

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A MINOR CONDITIONAL USE PERMIT FOR PURA VIDA RECOVERY SERVICES, A 24-BED COMMUNITY CARE FACILITY, AND VOIDING THE PREVIOUSLY ISSUED ZONING CLEARANCE ISSUED ON JULY 22, 2022, FOR A COMMUNITY CARE FACILITY WITH 6 OR FEWER CLIENTS (FILE NUMBER ZC22-0202), LOCATED AT 5761 MOUNTAIN HAWK DR, SANTA ROSA, SUITES 201-207, APN: 153-180-029 - FILE NUMBER CUP22-045

WHEREAS, on July 22, 2022, pursuant to Zoning Code Section 20-23.030, Table 2-6, the applicant was granted a Zoning Clearance to operate a Community Care Facility for 6 or fewer clients on the second floor of the existing mixed-use building located at 5731 Mountain Hawk Drive (Subject Site); and

WHEREAS, on August 1, 2022, an application for a Minor Conditional Use Permit was submitted to the Planning and Economic Development Department requesting approval of a 24-bed Community Care Facility (Project) on the second floor of the existing mixed-use building on the Subject Site, utilizing seven existing residential units for non-medical residential care for the addicted, including, but not limited to, monitoring and observing clients during the detoxification process, providing addiction education and relapse prevention services; and

WHEREAS, pursuant to Zoning Code Section 20-50.020, Table 5-1, the review authority for a Minor Conditional Use Permit is the Zoning Administrator; and

WHEREAS, pursuant to Zoning Code Section 20-50.020(A)(1), the Zoning Administrator may defer action on any decision assigned to the Zoning Administrator and refer the request to the Planning Commission, so that the Commission may instead make the decision; and

WHEREAS, pursuant to Zoning Code Section 20-52.050(E)(2), Zoning Administrator meetings are noticed as public meetings, unless a public hearing is requested in writing by any interested person before the specified date for the decision; and

WHEREAS, on October 10, 2022, a public meeting notice was sent for the proposed Project, identifying a Zoning Administrator meeting date of October 20, 2022; and

WHEREAS, on October 12, 2022, a written request was received for a public hearing for the proposed Project, and the item was continued to allow for the public hearing noticing; and

WHEREAS, on October 31, 2022, City staff met with several members of the adjacent residential neighborhood to discuss the proposed project, at which time the neighbors stated their concerns and opposition to the proposed Project; and

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WHEREAS, due to the amount of interest generated by the surrounding neighborhood, including concerns and opposition to the proposed Project, the item was referred to the Planning Commission for action; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit date stamp received August 1, 2022; and

WHEREAS, the matter has been properly noticed as required by Zoning Code Section 20-66.020; and

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 (Minor Conditional Use Permit) and 20-42.060 (Community Care and Health Care Facilities), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The property is zoned CN-SR (Neighborhood Commercial – Scenic Road) and the Zoning Code allows the proposed use (Community Care Facility – 7 or more clients) in Neighborhood Commercial districts through the approval of a Minor Conditional Use Permit.
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that community care facilities are identified as a residential land use per the Santa Rosa Zoning Code, which would be consistent with all of the General Plan residential land use designations, including the subject sites Very Low Density Residential land use designation. Specifically, the Zoning Code allows the proposed use (Community Care Facility – 7 or more clients) in the Rural Residential zoning district, which implements the subject site’s Very Low Density Residential land use designation, with the approval of a Minor Conditional Use Permit. Although the site’s zoning district of Neighborhood Commercial, which also allows Community Care Facilities – 7 or more clients with the approval of a Minor Conditional Use Permit, and the General Plan land use designation of Very Low Density Residential are not generally consistent, the General Plan does allow neighborhood centers in any land use designation where they can be supported (Santa Rosa General Plan 2035, page 2-12). As such, on July 17, 2005, the City Council adopted Ordinance No. 3732, rezoning the site from Planned Development-Scenic Road (PD-SR) to the current zoning of Neighborhood Commercial-Scenic Road (CN-SR).

The General Plan Housing Element (Santa Rosa General Plan page 4-43), also clarifies that community care facilities are allowed in all residential and commercial land use designations and zoning districts, with the exception of the Motor Vehicle Sales District. It further states that facilities of six or fewer persons are allowed by right since they are

considered a single-family use, and that facilities of seven or more require review of a Minor Conditional Use Permit by the City.

In addition, the project is consistent with the following General Plan goals and policies, including:

**LUL-E-3** “Avoid concentration of large community care facilities in any single residential neighborhood.” The nearest large community care facility is approximately 2 miles from the subject site;

**LUL-F** “Maintain a diversity of neighborhoods and varied housing stock to satisfy a wide range of needs.” The proposed recovery center will provide housing and treatment for people suffering from addiction, furthering the goal of maintaining diversity for a wide range of needs.

**H-A** “Meet the housing needs of all Santa Rosa residents.” **H-A-1** “Ensure adequate sites are available for development of a variety of housing types for all income levels, throughout the City, such as single- and multi-family units, mobile homes, transitional housing, and homeless shelters.” The proposed recovery center will provide housing and treatment for people suffering from addiction.

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that, while the site is surrounded by single-family residential development, the Zoning Code identifies community care facilities that meet certain criteria as a residential use and the proposed use has been conditioned to ensure that sufficient parking will be accommodated on site; that facility staff will be available 24 hours per day, including a minimum of 3 staff members on site during overnight shifts and no less than six staff members on site during daytime hours, and clients will be supervised at all times when outside of the facility; that a hotline will be provided for neighbors and visitors in the event of a complaint or concern; that clients will be screened and no sex offenders or violent felons will be admitted to the facility; and that clients will be required to be sober while in the program, and will be screened daily. The project will also be required to comply with the City’s noise ordinance which would prevent any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to reasonable person of normal sensitiveness residing in the area.
- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that each second-floor apartment unit is 1,188 square feet and can accommodate the proposed use; the existing facility is already connected to utilities; and traffic and parking demand is not anticipated to significantly increase as clients will not have vehicles during their stay.
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that new clients will only be admitted during business hours of 9:00 a.m. to

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7:00 p.m., and therefore there will be no after-hours traffic. In addition, once admitted, clients are required to stay within the facility and will be supervised 24 hours per day, 7 days per week, with a minimum of 3 staff members on site during overnight shifts and no less than six staff members on site during daytime hours. Further, clients will be screened and no sex offenders or violent felons will be admitted to the facility, and clients will be required to be sober while in the program, and will be screened daily, thereby limiting potential impacts to the adjacent neighborhood. The Santa Rosa Police Department has reviewed the proposal and has no concerns regarding safety.

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for the following exemptions:

- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).
- Class 3 Categorical Exemption under CEQA Guidelines Section 15303 in that the project involves a change of use, which will require only minor exterior modifications to the structure/site.
- Class 32 Categorical Exemption under CEQA Guidelines Section 15332 (In-fill Development Projects) in that:
  1. The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code. The site is zoned Neighborhood Commercial and community care facilities (7 or more clients) are a permitted use through a Major Conditional Use Permit;
  2. The Project is located within the City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
  3. The project site is currently developed with a mixed-use commercial building and a parking lot, and does not have any habitat value for endangered, rare, or threatened species;
  4. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Trip Generation Memo prepared by W-Trans, dated November 16, 2022, concludes the Project would result in a less-than-significant transportation impact on vehicle miles traveled (VMT), and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed Project will occupy an existing building, and any work will take place inside the building. The facility will be required to meet the City noise ordinance, and the residential units will be lived in by clients of the facility and utilized in the same manner as a traditional residential use, therefore the use will not have any additional impacts on air or water quality; and
  5. The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the

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plans and conditioned the project appropriately.

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.)

- G. The facility complies with all applicable requirements of Section 20-42.060 (Community Care and Health Care Facilities) in that over-concentration is mitigated by conditions that are imposed upon this Minor Conditional Use Permit and other measures instituted by the applicant.
- H. The facility complies with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements in that the proposed facility has been reviewed and conditioned by the City's Fire Department, and the applicant is licensed under the State of California Department of Health Care Services, License #490041BP.

BE IT FURTHER RESOLVED, that this Minor 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 approval of this Minor Conditional Use Permit supersedes and will make null and void the previously approved Zoning Clearance issued on July 22, 2022, File Number ZC22-0202, and will allow the development of a 24-bed Community Care Facility; and

BE IT FURTHER RESOLVED that a Minor Conditional Use Permit for a 24-bed Community Care Facility, to be located at 5761 Mountain Hawk Dr, suites 201-207, is approved subject to each of the following conditions:

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT**

##### **PLANNING DIVISION:**

1. Sufficient parking shall be accommodated and maintained on site for staff and client drop-off/pickup.
2. Staff shall be available on site 24 hours a day, which shall include no less than three staff members on site for overnight shifts and no less than six staff members on site during daytime hours.
3. The applicant shall establish a 24-hour hotline for neighbors or visitors to call in the event of complaint or concern, which shall be posted on site in a location visible to the general public.

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4. The number of people at the designated smoking area at any given time shall be limited to five, which includes a maximum of four clients and a minimum of one facility staff member.
5. Clients of the program shall be supervised at all times by program staff when outside of the facility.
6. Clients of the program shall be sober while in the treatment program, and shall be tested for drugs and alcohol daily. Any clients not meeting the sober requirements shall be removed from the facility.
7. The applicant shall add a minimum of 7 bicycle parking spaces to the site.
8. A building permit is required for all on site demolition, construction, and/or change of use.
9. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
10. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
11. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
12. No exterior signs are approved with this permit. A separate sign permit is required.
13. Any exterior changes (including construction of a designated smoking area) are subject to the design review process before obtaining a building permit.
14. As required by Zoning Code Section 20-42.060(D)(2), the facility shall comply with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements.
15. The applicant, and all clients and visitors of the community care facility, shall comply with the City's Municipal Code Chapter 9-20, Smoking Regulations.

## **FIRE DEPARTMENT**

16. Tenant improvements shall include modifications to the existing Fire Alarm system in this space appropriate to the proposed R2.1 occupancy upstairs per 2019 California Fire Code section 907.2.9.

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17. Deferred submittals to the Fire Department will be required for any updates to Fire Detection and Fire Suppression systems. This included modifications to existing system(s) and/or new installation(s).
18. The project is subject to the building and fire codes in effect at time of building permit application. The next code cycle is scheduled to go into effect on January 1, 2023.

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 December, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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