

We Are The Evidence
c/o Dafna Tachover
Managing Director
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Ms. Tachover,

This communication is in response to a letter sent to Verizon (Los Angeles SMSA Limited Partnership d/b/a Verizon Wireless) and other parties dated April 8, 2020 regarding Verizon's unmanned telecommunications facility located in the parking lot of Casa del Mexicano at 529 Euclid Ave, 2900 Calle Pedro Infante and 2901 E. 6th Street, Los Angeles, CA.

Verizon is deploying its telecommunications facility to provide new and enhanced wireless services to the community, which will enable improved communications for everyday life, business, educational and remote learning options, emergency services (fire and ambulance), and telemedicine options, the importance of all of which has been highlighted by the current COVID-19 pandemic. Additionally, from the outset of the project in October 2014 through the present day, the facility has consistently been, and is currently, in compliance with all applicable federal, state, county, and municipal regulations.

The permitting and approval process for Verizon's telecommunications facility has included multiple opportunities for community input, including three meetings that were open to the community: (1) a January 28, 2015 Neighborhood Council Board Meeting, (2) an August 25, 2015 Public Zoning Hearing, and (3) a March 7, 2020 Community Meeting. During the permitting and approval process, the City of Los Angeles reviewed and considered all objections to the project, including those made by members of the community. The City approved the project, finding that "[t]he project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region." The period to challenge the City's grant of the conditional use permit expired on April 28, 2017.

Verizon, at its expense, redesigned the project twice based on community input; once, from a faux palm tree to the current clock tower design and, a second time to ensure minimum impact to the community garden. As part of the second project redesign, Verizon agreed to provide a number of improvements designed to preserve the existing East Los Angeles Community Center Garden footprint. These improvements include new raised, wooden planting beds, a new decorative wrought iron entry gate and fence around the garden, a new irrigation system, new work tables, and more, which will further enhance the functionality of the garden.



In addition, Verizon's telecommunications facility was reviewed to ensure consistency with federal and state laws regarding historic resources. Based on a detailed Cultural Resource Assessment for the Property and project, the State Historic Preservation Officer determined that Verizon's telecommunications facility would comply with all applicable federal laws and "will not adversely affect historic properties." Further, the Department of City Planning's Office of Historic Resources reviewed the Assessment and informed Verizon in January 2017 that the Office expressed no concerns with the project.

Concerning Radio Frequency ("RF") safety, please be assured that Verizon's telecommunications equipment and networks comply with Federal Communications Commission (FCC) radiofrequency (RF) safety standards. The FCC developed these standards in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards have wide safety margins and are designed to protect everyone, including children. The FCC adopted the standards after examining the RF research that scientists in the US and around the world have conducted for decades. The research continues to this day, and agencies continue to monitor it. Based on that research, federal agencies have concluded that equipment and networks that comply with the safety standards pose no known health risks. In December 2019, the FCC, after a lengthy proceeding, affirmed these safety standards and concluded that these standards continue to be appropriate. The decision was unanimous and bipartisan. You can obtain further information about the safety of RF emissions from wireless network equipment and devices on the FCC's website, which you can access via this link: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>.

Moreover, because Verizon takes matters relating to RF safety very seriously: (i) Verizon has a comprehensive compliance program designed to ensure adherence to the RF safety standards set by the federal government; and (ii) caused a recognized and published expert on RF safety to attend the March 7, 2020 community meeting in order to provide the community with the opportunity to ask RF safety questions. Please note that RF exposure levels resulting from Verizon's equipment are well within the FCC's safety limits.

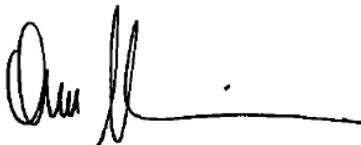
Turning to the legal contentions and theories offered in your letter, I consulted our legal department, which advised that all lack merit and would be subject to summary dismissal in a court proceeding. Foundationally, wireless telecommunications facilities are governed by federal law (the Telecommunications Act of 1996) and are subject to the jurisdiction of the Federal Communications Commission ("FCC"). As a result, state and local

regulation of such facilities is strictly limited. Similarly, all of the legal claims in the letter – i.e., for nuisance, battery, negligence, and the like – are barred by the doctrine of preemption. (See, e.g., *Bennett v. T-Mobile USA, Inc.* (C.D. Cal. 2008) 597 F.Supp.2d 1050; *Robbins v. New Cingular Wireless PCS, LLC* (6th Cir. 2017) 854 F.3d 315; *Broyde v. Gotham Tower, Inc.* (6th Cir. 1994) 13 F.3d 994; *Stanley v. Amalithone Realty, Inc.* (N.Y. App. Div. 2012) 94 A.D.3d 140, 146.) Preemption aside, various long-standing principles of California law also operate to bar the claims in the letter. (See, e.g., *Oliver v. AT&T Wireless Services* (1999) 76 Cal.App.4th 521, 536; Civ. Code § 3482; *Gunnell v. Metrocolor Laboratories, Inc.* (2001) 92 Cal.App.4th 710, 725.)

Your letter also refers to the community's opposition being put forth in a "formal resolution of the Boyle Heights Neighborhood Council." It is noteworthy that the Boyle Heights Neighborhood Council approved the location of the Verizon tower years ago without issue: "On January 28, 2015, at a properly noticed meeting of the Boyle Heights Neighborhood Council a vote was taken to approve Case no. ZA-2014-4034-CUW."

As provided above, Verizon has acted as a responsible and good corporate citizen since 2014 by seeking appropriate input from the community, including preserving the existing East Los Angeles Community Center Garden footprint, and diligently and in good faith complying with all the applicable federal, state, county and city regulations for its unmanned telecommunications facility. Verizon's telecommunications facility at Casa del Mexicano is being built to provide improved wireless communication services to the Boyle Heights neighborhood of East Los Angeles, California, which is especially important in light of a time when more than half of American homes are wireless only and more Americans are working from home due to the COVID-19 pandemic.

Sincerely,



Andrés Matzkin
Sr. Manager - Municipal Engagement & Regulatory Affairs
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