

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
MAKING FINDINGS AND DETERMINATIONS AND APPROVING A MINOR
CONDITIONAL USE PERMIT FOR A 24 BED COMMUNITY CARE FACILITY,
LOCATED AT 5761 MOUNTAIN HAWK DRIVE, SANTA ROSA, SUITES 201-207, APN:
153-180-029 - FILE NUMBER PLN25-0136

WHEREAS, on July 22, 2022, pursuant to Zoning Code Section 20-23.030, Table 2-6, a Zoning Clearance was issued for the operation of a Community Care Facility for 6 or fewer clients on the second floor of the existing mixed-use building located at 5761 Mountain Hawk Drive (Subject Site), suites 201 and 202 (ZC22-0202); and

WHEREAS, on August 1, 2022, an application for a Minor Conditional Use Permit was submitted to the Planning and Economic Development Department requesting approval of a 24-bed Community Care Facility on the second floor of the existing mixed-use building, utilizing seven existing residential units for non-medical residential care for the addicted, including, but not limited to, monitoring and observing clients during the detoxification process, providing addiction education and relapse prevention services (CUP22-045); and

WHEREAS, pursuant to Zoning Code Section 20-50.020, Table 5-1, the review authority for a Minor Conditional Use Permit is the Zoning Administrator; and

WHEREAS, pursuant to Zoning Code Section 20-50.020(A)(1), the Zoning Administrator may defer action on any decision assigned to the Zoning Administrator and refer the request to the Planning Commission; and

WHEREAS, pursuant to Zoning Code Section 20-52.050(E)(2), Zoning Administrator meetings are noticed as public meetings, unless a public hearing is requested in writing by any interested person before the specified date for the decision; and

WHEREAS, on October 10, 2022, a public meeting notice was sent for CUP22-045, identifying a Zoning Administrator meeting date of October 20, 2022; and

WHEREAS, on October 12, 2022, a written request was received for a public hearing for CUP22-045, and the item was continued to allow for the public hearing noticing; and

WHEREAS, on October 31, 2022, City staff met with several members of the adjacent residential neighborhood to discuss the proposal under application CUP22-045, at which time the neighbors stated their concerns and opposition to the proposed project; and

WHEREAS, due to the amount of interest generated by the surrounding neighborhood, including concerns and opposition to the proposed project, the item was referred to the Planning Commission for action; and

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WHEREAS, on December 8, 2022, the Planning Commission held a public hearing on the Minor Conditional Use Permit application. A motion was made to adopt the draft resolution of approval for the project. However, the motion failed by a vote of 0-5-2, with five Commissioners voting no and two Commissioners absent. Direction was provided to City staff to return to a future meeting with a resolution of denial based on the comments provided by the Commission during the meeting; and

WHEREAS, on January 26, 2023, the Minor Conditional Use Permit application was withdrawn due to a request from the applicant, and, as a result, a resolution of denial did not return to the Commission; and

WHEREAS, on April 12, 2023, a Zoning Clearance was issued for continuing operation of a Community Care Facility for 6 or fewer clients on the second floor of the existing mixed-use building in units 201 and 202, with the addition of an accessory office space and work space in unit 203 (ZC23-0099); and

WHEREAS, on February 27, 2025, a new Zoning Clearance was issued to operate a Community Care Facility for 6 or fewer clients, expanding the use to occupy suites 201-207 at the Subject Site to allow for more space for clients (ZC25-0073); and

WHEREAS, on May 5, 2025, an application for a Minor Conditional Use Permit was submitted to the Planning and Economic Development Department requesting approval of a 24-bed Community Care Facility (Project) on the second floor of the existing mixed-use building on the Subject Site, utilizing seven existing residential units for non-medical residential care for the addicted, including, but not limited to, monitoring and observing clients during the detoxification process, providing addiction education and relapse prevention services. Changes have been made to the proposed floor plan and site plan from what was proposed under CUP22-045, including elimination of a previously proposed designated smoking area and combining of units to provide additional oversight and supervision, addressing concerns raised by the Commission during the December 8, 2022 Planning Commission meeting, as well as clarification regarding the non-medical nature of the proposed use; and

WHEREAS, for consistency with the previously proposed project (CUP22-045), and pursuant to Zoning Code Section 20-50.020(A)(1), the current Minor Conditional Use Permit application has been elevated to the Planning Commission for review and action; and

WHEREAS, on November 13, 2025, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit date stamp received May 5, 2025;

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and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Minor Conditional Use Permit) and 20-42.060 (Community Care and Health Care Facilities), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code. The property is zoned CN-SR (Neighborhood Commercial – Scenic Road) and the Zoning Code allows the proposed use (Community Care Facility – 7 or more clients) in Neighborhood Commercial districts through the approval of a Minor Conditional Use Permit. Further, the proposal meets the parking requirements identified in the Zoning Code. Specifically, the existing commercial complex includes a total of 93 vehicular parking spaces, with an additional 25 parking spaces located on Highway 12. The subject units have 30 of the existing spaces dedicated for their use. The proposed community care facility, with 24 beds, will require 8 of those spaces. In addition, the proposed project has been conditioned to provide 7 bicycle parking spaces, which has been determined to be sufficient for the proposed use. Finally, Zoning Code Section 20-42.060 (Community Care and Health Care Facilities) provides additional, specific, regulations for community care and health care facilities; as noted in subsection G below, the proposed project is consistent with this section of the Code.
- B. The proposed use is consistent with the General Plan and any applicable specific plan. General Plan 2050 Chapter 2, Land Use and Economic Development, states the following: “In addition to the primary residential uses described in each land use, compatible accessory uses are also allowed, as identified by the City’s Zoning Code. Some of these may require discretionary review by the City, and some are allowed by right. Such uses include, but are not limited to, certain recreation, education, and public assembly uses; certain medical, community care, and daycare facilities; supportive and transitional housing; and certain neighborhood-serving retail uses.” In addition, the project would further the following General Plan goals and policies:

LAND USE AND ECONOMIC DEVELOPMENT

- Goal 2-1 Ensure that growth and change serve community needs, protect the environment, improve the City’s fiscal stability, and enhance quality of life for all members of the community.
- Policy 2-1.1 Encourage development that supports community health and quality of life and fosters complete neighborhoods in both established and emerging neighborhoods.
- 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.

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HEALTH, EQUITY, ENVIRONMENTAL JUSTICE, AND PARKS

Policy 6-2.3 Prevent, disincentivize, and reduce harmful addictive behaviors.

Goal 6-8 Foster environments that support families and community members of all ages with high-quality, equitably accessible amenities, programs, and services.

HOUSING

Goal H-1 Encourage the development of housing to meet the needs of all Santa Rosa Residents.

The existing mixed-use commercial building on site was developed in 2006 as a “neighborhood center”. The General Plan allows neighborhood centers in any land use designation where they can be supported (General Plan page 2-30). On July 17, 2005, the City Council adopted Ordinance No. 3732 rezoning the subject site from Planned Development – Scenic Road (PD-SR) to the current zoning of Neighborhood Commercial – Scenic Road (CN-SR), in order to facilitate the development of the mixed-use commercial center. At that time, the Council made findings for General Plan consistency allowing a commercial zoning district in a Very Low Density Residential General Plan land use designation.

Community care facilities are identified as a residential land use per the Santa Rosa Zoning Code, which would be consistent with all of the General Plan residential land use designations, including the subject site’s Very Low Density Residential land use designation. Specifically, the Zoning Code allows the proposed use (Community Care Facility – 7 or more clients) in the Rural Residential zoning district, which implements the Very Low Density Residential land use designation, with the approval of a Minor Conditional Use Permit. Although the site’s zoning district of Neighborhood Commercial, which also allows Community Care Facilities – 7 or more clients with the approval of a Minor Conditional Use Permit, and the General Plan land use designation of Very Low Density Residential are not generally consistent, the General Plan does allow neighborhood centers in any land use designation where they can be supported (General Plan 2050, page 2-30).

The 24-bed community care facility would provide housing and non-medical treatment for people dealing with addiction, and would support both the existing business and the health of the community by expanding the existing 6-bed facility, allowing increased access to addiction treatment and services;

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity. Specifically, the site is surrounded by single-family residential development, and the Zoning Code identifies community care facilities that meet certain criteria, including the proposed facility, as a

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residential use. Further, the proposed use has been conditioned to ensure compatibility with the surrounding land uses, including the following:

- That sufficient parking will be accommodated on site;
- That facility staff will be available 24 hours per day, including a minimum of 3 staff members on site during overnight shifts and no less than six staff members on site during daytime hours;
- That clients will be supervised at all times when outside of the facility;
- That a hotline will be provided for neighbors and visitors in the event of a complaint or concern;
- That clients will be screened and no sex offenders or violent felons will be admitted to the facility; and
- That clients will be required to be sober while in the program, and will be screened daily.

The project will also be required to comply with the City's noise ordinance which would prevent any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to reasonable person of normal sensitiveness residing in the area, as well as the City's smoking ordinance.

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints in that the total floor area of the existing second floor residential units is 8,316 square feet and can accommodate the proposed use; the proposed interior alterations shown on the floor plan are minor and will allow for more efficient operation of the facility; the existing facility is already connected to utilities; and traffic and parking demand is not anticipated to significantly increase as clients will not have vehicles during their stay.
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that as conditioned, the facility will only admit new clients between the hours of 9:00 a.m. to 7:00 p.m., and therefore there will be no after-hours traffic; clients are required to be supervised 24 hours per day, 7 days per week, with a minimum of 3 staff members on site during overnight shifts and no less than six staff members on site during daytime hours; clients will be supervised by staff at all times when off-site; clients will be screened to ensure no sex offenders or violent felons will be admitted, and clients will be required to be sober while in the program, subject to daily screening. The Santa Rosa Police Department has reviewed the proposal and has no concerns regarding safety.
- F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for the following exemptions:
- Class 1 Categorical Exemption under CEQA Guidelines Section 15301 in that the project is located within an existing structure involving a negligible expansion of an existing use that will not result in significant impact(s).

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- Class 32 Categorical Exemption under CEQA Guidelines Section 15332 (In-fill Development Projects) in that:
 1. The Project is consistent with Santa Rosa General Plan 2035 and the current City of Santa Rosa Zoning Code. The site is zoned Neighborhood Commercial and community care facilities (7 or more clients) are a permitted use through a Major Conditional Use Permit;
 2. The Project is located within the City of Santa Rosa jurisdiction, on a project site of no more than five acres substantially surrounded by urban uses;
 3. The project site is currently developed with a mixed-use commercial building and a parking lot, and does not have any habitat value for endangered, rare, or threatened species;
 4. The Project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The Trip Generation Memo prepared by W-Trans, dated November 16, 2022, concludes the Project would result in a less-than-significant transportation impact on vehicle miles traveled (VMT), and the City's Traffic Division has reviewed the proposal and requested no additional Traffic Study. The proposed Project will occupy an existing building, and any work will take place inside the building. The facility will be required to meet the City noise ordinance, and the residential units will be lived in by clients of the facility and utilized in the same manner as a traditional residential use, therefore the use will not have any additional impacts on air or water quality; and
 5. The Project site is located in a developed area where it can be adequately served by all required utilities and public services. City staff has reviewed the plans and conditioned the project appropriately.

The City has further determined that no exceptions to the exemptions apply and there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (CEQA Guidelines Section 15300.2.)

