City of Santa Rosa

The Club at Flamingo – Global Court Appeal

Minor Conditional Use Permit - File No.CUP23-066

2777 4th Street

August 22, 2024

Monet Sheikhali, Senior Planner
Planning and Economic Development

City of Santa Rosa

Project Description

On May 28, 2024, an Appeal of the Zoning Administrator's decision to approve the Minor Conditional Use Permit allowing the continued operation of a Health Club and including the modification of tennis courts to multi-use sport courts.

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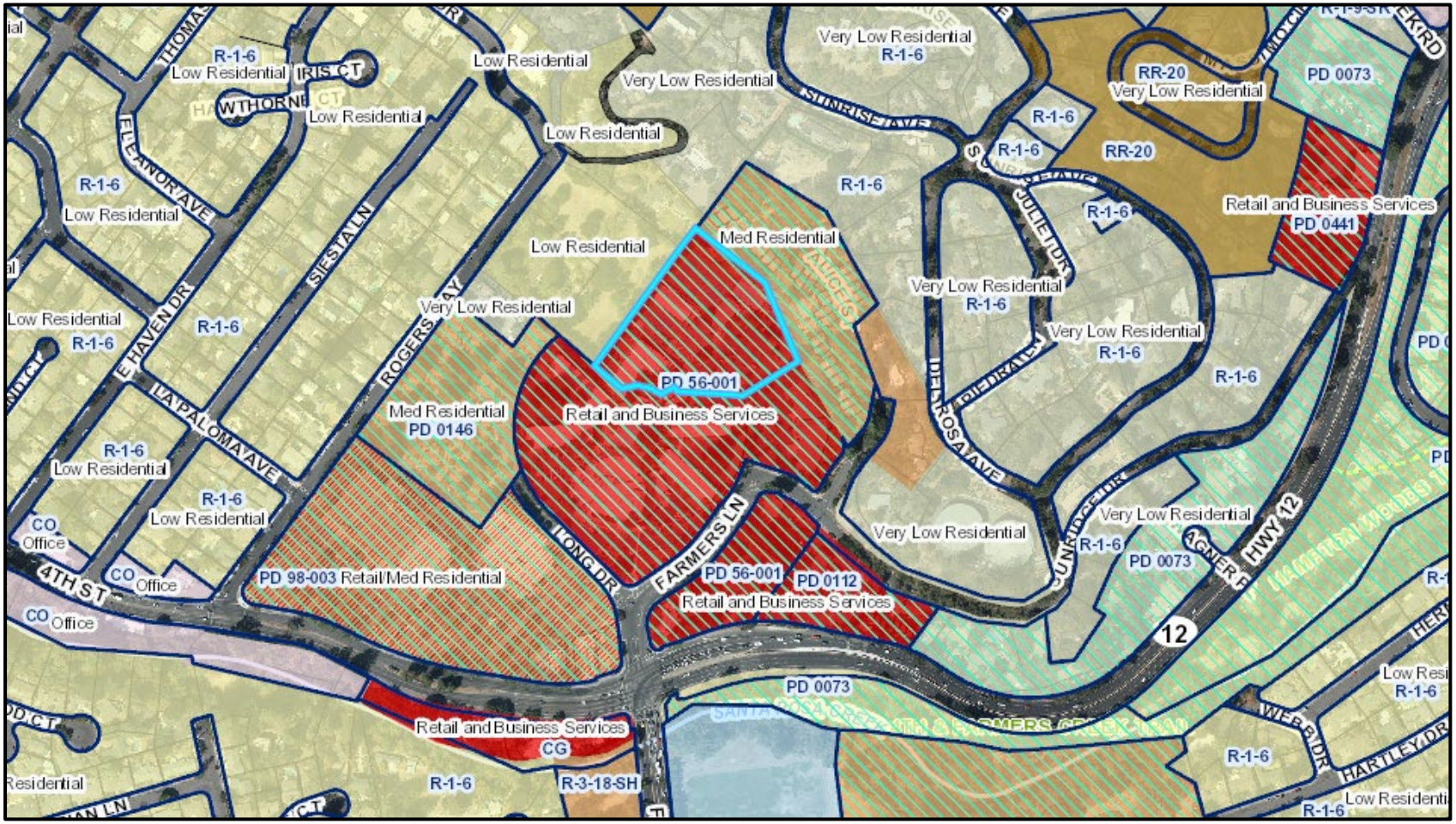
2774 4th Street

