

Public Comment #1 – Novato City Council – April 26, 2022

Good evening. My name is Steve Glanz and I am a Novato resident. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

On February 25 of this year, AT&T submitted use-permit applications to install 4 small wireless telecommunications facilities in Novato. These are antennas and transmitters typically associated with 4G signals but are also primed for 5G. I am asking council to deny these 4 applications.

You might notice that this hall is not teeming with neighbors who actually live in those affected neighborhoods. That is because the Novato Planning Division chose not to comply with its responsibility to residents. They should have sent out public notice to those living within 600ft of a proposed installation, upon receipt of the applications. Instead, they have known for 2 months and the public still hasn't been notified. We are asking the city to direct the Planning Division to notify the public immediately, to hire neutral Radio Frequency engineers and legal consultants at the applicant's expense, which our ordinance allows the city to do, so that the city can be fully informed, and not misinformed by industry-backed so-called 'experts'.

The city can in fact deem all wireless facility applications incomplete until the FCC completes the DC Circuit court-mandated Environmental Review of their entire small cell rollout.

If these applications are approved, it will be in complete violation of our ordinance.

We have asked the Planning Division to keep us updated if AT&T submits its supplemental application. Our query has gone unanswered. We have asked the Planning Division if they will attach our emails to the applications file in an open records format, searchable on the Novato website. Our query has gone unanswered. We have asked the Planning Division if they will even post the applications and incompleteness letters on the City of Novato website. Again, no answer. This lack of transparency may be a code violation that leaves stakeholders like City Council and the public out of the conversation.

Novato's ordinance is temporary and needs to be made even stronger and more protective of residents, with cooperation from council. The pressing matter right now is to stop these applications by insisting that the Planning Division immediately issue additional incompleteness letters to the applicant to reset the clock and prevent harmful, unnecessary wireless telecommunications facilities from being installed near our homes and schools.

Finally, I encourage readers and listeners to visit the website residents created to address this issue, wireNovato.org

Hello, my name is Piper Perreault, and I am a Novato resident.

If you knew you had to make a decision that could mean life or death, wouldn't you want to be as informed as possible? a decision that could mean the difference between health or brain tumors, heart attacks, cancers, and miscarriages? These are some of the documented health effects of residents in cities where the decision was made to install wireless facilities near homes and schools.

Giving permits for wireless facilities cannot be looked at as a simple administrative process. The decision to issue a permit or not has monumental repercussions not only to the health, safety and property values of residents but to the financial liability of the city.

Novato's urgency ordinance has sections in it to protect the city, yet it is not being utilized. For example:

Section 5A 16. states -...*the applicant shall be responsible to ...reimburse the City for all costs incurred in connection with the permit, which includes **without limitation costs related to application review ...including engineers', attorneys', or technical consultants' fees and costs incurred by the City in connection with the permittee's request....the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the [applicant].***

There are two analyses submitted in AT&T's applications from engineer William Hammett, who is currently under investigation by the California Board for Professional Engineers for "bald-face misrepresentation"... in the RF exposure compliance analysis for WTF applications in Palo Alto. And our planning department marked those requirements as complete! They said the city has a contract with a company called CTC who will review the accuracy of the analyses. CTC is an industry-friendly firm whose work is also being scrutinized in Petaluma.

Section 3C 7. of our urgency ordinance states- *"The RF report must be prepared and certified by an RF engineer **acceptable to the City.**"* Hammett cannot be acceptable to the city. His analyses should not have been accepted by the planning department if they were paying attention and scrutinizing these applications as our ordinance and the weight of these decisions demand.

We elected the city council to protect our town, we didn't elect the planning department. It's time for you to take up this issue and utilize our ordinance, start monitoring the planning department and start engaging with the public. We need to hire independent consultants and an experienced telecom attorney at AT&T's expense to save Novato from the fate of so many ill-informed cities who are now suffering grave consequences.

#3 Marielle Asks and Local Control - Public Comment - Novato City Council Meeting 4-26-2022

Hello, my name is *Marielle Sablan*, and I'm a Novato resident.

I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

We are asking the City to do the following:

1. Direct the Planning department to require much more detailed evidence from AT&T to ensure compliance with all relevant federal, state and local laws as required by Novato's own wireless ordinance.
2. Hire independent Radio Frequency and legal consultants to fully evaluate the applications and provide expert advice to the city, at AT&T's expense- as stipulated in our ordinance.
3. Deem all WTF applications incomplete until the FCC completes the DC Circuit court-mandated National Environmental Policy Act (NEPA) review on all wireless facilities.
4. Force the planning department to be transparent in the application process, including giving timely public notice, placing all relevant data on the website as soon as it arrives, and ADHERING TO OUR ORDINANCE.
5. The council needs to immediately pass a stronger Wireless Ordinance that more fully protects residents- including no WTFs within 1500ft of residences.

Mayor Lucan, the city's hands are NOT tied. Top telecom attorney Scott McCollough stated recently in an interview:

*"A city CAN say we don't want these things in a residential area. The only [exception] is that if the wireless provider can show that it must put a WTF at a [specific] location in a residential area because that is the only way they can provide the telecommunications service -- [meaning not putting it there would result in an effective prohibition of the ability to make **outdoor wireless phone calls** . . . Proving that is a hard task for a Wireless company. Unless they can prove it is an effective prohibition of telecommunications service...a city can deny the WTF. So, an ordinance a city can pass is 'We are saying nothing in residential areas. Indeed we are saying nothing within 1,500 feet of any residential area'."*

We have the right to stop these applications. The city council, city attorneys and city manager need to become fully informed of these rights to save our city from the harm and liability that will ensue if we do not stand up against the telecom industry in a strategic, informed way, and if the planning department is allowed to continue to violate our ordinance thereby jeopardizing public safety, health, property values and trust in our local government.

I have expressed no matter of mere concern but solely matters of substance, fact and law.

Local Control – Public Comment for Novato City Council Meeting – 4-22-2022

Hello, my name is Beth Kraft and I am a resident of Novato. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

Contrary to what you may have heard, the city's hands are NOT tied. When Congress enacted the Telecommunications Act of 1996, it explicitly preserved to state and local governments the general authority to regulate the placement of wireless facilities in their jurisdiction.

Our city government urgently needs to learn about this issue and become fully informed in order to take action to protect our city and not to fall prey to wireless industry propaganda and intimidation.

Cities have, and have always had, control over placement of wireless telecommunications facilities.

In each of AT&T's applications to the City of Novato this is the reason they stated they need to install these facilities: "Customer needs require AT&T to design, to increase data rates sufficient to stream video. Areas that do not meet this minimal standard, or where wireless service is otherwise compromised, represent service issues that must be addressed."

AT&T might want to put WTFs wherever they want, but the fact is that wireless companies do not have the right to do so. All they have the right to address is a proven significant gap in coverage, meaning one cannot make outdoor wireless calls, and even then, companies are required to use the least intrusive means to address that gap. Constructing new WTFs closer than 1,500 feet from residences is not the least intrusive means. Co-locating wireless antennas on **existing** WTFs is.

In the 2021 Environmental Health Trust versus the FCC case, the judge reaffirmed that FCC's alleged ability to restrict local control cannot preempt a federal statute. An important federal statute is the National Environmental Policy Act (NEPA). Also, there is the Fair Housing Amendments Act, the Americans with Disabilities Act, and the Rehabilitation Act. Novato's wireless ordinance requires that all applications provide substantial written evidence demonstrating compliance with these acts, yet none of the applications do.

Even though the public has asked multiple times, the planning department has failed to demand AT&T to submit substantive written evidence of compliance with these and other state and local laws, regulations, and guidelines which our ordinance requires. The bottom line is that these applications would never be deemed complete if the planning department was adhering to our ordinance. The planning department needs to be held accountable now. Novato has local control over the placement of WTFs and must quickly learn from what we are presenting to you what you can do to stop harmful, unnecessary WTFs from being installed near our homes and schools.

Please go to wireNovato.org to find the AT&T applications and other information entered into the public record which should be on the City of Novato's website, yet currently is not.

#5 Sophie Public Comment 4/26/22–Ordinance– Novato City Council Meeting

Hello, my name is *Sophie Fleming* and my teenage daughter is a Novato resident. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

When the Novato Planning Division issued incompleteness letters to AT&T in response to their grossly incomplete applications, the planning department failed to demand from AT&T many of the required pieces of information outlined in Novato's wireless ordinance. The planning department cannot violate Novato's ordinance and the City Council must hold them accountable. Our residents' health, safety, and property values are at stake.

The full list of violations we have found after reviewing AT&T's applications and speaking with the planning department are posted on wireNovato.org, and have been submitted to both the council and the planning department and have also been entered into the public record. Here are just a few:

1. AT&T and its agents did not submit the required stamped addressed envelopes and mailing list for all properties within 600 ft of a proposed installation. Brett from the planning department stated they felt it would be easier for them to do it, yet they received the applications on February 25, and still have not notified the public.
2. The applicant did not pay the application fee or enter into a payment agreement- the application should have been rejected outright, why was it accepted?
3. The applicant is required by Novato's ordinance to have an appointment with the Community Development Director to submit their application but there is no record of the applicant having met with anyone in the planning department, nor were the application forms signed or dated by any City employee.
4. AT&T's applications did not demonstrate adherence to all local, state and federal laws as required by our ordinance. The planning department, in their letter to AT&T outlining what is still incomplete, did not demand that AT&T include these requirements when they resubmit their applications. This violates Novato's ordinance.

There is nothing that prevents the Planning Department from issuing additional incompleteness letters now to AT&T and its agents, and we have asked them to do so multiple times. There is no good reason for the planning department to not have notified the public about these applications two months ago, yet in violation of our ordinance and the public's right to due process, Mr. Marshall of the planning department has stated they do not plan to notify the public until 10 days before making a decision, which is not acceptable.

I have expressed no matter of mere concern but solely matters of substance, fact, and law. Thank you.

Public Comment to Novato City Council on 4-26-22 – Shot Clock

Hello, my name is Phillip Wyatt and I am a Novato resident (if true). I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

With regard to AT&T's application to install 4 small cell wireless transmission facilities in Novato, I'd like to say a few words about timing. In the 2009 Telecommunications Act, the industry lobbied for and was granted a time limit known as the "shot clock" in which localities must approve or deny permit. If no decision is made, the decision defaults to approval.

In 2018, the Act was modified to address small cells in particular: 90 days for new installations, and 60 days for modification of existing installations. Small cells are the ones that receive and transmit 4G and 5G signals, and can be attached to light poles, as is the case with the present applications in Novato.

Shot clocks are scary for localities because it places time pressure on them to decide. Our own sense of urgency to delay these applications until they are complete is to give city officials and the public more time to evaluate the safety of these devices, and their compliance with local, state and federal law. But in reality, the city has some options to stop or delay the shot clock.

First and foremost, we have shown that these applications are incomplete with respect to many of our ordinance requirements, as well as state and federal law. The first applications were deemed incomplete by the Planning Division after 10 days of looking, so now the clock is decremented from 60 to 50 days. AT&T has 60 days to submit its supplemental application, which would put their deadline at approximately May 7. If the supplemental application comes back still incomplete, the clock will reset to 60 days, and so on.

We urge council to insist that the Planning Division send out an additional incompleteness letter now, and not wait until the first supplemental packet is submitted. Nothing in the ordinance restricts Planning from doing so, and it would give us more time to evaluate the permit applications.

If the applications are approved, pending appeal, there are options to extend the clock. First, all applications are technically on hold until the FCC completes its court mandated reviews of safety guidelines for these small cells, as decided in [Case 18-129, Keetowah et al. v. FCC](#) and in case [20-125, EHT/CHD v. FCC](#).

Second, the 2018 order states that if either the applicant or the city show that more time is needed to make a decision, which considering the massive number of incompleteness we found, is a distinct possibility - then the clock can be extended.

Third, there is nothing in the public record indicating that AT&T's applications were signed and dated by the Planning Department, so in effect, the clock never even started!

Finally, I refer the council to a video by Andrew Campanelli where he explains all of this, and how localities do have control. <https://youtu.be/bKqB8wYY7cA>

Thank you.

April 25, 2022

My name is Vicki Sievers. I am an Education/Outreach coordinator for the EMF Safety Network (emfsafetynetwork.org), an organization with members across the nation, including many in Marin-Sonoma. Our mission is to provide science and solutions to reduce electromagnetic radiation (EMFs) in our lives.

Through 2021 I was a member of the Residents Working Group in the County Digital Marin Project, focusing on the imperative need for minimizing wireless connectivity while maximizing wired.

In 2018, I was a co-leader of a team of San Rafael residents who worked with Community Development staff to help develop the City's small cell telecommunications policy. The siting location provisions of our Resolution prompted Crown Castle in 2019 to withdraw a batch of four small cell applications, three of which were for sites directly in front of homes. Even more protective ordinances are available for reference in San Anselmo, Fairfax, Mill Valley, Petaluma, and some Southern California municipalities.

May I respectfully make three key points relative to the AT&T applications:

First, wireless radiation is harmful to human health—an inconvenient truth with which local jurisdictions must grapple, because there is no protection to be had from higher levels. Our FCC is a captured agency with industry-driven exposure guidelines that are so inadequate for protecting individual and public health that a 2021 federal court decision directed the agency to review the vast quantity of scientific evidence it had previously ignored.

<https://ehtrust.org/eht-takes-the-fcc-to-court/> Each month, UC professor of public health Dr. Joel Moskowitz updates a summary of peer-reviewed research on "health risks associated with wireless radiation, including cancer, reproductive harm and neurological disorders." The listing currently shows over 1500 studies. <https://www.saferemr.com/2019/07/recent-research.html> Recently New Hampshire legislators introduced an important bill regarding wireless facility setbacks from homes and schools that provides valuable guidance for elected officials at any level in the U.S. (N.H. HB 1644)

Second, Novato community members who are educated about the adverse effects of wireless emissions—as well as about effective telecom ordinances, are a rich source of information, and can expand the understandings of council and staff and constructively assist in strengthening policy in ways that serve both the City and its residents.

Last, it is critical that this council now direct planners to send another permit application incompleteness letter to AT&T in order to allow for more participation by residents aware of the severe threat to public safety and property values, and to demand ordinance compliance from the carrier.

Thank you.

Public Comment for City Council 4-26-2022 - Ordinances

Hi, my name is Steve Glanz, and I am a Novato resident. I attest and affirm that the following statements are true, accurate, and within my personal knowledge.

When the Novato Planning Division issued its incompleteness letter to AT&T for their 4 applications for small cell facilities, they omitted many items for which AT&T's application should have been deemed incomplete, or out of compliance with Novato's wireless ordinance. Therefore, Planning must issue a second incompleteness letter immediately for the public safety of residents. This is a synopsis. References have been submitted into the public record via letters and comments.

According to public records:

1. They did not submit a mailing list and envelopes, stamped and addressed, for all properties who are entitled to receive notice; and the Planning Division has not issued notice to neighbors at those properties.
2. They did not pay the application fee.
3. There is no record of AT&T meeting with or submitting their application, which is not signed or dated by any City employee.
4. They must follow all state and federal laws in the process, including substantial evidential review pertaining to the 1996 Telecommunications Act, the National Environmental Policy Act, the Fair Housing Amendments Act, the Americans with Disabilities Act, the Rehabilitation Act, and all FCC regulations and guidelines for human exposure to RF emissions including the California Building Standards Code, the California Fire Code, and the Novato Municipal Code.
5. They did not provide 12-months of anonymized completed calls and dropped calls to establish if there is any significant gap in coverage. And the maps omit important details about adjacent cell sites and co-location sites.
6. They do not demonstrate why it is technically infeasible to install equipment in more preferred locations.
7. They do not justify the safety of its project less than 500 feet from a school.
8. There is no landscape plan for construction disruption.
9. Their radio frequency and acoustic engineer is under serious legal scrutiny, making them unacceptable to the City of Novato.
10. There is no written evidence of actual RF microwave radiation measurements, and the need for each installation is not specific enough.
11. Professional grounding and mitigation plans are missing.

12. Construction drawings are incomplete. They do not include required identification of all structures within 250', nor required identification of all property lines, landscaping, etc.
13. All applications must be reviewed and stamped by independent professional engineers that have licenses to measure hazards in 5 required specialties.
14. They have not reimbursed the city for other permits in Novato that may have been issued without proper due diligence and compliance with its wireless ordinances.
15. And finally, there is nothing stopping the Planning Division from issuing additional incompleteness letters before AT&T re-submits after the first letter. In fact, it is their obligation to the people of Novato.

I have expressed no matter of mere concern but solely matters of substance, fact, many and law. Thank you.