

**From:** [code](#)  
**To:** [Sheri Lynn Giles](#)  
**Cc:** [Wilroy, Michael](#); [Planning Shared](#); [Michaelson, Hana](#); [City Attorney](#)  
**Subject:** RE: [EXTERNAL] FORMAL COMPLAINT: State Law, Code Violation, and Fire Hazard Nuisance at 635 Benjamins Rd, Santa Rosa, CA 95409 (File No. MIN23-007 / Resolution ZA-RES-2025-051)  
**Date:** Friday, June 12, 2026 9:14:16 AM

---

Hello,

Thank you for contacting City of Santa Rosa Code Enforcement.

Please note, our office can only address the issues related to weed overgrowth and trash/debris on site. We are not involved with the appeal process for the MUP nor do we have any purview over issues related to SB9. We would encourage you to follow up on these matters at the appeal hearing.

That said, we have opened a case to address what our office can, and case information is as follows:

Case # CE26-0610  
Investigating Officer: Michael Wilroy  
Email: [mwilroy@srcity.org](mailto:mwilroy@srcity.org)  
Phone #: (707) 543-3237

**RESPONSE TIMES:** The average time to schedule an initial inspection and/or begin an investigation may take up to two weeks and may depend on a response from the responsible party. Health and life safety cases are granted priority and overall response timelines are based on caseloads. During periods of heavy caseloads, response times associated with general property maintenance concerns may experience significant delays.

**STATUS UPDATES:** Status updates from the Officer are only provided upon request. You may contact the Investigating Officer with the information listed above. If contacting by phone, please leave a detailed message to include the case number or property address, your name and phone number, and the information you are requesting so that your call may be returned with complete information. Please allow 2-3 business days for your call or email to be returned as the Officers are often outside of the office conducting investigations.

We appreciate your concern and understanding. Thank you for your continued efforts to make our community safe and enjoyable.

**Jeff Rothrock | Senior Administrative Assistant**  
Planning and Economic Development | Code Enforcement  
100 Santa Rosa Ave, Ste 3 | Santa Rosa, CA 95404  
Tel. (707) 543-3200

**The Planning and Economic Development Department is closed for services every other Friday.**

**Below is the 2026 Holiday and Office Closure schedule.**

[2026 Holiday and Office Closure Schedule](#)

**Coming soon, the Planning, Building, and Engineering Divisions of the City of Santa Rosa's Planning and Economic Development Department will fully transition to an online application submittal process through the Accela Citizen Access platform. Learn more**

about the Online Permitting System [here](#), and more information will be coming soon!



---

**From:** Sheri Lynn Giles <golden.child247@yahoo.com>

**Sent:** Tuesday, June 9, 2026 1:48 PM

**To:** code <code@srcity.org>; City Attorney <CityAttorney@srcity.org>; Planning Shared <planning@srcity.org>; Michaelson, Hana <HMichaelson@srcity.org>

**Subject:** [EXTERNAL] FORMAL COMPLAINT: State Law, Code Violation, and Fire Hazard Nuisance at 635 Benjamins Rd, Santa Rosa, CA 95409 (File No. MIN23-007 / Resolution ZA-RES-2025-051)

To the City of Santa Rosa Code Enforcement Division, City Attorney, Planning Department, and Assistant Planning Director Michaelson,

This is a formal complaint regarding the properties located at 635 Benjamins Road (File No. MIN23-007), which were created via an SB 9 Urban Lot Split. The property owner is in direct, active violation of California Senate Bill 9 (Government Code § 66411.7) and the City of Santa Rosa's explicit SB 9 housing guidelines.

The city recently approved Resolution No. ZA-RES-2025-051 (Pham Assisted Living) to allow a 15-bed, 6,900-square-foot facility on the newly split parcel. This approval, combined with the owner's current residential status, creates two severe violations of state law that require immediate enforcement action:

**1. Active Breach of the Mandatory 3-Year Owner-Occupancy Affidavit:**

Under California Government Code § 66411.7 and the City of Santa Rosa's SB 9 Eligibility Checklist, an applicant must sign a notarized affidavit committing to occupy one of the housing units as their principal residence for a minimum of three consecutive years from the date of the split. The owners have completely failed to comply with this mandate. They do not occupy the existing single-family residence on the first parcel, nor can they legally or physically occupy a 15-bed commercial care facility as a private single-family residence on the second parcel. This constitutes a fraudulent filing of a state-mandated affidavit under penalty of perjury.

**2. Unlawful Commercial Use on an SB 9 Parcel:**

The California Department of Housing and Community Development (HCD) explicitly mandates that lots created via an SB 9 lot split be limited strictly to "residential uses." While California law treats small, state-licensed care facilities (6 or fewer residents) as standard residential uses, a 15-bed facility requiring a discretionary Minor Use Permit (MUP) is a commercial operation. Furthermore, SB 9 strictly requires a *ministerial* (by-right) approval process; the city's use of a discretionary MUP process to clear a commercial project on an SB 9 lot is completely incompatible with state law.

**3. Active Public Nuisance, Property Neglect, and Severe Fire Danger:**

In addition to the SB 9 statutory violations, the owners have completely abandoned the basic maintenance of the property, creating an active neighborhood nuisance and safety threat. The site features severe aesthetic neglect and unmaintained, overgrown vegetation. Given our regional wildfire risks, this unmitigated overgrowth represents an immediate fire danger and public safety hazard to all surrounding residential structures.

**Photographic Evidence Attached:**

We have attached photographic evidence to this email. These photos document both the vacancy of the property (proving the breach of the SB 9 primary residency mandate) and the hazardous, neglected conditions of the vegetation and landscaping.

**Requested Enforcement Actions:**

Because the developer has failed to fulfill the foundational requirements of the state-mandated lot split and is maintaining a public hazard, we request that the City of Santa Rosa immediately take the following actions:

- Initiate an immediate Code Enforcement investigation into the owner-occupancy violation and the property neglect at 635 Benjamins Road.
- Issue an emergency abatement order requiring the immediate clearing of the overgrown vegetation to mitigate the fire danger.
- Issue a Stop Work order on any active or pending building permits associated with Resolution No. ZA-RES-2025-051.
- **Revoke the Minor Use Permit (MUP), as it relies on a fraudulent underlying lot split and introduces an unallowable commercial enterprise onto an SB 9 parcel.**

Please reply to confirm receipt of this complaint and provide a tracking or case number for this enforcement investigation.

Sincerely,

Sheri & Jay Giles  
623 Benjamins Rd.  
Santa Rosa, CA 95409  
707-738-6878  
[golden.child247@yahoo.com](mailto:golden.child247@yahoo.com)

---

**From:** [Michaelson, Hana](#)  
**To:** "NANCY GARDNER"  
**Cc:** [Sheri Giles](#); [Jay Giles](#); [MIKE FARIA](#); [lindsaylawson@att.net](#); [MacDonald, Dianna](#); [Jones, Jessica](#)  
**Subject:** RE: [EXTERNAL] 635 Benjamins Rd/ Plam Assisted Living PLN25-0206  
**Date:** Friday, June 5, 2026 12:50:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

Hi Nancy,

Thank you for the questions you posed in your emails dated 5/28/2026 (below) and 5/31/2026; this e-mail serves as a response to both.

**1. Traffic Study as it relates to the closure of Whited Elementary School and additional students added to Binkley Elementary School.**

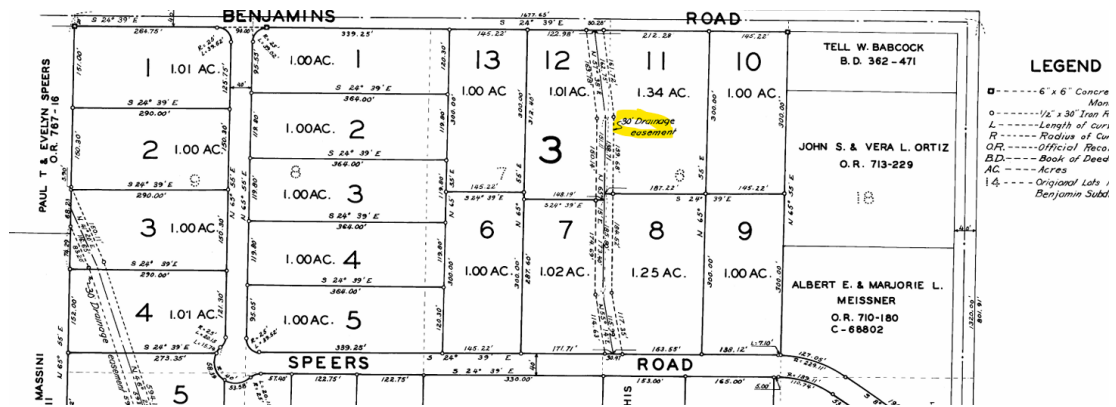
The City's Traffic Division reviewed the project and determined a Traffic Study is not required due to the low traffic generated by the project. Additional detail regarding applicable traffic study thresholds and school-related considerations is provided below:

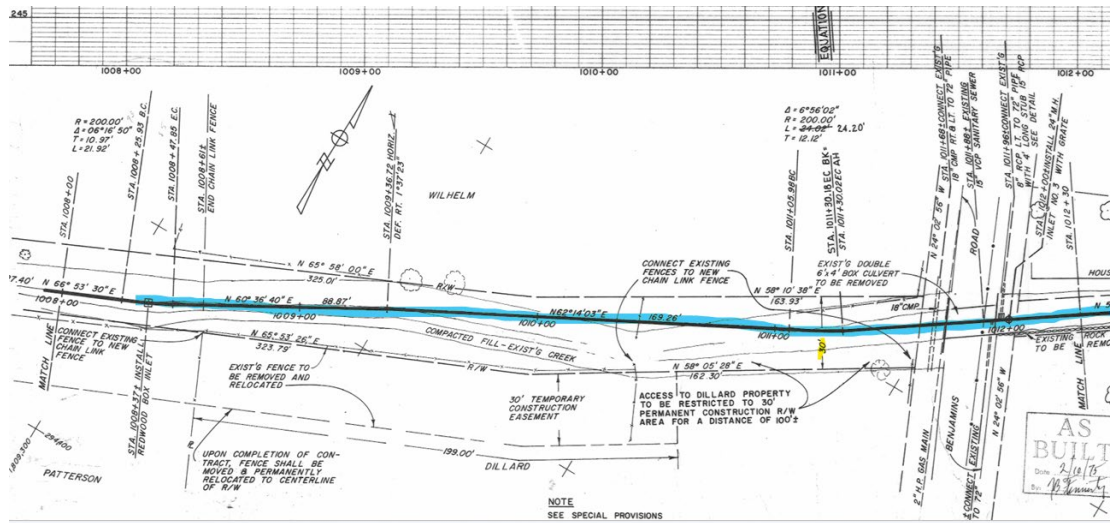
- Traffic Study Guidelines:** Under the City's [Traffic Operational and Vehicle Miles Traveled \(VMT\) Guidelines](#), a Traffic Study is only required if a project exceeds 110 daily trips or 50 peak-hour trips.
- Assisted Living Land Use Calculation:** The *ITE Trip Generation Manual, 12th Edition* (see [here](#) for information on how to access the ITE Manual), is the industry-standard resource used by transportation professionals to forecast vehicle, transit, and pedestrian trips generated by various land use developments. Based on the *ITE Manual*, assisted living uses generate an average of 4.14 trips per bed. A 15-bed Community Care Facility would generate approximately 62 daily trips, which is below the threshold requiring a study.
- Changes in Traffic Patterns:** A Traffic Study evaluates impacts directly attributable to a project and does not account for unrelated changes in surrounding traffic conditions. Accordingly, anticipated changes in school-related traffic due to the closure of Whited Elementary School and the addition of students at Binkley Elementary School would not trigger a Traffic Study for this project.

**2. Underground pipe and the related 15-foot easement.**

The City's Engineering and Development Services Division has reviewed the proposed plans and provided the following information:

- A 30-foot public drainage easement was dedicated to the City in 1948 as seen in the clip below. The attached Parcel Map splitting the lot into 2 shows this easement as well. The shared property line between the subject parcel and lot to the south split this 30-foot easement in half, so 15 feet on both sides of the property line.





- The as-built plans (City file 1991-0008) show the 72-inch storm drain pipe within the 30-foot easement. The plans submitted for the Pham Assisted Living project show the building outside of this easement corridor. The Engineering Development Services Division has reviewed the project along with the record title information including this easement and can confirm the proposed building is not encroaching within this easement.

**3. Owner occupancy of residence at 635 Benjamins Road following the lot split pursuant to Senate Bill (SB) 9, and the validity of the lot split if the owner is not living on site.**

The current appeal is limited to the Minor Conditional Use Permit (MUP) for the proposed Community Care Facility on the front lot at 631 Benjamins Road (APN 183-240-040).

- Under the General Plan and zoning regulations, Community Care Facilities are classified as residential uses and permitted in all zones that allow residential development, subject to approval of a MUP for facilities with seven or more beds.
- The prior urban lot split was completed under SB 9 and recorded as Parcel Map 760, creating APN 183-240-039 (rear lot) and APN 183-240-040 (front lot). This was a separate project, concluded in 2024, and is not at issue in the current project.
- The Code Enforcement case submitted on January 7, 2026, identified concerns regarding an unpermitted short-term rental and non-compliance with SB 9 related to owner occupancy. The complaint was investigated and closed on February 10, 2026. Documentation provided by the owner verified that the property was rented for longer than 30 days, not as a short-term rental.

**4. Notices for the 6/25 Planning Commission meeting and consideration of a later meeting date.**

In your 5/31 email, you asked about when the notices for the Planning Commission meeting would be sent and when the sign would be placed on the property. You also inquired about changing the 6/25 Planning Commission meeting date in order to provide time for a response to the questions you had previously posed.

- As required by City Code and State law, the notices for the 6/25 Planning Commission meeting will be mailed at least 10 days prior to the hearing, and the on-site sign must also be posted at least 10 days prior.
- Unfortunately, we are not able to reschedule the Planning Commission meeting date. [Zoning Code Section 20-62.030\(E\)](#) outlines the scheduling requirements for appeals. Specifically, subsection 2 states that “the hearing on the appeal shall be scheduled for the earliest regular meeting following the date on which the appeal was accepted as filed.” On 3/12/2026, staff confirmed with both you and the applicant that the 6/25 Planning Commission meeting date worked for the appeal hearing. Given the amount of time that has already passed, and given the availability of both you and the applicant for the 6/25 meeting, the item cannot be rescheduled.

Please let me know if you have any additional questions.

Thank you,

**Hana Michaelson, AICP | Senior Planner**  
 Planning and Economic Development Department

100 Santa Rosa Ave, Room 3 | Santa Rosa, CA 95404  
Tel. (707) 543-4665 | [HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)

-  
**The Planning and Economic Development Department is closed every other Friday. [Click here for the: 2026 Holiday and Office Closure Schedule](#)**



-----Original Message-----

From: NANCY GARDNER <[rgard22816@aol.com](mailto:rgard22816@aol.com)>  
Sent: Thursday, May 28, 2026 3:53 PM  
To: Michaelson, Hana <[HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)>  
Cc: Sheri Giles <[golden.child247@yahoo.com](mailto:golden.child247@yahoo.com)>; Jay Giles <[jaygiles10@yahoo.com](mailto:jaygiles10@yahoo.com)>; MIKE FARIA <[mfar3@comcast.net](mailto:mfar3@comcast.net)>; lindsaylawso@att.net;  
MacDonald, Dianna <[dmacdonald@srcity.org](mailto:dmacdonald@srcity.org)>  
Subject: [EXTERNAL] 635 Benjamins Rd/ Plam Assisted Living PLN25-0206

Hi Hana,

We would like to bring some items to your attention that we haven't addressed yet and some that you have not answered.

1. We believe a traffic study should be done since now Rincon Valley School District is closing Whited Elementary and adding 100 kids to Binkley School in September in the fall. That is going to create a lot more traffic on both ends of Benjamins Rd. We would like to see how they calculated there were only 62.1 trips per day in the first place on our road. Which I believe is not a true number. I have verified the number of kids being added from by district office for Rincon Valley.

2. Also Ducker Creek South use to run right thru this property before they underground a six foot pipe somewhere on the south side of property that borders the Giles property. There is a 15 ft easement on this property and the Giles property. The underground pipe runs from St. Mary's drive west along the property line of Binkley School thru property across the road from this property then on Plams property and runs underground thru other property's all the way to Middle Rincon rd. Jay Giles has a map he loaned me and I went down to the water dept and talked to them about it. All they know is it's somewhere along the south side of Plam's property. I'm not convinced it's just in the 15' easement. It should be physically located and addressed and found. It could change the placement of the Plams project on this site. I talked to Steve Brady at the Santa Rosa Water, he handles the storm water and creeks. He was helpful on this but all they know is that it's within the 15 foot easement generally. If you want I can send you his emails and maps.

3. You have not address the question Sheri and Jay had regarding the Pham never have moved into the home they remodeled. When they spilt the property under the SP9 guidelines they signed affidavit paperwork they would move into the property. Kim Pham told you when you talked to her about that fact, she stated they had just finished the remodel on the house when in fact it had been finaled months earlier and they had been renting it as a vacation rental. The Lawsons talked with people that stayed there.

So this like many things they have not told the truth about from the beginning. What else have they not told the SR city planning dept and the property owners out here on Benjamins. Does this mean the planning dept doesn't hold people accountable for what they agree to in writing in order to get their property split. Seems to all of us that the lot split is invalid at this point. As of today they still have not moved in and I believe she told you they were moving in 30 days onto the property. So they still are not in compliance. I believe that Sheri and Jay Giles filed a complaint on 1/7/26. She has never gotten a responds from you or anyone else on this matter.

4. We still believe a more successful  
Project to be smaller in size and not come at the expense of the neighborhood safety and wellbeing

If you can check these items out we would appreciate it. Please call me if you can so we can get these items addressed.

Nancy Gardner  
648 Benjamins Rd  
707-696-7160

Sent from my iPhone

**From:** [Sheri](#)  
**To:** [Michaelson, Hana](#)  
**Cc:** [Jay](#); [NANCY GARDNER](#)  
**Subject:** [EXTERNAL] Re: Confirmation 6/25 PC Mtg Date | 635 Benjamins Road | File No. PLN25-0206  
**Date:** Thursday, March 12, 2026 4:18:18 PM

---

Hello Hana ,

Thank you for providing the confirmation of new scheduled appeal date of 6/25/26 and the other information. Appreciate it.

Thank you, Jay & Sheri Giles

Sent from Sheri

On Mar 12, 2026, at 3:56 PM, Michaelson, Hana <HMichaelson@srcity.org> wrote:

Hello Nancy & Jay,

This email confirms that the appeal for the Pham Assisted Living project is now scheduled for the Planning Commission (PC) meeting on **Thursday, 6/25**. These meetings begin at approximately 4:30 PM in Council Chambers, located at City Hall, 100 Santa Rosa Ave. We will be

For reference, and because several emails have been exchanged since this information was first shared:

The appellant will have a total of 10 minutes to present at the Planning Commission meeting. This time may be divided among multiple speakers (e.g., one speaker for 10 minutes, or five speakers for 2 minutes each). Please also see the city's Planning Commission webpage here: [Planning Commission | Santa Rosa, CA](#)

Thank you!

**Hana Michaelson, AICP | Senior Planner**

Planning and Economic Development Department | 100 Santa Rosa Ave, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-4665 | Fax (707) 292-0963 | [HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)

-

**\*\*The Planning and Economic Development Department is closed every other Friday: [2026 Holiday and Office Closure Schedule](#)\*\***

**From:** [Jay Giles](#)  
**To:** [Michaelson, Hana](#); [NANCY GARDNER](#); [Sheri Lynn Giles](#)  
**Cc:** [Sheikhali, Monet](#)  
**Subject:** [EXTERNAL] Re: Rescheduling Planning Commission Mtg | 635 Benjamins Road | File No. PLN25-0206  
**Date:** Tuesday, March 10, 2026 1:03:56 PM

---

Hi Hana & All, Ok . Thank you for the update. Hopefully this can get scheduled and stay with the date of June 25th. Please keep us posted and a confirmation. Thanks again, Jay & Sheri Giles

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, March 10, 2026, 11:36 AM, Michaelson, Hana <[HMMichaelson@srcity.org](mailto:HMMichaelson@srcity.org)> wrote:

Hello Nancy and Jay,

In reviewing our recent correspondence about rescheduling the March 26 Planning Commission (PC) date, the upcoming meeting dates of April 9, May 14, and May 28 are not available on your end, and staff is unavailable for the April 23 and June 11 meetings.

The next available Planning Commission meeting date is June 25, which works for both of you. I will follow up once the Applicants' availability has also been confirmed.

Thank you,

**Hana Michaelson, AICP | Senior Planner**

Planning and Economic Development Department | 100 Santa Rosa Ave,  
Room 3 | Santa Rosa, CA 95404  
Tel. (707) 543-4665 | Fax (707) 292-0963 | [HMMichaelson@srcity.org](mailto:HMMichaelson@srcity.org)

**\*\*The Planning and Economic Development Department is closed every other Friday: [2026 Holiday and Office Closure Schedule](#)\*\***



**From:** [Michaelson, Hana](#)  
**To:** [vinceskang@gmail.com](mailto:vinceskang@gmail.com)  
**Subject:** RE: [EXTERNAL] Existing Street Conditions – 635 Benjamins Rd (Photo Documentation for Review)  
**Date:** Wednesday, January 28, 2026 12:55:00 PM

---

Hello Vince,

Thank you for your email regarding the proposed 15-bed Community Care Facility at 635 Benjamins Road; your correspondence has been included in the public comment record.

The appeal of the Zoning Administrator's approval of the Minor Conditional Use Permit (MUP) for this project is now scheduled for the Planning Commission meeting on Thursday, March 26, at approximately 4:30 p.m. in Council Chambers, City Hall, 100 Santa Rosa Avenue. Noticing will be sent out in advance of the meeting.

Sincerely,

**Hana Michaelson, AICP | Senior Planner**

Planning and Economic Development Department | 100 Santa Rosa Ave, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-4665 | Fax (707) 292-0963 | [HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)

Coming soon, the Planning, Building, and Engineering Divisions of the City of Santa Rosa's Planning and Economic Development Department will fully transition to an online application submittal process through the Accela Citizen Access platform. Learn more about the Online Permitting System [here](#), and more information will be coming soon!



---

From: V K <[vinceskang@gmail.com](mailto:vinceskang@gmail.com)>

Sent: Tuesday, January 27, 2026 4:29 PM

To: code <[code@srcity.org](mailto:code@srcity.org)>; Michaelson, Hana <[HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)>; FDPPermits <[FDPPermits@srcity.org](mailto:FDPPermits@srcity.org)>; Planning Shared <[planning@srcity.org](mailto:planning@srcity.org)>; MacDonald, Dianna <[dmacdonald@srcity.org](mailto:dmacdonald@srcity.org)>; Moody, Joseph <[jmoody@srcity.org](mailto:jmoody@srcity.org)>

Subject: [EXTERNAL] Existing Street Conditions – 635 Benjamins Rd (Photo Documentation for Review)

Hello Planning and Fire Review Team,

My name is Vince Kang and I live directly across from the proposed assisted living site at 635 Benjamins Road. I wanted to share several existing roadway conditions that may be relevant to your review of this application.

Benjamins Road functions as a narrow two-lane residential street with no continuous shoulder, no curbside parking, and no sidewalks along most of its length. The only usable shoulder area is a short segment directly in front of the project frontage that can accommodate approximately two vehicles. Outside of that location, any stopped or parked vehicle occupies the travel lane.

The proposed facility is listed as 15 beds and would generate regular staff shifts, visitors, medical transport, deliveries, and service vehicles. Given the limited street width and constrained frontage, on-street overflow parking or stopping activity would likely occur within the travel lane, reducing effective roadway width and potentially affecting circulation and emergency vehicle access.

For reference, I have attached several photos documenting current conditions, including shoulder width, fixed obstructions, typical vehicle clearance, pedestrian use, and the absence of parking on both sides of the street. I wanted to ensure these existing constraints are part of the project record for consideration during Planning and Fire review.

Thank you for your time and consideration.

Best regards,  
Vince Kang  
634 Benjamins Rd  
Santa Rosa

**From:** [Michaelson, Hana](#)  
**To:** "Sheri"; Jay; [Nancy Gardner](#); [Lindsay Lawson](#); [Mike Faria](#)  
**Subject:** RE: [EXTERNAL] 635 Benjamins Rd. PLN25-0206 - SB9 -Fraud  
**Date:** Wednesday, January 7, 2026 8:40:00 AM

---

Dear Sheri & Jay,

Thank you for your emails regarding the proposed Community Care Facility at 635 Benjamins Road (PLN25-0206). They have been included in the public comment record.

I wanted to acknowledge both of your emails, and thank you for your patience with my response, regarding the SB 9 lot split, and to let you know that we have verified with the applicant that, due to renovations at the rear property, the owners were not living onsite but plan to move in within the next few weeks.

Additionally, please note that our [Code Enforcement Division](#) has a webpage where complaints can be submitted online: [Submit a Complaint | Santa Rosa, CA](#) (instructions and information from this page are below as well).

### **Submit a Complaint**

*Code Enforcement case loads are public-complaint driven, with staff reviewing all complaints to determine priority level as they are submitted. Complaints receive higher priority based on several factors, including if they are immediately life-threatening. To assist the city with expediting all complaint request, please follow the directions below.*

#### **Step 1**

#### **Check if the property is currently in the process of a Code Enforcement complaint**

*To assist the city with reviewing complaints promptly, it is important for residents to review if a similar complaint on the property has already been received.*

*To determine if the property is currently under review by Code Enforcement, [access the Citizen Portal](#) to search for open enforcement cases. In addition, you can also [search permit applications to review the permit status](#) to see if the construction being done has been permitted by the city, or if the permit is considered "active."*

*If there is a current open complaint, there are two options:*

- 1. If the open complaint matches your complaint, there is no need to file yours as the Code Enforcement office is already aware of the issue.*
- 2. If the open complaint does not match your complaint, reach out directly to the Code Enforcement officer listed on the complaint in Citizen Portal to add yours to*

*the existing complaint.*

- 3. If the property has no Code Enforcement complaint or no active permit, then **continue to Step 2.***

## **Step 2**

### **Determine if the property is in violation of a City Code**

*After [accessing the Citizen Portal](#) and determining that there is no active Code Enforcement case or permit, residents can take the step to request a complaint. Prior to filing, [review the City Code](#) to determine how and if the property is violating the City Code. As many activities are permissible or not based on the zone the property resides, you can also view the [City zoning map](#) to make a determination on the nature of the complaint.*

*To submit a complaint, complete the [online Code Investigation Request Form](#). You will be asked to provide the address of the property where the suspected violation is located, the nature of the violation, and your contact information. Anonymous complaints are not accepted, but be assured that complainant information is kept confidential.*

*Alternatively, you can download a PDF version of the [Code Investigation Request Form](#). Once completed, you can send it to the City by:*

- *Email: [code@srcity.org](mailto:code@srcity.org)*
- *Mail/in person: 100 Santa Rosa Ave, Room 3, Santa Rosa, CA 95404*

## **Step 3 (if necessary)**

### **Check the status of the complaint**

*You will receive a confirmation message from Code Enforcement indicating your complaint was received. It is then given a case number and assigned to a Code Enforcement Officer. The first inspection or letter (notification of receipt of complaint) is sent out within two weeks.*

*Check the status of complaints using the [Citizen Portal](#). If you have additional questions please email [code@srcity.org](mailto:code@srcity.org).*

Thank you,

**Hana Michaelson (she/her) | Contract Planner**

Planning and Economic Development Department | 100 Santa Rosa Ave, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-4665 | Fax (707) 292-0963 | [hmichaelson@srcity.org](mailto:hmichaelson@srcity.org)

**Coming soon, the Planning, Building, and Engineering Divisions of the City of Santa Rosa's Planning and Economic Development Department will fully transition to an online application submittal process through the Accela Citizen Access platform. Learn more about the Online Permitting System [here](#), and more information will be coming soon!**



---

**From:** Sheri <golden.child247@yahoo.com>

**Sent:** Monday, January 5, 2026 1:06 PM

**To:** Michaelson, Hana <HMichaelson@srcity.org>; Jay <jaygiles10@yahoo.com>; Nancy Gardner <rgard22816@aol.com>; Lindsay Lawson <lindsaylawson@att.net>; Mike Faria <19faria56@gmail.com>

**Subject:** [EXTERNAL] 635 Benjamins Rd. PLN25-0206 - SB9 -Fraud

Hana,

Notes : In addition to the prior email sent to you on 12/31/25.

We are requesting a copy of the SB9 Completed and Signed Application and Affidavit for the lot split 635 and 637 Benjamins Rd., Santa Rosa, CA 95409.

The Phams have Mislead, Misrepresented and Committed Fraud regarding their SB9 lot split. They have never complied with the Owner Occupied Residence for the 3 year period. They have never lived in the residence period since receiving the Approved SB9 or to this day. And the city of Santa Rosa even issued them a permit or license to use it as an AirBNB or Rental Prperty.

This is an extremely serious matter! The Phams need to be held accountable as does the city of Santa Rosa. The City of Santa Rosa is also negligent in allowing this situation to happen. This should directly negatively affect their proposed project PLN25-0206 for the MUP and Zoning.

Who else within the City of SR do we need to contact to report this serious issue to get it rightfully resolved ?

This situation we sincerely hope won't get overlooked and covered up!

Thank you, Sheri & Jay Giles

623 Benjamins Rd., Santa Rosa, CA.

(707)738-6878 - Sheri

(707)481-9232 - Jay

Forwarded message:

**From:** Sheri <[golden.child247@yahoo.com](mailto:golden.child247@yahoo.com)>  
**Date:** December 31, 2025 at 12:34:58 PM PST  
**To:** [HMichaelson@srcity.org](mailto:HMichaelson@srcity.org)  
**Cc:** Jay <[jaygiles10@yahoo.com](mailto:jaygiles10@yahoo.com)>, NANCY GARDNER  
<[rgard22816@aol.com](mailto:rgard22816@aol.com)>  
**Subject:** 635 Benjamins Rd. PLN25-0206 - SB9

Good morning Hana,


Just so you the Project Planner, City of Santa Rosa and City Planning Commission are aware. The SB9 lot split that the Phams got approved . Not sure how it got approved , as the Phams have breeched that contract for legal lot split. They have not been in compliance with California State Law. The Phams have never lived in the current residence and to this day don't live in the current residence at 635 Benjamins Rd. Which is in violation of the SB9 rules and regulations. If they are being dishonest with this , what other dishonest expectations can we have with this new project ? Below is a breakdown of the SB9 Law, Rules, Regulations.


Thank you ,

Jay & Sheri Giles

623 Benjamins Rd., Santa Rosa, CA.

707-481-9232

Yes, for a lot split under **California Senate Bill 9 (SB 9)**, the property owner must sign an affidavit stating they intend to occupy one of the housing units on a lot created by the split as their primary residence for a minimum of three years. 

The specific type of the new proposed structure (e.g., a 7,000 sq. ft. residence, though the size may be subject to local objective standards) on the split lot does not eliminate this owner-occupancy requirement for the applicant. The owner-occupancy requirement for an SB 9 urban lot split is a standard statewide condition to ensure the bill primarily benefits homeowners rather than large-scale investors. 

### **Key SB 9 Requirements Related to Your Scenario**

- **Owner Occupancy Affidavit:** The property owner must commit in writing to occupying one of the units as their principal residence for at least three years from the date the lot split is recorded. This typically applies whether you choose to live in the existing residence or a new one you build on either of the resulting parcels.

Sent from Jay & Sheri

**From:** [MIKE FARIA](#)  
**To:** [Michaelson, Hana](#)  
**Cc:** [Lindsay Lawson](#); [golden.child247@yahoo.com](mailto:golden.child247@yahoo.com); [rgard22816@aol.com](mailto:rgard22816@aol.com); [Carole Behlke](#); [roberta648@att.net](mailto:roberta648@att.net); [wintons2000@ATT.net](mailto:wintons2000@ATT.net); [Rodney Sprick](#); [CMOffice](#); [Jones, Jessica](#); [Sheikhali, Monet](#); [Osburn, Gabe](#); [MacDonald, Dianna](#); [Stapp, Mark](#); [Okrepkie, Jeff](#); [PLANCOM - Planning Commission](#)  
**Subject:** Re: [EXTERNAL] Pham Assisted Living PLN25-0206  
**Date:** Wednesday, January 7, 2026 6:30:18 PM

---

Hana,

Thankyou for responding back to me regarding Pham Assisted Living PLN25-0206 I sent Sunday 1/4/2026.

