



# APPEAL APPLICATION

City of Santa Rosa

DEC 29 2025

Planning & Economic Development Department

www.srcity.org

<b>G E N E R A L</b>	LOCATION OF PROJECT (ADDRESS) <b>635 Benjamins Rd . Santa Rosa. CA 95409</b>	<b>Note: This form is for appeals of Department actions only. Appeals of Commission and Board actions are filed in the City Manager's Office.</b>	
	NAME OF PROJECT <b>Pham Assisted Living</b>		
	APPELLANT NAME <b>Jay &amp; Sheri Giles &amp; Benjamins Rd. Neighborhood</b>	DAYTIME PHONE <b>(707)481 -9232</b>	HOME PHONE <b>(707) 481 - 9232</b>
	APPELLANT ADDRESS <b>623 Benjamins Rd.</b>	CITY <b>Santa Rosa</b>	STATE <b>CA</b>
			ZIP <b>95409</b>

To the Chairman and Members of the Planning Commission / Design Review Board/Cultural Heritage Board:

The undersigned: Jay Giles does hereby appeal to the Planning Commission / Design Review Board/Cultural Heritage Board the decision of the Department of Planning and Economic Development made on 12/18/25 (Date)

which Approved the application of Kim and Hau Pham - APN: 183-240-040 (approved, denied, other) (Name of property owner or developer)

for a MUP for Pham Assisted Living - 15- Bed Community Care Facility. File # PLN25-0206 (State nature of request made to the Planning and Economic Development Department)

on property situated at 635 Benjamins Rd, Santa Rosa, CA 95409 (Street address of subject property)

A. The grounds upon which this appeal is filed are: (list all grounds relied upon in making this appeal. Please attach additional sheets if more space is needed.)

1. ( See attached for Detailed Grounds).

2. ( See attached for Detailed Grounds).

B. The specific action which the undersigned wants the City Planning Commission/Design Review Board/Cultural Heritage Board to take is:

( See attached for Detailed Actions Requested for Appeal)..Which additionally Includes...  
Overturn the Approval/In Full of MUP PLN25-0206. If not overturned - We request the  
Project be remanded for Denial & Substantial Re-Design.Overall Project Size Reduction.

[Signature] Appellant's signature 12/28/25 Date

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**APPEAL LETTER – MINOR USE PERMIT (MUP), ZONING VARIANCE APPROVAL CITY OF SANTA ROSA CITY COUNCIL PLANNING COMMISSION**

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**Jay Giles & Sheri Giles**

623 Benjamins Rd.

Santa Rosa, CA 95409

Email: golden.child247@yahoo.com

Phone: 707-481-9232

**Neighbors in the Community – Benjamins Rd.**

**Date:** 12/26/25

**City of Santa Rosa – City Council Planning Commission**

Attn: Planning Commission Secretary

Planning & Economic Development Department

100 Santa Rosa Avenue, Suite 3

Santa Rosa, CA 95404

**APPEAL BASIS OVERVIEW – Summary Cover Page**

**Primary Reasons for Appeal:** 1. Lack of demonstrated physical hardship required for approval. 2. Granting of special privilege inconsistent with zoning parity. 3. Overall traffic safety, public safety, and emergency access deficiencies, delivery and service vehicle deficiencies. 4. Rear Parcel is Legally Split — cannot serve as overflow for site. 5. Findings not supported by substantial evidence (Gov. Code §65906).

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**RE: FORMAL APPEAL OF ZONING ADMINISTRATOR APPROVAL – MINOR USE PERMIT**

**Project:** Pham Assisted Living – 15 Bedroom Single Family Residence

**Location:** 635 Benjamins Rd., Santa Rosa, CA

**Planning Record Number:** PLN25-0206

Dear City of Santa Rosa Council Planning Commission and Members,

We hereby submit this **Formal Appeal** of the Zoning Administrator’s approval of Minor Use Permit (MUP) **PLN25-0206**, pursuant to the Santa Rosa Municipal Code. This appeal is filed within the allowable timeframe and includes the basis for appeal, safety concerns, traffic safety concerns, land-use conflicts, and evidence demonstrating that required findings for approval were not adequately supported in the Best Interest for the Benjamins Rd. Community Neighborhood. We respectfully request that the Planning Commission **reverse the approval or remand for denial/modification** based on the following grounds.

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## GROUNDS FOR APPEAL

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### ***1. 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.

### ***2. 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.

### ***3. Neighborhood Impacts & Public Welfare Concerns***

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

**Emergency Access & Fire Safety Deficiencies:**

- **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.

- 4. 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.

**5. Abuse of Discretion – Insufficient Findings Under CA Gov. Code §65906 – Insufficient Findings Under CA Gov. Code §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.

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**\* REQUEST FOR ACTION**

We respectfully request that the Planning Commission Grant this Appeal and Overturn the approval of MUP PLN25-0206 In Full, Based on the documented land-use conflicts, emergency access and the overall Benjamins Rd. neighborhood roadway safety deficiencies and for the lack of demonstrated hardship justifying a variance related hardship, and unsupported findings under California Government Code §65906.

If the Commission does not overturn the approval outright, we request that the project be remanded for denial or substantial redesign due to unmet safety, low density residential zoning compatibility, and access requirements.

Thank you for your time and consideration.

Sincerely,



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Jay Giles



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Sheri Giles

SIGNATURE PAGE – FORMAL APPEAL

City of Santa Rosa – Planning & Economic Development  
Department

Planning Commission Appeal – Minor Use Permit (MUP)

Project: Pham Assisted Living – 15-Bedroom Single-  
Family Residence

Location: 635 Benjamins Rd., Santa Rosa, CA

Planning Record Number: PLN25-0206

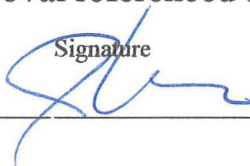
We, the undersigned residents, property owners, and  
community members, hereby support the Appeal of the  
Minor Use Permit Approval referenced above.

# Full Name (Print)

Signature

Address

1 JAY GILES



623 BENJAMINS RD.

2 SHERI GILES




623 BENJAMINS RD.

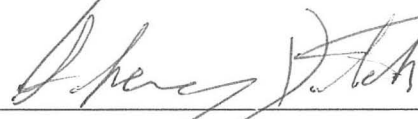
3 SHERMAN KWONG 7 488 BENJAMINS RD

4 Madeline Sprink 638 Benjamin's Rd

5 Diana Soe 639 Benjamin's Rd

~~CAROLE BEHLKE~~  
6 MIKE FARA  640 BENJAMINS

7 DANIEL S DORTCH 

8 SHERRY DORTCH 

9 Carole Behlke 640 Benjamins Rd

10 Roberta Stewart 711 Benjamins Rd.

11 Netu Wold 711 Benjamins Rd.

12

13 ~~Merle Winton, Merle Winton~~ 616 Benjamins Ct.

14 Donna Winton 616 Benjamins Ct.

15 Lindoey Hansen 641 Benjamins Rd

16 ~~Kurt~~ 641 Benjamins Rd

17 Nancy Gardner 648 Benjamins Rd

18 Richard Gardner 648 Benjamins Rd

19 ~~A. K.~~ 642 Benjamins Rd

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