

TOWN OF MORAGA PLANNING COMMISSION
MEETING AGENDA
Monday, April 18, 2011
7:30 p.m.

Moraga Library Meeting Room
1500 Saint Mary's Road, Moraga California 94556

All documents relating to the following agenda items are available for public review in the Planning Department of the Town of Moraga at 329 Rheem Blvd. between the hours of 9 a.m. to noon, Monday, Tuesday and Thursday (other times by appointment). Staff reports will normally be available on the Monday afternoon one week preceding the meeting. It is recommended that you contact the Planning Department at 925-888-7040 for availability.

I. CALL TO ORDER AND ROLL CALL

Planning Commission

- A. Driver, Levenfeld, Obsitnik, Richards, Socolich, Whitley, Wykle
- B. Conflict of Interest

II. ADOPTION OF MEETING AGENDA

III. ANNOUNCEMENTS

IV. PUBLIC COMMENTS

This part of the agenda is to receive public comments on matters that are not on this agenda. Comments received will not be acted upon at this meeting and may be referred to a subcommittee for response. Comments should not exceed three minutes.

V. ADOPTION OF THE CONSENT CALENDAR

Items on the Consent Calendar are believed by staff to be non-controversial. Staff believes that the proposed action is consistent with the commission's instructions. A single motion may adopt all items on the Consent Calendar. If any commissioner or member of the public questions any item, it should be removed from the Consent Calendar and placed in part IX of the Regular Agenda.

- A. 3/7/11 Minutes
- B. 2/22/11 Minutes
- C. 2/7/11 Minutes

VI. PUBLIC HEARINGS

Opening remarks by an applicant shall not exceed ten minutes. Comments by others shall not exceed three minutes. The purpose of a public hearing is to supply the Planning Commission with information that it cannot otherwise obtain. Because of the length of time that the Planning Commission meetings frequently consume, please limit testimony and presentation to the supplying of factual information. In fairness to the Commission and others in attendance, please avoid redundant, superfluous or otherwise inappropriate questions or testimony.

- A. **UP 02-11 Trillium for AT&T (Applicant), Joan Bruzzone (Owner), 1199 Alta Mesa Drive (Transmitter Site)**: Application for an amendment to the use permit for the existing AT&T Wireless Facility at the top of Alta Mesa Drive. Modifications include: the installation of 1 new antenna to the existing AT&T shelter; the replacement of 2 existing antennas with 2 new antennas (one of the replacement antennas is located on the existing AT&T shelter and the other replacement antenna is located on an existing ground mounted pole); the installation of 1 new pole to match the existing to hold the 1 new antenna; the installation of 1 GPS antenna; the installation of fiber and DC runs from the shelter to the antennas as well as DC surge protectors; the addition of 3 pairs of Remote Radio Units (RRUs) inside AT&T's existing lease area for a total of 6; and the installation of a Long Term Evolution (LTE) cabinet/box within AT&T's existing lease area. There is to be a total of 10 antennas on site including the proposed GPS unit. The original use permit, UP-03-99, was approved on February 7, 2000. The property is zoned OSM – DT (Moraga Open Space, MOSO, Density Transfer). APN: 258-160-062.

VII. PUBLIC MEETING

VIII. ROUTINE & OTHER MATTERS

The following items do not require a public hearing, although the Chair or staff will indicate why each item is on the agenda. Public participation will be limited and the Commission may decide to reschedule the item as a public hearing. Discussion of administrative matters, such as adoption of findings, may be limited to the Planning Commission.

IX. COMMUNICATIONS – None

X. REPORTS

A. Planning Commission

1. Russell Driver, Chair
2. Dick Socolich, Vice Chair
3. Stacia Levenfeld
4. Jim Obsitnik
5. Tom Richards
6. Bruce Whitley
7. Roger Wykle

B. Staff

1. Update on Town Council actions and future agenda items.

XII. ADJOURNMENT

To a special meeting of the Planning Commission on **Monday, May 2, 2011** at 7:30 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California. Notices of Planning Commission meetings are posted at 2100 Donald Drive, the Moraga Commons, and the Moraga Public Library.

NOTICE: If you challenge a town's zoning, planning or other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior, to the public hearing. Judging review of any town administrative decision may be had only if petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The Town of Moraga will provide special assistance for disabled citizens upon at least 24 hours advance notice to the Planning Department (888-7040). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to disabled.

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the 10th day before each regularly scheduled Planning Commission meeting at the Planning Department, located at 329 Rheem Boulevard, Moraga, CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Town Council regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at 329 Rheem Boulevard, Moraga, CA during regular business hours.

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room
1500 St. Mary's Road
Moraga, CA 94556

March 7, 2011
7:30 P.M.

MINUTES

I. CALL TO ORDER

Chairman Driver called the Special Meeting of the Planning Commission to order at 7:30 P.M.

ROLL CALL

Present: Commissioners Levenfeld, Obsitnik, Socolich, Wykle, Chairman Driver
Absent: Commissioners Richards, Whitley
Staff: Lori Salamack, Planning Director

B. Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Commissioner Obsitnik, seconded by Commissioner Socolich and carried unanimously to adopt the meeting agenda, as shown.

III. ANNOUNCEMENTS

There were no announcements.

IV. PUBLIC COMMENTS

Holly Lucas-Alcaly, 128 Devon Drive, Moraga, referenced the language in the approved conditional use permit for the Dollar Tree Store application in terms of defining the sale of food and beverages and confusion with respect to the interpretation of the Town's Retail Ordinance. She asked the Planning Commission to evaluate that situation as an agenda item at a future meeting.

V. ADOPTION OF THE CONSENT CALENDAR

There were no items on the Consent Calendar.

VI. PUBLIC HEARINGS

- A. **CDP 02-05 - Draft Environmental Impact Report for the Hetfield Estates Subdivision, John Wyro (Applicant), Robert and Sandy Lipson and Sanford Gage (Property Owners)**: Public Hearing to receive comments on the Draft Environmental Impact Report (EIR) for the proposed 7-acre lot subdivision. The project being evaluated by this EIR is the subdivision of a 58.2-acre parcel into seven lots. Six single-family lots would be located on 6.75 acres, with the remaining lot containing 51.45 acres that would remain in permanent open space. The open space area would be maintained either by a homeowner's association or a special district, e.g., geological hazard abatement district (GHAD). The six residential lots would range in size from 41,826 square feet (.96 acre) to 59,930 square feet (1.38 acres). The proposed development is located on a northern portion of a remnant parcel that was previously subdivided in 2001 (Subdivision 8444). At that time, the entire parcel contained 65.5 acres and 7.4 acres were developed for single-family housing in the southwest corner of the property.

The new homes would be served by the East Bay Municipal Utility District (EBMUD), Central Contra Costa Sanitary District (CCCSD), PG&E, and AT&T for cable television. Students would attend schools in the Moraga Elementary School District and the Acalanes Unified School District. The site is not a known toxic site.

Planning Director Lori Salamack presented the staff report for the public hearing to receive comments on the Draft EIR for the proposed 7-acre lot subdivision. The Planning Commission had considered the matter two years and had approved the project with a Mitigated Negative Declaration as the environmental document to support its decision. The project had been appealed to the Town Council which had determined that a Focused EIR was necessary to fully evaluate the impacts of the project and had directed staff to rework the environmental document. Staff in working with the Town's consultants had performed that work and the Draft EIR had laid out alternatives to the project submitted. It had also gone into greater detail on specific subjects of Town Council concern including concerns with respect to geology and issues with respect to the General Plan.

Ms. Salamack advised that the applicant's team was present and included the Town Consultants and Darwin Myers Peer Review Consultant Mitch Wolfe. She explained that the Planning Commission would not be making a decision on the project at this time in that the only decision to be made was to potentially extend the public comment period for an additional two weeks, as indicated in the staff report dated March 7, 2011. The public comment period had been open for 45 days in accordance with State law. An additional public hearing would not be

held during that time unless the Planning Commission determined that was necessary.

An extension of the public comment period would allow additional opportunity for the public to submit written comments to be addressed in the Final EIR.

Carolyn Mills, Town consultant on the Draft EIR, added that the Town Council had directed specific areas to be expanded in the EIR including not only geology and soils but issues with respect to the General Plan, hydrology, drainage, aesthetics, and the land use planning component. The EIR team had evaluated those issues, had identified additional impacts and mitigation measures, and had pulled impacts and mitigation measures forward from the Initial Study, as deemed appropriate.

Darwin Myers, geotechnical consultant, commented that during the Town Council public hearing the neighbors had two experts testify on the surface water and groundwater hydrology with concerns expressed for the depth of the landslides, whether or not there was enough information to draw solid conclusions about landslide hazards, and concerns that groundwater could become unmanageable. A fault map of the site was to be evaluated with the idea it could be a groundwater barrier. The applicant's geotechnical consultant, ENGENEO, had prepared a work program in response to the issues that had been raised which had been forwarded to all of the involved consultants for both the applicants and the neighbors. ENGENEO had set stakes at locations for borings and test pits, had conducted borings in slide areas, and had indicated that the slide was confined to the soils in the overlying bedrock. The borings extended 30 feet into the bedrock and had been evaluated in a laboratory.

Mr. Myers advised that while in the field, the parties involved had determined that an additional boring or two and a change in the location of the borings was necessary within the landslide areas. It had been agreed that a total of seven borings would be in locations within the landslide areas with two additional borings down near the creek to determine the depth of rock and other characteristics of rock in that area. A location for a fault trench had also been determined. Three of the borings had hit landslide debris down to a depth of 18 to 19 feet. The other four borings hit a slide plain at a depth of approximately 10 feet. The recovery of core was good once into the bedrock with a few areas of shearing into the core, which was not unusual in the fault trench. There was very little water found although there was some seepage in addition to one long trench to locate the fault. Shorter trenches had been utilized to project the fault across the site.

Mr. Myers commented that 14 test bits had been conducted by ENGENEO and five borings by a previous developer, the data from which had been relied upon as part of the Initial Study. There were now approximately 26 test bits, with seven to

eight test bits located in 3:1 fill slope areas to confirm the depth of bedrock and the severity of potential landslide hazards.

The report from ENGEO had been available since January 2010, and as a result the initial impacts and mitigation measures had been fine tuned and graphics clarified in the Draft EIR to better assist the experts in the field.

Ms. Mills stated that the drainage had also been evaluated and the analysis expanded for both on- and off-site drainage problems, and included back-to-back storms. The analysis had relied upon results from the geotechnical studies on groundwater impacts and had provided a more detailed description of the operation of the detention basin. In response to the aesthetic concerns in terms of consistency with the existing neighborhood, a more thorough analysis of the General Plan and planning policies on neighborhood character had resulted in a new set of impacts and mitigation measures.

Ms. Mills took this opportunity to identify a discrepancy between the text and the summary table regarding Mitigation Measure 3.1-3(a) of the summary table, where the last line should be corrected to read "finished grade" not "existing grade," as shown.

Ms. Mills also commented that the planning and land use section of the Draft EIR had expanded the MOSO [Moraga Open Space Ordinance] discussion. It had been determined that based on all of the additional geotechnical analysis the proposed project met the MOSO criteria and was no longer considered to be a high risk site. The alternatives that had been developed with Town staff included a no project alternative; a 3-lot subdivision which would reduce the project area; an 8-lot subdivision with reduced lot size on a smaller development area; and an 11-lot subdivision, the maximum development allowed on the site, with reduced lot sizes within the proposed development area. All had been contained on Pages 5-3 and 5-9 within the alternative section of the Draft EIR with a comparison table of the alternatives. The project applicant's objectives for the project had also been considered as part of the requirements of the California Environmental Quality Act (CEQA) where it had been determined that a 3-lot subdivision would not be financially feasible and with the 8-lot subdivision determined to be a superior alternative to the proposed project.

PUBLIC HEARING OPENED

John Wyro, 40 Valley Drive, Orinda, identified himself as the applicant representing the property owners. He recognized that the Planning Commission had seen the project before since the original application had been filed in December 2006, and the Planning Commission had approved the project in November 2008. That approval had been appealed to the Town Council leading to the preparation of the Focused EIR. He pointed out that the Draft EIR had come to the same conclusion as the Mitigated Negative Declaration. It was his

hope that after exploration of the document itself they would be able to come back and discuss the project itself.

Mr. Wyro submitted written comments to staff that he identified as responses to be included in the document. He looked forward to working with the Planning Commission on the project.

Suzanne Jones, 1285 Bollinger Canyon Road, Moraga, representing Preserve Lamorinda Open Space comprised of approximately 700 local residents aimed at participating in the public process on open space development issues, commented that the organization had participated in the Initial Study and Mitigated Negative Declaration and the appeal. While she advised of her desire to comment on the Draft EIR, she stated she had been unable to do so because of the appeal of the Rancho Laguna II development which had culminated during the 45-day public review period for the Draft EIR for Hetfield Estates. Given that CEQA provided for an extension of the public comment period, she requested that the Planning Commission extend the public comment period for the Draft EIR for Hetfield Estates for a full 60 days to allow for public comment and the ability of the organization to inform its members of the opportunity to comment.

Lynne Fiorindo, 1112 Sanders Drive, Moraga, spoke to Pages 3-41 and 3-42 of the Draft EIR, specifically related to a 2002 and 2006 flooding incident at her residence at 1112 Sanders Drive. She commented that although those incidents had not been reported to the Contra Costa County Flood Control District (CCCFCD), she was disappointed and frustrated that had not been included in the Draft EIR. She stated that she had previously submitted photographs to the Town Council of her rear yard which she re-submitted to the Planning Commission at this time. She noted that she had not reported any flooding of her property at that time and that section in the Draft EIR had implied that no flooding had occurred. She had not been aware of the various agencies to report to at the time she had purchased her home and had understood that property owners took care of the problem which they had understood was the right thing to do. She acknowledged that some improvements to her property had been made since those incidents to block any future flooding that may occur as a result of nearby Larch Creek.

Daran Santi, 1148 Sanders Drive, Moraga, questioned what assurance the neighbors would have once the developer had approval from the Town that the project would be built and not end up like Vista Encinos, a project located on the other side of the hill. In that case, the developer had gone bankrupt and the property had become an eyesore in the community.

Gordon Nathan, 51 Carr Drive, Moraga, commended the completeness of the Draft EIR. He referenced a letter he had read as contained in the EIR, which had listed 60 questions related to the development. While he understood that the Draft EIR had come to the same conclusion as the initial EIR, there remained a

number of questions raised by the neighbors which he suggested may take more than the allowed public comment period to answer.

Mr. Nathan agreed that the Planning Commission must take into consideration the number of questions the neighbors had raised on the proposal either through public comment or through written correspondence. While he understood that the property owners had a right to develop the property as they wished, given that regulations had changed over the years he stated that the property owners must follow those regulations and it was the duty of the Planning Commission to ensure that was done.

Jennifer Koziel, 1132 Sanders Drive, Moraga, asked that a copy of numerous questions that had been raised by the neighbors be incorporated into one document. She presented those questions to staff. She noted that Laurel Collins, a geomorphologist, had provided her with a number of questions regarding issues she had suggested had not been answered in the Draft EIR sufficiently, which questions she submitted to staff at this time. She also submitted her own written correspondence for the record along with photographs of the Vista Encinos property that had been referenced. The photographs depicted the deteriorated condition of the property and a very large pond of standing water at the end of that development where it appeared that the drainage may be failing.

Christopher Bowen, 1108 Sanders Drive, Moraga, identified himself as an arborist. He cited the recommendation on Page S-4 of the Draft EIR for a California Baylor tree species that had been proposed as tree screening. He described that species as attractive to sudden oak death and suggested it would be a mistake to plant that species within the project site.

Nancy Wilkerson, 1140 Sanders Drive, Moraga, expressed concern with the potential drainage issues and soil removal associated with the project site given the drainage issues on her own property. She too expressed concern with the potential for Hetfield Estates to become a nuisance as Vista Encinos had become.

Shivaun Wraith, 19 Hetfield Place, Moraga, also expressed concern with the potential drainage impacts if the property was ultimately left vacant and not developed as proposed as had occurred with Vista Encinos. She sought greater details on the drainage system being proposed for the property. She noted the number of restrictions imposed on Moraga residents to develop on their property and asked what development restrictions would be imposed on the project.

John Ohare, 1120 Sanders Drive, Moraga, referenced the geologist that had been hired by the neighbors to consult on the Draft EIR and who had recommended that there could be a need for further drilling in response to

potential deeper landslides on the property. He questioned the Town's liability if deeper landslides were found that had not been currently identified.

Mr. Ohare also understood that debris would be benched behind the homes to be built, the size and appearance of which had not been identified in the document. He requested some sense of the size of the debris bench, a schematic of the area once excavated, and the debris bench created and grading conducted to show how the hillside would appear after that work had taken place. He also understood that the size of the homes would be reduced to fit in better with the surrounding neighborhoods although that reduced size had not been identified.

Malcolm Cooper, 1160 Sanders Drive, Moraga, read into the record a letter he had submitted to the Planning Commission. He expressed concern with the steepness and unstable conditions of the land where the project had been proposed for development, which land had been zoned as high risk. He questioned how that designation had now changed. He disagreed that the project was consistent with the General Plan or MOSO given that the development, as proposed, would require extensive grading with potential impacts. He suggested that the same impacts had occurred with the Vista Encinos development, which project had proposed the same methods of construction, and had become a vacant eyesore with no new housing or revenue for the Town. He expressed concern with the many similarities between the Vista Encinos project and the proposed Hetfield Estates development and asked the Town to take into consideration the potential liability and risks now and in the future if the project were allowed to move forward. He also expressed concern with impacts or required repairs to Sanders Drive as a result of heavy equipment and construction activities associated with the project that had not been addressed in the EIR.

Ellen Voyles, 1156 Sanders Drive, Moraga, spoke to Page S-4 of the Draft EIR in terms of aesthetics. She questioned the proposed tree screening noting that her property would be directly impacted by the mitigation measures that had been proposed. She explained that her existing tree screening had taken many years to mature and she expressed concern the developer may remove existing trees to be replaced with the proposed trees identified for mitigation. She encouraged Commissioners to view the site.

Tim Meltzer, 6 Willow Spring Lane, Moraga, concurred with the comments and agreed that the comment period should be extended given the time already spent on the proposal, and since the Town Council had directed the preparation of a Focused EIR two years ago. He understood that many people had been unable to attend the hearing and there was no reason not to extend the public comment period. He suggested that there remained problems with the development given that there was no agreement as to how the drilling would occur and that ENGEО had decided on a narrower drill than the drill recommended by the neighbors'

consultant. Also, the drilling had not gone to the bottom of the deepest landslide and the potential impacts in that case were unknown.

Mr. Meltzer also spoke to the Vista Encinos development and described that property as in disrepair, something the neighbors were concerned may occur with the Hetfield Estates development. He urged the Commission to address all areas of the project.

Katherine Jarrett, 35 Hetfield Place, Moraga, reported that a large slide had been repaired directly behind her home in August 2009. She urged caution in that the slide had been monitored over a year by experts although the repair had turned out to be significantly different from the plans for its repair. She reported that there had been another failure which impacted her home and which had required an emergency repair at significant cost during the time of the other landslide repair. She sought assurance that the landslide repair would be fully completed and that existing homeowners would be protected from any potential damage.

Zoe Klippert, 27 Hetfield Place, Moraga, echoed the comments made by Ms. Jarrett noting that the landslide referenced had greatly impacted her rear yard and had almost destroyed her home. She commented on the time involved with the Hetfield Estates development which had gone on for many years. She also commented on the closeness of the existing neighborhoods and urged Commissioners to visit those neighborhoods.

Mr. Nathan also urged Commissioners to view the project site and the surrounding neighborhoods to see the steepness of the slope facing Sanders Drive.

Jeff Schwartz, 22 Hetfield Place, Moraga, reported that a slide had occurred on the hillside five years ago which had illustrated what the hills were made of and the geological formation. He too expressed concern with the potential that landslides could occur in the future due to the development of the Hetfield Estates property. He stressed the need to be as careful as possible.

Commissioner Levenfeld spoke to the Visual Resources section of the Draft EIR, specifically Section 3.123, and noted that she had reviewed the figures and still struggled with the visual impacts in terms of the relationship between the current and proposed new homes. Having walked the hillside, she noted that Figure 3.3-2 did not appear to have much of an elevation change between the current and new homes. Also, the debris bench had not been shown and would be at a higher elevation. She asked for a better rendering of the impacts and the relationship between the existing and new homes and the debris bench.

Commissioner Levenfeld added that the size of the homes was also relevant in the Draft EIR due to the relationship between the proposal and the existing

neighborhood in order to determine that the new homes would be in character with the existing neighborhood, and to better understand the mitigations that had been proposed.

Commissioner Levenfeld understood that the home sizes would be no less than 180 feet apart although it would be helpful to have a better visual on the proposed sizes. While the mitigation measure that home designs would be compatible with the adjoining neighborhoods was good, she suggested that it could be going too far with a requirement for a low profile by incorporating low pitch roofs and roof overhangs for new construction.

Commissioner Socolich commented on the testimony from those who resided on Sanders Drive having attempted to repair the drainage situation. He asked for an assessment of the existing drainage and requested clarification as to whether or not the mitigation measures that had been proposed would solve the problem.

Bob Mills commented on the capacity of Larch Creek from the top down to its discharge into Moraga Creek. He noted that a study had been conducted in 1998 which had recommended that capacity be increased to 300 cubic feet per second, which had not been done with the exception of a new 72-inch pipe farther down from Larch Avenue and which had caused backup in the creek as a result of heavy storms. Foliage in the creek itself was also an issue. With a free discharge at the end of the project the water coming down the creek, even in a 100-year storm, would not come up to the top of the creek. He suggested that the existing conditions had exacerbated the current problems. The applicant had proposed a sophisticated storm drainage system including a detention basin with a 7-foot diameter concrete pipe which would retain the excess flow from the impervious surfaces of the development from a 100-year storm. The discharge from the detention basin would not be greater than the amount of flow coming from the site now consistent with the applicant's requirement to conform to the Clean Water C.3 Storm Water Requirements.

Commissioner Obsitnik acknowledged the concerns regarding the Vista Encinos development and the request for assurances that the approval of Hetfield Estates would not produce a similar situation. He asked that issue be addressed in the EIR or through a comment from the developer.

Commissioner Levenfeld understood that issue could not be addressed through the EIR.

Ms. Salamack explained that that topic could be addressed through a condition of approval as opposed to a mitigation measure in the EIR.

Commissioner Obsitnik commented on the concerns with respect to the geotechnical portion of the Draft EIR as to whether or not the methods used were adequate in terms of drill size and boring locations. As to the Town's risks on

that issue, he asked for clarification in the EIR in terms of the discussion and agreements that had taken place.

Commissioner Obsitnik spoke to the issue of wildlife and commented that section of the Draft EIR should include more data on wildlife movements, existing wildlife, and impacts to wildlife. He suggested that the document did not offer much supporting data on that issue. He also requested clarification as to the definition of "environmentally superior" in terms of the alternatives.

Ms. Mills advised that the CEQA guidelines included a definition for environmentally superior.

Commissioner Wykle commented that he had visited the site. He echoed the comments that the site was very steep. He asked that any reference in the EIR to contour lines also provide the contour intervals, as an example, for Aerial Photo Figure 1-2, and Figure 2-1, to better gauge the steepness of the hill. He also referred to Page 3-4, the discussion of the General Plan as it related to new development and requested more discussion about that in section CD1.1 paragraph (a). For Pages 3-69 and 3-70, Project Impacts, he sought a more robust discussion on the increase in density in regards to landslides. As to the compatibility with the neighborhood, he urged further discussion in that section.

Commissioner Levenfeld spoke to the existing trees in the riparian corridor and the preservation of some of the grasses. In response to the concerns with tree screening, she asked that section be discussed further in the EIR.

Chairman Driver asked for more information to visualize what was occurring and to get a better sense in the EIR. He wanted to know the amount of soil to be moved or removed, excavation depths and the like, to be laid out in the EIR or to be provided in detail in the development plan portion of project review since it was currently unclear. He acknowledged that while more environmental work had been done in the EIR, questions remained and he sought confirmation that what had been proposed was appropriate, adequate, and acceptable.

As to the language in the Draft EIR regarding neighborhood consistency, Chairman Driver was not convinced that the requirements for building height and a slope roof on the right slope was adequate given the size of the homes being proposed. He sought more information on the alternatives in the EIR, specifically the 8-lot alternative which would involve fewer environmental impacts. He also sought more information as to why that alternative was not preferred as opposed to the original baseline project. As to the debris bench, he requested more information on that detail in the grading plan. He suggested that the scale could be off and may be too wide for the proposed setting. He requested a clarification of that information. In terms of the drainage, he recognized that issue had been discussed at length in the past, but he would like to see how it all fit together with

the impacts expressed through the creekbed in terms of the importance of the creekbed.

In response to the request for an extension of the public comment period on the Draft EIR and in response to the Chair, Planning Commission consensus was that the public comment period should be extended.

When asked, Ms. Salamack clarified that extending the public comment period on the Draft EIR would not impose any additional cost to the Town.

As to the survey work done by ENGEO in response to the Chair, Mr. Myers reiterated that ENGEO had prepared a work program and had shown areas of proposed borings and test bits. Their commitment had been to go 30 feet deeper than the depth of a slide. Three borings had been done where the slide plain had been encountered at 18 or 19 feet and that meant the boring went to 50 feet to determine the presence of water, the methodology, and information to confirm the general relationships. Several borings at proposed locations had been moved in response to comments, or additional borings had been added. There had been consensus in the field from all of the parties that ENGEO had been flexible to moving things around to accommodate everyone's concerns.

