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DATE: September 23, 2010

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: Appeal of Administrative Use Permit Application No. PL-2009-0570 – Pamela Noble, Verizon Wireless (Applicant) / Stonebrae, L.P. (Owner) – Install a 100-foot-high stealth monopole with supporting generator and cabinets

The project is located at 222 Country Club Drive, within Stonebrae Country Club, in a Planned Development (PD) Zoning District

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction of Limited Small New Facilities, and upholds the Planning Director's approval of the Administrative Use Permit, subject to the attached findings and conditions of approval.

BACKGROUND

The applicant proposes to construct a 100-foot-high stealth monopole that would host four telecommunication antennas with supporting generator and cabinets. A stealth monopole is a pole and antennas which have been modified to help blend in with their surroundings. This can be done through creative design such as a creating a flag pole appearance or applying false bark and branches to a pole to simulate a tree. The applicant proposes to put a false bark on the monopole to help it blend in with the adjacent eucalyptus grove. The proposed location of the monopole is within the Stonebrae Country Club, 10 feet from the property line of the abutting property, known as the Carden property (refer to Attachment A).

On March 24, 2010, the Planning Director approved Administrative Use Permit PL-2009-0570. Within the 15-day appeal period, on April 6, 2010, the City received an appeal letter from Marianne Klinkowski, current owner of the Carden property. Ms. Klinkowski asserted that the project should not be categorically exempt because the visual impact was not adequately addressed, cumulative impacts of future zone changes were not adequately addressed, and that the project would pose a potential fire hazard.

On June 24, 2010, the Planning Commission heard the appeal. During the meeting, staff addressed the appellant's concerns, indicating that the visual impacts were minimal as the proposed monopole would be nestled in an existing grove of eucalyptus trees and would be 20 feet lower than the tree canopy. Any development on the Carden site, which would have views of the Bay, would face the opposite direction of the monopole. The Fire Marshal is confident that the facility will not increase

the likelihood of fire, as the City has several cell towers next to vegetation and there has never been a fire in Hayward caused by a wireless communication pole or its accessory equipment.

During the public hearing, concerns were raised about public safety due to radio frequency (RF) electromagnetic field exposures from the proposed antennas. An RF study prepared by Hammet and Edison, Inc., dated October 22, 2009, determined that the facility emitted .002 of one percent radio frequency energy, which is well under the one percent level established by the Federal Communication Commission (FCC), the agency that regulates wireless communications. The City cannot deny a project based on RF's if the project is within the levels established by the FCC.

Planning Commissioners raised concerns regarding the monopole location and its impact on the abutting property as the pole was proposed to have a 5 foot setback. In addition, the Commission questioned the dependence of the vegetation on the adjoining property to provide screening for the proposed monopole. The applicant was asked to investigate moving the pole to a location that could provide vegetative screening on the Stonebrae property itself. The Commission asked that the matter be brought back to the Planning Commission, after a full Commission had been seated, for analysis and a decision on the proposal.

To address the Planning Commissioners' concerns, Verizon is now proposing to move the monopole 10 feet from the adjacent property (an additional 5 feet) and has agreed to a condition of approval requiring that pine trees be planted along the property line to provide the necessary screening for the antennas should the eucalyptus grove ever be removed.

DISCUSSION AND STAFF ANALYSIS

Project Description –

After review by the applicants radio frequency engineers, it was determined that the monopole cannot be moved to another distant location on the property such as up the hill or to the golf course without creating signal interference to cellular service in other bay area communities

Although the antennas are facing away from the Bay and the San Jose area, without some sort of screening, residual signals could be sent westward toward the San Francisco Peninsula and/or southward toward the San Jose area, which could interrupt cellular service to these areas. Verizon RF engineers have determined that the pole could be moved as much as 10 feet from the property line and still have the existing eucalyptus grove provide enough screening to prevent signals from creating a negative impact to other cellular services. If the monopole is located any further away from the property line it would lose the protection of the eucalyptus grove and errant signals from the rear of the antennas could cause interference to other cellular systems.

The proposed monopole and antennas would provide service to a large portion of the Stonebrae development and surrounding hillside that is currently without service. The coverage would not only be for the convenience and welfare of those who live in the area or visit the area, but would also serve the City's public safety departments. The City's Police and Fire Departments use Verizon cellular data systems to communicate with our 9-1-1 dispatch center for data during an incident. The proposed cell tower would expand public safety data coverage to police and fire units

in that area. In addition, installation of the monopole would serve a safety need to the residents in the area. Nationwide, approximately 210,000 emergency 9-1-1 calls are made from wireless phones a day. Providing cell phone coverage to the surrounding hillside gives residents another means to request emergency assistance.

Staff supports the monopole being moved 10 feet from the property line and utilizing "faux bark" material over the pole to match the adjacent eucalyptus trees. If the adjacent eucalyptus grove is either destroyed or removed, a condition of approval requires that pine trees be planted on Stonebrae's property near the property line to create a vegetative screen. Planting pine trees on Stonebrae property would allow Stonebrae to control the vegetation that would eventually provide the necessary screening.

ENVIRONMENTAL REVIEW

The proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, New Construction of Limited Small New Facilities.

PUBLIC OUTREACH

On March 24, 2010, a Notice of Decision administratively approving the application was mailed to all property owners and residents within 300 feet of the subject property and the notice was published in *The Daily Review*.

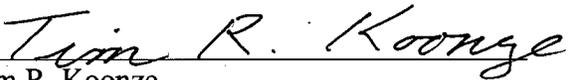
On May 28, 2010, a Notice of Public Hearing regarding the appeal of the Planning Director's approval of Administrative Use Permit PL-2009-0570 was mailed to all property owners and residents within 300 feet of the subject property. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

On September 13, 2010, a Notice of Public Hearing regarding this hearing was mailed. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

SCHEDULE

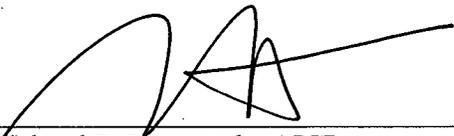
The Planning Commission decision begins a 10-day appeal period. If the application is approved and there is no appeal within that time, the applicant may proceed with the approved use. If the decision should be appealed, the application would be scheduled for a public hearing before the City Council.

Prepared by:



Tim R. Koonze
Associate Planner

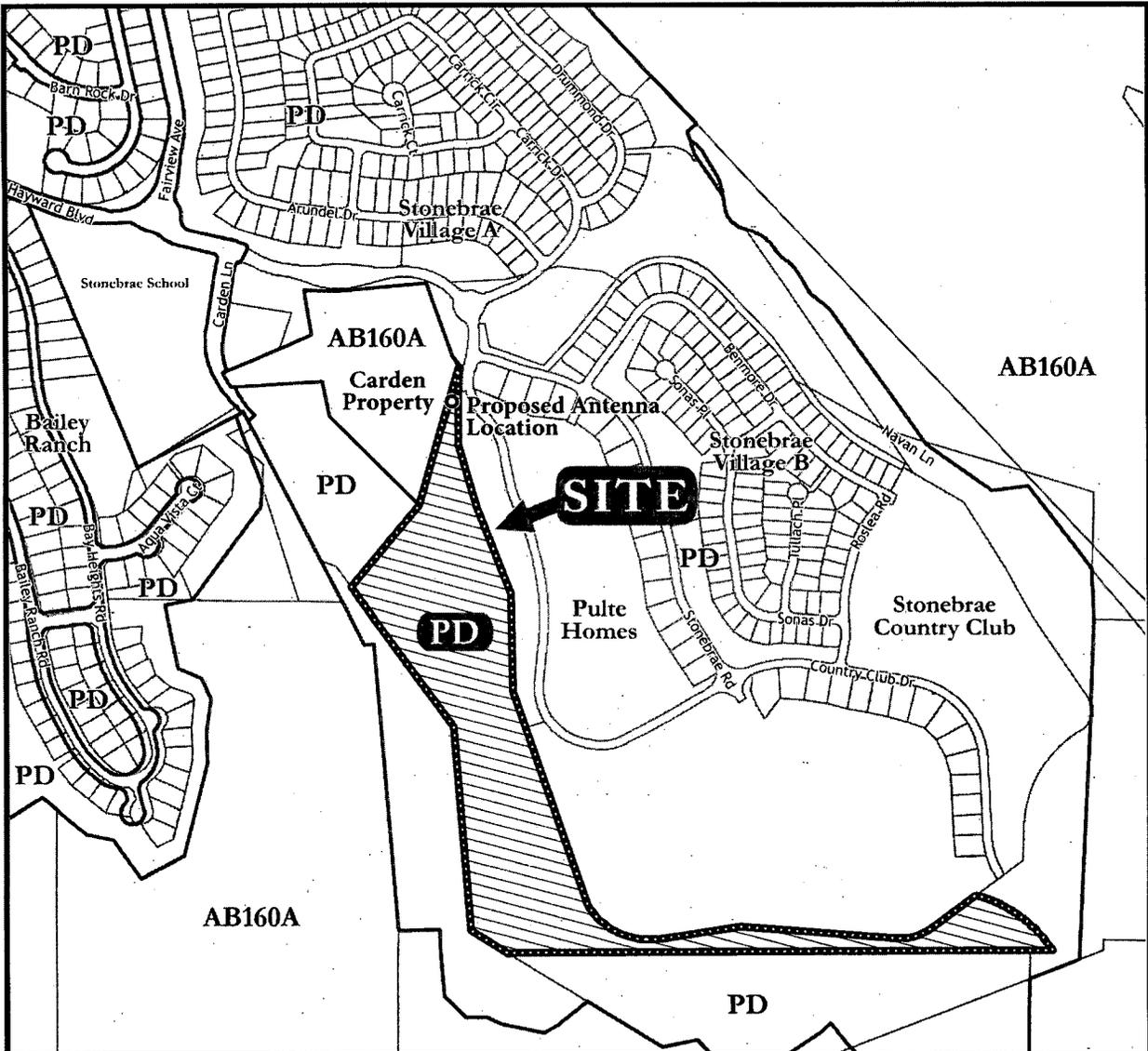
Recommended by:



Richard E. Patenaude, AICP
Planning Manager

Attachments:

- Attachment I: Area Map
- Attachment II: Findings for Approval
- Attachment III: Conditions of Approval
- Attachment IV: Letter of Appeal, Dated April 6, 2010
Plans
- Attachment V: Planning Commission Report dated June 24, 2010 with Attachments



Area & Zoning Map

PL-2009-0570 AUP

Address: 222 Country Club Drive

Applicant: Verizon Wireless

Owner: Stonebrae

Zoning Classifications

OPEN SPACE

A Agricultural

OTHER

PD Planned Development



FEET 200 400

CITY OF HAYWARD
PLANNING DIVISION

June 24, 2010

ADMINISTRATIVE USE PERMIT NO. PL-2009-0570 – Pamela Noble, Verizon Wireless, (Applicant)/ Stonebrae L.P. (Owner) – Install a 100-foot-high stealth monopole with supporting generator and cabinets.

The project is located at 222 Country Club Drive, within Stonebrae Country Club, in a Planned Development (PD) Zoning District.

FINDINGS FOR APPROVAL

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, New Construction of Limited Small New Facilities.
- B. *The proposed wireless communication tower is desirable for the public convenience or welfare.*

The proposed use is desirable for the public convenience in that it would provide wireless communication coverage to an area that is currently not served. It would not only improve the speed and clarity of transmission of wireless communication, it would also provide cell phone coverage to the surrounding hillside residents providing another means to request emergency assistance.

- C. *The proposed wireless communication tower will not impair the character and integrity of the surrounding neighborhood.*

The 100-foot-high stealth monopole designed to have a minimal visual impact as it would be covered with a “faux” bark and nestled in a eucalyptus grove. The equipment supporting the cell tower would be situated 12 feet below the nearest street grade and golf cart path and located within a covered structure. The stealth monopole is would be visible by a limited number of future homeowners and by golf patrons as they utilized the cart path. The facilities would be designed meld with the surrounding rural setting.

- D. *The proposed wireless communication tower will not be detrimental to the public health, safety, or general welfare.*

The proposed facility will not be detrimental to the public health, safety or general welfare in that the facility will be conditionally approved to properly regulate the operating procedures and activities associated with the use, that the Radio Frequency Analysis Report outlines procedures for the complies with the FCC’s current prevailing standard for human exposure.

- E. *The proposed wireless communication tower will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The proposed use is consistent with the General Plan and applicable City regulations adopted under the City of Hayward Municipal Code (Article 13 of Chapter 10/Antenna and Telecommunications Facilities Ordinance).

**CITY OF HAYWARD
PLANNING DIVISION**

September 23, 2010

ADMINISTRATIVE USE PERMIT NO. PL-2009-0570 – Pamela Nobel, Verizon Wireless, (Applicant)/ Stonebrae L.P. (Owner) – Install a 100-foot-high stealth monopole with supporting generator and cabinets.

The project is located at 222 Country Club Drive, within Stonebrae Country Club, in a Planned Development (PD) Zoning District.

CONDITIONS OF APPROVAL

The facility shall operate according to these conditions of approval and the plans labeled Exhibit "A". This approval is void three years after the effective date of approval, unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.

1. The 100-foot monopole shall be covered with a "faux bark" material over the entire pole. The color of the bark shall match the eucalyptus trees. The material and color shall meet the approval of the Planning Director prior to installation.
2. If the adjacent eucalyptus grove were ever to be removed or destroyed, the 100-foot monopole shall be modified with the insertion of fake branches into the pole to have the pole resemble a long needled pine tree such as the "Pinus Canariensis". The design shall meet the approval of the Planning Director prior to installation.
3. If the adjacent eucalyptus grove were ever to be removed or destroyed, ten 24-inch box specimen "Pinus Canariensis" shall be planted behind the monopole, 15 feet on center, approximately 5 feet from the Carden property line to create a grove to help camouflage the monopole. The tree location shall be approved by the Planning Director and the City's Landscape Architect.
4. The emergency generator and cabinets associated with the proposed monopole shall be located within a covered enclosure. The Building Official, Fire Marshall, and Planning Director shall approve the enclosure design and location. No storage of materials, equipment, or supplies shall be permitted outside of the covered enclosure.
5. The noise level emitting from the emergency generator shall meet the guidelines specified in Appendix N of the General Plan, which is a maximum of 60dBA at the adjacent property line.

6. The applicant shall provide signage on the equipment shelter, including phone numbers of emergency contact persons, in case of an emergency at the facility. The sign shall not exceed 6 square feet in area.
7. The applicant shall be responsible for graffiti-free maintenance of the telecommunications facilities, the existing electrical meters, electrical cabinets, transformer, and shed. Graffiti shall be removed within 48 hours after the applicant or owner has been advised of the occurrence.
8. The applicant shall apply for all necessary building permits from the Building Division. All structures and antenna improvements shall be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
9. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
10. Any future replacement or reinstallation of structures or equipment at this telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.
11. The applicant shall provide notification to the Planning Director upon cessation of operations, or expiration of its permit and pursuant to Section 10-13.220 of the City's Antenna and Telecommunications Facilities Ordinance, remove all obsolete or unused facilities from the site within six months of said notification. Should the applicant fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
12. Sections 10-1.3160 of the City of Hayward Zoning Ordinance and Section 10-13.210 of the City's Antenna and Telecommunications Facilities Ordinance regarding revocations or modifications shall be applicable to this project.

KLINKOWSKI PROPERTIES, LLC

ATTACHMENT IV

10010 Phar Lap Drive, Cupertino, Ca 95014-1112 (408) 446-0604

April 6, 2010

City of Hayward
Tim R. Koonze, Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

RECEIVED

APR 06 2010

PLANNING DIVISION

Re: PL-2009-0570 AUP
Pamela Nobel, Verizon Wireless (*Applicant*)
Stonebrae, L. P. (*Owner*)

Subject: Appeal of Administrative Use Permit

Dear Mr. Koonze:

We are owners of the property located at 29080 Fairview Avenue, Hayward, CA (APN 085A-6428-002-00); this property is located within eight (8) feet of the proposed 100 foot cell phone tower. We received a landowner notification on March 26, 2010 with a due date for comments to be provided by April 8, 2010.

Below are our comments on this Project.

At this time we do not believe a Categorical Exemption from CEQA is warranted due to significant unavoidable visual effects resulting from the installation of this tower at this location.

We do not believe cumulative effects have been adequately addressed at this time. Future plans for the cumulative effects resulting from projects in the area need to be considered and adequately addressed for any Project.

Our property is currently zoned Agricultural/Rural-Residential Homesite (Improved) and is completely surrounded by Planned Development Residential land uses. At the present time, this property is on the market and, when purchased, will inevitably be zoned for residential development and subdivision.

At this time, we do not believe that the Applicant and the Planning Director have adequately addressed the cumulative effects of the future zoning changes and the subsequent impact on the value of the property by proposing to place this tower at this location. With the future zoning changes known, we must then address the placement of a 100-foot tower approximately eight feet from a property zoned for residential uses. The developer of our property will undoubtedly remove the eucalyptus trees from this location to make maximum utilization of the sweeping views of San Francisco Bay which are available from the property. With this certain eventuality, the tower design as proposed with a "stealth" color of "faux bark" will be an eyesore and a significant negative visual impact.

We have a concern which has not been adequately addressed that the current proposed placement of the tower will result in a significant negative visual impact. We believe that this project would have a significant effect on the environment as it (a) has a substantial adverse effect on a scenic vista and (b) substantially degrades the existing visual character or quality of the site and its surroundings. Having a 100-foot cell phone tower (stealth or not) blocking this view is a negative significant impact. In addition, we do not believe that all residents who currently have a view of the eucalyptus trees on our property were notified of this tower. Please notify them regarding the upcoming public hearing concerning this significant impact.

How has this Project addressed this significant visual effect regarding the cumulative effects of the future development of our property and the removal of the eucalyptus trees?

According to Section 10-13.c1.§5 in appendix c in the *Telecommunications Antenna and Facilities Ordinance of the City of Hayward*, "all facilities shall be designed and operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs." The current plan is to place this cell tower eight feet from a eucalyptus grove. Placing a cell phone tower near a eucalyptus grove may increase the likelihood of fire resulting from sparks from installation and maintenance activities taking place on the tower. Consequently, a fire resulting from the cell phone tower could result in increased fire danger to the neighboring properties and school. The grove alone poses little risk without the addition of a potential fire risk from the tower. If a fire load spreads quickly, fire departments in the area may not be able to adequately respond fast enough to reduce risk to the school. This effect may also be significant and should be evaluated.

We officially request hardcopies of all environmental documents prepared for this project and all subsequent addendums to be sent to the following address: Klinkowski Properties, LLC, 10010 Phar Lap Drive, Cupertino, CA 95014. We also request any future available public information for this project to be sent in hardcopies to this address as well as communications provided to residents with a view of the eucalyptus grove on our property.

As significant unavoidable effects may result from this Project, the Categorical Exemption provided to the Project should be reconsidered based on the unavoidable significant effects associated with the installation of a new tower at this location. Alternatives to the Project where trees were planted as landscaping by Stonebrae, L. P. or others will have a less than significant effect as these trees were planted and will not be removed. The eucalyptus trees on our property must be considered as not being present for all visual simulations to incorporate cumulative effects. We believe alternatives should be evaluated by the public and welcome public participation.

We await your response to our comments on the project as well as the visual impact analysis without the trees present, and look forward to working together with the City and Applicant to find a suitable location for this tower that has no significant unavoidable effects resulting from its installation.

Thank you,



Marianne Klinkowski



DATE: June 24, 2010

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: Appeal of Administrative Use Permit Application No. PL-2009-0570 – Pamela Noble, Verizon Wireless (Applicant) / Stonebrae, L.P. (Owner) – Install a 100-foot-high stealth monopole with supporting generator and cabinets

The project is located at 222 Country Club Drive, within Stonebrae Country Club, in a Planned Development (PD) Zoning District

RECOMMENDATION

That the Planning Commission finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction of Limited Small New Facilities, and upholds the Planning Director's approval of the Administrative Use Permit subject to the attached findings and conditions of approval.

BACKGROUND

The applicant proposes to construct a 100-foot high stealth monopole that would host four telecommunication antennas with supporting generator and cabinets. The monopole would be located within the Stonebrae Country Club, five feet from the appellant's property line. On March 24, 2010, the Planning Director approved Administrative Use Permit PL-2009-0570. Within the 15-day appeal period, on April 6, 2010, the City received an appeal letter from Marianne Klinkowski, current owner of the adjacent property known as the Carden property (refer to Attachment A). Ms. Klinkowski cited that the project should not be considered categorically exempt from environmental review because the visual impact was not adequately addressed, cumulative impacts of future zone changes were not adequately addressed, and that the project would pose a potential fire hazard.

DISCUSSION AND STAFF ANALYSIS

Project Description - A 100-foot stealth monopole is proposed to be installed along Country Club Drive, southerly of Stonebrae Road, approximately five feet from the easterly edge of the Carden property. The monopole would be situated in front of a grove of eucalyptus trees that are located on the Carden property. The trees provide a background that visually screens the monopole. Since stealth poles made to look like eucalyptus trees are not available, a condition of approval requires the proposed monopole to be covered with a material resembling tree bark matching the color of the eucalyptus trees, to help the monopole blend into the eucalyptus grove. The base of the monopole

and the shed, housing the supporting equipment, would be located 12 feet lower than Country Club Drive and 15 feet higher than the existing home on the Carden property.

In addition to the monopole, the improvements would include accessory equipment cabinets and a back-up generator that would provide emergency power during times of emergency or an extended power outage. These supporting facilities would be housed within a covered noise insulated shed to minimize visual and audible impacts. The proposed generator is also designed with an exhaust muffler. The generator cycles once a week, for approximately 30 minutes, during normal business hours, for testing and to recharge the battery bank located within the shelter. A condition of approval requires the generator to meet the noise guidelines specified in Appendix N of the General Plan that calls for noise to be no higher than 60dBA at the property line.

A large portion of the Stonebrae development and surrounding hillside is without wireless service. Wireless phone systems operate on a "grid" system, whereby overlapping "cells" mesh to form a seamless wireless network. The technical criteria for establishing cell sites are very exacting as to both height, and location of the telecommunication facility. Based on a computerized engineering study that takes into account, among other things, local population density, traffic patterns, and topography, wireless radio frequency engineers, have identified this location as being a necessary location in order to provide coverage. Verizon looked at other possible site locations, however, due to structure height and topographical challenges, no viable alternatives were found. The proposal conforms to the City's Antenna and Telecommunication Facilities Ordinance and no exceptions have been requested.

Appeal of the Planning Director's Decision - On April 6, 2010, the City received an appeal letter from the abutting property owner (see Attachment IV). The appellant stated that Categorical Exemption from the California Environmental Quality Act (CEQA) was not warranted due to significant unavoidable visual effects resulting from the installation of the tower at this location. The appellant also argued that the City did not adequately address the adverse effect on a scenic vista and was of the opinion that the monopole "substantially degrades the existing visual character or quality of the site and its surroundings." In addition, the appellant stated that the City did not address the cumulative effects of future zone changes and the subsequent impacts. The appellant also stated that the public notice should include any resident who currently has a view of the eucalyptus trees.

Categorical Exemption from CEQA - Staff determined that the project is exempt from CEQA review pursuant to Section 15303, New Construction of Limited Small New Facilities. This exemption category applies to the construction of new small facilities or structures, the installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another. An example would be three or fewer single-family homes in an urban area. It is staff's opinion that the stealth monopole and supporting equipment and shed fall within the parameters of this definition.

Adverse Effect on Scenic Vistas - In the appeal letter, the appellant states that the eucalyptus trees would be removed as part of future development to maximize views to the Bay. However, the trees would not block the views of the Bay from any homes built on the Carden property, as the eucalyptus grove is located at the rear of the property on the uphill side. The Zoning Ordinance

would require a 20-foot setback that would help preserve the eucalyptus grove. If the eucalyptus grove were removed by future development, the City would require replacement trees to be planted in the 20-foot setback pursuant to the City's Tree Preservation Ordinance. The monopole would not be visible from the Carden property as it is located on the east side of the grove of trees.

Staff recognizes that the monopole would be visible to a limited number of future residents on a small portion of the Stonebrae development that is currently being constructed by Pulte Homes. The new unoccupied homes are being constructed in an area known as Village B. It is staff's opinion that the proposed monopole location would have a minimal effect on vistas of the proposed homes. The monopole would be nestled in an existing grove of eucalyptus trees and would be 20 feet lower than the tree canopy. The accessory shed is located substantially lower than the nearest traveled areas. The City has received a letter from owner of Village B properties, Stonebrae, L.P., stating they support the pole location and design.

Effects of Future Zone Changes - The appellant claims that staff did not adequately address the effects of a potential zone change to the Carden property to residential. The property is currently zoned Agricultural (AB160A) District, with a minimum lot size of 160 acres; the General Plan designation is Residential Suburban Density (1.0-4.3 units per acre). Any future residential development beyond one single-family home would require a zone change.

