

**CITY OF HAYWARD PLANNING COMMISSION
CONDITIONAL USE PERMIT, SITE PLAN REVIEW APPLICATION NO. 202101267
PROPOSED DRIVE-THRU LOCATED AT 411 INDUSTRIAL PARKWAY**

DRAFT FINDINGS FOR APPROVAL

CONDITIONAL USE PERMIT FINDINGS

Per Section 10-1.3225 of the Hayward Municipal Code, the Planning Commission, or other approving authority, may approve or conditionally approve a Conditional Use Permit application when all the following are made:

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

The proposed drive-thru feature for the approved retail/restaurant space is desirable for the public convenience in that there is a large volume of passing traffic at the corner of Mission Boulevard and Industrial Parkway, and it will offer a quick and convenient space for visitors, residents and employees to quickly stop and purchase food and beverages in Hayward. The project site will provide a site with quick access to food and beverages for customers without having to park and leave their cars. The site design will allow for adequate queuing length and the operator will be responsible for monitoring and correcting any identified deficiencies in operation.

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

The proposed drive-thru restaurant will not impair the character and integrity of the zoning district and surrounding area in that drive-thrus are conditionally permitted uses. The project site is zoned for commercial and mixed-use developments at high intensities and usage, and the approved Mission Village project is able to handle the change in vehicular site circulation, customer queueing, and parking demand required to accommodate the specific drive-thru operator. Starbucks, the anticipated operator, draws a large and loyal customer base, which requires consistent standard operating procedures to ensure sufficient flow of customers in and out of the project site. Conditions of Approval would ensure that the operator of the drive-thru restaurant does not generate an excessive amount of waste and debris within the parking lot areas or within the public right-of-way, and continuously monitors queueing to ensure that the customers do not spill into right-of-way or other areas of the project site.

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

The proposed drive-thru function will not be detrimental to the public health, safety, or general welfare in that the site layout is designed, or conditioned, to adequately manage all vehicle queueing and potential spillover without creating an adverse impact to the rest of the project site's internal vehicular or pedestrian circulation. Further, a Condition of Approval imposed on the project requires the operator be responsible for clean up of any debris and

trash associated with the business in order to maintain a clean and welcoming environment for patrons, as well as minimize any impact to nearby residents and businesses.

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

The *Hayward 2040 General Plan* encourages a mix of uses and activities to meet a range of community and regional needs. The proposed development of the drive thru, which is anticipated to be a Starbucks, will provide a local-serving retail option to the community including its residents, businesses and visitors, and serve unmet demand in this area of Hayward. Further, the proposed project is consistent and compatible with other drive-thru facilities located along the Mission Boulevard corridor. The proposed drive-thru will support the adjacent commercial uses on site and is also consistent with the following goals and policies of the Hayward 2040 General Plan:

- ED-3 Business Expansion and Retention. Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- Goal ED-5: Encourage economic investment by enhancing the image and reputation of Hayward.
- ED-5.5: Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.

SITE PLAN REVIEW FINDINGS

Per Section 10-1.3025 of the Hayward Municipal Code, the Planning Commission may approve, conditionally approve, or disapprove a Site Plan Review application based on the following findings:

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

The proposed project has been designed with contemporary architecture with large storefront glass windows, which enhances the proposed commercial spaces and will be an attractive addition to streetscape as well as be compatible and consistent with other commercial and restaurant uses along the Mission Boulevard Corridor.

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

The project takes into consideration the physical and environmental constraints in that it places the proposed drive thru adjacent to Industrial Parkway and has been designed to include enough space to allow up to 12 vehicles to queue at one time, helping to minimize any impacts to the adjacent commercial and residential uses. The proposed drive-thru is

located on the site and has been designed to minimize any noise impacts to the adjacent commercial and residential uses.

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

The proposed project, as conditioned, complies with applicable City policies of the Mission Boulevard Code including the City's Design Guidelines, in that it meets the glazing requirements, will comply with current landscape efficient requirements and will meet current building code requirements that will ensure more sustainable and energy efficient buildings. The project will enhance the existing commercial uses on site and is also consistent with the following goals and policies of the *Hayward 2040 General Plan*:

- ED-3 Business Expansion and Retention. Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- Goal ED-5: Encourage economic investment by enhancing the image and reputation of Hayward.
- ED-5.5: Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.

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

The project, as conditioned, would operate in a manner acceptable and compatible with surrounding development in that the project is consistent with other retail and commercial uses along the Mission Boulevard corridor and the proposed development will comply with the conditions imposed on this project to minimize any impacts to adjacent uses as well as will comply with the latest Fire and Building Codes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

An Initial Study/Mitigated Negative Declaration (IS/MND) evaluating the potential environmental impacts of the Mission Village project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study discussed potential impacts in the areas of Air Quality, Biological, Cultural Resources, Geology, Hazards and Hazardous Materials, and Noise and contains mitigation measures reducing the identified impacts to less-than-significant levels.

The draft Initial Study and Mitigated Negative Declaration was posted with the Alameda County Clerk on December 9, 2016 as well as posted at City Hall and on the city's website. In addition, copies were delivered to the Hayward libraries and notice was sent to all interested parties and property owners and residents within 1,000 feet of the project site. The public comment period for the proposed IS/MND expired on January 3, 2017. Following the

Planning Commission's decision to approve the project on January 12, 2017, a Notice of Determination was filed with the Alameda County Clerk Recorder on January 26, 2017.

In preparation for this project, Hexagon Transportation Consultants, Inc. completed a traffic operations analysis for the proposed drive-thru. The Traffic Study concluded that there were no significant impacts related to traffic and circulation but made specific recommendations to improve internal circulation and wayfinding, which have been incorporated as proposed conditions of approval for the project.

As a result of this analysis, the Planning Commission hereby finds that no additional environmental impacts are expected as a result of this project that were not previously identified with the adopted Mitigated Negative Declaration and as such, no additional environmental analysis is required.