

EXHIBIT A



TOWN OF TIBURON

WIRELESS COMMUNICATION FACILITIES (WCF) STANDARDS

**Originally Adopted by
Tiburon Town Council on December 2, 2005
Resolution No. 55-2005**

**Revised on June 2, 2010
Town Council Resolution No. 29-2010**

**Revised on November 7, 2018
Town Council Resolution No. 44-2018**

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I. PURPOSE AND APPLICABILITY

The Town of Tiburon recognizes the public will benefit from the orderly development of wireless communications facilities (hereinafter, WCFs), among which benefits are open access to a broad range of competitive services for businesses, citizens, and public agencies. The Town further recognizes the need to balance the convenience related to telecommunications services with the public interest regarding the location, design, and operation of WCFs.

These *Wireless Communication Facilities Standards* (hereinafter “*Standards*”) provide a uniform set of standards for the orderly development and operation of WCFs in order to avoid or minimize land use conflicts related to compatibility of uses, visual resources, public safety, and environmental impacts in accordance with State and Federal law. The *Standards* will facilitate the efficient and effective processing of permit applications for new or expanded WCFs. Users are directed to Chapter 16 (Zoning) of the Tiburon Municipal Code for definitions of terms used in these *Standards*. The Municipal Code can be accessed at www.townoftiburon.org. A partial list of definitions is contained in **Appendix A**.

These *Standards* apply to WCFs as specified in the applicable section(s) of the Tiburon Municipal Code, attached as **Appendix B**. The Town shall review permit applications for said WCFs for conformance with these *Standards* in addition to other applicable Town land use regulations. These *Standards* are not intended to regulate WCFs based on the environmental effects of radio frequency (RF) emissions to the extent that the predicted and/or actual emissions comply with applicable Federal Communications Commission (FCC) guidelines of the Telecommunications Act of 1996, and any amendments or successors thereto.

II. POLICY FOR OTHER PUBLIC AGENCIES

These *Standards* are binding on other public agencies to the fullest extent allowed by law. The Town hopes, expects and requests that public agencies that might be, or are, legally immune from the Town’s land use regulations will nevertheless respect and abide by these *Standards*.

III. APPLICATION SUBMITTAL REQUIREMENTS

Development applications for conditional use permit for a WCF shall be accompanied by the materials listed in this section, in addition to current application fees and the standard information items required for Conditional Use Permit applications (see **Appendix C**). The Director of Community Development (hereinafter “Director”) may waive the requirement for submittal of any information described herein that the Director determines is inapplicable based on project-specific factors, and shall promptly notify the Planning Commission of such waiver. The Planning Commission and/or Town Council maintain the authority to subsequently require submittal of any information that the Director initially deemed inapplicable. Required materials are as follows:

A. **Network Facilities Plan.** An applicant's updated network facilities plan for, at a minimum, the entire Tiburon Planning Area, as well as the City of Belvedere and the Strawberry Peninsula (see **Appendix D**), including the information listed below pertaining to the provision of service over the duration of the network facilities plan:

1. A written description of the type of technology and type of consumer services the carrier will provide to its customers.
2. A list enumerating the carrier's facilities sites, including existing sites, approved sites, proposed (applications filed and pending) sites, and planned (applications not yet filed) sites for new, upgraded, and abandoned facilities. This information shall also set forth the location, type, number and appearance in scale drawings of antennas and base transceiver stations at each facilities site at five (5) year intervals. The network facilities plan shall state the number of subscribers that can be served, disclose excess capacity, if any, designed into the WCF, and intentions for future use of such excess capacity, including subleasing intentions, co-location intentions, and any intentions for expanding capacity.
3. A 500-scale map (1 inch equals 500 feet) of Marin County depicting the geographic location and boundaries of all coverage areas (or capable of coverage, i.e., search rings) planned by the carrier, the location of the carrier's facilities sites within each coverage area (facilities sites should be identified on the map by numbers corresponding to the list from III.A.2 above), and the location of all other existing WCFs within the Tiburon Planning Area, City of Belvedere, and the Strawberry Peninsula. Topographic maps published by the United States Geological Survey (USGS) should be used to prepare base information for the service area maps. The network and coverage area map(s) may be combined into a single map as long as the scale of the map is large enough to provide for site-specific analysis within the coverage area boundaries. Carriers are encouraged to consult with the Planning Division prior to submittal of permit applications for guidance regarding an acceptable format for the map information.
4. A 500-scale (1 inch equals 500 feet) map showing areas not covered by the proposed facilities, for ease in seeing where service will not be provided.
5. A 500-scale (1 inch equals 500 feet) map showing where new or additional facilities are expected to be needed to service new subscribers when the initial system is fully subscribed.

B. **Subject WCF Information.** The following information and materials shall be submitted with respect to the specific WCF that is the subject of the application:

1. A separate coverage area map or maps for the proposed WCF, including the applicable information described in III.A.3 and III.A.4 above as it

- pertains to the coverage area within which the proposed WCF is sited.
2. A Site Plan on a 24 inch by 36 inch sheet of paper, and an 11 inch by 17 inch reduction of the site plan, which shall include the following information:
 - a. Property lines of the subject parcel.
 - b. Location and names of adjacent streets and/or driveways proposed to serve as access to the facility.
 - c. Topography in two foot contour intervals.
 - d. Location of drainage improvements within or adjacent to the site.
 - e. Location of proposed construction, including all towers, structures, buildings, equipment, generators, antennas, utility line extensions, driveways, roads, parking areas and other proposed improvements.
 - f. Numerical setbacks of proposed structures and improvements from the property lines.
 - g. North arrow, graphic scale, name of preparer, and date prepared.
 - h. Footprint and use of existing buildings within two hundred (200) horizontal feet of the subject property lines.
 3. A statement indicating whether the WCF is proposed as a co-location site or shared-location site, along with information on the capacity of the site to support other or additional WCFs in either co-location or shared-location arrangements.
 4. Number, type, and sizes of antennas, approximate orientations, and the true compass direction of all transmissions, together with detailed descriptions of towers or other structures or facilities necessary to support and/or house the WCF.
 5. Elevation drawings indicating the heights and dimensions of the WCF elements. Carriers must demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the WCF on the proposed site. In the event the applicant wishes to change the design or specifications of the WCF after initially submitting the application, but prior to approval by the Town, such changes must be submitted to the Town together with such other information that the Director determines is required to evaluate the proposed changes, including the updating of information previously submitted.
 6. Equipment enclosure type and size, and proposed noise abatement methods necessary to comply with the Tiburon General Plan and any applicable Town noise regulations.
 7. Construction time-frame for the WCF.
 8. A materials and colors board (8½ inches by 11 inches) showing the proposed materials and colors for antennas, support structures, and other facilities.
 9. Detailed description and plan of proposed lighting (artificial lighting allowed only if required by federal rules or regulations).
 10. Description of any proposed signage, including identification signage.
 11. Description of vehicular access to facility and detail drawings of safety or other fencing for the site, including height and materials specifications.

12. Description of utility line extensions needed to serve the WCF.
13. A written description of all back-up power sources, if proposed, including, but not limited to, the size and capacity of fuel, propane or other tanks and equipment, type of fuel proposed to be used, compliance with all fire and safety requirements related to such power sources, and complete technical specification for all such power sources.
14. A written description of the type of technology and type of wireless communication services the WCF will provide.
15. A written description of any new, non-proprietary technology associated with the WCF that will serve to reduce the impact of the WCF, of which the applicant is aware, after having conducted a good faith and duly diligent search to obtain current information about such technology. The applicant shall confirm and provide supporting evidence in writing that a good faith and duly diligent search was conducted.
16. An acoustical analysis and report prepared by a licensed and/or accredited sound engineer certifying that the noise to be generated from the proposed WCF will comply at all times with the Noise Element provisions (see **Appendix E**) of the Tiburon General Plan and with any other Town noise regulations in effect at the time of the filing of the application. Said report shall include, without limitation, a written description of all noise generated by the facility, including, without limitation, retractable monopole motors, antenna rotators, power generation, heating or air conditioning, and related equipment, and shall include the estimated times, frequency, duration and decibel levels of the noise.
17. A landscape plan showing existing vegetation, indicating any vegetation proposed for removal or trimming, and identifying proposed new and/or replacement plantings by species, size, and location. The emphasis of the landscape plan shall be to visually screen the proposed facility and stabilize soils on sloping sites.
18. A grading plan indicating the location, volume and heights of required cuts and fills, and areas of grading or where earth is to be removed, placed or otherwise disturbed as a result of the project.
19. A visual impact analysis of the proposed facility at design capacity, including but not limited to photo simulations and/or story poles erected at the proposed site, or other similar techniques as may be approved by the Director. The visual analysis shall be to scale and shall address views from public vantage points and private residences if determined appropriate by the Director.
20. Documentation, including all engineering source documents relating to such, demonstrating that the facility will comply with applicable radio frequency (RF) emission standards. Such documentation may be satisfied by a written demonstration of compliance with FCC Office of Engineering Technology (OET) Bulletin 65, or successors thereto. The documentation shall include measurements of the predicted and actual (if available) levels of EMF radiation emitted by the proposed facility operating by itself and in combination with other existing or approved facilities that can be

measured or estimated at the proposed facility site. Calculations for predicted EMF radiation shall be based on all proposed, approved, and existing facilities operating at maximum power densities and frequencies.

21. A written description of the proposed method(s) of correcting any potential interference with consumer electronic products and equipment that may result from the operation of the facility.
22. Copies of any and all private and other land use agreements, entitlements and easements or restrictions (open space, conservation, scenic resources, etc.) that encumber or affect the WCF site; and copies of all legal instruments that demonstrate applicant's legal access to the site. If the applicant's legal interest in the site results from a lease, license or other instrument, a true and correct copy of the fully executed lease, license or other instrument entitling the applicant to use the site, and including all exhibits thereto, shall be submitted.
23. A current title report, dated not later than sixty (60) days prior to the date of the filing of the application, together with legible copies of all documents referred to therein, reflecting the status of legal title to the site.
24. Documentation that the operator has applied for and/or obtained any licenses and/or approvals that are required by federal and/or State agencies.
25. Based on the reasonable discretion of the Director, the Town may, at any time during the application review process and at the applicant's sole expense, also require the applicant to provide:
 - a. A graphic and written analysis that identifies all technically feasible sites within the coverage area that could accommodate the proposed service, in order to ensure, among other things, adequate and complete consideration of co-location and shared-location of the proposed WCF. The analysis shall include enough information to provide adequate consideration of technically feasible alternative sites and/or facility designs that would avoid or minimize adverse effects related to land use compatibility, visual resources, public safety, and environmental factors. The analysis shall also include in writing the specific factors for selection of the proposed facility site over alternative sites. Facilities that are not proposed to be sited on a co-location or shared-location site shall provide information substantiating the infeasibility of such sites. The Town may require independent peer review at the applicant's expense of the analysis prior to making a decision on the permit application. The analysis should, to the extent practical, be incorporated with the coverage area map required by Section III.A.3 above.
 - b. Written authorization for the Town to hire an independent, qualified consultant to evaluate technical and other aspects of the applicant's proposal, including but not limited to, verifying the comprehensiveness and accuracy of the analysis of

potentially technically feasible alternate sites, compliance with applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions. Such authorization shall include a written agreement by the applicant to advance or promptly reimburse the Town for all reasonable costs associated with the consultation. See **Appendix F** for a sample written authorization.

26. Any application for a WCF that does not comply with all mandatory standards set forth in Section IV, General Requirements, of these *Standards* shall include a written statement explaining why strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in federal and/or state rules and regulations, any alternatives that were considered, and the reasons why there are no feasible alternatives that would meet each mandatory standard for which compliance is not achieved. A checklist of the General Requirements is attached as **Appendix G**.
27. Any application for a WCF that does not comply with any advisory standard set forth in Section IV, General Requirements, of these *Standards* shall include a written statement explaining why the advisory standard is not being complied with.
28. Such additional information as the Director deems necessary or appropriate for the evaluation of the application.

IV. GENERAL REQUIREMENTS

The following general requirements apply to WCFs. Use of the word “shall” constitutes a mandatory standard. Use of the word “should”, “may”, “preferred”, “encouraged” or “discouraged” constitutes an advisory standard.

The Town will act on an application for wireless telecommunication facilities within the following amount of time for review as required by federal and state law::

- 60 days to act on an application for an eligible facility that does not substantially change the physical dimensions of the existing wireless telecommunication facilities tower or base station (i.e., a Section 6409 (a) Permit);
- 60 days to act on an application for a small cell wireless telecommunication collocation facility;
- 90 days to act on new-build small cell wireless telecommunications facilities;
- 90 days to act on non-small wireless telecommunication facilities; and
150 days to act on all other wireless facilities

A. General Development Standards.

1. Consistency with General Plan and Municipal Code. The proposed facilities shall be consistent with the Tiburon General Plan, these *Standards* and any other applicable regulation set forth in the Tiburon Municipal Code.

2. No portion of an antenna, support structure or any related equipment shall be located on or within a distance of one hundred (100) vertical feet of the Tiburon Ridge (see **Appendix D**), as delineated in the Tiburon General Plan.

3. Not more than one (1) monopole antenna structure shall be permitted at any WCF location, except at a Town-approved shared-location site.

4. No portion of any antenna, support structure or related equipment shall overhang a property line that is not part of the subject WCF site at any time.

5. Setbacks. Freestanding monopole antenna structures shall be set back at least fifty percent (50%) of the monopole height from all property lines, and one hundred percent (100%) of the monopole height from any adjacent residentially-zoned property.

6. Height Limits. Antennas, support structures, and related equipment shall comply with building height limitations in all zones, but may exceed such height limits by up to three (3) feet pursuant to height measurement provisions of the Tiburon Municipal Code. These height limits shall not apply to antennas of amateur radio operators when licensed by the Federal Communications Commission.

7. Unless otherwise required by Town, county, state or federal rules or regulations, WCFs shall have a non-reflective finish and shall be painted a color or colors consistent with the predominant background color(s), as determined by the acting body.

8. All WCFs shall comply with the applicable provisions of the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code and rules and regulations imposed by state and federal agencies.

9. The smallest, lowest and least visible antennas and support structures as possible shall be installed that will reasonably accommodate the operator's communication needs. The applicant shall specify which antennas and support structures were evaluated, and describe the process used to select the proposed antenna(s) and support structures.

10. The Town shall retain the authority to limit the number of antennas and related equipment at any site in order to minimize potential visual and other impacts.

For Building-Mounted or Freestanding Wireless Facilities

B. Location and Structure Standards.

1. Location Standards.

a. WCFs should be located in commercial areas.

b. Publicly-owned sites or structures, including but not limited to buildings, telephone utility poles, signage, traffic signals, and light standards, are preferred locations over privately-owned sites or structures.

c. WCFs shall not be located on parcels used for residential purposes.

d. WCFs shall not be located on parcels designated as Open Space on the Tiburon Zoning Map, or on buildings and/or properties designated as Local

- Historical Landmarks by resolution of the Town Council (see **Appendix H**).
- e. WCFs shall not be located on buildings listed in the Town's Local Historic Inventory of Buildings in Downtown Tiburon, adopted by resolution of the Town Council (see **Appendix I**).
 - f. WCFs should avoid locations within, or in close proximity to, the following uses: dwelling units; hospitals; child care centers; and schools.
2. Structure Standards.
 - a. Monopoles, towers or other stand-alone structures are strongly discouraged.
 - b. Use of existing buildings and structures is preferred over construction of new ones.
 3. Co-location and Shared-location Standards.
 - a. WCFs should be co-located with existing WCFs whenever reasonably feasible and aesthetically or otherwise desirable.
 - b. Shared-location sites are encouraged provided that visual and other impacts are minimized and compliance with these *Standards* is achieved.
 - c. Antennas and supporting structures and equipment shall be designed to consolidate planned expansions of facilities and services.
 - d. Design of co-location and shared-location sites shall promote use by other wireless service providers.
 - e. WCFs should make under-utilized space available for co-location purposes.
 - f. To the extent feasible, leases or other instruments that convey exclusive rights to a single user and preclude development of a suitable co-location or shared-location site shall be prohibited unless specifically authorized in the Town's permit approval.
 - g. Applicants shall notify other potential users of the proposed WCF site so that they can coordinate efforts to co-locate on the site, and written evidence of said notification shall be submitted to the Director.
 - h. Permit holders shall charge standard market rates for co-location of other WCFs.

C. Design and Operational Standards.

1. **EMF Radiation Exposure Limits.** No WCF shall be sited or operated in such a location or manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any applicable more restrictive standard subsequently adopted by the Town, county, state or federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, or any successor document thereto, is mandatory, and any violation shall be grounds for the Town to immediately terminate any permit granted hereunder, or to order the immediate service termination of any non-complying WCF.
2. **Visual Compatibility and Design.** WCFs shall be consistent with the general scale of structures and buildings in the vicinity and properly related to the development of

the vicinity as a whole. The following visual and design standards shall be applied:

- A. When an antenna is attached to, or part of, a building or structure, the antenna shall be sited and designed to appear as an integral part of the building or structure or otherwise minimize its appearance. The antenna and its screening shall be architecturally compatible with the building or structure. Screening may include locating the facilities within an attic, false chimney, steeple, or tower; or within a new architectural addition to a building or structure that is architecturally compatible with the building.
- B. Wall-mounted antennas shall be integrated architecturally with the style and character of the building or structure or otherwise made as unobtrusive as possible. If possible, antennas shall be located entirely within an existing or newly-created architectural feature so as to be completely screened from view or visually inevent. To the extent feasible, wall-mounted antennas shall not be located on the front (or the most publicly-prominent face) of a building, and shall be located above pedestrian eye-level.
- C. To avoid or minimize the appearance of visual clutter on rooftops, proposed roof-mounted antennas and associated equipment should be located adjacent to existing rooftop equipment, incorporated into rooftop equipment enclosures, or otherwise screened from view. In addition, existing rooftop antennas (at co-location or shared-location sites) should be consolidated where possible; other roof-top equipment and appurtenances (vents, heating and cooling systems, etc.) should be removed if no longer in use.
- D. Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as possible to minimize visibility from street level locations. Construction of a parapet wall to hide the facility may be required.
- E. Whenever possible, base stations, equipment cabinets, back-up generators, and other equipment associated with building-mounted antennas shall be installed within the existing confines of a building or underground. If this is not feasible, the equipment shall be painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and/or built environment as appropriate. Equipment buildings shall be designed in an architectural style, and constructed of exterior building materials, that are compatible with surrounding development and/or land use setting.
- F. To the extent feasible, all WCFs shall avoid creating any unreasonable obstruction of views from surrounding properties.
- G. Whenever feasible, WCFs should be:
 - 1. Substantially screened from the view of affected properties, public rights-of-way and other public property; or

2. Co-located or placed on a shared-location site with existing WCFs in a manner that will minimize visibility; or
3. Located in areas with substantial existing screening by buildings, structures and/or landscaping, or
4. Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be visually inevent as man-made construction.

H. No advertising signage or identifying logos shall be displayed on any WCF, except for small identification plates used for emergency notification, or as required by law.

3. **Vegetation and Screening.** The following standards are established:
 - a. Whenever reasonably feasible, WCFs shall be installed in a manner so as to preserve significant existing landscaping. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated roadways shall be protected from damage both during and after construction. Submission of a Tree Protection Plan, prepared by a qualified professional, may be required to ensure compliance with this standard.
 - b. All vegetation disturbed during project construction shall be replanted with appropriate vegetation as described below. Soils disturbed by development shall be replanted to control erosion.
 - c. Introduced vegetation shall generally be native, drought tolerant species compatible with the predominant natural setting of the project area, unless fast growth is required for screening. All French broom and similar undesirable, invasive plant species on the site shall be removed to the satisfaction of the Fire Marshal to reduce fire hazards.
 - d. Existing landscaping materials, especially trees, shall be used where possible to screen antennas and other WCF equipment from off-site views. New landscaping may be required where deemed necessary to provide screening.
 - e. No screening vegetation shall be removed subsequent to project completion except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property, without the written permission of the Director.
4. **Noise and Traffic.** WCFs shall be constructed and operated in such a manner as to minimize noise and traffic impacts. Noise and traffic reduction shall be accomplished through the following measures:
 - a. WCFs shall operate in compliance with and shall not exceed at any time the noise exposure levels contained in the Noise Element of the Tiburon General Plan (see **Appendix E**), or any applicable more restrictive noise standard adopted by the Town, county or state or federal government.
 - b. Permissible hours for testing and servicing (excluding emergency repairs) shall be determined on a case-by-case basis at the time of permit issuance, based on such factors as location and sensitivity of surrounding uses. Said hours shall be imposed as conditions of approval.
 - c. Back-up generators or other emergency power sources shall comply with the same

noise standards referenced above and shall only be operated during power outages, emergency occurrences, or during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday for periodic testing and maintenance.

d. Vehicular traffic resulting from the operation and maintenance of a WCF shall be kept to a minimum. Typical vehicular traffic volumes shall be specified in conditions of approval.

5. **Roads and Access.** WCFs should be served by the minimum roadways and parking areas as necessary, and shall discourage unauthorized access, as follows:
 - a. Whenever feasible, existing roads and parking areas should be used for access and service of WCFs.
 - b. Any new roadways and parking areas constructed should be shared with subsequent WCFs and/or other permitted uses to the extent feasible.
 - c. The size of new parking areas should be limited to the minimum necessary to accommodate vehicles associated with periodic maintenance of the facility.
 - d. Access to facilities shall be prohibited to the general public.
 - e. All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.
6. **Lighting.** Unless otherwise required by applicable federal rules or regulations, no WCF shall have artificial lighting. If such lighting is required, the following standards shall apply:
 - a. Manually operated, low wattage, hooded and the least intrusive exterior lighting shall be permitted for safety purposes only and shall be kept off except for maintenance or safety personnel or to the most limited extent allowed by law.
 - b. Nighttime lighting of warning signs required near publicly accessible facilities shall consist of low-wattage fixtures, and shall be directed downward and hooded.

For Small Cell Wireless Facilities/Right-of-Way Facilities

1. Requirements

Small cell wireless facilities, as defined in the FCC-CIRC1890-02 may be installed, erected, maintained and operated in any dedicated public right-of-way or commercial zoning district, upon the issuance of a minor conditional use permit and administrative site plan and architectural review approval. An encroachment permit must be obtained for any work on Town land or in the public right-of-way.

2. Location and Structure Standards

Location Standards

- Small cell wireless facilities should be located in commercial areas.
- Publicly-owned sites or structures, including, utility company-owned infrastructure, signage, traffic signals, and light standards, are preferred locations over privately-owned sites and structures.

- Small cell wireless facilities shall not be located on parcels used for residential purposes.
- Small cell wireless facilities shall not be located on parcels designated as Open Space, or on buildings and/or properties designated as Local Historical Landmarks or buildings listed in the Town's Local Historic Inventory of Buildings in Downtown Tiburon.
- Each small cell wireless facility must be at least 1,000 feet away from the nearest small cell facility.
- Each small cell wireless facility must be at least 500 feet away from any residences, hospitals, child care centers and schools.

3. Structure/Design Standards for Small Cell Wireless Facilities

- **Concealment.** All small cell wireless facilities in the public right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, small cell wireless facilities in the public right-of-way may not unreasonably hinder, impede, obstruct or interfere with the public rights thereto.
- **Support Structures.** All small cell wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible and aesthetically desirable. Existing above-ground structures may be replaced with hardened support structures so long as the replacement structure is substantially similar to the existing structure to be replaced. The Town will not approve any new, non-replacement support structures unless: (a) the applicant demonstrates that above-ground support structures near the project site either do not exist or are not reasonably available to the applicant; or (b) the Town specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives of these Standards than installations on existing structures near the project site.
- **Undergrounded Equipment.** To conceal the small cell wireless equipment to the maximum degree feasible, applicants must install all small cell wireless equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the Town finds that the above-ground equipment would unreasonably interfere with (a) the public's ability to use the right-of-way for travel; or (b) a specific viewshed or other visual resource seen from within the public right-of-way. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement.
- **Pole-Mounted Equipment.** All small cell wireless pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted

signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all external conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.

- **Ground-Mounted Equipment.** To the extent that the equipment cannot be placed underground as otherwise required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic or unreasonably obstruct views. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The Town may condition approval on new or enhanced landscaping to conceal ground-mounted equipment.

V. STANDARDIZED CONDITIONS OF APPROVAL

A list of standardized or typical conditions that may be imposed on WCF permit approvals is contained within **Appendix J**. Not all conditions may apply to every approval, and wording of conditions must be tailored to each permit as appropriate. This section in no way limits the Town from applying additional conditions not contained herein.

APPENDIX A

Partial List of Definitions Related to WCFs and Antennas

Below is a partial list of definitions from the Tiburon Municipal Code or other relevant sources related to WCFs and antennas. Users are referred to the Municipal Code for a full listing of definitions.

Antenna: Any device or system of devices, such as poles, panels, rods, reflecting discs or similar or other objects, used for the transmission or reception of electromagnetic signals, including but not limited to radio waves and microwaves.

Antenna, Amateur Radio: A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

Antenna, Building-mounted: An antenna or antenna structure mounted on a building or rooftop, including a water tank.

Antenna, Direct Broadcast Satellite Service (DBS): An antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

Antenna, Ground-Mounted: Any antenna or antenna structure which is not mounted on a building or rooftop, and usually anchored directly to the ground.

Antenna, Multipoint Distribution Services (MDS): An antenna designed to receive video programming services via multipoint distribution services, including multipoint multi-channel distribution services, instructional television fixed services, and local multipoint distribution services.

Antenna, Reception Window: The area within the direct line between a satellite antenna and orbiting communications satellites transmitting signals.

Antenna, Satellite: Any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

Antenna, Satellite Earth Station (SES): An antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

Antenna, Television Broadcast Service (TVBS): An antenna designed to receive only television broadcast signals.

Antenna Structure: An antenna and its associated support structure, such as a mast or tower (but not to include a suspended simple wire antenna) that is used for the purpose

of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

Antenna Structure, Freestanding: An antenna structure or mast that is not attached to a building, fence or other such structure. Freestanding antenna structures include communications towers, wooden utility poles, standard or decorative concrete and steel monopoles. If the total height of the structure, including the antenna, exceeds fifteen (15) feet it shall be treated as a Monopole.

Antenna Structure, Monopole: A ground-mounted antenna structure, often tubular in shape, made of metal, reinforced concrete or wood, which exceeds fifteen (15) feet in height.

Electromagnetic Field (EMF): A field of radiation produced by all electromagnetic waves, from gamma rays to radio waves. The EMF produced by wireless communication facilities is radio frequency (RF) radiation.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Related Equipment: All equipment appurtenant to the transmission and/or reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable conduit and connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

Review Authority: The Design Review Board, Planning Commission, Town Council, Town official, or other designee acting on a Zoning Permit application. [Note: The Review Authority for all WCF and/or antenna conditional use permit applications will be the Planning Commission. The Town Council would become the Review Authority on appeal. The Review Authority on site plan & architectural review applications for WCFs will be the Design Review Board, except on minor alteration applications, where Town Staff may be the Review Authority. The Town Council would become the Review Authority on appeal from decisions of Design Review Board; the Design Review Board would become the Review Authority on appeals from a Town Staff decision on a site plan and architectural review application].

Satellite Dish: See “Satellite Antenna” under “Antenna, Satellite”.

Visually Inevident: This term means that any component of a WCF, while possibly visible to a person with normal vision from street level, is such that it is not visually distinguishable as an antenna or other component of a WCF due to sufficient camouflage, design, screening, building or architectural integration, or other factors.

Wireless Communication Facility (WCF): A facility that transmits and/or receives electromagnetic signals, including without limitation, antennas, microwave dishes, satellite dishes, radio, TV transmitter and broadcasting station, and other types of

equipment for the transmission or reception of such signals, monopoles or similar structures supporting the equipment, equipment building, shelters, cabinets, parking area and other accessory construction. Including amateur and professional facilities.

Wireless Communication Facility - Co-located: A wireless communication facility comprised of a single telecommunication tower or building supporting one or more antennas or similar devices owned or used by more than one public or private entity.

Wireless Communication Facility - Shared Location: More than one telecommunications facility comprised of multiple antenna structures and other structures used for the support of antennas operated by one or more carriers where such antenna structures and other structures are located on the same lot or parcel.

Wireless Communication Facility Standards: A set of standards, adopted by resolution of the Town Council, applying generally to review of applications for wireless communication facilities.

APPENDIX B

Excerpted from Title IV, Chapter 16 of the Municipal Code Regulating Wireless Communication Facilities

16-42 Wireless Communication Facilities

Section:

- 16-42.010 - Purpose
- 16-42.020 - Definitions
- 16-42.030 - Applicability
- 16-42.040 - Permit Requirements for Wireless Communication Facilities
- 16-42.050 - Amateur Radio Antennas
- 16-42.060 - Correction of Interference Problems
- 16-42.070 - Removal of Discontinued Facilities Required
- 16-42.080 - Nonconforming Facilities
- 16-42.090 - Maintenance of List and Map of Wireless Communication Facilities

16-42.010 - Purpose

The purpose of Section 16-42 is to establish a comprehensive set of zoning requirements for antennas and wireless communication facilities (hereinafter “WCFs”). These regulations are intended to provide for the managed location and development of antennas and WCFs in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and wireless communication service providers in accordance with federal and state rules and regulations, while at the same time protecting neighbors from potential adverse impacts of such facilities, preserving the visual and other characteristics of the established community and the natural beauty of hillsides and ridgelines.

16-42.020 - Definitions

The technical terms and phrases used in Section 16-42 are defined in Article X (Definitions) under "Wireless Communications Facilities."

16-42.030 - Applicability

Exemptions. The requirements imposed by this Section shall not apply to certain antennas or antenna structures, as set forth in this Subsection, unless otherwise specified herein. Each such exempt facility listed in this Subsection shall fully comply with any other applicable requirements of the Municipal Code to the extent not specially exempted in this Subsection, including but not limited to the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, and California Fire Code.

1. Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one meter or less in diameter (or diagonal measurement);
2. Television broadcast system (TVBS) antennas provided: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All TVBS antennas greater than three feet in height shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;
3. Satellite earth station (SES) antennas measuring two meters or less in diameter (or diagonal measurement) located on a property within any commercial office or public zone, provided that: (1) the antenna is located entirely on and/or above the subject property; and (2) no portion of any ground-mounted antenna is within a required front setback for the main building, in front of the main building, within a required side setback of a corner lot, or adjacent to a street. All SES antennas measuring more than one meter in diameter shall require site plan and architectural review and building permits in compliance with the Municipal Code for review of placement to ensure that maximum safety is maintained;
4. Antennas and antenna structures constructed by or for Federal Communications Commission (FCC)-licensed amateur radio operators shall require a Conditional Use Permit in compliance with Section 16-52.040 (Conditional Use Permits), Site Plan and Architectural Review if required under Subsection 16-52.020.B (Approval Required), and shall be subject to provisions of Section 16-42.050 (Amateur Radio Antennas), but shall not be subject to review under the Town of Tiburon Wireless Communication Facilities Standards;
5. A proposed facility shall be exempt from the provisions of this Section if and to the extent that rules and regulations of the FCC or the provisions of a permit issued by the California Public Utilities Commission (CPUC) specifically provide that the facility is exempt from Town regulation.
6. An antenna owned and operated by a public agency exclusively for public safety purposes, provided that it meets the following criteria:
 - a. The antenna shall be located in the public/quasi-public zone.
 - b. The wattage does not exceed 200 watts at full power.
 - c. The antenna is located on a pre-existing structure.
 - d. The antenna (not including its pre-existing support structure) shall be a whip-style antenna and shall not exceed 25 feet in height.
 - e. The proposed wireless communication facility has a valid FCC license on file with the Town.
 - f. An electrical permit for the installation shall be secured from the Tiburon

Building Division.

- g. The structural attachment/anchoring method for the antenna shall be approved to the written satisfaction of the Tiburon Building Division.
- h. Compliance with OET Bulletin 65, or any successor document thereto, shall be demonstrated by a qualified radio frequency engineer.

16-42.040 - Permit Requirements for Wireless Communication Facilities

A. Wireless Communication Facilities Governed by Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 (“Tax Act”). An applicant for a facility governed by Section 6409(a) of the Tax Act must file an administrative WCF permit application for review and ministerial decision by the director. Said decision shall be rendered within sixty (60) days of the filing of the application, unless tolled pursuant to the Tax Act. The decision of the director may be appealed within five (5) calendar days to the Planning Commission, whose decision shall be final.

B. Wireless Communication Co-location Facilities Not Governed by Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012. An applicant for a co-location facility not governed by Section 6409(a) of the Tax Act may file a formal written request for waiver of the requirements for a conditional use permit with the director. It is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The director may waive the requirements for a conditional use permit and instead require a site plan and architectural review permit only for co-locations that meet the following criteria:

1. **Co-location.** The proposed facility or equipment is co-located on or adjoining an existing WCF;
2. **Preferred location.** The proposed facility is located on a property developed predominantly with commercial land uses;
3. **Stealth design.** The proposed WCF is designed or located in such a way that the facility is not readily recognizable as wireless communications equipment to an average person;
4. **Prior approval and compliance.** The existing WCF was subject to conditional use permit approval and complies with the town's policies and regulations; and
5. **Existing environmental compliance.** The existing WCF has a certified environmental impact report or adopted negative declaration or mitigated negative declaration, and the existing facility has incorporated the required mitigation measures. The new equipment or structures do not constitute a substantial change in the project or new information as outlined in Public Resources Code Section 21166.

Applications processed pursuant to this subsection (B) shall be acted upon within ninety (90) days of submittal of a complete application.

C. All Other Facilities. Wireless Communication facilities that do not fall under subsections A or B must go through the following process.

1. Public notice of application filing.

- (a) Within fifteen (15) days after the filing of a conditional use permit application for a WCF with the Town of Tiburon, the town shall give written notice of such filing to all property owners within a six-hundred-foot (600') radius of the proposed facility, to a newspaper of general circulation within the Town of Tiburon, and to the presidents or their designees for receipt of notices of each of the affected homeowners associations as determined by the director.
- (b) Notice of the filing of the application shall also be posted by the Planning Division on the town's web site and on the public notice bulletin board outside town hall within fifteen (15) days of the date of the filing of the application, and such notice shall remain in such location for a period of at least thirty (30) days thereafter.
- (c) For applications on land owned by a public agency other than the Town of Tiburon, written notice and a copy of the Town of Tiburon's WCF regulations shall be provided to the public agency within fifteen days of filing of the application.

2. Review and approval.

- (a) Any person who proposes to install or operate a WCF pursuant to this subsection (C) shall first obtain approval of a conditional use permit in compliance with section 16-52.040 (conditional use permit), unless the facility is exempt from securing such permit under section 16-42.030 (applicability). The review authority may approve a conditional use permit for a WCF only upon making the finding that the project is consistent with this section and is in substantial compliance with applicable requirements of the most current *Tiburon Wireless Communication Facilities Standards* adopted by resolution of the town council.
- (b) Any person who proposes to install or operate a WCF shall first obtain site plan and architectural review approval in compliance with section 16-52.020 (site plan and architectural review), unless the facility is exempt from securing such permit under section 16-42.030 (applicability).
- (c) Applications processed pursuant to this subsection (C) shall be acted upon within one hundred fifty (150) days of submittal of a complete application. Conditional use permit and site plan and architectural review applications may be processed concurrently.

- 3. Exceptions.** The review authority may grant an exception to any requirement of division 16-42 or any mandatory standard contained within the *Wireless Communication Facilities Standards* upon making findings that: (1) strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in federal and/or state rules and regulations; (2) there are no other feasible alternatives; and (3) either state or federal law requires the town to issue the exception or the exception will serve the public interest despite the conflict with the mandatory standards.

D. Length of conditional use permit approval—Mandatory review/renewal.

1. A conditional use permit issued for a WCF approved on or after January 1, 2007 shall be valid for an initial period of ten (10) years after final approval, unless a shorter duration is approved on the bases of public safety reasons or substantial land use reasons. At least ninety (90) days prior to expiration of the ten-year period approval, the permit holder shall file an application for review/renewal of the WCF permit. The permit holder shall be solely responsible for timely filing of, and for all costs associated with, the processing of applications for mandatory reviews/renewals.
2. A conditional use permit issued for a WCF approved prior to January 1, 2007 shall be subject to the specific conditions of the permit with respect to duration and periodic mandatory review/renewal. At least ninety (90) days prior to expiration of the permit, the permit holder shall file an application for review/renewal of the WCF Permit. The review authority shall conduct a public hearing for the purposes of verifying continued compliance with the findings and conditions of approval under which the application was originally approved, as well as compliance with other applicable provisions in the Municipal Code. Permit review/renewals are required every five (5) years, unless a longer time period is approved by the review authority, or another time period is set forth in the permit conditions. The permit holder shall be solely responsible for timely filing of, and for all costs associated with, the processing of applications for mandatory reviews/renewals.

16-42.050 - Amateur Radio Antennas

- A. Amateur radio antennas and associated antenna structures shall be the minimum height and size necessary to reasonably accommodate the operator's communication needs, in accordance with FCC regulations as set forth in FCC order "PRB-1" and Section 97.15 of title 47 of the Code of Federal Regulations, and in accordance with California Government Code Section 65850.3, or the respective successor sections thereto.
- B. No portion of any amateur radio antenna, associated support structure, or related equipment shall overhang a property line that is not part of the subject site at any time.
- C. Retractable monopoles may be required for amateur radio antenna structures over thirty feet in height that are in or within three hundred feet of any residential zone, as set forth in Section 16-14.020 (Zoning Map and Zones). At times when not in operation, the monopole may be required to be retracted to the lowest elevation possible in order to maintain a safe clearance above any nearby building, accessory structure, overhead utility, landscaping and/or any other site improvements.
- D. No amateur radio antenna or facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other WCFs, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's maximum permissible exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any applicable more restrictive standard subsequently adopted by the Town, county, State or federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65 or any successor document thereto, is mandatory, and any violation shall be grounds for the Town to immediately

terminate any permit granted hereunder, or to order the immediate service termination of any noncomplying facility within the Town.

16-42.060 - Correction of Interference Problems

To the extent allowed or required under applicable federal rules and regulations, the operator of a WCF shall correct interference problems experienced by any person or entity with respect to such person's or entity's equipment, including but not limited to television, radio, computer, and telephone reception or transmission, when such interference is caused by the WCF. If a federal agency with jurisdiction over such matters finds that a WCF is operating in violation of federal standards regarding interference, the operator shall bring the WCF into conformance with such standards within the conformance period established by the federal agency. In the event that the federal agency does not establish a conformance period, the operator shall bring the WCF into conformance within thirty days of notification by the federal agency. The operator shall provide the Director with a copy of any notice of such violation issued by any federal agency within fifteen days of receipt. Any violation of the provisions of this Section shall be grounds for the Town to terminate any permit granted hereunder and/or to order the immediate termination of service from the WCF. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third party claims against the Town attributable to such interference.

16-42.070 - Removal of Discontinued Facilities Required

Antennas, support structures, and related equipment shall be removed within one hundred eighty days of the discontinuation of the use of a WCF and the site shall be restored to its previous condition. The service provider shall provide the Director with a notice of intent to vacate the site a minimum of thirty calendar days prior to vacation. For facilities located on Town property, this requirement shall be included in the terms of the lease, license, or other such agreement. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures, and related equipment within one hundred eighty days of the discontinuation of the use. A monetary security, in a form and amount acceptable to the Town attorney, shall be required as a guarantee for WCF removal and site restoration.

16-42.080 - Nonconforming Facilities

- A. Any WCF in existence prior to December 2, 2005 that is nonconforming to the provisions of this division 16-42 may continue to be used. Such nonconforming facilities may continue to be operated, repaired, and maintained but shall not be enlarged, expanded, relocated, or modified in any material manner, as determined within the reasonable discretion of the director, without conforming to provisions of division 16-42. Notification of nonmaterial modifications shall be provided within thirty (30) days to the review authority by the director.
- B. **Exception.** Facilities Governed by Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 are not subject to the provisions of this section unless the proposed modification substantially changes the physical dimensions of the existing tower or base station, as those terms are defined in the Act.

16-42.090 - Maintenance of List and Map of Wireless Communication Facilities

The Town shall maintain a map and list of the location of all WCFs within the Town permitted under this Section and shall make this information readily available to the public through a combination of methods such as availability at the Department and posting on the Town's website. The map and list shall refer interested parties to the Department for additional information.

APPENDIX C

Application Checklist for Conditional Use Permit

The following information and materials shall accompany each application for a Conditional Use Permit:

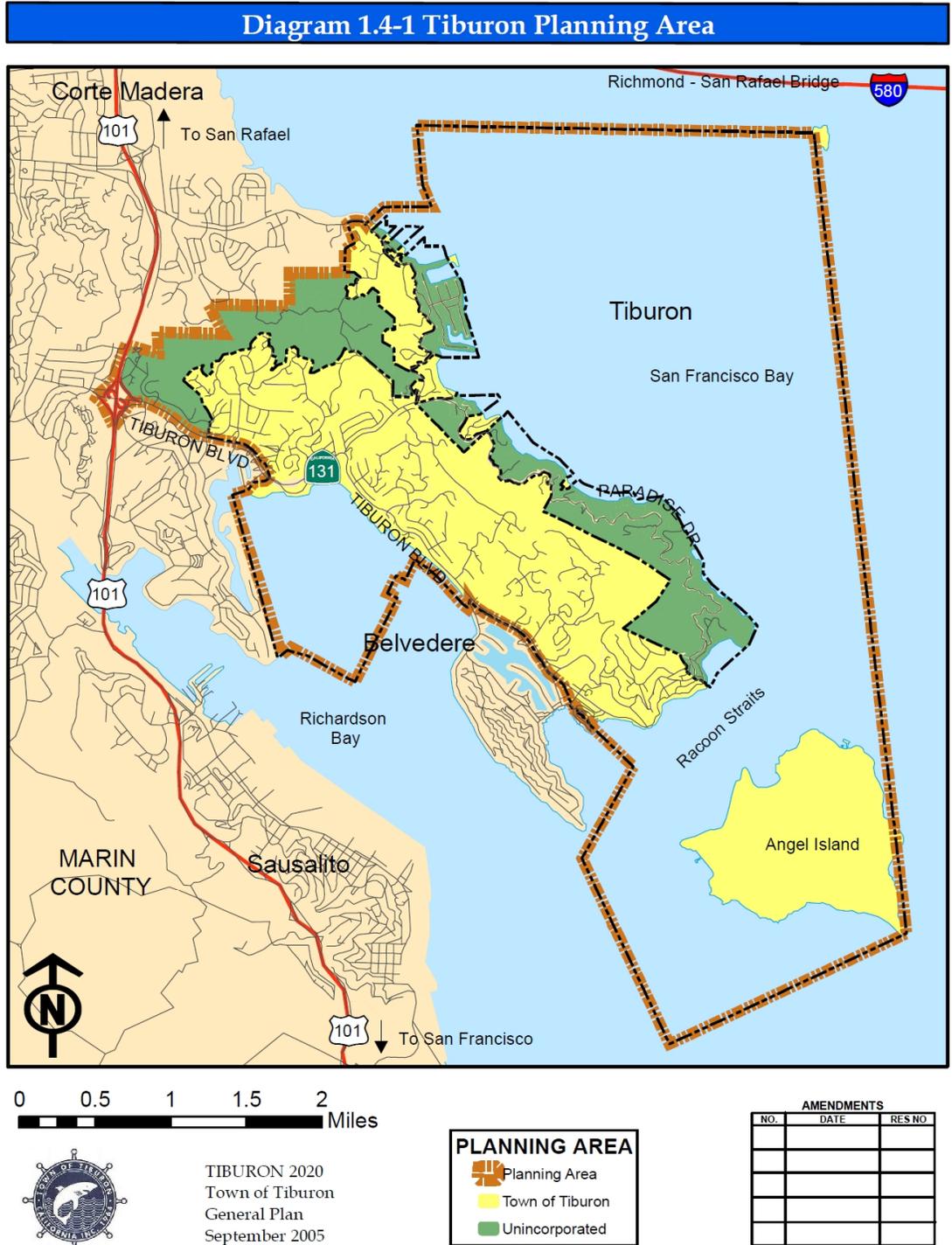
- (A) A completed Land Development Application form, along with the filing fee (See Fee Schedule).
- (B) Ownership, applicant and property identification:
 - (1) Names and addresses of all persons who own an interest in the subject property and identification of the interest (option, fee title, etc.). Also include four sets of pre-printed mailing labels containing the name and current mailing address of the applicant, property owner, and representative (if any).
 - (2) Names and addresses of all representatives of the owners authorized to represent the project to the Town.
 - (3) Authorization signed by the owners of the subject property requesting the Town to: (a) process the application; and (b) recognize specified persons as representatives of the owners in connection therewith.
 - (4) A legal description of the parcel and a statement of the area contained therein.
 - (5) A title report verifying the description and vestees (not to be required if use is to be conducted in existing structure and no structural changes are proposed).
- (C) Use and management information:
 - (1) Written statement(s) describing the characteristics of the use proposed, including, but not limited to, the following:
 - a. Number of people involved either as employees, clients, students, customers, etc.
 - b. Type of vehicular traffic involved--auto only, truck deliveries, parent drop off/pick up, etc.
 - c. Hours of operation.
 - d. Product produced.
 - e. Outdoor activities (storage, work, auto-stacking for drive-up windows.
 - f. Odors, noise, dust, or glare involved.
 - g. Hazardous or volatile materials or chemicals involved.
 - h. In multi-tenant buildings, a list of all other tenants, their square footage occupied, number of employees at maximum shift, and parking spaces

available may be required.

- (2) Written statement setting forth any lease controls or management programs that will ensure that the use will not be detrimental to surrounding uses in the area or to the Town in general.
 - (3) If the use is to be established in a location previously occupied by a different use, briefly describe the last use which existed there.
- (D) Plans and Drawings:
- (1) Twenty (20) copies of a **site plan** scaled and drawn to accurately and clearly show:
 - a. All property lines with distances.
 - b. Location of existing or proposed structures with dimensions of all wall lines and distances from structures to nearest property line (measured perpendicular to property line).
 - c. Existing frontage improvements (curbs, gutters, sidewalks, edge of paving).
 - d. A location map showing location of property in relation to the nearest major street.
 - e. Existing or proposed on-site driveways, parking, and service areas fully dimensioned.
 - (2) Twenty (20) copies of architectural floor plans showing each level with rooms, uses, floor level, doors, windows, etc.
- (E) Environmental Information and Fees:
- (1) An Environmental Data Submission (unless the project is exempt) (See Town of Tiburon Environmental Review Guidelines, Appendix C).
 - (2) Initial Study/Negative Declaration Fee (Unless the project is exempt) (See Fee Schedule).

APPENDIX D

Map Showing Location of Tiburon Planning Area and Tiburon Ridge



APPENDIX E

Excerpts from Noise Element of Tiburon General Plan

The complete Noise Element, including color diagrams, may be found at www.townoftiburon.org.

NOISE ELEMENT

Traffic on U.S. Highway 101 and Tiburon Boulevard is the primary source of noise in the Planning Area. Occasionally, aircraft flying into and out of San Francisco International and Oakland International Airports fly over the Tiburon Peninsula. Other noise sources include garbage pick-up; construction; delivery trucks and the commercial activity Downtown and at the Cove Shopping Center; and boating near Downtown.

The Town does not have a Noise Ordinance. However, the Municipal Code limits the time of day that commercial vehicles, including waste management trucks, can operate in Downtown; prohibits the use of gas-powered leaf blowers within residential areas; and bans jet skis in Town waters.

EXISTING NOISE CONDITIONS

Traffic Noise

Government Code Section 65302(f) requires that current and projected noise levels be analyzed and quantified for highways, freeways, primary arterials, and major local streets. The law requires that noise contours, shown in terms of community noise equivalent level (CNEL) or day-night average level (Ldn), be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques.

The existing and projected noise level contours, based on existing and projected traffic, are shown in Diagrams 7.1-1 and 7.1-2.

Aircraft Noise

The California Division of Aeronautics is in charge of enforcing airport noise regulations for all airports within the state. The noise standards require that no residences, schools, hospitals or places of worship be within a Noise Impact Area. The Noise Impact Area is a line around an airport within which the noise level is at or exceeds 65 dB CNEL.

At the request of the County of Marin, San Francisco International Airport has conducted noise measurements at Tiburon, Bolinas and Pt. Reyes to quantify aircraft overflight noise. The studies have shown that noise generated by

individual jets reaches maximum overflight noise levels of 45 to 70 dBA at these locations. The aircraft-generated CNEL ranged from 19 to 44 dB in Tiburon.

Sensitive Receptors

Sensitive receptors are those that are most affected by noise. The California General Plan Guidelines lists schools, churches, convalescent homes, and sensitive wildlife habitat as sensitive receptors that should be identified in the General Plan. The locations of these sensitive receptors in the Planning Area are shown in Diagram 7.1-3.

NOISE AND LAND USE COMPATIBILITY GUIDELINES

Land Use Category	Community Noise Exposure, Ldn or CNEL, in dB						
	55	60	65	70	75	80	85
Residential (interior noise levels not to exceed 45 dBA Ldn)							
Transient Lodging, Motels, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arenas, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks, Tennis Courts, Outdoor Recreation							
Water Recreation, Riding Stables, Golf Courses, Cemeteries							
Office Buildings, Business, Commercial & Professional							
Industrial, Manufacturing, Utilities, Agriculture							
Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.							
Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.							
Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.							
Clearly Unacceptable: New construction or development clearly should not be undertaken.							

NOISE GOALS

N-A: To ensure that residential areas are quiet and that noise levels in public and commercial areas remain within acceptable limits.

- N-B:** To eliminate or reduce unnecessary, excessive and offensive noises from all sources.
- N-C:** To minimize the exposure of community residents to noise through the careful placement of land uses that may cause noise impacts.
- N-D:** To minimize current noise impacts from Tiburon Boulevard and other high-volume roads on adjacent land uses that are sensitive to noise.

NOISE POLICIES

- N-1:** The Town shall use the Noise and Land Use Compatibility Guidelines contained herein to determine where noise levels in the community are acceptable or unacceptable.
- N-2:** The Town should use the Noise and Land Use Compatibility Guidelines to determine acceptable uses, and to require noise attenuation methods in noise-impacted areas.
- N-3:** Environmental reviews (environmental impact reports, initial studies/negative declarations) of projects within the Tiburon Planning Area will be required to, where appropriate, include an acoustical analysis of the project's potential to cause a noise impact.
- N-4:** If the projected noise environment for a project exceeds the standards identified in the Noise and Land Use Guidelines, the Town shall require an acoustical analysis so that noise mitigation measures can be incorporated into the project design.
- N-5:** Motorized recreational vehicles (including trail motorcycles) shall be prohibited in off-road areas in the Tiburon Planning Area.
- N-6:** Hours of use of recreation and commercial facilities should be regulated to minimize offensive noise to ensure compatibility between such facilities and nearby residential areas.
- N-7:** Noise walls, sound walls or any form of solid barrier shall be aesthetically compatible with the surrounding neighborhood.
- N-8:** The Town, in conjunction with the County of Marin and other cities and towns, shall attempt to reduce aircraft noise over the Tiburon Planning Area by working with the appropriate regulatory agencies.
- N-9:** New projects in Downtown shall, through site and building design and the use of the best available building technology, minimize the potential noise conflicts between commercial and residential uses, on mixed-use and adjacent residential properties.

- N-10:** Standard quiet construction methods shall be used where feasible and when construction activities take place within 500 feet of noise sensitive areas.

IMPLEMENTING PROGRAMS FOR NOISE

- N-a:** The Town should periodically assess the noise environment to identify noise sources that should be regulated to reduce excessive or offensive noise.
- N-b:** The Town should contact the appropriate regulatory agencies to ensure that they are aware of the Town's policy discouraging aircraft flyovers of the Tiburon Planning Area.

APPENDIX F

Sample Written Authorization Form for Retention of WCF Consultant

AUTHORIZATION TO RETAIN WIRELESS COMMUNICATION FACILITY CONSULTANT

Project Name: _____

Project Address: _____

Assessor Parcel #: _____

I am the project applicant, or authorized agent of the project applicant, identified below.

I am aware that pursuant to Section III.B.25.b of the Town's adopted Wireless Facilities Standards, the Director of Community Development has determined that this project requires an independent, qualified consultant to evaluate technical and other aspects of the proposed project, including but not limited to, verifying the comprehensiveness and accuracy of the analysis of potentially technically feasible alternate sites, compliance with applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions to Town regulations. I understand that this retention is for my benefit. Accordingly, I hereby authorize the Town to retain such a consultant and agree that the project applicant shall advance or promptly reimburse the Town for all reasonable costs associated with the consultation as agreed in this Authorization.

The Director of Community Development or his designee shall provide the project applicant with an estimate of the cost of retaining the WCF consultant. The applicant shall deposit funds sufficient to fund this cost within 15 days of receiving this estimate. In the event that the actual cost is less than the estimate deposited, the Town shall refund the surplus within 30 days of the disposition of the project application. In the event that the actual cost exceeds the estimate, the applicant shall deposit funds sufficient to reimburse the Town for the shortfall within 15 days of receiving notice thereof. In the event that the project applicant fails to comply with the provisions of this authorization, the Town shall terminate all consideration of the project and shall deny the project application for failure to comply with the Town's Wireless Facilities Standards.

By:

Signature: _____

Date: _____

Name (printed): _____

Title: _____

Agent of : _____

(If agent. attach written authorization)

For Town of Tiburon Use Only Below This Line

Date Received by Town of Tiburon: _____

Initials of Receiving Town Employee: _____

Project File Number: _____

APPENDIX G

Checklist of General Requirements

The following checklist is intended as a quick reference tool for applicants and the Town in assessing general compliance with these *Standards*. Reference to the full text and context of all items contained within this checklist is strongly advised.

Mandatory Standards

- ___ The WCF would be consistent with General Plan goal and policies and Municipal Code regulations
- ___ No portion of the WCF is located within 100 vertical feet of the Tiburon Ridge
- ___ There would be no more than one monopole structure at the site (proposed shared-location sites excepted)
- ___ No portion of any antenna, support structure or related WCF equipment overhangs a property line
- ___ Freestanding monopole antenna structures are set back at least 50% of the monopole height from all property lines and 100% of the monopole height from any adjacent residentially-zoned property
- ___ Antennas, support structures and related equipment comply with building height limitations in the zone in which they are located
- ___ The WCF would have a non-reflective finish and be painted a color consistent with the predominant background
- ___ Applicable provisions of the California Building Code and subsidiary codes would be met
- ___ The smallest, lowest and least visible antennas and support structures are proposed that will reasonably accommodate the operator's needs
- ___ The WCF is not located on a site used for residential purposes
- ___ The WCF is not be located on a parcel designated as Open Space on the Tiburon Zoning Map
- ___ The WCF is not be located on a building and/or property designated as a Local Historical Landmark
- ___ The WCF is not located on a building listed in the Town's Local Historic Inventory of Buildings in Downtown
- ___ Antennas and supporting structures and equipment are designed to consolidate planned expansions of facilities

- ___ Design of potential co-location and shared-location sites promotes use by other wireless service providers
- ___ The WCF applicant's lease agreement (or other instrument) is not exclusive of other wireless service providers
- ___ Applicants will notify (and provide evidence of such notice to the Director) other potential users of the proposed WCF site to promote co-location
- ___ Permit holders shall charge standard, reasonable rates for co-location of other WCFs
- ___ The WCF (alone and in combination with others) does not exceed FCC exposure limits and standards
- ___ The WCF is consistent with the general scale of structures and buildings in the vicinity
- ___ The WCF is properly related to the development of the vicinity as a whole
- ___ The antenna is sited and designed to appear as an integral part of the building or structure
- ___ The antenna and its screening are architecturally compatible with the building or structure
- ___ Wall-mounted antennas are integrated architecturally with the style and character of the building or structure
- ___ The WCF is located entirely within an existing or newly-created architectural feature or is completely screened from view
- ___ Wall-mounted antennas are not located on the front (or the most publicly-prominent face) of a building
- ___ Wall-mounted antennas are located above pedestrian eye-level
- ___ Roof-mounted antennas and associated equipment are located as far back from the edge of the roof as possible
- ___ The WCF and related equipment are installed within the existing confines of a building or underground
- ___ If meeting the prior standard is not feasible, the equipment is painted, screened, fenced, landscaped or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and/or built environment as appropriate
- ___ Equipment buildings are designed to be compatible with surrounding development and/or land use setting
- ___ The WCF avoids creating any unreasonable obstruction of views from surrounding properties
- ___ The WCF has no advertising signage or identifying logos except as may be required by law

- ___ The WCF preserves significant existing landscaping
- ___ Significant vegetation disturbed during project construction is replanted with appropriate vegetation
- ___ Soils disturbed by development are stabilized and/or planted
- ___ Introduced vegetation (if required) is native, drought tolerant species compatible with the surrounding setting
- ___ French broom and similar undesirable, invasive plant species are to be removed
- ___ Existing landscaping materials are utilized to screen antennas and other WCF equipment from off-site views
- ___ The WCF operates in compliance noise exposure levels contained in the Noise Element of the Tiburon General Plan
- ___ Back-up generators (except in emergencies) shall only be tested during the hours of 8:00 a.m. to 6:00 p.m., M-F
- ___ Permitted hours for testing and servicing of the WCF are compatible with, and sensitive to, surrounding uses
- ___ Vehicular traffic resulting from the operation and maintenance of the WCF are kept to a minimum
- ___ Access to the WCF facilities is prohibited to the general public
- ___ The WCF is designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances
- ___ The WCF has no artificial lighting. If such lighting is required by law, the following standards shall apply:
 - ___ Manually-operated, low wattage, hooded and the least intrusive exterior lighting shall be permitted for safety purposes only and shall be kept off except for maintenance or safety personnel or to the most limited extent allowed by law
 - ___ Nighttime lighting of warning signs required near publicly accessible facilities shall consist of low-wattage fixtures, and shall be directed downward and hooded

Small Cell Wireless Facilities/Right-of-Way Facilities

- ___ Separation. Each small cell wireless facility must be at least 1,000 feet away from the nearest small cell facility
- ___ Buffer. Each small cell wireless facility must be at least 500 feet away from any residences, hospitals, child care centers and schools

- ___ Weight. Each small cell wireless facility must connect to an existing utility pole that can support its weight
- ___ Concealment. All small cell wireless facilities in the public right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, small cell wireless facilities in the public right-of-way may not unreasonably hinder, impede, obstruct, or interfere with the public rights thereto.
- ___ Support Structures. All small cell wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible and aesthetically desirable. Existing above-ground structures may be replaced with hardened support structures so long as the replacement structure is substantially similar to the existing structure to be replaced. The Town will not approve any new, non-replacement support structures unless: (a) the applicant demonstrates that above-ground support structures near the project site either do not exist or are not reasonably available to the applicant; or (b) the Town specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives of these Standards than installations on existing structures near the project site
- ___ Undergrounded Equipment. To conceal the small cell wireless equipment to the maximum degree feasible, applicants must install all small cell wireless equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the Town finds that the above-ground equipment would unreasonably interfere with (a) the public's ability to use the right-of-way for travel; or (b) a specific viewshed or other visual resource seen from within the public right-of-way. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement
- ___ Pole-Mounted Equipment. All small cell wireless pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all external conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible
- ___ Ground-Mounted Equipment. To the extent that the equipment cannot be placed underground as otherwise required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic or unreasonably obstruct views. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The Town may condition approval on new or enhanced landscaping to conceal ground-mounted equipment

Advisory Standards

- The WCF is located in a commercial area
- The WCF is on a publicly-owned site or structure rather than a privately-owned site or structure
- The WCF is not located within, or in close proximity to, the following uses: dwelling units; hospitals; child care centers; and schools
- The WCF does not propose any monopoles, towers or other stand-alone structures
- The WCF uses existing structures rather than proposing the construction of new ones
- The WCF is proposed as a co-location site if reasonably feasible and aesthetically or otherwise desirable
- The WCF is proposed at, or as, a shared-location site
- The WCF makes under-utilized space available for co-location purposes
- Roof-mounted equipment is located adjacent to existing rooftop equipment, incorporated into rooftop equipment enclosures, or otherwise screened from view
- Existing rooftop antennas (at co-location or shared-location sites) are consolidated where possible; other roof-top equipment and appurtenances (vents, heating and cooling systems, etc.) are to be removed if no longer in use
- The WCF is:
 - 1. Substantially screened from the view of affected properties, public rights-of-way and other public property; or
 - 2. Co-located or placed on a shared-location site in a manner that will minimize visibility; or
 - 3. Located in areas with substantial existing screening by buildings, structures and/or landscaping, or
 - 4. Designed to appear as natural features found in the immediate area
- The WCF is served by the minimum roadways and parking areas necessary
- Existing roads and parking areas are used for access and service of the WCF
- Proposed new roadways and parking areas constructed are shared with other permitted or envisioned uses
- The size of new parking areas is limited to the minimum area necessary

APPENDIX H

Town of Tiburon Local Historic Landmarks (As of 11/7/2018)

- 1. Peter Donahue Building---1920 Paradise Drive (Designation Affects Building Exterior) (Resolution 830)**

- 2. Lyford's Stone Tower---2034 Paradise Drive (Designation Affects Entire Property) (Resolution 879)**

- 3. Old St. Hilary's Church---201 Esperanza Street (Designation Affects Entire Property) (Resolutions 1053 and 3384)**

- 4. Brick Kiln Bunkhouse---841 Tiburon Boulevard (Designation Affects Entire Property) (Resolutions 3131 and 3385)**

- 5. Lyford House---376 Greenwood Beach Road (Designation Affects Building and its immediate perimeter) (Resolution 3431)**

APPENDIX I

Local Historic Inventory of Buildings in Downtown (Resolution 21-2010, effective May 5, 2010) (This Appendix Updated through 11/07/2018)

Main Street (Lower)

13, 15, 17, 19 Main Street
16, 18 Main Street
21A Main Street (on pier)
24, 26 Main Street
27, 29 Main Street
30 Main Street
31, 33 Main Street
32 Main Street
34, 36 Main Street
35 Main Street
38 Main Street
55 Main Street

Main Street (Upper) (a.k.a. Ark Row)

72 Main Street
104 Main Street
106 Main Street
108 Main Street
110 Main Street
112 Main Street
116 Main Street
118, 120 Main Street
122 Main Street

APPENDIX J

Standardized Conditions of Approval

This Appendix contains a list of standardized or typical conditions that may be imposed on WCF permit approvals. Not all conditions may apply to every approval, and wording of certain conditions must be tailored to each permit as appropriate. This appendix in no way limits the Town from applying additional conditions not contained herein.

The use shall be in substantial conformance with the application as submitted, as modified by the conditions of approval herein. Any substantive intensification of operation or use, as determined within the reasonable discretion of the Director of Community Development, shall require an amendment to this use permit.

This conditional use permit shall be valid for an initial period of ten (10) years from the date of final discretionary approval. The permit may be extended for a period no longer than five (5) years after the holding of a public hearing for the purposes of verifying continued compliance with the findings and conditions of approval under which the application was originally approved, as well as compliance with any other applicable provisions provided for in the Municipal Code.

The permit holder shall notify the Town, in writing, that the facility has become operational within five (5) days after it has become operational.

Within sixty (60) days after a WCF becomes operational, the permit holder shall provide the Town with a report from a certified provider of such specialized studies, confirming that the actual EMF radiation levels, operating alone and in combination with other approved facilities, substantially conform to the pre-approval EMF report, and confirming that EMF levels do not exceed current standards for permissible human exposure to EMF as adopted by the FCC, and measured at the property line or nearest point of public access, whichever is closer, in the direction of maximum radiation from each antenna. Reports shall specify EMF levels with the site operating at full power and baseline levels with the site inoperative. Technical data shall be presented showing levels relative to the currently permitted Federal regulations. Raw measurements shall be provided as an appendix. In addition, the report shall include, in lay terms, a summary of the technical data as presented in the report. EMF reports required herein shall be paid for by the permit holder and prepared by a third party consultant acceptable to the Director of Community Development, using a testing protocol acceptable to the Director of Community Development.

Following the initial sixty (60) day report required above, the permit holder shall have EMF radiation levels of the WCF tested, not earlier than ninety (90) days prior to every required renewal of the permit. The permit holder shall submit the written report, along with application for renewal, at least sixty (60) days prior to the date of expiration of the conditional use permit.

The applicant shall obtain all necessary permits from the Tiburon Building Division for the construction of the facility.

The permit holder shall at all times comply with requirements of the applicable Fire Protection District regarding fire safety, which may include installation of an automatic fire extinguishing system, installation of a remote monitoring system, or such other compliance techniques as determined by the Fire Marshal. Required fire safety measures shall be completed and required fire safety equipment shall be installed and in operation prior to final building inspection and commencement of use of the WCF.

The permit holder shall maintain all WCF facilities in an undamaged condition. If visibly damaged, the permit holder shall repair or replace the facilities as necessary achieve consistency with this approval.

If the American National Standards Institute (ANSI) and the Institute of Electronics and Electrical Engineers (IEEE) or other regulating body establish a more stringent standard(s) for human exposure to radio frequency radiation or other electromagnetic field radiation which is determined by the Director of Community Development to be applicable to this WCF, the permit holder shall be required to, upon consultation with the Community Development Department, file for a review of this Conditional Use Permit within sixty (60) days and evaluate the existing cumulative levels of EMF radiation emissions from the project site in accordance with the new standard(s). Any exceeding of the new standards(s) on the project site, as demonstrated in radio frequency evaluations required herein, shall provide grounds for the Town to revoke or amend this Conditional Use Permit as provided in the Tiburon Municipal Code.

No advertising signage or identifying logos are to be placed on the WCF, with the exception of small identification plates for emergency notification or warning notices. Sign permits shall be secured prior to installation for all signs subject to a permit as required by Chapter 16A of the Tiburon Municipal Code.

There shall be no exterior lighting of the WCF unless required by state or federal law.

Permitted hours for routine testing and servicing (excluding emergency repairs) shall be [specify days and hours].

Typical vehicle trips resulting from the operation and maintenance of this WCF are anticipated to be ____ per month and shall not substantially exceed that number.

The permit holder shall enter into a landscape performance and maintenance agreement with the Town of Tiburon to ensure the installation, establishment, and ongoing maintenance of required landscaping. This agreement shall be executed prior to final building inspection and prior to commencement of use of the WCF. The agreement shall be secured by financial securities in an amount equal to 125% of estimates to cover the cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for the lifetime of the facility.

No screening vegetation shall be removed subsequent to project completion except to comply with local and State fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, or to prevent safety hazards to people and property, without the written permission of the Director of Community Development.

The permit holder shall properly maintain, and ultimately remove if required, the WCF in compliance with applicable provisions of the Municipal Code, these *Standards*, and any conditions of permit approval. Prior to final building inspection and commencement of the WCF use, the permit holder shall post a financial security, such as a letter of credit, acceptable to the Town Attorney to ensure that the approved facility is properly maintained and will be removed if required. The amount of the security shall be 125% of the estimated cost to remove the facility and return the surrounding area to its condition prior to installation.

The permit holder shall fund all costs associated with ongoing peer review of technical information and/or the Town's retention of an independent consultant to measure electromagnetic radiation from the WCF for compliance with applicable FCC regulations, or for other purposes as set forth in Section III.B.25.b of these *Standards*. Permit holder may be required to post a financial security to cover such costs.

The owner of the site, all other interest holders and the permit holder shall agree to defend, indemnify, and hold harmless the Town and any of its boards, commissions, agents, officers, and employees from all liability, losses, damages, costs, expenses and fees resulting from any claim or action not made or brought by the Town involving the facility, including, but not limited to, the approval or conditional approval of a permit for the facility or from any claim or action to attack, set aside, void, or annul the approval of permit applications or any other license with respect to this facility, or involving its installation, use or operation. The Town shall promptly notify the permit holder of any such claim, action or proceeding. The Town shall retain the right to participate in any claim, action, or proceeding, including the selection of its own legal counsel.

In the event that the Town shall in the future adopt legislation providing for the payment of franchise or other fees by entities maintaining WCFs within the Town, the permit holder shall be subject to such legislation and shall begin paying such fees upon the effective date of said legislation.

The permit holder shall not encumber, sublease, assign, transfer or sell (including the sale, acquisition, merger or consolidation of permit holder), a permitted WCF (excluding an approved co-location) for use by anyone, including another carrier, without first providing not less than thirty (30) days written notice thereof to the Director of Community Development.

The applicant shall be required to fund all costs associated with independent peer review studies and reports commissioned by the Town of any information submitted by the applicant, or the independent preparation of such information by the Town or its consultants. Such costs shall include, without limitation, the cost of third-party consultants to verify the predicted and actual measurements of electromagnetic radiation for compliance with current applicable FCC guidelines and shall also include, without limitation, a third-party report evaluating the feasibility of alternative facility designs and locations (including multiple site alternatives) that make

recommendations on the best alternatives (including multiple site alternatives) location(s) for providing the desired level of service coverage. Costs covered by this section shall include all costs incurred by the Town in obtaining independent peer review commissioned by the Town, including, without limitation, the consultant's fee and the Town's overhead cost associated with staff time expended on administration of the contracts. All independent peer reviewers and consultants shall certify in their reports that they do not and have not performed services for the applicant or for any entity associated with the applicant and that such peer reviewers and consultants have no conflicts of interest whatsoever with respect to their work for the Town.

The installation of antennas or equipment for other carriers or service providers in locations where others hold a permit or permits for WCFs shall require compliance with the Town's permit approval process and, where applicable, may take the form of an amendment to an existing permit or a new permit.

If the site constitutes a potential co-location or shared-location site, the permit holder shall not enter into an exclusive lease, license, or other arrangement for the use of the site, unless specifically authorized in the Town's permit approval.

With respect to applicable provisions of the Municipal Code regarding correction of interference, the permit holder shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third party claims against the Town attributable to such interference.

The permit holder shall place and maintain permanent RF Notice signs in English and Spanish adjacent to its equipment cabinets. The signage must be fully compliant with ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to reach the permit holders' network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. Said signs shall comply with any applicable federal regulations and shall be installed prior to commencement of the use.

The permit holder shall place and maintain permanent RF Notice signs in English and Spanish [identified area in front of antennas]. The signage must be fully compliant with ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to reach the permit holders' network operations center, and such telephone number shall be able to reach a live person who can exert transmitter power-down control over this site as required by the FCC. Said signs shall comply with any applicable federal regulations and shall be installed prior to commencement of the use.

Prior to issuance of the building permit, applicant shall identify obsolete or unused roof projections on the building and arrange for their removal as part of the installation work.

The permit holder's equipment enclosure shall be kept locked at all times when an authorized carrier representative is not present at the equipment enclosure.

The Town of Tiburon reserves the right to amend or revoke this permit for cause, in accordance with the provisions of the Tiburon Municipal Code.

Additional Conditions Specific to Small Cell/Right-of-Way Wireless Facilities

The small cell wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the Town Engineer for the purpose of: (a) protecting the public health, safety, and welfare, (b) preventing interference with pedestrian and vehicular traffic, and (c) preventing damage to the public right-of-way or any property adjacent to it. The Town may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the grant of a wireless telecommunications facility permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the Town by the permittee.

The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the Town shall be moved to accommodate a wireless telecommunications facility unless the Town determines that such movement will not adversely affect the Town or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the Town's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the Town with documentation establishing to the Town's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of way to be affected by applicant's facilities.

The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the Director, the Director shall cause such repair to be completed at permittee's sole cost and expense.

Prior to issuance of a building permit, the applicant shall obtain the Planning Division staff's approval of a tree protection plan prepared by a certified arborist if the installation of the wireless telecommunication facility will be located within the canopy of a street tree, or a protected tree on private commercial property, or within a ten-foot radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than ten feet may be required by the Director of Community Development.

Should any utility company offer electrical service that does not require the use of a meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within 30 days of such service being offered and reasonably restore the area to its prior condition.

The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to Town, if and when made necessary by:

- a. Any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or aboveground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by Town or any other public agency;
- b. Any abandonment of any street, sidewalk, or other public facility;
- c. Any change of grade, alignment or width of any street, sidewalk or other public facility; or
- d. A determination by the Town Engineer that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way.

Any modification, removal, or relocation of the facility shall be completed within 90 days of written notification by Town unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a permit amendment pursuant to the Tiburon Municipal Code. The permittee shall be entitled, on permittee's election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Tiburon Municipal Code allow. In the event the facility is not modified, removed, or relocated within said period of time, the Town may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances as provided by law, the Town may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.