Attachment 5

received by NT

APPEAL FORM

Date Received: 12/18/2015 Fee: $462.00

City Clerk's Office/Rec'd by: NT

Name of Appellant: ELLEN LEZNIK

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CITY OF SANTA ROSA
CITY CLERK

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: (List Board/Commission/Dept.) PLANNING COMMISSION

Decision date: 12/10/2015

Decision: (approval, denial, other) APPROVAL

Name of Applicant/Owner/Developer: OAKMONT VILLAGE ASSOCIATION (OVA)

Type of application: (Rezoning, Tentative Map, etc.) CONDITIONAL USE PERMIT

Street address of subject property: 6633 OAKMONT DRIVE, SANTA ROSA, CA 95409

The grounds upon which this appeal is filed are: (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed.)

1. PLEASE SEE THE ATTACHMENT (2 PAGES, 7 ITEMS).

2.

The specific action which the undersigned wants the City Council to take is: (Attach additional sheets if more space is needed.)

PLEASE REVERSE THE DECISION AND DENY OVA's REQUEST FOR CONDITIONAL USE PERMIT.

Appeals shall be submitted in writing.....on a City application form within 10 calendar days after the date of the decision. The time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.

E. Leznik 12/18/2015

Applicant's Signature

ELLEN LEZNIK

Appeal of the Oakmont Condition Use Permit Decision

Grounds for Appeal

I am appealing the Planning Commission's decision to grant to OVA a conditional use permit because many of the issues brought up by Oakmont residents either prior to or at the December 10, 2015 hearing were either not addressed or insufficiently addressed by the Commission at the hearing. Such issues include the following:

1. The Notice of Public Hearing sign posted in the Central Activity Area in Oakmont (the "CAC") was incomplete, inaccurate and misleading. The first paragraph of the notice some Oakmont residents received from the City of Santa Rosa Department of Community Development (also attached) reads as follows:

   "The Planning Commission will consider a conditional use permit for Oakmont Village Central Park including the installation of four sports courts and a parking reduction for the property located at 6633 Oakmont Drive, Assessor's Parcel No. 016-110-037, File No. MNP14-014." (Phrase in bold is my emphasis.)

   However, the Notice of Public Hearing sign posted in the CAC had the following language:

   "The Planning Commission will consider a conditional use permit for Oakmont Village Central Park, including the installation of four multi-use sports courts, for the property located at 6633 Oakmont Drive, Assessor's Parcel No. 016-110-037, File No. MNP14-014."

   Please note the omission of "PARKING REDUCTION" language. Omitting the language about parking reduction is particularly misleading and troubling because parking capacity has been an issue of great concern to Oakmont residents with respect to this and other projects. Since most Oakmont residents did not receive any Notice of Public Hearing from the City, the two signs posted in the Central Activity Area were their only source of information.

   I believe the inaccurate and incomplete information on those two signs caused confusion and affected the rights of Oakmont residents. The inaccurate and incomplete information had serious negative effect on participation of the project opponents in the public hearing.

2. The proposed project is not compatible with current and future land uses at the CAC. It does not take into consideration greatly increased parking requirements due to the planned expansion of the Berger Center and the addition of the Meadows, the newest subdivision in Oakmont located in close proximity to the CAC. Oakmont Berger Project Committee is about to make a recommendation that the Berger Center should be rebuild and expanded. That project is slated to begin in the very near future. When requesting a permit, OVA will have to request yet another reduction in parking capacity at the CAC. Furthermore, the impact of 36 new homes

in the Meadows (about half of which have been sold) on the parking needs at the CAC has never been of studied.

3. The project greatly interferes with other current land uses at the proposed site, including displacement of about 60 members of the Oakmont Horse Shoe Club by eliminating their facility, which has been in existence at that location for many years. The aerial view of the proposed project site included in the project file clearly shows existing horseshoe pits which are being used regularly by the members of the Oakmont Horse Shoe Club. This issue was brought up at the hearing, but was not addressed by the Commission.

4. Parking, sound and visual impact studies submitted by the OVA in support of its application are misleading and cannot be relied on because they were produced as a result of a deeply flawed process directed by people with a conflict of interest. Input and participation of other members of Oakmont community in the conduct of these studies was not allowed.

5. The Commission has not addressed the issue that the Visualization Analysis File Number MNP 14-014 submitted to the commission is incomplete, misleading and inaccurate. There are important sight lines that were omitted from the document. These are views from specific locations (such as, for example, the fitness center and the central gathering area) that are enjoyed year-round on a daily basis by Oakmont residents and businesses and will be obstructed by the proposed pickleball court complex.

   The photo-visualizations submitted by OVA are deceptive. Shot from a very wide angle, they understate the visual impact by exaggerating the landscaping in the foreground and minimizing the size relationship of the court to the landscape. Current open space views of mountains, grass, trees, pond and Annadel Park will be permanently blocked by a green vinyl clad, chain link fence covered in plastic ivy.

   The proposed pickleball court location is not in accord with Santa Rosa's General Plan 2035 which helps preserves greenbelts and views of our beautiful natural resources.

6. The effect of proposed plexiglas barrier on the open side of the CAC pool has not been adequately addressed. Such plexiglas barrier will significantly reduce the airflow across the pool and generate increased levels of heat harmfully altering the entire climate and comfort of the area. Significantly, it will also boost chlorine concentration in the pool area. The pool is partially enclosed on two sides by the existing building structures, so such negative effects cannot be easily dismissed or ignored.

7. Proposed pickleball courts will be materially injurious to nearby residential and commercial properties because blocked views and pickleball noise will negatively affect their value. The Commission has not addressed concerns of residents of such residential and commercial properties as expressed before and at the hearing.