

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
January 11, 2024

PROJECT TITLE

Senior Community Care Facility Zoning
Code Text Amendment

APPLICANT

Rajesh Kalra and Peter Stanley

ADDRESS/LOCATION

Citywide

PROPERTY OWNER

N/A

ASSESSOR'S PARCEL NUMBER

Citywide

FILE NUMBERS

PRJ23-016

APPLICATION DATES

August 3, 2023

APPLICATION COMPLETION DATES

December 26, 2023

REQUESTED ENTITLEMENTS

Zoning Code Text Amendment

FURTHER ACTIONS REQUIRED

City Council adoption, Minor Use Permit

PROJECT SITE ZONING

N/A

GENERAL PLAN DESIGNATION

N/A

PROJECT PLANNER

Kristinae Toomians

RECOMMENDATION

Recommend adoption to City Council

Agenda Item #9.2

For Planning Commission Meeting: January 11, 2024

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING
COMMISSION

FROM: KRISTINAE TOOMIANS, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: SENIOR COMMUNITY CARE FACILITY ZONING CODE TEXT
AMENDMENT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, recommend that the City Council adopt 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 exempt senior care facilities from the Community Care Facility overconcentration limitation and spacing requirement, and Section 20-70.020, Definitions of Specialized Terms and Phrases, to modify the definition of Community Care Facility to allow palliative care and end of life medical treatments **in senior care facilities**.

EXECUTIVE SUMMARY

City Code Section 20-42.060, Community Care and Health Care Facilities, currently includes spacing requirements and concentration limitations for all types of community care facilities that serve seven or more clients. The current Code language requires that community care facilities be located no closer than 300 feet in all directions from another community care facility. The Code also states that an "overconcentration" arises wherever two or more community care facilities would be located within 1,000 feet from each other and may require additional conditions to mitigate any potential impacts. These overconcentration and spacing requirements apply to all community care facilities that serve seven or more clients, including senior (age-restricted) facilities. In addition, City Code Section 20-70.020, Definitions of Specialized Terms and Phrases, defines Community Care Facility and limits these facilities to provide only non-medical residential care. Because senior care facilities often include palliative or end of life care, the proposal includes a modification to the definition to include this type of care. The

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Planning Commission is being asked to consider a Zoning Code Text Amendment to exempt senior care facilities from the distancing requirement and overconcentration limitation, and to modify the definition of Community Care Facility to allow palliative care and end of life medical treatments **at senior care facilities**.

BACKGROUND

1. Project Description

The applicant proposes to amend City Code Section 20-42.060 to exempt age-restricted community care facilities from the spacing and overconcentration limitation, which would address community care facilities citywide. City staff is also recommending an amendment to City Code Section 20-70.020 to amend the definition of Community Care Facility to allow palliative care and end of life medical treatments **at senior care facilities**.

2. Project History

On August 3, 2023, the applicant submitted project applications and plans. In addition to the request for a Zoning Code Text Amendment, the project includes an application for a Minor Conditional Use Permit for a senior memory care facility to be located at 6575 Oakmont Drive. Pending the outcome of the Planning Commission and Council actions, that request will be considered by the Zoning Administrator.

ANALYSIS

Zoning Code Text Amendment

City Code Section 20-42.060, Community Care and Health Care Facilities, currently includes a spacing and concentration limitation for all types of Community Care Facilities that serve seven or more clients. The current Code language requires that community care facilities maintain a minimum distance of 300 feet in any direction from another community care facility. A condition of "overconcentration" arises when two or more community care facilities are proposed within 1,000 feet from each other and may trigger additional conditions to mitigate any potential nuisances. The overconcentration and spacing requirements apply to 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 (senior care).

The California Health & Safety Code (enforced by the Department of Social Services) aims to prevent the overconcentration of residential facilities that, "impair the integrity of residential neighborhoods." The Department of Social Services 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. The California Health & 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. Based on special local needs and conditions, the Department of Social Services 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. The

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State of California Health & Safety Code Section 1520.5(f) states: “Foster family homes and residential facilities for the elderly (emphasis added) 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.”

Amending City Code Section 20-42-060 to exempt age-restricted care facilities from the distance and concentration requirements would be consistent with the California Health & Safety Code. The City Code does not restrict foster family homes since the Code broadly defines “family” as: “An individual, or two or more persons, related by blood, marriage, or adoption; a group of unrelated persons which if numbering five or more persons, must be living together as a group in a dwelling unit, using common cooking facilities and as a group bear the generic characteristics of a family as a relatively permanent household.” Foster family homes are permitted by right in any Zoning District where residential uses are allowed.

City Code Section 20-70.020, Definitions of Specialized Terms and Phrases, defines Community Care Facility and limits these facilities to provide only non-medical residential care. Because senior care facilities often include palliative or end of life care, the Zoning Text Amendment is proposing to modify the definition of Community Care Facility to read (proposed language underlined):

- **Community Care Facility.** *A facility, place, or building that is maintained and operated to provide non-medical residential care, ~~with the exception of palliative care or end of life care medical treatment,~~ 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.***

Zoning Code Text Amendment Findings

Pursuant to Zoning Code Section 20-64.050(B), amendments to the text of the Zoning Code may be approved only if all the following findings are made; the staff response to each are also provided:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan.

Staff Response:

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 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.

Staff Response:

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 project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff Response:

See Environmental Impact section of this report below.

- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Staff Response:

The proposed amendment creates opportunities for development of additional care facilities for 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.

FISCAL IMPACT

The proposed Zoning Code text amendment was prepared with applicant paid fees. Approval of this action does not have a direct known fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Because 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 is consistent with CEQA Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). 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.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed Zoning Code text amendments would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also sent out via GovDelivery email, through the City's various social media sites, and was posted at City Hall and the City website, including the Short-Term Rental website (<https://www.srcity.org/3625/Short-Term-Vacation-Rentals>). Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ATTACHMENTS

Attachment 1: Disclosure Form

Attachment 2: Email from Department of Social Services, dated December 6, 2023

Attachment 3: State of California Health & Safety Code 1520.5

Resolution/Exhibit A: Proposed Zoning Code Text Amendment

CONTACT

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