RE: PA25-0072 - Public Comment

From
Duggan, Scarlet
To
'Robert Berg'
Bcc
Leahy, Marissa
Recipients
[redacted]; marissa.leahy@ocpw.ocgov.com

Hi Robert,

We have received your email below. Please note that your email will be provided to the Zoning Administrator as it relates to the 12/18/25 public hearing of PA25-0072. Your comment will be posted on the Zoning Administrator page at least 72 hours prior to the scheduled meeting date.

Thank you,

Scarlet Duggan, Land Use Manager

OC Public Works | Development Services

601 N. Ross Street, Santa Ana, CA 92701 | (714) 667-1606

From: Robert Berg [redacted]> **Sent:** Friday, December 12, 2025 12:59 PM **To:** Duggan, Scarlet <scarlet.duggan@ocpw.ocgov.com>; Robert Berg [redacted] **Subject:** Fwd: PA25-0072 - Public Comment

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Dear Ms. Duggan:

Robert J. Berg, Esq.

[redacted]

Begin forwarded message:

From: [redacted] **Date:** December 1, 2025 at 10:02:00 PM CST **To:** Scarlet Duggan <scarlet.duggan@ocpw.ocgov.com>, Robert Berg [redacted] **Subject: PA25-0072 - Public Comment**

Dear Ms. Duggan:

As you know, I am the attorney representing the group of Cameo Highlands residents who are opposing the application of Verizon Wireless and AT&T Mobility to build and operate two 40-foot tall monoeucalyptus cell towers on the periphery of the Pelican Hill golf course across from [redacted] in Corona Del Mar, CA. On August 1, 2025, I sent you a detailed letter explaining our objections to said application and urging County Staff to retain independent experts to assist County Staff in evaluating the application before County Staff issued its Report and Recommendation to the Zoning Administrator. That letter should have been included in the materials provided to the Zoning Administrator and posted on the link included in the public notice of the December 4, 2025 hearing. I don't know why you failed to include it, but I ask that you do so now. For your convenience, I am attaching a copy. Thank you very much. Yours truly, Robert J. Berg.

Robert J. Berg, Esq.

[redacted]

image001.jpg

Letter to Orange County Public Works Department_comments.pdf

Robert J. Berg, Esq.

Law Office of Robert J. Berg PLLC

[redacted]

August 1, 2025

BY EMAIL (scarlet.duggan@ocpw.ocgov.com)

Ms. Scarlet Duggan, Land Use Manager

Orange County Public Works, Development Services

601 N. Ross Street

Santa Ana, CA 92701

(714) 667-1606

Re: Verizon Wireless and AT&T Mobility (PA25-0072/OC25-60582)

VZW "Cameo Highlands"/AT&T "Pelican Hill

Address: t/b/d across from [redacted]

APN: 473-041-20_____

Dear Ms. Duggan:

I am an attorney who has been retained by residents of the Cameo Highlands neighborhood in Corona Del Mar, CA who oppose the two 40-foot tall mono-eucalyptus cell towers which Verizon Wireless and AT&T Mobility are proposing to install and operate on Pelican Hill property immediately above [redacted]. Please add this letter opposing said cell towers to the Orange County Public Works ("OCPW") file in connection with its review of these two wireless telecommunications facility projects.

Orange County Must Reject the Pending Applications of Verizon Wireless and AT&T Mobility for Permits to Construct and Operate Two 40-Foot Tall Mono-Eucalyptus Cell Towers on Pelican Hill Property Immediately Across from [redacted] Because They Fail to Meet the Requirements of Section 7-9-109 of the County of Orange Comprehensive Zoning Code

On or about May 8, 2025, Verizon Wireless and AT&T Mobility, through their agent, PlanCom, Inc. (“PlanCom”), submitted applications to OCPW seeking permits which would allow them to construct the above-referenced cell towers. PlanCom, in its “project justification letter,” dated May 8, 2025, asserts that the two independent cell towers, one for Verizon Wireless, and one for AT&T Mobility, constitute “one (1) project.” But that’s not correct. Verizon Wireless and AT&T Mobility, the top two competitors in the U.S. wireless market, are both applying for cell tower permits at the same time. Although each is using the same agent, and is proposing a site within very close proximity to one another, each cell tower permit [redacted]

application is an independent application. Each application must be analyzed on its own merits under Orange County’s wireless telecommunications facilities ordinance, Section 7-9-109, et al. of the County of Orange Comprehensive Zoning Code.

The FCC Shot Clock Period - How Many Days Have Run?

Despite PlanCom’s submission of application materials for the two separate cell tower permits on May 8, 2025, I understand from my prior telephone conversations with you that neither Verizon Wireless nor AT&T Mobility paid the County the required application "deposit" amounts until on or about June 27, 2025. My understanding is that the FCC's 150-day "shot clock" -- i.e., the time-period from the County's receipt of the permit applications for the two macro cell towers to when the County must issue a determination on the applications -- governs. See 47 C.F.R. §1.6003 (Reasonable periods of time to act on siting applications). The shot clock

began to run on May 8, 2025, the date the applications were filed, but was stopped once OCPW completed a cursory review of the filing and determined that it appeared to be facially in order -- but realized that neither carrier had paid the required deposit fees. As soon as OCPW received payment of the required fees, the shot clock restarted and runs until OCPW determines that the applications are incomplete and additional information is required from the applicants. Once OCPW notifies applicants that they must provide further information, the shot clock stops anew until the information is provided. OCPW then has an opportunity to review the newly submitted information for completeness. If OCPW sends a letter to an applicant within ten days of receipt of the new information advising the applicant that additional information must be provided, the shot clock stops again until the information is submitted, and so on. Please confirm to me whether my understanding is correct, and please let me know how many days remain on the shot clock on the day you respond to my letter.

Verizon Wireless and AT&T Mobility Have the Burden of Proof in Demonstrating that their Proposed Cell Towers Comply with the County's Wireless Communications Facility Ordinance, and they Cannot Meet that Burden

As OCPW considers these applications, OCPW must always keep in mind that Verizon Wireless and AT&T Mobility must meet the burden of proof of establishing that their proposed cell towers comply with the County's wireless communications facility ordinance. And OCPW must "put them to the test." OCPW must scrutinize their applications carefully and question them -- not rubber stamp them. My clients have hired me to ensure that the County fulfills its duty to protect County residents by making certain that the County takes into account the facts and the law that we present as we oppose these applications. The facts show that the two proposed cell towers are unnecessary; the proposed sites immediately across from one of the most expensive, beautiful, and scenic residential neighborhoods in the world are completely inappropriate. The towers will be ugly and environmentally damaging. The towers will cause many millions of dollars of property value devaluation to the nearby residential properties, especially to those properties just across Surrey Drive from the tower sites, and to those properties within view of the towers. The proposed towers fail to comply with the County's wireless communications facility ordinance in multiple ways, as will be detailed below.

My clients, and other residents of the Cameo Communities, are actively engaged in objecting to the two pending cell tower applications. We expect and ask for OCPW to engage directly with the community as OCPW considers the applications. And by that, I don't mean that OCPW and the Zoning Administrator should just hold a pro forma public hearing after the Planning Department has concluded its work and has prepared its own report and

recommendation to the Zoning Administrator on the applications.

I strongly suggest that the Planning Department hold one or more community forums, and gain a real-world understanding of residents' needs and desires. Importantly, the Planning Department ought to engage its own independent experts and consultants to obtain unbiased expert opinions regarding the bona fides of the applications. In particular, the Planning Department needs to obtain (1) an unbiased and accurate assessment of the wireless coverage presently available and the reasons for any isolated coverage issues (e.g., topography, foliage, physical obstructions, building construction materials) and a determination whether any significant gap in coverage truly exists; (2) the reasons why neither Verizon Wireless nor AT&T Mobility has proposed collocating on any existing wireless communications facility or existing structures, such as the Pelican Hill golf course maintenance building; (3) alternate site analyses for sites that may be less intrusive than the proposed sites, yet still technologically feasible to resolve any true significant gaps in coverage; (4) expert analyses of alternative technologically feasible means besides macro cell towers to resolve any significant gaps in coverage -- for instance, deploying a limited number of small cell wireless antennas mounted on existing street lamps in specific areas where cell coverage is weak; (5) an independent landscape architect to conduct a visual analysis of the visual impact of the two proposed mono-euc cell towers on the neighborhood, using a crane test and preparing photo-simulations; and (6) an experienced independent residential land use appraiser to conduct a study of the expected impact on residential property values in the neighborhood if the two cell towers are built at the proposed sites. Most local governments who engage independent consultants to perform these independent expert reports and analyses are able to recover the costs from the applicants themselves. These expert reports should be obtained before the Planning Department prepares its own report and recommendation.

My clients and their experts will submit their own reports and testimonials. But in my experience, no county planning department has the in-house expertise regarding the many specialized issues that arise in connection with complex and contested macro cell tower applications in environmentally sensitive sites. Relying on the applicants' experts for truthful, credible advice and opinions is a fool's errand.

Speaking for my clients, at least, they are not opposed to the wireless carriers improving wireless coverage and/or capacity. But my clients are strongly opposed to these ugly and environmentally destructive Verizon Wireless and AT&T Mobility fake tree cell towers being constructed and operated at sites directly across Surrey Drive approximately 100 feet from their residential neighborhood. With their extremely expensive residential properties facing substantial property devaluation -- and their quality of lives at risk, my clients are highly

incentivized to fight against these two cell tower applications. The facts and the law support their fight.

Of course, the Zoning Administrator must issue decisions on the permit applications before her. If Verizon Wireless and AT&T Mobility choose to stand on their applications "as is," and seek determinations from the Zoning Administrator, and go through whatever appeals process may take place, and whatever court process might follow, that's their right. But it's not a very intelligent or practical way of advancing the ball. My clients and I are prepared to engage in an interactive and iterative process with the Planning Department, the carriers, and The Irvine Company to reach a satisfactory resolution on any needed improvements on wireless coverage in the neighborhood. But the present Verizon Wireless and AT&T Mobility applications are fatally flawed, and must be denied.

The Proposed Two Cell Towers are Unnecessary, Ugly, Will Cause Substantial PVC Solid Waste Pollution, and Will Cause Many Tens of Millions of Dollars in Property Value Loss to Neighboring Residents

My clients strongly object to the prospect of being bombarded continuously with high levels of wireless radiation exposure from two ugly, industrial 40-foot tall cell towers, each carrying 12 wireless antennas, inappropriately sited as close as approximately 100 feet from the nearest residence on Surrey Drive and the children's playground in Surrey Park. 1 Most significantly, wireless service coverage in the Cameo Highlands/Cameo Shores neighborhood (comprising, together, the Cameo Community Association and often referred to as the Cameo Communities) is presently virtually complete, as certified by the wireless carriers themselves, under penalty of law, twice each year, to their federal regulator, the Federal Communications Commission ("FCC"), pursuant to the Federal Broadband Deployment Accuracy Technology Availability ("DATA") Act, 47 U.S.C. §§641-646 (2020). Moreover, the average home in the Cameo Highlands neighborhood presently sells for about $6 million. If OCPW grants the permits for these unnecessary and unsightly cell towers, which are proposed to be "camouflaged" as giant fake plastic PVC eucalyptus trees encapsulating a monopole steel cell tower, on the very edge of Pelican Hill property just above Surrey Drive, the close proximity of the two cell towers to the residences will substantially devalue these properties. The impact of this property devaluation likely will easily rise into the tens of millions of dollars.

The Two Proposed Mono-Eucalyptus Cell Towers are Environmental Time Bombs and Cannot be Permitted in this Delicate Coastal Zone. At a Minimum, the County Must Require that a Full Environmental Impact Study be Prepared under CEQA to Address the Likely Environmental Impacts from the Substantial PVC Discharge that will be Shed

from the Two Mono-Eucalyptus Cell Towers

Recognizing how ugly and out-of-character industrial cell towers are, especially when they are proposed for installation in residential or scenic settings, many well-meaning legislative bodies have enacted "stealth" or "camouflage" design requirements. Orange County is a prime example. Orange County's "Wireless Communications Facilities" zoning ordinance, Section 7-9-109(h), sets forth "Wireless Facility Design Guidelines," including subpart (1) which provides: "all new wireless communications facilities and substantial changes shall be designated to minimize aesthetic and visual impacts and shall include appropriate stealth or camouflage

1 The Verizon Wireless cell tower will also house a four-foot diameter microwave dish tower to be directed in some as yet undetermined direction.

techniques given the proposed location, design, visual environment and nearby uses and/or structures."

Section 7-9-109(b), "Definitions," describes "Camouflage" as: "Incorporation of elements and/or techniques designed to mask or blend a wireless communications facility with the surrounding environment in such a manner to render it generally less noticeable to the casual observer. these [sic] types of facilities may include antennas located on ground mounted or building mounted antennas that blend with the surroundings and base station equipment screened by landscaping." "Stealth" is defined as: "Wireless communications facility designed with concealment elements so visibility of any antenna or other transmission equipment associated with the facility is generally unnoticeable and so that the wireless facility fits into the context of its surroundings. By way of example, and not of limitation, a faux pine tree in an area with other natural pine trees would be considered stealth."

But be careful what you wish for! Anxious to comply with local governments' desire to minimize the visual degradation imposed on residential, rural, or scenic neighborhoods especially, cell tower developers have rushed to cloak their ugly industrial steel cell towers with faux tree coverings made out of plastic, inventing monopines, mono-elms, mono-eucs, mono-palms, and even mono-cactuses. Only a dupe or a bat during daylight could possibly be fooled by these fake tree towers, which often dwarf their natural counterparts in size, and are simply plasticized industrial monstrosities. When one puts lipstick on a pig, it's still a pig!

Nevertheless, since Verizon Wireless and AT&T Mobility are proposing to install their cell towers immediately across the street from one of the wealthiest and most scenic residential neighborhoods in the world -- the Cameo Communities -- the applicants herein have each designed their proposed cell towers ostensibly to comply with the "stealth" requirement of Section 7-9-109(h). Each proposes a 40-foot tall mono-eucalyptus cell tower.

However, Verizon Wireless and AT&T Mobility both fail to disclose that their mono-eucalyptus cell tower design presents a serious pollution hazard which is especially problematic in this environmentally sensitive coastal zone. The mono-eucalyptus cell tower design consists of a steel cell tower to which fake eucalyptus tree branches and leaves are affixed in an attempt to "hide" the dystopian wireless antennae and other wireless apparatus under a putative "natural," but faux plastic dress. The faux tree branches are usually made of fiberglass reinforced plastic, and the faux eucalyptus leaves are made out of PVC. Each "Franken-eucalyptus" cell tower is cloaked in several thousand pounds of fake PVC eucalyptus leaves. Although the PVC is purportedly UV-resistant, the faux eucalyptus leaves, in the real world, degrade rapidly in the harsh coastal environmental conditions, exposed to high levels of sunlight, winds, periodic rainstorms, wide temperature and humidity swings, and salty air (which is corrosive to the steel and aluminum attachments holding the faux branches to the tower pole). The PVC leaves become brittle, detach from the branches, fall, break, and are carried by the wind and rain run-off over a wide debris field. The PVC leaves often fragment into smaller and smaller pieces, especially as they are battered during transport in run-off during and after heavy rainstorms. The fragmented PVC eucalyptus leaves -- which constitute illegally discarded solid waste -- eventually are carried off in the drainage basins into the undeveloped gully which runs down to

the Pacific Ocean or elsewhere into environmentally protected areas as small PVC particles and microplastics.

The degradation process is rapid, and the fake leaves must be replaced within a few years. Much of the solid waste discharge is dispersed a significant distance from the cell tower sites and in small fragments and, thus, is not recoverable. These fake PVC-covered imitation tree cell towers inevitably turn out to be environmental time bombs. Thus, this "clever" means of camouflaging ugly industrial cell towers is actually a Trojan horse. These PVC-covered fake tree cell towers create major damaging source pollution sites of dangerous and toxic microplastics which are unrecoverable once they are dispersed over the debris field surrounding the cell tower.

Neither Verizon Wireless nor AT&T Mobility has mentioned a word about this inescapable environmental disaster should OCPW permit them to build their proposed mono-euc cell towers in order to comply with the County's stealth requirements. These macro cell tower applications require a CEQA environmental review before any permit decision can be made. The recent legislative changes to CEQA do not affect the required CEQA review for the macro cell towers at issue herein. OCPW must focus specifically on this known environmental hazard of PVC "shedding" when conducting its initial CEQA review of these two cell tower

applications. I have no doubt that OCPW will conclude that a full Environmental Impact Report (EIR) will have to be prepared to address the likely significant environmental effects from the prodigious amount of PVC debris that is continually and illegally dumped from these mono-euc towers.

The Visually Intrusive Plastic-covered Fake Tree Cell Towers will
Cause Massive Property Value Declines in this Extremely Desirable Oceanside,
High-end Residential Neighborhood, While Degrading the Neighborhood Aesthetics and Character, and Impairing Residents' Quality of Life

Corona del Mar is one of the world's most desirable communities. Its residences, splayed along the slopes descending to the magnificent Pacific Ocean command some of the highest residential prices in the United States. The residences in the Cameo Highlands neighborhood -- the ones closest to the two proposed cell towers, are more modest in size, and the lots are equally modest, compared to some of the splendid oceanfront estates in the Cameo Shores neighborhood below, some of which are valued in the $30 million to $70 million range. Even so, residences in the Cameo Highlands neighborhood generally average about $6 million each, an astonishingly high number, even for California. To the extent the two proposed cell towers will be visible from the residential properties in Cameo Highlands, their unsightliness, coupled with the undesirability of living next to two radiation-transmitting cell towers, each hosting 12 wireless antennas and one, a microwave dish, will seriously reduce the market value of nearby properties. And they will be highly visible. On March 13, 2025, the Cameo Community Association hosted a "Proposed Cell Tower Town Hall" on Zoom at which representatives of AT&T Mobility and Verizon Wireless presented their proposed plans for the two fake eucalyptus tree cell towers. Verizon Wireless showed multiple photo-simulations of the cell towers from various sites within Cameo Highlands. As is always the case when wireless carriers are trying to "sell"

neighborhood residents on the purported unobtrusiveness of faux tree cell towers, the photos were taken from vantage points that deceptively minimized the prominence of the faux tree cell towers in the photo-simulations. Nonetheless, the views of the fake "mono-euca" PVC-cloaked cell towers -- looking across the street from Surrey Drive and one street further from Dorchester Road -- are dystopian. Notably, Verizon Wireless did not present photo-simulations from the entrance to Cameo Highlands where the faux tree cell towers will be the very first structures that drivers see when they drive into Cameo Highlands. What an unwelcome sight!

Residents of Cameo Highlands enjoy magnificent views over their lovely neighborhood of the surrounding mountains and the Pacific Ocean. That's why their neighborhood is considered to be one of the world's most sought after and highly-valued. The purpose of Orange

County's Wireless Communications Facilities on Private Property Ordinance, as expressly stated in Section 7-9-109(a) is "to protect and promote public health, safety, community welfare and aesthetic qualities of the unincorporated area." Allowing Verizon Wireless and AT&T Mobility to erect two 40-foot tall plastic-covered fake mono-euc cell towers just above this extraordinarily desirable residential neighborhood would devastate the community welfare and aesthetic qualities of the unincorporated area," in utter derogation of the declared purpose of the ordinance.

Moreover, beyond severely damaging the neighborhood character and aesthetics, residents' views, and their quality of life, the installation of the two cell towers so close to these extremely expensive and alluring properties will cause a serious drop in property values in the neighborhood, with an especially severe decline in value heaped upon the properties closest to the cell towers and those from which the towers are visible.

Numerous peer-reviewed published studies in academic journals have reached the totally unremarkable and expected conclusion that the value of residential properties decreases significantly as the distance of the property from a cell tower decreases. These studies yield consistent results in residential markets worldwide -- in the United States, in Africa, and in Oceania. Moreover, the studies find that the magnitude of the property devaluation is significantly greater if the cell tower is visible from the residential property. Several representative academic studies are presented below. In Affuso, E., Reid Cummings, J. & Le, H., "Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis.," J Real Estate Finan Econ 56, 653–676 (2018), https://doi.org/10.1007/s11146-017-9600-9, the authors studied sales of residential houses in Mobile, Alabama. They found that properties located within 0.72 km (2,362 ft) of the closest cell tower declined in value by 2.46% on average. Moreover, the valuation declines were as large as 9.78% for homes where the tower was visible compared to those outside the visibility range. The negative effect generally diminished with increasing distance from the tower.

A 2019 study in The Empirical Economics Letters examined 34,335 multiple listing service ("MLS") sales of residential homes in Savannah, Georgia during the period 2007 to 2016. The authors found that homes close to towers sell for a discount of up to 7.6% (within 500 feet of the cell tower), with the effect disappearing at a distance of 1,500 feet from the tower. The cell tower's negative impact on house price valuation was exacerbated in a declining real estate market (such as occurred in 2007-2011); the discount required to sell rose to 8.8% for houses

within 500 feet of a cell tower. See Beck, Jason, "The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah, Georgia." The Empirical Economics Letters, 17 (2019).

In Rajapaksa, D., W. Athukorala, S. Managi, P. Neelawala, B. Leen, V.-N. Hoang, C. Winston, "The impact of cell phone towers on house prices: evidence from Brisbane, Australia," Environmental Economics and Policy Studies, 20, 211-224 (2017), the authors studied property transaction data collected from two suburbs within the Brisbane City Council, adopting a spatial hedonic property valuation model. The estimated models were statistically significant, and the results revealed that proximity to cell phone towers negatively affects house values, decreasing as the distance from the tower increases.

Another recent study, Koech Cheruiyot, Nosipho Mavundla, Mncedisi Siteleki, and Ezekiel Lengaram, "Impact of proximity to cell phone tower base stations on residential property prices in the City of Johannesburg, South Africa," International Journal of Housing Markets and Analysis (2024) 17 (6): 1422–1442, https://doi.org/10.1108/IJHMA-12-2023-0167, focuses on Johannesburg, South Africa. The authors examined residential sales between the period 2010 and 2020 in certain suburbs to determine whether proximity to a cell tower had any effect on sales price. The authors broke down the sales by distance of the residence from the cell tower in four increments: 0-250 m; 251-500 m; 501-750 m; and 751-1,000 m. 79,691 residential sales transactions were analyzed. The authors concluded:

The results show a significant impact on the proximity of CPTBS [cell phone tower base stations] to the residential property sale prices. However, the impact of CTPBSs on residential property prices depends on the distance of such CTPBSs from the residential properties. The closer to the CTPBSs a residential property is, the higher the impact that CTPBSs has on its residential sale price. In other words, the impact of proximity of CTPBBs on the residential sale prices seems to decrease as the distance from the CPTBSs increases. This was evident from the estimation results that was based on different interval distance bands of 0–250 m, 251–500 m, 501–750 m and 751–1,000 m.

The results of the academic studies simply validate common sense. When faced with the choice of buying a residence, rational consumers will demand a substantial price discount before they will purchase a house close to an ugly cell tower which the consumers may fear will negatively impact their and their family's health. They will demand a greater discount if the cell tower is visible from the residential property. As the distance from the cell tower increases (and the visibility of the cell tower diminishes, the amount of the discount needed to close the deal decreases and eventually disappears. OCPW and the Zoning Administrator must be acutely aware of enormous damage to property values the two proposed cell towers may cause in this extremely high-end neighborhood.

Verizon Wireless and AT&T Mobility Already Provide Nearly 100% Wireless Coverage in the Cameo Communities Neighborhood -- No Significant Gaps in

Wireless Coverage Presently Exist, and the Proposed Cell Towers are not Needed

Significantly, the "need" for these two cell towers has not been legitimately established by AT&T Mobility or Verizon Wireless, nor can they. In its "Project Justification Letter," dated

https://doi.org/10.1108/IJHMA-12-2023-0167

May 8, 2025, PlanCom, the agent for Verizon Wireless and AT&T Mobility, asserts: "The proposed site will allow VZW and AT&T to provide necessary wireless coverage in the immediate area as part of an ongoing effort to provide maximum service benefit to their respective customers in terms of system coverage and capacity. Each carrier has identified systemic weakness in their coverage for users in this part of Corona Del Mar." The Letter continues: "In discussions with the Cameo Highlands HOA, who will not take an official position of [sic] the project, we have also learned from many residents that critical gaps in coverage do exist here and they are often left without any wireless coverage if the power and Wi-Fi options fail."

Each carrier's representative claims that its carrier has received many complaints from neighborhood residents, first responders, and City of Newport Beach staff about poor or non-existent cell service in the neighborhood. AT&T Mobility and Verizon Wireless submit that these complaints have caused each carrier to seek to improve coverage by installing a new cell tower on the golf course property just above Surrey Drive to serve the neighborhood. The PlanCom letter asserts: "We can fix this issue and make sure that emergency service is available and that critical communications can continue, even in the event of power outages. Furthermore, the proposed use will be a quiet and benign tenant at this property and be practically invisible once constructed as highlighted in the photo-simulations provided with this application package."

That's all self-serving hearsay. My clients contest each and every one of PlanCom's wholly unsupported assertions. Admittedly, some residents, especially on Brighton Road across from the shorefront, may experience subpar outdoor wireless coverage. But those few residents' outdoor wireless coverage "problems" are unavoidable, and exist due to natural topographic conditions. That's because the elevation drops by more than 200 feet from the proposed mono-eucalyptus tower sites to the ocean about 3,150 feet to the southwest. The installation of the two proposed cell towers alone is unlikely to remedy these shorefront residents' coverage issues. Yet, extremely inexpensive alternative solutions are readily available -- for instance, these residents, who undoubtedly subscribe to high-speed broadband ISP services for in-house Internet coverage, can simply enable their cell phones for Wi-fi-enabled calling and, using routers and/or boosters within their house, enjoy outstanding cell phone service. They can also install

inexpensive but very effective amplifier systems to boost cell signals and/or Wi-fi signals and coverage outside their house on their property. Wilson Amplifiers, for example, is a leading U.S. seller of cell signal boosters that amplify the RF signals received from nearby cell towers and re-broadcast the signals to nearby wireless devices.

While the representatives from Verizon Wireless and AT&T Mobility have alluded to dropped call field testing and complaints, they provide no evidence of same. Nor have they provided RF signal propagation maps at various frequencies for existing coverage. Tellingly, the wireless representatives have refused to "guarantee" residents that the two proposed cell towers will "solve" whatever existing coverage issues may exist in the neighborhood. Rather, all they will commit to is that each carrier's service will "improve," without quantification.

The reality is that the carriers cannot "guarantee" excellent wireless service in and around every property within the Cameo Communities neighborhood. That's because the topography of

the neighborhood is such that it's virtually impossible for any 40-foot tall cell tower sited up on a hill more than 200 feet in elevation higher than the shorefront more than 3,000 feet to the southwest to be able to cover each and every nook and cranny of every shorefront property with line-of-sight RF signals when those signals are largely directed horizontally from the cell tower's antennas.

And yet, despite the carriers' self-interested statements about inadequate coverage, we already know from the certified data these carriers file semi-annually with the FCC, that cell coverage in the Cameo Communities is actually very good. Indeed, the most accurate data available on cell service coverage within the Cameo Communities comes from the FCC itself. Pursuant to the Broadband DATA Act, the federal statute noted above, the FCC requires Internet Service Providers ("ISPs"), including the wireless carriers, to file data with the FCC twice a year identifying where they offer mass-market Internet access service using their own broadband network facilities. The FCC compiles the data and issues a Broadband Availability Map for the United States. See https://broadbandmap.fcc.gov/home. The availability data shown on the map are submitted by ISPs through the FCC's Broadband Data Collection (BDC). ISPs offering broadband Internet to fixed locations (such as homes and small businesses) must report where they offer service on a location-by-location basis. Mobile providers generate the 3G, 4G LTE, and 5G-NR coverage areas shown on the map in very small geographic polygons using propagation modeling. The FCC requires the mobile providers' propagation models to include certain common settings for consistency. The coverage areas are meant to represent the areas where a user should be able to establish a mobile connection, either outdoors or moving in a vehicle, and achieve certain upload and download speeds.

Examining the current FCC Broadband Map for the geographic area which these two cell towers would serve, including the Cameo Communities, one sees that the area already has very adequate broadband coverage. Every property in the Cameo Communities is served by fixed broadband. AT&T serves the entire area with super-fast fiber optic fixed broadband. Spectrum provides fixed broadband cable service. Starlink and Viasat offer satellite service. As for mobile broadband -- i.e., cell service, Verizon, AT&T, T-Mobile, and Project Genesis (DISH Networks) all offer 5G service, and Verizon, AT&T, and T-Mobile offer 4G LTE service.

The wireless coverage for the Cameo Communities is color-shaded at the highest level of coverage, except for ten houses tight to the shorefront. Only 115 Milford Drive, 107 Milford Drive, 4501 Brighton Road, 4507 Brighton Road, 4515 Brighton Road, 4521 Brighton Road, 4527 Brighton Road, 4533 Brighton Road, 4541 Brighton Road, and 4501 Camden Road are reported on the FCC Broadband Map as having inadequate mobile broadband coverage.

The FCC Broadband Map is highly granular. It provides specific data on each property in Corona Del Mar. The data is the most accurate available. The FCC requires the ISPs and wireless carriers to certify the data as accurate and to report the data directly to the FCC. The FCC's Enforcement Bureau is authorized to bring charges and to seek hefty fines against non-compliant entities or against entities which submit inaccurate data.

https://www.fcc.gov/BroadbandData

By requiring each wireless carrier to follow the same propagation modeling algorithm, the FCC ensures that customers will be able to compare "apples to apples" among the wireless competitors with respect to the availability and extent of the wireless coverage at a customer's particular address. See https://help.bdc.fcc.gov/hc/en-us/articles/7682769466395-Broadband-Data-Collection-BDC-FAQs at Are all filers of fixed broadband availability data required to provide supporting data? ("Fixed wireless broadband service providers that submit a polygon coverage area based on propagation modeling must submit supporting data that includes information on the propagation modeling parameters, link budgets, and clutter data used in the filer’s modeling, as well as infrastructure data.").

Beyond the certified data Verizon Wireless submits to the FCC twice each year, Verizon Wireless' own website contains a wireless network coverage map where a person can type in a street address and find out what wireless coverage Verizon Wireless provides at that address. See https://www.verizon.com/coverage-map/. Enter an address in Corona Del Mar in the Cameo Communities neighborhood, and you will see that Verizon Wireless provides complete coverage except for the shorefront at Cameo Shores. AT&T Mobility has a similar website which does the

same thing. See https://www.att.com/maps/wireless-coverage.html. AT&T's network coverage map shows complete 5G+ coverage for Corona Del Mar, including the shorefront. The bottom line is that neither Verizon Wireless nor AT&T Mobility has a significant gap in coverage in the Cameo Communities.

That does not mean, of course, that each and every house in the Cameo Communities will enjoy perfect cell phone coverage inside and outside simply by receiving cell signals transmitted by nearby cell towers alone. Rather, as already noted herein, the topography of this neighborhood features step-like terracing from an elevation of 200 feet at Surrey Drive dropping to near sea level at Brighton Road. Thirteen residential streets plus the Pacific Coast Highway traverse the slope, and the neighborhood is fully developed with residential housing and well-established foliage. Because of this challenging physical topography, the buildings, and the foliage on the land, despite the already full cell coverage provided to the neighborhood, certain properties may experience inadequate signal strength.

Wireless cell signals are transmitted by line of sight. This means that there must be a clear unobstructed view from the transmitting wireless antenna to the recipient's cell phone receiver for the wireless signal to be optimally transmitted and received. As explained more fully in the "dropped call" discussion below, cell signal strength can be degraded by physical obstructions (buildings, land features), building construction materials, foliage, weather, and breaks in line of sight, along with network and cell tower capacity constraints, and a myriad of other factors. Indeed, as stated above, Verizon Wireless and AT&T Mobility won't make any guarantees that their proposed new cell towers on the periphery of the Pelican Hill golf course above Surrey Drive will "cure" everyone's coverage issues in the Cameo Communities. Any improvement from the two proposed cell towers likely will be marginal, at best, and it is doubtful that the shorefront at Cameo Shores will experience significantly better coverage from these two wireless carriers.

The certified data that both Verizon Wireless and AT&T Mobility file twice each year with the FCC demonstrate that both wireless carriers offer residents within the

Cameo Communities neighborhood nearly complete wireless coverage. Nevertheless, in their application, the two wireless carriers assert they need to build the proposed cell towers to cure significant gaps in their network coverage for the residents of this neighborhood. The carriers can't have it both ways. They are either lying to the FCC, their federal regulator, or to OCPW. My money is on the carriers lying to OCPW, figuring it will be easier to bamboozle OCPW to get a cell tower permit issued than to provide false information to the FCC and face the prospect of serious fines and other enforcement

penalties under federal law.

One simple way for OCPW to check on the truthfulness of these carriers' claims of significant gaps in coverage is for OCPW to demand "hard data" from AT&T Mobility and Verizon Wireless demonstrating that the existing wireless coverage within the Cameo Communities neighborhood is inadequate. The "gold standard" form of proof consists of "dropped call data" on wireless calls that are made but later are cut off or dropped during the call. Every wireless carrier, including AT&T Mobility and Verizon Wireless, maintains detailed computerized dropped call data records. "Dropped calls" can occur for a variety of reasons, including, among others, weak cell signal strength, capacity constraints on nearby cell towers, physical obstructions blocking the cell signal (e.g., a mountain, a building with thick steel-reinforced concrete walls), an out-of-date operating system on the user's cell phone, improper settings on the user's cell phone, and weather conditions.

The Call Drop Rate (CDR) is a critical Key Performance Indicator (KPI) in the telecommunications industry. It measures the percentage of calls that are prematurely terminated due to technical issues, rather than being ended by the user, in a defined geographic area. A high CDR indicates poor network quality, and can lead to customer dissatisfaction and churn. To accurately calculate the Call Drop Rate, specific data points are required from various sources within the telecommunications network. These include:

Specific Fields and Metrics

• Call Start Time:

Timestamp indicating when a call was initiated.

• Call End Time:

Timestamp indicating when a call was successfully completed by the user.

• Call Drop Time:

Timestamp indicating when a call was prematurely terminated due to network issues.

• Call Type:

Categorization of the call (e.g., voice call, video call, data call).

• Call ID:

Unique identifier for each call.

• Caller ID:

Identifier of the calling party.

• Receiver ID:

Identifier of the receiving party.

• Cell Tower ID:

Identifier of the cell tower handling the call.

• Network Type:

Type of network used (e.g., 2G, 3G, 4G, 5G).

• Drop Reason Code:

Code indicating the reason for the call drop (e.g., signal loss, handover failure, network congestion).

• Call Duration:

The total duration of the call, whether successful or dropped.

Data Sources

• Call Detail Records (CDRs):

These records contain detailed information about each call, including start and end times, caller and receiver IDs, and call duration.

• Network Management Systems (NMS):

These systems monitor the network infrastructure and provide data on network performance, including cell tower performance, signal strength, and network congestion.

• Performance Monitoring Systems (PMS):

These systems collect data on network performance metrics, including call drop events and their associated reasons.

• OSS/BSS Systems:

Operational Support Systems (OSS) and Business Support Systems (BSS) provide data on customer information, service usage, and network performance.

Calculation Methodology

The Call Drop Rate is calculated as the percentage of dropped calls out of the total number of calls attempted within a specific period. The calculation involves the following steps:

1. Identify Dropped Calls:

From the CDRs, identify all calls that have a 'Call Drop Time' recorded.

2. Identify Total Calls:

From the CDRs, identify all calls that were initiated within the same period.

3. Calculate the Number of Dropped Calls:

Count the number of calls identified in step 1.

4. Calculate the Total Number of Calls:

Count the number of calls identified in step 2.

5. Apply the Formula:

Call Drop Rate (%) = (Number of Dropped Calls / Total Number of Calls) * 100

Both Verizon Wireless and AT&T Mobility maintain dropped call data for their

subscribers in the Cameo Communities neighborhood. Let's see both carriers' dropped call data. During its review of the applications, OCPW must demand that both wireless carriers produce this dropped call data which are required to assess the actual, real world experience of wireless calling subscribers in the neighborhood. OCPW cannot rely upon these carriers' self-serving anecdotal assertions that their wireless service is inadequate.

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Let's assume for the moment that cell coverage in the neighborhood for Verizon Wireless and AT&T Mobility customers could be improved with the addition of these two imposing mono-euca cell towers. Does that "solve" all the problems? Clearly not! Each of these industrial monstrosities will serve only a single wireless carrier. What happens when T-Mobile seeks to improve its cell coverage? Will Cameo Highlands residents be burdened with yet another fake tree cell tower across the street next to the two faux eucalyptus cell towers of Verizon Wireless and AT&T Mobility? And when DISH Networks comes along for its cell tower, what happens then? If this site directly above Surrey Drive is truly the "only feasible" cell tower site in the whole area -- which Verizon and AT&T are claiming -- then must the Cameo Highlands residents suffer with even more and more fake tree cell towers? OCPW must not open Pandora's Box to "help out" Verizon and AT&T. The area on Pelican Hill Golf Course's periphery just across Surrey Drive cannot be allowed to become an industrial park of PVC-covered fake tree cell towers just to perfect all of the wireless carriers' already thorough and complete wireless coverage of the neighborhood, as proven by their own certified data submitted to the FCC under penalty of law!

The Proposed Sites and Designs of the Verizon Wireless and AT&T Mobility Cell Towers Across from [redacted] are not the Least Intrusive Means by Which to Locate and Design the Facilities

Section 7-9-109(h)(1) of the County Zoning Code provides:

The applicant shall demonstrate to the satisfaction of the Director that the wireless communication facility is the least intrusive means by which to locate and design the facility. 'Least intrusive means' means that all new wireless communications facilities and substantial changes shall be designed to minimize aesthetic and visual impacts and shall include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. Wireless facilities shall be located in areas where existing topography, vegetation, buildings or other structures naturally conceal the facility. An applicant may be required to provide an alternate site and design analysis and demonstrate why other suitable locations do not exist.

Verizon Wireless and AT&T Mobility disingenuously claim that their proposed sites

across Surrey Drive are the only feasible ones to "solve" their purported coverage gaps. Indeed, the Verizon Wireless representative audaciously claimed at the community association meeting on March 13, 2025 that "we go out there and take painstaking pride in going out and looking ...we really do try to find the best location." The Verizon Wireless representative suggested that the Verizon Wireless RF engineers spent countless hours pondering ways to improve Verizon Wireless cell coverage in the Cameo Communities neighborhood before concluding that "the least intrusive, viable location to close the coverage gap" is to build a brand new 40-foot tall cell tower on the golf course directly across from Surrey Drive. Her argument is patently false. Moreover, neither Verizon Wireless nor AT&T Mobility has submitted any evidence which demonstrates why the proposed sites are "the least intrusive, viable location to close the coverage gap." All they have presented is an unsubstantiated conclusion -- one that is belied by the facts.

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Presently, Verizon Wireless leases property from The Irvine Company on which it has installed and operates a 50-foot tall cell tower at the Pelican Hill maintenance building located on the golf course at 5700 East Coast Highway. That existing Verizon Wireless cell tower site is only about 2,000 feet from the site of the proposed Verizon Wireless and AT&T Mobility mono-eucalyptus cell towers across from [redacted]. Verizon's current cell tower site is just 1,500 feet from the Cameo Shores neighborhood and it is only about 725 feet from the Cameo Highlands neighborhood. The existing Verizon Wireless cell tower is about 2,950 feet from the corner of Brighton Road and Cameo Shores Road in Cameo Shores. This tower is a little more than 100 feet closer to that intersection than Verizon Wireless's proposed new cell tower across from Surrey Drive.

This begs a critically important question for OCPW to explore. Instead of building two brand new independent cell towers three hundred feet apart from one another across from [redacted], why aren't Verizon Wireless and AT&T Mobility simply adding additional antennas to the existing Verizon Wireless cell tower at the Pelican Hill maintenance building? Or else, why don't they re-direct the antennas that are already installed there? Or why not build another cell tower at the Pelican Hill maintenance building site? That existing Verizon Wireless cell tower was built in 1996, and is far enough away from residences that its presence has raised little or no opposition from anyone in its three decades existence. AT&T Mobility could also install its antennas at this site, either co-locating on a Verizon Wireless cell tower, placing wireless antennas on the roof of the maintenance building, or building its own independent cell tower.

Indeed, the Orange County code expresses a clear preference for co-locations on existing cell towers instead of authorizing the construction of a new cell tower. Section 1-107-9(a) of the

County Code states, in relevant part:

The purpose in regulating the development and siting of wireless communications facilities is to encourage economic development, preserve aesthetics, and other community values and discourage proliferation of above-ground equipment. These regulations encourage collocation of wireless communications facilities and require the use of natural and architectural screening in a manner that is compatible with the existing that have been applied uniformly and historically throughout the unincorporated area.

In addition, Section 1-107-7-9(h)(6) states: "All new wireless communications facilities shall collocate on an existing wireless communications facility or other existing structures to the maximum extent feasible."

The Verizon Wireless and AT&T Mobility applications for two separate stand-alone cell towers spit in the face of Sections 1-107-9(a) and 1-107(9)(h)(6). The applications openly and notoriously ignore the County's discouragement of the proliferation of above-ground wireless equipment and utterly ignore the County's encouragement of collocation of wireless communications facilities. The two applications directly contravene the purpose of the County ordinance. OCPW must demand that the applicants explain their failure to pursue collocation on existing wireless communications facilities or other existing structures, including specifically, at the Pelican Hill maintenance building site.

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Further, Orange County's code expressly anticipates alternate site and design analyses from cell tower applicants. See Section 1-7-9-107(h)(1) ("An applicant may be required to provide an alternate site and design analysis and demonstrate why other suitable locations do not exist."). The applications submitted by Verizon Wireless and AT&T Mobility do not comply with this provision of County code. OCPW must direct the applicants to do so. Other alternatives might include different sites on the Pelican Hill property, or perhaps some small cell deployments on properties that would not even involve The Irvine Company. OCPW must notify the applicants that the shot clock stops until the applicants comply.

While the Zoning Administrator may not Deny Cell Tower Applications Based on Health Concerns about Exposure to Wireless Radiation Transmitted by the Cell Towers, the Public is Free to Express Such Concerns at the Public Hearing and in Communications to OCPW and the Zoning Administrator Needs to be Aware of Such Concerns

Finally, once these two cell tower applications receive public attention, Verizon Wireless, AT&T Mobility, the Irvine Company, and OCPW will face a barrage of negative publicity about facilitating the cell carriers' blasting of a neighborhood with high levels of continuous wireless radiation exposure from two cell towers located on The Irvine Company's property just about

100 feet from the nearest residences and a children's park. The controversy over the dangers of wireless radiation exposure from cell towers is real and passionate, especially when cell towers are proposed for siting in or adjacent to residential neighborhoods and a children's park. Emotions run high at public hearings for cell tower permits, and speakers have a First Amendment right to comment about their fears of being poisoned by non-consensual exposure to wireless radiation from cell tower emissions at such hearings.

While the Zoning Administrator is not allowed under federal law to deny a cell tower permit solely based on health concerns about wireless radiation (so long as the emissions are within the FCC guidelines), members of the public must be permitted to voice their justified concerns about the health dangers at the public hearings. As you know, these hearings may last for many hours as scores of residents chastise the applicants and The Irvine Company for seeking to endanger their families with unwanted and dangerous wireless radiation exposure.2

2 During the Cameo Community Association Town Hall on March 13, 2025, Verizon Wireless and AT&T Mobility paraded the wireless industry's favorite quacksalver, Eric Swanson, before the attendees. Dr. Swanson tried to sell the nostrum that wireless radiation is perfectly safe and cannot harm humans. The reality is that Dr. Swanson's credibility has long ago been destroyed. Indeed, on April 11, 2022, the City of Pittsfield, MA Board of Health ("BOH") issued an Emergency Order against Verizon Wireless requiring it to shut off a cell tower that Verizon Wireless had constructed immediately adjacent to the "Shacktown" neighborhood. Shortly after Verizon Wireless had activated the cell tower, nearby residents began reporting serious health ailments, including complaints of headaches, sleep problems, heart palpitations, tinnitus (ringing in the ears), dizziness, nausea, skin rashes, and memory and cognitive problems, among other medical complaints. Before issuing its Emergency Order, the BOH conducted a nearly two-year long investigation, and held hearings, reviewed medical records, and conducted research, after which the BOH concluded that the wireless transmissions from the Verizon Wireless cell tower caused the nearby residents' medical problems, and determined that the only solution was for the cell tower to be turned off.

During the investigation phase, Verizon Wireless presented Eric Swanson as its sole scientific expert. Dr. Swanson testified that certain people truly believe that they are hypersensitive to wireless radiation. But Professor

Conclusion

My clients simply want to protect their health, their views, their quality of life, their neighborhood character and aesthetics, and the values of their properties. They are not against improving the cell coverage in the Cameo Communities neighborhood. But they will vigorously oppose the Verizon Wireless and AT&T Mobility mono-eucalyptus cell towers proposed for siting on The Irvine Company's property directly across from Surrey Drive. We expect the Planning Department and the Zoning Administrator to consider carefully our submissions in

opposition to the two cell tower applications. We anticipate filing additional submissions in advance of the public hearing.

I welcome any questions you or any members of the Planning Department may have, and I encourage you to reach out to me as the review process continues.

Very truly yours,

/s/ Robert J. Berg

Robert J. Berg

Swanson suggested that those persons have psychological issues. Professor Swanson maintained that transmission of wireless radiation from Verizon's cell tower cannot actually cause those persons any injury because the immutable laws of physics make that impossible. The BOH expressly found Professor Swanson's conclusions to lack credibility. The BOH ruled that Professor Swanson is a professor of theoretical physics whose research interests focus on esoteric topics in nuclear physics, cosmology, and hadronic physics, especially on "quarks" and "gluons." The BOH emphasized that Professor Swanson is not a medical doctor, and has no professional training or qualifications in medicine, medical research, biology, environmental studies, public health, epidemiology, or toxicology. Yet Professor Swanson rejected out-of-hand the more than 2,000 peer-reviewed scientific studies showing that wireless radiation may or does negatively impact human health as outliers by "fringe" scientists who may be "conspiracy theorists" with an axe to grind. Professor Swanson asserted unequivocally that "the scientific consensus" is that wireless radiation cannot cause human harm. The BOH explicitly ruled that Professor Swanson lacked the qualifications and the expertise to make such sweeping statements, and his credibility as a witness was severely undermined thereby. The BOH also found that Professor Swanson was a paid consultant for Verizon Wireless, the CTIA (the wireless industry trade association), and other wireless carriers, whereas the other experts who testified were independent researchers with no industry affiliation who were not receiving any compensation for their testimony. See chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ehtrust.org/wp-content/uploads/Pittsfield-Health-Board-Cell-Tower-Order-to-Verizon-April-11-2022-FINAL-REDACTED.pdf.

- Specific Fields and Metrics
- Data Sources
- Calculation Methodology

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[redacted]

August 1, 2025

BY EMAIL (scarlet.duggan@ocpw.ocgov.com)

Ms. Scarlet Duggan, Land Use Manager

Orange County Public Works, Development Services

601 N. Ross Street

Santa Ana, CA 92701

(714) 667-1606

Re: Verizon Wireless and AT&T Mobility (PA25-0072/OC25-60582)

VZW "Cameo Highlands"/AT&T "Pelican Hill

Address: t/b/d across from [redacted]

APN: 473-041-20_____

Dear Ms. Duggan:

I am an attorney who has been retained by residents of the Cameo Highlands neighborhood in Corona Del Mar, CA who oppose the two 40-foot tall mono-eucalyptus cell towers which Verizon Wireless and AT&T Mobility are proposing to install and operate on Pelican Hill property immediately above [redacted]. Please add this letter opposing said cell towers to the Orange County Public Works ("OCPW") file in connection with its review of these two wireless telecommunications facility projects.

Orange County Must Reject the Pending Applications of Verizon Wireless and AT&T Mobility for Permits to Construct and Operate Two 40-Foot Tall Mono-Eucalyptus Cell Towers on Pelican Hill Property Immediately Across from [redacted] Because They Fail to Meet the Requirements of Section 7-9-109 of the County of Orange Comprehensive Zoning Code

On or about May 8, 2025, Verizon Wireless and AT&T Mobility, through their agent, PlanCom, Inc. (“PlanCom”), submitted applications to OCPW seeking permits which would allow them to construct the above-referenced cell towers. PlanCom, in its “project justification letter,” dated May 8, 2025, asserts that the two independent cell towers, one for Verizon Wireless, and one for AT&T Mobility, constitute “one (1) project.” But that’s not correct. Verizon Wireless and AT&T Mobility, the top two competitors in the U.S. wireless market, are both applying for cell tower permits at the same time. Although each is using the same agent, and is proposing a site within very close proximity to one another, each cell tower permit

application is an independent application. Each application must be analyzed on its own merits under Orange County’s wireless telecommunications facilities ordinance, Section 7-9-109, et al. of the County of Orange Comprehensive Zoning Code.

The FCC Shot Clock Period - How Many Days Have Run?

Despite PlanCom’s submission of application materials for the two separate cell tower

permits on May 8, 2025, I understand from my prior telephone conversations with you that neither Verizon Wireless nor AT&T Mobility paid the County the required application "deposit" amounts until on or about June 27, 2025. My understanding is that the FCC's 150-day "shot clock" -- i.e., the time-period from the County's receipt of the permit applications for the two macro cell towers to when the County must issue a determination on the applications -- governs. See 47 C.F.R. §1.6003 (Reasonable periods of time to act on siting applications). The shot clock began to run on May 8, 2025, the date the applications were filed, but was stopped once OCPW completed a cursory review of the filing and determined that it appeared to be facially in order -- but realized that neither carrier had paid the required deposit fees. As soon as OCPW received payment of the required fees, the shot clock restarted and runs until OCPW determines that the applications are incomplete and additional information is required from the applicants. Once OCPW notifies applicants that they must provide further information, the shot clock stops anew until the information is provided. OCPW then has an opportunity to review the newly submitted information for completeness. If OCPW sends a letter to an applicant within ten days of receipt of the new information advising the applicant that additional information must be provided, the shot clock stops again until the information is submitted, and so on. Please confirm to me whether my understanding is correct, and please let me know how many days remain on the shot clock on the day you respond to my letter.

Verizon Wireless and AT&T Mobility Have the Burden of Proof in Demonstrating that their Proposed Cell Towers Comply with the County's Wireless Communications Facility Ordinance, and they Cannot Meet that Burden

As OCPW considers these applications, OCPW must always keep in mind that Verizon Wireless and AT&T Mobility must meet the burden of proof of establishing that their proposed cell towers comply with the County's wireless communications facility ordinance. And OCPW must "put them to the test." OCPW must scrutinize their applications carefully and question them -- not rubber stamp them. My clients have hired me to ensure that the County fulfills its duty to protect County residents by making certain that the County takes into account the facts and the law that we present as we oppose these applications. The facts show that the two proposed cell towers are unnecessary; the proposed sites immediately across from one of the most expensive, beautiful, and scenic residential neighborhoods in the world are completely inappropriate. The towers will be ugly and environmentally damaging. The towers will cause many millions of dollars of property value devaluation to the nearby residential properties, especially to those properties just across Surrey Drive from the tower sites, and to those properties within view of the towers. The proposed towers fail to comply with the County's wireless communications facility ordinance in multiple ways, as will be detailed below.

My clients, and other residents of the Cameo Communities, are actively engaged in objecting to the two pending cell tower applications. We expect and ask for OCPW to engage directly with the community as OCPW considers the applications. And by that, I don't mean that OCPW and the Zoning Administrator should just hold a pro forma public hearing after the Planning Department has concluded its work and has prepared its own report and recommendation to the Zoning Administrator on the applications.

I strongly suggest that the Planning Department hold one or more community forums, and gain a real-world understanding of residents' needs and desires. Importantly, the Planning Department ought to engage its own independent experts and consultants to obtain unbiased expert opinions regarding the bona fides of the applications. In particular, the Planning Department needs to obtain (1) an unbiased and accurate assessment of the wireless coverage presently available and the reasons for any isolated coverage issues (e.g., topography, foliage, physical obstructions, building construction materials) and a determination whether any significant gap in coverage truly exists; (2) the reasons why neither Verizon Wireless nor AT&T Mobility has proposed collocating on any existing wireless communications facility or existing structures, such as the Pelican Hill golf course maintenance building; (3) alternate site analyses for sites that may be less intrusive than the proposed sites, yet still technologically feasible to resolve any true significant gaps in coverage; (4) expert analyses of alternative technologically feasible means besides macro cell towers to resolve any significant gaps in coverage -- for instance, deploying a limited number of small cell wireless antennas mounted on existing street lamps in specific areas where cell coverage is weak; (5) an independent landscape architect to conduct a visual analysis of the visual impact of the two proposed mono-euc cell towers on the neighborhood, using a crane test and preparing photo-simulations; and (6) an experienced independent residential land use appraiser to conduct a study of the expected impact on residential property values in the neighborhood if the two cell towers are built at the proposed sites. Most local governments who engage independent consultants to perform these independent expert reports and analyses are able to recover the costs from the applicants themselves. These expert reports should be obtained before the Planning Department prepares its own report and recommendation.

My clients and their experts will submit their own reports and testimonials. But in my experience, no county planning department has the in-house expertise regarding the many specialized issues that arise in connection with complex and contested macro cell tower applications in environmentally sensitive sites. Relying on the applicants' experts for truthful, credible advice and opinions is a fool's errand.

Speaking for my clients, at least, they are not opposed to the wireless carriers improving wireless coverage and/or capacity. But my clients are strongly opposed to these ugly and environmentally destructive Verizon Wireless and AT&T Mobility fake tree cell towers being constructed and operated at sites directly across Surrey Drive approximately 100 feet from their residential neighborhood. With their extremely expensive residential properties facing substantial property devaluation -- and their quality of lives at risk, my clients are highly incentivized to fight against these two cell tower applications. The facts and the law support their fight.

Of course, the Zoning Administrator must issue decisions on the permit applications before her. If Verizon Wireless and AT&T Mobility choose to stand on their applications "as is," and seek determinations from the Zoning Administrator, and go through whatever appeals process may take place, and whatever court process might follow, that's their right. But it's not a very intelligent or practical way of advancing the ball. My clients and I are prepared to engage in an interactive and iterative process with the Planning Department, the carriers, and The Irvine Company to reach a satisfactory resolution on any needed improvements on wireless coverage in the neighborhood. But the present Verizon Wireless and AT&T Mobility applications are fatally flawed, and must be denied.

The Proposed Two Cell Towers are Unnecessary, Ugly, Will Cause Substantial PVC Solid Waste Pollution, and Will Cause Many Tens of Millions of Dollars in Property Value Loss to Neighboring Residents

My clients strongly object to the prospect of being bombarded continuously with high levels of wireless radiation exposure from two ugly, industrial 40-foot tall cell towers, each carrying 12 wireless antennas, inappropriately sited as close as approximately 100 feet from the nearest residence on Surrey Drive and the children's playground in Surrey Park. 1 Most significantly, wireless service coverage in the Cameo Highlands/Cameo Shores neighborhood (comprising, together, the Cameo Community Association and often referred to as the Cameo Communities) is presently virtually complete, as certified by the wireless carriers themselves, under penalty of law, twice each year, to their federal regulator, the Federal Communications Commission ("FCC"), pursuant to the Federal Broadband Deployment Accuracy Technology Availability ("DATA") Act, 47 U.S.C. §§641-646 (2020). Moreover, the average home in the Cameo Highlands neighborhood presently sells for about $6 million. If OCPW grants the permits for these unnecessary and unsightly cell towers, which are proposed to be "camouflaged" as giant fake plastic PVC eucalyptus trees encapsulating a monopole steel cell tower, on the very edge of Pelican Hill property just above Surrey Drive, the close proximity of the two cell towers

to the residences will substantially devalue these properties. The impact of this property devaluation likely will easily rise into the tens of millions of dollars.

The Two Proposed Mono-Eucalyptus Cell Towers are Environmental Time Bombs and Cannot be Permitted in this Delicate Coastal Zone. At a Minimum, the County Must Require that a Full Environmental Impact Study be Prepared under CEQA to Address the Likely Environmental Impacts from the Substantial PVC Discharge that will be Shed from the Two Mono-Eucalyptus Cell Towers

Recognizing how ugly and out-of-character industrial cell towers are, especially when they are proposed for installation in residential or scenic settings, many well-meaning legislative bodies have enacted "stealth" or "camouflage" design requirements. Orange County is a prime example. Orange County's "Wireless Communications Facilities" zoning ordinance, Section 7-9-109(h), sets forth "Wireless Facility Design Guidelines," including subpart (1) which provides: "all new wireless communications facilities and substantial changes shall be designated to minimize aesthetic and visual impacts and shall include appropriate stealth or camouflage

1 The Verizon Wireless cell tower will also house a four-foot diameter microwave dish tower to be directed in some as yet undetermined direction.

techniques given the proposed location, design, visual environment and nearby uses and/or structures."

Section 7-9-109(b), "Definitions," describes "Camouflage" as: "Incorporation of elements and/or techniques designed to mask or blend a wireless communications facility with the surrounding environment in such a manner to render it generally less noticeable to the casual observer. these [sic] types of facilities may include antennas located on ground mounted or building mounted antennas that blend with the surroundings and base station equipment screened by landscaping." "Stealth" is defined as: "Wireless communications facility designed with concealment elements so visibility of any antenna or other transmission equipment associated with the facility is generally unnoticeable and so that the wireless facility fits into the context of its surroundings. By way of example, and not of limitation, a faux pine tree in an area with other natural pine trees would be considered stealth."

But be careful what you wish for! Anxious to comply with local governments' desire to minimize the visual degradation imposed on residential, rural, or scenic neighborhoods especially, cell tower developers have rushed to cloak their ugly industrial steel cell towers with faux tree coverings made out of plastic, inventing monopines, mono-elms, mono-eucs, mono-palms, and even mono-cactuses. Only a dupe or a bat during daylight could possibly be fooled by these fake tree towers, which often dwarf their natural counterparts in size, and are simply

plasticized industrial monstrosities. When one puts lipstick on a pig, it's still a pig!

Nevertheless, since Verizon Wireless and AT&T Mobility are proposing to install their cell towers immediately across the street from one of the wealthiest and most scenic residential neighborhoods in the world -- the Cameo Communities -- the applicants herein have each designed their proposed cell towers ostensibly to comply with the "stealth" requirement of Section 7-9-109(h). Each proposes a 40-foot tall mono-eucalyptus cell tower.

However, Verizon Wireless and AT&T Mobility both fail to disclose that their mono-eucalyptus cell tower design presents a serious pollution hazard which is especially problematic in this environmentally sensitive coastal zone. The mono-eucalyptus cell tower design consists of a steel cell tower to which fake eucalyptus tree branches and leaves are affixed in an attempt to "hide" the dystopian wireless antennae and other wireless apparatus under a putative "natural," but faux plastic dress. The faux tree branches are usually made of fiberglass reinforced plastic, and the faux eucalyptus leaves are made out of PVC. Each "Franken-eucalyptus" cell tower is cloaked in several thousand pounds of fake PVC eucalyptus leaves. Although the PVC is purportedly UV-resistant, the faux eucalyptus leaves, in the real world, degrade rapidly in the harsh coastal environmental conditions, exposed to high levels of sunlight, winds, periodic rainstorms, wide temperature and humidity swings, and salty air (which is corrosive to the steel and aluminum attachments holding the faux branches to the tower pole). The PVC leaves become brittle, detach from the branches, fall, break, and are carried by the wind and rain run-off over a wide debris field. The PVC leaves often fragment into smaller and smaller pieces, especially as they are battered during transport in run-off during and after heavy rainstorms. The fragmented PVC eucalyptus leaves -- which constitute illegally discarded solid waste -- eventually are carried off in the drainage basins into the undeveloped gully which runs down to

the Pacific Ocean or elsewhere into environmentally protected areas as small PVC particles and microplastics.

The degradation process is rapid, and the fake leaves must be replaced within a few years. Much of the solid waste discharge is dispersed a significant distance from the cell tower sites and in small fragments and, thus, is not recoverable. These fake PVC-covered imitation tree cell towers inevitably turn out to be environmental time bombs. Thus, this "clever" means of camouflaging ugly industrial cell towers is actually a Trojan horse. These PVC-covered fake tree cell towers create major damaging source pollution sites of dangerous and toxic microplastics which are unrecoverable once they are dispersed over the debris field surrounding the cell tower.

Neither Verizon Wireless nor AT&T Mobility has mentioned a word about this

inescapable environmental disaster should OCPW permit them to build their proposed mono-euc cell towers in order to comply with the County's stealth requirements. These macro cell tower applications require a CEQA environmental review before any permit decision can be made. The recent legislative changes to CEQA do not affect the required CEQA review for the macro cell towers at issue herein. OCPW must focus specifically on this known environmental hazard of PVC "shedding" when conducting its initial CEQA review of these two cell tower applications. I have no doubt that OCPW will conclude that a full Environmental Impact Report (EIR) will have to be prepared to address the likely significant environmental effects from the prodigious amount of PVC debris that is continually and illegally dumped from these mono-euc towers.

The Visually Intrusive Plastic-covered Fake Tree Cell Towers will
Cause Massive Property Value Declines in this Extremely Desirable Oceanside,
High-end Residential Neighborhood, While Degrading the Neighborhood Aesthetics and Character, and Impairing Residents' Quality of Life

Corona del Mar is one of the world's most desirable communities. Its residences, splayed along the slopes descending to the magnificent Pacific Ocean command some of the highest residential prices in the United States. The residences in the Cameo Highlands neighborhood -- the ones closest to the two proposed cell towers, are more modest in size, and the lots are equally modest, compared to some of the splendid oceanfront estates in the Cameo Shores neighborhood below, some of which are valued in the $30 million to $70 million range. Even so, residences in the Cameo Highlands neighborhood generally average about $6 million each, an astonishingly high number, even for California. To the extent the two proposed cell towers will be visible from the residential properties in Cameo Highlands, their unsightliness, coupled with the undesirability of living next to two radiation-transmitting cell towers, each hosting 12 wireless antennas and one, a microwave dish, will seriously reduce the market value of nearby properties. And they will be highly visible. On March 13, 2025, the Cameo Community Association hosted a "Proposed Cell Tower Town Hall" on Zoom at which representatives of AT&T Mobility and Verizon Wireless presented their proposed plans for the two fake eucalyptus tree cell towers. Verizon Wireless showed multiple photo-simulations of the cell towers from various sites within Cameo Highlands. As is always the case when wireless carriers are trying to "sell"

neighborhood residents on the purported unobtrusiveness of faux tree cell towers, the photos were taken from vantage points that deceptively minimized the prominence of the faux tree cell towers in the photo-simulations. Nonetheless, the views of the fake "mono-euca" PVC-cloaked cell towers -- looking across the street from Surrey Drive and one street further from Dorchester

Road -- are dystopian. Notably, Verizon Wireless did not present photo-simulations from the entrance to Cameo Highlands where the faux tree cell towers will be the very first structures that drivers see when they drive into Cameo Highlands. What an unwelcome sight!

Residents of Cameo Highlands enjoy magnificent views over their lovely neighborhood of the surrounding mountains and the Pacific Ocean. That's why their neighborhood is considered to be one of the world's most sought after and highly-valued. The purpose of Orange County's Wireless Communications Facilities on Private Property Ordinance, as expressly stated in Section 7-9-109(a) is "to protect and promote public health, safety, community welfare and aesthetic qualities of the unincorporated area." Allowing Verizon Wireless and AT&T Mobility to erect two 40-foot tall plastic-covered fake mono-euc cell towers just above this extraordinarily desirable residential neighborhood would devastate the community welfare and aesthetic qualities of the unincorporated area," in utter derogation of the declared purpose of the ordinance.

Moreover, beyond severely damaging the neighborhood character and aesthetics, residents' views, and their quality of life, the installation of the two cell towers so close to these extremely expensive and alluring properties will cause a serious drop in property values in the neighborhood, with an especially severe decline in value heaped upon the properties closest to the cell towers and those from which the towers are visible.

Numerous peer-reviewed published studies in academic journals have reached the totally unremarkable and expected conclusion that the value of residential properties decreases significantly as the distance of the property from a cell tower decreases. These studies yield consistent results in residential markets worldwide -- in the United States, in Africa, and in Oceania. Moreover, the studies find that the magnitude of the property devaluation is significantly greater if the cell tower is visible from the residential property. Several representative academic studies are presented below. In Affuso, E., Reid Cummings, J. & Le, H., "Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis.," J Real Estate Finan Econ 56, 653–676 (2018), https://doi.org/10.1007/s11146-017-9600-9, the authors studied sales of residential houses in Mobile, Alabama. They found that properties located within 0.72 km (2,362 ft) of the closest cell tower declined in value by 2.46% on average. Moreover, the valuation declines were as large as 9.78% for homes where the tower was visible compared to those outside the visibility range. The negative effect generally diminished with increasing distance from the tower.

A 2019 study in The Empirical Economics Letters examined 34,335 multiple listing service ("MLS") sales of residential homes in Savannah, Georgia during the period 2007 to 2016. The authors found that homes close to towers sell for a discount of up to 7.6% (within 500 feet of

the cell tower), with the effect disappearing at a distance of 1,500 feet from the tower. The cell tower's negative impact on house price valuation was exacerbated in a declining real estate market (such as occurred in 2007-2011); the discount required to sell rose to 8.8% for houses

within 500 feet of a cell tower. See Beck, Jason, "The Disamenity Value of Cellular Phone Towers on Home Prices in Savannah, Georgia." The Empirical Economics Letters, 17 (2019).

In Rajapaksa, D., W. Athukorala, S. Managi, P. Neelawala, B. Leen, V.-N. Hoang, C. Winston, "The impact of cell phone towers on house prices: evidence from Brisbane, Australia," Environmental Economics and Policy Studies, 20, 211-224 (2017), the authors studied property transaction data collected from two suburbs within the Brisbane City Council, adopting a spatial hedonic property valuation model. The estimated models were statistically significant, and the results revealed that proximity to cell phone towers negatively affects house values, decreasing as the distance from the tower increases.

Another recent study, Koech Cheruiyot, Nosipho Mavundla, Mncedisi Siteleki, and Ezekiel Lengaram, "Impact of proximity to cell phone tower base stations on residential property prices in the City of Johannesburg, South Africa," International Journal of Housing Markets and Analysis (2024) 17 (6): 1422–1442, https://doi.org/10.1108/IJHMA-12-2023-0167, focuses on Johannesburg, South Africa. The authors examined residential sales between the period 2010 and 2020 in certain suburbs to determine whether proximity to a cell tower had any effect on sales price. The authors broke down the sales by distance of the residence from the cell tower in four increments: 0-250 m; 251-500 m; 501-750 m; and 751-1,000 m. 79,691 residential sales transactions were analyzed. The authors concluded:

The results show a significant impact on the proximity of CPTBS [cell phone tower base stations] to the residential property sale prices. However, the impact of CTPBSs on residential property prices depends on the distance of such CTPBSs from the residential properties. The closer to the CTPBSs a residential property is, the higher the impact that CTPBSs has on its residential sale price. In other words, the impact of proximity of CTPBBs on the residential sale prices seems to decrease as the distance from the CPTBSs increases. This was evident from the estimation results that was based on different interval distance bands of 0–250 m, 251–500 m, 501–750 m and 751–1,000 m.

The results of the academic studies simply validate common sense. When faced with the choice of buying a residence, rational consumers will demand a substantial price discount before they will purchase a house close to an ugly cell tower which the consumers may fear will negatively impact their and their family's health. They will demand a greater discount if the cell tower is visible from the residential property. As the distance from the cell tower increases (and

the visibility of the cell tower diminishes, the amount of the discount needed to close the deal decreases and eventually disappears. OCPW and the Zoning Administrator must be acutely aware of enormous damage to property values the two proposed cell towers may cause in this extremely high-end neighborhood.

Verizon Wireless and AT&T Mobility Already Provide Nearly 100% Wireless Coverage in the Cameo Communities Neighborhood -- No Significant Gaps in Wireless Coverage Presently Exist, and the Proposed Cell Towers are not Needed

Significantly, the "need" for these two cell towers has not been legitimately established by AT&T Mobility or Verizon Wireless, nor can they. In its "Project Justification Letter," dated

https://doi.org/10.1108/IJHMA-12-2023-0167

May 8, 2025, PlanCom, the agent for Verizon Wireless and AT&T Mobility, asserts: "The proposed site will allow VZW and AT&T to provide necessary wireless coverage in the immediate area as part of an ongoing effort to provide maximum service benefit to their respective customers in terms of system coverage and capacity. Each carrier has identified systemic weakness in their coverage for users in this part of Corona Del Mar." The Letter continues: "In discussions with the Cameo Highlands HOA, who will not take an official position of [sic] the project, we have also learned from many residents that critical gaps in coverage do exist here and they are often left without any wireless coverage if the power and Wi-Fi options fail."

Each carrier's representative claims that its carrier has received many complaints from neighborhood residents, first responders, and City of Newport Beach staff about poor or non-existent cell service in the neighborhood. AT&T Mobility and Verizon Wireless submit that these complaints have caused each carrier to seek to improve coverage by installing a new cell tower on the golf course property just above Surrey Drive to serve the neighborhood. The PlanCom letter asserts: "We can fix this issue and make sure that emergency service is available and that critical communications can continue, even in the event of power outages. Furthermore, the proposed use will be a quiet and benign tenant at this property and be practically invisible once constructed as highlighted in the photo-simulations provided with this application package."

That's all self-serving hearsay. My clients contest each and every one of PlanCom's wholly unsupported assertions. Admittedly, some residents, especially on Brighton Road across from the shorefront, may experience subpar outdoor wireless coverage. But those few residents' outdoor wireless coverage "problems" are unavoidable, and exist due to natural topographic conditions. That's because the elevation drops by more than 200 feet from the proposed mono-

eucalyptus tower sites to the ocean about 3,150 feet to the southwest. The installation of the two proposed cell towers alone is unlikely to remedy these shorefront residents' coverage issues.

Yet, extremely inexpensive alternative solutions are readily available -- for instance, these residents, who undoubtedly subscribe to high-speed broadband ISP services for in-house Internet coverage, can simply enable their cell phones for Wi-fi-enabled calling and, using routers and/or boosters within their house, enjoy outstanding cell phone service. They can also install inexpensive but very effective amplifier systems to boost cell signals and/or Wi-fi signals and coverage outside their house on their property. Wilson Amplifiers, for example, is a leading U.S. seller of cell signal boosters that amplify the RF signals received from nearby cell towers and re-broadcast the signals to nearby wireless devices.

While the representatives from Verizon Wireless and AT&T Mobility have alluded to dropped call field testing and complaints, they provide no evidence of same. Nor have they provided RF signal propagation maps at various frequencies for existing coverage. Tellingly, the wireless representatives have refused to "guarantee" residents that the two proposed cell towers will "solve" whatever existing coverage issues may exist in the neighborhood. Rather, all they will commit to is that each carrier's service will "improve," without quantification.

The reality is that the carriers cannot "guarantee" excellent wireless service in and around every property within the Cameo Communities neighborhood. That's because the topography of

the neighborhood is such that it's virtually impossible for any 40-foot tall cell tower sited up on a hill more than 200 feet in elevation higher than the shorefront more than 3,000 feet to the southwest to be able to cover each and every nook and cranny of every shorefront property with line-of-sight RF signals when those signals are largely directed horizontally from the cell tower's antennas.

And yet, despite the carriers' self-interested statements about inadequate coverage, we already know from the certified data these carriers file semi-annually with the FCC, that cell coverage in the Cameo Communities is actually very good. Indeed, the most accurate data available on cell service coverage within the Cameo Communities comes from the FCC itself. Pursuant to the Broadband DATA Act, the federal statute noted above, the FCC requires Internet Service Providers ("ISPs"), including the wireless carriers, to file data with the FCC twice a year identifying where they offer mass-market Internet access service using their own broadband network facilities. The FCC compiles the data and issues a Broadband Availability Map for the United States. See https://broadbandmap.fcc.gov/home. The availability data shown on the map are submitted by ISPs through the FCC's Broadband Data Collection (BDC). ISPs offering broadband Internet to fixed locations (such as homes and small businesses) must report

where they offer service on a location-by-location basis. Mobile providers generate the 3G, 4G LTE, and 5G-NR coverage areas shown on the map in very small geographic polygons using propagation modeling. The FCC requires the mobile providers' propagation models to include certain common settings for consistency. The coverage areas are meant to represent the areas where a user should be able to establish a mobile connection, either outdoors or moving in a vehicle, and achieve certain upload and download speeds.

Examining the current FCC Broadband Map for the geographic area which these two cell towers would serve, including the Cameo Communities, one sees that the area already has very adequate broadband coverage. Every property in the Cameo Communities is served by fixed broadband. AT&T serves the entire area with super-fast fiber optic fixed broadband. Spectrum provides fixed broadband cable service. Starlink and Viasat offer satellite service. As for mobile broadband -- i.e., cell service, Verizon, AT&T, T-Mobile, and Project Genesis (DISH Networks) all offer 5G service, and Verizon, AT&T, and T-Mobile offer 4G LTE service.

The wireless coverage for the Cameo Communities is color-shaded at the highest level of coverage, except for ten houses tight to the shorefront. Only 115 Milford Drive, 107 Milford Drive, 4501 Brighton Road, 4507 Brighton Road, 4515 Brighton Road, 4521 Brighton Road, 4527 Brighton Road, 4533 Brighton Road, 4541 Brighton Road, and 4501 Camden Road are reported on the FCC Broadband Map as having inadequate mobile broadband coverage.

The FCC Broadband Map is highly granular. It provides specific data on each property in Corona Del Mar. The data is the most accurate available. The FCC requires the ISPs and wireless carriers to certify the data as accurate and to report the data directly to the FCC. The FCC's Enforcement Bureau is authorized to bring charges and to seek hefty fines against non-compliant entities or against entities which submit inaccurate data.

https://www.fcc.gov/BroadbandData

By requiring each wireless carrier to follow the same propagation modeling algorithm, the FCC ensures that customers will be able to compare "apples to apples" among the wireless competitors with respect to the availability and extent of the wireless coverage at a customer's particular address. See https://help.bdc.fcc.gov/hc/en-us/articles/7682769466395-Broadband-Data-Collection-BDC-FAQs at Are all filers of fixed broadband availability data required to provide supporting data? ("Fixed wireless broadband service providers that submit a polygon coverage area based on propagation modeling must submit supporting data that includes information on the propagation modeling parameters, link budgets, and clutter data used in the filer’s modeling, as well as infrastructure data.").

Beyond the certified data Verizon Wireless submits to the FCC twice each year, Verizon Wireless' own website contains a wireless network coverage map where a person can type in a street address and find out what wireless coverage Verizon Wireless provides at that address. See https://www.verizon.com/coverage-map/. Enter an address in Corona Del Mar in the Cameo Communities neighborhood, and you will see that Verizon Wireless provides complete coverage except for the shorefront at Cameo Shores. AT&T Mobility has a similar website which does the same thing. See https://www.att.com/maps/wireless-coverage.html. AT&T's network coverage map shows complete 5G+ coverage for Corona Del Mar, including the shorefront. The bottom line is that neither Verizon Wireless nor AT&T Mobility has a significant gap in coverage in the Cameo Communities.

That does not mean, of course, that each and every house in the Cameo Communities will enjoy perfect cell phone coverage inside and outside simply by receiving cell signals transmitted by nearby cell towers alone. Rather, as already noted herein, the topography of this neighborhood features step-like terracing from an elevation of 200 feet at Surrey Drive dropping to near sea level at Brighton Road. Thirteen residential streets plus the Pacific Coast Highway traverse the slope, and the neighborhood is fully developed with residential housing and well-established foliage. Because of this challenging physical topography, the buildings, and the foliage on the land, despite the already full cell coverage provided to the neighborhood, certain properties may experience inadequate signal strength.

Wireless cell signals are transmitted by line of sight. This means that there must be a clear unobstructed view from the transmitting wireless antenna to the recipient's cell phone receiver for the wireless signal to be optimally transmitted and received. As explained more fully in the "dropped call" discussion below, cell signal strength can be degraded by physical obstructions (buildings, land features), building construction materials, foliage, weather, and breaks in line of sight, along with network and cell tower capacity constraints, and a myriad of other factors. Indeed, as stated above, Verizon Wireless and AT&T Mobility won't make any guarantees that their proposed new cell towers on the periphery of the Pelican Hill golf course above Surrey Drive will "cure" everyone's coverage issues in the Cameo Communities. Any improvement from the two proposed cell towers likely will be marginal, at best, and it is doubtful that the shorefront at Cameo Shores will experience significantly better coverage from these two wireless carriers.

The certified data that both Verizon Wireless and AT&T Mobility file twice each year with the FCC demonstrate that both wireless carriers offer residents within the

Cameo Communities neighborhood nearly complete wireless coverage. Nevertheless, in

their application, the two wireless carriers assert they need to build the proposed cell towers to cure significant gaps in their network coverage for the residents of this neighborhood. The carriers can't have it both ways. They are either lying to the FCC, their federal regulator, or to OCPW. My money is on the carriers lying to OCPW, figuring it will be easier to bamboozle OCPW to get a cell tower permit issued than to provide false information to the FCC and face the prospect of serious fines and other enforcement penalties under federal law.

One simple way for OCPW to check on the truthfulness of these carriers' claims of significant gaps in coverage is for OCPW to demand "hard data" from AT&T Mobility and Verizon Wireless demonstrating that the existing wireless coverage within the Cameo Communities neighborhood is inadequate. The "gold standard" form of proof consists of "dropped call data" on wireless calls that are made but later are cut off or dropped during the call. Every wireless carrier, including AT&T Mobility and Verizon Wireless, maintains detailed computerized dropped call data records. "Dropped calls" can occur for a variety of reasons, including, among others, weak cell signal strength, capacity constraints on nearby cell towers, physical obstructions blocking the cell signal (e.g., a mountain, a building with thick steel-reinforced concrete walls), an out-of-date operating system on the user's cell phone, improper settings on the user's cell phone, and weather conditions.

The Call Drop Rate (CDR) is a critical Key Performance Indicator (KPI) in the telecommunications industry. It measures the percentage of calls that are prematurely terminated due to technical issues, rather than being ended by the user, in a defined geographic area. A high CDR indicates poor network quality, and can lead to customer dissatisfaction and churn. To accurately calculate the Call Drop Rate, specific data points are required from various sources within the telecommunications network. These include:

Specific Fields and Metrics

• Call Start Time:

Timestamp indicating when a call was initiated.

• Call End Time:

Timestamp indicating when a call was successfully completed by the user.

• Call Drop Time:

Timestamp indicating when a call was prematurely terminated due to network issues.

• Call Type:

Categorization of the call (e.g., voice call, video call, data call).

• Call ID:

Unique identifier for each call.

• Caller ID:

Identifier of the calling party.

• Receiver ID:

Identifier of the receiving party.

• Cell Tower ID:

Identifier of the cell tower handling the call.

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• Network Type:

Type of network used (e.g., 2G, 3G, 4G, 5G).

• Drop Reason Code:

Code indicating the reason for the call drop (e.g., signal loss, handover failure, network congestion).

• Call Duration:

The total duration of the call, whether successful or dropped.

Data Sources

• Call Detail Records (CDRs):

These records contain detailed information about each call, including start and end times, caller and receiver IDs, and call duration.

• Network Management Systems (NMS):

These systems monitor the network infrastructure and provide data on network performance, including cell tower performance, signal strength, and network congestion.

• Performance Monitoring Systems (PMS):

These systems collect data on network performance metrics, including call drop events and their associated reasons.

• OSS/BSS Systems:

Operational Support Systems (OSS) and Business Support Systems (BSS) provide data on customer information, service usage, and network performance.

Calculation Methodology

The Call Drop Rate is calculated as the percentage of dropped calls out of the total number of calls attempted within a specific period. The calculation involves the following steps:

1. Identify Dropped Calls:

From the CDRs, identify all calls that have a 'Call Drop Time' recorded.

2. Identify Total Calls:

From the CDRs, identify all calls that were initiated within the same period.

3. Calculate the Number of Dropped Calls:

Count the number of calls identified in step 1.

4. Calculate the Total Number of Calls:

Count the number of calls identified in step 2.

5. Apply the Formula:

Call Drop Rate (%) = (Number of Dropped Calls / Total Number of Calls) * 100

Both Verizon Wireless and AT&T Mobility maintain dropped call data for their subscribers in the Cameo Communities neighborhood. Let's see both carriers' dropped call data. During its review of the applications, OCPW must demand that both wireless carriers produce this dropped call data which are required to assess the actual, real world experience of wireless calling subscribers in the neighborhood. OCPW cannot rely upon these carriers' self-serving anecdotal assertions that their wireless service is inadequate.

Let's assume for the moment that cell coverage in the neighborhood for Verizon Wireless and AT&T Mobility customers could be improved with the addition of these two imposing mono-euca cell towers. Does that "solve" all the problems? Clearly not! Each of these industrial monstrosities will serve only a single wireless carrier. What happens when T-Mobile seeks to improve its cell coverage? Will Cameo Highlands residents be burdened with yet another fake tree cell tower across the street next to the two faux eucalyptus cell towers of Verizon Wireless and AT&T Mobility? And when DISH Networks comes along for its cell tower, what happens then? If this site directly above Surrey Drive is truly the "only feasible" cell tower site in the whole area -- which Verizon and AT&T are claiming -- then must the Cameo Highlands residents suffer with even more and more fake tree cell towers? OCPW must not open Pandora's Box to "help out" Verizon and AT&T. The area on Pelican Hill Golf Course's periphery just across Surrey Drive cannot be allowed to become an industrial park of PVC-covered fake tree cell towers just to perfect all of the wireless carriers' already thorough and complete wireless coverage of the neighborhood, as proven by their own certified data submitted to the FCC under penalty of law!

The Proposed Sites and Designs of the Verizon Wireless and AT&T Mobility Cell Towers Across from [redacted] are not the Least Intrusive Means by Which to Locate and Design the Facilities

Section 7-9-109(h)(1) of the County Zoning Code provides:

The applicant shall demonstrate to the satisfaction of the Director that the wireless communication facility is the least intrusive means by which to locate and design the facility. 'Least intrusive means' means that all new wireless communications facilities and substantial changes shall be designed to minimize aesthetic and visual impacts and shall

include appropriate stealth or camouflage techniques given the proposed location, design, visual environment and nearby uses and/or structures. Wireless facilities shall be located in areas where existing topography, vegetation, buildings or other structures naturally conceal the facility. An applicant may be required to provide an alternate site and design analysis and demonstrate why other suitable locations do not exist.

Verizon Wireless and AT&T Mobility disingenuously claim that their proposed sites across Surrey Drive are the only feasible ones to "solve" their purported coverage gaps. Indeed, the Verizon Wireless representative audaciously claimed at the community association meeting on March 13, 2025 that "we go out there and take painstaking pride in going out and looking ...we really do try to find the best location." The Verizon Wireless representative suggested that the Verizon Wireless RF engineers spent countless hours pondering ways to improve Verizon Wireless cell coverage in the Cameo Communities neighborhood before concluding that "the least intrusive, viable location to close the coverage gap" is to build a brand new 40-foot tall cell tower on the golf course directly across from Surrey Drive. Her argument is patently false. Moreover, neither Verizon Wireless nor AT&T Mobility has submitted any evidence which demonstrates why the proposed sites are "the least intrusive, viable location to close the coverage gap." All they have presented is an unsubstantiated conclusion -- one that is belied by the facts.

Presently, Verizon Wireless leases property from The Irvine Company on which it has installed and operates a 50-foot tall cell tower at the Pelican Hill maintenance building located on the golf course at 5700 East Coast Highway. That existing Verizon Wireless cell tower site is only about 2,000 feet from the site of the proposed Verizon Wireless and AT&T Mobility mono-eucalyptus cell towers across from [redacted]. Verizon's current cell tower site is just 1,500 feet from the Cameo Shores neighborhood and it is only about 725 feet from the Cameo Highlands neighborhood. The existing Verizon Wireless cell tower is about 2,950 feet from the corner of Brighton Road and Cameo Shores Road in Cameo Shores. This tower is a little more than 100 feet closer to that intersection than Verizon Wireless's proposed new cell tower across from Surrey Drive.

This begs a critically important question for OCPW to explore. Instead of building two brand new independent cell towers three hundred feet apart from one another across from [redacted], why aren't Verizon Wireless and AT&T Mobility simply adding additional antennas to the existing Verizon Wireless cell tower at the Pelican Hill maintenance building? Or else, why don't they re-direct the antennas that are already installed there? Or why not build another cell tower at the Pelican Hill maintenance building site? That existing Verizon Wireless cell tower was built in 1996, and is far enough away from residences that its presence has raised

little or no opposition from anyone in its three decades existence. AT&T Mobility could also install its antennas at this site, either co-locating on a Verizon Wireless cell tower, placing wireless antennas on the roof of the maintenance building, or building its own independent cell tower.

Indeed, the Orange County code expresses a clear preference for co-locations on existing cell towers instead of authorizing the construction of a new cell tower. Section 1-107-9(a) of the County Code states, in relevant part:

The purpose in regulating the development and siting of wireless communications facilities is to encourage economic development, preserve aesthetics, and other community values and discourage proliferation of above-ground equipment. These regulations encourage collocation of wireless communications facilities and require the use of natural and architectural screening in a manner that is compatible with the existing that have been applied uniformly and historically throughout the unincorporated area.

In addition, Section 1-107-7-9(h)(6) states: "All new wireless communications facilities shall collocate on an existing wireless communications facility or other existing structures to the maximum extent feasible."

The Verizon Wireless and AT&T Mobility applications for two separate stand-alone cell towers spit in the face of Sections 1-107-9(a) and 1-107(9)(h)(6). The applications openly and notoriously ignore the County's discouragement of the proliferation of above-ground wireless equipment and utterly ignore the County's encouragement of collocation of wireless communications facilities. The two applications directly contravene the purpose of the County ordinance. OCPW must demand that the applicants explain their failure to pursue collocation on existing wireless communications facilities or other existing structures, including specifically, at the Pelican Hill maintenance building site.

Further, Orange County's code expressly anticipates alternate site and design analyses from cell tower applicants. See Section 1-7-9-107(h)(1) ("An applicant may be required to provide an alternate site and design analysis and demonstrate why other suitable locations do not exist."). The applications submitted by Verizon Wireless and AT&T Mobility do not comply with this provision of County code. OCPW must direct the applicants to do so. Other alternatives might include different sites on the Pelican Hill property, or perhaps some small cell deployments on properties that would not even involve The Irvine Company. OCPW must notify the applicants that the shot clock stops until the applicants comply.

While the Zoning Administrator may not Deny Cell Tower Applications Based on Health Concerns about Exposure to Wireless Radiation Transmitted by the Cell Towers, the

Public is Free to Express Such Concerns at the Public Hearing and in Communications to OCPW and the Zoning Administrator Needs to be Aware of Such Concerns

Finally, once these two cell tower applications receive public attention, Verizon Wireless, AT&T Mobility, the Irvine Company, and OCPW will face a barrage of negative publicity about facilitating the cell carriers' blasting of a neighborhood with high levels of continuous wireless radiation exposure from two cell towers located on The Irvine Company's property just about 100 feet from the nearest residences and a children's park. The controversy over the dangers of wireless radiation exposure from cell towers is real and passionate, especially when cell towers are proposed for siting in or adjacent to residential neighborhoods and a children's park. Emotions run high at public hearings for cell tower permits, and speakers have a First Amendment right to comment about their fears of being poisoned by non-consensual exposure to wireless radiation from cell tower emissions at such hearings.

While the Zoning Administrator is not allowed under federal law to deny a cell tower permit solely based on health concerns about wireless radiation (so long as the emissions are within the FCC guidelines), members of the public must be permitted to voice their justified concerns about the health dangers at the public hearings. As you know, these hearings may last for many hours as scores of residents chastise the applicants and The Irvine Company for seeking to endanger their families with unwanted and dangerous wireless radiation exposure.2

2 During the Cameo Community Association Town Hall on March 13, 2025, Verizon Wireless and AT&T Mobility paraded the wireless industry's favorite quacksalver, Eric Swanson, before the attendees. Dr. Swanson tried to sell the nostrum that wireless radiation is perfectly safe and cannot harm humans. The reality is that Dr. Swanson's credibility has long ago been destroyed. Indeed, on April 11, 2022, the City of Pittsfield, MA Board of Health ("BOH") issued an Emergency Order against Verizon Wireless requiring it to shut off a cell tower that Verizon Wireless had constructed immediately adjacent to the "Shacktown" neighborhood. Shortly after Verizon Wireless had activated the cell tower, nearby residents began reporting serious health ailments, including complaints of headaches, sleep problems, heart palpitations, tinnitus (ringing in the ears), dizziness, nausea, skin rashes, and memory and cognitive problems, among other medical complaints. Before issuing its Emergency Order, the BOH conducted a nearly two-year long investigation, and held hearings, reviewed medical records, and conducted research, after which the BOH concluded that the wireless transmissions from the Verizon Wireless cell tower caused the nearby residents' medical problems, and determined that the only solution was for the cell tower to be turned off.

During the investigation phase, Verizon Wireless presented Eric Swanson as its sole scientific expert. Dr. Swanson testified that certain people truly believe that they are hypersensitive to wireless radiation. But Professor

Conclusion

My clients simply want to protect their health, their views, their quality of life, their neighborhood character and aesthetics, and the values of their properties. They are not against improving the cell coverage in the Cameo Communities neighborhood. But they will vigorously oppose the Verizon Wireless and AT&T Mobility mono-eucalyptus cell towers proposed for siting on The Irvine Company's property directly across from Surrey Drive. We expect the Planning Department and the Zoning Administrator to consider carefully our submissions in opposition to the two cell tower applications. We anticipate filing additional submissions in advance of the public hearing.

I welcome any questions you or any members of the Planning Department may have, and I encourage you to reach out to me as the review process continues.

Very truly yours,

/s/ Robert J. Berg

Robert J. Berg

Swanson suggested that those persons have psychological issues. Professor Swanson maintained that transmission of wireless radiation from Verizon's cell tower cannot actually cause those persons any injury because the immutable laws of physics make that impossible. The BOH expressly found Professor Swanson's conclusions to lack credibility. The BOH ruled that Professor Swanson is a professor of theoretical physics whose research interests focus on esoteric topics in nuclear physics, cosmology, and hadronic physics, especially on "quarks" and "gluons." The BOH emphasized that Professor Swanson is not a medical doctor, and has no professional training or qualifications in medicine, medical research, biology, environmental studies, public health, epidemiology, or toxicology. Yet Professor Swanson rejected out-of-hand the more than 2,000 peer-reviewed scientific studies showing that wireless radiation may or does negatively impact human health as outliers by "fringe" scientists who may be "conspiracy theorists" with an axe to grind. Professor Swanson asserted unequivocally that "the scientific consensus" is that wireless radiation cannot cause human harm. The BOH explicitly ruled that Professor Swanson lacked the qualifications and the expertise to make such sweeping statements, and his credibility as a witness was severely undermined thereby. The BOH also found that Professor Swanson was a paid consultant for Verizon Wireless, the CTIA (the wireless industry trade association), and other wireless carriers, whereas the other experts who testified were independent researchers with no industry affiliation who were not receiving any compensation for their testimony. See chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ehtrust.org/wp-content/uploads/Pittsfield-Health-Board-Cell-Tower-Order-to-Verizon-April-11-2022-FINAL-REDACTED.pdf.

- Specific Fields and Metrics
- Data Sources
- Calculation Methodology