



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 11/20/03
Agenda Item 2

TO: Planning Commission

FROM: Arlyne J. Camire, AICP, Associate Planner

SUBJECT: Use Permit No. 2003-0628 – Jason Smith for Cal Com Systems/Verizon (Applicant) / Larry Duke (Owner) – A Request to Install a Roof Mounted Lattice Telecommunications Tower 71 Feet in Height, Replacing a 79-Foot High Roof Mounted Tower Which Would be Removed

The Property is Located at 28953 Mission Boulevard in the General Commercial (CG) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15302, Replacement or Reconstruction of Existing Facilities; and
2. Approve the application subject to the attached findings and conditions of approval.

DISCUSSION:

The property is located on the west side of Mission Boulevard, south of Tennyson Road. It is across Mission Boulevard from the La Vista Quarry entrance and the United Food & Commercial Workers Union, Local 870. A vacant, fenced property is located to the south, zoned Neighborhood Commercial and south of this property are condominiums in the High Density Residential District. Barrington Hills Apartments are located to the north in the Planned Development District. Parking for the South Hayward BART station is located to the rear. The building, which was built in 1959, is a barrel roof stucco warehouse. There is a 48-foot tall roof mounted tower on this 31-foot tall building. The antenna, which is not in use, was used by an auto repair service for tow truck dispatching during the 1950s and 1960s. The existing tower would be removed. The building now contains several auto related business.

The applicant proposes a new 40-foot metal lattice telecommunications tower with 6 antenna panels (1-foot by 6 feet) located toward the back of the building. The total

height of the tower and the building would be 71 feet. A conditional use permit is required because the antennas would be mounted on a tower that is greater than 40 feet in height located in a commercial zoning district. An equipment vault would be installed at ground level on the south, rear side of the building.

The applicant has stated that it is crucial for the tower to be 71 feet in height in order to provide adequate signal coverage as part of a larger network designed for each site to relay a continuous signal. The proposed coverage range would extend approximately 1 ½ miles to the north, 2 ½ miles to the west, and 4 ½ miles to the south. These ranges are based on the proximity of the nearest Verizon sites in the area.

The applicant has also stated that the trees in the immediate area would compromise the signal if the antennas were installed at a lower height. Since the tower would be placed at the back of the building, the visual impact from Mission Boulevard would be minimized.

Staff is of the opinion that the trees on adjacent residential properties will minimize the visual impact of the tower. In addition, the landscaping required as a condition of approval will draw attention away from the tower. Furthermore, the design of the lattice tower appears to be light and airy, and would visually recede into the background. Therefore, staff is of the opinion that the tower would have a less than minimal impact.

This application is an opportunity to refurbish this property by requiring site improvements as conditions of approval. The site is not landscaped, it is enclosed by a chain link fence, and the pavement is uneven and in disrepair. In addition, inoperable vehicles are stored at the rear of the property screened from the adjacent BART parking by corrugated metal topped with razor wire.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15302, Replacement or Reconstruction of Existing Facilities.

PUBLIC NOTICE:

On November 7, 2003, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records and the Fairway Park Neighborhood Association, the South Hayward Neighborhood Group, and the Mission-Garin Neighborhood Task Force.

Staff has received a letter from the president of the United Food & Commercial Workers Union, Local 870 questioned if the tower would have an aesthetical and financial impact to their property (Attachment B).

CONCLUSION:

The antenna installation would meet the FCC guidelines for public safety. The new tower would have a minimal visual impact on the surrounding area, partially screened by street trees and trees on residential properties. Therefore, staff recommends approval of the application subject to the conditions of approval.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

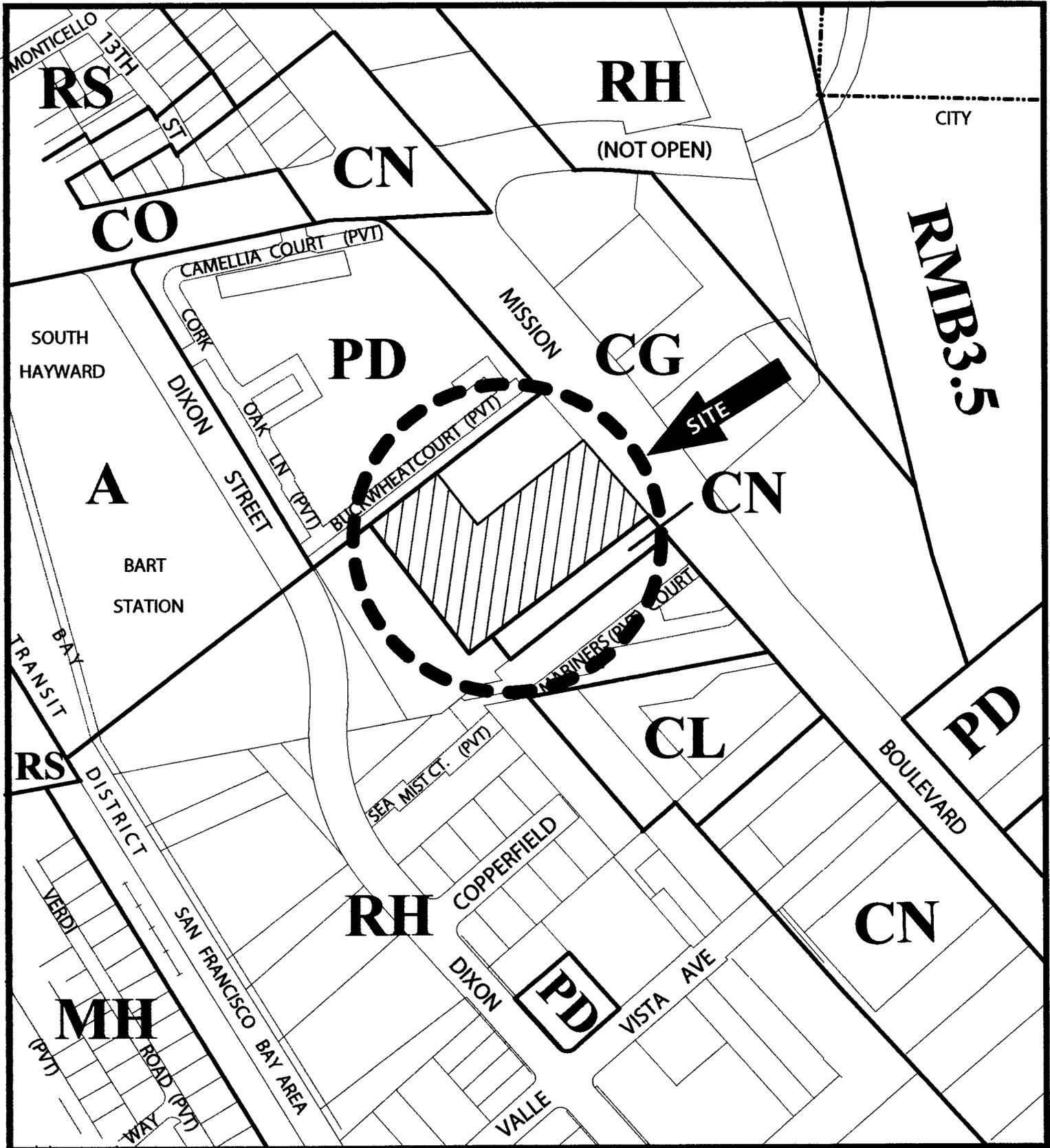
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area and Zoning Map
- B. Letter in from UFCW, Local 870 Dated July 21, 2003
- C. Findings and Conditions of Approval
- D. Photo Simulations
Plans



Area & Zoning Map

PL-2003-0413 AUP
 Address: 28953 Mission Blvd.
 Applicant: Jason Smith
 Owner: Larry Duke

A-Agricultural-ABSA,AB10A,
 AB100A,AB160A
 CG-General Commercial
 CL-Limited Access Commercial
 CN-Neighborhood Commercial

CO-Commercial Office
 MH (P)-Mobile Home Park
 PD-Planned Development
 RH-High Density Residential RHB 7
 RM-Medium Density Residential RMB 3.5, RMB 4
 RS-Single-Family Residential,RSB4,RSB6



Richard L. Benson
President
Gary W. Smith
Secretary-Treasurer

UFCW LOCAL 870

RECEIVED

JUL 23 2003

July 21, 2003

PLANNING DIVISION

Ms. Arlyne J. Camire, AICP
Associate Planner
Planning Division 777 "B" Street
Hayward, CA 94541

Re: Property at 28953 Mission Blvd., Hayward

Dear Ms. Camire:

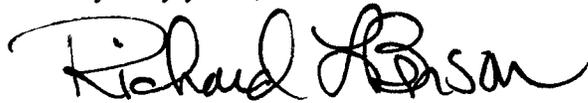
This is in response to your notice regarding the request by the owner of the above-mentioned property to install a 71 foot tower on their roof.

United Food & Commercial Workers Union Local 870 owns and occupies the property at 28870 Mission Blvd, which is directly across the street from this property.

Our concern is whether this tower will have a negative impact, both aesthetically and financially on the value of our property. We are requesting any and all renderings that have been submitted to your office, giving more accurate detail as to the scale of this suggested tower.

Thank you for your attention to this matter and if you would like to discuss this matter further, please contact me.

Very truly yours,



Richard L. Benson
President

RLB:db

ATTACHMENT B

Office Hours:
Monday-Friday: 8:30 a.m. to 4:30 p.m.
email: office.local870@unions.com
website: www.ufcw870.org



**United Food & Commercial Workers
Union, Local 870**
28870 Mission Blvd., Hayward, California 94544
(510) 889-0870 • Fax (510) 889-6415



FINDINGS FOR APPROVAL

Use Permit Application No. PL-2003-0628
Jason Smith for Cal Com Systems/Verizon (Applicant)
Larry Duke (Owner)
28953 Mission Boulevard

- A. Approval of Use Permit PL-2003-0628, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from CEQA review pursuant to Section 15302 of the CEQA Guidelines (Replacement or Reconstruction of Existing Facilities);
- B. The proposed telecommunication facility is desirable for the public convenience or welfare in that adequate cellular phone transmission coverage will be provided, filling-in a gap in transmission coverage;
- C. The proposed telecommunication facility will not impair the character and integrity of the General Commercial (CG) District in which the antenna tower and facilities are to be placed, in that a 79-foot tower will be replaced with a 71-foot tower, and the existing street trees would partially screen the antenna tower from residential view and the additional site improvements will compensate for the height of the antenna tower.
- D. The proposed antenna facility will not be detrimental to the public health, safety or general welfare in that the telecommunications antennas will be conditionally approved to properly regulate the operating procedures and activities associated with the use; and
- E. 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).

CONDITIONS OF APPROVAL

Use Permit Application No. PL-2003-0628
Jason Smith for Cal Com Systems/Verizon (Applicant)
Larry Duke (Owner)
28953 Mission Boulevard

1. The Use Permit Application No.2003-0628 is a request to replace a 79-foot tower with a shorter, 71-foot metal lattice telecommunications tower with antennas and to locate equipment cabinets on site to the rear of the building. The telecommunication facility shall be operated in accordance with these Conditions of Approval and the approved plans, labeled Exhibit "A". This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official and the application has not expired. Any modification to this permit shall require review and approval by the Planning Director.
2. The conditions of approval shall be printed on the plans that are submitted for building permit review.
3. Prior to issuance of a building permit, the applicant shall provide a letter of credit, bond, or other instrument which the City Engineer deems sufficient to secure 150 percent of the estimated cost of removing the applicant's antenna and other telecommunications facilities and restoring the site to its condition before installation of such facility when such antenna or other facility is relocated, terminated, or abandoned.
4. Prior to final inspection and prior to the issuance of a building permit, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. The telecommunications equipment cabinet shall be enclosed with a 6-foot high decorative masonry wall with a metal gate. The Planning Director shall approve the design and color of the wall prior to issuance of a building permit.
6. All facility equipment other than the antenna tower and antenna shall be contained entirely within the equipment cabinets. No storage of materials, equipment or supplies shall be permitted outside of the cabinets.
7. The chain link fence along the Mission Boulevard shall be replaced with a decorative metal fence and shall be set back 10 feet from the front property line. Plans to the satisfaction of the Planning Director shall be submitted prior to the issuance of a building permit. The 10-foot set back shall be landscaped to the satisfaction of the City Landscape Architect.
8. Prior to the issuance of a building permit, the metal screen and razor wire located to the rear of the property shall be replaced with a decorative wood fence to the satisfaction of the Planning Director.

9. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. The plans shall reflect the following requirements:
- a. The Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.
 - b. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
 - c. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planed in tree wells or landscape medians of islands located within the parking area. In addition, parking rows shall be capped with landscaped islands. All tree wells; islands and medians shall be a minimum of five feet wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of the shrubs shall create a continuous 30 inches high hedge within two years. This measurement shall be from the top of curb.
 - d. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted adjacent to a residential use.
 - e. Landscape improvements shall be installed according to the approved plans and A Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
 - f. Landscaping shall be maintained in a healthy, weed-free condition at all times. Any landscape area damaged by the installation of the stealth telecommunication pole or equipment shelter shall be repaired or replaced.
 - g. All new landscape areas shall be irrigated by an automatic irrigations system. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

10. The existing light poles, bollards and freestanding pole sign shall be repainted. The Planning Director shall approve the color.
11. In the event that the use of the site has ceased for a period of six months or the permit expires, Verizon Wireless, or its successor shall provide notification to the Planning Director upon cessation of operations. Should the owner of the telecommunications equipment and telecommunication tower fail to effect removal of the equipment, the property owner shall be responsible for its removal.
12. 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.
13. The applicant shall provide signage on the equipment shelter, including phone numbers of emergency contact persons, in case of an emergency for the facility. This information shall be updated in the event that information changes.
14. The applicant shall be responsible for graffiti-free maintenance of the telecommunications facilities, and shall remove any graffiti within seven days of occurrence.
15. The telecommunications tower shall be available for co-locating facilities of additional carriers.
16. All inoperable vehicles shall be removed prior to the issuance of a building permit. Inoperable vehicles and automobile parts are not permitted to be stored outside.
17. The corrugated metal screen with razor wire and chain link fence located at the rear of the property shall be removed and be replaced by either a masonry wall or a concrete fence. The material and design shall be approved by the Planning Director prior to the issuance of a building permit.
18. The temporary carport shall be removed and replaced with a permanent structure. All carports in the rear of the property shall obtain building permits.
19. The pavement shall be repaired or replaced as needed and the parking area shall be restriped to the satisfaction of the City Engineer. All parking stalls shall meet minimum City Standards. A revised parking plan shall be submitted prior to the application for a building permit.
20. In the event that Verizon decides to furnish the equipment building with a fire suppression system, then a Fire Department permit will be required for the installation.
21. The building shall have appropriate fire extinguisher(s) installed. Contact the Fire Department for fire extinguisher regulations.

22. To the satisfaction of the Fire Department, provide either a breakaway type lock on the exterior fence enclosure or install a Fire Department lock box (if a case hardened type of lock is being used).
23. A clear Fire Department vehicle access route to the equipment cabinet shall be maintained at all times by the property management.
24. Provide a portable fire extinguisher with a minimum 2A:10BC rating to the satisfaction of the Fire Department.
25. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**