

Verizon Wireless 60-Day Eligible Facility Request Modification of Existing Wireless Base Station

Request Date: *12/04/2025*

Jurisdiction: *City of Novato*

Departments: *Building Department & Planning Department*

Site Address: *75 Roland Way*

Verizon Wireless Contact: Eric Lentz, lentzplanning@gmail.com . 805-895-4394

This document serves as Verizon Wireless's eligible facilities request to modify an existing wireless base station at the above-referenced site address. This eligible facilities request must be approved administratively under Section 6409 of the federal Spectrum Act and Federal Communications Commission ("FCC") rules. Review by the City is limited to determining whether the proposed modification qualifies as an eligible facilities request that does not substantially change the physical dimensions of the wireless base station. All permits necessary to commence construction must be approved within 60 days of the request date set forth above, subject to tolling for incompleteness.

For this request, Verizon Wireless attaches the following applications for all the permits required by the City to commence construction of the modification:

- 1. Building permit*
- 2. Zoning Clearance*

Verizon Wireless hereby requests that the City immediately provide a quote of application fees and payment options, which Verizon Wireless will pay promptly. Any delay by the City in quoting application fees or providing payment options will not toll today's commencement of the 60-day period.

Project Description

The existing wireless facility owned by Verizon was originally permitted by the City under BP# B2019-3410. Included with this application is the Original Zoning Approval from Vivek Damodaran dated 3/19/2019. As a "co-locating" facility, Planning approved the original enticement as Zoning Clearance through building permit. As currently installed, the facility consists of antennas installed on the rooftop and screened.

To accommodate new wireless technologies, Verizon Wireless proposes to install new antennas within new FRP screens. No additional changes are proposed for the modification.

FCC Rules for Eligible Facilities Requests

The Spectrum Act states that “a State or local government 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.”¹ An “eligible facilities request” is defined to include any collocation, removal, or replacement of existing equipment.²

The FCC adopted rules providing legally binding guidance on key terms of the Spectrum Act, notably defining “substantial change” with the six thresholds described below.³ The FCC requires that qualifying eligible facilities requests be approved within 60 days, subject to tolling for incompleteness.⁴ The 60-day period begins when an applicant takes the first procedural step required by a local government, and submits written documentation.⁵ The only submittal documents a local government can require are those relevant to determining if a proposed modification qualifies as an eligible facilities request.⁶ If a local government does not render a decision within the 60-day period, an eligible facilities request can be deemed granted by operation of law.⁷

The Proposed Modification Does Not Constitute a “Substantial Change”

Below are the FCC’s six “substantial change” thresholds for a wireless base station,⁸ each followed by an explanation that the proposed modification does not exceed that threshold.

- 1) It increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

There is no proposed change in height with this modification.

- 2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

There will be no proposed appurtenances to protrude from structure.

- 3) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four; or, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

There are no additional cabinets proposed with this modification.

- 4) It entails any excavation or deployment outside the current site (as defined at 47 C.F.R. § 1.6100(b)(6)).

There is no excavation proposed with this modification.

- 5) Would defeat the concealment elements of the eligible support structure.

The proposed antennas would continue to be screened.

- 6) Does not comply with conditions associated with the siting approval of the construction or modification of the existing facility, unless the non-compliance is due only to a change in height, width, etc., that does not exceed the first four thresholds.

There are no prior conditions of approval that would render the modification to be non-compliant, aside from any conditions that would be preempted by the first four “substantial change” thresholds.

In sum, the modification clearly qualifies as an “eligible facilities request” under the Spectrum Act and FCC rules, because it does not exceed any of the thresholds such that it would “substantially change” the physical dimensions of the existing wireless base station. Failure to process this eligible facilities request and approve all necessary permits within 60 days may result in the request being deemed granted by operation of law.

¹ 47 U.S.C. § 1455(a)(1).

² 47 U.S.C. § 1455(a)(2).

³ See Report and Order FCC 14-153, 29 FCC Red. 12865 (FCC October 17, 2014); see also Report and Order FCC 20-153, 85 FR 78005 (FCC October 27, 2020).

⁴ See 47 C.F.R. § 1.6100(c)(2), (3).

⁵ Declaratory Ruling 20-75, 35 FCC Red 5977, ¶ 16 (FCC June 9, 2020).

⁶ See 47 C.F.R. § 1.6100(c)(1).

⁷ See 47 C.F.R. § 1.6100(c)(4).

⁸ See 47 C.F.R. § 1.6100(b)(7).