

Appendix B -Email from Steve Marshall. Intent to violate the ordinance re public notice.

From: Steve Marshall <smarshall@novato.org>

Date: April 13, 2022 at 6:33 PM

To: Paul McGavin <pmcgavin@wirecalifornia.org>

CC: Laura McDowall <lmcdowall@novato.org>, Vicki Parker <vparker@novato.org>, Brett Walker <bwalker@novato.org>, Vivek Damodaran <vdamodaran@novato.org>

Subject: May I please have timely answers to the following reasonable questions?

Mr. McGavin:

Below are answers to your questions.

The Planning Division will mail a public notice to all property owners and occupants within a 600-foot radius of a proposed small cell wireless facility. The notice will be mailed ten (10) days prior to the date set for action on the given small cell use permit. The Planning Division will generate mailing labels using addresses taken from the Marin County Assessor's property ownership records. Notices will be mailed to an occupant where the Assessor's records indicate an absentee property owner. The applicant for a small cell use permit will pay for the staff time and postage required to prepare and mail the notices. The Planning Division will not rely on an applicant to prepare the mailing labels contrary to the noticing provision in Ordinance No. 1654. The Planning Division is best suited to ensure accurate noticing as it regularly performs the same type of noticing for many other permit processes and actions.

All of AT&T's applications are incomplete as of March 7, 2022. AT&T has not responded to the completeness issues raised by the Planning Division and the applications have remained dormant. Given this circumstance, there is no date certain when an action will be taken by the Planning Division on AT&T's applications. Therefore, it is not possible to specify a date when notices will be mailed by the Planning Division.

The Planning Division assesses small cell use permits on the basis of the criteria and findings of Ordinance No. 1654. Staff will consider all evidence specifically relevant to the question of compliance with the criteria and findings. Staff will receive support from a wireless telecommunications consultant to assist in verifying compliance with the criteria and findings of Ordinance No. 1654 that are of a technical nature, such as compliance with applicable health and safety regulations. Staff will receive legal support from the city attorney's office on matters of compliance with applicable laws.

The Planning Division assesses the completeness of a small cell use permit applications against the submittal items addressed in Ordinance No. 1654 as consolidated and clarified in a separately prepared application checklist. A copy of this checklist is attached.

If the Planning Division determines a proposed wireless facility is not in compliance with an applicable regulation within the authority of the City then the Community Development Director may take any of the actions listed in Section 4., clause D. - Conditional Approvals; Denials without Prejudice.

Senior Planner Brett Walker and Planner II Vivek Damodaran are copied on this email so as to add your email below and this response to the file for each of AT&T's applications.

Sincerely,

Steve Marshall
Planning Manager

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