



APPEAL APPLICATION

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G E N E R A L	LOCATION OF PROJECT (ADDRESS) 551 Summerfield Rd., Santa Rosa, CA	Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.	
	NAME OF PROJECT Planet Fitness-Santa Rosa/551 Summerfield Rd.		
	APPELLANT NAME Trinity Winslow	DAYTIME PHONE (707) 623 - 9877	HOME PHONE (707) 623 - 9877
	APPELLANT ADDRESS 4000 Montgomery Dr #B	CITY Santa Rosa	STATE CA

To the Chairman and Members of the Planning Commission / Design Review Board/Cultural Heritage Board:

The undersigned: Trinity Winslow does hereby appeal to the Planning Commission /

Design Review Board/Cultural Heritage Board the decision of the Department of Planning and Economic Development made on 7/18/24
(Date)

which approved the application of George Arce, Jr.
(approved, denied, other) (Name of property owner or developer)

for a Minor Conditional Use Permit
(State nature of request made to the Planning and Economic Development Department)

on property situated at 551 Summerfield Rd., Santa Rosa, CA
(Street address of subject property)

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. 1.The proposed use is not allowed within a CN zoning district
- 2.An incorrect General Plan Land Use Designation was used in the review
- 3.Proposed use not compatible with existing and future land uses in vicinity
2. 4.The site is not physically suited for the proposed use
- 5.Granted the permit would be detrimental to the neighborhood district
- 6.Project not in compliance with CEQA. Please also see attached write up.

B. The specific action which the undersigned wants the City Planning Commission/Design Review Board/Cultural Heritage Board to take is:

Reverse the Zoning Administrator's Minor Conditional Use Permit Findings
with respect to Resolution No. ZA-2024-019

Trinity Winslow

Trinity Winslow (Jul 28, 2024 17:51 PDT)

Appellant's signature

July 28, 2024

Date

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APPEAL APPLICATION
SEEKING REVERSAL OF THE MINOR CONDITIONAL USE PERMIT
APPROVED BY THE ZONING ADMINISTRATOR
IN
RESOLUTION NO. ZA-2024-019

City of Santa Rosa
Planning & Economic
Development Department
Jul 29, 2024
RECEIVED

This attachment constitutes an appeal of the Minor Conditional Use Permit Findings (“**Findings**”) by the Zoning Administrator of the City of Santa Rosa (“**Zoning Administrator**”) on or about July 18, 2024 (RESOLUTION NO. ZA-2024-019) with respect to the Minor Conditional Use Permit (“**Permit**”) submitted for review by George Arce Jr., president of Centers Dynamic Partners, for the Planet Fitness Gym project located at 551 Summerfield Rd. in the Lakeside District of Santa Rosa. We are a group of concerned citizens and small business owners of Santa Rosa who dispute the Zoning Administrator’s Findings, and hereby request a reversal of those Findings. We have set forth below an abbreviated description of each of the Findings, followed by the grounds on which we believe the Findings should be reversed.

1. **Zoning Administrator’s Findings:** 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 property is zoned Neighborhood Commercial, which is intended to provide for the day-to-day needs of local neighborhoods and workplaces.

Grounds for Reversal of Findings:

The proposed use is not allowed within the Neighborhood Commercial (“**CN**”) district. Under the applicable City of Santa Rosa Code of Ordinances Zoning Code (“**Zoning Code**”) provisions, properties zoned as within the Neighborhood Commercial district are intended to be smaller, lower impact facilities and services, not large corporate entities such as Planet Fitness Gym.

Zoning Code Section 20-23.020B (“**Section 20-23.020B**”), describes the purposes of the Neighborhood Commercial (“**CN**”) commercial zoning district and the manner in which the designation is applied. According to Section 20-23.020B, “the CN zoning district is applied to areas within and adjacent to Residential neighborhoods appropriate for limited retail and service centers for convenience shopping. Uses in these centers are intended to provide for the day-to-day needs of local neighborhoods and workplaces, **but not to be of such scope and variety as to attract substantial traffic volumes from outside the neighborhood**” (emphasis added).

In addition, although the City of Santa Rosa Code of Ordinances Zoning Code (“**Zoning Code**”) Section 20-23.030 (“**Section 20-23.030**”) technically allows land within the zoning of the Lakeside District (Neighborhood Commercial (CN)) to be used for a health and fitness club with a minor conditional use permit¹, the table referenced in Section 20-23.030 makes no distinction between large or small businesses. Because the proposed use (i) does not appear to meet the description of an allowed use in a CN zoning district, and (ii) is likely to be a large business, and, as such, is likely to attract substantial traffic volumes from outside the neighborhood, the Zoning Administrator should conclude that it is not allowed within this CN district.

2. **Zoning Administrator’s Findings:** The proposed use is consistent with the Retail and Business Services General Plan Land Use Designation, which is intended for retail and service enterprises, offices and restaurants.

Grounds for Reversal of Findings:

The proposed use may indeed be consistent with the **Retail and Business Services** General Plan Land Use Designation, but that is not relevant to the Permit request. The Permit sought a proposed use within a CN district, the Lakeside District, which is consistent with and implements the **Neighborhood Shopping Center** land use classification of the General Plan, not the **Retail and Business Services** General Plan land use classification.

¹<https://ecode360.com/42980683#42980695>

The proposed use may fall, as the Findings state, within the Retail Services General Plan Land Use Designation. However, as noted in Section 20-23.020 C and D, this plan use classification pertains to uses that are zoned within General Commercial (CG) and Motor Vehicle Sales (CV) zoning districts, and not the CN zoning district. Rather, according to Section 20-23.020 B, the CN zoning district is consistent with and implements the Neighborhood Shopping Center land use classification of the General Plan.

The Santa Rosa 2035 General Plan², describes a Neighborhood Shopping Center as “small groups of retail and service enterprises providing shopping and services to satisfy the day to day needs of local neighborhoods and workplaces. Typical neighborhood center uses include small grocery stores, restaurants, barber or beauty shops, cleaners, shoe repair, and shops offering convenience goods.” The examples of the types of businesses that are consistent with this land use classification underscores that it was intended to be limited to smaller local retail and service providers, i.e., ‘small groups of retail services’, ‘small grocery stores’, and ‘barber and beauty shops,’ etc. While the Neighborhood Shopping Center description above doesn't specifically exclude fitness centers per se, it seems clear that the primary intended goal for a CN zoning district under the General Plan is to preserve and maintain smaller neighborhood retail and service areas, and not to include large corporate fitness centers such as Planet Fitness gyms. We contend that a Planet Fitness Gym is not consistent with the Neighborhood Shopping Center land use classification of the General Plan, and, as such, the Zoning Administrator should conclude that the proposed use is not consistent with the General Plan.

3. **Zoning Administrator’s Findings:** 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 use will be located within an existing commercial plaza and is surrounded by neighborhood commercial uses compatible with the proposed use.

Grounds for Reversal of Findings:

Contrary to the Zoning Administrator’s Findings that the design, operating characteristics, and proposed use of the Planet Fitness gym are compatible with existing land use and surrounding commercial uses, no documentation other than an unqualified traffic report was attached to the resolution to support this conclusion. We contend that the design, size, and operating characteristics of the proposed use are, in fact, not compatible with the surrounding neighborhood and commercial uses.

Directly across the street from the proposed site is our community loved Howarth Park, a natural, green, family friendly place that offers a peaceful place for surrounding neighbors to relax in nature or to participate in the many fitness options provided by the park facilities, such as pickleball, baseball and soccer fields, rowing, fitness bars, walking and hiking. Establishing a large corporate gym directly across the street from the park with the increased traffic flow, energy use, and looming overbearing facade design is completely inconsistent with current neighborhood design.

