

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE # CDLP23-02030, CENTERLINE COMMUNICATIONS ON BEHALF OF T-MOBILE (APPLICANT), TINA M. THOMAS, TRUSTEE (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 project involves an approximately 74-square-foot expansion of the lease area and modifications to ground-level equipment. The project does not involve any modifications to the antennas. Consequently, the site and equipment modifications remain compliant with the FCC standards for RF emissions.

2. *The proposed project shall not adversely affect the orderly development of property within the County.*

Project Finding: Staff is unaware of any evidence which suggests that the existing site adversely affects development within the County. The subject property will remain largely agricultural in nature. The service provided with the project will ensure the continuation of telecommunications service to the population within the area, including daily commuters, residents, and 911 service providers. Thus, the granting of a land use permit to allow the expansion of a lease area for the existing telecommunications facility with minor ground-level equipment modifications 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 project involves the expansion of the lease area in order to install a new electrical transformer and modifications to ground-mounted electrical equipment within the existing lease area for the existing T-Mobile wireless facility established on the lot in the year 2006. The facility 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. Given that the facility and surrounding land uses have remained consistent for nearly twenty years, 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 subject property and the project site is located within an Agricultural Lands (AL) General Plan land use designation. The purpose of the AL designation is generally to allow grazing and dryland farming or other productive agricultural uses, where other types of uses are considered compatible with this designation when conducted in accordance with the County's policies for those uses such as a wireless telecommunication facility with the approval of a land use permit. The project involves issuing a land use permit for the expansion of the lease area for the installation of new ground-mounted equipment, and modifications to the ground-mounted equipment within an existing lease area for a wireless telecommunication facility that has been in operation since the year 2006. The facility, which covers approximately 830 square feet of the 471-acre property, is intended and used strictly for communications activities. Thus, the modifications to an existing facility would not alter the property in a manner which would affect agricultural activities on the property, and the project is consistent with the policies and goals of the County General Plan.

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 facility. The conditions of approval require that the site be maintained in an orderly manner, and that the facility be removed upon cessation of the use. In addition, the applicant will be required to submit 5-year condition of approval compliance reviews for County staff evaluation of the on-going compliance efforts.

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

Project Finding: Expanding the lease area and modifying the ground-mounted equipment of the existing wireless telecommunications facility will not encourage marginal development within the neighborhood because development is controlled by the County's Zoning Code and General Plan. Where there is a sizeable population, major road, or need for telecommunications services, the public demands wireless telecommunications facilities. This project allows upgrades to electrical equipment for a T-Mobile Wireless facility that provides wireless service to the area. Thus, given the physical conditions of the area, and the nature of the project as an unmanned telecommunications facility, the 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 wireless facility was established on the project site in 2006 under Land Use Permit CDLP05-02078 to provide telecommunications services to the surrounding area and has since been in operation on the lot within an area established with agricultural uses on the east, west, and south, and residential uses to the north. Modifications are proposed including an expansion of the project site by approximately 74 square feet and installation of a new electrical transformer, with minor modifications to ground-mounted equipment within an existing lease area. The locations of the ground-mounted equipment 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 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 on July 31, 2024, and revised project plans as acceptable on September 26, 2025.

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

Project Finding: The T-Mobile wireless telecommunications facility was first established under County File #CDLP05-02078 and allowed continuing operation under County File #CDLP25-2008. The expansion of the lease area

with minor modifications to ground-mounted equipment has been processed under the County's Wireless Ordinance, Chapter 88-24 of the County Code. As designed and conditioned, the facility will remain in compliance with the Wireless Ordinance in terms of building standards and operational requirements. The facility is designed to blend in with the surrounding area, painted with a non-reflective finish and textured to match or blend in with the predominant background. The project site is within an existing lease area beneath an existing PG&E lattice tower, and the new lease area is adjacent to the lattice tower. Also, due to the location within a hilly area of the County and approximately ½-mile south of the nearest public road, the ground equipment is marginally visible from public view. Therefore, the wireless facility with modifications is consistent with all applicable requirements within Chapter 88-24 of the County Ordinance Code.

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 Crown Castle wireless telecommunications facility was first established under County File #CDLP05-02078. Pursuant to CEQA guidelines section 15301(b), regarding the operation, repair, maintenance, and minor alteration of existing facilities of investor-owned utilities involving negligible expansion of the existing use, and CEQA guidelines section 15303(d), regarding utility extensions of reasonable length to serve such utility services, the project is categorically exempt from CEQA review.

