

**PLANNING COMMISSION
RESOLUTION NO. 2025-07**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT AND DESIGN REVIEW FOR DEVELOPMENT OF A
NEW WIRELES MACRO FACILITY (CELL2025-0002) AT 3972 BANBURY WAY
(APN: 052-333-020)**

WHEREAS, the project applicant, Dish Wireless requests approval of a use permit and design review for development of a new wireless macro facility located on an existing PG&E tower on a City-owned parcel at 3972 Banbury Way (APN: 052-333-020);

WHEREAS, the project site is within the P-D zoning district, currently used as City-owned open space and home to existing PG&E power infrastructure, and the applicant has entered into a lease agreement with the City for use of the site as a wireless macro facility;

WHEREAS, the proposed scope includes installation of a 12' tower top hat, 6' panel antennas, remote radio units, construction of an approximately 114 square foot concrete masonry equipment shelter and associated utility and minor site work;

WHEREAS, the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, "New Construction or Conversation of Small Structures," which allows the construction of small facilities or structures;

WHEREAS, the Planning Commission duly gave notice of a public hearing as required by law;

WHEREAS, on June 4, 2025, the Planning Commission duly held a public hearing and received and considered evidence, both oral and documentary;

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED that the Planning Commission hereby makes the following findings for approval of a Use Permit pursuant to Section 9-5.2703 "Required Findings" of the Antioch Municipal Code:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The project will be located on a city-owned parcel that currently contains a PG&E tower and associated infrastructure, as well as a pathway and open space. The applicant has entered into a lease agreement with the City governing use of the site. Ground equipment will be housed within a small concrete masonry unit shelter and thereby screened from public view. The

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applicant has demonstrated that the project will not create a noise impact, and it will comply with applicable Federal Communications Commission regulations for exposure to radio frequency emissions.

2. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is located within a city-owned parcel that currently contains PG&E infrastructure and open space. The site has characteristics of both a preferred and discouraged location. In accordance with the City's Wireless Policy, a use permit is permitted for this location with approval by the Planning Commission.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The site currently contains PG&E infrastructure, where the wireless antennas will be located. The site is adequate in size and shape to accommodate the necessary ground equipment shelter, associated utilities and other features required.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project will generate minimal traffic, for maintenance purposes only.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The project complies with the City's Wireless Policy and relevant state and federal regulations. The granting of such a use permit will not adversely affect the comprehensive General Plan.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED that the Planning Commission hereby makes the following findings for approval of a wireless macro facility application pursuant to Section V.D.1. "Required Findings" of the City's Wireless Policy:

- a. The approval authority can make all the findings required for a use permit in accordance with Antioch Municipal Code § 9-5.2703.

The findings required for a use permit in accordance with Antioch Municipal Code § 9-5.2703 are contained within this resolution.

- b. The proposed wireless facility complies with all applicable development standards in section V.B

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The facility complies with the applicable development standards in section V.B. The facility will be located on top of an existing PG&E tower, and will blend in with the existing structure. The ground-level equipment will be housed within a small equipment shelter screening it from public view.

- c. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions.

The applicant has provided a Radio Frequency (RF) Compliance Report confirming RF emissions are within FCC requirements.

- d. The applicant has proposed to place the wireless facility in the most preferred location or, if the wireless facility is not proposed in the most preferred location, the applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations through a meaningful comparative analysis.

The applicant has provided an analysis of alternative locations which shows that for providing the desired coverage, this location is the most-preferred feasible alternative.

- e. The applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative designs identified in the administrative record are either technically infeasible or unavailable.

There are no more-preferred alternative designs identified in the administrative record.

NOW THEREFORE BE IT RESOLVED AND DETERMINED, that the Planning Commission of the City of Antioch does hereby **APPROVE** CELL2025-0002, to develop a new wireless macro facility located on an existing PG&E tower at 3972 Banbury Way (APN: 052-333-020), subject to the attached conditions of approval (Exhibit A).

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 4th day of June 2025.

AYES: Commissioners Martin, Perez, Riley and Suman

NOES: None

ABSTAIN: None

ABSENT: Commissioner Webber

RECUSED: Commissioner Jones

David A. Storer, AICP

David A. Storer, AICP (Jun 9, 2025 10:31 PDT)

**DAVID A. STORER, AICP
SECRETARY TO THE PLANNING COMMISSION**

EXHIBIT A
CONDITIONS OF APPROVAL
(SEPARATE PAGE)

EXHIBIT A:
CONDITIONS OF APPROVAL
BANBURY WAY WIRELESS MACRO FACILITY
(CELL2025-0002)

GENERAL

1. **Project Approval.** This Use Permit and Design Review approval is for the Quesada Court Wireless Macro Facility project located at 3972 Banbury Way (APN: 052-333-020), as substantially shown and described on the project plans dated January 6, 2025, as presented to the Planning Commission on June 4, 2025 ("Approval Date"), except as required to be modified by conditions herein. For any condition herein that requires preparation of a final plan where the permittee has submitted a conceptual plan, the permittee shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City of Antioch ("City").
2. **Build-Out Period.** This permit will automatically expire one (1) year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Zoning Administrator may grant one written extension to a date certain, but not to exceed one (1) additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
3. **Appeals.** Any interested person or entity may appeal any decision by the approval authority in accordance with the provisions in Antioch Municipal Code § 9-5.2705; provided, however, that appeals from an approval shall not be permitted when based solely on the environmental effects from radio frequency emissions that are compliant with applicable FCC regulations and guidelines.
4. **Requirement for Building Permit.** Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolition of an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
5. **Non-Planned Development Modification of Approved Plans.** The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications to the project design as outlined in Antioch Municipal Code § 9-5.2708.
6. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees

and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("Claims") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

7. **Final Approval.** A final and unchallenged approval of this project supersedes any previous approvals that have been granted for this site.
8. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
9. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the Antioch Municipal Code, any permit, any permit condition or any applicable law or

regulation, the permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the Antioch Municipal Code, any permit, any permit condition or any applicable law or regulation.

- 10. Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the Antioch Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The Director or the Director's designee may issue a stop work order for any activities that violates this condition in whole or in part.
- 11. Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee, or at any time during an emergency. The City's officers, officials, staff or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff or other designees while any such inspection or emergency access occurs.
- 12. Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that either the responsible person or such person's contact information changes.
- 13. Permit Revocation.** In accordance with Antioch Municipal Code § 9-5.2707.1, the approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as

the approval authority deems necessary or appropriate to correct any such noncompliance.

- 14. Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
- 15. Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the Antioch Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to abate the nuisance by removal and restoration, store or sell the facility or any part thereof, with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal, storage and/or restoration activities. In accordance with Antioch Municipal Code Title 5, Chapter 1, Article 3, all costs associated with the abatement in connection with a facility on real property shall be assessed against the property as a lien to be recorded with the County of Contra Costa Recorder's Office. Within 60 calendar days after the lien amount is fully satisfied including costs and interest, the City shall cause the lien to be released with the County of Contra Costa Recorder's Office.
- 16. Requirements for Signage.** No signs shall be installed on site without prior to City approval.
- 17. Restricted Site Access.** The permittee shall keep all access points to the equipment enclosure locked at all times, except when active maintenance is performed.

- 18. RF Signage.** The permittee shall install and at all times maintain in good condition an "RF Notice" sign and a network operations center sign adjacent to all access points of the equipment enclosure. The signs required in this condition must be placed in a location where they are clearly visible to a person approaching the access point(s) whether in the open or closed positions. The permittee shall ensure that all signage complies with FCC OET Bulletin 65 and ANSI C95.2 for color, symbol, and content conventions. All such signage shall at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter shut-down control over this site as required by the FCC.

FEES

- 19. City Fees.** The permittee shall pay all City and other related fees applicable to the property, as may be modified by the conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit. Notice shall be taken specifically of plan check, engineering, fire, and inspection fees. The permittee shall also reimburse the City for direct costs of Planning, Building and Engineering Division plan check and inspection, as mutually agreed between the City and permittee.

No permits or approvals, whether discretionary or mandatory, shall be considered if the permittee is not current on fees, balances, and reimbursements that are outstanding and owed to the City.

PUBLIC WORKS' STANDARD CONDITIONS

- 20. City Standards.** All proposed improvements shall be designed and constructed to City standards or as otherwise approved by the City Engineer in writing. The permittee shall file for a City encroachment permit for all improvements within the public right of way, a grading permit for grading of the site, and a building permit for all buildings and utilities to be installed on the site.

CONSERVATION / NPDES

- 21. C.3 Compliance.** Per State Regulations, all onsite and offsite impervious surfaces, including off-site roadways to be designed and constructed as part of the project, are subject to State C.3 requirements prior to building permit issuance.

AT BUILDING PERMIT ISSUANCE

- 22. Encroachment Permit.** The permittee shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any existing or proposed public right-of-ways or easements.

- 23. Demolition Permit.** Site demolition shall not occur until demolition permits are issued for the development project. All demolition shall be in accordance with permits issued by the City of Antioch and Bay Area Air Quality Management District (BAAQMD).

DURING CONSTRUCTION

- 24. Construction Notice.** The permittee shall inform the City of the start of construction of the project, the construction schedule and provide the below items, approximate area of disturbance, time frames for needed inspections, hours of work, construction detours, flagging, etc. The permittee shall provide the adjacent businesses and residents with a notice of construction by posting a flyer or sign, not to exceed 24" x 36" in size, in a publicly visible location at the construction site, such as on the exterior of the construction fence, containing the following information:
- Address of Work
 - Start Date of Work
 - End Date of Work
 - Hours of Work
 - Type of Work
 - Contact Person
 - Company Name
 - Telephone
- 25. Collection of Construction Debris.** During construction, the permittee shall place dumpsters or other containers on site to contain all construction debris. The dumpsters or other containers shall be emptied on a regular basis, consistent with Antioch Municipal Code § 6-3.2, the Construction and Demolition Debris Ordinance. Where appropriate, permittee shall use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
- 26. Construction Hours.** Construction activity shall be as outlined in the Antioch Municipal Code § 5-17.04 and § 5-17.05. Construction activity is limited to 7:00 AM to 6:00 PM Monday-Friday except that activity within 300 feet of occupied dwellings is limited to the hours of 8:00 AM to 5:00 PM on weekdays. On weekends and holidays, construction activity is allowed 9:00 AM to 5:00 PM, irrespective of the distance from an occupied dwelling. Extended hours may be approved in writing by the City Manager or designee.
- 27. Driveway Access.** Driveway access to neighboring properties shall be maintained at all times during construction.
- 28. Demolition, Debris, Recycling.** All debris, garbage spoils, unwanted materials and vegetation shall be removed from the project site in accordance with City

requirements. All materials that can be recycled shall be taken to an approved recycling facility. The project shall be kept clean and in compliance with, and shall supply all necessary documentation for compliance with Antioch Municipal Code § 6-3.2, the Construction and Demolition Debris Ordinance.

- 29. Filter Materials at Storm Drain Inlet.** The permittee shall install filter materials (such as sandbags, filter fabric, etc.) at each storm drain inlet nearest the downstream side of the project site prior to:
- start of the rainy season (October 1).
 - site dewatering activities.
 - street washing activities.
 - saw cutting asphalt or concrete; and
 - in order to retain any debris or dirt flowing into the City storm drain system.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness, prevent street flooding and prevent erosion of soil onto City streets and draining into the storm drain system. Used filter particles shall be disposed of in the trash or at a local approved landfill facility.

- 30. Archeological Remains.** In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all construction work within 100 feet of the find shall be halted, and the Community Development Department, along with a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.
- 31. Dust Control.** Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The permittee shall post dust control signage with contact phone numbers for the permittee, City staff, and the Bay Area Air Quality Management District.

PRIOR TO CONSTRUCTION COMPLETION

- 32. Site Landscaping.** All landscaping within the project site, including on all slopes, medians, C.3 drainage basins, retaining walls, bioretention basins, common areas, open space and park landscape areas, and any other areas that are to be landscaped, shall be installed prior to issuance of final certificate of occupancy.

- 33. Damage to Street Improvements.** Any damage occurring during construction to existing streets and site improvements or adjacent property improvements in the immediate area of the project, shall be repaired and/or rebuilt to the satisfaction of the City Engineer at the full expense of the permittee. This shall include sidewalks, asphalt and concrete pavement, slurry seal existing AC pavements, parking lot curbs and gutters, landscaping, street reconstruction along the project frontage, as may be required by the City Engineer, to restore the developed area.
- 34. Right-of-Way Construction Standards.** All improvements within the public right-of-way, including curbs, gutters, sidewalks, driveways, paving and utilities, shall be constructed in accordance with the City approved plans and/or City specifications as directed by the City Engineer.
- 35. RF Report Requirements.** All requirements established by the project's RF Compliance Report shall be shown on the building permit plans and installed prior to issuance of a certificate of occupancy.

PLANNING COMMISSION RECOMMENDATIONS

- 36. Recommendations.** At its June 4, 2025 meeting, the Planning Commission made the following non-binding recommendation for potential modifications to the project design. Any changes shall be shown at the Building Permit submittal for review and approval by the Planning Division.
- a.** To change the color of the tile roof on the equipment shelter building to better match the aesthetics of the surrounding homes.

2025-07_Banbury Wy Wireless Facility

Final Audit Report

2025-06-09

Created:	2025-06-09
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