

Decision 87 12 053 DEC 17 1987**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the Matter of the Application for) | |
| Modification of Decision 86-06-058) | |
| Granting Application of Los Angeles) | |
| Cellular Telephone Company) | Application 83-04-21 |
| (U-3009-C) for a Certificate of) | (Filed April 4, 1983) |
| Public Convenience and Necessity to) | |
| Provide Cellular Radio Telephone) | |
| Service in the Greater Los Angeles) | |
| Metropolitan Areas.) | |

Dinkelspiel, Donovan and Reder, by David M. Wilson, Attorney at Law, for Los Angeles Cellular Telephone Company, applicant.
William Campbell, Director of Community Development, for the City of La Canada-Flintridge, interested party.
Scott L. Sanders and Robert A. Sleppy, for the Commission Advisory and Compliance Division.

OPINION ON PHASE 1 OF LACTC'S SEPTEMBER 9, 1987
PETITION FOR MODIFICATION OF DECISION 86-06-058

Statement of Facts

On April 8, 1983 Los Angeles Cellular Corporation (LA Cellular) filed Application (A.) 83-04-21 seeking certification as a non-wireline, or Block A cellular carrier in the Los Angeles Standard Metropolitan Statistical Area (SMSA). Its application for the non-wireline franchise was protested by LIN Cellular Communications Corporation (a California corporate association of Los Angeles RCC Inc. and Westel-Los Angeles Corporation) (LIN), and ICS/MCI-CMS as well as other aspirants for that franchise.

On June 22, 1983, pursuant to Federal Communications Commission (FCC) policy favoring settlements among competing applicants for such franchises, LA Cellular and LIN formed a partnership, determining to center their efforts to pursue the LA Cellular application then before this Commission. This successor

partnership was styled "Los Angeles Cellular Telephone Company" (LACTC), and on August 3, 1983 A.83-04-21 was amended to reflect this development.

On October 14, 1983 LACTC filed its Proponents Environmental Assessment (PEA), and on November 22, 1983 this Commission, as the Lead Agency for the project under provisions of the California Environmental Quality Act (CEQA), by Resolution T-10775 issued a Mitigated Negative Declaration applicable to the project. This Negative Declaration was prepared by the Commission staff to apply to the LACTC project as a whole, envisioning service and facilities to be provided throughout the entire LA SMSA. The function of the system was to provide communications and as there were no significant interferences with radio or television reception to be anticipated, it concluded there were no overall significant adverse impacts, leaving the only potential adverse impacts to be those associated with any individual structures which would be required at any of the initial specifically identified 24 cell sites at locations within the SMSA. These were seen as essentially aesthetic in nature, and accordingly it left any local potential adverse impacts to be mitigated by conditions to be set by the local permitting agency. Substantial expansion was also contemplated under the same overall conclusions, and future cell sites were left to be subject to the same permitting restrictions and considerations as the initially identified 24 cell sites. However, because of issues involving LACTC that were being heard at the federal level, the Commission withheld issuance of a certificate of public convenience and necessity (CPC&N) in 1983. On September 30, 1985 the FCC granted LACTC a construction permit for the Block A cellular franchise in Los Angeles.

On June 6, 1984 the Commission issued Resolution L-277 requiring the submission of additional information in connection with proposed cellular systems. It also developed that intervening events made it necessary for LACTC to revise the core system

locations described in its original application and PEA; LACTC retaining only 12 of the original locations, relocating others, and filling in with additional sites so as to be in position deemed necessary to be able to provide acceptable service to the 20,000 customer units anticipated to be on the system by mid-1986. LACTC anticipated that up to 42 sites would be necessary. On January 21, 1986 LACTC filed a "Motion for Ex-Parte Grant of a Certificate" based on the original application, various amendments, and supplemental information furnished on all 42 sites in response to Commission Resolution L-277, as well as some relocation of the LACTC Mobile Telephone Switching Office.

While the staff's first reaction was to prepare a new Negative Declaration, after review of the material submitted by LACTC, the Commission's Environmental Coordinator concluded that since CEQA encourages use of existing documentation to the greatest extent possible and a new PEA and study would not have provided anything new regarding overall environmental impacts of the project, and local jurisdictions would receive no greater protection than they already possessed, it would pursue use of the original Mitigated Negative Declaration. The affected local jurisdictions were invited to an April 21, 1986 meeting in Los Angeles to discuss use of the original declaration. Despite telephone reminders, none attended, leading staff to conclude that there were no major concerns with either the project or continued use of the existing Declaration.

Formal opposition on non-environmental issues having been either withdrawn or otherwise resolved, on June 25, 1986 the Commission issued Decision (D.) 86-06-058 in A.83-04-21. On that same date a Notice of Determination advising that the Commission had determined that the LACTC project would not have a significant effect on the environment and that a Negative Declaration had been adopted was filed with the State Office of Planning and Research. By D.86-06-058 LACTC was granted a CPC&N to construct, operate, and

maintain the Block A cellular radiotelephone system within the greater Los Angeles Metropolitan Area. On July 21, 1986, the application of Los Angeles SMSA Limited Partnership for rehearing of D.86-06-058 was denied.

One of the cell sites proposed in the original application was for a 50-foot monopole atop an existing office building at 4529 Angeles Crest Way in the City of La Canada-Flintridge. However, it developed that PacTel Mobile Access (the wireline cellular competitor in Los Angeles) installed its own antenna to the same rooftop. To minimize the possibility of harmful interference, LACTC agreed to place its antenna on a monopole alongside that 4529 Angeles Crest Way building; subsequently determining that a 100-foot monopole would be required. On January 21, 1986 an application for a conditional use permit was filed with La Canada-Flintridge. The City objected to that location and asked LACTC to designate alternatives. One such was behind the YMCA at 1930 Foothill Boulevard. The Planning Commission accepted this location after a hearing, adopting this Commission's Mitigated Negative Declaration. A number of homeowners in proximity to the YMCA appealed to the City Council. Before the Council heard the appeal the Planning Commission prepared its own Negative Declaration. After argument, but allowing no evidence on the Planning Commission's Negative Declaration, the City Council on February 23, 1987 adopted the Planning Commission's Negative Declaration and granted a Conditional Use Permit.

Contending principally that use of the YMCA site would present fire safety and construction problems associated with access difficulties, as well as possible interference with local air and helicopter evacuation corridors, on January 16, 1987 these local homeowners filed a petition before this Commission asking modification of D.86-06-058 to eliminate the YMCA site in favor of another. They contended that under CEQA a Negative Declaration as

to one site does not automatically apply for a substituted site, and that petitioners had had no opportunity to contest the YMCA site adopted instead of the 4529 Angeles Crest Way site.

These same homeowners also entered Los Angeles County Superior Court (Case No. 638, 081, Isenberg v La Canada-Flintridge) asserting that the City Council had denied them opportunity to present evidence and argument in opposition to its Negative Declaration.¹ The Court entered judgment and a preemptory writ of mandamus against the City and LACTC, setting aside the February 23, 1987 Council decision and remanding to the Council for further proceedings on the ground that notice of the Council's Negative Declaration was improper.

An acceptable site in La Canada-Flintridge is deemed essential to LACTC's ongoing service to the public. The key feature of this cell is the intersection of two major highways; i.e., Highway 2 between Glendale and La Canada-Flintridge, and Highway 210 between Pasadena, La Canada-Flintridge and various communities to the northwest. Coverage of these arterials and of the City of La Canada-Flintridge is essential to the system as it is estimated that 5,200 calls daily are generated from or dedicated to mobile units in the area and must be processed through this cell. Therefore, while construction of the permanent installation behind the YMCA was immediately suspended in obedience to the Superior Court order, operation of a portable unit temporarily placed at that location in late February 1987 has since been continued. Without it there would be no coverage at all in either La Canada-Flintridge or in parts of Glendale, and continuous telephone conversations in suburban areas in the vicinity would not

1 Another group of homeowners brought a separate but related action in Los Angeles County Superior Court entitled Yeghian v City of La Canada-Flintridge, No. C 643793.

be possible, resulting in great loss of revenue and irreparable damage to LACTC's ability to compete with Pactel Cellular. Such competition is a major objective of both the FCC and this Commission.

The Isenberg and Yeghiazian actions were finally resolved by a settlement in which LACTC agreed to abandon the YMCA site and seek approval from both this Commission and the City for location of its permanent facility on yet another site within La Canada-Flintridge. Meanwhile LACTC would be permitted to continue temporary operation of its portable transmitter at the YMCA site pending completion of the new facility. LACTC located a technically acceptable site at 1370 Foothill Boulevard in the City midway between the two previous sites. In a generally commercial area, the transmitter would be located within a two-story medical building with a roof-mounted antenna ultimately to consist of nine 2 x 4-foot panels. During an interim period four to six 14-foot tall whip antennas would be used.

On June 4, 1987 LACTC filed a Supplement to its PEA applicable to the new location at 1370 Foothill Boulevard. This Supplement also contained information pertaining to an existing cell site located on top of Beacon Hill in the City of Norco. The Conditional Use Permit granted November 19, 1986 by that City included a requirement that in the event a new building were to be constructed at or near the cell site, the present 150-foot monopole would be removed and replaced by a roof-mounted antenna on the new building. The inclusion was to incorporate the Norco requirement in an amended negative declaration.

Thereupon the Commission's Environmental staff prepared an Initial Environmental Study to assess the potential effects, including visibility, of both the temporary YMCA facility and the planned 1370 Foothill Boulevard site, and the minor change relative to the City of Norco condition with regard to the Beacon Hill site. Their conclusions led them to preparation of a Proposed Amendment

to the overall project Negative Declaration adopted November 22, 1983 in Resolution T-10775 by this Commission. The proposed amendment, attached hereto as Appendix A, is in effect an addendum to the original Negative Declaration for the project. It concludes that these additional three facilities would not have any substantial adverse effects on the environment. However, *inter alia*, with respect to the 1370 Foothill Boulevard installation, it requires that while LACTC must obtain a Conditional Use Permit for the facility (which LACTC applied for on August 1, 1987), the City of La Canada-Flintridge may not impose conditions which would degrade the technical efficiency of the system, or prejudice the financial viability of the site, or delay construction on that site.² The site and height of the proposed antenna have been selected so as to minimize the project's technical and aesthetic environmental impacts while still providing the precise radio coverage requirements for the system in that vicinity. The Negative Declaration addendum was made available for a 20-day public review period from August 1, 1987 to August 21, 1987. Notice of this comment period was given to all interested parties, including owners of property situated within 300 feet of the 1370 Foothill Boulevard building. The only comment received was that from the City. While the City agreed in principle with content of the proposed addendum, or amended Negative Declaration, the City asked that the Commission hold a hearing to receive possible comment before adopting the Negative Declaration and amending the CPC&N granted in 1986 by D.86-06-058, thus clearly reflecting

2 The City may consider such project details as the design, color, and type of materials used in the antenna mounts, the specific configuration of the equipment used on the site, and any other relevant matters pertaining to local building or zoning requirements.

addition of the 1370 Foothill Boulevard site and facility to the LACTC system.

As a consequence of these La Canada-Flintridge developments, and delays occasioned in other jurisdictions out of the local permit process adopted and relied upon by the Commission for this system's individual site certifications, delays which in some instances have held up construction of expansion cells in the LACTC system for more than a year, and which in cases have forced LACTC to accept what it asserts to be technically inferior sites, as well as causing customer inconvenience, on September 9, 1987 LACTC filed this petition before the Commission seeking modification of the permit procedure through broader application of the Commission's preemptive powers under CEQA and Public Utilities (PU) Code § 701. LACTC alleges that some municipalities believe they can exclude cellular facilities entirely; others that they can force LACTC's facilities to be co-located with those of PacTel Cellular or exclude LACTC's facilities where co-location rights are denied; others that they can designate other and/or technically inferior sites; and that the Negative Declaration does not apply to expansion sites required when cells must divide.

Because of the immediate need to get construction underway at the 1370 Foothill Boulevard permanent facility site accepted by LACTC, and to remove the temporary YMCA facility, and accommodate the City of Norco's requirements, the Administrative Law Judge (ALJ) bifurcated the proceeding into two phases, with Phase I to apply to the 1370 Foothill Boulevard-YMCA matters, and to the Norco facility, and Phase II to apply to the broader issues raised by LACTC's petition seeking modification of the Commission's procedure for environmental review and construction authority to be applicable to all future LACTC cellular sites.

A duly noticed public hearing³ was held before ALJ John B. Weiss in Los Angeles on November 13, 1987 to receive comment from the general public and interested parties on the Initial Study and Negative Declaration addendum prepared relative to the minor project changes encompassed by the Foothill Boulevard, YMCA, and Beacon Hill Norco sites. Apart from a representative of the City of La Canada-Flintridge, no members of the public attended.

At the conclusion of the hearing the matter was submitted on Phase 1.

Discussion

PV Code § 1001 confers upon this Commission jurisdiction to certificate radiotelephone utilities, a class of telephone corporation, and to authorize construction of their systems or extensions thereto. LACTC is a radiotelephone utility subject to the jurisdiction of this Commission. Before undertaking construction of its LA SMSA radiocellular telephone system, it was obligatory that LACTC obtain our certificate. Unlike some utility systems, a radiocellular telephone system is not a local installation alone, it provides an overall blanket coverage service specifically designed to serve a relatively large metropolitan area. A call from a car or portable telephone travels over radio waves to "cell" stations placed strategically through the calling region. A central switching station connects that radio signal to the regular public telephone network, and as the auto with the phone travels from one cell to the next, the switch hands off the signal without interruption from one receiving cell antenna to the

3 Notice of the hearing was mailed to all interested parties, including the legal representative of record for the YMCA area homeowners, homeowners of record within 300 feet of the 1370 Foothill Boulevard site, and governmental entities within the LACTC SMSA area.

next. As volume grows cells must be divided amoeba-like to cover smaller areas, thus reducing static and improving the quality of the reception. Network construction costs are very substantial and cellular construction costs will climb as carriers expand. Delay costs money and incomplete networks alienate customers.

It has long been settled that the business of supplying the people with various forms of telephone service is not a municipal affair; it is a matter of statewide concern, and the Legislature, pursuant to the authority contained in Section 23 of Article XII of the California Constitution, has vested in this Commission the exclusive jurisdiction to supervise and regulate telephone utilities (Pac. Tel. & Tel. Co. v City of Los Angeles (1954) 44 C 2d 272). Whenever this Commission, after opportunity to be heard, determines that a new facility should be constructed to obtain an adequate service, it shall make and serve its order directing the utility to erect such facilities, and it also has authority to determine and fix the site for such facilities (PU Code § 762).

This Commission, after notice and opportunity to be heard, on June 25, 1986 granted LACTC authorization to construct and operate a cellular mobile telecommunications system in the LA SMSA (D.86-06-021). This authorization included the specifically identified site at 4529 Angeles Crest Highway in La Canada-Flintridge. While in the exercise of our broad jurisdiction this Commission may also do all things, whether specifically designated in the Public Utilities Act or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction (PU Code § 701), our exercise must also be consonant with the requirements of CEQA. CEQA attempts to minimize adverse effects of public and private projects, and governmental agencies such as this Commission may use the procedures mandated by CEQA to evaluate potential significant adverse environmental effects of any discretionary projects they approve. After an initial study and

opportunity afforded responsible local agencies to participate, if we determine that a project is unlikely to have a significant adverse impact on the environment, we may prepare and file a Negative Declaration and allow the project to proceed, whether or not the responsible local agency concurs. Under Pub. Res. Code § 21080.1 and Cal. Admin. Code Title 14 § 1505, the determination of a lead agency that a Negative Declaration is sufficient for purposes of CEQA is binding on all parties after the 30-day statute of limitations for judicial review set forth in Pub. Res. Code § 21167 lapses. In this instance, this Commission in 1983 by Resolution T-10775 issued a Negative Declaration applicable to the entire project, including the 4529 Angeles Crest Highway site. That Declaration had become final and LACTC was authorized to proceed with that site subject only to the City's mitigation conditions relative to landscaping, color control, and other essentially minor conditions to be determined in the City's Conditional Use Permit process.

To accommodate the City when the City raised new matters during that permit process, LACTC agreed to abandon its Commission derived authority to construct a cell facility on the 4529 Angeles Crest Highway site, and to substitute the YMCA site instead. The problem with that determination by LACTC was that it was perceived as taking a new site that was not under the umbrella of the Commission's Negative Declaration for the project, and it opened a path for environmental challenges on a local basis.

The agreement which finally resulted locally has focused upon use of the 1370 Foothill Boulevard site, with temporary interim use of the YMCA site to prevent a technically intolerable hole in the network coverage of the SMSA pending completion of the permanent facility at 1370 Foothill Boulevard. The proposed Negative Declaration addendum we are adopting by this decision inter alia concludes that the roof-mounted antenna on the building at that address, although visible to some degree from certain

points, minimizes the impact of the project on the environment, so that taken together with housing all associated electronic equipment inside the building, the project at that location will not have any substantial adverse effect on the environment. Opportunity was given for public and local agency comment. The Commission hearing sought by the City was held. There was no public response. The Norco condition involving a minimum change was accepted by LACTC and also has been incorporated in the Negative Declaration addendum attached hereto as Appendix A, the addendum we are adopting by this decision. Our Executive Director will be directed to file the appropriate Notice of Determination with the Secretary for Resources in Sacramento in compliance with the requirements of Pub. Res. Code §§ 21008 and 21152. Further, LACTC will be granted a Supplement to the CPC&N for the project to add a cell site at 1370 Foothill Boulevard in the City of La Canada-Flintridge, replacing the 4529 Angeles Crest Highway site.

In that this decision is issued merely to formally signify our approval and adoption of an addendum Negative Declaration amending the project Negative Declaration, we approved and adopted by Resolution T-10775 on November 13, 1983, it is a procedural decision, and as such does not require compliance with the proposed decision filing requirements of Article 19 of our Rules of Practice and Procedure. The proceeding in chief, which relates to LACTC's petition to modify D.86-06-058, remains open for further process and eventual decision.

Findings of Fact

1. LACTC by A.83-04-21 sought certification as a facilities based cellular carrier on April 4, 1983.
2. This Commission is the Lead Agency for the project under CEQA, and by Resolution T-10775 issued November 3, 1983, issued a Mitigated Negative Declaration for the project as a whole.
3. Under the terms of that Mitigated Negative Declaration, within certain limits, conditions imposed by local agencies

pursuant to their Conditional Use Permit processes for individual sites are incorporated as mitigation measures of the Negative Declaration.

4. The Mitigated Negative Declaration having become final as relevant here, on June 25, 1986 this Commission issued D.86-06-058 awarding LACTC a CPC&N.

5. On August 5, 1986, LACTC filed an application for a Conditional Use Permit from the City of La Canada-Flintridge for that cellular facility described in its application for siting at 4529 Angeles Crest Highway in the City.

6. At the City's request, LACTC filed an alternate application for another site to be located at the YMCA site at 1930 Foothill Boulevard in the City, and was granted a permit.

7. A group of adjoining landowners challenged the City's grant of a permit in Superior Court and obtained judgment and a preemptory writ of mandamus against the City and LACTC setting aside the City's permit and remanding for further proceedings.

8. During pendency of this and another landowners' suits, LACTC operated from the YMCA site by means of a temporary transmitter-receiver to avoid leaving a hole in its system coverage, and continues to so operate.

9. Under a settlement LACTC determined upon a site at 1370 Foothill Boulevard in the City, and filed this petition on September 9, 1987 to seek modification of the Commission's existing Mitigated Negative Declaration to (1) include the new site, and (2) clarify the process by which additional cell sites would be established.

10. Staff completed an Initial Study and prepared an amendment to the Mitigated Negative Declaration of the Commission in the form of an addendum to encompass the temporary operations at the YMCA site and the permanent new 1370 Foothill Boulevard site, as well as a minor condition requested by the City of Norco with reference to the Beacon Hill site in that City.

11. Notice of the comment period for the addendum to the Mitigated Negative Declaration was given to all interested parties, including property owners within 300 feet of the 1370 Foothill Boulevard site.

12. The City of La Canada-Flintridge submitted the only comment which was to request a public hearing on the proposed Declaration before the Commission.

13. That part of LACTC's petition relating to addition of the 1370 Foothill Boulevard site was denoted as a Phase 1 proceeding by the assigned ALJ with the balance of LACTC's petition being reserved.

14. Notice of the Phase 1 hearing held November 13, 1987 in Los Angeles by the Commission was sent to all interested parties, including property owners within 300 feet of the new site.

15. There was no public response at the November 13, 1987 hearing other than an appearance by a representative of the City of La Canada-Flintridge.

16. The construction proposed for the 1370 Foothill Boulevard site will have no significant effect on the environment, nor will the temporary operation at the YMCA.

17. The condition imposed by the City of Norco is a minor change to the cellular facility as it was originally conceived and will have no significant effect on the environment.

18. An acceptable site in La Canada-Flintridge is essential to LACTC's ongoing service to the public, and the 1370 Foothill Boulevard site is particularly well adapted as such site, and is necessary to the construction and operation of the system.

Conclusions of Law

1. Partially changed circumstances require that the Commission adopt an Amended Negative Declaration addendum, as set forth in Appendix A, to reflect a change in location of one of the original cell site locations, and to reflect our determination that

the substituted site and its facilities will not have significant adverse impacts on the environment.

2. Public convenience and necessity require granting the petition contained in LACTC's September 9, 1987 filing to the extent of substituting the 1370 Foothill Boulevard site for the original site set forth in A.83-04-21, and to allow temporary operation at the YMCA site in La Canada-Flintridge until completion of the permanent facility.

PHASE 1 SUPPLEMENTAL ORDER TO D.86-06-058

IT IS ORDERED that:

1. The Amended Negative Declaration attached to this order as Appendix A is approved as an addendum to the Mitigated Negative Declaration adopted November 3, 1983 by our Resolution T-10775.

2. The condition imposed by the City of Norco is incorporated in above adopted Amended Negative Declaration addendum.

3. The Executive Director of the Commission is directed to file a certified copy of the Amended Negative Declaration authorized herein with the State Secretary of Resources in Sacramento.

4. The Certificate of Public Convenience and Necessity granted to Los Angeles Cellular Telephone Company is supplemented to provide that said certificate also specifically includes a cell site for location as provided in this decision at 1370 Foothill Boulevard in the City of La Canada-Flintridge.

5. Except as provided in this Opinion and Supplemental Order, the matters raised in the applicant's petition to modify D.86-06-058 are reserved. This proceeding remains open.


This order is effective today.

Dated DEC 17 1987, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Frederick R. Duda
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Woltz, Executive Director

AB

APPENDIX A

AMENDED NEGATIVE DECLARATION

PURSUANT TO DIVISION 13
CALIFORNIA PUBLIC RESOURCES CODE

Project Description: The California Public Utilities Commission (PUC) proposes to grant a Certificate of Public Convenience and Necessity to the Los Angeles Cellular Telephone Company (LACTC) for certain supplemental amendments to its mobile telephone system serving the Greater Los Angeles Metropolitan Area.

The new components that are addressed in this document include: (1) the continued use of a temporary cellular telephone transmitter (the "Temporary Facility") located on a paved storage area of the La Canada-Flintridge YMCA at 1930 Foothill Boulevard until a permanent transmitter can be obtained and placed into operation; (2) installation of a permanent cellular telephone antenna (the "Permanent Facility") on the roof of a two-story medical building at 1370 Foothill Boulevard in La Canada-Flintridge; and (3) recognition of a condition imposed by the City of Norco on LACTC relating to a minor change in the future location of the cellular antenna in that city.

Findings: An Initial Environmental Study (attached) was prepared to assess the potential effects of the Temporary and Permanent Facility on the environment and the significance of those effects. Based upon the initial study, the facilities will not have any substantial adverse effects on the environment. This conclusion is supported by the following findings:

1. The Temporary Facility at 1930 Foothill Boulevard La Canada-Flintridge, will not have a significant effect on the geology, geomorphology, soils, climate, hydrology, aesthetics, vegetation or wildlife of the antenna sites.
2. The Temporary Facility will have no significant effect on municipal or social services, utility services or community structure.
3. The Temporary Facility will not have a significant adverse effect on air or water quality, the existing circulation system, ambient noise levels, on public health.

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4. Because the individual systems operate at a low power level in frequency bands well-separated from television and ordinary broadcasting frequencies, no significant interference with radio or television reception is anticipated from the Temporary Facility or Permanent Facility.
5. While the Temporary Facility is located at the YMCA in the City of La Canada-Flintridge it is visible from some adjacent residences, the visual impacts are minimized by the generally isolated location of the trailer-mounted transmitter in a storage area behind the YMCA; the low height of the antennas and transmitters being used on this unit, the partial shielding of certain direct views of this trailer by existing mature vegetation; and the temporary nature of this installation. This installation will be removed as soon as a permanent antenna has been put into operation to serve the La Canada-Flintridge area.
6. Although the Permanent Facility will be visible from certain points along Foothill Boulevard and other surrounding areas, the visual impacts of this site are expected to be minimal because of: (1) the low height of the antenna on the roof; (2) the shielding of many direct views of the antenna by existing mature vegetation, other buildings, and adjacent utility structures; (3) the commercial/retail land use setting of the antenna site; (4) the distance between most viewers and the antenna; and (5) the design of the antenna structure. This site and the height of the proposed antenna have been selected so as to minimize the project's impact on the environment while still providing the precise radio coverage requirements of the cellular system.
7. All electronic receiving and transmitting equipment associated with the Permanent Facility will be housed inside the building at 1370 Foothill Boulevard to prevent loss of parking spaces on this parcel.
8. The City of Norco has required that the 150 foot monopole antenna which has been constructed on top of Beacon Hill in Norco be removed and the antenna equipment relocated to the roof of a major, multiple story building, if such a building is constructed on or adjacent to the antenna site. LACTC has agreed to this condition which is a minor change to the project as it was originally conceived and which will not have any significant effect on the environment.

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9. As reflected by Commission records, all interested parties, including persons owning property within 300 feet of the Permanent Facility, were served with notice of the Comment Period for the Proposed Amendment to the Mitigated Negative Declaration and with notice of this hearing.

To assure that significant adverse effects do not occur as a result of the Permanent Facility, the following conditions are incorporated into this Amendment to the Negative Declaration which was the subject of the Commission's Resolution T-10775:

1. On August 8, 1987, LACTC filed an application for a conditional use permit from the City of La Canada-Flintridge ("City") to construct the Permanent Facility. Pursuant to its approval process for that Application, the City may consider such project details as the design, color and type of materials used in the antenna mounts, the specific configuration of the equipment used on the site, and any other relevant matters pertaining to local building or zoning requirements. However, no conditions imposed by the City for the issuance of a conditional use permit (of any other required permit) for the Permanent Facility shall not (a) degrade the technical efficiency of LACTC's cellular system; (b) prejudice the financial viability of the 1370 Foothill Boulevard site; or (c) delay the completion of a cellular facility on the 1370 Foothill Boulevard site.
2. The temporary transmitter at the YMCA in the City of La Canada-Flintridge will not have a significant effect on the environment.
3. The cellular facility proposed for the site at 1370 Foothill Boulevard will not have a significant effect on the environment.
4. LACTC has filed a petition for modification of its certificate of public convenience and necessity so as to clarify the procedure for environmental review and approval with regard to future expansion or fill-in sites in its system. A separate hearing will be held for determination of that petition, and the amendment of the Mitigated Negative Declaration with regard to the sites at Norco and La Canada-Flintridge will not be a part of that hearing.

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5. The condition imposed by the City of Norco relating to the possible change in location of the LACTC site in that City shall be deemed incorporated in this amendment.

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CALIFORNIA PUBLIC UTILITIES COMMISSION

INITIAL ENVIRONMENTAL STUDY
CHECKLIST

Project Title: Los Angeles Cellular Telephone Company

Supplemental Facilities

Study Date: July 29, 1987

APPENDIX A

I. BACKGROUND INFORMATION

A. Name of Project:

Los Angeles Cellular Telephone Company System Supplemental Facilities.

B. Project Description:

The California Public Utilities Commission (PUC) proposes to grant a Certificate of Public Convenience and Necessity to the Los Angeles Cellular Telephone Company (LACTC) for certain supplemental amendments to its mobile telephone system serving the Greater Los Angeles Metropolitan Area. This Initial Study addresses three changes to the system as it was originally proposed. These changes are as follows:

1. YMCA Temporary Transmitter Site. LACTC presently has a temporary trailer-mounted transmitter located on a small paved storage area behind the YMCA at 1930 Foothill Boulevard in the City of La Canada-Flintridge (see Figure 1). Necessary cellular telephone receivers and transmitters are mounted 30 inches above the top of this trailer unit. This temporary facility was put into service by LACTC to provide cellular telephone service to the La Canada-Flintridge area until a permanent antenna site in this community could be obtained and put into operation.

LACTC planned to construct a permanent antenna site behind the YMCA building at the request of the City of La Canada-Flintridge due to environmental concerns with the Company's original site at 4529 Angeles Crest Way. The City granted LACTC permission to use this site after preparing the necessary environmental documents. Residents living adjacent to this site subsequently objected to the antenna's proposed permanent site at the YMCA because of aesthetic concerns. LACTC has entered into a Settlement Agreement with a representative of these residents permitting the continued use of the temporary site until a permanent site can be developed other than the one at the YMCA.

2. Permanent Antenna Site - 1370 Foothill Boulevard. After a review of several potential sites in the La Canada-Flintridge, LACTC is proposing to place its permanent antenna on the roof of a two-story medical building at 1370 Foothill Boulevard (see Figure 1).

Because of coverage provided by a newly constructed antenna in the City of Tujunga, the height of the antenna structure on this building has been reduced from that previously needed for the other two sites in La Canada-Flintridge. The transmitter would be located inside the building, eliminating any ground-level construction or structures.

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The antenna would be mounted on the roof of the existing building and would eventually consist of nine antenna panels each measuring approximately two feet wide by four feet high. During an interim period, there would be four to six whip antenna mounted atop the building. These would be approximately 14 feet high. While the proposed antenna is lower than previously anticipated, the antennas in adjacent communities of Tujunga and Pasadena do not provide sufficient coverage to completely eliminate the need for this facility.

3. City of Norco Antenna Site Modification. LACTC presently has authorization to construct an antenna to serve the City of Norco area. This site is at the top of Beacon Hill and was identified in the earlier Negative Declaration prepared for the LACTC system as Site Number 13. Upon review of this site by the local planning authorities, the City of Norco has required that the 150 foot monopole antenna will be removed if a major, multiple story building is constructed on or adjacent to this site. At that time, LACTC would be required to move its antenna equipment to the roof of such building and remove the monopole.

While this is a minor change to the project as it was originally conceived, this condition is being addressed in this document since it is not practical to amend the original Negative Declaration. This change is not expected to have any effect on the environmental until such time as the new building became available.

The LACTC cellular system is intended to provide a wide variety of local and long distance communications between fixed (office/home) and mobile (automobiles) sites or between two mobile bases. Cellular telephones can be used for regular business and personal telephone conversations, as well as for emergency services such as police, hospital, and fire agencies. This system would function as an extension of the present telephone network in the Los Angeles Metropolitan Area.

On April 9, 1981, the FCC adopted rules for the provision of the installation and operation of cellular telephone systems. The provisions include:

1. There will be two cellular systems per market area. Each defined market area is based upon standard metropolitan statistical areas.
2. Twenty (20) MHz is held in reserve for all land mobile services.
3. There are no limits on the number of markets that can be served by a single cellular mobile radio service (CMRS) operator.

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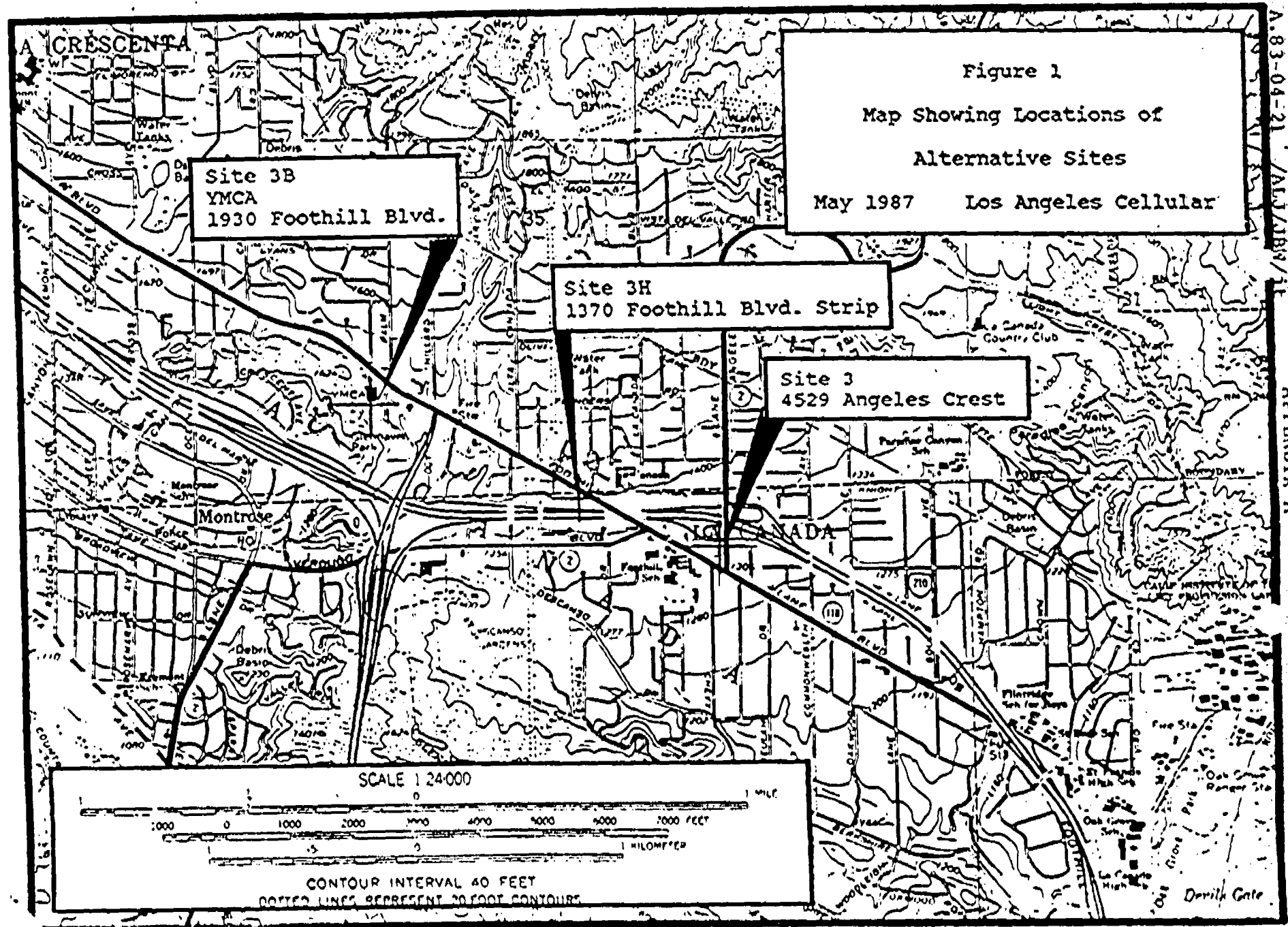
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4. Licensees and affiliates of licensees are allowed to manufacture radio equipment.
5. Telephone companies will be required to establish a fully separate subsidiary to provide CMRS.
6. Wire line companies must provide equal interconnection to all cellular systems.
7. The FCC will preempt the State jurisdictions with regard to licensing but will not regulate rates.
8. The FCC has found that point-to-point microwave and other regular cellular telephone radio transmissions do not pose a human health hazard.

The California Public Utilities Commission's Rule 17.1 of Practice and Procedure entitled "Special Procedure for Implementation of the California Environmental Quality Act of 1970" and the California Environmental Quality Act (CEQA) require an environmental review of all developmental projects before the PUC can issue a Certificate of Public Convenience and Necessity for a project, such as the proposed to the LACTC mobile telephone system.

Depending upon demand, the Company may consider expanding this system to provide cellular telephone service to other portions of the project area in the future. The installation of antennas not covered in this document would require additional environmental review by the California Public Utilities Commission.

- C. Project Setting: The following is a description of the three projects sites and any changes that will occur as a result of this project:

1. YMCA Temporary Transmitter Site. LACTC presently is providing cellular telephone service to the La Canada-Flintridge area by the use of a temporary, trailer-mounted transmitter. As noted earlier, this trailer is parked in a small paved storage lot behind the main building of the YMCA at 1930 Foothill Boulevard. The storage area is elevated above the YMCA on a terrace that has been leveled on a small knoll. The YMCA is situated in generally hilly terrain that slopes upward to the north and east of the site. The land to the west of the YMCA slopes downward towards the community of Glendale and Interstate 210.

Land use immediately adjacent to the temporary site consists of YMCA buildings and parking lots (east), open space (northeast and southwest), and residential (north, south, and south by southwest). The home to the north is situated on a knoll that overlooks the parking lot as well as much of the surrounding area. The residential units to the south and southwest are situated downslope of the storage area to

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varying degrees. Direct views of the trailer are obscured from some of these homes by existing mature vegetation.

Land use beyond the immediate boundaries of the project site consists of residential or commercial/retail (along Foothill Boulevard) development. The residential areas upslope of the site on the east side of Foothill Boulevard have very limited views of the site because of existing mature vegetation and the orientation of the homes.

The temporary transmitter is an operational facility that will not change in its location or shape from that at present. This facility is necessary to allow LACTC to continue cellular telephone service in this area until a permanent antenna site can be put into operation.

2. Permanent Antenna Site - 1370 Foothill Boulevard. The permanent site that has been proposed by LACTC for its cellular antenna to serve the La Canada-Flintridge area is on the roof of a two-story medical building that faces on to Foothill Boulevard. This building is located on the west side of the street near the point that the 210 freeway crosses under Foothill Boulevard. The terrain in this area is gently sloping downward from east to west. The 210 freeway is several feet below grade as it passes through this area.

Existing land use immediately adjacent to this building is a combination of residential, commercial/retail, and medical. To the immediate southeast is another similar medical building and parking lot. To the southwest is a single residential structure situated between the project site and the top of the freeway embankment. To the northwest, across Union Street, is an apartment house and a veterinarian clinic. Directly across Foothill Boulevard (a wide four lane street) is a row of commercial/retail buildings.

Land use beyond the immediate boundaries of the 1370 building also varies. To the east behind the row of commercial/retail buildings on Foothill Boulevard is a large residential area. Residential uses are also present across on the west side of the 210 freeway and to the northwest on Curran Street. Commercial/retail uses continue in both directions along Foothill Boulevard except to the south where the freeway undercrossing occurs. Land use in the undercrossing area consists of parking lots (west side) and a small park (east side). A double set of large electrical transmission lines cross Foothill Boulevard about two to three blocks north of the site.

Direct views of the proposed antenna structure on the roof of the medical building would be most visible along a portion of Foothill Boulevard beginning near the northern edge of the park to where the electrical transmission lines

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cross (near Indiana Avenue) the street. Existing mature vegetation adjacent to the building and other vertical landscape components, such as billboards and utility lines, partially block or minimize some direct views of the antenna site. Because of the orientation of the homes, the existing vegetation, and the sloping terrain in the residential area east of the site (Loma Vista Drive, Salisbury Road, Lasheart Drive, etc.) very few direct views of the proposed antenna would be possible.

Other direct views of the site are also limited because of such factors as the terrain of the area, existing vegetation, or the distance of the potential viewers from the site. For example, the homes across the freeway are at some distance from this building and have limited direct views because of trees around the subject building. The home directly behind the 1370 building also would have limited views of the proposed antenna because it is downslope of the building and the presence of tall trees.

The interim and permanent antenna structures have been described in Section B. Because of the limited number of parking spaces on the 1370 building parcel, the City of La Canada-Flintridge has requested that all transmitter equipment be placed inside the building. LACTC has located adequate space inside the subject medical building for these purposes.

3. City of Norco Antenna Site Number 13. This antenna site is situated near the top of Beacon Hill in Norco. An analysis of the use of this site was provided in a Negative Declaration previously approved by the PUC for the LACTC cellular system. For purposes of this document the original analysis is still adequate since the current change to this site is only to recognize that this antenna may be moved to the top of an adjacent building should one be constructed and LACTC can obtain a rooftop site.

D. Lead Agency Contact Person:

Mr. Mike Burke
Energy Resources Branch
California Public Utilities Commission
1107 - 9th Street, Suite 710
Sacramento, CA 95814
(916) 322-7316

E. Lead Agency:

California Public Utilities Commission
505 Van Ness
San Francisco, CA 94102

F. Responsible Agencies:

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Except for the California Public Utilities Commission, no other State or local agencies have discretionary approval over cellular telephone systems.

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II. ENVIRONMENTAL IMPACTS

| | Yes | Maybe | No |
|---|-----|-------|----|
| A. <u>Geology/Geomorphology</u> . Will the proposal result in: | | | |
| 1. Unstable earth conditions or changes in geologic substructures? | — | — | X |
| 2. Changes in topography or any unique geologic or physical features of the site? | — | — | X |
| 3. Exposure of people or property to major geologic hazards (earthquakes, slides, subsidence, liquefaction, volcanism)? | — | — | X |
| B. <u>Soils</u> . Will the proposal result in: | | | |
| 1. Disruptions, displacements, compaction or overcovering of the soil? | — | — | X |
| 2. Increased erosion from wind or water? | — | — | X |
| 3. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | — | — | X |
| C. <u>Air Quality/Climate</u> . Will the proposal result in: | | | |
| 1. Substantial air emissions or deterioration of ambient air quality? | — | — | X |
| 2. Creation of objectionable odors? | — | — | X |
| 3. Alteration of air movement, moisture, temperature, or any change in climate, either locally or regionally? | — | — | X |
| D. <u>Water</u> . Will the proposal result in: | | | |
| 1. Degradation of water quality? | — | — | X |

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| | Yes | Maybe | No |
|--|-----|-------|----|
| 2. Degradation or depletion of ground water resources, or interference with ground water recharge? | — | — | X |
| 3. Depletion or contamination of public water supply? | — | — | X |
| 4. Erosion, siltation, or flooding? | — | — | X |
| 5. A change in the amount of surface water in any water body? | — | — | X |
| 6. Alterations to the course or flow of flood waters? | — | — | X |
| E. <u>Vegetation</u> . Will the proposal result in: | | | |
| 1. A change in the diversity of species, or numbers of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)? | — | — | X |
| 2. A reduction of the numbers of any unique, rare or endangered species of plants? | — | — | X |
| 3. The introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | — | — | X |
| 4. A reduction in acreage of any agricultural crop? | — | — | X |
| F. <u>Wildlife</u> . Will the proposal result in: | | | |
| 1. A change in the diversity of species, or numbers of any species of animals (birds and animals, including reptiles, fish and shellfish, benthic organisms, insects or microfauna)? | — | — | X |
| 2. A reduction of the numbers of any unique, rare or endangered species of animals? | — | — | X |
| 3. Introduction of new species of animals into an area? | — | — | X |

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| | Yes | Maybe | No |
|---|-----|-------|----|
| 4. Deterioration to existing fish or wildlife habitat, or interference with the movement of resident or migratory fish or wildlife? | — | — | X |
| G. <u>Land Use.</u> Will the proposal result in: | | | |
| 1. A substantial alteration of the present or planned land use in the area? | — | — | X |
| 2. A conflict with Local, State or Federal land use plans or elements to those plans? | — | — | X |
| H. <u>Visual Quality.</u> Will the proposal result in: | | | |
| 1. Obstruction of any scenic vista or view now observed from public areas? | — | — | X |
| 2. Creation of an aesthetically offensive site open to public view? | — | — | X |
| 3. New light or glare substantially impacting other properties? | — | — | X |

YMCA Temporary Antenna Site. See Section I.C. Project Setting for a complete description of the visual character of this antenna site. Direct views of the present trailer facility are possible from a limited number of residences near the YMCA, especially the home upslope of the storage area. Since this storage area is currently used as a parking lot for the YMCA, the views of this trailer are somewhat minimized by the presence of cars and an unused truck. The long term visual impact of this facility is further minimized by its temporary nature.

1370 Foothill Boulevard Antenna Site. See Section I.C. Project Setting for a complete description of the visual character of this antenna site. As noted in that section, direct views of the antenna would be most noticeable along a portion of Foothill Boulevard from approximately the undercrossing of the 210 freeway to Indiana Avenue. Other direct views of the antenna site are limited by existing vegetation, the surrounding terrain, the orientation of homes, and distance of viewers from adjacent areas. Another important factor that minimizes the visual impact of this antenna is that the permanent structure will only extend approximately 13 to 15 feet above the roof of the building. Other vertical components of the immediate landscape in this area, such as trees, billboards, and power lines, will lessen the visual effect of this structure. Figures 2 - 5 provide views of the project site and surrounding setting.

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Figure 2. Close-up view of the medical building at 1370 Foothill Boulevard. The subject building is in the center of the picture to the right of the pine tree. Picture taken at the corner of Lasheart Drive and Foothill Boulevard looking towards the west.

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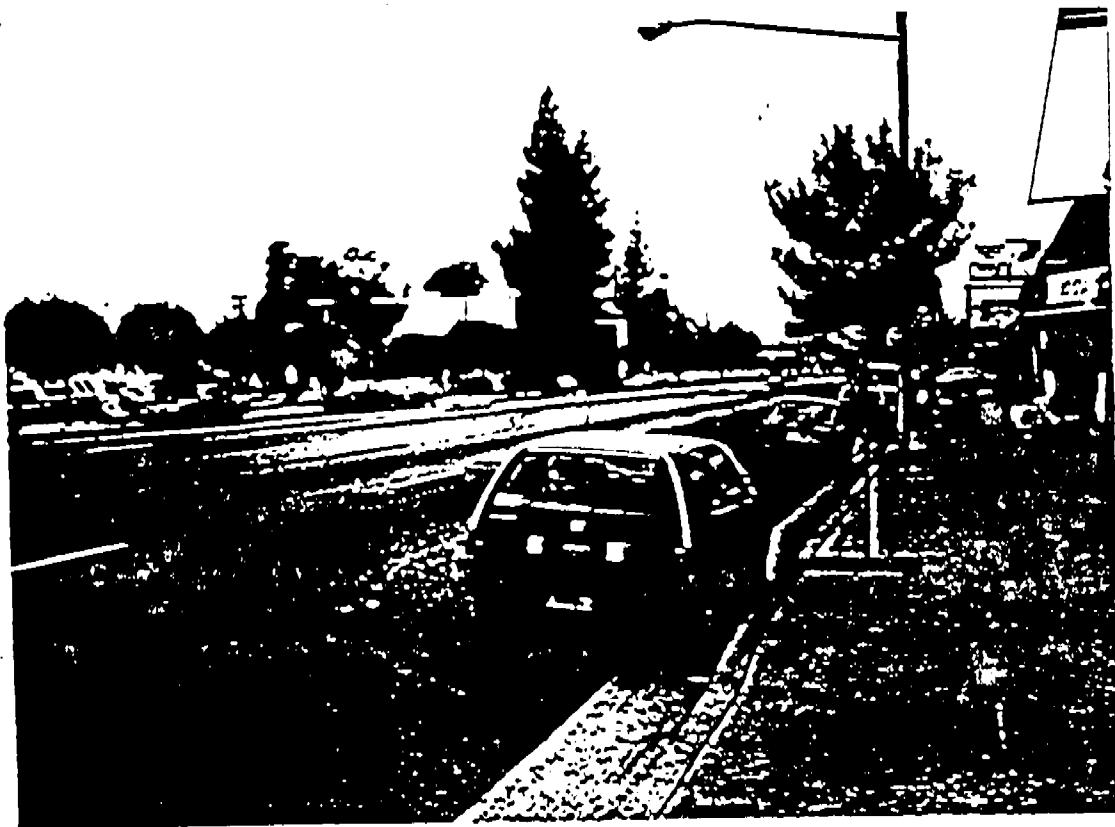


Figure 3. More distant view of the 1370 building from the east side of Foothill Boulevard near the northern edge of the community park. The project site is behind the taller trees at the center of the picture.

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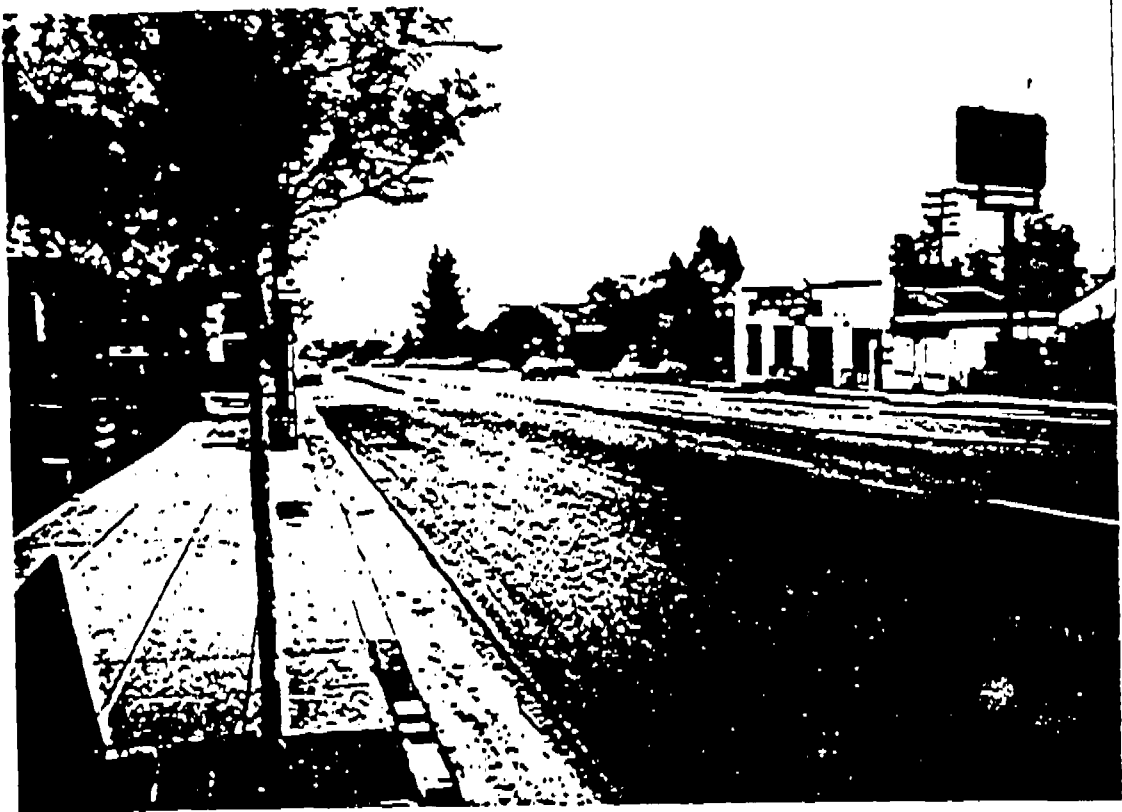


Figure 4. Opposite view of the 1370 building from the east side of Foothill Boulevard near Indiana Avenue. Project site is in the center of the picture between the taller trees.

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Figure 5. A view down Curran Street towards the 1370 building. The roof of the subject building is barely visible between the trees on the left side of the picture. The 210 freeway right-of-way is to the right of the fence in the center of the picture.

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City of Norco Site. If the previously approved antenna in Norco is moved to a new site, the visual impacts of that new locations will be assessed at that time.

| | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| I. <u>Human Population.</u> Will the proposal result in: | | | |
| 1. Growth inducement or concentration of population? | — | — | X |
| 2. Relocation of people (involving either housing or employment)? | — | — | X |
| J. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing? | — | — | X |
| K. <u>Transportation/Circulation.</u> Will the proposal result in: | | | |
| 1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? | — | — | X |
| 2. Effects on existing parking facilities, or demand for new parking? | — | — | X |
| 3. A substantial increase in transit demand which cannot be accommodated by current transit capacity? | — | — | X |
| 4. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians? | — | — | X |
| 5. Alterations to present patterns of circulation or movement of people and/or goods? | — | — | X |
| 6. Alterations to waterborne, rail or air traffic? | — | — | X |
| L. <u>Noise.</u> Will the proposal result in: | | | |
| 1. An increase in ambient noise levels? | — | — | X |
| 2. An effect on noise sensitive receptors near or on project site? | — | — | X |

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The project will generate short-term noise increases during construction of the various project components. These increases are not expected to have a significant effect on adjacent residents.

| | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| M. <u>History/Archaeology</u> . Will the proposal result in: | | | |
| 1. Alteration or destruction of a prehistoric or historic archaeological site? | — | — | X |
| 2. Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object? | — | — | X |
| 3. A physical change which would affect unique ethnic cultural values? | — | — | X |
| 4. Restriction of existing religious or sacred uses within the potential impact area? | — | — | X |
| N. <u>Public Services</u> . Will the proposal result in: | | | |
| 1. Increased demand for fire or police protection? | — | — | X |
| 2. Increased demand for schools, recreation or other public facilities? | — | — | X |
| 3. Increased maintenance of public facilities, including roads? | — | — | X |
| O. <u>Utilities</u> . Will the proposal result in: | | | |
| 1. Expansion or alteration of water, sewer, power, storm water drainage or communication facilities? | — | — | X |
| 2. A breach of published national State or local standards relating to solid waste or litter control? | — | — | X |
| P. <u>Energy/Natural Resources</u> . Will the proposal result in: | | | |
| 1. Use of substantial amounts of fuel or energy? | — | — | X |

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| | Yes | Maybe | No |
|---|-----|-------|----|
| 2. Substantial increase in demand on existing sources of energy? | — | — | X |
| 3. Substantial depletion of any nonrenewable natural resource? | — | — | X |
| Q. <u>Hazards</u> . Will the proposal result in: | | | |
| 1. Creation of a potential health hazard or exposure of people to potential health hazards? | — | — | X |

The Federal Communications Commission has determined that the microwave and other radio transmissions associated with cellular telephone systems do not pose a risk to humans.

| | | | |
|--|---|---|---|
| 2. Interference with emergency response plans or emergency evacuation plans? | — | — | X |
|--|---|---|---|

The proposed cellular telephone system will improve the emergency communications system in the Los Angeles area by providing individuals with mobile telephones the ability to contact police, fire, and other public safety agencies from their cars or mobile units.

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III. MANDATORY FINDINGS OF SIGNIFICANCE

| | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of a major period of California history or prehistory? | — | — | X |
| B. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? | — | — | X |
| C. Does the project have impacts which are individually limited, but cumulatively considerable? | — | — | X |
| D. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | — | — | X |

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IV. REFERENCES

1. Proponent's Environmental Assessment, Los Angeles Cellular Telephone Company, before the Public Utilities Commission of the State of California and supplemental information provided by applicant.
2. Federal Communications Commission, FCC 87-63, Gen. Docket No. 79-144, February 12, 1987 and May 5, 1987.

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V. PERSONS AND/OR AGENCIES CONSULTED

1. Michael Burke
California Public Utilities Commission
1107 - 9th Street, Suite 710
Sacramento, CA 95814
2. David Wilson, Attorney at Law
Dinkelspiel, Donovan & Reder
One Embarcadero Center, 27th Floor
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3. William Campbell, Director
Community Development Department
City of La Canada-Flintridge
1327 Foothill Boulevard
La Canada-Flintridge, CA 91011
4. Robert Jones, Senior Planner
Community Development Department
City of La Canada-Flintridge
1327 Foothill Boulevard
La Canada-Flintridge, CA 91011

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VI. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have significant effects on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date

7/30/87


(Signature)

Mike Burke

Regulatory & Environmental Coordinator
(Title)