



PLANNING APPEAL APPLICATION TO CITY COUNCIL

City Clerk's Office | 835 East 14th Street, San Leandro, CA 94577 | (510) 577-3367

MUST BE SUBMITTED IN PERSON

General Information + Appeal Timing

Decisions of the Board of Zoning Adjustments or the Planning Commission may be appealed to City Council and are filed with the City Clerk's Office.

This appeal application must be submitted within fifteen (15) calendar days of the decision, and within ten (10) calendar days of a Tentative Map approval. If the appeal period ends on a weekend or holiday, the time limit shall be extended to the next working day.

Appeal Application + Fees

Bring the following items to the City Clerk's Office:

- 1. Signed and completed Appeal Application (front side.)
2. Signed and completed Agreement for Payment of Appeal Fees (back side.)
3. Check payable to City of San Leandro or credit card (with a 2.5% fee) to pay the planning deposit
4. Check payable to City of San Leandro or credit card (2.5% fee) to pay the separate \$534 city clerk fee

OFFICIAL USE ONLY

APPEAL RECEIVED

By L. Juarez & S. Bunting

Date 11/20/24

DEPOSIT PAID (attach copy of receipt) \$ -

FEE PAID (attach copy of receipt) \$569 City Clerk

CC: Planning CAO

I wish to appeal the decision of the: Board of Zoning Adjustments Planning Commission

Project Address

440 Peratta Ave

Project #

PLN 23-0031

Date of Action

11/07/2024

Approved Denied

Reasons for Appeal - List all grounds relied upon in making this appeal.

Please see Attachments

APPELLANT INFORMATION

Print Full Name Wayne Drossa

Applicant Concerned Resident Concerned Business Owner Other

Mailing Address

523 San Leandro Blvd.

Phone #

(510) 517-9883

Address

San Leandro CA 94577

Email

dsglobal510@gmail.com

Signature of Appellant

Date

11/20/2024



AGREEMENT FOR PAYMENT OF PLANNING APPEAL FEES

835 East 14th Street, San Leandro, CA 94577 | (510) 577-3325 | planner@sanleandro.org

| Project Address | | Assessor's Parcel # |
|--|--------------------------------|---|
| 440 Peratta Ave <small>Address</small> | | 077D-140520 075-0225-001-04 |
| San Leandro CA 94577 <small>City State Zip</small> | | |
| Project # PLN 23-0031 | Date of Action 11/07/2024 | <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied |
| APPELLANT INFORMATION | | |
| Print Full Name Wayne D Rosso | | |
| Mailing Address | Phone # | |
| 523 San Leandro Blvd. <small>Address</small> | (510) 517-9883 | |
| San Leandro CA 94577 <small>City State Zip</small> | Email dsglobal510@gmail.com | |
| <p>I (We) hereby agree to pay all direct costs as listed in the City's adopted fee schedule for the review and processing of application(s) for the subject project, at such time as requested by the Community Development Director. Direct costs include, but are not limited to, hourly personnel charges plus a factor of 3.38 for benefits and administrative overhead; legal fees; communications in person, via telephone, or teleconference or written correspondence with the appellant, property owner, architect, engineer, etc.; analysis and preparation of staff reports and findings; and attendance at public hearings. If applicable, I (we) also hereby agree to pay all contract costs for preparation of an environmental document in compliance with the California Environmental Quality Act.</p> <p>A deposit is required along with this form. Future payments are due and payable within 30 days. At the completion of the appeal process, any unused balance will be returned to the appellant. Interest will accrue on all costs unpaid 30 days after billing at the maximum legal rate and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts. Delinquent accounts may be sent to a collection agency.</p> <p>Furthermore, I (we) hereby agree to hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any State or Federal Court challenging the City's actions with respect to my (our) project.</p> | | |
| Signature of Appellant | Date 11/20/24 | |

STAFF COMMENTS

19th November, 2024

The City Council,
City Clerk's Office,
835 East 14th Street,
San Leandro, CA 94577

**Sub: Appeal Against the Proposed Telecommunications
Tower at 440 Peralta Avenue (PLN23-0031)**

Honorable City Council,

I am writing on behalf of **Wayne Daniel Russo Jr.** to appeal the Planning Commission's approval of the 80-foot wireless telecommunications tower at 440 Peralta Avenue. As the property owner located at 523 San Leandro Blvd., adjacent to the proposed site, Mr. Russo Jr. is deeply concerned about the adverse effects this project will have on public health, environmental safety, and his planned residential development. The **November 7, 2024** public hearing was conducted without proper notice to affected stakeholders, including Mr. Russo Jr. As a property owner whose plans for residential condominiums and apartments will be directly impacted, he was not informed of the hearing or provided an opportunity to raise his concerns. Transparency and adequate notice are essential for fair and equitable decision-making processes. The lack of sufficient communication with local property owners undermines trust in the planning process and necessitates a reevaluation of the project's approval.

The placement of an 80-foot telecommunications tower near residential properties raises serious health concerns due to potential exposure to radiofrequency (RF) radiation. Current FCC guidelines for RF emissions, which this project relies upon, are outdated and fail to reflect modern research on long-term exposure risks. These include increased cancer risk, neurological damage, and other health issues. Future residents of Mr. Russo Jr.'s planned development at 523 San Leandro Blvd. would face significant RF exposure, which is unacceptable from a public health standpoint. Additionally, the tower's height and structure pose potential hazards in the event of earthquakes or extreme weather conditions.

The proposed tower conflicts directly with Mr. Russo Jr.'s plans to develop a six-story condominium and apartment complex at 523 San Leandro Blvd. The presence of such a structure nearby will deter potential residents, reduce property values, and create

economic challenges for the broader community. San Leandro's housing objectives emphasize the need for sustainable residential development. Approving this project undermines these goals by prioritizing corporate infrastructure over local housing needs.

Although the tower is presented as a "monopine," its height and industrial appearance are incompatible with the neighborhood's aesthetic character. Additionally, the project has not undergone a thorough Environmental Impact Report (EIR) to assess its effects on local ecosystems, energy usage, and potential noise pollution, as required under CEQA.

In light of these concerns, Mr. Russo Jr. respectfully requests that the City Council rescind the current approval and schedule a new public hearing with proper notification to all affected stakeholders. Furthermore, he urges the Council to conduct a comprehensive Environmental Impact Report (EIR) to evaluate the health, safety, environmental, and economic impacts of this project while exploring alternative locations or designs. It is also imperative to prioritize residential development goals by considering how this project conflicts with the city's housing objectives and its impact on adjacent properties.

This appeal is not an opposition to technological progress but a call for responsible urban planning. The approval of this tower at 440 Peralta Avenue poses significant risks to the community and fails to align with San Leandro's commitment to equitable and sustainable development.

All correspondence regarding this matter should be directed to **Wayne Daniel Russo Jr.** at his provided contact information, with additional legal guidance from:

Jonathan E. Madison, Esq.

The Madison Firm

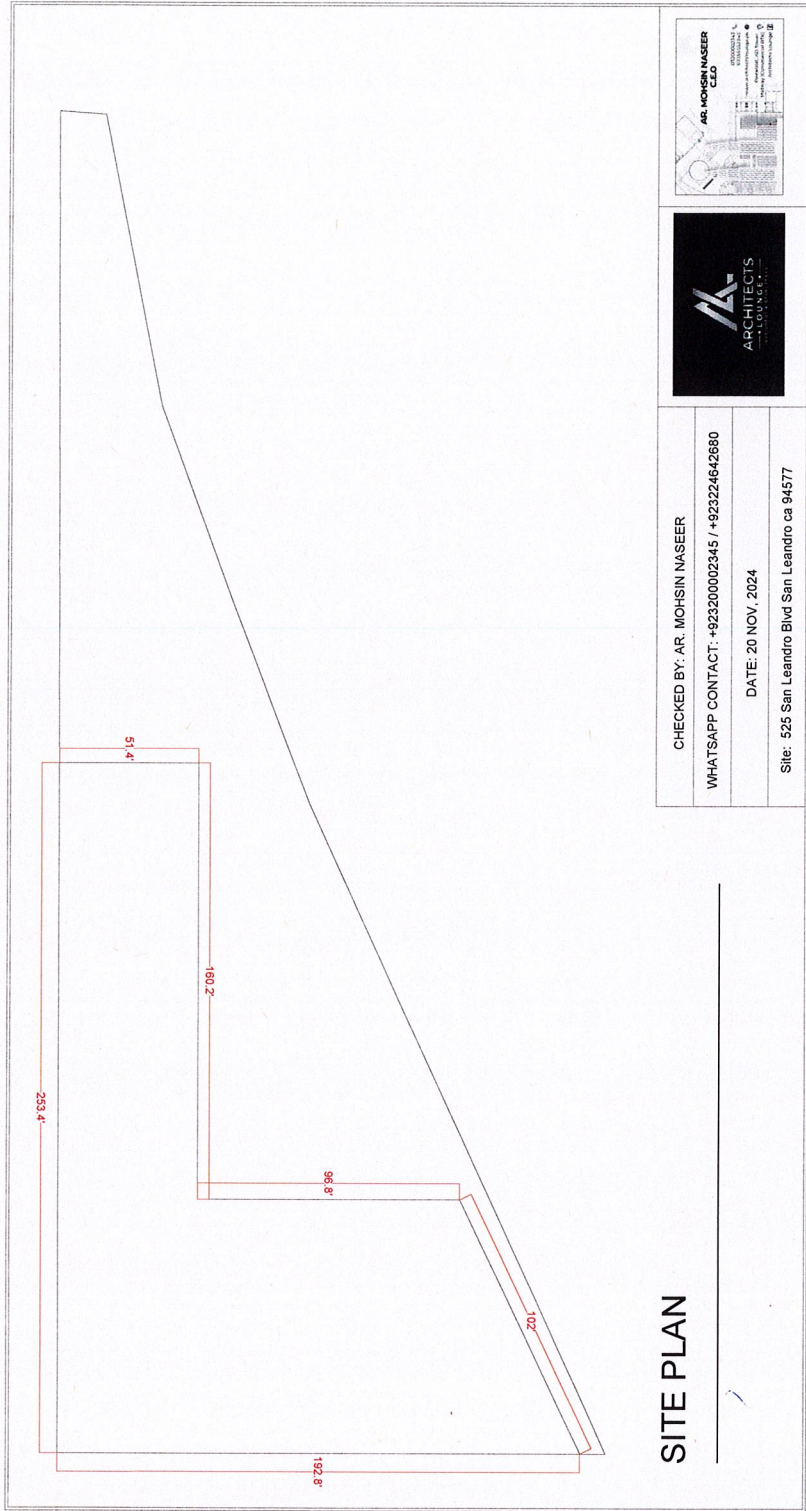
[Contact Information]

Thank you for your attention to this urgent matter.

Sincerely,

Wayne Daniel Russo Jr.

Owner, 523 San Leandro Blvd.



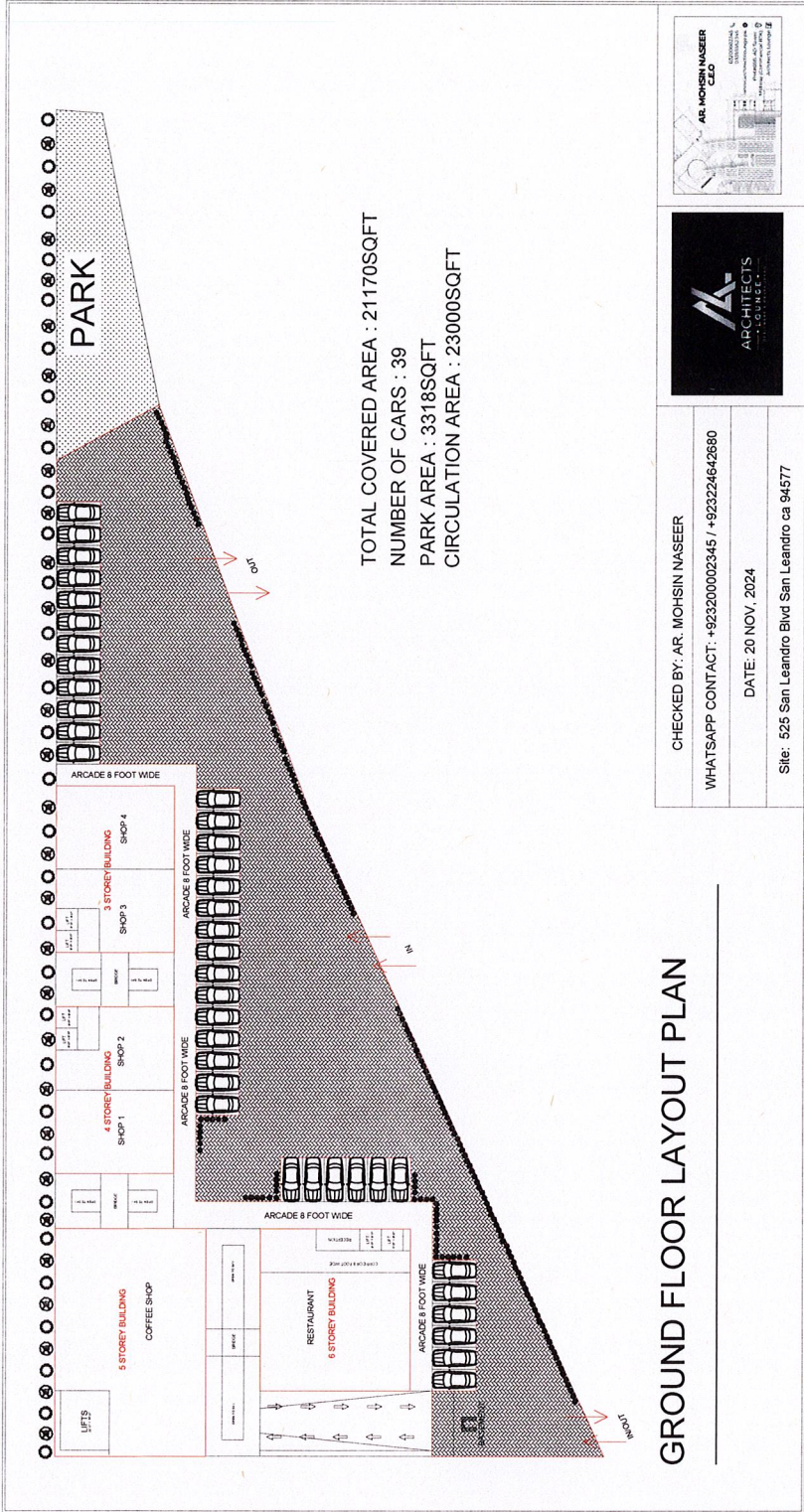
CHECKED BY: AR. MOHSIN NASEER

WHATSAPP CONTACT: +92320002345 / +923224642680

DATE: 20 NOV, 2024

Site: 525 San Leandro Blvd San Leandro ca 94577

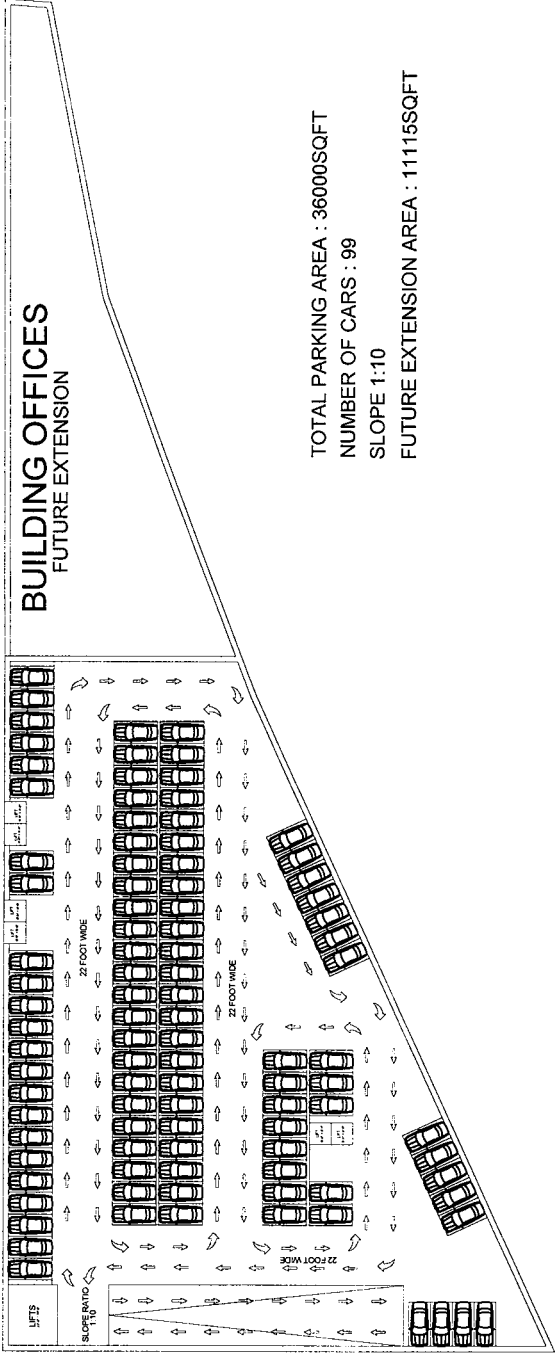




GROUND FLOOR LAYOUT PLAN

CHECKED BY: AR. MOHSIN NASEER
 WHATSAPP CONTACT: +923200002345 / +92322642680
 DATE: 20 NOV, 2024
 Site: 525 San Leandro Blvd San Leandro ca 94577





BUILDING OFFICES
FUTURE EXTENSION

TOTAL PARKING AREA : 36000SQFT
 NUMBER OF CARS : 99
 SLOPE 1:10
 FUTURE EXTENSION AREA : 11115SQFT

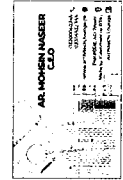
BASEMENT PARKING LAYOUT PLAN

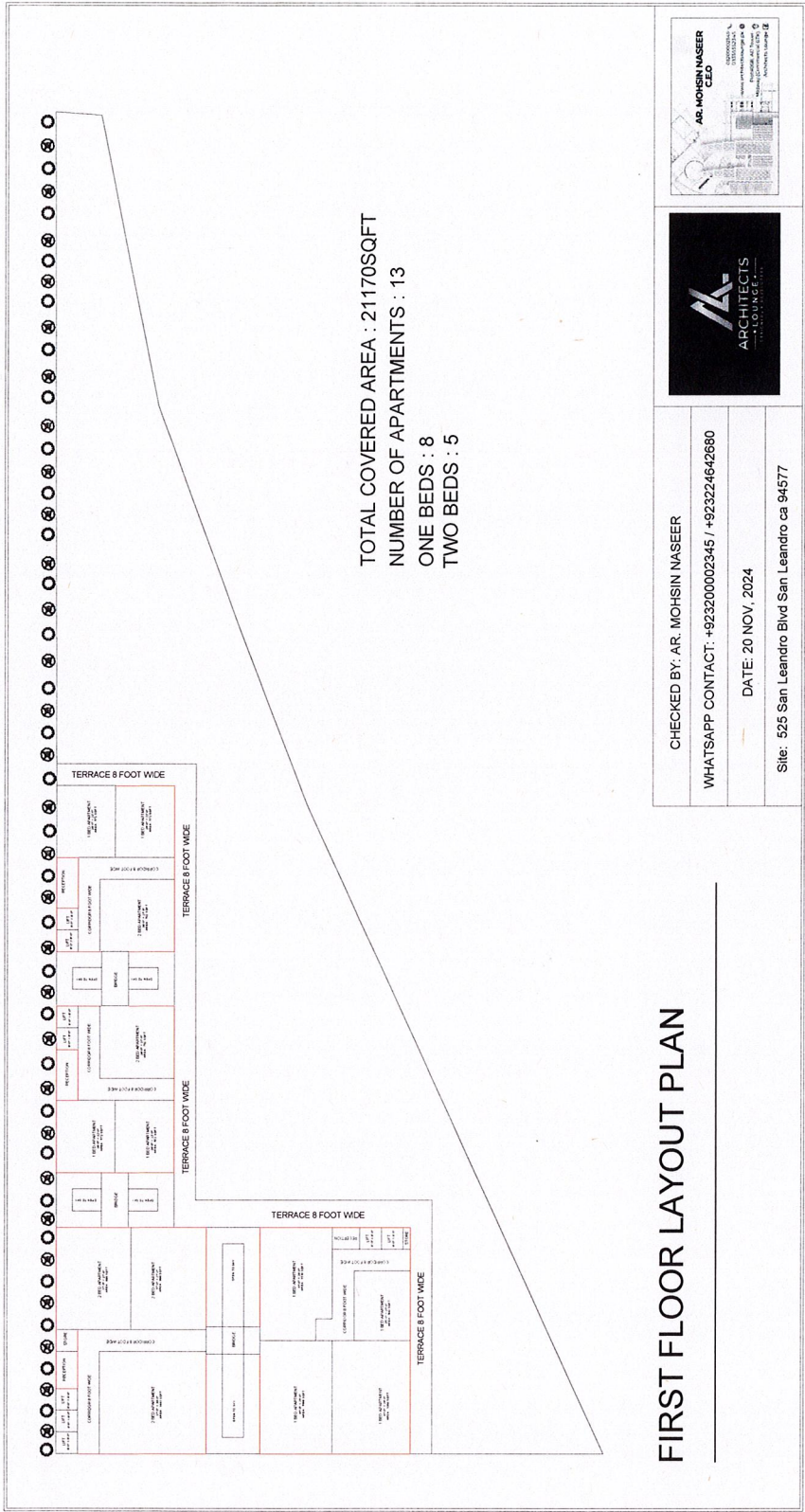
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DATE: 20 NOV, 2024

Site: 525 San Leandro Blvd San Leandro ca 94577

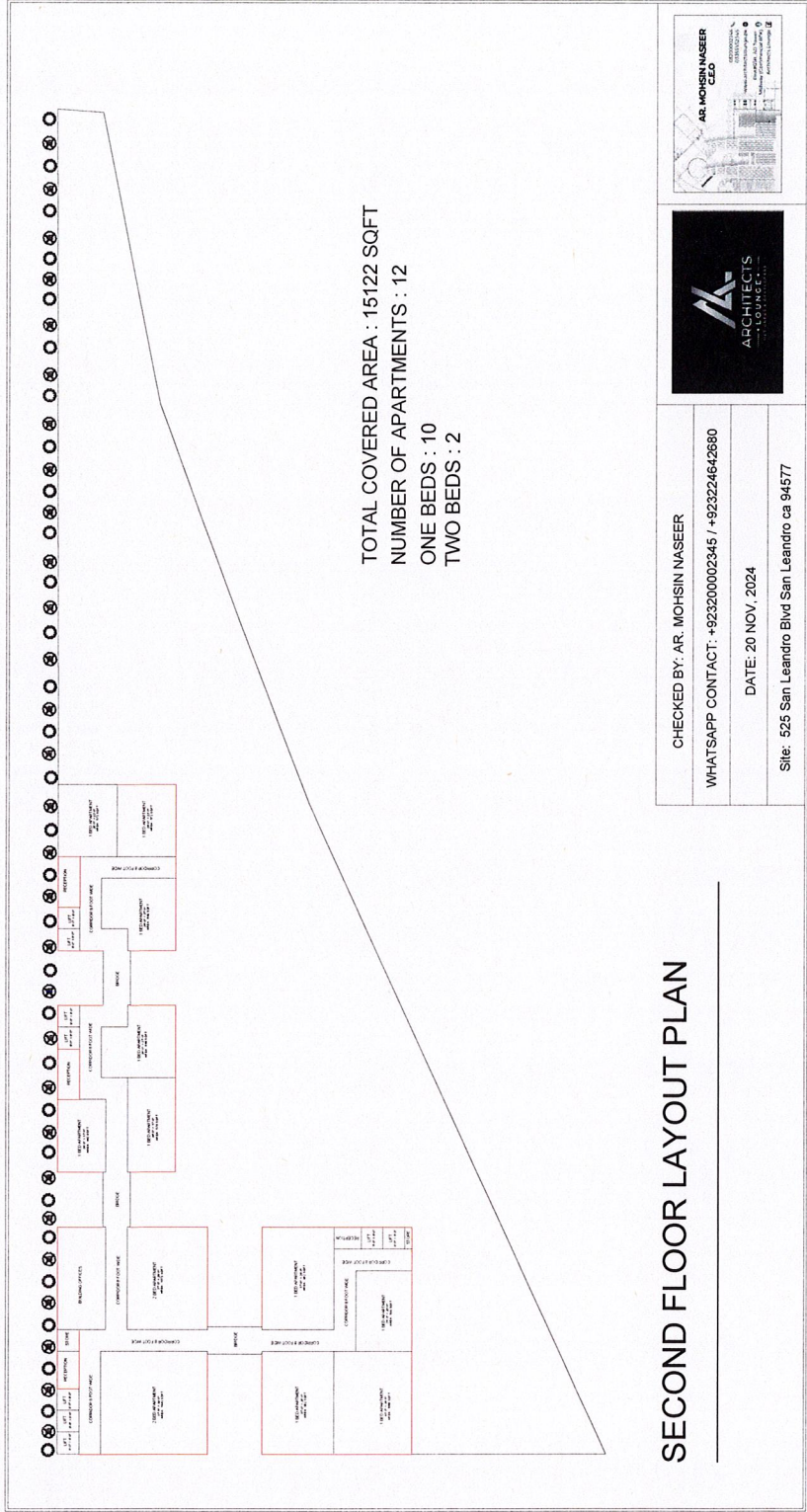




FIRST FLOOR LAYOUT PLAN



CHECKED BY: AR. MOHSIN NASEER
 WHATSAPP CONTACT: +92320002345 / +923224642680
 DATE: 20 NOV, 2024
 Site: 525 San Leandro Blvd San Leandro ca 94577



TOTAL COVERED AREA : 15122 SQFT
 NUMBER OF APARTMENTS : 12
 ONE BEDS : 10
 TWO BEDS : 2

SECOND FLOOR LAYOUT PLAN

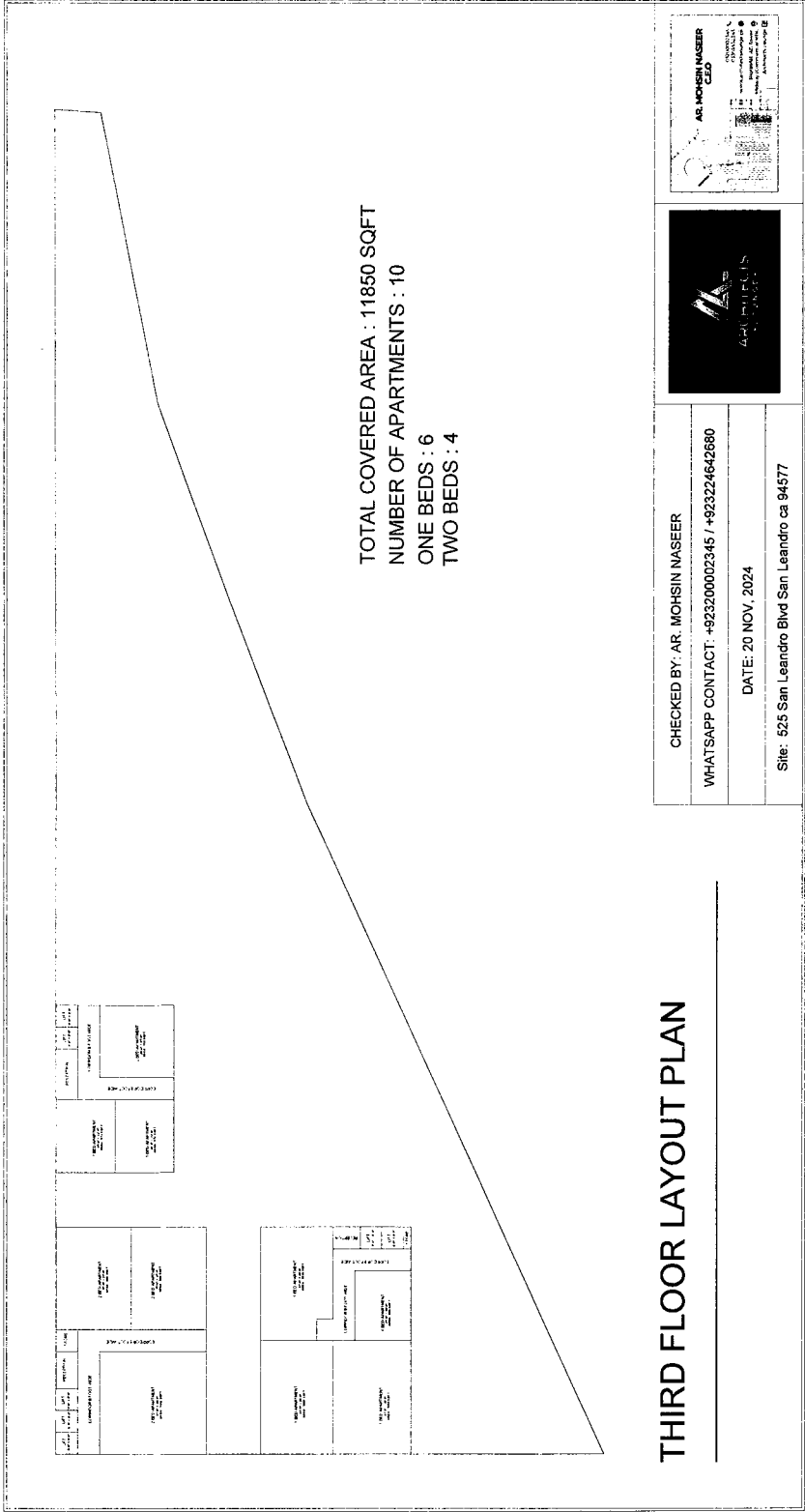
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DATE: 20 NOV. 2024

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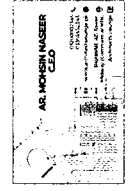
THIRD FLOOR LAYOUT PLAN

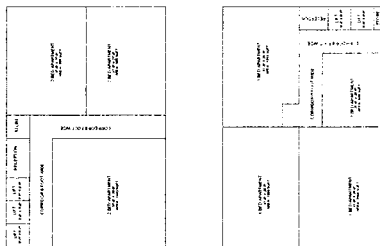
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WHATSAPP CONTACT: +92320002345 / +923224642680

DATE: 20 NOV, 2024

Site: 525 San Leandro Blvd San Leandro ca 94577





TOTAL COVERED AREA : 9200 SQFT
 NUMBER OF APARTMENTS : 7
 ONE BEDS : 3
 TWO BEDS : 4

FOURTH FLOOR LAYOUT PLAN

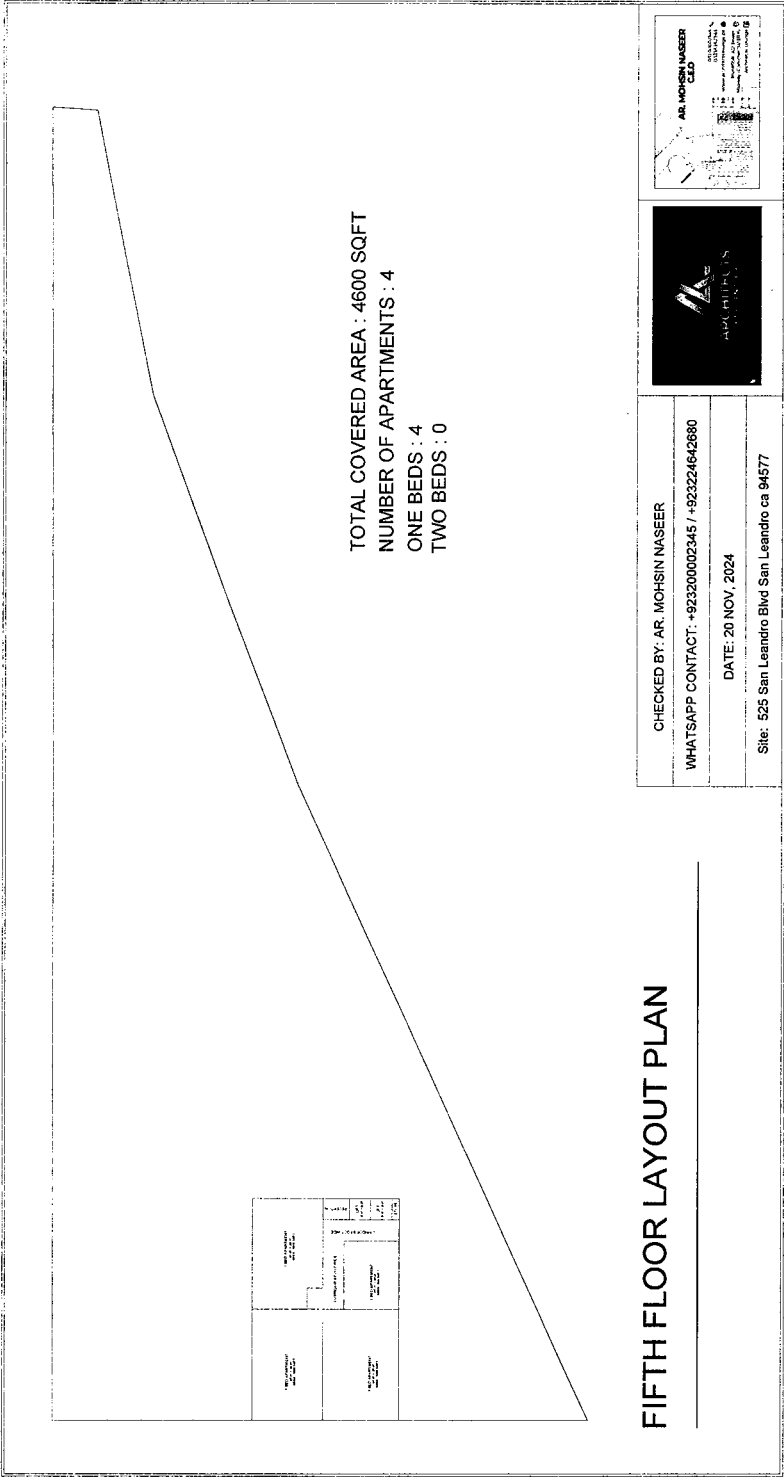
CHECKED BY: AR. MOHSIN NASEER

WHATSAPP CONTACT: +923200002345 / +923224642680

DATE: 20 NOV, 2024

Site: 525 San Leandro Blvd San Leandro ca 94577





TOTAL COVERED AREA : 4600 SQFT
 NUMBER OF APARTMENTS : 4
 ONE BEDS : 4
 TWO BEDS : 0

FIFTH FLOOR LAYOUT PLAN

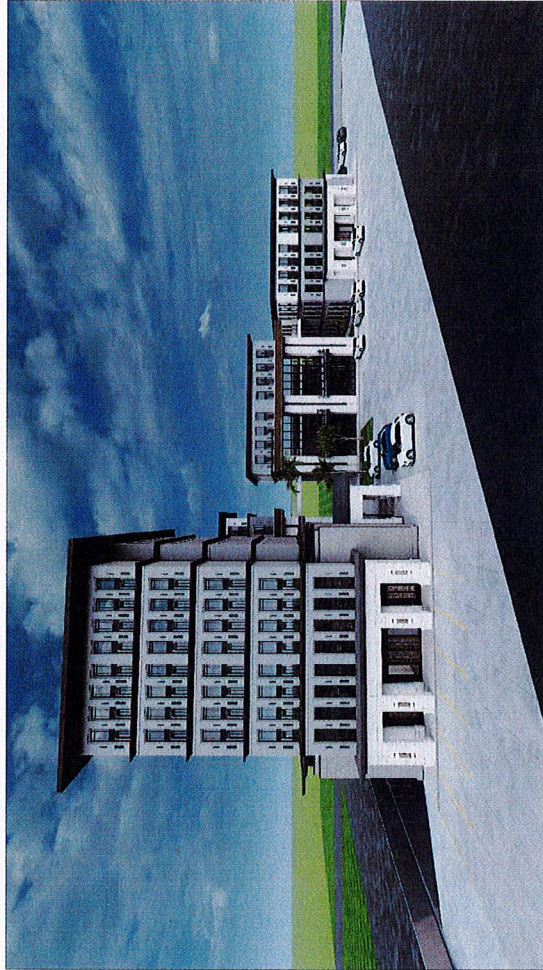
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WHATSAPP CONTACT: +923200002345 / +923224642680

DATE: 20 NOV, 2024

Site: 525 San Leandro Blvd San Leandro ca 94577





RENDER IMAGES

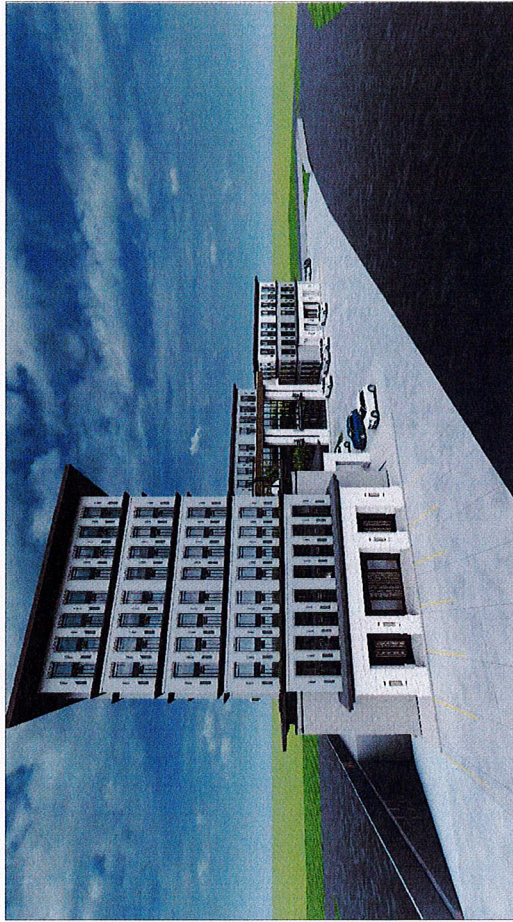
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RENDER IMAGES

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RENDER IMAGES

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RENDER IMAGES

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