

RESOLUTION NO. 071-01

AMENDING EXHIBIT "A" STANDARDS AND CRITERIA
FOR TELECOMMUNICATION FACILITIES

WHEREAS, the City Council received a request to amend the Resolution No. 130-97 Exhibit "A", Standards and Criteria to allow for consideration of applications for telecommunication facilities attached to an existing P.G.&E. transmission tower on properties designated Residential and Visually Significant; and

WHEREAS, the City Council approved Resolution No. 130-97, in September, 1997, adopting Exhibit "A", Standards and Criteria for Telecommunication Facilities ("Standards"), including policies and guidelines for processing applications for new telecommunication facilities; and

WHEREAS, City Council Resolution No. 130-97 anticipated that the Standards and Criteria would be updated from time to time; and

WHEREAS, the "Standards" prohibit approval of new permits for telecommunication facilities on lands designated Residential, Open Space and Conservation, and Visually Significant on the Martinez General Plan; and

WHEREAS, on March 27, 2001, the Martinez Planning Commission held a public hearing on the proposed amendment and unanimously recommended that the city Council adopt a Resolution Amending Resolution No. 130-97, Exhibit "A", Standard and Criteria; and

WHEREAS, in considering potential telecommunication facility sites, there appears to be at least one type of site which, due to the nature of development of electricity transmission facilities on poles or towers, may allow the installation of telecommunication facilities in a non-obtrusive manner; and

WHEREAS, if a proposed telecommunication facility can be established on such a site by attaching to existing improvements it may not have any additional impact on the visual quality of the site, and said application should be allowed to be considered for approval through the Use Permit and Design Review entitlement process which allows for the imposition of conditions of approval, in the same manner as the Standards and Criteria provide for other new telecommunication facilities.

WHEREAS, the city Council adopted a Negative Declaration in September 1997, which considered the potential impacts of the Telecommunication Ordinance and Standards and Criteria in the City of Martinez and no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the city of Martinez does hereby approve attached Exhibit "A", Amendment to Standards and Criteria for Telecommunication Facilities.

RESOLUTION NO. 071-01
EXHIBIT "A"

ADOPTING STANDARDS AND CRITERIA FOR
TELECOMMUNICATION FACILITIES

The City recognizes the public benefits that will accrue from the orderly development of telecommunication facilities which ensures open access to a broad range of competitive services for businesses, citizens, and public agencies. The city further recognizes the need to balance the convenience related to telecommunication services with the public interest regarding the siting, design, and operation of communications facilities. Therefore, the following Standards and Criteria have been prepared to provide clear guidelines for the efficient and effective processing of permit applications for new or expanded telecommunication facilities. Permit applications for telecommunication projects will be reviewed for conformance with these Standards and Criteria in addition to other City land use regulations such as the Martinez General Plan, or Martinez Municipal Code. Complete applications will be processed in the order received. Applications will be determined to be complete by the Community Development Department when accompanied by the following required information:

Material accompanying application - general requirements

- I. Development applications for telecommunication facilities shall be accompanied by the materials listed below in addition to other information specified herein and required for submittal with Use Permit and Design Review applications as set out in the Martinez Municipal Code. The Community Development Director may waive the requirement for submittal of any information described herein when determined that it is inapplicable based on project-specific factors. The Community Development Director may require additional information should it be deemed necessary based on project--specific factors.
 - A. An updated network facilities plan for the entire City (incorporated limits) and surrounding unincorporated areas within the City's sphere of influence, including the information listed below pertaining to the provision of service over the duration of the network plan and foreseeable future:
 1. A written description of the type of technology and type of consumer services the applicant will provide to its customers.
 2. A list enumerating the applicant's facilities sites, including existing sites, approved sites, proposed (applications filed and pending) sites, and planned (applications which the applicant is aware of at the time of filing the particular application but are not yet filed) sites for new, upgraded, and abandoned facilities. This information shall also describe the location, type and number of antenna and base transceiver stations at each site.
 3. A map(s) depicting the geographic location and boundaries of all coverage areas planned by the applicant and the location of the applicant's sites within each coverage area (sites should be identified on the map by numbers corresponding to the list referred to in Item IA(2) above).
 - B. A separate coverage area map and search ring for the proposed site, including the information described in Section IA(2) above as it pertains to the coverage area within which the proposed facility is sited. Topographic maps published by the United States Geologic Survey should be used to prepare base information for the service area maps.

The network and coverage area maps may be combined into a single map so long as the scale of the map is large enough to provide for size specific analysis within the coverage area boundaries. Applicants are encouraged to consult with the Community Development Department prior to submittal of permit applications for guidance regarding an acceptable format for the map information.

- C. Technical information, including but not limited to radio frequency radiation reports, visual analysis, alternative sites analysis, landscape plans, lighting plans, and architectural and engineering plans shall be prepared by an appropriate qualified professional acceptable to the Community Development Department.
- D. A copy any land use easement or restriction (open space, scenic resources, etc.) which encumbers the proposed facility site. Applications for shall include a copy of a title report or other legal instrument demonstrating legal access to the proposed facilities site.

Permit Duration

- II. Permit applications for wireless telecommunications facilities shall be valid for a period of up to ten (10) years from the date of final discretionary approval and may be renewed prior to expiration. Subsequent action by the City to approve, approve with additional conditions, or disapprove applications for renewal shall be based upon the policies, standards, and regulations in effect at the time of application for renewal is complete. Applications for renewal shall be submitted to the Community Development Department no later than thirty (30) days prior to expiration of the permit. Applications for renewal may be approved by the Community Development Director or designee. The permit may be renewed for up to nine additional years ten, 10 successive years) if the project is in complete compliance with adopted Standards and Criteria, and other pertinent City land use regulations such as the Martinez General Plan, Martinez Municipal Code. New or modified conditions of permit approval may be added if determined necessary by the Community Development Director. A permit may not be renewed if the facility is not upgraded to minimize its impacts, including land use compatibility, visual resources, public safety or other factors addressed by the California Environmental Quality Act (CEQA), to the greatest extent permitted by technology which exists at the time of renewal and is consistent with the provisions of adequate service at affordable rates.

Decisions made by the Community Development Director may be appealed to the Planning Commission in accordance with the provisions of the Martinez Municipal Code.

Location of Telecommunication Facilities - General Standards

- III. All wireless telecommunications facilities shall be sited to avoid or minimize land use conflicts by meeting the following standards.
 - A. No telecommunications facility shall be sited in a location where it will unreasonably interfere with the operation of Buchanan Field Airport and/or City utilities.
 - B. Location preference for telecommunication facilities should be given to publicly used structures, co-location and shared-location sites, and industrial or commercial sites. With the exception of co-locating on existing power poles, as indicated in Section III.D, below, telecommunication facilities shall not be permitted on Residential properties and on sites designated as visually significant in the Martinez General Plan. Applications for new

telecommunications facilities should avoid sites located near residential areas unless the applications include information sufficient to demonstrate: the location and type of preferred sites which exist within the proposed or technically feasible coverage area; that good faith efforts and measures were taken by the applicant to secure such preferred location sites; specific reasons why such efforts and measures were unsuccessful; specific reasons why the location of the proposed facility site is essential to meet the service demands of the carrier. The information required by this standard may be incorporated into the information required by Section IV (A) below.

- C. Telecommunication facilities shall be attached, sited adjacent to existing structures or sited on existing poles unless the applicant demonstrates to the satisfaction of the City that no other technically feasible site exists or that construction of a freestanding facility on or at a distant location from an existing structure will minimize adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. Appropriate types of existing structures may include, but not be limited to: buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals, light standards, and roadway overpasses.
- D. Telecommunication facilities, especially monopoles shall not be located in residential, agricultural, visually significant or designated open space and conservation areas, except where antennas can be attached to existing power poles/towers and other existing public utility structures and where ground mounted equipment is located within the envelope created by the "legs" of the existing tower and no other feasible alternative exists.

IV. "Co-location" means a telecommunication facility comprised of a single structure used to support multiple antenna operated by different carriers. "Shared-location" means more than one telecommunication facility comprised of multiple structures used to support equipment or antenna operated by one or more carriers where such structures are located within proximity to each other.

Co-location and shared-location of telecommunication facilities should be encouraged when it is feasible and minimizes adverse effects related to land use compatibility, visual resources, public safety, and other environmental factors addressed by CEQA. Co-location and shared-location sites should not be required when it creates or significantly increases such adverse effects and/or technical evidence demonstrates to the satisfaction of the City that it is not feasible due to service impairment or operational failures. The following standards should be met to ensure the proper implementation of co-location and shared-location siting:

- A. To ensure adequate and complete consideration of co-location and shared-location siting of proposed telecommunication facilities, the applicant may be required to submit to the City a graphic and written analysis which identifies all technically feasible and commercially reasonable available sites within the search ring that would accommodate the proposed service. 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 other environmental factors addressed by CEQA. The analysis shall also include in writing the specific factors for selection of the proposed facility site over alternative sites. Facilities which are not proposed to be sited on a co-location and shared-location site shall provide information

substantiating the unfeasibility of such sites. The City may require independent peer review 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 I B above.

