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July 31, 2019

VIA ELECTRONIC MAIL

Planning Commission
City of Desert Hot Springs
c/o Ana Morales, Commission Secretary
11711 West Drive
Desert Hot Springs, CA 92240

Re: Conditional Use Permit No. 02-19 (proposed cell tower at 22755 Palm Drive) – Planning Commission hearing August 13, 2019 (continued from June 11, 2019)

Honorable Commissioners:

I represent SBA 2012 TC Assets, LLC, which owns and operates a cell tower on property within Cathedral City, just 939 feet east of the site where this cell tower project is proposed. Your Commission held a public hearing on this project on June 11, 2019, and then continued the hearing to August 13, 2019, in order to address comments made by my client during the hearing and in our prior letter to you dated June 11, 2019.

My client continues to oppose the new cell tower and asks that your Commission deny the request or, at a minimum, continue the hearing until the legal issues raised in this letter and in our previous letter can be considered and proper environmental review conducted under the California Environmental Quality Act (CEQA).

1. A Cell Tower is Not Allowed in the C-R Zone.

The application is for a conditional use permit (CUP) pursuant to section 17.76.040 of the Desert Hot Springs Municipal Code (DHSMC). That code section describes the hearing process for a CUP. Section 17.12.020 specifies the uses that may be allowed by a CUP, and in what district, by way of a table (Table 17.12.01). The table allows CUPs for "Telecommunications Facilities, Including Antenna," but only in the following Commercial districts: C-N (Neighborhood Commercial), C-C (Community Commercial) and C-G (General Commercial).

(See DHSMC at section 17.04.060.) As the staff report for the June 11 hearing confirms, the subject property is in a district entitled "CR" or "Commercial Retail," which was apparently a prezoning designation authorized by the code prior to the incorporation of this area into the City, which then became effective as the zoning designation upon incorporation. (See DHSMC at section 17.04.060.) **There is no provision in the City's zoning code for a CUP in the CR district, for telecommunications facilities or anything else.**

Moreover, nothing in the zoning code specifically allows telecommunications facilities generally, or cell towers in particular. Therefore, either a rezoning or a use variance would be necessary to authorize this project. In the case of a variance, the strict mandatory findings associated with a variance – including hardship, unusual circumstances and the like – would have to be made.

This issue was raised at the June 11 public hearing. City staff did not offer any explanation in response.

2. A CUP is Not Warranted Because The Project Would Have Adverse Consequences on the Neighborhood.

A CUP requires numerous findings, including "That there will not be an adverse effect upon desirable neighborhood characteristics." (DHSMC section 17.76.050 (I).) Here, the 75-foot tower would stand entirely alone in a featureless desert area just 200 feet from Palm Drive and 1000 feet from the heavily traveled I-10 Freeway. Although "disguised" as a palm tree, it is not surrounded by other actual palm trees, and there is little evidence to suggest that passersby would actually be fooled into believing that it is actually a palm tree.

An important consideration, recognized by a member of the Commission during the June 11 hearing, was that in a high wind area such as this one, a cell tower disguised as a 75-foot tall palm tree would not appear realistic because the tower would not flex with the wind. This is especially important given that City staff proposes to surround the cell tower with real trees, much shorter in height, in order to create the impression of a small grove of similar trees. The real trees would surely flex at windy times, contrasting with the inflexible cell tower structure, which would not flex.

Moreover, the existence of this new "palm tree" must be considered in conjunction with my client's existing 103-foot tower already present less than 1000 feet away, in Cathedral City. As such, the project has an adverse effect on the scenic vistas and openness experienced by neighbors and persons driving or otherwise traversing Palm Drive and Interstate 10, especially when cumulated with the impact of the existing cell tower.

Therefore, the mandatory finding (I) of no adverse effect upon desirable neighborhood characteristics cannot be made.

3. A Field of Real 20-Foot Tall Palm Trees Would Not Mitigate the Adverse Impact on Scenic Vistas Because it Would Take At Least 100 Years For The Trees to Grow to 75 Feet in Height.

During the June 11 public hearing, after questions by various members of the Commission, City staff proposed to mitigate aesthetic impacts by requiring a field of six (6) natural palm trees approximately 20 feet in height in the vicinity of the 75-foot tower and on the same property. However, this mitigation measure would not be sufficient to mitigate the otherwise significant adverse effect on scenic vistas.

A field of real 20-foot tall trees would be dwarfed by the proposed 75-tall cell tower. Members of the Commission recognized this fact, and questioned City staff about why the required trees were limited to 20 feet in height. Staff responded that 20-foot tall trees were "standard" at local nurseries, and questioned whether taller trees would be cost-prohibitive and/or difficult to install or maintain. They pointed out that the 20-foot trees would eventually grow to match the cell tower's 75-foot height.

City staff did not purport to have studied the question whether taller trees than 20 feet could be feasibly obtained and installed. Nor did staff provide any opinion on how long it would take 20-foot tall trees to reach the 75-foot height of the proposed cell tower. My client retained a professional certified arborist, Carl Mellinger, to provide an independent opinion on these issues. Mr. Mellinger wrote a letter dated July 11, 2019, which is attached hereto as Exhibit A.

According to Mr. Mellinger, there are three candidate species for natural palm trees at this site: Mexican fan palm, California fan palm and date palm. Importantly, he noted:

> "Both the Mexican fan palm and date palm are expected to grow approximately 6 inches per year but the California fan palm tends to grow slower. <u>If 20-foot-tall Mexican fan palms or date palms were planted, it could take 100 years before they reach the height of the cell tower</u>."

Needless to say, <u>the California fan palm would take longer than 100 years</u> to reach 75 feet in height, as it grows even more slowly than 6 inches per year. Therefore, a condition requiring 20-foot tall trees would not mitigate the significant adverse effect of the project on scenic vistas.

4. If the Project is Approved Subject to the Installation of a Field of Real Palm Trees, the Conditions Should Require the Approval of a Specific Plan With Trees at Least 55 Feet in Height and a Maintenance Covenant.

Given that 20-foot tall trees would take more than a century to reach the height of the proposed cell tower, Mr. Mellinger considered the question of whether trees taller than 20 feet could be installed and maintained at this site, in light of the soil, access and high winds that characterize the site. He said that they could. Referring to the three candidate species, Mr.

Mellinger opined that "these trees can perform well at the sandy and windy site, even if the installed trees are much more than 20-foot-tall." Mr. Mellinger also reviewed photos of the site. The site is presently occupied by a small gas station and otherwise open desert, so access it not an issue, regardless of the size of tree.

In order to determine whether it was feasible to obtain taller trees, Mr. Mellinger inquired with three local sources. One source offered Mexican fan palms 55 feet in height, at a cost including installation of $5,250 per tree, and also offered date palms at 50 feet in height, for $5,000 each including installation. A second source offered 40 to 50 foot specimens of all three of the candidate species, at a cost of $1,000-$3,000 each, plus an unknown additional amount for installation. The third source offered 39-foot tall Mexican fan palms at $3,000, with installation not quoted.

In light of Mr. Mellinger's opinion, if the project is approved at all it should be subject to a condition of approval requiring the applicant to prepare a specific plan to install at least 6 (and perhaps 10 or more) trees at least 55 feet in height, for approval by the Planning Division. We suggest a condition to this effect:

> Installation of Natural Tree Field. Prior to the issuance of a certificate of occupancy, the applicant shall install a field of at least ___ natural living palm trees (of species Mexican fan palm (*Washingtonia robusta*), California fan palm (*Washingtonia filifera*), or date palm (*Phoenix dactylifera*). Such trees shall be at least 55 feet in height and shall be located on the same parcel in which the tower is to be installed. The final design and details of the tree field shall be subject to the approval of the Planning Division.

Further, the project should be subject to a separate condition of approval that requires the owner of the site to enter into a recorded covenant providing for continued maintenance of these trees over time. We suggest a condition to this effect:

> Covenant to Maintain Natural Tree Field. Prior to the issuance of a certificate of occupancy, the owner shall enter into a recorded covenant on a form provided by the Planning Division, providing for the maintenance of the trees indefinitely. The covenant shall provide that for the life of the permit, and for as long as the subject tower remains on the property, each of the trees shall be maintained to the satisfaction of the Planning Division (including, but not limited to, periodic tree trimming), and that trees shall be replaced as necessary with trees of similar height, species and quality, to the satisfaction of the Planning Division, all at the owner's sole expense. In the event that the City deems the project to be in violation of this condition, it shall provide the owner with a notice of the deficiency. The owner shall correct the deficiency within 72 hours of such notice. Failure to correct the deficiency within that time shall be a violation of the conditions of approval sufficient to institute revocation proceedings.

5. A "Clock Tower" is Not Permitted by the Zoning Ordinance.

An alternative concept discussed by members of the Commission at the June 11 public hearing was to disguise the cell tower structure with a "clock tower" or similar structure. Such proposals have been made by cell tower proponents elsewhere in the U.S., and some clock-tower cell towers have been installed. However, even if a telecommunications tower is allowed under the zoning ordinance, a 75-foot tall clock tower – a structure with walls and a roof that is the equivalent of 6 stories in height, and presumably includes lighting – is not specifically allowed by the zoning ordinance, whether by way of a conditional use permit or otherwise.

6. A "Clock Tower" Would Not Mitigate the Significant Adverse Effect on Scenic Vistas Because it is Inconsistent With the Surrounding Area and Would Be Difficult to Maintain Over Time.

Even if it were permitted by the zoning ordinance, a clock tower would be a stark intrusion in the middle of these desert lands, which are characterized by occasional single-story development, low vegetation and very little lighting. Thus, it would not mitigate the significant adverse effect on scenic vistas.

Further, a clock tower, though initially appealing as a way to disguise a cell tower, is quite difficult to execute effectively. First, a clock tower is a structure with walls, a roof, and lighting, and these must be constantly maintained. In this punishing desert environment, characterized by constant sun, heat and high winds, the maintenance could become a major headache. Second, in order for the structure to be taken seriously as a clock tower, the clock itself must operate properly at all times and it must display the correct time. Although no specific design has been proposed, presumably the clock would be an "analog" clock with clock hands. It is unclear how these hands would function in this extremely hot, high-wind environment.

7. If the Project is Approved Subject to the Installation of a Clock Tower, the Design Should Be Reviewed by the Planning Commission and the Conditions Should Require a Demonstration of the Operation of the Clock and a Maintenance Covenant.

In the event the project is approved subject to the installation of a Clock Tower, its complete design should be approved by the Planning Commission and the City Council in advance. Proper structural studies should be performed, and the Commission should consider especially factors such as durability, functionality and aesthetics. Finally, the design should include a satellite tracking mechanism that can be monitored by City officials, and which ensures that the clock remains accurate and in working order at all times.

The project should also be subject to a condition of approval requiring the applicant to demonstrate to the satisfaction of the Planning Division that the clock is functioning prior to occupancy. We suggest a condition to this effect:

> Demonstration of Clock. Prior to the issuance of a certificate of occupancy, the applicant shall be required to demonstrate, to the satisfaction of the Planning Division, that the clock and associated equipment is functioning and accurate, and that the associated satellite tracking mechanism to monitor the proper operation of the clock is operational and useable by City officials.

Further, a condition of approval should be imposed that requires the owner of the site to enter into a recorded covenant providing for continued maintenance of the clock tower and associated equipment over time. We suggest a condition to this effect:

> Covenant to Maintain Clock Tower. Prior to the issuance of a certificate of occupancy, the owner shall enter into a recorded covenant on a form provided by the Planning Division, providing for the maintenance of the clock tower and associated equipment during the entire term of the permit. The covenant shall provide that for the life of the permit, the tower, clock and associated equipment shall be maintained to the satisfaction of the Planning Division (including, but not limited to, to ensure that the clock continuously reflects the accurate time), and that it shall be replaced as necessary to the satisfaction of the Planning Division, all at the owner's sole expense. In the event that the City deems the project to be in violation of this condition, it shall provide the owner with a notice of the deficiency. The owner shall correct the deficiency within 72 hours of such notice. Failure to correct the deficiency within that time shall be a violation of the conditions of approval sufficient to institute revocation proceedings.