Mr. Myers identified a potential groundwater concern and noted that a large boring would not allow them to really see anything in that any drilling method would have limitations. The method used had provided cores and drilling through the soils with all the bedrock cored to identify any slides. Slides were not in the bedrock and the two auger borings at the creek went down to about 35 to 40 feet to reach rock. The interpretation of the material encountered was that there may be a few feet of slide debris which was alluvium and colluvium of Larch Creek but not slide debris near the creek. The slide was not a rotational slide, or bedrock, but clay with pieces of sandstone, siltstone, and claystone mixed in it.

Ray Skinner, ENGEO, further spoke to the diameter of the boring and noted that there had been discussions on all of the issues. There had been agreement that if they had good recovery on the core that could provide the answer. Their report had gone into a lengthier discussion on that issue than usual. He reported that they had 90 percent recovery of all the core material that had been cut and therefore an excellent view of the materials. If there had been a slide plain in the rock it would have been seen. He had a high degree of confidence in the slide depths and emphasized that they had done substantially more exploration than in most projects. He explained that there had been nine borings in the latest round in addition to the five borings that had been done earlier, over 20 test bits, and more than two hundred feet of trenching. Maps in addition to the cross sections had shown the thickness of the slides.

Mr. Skinner again walked the Commission through the cross sections as earlier depicted by Mr. Myers. He also clarified that large volumes of groundwater had not been found.

No evidence had been found to identify that the fault had been acting as a groundwater barrier, and Mr. Skinner stated if it was acting as a groundwater barrier at greater depths it would be below where grading and slide removal had been proposed and was not relevant to what was being done. He added that slope seepages had been found in some of the test bits in different places under normal groundwater conditions.

Mr. Myers clarified that the borings had been conducted in September or October 2009. He commented that many times with grading or boring perched water was found and produced for a few hours or days and then drained. No large amount of water had been found other than the seepage that had been identified.

The Commission asked that Figures 3.2-4 and 3.2-5 be enlarged to allow greater visual details.

Mr. Wyro stated, when asked, that he was not opposed to an extension of the public comment period.

On motion by Commissioner Socolich, seconded by Commissioner Obsitnik to extend the public comment period for the Draft Environmental Impact Report for the Hetfield Estates Subdivision for 15 days to March 22, 2011, carried by the following vote:

Ayes: Commissioners Levenfeld, Obsitnik, Socolich, Wykle, Driver
Noes: None
Abstain: None
Absent: Commissioners Richard, Whitley

VII. PUBLIC MEETING

A. None

VIII. ROUTINE & OTHER MATTERS

A. None

IX. COMMUNICATIONS

A. None

X. REPORTS

A. Planning Commission

Commissioner Wykle reported that he had attended the February 28 Design Review Board (DRB) meeting at which time the project at 120 Moraga Road had been discussed. Landscaping plans had been presented by the applicant. A nearby neighbor had expressed concern with privacy issues regarding her driveway and some of the proposed landscaping. The DRB had ultimately approved a proposed green screen shrub material.

B. Staff

1. Update on Town Council actions and future agenda items.

Ms. Salamack reported that the Town Council would be considering a Green Building Ordinance and a procedure for reimbursement for the Calle Montana Nuisance Abatement during its March 9 meeting. The Town Council would consider a revised draft of the Medical Marijuana Ordinance during the meeting of March 23.

Responding to the concern expressed during public comment regarding the Dollar Tree Store application, Ms. Salamack explained that the Moraga Municipal Code (MMC) required a conditional use permit if the business was a restaurant or business which sold or distributed food or beverages. Retail uses were permitted subject to findings. During the Town Council meetings, a concern had been raised that the application should have been processed as a conditional use permit, not a permitted use application. Staff had reviewed the nature and classification of the business and determined it was classified as a General Merchandise Retailer, not a Food Retailer. After discussion, the Town Council determined that no more than ten percent of the floor area shall be devoted to food and beverage merchandise. She noted that the concern from the public was what the Planning Commission wanted the Retail Ordinance to include.

Ms. Salamack reported that the Town Council would be receiving a report from the Economic Development Team on March 9. The Economic Development Team had been charged with a new Retail Ordinance as a work product objective for the current year.

Chairman Driver suggested it would be beneficial for the Planning Commission to be given an update on the efforts of the Economic Development Team as part of the new Retail Ordinance.

Ms. Salamack also commented, when asked, that the Verizon application had included a landscape condition of approval that remained to be satisfied. The next meeting of the Planning Commission may include a discussion of a small subdivision proposed at Rheem Boulevard and St. Mary's Road.

Ms. Salamack also reported that another project that would be considered by the Town Council in April would be the Moraga Adobe Subdivision located in the City of Orinda given the interest of the community and given the property's historic significance.

XII. ADJOURNMENT

On motion by Commissioner Socolich, seconded by Commissioner Levenfeld to adjourn the Planning Commission meeting at approximately 9:20 P.M. to a special meeting of the Planning Commission on Monday, March 21, 2011 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

**TOWN OF MORAGA
PLANNING COMMISSION MEETING**

Moraga Library Meeting Room
1500 St. Mary's Road
Moraga, CA 94556

February 22, 2011

7:30 P.M.

MINUTES

I. CALL TO ORDER

Chairman Driver called the Special Meeting of the Planning Commission to order at 7:30 P.M.

ROLL CALL

Present: Commissioners Levenfeld, Obsitnik, Socolich, Whitley, Wykle,
Chairman Driver
Absent: Commissioner Richards
Staff: Richard Chamberlain, Senior Planner

B. Conflict of Interest

There was no reported conflict of interest.

II. ADOPTION OF MEETING AGENDA

On motion by Commissioner Levenfeld, seconded by Commissioner Socolich and carried unanimously to adopt the meeting agenda, as shown.

III. ANNOUNCEMENTS

There were no announcements.

IV. PUBLIC COMMENTS

There were no comments from the public.

V. ADOPTION OF THE CONSENT CALENDAR

There were no items on the Consent Calendar.

VI. PUBLIC HEARINGS

- A. CUP 13-10 - AT&T Wireless Transmitter Facility / Velocitel (Applicant) for AT&T, Saint Mary's College of California (Property Owner):** A public hearing to consider a conditional use permit to install a temporary AT&T *Cell Site on Wheels* (COW) on a gravel area between the tennis courts and a softball field at the Saint Mary's College Campus located at 1928 St. Mary's Road. The 7-foot by 20-foot COW will have two 55-foot tall telescoping poles with antennas and a private use microwave transmitter. The 55-foot height for the antennas is necessary in order to overcome the height of the campus buildings and to provide coverage to the entire college as well as the surrounding area. The location was selected to be more than 300 feet away from any residences and for the most part screened from view by existing trees. Depending on when AT&T gets approval for a permanent site at Saint Mary's College, the COW is proposed for a six to 12-month period. The property is zoned College. APN 258-150-004.

Senior Planner Richard Chamberlain presented the staff report for consideration of a conditional use permit (CUP) to install a temporary AT&T *Cell Site on Wheels* (COW) on a gravel area between the tennis courts and a softball field at the Saint Mary's College Campus located at 1928 St. Mary's Road. The 7-foot by 20-foot COW would have two 55-foot tall telescoping poles with antennas and a private use microwave transmitter. The 55-foot height for the antennas is necessary in order to overcome the height of the campus buildings and to provide coverage to the entire college as well as the surrounding area. The location was selected to be more than 300 feet away from any residences and for the most part screened from view by existing trees. Depending on when AT&T gets approval for a permanent site at Saint Mary's College, the COW is proposed for a period of six months to one year. Public notification had been mailed on February 11, 2011. No response had been received from the public either through written correspondence or by telephone.

Mr. Chamberlain reported that after the latest Gubernatorial Debate, AT&T had installed a COW which had been very successful and which had been missed by the student population when removed. AT&T was in the process of locating a permanent facility at the college campus but must comply with the Town's Wireless Ordinance. The temporary facility is to be placed near the previous location although there was a residence located within 300 feet. The proposed location would be between the tennis courts and the softball field in a depressed area with a hill on one side which would hide the trailer from the playing fields. The telescoping antennas would be visible but not clearly visible through the trees. The facility would be on site for six months to a year while AT&T worked on a permanent facility on the campus.

Mr. Chamberlain explained that staff had drafted findings for the approval of the CUP. He recommended that the Planning Commission approve the application. Dave Brasmer, Velocitel Site Acquisition Specialist, introduced several members of AT&T, Velocitel, and Saint Mary's College to answer questions from the Commission. He reiterated the proposal to install a temporary COW site in the location identified by staff. He identified the telescoping antennas which would only be approximately 55-feet in height while the maximum height capability was 85 feet. The equipment would be located on a platform trailer with the ability to telescope out and provide balance to the facility. The equipment would be located on a gravel area between the tennis courts and the softball field at Saint Mary's College, hidden in a low-lying area behind existing trees as depicted in a slide presentation to the Commission. The antennas would be painted green to match the foliage and be wrapped with a moss wrapping material. The equipment would be approximately 450 feet from St. Mary's Road and approximately 600 feet to the nearest residence. The location would not be easily visible to the public. The COW would provide coverage to the college and the St. Mary's Road corridor.

A photo simulation of the facility from St. Mary's Road was presented. Views back from the entrance on St. Mary's Road were also provided as well as views as one traveled east near the tennis courts.

Mr. Brasmer understood, when asked, that the existing tennis court lights were 25 feet in height and the surrounding trees were 30 to 35 feet in height. The area of the proposed facility was currently a bit bare due to the winter period. He suggested that as the foliage increased in the spring, the facility would not be clearly visible. He emphasized that the antennas would be painted to match the foliage and would be moss wrapped. He added that the request was for the approval of the facility for six months up to a one-year maximum period. The coverage would be provided to the college and to the St. Mary's Road corridor. The facility would provide the coverage necessary for high data usage and would provide increased emergency call coverage while a permanent site was found, expected to take a year.

Mr. Brasmer described the current coverage without the proposed facility and explained that an existing cell site covered a portion of the area. He emphasized that the COW would greatly improve and provide more intensive coverage of the college campus, the residential area, and the St. Mary's Road corridor. He added that once a permanent site was selected, the coverage would likely be the same as the coverage provided by the COW.

Commissioner Obsitnik asked for clarification on the use of the moss wrap material, to which Mr. Brasmer identified a camouflage fabric that would be wrapped around the mast which consisted of stainless steel aluminum and which

would be visible from the road. The use of the moss wrap would make the mast blend in better with the tree line.

In response to Commissioner Whitley as to whether or not a permanent location had been identified, Mr. Brasmer advised that a permanent location had not been decided at this time although several different locations had been proposed.

Dennis Rice, Telecommunications Director for Saint Mary's College, explained that there had been an issue with coverage in the upper canyon area where half of the college residents lived. The cell tower was located west of the north part of the campus due to an existing hill that shadowed that area. The permanent site must be on that side of the campus. Due to the 300-foot setback requirement from residences and due to the heavy concentration of residences in that area, discussions with the Planning Department on a preferred alternate location were ongoing. He explained that future building on the college campus was planned in the area of the baseball park and it was possible to work something in that area while still realizing good radio frequency (RF) coverage in the canyon area.

Mr. Rice noted that months before the Gubernatorial Debate, students had spoken with the college trustees regarding wireless in the dorms, the need for a cell site for AT&T on campus, and the need for better coverage, which had led to the proposed COW. The college had been working on that issue for the past several months. During the Gubernatorial Debate, the prior COW site had offered better coverage for the students leading to the urgency to find a permanent solution during the use of the interim COW facility.

Commissioner Obsitnik asked whether or not there would be any noise impacts associated with the proposed equipment.

Mr. Brasmer explained that a temporary whisper generator would be used for a minimum of 60 days, which generator would generate 60 dBA in order to provide electricity. He stated that the dBA level was well below the Environmental Protection Agency (EPA) rating for noise pollution.

Mr. Chamberlain identified an existing transformer near the COW where the power would be provided.

Mr. Rice added that during the Gubernatorial Debate, a whisper generator had also been used and had been located behind the Brothers' living quarters. There had been no noise complaints at that time.

Tim Farley, Director of Community and Government Relations for Saint Mary's College, reiterated that the students wanted the improved coverage particularly after it had disappeared after the Gubernatorial Debate. He added that Saint Mary's College was seriously working to secure a Presidential Debate in 2012,

which was another reason for desiring the improved state-of-the-art technology which would also improve the entire Moraga community.

Commissioner Whitley referenced the coverage map and asked if the facility identified at Rheem Boulevard was a previously approved antenna facility.

Mr. Chamberlain affirmed that the wireless facility located on Rheem Boulevard was operational and had previously been approved.

Mr. Brasmer noted that the hill on the upper campus still shadowed that location, and Mr. Farley added that was where the dorms were located.

PUBLIC COMMENTS OPENED

John Burnite, Jr., 1693 Del Monte Way, Moraga, expressed concern with what he characterized as several irregularities with the application. He stated that the proposal avoided the encouragement of a public lease with the Town, which was one of the requirements of the Wireless Ordinance. It had also avoided a broader public debate on the issue, competition with AT&T, and had avoided the tower height limits as proposed by the Town code.

Mr. Burnite suggested that the applicant had not shown a burden of proof for a temporary facility as necessary pending a potential permanent site. The staff report had also omitted Section 8.144.030B, Ground Mounted Equipment, whereby if the equipment were ground mounted the functional height of the towers could not be above 20 feet. He stated that the COW towers, which would be considered a building, would exceed the maximum height of any campus building and the maximum height requirements. The antennas were also to be located as far away as feasible and be as aesthetic as possible from the outer edge of a building, which was not the case. The antennas were also required to avoid being mounted on peaks of roofs. The COW telescoping poles would violate that section of the code. In addition, publicly-owned property negotiation had not been analyzed. Further, there was also to be a site selection process undertaken with no reference as to why public land was not available, feasible, or compliant with an alternative site.

Mr. Burnite understood that the proposal had initially been rejected given that it had not complied with an appropriate site. He disagreed that the facility would increase property values with no data referenced therein. There had been no analysis related to the use of the generator, the potential nuisance factor, or the 65 dBA in the event the generator was running for a 24/7 period, particularly since sound would be more obtrusive at night. He asked the Commission to deny the application for failure to satisfy the requirements of the code.

Mr. Brasmer stated that the generator would only be in place for the time it would take to connect the wiring to the power correctly. The 65 dBA had been the

certified dBA noise pollution level and the generator would be at 63 dBA at 80 feet, with the EPA allowing 65 dBA at 100 feet.

Mr. Brasmer advised that the generator would be running at an idle since it was oversized for the site, keeping it at a lower dBA. The whisper generator had also been selected since it would run 24 hours a day and could be a nuisance, if noisy, although it would be well under the permitted noise levels. He again reiterated that the facility was temporary for six months to one year until all factors could be resolved to locate a permanent site.

Paula Lawton, Velocitel Site Acquisition Consultant, noted that the facility was 600 feet from the nearest residence and that the noise level would dissipate as it traveled.

Mr. Burnite pointed out that the noise would travel.

Mr. Brasmer emphasized that all efforts had been made to limit the noise levels, to preserve the scenic corridor, and to comply with all regulations and distance requirements.

Mr. Chamberlain clarified, when asked, that staff had been directed by the Planning Manager to consider a global mounted antenna. Ground-mounted antennas were used when sitting on the ground and were ground mounted. There were other situations where there was building equipment on the buildings. The building-mounted criteria had been used in this case. There were other antennas in the Town that were located on equipment above buildings. He noted that both Verizon and Sprint had facilities at the college located inside cupolas consisting of fiberglass to appear like stucco on the buildings, with the equipment hidden in the eaves, which was something that may occur with the permanent facility when located.

In response to the concerns with respect to seeking Town properties, Mr. Chamberlain acknowledged that issue had come up with other wireless facilities. He noted that while the Town would like to have the income to lease such facilities on Town property, most Town-owned property was located in open space zones where such facilities would be prohibited in a high area since those areas would be within 500 feet of a major ridgeline. He also acknowledged that there was Town-owned property along St. Mary's Road, although it would be far more visible along the scenic corridor given the limited trees to screen the views. There could also be impacts to nearby residents.

Mr. Brasmer stated that the temporary site had been analyzed and had the least impact on the community.

Paul Cohune, 1685 Del Monte Way, Moraga, understood that the location of the facility was a temporary solution although he questioned what assurance the

adjacent residents had that the temporary site would be removed after six to 12 months. He asked that assurance be clarified in any approval.

Mr. Chamberlain identified the condition of approval where the use permit would be valid for up to one year and may be extended by the Planning Commission upon a public hearing and verification of compliance with the conditions of approval. After that period, the equipment was to be removed within 30 days of the expiration, including all equipment associated with the wireless telecommunication facility.

As to whether or not other areas out of the scenic corridor had been considered, Mr. Rice commented that those areas had a lack of power or blockages. All efforts had been made to consider a location that met all of the criteria and still had the least impact on the environment.

Mr. Brasmer reiterated that several locations had been considered and the proposed location had the best setbacks given the residences all around that area. He noted that the property line to the left was close to residences as well and they were essentially blocked into the proposed location.

PUBLIC COMMENTS CLOSED

Chairman Driver suggested that the proposal would not be suitable for a permanent location based on his concern with its temporary nature. He was encouraged with the quick way the other AT&T line had come on line and which had shown that AT&T could produce a permanent solution. He was also pleased to see staff's recommended conditions of approval where approval would sunset in one year. He found that the view impacts had been mitigated and the facility was far from the view corridor.

Commissioner Socolich agreed with the Chair's comments.

Commissioner Wykle commented that the site was the only site on campus that met all of the requirements and could potentially be a permanent site.

Mr. Brasmer suggested that the proposed location would not be a suitable permanent site given the environmental impacts associated with the area and given the future expansion of the college in a number of areas. He commented that anything permanent would likely be a light fixture and not a tower facility.

Commissioner Whitley suggested that the viewshed from the public corridor was minimized, although he was concerned with the application being treated as a building antenna, with the antenna higher than the building by 40 feet. He stated that the Town's ordinance had not anticipated a temporary site but ground-mounted and building-mounted antennas, not those stuck on trailers. Since the

ordinance did not preclude antennas jutting above buildings, he suggested that the ordinance allowed the Commission discretion in that case.

Commissioner Whitley recognized that the antennas would be viewed from the scenic corridor, dramatically in certain locations, but would be camouflaged by paint and a moss covering. He agreed that the facility would be mitigated by the fact that it was not a permanent site. He expressed concern with the approval of an application for a permanent cell tower jutting 50 feet in the air although since the current application was for a temporary situation, he saw no concern with the proposal as presented.

Commissioner Obsitnik disagreed that approval of the temporary facility would become a permanent site given that the applicant must go through a process of approval and must comply with the Town's Wireless Ordinance.

Chairman Driver stated that when a permanent site was proposed more thorough documentation should be provided.

Commissioner Levenfeld was not certain the temporary site would be suitable for a permanent site although she suggested that during the six to 12-month period; the potential impacts would be identified offering the opportunity for the applicant to return to the Commission to suggest an alternate site.

Mr. Chamberlain reported that the applicant had made an initial application that was within 300 feet of the Brothers' residence, which had been denied by staff. He clarified that when the facility had been installed for the Gubernatorial Debate, it had been for a short period of time with no approval process from the Town.

Commissioner Socolich emphasized that when a location for a permanent facility was determined it would have to be acceptable to the Planning Commission given the concerns that had been expressed.

Commissioner Obsitnik expressed concern with the views from the scenic corridor. He asked whether or not there should be a condition where the antennas would be painted to match the foliage and wrapped with the moss material.

Mr. Chamberlain suggested that Condition 2 could be amended, if necessary, to require Design Review Board (DRB) review of the application, or the condition could be amended to require the moss wrapping and that the antennas be painted to match the foliage.

Commissioner Socolich preferred that the application require DRB review and that Condition 2 be amended accordingly.

Commissioner Levenfeld disagreed with a DRB review requirement given the temporary nature of the facility. She suggested that Condition 2 be amended to require the painting and camouflaging of the antennas.
Mr. Chamberlain recommended that Condition 2 be amended to read:

The applicant shall paint the antennas to match the surrounding foliage and be camouflaged with moss wrap.

On motion by Commissioner Socolich, seconded by Commissioner Wykle to adopt Resolution next in number to approve CUP-13-2010 for AT&T Wireless Transmitter Facility / Velocitel at Saint Mary's College of California, subject to the findings and conditions as shown, and subject to the amendment to Condition 2, as follows: The applicant shall paint the antennas to match the surrounding foliage and be camouflaged with moss wrap. The motion carried by the following vote:

Ayes: Commissioners Levenfeld, Obsitnik, Socolich, Whitley, Wykle, Driver
Noes: None
Abstain: None
Absent: Commissioner Richards

Mr. Chamberlain identified the 10-day right of appeal of a decision of the Planning Commission in writing to the Planning Department subject to an applicable appeal fee.

VII. PUBLIC MEETING

A. None

VIII. ROUTINE & OTHER MATTERS

A. None

IX. COMMUNICATIONS

A. None

X. REPORTS

A. Planning Commission

Commissioner Socolich reported that he had attended the Moraga-Orinda Fire District (MOFD) Liaison Meeting in which the Mayor, Moraga Police and Fire Departments, and the Park and Recreation Department had highlighted their

work. He had also highlighted the Planning Commission's efforts with respect to the Medical Marijuana Ordinance.

B. Staff

1. Update on Town Council actions and future agenda items.

Mr. Chamberlain reported that the DRB would meet on February 28 to discuss the application for property located at 120 Moraga Road. The MOFD had required a 16-foot roadway which required some modifications to the site plan. The property owner had recommended a modification that the DRB would consider at its next meeting.

As to the fencing around the AT&T site on Rheem Boulevard, Mr. Chamberlain understood that the fence material would be chain link. The applicant had also submitted landscape plans which would be activated if the facility was found to be visible.

XII. ADJOURNMENT

On motion by Commissioner Whitley, seconded by Commissioner Socolich to adjourn the Planning Commission meeting at 8:36 P.M. to a regular meeting of the Planning Commission on Monday, March 7, 2011 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 St. Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission

PLANNING COMMISSION STAFF REPORT

DATE: April 7, 2011 for the April 18, 2011 MEETING

ITEM: VII. A – Planning Commission Public Hearing

FILE: UP 02-11 Trillium for AT&T (Applicant), Joan Bruzzone (Owner), 1199 Alta Mesa Drive (Transmitter Site): Application for an amendment to the use permit for the existing AT&T Wireless Facility at the top of Alta Mesa Drive. Modifications include: the installation of 1 new antenna to the existing AT&T shelter; the replacement of 2 existing antennas with 2 new antennas (one of the replacement antennas is located on the existing AT&T shelter and the other replacement antenna is located on an existing ground mounted pole); the installation of 1 new pole to match the existing to hold the 1 new antenna; the installation of 1 GPS antenna; the installation of fiber and discharge current (DC) runs from the shelter to the antennas as well as DC surge protectors; the addition of 3 pairs of Remote Radio Units (RRUs) inside AT&T's existing lease area for a total of 6; and the installation of a Long Term Evolution (LTE) cabinet/box within AT&T's existing lease area. There is to be a total of 10 antennas on site including the proposed GPS unit. The original use permit, UP-03-99, was approved on February 7, 2000.

ASSESSOR'S PARCEL NUMBER: 258-160-062

TOWN ZONING: OSM – DT (Moraga Open Space, MOSO, Density Transfer)

ENVIRONMENTAL REVIEW STATUS: This project is categorically exempt per CEQA Guideline Section 15303, new construction of limited small new facilities, and installation of small, new equipment in small structures.

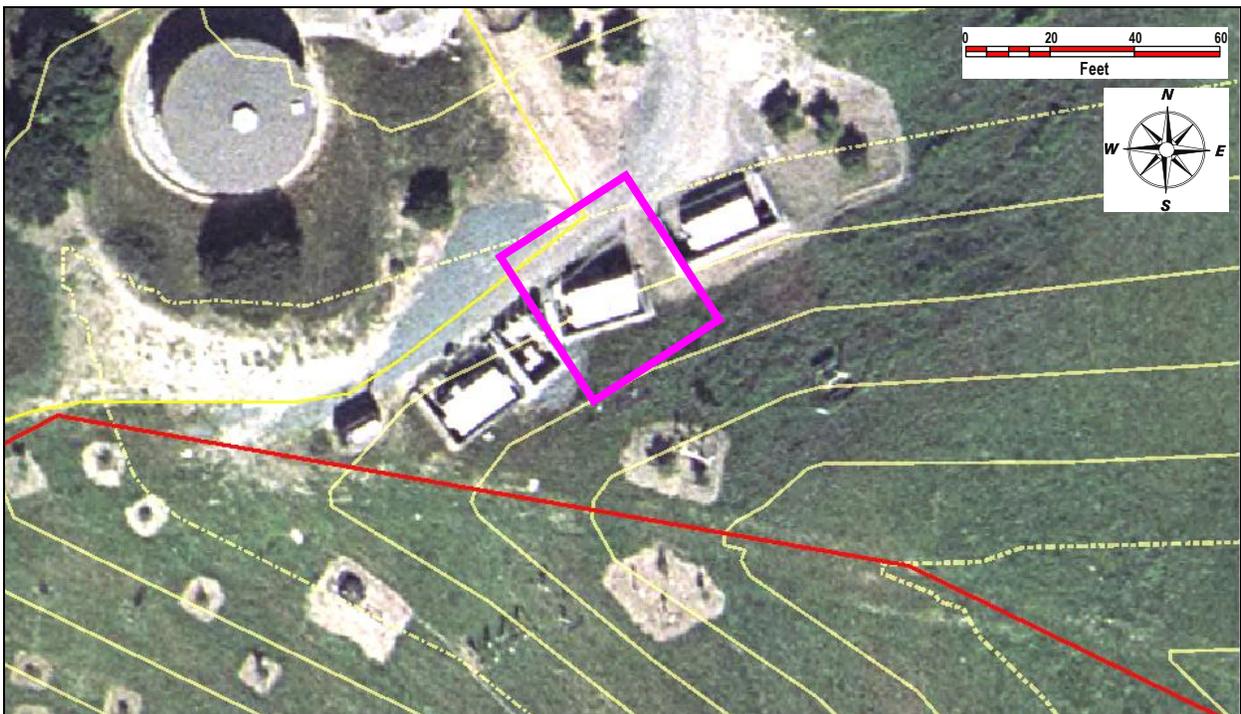
PUBLIC NOTICE AND CORRESPONDENCE: A public hearing notice was mailed on Friday, April 8, 2011 to property owners within 300 feet of the Alta Mesa property. The notices were also posted at the Hacienda (2100 Donald Drive), the Moraga Commons, and the Moraga Library on April 8, 2011 in accordance with Moraga Municipal Code (MMC) Section 8.12.070. Copies of the notice map, mailing list and the public hearing notice are attached as **EXHIBIT A**.

SUMMARY: The application is an amendment to Use Permit No. 3-99, which was approved on February 7, 2000, to allow PacBell (now AT&T) to permanently maintain a wireless facility at the top of Alta Mesa Drive. A copy of PC Resolution 02-2000 approving the installation is attached as **EXHIBIT B**. As outlined above, the following alterations include: the installation of 1 new antenna to the existing AT&T shelter; the replacement of 2 existing antennas with 2 new antennas (one of the replacement antennas is located on the existing AT&T shelter and the other replacement antenna is located on an existing ground mounted pole); the installation of 1 new pole to match the existing to hold the 1 new antenna; the installation of 1 GPS antenna; the installation of fiber and DC runs from the shelter to the antennas as well as DC surge protectors; the addition of 3 pairs of Remote Radio Units (RRUs) inside AT&T's existing lease area for a total of 6; and the installation of a Long Term Evolution (LTE) cabinet/box within AT&T's existing lease area. There is to be a total of 10 antennas on site including the proposed GPS unit. The applicant's written statement and photo simulation of the proposed antennas are attached as **EXHIBIT C** and the project plans are attached as **EXHIBIT D**.

Below is an aerial photo view of the wireless transmitters and antennas at the top of Alta Mesa behind the Carter Reservoir. More pictures of the site can be viewed on the next page.



The location of the existing AT&T equipment is within the purple rectangle in the aerial photo below. The red line represents the major ridgeline above the water tank.



Below is a picture of the service road leading up to the Alta Mesa transmitter site.



Below is a picture of some of the existing wireless installations at the Alta Mesa transmitter site.

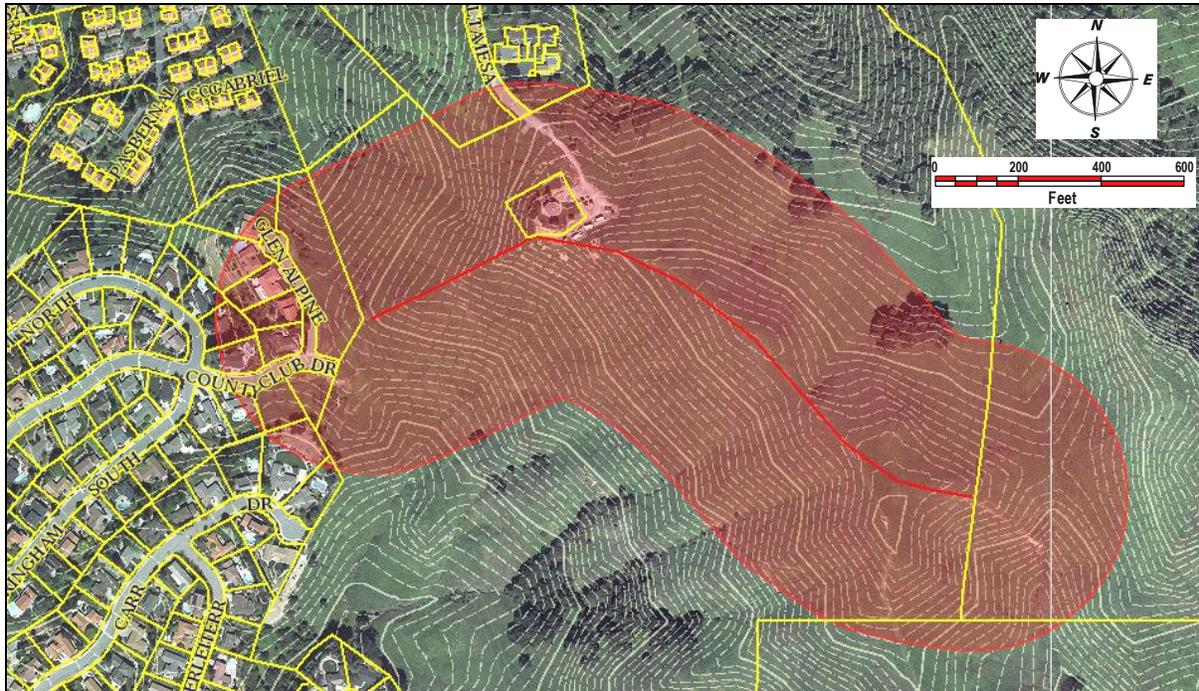


Below is a picture of the existing AT&T leasing area at the Alta Mesa transmitter site. Other transmitter sites in the area include T-Mobile, Verizon Wireless, and Sprint.



BACKGROUND:

Development is prohibited by MMC Chapter 8.128 (Ridgeline Protection) within 500-feet of a major ridgeline as shown on the aerial photo map below. The shaded red area indicates the 500-foot area on either side of the major ridgeline.



The Ridgeline Protection Ordinance used to include a provision that allowed applications for variances to the prohibition of development within the exclusion area on major ridges. The interim Town Attorney, Ken Schidig, ruled that the variance provision in the Ridgeline Protection Ordinance was not revoked by any provision in the 1986 MOSO initiative. Based on that legal opinion, a variance application was approved for a GTE Mobilnet transmitter and antenna to be installed at the top of Alta Mesa within 500 feet of the ridgeline. When other cellular phone companies applied for transmitters at the top of Alta Mesa, the Town’s current Attorney, Michelle Kenyon, found that the variance provision in the ridgeline protection ordinance was in conflict with the MOSO requirements. The Town Council amended Chapter 8.128 and removed the variance option. However, Council also found that cellular phone service was in the public interest and that other cellular service providers should have an equal opportunity for access at the Alta Mesa site. Subsequently, other installations have been granted use permits for transmitters, including a repeater for the County Sheriff’s Police Dispatch System.

GENERAL DEVELOPMENT STANDARDS:

MMC Section 8.144.030 lists the following development standards for development of all new wireless communication facilities:

- A. Ground Mounted Equipment. All ground mounted wireless communication equipment, antennas, poles, dishes, cabinets, structures, towers or other appurtenances shall be:
 - 1. Of a minimal functional height or no greater than 20-feet, whichever is less;

COMMENT: The new replacement antenna and the new pair of Remote Radio Units (RRUs) will be mounted on the same existing antenna support pole which is 9-feet high.

2. Have a non-reflective finish and shall be painted or otherwise treated to minimize visual impacts;

COMMENT: The applicant has indicated that the new replacement antenna and the new pair of RRUs will match the existing in color and with a flat non-reflective paint.

3. Screened by existing development, topography or vegetation to the extent consistent with proper operation of the wireless communication facility. Additional new vegetation and its proper irrigation where practical, or other screening may be required as a condition of approval.

COMMENT: The equipment is primarily screened from view behind the EBMUD Carter Reservoir. Oak trees were planted in groups at various locations to help screen the antennas. The new replacement antenna and the new pair of RRUs are not expected to have a significant increased visual impact to the hillside.

- B. Roof and Building Mounted Equipment. Roof and building mounted equipment, including monopoles and antennas shall:

1. Be located as far away as feasible and aesthetically practicable from the outer edge of a building. Antennas attached to a building shall be painted or treated to match the exterior of the building or background visible beyond the antennas;

COMMENT: The proposed roof mounted antennas (including 1 new GPS antenna, 1 new panel antenna with new pipe mount, 1 new replacement antenna, new antenna pipe mount, and two pairs of RRUs) will be collocated with existing roof mounted antennas on top of the AT&T equipment building. The new antennas are to match the existing.

2. Avoid being mounted on the peaks of roofs to the greatest extent possible and all other related equipment shall be screen or hidden from view.

COMMENT: The roof of the AT&T equipment building is flat. Aside from the roof mounted and ground mounted antennas all other related equipment is located inside the shelter building hidden from view.

- C. A wireless communication facility shall comply with all applicable FCC standards for radio frequency emissions and shall not adversely affect the public health, safety or welfare.

COMMENT: The proposed equipment will comply with the applicable FCC standards for radio frequency emission and will not adversely affect the public health, safety or welfare.

- D. All new wireless communication facilities shall be collocated with existing and/or with other planned new facilities whenever feasible and aesthetically desirable. Collocation is discouraged when it will increase visual impacts. Service providers are encouraged to collocate with other facilities such as water tanks, light standards and other utility structures where the collocation is found to minimize the overall visual impact.

COMMENT: The new and replacement antennas and equipment will be located in the AT&T equipment area and collocated with the other wireless facility installations (including T-Mobile, Verizon, and Sprint) at the top of Alta Mesa.

- E. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

COMMENT: As a condition of approval the applicant will comply with this standard.

- F. Where feasible, the location of commercial wireless communication facilities shall be encouraged to be located on publicly owned property or public easement or right-of-way.

COMMENT: The subject property is owned by the Bruzzone family. The only publicly owned ridgeline area is the Mulholland Hill Open Space Preserve, which is also designated as a major ridgeline. In addition, the Moraga Open Space Preserve restricts the use of the property to open space and recreation so a wireless communication use would be inconsistent with the deed restriction.

- G. All equipment associated with a wireless communication facility shall be removed within 30 days of the discontinuation of use and the site shall be restored to its original preconstruction condition in a manner consistent with continued use by any collocated facility. The town shall be given 30 days notice on intent to discontinue use of the facility prior to discontinuation of use.

COMMENT: As a condition of approval the applicant will comply with this standard.

- H. All proposals for wireless communications facilities shall include a description of the site selection process undertaken, including coverage objectives and alternative site analysis.

COMMENT: This is not a new facility. The proposed antennas and equipment will enhance the coverage from the existing location.

- I. Antennas and equipment buildings shall not be located closer than three hundred (300) feet from a residential structure and one hundred (100) feet from residential property line.

COMMENT: None of the existing or proposed antennas and equipment are within 300 feet of any residential structures.

OPEN SPACE AND OPEN SPACE MOSO DISTRICT DEVELOPMENT STANDARDS

- A. In addition to the general development standards provided in Section 8.144.030, facilities proposed to be located within the Town's open space and ridgeline areas as defined by Chapter 8.128 and the general plan shall comply with the following development standards:

- 1. No wireless communication facilities which do not as of the effective date of the ordinance codified in this chapter have a conditional or temporary use permit shall be located within 500-feet of a major ridgeline as defined in the Moraga open space ordinance (MOSO).

COMMENT: AT&T (formerly PacBell) had a temporary use permit prior to April 28, 1999.

- 2. No wireless communication facilities which do not as of the effective date of said ordinance have a conditional or temporary use permit shall be located on the crest of a minor ridge with an elevation of 800-feet or greater as defined in the Moraga open space ordinance (MOSO), nor shall the silhouette of an antenna be visible above the ridge as viewed from a lower elevation perspective generally available to the public.

COMMENT: AT&T (formerly PacBell) had a temporary use permit prior to April 28, 1999.

- 3. No wireless communications facilities which do not as of the effective date of said ordinance have a conditional or temporary use permit shall be located on areas where the slope has a grade of 20% or greater in MOSO open space.

COMMENT: AT&T (formerly PacBell) had a temporary use permit prior to April 28, 1999.

- 4. Special design considerations such as designing facilities to appear as natural features found in the immediate area, such as rocks or trees, shall be considered in approving facilities for such use.

COMMENT: Landscaping improvements were installed in the vicinity of the antennas and fenced to prevent deer from eating the Oak trees. None of the antennas have been designed to appear as a tree or other natural feature.

- B. The facilities shall comply with the above development standards unless the applicant establishes and it is determined by the planning commission that there is no other optimal location for the carrier to provide adequate coverage, and it is determined that compliance with these standards would violate federal law. The burden shall be on the applicant to prove to the satisfaction of the planning commission that there are no optimal locations where adequate coverage could be provided.

COMMENT: All of the potential optimal locations for cellular transmission sites are located on ridges within the OS (Open Space) or OS-M (Open Space-MOSO) zoned areas. The ridges in the OS-M district are classified as "major ridges" because they were originally designated as "private open space" or "public open space-study" on the 1980 General Plan at the time the ridgeline protection ordinance was adopted.

