

Monday, April 11, 2022

City of Novato Planning Department
922 Machin Avenue
Novato, CA 94945
415/899-8900

Dear Novato Planning Department and City Clerk-

In order to achieve crucially necessary transparency of governance, please responsibly ensure that this email/letter to the City of Novato Public is placed in the public record for the following Wireless Telecommunications Facilities (WTFs) applications:

- 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.

Please ensure that this letter via email is printed and placed into the paper file for each of these projects. To facilitate this enclosed are six printed copies of this letter. We are requesting that this email/letter and all communications pertaining to these above listed WTF applications be placed in the corresponding Public Record files to assure transparency.

BACKGROUND

Because the term 'small' is inappropriate in terms of generated radiation and in terms of direct medical harm, I will sometimes use the phrase Wireless Telecommunications Facilities and the corresponding acronym, WTF in this correspondence. Thank you for your anticipated cooperation with our efforts to make sure that the residents of the City of Novato are properly informed about what is being done to their long term health. I mention health in the light of the conclusion of the National Toxicology Panel of the U. S. government's National Institutes of Health from its 30 month, \$25 million study demonstrating that there is, in the government's language, "Clear Evidence" that this microwave radiation from these proposed towers is carcinogenic. This statement is consistent with the original findings from the NTP study as announced on May 27, 2016, consistent with the additional Panel statement of March 28, 2018 ("Clear Evidence"), and in the NIH's NTP Final Report of November 3, 2018.

The City of Novato's planning department received four applications from AT&T and their agents, Modus LLC., to install wireless telecommunications facilities in four locations in Novato, each of which is too close to residences. I appreciate Brett, a Novato city planner in charge of reviewing two of these applications, for taking time to meet with me about them on Wednesday, 4/6/22. I look forward to soon meeting with Vivek, the city planner in charge of reviewing the other two applications, to learn what review he has completed (or not) on local, state, and federal regulations that must be met according to the Novato Ordinance no.1654, in order to deem an application for a 'small wireless facility' complete. I did speak with Vivek on the phone on Thursday, 4/7/22, to ask for maps of 600ft radius around each proposed installation and asked him to notify residents within the required notification radius of 600ft immediately about these installation applications.

I reviewed intensively all 29 pages of Novato's Urgency Ordinance no.1654, as well as the current four AT&T WTF applications, each submitted to the City of Novato on February 25,2022 and the March 7, 2022 letters to AT&T and their agents letting them know the applications were incomplete. I conferred with an expert in measuring and mitigating radiation, an attorney whose long term expertise is in scientific proof cases, as well as with Novato residents who are aware of the harm and liability that will follow if these installations are approved.

As of March 7, the shot clock was halted to allow for essential further review. The applications involved are not yet sufficiently complete to allow an informed decision by Novato's leaders as to permit issuance. There are now 50 days left on the shot clock. This means it is of the utmost urgency that the City become fully-informed and updated on applicable science and law.

THE LEGAL REQUIREMENT OF NOTICE

The current City of Novato wireless ordinance states in section 3C 8. titled "Public Notices" that:

"the applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties entitled to receive notice"

Section 4 of the wireless ordinance states that all those within a radius of 600 feet of the planned sWTF shall receive written notice. When Vivek and I spoke on the phone Thursday morning, April 7, he cited section 4A of the ordinance, where it states that:

"prior to any approval, conditional approval, or denial, public notice shall be mailed to all properties and record owners and occupants of properties within a 600-foot radius of the site".

The apparent current working position in Planning is that the legally required Notice to residents will be sent out only immediately before the hearing for each of the relevant Applications. While the telecommunications companies might prefer that the public have as little advance notice as possible, myself and colleagues urge that the legally required Notice should already have been sent out as required by the Ordinance above, and that the longer the City of Novato waits to send out notice to the most immediately affected residents, the more severe will be the violation of the Due Process rights of those residents from the City's continuing failure to comply with Novato's own Ordinance.

Novato residents need adequate time to learn about the project's benefits and detriments, time to submit substantial written evidence in the record to prove that there is no need for such WTFs in these proposed locations. The City of Novato must make its decision based on only substantial, verified, truthful evidence in the record and not on any unsubstantiated wireless industry information such as RF projections that are not based on actual before and after measurements, such as the prospective optimistic estimates offered by William Hammett. The City of Novato must reject all unverified evidence before making its decision.

Other residents and I have reviewed the March 7 letters to AT&T and its agents regarding what is incomplete in the applications. Brett told me that checklist that he used for the initial review is based on the City of Novato ordinance no. 1654. I have found that the ordinance as well as local, State and federal laws require additional information from AT&T and its agents in order for the applications to be deemed complete. Please note that our local ordinance requires that applications must follow relevant State and federal laws and regulations, which these applications do not.

Many neighbors and friends in Novato, including people concerned about the proposed installation of antenna arrays for the distribution of carcinogenic radiation at Novato High School have helped me to frame the following respectfully submitted questions to the City of Novato:

1. What event will trigger the shot clock to start again?
2. In what date range do you project that trigger will likely fall?
3. When will the City of Novato act to notice the residents who will be directly affected by the RF microwave radiation pollution that will be emitted 24/7 from these sWTFs? The project has been live for 30 days and there has been no notice. This problem needs to be immediately addressed.
4. When will the City of Novato send additional letters to AT&T and their agents to list the additional incomplete items that are missing from your March 7 letters? (please see list of missing items we have identified in Appendix A)
5. Importantly, there is no law that prevents the City of Novato from sending additional publicly available letters seeking more detailed information to the applicant to ensure compliance with local, state, and federal laws. If it is the position in Planning that there is some law which prohibits such urging such compliance from such companies, or prohibits disclosure of such correspondence, please identify any such applicable prohibitory law. Any such probatory policy, in compromise of public access to public records and process would prevent the people of Novato from being able to thoroughly review these applications and require the missing and essential pieces of information that will allow the City to make fully informed decisions.
6. Please refer to the scalding 1,379 page appeal filed in response to an application for a WTF filed in San Francisco in 2019, which exposed so much misstatement by Modus and Hammett that Verizon dropped the application. The appeal can be found at:
<https://www.dropbox.com/s/d47rymnokfcqvas/Appeal%20No.%2019-024%20thru%2019-030%20%40%202298%20Pacific%20Avenue.pdf?dl=0>

Thank you for your prompt answer to my questions and prompt actions to notice the affected Novato residents and to immediately send letters requesting additional information required of AT&T and its agents. There are a number of additional requirements that AT&T and its agents must satisfy in order for these applications to be deemed complete according to Novato ordinance 1654, and we look forward to promptly seeing a follow up letter from the planning department to AT&T and its agents detailing a clear and exhaustive list of those requirements that must be met before a determination can be made.

Sincerely, Piper Perreault

Novato resident