

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE CDLP25-02025, ISABEL CHAVEZ, NETWORK CONNEX ON BEHALF OF T-MOBILE WIRELESS (APPLICANT) – ARTHUR ROAD ASSOCIATES (OWNER)**

**FINDINGS**

A. Land Use Permit Findings

1. *The proposed project shall not be detrimental to the health, safety and general welfare of the county.*

Project Finding: The existing wireless telecommunication facility is located on developed private property belonging to Arthur Road Associates at 183 Arthur Road in the Martinez area of unincorporated Contra Costa County. The Federal Communications Commission (FCC) has adopted radio frequency protection standards which establish safety levels with respect to human exposure to radio frequency (RF) emissions as well as occupational exposure to electro-magnetic fields. Compliance with these standards is considered to be evidence that the project does not present health and safety risks. The *Radio Frequency Emission Survey* by Global Technology Associates (*Site Number BA01246A; Site Name: PL246 Pacheco - A; Location: 187 Arthur Road, Martinez, CA 94553; Tenants: T-Mobile; Sprint; November 4, 2025*), indicates that with the signage mitigations implemented, the site will be in compliance with the current FCC MPW limits as described in FCC Occupational Exposure Limit-65. Thus, the existing facility does not generate unsafe levels of RF emissions, as determined by the FCC, and will be adequately secured to prevent public access to the equipment area. The Conditions of Approval include project compliance with current FCC standards. These Conditions will ensure that RF emissions and EMF strength at ground levels falls within the FCC limit for public exposure.

2. *The proposed project shall not adversely affect the orderly development of property within the County.*

Project Finding: Staff is unaware of any evidence which suggests that the existing site adversely affects development within the County. The wireless telecommunications services provided at this site benefit a wide range of the County's population (e.g., daily commuters, local employees, residents, and 911 service providers), and therefore, the wireless telecommunication facility is a beneficial use at this location. As conditioned, the project is consistent with applicable policies and regulations of the County's Wireless Telecommunications Facilities Ordinance (County Code Chapter 88-24). Thus, the granting of a land use permit to allow the continuing operation of the existing wireless

telecommunications facility with non-substantial modifications to the facility will not adversely affect the orderly development of property within the County.

3. *The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the County.*

Project Finding: The continuing operation of the wireless telecommunication facility with no proposed modifications, does not change the physical characteristics of the site, and therefore, will not affect the range of potential uses on the site or on adjacent properties. The facility will continue to be unmanned and is not expected to impact development activity in the area or result in an adverse impact on the value of properties within the area. This determination is due to the site's previous establishment as a wireless telecommunication facility and the continued consistency of that established use. Given that the facility and surrounding land uses have remained consistent, there is no indication that the project will adversely affect the preservation of property values and the protection of the tax base within the County.

4. *The proposed project as conditioned shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The project site is located within a LI Light Industry General Plan land use designation. The LI designation allows for a range of low- to moderate-intensity industrial uses that when properly designed and operated may be established in proximity to residences and other sensitive receptors without sacrificing human health and safety or resulting in significant environmental impacts. Typically uses in this designation include light manufacturing, fabrication/assembly, processing, machinery repair, warehousing and storage, distribution, research and development, laboratories, incubators, workforce training centers, and ancillary or supportive retail and office uses. Pursuant to the Wireless Telecommunications Facilities Ordinance (Ordinance No. 2016-11), a wireless telecommunications facility may also be located in the LI designation, since the facility provides telecommunications service that would be compatible and consistent with other land uses in the Vine Hill area. The General Plan also identifies specific policies for the Vine Hill area under the Stronger Communities Element. Allowing the continuing operation of the existing wireless telecommunications facility, will not detract from the purpose and intent of the LI General Plan designation nor from the Policies noted for the Vine Hill area.

