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Public hearing to consider an appeal by Daniel Schwartz of the Zoning Administrator's approval of Use Permit Application Revision No. U-04-08 R1 for New Cingular Wireless, PCS, LLC, C/O Complete Wireless Consulting to collocate 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 square-foot lease area within the existing compound on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.

..body

Published Notice Required? Yes X No _____

Public Hearing Required? Yes X No _____

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission approve U-04-08 R1 by taking the following actions:

1. Conduct a public hearing;
2. Deny the appeal request by Daniel Schwartz and uphold the Zoning Administrator approval of Revision No. 1 to Land Use Permit No. U-04-08 to allow New Cingular Wireless, PCS, LLC, C/O Complete Wireless Consulting (New Cingular Wireless) to collocate 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 square-foot lease area within the existing compound on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070; and
3. Adopt the attached draft resolution to approve Revision No. 1 of Use Permit Application U-04-08 based on the enumerated findings and subject to the recommended conditions of approval. (Attachment A).

SUMMARY

The matter before the Planning Commission involves the appeal of the Zoning Administrator's October 6, 2022, decision to approve U-04-08-R1 which allowed New Cingular Wireless to collocate 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 square-foot lease area within the existing compound located on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070. The staff report and minutes for Zoning Administrator Hearing dated October 6, 2022 is included as Attachment B.

The appeal of the Zoning Administrator's decision was filed October 14, 2022, by Daniel Schwartz of 6994 Blue Ridge Road, Vacaville with Resource Management in accord with Section 28.112 of the Solano County Zoning Regulations. Mr. Schwartz's appeal request is included as Attachment C. Mr. Schwartz's appeal of the Zoning Administrator's approval includes several concerns, including roads and parking, provision for future co-location, removal of facilities upon discontinuation of use, radio frequency, and visual impacts/public notice. Staff's responses to Mr. Schwartz's concerns are provided in Attachment D.

The discussion below provides additional information relevant to consistency with the General Plan and Zoning Ordinance, visual impact, radio frequency, and environmental analysis. Staff recommends that the Planning Commission deny the appeal and approve the use permit revision and has included supplemental information to address issues that have been raised.

DISCUSSION:

Site Description

The project site is located in both Solano and Napa County. The Solano County portion is zoned Watershed and Conservation (W-160), APN: 0121-010-070 and the Napa County portion is zoned Agriculture Watershed (AW), APN: 0033-200-17. A condition of approval has been included to require the applicant to obtain a building permit from Napa County prior to Solano County's issuance of a building permit.

The project site is located on a ridgeline, covered with grasses and native shrubs, with a slope ranging between 10% to greater than 50% to the valley floor. The project site is currently developed with a Doppler radar facility consisting of a 111-foot tall steel tower with a 27 feet doppler radar antenna and a 1,400 square foot masonry equipment building. A vicinity map and aerial image of the project site are included as Attachment E to this report.

General Plan and Zoning Consistency

The proposed collocation of 15 antennas and other associated equipment and 296 square-foot lease area within the existing Doppler radar facility is consistent with the goals, objectives, and policies of the Solano County General Plan, including but not limited to the Land Use, Resources, and Public Facilities and Service Chapters.

The project site is split-zoned W-160 (Solano County) and AW (Napa County). The proposed improvements within Solano County are subject to the procedures and conditions described in Zoning Regulations Section 28.81, Wireless Communication Facilities. The height limit for wireless telecommunications facilities in zoning district W-160 is limited to the minimum functional height. Setbacks are limited to 30 feet from the front, 20 feet from the side, and 20 feet from the rear. The project as submitted has met all the requirements of the Solano County Zoning Regulations, including height and setback requirements.

Visual Impact

The project site is located more than 1000' feet from Pleasants Valley Road, a General Plan designated scenic roadway, and has minimal to no visual impact to the area. The applicant has submitted a photo simulation, see Attachment F, which shows that the proposed tower-mounted equipment will have minimal visual impact to the area. The applicant has also evaluated all existing towers within the project vicinity in order to utilize the co-location opportunity available to minimize the visual impact of a second freestanding facility.

Radio Frequency (RF Analysis)

The applicant has submitted a Radio Frequency Electromagnetic Energy Compliance Report (RF-EME) prepared by EBI Consulting (Attachment G) which concluded that the proposed use complies with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause any substantial adverse effects on human beings, either directly or

indirectly. As a result, it is not anticipated that the project will pose a health hazard to the general public.

Environmental Analysis:

Staff has determined that this project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA). The determination is based on the finding that the proposed scope of work will have minor alterations to the existing facilities, pursuant to State CEQA Guidelines, Section 15301 Existing Facilities.

Appeal

Mr. Schwartz's appeal letter (Attachment C) identifies several concerns relating to the Zoning Administrator's approval of this application. Attachment D provides a summary of those concerns along with staff's response to each of the concerns.

ALTERNATIVES:

The Planning Commission, after conducting a public hearing on this matter, may also choose to:

1. Continue the Public Hearing to allow for collection of additional information required to render a decision. If continued, the Commission would establish the date to continue the hearing; or
2. Deny the appeal and approve the use permit revision with modified terms and conditions based on new information received; or
3. Uphold the appeal and reverse the Zoning Administrator's approval, by denying Revision No. 1 to Use Permit U-04-08.

PUBLIC NOTICE REQUIREMENT

Consistent with §28.112 and §28.04 of the Solano County Code, a public hearing notice was published in the Daily Republic at least 15 days prior to the public hearing (Attachment H).

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this item and concurs with the findings and recommendation.

ATTACHMENTS

- A. [Draft Resolution](#)
- B. [Staff Report and Minutes from Zoning Administrator Hearing dated October 6, 2022](#)
- C. [Mr. Schwartz Appeal Request](#)
- D. [Staff Responses to Mr. Schwartz Reasons for the Appeal](#)
- E. [Vicinity Map and Aerial Image](#)
- F. [Photo Simulation](#)
- G. [Radio Frequency Electromagnetic Energy Compliance Report](#)
- H. [Public Hearing Notice](#)

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO.

WHEREAS, the Solano County Planning Commission, after proper notice, conducted a public hearing on November 17, 2022, to consider an Appeal of the Solano County Zoning Administrator approval of Use Permit revision application No. U-04-08 R1 to allow collocation of 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 square-foot lease area within the existing compound located on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070; and

WHEREAS, said Planning 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 November 17, 2022; and

WHEREAS, after due consideration, the Planning Commission makes the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The proposed collocation of 15 antennas and other associated equipment and 296 square-foot lease area within the existing Doppler radar facility is consistent with the goals, objectives, and policies of the Solano County 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.**

Access to the site will be via a privately maintained roads extending from Mix Canyon Road. The site has existing electrical power and the building plans will be reviewed and approved by the Solano and Napa 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.**

Based on the radio frequency analysis, noise study, and photo simulation submitted by the applicant, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.**

RESOLVED, the Planning Commission affirms the decision of the Zoning Administrator and approves Revision No. 1 of Use Permit U-04-08, subject to the following conditions of approval:

General

1. The above use shall be established in accord with the application materials and development plans as submitted with U-04-08-R1 filed May 31, 2022 and as approved by the Solano County Zoning Administrator. These conditions supersede all existing conditions of approval for U-04-08.
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 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. Any expansion or change in the use may require a new or modified use permit and further environmental review.
5. 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.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
7. The equipment shelter shall be painted a non-reflective neutral color such as tan or brown to blend in with the surrounding vegetation.
8. Prior to Solano County Planning Division's approval, the applicant shall obtain a building permit from Napa County for all proposed modifications located within the Napa County jurisdiction. The applicant shall comply with all applicable building codes, zoning standards, and other requirements of Napa County Departments and Agencies for any portion of the telecommunication facility that is located within the Napa County.
9. Prior to Solano County Planning Division's approval, the applicant shall submit warrant to Solano County for the past due Use Permit extension fee of \$447.00.
10. The subject Use Permit Revision shall be in effect for a ten (10) year period ending on October 6, 2032. Upon termination or expiration of the subject use permit, the proposed wireless communication infrastructure shall be removed from the site. The permit term may be revised through a revision to the permit, provided the permittee applies for the revision prior to permit expiration. All obsolete or unused facilities, including concrete pads, shall be removed within 12 months of cessation of operations at the site and the area regraded to natural conditions.

Environmental Health Division

11. The applicant shall update its CERS submittals and ensure the information accurately reflect the amounts and locations of hazardous materials kept on site.

Vacaville Fire Protection District

12. The applicant shall maintain vegetation management around the existing facility according to State of California State Responsibility Area guideline for wildland fire protection for buildings/construction in the Wildland Urban Interface zone.

Building and Safety Division

13. While the following comments are not all inclusive, they will act as a guideline for the requirements for the construction of any buildings or structures on the site now and in the future. These comments are not required on the application plan for the Use Permit, but (4) sets of plans will be required to be submitted to reflect all of the requirements in the latest edition of the codes adopted by the State of California and Solano County at the time of a construction permit application. These requirements, as well as all other required code requirements, shall be reflected on all construction drawings submitted for permit through Solano County Building Division.
14. The Building and any site improvements shall be designed using the 2019 California Building Standards Codes including the mandatory measures found in the new 2019 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures.
15. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2019 California Building Code, or the most current edition of the code 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.”**
16. Plans and Specifications shall meet the requirements as per Section 105 of the 2019 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”** Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”
17. Certificate of Occupancy “111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein.”
18. The Building Permit plans shall include a code analysis as listed below and the design shall be under the 2019 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon Building Permit submittal, the licensed architect shall provide a code analysis for each building and structure such as:
 - a) Occupancy Classification
 - b) Type of Construction
 - c) Seismic Zone
 - d) Occupant Load

19. Plans and Specifications shall meet the requirements as per Section 105 of the 2019 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction of which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.”** Electronic media documents are permitted where approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.”

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 17, 2022 by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

Kelly Rhoads-Poston, Chairperson
Solano County Planning Commission

Attest:
By: _____
Terry Schmidtbauer, Secretary

TERRY SCHMIDTBAUER
Director

JAMES BEZEK
Assistant Director

ALLAN CALDER
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



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ZONING ADMINISTRATOR STAFF REPORT

Application Number:	U-04-08-R1	Hearing Date:	October 6, 2022
CAMS Site Number(s):	260408	Project Planner:	Jeffrey Lum
Applicant:	New Cingular Wireless, PCS, LLC, C/O Complete Wireless Consulting	Property Owner:	American Tower Management, LLC
Action Requested:			
Consideration of Revision No. 1 to Land Use Permit U-04-08 to install new antennas on an existing American Tower Management, LLC. lattice tower and propose a lease area within the existing compound to install equipment cabinet, ground-mounted equipment, and a standby diesel generator with fuel tank located on Gates Canyon Road, Vacaville, CA 95688, portion located in Solano County within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070.			
DECISIONMAKER FOR THIS APPLICATION:			
<input type="checkbox"/> Administrative <input checked="" type="checkbox"/> Zoning Administrator <input type="checkbox"/> Planning Commission <input type="checkbox"/> Board of Supervisors			
Applicable Zoning Sections:	Section 28.81		
Subject Property Information:			
Parcel Size:	Total 40.10 ac 27.10 ac for APN 0121-010-070 13.00 ac for APN 0033-200-17	Site Address:	Gates Canyon Road
APN(s):	0121-010-070 & 0033-200-17	CALFIRE State Responsibility Area Designation:	Very High Fire Hazard Severity Zone
Zoning District:	Watershed and Conservation (W-160) for Solano County & Agriculture Watershed (AW) for Napa County	General Plan Designation:	Watershed
Ag. Contract:	N/A	Utilities:	N/A
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	
North	Watershed	W-160	
South	Watershed	W-160	
East	Watershed	W-160	
West	Watershed	AW (Agriculture Watershed, Napa County)	
Environmental Analysis	Class I Categorical Exemption CEQA Guidelines Section 15301, minor alteration of existing public or private structures.		
Motion to Approve			
The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Revision No. 1 to Land Use Permit No. U-04-08, based on the enumerated findings and subject to the recommended conditions of approval.			

PROJECT DESCRIPTION

The project site is located on Gates Canyon Road between Solano and Napa County, within Solano County Watershed and Conservation (W-160) Zoning District, APN: 0121-010-070 and Napa County Agriculture Watershed (AW) Zoning District, APN: 0033-200-17. Access to the property is via Blue Ridge Road & Gates Canyon Road. Figure 1 below is a vicinity map of the project site.

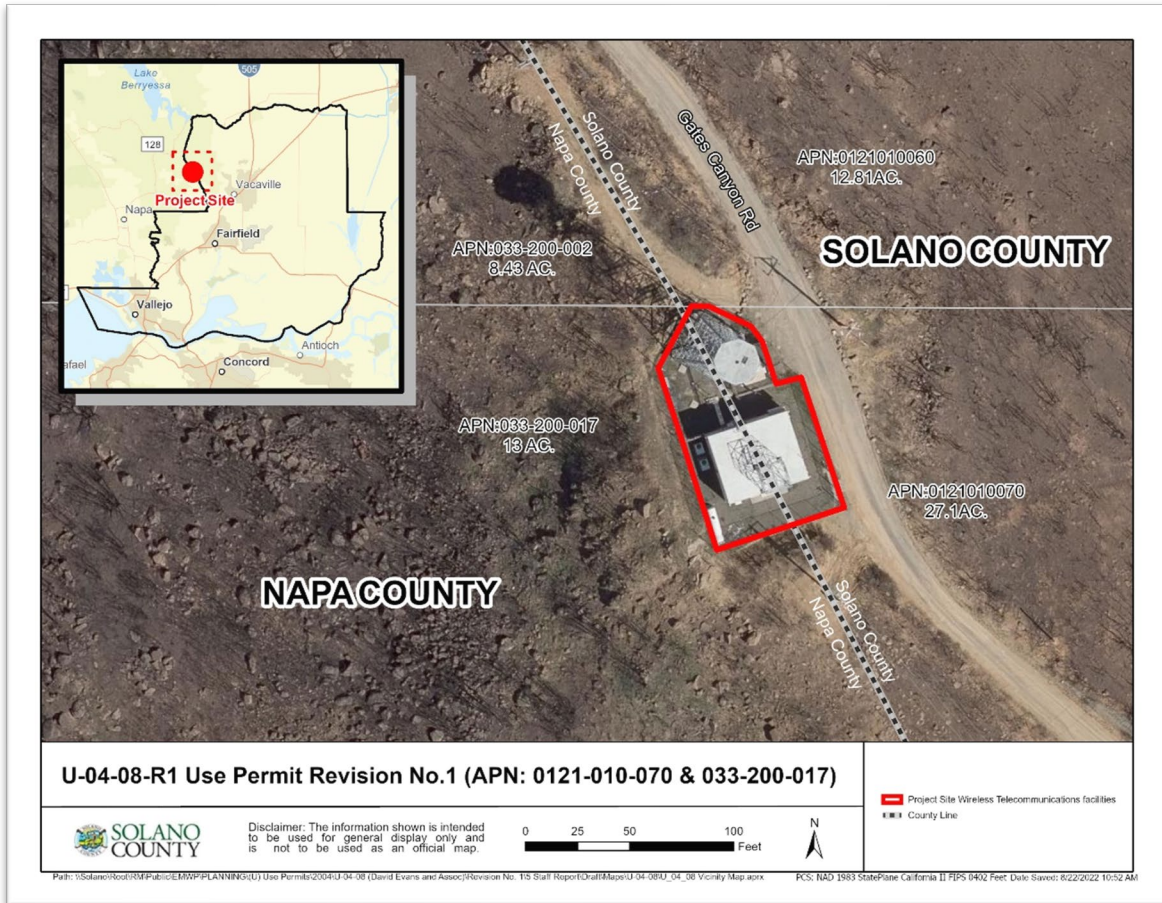


Figure 1 Vicinity Map

The existing lattice tower on site is permitted for a Doppler radar facility to provide advanced weather warning services. On June 23, 2022, the Planning Services Division received a Use Permit Revision Application (U-04-08-R1) from New Cingular Wireless to collocate and install 15 new AT&T antennas and other associated equipment to an existing 111 foot tall lattice tower owned by American Tower Management, LLC.

Additionally, the applicant is also proposing a 296 square foot lease area within the existing compound, install an equipment cabinet, associated ground-mounted equipment, and a diesel generator with fuel tank and acoustic enclosure.

The operation is unmanned and requires no on-site personnel. Since the wireless facility is unmanned, there are no impacts to the existing local traffic patterns and no water or sanitation services will be required on site.

Figure 2 below is the site plan showing the layout and nature of the revision.

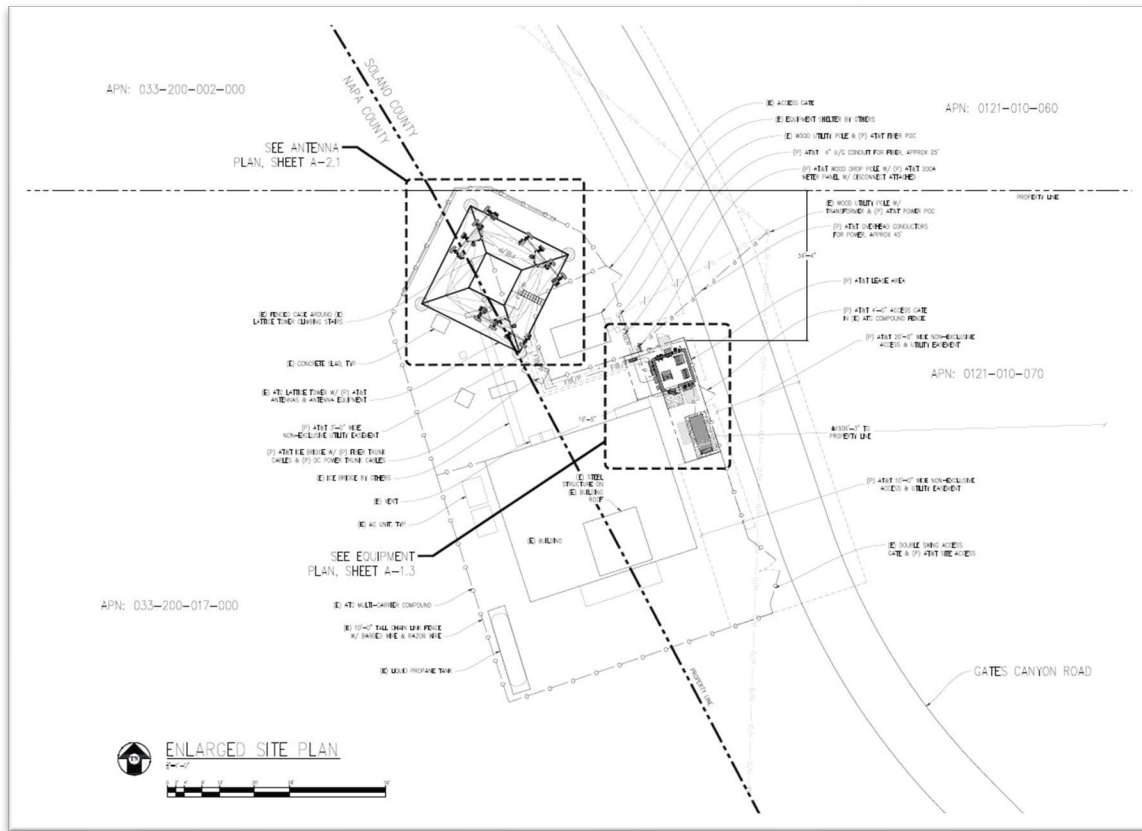


Figure 2 Project Site Plan

ANALYSIS

ZONING CONSISTENCY

The subject project site is split-zoned W-160 and AW. The proposed improvement install within Solano County is subject to the procedures and conditions described in Zoning Regulations Section 28.81, Wireless Communication Facilities. The height limit for wireless telecommunications facilities in zoning district W-160 is limited to the minimum functioning height. Setbacks are limited to 30 feet from the front, 20 feet from the side, and 20 feet from the rear. The project as submitted has met all the requirements of the Solano County Zoning Regulations, including height and setback requirements. However, a portion of the improvements are located within Napa County. Napa County staff requests that a building permit from Napa County be approved for this portion of the tower. As such, staff is recommending that a condition be incorporated, requiring the applicant to obtain a building permit from Napa County. The applicant understands and has agreed to this condition.

VISUAL IMPACTS

The project site is located more than 1000' feet outside the scenic corridor and has minimal to no visual impact to the area. The applicant has submitted a photo simulation, see Attachment H, which shows that the proposed tower-mounted equipment will have minimal visual impact to the area.

The applicant has also evaluated all existing towers within the project vicinity in order to utilize the co-location opportunity available to minimize the visual impact of a second freestanding facility.

RADIO FREQUENCY (RF ANALYSIS)

The applicant has submitted a radio frequency power density study which concluded that the proposed use complies with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not cause any substantial adverse effects on human beings, either directly or indirectly. As a result, it is not anticipated that the project will pose a health hazard to the general public.

ENVIRONMENTAL ANALYSIS

Staff has determined that this project is Categorically Exempt from California Environmental Quality Act (CEQA). The determination is based on the find that the proposed scope of work will have minor alterations to the existing facilities, pursuant to State CEQA Guidelines, Section 15301 Existing Facilities.

MANDATORY FINDINGS

- 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 Doppler radar facility is consistent with the goal and the 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 concerning wireless facilities. It is also 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.**

Access to the site will be via a privately maintained roads extending from Blue Ridge Road to Gates Canyon Road. The site has existing electrical power and the building plans will be reviewed and approved by the Solano and Napa 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.**

Based on the radio frequency analysis, noise study, and photo simulation submitted by the applicant, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

CONDITIONS OF APPROVAL

1. The proposed wireless communication facility shall be established in accord to the plans and information submitted entitled Mount Vaca – ATC, Site Number, CCL06354, dated May 31, 2022, Use Permit Revision Application No. U-04-08-R1 approved by the Solano County Zoning Administrator.
2. Prior to Solano County Planning Division's approval, the applicant shall obtain a building permit approval from Napa County for all proposed modifications located within its jurisdiction. The applicant shall comply with all applicable building codes, zoning standards, and other requirements of Napa County Departments and Agencies for any portion of the telecommunication facility that is located within Napa County.
3. The applicant shall update its CERS submittals and ensure the information accurately reflect the amounts and locations of hazardous materials kept on site.
4. The applicant shall maintain all vegetation surrounding the existing facility according to California State Responsibility Area guideline for wildland fire protection for buildings/construction in the Wildland Urban Interface zone.
5. 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 U.S. Environmental Protection Administration.
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. Any expansion or change in the use may require a new or modified use permit and further environmental review.
8. 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.
9. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. The equipment shelter shall be painted a non-reflective neutral color such as tan or brown to blend in with the surrounding vegetation.
11. 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.
12. Prior to building permit approval from Solano County, the applicant shall submit warrant to Solano County for the past due Use Permit extension fee of \$447.00.

13. The subject Use Permit Revision shall be in effect for a ten (10) year period ending on October 6, 2032. Upon termination or expiration of the subject use permit, the proposed wireless telecommunication facility 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 regraded to natural conditions.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings detailed in attachment A and **APPROVE** Revision No.1 of Land Use permit U-04-08 subject to the recommended conditions of approval.

ATTACHMENTS

- A. Vicinity Map
- B. Draft Resolution
- C. Conditions of Approval
- D. Assessor's Parcel Map
- E. General Zoning Consistency Checklist
- F. Specific Zoning Consistency Checklist
- G. Site Plans
- H. Photo Simulation
- I. Radio Frequency Report
- J. Noise Study
- K. Coverage Map

DEPARTMENT OF RESOURCE MANAGEMENT

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Planning Services Division

**MINUTES OF THE SOLANO COUNTY
ZONING ADMINISTRATOR'S MEETING**

Meeting of October 6, 2022

The regular meeting of the Solano County Zoning Administrator was called to order at 10:00 a.m. in the Department of Resource Management, Fairfield, California, and via audioconference.

STAFF PRESENT

Allan Calder, Acting Zoning Administrator
Nedzlene Ferrario, Project Planner (Audioconference)
Jeffrey Lum, Project Planner
Matt Tuggle, Engineering Manager (Audioconference)
Pejman Mehrfar, Sr. Civil Engineer (Audioconference)
Marianne Richardson, Clerk

OTHER PARTICIPANTS

Paul Dahlen
Daniel Schwartz (Audioconference)
Denise Revel (Audioconference)

PUBLIC HEARINGS

OLD BUSINESS (Continued from September 15, 2022):

- PUBLIC HEARING** to consider Minor Subdivision application MS-19-02 of Joseph Abrew to subdivide 82.9 acres into three (3) 20-acre parcels and one (1) 22.9-acre parcel for total of four (4) parcels in the Exclusive Agriculture 20-acre zoning district (A-20). The property is located north side of Brehme Lane, 4000 feet east of Pleasants Valley Road, within unincorporated Vacaville, California. APN 0102-090-140. (Project Planner: Nedzlene Ferrario)
Staff Recommendation: Approval

Action: Allan Calder, Acting Zoning Administrator, stated that Staff has requested the item be removed from the agenda for the applicant to resolve outstanding matters and therefore took action to remove this public hearing of application MS-19-02 from the agenda. The item will be re-noticed for public hearing when scheduled at a later date.

NEW BUSINESS:

- PUBLIC HEARING** to consider Revision No. 1 to Land Use Permit U-04-08 to install new antennas on an existing ATC lattice tower and propose a lease area within the existing compound to install equipment cabinet, ground-mounted equipment, and a standby diesel generator with fuel tank located on Gates Canyon Road, Vacaville, CA 95688, between Solano and Napa County within the Watershed and Conservation "W-160" Zoning District, APNs 0121-010-070 & 033-200-017. (Project Planner: Jeffrey Lum) **Staff Recommendation:** Approval

Any person who believes he or she has been adversely affected by the decision of the Zoning Administrator may file an appeal of the decision to the Planning Commission within ten days.

Action: Mr. Calder opened the public hearing. The applicant, Natalie Liu representing AT&T, arrived shortly after the start of the public hearing.

1) Daniel Schwartz stated he submitted written public comments which Mr. Calder noted were received and are part of public record. Mr. Schwartz is an adjacent landowner to the subject property and spoke at length citing concerns of public safety, private road maintenance, adequate parking, parking on private roadway, dust/dirt, visual impact, review of alternative sites, non-operational facility since August 2020, and potential impacts to existing telecommunication services. He asked the applicant to review alternate sites that are operational which would not require as much revision for use.

Speaking on behalf of AT&T, Ms. Liu stated their radio frequency engineer has evaluated the site and prepared the radio frequency compliance report provided with application. She stated this site is the only available co-location facility with agreeable landowner that will provide the needed coverage.

Public Works Engineering Manager Matt Tuggle spoke of the private roadway concern stating that it is an interest of Public Works to make a public road connection between Mix Canyon and Gates Canyon roads and will review for the Capital Improvement Plan. He further stated that traffic impacts from this project will be below residential use (5-10 trips per day).

Mr. Schwartz and Mr. Tuggle continued discussion of the private roadway concern. Mr. Tuggle recommended that Mr. Schwartz submit a letter to Solano County requesting County public road connection.

2) Paul Dahlen, Vacaville Fire Prevention District Captain, had no concerns of the tower itself but stated concern with Gates Canyon and Blue Ridge Roads needing maintenance as the fire district needs access to this area.

Mr. Tuggle discussed the evolution of Gates Canyon Road, its difficulty in construction and maintenance due to topography, lack of easement connections, and that it would help if property owners initiated interest for a County public road connection. He stated the County does not have the resources to bring Gates Canyon Road to a fire standard. And further stated he would bring the maintenance concern to the Operations Division and the potential public road connection to the Board of Supervisors.

Responding to a question by Mr. Dahlen, Mr. Tuggle discussed public roadway budgeting for allowed parcel land uses. The issue is the private roadway that is outside of easement. Mr. Tuggle suggested the landowners pursue a roadway maintenance agreement which is normal for a private roadway. Mr. Schwartz responded that prior efforts on an agreement did not pan out, and American Tower to date had not returned phone calls or responded.

Project Planner Jeffrey Lum stated the project is a minor revision of a private site, and the County has no jurisdiction on the private road or maintenance agreement between parcel owners. This project site will generate one personnel site visit per week, well below the threshold for this use. He further noted that although the maintenance discussion of Gates Canyon, Mix Canyon and Blue Ridge Roads is beneficial, it should not affect the decision of this minor revision of an existing structure. This site will minimize visual impacts of freestanding structures and will provide the least environmental impact.

Mr. Schwartz stated that although this is an existing tower, it has been nonoperational since August 2020 and should have been removed within 12 months based on County Zoning Regulations. There are other operational towers that would not require alternation and he would like to see the alternative site analysis before approval of this project.

Ms. Liu stated the existing facility is a non-telecommunication lattice tower and believed the condition for equipment removal applies to telecommunication facilities. She further discussed the requirements for their use, and this site was ultimately chosen for the least visual impact and the best coverage.

Mr. Calder asked the applicant if a summary of sites analysis could be found in her application. Ms. Liu stated she believed an alternative sites analysis was not required for revision to the use permit, but one could be provided if necessary. Mr. Calder stated he did not believe that was a requirement for revision of a land use permit.

Denise Revel stated she supports the statements of Mr. Schwartz and is in opposition to this project.

Since there were no further speakers either for or against this matter, Mr. Calder closed the public hearing. He further stated that having reviewed written public comments and hearing comments at this meeting, although discussion was fruitful, several comments are pertaining to matters outside of the revision to this land use permit. Based on the staff report and testimony received, Mr. Calder took action to approve the project subject to the recommended conditions of approval. After a 10-day appeal period, a permit will be issued to the applicant.

Since there were no further agenda items, Mr. Calder adjourned the Zoning Administrator meeting of October 6, 2022.



DEPARTMENT OF RESOURCE MANAGEMENT

Planning Services Division
675 Texas Street, Suite 5500, Fairfield, CA 94533
Phone (707) 784-6765 Fax (707) 784-4805
www.solanocounty.com

RECEIVED

OCT 14 2022

COUNTY OF SOLANO RESOURCE MANAGEMENT

APPEAL REQUEST FORM

1. Name of Appellant: Daniel Schwartz Telephone: [Redacted]

Email address: [Redacted]

2. Mailing Address: [Redacted] City: Vacaville State: CA Zip: 95688

3. Appealed to: [X] Planning Commission [] Board of Supervisors

4. Appeal Fee: \$150.00 OK Receipt # 24193

5. State the application name and reason(s) why the decision making body erred in its decision. Attach additional sheets if necessary:

Application Number: U-04-08-R1

Applicant: New Cingular Wireless, PCS, LLC, c/o Complete Wireless Consulting

Please reference attached documents outlining my reasons for this appeal

Appellants Signature: Daniel Schwartz

Date: 10/14/2022

Zoning Application U-04-08-R1 (New Cingular Wireless)

I am filing this appeal for several reasons and concerns.

The Zoning Administration Staff Report states that a Napa County building permit be approved as a condition of Solano County's approval. As of October 11, 2022, I understand that no Napa County building permit has been applied for or approved. Yet, staff approved the Application on October 6, 2022.

At the public hearing on October 6, 2022, I raised several questions and concerns regarding compliance with Solano County's Chapter 28 Zoning Regulations, Article III. Operations of Chapter, Section 28-50, General Provisions and exceptions (copy included), numbers (12), (13) and (14). In my opinion, I received inadequate or no explanation.

There was no response to my concerns specific to (12) Road and Parking. Staff had earlier indicated that the County had no requirement to support road maintenance to a private road. Although, it is my understanding that previous permits may have had a written requirement to support private road maintenance. Regardless, I think American Tower Corporation's (ATC) past behavior ignoring requests for road maintenance support must be considered by Staff as this has a negative impact to public safety. The issue of inadequate parking was not addressed. Staff should have required that the Applicant, in writing, assure that no vehicles (during or after construction) be permitted to park on the road surface and restrict traffic not to be limited to emergency responders.

Specific to (13) and the opportunity for co-location, I asked for documentation that the Applicant has fully reviewed the feasibility of locating in an existing, operational tower (vs. a non-operational tower). Applicant stated that Staff did not require this documentation. I consider this to be a Staff error in view of (13) requirements.

I could find no mention of (14) Removal Upon Discontinuation of Use in the Staff Report as presented. In a cursory review of previously approved permits, (14) appears to always be included. Why was this not required of this Application?

I asked if this facility could impact my personal WiFi signal. My concern went unanswered. Should I be concerned about exposure to my health if I can not get a response to my WiFi?

There is no requirement to provide and maintain a portable chemical toilet on-site for the duration of construction. The Environmental Health Division should be asked to respond to this oversight.

The Application was approved to include a diesel generator and diesel fuel storage while a propane tank and connections are currently present. Again, Environmental Health Division should have responded to the need to convert to a different fuel source and associated environmental risks.

Finally, I do not think the public has been properly notified under the Visual Impacts section of the Staff report. Specifically, the number of antennas to be installed by the Applicant should have been made public in keeping with complete transparency as this number may be significant.

Daniel Schwartz on October 14, 2022



of materials to minimize visual impact.

(10) Noise. All wireless communication facilities shall be designed to minimize noise. If a facility is located in or within 100 feet of a residential district, noise attention measures shall be included to reduce noise levels to a maximum exterior noise level of 50 L_{dn} at the facility site's property lines.

(11) Accessory Structures. Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for such structures in their zoning districts. Such structures shall appear architecturally compatible with their surroundings and be designed to minimize their visual impact. To meet this requirement, underground vaults may be required.

(12) Road and Parking. Wireless communication facilities shall be served by the minimum roads and parking areas necessary and shall use existing roads and parking areas whenever possible.

(13) Provisions for Future Co-location. All commercial wireless communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence will be provided as to the infeasibility of co-location or grouping prior to the issuance of a new use permit for a facility that would not be considered to be co-located or grouped under this ordinance.

(14) Removal Upon Discontinuation of Use. All equipment associated with a wireless communication facility shall be removed within 90 days of the discontinuation of the use and the site shall be restored to its original pre-construction condition. The operator's agreeing to such removal and allowing the County access across private property to effect such removal shall be a condition of approval of each permit issues. At its discretion, the County may require a financial guarantee acceptable to the County to ensure removal.

(e) Permitting Requirements. All wireless communication facilities not specifically exempted from these regulations are subject to one of the two permit processes described below.

(1) Use Permit before the Zoning Administrator. Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this subsection.

(A) Qualifying Facilities. The following types of wireless communication facilities qualify for a use permit before the Zoning Administrator:

(i) Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under Sub-Section (c), including multiple antennas or dishes on a single parcel.

(ii) Amateur radio facilities that do not qualify for exemption under Sub-Section (c). When

Attachment D – Staff Responses to Mr. Schwartz Reasons for the Appeal

1. Roads and Parking

The appellant contends that the landowner, American Tower Corporation, has failed to comply with the verbal road maintenance agreement, and staff has not considered the negative impact to public safety to said private road. Furthermore, the appellant contends that the issue of inadequate parking during or after the construction was not addressed.

Staff Response: The site is accessible from Pleasant Valley Road via Mix Canyon Road to Blue Ridge Road, six miles west of City of Vacaville. An unpaved private road connecting and running parallel to Blue Ridge Road provides access to the project site. The private road is currently a non-maintained county right-of-way used by the local property owners and various antenna site users to access their property.

The proposed operation is unmanned and requires no on-site personnel. Visitation by a service technician for maintenance may occur up to once per week and there are enough parking areas adjacent to the facility for the technician to park safely.

A significant increase in traffic is not anticipated during and after the facility's construction. Therefore, the proposed revision to the Doppler radar facility meets the minimum required roads and parking necessary to serve the site pursuant to Zoning Regulation Sections 28.81(D)(12). A private road maintenance agreement is a civil matter among the landowners within the area.



Access to the Project Site

2. Provisions for Future Co-location

The appellant contends that staff failed to review the feasibility to collocate the proposed project on a different existing operational or non-operational tower.

Staff Response: The project is proposing to collocate and install new equipment on an existing Doppler radar facility. Pursuant to Zoning Regulation Sections 28.81(D)(13), all commercial wireless communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence shall be provided as to the infeasibility of co-location or grouping prior to the issuance of a use permit for a facility that would not be co-located or grouped under this ordinance.

Staff determined that the proposed project does promote site sharing and minimizes the number, size, and potential adverse environmental impacts necessary to provide telecommunication services. Therefore, an alternative analysis is not required to address the potential for a different co-location site.

3. Removal Upon Discontinuation of Use

The appellant contends that staff did not include conditions related to “Removal Upon Discontinuation of Use” in the staff report presented at ZA hearing.

Staff Response: Staff has included a condition that requires the removal of facilities upon discontinuation of the use. Condition of Approval reads:

The subject Use Permit Revision shall be in effect for a ten (10) year period ending on October 6, 2032. The permit term may be revised through a minor revision to the permit, provided the permittee applies for the revision prior to permit expiration. Upon termination or expiration of the subject use permit, the proposed wireless telecommunication facility 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 regraded to natural conditions.

4. Radio Frequency

The appellant expresses concern regarding radio frequency interference and exposure.

Staff Response: Under the Communications Act of 1934, as amended, the Federal Communication Commission (FCC) holds exclusive jurisdiction over the regulation and resolution of Radio Frequency Interference (RFI) issues. Solano County does not have any power to regulate based on RFI when evaluating application such as the pending use permit revision application.

The applicant has submitted a Radio Frequency Electromagnetic Energy Compliance Report (RF-EME) prepared by EBI Consulting (Attachment F). The report concludes that the applicant complies with all FCC rules governing the construction requirements, technical standards of interference protection, power and height limitations, and radio frequency standards. The report also indicates that the proposed use complies with the prevailing standards for limiting public exposure to radio frequency energy and will not cause any substantial adverse effects on human beings. The County is precluded from further regulating the radio frequency emissions for this project.

5. Visual Impacts and Public Notice

The appellant contends that the public has not been properly notified under the visual impacts section of the staff report. The appellant asserts that the number of antennas to be installed by the applicant should have been made public.

Staff Response: The existing site and vicinity are located on Blue Ridge, an area of the Vaca Mountain Range. The project site is located more than 1000' feet outside the scenic corridor and has minimal to no visual impact to the area. The existing wireless tower is only visible from a few vantage points within two miles of the site. From the foothills of the Vaca Mountain Range and eastward toward Pleasants Valley Road, the existing towers and structures along Blue Ridge become increasingly less prominent.

The applicant has submitted a photo simulation (Attachment E), which shows that the proposed tower-mounted equipment will have minimal visual impact to the area.

In compliance with the requirements of Zoning Regulation Section 28.04 and 28.112, individual notice was mailed to landowners within 500 foot surrounding the project site (totaling 13 notices). In addition, the Notice of Hearing for the ZA hearing was published in the Daily Republic and The Reporter, newspapers for general circulation at least 15 days prior to the public hearing.

6. Utilities and Service Systems

The appellant contends that the Environmental Health Division did not include a requirement for the proposed project to provide and maintain a portable chemical toilet on-site for the duration of construction.

Staff Response: The project, as proposed, would not result in a significant increase of visitors during and after the construction. Once established, the wireless telecommunication facility will be unmanned. Therefore, no portable chemical toilet will be required on site during and after the construction.

7. Hazardous Materials

The appellant contends that the Environmental Health Division failed to respond to the environmental risk and need to convert from propane tank to diesel fuel.

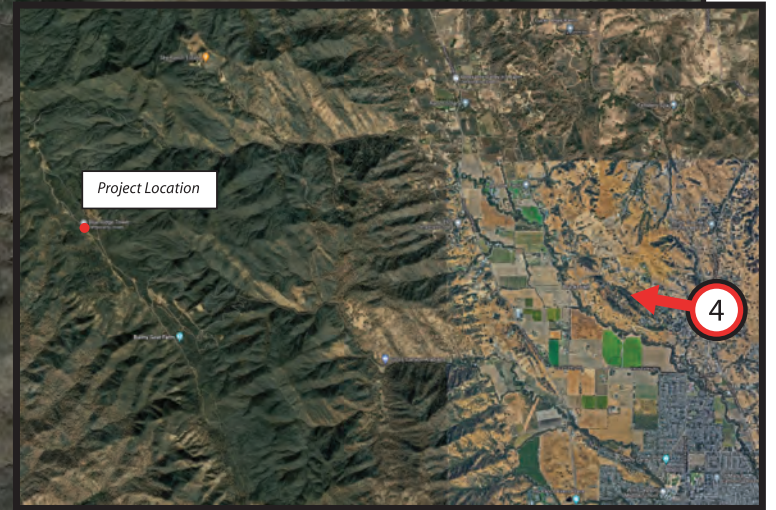
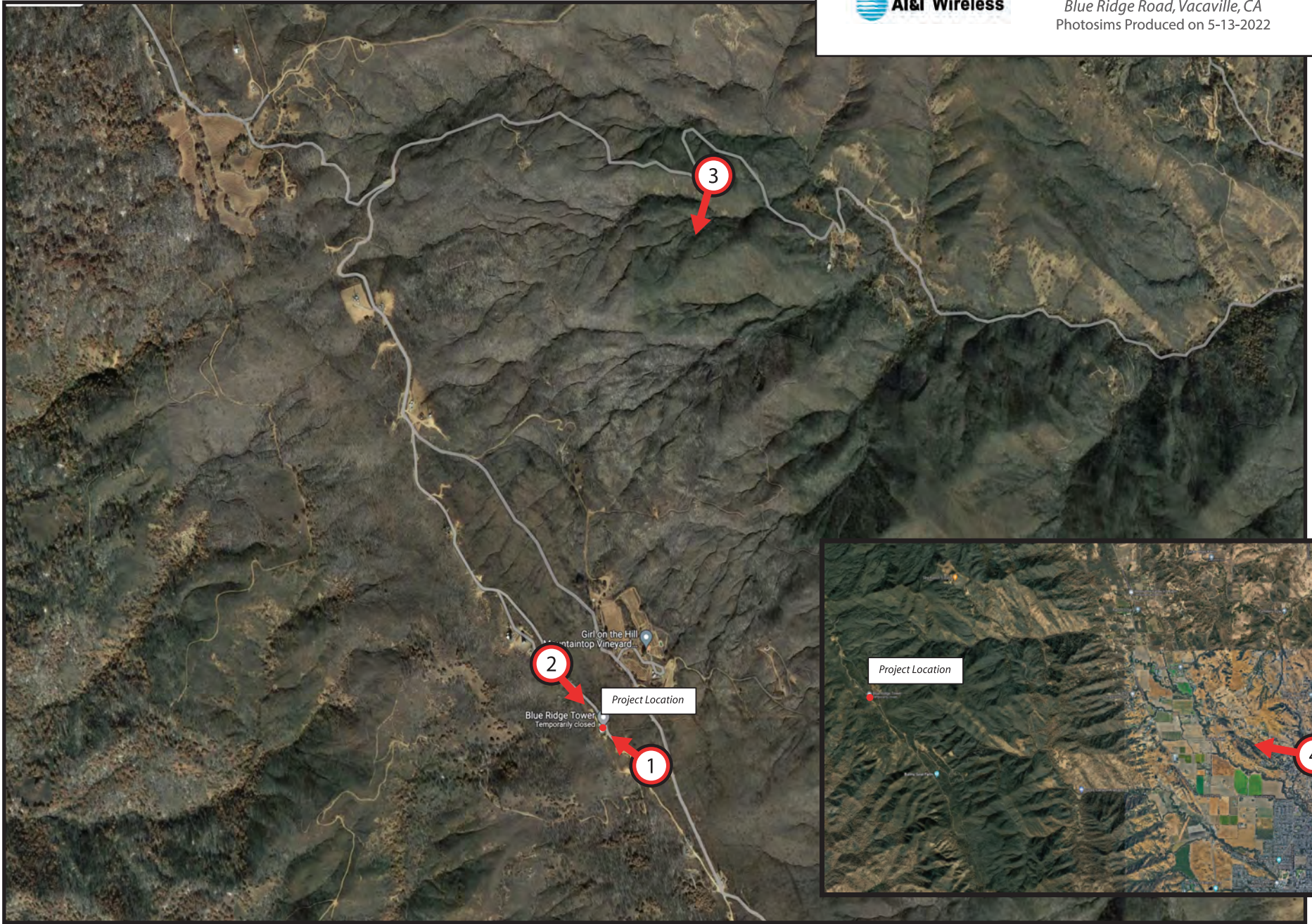
Staff Response: The project is proposing to add a new diesel generator with fuel tank cover isolated with acoustic enclosure. The County's Environmental Health Services Division Hazardous Materials staff has reviewed the application and is requiring the applicant to update its California Environmental Reporting System (CERS) submittals ensuring the information accurately reflects the amounts and locations of hazardous materials kept on site in accordance with State laws. No additional conditions are required.

Figure 2 Aerial Image of the Project Site





CCL06354 Mount Vaca ATC
Blue Ridge Road, Vacaville, CA
Photosims Produced on 5-13-2022



Existing



Proposed

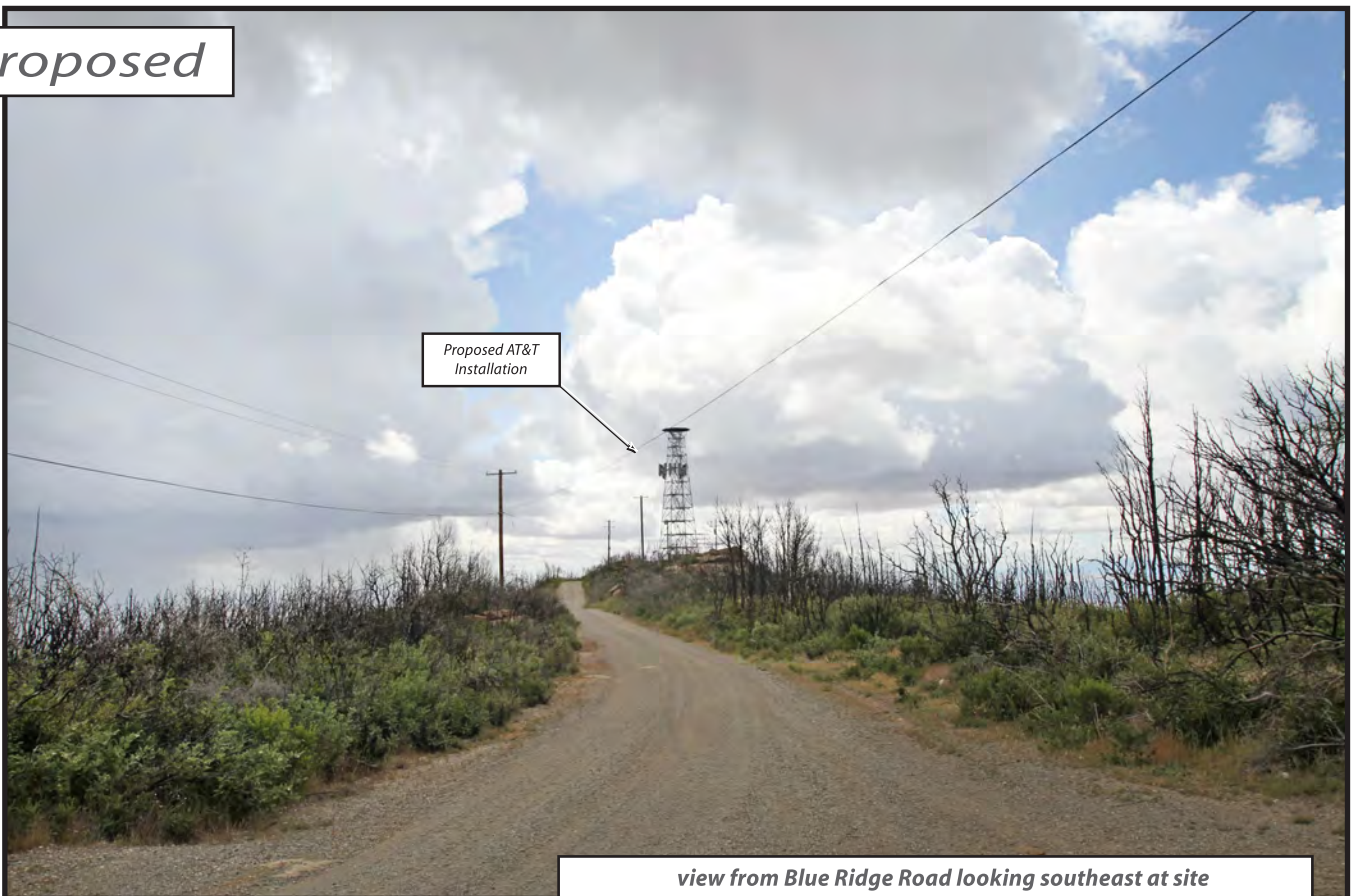


view from Blue Ridge Road looking northwest at site

Existing



Proposed

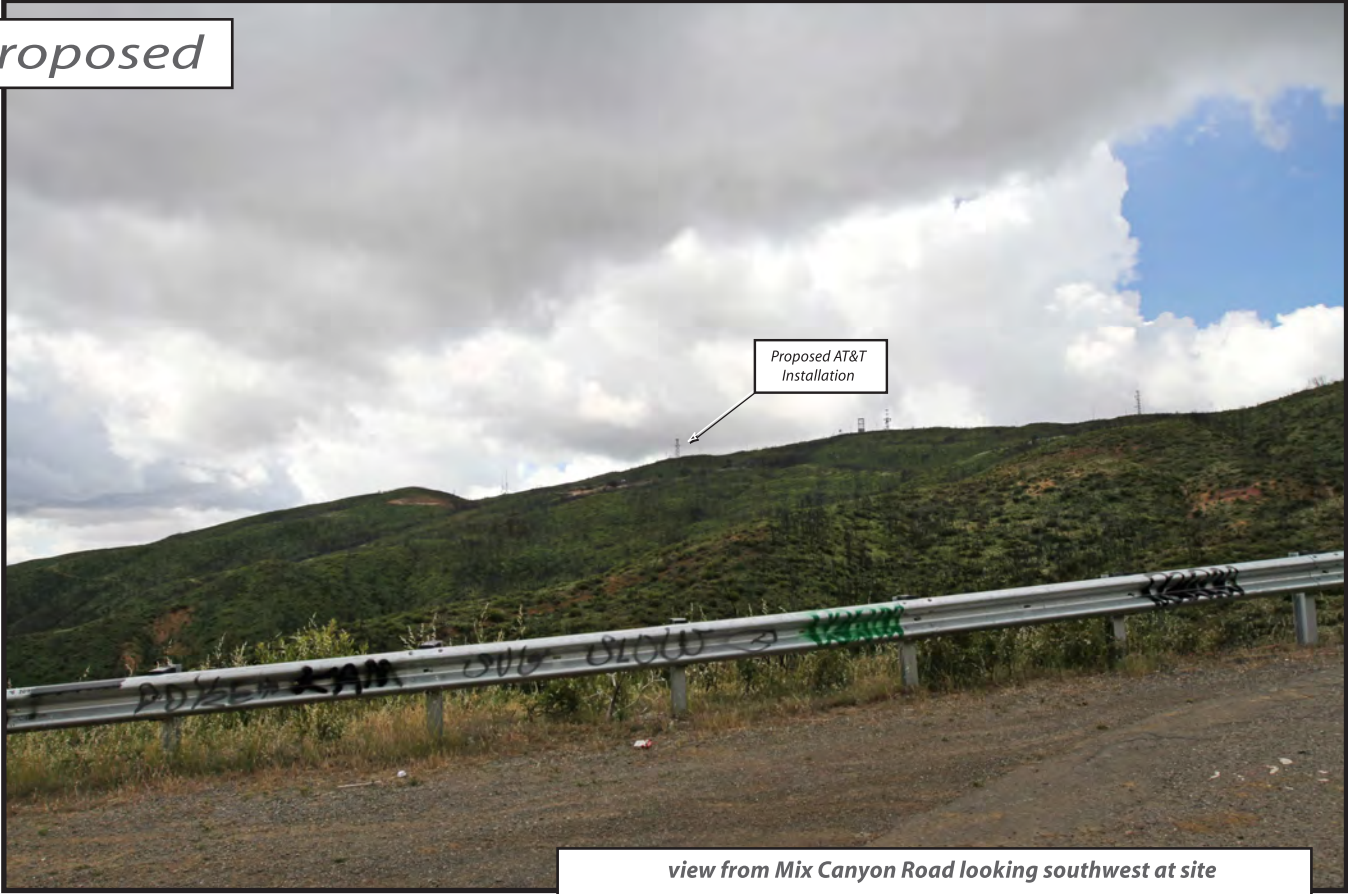


view from Blue Ridge Road looking southeast at site

Existing



Proposed



view from Mix Canyon Road looking southwest at site

Existing



Proposed



view from Gibson Canyon Road looking northwest at site

Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report

Site No. CCL06354
MRSFR092252, MRSFR092264, MRSFR077614, MRSFR092268, MRSFR092272
Mount Vaca - ATC
Blue Ridge Road
Vacaville, California 95688
Solano County
38.39830400; -122.10314800 NAD83
Lattice Tower

The proposed AT&T installation will be in compliance with FCC regulations upon proper installation of recommended signage.

EBI Project No. 6222003891
June 20, 2022



Prepared for:
AT&T Mobility, LLC
c/o Complete Wireless Consulting
2009 V St
Sacramento, CA 95818

Prepared by:
 **EBI Consulting**
environmental | engineering | due diligence

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- Appendix A Personnel Certifications**
- Appendix B Compliance/Signage Plan**

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by AT&T Mobility, LLC to conduct radio frequency electromagnetic (RF-EME) modeling for AT&T Site CCL06354 located at Blue Ridge Road in Vacaville, California to determine RF-EME exposure levels from proposed AT&T wireless communications equipment at this site. As described in greater detail in Section 1.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

This report contains the RF EME analysis for the site, including the following:

- Site Plan with antenna locations
- Graphical representation of theoretical MPE fields based on modeling
- Graphical representation of recommended signage and/or barriers

This document addresses the compliance of AT&T's transmitting facilities independently and in relation to all collocated facilities at the site.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

As such, the proposed AT&T installation is in compliance with FCC regulations upon proper installation of recommended signage and/or barriers.

AT&T Recommended Signage/Compliance Plan

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Site compliance recommendations have been developed based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, additional guidance provided by AT&T, EBI's understanding of FCC and OSHA requirements, and common industry practice. Barrier locations have been identified (when required) based on guidance presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014.

The following signage is recommended at this site:

- Yellow CAUTION 2B sign posted at the base of the lattice tower near the climbing ladder.

The signage proposed for installation at this site complies with AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document and therefore complies with FCC and OSHA requirements. Barriers are not recommended on this site. To reduce the risk of exposure and/or injury, EBI recommends that access to the lattice tower or areas associated with the active antenna installation be restricted and secured where possible. More detailed information concerning site compliance recommendations is presented in Section 4.0 and Appendix B of this report.

I.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

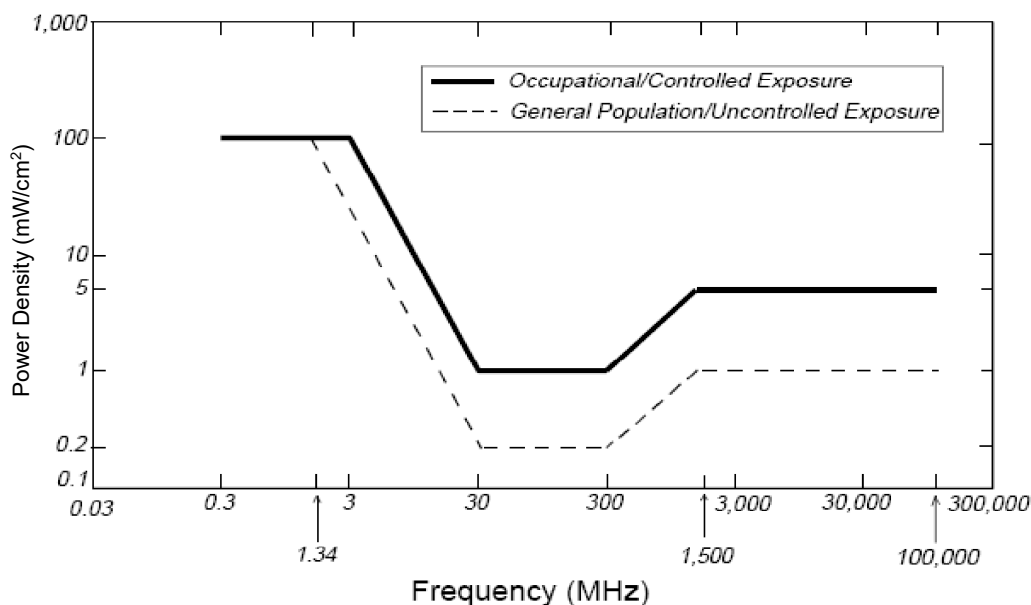
The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the AT&T equipment operating at 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². For the AT&T equipment operating at 700 MHz, the FCC's occupational MPE is 2.33 mW/cm² and an uncontrolled MPE of 0.47 mW/cm². These limits are considered protective of these populations.

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6

Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)
 * Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
 Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Microwave (Point-to-Point)	5,000 - 80,000 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Broadband Radio (BRS)	2,600 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Wireless Communication (WCS)	2,300 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Advanced Wireless (AWS)	2,100 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio (SMR)	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Long Term Evolution (LTE)	700 MHz	2.33 mW/cm ²	0.47 mW/cm ²
Most Restrictive Frequency Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by AT&T in this area operate within a frequency range of 700-1900 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

2.0 AT&T RF EXPOSURE POLICY REQUIREMENTS

AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, requires that:

1. All sites must be analyzed for RF exposure compliance;
2. All sites must have that analysis documented; and
3. All sites must have any necessary signage and barriers installed.

Pursuant to this guidance, worst-case predictive modeling was performed for the site. This modeling is described below in Section 3.0. Lastly, based on the modeling and survey data, EBI has produced a Compliance Plan for this site that outlines the recommended signage and barriers. The recommended Compliance Plan for this site is described in Section 4.0.

3.0 WORST-CASE PREDICTIVE MODELING

In accordance with AT&T's RF Exposure policy, EBI performed theoretical modeling using RoofMaster™ software to estimate the worst-case power density at the site rooftop and ground-level and/or nearby rooftops resulting from operation of the antennas. RoofMaster™ is a widely-used predictive modeling program that has been developed to predict RF power density values for rooftop and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. Using the computational methods set forth in Federal Communications (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit. A statistical power factor may be applied to the antenna system based on guidance from the carrier and system manufacturers.

For this report, EBI utilized antenna and power data provided by AT&T and compared the resultant worst-case MPE levels to the FCC's occupational/controlled exposure limits outlined in OET Bulletin 65.

The assumptions used in the modeling are based upon information provided by AT&T and information gathered from other sources. There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to ATT's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

At the nearest walking/working surfaces to the AT&T antennas on the adjacent roof level, the maximum power density generated by the AT&T antennas is approximately 3.66 percent of the FCC's general public limit (0.73 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 3.66 percent of the FCC's general public limit (0.73 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna. Based on worst-case predictive modeling, there are no areas at ground/street level related to the proposed AT&T antennas that exceed the FCC's occupational or general public exposure limits at this site. At ground/street level, the maximum power density generated by the antennas is approximately 2.43 percent of the FCC's general public limit (0.486 percent of the FCC's occupational limit).

A graphical representation of the RoofMaster™ modeling results is presented in Appendix B.

Microwave dish antennas are designed for point-to-point operations at the elevations of the installed equipment rather than ground-level coverage. Based on AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, microwave antennas are considered compliant if they are higher than 20 feet above any accessible walking/working surface. There are no microwaves installed at this site.

4.0 RECOMMENDED SIGNAGE/COMPLIANCE PLAN

Signs are the primary means for control of access to areas where RF exposure levels may potentially exceed the MPE. As presented in the AT&T guidance document, the signs must:

- Be posted at a conspicuous point;
- Be posted at the appropriate locations;
- Be readily visible; and
- Make the reader aware of the potential risks prior to entering the affected area.

The table below presents the signs that may be used for AT&T installations.

CRAN / HETNET Small Cell Decals / Signs		Alerting Signs	
	<p>NOTICE DECAL</p>		
	<p>NOTICE SIGN</p>		
	<p>CAUTION DECAL</p>		
	<p>CAUTION SIGN</p>		

Based upon protocols presented in AT&T's RF Exposure: Responsibilities, Procedures & Guidelines document, dated October 28, 2014, and additional guidance provided by AT&T, the following signage is recommended on the site:

- Yellow CAUTION 2B sign posted at the base of the lattice tower near the climbing ladder.

No barriers are required for this site. Barriers should be constructed of weather-resistant plastic or wood fencing. Barriers may consist of railing, rope, chain, or weather-resistant plastic if no other types are permitted or are feasible. Painted stripes should only be used as a last resort and only in regions where there is little chance of snowfall. If painted stripes are selected as barriers, it is recommended that the stripes and signage be illuminated. The signage and any barriers are graphically represented in the Signage Plan presented in Appendix B.

5.0 SUMMARY AND CONCLUSIONS

EBI has prepared this Radiofrequency Emissions Compliance Report for the proposed AT&T telecommunications equipment at the site located at Blue Ridge Road in Vacaville, California.

EBI has conducted theoretical modeling to estimate the worst-case power density from AT&T antennas to document potential MPE levels at this location and ensure that site control measures are adequate to meet FCC and OSHA requirements, as well as AT&T's corporate RF safety policies. As presented in the preceding sections, based on worst-case predictive modeling, there are no modeled exposures on any accessible rooftop or ground walking/working surface related to AT&T's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

To reduce the risk of exposure and/or injury, EBI recommends that access to the lattice tower or areas associated with the active antenna installation be restricted and secured where possible. Signage is recommended at the site as presented in Section 4.0 and Appendix B. Posting of the signage brings the site into compliance with FCC rules and regulations and AT&T's corporate RF safety policies.

6.0 LIMITATIONS

This report was prepared for the use of AT&T Mobility, LLC to meet requirements outlined in AT&T's corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI and its partners are based solely on information supplied by AT&T, including modeling instructions, inputs, parameters and methods. Calculations, data, and modeling methodologies for C Band equipment include a statistical factor reducing the power to 32% of maximum theoretical power to account for spatial distribution of users, network utilization, time division duplexing, and scheduling time. AT&T recommends the use of this factor based on a combination of guidance from its antenna system manufacturers, supporting international industry standards, industry publications, and its extensive experience. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

Appendix A

Personnel Certifications

Preparer Certification

I, Jacob McAlister, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified “occupational” under the FCC regulations.
- I am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation.
- I have been trained in on the procedures outlined in AT&T’s RF Exposure: Responsibilities, Procedures & Guidelines document (dated October 28, 2014) and on RF-EME modeling using RoofMaster™ modeling software.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.

A rectangular box containing a handwritten signature in black ink that reads "Jacob McAlister".

Reviewed and Approved by:



sealed 20jun2022

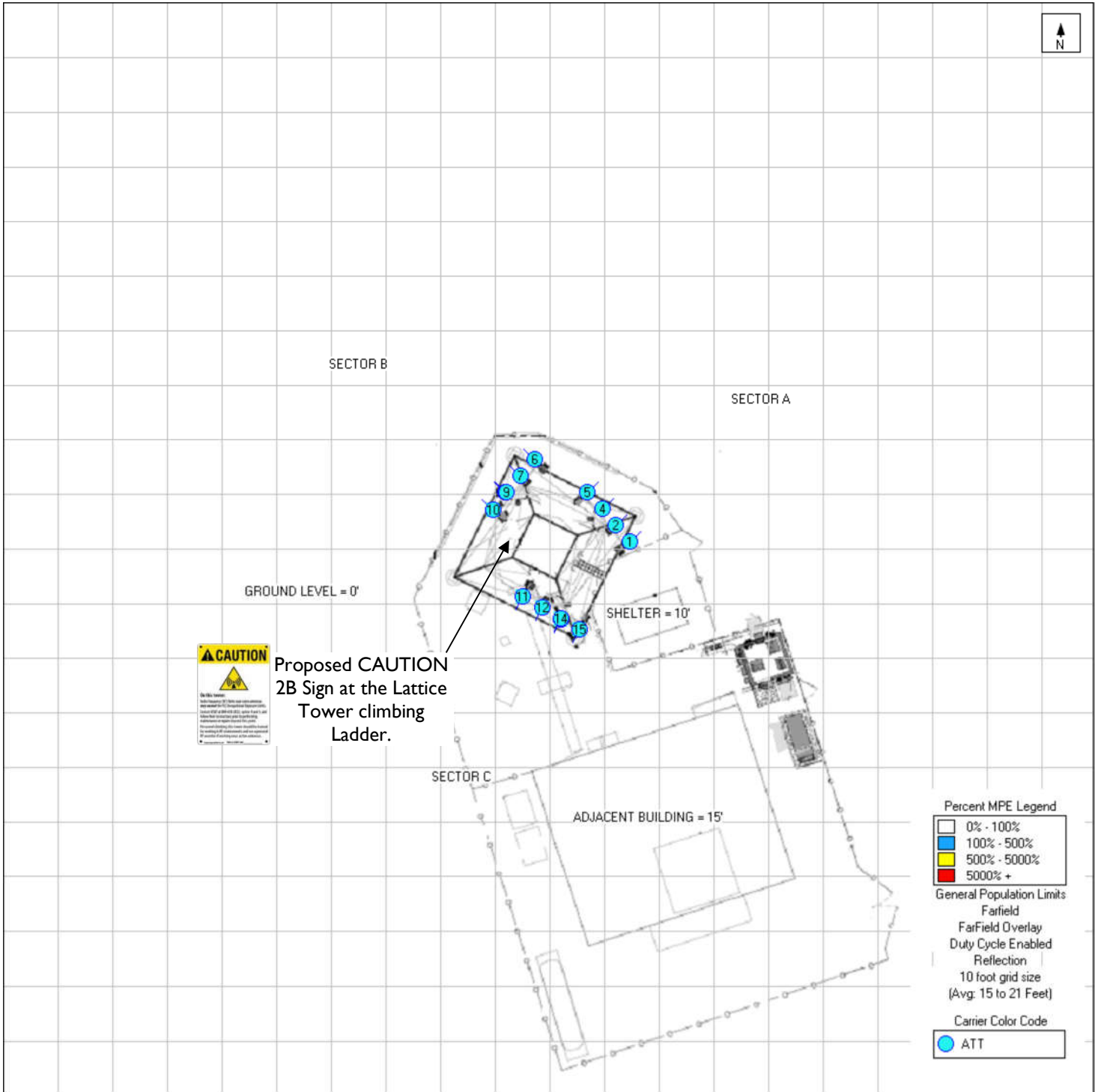
Michael McGuire
Electrical Engineer
mike@h2dc.com

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

Appendix B

Compliance/Signage Plan

Nearest Walking Surface Simulation



	Existing Sign
	Proposed Sign
	Installed Sign

SIGN IDENTIFICATION LEGEND			
	AT&T NOTICE 2 Sign		AT&T CAUTION 2 – Rooftop Sign
	AT&T WARNING 1B and 2A Signs		AT&T CAUTION 2B – Tower Sign
	AT&T NOTICE Small Cell Signs		AT&T CAUTION 2C – Parapet Sign
	AT&T CAUTION Small Cell Signs		AT&T TRILINGUAL NOTICE Sign

DEPARTMENT OF RESOURCE MANAGEMENT

SOLANO
COUNTY

Planning Services Division

NOTICE OF PUBLIC HEARING
(Planning Commission)

NOTICE IS GIVEN that the Solano County Planning Commission will hold a PUBLIC HEARING to consider an appeal by Mr. Daniel Schwartz of the Zoning Administrator's approval of Use Permit Application Revision No. U-04-08 R1 submitted by New Cingular Wireless, PCS, LLC, C/O Complete Wireless Consulting, to allow collocation of 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 sq. ft. lease area within the existing compound located on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070. (Project Planner: Jeffrey Lum)

The hearing will be held on **November 17, 2022, at 7:00 p.m.** in the Board of Supervisors Chambers, County Administration Center, 1st Floor, 675 Texas Street, Fairfield, California.

The County of Solano does not discriminate against persons with disabilities. If you wish to participate in this meeting and you will require assistance in order to do so, please contact the Department of Resource Management at 707-784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

PUBLIC COMMENTS:

In-Person: You may attend the public hearing at the time and location listed above and provide comments during the public speaking period. Phone: You may provide comments verbally from your phone by dialing **1-415-655-0001** and entering **Access Code 2467 197 1378**. Once entered in the meeting, you will be able to hear the meeting and will be called upon to speak during the public speaking period. Email/Mail: Written comments can be emailed to PlanningCommission@SolanoCounty.com or mailed to Resource Management, Planning Commission, 675 Texas Street, Suite 5500, Fairfield, CA 94533 and must be received by 10:00 a.m. the day of the meeting. Copies of written comments received will be provided to the Planning Commission and will become a part of the official record but will not be read aloud at the meeting.

Staff reports and associated materials will be available to the public approximately one week prior to the meeting at www.solanocounty.com under Departments; Resource Management; Boards, Commissions & Special Districts; Solano County Planning Commission.

If you challenge the proposed consideration 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.

Daily Republic - legal ad/one time – Wednesday, November 2, 2022

The Reporter - legal ad/one time – Wednesday, November 2, 2022