PROJECT NARRATIVE
WCF CONDITIONAL USE APPLICATION
US-CA-6157 West Jensen

Submitted to County of Fresno, California
Planning Division

Applicant:	The Towers, LLC, known in California as the Towers of California, LLC 22 W. Atlantic Ave Suite 310 Delray Beach, FL 33444 858-336-1599 tracy.thomas@verticalbridge.com
Co-Applicant:	Fresno MSA Limited Partnership ("Verizon") 1200 Concord Ave., Suite 500 Concord, CA 94520
Representative:	Assurance Development 1499 Huntington Dr. #305 South Pasadena, CA 91030 **Contact:** Phoebe Moffett 323-979-7914 pmoffett@assurance-group.com
Property-Owner:	Tiffany Zepeda 1452 Blythe Ave Fresno, CA 93706
Project Address:	South of 2137 S Blythe Ave Fresno, CA 93706
Description & Tax Lot:	GPS Coordinates: 36.703972º / -119.872483º Parcel No. 327-030-57
Zoning Classification:	AE-20

Assurance Development submits this application on behalf of The Towers LLC, known in California as the Towers of California, LLC (The Towers, LLC) and Fresno MSA Limited

Partnership (Verizon), collectively referred to as the "Applicants," and the underlying property owner."

The Towers, LLC specializes in developing, constructing, leasing, and maintaining the physical components for wireless networks, including cellular towers. Infrastructure providers lay the physical groundwork that supports wireless communication networks. Wireless carriers, such as Verizon, lease space on this infrastructure to house their equipment and offer wireless services to end users. Through strategic partnerships with wireless carriers, The Towers, LLC allows the opportunity for multiple carriers to collocate onto a single tower and reduces the physical footprint of wireless facilities in the community.

1. REQUEST

Applicants seek a review and approval of a Conditional Use Permit application for their proposed Wireless Communication Facility ("WCF"). Included with this application are the following documents for review (collectively, "Applicants' Application")

Attachment 1:	Project Narrative (this document)
Attachment 2:	Wireless Communications Application Package
Attachment 3:	Owner Letter of Authorization
Attachment 4:	Colocation Statement
Attachment 5:	Zoning Drawings
Attachment 6:	Coverage Maps
Attachment 7:	Alternative Sites Analysis
Attachment 8:	Photo Simulations
Attachment 9:	EME Report
Attachment 10:	Grant Deed
Attachment 11:	Title Report

2. PROJECT OVERVIEW

The Towers, LLC is proposing to build a new wireless telecommunications facility ("WCF" or "Facility"), US-CA-6157, at the above noted project address for the colocation of Verizon's equipment. This Facility is intended to fill a significant gap in Verizon's 5G and 4G LTE coverage experienced by its customers in County of Fresno, more specifically along W Jensen Ave and S Blythe Ave.

As shown in Applicants' Application, this proposed project meets all applicable Fresno County Municipal Code criteria for siting new wireless telecommunications facilities and complies with all other applicable state and federal laws and regulations. The proposal is also the least intrusive mean of meeting Verizon's coverage objectives for this site. Accordingly, the Applicants respectfully requests County of Fresno to approve this project as proposed, subject only to County of Fresno's standard conditions of approval.

3. PROPOSED PROJECT DETAILS

3.1. Location

Detailed information regarding the subject property and proposed lease area is included in **Attachment 5, Zoning Drawings**, to the Applicants' application.

3.1.1. Subject property. The subject property of this proposal is located south of 2137 S Blythe Ave (APN: 327-030-57) in the County of Fresno (the "Property"). The Property is owned by Tiffany Zepeda. The Property is zoned as AE-20 and is currently used primarily for agricultural purposes.

3.1.2. Lease area.

- The proposed 50 x 50 ft lease area for the WCF is located on the eastern end of the property (the "Lease Area").
- The lease area will be surrounded by a 6ft chain link fence with access to the lease area secured by a locked gate.

3.1.3. Access and parking. Proposed site will be accessed by a 12' wide and 140' long gravelled access road steming from S Blythe Ave. Parking will be available.

3.2. Wireless Facilities and Equipment

Specifications of the facilities outlined below, including a site plan, can be found in **Attachment 5, Zoning Drawings**, to Applicants' Application.

3.2.1. Support structure design. Applicants are proposing to build a new 111 ft tall monopine (the "Tower") on the Property. This will be an unmanned wireless telecommunications facility.

3.2.2. Antennas and accessory equipment.

- The Tower will contain Verizon equipment with (3) 8' antennas, (3) 4' antennas, (3) 3' antennas, (3) RRU's. (1) 6' microwave, (4) OVP boxes, (1) GPS antenna, required antenna cabling, and HCS jumpers.
- The antennas, RRHs, and accessory equipment on the Tower will be painted to match. All paint will have an anti-glare finish.
- Sufficient space will be made available on the Tower as required for future collocations. The proposed Verizon antenna centerline is 102 ft and the proposed Verizon antenna tip height is 106 ft.

3.2.3. Ground equipment.

- The ground equipment will include (2) Ground Mounted Radio Cabinets, (1) Equipment Canopy, (1) Fiber Box, (1) 200A ILC Cabinet, (1) Manual Service Light Switch

Timer, (3) Service Lights, (1) Back-Up Diesel Generator, (2) Raised Concrete Pads, Cable Ice Bridge, Utility Backboard And Multi-Meter Utility Service Mounted On Concrete Pad Within a 50'x50' Fenced Lease Area.

3.3. Additional Details

3.3.1. Lighting. The Tower will not be artificially illuminated, and no artificial lighting is required pursuant to state or federal authorities. There will be three service lights on site that will only be utilized during site visits or in case of an emergency, as seen on Sheet A4 of **Attachment 5, Zoning Drawings**.

3.3.2. Utilities. No water or sewer service is required. A proposed PG&E transformer will be added adjacent to the lease area. The proposed utility route is shown on Sheet A2 of **Attachment 5, Zoning Drawings**.

4. VERIZON NETWORK COVERAGE AND SERVICES

4.1. Overview—Verizon 4G & 5G Coverage

Verizon is upgrading and expanding its wireless communications network to support the latest 4G LTE and 5G technology. 4G and 5G stand for "4th Generation" and "5th Generation" and LTE stands for "Long Term Evolution." These acronyms refer to the ongoing process of improving wireless technology standards, now in its 5th generation. With each generation comes improvement in speed and functionality – 4G LTE offers speed up to ten times faster than 3G, and 5G can deliver speeds up to 20 Gbps in ideal conditions. That's nearly 200 times faster than the 4G network.

Most American consumers currently experience wireless connectivity on 4G networks – and are aware of the profound impact on daily life that has occurred from this connectivity. The emerging standard in voice and data telecommunications – 5G – is poised to transform America's reliance on densely populated wireless infrastructure.

5G is the latest iteration of cellular technology. While 5G technology operates on the same radio signals as current 4G/4G LTE networks, it is engineered to transmit data more efficiently. That means superior speeds and support for more connected devices than ever before. The ultra-low latency of 5G means quick response times during data-demanding activities.

There are several components of 5G wireless technology and separate bands of wavelength spectrum used to build a 5G network – low-band (<1GHz), mid-band (1-6GHz), and high-band millimeter wave ("mmWave") (24 GHz and higher):

- **Low-Band Extended Range 5G.** Low-band 5G frequencies are also known as the "coverage layer." Low-band 5G refers to frequencies below 1 GHz used to roll out substantial 5G coverage as quickly as possible. One example is the 600 MHz spectrum deployed by [CARRIER] nationwide. A low-band cell site can cover hundreds of square miles and deliver a downlink data rate from 30-75 Mbps download—ideal for uses like streaming HD video. Because low-band signals easily pass through buildings, they offer solid coverage indoors and outdoors and are an effective way to connect parts of rural America where even fixed broadband speeds don't always meet national benchmarks.
- **Mid-Band 5G.** Mid-range frequencies (spanning 1 GHz and 6 GHz) strike a balance between coverage and capacity. Mid-band 5G base stations can transmit and receive high-capacity signals over fairly large areas, and they can represent an ideal mix of performance for the bulk of 5G traffic in metropolitan areas.
- **High-Band mmWave 5G.** High-band 5G uses millimeter-wave (mmWave) frequency bands. High-band is a very specialized part of the 5G offering. Functioning over a shorter radius, it's particularly useful in urban areas and busy venues like stadiums and shopping malls. High-band can simultaneously provide many high-speed connections focused on an area of just a block or two, from a small cell site mounted close to street level.

Using these frequencies together can help Verizon's 5G network deliver the increased connectivity, reliability, speeds, and security the public demands. Upon completion, the Facility will become part of Verizon's statewide and nationwide communications network. See **Attachment 6, Verizon Coverage Maps**.

3.2 Coverage Objectives for Proposed Facility

This proposed Facility meets Verizon's coverage objectives providing in-vehicle and in-building wireless coverage within a geographic area not presently served by Verizon's network. Specifically, this facility is intended to increase coverage in Fresno County specifically along W Jensen Ave. Verizon has established a need for service in this geographic area, as determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. The specific coverage objective was determined through a combined analysis of customer complaints, service requests, and radio frequency engineering design. This proposed Facility will allow for uninterrupted wireless service in the targeted coverage area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the area (*See* **Attachment 6, Verizon Coverage Maps**).

5. SEARCH RING

Verizon's RF engineers performed an RF engineering study, considering multiple objectives, to determine the approximate site location and antenna height required to fulfill the noted network objectives for the targeted service area. From this study, Verizon's RF engineers identified a "search ring" area where a WCF may be located to provide effective service in the target coverage area.

The search ring established for this proposal, and a description of the methodology used to identify the search ring, is provided in **Attachment 6, Verizon Coverage Maps**.

6. SITING ANALYSIS

Pursuant to the County of Fresno Wireless Guidelines, Applicants evaluated alternative site locations, including collocation opportunities, within the targeted search ring possible locations for the proposed Facility. See **Attachment 7, Alternative Sites Analysis** for a summary of the alternative site locations analyzed.

7. APPLICABLE LAW

7.1. State Law

Wireless telecommunication facilities that require discretionary review also require environmental review under the California Environmental Quality Act (CEQA). A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued.

7.2. Federal Law

Federal law, primarily found in the Telecommunications Act of 1996 ("Telecom Act"), acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

7.2.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibits a local jurisdiction from taking any action on a wireless siting permit that "prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II). According to the Federal Communications Commission ("FCC") Order adopted in September 2018,[1] a local jurisdiction's action has the effect of prohibiting the provision of wireless services when it "materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment."[2] Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility in terms of adding capacity, updating new technologies, and/or maintaining high quality service.[3]

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[1] *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), *affirmed in part and vacated in part, City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) ("FCC Order").

[2] Id. at ¶ 35.

[3] Id. at ¶¶ 34-42.

While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

- **Significant Gap**. Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City,* 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007*), affirmed in part,* 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco,* 2006 WL 1699580, *10-11 (N.D. Cal. 2006).

- **Least Intrusive Means.** The least intrusive means standard "requires that the provider show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.'" 572 F.3d at 995, *quoting MetroPCS, Inc. v. City of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.

7.2.2. Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with this application a statement from Verizon's radio frequency engineer demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. *See* **Attachment 10, EME Report.** Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed facility should be disregarded in this proceeding.

7.2.3. No discrimination amongst providers. Local jurisdiction also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

7.2.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq.* According to the Shot Clock rule for "macro" wireless facilities, a reasonable period of

time for local government to act on all relevant applications is 90 days for a collocation, with "collocation"[4] defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for a new structure.

The Shot Clock applies to all authorizations required for siting a wireless facility and all application notice and administrative appeal periods.

Pursuant to federal law, the reasonable time period for review of this application is 150 days.

[4] 47 C.F.R. § 1.6002(g).