

**CITY OF HAYWARD PLANNING COMMISSION
ZONING TEXT AMENDMENT AND ACCOMPANYING
CONDITIONAL USE PERMIT & SITE PLAN REVIEW APPLICATION NO. MTA-24-0002
NEW STARBUCKS DRIVE-THROUGH FACILITY - 22101 HESPERIAN BLVD
RECOMMENDED FINDINGS FOR APPROVAL**

Zoning Text Amendment Findings

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3425(b), recommendation for approval of Zoning Text Amendments shall be based upon the following findings:

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed Zoning Text Amendments will promote the public health, safety, convenience and general welfare of Hayward residents by allowing new restaurants and coffee shops with drive-through facilities on the small number of parcels zoned Air Terminal-Commercial (AT-C), all of which are located immediately around the Hayward Executive Airport and along the major commercial thoroughfares of Hesperian Boulevard, West A Street and West Winton Avenue. Drive-through restaurants and coffee shops are a popular choice for people in transit because of their convenience and the speed with which the businesses can serve customers food and beverages to go from the safety and comfort of their own vehicles. The amendments would not expressly approve new drive-through facilities; rather, they would be allowed subject to approval of a Conditional Use Permit (CUP) by the Planning Commission, thus ensuring that each use is designed safely and in a manner that best promotes the general welfare of adjacent uses.

2. The proposed change is in conformance with all applicable, officially adopted policies and plans;

The proposed Text Amendments are consistent with the goals and policies set forth in the *Hayward 2040 General Plan* in that they would facilitate the development of a popular type of commercial land use that is often found along major thoroughfares and near airports on a small number of parcels immediately around the Hayward Executive Airport. The General Plan contains a number of goals and policies aimed at providing a robust economy that offers a wide variety of goods and services, facilitating the development of new commercial uses that meet the everyday needs of Hayward residents and workers, and generally creating a business-friendly environment. Specifically, the proposed amendments are consistent with the following goals and policies set forth in the *Hayward 2040 General Plan*:

- Land Use Goal LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the city, while also creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.

- Land Use Policy LU-4.1: Mixed-Use Corridors. The City shall encourage a variety of development types and uses along corridors to balance the needs of residents and employees living and working in surrounding areas with the needs of motorists driving through the community.
- Land Use Policy LU-4.8: Shared Driveways & Parking Lots. The City shall encourage adjoining properties along corridors to use shared driveways and shared parking lots to promote the efficient use of land, reduce the total land area dedicated to parking, and to create a more pedestrian-friendly environment by minimizing curb cuts along the sidewalk.
- Economic Development Goal ED-6: Achieve recognition as the most desirable and business-friendly place to locate and conduct business in the East Bay.
- Economic Development Policy ED-6.2: Land Use Certainty. The City shall strive to enhance land use certainty for businesses by identifying and removing unnecessary regulatory barriers that discourage private sector investment.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and

Streets and public facilities within the AT-C district are adequate to serve drive-through uses if they are conditionally permitted within the district. Site specific reviews to ensure safe and adequate access, queuing space and pedestrian and vehicular safety would be conducted on a project-by-project basis through the Conditional Use Permit process.

4. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The AT-C District allows restaurants and offices as by right uses. Allowing a drive-through component to support the economic viability of the restaurant or coffee shop use would provide a benefit that is not achieved under existing regulations. Further drive-throughs are common along major thoroughfares and in commercially zoned areas throughout Hayward. Allowing these uses closer than ½ mile to each other is necessary within the AT-C District because the district is small and comprises just over one mile of lineal feet; and allowing larger coffee shop sizes is appropriate due to the evolution of coffee shops over the past few decades which have grown to include other food and drink offerings, seating areas, merchandise areas and restrooms.

Conditional Use Permit Findings

Pursuant to HMC Section 10-1.3225, the Planning Commission may approve or recommend approval a Conditional Use Permit application upon making the following findings:

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

The proposed project is desirable for the public convenience and welfare in that it will provide a popular coffee-based fast-food/beverage service for a variety of users. The

location would provide easy access for drivers traveling along Hesperian Boulevard, residents from the adjacent neighborhoods and workers within the nearby Hayward Executive Airport and surrounding commercial uses. Additionally, it would serve as an amenity for guests of the adjacent Home2Suites Hotel. The drive-through facility will enable customers to quickly and conveniently pick up beverages and food on their way to and from work or while running errands in the area from the comfort of their vehicles, while the café will offer indoor and outdoor seating options for those with more time who prefer to consume their orders on the premises.

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

The project has been designed to minimize impacts to the surrounding development and streets by locating the entrance to the drive-through facility closer to Skywest Drive than the much busier Hesperian Boulevard, and by providing sufficient depth in the drive-through lane for several vehicles in accordance with the City's standards to prevent spillover from the property. Additionally, there is access to parking for customers and employees both directly outside the proposed building and within the existing parking lots on the adjoining parcels which the project has the rights to utilize through reciprocal parking/access easements. The mix of uses will also be compatible with the other existing commercial and office uses along Hesperian Boulevard and Skywest Drive and is consistent with the site's General Plan land use designation.

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

The proposed coffee shop with drive-through facility will not be determinantal to the public health, safety or welfare in that the use will operate during typical business hours. Further, the project has been designed so that the entrance and exit of the drive-through lane does not adversely impact any existing pedestrian, bicycle or vehicular facilities either within or adjacent to the site; and conditions of approval have been included which are designed to prevent vehicles queueing in the drive-through lane from spilling out into the adjacent streets. Furthermore, the building will be required to comply with all applicable building and life safety codes, and the coffee shop will be required to comply with all applicable environmental health and safety regulations pertaining to food- and beverage-serving uses, including maintaining sanitary facilities and properly disposing of hazardous waste materials.

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

The Retail & Office Commercial (ROC) General Plan land use designation allows for a wide variety of commercial and professional office uses that meet the everyday needs of Hayward residents. This includes all types of restaurants, from full-service sit-down establishments to fast food restaurants and coffee shops with drive-through facilities. Furthermore, the Economic Development Element of the General Plan calls for

supporting economic growth and improving the overall quality of life for Hayward residents by attracting new businesses that offer a variety of goods and services. As such, the proposed use is consistent with the intent of the City's land use and economic development policies.

Site Plan Review Findings

Pursuant to HMC Section 10-1.3025, the Planning Commission may approve or recommend approval of a Site Plan Review Permit application upon making the following findings:

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

The proposed development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the development features complex architecture, generous landscaping, and indoor and outdoor seating areas for patrons and tenants designed to fit seamlessly into the existing surrounding improvements of the adjoining hotel and business park and their respective parking lots. Furthermore, the proposed mix of uses is compatible with the surrounding uses along the western side of Hesperian Boulevard, which consists of a wide variety of retail commercial shops, restaurants, business parks, offices and hotels.

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

The proposed development has been designed to fit seamlessly into the existing surrounding improvements of the adjoining hotel and business park and their respective parking lots. When the hotel was built, its developer completed all the necessary parking and vehicular/pedestrian circulation facilities, perimeter landscaping, stormwater treatment areas and other infrastructure needed for the subject coffee shop location, so the proposed development will require very little reconstruction of the existing improvements surrounding it. There are no environmental constraints in that the site is surrounded by development with access to surrounding roadways and utilities.

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

Assuming the accompanying Zoning Text Amendment is approved, the project would be consistent with the intent of the City's development policies and regulations in that it would enable the development of a land use type that is commonly found along major commercial corridors such as Hesperian Boulevard and that are compatible and symbiotic with other uses along such thoroughfares. Drive-through restaurants and coffee shops provide a popular service for many people who are looking for a convenient option for a quick and relatively inexpensive meal or beverage while on the road. Furthermore, the General Plan land use designation allows for retail, restaurant, office and service uses, so the proposed mix of uses would also be consistent with the

General Plan. As proposed, coffee shop with drive-through facility complies with all applicable design standards prescribed by the Zoning Ordinance for such a use.

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

The proposed development will be operated in a manner acceptable to and compatible with surrounding development in that the uses will generally be open during normal business hours for a café with drive-through facility and professional offices, beginning in the early morning but ending/closing by early evening. The site and surrounding parking lots have ample capacity to accommodate customer and employee vehicles. Neither land use would pose any nuisance impacts to the adjacent residential neighborhoods across Hesperian Boulevard to the east, and conditions of approval have been included which should prevent vehicles queueing in the drive-through lane from spilling out into the adjacent streets and posing traffic safety hazards to other drivers, pedestrians or bicyclists.

CEQA Findings

The adoption of the proposed Zoning Text Amendments is exempt from the California Environmental Quality Act (CEQA) under the “common sense” exception set forth in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment. The amendments would not expressly allow new restaurants and coffee shops with drive-through facilities; instead, they would allow them under very limited circumstances and subject to approval of a Conditional Use Permit (CUP) by the Planning Commission. Each CUP application for a new drive-through facility would be subject to CEQA as a new project. Analysis of each project’s potential to cause environmental impacts would still be required as part of their respective application review processes pursuant to CEQA Guidelines.

In addition, the proposed mixed-use development featuring the ground-floor coffee shop with drive-through facility and second-floor office space is exempt from CEQA pursuant to CEQA Guidelines Section 15332, In-fill Developments, in that it would be a project: (1) that is consistent with the City’s General Plan land use and zoning designations for the property; (2) located within the City limits on a site where the developable portion is less than five acres, surrounded by urban uses/development and already served by all necessary utilities and public services and which has no value as habitat for rare, threatened or endangered species; and (3) that will not result in any significant effects related to traffic, noise, air quality or water quality. A traffic study prepared for the project by the City’s consultant, Advanced Mobility Group, on March 28, 2025, concluded that the project would not have a significant impact on traffic levels or vehicular/pedestrian safety on the surrounding streets or nearby intersections with the implementation of various measures pertaining to on-site and off-site circulation and parking restrictions, all of which have been included as conditions of approval of the Conditional Use Permit and Site Plan Review.

- End of Findings-