

Linda Uhrenholt, 2252 Tice Valley Blvd. Walnut Creek
94595

Meadow Rd is around the corner.

I'm a retire science educator and retired AT&T Education Specialist a roll in which I advocated the benefit of technology in our schools. Currently, I am involved with the STEM program on the WW2 USS Hornet Aircraft Carrier Museum.

Start of WW2 Walnut Creek population was 1,578. Think of party line telephone communication and no microwave ovens nor radar guns. Radio Frequency microwave technology was developed in World War II. Known as Radar (**RA**dio **D**etection **A**nd **R**anging), it was used to navigation, track storms, surveillance, missile control, air traffic.

At the end of the war, microwave ovens were developed with the help of a candy bar. Today's cell phone had its roots in WW2. And that walkie-talkie inspired today's wireless network. End of WW2 brought more people to Walnut Creek and the need for more roads to be built as well as telephone lines and the start of the standard private lines instead of party lines.

Regardless of what Step Curry thinks almost 50 years ago, on July 20th 1969 Neil Armstrong stepping foot on the moon and delivering: One small step for man, one giant leap for mankind. The WW2 USS Hornet Aircraft Carrier was on hand to pick up the astronauts after their splashdown in the Pacific Ocean on July 24, 1969.

The Apollo technological breakthroughs in communication jump-started the cell phone revolution. BTW Walnut Creek population was around 39,844 in 1969. More roads were being built to accommodate the influx of traffic as well as telecommunication systems just to keep up with the influx of use.

Much like the wireless industry build out's keeping up with the influx of wireless traffic today caused by the growth of today's bandwidth intensive applications.

We are in fact swimming in an ocean of radio waves, Radio Frequency Radiation, RF Sources...whatever you want to call it of various strengths. At home The RF radiation is emitted by cell phones and cordless phones, cell towers, wireless computer networks, smart meters, burglar alarms, wireless baby monitors and Wi-Fi and Bluetooth devices including laptops, tablets, and wireless wearable such as FITBITS and APPLE WATCHES, or Bluetooth connections between electronic appliances, wireless garage door openers, RF universal remote control devices, signals used by emergency services and private law enforcement networks.

I could go on and on about the everyday RF radiation energy providing today's services or even start talking about the RF energy commonly used in schools such as Wi-Fi connections, classroom clickers, wireless security systems, high density access points, heck students don't leave their phones at home! As much as students use technology in schools for research and even videoconference virtual field trips (me at HORNET),

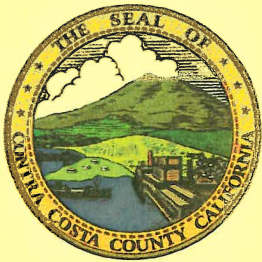
wireless technology is an important aspect in our education system.

I don't have the time to go into the RF radiation energy used to support telemedicine and medical procedures. BTW anyone go to the dermatologist or plastic surgeon to get a little facial skin tightening? Radio frequency is the technology used to do that!

BTW Walnut Creek's population is estimated today to be 69,773. Again the need to build more roads in-between Apollo 11 and today happened and a better stronger faster network evolved to support our wireless systems. 5G has the potential to spark even more profound change – it's a crucial development for applications that require immediate reactions from our Contra Costa County home device use, educational use, law enforcement agencies and medicine.

There's a lot of information regarding 5G networks on the Internet. One can find a lot of evidence that would support 5G and information that suggests a 5G network is a dangerous trend. That information overload and the lack of digital literacy ability by the everyday "Googler" can inhibit the your ability to optimally determine the best possible decision. My support of 5G comes from what I determine as reliable, using my information literacy skills...taking a good look at whose behind the information, researching the author's credential's, calling the author, going to other countries 5G information.

You can calculate your annual dose of radiation on websites such as the EPA and did you know bananas are naturally radioactive. This comes from the fact that they contain relatively high amounts of potassium. Specifically, they contain Potassium-40, which is a radioactive isotope of potassium. I'm not afraid of health issues because of bananas, microwaving chocolate nor a 5G network.



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.

CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:
2/26/19

Your Name: Jami Tucker Representing: Danville
Address: Danville Phone or Email: tuckerjami@gmail.com

CIRCLE ONE:

General Public
Comment
or
Agenda Item #
D4-08

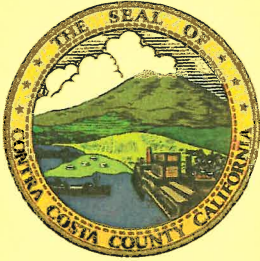
SUBJECT MATTER TO BE PRESENTED:

Against Verizon. I support the appeals.

*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.

Please pause on your vote. You have been given enough additional information that legally you need to review before you make a decision that cannot be undone. Albritton mentioned 7901. It didn't mention 7901.1
- ADD is required
- text messages sent w/o consent
- Verizon does do fiber - the East Coast



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CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:
2/26/19

Your Name: Christine Scimia Representing: Meadow Lane Improvement Assoc. / MOWDR
Address: 111 Adams Ranch Rd Phone or Email: ChristineScimia@gmail.com
WC 94595

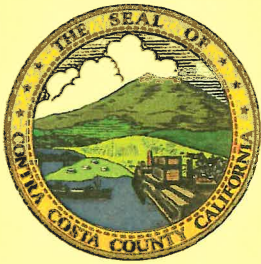
CIRCLE ONE:
General Public
Comment
or
Agenda Item #
DS

SUBJECT MATTER TO BE PRESENTED:
- Verizon cell towers - NO
- March for Meals on Wheels - Board Member - MOWDR

*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 oppose Verizon installation of
small cell towers in residential areas
and near schools due to the many
hazards they present to health +
safety of our community.



REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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CONTRA COSTA COUNTY
Board of Supervisors

Today's

Date:

2/26/19

Your Name: Bob Harrison Representing: _____

Address: 2032 Mallard Dr Phone or Email: (925) 858-2852
walnut creek ca 94597

CIRCLE ONE:

General Public
Comment

or

Agenda Item #

D2, D4, D5, D6
D7, D8

SUBJECT MATTER TO BE PRESENTED:

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.

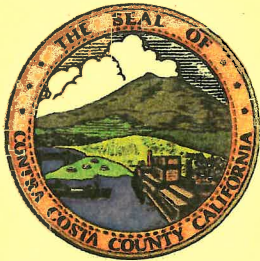
I would like to comment on Agenda items D2, D4, D5, D6
D7 + D8.

I am concerned about the lack of assurity regarding
the safety of these antennae, as well as the potential
for health related issues when the antennae are placed
close to homes.

It seems that the use of fiber which, is already
in many parts of our community (and infrastructure) might
be utilized better, to continue to help increase data speeds
for home and business use.

I do not believe the antennae will help maintain home values
and pose potential health threats.

Please consider post-puning decisions to move these agenda
items forward without more testing and safety measures are
in place.



REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:
2/26/19

Your Name: Erin Lewis Representing: _____
Address: 31 Meadow Ct Phone or Email: 925-932-6306
Walnut Creek CA 94595

CIRCLE ONE:
General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:
Agenda Item D5

*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.

Dear Supervisors,

Please take into serious consideration when deciding
on agenda D5, the Verizon tower, the following:

- Ruining a beautiful countryside neighborhood with big ugly towers
- the safety of these towers causing power poles to collapse or lean in our flood zoned neighborhood.
- the safety of the radiation going above the limits that are deemed safe, who will be monitoring and how often?
- Is the county willing to take on the liability should something go wrong with these towers?

Thank you,

Erin Lewis



**REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION**

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**CONTRA COSTA COUNTY
Board of Supervisors**

Today's
Date:

Your Name: Blessings Robertson - Winn Representing:

Address: 315 Iron Horse Ct Phone or Email: DoingBigThings@aol.com

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

Wireless Access Permit Appeals
#WA18-0002 #WA18-0003 #WA18-0004
#WA17-0013 and #WA17-0008

*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 am concerned about the installation of small cell antennas, especially in residential areas. Should we not investigate and consider the consequences of advanced technology which is still in experimental state? I urge the County to cautiously weigh the repercussions of this unchartered technology; so that it can be implemented wisely/safely.

These wireless facilities present several negative consequences:

1. Fire Risk - Cal Fire's investigations have proven that poles issues contributed to almost all of the devastating fires within CA over the past 2 years. The already tall poles will increase with the addition of the proposed cell antennae - making them easier to topple in high winds. This 20-25% height increase is irresponsibly endangering the county and its residents.

2. Aesthetics - The rural character of Alamo and unincorporated Walnut Creek is a major factor of attraction to home buyers which keeps property values high. Adding high-tech structures and bulky boxes/equipment to utility →

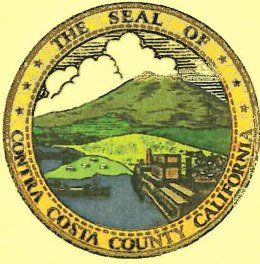
poles is visually blight on our community. We ask that the natural beauty of our rural neighborhoods remain unhindered and obstructed.

3. Property Values will decrease, as will the ~~the~~ county's tax base, due to the negative aesthetic impact.

2. The overwhelming large number of ~~the~~ small cell antennas necessary for a 5G network has never been done before. A vast number of media/news reports have established that 4G small cell antenna networks are the groundwork for 5G. The current applications do not represent the entire plan, and a public meeting statement (10/1/18) by this carrier indicate more are coming, consistent with the news reports. Other carriers will follow. Orinda has been told by this same carrier that 87 antennas will be necessary for full coverage of their area which is of smaller size and population to Alamo combined with unincorporated Walnut Creek. This large number, especially in residential areas, magnifies all the negative effects listed above & ~~present possible consequences to the environment and public safety if the cumulative level of radio-frequency exposure exceeds the legal limit.~~ presents possible consequences to the environment and public safety if the cumulative level of radio-frequency exposure exceeds the legal limit.

I strongly urge the Board of Supervisors to appropriately apply the state and federal laws which allow local government to address the issues above, as other municipalities have done. This includes limiting or setting minimum distance requirements from residential areas, choosing least intrusive locations such as commercial sites, annual monitoring to ensure federal safety guidelines are maintained, and accurately considering the scope of this project and its effect on the environment within state law.

Also, please note that The ~~World~~ UN and EU have in their review a petition to halt Global 5G roll out for the harmful environmental effects.



REQUEST TO SPEAK (2-minute limit)

CITIZENS PARTICIPATION

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**CONTRA COSTA COUNTY
Board of Supervisors**

Today's
Date:
2/26/19

Your Name: Elaine Gast Representing: unincorporated walnut creek
Address: 2471 San Miguel Dr Phone or Email: elainegast12
walnut creek, CA 94596 @gmail

CIRCLE ONE:

General Public
Comment
or
Agenda Item #
D4-D8

SUBJECT MATTER TO BE PRESENTED:
Oppose Verizon & CPMRA
TOWERS in
residential neighborhoods

*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 strongly urge the Board of Supervisors to please consider the full implications of this technology, and apply the state and federal laws, which allow local government to address issues including fire risk, aesthetics, property values due to negative aesthetic impact, and ^{that} the overwhelming large number of small cell antennae necessary for a 5G network has never been done before. This large number, especially in residential areas, magnifies all the negative effects listed above, and presents possible consequences to the environment and public safety if the cumulative level of radio-frequency exposure exceeds the legal limit. →

In 2016, I moved to Walnut Creek as a first-time home owner with my husband and family of three young children. Shortly after moving in, I discovered within 40-50 feet from my house, a sign on St. Luke's church - right next door to us - a sign that says "Danger - this area exceeds safe ^{radiation} exposure limits." I investigated and learned that @ the church steeple houses a cell tower - this was not disclosed to us before we moved in, and in fact, we would have not bought our house had we known. Since living in the home these past 3 years, we've experienced moderate to severe symptoms including: stress, anxiety, depression; problems sleeping, which has led to illness and lost work; heart palpitations; ringing in ears; hyperactivity - a "jangley" feeling; and hyperactivity in our children. I am gravely concerned for our long term health risks. I consulted Liz Menke from EMF Healthy, an EMF electromagnetic radiation specialist, who found the levels in our home and backyard to be an "extreme" level of concern. The National Toxicology Program's 2016 study (safeemr.com) called cell phone radiation "the biggest looming healthcare crisis of our time."

Please oppose these towers in residential areas, and institute annual measurements for public safety.



REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:
2/26/19

Your Name: Kirsten Muzinich Representing: _____
Address: Danville Phone or Email: kirstenhanna00@gmail.com

CIRCLE ONE:
General Public
Comment
or
Agenda Item #
D4-D8

SUBJECT MATTER TO BE PRESENTED:

*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 wish to support all of the appeals.

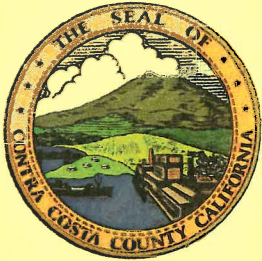
If Verizon can supply wireless technology so that companies can monitor the temperature of fish then they should be able to monitor wirelessly the RF emissions.

HEAT - These cell tower units emit heat. They should all have operational fans to cool them.

LITHIUM back up batteries in electrical cabinets. If there is a fire it is not put out with water. This would be an electrical fire!

Please ask for the master plan from Verizon.

**DO NOT SET THE PRECEDENT WITH
OUT ABSOLUTE DUE DILLIGENCE!!**



**CONTRA COSTA COUNTY
Board of Supervisors**

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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Today's
Date:
2/26/19

Your Name: RACHEL DAY Representing: _____
Address: 3127 LUNADA LN Phone or Email: RACHEL.DAY31@GMAIL.COM

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

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.

PLEASE DO NOT ALLOW THESE CELL ANTENNAS IN
OUR RESIDENTIAL NEIGHBORHOOD.

VERIZON'S LAWYER WAS CLEAR THAT ONCE YOU ALLOW
THEM TO LOCATE BY OUR HOMES, YOU HAVE
NO SAY IN WHAT THEY PUT THERE. IF THERE
ARE RADIATION CONCERNS, THEY WILL TEST
HOMES FOR A SMALL WINDOW, BUT HE NEVER
SAID THEY WOULD REMEDY THE PROBLEM,
SO THEN WE WOULD KNOW WE HAVE A PROBLEM
AND HAVE NO WAY TO DO ANYTHING ABOUT IT.



**CONTRA COSTA COUNTY
Board of Supervisors**

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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Today's
Date:
2/26/19

Your Name: Melanie Volk Representing: East Bay Residents
Address: 40 AUSTIN LN, ALAMO Phone or Email: melanie.volk@gmail.com

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

D4-8

*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.

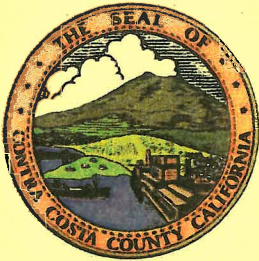
Question: If Verizon is given permission,
do other cell companies use the same towers?

If so, seems like a safety and emissions
issue and has to be allowed to be fair

If not, can other poles be denied? That would
also increase emissions and negative aesthetics

Looks like 100% of people who are notified
of tower antennas near them don't want them -
(regardless if they'd like wireless svc improved)

Measure RFs at any request time period - plan to
do something if there is an issue.



**CONTRA COSTA COUNTY
Board of Supervisors**

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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Today's
Date:
2/26/19

Your Name: _____ Representing: _____
Address: _____ Phone or Email: _____

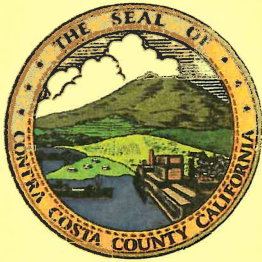
CIRCLE ONE:
General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

*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.

We keep referring to the 1996 FCC law and the wireless companies will keep hiding behind that regarding anything health related. I would think that the science and relevant research was not available yet 23 years ago. That's always the case with new technology, new medicines, ~~et~~ that are released to the public. All the data comes later. I think we need to consider that the 1996 law might somewhat ^{be} obsolete and needs to be modified. We need to be proactive for the sake of our health and our children's health.



**CONTRA COSTA COUNTY
Board of Supervisors**

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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Today's
Date:
2/26

Your Name: IRENE AMIDO Representing: CCC / WALNUT CREEK
Address: 72 BRADLEY AVE Phone or Email: 510 4181928
WALNUT CREEK

CIRCLE ONE:
General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:
D.8

*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 oppose the install of cell towers
in Walnut Creek & Alamo. It is
dangerous. I want our County Wireless Ordinance
updated to protect us.



REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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CONTRA COSTA COUNTY
Board of Supervisors

Today's
Date:
2/26/19

Your Name: Daniela Kajina Representing: Briones
Address: 1198 Beau Creek Rd, Phone or Email: 917-566-2157
Briones

CIRCLE ONE:

General Public
Comment
or
Agenda Item #
D5

SUBJECT MATTER TO BE PRESENTED:

D5 - support statement / legal challenge to County

*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 would like to address the legal risks to CC. County should the Board approve Verizon's application. What happens if the towers are installed and their radiation makes county citizens sick? One would think Verizon would be the sole target of a costly lawsuit. However, because Gov. Brown vetoed SB649, the liability for the towers falls from the state to the local governments. Once Verizon's equipment has been installed on public utility poles, it can be considered Public Property. As a result, a plaintiff can bring suit against the County for "Dangerous Condition of Public Property" based on a claim that the radiation the towers emit has caused real and measurable damages.



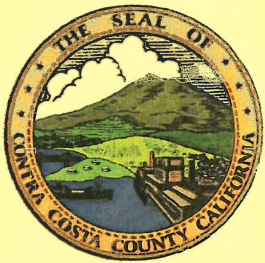
The county should be warned that your constituents are already gathering the data that will form the basis of such a lawsuit.

The county has expressed a fear of litigation brought by Verizon if the county denies their permits. Certainly, the cost of such a legal battle would be high, but the county would prevail, as have other communities that have successfully denied similar permits, like Monterey (March, 2018).

However, the cost of fighting a lawsuit brought by one of the county's constituents would be far greater.

There is no guarantee the county would win in court, and it would certainly lose in the court of public opinion.

The cost to the county of fighting a very public lawsuit that pits innocent victims against politicians who are aligned with a faceless and predatory corporation sounds a little too expensive for the county and for its Board of Supervisors alike.



**CONTRA COSTA COUNTY
Board of Supervisors**

REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION

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Today's
Date:
2/26/19

Your Name: Tanya Krueger Representing: East Bay Residence
Address: 41 Pleasant Knoll Ct Phone or Email: alex.tanyak@
Alamo CA 94507 hotmail.com

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

4 - 8 Cell Antenna

*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.

When Verizon addressed alternative locations commercial areas and interstate possibilities were not addressed. I'd like to hear this argument.

If the Board of Commissioners appeals residential implementation and pushes for commercial implementation does that apply to existing cell antenna approvals?



**CONTRA COSTA COUNTY
Board of Supervisors**

**REQUEST TO SPEAK (2-minute limit)
CITIZENS PARTICIPATION**

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Today's
Date:

Your Name: Hayuta Jain Representing: _____
Address: 330 Kimberwick Ct Phone or Email: 925-718-5358
Alamo, CA 94507 hayuta@rocketmail.com

CIRCLE ONE:

General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:

D4-D8

*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 would like to express my staunch opposition to Verizon's small cell antenna rollout in our residential neighborhoods. Although ~~there~~ there isn't an unequivocal statement regarding the long term effects of exposures to EMFs, there are many published research articles that clearly demonstrate the harmful effects of radiation from EMFs, especially in the microwave range. Why should we subject our children to this constant source of radiation, ~~to~~ make them into guinea pigs, until the final data is out? I think our children, our future, deserve better.

Jodee Brydges

(name)
18 Pleasant Knoll Ct

(address line 1)
Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

I am a County resident greatly concerned about the installation of small cell antennas, especially in residential areas. I am not opposed to advancing technology and communications. However, I want the County to carefully consider the consequences of technology we have not experienced before, so that the technology can be implemented wisely and safely. These wireless facilities present several negative consequences:

1. Fire risk - The high number of fires in California over the past 1-2 years is alarming, and the resulting destruction, death, and devastation makes decreasing fire risk an urgent and imperative task. Cal Fire's investigations have shown that poles issues contributed to almost all of these fires. Making the poles taller will make it easier for them to topple in high winds, a known cause for these fires. For the County to allow more equipment on our utility poles, such as these small cell antennas, which will increase the height by 20-25%, is irresponsibly endangering the County and its residents.
2. Aesthetics - The rural character of Alamo and unincorporated Walnut Creek is a major reason many people move here and property values are high. Adding high-tech structures and bulky boxes of equipment to utility poles is a visual blight on our community, not in keeping with the beautiful natural and rural character.
3. Property values will decrease, as will the County's tax base, due to the negative aesthetic impact.
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Sincerely,



Olex + Tanya Krueger
(name)
61 Pleasant Knoll Ct
(address line 1)
Alamo, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

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Sincerely,

Mrs. Krueger

Rachel Day

(name)

3127 Lunada Lane

(address line 1)

Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors

651 Pine St.

Martinez, CA 94553

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Sincerely,

Rachel B

Kate Rudick OR Katherine Rudick

(name)

125 Austin Lane

(address line 1)

Alamo, Ca 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

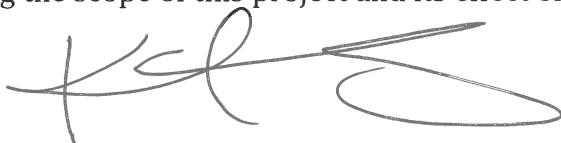
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Sincerely,



Christina Heil

(name) 235 Las Quebradas

(address line 1) Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St
Martinez, CA 94553

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Sincerely,



Mondula Rental
(name)

409 Inspiration Court
(address line 1)

Alamo, CA - 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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Sincerely,

Mondell Renewal
510 396 4093

Kumiko Nguyen
(name)
101 Angela Ave.
(address line 1)
Alamo, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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Sincerely,

KW Nguyen



From: Mitch Tunick mtunick@gmail.com
 Subject: Re: Cell Tower Letter
 Date: February 25, 2019 at 8:10 PM
 To: Melanie Volk melanie.volk@gmail.com

Here's Ana's letter...

On Sun, Feb 24, 2019 at 8:41 PM Melanie Volk <melanie.volk@gmail.com> wrote:

Ana Segolini
 (name)
 205 West Ave Alamo, 94509
 (address line 1)
 (address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
 651 Pine St.
 Martinez, CA 94553

Dear Board of Supervisors:

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Sincerely,

Ana Segolini

Karrie Haneman

(name)

3165 Stonegate Drive

(address line 1)

Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors

651 Pine St.

Martinez, CA 94553

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Sincerely,



Barry Winters
(name)
6 Wings Set Place
(address line 1)
Alamo
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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Barry Winters

TADOLEY
(name)
189 Livorna Rd.
(address line 1)
Alamo, Ca 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

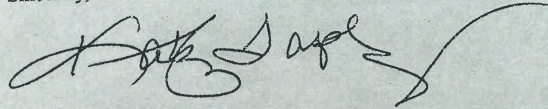
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Sincerely,

A handwritten signature in black ink, appearing to read "Kate Sage". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Janice Chan
(name)
229 Appalosa Dr
(address line 1)
Walnut Creek CA 94596
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St
Martinez, CA 94553

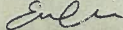
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Sincerely,



Christine Brashear

(name)

3160 Lunada Ln

(address line 1)

Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors

651 Pine St.

Martinez, CA 94553

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I strongly urge the Board of Supervisors to appropriately apply the state and federal laws which allow local government to address the issues above, as other municipalities have done. This includes limiting or setting minimum distance requirements from residential areas, choosing least intrusive locations such as commercial sites, annual monitoring to ensure federal safety guidelines are maintained, and accurately considering the scope of this project and its effect on the environment within state law.

Sincerely,

MIRIAM WINTERS
(name)
6 WINGSET PLACE
(address line 1)
ALAMO, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553


Dear Board of Supervisors:

I am a County resident greatly concerned about the installation of small cell antennas, especially in residential areas. I am not opposed to advancing technology and communications. However, I want the County to carefully consider the consequences of technology we have not experienced before, so that the technology can be implemented wisely and safely. These wireless facilities present several negative consequences:

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Sincerely,



Bradley Hillebrandt

(name)

29 Sugarloaf Terrace

(address line 1)

Alamo CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors

651 Pine St.

Martinez, CA 94553

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Sincerely,



Laura Hillebrandt

(name)

29 Sugarloaf Terr

(address line 1)

Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors

651 Pine St.

Martinez, CA 94553

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Sincerely,

Laura Hillebrandt

Mitch Tunick
(name)
1966 Trice Valley Blvd #122
(address line 1)
Walnut Creek, CA 94595
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

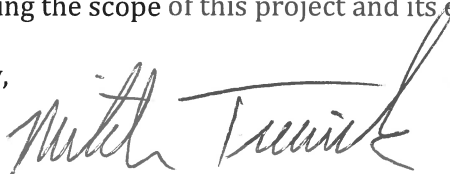
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Sincerely,



Elizabeth Yuan
(name)
111 Tracy Ct
(address line 1)
Alamo, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

I am a County resident greatly concerned about the installation of small cell antennas, especially in residential areas. I am not opposed to advancing technology and communications. However, I want the County to carefully consider the consequences of technology we have not experienced before, so that the technology can be implemented wisely and safely. These wireless facilities present several negative consequences:

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Sincerely,



Devon Mitchell

(name)
41 Woodland Dr.
(address line 1)
Alamo, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

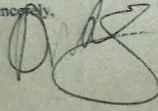
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Sincerely,



Brett Pels

(name) 165 Patricia Lane

(address line 1) Alamo, CA

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

Dear Board of Supervisors:

I am a County resident greatly concerned about the installation of small cell antennas, especially in residential areas. I am not opposed to advancing technology and communications. However, I want the County to carefully consider the consequences of technology we have not experienced before, so that the technology can be implemented wisely and safely. These wireless facilities present several negative consequences:

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Sincerely,



Richard Lee
Res. line 1)
Res. line 2)

January 26, 2019

Costa County Board of Supervisors
P.O. Box 100
Redding, CA 96053

Board of Supervisors:

County resident greatly concerned about the installation of small cell antennas, especially in residential areas. I am not opposed to advancing technology and communications. However, I want the Board to carefully consider the consequences of technology we have not experienced before, so that the technology can be implemented wisely and safely. These wireless facilities present several negative consequences:

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I urge the Board of Supervisors to appropriately apply the state and federal laws which allow municipalities to address the issues above, as other municipalities have done. This includes limiting antenna height requirements from residential areas, choosing least intrusive locations such as industrial sites, annual monitoring to ensure federal safety guidelines are maintained, and accurately measuring the scope of this project and its effect on the environment within state law.

Richard Lee

Woodie Dixon
63 Mathews Place
Alamo, CA 94507

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

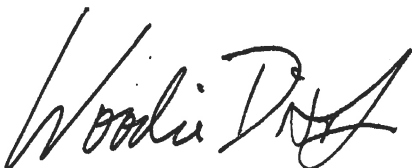
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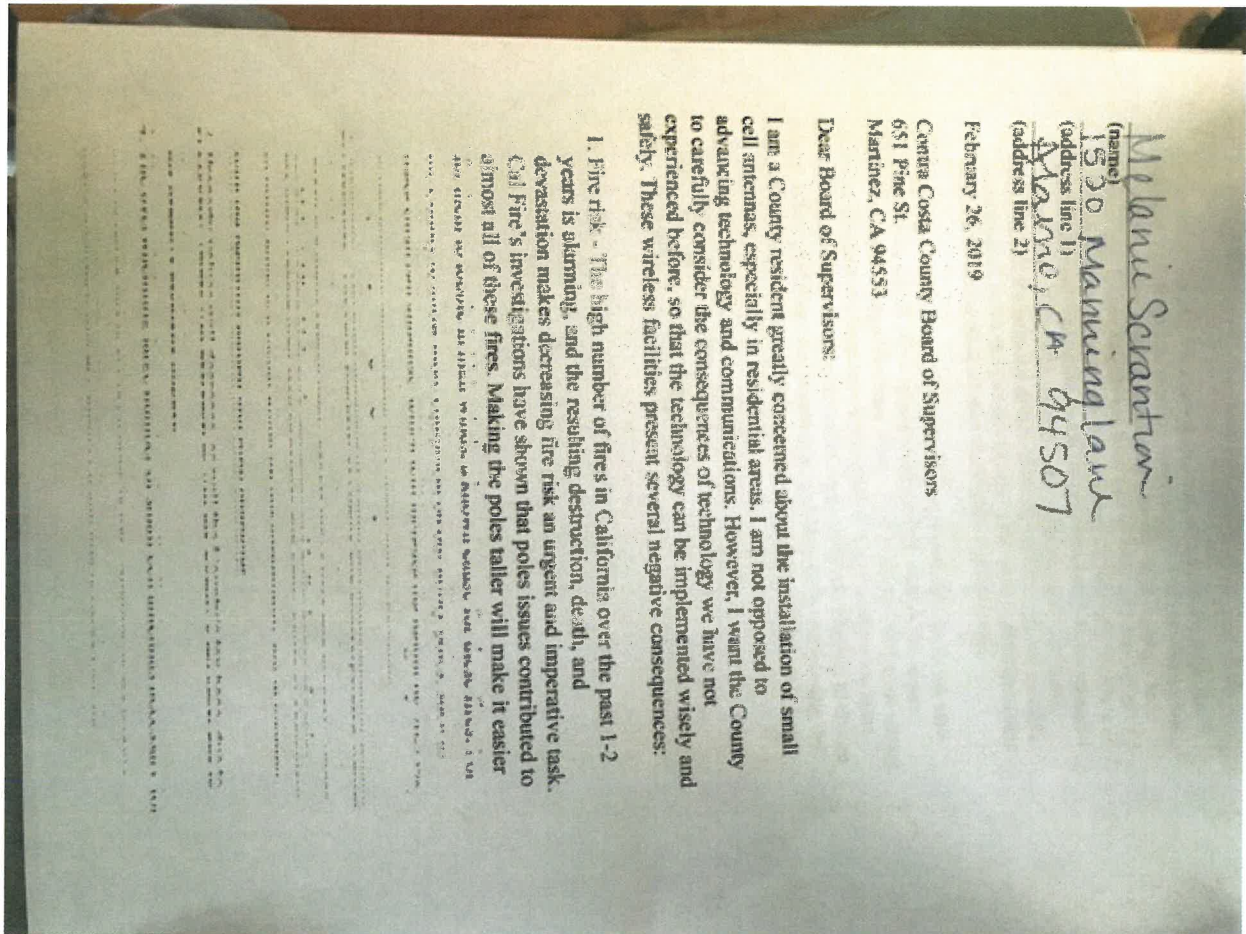
A handwritten signature in black ink that reads "Woodie Dixon". The signature is written in a cursive, flowing style with a large initial "W".

From: Tanya Krueger alextanyak@hotmail.com
Subject: Fwd: IMG_5233.jpeg
Date: Feb 23, 2019 at 8:38:26 AM
To: Melanie Volk melanie.volk@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Devon Mitzel <devmitz@gmail.com>
Date: February 23, 2019 at 8:30:03 AM PST
To: "alextanyak@hotmail.com" <alextanyak@hotmail.com>
Subject: IMG_5233.jpeg



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Sincerely,

A handwritten signature in black ink, appearing to be 'MSM', written over a light-colored background.

EDWARD VOIK

(name)

70 Austin Ln

(address line 1)

Alamo, CA 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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Sincerely,



Hanh T. Estep
2394 Royal Oaks Drive
Alamo, CA 94507

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

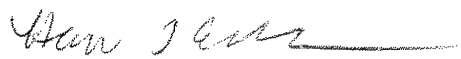
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Sincerely,



Hanh T. Estep

Joe & Paula Buenavista

(name)

1876 Via Ramero

(address line 1)

Alamo Ca. 94507

(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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1. Fire risk - The high number of fires in California over the past 1-2 years is alarming, and the resulting destruction, death, and devastation makes decreasing fire risk an urgent and imperative task. Cal Fire's investigations have shown that poles issues contributed to almost all of these fires. Making the poles taller will make it easier for them to topple in high winds, a known cause for these fires. For the County to allow more equipment on our utility poles, such as these small cell antennas, which will increase the height by 20-25%, is irresponsibly endangering the County and its residents.
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I strongly urge the Board of Supervisors to appropriately apply the state and federal laws which allow local government to address the issues above, as other municipalities have done. This includes limiting or setting minimum distance requirements from residential areas, choosing least intrusive locations such as commercial sites, annual monitoring to ensure federal safety guidelines are maintained, and accurately considering the scope of this project and its effect on the environment within state law.

Sincerely,

Joe & Paula Buenavista

Mary Dietler
(name)
274 Davey Crockett Ct.
(address line 1)
Alamo, CA 94507
(address line 2)

February 26, 2019

Contra Costa County Board of Supervisors
651 Pine St.
Martinez, CA 94553

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Sincerely,

Mary Dietler

Laverne B. Hattie
(name)
201 Laverne Higgins Rd
(address line 1)
Martinez, CA 94553
(address line 2)

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Sincerely,



Melanie Volk

(name)

40 AUSTIN LN.

(address line 1)

ALAMO, CA 94507

(address line 2)

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651 Pine St.
Martinez, CA 94553

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Sincerely,



Wendy Ko
(name)
2482 Lariat Lane
(address line 1)
Walnut Creek, CA 94596
(address line 2)

February 26, 2019

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651 Pine St.
Martinez, CA 94553

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Cassini Shekharne + Charles Bouch
(name)
406 Inspirative Ct
(address line 1)
Alamo CA 94507
(address line 2)

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Sincerely,

 Charles W. Bond

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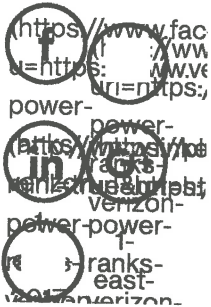
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11.09.2017 | Corporate (/about/news-release-categories/corporate)

J.D. Power ranks Verizon #1 in the East in 2017 U.S. Residential TV and Internet Satisfaction Studies

Media contact(s)

Ray McConville

908.559.3504

raymond.mcconville@verizon.com

[\(mailto:raymond.mcconville@verizon.com\)](mailto:raymond.mcconville@verizon.com)

[\(https://twitter.com/mcconvilleray\)](https://twitter.com/mcconvilleray)

Verizon's Fios internet service ranked #1 in the East for fifth consecutive year

NEW YORK – [Verizon Fios \(https://www.verizon.com/about/news-tag/fios-verizon\)](https://www.verizon.com/about/news-tag/fios-verizon) television and internet services have earned J.D. Power's highest ranking in customer satisfaction, specifically as "Highest Ranked by Customers for Residential Internet and Television Service Satisfaction in the East" based on its [latest annual study of providers \(http://www.idpower.com/sites/default/files/2017168_u.s._residential_wireline.pdf\)](http://www.idpower.com/sites/default/files/2017168_u.s._residential_wireline.pdf).*

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[Learn more about current Verizon Fios deals \(http://www.verizon.com\)](http://www.verizon.com)

Read the studies:

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** Taxes, equip. charges, RSN, FDV & other fees.

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way to see if you can get service.

(844) 307-9321

As you can see in the map on this page,

Verizon Fios offers coverage in Connecticut, Massachusetts, Maryland, New Jersey, New York, Delaware, Pennsylvania, Rhode Island and Washington, D.C.

That said, if you are looking to setup Verizon Fios service, make sure to check and make sure their service is available in your zip code by searching below.

Verizon Fios Availability Search

Enter Zip Code to Check

Search



When you're trying to select a new internet or television provider, it's essential to be cognizant of the availability of any companies in the vicinity. No one wants to go through the challenges and time-waste of selecting a acceptable deal for your needs at an affordable rate, only to realize the company isn't an option for your city. Ourthis tool is currently a most trusted sources to show packages across US providers. When selecting a provider it's important that you can access all the stats you need easily.

June McHuen

From: Jami Napier
Sent: Thursday, February 28, 2019 2:05 PM
To: June McHuen
Subject: FW: Verizon request

From: maria lawrence <olympusfinancial@hotmail.com>
Sent: Thursday, February 28, 2019 12:23 PM
To: Jami Napier <Jami.Napier@cob.cccounty.us>
Subject: Verizon request

Hi,

I was not able to stay for the public comment on Tuesday but would still like to voice my opposition.

There are 2 different service signals (terminal for service). A T & T and T mobile work on one type of service while Verizon and the other carriers work on a different signal.

If you approve Verizon request you will be endorsing a monopoly for their service. With all of the towers they are proposing they will have a monopoly unless all of the other carriers get the same opportunity and therefore the same number of towers for their service.

There already exists a fake tree on Stone Valley Road between Rounhill and Monte Vista H. S. I do not know who has this fake tree but that is an eye sore when you pass it.

I urge you not to endorse Verizon's monopoly request. It does not benefit the public.

Thanks,
Maria Lawrence

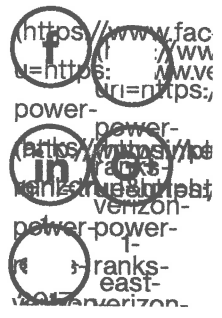
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raymond.mcconville@verizon.com
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Verizon Fios Availability Search

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When you're trying to select a new internet or television provider, it's essential to be cognizent of the availability of any companies in the vicinity. No one wants to go through the challenges and time-waste of selecting a acceptable deal for your needs at an affordable rate, only to realize the company isn't an option for your city. Ourthis tool is currently a most trusted sources to show packages across US providers. When selecting a provider it's important that you can access all the stats you need easily.

From: John Gioia
Sent: Tuesday, February 26, 2019 10:38 AM
To: Jami Napier <Jami.Napier@cob.cccounty.us>
Subject: FW: Regarding 5G Towers Proposed in Orinda Ca

John Gioia
Chair, Contra Costa County Board of Supervisors
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530
Website: www.cocobos.org/gioia
Facebook: www.facebook.com/johngioia1958
Twitter: @supejohngioia

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: James Lyons <James.Lyons@bos.cccounty.us>
Date: Tuesday, February 26, 2019 at 8:56 AM
To: John Gioia <John.Gioia@bos.cccounty.us>
Subject: FW: Regarding 5G Towers Proposed in Orinda Ca

Ms. Hall sent these comments over about 5g towers proposed for Orinda.

James Lyons
District Coordinator
Office of Supervisor John Gioia
Contra Costa County
11780 San Pablo Ave, Suite D
El Cerrito, CA 94530
Direct: 510-231-8692
Office: 510-231-8686
Fax: 510-374-3429
Email: james.lyons@bos.cccounty.us
Webpage: <http://www.co.contra-costa.ca.us/589/District-I-Supervisor-John-M-Gioia>

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Natasha Hall <natasha.c.hall@outlook.com>
Date: Monday, February 25, 2019 at 20:16
To: James Lyons <James.Lyons@bos.cccounty.us>
Subject: Regarding 5G Towers Proposed in Orinda Ca

i would like to add that as an EMF sensitive person these towers will limit my access to my own home. As a homeschooling parent this has a huge impact on our life.

I am writing to express my deep opposition to the ordinance proposing cell towers being placed in my community.

1. The County Ordinance is insufficient to address the new technology, including small cell antennas.
2. We need alternative locations. The ordinance must specify that these towers be at minimum 500' from residences, and 1500' apart from any other cell tower.
3. The least intrusive location is not on a residential street. It is in a commercial district.
4. Verizon must agree to ANNUAL MEASUREMENTS of the towers' RF Emissions by a third party, at Verizon's expense. The County must do this in order to protect the safety of its constituents.
5. These towers add increased FIRE RISK to our electrical poles, in a high fire danger zone per CPUC fire maps.
6. Create a study session in light of quickly changing technology, as suggested by our Planning Commissioner Donna Allen. Create a committee to investigate the Fiber Optic alternative which is faster, far more energy-efficient, and safer than wireless.
7. AS A HOMESCHOOLING FAMILY, mother of 4- if towers are put up in residential neighborhoods this will prevent our access to provide a Radiation-Free learning and living environment.

Natasha Hall
415-991-9808

From: John Gioia
Sent: Tuesday, February 26, 2019 10:38 AM
To: Jami Napier <Jami.Napier@cob.cccounty.us>
Subject: FW: Regarding 5G Towers Proposed in Orinda Ca

John Gioia
Chair, Contra Costa County Board of Supervisors
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530
Website: www.cocobos.org/gioia
Facebook: www.facebook.com/johngioia1958
Twitter: @supejohngioia

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District Coordinator
Office of Supervisor John Gioia
Contra Costa County
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Direct: 510-231-8692
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Natasha Hall
415-991-9808

From: John Gioia
Sent: Tuesday, February 26, 2019 10:38 AM
To: Jami Napier <Jami.Napier@cob.cccounty.us>
Subject: FW: Wireless Application

John Gioia
Chair, Contra Costa County Board of Supervisors
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530
Website: www.cocobos.org/gioia
Facebook: www.facebook.com/johngioia1958
Twitter: @supejohngioia

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Sonia Bustamante <Sonia.Bustamante@bos.cccounty.us>
Date: Monday, February 25, 2019 at 1:06 PM
To: John Gioia <John.Gioia@bos.cccounty.us>
Subject: FW: Wireless Application

Sonia Bustamante
Chief of Staff
Supervisor John Gioia
West Contra Costa County
Ph: (510) 231-8686

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Alice Lee <alice_l@hotmail.com>
Date: Monday, February 25, 2019 at 12:19 PM
To: Sonia Bustamante <Sonia.Bustamante@bos.cccounty.us>
Subject: Re: Wireless Application

Dear Sonia,

We have submitted another cover letter to the Clerk of the BOS to be submitted into the public record and County Counsel. It is pasted below.

We apologize for any inconvenience. Thanks for your understanding and attention to this matter.

Best regards,

Alice

February 22, 2019

David Twa

Clerk of the Board of Supervisors
County Administrator
651 Pine St., Room 106
Martinez, CA 94553

Re: Appeals on Wireless Applications to be heard at Board of Supervisors Meeting February 26, 2019

Dear Mr. Twa:

I submitted a document with a cover letter to your office February 20, 2019 regarding the appeals mentioned above. Please add this cover letter to the entire submission. It is more complete.

I am writing on behalf of the East Bay Neighborhoods for Responsible Technology (EBNRT) to identify certain legal requirements and obligations related to Verizon Wireless' applications for wireless antennas in Contra Costa County. As you may know, this grassroots group opposed the Verizon applications on several legal grounds (set forth in our document submitted to you February 20, 2019, titled, "Information for Contra Costa County Supervisors - Community concerns that the planning commission approval failed to apply the requirements of the County Wireless Ordinance and federal law in a proper manner.") but it was approved over these objections and EBNRT appealed.

In advance of the Board of Supervisors' meeting and vote on our appeal, EBNRT retained counsel and consulted on this matter. On the advice of counsel, we request that a copy of this letter be included in any staff report or other analysis that will be provided to the Board of Supervisors for review prior to the meeting on February 26, 2019 and that this letter be included in the formal record on Verizon's applications. Our counsel advised that the Board of Supervisors has authority to fully evaluate Verizon's applications, to request documentation that Verizon's antennas will be located in legally appropriate locations (consistent with the Contra Costa County wireless ordinance, state safety and environmental laws). Further, our counsel advised that the Board of Supervisors has an obligation to balance competing legal requirements and the public interest with Verizon's desired corporate objectives, and under state law the antennas must be consistent with their surroundings and placed at the least intrusive location. EBNRT looks forward to working collaboratively with the Board of Supervisors and Verizon to achieve these mandates.

EBNRT raised a number of specific legal concerns about proposed locations of the Verizon antennas, and submits that the Planning Commission failed to take each of them into account, as required by due process. EBNRT is therefore identifying for the record the deficient legal analysis and lack of documentation on some issues with the anticipation that the Board of Supervisors will request that Verizon agree to an extension to give the Board sufficient time to ensure that all legal issues have been analyzed and an adequate record has been developed to support its ultimate decision.

The legal issues are outlined and explained in the document already submitted, cited above.

In addition, within that document, under the heading LAWS AT PLAY, we correct the code section citing in item #2 from "7901.1" to "7901," and add the following item under that heading:

4. CPUC 7901.1: This establishes that local jurisdictions can exercise time, place, and manner restrictions on any utility installation. It is an open question and within the rights of a municipality to determine what place restrictions are permitted under this code. We have asked, and continue to ask to be able to collaborate with the County and Verizon to answer this question.

“(a) It is the intent of the Legislature, consistent with Section 7901, that municipalities shall have the right to exercise reasonable control as to the time, place, and manner in which roads, highways, and waterways are accessed.

(b) The control, to be reasonable, shall, at a minimum, be applied to all entities in an equivalent manner.

(c) Nothing in this section shall add to or subtract from any existing authority with respect to the imposition of fees by municipalities.”

Thank you for your attention to this matter.

Sincerely,

Alice Lee, M.D.

East Bay Neighborhoods for Responsible Technology

From: Alice Lee <alice_l@hotmail.com>

Sent: Thursday, February 21, 2019 5:52 PM

To: Sonia Bustamante

Subject: Re: Wireless Application

Dear Sonia,

Below is a revised version of the document I sent in my previous email. The only revision is non-substantive, and is in the title of the document. The entire content in the body of the document is unchanged.

All other copies you've received (hard copy delivered to your office today, Thurs, 2/21/19), as well as the version submitted into the public record and to the County Counsel has the revised title.

I apologize for the inconvenience of the change. Thank you for your understanding. I appreciate Supervisor Gioia's attention to this matter.

Sincerely,
Alice Lee, MD
East Bay Neighborhoods for Responsible Technology

Information for Contra Costa County Supervisors – Community concerns that the planning commission approval failed to apply the requirements of the County Wireless Ordinance and federal law in a proper manner. Written by East Bay Neighborhoods for Responsible Technology, January/February 2019.

Below is an itemized list of concerns regarding the installation of small cell antennas in residential areas of our community. A running theme in many, but not all, of these concerns is that the current County Wireless Ordinance (“Ordinance”) is insufficient to address this new technology and must be revised and then applied to existing and future applications. Our appeal arguments do not rely on the controversial health/environmental concerns our nation is discussing now. **Health data are included as background material, not as the basis of our appeals, and only to the extent that they are necessary to understand the complexities of legally sanctioned arguments, because they are inextricably intertwined, and to support enforcement of the 1996 Telecom Act.**

ORDINANCE INSUFFICIENT TO ADDRESS NEW TECHNOLOGY

County Wireless Ordinance (Ch 88-24) - states a 4-fold purpose (88-24.202(a)). These are:

1. Enable high quality wireless service.
2. Avoid adverse visual and aesthetic impacts.
3. Protect and enhance the public health, safety, and welfare of County residents.
4. Collocate whenever possible.

When approval of a project results in meeting one of these goals at the expense of another, the Ordinance is not sufficient to address the scope of that project, and must be revised. This is the case with small cell antennas, where purpose 1 is met at the expense of purposes 2 and 3. The Ordinance should be revised to address the nuances of the new technology in a manner that allows the intent of the County to be exercised.

LAWS AT PLAY

1. Federal Telecommunications Act of 1996 (“federal T. Act” or “Telecom Act”) Sect. 704(a): Local government may not “regulate the placement, construction, and modification” of these facilities “on the basis of environmental effects of RF emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

2. Calif. Public Utilities Code (CPUC) 7901.1: Public utilities’ use of the public right-of-way must not “incommode the public use of the road...” “Incommode” is broadly interpreted by 9th Circuit to include “inconvenience, discomfort...trouble, annoy, molest.” (*Sprint PCS Assets LLC v. City of Palos Verdes Estates* (2009)).

3. CPUC 2902: Local government has the right “to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience, and safety of the general public including matters such as... the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets... within the limits of the municipal corporation.”

BACKGROUND ENVIRONMENTAL/HEALTH DATA

This background information provides context for the federal Telecommunications Act of 1996. Current U.S. standards for safe exposure to radio-frequency radiation (RFR) is 1.0mW/cm² (1,000 microW/cm²) based on 1996 science when adverse environmental/health effects were believed to be thermal only, and measured by a rise in temperature. Since then, a large body of scientific data has provided corroborating studies showing non-thermal biologic effects at power levels present in our current environment, on humans and other mammals, such as carcinogenic and neurological (headaches, cognitive dysfunction, sleep disturbance), as well as environmental (disruption of bird migration patterns, contribution to bee Colony Collapse Disorder). These studies include a mechanism for these effects on a cellular level: oxidation. For migratory birds and bees, the mechanism is disruption of magnetoreceptors which sense the earth’s magnetic field. Points to consider:

- While most studies show non-thermal adverse health effects, a significant minority, about 30%, show no effect, leading organizations like the Am Cancer Society, to state the evidence for RFR causing adverse health effects is inconclusive. Even so, they

recommend more studies be done. The most conservative, unbiased conclusion: we aren't sure they are completely dangerous, but we also aren't sure they are completely safe.

- The American Academy of Pediatrics (AAP) position since 2012 has been that children are more sensitive to RFR exposure and current U.S. standards are outdated. In 2012 and 2013, the AAP sent a letter to the FCC asking for re-evaluation of safety standards. Thus far, no action has been taken. <https://ehtrust.org/wp-content/uploads/7520941318.pdf>
- At this time the FCC's safe limit on RF exposure is 10-1000 times higher than most other countries'. It is 100 times higher than China, Russia, Italy, and Paris; and 100-1000 times higher than that of Switzerland, Belgium, Bulgaria and the Ukraine. See Fig. 4, p. 8 of https://drive.google.com/file/d/1BcatkX0iB6cYjyS7X_tYOBviMh8zQSZX/view
- 200+scientists petitioned the WHO and UN (2015) to re-evaluate safe limits of RF exposure, and petitioned the EU (2017) to put a moratorium on the 5G roll out until safe limits of RF exposure are re-evaluated. There is special concern for those most vulnerable: children and pregnant women. <https://www.emfscientist.org/index.php/emf-scientist-appeal>. <http://www.5gappeal.eu/scientists-and-doctors-warn-of-potential-serious-health-effects-of-5g/>.

ITEMIZED CONCERNS (1-7)

1. ANNUAL MEASUREMENTS - The Zoning Administrator (ZA) placed this in the initial approval as a Condition of Approval (CoA). Verizon appealed this CoA, arguing this is illegal and unenforceable, leading to debate at Planning Commission (PC) meeting 12/12/18. Verizon's position is based on a single case in Superior Court which is not legally binding. The County Staff Report responded to this appeal by agreeing with Verizon that annual measurements were outside their authority. We differ with this for the following reasons:

- There is no prohibition on annual measurements. There is no mention of measurements of any kind in the portion of the ordinance referred to by the County staff as support for their Staff Report response agreeing with Verizon's appeal on this point. County Ord 88-24.604 (a)(7),p. 14.
- Annual measurements support and help enforce 1996 Telecom Act. Like the County Ordinance, the 1996 Telecom Act has an intent to ensure safety, in that it specifies a safety limit. Annual measurements help us to know the emissions are within the legal limit, thus supporting the law. How often do RF emissions exceed the FCC-determined safe limit? 10-20% based on visits to 3,000 rooftops. See pp. 14-16 starting at 3rd to last paragraph of p. 14 in Harvard ethics article. (https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf)
- It is within bounds of the law to annually measure to ensure levels are in keeping with FCC regulations, as emissions measurements have nothing to do with "placement, construction, and modification."
- **The County Counsel incorrectly quoted the federal law during the 12/12/18 PC meeting.** When asked by Chairman Steele if the Ordinance restricted annual emissions

testing, County Counsel stated, "The County is preempted by federal law from regulating the *placement and operation* of these facilities based on RF emissions." (italics added; question asked at 40:20; answer 40:30). "Operations" is not in the federal T. Act. Only "placement, construction, and modification" are restricted if RF emissions are below the FCC's safety standard. "Operations" was in a draft of the federal law, listed after "placement, construction, and modification," but was omitted in the final version because it was viewed as excessively limiting local government's powers. Regulating "operations" is within the County's authority, as was intended at the inception of the law. Annual measurements is included in operations. Incorrect legal information was presented to the Planning Commission.

- Current applications have theoretical calculated values of emissions of the antenna only. Real measurements over time, not theory, are a reasonable action to take.
- Verizon contradicted their own testimony regarding RF emission sources. When asked by the ZA if any of the other equipment emitted RFR, the engineer answered "No, only the antenna." (10/1/18 ZA mtg 3:24:33). However, at a subsequent PC meeting (1/9/19), a Verizon representative stated there is a smart meter included. A smart meter emits RFR also. The total RFR emissions of the installation should be within a safe limit. When 5G antennas are added, will they measure each component separately and only ensure each separate emission is below legal standards, or that the total is below legal limits? Also, as many RF-emitters pulse, the cumulative emissions of the installation should be based on the maximum pulsed emission of each component added together, not an average which would include skewing due to the multiple zero values between pulses.
- Even within the bounds of the federal law which has an intent of ensuring safety, the commissioners disagreed as to whether or not the Ordinance allowed annual measurements, because it has no affirmative statement to that effect, even though common sense indicated annual measurements were reasonable (Commissioner Van Buskirk 12/12/18, 37:30). This example shows the Ordinance does not sufficiently address this new technology.
- There is no binding case law on this (single case in a Superior Court - Calabasas); other California cities have annual requirements (San Mateo, Mill Valley, Ross, Fairfax; PC mtg 12/12/18, 39:36), and in ZA mtg 10/1/18, Verizon rep stated the most strict measurement requirements he knew of were every 2 yrs in San Francisco (3:24:33).

Verizon should be financially responsible for the cost of annual measurements, and it should be performed by a 3rd party.

2. FIRE RISK - Cal Fire determined 17 of 21 California fires in the last year attributed to pole issues. Pole loading is a lead issue. The Malibu 2007 fire is attributed to pole loading; Verizon paid \$4 million as did 2 other telecom companies, each, to settle that lawsuit. The County Staff Report and the applicant state there is no fire risk because current building and fire safety codes will be maintained. This is not sufficient when current safety codes are in question. The Planning Commission stated this is outside their jurisdiction. The current Ordinance relies on current building and fire safety codes which may not be sufficient in a high fire-risk state. Alamo and Walnut Creek are designated "high fire risk" and "rural" per CPUC fire maps CPUC FireMap.

and therefore subject to PG&E's new Public Safety Power Shutoff Program wherein power will be shut off during weather conditions such as high winds which increase the risk of pole-related ignitions (PG&E's Wildfire Mitigation Plan, Order R.18-10-007; Section 4.6. Submitted to CPUC Feb 6, 2019). The increase of pole height by 20-25% (adding 10-ft extension onto 40- or 50-ft pole) is a significant lengthening of the lever arm which would decrease the force of wind required to topple a pole. While PG&E is responding to the evolving understanding of the role of utility poles in fire risk, the County must also take this evolving understanding into account by revising the Ordinance to consider the risk any height increase of utility poles presents to our community.

3. SITING IN RESIDENTIAL AREAS - Siting in residential areas touches on **aesthetics, property values, and public safety**. Despite paint colors matching the pole, it is simply impossible for these visually high-tech structures with bulky equipment to not cause visual blight on the rural character of this community, especially in the residential areas. Regarding public safety, our concern is for exposure exceeding the current FCC safety limit, as outlined in the 1996 federal T. Act.

- The theoretical calculations of RF emissions are for the antenna only. As stated above in Annual Measurements, this does not account for the pulses from the smart meter (when Verizon contradicted their own testimony). Once these are approved, what measures is the County taking to account for additional antennas by other carriers in the future, which would add further layers of RFR in residential areas? Even if each future carrier's antenna is individually measured to be below the FCC safety limit, there is no mechanism by which the cumulative exposure of these additional structures would be measured to ensure that public exposure remains under the legal limit. The Ordinance should, at the very least, take this into account, and take precautionary measures to "protect and enhance public health and safety," (88-24.202(a)(3)). Precautionary measures also protects the County's liability (discussed further below).
- **Specifications on an RF-emitting device's proximity to residential areas** would be in keeping with the intent of the Ordinance (Purpose 3). Other municipalities have taken this measure (Mill Valley, Fairfax, Ross, Petaluma). Petaluma's city ordinance was changed to specify that small cell antennas be placed at least 500 feet from any residence and at least 1,500 feet from any other small cell antenna (from any carrier). Without this consideration the ordinance does not address the nuances of this new technology, and the inevitable proliferation by other carriers..
- A **simple change in the ordinance** which would address this is to change the definition of high-visibility and low-visibility structures. Per the current Ordinance, these small cell antennas are low-visibility structures because they are added onto existing utility poles (88-24.204(p)(4)). Only high-visibility structures have a minimum distance requirement from residential areas (88-24.404). This is another deficit in the Ordinance, as advanced technology allows a smaller, low-visibility structure to emit RFR for a longer distance than before, and they are subject to the 1996 federal law specifying an FCC-determined safety limit of exposure. By not specifying any distance requirement from residential

areas for low-visibility structures from residential areas, the Ordinance is impaired in enforcing the 1996 federal law.

- **4G vs. 5G affects siting.** The applications state 4G. Public news articles and Verizon's reasoning that these are needed for future capacity demands supports that these are for 5G. If it is 4G, then a 1.5-mile range is required, and the spacing of these is too close to be least intrusive. For 4G, placement in residential areas is neither required nor least intrusive. If 5G, then Verizon has a specific plan that involves a large number of very dense residential placement 2-10 houses apart (500-1,500 feet), and should be forthcoming with that plan. The County cannot carry out its legal duty to determine the least intrusive location and accurately assess CEQA applicability without this existing information on 4G vs. 5G and the entire plan for future antennas. This plan must exist since Verizon has told Orinda that 87 small cell antennas would be needed to provide full coverage there (comparable size and population to our area).
- The County is bound by state law to find the **least intrusive location**. For a technologically advanced structure, a commercial site is less intrusive than a residential one. The County Staff Reports state that Verizon has considered other sites, but the necessity of the application sites over the others considered is not clear. As I stated in my appeal to the PC (11/28/18): "I want to be clear that we are not trying to stop small cell deployment and technologic advances in our society. We do ask for a balanced approach which allows us in the community to work with Verizon to preserve valued characteristics of our community while also enabling Verizon to achieve legitimate business objectives." Alamo Plaza has been proposed by one of our appellants. He was told Verizon already has an antenna there. This again goes back to the question of 4G vs 5G. If 4G, the existing Alamo Plaza RF emitter should cover many areas where Verizon is applying for a 4G antenna, negating the need for several of these antennas. Other possible sites set back from residential areas are the Park and Ride/Rudgear exit of I-680, and the Rossmoor Shopping Ctr. (Tice Valley Blvd. and Rossmoor Pkwy.).

4. PROPERTY VALUES - We've responded to the County Staff Report statement that no proof has been presented. We presented proof based on published studies in The Appraisal Journal (2007) showing 2-20% loss of value in suburban areas of developed countries in the U.S. and abroad, and a survey by the National Institute of Science, Law and Public Policy (2014, 1,000 respondents; 94% of respondents would pay less for property with/near a cell tower/antenna). Even a 2% loss of value on our \$1-2 million homes is a significant loss to the homeowner and the County's tax base. County Staff Report states as property values is not mentioned in the Ordinance's list of requirements for application approval, property values cannot be considered in making an approval decision. The Ordinance does not address this, and a revision should be considered. Verizon has stated that concern about property values is "tantamount to arguing health concerns" and thus not legally allowed. This is inaccurate, as the detailed study by Sandy Bond, PhD, published in The Appraisal Journal referred to above (<https://www.emfanalysis.com/wp-content/uploads/2016/04/Impact-of-Cell-Towers-on-House-Prices.pdf>), p. 265 Table 2 and accompanying text), included a survey which addressed this question by differentiating reasons for residents' strongest concerns, and health concerns came third, after property values and aesthetics.

5. CEQA - Exception to Class 3 categorical exemption based on cumulative effects applies. “Cumulative impact of successive projects of same type in same place, over time is significant.” Proof of plan must be fact, or expert opinion supported by fact. (*Aptos Residents Assoc. v. County of Santa Cruz* (2018) Cal.App.4th). <https://law.justia.com/cases/california/court-of-appeal/2018/h042854.html>). This California Court of Appeal ruling states that 13 antennas did not meet the exception to the exemption because the proof of plan was based on hearsay. Our situation is different from theirs.

- Rudy Reyes, West Region Vice President & Associate General Counsel for Verizon, is well-qualified to speak on Verizon’s behalf (leads team to pass legislation in Western states “modernizing the local process for deploying advanced wireless infrastructure known as ‘small cells’ and laying the groundwork for 5G.” from bio at svlg.org/rudy-reyes/). See his Santa Clara public statement on Verizon’s 5G plan, and subsequent calculations which lead to an estimate of 1 small cell antenna per 10,000 sq. ft., keeping in mind that a Safeway is 50,000 sq. ft. <http://scientists4wiredtech.com/santa-rosa/>
- Verizon representative states at ZA mtg 10/1/18 (3:00:00) - Mr. Sanchez and Chris Fowler - 10 more applications for which poles are being sought.
- Verizon has informed the City of Orinda that 87 small cell sites would be necessary for full coverage of their area. The ZA asked Verizon (10/1/18) if they have a master plan for our unincorporated area and Verizon reps stated that they did not know. Since the area and population of Alamo and unincorporated Walnut Creek is comparable to that of Orinda, it would be safe to say that Verizon has plans for a similar number. Based on the factual plan communicated to Orinda, Verizon must have as detailed a plan for our area and the County’s knowledge of this factual plan is necessary to accurately assess cumulative effect. By withholding this information, Verizon prevents the County from doing its duty to uphold state law and accurately determine CEQA applicability. If the Verizon reps at our public meetings don’t know the answer, they know where to get the answer. The County must demand this information, or abdicate its responsibility.
- **Piecemealing** was not found in the *Aptos* case cited above because all the wireless applications were heard as a group. That is not the case here, where 3 additional applications were heard at 3 separate ZA meetings (WA17-0004 on 9/7/18, WA17-0014 unknown date, WA17-0016 on 12/17/18), and not on the 10/1/18 meeting where 9 were heard as a group. The 10 more for which poles were being sought, mentioned at the 10/1/18 ZA meeting will also be placed on different agendas. This is piecemealing, and not allowed under CEQA. Clearly, all the antennas Verizon has planned should be considered one project under CEQA, with more than sufficient justification if this is for 5G.
- In other cases, exception to Class 3 categorical exemption was not found because no 2 facilities were within line of sight of one another. Given the reported density of antennas required for 5G, how will the County address future antennas from Verizon or other carriers which will fall into line of sight with already existing antennas?

Exception to Class 3 categorical exemption based on “significant effects” on the environment.

- We've been advised that "ground disturbance" potentially places a project in the category of "significant effect" on the environment. These projects require bollards, replacing poles, or placing ground equipment, all of which cause ground disturbance.
- We've been advised that nesting areas for migratory birds potentially places a project in the category of "significant effects" on the environment. We have documented nesting of migratory birds within 300 ft of one site (WA18-0002); nearby areas are likely in the same category.

We ask the County to execute its responsibility to uphold state law, which is not superceded by the 1996 federal T. Act, and investigate the applicability of these CEQA exceptions.

6. COUNTY LIABILITY - Once the County has signed off on these small cells, the County is liable. A letter written by Harry V. Lehmann, Esq. to Assembly Appropriations Committee in July of 2017 describes how SB 649 would shift liability exposure to the state. Since SB649 was vetoed, that liability shifts to the local governments that approve these small cell antennas. <https://ehtrust.org/wp-content/uploads/Assembly-Appropriations-risk-warn-letter-7-19-17.pdf>

- Insurance companies do not insure RF-emitting devices, even Lloyds of London. Also see Alster - Harvard ethics article p. 15 (paragraph 4 to end of page) and 29 (last 3 paragraphs). https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf
- Telecom companies issue a statement to all their stockholders informing them that liability of wireless technology and the uncertainty of adverse health effects exposes the company to lawsuits. <https://ehtrust.org/key-issues/cell-phoneswireless/telecom-insurance-companies-warn-liability-risk-go-key-issues/>

7. COUNTY POWER TO REGULATE DIMINISHES WITH APPROVAL OF CURRENT APPLICATIONS - EVOLVING LEGAL LANDSCAPE

If the BOS approves these antennas/cells, then they lose the ability to regulate future modifications (6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012). Careful review of the implications of the new technology of small cell antennas and 5G (the eventual goal of small cell antenna networks per news agencies on telecom) is imperative before the County approves the antennas. This involves updating the Ordinance to meet the implications of this new technology. The legal landscape regarding this new technology is evolving with Senator Richard Blumenthal (CT) and Congresswoman Anna Eshoo (CA-18) requiring the FCC to provide proof of 5G safety, and a pending legal challenge by 26 cities and counties to the FCC's Declaratory Order on grounds of overreach into local government (assigned to 9th Circuit). Pending the outcome of these legislative and legal processes, it is in the County's best interest to maintain flexibility in its ability to regulate for the good of the County. This requires acting now to take into account possible future changes in law.

OTHER QUESTIONS

RESIDENT CHOICE TO OPT OUT – PG&E allows this for smart meters. This would not be an option for any resident with a widespread DAS (distributed antenna system).

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OTHER SOLUTIONS

FIBER OPTICS – Meets all 4 components of the purpose of the ordinance, provides faster service than wireless, and is more energy efficient, leading to lower costs in the long run. All concerns about aesthetics, property values, and safety within bounds of 1996 federal law are resolved. This is a report with excerpts on a publication by the National Institute of Science, Law and Public Policy on wired technology compared to wireless. The entire report is available online, but not included here for the sake brevity and respecting your time in reading the references provided to you.

<https://www.businesswire.com/news/home/20180126005137/en/Wireless-Networks-Fast-Secure-Reliable-Energy-Efficient-Wired>

- Fiber to the home (FTTH) is already in place in unincorporated Walnut Creek, and some parts of Alamo.
- Fiber optics is already required for functioning of a small cell antenna DAS.
- Fairfax, after creating an urgent ordinance prohibiting siting of small cells antennas in residential areas, formed a council to investigate the option of fiber optics.

WHAT ACTIONS CAN THE COUNTY TAKE?

- Rewrite the county wireless ordinance to reflect this new technology, and apply that ordinance to existing and future wireless applications.
- Create a “study session” to learn more about this new technology. Planning Commissioner Donna Allen made a pointed statement about this at PC meeting 1/9/19 (46:14). She requested this be a publicly noticed meeting. What action has been taken?
- Create a committee to investigate fiber optic option (like Fairfax, CA)
- Recognize that there are ways that the BOS can, at minimum, mitigate the presence of these antennas, such as require annual RF emissions measurements, which is completely legal and enforces the 1996 Telecommunications Act.

East Bay Neighborhoods for Responsible Technology

-Alice Lee, M.D.; Jodi Nelson

From: Alice Lee <alice_l@hotmail.com>
Sent: Tuesday, February 19, 2019 11:43 PM
To: Sonia Bustamante
Subject: Re: Wireless Application

Hello Sonia,

Below is information regarding small cell antennas, pertinent to the appeals on the agenda for the February 26, 2019 Board of Supervisors meeting. Again, we appreciate Supervisor Gioia's interest and time in reviewing the information. Care has been taken to make references easy to access, and to point out specific pages or figures in the few longer references, for more efficient review.

After consulting with counsel, we are sending a copy of this information to County Counsel and asking for this document, as well as any Staff Report(s) prepared in response to it, to be entered into the public record.

Best regards,
Alice Lee, MD
East Bay Neighborhoods for Responsible Technology

Information for Contra Costa County Supervisors – Community concerns that current County Wireless Ordinance does not address nuances in new technology of small cell antennas. Written by East Bay Neighborhoods for Responsible Technology, January/February 2019.

Below is an itemized list of concerns regarding the installation of small cell antennas in residential areas of our community. A running theme in many, but not all, of these concerns is that the current County Wireless Ordinance (“Ordinance”) is insufficient to address this new technology and must be revised and then applied to existing and future applications. Our appeal arguments do not rely on the controversial health/environmental concerns our nation is discussing now. **Health data are included as background material, not as the basis of our appeals, and only to the extent that they are necessary to understand the complexities of legally sanctioned arguments, because they are inextricably intertwined, and to support enforcement of the 1996 Telecom Act.**

ORDINANCE INSUFFICIENT TO ADDRESS NEW TECHNOLOGY

County Wireless Ordinance (Ch 88-24) - states a 4-fold purpose (88-24.202(a)). These are:

1. Enable high quality wireless service.
2. Avoid adverse visual and aesthetic impacts.
3. Protect and enhance the public health, safety, and welfare of County residents.
4. Collocate whenever possible.

When approval of a project results in meeting one of these goals at the expense of another, the Ordinance is not sufficient to address the scope of that project, and must be revised. This is the case with small cell antennas, where purpose 1 is met at the expense of purposes 2 and 3. The Ordinance should be revised to address the nuances of the new technology in a manner that allows the intent of the County to be exercised.

LAWS AT PLAY

1. Federal Telecommunications Act of 1996 (“federal T. Act” or “Telecom Act”) Sect. 704(a): Local government may not “regulate the placement, construction, and modification” of these facilities “on the basis of environmental effects of RF emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”
2. Calif. Public Utilities Code (CPUC) 7901.1: Public utilities’ use of the public right-of-way must not “incommode the public use of the road...” “Incommode” is broadly interpreted by 9th Circuit to include “inconvenience, discomfort...trouble, annoy, molest.” (*Sprint PCS Assets LLC v. City of Palos Verdes Estates* (2009)).
3. CPUC 2902: Local government has the right “to supervise and regulate the relationship between a public utility and the general public in matters affecting the health, convenience, and safety of the general public including matters such as... the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets... within the limits of the municipal corporation.”

BACKGROUND ENVIRONMENTAL/HEALTH DATA

This background information provides context for the federal Telecommunications Act of 1996. Current U.S. standards for safe exposure to radio-frequency radiation (RFR) is 1.0mW/cm² (1,000 microW/cm²) based on 1996 science when adverse environmental/health effects were believed to be thermal only, and measured by a rise in temperature. Since then, a large body of scientific data has provided corroborating studies showing non-thermal biologic effects at power levels present in our current environment, on humans and other mammals, such as carcinogenic and neurological (headaches, cognitive dysfunction, sleep disturbance), as well as environmental (disruption of bird migration patterns, contribution to bee Colony Collapse Disorder). These studies include a mechanism for these effects on a cellular level: oxidation. For migratory birds

and bees, the mechanism is disruption of magnetoreceptors which sense the earth's magnetic field. Points to consider:

- While most studies show non-thermal adverse health effects, a significant minority, about 30%, show no effect, leading organizations like the Am Cancer Society, to state the evidence for RFR causing adverse health effects is inconclusive. Even so, they recommend more studies be done. The most conservative, unbiased conclusion: we aren't sure they are completely dangerous, but we also aren't sure they are completely safe.
- The American Academy of Pediatrics (AAP) position since 2012 has been that children are more sensitive to RFR exposure and current U.S. standards are outdated. In 2012 and 2013, the AAP sent a letter to the FCC asking for re-evaluation of safety standards. Thus far, no action has been taken. <https://ehtrust.org/wp-content/uploads/7520941318.pdf>
- At this time the FCC's safe limit on RF exposure is 10-1000 times higher than most other countries'. It is 100 times higher than China, Russia, Italy, and Paris; and 100-1000 times higher than that of Switzerland, Belgium, Bulgaria and the Ukraine. See Fig. 4, p. 8 of https://drive.google.com/file/d/1BcatkX0iB6cYjyS7X_tYOBviMh8zQSZX/view
- 200+scientists petitioned the WHO and UN (2015) to re-evaluate safe limits of RF exposure, and petitioned the EU (2017) to put a moratorium on the 5G roll out until safe limits of RF exposure are re-evaluated. There is special concern for those most vulnerable: children and pregnant women. <https://www.emfscientist.org/index.php/emf-scientist-appeal>. <http://www.5gappeal.eu/scientists-and-doctors-warn-of-potential-serious-health-effects-of-5g/>.

ITEMIZED CONCERNS (1-7)

1. ANNUAL MEASUREMENTS - The Zoning Administrator (ZA) placed this in the initial approval as a Condition of Approval (CoA). Verizon appealed this CoA, arguing this is illegal and unenforceable, leading to debate at Planning Commission (PC) meeting 12/12/18. Verizon's position is based on a single case in Superior Court which is not legally binding. The County Staff Report responded to this appeal by agreeing with Verizon that annual measurements were outside their authority. We differ with this for the following reasons:

- There is no prohibition on annual measurements. There is no mention of measurements of any kind in the portion of the ordinance referred to by the County staff as support for their Staff Report response agreeing with Verizon's appeal on this point. County Ord 88-24.604 (a)(7),p. 14.
- Annual measurements support and help enforce 1996 Telecom Act. Like the County Ordinance, the 1996 Telecom Act has an intent to ensure safety, in that it specifies a safety limit. Annual measurements help us to know the emissions are within the legal limit, thus supporting the law. How often do RF emissions exceed the FCC-determined safe limit? 10-20% based on visits to 3,000 rooftops. See pp. 14-16 starting at 3rd to last

paragraph of p. 14 in Harvard ethics article. (https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf)

- It is within bounds of the law to annually measure to ensure levels are in keeping with FCC regulations, as emissions measurements have nothing to do with “placement, construction, and modification.”
- **The County Counsel incorrectly quoted the federal law during the 12/12/18 PC meeting.** When asked by Chairman Steele if the Ordinance restricted annual emissions testing, County Counsel stated, “The County is preempted by federal law from regulating the *placement and operation* of these facilities based on RF emissions.” (italics added; question asked at 40:20; answer 40:30). “Operations” is not in the federal T. Act. Only “placement, construction, and modification” are restricted if RF emissions are below the FCC’s safety standard. “Operations” was in a draft of the federal law, listed after “placement, construction, and modification,” but was omitted in the final version because it was viewed as excessively limiting local government’s powers. Regulating “operations” is within the County’s authority, as was intended at the inception of the law. Annual measurements is included in operations. Incorrect legal information was presented to the Planning Commission.
- Current applications have theoretical calculated values of emissions of the antenna only. Real measurements over time, not theory, are a reasonable action to take.
- Verizon contradicted their own testimony regarding RF emission sources. When asked by the ZA if any of the other equipment emitted RFR, the engineer answered “No, only the antenna.” (10/1/18 ZA mtg 3:24:33). However, at a subsequent PC meeting (1/9/19), a Verizon representative stated there is a smart meter included. A smart meter emits RFR also. The total RFR emissions of the installation should be within a safe limit. When 5G antennas are added, will they measure each component separately and only ensure each separate emission is below legal standards, or that the total is below legal limits? Also, as many RF-emitters pulse, the cumulative emissions of the installation should be based on the maximum pulsed emission of each component added together, not an average which would include skewing due to the multiple zero values between pulses.
- Even within the bounds of the federal law which has an intent of ensuring safety, the commissioners disagreed as to whether or not the Ordinance allowed annual measurements, because it has no affirmative statement to that effect, even though common sense indicated annual measurements were reasonable (Commissioner Van Buskirk 12/12/18, 37:30). This example shows the Ordinance does not sufficiently address this new technology.
- There is no binding case law on this (single case in a Superior Court - Calabasas); other California cities have annual requirements (San Mateo, Mill Valley, Ross, Fairfax; PC mtg 12/12/18, 39:36), and in ZA mtg 10/1/18, Verizon rep stated the most strict measurement requirements he knew of were every 2 yrs in San Francisco (3:24:33).

Verizon should be financially responsible for the cost of annual measurements, and it should be performed by a 3rd party.

2. FIRE RISK - Cal Fire determined 17 of 21 California fires in the last year attributed to pole issues. Pole loading is a lead issue. The Malibu 2007 fire is attributed to pole loading; Verizon paid \$4 million as did 2 other telecom companies, each, to settle that lawsuit. The County Staff Report and the applicant state there is no fire risk because current building and fire safety codes will be maintained. This is not sufficient when current safety codes are in question. The Planning Commission stated this is outside their jurisdiction. The current Ordinance relies on current building and fire safety codes which may not be sufficient in a high fire-risk state. Alamo and Walnut Creek are designated "high fire risk" and "rural" per CPUC fire maps CPUC FireMap, and therefore subject to PG&E's new Public Safety Power Shutoff Program wherein power will be shut off during weather conditions such as high winds which increase the risk of pole-related ignitions (PG&E's Wildfire Mitigation Plan, Order R.18-10-007; Section 4.6. Submitted to CPUC Feb 6, 2019). The increase of pole height by 20-25% (adding 10-ft extension onto 40- or 50-ft pole) is a significant lengthening of the lever arm which would decrease the force of wind required to topple a pole. While PG&E is responding to the evolving understanding of the role of utility poles in fire risk, the County must also take this evolving understanding into account by revising the Ordinance to consider the risk any height increase of utility poles presents to our community.

3. SITING IN RESIDENTIAL AREAS - Siting in residential areas touches on **aesthetics, property values, and public safety**. Despite paint colors matching the pole, it is simply impossible for these visually high-tech structures with bulky equipment to not cause visual blight on the rural character of this community, especially in the residential areas. Regarding public safety, our concern is for exposure exceeding the current FCC safety limit, as outlined in the 1996 federal T. Act.

- The theoretical calculations of RF emissions are for the antenna only. As stated above in Annual Measurements, this does not account for the pulses from the smart meter (when Verizon contradicted their own testimony). Once these are approved, what measures is the County taking to account for additional antennas by other carriers in the future, which would add further layers of RFR in residential areas? Even if each future carrier's antenna is individually measured to be below the FCC safety limit, there is no mechanism by which the cumulative exposure of these additional structures would be measured to ensure that public exposure remains under the legal limit. The Ordinance should, at the very least, take this into account, and take precautionary measures to "protect and enhance public health and safety," (88-24.202(a)(3)). Precautionary measures also protects the County's liability (discussed further below).
- **Specifications on an RF-emitting device's proximity to residential areas** would be in keeping with the intent of the Ordinance (Purpose 3). Other municipalities have taken this measure (Mill Valley, Fairfax, Ross, Petaluma). Petaluma's city ordinance was changed to specify that small cell antennas be placed at least 500 feet from any residence and at least 1,500 feet from any other small cell antenna (from any carrier). Without this consideration the ordinance does not address the nuances of this new technology, and the inevitable proliferation by other carriers..

- A **simple change in the ordinance** which would address this is to change the definition of high-visibility and low-visibility structures. Per the current Ordinance, these small cell antennas are low-visibility structures because they are added onto existing utility poles (88-24.204(p)(4)). Only high-visibility structures have a minimum distance requirement from residential areas (88-24.404). This is another deficit in the Ordinance, as advanced technology allows a smaller, low-visibility structure to emit RFR for a longer distance than before, and they are subject to the 1996 federal law specifying an FCC-determined safety limit of exposure. By not specifying any distance requirement from residential areas for low-visibility structures from residential areas, the Ordinance is impaired in enforcing the 1996 federal law.
- **4G vs. 5G affects siting.** The applications state 4G. Public news articles and Verizon's reasoning that these are needed for future capacity demands supports that these are for 5G. If it is 4G, then a 1.5-mile range is required, and the spacing of these is too close to be least intrusive. For 4G, placement in residential areas is neither required nor least intrusive. If 5G, then Verizon has a specific plan that involves a large number of very dense residential placement 2-10 houses apart (500-1,500 feet), and should be forthcoming with that plan. The County cannot carry out its legal duty to determine the least intrusive location and accurately assess CEQA applicability without this existing information on 4G vs. 5G and the entire plan for future antennas. This plan must exist since Verizon has told Orinda that 87 small cell antennas would be needed to provide full coverage there (comparable size and population to our area).
- The County is bound by state law to find the **least intrusive location**. For a technologically advanced structure, a commercial site is less intrusive than a residential one. The County Staff Reports state that Verizon has considered other sites, but the necessity of the application sites over the others considered is not clear. As I stated in my appeal to the PC (11/28/18): "I want to be clear that we are not trying to stop small cell deployment and technologic advances in our society. We do ask for a balanced approach which allows us in the community to work with Verizon to preserve valued characteristics of our community while also enabling Verizon to achieve legitimate business objectives." Alamo Plaza has been proposed by one of our appellants. He was told Verizon already has an antenna there. This again goes back to the question of 4G vs 5G. If 4G, the existing Alamo Plaza RF emitter should cover many areas where Verizon is applying for a 4G antenna, negating the need for several of these antennas. Other possible sites set back from residential areas is the Park and Ride at the Rudgear exit of I-680, and the Rossmoor Shopping Ctr. (Tice Valley Blvd. and Rossmoor Pkwy.).

4. PROPERTY VALUES - We've responded to the County Staff Report statement that no proof has been presented. We presented proof based on published studies in The Appraisal Journal (2007) showing 2-20% loss of value in suburban areas of developed countries in the U.S. and abroad, and a survey by the National Institute of Science, Law and Public Policy (2014, 1,000 respondents; 94% of respondents would pay less for property with/near a cell tower/antenna). Even a 2% loss of value on our \$1-2 million homes is a significant loss to the homeowner and the County's tax base. County Staff Report states as property values is not mentioned in the Ordinance's list of requirements for application approval, property values

cannot be considered in making an approval decision. The Ordinance does not address this, and a revision should be considered. Verizon has stated that concern about property values is “tantamount to arguing health concerns” and thus not legally allowed. This is inaccurate, as the detailed study by Sandy Bond, PhD, published in The Appraisal Journal referred to above (<https://www.emfanalysis.com/wp-content/uploads/2016/04/Impact-of-Cell-Towers-on-House-Prices.pdf>), p. 265 Table 2 and accompanying text), included a survey which addressed this question by differentiating reasons for residents’ strongest concerns, and health concerns came third, after property values and aesthetics.

5. CEQA - Exception to Class 3 categorical exemption based on cumulative effects applies. “Cumulative impact of successive projects of same type in same place, over time is significant.” Proof of plan must be fact, or expert opinion supported by fact. (*Aptos Residents Assoc. v. County of Santa Cruz* (2018) Cal.App.4th). <https://law.justia.com/cases/california/court-of-appeal/2018/h042854.html>). This California Court of Appeal ruling states that 13 antennas did not meet the exception to the exemption because the proof of plan was based on hearsay. Our situation is different from theirs.

- Rudy Reyes, West Region Vice President & Associate General Counsel for Verizon, is well-qualified to speak on Verizon’s behalf (leads team to pass legislation in Western states “modernizing the local process for deploying advanced wireless infrastructure known as ‘small cells’ and laying the groundwork for 5G.” from bio at svlg.org/rudy-reyes/). See his Santa Clara public statement on Verizon’s 5G plan, and subsequent calculations which lead to an estimate of 1 small cell antenna per 10,000 sq. ft., keeping in mind that a Safeway is 50,000 sq. ft. <http://scientists4wiredtech.com/santa-rosa/>
- Verizon representative states at ZA mtg 10/1/18 (3:00:00) - Mr. Sanchez and Chris Fowler - 10 more applications for which poles are being sought.
- Verizon has informed the City of Orinda that 87 small cell sites would be necessary for full coverage of their area. The ZA asked Verizon (10/1/18) if they have a master plan for our unincorporated area and Verizon reps stated that they did not know. Since the area and population of Alamo and unincorporated Walnut Creek is comparable to that of Orinda, it would be safe to say that Verizon has plans for a similar number. Based on the factual plan communicated to Orinda, Verizon must have as detailed a plan for our area and the County’s knowledge of this factual plan is necessary to accurately assess cumulative effect. By withholding this information, Verizon prevents the County from doing its duty to uphold state law and accurately determine CEQA applicability. If the Verizon reps at our public meetings don’t know the answer, they know where to get the answer. The County must demand this information, or abdicate its responsibility.
- **Piecemealing** was not found in the *Aptos* case cited above because all the wireless applications were heard as a group. That is not the case here, where 3 additional applications were heard at 3 separate ZA meetings (WA17-0004 on 9/7/18, WA17-0014 unknown date, WA17-0016 on 12/17/18), and not on the 10/1/18 meeting where 9 were heard as a group. The 10 more for which poles were being sought, mentioned at the 10/1/18 ZA meeting will also be placed on different agendas. This is piecemealing, and not allowed under CEQA. Clearly, all the antennas Verizon has planned should be

considered one project under CEQA, with more than sufficient justification if this is for 5G.

- In other cases, exception to Class 3 categorical exemption was not found because no 2 facilities were within line of sight of one another. Given the reported density of antennas required for 5G, how will the County address future antennas from Verizon or other carriers which will fall into line of sight with already existing antennas?

Exception to Class 3 categorical exemption based on “significant effects” on the environment.

- We’ve been advised that “ground disturbance” potentially places a project in the category of “significant effect” on the environment. These projects require bollards, replacing poles, or placing ground equipment, all of which cause ground disturbance.
- We’ve been advised that nesting areas for migratory birds potentially places a project in the category of “significant effects” on the environment. We have documented nesting of migratory birds within 300 ft of one site (WA18-0002); nearby areas are likely in the same category.

We ask the County to execute its responsibility to uphold state law, which is not superceded by the 1996 federal T. Act, and investigate the applicability of these CEQA exceptions.

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County approves the antennas. This involves updating the Ordinance to meet the implications of this new technology. The legal landscape regarding this new technology is evolving with Senator Richard Blumenthal (CT) and Congresswoman Anna Eshoo (CA-18) requiring the FCC to provide proof of 5G safety, and a pending legal challenge by 26 cities and counties to the FCC's Declaratory Order on grounds of overreach into local government (assigned to 9th Circuit). Pending the outcome of these legislative and legal processes, it is in the County's best interest to maintain flexibility in its ability to regulate for the good of the County. This requires acting now to take into account possible future changes in law.

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<https://www.businesswire.com/news/home/20180126005137/en/Wireless-Networks-Fast-Secure-Reliable-Energy-Efficient-Wired>

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East Bay Neighborhoods for Responsible Technology

-Alice Lee, M.D.; Jodi Nelson

From: Alice Lee <alice_l@hotmail.com>
Sent: Friday, February 15, 2019 2:42 PM
To: Sonia Bustamante
Subject: Re: Wireless Application

Hello Sonia,

Thank you so much for your email. My sincere apologies for taking so long to reply. I've been converting what were mainly notes for an oral presentation, into something more presentable for Supervisor Gioia to read, taking into account that references to information should be clear and easy to access. As this has taken more time than I anticipated, I just wanted to touch base with you and let you know I will be sending it soon, hopefully today. I really appreciate your follow-up and Supervisor Gioia's interest in reviewing the information.

Thank you,
Alice Lee, MD
East Bay Neighborhoods for Responsible Technology

From: Sonia Bustamante <Sonia.Bustamante@bos.cccounty.us>
Sent: Monday, January 28, 2019 1:58 PM
To: Alice_l@hotmail.com
Subject: Wireless Application

Hi Alice,

Thank you so much for calling. Supervisor Gioia would appreciate you sending him any material you would like him to review.

Thank you,

Sonia Bustamante | Chief of Staff

Office of Supervisor John Gioia | Vice Chair

11780 San Pablo Avenue, Suite D | El Cerrito, CA 94530

Main 510.231.8686 | Direct 510.231.8689 | Fax 510.374.3429

Website: www.cocobos.org/gioia<<http://www.cocobos.org/gioia>>

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

Jami Napier

From: John Gioia
Sent: Tuesday, February 26, 2019 9:04 AM
To: Jami Napier
Subject: FW: Regarding 5G Towers Proposed in Orinda Ca

For today's board meeting

John Gioia
Chair, Contra Costa County Board of Supervisors
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530
Website: www.cocobos.org/gioia
Facebook: www.facebook.com/johngioia1958
Twitter: @supejohngioia

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: James Lyons <James.Lyons@bos.cccounty.us>
Date: Tuesday, February 26, 2019 at 8:56 AM
To: John Gioia <John.Gioia@bos.cccounty.us>
Subject: FW: Regarding 5G Towers Proposed in Orinda Ca

Ms. Hall sent these comments over about 5g towers proposed for Orinda.

James Lyons
District Coordinator
Office of Supervisor John Gioia
Contra Costa County
11780 San Pablo Ave, Suite D
El Cerrito, CA 94530
Direct: 510-231-8692
Office: 510-231-8686
Fax: 510-374-3429
Email: james.lyons@bos.cccounty.us
Webpage: <http://www.co.contra-costa.ca.us/589/District-I-Supervisor-John-M-Gioia>

This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act.

From: Natasha Hall <natasha.c.hall@outlook.com>
Date: Monday, February 25, 2019 at 20:16

To: James Lyons <James.Lyons@bos.cccounty.us>
Subject: Regarding 5G Towers Proposed in Orinda Ca

I would like to add that as an EMF sensitive person these towers will limit my access to my own home. As a homeschooling parent this has a huge impact on our life.

I am writing to express my deep opposition to the ordinance proposing cell towers being placed in my community.

1. The County Ordinance is insufficient to address the new technology, including small cell antennas.
2. We need alternative locations. The ordinance must specify that these towers be at minimum 500' from residences, and 1500' apart from any other cell tower.
3. The least intrusive location is not on a residential street. It is in a commercial district.
4. Verizon must agree to ANNUAL MEASUREMENTS of the towers' RF Emissions by a third party, at Verizon's expense. The County must do this in order to protect the safety of its constituents.
5. These towers add increased FIRE RISK to our electrical poles, in a high fire danger zone per CPUC fire maps.
6. Create a study session in light of quickly changing technology, as suggested by our Planning Commissioner Donna Allen. Create a committee to investigate the Fiber Optic alternative which is faster, far more energy-efficient, and safer than wireless.
7. AS A HOMESCHOOLING FAMILY, mother of 4- if towers are put up in residential neighborhoods this will prevent our access to provide a Radiation-Free learning and living environment.

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