



631 Benjamins Road

June 25, 2026

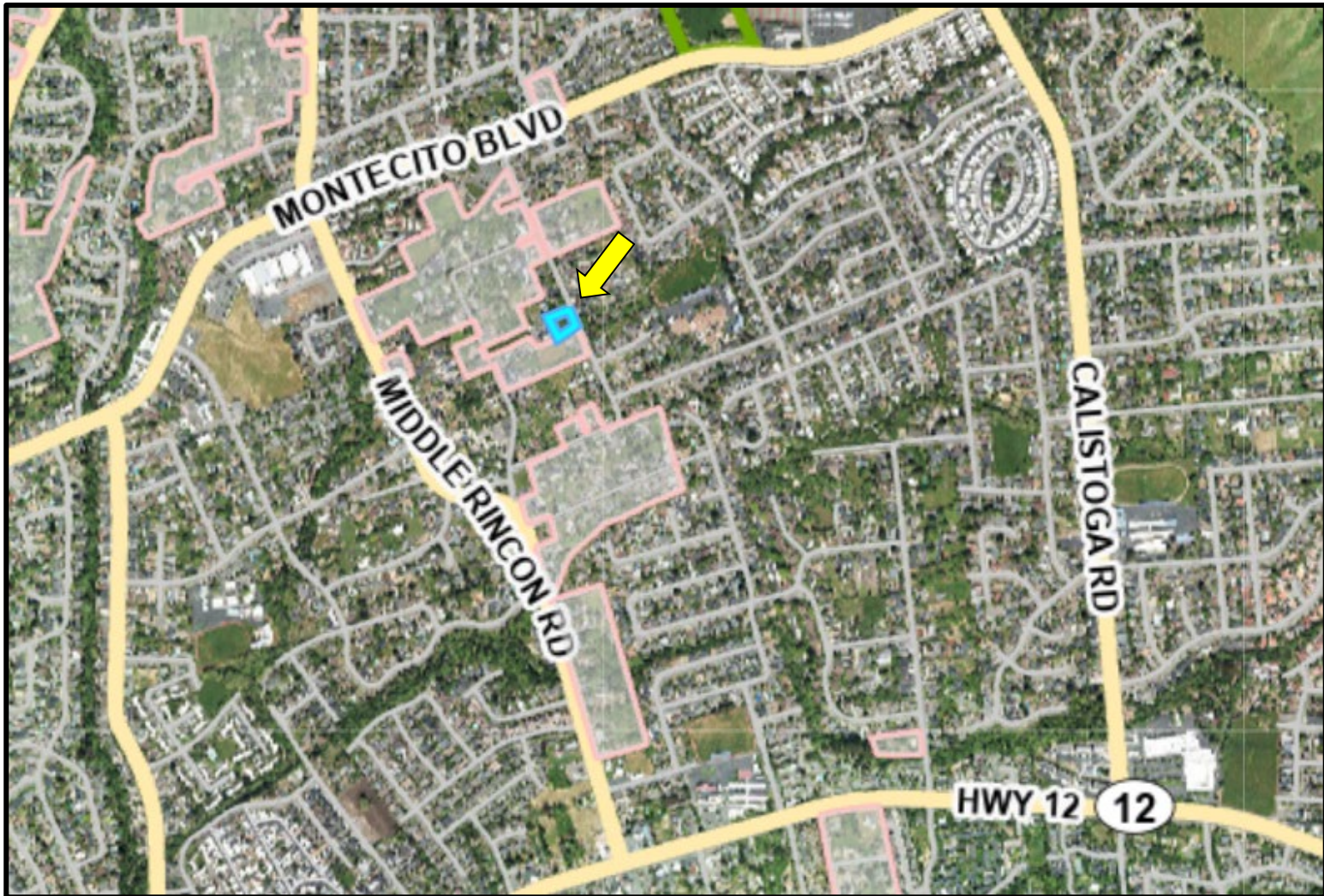
# Pham Assisted Living Appeal

Minor Conditional Use Permit  
File No. PLN25-0206

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Planning and Economic Development

- Appeal of Zoning Administrator Minor Conditional Use Permit approval for a 15-bed Community Care Facility in a proposed single-family residence
- 24-hour non-medical assisted living for older adults
- Assistance with activities of daily living, including:
  - ✓ Bathing, grooming, toileting
  - ✓ Medication management, meals, and daily support.
- No rehabilitation, mental health treatment, skilled nursing care
- To be licensed by the California Department of Social Services as a Residential Care Facility for the Elderly (RCFE)

# Neighborhood Context



# Project Location



- March 28, 2024: Ministerial (by-right) approval of SB 9 Urban Lot Split application (MIN23-007)
- On October 15, 2024, Parcel Map 760 was recorded, creating two parcels: APN 183-240-039 and APN 183-240-040 (the subject parcel).
  - Following recordation, APN 183-240-040 was assigned the address 631 Benjamins Road, and 635 Benjamins Road now refers to the rear parcel.
- July 31, 2025: MUP application submitted for a 15-bed Community Care Facility (PLN25-0206)
- November 14, 2025: Public meeting notice mailed to surrounding property owners and occupants

## Background (continued)

- December 1, 2025: Written request for a public hearing received
- December 5, 2025: Public hearing notice mailed to surrounding property owners and occupant.
- December 18, 2025: MUP approved by the Zoning Administrator
- December 29, 2025: Appeal received
- June 12, 2026: Planning Commission public hearing notice mailed to surrounding property owners and occupants



**General Plan:**  
Very Low Density  
Residential

**Zoning:**  
Rural Residential,  
RR-40

## # 1 – Lack of Demonstrated Hardship

### Staff response:

- Hardship findings are required for a Variance, not for a Minor Conditional Use Permit.
- This project is not requesting a Variance. It is requesting approval of a use that the Zoning Code allows in the RR-40 district with a Minor Conditional Use Permit.

## # 2 – Alleged Grant of Special Privilege

### Staff response:

- The approval would not grant a special privilege because the Zoning Code allows Community Care Facilities with 7 or more residents in the RR-40 district with a Minor Conditional Use Permit.
- The project must still meet all applicable development, parking, licensing, and operational requirements.

## # 3 – Neighborhood compatibility, traffic, parking, emergency access, and public welfare concerns

### Staff response:

- Staff reviewed the project for neighborhood compatibility, access, parking, emergency response, utilities, and public safety.
- No issue was identified that would require denial of the Minor Conditional Use Permit, and the project has been conditioned to comply with applicable standards.

## # 3 – Neighborhood compatibility, traffic, parking, emergency access, and public welfare concerns

### Staff response (continued):

- The project is below the City's traffic study thresholds.
- The project is also conditioned to provide frontage improvements along Benjamins Road, including roadway widening, sidewalk, and on-street parking.

## # 3 – Neighborhood compatibility, traffic, parking, emergency access, and public welfare concerns

### Staff response (continued):

- Zoning Code: 1 space per 3 beds → 5 spaces required and provided
- Staffing: 2 - 4 per shift (max 9/day)
- Designated visitation hours and routine residential deliveries

## # 4 – Concerns regarding reliance on the rear parcel for site operations

### Staff response:

- The Minor Conditional Use Permit applies only to the subject (front) parcel, APN 183-240-040.
- Rear parcel cannot be used to meet required parking or operational requirements unless included in approved plans and secured through City-approved mechanisms

## # 5 – Alleged abuse of discretion and lack of substantial evidence

### Staff response:

- California Government Code Section 65906 allows variances only for hardship due to special physical circumstances
- Project did not request or receive a variance
- MUP approval is based on compliance with Zoning Code standards for a Community Care Facility (7+ residents)

Since the project was notified on November 14, 2025, staff received questions and comments:

- ✓ Type of care
- ✓ Size and scale
- ✓ Traffic and parking
- ✓ Frontage/public improvements
- ✓ Fire/evacuation
- ✓ SB 9 Lot Split



# Environmental Review

## California Environmental Quality Act (CEQA)

- Categorically Exempt per CEQA Guidelines Section 15303 - project involves the construction of a single-family residence in a residential zone.
- Eligible for CEQA streamlining pursuant to CEQA Guidelines Section 15183 because the project is consistent with the 2050 General Plan, for which an EIR was certified by Council in 2025.

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 (ZA) approving a Minor Conditional Use Permit (MUP) to allow a 15-bed Community Care Facility for the property located at 631 Benjamins Road.

## Questions?

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