

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP25-02008,  
ISABEL CHAVEZ, NETWORK CONNEX FOR T-MOBILE (APPLICANT), TINA M.  
THOMAS, TRUSTEE (PROPERTY OWNER)**

**FINDINGS**

**A. Land Use Permit Findings**

1. The project shall not be detrimental to the health, safety and general welfare of the County;

Project Finding: The Federal Communications Commission (FCC) has adopted radio frequency protection standards, which establish safety levels with respect to human exposure to radio frequency (RF) emissions. These standards are jointly published by the American National Standards Institute and the Institute of Electrical and Electronics Engineers. The standards prescribe limits for continuous exposure to radio RF emissions. No changes to the communications equipment are proposed and all existing antennas will remain. A Minor Modification permit approved on November 24, 2020 (County File #CDWM20-00024) allowed replacement of antennas. A Radio Frequency-Electromagnetic Energy (RF-EME) Compliance Report prepared by EBI Consulting (August 18, 2020) for County File #CDWM20-00024 evaluated the cumulative impacts of the telecommunications facility and concluded that the facility is compliant with the allowable threshold standards pursuant to the federal government and will remain compliant with the FCC standards for RF emissions. Therefore, the project is not anticipated to be detrimental to the health, safety and general welfare of the County.

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

Project Finding: The Zoning Administrator is unaware of any evidence which suggests that the existing site adversely affects development within the County. Thus, the granting of a land use permit to allow the continued operation of the existing telecommunications facility will not adversely affect the orderly development of property within the County. The service provided with the project would ensure the continuation of telecommunications service to the population within the area, including daily commuters, local employees, residents, and 911 service providers. Therefore, as conditioned, it is unlikely that granting approval of a land use permit to allow the continued operation and upgrade of the facility will 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 is for a land use permit to allow the continued operation of the wireless facility. It will continue to be unmanned and is not expected to impact development activity in the area or result in an adverse impact on the value of properties within the area. This determination is due to the site's previous establishment as a telecommunications facility and the continued consistency with that established use. Given that the facility and surrounding land uses have remained consistent since the establishment of this wireless facility, 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 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 a Agricultural Lands (AL) General Plan Land Use designation. Generally speaking, uses within the AL designation include grazing and dryland farming or other productive agricultural uses, but other types of uses are considered compatible with this designation when conducted in accordance with the County's policies for those uses including those such as a wireless telecommunication facility with the approval of a land use permit. The continuing operation of an existing facility would not affect grazing or any other agricultural activity on undeveloped portions of the property.

Kirker Pass Road, an officially designated scenic route pursuant to Figure COS-12 (Scenic Resources) of the County General Plan, is located approximately 1,175 feet west of the project site. Due to the distance from Kirker Pass Road, there is no potential for the project to significantly impact public views along the scenic route (General Plan Policy COS-P12.8). In addition, as conditioned to require painting the ground-mounted equipment to match the surrounding landscape, the project would be consistent with Policy COS-P12.9 which enables flexibility in project design to protect views and visual quality along scenic routes. The project site is an existing wireless telecommunications facility within the footprint of an existing PG&E lattice tower. The project as designed and conditioned is consistent with General Plan policies for Scenic Resources.

Therefore, the continuing operation of this existing wireless telecommunications facility is consistent with the policies and goals of the County's General Plan.

5. The 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 project as conditioned shall not encourage marginal development within the neighborhood; and

Project Finding: Continuing the operation 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 the continued use of an existing 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: A communications facility was established on the project site in 2006 and has been in operation since, providing telecommunications services to the surrounding area. The locations of the antenna areas, equipment areas 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 and acceptable on December 15, 2025.

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

Project Finding: This Land Use permit allows the continued operation of the existing wireless facility. The project 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.

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: Pursuant to CEQA guidelines section 15301(b), the continued operation of investor and publicly owned utilities, involving negligible or no expansion of the existing or former use, 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 section 15301(b). 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 a zone identified by the Airport Land Use Commission (ALUC) as an area of planning interest.

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

Project Finding: There is an existing removal bond (Bond #39S205496) on file for this facility and this entitlement is conditioned to verify that the bond amount of \$10,000 is still sufficient in the event the facility is abandoned, revoked, or the use permit expires. The County will remain in retention of this bond unless determined it is no longer needed per condition of approval #9.

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. Per Condition of Approval #5, the applicant is responsible for any additional fees that exceed the initial deposit.

### **C. Variance Findings**

1. That any variance authorized shall 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.

Project Finding: The granting of a variance to continue allowing a 1-foot side yard (where 50-feet is the minimum required) so the existing wireless telecommunications facility can remain in its current location would not constitute a grant of special privilege because this setback is existing and non-conforming. The development is not expanding the lease area, so the existing setback is not worsening with this project. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective Agricultural Preserve (A-4) 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 requested variance is to continue allowing a 1-foot side yard (where 50-feet is the minimum required). The antenna equipment being attached to the PG&E lattice tower makes this a "low visibility facility" as defined by Section 88-24.204(p)(4), so it is not visually impactful to its agriculturally surroundings. Section 88-24.406(d) requires telecommunications facilities to meet the setback requirements that apply in the zoning district where the facility is located. The A-4 district requires a 50-foot side yard, but as the facility is existing, and its location is dictated by the location of the PG&E lattice tower so it can be a "low visibility facility". Thus, strict application of the A-4 zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity and within the identical land use district.

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

Project Finding: The subject wireless telecommunications facility has been established on the subject property since 2006. The County is unaware of any nuisances arising from the operation of the existing facility to date. Wireless telecommunication facilities provide a vital service to both residents and visitors of the County and are relied upon for general communication needs and for emergency personnel such as Fire and Sheriff Department Staff. Wireless telecommunications facilities are conditionally allowed within an A-4 district. Therefore, approval of this variance would meet the intent and purpose of the A-4 land use district.

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

The project is exempt from environmental review pursuant to CEQA Guidelines section 15301(b) which exempts, among other things, the operation, repair, maintenance, and permitting of existing facilities (either privately, or publicly owned) for the provision of a public utility service, involving negligible or no expansion of use. The project consists of granting a land use permit for the continued operation of an existing wireless telecommunications facility. 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 #CDLP25-02008:**

##### **Land Use Permit Approval**

1. Land Use Permit is approved to allow the continued operation of the existing T-Mobile wireless telecommunications facility. The wireless facility includes:
  - An access road that is also an all-inclusive utility easement;
  - 190 square-foot ground level lease area that includes: 3 equipment cabinets, 1 transformer, 3 fiber boxes, 1 ciena box, 1 LMU box, 1 telco cabinet, 1 PPC cabinet, and 1 GPS antenna; and
  - The antenna area that is attached to the PG&E lattice tower that is comprised of three sectors:
    - Sector A: 1 H frame, 2 antennas, 2 diplexers, and 2 radio units;
    - Sector B: 1 H frame, 2 antennas, 2 diplexers, and 2 radio units; and
    - Sector C: 1 H frame, 2 antennas, 2 diplexers, and 2 radio units.

2. Variance is approved to continue allowing for a 1-foot side yard (where 50-feet is the minimum required) so the existing wireless telecommunications facility can remain in its current location.
3. This Land Use Permit and Variance approval is generally described in the application materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on April 15, 2025.
4. The following conditions supersede all prior Conditions of Approval for prior County approvals for the existing wireless telecommunications facility.

### **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.

### **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 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 \$2,000.00 (subject to time and materials) will be filed through a Compliance Verification application to allow for review of the approved conditions.

### **Responsible Party**

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.
  - **Prior to this permit being considered exercised or prior to CDD stamp approval of plans for a building permit, whichever is first**, 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 informing the CDD of 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. The applicant or permittee shall provide and maintain a 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 1.60001).

A minor alteration (or a collocation) has a term that is the shorter of the following:

- a. 10 years: or,
- b. The duration, including any renewal period, of the permit that authorizes the existing facility on which the new facility will be collocated or on which the minor alteration will occur.

**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**, RF power density measurements shall be taken 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.

- 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.**The 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. 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.

### **Frequency Interference**

- 20.**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.

### **Exterior Noise**

- 21.**In the event that a modification to this facility involving noise-generating equipment is proposed, the applicant shall submit evidence for review and approval of CDD staff 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, and shall be provided prior to final building inspection.

### **Camouflaging Requirements**

- 22.**All ground level equipment (existing and future) shall be painted to blend in with the natural surrounding and have a non-reflective finish. Paints with a reflectivity 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.

- 23.** The antenna equipment (existing and future) shall be painted to blend in with the PG&E lattice tower and have a non-reflective finish. Paints with a reflectivity 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:

- 24.** 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 Division 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.

### **Indemnification**

- 25.** Prior to recordation of the Parcel Map, pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the Agency (the County) or its agents, officers, or employees, to attack, set aside, void, or annul, the Agency's approval concerning this subdivision map application, which action is brought within the time period provided in Section 66499.37. The County will promptly notify the subdivider of any such claim, action, or proceeding and cooperate full in the defense.

### **Work Restrictions**

All construction activity shall comply with the following requirements, which shall be included on all sets of construction documents:

- 26.** 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.

- 27.** 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.
- 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.** 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.
- 31.** 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](http://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 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 Environmental Health Division
- Contra Costa County Fire Protection District
- Federal Communications Commission