

COUNTY OF SAN DIEGO,  
STATE OF CALIFORNIA

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In the Matter of the Application of

**VISTA TOWERS LLC**

Premises: OLD MINE ROAD TELECOMMUNICATION  
FACILITY - MUP 11-034  
RANCHITA CA

**MEMORANDUM**

**IN OPPOSITION**

Parcel ID #

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**MEMORANDUM IN OPPOSITION**

Respectfully Submitted,  
By Ranchita Community Group For  
Responsible Cell Tower Siting (RCGRCTS)

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## **STATEMENT OF FACT**

This memorandum is being submitted by, Ranchita Community Group for Responsible Cell Tower Siting (RCGRCTS) and on behalf of, multiple homeowners whose homes are situated in close proximity to the tower installation proposed for construction at 27865 Old Mine Rd., Ranchita, CA 92066

The applicant, *Vista Towers LLC*, seeks to install a 2500 square foot 10 foot high block enclosure with metal gates, around two 35 ft. towers disguised as faux pine trees with antenna and four foot wide microwave dishes along with equipment shelters, 210 gallons of diesel fuel, battery vault, air conditioners, generator and other equipment. This is proposed to be installed in an area where all trees are in low lying areas not on top of conspicuous smooth ridgelines. All views from the neighborhood are long views of peaceful layered mountain and ridgeline views that DO NOT have trees or buildings on them. Moreover this installation is proposed to be built in the middle of a quaint neighborhood as close as a few hundred feet from homes and in close proximity to a collection of historic adobe buildings that have been deemed by SOHO and expert Ron May as of the quality and integrity as to qualify for national, state and local designation.

Also this re-design filed in July 2014, which was meant to help the visual plight this commercial facility imposes on this little neighborhood, only blocks residence peaceful long views of layered mountains, more with more uncharacteristic features not found anywhere else in the neighborhood, such as trees and an inconsistently large structure on the top of the ridgeline, having a more damaging impact on homeowners.

Moreover the view from many residences, instead of their current

long layered mountain views, will be a close abrupt stop to the view by a large block building, with 2 faux pines with metal microwave dishes and antenna arms blocking the views.

In submitting this memorandum, the homeowners acknowledge the importance of wireless communications facilities, and the fact they are no less necessary than most public utilities. The homeowners respectfully submit that while they are not opposed to the construction of wireless facilities, they are opposed to the irresponsible placement of such facilities, such as the one currently being proposed by Vista Towers LLC next to homes and historic adobe residences.

As discussed below, *Vista Towers LLC* application for a Major Use Permit and NMD should be denied because the applicant has failed to meet its burdens under local, state and federal law and its proposed installation is not in compliance with same as to:

- I. The scale and design of the proposed facility is not consistent with the rural community character/ aesthetics and would detrimentally cause loss of views, quality of life and property values.
- II. There are significant safety issues with putting an industrial site on a private dirt road and would cause increased fire risks, toxic chemical spill risk, health and safety risks and the project is not in compliance with setback requirements FP-2, federal requirements regarding safety monitoring or local fire code.
- III. The current signal coverage has been misrepresented in the application regarding whether there is a "significant gap" in the

area and no good faith effort has been made to find a “less intrusive location or technology”<sup>1</sup>

IV. Environmental reviews required by CEQA, SHPO are incomplete and insufficient to make a finding there is no impact on the cultural resources such as the collection of historic California Adobes in the view of the proposed installation (and the Montezuma and Verruga Mine in close proximity to Old Mine Road)

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<sup>1</sup> 1. notwithstanding an eight page Alternative Site Analysis which inaccurately dismisses viable less intrusive alternatives.

I.

THE SCALE AND DESIGN OF THE PROPOSED FACILITY IS NOT CONSISTENT WITH THE RURAL COMMUNITY CHARACTER/ AESTHETICS AND WOULD DETRIMENTALLY CAUSE LOSS OF VIEWS, QUALITY OF LIFE AND PROPERTY VALUES IN VIOLATION OF ORDINANCE

The scale and design of the proposed facility is not consistent with the rural community character/ aesthetics and would detrimentally cause loss of views, quality of life and property values.

Any applicant for a Major Use Permit is required to bear the burden of establishing that its application and proposed construction project meets the requirements for the Major Use Permit, and that the granting of the Major Use Permit would be consistent with provisions of the local zoning, ordinances intended to afford nearby property owners protection against any adverse impacts that a non-conforming installation would inflict upon them., San Diego County Wireless Telecommunications Facilities Ordinance No 9549,section 6980, section 6983, Ordinance section 6987.

In considering whether or not *Vista Towers LLC* has met such burdens, there are three glaring omissions from *Vista Towers LLC's* application that should be taken into consideration.

First, this is a critical deficiency under the Zoning Ordinance which mandates the denial of *Vista Tower LLC's* application unless it proves that the "design" being proposed for the tower is the "least visually and physically intrusive" and has been set to "minimize adverse aesthetics and visual impacts"

With regard to the 35 foot towers to be disguised as faux pine, identified by *Vista Tower LLC*, it is respectfully submitted that there are no 2500 square foot homes in the area much less on top of the smooth

ridgelines with 35 foot fake trees, in this neighborhood. The trees are in low lying areas. Planting more trees on the smooth ridgeline, blocking the beautiful ridgeline views even more, is not a remedy that causes a less intrusive facility in character with the environment, or more melding into the scenery, as such, Vista Towers has wholly failed to suggest, much less establish, that its proposed installation has been designed to minimize the intrusive effect of its telecommunication facility on the residences and historic adobe buildings in the area.

. Second, Vista Towers LLC has failed to address, to any credible extent, why it has not chosen a less intrusive, alternative location, further away from homes, or used DAS or Solar, upon any of the large properties, which could accommodate the desired installation without placing it in such close proximity to residential homes. In this regard, Vista Towers LLC has spuriously represented that there are no other potential alternative sites, and of greater import, no alternative "less intrusive" sites.

A. Adverse Impact Upon the Aesthetics  
and Character of The Area

If *Vista Tower LLC's* application were to be granted, it would permit the installation of a 2500 square foot, ten foot high block structure with two 35 foot towers disguised as faux pines with equipment noise, lighting etc, on top of a smooth ridgeline where no other ridgeline in the area has structures or trees, it is so silent you can hear a pin drop at night, where it is so dark the stars pop at night like nowhere else in San Diego and all of this will alter the environment audibly and visually because it is within a few hundred to several hundred feet from a multiple residential homes, a collection of circa 1940's historic California adobes, within 900 feet visible from a San Diego tier 3 scenic

highway(S-22), and in view of the Pacific Crest Trail that meanders across natural landscapes just west of Old Mine Rd. It is also in the viewscape of recognized historic mines in the immediate area, both Montezuma Mine and Verruga Mine.

Among the provisions of the CEQA NEPA and the San Diego Ordinance, this proposed commercial facility fails to comply with all laws intended to afford protection to cultural resources and nearby homeowners against the irresponsible placement of wireless towers, requires this application to be denied on multiple grounds.

It is respectfully submitted that it is beyond argument that the construction of a 2500 sq. ft. base station with 10 foot walls of block with metal gates and 2 faux 35 ft. trees on a smooth ridgeline where no other ridgeline has structures or trees, would not be in harmony with the area. It would "stick out like a sore thumb," would be completely out of character with the area and would substantially adversely affect the "setting" of the collection of historic adobes in its view, as well as the character and aesthetics of the residential neighborhood it would loom over.

As federal Courts have explicitly recognized, the persons in the best position to testify as to the actual adverse aesthetic impacts they would sustain from the perspective of their homes are the homeowners themselves, and as such, testimony or statements from such homeowners must be accepted as evidence by local zoning authorities when considering applications such as the present one. See e.g. Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005).

Not only has the applicant failed to establish that its proposed

installation would be “in harmony” with the area, but it has entirely failed to credibly discuss, much less establish, that the proposed location is the only alternative for such a commercial installation.

Moreover, a denial based upon the adverse aesthetic and character impacts that the proposed installation would inflict upon the nearby historic adobes and homeowners would not violate the constraints of the Telecommunications Act of 1996 See *e.g. American Tower Wireless v. Fairfax County Board of Supervisors*, 674 F3d. 270 (4th Cir. 2012).

Finally, it is significant to note that the application also misrepresents the signal in the area as nonexistent to weak which is not true. As well the Alternative Site Analyses by Vista Towers LLC is not a good faith effort more particularly addressed infra. And is addressed in the coverage and alternative site analyses in the Community’s report which accompanies this submission. This application does not indicate that it is part of a plan under which the applicant has determined that an installation at this location would minimize the number of towers needed to afford complete coverage within the immediate rural area of the County. There is a dead spot on San Felipe also. A ridge of mountains is between S-2 and S-22. No investigation has been done as to whether one of those mountains, away from residences would cover both the dead spot on San Felipe and also the smaller area on the end of S-2 near S-22. This would reduce the number of towers marring the views from the scenic highways in the area.

B. Vista Tower LLC’s photo simulation is inherently  
Defective and should be disregarded

Consistent with zoning regulations across the Country, San Diego County requires applicants seeking to install wireless facilities to provide

a Visual Impact Assessment, to enable the Commission to assess the extent of the adverse aesthetic impact which a proposed installation will inflict upon the nearby properties and the community.

To complete this impact assessment and thereby provide the County with the ability to consider the actual adverse aesthetic impact which a proposed installation will inflict upon nearby property owners, the Ordinance requires applicants to submit photographic images which depict the views taken from those properties which would be most adversely affected. "Photographs of a clearly visible at the proposed tower location . . . shall be taken from locations such as property lines and/or nearby residential areas."

Where, as here, a local zoning code imposes such a requirement, wireless companies will often seek to "minimize" the appearance of the actual adverse impact which their proposed installation will inflict, by preparing and submitting Visual Impact Studies which omit images taken from the closest residential properties, and those properties upon which the impact will be most severe.

Consistent with such practice, in support of its application, Vista Towers LLC has submitted a "Photo Presentation" contained within the Commissions Hearing Report.

Glaringly absent from the images contained within the Photo Presentation, are any photographic images taken from the homes in closest proximity to the proposed installation.

By way of example, there are no photographs taken from the home of Barbara Schnier, which, at 28015 Old Mine Rd, whose yard would be approximately less than a 1000 feet from the 2500 ft. structure and two 35 foot towers disguised as faux pines with other trees and shrub planted to shield the ugly site, block the ridgeline view and cause a

closed in feeling on the patio that is always used for entertaining and relaxation. Moreover the site is framed from the view of every southeast facing window in the historic 1944 Adobe home. Or Arouse Kazim whose property looks directly at the site at close range. Or Johanna Woods home which will not see, beautiful smooth ridgeline with long layered mountain views but a blocked view of a 2500 square foot structure which is larger than any structure in the neighborhood, a 10 foot high block wall with two towers disguised as faux pines with micro wave dishes on them. The commercial telecommunication facility is larger than any house in the neighborhood in fact larger than the residence (1350 sq. ft.) on the subject property. Under local building codes, this homeowner would not qualify to put a residential guest house of a third of the size of this commercial telecommunication facility on his property.

It is beyond argument that *Vista Towers LLC* is aware of the presence of these homes, because it was required to provide these homes with notice of their application.

But despite such knowledge, Vista Towers LLC, chose to omit any photographic images from the perspective of the closest homeowners, thus preventing the Commission from actually seeing the real visual impact those homeowners would sustain in the event that these structure that were approved by the Commission.

Across the Country, studies such as that presented by Vista Towers LLC and companies like it, are being rejected, as being inherently defective, and serving no legitimate purpose, for this very reason.

In Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005) a federal court explicitly ruled that where, as here, a proponent of a cell tower presents a visual impact study wherein

they “omit” from the study any images or analysis of the perspectives of homeowners whose homes are in close proximity to the proposed installation, the study is inherently defective, and should properly be disregarded by the respective government entity which received it.

As was explicitly stated by the federal court, “The Board was free to discount Omnipoint’s study because it was conducted in a defective manner . . . because the study was conducted without notice to the Board or the community, the observation points were limited to locations accessible to the public—mostly public roads, and no observations were made from the residents’ backyards much less from their second story windows” *Id.*

As such, in accord with the federal court’s holding in Omnipoint, Vista Towers LLC’s presentation should be disregarded in its entirety, and its application should be denied for its failure to comply with the law.

C. Adverse Impact Upon The Property Values  
of the Homes Situated in Close Proximity  
to the Proposed Major Use Permit Tower

In addition to the adverse impacts upon the aesthetics and residential character of the area at issue, the construction of such a massive tower at the proposed location would contemporaneously inflict an adverse impact upon the actual value of the homes situated in close proximity to the proposed tower. Across the entire United States, both real estate appraisers<sup>2</sup> and real estate brokers have rendered professional opinions which simply support what common sense

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<sup>2</sup> See e.g. a February 22, 2012 article discussing a NJ appraiser’s analysis wherein he concluded that the installation of a tower in close proximity to a home had reduced the value of the home by more than 10%, go to <http://bridgewater.patch.com/articles/appraiser-t-mobile-cell-tower-will-affect-property-values> from 5% or 20%.

dictates. When large cell towers are installed unnecessarily close to residential homes, such homes suffer material losses, typically range anywhere from 5% or 20%.

In the worst cases, towers are built near existing homes and thereby cause the homes to be rendered wholly unsalable.<sup>3</sup>

With regard to the tower currently proposed by *Vista Towers LLC* herein, one or more professional real estate agents will testify that consistent with the professional studies cited herein, if the proposed installation is constructed in such close proximity to the nearby homes, it will reduce the monetary value to those homes. (Three declarations attached to this document from local realtors/brokers in Ranchita area, Paul Newell, Angela Acosta of Warner Springs Realty and Maya Streamer of Red Hawk Realty)

As has been recognized by federal Courts, it is perfectly proper for a local zoning authority to consider, as evidence, the professional opinions of real estate brokers, (as opposed to appraisers) as to the adverse impact upon property values which would be caused by the installation of a proposed cell tower. See Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005), and this is especially true when they are possessed of years of real estate sales experience within the community and specific geographic area at issue.

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<sup>3</sup> Under FHA regulations, no FHA (federally guaranteed) loan can be approved for the purchase of any home which is situated within the fall zone of a cell tower. See HUD FHA HOC Reference Guide Chapter 1 - hazards and nuisances. As a result, there are cases across the country within which: (a) a homeowner purchased a home, (b) a cell tower was thereafter built in close proximity to it, and (c) as a result of same, and the homeowners could not sell their home, because any buyer who sought to buy it could not obtain an FHA guaranteed loan. See, e.g. October 2, 2012 Article “. . . Cell Tower is Real Estate Roadblock” at <http://www.wfaa.com/news/consumer/Ellis-County-Couple--Cell-tower-making-it-impossible-to-sell-home--172366931.html>.

Given the reduction in property values which the nearby homes would sustain, the granting of Vista Tower LLC's application should be denied.

## II.

### THE INSTALLATION OF VISTA TOWER LLC PROPOSED SITE CAUSES INCREASED SAFETY AND CONSTRUCTION CONCERNS AND VIOLATES CODES MEANT FOR SAFETY OF NEAR BY RESIDENTS

Equally well-documented are the multiple dangers of structural failures of all types of cell towers, from lattice structures to monopoles, wherein a component of an installation fails, causing an element or part of the structure to hurdle to the ground, or in some cases, the entire tower to collapse or to burst into flames and fall over. Some of the most common elements and areas of failure which result in the collapse of cell towers are baseplates, flanges, joints, bolts and guy wires.

There is the danger of falling debris, and more specifically, items dropped or caused to fall during routine maintenance activities at must be performed upon such towers on a regular basis. To afford adequate protections against these very real dangers, local governments (including San Diego County) have imposed setback requirements to afford sufficiently sized buffer/safety areas to ensure the safety of both their citizens and the public at large.

These buffer or safety zones consist of an area surrounding a tower which is restricted from public or personal access, and which is large enough to ensure that if a tower were to fail or collapse, or ice were to hurdle downward from the top of it, nobody would be close enough to be injured or killed by same.

A. SETBACKS: The Hearing Report at page 16 states, "the project

meets all required setbacks. The closest property line to the equipment is 33 feet to the south"... San Diego Zoning Ordinance 6985(c) (FIRE and SETBACKS: . requires a minimum 50 ft. set back from a tower's nearest residential lot line. It is measured from the tip of the longest branch. Since Applicant has not chosen a manufacturer for the tree there is no way to know if this ordinance is complied with. Therefore it cannot be credibly represented to the Commission that this project complies with all set back requirements.

B. FIRE: Ranchita is the highest fire danger area. Ranchita residence pays an annual extra tax to California and very high homeowner insurance because of this. The Hearing Report at page 11 says the project complies with FP-2. This is not true. FP-2 states at page 1 under Fire Prevention Standard... "The policy does not apply when the cellular site is located within an existing building OR proposes onsite fuel storage." This type of location.....requires specific review." The community has not been informed that any further review has been done.

C. ROAD EASEMENT AND FIRE SAFETY: Old Mine Road is a privately owned and maintained road. It is 11-14 feet wide at many locations leading to the proposed site. It has only one way in and out. The construction equipment used by Vista Towers will in some cases be wider than the road. The property owners have signed and submitted a Petition prohibiting use of their easements for this commercial use and assert this commercial use overburdens the road easements granted solely for residential and agricultural purposes.

D. TITLE 47 VIOLATION re RADIATION SAFETY: Also since the redesign was submitted in July 2014, another problem is presented. The new proposed tower is 35 ft... The Commission's Rules Adopting

the New Radiofrequency emissions guidelines Title 47 Part 24 (1) (subpart D) "non-rooftop antennas: height above ground level to radiation center <10 meters and total power of all channels> 1000W ERP (1640 W EIRP) are subject to "routine environmental Evaluation". Applicant's towers' power source will be less than 10 meters (See Vista Tower drawings showing micro wave dishes significantly lower than top 35 ft. height) therefore this safety precaution should be in their safety and procedure plans. It is not. This Title 47 requirement is not complied with. (See Verizon Site Compliance report dated February 9, 2015 at page 8. Showing total power of all channels is > 1000 W ERP and adds the data from AT&T antenna and it is more) Vista Tower LLC safety procedure fails to comply with this requirement.

Since Vista Tower LLC's proposed construction does not present enough information for the Commission to determine it meets the County setback requirements, its application must be denied.

### III.

THE APPLICANT MUST SHOW A LEGALLY COGNIZABLE DEFICIT IN COVERAGE AMOUNTING TO AN EFFECTIVE ABSENCE OF COVERAGE, AND THAT IT LACKS REASONABLE ALTERNATIVE LESS INTRUSIVE MEANS TO PROVIDE COVERAGE.

The Community asserts, based on independent testing and requirements of the law that Vista Towers LLC has failed to show a "significant gap" under the applicable law. If the Commission finds there is a "significant gap" it must then determine if there was a "good faith" effort by Vista Towers LLC to find a less intrusive alternative location for the tower or another technology, (such as oDAS or Solar allowing other locations to be reasonably considered)

The Community asserts with expert concurrence, that Vista Towers

did not make a “good faith” effort to investigate all reasonable alternatives for a less intrusive location or technology to accomplish its coverage objectives.

A.

SIGNIFICANT GAP IS DEFINED AS: the Ninth Circuit finds a significant gap if the particular provider seeking to install facilities has a gap in its own Metro PCS Inc. v. City & County of San Francisco 400 F.3d at 733 (N.D. Cal. June 16, 2006) service network, even if other companies provide service in an area. MetroPCS, Inc. v. City and County of San Francisco, at 732;

1. Factors to consider “a significant gap must be large enough in terms of physical size and number of users affected to distinguish it from a mere, and statutorily permissible, dead spot, (“the TCA does not guarantee wireless service providers coverage free of small ‘dead spots’”);

2. Applicant misstates facts in its Alternate Site Analyses, filed with the Commission, to support its assertion that there is a significant gap. For example:

a) Misstatement One- Page 1 last line it states “Currently, no carriers have coverage in this area”. S-22)

Truth is: Community’s coverage expert, Tom Gray, with 40 years experience in the industry, having testified in front of Congress and represented municipalities in planning wireless systems, will testify that both AT&T and Verizon have pretty good signal in the area, A test was done streaming video all along Montezuma Valley Rd. and signal was only garbled in two locations near each other just past Old Mine Road., nearer to the intersection of San Felipe Rd. See Map attached from Expert Report attached

b) Misstatement Two. At page 7 under 2. "Vulcan Mountain (Rutherford Peak)" "...has two main limitations. "First the site is over 6 miles away" and due to distance, Vulcan Mountain has difficulty providing in building coverage due to signal strength" They go on to say "it may also have problems providing reliable in car coverage"

This shows numerous inconsistencies in facts quoted by Vista Towers LLC; it goes from the Vulcan Mountain site being 5 miles away to being over 6 miles away. This causes one not to be able to rely on the veracity of assertions much like the selective photo submissions of the tower impact on the community.

c) Misstatement Three. At page. At page 7 Applicant goes on to say "Secondly, there is a ridgeline between Vulcan Mountain and the area immediately west of Ranchita. That ridgeline blocks the signal and leaves a 3+ mile dead zone back to existing coverage". Applicant goes on to say in the last paragraph, "another site or a site upgrade at Vulcan Mountain would not provide any additional benefit or improvement in coverage to Ranchita."

The true facts are: while it is true as can be seen from the map of streaming video there is a ridgeline blocking signal, it is by no means a complete dead spot with no service the entire 3+ mile area between Old Mine Road and San Felipe Road.

d) Misstatement Four. At page 3 G. and H., it shows a picture, SIDE CUT as if the ridge for the proposed tower is a higher elevation than the commercial site in town.

