

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
June 25, 2026

PROJECT TITLE

Pham Assisted Living Appeal

APPLICANT

Gunnar Vega, ArchiLOGIX

ADDRESS/LOCATION

631 Benjamins Road

PROPERTY OWNER

Kim Pham

ASSESSOR'S PARCEL NUMBER

183-240-040

FILE NUMBERS

PLN25-0206

APPLICATION DATES

July 31, 2025

APPLICATION COMPLETION DATES

October 10, 2025

REQUESTED ENTITLEMENTS

Minor Conditional Use Permit

FURTHER ACTIONS REQUIRED

N/A

PROJECT SITE ZONING

RR-40 (Rural Residential)

GENERAL PLAN DESIGNATION

Very Low Density Residential

PROJECT PLANNER

Hana Michaelson

RECOMMENDATION

Deny the Appeal and uphold the approval of the Minor Conditional Use Permit

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION
FROM: HANA MICHAELSON, SENIOR PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: PHAM ASSISTED LIVING APPEAL

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Zoning Administrator and the Planning and Economic Development Department that the Planning Commission, by resolution, deny the Appeal, and uphold the decision of the Zoning Administrator approving a Minor Conditional Use Permit to allow a 15-bed Community Care Facility for the property located at 631 Benjamins Road.

EXECUTIVE SUMMARY

The Pham Assisted Living project involves review of a Minor Conditional Use Permit (MUP) to allow operation of a 15-bed Community Care Facility within a proposed single-family dwelling at 631 Benjamins Road. The facility will provide 24-hour, non-medical residential care and general supervision for elderly residents. During a public hearing held on December 18, 2025, the Zoning Administrator approved the MUP for the proposed project, subject to conditions of approval. On December 29, 2025, an appeal of the Zoning Administrator's decision was received. The grounds for appeal include: (1) lack of demonstrated hardship; (2) alleged grant of special privilege; (3) neighborhood compatibility, traffic, parking, emergency access, and public welfare concerns; (4) concerns regarding reliance on the rear parcel for site operations; and (5) alleged abuse of discretion and lack of substantial evidence. As discussed in this report, Government Code Section 65906 applies to variances and is not applicable to the approved Minor Conditional Use Permit. Staff recommends denial of the appeal because the appeal does not identify a basis to overturn the Zoning Administrator's approval under the applicable Minor Conditional Use Permit findings.

BACKGROUND

1. Project Description

The project requires a Minor Conditional Use Permit to operate a 15-bed Community Care Facility within a proposed single-family dwelling at 631 Benjamins Road. The facility will provide 24-hour residential care and supervision for older adults requiring assistance with activities of daily living, including bathing, grooming, toileting, meals, medication management/assistance as allowed under applicable state licensing requirements, and daily support. It will not provide rehabilitation services, mental health treatment, or skilled nursing care. Staffing will include up to four employees during the day shift, which may include caregivers, a chef, and/or an administrator; up to three caregivers on the afternoon shift; and two caregivers on the overnight shift. The facility will be licensed by the State of California Department of Social Services as a Residential Care Facility for the Elderly (RCFE).

2. Surrounding Land Uses

North: Very Low Density Residential (0.2 to 2 units/acre); within City of Santa Rosa limits.

South: Very Low Density Residential (0.2 to 2 units/acre); within a county island in unincorporated Sonoma County.

East: Very Low Density Residential (0.2 to 2 units/acre); within City of Santa Rosa limits.

West: Very Low Density Residential (0.2 to 2 units/acre); within City of Santa Rosa limits.

The project site, identified by a yellow arrow in the image below, is located on the east side of Benjamins Road, approximately 0.23 miles south of Montecito Boulevard and 0.65 miles north of Highway 12. Surrounding land uses are

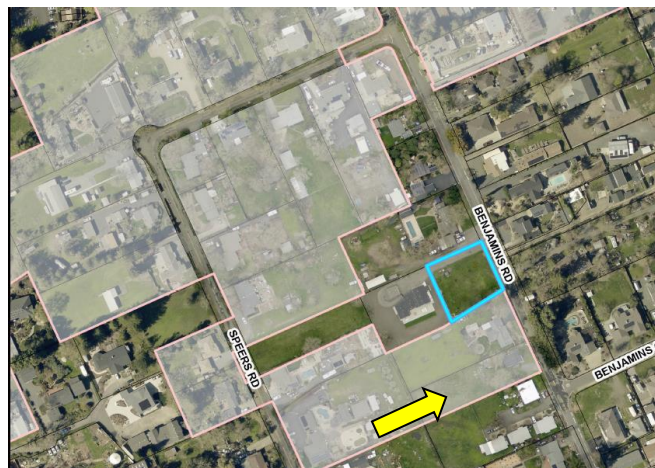


Figure 1 – Aerial Image Showing Project Site with Surrounding County Island (in Pink)

primarily rural residential and consist of single-family homes and accessory structures. Adjacent parcels are within City jurisdiction, except for the parcel to the south, which is located in a county island in unincorporated Sonoma County.

Existing Land Use

The 0.41-acre project site is currently undeveloped and contains minimal vegetation.

Project History

March 28, 2024	Ministerial (by-right) approval of an SB 9 Urban Lot Split application at 635 Benjamins Road (MIN23-007).
October 15, 2024	Parcel Map 760 City of Santa Rosa SB 9 Urban Lot Split recorded; this created two parcels: APN 183-240-039 and APN 183-240-040.
July 31, 2025	Project Application for a 15-bed Community Care Facility Minor Conditional Use Permit submitted (PLN25-0206).
November 14, 2025	Public Meeting notice mailed to surrounding property owners and occupants.
December 1, 2025	Written request for a Public Hearing received.
December 5, 2025	Public Hearing notice mailed to surrounding property owners and occupants.
December 18, 2025	Approval of the Minor Conditional Use Permit by the Zoning Administrator.
December 29, 2025	Appeal of the Zoning Administrator’s action received.
June 12, 2026	Notice of Public Hearing (Planning Commission) mailed to surrounding property owners and occupants.

The prior urban lot split was reviewed ministerially under SB 9 and did not require discretionary review, public noticing, or a public hearing. The current appeal concerns the Zoning Administrator’s approval of the Minor Conditional Use Permit for the Community Care Facility on APN 183-240-040 and does not include review of the prior ministerial lot split.

Prior to recordation of the SB 9 Urban Lot Split, the subject parcel was associated with the address 635 Benjamins Road. Following recordation of Parcel Map 760, APN 183-240-040 was assigned the address 631 Benjamins Road, and 635 Benjamins Road now refers to the rear parcel.

Following the Zoning Administrator’s approval, staff identified an incorrect square footage label on the approved plan set. Revised plans have been included for Planning Commission consideration to correct the label. The correction does not modify the proposed use, number of beds, building footprint, height, parking layout, access, setbacks, or operations.

ANALYSIS

1. General Plan

The [General Plan](#) addresses issues related to the physical development and growth of Santa Rosa and guides the City's planning and zoning functions. The project site is designated Very Low Density Residential on the General Plan Land Use Diagram, which allows residential development at 0.2 to 2 units per acre. This designation is intended to accommodate rural and hillside development within the Urban Growth Boundary (UGB) and is primarily for single-family detached units, though clustered single-family attached and multifamily development may also be permitted.

Chapter 2 of the General Plan, Land Use and Economic Development, recognizes that, in addition to primary residential uses, residential areas may accommodate other compatible uses as identified in the Zoning Code, either by right or subject to discretionary review. These uses include, but are not limited to, certain recreation, education, and public assembly uses; medical, community care, and daycare facilities; supportive and transitional housing; and neighborhood-serving retail uses. The Pham Assisted Living project is a Community Care Facility allowed in the RR-40 zoning district with approval of a Minor Conditional Use Permit and is consistent with the General Plan's Very Low Density Residential land use designation.

