



**MEETING AGENDA
ADMINISTRATIVE HEARING
WEDNESDAY, JANUARY 5, 2022
11:00 A.M.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the City Clerk's office at (805) 473-4567 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

Given public health conditions and consistent with Assembly Bill No. 361, which allows for a deviation of teleconference rules required by the Ralph M. Brown Act, meetings will be held by teleconference only until further notice.

Members of the public may listen to the meeting and provide public comment during the meeting by calling (805) 321- 6639 to provide public comment via phone (the phone line will open just prior to the start of the meeting at 11:00 AM) or written public comments can be submitted via email to commdev@groverbeach.org prior to the meeting start time of 11:00 AM. If submitting written comments in advance of the meeting, please note the agenda item. Written comments will be read out loud during the meeting on the appropriate agenda item subject to the customary 3-minute time limit.

CALL TO ORDER

PUBLIC COMMENTS: At this point of the meeting, members of the public may bring up any items within the jurisdiction of the Community Development Director that are not on the agenda. Please limit your comments to three (3) minutes. The Community Development Director will listen to all comments; however, in compliance with the Brown Act, the Community Development Director cannot act on items not on the agenda.

PUBLIC HEARING ITEM:

1. Development Application 21-50

Applicant – Robyn Brinkeroff and Zach Zimmerman

The Community Development Director will consider an Administrative Use Permit to operate an 800 square foot health/fitness facility located at 775 West Grand Avenue, Unit H in the Central Business Open (CBO) Zone. The project is categorically exempt from the California Environmental Quality Act.

Recommended Action: Staff recommends that the Community Development Director adopt a resolution approving Development Application 21-50.

ADJOURNMENT

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The agenda and staff reports or other written materials relating to each item of business referred to on this agenda are available from the City website www.groverbeach.org. If you have questions regarding any agenda item, please contact the Community Development Department at commdev@groverbeach.org.

MEETING PROCEDURES

Meetings are conducted under the authority of the Community Development Director. The Director will announce each item which will be read into the record; thereafter, the hearing will be conducted as follows:

1. Staff will present the staff report and recommendation on the proposal being heard and respond to questions from the Director.
2. The Director will open the public hearing and ask the project application to present any information or respond to questions, then ask other interested persons to present testimony either in support of or in opposition to the proposal.
3. Thereafter, the Director will close the public testimony portion of the hearing and limit further discussion to himself and Staff prior to taking action on the item.

RULES FOR PRESENTING TESTIMONY

Hearings can involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity, and respect. All persons who wish to present testimony must observe the following rules:

1. When you speak, first identify yourself and give your city of residence. Meetings are recorded and this information is required for the record.
2. Address your testimony to the Director. Conversation or debate between a speaker and a member of the audience or staff is not permitted.
3. Keep your testimony brief and to the point. Talk about the proposal and not about individuals involved. On occasion, the Director may be required to place time limits on testimony. In those cases, proposal description/clarification will be limited to 12–15 minutes, individual testimony to three minutes, and speakers representing organized groups to five minutes. Focus testimony on the most important parts of the proposal, do not repeat points made by others, and do not applaud during testimony.
4. Written testimony is acceptable. Please submit to commdev@groverbeach.org and include the project information in the subject line.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision (pursuant to Grover Beach Municipal Code, Article IX, Chapter 7) to the City of Grover Beach City Council within ten working days after the date of action, in writing, to the City Clerk. The appeal fee of \$300 must accompany the appeal form. The appeal will not be considered complete if a fee is required, but not paid. The appeal must be on an original form with original signature, a FAX is not accepted.



ADMINISTRATIVE HEARING STAFF REPORT

TO: Bruce Buckingham, Community Development Director **DATE:** January 5, 2022

FROM: Janet Reese, Associate Planner

PREPARED BY: Janet Reese, Associate Planner

SUBJECT: Development Application 21-50: Request for an Administrative Use Permit to establish a health/fitness facility at 775 West Grand Avenue, Unit H

RECOMMENDATION

Staff recommends that the Director adopt the resolution approving Development Application 21-50 for an Administrative Use Permit to establish a health/fitness facility.