8. A CUP is Not Warranted Because The Project is Not Needed.

A CUP requires a finding "That the proposed use is needed or appropriate at the prescribed location, as demonstrated in the market/feasibility study, if required." (DHSMC section 17.76.050 (J).) The wireless carrier seeking to utilize the new tower, AT&T, has apparently not presented any studies showing the need for the coverage that the tower would provide.

In fact, the 103-foot tall SBA tower located just 939 feet from the new site, on the other side of Palm Drive and within the city limits of neighboring Cathedral City, is capable of accommodating all of the equipment AT&T is seeking to install on the new tower, including an installation at the 75 foot height (if required) and any necessary upgrades related to AT&T's development of a FirstNet or "5G" network. Like many cell towers, the Cathedral City tower can have multiple tenants. Although AT&T is not presently a tenant of the existing tower, it works with SBA on sites throughout the United States and is a tenant on over 5,000 SBA towers throughout California and the nation. As such, it can easily arrange with SBA for a tenancy at the Cathedral City site. There is adequate room on the existing tower for AT&T facilities and on the ground for any necessary ground equipment.

An aerial view showing the location of the existing SBA tower in Cathedral City in relation to the proposed tower is presented below.

Existing Cathedral City Tower and Proposed Tower: 939 Feet Apart

To determine whether there is a need for the new tower given the existing SBA tower in Cathedral City, SBA has commissioned an analysis by David Cotton, a registered professional engineer. Mr. Cotton's letter is attached as Exhibit B to this letter. Mr. Cotton concludes:

> 3. CONCLUSION. Based on the coverage comparison presented above, **the proposed site provides comparable coverage to the existing site due to their close proximity**. For wireless operators with antennas mounted on the existing site, **the installation of additional antennas on the proposed site would be considered to be an "overbuild" or impractical given the coverage overlap**.

By using the existing tower in Cathedral City instead of an unnecessarily duplicative second tower, AT&T would minimize the resulting visual obstructions, and reduce the unnecessary proliferation of telecommunications towers in the community. This objective is emphasized in the City's own General Plan, which acknowledges that in light of the deregulation of the telecommunications industry in 1996, "The City has a responsibility to monitor this new technology, regulate the rush anticipated of multiple providers, and plan for its installation and the needs of City residents." (Desert Hot Springs General Plan at pg. VI-6.)

9. A Class 3 Categorical Exemption is Not Warranted Under CEQA.

The project requires review under the California Environmental Quality Act (CEQA), for numerous potential impacts, including but not limited to aesthetic impacts of this tall structure on presently uncluttered desert vistas enjoyed by users of Palm Drive and the I-10 Freeway. Yet staff has refrained from doing such review on the ground that a "categorical exemption" applies under CEQA. The June 11 staff report states, in relevant part: "[T]he projects [sic] is found to be Categorically Exempt from further environmental review as a Class 3 (New Construction) Categorical Exemption of Section 15303 of CEQA. This project meets all the requirements of Class Three which is new construction of an accessory structure." (Planning Commission staff report at page 3.)

A "Class 3" CEQA exemption is not appropriate here. Categorical exemptions are to be construed narrowly, because they deprive the public of otherwise necessary environmental review. (See California Farm Bureau Federation v. California Wildlife Conservation Board (2006) 143 Cal.App.4th 173, 187 ("exemptions are construed narrowly"); see also, Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1193-94.) The relevant CEQA Guideline states, in relevant part:

> Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:
> . . .
> (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. (14 CCR 15303).

Initially, the Class 3 exemption does not apply simply because the 75-foot tall tower is not a "small" facility or structure. See California Farm Bureau Federation v. California Wildlife Conservation Board (2006) 143 Cal.App.4th 173, 192 (Class 4 exemption for "minor alterations" did not apply to management plan involving conversion of agricultural parcel into wetlands because the project was not "minor").

Moreover, notwithstanding the statements in the June 11 staff report, a 75-foot tall cell tower does not qualify as an "accessory structure" for purposes of the CEQA Guideline. The Guideline itself defines "accessory" as "appurtenant". The existing use on the property is a convenience store and gas station. A cell tower is not "accessory" or "appurtenant" to a convenience store or a gas station. Instead, it is an entirely separate use that has no connection to the underlying use. The owner of the facility is a shell entity controlled by AT&T, and there is no allegation in the application or the June 11 staff report that the cell tower is intended to serve the gas station or the convenience store or to facilitate those existing uses.

Although the City's zoning code does not define an "accessory structure," elsewhere the City's code acknowledges that an "accessory" structure is subordinate to the main use:

> "*Accessory structure*" means a *structure* that is either:
>
> 1. Solely for the parking of no more than two cars; or
>
> 2. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.
>
> "*Accessory* use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located. (DHSMC section 15.68.050 (pertaining to Buildings and Construction / Floodplain Management.)

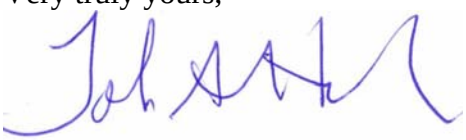
This common understanding of "accessory" structures is consistent with the examples provided in the CEQA Guideline itself – garages, carports, patios, swimming pools, and fences – bear no resemblance to a 75-foot cell tower. Such structures are all patently subordinate to the underlying use, commonly a residential or commercial use. Stores and homes require, or are least facilitated or enhanced by, garages, patios, pools and fences. They do not require, and are not facilitated or enhanced by, cell towers. The examples establish the limited scope of the exemption. (See California Farm Bureau Federation v. California Wildlife Conservation Board (2006) 143 Cal.App.4th 173, 189-90 (where categorical exemption applied to acquisition of land for restoration of wetlands, court held that the Guideline examples "narrow the construction that should be given the language," and for exemption to apply "such acquisitions would still have to be similar in kind to the listed examples"); see also, Myers v. Board of Supervisors (1976) 58 Cal.App.3d 413, 423 (holding that exemption for "minor temporary uses of land such as for carnivals and sales of Christmas trees" did not apply to land division, because it was "completely unlike any of the examples listed" and "not 'consistent with both the letter and the intent expressed in the classes.'".)

As discussed above, during the June 11 public hearing City staff proposed to mitigate aesthetic impacts by requiring the applicant to plant a field of six (6) natural palm trees, all 20 feet in height, in the vicinity of the 75-foot tall tower. Members of the Commission also discussed with City staff the possibility of disguising the cell tower structure with a "clock tower" or similar structure. However, neither of these mitigation measures can be used to justify

a categorical exemption. (See Salmon Protection & Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098, 1106 (citing to Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster, 52 Cal.App.4th 1165, 1199–1200).) Instead, the proper way to proceed is to prepare an environmental impact report (EIR) or a mitigated negative declaration (MND) identifying the potentially significant impact, any identifying any measure, such as a tree field or a clock tower, that might reduce that impact below the threshold of significance.

In conclusion, we ask that your Commission deny the permit or, at a minimum, continue the hearing to allow the application to be modified to satisfy CEQA and the City's code.

Very truly yours,



John A. Henning, Jr.

Enclosures:
Exhibit A, July 11, 2019 report by Carl Mellinger, Certified Arborist
Exhibit B, June 10, 2019 report by David Cotton, P.E.

EXHIBIT A:

JULY 11, 2019 REPORT BY CARL MELLINGER, CERTIFIED ARBORIST

CLIENT: John A. Henning, Jr.
SITE ADDRESS: 22755 Palm Dr., Desert Hot Springs, CA 92240
CONTACT INFO: (323) 655-6171, jhenning@planninglawgroup.com

ASSIGNMENT: I was requested by John A. Henning, Jr. to prepare a report detailing my opinions regarding the use of large palm trees to camouflage a simulated palm tree cell tower.

SUMMARY:

Trees are requested to be planted around a proposed 75-foot-tall simulated palm tree cell tower in Desert Hot Springs. Palm trees that may perform well in the area include Mexican fan palm, California fan palm, and date palm. These trees are available in sizes much larger than 20-foot-tall and may be found at 40- to 60-foot-tall.

BACKGROUND:

A 75-foot-tall simulated palm tree cell tower is proposed at 22755 Palm Dr., Desert Hot Springs, CA 92240. City staff has requested the property owner to surround the cell tower with 20-foot-tall real palm trees (possibly 10 in total). However, planning commissioners were interested in whether taller trees could be obtained and installed. City staff has said that 20 feet may be the tallest palm height available at nurseries, that the lower height may improve the survival of the trees, and that the 20-foot-tall palms will eventually grow to match the 75-foot-tall cell tower.

OBSERVATIONS, RECOMMENDATIONS, AND DISCUSSION:

I reviewed photos provided by John A. Henning, Jr. which depict the site of the proposed simulated palm tree cell tower. The photos show the soil on the site and provide some information on the access available at the site. I have been told that it is a relatively windy location.

Recommended species for the location are Mexican fan palm (*Washingtonia robusta*), California fan palm (*Washingtonia filifera*), and date palm (*Phoenix dactylifera*). In my opinion, these trees can perform well at the sandy and windy site, even if the installed trees are much more than 20-foot-tall. Both the Mexican fan palm and date palm are expected to grow approximately 6 inches per year but the California fan palm tends to grow slower. If 20-foot-tall Mexican fan palms or date palms were planted, it could take 100 years before they reach the height of the cell tower.

There are, however, taller trees available on the market. I have found trees from three sources which are listed below:

- Senna Tree Company, LLC
    - Mexican fan palms are available at approximately 55-foot-tall at $50/foot. Each palm would cost $2,500 to install. Thus, the installed cost of each

55-foot-tall tree should be approximately $5,250. Even taller specimens may possibly be obtained.
    - No California fan palms are available but tall specimens can be located with time and a procurement contract.
    - Date palms are available at approximately 50-foot-tall. Purchase, delivery, and installation should cost approximately $5,000 per tree.
- W. D. Young & Sons
    - Mexican fan palms are available at 40- to 50-foot-tall with a delivered cost[1] of approximately $1,000 plus tax. The cost of installation is unknown at this time.
    - California fan palms are available at 40- to 50-foot-tall with a delivered cost of approximately $3,000 plus tax. The cost of installation is unknown at this time.
    - Date palms are available at 40- to 50-foot-tall with a delivered cost of approximately $3,000 with no tax. The cost of installation is unknown at this time.
- Brightview
    - Mexican fan palms are available at various heights. The tallest available, at 39-foot-tall, would cost approximately $3,000 delivered. The cost of installation is unknown at this time.

I do not believe a different simulated tree (other than a palm) would be appropriate in the location.

Sincerely,

Carl Mellinger
CERTIFIED ARBORIST #WE-1976A
REGISTERED CONSULTING ARBORIST #620
TREE RISK ASSESSOR QUALIFIED #1365

Arborist Disclosure Statement: Arborists are tree specialists who use their education, knowledge training and experience to examine trees, recommend measures to enhance their health and beauty and to attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or to seek additional advice. Trees and other plant life are living, changing organisms affected by innumerable factors beyond our control. Trees fail in ways and because of conditions we do not fully understand. Arborists cannot detect or anticipate every condition or event that could possibly lead to the structural failure of a tree. Conditions are often hidden within the trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, for any specific period or when a tree or its parts may fail. Further, remedial treatments, as with any treatment or therapy, cannot be guaranteed. Treatment, pruning, bracing and removal of trees may involve considerations beyond the scope of the arborists skills and usual services such as the boundaries of properties, property ownership, site lines, neighbor disputes and agreements and other issues. Therefore, arborists cannot consider such issues unless

[1] Delivery cost includes the purchase of the tree and delivery to the site. It does not include tree installation or maintenance after installation.

complete and accurate information is disclosed in a timely fashion. Then, the arborist can reasonably be expected to rely upon the completeness and accuracy of the information provided. Trees can be managed but not controlled. To live near trees, regardless of their condition, is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

RESUME

EXPERIENCE AND CREDENTIALS:

Registered Consulting Arborist RCA #620	Since 2017
Qualified Tree Risk Assessor	Since 2011
ISA Certified Arborist	Since 1998
Tree Management - owner full tree care service	Since 1983
Consulting Arborist	Since 1985
Research (plant sciences)	6 years
California State Licensed Landscape Contractor	1996 – 2018

EMPLOYMENT:

Self-employed Arborist	1982 – Present
Analytical laboratory technician	1980 – 1982

EDUCATION:

Graduate of the American Society of Consulting Arborists (ASCA) Academy	1988
Biological, Animal, and Microbiological Sciences, Santa Monica College	1979 – 1983
Biological Sciences, University of Southern California	1973 – 1976
Continuing Education (list available upon request)	

CONSULTING SERVICES:

Forensic Arboriculture: expert witness, liability assessment, risk tree evaluation
Tree evaluation: appraisal of value of trees and landscape; damage assessment
Tree management: tree preservation/maintenance programs and implementations; work safety analysis; landscape design analysis; tree selection; performance standards
Tree problem diagnosis and corrective measures; tree root/soil/hardscape interactions

PROFESSIONAL ORGANIZATIONS:

Past President of the Western Chapter International Society of Arboriculture (Board Director 4 years) 9 years total
International Society of Arboriculture (ISA) & Western Chapter of ISA
American Society of Consulting Arborists (ASCA)
Tree Care Industry Association (TCIA) formerly National Arborist Association (NAA)
Society of Commercial Arboriculture, Street Tree Seminar
WCISA Committee: Species Classification Guide Revision (2001 - Present)
Western Chapter ISA Committee: Current Chapter Historian, Magazine Committee Chair, Awards Committee Chair since2007
Co Chair 2009, 2005 and Chair 2006 WCISA Workday Catalina, Britton Fund Board Director
Chairman for 2002 Annual Conference San Pedro/Catalina/Baja Calif.
Committee Member: Bylaws Committee Member, Britton Fund Research
Chairperson Fundraising 2001 Modesto, 1999 Ventura, and 1998 Yosemite Conferences

COMMUNITY SERVICES/ VOLUNTEER WORK

Palisades Village Green Committee
Palisades Civic League - President (current), Board member / Landscape expert (1993 - Present)
Palisades Beautiful: Consultant
Community Forest Advisory Committee of LA (CFAC): Participated in the brainstorming
Formulation of Sustainable Community Forest Ecosystem: Vision Workshop

CONSULTING PROJECTS (Community):

Palisades Pride Committee's installation of new street trees for town: Consultant and selection of trees
Parks and Recreation Council: Participated in creating a new Street Tree Ordinance Policy for Santa Monica
Santa Monica Beautiful: Street Trees
Palisades Beautiful: Street Trees

TEACHING EXPERIENCE:

Lectures to Elementary School
Lectures: Eucalyptus ID Seminar: Structural Problems with Eucalyptus LA Arboretum '08
Western Chapter ISA Annual Conference '01 - Preserving the Rainforest & Our Urban Plantation
Western Chapter ISA Annual Conference '99 - Integrity in Your Tree Care Business
Palisades Garden Club: Invasion of the Eucalyptus Long horned Borer
Diagnosing and Identifying Tree Diseases and Problems
Tree Care for the Millennium: To Trim Or Not To Trim?

SEMINARS AND CONFERENCES: Ongoing participation. List available upon request

P.O. Box 1135 Pacific Palisades, CA 90272 | (310) 454-6915 | GinkgoOne@aol.com

EXHIBIT B:

JUNE 10, 2019 REPORT OF DAVID COTTON, P.E.

David Cotton, PE
17852 Lizern Ln, Redding, CA, 96003-0775

SBA Communications Corporation
8051 Congress Avenue
Boca Raton, FL 33487-1307

Subject: RF Coverage Plot Analysis: Palm Springs, CA

Date: June 10, 2019

1. METHODOLOGY. The attached plots depict broadcast radio frequency (RF) coverage from the existing site in Palm Springs, CA and a proposed site approximately 0.1782 miles to the northeast. At each location, cellular industry typical LTE operating parameters were considered for omnidirectional antennas mounted at 75 feet above ground level at the existing site, and at 75 feet above ground level for the proposed site. Ground elevations are 579 and 585 feet above mean sea level, respectively. 5G Broadcast RF coverage was not reviewed since it is not operational as of this date.

Plots for both locations were generated for 700, 850, 1900 and 2100 MHz operations. The signal levels depicted are associated with LTE service reliability where the strong coverage levels in green and blue occur near the towers and decrease with distance from the sites and intervening terrain obstructions. Signal levels greater than -70 dBm shown as blue are associated with feasible coverage within buildings. Marginal coverage is provided in the regions depicted in yellow between -90 dBm and -80 dBm and signal levels between -100 dBm and -90 dBm shown as red represent poor coverage associated with call failures.

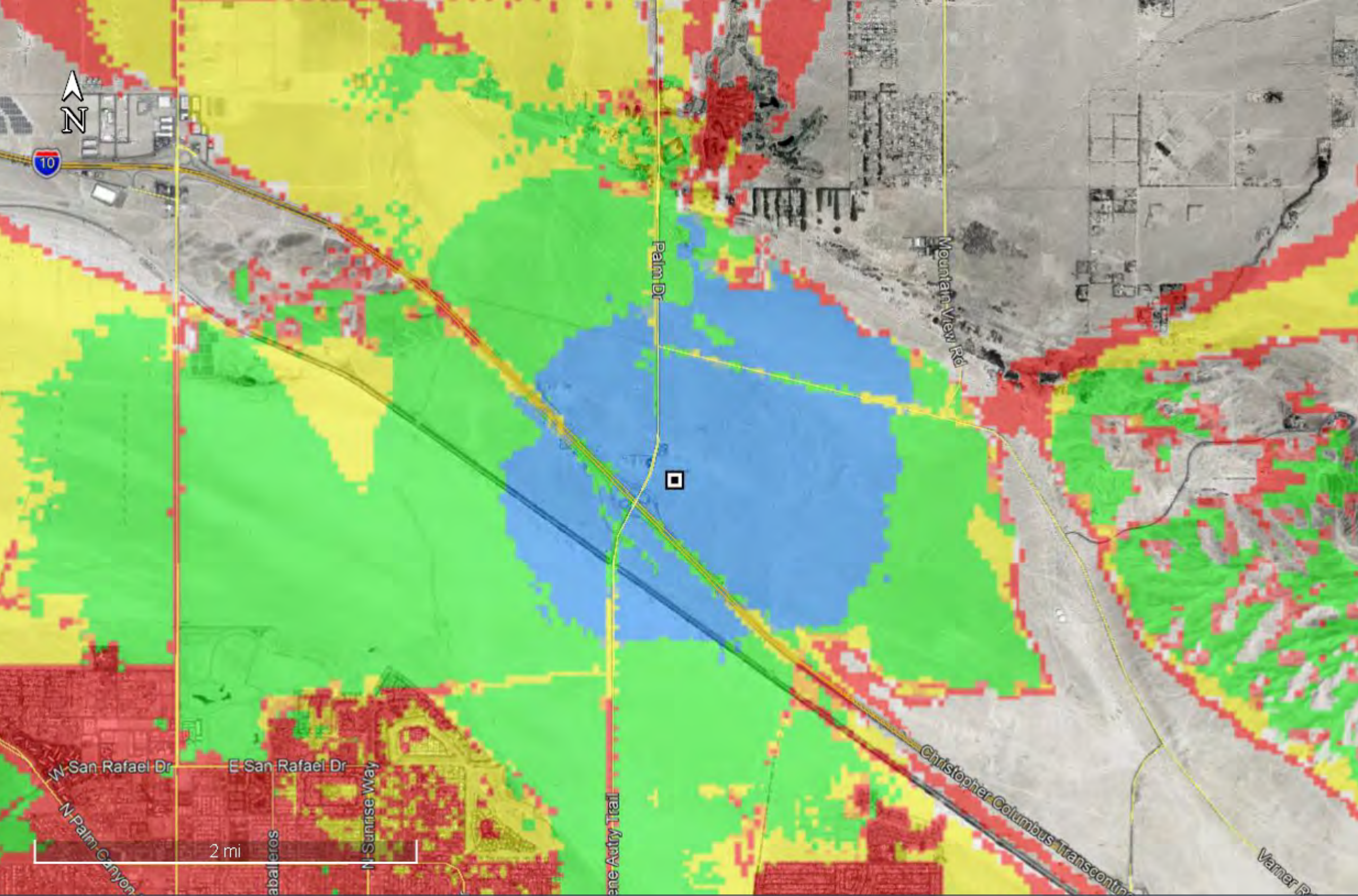
A comparison of coverage performance for each site is be based on low band (700 and 850 MHz) and high band (1900 and 2100 MHz) prediction results. Radiowave propagation conditions between these bands differ because of terrain and ground clutter (e.g. vegetation) effects at different frequencies. Generally, low band operations provide greater area coverage. Therefore, high band operations provide additional customer traffic capacity closer to the cellular site.

2. COMPARISON. The sites considered in these coverage plots provide service to the depicted locations and roads in Palm Springs, CA. For low band operations, the existing site provides strong coverage approximately 1.1 miles in all directions and strong non-contiguous coverage between 1.1 and 3.4 miles from the site. This includes 1.3 miles of I-10 and 1.3 miles of Palm Drive. The proposed site provides similar strong coverage with differences associated with the separation distance between tower locations. The proposed site provides strong coverage to 1.3 miles of I-10 and 1.5 miles of Palm Drive.

For high band operations, the existing and proposed sites provides strong coverage within 1.0 miles from the respective tower locations and non-contiguous strong coverage to 2.4 miles in all directions.

David Cotton, PE
17852 Lizern Ln, Redding, CA, 96003-0775

3. CONCLUSION. Based on the coverage comparison presented above, the proposed site provides comparable coverage to the existing site due to their close proximity. For wireless operators with antennas mounted on the existing site, the installation of additional antennas on the proposed site would be considered to be an “overbuild” or impractical given the coverage overlap.



Existing 700 MHz Coverage – SBA

Site Name	Dillon, CA
Latitude:	33°52’52.68“N
Longitude:	116°30’0.00”W

Antenna:	15.15 dBi Omni
Alpha Rad Center (ft):	75
Azimuth (Deg):	0
ERP per RS (W):	2.0

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

Proposed 700 MHz Coverage – Applicant

Site Name	Dillon, CA
Latitude:	33°52’56.60”N
Longitude:	116°30’10.14"W

Antenna:	15.15 dBi Omni
Alpha Rad Center (ft):	75
Azimuth (Deg):	0
ERP per RS (W):	2.0

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

N

10

Palm Dr

Mountain View Rd

W San Rafael Dr

E San Rafael Dr

N Palm Canyon Dr

N Sunrise Way

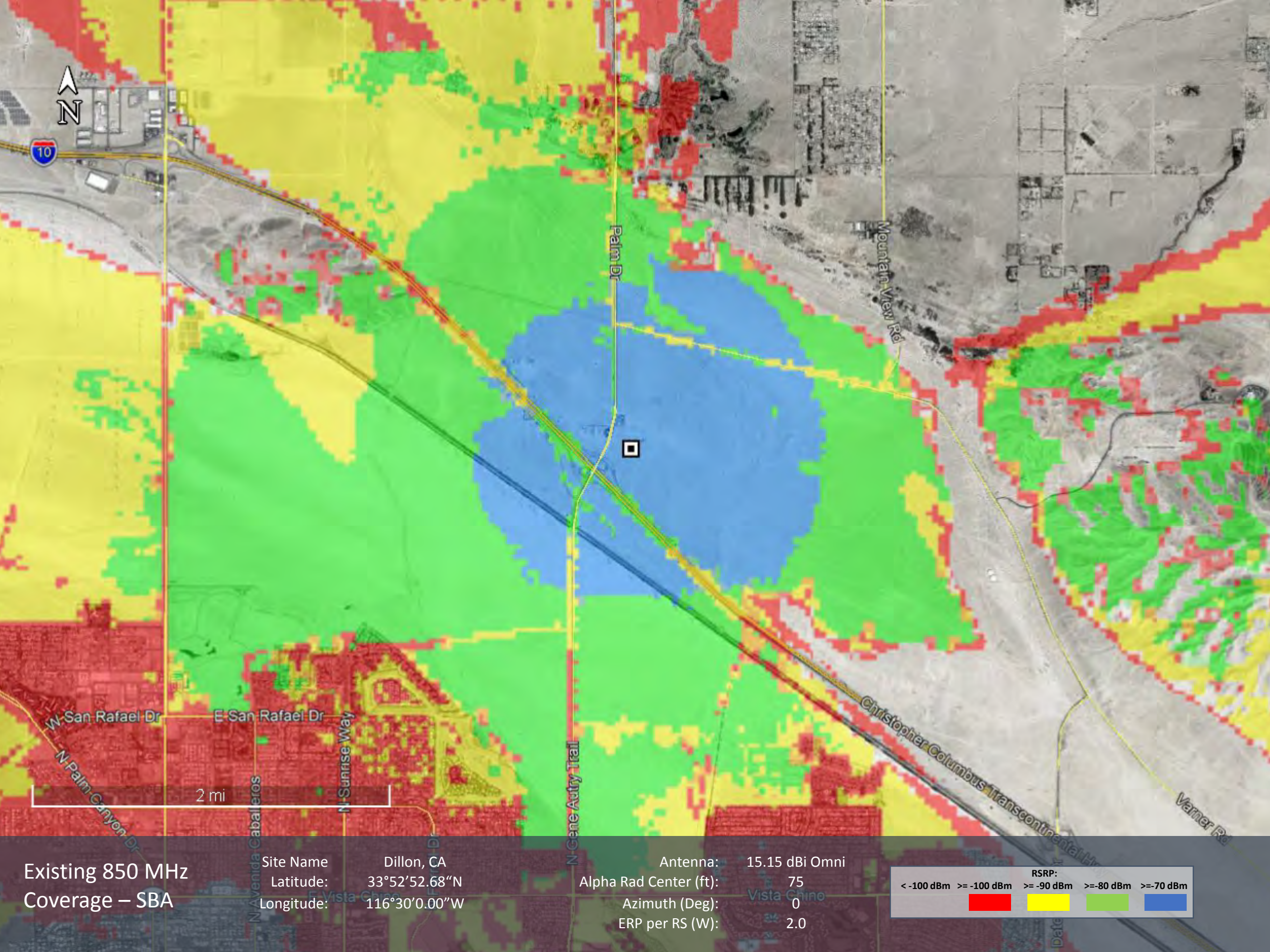
N Gene Autry Trail

Christopher Columbus Transcontinental Hwy

Varner Rd

Vista Chino

2 mi



Existing 850 MHz Coverage – SBA

Site Name	Dillon, CA	Antenna:	15.15 dBi Omni
Latitude:	33°52’52.68“N	Alpha Rad Center (ft):	75
Longitude:	116°30’0.00”W	Azimuth (Deg):	0
		ERP per RS (W):	2.0

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

Proposed 850 MHz Coverage – Applicant

Site Name	Dillon, CA
Latitude:	33°52’56.60”N
Longitude:	116°30’10.14"W

Antenna:	15.15 dBi Omni
Alpha Rad Center (ft):	75
Azimuth (Deg):	0
ERP per RS (W):	2.0

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

N

10

Palm Dr

Mountain View Rd

W San Rafael Dr

E San Rafael Dr

N Palm Canyon Dr

N Sunrise Way

N Avenida Caballeros

N Gene Autry Trail

Christopher Columbus Transcontinental Hwy

Varner Rd

2 mi

Existing 1900 MHz Coverage – SBA

Site Name	Dillon, CA	Antenna:	17.15 dBi Omni
Latitude:	33°52’52.68“N	Alpha Rad Center (ft):	75
Longitude:	116°30’0.00”W	Azimuth (Deg):	0
		ERP per RS (W):	4.7

RSRP:

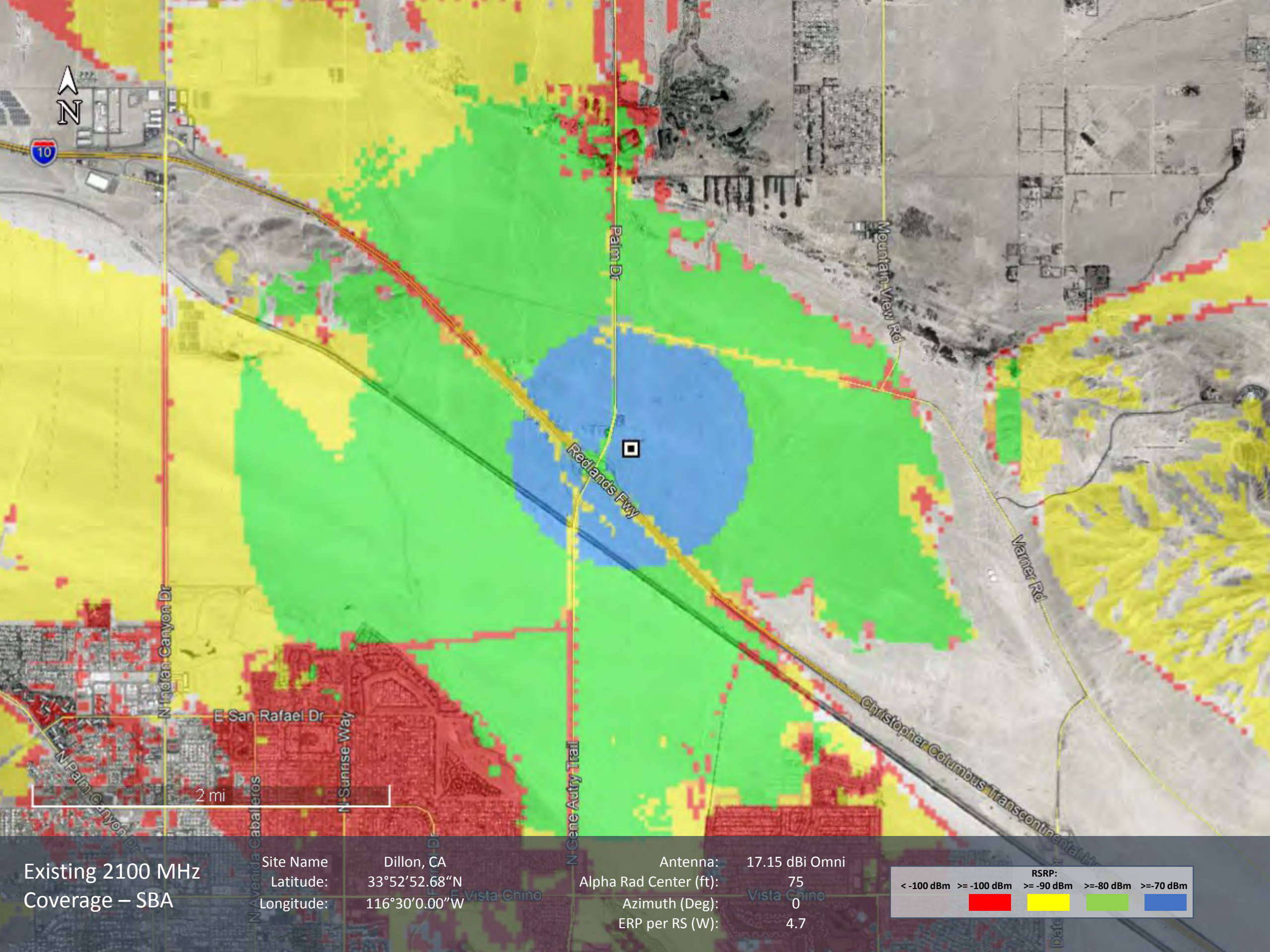
< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

Proposed 1900 MHz Coverage – Applicant

Site Name	Dillon, CA
Latitude:	33°52’56.60”N
Longitude:	116°30’10.14"W
Antenna:	17.15 dBi Omni
Alpha Rad Center (ft):	75
Azimuth (Deg):	0
ERP per RS (W):	4.7

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm

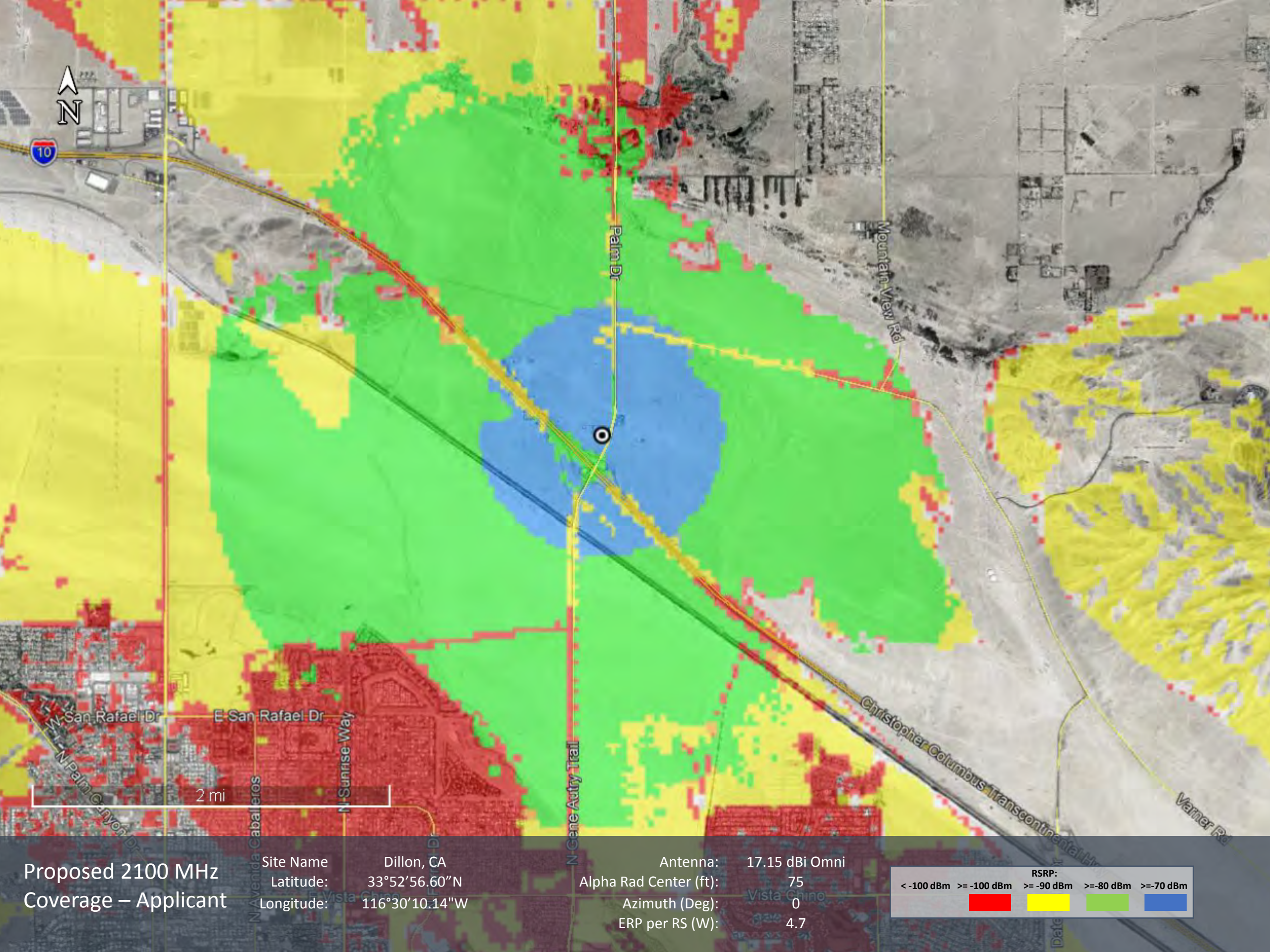


Existing 2100 MHz Coverage – SBA

Site Name	Dillon, CA
Latitude:	33°52’52.68“N
Longitude:	116°30’0.00”W
Antenna:	17.15 dBi Omni
Alpha Rad Center (ft):	75
Azimuth (Deg):	0
ERP per RS (W):	4.7

RSRP:

< -100 dBm	>= -100 dBm	>= -90 dBm	>=-80 dBm	>=-70 dBm



Proposed 2100 MHz Coverage – Applicant

Site Name	Dillon, CA	Antenna:	17.15 dBi Omni
Latitude:	33°52’56.60”N	Alpha Rad Center (ft):	75
Longitude:	116°30’10.14"W	Azimuth (Deg):	0
		ERP per RS (W):	4.7