

PROJECT NARRATIVE
WCF CONDITIONAL USE & VARIANCE APPLICATION
US-CA-5466 Yucca Valley

Submitted to the Town of Yucca Valley, California
Planning Division

Applicant: VB BTS III, LLC
22 W. Atlantic Ave Suite 310
Delray Beach, FL 33444

Co-Applicant: T-Mobile West, LLC ("T-Mobile")
1200 Concord Ave., Suite 500
Concord, CA 94520

Representative: Assurance Development
1499 Huntington Dr #305
South Pasadena, CA 91030
Contact: Samantha Herrmann
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Property-Owner: Thong Por
9580 Spyglass Ave
Hot Springs, CA 92240

Project Address: APN: 0587-011-04
Yucca Valley, CA 92284

Description & Tax Lot: GPS Coordinates: 34.110847^o / -116.434975^o
Parcel No. 0587-011-04-0000

Zoning Classification: RS-2: Single Family Residential

Assurance Development submits this application on behalf of VB BTS III, LLC ("Vertical Bridge") and T-Mobile West, LLC ("T-Mobile"), collectively referred to as the "Applicants," and the underlying property owner."

VB BTS III, LLC specializes in developing, constructing, leasing, and maintaining the physical components for wireless networks, including cellular towers. Infrastructure providers lay the physical groundwork that supports wireless communication networks. Wireless carriers, such as T-Mobile, lease space on this infrastructure to house their equipment and offer wireless services to end users. Through strategic partnerships with wireless carriers, VB BTS III, LLC allows the opportunity for multiple carriers to collocate onto a single tower and reduces the physical footprint of wireless facilities in the community.

1. REQUEST

Applicants seek a review and approval of a Conditional Use Permit application for their proposed Wireless Communication Facility (“WCF”). Included with this application are the following documents for review (collectively, “Applicants’ Application”)

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| Attachment 1: | Project Narrative (this document) |
| Attachment 2: | Statement of Code Compliance |
| Attachment 3: | Application Package |
| Attachment 4: | Agreement to Pay All Application Fees |
| Attachment 5: | Developer Disclosure Statement |
| Attachment 6: | Owner Letter of Authorization |
| Attachment 7: | Zoning Drawings |
| Attachment 8: | Alternative Sites Analysis |
| Attachment 9: | Photo Simulations |
| Attachment 10: | Radius Maps and Labels |
| Attachment 11: | T-Mobile Coverage Maps |
| Attachment 12: | T-Mobile FCC Compliance Letter |
| Attachment 13: | Assessor’s Parcel Map |
| Attachment 14: | Grant Deed |
| Attachment 15: | Title Report |

2. PROJECT OVERVIEW

Vertical Bridge is proposing to build a new wireless telecommunications facility (“WCF” or “Facility”), US-CA-5466 Yucca valley, at the above noted project address for the collocation of T-Mobile’s equipment. This Facility is intended to fill a significant gap in T-Mobile’s 5G and 4G LTE coverage experienced by its customers in the Town of Yucca Valley, more specifically along Onaga Trail.

As shown in Applicants’ Application, this proposed project meets all applicable Yucca Valley Municipal Code criteria for siting new wireless telecommunications facilities and complies with all other applicable state and federal laws and regulations. The proposal is also the least intrusive mean of meeting T-Mobile’s coverage objectives for this site. Accordingly, the

Applicants respectfully requests the Town of Yucca Valley to approve this project as proposed, subject only to Yucca Valley’s standard conditions of approval.

3. PROPOSED PROJECT DETAILS

3.1. Location

Detailed information regarding the subject property and proposed lease area is included in **Attachment 7, Zoning Drawings**, to the Applicants’ application.

3.1.1. Subject property. The subject property of this proposal is located at APN 0587-011-04-0000 in the Town of Yucca Valley (the “Property”). The Property is owned by Thong Por. The Property is zoned as RS-2: Single Family Residential and is currently used primarily as vacant land.

3.1.2. Lease area.

- The proposed 40 x 40ft lease area for the WCF is located in the middle of the property (the “Lease Area”).
- The lease area will be surrounded by a 6ft chain link fence with access to the lease area secured by a locked gate.

3.1.3. Access and parking. The lease area will be accessed by 12’ wide and 220’ long gravelled access road stemming from Church Street. Parking will be available.

3.2. Wireless Facilities and Equipment

Specifications of the facilities outlined below, including a site plan, can be found in **Attachment 7, Zoning Drawings**, to Applicants’ Application.

3.2.1. Support structure design. Applicants are proposing to build a new 82 ft tall self-supported tower (the “Tower”) on the Property. This will be an unmanned wireless telecommunications facility.

3.2.2. Antennas and accessory equipment.

- The Tower will contain T-Mobile equipment with up to (12) RRU’s, (1) 2’ microwave, (1) GPS antenna, required antenna cabling, and HCS jumpers.
- The antennas, RRHs, and accessory equipment on the Tower will be painted to match. All paint will have an anti-glare finish.
- Sufficient space will be made available on the Tower as required for future collocations. The proposed T-Mobile antenna centerline is 65’ and the proposed T-Mobile antenna tip height is 69’.

3.2.3. Ground equipment.

- The ground equipment will contain (1) raised concrete pad, cable ice bridge, utility backboard and multi-meter utility service mounted on H-frame.

3.3. Additional Details

3.3.1. Lighting. The Tower will not be artificially illuminated, and no artificial lighting is required pursuant to state or federal authorities. There will be two service lights on site that will only be utilized during site maintenance visits or in case of an emergency. See **Attachment 7, Zoning Drawings**, sheet A3.

The following details are service lighting notes for the outdoor service lights which will only be used when the site is undergoing maintenance. The specifications of the light will comply with the Town of Yucca Valley’s outdoor lighting standards.

Service lighting notes:

1. The service light is manually switched on/off in emergency situations.
2. Maintenance of the cell sites are normally performed during day-light hours.
3. The service light shall be pointed -45° towards the ground.

Service lighting specifications:

Model: PLTS-12249 (or equal) / LED wattage: 15w
Lumens: 2097 lm / Foot Candle: 194.8 fc

3.3.2. Utilities. No water or sewer service is required. A proposed SCE transformer will be added adjacent to the lease area. The proposed utility route is shown on Sheet A2 of **Attachment 6, Zoning Drawings**.

3.3.3. Western Joshua Trees. The removal of four (4) Western Joshua Trees is proposed due to the access road, as well as thirty-one (31) encroachments within the 50’ radius of the proposed improvements.

4. T-MOBILE NETWORK COVERAGE AND SERVICES

4.1. Overview—T-Mobile 4G & 5G Coverage

T-Mobile is upgrading and expanding its wireless communications network to support the latest 4G LTE and 5G technology. 4G and 5G stand for “4th Generation” and “5th Generation” and LTE stands for “Long Term Evolution.” These acronyms refer to the ongoing process of improving wireless technology standards, now in its 5th generation. With each generation comes improvement in speed and functionality – 4G LTE offers speed up to ten times faster than 3G, and 5G can deliver speeds up to 20 Gbps in ideal conditions. That’s nearly 200 times faster than the 4G network.

Most American consumers currently experience wireless connectivity on 4G networks – and are aware of the profound impact on daily life that has occurred from this connectivity. The emerging standard in voice and data telecommunications – 5G – is poised to transform America’s reliance on densely populated wireless infrastructure.

5G is the latest iteration of cellular technology. While 5G technology operates on the same radio signals as current 4G/4G LTE networks, it is engineered to transmit data more efficiently. That means superior speeds and support for more connected devices than ever before. The ultra-low latency of 5G means quick response times during data-demanding activities.

There are several components of 5G wireless technology and separate bands of wavelength spectrum used to build a 5G network – low-band (<1GHz), mid-band (1-6GHz), and high-band millimeter wave (“mmWave”) (24 GHz and higher):

- **Low-Band Extended Range 5G.** Low-band 5G frequencies are also known as the “coverage layer.” Low-band 5G refers to frequencies below 1 GHz used to roll out substantial 5G coverage as quickly as possible. One example is the 600 MHz spectrum deployed by T-Mobile nationwide. A low-band cell site can cover hundreds of square miles and deliver a downlink data rate from 30-75 Mbps download—ideal for uses like streaming HD video. Because low-band signals easily pass through buildings, they offer solid coverage indoors and outdoors and are an effective way to connect parts of rural America where even fixed broadband speeds don’t always meet national benchmarks.
- **Mid-Band 5G.** Mid-range frequencies (spanning 1 GHz and 6 GHz) strike a balance between coverage and capacity. Mid-band 5G base stations can transmit and receive high-capacity signals over fairly large areas, and they can represent an ideal mix of performance for the bulk of 5G traffic in metropolitan areas.
- **High-Band mmWave 5G.** High-band 5G uses millimeter-wave (mmWave) frequency bands. High-band is a very specialized part of the 5G offering. Functioning over a shorter radius, it’s particularly useful in urban areas and busy venues like stadiums and shopping malls. High-band can simultaneously provide many high-speed connections focused on an area of just a block or two, from a small cell site mounted close to street level.

Using these frequencies together can help T-Mobile’s 5G network deliver the increased connectivity, reliability, speeds, and security the public demands. Upon completion, the Facility will become part of T-Mobile’s statewide and nationwide communications network. See **Attachment 11, T-Mobile Coverage Maps.**

3.2 Coverage Objectives for Proposed Facility

This proposed Facility meets T-Mobile’s coverage objectives providing in-vehicle and in-building wireless coverage within a geographic area not adequately served by T-Mobile’s network. Specifically, this facility is intended to increase coverage in the town specifically along Onaga Trail and the surrounding community. T-Mobile has established a need for service in this geographic area, as determined by market demand, coverage requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. The specific coverage objective was determined through a

combined analysis of customer complaints, service requests, and radio frequency engineering design. This proposed Facility will allow for uninterrupted wireless service in the targeted coverage area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls throughout the area (See **Attachment 11, T-Mobile Coverage Maps**).

5. SEARCH RING

T-Mobile’s RF engineers performed an RF engineering study, considering multiple objectives, to determine the approximate site location and antenna height required to fulfill the noted network objectives for the targeted service area. From this study, T-Mobile’s RF engineers identified a “search ring” area where a WCF may be located to provide effective service in the target coverage area.

6. SITING ANALYSIS

Pursuant to the Town of Yucca Valley Code Section 9.44, Applicants evaluated alternative site locations, including collocation opportunities, within the targeted search ring possible locations for the proposed Facility. See **Attachment 8, Alternative Sites Analysis** for a summary of the alternative site locations analyzed.

7. APPLICABLE LAW

7.1. Local Codes

Pursuant to YVMC Section 9.44.040, new WCF support towers in the RS-2: Single Family Residential are subject to a Conditional Use Permit and must comply with the criteria in Section 26-88-130. See **Attachment 2, Statement of Code Compliance** for Applicants’ demonstration of compliance with the applicable code.

7.2. State Law

Wireless telecommunication facilities that require discretionary review also require environmental review under the California Environmental Quality Act (CEQA). A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued.

7.3. Federal Law

Federal law, primarily found in the Telecommunications Act of 1996 (“Telecom Act”), acknowledges a local jurisdiction’s zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

7.3.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibits a local jurisdiction from taking any action on a wireless siting permit that “prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. §

332(c)(7)(B)(i)(II). According to the Federal Communications Commission (“FCC”) Order adopted in September 2018,¹ a local jurisdiction’s action has the effect of prohibiting the provision of wireless services when it “materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.”² Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility in terms of adding capacity, updating new technologies, and/or maintaining high quality service.³

While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, a local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

- **Significant Gap.** Reliable in-building coverage is now a necessity and every community’s expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a “significant gap” can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City*, 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007), *affirmed in part*, 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco*, 2006 WL 1699580, *10-11 (N.D. Cal. 2006).
- **Least Intrusive Means.** The least intrusive means standard “requires that the provider show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.” 572 F.3d at 995, *quoting MetroPCS, Inc. v. City of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code’s preferences and siting requirements.

7.3.2. Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). The Applicants have included with this application a statement from T-Mobile’s radio frequency engineer

¹ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, FCC 18-133 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15, 2018), *affirmed in part and vacated in part*, *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, 141 S.Ct. 2855 (June 28, 2021)(No. 20-1354) (“FCC Order”).

² *Id.* at ¶ 35.

³ *Id.* at ¶¶ 34-42.

demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission’s RF emissions regulations. See **Attachment 9, EME Report**. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed facility should be disregarded in this proceeding.

7.3.3. No discrimination amongst providers. Local jurisdiction also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers’ applications for similarly situated facilities.

7.3.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a “reasonable” period of time. 47 U.S.C. § 332(c)(7)(B)(ii). The FCC has issued a “Shot Clock” rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq.* According to the Shot Clock rule for “macro” wireless facilities, a reasonable period of time for local government to act on all relevant applications is 90 days for a collocation, with “collocation”⁴ defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for a new structure.

The Shot Clock applies to all authorizations required for siting a wireless facility and all application notice and administrative appeal periods.

Pursuant to federal law, the reasonable time period for review of this application is 150 days.

⁴ 47 C.F.R. § 1.6002(g).