



Planning Division Staff (415) 435-7390

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## INFORMATION REQUIRED FOR THE REVIEW OF WIRELESS COMMUNICATION FACILITY MINISTERIAL PERMIT

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### MINISTERIAL WIRELESS COMMUNICATION FACILITY PERMITS

In accordance with Title IV, Chapter 16, Section 16-42.040 of the Tiburon Municipal Code, an application for a Wireless Communication Facility governed by Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 ("Act") may be filed with the Town of Tiburon for eligible projects, and said application shall be acted on by the Director of Community Development of the Town of Tiburon.

### PROCEDURE

Once an application is submitted, it will be reviewed by Town Staff to ensure that is complete. If additional information is required to make the application complete, the applicant will be notified in writing as soon as practicable and the shot clock shall be tolled in accordance with the Act. Each incompleteness item will be accompanied by a written reference to the code provision, ordinance, application form, or instruction that requires the information to be submitted.

Once an application is deemed complete, the Director shall take action to approve or deny the application within the remaining shot clock time frame allotted by the Act, taking into account any tolled time. The Director's decision on the application may be appealed to the Planning Commission within five (5) calendar days.

### SUBMITTAL REQUIREMENTS

Below is a list of items typically required in order to properly review and reach a decision on an application for a Wireless Communication Facility governed by the Act. Applicants are encouraged to consult with Planning Division Staff prior to filing an application.

1. Completed application form (Town of Tiburon Land Development Application).
2. Filing Fee Deposit of \$1,000.
3. A written description of the type of technology and type of consumer services the carrier will provide to its customers.
4. Detailed narrative documenting specifically why the project is governed by the Act in terms of:

- a. Being a “co-location, removal or replacement of transmission equipment” project (but not a replacement of a tower or base station), as defined by the Act.
  - b. Constituting a modification of an “existing” (i.e., approved) wireless tower or base station, as defined by the Act.
  - c. Not “substantially changing” the physical dimensions of such tower or base station, as defined by the Act.
  - d. Not calling for the installation of:
    - (i) more than four (4) equipment cabinets;
    - (ii) any equipment cabinets if there are no pre-existing cabinets;
    - (iii) any ground cabinets that are more than 10% larger in height or overall volume than any other associated ground cabinets.
  - e. Not calling for excavation or deployment outside the current “site”, as defined by the Act.
  - f. Not defeating the concealment of elements of the wireless tower or base station.
  - g. Not defeating or failing to comply with other conditions imposed on the existing wireless facility upon which the modification is proposed.
5. Documentation that the project would comply with all relevant building codes and other non-discretionary structural and safety codes.
  6. 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.
  7. 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.
  8. 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.
  9. 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 relevant documents referred to therein, reflecting the status of legal title to the site.
  10. Documentation that the operator has applied for and/or obtained any licenses and/or approvals that are required by federal and/or state agencies.

11. Three (3) sets of a Site Plan (11" X 17") and drawn to scale showing:

- a. Property lines of the parcel on which the "site" is located, and boundary lines of the subject WCF "site", as defined in the Act.
- b. Location of existing and proposed WCF facilities on the site.
- c. Numerical setbacks of existing and proposed structures and improvements from the boundaries of the site.
- d. North arrow, graphic scale, name of preparer, and date prepared.

12. Three (3) sets of Elevation Drawings (11" X 17"), drawn to scale, showing the location of all structures on the site and clearly indicating in numerical form the heights (as defined by the Act), dimensions, and separations of existing and proposed WCF elements, including towers, base stations, and equipment cabinets. The drawings must also show the extent of protrusion of proposed elements from a tower or base station.