

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP24-2006;  
PAUL BENEDYUK MASTEC NETWORK SOLUTIONS (APPLICANT) / TRACT 6432  
COMMON AREA (OWNER)**

**FINDINGS**

**A. Planned Unit District Development Plan Modification Findings**

1. *That the project, as conditioned, is consistent with the intent and purpose of the zoning district and is compatible with other uses in the vicinity, both inside and outside the district.*

Project Finding: This Blackhawk P-1 District allows for a variety of uses as established through the approval of Final Development Plan CDDP84-03003 on March 21, 1984. This Development Plan has resulted in the creation of a cohesive and harmonious collection of uses consistent with the Blackhawk area General Plan land use designations. New uses that are not among those uses initially established by CDDP84-03003 can be added through an approved modification to the Development Plan. The current modification to CDDP84-03003 to allow the reestablishment of a previously entitled AT&T Wireless telecommunications facility is consistent with the zoning administrator's prior approval of CDDP05-03033 and CDDP05-03059 which established identical land uses on site, including the subject facility. Since the project does not involve a substantial alteration to the existing facility, it will continue to be consistent with the intent and purpose of the P-1 district.

2. *That the project is compatible with other uses in the vicinity, both inside and outside the district.*

The existing AT&T wireless telecommunications facility is located on a parcel that was designated as open space by CDDP84-03003, in part because it was part of the existing PG&E transmission power line corridor. CDDP84-03003 incorporated the existing utility use of the parcel, and authorized use of the parcel for wireless telecommunication facilities by subsequent Development Plans CDDP05-03033 and CDDP05-03059. The current modification to CDDP84-03003 to allow the reestablishment of a previously entitled AT&T Wireless telecommunications facility is consistent with the intent and purpose of CDDP84-03003, as well as with subsequent approvals that established the identical land use on site. The project does not substantially modify the existing facility and will allow for the wireless carrier to continue providing a vital service to residents, recreationists, and motorists in the area. Therefore, the project is compatible with other uses in the

vicinity, both inside and outside of the P-1 district.

## **B. 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 project allows the continued operation of an existing communications facility located on an existing PG&E lattice tower on an undeveloped parcel. The continued operation of said facility, with equipment upgrades including but not limited to a net increase of nine (9) antennas, will not be detrimental to health, safety, and general welfare of the County based on the site's compliance with Federal Communications Commission (FCC) regulations for exposure to electro-magnetic fields. Based on an electromagnetic emissions (EME) report dated January 29, 2024, by EBI Consulting, the increase in antennas resulting from the project would not result in emissions exceeding applicable FCC regulations for public exposure at any publicly accessible location. EBI consulting notes that worst-case predictive modeling indicates that public exposure levels may be exceeded within 23 feet of antennas at the utility line level (approximately 118 feet above ground). Thus, the potential for exposure exceeding FCC regulations only exists on work surfaces upon the lattice tower itself, access to which is restricted to authorized personnel only. The EME report concludes that the installation of warning signage notifying personnel of EME exposure at the base of the tower is sufficient to meet FCC exposure regulations for the site. Therefore, there is no expectation that the continued operation of the existing facility, as modified by this Land Use Permit, would generate unsafe levels of RF emissions, as determined by the FCC. Further, the site is adequately secured to prevent public access to the equipment area. As such, the unmanned wireless 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 existing facility is located within an undeveloped parcel designated as Park and Recreation (PR) lands and is amongst other open spaces parcels within a low-density residential subdivision. Existing development on the site includes two existing lattices supporting high-voltage electrical transmission lines within an existing 175-foot-wide PG&E easement. The project involves the continued operation of a wireless telecommunications facility and includes unmanned utility infrastructure consistent with the utility infrastructure existing on

site. Such facilities provide a vital service to nearby residents, recreationists, and motorists in the area. There is no record of code-enforcement or other nuisances reported in relation to the operation of the existing facility. Thus, there is no expectation that the continued operation of the wireless telecommunications facility would 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 continued operation of the existing wireless facility, as modified by this Land Use Permit, limits the need for additional wireless facilities within the immediate area and does not involve substantial alterations to the as-built facility. The use is compatible with the surrounding area and established land use on the property. Therefore, the project would not expectedly affect property values or 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 within the Parks and Recreation (PR) General Plan land use designation. The project involves the continued operation of telecommunications facility within an established utility corridor. Although traditional recreational land uses on this parcel are precluded due to the existing PG&E transmission corridor, the project nonetheless provides a vital service to the area that is of benefit to recreationists on publicly accessible open space lands in the vicinity, as well as to nearby residents. Thus, continued operation of the wireless facility is generally consistent with its underlying general plan land use designation, and the project does not otherwise conflict with the policies and goals of the general plan.

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

Project Finding: The facility is located on private property and is inaccessible to the general public. There is no record of any nuisance and/or enforcement issues arising from the operation of this site since its establishment in 1998. The site will remain unmanned except for routine and emergency maintenance visits. The facility does not generate significant levels of noise that could be considered a nuisance to the surrounding area. The operation of the existing facility has not been a nuisance and/or enforcement problem within the neighborhood or community to date and the project proposes would merely allow the continued

operation of this facility with minor alterations including the installation of additional antennas and ancillary equipment. Therefore, the project will not create a nuisance or enforcement problem.

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

Project Finding: The continued use of the existing facility will not affect the development of the subject property nor the surrounding area. Since close proximity to the existing transmission lines can be hazardous to human health, site access is already limited to authorized personnel only. Since the vast majority of land area within the project site is within this easement, the subject property has little to no development potential beyond its current use as a utility corridor. As such, the continued operation of the existing wireless telecommunications facility would have minimal effect on the developed open space and residential parcels in the immediate project vicinity. Therefore, the project would not encourage marginal development within the neighborhood.

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

Project Finding: The existing facility has been established on the subject property since 2006. Approval of this permit would allow the continued operation of the as-built facility with minor alterations including installation of additional antennas and ancillary equipment. The need for quality wireless communication service in this area arises from its proximity to nearby urban land uses within the Danville and Blackhawk communities. Thus, the conditions and characteristics of the subject property and its surroundings are established and would be largely unchanged by the approval of this permit.

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

1. *The application is complete.*

The application for a land use permit must comply with the submittal requirements in Section 88-24.604 of the Wireless Telecommunications Facilities Ordinance. County staff deemed this application complete upon receipt of cost estimates for the removal of the site, and photo simulations received on July 23, 2024.

2. *The facility or substantial change meets the requirements of Chapter 88-24 (Wireless Ordinance) of the County Ordinance Code.*

Project Finding: The proposed design of the wireless telecommunications facility must comply with the applicable design requirements in Section 88-24.408 of the Wireless Telecommunications Facilities Ordinance. Some requirements include aesthetic designs to allow the facility to minimize its visual and aesthetic impacts on the surrounding area. Based on the project scope and the photo simulations provided by the applicant, the proposed design will have a minimal visual intrusiveness as the antennas will be placed on an existing PG&E transmission tower that already has wireless telecommunications antennas mounted on it. The project allows for the continued operation of an AT&T wireless telecommunications facility, for which a previously granted entitlement has expired. The facility is located on an existing lattice tower hosting existing another wireless telecommunications facility operated by another carrier, as well as existing electrical distribution infrastructure. The County Wireless Ordinance specifically encourages collocation of multiple carriers and/or utility providers where feasible. Thus, approval of the project would be consistent with location requirements of the County ordinance code (Ordinance Section 88-24.406) by allowing for the continued collocation of multiple carriers at the same site. Additionally, the wireless telecommunications facility has conditions of approval that require a non-reflective finish on equipment and that the equipment must be painted and textured to match or blend with the predominate background.

The applicant also submitted a RF report, prepared by EBI consulting, which evaluates the expected exposure to electromagnetic energy associated with the wireless telecommunications facility. This report concludes that there are no modeled areas on any publicly accessible ground-level surface that will exceed the FCC's occupational or general public exposure limits at this site. Only areas on the lattice tower (i.e. only areas accessible to authorize personnel) in close proximity to the antennas would experience electromagnetic energy (EME) exposure exceeding the FCC's exposure limits. To ensure compliance within accessible areas near the antennas, the report specifies the need for secure site access as well as signage at the site to warn personnel when entering areas of elevated EME. The compliance requirements are included as a condition of this permit. Further, as stated in the Condition, signage will be required to be installed before a final building inspection can be scheduled. Implementation of the Condition will be expected to prevent undue exposure of persons to hazardous levels of EME and will maintain compliance with FCC EME exposure limits.

Based upon the revised plans, EME report, photo simulations, and additional documentation submitted with the application, staff has determined that the proposed project meets the requirements of this chapter.

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

Project Finding: Categorical Exemption - CEQA Guidelines Section 15303(d), Existing Structures, Class 3 exemption which applies to "limited numbers of new, small facilities or structures" such as "utility extensions."

The project will allow for the continued operation of existing AT&T Wireless Telecommunications equipment that was previously permitted on site, with equipment upgrades including the removal of six (6) existing panel antennas, the installation of 15 new panel antennas, and associated ancillary equipment. The minor equipment upgrades are categorically exempt under the Class 3 exemption because it involves only minor equipment upgrades to an existing facility providing a utility service in the project area. Therefore, the project has been appropriately reviewed under applicable environmental laws and regulations.

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: The project does not require preparation of either an environmental impact report or a mitigated negative declaration. The project is categorically exempt under CEQA Guidelines Section 15303(d) – which applies to "limited numbers of new, small facilities or structures" such as "utility extensions." The proposed project will allow for the continued operation of an AT&T Wireless telecommunications facility on an existing PG&E transmission tower, with minor alterations to existing equipment installed thereon. The proposed project will not disturb ecological areas of protected wildlife and plant species as the parcel is not located in an area of significant ecological resource areas as listed in the Conservation Element Figure 8-1 in the Contra Costa County General Plan. Therefore, no substantial environmental impacts are expected to result from the project there are no mitigation measures included as conditions of this permit.

5. *If the 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 or proximate to any zones identified by the Airport Land Use Commission as an area of planning interest nor is the project located within two miles of an airport or private airstrip. Consequently, the project is not subject to review by the Airport Land Use Commission and this finding is not applicable to this approval.

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

Project Finding: The applicant provided an updated cost estimate for the removal of the facility in the event that the use is abandoned, or the land use permit expires, or is revoked, or otherwise terminated. Submittal of a surety bond (based on the provided estimate) is required as a condition of this permit.

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 time and materials deposit in the amount of \$5,500 was submitted with this application for a Land Use Permit renewal. No additional environmental review fees are applicable to the project. Prior to the issuance of building permits, CDD staff will verify that all planning fees have been paid by the applicant prior to CDD stamp-approval of plans for the issuance of building permits.

#### **D. California Environmental Quality Act (CEQA) Findings**

The project is exempt from environmental review pursuant to CEQA Guidelines section 15303(d), which exempts, among other things, limited new, small facilities or structures, including utility extensions. The project consists of reestablishing an expired use permit for an existing communications tower, with equipment upgrades including the installation of new antennas and associated ancillary equipment for the purpose of the continued provision of a utility service by AT&T wireless. 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.

## **II. CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP24-02006:**

### **Land Use Permit Approval**

1. This Land Use Permit is APPROVED for the reestablishment of expired Land Use Permit #CDLP08-2065 for the continued operation of an existing communications facility by the established carrier (AT&T).
2. A Development Plan to modify Final Development Plan CDDP84-3003 to allow the construction and operation of a new Dish Wireless telecommunications facility on the subject parcel is APPROVED, subject to the conditions below.
3. The Land Use Permit/Development Plan approvals 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 16, 2024.
  - Project plans received on February 16, 2024.
  - *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report*, prepared by EBI Consultants, LLC, received by CDD February 16, 2024.
  - Site photo-simulations of equipment alterations, received July 23, 2024
  - Current Cost Estimate for Removal of Facility received by CDD July 23, 2024.

### Building Permit

4. The applicant is advised that this approval does not constitute a building permit. Please contact the Contra Costa County Building Inspection Division at 925-655-2700 for more information on how to apply.

### **Initial Compliance Report**

5. **Prior to CDD-stamp approval of construction plans for the issuance of building permits**, the applicant shall submit a report addressing compliance with each condition 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 \$1,500.00; the actual fee shall be time and materials.

### **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 5-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 ordinance 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 \$1,500.00 (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**

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.
  - **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.
  - 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 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 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**

9. **Within 60 days of the effective date of this permit or prior to CDD stamp approval of construction documents for the issuance of building permits,** whichever occurs first, the applicant or permittee shall provide 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 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. 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.
11. 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:

- 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.
12. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors or successors for continuing obligation.
  13. 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.
  14. 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 and to confirm that the requirements of the Ordinance Code and this permit have been met. The recommendations within the approved RF Report shall be noted on the plans for a building permit and are required to be implemented on site prior to final building inspection.
  15. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
  16. Antennas, towers, cabinets, and mountings shall not be used for advertising.
  17. Access to the antenna array shall be restricted and equipment cabinets shall be kept locked, except when personnel are present, in order to restrict access to the equipment.
  18. 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.

19. 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**

20. **In the event that a minor alteration to this facility involving 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**

21. 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.

### **External Appearance**

22. All antennas, monopoles, and associated equipment shall be painted to match the existing tower (or the sky as appropriate) and shall be maintained for the life of the facility. All exterior portions of the poles shall be treated with materials that have a non-reflective finish (less than 55 percent), except as otherwise required by the terms of the FCC Antenna Structure Registration applicable to the facility. Color photographs showing the as-built condition shall be submitted for review of CDD staff to verify compliance with this Condition of Approval **within 30 days of the installation of new equipment on the lattice tower.**
23. The external appearance of the wireless telecommunication facility shall be maintained throughout the life of the facility. The monopole and external accessory equipment must be repainted as often as necessary to prevent fading, chipping, or weathering of paint. The external non-reflective earth-tone appearance of the equipment shelter shall be continuously maintained. The chain link fence shall be continuously maintained. Paint materials shall have a non-reflective finish (less than 55 percent), except as otherwise required by the terms of the FCC Antenna Structure Registration applicable to the facility.

In the event that a minor alteration to the facility is proposed, or upon request by County staff, color photographs showing the as-built condition shall be submitted for review of CDD staff to verify compliance with this condition of approval.

24. The compliance recommendations (sign installation, restricted antenna access) of *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report* prepared by EBI Consulting, dated on January 29, 2024, are required to be implemented by the applicant. **Prior to final building inspection**, the applicant shall submit color photographs showing the installed signs to the CDD for review and approval.

**Work Restrictions – All construction activity throughout the life of the permit shall comply with the following requirements, which shall be included on all sets of construction documents.**

25. 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.
26. 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.
27. 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.
28. The site shall be maintained in an orderly fashion. Following the cessation of construction activity; all construction debris shall be removed from the site.
29. 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.
30. 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)  
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 days and dates that these holidays occur, please visit the following websites:

Federal Holidays: [www.federalreserve.gov/aboutthefed/k8.htm](http://www.federalreserve.gov/aboutthefed/k8.htm)

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

### **Application Processing Fees**

31. The Land Use Permit application was subject to an initial deposit of \$5,500. The application is 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.

### **Indemnity**

32. 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.

### **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.**

Pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a ninety (90) day period that begins on the date that this project is approved. If the 90<sup>th</sup> day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

**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:**

- County Building Inspection Division
- County Health Services Dept., Environmental Health Division
- San Ramon Valley Fire Protection District
- Central Contra Costa Sanitary District
- East Bay Municipal Utility District
- Federal Communications Commission