

1 APPEAL OF CHERYL LEA HOGAN OF 3535 SACRAMENTO STREET  
2 AGAINST THE GRANTING OF APPLICATION NO.: 18WR-0171FOR  
3 INSTALLATION OF A PERSONAL WIRELESS FACILITY SITE AT 3529  
4 SACRAMENTO STREET AND SEPARATELY OBJECT TO AND APPEAL  
5 FROM THE GRANTING OF ANY SUCH 5G OR DENSE 4G LTE 'SMALL  
6 CELL' SITES WITHIN THE CITY AND COUNTY OF SAN FRANCISCO, FOR  
7 THE REASONS SET FORTH HEREIN:

8 INTRODUCTION

9 This Appeal differs from every other Appeal which has ever been heard by your  
10 Board in at least the following seven respects:

11 A) First, new scientific evidence from the government of the United States, issued  
12 in final form long after this permit application was filed has proved that cellular  
13 telephone radiation causes cancer, while other high level scientific sources, such as  
14 from Harvard and the UC School of Medicine demonstrate that many other disease  
15 conditions are caused and worsened by close proximity microwave exposure, and:

16 B) Contrary to what many responsible people, including within the telecom  
17 industry had believed, the results of the \$25 million, thirty month study completed  
18 by our National Institutes of Health has also proved that *the mechanism of harm*  
19 *to living tissue is non-thermal*, which governmental finding is important because  
20 the outdated FCC safety regulations for cellular radiation are entirely based on the  
21 incorrect assumption that the sole mechanism for tissue damage is heat, and:

22 C) A vast body of science data, including as submitted to you in the two and  
23 quarter inch thick body of data accompanying this Appeal and as readily available  
24 to each member of your Board through resources including those from the  
25 epidemiologist Dr. Devra Davis at [www.ehtrust.org](http://www.ehtrust.org) show that due to factors  
26 including the cartilaginous nature of children's skulls, particularly in early  
27 childhood, kids are more susceptible to the effects of this radiation than adults,  
28 and:

1 D) Since the telecom industry has for many years been denied coverage for injuries  
2 resultant from close proximity microwave exposure, your allowance of mass  
3 distribution of dense 5G and 4G deployment in residential zones will place The  
4 City and County of San Francisco, and other utility pole owners and operators, in  
5 the position of standing as insurers for the telecom industry for these injuries, and:

6 E) The limitations in federal law which are alleged by industry to limit abilities to  
7 stop this slaughter only come into play as needed for adequate cellular coverage  
8 for personal communications devices, which limitations do not apply in The City  
9 as you can prove to yourself by making a call from your own phone, and:

10 F) Because of the extreme expense of litigation to stop this dense 4G/5G  
11 deployment, 'the buck stops with the Board of Appeals, so that:

12 G) Never in the past, and never again will the individual members of this Board  
13 have the opportunity to do anywhere near as much good, by granting this Appeal,  
14 or as much harm, including to those whom you love, by denying it, so that in  
15 addition to any formal legal consequences, each of you individual members of the  
16 Board of Appeals, as well as the Board as an institution, will forever bear the  
17 karmic Grace or burden resulting from the effect of your decision on this Appeal.  
18 on all residents of the City and County of San Francisco.

19 As mentioned above, I have supplied you with more than two inches of documents  
20 supporting the points raised above, in addition to which a massive amount of scientific  
21 data from the most reputable of sources is at your Internet fingertips. The remainder of  
22 this Appeal provides summarizing narrative and specific reference to authorities which  
23 support the seven core points presented above.

#### 24 SCIENTIFIC REFERENCES

25 On May 27, 2016 the National Toxicology Program (NTP) of the U. S. National  
26 Institutes of Health (NIH) announced the results of its \$25 million 30 month study

1 whether cellular telephone radiation caused cancer. The NTP experimental study proved  
2 that cellular telephone radiation caused the formation of glioma cells which are the seed  
3 cells of the deadly brain cancer, Glioblastoma. The study also confirmed the finding that  
4 cellular radiation caused the formation of Schwannoma cancer cells which in humans  
5 cause Acoustic Neuroma.

6 On March 28, 2018, after almost two years of further peer review of the NTP's  
7 findings, the NTP panel made a further announcement at the end of a peer review  
8 conference at Research Triangle, North Carolina, stating that there is "clear evidence"  
9 that cellular radiation is carcinogenic. Finally, on or about November 2, 2018, the NTP  
10 issued its final report on its experimental investigation of this question, concurring with  
11 the initial findings that cellular telephone radiation is carcinogenic. It is impractical to  
12 attach the entire NTP report, but the final report is readily available to anyone who would  
13 like to read it and can be found through the following Internet linkage:

14 <https://ntp.niehs.nih.gov/results/areas/cellphones/index.html>.

15 Dr. Martha Herbert of the Harvard Medical School also practices her medical  
16 specialty as a Pediatric Neurologist at Massachusetts General Hospital. In many letters to  
17 school districts, including the Petaluma district in California, and in her letter to the Los  
18 Angeles district as far back as early 2013, Dr. Herbert references her own approximate  
19 60 page meta-study, in turn locating and referencing hundreds of professional sources  
20 concurring with the position that living things are subject to damage of many sorts,  
21 including neurological damages from Wi-Fi microwave exposure.

22 Please see the August 18, 2017 letter submitted in opposition to telecom's SB 649,  
23 their Bill to put 5G on every block in California from Dr. Beatrice Alexandria Golomb, a  
24 Professor of Medicine at the University of California School of Medicine, San Diego  
25 Campus. In addition to the scientific citations and positions stated in her letter itself, her  
26 attached scientific references include 360 separate peer reviewed scientific studies

1 confirming negative physiological effect from telecommunications microwave radiation.

2 Much of these scientific data have been obscured far from the mainstream public  
3 view until recently as a result of public relations efforts by industry. Those careful efforts  
4 are described in a March 29, 2019 edition of Mother Jones titled *How Big Wireless*  
5 *Convinced Us That Cell Phones Are Safe*. For further examples of specific suppression  
6 of science on this issue conduct a search for “Dr. Henry Lai Seattle Magazine.”

#### 7 THE FAILURE OF THE THERMAL STANDARD

8 The fact that damage occurs by non-thermal means is now clear beyond a  
9 reasonable doubt and that is sufficient for the public policy decisions that the Board now  
10 faces, all as the NTP study shows. A University of Maryland interferometer study  
11 showed that addition the of a 7.43 percent constituent of DNA into plain water  
12 (from DNA salts put into the resulting solution level of said 7.43 percent), caused  
13 a 24 fold (meaning *24 times*) increase in Specific Absorption Rate (how much  
14 energy the fluid absorbed), *which change in energy absorption was determined*  
15 *to be non-ionic, but rather ‘acoustic.’* Dr. Henry Lai’s findings from the  
16 University of Washington School of Medicine proved that DNA strand is broken  
17 by exposure to cellular signal, established beyond rational scientific doubt. There  
18 are solid reasons for respecting the calcium ion analysis from Dr. Martin Pall, of  
19 Washington State University: Please see a 15 minute video of his 2015  
20 presentation at The Commonwealth Club event organized by EMF safety expert  
21 Camilla Rees, <https://vimeo.com/132870272> . Dr. Pall is a credentialed scientist, I  
22 am not. I respectfully agree Dr. Pall’s calcium ion conclusions, hardly surprising  
23 that tissue damage is multi-axial with DNA strand breakage and calcium ion cell  
24 damage both taking place. For compact access to Dr. Pall’s scientific studies on  
25 the effects of EMF: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3780531/> .

26 The above are consistent with the NTP conclusion that the mechanism of cancer  
27  
28

1 formation is non-thermal, whereas the safety standards employed by the FCC are based  
2 on the conclusion that the only mechanism of harm would be from heating of tissue.

### 3 DENSE 4G/5G WOULD RESULT IN CHILD ENDANGERMENT

4 It is beyond any rational dispute that kid's skulls are thinner and more pliant and  
5 that we humans literally get harder in the head as we age. It is also beyond rational  
6 dispute that due to this frailty kids brains are more at risk from radiation. This factor has  
7 been widely recognized including expressions of concern about cellular exposure from  
8 the American Academy of Pediatrics, as can be seen at the following link:

9 <https://ehtrust.org/public-service-announcement-american-academy-pediatrics-reco>  
10 [mmendations-reduce-cell-phone-radiation-exposure/](https://ehtrust.org/public-service-announcement-american-academy-pediatrics-reco)

11 This is consistent with other scientific findings showing that kids are more at risk,  
12 for example as shown at the following link:

13 <https://ehtrust.org/stop-untested-microwave-radiation-childrens-brains-eyes-virtual>  
14 [-reality-ehs-scientists-urge-google/](https://ehtrust.org/stop-untested-microwave-radiation-childrens-brains-eyes-virtual)

15 Allowance of dense urban distribution of 4G/5G antennas cannot avoid the  
16 placement of these towers immediately adjacent, as is the case where I live, to people's  
17 sleeping quarters, including children. One site specifically known to me will put a 'small  
18 cell' tower within perhaps 15 feet of a youngster's bedroom. Respectfully, and including  
19 as to the use of the penal statute as a template for The City's civil liability, such  
20 placement, if children are based on the science placed at risk, appears to violate the spirit  
21 and intent and likely the letter of the law of California Penal Code § 273a.

### 22 CIVIL LIABILITY EXPOSURE FOR THE CITY AND COUNTY

23 Once the involved cellular antenna box is attached to the involved governmental  
24 utility pole, for several reasons including the Doctrine of Fixtures as often used in tenancy  
25 situations, a melding takes place, and plaintiffs counsel will allege, as is consistent with  
26 the law, that the melded unit as a whole is Public Property.

Though plaintiffs can't sue The City for negligence or other Common Law causes of action, under our Government Code suit can be brought for Dangerous Condition of Public Property. Whoever owns those poles and then leases them to telecom is thus in a relationship of lessor to lessee. In addition, San Francisco faces potential joint venture liability. These *public* utility poles are demonstrably 'Dangerous' within the meaning of Government Code 835, because the radiation they emit has been scientifically proven to be carcinogenic, and the radiation is damaging to the human biological system.

While the granting of this Appeal, if sustained by the Board of Supervisors, would likely result in a few major and resource consumptive suits from industry, our city has a very capable staff of attorneys and likely an insurance pool upon which to rely for defense. Much more importantly, if injuries are sustained, **and disabilities worsened**, it is inevitable that suits based on ADA violations will occur, and the scope of this litigation potential, with no end in sight, is vastly greater in terms of both legal resource drain and unpredictable capital exposure than any few single lawsuits from industry could ever be.

## CONCLUSION

Our Board of Appeals is presented with a chance to do very great good, or to be active participants in allowing very great harm. Over very many months I have pursued this issue, since a tower is planned right in front of my home. However, this is the great sadness of it, the hazard is not just mine, it is yours, it is shared by all of us. Please kindly sustain this Appeal, not only in the name of the law, but in the name of justice.

Respectfully submitted,

Respectfully submitted,  
*Chey Lea Hoon*  
 Chey Lea Hoon

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