Response: That appears physically impossible as the highest point of the proposed tower ridgeline is 3850 ft. altitude and the commercial area

in town is at over 4065 ft. altitude. Any site in the town commercial area would be at a full 200+ foot elevation higher than the proposed site on Old Mine Rd.

B.

VISTA TOWERS LLC HAS FAILED TO MAKE A REASONABLE SHOWING THAT IT MADE A GOOD FAITH EFFORT TO FIND A LESS INTRUSIVE LOCATION OR TECHNOLOGY TO CLOSE A SIGNIFICANT GAP IN SERVICE.

Vista Towers LLC must also show that there is no other less intrusive means to close a significant gap in service. To show this applicant must develop a record demonstrating that it has made a full effort to evaluate the other available alternatives and that the alternatives are not feasible to serve its customers."

The evidence will show that Vista towers did not develop a record demonstrating that it has made a full effort to evaluate the other available alternative locations as follows:

1. DAS IMPROPERLY DISMISSED BY BOTH APPLICANT and COUNTY HEARING REPORT, SEE

See APPLICANT'S ALTERNATE SITE ANALYSES AT PAGE 3 under "Evaluation of Potential sites per section 6986 A.2. (a)(1)" it says

"Utility Towers- Existing utility poles in the area, along Montezuma Valley Rd, are at much lower elevations along existing roadways and would not provide adequate coverage due to blockage by the rolling terrain and the roadside vegetation, there are no utility towers in the project area." AND

Also see COUNTY'S PLANNING COMMISSION HEARING REPORT at page 7 subsection 3. Alternative Site Analysis "There are no.....utility poles available, that would allow for the number of antennas required, nor would they serve the coverage objective, which are Montezuma Valley Road and the surrounding residential area."

The Community will provide evidence through expert testimony and pictures that there are indeed utility poles on Montezuma Valley Road that are not low and not blocked by foliage. The claim that foliage will block signal when it is as light as it is in this high desert area is spurious at best. Additionally if poles need extensions, it is commonly done when installing oDAS which is used in rural area. See picture true and correct pictures attached of utility poles on Montezuma Valley Road (S-22) that are neither blocked by foliage or low down.

2. Solar powered cell site was summarily dismissed by Vista Towers giving reasons that are contradicted by published information directly from Verizon Corporation. Solar is a viable alternative for remote area cell towers such as the area of this proposed site. This option if properly investigated could reveal a less intrusive alternate location for the applicant to install its telecommunication facility without intruding on sensitive historic resources or a non – preferred zone- quiet residential area.

Solar is not mentioned nor considered in applicant's alternate site analyses; no investigation of this alternative was addressed.

THE COUNTY PLANNING COMMISSION HEARING REPORT MISSTATES SOLAR IS NOT A VIABLE ALTERNATIVE. at page 11 "...there are various and significant challenges in using solar as the primary energy source, for a wireless facility. These items include: the footprint for the solar panels and availability of lease area, CEQA conformance and reliability of the power source.." it also states that only 5-10% of power needs could be met by solar. "

VERIZON ITSELF DISPUTES THIS ASSERTION IN THE HEARING REPORT. See numerous published articles and its own website where Verizon already has 28 remote cell tower sites powered by solar, some

so remote they need a helicopter to access the site.

See April 22 2008 author, Sven Rafferty article "VERIZON GOES GREEN WITH SOLAR POWERED CELL TOWERS", "*Verizon Wireless grabs the rays of the sun to transform them to free, clean, power. Using solar power across the nation, Verizon Wireless charges local batteries for to insure continuous power for even those cloudy days. Pictured here, a remote desert location in California helps Verizon customers in the middle of nowhere have conversations with the backing of green. No money but as in the clean eco-friendly way of powering the cell towers. VERIZON HAS EIGHT SOLAR POWERED SITES IN THE WESTERN UNITED STATES, SOME THAT REQUIRE HELICOPTERS TO GAIN ACCESS TO.*"

Another article is "VERIZON INVESTING 13.5 MILLION IN NEW SOLAR PROJECTS/EarthTching, "

*"Based on Verizon's existing solar power capacity and on site generating systems, combined with its new solar energy expansion plans for 2014, it's clear that Verizon is on a path to become the solar power leader in the U.S. telcom industry." Said Solar Energy Industries Association (SEIA) president and CEO Rhone Resch. ...Verizon also uses 26 solar-assisted cell sites in remote areas in western United States to help power a portion of the nation's largest and most reliable wireless network."....."The company also is a key sponsor...which will focus on how small businesses can reduce their environmental impact and increase profits."*

Verizon also states under "Reducing our Footprint-Verizon Responsibility that "We have committed to invest more than \$100 million in a solar and fuel cell energy project that will help power Verizon facilities across the country. .... With more than 89 million kilowatt hours of electricity expected in one year, we will have enough electricity to help

power our critical data centers, central offices and office buildings across six states.”

The Community representative and coverage expert met with Vista Irrigation District property manager who owns over 2000 acres contiguous to Old Mine Rd. The map of this property owner was provided to the County personnel. We drove the area of Vista Irrigation District's property off S-22 and it includes several excellent locations for Applicant to explore as a less intrusive location to the current proposed site. Yet Vista Towers apparently did not investigate this option.

According to Verizon, solar is not only a viable alternative but perfectly suited to rural areas such as Ranchita. This application must be denied as Applicant failed to fulfill its obligation under the law to develop a record demonstrating that it has made a full effort to evaluate the other available alternatives and that the alternatives are not feasible to serve its customer.

### C.

#### VERIZON PROVIDES INCONSISTENT COVERAGE MAPS FOR THE AREA PROPOSED FOR COVERAGE

##### Coverage Maps.

It is respectfully submitted that in examining whether or not Vista Towers LLC's proposed installation is consistent with the goals and standards under the code, the Commission should first “discount” the propagation and coverage maps proffered by Vista Tower LLC and Verizon, and take into consideration the live coverage maps published and maintained by Verizon on its internet website.

On its website, Verizon has published current actual wireless coverage maps for both voice and data wireless services.

Such online maps prepared and published by Verizon reflect that,

according to Verizon, it has complete voice and data coverage for the entire area for which it claims its new proposed tower is needed to provide wireless service.

True copies of Verizon's current voice and data maps are respectively attached and reflect that there are no gaps in either its voice or data wireless coverage in the area at issue. (Alternatively please take judicial notice of Verizon website content)

Aside from the obvious fact that, within the context of the current application, Vista Tower LLC has submitted Verizon coverage maps which directly conflict with Verizon's online coverage maps, is the fact that the existence of such alleged "gaps" in wireless coverage as depicted by the coverage maps will not be eliminated if the proposed tower is constructed.

In fact, neither Vista Tower, nor Verizon has alleged, much less established, that the placement of the proposed tower at this location will minimize the number of towers which will ultimately need to be constructed within the County.

Two obvious questions which remain unanswered by the application are: (a) why is this location better than any of the other locations available to the West where a tower can be installed at greater distances from any homes, thereby making it less intrusive, and (b) since the proposed tower will not eliminate other "significant gap" areas purported to exist in Grapevine Canyon, or a long area of San Felipe Rd, (see Verizon website coverage maps) , then why should it be built near homes when there are uninhabited mountains between San Felipe Rd (S-2) and Montezuma Valley Road (S-22) , that have not been investigated by Vista Tower LLC, according to its Alternate Site Analyses. Why would the Commission recommend approval of a poorly researched site,

putting this tower in a residential area, near sensitive cultural resources, historic mines, Scenic highways, Pacific Crest Trail and 1940's collection of historic California adobes, knowing that reasonable less intrusive alternatives have not been investigated by Vista Tower LLC and it is possible if not probably that additional towers will be required in this area, irrespective of this proposed tower.

Simply stated, Vista Towers LLC has wholly failed to meet its legal obligation to investigate alternative less intrusive alternatives, and as such, its application should be denied.

#### IV

#### NO VALID CEQA REVIEW WAS COMPLETED FOR THIS PROJECT AND THEREFORE THIS PROJECT MUST BE DENIED.

Expert Ronald May, RPA will testify regarding the deficiencies in the CEQA and other environmental reviews that make it incomplete and not valid, therefor this applicant must be denied. Attachments to this brief include letters and e-mails on this subject from SOHO, Ron May and between the County and Ronald May attempting to correct the serious problem with the CEQA review and other reviews.

CEQA, the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts if feasible. CEQA applied to certain activities and projects of the state and local public agencies. Once a project is considered 'Not Exempt' from CEQA and has a significant effects, it is the responsibility of the lead agency to prepare an Environmental Impact Report (EIR) or Negative Declaration for public review and consideration for approval or denial.

While the collection of historic Adobes were brought to the attention of the County and Applicant, they failed to amend the CEQA review which

was done in 2012, and Applicant similarly did not notify the appropriate reviewing federal agencies to correct the deficiency. The SHPO office reopened the review based on the new design that it previously to last month had no knowledge of. SHPO has asked for further documents from the Community Group which was provided last week. The Applicant has not obtained approval from SHPO for the re designed project yet. It is still under review. The Community Group has filed a complaint with the FCC for the failure of these important rare historic buildings not being submitted for a proper review an consideration either for denying the project in this location or proper mitigation measures to be included in the MND. No consideration thus far has been given these buildings or the historic views cape of the mines in the immediate area to Old Mine Road.

This important environmental review must be done prior to an approval otherwise it would be an abuse of discretion. All communication between the Expert Ronald May and County on this subject are included in the Attachments to this brief. (23 pages)

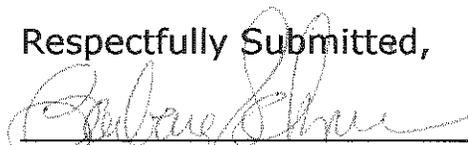
Therefore because improper procedure has been followed and no proper environmental reviews have been done with complete records and consideration given to important cultural and historic resources this application must be denied.

#### CONCLUSION

As set forth herein, Vista Towers LLC has failed to meet the requirements under the law.

In view of the forgoing, it is respectfully submitted that *Vista Towers LLC's* application should be denied in its entirety.

Respectfully Submitted,



Ranchita Community Group For

# LEGAL BRIEF

## AND ATTACHMENTS

- I. ABSENTEE DECLARATIONS AND POWER OF ATTORNEY FOR FEBRUARY 20, 2015
  1. JARED ALDERN
  2. TAMMY COOTER
  3. PATRICIA MILLER
  4. MARIA COZENS
  5. JUSTIN COZENS
  6. SANDRA WEISGERBER
  7. DAVID WEISBERBER
  8. MICHAEL PINTO
  9. MEILI PINTO
  10. ROUFA KAZIMI
  11. PAT CONNIFF
  12. MARGARET SCHAUFELBERGER
  13. JANICE ACOSTA
  14. SUSAN STEVENSON
  15. SCOTT STEVENSON
- II. DECLARATIONS OF REAL ESTATE BROKERS/AGENTS AS TO PROPERTY VALUES: (6 PAGES TOTAL)
  1. ANGELA ACOSTA WARNER SPRINGS REALTY
  2. PAUL NEWELL WARNER SPRINGS REALTY
  3. MAYA STREAMER RED HAWK REALTY
- III. RANCHITA COMMUNITY GROUP PETITION TO OPPOSE TELECOMMUNICATION FACILITY AT OLD MINE ROAD RANCHITA

### 70 SIGNATURES

- IV. . PRIVATE PROPERTY ROAD EASEMENT ON OLD MINE ROAD REFUSE TO GRANT ACCESS TO VISTA TOWERS LLC  
DOCUMENTS SUPPORTING COMMUNITY CHARACTER
  1. PUBLIC SOLUTIONS COMMENT ON MND 53 PGS
  2. 13 COLOR PICTURES OF COMMUNITY CHARACTER AND VIEWS OF SITE AND UTILITY POLES ON S-22
  3. MORGAN LEWIS AND BOCKIUS "IMPACTS OF ELECTROMAGNETIC FIELDS ON PROPERTY VALUES 8 PGS
- V. SAFETY FIRE/CHEMICALS NOISE LIGHT POLLUTION SUB STANDARD ROAD 59 PGS  
INCLUDING
  - VERIZON AND AT&T MOBILITY FREQUENCIES/SAN DIEGO MARKET
  - SELECTED TEXT OF THE COMMISSION'S RULES ADOPTING THE NEW RADIO FREQUENCY EMISSIONS GUIDELINES
  - M&M TELECOM INC. ON BEHALF OF VERIZON WIRELESS SITE ID RANCHITA SITE COMPLIANCE REPORT DATED: FEBRUARY 9, 2015

### VI. COVERAGE ANALYSES AND LESS INTRUSIVE SITE INVESTIGATION

- TOM GRAY REPORT 8PAGES
- MAP OF RUTHERFORD PEAK IN RELATION TO S-22 1 PAGE

- PHOTOS OF UTILITY POLES ON MONTEZUMA VALLEY ROAD IN 3 MILE AREA WITH LIGHTER SIGNAL 3 PHOTOS.
- VERIZON WEBSITE COVERAGE MAPS 2 PAGES
- SUGGESTED SITE MAP 3PAGE

**VII. HISTORIC SIGNIFICANCE OF ADOBES-PROTECTIONS AND INCOMPLETE ENVIRONMENTAL CEQA REVIEW**

**DEFECTS IN CEQA AND MND 23 PGS.ZKZZX**

- SOHO LETTER DATED SEPT 22, 2014
- RON MAY LETTER DATED AUGUST 21, 2014 ADVERSE EFFECTS
- RON MAY LETTER DATED AUGUST 21 2014 CRITERIA
- E-MAILS
  - FEB 2 2015 SMITH TO SCHNIER
  - FEB 5, 2015 SCHNIER TO SMITH RAMAIYA CC MAY SOHO
  - FEB 5 2015 SMITH TO SCHNIER RE MITIGATION ETC.
  - FEB 5, 2015 MAY TO SMITH RAMAIYA AND SOHO
  - FEB 10 2015 MAY TO SMITH AND RAMAIYA
  - FEB 13 2015 MAY TO SCHNIER
  - 2015 SCHNIER TO SMITH AND RAMAIYA AND

**-VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT TITLE 14 CHAPTER 3 ARTICLE 5 SECTION 15064.5**

# **COVERAGE ANALYSES AND LESS INTRUSIVE SITE INVESTIGATION**

- TOM GRAY REPORT 8PAGES**
- MAP OF RUTHERFORD PEAK IN RELATION  
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MONTEZUMA VALLEY ROAD IN 3 MILE AREA  
WITH LIGHTER SIGNAL 3 PHOTOS.**
- VERIZON WEBSITE COVERAGE MAPS 2  
PAGES**
- SUGGESTED SITE MAP 3PAGES**

# ALTERNATE SITE ANALYSIS AND COVERAGE P11-034

## 1. TOWER COMPANY ANALYSES

(COMMUNITY COMMENT: NOV. 2012 VERIZON SIGNAL DIMINISHED ALONG MONTEZUMA VALLEY RD.)

INDEX:

- A. VISTA TOWER LIST OF TOWERS IN CALIFORNIA
- B. RF EXPLANATION FOR LOCATION AND HEIGHT
- C. VISTA TOWER MEASUREMENT OF NO SERVICE AT SITE (NO DATE)
- D. NEW ALTERNATE SITE ANALYSIS DATED 5-29-13-CONTAINS FALSE STATEMENT:

1.) THAT NO CARRIERS HAVE COVERAGE IN TARGET AREA-ATT DOES AND VERIZON CLAIMS TO ON ITS WEB SITE. PAGE 1.

2.) STATES VOLCAN IS 5 MILES AWAY (PAGE 1) WHILE IN ABOVE RF EXPLANATION STATES VOLCAN/RUTHERFORD PEAK IS OVER 6 MILES AWAY (PAGE 2E ADMITS WILSON RD, RANCHITA WITHDRAWN DUE TO PROTECTED BIOLOGY ON SITE PER GRADING VIOLATION ARGUMENT AND PAGE 2F ADMITS OLD SADDLE RD SITE WITHDRAWN ALSO FOR SIGNIFICANT BIOLOGY 1/3 MILE AWAY FROM PRESENT SITE APPLICANT)

3.) PAGE 3 UTILITY TOWERS STATED AS NOT ADEQUATE BECAUSE TO LOW. THIS IS FALSE AS THERE ARE HIGH POWER LINES ALL ALONG MONTEZUMA VALLEY ROAD.

4.) PAGE 6 -2. VOLCAN MOUNTAIN (RUTHERFORD PEAK) STATES A 3 MILE DEAD ZONE THIS IS FALSE. AND UNTIL NOVEMBER 2012 DEGRADATION OF SERVICE YOU COULD TALK ON A VERIZON PHONE ALL ALONG THAT 3 MILE STRETCH WITH ONLY ONE MILLISECOND DROP)

5.) PAGE 6 last paragraph-STATES AN UPGRADE AT VOLCAN MOUNTAIN WOULD NOT PROVIDE IMPROVEMENT BECAUSE ATT HAS A SITE THERE. WHAT THEY NEGLECT TO TELL YOU IS THAT ATT HAS A GOOD TO EXCELLENT SIGNAL ALL

ALONG MONTEZUMA VALLEY RD WEST OF THE TOWN FIRESTATION. (SEE DECLARATION OF ALANA SILLS AND BARBARA SCHNIER AND TAMMY COOTER. To be provided)

E. ALTERNATE SITE MAP

F. REVISED ALTERNATE SITE ANALYSIS DATED 6-14-12

G. REVISED ALTERNATE SITE ANALYSIS DATED 6-12-12

H. RF EXPLANATION FOR LOCATION AND HEIGHT (OLDER VERSION)

I. VISTA TOWERS, LLC EXISTING NETWORK APRIL 2012

J. PICTURE OF POSTING OF MAJOR USE PERMIT AND MONTEZUMA VALLEY RD

## **2. RANCHITA COMMUNITY POSITION:**

THIS TOWER IS DUPLICATE COVERAGE AND NOT NECESSARY. RUTHERFORD PEAK/VOLCAN MOUNTAIN LEAVES NO "SIGNIFICANT GAP OF COVERAGE IN THE TARGET AREA. (IF THERE IS PODS ARE A LESS INVASIVE WAY TO COVER INSIGNIFICANT GAPS IN COVERAGE)

### **INDEX:**

- A. MAP OF ALTERNATE SITES SUGGESTED BY THE RANCHITA COMMUNITY GROUP, IF NEEDED AFTER RUTHERFORD PEAK/VOLCAN MT UP AND RUNNING.
- B. VISTA TOWER MAP WITH COMMUNITY RED NOTING SUGGESTED ALTERNATE SITES.
- C. PICTURE OF RUTHERFORD PEAK/VOLCAN MT FROM OLD MINE RD.
- D. AT&T COVERAGE MAP FILED IN 2010 FOR NEW ANTENNA ON RUTHERFORD PEAK/VOLCAN MT. THE COVERAGE IS HARD TO SEE BUT IT SHOWS EXCELLENT TO GOOD COVERAGE IN THE RED CIRCLED AREA WHICH IS THE AREA VISTA TOWERS CLAIMS HAS NO SERVICE. THIS

CONTRADICTS VISTA TOWERS ASSERTIONS OF THE NEED FOR A TOWER ON OLD MINE RD.

- E. VISTA TOWERS FILED FOR CURRENT OLD MINE RD APPLICATION. VERY DIFFICULT TO READ OR SEE WHERE THE UNDERLYING ROAD AND COVERAGE AREA IS AS THERE ARE THOUSANDS OF ACRES OF BLM UNINHABITED LAND AROUND THIS AREA.
- F. VERIZON MAP TAKEN FROM ITS WEBSITE. SHOWS EXCELLENT COVERAGE ALL ALONG MONTEZUMA VALLEY ROAD. (RED IS EXCELLENT COVERAGE AS STATED ON WEB SITE.)
- G. GOOGLE MAP OF COMMUNITY SHOWING ALTERNATE SITE SUGGESTIONS (3PAGES)

**ADDITIONAL SUGGESTIONS OF THE RANCHITA COMMUNITY GROUP:**

- H. COMMUNITY SUGGESTED ALTERNATE SITES TO INCLUDE THOSE THAT CAN OPERATE ON SOLAR GIVING MORE LATITUDE TO LOCATIONS AWAY FROM PREFERRED ZONED RESIDENTIAL AREAS. (SEE NEW ARTICLE VERIZON SPENT 100MILLION DOLLARS ON SOLAR OFF GRID FOR ITS COMMERCIAL BUILDINGS.)
- I. RANCHITA COMMUNITY EVIDENCE THAT RUTHERFORD PEAK/VOLCAN MOUNTAIN (3.9 MILES AWAY- VISTA TOWERS CLAIMS OVER 6 MILES AWAY THIS IS FALSE) GIVES EXCELLENT COVERAGE IN RANCHITA, BASED ON:
  - a. SIGNAL FROM AT&T TOWER - OPERATIONAL AS OF MARCH 2010 .gives excellent cell coverage throughout areas stated as target area BY Vista Towers, LLC. /Plan Com/Verizon (7 miles of Montezuma Valley Rd.)
    - 1. AT&T's application for the antenna that was operational on March 2010 INCLUDED A coverage map that shows good to excellent coverage throughout Ranchita including all of Montezuma Valley Rd. Therefore putting a Verizon site in similar location should also give excellent coverage

2. Verizon's coverage map submitted with this application is not readable nor can you see the underlying map and tell where the coverage is in relation to roads and development in area.
- b. VOICE MAIL RECORDING FROM VERIZON TECH SUPPORT STATED EXACT COVERAGE STRENGTH IN OUR ZIP CODE. (WE SAVED THIS RECORDING)
  - c. VERIZON MAP ON ITS WEBSITE SHOWS EXCELLENT COVERAGE IN OUR AREA (THAT IS A FALSE REPRESENTATION TO SELL PHONES)
  - d. DECLARATION OF ALANA SILLS THAT SHE LIVES ON OLD MINE RD AND GETS EXCELLENT SERVICE FROM AT&T ALL ALONG MONTEZUMA VALLEY RD AS WELL AS HER HOME AT 28015 Old Mine Rd., TO EXTENT SHE CAN STREAM VIDEO AND MUSIC ON HER AT&T PHONE.
  - e. VERIZON HAD AN ANTENNA APPROVED FOR RUTHERFORD PEAK/VOLCAN MOUNTAIN LAST SPRING. (DON'T KNOW IF IT IS UP YET. BUT I JUST STARTED BETTING TWO BARS OF 4G AT MY HOUSE.

CONCLUSION: AN ANTENNA AT RUTHERFORD PEAK AND IF NEED A FEW PODS ON POLES TO FILL IN SMALL GAPS BLOCKED BY RIDGES ALONG MOTEZUMA VALLEY RD, IF ANY, IS A BETTER MORE SENSIBLE PLAN. RATHER THAN DESTORY A HE MOST EXPENSIVE NEIGHBORHOOD IN TOWN AND A NEIGHBORHOOD WITH HISTORIC ADOBE BUILDINGS NEXT TO THE PROPOSED SITE RUINING THE VIEWSHED OF THESE HISTORIC PROPERTIES.

\*\*\*\*\*NOTE: THERE IS **NO PLAN** FOR THE AREA TO NOT HAP-HAZARDLY PUT UP CELL PHONE TOWERS. THERE IS A DEAD CELL AREA ON SAN FELIPE RD AND A PEAK BETWEEN SAN FELIPE AND MONTEZUMA VALLEY RD. WHICH COULD SERVE BOTH AREAS RATHER THAN PUTTING UP TWO TOWERS. THE OLD MINE RD SITE DOES NOT REACH SAN FELIPE RD.

Cell Service  
Analysis on  
Montezuma  
Valley Road

September 5

2014

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This report was commissioned by the Ranchita Community Group for Responsible Cell Tower Siting. It is to evaluate cellular service along Montezuma Valley Road and to comment on justifications for the placement of a cellular tower, proposed by Verizon in Ranchita.

Prepared by:  
Thomas Gray

# Thomas K. Gray

## Vice President and General Manager (Executive Sponsor)

### Technical Expertise

*Voice/Data Networks*

*Traffic Engineering*

*Voice and Data Switching  
Systems*

*High Call Volume Center  
Design*

*Microwave*

*SS7/SONET*

*Console Design*

*Software Development  
Management*

*RAM Analysis*

*Audio/Visual Systems*

*Power / Grounding Systems*

### Education

*Fullerton College, Electrical  
Engineering*

*Brigham Young Univ.,  
Electrical Engineering*

*Southern Alberta Institute of  
Tech., Switching Systems*

### Awards, Affiliations and Certifications

*National Emergency Number  
Association (NENA)*

*Avanti G1 Certified*

*CBXII 8000 International  
Certified*

*California OES Emergency  
Ops. Ctr. Design Certified*

*Chaired IIR Conferences on  
Wireless 9-1-1 Deployment*

Mr. Gray directs RCC's efforts in the Western Region. His technical and project management expertise are a result of more than 30 years in telecommunications. He has appeared before the U.S. Congress on issues related to ADA and public safety, and has chaired two international conferences on wireless deployment. He joined RCC in 1995.

### Selected Professional Experience

- **Los Angeles Police Department, CA** – Complete revamp of the public safety infrastructure for the Department. As project director, acted as "owner's agent" overseeing the construction of two 9-1-1 call centers, new voice and data radio networks, CAD and Mobile Data equipment.
- **State of California** – Supported California 9-1-1 Program Office for equipment and services procurement and long-range strategic planning. Assisted in managing wireless 9-1-1 Phase 1 field trial in San Gabriel Valley. Chaired strategic planning efforts among the Program Office, Highway Patrol and the State's four largest City agencies.
- **City of Chicago** – Engineering manager responsible for design of public safety command center for City Police and Fire depts. Deployed first SS7 based platform for a large public safety agency. Managed the deployment of over 175 miles of fiber optics, integrated console, and defined the first intelligent workstations deployed for public safety.
- **Los Angeles County Fire Department** – Engineering manager for in-building systems for new Fire Command and Control Facility. System responsibility included telephone/9-1-1, consoles, LAN, broadband/surveillance, CAD, MDT, UHF/VHF equipment, power, diesel generators, all building wiring, and supported architectural design for building operational needs.
- **State of Arizona** – Designed statewide communications network supporting all Arizona state government agencies and 22,000 users.
- **U.S. State Department** – For USAID, served as Executive Sponsor for installation of two 5ESS Switching Systems and associated OSP in Cairo, Egypt. For Voice of America, supervised the installation of voice and data switches in Liberia and Greece.

### Additional Experience

- **Northrup Grumman** – Senior Engineer
- **North Star Communications Group** – Director, Business Development
- **Fluor Daniel Telecom** – Engineering Manager Telecom Group
- **Telcom Technologies** – Principal Partner, VP Marketing & Sales, VP Ops
- **General Dynamics** – PM/Product Manager Business Telecom Products
- **Alberta Government Telephone** – Central Office Switching Engineer

**1.0 General** - This report was commissioned by the Ranchita Community Group for Responsible Cell Tower Siting, which is engaged and representing a portion of the Ranchita residents, expressing opposition to the construction of a newly proposed cellular site on Wart Hill. Specifically, this report is focused on a comparative analysis of cellular performance between AT&T Mobile and Verizon Wireless on a seven mile segment of Montezuma Valley Road (State Route 22).

The testing consisted of signal strength measurements 0.1th of a mile segments starting at the east end of the Montezuma Valley Road (State Route 22) (Lat 33 12' 47" Long -116 33' 56") and to the intersection of San Felipe Road (State Route 2) (Lat 33 13' 11" Long -116 36' 17"), See Figure 1. The test set up consisted of two Motorola Galaxy™ telephones, one a Verizon Wireless phone and the other an AT&T Mobile™ phone and plotting GPS readings on a lap-top running a DeLorme Topo™ map program. In addition to the signal measurements along State Route 22, in-building measurements were made at four (4) preselected residents in the community.

Several subjective tests were also made driving the route with audio from a landline phone received on each of the call phones as the route was driven. Also, the route was driven while streaming a video (You Tube™) on the AT&T phone only.

The proposed Verizon site will be a two tower fenced in facility using faux-mitigation

techniques in an attempt to lessen the esthetic impacts of this site on the community, see Figures 2 and 3. This community on Old Mine Road consists of a number of "old adobe" residents built in the 1940's and 50's and have been identified as significant historical structures. The opposition to this new Verizon site is that it will;

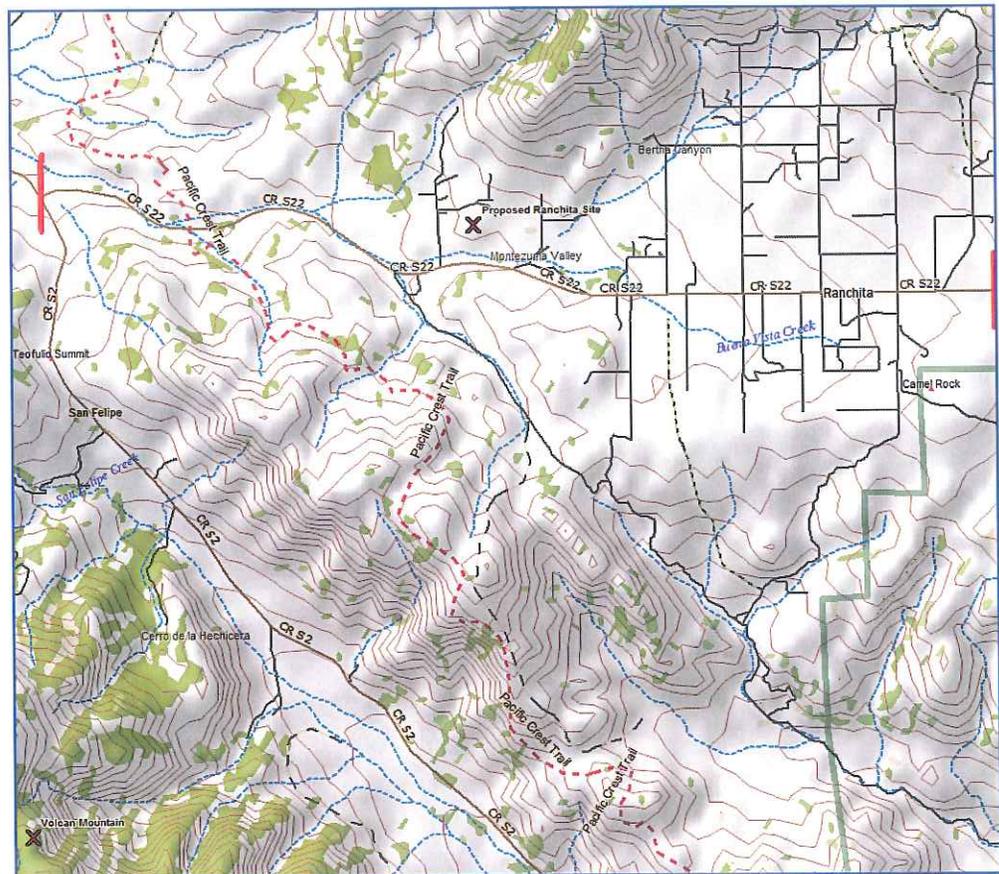


Figure 1 Test Areas and Sites

1. Significantly impact the character of this small community, which draws on its natural beauty and serenity.
2. The industrial impacts traffic and noise associated with this new site.
3. Health concerns having this site imbedded in a small community. *BS*
4. Impacts to property values if this site was placed in this unique community.
5. And, the concern that alternative sites and technologies have not been considered by Verizon that could provide comparable or better solutions without having to impact the community.

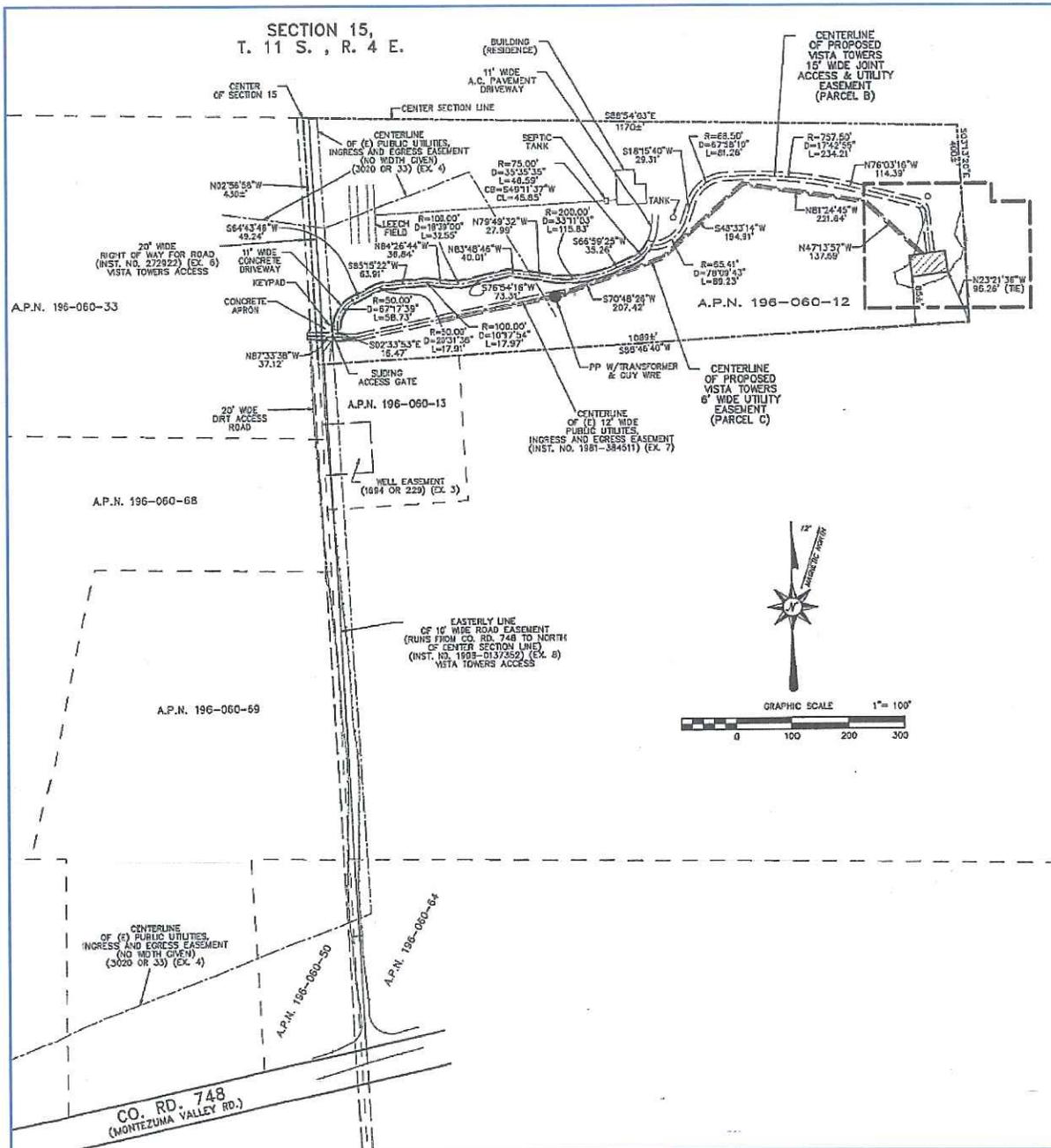


Figure 2 Ranchita Site Access

Note 1

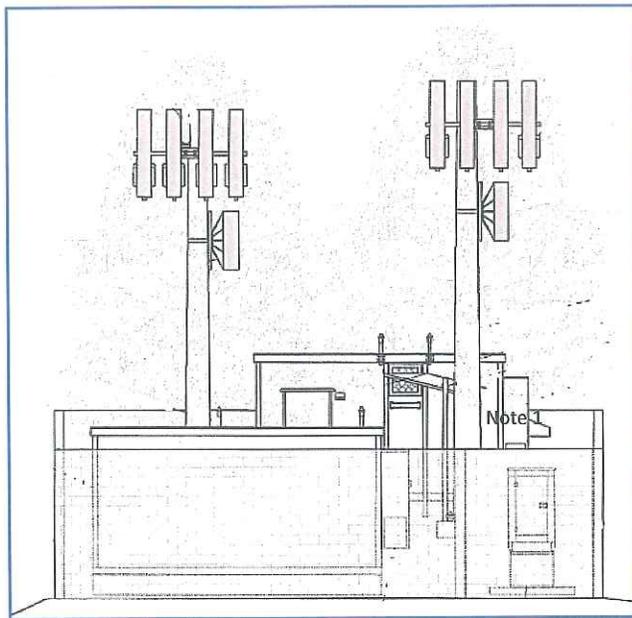


Figure 3 Facility Cross Section

Note 1

**2.0 Testing Results** – In testing signal strength for both Verizon and AT&T the test area Montezuma Valley Road was driven multiple times. During the first pass (east to west) signal strength was noted for 1x voice for both Verizon and AT&T. Measurements were taken from Motorola Galaxy cell phone off of each network. Measurements were taken a roughly 0.1 mile increments. The results are presented in Figures 4 and 5.

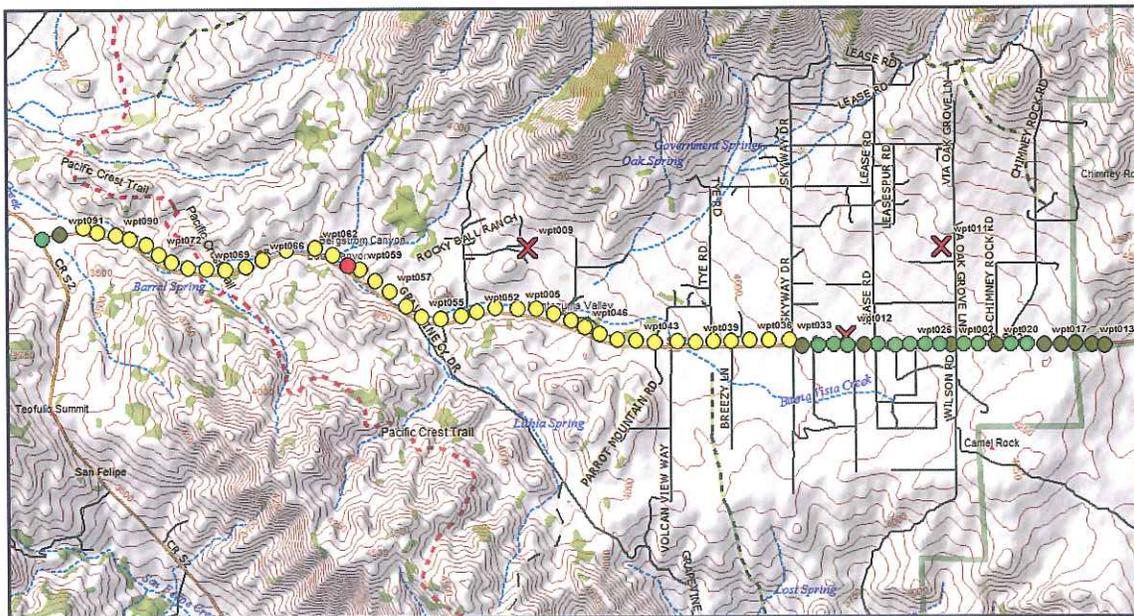


Figure 4 Verizon 1x Signal Strength

Following the signal strength testing, preselected sites were visited to assess in-building signal strength. The testing involved the use of the Verizon and AT&T cell phones and reading signal strength from each within the building. Base readings were made on the exterior of the buildings and then from the roughly identified center points in each building quadrant measurements were made 10' from the center point.

Location 1      Lat 33° 13' 13" Long -116° 33' 18"      Outside Measurement V=-101dBm A=-99dBm

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Verizon	AT&T	Verizon	AT&T	Verizon	AT&T	Verizon	AT&T
N/S	-85dBm	N/S	-95dBm	N/S	-95dBm	N/S	-95dBm

Location 2      Lat 33° 12' 52" Long -116° 33' 36"      Outside Measurement V=-103dBm A=-98dBm

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Verizon	AT&T	Verizon	AT&T	Verizon	AT&T	Verizon	AT&T
-104dBm	-99dBm	N/S	-103dBm	N/S	-99dBm	-11dBm	-97dBm

Location 3      Lat 33° 13' 17" Long -116° 30' 55"      Outside Measurement V=-98dBm A=-80dBm

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Verizon	AT&T	Verizon	AT&T	Verizon	AT&T	Verizon	AT&T
-87 dBm	-97dBm	-84dBm	-93dBm	-97dBm	-95dBm	-97dBm	-95dBm

Location 4      Lat 33° 12' 37" Long -116° 31' 19"      Outside Measurement V=-88dBm A=-93dBm

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Verizon	AT&T	Verizon	AT&T	Verizon	AT&T	Verizon	AT&T
-96dBm	-91dBm	-90dBm	-101dBm	-97dBm	-99dBm	-92dBm	-98dBm

The in building site locations are identified on a map in Figure 7 below.



Figure 7 In-Building Test Sites

In addition, several subjective test runs were made using the Verizon cell phone and driving west to east. Continuous audio was provided to the cell phone from a landline originated call. While there were areas of diminished signal and “bubbling” interference briefly at certain points at no time during this test was the call dropped. Time of the test was 5:30P Saturday September 4, 2014. This test was repeated driving back east to west using the same call originating set up, but with the AT&T cell phone and there was clear audio over the entire test and no dropped call.

A subjective data test was run for AT&T only. While streaming video from YouTube™ a test was carried out driving west to east there were just two areas where signal was lost and had to be reacquired, it is understood that streaming video is a worst case scenario and that simple internet access loss of service would typically not be detected by a user. The map below indicates the areas where this streaming service was lost, see Figure 8 Below.

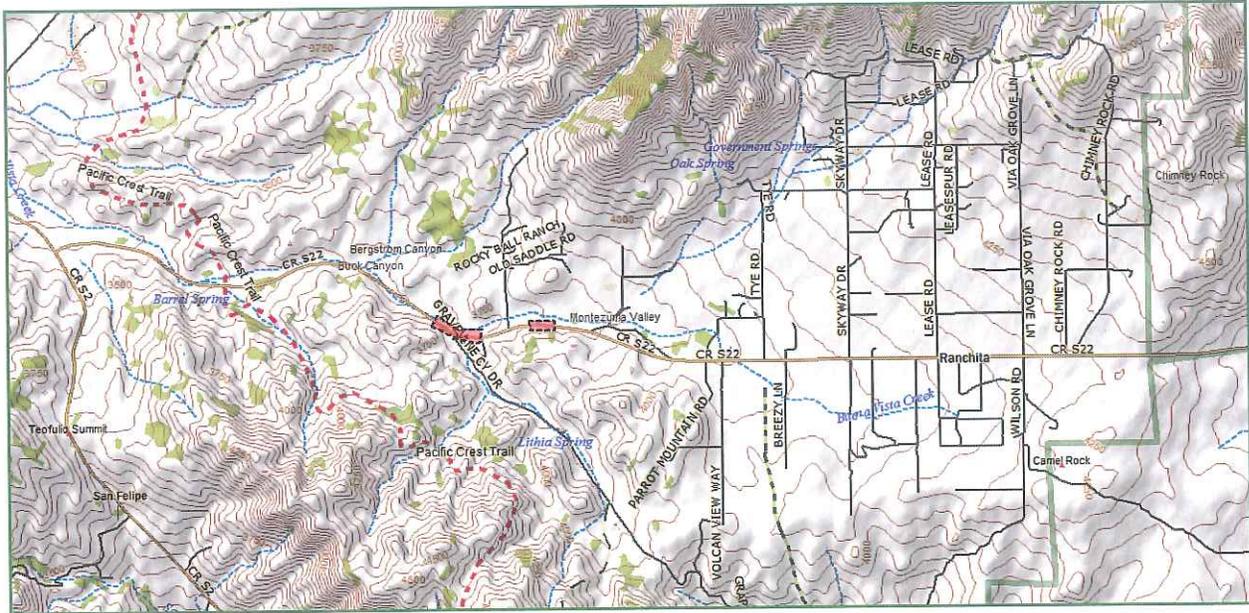


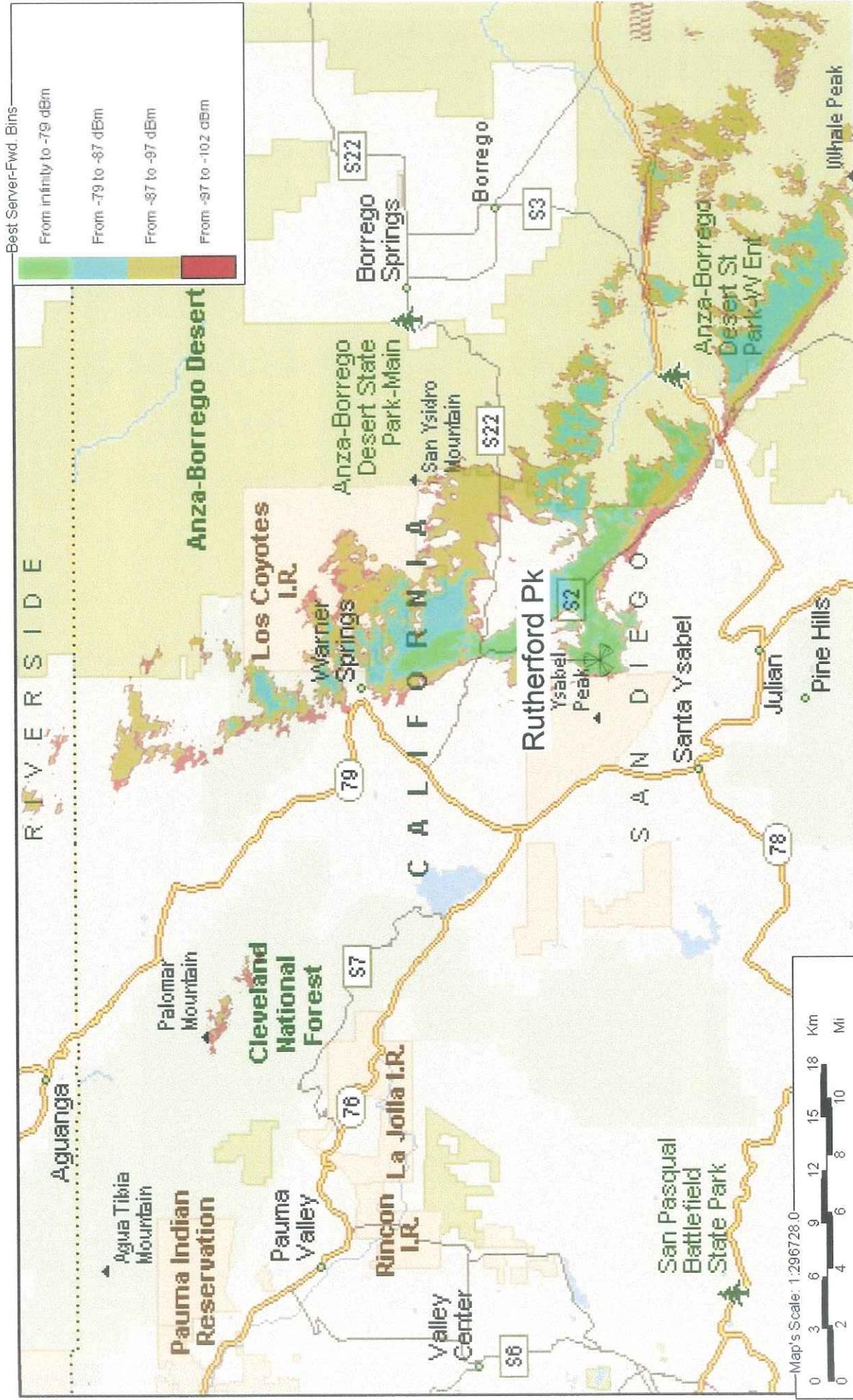
Figure 8 AT&T Streaming Video Test

**3.0 Conclusions** – From the tests performed it is clear that both Verizon and AT&T Mobile have reasonably good voice service on Montezuma Valley Road from State Route 2 to the point of the decline to Borrego Springs, roughly 7 miles. In point of fact our measurements indicated that Verizon had slightly better voice service, however, the subjective testing indicated quality of voice service issues in this area. There are clear topographical challenges in the first 3 miles of Montezuma Valley Road, just past Old Mine Road. There may be additional areas north of Montezuma Valley Road that are populated and accessible that experience coverage issues, but they are not in the scope of this report.

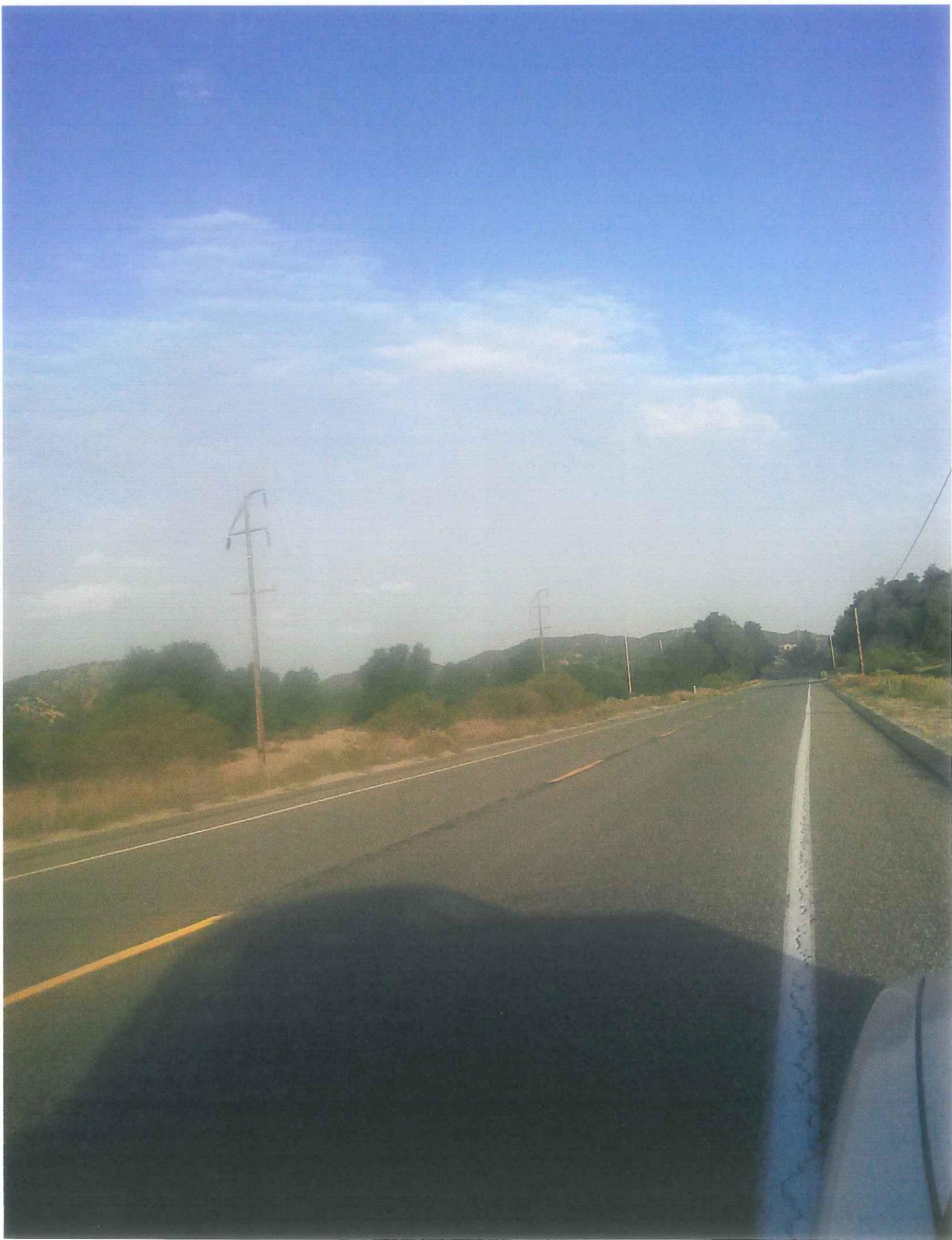
It has been observed that there is a clear deficiency in Verizon 3G/4G service from mile 1 through mile 3 and that some mitigation is needed to correct this, and improve voice service. While there is an argument to be made for the placement of the Ranchita Site, it is also noted that the impacts on this small community would be significant. Further, it is clear that AT&T is capable of achieving good to very good G3/G4 service without a site in Ranchita. It is the opinion of this report that alternative sites should be explored, and that alternative technical solutions should be explored including the development of an oDAS solution targeted along the first 3 miles of Montezuma Valley Road. It would seem that an engineered solution could be found to meet the needs of Verizon customers and not negatively impact this portion of Ranchita with its historic buildings.

Note:

- 1- Drawings from Vista Towers





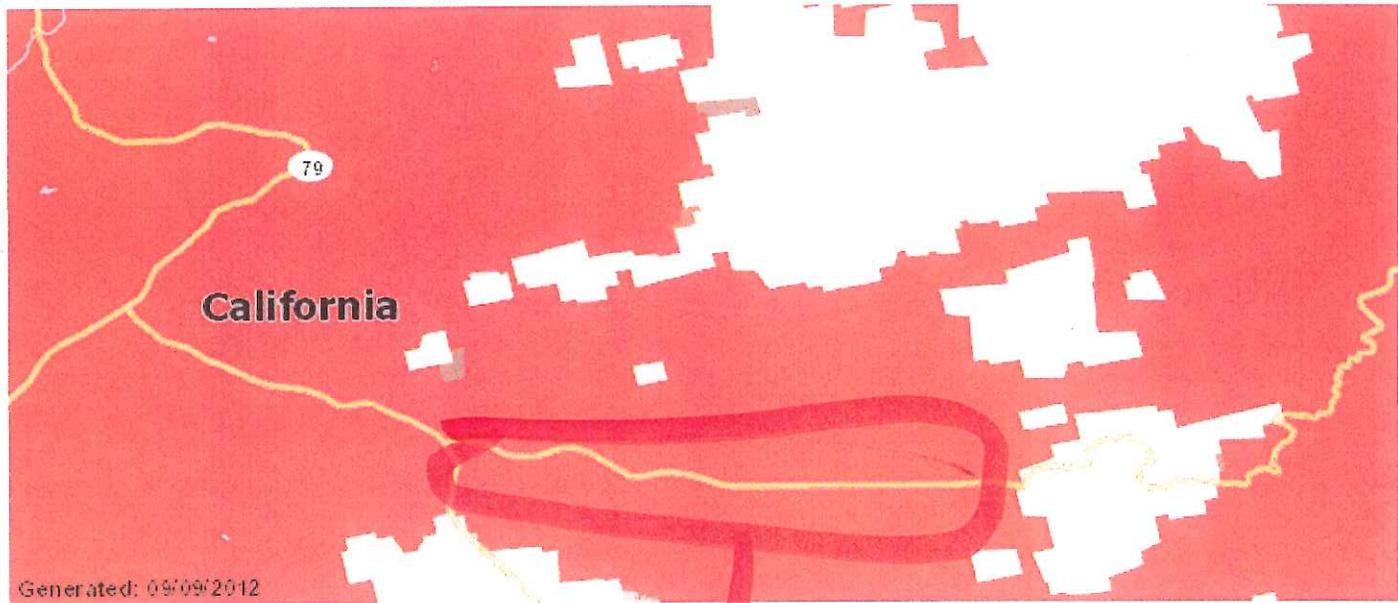






# VERIZON WEB SITE

RECEIVED



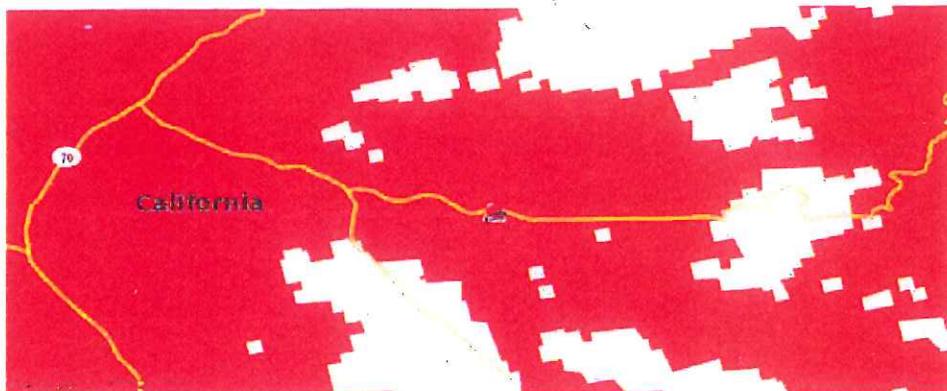
Verizon Target  
area  
shows  
coverage



### Verizon Wireless Printer Friendly Coverage Map

Mapped Coverage  
Voice and Messaging

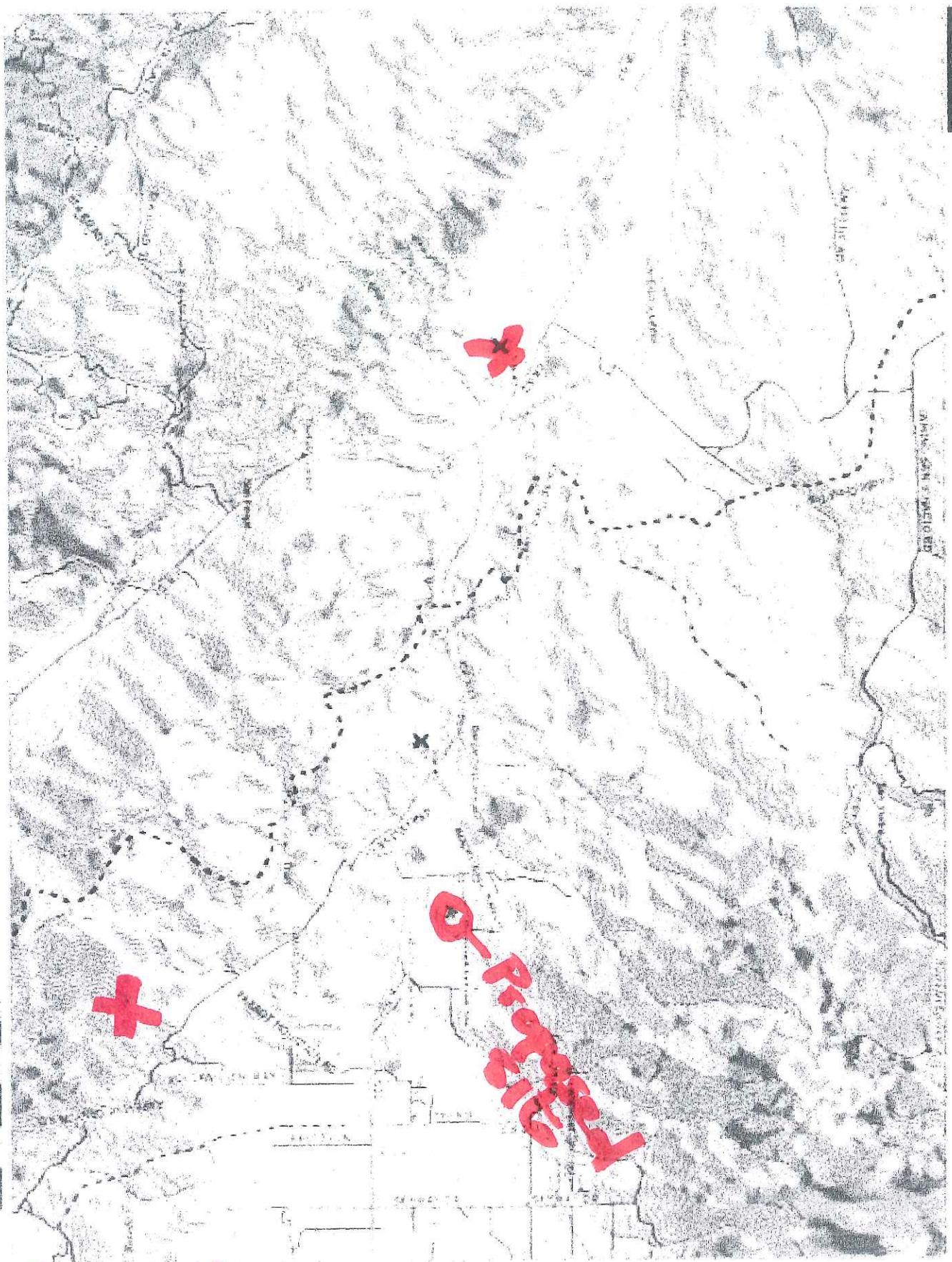
Mapped Location  
27865 Old Mine Rd  
Ranchita, CA  
92066-9755



Map Legend

- Digital Coverage
- Limited Digital Coverage
- No Coverage
- Verizon Store

These Coverage Locator depictions apply to the following calling plans:  
**Share Everything, Nationwide Calling Plans, Mobile Broadband and Prepaid.**  
Voice roaming charges will apply in the Canada and Mexico coverage areas unless you subscribe to the Share Everything or Nationwide Plus Canada/Mexico Plan  
These Coverage Locator maps depict predicted and approximate wireless coverage. The coverage areas shown do not guarantee service availability, and may include locations with limited or no coverage. Even within a coverage area, there are many factors, including customer's equipment, terrain, proximity to buildings, foliage, and weather that may impact service. Some of the Coverage Areas include networks run by other carriers, the coverage depicted is based on their information and public sources, and we cannot ensure its accuracy.

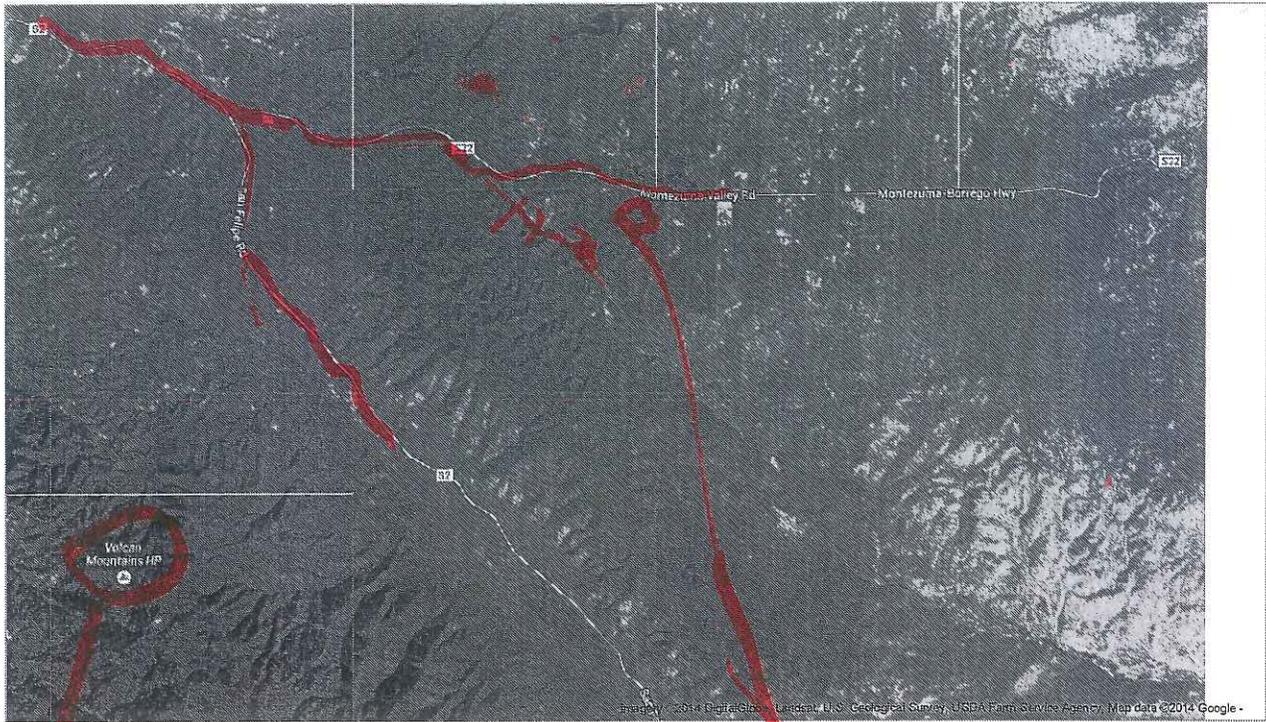


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X-Community Suggested Alternatives  
 sites, if needed

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



\* Rutherford Peak / Volcan Mt.

\* Suggested site by Comm.

Google



\* Suggested  
SITE  
by  
community