

AUP RESOLUTION NO. 20-01

A RESOLUTION APPROVING AN ADMINISTRATIVE USE PERMIT TO OPERATE A HEALTH/FITNESS FACILITY AT 809 ROCKAWAY AVENUE

WHEREAS, an application has been received from Gustavo Rangel Jr, applicant, for consideration of Development Application 20-17, requesting approval of an Administrative Use Permit to operate a 260 square foot health/fitness facility at 809 Rockaway Avenue (APN 060-228-018) in the Central Business (CB) Zone; and

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

WHEREAS, the proposed project qualifies under Categorically Exemption consistent with CEQA Guidelines, Class 1: Existing Facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Community Development Director of the City of Grover Beach **HEREBY** makes the following findings and determinations with respect to Development Application 20-17 for an Administrative Use Permit:

SECTION 1. Findings of Environmental Exemption. The Community Development Director finds as follows:

1. The proposed project is Categorically Exempt (Class 1) 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.) Section 15301, Existing Facilities, based on the proposed project consisting of utilizing 260 square feet of an existing 5,600 square foot commercial building.
2. The proposed project is not located in an environmentally sensitive area or impact an environmental resource.
3. The proposed project will not have a cumulative impact of successive projects of the same type, in the same place, over a period of time. The proposed project is located within a commercial zone with a variety of commercial uses.
4. The proposed project will not have a significant effect on the environment based on the project record, which is on file at the City of Grover Beach Community Development Department.
5. The proposed project is not located on a designated scenic highway or scenic resource.
6. The proposed project is not located on any hazardous materials list pursuant to Section 65962.5 of the Government Code.
7. The proposed project is not located within a designated historical resource.

SECTION 2. Findings for approval of Administrative Use Permit. 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.

Fact. As discussed in the staff report, the project is consistent with the General Plan and Development Code.

2. The subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.

Fact. The site is located in a commercial zone and developed with seven commercial units and a shared parking lot with 13 parking spaces. The proposed use will operate indoors with a limited number of clients at a time.

SECTION 3. Administrative Use Permit Approval. The Community Development Director of the City of Grover Beach, at a Meeting on July 28, 2020 resolved to approve an Administrative Use Permit subject to the following:

CONDITIONS OF APPROVAL:

GENERAL

- G-1. Administrative Use Permit approval granted by this Resolution shall be valid for twenty-four (24) months of the approval date and shall expire unless operations have 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.
- G-2. 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-3. The project shall comply with all applicable Federal, State, Local and City codes, regulations, and standards.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the operation of a health/fitness facility at 809 Rockaway Avenue, consisting of approximately 260 square feet. The facility shall not be occupied by more than three clients at any time. Operating hours shall be between 5:00 a.m. and 10:00 p.m.
- CDD-2. All operations shall be conducted within the interior of the unit.
- CDD-3. The property owner shall be responsible for addressing any complaints made by other tenants against the applicant that are not violations of the Grover Beach Municipal Code.

The foregoing AUP RESOLUTION NO. 20-01 was **PASSED, APPROVED, and ADOPTED** at a public hearing of the Community Development Director of the City of Grover Beach, California this 28th day of July 2020.



BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT A

