

Opening Statement:

Good morning, thank you for giving me the opportunity to speak with you today. My Name is Mike Parodi; my wife Joan and I have lived at 91 Gran Via in Alamo, since 1983. We also own the home and property located at 1524 Alamo Way, which is currently occupied by our son and granddaughter.

Today, I humbly request your assistance, by denying the permit for Verizon Wireless and to place a moratorium on construction of "small cell" towers in residential neighborhoods in the county's unincorporated areas of Alamo, Walnut Creek and Tice Valley, and specifically on our property at 1524 Alamo Way.

You have ample regulatory authority supported by County Ordinance 2016-11 to deny Verizon's WA18-0004 application solely on the basis of county requirements that are not in conflict with the 1996 FCC regulations and telecom act.

Let me start by saying I am not here to villainize Verizon; they are after all, just doing what's in their own and the share-holders' best interests, as they see fit. Unfortunately a corporation has no conscience, (*or morality*) only people do.

At the personal level, I am a Verizon customer and like my cell phone and its conveniences, and was intrigued by the claimed benefits of 5G and beyond. That was, until I began to read about some of the potential negative effects it poses.

As background, I have been in the High-Tec semiconductor and related industries since 1970, having served in various senior engineering and management roles, as President and CEO of private and publically traded companies, and also on the Semiconductor International Standards and Trade Association board (SEMI) for over a decade. The point of this is, I have a hands-on understanding of how Rf works, and a hands-on insight into the industry and how standards are created and implemented. Read that to mean I also understand how it gets done on "K" street as well. (by the way I am still employed in the industry)

Just so we understand each other, we all know the FCC 1996 EMF & RF regulations and subsequent federal mandates are all stacked against state and local control, and us individually, by design. It was created by the industry, enacted by the FCC, and promulgated to the public, all with little review as to its potential negative impact on humans. They are not bad people; they just have a better lobby on K Street than "we the people" do.

However, within the guide lines of the FCC and congressional mandates, you do have the power to make changes to meet local requirements, if you choose to take the high-ground and do so. Hopefully the group here today representing the collective "we the people" can help you with facts to make the necessary changes we are seeking and to ask you to apply the "cautionary principle" to the *adoption* of this technology especially into residential neighborhoods.

For the record my appeal arguments and position do not rely on the “controversial health and environmental concerns” being publicized and challenged throughout the world. Please understand that I know we can’t challenge the FCC 1996 regulations even though 4G/5G “mini cell” towers and technologies were not even invented in 1996. Furthermore, we cannot rely on the recent studies, cautions and warnings from 200+ scientists petitioning the World Health Organization (WHO) and the United Nations (UN) in 2015 to re-evaluate safe Rf exposure limits, and the UN again in 2017 for a moratorium on 5G roll out until safe limits are re-evaluated. Or the April, 2018, the [International Society of Doctors for the Environment](#) (ISDE) and its member organizations in 27 countries, adopting a declaration calling for a moratorium on the deployment of 5G (fifth generation cellular technology) in the European Union. Or published concerns of , Physician’s for Safe Technology, Kaiser Foundation Hospital, or the Calif Senate bill 649 having exemptions for firefighters, just to name a few. (I think you get my point)

Because of the restriction I will stipulate for today’s purposes I will accept the current FCC 1996 regulations and standards for Rf emissions.

However, should the cell tower permit not be denied, I ask that the Zoning Administrator amendment of October 15, 2018 requiring Verizon to perform Annual Rf compliance measurements be re-instated. The requirement was removed by the planning commission at the December 12, 2018 meeting, based on the erroneous findings of county council. This requirement does not conflict with probations that impact “placement, construction and modification” as defined in the FCC regulation. Also I ask that testing be performed by an Rf certified 3rd party provider.

I will now move on to comments on our appeal points:

As stated earlier I believe you have ample regulatory authority supported by County Ordinance 2016-11 to deny Verizon’s WA18-0004 application solely on the basis of county requirements that are not in conflict with the 1996 FCC regulations and telecom act. Our appeal points are itemized as follows:

I will now move on to comments on our appeal points:

(My points were misunderstood by CC staff)

Appeal Point #1: as stated in staff power point presentation

Replacing the existing pole and adding Verizon Wireless cell site infrastructure would create a fire and falling apparatus hazard.

Our appeal point is supported by County Ordinance 2016-11 88-204-22.A.3 – which reads “Protect and enhance Public health, safety and welfare of county residents”.

Appellant Response to "Staff Response" Summary of Appeal Point 1:

Staff failed to respond to the main point being the potential for fire associated with apparatus in excess of 50 lbs falling onto hi-voltage PG&E wires below, and lack of public record of a third party, non-industry sponsored testing of seismic safety of the proposed structure when placed in a highly active seismic area. Staff appears to have accepted the applicant response with little or no investigation into its veracity or credibility.

Further, a 40 foot pole with a 10' extension or a new 50 foot pole could fall onto the home at 1525 Alamo Way as a result of a fire, earthquake or vehicle accident.

Given the recent failures of PG&E and resultant fires and loss of life, this in itself is unconscionable, and bordering on criminal should such a misfortune occur. The county's first responsibility is to the safety and protection of its citizens over that of a utility and or company. I hope this is so noted by CC County and Board of Supervisors here today.

Appeal Point #2: as stated in staff power point presentation

The Rf emissions from the proposed cell site would encroach and trespass through adjacent properties.

Our appeal point is supported by County Ordinance 2016-11, 88-24.204.P.4

Original Appeal Point 2:

Private Property Encroachment: Proposed cell tower encroaches and trespasses through-air on adjacent properties interfering with the "ordinary use and enjoyment" of the property. An easement for electricity purposes prevents an owner from exercising any rights over the area where poles are standing. The area might not be large, but it does amount to an exclusive use of that small area. However, a wire swinging over an owner's land is trespass; therefor wireless communication is permanently encroaching given it is always trespassing while transmitting and is never off. Encroachment and trespass is a violation of law and should not be sanctioned and supported by a use permit.

The proposed "mini cell tower" at this location fails the 88-24.204.p.4 "low visibility definition";

P.4 reads: A facility or antenna installed on an existing high-voltage electricity transmission tower, or installed on and existing utility or street light pole. The term "existing" is relevant because a **new** pole is NOT an existing pole, and therefore "New" pole violates a definition of a low-visibility facility.

Appellant Response to "Staff Response" Summary of Appeal Point 2:

Further; The Proposed cell tower encroaches and trespasses through-air on to adjacent properties interfering with the "ordinary use and enjoyment of the property" and our "domestic tranquility". The public right of way provisions when enacted did not contemplate the invention of wireless cell tower Transmitters and, they being placed in the public right of way, and thus are a violation of the right of way provisions. I have not and will not consent to Verizon or any other wireless provider trespassing by transmitting high frequency Rf microwave radiation into or across our property. The proposed cell towers are active devices, not passive antennas as described in the staff report.

As example of trespass, no adjacent property or right of way is allowed pass through a property without permission of the owner; the same logic applies to microwave radiation.

Just because you can't see microwave radiation, does not mean it does not exist. Rf radiation can be measured and heard, and thus the area adjacent to the tower will become effectively unusable.

Furthermore, the county is not the arbiter of what interferes with a person's "ordinary use and enjoyment" of one's property.

Should the proposed cell tower placement not be mitigated by CC County, it is here by on notice this will be considered a violation of private and real property rights and an intentionally tortious action by all parties involved.

Appeal Point #3: No FCC public health standards can be relied upon.

Appeal Point #4: No EIR has been conducted.

Appeal Point #5: No CCC public health study was conducted.

We strongly believe it is within bounds of the law to annually measure Rf exposure to ensure levels are in keeping with FCC regulations, as emissions measurements have nothing to do with "placement, construction, and modification" of personal wireless facilities. As stated earlier the County counsel recommendation at the December 12, 2018 Planning Commission Meeting was incorrect and therefore the requirement for Verizon to annually measure Rf exposure should be reinstated.

Appeal Point #4: No EIR has been conducted. We strongly believe requirements for annual monitoring are not in violation of the FCC and CEQA requirements because they do not regulate "placement, construction and modification of

Appeal Point #5: No CCC public health study was conducted.

Appeal Point 6: as stated in staff power point presentation

The Zoning Administration failed to limit the permit scope, thus allowing expansion to higher frequencies with minimal oversight. Other carriers may also choose to establish wireless facilities on other utility poles.

Original Appeal Point 6:

Unlimited Future Expansion: The planning commission failed to limit the permit scope, thus allowing for expansion to higher cell tower frequencies with only minimal oversight. Further, given the competitive nature of cellular providers others will demand similar access, with the potential for every PG&E pole having a micro cell tower. All at the detriment to public health, and individual property rights, health and domestic tranquility.

Appellant Response to "Staff Response" Summary of Appeal Point 6:

The Zoning Administrator failed to limit the permit scope, thus allowing for expansion to higher cell tower frequencies with only minimal oversight. The staff does not define "substantial change" and hides behind definitions in the federal guidelines which by their very nature are designed to exempt any changes from being subject to local regulations. The County must define the scope of changes that require public disclosure and board approval. At a minimum Rf frequency and power level changes must be pre-approved prior to implementation. The present process as recommended is open ended with minimal to no oversight. The county's duty is to protect the public, not wireless providers.

Further We strongly believe Ordinance 2016-11 section 88-24.404 Location requirements applicable within residential zoning districts: *does not permit installation of the new "mini towers" within 300' of residences.* The requirement is clear it reads: No new high-visibility or new tower may be established in, or within 300 feet of the following: Applying a strict construction to the statement OR NEW TOWER in this case means the proposed "mini towers" because they are "new" are not allowed within 300 feet of any single family residential (R-) area.

It should be clarified to include the phrase "low-visibility" towers, and should read: No new high-visibility and low-visibility or new tower may be established in, or within 300 feet of the following: it then goes on to read (a) residential single family residential (R-) etc.

Appeal Point 7: as stated in staff power point presentation

“Neighborhood property values will be adversely affected due to visual and aesthetic impacts during construction and failure to comply with design guidelines. The applicant also failed to explore other viable options for the proposed wireless facility.”

“Show a real pic of preferred location”

Property Values Adversely Impacted, Alternative Sights Disregarded: Neighborhood property values will be adversely affected in violation of County Ordinance 2016-11 as follows:

Appellant Response to “Staff Response” Summary of Appeal Point 7:

It cannot be emphasized enough that neighborhood property values will be adversely affected in violation of County Ordinance 2016-11 codes which read as follows:

88-24.202(a) (2) - failure to avoid adverse visual and aesthetic impacts of wireless telecommunications facilities.

88-24.408(a) (1) - failure to comply with design requirements that mandate a wireless facility be designed to minimize its visual and aesthetic impacts on the surrounding area.

The 10 ancillary cell tower items, and 2 on-grade industrial protection bollards and associated radiation hazard warnings signs will be an eyesore in direct public view when entering Alamo Way and in direct view of the residence at 1525 Alamo Way. The applicant failed to provide an unobtrusive aesthetically pleasing solution.

A viable alternative site is available in the Alamo Plaza Shopping Center adjacent to Bank of America, and also a large Verizon cell tower already exists at the south west corner of Stone Valley road and highway 680.

- Accepting Verizon’s stated need as fact for the Alamo Way location is unacceptable given the available viable alternative sites.
- HUD prohibits FHA underwriting of mortgages for homes that are within the engineered fall zone of a cell tower, further Realtor data showing devaluation after communication towers are built near property are irrefutable..

This Zoning Administrators conclusion the “proposed wireless facility would not substantially effect aesthetics” is effectively trying to put “lipstick on a pig”, no matter how you look at the mounting of ancillary equipment; it is not in any way aesthetically pleasing. No amount of shrouding of the proposed implementation will effectively camouflage the 10 elements and the ground level industrial bollards.

To believe otherwise does not pass the “laugh test”, and if you don’t agree, let’s put it in front of your homes.

Closing Statement:

So in closing We are asking you, as our representatives, to be our advocates in this matter, we fully recognize you must consider the greatest common good when deciding the outcome, however you also must also give equal weight to the least private harm and the effects on human life. Please understand the implementation and planned densification of the cell towers into residential neighborhoods at this time, with it's so many unknowns and unanswered questions, is adversely affecting the domestic tranquility of all who will have to live their daily lives, with the unknown consequence of your decisions.

At a minimum, we ask that a **moratorium be enacted** to allow time for further study, and for the findings and rulings from the numerous challenges to the FFC regulations currently moving through the courts.

Please know you have the power to act; please do not abrogate your responsibility to properly apply Federal, State and County Law to the benefit and protection of its private citizens. Please apply the "cautionary principle" to the roll-out of this technology and keep it out of residential neighborhoods. Thank you!!!

Opposition to placement of Wireless Antenna – application # WA18-0004 at 1524 Alamo Way & Danville Blvd

- 5G RF Radiation Levels potentially High - increase health risk, especially adjacent to existing residences
 - RF radiation exposure & long term effects unknown and unsettled science
 - Acceptable RF levels remains unknown
 - Cell towers are equivalent to having high voltage power lines in residential areas
 - Negative impact to our domestic tranquility and potentially our health
- Tower Location - negatively impacts property values
 - Potential ~~RF~~ ^{EMF} risk and visually at worst point entering the Alamo Way neighborhood
 - Peripheral equipment – visual eyesore – exposed assortment of multiple components
 - New 55' pole
 - 2 – RRUS32
 - 2 – Diplexers
 - 2 - RRU shrouds
 - 1 – Fiber demarc box
 - 1 – Disconnect switch
 - 1 – Distribution panel
 - 2 – Power supply units
 - 1 – PG&E pole mounted Smart Meter
- Location change – Viable Alternatives
 - Use existing cell tower at Stone Valley and south 680
 - Move to non-residential commercial shopping area south on Danville Blvd
 - Alternative locations along freeway right of way
 - Alternative locations along bike trail right of way
 - Alternative location access and service points
 - Commercial location provides for best access
 - Accommodates access for future wireless providers
 - Use vaults for peripheral equipment
 - Alternative pole location along Danville Blvd

delete
section
11/21/19

9/4/2018

mparodi

Best Location – Commercial – non-residential



Preferred Zone of Alternative Locations

9/4/2018

mparodi

Best Location – Commercial – non-Residential



Preferred Alternative locations here

NOT here !

Best Location – Alternative Commercial



Alternative – Commercial – non-residential location

9/4/2018

mparodi

Worst Case – Placement Alternative



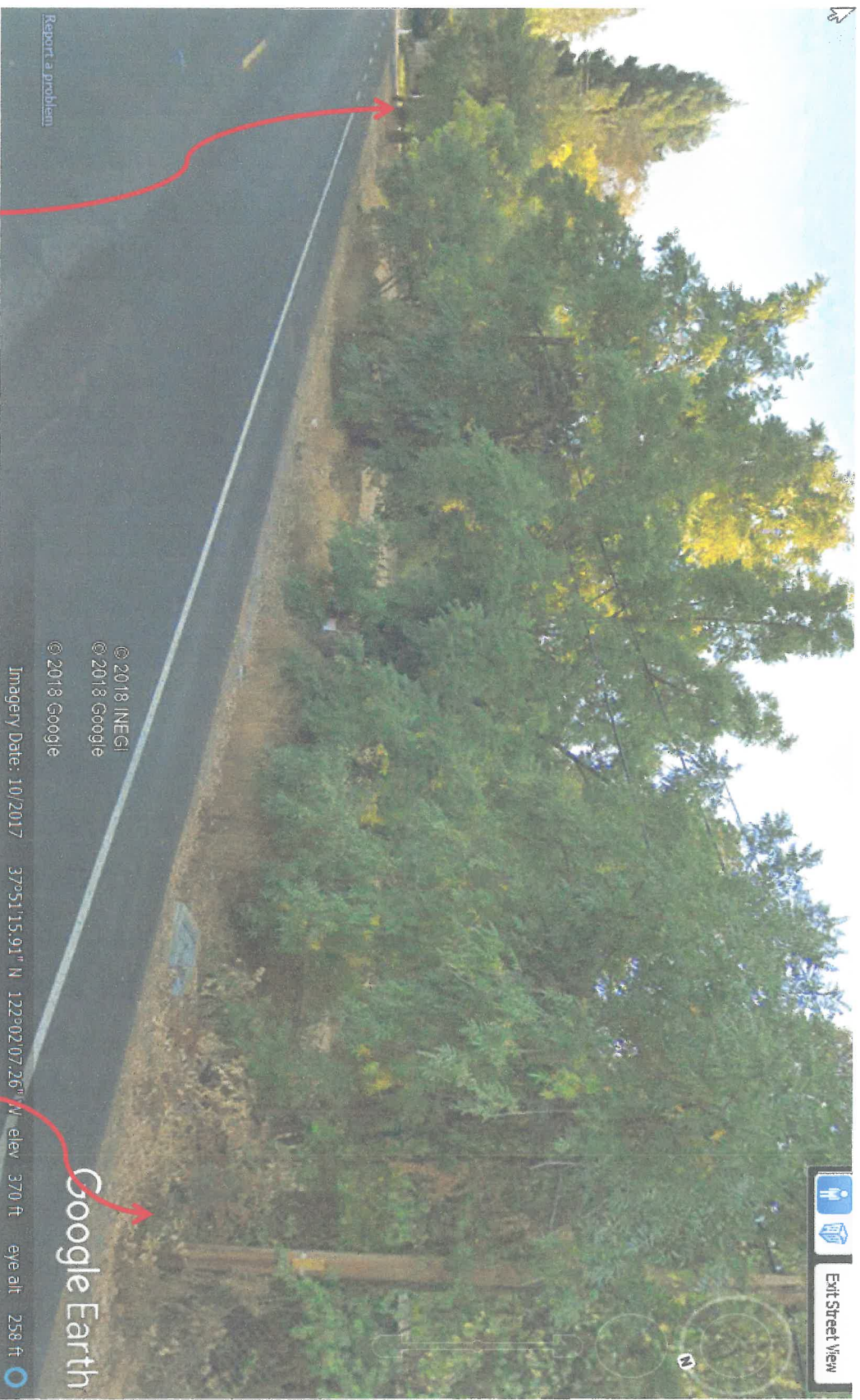
NOT here

Preferred Alternative location here

9/4/2018

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Worst Case – Placement Alternative



NOT here !

9/4/2018

Preferred Alternative location here

mparodi

D. 4
to
D. 8



**CONTRA COSTA COUNTY
Board of Supervisors**

Today's
Date:

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

There are opportunities for citizens to make comments or present information to the Board of Supervisors.

When you are recognized by the chair to speak, approach the lectern and give your name followed by comments.

Personal information is optional. This speaker card is part of the public record for this meeting.

After completing this form place it in the box near the podium.

Your Name: MICHAEL PARODI II Representing: MY FAMILY
Address: 1524 ALAMO WAY Phone or Email: MIKE PARODI@GMAIL.COM

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

ITEM D-4 - D-8, SPECIFICALLY
D-6 @ 1524 ALAMO WAY

☒ *I do not want to speak but would like to leave comments for the Board to consider (Use the back of this form)

Please write comment here if you wish not to speak.

I RESIDE AT 1524 ALAMO WAY, WITH MY 12 YEAR
OLD DAUGHTER. MY HOME IS LOCATED LESS THAN
150 FEET FROM THE PROPOSED "NEW TOWER" CONSTRUCTION
SITE. I AM HERE SOLEY TO PROTECT MY DAUGHTER'S
HEALTH, WELFARE AND SAFETY. I AM GRAVELY
CONCERNED WITH THE SIGNIFICANT INCREASE OF RISK
TO FIRE BY ERRECTING A "NEW TOWER" WITHIN
150 FEET FROM MY RESIDENCE. THIS PROPOSED
CONSTRUCTION IS A DIRECT VIOLATION OF CURRENT
COUNTY ORDINANCES THAT PROHIBITS ANY "NEW
TOWER" WITHIN 300 FEET OF ANY RESIDENTIAL
LOT OR RESIDENCE. THIS PROJECT IS A "NEW
TOWER" CONSTRUCTION BECAUSE IT SPECIFICALLY CHANGES
THE CURRENT CONFIGURATION AT 1524 ALAMO WAY.