The Lakeside District is already populated with small businesses occupying buildings some of which are over 50 years old and likely qualify for historical preservation status, but all of which keep a low and unobtrusive profile without interfering in the functioning of the neighborhood. Planet Fitness Gyms are not small businesses by any definition, and the inclusion of this large corporate gym in the Lakeside district is incompatible with existing businesses and neighborhoods, both in scale and design.

²<https://www.srcity.org/DocumentCenter/View/24327/Santa-Rosa-General-Plan-2035-PDF---October-2020>

4. **Zoning Administrator's Findings:** The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints. The project submitted a Trip Generation Assessment on November 1, 2023, which determined that the project scope will not attract substantial traffic volumes from outside the neighborhood.

Grounds for Reversal of Findings:

The site is not physically suited for the type, density, and intensity of the proposed use. In taking a closer look at the traffic engineering report attached to the project, we noted that the data used to create the current trip generation assessment is objectively outdated in that it came from a table formula that was created in 2003 under significantly different urban conditions. The outdated info used to generate this traffic study does not reflect the exponential growth of fitness and gym centers from 2003 to present. Further, the conclusion in item 4 that the gym will not attract any additional traffic from outside the neighborhood appears incorrect and unrealistic when considering the business model for these big box gyms. One of the primary tenets of the business is to oversell their memberships. According to the Planet Fitness Franchise website, with over 18.7 million members overall, and 2,575 stores, each location may have up to 7,200 members. We believe that the number of members the franchise is likely to draw is more than the Lakeside District can accommodate. The conclusion of the Trip Generation Assessment cited in #4 that it will not attract substantial traffic volumes from outside the neighborhood seems incorrect insofar as the business model of Planet Fitness is expressly designed to do exactly that: keep attracting more members from surrounding areas. With this information, we believe that the traffic generation report originally provided for the project is outdated and extremely inaccurate. The volume of traffic this big box gym is intended to attract is inconsistent with the (CN) zoning of the Lakeside District.

5. **Zoning Administrator's Findings:** 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. The project consists of minor changes and the project has been conditioned appropriately in terms of public safety.

Grounds for Reversal of Findings:

We assert that granting the permit at this location would have a long term effect that is injurious or detrimental to the public interest, safety and convenience of the Lakeside District by injecting a large corporate presence into the district in the long term, which would also have an immediately negative effect on the current small business owners and neighbors. In fact, George Arce himself stated in his presentation to the planning department that the installation of the Planet Fitness Gym is intended to be an 'anchor' to attract additional businesses for the shopping center he plans to develop there. A review at George Arce's business' website, Centers Dynamic Partners.com, indicates the scope, look, and type of shopping centers he has developed in the past, and the corporate businesses he appears to regularly install in them, e.g., Starbucks, Burger King, Panda Express, and Dollar Tree, as well as big box gyms. This type of corporate business development does not belong in the Lakeside District.

1550 people have signed a petition opposing the project.

6. **Zoning Administrator's Findings:** The project has been found in compliance with the California Environmental Quality Act ("CEQA") in that the project is categorically exempt from CEQA because (i) it involves changing the previous use to a new use where only minor alterations to the existing facility are proposed (CEQA Guidelines Section 15303) and (ii) it involves only minor alterations to an existing facility (CEQA Guidelines Section 15301). In addition, it is categorically exempt from CEQA because it is consistent with the General Plan 2035 for which an Environmental Impact Report was certified by Council in 2009.

Grounds for Reversal of Findings:

We do not believe that the project is in compliance with CEQA and contend that the Zoning Administrators Findings under #6 should receive a full independent review from an outside environmental service to ascertain if this project truly is "categorically exempt" from CEQA regulations.

CEQA Section 15301

The CEQA regulations pertaining to Section 15301 describes what is meant by minor alteration of existing structures, involving negligible or no expansion of use as "restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety. . ." We contend that the extensive work described in the paragraph below is not a "new use where only minor alteration to an existing facility."