The project supports the following General Plan goals and policies:

Land Use and Economic Development	
<p>Policy 2-2.1: Encourage development that supports community health and quality of life and fosters complete neighborhoods in both established and emerging neighborhoods.</p> <p>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.</p>	<p>Consistent. The project provides residential care and group housing for senior residents in a non-institutional setting that supports community health, quality of life, and community integration. The project also supports local service-based business development by providing housing with non-medical assisted living services for elderly residents.</p>
Housing	
<p>Goal H-1: Encourage the development of housing to meet the needs of all Santa Rosa Residents.</p>	<p>Consistent: The project provides housing and assisted living services for senior residents. State housing</p>

<p>Policy 4-2: Promote housing opportunities for all people regardless of race, color, sex, national origin, religion, sexual orientation, disability, family status, marital status, income, ancestry, or other barriers that can prevent access to housing.</p>	<p>law, including Health and Safety Code Sections 1267.8, 1566.3, and 1568.08, recognizes community care facilities, residential care facilities, and group homes as residential uses for persons with special needs and limits local restrictions that would exclude these facilities from residential zones. The General Plan and Zoning Code implement these requirements by allowing Community Care Facilities in residential zones, with facilities serving seven or more residents subject to discretionary review through a Minor Conditional Use Permit. Because the proposed facility is an age-restricted care facility for qualifying residents, it is exempt from the spacing and overconcentration requirements of Zoning Code Section 20-42.060(C)(1) and (C)(2).</p>
<p>Program H-38: Allow residential care facilities, regardless of size, in all zones that permit residential uses of the same type, in accordance with the City’s revised definition of family.</p>	

Health, Equity, Environmental Justice, and Parks

<p>Policy 6-2.2: Encourage community, social, and emotional health - the ability to understand and manage emotions and to form social connections and relationships – including by addressing inequities due to race and income.</p>	<p>Consistent: The project supports assisted living and group housing for elderly residents, which can reduce isolation and vulnerability and increase opportunities for social connection, daily support, and meaningful relationships.</p>
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2. Zoning

The [Zoning Code](#) implements the goals and policies of the General Plan by classifying and regulating the use of land and structure development within the City.

Community Care Facility Definition and Overconcentration

Pursuant to [Section 20-70.020](#) (Definitions), a Community Care Facility is defined as a facility, place, or building that provides non-medical care and supervision for individuals with special needs. The Pham Assisted Living project meets this definition and will be licensed by the State as a Residential Care Facility for the Elderly.

Zoning Code [Section 20-42.060](#) establishes spacing and overconcentration standards for certain community care and health care facilities. However, age-restricted housing and age-restricted care facilities for qualifying residents are exempt from the spacing and overconcentration requirements of Section 20-42.060(C)(1) and (C)(2). Because the proposed facility is an age-restricted care facility for elderly residents, the spacing and overconcentration requirements do not apply.

Rural Residential Zoning Standards

The project site is zoned RR-40 (Rural Residential), consistent with the General Plan's Very Low Density Residential designation. Zoning Code [Section 20-22.050](#), Table 2-4, establishes RR-40 residential development standards, including a maximum lot coverage of 40 percent and a maximum building height of 35 feet. The proposed 6,880-square-foot dwelling would cover approximately 36.7 percent of the 18,726-square-foot lot and is proposed at a height of 19 feet, 10.5 inches.

The proposed structure complies with the RR-40 minimum front yard setback of 20 feet and minimum side yard setback of 15 feet. Because the subject parcel was created through an SB 9 Urban Lot Split, staff evaluated whether SB 9's four-foot side and rear setback provisions apply to development on the resulting parcel. Staff consulted with the California Department of Housing and Community Development (HCD) on February 4, 2026; however, HCD did not provide a formal interpretation due to limitations in the statutory language.

To avoid reliance on an unresolved SB 9 setback interpretation, the project has been conditioned to demonstrate compliance with all applicable RR-40 development standards, including rear yard setback requirements, prior to issuance of building permits. Compliance may be demonstrated through recordation of a Lot Line Adjustment, revised plans that redesign the structure to meet applicable setbacks, or another City-approved mechanism. The Minor Conditional Use Permit authorizes the Community Care Facility use only and does not approve any deviation from applicable development standards.

Operations and Parking

As described in the Project Narrative (Attachment 3), the Pham Assisted Living project will operate 24 hours a day, seven days a week. Residents will be admitted by appointment. Staffing will include up to four employees between 6:00 a.m. and 2:00 p.m., up to three employees between 2:00 p.m. and 10:00 p.m., and two employees between 10:00 p.m. and 6:00 a.m. Staff may include caregivers, a chef, and an administrator. Visitation is expected to occur between 9:00 a.m. and 7:00 p.m. and will occur by appointment. Periodic third-party transportation providers, such as standard passenger vans for medical appointments or resident outings, will access the site to transport residents. Routine deliveries will occur during standard business hours, generally between 8:00 a.m. and 6:00 p.m., using standard delivery vehicles.

Consistent with the Community Care Facility parking requirements in [Chapter 20-36](#), Parking and Loading Standards, the project is required to provide one parking space per three beds. For a 15-bed facility, five on-site parking spaces are required, and the project provides five on-site parking spaces. One of the five spaces will be reserved for visitor use, and visitation will be managed by appointment to ensure parking demand does not exceed available on-site parking. The project has also been conditioned to require required parking, on-site circulation, staging, deliveries, and operational capacity to be accommodated on the project site unless otherwise shown on approved plans and secured through applicable easements or another City-approved mechanism.

The required frontage improvements will also create two new on-street parking spaces along the project frontage and a sidewalk directly in front of the site, unless modified through a separate City-approved process. The on-street spaces are not required to satisfy the Zoning Code parking requirement but would provide additional parking availability along Benjamins Road.

The Zoning Code does not require designated loading areas for residential uses. Accordingly, delivery, service, and transport vehicles may use on-site parking spaces or available on-street parking, provided that site operations remain consistent with the approved conditions of approval. The facility will also be required to comply with the City's Noise Ordinance, which prohibits loud, unnecessary, or unusual noise that disturbs the peace or quiet of the neighborhood or causes discomfort.

Minor Conditional Use Permit Findings

In the RR-40 zoning district, a Community Care Facility serving seven or more residents requires approval of a Minor Conditional Use Permit pursuant to Zoning Code [Section 20-22.030](#).

Pursuant to [Section 20-52.050\(F\)](#) and [Section 20-50.020](#), Table 5-1, a Minor Conditional Use Permit may be approved after making findings that the proposed use is allowed in the applicable zoning district; consistent with the General Plan; compatible with surrounding uses; physically suitable for the site; not detrimental to public health, safety, or welfare; and compliant with the California Environmental Quality Act (CEQA).

Staff evaluated the Pham Assisted Living project against each of the required Minor Conditional Use Permit findings and determined that the findings can be made, subject to the conditions of approval. The Community Care Facility use is allowed in the RR-40 zoning district with approval of a Minor Conditional Use Permit, is consistent with and implements the General Plan, and has been conditioned to comply with applicable development, parking, access, frontage improvement, fire, building, utility, drainage, noise, licensing, and operational requirements.

APPEAL APPLICATION

Pursuant to Zoning Code [Chapter 20-62](#), appeals of decisions made by the Zoning Administrator are considered by the Planning Commission, which may evaluate all aspects of the matter, in addition to the stated grounds for appeal.

The Appellants provided the following grounds for appeal in the Appeal Application filed December 29, 2025 (Attachment 11).

Scope of Appeal and Applicable Review

The Planning Commission's review is limited to whether the Zoning Administrator properly approved the Minor Conditional Use Permit for a Community Care Facility serving seven or more residents under the applicable Zoning Code standards. The project did not request or receive approval of a Zoning Variance; therefore, findings related to hardship or special privilege under Government Code Section 65906 are not applicable. The applicable findings are the Minor Conditional Use Permit findings in Zoning Code [Section 20-52.050\(F\)](#).

The City's review must also be consistent with state housing and fair housing laws applicable to community care and group home facilities. The City may apply generally applicable zoning, building, fire, traffic, parking, and public safety standards, but may not impose special restrictions or deny a conditionally allowed care facility based on generalized opposition to care facilities or assumptions about the residents of the facility.

Staff recognizes that neighbors have raised substantial concerns regarding the scale of the proposed structure, traffic, parking, emergency access, and the rural residential character of Benjamins Road. Those comments have been considered as part of the Minor Conditional Use Permit review. The analysis below focuses on the applicable land use standards, including compatibility with surrounding uses, site suitability, parking, access, utilities, noise, public health and safety, and the conditions of approval.

1. Grounds for Appeal: Hardship/Variance Standards

Lack of Demonstrated Hardship - Required Finding Not Met

No substantial evidence demonstrates a unique physical hardship justifying development beyond standard zoning allowances. The proposal for a 7,000 sq. ft., 15-bed facility on a 0.41-acre parcel represents a self-imposed/economic hardship and fails to meet variance-related hardship criteria.

Response:

The appeal appears to rely on standards applicable to a variance, including “hardship” and “special privilege.” Those standards do not apply to this application because the project did not request or receive approval of a variance. The approved entitlement is a Minor Conditional Use Permit for a Community Care Facility serving seven or more residents, which is an allowed conditional use in the RR-40 zoning district. The City’s review is therefore based on the Minor Conditional Use Permit findings in Zoning Code Section 20-52.050, not the variance findings under Government Code Section 65906.

As discussed in the Zoning analysis above and in the Zoning Administrator’s approval resolution, the Pham Assisted Living project was reviewed for consistency with the applicable Minor Conditional Use Permit findings, including whether the use is allowed in the zoning district, consistent with the General Plan, compatible with surrounding uses, physically suitable for the site, not detrimental to public health or safety, and compliant with CEQA. Staff found that those findings could be made, subject to the conditions of approval.

2. **Grounds for Appeal: Special Privilege/Disproportionate Use**

Grant of Special Privilege – Disproportionate Use for Residential Zone

Approving an institutional-scale care facility within a single-family neighborhood grants a special privilege not afforded to surrounding parcels, functioning as de facto rezoning through the MUP process.

Response:

State and federal law recognize group homes and residential care facilities as important housing resources for persons with disabilities and other special-needs populations. The State of California’s Department of Housing and Community Development (HCD) Group Home Technical Advisory, included as Attachment 10, explains that local governments must avoid discriminatory land use practices and must provide opportunities for these facilities to locate in residential communities.

Consistent with state and federal law, the General Plan, and the Zoning Code analysis discussed above, the Pham Assisted Living project is considered a residential care use. In the RR-40 zoning district, a Community Care Facility serving seven or more residents is allowed with approval of a Minor Conditional Use Permit. Approval of the MUP therefore does not constitute a rezoning or authorize a use that is otherwise prohibited in the zoning district.

The approval also does not grant a special privilege. Other similarly situated properties in the RR-40 zoning district are subject to the same applicable development standards, including lot coverage, height, setbacks, parking, building, fire, and operational requirements. The project must demonstrate compliance with

those standards before issuance of building permits and must operate in compliance with the conditions of approval. The size of the proposed structure, by itself, does not constitute a special privilege where the structure is required to comply with the same applicable RR-40 development standards that apply to other similarly situated residential properties.

3. Grounds for Appeal: Neighborhood Compatibility/Public Welfare

Neighborhood Impacts & Public Welfare Concerns

The development is out of scale for a single-family zone, increasing noise, facility staff traffic, delivery frequency, waste service trips, daily operational intensity, water usage. Only 150 ft. of street improvement is proposed, limited to project frontage, creating sudden roadway transitions, inadequate pedestrian continuity, and hazardous vehicle/pedestrian conflict conditions for the neighboring properties.

Dead-end roads: If the access road is a dead end and exceeds a certain length (commonly over 150 feet), an approved turnaround area is required.

Turning radius: Fire apparatus access routes typically require a minimum outside turning radius of 42-50 feet and approximately 25 feet inside for fire engines and ladder trucks. **Access width:** Fire apparatus access roads must have an unobstructed width of at least 20 feet (with 13'6" vertical clearance) for emergency response. **Traffic & parking inadequacy:** Existing street capacity is insufficient for increased staff, visitors, and service vehicles. Proposed parking is inadequate and will force overflow parking onto Benjamins Rd. **Pedestrian/public safety:** Vehicle activity increases collision risk due to narrow roadway, incomplete sidewalk network with the only improvement to the roadway being 150 ft. directly in front of the project property, and thus providing **obstructed sightlines at the adjacent property driveways**, and the project property as well. **Incompatible scale/density:** A 15-bed facility is Highly inconsistent with single-family residential character, affecting privacy, low density neighborhood structure use and size, daily operational intensity, and overall quality of life of adjacent homes and their safety with street site lines, pedestrian safety. **General Plan/Zoning Inconsistency:** Homes of six or fewer residents are treated as residential; A 15-bed institutional-scale use is materially different and triggers higher review scrutiny, resembling a Commercial Facility and Operation. There is no Reasonable Application that should be considered for this type of Facility- In the Exorbitant Size and Proposed Function Can Blend or Fit Into a Low Density Single Family Residence Neighborhood. No matter what the Facility may Deem to Offer to the Community, but not to the Benjamins Rd. Neighborhood Community.

Response:

Staff reviewed the appellant's concerns regarding neighborhood compatibility, building scale, traffic, parking, deliveries, waste service, water use, emergency access, pedestrian safety, sight visibility, and public welfare. These issues were reviewed through the applicable Minor Conditional Use Permit findings and by

relevant City departments, including Planning, Traffic, Engineering, Building, and Fire. The proposed use is a Community Care Facility allowed in the RR-40 zoning district with approval of a Minor Conditional Use Permit. The project is required to comply with applicable RR-40 development standards prior to issuance of building permits and has been conditioned to comply with applicable parking, access, frontage improvement, fire, building, utility, drainage, noise, licensing, and operational requirements. Based on this review, staff did not identify impacts or Code inconsistencies that would require denial of the Minor Conditional Use Permit.

Traffic and Safety

The Traffic Division reviewed the project and found no significant transportation impacts associated with the proposed Community Care Facility. The project is not expected to materially increase traffic volumes. Under the City's Traffic Operational and Vehicle Miles Traveled (VMT) Guidelines, a traffic study is required when a project exceeds 110 daily trips or 50 peak-hour trips. Trip generation estimates from the Institute of Transportation Engineers (ITE) indicate that the project would generate fewer trips than these thresholds; therefore, no traffic study was required.

The Traffic Division also evaluated existing roadway conditions. Benjamins Road is not identified as part of the City's High Injury Network, and only one collision has been reported in the past five years, which was DUI-related. Based on this information, the Traffic Division did not identify an existing collision pattern or roadway safety condition that would require denial of the Minor Conditional Use Permit.

Roadway and Pedestrian Improvements

Much of Benjamins Road was originally developed under Sonoma County jurisdiction and was later annexed into the City of Santa Rosa, with some segments remaining within County jurisdiction. The subject property at 631 Benjamins Road was annexed into the City in 1995. Because the roadway was originally constructed to County standards, it is narrower than current City standards, and certain segments lack sidewalks and provide limited on-street parking. A pedestrian path currently exists on the opposite side of Benjamins Road.

The Minor Conditional Use Permit does not determine any separate improvement variance request. Public improvement requirements will be implemented as required by Engineering Development Services, unless modified through a separate City-approved process. As conditioned, the project is required to provide frontage improvements along Benjamins Road, including roadway widening, sidewalk installation, and on-street parking, or otherwise comply with any City-approved modification to those requirements. The Traffic Division reviewed the proposed improvements and confirmed that adequate sight visibility will be maintained. Future development proposals along Benjamins Road will be reviewed for applicable frontage improvements, which may contribute over time to a more continuous pedestrian network.

Parking and Operations

The Project Narrative, along with the Zoning analysis section of this Staff Report, describes the applicant's operational assumptions for the Community Care Facility, including 24-hour operation, admissions by appointment, shift-based staffing ranging from two to four employees, designated visitation hours, five on-site parking spaces, and routine deliveries typical of a residential use.

Zoning Code Table 3-4 requires one parking space per three beds for a Community Care Facility. For 15 beds, five parking spaces are required, and the project provides five spaces. Staff cannot require additional parking absent a Code basis or evidence that the use will operate beyond the approved staffing and visitation assumptions.

The anticipated operational characteristics, including shift-based staffing, scheduled visitation, routine residential deliveries, waste service, water service, and resident transportation, are consistent with the proposed residential care use and will be subject to applicable City and state requirements. The facility will be required to maintain state licensing as a Residential Care Facility for the Elderly and to operate in compliance with the approved conditions of approval. Staff did not identify evidence indicating that the proposed operational characteristics would exceed the site's capacity or create a public health, safety, or welfare impact requiring denial of the Minor Conditional Use Permit.

Emergency Access

The project was reviewed by the Fire Department for compliance with applicable California Fire Code requirements related to emergency access, clearance, turning radius, and fire protection. Fire apparatus access is provided to within 150 feet of all portions of the proposed structure, as required by California Fire Code Section 503.1.1.

The appellant raised concerns regarding dead-end access, turning radius, access width, and emergency response. Turnaround requirements are based on the length and configuration of the fire apparatus access route, not the size of the proposed building or number of residents. Under California Fire Code Section 503.2.5, dead-end fire apparatus access roads exceeding 150 feet require an approved turnaround. The Fire Department reviewed the proposed access and confirmed that the project complies with applicable Fire Code requirements, including requirements related to access, clearance, and turning radius. The project will also be required to comply with applicable fire protection requirements through the building permit process, including fire sprinkler requirements for the proposed occupancy.

4. Grounds for Appeal: Rear Parcel/SB 9 Lot Split

Rear Parcel Cannot Serve as Site Relief: The back parcel has been legally subdivided* and cannot function as overflow for parking, turnarounds, access, staging, or circulation. All operational capacity must occur within the front parcel boundary only; current plans rely on off-parcel impact.

Response:

The project site shares a driveway with the parcel located directly to the west, which contains an existing single-family residence. Both parcels are under common ownership, and the applicant has indicated an intent to operate and manage the Pham Assisted Living project while residing on the rear parcel.

The prior urban lot split is not before the Planning Commission as part of this appeal. The lot split was reviewed ministerially under SB 9 and recorded as Parcel Map 760, creating APN 183-240-039 and APN 183-240-040. The current appeal is limited to the Minor Conditional Use Permit for the proposed Community Care Facility on APN 183-240-040.

The Minor Conditional Use Permit applies to the proposed Community Care Facility on the subject parcel and does not approve the rear parcel for use as part of the facility. Required parking, on-site circulation, staging, deliveries, and operational capacity for the Community Care Facility must be accommodated on the project site unless otherwise shown on approved plans and secured through applicable easements or another City-approved mechanism. Use of any shared driveway or off-site access area must be consistent with approved plans and applicable legal access rights. The rear parcel at 635 Benjamins Road may not be used to satisfy required parking or operational requirements for the Community Care Facility unless approved by the City.

5. Grounds for Appeal: Abuse of Discretion/Substantial Evidence

Abuse of Discretion/Insufficient Findings Under Government Code Section 65906: The approval lacks substantial evidence supporting compatibility, hardship findings, traffic safety adequacy, or fit for the neighborhood. This constitutes error and misuse of discretionary approval authority.

Response:

California Government Code Section 65906 governs the approval of zoning variances. A variance allows a limited deviation from otherwise applicable zoning standards, such as setbacks or height limits, when strict application of those standards would deprive a property of privileges enjoyed by other properties in the vicinity due to special circumstances related to the property's size, shape, topography, location, or surroundings. A variance may not grant a special privilege or authorize a land use that is not otherwise allowed in the zoning district.

The Pham Assisted Living project did not request or receive approval of a variance. The approved entitlement is a Minor Conditional Use Permit for a Community Care Facility serving seven or more residents, which is an allowed conditional use in the RR-40 zoning district. Therefore, the applicable findings are the Minor Conditional

Use Permit findings in Zoning Code Section 20-52.050, not the variance findings in Government Code Section 65906.

As discussed in this Staff Report, the administrative record includes the project plans, project narrative, Zoning Administrator record, staff analysis, departmental review, public comments, appeal materials, and conditions of approval. Based on that record, staff found substantial evidence to support the required Minor Conditional Use Permit findings, including that the use is allowed in the zoning district, consistent with the General Plan, compatible with surrounding uses, physically suitable for the site, not detrimental to public health or safety, and compliant with CEQA. Staff therefore recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, because it involves construction of a new single-family residential structure and related site improvements in a residential zone. The proposed Community Care Facility is a residential use allowed in the RR-40 zoning district with approval of a Minor Conditional Use Permit and does not involve development beyond the proposed residential structure and related site improvements.

The project is also eligible for CEQA streamlining pursuant to CEQA Guidelines Section 15183 because it is consistent with the General Plan, for which an Environmental Impact Report was certified by the City Council in 2025. No project-specific significant effects peculiar to the project or project site have been identified that would preclude reliance on CEQA Guidelines Section 15183.

None of the exceptions to the use of a categorical exemption set forth in CEQA Guidelines Section 15300.2 apply.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

As noted in the Project History section, following a duly noticed public hearing on December 18, 2025, the Zoning Administrator approved the Minor Conditional Use Permit for a 15-bed Community Care Facility at 631 Benjamins Road. The Planning Commission's action is limited to consideration of the appeal of that decision.

PUBLIC NOTIFICATION

The Appeal was noticed as a public hearing for the June 25, 2026, Planning Commission meeting per the requirements of Chapter 20-66 of the City Code. Notification of the public hearing was provided by posting an on-site sign, publishing notice in a newspaper of general circulation, mailing notice to surrounding property owners and occupants, providing electronic notice to parties that had expressed interest in projects taking place in this geographic area of Santa Rosa, and posting notices on bulletin boards at City Hall and on the City website. 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.

LEVINE ACT

This project is subject to the Levine Act (Gov. Code Section 84308) which prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$500 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. Please see Attachment 1, Disclosure Form, for information on individuals interested in the proposed land use action and any monetary contributions to City officials. For more information, see the FPPC website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Attachment 3 – Project Narrative
- Attachment 4 – Revised Project Plans, dated September 23, 2025
- Attachment 5 – Public Comments Prior to December 18, 2025
- Attachment 6 – Public Comments After December 18, 2025
- Attachment 7 – SB 9 Approval Letter (MIN23-007)
- Attachment 8 – Parcel Map 760 SB 9 Urban Lot Split
- Attachment 9 – Traffic Division Collision Report, Benjamins Road
- Attachment 10 – HCD Group Home Technical Advisory 2022
- Attachment 11 – Appeal Form
- Attachment 12 – Resolution ZA-RES-2025-051 and Exhibit A
- Attachment 13 – ZA Draft Minutes - December 18, 2025
- Resolution

CONTACT

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