

**CITY OF HAYWARD PLANNING COMMISSION
CONDITIONAL USE PERMIT
APPLICATION NO. UP-24-0004
27303 SLEEPY HOLLOW AVENUE**

FINDINGS FOR APPROVAL

CONDITIONAL USE PERMIT FINDINGS:

Pursuant to Hayward Municipal Code (HMC) Section 10-1.3225, the Planning Commission may approve or conditionally approve a Conditional Use Permit if it is able to make all the following findings:

A. The proposed use is desirable for the public convenience or welfare;

The proposed wireless communication facility is desirable for the public convenience and welfare in that the facility will improve wireless coverage. Furthermore, the proposed wireless facility would support land uses by enhancing existing communication infrastructure for surrounding neighborhoods and businesses as well as those traveling through the City. The proposed facility will enable wireless infrastructure to expand and accommodate an increased demand for service for nearby businesses and facilities.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area;

The proposed use will not impair the character and integrity of the Commercial Office (CO) zoning district and surrounding area because the proposed wireless facility takes into consideration physical and environmental constraints and will be located on the top of an existing parking structure. The proposed project will be constructed to improve wireless coverage by upgrading an existing wireless telecommunications facility while utilizing portions of the existing wireless telecommunication facility improvements that are currently on-site. The proposed project is not placed in direct line of sight and will not affect scenic vistas as the proposed roof location will help minimize any visual impacts from the street. In addition, all roof-mounted equipment will be screened by the existing enclosed cabinet area and secured with a chain-link fence with privacy slats on an existing parking structure as to not impact the surrounding land uses.

C. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved;

The proposed project is in harmony with applicable City policies and the intent and purpose of the Commercial Office (CO) zoning district. The project site is designated for Public and Quasi-Public (PQP) and Retail and Office Commercial (ROC) land uses in the *Hayward 2040 General Plan*. The PQP land use designation allows a variety of public and quasi-public uses, including community centers, recreation centers, government

offices, hospitals, primary and secondary schools, college and university campuses, transit stations, and other related government facilities and services. The ROC designation allows commercial buildings, shopping centers, and office buildings. The proposed wireless communication facility would support the allowed uses in the PQP and ROC land use designations by enhancing existing communication infrastructure for both the local and regional needs for surrounding neighborhoods and businesses as well as those traveling through the City. The project is also consistent with several General Plan goals and policies, including but not limited to the following:

- The City shall work with service providers to ensure access to and availability of a wide range of state-of-the-art telecommunication systems and services for households, businesses, institutions, public spaces, and public agencies throughout the city. (Public Facilities and Services Policy PFS-9.1).
- The City shall work with service providers to expand service to areas that are not served by telecommunication technologies. (Public Facilities and Services Policy PFS-9.2).
- The City shall encourage compatible co-location of telecommunication facilities and shall work with service providers to site telecommunications facilities on City-owned property and public rights-of-way. (Public Facilities and Services Policy PFS-9.3).

Further, the proposed project is consistent with the intent of the CO zoning district and complies with the general requirements and applicable design criteria for wireless facilities outlined in the Antenna and Telecommunications Facilities Ordinance. The CO zoning classification allows for variety of residential, administrative, professional, and business uses and the proposed wireless facility would support those uses and the growing wireless needs of the City. Additionally, the project will be setback from the street, hereby minimizing any visual impacts from the public right-of-way.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed wireless facility will be operated in a manner determined to be acceptable and compatible with surrounding development because the proposed project complies with the general requirements and applicable design criteria for wireless facilities outlined in Sections 10-13.C1 and 10-13.C2 of the HMC. The proposed project includes the removal, replacement, and addition of antennas and monopoles at an existing telecommunication facility site located in the CO zoning district. The project also includes the installation of associated equipment including remote radio units (RRUs), mounts, diplexers, and cables adjacent to the current operation of the facility. As conditioned, the project would have no significant additional impact on the environment, cumulative or otherwise, and include provisions of the Hayward Municipal Code related to construction and maintenance activities on site. Finally, the proposed wireless facility would be installed and operate in compliance with the Federal Communications

Commission (FCC) regulations applicable to wireless telecommunications facilities, in particular those governing radiofrequency (RF) emissions exposure.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS:

The project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). This exemption provides for the construction and location of limited numbers of new, small facilities or structures. This includes water main, sewage, electrical, gas, and other utility extensions. The proposed installation of three monopoles and related equipment in existing cabinets is considered a utility extension involving a limited number of new, small facilities or structures, installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure and, therefore, is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines.