



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

EVALUATION OF ENVIRONMENTAL IMPACTS

APPLICANT: Lisa Elliott, Streamline Engineering on behalf of Crown Castle

APPLICATION NOS.: Initial Study Application No. 7718 and Unclassified
Conditional Use Permit Application No. 3659

DESCRIPTION: Allow construction of a 195-foot telecommunications tower and associated equipment on a 3,000 square-foot portion of a 241.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of West Elkhorn Avenue, approximately 268 feet east of its nearest intersection with South Lassen Avenue (State Route 145) and is approximately 7.72 miles southeast of the nearest city limits of the City of San Joaquin (APN: 040-130-31S) (16858 W. Elkhorn Avenue, Helm, CA).

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- A. Have a substantial adverse effect on a scenic vista; or
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

FINDING: LESS THAN SIGNIFICANT IMPACT:

There are no identified scenic resources on or near the project site. According to Figure OS-2 of the Fresno County General Plan, there are no scenic roadways on or near the project site. Additionally, an existing telecommunications tower is located on the adjacent property. The Applicant intends to decommission the existing tower and build the proposed tower on the adjacent parcel. As the current tower will be relocated to the adjacent property, there will be a less than significant impact on scenic resources.

- C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. An existing tower adjacent to the project site will be removed and the proposed tower will be built causing no significant change to the existing visual character of the area.

- D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The Applicant has indicated that no site lighting is being proposed with the application. Hazard lighting of the tower as indicated on the Applicants site plan will meet Federal Aviation Administration (FAA) standards. In the event that site lighting is installed, a Mitigation Measure will be included to reduce glare of the lighting on public right-of-way and adjacent properties.

* **Mitigation Measure(s)**

1. *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; or
- B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is enrolled in the Williamson Act Program under Contract Number 263. The Policy Planning Unit per Williamson Act Program guidelines requires that a Statement of Intended Use be provided to staff for review. After review of the provided

Statement of Intended Use, it was determined that adequate information has been provided to justify the subject parcel's eligibility to remain enrolled in the Williamson Act Program. Based on the provided Statement of Intended Use and determination made by the Policy Planning Unit, the project does not conflict with the existing zoning and the Williamson Act Contract.

According to the 2016 Fresno County Important Farmland Map, the subject parcel is designated as Farmland of Statewide Importance and Semi-Agricultural and Rural Commercial Land. Although the project site is in land designated as Farmland of Statewide Importance, the project site is located on land not utilized towards the existing agricultural operation. The land that the project will be located on is unimproved with farm labor housing located south of the proposed facility. The project will convert a small portion of the parcel, not currently being used for agriculture, to a telecommunications facility and does not conflict with the agricultural zoning or the existing Williamson Act Contract, thereby having a less than significant impact on agriculture.

- C. Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production; or
- D. Result in the loss of forest land or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

The project site is not zoned for forest land, timberland, or timberland zoned Timberland Production and will not result in the loss of forest land or conversion of forest land to non-forest use.

- E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

FINDING: NO IMPACT:

An existing wireless telecommunications facility is located adjacent to the project site. The existing facility is planned to be decommissioned and removed from the site if the subject application is approved. The proposal is location based and is intended to maintain cellular coverage in the area. As the current facility did not proliferate development that would convert farmland to non-agricultural use or convert forestland to non-forest use, the current proposal is not expected to drastically change or result in the conversion of farmland to non-agricultural use.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- A. Conflict with or obstruct implementation of the applicable Air Quality Plan; or
- B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Temporary increases of criteria pollutants are expected from project construction, but operation of the wireless telecommunications facility will not considerably increase criteria pollutants compared to existing conditions. As an existing wireless telecommunications facility is planned to be removed and replaced with the proposed facility, the project will not significantly increase criteria pollutants above the baseline. The San Joaquin Valley Air Pollution Control District (SJVAPCD) was notified of the subject application and did not express concerns to indicate that the project would have an adverse impact on criteria pollutants or conflict with or obstruct implementation of an applicable Air Quality Plan.

- C. Expose sensitive receptors to substantial pollutant concentrations; or
- D. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Temporary increases in pollutant concentrations and other emissions may occur during construction of the project proposal but will not persist during operation of the proposed facility. The nearest sensitive receptor is a single-family residence located approximately 22 feet and 2 inches south of the proposed tower and is located on the same parcel as the proposed wireless telecommunications facility. The next closest receptor is located approximately 103 feet south of the proposed tower. There will be a less than significant impact because increases in pollutant concentrations and other emissions will be associated with construction of the facility and will be temporary. Operational emissions from the facility are not considered significant as minimal to no pollutant concentrations will be produced.

IV. BIOLOGICAL RESOURCES

Would the project:

- A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to the California Natural Diversity Database (CNDDDB) there are two reported occurrences of special status species in the vicinity of the project site, but the reported occurrences do not encompass the project site. The reported occurrence approximately 4,561 feet east of the project site is the Swainson's Hawk and was reported on April 29, 1912. The reported occurrence approximately 4,367 feet south of the project site is the Tricolored Blackbird and was reported on April 29, 1907. Both special status species are considered extant in their reported occurrence areas. The Swainson's Hawk has a reported accuracy of a one-mile radius while the Tricolored Blackbird has a reported accuracy of a five-mile radius.

According to Species Account II by the California Department of Fish and Wildlife the Tricolored Blackbird nest in colonies and prefer to nest above ground at heights ranging from a few centimeters to about 1.5 meters above water or ground in freshwater marshes and up to 3 meters in the canopies of willows and other riparian trees. Basic requirements for selecting breeding sites are open accessible water, a protected nesting substrate, including either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey within a few kilometers of the nesting colony. With loss of natural habitat, the Tricolored Blackbird now forage in artificial habitats with ideal foraging conditions being created from shallow flood-irrigation, mowing, or grazing that keeps the height greater than 15 centimeters. Preferred artificial foraging habitats include crops such as rice, alfalfa, irrigated pastures, and ripening or cut grain fields, as well as annual grasslands, cattle feedlots, and dairies. Tricolored Blackbirds also forage in remnant native habitats, including wet and dry vernal pools, and other seasonal wetlands, riparian scrub habitats, and open marsh borders. Vineyards, orchards, and row crops have been determined to not provide suitable nesting environments or foraging habitats for the Tricolored Blackbirds.

According to the 2016 Five Year Status Review for Swainson's Hawk by the State of California Department of Fish and Game, the Swainson's Hawk preferred foraging habitat has shifted from open grass-dominated vegetation and relatively sparse shrublands to agricultural fields, grassland, and pastures as the natural vegetation has been converted to agricultural use. Due to higher accessibility and abundance of prey, the Swainson's Hawk forage in mixed agricultural lands that support irrigated hay crops, dryland pastures, grassy ruderal lots, and some irrigated crops. Due to aboveground canopies that reduce accessibility for the Swainson's Hawk, orchards and vineyards do not provide suitable foraging habitat. Suitable nesting habitat for the Swainson's Hawk include trees within mature riparian forest or corridors, lone oak trees and oak groves, and mature roadside trees. It is thought that trees on the periphery of riparian habitats are preferred. The Swainson's Hawk has also been observed to select nest sites in greater densities when near large tracts of agricultural lands than when adjacent to non-agricultural land.

In considering the reported occurrences of the two listed species and its proximity to the project site, the project is not expected to have an adverse impact on the Tricolored Blackbird or Swainson's Hawk as the project site is located near disturbed land utilized for residential and agricultural purposes. Agricultural land that would be deemed suitable for foraging will be undisturbed as the project site will not convert agricultural land. Additionally, the U.S. Fish and Wildlife Service (USFWS) and the California

Department of Fish and Wildlife did not express concerns to indicate that project will have an adverse impact on special status species.

- B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; or
- C. Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

FINDING: NO IMPACT:

According to the National Wetlands Inventory, the project site is not located on or near any identified wetland or riparian habitat. An agricultural ditch is located in close proximity of the project, but the project site will not require the filling in or modification of the agricultural ditch.

- D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site will be located behind a farm-labor housing unit and will not interfere substantially with the movement of any native resident or migratory fish or wildlife species. An existing tower located on the adjacent property is currently providing an obstacle for avian wildlife species. The existing tower is proposed to be removed and the proposed facility will be constructed approximately 60 feet east of the existing. Based on the relocation of the facility, the project will have a less than significant impact on avian wildlife species. No wildlife corridor or wildlife nursery site has been identified on or near the project.

- E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

FINDING: NO IMPACT:

The project does not conflict with any local policies or ordinances protecting biological resources and does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan.

V. CULTURAL RESOURCES

Would the project:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- C. Disturb any human remains, including those interred outside of formal cemeteries?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Per Fresno County records, the project site is located in an area of medium archeological sensitivity. Although located in an archeological sensitive area, the project has already been disturbed with residential development and agricultural operations. Additionally, an existing wireless telecommunications facility is located approximately 60 feet away from the proposed project site and is planned to be removed if the new facility is approved. In considering the amount of development that has already occurred in the project area, it is anticipated that archeological resources are unlikely to occur at the site. However, in the event that archeological resources are discovered during construction, a Mitigation Measure will be implemented to address cultural resources.

* **Mitigation Measure(s)**

1. *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

VI. ENERGY

Would the project:

- A. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

The project will be built to California Title 24, Building Code Standards and is not expected to conflict with or obstruct a state or local plan for renewable energy or energy efficiency. According to the Applicant, the project will operate 24 hours a day, 7 days a week. Project operation is not expected to result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. A Mitigation Measure will be implemented to ensure that project construction will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

* **Mitigation Measure(s)**

1. *The idling of on-site vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.*

VII. GEOLOGY AND SOILS

Would the project:

- A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

FINDING: NO IMPACT:

According to the Earthquake Zones Application administered by the California Department of Conservation, the project site is not located within an Earthquake Fault Zone. Additionally, per Figure 9-2 and 9-3 of the Fresno County General Plan Background Report (FCGPBR), the project site is not located on or near regional faults of earthquake hazard zones.

2. Strong seismic ground shaking?
3. Seismic-related ground failure, including liquefaction?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-5 of the FCGPBR, the project site is located within an area defined as being a probabilistic seismic hazard with a 20%-40% peak horizontal ground acceleration. Although located in the identified seismic hazard area, the project will be built to current building standards. Additionally, no reviewing Agency/Department has expressed concerns to indicate that construction of the project will result in unsafe conditions due to its location within an area defined as being a probabilistic seismic

hazard. The FCGPBR states that soil types within the valley are not conducive to liquefaction due to being too coarse or too high in clay content. Areas subject to 0.3g acceleration or greater are located in a small section of the Sierra Nevada along the Fresno-Inyo Counties boundary, or along the Coast Range foothills. However, the depth to groundwater to facilitate liquefaction is greater than in the valley which minimizes liquefaction potential. The project will be engineered and built to current building standards and conform to site conditions to minimize risk due to strong seismic ground shaking and seismic-related ground failure, including liquefaction.

4. Landslides?

FINDING: NO IMPACT:

According to Figure 9-6 of the FCGPBR, the project site is not located on or near identified landslide hazard areas.

B. Result in substantial soil erosion or loss of topsoil?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-4 of the FCGPBR, the project site is not located on or near identified erosion hazard areas. The project will result in the loss of topsoil as foundations for the tower and equipment area is constructed. This loss of topsoil is not expected to have an adverse impact on the environment. Reviewing Agencies and Departments did not express concerns that the limited loss of topsoil will have a significant impact.

C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

FINDING: NO IMPACT:

No geologic unit or unstable soil has been identified on the project site. Construction of wireless telecommunications facility will be subject to the standards set forth by the California Building Code, building permits, and grading permits which will verify that state and local standards are met to reduce risk of ground failure. Therefore, the project will not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

D. Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

FINDING: NO IMPACT:

According to Figure 7-1 of the FCGPBR, the project site is not located on or near identified areas of expansive soils. Therefore, the project will not result in or create substantial direct or indirect risks to life or property.

- E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

FINDING: NO IMPACT:

The project is an unmanned wireless telecommunications facility and does not propose the installation or use of septic tanks or alternative waste water disposal systems. As the project does not propose the use of a septic tank or alternative waste water disposal system, no impact is seen.

- F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

FINDING: NO IMPACT:

No unique paleontological resource or unique geologic feature has been identified on the project site. The subject parcel is currently improved with residential units and an agricultural operation. As ground disturbance has previously occurred, the project proposal will not destroy paleontological resources or unique geologic features as no such feature has been identified from past improvements and ground disturbances.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- B. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

FINDING: LESS THAN SIGNIFICANT IMPACT:

If approved, project construction will generate greenhouse gas emissions. The greenhouse gas emissions will be temporary as those emissions will be associated with the construction of the project. Operation of the project proposal will generate minimal to no greenhouse gas emissions. A generator is proposed to be onsite to supply electricity to maintain operation of the facility if the regular power supply is interrupted. The generator will generate greenhouse gas emissions, but is only utilized in emergency situations when the regular power supply is not available. Due to the temporary nature of the greenhouse gas emissions expected from construction of the project, there will be a less than significant impact on greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or
- B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The Department of Public Health, Environmental Health Division has reviewed and provided comments for the subject application related to the use and storage of hazardous materials. Facilities proposing to use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95. The default State reporting thresholds that apply are: ≥ 55 gallons (liquids), ≥ 500 pounds (solids), ≥ 200 cubic feet (gases), or at the threshold planning quantity for extremely hazardous substances. All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage, and handling of hazardous wastes. With the subject project adhering to the aforementioned requirements, the project will have a less than significant impact on the public or the environment.

- C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

FINDING: NO IMPACT:

The project is not located within a one-quarter mile radius of an existing or proposed school.

- D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

FINDING: NO IMPACT:

According to a NEPA Assist Report, the project site is not located on or near a hazardous material site. The project will not result in a significant hazard to the public or environment.

- E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

FINDING: NO IMPACT:

The project site is not located within an airport land use plan and is not within two miles of a public airport or public use airport.

- F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

FINDING: NO IMPACT:

The project will not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan. According to the 2007 Fresno County Fire Hazard Severity Zones in LRA, the project site is not located in any identified fire hazard areas. The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

X. HYDROLOGY AND WATER QUALITY

Would the project:

- A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

FINDING: NO IMPACT:

The project proposes an unmanned wireless telecommunications facility and does not propose the use of water for operation. As no water use is proposed, the project will not violate water quality standards or waste discharge requirements and will not substantially degrade surface or groundwater quality. The project will not decrease groundwater supplies or interfere substantially with groundwater recharge.

- C. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 1. Result in substantial erosion or siltation on- or off-site;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project site will include the construction of impervious surfaces which could result in an increase in surface runoff. Although the proposed facility can increase surface runoff, the project is subject to building permits and grading permits that require the project to comply with current building code standards. The project will not result in substantial erosion or siltation, will not result in substantial on-site or off-site flooding and will not provide substantial additional sources of polluted runoff. There are no planned stormwater drainage systems, but there appears to be a drainage ditch surrounding the agricultural portion of the subject parcel which is assumed to be a private ditch. No stream or river has been identified on or near the project site.

4. Impede or redirect flood flows?

FINDING: NO IMPACT:

According to FEMA FIRM Panel C2850J, the project site is located in Zone X, Area of Minimal Flood Hazard. The project site is not located in a flood zone and will not impede or redirect flood flows.

- D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 9-7 of the FCGPBR, the project site is not located in identified 100-Year Flood Inundation Areas. Per Figure 9-8 of the FCGPBR, the project site is located in identified Dam Failure Flood Inundation Areas; however, the project is not expected to have a significant impact through release of pollutants due to project inundation. Minimal to no hazardous materials will be utilized for the operation of the proposal. The project site is not located near a body of water that would indicate the risk of tsunami or seiche, therefore the project will have a less than significant impact.

- E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

FINDING: NO IMPACT:

The project proposes to construct an unmanned wireless telecommunications facility and will not utilize water resources for the operation of the facility and will not obstruct implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

FINDING: NO IMPACT:

The project will not physically divide an established community. The project site is located on an agricultural and residential utilized parcel and is located approximately 171 feet north of Elkhorn Road.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The subject parcel is designated as Agricultural in the Fresno County General Plan. The proposed non-agricultural use is allowed by the County General Plan provided that the use meets General Plan Policy LU-A.3, Criteria a., b., c., and d.

General Plan Policy LU-A.3 states that the County may allow by discretionary permit in areas designated as Agricultural, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses. Approval of these and similar uses in areas designated as Agricultural shall be subject to the following criteria. Criteria LU-A.3.a states that the use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics. Criteria LU-A.3.b states that the use should not be sited on productive agricultural lands if less productive land is available in the vicinity. Criteria LU-A.3.c states that the operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter mile radius. Criteria LU-A.3.d states that a probable workforce should be located nearby or be readily available.

Regarding Criteria "a" the Applicant states that the proposal is intended to replace an existing tower on an adjacent property due to an expiring lease that was unable to be renegotiated. The proposed tower will maintain wireless telecommunications coverage for the surrounding area. Coverage is based on the location of the communications facility and therefore could not be sited more efficiently in urban areas. Regarding Criteria "b", the project site is located approximately 171 feet north of Elkhorn Road and is sited behind a farm labor residential unit. The majority of the subject parcel is actively farmed, but the project site is located on vacant space behind a residential unit. Regarding Criteria "c", the project proposes an unmanned wireless telecommunications facility and will not utilize water resources for the operation of the project. Regarding Criteria "d", the project site is located off State Route 145 (SR 145), approximately 7.72

miles southeast of the city limits of the City of San Joaquin. Although the project site is located approximately 7.72 miles away from the closest incorporated city, the project's proximity to SR 145 provides the probable workforce identified in the City of San Joaquin a means to access the site efficiently. Based on the project's proximity to SR 145, the project is considered consistent with Criteria "d".

General Plan Policy PF-J.4 states that the County shall require compliance with the Wireless Communications Guidelines for siting of communication towers in unincorporated areas of the County.

The Wireless Communication Guidelines indicate the need to accommodate new communication technology must be balanced with the need to minimize the number of new tower structures, thus reducing the impact towers can have on the surrounding community. The Applicant provided an Alternate Site Analysis and stated that the only existing tower in the vicinity that could meet coverage needs is the existing tower on the property adjacent to the project site. The Applicant states that due to the existing lease being unable to be extended, the proposed tower and decommissioning of the existing tower will ensure existing coverage is maintained.

The Wireless Communication Guidelines also state that applicants for new tower sites should include provisions in their land lease agreements that reserve co-location opportunities. The Applicant has provided to staff a redacted version of the lease agreement between the tower operations and the property owner. Colocation opportunity is discussed in the lease agreement and is depicted in the site plan and elevations of the proposed facility.

XII. MINERAL RESOURCES

Would the project:

- A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

FINDING: LESS THAN SIGNIFICANT IMPACT:

According to Figure 7-7 of the Fresno County General Plan Background Report (FCGPBR), the project is located on or near identified oil fields. Although located on an identified mineral resource location, the project footprint is small and is not expected to result in the loss of availability of the known mineral resource. Therefore, the project will have a less than significant on mineral resources.

XIII. NOISE

Would the project result in:

- A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or
- B. Generation of excessive ground-borne vibration or ground-borne noise levels?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Temporary increases in noise levels will occur during project construction and demolition. Generation of ground-borne vibration and noise levels are also expected during project construction and demolition. Operation of the project will not generate noise levels in excess of standards established in the Fresno County Noise Ordinance. A less than significant impact is seen on noise as the increase in noise is temporary and only related to the construction of the new tower and demolition of the existing tower.

- C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

FINDING: NO IMPACT:

The project site is not located within two miles of a public airport of public use airport and will not expose people residing or working in the project area to excessive noise levels.

XIV. POPULATION AND HOUSING

Would the project:

- A. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?; or
- B. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

FINDING: NO IMPACT:

The project will not induce substantial unplanned population growth in the area. The project is intended to maintain wireless telecommunications service for the existing community. The project will not displace people or housing.

XV. PUBLIC SERVICES

Would the project:

A. Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection?

FINDING: NO IMPACT:

The Fresno County Fire Protection District (FCFPD) has reviewed the subject application and did not express concerns indicating that the project would result in the need for new or physically altered facilities related to fire safety and fire protection. Comments received from the FCFPD require that the structure comply with California Code of Regulations Title 24 – Fire Code and that the project will be subject to current Fire Code and Building Code standards when a building permit or certificate of occupancy is sought.

2. Police protection;

3. Schools;

4. Parks; or

5. Other public facilities?

FINDING: NO IMPACT:

Reviewing Departments and Agencies did not express concerns indicating that the project would result in the need to provide for or physically alter governmental facilities. The project is for an unmanned wireless telecommunications facility that will replace an existing facility which is located on the adjacent property.

XVI. RECREATION

Would the project:

A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or

B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

FINDING: NO IMPACT:

The project will not increase the use of existing neighborhood or regional parks or other recreational facilities. The project will also not result in the requirement to construct or expand recreational facilities.

XVI. TRANSPORTATION

Would the project:

- A. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; or
- B. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

FINDING: LESS THAN SIGNIFICANT IMPACT:

An existing wireless telecommunications facility adjacent to the proposed site is planned to be decommissioned if the proposed facility is approved and constructed. Based on the Applicant's Operational Statement, project operation will not generate any traffic trips as the facility is unmanned and does not require employees to be onsite to operate the use. The project will not conflict with a program, plan, ordinance, or policy addressing the circulation system and does not conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

- C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?; or
- D. Result in inadequate emergency access?

FINDING: NO IMPACT:

The project proposes to utilize an existing driveway located off W. Elkhorn Avenue and a proposed twelve-foot wide access road will be used to access the project site. No reviewing Agencies or Departments expressed concern to indicate the design of the project access is hazardous. Additionally, no concerns were received by staff to indicate that the project would result in inadequate emergency access. The Fresno County Fire Protection District (FCFPD) did not express concerns regarding emergency access.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

FINDING: LESS THAN SIGNIFICANT IMPACT:

Per Assembly Bill 52 (AB52), participating Native American Tribes were given the opportunity to review and enter consultation with the County regarding the project proposal. No participating Native American Tribe expressed concerns regarding the project to indicate that a Tribal Cultural Resource would be adversely impacted by the proposal. In the event that a Tribal Cultural Resource is discovered during ground-disturbing activities, a mitigation measure will be implemented to adequately address tribal cultural resources.

* **Mitigation Measure(s)**

1. See Section V. Cultural Resources A., B., and C. Mitigation Measures

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

FINDING: LESS THAN SIGNIFICANT IMPACT:

The project will not result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, or natural gas facilities. The project is expected to construct new connections to the existing electrical power grid and is not expected to have an adverse impact on the environment. The project proposes to construct a new wireless telecommunications facility that will replace an existing facility on the eastern adjacent property. The construction of the new facility and decommissioning of the existing facility will not have a significant impact on the environment.

- B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or

- C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; or
- D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- E. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

FINDING: NO IMPACT:

The project is an unmanned telecommunications facility and is not proposed to utilize available water supplies to operate. No wastewater treatment is necessary for the project as operation of the facility is off site. The project will not generate solid waste in excess of State or Local standard and will comply with federal, state and local management and reduction statutes and regulations related to solid waste.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- A. Substantially impair an adopted emergency response plan or emergency evacuation plan, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; or
- B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; or
- C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

FINDING: NO IMPACT:

According to the 2007 Fire Hazard Severity Map for Fresno County, administered by the California Department of Forestry and Fire Protection (CalFire), the project site is not located in a State Responsibility Area or land classified as very high fire hazard severity zones. Therefore, there is no impact or risk from wildfires.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- A. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

FINDING: LESS THAN SIGNIFICANT IMPACT:

As stated in Section IV. Biological Resources, A., according to the California Natural Diversity Database, there are two reported occurrences of special status species located in proximity of the project site. The Tricolored Blackbird was reported on April 29, 1907 and the Swainson's Hawk on April 29, 1912. Based on the preferred nesting and foraging habitat of both species, the project is not expected to have a significant impact on the species. The project will not substantially degrade the quality of the environment as an existing facility has been operating with no impact on the listed species.

- B. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

Cumulative impacts identified in the analysis were related to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources. These impacts will be reduced to a less than significant impact with incorporated Mitigation Measures discussed in Section I.D., Section V.A., B., and C., Section VI.A. and B., and Section XVIII.A.1., and 2.

- C. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

FINDING: NO IMPACT:

No impact on human beings, either directly or indirectly, were identified in the project analysis.

CONCLUSION/SUMMARY

Based upon the Initial Study prepared for Initial Study Application No. 7718 and Unclassified Conditional Use Permit Application No. 3659, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Population and Housing, Public Services, Recreation, and Wildfire.

Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Mineral Resources, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have been determined to be less than significant with compliance with the incorporated Mitigation Measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Suite A, street level, located on the southwest corner of Tulare and "M" Street, Fresno, California.

TK

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

- 1. Project title:**
Initial Study Application No. 7718 and Unclassified Conditional Use Permit Application No. 3659
- 2. Lead agency name and address:**
County of Fresno, Department of Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, CA 93721
- 3. Contact person and phone number:**
Thomas Kobayashi, Planner
(559)600-4224
- 4. Project location:**
The project site is located on the north side of West Elkhorn Avenue, approximately 268 feet east of its nearest intersection with South Lassen Avenue (State Route 145) and is approximately 7.72 miles southeast of the nearest city limits of the City of San Joaquin (APN: 040-130-31S) (16858 W. Elkhorn Avenue, Helm, CA).
- 5. Project sponsor's name and address:**
Lisa Elliott, Streamline Engineering
P.O. Box 74
Patterson, CA 95363

On behalf of Crown Castle
- 6. General Plan designation:**
Agriculture
- 7. Zoning:**
AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- 8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**
Allow construction of a 195-foot telecommunications tower and associated equipment on a 3,000 square-foot portion of a 241.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.
- 9. Surrounding land uses and setting: Briefly describe the project's surroundings:**
The project site is located in a mainly agricultural area. Residential units located in close proximity to the project site support the surrounding agricultural operations.
- 10. Other public agencies whose approval is required (g., permits, financing approval, or participation agreement.)**
Department of Public Works and Planning, Building and Safety Section
Department of Public Works and Planning, Development Engineering Section

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Per Assembly Bill 52 (AB52), participating California Native American Tribes were notified of the subject application and given the opportunity to enter consultation with the County for the project. No participating Native American Tribe expressed concerns that would indicate that the subject application could potentially impact tribal cultural resources.

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

DEVELOPMENT SERVICES DIVISION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Biological Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION OF REQUIRED ENVIRONMENTAL DOCUMENT:

On the basis of this initial evaluation:

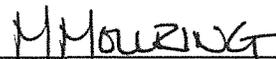
- I find that the proposed project **COULD NOT** have a significant effect on the environment. **A NEGATIVE DECLARATION WILL BE PREPARED.**
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the Mitigation Measures described on the attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.**
- I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required
- I find that as a result of the proposed project, no new effects could occur, or new Mitigation Measures would be required that have not been addressed within the scope of a previous Environmental Impact Report.

PERFORMED BY:

REVIEWED BY:



Thomas Kobayashi, Planner



Marianne Mollring, Senior Planner

Date: 12/6/19

Date: 12-5-19

**INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM
(Initial Study Application No. 7718 and
Unclassified Conditional Use Permit
Application No. 3659)**

The following checklist is used to determine if the proposed project could potentially have a significant effect on the environment. Explanations and information regarding each question follow the checklist.

- 1 = No Impact
- 2 = Less Than Significant Impact
- 3 = Less Than Significant Impact with Mitigation Incorporated
- 4 = Potentially Significant Impact

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- 2 a) Conflict with or obstruct implementation of the applicable Air Quality Plan?
- 2 b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- 2 c) Expose sensitive receptors to substantial pollutant concentrations?
- 2 d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES

Would the project:

- 2 a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 1 b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- 1 c) Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 2 d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- 1 e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 1 f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?

V. CULTURAL RESOURCES

Would the project:

- 3 a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- 3 b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- 3 c) Disturb any human remains, including those interred outside of formal cemeteries?

VI. ENERGY

Would the project:

- 3 a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- 3 b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- 2 a) Have a substantial adverse effect on a scenic vista?
- 2 b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- 2 c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- 3 d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

II. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology in Forest Protocols adopted by the California Air Resources Board. Would the project:

- 2 a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- 2 b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1 c) Conflict with existing zoning for forest land, timberland or timberland zoned Timberland Production?
- 1 d) Result in the loss of forest land or conversion of forest land to non-forest use?
- 1 e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

VII. GEOLOGY AND SOILS

Would the project:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - 1 i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - 2 ii) Strong seismic ground shaking?
 - 2 iii) Seismic-related ground failure, including liquefaction?
 - 1 iv) Landslides?
- 2 b) Result in substantial soil erosion or loss of topsoil?
- 1 c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- 1 d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- 1 e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- 1 f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

- 2 a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2 b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- 2 a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 2 b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- 1 c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 1 d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- 1 e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- 1 f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- 1 g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

X. HYDROLOGY AND WATER QUALITY

Would the project:

- 1 a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- 1 b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- 2 c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on or off site?
 - 2 i) Result in substantial erosion or siltation on- or off-site;
 - 2 ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - 2 iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - 1 iv) Impede or redirect flood flows?
- 2 d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- 1 e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

XI. LAND USE AND PLANNING

Would the project:

- 1 a) Physically divide an established community?
- 2 b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

XII. MINERAL RESOURCES

Would the project:

- 2 a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- 2 b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, Specific Plan or other land use plan?

XIII. NOISE

Would the project result in:

- 2 a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- 2 b) Generation of excessive ground-borne vibration or ground-borne noise levels?
- 1 c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

XIV. POPULATION AND HOUSING

Would the project:

- 1 a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and

businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- 1 b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

- 2 a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- 1 b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- 1 c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- 1 d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- 1 e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- 1 a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 1 b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- 1 c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- 1 d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- 2 a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- 3 b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)
- 1 c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

XV. PUBLIC SERVICES

Would the project:

- 1 a) Result in substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities, or the need for new or physically-altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - 1 i) Fire protection?
 - 1 ii) Police protection?
 - 1 iii) Schools?
 - 1 iv) Parks?
 - 1 v) Other public facilities?

XVI. RECREATION

Would the project:

- 1 a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- 1 b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

XVII. TRANSPORTATION

Would the project:

- 2 a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- 2 b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?
- 1 c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- 1 d) Result in inadequate emergency access?

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

- 3 a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - 3 i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - 3 ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public

Documents Referenced:

This Initial Study is referenced by the documents listed below. These documents are available for public review at the County of Fresno, Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare Street, Suite A, Fresno, California (corner of M & Tulare Streets).

Fresno County General Plan, Policy Document and Final EIR
Fresno County Zoning Ordinance
Important Farmland 2016 Map, State Department of Conservation
2007 Fire Hazard Severity Zone Map, State Department of Forestry and Fire Protection

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**Mitigation Monitoring and Reporting Program
Initial Study Application No. 7718
Unclassified Conditional Use Permit Application No. 3659
(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Mitigation Measure No.*	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
1.	Aesthetics	All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.	Applicant	Applicant/Department of Public Works and Planning (PW&P)	Ongoing
2.	Cultural Resources / Tribal Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities.
3.	Energy	The idling of on-site vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction and demolition of the project.	Applicant	PW&P	During construction and demolition of project.

TK

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

For County Clerk's Stamp

Notice is hereby given that the County of Fresno has prepared Initial Study Application (IS) No. 7718 pursuant to the requirements of the California Environmental Quality Act for the following proposed project:

INITIAL STUDY APPLICATION NO. 7718 and UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3659 filed by **LISA ELLIOTT, STREAMLINE ENGINEERING ON BEHALF OF CROWN CASTLE**, proposing to allow construction of a 195-foot telecommunications tower and associated equipment on a 3,000 square-foot portion of a 241.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. The project site is located on the north side of West Elkhorn Avenue, approximately 268 feet east of its nearest intersection with South Lassen Avenue (State Route 145), and approximately 7.7 miles southeast of the nearest city limits of the City of San Joaquin (SUP. DIST. 1) (APN 040-130-31S). Adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7718, and take action on Unclassified Conditional Use Permit Application No. 3659 with Findings and Conditions.

(hereafter, the "Proposed Project")

The County of Fresno has determined that it is appropriate to adopt a Mitigated Negative Declaration for the Proposed Project. The purpose of this Notice is to (1) provide notice of the availability of IS Application No. 7718 and the draft Mitigated Negative Declaration, and request written comments thereon; and (2) provide notice of the public hearing regarding the Proposed Project.

Public Comment Period

The County of Fresno will receive written comments on the Proposed Project and Mitigated Negative Declaration from December 20, 2019 through January 20, 2020.

Email written comments to TKobayashi@FresnoCountyCA.gov, or mail comments to:

Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
Attn: Thomas Kobayashi
2220 Tulare Street, Suite A
Fresno, CA 93721

IS Application No. 7718 and the draft Mitigated Negative Declaration may be viewed at the above address Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday, 8:30 a.m. to 12:30 p.m. (except holidays), or at www.co.fresno.ca.us/initialstudies. An electronic copy of the draft Mitigated Negative Declaration for the Proposed Project may be obtained from Thomas Kobayashi at the addresses above.

Public Hearing

The Planning Commission will hold a public hearing to consider approving the Proposed Project and the Mitigated Negative Declaration on January 23, 2020, at 8:45 a.m., or as soon thereafter as possible, in Room 301, Hall of Records, 2281 Tulare Street, Fresno, California 93721. Interested persons are invited to appear at the hearing and comment on the Proposed Project and draft Mitigated Negative Declaration.

For questions please call Thomas Kobayashi (559) 600-4224.

Published: December 20, 2019

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For questions please call Thomas Kobayashi (559) 600-4224.

Published: December 20, 2019



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

From: Fresno County Department of Public Works and Planning, Development Services
and Capital Projects
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

Subject: Filing of Notice of Determination in compliance with Section 21152 of the Public
Resource Code

Project: Initial Study Application No. 7718, Unclassified Conditional Use Permit
Application No. 3659

Location: The subject parcel is located on the north side of West Elkhorn Avenue,
approximately 268 feet east of its nearest intersection with South Lassen Avenue
(State Route 145), and approximately 7.7 miles southeast of the nearest city
limits of the City of San Joaquin (Sup. Dist. 1) (APN 040-130-31S).

Sponsor: Lisa Elliott, Streamline Engineering, on behalf of Crown Castle

Description: Allow construction of a 195-foot telecommunications tower and associated
equipment on a 3,000 square-foot portion of a 241.02-acre parcel in the AE-20
(Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

This is to advise that the County of Fresno (Lead Agency Responsible Agency) has approved the above described project on January 23, 2020, and has made the following determination:

1. The project **will** **will not** have a significant effect on the environment.
2. An Environmental Impact Report (EIR) **was not** prepared for this project pursuant to the provisions of CEQA. / A Mitigated Negative Declaration **was** prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures **were** **were not** made a condition of approval for the project.
4. A statement of Overriding Consideration **was** **was not** adopted for this project.

This is to certify that the Initial Study with comments and responses and record of project approval is available to the General Public at Fresno County Department of Public Works and Planning, 2220 Tulare Street, Suite A, Corner of Tulare and "M" Streets, Fresno, California.

Thomas Kobayashi, Planner
(559) 600-4224 / TKobayashi@FresnoCountyCA.gov

Date

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DRAFT

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, California 93721		Space Below For County Clerk Only. CLK-2046.00 E04-73 R00-00	
Agency File No: IS 7718	LOCAL AGENCY PROPOSED MITIGATED NEGATIVE DECLARATION		County Clerk File No: E-
Responsible Agency (Name): Fresno County	Address (Street and P.O. Box): 2220 Tulare St. Sixth Floor	City: Fresno	Zip Code: 93721
Agency Contact Person (Name and Title): Thomas Kobayashi Planner	Area Code: 559	Telephone Number: 600-4224	Extension: N/A
Project Applicant/Sponsor (Name): Lisa Elliott, Streamline Engineering on behalf of Crown Castle	Project Title: Unclassified Conditional Use Permit Application No. 3659		
Project Description: Allow construction of a 195-foot telecommunications tower and associated equipment on a 3,000 square-foot portion of a 241.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.			
Justification for Negative Declaration: Based upon the Initial Study prepared for Initial Study Application No. 7718 and Unclassified Conditional Use Permit Application No. 3659, staff has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts to Population and Housing, Public Services, Recreation, and Wildfire. Potential impacts related to Agricultural and Forestry Resources, Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Mineral Resources, Noise, Transportation, and Utilities and Service Systems have been determined to be less than significant. Potential impacts relating to Aesthetics, Cultural Resources, Energy, and Tribal Cultural Resources have been determined to be less than significant with compliance with the incorporated Mitigation Measures.			
FINDING: The proposed project will not have a significant impact on the environment.			
Newspaper and Date of Publication: Fresno Business Journal – December 20, 2019		Review Date Deadline: Planning Commission – January 23, 2020	
Date:	Type or Print Signature: Marianne Mollring Senior Planner	Submitted by (Signature): Thomas Kobayashi Planner	

State 15083, 15085

County Clerk File No.: _____

**LOCAL AGENCY
MITIGATED NEGATIVE DECLARATION**



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

MITIGATION MEASURES

Initial Study Application No. 7718

Unclassified Conditional Use Permit Application No. 3659

This project has been modified to incorporate the following provisions to mitigate potential adverse environmental effects identified in the referenced environmental document. A change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. The mitigation measures must be included as project conditions and be identified so they can be readily acknowledged as mandatory mitigation measures for this project.

The mitigation measures attached shall be included in all design plans and specifications and are offered as conditions of project approval.

Jacob Sparks

Authorized Representative

12/4/2019

Date

Aesthetics

AES-01: *All outdoor lighting shall be hooded and directed downward so as not to shine on adjacent properties or public right-of-way.*

Cultural Resources/Tribal Cultural Resources

CUL-01: *In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.*

Energy

NRG-01: *The idling of onsite vehicles and equipment will be avoided to the most possible extent to avoid wasteful or inefficient energy consumption during the construction of the project.*

TK

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

DATE: October 3, 2019

TO: Department of Public Works and Planning, Attn: Steven E. White, Director
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner
Development Services and Capital Projects, Current Planning, Attn: Marianne Mollring, Senior Planner
Development Services and Capital Projects, Policy Planning, ALCC, Attn: Mohammad Khorsand, Senior Planner
Development Services and Capital Projects, Zoning & Permit Review, Attn: Daniel Gutierrez
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna
Development Services and Capital Projects, Building & Safety/Plan Check, Attn: Chuck Jonas
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/Steven Rhodes
Agricultural Commissioner, Attn: Melissa Cregan
NAS Lemoore, NAVFAC, Public Works Lemoore, Attn: John Dirickson
U.S. Department of Agriculture, Natural Resources Conservation Service, Excelsior Kings River Resource Conservation District, Attn: Hugo Calvillo
U.S. Fish and Wildlife Service, San Joaquin Valley Division, Attn: Matthew Nelson, Biologist
CALTRANS, Attn: Dave Padilla
CA Department of Fish and Wildlife, Attn: Craig Bailey, Environmental Scientist & R4CEQA@wildlife.ca.gov
Dumna Wo Wah Tribal Government, Attn: Robert Ledger, Tribal Chairman/Eric Smith, Cultural Resources Manager/Chris Acree, Cultural Resources Analyst
Picayune Rancheria of the Chukchansi Indians, Attn: Heather Airey/Cultural Resources Director
Santa Rosa Rancheria Tachi Yokut Tribe, Attn: Ruben Barrios, Tribal Chairman/Hector Franco, Director/Shana Powers, Cultural Specialist II
Table Mountain Rancheria, Attn: Robert Pennell, Cultural Resources Director/Kim Taylor, Cultural Resources Department/Sara Barnett, Cultural Resources Department
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division), Attn: PIC Supervisor

Kings River Conservation District, Attn: Rick Hoelzel
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Thomas Kobayashi, Planner
Development Services and Capital Projects Division

SUBJECT: Initial Study Application No. 7718 and Unclassified Conditional Use Permit Application
No. 3659

APPLICANT: Lisa Elliott, Streamline Engineering on behalf of Crown Castle

DUE DATE: October 18, 2019

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject application proposing to allow construction of a 195-foot telecommunication tower and associated equipment on a 241.02-acre parcel in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District. In the case of this application, an existing telecommunication tower located at APN 040-130-57S is being decommissioned. The intent of this application is to replace the existing tower and install existing equipment on the proposed tower to maintain coverage (APN 040-130-31S) (16858 W. Elkhorn Road, Helm, CA).

The Department is also reviewing for environmental effects, as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Based upon this review, a determination will be made regarding conditions to be imposed on the project, including necessary on-site and off-site improvements.

We must have your comments by **October 18, 2019**. Any comments received after this date may not be used.

NOTE - THIS WILL BE OUR ONLY REQUEST FOR WRITTEN COMMENTS. If you do not have comments, please provide a "NO COMMENT" response to our office by the above deadline (e-mail is also acceptable; see email address below).

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Thomas Kobayashi, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email TKobayashi@FresnoCountyCA.gov.

TK
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Activity Code (Internal Review):2384

Enclosures



Fresno County Department of Public Works and Planning

Date Received: 9/24/19

CUP3659

IS 7718

(Application No.)

MAILING ADDRESS: Department of Public Works and Planning, Development Services and Capital Projects Division, 2220 Tulare St., 6th Floor, Fresno, Ca. 93721

LOCATION: Southwest corner of Tulare & "M" Streets, Suite A, Street Level, Fresno Phone: (559) 600-4497

APPLICATION FOR:

- Pre-Application (Type), Amendment Application, Amendment to Text, Conditional Use Permit, Variance (Class)/Minor Variance, Site Plan Review/Occupancy Permit, No Shoot/Dog Leash Law Boundary, General Plan Amendment/Specific Plan/SP Amendment, Director Review and Approval, for 2nd Residence, Determination of Merger, Agreements, ALCC/RLCC, Other, Time Extension for

DESCRIPTION OF PROPOSED USE OR REQUEST:

Wireless Communications Facility

CEQA DOCUMENTATION: Initial Study, PER, N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: side of between and

Street address: 16858 W Elkhorn Ave, Helm

APN: 040-130-319 Parcel size: 50X0X60Y0 Section(s)-Twp/Rg: 5 - T S/R E

ADDITIONAL APN(s): 040-130-5715 old parcel

I, Lisa Elliott (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Owner (Print or Type) Lisa Elliott Address 16858 W Elkhorn Ave City Helm Zip 93727 Phone 2096052736

Applicant (Print or Type) Lisa Elliott Do Boy 74 Patterson Ln City Patterson Zip 95363 Phone 2096052736

Representative (Print or Type) Same as Applicant Address City Zip Phone

CONTACT EMAIL: lisa@streamlinecy.com

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: CUP3659 Fee: \$9,123.00
Application Type / No.: Pre-App 19-103584 Fee: \$-247.00
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: IS 7718 Fee: \$5,151.00
Ag Department Review: Fee: \$76.00
Health Department Review: Fee: \$ 992.00
Received By: Thomas K. Invoice No.: 123165 TOTAL: \$

UTILITIES AVAILABLE:

WATER: Yes [] / No [X]
Agency:
SEWER: Yes [] / No [X]
Agency:

STAFF DETERMINATION: This permit is sought under Ordinance Section: Sect-Twp/Rg: - T S/R E

Related Application(s): APN # - - -

Zone District: AE-20 APN # - - -

Parcel Size: 241.02 acres APN # - - -

over.....



Development Services
and
Capital Projects
Division

Mall To:
Lisa Elliott
Streamline Engineering
P.O. Box 74
Patterson, CA 95363

Pre-Application Review

Department of Public Works and Planning

NUMBER: 19-103584
APPLICANT: Lisa Elliott
PHONE: (209) 605-2736
Email: lisa@stremlineeng.com

PROPERTY LOCATION: 16928 W. Elkhorn Ave.
APN: 040 - 130 - 57S ALCC: No Yes VIOLATION NO. None
CNEL: No Yes (level) LOW WATER: No Yes WITHIN 1/2 MILE OF CITY: No Yes
ZONE DISTRICT: AE-20; SRA: No Yes HOMESITE DECLARATION REQ'D.: No Yes
LOT STATUS:

Zoning: () Conforms; (X) Legal Non-Conforming lot; () Deed Review Req'd (see Form #236)

Merger: May be subject to merger: No Yes ZM# _____ Initiated _____ In process _____

Map Act: (X) Lot of Rec. Map; () On '72 rolls; () Other _____; () Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes DISTRICT: Golden Plains Trustee, West Hills PERMIT JACKET: No Yes

FMFCD FEE AREA: (X) Outside () District No.: _____ FLOOD PRONE: No Yes

PROPOSAL Un-CUP to allow a 195 foot high communication tower and related facilities, on a 1.67 acre parcel in the AE-20 Zone District. New tower will replace an existing tower.

COMMENTS: Previous approved CUP's for tower are CUP 2502 and CUP 3037.

ORD. SECTION(S): 816.5, 853-B.15 BY: Daniel Gutierrez DATE: 6/12/2019

GENERAL PLAN POLICIES:

LAND USE DESIGNATION: Agriculture () GPA: _____ () MINOR VA: _____

COMMUNITY PLAN: _____ () JAA: _____ (X) JHD: \$992.00

REGIONAL PLAN: _____ (X) CUP: Unclassified \$9123.00 (X) JAG COMM: \$76.00

SPECIFIC PLAN: _____ () JRA: _____ () ALCC: _____

SPECIAL POLICIES: _____ () JVA: _____ (X) IS/PER: \$5,151.00

SPHERE OF INFLUENCE: _____ () JAT: _____ () Viol. (35%): _____

ANNEX REFERRAL (LU-G17/MOU): _____ () JT: _____ () Other: _____

PROCEDURES AND FEES:

Filing Fee: \$ 15,342.00

Pre-Application Fee: - \$247.00

Total County Filing Fee: \$ 15,095.00

COMMENTS:

FILING REQUIREMENTS:

- Land Use Applications and Fees
- This Pre-Application Review form
- Copy of Deed / Legal Description
- Photographs
- Letter Verifying Deed Review
- IS Application and Fees* * Upon review of project materials, an Initial Study (IS) with fees may be required.
- Site Plans - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- Project Description / Operational Statement (Typed)
- Statement of Variance Findings
- Statement of Intended Use (ALCC)
- Dependency Relationship Statement
- Resolution/Letter of Release from City of _____
Referral Letter # _____

OTHER FILING FEES:

- Archaeological Inventory Fee: \$75 at time of filing
(Separate check to Southern San Joaquin Valley Info. Center)
- CA Dept. of Fish & Wildlife (CDFW): (\$50) (\$50+\$2,354.75)
(Separate check to Fresno County Clerk for pass-thru to CDFW.
Must be paid prior to IS closure and prior to setting hearing date.)

BY: Thomas Kobayashi DATE: 6/13/19
PHONE NUMBER: (559) 660-4224

NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:

- COVENANT
- MAP CERTIFICATE
- PARCEL MAP
- FINAL MAP
- FMFCD FEES
- ALUC or ALCC
- SITE PLAN REVIEW
- BUILDING PLANS
- BUILDING PERMITS
- WASTE FACILITIES PERMIT
- SCHOOL FEES
- OTHER (see reverse side)

PLU # 113 Fee: \$247.00
Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

RECEIVED
COUNTY OF FRESNO

SEP 24 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

OVER.....



DEPARTMENT OF PUBLIC WORKS AND PLANNING
DEVELOPMENT SERVICES DIVISION
RECEIVED
COUNTY OF FRESNO
SEP 24 2019

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

INITIAL STUDY APPLICATION

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., USE BLACK INK OR TYPE).

OFFICE USE ONLY	
IS No.	7718
Project No(s)	CUP 3659
Application Rec'd.:	

GENERAL INFORMATION

- Property Owner: Pier Van Der Hoek Phone/Fax _____
Mailing Address: PO Box 42 Helms Ca 93627
Street City State/Zip
- Applicant: Lisa Elkhorn Phone/Fax: 209.605.2736
Mailing Address: PO Box 74 Patterson Ca 95363
Street City State/Zip
- Representative: Same as Applicant Phone/Fax: _____
Mailing Address: ~~_____~~ Street City State/Zip
- Proposed Project: Install 50x0x60x0 lease area with fence
Install 195 Ft Lattice Tower, 600A electrical Service,
Fiber Service, and access road. Remove old Tower &
Compound in final phase.
- Project Location: 16858 W. Elkhorn Ave Helms Ca.
- Project Address: 16858 W. Elkhorn Ave Helms Ca.
- Section/Township/Range: _____ 8. Parcel Size: 50x0x60x0
- Assessor's Parcel No. 040 130 315 OVER.....

10. Land Conservation Contract No. (If applicable): n/a

11. What other agencies will you need to get permits or authorization from:

- | | |
|--|--|
| <input type="checkbox"/> LAFCo (annexation or extension of services) | <input type="checkbox"/> SJVUAPCD (Air Pollution Control District) |
| <input type="checkbox"/> CALTRANS | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Division of Aeronautics | <input type="checkbox"/> Department of Energy |
| <input type="checkbox"/> Water Quality Control Board | <input type="checkbox"/> Airport Land Use Commission |
| <input type="checkbox"/> Other _____ | |

12. Will the project utilize Federal funds or require other Federal authorization subject to the provisions of the National Environmental Policy Act (NEPA) of 1969? Yes No

If so, please provide a copy of all related grant and/or funding documents, related information and environmental review requirements.

13. Existing Zone District¹: AE 20

14. Existing General Plan Land Use Designation¹: _____

ENVIRONMENTAL INFORMATION

15. Present land use: Ag Exclusive AE20
Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing these improvements:

New tower

Describe the major vegetative cover: n/a

Any perennial or intermittent water courses? If so, show on map: no

Is property in a flood-prone area? Describe:
no

16. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Ag

South: Ag

East: Ag

West: Ag

17. What land use(s) in the area may be impacted by your Project?: None

18. What land use(s) in the area may impact your project?: None

19. Transportation:

NOTE: The information below will be used in determining traffic impacts from this project. The data may also show the need for a Traffic Impact Study (TIS) for the project.

A. Will additional driveways from the proposed project site be necessary to access public roads?
 Yes No

B. Daily traffic generation:

I. Residential - Number of Units _____
Lot Size _____
Single Family _____
Apartments _____

II. Commercial - Number of Employees _____
Number of Salesmen _____
Number of Delivery Trucks _____
Total Square Footage of Building _____

III. Describe and quantify other traffic generation activities: n/a

20. Describe any source(s) of noise from your project that may affect the surrounding area: None

21. Describe any source(s) of noise in the area that may affect your project: None

22. Describe the probable source(s) of air pollution from your project: None

23. Proposed source of water:
() private well
() community system³—name: None OVER.....

24. Anticipated volume of water to be used (gallons per day)²: n/a
25. Proposed method of liquid waste disposal:
 septic system/individual
 community system³-name n/a
26. Estimated volume of liquid waste (gallons per day)²: n/a
27. Anticipated type(s) of liquid waste: n/a
28. Anticipated type(s) of hazardous wastes²: n/a
29. Anticipated volume of hazardous wastes²: n/a
30. Proposed method of hazardous waste disposal²: n/a
31. Anticipated type(s) of solid waste: n/a
32. Anticipated amount of solid waste (tons or cubic yards per day): n/a
33. Anticipated amount of waste that will be recycled (tons or cubic yards per day): n/a
34. Proposed method of solid waste disposal: n/a
35. Fire protection district(s) serving this area: n/a
36. Has a previous application been processed on this site? If so, list title and date: n/a
37. Do you have any underground storage tanks (except septic tanks)? Yes _____ No
38. If yes, are they currently in use? Yes _____ No _____

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING INFORMATION IS TRUE.

SIGNATURE

DATE

¹Refer to Development Services and Capital Projects Conference Checklist

²For assistance, contact Environmental Health System, (559) 600-3357

³For County Service Areas or Waterworks Districts, contact the Resources Division, (559) 600-4259

NOTICE AND ACKNOWLEDGMENT

INDEMNIFICATION AND DEFENSE

The Board of Supervisors has adopted a policy that applicants should be made aware that they may be responsible for participating in the defense of the County in the event a lawsuit is filed resulting from the County's action on your project. You may be required to enter into an agreement to indemnify and defend the County if it appears likely that litigation could result from the County's action. The agreement would require that you deposit an appropriate security upon notice that a lawsuit has been filed. In the event that you fail to comply with the provisions of the agreement, the County may rescind its approval of the project.

STATE FISH AND WILDLIFE FEE

State law requires that specified fees (effective January 1, 2019: \$3,271.00 for an EIR; \$2,354.75 for a Mitigated/Negative Declaration) be paid to the California Department of Fish and Wildlife (CDFW) for projects which must be reviewed for potential adverse effect on wildlife resources. The County is required to collect the fees on behalf of CDFW. A \$50.00 handling fee will also be charged, as provided for in the legislation, to defray a portion of the County's costs for collecting the fees.

The following projects are exempt from the fees:

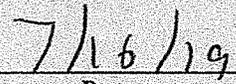
1. All projects statutorily exempt from the provisions of CEQA (California Environmental Quality Act).
2. All projects categorically exempt by regulations of the Secretary of Resources (State of California) from the requirement to prepare environmental documents.

A fee exemption may be issued by CDFW for eligible projects determined by that agency to have "no effect on wildlife." That determination must be provided in advance from CDFW to the County at the request of the applicant. You may wish to call the local office of CDFW at (559) 222-3761 if you need more information.

Upon completion of the Initial Study you will be notified of the applicable fee. Payment of the fee will be required before your project will be forwarded to the project analyst for scheduling of any required hearings and final processing. The fee will be refunded if the project should be denied by the County.



Applicant's Signature



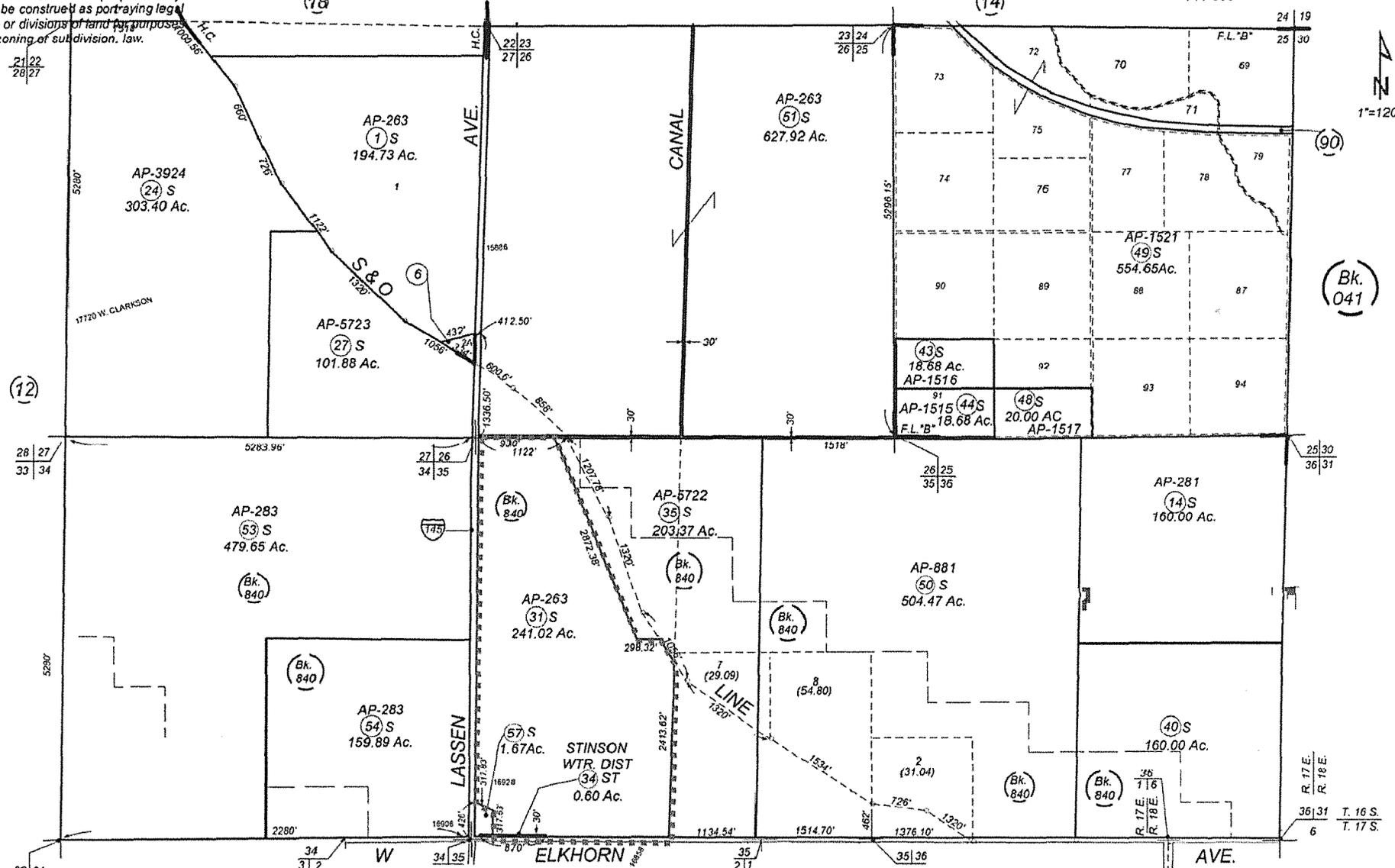
Date

-NOTE-
 This map is for Assessment purposes only.
 It is not to be construed as portraying legal
 ownership or divisions of land for purposes
 of zoning of subdivision. law.

SUBDIVIDED LAND & POR. SEC'S. 25,26,27,34,35 & 36, T. 16 S., R. 17 E., M.D.B. & M.

Tax Rate Area
 111-003

040-13



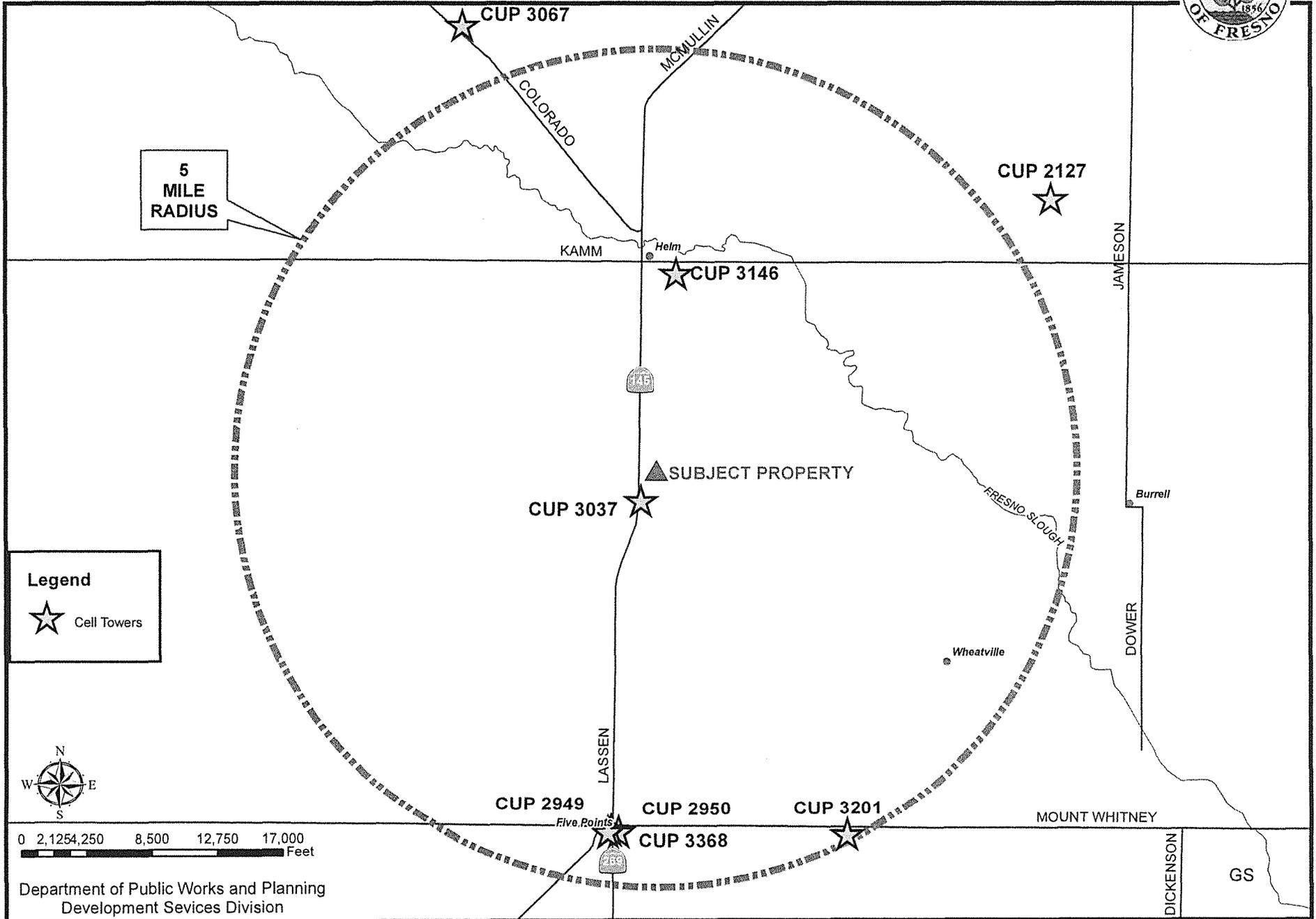
Agricultural Preserve
 Fitzwilliam Lands Inc, Subd. "B" - Plat Bk. 10, Pg. 47
 Helm Co. Subd. of S.&O. Lands -R.S. Bk. 3, Pg. 34

Assessor's Map Bk. 040 - Pg. 13
 County of Fresno, Calif.

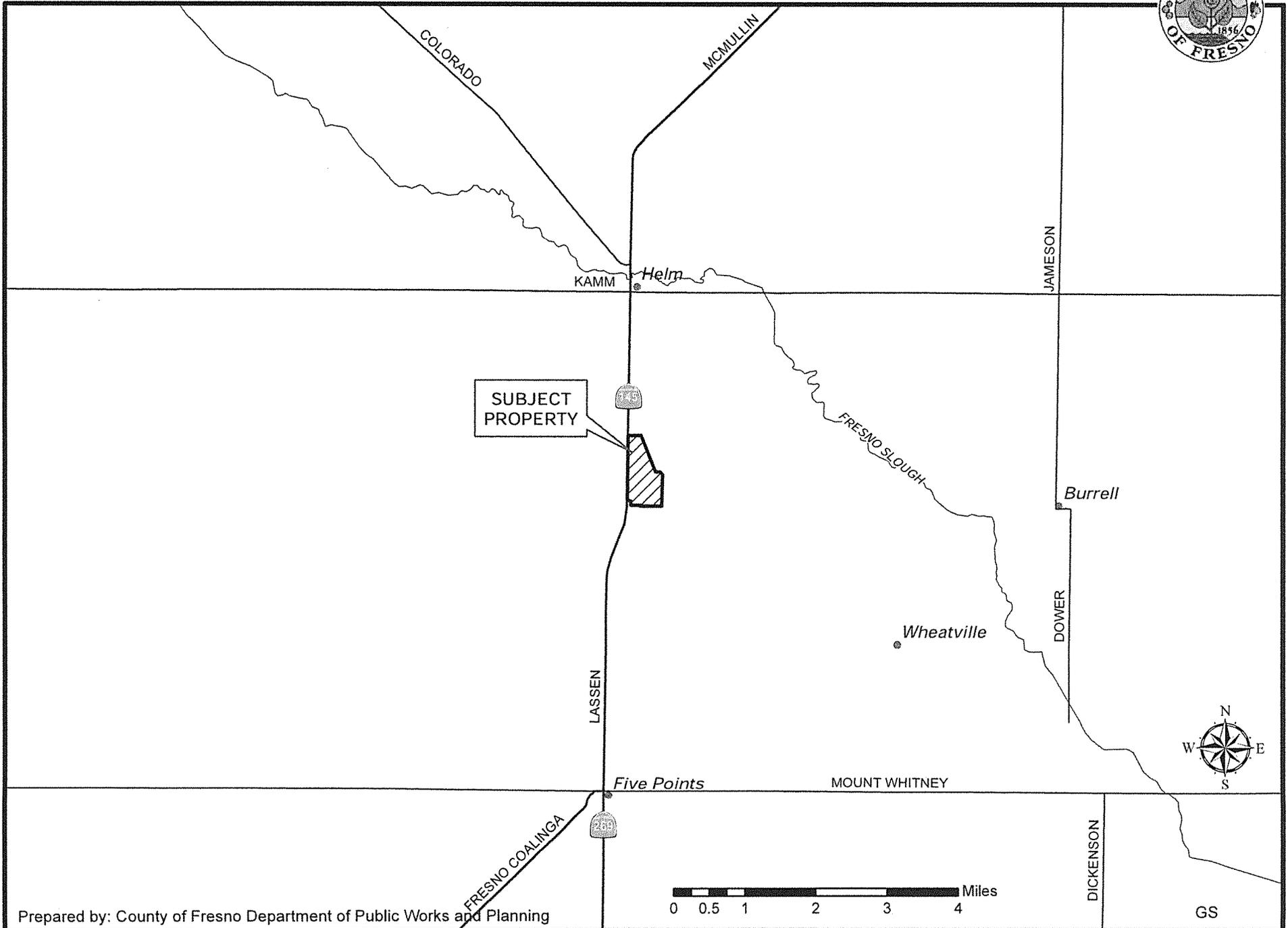
Note - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

CUP 3659

CELL TOWERS WITHIN A FIVE-MILE RADIUS

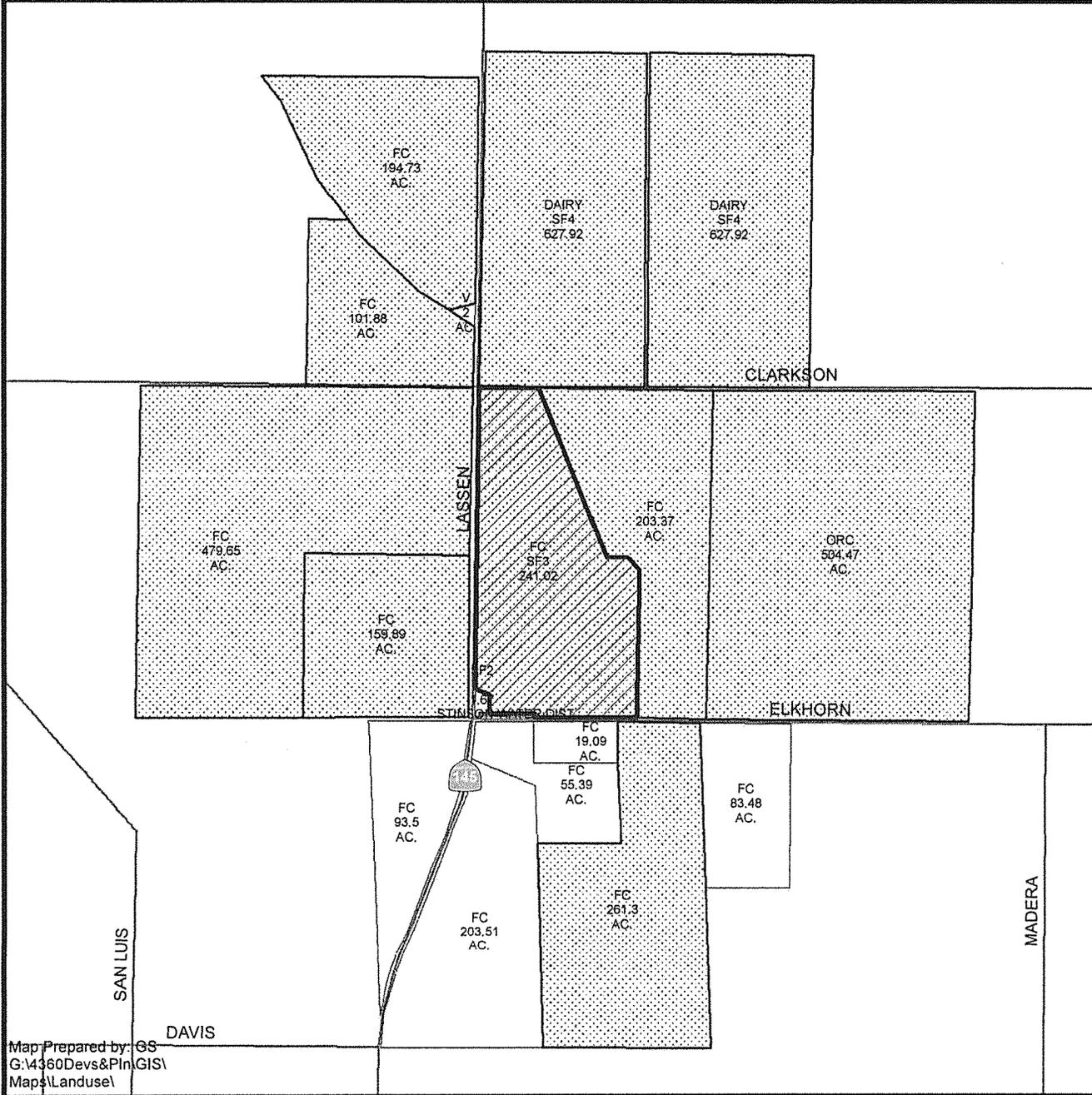


LOCATION MAP



CUP 3659

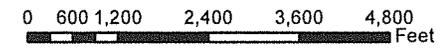
EXISTING LAND USE MAP



LEGEND	
DAIRY	
FC - FIELD CROP	
ORC - ORCHARD	
SF# - SINGLE FAMILY RESIDENCE	
V - VACANT	

LEGEND:

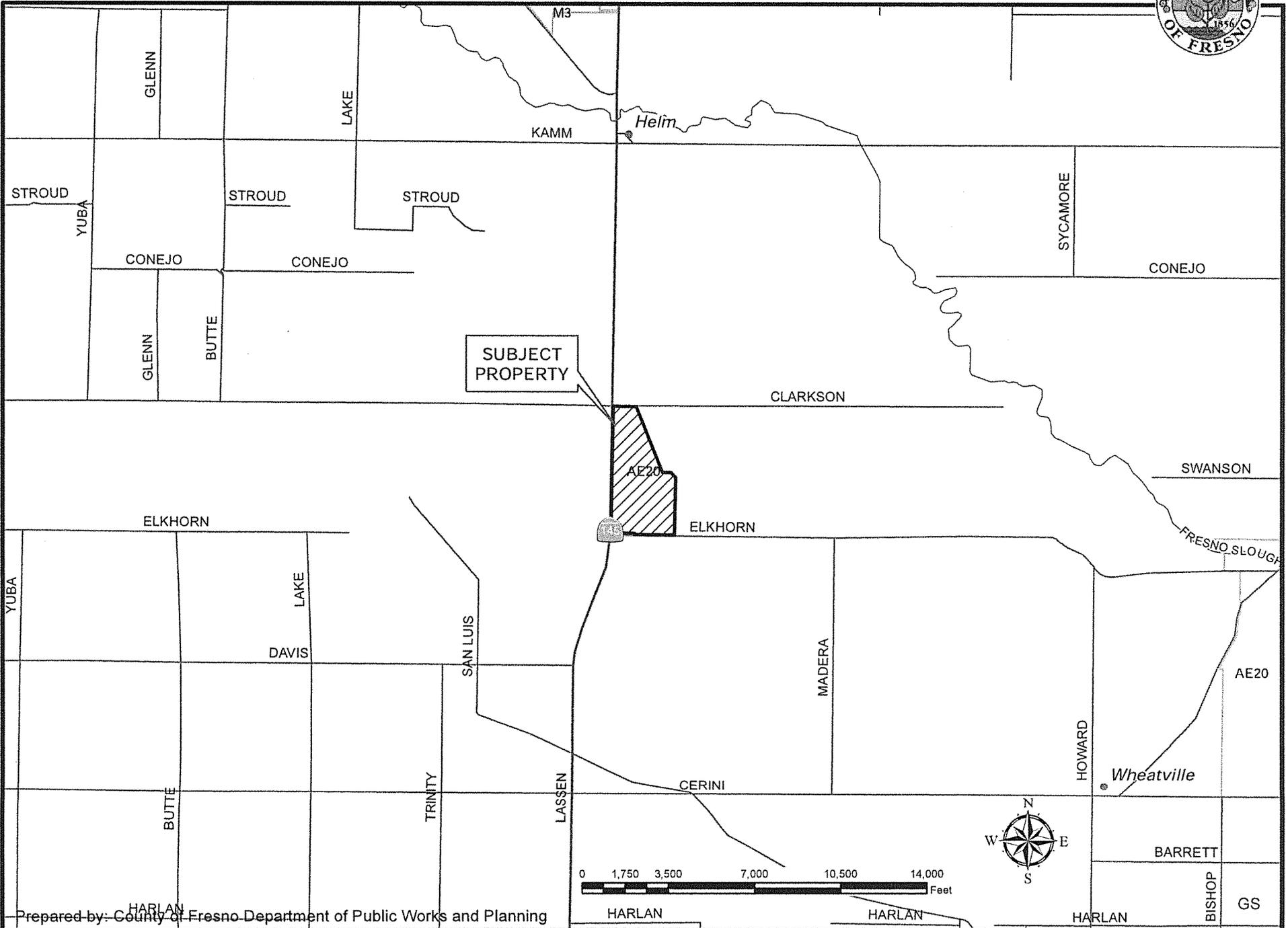
-  Subject Property
-  Ag Contract Land



Department of Public Works and Planning
Development Services Division

Map Prepared by: GS
G:\4360Devs&Plan\GIS\Map\Landuse\

EXISTING ZONING MAP





First American

myFirstAm® Recorded Document

The Recorded Document images are displayed in the subsequent pages for the following request:

**State: CA
County: FRESNO**

**Document Number: 117154
Document Date: 20110902**

RECEIVED
COUNTY OF FRESNO
SEP 24 2019
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Limitation of Liability for Informational Report

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

4



David L. Rauber, Esq
RAUBER & JOHNSON
1007 North Demaree Street
Visalia, CA 93291

FRESNO County Recorder
Paul Dictos, C.P.A.
DOC- 2011-0117154

Check Number 8486
Friday, SEP 02, 2011 15 17 19
7:11 PM \$27.00 Nbr-0003504363
09/02/11-4

MAIL TAX STATEMENTS AS DIRECTED BELOW

SPACE ABOVE THIS LINE FOR SUBSIDIARY USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ No transfer tax due. This conveyance is a transfer of grantor's interest to their revocable living trust created on September 1, 2011 R & T Code, §11930.
 unincorporated area City of
Parcel Nos 040-130-01s, 040-130-31s, 040-130-51s and 040-130-35s
 computed on full value of interest or property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

PIER VAN DER HOEK and DARLENE VAN DER HOEK, husband and wife, as community property,

hereby GRANT(S) to

PIER VAN DER HOEK and DARLENE VAN DER HOEK, as Trustees of the VAN DER HOEK FAMILY REVOCABLE TRUST OF September 1, 2011,

the following described real property in the County of Fresno, State of California

See Exhibit A attached hereto

Dated September 1, 2011

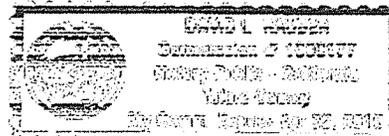
Pier van der Hoek
Pier van der Hoek

STATE OF CALIFORNIA
COUNTY OF TULARE } ss

On September 1, 2011 before me,
DAVID L. RAUBER, Notary Public,
personally appeared PIER VAN DER HOEK and
DARLENE VAN DER HOEK

Darlene van der Hoek
Darlene van der Hoek

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument



I declare under PENALTY OF PERJURY under the laws of the State of California that the foregoing description is true and correct.

WITNESS my hand and official seal
Signature *David L. Rauber*

(The area for official seal)

Mail Tax Statements as Follows Pier and Darlene van der Hoek, Trustees, P O Box 47, Helm, CA 93627

EXHIBIT A

1 **Parcel 1:** Lot 1 of Section 27, Township 16 South, Range 17 East, of Helm Company Subdivision of Swamp and overflow lands, as per Map recorded in Book 3, Page 34 of Record of Surveys

EXCEPTING THEREFROM 88% of all oil, gas and mineral rights, as reserved in that certain Grant Deed recorded February 1, 1951, in Book 2964 of Official Records at Page 21, Instrument No 6834, Fresno County Records

Parcel 2: Section 26, Township 16 South, Range 17 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats

ALSO EXCEPTING THEREFROM all of the oil gas and mineral rights, as previously reserved of record

Parcel 3: That portion of Section 35, Township 16 South, Range 17 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats, lying South and West of the United States Segregation Line, in the County of Fresno, State of California, except therefrom the following

Commencing at a point on the South line of said Section 35, 22 95 chains West of the Southeast corner of said Section, thence North 21 01 chains to a point on the Swamp overflow line, thence following the meanders of said segregation line North 51° West 17 21 chains, thence North 40° West 5 94 chains, thence South 36 57 chains to the South line of said Section, thence East 17 19 chains to the point of beginning,

Commencing at the Southeast corner of said Section 35, thence North 7 chains to the Swamp and overflow line, thence following the meanders of said Swamp and overflow line, thence following the meanders of said Swamp and overflow line North 80° West 24 chains, thence North 51° West 2 79 chains, thence South 21 01 chains to a point on the South line of said Section, thence East 22 95 chains to the point of beginning,

Commencing at a point 15 chains North 89°25' East of the Northwest corner of said Section 35, thence South 23°20' East 43 53 chains, thence North 89°24' East 4 52 chains, thence North 40° West 5 17 chains, thence North 24° West 26 chains, thence North 27° West 18 33 chains, thence North 1 50 chains, thence South 89°25' West 2 00 chains to the point of beginning,

Beginning at the Southwest corner of Section 35 18/17, and running thence Northerly along the West line of Section 35 a distance of 333 03 feet to a point,

thence Easterly and parallel to the South line of Section 35 a distance of 130 0 feet to a point, thence Southerly and parallel to the West line of Section 35 a distance of 335 08 feet to a point on the South line of Section 35, thence Westerly along said South line a distance of 130 0 feet to the point of beginning,

EXCEPTING THEREFROM that portion of said land as deeded to Pearl Castro in Grant Deed recorded in Book 4081 of Official Records at Page 199, Fresno County Records

ALSO EXCEPTING THEREFROM all oil, gas and mineral rights, as previously reserved of record

(APNs 040-130-01s, 040-130-31s and 040-130-51s)

- 2 **Parcel 1:** That portion of Section 35, Township 16 South, Range 17 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, described as follows

Beginning at a point on the North line of said Section, 23 chains West of the Northeast corner of said Section, thence South 0°2' West 59 37 chains to the United States Segregation Line, thence following the meanders of said segregation line North 51° West 17 15 chains, thence North 40° West 15 96 chains, thence North 24° West 19 94 chains, thence North 27° 18 25 chains, thence North 1 50 chains, thence North 89°25' East along the North line of said Section 35, 40 01 chains, to the point of beginning

EXCEPTING THEREFROM all oil, gas and mineral rights to the aforescribed property, by Deed recorded May 12, 1986, as Document No 86051839, Official Records, which recites the Grantors reserve unto themselves and which shall continue to be held one-third to Carolyn Jeanne Krum, one-third to Marcia Del Boltinghouse, and one-third to Jeanne O Boltinghouse, as tenants-in-common

Parcel 2: That portion of Section 35, Township 16 South, Range 17 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, described as

Beginning at a point on the South line of said Section 35, 22 95 chains West of the Southeast corner of said Section, thence North 21 01 chains to a point on the Swamp and Overflow Line, thence following the meanders of said Swamp and Overflow Line North 51° West 17 21 chains, thence North 40° West 5 94 chains, thence South 36 57 chains to the South line of said Section, thence East 17 19 chains to the point of beginning

EXCEPTING THEREFROM all oil, gas and minerals rights to the aforescribed property, by Deed recorded May 12, 1986, as Document No 86051839, Official Records, which recites the Grantors reserve unto themselves and which shall continue to be held one-third to Carolyn Jeanne Krum, one-third to Marcia Del Boltinghouse, and one-third to Jeanne O Boltinghouse, as tenants-in-common

Parcel 3: That portion of Section 35, Township 16 South, Range 17 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, described as

Beginning at a point on the North line of said Section 35 distant North 89° 25' East 15 chains from the Northwest corner thereof, thence South 23°20' East 43 53 chains, thence North 89°24' East 4 52 chains, thence North 40° West 5 17 chains, thence North 24° West 20 chains, thence North 27° West 18 30 chains, thence North 1 50 chains, thence South 89°25' West 2 chains to the point of beginning

EXCEPTING THEREFROM all oil, gas and mineral rights to the aforescribed property, by Deed recorded May 12, 1986, as Document No 86051839, Official Records which recites the Grantors reserve unto themselves and which shall continue to be held one-third to Carolyn Jeanne Krum, one-third to Marcia Del Boltinghouse, and one-third to Jeanne O Boltinghouse, as tenants-in-common

(APN 040-130-35s)

Streamline Engineering

and design inc.

July 17, 2019

County of Fresno Planning Department
2220 Tulare St., Suite A
Fresno Ca 93721

Applicant: Crown Castle
2055 S. Stearman Dr.
Chandler, AZ 85286

Applicant Contact: Lisa Elliott lisa@streamlineng.com
Po Box 74
Patterson ca 95363
209.605.2736

RECEIVED
COUNTY OF FRESNO

SEP 24 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

Conditional Use Permit Submittal for 16858 W Elkhorn Helm Ca

Submittal Item Enclosed

1. CUP application
2. Initial Study Application
3. 18 sets of coverage maps
4. Grant Deed
5. Operational Statement
6. Photo Sims
7. Project Description/Justification
8. 4 sets of plans & electronic files
9. Eme
10. List of ATT sites existing in Fresno County of which 95% are colocatable.

Crown Castle ("Crown"), respectfully submits this Application for a Conditional Use Permit and Site Plan Approval to replace its existing 195-foot telecommunications tower facility ("Existing Facility") located at 16928 West Elkhorn Ave., Tax Map No. 040-130-57S, with a new 195-foot telecommunications tower facility (the "Replacement Facility") on a portion of an adjacent parcel owned by Pier and Darlene Van Der Hoek on 16858 West Elkhorn Road, Tax Map No. 040-130-315 (the "Site"), and to relocate the commercial wireless telecommunications antennas of AT&T Mobility and the commercial wireless telecommunications antennas of T-Mobile that are currently on the Existing Facility. The installation will consist of wireless carrier collocated on the 195 foot tower. A new 600 electrical service, fiber service and am access road. There will be a fenced in lease area to house equipment cabinets.

The Replacement Facility will be available and physically and structurally capable of supporting such relocation of AT&T's and T-Mobile's antennas and related ground equipment insofar as such relocation becomes necessary for AT&T and T-Mobile to maintain their existing public safety and wireless telecommunications service in the area. Once the Replacement Facility is constructed and operational, Crown will decommission and remove the Existing Facility. Our work is derived by unforeseeable events that could cause a relocation. Their code was written to address carriers, who know their build plan and can answer that question accurately. Carriers know what projects are going to be coming down the pipeline. As far as relocations go with us, Crown, we cannot predict any future plans within the county because we simply don't know what is going to happen at the existing sites.

Lisa Elliott
Streamline Engineering
Real Estate License # 02004947
Site Acquisition Specialist
209.605.2736

OP Statement



Crown Castle
One Park Place
Suite 300
Dublin, CA 94568

RECEIVED
COUNTY OF FRESNO

SEP 24 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION

September 16, 2019

Via: email

Thomas Kobayashi – Planner
Department of Public Works and Planning
2220 Tulare St. 6th Floor Fresno, CA 93721
Phone 559-600-4224

RE: Application for a new WCF
16858 W Elkhorn Ave
Helm, CA 93627 – File # 19-103584

Operational Statement

- 1. **Nature of the operation.**
New wireless communication facility (cell tower).
- 2. **Operational time limits:**
Months: 12 - Days per week: 7 - Hours: 24/7 – Total hours per day: 24 Special activities: None – Indoors or Outdoors? None
- 3. **Number of customers or visitors:**
Average number per day: none Maximum number per day: None - Hours: None
- 4. **Number of employees:**
Current: None – Future: None – Hours they work: No hours – Do they live onsite: No
- 5. **Service and delivery vehicles:** None
- 6. **Access to the site:**
Public Road: Yes – proposed site is closest to the intersection of Hwy 145 and W. Elkhorn Avenue – both roads are paved with asphalt.
- 7. **Number of parking spaces for employees, customers, and service/delivery vehicles.**
None – facility is un-maned and does not require parking.
- 8. **Are any goods to be sold on-site?**
No

9. What equipment is used?

All equipment is shown on the zoning drawings – see sheet A-2 for; new cell tower structure, new concrete equipment pads, new AT&T generator, new AT&T equipment shelter, new electrical and telco equipment cabinets.

10. What supplies, or materials are used and how are they stored?

No materials or supplies are used or are stored on site.

11. Does the use cause an unsightly appearance?

No. This project proposes to replace an existing cell tower site with a new cell tower site less than 100' from the existing cell tower site.

12. List any solid or liquid wastes to be produced.

The proposed facility does not generate any solid or liquid wastes.

13. Estimated volume of water to be used (gallons per day).

None. No water is required for the operation of a cell tower.

14. Describe any proposed advertising including size, appearance, and placement.

No advertising proposed.

15. Will existing building be used or will new buildings be constructed?

No existing buildings will be used. A new prefabricated AT&T shelter will be used to store equipment inside the equipment compound.

16. Explain which buildings or what portion of buildings will be used in the operation.

One new prefabricated shelter will be used to store AT&T equipment. No other buildings are proposed.

17. Will any outdoor lighting or an outdoor sound amplification system be used?

No lighting proposed.

18. Landscaping or fencing proposed?

No landscaping proposed. The equipment compound will be fenced with a chain link fence mounted with barbwire. See sheet A-4.

19. Any other information that will provide a clear understanding of the project operation.

This application seeks to replace the existing wireless communication facility with a new one. Crown Castle has been unable to extend the existing lease that we have with the current landowner. We make this request to ensure the existing coverage, both for subscribers and emergency services, is maintained with a new long-term lease with the

new landowner. Once the new tower is fully operational we will remove the existing cell tower so there is not net increase and the number of towers present today.

20. Identify all Owners, Officers, and/or Board Member for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.

Landowner:

VAN DER HOEK PIER & DARLENE (TRUSTEES) 16858 W ELKHORN SAN JOAQUIN, CA
93660 Piervdhoek@hotmail.com. Tele 559-866-5490

Tower Owner:

Crown Castle International Corporation – a publicly traded company

AT&T:

Proposed tenant on tower

T-Mobile:

Proposed tenant on tower.

Thank you for your assistance with this application and if you need additional information please contact me 916-622-6323 or tim.page@crowncastle.com

Sincerely

Tim Page

Tim Page, AICP

Real Estate Program Manager



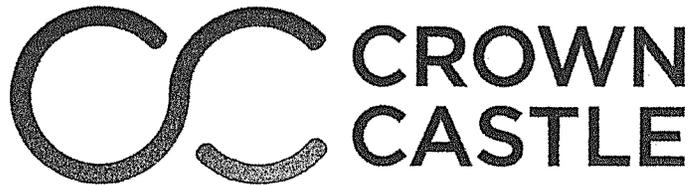
Development
Services and
Capital Projects
Division

Operational Statement Checklist

Department of Public Works and Planning

It is important that the Operational Statement provides for a complete understanding of your proposal. The Operational Statement that you submit must address all of the following that apply to your proposal. Your Operational Statement must be typed or written in a legible manner on a separate sheet(s) of paper. Do not submit this checklist as your Operational Statement. It should serve only as a guide for preparing a complete Statement.

- ___ 1. Nature of the operation--what do you propose to do? Describe in detail. *See Drawings*
- ___ 2. Operational time limits: *un manned wireless facility*
 Months (if seasonal): _____ Days per week: _____
 Hours (from _____ to _____) Total hours per day: _____
 Special activities: _____ Frequency: _____ Hours: _____ Are these indoors or outdoors? _____
- ___ 3. Number of customers or visitors: *0*
 Average number per day: _____ Maximum number per day: _____ Hours (when they will be there): _____
- ___ 4. Number of employees: *Maintenance after build*
 Current: _____ Future: _____ Hours they work: _____ Do any live on-site as a caretaker? *no*
- ___ 5. Service and delivery vehicles:
 Number: _____ Type: _____ Frequency: _____
- ___ 6. Access to the site:
 Public Road: _____ Private Road: _____ Surface: _____ Unpaved (dirt/gravel) / Paved: _____
- n/a* 7. Number of parking spaces for employees, customers, and service/delivery vehicles.
 Type of surfacing on parking area: _____
- no* 8. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location? Explain. _____
- n/a* 9. What equipment is used? If appropriate, provide pictures or brochure. _____
- n/a* 10. What supplies or materials are used and how are they stored? _____
- no* 11. Does the use cause an unsightly appearance?
 Noise? _____ Glare? _____ Dust? _____ Odor? _____
 If so, explain how this will be reduced or eliminated. _____
- n/a* 12. List any solid or liquid wastes to be produced.
 Estimated volume of wastes: _____ How and where is it stored? _____
 How is it hauled, and where is it disposed? _____ How often? _____
- none* 13. Estimated volume of water to be used (gallons per day). Source of water? _____
- none* 14. Describe any proposed advertising including size, appearance, and placement. _____
- no* 15. Will existing buildings be used or will new buildings be constructed?
 Describe type of construction materials, height, color, etc. Provide Floor Plan and elevations, if appropriate. _____
- n/a* 16. Explain which buildings or what portion of buildings will be used in the operation. _____
- no* 17. Will any outdoor lighting or an outdoor sound amplification system be used?
 Describe and indicate when used. _____
- yes* 18. Landscaping or fencing proposed? Describe type and location. *Fence around compound*
- no* 19. Any other information that will provide a clear understanding of the project or operation. _____
- AA* 20. Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.



STARK
16858 W ELKHORN AVE
HELM, CA 93627
831177

STARK

831177
 16858 W ELKHORN AVE
 HELM, CA 93627

ISSUE STATUS

DATE	DESCRIPTION	BY
10/21/19	25 100%	D.C.
05/27/19	25 100%	D.C.
03/21/19	CHECK REV	S.S.

DRAWN BY: D. GARZA

CHECKED BY: S. SAVG

APPROVED BY:

DATE: 09/17/19



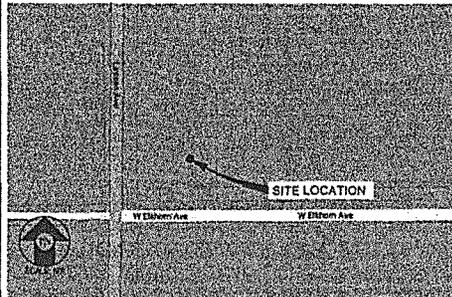
**PRELIMINARY:
 NOT FOR
 CONSTRUCTION**
 KEVIN R. SORHSEN
 04/69



PROJECT DESCRIPTION

- INSTALL A (4) UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF:
- INSTALLING (P) 50'-0"X70'-0" CROWN CASTLE EQUIPMENT COMPOUND & FENCE
 - INSTALLING (P) 100' LATRICE TOWER
 - INSTALLING (P) ECGA ELECTRICAL SERVICE
 - INSTALLING (P) FIBER SERVICE
 - INSTALLING (P) ACCESS ROAD
 - REMOVAL OF (C) TOWER & COMPOUND @ FINAL PHASE (APN: 040-130-575)

VICINITY MAP



CODE COMPLIANCE

ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSIDERED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

- 2016 CALIFORNIA ADMINISTRATIVE CODE, PART 1, TITLE 24 C.C.R.
- 2016 CALIFORNIA BUILDING CODE (CBC), PART 2, SECTION 182, TITLE 24 C.C.R.
 (2015 INTERNATIONAL BUILDING CODE AND 2016 CALIFORNIA AMENDMENTS)
- 2016 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.
 (2014 NATIONAL ELECTRICAL CODE AND 2016 CALIFORNIA AMENDMENTS)
- 2016 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24 C.C.R.
 (2015 UNIFORM MECHANICAL CODE AND 2016 CALIFORNIA AMENDMENTS)
- 2016 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24 C.C.R.
 (2015 UNIFORM PLUMBING CODE AND 2016 CALIFORNIA AMENDMENTS)
- 2016 CALIFORNIA ENERGY CODE (CEC), PART 6, TITLE 24 C.C.R.
- 2016 CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R.
 (2015 INTERNATIONAL FIRE CODE AND 2016 CALIFORNIA AMENDMENTS)
- 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, PART 11, TITLE 24 C.C.R.
- 2016 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24 C.C.R.
 ANSI/CEA-1A-222-G

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS

DISABLED ACCESS REQUIREMENTS

THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. DISABLED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE BUILDING CODE, TITLE 24 PART 2, SECTION 110-2015

PROJECT INFORMATION

SITE NAME:	STARK	DIST #	831177
COUNTY:	FRESNO	JURISDICTION:	FRESNO COUNTY
APN:	040-130-315	POWER:	PG&E
SITE ADDRESS:	16858 W ELKHORN AVE HELM, CA 93627	TELEPHONE:	AT&T
CURRENT ZONING:	AGRICULTURAL EXCLUSIVE -AE20		
CONSTRUCTION TYPE:	V-B		
OCCUPANCY TYPE:	U (UNMANNED COMMUNICATIONS FACILITY)		
PROPERTY OWNER:	PER VAN DER HOEK, TRUSTEE PO BOX 42 HELM, CA 93627		
APPLICANT:	CROWN CASTLE 1 PARK PLACE, SUITE 200 DUBLIN, CA 94568		
LEASING CONTACT:	SHARILAK ATTN: DAVID ELLIOTT (908) 485-1191 DAVID.ELLIOTT@SHARILAK.COM		
LOADING CONTACT:	ATTN: LISA ELIOTT (202) 605-2725		
CONSTRUCTION CONTACT:	CROWN CASTLE ATTN: JASON MOO (707) 567-6991		
LATITUDE:	N 39° 22' 18.42" NAD 83 N 38 426457 NAD 83		
LONGITUDE:	W 120° 05' 48.80" NAD 83 W 120097167 NAD 83		
ANGL:	1193.3'		

DRIVING DIRECTIONS

FROM: 1 PARK PLACE, DUBLIN, CA 94568
 TO: 16858 W ELKHORN AVE, HELM, CA 93620

1. HEAD SOUTH ON PARK PL. TOWARD DUBLIN BLVD 200 FT
2. TURN LEFT ONTO FULFRA BLVD 0.1 MI
3. USE THE RIGHT 2 LANES TO TURN RIGHT ONTO MAGNOLIA DR 0.4 MI
4. USE THE RIGHT LANE TO MERGE ONTO I-58C E VIA THE RAMP TO STOCKTON 0.2 MI
5. MERGE ONTO I-580 E 12.7 MI
6. KEEP LEFT TO STAY ON I-580 E 5.9 MI
7. TAKE THE INTERSTATE 580 EXIT TOWARD INTERSTATE 5 S/TESNO/COS ANGELES 1.0 MI
8. CONTINUE ONTO I-580 E 16.0 MI
9. CONTINUE ONTO I-5 S 30.7 MI
10. TAKE EXIT 305 FOR MANNING AVE 0.7 MI
11. TURN LEFT ONTO MANNING AVE 22.5 MI
12. TURN RIGHT ONTO S COLORADO AVE 6.6 MI
13. TURN RIGHT ONTO CA-115 S 3.4 MI
14. TURN LEFT ONTO W ELKHORN AVE DESTINATION WILL BE ON THE LEFT 377 FT

END AT: 16858 W ELKHORN AVE, HELM, CA 93620

ESTIMATED TIME: 2 HOURS 26 MINUTE ESTIMATED DISTANCE: 149 MILES

SHEET INDEX

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	-
C-1	TOPOGRAPHIC SURVEY	-
C-2	TOPOGRAPHIC SURVEY	-
C-3	TOPOGRAPHIC SURVEY	-
C-4	TOPOGRAPHIC SURVEY	-
C-5	TOPOGRAPHIC SURVEY	-
A-1	SITE PLAN	-
A-2	LEASE AREA	-
A-3	ANTENNA PLAN	-
A-4	ELEVATIONS	-

APPROVAL

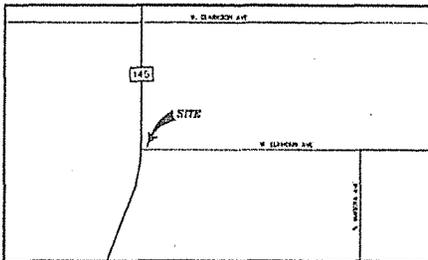
RF
 LEASING
 ZONING
 CONSTRUCTION
 AT&T

SHEET TITLE:

TITLE

SHEET NUMBER:

T-1



SURVEYOR'S NOTES

1. BASIS OF BEARING: BEARINGS SHOWN HEREON ARE GEODETIC, DETERMINED BY GPS OBSERVATION.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.

SURVEYOR'S CERTIFICATION

I, d'Arignon Alba, do hereby certify to Crown Castle, its subsidiaries, affiliates, successors and assigns and Stewart Title Guaranty Company, that this plot, and the information contained hereby, is a true and accurate representation of a survey that was performed by me, or under my direction and that, to the best of my knowledge, all tower improvements are contained within Crown Castle's described area, unless shown otherwise.

NOTES

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

FLOOD NOTE:

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. C65029, PANEL NO. 2850J, DATED JANUARY 20, 2016, SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE X, WHICH ARE AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ZONING:

AE20 - EXCLUSIVE, AGRICULTURAL

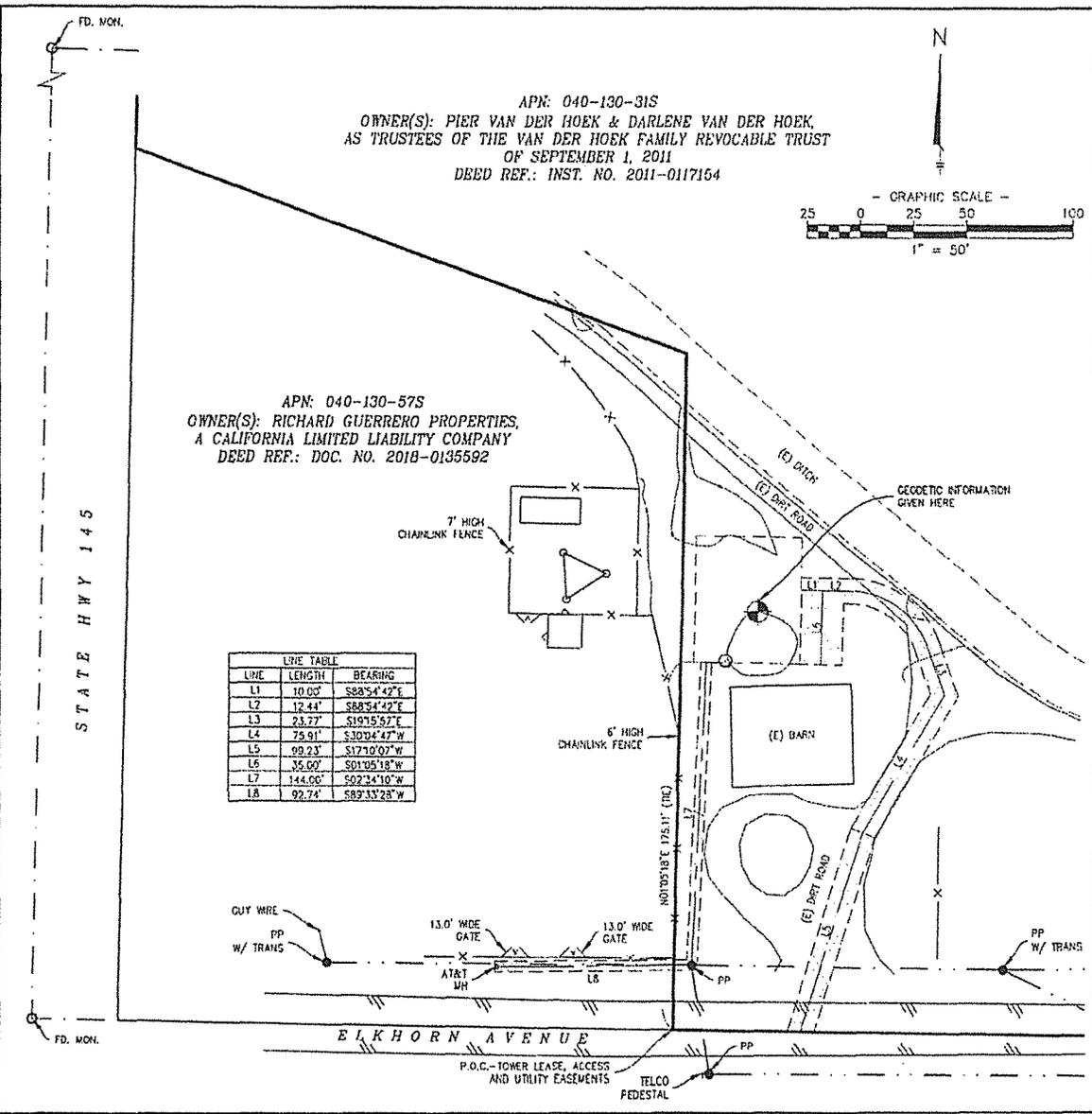
LEGEND:

- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- X : FENCE AS NOTED
- - - : OVERHEAD UTILITY LINES
- : POWER POLE
- (E) : ELECTRIC TRANSFORMER
- : TELCO FEDESTAL

LATITUDE & LONGITUDE

LAT. 36° 29' 18.17" N, NAD 83
 LONG. 120° 05' 49.72" W, NAD 83
 ELEV. 193.0' NAVD 88 (BASE OF DRAWING)

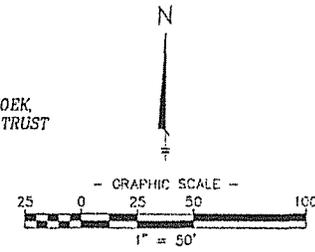
AREA TABLE	SQUARE FT.	ACREAGE
(A) PARENT PARCEL	±0	±0
(B) TOWER LEASE AREA	±3,000	±0.069
(C) ACCESS EASEMENT	±3,820	±0.088
(D) UTILITY EASEMENT	±1,184	±0.027



LINE	LENGTH	BEARING
L1	10.00'	S88°54'42"E
L2	12.44'	S88°54'42"E
L3	23.27'	S19°15'57"E
L4	75.91'	S103°44'47"W
L5	69.23'	S17°10'07"W
L6	35.60'	S01°05'18"W
L7	144.60'	S02°34'10"W
L8	92.74'	S89°33'28"W

APN: 040-130-31S
 OWNER(S): PIER VAN DER HOEK & DARLENE VAN DER HOEK,
 AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST
 OF SEPTEMBER 1, 2011
 DEED REF.: INST. NO. 2011-0117154

APN: 040-130-57S
 OWNER(S): RICHARD GUERRERO PROPERTIES,
 A CALIFORNIA LIMITED LIABILITY COMPANY
 DEED REF.: DOC. NO. 2018-0135592



CROWN CASTLE

STREAMLINE ENGINEERING & DESIGN

SMITHCO SURVEYING & ENGINEERING

P.O. BOX 8188 BAKERSFIELD, CA 93309
 PHONE: (805) 933-1217 FAX: (805) 933-1219

SPACE RESERVED FOR PROFESSIONAL SEAL

REVISION

NO.	DESCRIPTION	BY	DATE
1	PRELIMINARY	SL	04/08/19
2	LEASE/ASUMTS	SL	04/29/19
3			
4			

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DRAWN BY: SL
 CHECKED BY: DA
 DATE DRAWN: 04/08/19
 SMITHCO JOB #: 95-906

SITE NAME

SITE: VAN DER HOEK
 BUN: 845804

SITE ADDRESS

16858 W. ELKHORN AVENUE
 SAN JOAQUIN, CA 93660
 FRESNO COUNTY

SHEET TITLE

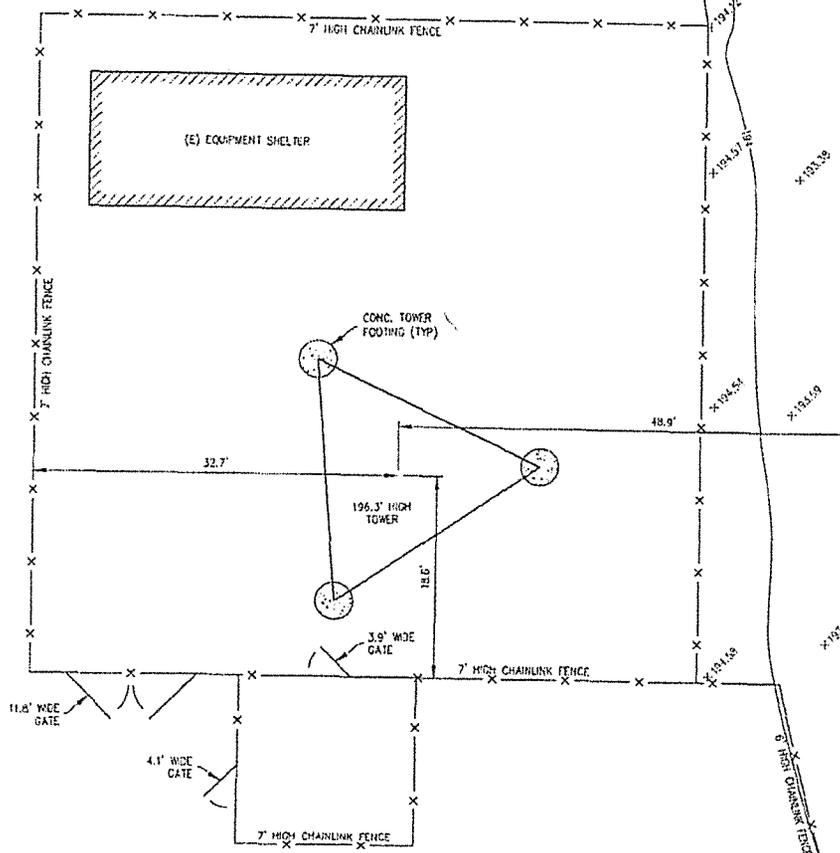
AS-BUILT SURVEY

FOR EXAMINATION ONLY

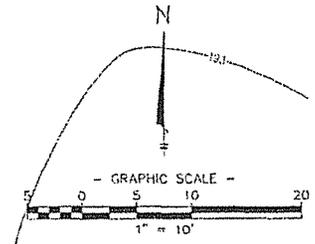
SHEET

1 OF 5

APN: 040-130-57S
 OWNER(S): RICHARD GUERRERO PROPERTIES,
 A CALIFORNIA LIMITED LIABILITY COMPANY
 DEED REF.: DOC. NO. 2018-0135592



APN: 040-130-31S
 OWNER(S): PIER VAN DER HOEK &
 DARLENE VAN DER HOEK,
 AS TRUSTEES OF THE VAN DER HOEK FAMILY
 REVOCABLE TRUST OF SEPTEMBER 1, 2011
 DEED REF.: INST. NO. 2011-0117154



STREAMLINE
 ENGINEERING
 & DESIGN



P.O. BOX 1828 SAN JOAQUIN, CA 95898
 PHONE: (408) 391-1117 FAX: (408) 391-1218

SPACE RESERVED FOR PROFESSIONAL SEAL

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NO.	DESCRIPTION	DATE
1	PRELIMINARY	SL 04/08/19
2	LEASE/PERMITS	SL 04/26/19

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DRAWN BY: SL
 CHECKED BY: DA
 DATE DRAWN: 04/08/19
 SMITHCO JOB #: 16-900

SITE NAME

SITE: VAN DER HOEK
 BUN: 845804

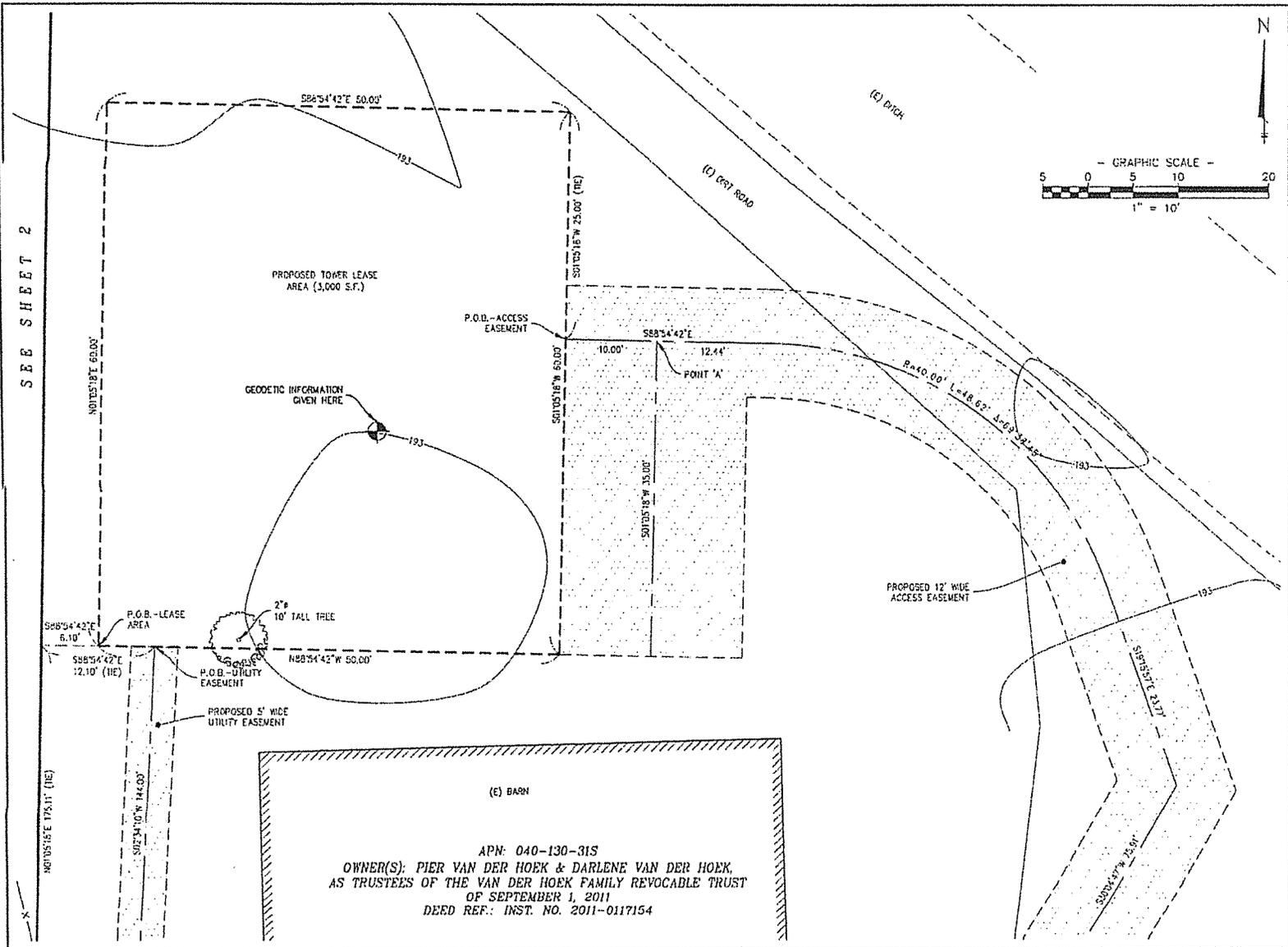
SITE ADDRESS

16858 W. ELKHORN AVENUE
 SAN JOAQUIN, CA 95860
 FRESNO COUNTY

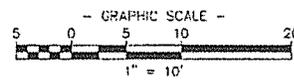
SHEET TITLE

AS-BUILT SURVEY

FOR EXAMINATION ONLY
 SHEET



SEE SHEET 2



CROWN CASTLE
STREAMLINE ENGINEERING & DESIGN



P.O. BOX 1628 BAKERSFIELD, CA 93300
 PHONE: (805) 393-1117 FAX: (805) 393-1218

SPACE RESERVED FOR PROFESSIONAL SEAL

REVISION		
NO.	DESCRIPTION	DATE
1	PRELIMINARY	SL 04/08/10
2	LEASE/ASBUILT	SL 04/28/10

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DRAWN BY: SL
 CHECKED BY: DA
 DATE DRAWN: 04/08/10
 SMITHCO JOB #: 56-908

SITE NAME

SITE: VAN DER HOEK
 BUN: 845804

SITE ADDRESS

18858 W. ELKHORN AVENUE
 SAN JOAQUIN, CA 93660
 FRESNO COUNTY

SHEET TITLE

AS-BUILT SURVEY

FOR EXAMINATION ONLY
 SHEET

3 OF 5

APN: 040-130-315
 OWNER(S): PIER VAN DER HOEK & DARLENE VAN DER HOEK,
 AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST
 OF SEPTEMBER 1, 2011
 DEED REF.: INST. NO. 2011-0117154

PARENT PARCEL LEGAL DESCRIPTION PER GRANT DEED RECORDED NOVEMBER 7, 2018 AS DOCUMENT NO. 2018-0135592 (EXISTING TOWER PARCEL):

PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN; BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, THENCE NORTH 00° 00' EAST, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 426 FEET, THENCE SOUTH 70°45' EAST, A DISTANCE OF 317.93 FEET, THENCE SOUTH 00°00' WEST, AND PARALLEL TO THE WEST LINE OF SAID SECTION, A DISTANCE OF 317.6 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID SECTION 35; THENCE SOUTH 89°16' WEST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 300 FEET, MORE OR LESS TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE WEST 40 FEET THEREOF TOGETHER WITH A RIGHT OF WAY TO THE WALL AND PUMPING PLANT TO FURNISH DESCRIBED PROPERTY, TOGETHER WITH THE RIGHT TO USE SAID WELL AND PUMPING PLANT TO FURNISH WATER FOR DOMESTIC PURPOSES ON UNTO THE LANDS ABOVE DESCRIBED.

PARENT PARCEL LEGAL DESCRIPTION PER FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT NO. CFC-1444391-G, DATED AUGUST 2, 2018 (PROPOSED TOWER PARCEL):

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, CITY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 3: THAT PORTION OF THE WEST HALF OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS, LYING SOUTH AND WEST OF THE UNITED STATES SEGREGATION LINE, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, EXCEPT THEREFROM THE FOLLOWING:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 35, 22.85 CHAINS WEST OF THE SOUTHEAST CORNER OF SAID SECTION, THENCE NORTH 21.01 CHAINS TO A POINT ON THE SWAMP OVERFLOW LINE, THENCE FOLLOWING THE MEANDERS OF SAID SEGREGATION LINE NORTH 51° WEST 17.21 CHAINS, THENCE NORTH 40° WEST 5.94 CHAINS, THENCE SOUTH 36.57 CHAINS TO THE SOUTH LINE OF SAID SECTION, THENCE EAST 17.19 CHAINS TO THE POINT OF BEGINNING.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35, THENCE NORTH 7 CHAINS TO THE SWAMP AND OVERFLOW LINE, THENCE FOLLOWING THE MEANDERS OF SAID SWAMP AND OVERFLOW LINE, THENCE FOLLOWING THE MEANDERS OF SAID SWAMP AND OVERFLOW LINE NORTH 60° WEST 24 CHAINS, THENCE NORTH 51° WEST 2.79 CHAINS, THENCE SOUTH 21.01 CHAINS TO A POINT ON THE SOUTH LINE OF SAID SECTION, THENCE EAST 22.95 CHAINS TO THE POINT OF BEGINNING.

COMMENCING AT A POINT 15 CHAINS NORTH 89°25' EAST OF THE NORTHWEST CORNER OF SAID SECTION 35, THENCE SOUTH 23°26' EAST 43.53 CHAINS, THENCE NORTH 89°24' EAST 4.52 CHAINS, THENCE NORTH 40° WEST 5.17 CHAINS, THENCE NORTH 24° WEST 20 CHAINS, THENCE NORTH 27° WEST 18.30 CHAINS, THENCE NORTH 1.50 CHAINS, THENCE SOUTH 89°25' WEST 2.00 CHAINS TO THE POINT OF BEGINNING.

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 35-16/17, AND RUNNING THENCE NORTHERLY ALONG THE WEST LINE OF SECTION 35 A DISTANCE OF 338.08 FEET TO A POINT, THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SECTION 35 A DISTANCE OF 130.0 FEET TO A POINT, THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SECTION 35 A DISTANCE OF 335.08 FEET TO A POINT ON THE SOUTH LINE OF SECTION 35, THENCE WESTERLY ALONG SAID SOUTH LINE A DISTANCE OF 130.0 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND AS DECDED TO PEARL CASTRO IN GRANT DEED RECORDED IN BOOK 4081 OF OFFICIAL RECORDS AT PAGE 199, FRESNO COUNTY RECORDS.

ALSO EXCEPTING THEREFROM ALL OIL, GAS AND MINERAL RIGHTS, AS PREVIOUSLY RESERVED OF RECORD.

PARCEL ID #040-130-315

THIS BEING A PORTION OF THE PROPERTY CONVEYED TO PIER VAN DER HOEK AND DARLENE VAN DER HOEK, AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST OF SEPTEMBER 1, 2011 FROM PIER VAN DER HOEK AND DARLENE VAN DER HOEK, HUSBAND AND WIFE, AS COMMUNITY PROPERTY, IN A DEED DATED SEPTEMBER 1, 2011 AND RECORDED SEPTEMBER 2, 2011 AS INSTRUMENT NO. 2011-0117154.

TOWER LEASE AREA DESCRIPTION (PREPARED BY THIS OFFICE):

BEING A PORTION OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 2, 2011 AS INSTRUMENT NO. 2011-0117154, FRESNO COUNTY RECORDS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LAND, THENCE N 01°05'18" E, ALONG THE WEST LINE OF SAID LAND, A DISTANCE OF 175.11 FEET; THENCE LEAVING SAID WEST LINE, S 88°54'42" E, A DISTANCE OF 5.10 FEET TO THE POINT OF BEGINNING.

COURSE 1) THENCE N 01°05'18" E, A DISTANCE OF 60.00 FEET;
COURSE 2) THENCE S 88°54'42" E, A DISTANCE OF 50.00 FEET;
COURSE 3) THENCE S 01°05'18" W, A DISTANCE OF 60.00 FEET;
COURSE 4) THENCE N 88°54'42" W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,000 SQUARE FEET (0.069 ACRES), MORE OR LESS.

APN: 040-130-315

OWNER(S): PIER VAN DER HOEK & DARLENE VAN DER HOEK, AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST OF SEPTEMBER 1, 2011
DEED REF.: DOC. NO. 2011-0117154

SEE SHEET 6 FOR ACCESS AND UTILITY EASEMENT DESCRIPTIONS.



STREAMLINE
ENGINEERING
& DESIGN



SPACE RESERVED FOR PROFESSIONAL SEAL.

REVISION	NO.	DESCRIPTION	BY	DATE
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△	PRELIMINARY	SL	04/08/19
△	LEASE/ESUNTS	SL	04/23/19
△			
△			

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DRAWN BY: SL
CHECKED BY: DA
DATE DRAWN: 04/08/19
SMITHCO JOB #: 36-006

SITE NAME

SITE: VAN DER HOEK
BUN: 845804

SITE ADDRESS

16858 W. ELKHORN AVENUE
SAN JOAQUIN, CA 93860
FRESNO COUNTY

SHEET TITLE

AS-BUILT SURVEY

FOR EXAMINATION ONLY
SHEET

4 OF 5

ACCESS EASEMENT DESCRIPTION (PREPARED BY THIS OFFICE):

A 12.00 FOOT WIDE STRIP OF LAND OVER, ACROSS AND THROUGH A PORTION OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 2, 2011 AS INSTRUMENT NO. 2011-0117154, FRESNO COUNTY RECORDS, STATE OF CALIFORNIA, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LAND, THENCE N 01°05'18" E, ALONG THE WEST LINE OF SAID LAND, A DISTANCE OF 175.11 FEET; THENCE LEAVING SAID WEST LINE, S 88°54'42" E, A DISTANCE OF 6.10 FEET; THENCE N 01°05'18" E, A DISTANCE OF 60.00 FEET; THENCE S 88°54'42" E, A DISTANCE OF 50.00 FEET; THENCE S 01°05'18" W, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

COURSE 1) THENCE S 88°54'42" E, A DISTANCE OF 10.00 FEET TO A POINT HEREINAFTER DESCRIBED AS POINT 'A';
COURSE 2) THENCE CONTINUING S 88°54'42" E, A DISTANCE OF 12.44 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 40.00 FEET;
COURSE 3) THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°38'45", AN ARC DISTANCE OF 48.62 FEET;
COURSE 4) THENCE S 19°15'57" E, A DISTANCE OF 23.77 FEET;
COURSE 5) THENCE S 30°04'47" W, A DISTANCE OF 75.91 FEET;
COURSE 6) THENCE S 17°10'07" W, A DISTANCE OF 99.23 FEET TO THE SOUTH LINE OF SAID LAND AND THE TERMINUS OF THIS DESCRIPTION.

TOGETHER WITH A 20.00 FOOT WIDE STRIP OF LAND OVER, ACROSS AND THROUGH A PORTION OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 2, 2011 AS INSTRUMENT NO. 2011-0117154, FRESNO COUNTY RECORDS, STATE OF CALIFORNIA, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINBEFORE DESCRIBED POINT 'A';

COURSE 1) THENCE S 01°05'18" W, A DISTANCE OF 35.00 FEET TO THE TERMINUS OF THIS DESCRIPTION.

CONTAINING 3,820 SQUARE FEET (0.088 ACRES), MORE OR LESS.

APN: 040-130-315

OWNER(S): PIER VAN DER HOEK & DARLENE VAN DER HOEK, AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST OF SEPTEMBER 1, 2011
DEED REF.: DOC. NO. 2011-0117154

UTILITY EASEMENT DESCRIPTION (PREPARED BY THIS OFFICE):

A 5.00 FOOT WIDE STRIP OF LAND OVER, ACROSS AND THROUGH A PORTION OF THE LAND DESCRIBED IN THE GRANT DEED RECORDED SEPTEMBER 2, 2011 AS INSTRUMENT NO. 2011-0117154, FRESNO COUNTY RECORDS, STATE OF CALIFORNIA AND THE GRANT DEED RECORDED NOVEMBER 7, 2018 AS INSTRUMENT NO. 2018-0135592, FRESNO COUNTY RECORDS, STATE OF CALIFORNIA, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LAND, THENCE N 01°05'18" E, ALONG THE WEST LINE OF SAID LAND, A DISTANCE OF 175.11 FEET; THENCE LEAVING SAID WEST LINE, S 88°54'42" E, A DISTANCE OF 12.10 FEET TO THE POINT OF BEGINNING,

COURSE 1) THENCE S 02°34'10" W, A DISTANCE OF 144.00 FEET;

COURSE 2) THENCE S 89°33'28" W, A DISTANCE OF 92.74 FEET TO THE TERMINUS OF THIS DESCRIPTION.

CONTAINING 1,184 SQUARE FEET (0.027 ACRES), MORE OR LESS.

APN: 040-130-315

OWNER(S): PIER VAN DER HOEK & DARLENE VAN DER HOEK, AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST OF SEPTEMBER 1, 2011
DEED REF.: DOC. NO. 2011-0117154

APN: 040-130-575

OWNER(S): RICHARD GUERRERO PROPERTIES, A CALIFORNIA LIMITED LIABILITY COMPANY
DEED REF.: DOC. NO. 2018-0135592



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& DESIGN



SPACE RESERVED FOR PROFESSIONAL SEAL

REVISION			
NO.	DESCRIPTION	BY	DATE
1	PRELIMINARY	SL	04/08/19
2	LEASE/EASEMENTS	SL	04/29/19

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DRAWN BY: SL
CHECKED BY: DA
DATE DRAWN: 04/08/19
SMITHCO JOB #: 56-906

SITE NAME

SITE: VAN DER HOEK
BUN: 845804

SITE ADDRESS

16858 W. ELKHORN AVENUE
SAN JOAQUIN, CA 93660
FRESNO COUNTY

SHEET TITLE

AS-BUILT SURVEY

FOR EXAMINATION ONLY
SHEET

831177 AT&T

RECEIVED
COUNTY OF FRESNO

SEP 24 2019

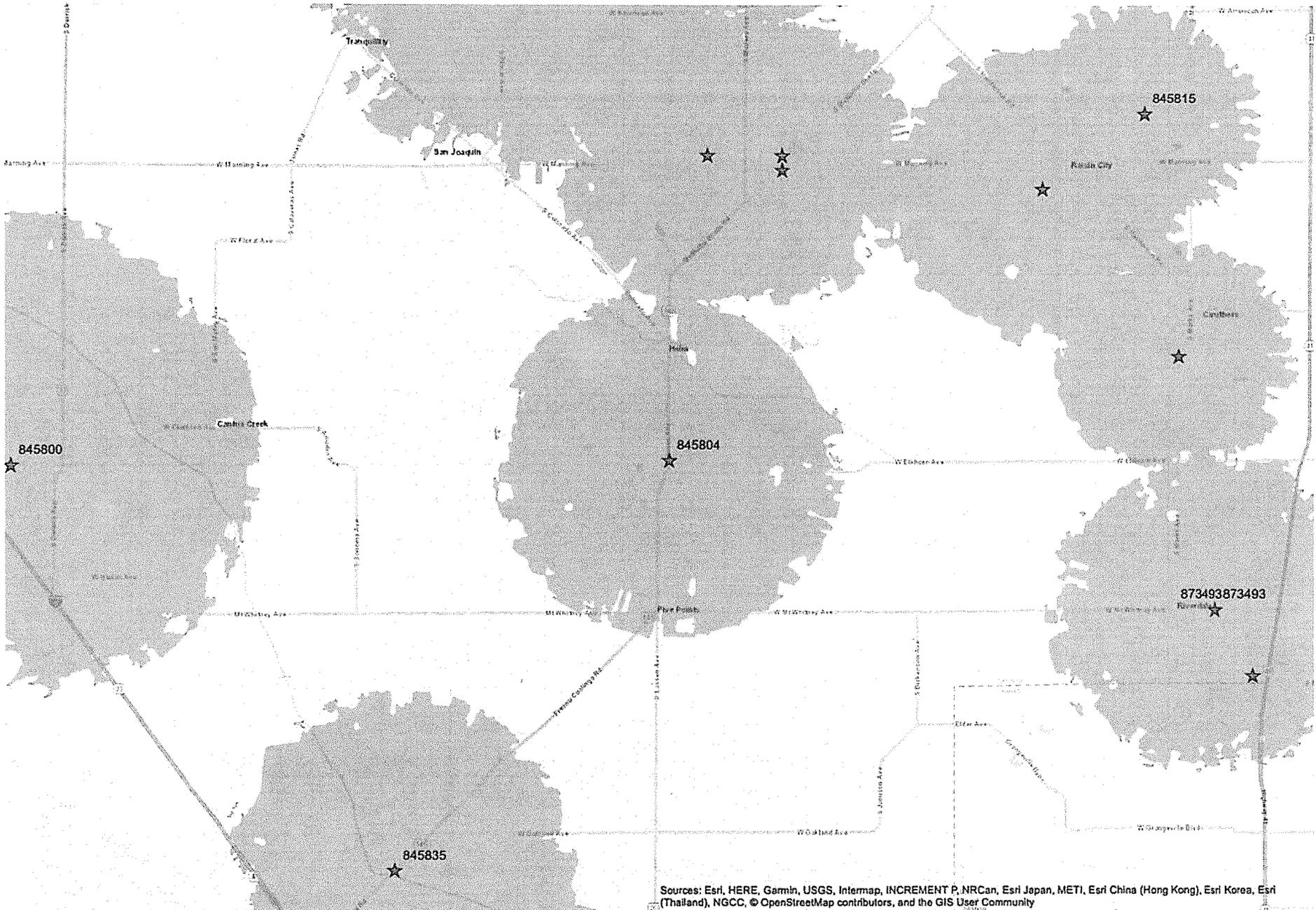
DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



831177
★

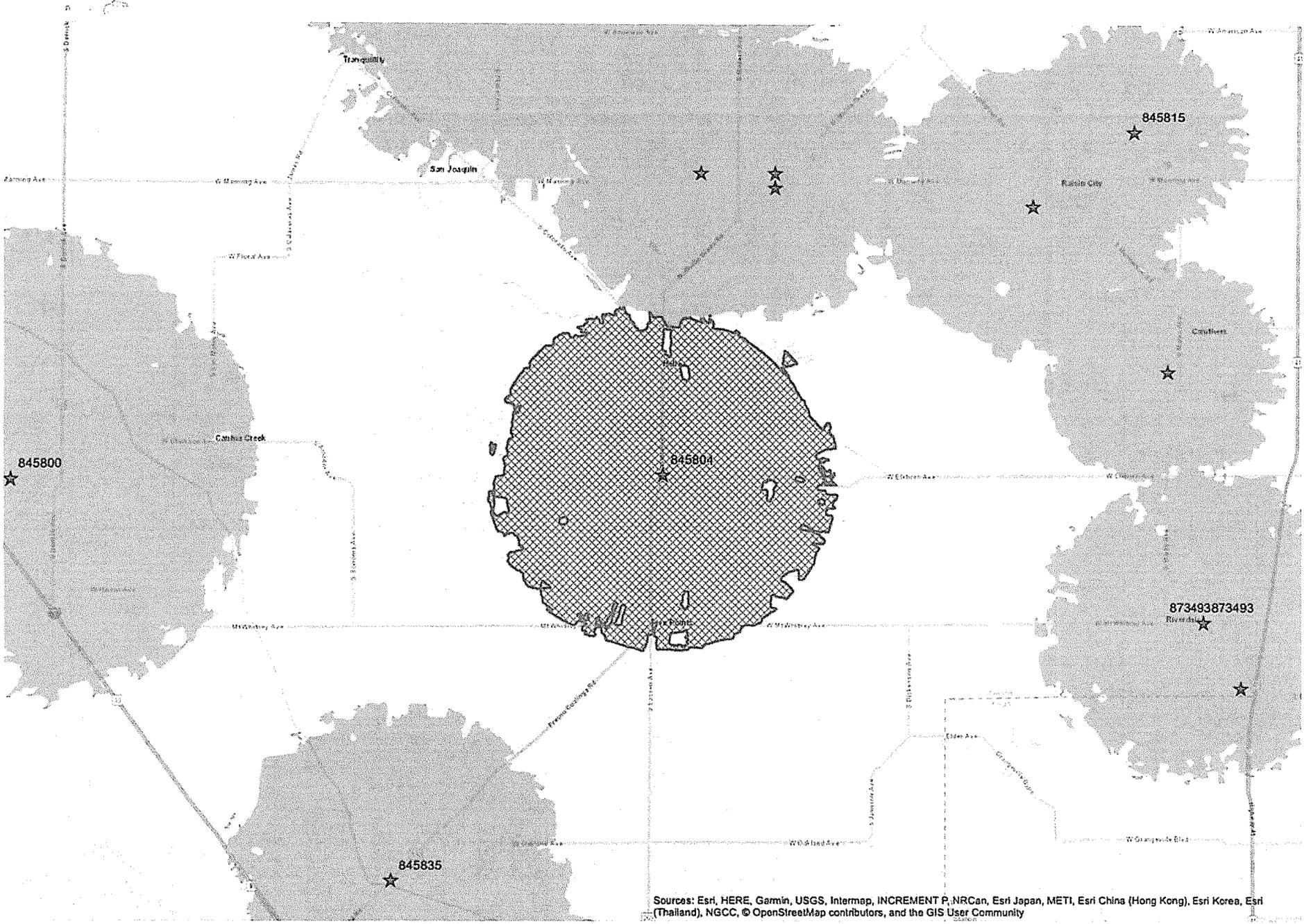
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

ATT-Current Coverage



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

A-TT-Loss Coverage



831177 T-Mobile

RECEIVED
COUNTY OF FRESNO

SEP 24 2019

DEPARTMENT OF PUBLIC WORKS
AND PLANNING
DEVELOPMENT SERVICES DIVISION



831177



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

OPTION AND GROUND LEASE AGREEMENT

THIS OPTION AND GROUND LEASE AGREEMENT (the "Agreement") is made as of the date of the final signature below, by and between PIER VANDER HOEK AND DARLENE VANDER HOEK, AS TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE TRUST OF SEPTEMBER 1, 2011 ("Lessor") and CROWN CASTLE TOWERS 06-2 LLC, a Delaware limited liability company ("Lessee").

1. Definitions.

"Agreement" means this Option and Ground Lease Agreement.

"Approvals" means all certificates, permits, licenses and other approvals that Lessee, in its sole discretion, deems necessary for its intended use of the Leased Premises.

"Commencement Date" means the first day of the month following the month in which the Option is exercised pursuant to Section 4(C) of this Agreement.

"Defaulting Party" means the party to this Agreement that has defaulted as provided for in Section 28 of this Agreement.

"Due Diligence Investigation" has the meaning set forth in Section 3 of this Agreement.

"Easements" and "Utility Easement" have the meanings set forth in Section 9 of this Agreement.

"Hazardous Material" means any substance which is (i) designated, defined, classified or regulated as a hazardous substance, hazardous material, hazardous waste, pollutant or contaminant under any Environmental Law, as currently in effect or as hereafter amended or enacted, (ii) a petroleum hydrocarbon, including crude oil or any fraction thereof and all petroleum products, (iii) PCBs, (iv) lead, (v) asbestos, (vi) flammable explosives, (vii) infectious materials, or (viii) radioactive materials. "Environmental Law(s)" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., the Toxic Substances Control Act, 15 U.S.C. Sections 2601, et seq., the Hazardous Materials Transportation Act, 49 U.S.C. 5101, et seq., and the Clean Water Act, 33 U.S.C. Sections 1251, et seq., as said laws have been supplemented or amended to date, the regulations promulgated pursuant to said laws and any other federal, state or local law, statute, rule, regulation or ordinance which regulates or proscribes the use, storage, disposal, presence, clean-up, transportation or release or threatened release into the environment of Hazardous Material.

"Improvements" means a wireless communications facility, including tower structures, equipment shelters, meter boards and related improvements and structures including without limitation equipment to accommodate new technologies or future

innovations for receiving and transmitting signal and uses incidental thereto.

"Initial Term" means a period of five (5) years following the Commencement Date.

"Lease Term" means the Initial Term and any Renewal Terms.

"Leased Premises" means that portion of Lessor's Property consisting of a parcel of approximately sixty (60) feet by sixty (60) feet as described in the sketch attached hereto as Exhibit "B". The boundaries of the Leased Premises may be subject to modification as set forth in Section 8.

"Lessee's Notice Address" means c/o Crown Castle USA Inc., General Counsel, Attn: Legal - Real Estate Dept., 2000 Corporate Drive, Canonsburg, PA 15317-8564, 1-866-482-8890.

"Lessor's Notice Address" means P.O. Box 42, Helm, California 93627, Phone; (559) 866-5490.

"Lessor's Property" means the parcel of land located in the City of San Joaquin, County of Fresno, State of California, as shown on the Tax Map of said County as Tax Parcel Number 040-130-31S, being further described in the instrument recorded in Fresno County on September 2, 2011 at Instrument No. 2011-0117154 a copy of said instrument being attached hereto as Exhibit "A".

"Non-Defaulting Party" means the party to this Agreement that has not defaulted as provided for in Section 28 of this Agreement.

"Option" means the exclusive right granted to Lessee by Lessor to lease the Leased Premises pursuant to Section 2 of this Agreement.

"Option Extension Fee" means the sum of [REDACTED]

"Option Fee" means the sum of [REDACTED]

"Option Period" means the twenty-four (24) month period commencing on the date of this Agreement.

"Renewal Option Period" has the meaning set forth in Section 4(A) of this Agreement.

"Renewal Term" means a period of five (5) years commencing upon the expiration of the Initial Term or prior Renewal Term, as the case may be.

"Rent" means the consideration payable by Lessee to Lessor in exchange for the Leased Premises in the amount of [REDACTED] per year to be paid in equal monthly installments of one thousand [REDACTED]. After the first five (5)

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DEVELOPMENT SERVICES DIVISION

years of the Lease Term and every five (5) years thereafter (the "Adjustment Date"), the Rent shall increase based on the Consumer Price Index published by the Bureau of Labor and Statistics of the United States Department of Labor for all Urban Consumers, US City Average ("CPI-U") indicator and shall be determined by dividing the CPI-U indicator published three (3) months prior to the Adjustment Date, by the CPI-U indicator published five (5) years and three (3) months prior to the Adjustment Date, and multiply the resultant number by the monthly lease rental amount of the most recent past rent. In no event shall the increase in rent calculated for any five (5) year period exceed ten percent (10%) of the most recent past rent.

2. **Grant of Option to Lease.** In consideration of the Option Fee paid by Lessee to Lessor upon Lessee's execution of this Agreement, Lessor hereby grants to Lessee the Option during the Option Period to lease, on the terms and conditions set forth in this Agreement, the Leased Premises.

3. **Due Diligence Investigation.**

(A) **Inspection Rights.** During the Option Period, Lessee shall have the right to analyze the suitability of the Leased Premises for its intended use. Lessee and its employees, agents, contractors, engineers, and surveyors shall have the right to enter upon Lessor's Property to inspect, conduct, perform and examine soil borings, drainage testing, material sampling, surveys and other geological or engineering tests or studies of Lessor's Property, to apply for and obtain all licenses and permits required for Lessee's use of the Leased Premises from all applicable governmental or regulatory entities, and to do those things on or off Lessor's Property that, in the sole opinion of Lessee, are necessary to determine the physical condition of Lessor's Property, the environmental history of Lessor's Property, Lessor's title to Lessor's Property and the feasibility or suitability of the Leased Premises for Lessee's use as defined in this Agreement, all at Lessee's expense (the "**Due Diligence Investigation**"). Activities conducted in connection with Lessee's Due Diligence Investigation shall not be deemed to constitute exercise of the Option or commencement of construction of the Improvements. In conducting its Due Diligence Investigation, Lessee shall minimize interference with the use of Lessor's Property or the Leased Property by Lessor and or Lessor's contractors, employees, agents, guests, tenants, licensees, and invitees. Lessee shall, at its sole cost, promptly repair in a good and workmanlike manner any damage caused by Lessee, to Lessor's Property, roads or other improvements of Lessor.

(B) **Temporary Access Road and Easement for Due Diligence Investigation.** To facilitate Lessee's Due Diligence Investigation or use of a COW (defined below), Lessor hereby grants Lessee and its employees, agents, contractors, engineers and surveyors the right and an easement to construct and use a temporary pedestrian and vehicular access roadway from a public road, across Lessor's Property, to the Leased Premises. The location of said temporary pedestrian and vehicular access roadway on Lessor's Property is shown on Exhibit "B". Such construction shall not be deemed to constitute exercise of the Option or commencement of construction of the Improvements.

(C) **Right to Operate Temporary Facilities during Option Period.** Lessee shall have the right during the Option Period to install or operate a temporary communications facility or cell on wheels (COW) on the Leased Premises. Installation or operation of a COW on the Lease Premises during the Option Period will not constitute exercise of the Option.

4. **Extension, Termination and Exercise of Option.**

(A) **Right to Extend Option Period.** If the Option is not exercised or terminated by Lessee during the Option Period, the Option shall be automatically extended for three (3) additional one (1) year periods (each year a "**Renewal Option Period**") unless the Option is exercised or terminated by Lessee in accordance with the terms of this Agreement. In consideration of the extension of the Option pursuant to each Renewal Option Period, Lessee shall pay to Lessor the Option Extension Fee within thirty (30) days of the commencement of each Renewal Option Period.

(B) **Right to Terminate Option.** Lessee shall have the right to terminate this Agreement at any time prior to the expiration of the Option Period or any extension thereof by sending written notice of termination to Lessor.

(C) **Expiration of Option Term; Exercise of Option.** If, upon expiration of the Option Period (as it may have been extended) Lessee has not exercised the Option, this Agreement shall terminate. Upon such termination, neither party shall have any further rights or duties hereunder. Lessor shall retain the Option Fee and any Option Extension Fee previously paid. Prior to expiration of the Option Period (as it may have been extended) Lessee may exercise the Option by either (i) providing written notice to Lessor of such exercise or (ii) commencing construction of the Improvements. Upon the Commencement Date, the Lease Term shall commence and the Easements shall become effective.

5. **Lessor's Cooperation.** During the Option Period and the Lease Term, Lessor shall: (i) cooperate with Lessee in its efforts to perform its Due Diligence Investigation and to obtain all of the Approvals, including all appeals; and (ii) take no action that would be inconsistent with the rights granted to Lessee herein. Lessor acknowledges that Lessee's ability to use the Leased Premises is contingent upon Lessee obtaining and maintaining the Approvals. Additionally, Lessor grants to Lessee and its employees, representatives, agents, and consultants a limited power of attorney to prepare, execute, submit, file and present on behalf of Lessor building, permitting, zoning or land-use applications with the appropriate local, state and/or federal agencies necessary to obtain land use changes, special exceptions, zoning variances, conditional use permits, special use permits, administrative permits, construction permits, operation permits and/or building permits that are consistent with the rights granted to Lessee herein. Lessor understands that any such application and/or the satisfaction of any requirements thereof may require Lessor's cooperation, which Lessor hereby agrees to provide. Lessor shall not "knowingly" do or permit anything that will interfere with or negate any Approvals pertaining to the Improvements or Leased Premises or cause them to be in nonconformance with applicable local, state or federal laws.

Lessor agrees to execute such documents as may be necessary to obtain and thereafter maintain the Approvals, and agrees to be named as the applicant for said Approvals.

6. **Lease Term.** Effective upon the Commencement Date, Lessor leases the Leased Premises to Lessee for the Initial Term. The term of this Agreement shall automatically be extended for nine (9) successive Renewal Terms, unless this Agreement is terminated pursuant to the provisions set forth herein.

7. **Rent.** Beginning on the Commencement Date, Lessee shall pay Rent for the Leased Premises.

8. **Leased Premises; Survey.** Following exercise of the Option and completion of construction of the wireless communications facility on the Leased Premises, Lessee shall provide Lessor with a copy of an "as-built" survey, which shall depict and identify the boundaries of the Leased Premises and the Easements, and replace and supersede the sketch attached hereto as Exhibit "B". The "as-built" survey shall be deemed to be incorporated into this Agreement as Exhibit "C" even if not physically affixed hereto. The description of the Leased Premises set forth in Exhibit "C" shall control in the event of discrepancies between Exhibit "B" and Exhibit "C".

9. **Easements.** Conditioned upon and subject to: (1) commencement of the Lease Term, (2) that no existing improvements on Lessor's Property are damaged or removed, and (3) Lessee's approval of the location of the easements in Lessee's reasonable discretion, such approval not to be unreasonably withheld, conditioned, or delayed, Lessor grants the following easements and rights-of-way over, under and upon Lessor's Property to Lessee, Lessee's employees, agents, contractors, sublessees, licensees and their employees, agents and contractors: (i) an easement over such portions of Lessor's Property as is reasonably necessary for the construction, repair, maintenance, replacement, demolition and removal of the Improvements to be located upon Leased Premises; (ii) an easement over such portion of Lessor's Property as is reasonably necessary to obtain or comply with any Approvals, including any landscaping requirements therein; (iii) a thirty foot (30') wide easement in the location shown in Exhibit "B", as may be amended by Exhibit "C", for construction, use, maintenance and repair of an access road for ingress, egress and construction purposes including without limitation staging and storing of equipment, vehicles, cranes and materials seven (7) days per week, twenty-four (24) hours per day, for pedestrians and all types of motor vehicles, to extend from the nearest public right-of-way to the Leased Premises; and (iv) a utility easement (the "Utility Easement") in the location shown in Exhibit "B", as may be amended by Exhibit "C", for the installation, repair, replacement and maintenance of utility wires, poles, fiber, cables, conduits and pipes; provided that in the event that any public utility is unable or unwilling to use the Utility Easement in the location shown in Exhibit "B", as may be amended by Exhibit "C", at the sole option of Lessee Lessor shall grant an alternate easement either to Lessee or directly to the public utility at no cost and in a location acceptable to Lessee and the public utility (collectively, the "Easements"). TO HAVE AND TO HOLD the Easements for the purposes provided during the Lease Term and thereafter for a reasonable period of time for Lessee to remove its Improvements.

10. **Lessee's Right to Terminate; Effect of Termination by Lessee.** Lessee shall have the right, following its exercise of the Option, to terminate this Agreement, at any time, without cause, by providing Lessor with one hundred eighty (180) days' prior written notice. Upon such termination, this Agreement shall become null and void and neither party shall have any further rights or duties hereunder, except that any monies owed by either party to the other up to the date of termination shall be paid within thirty (30) days of the termination date.

11. **Use of Property.** The Leased Premises and the Easements shall be used for the purpose of (i) constructing, maintaining and operating the Improvements and (ii) uses incidental thereto, including without limitation, testing of any kind by Lessee, its customers, or invitees. Lessee may place a security fence, around the perimeter of the Leased Premises. All Improvements shall be constructed at Lessee's sole expense. Lessee will maintain the Leased Premises in a safe condition. It is the intent of the parties that Lessee's Improvements shall not constitute a fixture.

12. **Removal of Obstructions.** Lessee has the right to remove obstructions from Lessor's Property, including but not limited to vegetation, which may encroach upon, interfere with or present a hazard to Lessee's use of the Leased Premises or the Easements. Lessee shall dispose of any materials removed.

13. **Hazardous Materials.**

(A) **Lessee's Obligation and Indemnity.** Lessee shall not (either with or without negligence) cause or permit the escape, disposal or release of any Hazardous Materials on or from the Leased Premises in any manner prohibited by law. Lessee shall indemnify and hold Lessor harmless from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses (including, without limitation, any and all sums paid for settlement of claims, attorneys' fees, and consultants' and experts' fees) from the release of any Hazardous Materials on the Leased Premises if caused by Lessee or persons acting under Lessee.

(B) **Lessor's Obligation and Indemnity.** Lessor shall not (either with or without negligence) cause or permit the escape, disposal or release of any Hazardous Materials on or from Lessor's Property or Leased Premises in any manner prohibited by law. Lessor shall indemnify and hold Lessee harmless from any and all claims, damages, fines, judgments, penalties, costs, liabilities or losses (including, without limitation, any and all sums paid for settlement of claims, attorneys' fees, and consultants' and experts' fees) from the presence or release of any Hazardous Materials on Lessor's Property or Leased Premises unless caused by Lessee or persons acting under Lessee.

14. **Real Estate Taxes.** Lessor shall pay all real estate taxes on Lessor's Property. Within thirty (30) days of Lessor's demand, Lessee agrees to reimburse Lessor for any documented increase in real estate or personal property taxes levied against Lessor's Property that are directly attributable to the Improvements constructed by Lessee. Lessor agrees to provide Lessee any documentation evidencing the increase and how such increase is

attributable to Lessee's use. Lessee reserves the right to challenge any such assessment, and Lessor agrees to cooperate with Lessee in connection with any such challenge.

15. **Insurance.** At all times during the performance of its Due Diligence Investigation and during the Lease Term, Lessee, at its sole expense, shall obtain and keep in force insurance which may be required by any federal, state or local statute or ordinance of any governmental body having jurisdiction in connection with the operation of Lessee's business upon the Leased Premises.

16. **Waiver of Claims and Rights of Subrogation.** The parties hereby waive any and all rights of action for negligence against the other on account of damage to the Improvements, Lessor's Property or to the Leased Premises resulting from any fire or other casualty of the kind covered by property insurance policies with extended coverage, regardless of whether or not, or in what amount, such insurance is carried by the parties. All policies of property insurance carried by either party for the Improvements, Lessor's Property or the Leased Premises shall include a clause or endorsement denying to the insurer rights by way of subrogation against the other party to the extent rights have been waived by the insured before the occurrence of injury or loss.

17. **Eminent Domain.** If Lessor receives notice of a proposed taking by eminent domain of any part of the Leased Premises or the Easements, Lessor will notify Lessee of the proposed taking within five (5) days of receiving said notice and Lessee will have the option to: (i) declare this Agreement null and void and thereafter neither party will have any liability or obligation hereunder; or (ii) remain in possession of that portion of the Leased Premises and Easements that will not be taken, in which event there shall be an equitable adjustment in Rent on account of the portion of the Leased Premises and Easements so taken. With either option Lessee shall have the right to contest the taking and directly pursue an award.

18.

19. **Sale of Property.** If during the Option Period, as same may be extended, or Lease Term, Lessor sells all or part of Lessor's Property, of which the Leased Premises is a part, then such sale shall be under and subject to this Agreement.

20. **Surrender of Property.** Upon expiration or termination of this Agreement, Lessee shall, within a reasonable time, remove all above ground Improvements and restore the Leased Premises as nearly as reasonably possible to its original condition, without, however, being required to replace any trees or other plants removed, or alter the then existing grading.

21. **Recording.** Lessee shall have the right to record a memorandum of the Option and a memorandum of this Agreement with the appropriate recording officer. Lessor shall execute and deliver each such memorandum, for no additional consideration, promptly upon Lessee's request.

22. **Hold Harmless.** Each party shall indemnify and defend the other party against, and hold the other party harmless from, any claim of liability or loss from personal injury or property damage arising from the use and occupancy of the

Leased Premises or Lessor's Property by such indemnifying party, its employees, contractors, servants or agents, except to the extent such claims are caused by the intentional misconduct or negligent acts or omissions of the other party, its employees, contractors, servants or agents.

23. **Lessor's Covenant of Title.** Lessor covenants that Lessor holds good and marketable fee simple title to Lessor's Property and the Leased Premises and has full authority to enter into and execute this Agreement. Lessor further covenants that there are no encumbrances or other impediments of title that might interfere with or be adverse to Lessee.

24. **Interference with Lessee's Business.** Lessee shall have the exclusive right to construct, install and operate wireless communications facilities that emit radio frequencies on Lessor's Property. Lessor agrees that it will not permit the construction, installation or operation on Lessor's Property of (i) any additional wireless communications facilities or (ii) any equipment or device that interferes with Lessee's use of the Leased Premises for the installation, operation, maintenance and repair of the Improvements. Each of the covenants made by Lessor in this Section is a covenant running with the land for the benefit of the Leased Premises.

25. **Quiet Enjoyment.** Lessor covenants that Lessee, on paying Rent and performing the covenants of this Agreement, shall peaceably and quietly have, hold and enjoy the Leased Premises and Easements.

26. **Mortgages.** This Agreement, Lessee's leasehold interest and the Easements shall be subordinate to any mortgage given by Lessor which currently encumbers the Leased Premises, provided that any mortgagee shall recognize the validity of this Agreement in the event of foreclosure so long as Lessee is not in default under this Agreement beyond any applicable cure period. In the event that the Leased Premises is or shall be encumbered by such a mortgage, Lessor shall obtain and furnish to Lessee a subordination, non-disturbance and attornment agreement for each such mortgage, in the form attached hereto as Exhibit "D," or other form mutually agreeable to a subsequent lender and Lessee, and suitable for recording. If Lessor fails to provide any non-disturbance agreement Lessee, may withhold and accrue, without interest, the Rent until such time as Lessee receives all such documentation.

27. **Title Insurance.** Lessee, at Lessee's option, may obtain title insurance on the Leased Premises and Easements. Lessor shall cooperate with Lessee's efforts to obtain title insurance by executing documents or obtaining requested documentation as required by the title insurance company. If Lessor fails to provide the requested documentation within thirty (30) days of Lessee's request, or fails to provide any non-disturbance agreement required in the preceding Section of this Agreement, Lessee, at Lessee's option, may withhold and accrue, without interest, the Rent until such time as Lessee receives all such documentation.

28. **Default.**

(A) **Notice of Default; Cure Period.** In the event that there

is a default by Lessor or Lessee (the "Defaulting Party") with respect to any of the provisions of this Agreement or Lessor's or Lessee's obligations under this Agreement, the other party (the "Non-Defaulting Party") shall give the Defaulting Party written notice of such default. After receipt of such written notice, the Defaulting Party shall have thirty (30) days in which to cure any monetary default and sixty (60) days in which to cure any non-monetary default. The Defaulting Party shall have such extended periods as may be required beyond the sixty (60) day cure period to cure any non-monetary default if the nature of the cure is such that it reasonably requires more than sixty (60) days to cure, and Defaulting Party commences the cure within the sixty (60) day period and thereafter continuously and diligently pursues the cure to completion. The Non-Defaulting Party may not maintain any action or effect any remedies for default against the Defaulting Party unless and until the Defaulting Party has failed to cure the same within the time periods provided in this Section.

(B) Consequences of Lessee's Default. Lessor acknowledges that under the terms of this Agreement, Lessee has the right to terminate this Agreement at any time upon one hundred eighty (180) days' notice. Accordingly, in the event that Lessor maintains any action or effects any remedies for default against Lessee, resulting in Lessee's dispossession or removal, (i) the Rent shall be paid up to the date of such dispossession or removal and (ii) Lessor shall be entitled to recover from Lessee, in lieu of any other monetary damages, as liquidated, final damages, a sum equal to six months' Rent. In no event shall Lessee be liable to Lessor for consequential, indirect, speculative or punitive damages in connection with or arising out of any default.

(C) Consequences of Lessor's Default. In the event that Lessor is in default beyond the applicable periods set forth above, Lessee may, at its option, upon written notice: (i) terminate this Agreement, vacate the Leased Premises and be relieved from all further obligations under this Agreement; (ii) perform the obligation(s) of Lessor specified in such notice, in which case any expenditures reasonably made by Lessee in so doing shall be deemed paid for the account of Lessor and Lessor agrees to reimburse Lessee for said expenditures upon demand; (iii) take any actions that are consistent with Lessee's rights; (iv) sue for injunctive relief, and/or sue for specific performance, and/or sue for damages, and/or set-off from Rent any amount reasonably expended by Lessee as a result of such default.

29. Limitation on Damages. In no event shall Lessee be liable to Lessor for consequential, indirect, speculative or punitive damages in connection with or arising from this Agreement.

30. Lessor's Waiver. Lessor hereby waives and releases any and all liens, whether statutory or under common law, with respect to any of Lessee's Improvements now or hereafter located on the Leased Premises.

31. Applicable Law. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State where the Leased Premises is located. The parties agree that the venue for any litigation regarding this Agreement shall be Fresno County, California.

32. Assignment, Sublease, Licensing and Encumbrance. Lessee has the right, at its sole discretion, to assign its interest in this Agreement and to sublease or license use of the Leased Premises, Easements and Improvements. Assignment of this Agreement by Lessee shall be effective upon Lessee sending written notice to Lessor and shall relieve Lessee from any further liability or obligation. Lessee has the further right to pledge or encumber its interest in this Agreement.

33. Miscellaneous.

(A) Entire Agreement. Lessor and Lessee agree that this Agreement contains all of the agreements, promises and understandings between Lessor and Lessee. No oral agreements, promises or understandings shall be binding upon either Lessor or Lessee in any dispute, controversy or proceeding at law. Any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing and signed by the parties hereto. The terms, covenants and provisions of this Agreement shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Lessor and Lessee.

(B) Captions. The captions preceding the Sections of this Agreement are intended only for convenience of reference and in no way define, limit or describe the scope of this Agreement or the intent of any provision hereof.

(C) Construction of Document. Lessor and Lessee acknowledge that this document shall not be construed in favor of or against the drafter by virtue of said party being the drafter and that this Agreement shall not be construed as a binding offer until signed by Lessee.

(D) Notices. All notices hereunder shall be in writing and shall be given by (i) established national courier service which maintains delivery records, (ii) hand delivery, or (iii) certified or registered mail, postage prepaid, return receipt requested. Notices are effective upon receipt, or upon attempted delivery if delivery is refused or if delivery is impossible because of failure to provide reasonable means for accomplishing delivery. The notices shall be sent to Lessor at Lessor's Notice Address and to Lessee at Lessee's Notice Address.

(E) Partial Invalidity. If any term of this Agreement is found to be void or invalid, then such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

(F) Counterparts. This Agreement may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

(G) IRS Form W-9. Lessor agrees to provide Lessee with a completed IRS Form W-9, or its equivalent, upon execution of this Agreement and at such other times as may be reasonably requested by Lessee. In the event the Lessor's Property is transferred, the succeeding Lessor shall have a duty at the time of such transfer to provide Lessee with a Change of Ownership Form as provided for by Lessee, a completed IRS Form W-9, or

its equivalent, and other related paper work to effect a transfer in Rent to the new Lessor. Lessor's failure to provide the IRS Form W-9 within thirty (30) days after Lessee's request shall be

considered a default and Lessee may take any reasonable action necessary to comply with IRS regulations including, but not limited to, withholding applicable taxes from Rent payments.

[Execution Page Follows]

IN WITNESS WHEREOF, Lessor and Lessee having read the foregoing and intending to be legally bound hereby, have executed this Agreement as of the day and year this Agreement is fully executed.

LESSOR:

**PIER VAN DER HOEK AND DARLENE VAN DER HOEK, AS
TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE
TRUST OF SEPTEMBER 1, 2011**

By: Pier van der Hoek

Print Name: Pier Van Der Hoek

Print Title (if any): Trustee

Date: 11/9/19

LESSOR:

**PIER VAN DER HOEK AND DARLENE VAN DER HOEK, AS
TRUSTEES OF THE VAN DER HOEK FAMILY REVOCABLE
TRUST OF SEPTEMBER 1, 2011**

By: Darlene van der Hoek

Print Name: Darlene Van Der Hoek

Print Title (if any): Trustee

Date: 11/9/19

LESSEE:

**CROWN CASTLE TOWERS 06-2 LLC,
a Delaware limited liability company**

By: Melanie Webb

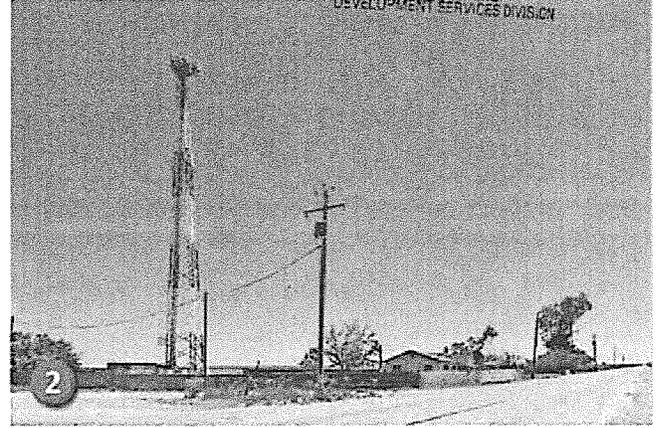
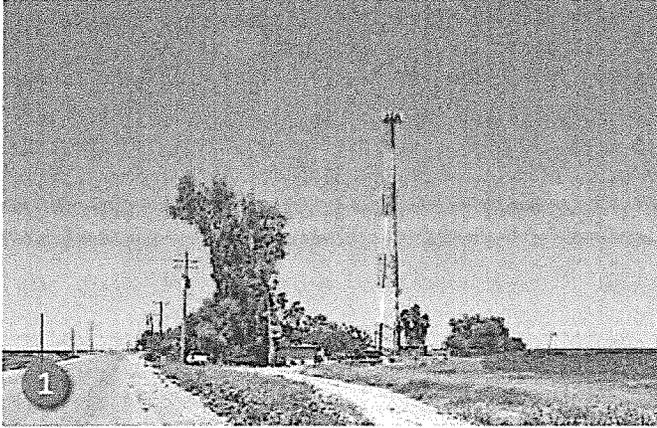
Print Name: Melanie Webb

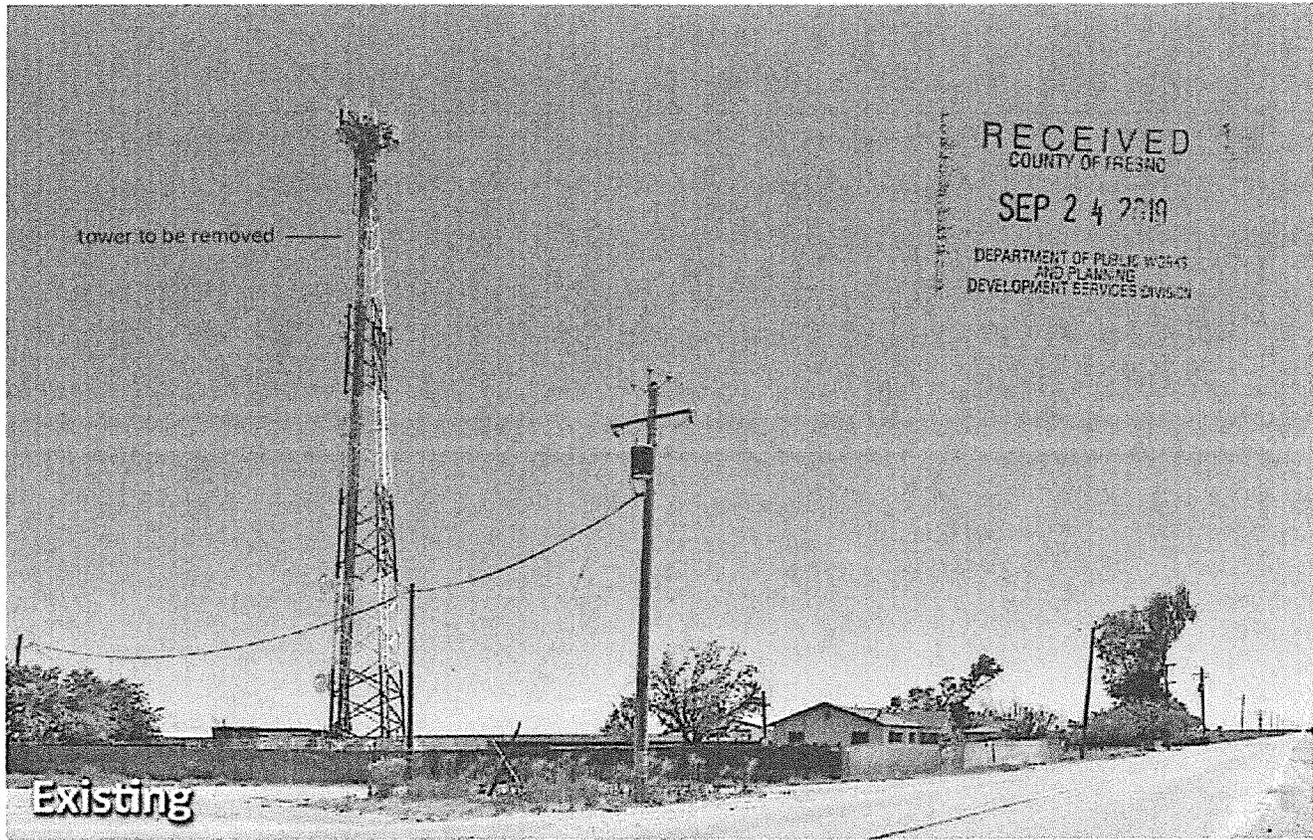
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Date: 2.20.19

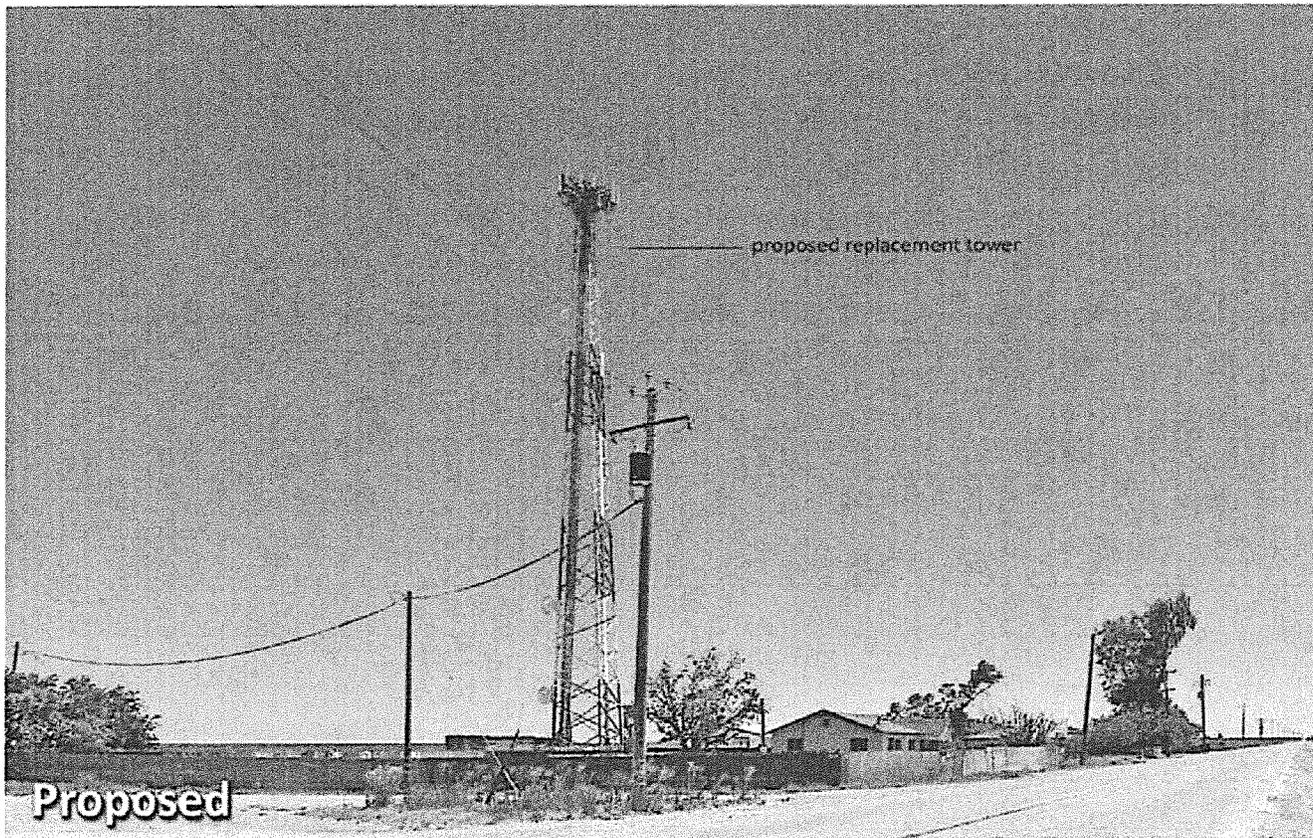
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DEVELOPMENT SERVICES DIVISION

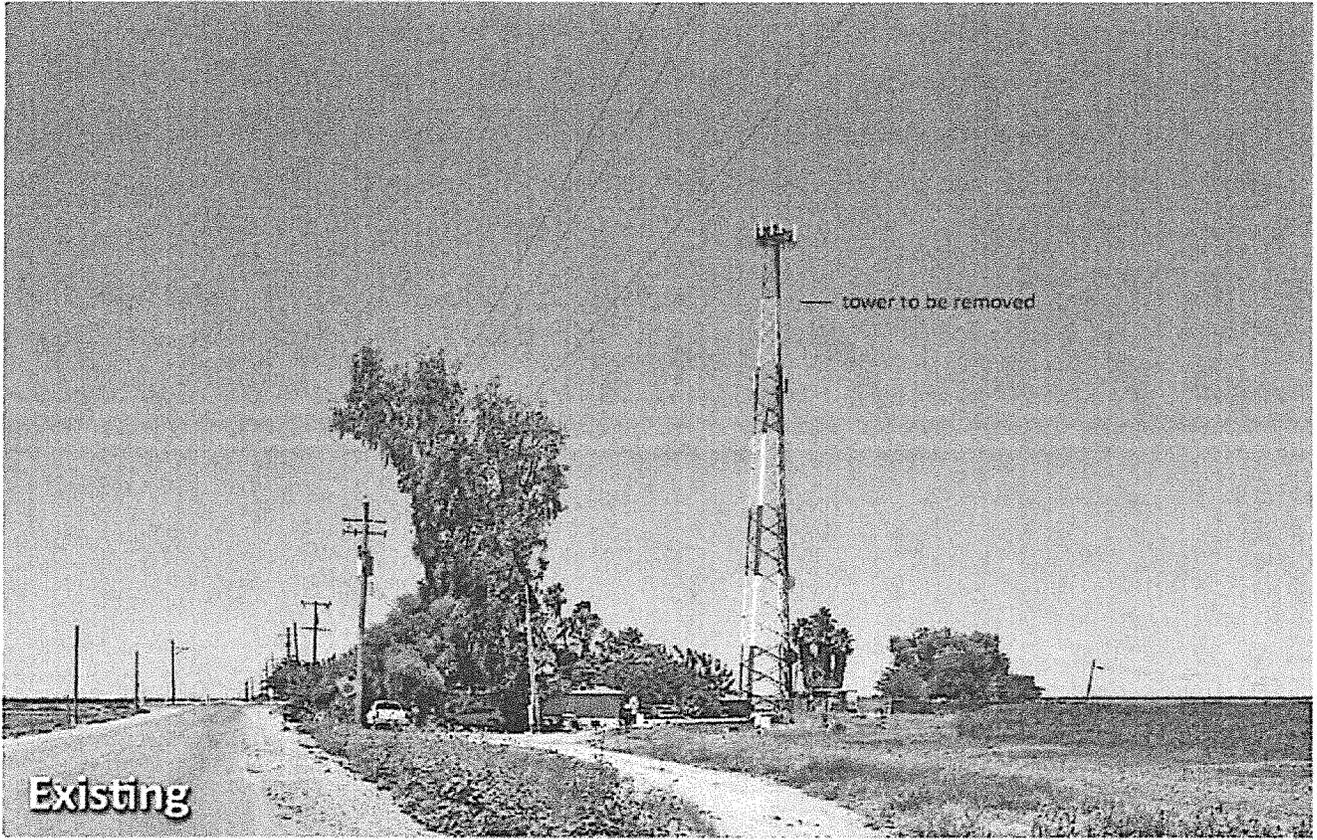




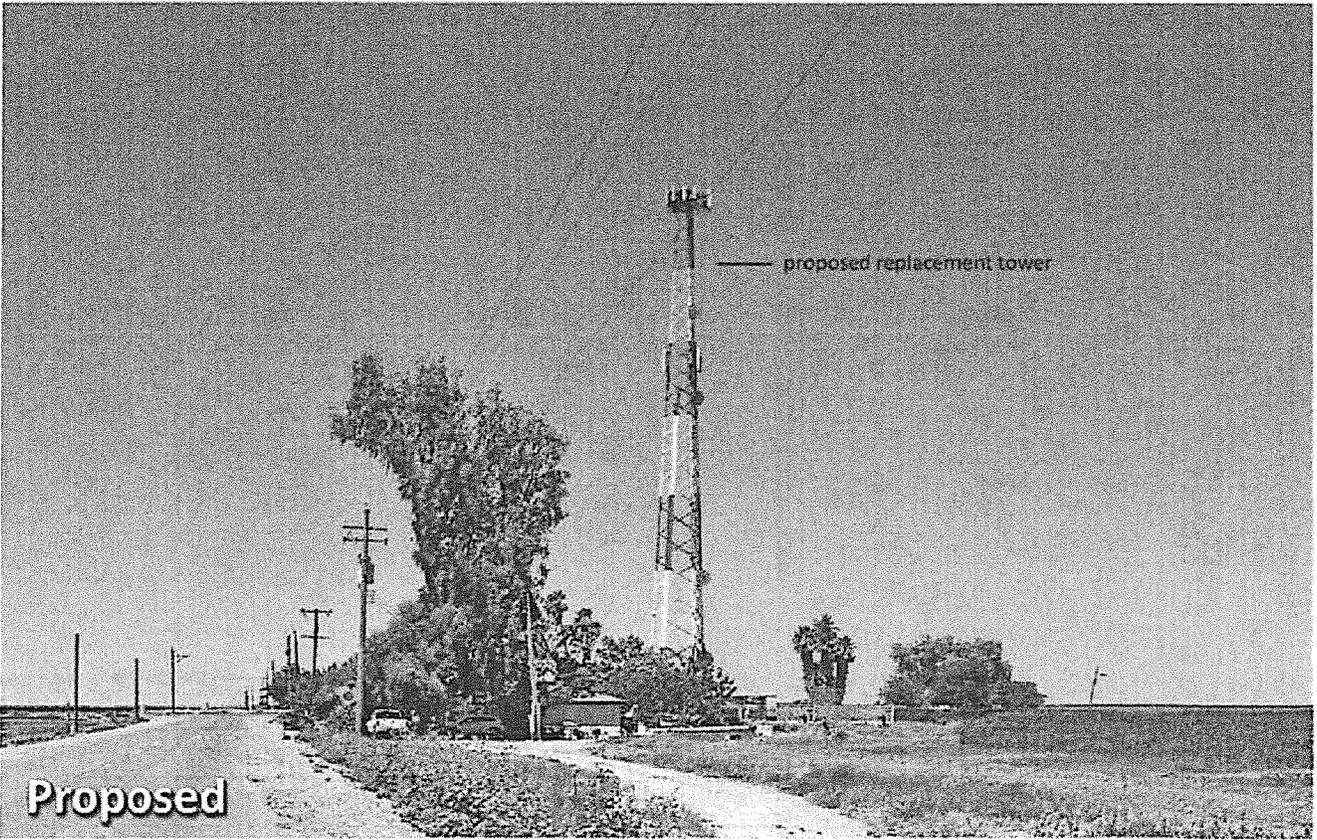
Existing



Proposed



Existing



Proposed

**Crown Castle • Proposed Base Station (Site No. 831177)
16858 West Elkhorn Avenue • Helm, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Crown Castle NG West LLC (“Crown Castle”), a wireless telecommunications facilities provider, to evaluate the base station operations proposed to be located at 16858 West Elkhorn Avenue (Site No. 831177) in unincorporated Fresno County, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

Crown Castle proposes to install directional panel antennas on a tall lattice tower to be located at 16858 West Elkhorn Avenue in unincorporated Fresno County. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive limit for exposures of unlimited duration at several wireless service bands are as follows:

Wireless Service Band	Transmit Frequency	“Uncontrolled” Public Limit	Occupational Limit (5 times Public)
Microwave (point-to-point)	1–80 GHz	1.0 mW/cm ²	5.0 mW/cm ²
Millimeter-wave	24–47	1.0	5.0
Part 15 (WiFi & other unlicensed)	2–6	1.0	5.0
CBRS (Citizens Broadband Radio)	3,550 MHz	1.0	5.0
BRS (Broadband Radio)	2,490	1.0	5.0
WCS (Wireless Communication)	2,305	1.0	5.0
AWS (Advanced Wireless)	2,110	1.0	5.0
PCS (Personal Communication)	1,930	1.0	5.0
Cellular	869	0.58	2.9
SMR (Specialized Mobile Radio)	854	0.57	2.85
700 MHz	716	0.48	2.4
600 MHz	617	0.41	2.05
[most restrictive frequency range]	30–300	0.20	1.0

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The



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DEVELOPMENT SERVICES DIVISION

**Crown Castle • Proposed Base Station (Site No. 831177)
16858 West Elkhorn Avenue • Helm, California**

transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided, including zoning drawings by Streamline Engineering and Design, Inc., dated May 7, 2019, Crown Castle presently has a 195-foot lattice tower located about 100 feet north of the residence at 16928 West Elkhorn Avenue in unincorporated Fresno County, about 23 miles south of the Helm crossroads.

Crown Castle proposes to remove the existing tower and to install fifteen* directional panel antennas – three CommScope Model SBNHH-1D65A, six Kathrein Model 800-10121, three RFS Model APXVAARR24, and three CommScope Model TMBX-6516 – on a new 195-foot lattice tower to be sited about 85 feet east of the existing tower, about 25 feet north of the residence located at 16858 West Elkhorn. The SBNHH-1D65A and 800-10121 antennas would be mounted at an effective height of about 193 feet above ground, and would be oriented in identical groups of three toward 85°T, 207°T, and 327°T, to provide service in all directions. The APXVAARR24 and TMBX-6516 antennas would be mounted at an effective height of about 133 feet above ground, and would be oriented in pairs (one of each) toward 60°T, 180°T, and 300°T, to provide service in all directions.

* Based on information received subsequent to the date of the drawings.



**Crown Castle • Proposed Base Station (Site No. 831177)
16858 West Elkhorn Avenue • Helm, California**

AT&T Mobility proposes to operate from the upper nine antennas, and for the limited purpose of this study, it is assumed that the antennas would employ up to 18° downtilt and that the maximum effective radiated power in any direction from the AT&T operation would be 3,790 watts for PCS, 830 watts for cellular, and 730 watts for 700 MHz service.

T-Mobile West LLC proposes to operate from the lower six antennas, and for the limited purpose of this study, it is assumed that the antennas would employ up to 12° downtilt and that the maximum effective radiated power in any direction from the T-Mobile operation would be 11,060 watts, representing simultaneous operation at 5,560 watts for AWS, 2,270 watts for PCS, 1,690 watts for 700 MHz, and 1,540 watts for 600 MHz service.

Also proposed to be located on the tower are four microwave “dish” antennas, for interconnection of this site with others in the carriers’ networks. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed operation of both AT&T and T-Mobile, including the contribution of the microwave antennas, is calculated to be 0.013 mW/cm², which is 2.0% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building[†] is 2.3% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

No Recommended Compliance Measures

Due to their mounting locations and height, the Crown Castle antennas would not be accessible to unauthorized persons, and so no measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T, T-Mobile, and Crown Castle will take adequate steps to ensure that their employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned’s professional opinion that these operations on the tower proposed by Crown Castle NG West LLC at 16858 West Elkhorn Avenue in Fresno County, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing

[†] Including the nearby residences.

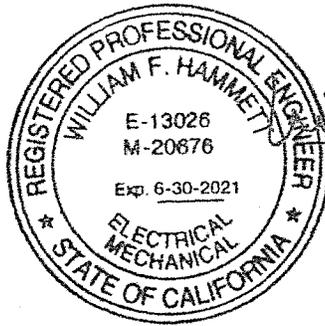


**Crown Castle • Proposed Base Station (Site No. 831177)
16858 West Elkhorn Avenue • Helm, California**

standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2021. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



William F. Hammett
William F. Hammett, P.E.
707/996-5200

July 31, 2019



HAMMETT & EDISON, INC.
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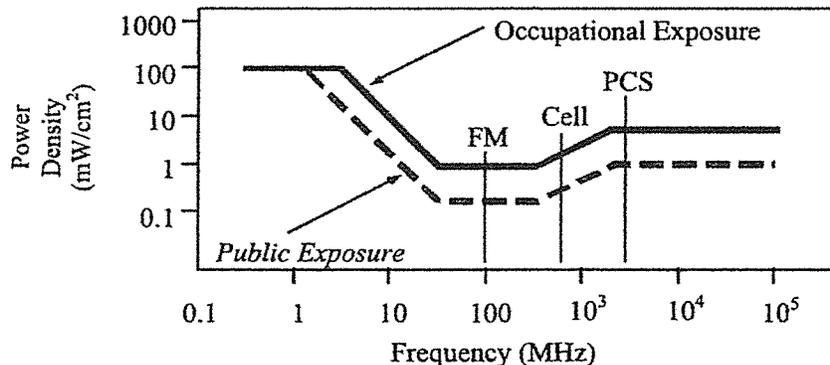
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FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (<i>f</i> is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√ <i>f</i>	<i>1.59√f</i>	√ <i>f</i> /106	<i>√f/238</i>	<i>f/300</i>	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of antenna, in degrees,

P_{net} = net power input to antenna, in watts,

D = distance from antenna, in meters,

h = aperture height of antenna, in meters, and

η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

where ERP = total ERP (all polarizations), in kilowatts,

RFF = three-dimensional relative field factor toward point of calculation, and

D = distance from antenna effective height to point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula is used in a computer program capable of calculating, at thousands of locations on an arbitrary grid, the total expected power density from any number of individual radio frequency sources. The program also allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings, to obtain more accurate projections.