



ELIGIBLE FACILITIES REQUESTS PROJECT MODIFICATION PROCEDURES

A project modification approval issued by the Planning Division pursuant to Novato Municipal Code Section 19.44.050 is required for any proposal to modify an existing, permitted wireless facility pursuant to an eligible facilities request as identified in Section 6409(a) of the Middle Class Tax Relief Act of 2012.

The following checklist specifies the information and documentation required to submit a complete project modification application for an eligible facilities request 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. This checklist is intended to aid in submitting a complete application for a project modification request to be reviewed and acted on by the City of Novato Planning Division.

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

SUBMITTAL ITEMS	
Forms, Deposit, & Authorizations	
<input checked="" type="checkbox"/>	<p>Application Form</p> <p>An applicant shall submit a complete Planning Division application for a Zoning/Planning/Subdivision Action.</p> <p>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.</p> <p>If the existing facility to be modified is located on a building, pole, or other structure that is owned by 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.</p>
<input checked="" type="checkbox"/>	<p>Cost Reimbursement & Application Deposit</p> <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</p>

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.

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.

Please contact the Planning Division for the deposit amount.

Title Report & Regulatory Authorization

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.

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.

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.

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.

Eligibility Justification & Project Narrative

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 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.

<input checked="" type="checkbox"/>	<p>Explain how the existing tower or base station is to be modified, including addressing the following items:</p> <ul style="list-style-type: none"> 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.
Existing & Modified Wireless Facility Construction Drawings	
<p>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:</p>	
<input checked="" type="checkbox"/>	<p>Include a scaled site plan depicting:</p> <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.

	<p>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;</p> <p>c. The location and labeled outside dimensions of any modifications proposed to the existing building(s) and eligible support structure(s);</p> <p>d. The location and labeled outside dimensions of any ground-level equipment area for the existing wireless facility and that of the modified facility;</p> <p>e. The location and labeled dimensions of all ground-level wireless equipment and appurtenances for the existing wireless facility and modified facility;</p> <p>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.</p> <p>g. The location and type of all existing and modified exterior lighting, including street lighting if applicable.</p>
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
Photos & Photo Simulations	
<input checked="" type="checkbox"/>	<p>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 point.</p> <p>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.</p>
Radio Frequency (RF) Compliance Report	
<input checked="" type="checkbox"/>	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.
Acoustic Analysis	
<input checked="" type="checkbox"/>	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.
Shot Clock Extension	
<input checked="" type="checkbox"/>	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.

Pre-Submittal Consultation

The Planning Division encourages, but does not require, applicants to schedule and attend a pre-submittal consultation with the Director or designee for any proposed eligible facilities request. This voluntary pre-submittal consultation 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.

Application Completeness

An application for a project modification based an eligible facilities request will be first reviewed for completeness by the Planning Division. An applicant will be notified in writing

whether their application is complete. If incomplete, the applicant will be advised of those missing items required to complete the application. Any applicable shot clock shall be tolled during the period of time the application has been deemed incomplete and submittal of the missing information by an applicant.

Courtesy Notice

The Planning Division will issue a courtesy notice regarding the request for a project modification to all property owners within 600-feet of the boundaries of the parcel on which the existing wireless facility is located and the date by when the determination will be made.

Action

The Community Development Director or designee will render a ministerial decision on a eligible facilities request upon an application being deemed complete and within any applicable shot clock period.

A project modification will be granted in writing where: a) the application and supporting materials accurately and sufficiently document the proposal meets the criteria of an eligible facilities request; and b) the wireless facility at issue is found to remain in compliance with design and conditions of approval applicable to the permit(s) originally approving the existing wireless facility. A project modification may be conditionally granted where corrective action is required to bring an existing facility into compliance with its original approvals.

Vicki Parker
Community & Economic Development Director