

## AUP RESOLUTION NO. 18-01

### A RESOLUTION APPROVING AN ADMINISTRATIVE USE PERMIT TO OPERATE A HEALTH/FITNESS FACILITY (DEVELOPMENT APPLICATION 17-29, 232 FRONT STREET

**WHEREAS**, the Community Development Director, or designee, for the City of Grover Beach has received for review and consideration a Staff Report and presentation in connection with Development Application 17-29, a request for a health/fitness facility located at 232 Front Street in the Coastal Commercial (CC) Zone (APN 060-133-003); and

**WHEREAS**, the notice of Public Hearing was sent to adjoining property owners and advertised in the manner required by law; and

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1: Existing Facilities; and

**WHEREAS**, the Community Development Director of the City of Grover Beach has reviewed and considered the request at a Public Hearing on January 23, 2018; and

**WHEREAS**, the Community Development Director of the City of Grover Beach makes the following findings, in accordance with Municipal Code Article IX, Section 6.20.030(F), subject to the conditions of approval contained herein:

1. The proposed use is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable. Except for the location and minimum number of parking spaces, and minimum area of landscaping, the project meets all applicable development standards of the Development Code. The location of the existing structure, constructed in 1974 with two parking spaces, inhibits the site from complying with the current parking requirements and landscaping requirements. The original driveway access to the roll up door will be striped and used as two additional parking spaces. The provision of any landscaping is impractical as it would eliminate parking or not be visible behind the building.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The site is located in a commercial zone and developed with a commercial building.

**NOW, THEREFORE, BE IT RESOLVED** that the Community Development Director for the City of Grover Beach **DOES HEREBY APPROVE** the Administrative Use Permit associated with Development Permit 17-29, subject to the following conditions:

#### **CONDITIONS OF APPROVAL:**

##### GENERAL

- G-1. Failure to appeal the action or a specific condition imposed as provided in Municipal Code Article IX, Section 6.30.020 within 10 working days of action shall be deemed as agreement to all conditions of approval.

- G-2. The approval granted by this Resolution shall be valid for twenty-four (24) months of the final approval date, and shall expire unless the proposed use, as conditioned is commenced. A request for a time extension shall be submitted to the Community Development Department as provided in Grover Beach Municipal Code Article IX, Section 6.30.060. This approval may be revoked consistent with Municipal Code Article IX, Section 6.30.080.
- G-3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any loss, liability, costs, damages, claims, action or proceeding of any kind including also any proceeding commenced to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such loss, liability, costs, damages, claims, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.
- G-4. All Conditions of Approval shall be provided on a full size sheet as part of the construction plan set. All notes and specifications as shown on the plans shall be considered Conditions of Approval. If there is a conflict between the approved plans and the Conditions of Approval, the Conditions of Approval shall prevail. The project shall comply with all Federal, State, Local and City codes, regulations, and standards. Construction plans shall comply with applicable California Building Codes in effect at the time of plan submittal.
- G-5. The hours of construction shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday, Sunday, and holidays, in accordance with Municipal Code Section 3120.1. All construction traffic shall access the site utilizing the truck route(s) closest to the site as defined in the City Circulation Element and as approved by the City's Police Department. Violations are subject to citation and fines.

#### COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the operation of a 2,880 square foot health/fitness facility as shown in Exhibit A. Occupancy is limited to 15 occupants. Operations are prohibited off-site or in the parking area, and are limited to the hours of 6:30 a.m. to 7:30 p.m.

#### POLICE DEPARTMENT

- PD-1. Amplified sound shall comply with all requirements of Municipal Code Article III, Chapter 1.01 Noise Standards.



The foregoing ADMINISTRATIVE USE PERMIT RESOLUTION NO. 18-01 was **PASSED**, **APPROVED**, and **ADOPTED** at a Public Hearing of the City of Grover Beach Community Development Director on this 23<sup>rd</sup> day of January, 2018.

A handwritten signature in blue ink, appearing to read 'A. Rafael Castillo', written over a horizontal line.

A. RAFAEL CASTILLO, SENIOR PLANNER  
DESIGNEE FOR COMMUNITY DEVELOPMENT DIRECTOR

**EXHIBIT A**

