

Verizon/Sequoia Deployment Communication  
Tower Appeal

PLN23-0179; CUP23-0015; EIS23-0010

20896 Dog Bar Road, Grass Valley CA, 95949

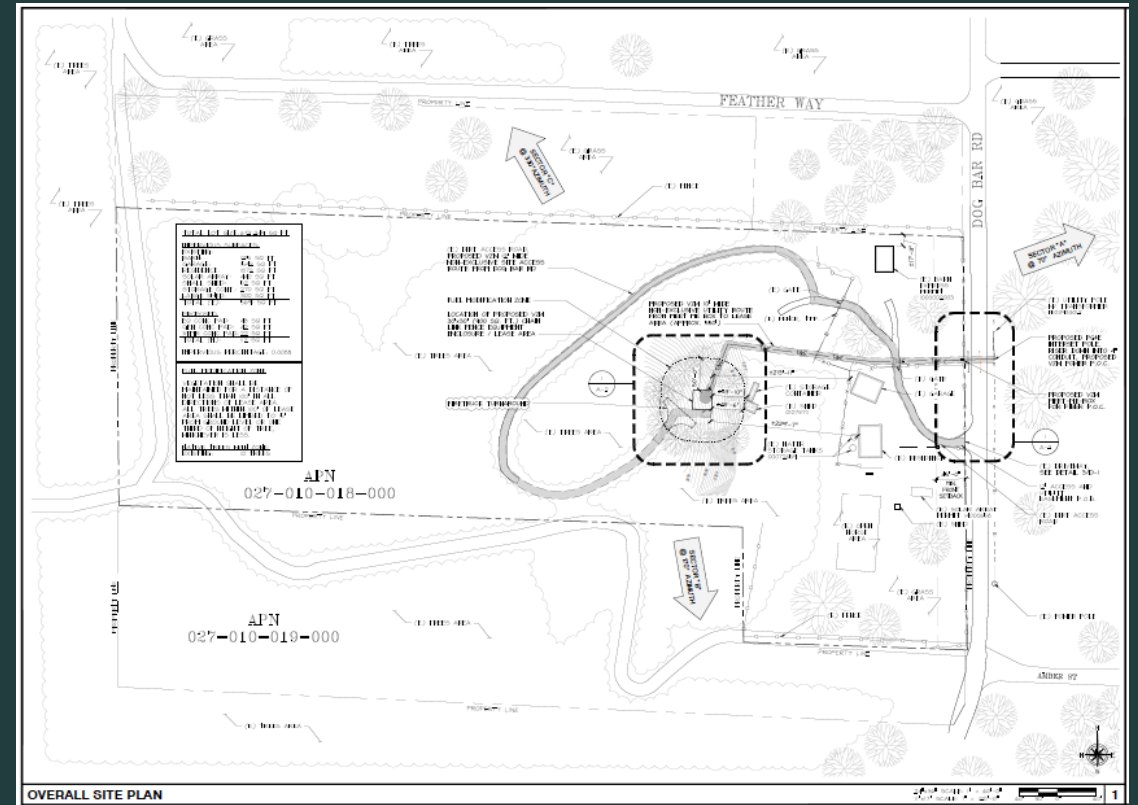
Nevada County Board of Supervisors:  
July 9, 2024

Project Planner: David Nicholas



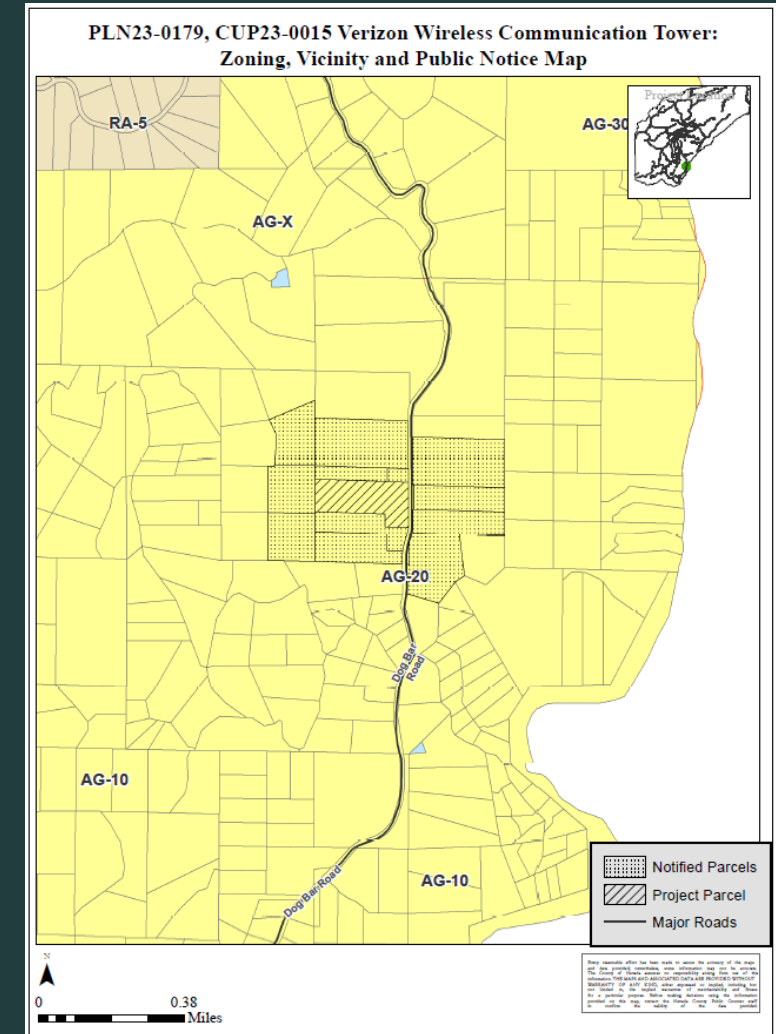
# Project Description

- An appeal for a communication tower that was approved at the June 12, 2024 Zoning Administrator hearing.
- The proposed facility is designed as a one-hundred twenty-nine foot (129) tall faux pine tree (monopine).
- The facility is proposed be contained within a 30' x 30' (900 square feet) Verizon lease area that will be surrounded with eight-foot tall chain-link fencing with a gate and a Knox Box entry system. The lease area will contain three equipment cabinets, a diesel generator, a PG&E transformer, and other communication-related equipment.
- The site is proposed to be accessed by an existing 12-foot wide dirt access road with a hammerhead turn-around at the end. Vegetation thinning to reduce fire hazard will occur along the access road and around the tower lease area. Approximately 550 feet of underground power and fiber cables are proposed to be trenched from the lease area to a PG&E pole and Verizon Wireless fiber point of connection.



