



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, September 11, 2012
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Chair Haydon to report at the City Council meeting on September 18, 2012.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of August 28, 2012.

Public Hearing

- 3A. **UP 01-12, Use Permit, AT&T, 68 Nottingham Circle, APN 120-025-003.** A Use Permit to consider amending a previously-approved Use Permit for an existing wireless communications facility, including analysis of an acoustical study conducted for the project. The currently-proposed modifications involve removal of six existing antennas located at the top of an existing 125-foot PG&E lattice tower and replacement of those antennas with six new antennas as well as installation of three new cabinets within the existing ground-level equipment enclosure. The purpose of the alterations are to upgrade the existing site with new technology that will allow for faster wireless data transfers and overall improved wireless service. *Continued from the meeting of July 10, 2012.*

Recommended Action: Approve, with conditions.

- 3B. **DP 01-05, Development Plan Amendment, Mitchell Creek Place Homeowners Association,** Mitchell Creek Place residential subdivision located at the southeast corner of High Street and Oak Street in Clayton's Town Center. An amendment to the Mitchell Creek Place Development Plan Permit landscaping and irrigation conditions of approval (Conditions of Approval 23 – 29) in City Council Resolution No. 48-2006 to allow for on-site replacement trees to be a minimum of 15-gallons instead of 24-inch box in size.

Recommended Action: Approve, with conditions.

- 3C. **SP 02-12, Sign Permit, West Coast Sign and Install, 5441 – 5443 Clayton Road, APN 119-031-051.** A sign permit to consider proposed installations of two “Sherwin Williams” building signs (one 17 square-foot sign on the north elevation and one 24 square-foot sign on the west elevation) on the existing building at 5441 – 5443 Clayton Road in the Clayton Station shopping center.

Recommended Action: Approve, with conditions.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.
6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **September 25, 2012.**

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.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, August 28, 2012

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Haydon, Vice Chair Gregg Manning, Commissioner David Bruzzone, Commissioner Sandra Johnson

Absent: Commissioner Dan Richardson

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

Administrative

1A. Review of agenda items.

1B. Chair Haydon to report at the City Council meeting on September 18, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of July 10, 2012.

Vice Chair Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as amended. The motion passed 3-1 (Vice Chair Haydon abstained since he had recused himself from the July 10, 2012 meeting during review of Item 3, the AT&T Use Permit UP 01-12, because he is an employee of AT&T).

Public Hearing

3. **SPR 01-11, VAR 01-11, LLA 01-11, Toll Brothers, Diablo Estates at Clayton Subdivision, Northeast Corner of Rialto Drive and Regency Drive. An amendment to Condition of Approval 5 of the Planning Commission Notice of Decision for the previously-approved Diablo Estates at Clayton subdivision. Condition 5 currently requires that escrow close for sale of the low-income affordable housing unit prior to the 20th (and subsequent) certificates of occupancy being issued for newly-constructed residences within the subdivision. The developer is requesting that Condition 5 be modified to allow the 20th (and subsequent) certificates of occupancy to be issued prior to escrow closing for sale of the low-income affordable housing unit.**

Director Woltering indicated that the applicant, Toll Brothers, requested that the item be withdrawn at this time as the applicant is hoping to sell the affordable housing unit in a timely manner, consistent with the provisions of Condition of Approval 5, as currently written, for the Diablo Estates at Clayton project.

Old Business

4. None.

New Business

5A. Review Housing Element Work in Progress:

- 1) Implementation Measure V.1.1: The City shall provide energy conservation brochures at City Hall and the Clayton Community Library.
- 2) Implementation Measure IV.3.3: The City will evaluate the feasibility of a universal design ordinance that provides greater adaptability and accessibility of housing for persons with disabilities. If a universal design ordinance is determined feasible, the City will prepare an ordinance and produce a brochure on universal design, resources for design, and compliance with City requirements. The City will distribute the brochure to developers and to community organizations serving individuals with disabilities.

Director Woltering provided a review of the Housing Element work in progress and indicated the following:

- A substantial amount of work has already been completed toward satisfying the requirements of the 2009-2014 Housing Element, such as establishing a manufactured housing ordinance, initiating a density bonus policy, and designating seven properties within Clayton with a high density land use designation to encourage multi-family development.
- We are creating a brochure that outlines energy efficient measures and ways to conserve resources, as being presented this evening.
- We will be implementing a universal design ordinance to address the needs of individuals with disabilities and an aging population that prefers to remain in a single family residence safely and comfortably for longer periods of time.
- Staff seeks to receive comments from the Planning Commission on both the draft energy efficiency brochures and the draft universal design ordinance being presented this evening.
- He concluded by saying staff will finalize the energy efficiency brochure, taking into consideration the Planning Commission's comments, and then distribute the brochures to City Hall and the Library.
- The draft universal design ordinance will need further review by the City Attorney's office and then will come back to the Planning Commission and the City Council for consideration at noticed public hearings.

Chair Haydon asked that by having the brochures available, will we meet Housing Element requirements? *Director Woltering responded that completing the brochures and having them available to the public would help the City meeting the Housing Element requirements.*

Commissioner Johnson suggested that the draft brochure be modified to incorporate a definition of "cool roofs" in the wording.

Vice Chair Manning had the following comment and question:

- Concerned that "voluntary" measures may become "mandatory" measures.
- Is the County involved in this? *Director Woltering answered that the County prepared the draft resolution, received City comments regarding the draft resolution, and then, based on jurisdictional input, will finalize the resolution and take it to the Board of Supervisors for review.*

Commissioner Bruzzone asked would we be able to include water efficiency into this effort to make the community more aware of resource conservation? *Director Woltering indicated that the City has already implemented regulations addressing water quality and conservation via the State's C.3 Stormwater requirements and the City's landscape water conservation standards and guidelines.*

Director Woltering provided an overview of the proposed universal design ordinance, discussing the exemption section and the concepts of universal design, and indicated the following:

- The objective is to facilitate accessibility for those with disabilities.
- Approximately 12.8% of the community that is aged 16 years or older has disabilities.
- This would apply to production-oriented, developer-driven residential projects rather than individual custom homes or remodels.
- The focus is more on single family duplex and triplex projects.
- Developers would be required to offer these provisions to prospective homebuyers and show proof that these provisional options had, in fact, been made available to homebuyers.
- These provisions have been gleaned from a model ordinance drafted by the State Department of Housing and Community Development.
- The provisions would address such things as the primary entry design and interior routes to a powder room, bathroom, kitchen, or bedroom.
- The objective is to get people safely and comfortably into these areas of their home with the assistance of such features as "grab" bars, railings, rocker light switches, hand-activated door hardware, and counters and vanities that could be adjusted for people in wheelchairs.
- Section 17.100.140 provides relief for developers if the developer can show proof of hardship.

Vice Chair Manning indicated that the universal design ordinance is a good idea. He pointed out that it is very difficult to retrofit an existing structure to accommodate accessibility features. It is much better to include them with the initial construction.

Commissioner Bruzzone asked how does the ordinance relate to Americans With Disabilities Act (ADA) requirements? *Director Woltering replied that the ordinance supports ADA by bringing concepts of ADA design to homebuilding. The ordinance goes hand-in-hand with ADA.*

Commissioner Bruzzone recommended that there should be a protocol to assure the homebuilder complies with the requirements of the universal design ordinance and that the homebuyer is aware of the ordinance. *Director Woltering indicated that, if the ordinance is adopted, compliance with the ordinance would be achieved through conditions of approval. A supporting brochure would also be made available to the homebuyer.*

Commissioner Johnson indicated that the enforcement subsection could appear intimidating to homebuilders and homebuyers.

Vice Chair Manning indicated that not all of the items listed under enforcement appear appropriate in that section. He asked that staff review that section and modify it as needed to address his concern.

Chair Haydon asked why the term “visitable” is used? *Director Woltering answered that the ordinance is meant for visitors to the home as well as for occupants of the home.*

Chair Haydon indicated the following:

- Subsection headings could be changed to clarify that it is mandatory to offer the design accommodations and not mandatory to build the design accommodations.
- There should be a method of documentation established that allows the homebuilder to show proof that the options were offered to the prospective buyer.

Director Woltering thanked the Commissioners for their comments and questions.

5B. Review Approved Planning Commission Meeting Procedures and Protocol.

Director Woltering introduced the item.

Chair Haydon read passage from the Approved Planning Commission Meeting Procedures and Protocol document.

Director Woltering stressed the importance of speaker cards being filled out and indicated that, for larger, more controversial items, staff would want to coordinate with the Chair regarding managing the meeting.

Assistant Planner Sikela indicated that, typically, for larger items involving many speakers, staff would use a timer that is color coded to inform the speaker when their time is up.

Chair Haydon indicated that we want to avoid the redundancy of consecutive speakers saying the same thing over and over and we want to control emotional audience responses such as applause or booing.

Commissioner Bruzzone asked how late public attendees to the meeting are addressed? *Director Woltering indicated that, if it seems warranted, the Chair could give a brief summary of the item for the benefit of the late-arriving group. This method can be adjusted as needed depending on the circumstance.*

Director Woltering thanked the Commissioners for their comments and questions.

Communications

6A. Staff.

Director Woltering distributed a document provided by Assistant to the City Manager Laura Hoffmeister that gave a demographic breakdown of Clayton’s population based on age, gave an update of the Diablo Estates at Clayton project, and indicated that, on his trip to Germany and Denmark, he visited planning departments in two cities in Germany, attended a City Council meeting, and he and his wife had a power point of bicycle infrastructure that they observed in Denmark.

6B. Commission

None.

Adjournment

7. The meeting was adjourned at 8:36 p.m. to the regularly-scheduled meeting of September 11, 2012.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Keith Haydon
Chair

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PLANNING COMMISSION STAFF REPORT

Meeting Date: September 11, 2012
From: Milan J. Sikela, Jr. 
Assistant Planner
Subject: AT&T Use Permit (UP 01-12)

This item was continued from the July 10, 2012 Planning Commission meeting.

REQUEST

A Use Permit to consider amending a previously-approved Use Permit for an existing wireless communications facility, including analysis of an acoustical study conducted for the project. The currently-proposed modifications involve removal of six existing antennas located at the top of an existing 125-foot PG&E lattice tower and replacement of those antennas with six new antennas as well as installation of three new cabinets within the existing ground-level equipment enclosure.

PROJECT INFORMATION

Applicant/Location: AT&T c/o Trillium Consulting
68 Nottingham Circle
Clayton, California 94517
APN 120-025-003

Property Owners: Michael and Kathleen O'Brien
68 Nottingham Circle
Clayton, California 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 California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On June 29, 2012, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site for the July 10, 2012 Planning Commission meeting. After the public hearing was continued at the July 10, 2012 Planning Commission meeting, a second public hearing notice was posted at the notice boards and mailed to property owners on August 30, 2012 for the September 11, 2012 Planning Commission meeting. To date, no comments have been received by staff regarding the August 30, 2012 public hearing notice.

Agency Referrals: Comments received from the City Engineer have been incorporated into the Conditions of Approval. The Contra Costa County Building Inspection Department and Contra Costa County Fire Protection District did not respond.

Authority: Section 17.42.050.A.3 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Use Permit in accordance with the Findings in CMC Section 17.42.050.B and Standards of Review in CMC Section 17.60.040.

BACKGROUND AND DISCUSSION

At their meeting of July 10, 2012, the Planning Commission reviewed the current proposal (please see **Attachment A** for the July 10, 2012 staff report) and, based on comments and concerns shared by the public and Commissioners, provided direction for staff and the applicant's representative to schedule a noise study at the project site, and return to the Commission at a later date to provide the results of the noise study (please see **Attachment B** for the July 10, 2012 Planning Commission minutes).

On August 17, 2012, William Hammet, representing the noise consultant Hammet & Edison, Inc.; Community Development Director David Woltering; and the applicant's representative, Tom Johnson, met at the project site to conduct the noise study. The property owner, Michael O'Brien, and a concerned neighbor, Kirsten Owen, were also on-site during the noise study. To address concerns that the noise generated outward from the top of the wireless equipment enclosure may be greater than anticipated, the noise consultant conducted the noise study at varying elevations around the enclosure in order to capture all possible noise generated from the site. At the completion of the noise study, the noise consultant concluded that the noise generated from the wireless communications enclosure did not exceed 44 decibels at Mr. O'Brien's residence, which is located on the same property as the wireless communications enclosure, and less than 41 decibels at Ms. Owen's residence, which is located across the street from the site (please see **Attachment C** for the noise study).

ANALYSIS AND CONCLUSION

Since the proposal will not involve parking impacts or traffic; will not generate noise levels in violation of the General Plan Noise Element; will not create significant levels of dust, airborne particulate, fumes, smells, or litter; and is not a place used by people (other than repair technicians) resulting in crime, congregations, and negative influences on minors; staff concludes that, as conditioned, the project complies with the Use Permit Standards of Review listed in Section 17.60.040 of the Clayton Municipal Code.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 01-12, subject to the proposed findings of approval and conditions of approval listed below, to allow modifications to occur to an existing wireless communications facility that involve removal of the six existing antennas and replacement of those antennas with six new antennas as well as installation of three new additional cabinets, a new additional GPS antenna, and new coax/fiber cables at 68 Nottingham Circle in Clayton.

PROPOSED FINDINGS OF APPROVAL

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following Findings that Use Permit UP 01-12, as conditioned:

1. Is in conformity with the General Plan.
2. Is in conformity with City-adopted standards.
3. Will not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) or the City or surrounding area.
4. Will not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.
5. Will be in accord with the purpose of Use Permits as stated in Chapter 17.60 of the Clayton Municipal Code.
6. Limits the impacts upon the neighborhood by:
 - a. Incorporating replacement antennas and coax/fiber cables that are visually integrated with the existing PG&E lattice tower and prefabricated cage extension by utilizing matching colors.
 - b. Having new cabinets located inside the footprint of the existing PG&E lattice tower and visually screened by a seven-foot screen fence and landscaping.
7. Will have replacement antennas that are located between 113 and 125 feet above the ground and new cabinets in the equipment enclosure which is located within the footprint of the PG&E tower, which is less visually obtrusive than constructing the antennae array and equipment pad to the rear of the on-site residence.
8. Has provided the necessary link with a receiver located on the same parcel of land on which the antennas are located.
9. Incorporates antennas installed atop the PG&E tower by experience tower climbers and are installed on structural supports that meet or exceed the manufacturer's specifications.
10. Contains an antenna array installed atop an existing PG&E tower which is located a minimum of 15 feet from the nearest property line.

The above-stated findings assume acceptance and approval of the proposed Conditions of Approval listed below.

PROPOSED CONDITIONS OF APPROVAL

These Conditions of Approval apply to the AT&T location map, site plan, equipment plans, and elevations, submitted by the applicant, date stamped May 10, 2012; written supplement describing the parameters of the project, submitted by the applicant, date stamped May 10, 2012; and Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, prepared by EBI Consulting, date stamped May 10, 2012; Noise Study conducted on August 17, 2012 prepared by Hammet & Edison, Inc.

1. The color and finish of the replacement antennas and coax/fiber cables shall match the color and finish of the existing PG&E tower and prefabricated cage extension.
2. Sound hoods shall be installed on all new cabinets within the equipment enclosure.
3. Standard AT&T information signs and warning signs shall be posted at the base of the tower.
4. Prior to issuance of a building permit for the project, a landscaping and irrigation plan shall be submitted to the City for review and approval by the Community Development Director, City Engineer, and Maintenance Department.

5. Prior to issuance of a building permit for the project, the applicant shall enter into a landscape and maintenance agreement with the City for any landscaping installed on the City's trail easement. All recordation costs related to the landscape and maintenance agreement shall be incurred by the applicant.
6. All existing trees shall be protected during construction. The protected existing trees shall be shown on the landscape plan.
7. 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.
8. Prior to issuance of a building permit for the project, 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.
9. 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, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, 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, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

ADVISORY NOTES

These Advisory Notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. These Advisory Notes state requirements that may be in addition to the Conditions of Approval.

1. The applicant shall comply with all applicable City, County, State, and wireless communications codes, regulations, and adopted standards.
2. The applicant shall obtain a building permit through the City of Clayton prior to commencement of construction to the satisfaction of the Community Development Director.
3. This Use 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 (Clayton Municipal Code Section 17.64.010-030).

ATTACHMENTS

- A July 10, 2012 Planning Commission Staff Report
- B July 10, 2012 Planning Commission Minutes (Excerpt)
- C Noise Study conducted on August 17, 2012, prepared by Hammet & Edison, Inc.

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**PLANNING COMMISSION
STAFF REPORT**

ATTACHMENT
A

Meeting Date: July 10, 2012

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

Subject: AT&T Use Permit (UP 01-12)

REQUEST

A Use Permit to consider amending a previously-approved Use Permit for an existing wireless communications facility. The currently-proposed modifications involve removal of six existing antennas located at the top of an existing 125-foot PG&E lattice tower and replacement of those antennas with six new antennas as well as installation of three new cabinets and a new GPS antenna within the existing ground-level equipment enclosure.

PROJECT INFORMATION

Applicant/Location: AT&T c/o Trillium Consulting
68 Nottingham Circle
Clayton, California 94517
APN 120-025-003
(See Attachment 1, Sheet T01 for location map)

Property Owners: Michael and Kathleen O'Brien
68 Nottingham Circle
Clayton, California 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 California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On June 29, 2012, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site. To date, no comments have been received by staff.

Agency Referrals: Comments received from the City Engineer have been incorporated into the Conditions of Approval. The Contra Costa County Building Inspection Department and Contra Costa County Fire Protection District did not respond.

Authority:

Section 17.42.050.A.3 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Use Permit in accordance with the Findings in CMC Section 17.42.050.B and Standards of Review in CMC Section 17.60.040.

BACKGROUND AND DISCUSSION

On June 24, 2008, the Planning Commission approved a Use Permit (UP 01-08) for AT&T to co-locate at an existing wireless communications facility with Metro PCS at 68 Nottingham Circle. The approval allowed the placement of six antennas on a pre-fabricated “cage” extension located 125 feet above ground level at the top of an existing PG&E lattice tower. In addition, an approximate 240 square-foot ground-level equipment enclosure was constructed to house four equipment cabinets, one GPS antenna, and associated minor mechanical equipment. A screen fence was installed to minimize visual impact of the cabinets and associated equipment from areas outside of the enclosure.

The current proposal includes removal of the six existing antennas and replacement of those antennas with six new antennas as well as installation of three new additional cabinets, a new additional GPS antenna, and new coax/fiber cables (see **Attachment 1** for project location map, site plan, equipment plans, and elevations and **Attachment 2** for photo simulations). The alterations entail upgrading the existing site with new technology that will allow for faster wireless data transfers and overall improved wireless service (see **Attachment 3** for the written supplement describing the project parameters). In order to ensure that the new antennas and new coax/fiber cables are a more integrated component of the existing tower, staff has provided a condition that the antennas and coax/fiber cables utilize colors that match the colors of the existing PG&E tower and prefabricated cage extension.

The applicant has submitted a Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report (see **Attachment 4**). In summary, the project meets Federal Communications Commission (FCC) and Occupational Safety and Health Administration (OSHA) requirements as well as AT&T radio frequency (RF) safety policies. The report states that there are “no modeled exposures on any accessible ground-level walking/working surface related to proposed equipment in the area that exceed the FCC’s occupational and general public exposure limits at this site.”

Regarding anticipated project-related noise impacts, the written supplement indicates that the project modifications will not increase the noise generated from the project site and will be in compliance with the applicable Objectives and Policies of the General Plan Noise Element (see **Attachment 3, Page 3**). Staff has provided a condition that, prior to issuance of a building permit, the applicant shall submit an acoustical study prepared by a qualified acoustical consultant that shows project compliance with the City’s noise standards, to the satisfaction of the Community Development Director.

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

- “Prior to building permit issuance, the applicant shall enter into a landscape and maintenance agreement for any landscaping installed on the City’s trail easement

Furthermore, to address construction and maintenance of wireless communication facility and site improvements (including fencing upkeep) as well as landscaping and irrigation installation on the City’s trail easement, staff has provided a condition that the applicant obtain a special encroachment permit from the City Engineer prior to issuance of a building permit.

ANALYSIS AND CONCLUSION

Since the proposal will not involve parking impacts or traffic; will not generate noise levels in violation of the General Plan Noise Element; will not create significant levels of dust, airborne particulate, fumes, smells, or litter; and is not a place used by people (other than repair technicians) resulting in crime, congregations, and negative influences on minors; staff concludes that, as conditioned, the project complies with the Use Permit Standards of Review listed in Section 17.60.040 of the Clayton Municipal Code.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 01-12 to allow modifications to occur to an existing wireless communications facility that involve removal of the six existing antennas and replacement of those antennas with six new antennas as well as installation of three new additional cabinets, a new additional GPS antenna, and new coax/fiber cables at 68 Nottingham Circle in Clayton.

PROPOSED FINDINGS OF APPROVAL

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following Findings that Use Permit UP 01-12, as conditioned:

1. Is in conformity with the General Plan.
2. Is in conformity with City-adopted standards.
3. Will not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) or the City or surrounding area.
4. Will not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.
5. Will be in accord with the purpose of Use Permits as stated in Chapter 17.60 of the Clayton Municipal Code.
6. Limits the impacts upon the neighborhood by:
 - a. Incorporating replacement antennas and coax/fiber cables that are visually integrated with the existing PG&E lattice tower and prefabricated cage extension by utilizing matching colors.
 - b. Having new cabinets located inside the footprint of the existing PG&E lattice tower and visually screened by a seven-foot screen fence and landscaping.
7. Will have replacement antennas that are located between 113 and 125 feet above the ground and new cabinets in the equipment enclosure which is located within the footprint of the PG&E tower, which is less visually obtrusive than constructing the antennae array and equipment pad to the rear of the on-site residence.
8. Has provided the necessary link with a receiver located on the same parcel of land on which the antennas are located.

9. Incorporates antennas installed atop the PG&E tower by experience tower climbers and are installed on structural supports that meet or exceed the manufacturer's specifications.
10. Contains an antenna array installed atop an existing PG&E tower which is located a minimum of 15 feet from the nearest property line.

The above-stated findings assume acceptance and approval of the proposed Conditions of Approval listed below.

PROPOSED CONDITIONS OF APPROVAL

These Conditions of Approval apply to the AT&T location map, site plan, equipment plans, and elevations, submitted by the applicant, date stamped May 10, 2012; written supplement describing the parameters of the project, submitted by the applicant, date stamped May 10, 2012; and Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, prepared by EBI Consulting, date stamped May 10, 2012.

1. The color and finish of the replacement antennas and coax/fiber cables shall match the color and finish of the existing PG&E tower and prefabricated cage extension.
2. Sound hoods shall be installed on all new cabinets within the equipment enclosure.
3. Standard AT&T information signs and warning signs shall be posted at the base of the tower.
4. Prior to issuance of a building permit for the project, the applicant shall submit an acoustical study prepared by a qualified acoustical consultant that assesses the anticipated noise generated by the proposed project and affirms that the proposal, as presented and approved, conforms with Objective 3 of the Clayton General Plan Noise Element that requires a maximum allowance 55 Ldn at the property line to the satisfaction of the Community Development Director. In the circumstance that modifications are required to the proposed project to achieve conformance with the City's noise standards, and those modifications are not consistent with the approved project, the modified project shall be returned to the Planning Commission for re-consideration to the satisfaction of the Community Development Director.
5. Prior to issuance of a building permit for the project, a landscaping and irrigation plan shall be submitted to the City for review and approval by the Community Development Director, City Engineer, and Maintenance Department.
6. Prior to issuance of a building permit for the project, the applicant shall enter into a landscape and maintenance agreement with the City for any landscaping installed on the City's trail easement. All recordation costs related to the landscape and maintenance agreement shall be incurred by the applicant.
7. All existing trees shall be protected during construction. The protected existing trees shall be shown on the landscape plan.
8. 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.
9. Prior to issuance of a building permit for the project, 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.
10. 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, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, 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, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

ADVISORY NOTES

These Advisory Notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. These Advisory Notes state requirements that may be in addition to the Conditions of Approval.

1. The applicant shall comply with all applicable City, County, State, and wireless communications codes, regulations, and adopted standards.
2. The applicant shall obtain a building permit through the City of Clayton prior to commencement of construction to the satisfaction of the Community Development Director.
3. This Use Permit shall be used, exercised, or established within twelve months after granting of the Permit of a time extension must be obtained from the Planning Commission otherwise the Permit shall be null and void (Clayton Municipal Code Section 17.64.010-030).

ATTACHMENTS

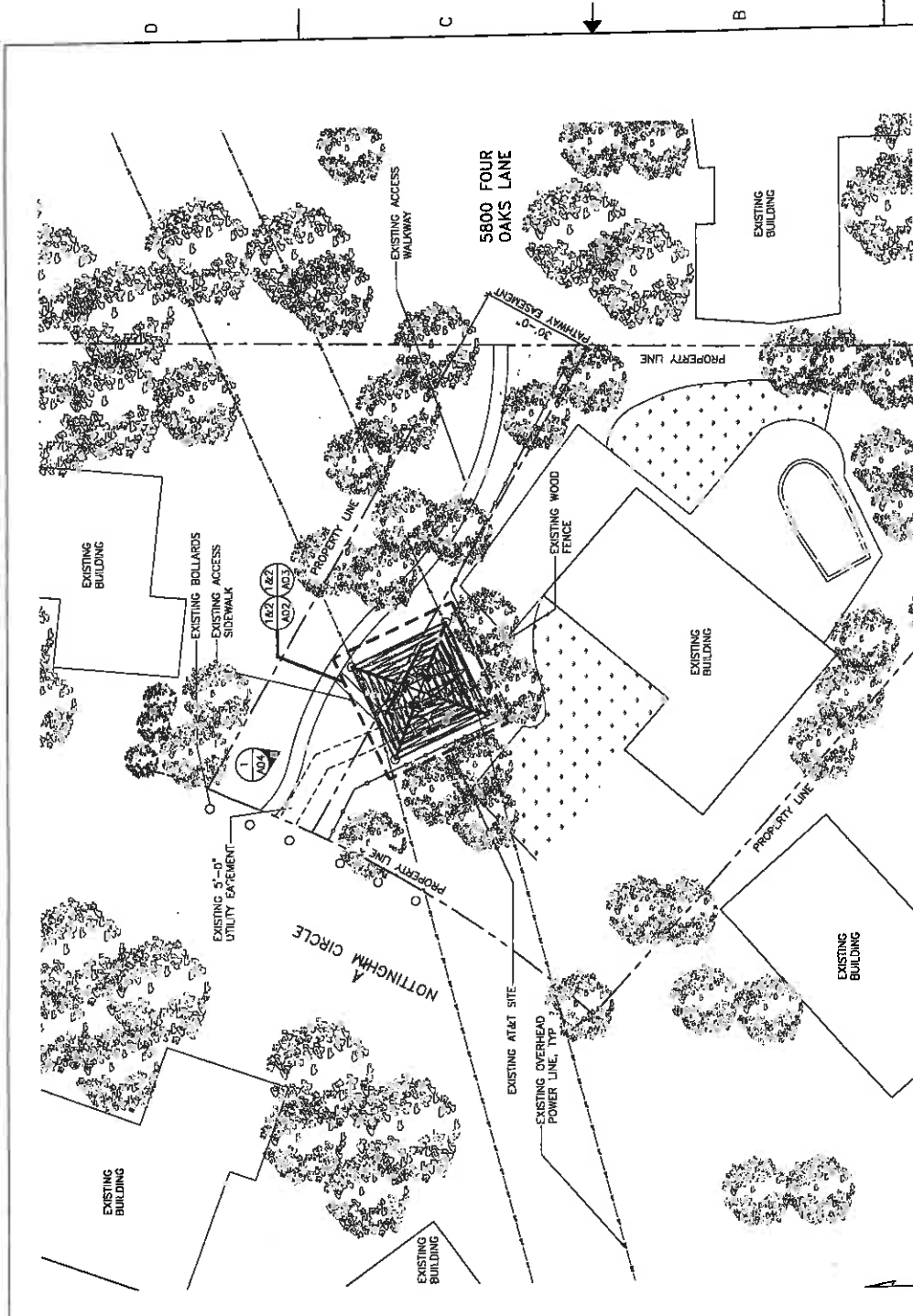
- 1 AT&T location map, site plan, equipment plans, and elevations, submitted by the applicant, date stamped May 10, 2012
- 2 Photosimulations, submitted by the applicant, date stamped May 10, 2012
- 3 Written supplement describing the parameters of the project, submitted by the applicant, date stamped May 10, 2012
- 4 Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, prepared by EBI Consulting, date stamped May 10, 2012

UP\2012\01-12.sr.pc.7.10.12.att

GENERAL NOTES:

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
OWNER - GENERAL CONTRACTOR (CONSTRUCTION)
SUBCONTRACTOR - AT&T
OWNER - ORIGINAL EQUIPMENT MANUFACTURE
2. PRIOR TO THE SUBMITTAL OF THE DRAWING, THE SUBCONTRACTOR SHALL VISIT THE CELL SITE TO DETERMINE THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF THE CONTRACTOR.
3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS. THE SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATE WITH ALL AGENCIES, AGENCIES, AGENCIES, AND LOCAL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.
4. ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
5. DRAWINGS PROVIDED HERE ARE NOT TO BE SCALED AND ARE INTENDED TO SHOW OUTLINE ONLY. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
6. DELETED.
7. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
8. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.
9. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF COAXIAL, POWER AND T1 CABLES, OBSERVING THE FOLLOWING: ALL CABLES SHALL BE INSTALLED IN A MANNER THAT THE SUBCONTRACTOR SHALL CONFIRM THE ACTUAL ROUTING WITH THE CONTRACTOR. ROUTING OF TRUNKING SHALL BE APPROVED BY CONTRACTOR.
10. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PRELIMINARS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGE THAT SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.
11. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DEPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. MATERIALS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
12. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.
13. ALL CONCRETE REPAIR WORK SHALL BE DONE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 301.
14. ALL NEW CONCRETE NEEDED FOR THE CONSTRUCTION SHALL HAVE 4000 PSI STRENGTH AT 28 DAYS UNLESS OTHERWISE SPECIFIED.
15. ALL STRUCTURAL STEEL WORK SHALL BE DONE IN ACCORDANCE WITH AISC SPECIFICATIONS.
16. CONSTRUCTION SHALL COMPLY WITH SPECIFICATIONS 25741-000-3405-0001-00002, GENERAL CONSTRUCTION SERVICES.
17. SUBCONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS MUST BE VERIFIED. SUBCONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.
18. THE EXISTING CELL SITE IS IN FULL COMMERCIAL OPERATION. ANY CONSTRUCTION WORK BY SUBCONTRACTOR SHALL NOT DISRUPT THE EXISTING NORMAL OPERATION. ANY WORK ON EXISTING EQUIPMENT MUST BE COORDINATED WITH CONTRACTOR. ALSO, WORK MAY NEED TO BE SCHEDULED FOR AN APPROPRIATE MAINTENANCE WINDOW USUALLY IN LOW TRAFFIC PERIODS AFTER MIDNIGHT.
19. SINCE THE CELL SITE MAY BE ACTIVE, ALL SAFETY PRECAUTIONS MUST BE TAKEN WHEN WORKING AROUND HIGH LEVELS OF ELECTROMAGNETIC RADIATION. EQUIPMENT SHOULD BE SHUTDOWN PRIOR TO PERFORMING ANY WORK THAT COULD EXPOSE THE WORKER TO DAMAGING PERSONAL RF EXPOSURE. MONITORS ARE REQUIRED TO BE WORK TO ALERT OF ANY DANGEROUS EXPOSURE LEVELS.
20. THE SUBCONTRACTOR SHALL NOT USE OR INSTALL ANY MATERIAL CONTAINING LEAD, ASBESTOS OR LEAD PAINT. THE USE OF SUCH MATERIAL IS STRICTLY FORBIDDEN.

GENERAL NOTES
DETAIL 1006
MIS



SITE PLAN
SCALE: 1/16" = 1'-0"

FULL SCALE 1/16" = 1'-0"
16 8 0 16 32 FT
HALF SCALE 1/32" = 1'-0"

at&t

4100 PETERSON DRIVE, BUILDING 3, 2ND FLOOR,
PLEASANTON, CA 94553

SBC CENTRAL OFFICE

SITE NO. CCL04262/CNU4262/FA10070338

88 PETERSON DRIVE, BUILDING 3, 2ND FLOOR,
PLEASANTON, CA 94553

REVISIONS		DATE		BY		CHECKED		APPROVED	
1	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03
2	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03
3	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03
4	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03
5	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03	10/07/03

GENERAL NOTES

DETAIL 1006

MIS

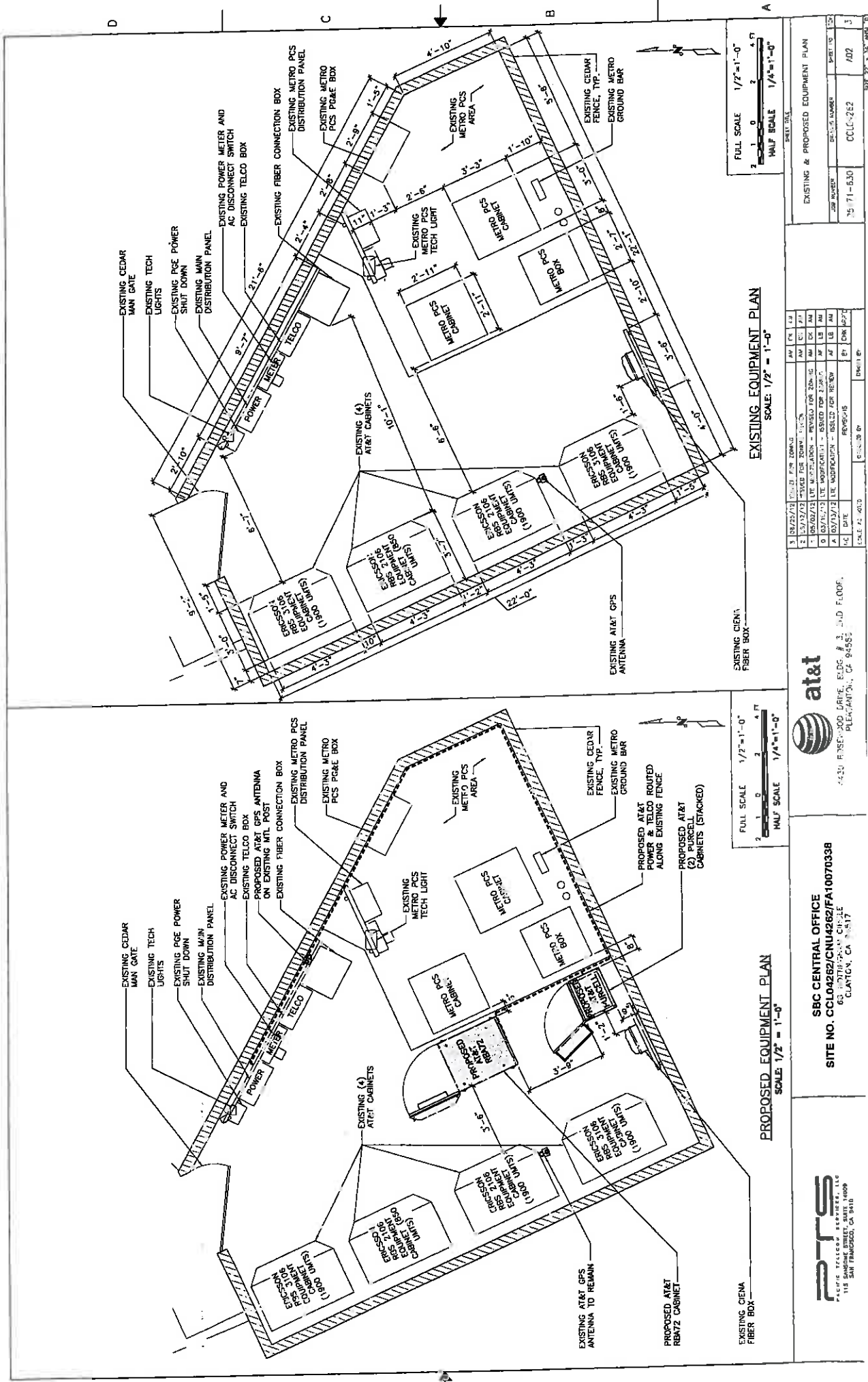
SITE PLAN AND GENERAL NOTES

20-71-6331

CCL04262

A01

3



EXISTING & PROPOSED EQUIPMENT PLAN

PROJECT NO.	75-71-630	DATE	02-22-92
DESIGNER	CCCL-252	DRAWN BY	ADZ
CHECKED BY		SCALE	1/2" = 1'-0"

NO.	DATE	DESCRIPTION	BY	CHKD.
1	02/22/92	ISSUED FOR CONSTRUCTION	AM	CM
2	03/12/92	REVISED FOR CONSTRUCTION	AM	CM
3	03/12/92	REVISED FOR CONSTRUCTION	AM	CM
4	03/12/92	REVISED FOR CONSTRUCTION	AM	CM
5	03/12/92	REVISED FOR CONSTRUCTION	AM	CM

at&t

4430 RIVERWOOD DRIVE, ELDORADO, CA 95561

1430 RIVERWOOD DRIVE, ELDORADO, CA 95561

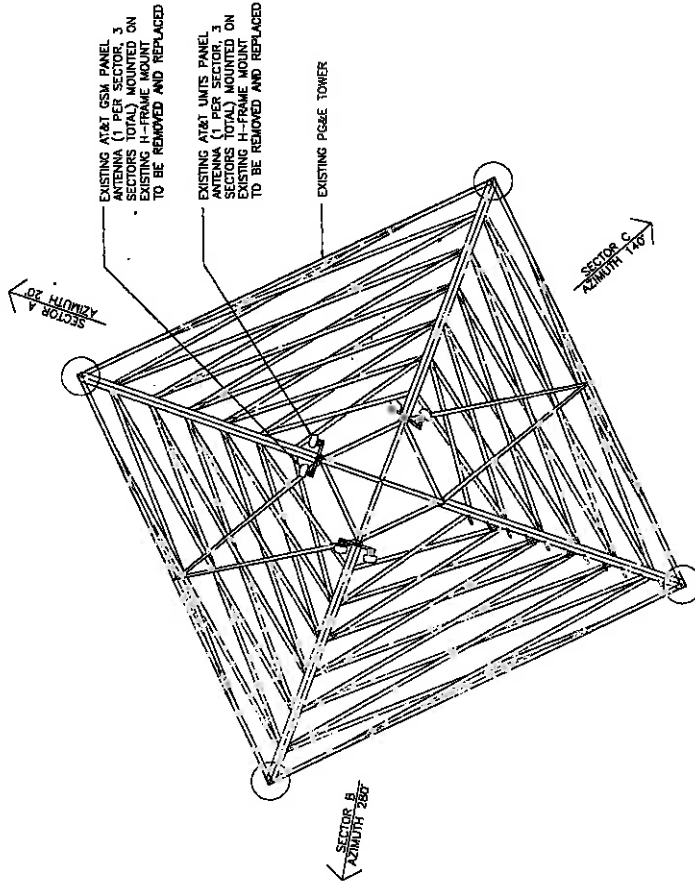
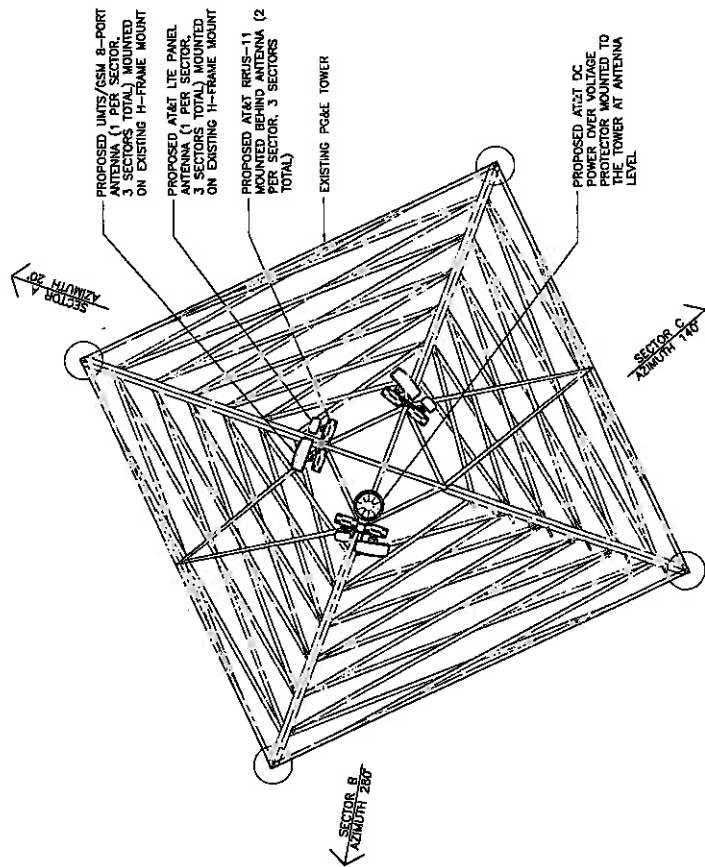
SBC CENTRAL OFFICE

SITE NO. CCL04262/CNU4262/FA10070338

631 7TH AVENUE, SUITE 1400
CLATON, CA 95117

CCCL

110 SAN FRANCISCO, CA 94108



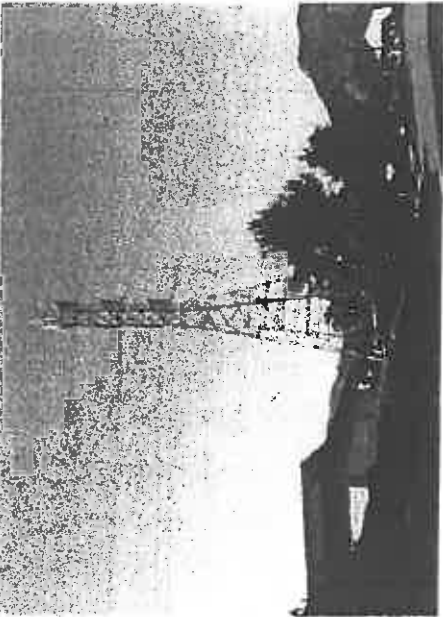
PTC
PACIFIC TELEPHONE & TELEGRAPH CO.
115 SANDHURST STREET, SUITE 1400
SAN FRANCISCO, CA 94108

SBC CENTRAL OFFICE
SITE NO. CCL04262/CNU4262/FA10070338
60 WEST 11TH AVENUE
CLAYTON, CA 94517

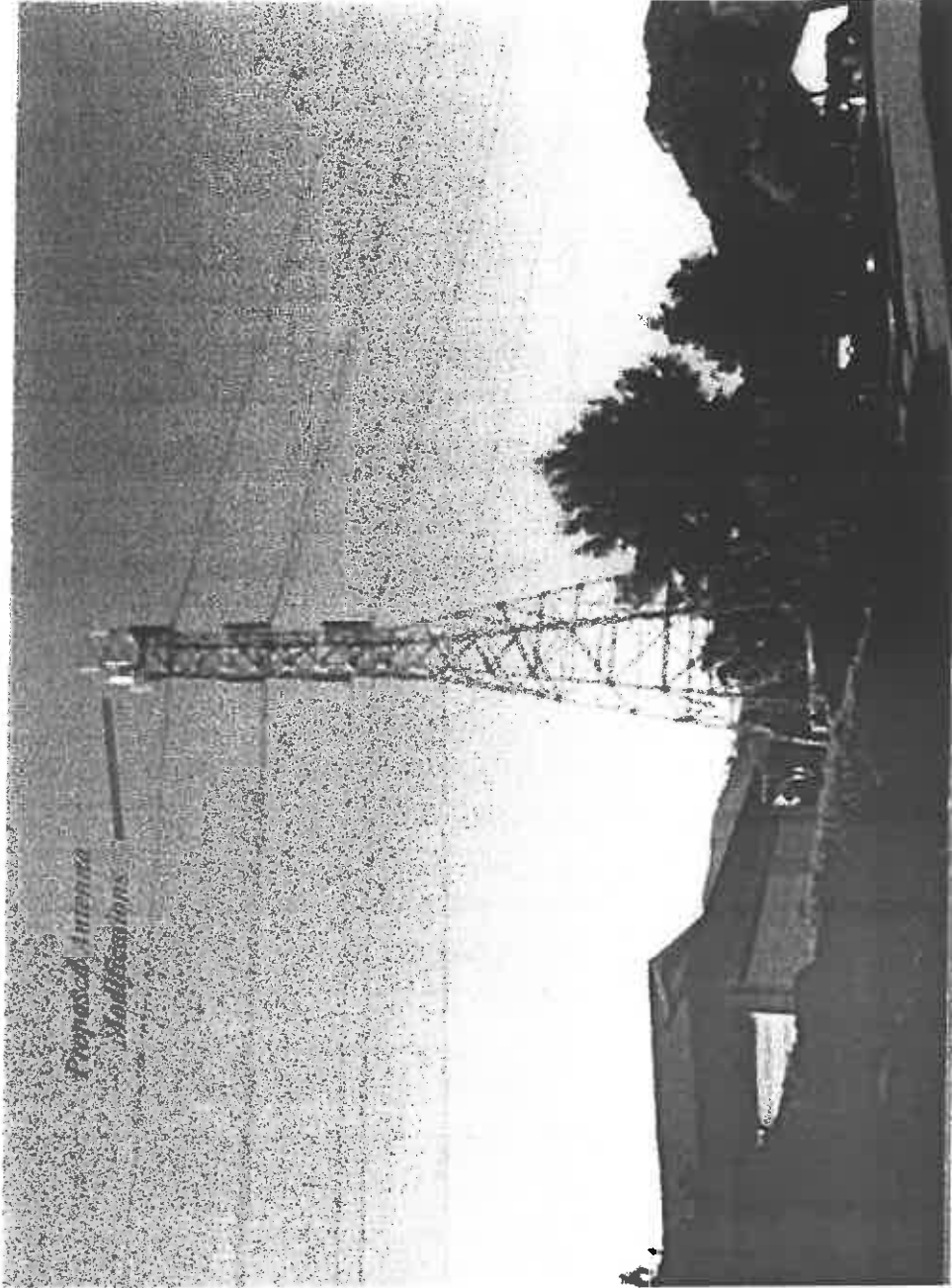
at&t
4430 RUSEY ROAD, FLOOR 3, 210 FLOOR,
PLEASANTON, CA 94588

DATE	BY	CHKD BY	APP'D BY	REVISION
05/17/93	AM	AM	AM	1
05/17/93	AM	AM	AM	2
05/17/93	AM	AM	AM	3
05/17/93	AM	AM	AM	4
05/17/93	AM	AM	AM	5
05/17/93	AM	AM	AM	6
05/17/93	AM	AM	AM	7
05/17/93	AM	AM	AM	8
05/17/93	AM	AM	AM	9
05/17/93	AM	AM	AM	10
05/17/93	AM	AM	AM	11
05/17/93	AM	AM	AM	12
05/17/93	AM	AM	AM	13
05/17/93	AM	AM	AM	14
05/17/93	AM	AM	AM	15
05/17/93	AM	AM	AM	16
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05/17/93	AM	AM	AM	19
05/17/93	AM	AM	AM	20
05/17/93	AM	AM	AM	21
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05/17/93	AM	AM	AM	23
05/17/93	AM	AM	AM	24
05/17/93	AM	AM	AM	25
05/17/93	AM	AM	AM	26
05/17/93	AM	AM	AM	27
05/17/93	AM	AM	AM	28
05/17/93	AM	AM	AM	29
05/17/93	AM	AM	AM	30

EXISTING & PROPOSED ANTENNA PLAN
JOB NO. 25471-630
PROJECT NO. CCL04262
SHEET NO. 2
SHEET TOTAL 3



Existing View



View of Proposed Design



Map of Site Location

View 1

RECEIVED

TSM Group

APR 10 2002

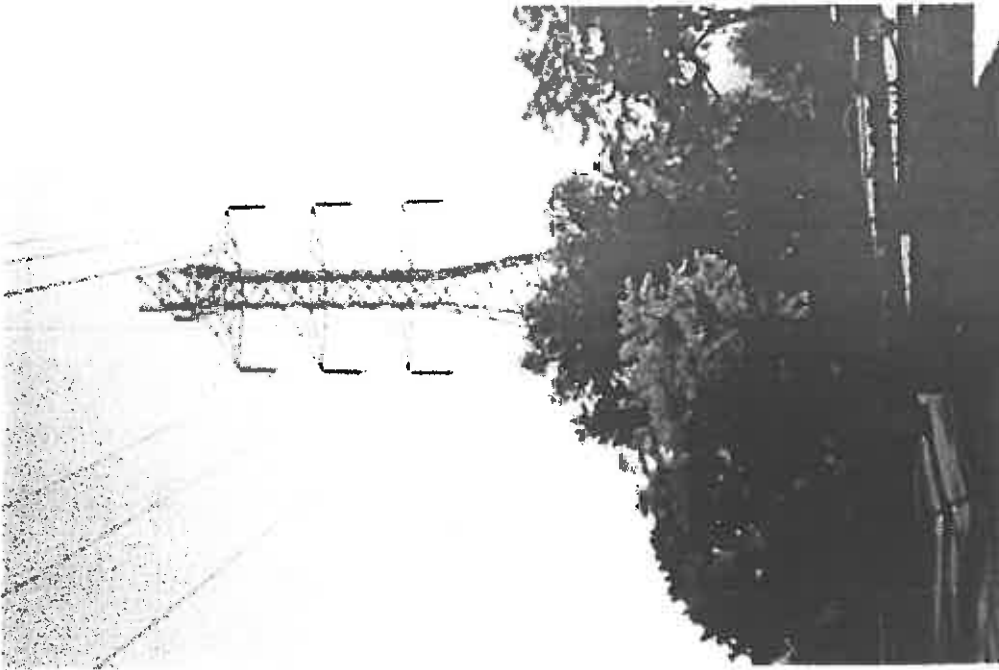
CLAYTON COMMUNITY
DEVELOPMENT DEPT

AT&T Site: CCL04262

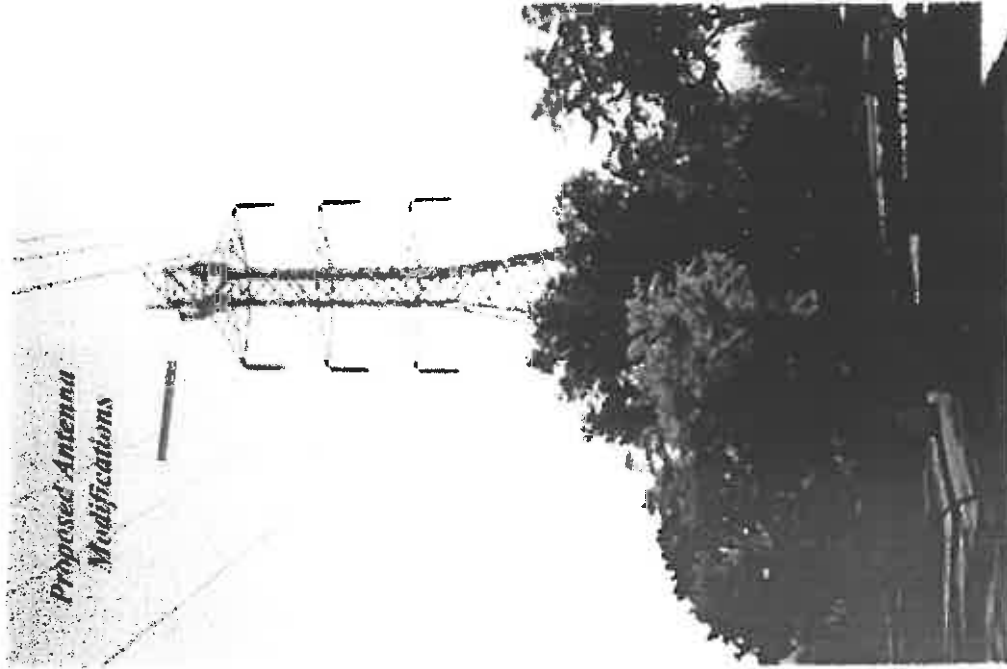
Address: 68 Nottingham Circle

Clayton, CA. 94517

at&t



Existing View



*Proposed Antenna
Modifications*

View of Proposed Design

View 2

TSM Group

AT&T Site: CCL04262
Address: 68 Nottingham Circle
Clayton, CA. 94517

at&t



Trillium Consulting

ATTACHMENT 3

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MAY 10 2012

CLAYTON COMMUNITY
DEVELOPMENT DEPT

AT&T LTE Modification at CCL04262 – SBC Central Office
Address: 68 Nottingham Circle, Clayton, CA
APN: 120-025-003

This letter and attached materials are to apply for a Use Permit to accomplish the proposed modifications described below at the existing AT&T telecommunications facility located 68 Nottingham Circle in Clayton. The following describes the existing site, the project description and proposed modifications, and the project purpose.

A. Project Description:

The current AT&T installation includes (6) panel antennas which are mounted to an existing PG&E lattice tower. The installation also includes a fenced equipment enclosure which contains AT&T's equipment cabinets.

A modification to an existing unmanned telecommunications facility consisting of removing all (6) existing antennas with (6) new panel antennas to be mounted at the same height of the existing antennas, installation of (6) RRU units, a surge suppressor, a proposed innerduct for fiber and DC power, (3) new equipment cabinets and (1) proposed GPS unit on the equipment compound. There will be no increase to the ground lease area. *PLEASE SEE ADDITIONAL WORDING FOR PROJECT DESCRIPTION. ATTACHED TO THIS DOCUMENT 7/2/12.*

B. Project Purpose:

The purpose of this project is to upgrade the existing AT&T site to incorporate the latest generation of technology which will be implemented by AT&T's Long Term Evolution (LTE) technology system. The new technology will allow for faster wireless data transfers and overall improved wireless services to the area. These wireless services include mobile telephone service, emergency 911 services, data transfer, electronic mail, internet and web browsing, as well as video streaming. The proposed modifications will provide entirely new 5G/LTE wireless service in this area.

C. Project Justification, Design and Placement:

This site is located in a busy coverage area in Clayton in a predominantly residential area. The existing lattice tower is an ideal location for the wireless facility upgrades because a site exists in this area already and due to the predominance of residential uses that surround this area, alternative sites are limited. The proposed modifications are to provide LTE service to the surrounding coverage area. The site modification is designed to mirror the existing AT&T equipment and will have very limited visual impact on the surrounding area (as shown in the enclosed photo simulations).

D. Site Opportunities / Constraints Analysis:

I. Environmental

The AT&T wireless equipment is located on an existing PG&E lattice tower. The facility was previously approved and this application is a proposal for modifications to the equipment currently installed on the



Trillium Consulting

lattice tower and within the equipment enclosure. There is no proposed expansion to the ground enclosure so there will be no new ground coverage associated with the site nor will there be neither disturbance to existing trees nor impacts to the soils or drainage on the site.

II. Existing Improvements:

The PG&E lattice tower is currently installed on the property along with the existing fenced equipment enclosure which is located in the lattice tower footprint. Please refer to plan set for exact dimensions of the equipment enclosure as well as power lines.

III. Easements:

There is an existing PG&E easement that is located on the property. The easement is approximately 80 feet wide.

Included with this zoning submittal are the following materials:

1. Completed General permit application
2. Completed Use Permit Application
3. Letter of Authorization from the Property Owner
4. Filing fee
5. (7) full sized and (1) reduced plan sets.
6. Photo simulations
7. A radio-frequency report explaining the impact of the proposed modifications.

Please feel free to contact me if you have any questions.

Regards,

Valerie Tallerico
Trillium Consulting for AT&T
714-414-5618
vtallerico@trilliumcos.com

Hi Milan,

I would like to add the following wording to the project description for the AT&T Use Permit (UP 01-12) request for the wireless communications facility project located at 68 Nottingham Circle:

The project modifications will not increase the noise generated from the project site and will be in compliance with the Clayton General Plan Noise Element which includes the Objective to "provide control of fixed point sources" as stated in Objective 3 with supporting Policies that require a maximum allowance of 55 Ldn at the property line.

Thanks,

Valerie Tallerico, LEED AP

Land Use Planner

Trillium Consulting

Phone: 714-414-5618

Fax: 925-397-3009

FILE COPY

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Prepared for:
AT&T Mobility, LLC
c/o Bechtel Communications
2633 Camino Ramon
San Ramon, CA 94583



USID # 102133
Site No. CCL04262
SBC Central Office
68 Nottingham Circle
Clayton, California 94517
Contra Costa County
37.942180; -121.943460 NAD83
Lattice Tower

EBI Project No. 62120770
April 23, 2012



RECEIVED
MAY 10 2012
**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

TABLE OF CONTENTS

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2.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS 3

3.0 AT&T RF EXPOSURE POLICY REQUIREMENTS 5

4.0 WORST-CASE PREDICTIVE MODELING..... 5

5.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN 7

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7.0 LIMITATIONS..... 8

APPENDICES

- Appendix A Personnel Certifications**
- Appendix B Antenna Inventory**
- Appendix C RoofView® Export File**
- Appendix D RoofView® Graphic**
- Appendix E Compliance/Signage Plan**

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CCL04262 located at 68 Nottingham Circle in Clayton, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 2.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains a detailed summary of the RF EME analysis for the site, including the following:

- Antenna Inventory
- Site Plan with antenna locations
- Antenna inventory with relevant parameters for theoretical modeling
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated December 9, 2011, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure guidance document, dated December 9, 2011, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure Policy guidance document, dated December 9, 2011. The following signage is recommended at this site:

- Green INFO I sign posted at the base of the tower at the climbing ladder.
- Yellow CAUTION sign posted at the base of the tower at the climbing ladder.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. More detailed information concerning site compliance recommendations is presented in Section 5.0 and Appendix E of this report.

1.0 SITE DESCRIPTION

This project involves the proposed installation of up to six (6) wireless telecommunication antennas on a lattice tower in Clayton, California. There are three Sectors (A, B, and C) proposed at the site, with two (2) antennas that may be installed per sector. In each sector, there is proposed to be one (1) LTE antenna transmitting in the 700 MHz frequency range and one (1) antenna transmitting in the GSM 850 MHz, GSM 1900 MHz, two bands of the UMTS 850 MHz and two bands of the UMTS 1900 MHz frequency ranges. The Sector A antennas will be oriented 20° from true north. The Sector B antennas will be oriented 280° from true north. The Sector C antennas will be oriented 140° from true north. The bottoms of the antennas will be 113.9 feet above ground level. Appendix B presents an antenna inventory for the site.

Access to this site is accomplished by approaching the unsecured lattice tower at ground level. Workers must be elevated to antenna level to access them, so these antennas are not accessible to the general public.

2.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

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 public/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 public/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 would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

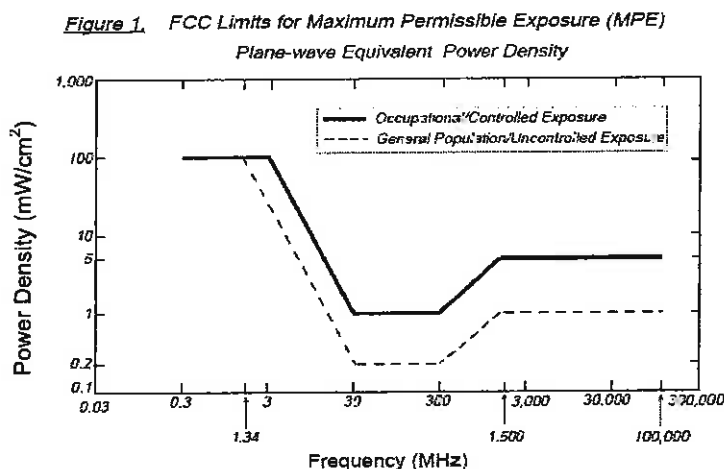
Table 1 and Figure 1 (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

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
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/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
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

3.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated December 9, 2011, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 4.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 5.0.

4.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site ground-level resulting from operation of the antennas. RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

For this report, EBI utilized antenna and power data provided by AT&T, and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T, and information gathered from other sources. MetroPCS also has antennas on the lattice tower. Information about these antennas was included in the modeling analysis.

Based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At the nearest walking/working surfaces to the AT&T antennas, the maximum power density generated by the AT&T antennas is approximately 4.90 percent of the FCC's general public limit (0.98 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 5.20 percent of the FCC's general public limit (1.04 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

There are no modeled areas on the ground that exceed the FCC's limits for general public or occupational exposure in front of the other carrier antennas.

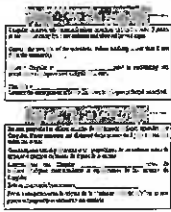
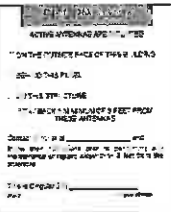
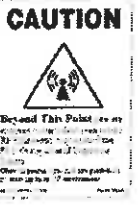
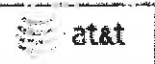
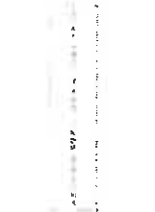
The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix C. A graphical representation of the RoofView® modeling results is presented in Appendix D. It should be noted that RoofView® is not suitable for modeling microwave dish antennas; however, these units are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated December 9, 2011, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

5.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

Informational Signs		Alerting Signs	
	INFO 1		NOTICE
	INFO 2		CAUTION
	INFO 3		WARNING
	INFO 4		

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated December 9, 2011, and additional guidance provided by AT&T, the following signage is recommended on the site:

Recommended Signage:

- Green INFO I sign posted at the base of the tower at the climbing ladder.
- Yellow CAUTION sign posted at the base of the tower at the climbing ladder.

No barriers are required for this site. Barriers may consist of rope, chain, or fencing. Painted stripes should only be used as a last resort. If painted stripes are selected as barriers, it is recommended that the stripes and signage be illuminated. The signage and any barriers are graphically represented in the Signage Plan presented in Appendix E.

6.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at 68 Nottingham Circle in Clayton, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible ground-level walking/working surface related to proposed equipment in the area that exceed the FCC's occupational and general public exposure limits at this site. As such, the proposed AT&T project is in compliance with FCC rules and regulations.

Signage is recommended at the site as presented in Section 5.0 and Appendix E. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

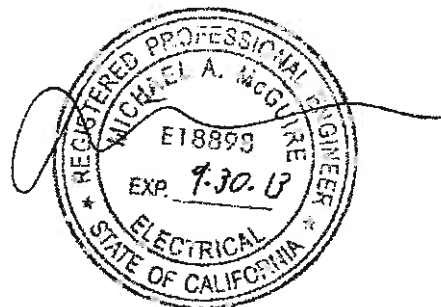
7.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A

Certifications

Reviewed and Approved by:



sealed 23April2012

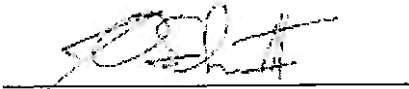
Michael McGuire
Electrical Engineer

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

Preparer Certification

I, Jos Schorr, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have been trained in on the procedures outlined in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document (dated 12/09/11) and on RF-EME modeling using RoofView® modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.



Appendix B

Antenna Inventory

Antenna Number	Operator	Antenna Type	TX Freq (MHz)	ERP (Watts)	Gain (dBd)	Model	Azimuth (deg.)	Length (feet)	Horizontal Beamwidth (Deg.)	X	Y	Z
ATT A1	AT&T	Panel	LTE 700	662	11.9	Powerwave P65-15-XLH-RR	20	4.25	73	37	43	113.9
ATT A2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6515XLH	20	4.29	63	35	44	113.9
ATT A2	AT&T	Panel	UMTS 1900	624	14.6	dB Spectra SPD2P6515XLH	20	4.29	61	35	44	113.9
ATT A2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6515XLH	20	4.29	63	35	44	113.9
ATT A2	AT&T	Panel	UMTS 1900	588	14.6	dB Spectra SPD2P6515XLH	20	4.29	61	35	44	113.9
ATT A2	AT&T	Panel	GSM 850	1112	12.6	dB Spectra SPD2P6515XLH	20	4.29	63	35	44	113.9
ATT A2	AT&T	Panel	GSM 1900	1112	14.6	dB Spectra SPD2P6515XLH	20	4.29	61	35	44	113.9
ATT B1	AT&T	Panel	LTE 700	662	11.9	Powerwave P65-15-XLH-RR	280	4.25	73	30	42	113.9
ATT B2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6515XLH	280	4.29	63	29	40	113.9
ATT B2	AT&T	Panel	UMTS 1900	624	14.6	dB Spectra SPD2P6515XLH	280	4.29	61	29	40	113.9
ATT B2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6515XLH	280	4.29	63	29	40	113.9
ATT B2	AT&T	Panel	UMTS 1900	581	14.6	dB Spectra SPD2P6515XLH	280	4.29	61	29	40	113.9
ATT B2	AT&T	Panel	GSM 850	1112	12.6	dB Spectra SPD2P6515XLH	280	4.29	63	29	40	113.9
ATT B2	AT&T	Panel	GSM 1900	1112	14.6	dB Spectra SPD2P6515XLH	280	4.29	61	29	40	113.9
ATT C1	AT&T	Panel	LTE 700	662	11.9	Powerwave P65-15-XLH-RR	140	4.25	73	38	36	113.9
ATT C2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6515XLH	140	4.29	63	40	37	113.9

Antenna Number	Operator	Antenna Type	TX Freq (MHz)	ERP (Watts)	Gain (dBi)	Model	Azimuth (deg.)	Length (feet)	Horizontal Beamwidth (Deg.)	X	Y	Z
ATT C2	AT&T	Panel	UMTS 1900	624	14.6	dB Spectra SPD2P6S15XLH	140	4.29	61	40	37	113.9
ATT C2	AT&T	Panel	UMTS 850	442	12.6	dB Spectra SPD2P6S15XLH	140	4.29	63	40	37	113.9
ATT C2	AT&T	Panel	UMTS 1900	581	14.6	dB Spectra SPD2P6S15XLH	140	4.29	61	40	37	113.9
ATT C2	AT&T	Panel	GSM 850	1112	12.6	dB Spectra SPD2P6S15XLH	140	4.29	63	40	37	113.9
ATT C2	AT&T	Panel	GSM 1900	1112	14.6	dB Spectra SPD2P6S15XLH	140	4.29	61	40	37	113.9
MET A1	MetroPCS	Panel	800	243	16	Unknown	20	6	85	36	44	122
MET A1	MetroPCS	Panel	1900	1460	16	Unknown	20	6	85	36	44	122
MET B1	MetroPCS	Panel	800	243	16	Unknown	280	6	85	30	41	122
MET B1	MetroPCS	Panel	1900	1460	16	Unknown	280	6	85	30	41	122
MET C1	MetroPCS	Panel	800	243	16	Unknown	140	6	85	39	36	122
MET C1	MetroPCS	Panel	1900	1460	16	Unknown	140	6	85	39	36	122

1. Note that EBI uses an assumed set of antenna specifications and powers for unknown and other carrier antennas for modeling purposes.
2. Note there are only 2 AT&T antennas per sector at this site. For clarity, the different frequencies for each antenna are entered on different lines.

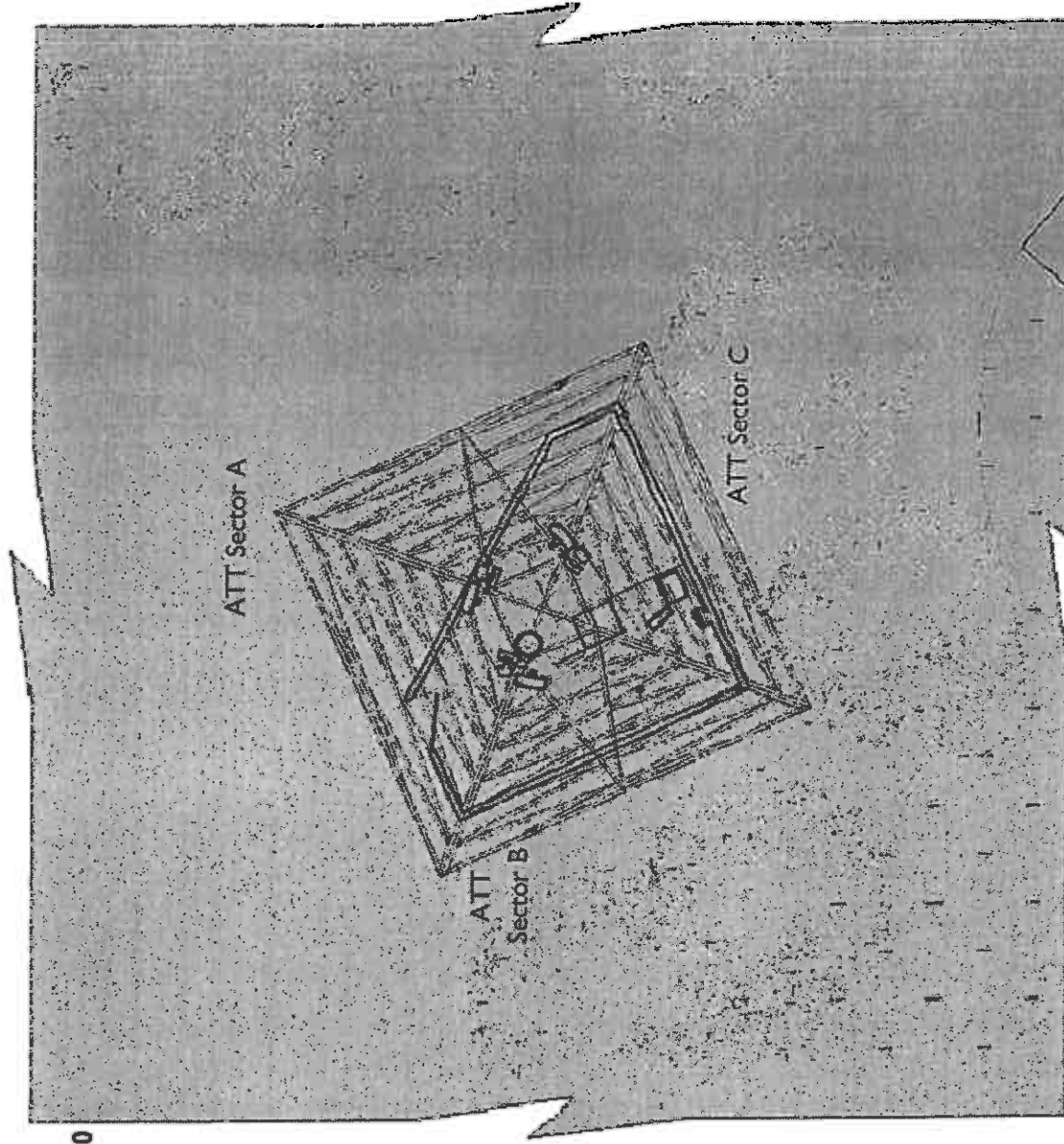
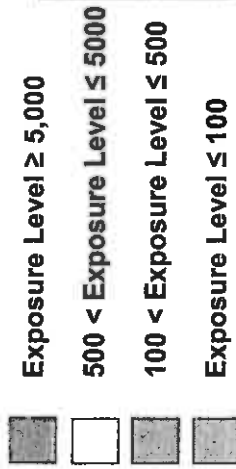
Appendix C

Roofview® Export File

Appendix D

Roofview ® Graphics

% of FCC Public Exposure Limit



*For Clarity, Other Carrier Antennas are Not Shown.



Figure 1.

Roofview: Composite Exposure Levels

Facility Operator: AT&T Mobility

Site Name: SBC Central Office

AT&T Site Number: CCL04262

USID Number: 102133

Report Date: 04-23-12



% of FCC Public Exposure Limit

- Exposure Level >5
- Exposure Level ≤ 5

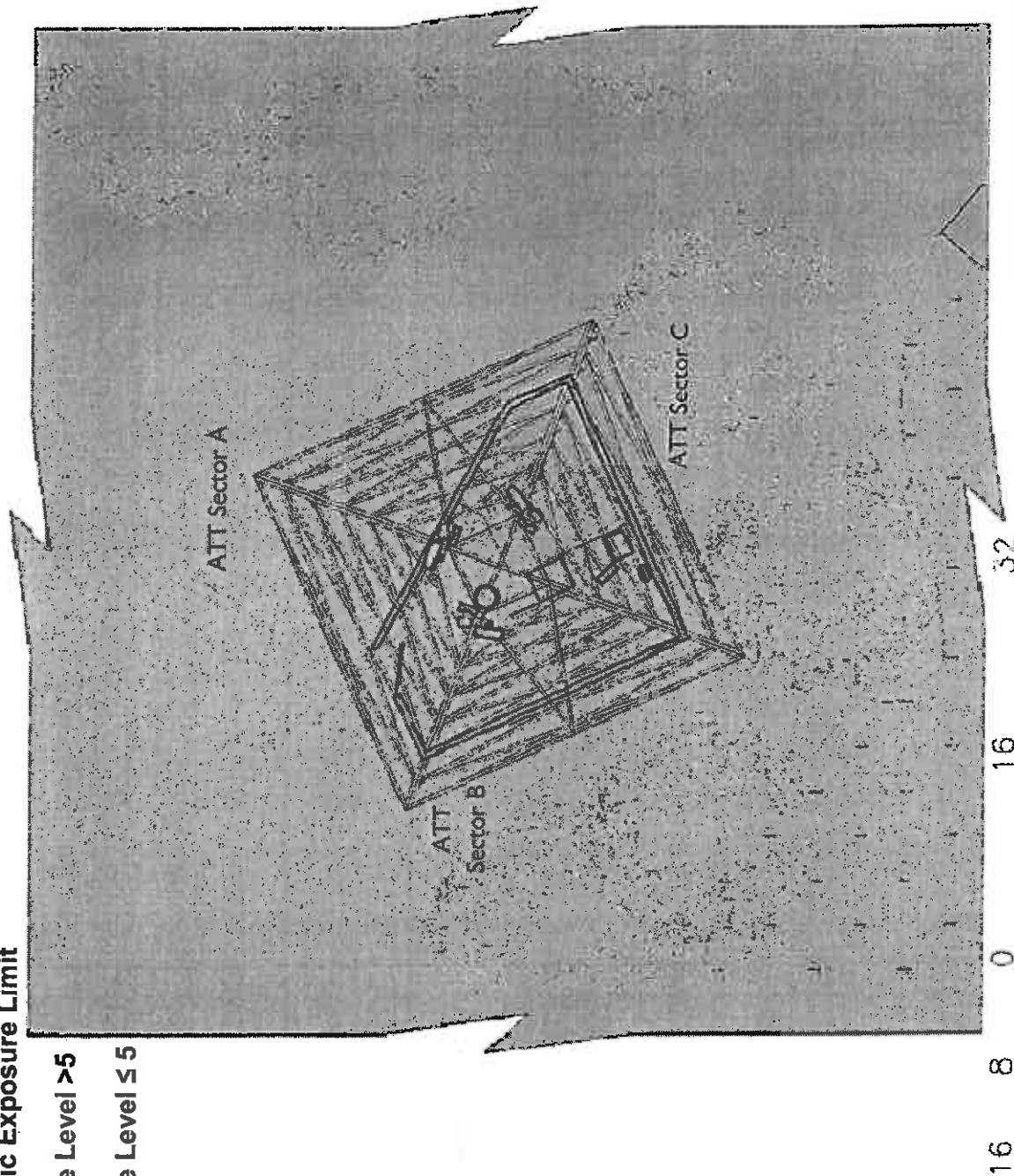


Figure 2.

Roofview: AT&T Exposure Levels

Facility Operator: AT&T Mobility

Site Name: SBC Central Office

AT&T Site Number: CCL04262

USID Number: 102133

Report Date: 04-23-12



Note that the areas shown in brown are where AT&T antennas contribute more than 5% of the FCC's general exposure RF limit. These do not overlap any areas in front of other carrier antennas exceeding the FCC's general exposure RF limit because there are no other carriers as shown in Figure 1. Under FCC regulations, AT&T is therefore not responsible for any predicted exceedances of another carrier's antennas.

*For Clarity, Other Carrier Antennas are Not Shown.

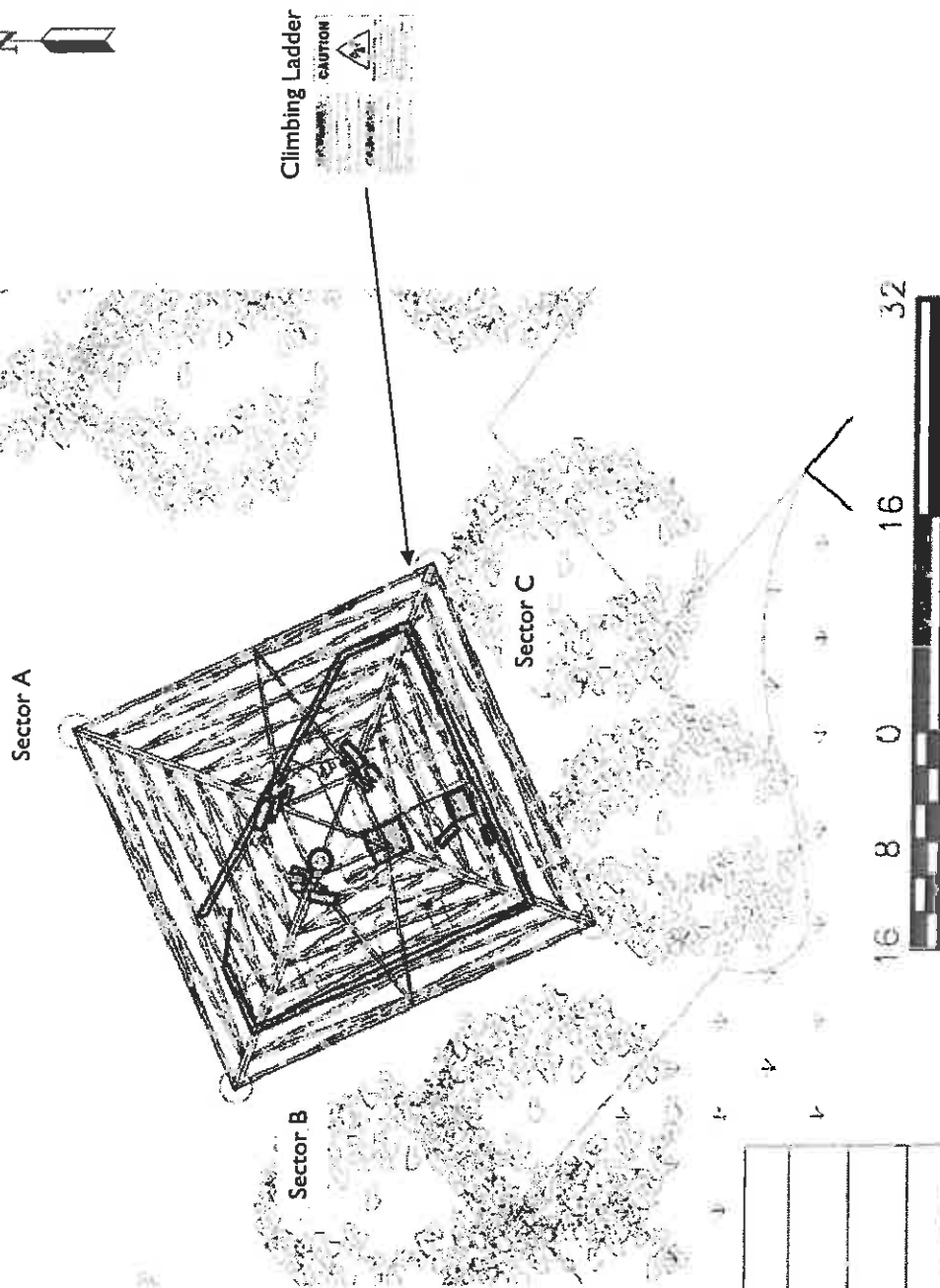
AT&T Antennas

Appendix E

Compliance/Signage Plan



*For Clarity, Other
Carrier Antennas
are Not Shown.



Sign Identification Legend	
	Denotes AT&T Informational Sign 1
	Denotes AT&T Informational Sign 2
	Denotes AT&T Informational Sign 3
	Denotes AT&T Informational Sign 4
	Denotes AT&T NOTICE Sign
	Denotes AT&T CAUTION Sign
	Denotes AT&T WARNING Sign

Compliance/Signage Plan
Facility Operator: AT&T Mobility
Site Name: SBC Central Office
AT&T Site Number: CCL04262
USID Number: 102133
Report Date: 04-23-12



**Excerpt
Minutes
Clayton Planning Commission Meeting
Tuesday, July 10, 2012**

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson, Vice Chair Haydon, Commissioner David Bruzzone, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

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

Public Hearing

3. **UP 01-12, Use Permit, AT&T, 68 Nottingham Circle, APN 120-025-003.** A Use Permit request to consider amending a previously-approved Use Permit for an existing wireless communications facility. The currently-proposed modifications involve removal of six existing antennas located at the top of an existing 125-foot PG&E lattice tower and replacement of those antennas with six new antennas as well as installation of three new cabinets within the existing ground-level equipment enclosure. The purpose of the alterations are to upgrade the existing site with new technology that will allow for faster wireless data transfers and overall improved wireless service.

Chair Haydon recused himself from participating in the consideration and action on this agenda item as he is an employee of AT&T. He then left the meeting chambers.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Commissioner Johnson asked the following questions:

- If the project is approved, when will the upgrades to the wireless communications facility occur? *The representative of the applicant, Tom Johnson, responded that, if approved, the upgrades will occur within 60 to 90 days.*
- Have there been any modifications of the site since you received initial approval four years ago? *Mr. Johnson answered that only repairs have been performed on the equipment within the enclosure.*

Commission Richardson indicated that he was aware of "Project Lightspeed". *Mr. Johnson indicated that AT&T is working on a project called Longterm Evolution which involves new technology with the ability to perform higher data transfers.*

Commissioner Bruzzone asked is Longterm Evolution going to require upgrades? *Mr. Johnson replied that system-wide upgrades will be performed at all AT&T sites to allow for Longterm Evolution.*

Brin Owen, 49 Nottingham Circle, indicated the following:

- Existing AT&T wireless communications facility does generate more noise than anticipated.
- Can hear a constant droning sound emanating from the facility when I stand in my yard, especially at night when ambient noise levels are reduced.
- Had previously contacted AT&T regarding the noise and was told that AT&T would perform acoustic monitoring and report back to me but I never heard back from them.
- Do not think AT&T adequately addressed my concerns over noise.
- Would request that additional upgrades to mitigate noise be included since AT&T is proposing to install more cabinets within the equipment enclosure.
- Part of the problem may be that the equipment enclosure has an open top which allows the noise to impact neighboring properties.
- Noticed that a wireless communications facility equipment enclosure located nearby on Pine Hollow Road has a roof on it. Perhaps a roof could be placed on the subject equipment enclosure.
- Request that the City work closely with AT&T to mitigate noise levels.
- Want to commend AT&T on doing a good job installing and maintaining the landscaping around the equipment enclosure.

Michael O'Brien, 68 Nottingham Circle, owner of the subject property on which the cellular facility is located, indicated the following:

- Have enjoyed working with AT&T.
- To AT&T's credit, they have installed acoustical walls within the equipment enclosure to mitigate noise.
- Although the topography appears to be level in the area of the neighborhood within proximity of the subject site, the equipment enclosure is actually located below the level of my residence and Mr. Owen's residence. Given that the equipment enclosure is not roofed and that surrounding residences are higher in elevation than the equipment enclosure, the noise emanating from the equipment enclosure travels out from the top of the enclosure and is easily heard by surrounding property owners.
- An acoustical study taken from the sides of the equipment enclosure would not be accurate in gauging the level of noise generated from the site; the noise study should also be taken from above the enclosure to accurately measure the level of noise.

Commissioner Bruzzone indicated that noise level information should be gathered at different heights in order to accurately capture on-site noise generation.

Director Woltering indicated that staff would seek to ensure that AT&T captures noise generation at varying heights around the equipment enclosure when the noise study is conducted.

Commissioner Johnson suggested that the equipment enclosure could possibly be enclosed at the top to mitigate noise generation.

Director Woltering indicated that, if we find a need to substantially modify the equipment enclosure (e.g., install a roof), we would bring the proposal back to the Planning Commission for review.

Michael O'Brien asked what is a comparable type of noise that would be 55 decibels at the property line, as required by the General Plan Noise Element? *It was indicated that 55 decibels would be the approximate level of noise generated by a sewing machine.*

Mr. Johnson indicated the following:

- AT&T is already coordinating with a sound engineer to conduct the noise study.
- We will coordinate with Mr. O'Brien to schedule a time to conduct the noise study.
- Can do both day and night studies to include ambient noise levels.
- Have concerns regarding constructing a roof over the equipment enclosure, indicating that the level of heat would rise dramatically, causing the cooling system to work constantly which would result in even higher levels of noise being generated from the site.

Commissioner Richardson indicated he would not support taking action on the item until the noise study is completed.

By consensus, the Planning Commission directed staff and the applicant to conduct a noise study to be taken at varying heights around and above the enclosure; and that the noise study should be conducted with staff and concerned neighbors present.

Commissioner Richardson moved and Vice Chair Manning seconded the motion to continue Use Permit UP 01-12 to a date uncertain. The motion passed 4-0.

P\ng Comm\Minutes\2012\0710-excerpt-att



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
BROADCAST & WIRELESS

WILLIAM F. HAMMETT, P.E.
DANE E. ERICKSEN, P.E.
STANLEY SALEK, P.E.
ROBERT P. SMITH, JR.
RAJAT MATHUR, P.E.
KENT A. SWISHER
ANDREA L. BRIGHT

BY E-MAIL DWOLTERING@CI.CLAYTON.CA.US

September 6, 2012

Mr. David Woltering, AICP
Community Development Director
City Hall
6000 Heritage Trail
Clayton, California 94517-1250

Dear Mr. Woltering:

RECEIVED

SEP 08 2012

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

As requested by Mr. Tom Johnson, representing AT&T Mobility, I met at 68 Nottingham Circle in Clayton on August 17, 2012, with you and Mr. Johnson to review the noise levels emitted by the base station equipment of AT&T and MetroPCS located beneath the PG&E tower at that address. We were joined by Mr. Mike O'Brien, who lives in the house at 68 Nottingham Circle, and Ms. Kirsten Owen, who lives across the street, at 49 Nottingham Circle.

Using our Quest Sound Meter, Model DP2200R (Serial Number SBF110001), under current calibration by the manufacturer, we observed minimum* noise levels to be less than 44 dBA at the O'Brien house and less than 41 dBA at the Owen house. As you noted, both of these levels are well below the 55 dBA noise limit in the City of Clayton general plan, even if those levels were to be continuous 24-hours a day.

Mr. Johnson indicated that AT&T plans to install sound hoods on its cabinets to reduce emitted noise, as part of its application to the city to upgrade equipment at the site, and Mr. O'Brien indicated that he is considering an application to increase the height of his fence facing the tower.

We appreciate the opportunity to provide definitive measurements at this site and would be pleased to return, should the need arise.

Sincerely yours,

William F. Hammett

jp

cc: Mr. Tom Johnson - BY E-MAIL TJOHNSON@TRILLIUMCOS.COM
Mr. Milan Skela - BY E-MAIL MSIKELA@CI.CLAYTON.CA.US

* This is intended to represent the noise from continuous, fixed sources, separate from the varying levels due to intermittent sources including traffic, wind, voices, and planes.

PLANNING COMMISSION STAFF REPORT

Meeting Date: September 11, 2012

From: David Woltering, Community Development Director 

Subject: Mitchell Creek Place Residential Subdivision
Development Plan Amendment (DP 01-05)

REQUEST

The applicant is requesting to amend conditions of approval of this now-constructed project that requires trees, both at the time of original installation and replacement trees, to be 24-inch box in size. The originally installed trees were 24-inch box in size; the applicant is requesting the option to install replacement trees that are 15-gallon in size (See **Attachment 1**).

PROJECT INFORMATION

Applicant: Mitchell Creek Place Homeowners Association (HOA)

Location/Acreage: High Street at Oak Street/1.22 Acres

General Plan Designation
Existing: Multi-Family Low Density Residential (7.6 - 10 units per acre)

Zoning District
Existing: Planned Development (PD)

Surrounding General Plan Designations:
North: Town Center Commercial
South: Single Family Low Density Residential
East: Single Family Low Density Residential
West: Medium Low Density Residential

Surrounding Zoning and Land Uses:
North: Planned Development District/Residential; Parking Lot
South: Single Family Residential R-15 and R-40-H District/Residential
East: Single Family Residential R-40-H District / Residential
West: Planned Development/Vacant

Environmental Review: Initial Environmental Study/Negative Declaration (ENV 01-05)

Public Notice: On August 30, 2012, a public hearing notice was mailed to interested parties and property owners within 300 feet of the project site.

Authority: Section 17.28.140 of the Zoning Ordinance authorizes the Planning Commission to make a recommendation to the City Council regarding a development plan permit.

BACKGROUND

The nine-home Mitchell Creek Place single-family residential subdivision on High Street at Oak Street was approved by the City of Clayton in October of 2006 and subsequently constructed in 2007 and 2008. Conditions of project approval, including conditions 1 and 23-29, and specifically condition 23c, require that trees of a 24-inch box size be installed as part of the approved landscape plan (See **Attachment 2**). The objective was to have more mature landscaping within this subdivision earlier than might otherwise occur with smaller initial plantings. The 24-inch box trees were installed in accordance with the conditions of approval.

Recently, it was brought to staff's attention that the 12 ornamental pear trees within this subdivision have "fire blight" and must be removed. These trees were typically planted in locations where there was limited space and, generally, appear oversized for their respective locations. A smaller tree variety would be appropriate. Staff will work with the HOA representative to determine an appropriate replacement tree type. Staff has issued a tree removal permit to the HOA to remove the fire blighted trees. As described in the email (See **Attachment 1**) from the HOA representative, they desire to install smaller, 15-gallon in size, replacement trees. They indicate the smaller trees would result in less disturbance to established planted areas, adapt better to the soils and settings, and be substantially less expensive. Staff agrees with the HOA position on this matter.

At this time, there are established plantings within this subdivision. Therefore, the desire to have more mature landscaping to soften the appearance of the subdivision no longer is a concern. The 15-gallon trees would adapt better to the installation settings and result in less disturbance to the existing landscaping.

RECOMMENDATION

Staff recommends the Planning Commission recommend to the City Council that pertinent conditions of approval in Resolution 48-2006 (See **Attachment 2**) be amended to allow replacement trees in the Mitchell Creek Place subdivision to be 15-gallon in size.

ATTACHMENTS

- 1 Email request from Karen Haas, Mitchell Creek Place HOA representative, dated August 27, 2012
- 2 Excerpt of Resolution No. 48-2006, A Resolution Approving a Development Plan Permit for the Mitchell Creek Place Residential Project (DP 01-05)

DP\2005\01-05.sr.pc.9.11.12

Milan Sikela

From: Karen Haas <kmhaas@sbcglobal.net>
Sent: Monday, August 27, 2012 11:31 PM
To: msikela@ci.clayton.ca.us
Subject: Mitchell Creek Place HOA-replacement of pear trees

Hi Milan,

Thank you for meeting with me August 17th. I appreciate that the city recognizes that the pear trees are diseased and need to be removed. I further appreciate the promptness in which the city granted the removal permit.

As you know, Mitchell Creek Place HOA has decided that we would like the city of Clayton to amend the original landscaping document to allow us to plant 15 gallon size trees instead of 24" box size.

We are requesting this change for the following reasons:

- 1) We are a young (only 3 years in development) and small, (only 9 member) association. This places a huge financial burden on our members. We did not expect the need for costly landscape replacement this early in our existence.
- 2) Our landscape company believes the 15 gallon trees will acclimate to the planting site more quickly than a 24" box tree. Faster root development means faster top growth. Over a short period of time our 15 gallon trees will be larger than the 24" box trees. This will supply the canopy and ambiance that a mature tree provides sooner for our HOA and our surrounding neighbors.
- 3) The larger excavation required for a 24" box tree will cause damage to our maturing landscape plants that surround these tree sites, which will need further restoration and increase the overall cost of the project creating a larger financial burden on us.

We understand we must choose trees that the city of Clayton has approved for this project. We further understand that the original, city approved pear trees, were too large for the designated sites and agree with replacing them with smaller trees. The HOA is waiting for more information from the landscape company for exact names and placement of the 12 new trees. As soon as the HOA comes to agreement, we will give this information to you for final approval.

Please let me know if you need more information and what is our next step for the Planning Commission.

Karen Haas, Treasurer
Mitchell Creek Place HOA

RESOLUTION NO. 48-2006

**A RESOLUTION APPROVING A DEVELOPMENT PLAN PERMIT
FOR THE MITCHELL CREEK PLACE RESIDENTIAL PROJECT
(DP 01-05)**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, the Clayton Planning Commission held several duly-noticed public hearings commencing on June 13, 2006 and concluding on August 29, 2006 on the Mitchell Creek Place residential project (including development plan permit DP 01-05) located at the southeast corner of Oak Street and High Street (APN 119-021-067 and 119-021-068); and

WHEREAS, on August 29, 2006, the Clayton Planning Commission recommended Clayton City Council approval of development plan permit DP 01-05 subject to various conditions of approval; and

WHEREAS, on October 3, 2006, the Clayton City Council held a duly-noticed public hearing and gave due consideration to all testimony, comments and documents received; and

WHEREAS, the *Mitchell Creek Place Residential Subdivision Initial Environmental Study/Negative Declaration* and the accompanying Mitigation Monitoring Plan (ENV 01-05), which has been adopted by the City Council, found that the Mitchell Creek Place residential project (including development plan permit DP 01-05) would not result in any significant adverse effects on the environment; and

WHEREAS, there is no evidence that the Mitchell Creek Place residential project will have the potential for any individual or cumulative adverse effect on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA DOES HEREWITH DETERMINE:

SECTION 1. The City Council does hereby find and affirm the above noted Recitals are true and correct facts and information relative to the land use proceedings at hand.

SECTION 2. The City Council determines that the Mitchell Creek Place development plan permit DP 01-05 for the "Preferred Lot Plan," subject to the attached conditions of approval, meets the following findings:

- a. Is consistent with the *General Plan* designation and policies for the site.
- b. Meets the standards of review in Section 17.28.160 of the *Zoning Ordinance* regarding the protection of natural open spaces and features; vehicular access and

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RESOLUTION NO. 48-2006

Page 2

parking; landscape design; site design for the residences and private yards; architectural design of the residences; and maintenance of common areas such as the project driveway.

- c. Will result in a significantly higher quality development than would occur with a traditional residential zoning district.
- d. Will be compatible and in harmony with the surrounding neighborhood and the Town Center, as well as the City as a whole.
- e. Will not result in any significant effects on the environment since compliance with the project's *Initial Environmental Study/Negative Declaration* will reduce the project's potentially significant impacts to less-than-significant levels.
- f. Will be initiated for construction within eighteen months after approval by the City Council, or will have obtained an extension of time in accordance with Section 17.28.090 of the *Zoning Ordinance*.

SECTION 3. The City Council approves development plan permit DP 01-05 for the "Preferred Lot Plan" of the Mitchell Creek Place residential project, subject to the attached conditions of approval.

SECTION 4. The City Council determines that the proposed "Alternative Lot Plan" for the Mitchell Creek Place development plan permit DP 01-05 is unacceptable since it would provide access to an open space parcel that would not be compatible with adjacent residential land uses. The development plan permit DP 01-05 for the "Alternative Lot Plan" of the Mitchell Creek Place residential project is not approved.

Passed, approved, and adopted by the City Council of the City of Clayton, California, at a regular meeting thereof held on October 3, 2006 by the following vote:

AYES: Mayor Shuey, Vice Mayor Walcutt, Councilmember Laurence, Councilmember Manning, and Councilmember Pierce

NOES: None

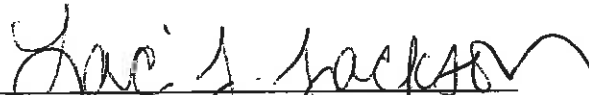
ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON


David T. Shuey, Mayor

ATTEST:


Laci J. Jackson, City Clerk

Attachment: Mitchell Creek Place Residential Project Development Plan Permit DP 01-05
Conditions of Approval

DP\2006\05-06-Resolution-1

ATTACHMENT TO RESOLUTION NO. 48 - 2006
MITCHELL CREEK PLACE RESIDENTIAL PROJECT
DEVELOPMENT PLAN PERMIT DP 01-05
CONDITIONS OF APPROVAL

These conditions apply to:

- *Mitchell Creek Place Vesting Tentative Map* [Preferred Lot Plan], *Preliminary Grading Plan*, *Preliminary Drainage Plan*, and *Development Plan* prepared by Aliquot & Associates Inc., date stamped March 21, 2006
- *Mitchell Creek Place Preliminary Landscape Plan*, prepared by Thomas Baak & Associates, Inc., date stamped June 7, 2006.
- Architectural elevations entitled "Mitchell Creek Place," prepared by Hollman & Bologna, date stamped June 7, 2006.
- Exterior Colors and Materials, date stamped September 1, 2005.

Planning Conditions

1. The project shall have covenants, conditions, and restrictions (CC&R's) which address the issues listed below. The CC&R's shall be submitted to the Community Development Director for review and approval.
 - a. Property owners are responsible for the repair and maintenance of the required fences along their respective property lines, except the fence on Lots 1-4 along the south side of the project driveway which shall be responsibility of the homeowners association. The fences shall be maintained in a style consistent with the design approved by the City.
 - b. Lots 7, 8, and 9 receive runoff (in the project's pre-development condition) from adjoining private property. The owners of Lots 7, 8, and 9 shall be required to accept such runoff in perpetuity, shall maintain the swales and facilities that collect such runoff, and shall not construct any improvements that could block such runoff.
 - c. Parking is prohibited along the project driveway, except for the two guest parallel parking spaces south of Lots 3 and 4.
 - d. The homeowners association is solely responsible for replacement, maintenance, weeding, and irrigation of the landscaping in the following areas: the public right-of-way at the southeast corner of High Street and Diablo Street; the public right-of-way along Oak Street; and on Lots 1-4 along the south side of the project driveway.
 - e. The homeowners association and property owners shall maintain all landscaped areas in conformity with the approved landscape plans. Any modifications from the approved landscape plans requires the approval of the Community Development Director. The following criteria should be considered in reviewing modifications of the previously-approved plans:
 - i. Replacement plantings shall be of similar size, at maturity, to the original plants.
 - ii. Plantings may not impede or reduce the function of the on-site drainage swale system.
 - iii. Vegetative landscaping may not be replaced with impervious surfaces.

- f. The homeowners association is responsible for maintaining in perpetuity certain private improvements including, but not limited to, the project driveway, curb markings, street lights and street signage. In order to maintain a pavement condition comparable to a Pavement Condition Index (PCI) of 70 or better at all times, the homeowners association shall take the following actions:
 - i. Perform routine pavement maintenance including crack sealing and patching on an annual basis;
 - ii. Repaint the curb markings every second year;
 - iii. Slurry seal the pavement no less often than every seven (7) years; and
 - iv. Overlay or replace the pavement no less often than every thirty (30) years.
 - g. Solid waste containers shall be stored out of view and wholly contained in the side yard or garage, except as allowed by the *Municipal Code* (including any amendments) for solid waste collection times.
 - h. Solid waste containers shall be collected from the project driveway. Placement of solid waste containers along High Street, Diablo Street, or Oak Street is prohibited.
 - i. Property owners and residents shall park their vehicles in their garages. No garage may be used for any purpose that prevents its use for parking the vehicles it was designed to accommodate. Any property owner or resident who fails to maintain their garage in accordance with these provisions is subject to enforcement by the homeowners association and/or by the City, with costs of any enforcement action to be paid by the property owner. It is the intent of this condition that the City is a third party beneficiary to this condition.
 - j. A majority of the property owners may impose monetary penalties on any property owner who violates the CC&R's.
 - k. No provision in the CC&R's which is included as a result of these Conditions of Approval may be amended without the prior written approval of the City of Clayton.
2. This tentative map approval is not effective until the Zoning Map designation for the project site has been amended to Planned Development (PD) District [ZOA 01-05].
 3. The Developer shall file annual reports each January with the Community Development Department which indicate the number and price of new residences sold in the previous calendar year.
 4. The project is subject to development impact fees. At the time of the filing of the final subdivision map, the subdivider shall pay the in-lieu park fees determined by the City (pursuant to Chapter 16.12 of the Subdivision Ordinance).
 5. The Developer shall establish a homeowners association with dues. The homeowners association shall be maintained in perpetuity.
 6. The Development Plan shall comply with any amendments of Planned Development District open space regulations approved by the City Council (ZOA 01-05).
 7. The Developer shall pay a fair share contribution to the City of Clayton for impacts to police staffing directly related to impacts of the Mitchell Creek Place project for a five-year period.

The calculation and payment shall be made at the time of issuance of building permit for each of the Project's units and shall be approved in advance by the Clayton Police Chief and City Manager in accordance with the formula provided in Mitigation Measure 12, based upon eight (8) net additional units. [MM 12]¹

8. Prior to issuance of a demolition permit by the City for any on-site structures, the Developer shall provide a site assessment, which determines whether any structures to be demolished contain asbestos or lead-based paint. If any structures contain these materials or any other hazardous materials, the Developer shall submit an abatement plan consistent with local, state, and federal standards, subject to approval of the Contra Costa County Building Inspection Department. [MM 5]
9. All conditions of approval, which are applicable to the construction of the subdivision improvements, shall appear on the improvement drawings.
10. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the City of Clayton and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.
11. 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, judgments, 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.
12. All mitigation measures set forth in the *Mitchell Creek Place Residential Subdivision Initial Environmental Study/Negative Declaration* are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those found infeasible pursuant to Section 15091 of the California Environmental Quality Act Guidelines.
13. The Developer shall be responsible for all fees and environmental review costs, including those charged by the California Department of Fish and Game.
14. The Developer shall record disclosure statements with the deeds for the project's lots. The disclosure statements shall be reviewed and approved by the City Attorney and the Community Development Director and shall address the following issues.

¹ Mitigation measures (MM) listed in the *Mitchell Creek Place Initial Environmental Study/Negative Declaration* are referenced by number (e.g., MM 2 for Mitigation Measure 2).

- a. Special events occur throughout the year in the downtown area and at Endeavor Hall, which may temporarily increase noise levels at the residential properties as well as increase traffic and demand for parking.
 - b. Special events occur throughout the year in the downtown area which result in the closure of adjacent streets except for emergency vehicle access. During these events vehicular access to and from High Street may be prohibited. Vehicular access to and from Oak Street will remain open.
 - c. Commercial land use and zoning designations on adjacent properties to the north of the project site allow a variety of commercial activities, including parking lots and multi-story commercial buildings. It is the policy of the City of Clayton to encourage commercial development of the commercially-zoned properties in the Town Center.
 - d. The City of Clayton owns the parcel (APN 119-016-005) at the northwest corner of High Street and Diablo Street. The property will initially be developed as a parking lot for the general public. In the future, the property may be developed as a multi-story parking structure or a multi-story commercial building.
 - e. Public parking spaces are located on High Street in front of Lots 1 through 7. In the future, the parking spaces on High Street in front of Lots 1 through 7 as well as the parking spaces on Diablo Street may be converted to diagonal parking spaces and/or parking spaces with time limits.
15. The development plan and final subdivision map shall show a conservation easement on the upslope portions of Lots 7 and 8. The easement area shall cover the northernmost forty-three (43) feet of Lot 7, as well as the easternmost forty (40) feet of Lots 7 and 8. The easement is intended to preserve an open and attractive visual character to the subject area. Grading (except for site grading by the Developer and drainage improvements) and the construction of all buildings and structures shall be prohibited within the easement area. In addition, landscaping (except existing and project trees) shall not extend above the 6-foot high fence along the eastern property lines of Lots 7 and 8.
16. At least thirty (30) days prior to any demolition or groundbreaking activities, the Developer shall retain an exterminator who shall evaluate the site and make recommendations for the control and/or eradication of any on-site rodents. The recommendations shall be subject to the review and approval of the Community Development Director. The Developer comply with the approved recommendations prior to initiation of any demolition or groundbreaking activities.
17. The project shall comply with the design guidelines of the *Town Center Specific Plan*.

Architectural Conditions

18. The Architectural Elevations shall be revised to include the following changes for the review and approval of the Community Development Director:
- a. The elevations for Lot 6 shall be revised as follows: a door shall be included on the right side of the Lot 6 residence garage allowing access into the side yard; a window shall be added to the garage on Lot 6; and a window shall be added to the left side of the residence on Lot 6 for Bedroom 2.

- b. On Lots 1-6, gates shall be provided on the rear fences of the side yards to allow access from the respective side yards to the project driveway. On Lots 7-9, at least one gate shall be provided on each lot to allow access from the respective rear yard to the project driveway. Concrete walkways shall also be provided to connect the trash bin storage pad located in the side yard to the driveway apron.
 - c. On Lots 1-6, all windows facing the internal side-yards accessible by neighboring residents shall either be obscure or have a sill height of six feet or more above the floor.
 - d. Architectural ornamentation shall be added above the garage door on Lot 5. The style of ornamentation shall be consistent with the overall theme of the residence.
 - e. Stone wainscot shall be added on the rear elevations of the garages on Lots 5 and 6 from fence line to one foot from utility meter equipment on utility meter side of residence.
 - f. Garage doors for the buildings on Lots 1 through 9 shall be of two types, solid raised panel design and raised panel design with windows. The garage door types shall be randomly used on the respective lots. The garage doors shall be painted to match the primary color of the respective residences.
 - g. The residence on Lot 4 shall utilize either: wainscoting on the front elevation that extends around both side elevations to the fence line; or masonry elements on the columns supporting the front entryway canopy.
 - h. Fence materials for the fences along the west side of Lot 1, the east side of Lot 6, and the west side of Lot 7 shall be the same horizontal lap siding proposed for the adjacent residences.
 - I The fence columns on Lots 1, 6, and 7 shall be covered with stone facing.
19. The attached development standards (dated August 30, 2006) shall be listed on the final subdivision map and applicable to future improvements on the project site.

Tree Protection Conditions

- 20. Prior to the initiation of any construction activities, a tree protection plan shall be submitted to the Community Development Department for review and approval. The tree protection plan shall address trees numbered 3617, 3624, 3626, 3625, 3661, and 3658 as indicated in the Arborist Report prepared for the project by Joseph McNeil.
- 21. Trees which are identified for preservation, and are subsequently removed during construction, shall be replaced by new trees equal to 200% of the value (as established by the International Society of Arboriculture) of the original tree(s) to be preserved.
- 22. The Community Development Department shall review and approve grading and improvement plans to ensure adequate measures are taken to protect trees.

Landscaping Conditions

- 23. The improvement drawings shall include landscape and irrigation plans. The landscape and irrigation plans shall show the items listed below; meet the requirements of Chapter 17.80 of the *Zoning Ordinance*; and be submitted for review and approval by the Community Development Department, Maintenance Department, and City Engineer.

- a. Landscaped areas in the public right-of-way shall be planted at the following densities: trees shall be provided at an average density of 1 tree/25 feet; shrubs shall be 5-gallon size and provided at an average density of 1 shrub/5 feet.
 - b. Landscaped areas in the front yards (except turf areas) shall be planted at the following densities: trees shall be provided at an average density of 1 tree/25 feet; shrubs shall be 5-gallon size and provided at an average density of 1 shrub/5 feet; groundcover plants shall be 1-gallon size and provided at an average density of 1 plant/3 feet.
 - c. All trees shall be 24-inch box size.
 - d. Water meters and irrigation systems with automatic controls.
 - e. All anti-siphon water valves shall be screened.
 - f. All newly-graded areas in or adjacent to the public right-of-way shall not exceed a 2:1 (horizontal:vertical) ratio.
 - g. A layer of mulch two to four inches thick shall be applied in all landscape areas.
 - h. Trees shall be planted along the project's southern property line and on the graded upslope portions of Lots 7 and 8 at a spacing of 1 tree/25 feet. This shall include the area between the southern property line and the two parking spaces proposed within the swale area south of the project driveway and Lots 3 and 4.
24. Three sets of the landscape and irrigation plans shall be submitted with the grading and improvement plans for review and approval by the Community Development Department, Engineering Department, and the Maintenance Department. These plans shall be approved prior to issuance of grading or encroachment permits. The landscape and irrigation plans shall be prepared by a landscape architect; shall have overall dimensions of 24" x 36"; shall contain approval blocks for the Community Development Director, City Engineer, and Maintenance Department; and shall show all existing and proposed public utilities within the project limits.
25. Landscaping shall be installed (or, at the sole discretion of the City, bonded) in conformance with the approved plans prior to occupancy of the individual residences.
26. All trees shall be planted at least ten (10) feet away from any public water, sewer, or storm drain lines, unless a closer location is approved by the City. All trees shall be installed with support staking. All nursery stakes must be removed from trees. All trees planted within eight (8) feet of a sidewalk or driveway shall be installed with root guards.
27. Prior to the issuance of a building permit for the first residence (including model homes), the Developer shall offer the City legally-binding instruments (e.g., licenses, easements, permits) regarding maintenance of the landscaping in the right-of-way on the project's High, Diablo, and Oak Street frontages. The instruments shall obligate the homeowners association to be responsible for the maintenance of the landscaping in the right-of-way. In its sole discretion, the City may revoke the instruments and/or remove any or all landscaping installed following a minimum of ten (10) days notice to homeowners association. The project site will remain in and be assessed for the existing Citywide Landscape Maintenance District, as amended or replaced.