The SB9 Lot Split Requirements state that the applicants must live on premises for minimum of 3 years, To which they have not.

In which you said in todays email "we recently confirmed with the applicant that due to renovations at the rear property, the owners were not living there; however, they are moving back in within the next few weeks"

The Final inspections on **B22-2796** was on **9/26/2023** which means it was ready for occupancy to which the Pham's have been renting the house since that time, That has been close to **2 1/2** years that they have not been in compliance to the SB9 requirements.

They have been telling Non-Truths to the city and beyond and have been out of compliance with the requirement.

Where is the enforcement for said requirements and what jurisdiction is this under, Seeing SB9 is a Senate Bill is it enforced by the State, County or City?

The current tenants have been in the property since before Thanksgiving.

If the Pham's have not been forthcoming with the existing house at 635 Benjamins Road what else our they not being truthful on,

Mike Faria

On 01/07/2026 10:48 AM PST Lindsay Lawson <lindsaylawson@att.net> wrote:  
Hi Hana,

I feel compelled to reply to your email, specifically to the part that you have mentioned that the owners haven't lived in the specific location in the back lot due to renovations. I am their neighbor directly to the right of their property. I can tell you without a doubt that the house was finished with renovations over a year ago and if you want specific dates I can provide those as well. It has been a rental property that the owners have rented out to various different renters for a month to month basis. Sometimes it would be a 2 months at a time. The reasons I know this is because my husband and myself have literally spoken to the past renters. I can provide pictures if you would like as well. So please don't insult our intelligence with this subject. You have been incorrectly informed by the Phams regarding the reasons for them not living in the home. If you would like further factual information, please feel free to contact me.

Lindsay Lawson  
707-953-0252

[Sent from AT&T Yahoo Mail for iPhone](#)

On Wednesday, January 7, 2026, 9:49 AM, Michaelson, Hana <HMichaelson@srcity.org> wrote:

Dear Mike,

I appreciate you taking the time to share your comments regarding the proposed Community Care Facility at 635 Benjamins Road (File No. PLN25-0206). Your comments have been included in the public record.

I wanted to clarify that the public comment process at Zoning Administrator meetings is similar to that of the Planning Commission and City Council. Community members are welcome to provide comments in writing in advance of the meeting and may also speak for up to three minutes during the meeting; however, the process does not allow for back-and-forth discussion during the meeting. All written and spoken comments become part of the public record.

With respect to the SB 9 lot split, we recently confirmed with the applicant that due to renovations at the rear property, the owners were not living there; however, they are moving back in within the next few weeks.

I am currently working to confirm the meeting date for the Planning Commission appeal. In accordance with City noticing requirements, advance notice of this meeting will include a mailer sent to all property owners and tenants within 600 feet, a newspaper publication, and a posting of a sign on the property.

I hope this information is helpful. Please feel free to reach out with any additional questions.

Thank you,

**Hana Michaelson (she/her) | Contract Planner**

Planning and Economic Development Department | 100 Santa Rosa Ave, Room 3 | Santa Rosa, CA 95404

Tel. (707) 543-4665 | Fax (707) 292-0963 | [hmichaelson@srcity.org](mailto:hmichaelson@srcity.org)

**Coming soon, the Planning, Building, and Engineering Divisions of the City of Santa Rosa's Planning and Economic Development Department will fully transition to an online application submittal process through the Accela Citizen Access platform. Learn more about the Online Permitting System [here](#), and more information will be coming soon!**



---

**From:** MIKE FARIA <mfaria3@comcast.net>  
**Sent:** Sunday, January 4, 2026 1:53 PM  
**To:** MacDonald, Dianna <dmacdonald@srcity.org>  
**Cc:** Stapp, Mark <MStapp@srcity.org>; Okrepkie, Jeff <JOkrepkie@srcity.org>; CMOOffice <CMOffice@srcity.org>;  
\_PLANCOM - Planning Commission <planningcommission@srcity.org>; Michaelson, Hana <HMichaelson@srcity.org>; golden.child247@yahoo.com; rgard22816@aol.com; lindsaylawson@att.net; Carole Behlke <cabelhke@gmail.com>  
**Subject:** [EXTERNAL] Pham Assisted Living PLN25-0206

Dear Council Member MacDonald,

My Name is Mike Faria and live at 640 Benjamins Road, my partner in life is Carole Behlke at the same address

I am writing this email/letter on behalf of all the residents on Benjamins Rd & Benjamins Court in the Rincon Valley Area of Northeast Santa Rosa (District 3), regarding the proposed project "Pham Assisted Living" facility at 635 Benjamins Road PLN25-0206

**Background:**

635 Benjamins Road is a 0.41 of an acre lot that has been vacant since I moved here May 2012, had been recently sold in the past couple of years, We the neighbors knew nothing of this project until we got a card in the mail for a zoning administrator meeting for Thursday December 4th, Due to overwhelming calls and emails to the SR City Planner the meeting was reschedule for Thursday December 18th. to which all the neighbors on Benjamins Road rallied together.

**Demographics:**

Benjamins Road starts or ends at Speers Road on the south end and goes to Montecito Blvd to the north , and is 0.5 miles long in total and has roughly 60 homes total, from the stop sign at Canyon Drive to stop Montecito Blvd is 0.3 miles roughly 45 homes, these are all single family residences (RR40 Zoning) average home size is 1300 - 2000 sqft on mixed parcels of 1/2 - 1 acre. mixed families with a lot of retired folks on fixed incomes. Benjamins Road is a small short road with lots of traffic due to a few reasons, Binkley School is right around the corner on Canyon Drive, and it is also a short cut to Montecito Blvd from Middle Rincon. With the 0.3 distance between stop sign at Canyon Drive and Montecito Blvd vehicles drive way to fast well over 60mph which is insane. I have called SRPD number of times to get radar during school times with no response, they did put a speed limit trailer in front of 635 but that did no good. We are a very rural neighborhood with no sidewalks, curbs or gutters (except for the North end). Parents walk their children to school, and neighbors walk their dogs and kids as well on the street.

**Planned Project:**

Pham Assisted Living is proposed to be a 15 bed 6888 sqft facility with 5 parking space (1 is Disabled) on the 0.41-acre

lot, that will operate 24 x 7 with 2-3 caregivers (3 shifts), 1 cook and 1 administrator. Visitation will be 9:00am - 7:00pm daily, this facility states that dedicated buses or shuttle will not be required but 3rd party transportation passenger vans will be used. they state the planned on-site parking is sufficient to accommodate these vehicles, they also state that routine deliveries of supplies, food delivery, and medical/healthcare items will occur between 8:00am - 6:00pm. Applicants state there could be 100 vehicles a day added to Benjamins Road

### Zoning Administrators Meeting

A zoning hearing was held on Thursday December 18th @ 10:30am, This was (MUP) Minor Use Permit meeting to allow the facility to go from 6 beds to 15. There were roughly 32 neighbors that showed up, Mr. & Mrs. Pham, the Architect, and Fire Marshal, We as neighbors have never been to a meeting like this and had no idea what to expect, Once the meeting started they asked if there were any objections to minutes to the past meetings we knew nothing about, then each of us was given 3:00 minutes to state our concerns, no Q&A and once we spoke could not speak again but the applicants could speak all they wanted, Most of the neighbors were sitting there stunned that we could not ask questions while we were there. The Administrator did make some conditions and the Architect and Mrs. Pham said no way to control them so they were taken off the table, there were 2 that were accepted that 1 of the 5 parking spots was marked Visitor (now leaves 3), and the 2nd condition was that only one guest can visit at a time by appointment for 15 residents. The request for the permit was approve, It was very apparent that this meeting was a formality and the decision had already been made, We were told we had 10 Calendar days to Appeal, Yes Calendar days not Business days, to which there were 2 weekends (4 days) and 1 Holiday (Christmas) so technically we had 5 days, which was absurd for most businesses and cities work on Business days not Calendar.

Appeal:

We did appeal the Zoning Administrators decision on December 29, 2025 at the cost of \$814.00 to which a dozen neighbors pitched in.

See Attached Document that went with the appeal

Conclusion:

There was never a traffic study done, city said was not needed even though the Applicants states there could be up to 100 vehicles a day added to our little street. with Parents, Kids, Pets and Wildlife needs to be taken into consideration

Visitors one of the conditions is that 1 visitor will be allowed at

a time for 15 residents, I have called around too many Assisted Living Facilities and none have that requirement and that it was not legal to do so, so if a family come to visit a loved one from out of town/state they will be turned away from seeing them. We were also told in the in the Zoning Administrators meeting by the applicants and a gentleman (also named Pham) that no one visits their loved ones and especially during the Christmas holidays which is untrue when I chatted with other facilities it's one of their busiest times of year.

Parking 5 spots 1 Visitor, 1 Disabled = 3 left for 5 staff members during regular business hours, granted there will be 2 on the street revisions, but with the visitor aspect unknown there is clearly not enough parking. During the Zoning Administrators Meeting Mrs. Pham stated they were going to tear down the garage on the back property to make it accessible for over flow parking, the Architect was waving his hand down low to get her to stop talking about that, The lot was split and is now 2 separate addresses' and that property was not included in the zoning change request as was presented to us in the notice

Which brings us SB9 lot split: States the property owner must sign an affidavit stating they intend to occupy one of the housing units on a lot created by the split as their primary residence for a minimum of three (3) years. to which they have not done this and they are renting 637 Benjamins Road as a month-to-month rental

Deliveries: The Applicant states they will be utilizing Amazon for their food deliveries, not sure how that is possible for meals

for 15 residence 3 staff x 3 meals a day plus staff? and not use a commercial restaurant supply company. they have not addressed any other deliveries other than normal business hours; they have not addressed trash service.

They state that no nurses or emergency services will be needed due to the fact that will not be administering medications. How can that be when this will be for elder care. this is a assisted living facility and there is always Meds and emergency services required.

Emergency Services: there will be no space to ambulances/EMT, fire trucks, and or transport van to turn around, again cannot utilize the 637 properties

Resident non-emergent transport to Dr's and Dental and other human needs that will bring only more traffic to the area and demand on the already used up parking spaces.

Construction: nothing has been addressed regarding the building of this massive facility which will require water to be brought down (we are all on wells), widening of the road and putting in curb, gutter & sidewalks, and the amount of time that it will take.

What happens when one of the occupants walks out the front door and ends up on someone's property, falls down and gets hurt or worst, we know it happens all the time for SRPD is constantly looking for a missing person

We have learned from past experiences that the City does not care about property values, but we as residents do care we are invested in our homes and properties and take pride in what we have.

The Architect said it's their property and have every right to do what they want just as we do, to which we all agree but when any of the neighbors do anything they always ask before it's done as not to create and issues amongst us, this is a business 6888 Sqft 15 bed assisted living facility in a very rural single family home neighborhood. Architect said would blend right in to the neighborhood

There is no doubt that assisted living facilities are needed for our aging population I am one of them, and all of the neighborhood agrees to that, but this is not the correct neighborhood for this type of facility.

We ask that you please look into this before we are assigned a hearing date.

Mike Faria & Neighbors