- C. Notwithstanding the foregoing, any temporary use permits which are valid as of the effective date of said ordinance must receive approval by the planning commission of a conditional use permit in order to be in compliance with this chapter.

COMMENT: On May 19, 1997 the Planning Commission approved a temporary use permit for a PacBell (now AT&T) wireless facility at the Alta Mesa site subject to conditions in Resolution 9-97 PC. On April 28, 1999 the Town Council adopted Ordinance 176: Wireless Communications Facilities; Satellite Dish and Miscellaneous Antennas. In accordance with condition 9 of Resolution 9-97 PC, PacBell submitted a new use permit application to allow the continued operation of the existing wireless facility which the Commission approved on February 7, 2000.

GENERAL CONDITIONS OF APPROVAL:

Under MMC Section 8.144.070, the Planning Commission may include conditions of approval deemed necessary to ensure visual and land use compatibility with the surroundings so as to avoid adverse effects on the health, safety, and welfare of the residents, to protect existing vegetation, and to minimize the proliferation of such facilities, including but not limited to:

- A. Wireless communications facilities shall have a non-reflective finish and be painted to be compatible with the surrounding area and landscaped to minimize visual impacts;

COMMENT: As noted previously, the applicant has stated that the proposed antennas and equipment will match the existing in color and with non-reflective paint.

- B. If not screened from view, equipment enclosures shall be compatible with the design scale, materials, colors and landscaping of other existing structures on the site;

COMMENT: The equipment enclosure will not be altered for this application. The only changes include new and replacement antennas as well as new equipment.

- C. Stealth design of antennas shall be required as necessary to minimize visual impact.

COMMENT: The best way to reduce the impact of the proposed antennas and equipment is by keeping them as small as possible and painting them to match the existing antennas.

- D. Wireless communication facilities shall be constructed and operated in such a manner as to minimize noise impacts on nearby residents and the public. Noise reduction shall be accomplished through the following measures:

1. A maximum allowable exterior noise level of sixty (60) dB at the property line of the facility must not be exceeded.

COMMENT: The proposed antennas and equipment do not emit any noise.

2. Any maintenance or testing that will create noise that is audible from residences and other nearby sensitive receptors shall occur between the hours of eight a.m. to five p.m. Monday through Friday, excluding emergency repairs.

COMMENT: No new equipment will be installed that would increase the existing noise levels from the transmitter site. Construction during installation of the new equipment could create noise but the hours of work will be limited from 8 a.m. to 5 p.m.

3. Backup generators shall comply with the same noise standards referenced above and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with subsection (D)(2) of this section.

COMMENT: This application does not include any additional back-up generators.

- E. Additional landscaping or other screening shall be provided.

COMMENT: The site has been landscaped with native oak trees, which were fenced to prevent damage to the trees by deer or other wildlife. The trees have become established so additional landscaping would not significantly reduce the visibility of the new antennas.

REQUIRED FINDINGS FOR THE CONDITIONAL USE PERMIT.

MMC Section 8.12.120 lists the required findings that must be made to grant the Conditional Use Permit, as follows:

1. **The proposed use is appropriate to the specific location** because the antennas will be located by the existing antennas and will match the color and height of the existing antennas.
2. **The proposed use is not detrimental to the health, safety, and general welfare of the Town** because the antennas are located more than 300-feet from any residence and the electromagnetic radiation from the antennas will be too low to have any impact on the health, safety or general welfare of Town residents.
3. **The proposed use will not adversely affect the orderly development of property within the Town** because the antennas will be located at a site that has been previously designated for wireless transmitters and antennas.
4. **The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town** because the new equipment will be collocated with existing wireless installations.
5. **The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plans** because it will improve coverage and allow wireless communication in an emergency consistent with General Plan policy PS1.5.
6. **The proposed use will not create a nuisance or enforcement problem within the neighborhood** because the antennas are in a remote location without general public access.

7. **The proposed use will not encourage marginal development within the neighborhood** because this site is already used by wireless facilities.
8. **The proposed use will not create a demand for public services within the Town beyond that of the ability of the Town to meet in light of taxation and spending restraints imposed by law** because the wireless services provided by the antennas are owned and operated by a private company and do not require Town service.
9. **The proposed use is consistent with the Town's approved funding priorities** because no expenditure of Town funds is required.

RECOMMENDATION:

The Town supports any improvements to service and area of coverage by service providers. Staff has prepared a draft resolution, which is enclosed as **EXHIBIT D**, for the conditional use permit approving the modifications at the AT&T wireless facility at the Alta Mesa transmitter site with the findings from Section 8.12.120 as listed above.

Prepared By: Kelly Suronen, Assistant Planner

EXHIBITS:

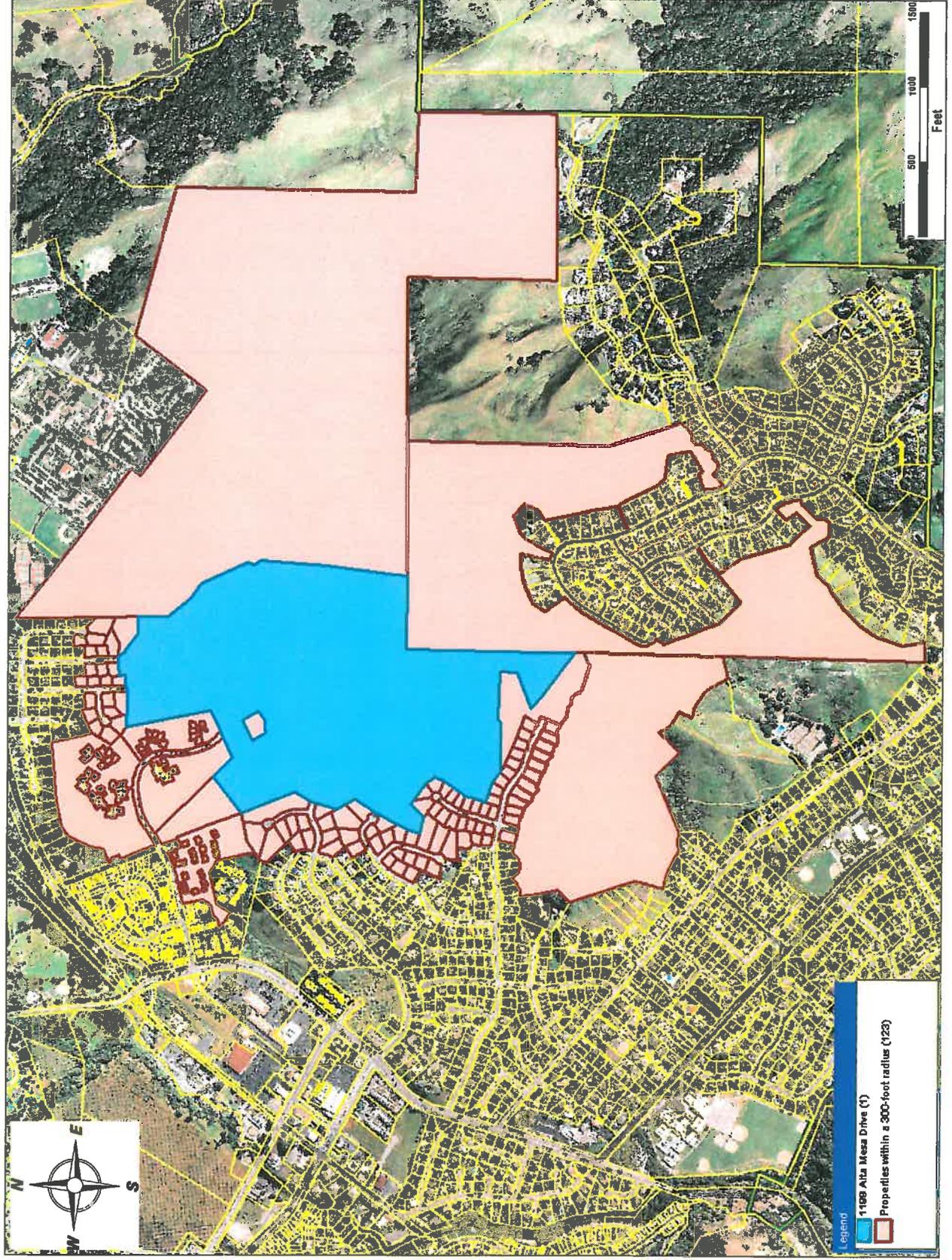
- A** – Area of Notice Map, Mailing List and Public Hearing Notice
- B** – PC Resolution 02-2000 approving UP-03-99
- C** – Applicant's Statement and Photo Simulation of Proposed Antennas
- D** – Draft PC Resolution
- E** – Project Plans

EXHIBIT A

**AREA OF NOTICE MAP
MAILING LIST AND
PUBLIC HEARING NOTICE**

VICINITY MAP AND AREA OF NOTICE

1199 Alta Mesa Drive: AT&T Wireless Site File Number: UP-02-2011



UP-02-2011
Mailed Public Notice

1199 Alta Mesa
ATT Wireless Site
Mailing List

Conditional
Use Permit

APN	NAME	ADDRESS	CITY & ZIP
258202008	Robert B & Jane E Ellerbeck	1164 SANDERS DR	Moraga, CA 94556 1939
258202007	Timothy A & Pamela Meltzer	6 WILLOW SPRING LN	Moraga , CA 94556 2102
258202006	Glenn C & Ellen Voyles	1156 SANDERS DR	Moraga, CA 94556 1939
258202005	Marvin H & Janet B Wiegman	1152 SANDERS DR	Moraga, CA 94556 1939
258202004	Daran M Jr & Camille Santi	1148 SANDERS DR	Moraga, CA 94556 1939
258202003	John & Bethany Valentine	1144 SANDERS DR	Moraga, CA 94556 1939
258201007	Kenneth C Young	1159 SANDERS DR	Moraga, CA 94556 1938
258202002	Nelson L & Nancy Wilkerson	1140 SANDERS DR	Moraga, CA 94556 1939
258201006	Ricard V Scheuerman	1155 SANDERS DR	Moraga, CA 94556 1938
258600006	Sanford Gage	10284 CENTURY WOODS DR	Los Angeles, CA 90067 6304
258201005	Michael J Torp	1151 SANDERS DR	Moraga, CA 94556 1938
258202001	Gerald S Jr Johnson	PO BOX 6784	Moraga , CA 94570
258201004	& Brita Harris David	178 CORLISS DR	Moraga, CA 94556 1206
258193003	Tadd R & Jennifer H Koziel	1132 SANDERS DR	Moraga, CA 94556 1939
258201003	Norma R Pearson	1143 SANDERS DR	Moraga, CA 94556 1938
258193002	Paul A & Tia W Kratter	1128 SANDERS DR	Moraga, CA 94556 1939
258193001	Anthony L & Cameron Giovinazzi	1124 SANDERS DR	Moraga, CA 94556 1939
258201002	Eric & Michelle Karver	1139 SANDERS DR	Moraga, CA 94556 1938
258192004	John & Joan Ohare	1120 SANDERS DR	Moraga, CA 94556 1919
258201001	Sharon S Macbeath	1135 SANDERS DR	Moraga, CA 94556 1938
258191020	Thomas B & Sandra A Shurtz	18 HETFIELD PL	Moraga, CA 94556 1907
258191019	Jeffrey E & Edith H Schwartz	22 HETFIELD PL	Moraga, CA 94556 1907
258191012	James L & Shivaun D Wraith	19 HETFIELD PL	Moraga, CA 94556 1906
258300019	Common Area-tract 6292	2 SANDERS RANCH RD	Moraga , CA 94556 2804
258481015	Thomas Jr & Marilyn Evans	17 INVERLEITH TER	Moraga, CA 94556 1908
258481008	George K & Judith M Helder	18 INVERLEITH TER	Moraga, CA 94556 1909
258481004	Amir Farvard	40 CARR DR	Moraga, CA 94556 1942
258191026	Patricia G Fela	1131 SANDERS DR	Moraga, CA 94556 1938
258191024	Mark R Garvey	1123 SANDERS DR	Moraga, CA 94556 1938
258191025	Peter P & Adrienne L Machi	1127 SANDERS DR	Moraga, CA 94556 1938
258191008	Jay D & Michelle Robinson	3 HETFIELD PL	Moraga, CA 94556 1906
258191007	Robert & Sally Mclaughlin	2 CORTES CT	Moraga, CA 94556 1903
258191023	James M & Oconnor	6 HETFIELD PL	Moraga, CA 94556 1907
258191009	James J & Susan L Mcgill	7 HETFIELD PL	Moraga, CA 94556 1906
258191006	Francis Chun Ping Wong	6 CORTES CT	Moraga, CA 94556 1903
258191022	Richard T & Janice M Ginley	10 HETFIELD PL	Moraga, CA 94556 1907
258191010	Rodger Lindquist	11 HETFIELD PL	Moraga, CA 94556 1906
258191021	Udai P & Manju Singh	14 HETFIELD PL	Moraga, CA 94556 1907
258191005	John A & Stacey T Drennan	10 CORTES CT	Moraga, CA 94556 1903
258191011	Jason S & Lauren K Fritch	15 HETFIELD PL	Moraga, CA 94556 1906
258481012	Russell L Jr & Karen L Kiernan	29 INVERLEITH TER	Moraga, CA 94556 1908
258191018	Alan G & Mary Jane Cooper	26 HETFIELD PL	Moraga, CA 94556 1907

