

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING A MINOR CONDITIONAL USE PERMIT FOR A 24 BED COMMUNITY CARE FACILITY, LOCATED AT 5761 MOUNTAIN HAWK DRIVE, SANTA ROSA, SUITES 201-207, APN: 153-180-029 - FILE NUMBER PLN25-0136

WHEREAS, on February 27, 2025, a Zoning Clearance was issued to operate a Community Care Facility for 6 or fewer clients on the second floor of the existing mixed-use building located at 5761 Mountain Hawk Drive (Subject Site), suites 201 and 207 (ZC25-0073); and

WHEREAS, on May 5, 2025, 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 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(A)(1), the Minor Conditional Use Permit application was elevated to the Planning Commission for review and action; and

WHEREAS, on November 13, 2025, the Planning Commission held a duly noticed public hearing, during which time all those wishing to be heard were allowed to speak or present written comments and other materials, and adopted Resolution No. PC-RES-2025-017 approving the Minor Conditional Use Permit application by a vote of 4-2-1, with two Commissioners voting no and one Commissioner absent; and

WHEREAS, on November 24, 2025, two Appeal Forms were received seeking review by the City Council pursuant to Zoning Code Chapter 20-62; and

WHEREAS, on March 24, 2026, the Council held a duly noticed public hearing and considered the Appeal of the Planning Commission action of approving a Minor Conditional Use Permit for a 24-bed community care facility, located at 5761 Mountain Hawk Drive, all comments made at the public hearing, and all other information in the administrative record.

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Minor Conditional Use Permit) and 20-42.060 (Community Care and Health Care Facilities), the Council 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 project site is zoned CN-SR (Neighborhood Commercial – Scenic Road). According to Section 20-

23.020 of the Zoning Code, the CN zoning district is 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). Zoning Code Section 20-23.030, Table 2-6, further identifies the specific land uses that are allowed within the City’s commercial zoning districts, including in the CN district. The allowed land uses and permitting requirements for the CN zoning district were established based on the above stated purpose of the zoning district. Consistent with State law, the Zoning Code allows Community Care Facilities – 6 or fewer clients by-right and Community Care Facilities – 7 or more clients with the approval of a Minor Conditional Use Permit in the CN district, as well as in all residential, commercial, and industrial zoning districts, with the exception of the Motor Vehicle Sales (CV) district. Further, the proposal meets the parking requirements identified in the Zoning Code. Specifically, the existing commercial complex includes a total of 93 vehicular parking spaces, with an additional 25 parking spaces located on Highway 12. The subject units have 30 of the existing spaces dedicated for their use. The proposed community care facility, with 24 beds, will require 8 of those spaces. In addition, the proposed project has been conditioned to provide 7 bicycle parking spaces, which has been determined to be sufficient for the proposed use. Finally, Zoning Code Section 20-42.060 (Community Care and Health Care Facilities) provides additional, specific, regulations for community care and health care facilities; as noted in finding G below, the proposed project is consistent with this section of the Code.

- B. The proposed use is consistent with the General Plan and any applicable specific plan. The project was found consistent with Santa Rosa General Plan 2035 that was in effect at the time the project was deemed complete on May 5, 2025, as well as the General Plan 2050 that was adopted by the City Council on June 3, 2025. General Plan 2050 Chapter 2, Land Use and Economic Development, states the following: “In addition to the primary residential uses described in each land use, compatible accessory uses are also allowed, as identified by the City’s Zoning Code. Some of these may require discretionary review by the City, and some are allowed by right. Such uses include, but are not limited to, certain recreation, education, and public assembly uses; certain medical, community care, and daycare facilities; supportive and transitional housing; and certain neighborhood-serving retail uses.” In addition, the project would further the following General Plan goals and policies:

LAND USE AND ECONOMIC DEVELOPMENT

Goal 2-1 Ensure that growth and change serve community needs, protect the environment, improve the City’s fiscal stability, and enhance quality of life for all members of the community.

Policy 2-1.1 Encourage development that supports community health and quality of life and fosters complete neighborhoods in both established and emerging neighborhoods.

Goal 2-5 Create a business-friendly, diverse, and sustainable economy through the attraction of new business, and the expansion, retention, and support of existing business.

HEALTH, EQUITY, ENVIRONMENTAL JUSTICE, AND PARKS

Policy 6-2.3 Prevent, disincentivize, and reduce harmful addictive behaviors.

Goal 6-8 Foster environments that support families and community members of all ages with high-quality, equitably accessible amenities, programs, and services.

HOUSING

Goal H-1 Encourage the development of housing to meet the needs of all Santa Rosa Residents.

The project site has a General Plan land use designation of Retail and Business Services and Medium Density Residential, which allows a maximum residential density of 8 to 18 units per acre and allows retail and service enterprises, offices, and restaurants. Community care facilities are permitted in all General Plan land use designations, and the project will not allow additional density beyond what is allowed by General Plan 2050. In addition, the project will further numerous goals, policies and actions within the General Plan related to providing housing and non-medical treatment for people dealing with addiction, and supporting existing business and the health of the community by expanding the existing 6-bed facility, allowing increased access to addiction treatment and services.

- 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. The community care facility use will occupy seven existing residential apartment units within the multi-tenant commercial, mixed-use building (Skyhawk Village). The first floor of the center is comprised of various commercial uses, including a restaurant/bar, a fitness center, coffee shop, offices and other small retail and service uses. Skyhawk Village is located at the southwest corner of Highway 12 and Mountain Hawk Drive, at the southern edge of the Skyhawk residential neighborhood. The site is not located within the low-density residential neighborhood, it is within a commercial center on a site zoned for commercial and residential uses, and is physically separated from the nearest single-family residential properties by Skyhawk Creek and Park. General Plan 2050 Chapter 2 (Land Use and Economic Development) describes community care facilities, among other uses, as “compatible accessory uses” to the primary residential uses in residential areas. Additionally, Table 6-6 of the Housing Element and Table 2-2 of the Zoning Code both identify community care facilities as a residential housing type.

Based on State law, the City's General Plan, and Zoning Code regulations, residential care facilities, including the subject facility, are consistent with residential areas. Further, the proposed use has been conditioned to ensure compatibility with the surrounding land uses, including the following:

- 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;
- That 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, as well as the City's smoking ordinance.

- 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 the total floor area of the existing second floor residential units is 8,316 square feet and can accommodate the proposed use. The proposed interior alterations shown on the floor plan are minor and will allow for more efficient operation of the facility. 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. As conditioned, the facility will only admit new clients between the hours of 9:00 a.m. to 7:00 p.m., minimizing impacts to surrounding businesses and residences. Clients are required to 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. Clients will be supervised by staff at all times when off-site. Clients will be screened to ensure no sex offenders or violent felons will be admitted, and clients will be required to be sober while in the program, subject to daily screening. Further, the Trip Generation Assessment, prepared by W-Trans and dated November 16, 2022, which was reviewed and accepted by the City's Traffic Engineering Division, concludes that the vehicle trip generation expected for the community care facility use would have an imperceptible effect on traffic operation and would be expected to result in no adverse transportation effects. Finally, the Santa Rosa Police Department has

reviewed the proposal and has no concerns regarding safety related to the operation of the community care facility.

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

- The project is statutorily exempt from CEQA pursuant to Section 15183, because it is consistent with General Plan 2050 for which an Environmental Impact Report was certified by the City Council on June 3, 2025 and an Addendum to the EIR was adopted by Council on February 24, 2026. The proposed project was submitted on May 5, 2025 and was deemed complete on May 7, 2025, prior to the adoption of General Plan 2050. At that time, the project was reviewed and found to be consistent with General Plan 2035, for which an EIR was certified by Council.

This section of CEQA specifically mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The proposed residential care facility will include operation of a 24-bed Community Care Facility on the second floor of an existing mixed-use building, which will provide non-medical residential addiction treatment with services including, but not limited to, monitoring and observing clients during the detoxification process, providing addiction education, and relapse prevention services. The project site has a General Plan land use designation of Retail and Business Services and Medium Density Residential, which allows a maximum residential density of 8 to 18 units per acre and allows retail and service enterprises, offices, and restaurants. Community care facilities are permitted in all General Plan land use designations, and the project will not allow additional density beyond what is allowed by General Plan 2050. In addition, the project will further numerous goals, policies and actions within General Plan related to providing housing and non-medical treatment for people dealing with addiction, and supporting existing business and the health of the community by expanding the existing 6-bed facility, allowing increased access to addiction treatment and services. There are no impacts peculiar to the project that were not previously analyzed in the EIR or require additional environmental analysis.

- The project is categorically exempt pursuant to CEQA Guidelines Section 15301 because the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s). The proposed residential community care facility will utilize the existing residential units located on the second floor of the existing mixed-use structure. The proposal does not include any request to expand the existing building. The existing residential units will be occupied by clients of the facility and will be utilized in the same manner as a traditional residential use.

- The project is categorically exempt pursuant to CEQA Guidelines Section 15332 because it is an in-fill project. The following details how the project aligns with the criteria listed in CEQA Guidelines Section 15332 (subds. a-e):
 - a. The project is consistent with Santa Rosa General Plan 2035, which was in effect at the time the project was deemed complete on May 5, 2025, as well as General Plan 2050, which was adopted by the City Council on June 3, 2025, and is consistent with the City of Santa Rosa Zoning Code. The project site has a General Plan land use designation of Retail and Business Services and Medium Density Residential, which allows a maximum residential density of 8 to 18 units per acre and allows retail and service enterprises, offices, and restaurants. Community care facilities are permitted in all General Plan land use designations, and the project will not allow additional density beyond what is allowed by General Plan 2050. Further, consistent with goals and policies within General Plan 2050, the proposed 24-bed community care facility would provide housing and non-medical treatment for people dealing with addiction, and would support both the existing business and the health of the community by expanding the existing 6-bed facility, allowing increased access to addiction treatment and services.

The project site is zoned CN-SR (Neighborhood Commercial – Scenic Road). The CN zoning district is applied to areas within and adjacent to residential neighborhoods appropriate for limited retail and service centers for convenience shopping. Zoning Code Section 20-23.030, Table 2-6, further identifies the specific land uses that are allowed within the City’s commercial zoning districts, including in the CN district. The allowed land uses and permitting requirements for the CN zoning district were established based on the above stated purpose of the district. Consistent with State law and the Santa Rosa General Plan, the Zoning Code allows Community Care Facilities – 6 or fewer clients by right and Community Care Facilities – 7 or more clients with the approval of a Minor Conditional Use Permit in the CN district. The project has been found in compliance with the Zoning Code as it relates to community care facilities.

- b. 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. The subject site is approximately 1.21 acres in size, and is located within an existing shopping center surrounded by urban residential development.
- c. 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.

- d. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Trip Generation Assessment 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 Engineering Division has reviewed the proposal, confirmed the findings, and requested no additional Traffic Study. The proposed Project will occupy an existing building, with no proposed physical expansion. Any necessary tenant improvement work will take place inside the existing building. The facility does not propose any exterior uses or activities and will be required to comply with the City's noise ordinance. The residential units will be occupied by clients of the facility and will be utilized in the same manner as a traditional residential use, therefore the use will not have any additional impacts on noise, air quality, or water quality; and
- e. 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 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) including over-concentration. Specifically, the closest large community care facility (7 or more clients) is located approximately 2 miles west of the subject site, well outside of the required 300 and 1,000-foot distance requirements. While there is a small community care facility (6 or fewer clients) located approximately 500 feet south the subject site, the current over-concentration regulations are only required for large community care facilities. Further, consistent with State law, the Santa Rosa Zoning Code is in the process of being updated to remove the over-concentration spacing requirements for certain assisted living and residential care facilities. Per State law, distancing requirements between care facilities does not apply to facilities for the elderly, alcohol or other drug facilities, foster family homes, temporary shelter care facilities, and transitional shelter care facilities.
- 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 the City Council hereby denies the two appeals and upholds the Planning Commission's approval of the Minor Use Permit for a 24-bed community care facility located at 5761 Mountain Hawk Drive, Suites 201-207.

BE IT FURTHER RESOLVED that this 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 a Minor Conditional Use Permit for a 24-bed community care facility for non-medical residential addiction treatment, to be located at 5761 Mountain Hawk Drive, is approved subject to each of the following conditions:

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. All work shall be done according to the final approved plans date stamp received May 5, 2025.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

BUILDING DIVISION:

6. Obtain building permits for the proposed project.
7. Specify, on the cover of the building permit plans, whether or not the project is built on behalf of a public agency, and/or if any government funding, financial incentives, or programs are to be utilized. This information helps determine which portion of Chapter 11 of the California Building Code applies (for accessibility). (Appears to be 11B)
8. Many of the doors do not provide the proper width to ensure all elements are on an accessible route, and the office suite does not appear to have accessible bathrooms or kitchen. Door sizes, plumbing fixture clearances, and countertops/workstations at kitchens will likely need to be altered as part of the building permits. (CBC 11B-233.3.1.2)

PLANNING DIVISION:

9. This approval for a 24-bed community care facility replaces the previously documented 6-bed community care facility, such that the maximum number of beds permitted on the 5761 Mountain Hawk Drive site does not exceed 24.
10. Sufficient parking shall be accommodated and maintained on site for staff and client drop-off/pickup.
11. 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.
12. 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.
13. Clients of the program shall be supervised at all times by program staff when outside of the facility.
14. New clients will only be admitted between the hours of 9:00 a.m. to 7:00 p.m.
15. All clients shall be screened prior to entry into the program; no sex offenders or violent felons shall be admitted to the facility.
16. 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.
17. The applicant shall add a minimum of 7 bicycle parking spaces to the site.
18. No exterior signs are approved with this permit. A separate sign permit is required.
19. 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.
20. 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:

21. Tenant improvements shall include modifications to the existing Fire Alarm system in this space appropriate to the proposed R2.1 occupancy upstairs per 2022 California Fire Code section 907.2.9.
22. 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).

23. Fire service features for buildings, structures and premises shall comply with all City adopted building standards, California Code of Regulations Title 24 Building Standards and Santa Rosa City Code.

BE IT FURTHER RESOLVED that the Council 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.

IN COUNCIL DULY PASSED this 24th day of March, 2026.

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney