



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, June 24, 2008
Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Vice Chair Catalano to report at the July 1, 2008 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of May 13, 2008.

Public Hearings

- 3A. **SPR 03-08, Site Plan Review Permit, Denise M. Lombardo**, 1829 Eagle Peak Avenue, APN 119-600-062. A Site Plan Review Permit to allow the construction of a single-story interior remodel, entry addition, and roof addition measuring 21 feet in height and adding approximately 140 square feet of area to the residence.
Proposed Action: Approval, with a condition.
- 3B. **UP 01-08, Use Permit, AT&T**, 68 Nottingham Circle, APN 120-025-003. A Use Permit to allow the installation and operation of a wireless communications facility to be co-located with a previously-approved wireless communications facility. The proposal would involve the installation of an antenna array atop an approximate 112-foot tall existing PG&E tower and construction of a fenced-in equipment pad within the footprint of the PG&E tower.
Proposed Action: Approval, with conditions.
- 3C. **UP 02-08, Use Permit, Sukhdev Sandhu**, 6104 Main Street, APN 119-015-004. A Use Permit to allow two outdoor propane tank dispensing cages to be placed at the front of Village Market. Each cage measures approximately 4 feet tall, 3 feet 8 inches wide, and 2 feet 4 inches deep.
Proposed Action: Direction requested by staff.

Agenda
Planning Commission Meeting
Tuesday, June 24, 2008
Page 2

Old Business

4. None

New Business

5. None

Communications

- 6A. Staff
6B. Commission

Adjournment

The next meeting of the Planning Commission is scheduled for **Tuesday, July 8, 2008.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340.

An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present. Plng Comm\Agendas\2008\0624

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Minutes
City of Clayton Planning Commission Meeting
Tuesday, May 13, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Ed Hartley, Commissioner Joe Odrzywolski

Absent: Vice Chair Tuija Catalano

Staff: Interim Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Chair Haydon to report at the May 20, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the special meeting of April 29, 2008.

Chair Haydon moved and Commissioner Odrzywolski seconded a motion to approve the minutes from the special meeting of April 29, 2008, as amended. The motion passed 4-0.

Public Hearings

3. **SPR 02-08, Site Plan Review, Jeannette and George Streeter**, 9 Rolen Court, APN 119-113-012. A request for a site plan review permit to allow the completion of construction of a rear-yard deck measuring approximately 1,180 square feet in area and up to 10 feet in height with a 3-foot, 7-inch tall safety railing atop and surrounding the deck.

The public hearing was opened. Assistant Planner Sikela presented the staff report.

Chair Haydon indicated that he conducted a site visit of the subject property.

Commissioner Armstrong indicated that he visited the property to the east of the subject property.

The public testimony period was opened.

The applicant, George Streeter, indicated the following:

- Dead bushes and shrubs were removed from the rear yard between the deck and the rear property line.
- When we moved into the residence, there was an existing deck in the rear yard which was unsafe; my sister stepped on a nail sticking out from the deck.
- The new deck is better, stronger, and safer.

- We were not aware that we needed to obtain a building permit for the new deck because it was just a replacement of the previously-existing deck.

Commission questions included:

- Was the new deck engineered? *Mr. Streeter responded that Gilbert Fitch and Associates engineered the deck with the topographical survey conducted by a company called Quiet River.*
- How far does the new deck extend out beyond the old deck? *Mr. Streeter responded that the new deck is in the same location as the old deck, with a slight expansion near the bedroom.*
- Are you in agreement with the landscape plan condition that would require you to replant trees? *Mr. Streeter answered "Yes."*
- Did you contact your neighbors regarding the project? *Mr. Streeter answered "No."*

Dennis Webb, 951 Oak Street, indicated the following:

- We live east of the subject property.
- Our property is approximately 50 feet lower in elevation than the subject property.
- Had concerns regarding the stability, safety, and visibility of the new deck.
- I called the Clayton Community Development Department and they did not have any records of the permit.
- How can we find the results of the Contra Costa County Building Department's inspection of the deck? *Director Woltering indicated that staff could research the inspection results and contact Mr. Webb to inform him of those results.*

Commission questions included:

- How close is your home from the rear property line of the subject property? *Mr. Webb answered that it is approximately 70 feet.*
- Did you removed trees from your property that were located adjacent to the rear property line of the subject property? *Mr. Webb answered that he had removed two diseased pine trees approximately five years ago.*

There being no further comments, the public testimony period was closed. Commission comments included:

- Major concerns are with the safety of the deck.
- We prefer to receive a site plan review request before the construction of the project begins.

Commissioner Armstrong moved and Commissioner Odrzywolski seconded a motion to approve site plan review permit SPR 02-08, with the findings and conditions recommended by staff. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications**6A. Staff**

Director Woltering provided a brief update on the Rivulet project.

6B. Commission

By consensus, the Planning Commission cancelled the May 27, 2008 Commission meeting to bring anticipated agenda items together to make meetings more efficient.

Adjournment

7. The meeting was adjourned at 8:00 p.m.

Submitted by
David Woltering, AICP
Interim Community Development Director

Approved by
Keith Haydon
Chair

Plng Comm\2008\Minutes\0513

PLANNING COMMISSION STAFF REPORT

Meeting Date: June 24, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Denise M. Lombardo
Site Plan Review Permit (SPR 03-08)

REQUEST

A Site Plan Review Permit to allow the construction of a single-story interior remodel, entry addition, and roof addition, measuring 21 feet in height and adding approximately 140 square feet of area to the residence.

PROJECT INFORMATION

Applicant / Location: Denise M. Lombardo
1829 Eagle Peak Avenue
APN 119-600-062 (See **Exhibit A** for Location Map)

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre).
This proposal complies with the *General Plan* designation.

Zoning: Single Family Residential R-10 District (10,000 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15303(a), Class 3 of the State CEQA Guidelines.

Public Notice: On June 11, 2008, a public hearing notice was posted on the site and at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers.

Agency Referrals: Comments from the City Engineer and City Stormwater Manager have been incorporated into the advisory notes. The Contra Costa County Building Inspection Department, Contra Costa County Fire Protection District, and Contra Costa Water District did not respond.

Authority: Section 17.44.030 of the *Zoning Ordinance* authorizes the Planning Commission to approve a site plan in accordance with standards in Section 17.44.050.

DISCUSSION

The applicant has requested approval of a Site Plan Review Permit to allow the construction of a single-story interior remodel, entry addition, and roof addition, measuring 21 feet in height and adding approximately 140 square feet of area to the existing 4,250 square-foot, single-story, single-family residence.

The project encompasses mostly interior remodeling work with the exterior modifications involving new doors and windows, new horizontal wood siding with masonry highlights, new concrete shingle roof material, and a new built-up roof design that will incorporate a 6:12 roof pitch. The only structural expansion entails a new 140 square-foot entryway porch. The site plan, floor plan, roof plan, architectural elevations, and landscape plan are provided as **Exhibit B**.

Setback Analysis

The project meets the R-10 District standards as shown below.

Required Setbacks	Existing Setbacks	Proposed Setbacks	Project Compliance
Front Setback 20'	South 33'	South 23' 8"	Yes
Side Setback 10' minimum	West 19' 6" East 28'	West No Change East No Change	Yes Yes
20' aggregate	Aggregate 47' 6"	Aggregate No Change	Yes
Rear Setback 15'	North 34'	North No Change	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
20,560 sq ft	5,140 sq ft	4,246 sq ft	4,386 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
20,560 sq ft	7,196 sq ft	4,246 sq ft	4,947 sq ft	Yes

Conclusion

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and determined that the project, as conditioned, is in conformance with the standards. The proposed findings listed below specifically address the standards.

RECOMMENDATION

Staff recommends that the Planning Commission approve SPR 03-08 to allow the construction of a single-story interior remodel, entry addition, and roof addition, measuring 21 feet in height and adding approximately 140 square feet of area to the existing residence.

Proposed Findings

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission finds the Site Plan Review Permit for the addition, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.

Proposed Condition of Approval

This condition of approval applies to the Lombardo Residence Site Plan, Floor Plan, Roof Plan, Architectural Elevations, and Landscape Plan submitted by the applicant, date stamped June 6, 2008.

1. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes are not part of the conditions of approval.

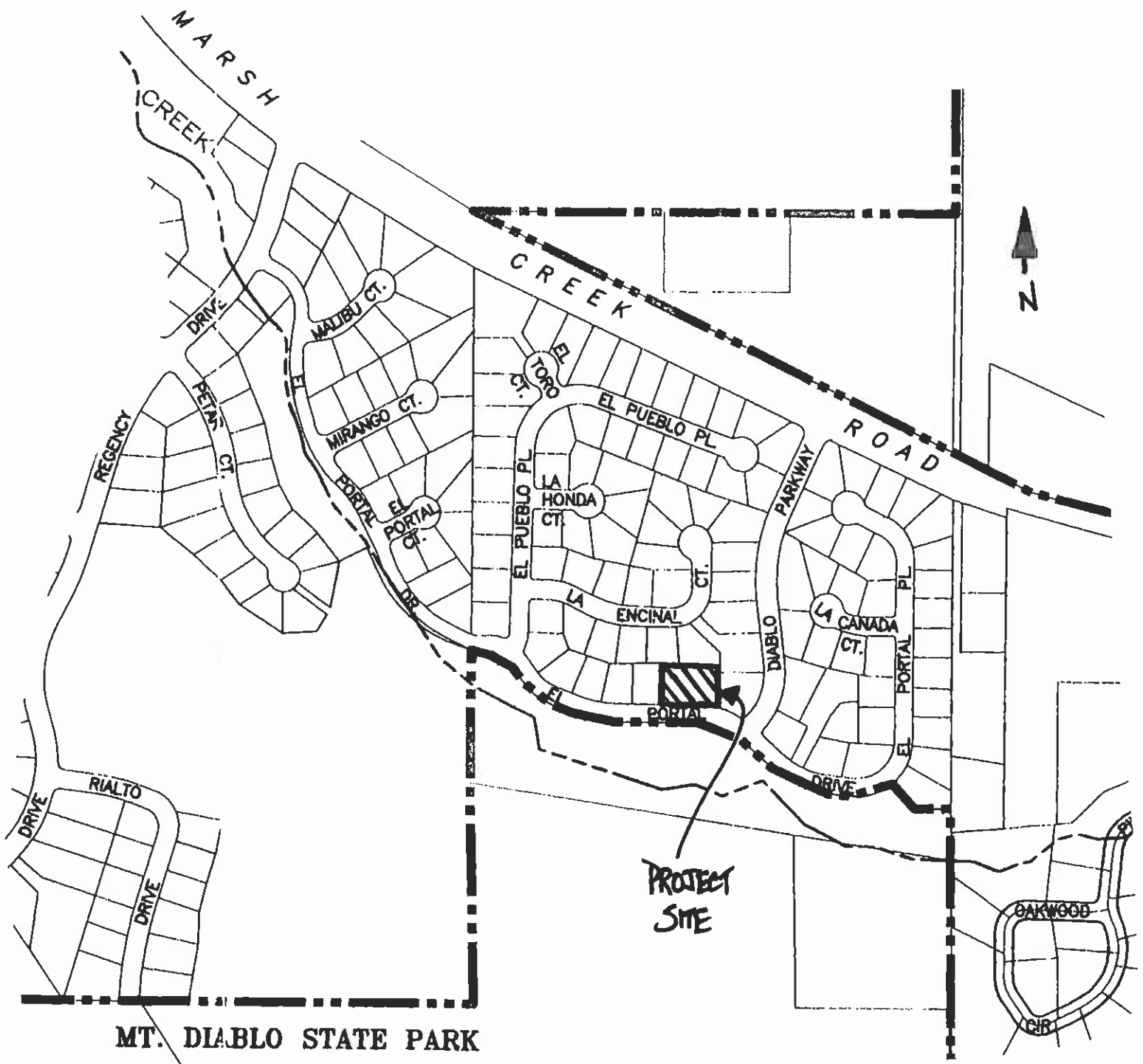
1. The applicant shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
2. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC §13.12.050).
3. Prior to the commencement of grading, demolition, or construction activities, the applicant shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
4. This site plan permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be void (CMC §17.64.010-030).

5. All grading, construction, and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
6. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
7. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
8. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&R's) administered by a homeowners' association, additional requirements and/or approvals may be required by the homeowners' association. Before proceeding with the project, it is advisable to check with the homeowners' association to ensure any applicable requirements are met.

EXHIBITS

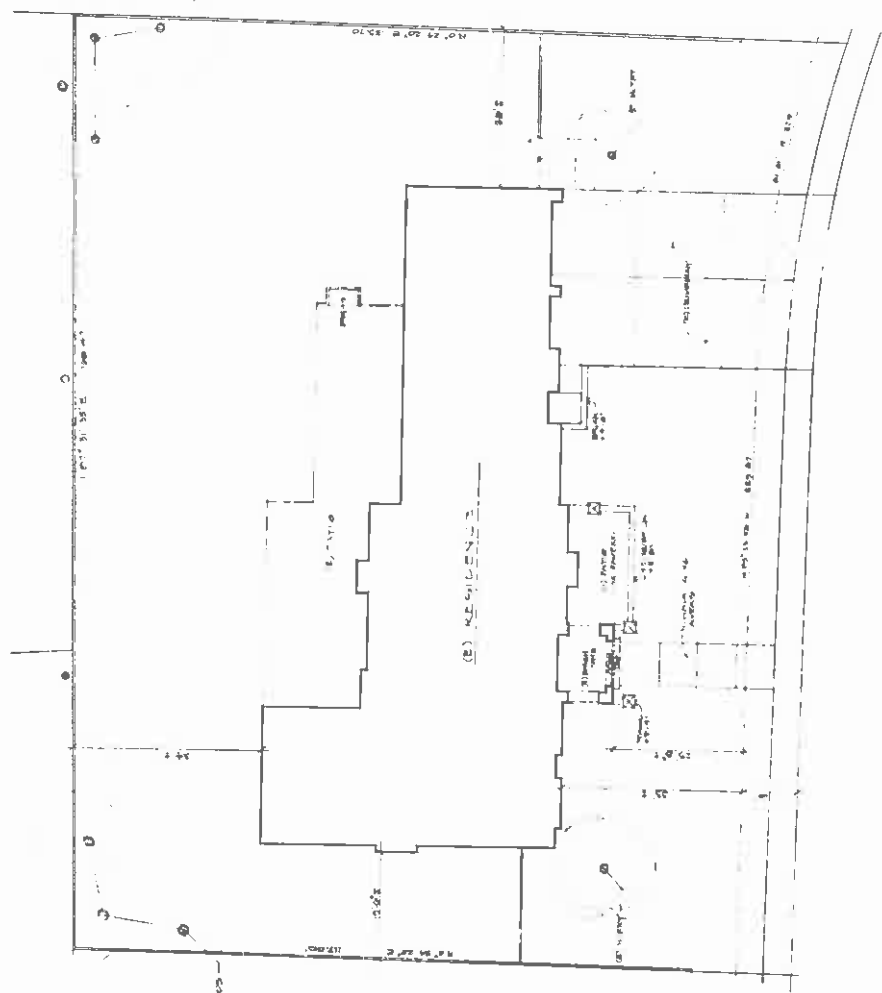
- A Location Map
- B Lombardo Residence Site Plan, Floor Plan, Roof Plan, Architectural Elevations, and Landscape Plan submitted by the applicant, date stamped June 6, 2008

SPR\2008\03-08.sr1



Location Map
71 El Portal Drive
APN 119-600-062

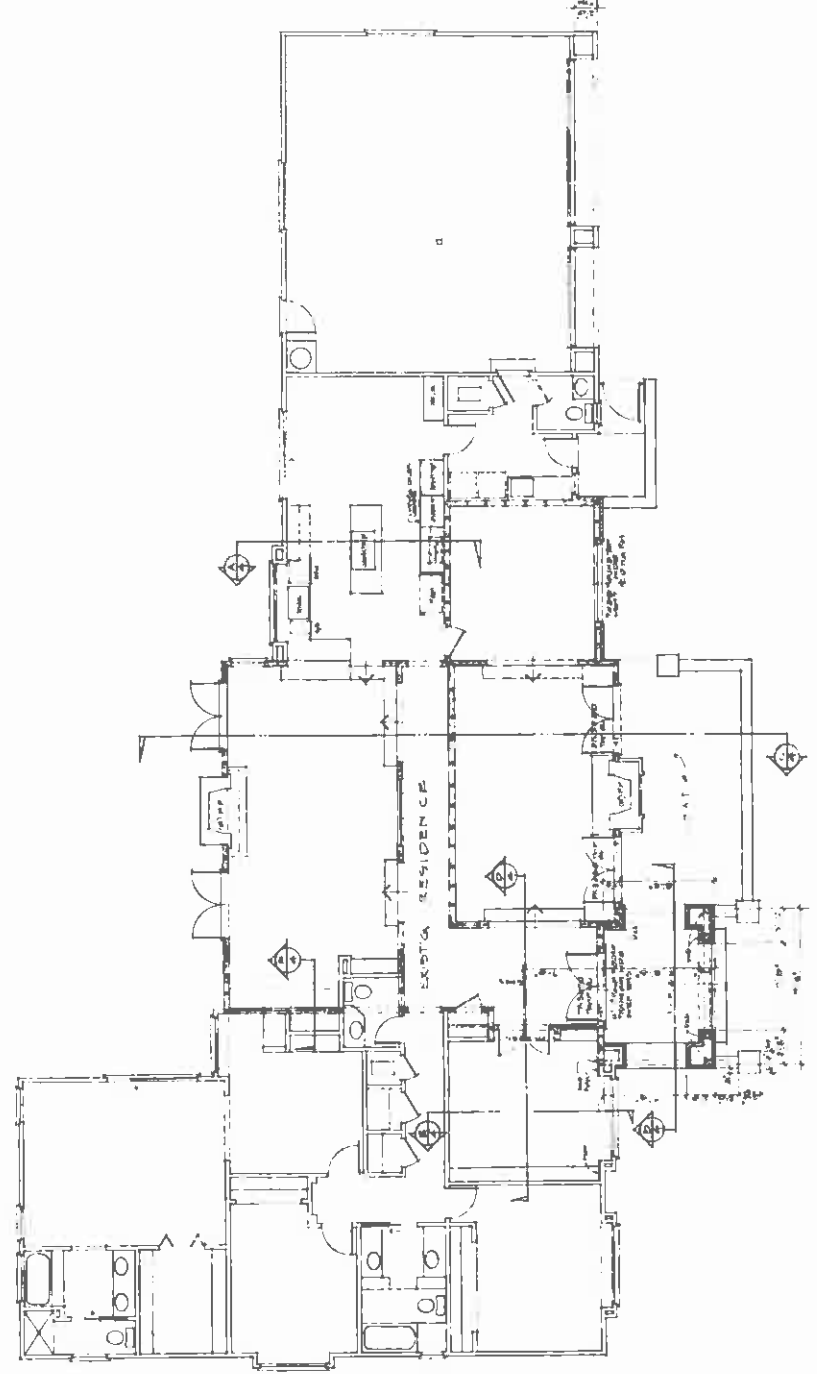
EXHIBIT A



EL PORTA L

SITE PLAN

EXHIBIT B
(8 PAGES)



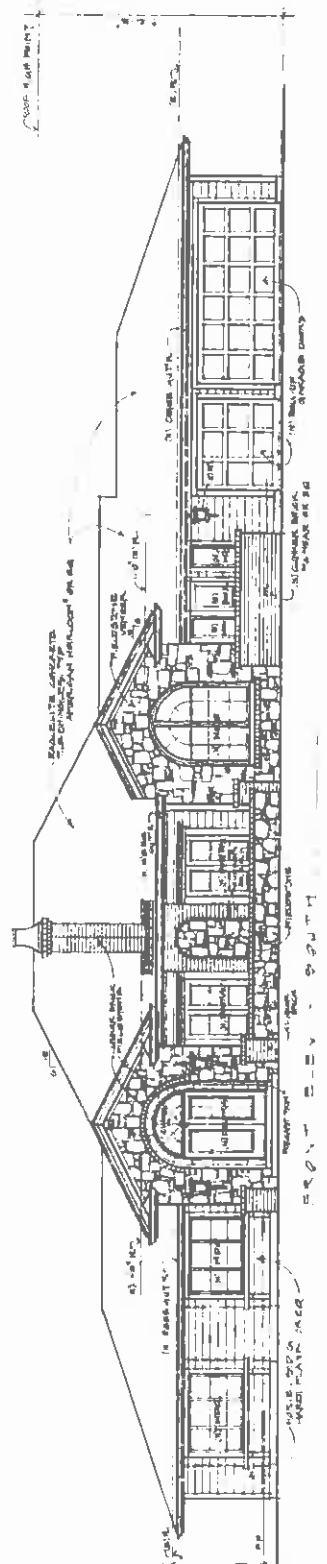
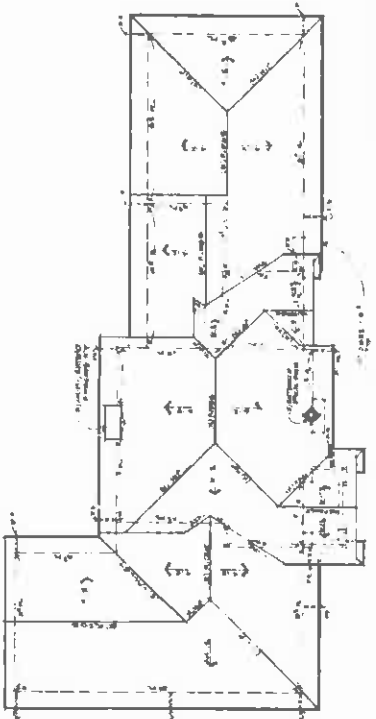
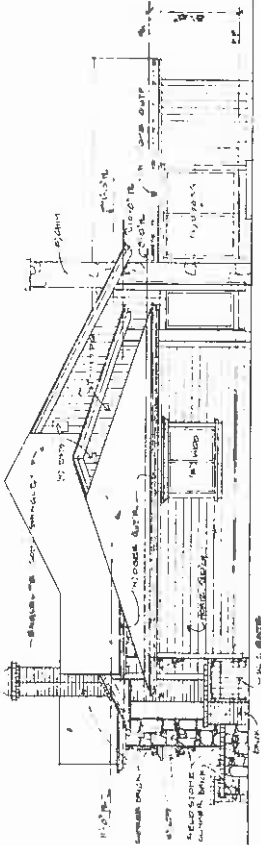
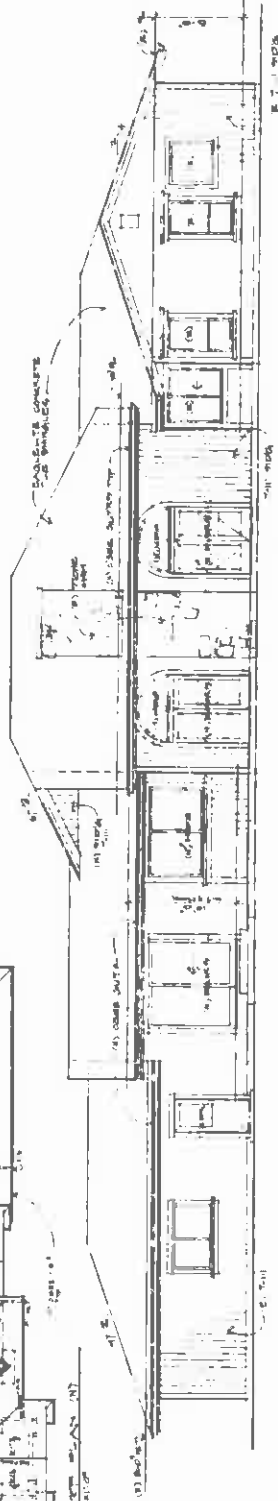
FLOOR PLAN

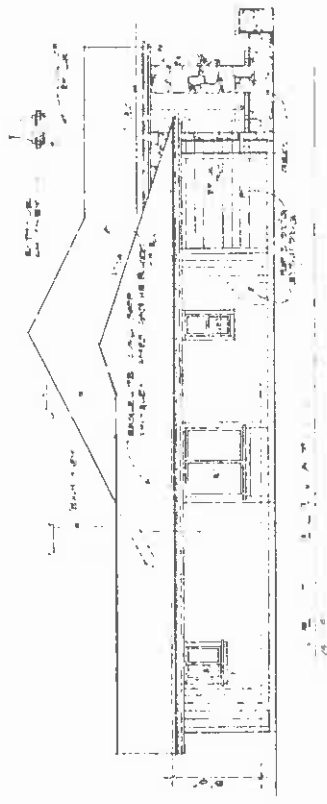
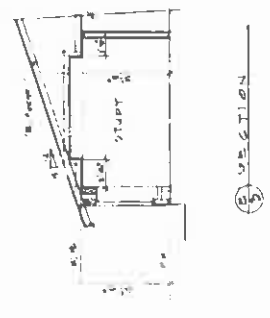
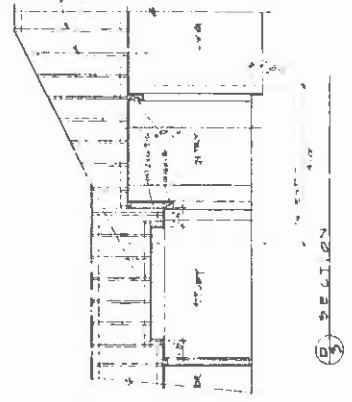
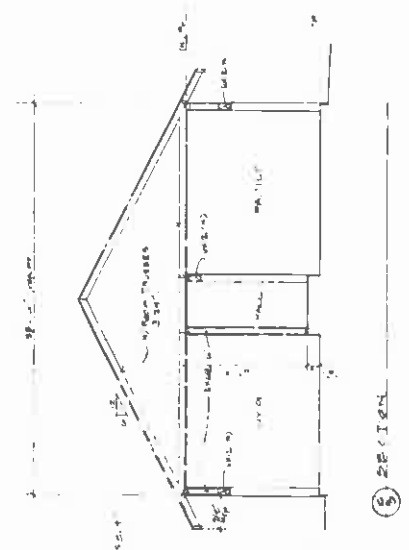
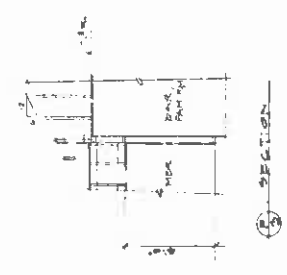
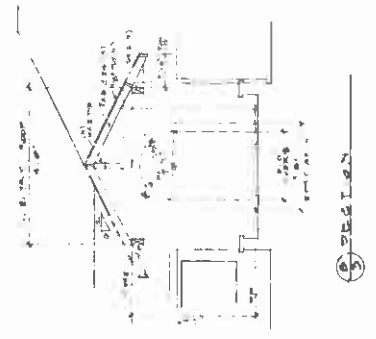
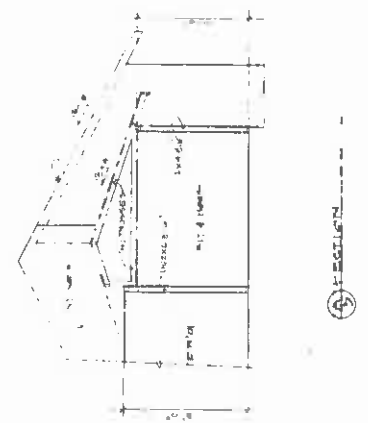
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 DATE: 10/1/80
 DRAWN BY: J. LOMBARDO

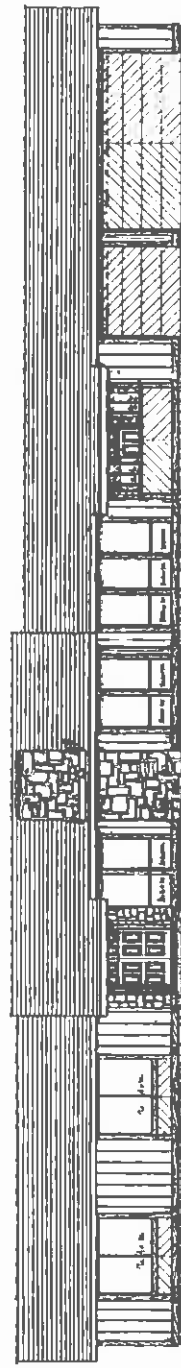
LOMBARDO RESIDENCE
71 EL PORTAL DRIVE
CLAYTON, CALIFORNIA

CORTAZA & ASSOCIATES
3225 Broadway, Suite 100
Oakland, California
94612-4400

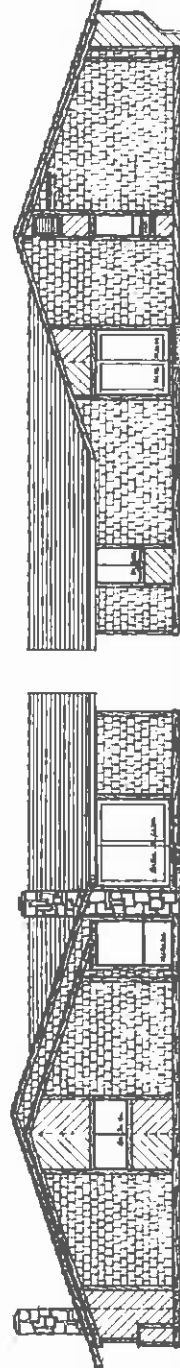
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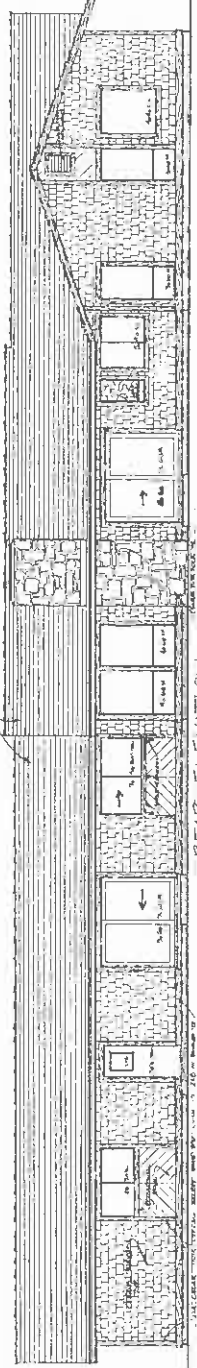


FRONT ELEVATION



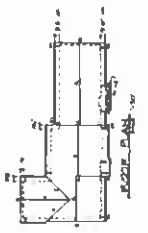
RIGHT SIDE ELEVATION

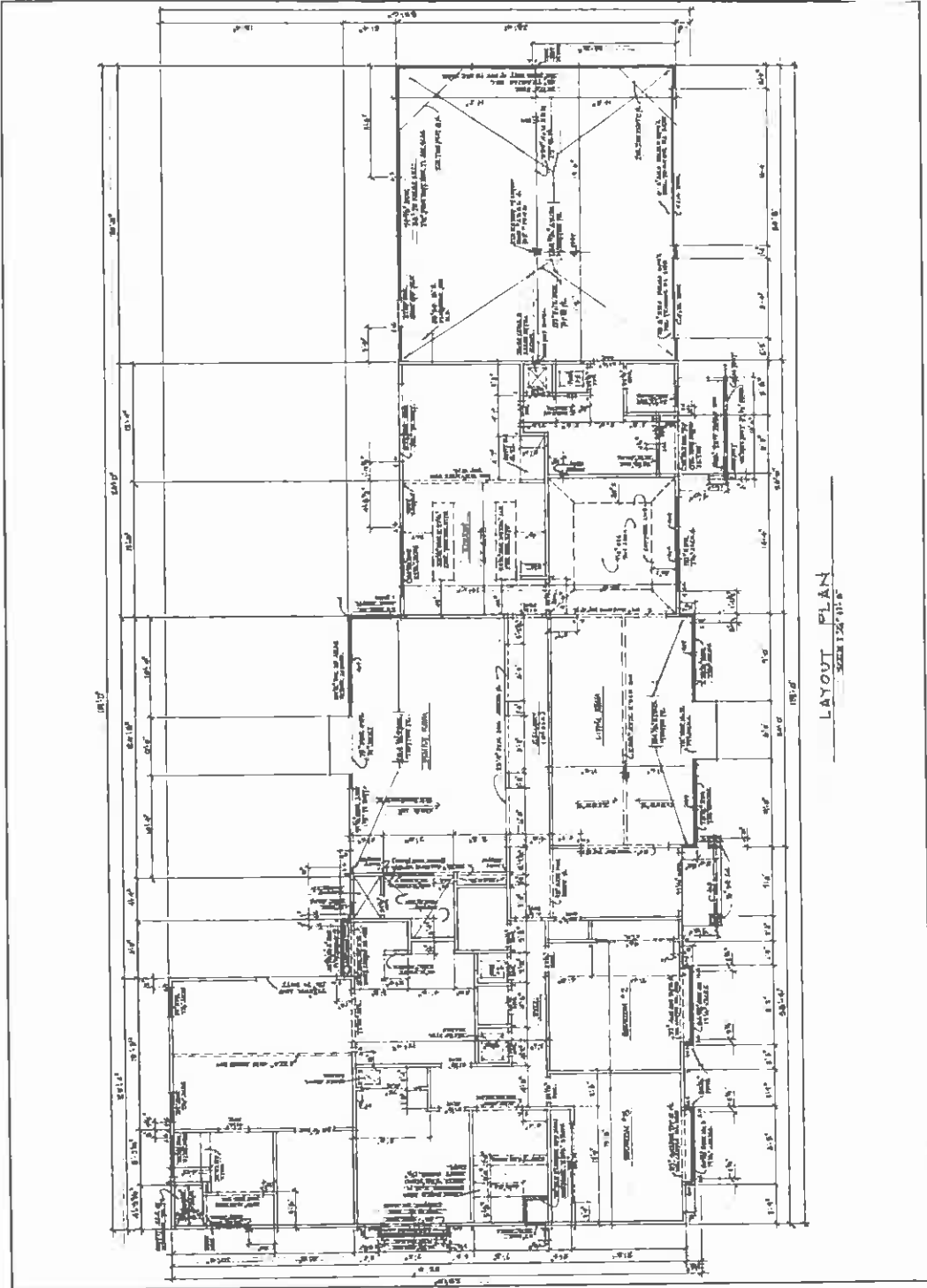
LEFT SIDE ELEVATION



REAR ELEVATION

NOTE
 1. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE
 2. ALL DOORS AND WINDOWS TO BE SET IN WALLS
 3. ALL WALLS TO BE SET IN WALLS





LAYOUT PLAN
SCALE 1/8" = 1'-0"



CIMBURY ELEVATIONS 4440' - 105'

PLANNING COMMISSION STAFF REPORT

Meeting Date: June 24, 2008

From: Milan J. Sikela, Jr. *MS*
Assistant Planner

Subject: AT&T
Use Permit (UP 01-08)

REQUEST

A Use Permit to allow the installation and operation of a wireless communications to be co-located with an existing wireless communications facility.

PROJECT INFORMATION

Applicant / Location: AT&T
68 Nottingham Circle
APN 120-025-003 (See **Exhibit A** for Location Map)

Property Owner: Michael and Kathleen O'Brien
68 Nottingham Circle
Clayton, CA 94517

General Plan Designation: Low Density - Single Family Residential (1.1 to 3.0 units per acre).

Zoning: Single-Family Residential R-10 District (10,000 square-foot minimum lot area).

Environmental Review: Categorically exempt per Sections 15303(d) and 15303(e) of the State CEQA Guidelines.

Public Notice: On June 13, 2008, a public hearing notice was posted on the site and at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: Comments from the City Engineer and City Stormwater Manager have been incorporated into the conditions of approval. The Contra Costa County Building Department and Contra Costa County Fire Protection District did not respond.

Authority: Section 17.42.050.A.3 of the *Zoning Ordinance* authorizes the Planning Commission to approve a Use Permit for a roof mounted antenna that is visible from a public right-of-way subject to the standards in Section 17.60.040 and the findings in Section 17.42.050.B.

ANALYSIS

AT&T is requesting approval of a Use Permit to install and operate wireless communications antennas and associated ground-mounted equipment, to be co-located with Metro PCS equipment that was already approved for installation by the Planning Commission. The project will be integrated with an existing 113-foot tall PG&E tower located on a single-family residential lot. The antenna array will be mounted on a prefabricated “cage” extension protruding from the top of the PG&E tower. At the base of the tower, an approximate 240 square-foot fenced-in pad will house the ground-mounted equipment. The site plan, equipment plan, and elevations are provided as **Exhibit B**. Photosimulations of the project are provided as **Exhibit C**. A written project description is provided as **Exhibit D**.

Antennas

The antennas will be attached to a prefabricated cage extension that will rise above the top of the existing tower. In order to ensure that the cage assembly and antenna array are a more integrated component of the tower, staff has provided a condition that the assembly and array utilize matching colors.

Ground-Mounted Equipment

The ground-mounted equipment will be located on an approximate 240 square-foot pad located within the footprint of the existing PG&E tower and 80-foot wide PG&E easement portion of the subject property at 68 Nottingham Place. Staff has provided a condition that the applicant submit to the City copies of the lease agreements between AT&T and PG&E and AT&T and the property owners of the subject property.

The applicant has submitted an acoustical study which is provided as **Exhibit E**. The study verifies that the equipment within the cabinet enclosure will not generate noise levels above 50 decibels if the cabinets are fitted with sound hoods, thereby complying with the 55-decibel maximum allowed by Policy 3c in the General Plan Noise Element. For noise attenuation purposes, staff has provided a condition that the equipment cabinets be fitted with sound hoods.

Additionally, the applicant has submitted a radio frequency analysis which is provided as **Exhibit F**. Based on the analysis, the project would comply with the Federal Communications Commission standards for limiting human exposure to radio frequency energy. No significant impact upon the general population is expected, given the location of the antennas being over 113 feet from the ground. Staff is recommending the following conditions in support of the findings of the report:

- “Any personnel anticipated to be working within 11 feet of the face of an antenna shall participate in a training program which prepares them for exposure to radio frequency fields. Maintenance personnel shall contact the appropriate carrier prior to working in front of an antenna.”

- “A standard blue AT&T Mobility radio frequency notice shall be posted at the base of the PG&E tower.”

A screen fence is proposed to enclose the equipment pad. The only components of the equipment that will protrude above the fence are the GPS antenna and the coax cable tray. The GPS antenna is proposed to rise two feet above the cabinets to a total height of eight feet from grade. The applicant has informed staff that it is necessary for the GPS antenna to protrude above the fenceline to provide quality signal strength for cell phone users. Furthermore, the coax cable tray is necessary to run the wiring from the ground-mounted equipment to the antenna array atop the PG&E tower. Although a service light is proposed to protrude above the screen fence, staff has provided a condition that the light be re-located so as to not be visually intrusive to nearby residences when in operation.

AT&T has indicated to staff a desire to encompass both the Metro PCS and AT&T equipment into one fenced-in enclosure. Staff notes that there is an aesthetic benefit in that the enclosure would incorporate a more unified appearance. In order to provide design continuity, staff has provided a condition that, prior to building permit issuance, the applicant obtain an Administrative Use Permit to allow for a seven-foot fence. This would provide visual integration with the seven-foot tall fence approved for the Metro PCS enclosure. Furthermore, the fence being a foot taller would also help to screen the service light as well as minimizing the visibility of the GPS antenna and coax cable tray. Staff has also provided conditions that the screen fence be maintained and repaired by the applicant as well as utilizing a design style that is identical the screen fence approved for Metro PCS. This design style would include overlapping panels to provide improved screening of the equipment.

Landscaping

In order to ensure that landscaping is located to provide maximum screening of the equipment enclosure and maintained in perpetuity (along with any installed irrigation), staff has provided the following conditions:

- “Prior to building permit issuance, a landscaping and irrigation plan shall be submitted to the City for review and approval by the Community Development Director, City Engineer, and Maintenance Supervisor. The landscape and irrigation plan shall include the planting of five (5) gallon shrubs and twenty-four (24) inch box trees.”
- “Prior to building permit issuance, the applicant shall enter into a landscape maintenance agreement with the City for any landscaping installed on the City’s trail easement. The landscape maintenance agreement shall be recorded with all recordation costs incurred by the applicant.”
- “The applicant shall obtain a special encroachment permit from the City Engineer for the installation and maintenance of landscaping and irrigation within the City’s trail easement.”

Use Permit Standards

Since the operation will not involve traffic generation; will not generate significant noise levels, dust, fumes, smells, or litter; and is not a place used by people (other than the repair technician) resulting in crime, congregations, and negative influences on minors, staff concludes that the applicable Use Permit standards of review listed in Section 17.60.040 of the Zoning Ordinance are met.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 01-08 to allow the installation and operation of a wireless communications facility to be co-located with an existing wireless communications facility at 68 Nottingham Circle.

Proposed Findings

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Limits the impacts upon the neighborhood by:
 - a. Incorporating an antenna array and prefabricated cage extension that is visually integrated with the existing PG&E tower because the array and cage extension match the design style and color of the PG&E tower.
 - b. Having ground-mounted equipment placed inside the footprint of the PG&E tower and visually screened by a seven-foot screen fence and landscaping.
2. Will have an antenna array constructed 112 feet above the ground and an enclosed equipment pad constructed within the footprint of the PG&E tower, which is less visually obtrusive than constructing the antenna array and equipment pad to the rear of the residence.
3. Has provided the necessary link with a receiver located on the same parcel of land on which the antennas are located.
4. Since the antenna array is installed atop the PG&E tower by PG&E tower climbers, the antennas have been installed on structural supports that meet or exceed the manufacture's specifications.
5. Consists of one antenna array per parcel.
6. Contains an antenna array that is installed atop an existing PG&E tower which is partially located within the City's trail easement and 15 feet from the side property line of the subject property.

Proposed Conditions of Approval

These conditions of approval apply to the AT&T Site Plan, Equipment Plan, and Elevations, submitted by the applicant, date stamped April 7, 2008.

1. The color of all visible materials extending above the equipment enclosure shall match the color of the existing PG&E tower, including:
 - a. Prefabricated cage extension;
 - b. Antenna array (including the panel face of the antennas);
 - c. Conduits; and
 - d. Any visible cables or wiring.
2. Prior to building permit issuance, the applicant shall submit to the City copies of the lease agreements with PG&E and the property owner of the subject property.
3. Sound hoods shall be installed on all cabinets within the equipment enclosure.
4. Any personnel working within 11 feet of the face of an antenna shall participate in a training program which prepares them for exposure to radio frequency fields. Maintenance personnel shall contact the appropriate carrier prior to working in front of an antenna.
5. A standard blue AT&T Mobility radio frequency notice shall be posted at the base of the PG&E tower
6. The service light shall be re-located so that it does not protrude above the screen fence.

7. The applicant shall obtain an Administrative Use Permit to allow the screen fence to be seven (7) feet in height.
8. The screen fence shall be maintained and repaired by the applicant (including removal of any graffiti). The screen fence shall match the screen fence approved for the Metro PCS enclosure and shall be constructed of:
 - a. Overlapping panels to eliminate any gaps that may allow the enclosed equipment to be visible; and
 - b. Wood cap board.A fencing plan shall be submitted for review and approval by the Community Development Department. The fencing plan shall be included on the construction plans submitted for building permit issuance.
9. Prior to building permit issuance, a landscaping and irrigation plan shall be submitted to the City for review and approval by the Community Development Director, City Engineer, and Maintenance Supervisor. The landscape plan shall include plantings with the following minimum plant sizes:
 - a. Five (5) gallon shrubs; and
 - b. Twenty-four (24) inch box trees.
10. Prior to building permit issuance, the applicant shall enter into a landscape maintenance agreement with the City for any landscaping installed on the City's trail easement. The landscape maintenance agreement shall be recorded at the applicant's cost.
11. The plans submitted for building permit issuance shall show the location of the access path to the AT&T enclosure being identical to the location approved for Metro PCS.
12. The plans submitted for building permit issuance shall show the location of the utility trenches being identical to the locations approved for Metro PCS.
13. All existing trees shall be protected during construction. The protected existing trees shall be shown on the landscape plan.
14. All structures and equipment associated with the wireless communications facility site shall be removed within thirty (30) days of the discontinuance of the use and the site shall be restored to its pre-development condition. In addition, the applicant shall provide the City with a notice of intent to vacate the site a minimum of thirty (30) days prior to vacation. This condition shall be recorded against the subject property.
15. Prior to building permit issuance, the applicant shall obtain the following from the City Engineer:
 - a. An encroachment permit (with a cash bond) for use of the City's trail easement for construction purposes.
 - b. A special encroachment permit for the installation and maintenance of landscaping and irrigation within the City's trail easement.
16. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

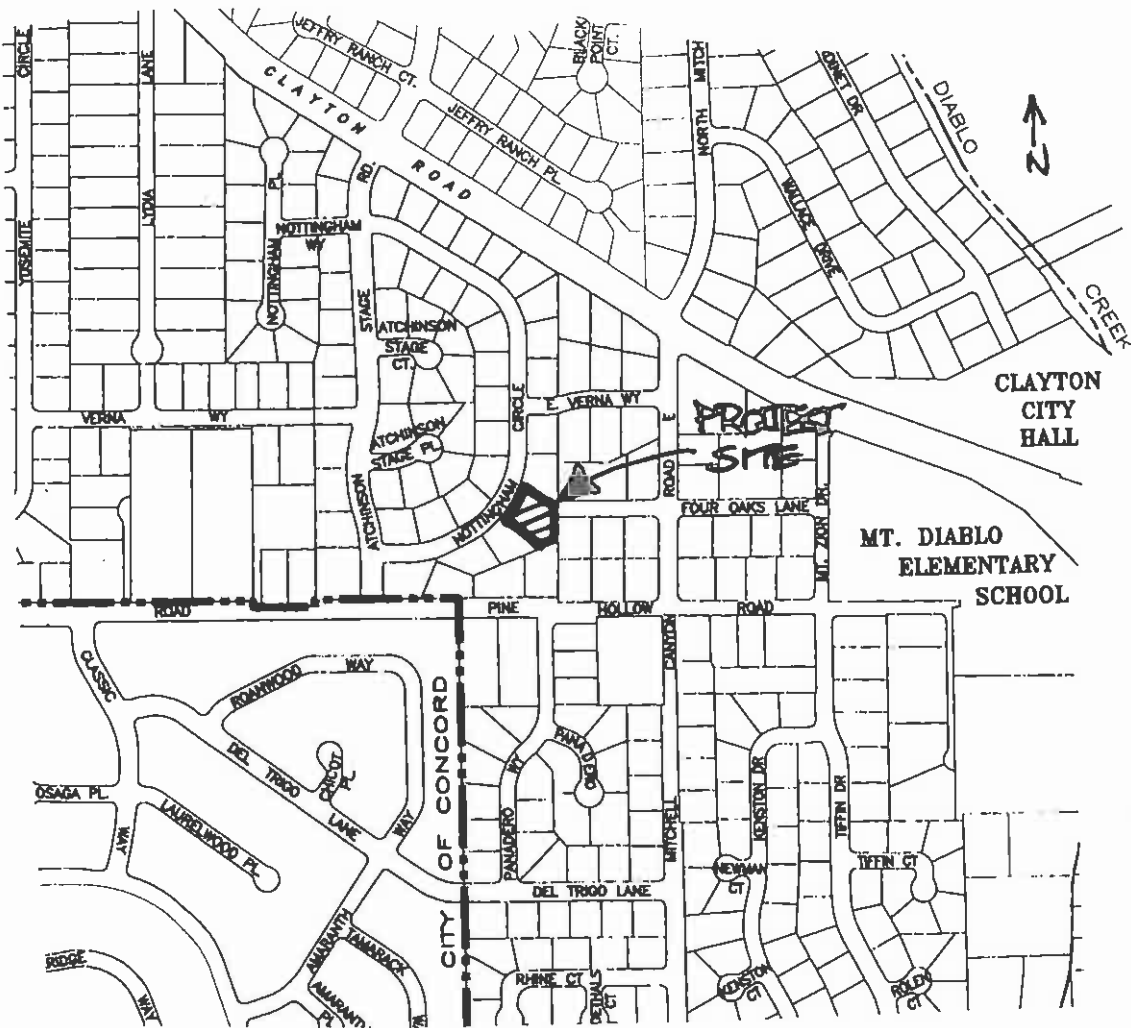
Advisory notes are provided to inform the applicant of: (a) *Clayton Municipal Code* requirements; or (b) requirements imposed by other agencies. The advisory notes are not part of the conditions of approval.

1. Comply with all applicable State, County, City, and wireless communications codes, regulations, and adopted standards.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

EXHIBITS

- A Location Map
- B AT&T Site Plan, Equipment Plan, and Elevations, submitted by the applicant, date stamped April 7, 2008
- C Photosimulations of project, provided by the applicant, date stamped August 16, 2007
- D Project Description, submitted by the applicant, date stamped August 16, 2007
- E Acoustical Study, prepared by Charles M. Salter Associates Inc., date stamped June 10, 2008
- F Radio Frequency Analysis, prepared by AT&T Mobility, date stamped May 20, 2008

UP 2008-01-08.sr1



Location Map
68 Nottingham Circle
APN 120-025-003

EXHIBIT A

columns are not to be scaled, neither drawings nor photographs, and all plans to be used for comparison should be drawn on a uniform scale. Only units of measure commonly used in the country of origin should be used. The use of metric units is preferred. All drawings and photographs should be labeled and arranged in order of illustrations, as follows:

[illegible]

THE FEDERAL CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONTINUING WORK SO LONG AS THE WORK IS NOT CLEARLY DETRIMENTAL TO THE CONTRACTOR'S OBLIGATIONS TO THE CONTRACTING AGENCY. THE CONTRACTOR SHALL MAINTAIN AND CARRY OUT THE CONTRACT AS IF THE CONTRACTING AGENCY WERE NOT IN DEFAULT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONTRACTING AGENCY AND PROJECT TO COMPLETE, SCHEDULES AND PRODUCTIONS AND FOR CONTINUING WORK UNDER THE CONTRACT.

THE CONTRACTOR SHALL INSTALL ALL TOLERANCE AND MATERIALS ACCORDING TO MANUFACTURER'S INSTRUCTIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES FROM THE LOCAL, STATE, FEDERAL, AND NATIONAL GOVERNMENTS, AGENCIES, AND AGENCIES. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FROM THE LOCAL, STATE, FEDERAL, AND NATIONAL GOVERNMENTS, AGENCIES, AND AGENCIES. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FROM THE LOCAL, STATE, FEDERAL, AND NATIONAL GOVERNMENTS, AGENCIES, AND AGENCIES.

[illegible]

THE ABOVE-NAMED COMPANIES OF THE UNITED STATES ARE NOT
 LISTED AS BEING COMPANIES OF THE UNITED STATES.

18. The CON-TRA has made no attempt to identify the individuals who have been involved in the various activities of the CON-TRA. The CON-TRA has made no attempt to identify the individuals who have been involved in the various activities of the CON-TRA.

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CLAYTON, CA

CLAYTON
CN4262

PROJECT SUMMARY

[illegible]

SHEET INDEX

1	TITLE SHEET
2-1	SITE SURVEY
3-1	SITE PLAN
4-2	ELEVATIONS

[illegible]

PROJECT DESCRIPTION

APR 7 1988
CLAYTON COMMUNITY
DEVELOPMENT DEPT.

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APR 7 2008

**CLAYTON COMMUNITY
DEVELOPMENT DEPT.**

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THE INFORMATION CONTAINED IN
THIS SET OF DRAWINGS IS PROPRIETARY
IN NATURE AND ANY USE OR
DISCLOSURE OTHER THAN THAT WHICH
RELATES TO THE SPECIFIC COMMERCIAL
PURPOSE FOR WHICH IT WAS
PREPARED IS PROHIBITED.



3851 NORTH FREEWAY BOULEVARD
SACRAMENTO, CALIFORNIA 95834

PROJ. 21 MFQ50JH 12.0000

CLAYTON
A NOTTINGHAM CIRCUIT

CLAYTON CA 94519

СІМ'ЯНИ ІЗ СІМ'ЯНИ

3-27-08

ZONING DOCS

1	3-27-08	FORM 600'S	REF
2	4-1-08	100% FORM 600'S	REF

Peek Site-Com

853 Lincoln Way, Suite 108
Auburn, California 95603
Phone (530) 885-6160

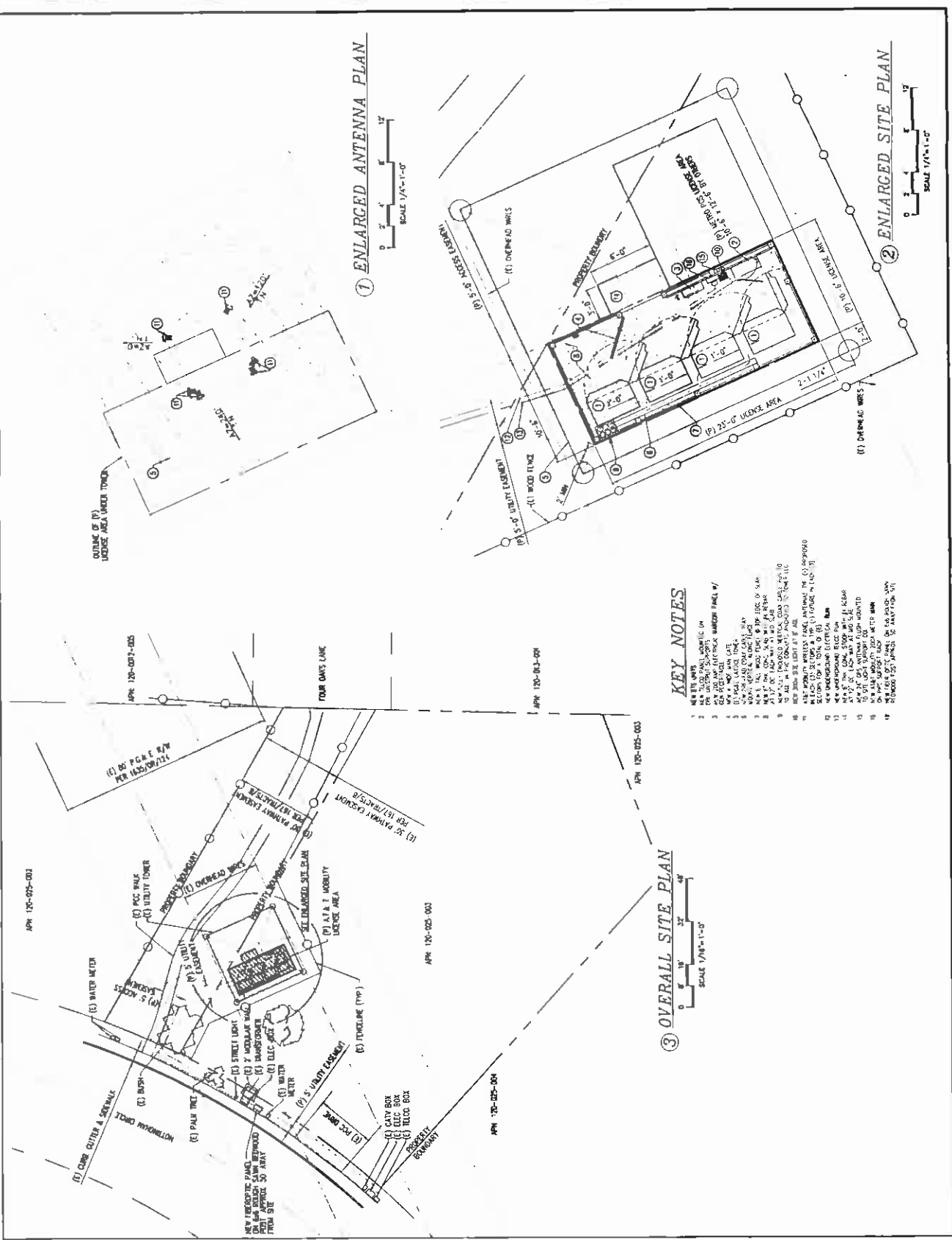


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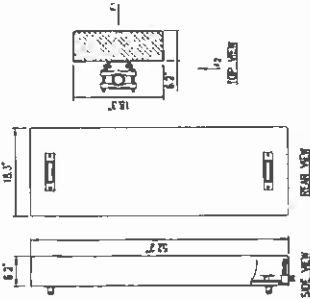
TITLE SHEET

Officer _____

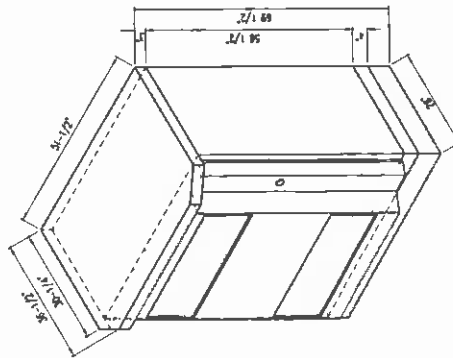


KEY NOTES

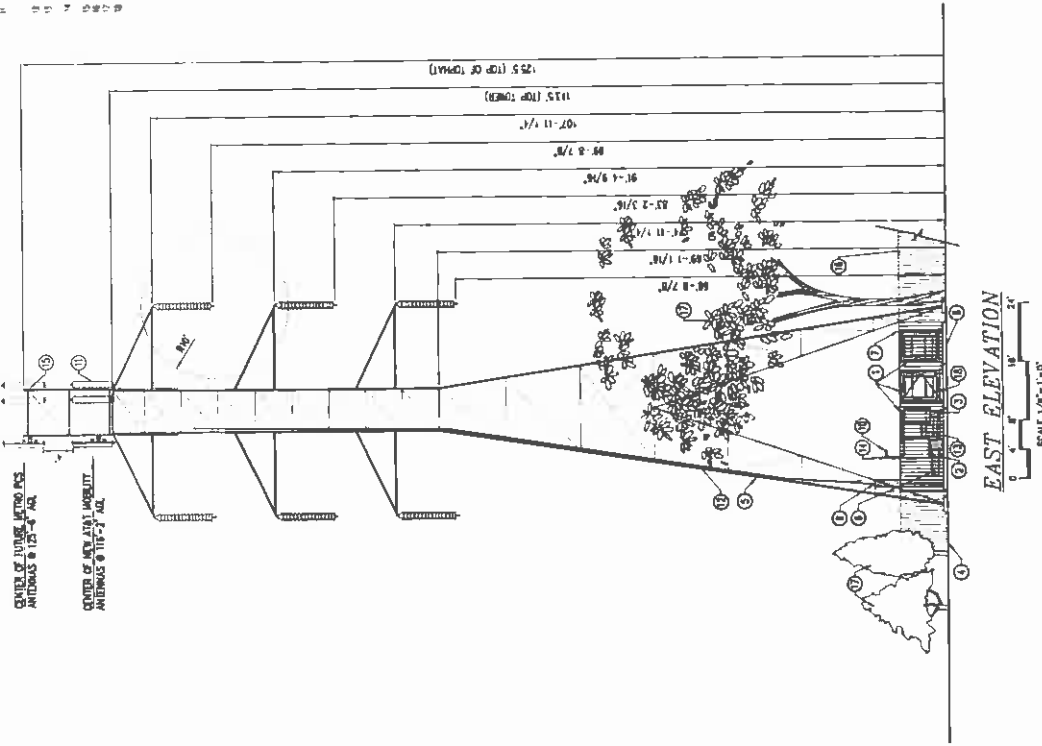
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TYP. ANTENNA DETAIL
SCALE N.T.S.



TYP. BTS CABINET
SCALE N.T.S.



EAST ELEVATION
SCALE 1/8" = 1'-0"

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS THE PROPERTY OF PEAK SITE-COM. NO PART OF THIS SET OF DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PEAK SITE-COM.

at&t

3851 NORTH FREEMAN BOULEVARD
SACRAMENTO, CALIFORNIA 95834

CLAYTON

88 NORTHMAN ROAD
CLAYTON, CA 94517

3-27-08

ZONING DOCS

REV. DATE DESCRIPTION

1	3-27-08	ZONING DOCS
2	4-2-08	NEW ZONING DOCS

Peek Site-Com

853 Lincoln Way, Suite 106
Sacramento, CA 95833
Phone (916) 885-6100
E-Mail info@peeksitecom.com

014762

014762

014762

ELEVATION

A-2 0

Existing



at&t

CN4262

Clayton

68 Nottingham Cir.
Clayton, CA 94517

Proposed



Existing



at&t

CN4262

Clayton

68 Nottingham Cir.
Clayton, CA 94517

Proposed

proposed AT&T antennas

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PROJECT DESCRIPTION

AT&T Wireless Proposed PCS Telecommunications Facility 68 Nottingham Circle Clayton, CA 94517

Proposed Use

AT&T Wireless is currently deploying the infrastructure of its wireless communications network in California. AT&T proposes to mount a total of six (6) panel antennas to an existing PG&E tower located at the above address. Each antenna will measure approximately 42" tall and 12" wide. The corresponding equipment cabinets will be located beneath the tower. We are proposing to install seven (5) equipment cabinets approximately 5' tall and 4' wide.

AT&T's facility is an unmanned facility, which will operate 24 hours per day, 7 days per week. The facility will require access by company representatives less than twice a month.

AT&T will utilize existing roads and parking to access the site. After the initial construction, no noise, odors, dust, glare, or additional traffic will be generated by this project. AT&T does not plan any future use for this site other than the use being proposed by this application.

Type of Technology

As previously mentioned, AT&T is currently deploying the infrastructure of its wireless communications network in California, called a "Personal Communication Service" (PCS). PCS is, in essence, simply another form of radio communication. PCS uses radio frequencies to send and receive information or conversations from an antenna to a wireless telephone. The PCS technology works through a series of transmitting facilities, which carry and hand off phone signals as a caller moves from one area to another. As the caller moves from one cell area (the area where there is a transmitter and an antenna) to the next, signals to and from the first cell area fade and then "hand" the call off to an available channel in the cell area where the caller is entering.

Consumer Services

The consumer service offered by AT&T's network is wireless voice communication. In addition, PCS phones can receive pages, e-mail, news and stock information.

EXHIBIT D (3 PAGES)
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CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Performance Agreement

AT&T is prepared to enter into an agreement with the City of Clayton to remove abandoned facilities, to maintain any required landscaping, and to perform periodic monitoring of radio frequency (RF) emissions. AT&T is also prepared to defend, indemnify, and hold harmless the City of Clayton from any claims, actions, or proceedings from connection with the project.

Location Standards

The proposed facility at 68 Nottingham Circle is located in a Residential zone. This facility was designed to have a minimal visual impact and will not be significantly visible from any vantage point within the City of Clayton. The site is not near schools, daycare facilities, open spaces, or ridgelines. The nearest residential property is approximately 50' away from the proposed site.

Co-Location and Shared Location Standards

The proposed facility location will be a shared location with Metro PCS. AT&T has a non-exclusive lease with the property owner. The design allows for the consolidation of future facilities (none are planned at this time).

Radio Frequency Report

This project complies with the Federal Communication Commission (FCC) standards. FCC guidelines are based on standards and recommendations developed by expert committees of physicians, scientists and engineers, most of whom are researchers from leading universities and government research laboratories.

These guidelines were extensively reviewed and endorsed by the major government agencies responsible for public health and the environment – the U.S. Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health. The standards and guidelines, which are based on careful scientific review and interpretation, prescribe specific exposure levels that are extremely protective.

The radio frequency emissions transmit non-ionizing radio waves. Non-ionizing electromagnetic emissions, at the low levels associated with this type of wireless technology **have not been** proven to be harmful to the public. Police/Fire/EMS radios, television broadcasts, CB radios, microwave ovens, and a variety of common household electronics including garage door openers and baby monitors all produce non-ionizing electromagnetic emissions.

Road and Accessway Standards

AT&T will utilize existing roads and parking to access the site. No new access roads or parking spaces are required for the facility.

Vegetation and Landscaping Standards

AT&T is not proposing the removal of vegetation as part of this project.

Noise and Traffic Standards

AT&T's equipment operates quietly or virtually noise free. After construction, AT&T's maintenance personnel will access the site less than twice a month.

Visual Compatibility and Facility Design Standards

The facility will not be visible from the roadway or surrounding residential neighborhoods. The design will be completely integrated into the existing structure and will be screened from public view including the pedestrian line-of-sight and the street.

The proposed facility does not interfere with residential views, vistas or public view corridors. The proposed facility does not display any advertising signage or identifying logos.

Charles M Sailer Associates Inc

9 June 2008

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JUN 10 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Charles M Sailer
1023 Eagle Avenue
Alameda, CA 94501
Tel: 415.762.1452
Fax: 415.762.1452
Email: csailer@csa-inc.com

Shannon McDougall

Cortel LLC

1023 Eagle Avenue

Alameda, CA 94501

E-mail: shannon.mcdougall@cortel-llc.com

Subject: 68 Nottingham Circle, Clayton, CA (CN4262) -- Acoustical Consulting
CSA Project No. 08-0273

Dear Shannon:

This letter summarizes the results of our acoustical analysis for the proposed wireless communications equipment to be located at the subject site. We understand that up to five new radio base station (RBS) cabinets for AT&T will be installed along the northern property line of 68 Nottingham Circle below a utility tower in a residential area of Clayton. Metro PCS will also have some pieces of equipment located at this same location. In summary, the new equipment for AT&T would generate clearly audible noise levels at neighboring residences, especially on hotter days, but at levels that would not exceed the City's noise requirements. Since the existing ambient noise environment was measured to be several decibels quieter than the City's requirements, we further suggest that the equipment not exceed these quieter levels.

Acoustical Criteria

The City of Clayton's noise criteria for this project is included in the Noise Element (Section VIII, dated March 2000) of their General Plan. The Noise Element has a specific noise standard under Objective 3 "to provide control of fixed point sources." From the associated Policies, a DNL¹ of no more than 55 dB is required at the property line.

The Noise Ordinance (Chapter 9.30) of the Clayton Municipal Code does not contain any specific noise levels in their standards.

The California Environmental Quality Act (CEQA) guidelines include a checklist of items, some of which related to noise and vibration. One item asks if the project will exceed any established noise standards or substantially increase existing ambient noise levels. To address the future increase in noise levels from this project, a change of 3 dB or less is considered just noticeable and not expected to cause significant community response. A change of 4 to 5 dB is marginal, but could be considered an impact if the resultant noise level exceeds "normally acceptable" levels. A change of more than 5 dB would be clearly

¹ **Day-Night Average Sound Level (DNL)**--A descriptor established by the U.S. Environmental Protection Agency to describe the average day-night level with a penalty applied to noise occurring during the nighttime hours (10 pm - 7 am) to account for the increased sensitivity of people during sleeping hours.

EXHIBIT E (3 PAGES)

noticeable and considered a significant impact, especially since it could potentially cause adverse community response.

Noise Measurements

On 4 to 5 June 2008, we conducted a 24-hour noise measurement at the project site to document the existing noise environment. At a distance of 63 feet southeast of the Nottingham Circle roadway centerline and at the northern property line of 68 Nottingham Circle, we measured DNL 50 dB. The primary sources of noise at this measurement location were yard maintenance equipment and Nottingham Circle traffic activity. Other sources of noise included occasional trucks along Clayton Road and general aircraft flyovers. Since the existing DNL was measured to be 5 dB less than the City's noise criteria of DNL 55 dB, we suggest that DNL 50 dB be used as the design goal for this subject installation.

Noise Analysis

The proposed RBS cabinets are manufactured by Ericsson. Two of the first three cabinets to be installed are model RBS 2106, and each generate up to 62 dB at 1 meter (3.25 feet) depending on directivity and the ambient temperature. According to manufacturer data, RBS cabinets fitted with sound hoods would generate about 8 dB less noise. The other cabinet model is RBS 3106, which is estimated, based on recent measurements, to generate approximately up to 66 dB at 1 meter. In the future, there could be a total of five cabinets at the site.

The nearest neighboring receivers to this new equipment are single-family homes at 62 and 68 Nottingham Circle. We understand that part of the existing utility tower is on property leased from 68 Nottingham Circle. The new equipment would be located approximately six feet north of the 68 Nottingham Circle northern property line, and 37 feet south of the 62 Nottingham Circle southern property line. Taking into account a "worst-case" hot weather day, the distance set-backs, and some acoustical shielding provided by the six-foot-tall new wood fence, we calculated that five RBS cabinets would generate up to DNL 43 dB and 50 dB at the neighboring properties of 62 and 68 Nottingham Circle, respectively. These calculated noise levels include the 8 dB of attenuation that would be provided by the manufacturer's sound hoods, and would meet our suggested goal of DNL 50 dB.

Though the suggested goal will be achieved, we expect that the new noise sources will be clearly audible at the properties of the residential neighbors. The overall increase in the existing DNL's were calculated to be no more than 1 dB and 3 dB at 62 and 68 Nottingham Circle, respectively. A 1 dB increase is generally not a noticeable increase, while 3 dB is considered just noticeable. Additionally, since the resultant DNL's would still be less than the City's standard of 55 dB, no additional noise mitigation besides the sound hoods would be recommended.

*

*

*

Shannon McDougall

9 June 2008

Page 3

This concludes our analysis for the subject project. Please call with any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Michael D. Toy', with a long horizontal flourish extending to the right.

Michael D. Toy, P.E.
Principal Consultant

MDT/dg

P: 08-0273_9June08_MDT_68 Nottingham Circle, Clayton, CA (CN4262) – Acoustical Consulting



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MAY 20 2008

**CLAYTON COMMUNITY
DEVELOPMENT DEPT.**

Radio Frequency Analysis
AT&T Mobility
Site# CN4262
"Clayton"
68 Nottingham Circle,
Clayton, CA
By: Evan Wappel
Date 5/20/2008



Report Summary

Based upon information provided by AT&T Mobility and the design engineer, and using the calculated method for determining RF field strength, it is the engineer's opinion that the proposed AT&T Mobility site to be located at 68 Nottingham Circle, Clayton, CA will comply with the FCC's current prevailing standard for limiting human exposure to RF energy.

Due to the mounting method utilized, the general public would not normally be able to approach the antennas. Therefore, no significant impact on the general population is expected. The calculated electromagnetic field strength level in publicly accessible areas is less than the existing standard allows for exposure of unlimited duration. Additionally, due to the mounting method used, no significant impact on the environment is expected.

For personnel who work within 11' of the face of an antenna, a training program in exposure to RF fields is recommended. Maintenance personnel should be instructed to contact the appropriate Carrier prior to working in front of an antenna.

Recommended Signage

A standard blue AT&T Mobility RF "Notice" sign should be posted at the base of the tower.

Background

Evan Wappel is the Market RF Safety Coordinator for AT&T Mobility and is responsible for conducting a Radio Frequency (RF) electromagnetic analysis for the AT&T Mobility site to be located at 68 Nottingham Circle, Clayton, CA. This analysis consists of a review of the proposed site conditions, calculation of the estimated RF field strength of the antennas, and the provision of a comparison of the estimated field strength with the Federal Communication Commission (FCC) recommended guidelines for human exposure to RF electromagnetic fields.



Site Description

Based upon the information provided by AT&T Mobility, 12 AT&T Mobility panel antennas are mounted in on a lattice tower. The antennas will be mounted approximately 114' (to bottom of antennas) above roof level. The antennas will be oriented such that the main lobes are oriented toward the horizon. Normal public access to the front of the antennas is not expected due to the mounting location and method utilized. Occupational access to the front of the antennas is not normally expected.

RF Field Strength Calculation Methodology

A generally accepted method is used to calculate the expected RF field strength. The method uses the FCC's recommended equation¹ which predicts field strength on a worst case basis by

$$\text{Equation 1} \quad S = \frac{(2)^2 PG}{4\pi R^2} = \frac{PG}{\pi R^2} = \frac{EIRP}{\pi R^2}$$

doubling the predicted field strength. The following equation is used to predict maximum RF field strength:

Where:

S = power density

P = power input to the antenna

G = power gain of the antenna in the direction of interest relative to an isotropic radiator

R = distance to the center of radiation of the antenna

¹ Reference Federal Communication Commission Office of Engineering Technology Bulletin 65



The ground level effect of the AT&T Mobility emissions was calculated using a maximum downtilt of 2° and a maximum ERP of 124 watts. Results were calculated for a height of 6' above ground level. Using these factors, the maximum calculated AT&T Mobility fields at ground level are 0.008% of the existing standard for general population uncontrolled exposure.

See Table 1 for the FCC's guidelines on Maximum Permissible Exposure (MPE). Note that the RF ranges referenced for this analysis are the ranges of 300 – 1500 Mhz, and 1500 – 100,000 Mhz shown in Table 1, which is included in Appendix A.

Exposure Environments

The FCC guidelines incorporate two separate tiers of exposure limits that are dependent on the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. The decision as to which tier applies in a given situation should be based on the application of the following definitions.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.



For purposes of applying these definitions, awareness of the potential for RF exposure in a workplace or similar environment can be provided through specific training as part of a RF safety program. Warning signs and labels can also be used to establish such awareness as long as they provide information, in a prominent manner, on risk of potential exposure and instructions on methods to minimize such exposure risk. For example, a sign warning of RF exposure risk and indicating that individuals should not remain in the area for more than a certain period of time could be acceptable.

Another important point to remember concerning the FCC's exposure guidelines is that they constitute **exposure** limits (not **emission** limits), and they are relevant only to locations that are **accessible** to workers or members of the public. Such access can be restricted or controlled by appropriate means such as the use of fences, warning signs, etc., as noted above. For the case of occupational/controlled exposure, procedures can be instituted for working in the vicinity of RF sources that will prevent exposures in excess of the guidelines. An example of such procedures would be restricting the time an individual could be near an RF source or requiring that work on or near such sources be performed while the transmitter is turned off or while power is appropriately reduced.

Qualifications of Reporting Engineer

Mr. Wappel has been involved in the analysis of RF emissions since 1999. He has designed numerous RF systems including both site design and RF system design. He is an Electrical Engineer, and all contents of this report are true and correct to the best of his knowledge.

Signed:  Date: 5/20/2008
Evan Wappel, BSc.



APPENDIX A

Term Definitions

Exposure Exposure occurs whenever and wherever a person is subjected to electric, magnetic or electromagnetic fields other than those originating from physiological processes in the body and other natural phenomena.

Exposure, partial-body. Partial-body exposure results when RF fields are substantially nonuniform over the body. Fields that are nonuniform over volumes comparable to the human body may occur due to highly directional sources, standing-waves, re-radiating sources or in the near field.

General population/uncontrolled exposure. For FCC purposes, applies to human exposure to RF fields when the general public is exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

Maximum permissible exposure (MPE). The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with an acceptable safety factor.

Occupational/controlled exposure. For FCC purposes, applies to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see definition above), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.



Table 1
LIMITS FOR MAXIMUM PERMISSIBLE EXPOSURE (MPE)

(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

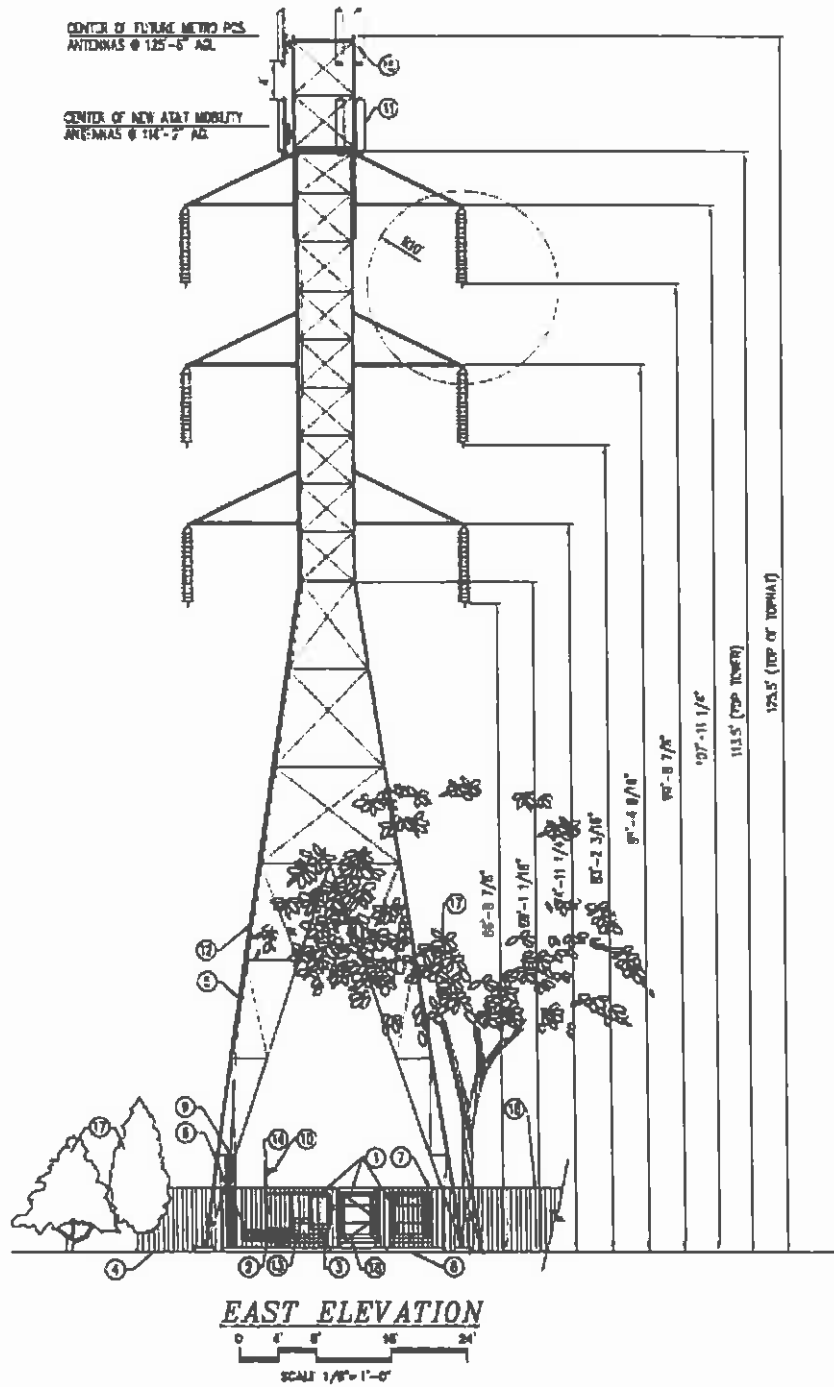
*Plane-wave equivalent power density

NOTE 1: **Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

NOTE 2: **General population/uncontrolled** exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or can not exercise control over their exposure.



Drawing of site layout:



PLANNING COMMISSION STAFF REPORT

Meeting Date: June 24, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Village Market
Use Permit (UP 02-08)

REQUEST

A Use Permit to allow two outdoor propane tank storage cages at the front of Village Market. Each storage cage measures approximately 4 feet tall, 3 feet 8 inches wide, and 2 feet 4 inches deep. The applicant is Sukhdev Sandhu. The project is located at 6104 Main Street (APN 119-015-004). (Please note: The outdoor propane tank storage cages have been installed without benefit of permit approval.)

