



**CITY OF NOVATO  
CALIFORNIA**

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Mayor  
Eric Lucan  
Mayor Pro Tem  
Susan Wernick  
Councilmembers  
Denise Athas  
Pat Eklund  
Mark Milberg

City Manager  
Adam McGill

March 7, 2022

Modus LLC.  
Attn.: Caroline Styc  
240 Stockton Street  
San Francisco, CA 94108

**Delivered via Email:** [cstyc@modusllc.com](mailto:cstyc@modusllc.com)

**RE: ADJACENT TO 7123 REDWOOD BLVD.; SMALL WIRELESS FACILITY  
APPLICATION COMPLETENESS; FILE No. P2022-021; APN 140-071-48**

Dear Ms. Styc:

This letter is regarding the small cell wireless facility application submitted on **February 25, 2021**, to the City of Novato for the following project scope at 7123 Redwood Boulevard:

- Removal and replacement of existing foundation in its place
- Removal and replacement of existing light pole to new foundation
- Install one (1) 2-foot cannister antenna inside new shroud on top of light pole
- Install one (1) new radio inside solar shield on light pole
- Install one (1) new Coax from equipment to new canister antenna within light pole
- Install one (1) new disconnect/smart meter on light pole

Planning staff has completed an initial review of CBR Group’s application materials and determined the application is incomplete. Please reference the “Completeness Determination” section in **red** under each checklist item for more information.

<b>COMPLETENESS REVIEW CHECKLIST – Small Wireless Facility Use Permit Application Checklist</b>	
<b>Forms, Fee, &amp; Authorizations</b>	
<input type="checkbox"/>	<p><b>Application Form</b></p> <p>An applicant shall submit a complete, duly filed Planning Division application for <a href="#">Zoning/Planning/Subdivision Action</a>.</p>
<b>Completeness Determination: Complete.</b>	
<input type="checkbox"/>	<p><b>Cost Reimbursement &amp; Application Deposit</b></p> <p>An applicant shall acknowledge and agree that the request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses and shall be responsible to enter into a <a href="#">Cost Recovery Agreement</a> and reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection, and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility of any kind or nature including engineers', attorneys', or technical consultants' fees and costs incurred by the City in connection with the request.</p> <p>An applicant shall submit a processing deposit with the application for a wireless facility. Batched applications must include an individual deposit for each small wireless facility in the batch. The deposit required for the application may not cover all reimbursable costs and in that event the applicant shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such</p>

	<p>costs. The City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City.</p> <p>Please contact the Planning Division for the deposit amount.</p>
<p><b>Completeness Determination: Incomplete – A cost recovery agreement form was not submitted with the project application package. The applicant can correct this omission by submitting a completed and properly signed cost recovery agreement. A copy of the cost recovery agreement can be downloaded via the web link provide above.</b></p>	
<input type="checkbox"/>	<p><b>Regulatory Authorization</b></p> <p>An applicant shall submit evidence of the wireless provider's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.</p> <p>If the application is for a facility that will be located within the public right-of-way, the applicant shall certify the wireless provider is a telephone corporation or state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.</p>
<p><b>Completeness Determination: Complete.</b></p>	
<input type="checkbox"/>	<p><b>Title Report and Property/Structure Owner Authorization</b></p> <p>For any small wireless facility proposed to be installed on any property or structure not owned or controlled by the City, an applicant must submit:</p> <p>(A) a title report issued no more than 30 days prior to the date the applicant files an application with the City; and</p> <p>(B) if the applicant is not the property or structure owner, a written authorization signed by the property owner identified in the title report or structure owner that authorizes the applicant to submit and accept a small wireless facility use permit in connection with the subject property and/or structure.</p> <p>If the owner of the property and/or structure is a public agency and an agreement has been executed between the applicant and that agency addressing the proposed small wireless facility then the applicant shall submit that agreement as part of demonstrating authorization to submit and accept a small wireless facility use permit in connection with the subject property and/or structure.</p>
<p><b>Completeness Determination: Complete – Not applicable.</b></p>	
<p><b>Project Narrative and Justification</b></p>	
<p>An applicant shall provide a complete written narrative analysis addressing all applicable standards, including supporting facts, allowing the City to conclude such standards have been met. Bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also address:</p>	
<input type="checkbox"/>	<p>whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(l);</p>
<input type="checkbox"/>	<p>whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m);</p>

<input type="checkbox"/>	whether and why the proposed wireless facility meets each required finding for a smallcell permit as provided in Section 4(C) in Ordinance No. 1654;
<input type="checkbox"/>	identify where the project falls in terms of location preference and structure preference; and
<input type="checkbox"/>	Include detailed justification for project not located in the most preferred location/structure as provided in Section 6(B) of Ordinance No. 1654.
<b>Completeness Determination:</b> Submitted – but not compliant. A project narrative and justification were submitted; however, staff does not believe that adequate information was submitted to justify the least preferred accessory equipment installation location as listed in Section 7(C) of Ordinance No. 1654.	
<b>Construction Drawings</b>	
An applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, security measures, lighting, trees and other landscape features. The construction drawings must:	
<input type="checkbox"/>	contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions;
<input type="checkbox"/>	identify all structures within 250 feet from the proposed project site and call out such structures' overall height above ground level;
<input type="checkbox"/>	depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and
<input type="checkbox"/>	demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
<b>Completeness Determination:</b> Incomplete – Construction drawings were submitted; however, they do not include all structures within 250-feet of the proposed location.	
<b>Site Survey</b>	
For any small cell wireless facility proposed to be located within the public rights-of-way and/or private property, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all:	
<input type="checkbox"/>	traffic lanes;
<input type="checkbox"/>	all private properties and property lines;
<input type="checkbox"/>	above and below-grade utilities and related structures and encroachments;
<input type="checkbox"/>	fire hydrants, roadside call boxes and other public safety infrastructure;
<input type="checkbox"/>	streetlights, decorative poles, traffic signals and permanent signage;
<input type="checkbox"/>	sidewalks, driveways, parkways, curbs, gutters and storm drains;

<input type="checkbox"/>	benches, trash cans, mailboxes, kiosks and other streetfurniture; and
<input type="checkbox"/>	existing trees, planters and other landscaping features.

**Completeness Determination:** Incomplete – The submitted survey does not include all the above highlighted items within 250-feet of the proposed location.

**Photo Simulations**

<input type="checkbox"/>	An applicant shall submit site photographs and photo simulations showing the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
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**Completeness Determination:** Complete.

**Radio Frequency (RF) Compliance Report**

<input type="checkbox"/>	An applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
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**Completeness Determination:** Complete. The submitted RF compliance report will be reviewed for conformance with standards detailed above.

**Acoustic Analysis**

<input type="checkbox"/>	An applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment demonstrating compliance with the City's noise ordinance (NMC <a href="#">Section 19.22.070</a> ). The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
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**Completeness Determination:** Complete.

**Landscaping**

<input type="checkbox"/>	<p><b>Landscape Features</b></p> <p>An applicant shall submit a landscape plan where a small wireless facility displaces any existing landscape features. The landscape plan shall describe the replacement of displaced landscaping with native and/or drought resistant plants, trees or other landscape features. The landscape plan must identify proposed landscaping by species type, size and location.</p> <p>An applicant shall also submit a landscape maintenance plan including existing vegetation, and vegetation proposed to be removed or trimmed, and proposed landscaping. Landscape maintenance must be performed in accordance with NMC <a href="#">Section 19.28.040.J</a> and informs the</p>
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	requirements of a landscape maintenance plan.
<b>Completeness Determination: Complete – Not applicable.</b>	
<b>Eligible Facilities Request</b>	
<input type="checkbox"/>	Eligible Facilities Request – If applicable, provide a statement that this application is for an eligible facilities request under Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, including an explanation of how the proposed modification is an “eligible facilities request”, and written documentation sufficient to establish that it will not cause a “substantial change” (as that that term is defined by Section 1.61400(b)(9) of 47 CFR Part 1 Subpart U) to an existing facility.
<b>Completeness Determination: Complete – Not applicable.</b>	
<b>Collocation Facility Eligibility</b>	
<input type="checkbox"/>	Collocation Facility Eligibility – If applicable, provide a statement that this application is for an eligible collocation facility as established under Government Code Section 65950.6, including written documentation sufficient to establish that the facility that is the subject of the application meets the requirements of that section.
<b>Completeness Determination: Complete – Not applicable.</b>	
<b>Shot Clock Applicability</b>	
<input type="checkbox"/>	Shot Clock Applicability – Provide a statement identifying the “presumptively reasonable period of time” that applies to the application and written documentation establishing the basis for that time period being applicable under 47 CFR Section 1.6003.  Provide a statement indicating whether the applicant may be agreeable to extending this time period in accordance with Government Code Section 65964.1 and applicable FCC decisions, as defined within that section.
<b>Completeness Determination: Complete</b>	

Prior to performing any work associated with this project, the applicant or authorized designee shall be responsible for obtaining all necessary permits (e.g., building permit, encroachment permit, grading permit, etc.). At the time of this completeness review, staff is unaware of any other permit application submittals associated with this project.

Please let me know if you have any questions. Please contact me by phone at 415-899-8939 or by email at [vdamodaran@novato.org](mailto:vdamodaran@novato.org) to discuss these comments.

A copy of the City’s application checklist is attached for reference. The City of Novato considers this application shot clock tolled as of March 7, 2022, due to an incomplete application submittal.

Sincerely,



Vivek Damodaran  
Planner II

Attachments:

1. Small Wireless Facility Use Permit Application Checklist



**SMALL WIRELESS FACILITY USE PERMIT  
APPLICATION CHECKLIST**

The following checklist specifies the information and documentation required for an application to consider a small cell wireless facility use permit subject to the procedures and standards detailed in City of Novato Ordinance No. 1654 adopted by the Novato City Council on October 8, 2019. This checklist is intended to aid in submitting a complete application to be reviewed by the City of Novato Planning Division. Ordinance No. 1654, which details applicable procedures and standards for small wireless facilities, is attached for reference.

Three (3) sets of submittal items (i.e., plans, descriptions, documentation etc.) shall be included with an application(s).

<b>SUBMITTAL ITEMS</b>	
<b>Forms, Fee, &amp; Authorizations</b>	
<input type="checkbox"/>	<p><b>Application Form</b> An applicant shall submit a complete, duly filed Planning Division application for <a href="#">Zoning/Planning/Subdivision Action</a>.</p>
<input type="checkbox"/>	<p><b>Cost Reimbursement &amp; Application Deposit</b></p> <p>An applicant shall acknowledge and agree that the request for authorization to construct, install and/or operate the wireless facility will cause the City to incur costs and expenses and shall be responsible to enter into a <a href="#">Cost Recovery Agreement</a> and reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection, and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility of any kind or nature including engineers', attorneys', or technical consultants' fees and costs incurred by the City in connection with the request.</p> <p>An applicant shall submit a processing deposit with the application for a wireless facility. Batched applications must include an individual deposit for each small wireless facility in the batch. The deposit required for the application may not cover all reimbursable costs and in that event the applicant shall have the obligation to reimburse City for all such costs 10 days after a written demand for reimbursement and reasonable documentation to support such costs. The City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City.</p> <p>Please contact the Planning Division for the deposit amount.</p>

<input type="checkbox"/>	<p><b>Regulatory Authorization</b></p> <p>An applicant shall submit evidence of the wireless provider's regulatory status under federal and California law to provide the services and construct the small wireless facility proposed in the application.</p> <p>If the application is for a facility that will be located within the public right-of-way, the applicant shall certify the wireless provider is a telephone corporation or state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.</p>
<input type="checkbox"/>	<p><b>Title Report and Property/Structure Owner Authorization</b></p> <p>For any small wireless facility proposed to be installed on any property or structure not owned or controlled by the City, an applicant must submit:</p> <p>(A) a title report issued no more than 30 days prior to the date the applicant files an application with the City; and</p> <p>(B) if the applicant is not the property or structure owner, a written authorization signed by the property owner identified in the title report or structure owner that authorizes the applicant to submit and accept a small wireless facility use permit in connection with the subject property and/or structure.</p> <p>If the owner of the property and/or structure is a public agency and an agreement has been executed between the applicant and that agency addressing the proposed small wireless facility then the applicant shall submit that agreement as part of demonstrating authorization to submit and accept a small wireless facility use permit in connection with the subject property and/or structure.</p>
<p><b>Project Narrative and Justification</b></p>	
<p>An applicant shall provide a complete written narrative analysis addressing all applicable standards, including supporting facts, allowing the City to conclude such standards have been met. Bare conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also address:</p>	
<input type="checkbox"/>	<p>whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(l);</p>
<input type="checkbox"/>	<p>whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m);</p>
<input type="checkbox"/>	<p>whether and why the proposed wireless facility meets each required finding for a small cell permit as provided in Section 4(C) in Ordinance No. 1654;</p>
<input type="checkbox"/>	<p>identify where the project falls in terms of location preference and structure preference; and</p>



<input type="checkbox"/>	Include detailed justification for project not located in the most preferred location/structure as provided in Section 6(B) of Ordinance No. 1654.
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**Construction Drawings**

An applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, security measures, lighting, trees and other landscape features. The construction drawings must:

<input type="checkbox"/>	contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions;
<input type="checkbox"/>	identify all structures within 250 feet from the proposed project site and call out such structures' overall height above ground level;
<input type="checkbox"/>	depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and
<input type="checkbox"/>	demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.

**Site Survey**

For any small cell wireless facility proposed to be located within the public rights-of-way and/or private property, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all:

<input type="checkbox"/>	traffic lanes;
<input type="checkbox"/>	all private properties and property lines;
<input type="checkbox"/>	above and below-grade utilities and related structures and encroachments;
<input type="checkbox"/>	fire hydrants, roadside call boxes and other public safety infrastructure;
<input type="checkbox"/>	streetlights, decorative poles, traffic signals and permanent signage;
<input type="checkbox"/>	sidewalks, driveways, parkways, curbs, gutters and storm drains;
<input type="checkbox"/>	benches, trash cans, mailboxes, kiosks and other street furniture; and
<input type="checkbox"/>	existing trees, planters and other landscaping features.

<b>Photo Simulations</b>	
<input type="checkbox"/>	An applicant shall submit site photographs and photo simulations showing the existing location and proposed small wireless facility in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
<b>Radio Frequency (RF) Compliance Report</b>	
<input type="checkbox"/>	An applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
<b>Acoustic Analysis</b>	
<input type="checkbox"/>	An applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment demonstrating compliance with the City's noise ordinance (NMC <a href="#">Section 19.22.070</a> ). The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
<b>Landscaping</b>	
<input type="checkbox"/>	<p><b>Landscape Features</b></p> <p>An applicant shall submit a landscape plan where a small wireless facility displaces any existing landscape features. The landscape plan shall describe the replacement of displaced landscaping with native and/or drought resistant plants, trees or other landscape features. The landscape plan must identify proposed landscaping by species type, size and location.</p> <p>An applicant shall also submit a landscape maintenance plan including existing vegetation, and vegetation proposed to be removed or trimmed, and proposed landscaping. Landscape maintenance must be performed in accordance with NMC <a href="#">Section 19.28.040.J</a> and informs the requirements of a landscape maintenance plan.</p>
<b>Eligible Facilities Request</b>	
<input type="checkbox"/>	Eligible Facilities Request – If applicable, provide a statement that this application is for an eligible facilities request under Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, including an explanation of how the proposed modification is an “eligible facilities request”, and written documentation sufficient to establish that it

	will not cause a “substantial change” (as that that term is defined by Section 1.61400(b)(9) of 47 CFR Part 1 Subpart U) to an existing facility.
<b>Collocation Facility Eligibility</b>	
<input type="checkbox"/>	Collocation Facility Eligibility – If applicable, provide a statement that this application is for an eligible collocation facility as established under Government Code Section 65950.6, including written documentation sufficient to establish that the facility that is the subject of the application meets the requirements of that section.
<b>Shot Clock Applicability</b>	
<input type="checkbox"/>	<p>Shot Clock Applicability – Provide a statement identifying the “presumptively reasonable period of time” that applies to the application and written documentation establishing the basis for that time period being applicable under 47 CFR Section 1.6003.</p> <p>Provide a statement indicating whether the applicant may be agreeable to extending this time period in accordance with Government Code Section 65964.1 and applicable FCC decisions, as defined within that section.</p>

**Pre-Submittal Conferences**

The City strongly encourages, but does not require, applicants to schedule and attend a pre-submittal conference with the Director or designee for all proposed small wireless facilities. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process; any latent issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues.

To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Director shall use reasonable efforts to provide the applicant with an appointment within five working days after receiving a written request and a pre-application fee to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference. Please contact Planning Division staff for the current pre-application fee.