

APPEAL HEARING

AT&T Mobility dba AT&T Wireless

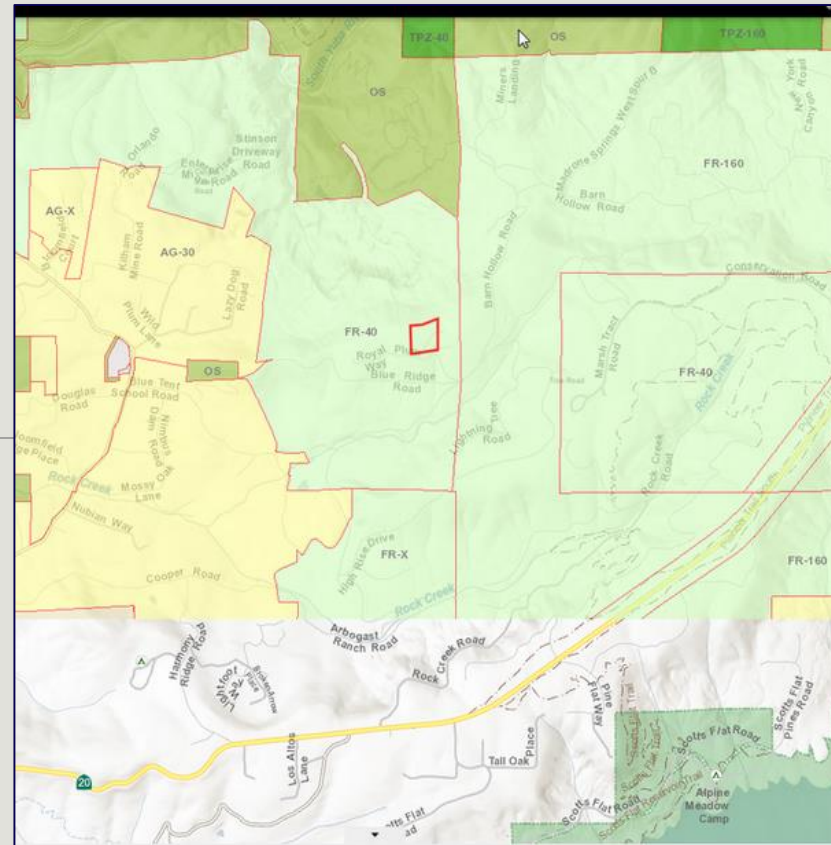
19406 Burning Bush Tele-Communication Facility

PLN17-0073; CUP17-0015; EIS17-022

APN:34-090-03

Project Planner: Coleen Shade, Senior Planner

Board of Supervisors
March 13, 2018



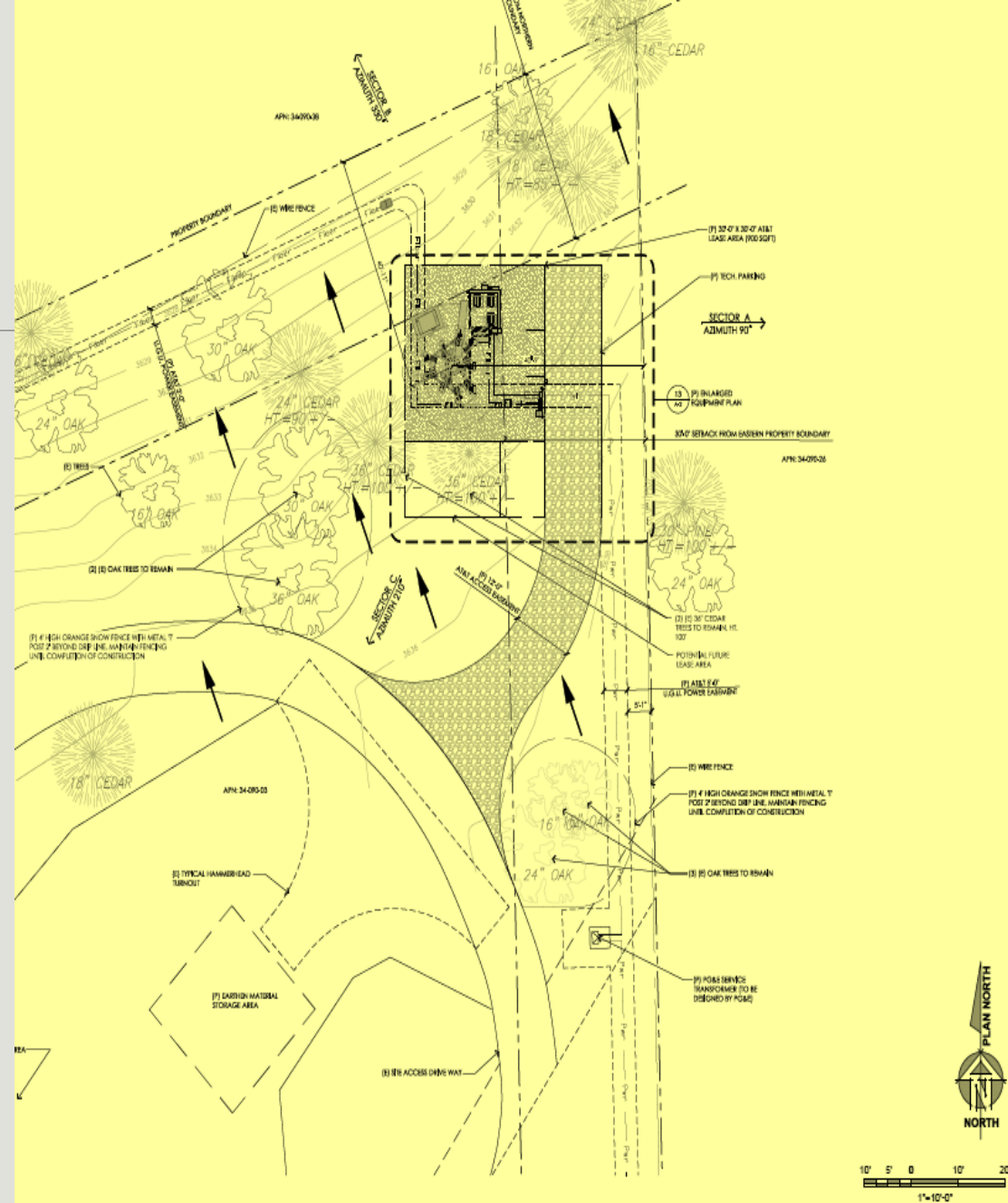
PROJECT SITE



- Nevada City Rural Area
- Approx. 5-miles northeast of Nevada City, 2.0 miles west of Conservation Road and Highway 20
- Zoning: Forest- 40 (FR-40)
- Surrounding Zoning: Forest, Agriculture, Open Space
- Mixed coniferous forest
- Developed 10.76 acre residential parcel.
- Paved access, gravel parking

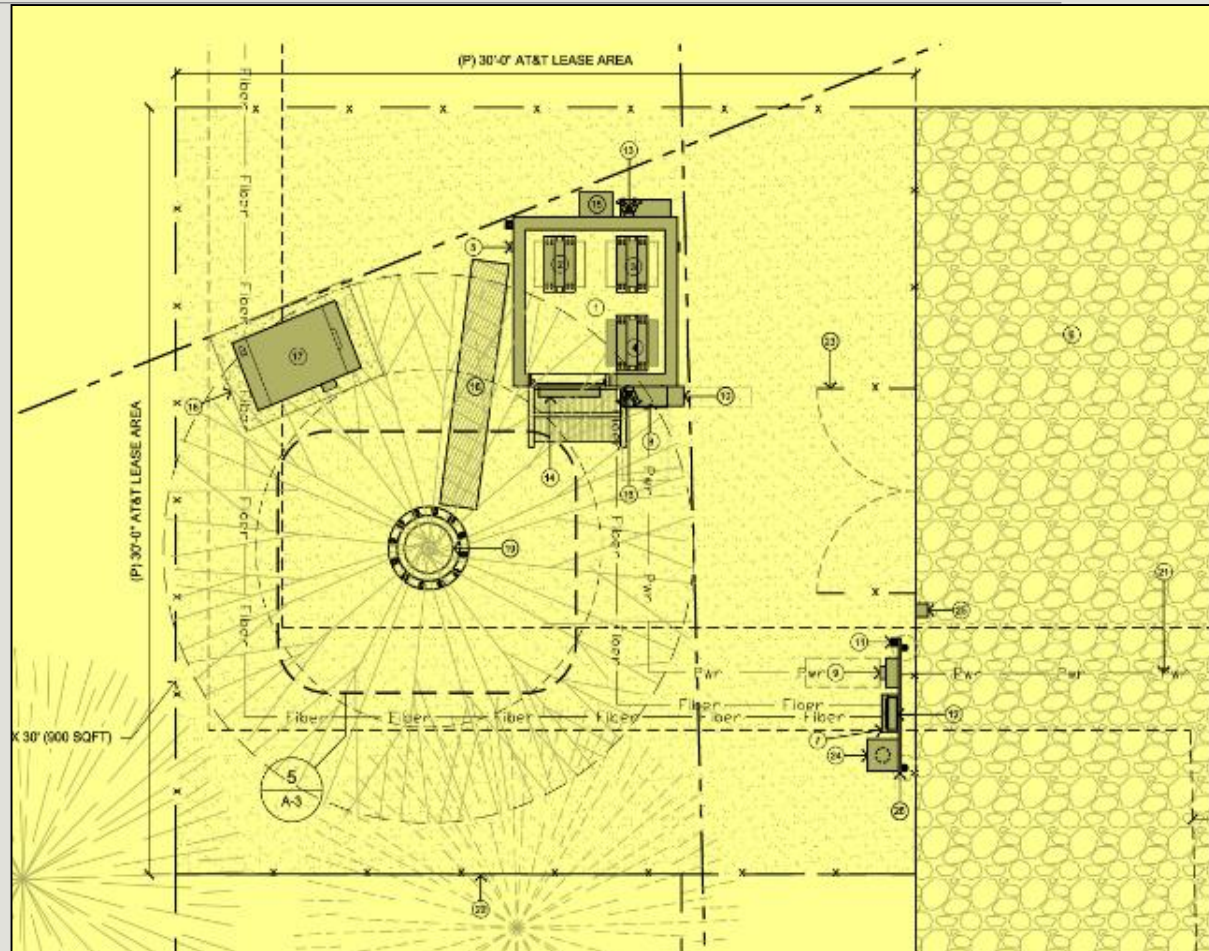
Approved Project CUP17-0073

- 30-foot x 30-foot lease-site in northeast corner.
- 130' tall mono-pine design.
- 9 panel antennas and 18 remote radio head/units.
- 80"x80" walk-in utility cabinet.
- 15kW emergency generator w/ 54 gallon diesel tank located within an acoustical cabinet.

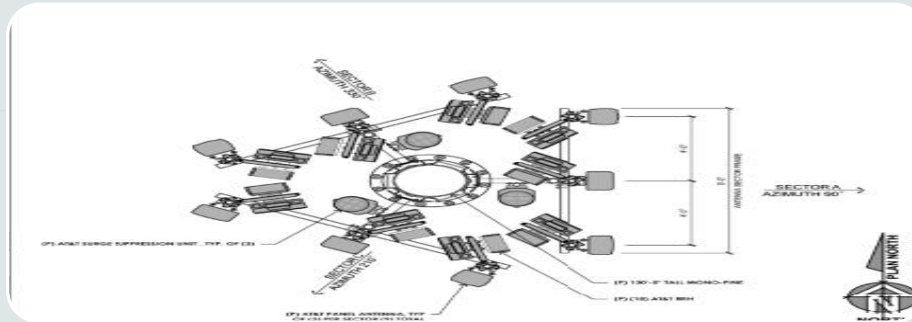


Approved Project CUP17-0073

- Two manually operated lights w/ cutoff shades.
- New utility easement and connection to PG&E. (documentation required prior to building permit)
- Facilities located outside 30-foot setback.
- Six foot tall solid redwood Fence surrounds lease site.



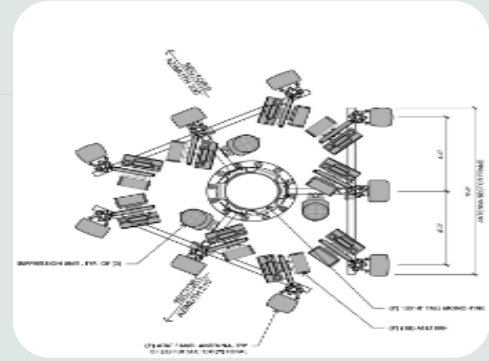
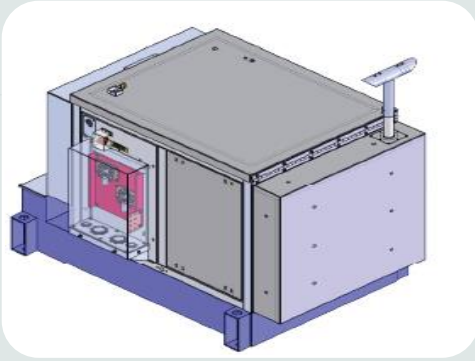
Telecommunications Act of 1996



The Telecommunications Act of 1996, as amended, 47 USC 332©(7)(B0(iv) specifically prohibits “local government from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

All towers are reviewed for licensing by the FCC after local jurisdiction approvals.

APPELLANT'S ARGUMENTS



CEQA

- + Migratory Birds
- + Noise
- + Aesthetics
- + Conflict w/ GP
- + Radio Frequency
- + Prepare EIR

General Plan & Land Use

- + Land Use
- + Compatibility
- + Setbacks
- + Noise Standard
- + Fire Hazard

RADIO-FREQ

- + Documentation FCC Compliance
- + Health Effects
- + Broadcast Interference
- + Location

NOISE ASSESSMENT

Exhibit 3

Property Line Modeling Results

SOURCE REFERENCE

Source	ID	Reference Noise Level			Averaged Maximum Level			Attenuation	Freq.	Direct	Height	Coordinates		
		Day	Evening	Night	Day	Evening	Night					X	Y	Z
		(Leq) dBA	(Leq) dBA	(Leq) dBA	(Lmax) dBA	(Lmax) dBA	(Lmax) dBA							
Generac DG035 35kW Generator	S1	65.0	65.0	0.0	65.0	65.0	0.0	20	500	1	3.00 g	-21.00	0.00	0.00
Marvair AVPA12AC	S1	56.0	56.0	56.0	56.0	56.0	56.0	20	900	1	3.00 g	-21.00	0.00	0.00

NOISE EXPOSURE AT SOUND WALL

Source	ID	Source Level		Absorption % STC	Modeled Level		Freq. (Hz)	Direct	Height (Ft.)	Coordinates		
		(Leq)			(Lmax)					X	Y	Z
		Day	Night		Day	Night						
Nearest Property Line HVAC Only	R1	56.00	56.00	19%	45.36	45.36	500	1	5.00 r	0.00	-3.00	0.00
Nearest Property Line Generator Only	R1	65.00	0.00	19%	52.65	0.00	900	1	5.00 r	0.00	-3.00	0.00
Nearest Property Line Combined	R1	65.00	56.00	19%	52.65	45.36	500 / 900	1	5.00 r	0.00	-3.00	0.00

* Generator restricted to daytime testing and operation outside of Emergency use, reference and modeling noise level for night time use reduced to 0.00 to reference this restriction

NOISE EXPOSURE AT NEAREST PROPERTY LINE

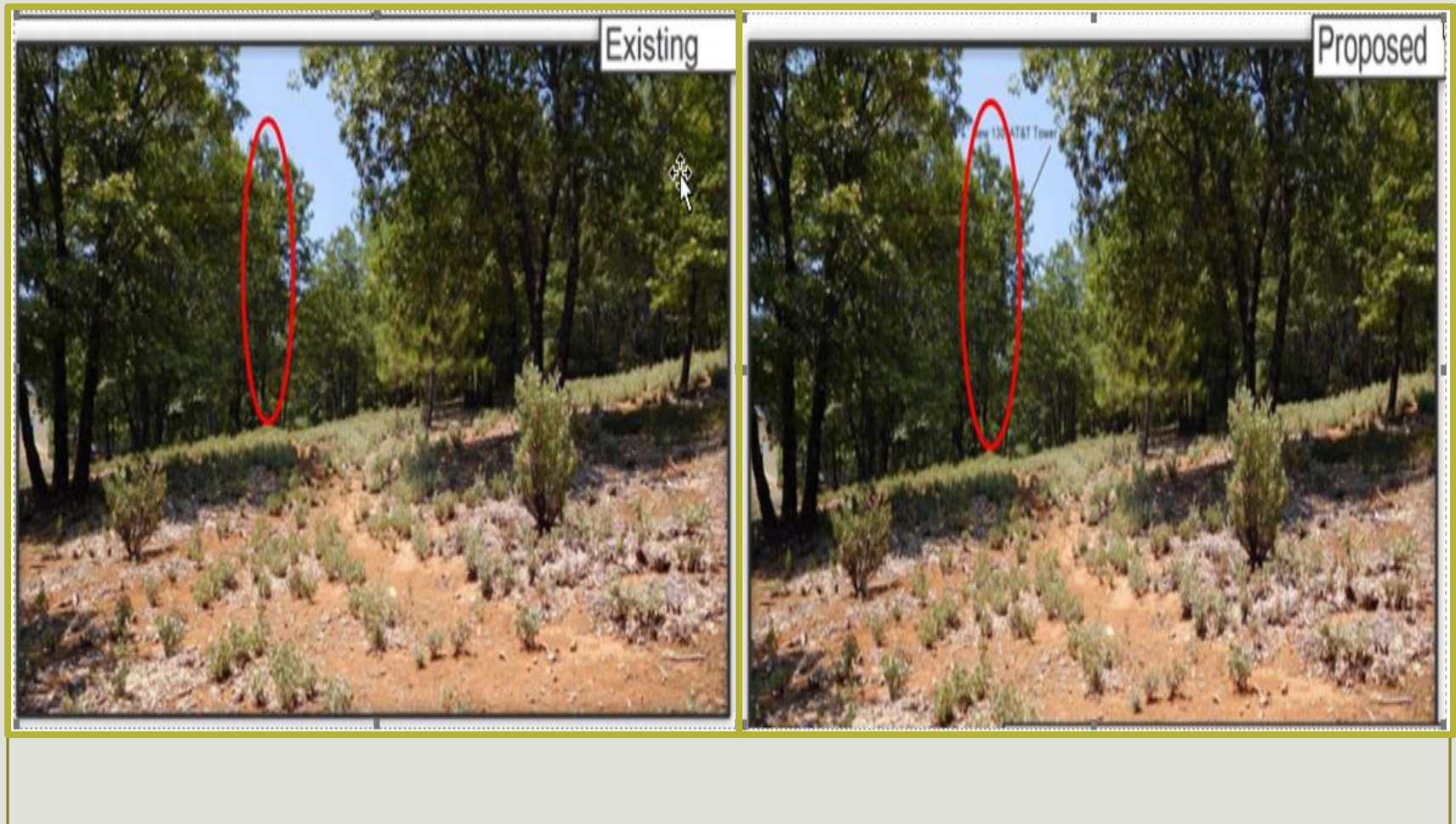
Source	ID	Modeled Level		Limit Value		Limit Test			Freq. (Hz)	Direct	Height (Ft.)	Coordinates		
		(Lmax)		(Lmax)		(Model Lmax < Limit Lmax)						X	Y	Z
		Day	Night	Day	Night	Day	Night	Pass / Fail						
Nearest Property Line HVAC Only	R1	33.60	33.60	75.00	40.00	-41.40	-6.40	Pass	500	1	5.00 r	0.00	-27.00	0.00
Nearest Property Line Generator Only	R1	40.90	0.00	75.00	40.00	-34.10	-40.00	Pass	900	1	5.00 r	0.00	-27.00	0.00
Nearest Property Line Combined	R1	40.90	33.60	75.00	40.00	-34.10	-6.40	Pass	500 / 900	1	5.00 r	0.00	-27.00	0.00

* Generator restricted to daytime testing and operation outside of Emergency use, reference and modeling noise level for night time use reduced to 0.00 to reference this restriction

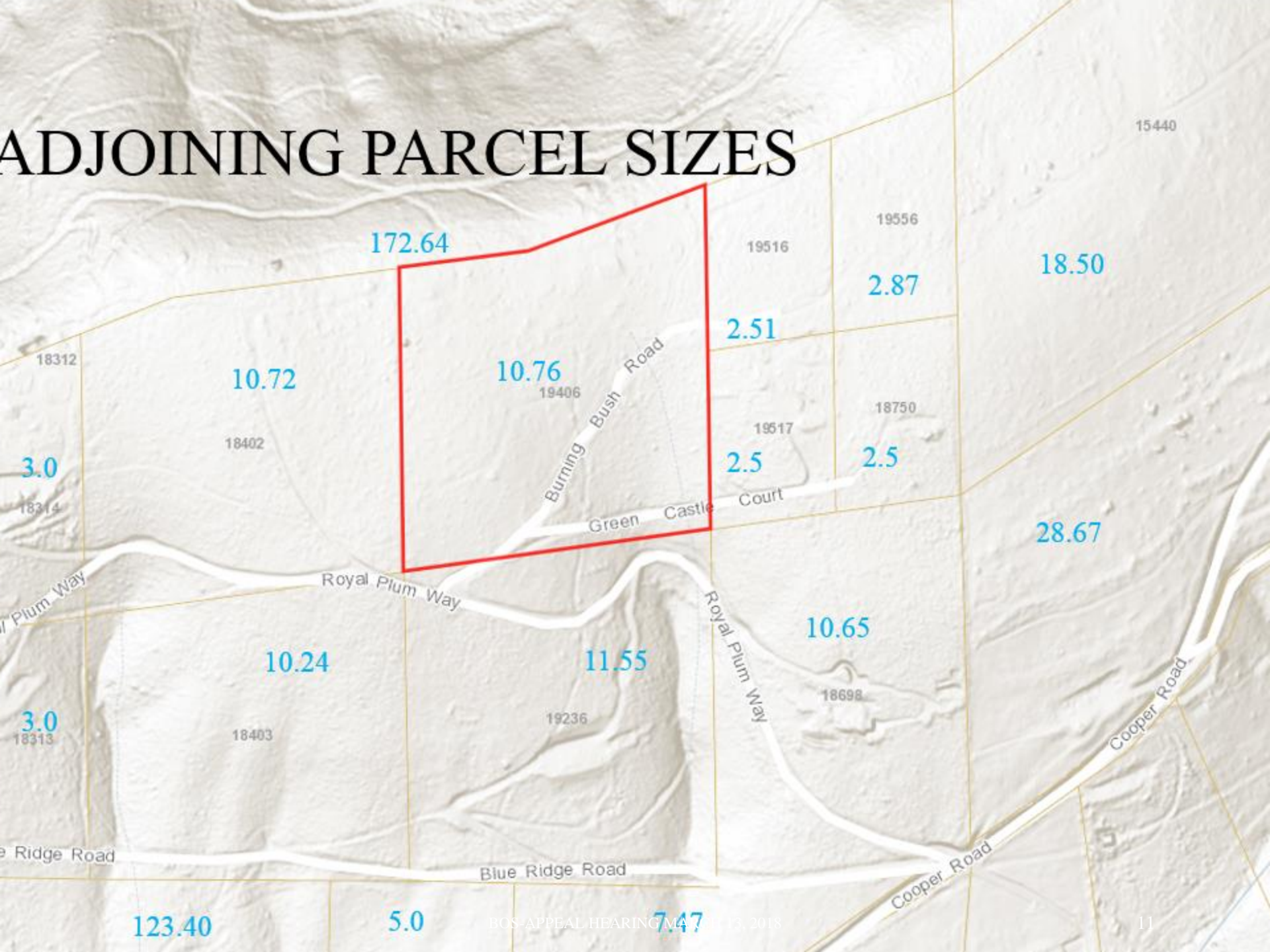
Scenic Simulations Burning Bush Road



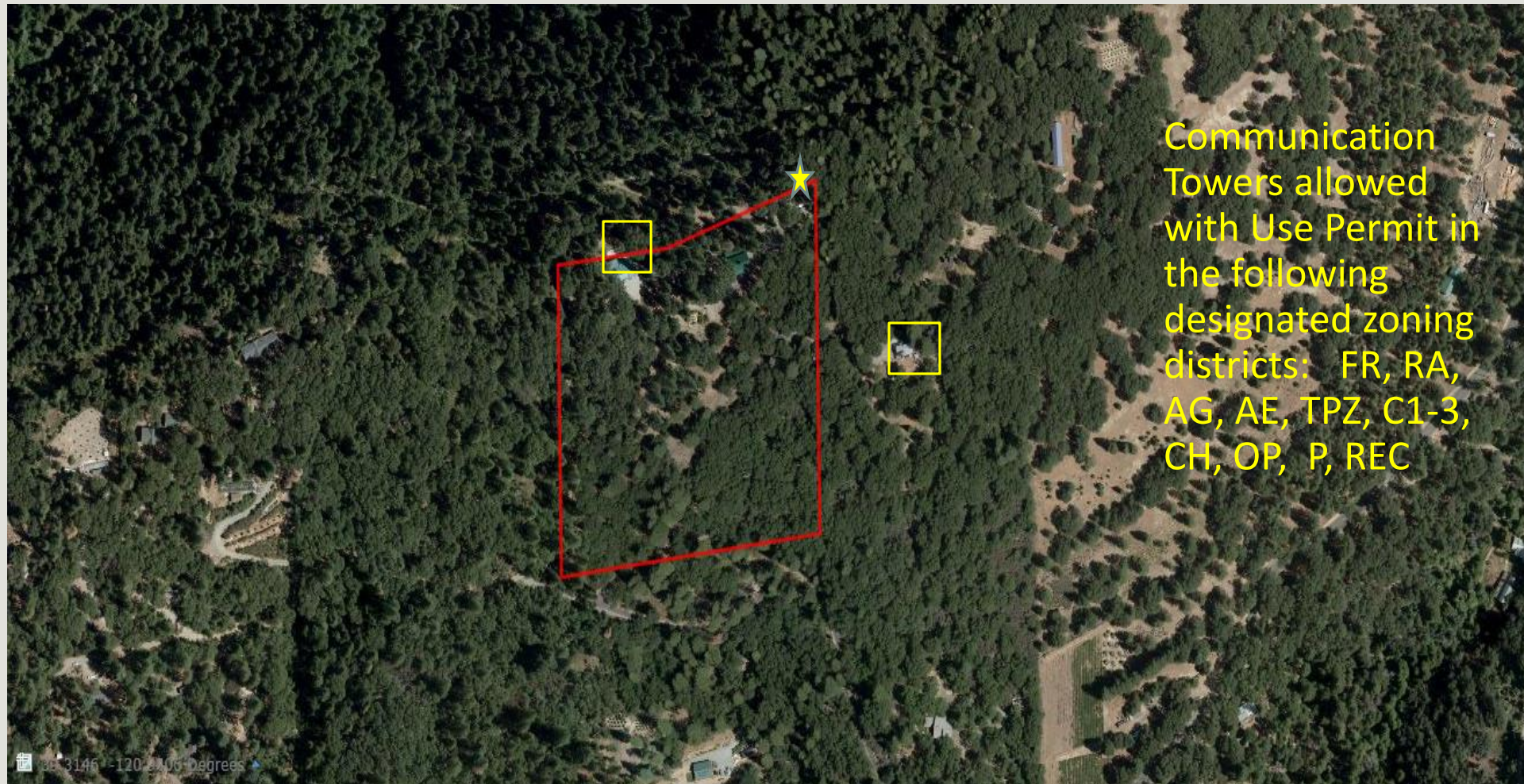
Scenic Simulations Barn Hollow Road



ADJOINING PARCEL SIZES

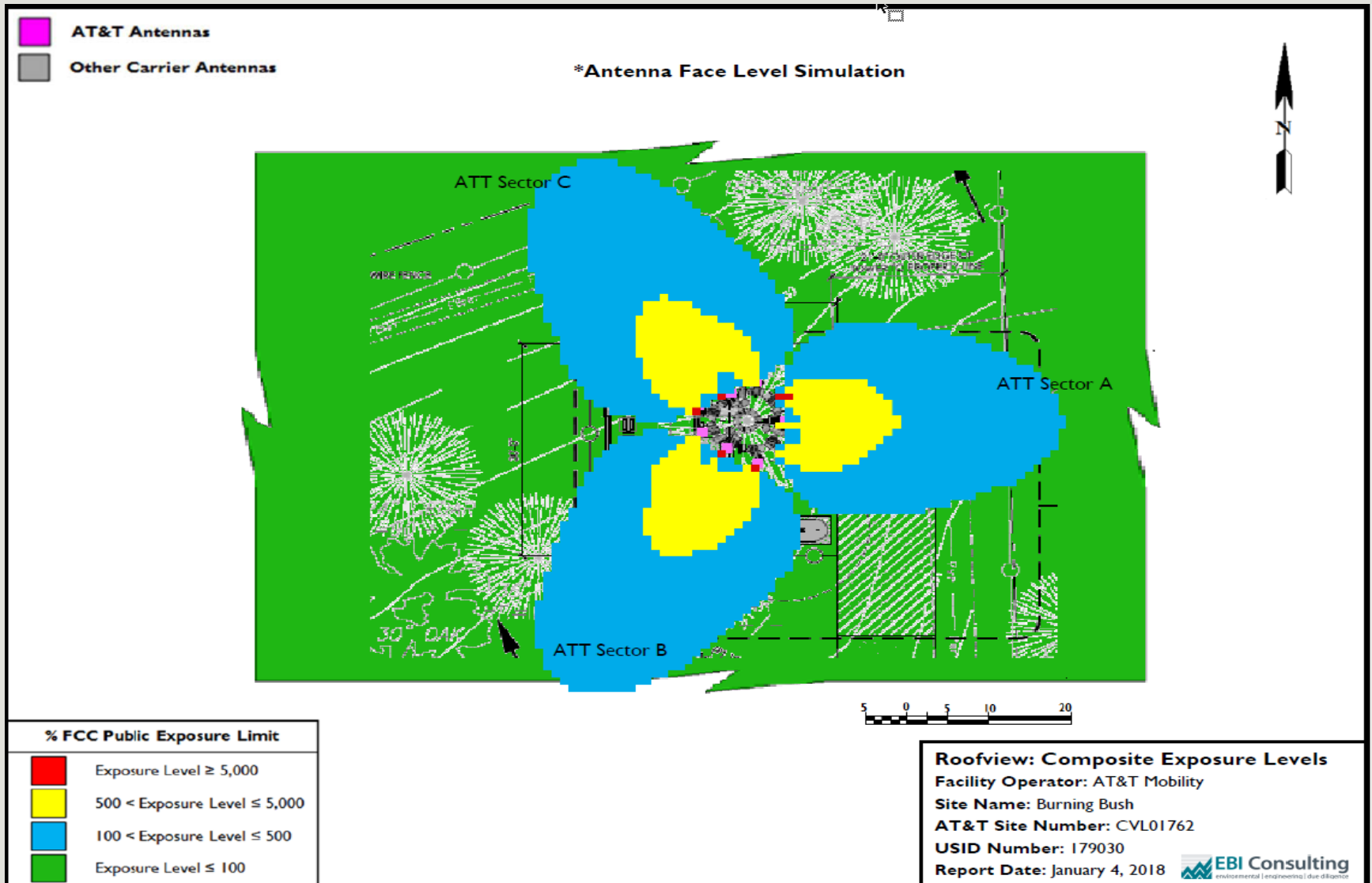


SURROUNDING USES



Communication Towers allowed with Use Permit in the following designated zoning districts: FR, RA, AG, AE, TPZ, C1-3, CH, OP, P, REC

RADIO FREQUENCY



Staff Recommendations

- Staff found that the project is consistent with Nevada County Land Use and Development Code and the General Plan.
- The project is found to have no significant environmental impacts as determined by the Initial Study and Mitigated Negative Declaration consistent with the California Environmental Quality Act (CEQA).
- Collectively, this information provides the reasons in support of the findings listed in the Resolution to deny the appeal and uphold approval of the Use Permit.
- Adopt the attached Resolution (Attachment 1) to deny the appeal and uphold the decision of the Zoning Administrator to approve Conditional Use Permit (CUP17-0015) for the AT&T Cell Tower Telecommunication Facility project.



Current and Proposed Coverage Area