Zone: PD 56-001
GP: Retail and Business Services



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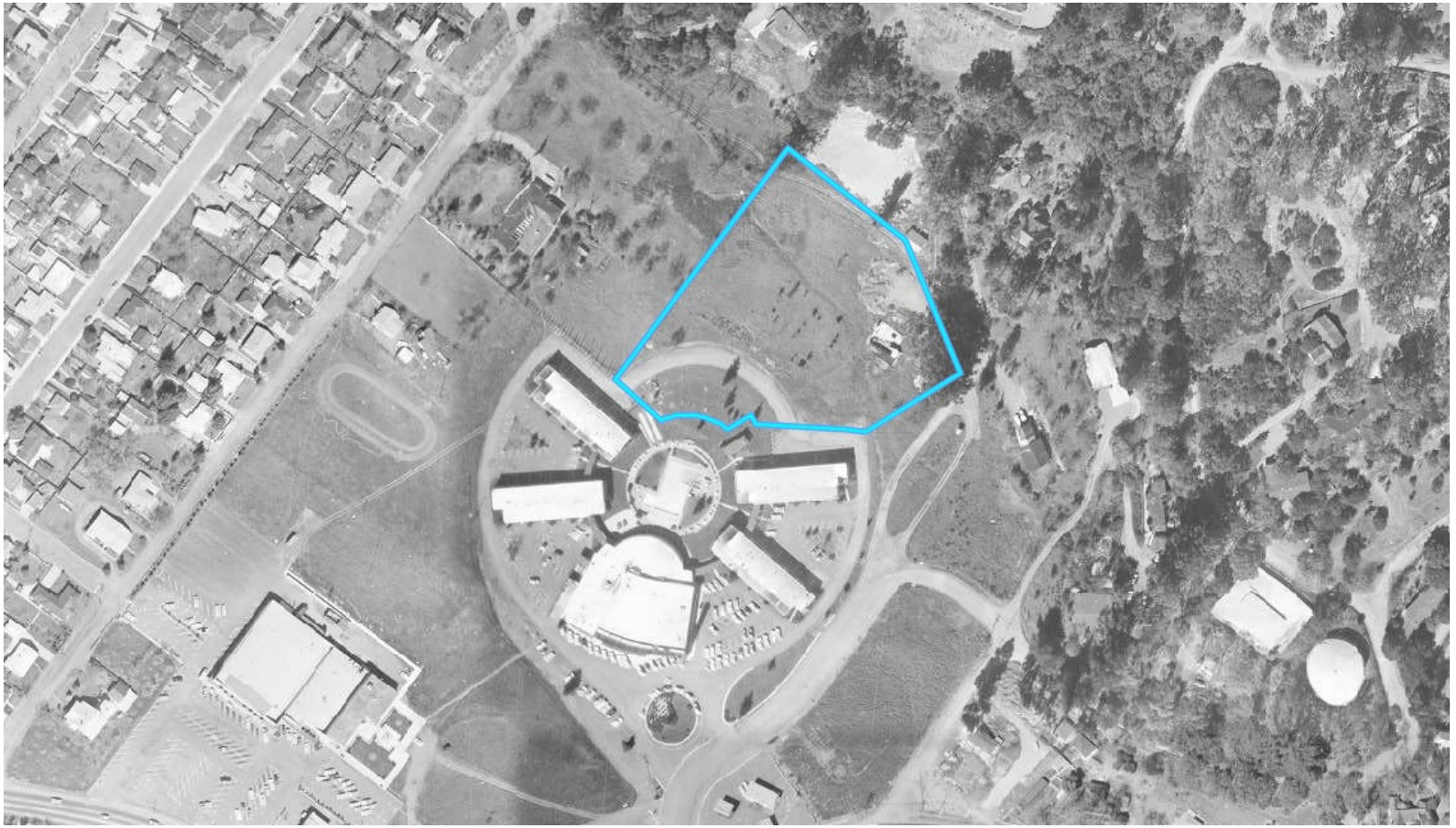
Site History

The hotel was built in 1957



1963 Aerial View

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Site History

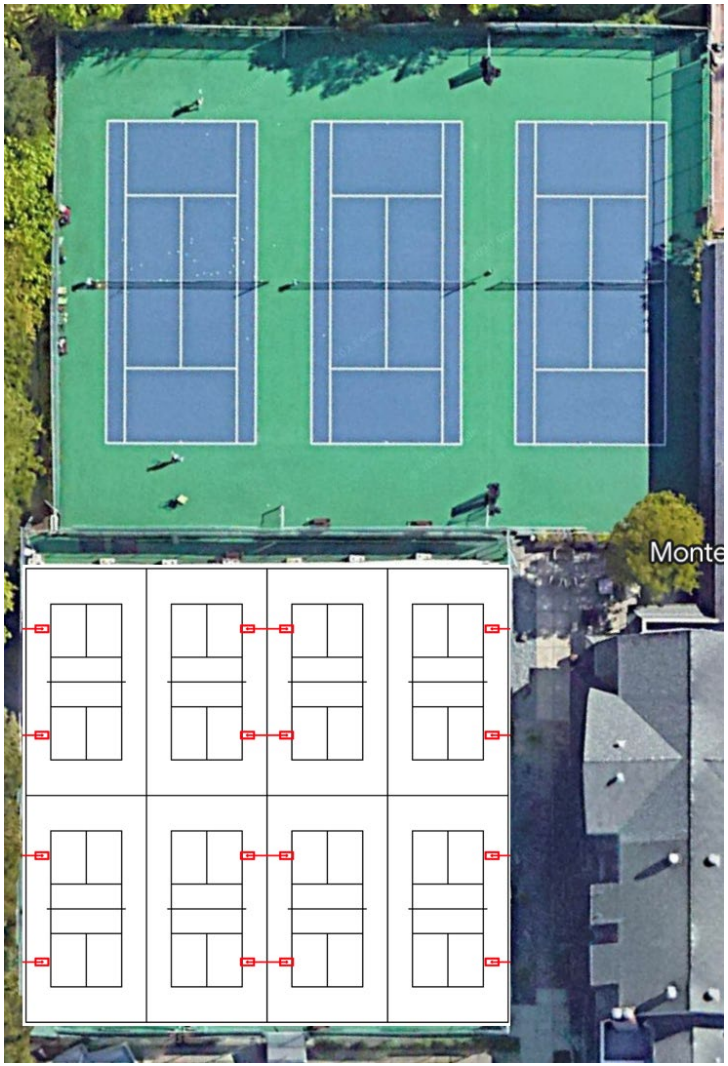
- In 1987, a two-story tennis and health club, a childcare facility, and exercise rooms were approved
- In 1988, 10,000-sf tennis club was approved
- In 1989, a new basketball court and jogging track were approved
- In 1989, an application for two racquetball courts and to revise the location of the basketball court was submitted
- In 1996, the expansion of the resort and addition to the existing gym was approved
- In 2003, a new squash court and exercise room were approved to be constructed on one of the tennis courts, but it was not constructed
- In 2004, a new lap pool was approved

Background

December 5, 2022, a complaint was received for an outdoor tent covering a tennis court without a permit and loud noise related to pickleball outdoor activities.

2022 Aerial View

Pickleball Courts



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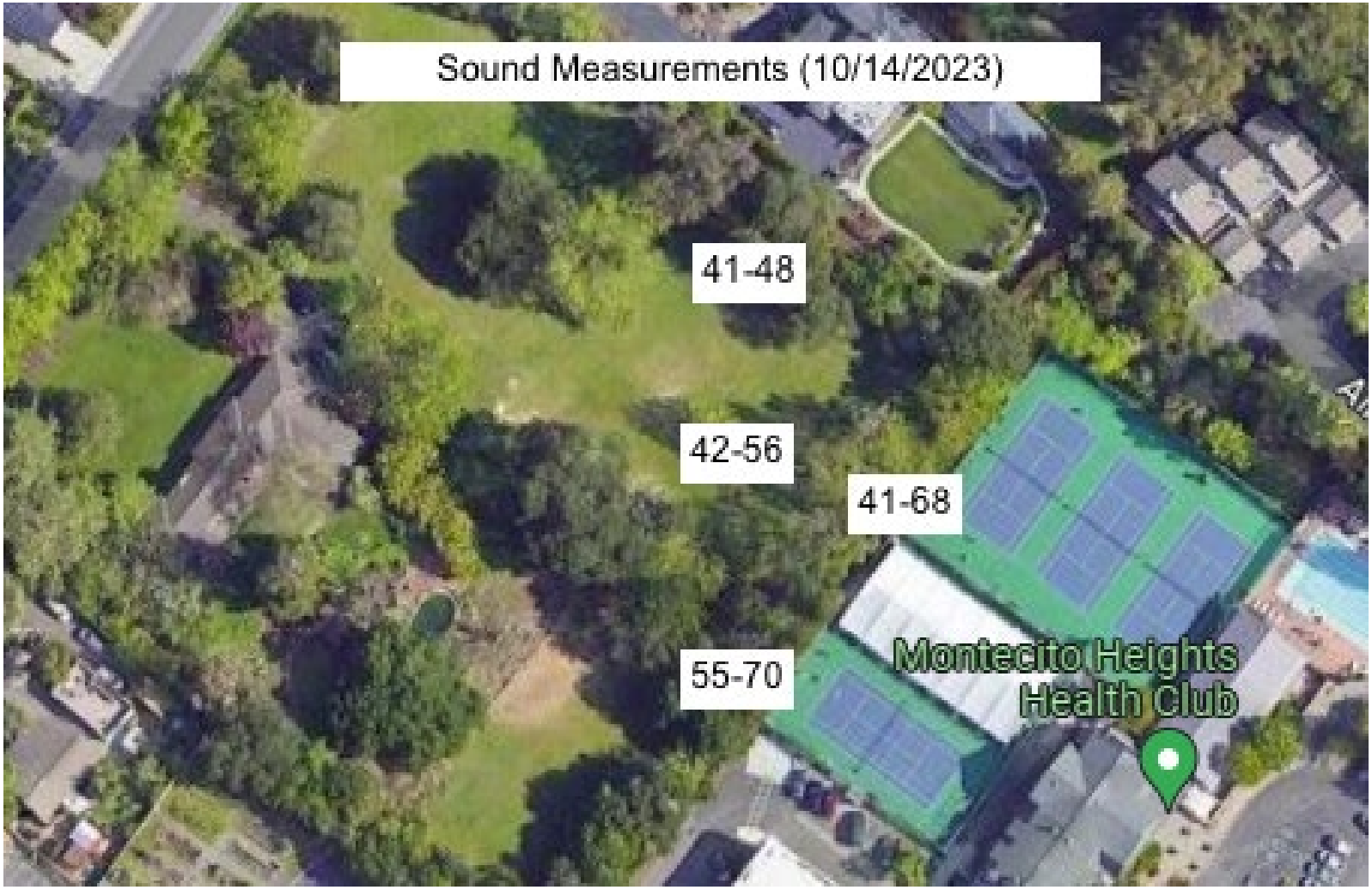
Code Enforcement
Sound Measurements



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Director-Level Approval

On October 16, 2023, a Director-Level Design Review was granted to install acoustic fence material on the existing fences

Minor Use Permit Application

- On October 16, 2023, Minor Conditional Use Permit (MUP) submitted
- On May 16, 2024, Zoning Administrator approved MUP and added the following condition to the resolution:

  "*Resort members shall use the sound-dampening paddles to help mitigate noise further*."

- The applicant is requesting this condition be removed.

Grounds for Appeal

#1 - The requested permit for eight pickleball courts, located only five feet from a residential property line, sets a concerning precedent as it has never been granted at this distance in Santa Rosa. This use is not compatible with the area's general plan and future land use.

Staff response:

- Zoned PD (Planned Development); setbacks not addressed in Policy Statement.
- CG (General Commercial) requires a 5-foot side setback
- Established and in operation since 1987.
- All approved recreational activities are consistent with the land use designation and zoning.
- Zoning Code does not regulate the placement of outdoor recreational facilities in relation to residential properties.

Grounds for Appeal

#2 - The City of Santa Rosa noise test on October 14, 2023, found that the pickleball playing exceeded permitted decibel levels, with the highest level recorded at 71. The testing was conducted on wet courts, significantly affecting the readings.

Staff response:

- October 14, 2023 – City staff took sound measurements in response to CE Violation
  - Noise levels were above the allowable levels
- On July 18, 2024, after the tarps were installed, staff remeasured using more sophisticated equipment.
  - The results of the surveys showed the sound levels are in compliance with the Noise Ordinance.

Grounds for Appeal

#3 - The study of acoustic sound barrier curtains in Walnut Creek is irrelevant to the proposed project at the Flamingo due to differences in ambient noise, topography, and distances between residential properties and pickleball courts.

Staff response:

- The study on acoustic sound barrier curtains in Walnut Creek serves as an example to demonstrate how the proposed tarp installation can effectively mitigate noise from the courts.

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Grounds for Appeal

#4 - The applicant plans to use the courts for informal play only, so we question the need for eight courts instead of the original four. We suggest having four courts and not allowing out-of-town tournament play.

Staff Response:

- The approval allows the conversion of tennis courts to multi-use sport courts; not specific to pickleball
- The project has not been conditioned to preclude tournaments.
  - The project narrative indicates that hosting tournaments has been a normal club practice.
- The project has been conditioned to comply with the noise ordinance.

Grounds for Appeal

#5 - The City of Santa Rosa has previously rejected plans for additional outdoor lighting for the courts due to compatibility issues with surrounding residential neighborhoods.

Staff Response: No plans are currently proposed for outdoor lighting.

Grounds for Appeal

#6 - The proposed pickleball play hours need to be revised as "dusk" or "sunset" is too unclear and could cause disagreements.

Staff response:

- ZA resolution includes the following condition:
  - *Use of the eight pickleball courts shall be limited to the hours between sunrise and sunset and, in no case, earlier than 9:00 a.m. or later than 7:00 p.m., **or dusk, whichever is more restrictive,** seven days a week*.
- PC resolution condition has been revised to:
  - *If the sport courts are used for pickleball the hours of play shall be limited to between sunrise and sunset and, in no case, earlier than 9:00 a.m. or later than 7:00 p.m., seven days a week*.

Grounds for Appeal

#7 - Tennis courts #1 and #2 were reoriented from north-south to east-west without approval, resulting in thousands of tennis balls landing on our property. Despite repeated requests, the tennis balls remain unaddressed.

Staff Response:

- No planning permit was required to alter the orientation of the tennis court.
- The club volunteered that players could pick up balls from the appellant's property after lessons.

Grounds for Appeal

#8 - The 473 feet of acoustic eight-foot fencing was a mandated condition for the approval for past Flamingo projects and this fencing has been in disrepair and can be considered dangerous for the past eight years.

Grounds for Appeal

Staff Response:

- July 7, 1988 – condition added:
  - *A solid six-foot-high wall or fence shall be construed along the 473-foot length of the northwest property line to act as a buffer between commercial development and the single-family residential developments to the northwest*.
- This fence was installed and is not part of this project.
- The appellant has been advised that he should work with the health club directly.

Grounds for Appeal

#9 - Disagreement with the decision that issuing this permit would not cause a nuisance or harm to people, property, or surrounding developments where the project is situated due to increased noise levels from loud amplified music, bar area activity, pickleball games, and amplified sounds from events.

Staff Response:

- Does not apply to activities at the Flamingo Hotel.
- Amplified noise during special events requires a Special Event Permit issued by the Police Department.

Public Comments

Since the project was notified on November 15, 2023, staff has received comments and questions regarding:

- Noise concerns
- Pickleball play hours
- Parking demand

CEQA

The project has been found in compliance with the California Environmental Quality Act (CEQA):

- Section 15301, the project involves a minor change in use
- Section 15302, the project involves the restriping of the existing courts
- Section 15303, the project consists of adding small structures
- Section 15304, the project involves the restriping of the existing courts

Recommendation

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, deny the Appeal and approve a Minor Conditional Use Permit with modified conditions to allow the continued operation of a Sport and Active Recreation Facility, including multi-use sport courts, for the property located at 2777 4th Street.

Questions

Monet Sheikhali, Senior Planner
Planning and Economic Development
msheikhali@srcity.org
(707) 543-4698