



April 30, 2024

MasTec Network Solutions
3443 Airport Road
Sacramento, CA 95834

Via Email: Paul.Benedyuk@mastec.com

RE: 10 Main Gate Road, Novato; Eligible Facilities Request
File No. P2024-002; APN 157-980-10

Dear Mr. Benedyuk:

This letter is regarding the eligible facilities request (EFR) application submitted on behalf of AT&T on January 4, 2024, for the existing PG&E lattice tower located at 10 Main Gate Road. Below is a summary of the proposed scope of work, which is more fully described and depicted on the plan set prepared by Joseph Russell King, PE, with a revision date of 7/10/2023.

Remove: 4 antennas, 1 squid, 12 coax, 1 cabinet;
Install: 10 antennas, 3 squids, 5 RRUs, 6 H-frames, 5 DC trunks, 2 fiber trunks, 1 DC 12, 1 battery cabinet, 4 battery strings, 7 rectifiers, 1 6648, and 1 XMU;
Relocate: Various other components.

Pursuant to the requirements of Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012, as well as City of Novato Ordinance No. 1654 adopted by the Novato City Council on October 8, 2019, staff has found the proposal, as described above, meets the requirements of an EFR. Accordingly, AT&T's EFR is approved based on the following findings and subject to conditions of approval below:

Findings

- 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.

Conditions of Approval

1. The installation shall comply with all federal regulations regarding wireless facilities, including the installation of all caution signs recommended in the submitted radio frequency (RF) report and/or required to comply with FCC and OSHA requirements.
2. Approval Indemnity and Time Limits

- a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
- b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.
- c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- d. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- e. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

If you have any questions regarding this matter please contact Brett Walker, Senior Planner at 415-493-4711 or bwalker@novato.org.

Sincerely,



Steve Marshall, Deputy Director
For the Community Development Director