UP-02-2011
Mailed Public Notice

1199 Alta Mesa
ATT Wireless Site
Mailing List

Conditional
Use Permit

258191013	Giora Beeri	23 HETFIELD PL	Moraga, CA 94556 1906
258191014	Walter E li & Zoe W Klippert	27 HETFIELD PL	Moraga, CA 94556 1906
258481013	Jay E & Kristi D Grover	25 INVERLEITH TER	Moraga, CA 94556 1908
258191017	Elnore May Raia	30 HETFIELD PL	Moraga, CA 94556 1907
258481010	Thomas E & Carmen Hughes	26 INVERLEITH TER	Moraga, CA 94556 1909
258481014	Graydon M Cox	21 INVERLEITH TER	Moraga, CA 94556 1908
258481009	Brian D & F Diane Buick	22 INVERLEITH TER	Moraga, CA 94556 1909
258191016	Catherine G Jarett	35 HETFIELD PL	Moraga, CA 94556 1906
258191028	John S Keenan	31 HETFIELD PL	Moraga, CA 94556 1906
258481016	Robert E Garetti	15 INVERLEITH TER	Moraga, CA 94556 1908
258481007	John J & Maureen T Graf	14 INVERLEITH TER	Moraga, CA 94556 1909
258481005	Chandrakant S & Urmila C Patel	44 CARR DR	Moraga, CA 94556 1942
258481006	Stephen J & J Lopresti	10 INVERLEITH TER	Moraga, CA 94556 1909
258481017	Timothy S Szybalski	13 INVERLEITH TER	Moraga, CA 94556 1908
258542002	Matthew & Juliandra Rittmann	70 CARR DR	Moraga, CA 94556 1943
258481018	Nancie A Carmazzi	11 INVERLEITH TER	Moraga, CA 94556 1908
258542001	Matthew James & Cathy Lyon	66 CARR DR	Moraga, CA 94556 1943
258541003	Richard H & Heidi K Raine	71 CARR DR	Moraga, CA 94556 1901
258541006	Geoffrey C Marx	59 CARR DR	Moraga, CA 94556 1901
258541005	Martin D Finnegan	63 CARR DR	Moraga, CA 94556 1901
258541004	William & Christine Booth	67 CARR DR	Moraga, CA 94556 1901
258541009	Linda Maleh	1100 COUNTRY CLUB DR	Moraga, CA 94556 1926
258541010	Deval A & Anju D Lashkari	101 SANDRINGHAM DR N	Moraga, CA 94556 1930
258530026	David R & Susan S Howard	1103 COUNTRY CLUB DR	Moraga, CA 94556 1925
258530027	Kent D & Kelly D Hodgkinson	1107 COUNTRY CLUB DR	Moraga, CA 94556 1925
258530025	Alan R & Arlene J Young	208 SANDRINGHAM N	Moraga, CA 94556 1933
258530028	Richard Avanzino	310 GLEN ALPINE	Moraga, CA 94556 1928
258530029	Fred Serafin	320 GLEN ALPINE	Moraga, CA 94556 1928
258530030	James M & Robin W Siefkin	340 GLEN ALPINE	Moraga, CA 94556 1928
258530031	Giovanni B & Anna Cerruti	350 GLEN ALPINE	Moraga, CA 94556 1928
258160056	Real Estate Services	PO BOX 24055	Oakland, CA 94623 1055
258561083	Robert G & Julianne Belote	316 CORTE GABRIEL	Moraga, CA 94556 2025
258561084	Steven Francis Horwitz	1410 RIMER DR	Moraga , CA 94556 2555
258581012	William G & Elaine H Lind	1189 ALTA MESA DR	Moraga , CA 94556
258581008	William G & Ljubica M Welden	1181 ALTA MESA	Moraga, CA 94556 2015
258581009	Alyce L Suss	1183 ALTA MESA	Moraga, CA 94556 2015
258581011	Hans A & Agnes L Muller	1187 ALTA MESA	Moraga, CA 94556 2015
258581010	Paul J Weiss	1185 ALTA MESA	Moraga, CA 94556 2015
258561090	C/o Paseo De Moraga Hoa	315 DIABLO RD, Apt.#212	Danville , CA 94526 3409
258581007	Ruth A Cohen	1163 ALTA MESA	Moraga, CA 94556 2015
258520003	Joan E Bruzzone	899 HOPE LN	Lafayette, CA 94549
258581006	John & Mary Ellen Viboch	1161 ALTA MESA	Moraga, CA 94556 2015
258581005	Fargo Home Mortg Wells	3476 STATEVIEW BLVD	Fort Mill, SC 29715 7200

UP-02-2011
Mailed Public Notice

1199 Alta Mesa
ATT Wireless Site
Mailing List

Conditional
Use Permit

258581004	Gertrude E Veiss	1157 ALTA MESA	Moraga, CA 94556 2015
258581001	Paul D Kase	1151 ALTA MESA	Moraga, CA 94556 2015
258581003	Leann T Brown	1155 ALTA MESA	Moraga, CA 94556 2015
258582008	Matrix Property Management	4861 SUNRISE DR, Apt.#104	Martinez, CA 94553 8602
258581002	Richard J Callahan	1153 ALTA MESA	Moraga, CA 94556 2015
258393001	Gregory R Schoofs	1064 DEL RIO WAY	Moraga, CA 94556 2041
258392009	John E Smidebush	1063 DEL RIO WAY	Moraga, CA 94556 2032
258391008	Adrian A & Ellen B Gunderson	1065 WICKHAM DR	Moraga, CA 94556 2038
258570026	Doris Robbins	100 ALTA MESA CT	Moraga, CA 94556 2012
258393004	Essex B Lodato	21 DEL RIO CT	Moraga, CA 94556 2031
258392001	Milton K Wong	1060 WICKHAM DR	Moraga, CA 94556 2039
258570025	Edwin K & Nikolene M Isely	102 ALTA MESA CT	Moraga, CA 94556 2012
258393006	Yoav & Sandra C Harlev	18 DEL RIO CT	Moraga, CA 94556 2031
258392007	Richard K & Deborah Husby	1043 DEL RIO WAY	Moraga, CA 94556 2032
258391009	Donald E & Melinda F Groom	1061 WICKHAM DR	Moraga, CA 94556 2038
258393003	Robert J Berndt	11 DEL RIO CT	Moraga, CA 94556 2031
258393002	Steven & Jodie Israel	7 DEL RIO CT	Moraga, CA 94556 2031
258392008	Jun & Maria I Kitagawa	1055 DEL RIO WAY	Moraga, CA 94556 2032
258393005	Gary C & Joanna B Hill	22 DEL RIO CT	Moraga, CA 94556 2031
258570024	Shari Shryock	104 ALTA MESA CT	Moraga, CA 94556 2012
258392002	William & Jacuelyn Colonna	1052 WICKHAM DR	Moraga, CA 94556 2039
258391003	Doe S Cayting	1053 WICKHAM DR	Moraga, CA 94556 2038
258371015	Ralph A & Linda G Zappala	1717 DEL MONTE WAY	Moraga, CA 94556 2029
258392003	Gregory E Dunbar	1044 WICKHAM DR	Moraga, CA 94556 2039
258393008	Mary Ann Cossey	1040 DEL RIO WAY	Moraga, CA 94556 2033
258391002	R Thomas P C P Westhoff	1043 WICKHAM DR	Moraga, CA 94556 2038
258371016	Darren & Maria Chilimidos	1712 DEL MONTE WAY	Moraga, CA 94556 2030
258393007	Marian L Lyman	12 DEL RIO CT	Moraga, CA 94556 2031
258392006	Kris G & Yvonne J Dunning	1031 DEL RIO WAY	Moraga, CA 94556 2032
258371017	Kevin & Jennifer Mckenzie	1704 DEL MONTE WAY	Moraga, CA 94556 2030
258140002	Marys College St	PO BOX 4200	Moraga , CA 94575 4200

PUBLIC HEARING

Town of Moraga

YOU ARE HEREBY NOTIFIED THAT on Monday, April 18, 2011, at 7:30 p.m., in the meeting room at the Moraga Library, 1500 Saint Mary's Road, Moraga, California 94556, the Planning Commission of the Town of Moraga will hold a public hearing to consider the following application:

UP 02-11 Trillium for AT&T (Applicant), Joan Bruzzone (Owner), 1199 Alta Mesa Drive (Transmitter Site): Application for an amendment to the use permit for the existing AT&T Wireless Facility at the top of Alta Mesa Drive. Modifications include: the installation of 1 new antenna to the existing AT&T shelter; the replacement of 2 existing antennas with 2 new antennas (one of the replacement antennas is located on the existing AT&T shelter and the other replacement antenna is located on an existing ground mounted pole); the installation of 1 new pole to match the existing to hold the 1 new antenna; the installation of 1 GPS antenna; the installation of fiber and DC runs from the shelter to the antennas as well as DC surge protectors; the addition of 3 pairs of Remote Radio Units (RRUs) inside AT&T's existing lease area for a total of 6; and the installation of a Long Term Evolution (LTE) cabinet/box within AT&T's existing lease area. There is to be a total of 10 antennas on site including the proposed GPS unit. The original use permit, UP-03-99, was approved on February 7, 2000. The property is zoned OSM – DT (Moraga Open Space, MOSO, Density Transfer). APN: 258-160-062.

<u>Applicant</u>	<u>Property Owner</u>
Trillium (for AT&T) c/o Valerie Tallerico 7901 Stoneridge Drive, Suite 503 Pleasanton, CA 94588	Joan Bruzzone Moraga General Properties 899 Hope Lane Lafayette, CA 94549

The plans for the project are available for public review at the Moraga Planning Department, 329 Rheem Blvd, during normal business hours (Monday through Friday from 9 am to noon and 1 to 5 pm). Comments regarding the project can be submitted in writing or orally at the public meeting. Written comments submitted to the Planning Department will be given to the Planning Commission on the night of the meeting. For additional information, please contact the Planning Department at (925) 888-7040.

Kelly Suronen, Assistant Planner

EXHIBIT B

**PC RESOLUTION 02-2000
APPROVING UP-03-99**

BEFORE THE PLANNING COMMISSION OF THE TOWN OF MORAGA

In the Matter of:

An approval of a use permit for a Pacific Bell)	RESOLUTION NO. 02-2000
Wireless (PBW) antenna facility located)	
approximately 450 feet southeast of the)	File No. UP-03-99
terminus of Alta Mesa, with modification of)	
two existing antennas from "omni" antennas)	Adoption Date:
to panel antennas.)	February 7, 2000
_____)	Appeal Period Ends:
	February 17, 2000

WHEREAS, on April 17, 1997 Pacific Bell Mobile Services (applicant) and Russell J. Bruzzone (Owner) submitted an application for a temporary mobile wireless telecommunications facility located approximately 450 feet southeast of the terminus of Alta Mesa; and

WHEREAS, the wireless telecommunications facility included a 3-foot by 6-foot trailer with two 6-foot high equipment cabinets and two 17-foot high "omni" or whip antennas, surrounded by a 5-foot high barbed wire fence; and

WHEREAS, at a duly noticed public hearing on May 19, 1997 the Planning Commission approved a temporary use permit for the Pacific Bell Mobile Services facility subject to conditions in Resolution 9-97 PC; and

WHEREAS, on April 28, 1999 the Town Council adopted Ordinance 176: Wireless Communications Facilities; Satellite Dish and Miscellaneous Antennas; and

WHEREAS, on July 27, 1999, in accordance with condition 9 of Resolution 9-97 PC, Pacific Bell Wireless (applicant) and Russell J. Bruzzone (Owner) submitted a new use permit application to allow the continued operation of the existing wireless telecommunications facility located approximately 450 feet southeast of the terminus of Alta Mesa; and

WHEREAS, the use permit application includes: the existing 3-foot by 6-foot trailer with two 6-foot high equipment cabinets (one to be replaced with a new cabinet that is 12 inches higher); replacement of the two existing 17-foot high omni antennas with two 17-foot high panel antennas; the existing 5-foot high barbed wire fence around the trailer and antennas and the installation of four 24" box California Live Oak trees; and

WHEREAS, the new use permit application was deemed complete by the Town on December 29, 1999; and

WHEREAS, the project qualifies for a categorical exemption from the California Environmental Quality Act (CEQA) under Section 15302 of the State Environmental Guidelines Section; and

WHEREAS, on January 26, 2000, a notice of public hearing was published in the Contra Costa Sun, and the notice was mailed to property owners within 300 feet of the property on January 25, 2000; and

WHEREAS, on February 7, 2000, the Planning Commission held a public hearing and received testimony from the applicant and interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Moraga that the Pacific Bell Wireless use permit for a mobile wireless antenna facility located approximately 450 southwest of the terminus of Alta Mesa is hereby approved with the following findings and conditions:

FINDINGS:

Specific findings necessary for all conditional use permits under Section 8-404 of the Municipal Code and as required by Section 8-6008 of the Municipal Code:

- (1) **The proposed use is appropriate to the specific location;**
The project site is consistent with surrounding uses. The PBW facility is partially hidden by the EBMUD Carter Reservoir tank and is collocated with the GTE Mobilnet, Cellular One and Nextel wireless transmission facilities, which is consistent with Section 8-6003(d) of the Wireless Communications Facilities; Satellite Dish and Miscellaneous Antennas Ordinance.
- (2) **The proposed use is not detrimental to the health, safety, and general welfare of the Town;**
The conditions of approval require the applicant to conduct annual testing to verify compliance with FCC radio frequency emissions standards to assure there will be no adverse impact to public health and safety or the general welfare of the Town.
- (3) **The proposed use will not adversely affect the orderly development of property within the Town;**
The PBW facility is consistent with the three general development standards listed under Section 8-6003(a) of the Wireless Communications Facilities; Satellite Dish and Miscellaneous Antennas Ordinance for ground mounted equipment. The antennas are only 17 feet high, three feet less than the maximum. The project will have no impact on the orderly development of property within the Town.
- (4) **The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town;**
The PBW facility is not located within 300 feet of any residential structure or 100 feet from a residential property line and will not have an adverse effect on property values or revenue sources within the Town.

- (5) **The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;**

The PBW facility does not constitute "development" as defined in the Guidelines for Interpreting and Implementing the Moraga Open Space Initiative. No grading was required for the facility and the connection to electric power and telephone services was made underground within the existing fire trail and did not change the external site appearance. The PBW facility is located within 500-feet of a major ridgeline and has an average slope greater than 20%; however, the application is exempt from Municipal Code Sections 8-6006-1(a) and (c) because the existing facility had a temporary use permit as of the effective date of the Town's Wireless Ordinance.

- (6) **The proposed use will not create a nuisance or enforcement problem within the neighborhood;**

The conditions of approval will eliminate any nuisance or enforcement problems.

- (7) **The proposed use will not encourage marginal development within the neighborhood;**

The PBW facility will have no effect on the quality of the future improvements of the property or surrounding area.

- (8) **The proposed use will not create a demand for public services within the Town beyond that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law;**

The PBW facility will not create a demand for any additional public services.

- (9) **The proposed use is consistent with the Town's approved funding priorities.**

The PBW facility has no impact on the Town's funding priorities.

CONDITIONS OF APPROVAL:

- 1) The conditional use permit shall be valid for an initial period of five years. The Planning Commission may extend the use permit for an additional five-year period, following a public hearing and in accordance with the following requirements:
- a) Verification of continued compliance with the conditions of approval.
 - b) Demonstration that the facility has been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal.
 - c) Finding that the facility is consistent with the provisions of federal law.
 - d) Submit evidence to the satisfaction of the Planning Commission that there are no other optimal locations where adequate coverage could be provided to the service area with the technology that exists at the time of the renewal application.

- 2) Thirty days after approval of the use permit, Pacific Bell Wireless shall submit a report showing the cumulative total emissions from all of the existing Alta Mesa transmitter sites, including GTE Mobilnet, Cellular One, Nextel and the PBW facility. The testing shall be conducted during normal business hours on a non-holiday weekday, with the PBW facility operating at maximum power in accordance with Section 8-6008(b) of the Municipal Code. The Planning Commission may request technical assistance for the purpose of making any determination with regard to compliance with the FCC radio frequency emission standards as stipulated under Section 8-6008(d). The cost of any technical services employed by the Planning Commission shall be borne by the applicant.
- 3) On an annual basis, after the initial radio frequency emissions report required by condition number 2, Pacific Bell Wireless shall conduct tests to verify compliance with FCC radio frequency emissions standards and provide the test results to the Town. The annual testing shall be conducted during normal business hours and on a non-holiday weekday with the facility operating at maximum power and shall measure total emissions from the cell site.
- 4) In the event that the radio frequency emission test results exceed the FCC standards or scientific and/or medical data determine the wireless telecommunication operation to be detrimental to the health and safety of the citizens of Moraga, the Town shall reserve the right to revoke the use permit.
- 5) Prior to issuance of building permits, the applicant shall submit plans to the Design Review Board to replace the barbed wire fence with a camouflaged security enclosure over the trailer and cabinets. An example to explore is a design to make the facility look like a natural rock out cropping, or other similar stealth technology. As part of the submittal requirements, applicant shall provide samples of applicable solutions used in other locations.
- 6) The plans shall be revised to include different fencing materials around the compound and the antenna sites. Fencing materials shall be attractive and shall have significant screening quality. Fencing shall also be strong enough to deter grazing cattle, deer and humans from entering the sites.
- 7) Applicant / property owner shall provide a coordinated landscape plan that will enhance existing and proposed landscape to mitigate impacts associated with all telecommunications equipment on this property. Plan shall include, but not be limited to, 24" box oak trees (such as "Coast Live Oak, California Black Oak, or Valley Oak) with protection installed around the trees to keep grazing cattle and deer from injuring the trees. The new trees shall be watered from a portable tanker until they are established. Plan shall be reviewed and approved to the satisfaction of the Design Review Board prior to issuance of building permits. Plan shall be installed within three months of facility installation.
- 8) At the time the first annual radio frequency emissions report is submitted, the Planning Staff shall evaluate the condition of the trees. If the trees have not survived, then new 24" box Live Oak trees shall be installed by the applicant and/or property owner and a new maintenance plan shall be submitted with automatic irrigation for the trees.

- 9) The applicant shall maintain a minimum clearance of 12.5 feet between the PBW fence and the EBMUD fence in accordance with Moraga-Orinda Fire Protection District requirements for the fire trail. PBW maintenance crews shall insure adequate emergency vehicle access during their maintenance visits to the facility.
- 10) Service and contractor's vehicles shall be parked beyond both gates beyond the end of Alta Mesa.
- 11) The PBW facility shall be maintained and operated in such a manner as to minimize noise impacts on nearby residents and the public. Noise reduction shall be accomplished through the following measures:
 - a) The maximum allowable (peak level) exterior noise level shall be 60 dB measured at the property line of the facility.
 - b) Maintenance or testing of the facility that creates audible noise that could be heard from residences in the vicinity shall occur only between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding emergency repairs.
 - c) Backup generators shall comply with the same noise standards referenced above and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with condition 8.b. above.
 - d) The mechanical equipment, such as air conditioning units, pumps, etc., shall be designed so that average sound levels do not exceed 40 dB(a) outside the nearest existing residences between 10:00 p.m. and 7:00 a.m., or 45 dB(a) between 7:00 a.m. and 10:00 p.m. Noise associated with the communication equipment shall not be perceptible from off-site.
- 12) The PBW facilities shall have a non-reflective finish and be painted to be compatible with the surrounding area. The replacement cabinet and new panel antennas shall also have non-reflective paint to minimize the visual impacts. The replacement cabinet shall not exceed a total height of 7-feet measured from the existing grade.
- 13) The overall height of the new panel antennas shall not exceed 17 feet.
- 14) The applicant shall not grade or modify the existing topography and shall strictly comply with the definition of "development" in the Guidelines for Interpreting and Implementing the Moraga Open Space Initiative.
- 15) There shall be no exterior lighting, except during an emergency repair at night.
- 16) The proposed facility shall substantially be in conformance with the plans stamped Planning Commission Official Exhibit, February 7, 2000.

PASSED AND ADOPTED by the Planning Commission of the Town of Moraga on February 7, 2000 by the following vote.

AYES: Carey, Metcalf, Tomine, VanDeKerchove, Woehleke

NOES: none

ABSTAIN: none

ABSENT: Rei

VanDeKerchove,
Vice Chairman

ATTEST:

Ross Hubbard,
Town Manager

EXHIBIT C

APPLICANT'S STATEMENT & PHOTO SIMULATION OF NEW ANTENNAS

Written Statement

Re: CNU0080 – 1199 Alta Mesa Drive – Moraga, CA 94556

The proposal for this application is for a modification to an existing AT&T wireless facility. The proposal meets all zoning code requirements and all finishes will be similar to what is currently on-site.

The proposed equipment will still comply with the applicable FCC standards for radio frequency emission and shall not adversely affect the public health, safety or welfare.



Trillium on behalf of



AT&T Facility – Site # CNU0080 Moraga 1- Alta Mesa Drive – 1199 Alta Mesa Drive Moraga, CA 94556

The scope of work will entail the following:

1. Install (1) new antenna to the existing AT&T shelter and replace (2) existing antennas with (2) new antennas. One of the antennas is located on the existing AT&T shelter and the other on replacement antenna is located on an existing ground mounted pole. There will be a total of (10) antennas (including the proposed GPS) on site.
2. Install (1) new pole (to match existing) to hold (1) new antenna.
3. Install 1 GPS antenna.
4. Install fiber and DC runs from the shelter to the antennas, as well as DC surge protectors.
5. Add (3) pairs of Remote Radio Units (RRUs) inside Tenant's existing lease area for a total of (6).
6. Install a Long Term Evolution (LTE) cabinet/box within Tenant's existing lease area.



PROPOSED



Completed November 29, 2010

BLUE WATER DESIGN

bluewater-design.net
michelle@bluewater-design.net

P 714.473.2942
F 949.271.2560



Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

CONTACT

Trillium Telecom Services
Tom Johnson
5912 Bolsa Ave., Suite 202
Huntington Beach, CA 92649
P 714.799.2000

APPLICANT

at&t Mobility
4430 Rosewood Drive
Pleasanton, CA 94588



LOCATION



View from the Northwest looking Southeast

EXISTING



CNU0080

Moraga

1199 Alta Mesa Drive
Moraga, CA 94556

VIEW 1

EXHIBIT D

DRAFT PC RESOLUTION

1. **The proposed use is appropriate to the specific location** because the antennas will be located by the existing antennas and will match the color and height of the existing antennas.
2. **The proposed use is not detrimental to the health, safety, and general welfare of the Town** because the antennas are located more than 300-feet from any residence and the electromagnetic radiation from the antennas will be too low to have any impact on the health, safety or general welfare of Town residents.
3. **The proposed use will not adversely affect the orderly development of property within the Town** because the antennas will be located at a site that has been previously designated for wireless transmitters and antennas.
4. **The proposed use will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town** because the new equipment will be collocated with existing wireless installations.
5. **The proposed use is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plans** because it will improve coverage and allow wireless communication in an emergency consistent with General Plan policy PS1.5.
6. **The proposed use will not create a nuisance or enforcement problem within the neighborhood** because the antennas are in a remote location without general public access.
7. **The proposed use will not encourage marginal development within the neighborhood** because this site is already used by wireless facilities.
8. **The proposed use will not create a demand for public services within the Town beyond that of the ability of the Town to meet in light of taxation and spending restraints imposed by law** because the wireless services provided by the antennas are owned and operated by a private company and do not require Town service.
9. **The proposed use is consistent with the Town's approved funding priorities** because no expenditure of Town funds is required.

CONDITIONS OF APPROVAL:

1. In accordance with MMC Section 8.144.080-B, this use permit shall be valid for an initial period of ten years and within 30 days after completion of the new antennas, and every five years thereafter, AT&T shall conduct tests to verify compliance with FCC radio frequency emissions standards and provide such test results to the town. Such testing shall be conducted during normal business

hours and on a non-holiday weekday with the facility operating at maximum power and shall measure total emissions from the cell site. The conditional use permit may be extended by the Planning Commission for an additional ten year period following a public hearing and verification of continued compliance with the conditions of approval and a showing that the facility has been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of federal law.

2. In accordance with MMC Section 8.144.080-C, AT&T shall submit a 5-year wireless communications facilities master plan for Moraga that includes the following components:
 - a. A large-scale map of the town showing the 5-year plan for wireless communication facility sites and planned coverage;
 - b. A written list of existing, proposed and anticipated wireless communication facility sites of the service provider over a 5 year period; and
 - c. A description of the location of each site and the types of installations, including antennas and equipment.
3. The new antennas shall have a non-reflective finish to minimize visual impacts and be painted to match the existing antennas.
4. Any exterior lighting shall be manually operated and used only during night maintenance or emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
5. All equipment associated with this wireless communication facility shall be removed within 30 days of the discontinuation of use and the site shall be restored to its original preconstruction condition in a manner consistent with continued use by any collocated facility. The Town shall be given 30 days notice of intent to discontinue use of the facility prior to discontinuation of use.

ADOPTED by the Planning Commission of the Town of Moraga on April 18, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Russell Drive, Chair

Attest: _____
Lori Salamack, Planning Director

DRAFT

EXHIBIT E
PROJECT PLANS