

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02026,
ISABEL CHAVEZ, NETWORK CONNEX FOR T-MOBILE (APPLICANT), US SPRINT
(OWNER)**

FINDINGS

A. Land Use Permit Findings

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

Project Finding: 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. These standards are jointly published by the American National Standards Institute and the Institute of Electrical and Electronics Engineers. The standards prescribe limits for continuous exposure to radio RF emissions. The last modification to the antennas was in 2021. The Radio Frequency - Electromagnetic Energy (RF-EME) Exposure report prepared by EBI Consulting dated April 13, 2021, evaluated the cumulative impacts of the telecommunications facility, including the 2 antennas, and concluded that the facility exceeds the allowable threshold standards pursuant to the federal government. The report indicates that the highest level of RF-EME emissions is 214% of the allowable FCC general public limit within approximately 72 feet of the T-Mobile antennas and 43% of the FCC occupational limit within approximately 32 feet of the antennas. Thus, the RF-EME report includes recommendations for signage and restricted access to the rooftops and light standard. Access is currently restricted as the satellite communication compound is enclosed with fencing and a locked gate. The wireless facility is conditioned to implement the recommendations of the RF-EME report and be in compliance with FCC rules and regulations. Therefore, as conditioned, the project is not anticipated to be detrimental to the health, safety and general welfare of the County.

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

Project Finding: The granting of a land use permit to allow the continued operation of the existing wireless telecommunications facility will not adversely affect the orderly development of property within the County. Staff is unaware of any evidence which suggests that the existing site adversely affects development within

the County. The wireless services provided at this site benefit a wide range of the County's population (e.g., daily commuters, local employees, and residents, and 911 service providers), and therefore, the wireless facility is a beneficial use at this location. Additionally, the project does not involve any modification of the wireless facility. As conditioned, the project is consistent with applicable policies and regulations of the County's Wireless Telecommunications Facilities Ordinance.

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 project is for a land use permit to allow the continued operation of the wireless facility. Continued operation of the wireless telecommunication facility will not change the physical characteristics of the site, therefore, will not affect the range of potential uses on the site or on adjacent properties. The facility will continue to be unmanned and therefore, the project as conditioned will not adversely affect development activity in the area or result in an adverse impact on the value of properties within the area.

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

Project Finding: The subject property is located within the AL Agricultural Lands General Plan land use designation. The AL designation includes agricultural, open space, and non-urban uses that are conducted in accordance with the County's policies pertaining to agricultural areas. Since the project involves no modifications or expansion of the wireless facility, it will not affect the usage of agricultural lands. Thus, the project meets the intent and purpose of the General Plan. The continued provision of cellular service will be a benefit to the population within the area, including daily commuters, local employees, residents, and 911 service providers. Also, the project is conditioned to maintain graffiti-free structures; as well as to not use the light standard, equipment shelters, and fence enclosure for advertising.

The Conservation, Open Space, and Working Lands Element of the General Plan identifies two nearby County-designated scenic routes, Highland Road and Collier Canyon Road; however, the project site is not readily visible from these roads. Further, the entitlement is conditioned to rejuvenate the stealth requirements of this facility and maintain them throughout the life of the facility.

The property is outside the Urban Limit Line (ULL). The purpose of the ULL is to (1) enhance preservation of identified non-urban agriculture and open space; and (2) facilitate enforcement of the 65/35 Land Preservation Standard. The project does not require the extension of any utilities that could be considered growth inducing (e.g., sewer and water). Therefore, the project does not conflict with the County's adopted ULL and enforcement of the 65/35 Land Preservation Standard.

Therefore, the continuing operation of this existing wireless telecommunications facility is consistent with the policies and goals of the County's General Plan.

5. *The 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 facility. 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. In addition, the applicant will be required to submit 5-year condition of approval compliance reviews for County staff evaluation of the on-going compliance efforts.

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

Project Finding: Continued operation of the existing wireless telecommunications facility will not encourage marginal development within the neighborhood because development is controlled by the County's Zoning Code and General Plan. Where there is a sizeable population, major road, or need for telecommunications services, the public demands wireless telecommunications facilities. This project allows the continued use of an existing wireless facility that provides wireless service to the area in response to the demand.

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

Project Finding: A satellite communication compound was established on the project site in 1983 and since that time, has since, provided telecommunications services to the surrounding area. The locations of the antenna area and equipment areas are consistent with the provisions of the Wireless Telecommunications

Facilities Ordinance, and the development standards of the A-80 Exclusive Agricultural District. Given the physical conditions of the site and local area, and the nature of the project as an unmanned wireless telecommunications facility, the special conditions and unique characteristics of the subject property and its location and surroundings are established.

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 October 24, 2025.

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

Project Finding: This CDLP25-02026 Land Use Permit allows the continued operation of the existing T-Mobile wireless telecommunications facility, with no modifications. The project as conditioned is consistent with all applicable requirements within Chapter 88-24 of the County Ordinance Code. County staff will conduct a condition of approval compliance review throughout the term of this approval, to ensure the facility's continued compliance throughout the life of 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: Continued operation of the T-Mobile wireless telecommunications facility 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 or former 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: Continued operation of the T-Mobile wireless telecommunications facility is categorically exempt under CEQA Guidelines Section 15301(b), and does 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 project site is not within a zone identified by the Airport Land Use Commission (ALUC) as an area of planning interest. Thus, the CDLP25-02026 application is not subject to review by the ALUC.

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

Project Finding: There is an existing removal bond (Bond #K08806238) on file for this facility and this entitlement is conditioned to verify that the bond amount of \$397,000 is still sufficient in the event the facility is abandoned, revoked, or the use permit expires. The County will remain in retention of this bond unless determined it is no longer needed per Condition of Approval #10.

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: A deposit in the amount of \$5,500 was submitted with this Land Use Permit application. Per Condition of Approval #5, the applicant is responsible for any additional fees that exceed the initial deposit.

C. California Environmental Quality Act (CEQA) Finding

Continued 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 existing facilities of investor-owned utilities providing electrical, gas, sewage, and other utility services. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which

threaten the environment. None of the exceptions in CEQA Guidelines section 15300.2 apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02026

Project Approval

1. The application for a Land Use Permit to allow continued operation of the T-Mobile wireless telecommunications facility previously operating under expired Land Use Permit CDLP12-02072 is APPROVED.

The wireless facility includes:

- Cable trays from the equipment area to the antenna area;
 - 152 square-foot lease area for a shelter building that includes: 2 cabinets, 1 equipment rack, 2 security panels, 1 cable entry port, 1 HVAC unit, 1 AW blackboard, 1 fiber Ciena box, 1 PPC, 1 alarm panel, and 1 control panel;
 - Sector A antenna area that includes: 2 antennas and 2 radio units located on a 30-foot tall light standard; and
 - 1 T-Mobile GPS antenna located on top of the earth station building
2. The Land Use Permit approval described above is based on or as generally shown on:
 - Application accepted by the Department of Conservation and Development, Community Development Division (CDD) on August 27, 2025.
 - Revised project plans received by the CDD on October 17, 2025.
 - *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report (Sprint Retain)* (EBI Consulting, April 13, 2021) received by the CDD on October 8, 2025.
 3. No construction is approved with this permit. Any construction at this wireless 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.
 4. The following conditions supersede all prior Conditions of Approval for prior County approvals for the existing wireless telecommunications facility.

Application Processing Fees

5. 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 prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first.** 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.

Permit Duration and Permit Review

6. 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 effective 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 County Code provisions after written notice thereof shall be cause for revocations proceedings.**

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 applicant 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 of \$2,000.00 (subject to time and materials) will be filed through a Compliance Verification application to allow for review of the approved conditions.

Responsible Party

7. The Permittee (wireless operator) is responsible for keeping the Department of Conservation and Development, Community Development Division (CDD) informed of who is responsible for maintenance of compliance with this permit and how they may be contacted (i.e., mailing and email addresses, and telephone number) at all times.
 - **Prior to this permit being considered exercised 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 change, the Permittee shall issue a letter to the CDD informing the CDD of 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 procedures to revoke the permit.

Indemnity

8. 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.

Removal of Facility/Site Restoration

9. 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 pre-development 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

10. The applicant or permittee shall provide and maintain a bond, cash, or other surety, to the satisfactory of the CDD, 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 must be submitted before a permit will be issued. A financial assurance must be irrevocable and not cancelable, except by the County.

Each form of financial assurance must remain 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 shall be based on a cost estimate provided by a contractor or other qualified professional to the satisfactory of the Zoning Administrator.

General Provisions

11. Any deviation from or substantial change beyond the limits of this permit approved under this application may require the filing and approval of a request for modification of the Land Use Permit.
12. 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 1.60001).

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

- 10 years: or,
- 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.

13. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors or successors for continuing obligation.
14. 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.
15. 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**, RF power density measurements shall be taken 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 and to confirm that the requirements of the County Code and this permit have been met.
16. The mitigation recommendations in Attachment 1 on Pages 7 and 8 of the *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report (Sprint Retain)* (EBI Consulting, April 13, 2021) to install recommended signage shall be implemented.
17. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
18. Antennas, towers, cabinets, and mountings shall not be used for advertising.
19. The equipment cabinets shall be kept locked, except when personnel are present, in order to restrict access to the equipment.
20. In addition to the signage required in Condition of Approval #15, the fence enclosure and gate shall be locked at all times when facility maintenance personnel are not present
21. 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.

Frequency Interference

22. No facility may be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.

Exterior Noise

23. In the event that a modification to this facility involving noise-generating equipment is proposed, the applicant shall submit evidence for review and approval of CDD staff 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, and shall be provided prior to final building inspection.

Stealth and Camouflaging Requirements

24. All ground level equipment shall remain located within the existing equipment shelter building. If the equipment area is ever modified, then prior to any final building inspection, or post construction, or at the request of CDD, color photographs showing the as-built condition shall be submitted for review of CDD to verify compliance with this Condition of Approval.
25. The equipment shelter building shall remain painted a color that blends in with the surrounding environment (tan) and have a non-reflective finish with a reflectivity less than 55 percent. If the building is ever modified, then prior to any final building inspection, or post construction, or at the request of CDD,, color photographs showing the as-built condition shall be submitted for review of CDD to verify compliance with this Condition of Approval.
26. The light standard for the antenna area shall remain painted a color that blends in with the surrounding environment (tan) and have a non-reflective finish with a reflectivity less than 55 percent. If the light standard is ever modified, then prior to any final building inspection, or post construction, or at the request of CDD, color photographs

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

27. All pole mounted equipment shall be painted to match the color of the earth satellite dishes and have a non-reflective finish with a reflectivity less than 55 percent. If the pole mounted equipment is ever modified, then prior to any final building inspection, or post construction, or at the request of CDD, color photographs showing the as-built condition shall be submitted for review of CDD to verify compliance with this Condition of Approval.

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 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:
- Building Inspection Division

- Contra Costa Health, Environmental Health Division
- San Ramon Valley Fire Protection District
- Federal Communications Commission