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To: Julie Rosenberg, Executive Director
San Francisco Board of Appeals

Re: Request for BOA Reconsideration – Appeal #19-070;
Verizon cell tower permit at 2620 Laguna Street

Date: October 2, 2019

Dear Director Rosenberg,

I respectfully request the Appeal Board's *sua sponte* reconsideration and reversal of its August 28th and September 25th decisions by only three sitting commissioners denying both my 2620 Laguna Street appeal #19-070 and request for rehearing, on purported preemption grounds.

Those purported preemption decisions were egregiously incorrect and unfair on procedural and substantive grounds cited in my briefs and oral arguments, and in supporting public comments and document submissions.

Procedurally, BOA rules require that no appeal or rehearing request be granted without four commissioner votes. So forcing me to submit both my appeal and rehearing request to only three sitting commissioners was like forcing a base ball batter to come to the plate with three strikes against him before the first pitch.

Substantively, despite *overwhelming* scientific evidence *that all wireless cell towers are invariable epicenters for cancer clusters and other life threatening chronic health problems*, the Board egregiously erred in not giving benefit of slight remaining scientific doubt to protecting health and safety of vulnerable citizens under San Francisco's 2003 precautionary principle ordinance and T-Mobile decision, which were *never preempted* by long outdated 1996 FCC thermal guidelines only regulating microwaves.

Moreover, the Board wrongly refused to recognize as newly discovered evidence a Verizon brochure impliedly admitting its knowing emission of hidden microwave pollution. Nor did the Board properly recognize

crucial new evidence of a 1996 Federal Telecommunications Act Conference Report explicitly stating that the new Federal section 704 *"prevents Commission preemption of local and State land use decisions and preserves the authority of State and local governments over zoning and land use matters."*

Based on current science, FCC thermal microwave guidelines are completely anachronous, and patently unjust and immoral. Though adopted in 1996 they haven't been updated *despite thousands of subsequent peer reviewed scientific studies on the serious and ubiquitous health risks of microwave exposures*.

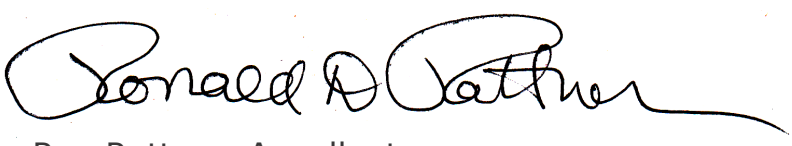
These studies overwhelmingly confirm that a 60-foot pulsating 24 hour 7,000 watt 4G antenna at 2620 Laguna Street will *irreversibly jeopardize health of those in its proximity* and *degrade the environment*.

The T-Mobile decision emphatically affirmed San Francisco's right to regulate *"lines or equipment [that] might cause negative health consequences, or create safety concerns"*. So it now affords the City of SF unquestionable discretion to prevent harm in a densely populated residential area by applying its "precautionary principle" ordinance to deny Permit Application #17WR-0252, as mandated by SF Environment Code, 100-101, providing that: *"Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the City to . . . prevent the degradation of the environment or protect the health of its citizens."*

Hence, the interests of justice require that the Board reconsider and reverse its unfair and obviously erroneous preemption decisions by only three sitting commissioners denying both my 2620 Laguna Street appeal #19-070 and request for rehearing.

At minimum the Board on its own motion should continue my appeal until after it receives and considers the Health Department's updated wireless risk memorandum, requested last June.

Respectfully,



Ron Rattner, Appellant