

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR SAWYER AND MEMBERS OF THE COUNCIL
FROM: SUSIE MURRAY, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: OAKMONT VILLAGE CENTRAL PARK APPEAL

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the City Council deny the appeal and approve a Minor Conditional Use Permit for the Oakmont Village Central Park project to allow the expansion of the recreation area, including the construction of four multi-purpose sport courts adjacent to the pool area, and a parking reduction, at 6633 Oakmont Drive.

EXECUTIVE SUMMARY

The appellant is requesting that the City Council (Council) grant an appeal which would reverse the Planning Commission's action to approve both an expansion to the Oakmont Central Activities Center recreation area that would include the addition of four multi-use sport courts. The approved Minor Conditional Use Permit (MUP) also included a parking reduction.

GROUND FOR APPEAL

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.)

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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.

Staff response: Pursuant to Zoning Code Section 20-66.020(A)(3), A defect (failure) in the notice procedure shall not affect the jurisdiction or authority of a review authority to take action on a matter, unless otherwise provided by law applicable to and binding upon a charter city. The sign clearly stated the project; the project location; and the date, time, and location of 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.

Staff response: In terms of future projects planned at the subject site, no applications have been submitted. That said, any future proposal to expand Berger Center as described above would require a similar discretionary review process, in which parking would be considered.

With regard to spillover parking from The Meadows at Oakmont subdivision, staff is unaware of any deed restriction (i.e. parking covenant) connecting the two locations, nor was the approval of the Meadows at Oakmont contingent upon additional offsite parking.

The subject property includes both the CAC and Berger Center. In 2007, staff reviewed a proposed project to expand the CAC. As part of that project analysis

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and subsequent approval, 151 parking spaces were deemed adequate for all existing uses at the subject site. The addition of four sport courts will increase the parking space demand by 37 spaces, per Zoning Code Section 20-36. A parking survey was conducted by the applicant, dated July 31, 2015. The study concluded that there is adequate parking to facilitate the expansion of recreational use and the addition of four sport courts.

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.

Staff response: The area of the site where the sport court installation is proposed is currently occupied by an underutilized putting green and horseshoe pits. The Oakmont Village Association (OVA) submitted the subject application to expand the recreational uses, including the addition of sport courts. Approval of the proposed project does not require the sport courts be constructed; it simply allows the use should the OVA choose to construct them.

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.

Staff response: Prior to conducting the parking survey, staff reviewed the applicant's proposed methodologies:

- All parking counts were taken during morning and early afternoon hours when the sport courts would have the highest level of use.
- The applicant selected times when other events were scheduled at the site that would attract the most visitors; activities for both the CAC and Berger Center were considered.
- Counts were collected at the same times (9:30 am, 11:00 am, and 1:00 pm) for six consecutive days, Monday through Saturday, and again for two consecutive days, Saturday and Sunday. The counts were memorialized with date stamped photographs.
- Large events such as concerts were not represented in this study. Those events tend to attract a lot people, including those using the sport courts.

The parking survey concluded that there were never fewer than 40 spaces available and, in most cases, substantially more.

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A sound study was conducted by Illingworth & Rodkin which concluding that the proposed inclusion of sport courts would meet the requirements set forth in the City's Noise Ordinance.

Visual simulations, prepared by The Digital Realm, were provided from various locations.

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.

Staff response: Visual simulations were prepared by The Digital Realm, copies of which are included in this packet and were also provided to the Planning Commission. The images provided indicate the mountain range will still be visible from most directions. There are no trees being removed as part of the project, and there will be additional landscaping installed to lessen the visual impact of the sport courts. Views of the golf course will remain unchanged from the areas of the campus east of the swimming pool. Although the visual profile will be modified with the introduction of the sport courts, visual impacts are anticipated to be less than significant as the changes are modest in scale.

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.

Staff response: There has not been specific evidence presented that would suggest that the addition of the Plexiglas sound barrier would result in exposure to harmful levels of chlorine. In fact, chlorinated pools are fully enclosed in many places.

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The OVA has replied to the grounds for appeal stating that they are in the process of converting all public pools in Oakmont recreation areas from conventional chlorination systems to salt water systems. The Council may wish to consider adding a condition of approval requiring that the conversion be completed prior to issuance of a building permit for the sports courts.

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.

Staff response: Consideration of property values is not within the purview of staff's analysis or the Planning Commission's consideration.

BACKGROUND

1. Project Description

The Oakmont Village Association is proposing to add four multi-purpose sport courts. While the primary intent of the courts will be for pickle-ball, the courts may be used for other similar uses such as tennis, badminton, volleyball, etc.

The courts will be surrounded by a chain link fence. Acoustifence, a product designed for sound protection, will be installed along the southern boundary of the courts to shield neighboring residential and commercial uses from elevated noise levels. Likewise, a Plexiglas panel will be added along the south side of pool area to shield people using the pool from noise generated by the sport courts. The design also provides landscaping berms that will provide additional sound protection.

The project also proposes a parking reduction. In a previous parking analysis conducted in 2007 when the Central Activities Center was enlarged, it was determined at that time that the existing 151 parking spaces were adequate to serve all uses on site.

A current parking space count indicates there are 157 spaces, six of which are compliant with the Americans with Disabilities Act (ADA). The applicant conducted a new parking survey for the currently proposed courts. The methodology assumed that the courts would be used mostly during morning hours due to heat and wind factors that occur in the afternoon. It also assumed that the primary use would be pickle-ball. The analysis concluded the existing parking is still adequate. Refer to the Zoning section of this report for a more detailed discussion.

8. Surrounding Land Uses

North: Medium Density Residential and Medium Density Residential/Retail & Business Services

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South: Parks and Recreation, Office, and Low Density Residential

East: Low Density Residential

West: Low Density Residential

9. Existing Land Use – Project Site

The site is currently developed with the Berger Center which is used for concerts, meetings, and other special events; the Central Activities Center which provides health and fitness facilities, library, meeting rooms, etc.; a swimming pool; sport greens including a driving range in the area where sport courts are proposed; a maintenance building; and, a large parking lot.

10. Project History

On July 5, 2007, the Zoning Administrator approved a project to expand the Central Activities Center building. The project included Minor Conditional Use Permit and Minor Design Review applications. The project was also approved for a parking reduction.

On October 21, 2014, Planning and Economic Development received the subject applications proposing to expand the recreation area at the Central Activities Center.

On February 5, 2015, a Notice of Pending Action was mailed to notify neighbors of an upcoming Zoning Administrator meeting, scheduled on February 19, 2015, to consider the proposal to expand the recreation area at the Central Activities Center.

On February 17, 2015, a request for public hearing was received.

On September 15, 2015, the Planning and Economic Development Department, elevated consideration of this Minor Conditional Use Permit to the Planning Commission.

On December 10, 2015, the Planning Commission held a duly noticed public hearing, and approved, by Resolution No. 11742, a Minor Conditional Use Permit for the Oakmont Village Central Park recreation area expansion with a vote of (5-0-1-1); Commissioner Stanley recused himself and Commissioner Crocker was absent.

PRIOR CITY COUNCIL REVIEW

N/A

ANALYSIS

1. General Plan

The General Plan land use designation for the site is Parks and Recreation which is supportive of recreational land uses.

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The following General Plan goals/policies are applicable to the project:

- PSF-A-1 Provide recreational and park facilities and services needed by various segments of the population – including specific age groups, persons with special physical requirements, and groups interested in particular activities – and make these facilities and services easily accessible and affordable to all users.
- NS-B-1 Do not locate noise-sensitive uses in proximity to major noise sources.
- NS-B-4 Require new projects in the following categories to submit an acoustical study.
- All new projects proposed for areas with existing noise above 60 dBA DNL. Mitigation shall be sufficient to reduce noise levels below 45 dBA DNL in habitable rooms and 60 dBA DNL in private and shared recreational facilities.
 - All new projects that could generate noise whose impacts on other existing uses would be greater than those normally acceptable (as specified in the Land Use Compatibility Standards).
- NS-B-5 Pursue measures to reduce noise impacts primarily through site planning. Engineering solutions for noise mitigation, such as sound walls, are the least desirable alternative.
- NS-B-6 Do not permit existing uses to generate new noises exceeding normally acceptable levels unless:
- Those noises are mitigated to acceptable levels; or
 - The activities are specifically exempted by the Council on the basis of community health, safety, and welfare.
- NS-B-9 Encourage developers to incorporate acoustical site planning into their projects. Recommended (relevant) measures include:
- Incorporating buffers and/or landscaped earth berms.
- NS-B-14 Discourage new projects that have potential to create ambient noise levels more than 5 dBA DNL above existing background, within 250 feet of sensitive receptors.

Staff response: It is anticipated that the courts will be used primarily for pickleball. As such, that is the sport that was considered for a sound study. The report, produced by Illingworth & Rodkin, Inc., dated May 11, 2015, concluded that, as proposed in the project plan, the incorporation of an 8-foot Acoustifence sound barrier along the southern boundary of the court would provide

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approximately 10 dBA noise reduction at the nearest residential land use resulting in noise levels of 45 to 46 dBA Leq and 56 to 61 dBA Lmax.

The report also considered the noise levels at the swimming pool area and determined that the proposed five foot tall ¼-inch Plexiglas noise barrier attached to the existing metal railing surrounding the pool area would provide approximately 5 dBA noise reduction at the nearest pool receptor, dropping the noise to 52 to 53 dBA Leq and 63 to 68 dBA Lmax during periods of anticipated peak use.

The report conclude that, as proposed, the use would comply with the Santa Rosa City Code noise limit of 55 dBA Leq and be similar to existing ambient noise levels.

2. Other Applicable Plans -

N/A

3. Zoning

The site is within the Oakmont PD (Planned Development) zoning district, as are all neighboring properties. The Oakmont Policy Statement requires a Conditional Use Permit for all uses.

The following Zoning Code sections are applicable to the project:

20-52.050 Conditional Use Permits and Minor Conditional Use Permits provide a process for reviewing land use activities to evaluate whether the use is suitable in the proposed location. The scope of review should also consider all other uses on the subject site. The required findings include:

1. 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;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare,

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or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff response: The addition of the sport courts is allowed within the PD zoning district, and is consistent with the General Plan land use designation. The subject site is the primary recreation site in Oakmont. As proposed, with inclusion of noise barriers and attractive landscaping, the design of the sport courts is compatible with surrounding land uses.

The project has been found in compliance with the CEQA, as discussed in the Environmental section of this report.

20-36 This Chapter establishes regulations to ensure that sufficient off-street parking facilities are provided for all uses and that automobile and bicycle parking facilities are properly designed.

20-36.050 allows that a reduction in parking may be granted for shared on-site parking for non-residential uses. Reductions greater than 25% require a Minor Conditional Use Permit. The required findings include:

1. Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4;
2. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

Staff response: The subject property includes two activity-generating structures, the CAC and Berger Center. In 2007, staff reviewed a proposed project to expand the CAC. As part of that project analysis and subsequent approval, 151 parking spaces were deemed adequate for all existing uses at the site.

The addition of four sport courts will increase the parking space demand by 37 spaces per Zoning Code Section 20-36. A parking survey was conducted by the applicant, dated July 31, 2015, and concluded that there is adequate parking to facilitate the expansion of recreational use and the addition of four sport courts.

Due to the special circumstances at the location, which provides a multitude of uses (i.e. meeting facilities, health and fitness facility, outdoor sports facilities, etc.), and varied peak hours for those uses, the parking demand differs from that required in Table 3-4 of the Zoning Code.

