

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02030, ISABEL CHAVEZ, NETWORK CONNEX FOR T-MOBILE (APPLICANT), PACIFIC GAS AND ELECTRIC COMPANY AND LAUREN HARRIS (OWNERS)

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 Radio Frequency - Electromagnetic Energy (RF-EME) Exposure report prepared by Global Technology Associates dated December 4, 2025, evaluated the cumulative impacts of the telecommunications facility and concluded that the facility will be compliant with the allowable threshold standards pursuant to the federal government. As the site will remain compliant with the FCC standards for RF emissions, 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 and development plan combination 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, 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 and development plan combination 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 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 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 RM Residential Medium Density General Plan land use designation. The RM designation includes a range of single and multiple-family residential uses as well as nonresidential uses that serve and support nearby homes. Since the project involves no modifications or expansion of the wireless facility, it will not affect the usage of residential medium density 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. 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: The wireless facility was established on the project site in 2000 under Land use Permit #CDLP00-02087 and has been in operation since, providing telecommunications services to the surrounding area. The locations of the antenna area, ground-level equipment area, and easements are consistent with the provisions of the County's Wireless Telecommunications Facilities Ordinance and the Bay Point Planned-Unit 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 and Renewal Findings (County Code Section 88-24.6)

1. *The application is complete.*

Project Finding: County staff deemed the application complete and acceptable on December 12, 2025.

2. *The facility meets the requirements of Chapter 88-24 and the county requirements applicable to the facility at the time that a permit was issued for the facility, and any terms or conditions included in the permit for the facility.*

Pursuant to County Code Section 88-24.620(a), a land use permit or other discretionary approval issued prior to the enactment of Chapter 88-24 may be renewed in accordance with the requirements in effect at the time the discretionary

approval was issued, provided that an application for renewal is received prior to its expiration date. This is the case for this entitlement as the operating permit for the subject telecommunications facility is not yet expired, and is set to expire on April 18, 2026.

This facility was originally regulated under the County's 1998 Telecommunications Policy, which provides guidelines and policies intended to minimize telecommunications facilities adverse environmental effects and ensure that the facilities are maintained and operated in such a manner that they do not compromise safety or pose problems with the use of the land. Within the 1998 Telecommunications Policy, there are guidelines that call for facilities aesthetic impacts to be minimized to the point where the facility is unnoticeable through such methods as designing facilities to appear as natural features found in the immediate area, screening the equipment with landscaping, or painting the equipment to better blend in with surroundings. The existing condition of this facility is consistent with these guidelines being painted with a non-reflective paint that will blend in with the existing PG&E transmission tower in order to minimize the overall visual impact. Additionally, the equipment area is surrounded by solid board fencing. As these are the current conditions, and this Land Use Permit is conditioned to maintain these visual conditions, the facility is still compliant with the 1998 Telecommunications Policy.

Therefore, this Land Use Permit renewal to allow the continued operation of the existing T-Mobile wireless telecommunications facility with no modifications, and 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 CDLP25-02030 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 #105784335) on file for this facility and this entitlement is conditioned to verify that the bond amount of \$7,750 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. Development Plan Findings

1. *The project is consistent with the intent and purpose of the P-1 district and is compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: The T-Mobile wireless telecommunications facility is located within a high-density residential area of the Bay Point P-1 Planned-Unit District. The project will allow the T-Mobile lease area to maintain a rear yard of 4-feet, 4-inches (where 15-feet is the minimum required). The project is for the continued operation of the wireless facility and contains no modifications to the project site. This setback is existing and non-conforming. The project is not expanding the lease area, and its location is dictated by the location of the PG&E transmission tower. As this project will not change any other development characteristics of the site, including site coverage, floor area ratio, number of employees etc., and there are findings to support the continuance of the deviation to the rear yard setback for the ground level equipment within the 160 square-foot lease area, the project is consistent with the intent and purpose of the P-1 district.

Communications services is a permitted use within the Bay Point Land Use Matrix, where the project site resides. The approval of the continued operation to the existing T-Mobile facility would allow continued telecommunication service to the population within the area. Where there is a sizeable population or major road, such as Willow Pass Road less than a mile from the project site, the public demands wireless telecommunications facilities. This project is in response to demand for wireless service to the area. Thus, the project is compatible with the allowed use within the P-1 Planned Unit District and the residential, commercial, and transit uses in the vicinity.

D. 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 CDLP25-02030

Project Approval

1. The application for a Land Use Permit renewal and Development Plan combination to allow continued operation of the T-Mobile wireless telecommunications facility, and a deviation to continue allowing a 4-foot, 4-inch rear yard (where 15-feet is the minimum required) so the existing ground level lease area can remain in its current location, is APPROVED.

The wireless facility includes:

- 2-foot-wide utility easement from Manor Drive to the equipment area;
 - 160 square-foot fenced lease area including: 3 cabinets, 1 telco box, 1 ciena unit, 2 tech LED lights, conduit stub ups, 1 meter, 1 PPC, 1 GPS antenna, and 1 emergency disconnect switch; and
 - Two antenna areas located on the PG&E transmission tower (Sectors A, B and C) including: 6 antennas, 6 diplexers, and 3 TMAs.
2. The Land Use Permit and Development Plan 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 19, 2025.
 - Revised project plans accepted by the CDD on October 2, 2025.
 - *Radio Frequency Emission Survey* (Global Technology Associates, December 4, 2025) accepted by the CDD on December 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 satisfaction 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 for review and approval of the Zoning Administrator within 30 days of the effective date of this permit, or before issuance of a building permit, whichever occurs first. 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 satisfaction 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 and/or Development Plan.
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 14-16 of the *Radio Frequency Emission Survey* (Global Technology Associates, December 4, 2025) 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. The ground-level equipment area fencing 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 Health and Safety 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 concealed behind solid wooden board (stained brown) fencing installed along the perimeter of the lease area. In the event that a modification to this equipment area is proposed, it may require the filing and approval of a request for modification of the Land Use Permit and/or Development Plan, and 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. All antenna equipment (existing and future) shall be painted to match the color of the PG&E transmission tower and have a non-reflective finish with a reflectivity less than 55 percent. If the antenna 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.

Cultural Resources

The following condition shall be included on all sets of construction drawings:

26. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 100-feet of the find, the Community Development Division shall be notified within 24-

hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.

Work Restrictions

All construction activity shall comply with the following requirements, which shall be included on all sets of construction documents:

27. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to other uses on the site. This shall be communicated to project-related contractors.
28. The project sponsor 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 and concrete pumps as far away from existing residences as possible.
29. The site shall be maintained in an orderly fashion. Following the cessation of construction activity; all construction debris shall be removed from the site.
30. 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.
31. Transportation of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
32. Non-emergency maintenance, construction and other activities on the site related to this use are restricted to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and shall be 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)

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 days and dates that these holidays occur, please visit the following websites:

Federal Holidays: www.federalreserve.gov/aboutthefed/k8.htm

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

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
- Contra Costa County Fire Protection District
- Delta Diablo Sanitary District
- Golden State Water Company
- Federal Communications Commission