

DATE: July 28, 2009

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Findings for Denial of Conditional Use Permit Application No. PL-2006-0172 – Salem Communications (Applicant)/City of Hayward (Owner) - Request to Construct Four Radio Transmission Towers and a Transmission Building at the Western Terminus of West Winton Avenue

RECOMMENDATION

That Council adopts the attached resolution denying the Conditional Use Permit for the construction of four, 199-foot-tall radio towers on the closed West Winton landfill.

DISCUSSION

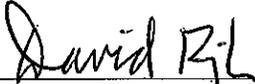
On July 21, 2009, the Council voted (4:3) to deny the Conditional Use Permit. Staff indicated in the agenda report dated July 21, 2009, that if the Council denied the project, staff would return with findings for denial. The attached resolution will formally document the action taken by the Council.

Prepared by:



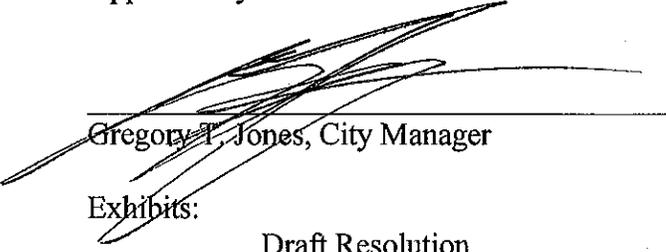
Erik J. Pearson, AICP
Senior Planner

Recommended by:



David Rizk, AICP
Development Services Director

Approved by:



Gregory T. Jones, City Manager

Exhibits:

Draft Resolution

7/23/2009

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-

Introduced by Council Member _____

Mal
7/23/09

RESOLUTION DENYING
CONDITIONAL USE PERMIT NO. PL-2006-0172
(Salem Communications' Radio Towers)

WHEREAS, Conditional Use Permit Application No. PL-2006-0172 entails a request for approval of a use permit and related lease and fee agreements to construct four 199-foot tall radio transmission towers and a transmission building (the "Project") on City-owned property in the Flood Plain and Industrial Zoning Districts, located at 3050 West Winton Avenue, at the western terminus of West Winton Avenue (the "Property"); and

WHEREAS, the Planning Commission is typically the approving body for a conditional use permit; however, because the proposed Project is located on City-owned property and includes a proposed lease and fee agreement, it is subject to review by the City Council; and

WHEREAS, on July 21, 2009, the City Council at a duly noticed public hearing, after receiving public testimony, voted (4:3) to deny the Project; and

WHEREAS, the City Council of the City of Hayward, hereby finds and determines that:

1. The Project is not subject to the standards and requirements of the California Environmental Quality Act (CEQA), in accordance with Section 15270 of the CEQA Guidelines (projects which are disapproved).
2. The KNTS radio towers would not be desirable for the public convenience or welfare in that the public benefit that would occur associated with the expanded broadcast area of the KNTS radio station, and related \$5 million fee payment and \$60,000 annual lease payment to the City of Hayward, would not outweigh the negative impacts the Project would have on the adjacent Hayward Regional Shoreline, particularly including visual impacts related to introduction of four, approximately 200-foot-tall radio transmission towers adjacent to the Shoreline parking lot and Shoreline park facilities and trails.
3. The Project would impair the character and integrity of the Flood Plain Zoning District and surrounding area by introduction of large, unnatural, imposing structures on a former landfill site that is surrounded on three sides by the open, natural spaces of the Hayward Regional Shoreline and its associated wildlife and plant resources.

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward