

**CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 005-2012**

**A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT (CUP 010-2012) TO ALLOW A GYM
AT 421 SOUTH CLOVERDALE BOULEVARD
(APN 001-071-031)**

WHEREAS, an application for a Conditional Use Permit was submitted by Brauffo Medina to allow a gym in an existing multi-tenant commercial building located at 421 South Cloverdale Boulevard and zoned General Commercial G-C; and

WHEREAS, the Cloverdale Zoning Ordinance allows athletic and health clubs and indoor commercial recreation facilities, such as the proposed gym, in the General Commercial G-C zoning district subject to Conditional Use Permit approval; and

WHEREAS, the proposal is consistent with the General Commercial G-C land use designation which for community-serving commercial uses; and

WHEREAS, as required by California Government Code Section 65090, the Planning Commission of the City of Cloverdale gave legal notice of a public hearing on the proposed Conditional Use Permit application; and

WHEREAS, the Planning Commission held a public hearing on May 2, 2012, for the purpose of reviewing the proposed Conditional Use Permit application and considered all written and verbal communication, including the staff report; and

WHEREAS, the applicant and members of the public were present to speak on the application; and

WHEREAS, the Planning Commission finds that this project is exempt from the California Environmental Quality Act (CEQA) under §15301, Existing Facilities; and

WHEREAS, the Planning Commission has determined that the findings required by Section 18.03.050 of the Zoning Ordinance have been met. Based on the application information and the information contained in the staff report, the following findings have been made:

1. The proposed use is permitted within the subject district pursuant to the provisions of section 18.03.050 and complies with all the applicable provisions of this ordinance, the goals, and objectives of the Cloverdale General Plan, and the development policies and standards of the City.

Athletic and health clubs and indoor commercial recreation facilities, are permitted uses in the General Commercial (G-C) zoning district, subject to Conditional Use Permit approval. The proposed use would be located in an existing commercial building and only minor improvements to the building are proposed. Adequate parking exists to accommodate the proposed use and the proposed use would comply with the standards and provisions of the Zoning Ordinance. An administrative sign permit will be required for any proposed signage, consistent with the approved Planned Sign Program (SP 05-06 and SP 21-09). The proposed use furthers the goals and objectives of the General Plan by providing a community-serving commercial use, locating a new business in an otherwise vacant space, and adding pedestrian activity to the site that will help support other businesses.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

The proposed use is compatible with the General Commercial (G-C) zoning district and would provide a community-serving commercial use, adjacent to other existing commercial uses, and would locate a new business in an otherwise vacant space. The proposed use does not include any outdoor uses, or exterior modifications that could potentially impair the integrity or character of the district. The existing commercial building was designed and constructed to be compatible with the adjacent residential use with careful consideration paid to site and building design, noise, location of trash enclosure, lighting, and fencing. In addition, the applicant has proposed a number of mechanisms to ensure compatibility with adjacent residential uses including secure controlled access through the main door via a key fob electronic entry control system, on-site monitoring system through a series of interior and exterior multi-zone cameras from a central monitoring station on a 24 hour basis, and use of only the two easterly doors. The western-most door will not be used for access.

3. The site is suitable for the type and intensity of use or development that is proposed.

The site is located at the intersection of a major thoroughfare near a residential neighborhood and is conveniently located to meet the frequently recurring needs of residents. The site is zoned for and developed with an existing multi-tenant commercial building which was previously the subject of Design Review (05-04, Resolution 06-04). The Design Review approval included several conditions of approval to ensure compatibility with adjacent uses with careful consideration paid to site and building design, noise, location of trash enclosure, lighting, and fencing. The site has been historically utilized for commercial purposes and the building was originally designed with the potential to house 1-7 tenants. There are currently three other tenants in the building, all with commercial uses. Most recently, a tanning salon occupied a portion of the proposed lease area. Parking would be adequate for the proposed use.

4. There are adequate provisions for water, sanitation and public utilities and services to ensure public health and safety.

The site contains an existing multi-tenant commercial building with existing services which was previously the subject of Design Review (05-04, Resolution 06-04). Adequate provisions for water, sanitation and public utilities and services exist to ensure public health and safety.

5. The proposed use will not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

The site contains an existing multi-tenant commercial building which was previously the subject of Design Review (05-04, Resolution 06-04). The Design Review approval included several conditions of approval to ensure compatibility with adjacent uses. The use is located within the existing commercial building and meets the intent of the zoning district. The conditions of approval help ensure the use will be compatible with the surrounding neighborhood and will help generate pedestrian activity to the site. Locating a new business in an otherwise vacant space would reduce the potential for public nuisances including trespassing, loitering and vandalism. Based on the limited number of visitors per day estimated to use the gym outside of staff hours, the design elements that were incorporated into the construction of the project and the proposed operational and security mechanisms to be incorporated into the project, the proposed use is anticipated

to be compatible with surrounding residential uses and the G-C zoning district. The conditions of approval ensure the proposed use will not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Cloverdale does hereby grant a Conditional Use Permit to allow a gym in an existing multi-tenant commercial building located at 421 South Cloverdale Boulevard subject to the conditions listed below:

Planning:

1. Conditional Use Permit approval is granted to allow operation of a 24-hour gym, open 7 days a week, within an existing multi-tenant commercial building located at 421 S. Cloverdale Boulevard, Cloverdale, CA as summarized above and shown in the application materials submitted to the Community Development Department. The applicant shall adhere to the Conditional Use Permit application materials (CUP 010-2012) and the conditions of approval. Any deviation from the conditions of approval requires Community Development Department or Planning Commission approval.
2. This approval is subject to appeal within 10 consecutive days from the date of approval.
3. All conditions of this Conditional Use Permit are necessary to protect the general health, safety and welfare, and to minimize or eliminate adverse environmental effects of the project. If any condition of this permit is held to be invalid by a court, then the entire permit shall be invalid. The Planning Commission specifically declares that it would not have issued this permit unless all of the conditions herein are held as valid.
4. This permit shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Cloverdale Municipal Code.
5. This Conditional Use Permit (CUP 010-2012) shall expire, and become null and void, two years from the date of approval unless exercised through the commencement of the business or a written request for an extension of time is submitted to the Community Development Department prior to the expiration date and an extension is granted by the Planning Commission.
6. The approval of this permit shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Cloverdale.
7. No modifications to the exterior of the building, beyond those minor improvements described in the application materials submitted to the Community Development Department, shall occur without design review approval.
8. A sign permit application shall be submitted and approved by the Community Development Department prior to the installation of any and all signage, pursuant to the design specifications of the Planned Sign Program (PSP 05-06 & PSP 21-09), as approved and modified.
9. Deliveries are limited to the hours of 8 a.m. to 10 p.m.
10. Security cameras shall be installed and operational on the interior and exterior of the building to provide security for the existing building and parking lot to the satisfaction of

the Community Development Department to monitor activities on the site, 24 hours per day, 7 days per week, prior to occupancy. Security cameras shall be monitored at all times on an on-going basis by a central monitoring station on a 24 hour basis and any disturbances shall be immediately reported.

- 11. An electronic entry control system shall be installed and operational on all access doors to the satisfaction of the Community Development Department to provide security and ensure secure controlled access for the building, prior to occupancy.
- 12. Access to the north side of the building shall be limited to the main entry and guest entry only. The westerly-most door shall not be used for access except in the event of an emergency and shall be properly signed for emergency use only.

Building:

- 13. All new construction and/or building modifications shall meet the latest adopted building and fire safety codes, including the California Green Building Code Tier 1 Standards. Required building permits shall be obtained prior to construction.
- 14. Egress doors for an A-3 occupancy shall swing in the direction of travel (CBC1008.1.2 & CBC1015.2.1).

Fire:

- 15. Any tenant improvements, changes in fire or alarm systems, shall be forwarded to the fire protection district for review and approval.
- 16. Knox box access keys will be placed in the building's Knox box by fire personnel as soon as the unit locks are re-keyed for the new tenant.
- 17. Fire extinguisher type and locations will be verified by the local fire authority for compliance as prescribed by the 2010 California Fire Code (CFC).
- 18. Emergency contact information cards will be filed with the Cloverdale Police Department.
- 19. Please verify that the building at 421 Cloverdale Blvd has a current fire sprinkler system five-year certification.

Engineering:

- 20. A sewer use permit application shall be submitted and approved by the Engineering Department, prior to occupancy.

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Resolution No. 005-2012 was duly adopted on this the 2nd day of May 2012, by the following roll call vote: (4-ayes, 0-noes, 1-Recused)

AYES in favor of: Vice Chair Shanahan, Chair Bagby, Commissioner Leland, Alternate Commissioner Van Deren

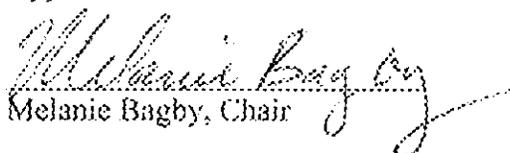
NOES:

ABSTAIN:

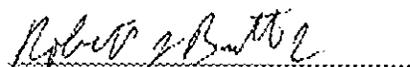
ABSENT:

RECUSED: Commissioner Riefkohl

Approved:


Melanie Bagby, Chair

Attested:


Rob Bartoli, Deputy City Clerk