

EXHIBIT A
FINDINGS WITH FACTS
SPECIAL USE PERMIT NO. 20-01

Section 10.16.114 of the Zoning Ordinance requires the following findings with facts be made by the Planning Commission to approve a Special Use Permit:

FINDING NO. 1: The facility does not conflict with safety and safety-related codes and requirements.

FACT: All work and materials will be performed and installed in accordance with the current editions of the 2019 California Buildings Standards Code, Title 24, California Code of Regulations (effective January 1, 2020). Special Use Permit (SUP) #20-01 will allow AT&T to expand and improve its services and coverage in the surrounding area, thus “ensuring a broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the community, as well as serve an important and effective part of Hercules emergency response network” [from Ordinance No. 487, adopted by the City Council on August 11, 2015]. General Plan Objective 3 on p. II-13 of the Land Use Element requires that the City “ensure the provision of public facilities and services needed to support growth that balances jobs, commercial, and housing opportunities, and also protects the quality of life in the community.” The new cellular phone and data services approved under SUP #20-01 will expand and improve telecommunication service for customers in and around Hercules.

FINDING NO. 2: The facility conforms to the City’s policy of concealment.

FACT: “Concealment” means a physical design or treatment that minimizes adverse aesthetic and visual impacts on the view from land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of a wireless telecommunications facility, which shall mean the least visually and physically intrusive facility, so as to make it substantially invisible, and that is not technologically or commercially impracticable under the facts and circumstances” (Sec. 10-16.130). Special Use Permit #20-01 proposes installation of a 35-foot camouflaged antenna support monopole. The monopole will be disguised or camouflaged as a tree similar to the surrounding vegetation. The equipment cabinets will remain at the current location behind existing vegetation, concealing most of the project from view along Highway 4. SUP #20-01 is consistent with General Plan Objective 1d on page I-2: “Plan for the preservation and enhancement of visual qualities as viewed from scenic routes.”

FINDING NO. 3: The facility does not conflict with the historic nature or character of a neighborhood or district.

FACT: SUP #20-01 is consistent with the historic nature and character of the Franklin Canyon Area. The existing approved antennas and mounting poles at 3519 Franklin Canyon Rd are not camouflaged. The proposed monopole and antennas would be camouflaged and moved within the existing chain-link fenced compound. The project area is located within open space land protected by Measure M. Ordinance No. 401 (*Protect Franklin Canyon Area Initiative*) maintains existing use of Franklin Canyon and surrounding areas. The AT&T wireless site existed at the time of this ordinance's approval as a legal conforming use.

FINDING NO. 4: The use or construction of the facility is not contrary to an already stated purpose of a specific zoning or land use designation.

FACT: The purpose of the Franklin Canyon Area land use designation is to protect Franklin Canyon and nearby open space lands from harmful and unnecessary development. The project site for Special Use Permit #20-01 is at an existing approved wireless site and would maintain the existing open space. The facility would be accessed via an existing roadway, and no additional improvements are required. The gated facility would be accessed through a pair of existing swinging chain link gates. The installation of the antennas and equipment cabinets would not generate additional traffic on existing streets or the need for additional street improvements. As a Public Utility, this site could fall under the following sections of Ordinance 401:

SECTION 9(g) Uses—"City and other government facilities and uses, and public utility facilities, that are limited to meeting the needs created by uses permitted in the Franklin Canyon Area, unless the Planning Commission reasonably finds more extensive public need that cannot practicably be met outside the Franklin Canyon Area. However, this exception for more extensive public need shall not apply to waste treatment and disposal or commercial electrical power generating facilities. Publicly provided outdoor recreation and nature observation and enjoyment and ancillary accommodations are permitted whenever like for-profit uses would be allowed."

SECTION 13(d) Visual Safeguards—"The height of buildings shall not exceed 35 feet." The top of the proposed tower is at 35 feet. The site is at an approximate ground elevation of 413 feet, and the ground elevation of the ridge line is approximately 560 feet, thus placing the site approximately 147 feet below the ridge line. With the addition of the new 35-foot-tall tower, the top of the tower would be more than 100 feet below the ridge line. The antennas and monopole is to be camouflaged to blend

in with the existing surrounding trees so that the site will be minimally visible. The facility would be unstaffed and require only routine monthly maintenance, thus there would be no traffic impacts to the surrounding area.

FINDING NO. 5: The placement and location of the facility does not create an unacceptable safety or financial risk to residents or the safety of the general public, employees and agents of the City or employees of the service provider or other service providers, or the reasonable probability of such;

FACT: The project has been conditioned to comply with the current Uniform Building, Electrical, Plumbing and Fire Safety Codes which will insure that the installation of the antennas and equipment cabinets protects the health and safety of the residents of Hercules and the employees of AT&T Wireless. The calculated electromagnetic field strength levels in publicly accessible areas are well below the existing Federal Communications Commission (FCC) standard for allowed exposure of unlimited duration, and therefore no significant impacts to the public or the environment are expected. SUP 20-01 will comply with Sec. 10-16.111 (k) "Setback and Fall Zone. All proposed towers and any new proposed support structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: (1) a distance equal to the height of the proposed tower or support structure plus ten percent (10%) of the height of the tower or other structure, otherwise known as the fall zone; or (2) the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located within the fenced compound area as approved in the special use permit and so as to comply with the applicable minimum setback requirements for the property on which it is situated. The fall zone shall be measured from the nearest edge of the tower to the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile, as well as any property boundary lines. At the discretion of the Commission, the preceding may not apply to support structures located in the public rights-of-way so long as required minimum distances to adjacent buildings are complied with."

FINDING NO. 6: The placement and location of a facility does not result in a conflict with, compromise in or change in the nature or character of the adjacent surrounding area;

FACT: SUP 20-01 is consistent with the nature and character of the surrounding area within the city and in Contra Costa County. The adjacent areas within the City of Hercules are zoned Franklin Canyon Area and Public Open Space (P/QP-O). The property is also adjacent to unincorporated Contra Costa County Zoned Agricultural Preserves.

FINDING NO. 7: The facility does not conflict with the provisions of Hercules Municipal Code, Title 10, Chapter 16.

FACT: The proposed project poses no conflicts with the provisions of Title 10, Chapter 16 of the Hercules Municipal Code (Wireless Telecommunications Facilities). The code states, “The intent of this Chapter is to minimize the physical impact of wireless telecommunications facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Hercules.” The proposed AT&T wireless project at 3519 Franklin Canyon is consistent with the intent of this code.