

ORDINANCE NO. ORD-2024-004

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A ZONING CODE TEXT AMENDMENT TO TITLE 20 OF THE SANTA ROSA CITY CODE, SECTION 20-42.060, COMMUNITY CARE AND HEALTH CARE FACILITIES, TO EXEMPT SENIOR CARE FACILITIES FROM THE COMMUNITY CARE FACILITY OVERCONCENTRATION LIMITATION AND SPACING REQUIREMENT, AND SECTION 20-70.020, GLOSSARY, TO MODIFY THE DEFINITION OF COMMUNITY CARE FACILITY TO ALLOW PALLIATIVE CARE AND END OF LIFE MEDICAL TREATMENTS FOR SENIOR CARE FACILITIES– FILE NUMBER PRJ23-016

WHEREAS, an application was submitted on August 3, 2023, requesting the approval of a Zoning Code Text Amendment to amend Title 20 of the Santa Rosa City Code, Section 20-42.060, Community Care and Health Care Facilities, to remove the overconcentration and spacing requirement for age-restricted senior care facilities, and Section 20-70.020, Glossary, to modify the definition of Community Care Facility to allow palliative care and end of life medical treatments for senior care facilities; and

WHEREAS, City Code Section 20-42.060 currently includes spacing and concentration limitations for all types of community care facilities that serve seven or more clients, which requires that community care facilities maintain a minimum distance of 300 feet in all directions from any other community care facility, including age-restricted facilities (senior care); and

WHEREAS, the California Health and Safety Code (enforced by the Department of Social Services) aims to prevent the overconcentration of residential facilities that, “impair the integrity of residential neighborhoods;” and

WHEREAS, the Department of Social Services (Department) may deny an application for a new residential facility license if the Department determines that the location would result in overconcentration to an existing residential facility; and

WHEREAS, the California Health and Safety Code defines “overconcentration” as residential facilities that are separated by a distance of 300 feet or less, as measured from any point upon the outside walls of the structures housing those facilities; and

WHEREAS, based on special local needs and conditions, the Department may approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located; and

WHEREAS, the State of California Health and Safety Code 1520.5(f) states that “foster family homes and residential facilities for the elderly shall not be considered in determining overconcentration of residential facilities, and license applications for those facilities shall not be denied upon the basis of overconcentration;” and

WHEREAS, amending City Code Section 20-42-060 to exempt age-restricted senior care facilities would be consistent with current California Health and Safety Code requirements; and

WHEREAS, City Code Section 20-70.020, Glossary, defines Community Care Facility and limits such facilities to provide only non-medical residential care. Because senior community care facilities often include palliative or end of life care, the proposal includes a modification to the definition of Community Care Facility to allow palliative care and end of life medical treatments for senior care facilities; and

WHEREAS, on January 11, 2024, the Planning Commission held a duly noticed public hearing and approved a resolution to recommend that the City Council adopt Zoning Code text amendments to Title 20 of the Santa Rosa City Code, Section 20-42.060, Community Care and Health Care Facilities, to exempt senior care facilities from the community care facility overconcentration limitation, and Section 20-70.020, Glossary, to allow palliative care and end of life medical treatments for senior care facilities; and

WHEREAS, on February 13, 2024, the Council held a duly noticed public hearing and considered the adoption of Zoning Code text amendments to Title 20 of the Santa Rosa City Code, Section 20-42.060, Community Care and Health Care Facilities, to exempt senior care facilities from the community care facility overconcentration limitation, and Section 20-70.020, Glossary, to allow palliative care and end of life medical treatments for senior care facilities, at which time all those wishing to be heard were allowed to speak.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council of the City of Santa Rosa finds, pursuant to City Code Section 20-64-050 (Findings), based on evidence and records presented, that:

- A. Chapter 9 – Youth and Family (YF) section of the General Plans states that: “Senior citizens are valuable economic, social, and political contributors to our society, often with a unique set of needs and perspectives. The community service needs of the senior citizen population can be more substantial and specialized. The majority of senior citizens are retired or semi-retired. While senior citizens may enjoy more leisure time, they may also be limited by fixed incomes, less mobility, and health problems. It is important for the city to address these needs which arise due to aging. They include affordable housing, health and day care, transportation, recreation, and social services (9-4).” The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the proposed Zoning Code Text Amendment would further General Plan Goal YF-E-1, which states: “Continue to develop, manage, and expand the city’s senior services and programs as an important social service within the community.” The proposed Zoning Code Text Amendment would remove the overconcentration and location requirements for Community Care Facilities serving seniors and allow for medical services in facilities providing palliative care and/or end of life medical care for seniors within those facilities, therefore, serving the citizens of Santa Rosa.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the proposed amendment would allow more age-restricted care facilities to be established, as needed, for the aging population of the City. This would increase specialized housing that includes elderly care and would

promote jobs in specialized elderly care. The State of California does not view residential facilities for the elderly as a use that will “impair the integrity of residential neighborhoods” and does not have an overconcentration or spacing requirement like it does for other types of residential care facilities. Removing the spacing and overconcentration limit for age-restricted care would bring the City’s Code in compliance with State Health and Safety Code.