Although the determination of whether an alteration of existing structures is minor or major is subject to interpretation, we believe that the alteration of the existing structure can only be described as "major." Given the current state of the structure, this building requires a full engineering and environmental review to ascertain if the project is truly minor or major construction. This building has been operating as a 5-plex cinema with sloped concrete foundation for audience seating sightlines, multiple supporting beam infrastructure, roofing supports and HVAC lines, electrical units specific to outputs for motion picture screenings, and limited water for two small restrooms in the front of the lobby. The anticipated construction project plan to upgrade this old facility to current modern building and safety codes most likely will not be "minor" and could very well cost more than the anticipated \$2,500,000 (given the rising costs at present in 2024 including labor and materials; applicants statement appears below market and not aligned with other commercial projects in Santa Rosa). The water use aspect alone with a full construction of locker rooms for gym members will include multiple showers, toilets, urinals, and sinks creating a massive increase in water usage and impact on local Santa Rosa water usage in this neighborhood commercial center. This will impact increased sewage and strain on the current plumbing infrastructure and an underground water and pipe survey will most likely need to be ordered to fully report on what the environmental impact will be for this new major construction project.

CEQA Section 15303

CEQA Guidelines Section 15303³ states that "the key consideration is whether the project involves negligible or no expansion of use. "The Conditional Use Permit Project Description submitted by Centers Dynamic Partners' Project Description appears to be in conflict with this key consideration. The above-referenced Project Description states "Our intent is to close the Summerfield Cinema building located at 551 Summerfield Rd and renovate the existing building to accommodate a new Planet Fitness center. Work includes both interior and exterior alterations to meet Planet Fitness design guidelines. Work will include architectural, structural, plumbing, mechanical, and electrical. We are anticipating a job cost of approximately \$2,500,000." We do not believe that this description meets the 'key consideration' requirement identified in CEQA Guidelines Section 15303 that the project involve "negligible or no expansion of use."

Since the 2017 Tubbs Fire and later fires, the air quality has been widely reported as full of toxins that have infiltrated ground water use systems and building structures including exteriors and interiors. This toxic air has been proven to impact the health of people throughout the impact zones (the Glass Fire of Sept. 2020 was just over the hill from Summerfield Road and was burning immediately outside of Spring Lake Regional Park) which is adjacent to Howarth Park. This unknown environmental impact needs to be studied fully to understand what toxic materials may have landed in and on the 551 Summerfield site.

³<https://www.law.cornell.edu/regulations/california/14-CCR-15303>)

CEQA Section 15183

CEQA Section 15183⁴ allows a streamlined review process for projects that match the densities established by existing zoning, community plan, or general plan policies. In order to qualify for statutory exemption, an Environmental Impact Report (EIR) must have been certified. In this case, the Environmental Impact Report (EIR) was certified by the City Council in 2009. However, we believe that, given the toxic environmental conditions that arose due to the severe wildfires in Santa Rosa from 2017 and forward, a 15 year old EIR does not fit the current need for assessment and review for a building and use permit to be approved. A new EIR should be ordered to ascertain the environmental impacts that may have affected this structure and the potential risk, harm and health conditions that they may have created.

The City Planning document titled "Attachment 5 - Plan Set" - shows a 14,671 sq. ft. building listed with a parcel of 44,418 sq. ft. - per CEQA Section 15303 - **"the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive."** This building is clearly over 10,000 square feet and the argument can be made that the Santa Rosa City Park - Howarth Park - is an environmentally sensitive area with multiple water fowl residing in and around Lake Ralphine as well as the park is a public use space for infants, children, elderly and other people with who may have immuno-compromised conditions since the advent of COVID-19, could be adversely affected by a large-scale, major construction project across the street.

For all of the reasons stated above, we respectfully request a reversal of the Zoning Administrator's Findings approving the project.

Thank you for your consideration in this matter.

Trinity Winslow,
Owner, Aquariuz
4000 Montgomery Dr. Santa Rosa, CA
Member of Citizen Committee to Save Summerfield Cinemas

⁴<https://www.law.cornell.edu/regulations/california/14-CCR-15183>