

## Attachment 6

### **Oakmont Village Association Response to Appeal of C.U.P. for File #MNP14-014**

As the applicant for the Central Park Project File MNP14-014, The Oakmont Village Association Board would like to begin by acknowledging the thorough and professional work of the Santa Rosa Planning Department, as well as the conscientious efforts of the volunteer Planning Commissioners. While the process has already taken longer than expected, we do believe that the give and take along the way has resulted in a better project and one that best serves our community. The public process has given both supporters and opponents ample opportunity to have their concerns acknowledged and evaluated in light of applicable codes and statutes.

We are pleased that the Commissioners voted **unanimously** to approve the Minor Conditional Use Permit and Parking Reduction and took the time to put the reasoning behind their votes into the record. We are confident that you will find that their actions have been correct and that you will uphold their decision so we can move on to Final Design Review and a Building Permit.

Since the appellant has offered a detailed "Grounds for Appeal" that you will consider, we offer the following responses:

1. Claim of defect in public notice. The appellant asserts that the lack of reference to the "parking reduction" in the on-site Notice of Public Hearing signs negatively affected the rights of Oakmont residents. There is no evidence to support this claim. The topic was addressed during the public hearing by the Planning Commission and it was determined that the omission was a minor clerical error with no discernable affect on the hearing.
2. Claim of incompatibility with current and future land uses. The appellant refers to possible expansion of Oakmont's Berger Center as well as the pending completion of the 36-unit Meadows subdivision. These issues were adequately addressed both in the staff report as well as comments by staff and applicant at the Public Hearing. Two-thirds of the 36 homes are already occupied, with no discernable impact compared to Oakmont's 3500+ homes.

Regarding possible expansion of the Berger Center, staff confirmed and commissioners acknowledged that future development on the site may well require expansion of the parking area. However, the Conditional Use Permit is judged on its own merits, without speculation about the future.

3. Claim of interference with other uses. The appellant refers to elimination of the long standing horseshoe pits and displacement of club members. The adroit juxtaposition of these two glosses over the fact the horseshoe pits have been unused for years while the Horseshoe Club was formed only a few months ago. At that time the Board advised the organizers, many of whom are opponents of the project, that when the project moves forward, their playing area would move to OVA's West Rec area. The minutes of the July 21,2015 meeting reflect the acceptance of that condition, as shown below:

**E. Dead Ringer Horse Shoe Club on Putting Green - R Haverson – Discuss/Action**

*On motion duly made and seconded (Hermann/Scott) the Board voted in the majority (Strunka – Opposed) to recognize the Horseshoe Pitching Club with the understanding that there is no available horseshoe pits in the future.*

*On motion duly made and seconded (Giddings/Altman) the Board voted in the majority (Strunka-Opposed) to amend the previous motion to recognize the Horseshoe Pitching Club with the understanding that play will be at new pits installed at the West Rec facility.*

4. Claim that parking, sound, and visual impact studies were flawed. The appellant seems to be asserting that these studies are defective because they were directed by the applicant rather than by those opposed to the project. Addressing these individually:

- The parking study was conducted by members of the Ad Hoc Committee appointed by OVA's Board of Directors. In order to deflect possible criticism of the car counts, which were conducted three times a day for a week, photos documenting the counts were included in the study submitted to the City. In addition, videos were taken from a dash-board camera to further document the counts.
- The sound study was conducted by a professional sound consultant, Illingworth and Rodkin. There is no evidence that the fact of the consultant having been hired by the applicant affected the resulting study. In considering the sound study, it should be noted that Santa Rosa does not have a standard for noise limits for community pools, so the sound engineer chose the most restrictive limit, that imposed for residences.
- The visual impact study was conducted by a professional rendering firm, Digital Realm. There is no evidence that the fact of the consultant having been hired by the applicant affected the resulting study.

5. Claim that the Visualization Analysis is incomplete, misleading and inaccurate, making three claims:

- The appellant refers to specific sightlines, from the fitness center, for example. This claim neglects the fact that the fitness center and so forth are not separate entities but are, in fact, owned by the OVA and part of the same parcel. The applicable principle is that "a project cannot impact itself."
- The appellant describes the photo-visualizations as deceptive, without acknowledging that they conform to generally accepted techniques for such studies. The three sightlines were those proposed by the Planning Dept, and the lenses etc. were those chosen independently by the consultant, not the applicant. The results clearly show that views of mountains and Anadel Park are maintained, along with partial views of the pond. Views of the "grass" disappear, of course, since they will be replaced by the new landscaping surrounding the multi-sport courts. (Incidentally, there is no plastic ivy. The fence nearest the pool will be green chain-link with a translucent green wind screen—as seen on most tennis courts. The fence nearest Laurel Leaf will be covered with opaque green AcousticFence. A temporary installation of ivy-patterned fence fabric on the Laurel Leaf side will help screen the court fence until the landscaping on the side is mature,)
- The appellant asserts that the development is not in accord with General Plan 2035. However, there is no part of the General Plan that would apply to an already developed recreation site of the Oakmont Village Association. Specifically relevant would be

Commissioner Duggan's statement prior to voting for the CUP, "As far as the land use decision goes, to me it sounds like this is the perfect place in Oakmont to put these courts because it is near the pool, the children, it is an open area that is under-utilized, and there is a parking lot available."

6. Claim regarding Plexiglas barrier. The appellant asserts, but presents no supporting evidence, that the proposed five-foot Plexiglas barrier will significantly reduce airflow and boost chlorine concentration. This claim was made, and dismissed, during the Public Hearing. Although not specifically mentioned, it is reasonable to assume that Commissioners were cognizant of the many totally enclosed pools which seem to function just fine.

Two additional observations are worth considering here: First, Oakmont's West Rec pool is enclosed by buildings on two sides and a 12-foot high hill on a third. It is more closed in than the Central pool would be, with no deleterious effects. Second, OVA is in the process of converting its pools from conventional chlorination systems to salt water systems with significant reductions in free chlorine levels. (The West pool has been converted and the Central will be converted this spring.) There is no basis for the supposed ill effects of the proposed Plexiglas barrier.

7. Claim of material injury to nearby properties. Appellant asserts that blocked views and pickleball noise would negatively affect property values but no supporting evidence has been submitted. It is equally likely that the proximity of one more recreational amenity will increase property values. One relevant data point is the nearest neighboring residence, 307 Laurel Leaf Place. It was sold in mid-2015 for more than its mid-2013 purchase price, to a buyer who was aware of the proposed multi-sport courts. Interestingly enough, the real estate flyer for the home listed "pickleball" as one of Oakmont's recreational amenities. Given the amount of public comment, there is no reason to believe that the Commission failed to address these concerns.

For these reasons, as well as the clear conclusions of the Planning Department's Staff Report and the unanimous vote of the Planning Commission, we urge you to reject this appeal and allow this project to move forward.

