



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 9/06/01
Agenda Item: 3

TO: Planning Commission

FROM: Arlynn J. Camire AICP, Associate Planner

SUBJECT: Adoption of Findings and Conditions of Approval of Use Permit Application No. 01-150-15 - Jeannie Young For Compass Telecom Services (Applicant) / San Leandro Hayward Elks Lodge (Owner) - To Construct, Operate and Maintain an Unstaffed, Wireless Telecommunication Facility Consisting of a 60-foot Tall Stealth Structure and Equipment Cabinets in the Rear Yard of the Elks Lodge, at 24970 Hesperian Boulevard, in the Neighborhood Commercial Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303, New Construction or Conversion of Small Structures; and
2. Approve the attached findings and conditions of approval for the use permit.

DISCUSSION:

The Planning Director denied the application for an administrative use permit on May 4, 2001. The applicant appealed this decision on May 18, 2001. On July 26, 2001, the Planning Commission voted (6-1-0) to direct staff to complete environmental review, prepare findings and conditions of approval in order for the Planning Commission to complete the approval process.

Conditions of approval address the design of the equipment shelter and the maintenance of the stealth monopole.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Conditions of Approval
- C. Draft Planning Commission Minutes Dated July 26, 2001

FINDINGS OF APPROVAL
Administrative Use Permit No. 01-150-15
24970 Hesperian Boulevard
Jeannie Young For Compass Telecom Services (Applicant)
San Leandro Hayward Elks Lodge (Owner)

- A. Approval of Administrative Use Permit No. 01-150-15, 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 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures);
- B. The proposed telecommunications 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 telecommunications facility will not impair the character and integrity of the Neighborhood Commercial (CN) District in which the antenna and facilities are to be placed, in that the stealth telecommunications pole will be located within a cluster of natural palm trees, and the equipment cabinets will not be visible from the public right-of-way;
- 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 permitted subject to an administrative use permit approval and that the use as proposed 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
Administrative Use Permit No. 01-150-15
24970 Hesperian Boulevard
Jeannie Young For Compass Telecom Services (Applicant)
San Leandro Hayward Elks Lodge (Owner)

1. The Administrative Use Permit Application No. 01-150-15, to install and maintain a stealth monopole antenna and an equipment cabinet in the rear yard of the San Leandro/Hayward Elk's Lodge located at 24970 Hesperian Boulevard, shall be operated in accordance with these conditions of approval and the plans approved by the Planning Commission on September 6, 2001, 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. Any modification to this permit shall require review and approval by the Planning Director.
2. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
3. 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.
4. All facility equipment other than antennas shall be contained entirely within the equipment cabinets. No storage of materials, equipment or supplies shall be permitted outside of the cabinets.
5. The stealth telecommunications pole shall be designed to match the species of palm tree that is on-site. The design shall be approved by the Planning Director prior to the issuance of a building permit. The exterior appearance of the pole shall be maintained to assure compatibility with the natural palm trees.
6. The telecommunications equipment cabinet, to be located at the rear of the Elk's Lodge, shall the buildings in design and materials. The equipment cabinet shall have textured stucco and vertical wood siding, and a composition shingle pitched roof to match the color of the Lodge roof. The equipment cabinet shall be screened by a 6-foot-high fence to match the existing brown wood fence. The Planning Director shall approve the design of the equipment cabinet, the fence and any security system prior to issuance of a building permit.

17. The building shall have appropriate fire extinguisher(s) installed. Contact the Fire Department for fire extinguisher regulations.
18. A Fire Department lock box shall be installed on the building and/or the access gates for the telecommunications building. This is to be determined at time of the Fire Department field inspection
19. Additional Fire Code requirements will be addressed at time of building permit plan review.

Airport

20. A Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction" is required to complete and submitted. The FAA will analyze the antenna height and determine if the proposed height will or will not obstruct aircraft operations. If the proposed height penetrates the airport's airspace, the applicant would be required to comply with the FAA's ruling and lower the height of the antenna.
21. If a crane is used during the construction period, the operator must coordinate the activity (date/time) with the Airport, as not to interfere with the Airport's operations. This coordination is absolutely necessary to ensure safety of the pilot's using the airport.

Engineering/Planning

22. Submit revised plans that accurately shows the following:
 - a. Location of lease area;
 - b. Location of the underground easement; and
 - c. Location of the telecommunications equipment cabinet building.
23. The material that is used to pave the 8-foot easement shall be approved by the Planning Director prior to issuance of the building permit.
24. Specify the situations that require the use of the emergency generator parking easement. In addition, specify the purpose of the "Proposed Generator Parking" on the plans located east of the lease area.
25. Landscaping shall screen the equipment shelter. Prior to the issuance of a building permit, submit landscape and irrigation plans prepared by a licensed landscape architect. The plans shall meet the specifications per the City of Hayward Landscape Architect.
26. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

27. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

our community. He suggested moving the landscaping toward the front of the property.

Commissioner Bogue reminded members that this is a variance and should be balanced by landscaping which might improve the look of the lot. He noted that to him this is a critical issue.

The motion passed 6:1, with Commissioner Sacks voting "No."

4. Appeal of Planning Director's Denial of Administrative Use Permit Application No. 01-150-06 - Jeannie Young For Compass Telecom Services (Applicant) / San Leandro Hayward Elks Lodge (Owner) - Request to Construct, Operate and Maintain an Unstaffed, Wireless Telecommunication Facility Consisting of a 60-Foot Tall Stealth Structure and Equipment Cabinets in the Rear Yard of the Elks Lodge. The Property is located at 24970 Hesperian Boulevard in a CN (Neighborhood Commercial) Zoning District

Associate Planner Camire described the location, the stealth monopole that would be disguised as a palm tree and placed in a palm grove on the property, and the neighbor's opposition to the request. The objection is based on the negative visual impact to the neighborhood. Staff does not feel findings can not be made to approve the project, so they recommend denial of the appeal.

Commissioner Bogue said he was secretary of the Southgate Homeowner's Association. They met with the applicant. He said he took notes at the meeting but did not participate.

Chairperson Caveglia asked about the other options. Staff mentioned Chabot College for another location.

Acting Principal Planner Patenaude commented that there would also be other locations on the site. For example, it could be moved around to the front.

Commissioner Halliday asked whether staff's primary objection is to the concept as a tree. She was told that staff did not think it could be disguised as a tree. Acting Principal Planner Patenaude explained that the flagpole on Ruus Road looks just like a flagpole.

Commissioner Halliday then asked why palm trees are not appropriate as street trees. She was told the City has a street tree plan and a palm tree is not the usual type of tree to be encouraged. Commissioner Halliday suggested there might be an historical tie in to the trees on this property.

The public hearing opened at 9:42 p.m.

James Holland, representing Sprint PCS applicant, said there are potent arguments for the tree. Sprint is making the application because there is a serious gap in service in this area. They are committed to provide continuous service for Sprint PCS. The wireless antenna would be inserted in the middle of the other palm trees at the property. The wires and antennae would be concealed by the palm leaves. The trunk would be the pole, painted and textured to match the other trees. The support equipment would be concealed behind existing landscaping and a wooden fence behind the property. They believe that the denial was based on the fact that the palm could not



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers

Thursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

be made to look like a palm tree, they determined that it would be incompatible with neighborhood and finally, the denial was based on neighborhood opposition. He suggested that the recommendation to deny was based on incomplete information. He noted that the Elks Lodge is separate from residential. They presented the proposal to the Homeowners Association and they approved. Their proposed tree is of a lesser height than other trees on the property and in the area. He commented that Sprint PCS has already made a substantial investment in this tree. There are none in existence at this point. They believe that this has the highest potential to integrate with the neighborhood. They suggested submitting detailed tree materials and colors to staff and convince the City they would work. They suggested a final inspection of the completed tree. If it successfully integrates with the trees, final approval would be given. He commented that it is a win-win situation for the City. Better service for everyone.

Chairperson Caveglia commented that he has a problem with calling it "stealth" technology.

Richard Peterson, Chairman of the Board of the Elks Lodge, said they were approached by Sprint about a year ago. He commented that initially it made a lot of sense and created a reliable income for the Lodge. He noted that more people are now dependent on cell phones.

Alan Entions, spoke on behalf of the Elks Lodge members. He commented on their benevolence and charities. He said they are proud of their youth activities, veteran's services, scholarships, and home nursing for crippled children. As to funding, only the dividends are used. They need the funding from the relay tower to keep their charities working. The members feel good about helping both the lodge and the community.

Lore Warren, a neighbor, commented on the original application six years ago by the Elks Club Lodge. At that time there was concern about the Lodge becoming a problem. There have been no problems. There are an abundance of trees in the area, including palm trees. She noted that on Turner Court, there is a communications tower that is not disguised. She said the Southgate Homeowners support the tower and their application. She showed pictures and said it was unfounded that it is an eyesore.

The public hearing was closed at 10:01 p.m.

Commissioner Halliday **moved**, seconded by Commissioner Zermeño, to perform an environmental review, develop the appropriate conditions of approval and findings, and bring the issue back for further action.

Commissioner Sacks said she agreed with Commissioner Halliday. She said that if you can match these trees, she will go along with this.

Commissioner Thnay talked about a thick palm tree he saw while driving south on 680, on the right side near Andrade. He asked for an added condition for maintenance of the tree, when the proposal is reviewed again.

Chairperson Caveglia said he would vote "No" since artificial trees do nothing for beauty of Hayward.

Commissioner Bogue mentioned examples Sprint showed of pole coverings that resemble trees.

Commissioner Williams said he, too, would be supporting the motion since he recalled the original petition by the Elks at that location. He could find no reason not to support it. He said whatever gets the job done, they need to be concerned about this.

The motion passed 6:1, with Chairperson Caveglia voting "No."

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

There was no report.

6. Commissioners' Announcements, Referrals

Commissioner Williams expressed concern about a property on Second Street where trees were removed.

Commissioner Zermeño asked for a neighbor to have a tree replaced at 2290 Sleepy Hollow.

APPROVAL OF MINUTES

- June 21, 2001 - Approved with corrections.
- June 28, 2001 - Approved with corrections.

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 10:15 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary