



March 26, 2024

Cline LLC.,  
Attn.: Jaclyn Bellicitti c/o T-Mobile  
23 Mauchly Ste. 110  
Irvine, CA 92618

**Delivered via Email:** [jbellicitti@clinellc.com](mailto:jbellicitti@clinellc.com)

**RE: 5400 NAVE DRIVE; ELIGIBLE FACILITIES REQUEST  
APPLICATION COMPLETENESS; FILE No. P2024-018; APN 155-020-45**

Dear Ms. Bellicitti,

This letter is regarding the eligibility facilities request (EFR) application submitted on February 27, 2024, to the City of Novato for the following project scope at 5400 Nave Drive (APN 155-020-45):

- Removal of two (2) cabinets
- Removal of one (1) radio
- Replacement of one (1) dual antenna to an AIR 6419
- Replacement of one (1) dual antenna to one (1) octo-antenna
- Installing two (2) radios
- Additional equipment module replacements within the equipment area

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 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

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.

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.

**Completeness Determination: Incomplete – A cost recovery agreement form and required deposit amount were not submitted with this application. Cline LLC., can correct this omission by completing and submitting a properly completed cost recovery agreement form (hyperlinked above) and deposit amount required for an “Eligible Facilities Requests – Spectrum Act 6409(a)” as listed on the city’s master fee schedule [here](#). Please note that the property owner’s signature or written authorization is required to present a completed cost recovery agreement.**

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### 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.

**Completeness Determination: Incomplete – Preliminary title report or other definitive evidence of property ownership was not submitted. Cline LLC., can correct this omission by providing a preliminary title report or other definitive evidence of property ownership.**

### 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: Incomplete – Existing permits and regulatory approvals for existing facilities, including conditions of approval, have not been submitted. However, Staff have compiled copies of regulatory approvals issued for existing wireless facilities to be modified for the addressed location.**

### 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.

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;

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- 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 – Cline LLC., can correct this omission by providing a written response to the item(s) highlighted above in red.

**Existing & Modified Wireless Facility 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 existing and proposed improvements, equipment, and conditions related to the wireless facility modification. The construction drawings must:

Include a scaled site plan depicting:

- 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;

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- 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: Complete.**

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: Complete.**

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: Complete.**

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 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: Incomplete – Photos and photo simulations were not submitted with the application. Cline LLC., can correct this omission by providing photos and photos simulations as described above.**

**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

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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:** Incomplete – an RFR was not submitted with the application. The applicant can correct this omission by submitting an RFR for the project modification.

**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 Acoustic Analysis was not submitted with the application. The applicant can correct this omission by submitting an Acoustic Analysis for the project modification.

**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.

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.

Sincerely,



Vivek Damodaran  
Senior Planner