

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED DRIVE-THRU COFFEE SHOP AND CONVENIENCE STORE  
28590 MISSION BOULEVARD  
CONDITIONAL USE PERMIT, SITE PLAN REVIEW, AND VARIANCE  
APPLICATION NO. 201800093**

**FINDINGS FOR APPROVAL**

Conditional Use Permit Findings

Per Section 10-1.3225 of the Hayward Municipal Code, the Planning Commission may approve, conditionally approve, or disapprove a Conditional Use Permit when all the following findings are met:

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

The proposed project is a desirable use for the public convenience in that it improves an existing gas station and provides an added amenity for residents of Hayward and for those customers that want to get gas as well as get coffee or a snack in one stop. While much of the project site is proposed to be rebuilt, the addition of a coffee shop, updated convenience store and related site improvements will upgrade the existing gas station use and enhance public convenience to access those services.

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

The proposed project will not impair the character and integrity of the surrounding area in that the proposed drive thru will circulate around the rear of the project site and largely be screened from the neighboring residential areas with the addition of landscaping materials. Many of the existing gas stations along Mission Boulevard contain drive thru car washes as part of their business and this project, with similar drive thru, is consistent with those uses. The project will update and modernize the existing gas station use and is consistent with other commercial uses in the MB-CC zoning district along Mission Boulevard.

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

The proposed project will not be detrimental to the public health, safety, or general welfare in that the drive thru, with adequate stacking lane, wraps around the rear of the building minimizing any conflict with pedestrians and vehicle circulation. The project, as conditioned, will replace and update the existing convenience store on-site to meet current building standards and the related site improvements will enhance public safety and vehicular circulation by providing sufficient vehicular queuing for the drive thru use.

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

The proposed project meets most of the development standards in the MB-CC zoning district and complies with intent of City development policies and regulations in that it also meets several Economic Development goals contained within the *Hayward 2040 General Plan* including:

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.*

The proposed project will be well integrated with the existing gas station by providing the convenience of one stop location to pick up snacks, coffee and gas.

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 existing gas station and gives it a modern update, which will be an attractive addition to streetscape as well as be compatible and consistent with other commercial 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 and new convenience store buildings around the existing fueling stations and canopy and is designed to ensure that the drive thru use will provide sufficient vehicular queuing. While the project will require some site grading and a retaining wall, the site has been designed to minimize any visual or 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 gas station 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. In addition, the proposed site improvements will improve the appearance of the existing site by providing new landscaping, expanded and compliance trash enclosure, new bicycle racks, and new parking area with additional ADA spaces.

Variance Findings

Pursuant to Section 10-1.3025 of the Hayward Municipal Code, the Planning Commission may approve or conditionally approve an application when all of the following findings are made:

**1. *There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.***

Although new developments in the Mission Boulevard Code require that buildings be located a maximum of 12'-0" from the front and side street property lines, the gas fueling stations, canopy and underground storage tanks are existing and are proposed to remain. In addition, the location of the site at the corner of Tennyson and Mission Boulevard provide the site with two points of vehicular access, which was originally designed to allow for vehicles to enter and exit the site easily as well as provide the large tanker trucks convenient access to the underground storage

tanks. Because the existing fueling stations are not proposed to be demolished, it is not feasible for the project to locate the new convenience store or drive thru buildings along the property frontage as this will impact vehicular circulation and queuing as well as could impact the ability for the large tanker trucks to access the site.

**2. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.**

The project is proposing a design and uses that are similar to other gas station uses in the City and within the MB-CC zoning district. Other gas stations in the vicinity also contain convenience stores with drive thru car washes that are located behind the gas pumps, which provide customers with efficient and convenient access to drive in and fill up their gas tanks. The project, as proposed, will be consistent and designed similar to other gas station uses along Mission Boulevard.

**3. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.**

The proposed variance does not constitute a grant of a special privilege to the applicant as other gas stations uses with convenience stores and drive thru car washes are designed so that the proposed buildings are located behind the gas fueling pumps, which provides safe and efficient layout for customers to drive in and fill up their gas tanks.

Environmental Review

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill, of the CEQA Guidelines in that the project site is no more than five acres and is substantially surrounded by urban uses, the project location is not environmentally sensitive and is adequately served by all required utilities and public services.