The Carden property contains a consistent 20% slope from Carden Lane, uphill 130 feet, to the property line nearest the monopole location. It is not reasonable to speculate future development of this site. However, the views of the Bay from this site would be in the opposite direction of the monopole.

Inadequate Public Notice - It is the appellant's opinion that the public notice distribution was not sufficient, as it did not include all the properties that had a view of the eucalyptus grove. Pursuant to State requirements, a notice was mailed to all property owners and residents within 300 feet of the subject property. The Pulte Homes that are under construction and any future homes that would have a line of site to the proposed monopole are within the Stonebrae development. The owner of the vacant properties, Stonebrae L.P., has provided a letter of support for the monopole.

Fire Resulting From the Cell Phone Tower - The applicant is concerned that putting a cell phone tower near a eucalyptus grove may increase the likelihood of a fire resulting from sparks during installation or maintenance. The Fire Marshal is confident that the facility would not increase the likelihood of fire as the City has several cell towers next to vegetation and there has never been a fire in Hayward caused by a wireless communication pole or its accessory equipment. The supporting cabinet hardware and emergency generator would be located within a covered shed that would meet the approval of the Building Official, Fire Marshal, and the Planning Director.

Administrative Use Permit Findings - In order for the Administrative Use Permit to be approved, the following findings must be made:

A. *The proposed wireless communication tower is desirable for the public convenience or welfare.*

The proposed monopole and antennas would provide service to a large portion of the Stonebrae development and surrounding hillside that is currently without service. The coverage would not only be for the convenience and welfare of those who live in the area or visit the area, but would also serve the City's public safety departments. The Police and Fire Departments use Verizon cellular data systems to communicate with our 9-1-1 dispatch center for data information during an incident. In addition, it would serve a safety need to the residents in the area. Approximately 50,000 emergency 9-1-1 calls are made from wireless phones a day. Providing cell phone coverage to the surrounding hillside residents another means to request emergency assistance.

B. *The proposed wireless communication tower will not impair the character and integrity of the surrounding neighborhood.*

The 100-foot-high stealth monopole is designed to have a minimal visual impact as it would be covered with a "faux" bark and nestled in a eucalyptus grove. The equipment supporting the cell tower would be located within a covered structure situated 12 feet below the nearest street grade and golf cart path. The stealth monopole would be visible by a limited number of future homeowners and by golf patrons as they utilized the cart path. The facilities would be designed to meld with the surrounding rural setting.

C. *The proposed wireless communication tower will not be detrimental to the public health, safety, or general welfare.*

The proposed facility will not be detrimental to the public health, safety or general welfare in that the facility will be conditionally approved to properly regulate the operating procedures and activities associated with the use, and that the Radio Frequency Analysis Report outlines procedures for the complies with the FCC's current prevailing standard for human exposure.

D. *The proposed wireless communication tower will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The proposed use is consistent with the General Plan and applicable City regulations adopted under the City of Hayward Municipal Code (Article 13 of Chapter 10/Antenna and Telecommunications Facilities Ordinance).

ENVIRONMENTAL REVIEW

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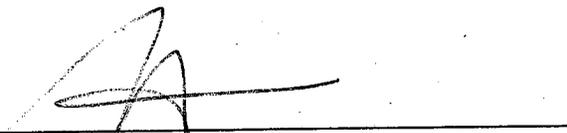
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Prepared by:



