



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: October 9, 2018

Subject: Tolling Agreements with Verizon Wireless

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Conservation and Development Director or designee to execute, on behalf of the County, a tolling agreement with GTE MobileNet of California Limited Partnership (dba Verizon Wireless) to extend the time to act on wireless access permit applications for facilities proposed to be located in County road right of way near 3160 Walnut Blvd., in the Walnut Creek area, and near 2372 Hagen Oaks Drive, 20 Francesca Way, 1951 Green Valley Road, Vernal Drive and Livorna Rd., 2501 Danville Blvd., and 184 Creekdale Road in the Alamo area.

FISCAL IMPACT:

The applicant is responsible for the all related costs.

BACKGROUND:

GTE MobilNet of California Limited Partnership (dba Verizon Wireless) has filed applications for wireless access permits to construct wireless telecommunication facilities within the public right-of-way as follows: Near 3160 Walnut Blvd. (Walnut Creek area)(WA17-0004), near 2372 Hagen Oaks Drive (Alamo area)(WA17-0005), near 20 Francesca Way (Alamo area)(WA17-0008), near 1951 Green Valley Road (Alamo

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **10/09/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 9, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Telma B. Moreira
925-674-7783

cc:

area)(WA17-0009), near Vernal Drive and Livorna Rd. (Alamo area)(WA17-0011), near 2501 Danville Blvd. (Alamo area)(WA17-0012) and near 184 Creekdale Road (Alamo area)(WA17-0013).

BACKGROUND: (CONT'D)

The wireless access permit application #WA17-0004 was filed with the County on October 18, 2017, and the remainder of the wireless access permit applications were filed on October 19, 2017.

Under a ruling of the Federal Communications Commission ("FCC"), a wireless service provider whose application has been pending for a period of 90 days for collocation applications, and 150 days for all other applications, is authorized to seek judicial review within 30 days on the basis that a state or local permitting authority did not act on the application within "a reasonable time". (In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc., FCC 09-99 (FCC November 18, 2009) (the "Ruling"), 45.) The Ruling also permits the period for a local jurisdiction's review of an application to be extended by mutual consent. (Ruling, 49.)

The proposed tolling agreements would extend through November 30, 2018, the time for the Zoning Administrator and the County Planning Commission to act on all of the applications. The proposed tolling agreements would also prohibit Verizon Wireless from seeking a court order before November 30, 2018, that would direct the County to act on the applications. In addition, the proposed tolling agreements would toll the time for Verizon Wireless to seek a court order alleging a violation of the Permit Streamlining Act to after November 30, 2018.

This Board order also authorizes the Director of Conservation and Development, or designee, to execute extensions of the above time period if necessary.

CONSEQUENCE OF NEGATIVE ACTION:

If the tolling agreement is not approved, the Federal Communications Commission "shot clock" requirements would require the County to act on the applications within the time prescribed by the FCC.

ATTACHMENTS

Verizon Wireless Agreement 09.25.18