



**CITY OF NOVATO
CALIFORNIA**

922 Machin Avenue
Novato, CA 94945
415/899-8900
FAX 415/899-8213
novato.org

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

City Manager
Adam McGill

June 13, 2022

Motive Infrastructure Solutions
Attn.: Taylor Bond
17260 Newhope Street
Fountain Valley, CA 92708

Delivered via Email: tbond@motiveis.com

**RE: 199 SAN MARIN DRIVE; ELIGIBLE FACILITIES REQUEST
APPLICATION COMPLETENESS; FILE No. P2022-028; APN 124-202-28**

Dear Ms. Bond:

This letter is regarding the eligible facilities request (EFR) application resubmittal on **June 3, 2022**, to the City of Novato for the following project scope at 199 San Marin Drive (APN 124-202-28):

- Remove (1) concealment shroud;
- Install one (1) 60" concealment shroud;
- Remove two (2) antenna mounts;
- Install two (2) antennas;
- Install two (2) radios; and
- Installation of associated equipment within existing equipment cabinet.

Per Federal Communications Commission (FCC) 14-153 an application shall be reviewed for completeness and accuracy before they are accepted as being complete within the first 30-days of application submittal.

The following table specifies the information and documentation required to submit a complete project modification application for an EFR under Section 6409(a) and pursuant to the authorities granted by City of Novato Ordinance No.1654 adopted by the Novato City Council on October 8, 2019. A copy of the Community Development Department’s handout covering project modification procedures and application materials for EFRs is attached for reference.

Planning staff has completed an initial review of the resubmittal application materials and determined that the project is incomplete, as demonstrated by the “Staff Comment” section in **red** under each checklist item.

COMPLETENESS REVIEW CHECKLIST - EFR
Forms, Deposit, & Authorizations
Application Form
An applicant shall submit a complete Planning Division application for a Zoning/Planning/Subdivision Action .
Note that a property owner signature is required on the application form; a separate written authorization signed by the property owner can be submitted in-lieu of a signed application form.
If the existing facility to be modified is located on a building, pole, or other structure that is owned by

COMPLETENESS REVIEW CHECKLIST - EFR
the City or other public entity, the application must be signed by an authorized representative of the City or the other public entity and accompanied by the license or other agreement authorizing applicant's use of such property.
Completeness Determination: Complete.
Cost Reimbursement & Application Deposit
<p>An applicant shall acknowledge and agree that the proposal for a project modification under an eligible facilities request will cause the City to incur costs and expenses and shall be responsible to enter into a Cost Recovery Agreement and reimburse the City for all costs incurred in connection with the proposal, which includes without limitation costs related to application review, application processing, site inspection, and any other costs reasonably related to or caused by the request for authorization to modify an existing 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 project modification under an eligible facilities request. 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>
Completeness Determination: Complete.
Title Report & Regulatory Authorization
<p>An applicant shall submit a preliminary title report (or other definitive evidence of property ownership satisfactory to the City) prepared in the last six months.</p> <p>An applicant shall submit evidence (e.g., applicable FCC license) of the wireless provider's regulatory status under federal and California law to provide the services and modify the existing wireless facility addressed in the application.</p> <p>If the application is to modify an existing wireless facility 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>
Completeness Determination: Incomplete – Preliminary title report or other definitive evidence of property ownership not submitted. Submittal of a deed will satisfy this submittal requirement.
Existing Permits & Regulatory Approvals
Provide true and correct copies of all permits and other regulatory approvals issued for the existing wireless facility to be modified, including without limitation all conditions of approval applied to the facility.
Completeness Determination: Complete.
Eligibility Justification & Project Narrative

COMPLETENESS REVIEW CHECKLIST - EFR

Provide a statement that the 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 term is defined by Section 1.61400(b)(9) of 47 CFR Part 1 Subpart U) to an existing wireless facility.

The written narrative shall be keyed to the plans and other pertinent documents (including photographs and photo simulations) explaining the changes to the existing wireless facility site and supporting why the request is an “eligible facilities request” or any request for modification of an existing wireless tower or base station pursuant to Section 6409(a), and addressing the items listed below. **Bare conclusions not factually supported do not constitute a complete written narrative.**

Explain how the existing tower or base station is to be modified, including addressing the following items:

- a) Does the modification increase the overall height of the tower or base station? If so, describe the proposed height increase;
- b) Does the modification increase the width and/or protrusions of appurtenances and/or transmission equipment from the tower or base station? If so, describe the increases in width and/or protrusions;
- c) Does the modification involve the installation of new ground-mounted equipment cabinets where no such equipment cabinets were previously permitted? If so, describe all new ground-mounted equipment cabinets, including the number of such cabinets;
- d) Does the modification involve the installation of any new ground-mounted equipment cabinets that are larger in height and/or volume than any existing ground-mounted equipment cabinets? If so, describe the increases in height and/or volume versus existing ground-mounted equipment cabinets;
- e) Does the modification involve any excavations and/or deployment of wireless equipment outside the boundaries of the existing permitted facility, including any physical, wireline, and/or interconnections to other locations? If so, describe such modifications;
- f) Explain how the requested modification of the tower or base station does not defeat any previously proposed, observed, or required concealment (stealth) elements from the prior permit(s) authorizing the existing facility; and
- g) Explain how the requested modification(s) to the tower or base station complies with any proposed improvements, circumstances, and/or required conditions of approval from the prior permit(s) authorizing the existing facility, including proposed means of maintaining concealment elements of the existing facility.

Completeness Determination: Incomplete – Provide a written response to the items highlighted above. Please review the provided copies of regulatory approvals issued for existing wireless facilities to be modified for the addressed location and provide a written response to item (g).


The existing, previously approved concealment shroud is consistent in size with the existing light pole, as proposed, the new concealment shroud will increase in height as well as circumference and defeat the previously approved concealment element.

Existing & Modified Wireless Facility Construction Drawings

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An applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all existing and proposed improvements, equipment, and conditions related to the wireless facility modification. The construction drawings must:
Include a scaled site plan depicting: <ul style="list-style-type: none">a. All property lines, streets (with center lines), and easements (existing and proposed) related to the subject property on which the existing wireless facility is located.b. The location and labeled outside dimensions of all existing building(s) and eligible support structure(s) on which the existing wireless facility is located;c. The location and labeled outside dimensions of any modifications proposed to the existing building(s) and eligible support structure(s);d. The location and labeled outside dimensions of any ground-level equipment area for the existing wireless facility and that of the modified facility;e. The location and labeled dimensions of all ground-level wireless equipment and appurtenances for the existing wireless facility and modified facility;f. The location and size of all driveways, parking spaces, walkways, trails, and outside stairs and landings and any structural supports, enclosures, or other appurtenances associated with the existing and modified wireless facility potentially affecting vehicle, parking, pedestrian, or bicycle movements.g. The location and type of all existing and modified exterior lighting, including street lighting if applicable.
Completeness Determination: Submitted – Site existing conditions don't match existing site conditions. The monopole identified for modification is currently a standard light pole. Please clarify whether this proposal is for a new wireless facility or please correct the location of the proposed modified monopole.
Provide scaled plan views and elevations depicting the physical dimensions, including height and width, of the existing and modified wireless facility. The plan views and elevations must include any existing or proposed screening measures (e.g., fencing, parapets, etc.) for wireless equipment.
Completeness Determination: Submitted – please see comments above regarding existing conditions.
Identify the number, type, and model of any proposed antenna(s) and accessory equipment and provide 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.
Completeness Determination: Submitted – please see comments above regarding existing conditions.
Identify all modified 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.
Completeness Determination: Complete.
Photos & Photo Simulations
An applicant shall submit site photographs showing the existing wireless facility in context from at least three vantage points from surrounding public streets or other publicly accessible spaces, together with a vicinity map that shows the site location and the photo location for each vantage

COMPLETENESS REVIEW CHECKLIST - EFR
point. An applicant shall submit color photo simulations of the modified wireless facility based on the vantage points selected for photographs of the existing wireless facility.
Completeness Determination: Submitted. The provided photo simulations show existing and proposed conditions for a light pole that does not currently have any wireless equipment installed. Motive Infrastructure Solutions can correct this error by submitting photo simulations for the correct wireless facility.
Radio Frequency (RF) Compliance Report
An applicant shall submit an RF exposure compliance report that certifies that the modified wireless facility, as well as any collocated wireless facilities, will cumulatively 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.
Completeness Determination: Complete.
Acoustic Analysis
An applicant shall submit an acoustic analysis prepared and certified by an engineer for the modified wireless facility involving the placement of new equipment demonstrating compliance with the City's noise ordinance (NMC Section 19.22.070). The acoustic analysis must also include an analysis of the manufacturers' specifications for all existing and proposed noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, an applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all existing and proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
Completeness Determination: Incomplete – an acoustical analysis was not submitted. Motive Infrastructure Solutions can correct this omission by submitting an acoustical analysis. Sheet C-5.1 does not include an acoustic analysis prepared and certified by an engineer for the modified wireless facility involving placement of new equipment demonstrating compliance with the City's noise ordinance, including information as detailed above.
Shot Clock Extension
Provide a statement indicating whether the applicant may be agreeable to extending the time periods set forth in 47 C.F.R. Section 1.6100(c) and in accordance with Government Code Section 65964.1 and applicable FCC decisions, as defined within that section.
Completeness Determination: Complete.

Due to the incomplete status of this application, the City is tolling the shot clock for this application on **June 13, 2022**. 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 to discuss these comments.

Sincerely,

Vivek Damodaran
Planner II