

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDLP25-02042,  
ISABEL CHAVEZ, NETWORK CONNEX ON BEHALF OF T-MOBILE WEST LLC  
(APPLICANT), COUNTRY CLUB AT BLACKHAWK ASSOCIATION (OWNER)**

**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 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* prepared by Michael McGuire, PE, Global Technology Associated dated June 24, 2025, indicates that with the signage mitigations implemented, the site will be in compliance with the current FCC occupational limit. Thus, as conditioned, 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 fall 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 of property within the County.*

Project Finding: The project for the renewal of the Land Use permit for an existing wireless telecommunications facility, with no modifications, will not alter the primary use for the property, which is designated open space in nature. Furthermore, the 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). Thus, the granting of a land use permit to allow the renewal of the existing wireless telecommunications facility with no modifications to 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 renewal of the Land Use permit for the existing wireless telecommunication facility with no 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 the existing residence located in the nearby Blackhawk community. 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 in 1996 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 as conditioned shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The project site has a split General Plan Land Use Designation, Resource Conservation (RC) and Commercial Recreation (CR). The purpose of these land use designations is to allow private recreational use and open space areas with planned unit development areas that are privately-owned. The site is owned by the Blackhawk Homeowners Association and is maintained as predominantly commercial recreation for a golf course. The construction of public and semi-public infrastructure is consistent with the Resource Conservation Land Use designation. As such, the renewal of the Land Use permit for the existing wireless telecommunications facility will not detract from the purpose and intent of the Resource Conservation and Commercial Recreation 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 as conditioned 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 renewal of the unmanned T-Mobile wireless telecommunications facility is in response to maintaining wireless telecommunications service to the area. Thus, renewal of the wireless telecommunications facility 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 1996 and has been continuously in operation. At the time 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. The renewal of the wireless facility does not include any new development or expansion beyond the previously approved Development Plan for this facility. Thus, the wireless facility will be consistent with the Resource Conservation (RC) and Commercial Recreation (CR) General Plan land use designation, the P-1 Planned Unit District, the Wireless Telecommunications Facilities Ordinance, and applicable FCC regulations.

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

1. *The application is complete.*

Project Finding: County staff deemed the application complete and acceptable on February 24, 2025.

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

Project Finding: This Land Use Permit, County file #CDLP25-02042, will renew the existing T-Mobile wireless telecommunications facility that was originally established under County file CDDP96-03013 and was most recently operated under County file CDDP16-03015, with no modifications to the equipment or the lease area. Renewing the wireless facility is consistent with all applicable requirements of Chapter 88-24 of the County Ordinance Code, including the location requirements of County Code Section 88-24.406, design requirements of Section 88-24.408, safety and security requirements of Section 88-24.412 and building standards, maintenance, and operational requirements of Section 88-24.414. As conditioned, a condition of approval compliance review is required throughout the term of this permit to ensure the facility's continued compliance with the permit.

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 August 1, 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 greenery landscape surrounding this area for the overall visual impact. Additionally, the equipment area is screened by a brown wired fence with privacy slats and the CMU rock wall to match the aesthetic of the surrounding open space area. 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. A compliance review is required 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: The wireless telecommunication facility was established on the project site in 1996 pursuant to the approved Development Plan permit #CDDP96-03013 and most recently operated under County file #CDDP16-03015. The renewal of the Land Use permit for this wireless telecommunications facility with no modifications to the equipment is categorically exempt under CEQA Guidelines Section 15301(b), which allows for a Class 1 exemption for the operation of existing facilities used to provide public utility services.

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 renewal of the Land Use permit for the existing T-Mobile wireless telecommunications facility is categorically exempt under CEQA Guidelines Section 15301(b), and did 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 subject property is not within or proximate to any zones identified by the Airport Land Use Commission as an area of planning interest. Thus, the Land Use Permit #CDLP25-02042 is not subject to review by the Airport Land Use Commission.

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

Project Finding: A facility removal bond is currently on file for this facility in the event the facility is abandoned, revoked, or the use permit expires. The County remains in retention of this bond. Condition of Approval #9 requires the permittee (wireless carrier) to verify that the bond amount is sufficient in the event the facility is abandoned, revoked, or the use permit expires.

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: The applicant has paid the initial deposit of \$5,500 for this Land Use Permit application, and time and material costs have exceeded the initial deposit. Pursuant to Condition of Approval #5, the applicant is responsible for any additional fees that exceed the initial deposit.

C. Permit renewal findings 88-24.620(b)(4)(B)(i).

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 requests and all required submittals if the zoning administrator finds all of the following:

- (i) The facility meets 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: 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 greenery landscape surrounding this area for the overall visual impact. Additionally, the equipment area is screened by brown wired fence with privacy slats and the CMU rock wall to match the aesthetic of the surrounding open space area. 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, the renewal of the Land Use permit for 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.

- (ii) The permittee has met the financial assurance requirement of subsection (b)(3)

Project finding: A facility removal bond is currently on file for this facility in the event the facility is abandoned, revoked, or the use permit expires. The County remains in retention of this bond. Condition of Approval #9 requires the permittee (wireless carrier) to verify that the bond amount is sufficient in the event the facility is abandoned, revoked, or the use permit expires

- (iii) The permittee has paid the renewal request processing fee.

Project finding: The permittee submitted the processing fee for the renewal request on November 26, 2025.

#### D. Development Plan Findings

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

Project Finding: The Blackhawk Planned Unit Development was established in 1978 under County file CDDP3035-78 and SD6432. The T-Mobile lease area is within the

private open space area under the Blackhawk Homeowner's Association ownership. The renewal of the Land Use permit will meet the intent and purpose of the P-1 Planned Unit District because the wireless facility will remain camouflaged with landscape plantings and other features that will minimize the visual impacts of the facility and will not compromise views of the site. The project does not include any modifications to the existing facility; thus it will not change the existing use of the lease area. The use will remain compatible with other uses in the vicinity of the open space area.

#### E. California Environmental Quality Act (CEQA) Findings

The renewal of the Land Use permit for the existing T-Mobile wireless telecommunications facility is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301(b), Existing Structures, 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 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 CDLP25-02042**

#### Project Approval

1. This application for a Land Use Permit to allow the renewal of the existing T-Mobile wireless telecommunications facility established under County file #CDDP16-03015 is APPROVED.
2. The Land Use Permit approval described above is generally based on:
  - Project application accepted by the Department of Conservation and Development, Community Development Division (CDD) on December 2, 2025.
  - The *Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report* by Michael McGuire, PE, Global Technology Associated dated June 24, 2025, received by the CDD on February 3, 2026.
  - Revised Plans received by the CDD on February 3, 2026.
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 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 within 60 days of the approval 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 CDD **no later than five years following the approval 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 documentation shall include, but shall not be limited to, color photographs to verify compliance with Condition of Approval #20, Exterior Appearance.

The permittee 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 set by the Land Development Fee Schedule will be filed through a Compliance Verification application to allow for review of the approved conditions.

Responsible Party

7. The permittee (wireless facilities 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 (mailing and email addresses as well as telephone number) at all times.
  - A. **Within 30 days of the approval 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 date of the change, the Permittee shall issue a letter to CDD with 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 procedure 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 predevelopment 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 30 days of the approval date of this permit**, the applicant or permittee shall confirm that the security provided for prior Development Plan #CDDP16-03015 remains valid for the wireless telecommunications facility and has not lapsed or has otherwise been terminated. If the prior security is no longer valid, the applicant or permittee shall provide bond, cash, or other surety, to the satisfaction of the CDD, within 60 days of the approval date of this permit, 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 any future permit for the wireless telecommunications facility 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 change from the approved project plans and any proposed modification of the existing wireless telecommunications facility shall require review and approval by the CDD and may require the filing of an application for a Wireless Minor Alteration Permit or a new 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 1.60001).

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.
12. The conditions contained herein shall be accepted by the applicant, their agents, lessees, survivors, or successors for continuing obligation.
  13. The wireless telecommunications facility shall comply at all times 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.
15. The equipment and accessory structures shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
16. Antennas, equipment cabinets, and fence enclosure shall not be used for advertising.
17. No signage or exterior lighting, with the exception of the switch-operated light at the entrance to the shelter, shall be allowed.

#### Aesthetics

18. The use of highly reflective materials, including but not limited to glass and unfinished metals, shall be prohibited from use.
19. All exterior components of the facility shall utilize materials that are naturally non-reflective, or shall be finished with paints or other finishes with a reflectivity less than 55 percent. The exterior components must be painted brown or green to match the existing greenery landscape in the surrounding area. The equipment area is to remain concealed by the brown wired fence with privacy slats and the CMU rock wall, as shown on the East view elevation plans, to match the aesthetic of the surrounding open space area.

In the event that a minor alteration to this facility is proposed, color photographs showing the as-built condition shall be submitted for review of CDD staff to verify compliance with this Condition of Approval prior to final inspection.

#### Landscape

20. Prior to final inspection for building permits relative to this approval, the applicant shall

submit color photographs showing that at least (8) Oleanders or California Native Toyon-Heteromeles Arbutifolia are planted with the objective to soften views of the upper portion of the antennas from public vantage points.

Exterior Noise

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

22. The wireless telecommunications facility shall not be operated at a frequency that will interfere with an emergency communication system or 911 system, including any regional emergency communication system.

Indemnity Requirement

23. 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**

**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 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 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:**

- Contra Costa County, Building Inspection Division
- Public Works Department
- San Ramon Valley Fire Protection District
- Contra Costa Central Sanitary District
- East Bay Municipal Utility District
- Federal Communications Commission