

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP26-02005,
JOHN MERRITT, ATC SEQUOIA LLC (APPLICANT), ROGER AND JANET WAGNER
(OWNERS)**

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 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. Consequently, the applicant has provided a RF report for the most recent modification to the facility with County File CDWM21-00048. The report, prepared on November 22, 2021, evaluated the facility and the resulting cumulative impacts and concluded that the maximum cumulative RF emissions of the site will not exceed the FCC standards' allowable public exposure limit; therefore, the site complies with the FCC standards for RF emissions.

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

Project Finding: The granting of a land use permit to allow the continued operation, without modification, of an existing American Tower telecommunications facility operated by Verizon Wireless will not adversely affect the orderly development of property within the County. The service provided with the project would keep the telecommunication service to the population within the area, and the continuous telecommunication service has not been known to adversely affect orderly development. As conditioned, the project will not adversely affect the orderly development within the County or the community.

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 subject property is located in an area with the Agricultural Lands (AL) General Plan Land Use Element designation and the General Agricultural District (A-2), and is located on an existing American Tower Corporation faux-tree tower and an existing ground-mounted equipment lease area on private property. The project includes the renewal of the subject facility's land use permit and does not involve modifications to the existing facility. Also, it 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 telecommunication facility and the continued consistency with that established use. As conditioned, the project is not expected to 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 subject property is located in an area with the Agricultural Lands (AL) General Plan Land Use Element designation. The existing telecommunications facility is located on an American Tower Corporation tower and within an existing lease area also containing ground-mounted equipment on private property. This facility covers a minimal portion of the overall property, and would not affect the ability to conduct agricultural uses. Therefore, approval of the proposed project would not result in an adverse impact on surrounding agricultural uses.

The General Plan's Scenic Resources goals and policies are listed as Goal COS-12, and Policies COS-P12.1 through COS-P12.9 of the Conservation Open Space, and Working Lands Element. Goal COS-12 states, *"Protected natural features with high scenic value, such as visual landmarks, major ridges, prominent hillsides, and stands of mature trees."*

This facility is located on a property visible from Camino Tassajara, which is a General Plan-designated scenic route. The ground-mounted equipment is currently screened from view by chain link fencing or a stone colored CMU wall, while the equipment mounted on the existing pole maintains its camouflage by its existing faux-tree structure. Additionally, the facility has been recessed into the hillside to screen it from view. As previously required by LP05-2077 and CDLP16-02021, screening and camouflaging will continue to be required for the facility. With these stealth design characteristics, the facility will maintain the attractive natural qualities adjacent to Camino Tassajara, thereby protecting the views observable from the scenic route. Overall, the proposed project will not significantly diminish the scenic quality of the site or surrounding area. Therefore, as further conditioned, the proposed wireless telecommunications facility is consistent with the County's General Plan policies and goals.

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 these types of facilities. The conditions of approval require that the site be maintained in an orderly manner and that all

facilities be removed on cessation of the use. Furthermore, if approved, the applicant will be required to submit 5-year condition of approval compliance reviews in order for County staff to evaluate the on-going compliance efforts.

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

Project Finding: The project, as conditioned, 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 or major road, the public demands wireless telecommunications facilities. This project allows the continued use of an existing American Tower facility operated by Verizon Wireless that provides wireless service to the area. Furthermore, the stealth design of the faux-tree significantly reduces the visual intrusiveness of the pole-mounted equipment, while the ground-mounted lease area is conditioned to be camouflaged by an alternative screening method. Consequently, the project will not significantly diminish the scenic quality of the site, the Camino Tassajara scenic route, or the surrounding area. Thus, given the physical conditions of the area, and the nature of the project as an unmanned telecommunications facility, the proposed project 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 subject American Tower facility operated by Verizon Wireless includes an existing faux-tree tower with ground-mounted equipment on private property. The subject facility is located at 1505 Finley Road in the unincorporated San Ramon area. This project does not include any modifications to the existing telecommunication facility, and the pole-mounted equipment is unobtrusive to views of the site due to being located on a faux-tree tower that camouflages the equipment with its natural surroundings. In addition, the ground-mounted lease area is conditioned to be screened by an alternative camouflage material.

Furthermore, the proposal will allow the continuous telecommunications service to the area. The locations of the antennas are consistent with the provisions of the County's Wireless Telecommunication Facility Ordinance, and the project has been conditioned accordingly. Thus, given the physical conditions of the site and local area, and the nature of the project as an unmanned telecommunications facility, the special conditions and unique characteristics of the subject property and its location and surroundings are established.

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 LP05-2077 and approval of the wireless facility was renewed under Land Use Permit CDLP16-02021. The wireless facility was modified under Minor Alteration Permit CDWM21-00048 and has maintained operation since then under the conditions of the CDLP16-02021 and CDWM21-00048. Staff has reviewed the wireless facility for compliance with the current CDLP16-02021 conditions of approval and the facility is found to be in compliance with all conditions, or the modifications to those conditions as provided in this permit.

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 telecommunication use be ended. Based on this estimate, the applicant has provided and verification of the 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 American Tower wireless telecommunications facility operated by Verizon Wireless 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.

C. CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP26-02005

Land Use Permit Approval

1. This Land Use Permit approval is granted to allow the renewal of an existing American Tower wireless telecommunication facility operated by Verizon Wireless. The existing facility consists of the following elements:
 - 15-foot tall faux-tree tower containing twelve (12) antennas, and six (6) RRUs mounted behind the antennas;
 - Ground-mounted equipment cabinets within an approximately 465 sq. ft lease area;
 - One 125-amp generator and a 132-gallon diesel fuel tank;
 - Supporting electrical equipment;
 - Underground utilities.
2. The Land Use Permit approval described above is granted based on the following information and documentation:
 - Land Use Permit Application submitted to the Department of Conservation and Development, Community Development Division (CDD) on February 26, 2026;
 - Verification of Bond in Force received on March 31, 2026.

Initial Compliance Report Prior to Issuance of a Building Permit

3. Prior to issuance of a building permit, the applicant shall submit a report addressing compliance with the conditions of approval, for review and approval of 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 construction permits. The Zoning Administrator may reject the report if it is not comprehensive with respect to applicable requirements for the requested permit. The deposit for review of the Compliance Report is \$500.00; the actual fee shall be time and materials.

Prior to final inspection for building permits relative to this approval, color photographs showing the as-built condition of the facility shall be submitted for the review and approval of the CDD to verify compliance with these Conditions of Approval. Photographs shall be taken following completion of construction and shall be submitted within 30 days of completing construction.

Permit Duration and Permit Review

4. 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 \$500.00 (subject to time and materials) will be filed through a Compliance Verification application to allow for review of the approved conditions.

Permittee is Responsible for Keeping CDD Informed of Party Responsible for Permit Compliance at all Times

5. 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.
 - A. Prior to obtaining a building 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

6. 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

7. **Prior to issuance of a building permit for the telecommunications facility**, 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 of the 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

8. 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.
9. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors or successors for continuing obligation.
 10. 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.
 11. 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.

12. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
13. Antennas, towers, cabinets, and mountings shall not be used for advertising.
14. 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.
15. 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.

Exterior Noise

16. **No more than 30 days after the final building permit inspection**, 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

17. 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.

Screening Requirements

18. The facility, including fencing, shall be screened or camouflaged to minimize visual impacts to neighboring properties and visual impacts as viewed from Camino Tassajara, and b) semi-annual weed abatement control to keep approximately 30-foot buffer from the edge of the facility to avoid the risk of wildfire.
19. Fencing shall be limited to the 6-foot-tall chain-link fence around the equipment area (maximum), and a stone-colored CMU wall around the generator. The equipment cabinets shall not extend above the top of the fence or wall.

Work Restrictions

20. 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.

21. 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.
22. Transportation of heavy equipment and trucks shall be limited to week days between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
23. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
24. 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.
25. 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)
- Farmworkers Day (State)
- Memorial Day (State and Federal)
- 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: www.sos.ca.gov/holidays.htm

26. The Land Use Permit application was subject to an initial deposit of \$5,500 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid

prior to issuance of a 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 application shall be charged interest at a rate of ten percent (10%) from the date of approval. 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.

ADVISORY NOTES

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

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 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 (90) day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the 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 Community Development Division within ninety (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:

- Contra Costa County Building Inspection Division
- Contra Costa County Public Works Department
- San Ramon Valley Fire Protection District
- Contra Costa County Environmental Health Division
- Federal Communications Commission
- California Department of Fish and Wildlife

- Regional Water Quality Control Board