

RESOLUTION NO \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW A GYM FOR THE PROPERTY LOCATED AT 1678 COLEMAN AVENUE, SANTA CLARA, CA**

PLN2018-13555 (Use Permit)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on September 28, 2018, Simon Lin with Eleven Ten Architects (“Applicant”) applied for a Use Permit to allow a gym located at 1678 Coleman Avenue (“Project Site”);

**WHEREAS**, the Project Site is currently zoned ML – Light Industrial and has the General Plan land use designation of Santa Clara Station Area Plan;

**WHEREAS**, pursuant to Santa Clara City Code (“SCCC”) Section 18.48.040(e), uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the ML zoning district, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs, if the Planning Commission approves a Use Permit;

**WHEREAS**, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301 (Class 1 – Existing Facilities), in that the use is confined within an existing on-site facility, and the activity consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the City’s determination;

**WHEREAS**, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

**WHEREAS**, on February 15, 2019, the notice of public hearing for the February 27, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to all property owners located within 500 feet of the Project Site; and

**WHEREAS**, on February 27, 2019, the Planning Commission conducted a public hearing, at which the item was continued to March 13, 2019; and

**WHEREAS**, on March 13, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit to allow a 5,000 square foot gym at the Project Site, as depicted on Exhibit "Development Plans," attached hereto and incorporated herein by this reference.

3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposal contributes to the variety of private service uses available in the industrial area;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that use is entirely within an existing building and is unlikely to adversely impact adjacent industrial uses;

2) The property or improvements in the neighborhood of such proposed use, in that no expansion of the building is proposed and the proposal provides adequate on-site parking;

3) The general welfare of the City, in that the proposed use contributes to the variety of private service uses available in the industrial area of the City and is designed with sufficient on-site parking to support the proposed use;

C. That said use will not impair the integrity and character of the zoning district, in that no changes are proposed to the exterior of the existing building;

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a non-industrial use may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in the Light Industrial zoning district.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 13TH DAY OF MARCH, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:  
1. Development Plans  
2. Conditions of Approval