

Section 6409(a) Modification Worksheet For Wireless Towers on Private Property

Purpose: This worksheet serves to assist the City of Carlsbad to determine whether a proposed collocation or modification to an existing wireless tower on private property qualifies as an eligible facilities request and/or would cause a substantial change as defined by the FCC.

Instructions: Applicants must complete this worksheet and submit it with an application for a Section 6409(a) modification to collocate or modify transmission equipment on an existing wireless tower on private property submitted for approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)).

Any proposed modification submitted for approval pursuant to Section 6409(a) must answer two general questions: (1) is the proposed modification an eligible facilities request and if so, (2) will it cause a substantial change? Section 1 addresses the eligible facilities request question and Sections 2 through 7 address the substantial change questions.

In general, any “NO” answer in Section 1, or any “YES” answer in Sections 2 through 7 will disqualify the proposed modification from Section 6409(a).

The City may deem any application without a completed worksheet incomplete. If a response to any question requires additional space, applicants may attach additional pages to this worksheet so long as the responses are clearly labeled with the number that corresponds with the question. Questions about this worksheet should be submitted to the Planning Division at planning@carlsbadca.gov.

Applicant Name: _____

Phone: _____ **Email:** _____

Project Address: _____

Applicant's Site ID: _____

ELIGIBLE FACILITIES REQUEST

Section 1. EXISTING FACILITY

1.1. **Has the tower been deployed in accordance with the applicable siting and zoning regulations in effect when the deployment occurred?** YES NO

1.2. **Does the application include copies of the initial siting/zoning permit or regulatory approval issued in connection with this site?** YES NO

1.3. **Does the application include a copy of the most recent permit or regulatory approval issued in connection with this site?** YES NO

If the answer Line 1.2 or Line 1.3 is “NO” explain why the relevant permits and/or regulatory approvals are not attached:

- 1.3. Will the proposed modification maintain (and **NOT** replace) the existing tower structure? YES NO

SUBSTANTIAL CHANGE FACTORS

Section 2. HEIGHT INCREASES

Rule: A modification substantially changes a wireless tower on private property if it increases the height of the tower as it existed on February 22, 2012 by more than 10% or 20 feet (whichever is greater). 47 C.F.R. § 1.6100(b)(7)(i).

- 2.1. Provide the following measurements:
- 2.1.1. overall height **after** the modification or collocation: _____ feet
 - 2.1.2. tower height on February 22, 2012: _____ feet
 - 2.1.3. **subtract** Line 2.1.1 by Line 2.1.2: _____ feet
 - 2.1.4. **multiply** Line 2.1.2 by 0.1: _____ feet

- 2.2. Is the measurement in Line 2.1.3 greater than 20 feet **AND** greater than the measurement in Line 2.1.4? YES NO

Section 3. WIDTH INCREASES

Rule: A modification substantially changes a wireless tower on private property if it adds an appurtenance that protrudes from the tower by more than 20 feet or by more than the width of the tower at the level of the appurtenance (whichever is greater). 47 C.F.R. § 1.6100(b)(7)(ii).

- 3.1. Provide the following measurements:
- 3.1.1. furthest distance that any proposed appurtenance would protrude from the tower: _____ feet
 - 3.1.2. existing tower width at the level of the new appurtenance(s): _____ feet

- 3.2. Is the measurement in Line 3.1.1 greater than 20 feet **AND** greater than the measurement in Line 3.1.2? YES NO

Section 4. EQUIPMENT CABINETS

Rule: A modification substantially changes a wireless tower on private property if it involves more than four (4) new equipment cabinets. 47 C.F.R. § 1.6100(b)(7)(iii).

- 4.1. Provide the number of new equipment cabinets in the proposed modification: _____

- 4.2. Is the quantity in Line 4.1 greater than four (4)? YES NO

Section 5. NEW EXCAVATION OR DEPLOYMENT AT GROUND LEVEL

Rule: A modification substantially changes a wireless tower on private property if it entails any excavation or deployment outside the current boundaries of the leased or owned property surrounding the tower and any access or utility easements related to the site. 47 C.F.R. §§ 1.6100(b)(6), 1.6100(b)(7)(iv).

5.1. Mark the appropriate box(es) if the project plans contain the following items. Mark any box "N/A" if the item is not part of the scope of work for the proposed modification:

- Current boundaries of the area that the carrier/infrastructure provider leases or owns, including access and utility easements
- All proposed equipment deployed on the ground
- All proposed ground disturbance (excavation, trenching, boring, digging, etc.)

5.2. Describe all proposed ground disturbance and proposed equipment deployed on the ground:

5.3. **Will any new ground disturbance or equipment deployed on the ground be outside the leased or owned areas, including any easements for access or utilities?**

YES NO

Section 6. CONCEALMENT ELEMENTS

Rule: A modification substantially changes a wireless tower on private property if it would defeat the concealment elements of the tower. 47 C.F.R. § 1.6100(b)(7)(v).

6.1. Mark the appropriate box(es) if the application contains the following items:

- Full-color photo simulations that depict how the site appears now and how it will appear after the proposed project
- Project plans that depict and call out all existing and proposed concealment elements (painting, stealth techniques, camouflaging, integration, etc.)

6.2. Describe the existing concealment elements and/or techniques:

6.3. Describe the proposed concealment elements and/or techniques and how, if at all, the proposed modification would alter the existing concealment elements:

6.4. **Will the proposed modification defeat the existing concealment elements of the tower?**

YES NO

Section 7. COMPLIANCE WITH PRIOR PERMIT CONDITIONS

Rule: A modification substantially changes a wireless tower on private property if it does not comply with conditions associated with the siting approval for the original construction or subsequent modification(s) of the tower. Noncompliance with prior permit conditions related to height, width, equipment cabinets and excavation would not cause a substantial change to the extent the condition is more restrictive than the applicable FCC thresholds (described in Sections 2 through 5 of this worksheet). 47 C.F.R. § 1.6100(b)(7)(vi).

7.1. Mark the appropriate box(es) if the application contains all the following items:

- Copies of all prior permits and other regulatory approvals issued in connection with this site
- All conditions of approval applicable the corresponding prior permits and other regulatory approvals

7.2. Identify the condition(s) corresponding to a prior permit or regulatory approval that the proposed modification would violate:

7.3. Identify the condition(s) corresponding to a prior permit or regulatory approval that the proposed modification would violate, but condition(s) would be preempted by a “NO” answer in **Line 2.2, 3.2, 4.2 or 5.3** of this worksheet:

7.4. **Are there any conditions identified in Line 7.2 that do not appear in Line 7.3?**

<input type="checkbox"/> YES	<input type="checkbox"/> NO
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PREPARER'S CERTIFICATION

I have read and I understand this worksheet and all its instructions. All my responses on this worksheet are true, accurate and based on my personal knowledge about the proposed project to which this worksheet corresponds. I understand that the City of Carlsbad will rely on my responses to evaluate whether to process this application in accordance with the FCC's regulations under 47 C.F.R. § 1.6100 *et seq.*, and I acknowledge that any inaccuracies may result in the application being deemed incomplete or the request for approval pursuant to Section 6409(a) being denied.

Applicant Name: _____

Applicant Signature: _____ Date: _____