# Existing and Surrounding Land Uses:

- General Agricultural (AG-20) zoning with a General Plan designation of Rural-20.
- The subject parcel is developed with a residence, garage, barn, solar array, and various other accessory structures. The parcel is surrounded by low-density development consisting of single-family residences and ranch/agricultural uses.
- The proposed communication facility will be situated in foothill oak and pine woodlands on a hillside.



## Appeal Argument 1

The appeal states:

*“Granting the Conditional Use Permit would not only violate Sec L-II 3.8 of the Land Use and Development Code of the County of Nevada, it would inflict upon the appellant the precise types of adverse impacts which that section of the Code was specifically enacted to prevent.”*

- The project is consistent with Section 12.03.08 of the Nevada County Code (Formally Section L-II 3.8) and this argument of the appeal does not clarify how the granting of the Conditional Use Permit would violate the code.
- The tower is located more than 100% of it’s height from property lines, it is not on an exposed ridgeline, and it blends in with the natural environment. The tower owner also has a process for the co-location of other carriers.
- Pursuant to Nevada County Code 12.02.030 (formally LUDC Section L-II Section 2.3.D), communication towers are allowed in Agricultural zoning districts with a Use Permit.

## Appeal Argument 2

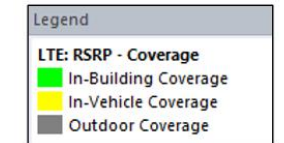
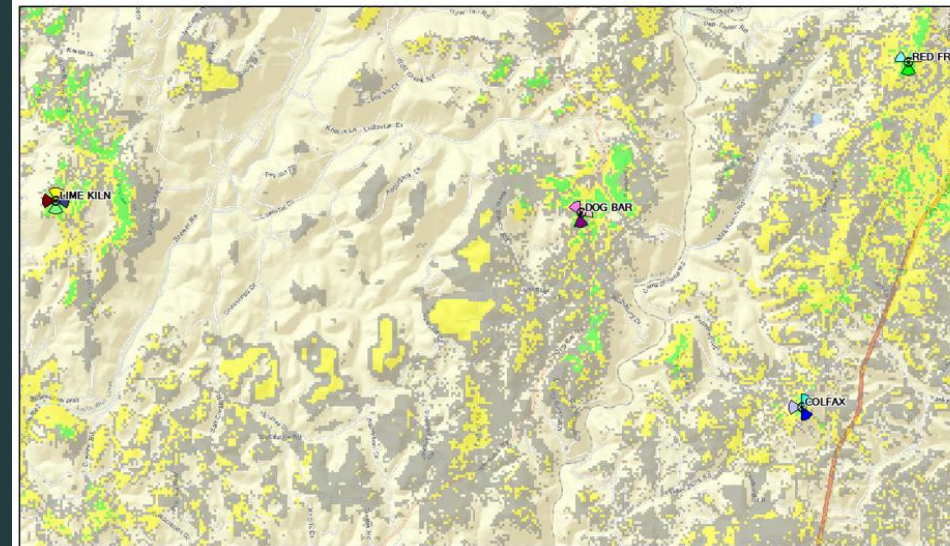
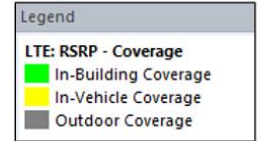
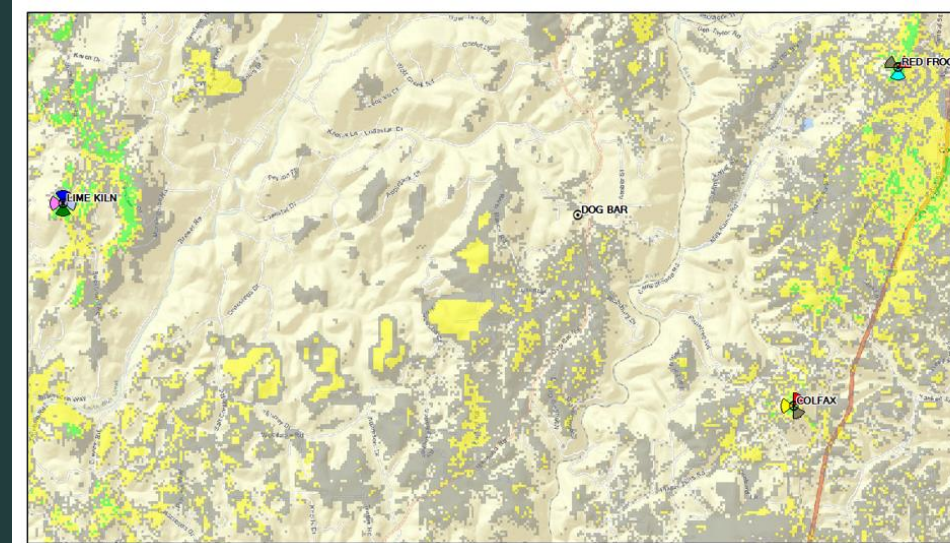
The appeal states:

*“Sequoia and Verizon have wholly failed to submit any probative evidence, whatsoever, to establish any actual need for the facility, in the absence of which Sec. L-II 3.8(D)(I) prohibits the granting of such application.”*

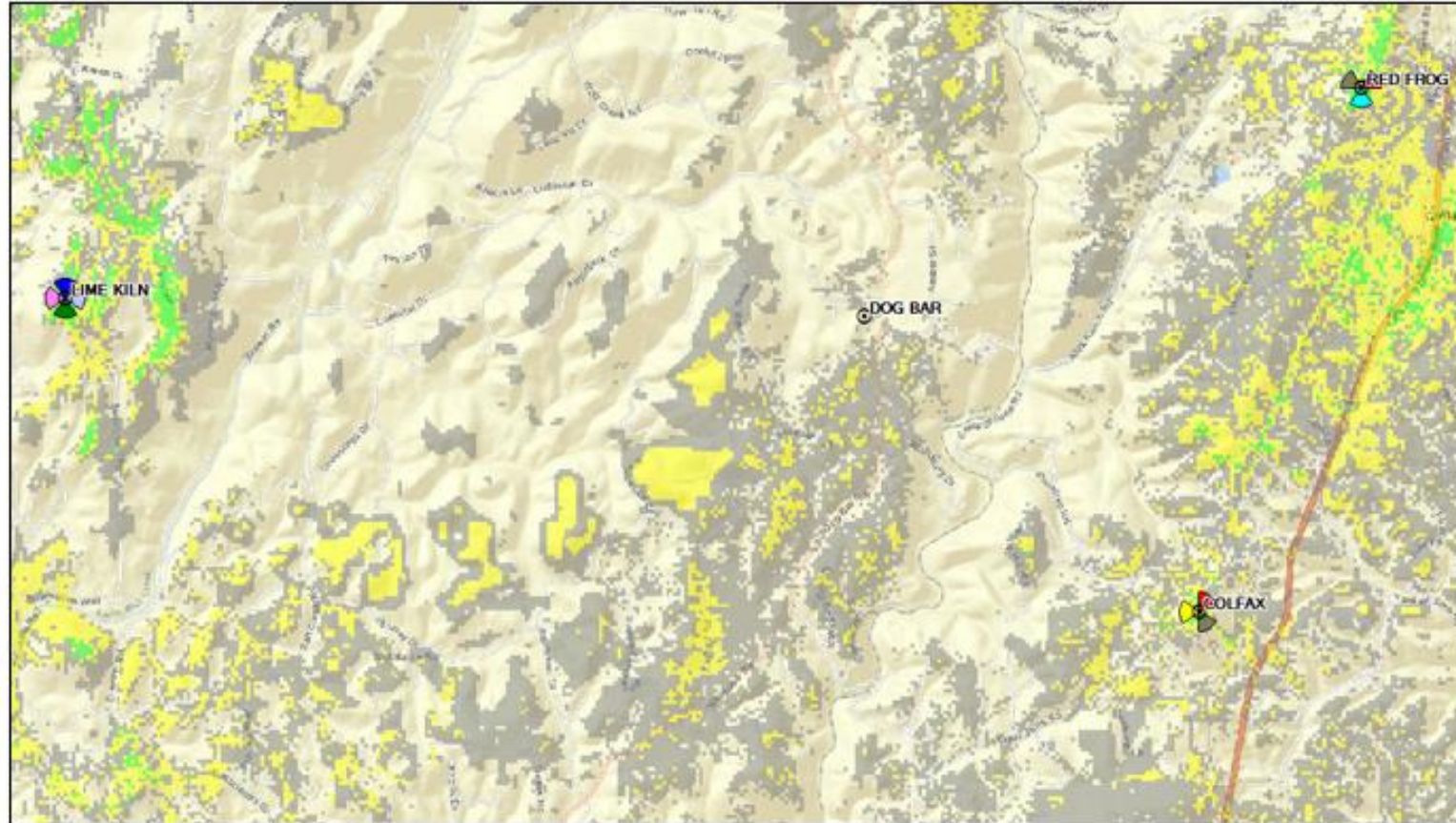
Verizon provided the County with coverage maps showing the gap in coverage they are proposing to resolve and justification for selecting the site, as shown in the following slide.

# Site Justification

- Verizon Wireless identified a gap in its wireless service in the south eastern area of Nevada County, California. Verizon Wireless evaluated four site alternatives within the identified significant coverage/capacity gap.
- 20896 Dog Bar Road is the most feasible site to address the gap in coverage when topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and a willing landlord are considered.



# Existing AWS Coverage Map



**Legend**

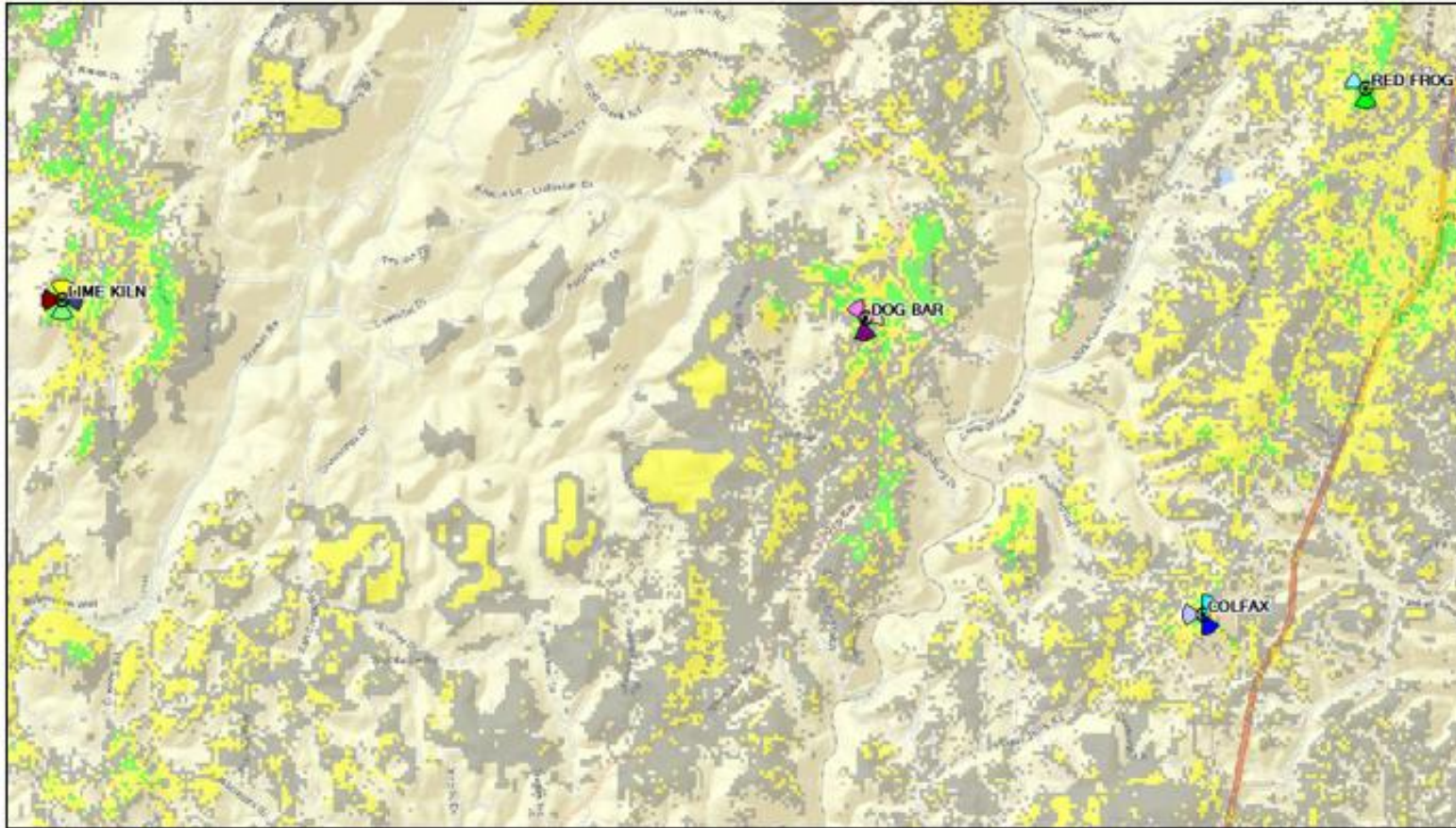
**LTE: RSRP - Coverage**

- In-Building Coverage
- In-Vehicle Coverage
- Outdoor Coverage



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# After AWS Coverage Map



Legend

LTE: RSRP - Coverage

- In-Building Coverage
- In-Vehicle Coverage
- Outdoor Coverage



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## Appeal Argument 3

The appeal states:

*“The installation of the proposed thirteen-story cell tower will inflict substantial albeit wholly unnecessary adverse impacts upon the appellant's real property, in direct violation of the requirements of the Code.”*

The proposed cell tower is consistent with the County's Code and the requirements of 12.03.080 (formally Section L-II 3.8) that governs communication towers. All environmental impacts, including noise and aesthetics, were analyzed in the CEQA Initial Study and were mitigated to a less than significant level.

## Appeal Argument 4

The appeal states:

*“Sequoia and Verizon have wholly failed to establish that the granting of the application would comply with the requirements of Sec. L-II 3. 8(E)(1), in the absence of which the application cannot be granted.”*

Communication towers shall be located to minimize their visibility and the number of distinct facilities present, as follows:

- No new tower shall be placed on an exposed ridgeline or to silhouette against the sky unless the site is developed with existing communication facilities.
- No new tower shall be installed in a location that is not developed with communication facilities or other public or quasi-public uses unless it blends with the surrounding, existing, natural and man-made environment so as to be effectively unnoticeable.
- No tower shall be placed in a location readily visible from a public trail, public park or other developed outdoor recreation area unless it blends with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.
- No tower shall be installed closer than two miles from another readily visible, uncamouflaged or unscreened facility unless it is a co-located facility, is on a multiple-user site, or is designed to blend with the surrounding existing natural and man-made environment so as to be effectively unnoticeable.

**The tower is not proposed on an exposed ridgeline and will not silhouette against the sky; the proposed design of the tower will make it blend with the existing natural environment so it is effectively unnoticeable; there are no public trails or outdoor recreation areas within the vicinity of the proposed tower and it is designed so that it will blend with the existing natural environment.**

# Visual Analysis and Lighting

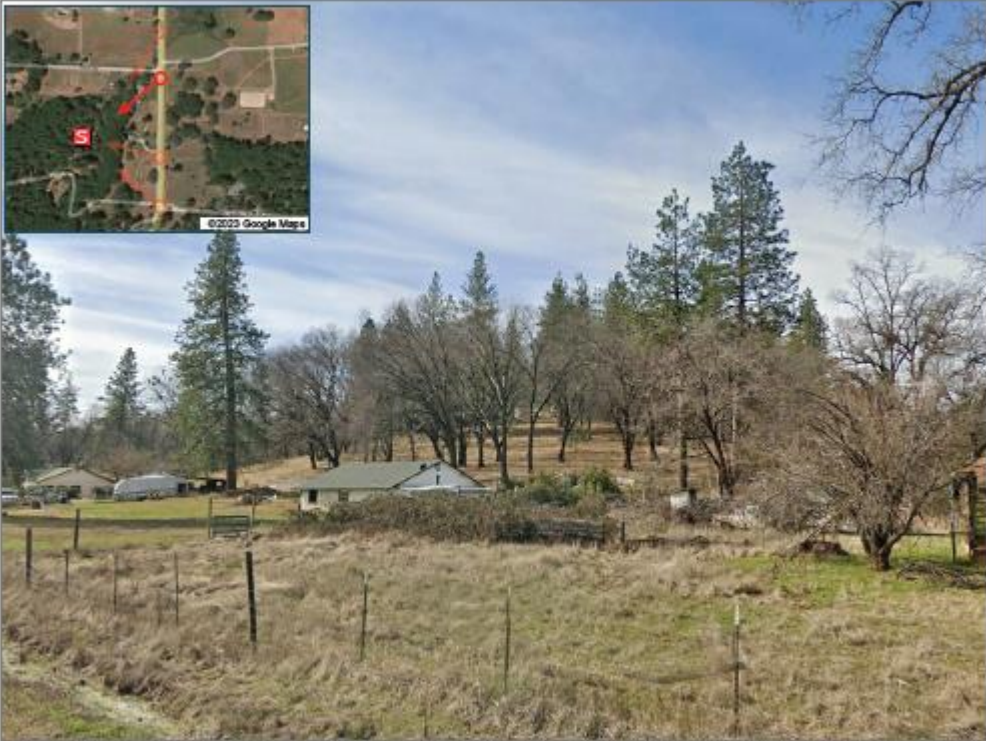
- The cellular tower as proposed would be a monopine with faux branches/foliage and faux bark materials which are designed to blend in with the surrounding pines to the greatest extent possible.
- The applicant proposes to install six LED service lights that will be downcast and used during maintenance activities only. The lights will normally be off and will be controlled by a 4-hour twist-timer switch.
- It is not anticipated that the Federal Aviation Administration will require lighting on the communication tower.



# Photo simulations



VIEW 2



EXISTING

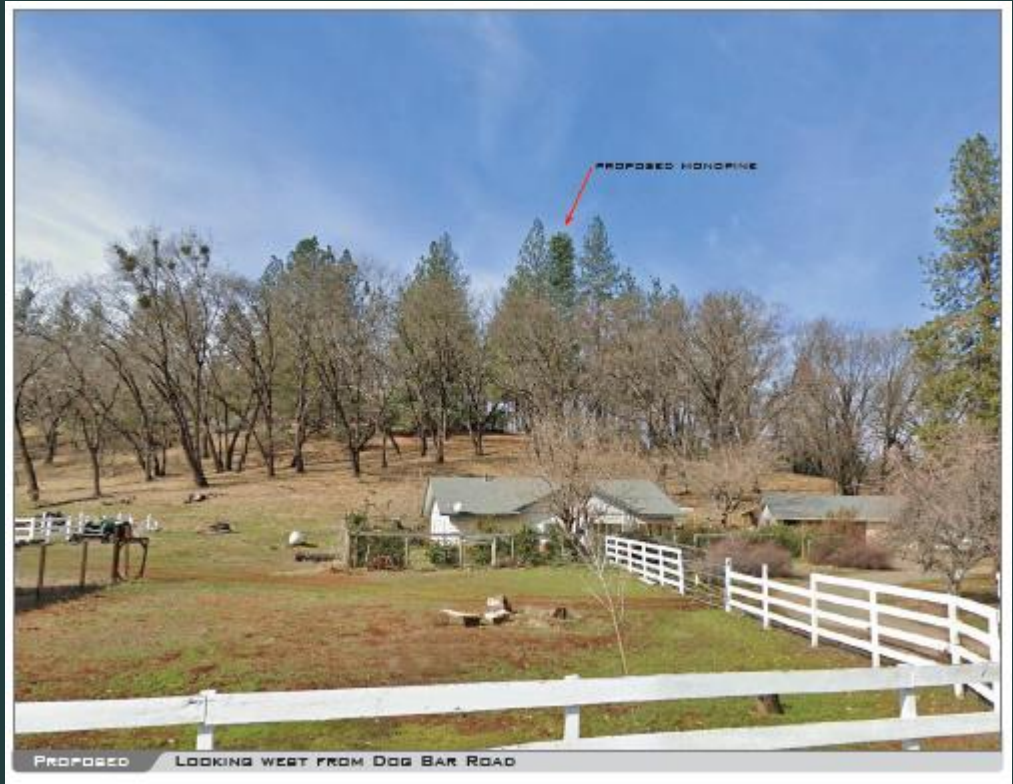


PROPOSED LOOKING SOUTHWEST FROM DOG BAR ROAD

VIEW 3



EXISTING



PROPOSED LOOKING WEST FROM DOG BAR ROAD

VIEW 4



EXISTING



PROPOSED LOOKING NORTHWEST FROM DOG BAR ROAD

## Appeal Argument 5

The appeal states:

*“The applicant has failed to establish that its proposed siting of the proposed tower would minimize the number of towers needed to provide coverage within the County, or would minimize the adverse visual impact of the tower, both of which are required under SEC L-II 3.8(E)(I)”.*

The tower is designed to fill a coverage gap and the tower owner has a process to allow for the co-location of other carriers. The tower is also designed as a monopine to minimize the adverse visual impact of the tower.



## Appeal Argument 6

The appeal states:

*“The submissions submitted by the applicant are inherently defective, as a matter of law, and cannot serve as a basis for the County to grant the Conditional Use Permit.”*

The appeal does not specify what parts of the application are defective. The site plans are stamped by a registered professional land surveyor and a civil engineer. The Radio Frequency Electromagnetic Fields Exposure Report was conducted by a registered professional electrical engineer. The biological report was conducted by a Nevada County pre-qualified biologist, If the tower is built, there will be a site inspection to ensure the project is built as it is proposed.

## Appeal Argument 7

The appeal states:

*“The irresponsible placement of the proposed tower less than 500 feet from the appellant’s property would not only inflict a severe adverse aesthetic impact upon the appellants home, but will inflict a substantial loss to the financial value of the appellants home, both of which are entirely unnecessary.”*

The proposed tower is outside of all setbacks required by the Land Use and Development Code.

As shown in the photo simulations, the tower will blend in with the existing natural environment. Financial impacts are not within the purview of CEQA or the land use permit.

The County Code allows communication towers in Agricultural Zoning Districts, Verizon identified a need for a new communication tower, and the proposed project aligns with the requirements of the County Code.

# Additional Public Comments - Noise

- A 30kW emergency back-up generator is proposed for use during extended power outages. This is anticipated to exceed the County noise nighttime standard of 40 decibels by generating 43.8 decibels at the southern property line.
- Therefore, Condition A.20 is proposed to require that the generator be installed with a Level 2 sound enclosure and Condition A.21 is proposed to require that testing and maintenance only occurs during daytime hours.



# Additional Public Comments - Radio Frequency

- The FCC has developed and adopted standards for human exposure to RF radiation with the support of expert scientists and engineers.
- The Radio Frequency – Electromagnetic Fields Exposure Report prepared by Dtech communications, predicted that for a person standing in accessible areas on the ground, the proposed Verizon site has exposure levels below the FCC's most stringent General Population MPE limits. If additional carriers were to seek co-location on this tower, they would be subject to the FCC permitting and compliance.



# Additional Public Comments – Fire Danger Concerns

The electric service and telecommunication lines that would be brought to the project site from the existing utility pole would be installed underground, instead of by overhead power lines.

The Office of the Fire Marshal reviewed the project and did not express any concerns about the construction and operation of the telecommunication tower.

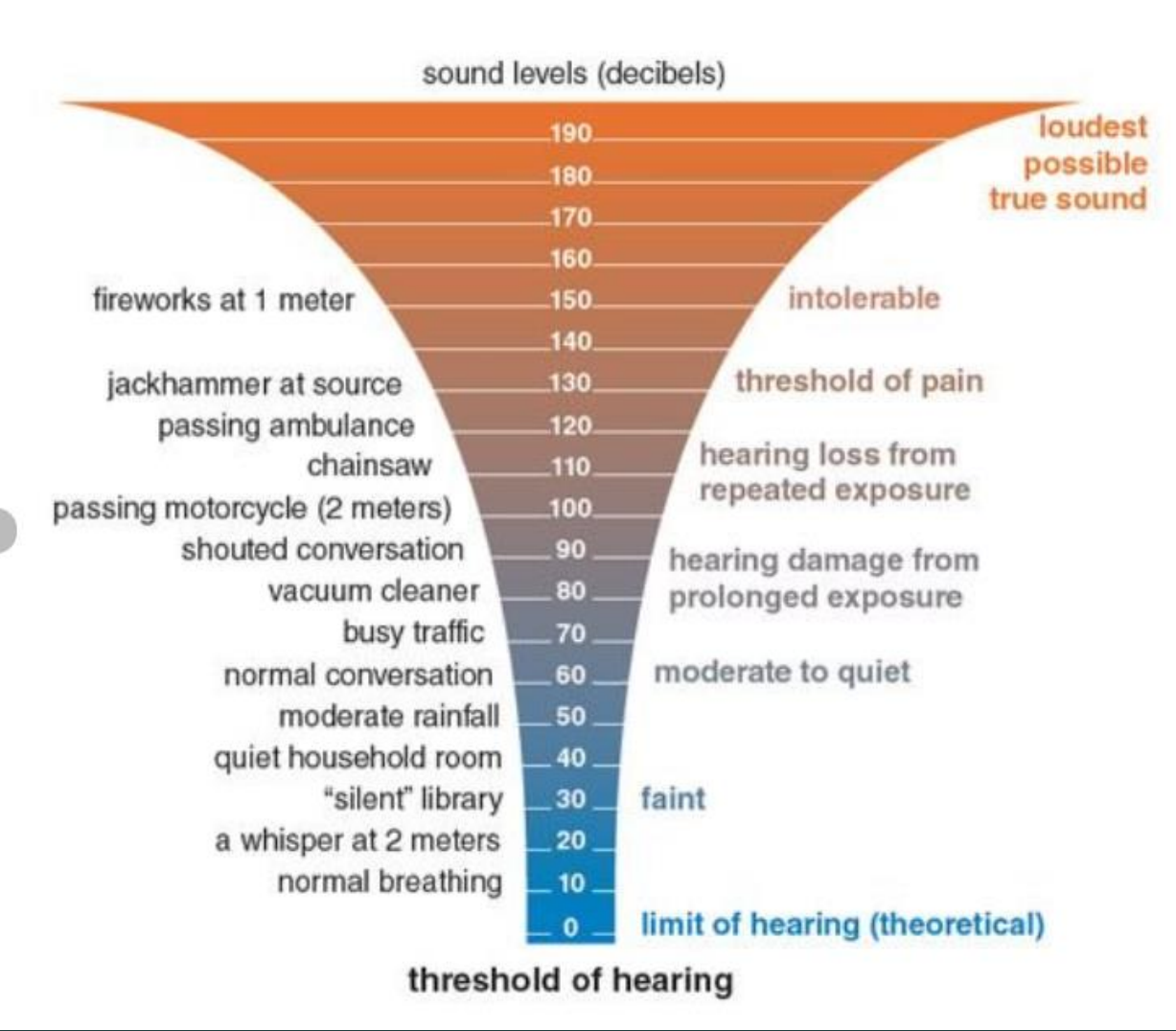
The Office of the Fire Marshal is requiring as a Condition of Approval that the applicant provide defensible space around all communication equipment and the tower itself. This defensible space will be required to be verified through an inspection.

The Office of the Fire Marshal is also requiring that a hammerhead turnout be constructed approximately 50 feet from the technician parking area so that an emergency vehicle can turn around. The driveway is conditioned to have 10 feet of vegetation clearance on each side to reduce the fire risk.

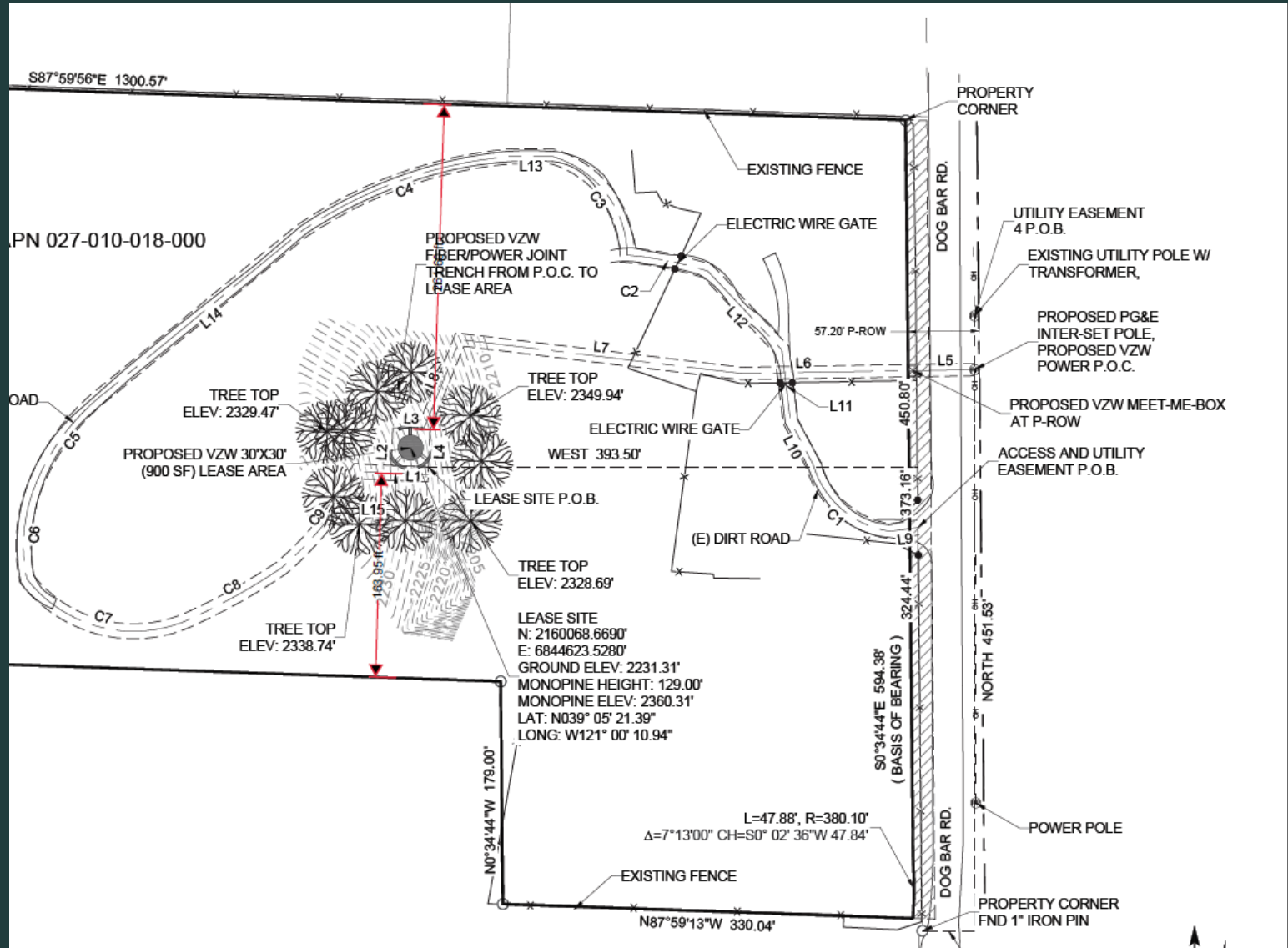
# Recommendations

- I. Adopt the attached Resolution to deny the appeal and to uphold the decision of the Zoning Administrator to adopt the proposed Mitigated Negative Declaration (EIS23-0010) and approve Conditional Use Permit application (CUP23-0015) proposing the construction and operation of a new 129-foot tall monopine wireless communication tower within a 900 square foot fenced lease area located at 20896 Dog Bar Road, Grass Valley, in southeast Nevada County.

# Extra Slides







CHECKED BY: ZQ/BC/DW/WDL

REV	DATE	DESCRIPTION	
3	08/08/2023	REVISED POLE HEIGHT	NC
2	06/15/2023	FINAL SURVEY (PTR)	NC
1	06/06/2023	REVISED UTIL PATH	NC
0	04/21/2023	FINAL SURVEY	KT
A	04/09/2023	SURVEY FIRST DRAFT	KT

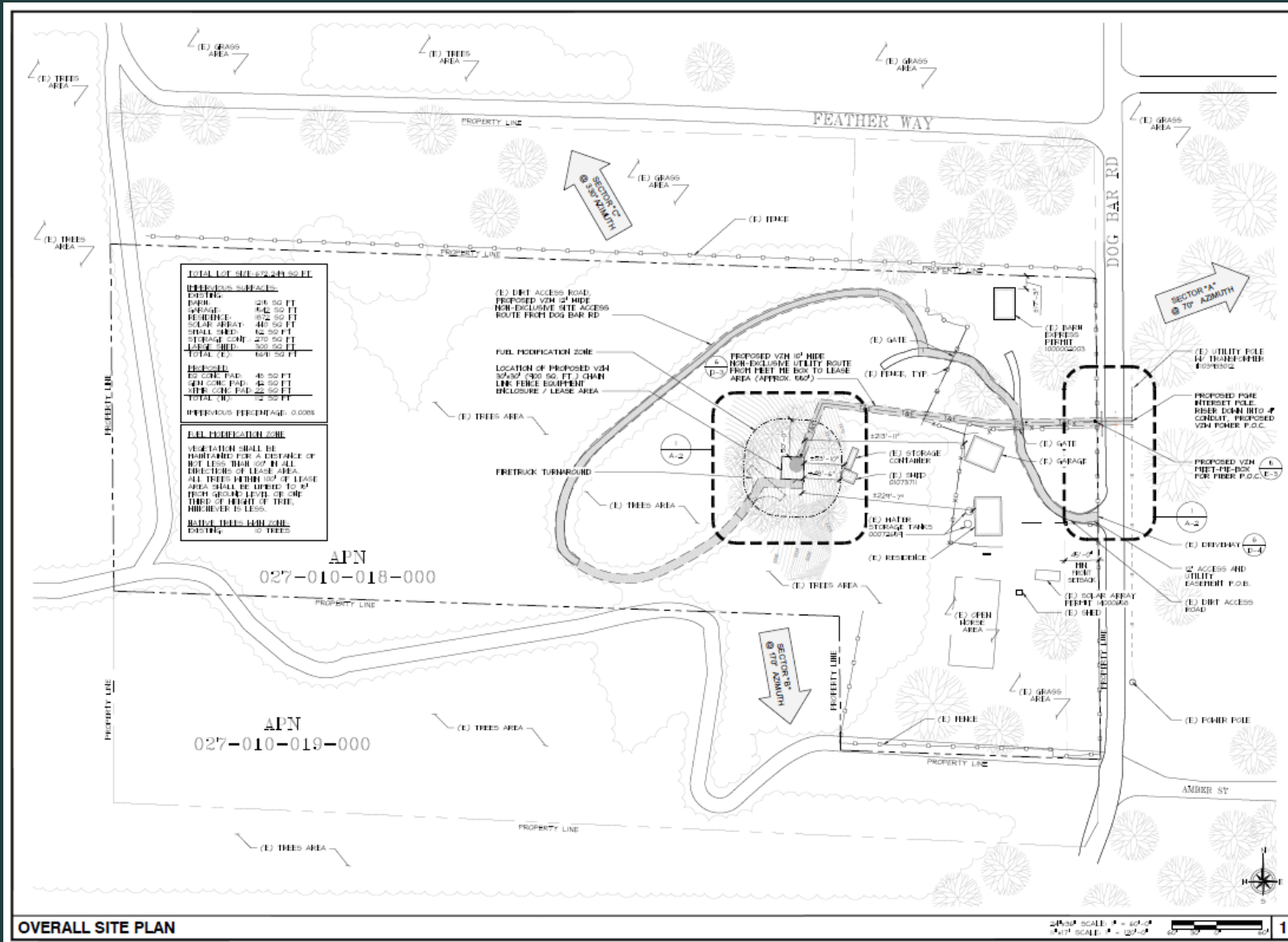


IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

DOG BAR







**TOTAL LOT AREA: 67,249.55 FT<sup>2</sup>**

**EXISTING SURFACES:**

EXISTING	218.50 FT
DRIVE	542.50 FT
DRIVEWAY	632.50 FT
SEAL AREA	410.50 FT
SMALL SHED	62.50 FT
STORAGE CONT.	270.50 FT
PAVED SHED	320.50 FT
TOTAL	1850.50 FT

**PROPOSED:**

DRIVE PAV.	48.50 FT
4" CONC. PAV.	42.50 FT
SITE CONC. PAV.	22.50 FT
TOTAL	114.50 FT

**INTERVIOUS PERCENTAGE: 0.0085**

**FUEL MODIFICATION ZONE:**

VEGETATION SHALL BE MAINTAINED FOR A DISTANCE OF NOT LESS THAN 100 FT IN ALL DIRECTIONS OF LEASE AREA. ALL TREES WITHIN 100 FT OF LEASE AREA SHALL BE THINER TO 9" FROM GROUND LEVEL OR ONE THIRD OF ORIGINAL TREE, WHICHEVER IS LESS.

**EXISTING TREES:** 10 TREES

APN  
027-010-018-000

APN  
027-010-019-000

OVERALL SITE PLAN

GRAPHIC SCALE: 1" = 20'-0"  
GRAPHIC SCALE: 1" = 20'-0"

**verizon**  
2770 SHILOH LANE DRIVE  
BUILDING  
HAYLIT CREEK, CA 94545

**SEQUOIA**  
Development Services, Inc.  
1 SUTHERLAND DRIVE, SUITE 100  
LAKE FOREST, CA 94550-2221

**ALL STATES**  
ENGINEERING & SURVEYING  
2525 BERTHOLD DRIVE  
LAKE FOREST, CA 94550

PROJECT ID: DOG BAR  
DRAWN BY: RC  
CHECKED BY: GS

REV.	DATE	DESCRIPTION
0	04/20/24	ISSUE FOR PERMIT
1	05/22/24	ISSUE FOR PERMIT

Professional Engineer Seal:  
Nevada Professional Engineer  
7655  
Date: 05/22/24

IT IS A VIOLATION OF LAW FOR AN ENGINEER TO SEAL OR SIGN ANY DRAWING OR SPECIFICATION FOR THE CONSTRUCTION OF A PROJECT WITHOUT BEING A LICENSED PROFESSIONAL ENGINEER TO ACCEPT THE LIABILITY.

**DOG BAR**  
MINOR WORK  
2086 DOG BAR RD  
GRASS VALLEY, CA 95949

SHEET TITLE  
OVERALL SITE PLAN

SHEET NUMBER  
A-1



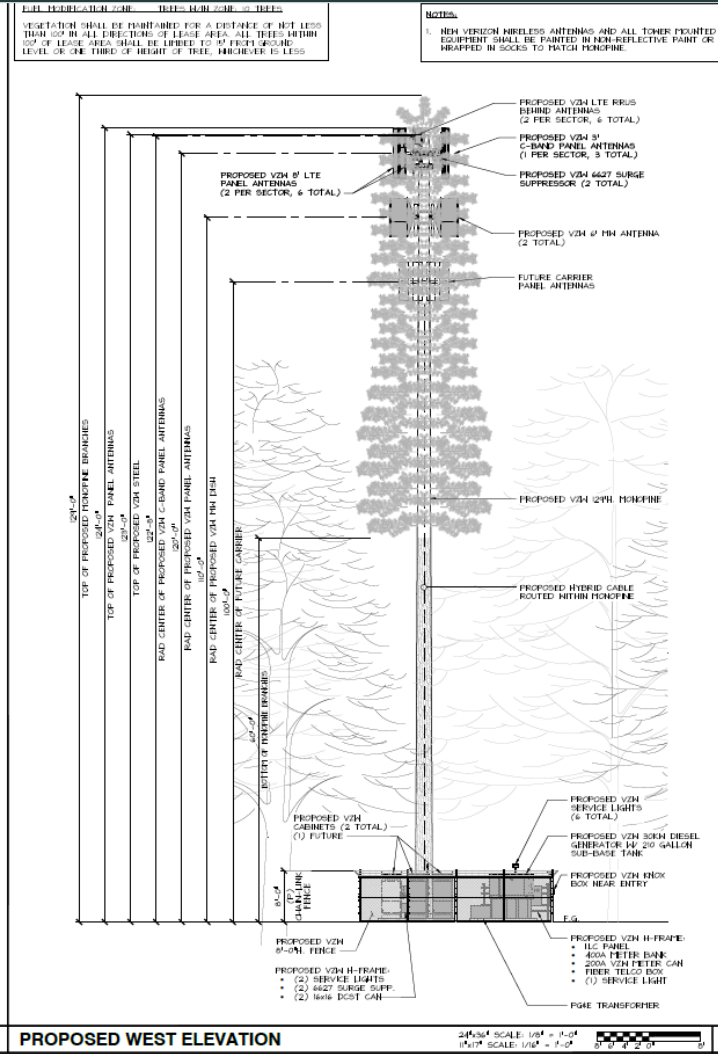
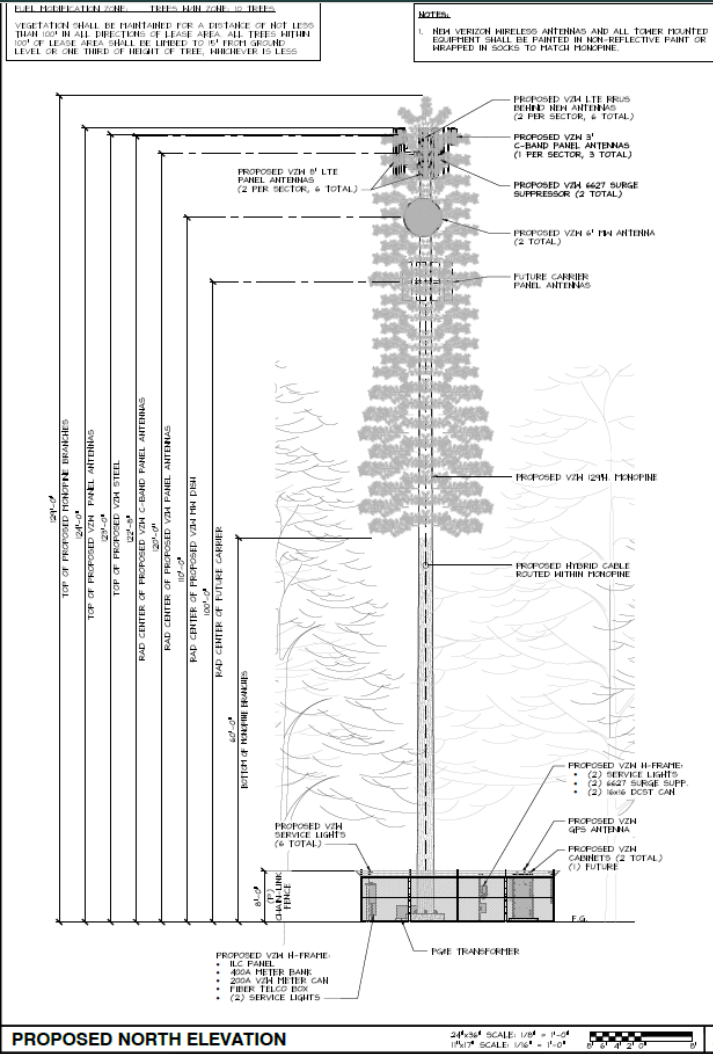
### 4.3 Statement of Compliance

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that Verizon's site is compliant with the FCC's RF Safety Guidelines.

### 4.4 Engineer Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000. I have reviewed this report and believe it to be both true and accurate to the best of my knowledge.





**verizon**  
2770 SHADELANDS DRIVE  
BUILDING 11  
WALNUT CREEK, CA 94598

**SEQUOIA**  
DIVERSIFIED SERVICES, INC.  
1 SPECTRUM BLVD, SUITE 100  
LAKE FOREST, CA 92643-2283

**ALLSTATES**  
ENGINEERING & SURVEYING  
23475 BIRCHER DRIVE  
LAKE FOREST, CA 92630

PROJECT ID: DOG BAR  
DRAWN BY: RC  
CHECKED BY: 95

REV	DATE	DESCRIPTION	LS
0	04/22/2024	ISS CIP FOR SUBMITTAL	96
1	05/13/2024	ISS CIP FOR REVIEW	15

**DOG BAR**  
WONLINE  
20896 DOG BAR RD  
GRASS VALLEY, CA 95949

SHEET TITLE  
ELEVATIONS

SHEET NUMBER  
A-5

# Agency/Public Comments

- A member of the public expressed concerns about the perceived health risks of cellular towers, aesthetic impacts, and noise from the standby generator.
- Northern Sierra AQMD asked that the contact information in a Condition be changed and asked for a condition stating that disturbance must still adhere to NSAQMD rule #226. Therefore, Condition D.3 is proposed to require a note on future building plans.
- The Central Valley Regional Water Quality Control Board provided a generic letter that includes comments that are not applicable to the project.

# Environmental Review

- The Planning Department prepared a draft Initial Study and a proposed Mitigated Negative Declaration (IS/MND) for the proposed project (Attachment 2). The Initial Study was available for a public review period of 31-days (spanning **May 7, 2024 to June 6, 2024 at 5:00 p.m.**).
- Based on the technical information submitted with this application, review of pertinent policy and regulatory documents, and consultation with appropriate local, state, and federal agencies, all of the potential impacts that were identified have been mitigated below levels of significance.

