Aaron M. Shank
ashank@porterwright.com

Porter Wright
Morris & Arthur LLP
41 South High Street
Suites 2800-3200
Columbus, OH 43215

Direct: 614.227.2110
Fax: 614.227.2100

September 4, 2025

Meeting Date: September 10, 2025
Agenda Item No. 05
Distribution Date: September 04, 2025 Batch No. 01

VIA EMAIL

Board of Supervisors
County of San Diego
1600 Pacific Highway
San Diego, CA 92101

RE: AT&T's Response to Appeal from Approval of Wireless Facility
8555 Paradise Valley Road, Spring Valley
AT&T Site ID CAL02872

Dear Chair Lawson-Remer, Vice Chair Montgomery Steppe, Chair Pro Tem Aguirre, and Supervisors Anderson and Desmond:

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T), to respectfully request the Board of Supervisors affirm the Planning Commission's approval of AT&T's application seeking to place a new stealth wireless communications facility disguised as a relatively short eucalyptus tree ("Proposed Facility") on property owned by San Diego County Water Authority. AT&T has taken great care to site and design the Proposed Facility to meet applicable county, state, and federal standards.

The Proposed Facility will address a critical need to improve wireless service coverage and capacity to this portion of San Diego County. Indeed, AT&T's significant service coverage gap affects hundreds of county residents, businesses, and visitors. The Proposed Facility will provide and improve wireless services to dozens of homes, parks, commercial areas, a school, a fire station, and busy roads, including a one mile stretch of CA125. In addition to providing more robust and competitive wireless services, including significant improvements to 4G LTE and 5G services, the Proposed Facility will provide FirstNet services to support first responder communications.

Some residents have appealed the approval based largely on safety and aesthetic concerns. But the Proposed Facility has been carefully sited and well-designed with significant input from county departments and County Staff to comply with applicable county regulations and to minimize visual and community impacts. The Proposed Facility is the best available and least intrusive means to close AT&T's significant service coverage gap in this portion of the county.

AT&T's Proposed Facility

Working collaboratively with the property owner and County Staff, AT&T's project team developed the current proposal that will appear as a relatively short eucalyptus tree well away from Paradise Valley Road and as far away from nearby residences as feasible. The faux tree will blend well in this location and, indeed, improve the aesthetics of this water district property.

Consistent with the San Diego Zoning Code, AT&T seeks to place a 35-foot tall facility disguised as a eucalyptus tree (known as a "monoeucalyptus") to provide and improve vital wireless services for the

county's residents, businesses, and visitors. The associated equipment will be screened by a masonry wall adjacent to the monoeucalyptus. This proposal meets all applicable regulations. AT&T is particularly proud of the proposed design, which will hardly be noticeable as anything other than a eucalyptus tree on this property. As shown by the photosimulations of the Proposed Facility that were submitted with the application, this facility will blend well with its surroundings and will have a minimal visual impact.

AT&T Needs the Proposed Facility to Provide and Improve Wireless Services

AT&T's radio frequency engineers have identified a significant gap in service coverage in the county, including a large area that is roughly bordered by Noeline Avenue to the north, Vecino Court to the east, Leigh Avenue to the south, and Worthington Street to the west. As AT&T's Radio Frequency Statement explains, this portion of the city includes many dozens of homes, churches, commercial areas, busy roads, including a one mile stretch of CA 125, and other points of interest in the vicinity. (See Attachment A.) And according to the most recent available Caltrans data, CA 125 handles approximately 260,000 vehicles per day at its interchange with Paradise Valley Road and Jamacha Boulevard.

The Proposed Facility is also an important part of AT&T's commitment to supporting public safety through its partnership with FirstNet. Created by Congress, the First Responder Network Authority selected AT&T to build and manage this first-ever nationwide first responder wireless network. The Proposed Facility will provide new service on Band 14, which is the nationwide frequency set aside by the U.S. government for public safety. Deployment of FirstNet in the target gap area will improve public safety by putting advanced wireless technologies into the hands of public safety agencies and first responders.

AT&T's Analysis of Alternative Sites

AT&T worked hard to carefully select this location to reduce impacts to the community while maintaining a clear line-of-sight for signals to provide reliable in-building and in-vehicle wireless service coverage to the target gap area. AT&T thoroughly investigated alternative sites and designs, evaluating numerous properties in the gap area, to make sure that its Proposed Facility is the least intrusive means to close AT&T's significant service coverage gap. These alternatives are listed and analyzed in AT&T's Alternative Sites Analysis. (See Attachment B.) Project opponents suggested only one alternative – a vacant parcel at 8565 Paradise Valley Road. AT&T duly investigated the site, but found it is not viable because AT&T could not meet setbacks here, the existing overhead power lines severely restrict siting options, and concealment is infeasible there. (*Id*.)

Regarding facility design, AT&T initially pursued a faux tree somewhat nearer to the existing residences to the south and west. Although siting options are very limited, AT&T's project team worked with the community and County Staff to relocate the facility as far away from those residences as feasible. AT&T also redoubled its efforts to seek out alternatives, but found no other properties that are both available and feasible to house the Proposed Facility. The relocated site minimizes visual impacts, is in harmony with the surroundings, and is compatible with the nearby districts.

Denial of AT&T's Application Would Materially Inhibit AT&T From Providing and Improving Vital Wireless Telecommunications Services

Placing the Proposed Facility as proposed will close AT&T's significant gap in in-building and in-vehicle coverage in this large gap area. The Proposed Facility will improve critical wireless services to the area, which are needed now more than ever as customers increasingly use mobile phones as their primary communication devices. In fact, the Center for Disease Control and Prevention studies the extent of mobile phone use, and recently found that more than 91% of California adults, and more than 98% of

Californians under age 18, rely exclusively or primarily on wireless communications in their homes.[1] Additionally, customers rely on their mobile phones to do much more than just voice communication, including E911 service, video streaming, GPS, Internet access, and texting. In fact, California reported to the FCC that there were more than 23.3 million wireless calls and 98,065 texts to 911 in 2023 (the most recent year for state level data).[2]

AT&T's Application seeks to provide hundreds of residents, businesses, and visitors with adequate and reliable in-building wireless services, to provide hundreds of thousands of travelers with adequate and reliable in-vehicle wireless services, and avoid compromising first responder communications in the area. Denial would leave AT&T without any means to serve this area.

Approval of AT&T's Proposal Comports with Federal Law

The federal Telecommunications Act of 1996, 47 U.S.C. § 332 ("Act") provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct personal wireless service facilities. The United States Supreme Court has explained that the Act was enacted in part to prioritize and streamline deployment of wireless technologies on a national basis.[3] Indeed, rapid deployment of wireless telecommunications facilities, like the Proposed Facility, is an important national issue, especially given the trend of Americans eliminating traditional landline telephone service in favor of wireless communications.

