

Randy G. DeFrehn
President

Fairway Isles Homeowners Assoc.
403 SW Fairway Landing
Port St. Lucie, FL 34986

as President
of FHOA
not
valid

June 30, 2021

James Stokes
City Attorney
Office of the City Attorney
City of Port St. Lucie
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984

By USPS and E-mail
JStokes@cityofpsl.com

Re: Request for Party Intervenor Status in the Matter of
P21-082 CGI St. Lucie, LLC Wireless Cell Tower Special Exception Use Application

Dear Mr. Stokes:

Ordinance 17-65, enacted to codify their quasi-judicial procedures in a manner consistent with Florida Statutes Section 286.0115, and adopted by the City Council on September 11, 2017, details the procedures under which the Council and related subordinate committees and boards conduct such proceedings. Subject to the recommendation of the City Attorney who is charged with the determination of which issues are quasi-judicial in nature, this request is hereby submitted seeking such designation in the matter of the proposed P21-082 CGI St. Lucie, LLC wireless cell tower Special Exception Use application.

STANDING

I seek the designation of "Party Intervenor" representing the interests of various homeowner associations which comprise St. Lucie West Country Club Estates (548 homes) where I serve as a member of the Board of Directors, including those of Fairway Isles Homeowners Association where I also serve as Board President; neighboring HOA Boards who all disagree with the Applicant's position including Kings Isle (1000 homes), The Club (325 homes), and Lake Charles (1000 homes); and individually, as a property owner with a direct line of sight of the proposed cell phone base station tower, concerned with the proposed tower's impact on my and similarly situated properties marketability and value, which differentiates my interests from those of the public at large. We intend to demonstrate that this proposed structure should clearly be

considered “incompatible,” “too intensive” and “intrusive” upon the nearby area, and will result in a “nuisance, altering the character of the neighborhood.”

SYNOPSIS OF ARGUMENTS IN RESPONSE TO THE APPLICATION

RG Towers, LLC acting in partnership with CGI St. Lucie, LLC, has resubmitted its application which was previously denied by a unanimous vote of the City Council at its meeting held October 28, 2019. They reference three reasons cited by the Council as the basis for the rejection of their original proposal and the ways their new proposal has addressed these concerns. They include in pertinent part:

1. Inadequate screening

Our plan includes existing landscaping to the north approx. plus (17) 12-14' Buttonwoods and (239) Red tip cocoplums. We have changed the design from a 150' standard monopole tower to a 120' monopine stealth tower with faux branches that camouflage the antennas. This enhances the screening of the development.

Rebuttal:

Because what they are proposing is an enormous tower rather than a structure which can be “screened” from view by planting trees which will grow to, at most, 10% of the height of the structure to be screened, the fact that they are proposing to add some modest trees and shrubs is essentially irrelevant. The primary concern is that they are proposing to substitute a “monopine stealth tower” which they argue will camouflage the antenna. Anyone who has seen this technology which reportedly “hides” the tower or attempts to make it blend with existing trees will readily attest to the fact that trying to put a fake Southern Pine more than twice the size of any of the natural tree cover (none of which include Southern Pines) is less stealthy than putting the proverbial “lipstick on a pig” with respect to the overwhelming imposition on the existing skyline, creating a nuisance and contributing to the reduction in property values discussed in greater detail below.

2. Proposed use incompatible [with the neighborhood] (including size and height, access, light and noise)

We have dropped the height by 20% to 120', access has been established via Utility Drive and 14' existing rock driveway, there is no lighting proposed and there is no noise associated with this development. The only noise that may be considered would be in the event of power failure and in such a generator would be in use until power was restored as would be the case with anyone in the vicinity without power.

Rebuttal:

At their October 28, 2019 City Council meeting, the discussion pursuant to public comment ventured into a discussion of the proposed 150' tower height [see testimony of Randy DeFrehn]. That testimony commented that the community was not opposed to the golf course owners making money, it was opposed to those profits being funded by a reduction in the property values of the home owners in the area. As an alternative, it was suggested that a tower which was no taller than the tallest of the surrounding trees could be acceptable. In response to a question by Mayor Oravec, the representatives of the developer stated that they could perhaps reduce their proposal by 20' at most before it would no longer be economically feasible. In response to that response, the Mayor and Council proceeded to vote unanimously to deny the application as incompatible with the existing neighborhood and including specifically §158.260:

(D) [Lack of] *"Adequate Screening or Buffering;"*

(J) *...The proximity or separation and potential impact of the proposed use (including size and height of buildings, ...) **on nearby property;** and*

(K) *"...if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of the neighborhood."*

As an additional point, during the February 26, 2021 community meeting at which the developers re-introduced the proposal to construct this tower in the same location as originally proposed, there was a discussion of the height, now being put forth at 120' rather than 150'. During that discussion, which was met with opposition from the community members in attendance, Ms. Valdez, speaking on behalf of RG Towers, noted that they do not have to stay with the 120' height, but they were offering that as their current proposal. This comment prompted additional study and an interesting discovery of a provision contained in Section 6409 (a) of the *Middle-Class Tax Relief and Job Creation Act of 2012 (47 USC §1455. Wireless Facilities Deployment)* [see below]. This federal statute prohibits a state or local government from denying any eligible facilities' request for a modification of an existing wireless tower of base station *"that does not substantially change the physical dimensions of such tower or base station."* [see below]. What constitutes a "substantial change" is not well defined (some have estimated as much as 20')¹, if so, it is conceivable that such a change that would restore the size of the tower to approximately 93% of its original 150' level, would fall within the restriction that **prohibits state and local governments from denying such a request**. Given these limitations on state and local authority to restrict tower heights, the practical effect is that what the developer is proposing is only a starting point for the ultimate height of the proposed tower

¹ See Environmental Health Trust website @ <https://ehtrust.org/cell-phone-towers-lower-property-values-documentation-research/>

and that it would have the discretion to return to a height which approximates their original proposal in 2019.

47 USC §1455. Wireless Facilities Deployment

(a) Facility modifications

(1) In general

Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, **a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station [emphasis added].**

3. Incompatibility with the nearby area that would result in excessive disturbance or nuisance.

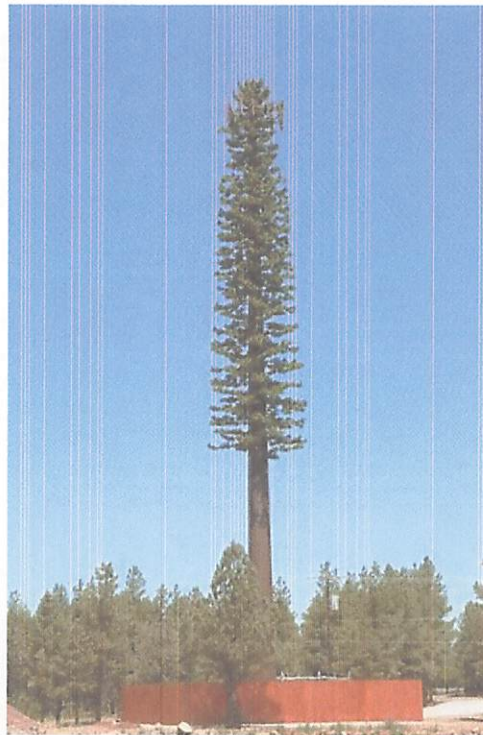
We have redesigned the tower and propose a stealth monopine vs a traditional monopole or self-support tower. This is an unmanned stealth facility that generates no more than 4 semi-annual trips to the site by each carrier. There is no noise, nuisance, or disturbance. This proposal meets all requirements of Special Exception sections 158.255 through 158.262 and Site Plan sections 158.235 through 158.245. Again, we seek no variances. Although a taller standard monopole tower at this location would have been much more feasible for our development, we can accept some level of improvement with a new design that is more favorable to the Council. We ask Council to consider the need, recognize our efforts to please the Council with a more favorable design and approve our request for a special exception for this project.

Rebuttal:

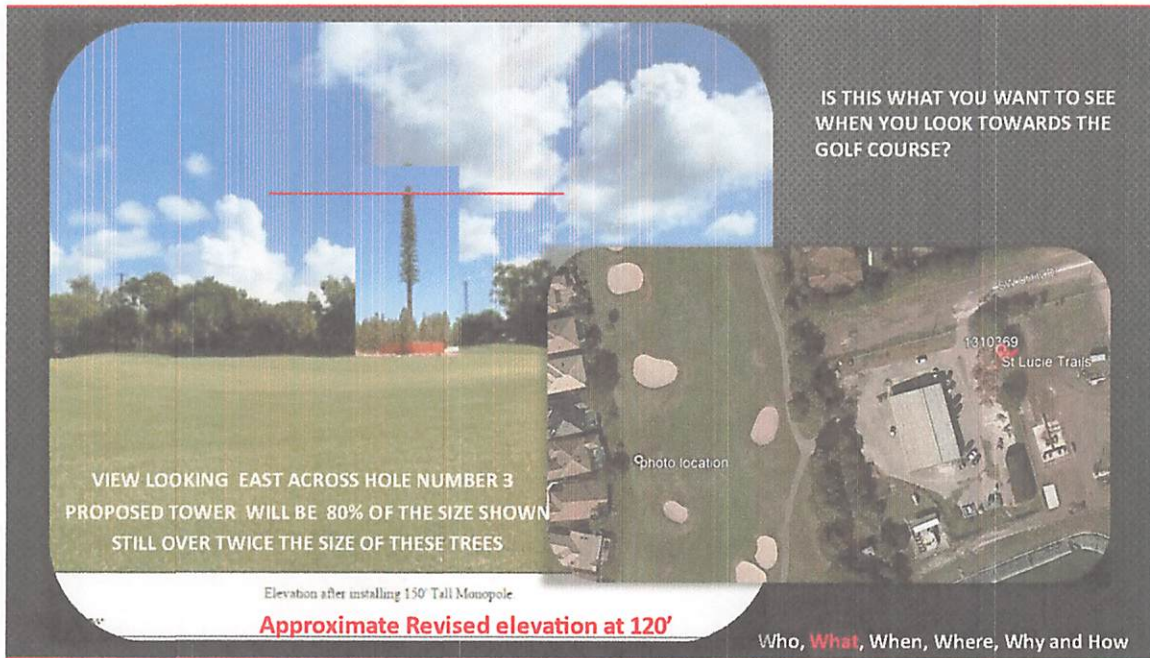
It is not the noise, lights or traffic issues associated with the cell tower with which the community is concerned in its opposition. Nevertheless, that fact does not preclude its construction as being construed as a **nuisance**. For the reasons cited above and below including: the negative impact on the value of the homes which I and the several thousand of my neighbors in the affected area have every intention to continue to occupy as permanent residents (as opposed to simply being an investment as conceived by the partners in this proposed venture); and the disruption of the very character of this tranquil community by the imposition of such an overwhelming and completely incompatible structure, this is the only conceivable conclusion.

As far as the applicant's request for the Council to recognize their efforts to "*please the Council*" and reward them by approving their application, this decision must be based on an objective application of the rules and regulations contained in the City Code. Given that standard, the only concession being made is their proposal to mask its tower as an oversized, incompatible

fake tree, which is little more than a desperate attempt to contend that calling something a “stealth” design when its visage is anything but, makes it so and does nothing to change the fact that its imposing size and location are incompatible with the neighborhood and would indisputably alter its character if approved.



Monopine “Stealth” Design



Original image provided by applicant with modified height to reflect view with proposed “stealth” design.

FAILURE TO DEMONSTRATE COMPLIANCE WITH PROCEDURAL REQUIREMENTS OF THE CITY CODE:

Section 158.213

- (G) **Co-Location.** *To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers...*

Comment:

The applicant failed to demonstrate their compliance with Section 158.213 (G) which requires, as part of Special Exception Applications, that applicants “... verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers.” At a minimum, the applicant should be required to demonstrate compliance with the code by documenting their efforts to co-locate on other communication towers regardless of whether the existing tower is publicly or privately owned. The documentation should show the names of owners of the existing towers or lessors/lessee’s, dates contacted, and the responses they obtained. In other words, a verbal response or undocumented written

comment from the applicant should not be acceptable to the City Council given what's at stake for the community.

Inasmuch as the applicants are purveyors of cell towers themselves rather than providers of cell phone services, their interests are not served by simply "co-locating any proposed antenna on an existing tower within the proposed service area" as required by this Section. To the contrary, were this to be done, it would defeat the very purpose of the partnership between RG Towers, LLC who build and lease tower space and CGI St. Lucie, LLC on whose land the proposed tower is to be constructed. Rather their objective is to realize revenues which would be generated by constructing a new tower with expanded capacity they can then rent to willing carriers.

Applicant contends: "There were no towers or structures of sufficient height within the T-Mobile search area that could accommodate the addition of new facility that would provide an adequate coverage. The surrounding facilities have undergone extensive upgrades over the last decade with no appreciable improvement in service levels in the area of concern. "

Comment:

Applicant's assertion is inconsistent with T-Mobile's public position that this location which provides 4G LTE service throughout this area has "good signal strength" (see illustration 1 - T-Mobile's website current signal strength coverage map shown below). No doubt this statement is supported by the fact that there are six (6) antennas within 1.1 miles of the proposed location and thirty-five (35) antennas within a 3.0 mile radius of the proposed location. (See Illustration 2 – Map of existing Cell Towers and Antennas).

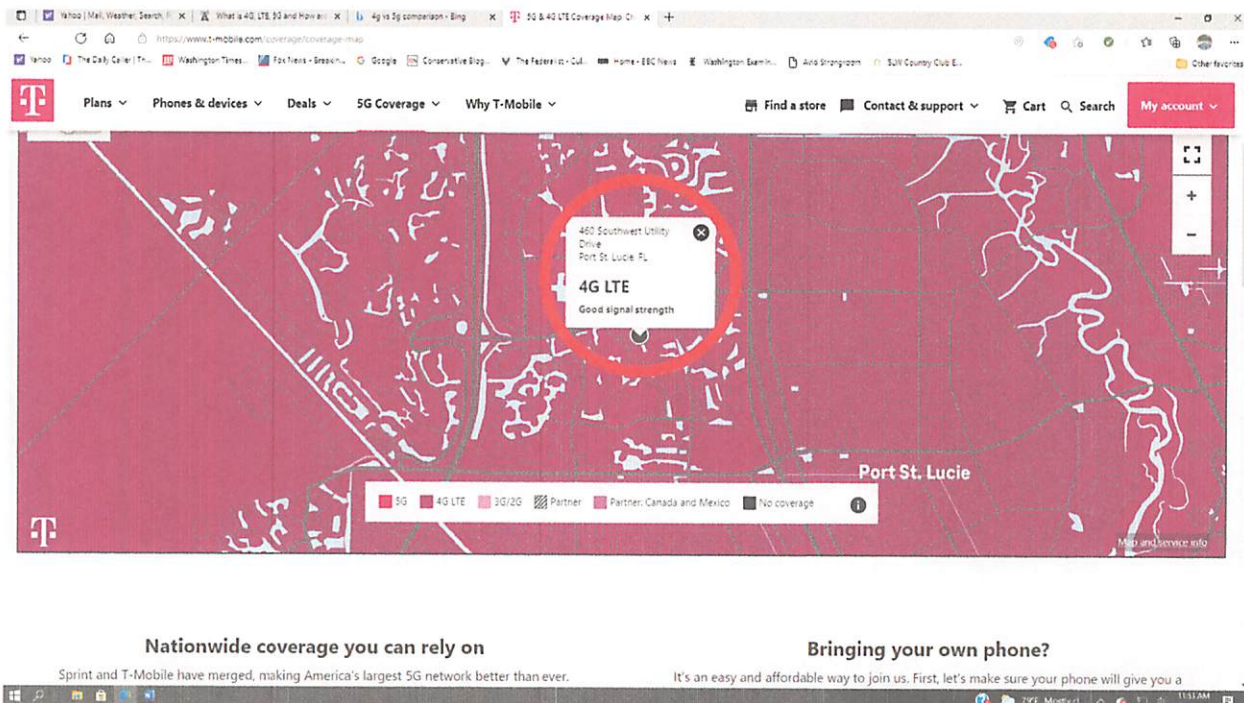


Illustration 1. Current service signal strength map for the area surrounding the proposed tower site.

Distribution of Existing Cell Towers and Antennas within a 3 mile Radius of the Proposed Cell Tower Site

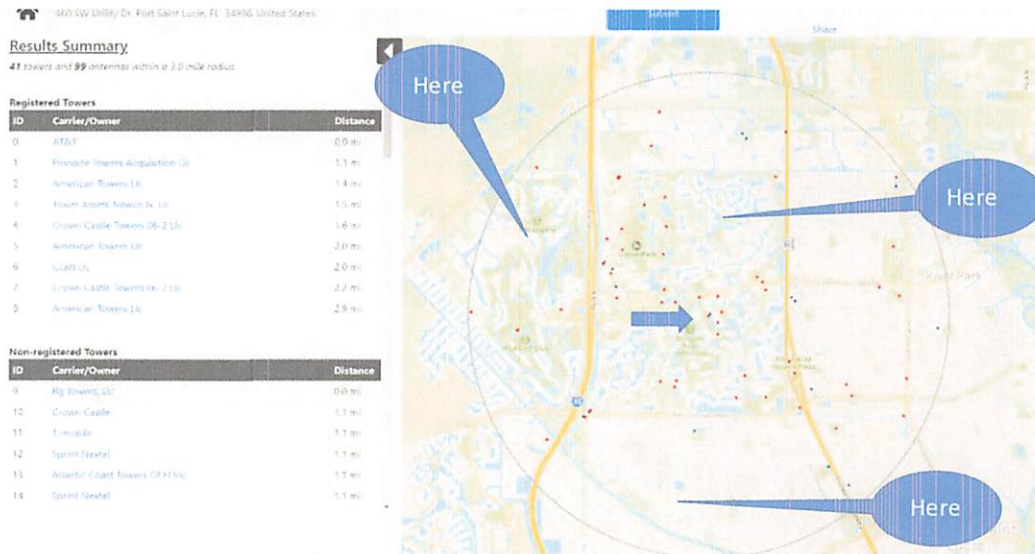


Illustration 2 Map showing existing alternative tower and antenna locations

In the Radio Frequency (RF) Engineering Report included with the applicants' proposal, however, T-Mobile showed the results of their "propagation model" which they say can predict whether a proposal for additional service is adequate. For the most part, the model shows good service which they describe as "reliable indoor service" including service able to support a wide range of wireless services (including voice and high-speed data) both indoors and outdoors. It also showed an area of lesser (average) service described as reliable outdoor service and a smaller area centered on the retail areas along St. Lucie West Blvd which it describes as below average, in which customers could experience call quality issues during "network busy hours" due to low signal strength. Again, painting a picture which is clearly inconsistent with the service map shown in Illustration 1 (above).

It also includes charts depicting Cellular Traffic Increase and Impact on Network Performance. The time period described is from March 2020 through March 2021, the height of the pandemic period where residents worked from home and many

businesses were closed, resulting in customers who had to remain at home relying on phone and computer data services as their only form of communication on either a personal or professional level at rates never experienced before. The reported increase in traffic ranged from 13% to 16% for about half of the area, 28% for approximately one quarter of the area north and west of St. Lucie West near I-95, and two areas of exceptionally high increase of 44% to the north and west between two existing cell towers near the Turnpike and a massive 163% to the extreme east but south of the area with the second highest increase of 44% and also between two existing cell tower locations along the turnpike.

In a closing paragraph in this study, the author makes what appears to be the most telling statement in this study:

*“Although it is sometimes difficult to determine the actual cause of unusual or incongruous call traffic performance, the situation in the area in question does follow recent trends in other parts of the network. **It is possible if not likely that some of the network traffic has shifted due to COVID-19 exigencies. With more people working and attending classes at home, this largely residential area may have contributed to the overall increase in traffic and performance degradation** [emphasis added].”*

While these numbers are notable, when taken in context this particular measurement period is unique. Portraying it as an indication of future demand calls into question the credibility of any claims of future trends based on projections arising from such numbers.

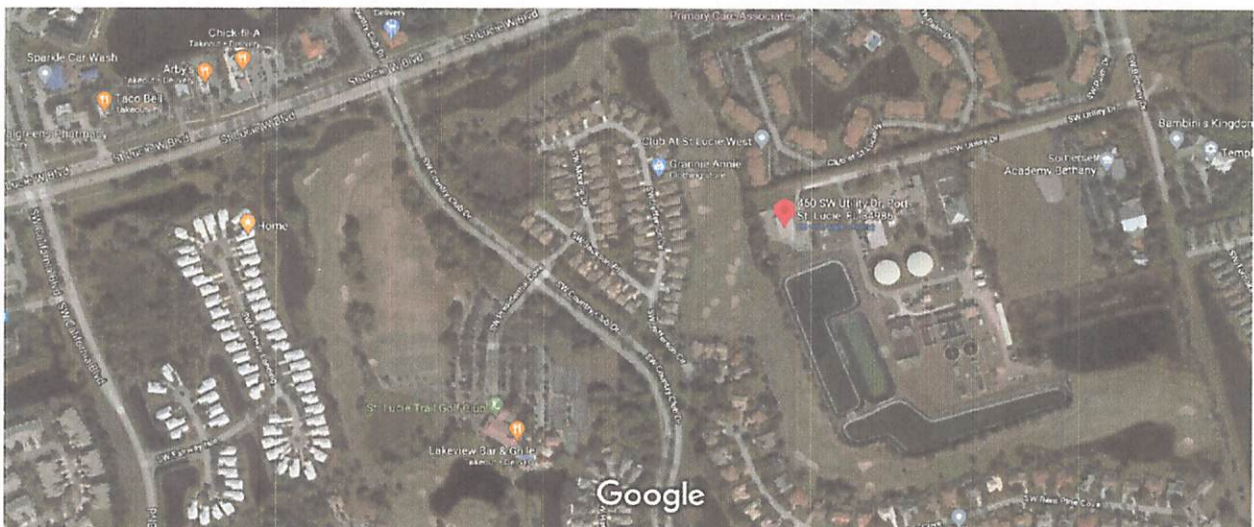
Sec. 158.255 - Intent.

*Certain land uses, due to their unique functional characteristics and the potentiality for their incompatibility with adjoining land uses, require special consideration on an individual basis of their suitability for location and development within particular zoning districts. These uses have been designated as special exception uses within appropriate zoning district classifications set forth in sections 158.060 through 158.183. It is the intent of this chapter that these uses may be permitted within the zoning district classifications **only after affirmative findings that they can be developed at particular locations in a compatible manner** [emphasis added].*

Comment:

The location of the proposed cell tower is on land currently occupied by a maintenance facility owned and operated by CGI St. Lucie, LLC, the owners of the St. Lucie Trails Golf Course. Immediately adjacent are the St. Lucie West Services District Office, the water treatment plant, the third fairway of the golf course and the Southwest corner of The Club residential neighborhood. Each of these is within a circumference of less than 100 feet. The area that will suffer the full impact of this project, however, extends well beyond that narrow area. Simply extending that perimeter to a three hundred yards, those in the most immediate area include the administrative offices of the Services District, two pre-schools and the overwhelming remainder are comprised of residential properties, primarily single family homes in neighborhoods that include Country Club Estates and The Club. With the exception of The Club and the golf course clubhouse all of the remaining construction is one to two-story residential. Placement of the proposed tower is clearly incompatible and, therefore, must be denied under Code Section 158.255.

Google Maps 460 SW Utility Dr



Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021 200 ft

Sec. 158.260. - Requirements and Approval.

*Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be **compatible with the existing neighborhood** [emphasis added]. It is expected that any such approval be implemented in a timely manner to ensure the use is established under the physical conditions of the area in place when approved. Therefore, Special Exception Uses shall expire after one (1) year on the date of approval unless the applicant has received final site plan approval, or if a site plan is not required, the appropriate permits to allow development of the use to continue as approved.*

Approval of a special exception application shall be granted by the City Council only upon a finding that:

- (H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.*

Comment:

The federal Telecommunications Act of 1996 prohibits state and local governments from denying applications for cell tower applications based upon environmental effects as long as the FCC requirements for Radio Frequency Radiation are followed. This prohibition was codified by the FCC in its regulation which states:

“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations contained in this chapter concerning the environmental effects of such emission.”²

Regrettably, despite the City’s own rules that stipulate their clear obligation to “consider the health, safety, welfare and convenience of residents and workers in the City” in any decision regarding Special Exception applications, and the more sophisticated and extensive peer-reviewed research issued since the passage of this Act in 1996 which dispute the current threshold for establishing minimum health risk exposures, and especially to the at-risk populations which occupy the pre-schools, offices and residents within the most intense radiation perimeter surrounding the proposed tower site, the City is prohibited from making this their basis for denial of the aforementioned application.

- (J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes, changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood. To minimize exposure to excessive noise, the City may require noise control features, limit hours of operation, and other mitigation methods.*

² Stuart J. Weiss, Michigan Environmental Compliance Update, April, 2000 published by M. Lee Smith Publishers.

Comment:

For the reasons cited above, especially the discussion of the proposed structure's height and incompatibility with the nearby community, we submit that this application fails to comply with this paragraph.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Comment:

The subject application is not substantially different from the one submitted by this applicant in 2019 and, as concluded by the Council at that time, should also be denied, especially in light of the limitation on the Council's authority to deny an application to increase the size of the tower once it is built pursuant to 47 USC §1455. Wireless Facilities Deployment, (a) Facility modifications. The applicant's offer to change from a monopole to a monopine is insufficient to overcome the host of other objections to the construction of this tower which formed the basis for the Council's original decision.

NEGATIVE IMPACT ON PROPERTY VALUES

As noted above, in addition to the specific code deficiencies, the residents of St. Lucie West communities are concerned about the negative impact the construction of the proposed cell phone base station tower may have on the home values in our community. This issue is expressed both in the perceived attractiveness of owning a property in proximity to a cell tower, and in how such a negative perspective may be quantified by estimates of lower values.

In a Survey by the National Institute for Science, Law and Public Policy titled "[Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?](#)", the authors concluded that *[h]ome buyers and renters are less interested in properties located near cell towers and antennas, as well as in properties where a cell tower or group of antennas are placed on top of or attached to a building. 94% said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it.*³

This is consistent with a quote attributed to the "New Jersey Patch on T Mobile Cell Tower – 'Appraiser: Cell Tower Will Affect Property Values'" which noted "Properties that are approximately close to the tower will suffer substantial degradation to their value based on the nature of the unusual feature in the residential neighborhood."

³ "[Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?](#)" In a 2014 Survey by the National Institute for Science, Law and Public Policy (NISLAPP) in Washington, D.C., 2014

Once the property owners can overcome the purchase bias, they must then confront the question of depreciated property values. While the current explosion in property values would likely overcome even some of the most severe estimates of the depreciation caused by the construction of the proposed tower for the immediate future, price fluctuations are cyclical; the negative impact on prices over time after a tower is constructed are not and will remain a drag on such values for decades. The literature from several of the premier industry periodicals paint a dire picture. Estimates in a 2018 study ranged from 2.46% on average for homes within 0.72 kilometers to 9.78% for homes within visibility of the tower, compared with those outside the visibility range.⁴ In other studies, which acknowledge that increasing values bring additional tax revenues to the taxing authorities, estimates of the negative impact on property values from the construction of new towers run as high as 20%.⁵

While some may question these estimates, it is telling that the Department of Housing and Urban Development requires disclosure of whether the *dwelling or related property improvements is located within the easement serving a high-voltage transmission line, radio/TV transmission tower, cell phone tower, microwave relay dish or tower, or satellite dish (radio, TV cable, etc)*. Even if the property lies outside such easement, “[T]he appraiser is instructed to note and comment on the effect on marketability resulting from the proximity to such site hazards and nuisances.”

Similarly, The California Association of Realtors’ Property Sellers Questionnaire specifically lists “cell towers” on their required disclosure form for real estate sales. The seller must note “neighborhood noise, nuisance or other problems from..” and includes cell towers and high voltage transmission lines on the long list of problems.

IMPENDING TECHNOLOGICAL OBSOLESCENCE

As a final consideration, the rapidity with which the technology is evolving will soon render the existing technology obsolete. Currently, 5G devices are state of the art. 2G is already obsolete with several carriers having already phased out this technology and the others are on course to do so by the end of 2022. 3G is on a similar trajectory and is scheduled to be phased out by carriers in February of 2022. Both of these moves are to provide additional spectrum capacity for the newer generations of phones on existing towers. As these older generations cease to be supported, the features of 5G are likely to attract those forced (or enticed) to replace their earlier generations of phones. While 4G LTE will also sunset, current thinking is that 4G LTE technology is likely to be around until the end of the decade while 5G is integrated into the

⁴ *Journal of Real Estate Finance & Economics* “[Wireless Towers and Home Values: An Alternative Valuation Approach Using a Spatial Econometric Analysis](#)”, May 1, 2018.

⁵ Gati, William, *New York Real Estate Journal* “[Examining invisible urban pollution and its effect on real estate value in New York City](#),” September 2017.

technological infrastructure.⁶ Nevertheless, that technology is already available and its requirements are quite different.

5G does not use towers. It's higher frequency transmissions require transmitters and cell boosters mounted closer to the user. In this area that means using existing infrastructure such as Florida Power and Light's (FP&L) concrete poles installed throughout the state and, in the city, those already constructed along St. Lucie West Blvd., Crosstown Parkway, California Blvd. and Cashmere on which to mount them. The 5G technology is 10 to 100 times faster than 3G or 4G LTE and is more reliable with no buffering and no dropped calls, making it more attractive to consumers. Although 5G coverage is not currently available in our area, until it can be rolled out 5G "Ready" performance is available through Dynamic System Sharing (DSS) capability which allows 5G and 4G LTE service through the same network.

Such rollout is likely to be achieved much faster than that experienced through the construction of the current tower system. FP&L and AT&T have a Joint-use agreement for the use of nearly 650,000 utility poles throughout the state with FP&L owning two-thirds and AT&T the remaining third. While they have been engaged in litigation around the use and payment arrangements, Florida Senate Bill 1944 *Utility and Communications Poles Act* will allow the Public Utility Commission to regulate and enforce rates, charges, terms and conditions for pole attachments, including access and cost sharing arrangements for carriers which do not participate in the ownership arrangements. This will enable an expedited, comprehensive rollout without the necessity to duplicate the construction of the existing utility pole network.

