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MEMORANDUM

Date: August 9, 2018

To: TRPA Hearings Officer

From: Wendy Jepson, Current Planning Manager

Subject: Verizon Wireless New Cellular Communications Facilities, City of South Lake Tahoe and El Dorado County, California, Project No: 510-101-00, TRPA File No: ERSP2018-1098

Proposed Action: Hearings Officer action on the proposed project and related findings based on this staff summary and the draft permit (Attachment B).

Staff Recommendation: Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the draft permit.

Project Description: The project involves the placement of cellular antennas on top of, and on the side of, seven existing utility poles, which are located in the public right-of-way and owned by Liberty Utilities and PG & E, to improve cell service in the South Shore area. As an alternative to new larger cell towers, the pole top antennas, also known as micro-cells, will require varied extensions of existing poles, from approximately 4'-13' depending on the individual site. An approximately 8-foot extension to the top of existing wood utility poles. The top mounted antennas require an extension to the top of the pole to achieve a safe separation between the power lines and antennas. The approximately four-foot tall, 17-inch diameter round antenna enclosure will be mounted to the top of the extension which will result in a total pole height extension of approximately 12 feet. In general, pole heights will increase from approximately 38 feet to 50 feet. The side mount antennas will be located on utility poles below the power lines and will not require an extension to the height of the pole. Three of the seven sites will be top mounted antennas and four will be side mount. Each site will include additional radio equipment mounted to the side of the lower half of each pole. Each site will also include one six-foot square ground level equipment cabinet. The cabinet will be painted dark green and the antennas will be painted dark brown. There will be no generators, lights or equipment that generates noise installed as part of the project. The proposed facilities will accommodate one cellular service provider. One blanket permit will be issued for all seven sites.

Similar micro-cell projects have occurred in areas such as Sacramento, Palo Alto, San Francisco and Cupertino, California. An example of a top mounted micro-cell antenna is shown in the following photograph:



Site Description: All proposed facilities will be located in the public right-of-way. The facilities will be located at, or adjacent to, the following addresses (TM = top mount antenna, SM = side mount antenna):

- 2408 Chiapa Dr - SM
- 21200 US-50 - SM
- Intersection of Pioneer Trail and Highway 50 - TM
- 3472-3478 Saddle Rd - TM
- Pioneer Trail – approximately 300 feet east of Mandan Street - SM
- 2015 Jicarilla Dr - SM
- 1020 Wildwood Ave - TM

Issues: The proposed project involves a special use determination and therefore requires Hearing Officer review in accordance with Chapter 2, Subsection 2.2.2.a of the TRPA Code. All other issues are discussed in the following staff analysis:

Staff Analysis:

- A. Environmental Documentation: TRPA staff completed the Initial Environmental Checklist (IEC) and “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and TRPA staff recommends the Hearings Officer make a Finding of No Significant Effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.
- B. Area Plan: The project is located within various plan area statements throughout the south shore area where transmission and receiving facilities are a special use.
- C. Land Coverage: The project will result in the creation of approximately six square feet of land coverage for each site (approximately 310 square feet total) and will require mitigation by the retirement of land coverage at a ratio of 1.5:1.
- D. Height: Heights for the proposed facilities vary depending on the height of the existing poles and location of other utilities on the poles and the cellular coverage objectives for each site. In general, pole heights will increase from approximately 38 feet to 50 feet. The pole extension with associated top mounted antenna will be approximately 12 feet in height as measure from the top of the existing pole. The side mounted antennas do not require additional height. The additional height for the utility poles height can be permitted subject to the Chapter 37 height findings below.
- E. Scenic Quality: Six of the seven proposed sites are located within TRPA Scenic Roadway Travel Routes. The applicant redesigned all sites where feasible to minimize potential scenic impacts associated with the proposed project. Two of the six sites on scenic travel routes will be top mounted antennas and four will be side mount. The proposed micro-cell facility is a side mounted micro antenna and is the preferred design for these facilities when located on a scenic corridor to avoid potential impacts to the applicable scenic quality threshold. The side mounted antennas, versus the top mounted antennas, create less visual mass and therefore constitute a smaller man-made feature distraction that can adversely affect scenic quality. One of the top mounted antennas is located on Saddle Road and will be partially visible from Pioneer Trail which is a scenic travel route. The height of the pole will increase 12 feet five inches to a total height of 49 feet five inches to the top of the antenna. However, the utility pole is set back approximately 300 feet perpendicular to Pioneer Trail and will not be readily visible from the scenic route and will not result in impacts to scenic quality and will not cause a reduction in the applicable travel route rating. The second top mounted antenna is located at the corner of Highway 50 and Pioneer Trail in Meyers. This antenna for this site was reduced in height to avoid potential impacts to scenic quality. The micro-cell facilities scale, placement, design and colors will ensure the antennas are not visually obtrusive and blend with the surrounding environment to the greatest extent feasible. As a result the facilities will not result in an adverse impact to the applicable scenic quality threshold.
- F. Required Findings: The following is a list of the required findings as set forth in Chapters 4, 21, 37 and 50 of the TRPA Code of Ordinances. Following each finding, agency staff has summarized the evidence on which the finding can be made.
 1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

The projects are located within the public right-of-way adjacent to existing roads where transmission and receiving facilities are a special use. Policy PS-1.1 of the Regional Plan supports the upgrade and expansion of public service facilities consistent with the Land Use Element of the Regional Plan. There is no evidence showing the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan. The project, as conditioned, will not adversely affect the implementation of any applicable elements of the Regional Plan.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the "Article V(g) Findings" in accordance with Section 4.4.2 of the TRPA Code of Ordinances and incorporates the checklist into this analysis. All responses contained in the project indicate compliance with the environmental threshold carrying capacities. In addition, the applicant has completed an Initial Environmental Checklist (IEC), which is hereby incorporated into this analysis. There is no evidence, such as pending TRPA applications, to suggest that other cellular providers will propose similar facilities that could result in adverse cumulative effects to scenic quality. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA offices.

- (c) Wherever federal, state, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the Region. The project will not result in the generation of additional daily vehicle trip ends.

2. Chapter 21 – Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The nature of the proposed project is consistent with the public service uses permissible within the applicable plan areas and will improve wireless service in the area. As an alternative to placing larger cell towers in residential and commercial areas, the micro-cell facilities will be located on existing utility poles and will be of a scale and color that will allow the structures to blend, and not contrast, with the surrounding area.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property

in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The micro-cell facilities will not contain lights or generate noise. Power will be supplied by the electrical utilities in the immediate vicinity and no back-up generators are proposed. The project complies with Federal Communications Commission guidelines limiting public continuous exposure to radio frequency energy. For a person anywhere at ground, the maximum radio frequency (RF) exposure level due to the proposed Verizon operation at any site is 5.5%. The maximum calculated level at the top-floor elevation of the closest nearby building at any site is 2.4% of the public exposure limit. For three of the sites, the public exposure level at ground level and near the most adjacent building is under 1% of the applicable public exposure limit. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation. The project will enhance important wireless communication service in emergencies to protect public health, safety, and welfare.

A condition of approval requires the permittee to submit written confirmation that the placement of micro-cell antennas will not be in conflict with Liberty Utility or local jurisdiction 10-year plans for undergrounding utilities as part of future Complete Street, water quality improvement or scenic quality improvement projects.

- (c) The project, to which the use pertains, will not change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The communication facility will improve wireless service in the area and will not change the character of the neighborhood due to the color and scale of the proposed facilities. The proposed facilities are located in plan areas where transmission and receiving facilities are a special use. Policy PS-1.1 of the Regional Plan supports the upgrade and expansion of public service facilities consistent with the Land Use Element of the Regional Plan.

A condition of approval requires the permittee to submit written confirmation that the placement of micro-cell antennas will not be in conflict with Liberty Utility or local jurisdiction 10-year plans for undergrounding utilities as part of future Complete Street, water quality improvement or scenic quality improvement projects.

3. Chapter 37 - Additional Height Findings:

- (a) The function of the structure requires greater maximum height than otherwise provided for in this chapter.

The proposed top mounted micro-cell facilities require an approximately 12 foot increases in height of the existing utility poles (includes height of antenna) to achieve the minimum necessary safety standards for distance between the antennas and existing power lines and therefore require greater maximum height than otherwise provided for in Chapter 37. The micro-cell facilities scale, design and colors will ensure the antennas are not visually obtrusive and blend with the surrounding environment to the greatest extent feasible.

- (b) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

The height of the proposed top mount micro-cell antennas is the minimum required to enable the facilities to provide adequate cell service. As an alternative to placing larger cell towers in residential areas, the micro-cell facilities will be located on existing utility poles and will be of a size and color that will allow the structures to blend, and not contrast, with the surrounding area.

4. Chapter 50 – Additional Public Service Facility Findings:

- (a) There is a need for the project.

Existing wireless facilities are not meeting service needs associated with increased wireless data demand around the Lake Tahoe Basin. This project will provide additional facilities to meet service needs around the South Shore. The additional facility will provide improved wireless communication service for the public and in emergencies to help protect public health, safety, and welfare.

- (b) The project with the Goals and Policies, applicable plan area statements, and Code.

See rationale in Chapter 4 findings, above.

- (c) The project is consistent with the TRPA Environmental Improvement Program.

The project will not affect implementation of the EIP and will not cause TRPA's environmental thresholds to be exceeded. No antennas will be placed on poles that are on the Liberty Utility or PG and E 10-year utility undergrounding plan. A condition of approval requires the permittee to submit written confirmation that the placement of micro-cell antennas will not be in conflict with Liberty Utility or local jurisdiction 10-year plans for undergrounding utilities as part of future Complete Street, water quality improvement or scenic quality improvement projects.

- (d) The project meets the findings adopted pursuant to Article V (g) of the Compact as set forth in Chapter 4: Required Findings, as they are applicable to the project's service capacity.

The project's service capacity is needed to meet existing service demands in the South Shore area.

- G. Required Actions: Staff recommends that the Hearings Officer take the following actions:
- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
 - II. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft TRPA Permit (Attachment B).

Contact Information: For questions regarding this project please contact Wendy Jepson, Current Planning Manager at (775) 589-5269 or wjepson@trpa.org

Attachments:

- A. Project location map
- B. Draft permit
- C. Top mounted micro-cell antenna example simulation
- D. Reduced height top mounted micro-cell antenna example simulation
- E. Side mounted micro-cell antenna example simulation
- F. Project plans

ATTACHMENT B
Draft Permit

PROJECT DESCRIPTION: New Cellular Communication Facilities PROJECT NUMBER 510-101-00

PERMITTEE: Verizon Wireless FILE #: ERSP2018-1098

COUNTY/LOCATION: Seven sites in Public Rights-of-way within the City of South Lake Tahoe and El Dorado County, California

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on **August 16, 2018**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **August 16, 2021**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

CONSTRUCTION SHALL NOT COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date: _____

(PERMIT CONTINUED ON NEXT PAGE)

PROJECT NUMBER: 510-101-00
FILE NUMBER: ERSP2018-1098

SECURITY and FEE INFORMATION

Public Notice Fee (1): Amount \$672.00 Type _____ Posted _____ Receipt No. _____

Project Security (2): Amount \$3,500.00 Type _____ Posted _____ Receipt No. _____

Security Administration Fee (3): Amount \$ _____ Posted _____ Receipt No. _____

Notes:

(1) See Special Condition 3.F, below.

(2) See Special Condition 3.E, below.

(3) \$152 if a cash security is posted or \$135 if a non-cash security is posted.

