

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION
PREPARED FOR ATT c/o MELISSA GONZALEZ, J5
INFRASTRUCTURE PARTNERS (APPLICANT) AND JANET D
MCELLEY TRUST (OWNER) COUNTY FILE #LP24-02033

I. BACKGROUND INFORMATION

On January 10, 2024 the County approved a Land Use permit to establish an AT&T wireless telecommunication facility, including a 120-foot-tall by 22-foot-wide faux water tank tower and two separate lease areas for ancillary equipment located at 5707 Highland Road in the unincorporated San Ramon area. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the County prepared an Initial Study / Mitigated Negative Declaration (MND) dated October 12, 2023 and approved on January 10, 2024, incorporated herein and by this reference. The MND identified potentially significant impacts associated with air quality, biological resources, geology and soils, hydrology, and noise, but determined that these impacts would be less than significant with the implementation of mitigation measures agreed to by the Project proponent, all of which were identified in the MND and incorporated into the Project's conditions of approval.

On December 26, 2025, the County received an application to modify the previously approved Land Use permit, the modification includes the relocation of the wireless telecommunication facility approximately 143 feet northeast next to the immediately adjacent lease area. The height of the tower will also increase from 120-foot to 170-foot tall. The current application is to modify the previously approved Land Use permit. Pursuant to the requirements of CEQA (CEQA Guidelines Section 15164) an addendum to the previously adopted Mitigated Negative Declaration (MND) has been prepared to assess the minor technical changes or additions to the project.

II. CEQA ADDENDUM PROTOCOL

For a proposed modification to an approved project, State CEQA Guidelines (Section 15164; Appendix B) provides that an Addendum to an adopted MND may be prepared if only minor technical changes or additions are necessary or none of the following conditions (outlined in CEQA Guidelines Section 15162) calling for the preparation of a subsequent MND have occurred:

- a. When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes in the project, which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects,

The modification includes the relocation of the previously approved wireless facility by approximately 143 feet northeast of the property and increase the tower height from 120-foot to 170-foot tall. The new location of the wireless telecommunication facility is immediately adjacent to the lease area which was assessed for environmental effects. The project applicant provided a biological assessment addendum dated April 8, 2025 by EBI Consulting, and found that the new location for the wireless facility will not result in a significant new environmental effect or substantially increase the severity of previously identified effects because the proposed ancillary equipment and leasing area was already identified as

2. Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

The modification to the location of the previously approved facility will not result in substantial changes in circumstances involving new or increased environmental effects. There are no changes to the circumstances under which the Project will be undertaken because the project modification is to relocate the facility from the previously approved location. The new facility will be directly adjacent to the previously assessed lease area with new tower height of 170 feet tall. Therefore, the need for approval of the modification to relocate the wireless telecommunication facility does not constitute a substantial change in circumstances involving new or increased environmental effects.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:

- A. The project will have one or more significant effects not discussed in

the MND;

The modification to the previously approved Land Use permit will not result in any new information that was not discussed previously in the Mitigated Negative Declaration (MND). The mitigations issued with the approved MND will be sufficient to ensure that the proposed project will not cause any significant impact in its surroundings. Therefore, a subsequent MND is not necessary.

- B. Significant effects previously examined will be substantially more severe than shown in the previous MND;

The modification to the location of the previously approved facility will not result in substantial changes because the project is to relocate the facility approximately 143 feet to the northeast of the property. The new location of the wireless facility will have no changes to the previously determined may affect, not likely to adversely effect according to the Addendum to the Biological Report, dated April 8, 2025.

- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative;
or

The approval of the modification to the previously approved Land Use does not affect any of the mitigations identified for this project. The Project proponent agreed to all mitigation measures proposed by the County. Thus, no alternative mitigation measures or alternatives, which would substantially reduce one of more significant effects, were identified for the Project that the Project proponent declined to adopt.

- D. Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

As mentioned in section (c) above, the Project proponent accepted all proposed mitigation measures contained in the MND. Thus, no alternative mitigation measures or alternatives, which would substantially reduce one of more significant effects, were identified for

this Project that the Project proponent declined to adopt. For this reason, a subsequent MND will not be required.

- b. If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

The County has determined that a subsequent MND will not be required because no changes or new information resulting in significant Project-related environmental impacts not previously discussed have become available. The County has elected to prepare an Addendum to the issued MND with a revised Project description and recommend the project for approval.

- c. Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

The County is the responsible agency preparing the Addendum to the MND. As discussed above, none of the conditions described in subsection (a) have occurred, thus, a new CEQA document need not be prepared.

- d. A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

The County has determined that this Project will not require a subsequent MND. Therefore, no additional public review will occur with the adoption of this Addendum.

The purpose of this Addendum is to evaluate the proposed modification to the original project and to demonstrate that the proposed project does not trigger any of the conditions described above. Based on the analysis provided below, an Addendum to

the original IS/MND is the appropriate CEQA document.

III. SUMMARY OF ANALYSIS

The Department of Conservation and Development, Community Development Division (CDD) has concluded that the amendment of the Project, described in CDLP24-02033 as proposed, will not result in new significant environmental effects not previously considered, nor increase the severity of previously identified significant effects. Therefore, no new mitigation measures would be necessary to reduce significant effects. No change has occurred with respect to circumstances surrounding the Project that would cause new or substantially more severe significant environmental effects than those identified in the original MND. In addition, an updated biological report was provided determining that the Project would not cause new or substantially more severe significant environmental effects which have not already been analyzed in the original MND. Therefore, no further environmental review is required beyond this addendum.

IV. PROJECT DESCRIPTION

The applicant is requesting approval of a Land Use Permit, for the purpose of modifying a previously approved Land Use Permit (County File #CDLP22-02051) to establish a wireless telecommunication facility at the subject property. The project includes a 170- foot-tall by 28-foot-wide faux water tank tower and one separate lease area, 15 by 25 feet for ancillary equipment. An existing dirt road would be improved for a 10-wide access easement to meet fire code standards on adjacent parcel.

V. PROJECT MODIFICATION SINCE IS/MND ADOPTION

The Project Description has been modified to relocate the proposed wireless telecommunication facility approximately 143 feet northeast next immediately adjacent to the lease area. The tower height will increase from 120-foot to 170-foot tall. The utilities will follow the existing access road located along Highland Road and the adjacent parcel.

VI. IMPACT ASSESSMENT OF PROPOSED ADDENDUM

The CDD has concluded that the amendment of CDLP22-02051 as proposed will not result in new significant environmental effects not previously considered, nor increase the severity of previously identified significant effects. Those impacts include:

Aesthetics: The original MND found that the Project would have less than

significant or no impact upon the categories of Aesthetics Impacts set out in the Initial Study. Given that the Project is prominently located on a minor ridge near scenic routes, the design of the Project has been tailored to fit the scenic and rural character of the area. The previously approved faux water tank exterior design will remain as previously approved. Therefore, no new or substantially more severe significant effects would occur, and no additional mitigation measures are required.

Agricultural Resources: The Project site is within the A-20 Exclusive Agricultural District and has an Agricultural Lands (AL) General Plan Land Use designation. Though the property is zoned for agricultural use, the property is not included in a Williamson Act contract. The wireless facility would convert some land that could be used for agriculture, however, the overall use of the 56-acre site would not be limited. The Project modification is a request to relocate the previously approved wireless facility; the use will remain the same. The A-20 Exclusive Agricultural zoning district allows for the establishment of a wireless facility with the issuance of a land use permit; as permitted use, the wireless telecommunication facility is consistent with the agricultural use of the site. Therefore, a less than significant impact is expected from a conflict with existing agricultural use.

Air Quality: The MND identified possibly significant short-term construction impacts; but, with the implementation of Mitigation Measure IIIc, on page 8 of the MND, those impacts will be reduced to less than significant. The Project Proponent has agreed to those mitigation measures and to the additional regulations on construction activity and noise, Condition of Approval #30. The modification to the Project will not cause any physical changes to the Project nor result in any short-term or long-term air quality impacts.

Biological Resources: The modification to the Project Description will not result in any physical changes to the scope of work originally considered within the MND. Therefore, there is no potential for new impacts on biological resources beyond those previously considered. The MND identifies possibly significant impacts upon biological resources but determines with the implementation of Mitigation Measure IVd-1 and IVd-2, all significant impacts will be avoided. Those mitigation measures are agreed to by the Project Proponent and will be implemented as a part of the Project.