Tim R. Koonze
Associate Planner

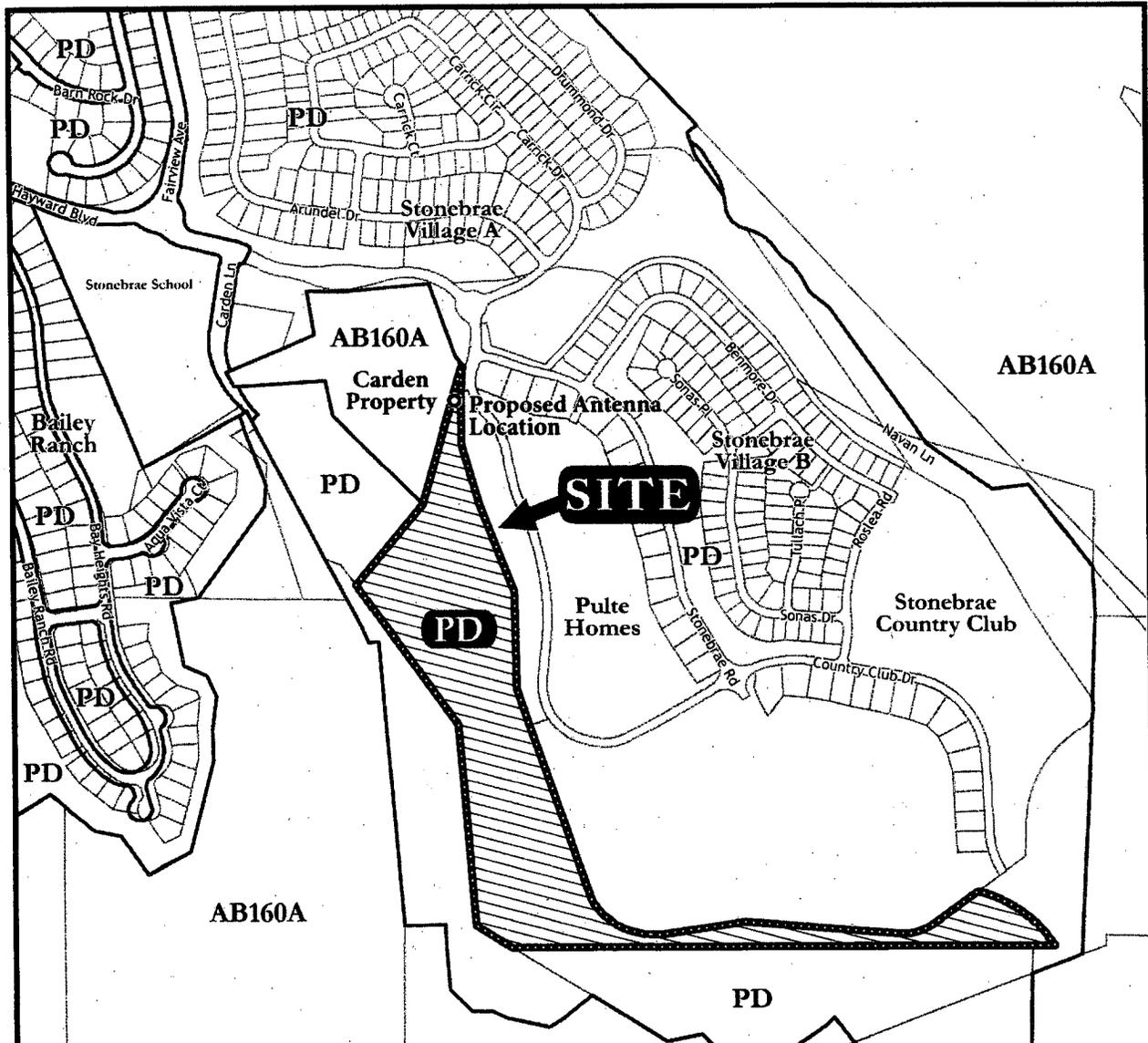
Recommended by:



Richard E. Patehaude, AICP
Planning Manager

Attachments:

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- Attachment II: Findings for Approval
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- Attachment IV: Letter of Appeal, Dated April 6, 2010
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PL-2009-0570 AUP

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PD Planned Development



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FINDINGS FOR APPROVAL

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, New Construction of Limited Small New Facilities.
- B. *The proposed wireless communication tower is desirable for the public convenience or welfare.*

The proposed use is desirable for the public convenience in that it would provide wireless communication coverage to an area that is currently not served. It would not only improve the speed and clarity of transmission of wireless communication, it would also provide cell phone coverage to the surrounding hillside residents providing another means to request emergency assistance.

- C. *The proposed wireless communication tower will not impair the character and integrity of the surrounding neighborhood.*

The 100-foot-high stealth monopole designed to have a minimal visual impact as it would be covered with a “faux” bark and nestled in a eucalyptus grove. The equipment supporting the cell tower would be situated 12 feet below the nearest street grade and golf cart path and located within a covered structure. The stealth monopole is would be visible by a limited number of future homeowners and by golf patrons as they utilized the cart path. The facilities would be designed meld with the surrounding rural setting.

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E. *The proposed wireless communication tower will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

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**CITY OF HAYWARD
PLANNING DIVISION**

June 24, 2010

ADMINISTRATIVE USE PERMIT NO. PL-2009-0570 – Pamela Nobel, Verizon Wireless, (Applicant)/ Stonebrae L.P. (Owner) – Install a 100-foot-high stealth monopole with supporting generator and cabinets.

The project is located at 222 Country Club Drive, within Stonebrae Country Club, in a Planned Development (PD) Zoning District.

CONDITIONS OF APPROVAL

The facility shall operate according to these conditions of approval and the plans labeled Exhibit "A". This approval is void three years after the effective date of approval, unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.

1. The 100-foot monopole shall be covered with a "faux bark" material over the entire pole. The color of the bark shall match the eucalyptus trees. The material and color shall meet the approval of the Planning Director prior to installation.
2. The emergency generator and cabinets associated with the proposed monopole shall be located within a covered enclosure. The enclosure design and location shall be approved by the Building Official, Fire Marshall and Planning Director. No storage of materials, equipment or supplies shall be permitted outside of the covered enclosure.
3. The noise level emitting from the emergency generator shall meet the guidelines specified in Appendix N of the General Plan which is a maximum of 60dBA at the adjacent property line.
4. The applicant shall provide signage on the equipment shelter, including phone numbers of emergency contact persons, in case of an emergency at the facility. The sign shall not exceed 6 square feet in area.
5. The applicant shall be responsible for graffiti-free maintenance of the telecommunications facilities, the existing electrical meters, electrical cabinets, transformer and shed. Graffiti shall be removed within 48 hours after occurrence.
6. The applicant shall apply for all necessary building permits from the Building Division. All structures and antenna improvements shall be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.

7. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
8. Any future replacement or reinstallation of structures or equipment at this telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.
9. The applicant shall provide notification to the Planning Director upon cessation of operations, or expiration of its permit and pursuant to Section 10-13.220 of the City's Antenna and Telecommunications Facilities Ordinance, remove all obsolete or unused facilities from the site within six months of said notification. Should the applicant fail to effect such removal, the property owner shall be responsible for the removal of the equipment.
10. Sections 10-1.3160 of the City of Hayward Zoning Ordinance and Section 10-13.210 of the City's Antenna and Telecommunications Facilities Ordinance regarding revocations or modifications shall be applicable to this project.

KLINKOWSKI PROPERTIES, LLC

ATTACHMENT IV

10010 Phar Lap Drive, Cupertino, Ca 95014-1112 (408) 446-0604

April 6, 2010

City of Hayward
Tim R. Koonze, Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

RECEIVED

APR 06 2010

PLANNING DIVISION

Re: PL-2009-0570 AUP
Pamela Nobel, Verizon Wireless (*Applicant*)
Stonebrae, L. P. (*Owner*)

Subject: Appeal of Administrative Use Permit

Dear Mr. Koonze:

We are owners of the property located at 29080 Fairview Avenue, Hayward, CA (APN 085A-6428-002-00); this property is located within eight (8) feet of the proposed 100 foot cell phone tower. We received a landowner notification on March 26, 2010 with a due date for comments to be provided by April 8, 2010.

Below are our comments on this Project.

At this time we do not believe a Categorical Exemption from CEQA is warranted due to significant unavoidable visual effects resulting from the installation of this tower at this location.

We do not believe cumulative effects have been adequately addressed at this time. Future plans for the cumulative effects resulting from projects in the area need to be considered and adequately addressed for any Project.

Our property is currently zoned Agricultural/Rural-Residential Homesite (Improved) and is completely surrounded by Planned Development Residential land uses. At the present time, this property is on the market and, when purchased, will inevitably be zoned for residential development and subdivision.

At this time, we do not believe that the Applicant and the Planning Director have adequately addressed the cumulative effects of the future zoning changes and the subsequent impact on the value of the property by proposing to place this tower at this location. With the future zoning changes known, we must then address the placement of a 100-foot tower approximately eight feet from a property zoned for residential uses. The developer of our property will undoubtedly remove the eucalyptus trees from this location to make maximum utilization of the sweeping views of San Francisco Bay which are available from the property. With this certain eventuality, the tower design as proposed with a "stealth" color of "faux bark" will be an eyesore and a significant negative visual impact.

We have a concern which has not been adequately addressed that the current proposed placement of the tower will result in a significant negative visual impact. We believe that this project would have a significant effect on the environment as it (a) has a substantial adverse effect on a scenic vista and (b) substantially degrades the existing visual character or quality of the site and its surroundings. Having a 100-foot cell phone tower (stealth or not) blocking this view is a negative significant impact. In addition, we do not believe that all residents who currently have a view of the eucalyptus trees on our property were notified of this tower. Please notify them regarding the upcoming public hearing concerning this significant impact.

How has this Project addressed this significant visual effect regarding the cumulative effects of the future development of our property and the removal of the eucalyptus trees?

According to Section 10-13.c1.§5 in appendix c in the *Telecommunications Antenna and Facilities Ordinance of the City of Hayward*, "all facilities shall be designed and operated in such a manner as to minimize the risk of igniting a fire or intensifying one that otherwise occurs." The current plan is to place this cell tower eight feet from a eucalyptus grove. Placing a cell phone tower near a eucalyptus grove may increase the likelihood of fire resulting from sparks from installation and maintenance activities taking place on the tower. Consequently, a fire resulting from the cell phone tower could result in increased fire danger to the neighboring properties and school. The grove alone poses little risk without the addition of a potential fire risk from the tower. If a fire load spreads quickly, fire departments in the area may not be able to adequately respond fast enough to reduce risk to the school. This effect may also be significant and should be evaluated.

We officially request hardcopies of all environmental documents prepared for this project and all subsequent addendums to be sent to the following address: Klinkowski Properties, LLC, 10010 Phar Lap Drive, Cupertino, CA 95014. We also request any future available public information for this project to be sent in hardcopies to this address as well as communications provided to residents with a view of the eucalyptus grove on our property.

As significant unavoidable effects may result from this Project, the Categorical Exemption provided to the Project should be reconsidered based on the unavoidable significant effects associated with the installation of a new tower at this location. Alternatives to the Project where trees were planted as landscaping by Stonebrae, L. P. or others will have a less than significant effect as these trees were planted and will not be removed. The eucalyptus trees on our property must be considered as not being present for all visual simulations to incorporate cumulative effects. We believe alternatives should be evaluated by the public and welcome public participation.

We await your response to our comments on the project as well as the visual impact analysis without the trees present, and look forward to working together with the City and Applicant to find a suitable location for this tower that has no significant unavoidable effects resulting from its installation.

Thank you,


Marianne Klinkowski