



**APPLICATION FOR APPEAL OF
PLANNING COMMISSION DECISION**

APPLICATION NO. COPM2020 - 0014

APPELLANT/COMPANY NAME Smartlink, LLC o/b/o AT&T Mobility

STREET ADDRESS 3300 Irvine Ave., Suite 300

CITY Newport Beach STATE CA ZIP 92660

PHONE 619.368.3848 CONTACT PERSON Eliezer Acevedo

Please state the basis for the appeal and include any supporting evidence. Specifically, state any errors in the Commission's findings and how the public necessity, convenience, welfare, or good planning practice requires the zone change or general plan amendment.

Use additional sheets as necessary.

11/17/2022
Date

[Handwritten Signature]
Appellant's Signature

**AT&T Application NSB Stealth Collocation
CSL05517
Corona CA**

AT&T has a significant service coverage gap in its wireless services in a large portion of the City of Corona. After years of hard work, AT&T has identified and confirmed that its proposal to collocate its wireless telecommunications facility on an existing stealth wireless telecommunications facility in Cresta Verde Park is the least intrusive means by which AT&T can close its significant service coverage gap. Thus, AT&T applied for a Conditional Use Permit Modification to modify the existing Verizon faux tree tower ("monopine") by increasing its height by 15 feet and installing a fully-screened equipment shelter nearby.

The City of Corona Planning & Housing Commission denied AT&T's application based on aesthetic issues. Specifically, the Commission concluded that it could not make conditional use permit findings under Corona Municipal Code Section 17.92.110 because it found the proposal would have a negative visual impact to the surrounding residential neighborhood. The Commission also found that the proposal would not comply with the City's General Plan because the aesthetics of the proposed modification it would diminish the quality of life of residents who would be able to see the taller faux tree.

AT&T's first ground for appeal is that its proposed extension to the existing monopine will retain the stealth aesthetic of the existing facility to the extent feasible. In fact, during the course of proceedings, AT&T redesigned the proposed modification at the city's requests. As shown by the photosimulations of the proposed facility as modified, which are in the record for the application, the modified facility will appear as a pine tree in this park. Further, in voting to deny AT&T's application, the Commission was sharply critical of Verizon's maintenance of the existing faux tree branches. The Commission acknowledged that a pending Verizon application will remedy that problem. Thus, as the Commission deliberations revealed, the aesthetic issue before the city is not based on AT&T's proposed modification and is one that will be remedied separate and apart from AT&T's application. Thus, City Council can find that the proposed modification will meet the necessary findings and will comply with the General Plan.

AT&T's second ground for appeal is that the city is preempted from denying AT&T's application because denial will effectively prohibit AT&T from providing telecommunications services and personal wireless services in violation of the federal Telecommunications Act of 1996, 47 U.S.C. §§ 253(a), 332(c)(7)(B)(i)(II). The Federal Communications Commission has ruled that a local jurisdiction violates the effective prohibition preemption when a denial materially inhibits the provider's ability to provide and improve services. In addition, federal courts in the Ninth Circuit (where California is located) hold that a local government violates the Telecommunications Act by denying an application for a wireless telecommunications facility that is needed to close a significant service coverage gap when the proposed facility is the least intrusive means to do so. In fact, once the wireless provider shows it has a gap and proposes to close the gap by the least intrusive means, the burden of proof shifts to the local government to identify a less intrusive means that is potentially available and technologically feasible.

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CITY CLERK

Here, AT&T has shown that it has a significant service coverage gap in a very large portion of the city. In its Radio Frequency Statement, which is part of the record for its application, AT&T has demonstrated that its service coverage gap comprises an area roughly bordered by Hidden Valley Parkway to the north, Wellesley Drive to the east, Melissa Court to the south, and Via Blairo to the west. This portion of Corona includes hundreds of homes in several neighborhoods, parks, schools, a golf course, manufacturing districts, a section of the Riverside Freeway, and other points of interest in the immediate vicinity

In addition, as shown by AT&T's alternatives Analyses, which are part of the record for its application, the proposed modification is the least intrusive means to close its gap. AT&T has scoured the gap area time and again, and it has identified the proposed modification as the least intrusive means. In fact, this is the only viable means to address its significant service coverage gap.

The city has not identified an available, feasible, and less intrusive alternative for AT&T's proposed modification. Specifically, the city requested that AT&T investigate various alternative sites, including a nearby golf course and more distant commercial areas. AT&T duly investigated each of these alternatives and has found none to be available and feasible. The city recently asked AT&T to go back to ask the golf course, which had initially declined to lease space. On doing so, AT&T could not find any location that was available and feasible. Because the city has not suggested any potentially available and technologically feasible alternative, it has not met its reciprocal burden of proof and denial would violate the Telecommunications Act by effectively prohibiting AT&T from providing telecommunications services and personal wireless services. Thus, the city should grant AT&T's appeal and application.



at&t

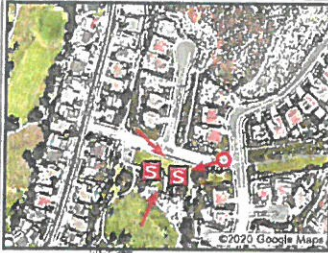
CSL05517

KGI 28748 CRESTA VERDE

638 COLLETT AVENUE CORONA CA 92679



VIEW 1



EXISTING



PROPOSED LOOKING SOUTHWEST FROM BRIANNA WAY

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



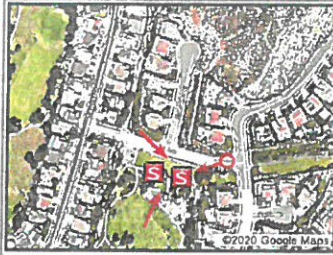
at&t

CSL05517

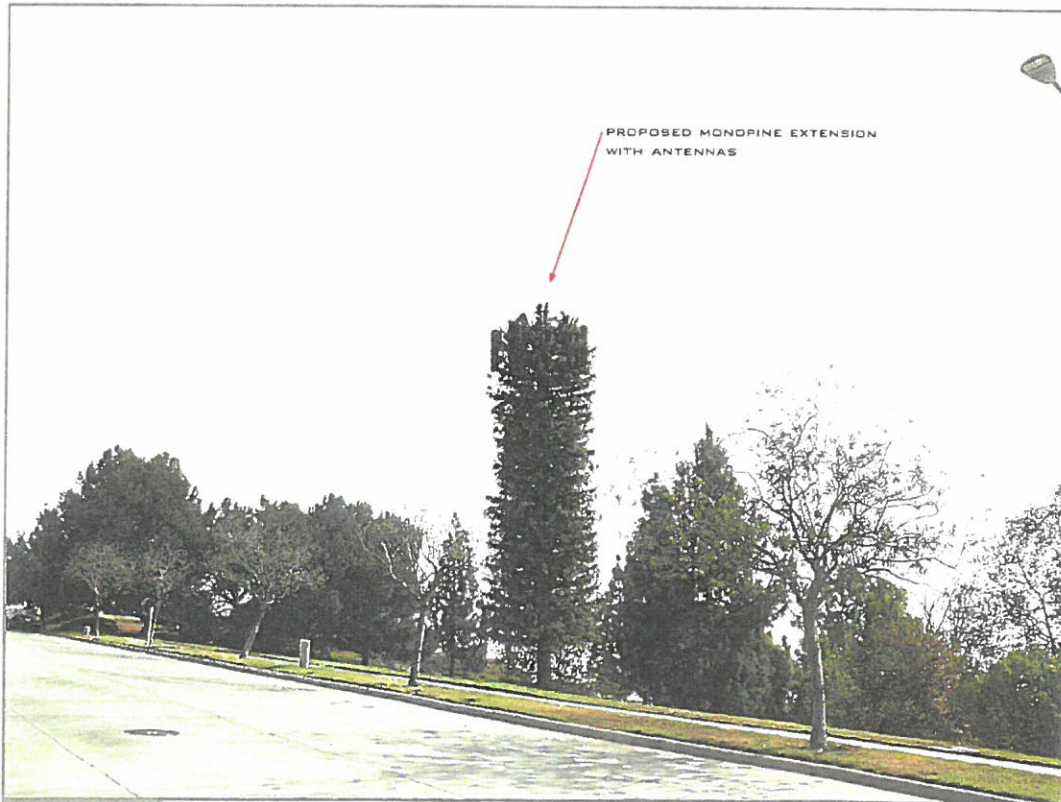
KGI 28748 CRESTA VERDE

638 COLLETT AVENUE CORONA CA 92879

ARTISTIC
engineering
AEsims.com
877.9AE.sims



EXISTING



PROPOSED

LOOKING SOUTHEAST FROM COLLETT AVENUE



at&t

CSL05517
KGI 28748 CRESTA VERDE

638 COLLETT AVENUE CORONA CA 92879



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VIEW 3



EXISTING



PROPOSED LOOKING NORTHEAST FROM PARK



at&t

CSL05517
KGI 28748 CRESTA VERDE

638 COLLETT AVENUE CORONA CA 92879



VIEW 4



EXISTING



PROPOSED

LOOKING EAST FROM ADJACENT RESIDENTIAL PROPERTY LINE



at&t

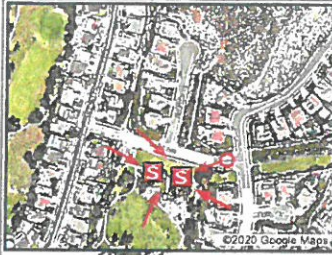
CSL05517
KGI 28748 CRESTA VERDE

638 COLLETT AVENUE CORONA CA 92679



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VIEW 5



EXISTING



PROPOSED

LOOKING NORTHWEST FROM ADJACENT RESIDENTIAL PROPERTY LINE



7337 Trade Street
San Diego, CA 92121

PHOTOGRAPHIC VISUALIZATIONS CREATED BY



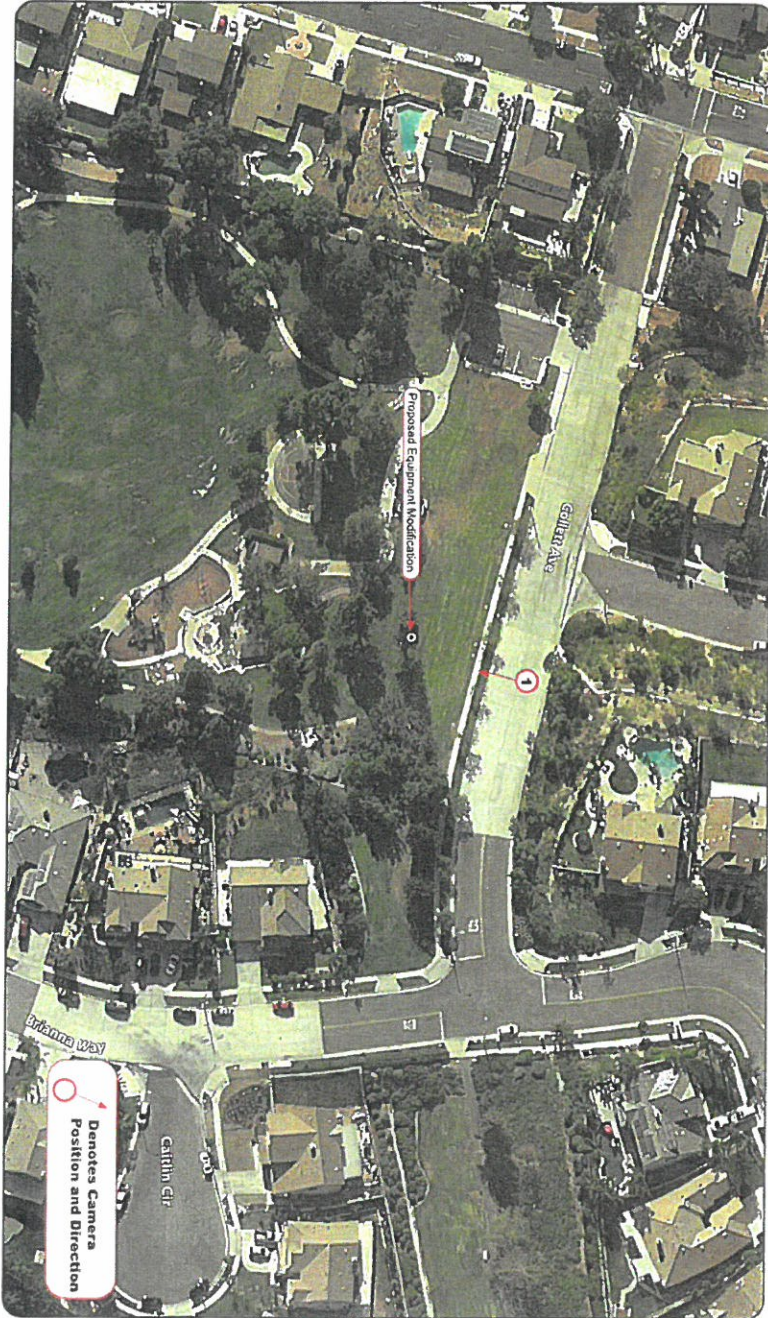
www.ascendsouthwest.com



Cell Trees, Inc.
5401 S. Canada Place
Tucson, AZ 85708



CRESTA VERDE
640 COLLETT AVENUE
CORONA, CA 92879



This photo simulation is being provided as a conceptual representation of the proposed project. It is not intended to be used for any other purpose. For exact dimensions and details, please refer to the authorized plans. Ascend South West is not responsible for false simulation. View Construction Manual, Chapter 10, Section 10.01, and Construction Manual, Chapter 10, Section 10.02.




Rev Date: 07/12/2021

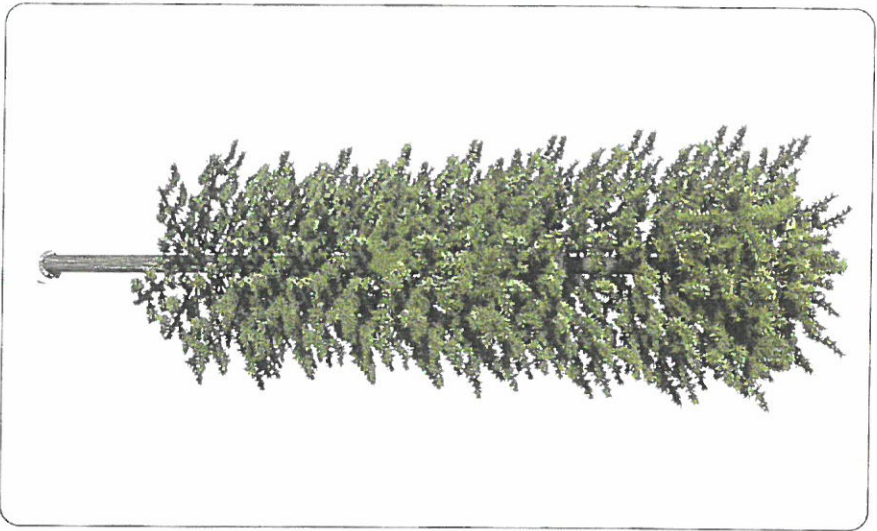


Existing Conditions

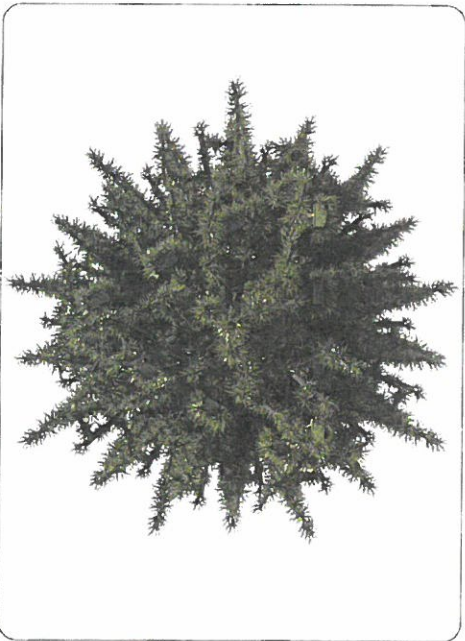


Proposed Site Build

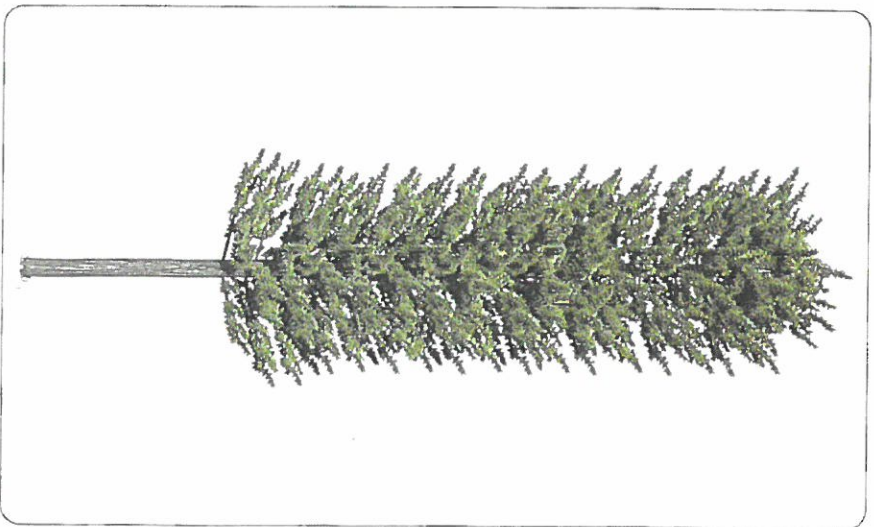
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ISOMETRIC VIEW



TOP VIEW



FRONT VIEW

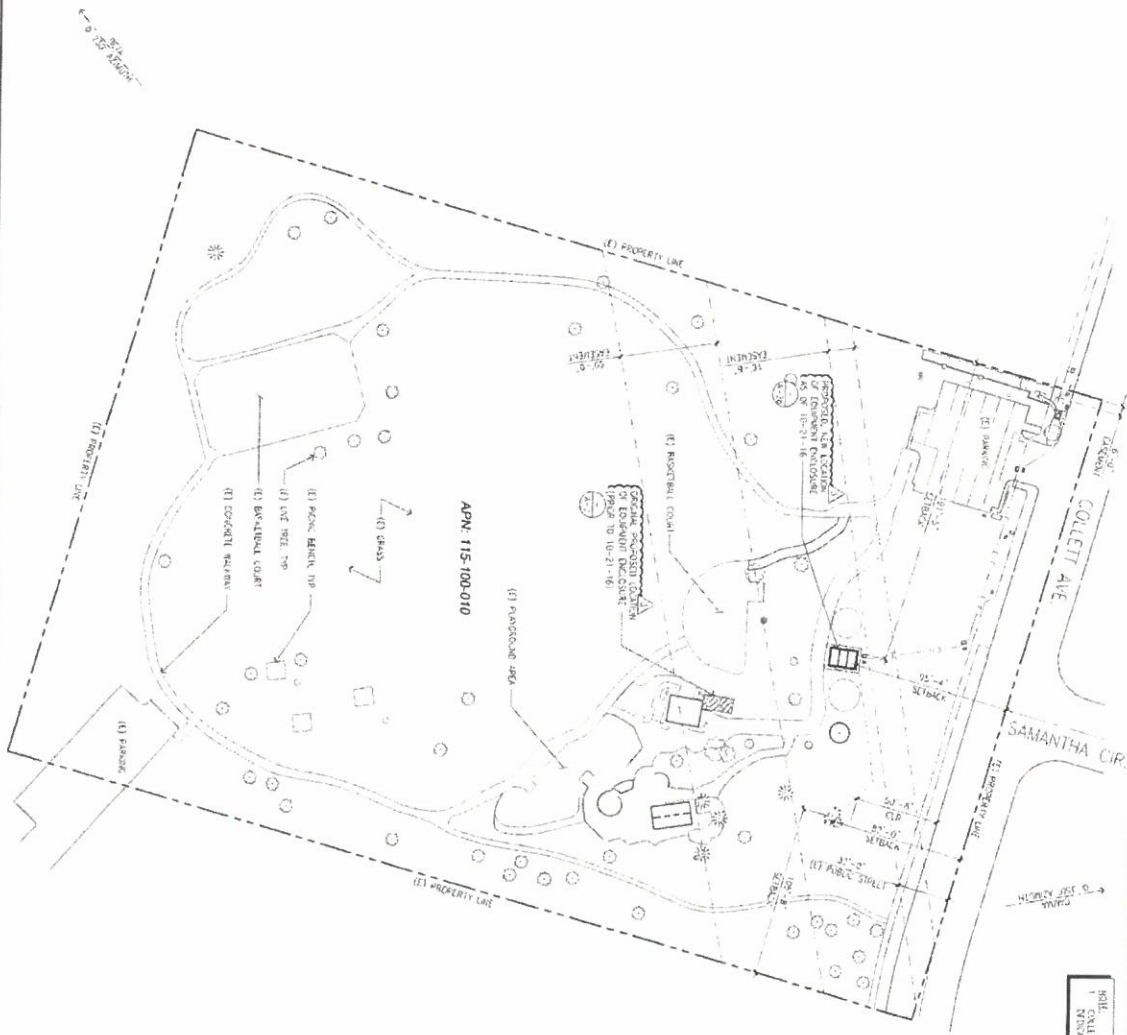
 Cell Trees, Inc.
5401 S. Carlsbad Place
Tucson, AZ 85708

PHOTOGRAPHIC VISUALIZATIONS CREATED BY
 AVENUE
www.avenuevisual.com

 at&t
7311 Tread Street
San Diego, CA 92121

SCALE: 1/4" = 1'-0" (AS SHOWN) DATE: 08/15/16

PLOT PLAN



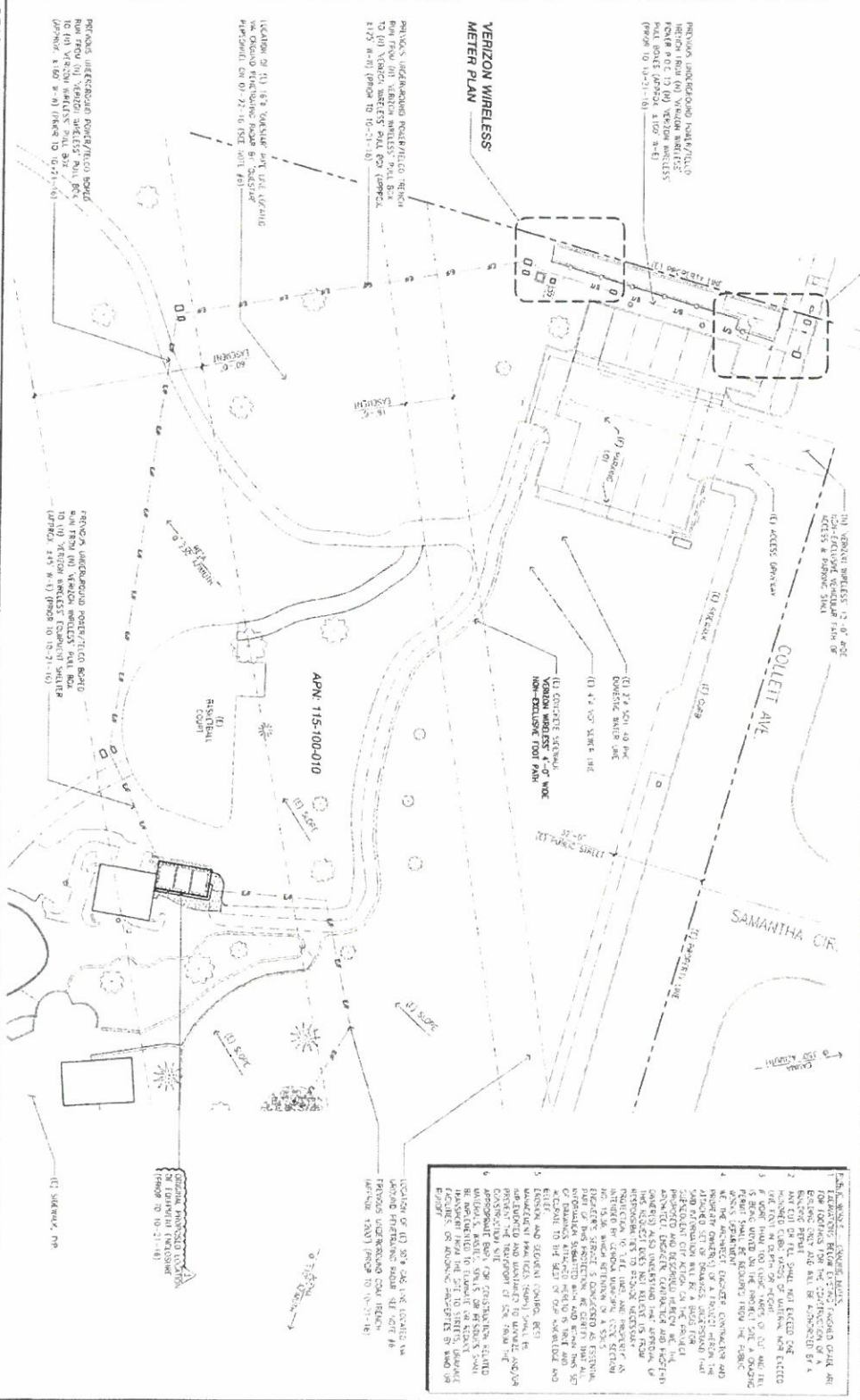
APN: 115-100-010

NOTE:
 THIS PLAN AND ALL INFORMATION HEREON IS THE PROPERTY OF THE ENGINEER AND ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT.

DATE	1/15/16
BY	1

<p>A-1</p> <p>SCALE: 1/4" = 1'-0"</p> <p>PLOT PLAN</p>	<p>CRESTA VERDE</p> <p>638 COLLETT AVE. CORONA, CA 92879</p> <p>RIVERSIDE COUNTY</p>	<p>verizon</p> <p>11800 14TH CANYON AVENUE, D1 IRVINE, CALIFORNIA 92618 949 256 7000</p>	<p>core</p> <p>ENVIRONMENTAL SERVICES 3101 EAST 15TH AVENUE SUITE 100 DENVER, CO 80202 303.755.8800</p> <p>ISSUE STATUS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>08/15/16</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>2</td> <td>08/17/16</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>3</td> <td>08/18/16</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>4</td> <td>08/19/16</td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>5</td> <td>08/20/16</td> <td>ISSUE FOR PERMITS</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	08/15/16	ISSUE FOR PERMITS	2	08/17/16	ISSUE FOR PERMITS	3	08/18/16	ISSUE FOR PERMITS	4	08/19/16	ISSUE FOR PERMITS	5	08/20/16	ISSUE FOR PERMITS
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ORIGINAL PROPOSED SITE PLAN



- VERIZON WIRELESS TRANSFORMER PLAN**
- NOTES:**
1. WORK SHALL BE IN ACCORDANCE WITH THE VERIZON WIRELESS TRANSFORMER PLAN AND ALL OTHER APPLICABLE REGULATIONS AND ORDINANCES.
 2. THE VERIZON WIRELESS TRANSFORMER PLAN IS A TECHNICAL SPECIFICATION FOR THE CONSTRUCTION OF VERIZON WIRELESS TOWERS AND ACCESS POINTS.
 3. THE VERIZON WIRELESS TRANSFORMER PLAN IS SUBJECT TO THE VERIZON WIRELESS TRANSFORMER PLAN AND ALL OTHER APPLICABLE REGULATIONS AND ORDINANCES.
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ISSUE STATUS

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CRESTA VERDE

638 COLLETT AVE.
CORONA, CA 92879

RIVERSIDE COUNTY

15305 DANE HALL AVENUE, SUITE 100
IRVINE, CALIFORNIA 92614
949.456.7000

core

OPERATIONAL SERVICES
AND SUPPORT
FOR VERIZON WIRELESS
TRANSFORMER PLANS

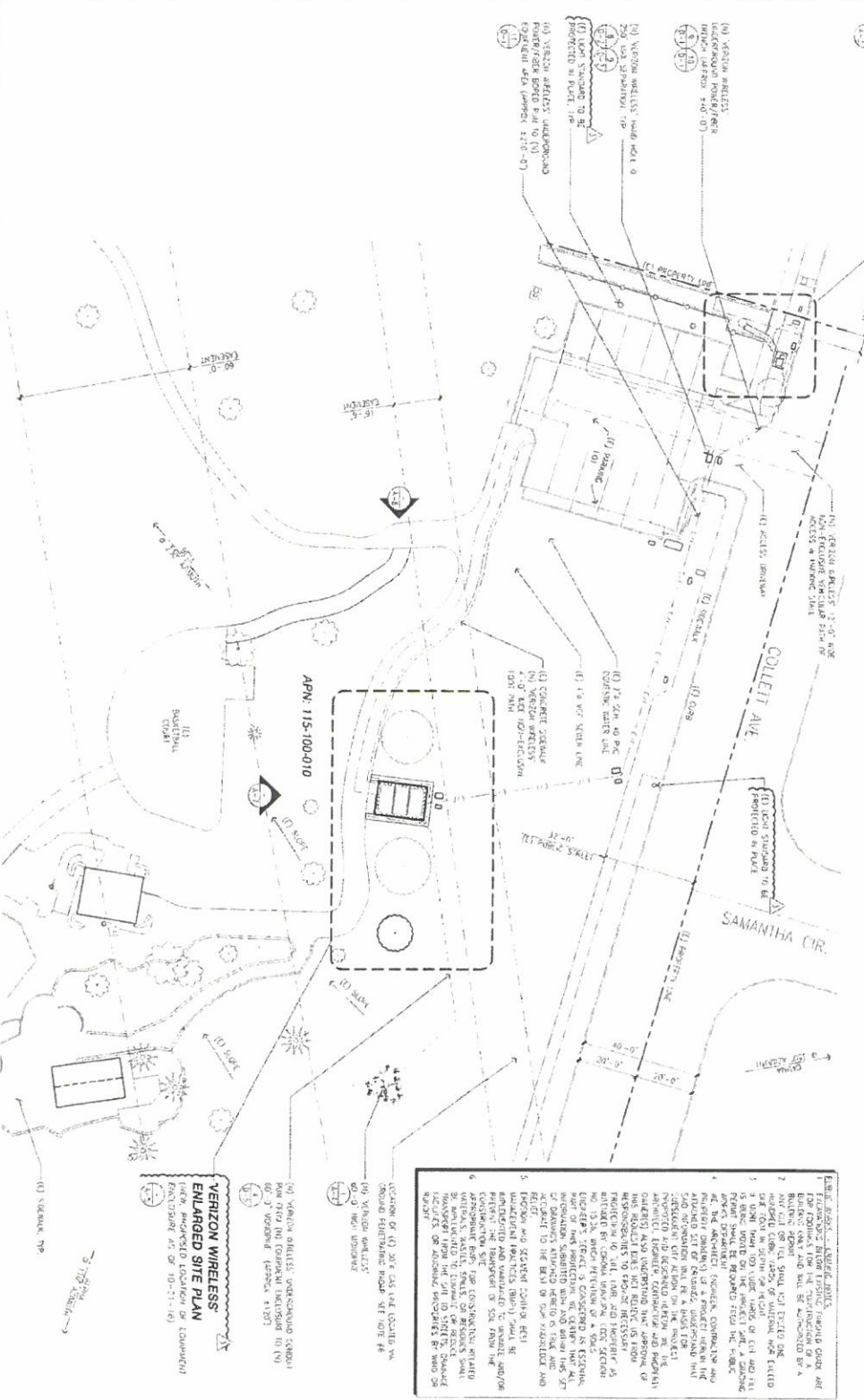
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ORIGINAL PROPOSED
SITE PLAN
A-2

APN: 115-100-010

NEW PROPOSED SITE PLAN



VERIZON WIRELESS TRANSFORMER AND METER PLAN

- NOTES:**
1. THE PRIVATE EASE ON SITE AS INDICATED BY THE FOOTINGS ON PLAN A-16 PER LOT 410 A 16 RIVERVIEW LANE CRESTA VERDE AND CRESTA VERDE NORTH TO ADJACENT PROPERTY LINE EXISTING UNDEVELOPED LOTS HAS BEEN RECORDED FOR THE RECORD. THIS TO ACCORD WITH THE BEST INTERESTS OF THE CITY AND THE PUBLIC GOOD. ANY OTHER DEVELOPMENT ON THESE LOTS MUST BE SUBMITTED TO THE CITY AND THE PUBLIC GOOD.
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VERIZON WIRELESS
ENLARGED SITE PLAN
ENCLOSURE #1 OF 10 (2-1-16)

ISSUE STATUS

NO.	DATE	DESCRIPTION
1	10/21/14	ISSUE
2	10/21/14	REVISION
3	10/21/14	REVISION
4	10/21/14	REVISION
5	10/21/14	REVISION
6	10/21/14	REVISION

CRESTA VERDE

638 COLLETT AVE.
CORONA, CA 92879

RIVERSIDE COUNTY

verizon

15505 34th AVENUE, 01
IRVINE, CA 92618
(949) 950-2000

core
OPERATIONAL SERVICES
A-E SERVICES

PROPOSAL DATE: 10/21/14
PROPOSAL TIME: 10:00 AM
PROPOSAL PLACE: 15505 34th AVENUE, 01
IRVINE, CA 92618
TEL: (949) 950-2000
FAX: (949) 950-2000

ISSUE DATE: 10/21/14
ISSUE TIME: 10:00 AM
ISSUE PLACE: 15505 34th AVENUE, 01
IRVINE, CA 92618
TEL: (949) 950-2000
FAX: (949) 950-2000

A-2b

NEW PROPOSED
SITE PLAN

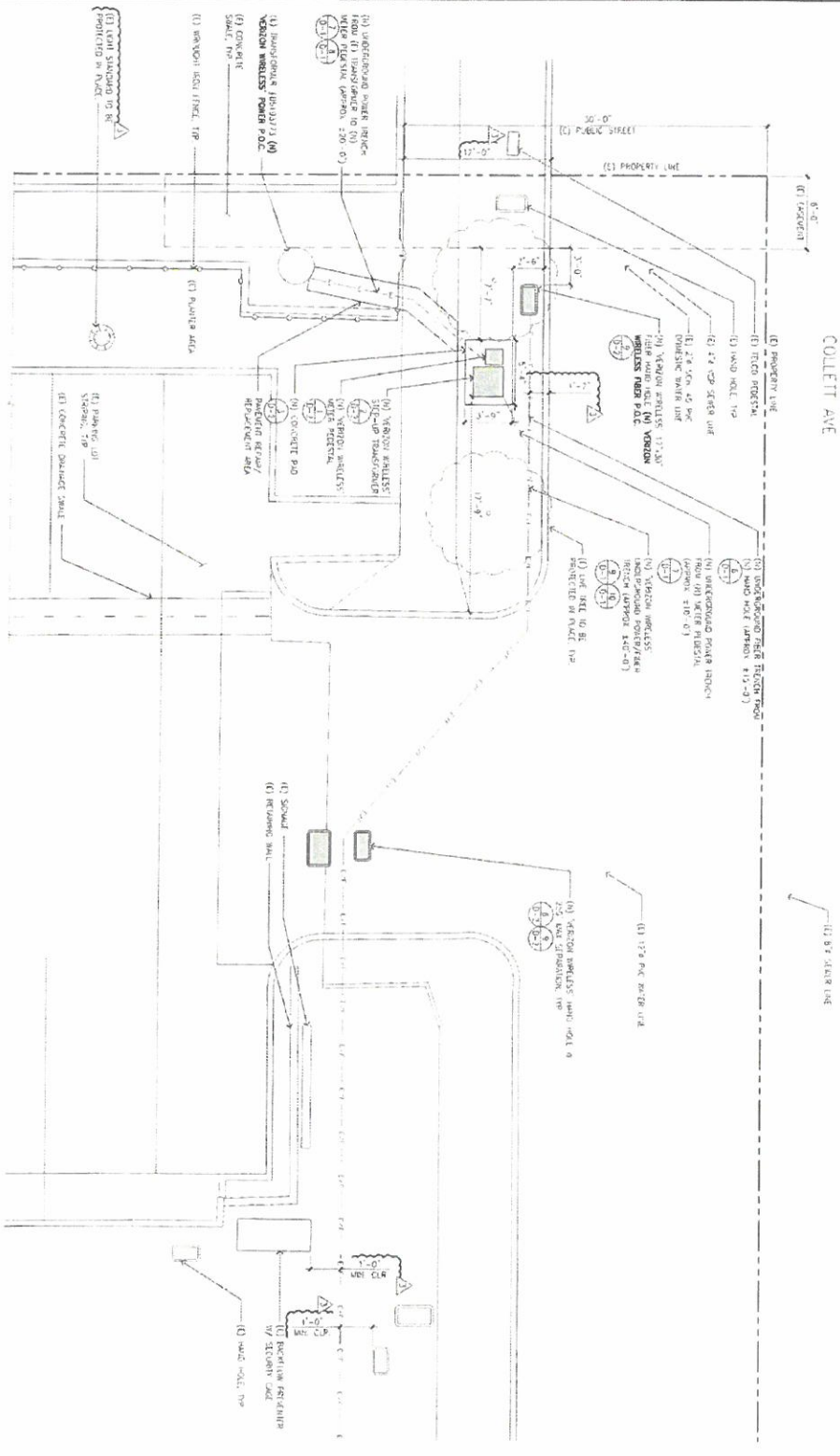
VERIZON WIRELESS

VERIZON WIRELESS
ENLARGED SITE PLAN
ENCLOSURE #1 OF 10 (2-1-16)

ISSUE STATUS

SCALE: THE ORIGINAL SIZE OF THIS PLAN IS 1/4" = 1'-0". SCALE: THIS IS NOT VALID FOR REPRODUCTION OF ENLARGED SHEET SIZES.

TRANSFORMER, METER PLAN



- NOTES:
1. ALL ELECTRICAL AND MECHANICAL WORK IS TO BE DONE BY A LICENSED ELECTRICIAN AND MECHANIC.
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CORONA STANDARD SPECIFICATIONS FOR ELECTRICAL AND MECHANICAL WORK.
 3. ALL MATERIALS SHALL BE APPROVED BY THE CITY OF CORONA.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CORONA STANDARD SPECIFICATIONS FOR ELECTRICAL AND MECHANICAL WORK.

A-3

TRANSFORMER AND METER PLAN

CRESTA VERDE
 638 COLLETT AVE.
 CORONA, CA 92679
 RIVERSIDE COUNTY



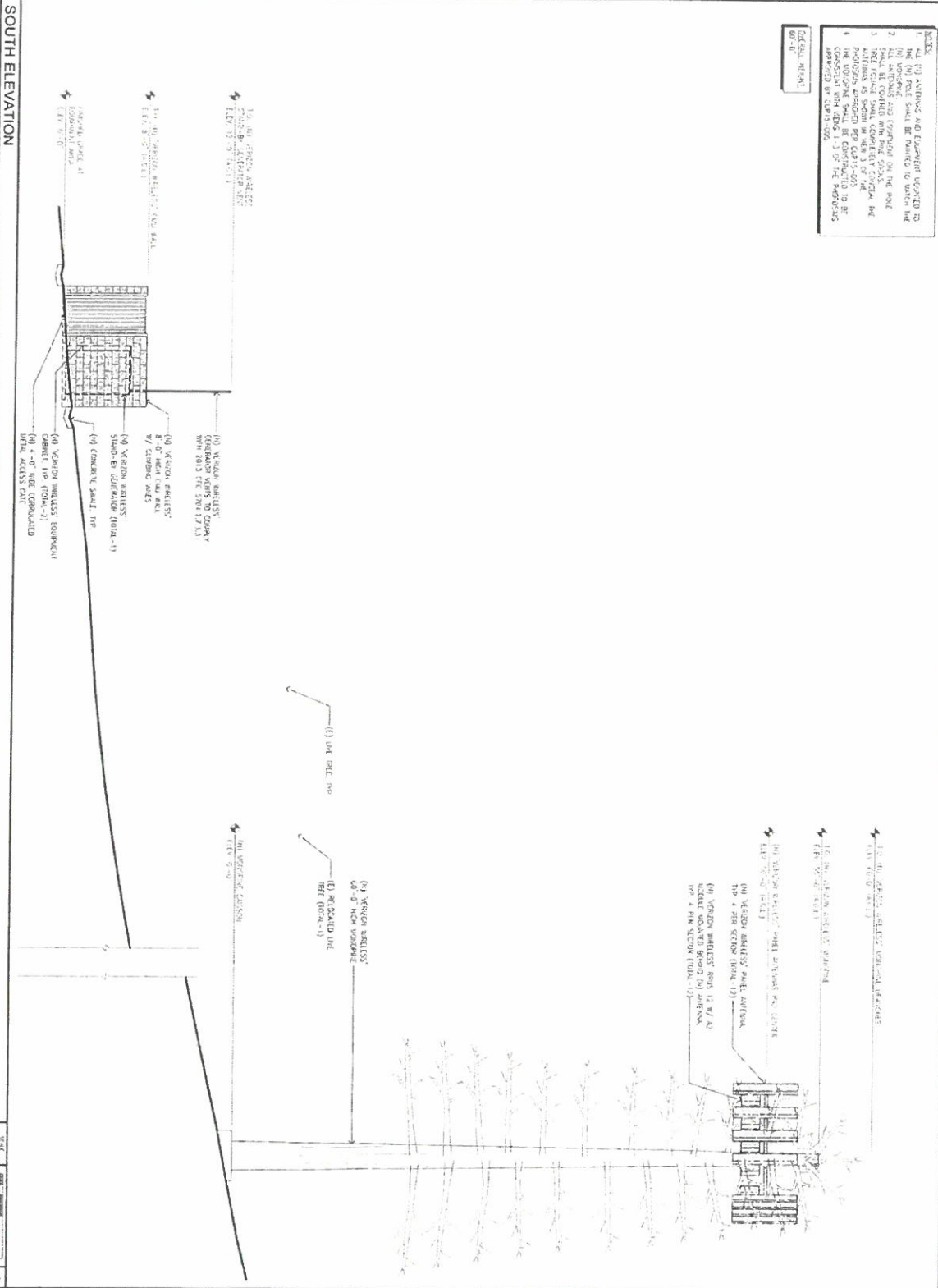
5555 SAND CANYON AVENUE, SUITE 100
 IRVINE, CALIFORNIA 92618
 949.256.7600

core
 DEVELOPMENT SERVICES
 4425 SERVICES
 3000 S. GARDEN AVENUE, SUITE 100
 IRVINE, CA 92618
 949.256.7600

ISSUE STATUS

NO.	DATE	DESCRIPTION
1	02/17/16	ISSUE FOR PERMITS
2	02/17/16	ISSUE FOR PERMITS
3	02/17/16	ISSUE FOR PERMITS
4	02/17/16	ISSUE FOR PERMITS

- NOTES**
- (1) ALL WORK AND FINISHES REFERRED TO IN THE (N) SHALL BE FINISHED TO MATCH THE (N) WORK.
 - (2) ALL WORK SHALL BE FINISHED TO MATCH THE (N) WORK.
 - (3) ALL WORK SHALL BE FINISHED TO MATCH THE (N) WORK.
 - (4) ALL WORK SHALL BE FINISHED TO MATCH THE (N) WORK.



DATE	1/17/18
BY	JAN
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SCALE	AS SHOWN
SHEET	1

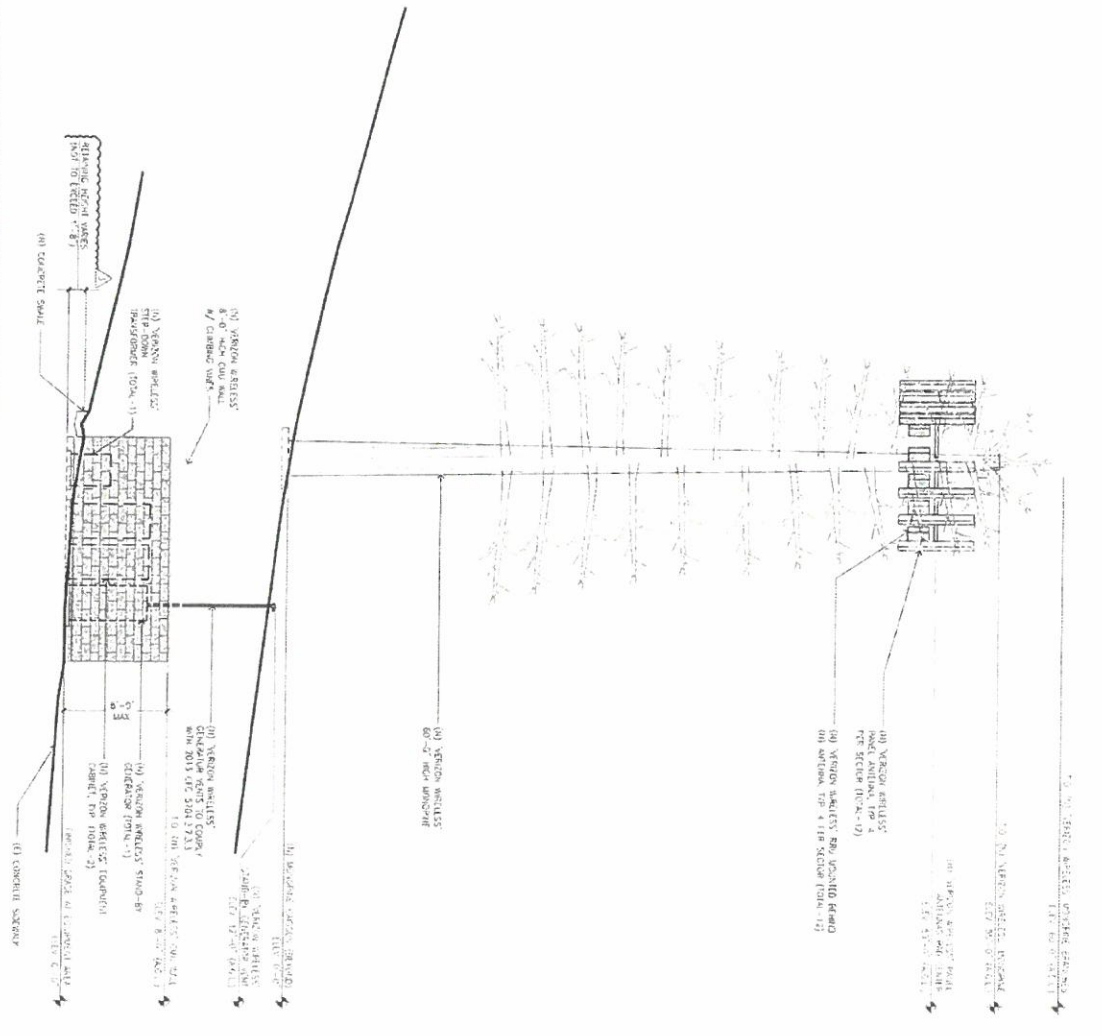
<p>ISSUE STATUS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>01/17/18</td> <td>ISSUE FOR PERMIT</td> <td>JAN</td> </tr> <tr> <td>2</td> <td>02/17/18</td> <td>ISSUE FOR PERMIT</td> <td>JAN</td> </tr> <tr> <td>3</td> <td>03/17/18</td> <td>ISSUE FOR PERMIT</td> <td>JAN</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1	01/17/18	ISSUE FOR PERMIT	JAN	2	02/17/18	ISSUE FOR PERMIT	JAN	3	03/17/18	ISSUE FOR PERMIT	JAN	<p>core</p> <p>DEVELOPMENT SERVICES</p> <p>1381 S. BAY BLVD. SUITE 200</p> <p>IRVINE, CA 92614</p> <p>TEL: 949.261.1381</p>	<p>verizon</p> <p>15505 SAND CANYON AVENUE, D1</p> <p>IRVINE, CALIFORNIA 92618</p> <p>949.255.7000</p>	<p>CRESTA VERDE</p> <p>638 COLLETT AVE.</p> <p>CORONA, CA 92879</p> <p>RIVERSIDE COUNTY</p>	<p>PROPERTY INFORMATION</p> <p>NO. 15505 SAND CANYON AVENUE, D1</p> <p>IRVINE, CALIFORNIA 92618</p> <p>949.255.7000</p>
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<p>SOUTH ELEVATION</p> <p>A-7</p>	<p>SOUTH ELEVATION</p>																			

NOTE: THE ORIGINAL SIZE OF THIS PAPER IS 24" x 36". SCALE MARKS ARE PROVIDED FOR REFERENCE ON ENLARGED SHEET SIZES.

- REVISIONS**
- (1) REVISIONS AND COMMENTS REFERRED TO IN THE (A) PORT SHALL BE DRAWN TO MATCH THE (B) PORT.
 - (2) ALL REVISIONS AND COMMENTS ON THE (A) PORT SHALL BE DRAWN TO MATCH THE (B) PORT.
 - (3) THE (A) PORT SHALL BE DRAWN TO MATCH THE (B) PORT.
 - (4) THE (A) PORT SHALL BE DRAWN TO MATCH THE (B) PORT.

DATE: 10/1/18
BY: [Signature]

WEST ELEVATION



DATE	10/1/18
BY	[Signature]
SCALE	AS SHOWN
SHEET NO.	1

<p>WEST ELEVATION</p> <p>SHEET TITLE</p> <p>A-8</p>	<p>CRESTA VERDE</p> <p>638 COLLETT AVE. CORONA, CA 92879</p> <p>RIVERSIDE COUNTY</p>	<p>verizon</p> <p>15001 15TH CANYON AVENUE, D IRVINE, CALIFORNIA 92618 949.258.1000</p>	<p>core</p> <p>DESIGN-BUILD SERVICES ALL SERVICES</p> <p>1001 E. Main Street, Suite 100 Irvine, CA 92614 949.258.1000</p> <p>EXPERIENCE. INNOVATION. INTEGRATION.</p> <p>Core is a leader in providing design-build services for a wide range of projects, including commercial, industrial, and institutional. Our team of experts works closely with our clients to deliver high-quality, cost-effective solutions.</p>	<p>ISSUE STATUS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>1</td> <td>10/1/18</td> <td>ISSUE FOR CONSTRUCTION</td> <td>JAN</td> </tr> <tr> <td>2</td> <td>10/1/18</td> <td>NO CHANGE</td> <td>JAN</td> </tr> <tr> <td>3</td> <td>10/1/18</td> <td>NO CHANGE</td> <td>JAN</td> </tr> <tr> <td>4</td> <td>10/1/18</td> <td>NO CHANGE</td> <td>JAN</td> </tr> </table>	NO.	DATE	DESCRIPTION	BY	1	10/1/18	ISSUE FOR CONSTRUCTION	JAN	2	10/1/18	NO CHANGE	JAN	3	10/1/18	NO CHANGE	JAN	4	10/1/18	NO CHANGE	JAN
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