

BUSINESS

Novato eyes new rules for 5G, wireless facilities

By [WILL HOUSTON](#) | whouston@marinij.com |

PUBLISHED: September 15, 2022 at 2:41 p.m. | UPDATED: September 15, 2022 at 4:03 p.m.

Novato is drafting new rules that seek to regulate where 5G and other types of wireless telecommunications facilities can be installed, including restrictions near neighborhoods and schools where possible.

The City Council directed staff this week to bring back a draft ordinance in the coming months. The intent of the rules would be to increase public transparency of proposed projects and attempt to address residents' concerns about the technology to the extent possible under federal law.

"Some of the issues that I'm concerned about is the locations of where these small cells are being located in our community," Councilwoman Pat Eklund said during the meeting Tuesday.

Fifth-generation wireless technology, known as 5G, is used for broadband cellular networks and uses higher-frequency waves compared to older 4G and 3G technology. These waves support faster speeds but don't travel as far, requiring companies to place more and smaller transmitters closer to users.

Several cities and towns in Marin, including Mill Valley, Fairfax and the county Board of Supervisors, have worked to adopt rules to regulate the technology based on residents' concerns about potential health impacts.

Staff stressed that the city is limited in the extent it can regulate 5G and wireless technology. Rules passed by the Federal Communications Commission in 2019 do not allow local governments to enact outright bans and require them to act upon project applications within a certain time period.

The city is able to regulate how close 5G antennae can be placed near one another; require setbacks from certain areas such as neighborhoods as long as they do not result in gaps in coverage; regulate the aesthetics of the facilities such as undergrounding equipment; and charge reasonable fees.



In the case of 5G projects, the city has between 60 to 90 days to act upon a completed project application depending on whether the antennae are being placed on an existing cellular facility or a new location.

Currently, applications are reviewed and acted upon by city staff. No public hearings are required before the City Council or Planning Commission. Residents within 600 feet of the project location are mailed a notice 10 days before staff is set to decide on the application.

State law requires permits for these antennae to have at least 10-year terms, but does allow for shorter terms if certain findings can be proven, according to Assistant City Attorney Gary Bell.

Residents have attended council meetings in recent months expressing concern about the health impacts of 5G and wireless technology and have called on the city to adopt restrictions to reduce or eliminate exposure.

“If something even carries the possibility of risk, we must work to prevent or minimize that harm” Novato resident Amber Yang told the council. “This isn’t an anti-technology issue; this is how do we have a balanced and healthy relationship?”

Staff said there are no 5G project applications being considered currently. Four applications submitted by AT&T earlier this year were deemed incomplete and have expired, said city Planning Manager Steve Marshall.

The council gave directions to staff to research several changes to its existing regulations. Among the changes suggested by the council would be to provide more than 10 days’ notice to nearby residents before an application is acted upon; require 5G antennae to be at least 1,600 feet apart from one another; prohibit 5G facilities from being located in residentially zoned areas to the extent possible; explore a 1,600-foot setback requirement from schools and adult facilities such as senior living centers; requiring cellular companies to pay for annual inspections to ensure there is no electromagnetic frequencies within 1,600 feet of residential neighborhoods; and to lower permit term lengths to fewer than 10 years where possible.

Additionally, the council directed staff to post all wireless project applications, including those dating back to 2020, that are received on the city’s website.

While some residents called on the city to hire both legal and technical consultants with expertise in telecommunications, the council directed staff to find a technical consultant and continue to rely on its own attorneys.

Eklund suggested the city should adopt a moratorium on any new 5G project applications until the council adopts the updated rules. Staff said federal regulations do not allow for this, but companies can voluntarily agree to rescind their right to have the city act upon their application within 60 to 90 days.

Eklund also suggested that applications for all wireless facilities be reviewed in a public meeting before the Planning Commission so that residents have a chance to voice concerns.



“Imagine if this was going to be put out in front of your house,” Eklund said.

Marshall, the city’s planning manager, said he would be “very concerned” about this because of the time restrictions mandated by the federal government to act upon applications. The council gave direction to staff to research the option and come back with more information.

Another point of debate was how soon the council should decide on the new ordinance, especially with Mayor Eric Lucan and Councilwoman Denise Athas set to step down at the end of the year. Lucan, who is set to become a county supervisor in 2023, favored bringing back the changes as soon as possible because the city’s current rules do not take advantage of the full local control opportunities allowed under federal regulations.

“I think right now you have a willing council that is willing to put these in place right now,” Lucan said. “I don’t want to lose that opportunity.”

Eklund favored waiting until the city hires a technical consultant from whom the council and public could ask questions during a public workshop.

The council decided to direct staff to hire a technical consultant with a preference for someone who would be willing to attend a public meeting.

The council also agreed to have staff bring back the proposed ordinance language at a future date for further revisions. Should the council ultimately agree on the changes, the ordinance would go before the Planning Commission for review and then to the City Council for final approval.

Tags: [5G](#), [Cell towers](#), [internet](#), [newsletter](#), [Novato](#), [Novato City Council](#)



Will Houston

Will Houston covers environment, transportation, West Marin and the city of Novato for the Marin IJ. He covered environment, cannabis and county government for the Eureka Times-Standard and was a contributor to the Monterey Herald. He graduated with a Bachelor of Science degree in biology from San Diego State University. Reach the author at whouston@marinij.com or follow Will on Twitter: [@Will_S_Houston](https://twitter.com/Will_S_Houston)

whouston@marinij.com

[Follow Will Houston @Will_S_Houston](https://twitter.com/Will_S_Houston)

Join the Conversation

We invite you to use our commenting platform to engage in insightful conversations about issues in our community. We reserve the right at all times to remove any information or materials that are unlawful, threatening, abusive, libelous, defamatory, obscene, vulgar, pornographic, profane, indecent or



otherwise objectionable to us, and to disclose any information necessary to satisfy the law, regulation, or government request. We might permanently block any user who abuses these conditions.