PROJECT INFORMATION

Applicant / Location: Sukhev Sandhu
6104 Main Street
Clayton, CA 94517
APN 119-015-004 (See **Exhibit A** for Vicinity Map)

General Plan Designation: Town Center Commercial.

**Town Center Specific
Plan Designation:** Town Center Commercial.

Zoning: Limited Commercial (L-C) District

Environmental Review: Categorically exempt per Sections 15311 of the State CEQA Guidelines.

Public Notice: On June 11, 2008, a public hearing notice was posted on the site and at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: The City Engineer and City Stormwater Manager had no comments. The Contra Costa County Building Department and Contra Costa County Fire Protection District did not respond.

Authority: Section 17.60.030.C.16 of the Municipal Code authorizes the Planning Commission to approve a Use Permit for outdoor storage of products and materials subject to the standards in Section 17.60.040 and the required findings in Section 17.60.060. Alternatively, if the required findings in Section 17.60.060 are not met, the Planning Commission can deny the application.

BACKGROUND

On October 12, 2005, the property owner received approval of a Site Plan Review Permit to remodel and construct an addition to the Village Market which had been damaged in a fire. In February 2008, it came to staff's attention that the applicant had installed two outdoor propane tank storage cages on the Main Street frontage of the Village Market. Staff subsequently advised the property owner that approval of a Use Permit would be required for outdoor placement of the cages, per Section 17.60.030.C.16 of the Municipal Code. The property owner submitted application materials on June 5, 2008.

ANALYSIS

The property owner of Village Market has requested a Use Permit to allow two outdoor propane tank storage cages to be located in front of the Village Market. The storage cages contain 14 propane tanks each, are constructed of metal with a white finish, and measure approximately 4 feet tall, 3 feet 8 inches wide, and 2 feet 4 inches deep. The applicant has submitted a written statement describing the project (provided as **Exhibit B**) and photographs of the storage cages (provided as **Exhibit C**).

Staff conducted research to determine what the City's actions have been regarding outdoor storage and display issues for existing projects elsewhere in Clayton. Condition 20 for the Clayton Station Development Plan (established in 1987) provides the following direction:

“Unenclosed uses, outside storage, and any activities with negative sensory impacts (such as noise, odors, unsightly conditions, etc.) shall be prohibited.”

Based on this condition, there is a limitation on outdoor storage within Clayton Station. However, it seems that the wording in the condition makes some allowance for this use within Clayton Station.

Alternatively, Conditions 9 and 10 for the Longs Drugs Site Plan Review Permit (established in December 2005) provide the following direction:

- “9. Display of outdoor sales items shall be restricted to the two “Outdoor Sales Areas” indicated on the Site Plan. The outdoor sales items shall be limited to the following goods: live plants and holiday and seasonal merchandise (e.g., pumpkins, flags, Easter baskets, Christmas trees, large yard art, etc.).”
- “10. Outdoor vending machines (except newspaper vending machines) are prohibited.”

It appears that recent City actions related to outdoor storage (especially in the Town Center) have become increasingly more restricted. Furthermore, staff notes that the following guidelines in Section 4.4.8 of the Urban Design Chapter of the Town Center Specific Plan provide further direction:

“Carefully locate and design building equipment and services to minimize their visual impact on public streets and neighboring properties.”

“...outdoor storage areas should be screened from view from public streets, pedestrian areas, and neighboring properties.”

These Town Center Specific Plan provisions provide more detailed guidance and emphasize the importance of fostering a pedestrian-friendly ambiance that emphasizes quality site design, visual integration between principal structures and ancillary structures, and minimization of detrimental appearances.

From staff’s perspective, the propane storage tanks are similar in use to a vending machine in that items can be obtained from within the dispensary structure for public use. Therefore, the location of the storage cages in front of Village Market would appear to conflict with the intent of the Town Center Specific Plan guidelines as well as more recent (Longs Drugs) actions of the City’s decision-making bodies.

Staff also has concerns that the location of the storage cages in close proximity to vehicular access areas (e.g., parking lot) may be a public safety issue. Although wheel stops are located between the storage cages and the parking stalls, vehicles are nevertheless capable of traveling over the wheel stops and colliding with the storage cages. Since the storage cages contain highly pressurized propane tanks, any collision caused by a vehicle would constitute a potential health and safety hazard. The installation of bollards would reduce potential hazards by better protecting the storage cages from vehicular impacts. However, the bollards would add more visual clutter around the storage cages, further detracting from the ambiance and quality design envisioned for Clayton’s Town Center.

Conclusion

Based on recent City actions, Town Center Specific Plan guidelines, and project-related hazards, staff suggests that the Planning Commission deny Use Permit UP 02-08. However, if the Planning Commission is inclined to allow this use at the proposed location, staff recommends that one of the storage cages be removed and one bollard be installed. Removal of one of the storage cages would reduce the visual clutter impact to public areas. Installation of one bollard would address vehicular collision hazards. Proposed findings and conditions for both approval and denial are provided below.

Proposed Finding for Denial

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds that the project does not meet the required Use Permit finding that “the use shall be in conformity with...any applicable Specific Plan” as listed in Section 17.60.060.A of the Municipal Code in that the storage cages do not conform with the provisions listed in Section 4.4.8 of the Urban Design Chapter of the Town Center Specific Plan.

Proposed Findings for Approval

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Imposes no significant negative impacts upon the health or general welfare of residents or employees of the City.
5. Incorporates a permit that will be in accord with the purpose of Use Permits as stated herein.
6. Is not negatively influential to minors.
7. Will not present any impacts upon the Town Center with regards to increased crime, loitering, or large concentrations of people.

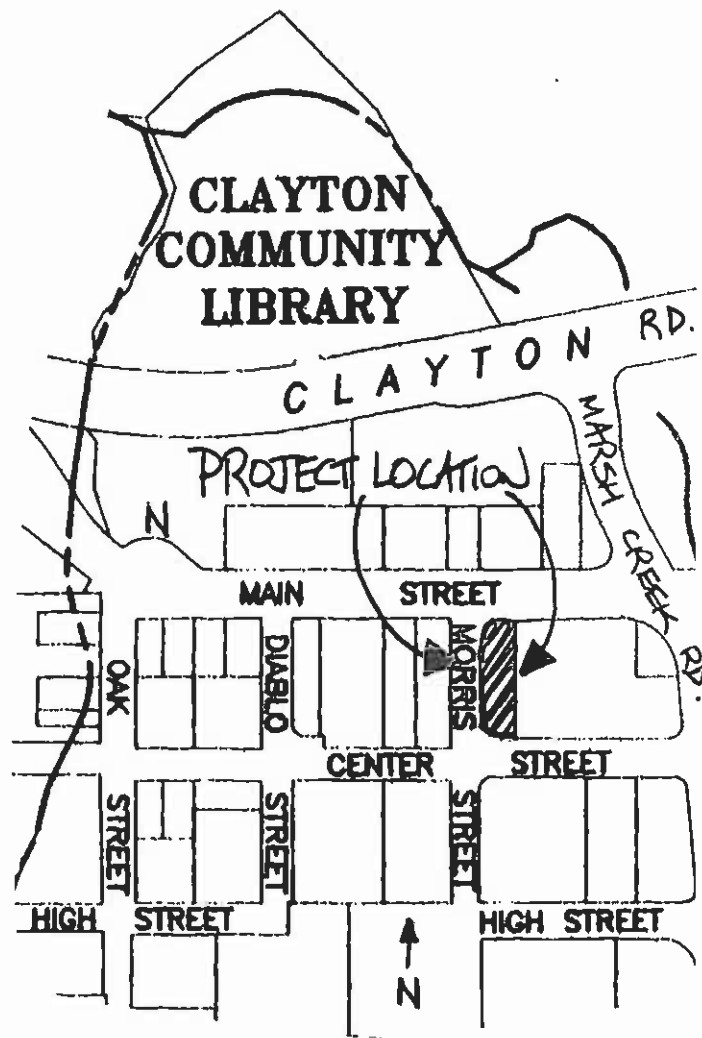
Proposed Conditions of Approval

1. One of the outdoor propane tank storage cages shall be removed. No more than one (1) outdoor propane tank storage cage shall be allowed on the subject property, to the satisfaction of the Community Development Director.
2. One bollard shall be installed to protect the outdoor propane tank storage cage from a collision caused by a vehicle traveling over the wheel stops, to the satisfaction of the Community Development Director. The location of the bollard shall not interfere with access to the outdoor propane tank storage cage.

EXHIBITS

- A Location Map
- B Use Permit Statement for Propane Tank Storage, submitted by the property owner, date stamped June 5, 2008
- C Photographs of the outdoor propane tank storage cages, submitted by the property owner, date stamped June 5, 2008

UP\2008\02-08.sr1



Location Map
6104 Main Street
APN 119-015-004

EXHIBIT A

VILLAGE MARKET

6104 Main Street
Clayton, CA 94517
Phone (925) 672-0188
Fax (925) 672-0195
Sarhal@sbglobal.net

June 5, 2008

USE PERMIT STATEMENT FOR PROPANE TANK STORAGE

We would like to request a use permit for the placement of propane tank storage cages at the front of the Main Street entrance of the Village Market located at 6104 Main Street. We have already placed the storage cages in the parking lot and are secured to the ground with four ground bolts. The cages are metal construed and are locked at all times. The dimensions of the cage is, 4 feet tall, 3 feet 8 inches wide and 2 feet 4 inches deep. There are two separate cages with identical dimensions. There is a gap between the two cages of 13 ½ inches. I have included four pictures indicating the placement of the cages.

If you have any questions please feel free to contact me.

Thanks a Lot

Sukhdev Singh Sandhu
Village Market

RECEIVED

JUN 5 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

EXHIBIT B

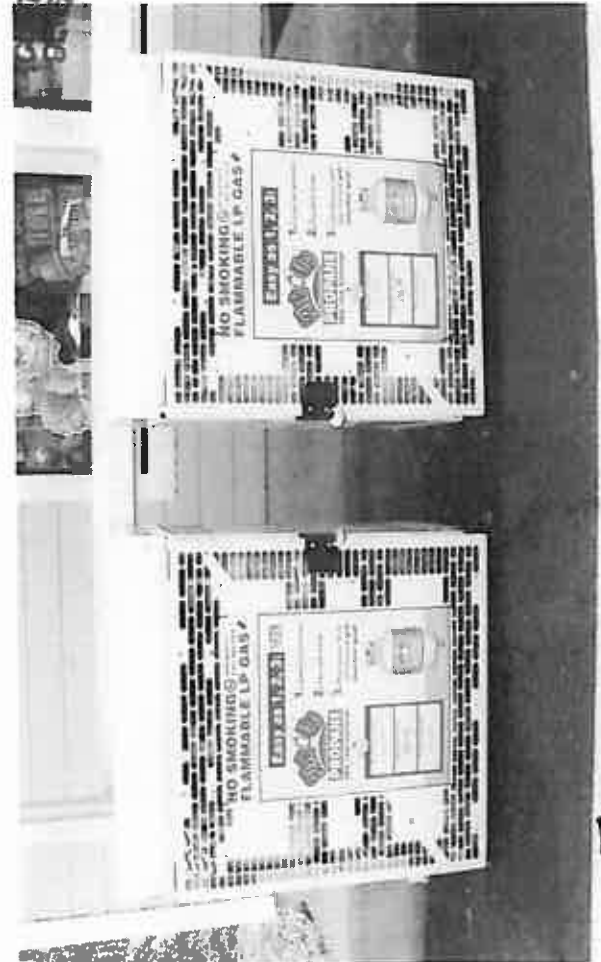


EXHIBIT
C