

May \_\_, 2019

Via email to \_\_\_\_\_  
The Honorable \_\_\_\_\_  
District \_\_\_\_ Councilmember  
222 St. Louis Street  
Baton Rouge, LA 70802

Re: Permits for Small Cell Towers in Residential Areas

Dear Councilmember \_\_\_\_\_:

As constituents and board members of the [insert association name] Owners Association, we write to express our concerns about the implementation of Ordinance Nos. 16657 and 16873 enacting Sec. 2:380-2:389 (collectively "Small Cell Tower Ordinance") establishing "procedures for the placement of small wireless facilities in rights-of-way within the City-Parish's jurisdiction." [insert subdivision name] subdivision includes approximately [insert number of residences] residences, primarily occupied by the property owners, [insert many or all] of which are represented by our Association

As of the date of this letter, [insert number of towers] small cell towers approximately 30' tall have been installed in our subdivision; furthermore, we understand additional towers are planned for providers to establish 5G networks and advanced wireless services in our area.

The permits for installation of cell towers in our subdivision were issued without notice to the property owners of the residences immediately adjacent to the cell tower sites or their surrounding neighbors. The first notice of these towers was their installation. Examples of tower installations directly in front of residents' homes in our subdivision, all constructed without notice, are demonstrated in the attached photographs. We hope that you did not intend such installations when you voted in favor of the Small Cell Tower Ordinance.

With respect to installation, the Council's intent in enacting the Small Cell Tower Ordinance is reflected in the ordinance itself. Sec. 2-380(b) states, the City-Parish intends to: "(1) Prevent interference with the use of ... other public ways and places; (2) Prevent the creation of ... other conditions that are hazardous to ... pedestrian traffic; ... (5) preserve the character of the neighborhoods in which the facilities are installed." Clearly, the City-Parish's intent is not being carried out through the current permitting process.

The permitting review process in Sec. 2:383(a) requires, review of the application for a small wireless facility permit "in light of its conformity with applicable regulations of the chapter and compliance with the general public interest." Without notice to the property owners of the residences adjacent to the proposed installation site, and their surrounding neighbors, there is no effective mechanism for the public to present concerns regarding compliance with the

regulations or to suggest alternative sites which may minimize safety hazards and the negative visual impact of the towers, both of which diminish property values. Moreover, the design of the towers, with exposed steel bolts and baseplates at the bottoms of the structures in grassy areas, could cause significant injury to anyone who steps on or falls near the base.

Since our subdivision has underground utilities, Sec. 2:384 appears to require the installation of a 30' tower such as these, to be subject to applicable zoning requirements including notice to surrounding residents and property owners and a public hearing at which concerns can be considered and addressed. Installation of towers in such close proximity to residences without consideration of alternative sites, needlessly devalues the adjacent properties causing a direct economic harm caused to adjacent homeowners. Additionally, the devaluation of numerous properties in our neighborhood will ultimately result in a reduction of the assessed values of the properties and a reduction in the property taxes which can be collected to support governmental services.

Although permits for the installation of many small wireless facilities have already been issued, we request that stop work orders be issued to the permit holders and that the applications be reviewed in conformity with Sec. 2:380-389 including actual and reasonable notice to the owners of properties adjacent to the proposed installation site, as well as the surrounding residents, and a method for the general public to communicate concerns regarding: (1) interference with the use of the public ways and places, (2) conditions posing potential hazards to those who use and maintain the public ways, and (3) interference with the character of the neighborhood in which the towers are being installed. These matters must be addressed by the city-parish prior to the issuance of any additional permits and installation of more small cell towers.

Finally, we request amendments to Sec. 3:280-3:289 to include safeguards to protect both safety and property values not included in the current version of the Small Cell Tower Ordinances. While we support the City-Parish's efforts to enhance technology in our area, we implore you to prioritize the health, safety, and welfare of residents, including specifically the protection of property values.

Thank you for your consideration,

Attachments