CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION MEETING
August 8, 2024

PROJECT TITLE

The Club at Flamingo – Global Court

APPLICANT

Laura Krohn

ADDRESS/LOCATION

2777 4th Street

PROPERTY OWNER

Flamingo Bavarian LLC

ASSESSOR'S PARCEL NUMBER

181-190-007

FILE NUMBERS

CUP23-066

APPLICATION DATES

October 16, 2023

APPLICATION COMPLETION DATES

April 8, 2024

REQUESTED ENTITLEMENTS

Minor Use Permit

FURTHER ACTIONS REQUIRED

NA

PROJECT SITE ZONING

PD56-001 (Planned Development)

GENERAL PLAN DESIGNATION

Retail and Business Services

PROJECT PLANNER

Monet Sheikhali

RECOMMENDATION

Deny the appeal and approve a Minor Conditional Use Permit

Agenda Item #11.2
For Planning Commission Meeting of: August 8, 2024

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING COMMISSION
FROM: MONET SHEIKHALI, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: THE CLUB AT FLAMINGO – GLOBAL COURT APPEAL

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, deny the Appeal and approve a Minor Conditional Use Permit for the Club at Flamingo – Global Court to allow the continued operation of a Sport and Active Recreation Facility, including multi-use sport courts for the property located at 2777 4th Street.

EXECUTIVE SUMMARY

The appellant is requesting that the Planning Commission grant an Appeal which would reverse the Zoning Administrator's decision to approve the ongoing operation of a Sport and Active Recreation Facility that includes a modification of the existing tennis courts to multi-use sport courts for various outdoor activities, including the conversion of two tennis courts into eight pickleball courts.

APPEAL APPLICATION

The grounds for which this appeal was filed include:

1. The minor conditional use permit for eight pickleball courts is five feet away from a residential property line. A permit for this type of use has never been granted at this distance in the City of Santa Rosa. This is setting precedent and we do not believe this use is consistent with the general plan use designation for outdoor sports courts. The operating characteristic of this project is not compatible with future land use in the vicinity. Future development of this property would allow for multi-unit residential dwellings including two story units. The mitigations would not address this.

Staff response: The health club was established in 1987 and has been in operation ever since. Pursuant to Zoning Code Section 20-54.070, an approved use shall continue to be valid upon a change of ownership 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. All existing recreational activities on the site were initially approved in accordance with the zoning and General Plan Land Use Designation in effect at that time and were found to be consistent with zoning and the General Plan. The use was conditioned to comply with the latest adopted ordinances, resolutions, and policies.

The property is zoned as PD (Planned Development), and the Policy Statement does not specify setback regulations. In the absence of specific guidelines, we will follow the standard zoning requirements for the Retail Business Services General Plan land use designation, which, in this instance, is the CG (General Commercial) district. As per the Zoning Code, a 5-foot side setback is mandated in this district unless the Design Review Board determines otherwise. The courts exist; only striping is proposed. The Zoning Code does not regulate the placement of outdoor recreational facilities in relation to residential properties. The use modification has been conditioned with reduced hours of operation for pickleball and to remain in compliance with the Noise Ordinance.

2. The City of Santa Rosa noise test done on October 14, 2023, showed that the decibel rating solely from the pickleball playing exceeded code compliance. Also, the loudest decibel rating to 71 is where they propose no sound mitigations. The sound testing was also done when the courts were wet, which changes the decibel ratings significantly.

   Staff Response: Pursuant to City Code Chapter 17-16, "*the following criteria will be used as a base (ambient noise level) from which noise levels can be compared*":

Zone	Time	Sound Level A (decibels) Community Environment Classification
R1 and R2	10 p.m. to 7 a.m.	45
R1 and R2	7 p.m. to 10 p.m.	50
R1 and R2	7 a.m. to 7 p.m.	55
Multi-family	10 p.m. to 7 a.m.	50
Multi-family	7 a.m. to 10 p.m.	55
Office & Commercial	10 p.m. to 7 a.m.	55
Office & Commercial	7 a.m. to 10 p.m.	60
Intensive Commercial	10 p.m. to 7 a.m.	55
Intensive Commercial	7 a.m. to 10 p.m.	65
Industrial	Anytime	70

The following are code definitions for Ambient Noise, Decibel, and Sound Level:

Ambient Noise is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this chapter, ambient noise level is the level obtained when the noise level is averaged over a period of 15 minutes without inclusion of noise from isolated, identifiable sources, at the location and time of day near that at which a comparison is to be made.

Decibel means a unit of level when the base of the logarithm is the 10th root of 10 and the quantities concerned are proportional to power.

Sound level (noise level), in decibels (dB) is the sound measured with the "A" weighting and slow response by a sound level meter.

On October 14, 2023, Code Enforcement and Planning staff worked with the applicant to fill the pickleball courts with 32 players. When the courts were in full play, they took noise measurements from different locations, as shown in Figure 1 below. Staff used a Center 325 Mini sound level meter IEC 651 Type II. At the same time, a health club employee took measurements using NIOSH Sound Level Meter (SLM), a cell phone application, developed by the National Institute for Occupational Safety and Health (NIOSH). The measurements were taken from the same location, and consistently showed readings that were within a few decibels of each other. These measurements exceeded allowable sound levels, but were not significantly outside the parameters set in the Noise Ordinance.

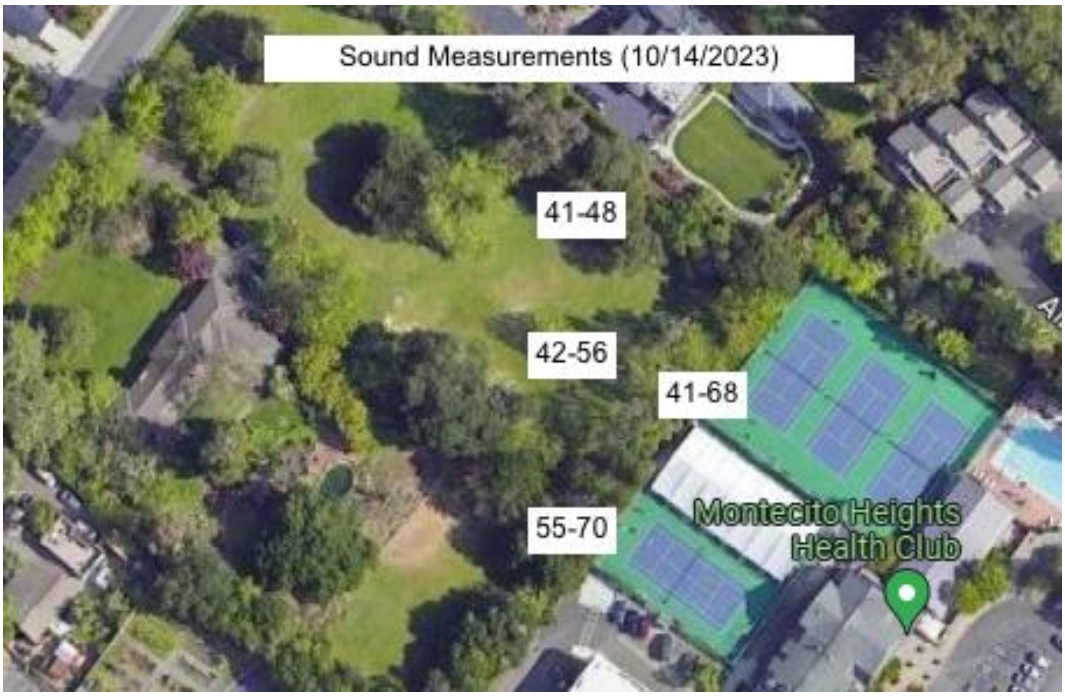

Figure 1 – Sound Measurements locations on October 14, 2023

Since the initial sound measurements were taken, the applicant installed acoustic tarps on two sides of the pickleball courts (refer to Figure 2 below). After the tarps were installed, new sound measurements were taken (Refer to the Sound Survey Report, dated July 18, 2024, attached to this report).