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: This project is exempt from CEQA review pursuant to CEQA guidelines sections 15301(b) and 15303(d). Therefore, there are no environmental mitigation measures to be included as a term of the permit.

5. *If the Contra Costa County Airport Land Use Commission reviewed and commented on the application, the facility or substantial change will incorporate each mitigation measure recommended by the commission and deemed by the Zoning Administrator to be necessary to protect public safety, health, and welfare. Each mitigation measure will be included as a term of the permit.*

Project Finding: The project site is not within or proximate to any zones identified by the Airport Land Use Commission (ALUC) as areas of planning interest. Consequently, the proposed renewal was not reviewed by the Airport Land Use Commission, and this finding is not applicable to the project.

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

Project Finding: Pursuant to the conditions of approval of file #CDLP05-02078, a removal bond was submitted to the County to guarantee the removal of the subject facility in the event it is abandoned, revoked, or the use permit expires. The County remains in retention of this bond. Pursuant to file #CDLP25-02008, the applicant is required to demonstrate the adequacy of the bond for the removal of the as-built facility throughout the life of the 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 deposit in the amount of \$5,500 was submitted with this application for a Land Use Permit renewal. The applicant has paid all outstanding time and materials fees for County staff's processing of this application that have been accrued beyond this initial deposit. In addition, as conditioned, the applicant is responsible for any additional fees that exceed the initial deposit or time and materials fees that accrue for processing.

C. Variance Findings

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations of other properties in the vicinity and the respective land use district.*

Project Finding: The subject property is located within an Agricultural Preserve (A-4) District which requires a 50-foot-wide side yard. Pursuant to County Code section 88-24.406(d) wireless facilities including ground-mounted equipment must meet the setback distance requirements applicable to the zoning district where the facility is located. As designed, an expanded lease area will be located approximately 9 feet from the nearest side property boundary. The project includes installing a new, approximately 26.7-inch-tall transformer on a new concrete pad surrounded by new bollards within the new lease area for an existing wireless telecommunications facility. The existing wireless facility is located on and within the footprint of an existing PG&E lattice tower located adjacent to the side property boundary with an existing 1-foot side yard. The new lease area is not worsening the existing side yard setback for the facility.

Therefore, allowing a 9-foot side yard to expand the lease area of the T-Mobile facility by approximately 74 feet does not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location, or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: The special circumstances for the location of the existing wireless facility within the minimum 50-foot side yard for the A-4 district were established in the year 2006 when Land Use Permit CDLP05-02078 was approved to install the facility on and beneath an existing PG&E lattice tower. In addition, there is a special circumstance applied to wireless facilities in that equipment must meet the setback distance requirements applicable to the zoning district where the facility is located (County Code section 88-24.406(d)). Thus, the variance is to allow a 9-foot side yard to the edge of the new lease area where a ground-mounted electrical transformer will be installed. The location of the new lease area is reasonable due to the existing location of a utility easement and conduit installed from the nearest point of electrical connection in the Buchanan Road right-of-way approximately 430 feet away. In addition, removing the existing T-Mobile wireless facility that is located on and beneath an existing PG&E lattice tower would potentially create a significant gap in coverage in the vicinity and along Kirker Pass Road. Thus, strict application of the A-4 zoning district would deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district where wireless telecommunications facilities are located.

3. *That any variance authorized substantially meets the intent and purpose of the respective land use district in which the subject property is located.*

Project Finding: The intent and purpose of the A-4 Agricultural Preserve District is to provide for commercial agricultural production and other compatible uses that are consistent with the intent and purpose of the Land Conservation Act of 1965. Pursuant to County Code Section 84-42.404(14), the A-4 district allows facilities for commercial radio and television receiving and/or transmitting, including wireless telecommunication facilities, and excluding broadcasting studios or business offices, upon the granting of a land use permit. The variance will allow the applicant to expand the lease area and install ground-level equipment for an existing T-Mobile Wireless facility that has been established

on the subject property since 2006. As conditioned, the facility will remain compatible with other wireless facilities in the vicinity and in the respective land use district. Therefore, granting the variance will meet the intent and purpose of the A-4 land use district.

