



## MEMORANDUM

**DATE:** December 6, 2022

**TO:** Chair Weeks and Members of the Commission

**FROM:** Sachnoor Bisla, City Planner

**CC:** Jessica Jones, Deputy Director – Planning  
Amy Nicholson, Supervising Planner

**SUBJECT: Public Correspondence for Pura Vida Minor Conditional Use Permit**

A significant amount of public correspondence has been received regarding the proposed 24-bed community care facility at 5761 Mountain Hawk Dr. While many of the comments received are addressed in the Staff Report, a brief summary of comments and questions are summarized below, along with staff's response.

### **General Plan & Zoning Consistency/Issues**

Numerous comments received stated that the proposed project is inconsistent with the project site's General Plan and Zoning.

The property is zoned Neighborhood Commercial – Scenic Road (CN-SR) 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. The CN Zoning District is described in the Zoning Code as a zoning district "...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. New development is encouraged to include both a residential and nonresidential component as noted by Section [20-23.030](#) (Commercial district land uses and permit requirements)."

[Table 2-6 in Zoning Code Section 20-23.030](#) identifies the allowable land uses for the CN zoning district. Although the CN zoning district is described as one with neighborhood serving uses, a wide range of commercial and residential uses are permitted by right, or with a Minor Conditional Use Permit. Community Care Facilities serve a need in the community and this proposed facility would be available to serve residents of the surrounding neighborhood as needed. Additionally, the existing mixed-

use shopping center has existing tenants that can also serve others outside of the immediate neighborhood including therapists and financial advisors.

The Project site is designated Very Low Density Residential on the [General Plan Land Use Diagram](#) which allows residential development from 0.2 to 2.0 units per gross acre. This density range accommodates rural and hillside developments within the Urban Growth Boundary (UGB) and is intended for single family detached units, but clustered single family attached and multifamily may be permitted. The existing mixed-use commercial building on site was developed in 2006 as a “neighborhood center.” The General Plan allows neighborhood centers in any land use designation where they can be supported (General Plan page 2-12).

In addition, pursuant to [Zoning Code Division 2, Zoning Districts and Allowable Land Uses](#), Community Care Facilities are identified as a residential land use which are consistent with all of the General Plan residential land use designations, including the Very-Low Density Residential 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 Very Low-Density Residential land use, with the approval of a Minor Conditional Use Permit.

The General Plan Housing Element, 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.

### **Economic Vitality**

Skyhawk residents have expressed concerns regarding effects on the economic vitality of other businesses in the commercial plaza.

The applicant has received numerous letters of support from neighboring business of existing Pura Vida locations. City staff does not have any documentation or evidence to support that the proposed use would negatively impact neighboring businesses.

### **Operational Questions**

Planning staff have received numerous questions regarding the inclusion of an outpatient clinic.

The applicant had initially included a downstairs outpatient clinic as a part of the original application. The clinic was proposed for two of the downstairs commercial suites. The applicant withdrew this portion of the application, as the tenants of those suites are under long-term leases. Should the applicant wish to incorporate an outpatient clinic in the future, an additional Minor Conditional Use Permit would be required.

The applicant will be delivering a presentation during the Planning Commission meeting that will address many common operational questions and concerns.

### **Evacuation Concerns**

Some comments have introduced concerns that the use would cause issues or inconveniences in the event of an emergency fire evacuation.

The site was previously used as residential apartments, housing about 22 tenants. During a fire evacuation, these tenants would have potentially taken several separate vehicles. The proposed use would not allow clients to have vehicles on site. In the event of an emergency evacuation, clients would be transported away in two Pura Vida vans that will be kept on site.

### **Traffic Concerns**

Many neighbors have expressed concerns that traffic in and out of the Skyhawk neighborhood would significantly increase.

A Trip Generation Memo was prepared for the project by W-Trans, dated November 16, 2022, and was reviewed by the City's Traffic Engineering Division. The Memo concludes that the single added a.m. peak hour trip and two added p.m. peak hour trips estimated to be added by the proposed project would have an imperceptible effect on traffic operation and would be expected to result in no adverse transportation effects.

### **General Safety Concerns**

Neighbors have commented on potential safety concerns of the project, some specifically citing close proximity to Austin Creek Elementary School.

No evidence has been submitted to support this claim. City staff did route the proposed project to the Santa Rosa Police Department and requested a report on other Pura Vida locations at 721 Link Ln (detox) and 130 Stony Point Rd #J (outpatient). From November 1, 2021, to November 21, 2022, there were no calls for service to the Stony Point Rd address. There was one call for Link Ln which was an agency assist for medical services – police were canceled before they responded, and no criminal case arose from it. Police staff has no concern with the proposed use at this location.

### **Proposed Smoking Area**

Neighbors have expressed concerns regarding the proposed designated smoking area. The proposed smoking area location and design have not yet been approved, although a conceptual location is shown in Attachment 10 to the Staff Report. Any structure proposed for the designated smoking area would be subject to design review and must meet the setbacks and other development standards for the Scenic Road (SR) combining district and Neighborhood Commercial (CN) zoning district.

Pursuant to [Zoning Code Section 20-28.050 D\(3\)\(a\)\(4\)](#) "Nonback-on fences and walls, hedges, swimming pools, uncovered parking, uncovered decks, gazebos, and other decorative type accessory structures need only comply with the setbacks and other standards of the primary zoning district." The front setback for the CN zoning district is 7.5 feet when abutting a residential land use or zoning district. Therefore, any proposed structure would need to be a minimum of 7.5 feet from the back of sidewalk along Highway 12. In addition, any structure located along this frontage is required to provide "back-on landscaping to include dense planting of coniferous tree and shrubs to screen development from view from Highway 12," pursuant to [Zoning Code Section 20-28.050 D\(3\)\(b\)](#). Staff anticipates that the applicant will be able to meet the requirements of the City Code based on the conceptual design provided.