



Department of Resource Management

Solano County Zoning Administrator

675 Texas Street, Suite 5500
Fairfield, CA 94533

Telephone No: (707) 784-6765
Fax: (707) 784-4805

Bill Emlen, Director
Terry Schmidtbauer, Asst Director

Use Permit Extension - Staff Report

Application: U-05-06-EX2 (Crown Castle)
Project Planner: Karen Avery
Location: 1620 Mason Road
General Plan: Specific Planning Area

Meeting of April 2, 2015
Agenda Item No. 4
Assessor Parcel Number: 0148-010-160
Zoning: MGV-SP (Middle Green Valley)

Proposal

The applicant is requesting a second extension to Use Permit U-05-06. 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-05-06, permitting the establishment of a wireless telecommunications facility for Metro PCS was approved by the Solano County Zoning Administrator on June 2, 2005. The use permit was extended in 2010 by Global Signal to June 2, 2015.

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-05-06-EX2.

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

1. On February 10, 2015 the applicant filed an application for extension.
2. The applicant has paid the necessary fees in the amount of \$447.00 (Receipt No. 1019620)
3. Staff has determined that the project is operating in full compliance with the conditions of approval as set forth in U-05-06 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. 05-10

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 05-10**

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-05-06 of **Metro PCS (Maryann Miller Novak)** to co-locate three antennas on an existing Sprint PCS wireless communication facility and place associated equipment cabinets within an existing fenced equipment area. The project is located at 1620 Mason Road in an "A-20" Exclusive Agricultural and "W-160" Watershed and Conservation Zoning Districts, 2 miles west of the City of Fairfield, APN: 0148-010-160, and

WHEREAS, said Zoning Administrator 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 June 2, 2005, 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 goals, objectives and policies of Chapters III, Agriculture and Open Space Land Use, and VIII, Public Facilities and Services, of the Solano County Land Use and Circulation 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.

Access to the site will be via an existing driveway extending from Mason Road. 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.

Because the proposed co-location will require only a 45 square foot expansion beyond the perimeter of an existing Sprint PCS lease area, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

ADDITIONAL FINDINGS

4. The facility complies with all applicable sub-sections of the Solano County Ordinance.
5. The Radio Frequency (RF) Environmental Evaluation Report for the facility shows that the cumulative RF energy emitted by the facility and any nearby facilities is consistent with FCC regulations.
6. The facility blends in with its existing environment and will not have significant visual impacts.
7. The addition of the wireless facility is subject to a CEQA Class 3 categorical exemption (Section 15303 New Construction of Small Structures).

BE IT THEREFORE RESOLVED, that the Zoning Administrator has adopted the mandatory and suggested findings and approved Use Permit Application No. U-05-04, subject to the following recommended conditions of approval:

1. The proposed wireless communication facility shall be established in accord with the plans and information submitted in accord with the plans entitled: Metro PCS Sprint – Co-location SF16890A, submitted with Use Permit Application No. U-05-06 on March 23, 2005 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 Federal Communications Commission and 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 obsolete or unused facilities, including concrete pads, shall be removed within 12 months of cessation of operations at the site and the area returned to natural conditions.
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 site plan without prior approval of a new permit or minor revision to the use permit.

7. All requirements of the Environmental Health Division shall be met, including:
 - a. The permittee shall provide and maintain a portable chemical toilet or other approved toilet facilities on-site for the duration of construction.
 - b. If hazardous materials are stored on-site, a Hazardous Materials Management Plan shall be required.
8. 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.
9. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. The applicant shall contact the neighbor at 1630 Mason Road (Marie T. Solano Del Castillo) within one week of the granting of this permit to discuss alleged radio interference and report back to the Department of Resource Management on the results of this meeting.
14. 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 June 2, 2010 and the use is found to be in full compliance with the terms and conditions of this permit at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on June 2, 2005.

BIRGITTA CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager