

**TOWN OF MORAGA  
PLANNING COMMISSION MEETING**

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

April 18, 2011

7:30 P.M.

**MINUTES**

**I. CALL TO ORDER**

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

**ROLL CALL**

Present: Commissioners Levenfeld, Obsitnik, Richards, Socolich, Wykle, Whitley\*, Chairman Driver

\* (Commissioner Whitley arrived after Roll Call)

Absent: None

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 Socolich, seconded by Commissioner Richards 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**

**A. March 7, 2011 Minutes**

**B. February 22, 2011 Minutes**

**C. February 7, 2011 Minutes**

On motion by Commissioner Levenfeld, seconded by Commissioner Obsitnik and carried unanimously to move Consent Calendar Items A through C to Item VIII., Routine & Other Matters.

## VI. PUBLIC HEARINGS

- 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 one 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 one new pole to match the existing to hold the one new antenna; the installation of one 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.

Planning Director Lori Salamack presented the application for an amendment to the use permit for the existing AT&T Wireless Facility at the top of Alta Mesa Drive for modifications to include the installation of one 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 one new pole to match the existing to hold the one new antenna; the installation of one 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 for a total of 10 antennas on site including the proposed GPS unit.

Ms. Salamack advised that the original use permit, UP-03-99, had been approved on February 7, 2000. Some of the actual equipment would not be visible but had been called out in terms of the comprehensive nature of the application and was located inside the equipment building. The installation was located in an area of other wireless telecommunication facilities.

Ms. Salamack reported that a resident had been present in the audience prior to the meeting and had expressed concern with the views of the site from Hetfield Place, although after reviewing the plans with Town staff, the resident had been informed that the subject site was not visible from within the community.

#### PUBLIC HEARING OPENED

Valerie Tallerico, Trillium Consulting, Pleasanton, explained that Trillium Consulting was the contractor for AT&T for the proposed modifications, which were part of AT&T's comprehensive LTE network intended to improve the network and services to AT&T customers in the area. She described the LTE network upgrade in detail which would improve data transfer on cell phones and was part of AT&T's 4G network.

In response to Commissioner Socolich as to what new installations would be made to the site, Ms. Tallerico stated that there would be one new antenna, a GPS unit, and some additional remote radio units and equipment racks that would help the operation of the new antenna, to be located in an existing enclosure which would not be visible. Two existing antennas would be replaced in like size and dimension.

Commissioner Obsitnik again clarified with Ms. Tallerico that the replacement antennas would have the same size and dimensions as the existing antennas and that the design was not intended to increase the visual impacts.

Chairman Driver inquired whether or not this was the first of many existing antenna sites being upgraded in the Town, to which Ms. Tallerico commented that this was the first site of which she was involved although she assumed there would be more.

In response to Chairman Driver as to whether or not the requirement for a 5-year Wireless Telecommunications Facilities Master Plan was a new requirement, Ms. Salamack explained that the requirement was part of the Town's Wireless Telecommunications Ordinance. There was no specified time period for the 5-Year Plan although the Commission could require that it be provided prior to the next application for service in the Town. The same requirement had been imposed on another telecommunications carrier in Sanders Ranch where the application had ultimately not been successful in meeting the Town's requirements. In her opinion, such a requirement would prompt AT&T to take a more comprehensive look at a map of the Town.

Ms. Tallerico again identified the location of the existing and replacement antennas, as shown on Pages 1 and 2 of the submitted plans.

Commissioner Socolich commented on the lack of landscaping to screen the facilities. In response to Ms. Tallerico's assertion that the AT&T equipment would not be visible, he stated that he could see the facilities from his rear yard.

Ms. Salamack explained that landscaping had been required on other applications. In this case, landscaping would be difficult given the lack of water to the site. She added that oftentimes the Town required that a water tank be used throughout the summer months until the landscaping had been established. Landscaping could also be accomplished through fall planting.

Commissioner Socolich recommended consideration of planting some trees that could later be established through winter rains. He noted the existing trees that had been planted around the water tank had masked that structure from view. He reiterated that he could see the antennas from his property although he was uncertain of the actual carrier that was visible.

Ms. Tallerico expressed concern that planting trees may impact the signal quality of the antennas defeating the purpose of the installation.

Commissioner Whitley pointed out that the original use permit application approved in 2004 had included several conditions; specifically Conditions 5, 6, and 7 as shown on Page 4. Based on his review of the conditions, Condition 5 had not been met. Condition 6 had not been followed in terms of the proposed fencing material, and Condition 7 regarding the planting of certain trees had been done as evidenced by photographs of the site. Rather than plant trees that could impact the quality of the antenna signal from the facility, he recommended fencing material that had a tendency to soften the appearance of the building from a distance.

Commissioner Socolich understood that the antennas relayed in specific directions.

Ms. Tallerico affirmed that the antennas were placed in a cone configuration and given the distance technology, identified as line of sight; the cone would become wider as they moved out.

Chairman Driver commented that it appeared as if one of the existing trees, as shown in the photographs, had been planted to mask the open sky and had been planted behind existing antennas.

Commissioner Socolich was not certain that the existing trees around the water tank would not impact the proposed antenna application.

Chairman Driver supported a condition recommended by staff regarding the requirement for the submittal of a 5-Year Wireless Telecommunications Facilities Master Plan prior to the next application for service in the Town. He was uncertain that a condition for a landscape buffer would be appropriate given the minor modifications being sought at this time.

Commissioner Levenfeld was not inclined to require landscaping or make any changes to the conditions at this time. She suggested that the applicant had satisfied the original conditions in that there could have been barbed wire on the site at one time and the existing fence appeared to be sturdy. She did not see that the applicant was necessarily negligent in meeting the original conditions of approval. She also expressed concern with potential interference of the antenna signal if trees were required to be planted.

Commissioner Socolich disagreed with the interpretation that the original condition regarding landscaping and fencing had been met.

Ms. Tallerico commented that for other locations of which she had been involved, slats had been installed inside the chain link fence to ensure more screening. In this case, colored slats could be considered which would blend in better with the hillside.

Commissioner Richards disagreed that additional screening should be required, suggested the facility would blend in fine, the service would be upgraded and noted that multiple residents had not complained about views of the site. In that regard, he suggested it would be unfair to impose such a condition on AT&T.

Commissioner Socolich noted that there had been comments about the views of the AT&T facility located on Rheem Boulevard.

Commissioner Richards pointed out that the applicant was only installing one new antenna. He disagreed that there needed to be a condition imposed for additional screening given that the Town had received no complaints suggesting that the site was blighted.

Commissioner Whitley agreed that there had been no discussion of the visibility of the antennas off-site although there had been concerns with the substandard antenna reception in the Town. He suggested that the conditions of approval placed on the application were sufficient to cover the Town.

Commissioner Wykle preferred an open fence as opposed to screening through the use of colored slats in the fence. He agreed with the staff recommendation that the 5-Year Wireless Telecommunications Facilities Master Plan be required prior to the next application for service in the Town.

Chairman Driver referenced the AT&T telecommunications facility located at Rheem Boulevard and asked staff whether or not enforcement action was underway for the site, to which Ms. Salamack explained that the site was still under construction. Slats had been installed in the fence and staff continued to monitor the site.

Commissioner Levenfeld agreed that Condition 2, as shown on Page 2 of the Draft Resolution should be amended to require that the 5-Year Wireless Telecommunications Facilities Master Plan be required prior to the next application for service in the Town, particularly as the Commission considered future applications.

Commissioner Socolich supported the amended condition.

Commissioner Richards asked staff the length of time that such a requirement may involve. He expressed concern with a potential stifling of any future improvements.

Ms. Tallerico commented that based on her experience with AT&T and what she had seen with other carriers; typically 3-Year Plans had been required.

Ms. Salamack reiterated, when asked, that the condition was part of the Town's Wireless Telecommunications Ordinance. She suggested that the condition was appropriate and pointed out that the subject application was for replacement technology and it was likely the Town would see similar applications from other carriers in the future. She expected a Master Plan would evolve over time.

Commissioner Whitley asked staff whether or not the Planning Commission was authorized to take action on the subject application absent a 5-Year Wireless Telecommunications Facilities Master Plan.

Ms. Salamack advised that the subject application was an existing facility where existing antennas were being replaced. The Planning Commission may take action, as recommended by staff. She noted that the Saint Mary's College site, as an example, would be a new facility where the condition would be required to be met as it would for any new facility application.

Commissioner Whitley wanted to see the Town's service providers comply with the condition for the 5-Year Master Plan unless required to do so by the Town's ordinance.

Ms. Salamack commented that the requirement was not new. As to the AT&T facility located on Rheem Boulevard, she was uncertain whether or not a study had been submitted to the Town at that time. If it had, it could easily be reused for the next application or may need to be updated since the Saint Mary's College location had yet to be determined. In any event, there would be changes to the AT&T Master Plan as it came forward.

On motion by Commissioner Whitley, seconded by Commissioner Levenfeld to adopt Resolution next in number to approve UP-02-11 for Trillium for AT&T at 1199 Alta Mesa Drive, subject to the findings and conditions as shown, and with an amendment to Condition 2, to read:

2. *Prior to submittal of the next application for a new facility, 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:*

The motion carried by the following vote:

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

Ms. Salamack advised that there was a ten day right of appeal for anyone wishing to appeal the decision of the Planning Commission to the Town Council by submitting a statement and through the payment of an appeal fee, through the Planning Department.

## **VII. PUBLIC MEETING**

- A. None

## **VIII. ROUTINE & OTHER MATTERS**

- A. **March 7, 2011 Minutes**

No changes were made to the March 7, 2011 meeting minutes.

- B. **February 22, 2011 Minutes**

Commissioner Obsitnik stated that the comments attributed to him on the last paragraph of Page 3 and the comments attributed to him as shown on Page 8 of the February 22 minutes were incorrect and had been made by another Commissioner.

Ms. Salamack suggested that staff could verify the tapes from the meeting and report back to the Commission or the Commission may modify the meeting minutes as it saw fit.

By consensus, the Commission determined that the comments attributed to Commissioner Obsitnik on Pages 3 and 8 were to be modified to read *A Commissioner*.

### **C. February 7, 2011 Minutes**

Commissioner Obsitnik referenced Page 2 of the February 7 minutes regarding the discussion of the Medical Marijuana Ordinance and a request for clarification of the general provisions for nuisance abatement and the motion for the item showing him as maker of the motion. He stated that those comments, which had been attributed to him, were incorrect and should be modified.

Ms. Salamack stated that the motion could be corrected to read *Moved for Approval* and the identification of the Commissioner making the motion did not need to be made.

On motion by Commissioner Socolich, seconded by Commissioner Richards, and carried unanimously to approve the March 7, 2011, February 22, 2011 and February 7, 2011 meeting minutes, to be modified as shown.

## **IX. COMMUNICATIONS**

A. None

## **X. REPORTS**

A. Planning Commission

Chairman Driver reported that he had attended the Mayor's Breakfast when there had been a discussion of the proposed off-street parking associated with the Skateboard Park. He also reported on concerns with a solar company conducting door-to-door sales in the community in an aggressive manner.

Commissioner Socolich reported that he had attended the latest Design Review Board (DRB) meeting at which time the Board had discussed proposed modifications to the construction of a large new home on Rheem Boulevard.

Commissioner Socolich reported that he would be unable to attend the May 2 Planning Commission meeting since he would be out of town.

Commissioner Obsitnik reported that he had attended the March 28 DRB when there had been a discussion of Saint Mary's College plans to move the multi-use playing field to the field adjacent to the soccer stadium, with the baseball diamond to be moved closer to the street going into Saint Mary's College. A new structure would be constructed where the existing baseball diamond was located.

Ms. Salamack clarified that the structure would be visible in the scenic corridor. The applicant had not formally submitted an application to the Town although the application would require a level of environmental review due to the complexities with respect to drainage in the area. The project would be considered by the Planning Commission at a later date.

**B. Staff**

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

Ms. Salamack reported that the Town Council had adopted the Medical Marijuana Ordinance after two readings of the ordinance and had prohibited outdoor cultivation with indoor cultivation required to be invisible from any public place. The ordinance would become effective in 25 days. The Town Council also modified the Nuisance Abatement Ordinance which would allow the Town to recover attorneys' fees. In the future if abatement was required at the property located at Calle la Montana, as an example, or any other property in Moraga, attorneys' fees may be recovered. In addition, the Town Council had discussed the annual review of the General Plan as required by the State as part of the budget process, and had paid particular attention to the Bollinger Canyon Study Area.

Ms. Salamack reported that the Bruzzone family had submitted a study which included a development proposal for the Bollinger Canyon Study Area. She commented on the enormous costs involved in the processing of the Rancho Laguna II application for the applicant and the Town for the environmental review and conceptual development plan stage, and because of that there had been discussion amongst the Town Council to defer the study until the next General Plan, anticipated to commence in 2012 when it would make more sense to conduct a comprehensive study of the entire area.

Ms. Salamack explained that although those alternatives had been presented to the Council, a member of the Bruzzone family desired to proceed with the study, which was a General Plan Amendment the Town was obligated to process. Staff had nearly completed the environmental review which would be coming forward in the next few months.

The study submitted to the Town in December 2010 had been modified and staff was working with its consultants to revise their contracts and expand the scope of the Environmental Impact Report (EIR) in order to analyze the modification presented to the Town. It was possible the property owner may not move forward with the modification and may proceed with the original study proposal for 121 units. Staff would be working on this project for the next several weeks and it was possible a document may be available for review by summer.

Ms. Salamack also reported that the Town Council had requested a presentation on the Moraga Adobe development. Additionally, the Planning Commission would be presented with a modification to the General Plan in the next month to amend the Growth Management Chapter to identify Measure J rather than Measure C.

As to the status of the bowling alley site, Ms. Salamack advised that staff had not been provided with any additional information from the applicants. The applicants had made the same presentation to the DRB as had been made to the Planning Commission. The DRB had responded favorably to the proposal.

Further, a parcel being listed in the Moraga Center Specific Plan (MCSP) Area that was not owned by the Bruzzone family was under discussion between a representative for one of the property owners and Town staff. Another site in the MCSP was being considered for student housing and in the event the Town was able to submit an application by February 1, 2012, the Town would be eligible for CMAC federal funds for pedestrian oriented improvements.

## **XII. ADJOURNMENT**

On motion by Commissioner Socolich, seconded by Commissioner Richards to adjourn the Planning Commission meeting at approximately 8:40 P.M. to a regular meeting of the Planning Commission on Monday, May 2, 2011 at 7:30 P.M. at the Moraga Library Meeting Room, 1500 Saint Mary's Road, Moraga, California.

A Certified Correct Minutes Copy

Secretary of the Planning Commission