



Midpeninsula Regional
Open Space District

R-12-89
Meeting 12-30
September 12, 2012

AGENDA ITEM 5

AGENDA ITEM

Grant of an easement to ExteNet Systems LLC for underground utilities north of the intersection of Kings Mountain Road and Skyline Boulevard at the Purisima Creek Redwoods Open Space Preserve (San Mateo County Assessor's Parcel Number 067-191-120), and Determination that the Recommended Actions as Mitigated Do Not Have a Significant Adverse Affect on the Environment Under the California Environmental Quality Act (CEQA).

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "S. J. ...".

1. As a Responsible Agency under the California Environmental Quality Act (CEQA), independently consider the Mitigated Negative Declaration approved by the California Public Utilities Commission and adopt applicable portions of the Mitigated Negative Declaration.
2. Adopt the attached resolution granting an easement to ExteNet Systems LLC for underground utilities at Purisima Creek Redwoods Open Space Preserve.

SUMMARY

Extenet Systems LLC (ExteNet) has completed the installation of 17 fiber-fed antenna nodes (for cellular communication) along a 13-mile stretch of Highway 35 (Skyline Boulevard) from Harkins Road south to Highway 84 and they are requesting a 1,560 square foot underground utility easement from the Midpeninsula Regional Open Space District (District). The proposed underground utility easement and the recently installed cellular communication nodes will provide increased communication coverage to District staff and constituents. The following report presents a project discussion, description of the proposed easement, and the environmental review.

Discussion

Project Description:

ExteNet has installed a fiber-optic fed Distributed Antenna Communications System for cellular phone communication along a 13-mile stretch of Highway 35. The project consisted of installing overhead and underground fiber-optic cable and 17 communication nodes on new/existing wooden utility poles within the Caltrans right of way and existing PG&E utility easements along Highway 35. The project was completed in four phases as described below:

Phase 1: Installation of 1,187 feet of fiber-optic PVC conduit and hand holes. Installation occurred via trenching, excavation and boring;

Phase 2: Installation of 17 fiber-fed antenna nodes with associated fiber-optic communications equipment. The nodes were placed on either existing or newly installed wooden utility poles;

Phase 3: Installation and splicing of 66,898 feet of fiber-optic cable in existing conduit and newly installed conduit. Installation of new wooden utility service poles at specific node locations to bring fiber-optic cable and electricity to node locations; and

Phase 4: Connection of fiber optic fed Distributed Antenna Communication System to an existing cell site base station south of node #52 (near junction of Skyline Blvd and Silver Sky Way)

ExteNet secured all needed approvals and permits to install the Distributed Antenna Communications System along Highway 35. California Public Utilities Commission Approval was granted on October 26, 2011, a Caltrans encroachment permit was issued on March 12, 2012, and San Mateo County building permits (BLD) were issued on April 19, 2012.

With the exception of node 1, the other 16 communication nodes went live and began offering cellular service on June 30, 2012 (Verizon). In order for node 1 to come online, ExteNet needs to secure an underground utility easement from the District to bring power and fiber-optic cable from an existing PG&E transmission line located at Purisima Creek Redwoods Open Space Preserve.

Easement Description:

ExteNet has requested a 1,560 square foot non-exclusive underground utility easement from the District under an existing dirt road at gate PC03A at Purisima Creek Redwoods Open Space Preserve. The dimensions of the proposed easement are 8 feet wide by 195 feet long. The easement would run from an existing PG&E utility pole (110395318) underneath a dirt road to the Caltrans right-of-way along Highway 35 outside of Purisima Creek Redwoods OSP gate PC03A. The proposed easement would allow ExteNet to bring fiber optic and electric cable to communication node number 1 which is located on the east side of Highway 35 across the highway from Purisima Creek Redwoods OSP approximately 200 feet north of gate PC03A.

As part of this easement a small brown utility box will be mounted on an existing PG&E utility pole on the District's property. ExteNet would be granted a temporary permit to enter the District's property in order to conduct the needed boring work to install the underground conduit and cabling from the PG&E utility pole out to the communication node on Highway 35. The conduit and cable would be required to be at a minimum of four feet below the surface of the District's road. ExteNet would be responsible for restoring the boring area to its original condition along with satisfying all mitigation requirements identified in the Mitigated Negative Declaration approved by the California Public Utilities Commission.

Easement Benefits:

The ExteNet communication system provides transport for cellular voice (including 911) and data service (3G and 4G) to an area of Highway 35 that had intermittent cellular service at best. Cellular service along this corridor and into the adjacent Purisima Creek Redwoods, El Corte de

Madera Creek and La Honda Creek Open Space Preserves along with the adjacent Wunderich and Huddart County Parks improves public safety in the area by allowing more rapid emergency response via 911.

The ExteNet system is initially offering Verizon cellular transport service through the new communication system and will add additional carriers as deals are reached in the near future. The District currently issues cellular phones utilizing Verizon service to its field staff therefore the District is currently benefiting from the new service along Skyline Boulevard, in addition to the public's benefit. If the easement needed for communication node 1 is granted it is anticipated that this node would be activated and offering cellular service within 30 days of approval.

CEQA COMPLIANCE

Project Description

The project on District land would consist of the granting of an underground utility easement to ExteNet Systems and the associated boring work needed to install approximately 195 feet of PVC conduit at a depth of four feet from an existing PG&E overhead transmission line to node 1 located in the Caltrans Right of Way along Highway 35.

As the lead agency on this project under California Environmental Quality Act (CEQA), the California Public Utilities Commission (CPUC) approved a Mitigated Negative Declaration for the project under CEQA on October 26, 2011.

The Mitigated Negative Declaration analyzes ExteNet's proposed Distributed Antenna System Project located within Caltrans and San Mateo County Right of Ways along SR 35 and other local roadways, San Mateo County, California. The full project as analyzed in the Mitigated Negative Declaration consists of the four phases described in the Project Description on page 2 of this report. For purposes of this action before the District, the project is Node 1, as described above and analyzed in the Mitigated Negative Declaration.

CEQA Determination

District staff has reviewed the Mitigated Negative Declaration approved by the CPUC and concurs with the CPUC's determination that environmental impacts on District land have been minimized to an insignificant level and are adequately addressed in the Negative Declaration as follows:

- Air Quality- Mitigation Measure Air Quality-1(best management practices)
- Biological Resources:
 - Applicant Proposed Measure (APM) Biology-1 (nesting survey)
 - Mitigation Measure Biology-1 (botanical survey and mitigation)
 - Mitigation Measure Biology-2 (daily sweeps for special-status animal species)
 - Mitigation Measure Biology-3 (best management practices)
 - Mitigation Measure Biology-4 (pre-construction nesting surveys)
- Cultural Resources:
 - APM Cultural Resources-1 (discovery of historic or archeological resources)
 - APM Cultural Resources-2 (discovery of paleontological resources)

- Mitigation Measure Cultural Resources-1 (training sessions for contractors regarding the potential for archaeological and paleontological discoveries)

As a “Responsible Agency” for this project under CEQA, the District has reviewed and considered the lead agency’s Mitigated Negative Declaration and concurs with and hereby independently adopts as its own, the CPUC’s findings and determination that the node 1 portion of the project before the District, as mitigated, does not have a significant adverse affect on the environment.

TERMS AND CONDITIONS

The proposed easement includes the following key terms and conditions:

- The District shall grant ExteNet a non-exclusive underground utility easement to bring power and fiber-optic cable to a cellular communication node located in the Caltrans right of way along Highway 35.
- Within the easement area, the cabling shall be installed via underground conduit at a depth of at least four feet.
- ExteNet shall be granted access rights over the easement area to service the facilities.
- ExteNet shall restore any ground disturbance to its original condition after construction is complete and follow all required mitigation measures in the Mitigated Negative Declaration.
- ExteNet shall cover all needed survey costs associated with the easement.
- As consideration for the easement the District and general public shall receive increased cellular coverage along an area of Highway 35 that is underserved with cellular service.

BOARD COMMITTEE REVIEW

Committee review of this item is not needed.

FISCAL IMPACT

The issuance of the easement to ExteNet will have no fiscal impact to the District’s budget.

PUBLIC NOTICE

Public notice was also provided as required by the Brown Act.

NEXT STEPS

Pending Board approval, the easement will be executed and delivered to ExteNet for recording. A temporary right of entry will also be executed by staff to facilitate the undergrounding boring work.

Attachments:

1. Resolution
2. Project Location Map
3. Mitigated Negative Declaration

Responsible Department Manager:

Mike Williams, Real Property Manager

Prepared by:

Allen L. Ishibashi, Real Property Specialist

Contact person:

Same as above

Graphics prepared by:

Alex Roa, Planning Technician

RESOLUTION NO. 12-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING AND AUTHORIZING THE PRESIDENT OF THE BOARD, GENERAL MANAGER OR OTHER APPROPRIATE OFFICER TO EXECUTE AN UNDERGROUND UTILITY EASEMENT TO EXTENET SYSTEMS LLC, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO COMPLETE THE TRANSACTION (PURISIMA CREEK REDWOODS OPEN SPACE PRESERVE – EXTENET SYSTEMS, LLC)

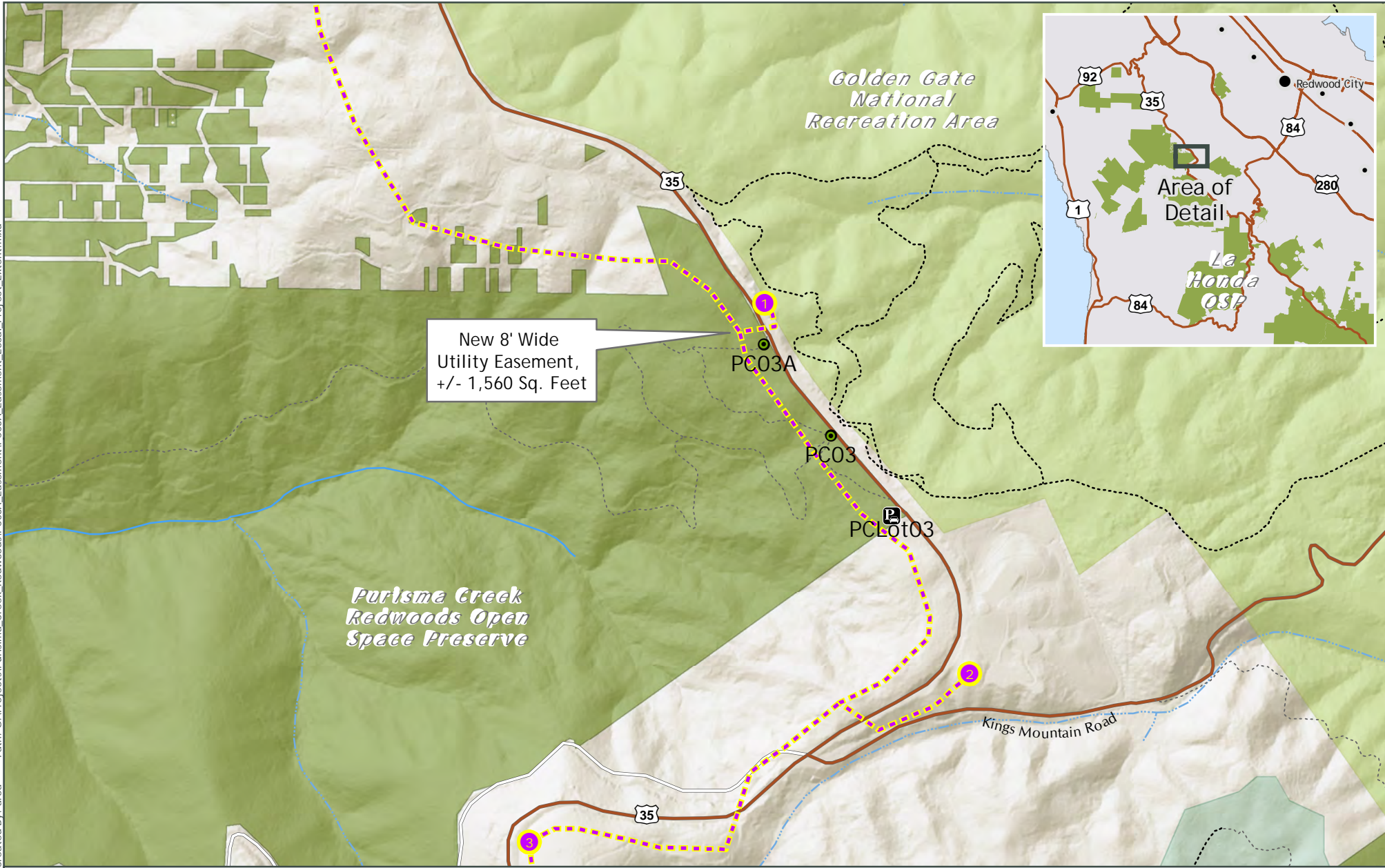
The Board of Directors of the Midpeninsula Regional Open Space District does resolve as follows:

Section One. The Board of Directors of the Midpeninsula Regional Open Space District as a “Responsible Agency” for this project under CEQA, concurs and hereby independently adopts as its own, the California Public Utilities Commission’s (Lead Agency) findings and determination on October 26, 2011 that the project before the District, as mitigated in the adopted Mitigated Negative Declaration, does not have a significant adverse affect on the environment.

Section Two. The President of the Board, General Manager or other appropriate officer is authorized to execute an Underground Utility Easement conveying certain real property interests to ExteNet Systems, LLC.

Section Three. The General Manager and General Counsel are authorized to execute any and all other documents necessary or appropriate to complete the transaction approved in this Resolution. The General Manager and General Counsel are further authorized to approve minor, or technical revisions to the agreements that do not involve any substantial change to any terms and which are necessary or appropriate to the closing or implementation of this transaction.

* * * * *



Local Project Extent

ATTACHMENT 2

- | | | |
|---|---|--|
|  MROSD Preserves |  Non MROSD Conservation or Agricultural Easement |  Utility Node |
|  Other Protected Open Space or Park Lands |  Private Property |  Utility Line (above and below ground) |
|  Watershed Land |  Developed Land | |

Midpeninsula Regional Open Space District (MROSD)

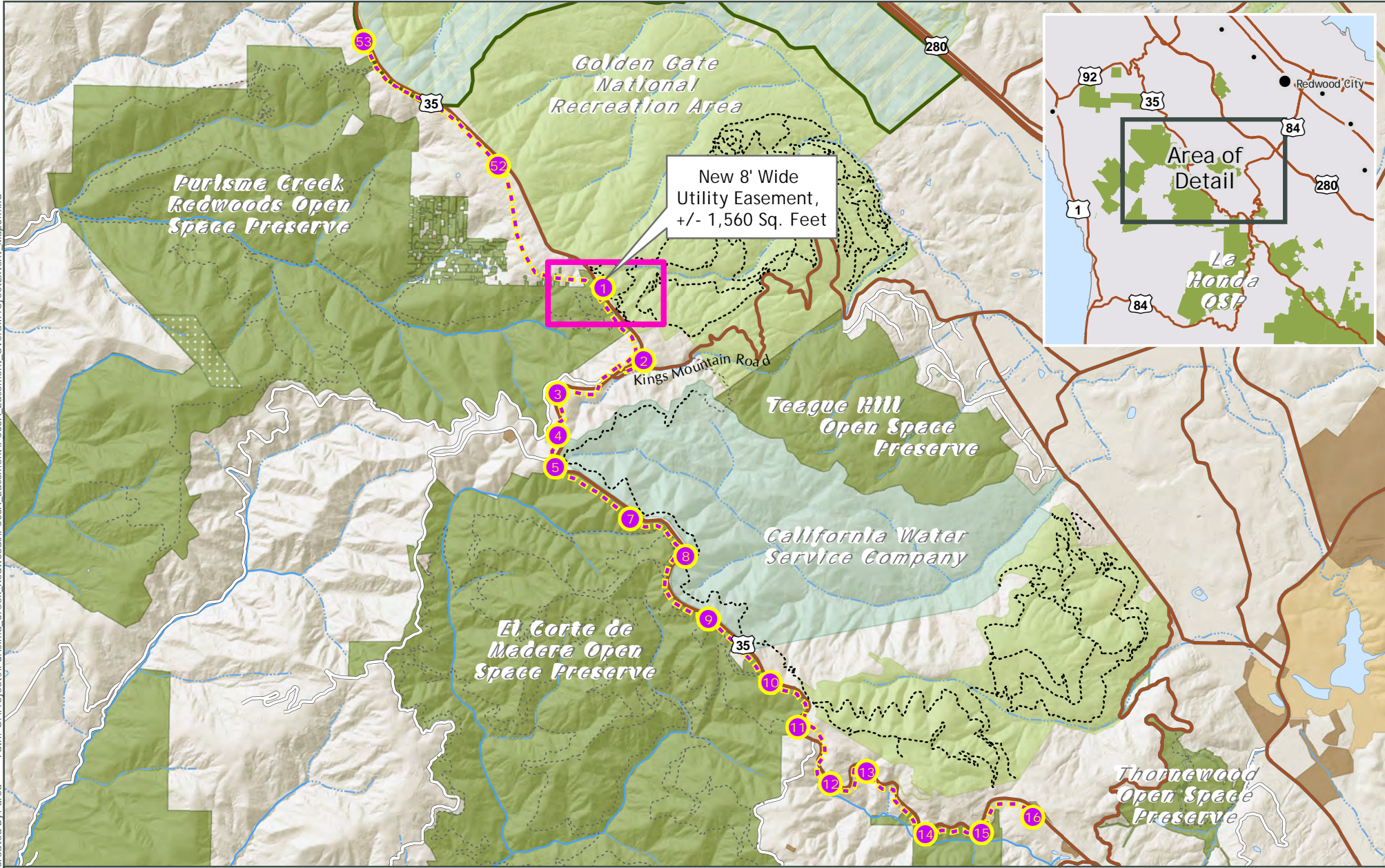


August, 2012



While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.

Created By: arua
Path: G:\Projects\Purissima_Creek_Redwoods\PC03A_Easement\OverallProjectExtent_Map3.mxd



Overall Project Extent

- MROSD Preserves
- Other Protected Open Space or Park Lands
- Watershed Land

ATTACHMENT 2

- Non MROSD Conservation or Agricultural Easement
- Private Property
- Other Public Agency
- Land Trust

- Utility Node
- Utility Line (above and below ground)

Midpeninsula Regional Open Space District (MROSD)



August, 2012



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TO OBTAIN A COPY OF THE MITIGATED
NEGATIVE DECLARATION APPROVED BY THE
CALIFORNIA PUBLIC UTILITIES COMMISSION,
PLEASE CONTACT THE DISTRICT CLERK AT
650-691-1200 OR VIA E-MAIL AT
MICHELLE.RADCLIFFE@OPENSOURCE.ORG