BACKGROUND

Existing Site Conditions

The 7,400 square foot project site consists of a 2,000 square foot commercial building constructed in 1977. The building is also connected to a 3,100 square foot building constructed in 1957 on a 7,400 square foot site. Both sites utilize a common parking lot with 17 on-site parking spaces.

Site Photo



Data Summary:

Applicant: Robyn Brinkerhoff and Zach Zimmerman

Property Owner: Shirley Baird

APN: 060-224-025

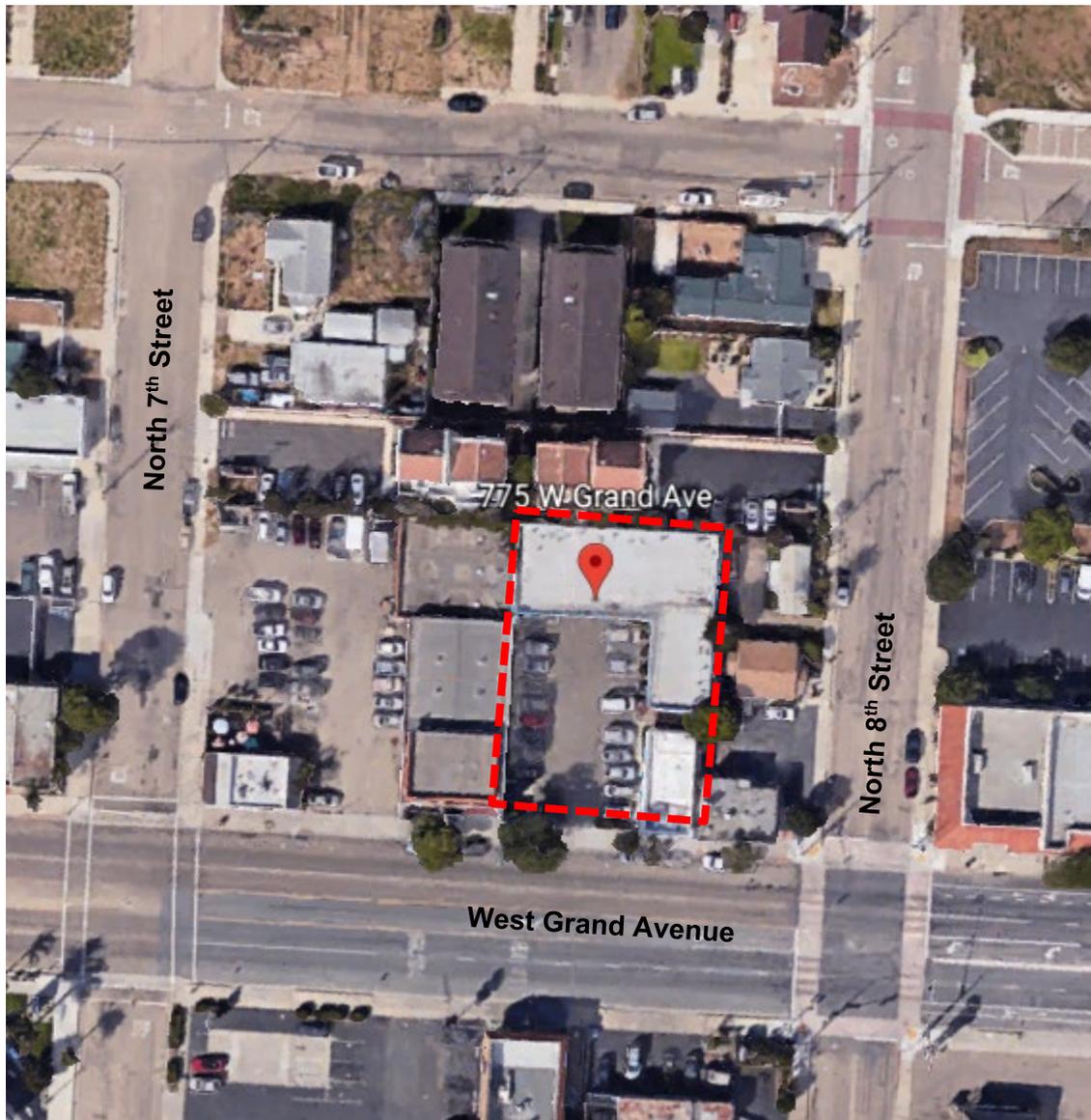
General Plan Designation: Central Business Mixed Use

Zoning: Central Business Open (CBO)

Surrounding Zones & Existing Uses:

North: Central Business (CBO) – mixed use building
South: Central Business (CBO) – commercial buildings
East: Central Business (CBO) – commercial and residential buildings
West: Central Business (CBO) – commercial buildings

Vicinity Map



Project Description

The applicant proposes to establish a yoga studio at 775 West Grand Avenue, Unit H. The unit is approximately 800 square feet in size. Operating hours are currently proposed to be Tuesday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 1:00 p.m.

General Plan & Development Code Consistency

The project site is designated Central Business – Mixed-Use in the General Plan. Consistent with the General Plan, the site is zoned Central Business Open. The zone is a transition area between the higher intensity Visitor-Serving and Central Business Zones.

The Development Code requires approval of an Administrative Use Permit for a health/fitness facility to ensure that the proposed site meets applicable development and design standards and to avoid or minimize potential negative impacts on the surrounding area.

Parking

The parking requirement for general commercial uses, is one parking space per 300 square feet of commercial area. Therefore, the 5,100 square foot commercial development requires 17 on-site parking spaces. The site is developed with 17 parking spaces, and therefore complies with current parking requirements.

Environmental Review

The project qualifies for a Class 1 Categorical Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving negligible or no expansion of the existing facilities.

ALTERNATIVES

The Community Development Director has the following alternatives to consider:

1. Adopt the resolution approving the Administrative Use Permit; or
2. Provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. On December 23, 2021, the public hearing notice was published in New Times, posted on the subject property, and mailed to property owners within 300 feet of the subject property.

ATTACHMENTS

1. Draft Resolution
Exhibit A: Plans

AUP RESOLUTION NO. 22-__

A RESOLUTION APPROVING AN ADMINISTRATIVE USE PERMIT TO OPERATE A HEALTH/FITNESS FACILITY AT 775 WEST GRAND AVENUE

WHEREAS, an application has been received from Robyn Brinkerhoff and Zach Zimmerman, applicants, for consideration of Development Application 21-50, requesting approval of an Administrative Use Permit to operate an 800 square foot health/fitness facility at 775 West Grand Avenue (APN 060-224-025) in the Central Business Open (CBO) 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 21-50 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 800 square feet of an existing 5,100 square foot commercial development.
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.

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.

Fact. As discussed in the staff report, there is sufficient on-site parking for the proposed use.

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 a commercial building and a shared parking lot with 17 parking spaces. The proposed use will operate indoors.

SECTION 3. Administrative Use Permit Approval. The Community Development Director of the City of Grover Beach, at a Meeting on January 5, 2022, 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 a City Business Tax Certificate is obtained and operations are 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 775 West Grand Avenue, consisting of approximately 800 square feet.
- 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 applicants.

The foregoing RESOLUTION NO. 22-__ was **PASSED, APPROVED**, and **ADOPTED** at a public hearing of the Community Development Director of the City of Grover Beach, California this 5th day of January, 2022.

BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT A

775 WEST GRAND "H"
060-224-025
800 sq. ft.