- C. The proposed amendments are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 in that the proposed Zoning Code text amendment is consistent with General Plan 2035, the project relies upon the General Plan 2035 Environmental Impact Report (November 3, 2009, SCH No. 2008092114), and there are no impacts peculiar to the site that were not previously analyzed in the General Plan 2035 EIR. The Environmental Impact Report for the General Plan 2035 analyzed impacts to Traffic, Air Quality and Greenhouse Gases, and Noise for the implementation of the General Plan.
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code in that the proposed amendment creates opportunities for development of additional care facilities for seniors/the elderly who need assisted living or specialized care, while maintaining internal consistency with the Zoning Code. The proposed changes to Sections 20-42.060 and 20-70.020 would not allow any new land uses or regulations. The amendment would align the Zoning Code with current California Health and Safety Code requirements, while continuing to support multiple City Zoning Code and General Plan objectives of creating incentives for development of housing and services for seniors, promoting more environmentally sustainable urban infill, and reducing travel costs when seeking these types of uses.

Section 2. Section 20-42.060(C), Community Care and Health Care Facilities –
Conditions of Approval, of the Santa Rosa City Code is amended to read and provide as follows:

- “C. Conditions of approval. The operation of a community care or health care facility serving seven or more persons, in compliance with a Minor Conditional Use Permit as required by Division 2, may be conditioned or limited by the permit, except as may be prohibited by State law applicable to a chartered city, in any manner deemed necessary by the review authority to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the facility is proposed. The scope of permit review and approval shall be limited as required by State law to the following.
 - 1. Spacing and concentration. No proposed community care/health care facility shall be located closer than 300 feet in all directions from any other community care facility, as measured from any point on the exterior walls of both structures. In no case shall a residential parcel be directly abutted by community care facilities on two or more sides.
 - 2. Over-concentration of facilities. The over-concentration of community care/health care facilities in an area shall constitute cause for the denial of a Minor Conditional Use Permit, where it is determined that overconcentration will not be

mitigated by conditions that might be imposed upon the Minor Conditional Use Permit and other measures instituted by the applicant. As used in this Section, a condition of "overconcentration" arises wherever two or more community care facilities would be located at a distance of 1,000 feet or less from each other, as measured from any point upon the outside walls of the structures housing the facilities.

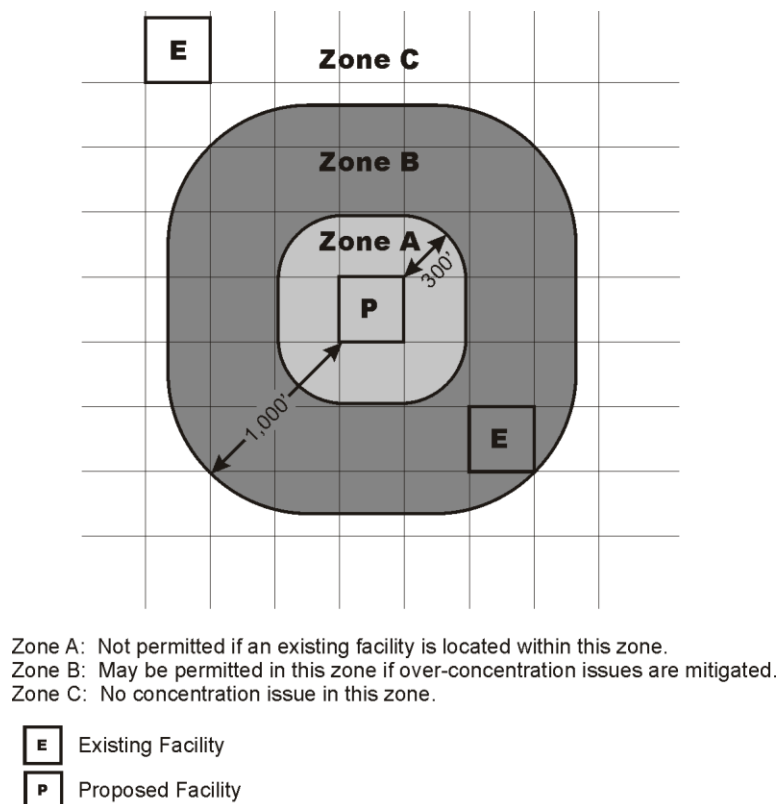


Figure 4-1—Overconcentration of Community Care Facilities

3. Age-Restricted Housing or Age-Restricted Care Facilities for Qualifying Residents, as defined in 20-70, are exempt from the spacing and overconcentration requirement of Section 20-42.060 C.1. and C.2.”

Section 3. Amend the definition of Community Care Facility in Section 20-70.020(C), Definitions of Specialized Terms and Phrases, of the Santa Rosa City Code to read and provide as follows:

Community Care Facility. A facility, place, or building that is maintained and operated to provide non-medical residential care, which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged. Notwithstanding the above, end of

life care, including palliative care, shall be allowed at senior care facilities.

Section 4. Environmental Determination. The proposed amendments are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15183 in that the proposed Zoning Code text amendment is consistent with General Plan 2035, the project relies upon the General Plan 2035 Environmental Impact Report (November 3, 2009, SCH No. 2008092114), and there are no impacts peculiar to the site that were not previously analyzed in the General Plan 2035 EIR. The Environmental Impact Report for the General Plan 2035 analyzed impacts to Traffic, Air Quality and Green House Gases, and Noise for the implementation of the General Plan.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on February 13, 2024.

IN COUNCIL DULY PASSED AND ADOPTED this 27th day of February, 2024.

AYES: (6) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (1) Council Member MacDonald

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney