

4/21/22

Steve Marshall, Brett Walker, Vivek Damadoran

City of Novato Planning Division

922 Machin Avenue

Novato, CA 94947

cc: Novato Planning Division: Brett Walker, Vivek Damadoran

cc: Novato City Council members: Eric Lucan, Susan Wernick, Pat Eklund, Denise Athas, Mark Milberg

cc: Novato City Manager: Adam McGill

cc: Novato Community Development Department Director: Vicki Parker

cc: Novato City Clerk: Laura McDowall

City clerk: in order to achieve crucially necessary transparency of governance, please responsibly ensure that this email/letter and all communications pertaining to the WTF applications listed below be placed in the corresponding Public Record files to assure transparency.

File No. P2022-022; APN 141-013-22: ADJACENT TO 1553 SOUTH NOVATO BLVD

File No. P2022-021; APN 140-071-48: ADJACENT TO 7123 REDWOOD BLVD.

File No. P2022-023; APN 132-113-16: ON NOVATO BLVD. BEHIND 10 PICO VISTA

AVE. File No. P2022-024; APN 151-061-06: ADJACENT TO 625 ARTHUR ST.

Hello Mr. Marshall,

I am writing on behalf of Wire Novato, a group recently formed by Novato residents to prevent AT&T's four applications to install wireless telecommunications facilities near homes and schools in Novato from being deemed complete. I have been in touch with Brett Walker, who informed me that AT&T had submitted four applications on February 25, 2022, and answered some of my procedural questions. We understand that your department has now been delegated (by the Community Development Department) to approve or deny these applications.

We also know that the Planning Department sent the four applications back to AT&T on March 7, with details of what was incomplete in the applications. I understand that you are expecting AT&T to resubmit their applications soon, as they have 60 days from March 7 to re-submit, according to Novato's Urgency Wireless Ordinance.

The Planning Department took 10 days to process the original applications, which means the shot clock decremented from 60 to 50 days. As a matter of legally mandated due process for concerned residents (especially neighbors), timing is of the essence. As per our ordinance 1654,

AT&T was supposed to supply stamped addressed envelopes for notification to businesses, residences, and property owners within 600 feet of the proposed installations upon submission of their application. They did not. The Novato Planning Department said to us that they will send notices, but only after the re-submission. This is not acceptable. The longer the City of Novato waits to send out notices to the most immediately affected residents, the more severe will be the violation of the Due Process rights of those residents because of the City's continuing failure to comply with Novato's own Ordinance.

So we urge you to comply with the ordinance and send out those letters to neighbors without further delay.

Your department has stated that it does not intend to issue any more incompleteness letters until AT&T resubmits its applications. There is no law that prevents the City of Novato from sending additional incompleteness letters even before AT&T re-submits, seeking more detailed information from the applicant to ensure compliance with local, state, and federal laws, and placing these incompleteness letters in the public-facing public record. Any such prohibitory policy would compromise public access to due process, preventing the people of Novato from being able to thoroughly review these applications for missing and essential pieces of information that will allow the City to make fully informed decisions.

I have attached in an Appendix a partial list of requirements AT&T needs to complete in order for their applications to be deemed complete. Please feel free to contact me with any questions about these requirements, and please immediately issue additional incompleteness letters to AT&T and its agents and include the requirements listed in the Appendix to this letter. It is of the utmost importance to ensure that AT&T does not put Novato residents in harm's way; they must be forced to show substantial written evidence of compliance with ALL local, state and federal laws, regulations, and guidelines.

We have made comments at City Council about this issue, which are now in the public record. And many of our colleagues have also written letters to City Council members. We have also asked City Council to direct the Novato Planning Division to take the actions we are recommending.

Residents of Novato look forward to a prompt response to the requests laid out in this email. We will be sending more letters in the near future. Please also reply to Ms. Perreault's letter from April 11, which has important questions that need to be answered.

Some of the questions and resources we have would be best discussed in person; we have requested a meeting with you, Mr. Marshall, and look forward to meeting with you. Please respond to Ms. Perreault's request for an in-person meeting for this week or next. It will be mutually beneficial to speak about this issue in person.

Sincerely,

Steve Glanz

APPENDIX

A partial list of Written documentation to require of AT&T per local, state, and/or federal laws, regulations, guidelines- these items require substantial written evidence from AT&T in order for their applications to be deemed complete.

- AT&T MUST supply stamped, addressed envelopes for notification of all properties and record owners and occupants of properties. Until then the applications are incomplete. It is in the ordinance and therefore AT&T's applications cannot be marked complete without this.
- AT&T must include substantial written evidence of NEPA review as required by federal code.
- For the target search ring of each proposed sWTF, AT&T must provide 12-months of anonymized AT&T completed calls and dropped calls to establish if there is any significant gap in telecommunications coverage – in order to establish if there is a need for any of these sWTFs.
- AT&T is to pay for RF Analysis by an independent professional engineer acceptable to the city, based on actual peak and average broadband measurements (100 MHz to 10,000 MHz) of RF microwave radiation in each of the target search ring areas and a spectrum analysis to show dBm readings of all licensed and unlicensed frequencies being transmitted into the target search ring search areas before the application is deemed complete.
- A traffic control plan for construction is needed.
- Please provide supplemental information on the existing/proposed coverage maps supporting this application.
 - a. Which AT&T wireless band is this coverage map calculated for?
 - b. Provide signal coverage maps for all Verizon wireless bands (existing & proposed) to be deployed at the proposed site.
 - c. Identify the analytical modeling algorithm employed to prepare the coverage maps, such as Okumura Hata, Cost-231-Hata, ITU-R P.529 ECC33, LongleyRice Irregular Terrain (ITM), or Verizon proprietary software.
 - d. Provide existing and projected Best Server Map plots for sites surrounding the proposed installation site.

- Please provide supplemental information establishing the need for the proposed site to address coverage issues that consider:
 - a. All existing AT&T sites serving the service area proposed for the four installation locations.
 - b. Each AT&T wireless band [and channel, selected from the list in Exhibit A, below], i.e. 700 MHz, 1900 MHz (PCS) & 2100 MHz (AWS) by antenna sector
 - c. Key Performance Indicator (KPI) network performance data covering 3 or more months of peak/average measurement statistics for:
 - i. Physical Resource Blocks (PRB) download utilization
 - ii. Voice connection failures
 - iii. Number of concurrent users
- Please revise the RF report to indicate the locations of adjacent cell sites and indicate if shared responsibilities exist in compliance with all applicable requirements, specifically FCC OET Bulletin 65.
- Provide proof of proper grounding and mitigation plan by a Professional Engineer in Electrical matters.
- All applications must be reviewed and stamped by independent professional engineers that have licenses in each required specialty: structural, electrical and RF microwave radiation; ensure that for each WTF proposed or currently operating in the City all five hazards listed in Article 90.I(C) of the National Electric Code (NEC) and conducted emissions (dirty electricity) are sufficiently mitigated: (1) shock, also known as electrical contact, (2) thermal effects, (3) overcurrent, (4), fault current and (5) overvoltage.
- Each WTF installation must strictly adhere to all City-adopted building, electrical, fire safety and fall-zone codes. Supply substantial written evidence of adherence to all codes.
- Provide a California Fire Code analysis addressing section 1206 Electrical Energy Storage Systems, and revise plans accordingly to show specific compliance with Fire Code requirements.
- Provide a California Building Code analysis addressing sections 508 Mixed Use and Occupancy, 509 Incidental Uses, and 1510.6.3 Type V Construction, and revise plans accordingly showing specific compliance with building code requirements.