

HEARING RULES FOR ADMINISTRATIVE APPEAL OF NOVEMBER 16, 2015 PLANNING COMMISSION DECISION TO DENY APPLICATION BY NSA WIRELESS (VERIZON) FOR A MITIGATED NEGATIVE DECLARATION, CONDITIONAL USE PERMIT (CUP 14-13) AND DESIGN REVIEW (DR 14-26) TO CONSTRUCT A WIRELESS COMMUNICATION FACILITY ON PRIVATE PROPERTY AT 2518 PFEIFFER LANE (APN 360-131-036)

1. Pursuant to Section 17.08.030(B) of the Pinole Municipal Code, the Pinole City Council is responsible for reviewing appeals of Planning Commission decisions. The members of the City Council shall serve as hearing officers for the hearing. The Mayor will preside over the hearing.
2. The City Council has fixed a time and place for hearing the appeal of a Planning Commission decision. The hearing will take place on Tuesday, February 9, 2016 at 7:00 p.m. in the City Council Chambers.
3. The hearing on appeal shall be de novo. The City Council shall have the authority to limit or broaden the questions to be considered on appeal and to make new findings and determinations consistent with the Pinole Municipal Code and all applicable Federal and State laws
4. The hearing on appeal shall be open and public. Public participation shall be governed by the rules applicable to public comment. Public speakers are encouraged to make statements. However, no member of the public may engage in ad hominem statements. Public speakers may not yield their time to other speakers and may only speak once. Repetition of positions previously stated by other speakers is discouraged.
5. The hearing shall be conducted in the manner most conducive to evaluating the matters subject to this appeal.
6. At their own expense, the appellant may bring legal counsel and also present witnesses and evidence at the hearing. Appellant is not bound by any technical rules of evidence or admissibility used in judicial proceedings. There will be no cross-examination of witnesses.
7. The City Council shall be free to examine any witness or evidence if, it is the sort of evidence which responsible persons are accustomed to relying on in the conduct of serious affairs and is sufficiently trustworthy and credible. The City Council is not bound by any technical rules of evidence or admissibility used in judicial proceedings and shall use its own discretion and common sense.
8. Copies of any documents, reports, exhibits or other evidence for the consideration of the City Council must have been submitted to the City Clerk by no later than February 3, 2016. The City Council has sole discretion to allow or disallow the presentation of documents, reports, exhibits or other evidence by the party who does not follow this rule.
9. At the hearing, Appellant shall be given thirty (30) minutes to present oral argument and to present witnesses. Appellant will also be provided with fifteen (15) minutes to rebut and submit closing remarks. Appellant may allocate its time as it and the City Council deem appropriate. The City Council may also extend the time allotments as it deems appropriate for purposes of fairness.
10. Transcription services may be utilized at the hearing. The costs for such transcription shall be

borne by the requesting party or parties. The appellant must provide one (1) day-notice to the City Clerk if they intend to utilize a transcription service. The meeting shall be recorded on the City's digital video devices.

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