The Act defines the scope and parameters of the county's overall review of AT&T's Application. Under the Act, the city's review of AT&T's applications must be based on substantial evidence.[4] The "substantial evidence" requirement means that a local government's decision must be "authorized by applicable local regulations and supported by a reasonable amount of evidence." In other words, a local government must have specific reasons that are both consistent with the applicable regulations and supported by substantial evidence in the record to deny a permit. Indeed, a decision denying wireless siting application "is invalid" if it not supported by its own regulations.[5]

As County Counsel correctly noted during the June 25th hearing, the Board must act in the context of the existing regulations. Here, AT&T carefully followed the county's existing regulations. Indeed, during the June 25, 2025 Board hearing, Board members stated, "AT&T did everything right" and "AT&T did everything it was supposed to do." AT&T's Application cannot be denied based on considerations about a potential future change in siting regulations. That would violate the Act.

---

[1] *See Wireless Substitution: State-level Estimates from the National Health Interview Survey, 2023*, available at Wireless Substitution: State-Level Estimates from the National Health Interview Survey, 2023.

[2] *See Sixteenth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges* (Dec. 30, 2024), at 14, available at FCC-16th-Annual-911FeeReport-2024.pdf.

[3] *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115-16 (2005) ("Congress enacted the Telecommunications Act of 1996 (TCA), 110 Stat. 56, to promote competition and higher quality in American telecommunications services and to 'encourage the rapid deployment of new telecommunications technologies.' Ibid. One of the means by which it sought to accomplish these goals was reduction of the impediments imposed by local governments upon the installation of facilities for wireless communications, such as antenna towers.").

[4] 47 U.S.C. § 332(c)(7)(B)(iii).

[5] *See*, *e.g.*, *Anacortes*, 572 F.3d at 993; *Metro PCS, Inc.*, 400 F.3d at 725 ("we must take applicable state and regulations as we find them" in applying the substantial evidence requirement).

The Act also prohibits a local government from denying an application for a wireless facility where doing so would "prohibit or have the effect of prohibiting the provision of personal wireless services."[6] Courts have found an "effective prohibition" exists where a wireless provider demonstrates (1) a significant gap in wireless service coverage, and (2) that the proposed facility would provide the "least intrusive means," in relation to the land use values embodied in local regulations, to provide the service coverage necessary to fill that gap.[7] Where, as here, a wireless carrier satisfies both of these requirements, state and local standards that would otherwise be sufficient to permit denial of the facility are preempted and the local government must approve the wireless facility.[8] In fact, the burden shifts to the local government to prove that a less intrusive alternative exists. To meet this burden, the local government would need to show that another alternative is available that fills the significant gap in coverage, that it is technically feasible, and is less intrusive than the proposed facility.[9]

In addition, the FCC has ruled that an effective prohibition occurs whenever the decision of a local government materially inhibits wireless services,[10] and the Ninth Circuit has upheld this material inhibition standard.[11] The FCC explained that the "effective prohibition analysis focuses on the service the provider wishes to provide, incorporating the capabilities and performance characteristics it wishes to employ, including facilities deployment to provide existing services more robustly, or at a better level of quality, all to offer a more robust and competitive wireless service for the benefit of the public."[12] Thus, a local government "could materially inhibit service in numerous ways – not only by rendering a service provider unable to provide existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services."[13]

Here, AT&T has demonstrated its significant service coverage gap in the vicinity of the Proposed Facility. AT&T's radio frequency propagation maps and its Radio Frequency Statement that AT&T submitted in the record (see Attachment A), depict and describe the service coverage gap that AT&T is experiencing in this portion of the county. The proposed service coverage from the Proposed Facility is depicted in the coverage maps. As you can see, placing the Proposed Facility in this location will close AT&T's significant service coverage gap in this area.

---

[6] 47 U.S.C. § 332(c)(7)(B)(i)(II).

[7] *See e.g.*, *Metro PCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 734-35 (9th Cir. 2005), abrogated on other grounds, *T-Mobile South, LLC v. City of Roswell*, 135 S.Ct. 808 (2015); *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 726 (9th Cir. 2009).

[8] *See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 999 (9th Cir. 2009).

[9] *Id*., 572 F.3d at 998-999.

[10] *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, FCC 18-133 (September 27, 2018) ("Infrastructure Order") at ¶ 35; *see also*, *In the Matter of California Payphone Association Petition for Preemption, Etc*., Opinion and Order, FCC 97-251, 12 FCC Rcd 14191 (July 17, 1997).

[11] *City of Portland v. United States*, 969 F.3d 1020, 1034-35 (9th Cir. 2020), *cert. denied*, *City of Portland v. United States*, 141 S. Ct. 2855 (2021).

[12] Infrastructure Order at n. 95.

[13] *Id*. at ¶ 37.

Specifically, AT&T needs to be able to provide reliable in-building and in-vehicle service coverage in the gap area. Courts within the Ninth Circuit and across the country have held the in-building and in-vehicle standards are appropriate benchmarks for finding a significant service coverage gap exists.[14]

AT&T has also demonstrated that no less intrusive locations are available and feasible to close the gap. AT&T's Alternative Sites Analysis (Attachment B) shows that AT&T conducted a comprehensive search of potential alternatives in the broader geographic area to find the best available and least intrusive site. This analysis presents a meaningful comparison of all candidate locations, describes the Proposed Facility, and explains why the other sites and designs are not viable. Neither AT&T nor the county has identified another viable site. Again, this Board's members are on record stating that AT&T did everything right." As the analysis demonstrates, the Proposed Facility is not only the best available and least intrusive means to do so, it is the only way for AT&T bring critical wireless services to the area. Approval of AT&T's application is required to avoid an unlawful effective prohibition. The Planning Commission's approval thus comports with federal law, and the Board should likewise approve AT&T's application and deny the appeal.

The Appeal Does Not Support Denial

The appeal does not raise concerns to justify upending the proper approval of AT&T's application. Even if the Board of Supervisors was to identify a code-based reason to disfavor the Proposed Facility, the county is preempted from effectively prohibiting wireless service. As a practical matter, there is no need to risk violating federal law. The Proposed Facility is a well-designed faux tree that will have little or no visual impact on the area while providing vast improvements to wireless services for customers and first responders alike. AT&T offers the following responses to the issues raised by the appeal:

Setback Policies. AT&T's application must be considered based on the existing code. Residents ask the Board to deny the application based on setbacks that do not exist in the county's regulations or based on setbacks in other jurisdictions' codes. That is not substantial evidence that can support a denial under the law. AT&T's Proposed Facility meets or exceeds applicable county setbacks. AT&T worked hard to identify this location and even though the original location complied with setbacks, AT&T agreed to move the Proposed Facility as far away from nearby residents as feasible.

Purported Hazards. The appeal raises speculative concerns about fire hazards without any basis in fact. AT&T carefully designed the Proposed Facility to ensure public health, safety, and welfare. The Proposed Facility has been and will be subject to critique and comment by the Fire Department and a host of other county departments. And we expect the county will condition approval on continued compliance with applicable health and safety codes. Unfounded and generalized concerns do not amount to substantial evidence that can support denial of AT&T's application.

Project opponents tacitly and explicitly raise concerns about the health effects of the Proposed Facility. The appeal contends that this facility – which will appear as a relatively short tree – should not be

---

[14] *See*, *e.g.*, *MetroPCS Inc. v. City & Cnty. of San Francisco*, No. 4:02-cv-03442-PJH, 2006 U.S. Dist. LEXIS 43985, at *10 (N.D. Cal. June 16, 2006) (held that large "coverage holes" that "extend to the interior of buildings," are actionable under the Act); *T-Mobile W. Corp. v. City of Huntington Beach*, No. 2:10-cv-02835-CAS (Ex), 2012 U.S. Dist. LEXIS 148170, *11-12, *49 (C.D. Cal. Oct. 10, 2012) (held that "providing reliable in-building wireless service . . . is essential, and its absence constitutes a significant gap in coverage"; ruled T-Mobile demonstrated significant gaps in in-building and in-vehicle coverage); *L.A. SMSA Ltd. P'ship. City of L.A.*, No. 2:16-cv-04954-FLA, 2021 U.S. Dist. LEXIS 160046, *21-26 (C.D. Cal. Aug. 24, 2021) (gaps in in-home wireless service coverage and effects on highway traffic constitute a significant coverage gaps).

placed near a daycare. This is a proxy argument to raise concerns about radio frequency emissions. Opponents during the public hearings have also plainly expressed their fears about radio frequency emissions. But the county is preempted from considering these concerns because AT&T's Proposed Facility will comply with the FCC's radio frequency emissions regulations.[15]

AT&T's Significant Service Coverage Gap. AT&T's service coverage maps (which were submitted in the administrative record) depict coverage simulated by a sophisticated, industry-standard wireless network modeling tool. These maps, along with AT&T's RF Statement, demonstrate AT&T's specific gap in in-building and in-vehicle coverage.

Project opponents, however, point to coverage maps available online show AT&T has some coverage in the area. But the FCC's maps and other online maps, including AT&T's coverage viewer website, depict only *approximate outdoor* service levels. In contrast, AT&T needs to provide reliable in-building and in-vehicle coverage, which require stronger signals than what is needed to provide outdoor coverage only. The online maps referenced by appellants do not depict in-building or in-vehicle levels of service. Indeed, the legends to AT&T's online maps explain the coverage depicted is only approximate and that actual coverage is subject to many other variables. As a result, courts do not rely on the types of online maps that appellants mention.[16] The Board, likewise, should not rely on these online maps or other indications there may be some outdoor coverage available in the gap area.

Aesthetics. Project opponents raised some general concerns about the appearance of the Proposed Facility. But Courts within the Ninth Circuit and elsewhere have long agreed that "generalized expressions of concern regarding aesthetics or the effect on property values" fail to meet the substantial evidence threshold under the Act.[17] Moreover, the Proposed Facility will appear as a relatively short tree on this water district property. AT&T has worked hard to develop this design for the very purpose of blending in with the surroundings. And AT&T intends to comply with any aesthetic conditions such as adequate branching and ongoing maintenance of the faux tree.

Conclusion

AT&T is working diligently to upgrade its network to provide and improve wireless services in the county. AT&T has shown that federal law strongly supports (indeed, requires) approval, and there is no substantial evidence on which the county could deny AT&T's application. AT&T urges the Board of Supervisors to approve AT&T's application and deny the appeal.

---

[15] *See* 47 U.S.C. § 332(c)(7)(B)(iv).

[16] *L.A. SMSA Ltd. P'ship v. City of L.A.*, 2021 U.S. Dist. LEXIS 160046 (C.D. Cal. Aug. 24, 2021) *32-33 (online coverage maps depicting only a general view of Verizon's coverage are not determinative of the issue given the stronger RF engineering evidence of the gap); *T-Mobile W. Corp. v. City of Huntington Beach*, 2012 U.S. Dist. LEXIS 148170 (C.D. Cal. Oct. 10, 2012), *31-38 (T-Mobile's engineering coverage maps used to design its network, and not its online maps depicting approximate outdoor coverage, amount to substantial evidence); *MetroPCS N.Y., LLC v. Village of East Hills*, 764 F.Supp.2d 441, 453-54 (E.D.N.Y. 2011); *Extenet Sys., Inc. v. Village of Plandome*, 2021 U.S. Dist. LEXIS 186651 (E.D.N.Y Sept. 29, 2021), *45-46 (coverage maps displayed on Verizon's website do not qualify as substantial evidence because they "are overwhelmingly outweighed" by Verizon's coverage maps and statement by its RF engineer).

[17] *California RSA No. 4 v. Madera County*, 332 F.Supp.2d 1291, 1308-09 (E.D. Cal. 2003) (citing *Cellular Telephone Co. v. Town of Oyster Bay*, 166 F.3d 490 (2nd Cir. 1999); *Omnipoint Corp. v. Zoning Hearing Bd.*, 181 F.3d 403, 409 (3d Cir.1999); *Telespectrum v. Public Service Com'n. of Kentucky*, 227 F.3d 414 (6th Cir. 2000); *Preferred Sites, LLC v. Troup County*, 296 F.3d 1210, 1219 (11th Cir. 2002)).

Sincerely,

Aaron M. Shank

Attachment A: AT&T Radio Frequency Statement
Attachment B: AT&T Alternative Sites Analysis

cc: Andrew Potter, Executive Officer/Clerk of the Board of Supervisors
Andrew.Potter@sdcounty.ca.gov

Justin Crumley, Esq., Senior Deputy County Counsel
Justin.Crumley@sdcounty.ca.gov

ATTACHMENT A

AT&T Mobility Radio Frequency Statement
8555 Paradise Valley Road, Spring Valley, San Diego County, CA
AT&T Site ID CAL02872

AT&T has experienced an unprecedented increase in mobile data use on its network since the release of the iPhone in 2007. AT&T estimates that in the decade following introduction of the iPhone in 2007, mobile data usage has increased 470,000% on its network. AT&T forecasts its customers' growing demand for mobile data services to continue. In 2022, wireless data traffic increased to 73.7 trillion megabytes, a 38% increase from 2021, and is expected to increase 58 gigabytes per smartphone per month on average (4x current usage) by 2028. The increased volume of data travels to and from customers' wireless devices and AT&T's wireless infrastructure over limited airwaves — radio frequency spectrum that AT&T licenses from the Federal Communications Commission.

Spectrum is a finite resource and there are a limited number of airwaves capable and available for commercial use. Wireless carriers license those airwaves from the FCC. To ensure service quality, AT&T must knit together its spectrum assets to address customers' existing usage and forecasted demand for wireless services, and it must use its limited spectrum in an efficient manner.

AT&T uses high-band (i.e., 2300 MHz, 2100 MHz, and 1900 MHz) and low-band (i.e., 850 MHz and 700 MHz) spectrum to provide wireless service. Each spectrum band has different propagation characteristics and signal quality may vary due to noise or interference based on network characteristics at a given location. To address this dynamic environment, AT&T deploys multiple layers of its licensed spectrum. The proposed wireless communications facility at 8555 Paradise Valley Road, Spring Valley, San Diego County, CA (the "Property") is needed to close a gap in AT&T's 4G LTE service coverage in an area roughly bordered by Noeline Avenue to the north, Vecino Court to the east, Leigh Avenue to the south, and Worthington Street to the west. This gap area includes many dozens of homes, churches, commercial areas, busy roads, including a one-mile stretch of CA 125, and other points of interest in the vicinity.

The gap is caused by the lack of infrastructure in the immediate area. AT&T currently has several sites in the broader geographical area surrounding the Property but, as **Exhibit 1** illustrates, these existing sites do not provide sufficient in-vehicle or in-building 4G LTE service in the gap

area. The purpose of the proposed facility at the Property is to close this service coverage gap and provide sufficient in-vehicle and in-building coverage for AT&T customers in the affected area.

Wireless telecommunications is essentially a line-of-sight technology, and AT&T's antennas need to be high enough to propagate an effective signal throughout the gap area. To meet its coverage objectives for this gap area, AT&T proposes a freestanding facility disguised as a 35-foot tall faux eucalyptus tree. Denial of this proposed facility would materially inhibit AT&T's ability to provide and improve wireless services in this portion of the county.

The facility at the Property will help to close the gap in coverage and help address rapidly increasing data usage driven by smart phone and tablet usage. This site is part of an effort to fully deploy 4G LTE technology in the area. Specifically, the proposed facility will close this service coverage gap and provide sufficient 4G LTE coverage for AT&T customers in the affected area. LTE technology also offers low latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum efficiently, creating more space to carry data traffic and services and to deliver a better overall network experience.

It is important to understand that service problems can and do occur for customers even in locations where the coverage maps on AT&T's "Coverage Viewer" website appear to indicate that coverage is available. As the legend to the Coverage Viewer maps indicates, these maps display approximate coverage. Actual coverage in an area may differ substantially from map graphics, and it may be affected by such things as terrain, weather, network changes, foliage, buildings, construction, signal strength, high-usage periods, customer equipment, and other factors.

It is also important to note that the signal losses and service problems can and do occur for customers even at times when certain other customers in the same vicinity may be able to initiate and complete calls on AT&T's network (or other networks) on their wireless phones. These problems also can and do occur even when certain customers' wireless phones indicate coverage bars of signal strength on the handset. The bars of signal strength that individual customers can see on their wireless phones are an imprecise and slow-to-update estimate of service quality. In other words, a customer's wireless phone can show coverage bars of signal strength, but that

customer can still, at times, be unable to initiate voice calls, complete calls, or download data reliably and without service interruptions due to capacity issues during high-usage periods.

To determine where new equipment needs to be located for the provision of reliable service in any area, AT&T's radio frequency engineers rely on far more complete tools and data sources than just signal strength from individual phones. AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers will receive reliable in-building service quality. In-building service is critical as customers increasingly use their mobile phones as their primary communication devices. According to the Center for Disease Control and Prevention (CDC), more than 83% of California adults, and more than 98% of Californians under age 18, rely exclusively or primarily on wireless communications in their homes. And California households rely on their mobile devices to do more (E911, video streaming, GPS, web access, text, etc.). In fact, California reported to the FCC that there were more than 23.3 million wireless calls and 98,065 texts to 911 in 2023 (the most recent year for state level data).

The proposed facility at the Property is also a part of AT&T's commitment to supporting public safety through its partnership with FirstNet, the federal First Responder Network Authority. Conceived by the 9/11 Commission Report as necessary for first responder communications, Congress created the federal First Responder Network Authority, which selected AT&T to build and manage FirstNet, the first-ever nationwide first-responder wireless network. The proposed facility will provide new service on Band 14, which is the nationwide high-quality spectrum set aside by the U.S. government for public safety. Deployment of FirstNet in the subject area will improve public safety by putting advanced wireless technologies into the hands of public safety agencies and first responders.

Exhibit 1 is a map of the existing 4G LTE service coverage (without the proposed installation at the Property) in the area at issue. It includes 4G LTE service coverage provided by existing AT&T sites. The green shaded areas of the map depict acceptable and reliable in-building coverage. In-building coverage means customers are able to place or receive a call on the ground

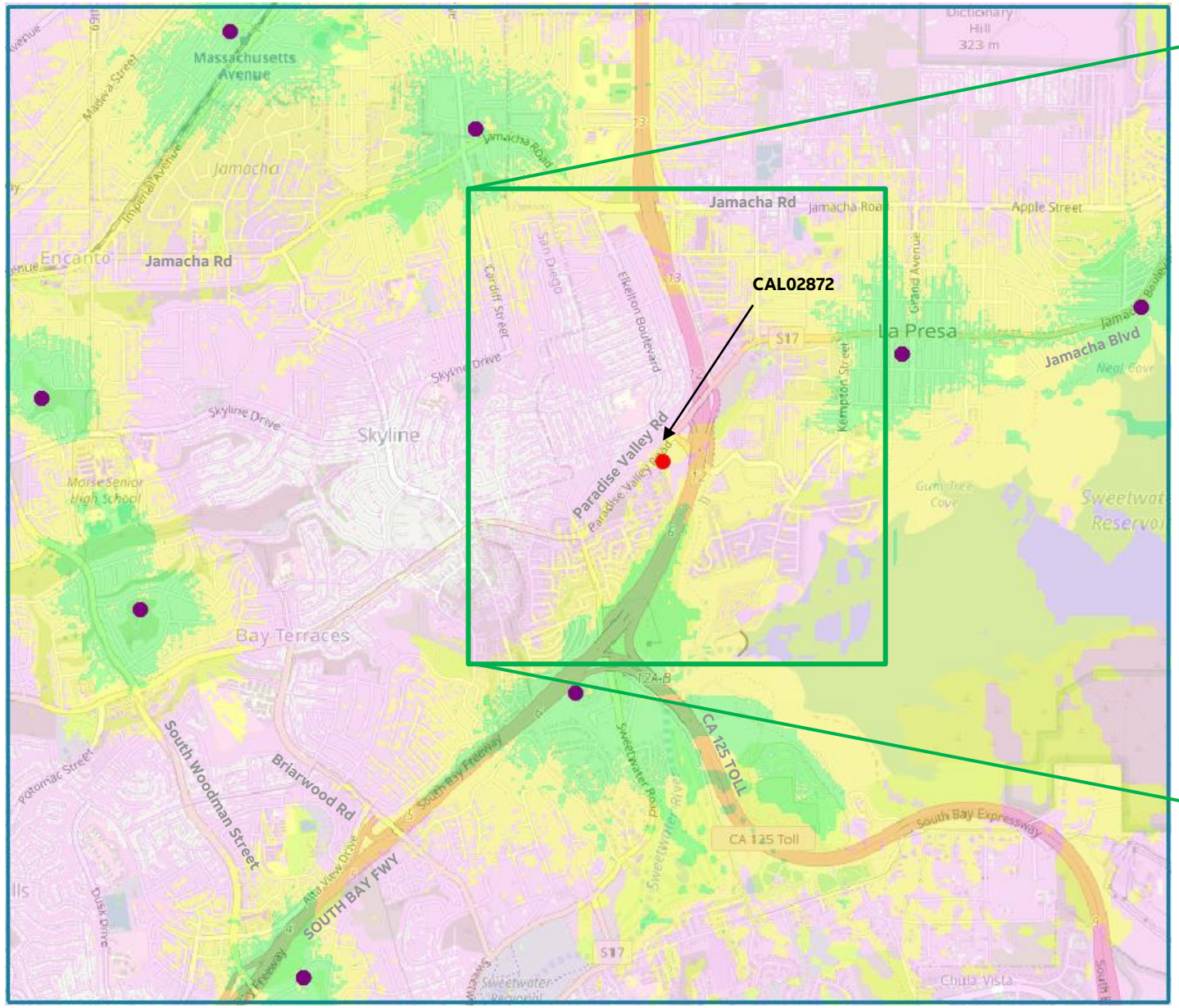
floor of a building. The yellow shaded areas depict areas within a signal strength range that provide acceptable and reliable in-vehicle service coverage. In these areas, an AT&T customer should be able to successfully place or receive a call within a vehicle. The pink shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. Any unshaded areas of the map are areas where the signal strength does not meet the outdoor signal level threshold. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the yellow, pink, or unshaded category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 2 is a map that predicts 4G LTE service coverage based on signal strength in the vicinity of the Property if antennas are placed as proposed in the application. As shown by this map, placement of the equipment at the Property closes the significant service coverage gap.

