

## **RESOLUTION NO. ZA-2022-060**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A 24 BED COMMUNITY CARE FACILITY FOR THE PROPERTY LOCATED AT 5761 MOUNTAIN HAWK DR SANTA ROSA, APN: 153-180-029, FILE NO. CUP22-045**

WHEREAS, on July 22, 2022, the applicant was granted a Zoning Clearance to operate a Community Care Facility for 6 or fewer residents; and

WHEREAS, on August 1, 2022, an application for a Minor Conditional Use Permit was submitted to the Planning and Economic Development Department to permit a Community Care Facility for 7 or more residents; and

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Minor Conditional Use Permit application to allow the proposed use for the project described above; 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 Section 20-52.050.E.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. 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 residents) in Neighborhood Commercial districts through the approval of a Minor Conditional Use Permit.
2. The proposed use is consistent with the General Plan and any applicable specific plan in that the site's General Plan Land Use is Very Low Residential, and the Zoning Code allows the proposed use (Community Care Facility – 7 or more residents) in the Rural Residential zoning district which implements the Very Low Density Residential land use, the proposed use is allowed through the approval of a Minor Conditional Use Permit. Although the site's zoning district and General Plan land use are inconsistent, both the implementing zoning district and site zoning district require the same permitting process, and no new development is proposed. In addition, the project is consistent with Policy H-D-10, which identifies that the City should “explore new models for providing temporary housing solutions in response to emerging needs.”

3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the existing building is architecturally compatible with neighboring structures; the site is surrounded by residential development; and the proposed project would 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.
4. The site is physically suited for the type, density, and intensity of the proposed use 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 increase as clients will not have vehicles during their stay.
5. 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 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.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 1 exemption under CEQA Guidelines Section 15301 in that the proposed project involves the minor alteration of an existing facility, with a negligible expansion of the previous use of a Community Care Facility – 6 or fewer clients.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

#### Conditions of Approval

#### **PLANNING**

1. A building permit is required for all on site demolition, construction, and/or change of use.
2. 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.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
5. No exterior signs are approved with this permit. A separate sign permit is required.

## **FIRE**

1. 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.
2. 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).
3. 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.

This Minor Conditional Use Permit is hereby approved on October 20, 2022, for the duration of the use provided that conditions are complied with and that the use has commenced within 24 months from the approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
SHARI MEADS, ZONING ADMINISTRATOR