Figure 2 – Red lines showing the location of the installed tarps

On July 18, 2024, after the tarps were installed, new measurements were taken by the City Staff using a NIST-Certified Extech SDL600 sound level meter. The courts were dry, the weather was clear with little to no wind, the temperature was around 58° Fahrenheit, and the humidity was 85%. Lou Kirk, the Assistant Chief Building Official of the City of Santa Rosa, conducted three sets of sound surveys while 32 players were actively using the courts (Figure 3). Measurements were taken from three different locations: two on the property located on the west side of the health club, and one on the north corner of the health club property.

The results of the surveys showed the sound levels were lower than the sound measurements taken on October 14, 2024, before the acoustic tarps were installed. The report concluded that the sound levels did not violate the city's noise ordinance. Table 1 below provides a basic overview of the six surveys.

	Duration	L_{MAX}	L_{EQ}	Notes
Site 1 - Ambient	0:09:36	58.3 dB	45.4 dB	
Site 1 - Live	0:09:33	60.3 dB	48.2 dB	60 dB+ peak attributed to construction noise
Site 2 - Ambient	0:11:55	63.4 dB	45.5 dB	60 dB+ peak attributed to walking through dry brush
Site 2 - Live	0:11:04	60.4 dB	48.5 dB	60 dB+ peak attributed to walking through dry brush
Site 3 - Ambient	0:10:44	58.5 dB	46.9 dB	
Site 3 - Live	0:11:05	56.5 dB	48.4 dB	

Table 1 - Basic overview of the six surveys

As stated in Table 1 of the Sound Survey Report, "*LMAX" [or the loudest noise], refers to the maximum sound pressure level measured at any given moment during a survey, whereas "LEQ" stands for "Equivalent Continuous Sound Level" and refers to the equalized average sound pressure level recorded during a survey. LEQ is not a simple average but a logarithmic one, which represents the constant sound level that would have the same total sound energy as the fluctuating noise being measured. It considers how much sound energy is present, not just the average volume.*

Figure 3 – Survey Locations on July 18, 2024

3. The study of the acoustic sound barrier curtains in Walnut Creek has no bearing on the project being proposed at the Flamingo. The ambient noise, the surrounding topography and the actual distances between residential property and their pickleball courts are quite different.

Staff Response: The study on acoustic sound barrier curtains in Walnut Creek serves as an example to demonstrate how the proposed tarp installation can effectively mitigate noise from the courts. While the ambient noise levels, topographical features, and distances from residential properties differ between Walnut Creek and the project site, the principles applied in the study are relevant for noise reduction, as demonstrated in the response for ground #2 above.

4. The applicant has described the use of these courts as an informal, round robin, social kind of play used by members of the club and guests of the hotel. They have also stated there will be no tournament play on these courts. Therefore, we are wondering why eight courts are proposed instead of the original four courts

that were played on. We propose four courts instead of eight, and no out-of-town tournament play be permitted.

Staff Response: The applicant proposed eight courts and the project has not been conditioned to preclude tournaments. Any tournaments must comply with the noise ordinance. The applicant's project narrative indicates that hosting tournaments will be for club members with minimal audience attendance, which has been a normal club practice for years with tennis tournaments.

5. Plans for additional outdoor lighting for the courts have been rejected in the past by the City of Santa Rosa, citing compatibility issues with surrounding residential neighborhoods.

   Staff Response: No plans are currently proposed for outdoor lighting. However, if any outdoor lighting is proposed in the future, it will need to adhere to the guidelines set forth in Zoning Code Section 20-30.080 for Outdoor Lighting.

6. The hours proposed for pickleball play need to be amended in that the term "dusk" or "sunset" is too open ended, ambivalent and will be open to disagreements on both sides.

   Staff Response: The project conditions included "*Use of the eight pickleball courts shall be limited to the hours between sunrise and sunset and, in no case, earlier than 9:00 a.m. or later than 7:00 p.m., or dusk, whichever is more restrictive, seven days a week*". However, the condition on the Planning Commission Resolution has been revised, removing the reference to "dusk." The new condition now reads, "*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*."

7. The tennis courts #1 and #2 were originally oriented north to south. After the pool approval was given the tennis courts were reoriented to run east and west without any approval or mitigation by the Flamingo. This has resulted in thousands of tennis balls landing on our property. Repeated requests for removal of the layers of tennis balls and gone unanswered.

   Staff Response: No planning permit was required to alter the orientation of the tennis court. The club volunteered that players could pick up balls from the appellant's property after lessons. The appellant initially accepted the offer but later rejected the offer. Further, the orientation of the pickleball courts will run from north to south, similar to the orientation of the previous tennis courts.

8. The 473 feet of acoustic eight-foot fencing was a mandated condition for the approval for past Flamingo projects and this fencing has been in disrepair and can be considered dangerous for the past eight years.

   Staff Response: On July 7, 1988, a site-specific condition was added to the Flamingo Tennis Club project which says, "*A solid six-foot-high wall or fence shall be construed along the 473-foot length of the northwest property line to act as a buffer between commercial development and the single-family residential developments to the northwest*." This fence is not part of this project. The

proposed tarp installation is intended to be placed on the existing 11.1-foot chain-link fence that surrounds the courts. Further, the appellant has been advised that he should work with the health club to replace the fence.

9. We contest the determination that granting this permit would not constitute a nuisance or be injurious or detrimental to persons or property or improvements in the vicinity In which the project is located. The noise component, and this is all about noise, has considerably increased over the past two years between the loud amplified music and bar area, the pickleball play, and the amplified sounds from the events, front and back.

   Staff Response: This permit does not apply to the bar area or outdoor activities taking place in the Flamingo Hotel. Amplified noise during special events requires a Special Event Permit issued by the Police Department. The permit is specifically for the health club property. As discussed in the response to ground #2, on July 18, 2024, after the tarps were installed, new noise measurements were taken while 32 players were playing on the eight courts. While the sound of players' conversations and paddles striking the balls could be heard from behind the tarp, the noise measurement data from the survey indicated that it did not violate the City's noise ordinance.

Surrounding Land Uses

North: Low-Density Residential and Medium Density Residential
South: Retail and Business Services
East: Medium Density residential, Retail and Business Services
West: Low-Density Residential

Existing Land Use – Project Site

The zoning designation for the parcel is PD56-001 (Planned Development), which was established in 1956. This Policy Statement applies to parcels that encompass the Flamingo Hotel, a health club, a neighborhood retail center, an office building, a restaurant, a bank, and multifamily residential units.

The project site is surrounded by a mix of residential and commercial properties. Currently, it is developed with a health club that includes tennis courts, a lap pool, a parking lot with 97 stalls, and a health club building. The health club offers a variety of recreational activities, such as:

- Regular tennis play
- Bootcamp fitness classes
- Private sessions
- A basketball backdrop
- Racquet Backboard

Project History

The project site has developed significantly since its initial approval in 1987 for a two-story tennis and health club with childcare facilities. Over the years, several

modifications and expansions have been approved, including additions of such as a tennis club building, basketball court, jogging track, racquetball courts, and a hotel wing.

- In late 2022, neighboring properties raised concerns about the noise levels from pickleball activities. 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 installation of an outdoor tent, loud classes, and pickleball. Staff determined that a minor CUP was necessary to change the use of the courts, which was restricted to tennis.
- On October 14, 2023, Code Enforcement and Planning staff collaborated with the applicant to fill the pickleball courts with players and took sound measurements at different locations on the site.
- 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.
- On October 16, 2023, the applicant submitted a Minor Conditional Use Permit (MUP) to address ongoing changes in recreational uses on the project site. The MUP was submitted to address the change in use.
- On November 15, 2023, a Notice of Application was sent to property owners and occupants within 600 feet of the project site to notify them about the application submission.
- On May 16, 2024, the Santa Rosa Zoning Administrator held a public hearing and approved the MUP to allow the continued operation of a Sport and Active Recreation Facility, including multi-use sport courts.
- On May 28, 2024, an application to appeal the Zoning Administrator's decision was submitted to the City Clerk's Office.
- 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.”*

Below is the permit history specific to the health club site and the number of recreational activities added to the club.**:**

- On August 25, 1987, the Conditional Use Permit and Design Review applications were approved for a two-story building for the tennis and health club facility that included childcare services.

- 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 the installation of a new basketball court and a jogging track, expanding the site's recreational offerings.
- 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. However, the application was withdrawn later that year.
- On August 22, 1996, a Conditional Use Permit application was granted for the construction of a 37-room hotel wing. The hotel building underwent a substantial 3,548-square-foot expansion, accompanied by the addition of 87 new parking spaces to accommodate increased visitor traffic.
- On August 18, 2003, Conditional Use Permit and Design Review applications were approved for the construction of a new squash court and exercise room, along with the addition of 14 new parking spaces, thereby enhancing the recreational amenities available on-site.
- On June 2, 2004, the Design Review application was approved for the construction of a new lap pool, 15 additional parking spaces, and a 4-foot fence.

ANALYSIS

1. General Plan

   The General Plan land use designation for the site is Retail and Business Services, which is supportive of regional centers, which are large complexes of retail and service enterprises anchored by one or more full-line department stores, and destination centers, which are retail centers anchored by discount or warehouse stores, are allowed. This land use designation supports recreational activities as well. 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-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: The approval allows sport courts, including pickleball courts, which directly supports the General Plan by providing a recreational amenity that caters to diverse age groups, meets the interests of specific activity groups, and ensures accessibility and affordability for all residents. This aligns with creating a vibrant and inclusive community where recreational opportunities are accessible to everyone. Sound measurements were taken by qualified City staff after the tarps were installed, and the sound levels are in compliance with the Noise Ordinance.

2. Zoning

The Zoning Code implements the goals and policies of the General Plan by classifying and regulating the use of land and structure development within the City. The zoning designation for this property is PD56-001 (Planned Development), which was established in 1956. The PD does not specify the permitted uses for the parcels within this zone. However, according to the permit history for the site, it is clear that the health club was established use in 1987, approved through a Conditional Use Permit.

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.

Per Zoning Code Section 20-70.020, a Sports and Active Recreation Facility is defined as "*public and private facilities 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 (e.g., handball, squash)*
- *athletic/sports fields (e.g., baseball, football, softball, soccer)*
- *health and athletic club outdoor facilities*
- *swimming pools*
- *skateboard parks*"

Section 20-52.050 discusses CUPs and provides a process for reviewing land use activities to evaluate whether the use is suitable in the proposed location. The required findings include:

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. Summary of Public Comments

Several concerns about the pickleball courts were raised by members of the public through emails, telephone calls, and by those attending the Zoning Administrator meeting on May 16, 2024, To summarize:

1. **Noise Pollution from Pickleball**: Some residents living near the health club opposed the project and were concerned about noise issues related to pickleball and its impact on quality of life and property values. They compared the noise levels of pickleball to tennis and argued that pickleball's higher decibel levels are disruptive to residential areas. They expressed concerns that the addition of tarps would be inadequate, and suggested the City consider limiting the operating hours for pickleball play; limiting the number of pickleball courts; relocating the pickleball courts; restricting usage of pickleball courts to health club members only; requiring the use of noise-dampening paddles; conducting regular assessments of noise levels; and putting limitations on hosting tournaments.

2. **Noise Disturbance**: Residents from Vigil Senior Apartments, a nearby senior community, are worried about the increased noise from additional pickleball courts. They mention that current activities at The Flamingo Hotel already disturb their peace. They fear that more courts will amplify this problem, citing instances where police had to intervene due to excessive noise from events at the Flamingo Hotel.

3. **Impact of Tournaments and Events**: There is concern that expanding the pickleball facilities could lead to increased frequency of tournaments and events. Residents anticipate that these events will bring more noise from cheering and audience attendance. Residents have also questioned the validity of the sound test conducted by the City on October 14, 2023, stating that noise measurements did not reflect the full sound capacity expected during tournaments.
4. **Sound Amplification**: Residents living uphill from the health club have expressed concerns that the sound from the hotel and health club is amplified by the topography. Residents argued that the sound measures from October 14, 2023, did not accurately reflect the impacts on residences located above the facility and stressed the need for a more comprehensive study.
5. **Lack of Comprehensive Information**: One neighbor argued that the study done for the Walnut Creek pickleball courts does not consider the local topography and should not be used as an example for noise reduction, raising concerns that the proposed barriers may not achieve the desired noise reduction levels due to the courts' proximity to residential areas.

Staff response: As discussed in the Zoning Section of this staff report, the health club has been in operation since 1987. The use has been updated, as shown in the History section of this report, keeping the club current.

The applicant provided a letter from JMC Lighting, LLC., that was prepared for a similar project the City of Walnut Creek as an example demonstrating how the installation of tarps would reduce the noise from sport courts used for pickleball. The tarps were install in mid-July.

On July 18, 2024, after the tarps were installed, City staff collected new sound data, with the pickleball courts in full play. The Sound Survey Report, dated July 18, 2024, demonstrated that the use of pickleball courts is compliant with the Noise Ordinance.

During the Zoning Administrator meeting, there were also several comments in favor of the proposed changes, including compliments the health club’s transparency and willingness to cooperate with the community, stating that that has alleviated their initial worries. Club members expressed interest in converting the tennis courts to pickleball, a game popular among specific age groups.

5. Public Improvements

Not applicable.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

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.)

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On May 16, 2024, the Zoning Administrator (ZA) held a public hearing and approved the Minor Conditional Use Permit. The Zoning Administrator added the following condition to Resolution No. ZA-2024-018 to address sound concerns, which reads:

> "*Resort members shall use the sound-dampening paddles to help mitigate noise further*."

On July 18, 2024, staff collected sound measurements with pickleball courts in full play. Due to the cost of these paddles, and, generally speaking, pickleball players prefer the regular paddle, the applicant is requesting that the Planning Commission eliminate this condition. The condition has been eliminated.

PUBLIC NOTIFICATION

The project was noticed as a public hearing per the requirements of Chapter 20-66 of the City Code. Notification of this public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailed notice to surrounding property owners and occupants, electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and bulletin board postings at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

LEVINE ACT

This project is subject to the Levine Act (Gov. Code Section 84308) which prohibits city

officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than $250 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. Please see the attached Disclosure Form for information on individuals interested in the proposed land use action and any monetary contributions to city officials. For more information, see the FPPC website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

ISSUES

There are no unresolved issues regarding this project.

ATTACHMENTS

Attachment 1: Disclosure Form
Attachment 2: Location Map
Attachment 3: General Plan Map
Attachment 4: Project Narrative
Attachment 5: JMC Lighting, LLC Letter, dated March 18, 2024
Attachment 6: Zoning Administrator Resolution
Attachment 7: Appeal Application
Attachment 8: Health Club Permit History
Attachment 9: Public Correspondence
Attachment 10: Sound Survey Report, dated July 18, 2024
Attachment 11: Chapter 17-16 Noise Ordinance

Resolution

CONTACT

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