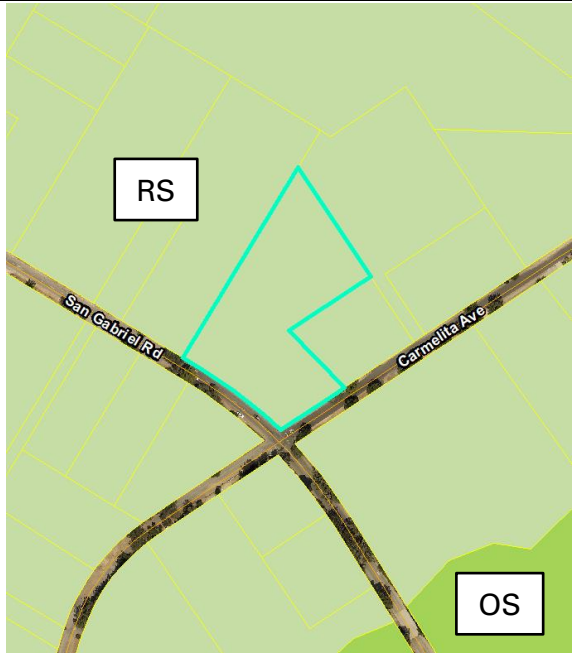
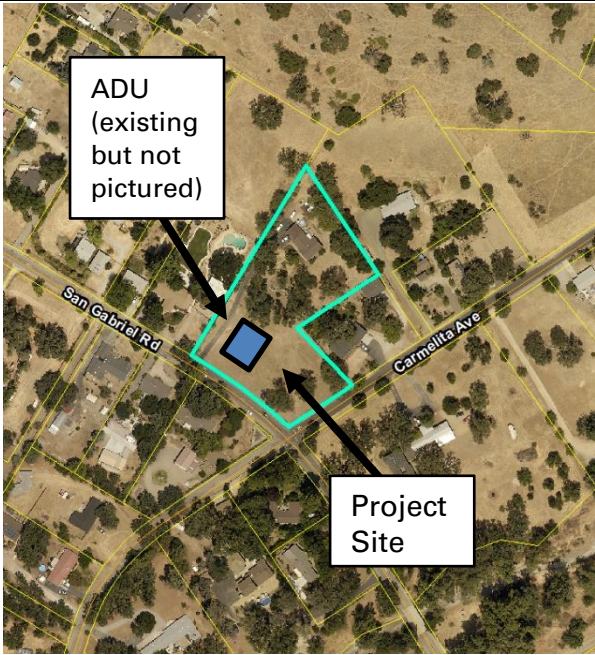
*Staff Recommends:* The Planning Commission adopt Draft Resolution approving Use Permit (minor CUP) USE21-0113, allowing the construction of an oversized accessory structure that will serve as a workshop on the applicant’s property as conditioned.

#### Project Info In-Brief:

<b>PROJECT ADDRESS:</b>	7707,7705 San Gabriel Rd	Atascadero, CA	<b>APN</b>	054-142-015
<b>PROJECT PLANNER</b>	Mariah Gasch Associate Planner	470-3436	mgasch@atascadero.org	
<b>PROPERTY OWNER</b>	Christopher and Elizabeth Collins			
<b>GENERAL PLAN DESIGNATION:</b>	<b>ZONING DISTRICT:</b>	<b>SITE AREA</b>	<b>EXISTING USE</b>	<b>PROPOSED USE</b>
Rural Estate (RE)	Residential Suburban (RS)	2.31-Acres	One existing single-family residence and an accessory dwelling unit (ADU)	Construction of a 2,400 square-foot accessory structure to be used as a workshop
<b>ENVIRONMENTAL DETERMINATION</b>				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <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				

**DISCUSSION:**

Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
Residential Suburban (RS)	Residential Suburban (RS) and Right-of-Way (ROW)	Residential Suburban (RS) and Right-of-Way (ROW)	Residential Suburban (RS)

Summary:

The applicants, Christopher and Elizabeth Collins, are proposing to construct an accessory structure that will serve as a workshop on their 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.