The applicant conducted a parking survey, dated July 31, 2015, for the period of July 6 – 11, 2015. The survey provided that, in addition to the current parking demand, “A realistic maximum attendance [for the sport courts] would be 24 people.” Data was collected during peak hours of operation in terms of events offered at both the CAC and Berger Center. The survey found that there were no fewer than 40 available spaces during periods of peak use for the time periods

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the courts are anticipated to be in use. Therefore, the number of spaces provided will be sufficient for the inclusion of the sport courts.

4. Design Guidelines

The project application includes a Design Review application. A public hearing for the Zoning Administrator will be scheduled after the Council Appeal Hearing, depending on the outcome.

5. Neighborhood Comments

Written correspondence received by staff has been included as an attachment with this report. The primary concerns voiced by the Oakmont community include elevated noise, lack of parking, aesthetics, and impacts to the small pond area located adjacent to the east side of the sport courts. These impacts are discussed in more detail in the Issues section of this report.

6. Public Improvements/On-Site Improvements

All private and public sidewalks shall be made to be compliant with the provisions of the Americans with Disabilities Act (ADA). Refer to Condition #3 in the Engineering Development Services Exhibit A.

FISCAL IMPACT

N/A

ENVIRONMENTAL IMPACT

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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On December 10, 2015, the Planning Commission held a duly noticed public hearing, and approved, by Resolution No. 11742, a Minor Conditional Use Permit for the Oakmont Village Central Park recreation area expansion with a unanimous vote (5-0-0); Commissioner Stanley recused himself and Commissioner Crocker was absent.

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NOTIFICATION

February 5, 2015 – A Notice of Pending Zoning Administrator Action was mailed.

November 24, 2015 - A notice of Planning Commission Hearing was sent to property owners within 400 feet of the project site.

November 29, 2015 - A notice was published in the Press Democrat.

November 25, 2015 – Public hearing signs were erected at the subject site.

In February 2016, and pursuant to Zoning Code Section 20-66.020 (Notice of Public Hearing), a public hearing notice was mailed to property owners within 400 feet of the subject site and others requesting a mailed notice; two public hearing signs were erected on site; and the public hearing notice was published the Press Democrat.

ISSUES

As mentioned in the Neighborhood Comments section of this report, staff has received several comments from residents of Oakmont. Issues included:

Noise Impact – An Environmental Noise Assessment was conducted by Illingworth & Rodkin, Inc., dated May 11, 2015. The report concluded that as proposed “the incorporation of noise barriers ranging from 5- to 8-feet in height to protect residential [area] and swimming pool [area] receptors would reduce noise levels below the standards established by the Santa Rosa City Code.”

Parking Impact – A parking survey was conducted by the applicant, dated July 31, 2015, and concluded that there is adequate parking to facilitate the expansion of recreational use, as discussed in the Zoning section of this report.

Visual Impact – The project includes landscaping and a decorative sound barrier. Pictures taken from three angles coupled with superimposed landscaping and screening have been provided. Based on these simulations, staff has concluded that visual impacts are negligible.

Impacts to habitat in the pond area – A Special-status Species Assessment of the Oakmont Golf Course Pond, produced by Ted Winfield & Associates, dated January 26, 2015, and a subsequent memorandum from Ted P. Winfield, Ph.D., dated July 27, 2015, which reviewed design changes, concluded that it is unlikely that the project, including construction thereof, will have an adverse effect on the pond.

There are no unresolved issues remaining regarding this project.

ATTACHMENTS

Attachment 1 - Disclosure Form

Attachment 2 - Location Map

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Attachment 3 - Planning Commission Packet

Attachment 4 - Planning Commission Resolution No. 11742 & Minutes from the
December 10, 2015 public hearing

Attachment 5 - Appeal form and attached grounds

Attachment 6 - Applicants response to grounds for appeal

Attachment 7 - Project History (from applicant)

Attachment 8 - Memo to Planning Commissioners

Attachment 9 - Applicant Binder Materials (will duplicate some of the materials included
in the Planning Commission Packet, Attachment 3)

Resolution

CONTACT

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