28. The height of fences, including any retaining walls located within three feet, shall conform with the requirements of Section 17.36.075.G of the *Zoning Ordinance* regarding maximum fence heights.
29. The homeowners association and property owners shall maintain all landscaped areas in conformity with the approved landscape plans. Any modifications from the approved landscape plans requires the approval of the Community Development Director. The following criteria should be considered in reviewing modifications of the previously-approved plans:
 - a. Replacement plantings shall be of similar size, at maturity, to the original plants.
 - b. Plantings may not impede or reduce the function of the on-site drainage swale system.
 - c. Vegetative landscaping may not be replaced with impervious surfaces.

Grading Conditions

30. The Grading Plan shall be amended as follows:
 - a. Actions listed in the tree protection plan (see Tree Protection Conditions) to retain identified native trees shall be incorporated into the grading plan.
 - b. A five-foot (minimum) high temporary chain link fence shall be installed on driven posts prior to any demolition or construction activities. The fence shall be installed at the locations around the trees to be retained (as shown on the preliminary grading plan) and shall remain in place until the project is completed. Weather-proof signs shall be installed on temporary fences indicating that the fences shall not be opened, moved, or removed without authorization of the project arborist. The telephone number of the arborist shall be listed on the signs.
 - c. All retaining walls in the project shall be constructed of masonry block or concrete. All retaining walls visible from public street or sidewalk areas shall be covered with a stone fascia. Retaining walls greater than three feet in height (e.g., Lots 7 and 8) shall be designed by a licensed engineer.
 - d. All side yards (i.e., side setbacks plus private access easements) shall contain at least five feet of flat, unoccupied area (except for the common side yard between Lots 5 and 6 in which an air conditioner pad may be installed). "Flat" means a cross-slope between 2% and 10%. "Unoccupied" means no encroachments by fireplaces, building pop-outs (with or without a foundation), air conditioner pads, and the like.
 - e. Two feet of flat area shall be provided between a property or right of way line and the top of slope.
 - f. Signature blocks shall be provided for the Community Development Director and the City Engineer.
 - g. The retaining wall on the west side of Lot 1 shall not exceed a height of three feet six inches.
31. The recommendations of the geotechnical report shall be incorporated into the construction plans.

PLANNING COMMISSION STAFF REPORT

Meeting Date: September 11, 2012

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Sherwin Williams Sign Permit (SP 02-12)

REQUEST

A request for approval of a Sign Permit to consider proposed installation of two “Sherwin Williams” building signs (one 17 square-foot sign on the north elevation and one 24 square-foot sign on the west elevation).

PROJECT INFORMATION

Applicant: West Coast Sign and Install
2427 Vista Del Monte
Concord, California 94520

Property Owner: Las Trampas Investments
P.O. Box 580
Danville, California 94526

Location: 5441 – 5443 Clayton Road
Clayton, California 94517
APN 119-031-051

General Plan Designation: Kirker Corridor Commercial. This proposal complies with the General Plan designation.

Zoning: PD – Planned Development.

Environmental Review: Categorically exempt per Section 15311(a) of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On August 30, 2012, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site.

Authority: Section 15.08.030.B.3 of the Clayton Municipal Code (CMC) Sign Provisions authorizes the Planning Commission to approve a Sign Permit in accordance with a master sign plan, as listed in CMC Section 15.08.070.K, for a major tenant at the Clayton Station shopping center, in accordance with the Clayton Station Master Sign Plan sign criteria.

DISCUSSION

The applicant has requested approval of a Sign Permit to allow the installation of two new signs on the existing building at 5441 – 5443 Clayton Road in the Clayton Station shopping center (see **Attachment 1**). Since the building is located in Clayton Station, the subject building's signage is subject to approval in accordance with the Clayton Station Master Sign Plan sign criteria. The Clayton Station Master Sign Plan requires that all signs for major tenants and pad buildings utilize interior illumination, which the proposed signs do. Furthermore, the Master Sign Plan allows a maximum letter height of 15 inches with a white Plexiglas face and charcoal metal return, which the subject signs comply with. Lastly, the Master Sign Plan mandates that sign areas be limited to one square foot of sign area per lineal foot of storefront. The north elevation of the subject storefront measures approximately 53 feet in length, while the sign area for the north elevation is proposed at less than 17 square feet in area. The west elevation of the subject storefront measures approximately 28 feet in length, while the sign area for the west elevation is proposed at less than 24 square feet in area. Based on this analysis, the proposed signage complies with the Clayton Station Master Sign Plan sign criteria.

Staff notes the following items for Planning Commission consideration:

- The site plan indicates the location of the sign on the north elevation as being flush with the front (north) plane of the entryway support columns (see **Attachment 1, Sheet 1 of 3**). A condition has been provided for consistency purposes that, on the plans submitted for building permit issuance, the site plan be revised to show the north elevation sign in the correct location on the recessed entryway component, as is depicted on the proposed north elevation (see **Attachment 1, Sheet 1 of 3**).
- The proposed west elevation shows the "Wine Thieves" sign in its previous location (see **Attachment 1, Sheet 3 of 3**). A condition has been provided that, on the plans submitted for building permit issuance, the Wine Thieves sign be removed from the west elevation.
- As part of a previously-approved Site Plan Review Permit (SPR 01-12) for the subject building, the horizontal design element beneath the triangular cutouts on the west elevation will be widened to allow for two tenants to install signs on the horizontal element (see **Attachment 2**). Staff notes that the horizontal element shown on the proposed west elevation incorporates structural dimensions as they currently exist, which has caused the sign photosimulation to extend above the top portion of the horizontal element (see **Attachment 1, Sheet 3 of 3**). A condition has been provided that, on the plans submitted for building permit issuance, the horizontal design element shall be accurately depicted with the approved dimensions, as is shown in **Attachment 2**. The purpose of this condition is to assure that area is provided for two signs, properly dimensioned and located, as intended.

Based on the proposed signage and provisions in the Clayton Station Master Sign Plan sign criteria, staff is in support of the proposed signage and observes that the signage, along with the architectural modifications, serve to add to the overall improvement of the subject building.

RECOMMENDATION

Staff recommends that the Planning Commission approve Sign Permit SP 02-12 for the installation of two "Sherwin Williams" building signs (one 17 square-foot sign on the north elevation and one 24 square-foot sign on the west elevation) on the existing building at 5441 – 5443 Clayton Road in the Clayton Station shopping center, with the proposed findings of approval, conditions of approval, and advisory notes provided below.

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings that Sign Permit SP 02-12, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards of the Clayton Station Master Sign Plan sign criteria.
3. Is compatible with the Clayton Station shopping center.
4. Is compatible with the neighborhood and surrounding uses.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the Sherwin Williams Sign Plans, prepared by Accent Signs Graphics, date stamped September 5, 2012.

1. On the plans submitted for building permit issuance, the following revisions shall be shown:
 - a. The location of the north elevation sign on site plan shall be shown on the recessed entryway component, consistent with the sign location shown on the north elevation.
 - b. The "Wine Thieves" sign shall be removed from the west elevation.
 - c. The dimensions of the horizontal design element on the west elevation shall be accurately depicted, in accordance with the approved Site Plan Review Permit SPR 01-12, as shown in Attachment 2 of this staff report.
2. 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, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, 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, and any 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; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.
2. This Sign 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 null and void (Clayton Municipal Code Sections 17.64.010-17.64.030).
3. All 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 specifically authorized in writing by the City Engineer (Clayton Municipal Code Section 15.01.101) located at 5375 Clayton Road, Concord, 925-363-7433.

ATTACHMENTS

- 1 Sherwin Williams Sign Plans, prepared by Accent Signs Graphics, date stamped September 5, 2012
- 2 Approved west elevation of the building at 5441 – 5443 Clayton Road, provided by staff (excerpt)

SPR\2012\02-12.sr.pc.9.11.12.sherwin.williams

SEP 07 2012

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

NON-TYPICAL COLORS

083 ALUMINUM
BACKS & RETURNS
COLOR - CHARCOAL

REMOTE POWER SUPPLY UNIT.
120 VAC PRIMARY
12VDC DC SECONDARY.

NUMBER REQ'D. =

TRANSLUCENT PLEX FACES - ☒ 3/16" ☐ 1/8"
THICKNESS - ☒ 3/16" ☐ 1/8"
COLOR - WHITE

—ED ILLUMINATION—

NON-CORROSIVE — FASTENERS AS REQ'D.

1/4" WEEP HOLES —

SECTION DETAIL - PLEX FACE CHANNEL LETTERS w/ LED ILLUMINATION

Scale: NTS

INSTALLATION REQUIREMENTS for all signs unless specified otherwise on individual sign specifications, installation from this catalog without written approval from Arcant Graphics is strictly forbidden.

* All free-standing signs are to be engineered for local jurisdiction by a licensed and registered engineer.

[illegible]

NOTE:
ACCESS REQUIRED FOR
ELECTRICAL & INSTALLATION

accent  **graphics**
COMPLETE SIGN SERVICE & FABRICATION

593 E. ROCK ISLAND
DURHAM, NC 27705

TOLL FREE (800) 810-3044
(773) 398-0333

METRO FAX
(773) 398-4458
(800) 810-3045

EMAIL info@accentgraphics.com
WEB SITE www.accentgraphics.com

ATTACHMENT I

18'-6 7/8" **SHERVIN-WILLIAMS PAINTS** 2 1/4" dia. .063 CHARCOAL ALUM. DISK w/ WHITE VINYL OVERLAY. 23.23 Sq Ft

**NEW 15" CHANNEL LETTER
SIGN @ 18'-5 3/4" OA**

TABULATIONS

6-10" wide hallway to
bath room! (2000)

NEW 15" CHANNEL LETTER
SIGN @ 13'-5 1/2" OA

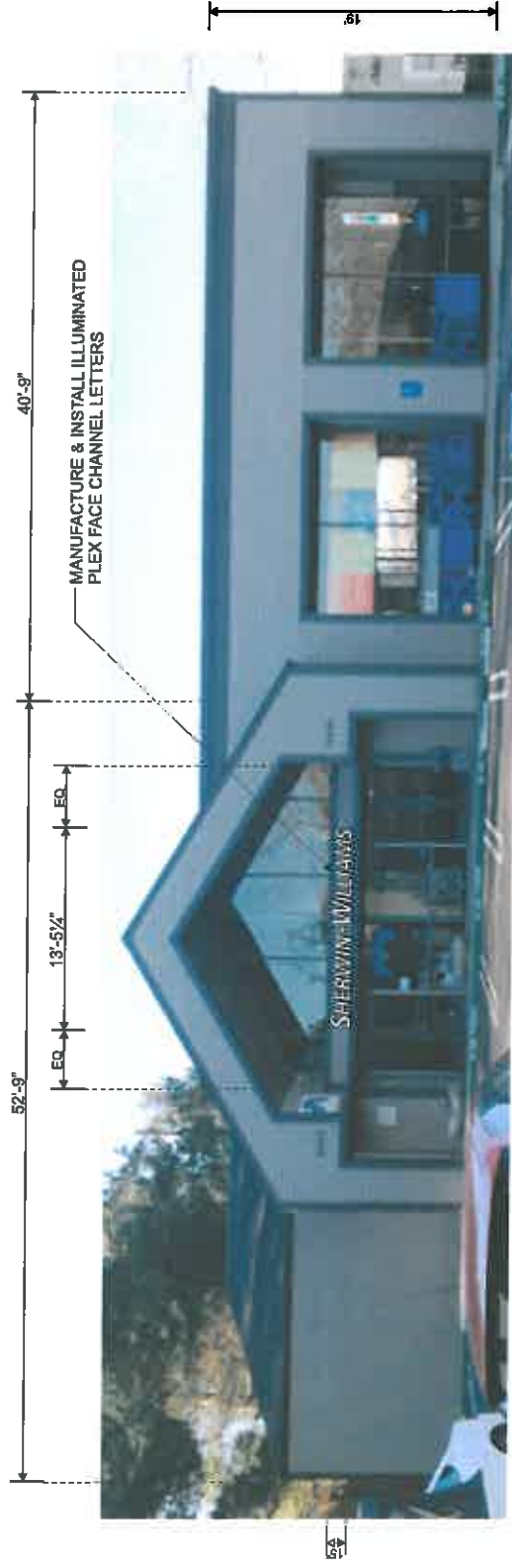
ARCHIBALD SMITH & SONS

DATE	REVISIONS	NAME	AUTHORIZATION
2-4-12	CHANGE ONE SET OF CANS TRS TO 'SHERWIN WILLIAMS' ONLY	KN	
2-8-12	REVISIONS ON PAGE 3 / MOVE SITE PLAN TO PAGE 1	1 KN	
5-11-12	REVISIONS ON PAGE 2	1 KN	
15-11-12	REMOVE 30" COLOR / REMOVE PAGE 4 & TENANT PANELS	1 KN	

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DESIGNER: TW ACCOUNT EXECUTIVE: WIKERL FORD
DATE: 1-25-12 SHEET 1 OF 3 DESIGN # 12-120 R4 **3%**
Geberit FILE = (P): 1-2012-1bbs11-SHER WMISCAICA-Clayton/Production/085HC1AYTON-
Corel FILE = (P): 1-2012-1bbs11-SHER WMISCAICA-Clayton/Drawings/12-120-



NORTH ELEVATION



EXISTING CONDITIONS

Scale: 1/8" = 1'-0"

[illegible]

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CLIENT SHERWIN WILLIAMS STORE # _____
 INSTALLATION ADDRESS 5441 CLAYTON RD. CLAYTON, CA _____
 DESIGNER KN ACCOUNT EXECUTIVE MICKEY FORD
 DATE 1-25-12 SHEET 2 OF 3 DESIGN # 12-120 R4
 Garbor FILE = (P) 1-2012-Job#1-SHER WMSCA-CA-Clayton(Production)JQS1CLAYTON
 Garbor FILE = (P) 1-2012-Job#1-SHER WMSCA-CA-Clayton(Drawing)12-120

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WEST ELEVATION

Scale: 3/16" = 1'-0"

MANUFACTURE & INSTALL ILLUMINATED PLEX FACE CHANNEL LETTERS

SPACE ALLOWED FOR FUTURE TENANT'S PLEX FACE CHANNEL LETTERS. SIGN TO BE PROVIDED BY OTHERS.



EXISTING CONDITIONS

DATE	REVISIONS	NAME
2-6-12	MOVE SIGNS TO CORRECT TENANT SPACE	KN
2-6-12	MOVE SIGN BACK TO PROPOSED CORRECT POSITION LEAVING SPACE FOR OTHER TENANT	KN
5-11-12	REVISIONS ON PAGE 2	KN
5-11-12	RENAME WY COLOR / REMOVE PAGE 4 & TENANT PANELS	KN

AUTHORIZATION	
CLIENT	DATE
ACCOUNT EXECUTIVE	DATE
DRAWING	DATE

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CLIENT: SHERWIN WILLIAMS

INSTALLATION ADDRESS: 5441 CLAYTON RD. CLAYTON, CA

DESIGNER: KN ACCOUNT EXECUTIVE: MICKEY FORD

DATE: 1-25-12 SHEET 3 OF 3 DESIGN #: 12-120 R4

Garbair FILE = (P:) 1-2012-label1-SHER WMSICA-CA-Clayton(Production)JOBS/CLAYTON- Corel FILE = (P:) 1-2012-label1-SHER WMSICA-CA-Clayton(Drawings)12-120

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ATTACHMENT 2.

