

RESOLUTION NO. 28759

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND APPROVING A CONDITIONAL USE PERMIT TO EXPAND THE RECREATION AREA, INCLUDING THE ADDITION OF FOUR MULTI-PURPOSE SPORT COURTS AND A REDUCTION IN PARKING, FOR THE PROPERTY LOCATED AT 6633 OAKMONT DRIVE, SANTA ROSA, APN: 016-110-037 - FILE NUMBER MNP14-014

WHEREAS, an application was submitted requesting the approval of a Minor Conditional Use Permit to expand the recreation area at the Oakmont Central Activities Center for the addition of four multi-purpose sport courts for activities such as pickle-ball, tennis, badminton, volleyball, etc., located at 6633 Oakmont Drive, also identified as Sonoma County Assessor's Parcel Number(s) 016-110-037 (the "Property"), which expansion also includes a request for parking reduction at the existing facility; and

WHEREAS, on September 15, 2015, the Deputy Director of the Planning and Economic Development Department made a formal determination to forward the consideration of this Minor Conditional Use Permit to the Planning Commission; and

WHEREAS, data for a parking survey was collected between July 6, 2015 and July 27, 2015 during peak-usage periods, which parking survey of the Property found that both standard and Americans with Disabilities Act (ADA) compliant parking spaces were always available; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 10, 2015, on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission did consider the application, the staff reports, oral and written, the General Plan and zoning on the Property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, at said public hearing, the Planning Commission approved, by Resolution No. 11742, the Oakmont Village Central Park project for an expansion of recreational use, including the addition of four multi-use sport courts and a parking reduction for the Property; and

WHEREAS, on December 18, 2015, an appeal application was submitted to the City Clerk's Office appealing the Planning Commission's December 10, 2015 action to approve the Oakmont Central Park project; and

WHEREAS, on March 8, 2016, the City Council held a duly noticed public hearing on the appeal at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the City Council has considered the application, grounds for appeal, the staff reports, oral and written, the General Plan and zoning on the Property, the testimony, written comments, and other materials presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Sections 20-62 (Appeals) and 20-52.050 (Conditional Use Permit), the City Council of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the recreational use is allowed within the PD (Planned Development) zoning district applicable to the Property;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the Property is located in an area designated Parks and Recreation on the General Plan land use diagram;
- C. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the sport courts are proposed in a location immediately surrounded by the golf course and residential uses to the south; a Petanque court, maintenance building and parking lot to the west; the Central Activities Center (CAC) and swimming pool to the north, and the golf course to the east;
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that it is an established recreation area in a location designated for that use;
- E. Due to special circumstances associated with the operation of the use at this location, the proposed use will generate a parking demand different from the standards specified in Table 3-4 of the Zoning Code. Both the CAC and Berger Center offer scheduled events that depend on the existing parking provided at the site. Due to various uses at this location coupled with varied peak hours of use, the applicant has provided a parking survey which indicates that there is adequate parking available to meet the 37-space increased demand associated with the proposed installation of sport courts. The survey found that there were no fewer than 40 available spaces during the morning and early afternoon hours, which is the anticipated peak period of use for the courts and, therefore, it was concluded that adequate parking is available.
- F. The number of parking spaces approved by the requested reduction will be sufficient for the safe, convenient, and efficient operation of the proposed use in that a parking survey completed by the applicant, which evaluated peak event periods, concluded there was sufficient parking to meet the increased demand that would result from the proposed use at the Property;
- G. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the Property is located in that it is a recreational use proposed at a site designated Parks and Recreation on the General Plan land use diagram and intended for this type of use; and

H. The Oakmont Village Central Park project has been reviewed and found in compliance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 in that it is consistent with the City of Santa Rosa General Plan and complies with Zoning Code requirements. Pursuant to Section 15332, the project is also categorically exempt from CEQA as it meets the criteria for in-fill development. Pursuant to Section 15303, the project is again categorically exempt from CEQA in that it involves the addition of a small structure.

BE IT FURTHER RESOLVED that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit to expand the recreational area including a parking reduction, is approved subject to each of the following conditions:

#### **PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

1. Compliance with the attached Planning and Economic Development Department Engineering Development Services Division Exhibit A, dated November 3, 2015, attached hereto as Exhibit A and incorporated herein.
2. Provide bicycle parking in compliance with Zoning Code Section 20-36.090.
3. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
4. Hours of play shall be limited to 8:00 a.m. to 7:00 p.m. or dusk, whichever is more restrictive.
5. The site plan identifies two waiting areas, one located at each end of the courts. Benches are permitted within those areas; bleachers are not permitted within those areas.
6. During periods of construction, install silt fencing to protect on-site pond area located adjacent to the southeast corner of the multi-use sport courts.
7. Provide a geotechnical investigation and soils report with the building permit application submittal. The investigation shall include subsurface exploration and the report shall include grading, drainage, foundation and paving design recommendations.
8. Obtain a building permit for the proposed work.
9. The project is subject to Preliminary and Final Design Review.
10. Compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).

11. All required landscaping and irrigation must be installed prior to the final inspection associated with the building permit.
12. Construction drawings submitted for issuance of a building permit shall include final landscape and irrigation plans.
13. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
14. Light sources shall be concealed from public view and directed toward the subject property and away from adjacent properties.
15. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
16. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
17. The use shall comply with the City of Santa Rosa Noise Ordinance, City Code Chapter 17-16.

**EXPIRATION AND EXTENSION:**

18. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
19. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

**PLANNING COMMISSION CONDITION:**

20. Construction fencing shall be installed around all existing trees in the immediate area during periods of construction.

BE IT FURTHER RESOLVED that the City Council finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

BE IT FURTHER RESOLVED that the City Council hereby denies the appeal Planning Commission's December 10, 2015 action to approve the Oakmont Central Park project and hereby approves the Oakmont Central Park project Conditional Use Permit subject to the conditions set forth herein.

IN COUNCIL DULY PASSED this 29<sup>th</sup> day of March, 2016.

AYES: (6) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Coursey, Wysocky

NOES: (0)

ABSENT: (1) Council Member Olivares

ABSTAIN: (0)

ATTEST: \_\_\_\_\_  
Interim City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibit A - Planning and Economic Development Department Engineering Development Services Division Exhibit "A", dated November 3, 2015