Background:

This project required a Use Permit due to the size, appearance, and design of the proposed structure in relation to the principal and secondary structures per Atascadero Municipal Code (AMC) 9-6.016 (2) and 9-6.106 (3). The AUP hearing officer, Community Development Director Phil Dunsmore, presided over a public hearing on March 22, 2022 to determine whether findings could be made to approve the application (AMC 9-1.112). AMC 9-1.109 (d)(4) states that “at the discretion of the Planning Director, land use interpretation requests may be forwarded to the Planning Commission for determination”.

Due to neighborhood input and concerns at the AUP hearing, Community Development Director Phil Dunsmore deferred his decision on this application to Planning Commission.

Analysis:

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
- Corner setback: Ten (10) feet
- Side Setback: Five (5) feet
- Rear Setback: Ten (10) feet

The design proposes Hardie-board siding, a 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 Carmelita Ave. property line and 40 feet from the San Gabriel Rd. property line. There will be an interior setback of 26 feet to the existing ADU. The rear setback will be approximately 62 feet from the adjacent property. The structure is proposed to be 75 feet from the nearest residence on Carmelita Ave. The proposed structure meets the setback and height standards for the 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 Section 9-6.106 (3), and when additional findings can be made to support an increased size. An accessory structure that exceeds 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 a use permit. 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.

- Accessory structure shall not be located between the primary structure and the public roadway (AMC 9-6.106 (3i))
  - The floor area of the accessory structure is equal or lesser than the floor area of the primary structure (AMC 9-6.106 (3iv))
  - 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. (AMC 9-6.106 (3vii))

The structure conflicts with these three design criteria that would allow the structure to be exempt from requiring a use permit. 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, exceeding the primary structure floor area of 2,191 square feet (including attached garage).

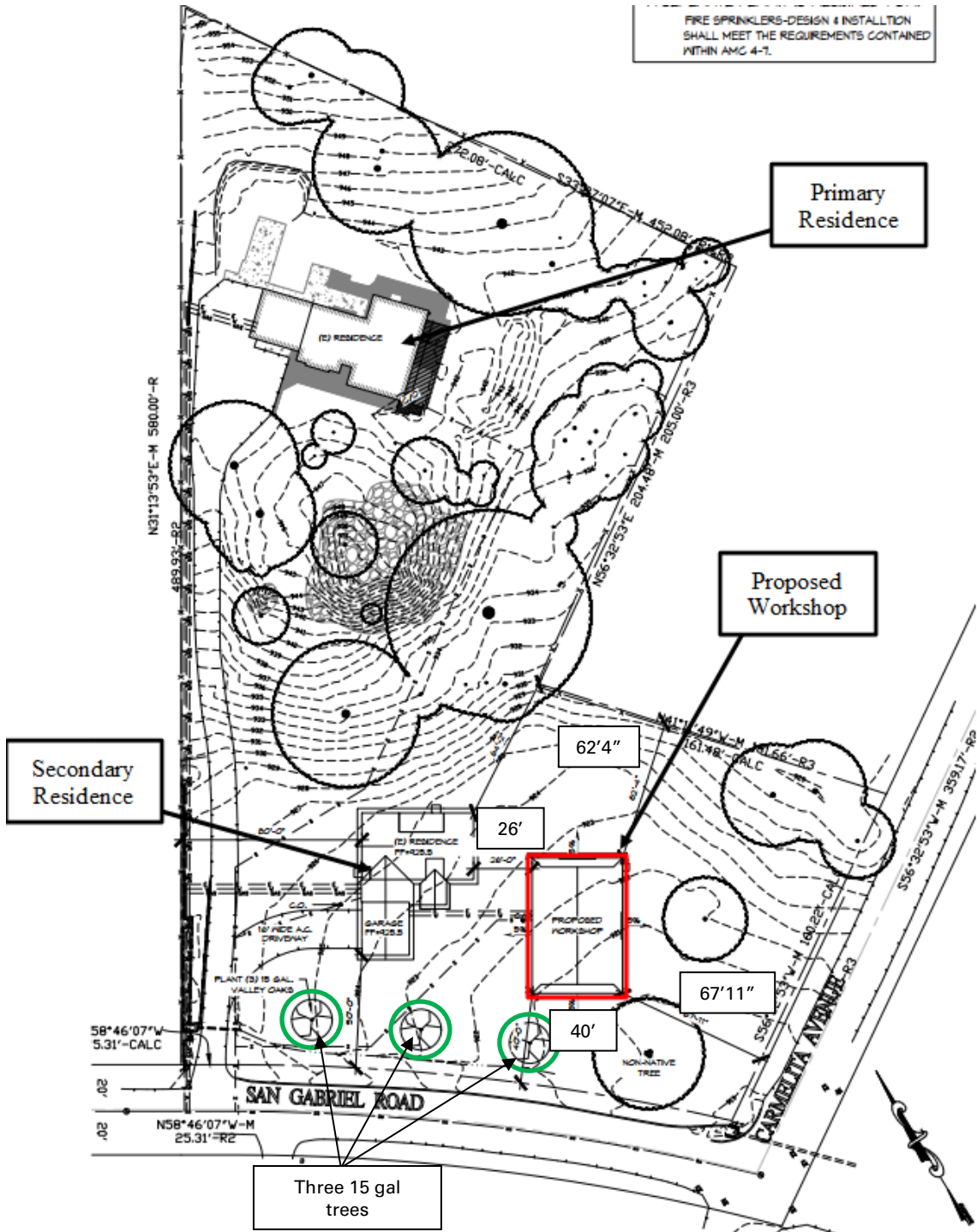
The applicant is requesting an exception to the size to utilize the structure for non-commercial activities. A condition has been added clarifying allowed uses of the structure.

#### Site Design:

The existing site layout and topography is limiting for additional site locations for the proposed structure. Staff typically recommends that these structures be located behind the residence to be hidden from the right-of-way. However, significant grading would be required for this. The applicant is locating the structure on the flattest portion of the site. Due to the structure's size and location it will be highly visible from Carmelita Ave and San Gabriel Road, potentially altering the visual quality of the neighborhood. While the structure will alter the appearance of the corner, the building is setback far off the right-of-way and includes design features to give it a barn-like appearance, such as color, siding material, roof form, windows, and decorative doors. This will help the structure fit into the surrounding rural neighborhood.

There are existing mature eucalyptus and oak trees that will be located between the structure and Carmelita Ave, providing a visual buffer to the proposed workshop. In addition, the applicant is proposing to plant three 15-gallon native oak trees adjacent to the San Gabriel frontage. During the AUP hearing, neighbors brought forth concerns regarding these trees' proximity to nearby overhead powerlines. Staff analyzed this concern and has conditioned that 5 smaller native trees, such as western redbuds, be planted and irrigated until established.

# Site Plan



## Architectural Design:

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, at the request of staff, to be proportional to the scale of the structure and enhance visual appearance. 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 sited the building further from nearby trees to avoid any negative impacts.

As designed, and with the incorporation of conditions, the project will be compatible with the surrounding neighborhood and will not cause negative impacts.

### **ENVIRONMENTAL DETERMINATION:**

The proposed project is Categorically Exempt (Class 3) 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.) pursuant to CEQA Guidelines Section 15303, because it is a new accessory structure and will not require any grading on slopes over 20%.

### **FINDINGS:**

To approve the Use Permit, the Planning Commission must make the following findings. These findings and the facts to support these findings are included in the attached PC Resolution.

#### *Use Permit (AMC Section 9-2.110(b).(3).(iv)*

1. The proposed project or use is consistent with the General Plan;
2. The proposed project or use satisfies all applicable provisions of this title;
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use;
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development;
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element; and

### **ALTERNATIVES:**

1. The Planning Commission may include modifications to the project and/or Conditions of Approval for the project. Any proposed modifications including Conditions of Approval, should be clearly re-stated in any vote on any of the attached resolutions.
2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

**ATTACHMENTS:**

1. Draft PC Resolution
2. Location and Zoning Map
3. Aerial View
4. Site Photos



**ATTACHMENT 1: Draft Resolution  
USE21-0113**

**DRAFT PC RESOLUTION**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF ATASCADERO, CALIFORNIA,  
APPROVING USE21-0113, TO ALLOW THE CONSTRUCTION OF  
A NEW OVERSIZED ACCESSORY STRUCTURE**

**7705-7707 SAN GABRIEL ROAD  
APN 054-142-015  
(COLLINS)**

**WHEREAS**, an application was received from Christopher and Elizabeth Collins, 7705 San Gabriel Road, Atascadero, CA 93422, (applicant) for a Use Permit to allow for an oversized accessory structure at 7705 San Gabriel Road (APN 054-142-015); and

**WHEREAS**, the site has a General Plan Designation of Rural Estate (RE); and

**WHEREAS**, the property is in the Residential Suburban (RS) zoning district; and

**WHEREAS**, detached accessory structures in excess of fifty percent (50%) of the primary residence are subject to the approval of a Use Permit if design criteria are not met; and

**WHEREAS**, the proposed structure does not meet certain criteria listed in AMC 9-6.106(3)

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Use Permit application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Use Permit; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Atascadero:

**SECTION 1. CEQA**. The Planning Commission finds as follows:

1. The proposed project is Categorically Exempt (Class 3) 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 15303, because it is a new accessory structure and will not require any grading on slopes over 20%.

**SECTION 2. Findings for approval of Use Permit.** The Planning Commission finds as follows:

1. The proposed project or use is consistent 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 rural area. While the proposed structure is over 100% of the size of the primary residence, it will serve a residential use, including a workshop for noncommercial use.

2. The proposed project or use satisfies all applicable provisions of this title;

Fact: As proposed, the project will meet the property's setback, height and other site design requirements. The use of the structure will be limited to uses permitted by the Zoning Ordinance. The project, with Planning Commission approval of this Use Permit, satisfies all applicable provisions of the Zoning Ordinance related to residential accessory structures.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use;

Fact: The use of the accessory structure on the property includes a workshop for noncommercial use. This is a typical use in residential single-family neighborhoods. The proposed structure will be constructed to meet the standards of the building code.

4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development;

Fact: The view of the proposed structure from San Gabriel Road and Carmelita Ave. will be filtered with vegetation including existing and proposed trees. The design will fit in with the character and architectural styles of the surrounding neighborhood. The project includes a condition that the color palette shall be dark red, green or brown, giving the structure a barn-like appearance to match the rural surroundings.

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding

neighborhood that would result from full development in accordance with the land use element; and

Fact: The addition of a residential accessory structure will not contribute additional traffic in the neighborhood. The use of the structure will be similar to uses currently onsite. No additional residential units will be added.

6. The proposed project is 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.

**SECTION 3. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on April 19, 2022, resolved to approve Administrative Use Permit USE21-0113, subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Site Plan
- EXHIBIT C: Elevations
- EXHIBIT D: Floor Plan

On motion by Commissioner \_\_\_\_\_, and seconded by Commissioner \_\_\_\_\_, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ( )

NOES: ( )

ABSENT: ( )

ABSTAINED: ( )

ADOPTED:

CITY OF ATASCADERO, CA

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Jeff van den Eikhof  
Planning Commission Chairperson

ATTEST:

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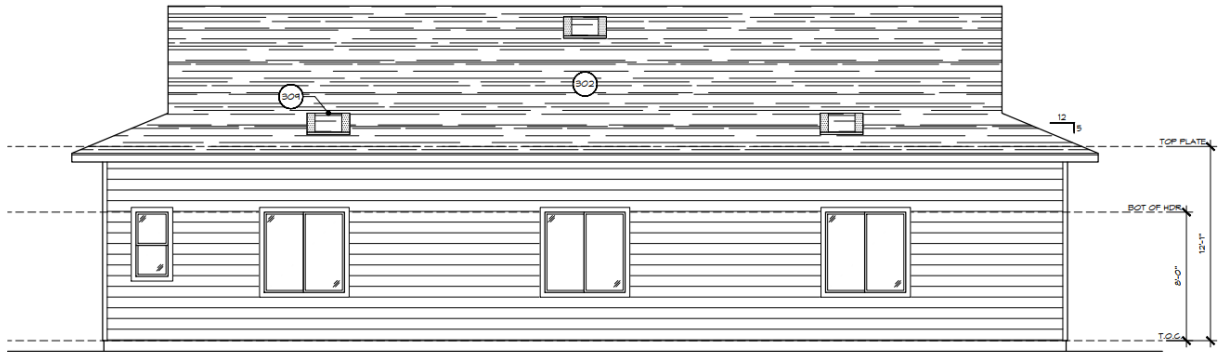
Phil Dunsmore  
Planning Commission Secretary

**EXHIBIT A: Conditions of Approval  
USE 21-0113**

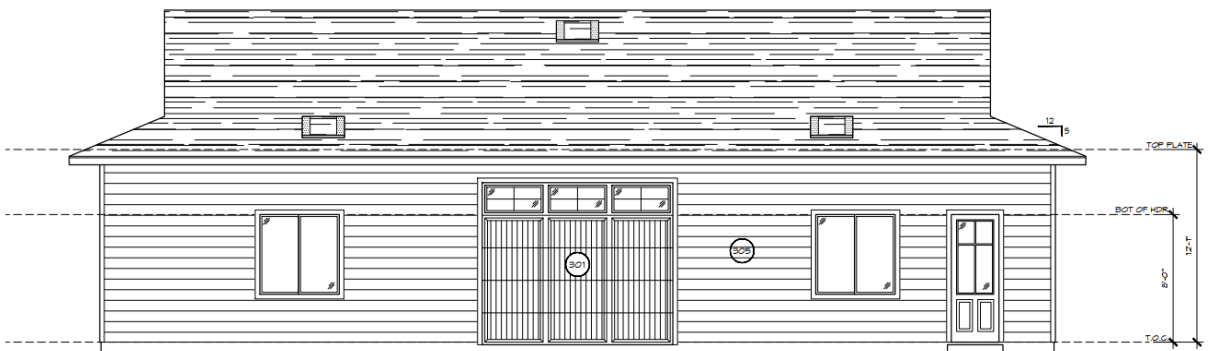
<p>Conditions of Approval USE21-0113</p> <p>7705-7707 San Gabriel Road</p> <p>Detached Accessory Structure</p>	<p>Timing</p> <p>BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p>
<b>Planning Services Conditions</b>	
1. This Administrative Use Permit shall allow the accessory structure described in the attached exhibits and located on APN 054-142-015.	<b>Ongoing</b>
2. The approval of this use permit shall become final and effective for the purposes of issuing building permits fourteen (14) days following the Planning Commission approval unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	<b>Ongoing</b>
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 Planning Commission 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.	<b>BP</b>
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.	<b>BP</b>
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.	<b>Ongoing</b>
6. Architectural elevations shall be consistent with Exhibit C.	<b>BP</b>
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.	<b>BP</b>
8. Structure may be constructed or used solely for noncommercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; for maintenance or mechanical work on vehicles owned or operated by the occupants; for an approved home occupation; or for other similar purposes.	<b>Ongoing</b>
9. A deed restriction shall be recorded limiting the use of the structure to uses accessory to the existing primary or secondary residence.	<b>BP</b>
10. A minimum of 5 smaller native trees, such as western redbuds, shall be planted along the San Gabriel frontage. All landscaping installed as required as part of this approval shall be irrigated until established and maintained in a manner that allows the tree to thrive and grow to its natural form. Exceptions to height can be made for power line clearance if required by the utility company.	<b>BP</b>
<b>Public Works Department Conditions</b>	
11. Utilities: <ul style="list-style-type: none"> <li>a. Utility service provided to the structure shall be through sub-meters and shall connect through the existing residential structure on-site. An exception may be granted by the Community development Director should it be shown that no feasible alternative exists to separate meters. If a separate meter is required, the deed restriction shall include language describing the exception.</li> </ul>	<b>BP</b>



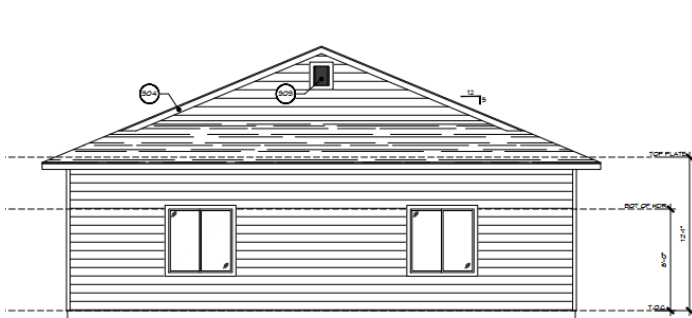
**EXHIBIT C: Proposed Elevation  
USE 21-0113**



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



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



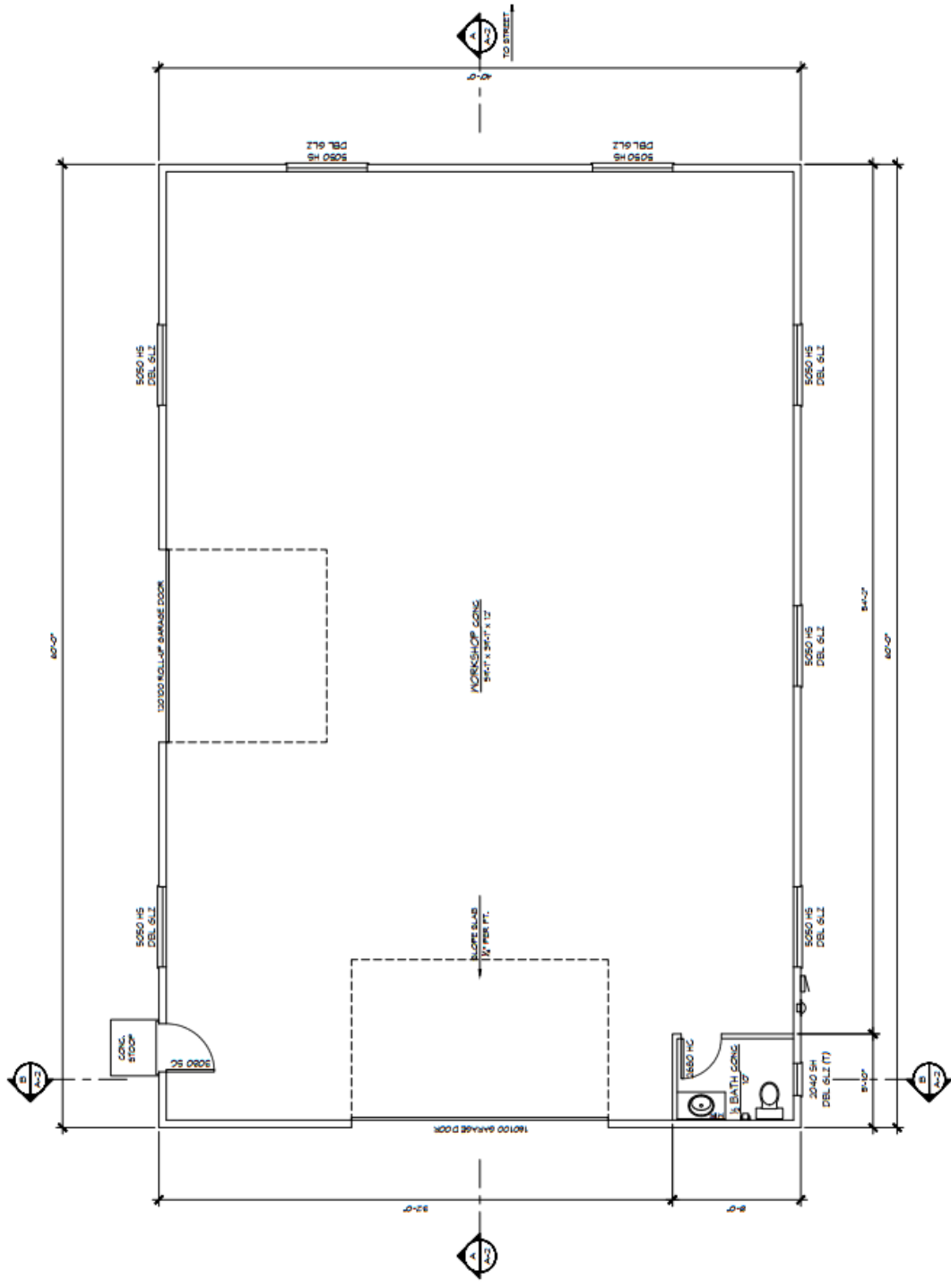
FRONT (SOUTH) ELEVATION | 1/4" = 1'-0"



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

**ITEM 2**  
**Accessory Structure at 7705-7707 San Gabriel Road**  
**USE21-0113 / Collins**

**EXHIBIT D: Floor Plan**  
**USE 21-0113**

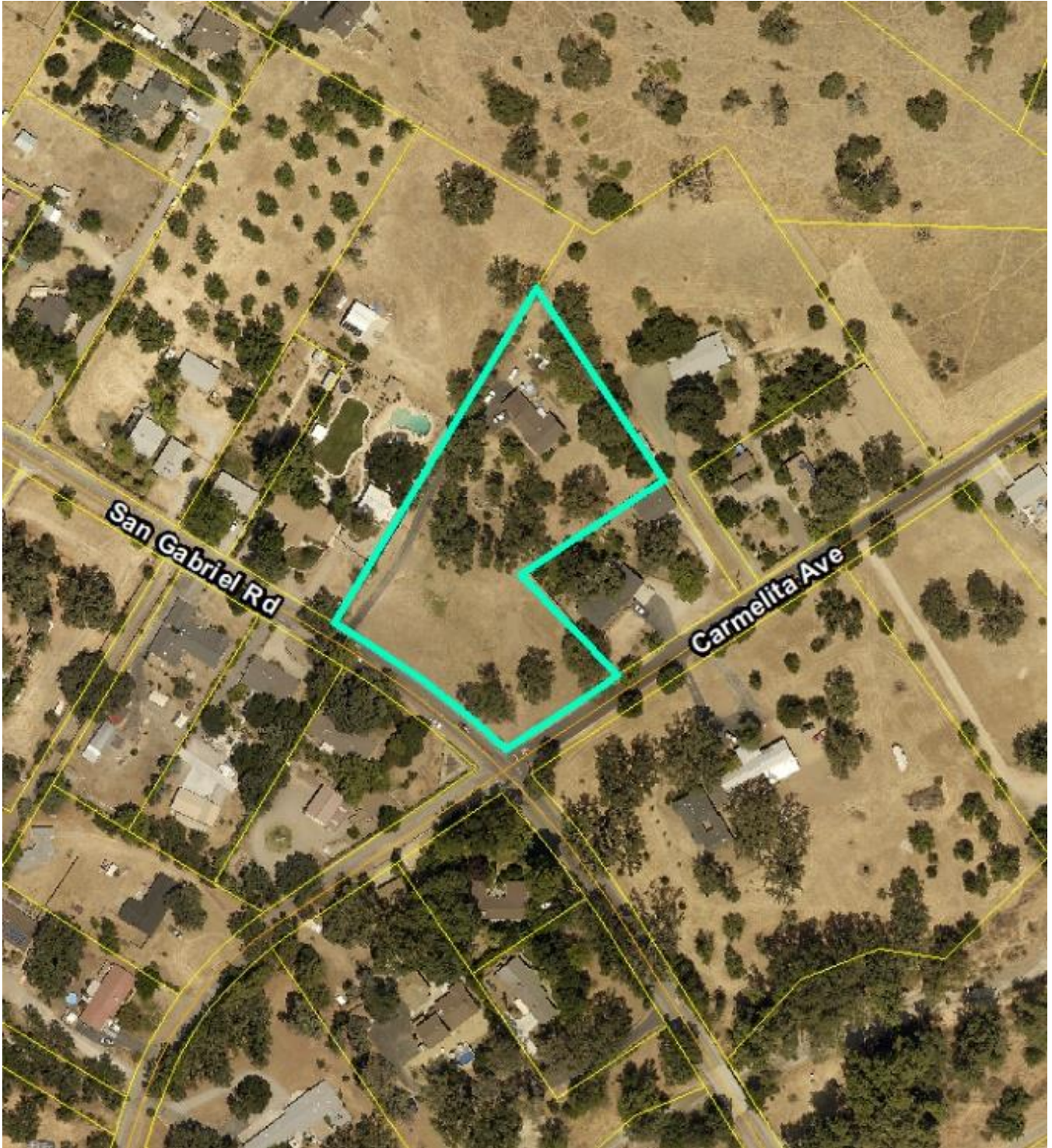




**ATTACHMENT 2: Location and Zoning  
USE21-0113**



**Attachment 3: Aerial View**  
**USE 21-0113**





**Attachment 4: Site Photos**  
**USE 21-0113**



**From San Gabriel**



**From Carmelita**



**ITEM 2**  
**Accessory Structure at 7705-7707 San Gabriel Road**  
**USE21-0113 / Collins**



**From Carmelita**



**From Carmelita**