

**AUP RESOLUTION NO. 18-02**

**A RESOLUTION APPROVING DEVELOPMENT APPLICATION 17-48 FOR AN ADMINISTRATIVE USE PERMIT TO OPERATE A HEALTH/FITNESS FACILITY (1081 HIGHLAND WAY, SUITE A)**

**WHEREAS**, the Community Development Director for the City of Grover Beach has received for review and consideration a staff report and presentation in connection with Development Application 17-48, requesting approval for an Administrative Use Permit to establish a health/fitness facility located at 1081 Highland Way, Suite A in the Industrial (I) Zone (APN 060-546-034); and

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

**WHEREAS**, the Community Development Director of the City of Grover Beach has reviewed and considered the request at a Public Hearing on May 16, 2018; and

**WHEREAS**, the proposed project qualifies for an Categorical Exemption consistent with CEQA Guidelines Section 15301: 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 17-48 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.) CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities, based on the proposed project consisting of health/fitness facility in 1,200 square feet of an existing 6,420 square foot building in the City's Industrial zone. The proposed project will not expand the existing building footprint.
2. The proposed project is not located in an environmentally sensitive area, nor 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 an industrial zone with similar 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 nor scenic resource.

6. The proposed project is not located on any list pursuant to Section 65962.5 of the Government Code.
7. The proposed project is not a designated historical resource.

**SECTION 2. Findings for approval of Administrative Use Permit.** The Community Development Director finds as follows in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.030(F):

1. The proposed development is consistent with the General Plan, this Development Code, and other City goals, policies, and standards, as applicable.

**Fact.** The project meets all applicable development standards of the Development Code, except for minimum landscaping as discussed in the staff report. The location of the existing structure and parking spaces inhibits the site from complying with the current landscaping requirements and it is impractical to add landscaping as it would eliminate parking. As noted in the staff report, the building is non-conforming in regards to the front setback and floor area ratio. As noted in the staff report, the site complies with parking standards with applicable parking reductions applied.

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

**Fact.** The site is a 10,969 square foot rectangular flat lot fully improved with a 6,420 square foot building with an existing parking lot containing eight parking spaces. The site has appropriate circulation allowing for public access to parking.

**SECTION 3. Administrative Use Permit Approval.** The Community Development Director of the City of Grover Beach, at a Public Hearing on May 16, 2018 resolved to approve an Administrative Use Permit subject to the following:

**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-5. All operations shall comply with City Municipal Code Article III, Chapter 1.01 Noise Standards.

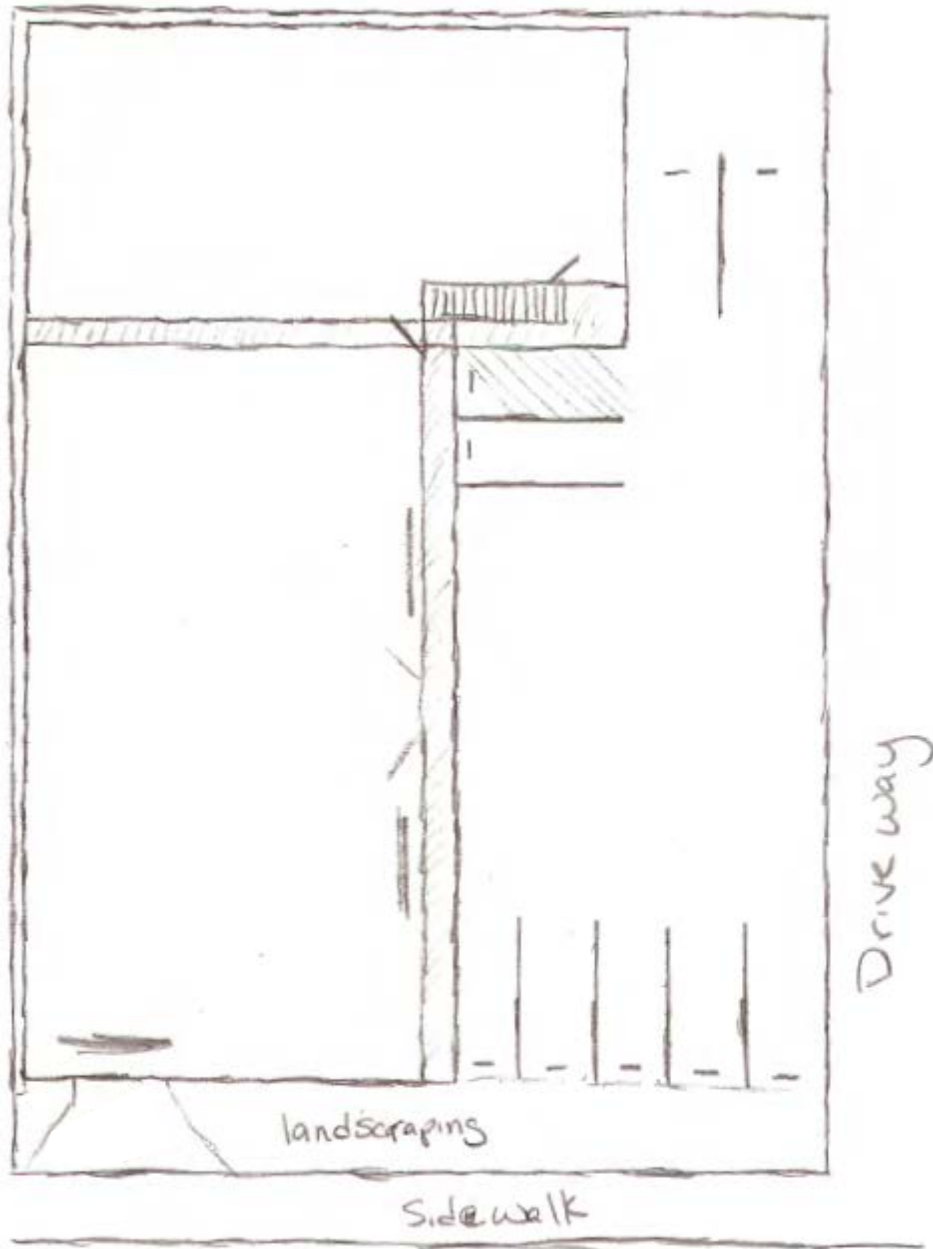
COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the operation of a 1,200 square foot health/fitness facility as shown in Exhibit A. The business is allowed to operate 24 hours a day. Operations are prohibited off-site or in the parking area.

The foregoing ADMINISTRATIVE USE PERMIT RESOLUTION NO. 18-02 was **PASSED, APPROVED, and ADOPTED** at a Public Hearing of the City of Grover Beach Community Development Director on this 16th day of May, 2018.

/s/  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT A



Highland Way

