



CITY OF PINOLE

Development Services Department

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CONDITIONAL USE PERMIT: WIRELESS TELECOMMUNICATIONS FACILITIES

Chapter 17. 33 Wireless Telecommunications Facilities establishes development standards and requirements for a Conditional Use Permit (CUP) to allow wireless telecommunications facilities in the City of Pinole. Approval is determined through a public hearing process with the Planning Commission. Consideration of a CUP is a discretionary act. This allows the City to deny an application if it determines that the use will have a negative impact on the community.

Materials Required for a CUP for Wireless Telecommunications Facilities

- Application Fee: \$2,076
- Fee: \$150 fee for sign to be posted on site
- Fee: \$100 fee for postage and mailing
- Completed Planning Application Form
- Project Description
- Ten (10) full-size copies of the site plan and related project drawings
- Photo Simulations
- Radio Frequency Exposure Study
- Existing & Proposed Coverage Map
- Electronic version of the plans (pdf or jpeg)
- Mailing labels for property owners within a 1000 ft. radius of the subject site
- Other information the Planner or Planning Commission determines necessary to evaluate the proposed project (Ord. 564 §1(part), 1994)

To avoid project delays, all materials are required to deem the application complete and ready for review. If there are any questions, please contact the Planning Department at (510) 724-8912.

Chapter 17.33
WIRELESS TELECOMMUNICATION FACILITIES

Sections:

- 17.33.010 Purpose and intent.
- 17.33.020 Applicability.
- 17.33.030 Definitions.
- 17.33.040 Development standards.
- 17.33.050 Notification and approval process procedures.
- 17.33.060 Submittal requirements--General.
- 17.33.070 Length of permit--Discontinuance of use-Financial guarantee.

17.33.010 PURPOSE AND INTENT.

It is the purpose and intent of this chapter to establish development standards for regulating the placement and design of commercial wireless telecommunication facilities in order to preserve and to protect the visual character of Pinole from the (any) adverse environmental effects of wireless telecommunications facilities; to insure against the creation of visual blight on the city's major or minor ridgelines, protected areas, and view corridors as identified on the general plan visual resources map (GP-12) of the general plan; and to protect the environmental resources of the city; protect the citizens of Pinole from the (any) possible adverse health effects associated with exposure to high levels of NIER (nonionizing electromagnetic radiation) to the extent permitted by the Federal Communication Commission (FCC). The city acknowledges the community benefit associated with the provision of commercial wireless telecommunication services within the city and encourages the lease of publicly owned properties for the development of commercial wireless telecommunication facilities to the extent compatible with existing facilities. The regulations as set forth are consistent with federal and state law related to the development of commercial wireless telecommunication transmission facilities. (Ord. 99-110 § 1(part), 1999).

17.33.020 APPLICABILITY.

The development standards for wireless telecommunication facilities shall apply to all property owned by private citizens, firms, corporations and organizations, and to property owned by the city, including public streets and alleys and property, or by any local, state or federal government agency or political subdivision thereof with the exception of the following facilities:

- A. Satellite antennas, as defined in Section 17.32.110 of the municipal code;
- B. Ham radio transmitting and receiving antenna towers, radar transmitters and receivers, commercial television transmitting and receiving towers, as required by Chapter 17.36 of the municipal code;
- C. Emergency communication backup facilities;

- D. Personal wireless telecommunication facilities which are determined by the city planner to have little or no adverse visual impact;
- E. Any personal wireless telecommunication facility operated on land owned by the West Contra Costa County Unified School District (or any other special district), Contra Costa County, the state of California or by the federal government which are operated for public and not commercial purpose. (Ord. 99-110 § 1(part), 1999).

17.33.030 DEFINITIONS.

The following words and phrases used in this chapter shall be defined as follows:

- A. **ANTENNA.** Any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic or radio frequency waves. The distinction is made between the support structure and the antenna(s) mounted thereon.
- B. **ANTENNA SUPPORT STRUCTURE.** Any system of towers, poles or other structures used to support an antenna.
- C. **APPLICANT.** Owner(s) of property or leaseholder or representative (and, where applicable, easements) upon which wireless telecommunication facilities are to be located.
- D. **BROADCAST STATION TOWER.** A structure or supporting antennas or other equipment that transmits or receives electromagnetic signals which is part of an AM/FM international or television broadcast station or which supports antennas necessary for a cable system "head end" facility.
- E. **BUILDING MOUNTED ANTENNA.** An antenna whose support structure is mounted to a building or rooftop equipment screen that transmits or receives electromagnetic signals.
- F. **CO-LOCATION.** The location of two or more wireless telecommunication facilities on a single support structure or site otherwise sharing a common location. Co-location shall also include the location of wireless telecommunication facilities with other utility facilities and structures such as, but not limited to, water tanks, transmission towers and light standards.
- G. **COMMERCIAL WIRELESS TELECOMMUNICATIONS FACILITY.** A facility that transmits and/or receives electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles support or accessory structures and related equipment. Amateur radio operators are not included in this definition.
- H. **EQUIPMENT ENCLOSURE.** A cabinet or other structure used to house equipment associated with a wireless telecommunication facility.

- I. **FREE-STANDING TELECOMMUNICATION TOWER.** An antenna support structure that is more than fifteen feet in height from finished grade and is designated to support the antennas of a facility regulated by this chapter. Monopoles and self-supported or guyed structures of lattice construction are examples of this type of structure. Roofmounted or building mounted antennas are excluded from this definition.
- J. **GROUND-MOUNTED ANTENNA.** An antenna with its support structure placed directly on the ground; the total height, is not less than fifteen feet as measured from grade, including the height of the antenna.
- K. **KNOLL.** As identified in the open space element of the general plan and depicted on map GP-12 of the general plan.
- L. **MONOPOLE.** A single freestanding pole, post, or similar structure that is more than fifteen feet in height from finished grade used to support equipment associated with a commercial wireless telecommunications facility.
- M. **NIER.** Nonionizing electromagnetic radiation (i.e. electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).
- N. **OPEN SPACE.** Those general plan designations that include publicly owned, open space lands which are not designated as “public facilities,” “parks and recreation,” or “San Pablo Bay conservation area.” Lands designated **OPEN SPACE** include, without limitation, wetlands and tidelands and other areas of significant ecological resources or geologic hazards.
- O. **RELATED EQUIPMENT.** All equipment ancillary, to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
- P. **RIDGELINE, MAJOR.** A long narrow chain of hills identified in the open space element and depicted on map GP-12 of the general plan.
- Q. **RIDGELINE, MINOR.** A short narrow chain of hills which connects to a “major ridgeline” identified in the open space element and depicted on map GP-12 of the general plan.
- R. **ROOF-MOUNTED ANTENNA.** An antenna directly attached or affixed to the roof of an existing structure which transmits or receive electromagnetic signals.
- S. **SERVICE PROVIDER.** Any authorized provider of commercial wireless telecommunications services.
- T. **STEALTH FACILITY.** Any commercial wireless telecommunication facility which is designed to blend into the surrounding environment by means of screening, concealment,

or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which it is located, or, if visible, appear to be part of the existing landscape or environment rather than the wireless communications facility. (Ord. 99-110 § 1(part), 1999).

17.33.040 DEVELOPMENT STANDARDS.

In consideration of an application for a land use permit and/or development plan, all new commercial wireless telecommunication facilities shall be reviewed by the planning commission and design review board for compliance with the following general development standards:

A. General Development Standards. The following development standards shall be met by all new commercial wireless telecommunication facilities:

1. All proposed commercial wireless telecommunication facilities shall be located so as to minimize their visibility.

2. In order to use any telecommunication facility type and placement (such as ground-mounted, facade-mounted, roof-mounted or towers), the applicant will be required to demonstrate why a telecommunication type with a lesser adverse visual impact cannot be used.

3. In addition to the photo simulations showing before and after scenarios of the proposed facility, including landscaping, applicants may be required to submit further visual analysis (such as line of sight analysis) at the discretion of the city planner.

4. Applicants shall be required to construct a full scale “mock up” of a proposed facility less than twenty-five feet in height, using materials and colors that resemble the actual facility for proposed ground-mounted facilities and roof mounted facilities. The “mock up” shall be installed ten days prior to the scheduled public hearing date, and left in place for a period of ten days after the date of any final action taken on the project application. The notice of public hearing shall contain information about the location and placement of the “mock up” structure. Additionally, all “mock up” structures shall be removed by the applicant within one month from the date of final action taken on the project “application.”

5. All commercial wireless telecommunication facilities shall comply at all times with all Federal Communications Commission (FCC) rules, regulations, and standards, and any other applicable federal, state or city laws or regulations.

6. Sufficient anti-climbing deterrents, including warning signs (ANSI Standard C95.2-1982 Warning Symbol), shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.

7. To minimize overall visual impact, new commercial wireless telecommunication facilities shall be co-located with existing facilities and with other planned facilities, whenever feasible. In addition, whenever feasible, service providers are

encouraged to co-locate antennas with other facilities such as water tanks, light standards, utility poles, and other utility structures, where the co-location is found to minimize the overall visual impact. To facilitate co-location in appropriate cases, conditions of approval for land use permits shall require all applicants to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site. The applicant shall agree, in writing, to allow future co-location of additional antennas and not to enter into a lease for the exclusive use of the site.

8. Telecommunication support facilities (i.e., vaults, equipment enclosures, rooms or buildings) shall have a nonreflective exterior finish and shall be placed in underground vaults whenever possible. All utilities (i.e., gas, electric, cable, phone and water) shall be placed underground.

9. All related equipment, equipment enclosures, antennas, poles or towers shall have a nonreflective finish and shall be painted or otherwise treated to minimize visual impacts.

10. The applicant shall demonstrate through manufacturer and industry information that the latest technology available to minimize visual impacts relating to the design of the commercial wireless telecommunications facility is being used.

11. Commercial wireless telecommunication facilities shall be located, designed and screened to blend with existing natural or built surroundings so as to reduce visual impacts considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

12. Development of commercial wireless telecommunication facilities on vacant sites shall be temporary. When the site is developed, such facilities will be removed and replaced with building mounted antennas.

13. All commercial wireless telecommunication facilities which are not mounted on existing structures shall be (a) screened from the view of surrounding properties, as much as possible and co-located with existing facilities or structures so as not to create substantial visual, noise or thermal impacts; or (b) sited within areas with substantial screening by existing vegetation; or (c) designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be effectively unnoticeable; or (d) screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations, where such vegetation is required to screen telecommunications facilities. Such landscaping, including irrigation, shall be installed and maintained by the applicant, as long as the permit is in effect or (e) existing on-site vegetation shall be preserved or improved and disturbance of the existing topography shall be minimized. Landscaping shall be required in informal natural looking clusters in the vicinity of any proposed commercial wireless telecommunication facility, in addition to screening of the facility.

14. Commercial wireless telecommunication facilities shall provide written proof of the availability of the necessary water supply to sustain any landscaping required for visual screening prior to permit issuance. This may be in the form of a letter from the owner of the land allowing the applicant the use of required water facilities for landscaping installed improvements in the area.

15. Proposed equipment cabinets/structures and accessory structures shall be maintained in good condition over the term of the permit. This shall include keeping equipment cabinets and structures graffiti-free and maintaining security fences and warning signs in good condition.

16. Antennas, towers, dishes or mountings shall not be used for advertising.

17. Exterior lighting shall not be allowed on commercial wireless telecommunication facilities except for that required for use of authorized persons on-site during hours of darkness or where antenna structure owner or registrant is required to light the antenna structure by the terms of the FAA antenna structure registration applicable to the facility.

18. The applicant shall be required to provide evidence, in the form of a license or construction permit, from the FCC and/or FAA that the FCC and/or FAA has accepted the applicant's certification that the facility meets the FCC and/or FAA standard or provide evidence that the FCC and/or FAA has categorically exempted the applicant from demonstrating compliance with the FCC and/or FAA standard. If a license or construction permit has not yet been obtained by the applicant, the furnishing of such FCC and/or FAA license or construction permit shall become a condition of approval for the land use permit and/or development plan.

19. Where two or more commercial wireless telecommunications facilities operate in the same location, the carriers operating those facilities shall provide prior to consideration of an application by the planning commission documentation of testing done by an electromagnetic field (EMF) expert to verify that the cumulative ELF levels conform to standards adopted by the FCC.

20. Freestanding wireless telecommunication antennas and towers shall not be located within the required setback of any property and shall be located a minimum of one hundred feet from any residentially zoned property, except for suburban rural residential.

21. All freestanding wireless telecommunication towers shall be designed at the minimum functional height required for the coverage area unless it is determined that additional height, up to the maximum allowable for the zoning district, is needed for architectural reasons or is part of a city approved plan to reduce the impact(s) of future installations.

22. A technical review by a licensed electrical engineer with experience in telecommunications, or qualified expert as approved by the city planner, to determine if the proposed installation will create any electromagnetic interference with other facilities or

uses in the area will be required. The community development department may retain the services of a private-sector consultant for peer review and to provide professional recommendations to the community development department. The applicant may be asked to describe the electromagnetic frequency needs of the wireless provider and to identify alternative sites which meet the applicant's telecommunications needs and can be readily or reasonably leased. The wireless provider will present its data and offer any additional information to community development department staff regarding its electromagnetic frequency needs. The wireless provider will also make staff aware of those alternative sites where leases can be secured that are suitable for its system. The city shall take reasonable steps within the requirements of state law to assure strict confidentiality of any alternative site leasing information submitted by an applicant. When deemed necessary by community development department staff, the wireless provider will also host information sessions for city staff and city council and planning commission. The cost of such reviews shall be paid by the applicant and deposited with the city as part of the application fee.

23. In appropriate cases, the proposed wireless communication facilities may be located on city-owned or controlled property or within city rights-of-way.

24. Application review and all other subsequent reviews of proposed or existing commercial wireless telecommunication facilities shall include photo documentation of existing conditions and equipment for comparison with past conditions. At the time of the two year permit review photo documentation shall be updated to reflect current conditions/approvals.

25. Minor modifications to the communications equipment design, location, elevations, and other elements of the approved tower may be allowed by the city planner, if such modifications are in keeping with the architectural statement and layout design of the original approval.

26. All land use permit applications shall include conditions of approval that require modifications to the approved site plan if technology has advanced to the point where wireless telecommunication facilities can be made safer or less visually obtrusive, or redesigned to conform to equipment that is currently being installed at the time of permit review.

B. Development Standards--Building Mounted Antennas. in addition to all other applicable development standards mentioned in subsection A, commercial wireless telecommunication facilities proposed to be mounted or attached to an existing building shall be reviewed by the planning commission and design review board for compliance with the following:

1. Building-mounted antennas and any associated equipment should be in scale and architecturally integrated with the building design in such a manner as to minimize the visual impact. Screening designs may include locating the facility within attics, steeples, towers, behind and below parapets, or concealed with an architecturally compatible addition to a building.

2. Colors and materials of the antennas should match the existing building when attached directly to the facade of a building.

3. Wireless telecommunication facility equipment shall be located to minimize visibility from public places. Any visible portion of equipment shall be painted or treated in order to be architecturally compatible with the surrounding buildings and/or it shall be screened, using appropriate techniques, to camouflage, disguise and/or blend into the surrounding environment, as determined by the design review board.

4. Antennas shall be flush-mounted and located below the roof line of the building. Antennas and the associated mounting generally shall not project beyond a maximum of eighteen inches from the face of the building.

C. Development Standards--Roof Mounted Antennas. In addition to all other applicable development standards in subsection A, commercial wireless communication facilities proposed to be mounted or attached to the roof of existing buildings shall be reviewed for compliance with the following:

1. Roof-mounted equipment and antennas, other than facade antennas, shall be aesthetically compatible with and located as far away from the edge of the building as technically feasible as determined by the planning commission. Antennas attached to the building shall be painted or otherwise treated to match the exterior of the building or the antennas' background color.

2. Roof-mounted antennas shall not be allowed when they are to be placed in direct line of sight of scenic corridors or where they will significantly affect scenic vistas, unless the facilities incorporate appropriate techniques to camouflage, disguise and/or blend them into the surrounding environment, as approved by the design review board.

3. The height of roof-mounted antennas, including the support structure shall not be more than fifteen feet above the roof plate of the building to which they are attached.

4. Wireless telecommunication equipment, if located on the rooftop of buildings, shall be located so as to be minimally visible from public places. If any portion of the equipment is visible, it shall be camouflaged or screened from view, to the fullest extent possible.

D. Development Standards--Ground-Mounted Wireless Telecommunication Facilities. In addition to all other applicable development standards in subsection A, groundmounted wireless telecommunications facilities shall comply with the following:

1. Wireless telecommunication facilities visible on or above a ridgeline or knoll, as shown on the general plan visual resources map (GP-12), shall be prohibited unless, prior to approving the application, the planning commission determines that the applicant has demonstrated that there is no feasible alternative.

2. Ground-mounted wireless telecommunication facilities, operated by different carriers shall not be allowed within one thousand feet of one another facility, unless the planning commission determines that the cumulative visual or other physical environmental impacts can be reduced by allowing such facilities to locate within one thousand feet of one another.

3. Ground-mounted antennas shall be no taller than fifteen feet in total height, measured from the ground.

4. All proposed facilities should be located within easy reach of existing access roads, whenever possible. Unless visual impacts can be adequately mitigated, no new access roads on a ridgeline or knoll shall be allowed with any proposed wireless telecommunication facility.

5. All facilities shall incorporate appropriate techniques to camouflage, disguise and/or blend them into the surrounding environment (stealth techniques) to minimize visual impacts. A sample list of such techniques is set forth in subsection E of this section (Development Standards--Freestanding Wireless Telecommunication Towers).

6. All associated equipment for ground-mounted facilities shall be designed and located so as to minimize visual impacts and/or be screened from public view. Screening techniques may include landscaping and/or architectural treatment to make them compatible with existing buildings and/or partial or complete burial of the equipment.

E. Development Standards--Freestanding Wireless Telecommunication Towers. In addition to all other development standards in subsection A, freestanding wireless telecommunication towers zoning shall comply with the following:

1. Freestanding wireless telecommunication towers shall be located and designed to minimize visual impacts. When appropriate, monopoles in areas where adverse visual impacts cannot be avoided (as in some commercial areas), shall be camouflaged, disguised and/or blended into the surrounding environment, or disguised as pieces of art/sculpture, flag poles, telephone poles, light standards, or other visual forms to avoid an adverse visual impact.

2. Freestanding wireless telecommunication towers operated by different carriers shall not be allowed within one thousand feet of one another unless the planning commission determines that the cumulative visual or other physical environmental impacts can be reduced by allowing the towers to locate within one thousand feet of one another.

3. All applicants for wireless telecommunication towers shall provide to the planning commission a written commitment to allow other wireless carriers, using compatible technology, to co-locate antennas on the proposed towers. The city may require applicants to construct a tower which is tall enough to accommodate two additional wireless telecommunication facility applicants. This section shall not be interpreted to prevent the applicant from requiring future applicants to pay fair and reasonable rental for the use of the applicant's tower and/or other facilities.

4. The smallest available and least visible antennas that provide the coverage objective shall be mounted on towers.

5. Lightning arrestor rods and beacon lights shall not be included as part of the tower design, unless the applicant can demonstrate that such are necessary for safety reasons or that such are required by applicable FAA/FCC standards.

F. Development Standards, for Major and Minor Ridgelines and Open Space Areas. In addition to all other applicable development standards in subsection A of this section, wireless telecommunication facilities proposed to be located within an area identified in the city general plan as a major or minor ridgeline or open space, shall be subject to the following:

1. Compliance with subsection D, Development Standards--Ground-Mounted Wireless Communication Facilities, and subsection E, Development Standards--Freestanding Wireless Telecommunications Towers.

2. No commercial wireless telecommunication facility, shall be located within four hundred horizontal feet of a major ridgeline (as shown on map GP-12 of the general plan) and one hundred horizontal feet of a minor ridgeline (as shown on map GP-12 of the general plan) and within one hundred vertical feet for both. The distance shall be measured from the peak of the ridge. An exception may be granted by the planning commission only if any of the following findings can be made:

- a. Due to the specific location and design of the proposed facility, the facility will not be visible from surrounding properties or public view; or
- b. Due to existing development or existing vegetation at the site, the proposed facility will be substantially screened from the view of surrounding properties and public view and will not result in an adverse visual impact; or
- c. The applicant can demonstrate that there is no feasible alternative.

3. Special design considerations, including designs which simulate natural features found in the immediate area, i.e., trees or rocks, may be taken into account by the planning commission when facilities are proposed within areas identified as major and minor ridge line.

4. Development of a commercial wireless communication facility shall conform generally with the natural contours to avoid excessive grading. (Ord. 99-110 § 1(part), 1999).

17.33.050 NOTIFICATION AND APPROVAL PROCESS PROCEDURES.

A. All applications for wireless telecommunication facilities require a use permit. A

public hearing shall be held on each use permit application or modification in compliance with Chapter 17.36. Notification shall be given to all property owners within five hundred feet of the property, where the proposed facility will be located.

B. All permit approvals for commercial wireless telecommunication facilities are subject to a public hearing review every two years to demonstrate continuing compliance with the conditions of approval. When reviewing existing facilities for renewal, the planning commission shall determine whether substantial progress has been made in decreasing the visibility of these facilities. At the time of each two-year review, modifications may be required to the use permit, if technology has advanced to the point where commercial wireless telecommunication facilities can be made safer or less visually obtrusive, to conform to other similar commercial wireless telecommunication facilities that are currently being installed or are located in California at the time of permit review.

C. Application review and subsequent reviews of proposed or existing commercial wireless communication facilities shall include photo documentation of existing conditions and equipment for comparison with past conditions and in order to facilitate policy goals related to minimizing site disturbance and visibility. (Ord. 99-110 §1(part), 1999).

17.33.060 SUBMITTAL REQUIREMENTS--GENERAL.

Applicants for wireless telecommunication facilities shall provide, in addition to those items required by Chapter 17.36, the following information:

- A. Site plan showing the following;
1. North arrow and title block,
 2. Scale of plans,
 3. Name and address of applicant,
 4. Date of preparation,
 5. All boundary lines on the subject property fully dimensioned and tied in with the center line of adjacent or nearby streets,
 6. Name, location, and width of any adjacent public or private streets. Widths should include any required street widening. Pavement, curbs and sidewalks should be indicated,
 7. A complete legal description showing the width and location of all existing or proposed public or private easements,
 8. All proposed improvements properly dimensioned. For structures located near major or minor ridge lines, as shown in the general plan, the applicant

must provide documentation of the setback from the ridgeline. Structures, where possible, must be set back four hundred feet horizontally from major ridge lines and one hundred feet from minor ridgelines and a vertical setback of one hundred feet from both,

9. Preliminary grading, including new and existing contours,
 10. Location and width of all vehicular and pedestrian access openings into and out of the property,
 11. Location of nearest walls and structures on adjacent properties, the use therein, and adjoining driveways,
 12. Location, dimension and elevation of all drainage facilities and utility connections,
 13. Provisions for undergrounding of all utilities;
- B. All exterior elevations; scale as appropriate for presentation;
- C. Specific materials for roofing, siding, trim, windows, doors, fences, etc.:
1. One elevation should be in color,
 2. Color samples and materials mounted on a board or rigid surface should be submitted;
- D. Screening of all mechanical equipment, gas meters, electric meters, electric transformers, etc.;
- E. Conceptual landscaping plans. (Note: Prior to issuance of building permits, a final plan will be required):
1. Compliance with city's landscape requirements for new construction ordinance,
 2. Provisions for automatic sprinkler system,
 3. Location, type and approximate size of existing trees where trunk exceeds six inches in diameter at a point twenty-four inches above grade,
 4. Location of existing shrubs of ten feet or more in height or width or hedges of five feet in height and fifteen feet in length,
 5. All trees, shrubs and hedges to be removed shall be noted,
 6. Location and dimension of all planted areas;

F. A master plan for all related facilities, either existing or proposed, within the city limits of Pinole and within one-quarter mile therefrom;

G. Computer enhanced photo image of the site where the facility would be located showing before and after images or acceptable alternative as determined by the city planner;

H. For sites where antennas will be located on or mounted to a building a mock-up of the proposed antenna must be installed at least ten days before the hearing at which the application will be reviewed;

I. A preliminary report quantifying the project's radio frequency emissions and potential human exposure, the cumulative emissions of other facilities located on the same site and compare them to current standards recommended by the Institute of Electrical and Electronic Engineers. Analysis must be based on the current FCC rules, regulations and standards;

J. Provide alternative site analysis prepared by or on the behalf of the applicant, subject to the approval of the planning commission, which identifies all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed wireless communication facility service. The intention of the alternative analysis is to present alternative strategies which could minimize the number, size and adverse environmental impacts of the facilities necessary to provide the needed service to the city. The analysis shall address the potential for co-location and the potential to locate a facility as close to the intended service area. It shall also explain the rationale for the selection of the proposed site in view of the relative merits of any feasible alternative. The city may require independent verification of this analysis at the applicant's expense;

K. A USGS topographic map or survey with existing topographic contours showing the proposed antennas, accessory structures, new roads and the surrounding area extending at least one hundred fifty feet beyond any proposed towers and at least fifty feet beyond other proposed wireless telecommunications facilities;

L. The number, type and dimensions of antennas and equipment cabinets and structures proposed for use by the applicant and a map identifying all existing wireless telecommunication facilities within a three-thousand-foot radius of the proposed facility;

M. If determined necessary by the community development department, a description indicating whether the proposed telecommunications facility is intended to increase capacity within an existing covered area or extend service to an unserved area, describing the extent or degree of each proposed increased or extended service;

N. For applications to extend service to an unserved area, if determined necessary by the community development department, a map based on either radio frequency propagation maps (or similar engineering data) or drive tests at the proposed site and its vicinity showing the estimated coverage area of the proposed telecommunications facility;

- O. A map showing how the proposed antennas fit within the network of the applicant's existing and proposed antenna sites within three thousand feet of the project vicinity;
- P. A statement of intent to design the facility to allow for co-location;
- Q. A statement to the planning commission, including:
1. The power rating for all antennas and back-up equipment proposed with the first application, and
 2. A description of the system, including the number of antennas, and associated equipment cabinets and structures which conforms to the radio-frequency exposure standards adopted by the FCC, and VAll that will operate within the frequency assigned by the FCC, and
 3. Assurance that operation of the facility, in addition to ambient radio-frequency exposure levels, will not exceed adopted FCC standards with regard to human exposure in "uncontrolled areas" (i.e., areas subject to general public exposure, as defined by the National Council on Radiation Exposure Prevention) or the then applicable FCC standard;
- R. The applicant's proposal to establish and maintain maximum visual screening of unsightly public views of the facilities, including landscape and irrigation plans, sample exterior materials and colors of towers, antennas, and accessory structures, including equipment structures and cabinets and security fences; and
- S. Visual impact demonstrations, including before and after photo-simulation, showing height and location of the proposed facility as viewed from public places;
- T. A list of the names, addresses, and types of business users who will occupy the site;
- U. All applications and reviews shall include a list and photo documentation of transmission, reception and other equipment initially proposed, justifying the need for the range of equipment. At each two-year permit reviews, these lists and photo documentation shall be updated. Additional equipment will only be allowed where the cumulative visual impacts are decreased through replacement with smaller equipment or additional mitigation to decrease visibility. (Ord. 99-110 § 1(part), 1999).

17.33.070 LENGTH OF PERMIT--DISCONTINUANCE OF USE-FINANCIAL GUARANTEE.

- A. All structures and equipment associated with a wireless telecommunication facilities shall be removed within one hundred eighty days of the discontinuation of the use and the site shall be restored by the permittee to its original predevelopment condition. In addition, the permittee shall provide the community development department with a notice of intent to vacate the site a minimum of thirty days prior to vacation. For facilities located on city-

owned or leased property, this removal requirement shall be included within the terms of the lease.

B. Prior to constructing a wireless telecommunications tower, or prior to renewing a use permit for an existing tower, the applicant or permittee shall provide a financial guarantee, which shall be indexed annually for inflation in an amount, satisfactory to the planning commission, for the removal of the facility, based on the estimated cost to remove the facility, in the event the use is abandoned or the use permit expires, or is revoked, or otherwise terminated. The amount of the guarantee per freestanding tower may be reduced or eliminated if the applicant has more than one freestanding tower in the city. If the owner or lessee does not remove any obsolete or unused facilities, as described above, the financial guarantee shall be used by the city to remove any obsolete or unused facilities and to return the site to its predevelopment conditions. Any unused financial guarantee shall be returned to the applicant upon removal of facility or transfer of the lease accompanied by a financial guarantee from the new lessee or owner. (Ord. 99-110 § 1(part), 1999).