D. California Environmental Quality Act (CEQA) Findings

The project is categorically exempt under CEQA Guidelines, Section 15301(b), regarding "Existing Facilities," which exempts the operation, repair, maintenance, and minor alteration of existing facilities of investor-owned utilities providing electrical, gas, sewage, and other utility services, and Section 15303(d) regarding "New Construction of Small Structures" which exempts utility extensions of reasonable length to serve such utility services as telecommunications facilities. The project consists of the expansion of the lease area of an existing wireless telecommunications facility by approximately 74 square feet, with minor equipment modifications at the ground level within the new and the existing lease areas. There is no substantial evidence that the project involves unusual circumstances, including future activities, resulting in, or which might reasonably result in, significant impacts which threaten the environment. None of the exceptions in CEQA Guidelines section 15300.2 apply.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP23-02030:

Land Use Permit Approval

1. **Land Use Permit approval** is granted to allow the expansion of the lease area of an existing T-Mobile wireless telecommunications facility, and the installation of new equipment, consisting of the following elements:
 - New, approximately 74-square-foot lease area and installation of one new 25kVA transformer on a new concrete pad surrounded by ten 4-foot-tall bollards;
 - Installation of approximately 34 feet of new conduit within a new utility easement and approximately 430 feet replacement conduit within an existing utility easement;
 - Relocate or install new ground equipment on an existing concrete pad within an existing, approximately 190-square-foot lease area including equipment and power cabinets, utility frames, electrical meters, conduit and power/fiber cables, and auxiliary electrical equipment.
2. **Variance approval** is granted to allow a 9-foot side yard (where 50 feet is required) for a new approximately 74-square-foot equipment lease area.

3. The approvals described above are granted based on the application submitted to the Department of Conservation and Development, Community Development Division (CDD) on September 25, 2023, and as generally shown on the revised plans received on September 26, 2025.
4. Unless expressly stated otherwise herein, the Conditions of Approval of County File #CDLP25-02008 shall remain in full force and effect.

Application Processing Fees

5. The land use permit application was subject to an initial deposit of \$5,500.00. Applications are subject to time and material costs if the application review expenses exceed the initial deposit. **Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first.** The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

Initial Compliance Report

6. **Prior to CDD stamp approval of plans for issuance of a building permit**, the applicant shall submit a report addressing compliance with the conditions of approval of County File #CDLP25-02008 and CDLP23-02030, 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 \$2,000.00; the actual fee shall be time and materials.

Permit Duration

7. This land use permit is granted for the remaining term of Land Use Permit #CDLP25-02008 to January 5, 2036.

General Provisions

8. 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.
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. The equipment shall be maintained in good condition over the term of the permit. This shall include keeping the structures graffiti-free.
12. Antennas, towers, cabinets, and mountings shall not be used for advertising.
13. The equipment cabinets shall be kept locked, except when personnel are present, in order to restrict access to the equipment.
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. All paint shall have a non-reflective finish and paints with a reflectivity less than 55 percent, except as otherwise required by the terms of the FCC Antenna Structure Registration applicable to the facility. **Prior to any final building inspection**, or at the request of CDD, color photographs showing the as-built condition shall be submitted for review of CDD to verify compliance with this Condition of Approval.

Camouflaging Requirements

16. All ground level equipment (existing and future) shall be painted to blend in with the natural surroundings and have a non-reflective finish. Paints with a reflectivity of less than 55 percent are required. **Prior to any final building inspection**, or at the request of CDD, color photographs showing the as-built condition shall be submitted for review of CDD to verify compliance with this Condition of Approval.

Cultural Resources

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

17. If any significant cultural materials such as artifacts, human burials, or the like are encountered during construction operations, such operations shall cease within 100-feet of the find, the Community Development Department shall be notified within 24-hours and a qualified archaeologist contacted and retained for further recommendations. Significant cultural materials include, but are not limited to, aboriginal human remains, chipped stone, groundstone, shell and bone artifacts, concentrations of fire cracked rock, ash, charcoal, shell, bone, and historic features such as privies or building foundations.

Construction Restrictions

All construction activity shall comply with the following restrictions. **These restrictions shall be included on the construction drawings.**

18. 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.
19. 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.
20. The site shall be maintained in an orderly fashion. Following the cessation of construction activity; all construction debris shall be removed from the site.
21. 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.
22. 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.
23. Non-emergency maintenance, construction and other activities on the site related to this use are restricted to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and shall be prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual days and dates that these holidays occur, please visit the following websites:

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

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

ADVISORY NOTES

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 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:

- County Building Inspection Division
- County Health Services Dept., Environmental Health Division
- Contra Costa County Fire Protection District
- Federal Communications Commission Division