



SUBJECT

Proposed Addition of a Drive-Thru for a Proposed Starbucks Coffee Shop to a Previously Approved Mission Village Retail Structure at 411 Industrial Parkway, APN 078G-2651-011-02, requiring approval of Conditional Use Permit with Site Plan Review Application No. 202101267; Doug Rich, Valley Oak Partners LLC (Applicant)/Edwin Sommer LLC ETAL (Owner).

RECOMMENDATION

That the Planning Commission approve the proposed Conditional Use Permit with Site Plan Review application to allow the addition of a drive-thru for the proposed Starbucks coffee shop, based on the analysis set forth in this report and the attached Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant proposes to modify the previously approved Mission Village (former Holiday Bowl site) retail building, by reducing its size from approximately 8,000 square feet to 6,313 square feet, to accommodate the addition of a drive-thru window for an anticipated Starbucks coffee shop, and driveway queuing for up to 12-cars. The proposed retail space is anticipated to accommodate two retail, restaurant, or coffee shop tenants.

BACKGROUND

The Mission Village project, consisting of 72 townhomes and 8,000 square feet of commercial space, requiring Vesting Tentative Tract Map 8304 and Site Plan Review, was originally approved by the Planning Commission on January 12, 2017¹.

Since approval, the developer has been working closely with the Regional Water Quality Control Board (RWQCB) related to clean-up efforts on the site previously caused by a former dry-cleaning establishment. While the developer has continued to move forward to obtain approval of the Improvement Plans and the Final Map, coordination with the RWQCB took longer than anticipated and the developer requested an extension of their approved entitlements to allow them time to finalize those plans and construct the project. As part of the extension, staff imposed new conditions of approval to address timely demolition of the existing buildings on site and to ensure the commercial component of the project is developed simultaneously with the residential component. In this regard, the developer proposes the

¹ Planning Commission Meeting:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=2924977&GUID=76A9CE61-FEEE-4905-992F-C02C0ED2575D&Options=&Search=>

subject drive-thru in order to attract retail tenants anticipated to include Starbucks and another restaurant. The Planning Commission, on appeal of approval by the Planning Director, approved the request for an extension on September 10, 2020.²

Public Outreach: An initial Notice of Receipt of the project application was sent to 275 property owners, businesses and residents within a 300-foot radius of the site on March 31, 2021. Staff has not received any responses to the notice.

On June 25, 2021, a Notice of Public Hearing for this Planning Commission public hearing was circulated to a mailing list of 275 property owners, businesses, residents and interested stakeholders within a 300-foot radius of the project site as well as published within The Daily Review newspaper as a Legal Ad. As of the writing of this report, staff has received no response to this postcard notice or Legal Ad.

Council Economic Development Committee. On November 2, 2020, the City's Council Economic Development Committee (CEDC) first reviewed this project and expressed concerns about the drive-thru configuration and the loss of on-site parking spaces. After taking these comments into consideration, the applicant presented an updated plan to the CEDC on December 7, 2020. The applicant indicated that the building had been pulled back from the street corner, the drive-thru reduced to a single lane, and additional landscaping added to help mitigate any visual impacts. In response to CEDC questions, the applicant indicated that the proposed drive-thru is placed at a lower grade than the street and coupled with additional landscaping, it would help to further mitigate the visual impacts of the drive thru lane. The CEDC supported the revisions and indicated the updated site design was much improved.

PROJECT DESCRIPTION

Existing Conditions. The proposed drive thru is located on a 0.25-acre site that is a portion of that of the former Holiday Bowl, located at the intersection of Industrial Parkway and Mission Boulevard. The property to the north, across Industrial Parkway, contains retail commercial including a Burger King Restaurant, which includes a drive-through. The property to the south contains the Mission Hills Golf Course. The property to the east contains a multi-family residential development. The project site is located approximately 0.9-mile south of the South Hayward BART Station and has access to bus stops along Mission Boulevard.

Proposed Project: The proposed Mission Village project includes a two-unit retail structure at the southwest corner of Mission Boulevard and Industrial Parkway; the project provides vehicular access from both adjacent streets. The drive-thru function would service the tenant space labeled Retail-2 (Attachment V, Project Plans). The auto queue driveway, designed to accommodate 12 cars, would begin near the project's Mission Boulevard entrance and parallel both external streets prior to reaching the drive-thru window located adjacent to the Industrial Parkway entrance. Shade trellises, extending from the building, are proposed over significant portions of the driveway along both external streets, and along with providing shade, indicate a connection to the building itself. The larger project's required landscaping

² September 10, 2020 Planning Commission Meeting.

<https://hayward.legistar.com/LegislationDetail.aspx?ID=4633574&GUID=3F36AB89-81B9-4827-A74B-786FE37FFBAC&Options=&Search=>

would screen the driveway from view from the external streets. The retail building in its new configuration maintains the parking spaces approved with the larger project.

Sustainability Features: The proposed Mission Village project will incorporate the following sustainability features as part of the previously approved project entitlements:

Energy: The proponent proposes to install solar panels on the commercial building, but the exact size of the system has not yet been determined. This will be evaluated once a determination is made regarding existing cellular carriers that may be utilizing the commercial roof space to relocate their existing facilities. In addition, the project has been conditioned to be GreenPoint Rated, and that such rating or certification be submitted prior to issuance of certificates of occupancy.

Water: The project will follow the Bay Friendly Landscape standards incorporating the use of native species and reducing toxic herbicides into local waterways. The use of drought tolerant species, coupled with separate meters for both the outdoor landscaping and commercial space, will improve water conservation.

Solid Waste: The asphalt and concrete in the existing parking lots will be crushed and reused on-site as base material reducing the amount of public waste sent to landfill and also reducing greenhouse gas emissions as the number of trucking trips bringing in materials to the site will be reduced.

Transportation: The project provides bicycle parking, street trees along bike paths, accessible seating and overhead shade structures to promote walking, biking and utilization of surrounding public transportation. The project provides a continuous system of connected sidewalks and pedestrian paths from each home through the central park area and commercial building ultimately connecting to Mission Blvd and Industrial Parkway providing a safe mode of travel highlighted by convenient greenways. Sidewalks and paths have been designed at sufficient widths to accommodate pedestrians; parking for the commercial is located behind the building providing a safe buffer from the street and creating a buffered space for the outdoor plaza. The project provides long-term bike lockers for four bicycles as well as short term bike racks for an additional 20 bicycles promoting the use of bicycles for both internal residents as well as those biking to the new commercial center.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The *Hayward 2040 General Plan* was adopted in July 2014 and designates the project site as SMU, *Sustainable Mixed-Use*³, which generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typically building types will vary based on the zoning of the property, but will generally include a variety of residential types, commercial buildings, and mixed-use buildings. Allowed uses generally include retail, dining and service uses, professional offices, and a variety of residential types. The established maximum floor area ratio (FAR) is 2.0 for the SMU designation and the approved development FAR is .76, which would not increase with the proposed addition of

³ Hayward 2040 General Plan:

<https://www.hayward2040generalplan.com/land-use/mixed-custom-collapse-0-sustainable-mixed-use>

the drive-thru. Per the SMU land use designation, the project, as proposed is consistent with several goals and policies of the General Plan, including those detailed in Attachment II.

Zoning Ordinance: The site is located in the MB-CN (Mission Boulevard Corridor Neighborhood Zone)⁴, as part of the Mission Boulevard Code. The MB-CN Zone is intended to accommodate a mixed-use neighborhood with moderate intensity, medium-scale residential and non-residential uses compatible with surrounding neighborhoods. The drive-thru use, as associated with a retail use, is consistent with the development standards of the MB-CN Zone, but requires approval of a Conditional Use Permit by the Planning Commission per Sec. 10-1.3200 of the Hayward Municipal Code. Per Section 10-1.3225⁵ of the HMC, the Planning Commission may approve or conditionally approve a Conditional Use Permit application when all of the following findings are made:

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

Staff believes the Planning Commission can make the required findings and has included more detailed analysis in Attachment II.

Site Plan Review: The project is proposing to construct a new drive thru for an anticipated Starbucks, which is subject to Site Plan Review. Pursuant to Section 10-1.3005⁶ of the HMC, the purpose for requiring Site Plan Review is aimed at fostering development and the establishment of uses which take into account on-site and surrounding structures and uses, which contributes to an attractive City, physical and environmental constraints and traffic circulation, so that new development is accomplished in an orderly manner, complies with the intent of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development. As previously mentioned, the proposed drive thru meets the development standards of the MB-CN zoning district and as such, staff believes the Planning Commission can make the required Site Plan Review findings. Additional staff analysis for the required findings are provided in Attachment II.

⁴ Mission Boulevard Code:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO_SU_BARTICLE_10-24.2SPZO_DIV10-24.2.2MIBOCOZO_10-24.2.2.040MIBOORNE

⁵ Conditional Use Permit Findings:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOOR_S10-1.3200COUSPE_S10-1.3225FI

⁶ Site Plan Review Findings:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOOR_S10-1.3000SIPLRE_S10-1.3025FI

STAFF ANALYSIS

Staff believes the proposed addition of a drive-thru feature for one of the previously-approved retail spaces complements that retail space which is anticipated to be occupied by Starbucks. It provides the added convenience of remaining in one's car to pick up food and beverages. It reduces the demand on the use of the other proposed on-site parking spaces. It would appeal to nearby residents and surrounding businesses as well as those passing through Hayward.

Staff also believes the proposed design of the drive-thru function complements the design and function of the proposed retail building in that it is shielded by the building from the residential buildings and in that there is adequate queuing for up to 12 cars. Further, the vehicles in the queue will be partially shielded from the adjacent streets by the building's trellises and the required landscaping.

The analysis also produced the following recommendations, which are included in the conditions of approval:

- “Do Not Enter” signs should be installed at the southern end of the north-south one-way drive aisle facing traffic of the east-west drive aisle, in order to deter vehicles from entering the wrong way. In addition, the curb return radius at the northeast corner of the junction should be reduced to make it difficult for vehicles traveling west on the east-west aisle to turn right into on-coming traffic, while still allowing delivery and garbage trucks to turn left from the one-way drive aisle.
- The project should provide two long-term and five short-term bicycle parking storage onsite consistent with City code requirements.
- Potential cut-through traffic at the project site should be monitored after project occupancy. If necessary, traffic calming measures such as speed bumps should be considered to discourage cut-through traffic at the project site.
- The Applicant shall install two speed humps along the drive aisles “J Street” and “I Street” as indicated to help with traffic calming.

In order to minimize the potential for queueing overflow onto the public street network, the project will provide onsite video monitoring and designate staff to direct traffic during busy periods, as needed. If an order were taking too long for a vehicle at the pickup window, and staff sees on the monitoring cameras that the queue length is extending out of the designated drive-through lane, staff could send the vehicle at the window to overflow/curbside parking stalls to keep the queue moving forward and, then, bring the order out to the waiting vehicle when ready.

Staff believes that the Commission can make the findings to approve the Conditional Use Permit for the drive-thru as described above and per the analysis in Attachment II.

ENVIRONMENTAL REVIEW

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 IS/MND 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 (Attachment III).

Overall, the analysis provided by Hexagon reflected the following key findings:

- Because the project is considered to be local-serving retail, it is anticipated that the project's VMT (Vehicle Miles Traveled) impact would be *less than significant*.
- Under existing, background, and background plus project, all the study intersections would operate at an acceptable LOS during the AM and PM peak hours per City LOS (Level of Service) standards.

As a result of this analysis, 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.

NEXT STEPS

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

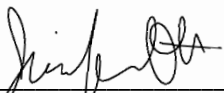
Prepared by: Richard Patenaude, AICP, Consulting Planner

Recommended by: Jeremy Lochirco, Acting Planning Manager

Approved by:



Sara Buizer, AICP, Acting Deputy Development Services Director



Jennifer Ott, Assistant City Manager/Development Services Director