

**CITY OF HAYWARD PLANNING DIVISION
PLANNING COMMISSION
APPLICATION NO. 201806007
CONDITIONAL USE PERMIT WITH SITE PLAN REVIEW
BELLA VISTA – 1641 & 1659 D ST.
DRAFT FINDINGS OF APPROVAL**

February 27, 2020

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).

CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 10-1.3225 of the HMC, the Planning Commission may conditionally approve a Conditional Use Permit application when all the following findings are met:

A. The proposed use is desirable for the public convenience or welfare;

The proposed adult residential facility is desirable for the public convenience and welfare in that the use will provide housing for members of the Hayward community with mental illness and deficits in self-help and/or life skills. Having access to supportive housing is a critical need for some people with mental illness, and according to Robert Ratner, the Housing Services Director of the Alameda County Health Care Services Department, “declines in accessible licensed care is one factor likely contributing to rising number of individuals experiencing homelessness throughout Alameda County” (Attachment VI). Additionally, the site is located within a half block of an AC Transit bus stop that provides direct service to Downtown Hayward and BART.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area;

The proposed adult residential facility will not impair the character and integrity of the Single-Family Residential (RS) zoning district and surrounding area in that it will be located within existing buildings that previously housed an assisted living facility. The immediate surrounding neighborhood contains both single-family and multi-family residential uses within RS, Medium Density Residential (RM) and High Density Residential (RH) zoning districts.

C. The proposed use will not be detrimental to the public health, safety, or general welfare; and

As conditioned, the proposed adult residential facility will not be detrimental to the public health, safety, and general welfare as the proposed use will be required to conform

to the maximum occupancy standards, accessibility requirements, and fire alarm systems as set forth in the California Building Code (CBC) and the California Fire Code (CFC). It will adhere to all City ordinances and State standards for health and safety. The facility will also be required to obtain an annual operational permit and inspection from the Hayward Fire Department to ensure that health and safety aspects are maintained for all clients residing at the facility. In addition, the proposed facility maintains Emergency Intervention Procedures and a Neighborhood Complaint Protocol within the Business Plan (Attachment V) that includes providing all properties within 500 feet of the facility with contact information in case of an incident or concern. As conditioned, the facility shall respond to any complaints received within 48 hours.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The proposed adult residential facility, as conditioned, will be consistent with and operate in harmony with the applicable City policies and the zoning district. The proposed use is consistent with the Low Density Residential (LDR) General Plan land use designation in that it is compatible with other uses in the immediate vicinity and consistent with the following goals and policies of the *Hayward 2040 General Plan*:

- 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.

SITE PLAN REVIEW FINDINGS

Pursuant to Section 10-1.3025 of the HMC, the Planning Commission may conditionally approve a Site Plan Review application when all the following findings are met:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed adult residential facility and related site improvements are consistent with the character of the surrounding residential neighborhood which contains both single-family and multi-family homes. New landscaping improvements surrounding the proposed parking lot will ensure that it is an attractive addition to the neighborhood and will enhance and update the overall appearance of the property.

B. The development takes into consideration physical and environmental constraints;

The project is an in-fill development with minimal impact on the existing development pattern given that it will not require the construction of any new structures or the demolition of any existing structures. The existing structures on site are consistent with the scale and character of the surrounding single-family and multi-family neighborhood. In addition, the new parking lot will be located on a relatively flat portion of the property, minimizing the need for extensive grading.

C. The development complies with the intent of City development policies and regulations; and

As previously discussed, the project is consistent with the LDR land use designation in the *Hayward 2040 General Plan*, as well as with several General Plan goals and policies, including policies related to the development of supportive housing for populations with special needs. As conditioned, the project also meets all applicable regulations of the Zoning Ordinance, including the development standards of the RS District. Therefore, as conditioned, the project complies with the intent of City development policies and regulations.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes a new parking lot which will minimize potential parking impacts on the surrounding neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. 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.