

From: [Buckheit, Lani](#)
To: [PLANCOM - Planning Commission](#)
Cc: [Murray, Susie](#); [Bisla, Sachnoor](#)
Subject: PC - Late Correspondence for Items 8.1 and 8.2
Date: Tuesday, December 6, 2022 4:09:29 PM
Attachments: [8.1 - REDLINED - Resolution 1 - Addendum to previously adopted MND.docx](#)
[8.1 - REVISED - Resolution 1 - Addendum to previously adopted MND.docx](#)
[8.1 - REDLINED - Resolution 2 - Conditional Use Permit.docx](#)
[8.1 - REVISED - Resolution 2 - Conditional Use Permit.docx](#)
[8.1 - REDLINED - Resolution 3 - Tentative Map.docx](#)
[8.1 - REVISED - Resolution 3 - Tentative Map.docx](#)
[8.1 - Late Correspondence.pdf](#)
[8.2 - Staff Memo.docx](#)
[8.2 - REVISED - Resolution.docx](#)
[8.2 - Late Correspondence as of 12.6.22.pdf](#)
[8.2 - Applicant Revised Presentation.pdf](#)

- PLEASE DO NOT REPLY TO ALL -

Chair Weeks and members of the Planning Commission,

The reason for this email is to provide you with late correspondence for item 8.1, Public Hearing – Stonebridge Map Modification, and for item 8.2, Public Hearing – Pura Vida Recovery Services, scheduled for this week’s Planning Commission meeting on Thursday, December 8th. For item 8.1 please see attached updates to Resolutions 1, 2, and 3 (REDLINED AND REVISED), and Late Correspondence. For item 8.2 please see attached Staff Memo, Revised Resolution, Revised Applicant Presentation and Late Correspondence. All of these additions will also be added to the agenda.

Thank you,

Lani Buckheit | Administrative Secretary

Planning & Economic Development Department | 100 Santa Rosa Ave. Rm 3 | Santa Rosa, CA 95404
Tel. (707) 543-3226 | lbuckheit@srcity.org

Due to increased demand, limited resources, and time constraints, delays are expected in the City's permit processing. The Planning Division anticipates returning to standard processing and response times by Fall 2022. Thank you for your patience and understanding as City operations are reestablished following the coronavirus pandemic.





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.

From: [Gary Cortes](#)
To: [Bisla, Sachnoor](#)
Subject: [EXTERNAL] Re: 12/8 Planning Commission
Date: Tuesday, December 6, 2022 11:12:42 AM
Attachments: [image001.jpg](#)

Sachnoor,

Thank you for providing me with this contact information.

I wish to express my complete disagreement and protest against the permit considerations for the Pura Vida Recovery Services facility being planned for Skyhawk Village. With all of the open spaces and land available throughout the Santa Rosa area, it is ill advised to place this facility within 1/3 of a mile from one elementary school, within 2/3 of a mile from a second elementary school, and within 1 mile from a third elementary school. As residents of Santa Rosa expect wider safety zones between family neighborhoods and drug rehab facilities. Skyhawk is a safe neighborhood where we feel secure in allowing neighborhood children to play and safely grow up.

Also, there is little known or published about the Pura Vida Recovery Services other than they are an LLC and associated with faith-based recovery services and real estate holdings.

Therefore, to summate, keep this center out of our neighborhood.

Thank you for allowing me this platform for expressing my opinion.

Gary Cortes
Santa Rosa Resident

On Thu, Nov 17, 2022 at 1:34 PM Bisla, Sachnoor <sbisla@srcity.org> wrote:

Hi Gary,

Thank you for your call. Here is the Zoom ID for the December 8th planning commission meeting at 4:30 p.m.:

883 2834 7211

Thank you,

Noor

Sachnoor Bisla | City Planner Trainee

Planning and Economic Development Department | 100 Santa Rosa Ave | Santa Rosa, CA
95404

Tel. (707) 543-3223 | Fax (707) 292-0963 | sbisla@srcity.org



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From: [Cindy Arthur](#)
To: [Bisla, Sachnoor](#)
Subject: [EXTERNAL] Proposed Pura Vita drug rehab center in Skyhawk Village
Date: Sunday, December 4, 2022 5:34:54 PM

Dear Councilpersons and Members of Santa Rosa Planning Commission,

In less than a month, over 400 people from the Skyhawk community have signed a petition seeking to BLOCK the proposal to establish a permanent Addiction Services center in Skyhawk Village under the guise of a Community services center. This addict recovery center does nothing to serve our community and poses a danger to our children. It blocks traffic and takes customers away from our coffee shop and restaurant. Worst of all, it also violates the Santa Rosa city General Plan and creates a liability for the city should you continue to support this proposal!!

Please take steps today to block this proposal. We love Skyhawk and the basic principles on which it was planned and founded. This proposal seeks to destroy the very fabric of why we love Skyhawk. Please keep it from happening here.

Regards,

Richard and Cynthia Arthur

First, I would like to thank everyone who has shown support for our project. It is an affirmation that the good work we strive to do every day is making an impact and achieving its desired goal: to provide quality, affordable, addiction treatment to as many people as possible.

Pura Vida Recovery Services was founded in 2017 by Alex Wignall, David Wignall, and Ben Pahlavan. I am Alex and I am writing this letter on behalf of all three of us. David is my dad and the father of six children, three of whom have had issues with addiction. Ben is a friend I met when we were both early in recovery. I tell you these personal details to assure you that we are invested in this project. Our lives have been forever changed by our experiences with addiction and recovery. We currently employ around 25 staff members and treat between 40-50 people a month in detox and intensive outpatient treatment. We have a license and certification from the California Department of Health Care Services and an accreditation from The Joint Commission on Accreditation of Healthcare Organizations.

What is Detox:

First step in recovery.

Length of stay: 3-14 days.

Stop using drugs/alcohol safely. Clients screened and physically searched upon entry, drug tested daily.

24/hour supervision by medical assistants, counselors, and treatment technicians.

All meals on-site.

All activities on-site.

Exposure to addiction treatment (1 group/day and individual counseling.)

Clients do not have vehicles on-site and do not go anywhere outside their housing unit during treatment, except mild exercise under direct supervision of PV staff.

What is Residential Treatment:

Second step in recovery.

Length of stay: 30-90 days.

Clients are physically free from drugs/alcohol. Tested regularly to ensure compliance.

24/hour supervision by medical assistants, counselors, psychologists, and treatment technicians.

Meals on-site and off-site depending on schedule.

Activities and treatment on-site and off-site depending on schedule.

Clients off-site for majority of the day, from around 9:30am to 6:00pm.

Clients do not drive or go anywhere without a representative of Pura Vida Recovery Services present. Pura Vida Recovery Services provides transportation in vans.

Exposure to addiction treatment (6-8 hours/day, individual counseling, relapse prevention, recreational therapy, physical fitness, self-help meetings, spiritual practices, life skills, and community reintegration skills.) See schedule below for details.

Discrimination and The Americans with Disabilities Act and Federal Fair Housing Act.

As recovering addicts and alcoholics, our future clients are protected by several pieces of longstanding federal legislation and are guaranteed the same rights and access to housing and services as anyone else. As their representatives we intend to make sure they have those rights and access to quality addiction treatment.

Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term "physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional*

security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.

- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.*

Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

<https://www.justice.gov/opa/file/912366/download>

Any decision about this project must disregard stereotypical and discriminatory fears and comments about our clients.

It also bears mentioning that in addition to issuance of the permit, members of a protected class are guaranteed a right to reasonable accommodation from any issues arising from these proceedings.

Below is a summary of concerns we have received from community members and our responses.

- 1. This program is located too close to a school, which is a bad thing, because addicts seeking treatment will bother the children and/or are unsafe to be around them.**

There is no restriction on proximity of community care facilities to schools anywhere in the zoning code. This accusation is baseless and based solely on stereotypes about our potential clients.

Furthermore, as a father in recovery with two young children and a third on the way I take particular offense at this suggestion. I owe my life, my family, and everything I have to a facility like the one we are proposing. I bring my young girls with me to work once a week. They love interacting with our staff and clients. Our clients are not just “drug addicts”: they are loving parents, grandparents, aunts, uncles and siblings. To suggest that because our clients are seeking treatment for a diagnosable behavior health condition, they are somehow unfit to be within ½ a mile of children, is absurd.

Our current detox facility has been located directly behind an elementary school in Santa Rosa for two years. I called the principal of that elementary school and asked her if she knew that there was a 6 bed detoxification facility behind the school. She had no idea.

Our clients are supervised and absolutely safe to receive treatment within any distance of children in our community. My experience tells me you won't even notice us.

2. This program will lead to an influx of homeless and vagrants in the area.

Our program is structured, community oriented, safe, and a therapeutic environment.

We provide 24/hour supervision of clients.

Our program has 100% voluntary admission. No court ordered or paroled clients.

We only accept private pay and private insurance clients.

We conduct rigorous screening for mental health, general health, family dynamics, and criminal background. No sex offenders and no violent felons.

3. This project will negatively impact the community.

On the contrary. Pura Vida provides a much needed service to individuals struggling with substance abuse. There is currently one other private residential recovery program and no existing private detoxification facility in the City of Santa Rosa, and the addiction rate continues to rise. As a result many clients who need detoxification services end burdening emergency department capacity as well as local hospital and healthcare staff, or worse, unable to find the help they need before it is too late.

4. This program will draw undesirable people to the community for medications.

Pura Vida is not a methadone or suboxone clinic and does not deliver medications to clients on-site in the same way those types of programs do.

5. The proposed building is unsuitable for housing such a facility.

The area we propose to use for detoxification and residential treatment is actually perfect for such a facility.

It is located above businesses we will have no impact on.

It is in a commercial island separated from residential homes by a substantial distance.

The housing units themselves offer a level of comfort and space that most treatment centers would envy.

The use is consistent with the zoning code and the general plan (Small community care facilities allowed by right).

The facility is not directly in a residential neighborhood and will not affect parking, traffic, or any other aspect of the Skyhawk Community.

The Planning and Economic Development Department has recommended issuance of our permit.

6. The addition of this facility would negatively affect safe egress during a fire emergency.

The number of clients in the building will be similar to the number of residential tenants living in the building when we purchased it.

Staff will be required to park on Highway 12.

Clients will not have vehicles and would be transported away from the facility in 2 vans in the event of an emergency following our emergency evacuation plan, which we hold regular drills for.

In previous evacuations our clients have been helpful to neighbors, going as far as helping neighbors evacuate their pets and load belongings into their cars.

We have attached a trip generation study, completed by a licensed engineering firm, showing a negligible impact of traffic.

7. Pura Vida is not licensed or accredited by the state.

False. Pura Vida Recovery Services is licensed and certified by the California Department of Health Care Services and accredited by The Joint Commission on Accreditation of Healthcare Organizations.

8. This facility is not conducive for sober living.

This is not a proposal to house sober living clients at 5761 Mountain Hawk Drive for several reasons:

- A. Pura Vida Sober Living Homes(PVSLH) is a separate company, with a separate staff. PVSLH residents do not have to attend treatment at Pura Vida Recovery Services and vice versa. PVSLH does not own the building
- B. Sober living is not classified in the city code any differently than residential housing and does not require zoning or planning approval.
- C. The building will be occupied by Pura Vida Recovery Services and will not support additional housing for PVSLH.

9. What is the program's success rate?

Any addiction treatment center that advertises a success rate is lying to you. If there was a treatment modality with a 90% success rate we would hardly need treatment centers at all. Unfortunately, addiction is one of the most deadly and challenging diseases to treat. Attempts to determine a success rate are confounded by multiple factors. Those who "succeed" end up with jobs, families, and full lives with little time for stopping by their old treatment center to let you know they are still sober. Those who end up relapsing are more likely to show up again needing help.

Additionally, there is the question of how to define success. Does everyone who comes to treatment need to stay sober from all substances for the rest of their lives? Does an opiate addict need to never drink a beer again? Does an alcoholic who stops drinking need to refuse pain medication after a surgery?

Pura Vida does follow up with clients to gain insight into our program and get better, but we do not attempt to aggregate a success or failure rate for the reasons described above.

10. What type of person goes to Pura Vida for treatment?

Pura Vida is licensed to provide addiction treatment to anyone who's primary diagnosis is substance use disorder.

We can also help treat clients with secondary behavioral health diagnosis such as bipolar, depression, or anxiety in certain cases.

We carefully screen every new applicant to ensure that our staff and program has the tools needed to treat the individual.

If we do not have those tools, we make a referral to the appropriate level of care.

Clients either pay cash or use their private insurance for our services.

Our mission has always been to be affordable. Our program provides the highest quality treatment for a fraction of the cost of similar treatment centers in the area. In order to be accessible to as many clients as possible Pura Vida has partnered with community members to provide nearly \$200,000 in scholarships to our program over the past two years.

11. The proposed project will have a negative effect on the businesses currently located at 5761 Mountain Hawk and negatively affect home values in the area.

Our current location in Santa Rosa has had the opposite effect on our neighbors. Our clients and staff have become regular customers with neighboring businesses. Pura Vida has even partnered with some of these neighbors to provide routine services for our clients. We have submitted letters of support from these neighbors which affirm these statements. There have never been any issues with vandalism, crime, or any other nuisance.

There is no evidence to suggest that an addiction treatment center negatively affects property values in the surrounding area.

12. Why would an addiction treatment center want to be located next to a bar or establishments that sell alcohol?

Our current location was located directly next to a bar and restaurant for 4 years. We have never had a single issue with a client going to get a drink or relapsing there. But we have had several people from the bar wander over to ask us about quitting drinking.

13. There is not enough parking on site.

The application we have submitted is requesting 24 community care beds and one accessory office. Based on the zoning code, section 20-36.040 Number of parking spaces required. (qcode.us), we are required to provide 9 spaces. Our plan provides for far more spaces than this.

I hope that we can move forward with support from the entire community. We will continue to work tirelessly to make sure anyone who needs our help can get it.