Required plans determined to be in conformance with approval as of this date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes the placement of cellular antennas on top of, and on the side of, seven existing utility poles, which are located in the public right-of-way and owned by Liberty Utilities and PG & E, to improve cell service in the South Shore area. The approximately four-foot tall, 17-inch diameter round antenna enclosure will be mounted to the top of the extension which will result in a total pole height extension of approximately 12 feet. In general, pole heights will increase from approximately 38 feet to 50 feet. The site mount antennas will be located on utility poles below the power lines and will not require an extension to the height of the pole. Three of the seven sites will be top mounted antennas and four will be side mount. Each site will include additional radio equipment mounted to the side of the lower half of each pole. Each site will also include one six-foot square ground level equipment cabinet. The cabinet will be painted dark green and the antennas will be painted dark brown. There will be no generators, lights or equipment that generates noise installed as part of the project. Some poles may require replacement to meet engineering requirements for the shared pole facilities. The approved facilities will be located at, or adjacent to, the following addresses (TM = top mount antenna, SM = side mount antenna):
 - 2408 Chiapa Dr - SM
 - 21200 US-50 - SM
 - Intersection of Pioneer Trail and Highway 50 - TM
 - 3472-3478 Saddle Rd - TM
 - Pioneer Trail – approximately 300 feet east of Mandan Street - SM

- 2015 Jicarilla Dr - SM
- 1020 Wildwood Ave - TM

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

A. The site plan for each site shall be revised to include the following land coverage table for all new proposed land coverage.

Proposed New Land Coverage (sq.ft.)	Total required land coverage mitigation at a ratio of 1.5:1 (sq.ft.)

B. The project plans for side mounted antenna sites shall include a note stating: "Side mounted antennas will include antenna sock covers with colors that blend with the surrounding areas and will be maintained and/or replaced as needed."

C. The permittee shall submit final proposed color samples for all visible project components for approval by TRPA staff.

D. The permittee shall submit evidence that all required land coverage mitigation, at a ratio of 1.5:1, has been obtained for each proposed site. The land coverage mitigation must be from land capability classes 1a, 1b, 1c, 2 or 3.

E. The Security required under Stand Condition I.2 of Attachment Q shall be \$3,500.00. Please see Attachment J, for accepted methods of positing the security.

F. The permittee shall pay \$672.00 as reimbursement to TRPA for two public hearing notices published in the Tahoe Tribune.

G. The permittee shall submit a projected construction completion schedule.

H. The permittee shall submit written confirmation that the placement of micro-cell antennas will not be in conflict with Liberty Utility, PG & E or local jurisdiction 10-year plans for undergrounding utilities as part of future Complete Street, water quality improvement or scenic quality improvement projects.

I. The permittee shall submit three sets of final site plans and construction drawings for each site.

4. All facilities authorized by this permit shall be maintained in a condition consistent with color and material requirements of this permit.
5. All excavated materials shall be hauled away to a site approved by TRPA Environmental Compliance staff.
6. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
7. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
8. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
9. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
10. Grading is prohibited any time of year during periods of precipitation and for the resulting period of time when the site is covered with snow, or is in a saturated, muddy, or unstable condition.
11. The construction of concrete washout facilities is prohibited unless approved in writing by TRPA.
12. Any change to the project requires approval (except for TRPA exempt activities) of a TRPA plan revision permit prior to the changes being made to any element of the project (i.e. structural modifications, grading, BMPs, etc.). Failure to obtain prior approval for modifications may result in monetary penalties.
13. Temporary BMPs may be required and field-fit as appropriate by the TRPA inspector.
14. By acceptance of this permit the permittee agrees that return of the project security is contingent upon a TRPA determination that the facilities are built in accordance with the project approval and the simulations prepared for each site. If TRPA determines the facility is not consistent with the simulations prepared for the project, the permittee agrees to modify the facility to achieve conformance with the simulations prepared for the project.
15. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul

any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT