

MoCo Citizens' Cell Tower 5G Information Packet

And the related proposed zoning amendment

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Overview

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2. Do we need this?
3. Why do we oppose this?
4. What can be done?
5. Cautionary tales.
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What is being proposed?

What is being proposed?

1. Crown Castle and other cell tower companies are proposing to install many new towers and make significant modifications to existing street lights.

2. Towers would be:
 - a. Part of a Distributed Area System (DAS), meaning they would work together to provide coverage
 - b. 25-33 feet tall, >8 inch diameter steel poles bearing 300+ pound antennas each
 - c. Placed in Right-of-Ways in neighborhoods with no above-ground utilities
 - d. Permitted in yards of residential homes
 - e. Located approximately 300 yards apart throughout neighborhoods
 - f. Permitted to be modified (enlarged) once installed

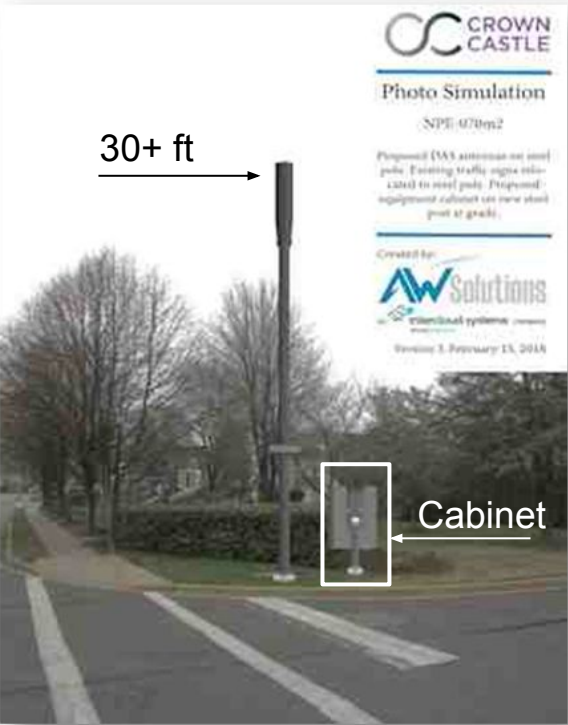
Approximately 700 towers have already been proposed for Gaithersburg, Germantown, and North Potomac neighborhoods.

This is only the beginning.

- The current set of proposed sites is only the beginning and will be followed by a massive wave of new requests. If the county fails to take the proper steps to protect itself now, the fallout and results will be exponentially multiplied.
- Councilmember Floreen has already stated that 700 additional cell tower applications are being requested right now:
https://www.youtube.com/watch?v=_5jtRRJ6oS8&t=4m20s
- According to the county's tower commission, the industry has indicated that this pace will be accelerating dramatically in the next few years.

2 Styles of Monopoles - Both Are Ugly.

Slim-Style Monopole



- Requires cabinet to be outside.
- In this photo, the cabinet is next to the pole.
- Sometimes, the cabinet is attached to the pole.

Fat-Style Monopole



- All equipment is inside (very thick pole).
- Light is attached to pole halfway up.
- This is twice as tall as ordinary poles.

Size Comparison



1 monopole for every 12 homes.

Mark Lowenstein, Vice-President of Strategy at Verizon Wireless, quoted studies stating that the current approach for 5G wireless internet will require one 30-foot tower for every twelve homes.

<http://www.recode.net/2016/7/25/12266072/5g-wireless-broadband-spectrum-reality-check-fcc-internet-of-things>

Verizon representatives recently protested that a Rockville ordinance limiting poles within 500 feet of one another was too restrictive unless applied *per telecom company* - meaning MORE POLES!

Do we want our county peppered with 30-foot poles? Especially in places where our communities took such great pains to avoid that?

We have to ask ourselves...

- How fast do we need to go? Is the juice worth the squeeze?
- Is the current wireless offering fast enough?
- Do we need this technology when we already have fiber to our homes?
- How many poles is too many?

Do we need this?

The IOT (“Internet of Things”) - A Flawed Argument.

The “Internet of Things” (IOT) is a term we hear thrown around to justify the need for this massive build-out, but it is important to consider two critical things:

- 1) Most IOT devices require a minimal amount of bandwidth that could be served by existing infrastructure (even 3G infrastructure); and,
- 2) The VAST majority of current and future uses for IOT are in the home where they are typically already serviced by WiFi which converts the signal to a wired access point and sends it over fiber or coaxial cable.

What about alternative technologies/placements?

What is the difference in signal quality?

What is the difference in speeds?

What is the difference in cost?

Not all technologies are successful...

- Examples: WIMAX, TD-CDMA, UMB, etc... the landscape is littered with failed wireless technologies that never took hold and were instead simply leapfrogged by better options.
- How can Montgomery County be sure that it is not allowing an entry of a technology that will soon be outdated, defunct, and replaced by a newer one that does NOT require so many poles?
- We could be marring the landscape of our county for naught while other locales that wait do not have to, thereby preserving their aesthetic appeal.

Is 5G future-proof?

Wireless 5G will provide speeds similar to cable internet. For many, that's not good enough for dedicated video-conferencing and business needs.

As an example, "RS Fiber" was formed by citizens in Minnesota farm lands to build their own high-speed internet since telecom companies had forsaken them.

In 2016, "RS Fiber" deployed wireless poles to connect homes quickly. By 2018, those poles will be dismantled as fiber will go directly to every farmhouse.

In Montgomery County, we already have fiber, we already have the "future-proof" solution: <http://www.rsfiber.coop/support/faqs/>.

Why do carriers need poles so close to the home?

- 1) Carriers are attempting to take advantage of newer parts of the wireless spectrum, including unlicensed parts of the spectrum. Doing so requires them to move closer and closer to the end users to achieve greater speeds.
- 2) Consumers with high quality home internet options (like the options provided by Verizon Fios and Comcast) will likely use WiFi when they are at home. This eliminates the need for monopoles and provides decidedly faster speeds.

Why do we oppose this?

Why fight this?

- If a community was formed with a Public Utility Commission that mandated underground lines, it's intentions are undeniable. This is a direct affront to those original intentions, and it is the Council's job to look out for the will of these residents who paid top dollar for homes in a community without poles.
- It will negatively impact home values, thereby lowering taxes to the County.
- This is not a localized issue - it is already spreading throughout the county like a cancer. The way we handle this now could have massive implications.
- If we do not address these new pole installations now, the county will have no recourse because, based on FCC rules, existing sites can be extended and modified once they are installed - and the county can do nothing about it!

Lower home values:

- We have seen examples of residents who already petitioned for re-assessment of property taxes and received a lower value due to the proximity of a new tower:
<http://tinyurl.com/MoCoPropertyReductionCellTower>.
- Studies from the University of Kentucky found that home values will diminish by an average of 7.5% if they are within 4500 feet of any newly constructed cell tower.
- As this is rolled throughout the county, it may cost millions in lost property taxes.
- If Montgomery County handles this poorly and the surrounding counties do a better job, Montgomery County may find itself losing more value as the assault on its aesthetics prompt constituents to move into other counties with prettier neighborhoods.

Angry Citizens:

- The current proposals have already raised the ire of countless citizens, but awareness will rise as the number of these installations increases... and the density means that the number of affected people will rise to an enormous number as these continue to be installed.
- Any council member who does not see this as a major problem is not being circumspect. If 80 proposed sites have generated this much resistance, imagine what it will be like next year when 700 more poles materialize.

What can be done?

What can the county do?

- The county knew this was going to have a negative impact on its citizens and that is why it initially decided to fight the FCC in 2015. The ruling was not entirely in the county's favor, but it did **not** leave the county without recourse!
- The county's hands may be tied for some of these installations that are on existing utility poles, *but* it **does** have the authority to affect the location and the aesthetics of any new poles and any *substantial modifications* to existing poles.
- New construction or heavy modifications on existing construction are within the county's purview and there are precedents in other locales where this county authority has been upheld. If the county codifies its practices as the city of Spokane, Washington has done, it **will** have recourse.
- If used properly, these controls can be enough to have the impact we need to keep Montgomery County attractive and inviting to residents, and to avoid a major drop in our county's property values.
- The county *should* codify rules dictating standards for aesthetics AND placement of new or heavily modified poles which require a large distance from houses, the avoidance of locations without above-ground utility poles, and aesthetics that preserve the beauty of our county's landscape.

Precedents in other communities:

- In Spokane, Washington, citizens were able to work with their government representatives to enact legislation protecting the aesthetics and home values in their neighborhoods. They directly challenged assertions made by the wireless company, which resulted in a better outcome for the citizens.
 - An article on the process itself, which details the 6-month moratorium on cell tower installations that was put in place while these laws were written can be read here: <http://www.spokesman.com/stories/2015/nov/06/spokanes-cell-tower-moratorium-ends-with-stricter-/>.
- In Calabassas, California, the local government successfully defended its own laws and ordinances against a lawsuit filed by Crown Castle.
 - A copy of that ruling can be found here: <https://nouglytowers.wordpress.com/crown-castle-vs-calabassas/>.
- The City of San Francisco recently upheld the aesthetics argument as well: <http://www.fiercewireless.com/wireless/california-appeals-court-upholds-small-cells-ruling-against-t-mobile-crown-castle>
- Locally, in the City of Gaithersburg's Westleigh community, the City halted the construction of Crown Castle sites in order to re-evaluate this process after 90% of its residents rose up in protest. <https://www.youtube.com/watch?v=i0Tof1xUHXA&t=120m25s>.

Model Ordinances that Protect Aesthetics:

Each of these local governments has enacted legislation that was upheld in court that protects homeowners from unsightly monopoles. A key common factor is that, while these codes cannot ban cell towers outright, they can block the towers for distances even up to 1000 feet **based on aesthetic reasons**:

- City of Calabassas codes: <http://tinyurl.com/CalabassasMonopoles>;
- City of Spokane codes: <http://tinyurl.com/SpokaneMonopoles>;
- City of San Francisco codes: <http://tinyurl.com/SanFranMonopole>;
- City of Rancho Palos Verdes: <http://tinyurl.com/RanchoMonopole>;
- Northampton Township: <http://www.cato.org/DocumentCenter/View/153>.

Note: All of these codes have a **written requirement to notify citizens** with both advanced prior notice and a hearing before the erection of a monopole.

ZTA 16-05:

Bulk approval of proposed pole sites removes critical public input into the process, and expedites the process at the expense of proper scrutiny of each proposed pole site. Bulk approval treats the aesthetics of each proposed pole site as if the landscapes were identical (i.e., as if the aesthetics of a front yard are identical to the side of a main thoroughfare).

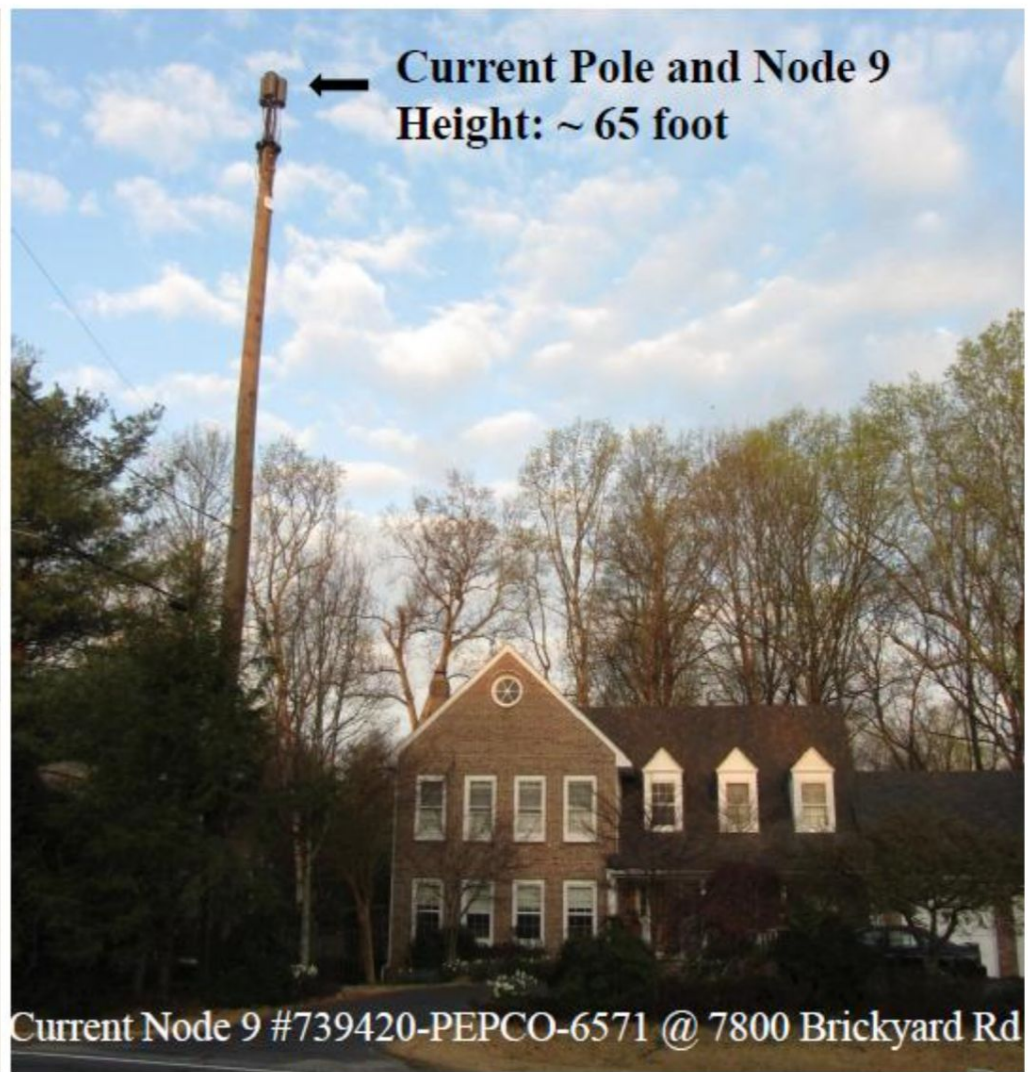
The county must ensure that each of these proposed pole sites for new construction or for substantial modification retain the ability to have community input and that each application be scrutinized by the council and voted on *individually*. We cannot take these decisions lightly as they have too great of an impact on the county's aesthetics and our home values.

Citizens are universally against proposed ZTA 16-05 as it is currently written.

Cautionary tales.

Brickyard Road (Potomac, MD) - A Cautionary Tale.

- 1) Residents were surprised when a *65-foot cell pole* was installed in front of a home, replacing an existing 25-foot pole.
- 2) This constituted new construction. It was not a modification and, therefore, it could have been denied.
- 3) Radiation levels at this site currently exceed the healthy limits set by the FCC.
- 4) A reasonable alternative location on undeveloped land exists.
- 5) The cell pole still stands at this site today and remains un-addressed. If this process was executed so poorly for Brickyard Road, what does it mean for the rest of the county?
- 6) http://teamgaitthersburg.org/assets/Brickyard_Road_Fiasco.pdf
- 7) <https://goo.gl/maps/d2UNscrZ6rm>
- 8) <http://wjla.com/news/local/radiation-fears-after-pepco-installs-pole-72699>



Crown Castle is suing those who speak up!

As more and more communities oppose Crown Castle's assault on their neighborhoods' aesthetics (and winning!), Crown Castle has actually taken to suing citizens directly to intimidate the populace from speaking out against it!

- <http://www.fiercetelecom.com/installer/crown-castle-sues-residents-who-speak-out-against-new-tower>
- <https://insidetowers.com/cell-tower-news-heard-of-man-bites-dog-story-how-about-towerco-sues-nimby/>

This is a clear sign that Crown Castle believes it is unable to sway public opinion through coherent, educated argument. Instead, it has opted to pursue a strategy of intimidation.

What happens with non-engagement?

- In La Jolla, California where residents were not informed or properly engaged on tower installation of this nature, dissension escalated to a point where residents literally attempted to block the construction using their own bodies. It was a confrontation that ultimately required police involvement.

See, <http://www.lajollalight.com/news/2015/jun/30/DAS-cell-tower-fracas-LaJolla/>.

See also, <http://fox5sandiego.com/2015/06/29/la-jolla-residents-battle-cell-phone-tower/>.

- Scenarios like that in La Jolla leave residents feeling betrayed and angry... and most of their ire is directed at their elected officials.

What we want done.

Notification of residents!

At a bare minimum, citizens of the county expect to be properly notified when drastic modification of our site line is being proposed or whenever any project is being proposed that would affect our property values.

Active outreach to the community is a necessity and should be done in the form of:

- Door hangers;
- Signs in the community (along with a photoshop rendering / mockup); and,
- Messages left in the affected residents' mailboxes.

Taking Action:

The citizens of Montgomery County would like the Council to take the following actions:

- 1) Enact legislation requiring notification of residents whenever there is any above-ground construction in the Right-of-Way within 1000 feet of their homes.
- 2) Implement an immediate moratorium on poles requiring new construction or substantial modification while we are forming the laws to directly address these issues.
- 3) Enact legislation to safeguard the aesthetics of our communities similar to the ordinances enacted in Calabassas, California and Spokane, Washington.
- 4) Promote a public dialogue with the citizens where communities are involved in the process and can offer feedback when their neighborhoods are being altered.
- 5) Alter the wording of ZTA 16-05 so it does not apply to new construction or substantial modifications, since each new pole requires individual consideration and approval.

Summary:

- 1) Our community's aesthetics are under attack and Montgomery County citizens are sending a clear message that this is a crucially important issue we care about deeply.
- 2) The council **has** the power and the **duty** to protect both the aesthetics of our neighborhoods as well as our property values. We have provided clear examples proving that it can be done, and we have provided examples of just how to do it.
- 3) Most citizens do not believe there is a clear argument for why we need 5G or if the proposed technologies are the correct path to achieving it. We do not need to be the industry's guinea pig and would prefer to wait for a better planned wireless technology.
- 4) It is critical that the county adopt legislation to properly notify its citizens when such substantial changes to their yards, cul de sacs, streets, and communities are being considered or planned.

Get Involved! - Sign the petition and tell your friends!

You can sign the petition to show your opposition by clicking on the link below:

<http://tinyurl.com/MoCo5GPetition>

Tell your friends, tell your neighbors.

Let everyone know about this issue. We need evangelists to publicize this issue and let everyone know about the threat to our communities.

Engage your government leaders.

- 1) <http://www.montgomerycountymd.gov/council/>
- 2) <http://www.gaithersburgmd.gov/government/mayor-and-city-council>
- 3) <http://www.rockvillemd.gov/index.aspx?NID=424>
- 4) <http://msa.maryland.gov/msa/mdmanual/06hse/html/msa17061.html>
- 5) <http://msa.maryland.gov/msa/mdmanual/06hse/html/msa14617.html>
- 6) <http://msa.maryland.gov/msa/mdmanual/06hse/html/msa12183.html>
- 7) <http://msa.maryland.gov/msa/mdmanual/05sen/html/msa12251.html>
- 8) <https://www.cardin.senate.gov/>
- 9) <https://www.mikulski.senate.gov/>
- 10) <https://vanhollen.house.gov/>

More info: <http://tinyurl.com/MoCoCellCitizensAddendum>