

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

DRAFT CONDITIONS OF APPROVAL

Planning

1. The approval of Conditional Use Permit Application No. UP-24-0004 shall be limited to allow for the modification of a roof-mounted telecommunication facility atop of a Kaiser Permanente parking structure. The proposed modification includes the removal of an existing monopole with six (6) antennas to be replaced with a new wireless telecommunication facility with three (3) monopoles with three (3) antennas each and related equipment located at 27303 Sleepy Hollow Avenue, Assessor Parcel No. 455-0026-024-03, as described in the narrative/plans submitted by Kristy Andres of Ericsson and date stamped February 2, 2024, on file with the Planning Division. This conditional use permit will automatically expire 10 years and one day from its issuance unless pursuant to another provision of the Hayward Municipal Code or these conditions, it expires sooner or is terminated. Unless an extension or renewal has been granted, the permittee must either (1) remove the facility within thirty (30) days following the permit's expiration (provided that the parking structure supporting the wireless telecommunication facility need not be removed, but must be restored to its prior condition, except as specifically permitted by the City); or (2) at least ninety (90) days prior to expiration, submit a permit application for continued use in compliance with then-current Code requirements. The wireless telecommunications facility may remain in place under this permit until the City takes final action on the application.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Permittee shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
4. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit.
5. The facility shall be operated according to these conditions of approval and the narrative/plans submitted by Kristy Andres of Ericsson and date stamped February 2, 2024, on file with the Planning Division.

6. The antennas shall be painted to match the color of the wireless communication facility (monopole). Painted antennas and RRUs shall be a white matte finish to avoid unnecessary glare onto adjacent properties and vehicular and pedestrian traffic.
7. Any modification to this permit shall require review and approval by the Planning Director.
8. Permittee shall apply for an encroachment permit if work is done in the public right-of-way.
9. It is the applicant's responsibility to obtain permit or approval from all affected agencies or private parties. The applicant shall be responsible for scanning these Conditions of Approval with the building permit application submittal to the City.
10. The equipment, wireless antennas, coaxial cables, boxes, etc. shall be painted with a non-reflective white matte-finish, to eliminate glare and blend in with other utility equipment on the monopole.
11. No equipment shall be located on the ground within the public right-of-way.
12. The wireless telecommunications facility shall be operated in compliance with the Federal Communications Commission (FCC) standards for limiting public exposure to radio frequency emissions.
13. To prevent occupational exposures in excess of the FCC guidelines, Radio Frequency (RF) safety training shall be provided to all authorized personnel who have access to the antenna, including employees and contractors of the utility companies.
14. Posting of explanatory/warning signs on the pole at or below the antennas shall be readily visible from any angle of approach to person who might work or come within 1 foot of the antennas. Warning Signs shall comply with the FCC's color, symbol, placement and content recommendations. Emergency contact information shall be provided on the pole.
15. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
16. Any future replacement or reinstallation of structures or equipment at this wireless telecommunication facility shall be subject to the requirements and standards of the City of Hayward at that time.
17. Upon cessation of operations, or expiration of its permit, the applicant shall remove all equipment permitted by this approval and provide notification to the Planning Director subject to the determination of the Planning Director that the use of the site has ceased for a period of six months. Should the owner fail to affect such removal, the property owner shall be responsible for the removal of the equipment.

18. This approval shall be void three years after the effective date of approval unless a building permit application with plans matching the approved plans has been submitted and accepted for processing by the Building Official.
19. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit. Violations of any approved land use conditions or requirements will result in further enforcement action by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including the City of Hayward instituting a revocation hearing before the Planning Commission.
20. All approvals, entitlements and permits associated with Application No. 202000442 are hereby rescinded or revoked.

Building

21. The proposed cell site modification requires a building permit application and the associated plan review process. Additional building code comments may be provided during that review.

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