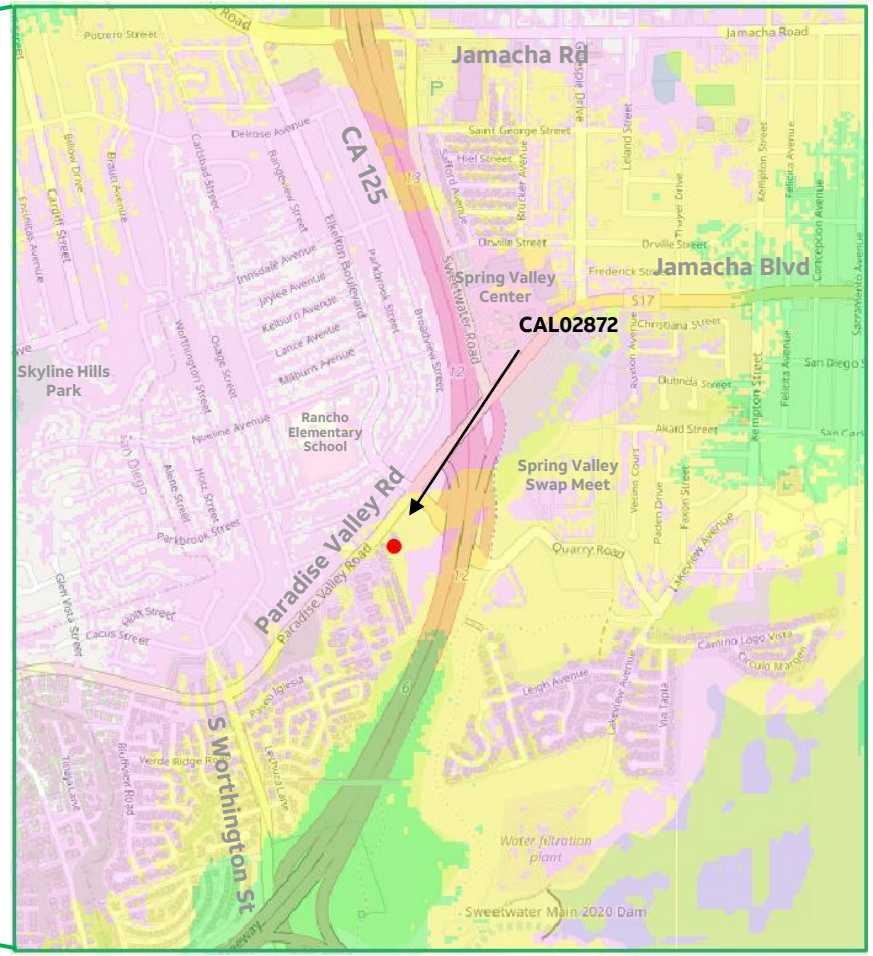
My conclusions are based on my knowledge of the Property and with AT&T's wireless network and its wireless communications facilities in the surrounding area. I have a Bachelor of Science Degree in Electrical/Electronic Engineering from Autonomous University of Baja California (Mexico), and have worked as an engineering expert in the wireless communications industry for over 26 years.

Cristian Soto
AT&T Mobility Services LLC
Network, Planning & Engineering
RAN Design & RF Engineering
August 2025

Existing 4G-LTE Coverage (Site CAL02872 OFF)



CAL02872 ZOOM IN TARGET AREA



Proposed Macro Site

Existing Macro Sites

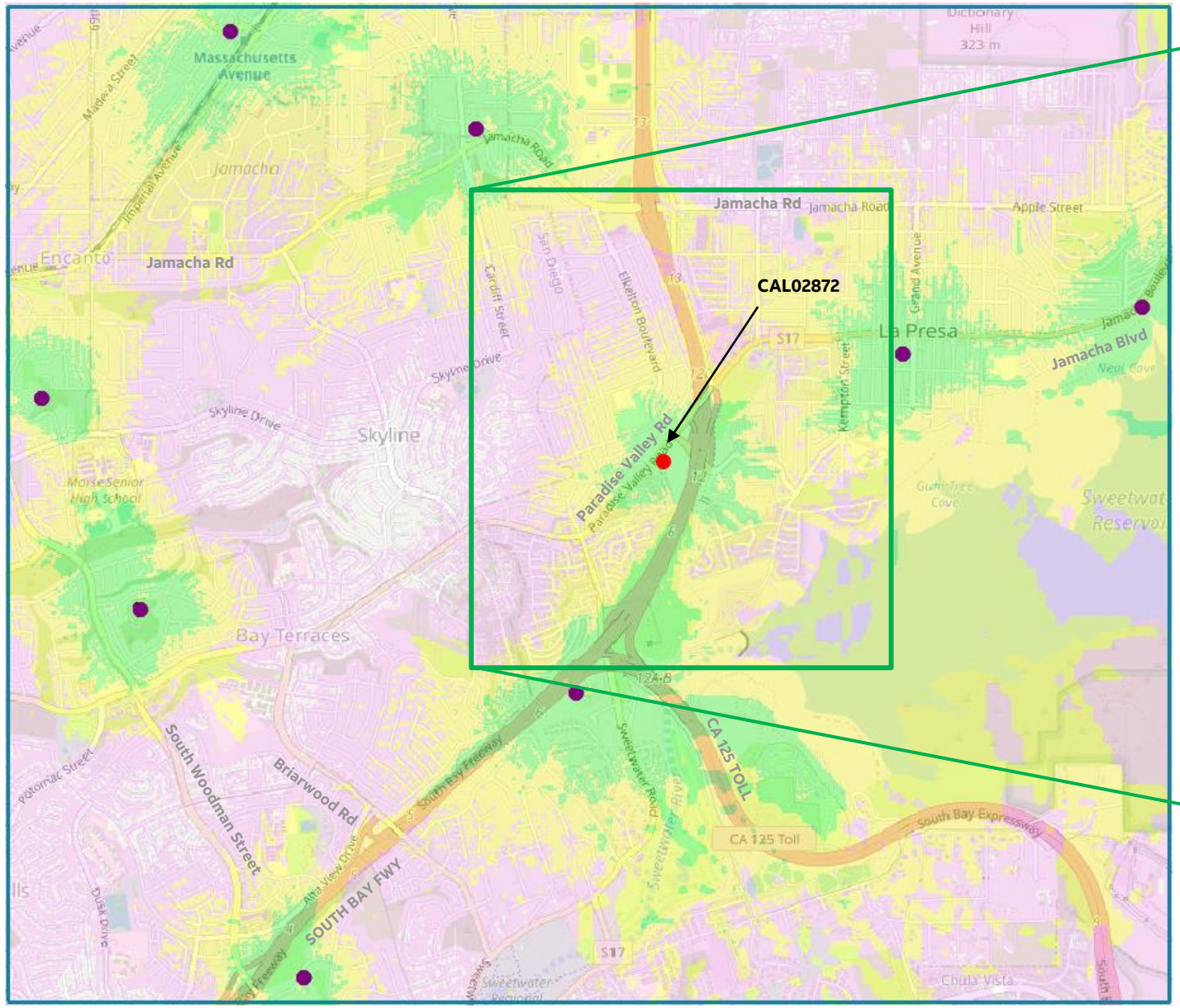
Coverage levels:

- Reliable indoor, in-vehicle and outdoor
- Unreliable indoor / Reliable in-vehicle and outdoor
- Unreliable indoor and in-vehicle / Reliable outdoor
- Unreliable indoor, in-vehicle and outdoor

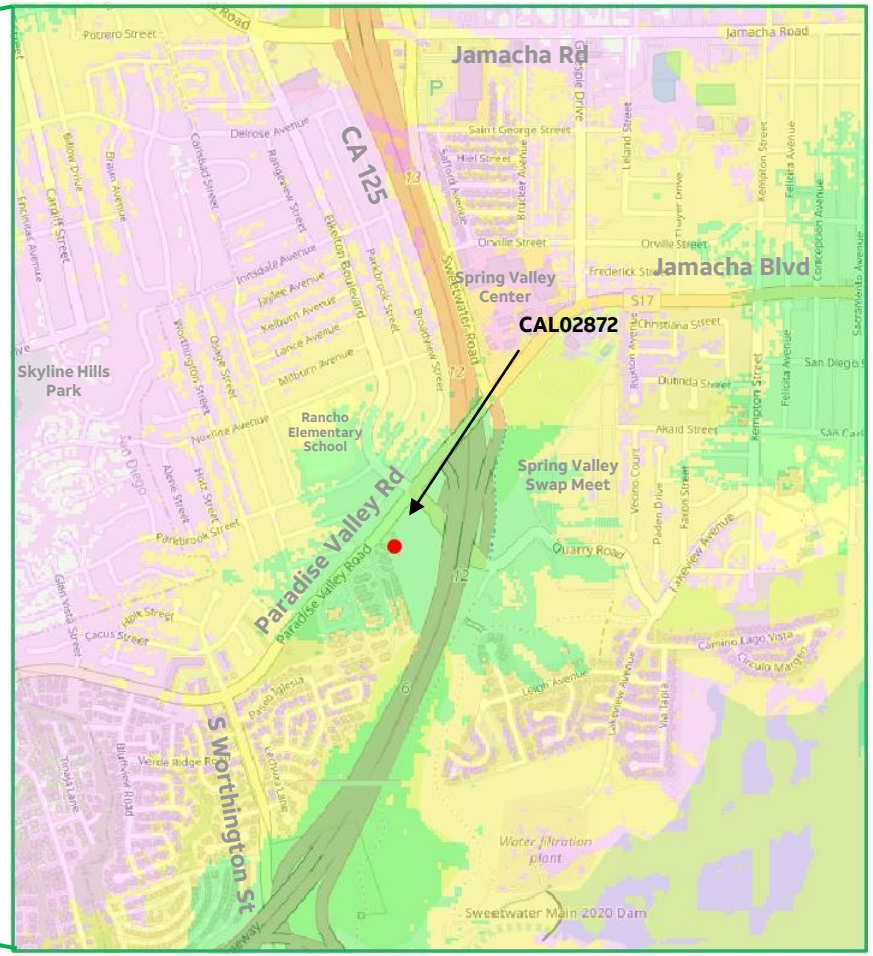
EXHIBIT 1

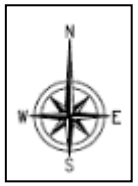
AT&T

Existing 4G-LTE Coverage (Site CAL02872 ON)



CAL02872 ZOOM IN TARGET AREA





Proposed Macro Site

Existing Macro Sites

Coverage levels:

- Reliable indoor, in-vehicle and outdoor
- Unreliable indoor / Reliable in-vehicle and outdoor
- Unreliable indoor and in-vehicle / Reliable outdoor
- Unreliable indoor, in-vehicle and outdoor

EXHIBIT 2

AT&T

ATTACHMENT B

Alternative Sites Analysis

AT&T Mobility

Wireless Telecommunications
Facility at
8555 Paradise Valley Rd.
Spring Valley, CA 91977

Site ID: CAL02872

Introduction

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") has a significant gap in its service coverage in the County of San Diego and, therefore, needs to deploy a new wireless communications facility ("WCF"). AT&T proposes to construct a stealth facility designed to appear as a 35-foot tall faux eucalyptus tree ("mono-eucalyptus") ("Proposed Facility") located in this Office-Professional (C30) zoning district. The proposed wireless facility would include 12 panel antennas mounted to a new 35-foot-tall faux mono-eucalyptus tree and supporting equipment located within the adjacent equipment enclosure. The Project will enhance telecommunications infrastructure in the Spring Valley community, improving network coverage and supporting increasing connectivity demands. The facility's design, including a 35-foot-tall mono-eucalyptus, integrates with the surrounding landscape to minimize visual impacts and maintain community character. The Project complies with all applicable County setbacks and zoning requirements and aligns with the General Plan and the Spring Valley Community Plan. The Project meets all County regulations and environmental standards, and complies with the California Environmental Quality Act (CEQA) as no significant environmental impacts were identified. as a means to fill this gap in coverage. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

Objective

AT&T Mobility has identified a significant gap in its service coverage in the County of San Diego, in the Spring Valley Community Plan Area. The proposed wireless communications facility at 8555 Paradise Valley Road, Spring Valley, San Diego County, CA (the "Property") is needed to close a gap in AT&T's 4G LTE service coverage in an area roughly bordered by Noeline Avenue to the north, Vecino Court to the east, Leigh Avenue to the south, and Worthington Street to the west. This gap area includes many dozens of homes, churches, commercial areas, busy roads, including a one-mile stretch of CA 125, and other points of interest in the vicinity. The service coverage in this portion of the City is described in the accompanying Radio Frequency Statement.

Methodology and Zoning Criteria

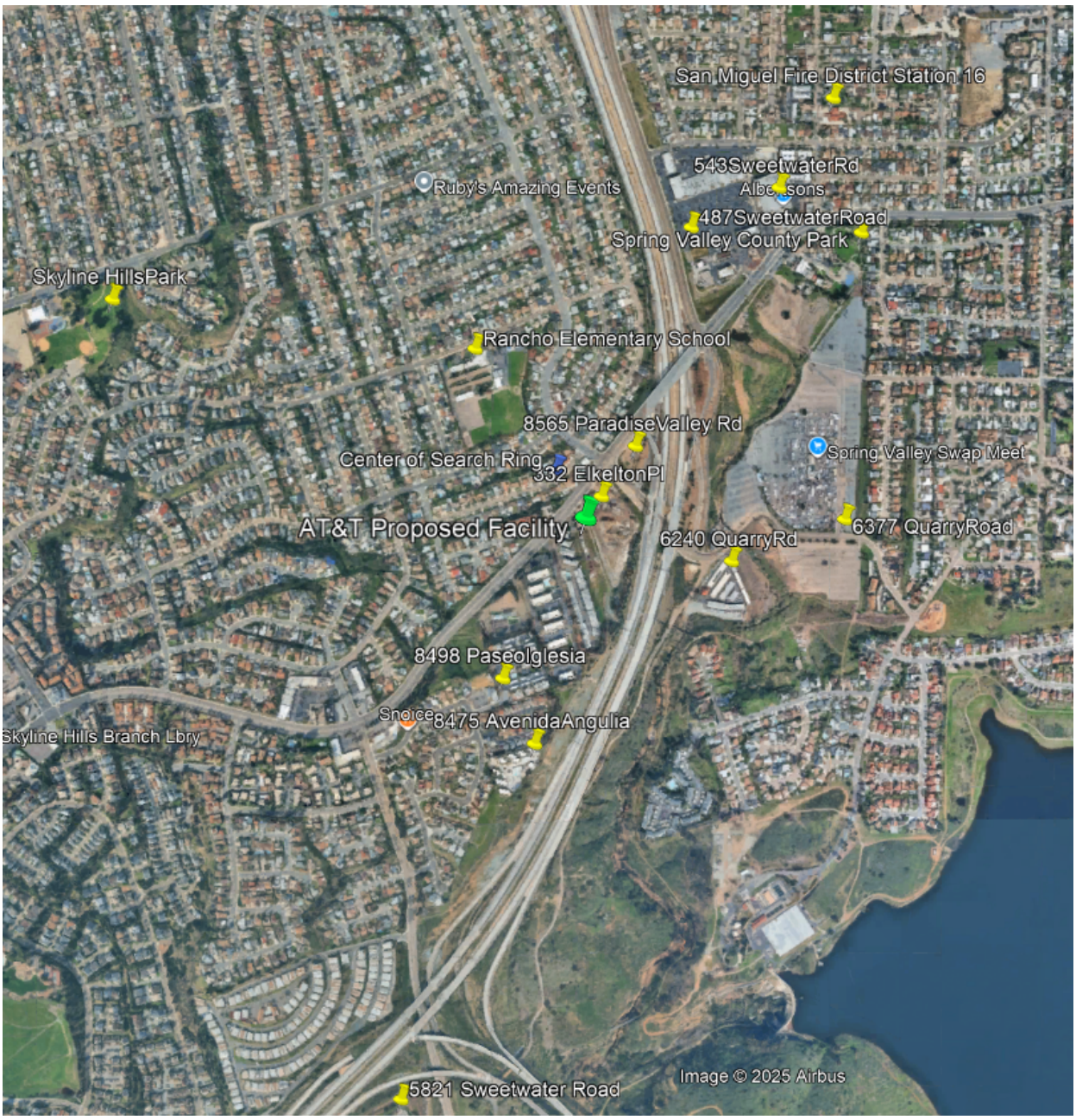
The location of a WCF to fill a significant gap in coverage is dependent upon topography, changes in elevation, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WCFs to be in relatively close proximity to the wireless handsets to be served.

AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the County of San Diego's Zoning Ordinance, including Ordinance 9549, regarding Wireless Communication Facilities. In particular, under Section 6986, the County prefers sites in commercial and industrial zoning districts and discourages facilities in residential districts. The project site carries a Public/Semi-Public Facilities General Plan Land Use Designation and is located in the C30 zone, where a WCF is permitted upon approval of a MUP under the County's Zoning Ordinance. The proposed facility is further designed to comply with Section 6987 (Design Requirements) and Section 4810 (Setback Schedule), including adherence to the 50-foot setback standard.

Analysis

AT&T developed a search area to identify where a new wireless telecommunications facility needs to be located to close AT&T's significant service coverage gap in this portion of San Diego County. AT&T searched for, but did not identify viable collocation opportunities in the gap area. Because most of the area is residential in character, and sites in residential locations are less preferred, AT&T searched for sites in commercial and industrial zoning districts. Thus, AT&T identified the Proposed Facility as the best available and least intrusive means to close the gap. The following map shows the locations of the search ring center (blue pin), the Proposed Facility (green pin), and the alternative sites that AT&T investigated (yellow pins).

Location of Candidate Sites



Proposed Facility – Faux Eucalyptus Tree, 8555 Paradise Valley Road

Conclusion: Based upon location, a willing landlord and the superior coverage as shown in the proposed coverage map included in AT&T's Radio Frequency Statement, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.

The project location is in a Office-Professional zoning district along Paradise Valley Road in the County of San Diego. AT&T's Proposed Facility will be a stealth design as a 35-foot tall faux eucaylptus tree consisting The facility would include 12 panel antennas, and nine remote radio units (RRU's) mounted upon a new 35-foot-tall faux mono-eucalyptus tree. Each panel antenna would be covered by "socks," which are faux leaves to help conceal the antennas. The equipment would be contained within a 300-square-foot (eight-foot-tall) concrete masonry unit (CMU) enclosure. A 20-kilowatt (kW) emergency generator, one Global Positioning System (GPS) antenna, three equipment cabinets, and other supporting equipment would be located within the equipment enclosure. Landscaping and irrigation around the masonry unit are planned to improve visual appeal and effectively screen the facility. The Proposed Facility is the least intrusive means to fill AT&T's significant service coverage gap.

Alternative Site #1 – 487 Sweetwater Road

Conclusion: Infeasible.

Colocation on this existing WCF is not feasible as it would require increasing the facility height by approximately 30% and redesigning it from a mono-palm to an alternative structure, defeating concealment and conflicting with Section 6987 of the County Ordinance ("Design Regulations of Camouflaged Facilities"). In addition, there is insufficient space for a new WCF without eliminating required parking, further disqualifying the site.

Alternative Site #2 – 6377 Quarry Road

Conclusion: Infeasible.

This address is located 0.7 miles outside the search ring target area. The elevation at this location is approximately 58-feet lower than the Proposed Facility which eliminates feasibility to close AT&T's significant service coverage gap with a WCF here.

Alternative Site #3 – 8475 Avenida Angulia

Conclusion: Infeasible.

The proposed facility is located within a non-preferred RS (Single-Family Residential) zone under Section 6986 of the County Ordinance, and it would not meet the County's required setback or height regulations, making the site infeasible for development.

Alternative Site #4 – 8498 Paseo Iglesia

Conclusion: Unavailable; more intrusive than Proposed Facility.

The location is more intrusive than the Proposed Facility because it is located within a non-preferred RS (Single-Family Residential) zone under Section 6986 of the County Ordinance, and the landlord has confirmed they are unwilling to enter into a lease with AT&T, eliminating both regulatory compliance and site control feasibility.

Alternative Site #5 – Skyline Hills Park

Conclusion: More intrusive than Proposed Facility.

The park is located within the City of San Diego in the OP-1-1 and R-1 zones, both designated as non-preferred siting locations, per City of San Diego Municipal Code Section 141.0420. As a result, development at this site would be more intrusive than the Proposed Facility and was eliminated as a candidate for a WCF.

Alternative Site #6 – 543 Sweetwater Rd

Conclusion: Infeasible.

This business site is located 0.6 miles northeast of the proposed facility; however, due to its proximity to an existing AT&T WCF, it would not remedy the significant service coverage gap identified within the defined search ring target area.

Alternative Site #7 – 8565 Paradise Valley Rd

Conclusion: Infeasible.

The property cannot support a compliant and visually integrated WCF due to three overlapping constraints: (1) a planned gas station prevents AT&T from meeting San Diego County setback requirements, (2) existing overhead power lines severely restrict safe and compliant siting options, and (3) the lack of existing landscaping or structures makes concealment infeasible and fails to meet the County's visual integration goals.

Alternative Site #8 - 332 Elkelton Pl

Conclusion: Unavailable.

This business is located in the M54 zoning district approximately 0.1 mile to the southwest from the Proposed Facility. The Property Owner confirmed they were not interested in executing a lease with AT&T.

Alternative Site #9 – 6240 Quarry Rd

Conclusion: Infeasible ;more intrusive than Proposed Facility.

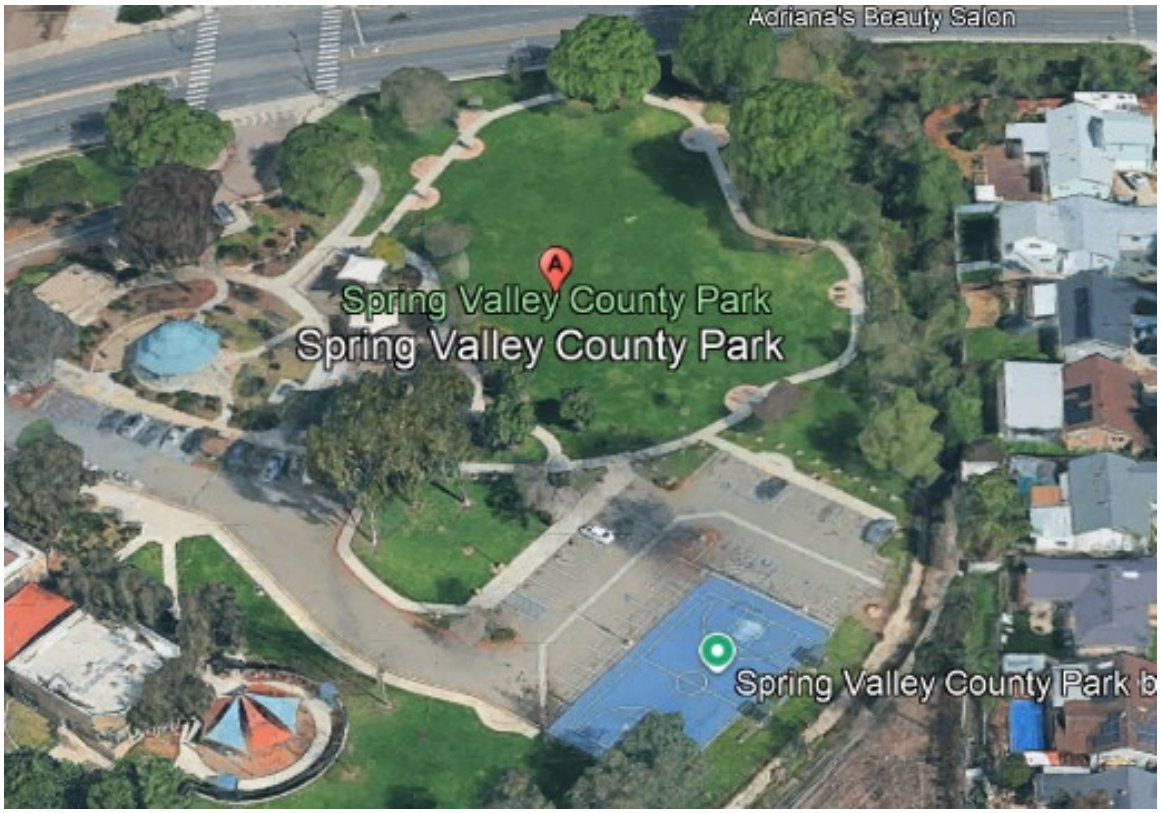
This business sits at a significantly lower elevation of 240 feet - an 80-foot reduction compared to the Proposed Facility. Achieving equivalent coverage would require a structure of 100 feet or more; however, Section 4610 (Height Schedule) of the County Zoning Ordinance limits structures in the M52 zone to a maximum height of 35 feet.

Alternative Site #10 – 5821 Sweetwater Rd

Conclusion: Infeasible.

This business site is located 1.1 miles outside the intended coverage gap target area and already hosts an existing AT&T WCF, eliminating it from consideration.

Alternative Site #11 – Spring Valley County Park



Conclusion: More intrusive than Proposed Facility.

This park sits at a significantly lower elevation of 257 feet - a 65-foot reduction compared to the Proposed Facility. Achieving equivalent coverage would require a structure of 85 feet or more; however, Section 4610 (Height Schedule) of the County Zoning Ordinance limits structures in the S80 zone to a maximum height of 30 feet.

Alternative Site #12 – Rancho Elementary School

Conclusion: More intrusive than Proposed Facility.

The location is more intrusive than the Proposed Facility because it is located within a non-preferred RS (Single-Family Residential) zone under Section 6986 of the County Ordinance.

Alternative Site #13 – San Miguel Fire District Station 16

Conclusion: More intrusive than Proposed Facility.

This location is more intrusive than the proposed facility as it is within a non-preferred RV (Variable Family Residential) zone under Section 6986 of the County Ordinance. Furthermore, the property cannot meet the height or setback requirements outlined in Section 4610 of the County Zoning Ordinance, without disrupting normal activities at this location.

Overall Conclusion

The Proposed Facility, as redesigned, is the least intrusive means by which AT&T can close its significant service coverage gap. Denial of the site or a reduction in height will materially inhibit AT&T from providing and improving wireless service in this portion of the County and the Spring Valley community.