



Planning Division
(707) 784-6765

**Department Of
Resource Management**
675 Texas Street, Suite 5500
Fairfield, CA • 94533

Agenda Item No. 1

MEMORANDUM:

TO: Solano County Zoning Administrator

FROM: Eric Wilberg, Associate Planner

SUBJECT: Use Permit U-13-06 (AT&T)
Extension of time to exercise the permit

MEETING DATE: February 19, 2015

I. Recommendation:

APPROVE the request for a 1 year extension to exercise, pursuant to Section 28.106 (K) of the Solano County Zoning Code.

II. Discussion:

On February 20, 2014, the Zoning Administrator approved Use Permit U-13-06 for AT&T to permit a new wireless telecommunication facility located south of the intersection of Lyon Road and Cherry Glen Road, approximately one mile north of the City of Fairfield.

Per Section 28.106(K) of the Zoning Regulations, land use permits which are not exercised within one year of approval, then the use permit shall expire and thereafter be null and void. However, a one year extension to exercise may be granted by the Zoning Administrator. Only one such extension may be granted.

The applicant has requested a time extension to exercise the use permit due to AT&T Mobility's reprioritization of their construction schedule for the project. Planning staff recommends that the one year extension to exercise be granted to the permittee.

Attachments

- A – Planning Commission Resolution No. 4606
- B – AT&T Mobility request for time extension

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 4606

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-13-06 of **SAC Wireless of CA, Inc. (AT&T)** for a new wireless telecommunication facility consisting of two structures. One structure will be used to contain the equipment and a second structure to house the antennas. The property is located south of the intersection of Lyon Road and Cherry Glen Road, approximately 1 mile north of the City of Fairfield in an "A-20" Exclusive Agricultural Zoning District, APN: 0122-120-030, and;

WHEREAS, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on February 13, 2014, and;

WHEREAS, after due consideration, the Planning Commission 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 Solano 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 goals, objectives, and policies of the General Plan, including, but not limited to the Land Use, Resources, and Public Facilities and Service chapters.

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

A 12 foot wide roadway extending off of Lyon Road (to the northeast) will be constructed to provide access to the site. Electrical and fiber lines will be installed within a trench under the proposed roadway, connecting the site to an existing utility pole near the private driveway off Lyon Road. The unmanned facility does not require domestic water or a septic system.

- 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.**

The Solano County Development Review Committee has reviewed the project application and determined that the project should not present a detrimental or injurious impact on surrounding properties. In addition, a Negative Declaration of environmental impact has been prepared for the project which identifies impacts to be less than significant.

- 4. No alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility.**

This permit requires consideration by the Planning Commission because the facility is located within $\frac{3}{4}$ mile of Interstate 80, identified as a scenic roadway in the Solano County

General Plan. The project proponent has submitted an alternatives analysis which evaluates 15 potential locations within two miles of the project site (Attachment E). Sites within both the unincorporated and incorporated jurisdictions were evaluated, as well as co-location, undeveloped and developed sites.

The five sites evaluated for co-location were either too far from the desired coverage area or AT&T had already established communications equipment at the site. Undeveloped parcels within the City of Vacaville proved unsuitable due to proposed future development of the property. Structure mounted facilities on developed properties were not pursued due to low above ground level (AGL) elevations. Other sites were constrained due to topographical features (physical obstructions) and some not pursued because of unsuccessful attempts in contacting the property owner(s).

5. The Radio-frequency Environmental Evaluation Report for the facility shows that the cumulative RF exposure emitted by the facility is consistent with FCC regulations.

On behalf of the project proponent, Sitesafe, Inc. an independent Radio Frequency regulatory and engineering consulting firm has prepared and submitted an RF report to determine whether the proposed communications site is in compliance with Federal Communication Commission (FCC) Rules and Regulations for RF emissions. The report (Attachment C) contains a detailed evaluation of the project and has determined that the site will be compliant with the FCC rules and regulations, as described in the FCC Office of Engineering and Technology Bulletin 65.

6. The facility blends in with its existing environment and will not have significant visual impacts.

The applicant has proposed a design which conceals the antennas and associated communications equipment within two 'faux' barns which resemble typical agricultural accessory structures. Associated utilities would be located within underground trenches and not visible. The Aesthetics chapter of the Negative Declaration evaluated the project's potential impact on scenic resources. The Negative Declaration found that based on the proposed layout, trenched utility lines, stealth design and building materials, visual impacts from the scenic roadway and the visual character of the site and surroundings are anticipated to be less than significant.

7. The wireless communications facility will not have a significant incremental impact on the environment. A Negative Declaration was prepared and circulated for the project which found no significant impacts.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the Negative Declaration of Environmental Impact and approve Use Permit Application No. U-13-06 subject to the following conditions of approval:

General

1. Approval is granted to SAC Wireless of CA, Inc. and AT&T to establish the wireless communication facility consistent with Use Permit application No. U-13-06 filed October 8, 2013; and consistent with the detailed project description contained herein, as depicted on the development plans titled 'Paradise Golf 1', and as approved by the Solano County Planning Commission.

2. The subject use permit shall be granted for a fixed term of ten years and shall expire February 20, 2024. Consideration of a new use permit is required should the need for the wireless communication facility remain upon permit expiration.
3. As proposed, all on-site utility lines leading to and connecting the leased areas and equipment shelters shall be located underground. All structures shall resemble typical agricultural accessory buildings (barn) and shall be painted in a non-reflective, earthen tone as depicted on the provided photo simulations.
4. 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, revised or amended use permit.
5. All requirements of the Federal Communications Commission including RF signage shall be met prior to building permit issuance and operation of the subject facility.
6. 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.
7. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk
8. 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 County shall have access across the subject property to effect such removal.

Building & Safety Division


9. Prior to any construction or improvements taking place, a Building Permit Application shall be submitted as per Section 105 of the 2010 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Environmental Health Division

10. The maximum potential volume of hazardous materials stored at the facility shall be calculated, and if required, the facility shall submit a hazardous materials business plan to Solano county Hazardous Materials Section.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on February 20, 2014 by the following vote:

AYES:	Commissioners	<u>Rhoads-Poston, Cayler, Walker, and</u> <u>Chairman Boschee</u>
NOES:	Commissioners	<u>None</u>
EXCUSED:	Commissioners	<u>Tubbs</u>

By: 
Bill Emlen, Secretary

Wilberg, Eric J.

From: FULLERTON, ANNETTE <av8320@att.com>
Sent: Monday, February 09, 2015 1:34 PM
To: Wilberg, Eric J.
Cc: SIDORICK, JIM
Subject: AT&T Mobility Site CCU3861 (U-13-06-APN#0122-120-030)
Attachments: CCU3861 Planning Approval Ltr.pdf

Hello Mr. Wilberg:

Thank you for your time this afternoon, regarding the AT&T Mobility project Application No: U-13-06 on APN# 0122-120-030, located south of the intersection of Lyon Road and Cherry Glen Road, and @1 mile north of the City of Fairfield.

As I mentioned on our call today, AT&T Mobility is still currently working on their reprioritization of their construction schedule for this project, which will exceed the current LUP Permit expiration date. Considering that the approval of Application No: U-13-06 is set to expire on February 20, 2015, AT&T is requesting Zoning Administrator (ZA) to grant a (1) year extension of the approval by way of this e-mail.

Please send all further correspondence regarding this project to:

Jim Sidorick-Area Manager
2600 Camino Ramon
4th Floor, Cube 4W850M
San Ramon, CA 94583

Phone: 925-277-6026
e-Mail: js850r@att.com

If you have any further questions, please do not hesitate to call me on my mobile phone.

Thank you.

Annette Fullerton
AT&T Mobility Services, LLC
Manager-Real Estate Administration
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2600 Camino Ramon