- G. The facility complies with all applicable requirements of Section 20-42.060 (Community Care and Health Care Facilities) including over-concentration. Specifically, the closest large community care facility (7 or more clients) is located approximately 2 miles west of the subject site, well outside of the required 300 and 1,000-foot distance requirements. However, there is a small community care facility (6 or fewer clients) located approximately 500 feet south the subject site. While this is greater than the 300-foot distance requirement, it is within the 1,000-foot distance. Zoning Code Section 20-42.060(C)(2) states that over-concentration arises wherever two or more community care facilities would be located at a distance of 1,000 feet or less from each other, and further states that without mitigation through conditions of approval, and other measures

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instituted by the applicant, the over-concentration shall constitute cause for the denial of a Minor Conditional Use Permit. It has been found that the small community care facility located at a distance of approximately 500 feet is physically separated from the proposed facility by Highway 12, is located in a separate residential neighborhood, and serves a different clientele than the proposed use (the small facility serves adults in need of transitional housing, it is not a facility for the addicted). The over-concentration is further mitigated by the conditions of approval that are imposed upon this Minor Conditional Use Permit.

- H. The facility complies with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements in that the proposed facility has been reviewed and conditioned by the City's Fire Department, and the applicant is licensed under the State of California Department of Health Care Services, License #490041BP.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Minor Conditional Use Permit for a 24-bed Community Care Facility, to be located at 5761 Mountain Hawk Drive, suites 201-207, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval. All fees must be paid prior to issuance of a building permit.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. All work shall be done according to the final approved plans date stamp received May 5, 2025.

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

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BUILDING DIVISION:

6. Obtain building permits for the proposed project.
7. Specify, on the cover of the building permit plans, whether or not the project is built on behalf of a public agency, and/or if any government funding, financial incentives, or programs are to be utilized. This information helps determine which portion of Chapter 11 of the California Building Code applies (for accessibility). (Appears to be 11B)
8. Many of the doors do not provide the proper width to ensure all elements are on an accessible route, and the office suite does not appear to have accessible bathrooms or kitchen. Door sizes, plumbing fixture clearances, and countertops/workstations at kitchens will likely need to be altered as part of the building permits. (CBC 11B-233.3.1.2)

PLANNING DIVISION:

9. This approval for a 24-bed community care facility replaces the previously documented 6-bed community care facility, such that the maximum number of beds permitted on the 5761 Mountain Hawk Drive site does not exceed 24.
10. Sufficient parking shall be accommodated and maintained on site for staff and client drop-off/pickup.
11. Staff shall be available on site 24 hours a day, which shall include no less than three staff members on site for overnight shifts and no less than six staff members on site during daytime hours.
12. The applicant shall establish a 24-hour hotline for neighbors or visitors to call in the event of complaint or concern, which shall be posted on site in a location visible to the general public.
13. Clients of the program shall be supervised at all times by program staff when outside of the facility.
14. New clients will only be admitted between the hours of 9:00 a.m. to 7:00 p.m.
15. All clients shall be screened prior to entry into the program; no sex offenders or violent felons shall be admitted to the facility.
16. Clients of the program shall be sober while in the treatment program, and shall be tested for drugs and alcohol daily. Any clients not meeting the sober requirements shall be removed from the facility.
17. The applicant shall add a minimum of 7 bicycle parking spaces to the site.

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18. No exterior signs are approved with this permit. A separate sign permit is required.
19. As required by Zoning Code Section 20-42.060(D)(2), the facility shall comply with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements.
20. The applicant, and all clients and visitors of the community care facility, shall comply with the City's Municipal Code Chapter 9-20, Smoking Regulations.

FIRE DEPARTMENT

21. Tenant improvements shall include modifications to the existing Fire Alarm system in this space appropriate to the proposed R2.1 occupancy upstairs per 2022 California Fire Code section 907.2.9.
22. Deferred submittals to the Fire Department will be required for any updates to Fire Detection and Fire Suppression systems. This included modifications to existing system(s) and or new installation(s).
23. Fire service features for buildings, structures and premises shall comply with all City adopted building standards, California Code of Regulations Title 24 Building Standards and Santa Rosa City Code.

BE IT FURTHER RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 13th day of November, 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSE:

ABSENT:

APPROVED: _____
CHAIR

ATTEST: _____

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EXECUTIVE SECRETARY