While it is not already in place, the ability to quickly roll out the new 5G distribution network, along with the consolidation of bandwidth created by the discontinuance of earlier generations of cell phone technology will address the current arguments that additional capacity is required due to increased demand experienced during the recent lockdowns.

Accordingly, this proposed project is an unnecessary and temporary intrusion which would inalterably change the nature of our community and must, therefore, be denied.

CONCLUSION:

The applicants contend that their new application is substantially different than the one adjudicated by the City Council in 2019. The fact of the matter, however, is that their new proposal does little more than substitute a new "stealth monopine" for the monopole design originally proposed.

Their contention that they have conceded on the height of the tower by reducing their proposal by 20% from 150' to 120' is hollow given the realities of the *Middle-Class Tax Relief and Job Creation Act of 2012*, which prohibits local authorities from denying applications for increasing the height of existing cell towers. Were the City Council to approve this application, once built,

⁶ [Remmert, Harald, Senior Director of Technology, Digi Blog "2G, 3G and 4G LTE Network Shutdown Updates" Digi International, June 08, 2021](#)

the applicant could apply to increase the height to a level almost that of the original application height of 150' and the City would have no choice but to approve it.

The applicant also contends that they have addressed each of the City Code provisions which the Council determined were violated in its original application. However, based on the litany of reasons detailed above, it is clear that the provisions of Section 158.260 of that code are still controlling with specific reference to paragraphs (D), (J) and (K). They are as follow:

- (D) *Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.*

The applicant's contention that they will be planting trees which at maturity will grow to approximately 10% of the tower height does little to "screen" the proposed tower and misses the point that this enormous structure will continue to overshadow everything in the community. Attempting to alter its look to that of a 120' Southern Pine in an area where there are no Southern Pines makes this overwhelming structure no less imposing or objectionable.

- (J) *The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings...) will be considered in the submittal and analysis....*

The proposed use (specifically the proposed height) is incompatible with existing uses of the adjacent (primarily residential) property and, except for The Club and the golf clubhouse, are one and two -story homes. That fact and the negative impact of the proposed use on nearby property as detailed above, is controlling in determining whether this provision has been met.

- (K) *As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.*

In the final analysis, this proposal is clearly incompatible, too intrusive upon the nearby area and would result in excessive nuisance from the use, altering the character of the neighborhood. As such, it must be denied.

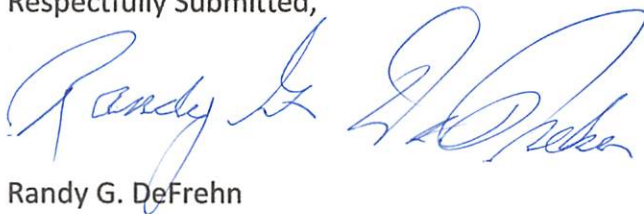
Finally, the applicants contend that the benefit to the community is essential given the increase in demand for phone and data service. However, the data provided was derived from the most intensive period of the pandemic - a period which is unprecedented and, as noted in the RF Engineering report submitted with their application, is not expected to continue as the

pandemic subsidies. As things return to normal, people return to work, and obsolete technology is phased out, additional capacity is expected to be freed up to accommodate the residual additional demand. In addition, as 5G technology and subsequent generations of technology which requires cell transmission equipment located closer to the end user is rolled out they will not use today's cellular tower and antenna networks, but will instead be built upon existing FP&L / AT&T infrastructure.

As the Council weighs the allegations of increased technological capacity underlying the applicants' submission, they must be considered in light of the competing considerations of the broader community which will be suffered if this application were to be approved, with permanent residents suffering from the alteration of the character of the neighborhood and the undeniable long-term degradation of the marketability and market values of the homes, especially those from which this structure is visible.

For these reasons, we urge the City Council to deny the proposed P21-082 CGI St. Lucie, LLC wireless cell tower Special Exception Use application.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Randy G. DeFrehn". The signature is fluid and cursive, with the first name "Randy" being the most prominent.

Randy G. DeFrehn

President

Fairway Isles Homeowners Association

Supporting Documents

List of Witnesses

cc: Dee Sanchez by e-mail: DSanchez@cityofpsl.com