

New Wireless Code: Planning Commission Participation & Alignment with General & Strategic Plan Goals / Objectives

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[City Clerk Laura McDowall, please add this email/letter to the City of Novato Public record for the October 10, 2022 Planning Commission Meeting , and distribute it to the Commission for use during the meeting. Please also ensure that this email/letter gets printed and placed into the paper file for this project. Thank you.]

To:

Planning Commissioners
City Council Members
Community Development Director
City of Novato
922 Machin Avenue
Novato, CA 94945
415-899-8900

- Planning Commissioners, Dan Dawson, Lia Heath, Ron Gerber, JustinDerby, Bill Crockett, Curtis Havel, Peter Tiernan
- City Council Members Eric Lucan, Susan Wernick, Denise Athas, Pat Eklund, Mark Milberg
- City Staff Vicki Parker, Steve Marshall, Laura McDowall
- cc: Piper Perreault, Wire Novato

City of Novato Planning Commission, et al,

The City of Novato is developing a permanent wireless code to replace the Wireless Communications Facilities Wireless Communications Facilities [Municipal Code Division Section 19.38](#) and Small Cell Wireless Facilities [Urgency Ordinance #1654](#).

At the City Council Meeting of September 13, 2022, city attorneys were asked to draft the new code, for discussion and final approval by City Council - even though advocates lobbied for a more qualified attorney (Andrew Campanelli). And despite the outcry for a public workshop where all stakeholders participate in development of the code, this was denied and will not happen unless council reverses its position. The one exception was the Planning Commission.

Novato mandates that the Planning Commission participate in the code development process. There is also the possibility that the new code will require the Planning Commission to review telecommunication company wireless applications for comment and approval.

At the Sept. 13 City Council meeting, several code points were discussed and referred to the city attorney's office for review. Among them was the following: WTF applications should involve a discretionary, not strictly ministerial approval process, including a conditional use permit that invites public notice, and comment at the Planning Commission before being referred to City Council. For a better understanding of what was discussed, please view the [video](#) of that meeting.

The purpose of this letter is to inform the Planning Commission of these upcoming responsibilities and to suggest areas in which wireless policy aligns with the Commission's strategic plan goals and objectives, as a foundational justification for its participation, which has heretofore been absent. Details of the Commission's role will evolve as the code is written.

Public interest in this matter is significant. For example, after the Sept. 13 City Council meeting, the Planning Commission received a letter from Paul McGavin presenting legal justification to place a moratorium on applications until the new wireless code is passed, and a procedure that would require a comprehensive wireless signal strength test to be conducted every six months by an independent RF Engineer.

As reflected in the current regulations, and in data provided to the City by Wire Novato and other members of the public throughout 2022, localities have a responsibility to protect residents from health and environmental effects of wireless transmission facilities for the safety of its residents, as well as to regulate aesthetic and other requirements. As such, a new code must directly relate to the City's stated Goals and Objectives within the Novato Strategic Plan 2021-2023, and the Novato General Plan 2035.

These statements are backed up by documents and references, many of which have already been entered into the city's public record and can be presented to the Planning Commission as needed, along with ongoing education on the topic.

Novato General Plan 2035

Here is a link to City of Novato General Plan 2035:

<https://www.novato.org/home/showpublisheddocument/32287/637526315486370000>

The General Plan 2035 has a theme of "Sustainability." By definition, anything that impacts negatively on the environment is not sustainable, so this issue applies to Novato's General Plan 2035. Telecom equipment needs regular updating and replacing, and pollutes landfills. This is not sustainable compared to fiberoptic cable, a superior alternative.

The plan also discusses "public safety" and "fire mitigation," both of which are relevant to wireless transmission technology. Clearly, public safety is at risk from small cell Wireless Transmission Facilities (sWTFs). Fire risk is also relevant.

Continuous RF/EMF radiation exposure is closely tied with increased terpene production in conifers. Terpenes are combustible organic compounds.

WTFs have been the cause of multiple fires across California. One reason is macro towers have smart meters in them without the fuse protection that analog meters have – causing internal electrical fires. Each cell tower is an electrical device. Water will not put out this type of fire until the power is cut.

Another reason to keep WTFs out of residential areas is to provide time for residents to evacuate. Every single WTF that comes into a community is a fire hazard.

It is very important to note that in addition to the interference problem, the harmful waveform can cause PG&E transformers and related hardware to overheat and catch fire, and customer property (electronic devices and appliances) can also be damaged. In addition, if there is a power outage, customers served by the small cell transmitter will not have any service because there is no battery back-up.

Finally, excessive noise from electromagnetic RF microwave radiation is an environmental hazard.

City of Novato Strategic Plan 2021-2023

Strategic Plan 2021-2023

<https://www.novato.org/home/showpublisheddocument/33385/637807218334670000>

With regard to the Novato Strategic Plan 2021-2023, note the following goals:

Goal 3: Environmental Stewardship

Preserve, protect and enhance Novato's unique environment, now and for future generations, and model best sustainability practices for the community.

OUTCOME: An engaged City that is actively working together to reduce climate impacts and is adapting to the local consequences of climate change. Reduced greenhouse gas emissions and resource use, and increased awareness of our collective impact on the natural world.

Goal 1: Living Well, Together

Support facilities and design programs and services that create a healthy, caring, and interconnected community that is safe and secure.

OUTCOME: A safe, livable, thriving, informed and involved community where people care for one another, strive to bridge differences and people aim to be active and healthy.

Goal 5: Economic Vitality

Encourage a thriving business environment, becoming a hub of economic activity and innovation, with a focus on high-paying industries, a vibrant downtown, and a healthy economy.

OUTCOME: A climate where business flourishes and grows, attracts visitors, where residents can do business, work, and shop, and the City has the resources it needs to provide the services our community desires.

Installation of sWTFs lowers property values, raises the cost of health care, and drains the city of dollars due to lowered property taxes and anticipated lawsuits which the City's insurance policy does not cover.

For further discussion, feel free to contact me so we can meet on this important topic.

Sincerely,

Steve Glanz
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