As stated in the *5707 Highland Road Biological Resources Assessment Addendum* letter, by EBI Consulting, the proposed modifications have no changes to the previously determination on the possibly significant impacts for the project.

Therefore, no additional mitigation measures are required.

Cultural Resources: The MND found the Project would have no impact to cultural resources. Nevertheless, Condition of Approval #32 set forth requirements if such resources are actually discovered during construction. Those will be implemented during Project construction. The Project Modification will not result in any additional or increased impacts. The Cultural Resources section is thus sufficient as originally written.

Geology and Soils: The MND identified possible areas of potentially significant impacts and set out Mitigation Measures VIa-3 and VI d to address those. In addition, Conditions of Approval 26 through 30 are requirements addressing geological and soils impacts that will be implemented. The Project Modification can have no further impact and no new mitigation measures are required.

Energy: The project's energy demand would be typical for a development of this scope and nature of the expected new telecommunication facility, as well as the energy use for construction and maintenance of the proposed project. The project would not conflict with the policies outlined in the Contra Costa County Climate Action Plan (CAP), thus the Project would not be considered to have significant impact.

Hazards and Hazardous Material: The project modification requires a governmental action with no inherent hazards, and which does not involve the handling of hazardous materials beyond those previously discussed in the MND.

Hydrology and Water Quality: There is no potential for the project modification to result in new impacts to hydrology and water quality beyond those previously considered in the MND.

Land Use and Planning: The original MND found the project would not physically divide an established community, nor would it conflict with any applicable habitat conservation plan or community conservation plan. The proposed use is consistent with allowed uses within the zoning designation of Exclusive Agricultural District (A-20) and Agricultural Lands General Plan Designation (AL). The project Modification does not conflict with the County's general plan.

Therefore, no changes have been made to the conclusions of the Land Use and Planning analysis presented in the original MND. No new or substantially more severe significant effects would occur, and no additional mitigation measures are required.

Mineral Resources: The project does not involve the removal or extraction of

mineral resources identified in the County's General Plan.

Noise: The project modification involves a governmental action which will not result in noise impacts at the Project site beyond those previously considered. Condition of Approval #16 set forth requirements for the applicant to provide evidence for review and approval to confirm that the wireless 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. Therefore, no changes have been made to the conclusions of the noise analysis presented in the original MND. No new or substantially more severe significant effects would occur, and no additional mitigation measures are required.

Population and Housing: The project site is currently occupied by a single-family residence which would remain. The project modification to relocate the wireless facility will be unmanned, which would not increase the area population. Therefore, the project will have no impact upon population and housing.

Public Services: The MND concluded the impact upon Public Services would be less than significant and the Project modification does nothing to change that conclusion.

Recreation: The project was determined in the MND to cause less than significant impacts on parks and recreational services and since the Project is to establish a wireless facility, the Project modification does nothing to change that conclusion.

Transportation/Traffic: Transportation and Traffic impacts were determined to be less than significant. The project modification will not increase the severity of those impacts.

Tribal Resources: It is not likely that the project would cause a substantial adverse change in the significance of tribal cultural resources since the site is fully disturbed. If during the project construction, subsurface construction activities damaged previously undiscovered historic and prehistoric resources, there could be a potentially significant. Implementation of Mitigation Measure Cultural Resources 1 would reduce the impact on tribal cultural resources during the project related work to a level that would be considered less than significant.

Utilities and Service Systems: The project site currently does not have drainage facilities. However, the property site is currently developed and connected to septic wastewater, electricity and gas. No significant new stormwater is expected from the new structure, that could not be accommodated by the existing drainage

pattern. Additionally, the project includes the improvement of an access easement to allow emergency access.

Mandatory Findings of Significance: The project modification will not result in new or more severe environmental impacts than those identified in the MND. It does not have the potential to degrade the quality of the environment nor substantially reduce the habitat of fish or wildlife species. It will not result in impacts that are individually limited but cumulatively considerable. It will not have effects upon human beings, either directly or indirectly.

VII. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

- Contra Costa County Building Inspection Division
- Contra Costa County Grading Division
- Contra Costa County Public Works Department
- Contra Costa County Fire Protection District
- Contra Costa County Health Department
- Bay Area Air Quality Management District
- Federal Communications Commission