5. *The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.*

Project Finding: The project, as conditioned, will not create a nuisance and/or enforcement problem within the neighborhood or community. There has been no record of code compliance issues with the existing wireless telecommunications facility, and there is no evidence to suggest that the wireless facility creates a nuisance or enforcement problem within the area. The Conditions of Approval require that the site be maintained in an orderly manner, and that the facility be removed upon cessation of the use. Further, if approved, T-Mobile will be required to submit five-year condition of approval compliance reviews in order for County staff to evaluate the on-going compliance of the wireless facility.

6. *The proposed project as conditioned shall not encourage marginal development within the neighborhood.*

Project Finding: In general, wireless telecommunications facilities do not encourage development, which is subject to the applicable sections of the General Plan and the Zoning Code, as well as physical constraints on the parcel and adjacent properties. Where there is a sizeable population, major road, or need for telecommunications services, the public demands wireless telecommunications services. The establishment and continuing operation of the unmanned T-Mobile wireless facility is in response to maintaining wireless telecommunications service to the area. As conditioned, allowing the continuation of this service will not encourage marginal development within the area.

7. *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: The wireless facility was established on the project site in 1996, under Land Use Permit CDLP96-02011 and has been in operation since. The most recent renewal for the facility occurred under Land Use Permit CDLP15-02050, which expires on March 7, 2026. This facility provides telecommunication services to the surrounding vicinity in the unincorporated Martinez area. Continuing operation of the wireless facility does not include any new development or expansion beyond the existing lease area. Thus, as conditioned, the wireless facility will be consistent with the LI Light Industrial General Plan land use designation, the L-I Light Industry District, the Wireless Telecommunications Facilities Ordinance, and applicable FCC regulations.

B. Wireless Telecommunications Facility Land Use Permit Findings (County Code Section 88-24.614(b))

1. *The application is complete.*

Project Finding: County staff deemed the application complete and acceptable on November 13, 2025.

2. *The facility or substantial change will meet the requirements of this chapter.*

Project Finding: This CDLP25-02025 Land Use Permit will allow the continuing operation of the existing T-Mobile wireless telecommunications facility installed and established under Land Use Permit CDLP96-02011, with no modifications to the equipment or the lease area. The most recent renewal for the facility occurred under Land Use Permit CDLP15-02050, which expires on March 7, 2026. Continuing operation of the wireless facility is consistent with all applicable requirements of Chapter 88-24 of the County Ordinance Code, including the location requirements of County Code Section 88-24.406, design requirements of Section 88-24.408, safety and security requirements of Section 88-24.412 and building standards, maintenance, and operational requirements of Section 88-24.414. As conditioned, County staff will conduct at least one condition of approval compliance reviews throughout the term of this permit to ensure continued compliance with the permit.

3. *The facility or substantial change has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act (CEQA).*

Project Finding: The wireless telecommunication facility was established on the project site in 1996 pursuant to the approved CDLP96-02011 Permit. The most recent renewal for the facility occurred under Land Use Permit CDLP15-02050, which expires on March 7, 2026. Continuing operation of this wireless telecommunications facility with no modifications to the equipment is categorically exempt under CEQA Guidelines Section 15301(b), which allows for a Class 1 exemption for the continued operation of investor and publicly owned utilities, involving negligible or no expansion of the existing use.

4. *If an environmental impact report or mitigated negative declaration was prepared for the facility or substantial change, the facility or substantial change will*

*incorporate all mitigation measures identified in either of those documents. Each mitigation measure will be included as a term of the permit.*

Project Finding: Continuing operation of the existing T-Mobile wireless telecommunications facility is categorically exempt under CEQA Guidelines Section 15301(b), and did not require preparation of either an environmental impact report or a mitigated negative declaration.

5. *If the Contra Costa County Airport Land Use Commission reviewed and commented on the application, the facility or substantial change will incorporate each mitigation measure recommended by the commission and deemed by the Zoning Administrator to be necessary to protect public safety, health, and welfare. Each mitigation measure will be included as a term of the permit.*

Project Finding: The subject property is not within or proximate to any zones identified by the Airport Land Use Commission as an area of planning interest. Thus, the CDLP25-02025 application is not subject to review by the Airport Land Use Commission and this finding is not applicable to the project.

6. *The applicant has provided the financial assurance required by this chapter.*

Project Finding: A facility removal bond is currently on file for this facility in the event the facility is abandoned, revoked, or the use permit expires. The County remains in retention of this bond. Condition of Approval #11 requires the permittee (wireless carrier) to verify that the bond amount is sufficient in the event the facility is abandoned, revoked, or the use permit expires.

7. *The applicant has paid all required fees and costs, including but not limited to the application fee, any required environmental review fee, and any required peer review fee.*

Project Finding: The applicant has paid the initial deposit of \$5,500 for this Land Use Permit application, and time and material costs have exceeded the initial deposit. Pursuant to COA #6, the applicant is responsible for any additional fees that exceed the initial deposit.

C. California Environmental Quality Act (CEQA) Findings

Continuing operation of the T-Mobile wireless telecommunications facility is

categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(b), Existing Facilities, which provides a Class 1 exemption for the continued operation of an existing telecommunications facility. There is no substantial evidence that the continuing operation of the telecommunications facility involves unusual circumstances, resulting in, or which might reasonably result in, a significant impact on the environment. None of the exceptions in CEQA Guidelines Section 15300.2 apply to this wireless telecommunications facility.

## **CONDITIONS OF APPROVAL FOR LAND USE PERMIT CDLP25-02025**

### Project Approval

1. This application for a Land Use Permit to allow continuing operation of the T-Mobile wireless telecommunications facility with no proposed modifications, is APPROVED.

The existing roof-mounted wireless telecommunications facility includes:

- (9) antennas and ancillary equipment
- (2) equipment cabinets
- (6) RRU units

2. The Land Use Permit approval described above is based on:
  - Land Use Permit application accepted by the Department of Conservation and Development, Community Development Division (CDD) on August 13, 2025.
  - Radio Frequency Emission Survey by Global Technology Associates (*Site Number BA01246A; Site Name: PL246 Pacheco - A; Location: 187 Arthur Road, Martinez, CA 94553; Tenants: T-Mobile; Sprint; November 4, 2025*), received on November 13, 2025
3. Unless otherwise noted, all conditions of approval for CDLP15-02050, remain in full force and effect and apply to this proposal.
4. Pursuant to County Ordinance Code Sections 26-2.2020 through 2030, this Land Use Permit is subject to revocation after notice if confirmed violations occur of any of the Conditions of Approval herein.
5. No construction is approved with this permit. Any construction at this wireless telecommunications facility shall require the filing of an application for a Wireless

Minor Alteration Permit or a new Land Use Permit prior to application for a building permit.

#### Application Costs

6. The land use permit application was subject to an initial deposit of \$5,500.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid within 60 days of the approval date of this permit.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

#### Compliance Report

7. **At the time of application for a building permit,** the applicant shall submit an application for COA Compliance Review and provide a report on compliance with the conditions of approval for the review and approval by the CDD. The report shall list each condition followed by a description of what the applicant has provided as evidence of compliance with that condition. Unless otherwise indicated, the applicant will be required to demonstrate compliance with the conditions of this report prior to issuance of building permits. The report may be rejected if it is not comprehensive with respect to applicable requirements for the requested permit. The fee for this application is a deposit of \$1,500.00 that is subject to time and material costs. Should staff costs exceed the deposit, additional fees will be required.

#### Permit Duration and Permit Review

8. This land use permit is granted for a period of ten (10) years and shall be administratively reviewed at five-year intervals. The applicant shall initiate the first review by submitting a statement as to the current status of the project to the CDD **no later than five years following the approval date of the project approval.** This review by the CDD will be for the purpose of ensuring continued compliance with the conditions of permit approval. **Non-compliance with the approved conditions and/or the ordinance code provisions after written notice thereof shall be cause for**

**revocation proceedings.**

This land use permit is granted for a period of ten (10) years and shall be administratively reviewed at five-year intervals. The permittee (wireless carrier) shall initiate the first review by submitting a statement as to the current status of the project to the CDD no later than five years following the approval date of the project approval. This review by the CDD will be for the purpose of ensuring continued compliance with the conditions of permit approval.

For the review of existing commercial wireless communications facilities, submittal shall include photo documentation of existing conditions and equipment for comparison with the applicable approved conditions. The documentation shall include, but shall not be limited to, color photographs to verify compliance with Condition of Approval #21, Paint Color.

The permittee is encouraged, at the time of each administrative review, to review the design of the telecommunications facility and make voluntary upgrades to the facility for the purpose of improving safety and lessening visual obtrusiveness.

A review fee in the amount set by the Land Development Fee Schedule will be filed through a Compliance Verification application to allow for review of the approved conditions.

Responsible Party

9. The permittee (Wireless Facilities Operator) is responsible for keeping the CDD informed of who is responsible for maintenance of compliance with this permit and how they may be contacted (mailing and email addresses as well as telephone number) at all times. **Within 30 days of the approval date of this permit or prior to CDD stamp approval of plans for a building permit, whichever is first,** the Permittee shall provide the name of the party (carrier) responsible for permit compliance and their contact information.

Should the responsible party subsequently change (e.g.: facility is acquired by a new carrier), within 30 days of the date of the change, the Permittee shall issue a letter to CDD with the name of the new party who has been assigned permit compliance responsibility and their contact information. Failure to satisfy this condition may result in the commencement of procedure to revoke the permit.

Removal of Facility/Site Restoration

10. All structures and equipment associated with a commercial wireless communications facility shall be removed within 60 days of the discontinuance of the use, and the site shall be restored by the permittee to its original predevelopment condition. In addition, the permittee shall provide the CDD with a notice of intent to vacate the site a minimum of 30 days prior to vacation.

Security to Provide for Removal of Equipment

11. **Prior to CDD stamp approval of plans for a building permit**, the applicant or permittee previously confirmed that the security provided remains valid for the wireless telecommunications facility and has not lapsed or has otherwise been terminated. The prior security was valid for the removal of the facility in the event that the use is abandoned, or the use permit expires, or is revoked, or is otherwise terminated. If the permittee does not remove any obsolete or unused facilities as described above, the financial guarantee shall be used by the County to remove any obsolete or unused facilities and to return the site to its pre-development condition.

The financial assurance has been submitted which is irrevocable and not cancelable, except by the County. Each form of financial assurance remains valid for the duration of the permit and for six months following termination, cancellation, or revocation permit.

Any unused financial guarantee shall be returned to the applicant upon termination of the use and removal of the facility, or transfer of the lease accompanied by a financial guarantee by the new lessee or owner. The amount of the security has been based on a cost estimate provided by a contractor or other qualified professional to the satisfaction of the Zoning Administrator.

General Provisions

12. Any change from the approved project plans and any proposed modification of the existing wireless telecommunications facility shall require review and approval by the CDD and may require the filing of an application for a Wireless Minor Alteration Permit or a new Land Use Permit.
13. A minor alteration to this land use permit (or collocation if CEQA environmental review of collocation for the land use permit has been completed) may be issued if the proposed modification(s) are not considered a substantial modification as stated under

federal law (Title 47, Section 1.40001).

A minor alteration (or a collocation) has a term that is the shorter of the following:

- a. 10 years: or,
- b. The duration, including any renewal period, of the permit that authorizes the existing facility on which the new facility will be collocated or on which the minor alteration will occur.

14. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors, or successors for continuing obligation.
15. At all times the facility shall comply with applicable rules, regulations and standards of the FCC and other agencies having jurisdiction, and any other applicable Federal, State, and County laws and regulations.
16. Facilities shall be operated in such a manner as not to contribute to ambient RF/EMF emissions in excess of then-current FCC adopted RF/EMF emission standards.

**Within 15 days of new antennas being installed**, the applicant shall take RF power density measurements with the operating antennas to verify the level reported in the RF report and to ensure that the FCC public exposure level is not exceeded in any public accessible area. This measurement shall be taken again if any equipment is replaced or added. Verification of all RF power density measurements under this condition shall be submitted to CDD for review.

**The recommendations within the approved RF Report shall be noted on the plans for a building permit and are required to be implemented on site prior to final building inspection.**

17. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
18. The antennas, equipment cabinets, and fence enclosure shall not be used for advertising.
19. The equipment cabinets and fence enclosure shall be kept locked and external accessory equipment secured, except when personnel are present, in order to restrict access to the equipment.

20. No lights or beacons may be installed on any antenna or antenna support structure, unless lights or beacons are required by a state or federal agency having jurisdiction over the antenna or antenna support structure, such as the California Public Utilities Commission, Federal Communications Commission, or Federal Aviation Administration, or if lights or beacons are recommended by the County Airport Land Use Commission.

#### Exterior Noise

21. In the event that a modification to this facility involving new noise-generating equipment is proposed, the permittee shall submit evidence for review and approval of the CDD that the wireless telecommunications facility meets acceptable exterior noise level standards as established in the Noise and Land Use Compatibility Guidelines contained in the Noise Element of the County General Plan. The evidence can either be theoretical calculations for identical equipment or noise monitoring data recorded on the site.

#### Frequency Interference

22. The wireless telecommunications facility shall not be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.

#### Paint Color

23. The roof-mounted antennas shall be painted a color that matches or blends with the color of the primary background against which the roof-mounted antenna is viewed from ground level. The color shall also include a reflectivity less than 55 percent. Color samples should be provided for the review and approval of the Zoning Administrator prior to obtaining a building permit approval.
- a. All equipment cabinets, RRU units, and ancillary equipment shall have similar color as the surface on which they are mounted and be painted with a reflectivity less than 55 percent.
  - b. Color photographs showing the project as-built condition shall be submitted for review of the Zoning Administrator prior to obtaining the building final inspection.

In the event that a minor alteration to this facility is proposed, color photographs

showing the as-built condition shall be submitted for review of CDD staff to verify compliance with this Condition of Approval prior to final inspection.

#### Indemnity Requirement

24. To the fullest extent permitted by law, the applicant and/or permittee shall defend, indemnify, and hold harmless the county, its officers, employees, contractors, consultants, and volunteers from and against: (1) All claims, losses, damages (including injury or death), liabilities, suits, costs, and expenses, including reasonable attorney's fees, in any way connected to or arising from the design, construction, installation, use, maintenance, or operation of the facility; and (2) all claims, actions, or proceedings to attack, set aside, void, or annul any decision to approve the application and issue a land use permit or renewed permit to the applicant, or any other discretionary action of the County related to the issuance of that permit.

#### Construction Restrictions

All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

25. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
26. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
27. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
28. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
29. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:00 A.M. to 6:00

P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)  
Birthday of Martin Luther King, Jr. (State and Federal)  
Washington's Birthday (Federal)  
Lincoln's Birthday (State)  
President's Day (State)  
Cesar Chavez Day (State)  
Memorial Day (State and Federal)  
Juneteenth National Independence Holiday (Federal)  
Independence Day (State and Federal)  
Labor Day (State and Federal)  
Columbus Day (Federal)  
Veterans Day (State and Federal)  
Thanksgiving Day (State and Federal)  
Day after Thanksgiving (State)  
Christmas Day (State and Federal)

For specific details on the actual date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov/federal-holidays/)

California Holidays: <https://www.sos.ca.gov/state-holidays>

30. Large trucks and heavy equipment are subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.

**ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

**A. NOTICE OF NINETY (90) DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et. seq, the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the CDD within 90-days of the approval date of this permit.

**B. Prior to applying for a building permit, the applicant may wish to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:**

- Department of Conservation and Development, Building Inspection Division
- Public Works Department
- Health Services Department, Environmental Health Division
- Contra Costa County Fire Protection District
- Federal Communications Commission Division