



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** PH 21-040, **Version:** 1

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**DATE:** May 13, 2021

**TO:** Planning Commission

**FROM:** Marcus Martinez, Associate Planner

### **SUBJECT**

Proposed Development of Two New Drive-Through Restaurants and a Significant Exterior and Interior Remodel of an Existing 94,500-Square-Foot Commercial Building Located at 26231 Mission Boulevard, Assessor Parcel Nos. 452-0020-009-01 and 452-0020-006-10, Requiring Approval of a Conditional Use Permit, Site Plan Review, and Various Warrants and Exceptions from the South Hayward BART Form-Based Code. Application No. 202002474. Merlone Geier Partners (Applicant), MGP XII Hayward Center LLC (Property Owner).

### **RECOMMENDATION**

That the Planning Commission approve the Conditional Use Permit, Site Plan Review, and Warrant and Exception applications based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

### **SUMMARY**

Merlone Geier Partners is requesting approval of a Conditional Use Permit (CUP), Site Plan Review (SPR) and various Warrants and Exceptions to develop two (2) new drive-through restaurant pad buildings for Raising Cane's Chicken Fingers and In-N-Out Burger along the northern boundary of the project site, as well as a significant remodel of the exterior and interior of the existing 94,500-square-foot commercial building (formerly K-mart) to be demised into three (3) major commercial tenants and six (6) smaller commercial tenants. One of the three major commercial tenants has been identified as Sprouts Farmers Market grocery store. In addition, the project will also include related site improvements, including, but not limited to, upgrades to the site vehicular and pedestrian circulation, improved parking configuration, tree planting and site landscaping, stormwater management infrastructure, and new outdoor dining areas.

The project site is located within the Urban General (S-T4) and Urban Center (S-T5) Zones of the South Hayward BART Form Based Code area with a Sustainable Mixed Use (SMU) land use designation in the *Hayward 2040 General Plan*. This project application was deemed complete prior to the adoption of the recent Mission Boulevard Code (form-based code update), effective August 14, 2020, and thus is subject to the former development standards.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Findings for Approval
Attachment III	Conditions of Approval
Attachment IV	Project Plans
Attachment V	Public Correspondence
Attachment VI	CEQA Exemption Memorandum
Attachment VII	Non-CEQA Local Transportation Assessment