



March 28, 2022

City of Novato – Community Development
Planning Division
922 Machin Avenue
Novato, CA 94945
planning@novator.org

Applicant: T-Mobile (Agent: The CBR Group)
Site Address: 7655 REDWOOD BLVD # 7665, Novato
Site ID: BA00209A / Project: SF209 7655-7665 Redwood B

Re: Eligible Facilities Request - Modify Communications Facility at **7655 REDWOOD BLVD # 7665, Novato, California 94945.**

To Whom it May Concern:

Please find along with this application the following supporting documents:

1. Application Form
2. Cost Recovery Agreement
3. Regulatory Authorization
4. Existing Permits & Regulatory Approvals
5. 6409 Jurisdictional Application Questionnaire
6. 100% CDs
7. EME Report
8. Acoustic Analysis

Shot Clock Extension Statement

At this time T-Mobile is not agreeable to extending the time periods set forth in 47 C.F.R. Section 1.6100(c).

A. T-Mobile is Filing an Eligible Facilities Request

The CBR Group on behalf of T-Mobile is submitting the attached Eligible Facilities Request application to add, remove, modify, or replace Transmission Equipment (the "Request") at a Tower located at 7655 REDWOOD BLVD #7665, Novato, California 94945.

This Request is governed by Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156). Section 6409(a) of the Spectrum Act states that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Under Section 6409, an Eligible Facilities Request is any request to modify a Tower or Base Station that involves "collocations of new Transmission Equipment," "removal," or "replacement" of Transmission Equipment.

B. Why this Eligible Facilities Request Must Be Granted



Consistent with federal law, the enclosed Request involves a proposal to collocate, remove, modify, or replace Transmission Equipment at an existing tower for use by a Federal Communications Commission (“FCC”) licensed wireless carrier. The existing Tower is a structure that is 33’ 9” high and presently contains wireless facilities. The existing Tower meets the Federal Communications Commission (“FCC”) definition of a Tower.

In a Report and Order adopted on October 17, 2014, the FCC determined that any modification to an existing telecommunications Tower that meets the following six criteria does not substantially change the physical dimensions of the existing Tower and therefore is an Eligible Facilities Request which must be granted:

1. The modifications to the Transmission Equipment do not increase the height of the Tower by ten (10) feet or ten (10%) percent, whichever is greater.
2. The modifications to the Transmission Equipment do not protrude from the edge of the Tower by more than six (6) feet.
3. The modifications to the Transmission Equipment do not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.
4. The modifications to the Transmission Equipment do not entail any excavation or deployment outside of the Tower site.
5. The modifications to the Transmission Equipment do not defeat any existing concealment elements of the Tower.
6. The modifications to the Transmission Equipment comply with prior conditions of approval of the Tower, unless the non-compliance is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds in numbers 1-4.

The proposed project will involve Modification of an Existing Cell Site. This work does not constitute a substantial change under the criteria above because it:

- 1) Will not increase the height of the Tower by more than ten percent (10%) or ten (10) feet, whichever is greater;

Details: The height will not increase by more than ten (10%) or ten (10) feet, whichever is greater.

- 2) The modifications to the Transmission Equipment do not protrude from the edge of the Tower by six (6) feet;

Details: The modifications do not protrude from the edge by more than six (6) feet.

- 3) Does not defeat any existing concealment elements;

Details: The existing concealment elements will not be defeated.

- 4) Does not entail any excavation outside the current Tower site;

Details: The proposed project will not involve excavations outside the current Tower site.

- 5) Does not involve the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four.

Details: The proposed project will involve the installation of 2 new cabinets and removal of 1 old cabinet.



- 6) The proposed project complies with prior conditions of approval of the Tower, except for any non-compliance that is due to an increase in height, increase in width, addition of equipment cabinets, or new excavation that does not exceed the thresholds above.

Response: The proposed project complies with prior conditions of approval.

Similarly, the list of equipment that will be installed as part of this Request qualifies as Transmission Equipment, which the FCC defines as “any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and back-up power supply. This definition includes equipment used in any technological configuration associated with any Commission-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband.”

In sum, the modifications to the Transmission Equipment at the Tower located at fully conform to the requirements of the Spectrum Act. Accordingly, this Request must be approved within 60 days, as outlined below.

C. Notice of Federal Law Expedited Permit Processing and Deemed Granted

Under federal law, an Eligible Facilities Request is deemed granted sixty (60) days after a complete application is filed. Thus, if sixty days pass after the submission of the Request and the City/County has not acted to grant or deny the Request, it will be deemed granted. At that time, the applicant may advise the City/County that the application has been deemed granted. If the City/County wishes to contest whether Request has been deemed granted, the burden is on the City/County to file a lawsuit in a court of competent jurisdiction within 30 days after receipt of a written communication notifying it that the Request has been deemed granted.

T-Mobile is committed to working cooperatively with you to process this request in a timely and efficient manner. Please do not hesitate to contact me if you have questions.

Sincerely,

The CBR Group, authorized agent for T-Mobile

Attachments