

2480 WHIPPLE ROAD
HAYWARD, CA

LAND USE COMPLIANCE

May 22, 2012

The site is zoned for:

"Sale of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on a minimum 4-acre parcel which is visible from Interstate 880 or State Highway 92."

Association of Bay Area Governments (ABAG) definition of "subregion":

"While a subregion may be defined as a county and the cities and local agencies within it, a subregion may also be a group of cities and local agencies within a county or an area that crosses county boundaries."

California Planning Roundtable defines regional as:

"pertaining to activities or economics at a scale greater than that of a single jurisdiction and affecting a broader geographic area."

Further reinforcing the concept that a subregion is more than one individual community but less than the entire region is CEQA Guidelines Section 15206, which defines a project as having an impact of "areawide" significance if its effects extend "*beyond the city or county in which the project is located*".

(The Cities of Oakland and San Leandro, for example, have established a "*subregional program*" for coordinated planning and economic development, with direct support from ABAG.)

Excerpt from May 22, 2012 Staff Report to Mayor and City Council:

As discussed in the following sections of this report, staff has determined that the proposed Walmart Market grocery store:

- is consistent with the requirements of the Zoning Ordinance that limit retail uses at this site to those uses involving “the sale of retail goods with a regional or sub-regional marketing base”;*
- is consistent with the previous Circuit City store use and existing conditional use permit and related conditions, and therefore, does not require a modification of the existing conditional use permit; and*
- will not generate environmental impacts that warrant environmental impact analysis.*

Therefore, staff recommends that the City Council approve the proposed market, reversing the April 5, 2012 decision of the Planning Commission.

David Rizk
Development Services Director
City of Hayward

Excerpt from Letter dated May 18, 2012 to Mayor Sweeney and Council:

In summary, the Walmart Market use at 2480 Whipple Road would be situated with visibility and direct access from an interstate freeway, and will necessarily draw from a market base which extends well beyond the boundaries of Hayward. Like the adjoining Target food store use, the Walmart Market is a defined "Supermarket" use which will therefore draw from a subregional market base, satisfying the criteria in Section 10-1.1620b(6)(b).

Richard T. Loewke, AICP
Loewke Planning Associates

The smaller tenants in the shop spaces are also limited to those uses meeting the same “regional/subregional” criteria. The city deemed the following businesses to be “regional/subregional” and issued tenant improvement permits:

Starbucks	Permit issued 12/8/2005	
Quzinos	Permit issued 1/30/2007	
Taco Del Mar	Permit issued 11/7/2006	OUT OF BUSINESS
Ono Hawaiian Barbecue	Permit issued 8/26/2005	
Bella Nail Salon	Permit issued 8/21/2006	OUT OF BUSINESS
Perfect Hair Cut	Permit issued 8/21/2006	OUT OF BUSINESS
AM Kolaches (bakery)	Permit issued 10/11/2006	OUT OF BUSINESS
Wingstop	Permit issued 3/23/2006	