



## **SUBJECT**

Proposed Adult Residential Facility for Clients with Deficits in Self-Help Skills, Life Skills, and a Diagnosis of Mental Illness or Mental Disorder within Two Existing Buildings and Related Site Improvements at 1641 and 1659 D Street (Assessor Parcel No. 427-0056-035-00), Requiring Approval of Conditional Use Permit with Site Plan Review Application No. 201806007. Haidie Bautista and Imelda Sabado (Applicant); Edwin S and Fabiana L TRS Bautista (Property Owner).

## **RECOMMENDATION**

That the Planning Commission approve the Conditional Use Permit with Site Plan Review application based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

## **SUMMARY**

Haidie Bautista of Bella Vista is requesting approval of a Conditional Use Permit (CUP) with Site Plan Review (SPR) application to operate an adult residential care facility for up to 42 clients with mental illness or disorder and deficits in self-help or life skills in two existing buildings located at 1641 and 1659 D street. The project will include site improvements to construct a new 16 stall parking lot and provide new landscaping. It will also include minor tenant improvements to retrofit the interior tenant space for compliance with the Americans with Disabilities Act (ADA) and to meet compliance with current California Building and Fire Code requirements.

## **BACKGROUND**

Project Site. The project site is situated in the Upper B Street neighborhood, at the southwestern intersection of D and 7th Streets. There are two existing buildings on site, which, according to County records, were originally constructed in 1949. The previous owners of the property operated assisted living facilities out of both structures on site (“Linda Vista Manor” and “D Street Villa”). Building #1 (1659 D St.) is approximately 6,302 square feet and contains 13 bedrooms, while Building #2 (1641 D St.) is approximately 3,023 square feet and contains 9 bedrooms.

Applicant Background and Experience. Since 2015, the applicant, Haidie Bautista, has been a Service Provider with the Alameda County Housing Support Program. She currently operates a similar adult residential facility in Oakland (“Rose Garden Vista”), which is contracted through the County. According to the California Department of Social Services website<sup>1</sup>, the applicant’s

<sup>1</sup> California Department of Social Services Website, Information for Rose Garden Vista:  
<https://www.ccl.dss.ca.gov/carefacilitysearch/FacDetail/019200661>

Oakland facility has had one substantiated complaint for failure to administer medication to a resident. In addition, over the past three years, during unannounced inspections of the facility, four additional deficiencies were cited for failure to properly maintain a medication log for one client, the presence of a single cockroach, failure to keep an outdoor exit gate unlocked, and failure to keep one client's medication in its original container. As a result, the facility was required to provide additional training to caregivers regarding medication administration, hire an exterminator to address pest issues, and immediately unlock the outdoor exit gate.

In a letter from Housing Services Director, Robert Ratner, Alameda County Behavioral Health Care Services (BHCS) has expressed support of the applicant's proposed adult residential facility in Hayward. The County has pledged to offer licensed care housing subsidies for clients referred to the Hayward Facility and to provide links to supportive services. (Attachment VI)

Public Outreach. On November 19, 2018, an initial Notice of Application Receipt for the project application was sent to 192 addresses including property owners, residents, and businesses within a 300-foot radius of the project site. As of the date this staff report was written, Planning Division staff has been contacted by one residential neighbor who stated that while he has no problem with the intended use, he wanted to know about the security and safety plan in place and who neighbors should call if they see or hear something unusual. No additional comments have been submitted to the Planning Division regarding the application.

On February 14, 2020, a Notice of this Public Hearing for the Planning Commission meeting was sent to property owners, residents, and businesses within 300-feet of the project site as well as published in The Daily Review newspaper.

## **PROJECT DESCRIPTION**

Existing Conditions. The project is proposed in two existing buildings located on a single parcel at 1641 and 1659 D Street. Building #1 (1659 D St.) is a 6,302 square-foot one-story structure located at the corner of D and 7<sup>th</sup> Streets. Building #2 (1641 D St.) is a 3,023 square-foot two story structure located to the west of Building #1. As shown below, Building #1 has a low-profile institutional appearance due to its size and layout, while Building #2 maintains the visual characteristics of a single-family home. Currently both buildings are vacant.



***Building #1 (1659 D St.)***



***Building #2 (1641 D St.)***

Surrounding land uses primarily include single-family and multi-family residences. In addition, the Sulphur Creek Nature Center, San Felipe Community Center Park, Faith Ringgold School,

Key Academy Charter School, and some retail and office uses along B Street are located within a half mile radius of the project site.

Proposed Project. The project plans and Business Plan (Attachments IV and V) provide details on the proposed operation, logistics, and floor plans. The project involves establishing an adult residential facility for people with mental illness or disorder and deficits in self-help and/or life skills. Up to 26 clients will be housed in Building #1 and up to 16 clients will be housed in Building #2 for a total of up to 42 clients. All clients will be ambulatory and between the ages of 18 and 59.

The proposed project features library/TV rooms, dining areas, outdoor seating areas, and new landscaping. Clients will receive assistance in a range of daily living activities and needs such as meals and snacks, housekeeping and laundry services, support with self-administration of medication, arrangement of public transportation, access to supportive services from Alameda County Behavioral Health Services, and obtaining more independent living arrangements over time. In addition, staff will work with clients to foster social skills and encourage educational and employment opportunities, as appropriate.

Based on the Business Plan and as conditioned, in Building #1, there will be at least three direct care staff members on duty during day and evening shifts and at least two for graveyard shifts. In Building #2, there will be at least two direct care staff members on duty during day and evening shifts and at least one for graveyard shifts. Support services, such as cooking and housekeeping, will be provided by additional staff. The facility will have no on-site case management. Rather, case management is provided by and coordinated with Alameda County Behavioral Health Services.

While the facility will be open and operational 7 days a week and 24 hours a day, visiting hours will be limited to 9:00 a.m. to 8:00 p.m. daily. No guests or visitors will be permitted to stay overnight. A sample daily schedule is provided as part of the Business Plan in Attachment V.

The Business Plan includes an Emergency Disaster and Client Emergency Protocol with details about how staff will be trained to recognize and respond to client emergencies. In addition, a Neighborhood Complaint Policy outlines the process for efficiently responding to and resolving any complaints or concerns from neighbors. As conditioned, all neighbors within 500 feet of the facility will annually receive contact information for the facility. An initial response to any complaint will be provided within 48 hours.

Site and Tenant Improvements. As shown on the project plans (Attachment IV), the project is proposed within two existing buildings along D Street. A new 16 stall parking lot will be added between the two buildings, and new landscaping will enhance the appearance of the site. Minor tenant improvements will be made to upgrade the bathrooms in Building #1 to be ADA compliant. No changes are proposed for Building #2.

Parking and Transportation. The project site is easily accessible by public transit and automobile. Public transportation options include multiple AC Transit bus stops within a quarter mile radius, providing direct service to Downtown Hayward, the Hayward BART Station, Castro Valley, and San Leandro. As mentioned above, the proposed plans also include 16 new off-street parking spaces, including one ADA van-accessible space to serve the site.

Sustainability Features. The interior tenant improvement associated with the proposed adult residential facility would be reviewed by the Building Division for conformance with State and local requirements related to sustainability (i.e. California Building Code) which require a minimal level of energy efficiency, resource conservation, material recycling, etc.

## **POLICY CONTEXT AND CODE COMPLIANCE**

Zoning Ordinance. The project site is located within the Single-Family Residential (RS) zoning district.<sup>2</sup> The RS district conditionally permits the establishment of a large group home with seven or more residents with the review and approval of a Conditional Use Permit<sup>3</sup>. As the project makes use of two existing buildings, it will not impact development standards for the existing structures, such as lot coverage, setbacks, height limitations, etc. Site Plan Review is also a part of the Conditional Use Permit application, as a new paved parking area with 16 parking spaces will be added between the existing buildings to meet the off-street parking requirements of Chapter 10, Article 2 of the Hayward Municipal Code<sup>4</sup>. As conditioned, the new parking lot will meet all development standards of the RS district.

The Planning Commission may conditionally approve a Conditional Use Permit with Site Plan Review application when all of the required Findings pursuant to Sections 10-1.3225 and 10-1.3025 of the HMC are met. The required Findings are listed below:

### *Conditional Use Permit Required Findings*

- The proposed use is desirable for the public convenience or welfare;
- The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- The proposed use will not be detrimental to the public health, safety, or general welfare; and
- The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

### *Site Plan Review Required Findings*

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis of the required CUP and SPR Findings for Approval in Attachment II.

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<sup>2</sup> Section 10-1.200 (Single-Family Residential District) of Hayward Municipal Code:  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOOR\\_S10-1.200SIMIREDIRS](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOOR_S10-1.200SIMIREDIRS)

<sup>3</sup> Section 10-1.3200 (Conditional Use Permit) of Hayward Municipal Code:  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=CD\\_ORD\\_CH10PLZOSU\\_ART1ZOOOR\\_S10-1.3200COUSPE](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=CD_ORD_CH10PLZOSU_ART1ZOOOR_S10-1.3200COUSPE)

<sup>4</sup> Chapter 10, Article 2 (Off-Street Parking Regulations):  
[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART2OREPARE](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART2OREPARE)

Hayward 2040 General Plan. The project site is in an area designated as Low Density Residential (LDR) in the *Hayward 2040 General Plan*<sup>5</sup>. The General Plan applies the LDR land use designation to generally suburban areas. In addition to single-family homes, allowed uses also include compatible public and quasi-public uses.

The proposed adult residential facility will support the following *Hayward 2040 General Plan* goals and policies:

- Goal LU-3 Complete Neighborhoods. Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.
- Goal HQL-1 Overall Health and Well Being. Improve the health and well-being of all Hayward residents.
- Policy HQL-1.6 Address Health Inequities. The City shall address health inequities in Hayward by striving to remove barriers to healthy living, avoiding disproportionate exposure to unhealthy living environments, and providing a high quality of life for all residents, regardless of income, age, or ethnicity.
- Policy HQL-5.1 Cohesive Neighborhoods. The City shall support cohesive neighborhoods that sustain mental health, increase social capital, and reduce crime.
- Policy H-6.1 Address Special Housing Needs. The City shall address the housing needs of special populations and extremely low-income households through emergency shelters, transitional housing, supportive housing, and single-room occupancy units.
- Policy H-6.2 Housing and Supportive Services. The City shall promote housing, along with supportive services for households with special needs, including seniors, persons with disabilities, single-parents, and the homeless.

## STAFF ANALYSIS

Staff has reviewed the project application and believes that the Planning Commission can make the required Findings to conditionally approve the establishment of an adult residential facility and related site improvements at the proposed site. According to Robert Ratner, the Housing Services Director of Alameda County Behavioral Health Care Services (BHCS), “declines in accessible licensed care is one factor likely contributing to rising number of individuals experiencing homelessness throughout Alameda County” (Attachment VI). As such, the proposed facility will provide critical housing to community members with mental illness and deficits in self-help and/or life skills who may struggle to find housing through traditional methods.

The applicant, Haidie Bautista, has been successfully operating a similar adult residential facility in Oakland for the past five years. Alameda County BHCS has expressed enthusiastic support for this proposed application due to the agency’s strong partnership with the applicant’s Oakland facility. In addition, BHCS has pledged to offer housing subsidies for clients referred to the proposed Hayward facility and to provide links to supportive services, helping to ensure that these community members receive the assistance they need.

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<sup>5</sup> Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/>

As mentioned previously, the proposed establishment is located within a residential neighborhood with a mix of single-family and multi-family housing. With approval of a Conditional Use Permit with Site Plan Review application, the proposed project is consistent with the Single-Family Residential zoning district, as well as the goals and policies of the City's General Plan, which calls for a mix of housing types to support the diverse needs of our community. The site is also in close proximity to two AC Transit bus lines, providing service to Downtown Hayward, BART, Castro Valley, and San Leandro, and within walking distance of the Sulphur Creek Nature Center, San Felipe Community Center Park, and some retail and office businesses along B Street.

Planning Division staff has further determined that potential nuisances associated with the facility will be relatively minimal with the implementation of the Conditions of Approval. In response to a neighbor's concerns, the applicant enhanced the facility's Neighborhood Complaint Protocol to ensure that all properties within a 500-foot radius receive contact information for the facility in event of a concern or complaint. As stated in the Business Plan and as conditioned, a response to any complaint received must be provided within 48 hours. In addition, the Police Department has imposed a condition that if the facility and/or its clients become a nuisance in the neighborhood, the use permit may ultimately be revoked.

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class I for existing facilities in that the project involves the use of existing structures for a residential care facility. Therefore, no environmental review is necessary.

### **NEXT STEPS**

If the Planning Commission approves the Conditional Use Permit with Site Plan Review application, then a 10-day appeal period will commence from the date of decision. If no appeal or Council call up is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

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