- B. The City should to the extent practicable and legal discourage leases which convey exclusive (i.e., single user) rights for new telecommunication facilities to the extent that such leases may preclude development of a suitable co-location facilities.
- C. The design of co-location sites should promote shared use among different carriers. To the extent feasible, antenna support and equipment structures should be designed to consolidate future planned facilities to eliminate or minimize the visual clutter resulting from multiple telecommunication structures. Where appropriate, as demonstrated by the applicant and determined by the city, multiple antenna support structures may be approved (shared location) rather than a single larger/higher structure.
- D. Facilities should make available unutilized space for co-location of other antennas and equipment, including space for competing service carriers.

Radio Frequency Radiation

- V. Telecommunication facilities operating alone and in conjunction with other telecommunication facilities shall not emit Radio Frequency Radiation (RFR) in excess of the standards for permissible human exposure to RFR as adopted by the Federal Communications Commission (FCC).
- VI. Applications for telecommunication facilities shall include a RFR report which measures the predicted and actual (if available) levels of RFR radiation emitted by the proposed facility operating at by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site. Measurement for RFR shall be based on all proposed, approved, and existing facilities operating at maximum power densities and frequencies. The City may require one or more (periodic) post-construction RFR reports as a condition of project approval to verify that actual levels of RFR emitted by the approved facilities, operating alone and in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.

Lighting

- VII. Telecommunication facilities should be unlit except for the following:
 - A. Manually operated, low wattage, hooded and downward directed exterior lighting shall be permitted for safety purposes only and shall be kept off except when maintenance or safety personnel are present at night.
 - B. Nighttime lighting of warning signs required near publicly accessible facilities must consist of low wattage fixtures, and must be directed downward and hooded.
 - C. Applications for telecommunication facilities shall include a detailed lighting plan including the location and type of all exterior lighting fixtures.

Roads and Accessways

- IX. Telecommunication facilities shall be served by existing access roads and parking areas, as necessary.

Vegetation

- X. Telecommunication facilities shall be installed in a manner that maintains and enhances existing vegetation. Where appropriate, additional landscaping shall be required to provide visual screening of the proposed facility. Vegetation protection and facility screening shall be accomplished through the following measures:
- A. Applications for telecommunication facilities shall be accompanied by a landscape plan that shows existing vegetation, indicates any vegetation proposed for removal or trimming, and identifies proposed planting by type, size, and location. Cross sections of the antenna/structure to be screened and the height of the proposed plant material at one year, two years, five years and full growth shall be indicated on the landscape plans. The emphasis of the landscape plan should be to visually screen the proposed facility and stabilize soils on sloping sites. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area.
 - B. In some areas, particularly in areas with little vegetation, the required landscaping shall be determined in the field after the antennas/equipment have been installed to determine the amount and type of screening necessary.
 - C. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access way shall be protected from damage both during and after construction. Submission of a Tree Protection Plan shall be required to ensure compliance with this requirement, where applicable.
 - D. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.
 - E. No 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.
 - F. Where appropriate, the applicant shall enter into a landscape performance and maintenance agreement with the City of Martinez to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial securities in an amount equal to 150 percent of estimates to cover the cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for a minimum period of no less than two years and may be extended for an additional period of up to two additional years upon renewal of the permit applications.

Noise and Traffic

- XI. Telecommunication facilities shall be constructed and operated in such a manner as to minimize noise and traffic impacts on nearby residents and the public. Noise and traffic reduction shall be accomplished through the following measures:

- A. Telecommunication facilities shall operate in compliance with the noise exposure standards contained in the Martinez General Plan. In residential areas, a maximum allowable exterior noise level of 60dB Ldn at the property line and a maximum interior noise level of 45 dB Ldn shall not be exceeded.
- B. Normal testing and maintenance activities that create material noise and traffic impacts shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding emergency repairs. Normal testing and maintenance activities which do not involve the use or operation of telecommunication and maintenance equipment that is audible from residences and other nearby sensitive receptors may occur at all other times. The level of any equipment used in routine maintenance and repairs shall not exceed the City standards at any adjacent property line.
- C. Backup generators shall comply with the same noise standards referenced above and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with Item XI.B. above.
- D. Traffic resulting from the operation and maintenance of a telecommunication facility shall be kept to a minimum. Conditions of project approval shall specify a maximum number of trips on a case-by-case basis based upon the carrier's maintenance and testing schedule.
- E. Applications for telecommunication facilities shall include a copy of a title report or other legal instrument demonstrating legal access to the proposed facility.

Visual Compatibility and Facility Site Design

XIII. Applications for telecommunication facilities structures and equipment shall be sited, designed, and screened to blend with the surrounding natural or built environment in order to reduce visual impacts to the maximum extent feasible. Visual compatibility shall be accomplished through the following measures.

- A. Applications for telecommunication facilities shall include a visual analysis of the proposed facility at design capacity, including but not necessarily limited to a photo montage or photo simulator and/or story poles erected at the proposed site or other similar technique. The visual analysis shall address views from public vantage points and private residents if determined appropriate by the City. The visual analysis shall also depict cumulative conditions by including information pertaining to existing, approved, and proposed telecommunications facilities that will or may eventually be constructed at the site by all carriers based upon permit applications which have been filed with or approved by the City. The visual analysis may be expanded to exclude alternative locations within the proposed service area.
- B. To the extent feasible, all building-mounted telecommunication facilities shall be sited and designed to appear as an integral part of the structure or otherwise minimize their appearance.
- C. Wall-mounted antennas shall be integrated architecturally with the style and character of the 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.

- D. Roof-mounted antennas and associated equipment should be located as far back from the edge of the roof as possible, so as to minimize visibility from street level locations, except for facade-mounted antennas which can be integrated into the design of the building or the visual impact can otherwise be minimized. Where appropriate, construction of a roof-top 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 or other antennas or equipment, shall be installed within the existing building envelope or underground. When possible, if the rooftop equipment is visible from offsite, the equipment shall be placed within the well of the roof. 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 build environment. Equipment buildings shall be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting.
- F. In certain hillside locations that would be generally visible from a distance, it may be appropriate to design facilities that blend with surrounding existing natural and man-made features in such a manner as to be effectively unnoticeable or visually unobtrusive.
- G. Facilities shall not be located on historically or architecturally significant structures unless visually and architecturally integrated with the structure, and should not interfere with prominent vistas or significant public view corridors.
- H. Facilities shall be sited to avoid adverse impacts to existing views from surrounding residences.
- I. No advertising signage or identifying logos shall be displayed on any personal telecommunications facility, except for small identification plates used for emergency notification.
- J. To avoid or minimize the appearance of visual clutter on rooftops, proposed facilities shall, to the extent feasible, be located adjacent to existing rooftop antennas or equipment incorporated into rooftop antenna or equipment enclosures, or otherwise screened from view. In addition, existing rooftop antenna and equipment should be consolidated where practical and removed if abandoned.
- K. Applicants must demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site.
- L. Antennas and associated structures and equipment shall be painted to blend with the structures, vegetation, sky, or landscape against which they will be primarily viewed.
- M. Applicants for telecommunication facilities shall be required to enter into a standard performance agreement with the city which includes the following stipulations:
 - 1. The applicant (and successor in interest) shall properly maintain and ultimately remove, if required, the approved facilities in compliance with the provisions of these Standards and Criteria and any conditions of permit approval. The carrier shall post a financial security, such as a letter

of credit, bond or corporate guarantee, which is acceptable to the City to ensure that the approved facility is properly maintained and to guarantee that the facility is dismantled and removed from the premises if it has been inoperative or abandoned for a two-year period, or upon expiration of the permit applications.

Posting of a financial security may also be required as a condition of approval to pay the cost for preparation of electromagnetic frequency radiation reports evaluating the conformance of approved and operative facilities with applicable health standards adopted by the Federal Communications Commission. The applicant may post a single financial security in an amount not to exceed \$25,000.00 to satisfy electromagnetic frequency radiation reports for build out of the applicant's network facilities plan.

2. The carrier shall defend, indemnify, and hold harmless the City and any of its boards, commissions, agents, officers, and employees to attack, set aside, void, or annul the approval of permit applications when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the carrier of any such claim, action, or proceeding. The City shall retain the right to participate in any claim, action, or proceeding if the City bears its own attorney's fees and costs and the City defends the action in good faith.

Indemnification

- XIV. The applicants shall defend, indemnify, and hold harmless the City and any of its boards, commissions, agents, officers, and employees from any claims, actions, or proceedings brought to attack, set aside, void, or annul the approval of permit applications when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the applicant of any such claim, action or proceeding. The City shall retain the right to participate in any claim, action, or proceeding if the City bears its own attorney's fees and costs and the City defends the action in good faith.