

## RESOLUTION NO. PC-2024-013

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA DENYING AN APPEAL OF THE ZONING ADMINISTRATOR'S DECISION TO APPROVE A CONDITIONAL USE PERMIT THAT WILL ALLOW THE CONTINUED OPERATION OF A SPORT AND ACTIVE RECREATION FACILITY, AND EXPAND THE USE OF TENNIS COURTS FOR MULTI-USE SPORT COURTS, FOR THE PROPERTY LOCATED AT 2777 4<sup>TH</sup> STREET SANTA ROSA, APN: 181-180-005, FILE NO. CUP23-066**

WHEREAS, on December 5, 2022, a complaint was received regarding the installation of an outdoor tent covering a tennis court and the loud noise associated with pickleball activities. This led to the initiation of a code violation case (File No. CE22-1216). Violations included the installation of an outdoor tent, loud classes, and pickleball; and

WHEREAS, on October 16, 2023, a Director-Level Design Review was granted to install acoustic fence material on the existing fences adjacent to existing courts, finding that the area was not visible from the public right-of-way and to address the pending noise violation; and

WHEREAS, on October 16, 2023, an application for a Minor Conditional Use Permit (MUP) was submitted to the Planning and Economic Development Department to address ongoing changes in recreational uses on the project site. The MUP was submitted to address the change in use; and

WHEREAS, on May 16, 2024, the Santa Rosa Zoning Administrator held a public hearing and, after due consideration of all evidence and reports offered at said meeting, did make findings and determinations and approved the Minor Conditional Use Permit to allow the continued operation of a Sport and Active Recreation Facility, including multi-use sport courts; and

WHEREAS, on May 28, 2024, an appeal application was submitted to the City Clerk's Office appealing the Zoning Administrator's Decision; and

WHEREAS, On July 18, 2024, after the tarps were installed, City staff collected sound data with eight pickleball courts in full play to address the pending noise violation. The Sound Survey Report, dated July 18, 2024, concluded that *"the activity observed and measured this date does not violate the provisions of the City's noise ordinance."*

WHEREAS, the health club (sport and active recreation facility) has a long permit history:

- On August 25, 1987, Conditional Use Permit and Design Review applications were approved for a two-story tennis and health club and childcare facility.
- On July 7, 1988, Conditional Use Permit and Design Review applications were approved for a 10,190-square-foot tennis club building.

- On February 9, 1989, a Conditional Use Permit application was approved for a new basketball court and jogging track.
- On March 3, 1989, Conditional Use Permit and Design Review applications were submitted to the City to include two racquetball courts and revise the location of the basketball court. The application was withdrawn later.
- On August 22, 1996, a Conditional Use Permit application was approved by the Planning Commission for the addition of a 37-room hotel wing, a 3,548-square foot expansion of the health club building, and 87 new parking spaces.
- On August 18, 2003, Conditional Use Permit and Design Review applications were approved for a new squash court, exercise room, and 14 new parking spaces.
- On June 2, 2004, a Design Review application was approved for a new lap pool, 15 new parking spaces, and a 4-foot fence.

WHEREAS, per Zoning Code [Section 20-54.070](#), a permit or approval (e.g., Conditional Use Permit, Temporary Use Permit, Variance, etc.) granted in compliance with this Zoning Code shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit or approval application), provided that the use remains in compliance with all applicable provisions of this Zoning Code and any conditions of approval, and the approved use does not cease on the property for six months or more; and

WHEREAS, per Zoning Code [Section 20-70.020](#), a Sports and Active Recreation Facility is defined as a public and private facility for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- tennis and other sport courts
- athletic/sports fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- swimming pools
- skateboard parks

WHEREAS, the matter has been properly noticed as a public hearing pursuant to the City Code Chapter 20-66, as requested by the applicant; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 8, 2024, 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.

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

1. The proposed use is allowed within the commercial PD (Planned Development) zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The Sport and Active Recreational Facility use was established in this location in 1987 and has continued without interruption. The applicant is requesting to continue the existing recreation use, including the conversion of existing tennis courts into multi-use sport courts. These courts will be used for other similar outdoor recreational activities at the site. The project has been conditioned to ensure compliance with the Noise Ordinance outlined in City Code Chapter 17-16.
2. The proposed modification to the use is consistent with the Retail and Business Services General Plan land use designation, which allows retail and service enterprises, offices, and restaurants, and similar commercial uses. The existing health club has received approvals for both indoor and outdoor recreational activities, and the conversion of tennis courts to multi-use sports courts aligns with the existing uses. The property is not within a specific plan area.
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. The modification allowing multi-use courts does not alter the existing Sports and Active Recreation Facility. To address concerns raised by neighbors of the multi-use sport courts, the project is conditioned to remain in compliance with the Noise Ordinance. Pursuant to Zoning Code [Section 20-36.040, Table 3-4](#), the use requires 78 parking spaces and the health club provides 97 parking spaces. The project plans have been reviewed by City staff including Traffic Engineering, Fire Department, and Planning, and no concerns have been raised about public safety or access to emergency services.
4. The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints in that the site has been an established Sports and Active Recreation Facility since 1987, and the change from tennis courts to multi-use sport courts remains within the footprint of the existing facility. Pursuant to Zoning Code [Section 20-36.040, Table 3-4](#), the use requires 78 parking spaces and the health club provides 97 parking spaces. The project plans have been reviewed by City staff including Traffic Engineering, Fire Department, and Planning, and no concerns have been raised about public safety or access to emergency services.
5. 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 continued use of the Sports and Active Recreation Facility is in alignment with the originally approved use for the site. There is adequate parking available on the site. The project has also been conditioned to remain in compliance with the Noise Ordinance, City Code Chapter 17-16.
6. The project has been found in compliance with the California Environmental Quality Act (CEQA):
  - Pursuant to CEQA Guidelines Section 15301, the project is categorically exempt from CEQA because it involves a minor change in use.

- Pursuant to CEQA Guidelines Section 15302, the project is also categorically exempt because it involves the restriping of the existing courts.
- Pursuant to CEQA Guidelines Section 15303, the project is categorically exempt because it consists of adding small structures.
- Pursuant to CEQA Guidelines Section 15304, the project is categorically exempt because it involves the restriping of the existing courts.

The City has further determined that no exceptions to the exemptions apply, and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa denies the appeal and approves the Conditional Use Permit for the ongoing operation of a Sport and Active Recreation Facility that includes multi-use sport courts for various outdoor activities, located at 2777 4<sup>th</sup> Street.

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 the Planning Commission of the City of Santa Rosa finds and determines said Conditional Use Permit would not be approved but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions are determined invalid, this Conditional Use Permit would not have been approved without requiring other valid conditions for achieving the purposes and intent of such approval.

1. Construction hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
4. No exterior signs are approved with this permit. A separate sign permit is required.
5. 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.
6. Future changes shall remain consistent with the Sport and Active Recreation Facility land use as defined by the Zoning Code Glossary.
7. All onsite activities shall comply with the City of Santa Rosa Noise Ordinance, City Code Chapter 17-16.

8. The future addition of any outdoor lighting shall comply with the permitting requirements of the Zoning Code.

BE IT FURTHER RESOLVED, that the Planning Commission 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.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 8<sup>th</sup> day of August 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
KAREN WEEKS, CHAIR

ATTEST: \_\_\_\_\_  
JESSICA JONES, EXECUTIVE SECRETARY