

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02038, ISABEL CHAVEZ, NETWORK CONNEX ON BEHALF OF T-MOBILE WEST LLC (APPLICANT), EAST BAY MUNICIPAL UTILITY DISTRICT (OWNER)**

**FINDINGS**

A. Land Use Permit Findings

The following are required findings for the approval of a land use permit.

1. *The proposed 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 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 – Electromagnetic Energy (RF-EME) Compliance Report (Anchor)* (EBI Consulting, March 14, 2022), indicates that with the proposed signage mitigations implemented, the site will be in compliance with the current FCC MPE 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. All elements of the wireless telecommunication facility are secured within a lease area and enclosed. As conditioned, the wireless telecommunications facility will not be detrimental to the health, safety, and general welfare of the County.

2. *The proposed project shall not adversely affect the orderly development within the County or the community.*

Project Finding: 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).

Additionally, the project does not involve any modification of the facility. Thus, the granting of a land use permit for renewal of the current land use permit for the existing wireless telecommunications facility with no modifications of 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 wireless telecommunications facility was established in 1999 on East Bay Municipal Utility District property and has remained in use since then. Renewal of the land use permit for the wireless telecommunication facility with no proposed modifications 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 equipment 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 shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The project site is located within a PS Public and Semi-Public General Plan land use designation, which includes properties owned by public government agencies, public transportation corridors, and utility corridors.. Pursuant to the Wireless Telecommunications Facilities Ordinance (Ordinance No. 2016-11), a wireless telecommunications facility may also be located in the PS designation, since the facility provides telecommunications service that would be compatible and consistent with other land uses in the Lafayette area. Allowing the renewal of the land use permit for the existing wireless telecommunications facility will not detract from the purpose and intent of the PS General Plan designation.

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, pursuant to the Conditions of Approval, 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 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 telecommunications facility is in response to maintaining wireless telecommunications service to the area. As conditioned, allowing the renewal of the land use permit for the wireless facility will continue the existing wireless telecommunications service and 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 1999 and its operation was renewed in 2010 and in 2016. At the times the facility was approved and then renewed, staff analyzed the project to ensure that all necessary entitlements and conditions were included to initiate the land use in a manner that is consistent with the applicable codes and conditions of the surrounding neighborhood. Renewal of the current land use permit for 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 PS Public and Semi-Public General Plan land use designation, the A-80 Exclusive Agricultural District, the Wireless Telecommunications Facilities Ordinance, and applicable FCC regulations.

**B. Wireless Telecommunication Facility Land Use Permit Renewal Findings**

Pursuant to Wireless Telecommunication Facility Ordinance Section 88-24.620(b)(4)(B), a renewal request for a collocation permit, land use permit, or wireless facility access permit will be approved by the zoning administrator after receiving the request and all required submittals if the zoning administrator finds all of the following:

1. *The facility meets all of 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.*

Project Finding: The wireless telecommunications facility was established under Land Use Permit CDLP99-02037 and approval of the wireless facility was renewed under Land Use Permit CDLP09-02040. The wireless facility was substantially modified under Land Use Permit CDLP16-02046 and has maintained operation since then under the conditions of the CDLP16-02046 Permit. Staff has reviewed the wireless facility for compliance with the current CDLP16-02046 conditions of approval and the facility is found to be in compliance with all conditions.

2. *The permittee has met the financial assurance requirements of subsection (b)(3).*

Project Finding: The applicant has provided an updated cost estimate for the demolition and restoration of the project site, should the wireless telecommunications use be ended. Based on this estimate, the applicant has provided and updated bond and surety for the removal of the facility. Thus, the project has met the financial assurance requirements of subsection (b)(3).

3. *The permittee has paid the renewal request processing fee.*

Project Finding: The applicant paid the permit renewal processing fee with the submittal of the application.

**C. California Environmental Quality Act (CEQA) Findings**

Renewal of the land use permit for 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 operation of existing facilities used to provide public utility services. There is no substantial evidence that the renewal of the land use permit for 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 COUNTY FILE CDLP25-02038**

### Project Approval

1. This application for renewal of a Land Use Permit to allow continuing operation of the T-Mobile wireless telecommunication facility is APPROVED.

The wireless telecommunications facility includes:

- Six (6) antennas and ancillary equipment in three sectors, reaching a maximum height of 33 feet 4 inches.
  - T-Mobile equipment cabinets and associated ground-mounted equipment within the 56 square-foot lease area located east of the water storage tank.
2. The Land Use Permit approval described above is based on:
    - Project application accepted by the Department of Conservation and Development, Community Development Division (CDD) on November 4, 2025.
    - Project plans received by the CDD on November 4, 2025.
    - Demolition Cost Estimate received by the CDD on December 11, 2025.
    - Surety Bond Continuation Certificate received by the CDD on December 12, 2025.
    - The *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report (Anchor)* by EBI Consulting, March 14, 2022; received by the CDD on July 19, 2022.
  3. The following Conditions shall supersede all prior Conditions of Approval for prior County approvals for this wireless telecommunication facility.
  4. 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

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 within 60 days of the effective 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.

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 Zoning Administrator **no later than five years following the effective date of the project approval.** This review by the Zoning Administrator 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.**

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 \$1,500.00 (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 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.
  - A. Within 30 days of the effective date of this permit, the Permittee shall provide the name of the party (carrier) responsible for permit compliance and their contact information.
  - B. 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 CDD on 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.

Removal of Facility/Site Restoration

8. 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 Department of Conservation and Development with a notice of intent to vacate the site a minimum of 30 days prior to vacation.

Security to Provide for Removal of Equipment

9. Prior to issuance of a building permit for the telecommunications the applicant or permittee shall provide bond, cash, or other surety, to the satisfaction of the Zoning Administrator., for the removal of the facility in the event that the use is abandoned or the use permit expires, or is revoked, or 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 satisfaction of the Zoning Administrator

General Provisions

10. 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 if it is 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.

11. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors or successors for continuing obligation.

12. 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.

13. 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.

14. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.

15. Antennas, towers, cabinets, and mountings shall not be used for advertising.
16. 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.
17. A facility, all fences and walls surrounding a facility, and all other fixtures and improvements on a facility site must be repainted as often as necessary to prevent fading, chipping, or weathering of paint.
18. Any landscaping at a facility site must be maintained in a healthy state. Dead or dying landscaping must be replaced.

#### Exterior Noise

19. In the event that a modification to this facility involving new noise-generating equipment is proposed, the applicant 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

20. 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.

#### Indemnity

21. 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 on the construction drawings.

22. 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.
23. 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.
24. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
25. 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.
26. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 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)

California Holidays: [State Holidays \(sos.ca.gov\)](https://sos.ca.gov)

27. 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 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
  - Contra Costa Health, Environmental Health Division
  - Contra Costa County Fire Protection District
  - Federal Communications Commission