



**Department of Resource Management  
Solano County Zoning Administrator**

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Bill Emlen, Director  
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**Use Permit Extension - Staff Report**

**Application:** U-99-06/MD-99-03-EX3 (AT&T)  
**Project Planner:** Karen Avery  
**Location:** 2100 Goodyear Road, Benicia  
**General Plan:** Marsh

**Meeting of August 21, 2014**  
**Agenda Item No. 1**  
**Assessor Parcel Number:** 0090-270-460  
**Zoning:** A-SM-160

**Proposal**

The applicant is requesting a third time extension to Use Permit U-99-06/MD-99-03. Extensions of time are granted if the following conditions are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in full compliance with all conditions of the use permit

**History**

Use Permit U-99-06/MD-99-03, permitting the establishment of a wireless telecommunications facility for AT&T was approved by the Solano County Planning Commission on April 15, 1999. The use permit was extended in 2010 to April 15, 2014.

**Review and Recommendation**

Upon review of the permit conditions of approval, the evidence submitted by the applicant and based upon the absence of code compliance cases on-file, staff has determined that the wireless communication facility is being operated in full compliance with U-99-06.

Staff has reviewed the application and recommends approval based on the following findings:

1. On April 7, 2014 the applicant filed an application for extension.
2. The applicant has paid the necessary fees in the amount of \$447.00 (Receipt No. 1009718)
3. The applicant has submitted written and photographic evidence of the site and staff has determined that the project is operating in full compliance with the conditions of approval as set forth in U-99-06 and there are no complaints on file against the operation.

**Updated Permit Term**

As of March 29, 2012 the Zoning Regulations pertaining to wireless communications facilities have been amended, affecting the life of approval for existing permitted facilities. Specifically, Sections 28.81(J and K), require issuance of the use permit for a fixed term. All permits issued prior to January 1, 2012 shall become fixed term permits and shall expire December 31, 2022. As a result, staff recommends that the permit be renewed for a final term, expiring December 31, 2022. At which time, the permittee may file for a new use permit.

EXHIBIT A: Zoning Administrator Resolution No. 99-11

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 99-11**

**WHEREAS**, the Solano County Zoning Administrator has considered Use Permit Application No. U-99-06, Marsh Development Permit Application No. MD-99-03, and Architectural Review Application No. AR-99-04 of **Cellular One** for a wireless communication facility located at 2100 Goodyear Road in an "A-20" Exclusive Agricultural Zoning District, 1 mile north of the City of Benicia, APN: 90-270-35, and

**WHEREAS**, said Zoning Administrator has reviewed the report of the Department of Environmental Management and heard testimony relative to the subject application at the duly noticed public hearing held on April 15, 1999, and

**WHEREAS**, after due consideration, the said Zoning Administrator has made the following findings in regard to said proposal:

1. The establishment, maintenance or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution and other aspects of the General Plan;

The operation and maintenance of a wireless communication facility is consistent with the goal and the objectives and policies of Chapter VIII Public Facilities and Services of the Solano County Land Use and Circulation Element concerning utility facilities. The proposed facility is consistent with the Scenic Roadways Element since the west facing antenna will be located approximately 25 feet below the ridge of the hill, so that the hill serves as the backdrop. To further alleviate the aesthetic impact, the applicant will paint the antennae to blend with the hillside. Finally, it is consistent with the Health and Safety Element since the facility will be unmanned and will not be in an area identified as having natural or man made hazards.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

External access to the site will be via Parish Road with internal access via a dirt driveway. The site has existing electrical power and the building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued.

3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

From an aesthetic viewpoint, the project consists of mounting one west facing antenna on the down slope of a hill. The west facing antenna will be located approximately 25 feet below the ridge of the hill, so that the hill serves as the backdrop. To further alleviate the aesthetic impact, the applicant will paint the antennae to blend with the hillside. As a result, the proposed antenna facility will be compatible with the existing hillside view.

Studies support the assertion that low power, high frequency radio waves are not detrimental or injurious to people or property. The Federal Communications Commission (FCC) regulates radio frequency radiation emissions and Cellular one must conform to all FCC standards. In addition, the project will provide an important communication service which may be used by local government and public safety agencies in the future.

4. The facility complies with all applicable subsections of 28-50.01, Wireless Communication Facilities.
5. The RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near by facilities will be consistent with FCC regulations.
6. The facility blends in with its existing environment and will not have significant visual impacts.
7. The proposed development is consistent with Solano County's Certified Suisun Marsh Local Protection Plan.

**WHEREAS**, the Zoning Administrator has determined that the following conditions of approval shall be incorporated into said Use Permit:

1. The proposed wireless communication facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-99-06, Marsh Development Application No. MD-99-03, and Architectural Review Application No. AR-99-04 and approved by the Solano County Zoning Administrator.
2. All requirements of the Federal Communications Commission shall be met prior to the issuance of a building permit and during operation of the subject facility. Ground level radiation shall not exceed standards adopted by the U.S. Environmental Protection Administration.
3. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts which constitute a hazard or nuisance to surrounding properties.
4. Upon termination or expiration of the subject use permit, the proposed wireless communication infrastructure shall be removed from the site. All equipment,

including concrete pads, shall be removed within 90 days of discontinuation of the use and the site shall be restored to its original pre-construction condition. The applicant and property owner allows the County access across the subject property to effect such removal.

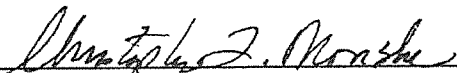
5. Any expansion or change in the use may require a new or modified use permit and further environmental review.
6. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new permit or minor revision to the use permit.
7. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
8. The pole and antennae shall be painted to blend with the hillside.
9. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. Prior to the issuance of the use permit, the permittee shall submit to the Environmental Health Division, a maintenance agreement with a licensed sanitation company to provide and maintain a portable chemical toilet onsite for the duration of construction.
11. All onsite transmission lines leading to the wireless communication lease site and each antennae site shall be located underground.
12. The subject use permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of April 15, 2004, depending upon the circumstances at that time.

**BE IT, THEREFORE, RESOLVED**, that the Zoning Administrator of the County of Solano does hereby approve Use Permit Application No. U-99-06, Marsh Development Permit No. MD-99-03 and Architectural Review Application No. AR-99-02 based on the above findings and conditions of approval.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on April 15, 1999.

BIRGITTA CORSELLO, DIRECTOR

  
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Christopher L. Monske,  
Planning Program Manager