



Planning Commission Staff Report
Item # 3, October 3, 2024
Administrative Use Permit No. PA-2300166
Prepared by: Nancy Arroyo

PROJECT SUMMARY

Applicant Information

Property Owner: San Joaquin River Club Inc.
Project Applicant: Vertical Bridge and Assurance Development (c/o Adrian Culici)

Project Site Information

Project Address: 30000 S. Kasson Road, Tracy
Project Location: Located at the San Joaquin River Club property on the northeast side of S. Kasson Road, at the southern terminus with E. Durham Ferry Road/S. Airport Way, east of Tracy.

Parcel Number (APN):	241-150-01	Water Supply:	Private (Well)
General Plan Designation:	OS/RC and A/G	Sewage Disposal:	Private (Septic System)
Zoning Designation:	AG-40	Storm Drainage:	Private
Project Size:	2,046 square feet	100-Year Flood:	Yes (Portions AE, X (500), and X)
Parcel Size:	411.96 acres	Williamson Act:	No
Community:	None	Supervisory District:	5

Environmental Review Information

CEQA Determination: Exempt from CEQA pursuant to Section 15303, (Class 3)

Project Description

This project is an Administrative Use Permit application to construct a 100-foot-tall monopole telecommunications tower with related equipment within a 2,046 square foot lease area on an existing parcel developed with residential uses known as the San Joaquin River Club.

Recommendation

1. Adopt the Findings for Administrative Use Permit (Attachment H) and approve Administrative Use Permit No. PA-2300166 with recommended Conditions of Approval (Attachment I) contained in the Staff Report.

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NOTIFICATION & RESPONSES

(See Attachment C, Response Letters)

Public Hearing Notices

Legal ad for the public hearing published in the Stockton Record: September 23, 2024.

Number of Public Hearing notices: 543

Date of Public Hearing notice mailing: September 20, 2024.

Referrals and Responses

- **Project Referral with Environmental Determination Date:** August 7, 2023

Agency Referrals	Response Date - Referral
County Departments	
SJC Supervisor: District 5	
SJC Agricultural Commissioner	
Assessor	
Building Division	
Environmental Health	August 31, 2023
Fire Prevention Bureau	
Mosquito Abatement	
Public Works	October 24, 2023
Sheriff Office	
SJC Sheriff Communications Director	
Tracy Rural Fire District	
New Jerusalem Elementary	
Tracy Unified School District	
State Agencies	
CA Fish & Wildlife Region:2	
Air Pollution Control District	
CA Division of Aeronautics	
CA Native American Heritage Commission	
Federal Agencies	
Federal Aviation Administration	August 23, 2023
Federal Emergency Management Agency	

Agency Referrals	Response Date - Referral
Local Agencies	
S.J.C.O.G.	August 8, 2023
Airport Land Use Commission	August 8 2023 & September 29, 2023
Mosquito & Vector Control	
San Joaquin Farm Bureau	August 8, 2023
2085 Kasson Reclamation District	
New Jerusalem Airport Services	
Miscellaneous	
Buena Vista Rancheria	
Haley Flying Service	
North Valley Yokuts Tribe	
United Auburn Indian Community	August 7, 2023
Precissi Flying Services	
Sierra Club	
AT&T	
PG&E	August 8, 2023, & August 28, 2023

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ANALYSIS

Background

The subject parcel, located east of Tracy, is known as the San Joaquin River Club, a 411.96-acre legal lot currently developed with approximately 430 residences in the AG-40 (General Agriculture, 40-acre minimum) zone.

On July 21, 2023, Vertical Bridge applied for a cell tower to be developed within a 2,046-square-foot lease area. Access to the site is proposed through a new 20-foot-wide, non-exclusive access and utility easement on the east side of Kasson Road, approximately 320 feet north of E. Durham Ferry Road and approximately 2,005 feet south of existing access driveway for the community. This proposed easement will not impact the existing developed areas or roadways.

Alternative Site Review

The applicant reviewed five alternative sites prior to submitting this application. (See Attachment B.) Two alternative locations within the San Joaquin River Club property were not sufficient based on a lack of adequate space, access to power, or access to telecommunication utilities necessary to establish a telecommunication tower and related equipment. Three off-site alternatives were not viable for development based on site conditions or the inability to obtain a lease agreement. As a result, Vertical Bridge selected the subject location as the most viable site.

Telecommunications Act of 1996

Pursuant to the Telecommunications Act of 1996, *T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987, and a related line of cases, the County shall not deny an application for a wireless communication facility, such as a cell tower, if the applicant has shown that there is a significant gap in cellular coverage and that the proposed location is the least intrusive means to close that gap unless the County can show the “existence of a potentially available and technologically feasible alternative to the proposed location.” With this application the applicant provided coverage maps, depicting limited service in the tower area, as well as projected service maps with the tower in operation, which show increased coverage throughout the area. As a result, the proposed location will be able to adequately fill the existing radio frequency service gap.

Pursuant to the Telecommunications Act of 1996 and *T-Mobile USA Inc. v. City of Anacortes*, 572 F.3d 987, and a related line of cases, the County has no discretion to deny the application.

Opposition Letters

The Community Development Department received opposition letters from 18 resident members of the San Joaquin River Club and a support letter from 1 resident member of the San Joaquin River Club.

The opposition stated concerns regarding the application and impacts on habitat, aesthetics, health, and property taxes.

Application:

The opposition stated concern regarding the signee of the application's authority to sign on behalf of the San Joaquin River Club.

Staff and counsel reviewed the statement of information for the San Joaquin River Club, which was signed by the Chief Executive Officer for the San Joaquin River Club. Staff determined that the application was complete and sufficient to move forward with processing the application. Additionally, there is a lease agreement in place between the San Joaquin River Club and Vertical Bridge, which provided Vertical Bridge permission to apply to permit the cell tower in the proposed location.

Habitat:

The opposition states concern regarding potential impacts to existing habitat, the tower was exempt from California Environment Quality Act (CEQA) review under Section 15303 (Class 3 Categorical Exemption) that allows for the construction of small structures without environmental review (see Attachment G). Although the project is exempt from CEQA, the San Joaquin Council of Governments determined that the project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP is included as a recommended Condition of Approval.

Aesthetics:

The opposition has concerns that the proposed cell tower would impose upon the California Historic Landmark #777, Rainbow Lake views, and the Altamont Hills. The California Historic Landmark #777 is a plaque commemorating a river town that was established in 1849, which is located on the east side of Kasson Road approximately 2,800 feet from the proposed project site. Pursuant to General Plan Table 12-2, the proposed project is not located along a Local Scenic Roadway.

The applicant proposes to paint the telecommunication tower green, so that it can blend into the surrounding environment. All facilities must be designed to visually blend into the surrounding area pursuant to Development Title Section 9-411.050(a)(6) and the concealment of the telecommunication tower is included as recommended Condition of Approval, and the applicant proposes to paint the telecommunication tower green to blend into the surrounding environment, which includes many trees. Since the tower will be concealed and is not directly adjacent to the California Historic Landmark #777, it is not anticipated to have any significant impacts on aesthetics, scenic views, or historic landmarks.

Health:

Regarding potential health impacts from radio frequency emissions, pursuant to Section 704 (a) of the Telecommunications Act 47 U.S.C Section 332(c)(7)(iv), "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." The development project will be required to comply with Federal Communications Commission (FCC) regulations regarding radio frequency emissions and the Community Development Department is preempted from basing any decision on the environmental effects of radio frequency and electromagnetic waves related to installation of the proposed telecommunication tower. Vertical Bridge contracted an independent consultant, Hammett & Edison, Inc., Consulting Engineers to ensure the Telecommunication Tower will comply with the Federal Communications Commission (FCC) guidelines limiting public exposure to radio frequency energy (Attachment C). The consultants determined the tower proposed will emit radio frequency lower than FCC standards.

Property Taxes:

Regarding potential impacts to property taxes from the proposed tower, property taxes are outside the purview of the Development Title and the Community Development Department. As a result, property taxes were not considered by Community Development Department staff.

CEQA Exemptions

The Community Development Department determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3, Categorical Exemptions) apply to the projects consisting of construction and location of limited numbers of new, small facilities or structures that have been determined to not have a significant impact on the environment. The proposed telecommunications tower is a small structure consistent with this exemption. As a result, if the project is approved, a Notice of Exemption will be filed.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Adopt the Findings for Administrative Use Permit (Attachment H) and approved Administrative Use Permit No. PA-2300166 with recommended Conditions of Approval (Attachment I) contained in the Staff Report.

Attachments:

Attachment A – Site Plan
Attachment B – Alternative Site
Attachment C – Agency Response Letters
Attachment D – Support and Opposition Letters
Attachment E – Telecommunication Coverage
Attachment F – Radio Frequency Exposure Report
Attachment G – Notice of Exemption
Attachment H – Findings
Attachment I – Conditions of Approval

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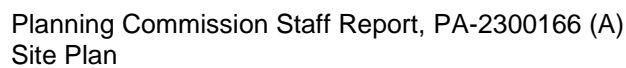
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Attachment A **Site Plan**

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Attachment B **Alternative Site**

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Adrian Culici
Assurance Development obo Vertical Bridge
aculici@assurance-group.com
323-573-0045

1499 Huntington Dr. Suite 305
South Pasadena, CA 91030

Alternative Site Map – Search Ring Area



Proposed Site - San Joaquin River Club – 30000 Kasson Road Tracy, CA 95304 (APN 241150010)

- The chosen site candidate meets jurisdiction requirements, has adequate space, access to power and telco utilities to establish a multi-user Wireless Telecom Facility
- The site is located near the periphery of the search ring to place it as far away from residential uses as possible and still be able to close the RF service gap in the surrounding residential area.

Vertical Bridge Project Name: CA-5391

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Attachment C **Agency Response Letters**

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Department of Public Works

Fritz Buchman, Director

Alex Chetley, Deputy Director – Development
Kristi Rhea, Deputy Director - Administration
David Tolliver, Deputy Director - Operations
Najee Zarif, Deputy Director - Engineering

October 24, 2023

MEMORANDUM

TO: Community Development Department
CONTACT PERSON: Nancy Arroyo

FROM: Christopher Heylin, Development Services Engineer
Development Services Division

SUBJECT: PA-2300166 (A): An Administrative Use Permit application for a 100 foot monopole Telecommunications Tower with related equipment within a 2,046 square foot lease area; located on the northeast corner of Kasson Road and Durham Ferry Road, Tracy. (Supervisory District 5)

OWNER: San Joaquin River Club, Inc. APPLICANT: Vertical Bridge

ADDRESS: 30000 Kasson Road, Tracy APN: 241-150-01

INFORMATION:

The site is not currently located within a Federal Emergency Management Agency Designated Flood Hazard Area.

Airport Road has an existing right-of-way width of 80-100 feet and a planned right-of-way width of 84-110 feet.

Kasson Road has an existing and planned right-of-way width of 80 feet.

RECOMMENDATIONS:

- 1) A County encroachment permit shall be required for all work within the County road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
- 2) Prior to issuance of the building permit, the driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17 [return radii for truck-trailer egress shall be designed to prevent encroachment onto opposing lanes of traffic]. (Development Title Section 9-607.040)

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PA-2300166 (A)

- 3) The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
- 4) The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- 5) A copy of the Final Site Plan shall be submitted prior to release of building permit.
- 6) The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)

CH:GM



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Environmental Health Department

Jasjit Kang, REHS, Director

Muniappa Naidu, REHS, Assistant Director

PROGRAM COORDINATORS

Jeff Carruesco, REHS, RDI

Willy Ng, REHS


Steven Shih, REHS

Elena Manzo, REHS

Natalia Subbotnikova, REHS

August 31, 2023

To: San Joaquin County Community Development Department
Attention: Nancy Arroyo

From: Aldara Salinas; (209) 616-3019 
Environmental Health Specialist

RE: **PA-2300166 (A), Referral, SU0015739**
30000 Kasson Rd., Tracy

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified.

1. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD (San Joaquin County Development Title, Section 9-605.010 & 9-601.020).
2. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i)).

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SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0574 • Email: boyd@sjcog.org

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Nancy Arroyo, San Joaquin County, Community Development Department
From: Laurel Boyd, SJCOG, Inc. Phone: (209) 235-0574 Email: boyd@sjcog.org
Date: August 8, 2023
Local Jurisdiction Project Title: PA-2300166 (A)
Assessor Parcel Number(s): 241-150-01
Local Jurisdiction Project Number: PA-2300166 (A)
Total Acres to be converted from Open Space Use: Unknown
Habitat Types to be Disturbed: Urban Habitat Land
Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Arroyo:

SJCOG, Inc. has reviewed the project referral for PA-2300166 (A). This project consists of an Administrative Use Permit application for a 100 foot monopole telecommunications tower with related equipment within a 2,046 square foot lease area. The property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture) and OS/RC (Resource Conservation). The project site is located on the northeast corner of Kasson Road and E. Durham Ferry Road, Tracy (APN/Address: 241-150-01 / 30000 Kasson Road, Tracy).

San Joaquin County is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project is subject to the SJMSCP. This can be up to a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcog.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or

2 | S J C O G , I n c .

c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0574.



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San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: PA-2300166 (A)

Landowner: San Joaquin River Club, Inc.

Applicant: Vertical Bridge

Assessor Parcel #s: 241-150-01

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Nancy Arroyo

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



Robert Rickman
CHAIR

David Bellinger
VICE-CHAIR

Diane Nguyen
EXECUTIVE DIRECTOR

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LATHROP,
LODI,
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August 8, 2023

Community Development Department
1810 E Hazelton Ave.,
Stockton, CA 95205

**SUBJECT: COUNTY NEEDS TO NOTIFY APPLICANT OF APPLICATION
FEE FOR ALUC REVIEW OF PROJECT IDENTIFIED AS PA-2300166 (A)**

Dear Nancy Arroyo:

The purpose of this letter is to notify you that the Airport Land Use Commission (ALUC) has received the application PA-2300166 (A) which requires payment of \$1,851.35 application fee in order to begin ALUC review. According to Sections 21671.5, 21675, and 21679.5 of the Public Utilities Code, the Airport Land Use Commission (ALUC) is required to review actions and projects within airport influence areas for conformance with the relevant Airport Land Use Compatibility Plan (ALUCP). The ALUC has determined that the project is within an airport influence area. As the lead agency, please notify the applicant of the fee amount and instructions for payment to the applicant (as described below).

ALUC APPLICATION FEE AMOUNT: \$1,851.35

**Deadline to receive payment (two weeks from the date of this letter):
August 22, 2023**

**CHECK IS TO BE PAYABLE TO SAN JOAQUIN COUNCIL OF
GOVERNMENTS. (Instruct applicant to write the Project No. on the check).**

**CHECK CAN BE DELIVERED TO SJCOG'S OFFICES OR
MAILED TO:**

San Joaquin Council of Governments
Attention: ALUC Application Fee, Project No. PA-2300166 (A)
555 E. Weber Avenue
Stockton, CA 95202
(Instruct applicant to write the Project No. on the check).

SJCOG offices are opened to the public on Tuesdays, Wednesdays, and Thursdays from 8:00 am to 5:00 pm.

Nancy Arroyo
Page 2 of 2
8/8/2023

The fee is determined by the permit type listed in the 2022 ALUC Fee Schedule available on the San Joaquin Council of Governments (SJCOC) website
<https://www.sjcog.org/DocumentCenter/View/7349/ALUC-Fee-Schedule-2022>
As stated earlier, ALUC will not perform any review of an application within the airport influence without payment of the application fee.

Please contact ALUC staff Isaiah Anderson (209-235-0452 or aluc@sjcog.org) if you have any questions regarding this letter.

Sincerely,

Isaiah Anderson

Isaiah Anderson

Associate Regional Planner



David Bellinger
CHAIR

Diane Lazard
VICE-CHAIR

Diane Nguyen
EXECUTIVE DIRECTOR

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September 26, 2023

Nancy Arroyo
Development Services Department
1810 E Hazelton Ave.,
Stockton, CA 95205

Re: PA-2300166 (A)

Dear Nancy Arroyo,

The San Joaquin Council of Governments (SJCOC), acting as the Airport Land Use Commission (ALUC), has reviewed An Administrative Use Permit application for a 100 foot monopole Telecommunications Tower with related equipment within a 2,046 square foot lease area.

AIRPORT LAND USE COMMISSION'S REVIEW

This project is in the New Jerusalem Airport Influence Area.

SJCOC, as ALUC, finds that this project is compatible with the 2018 San Joaquin County Airport Land Use Compatibility Plan (ALUCP) (<https://www.sjcog.org/ALUC>) with the following conditions: Refer to and comply with FAA Determination letter. (Attached)

SJCOC would like to provide standards and project design conditions that comply with the Airport Land Use Compatibility Plan as a reference guide. *Note: Jurisdictions determine if the following standards and conditions apply to this project.*

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
 - a. Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs).
 - b. Sources of dust, steam, or smoke which may impair pilot visibility.
 - c. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
 - d. Occupied structures must be soundproofed to reduce interior noise to 45 decibels (dB) according to State guidelines.
 - e. Within the airport's influence area, ALUC review is required for any proposed object taller than 100 feet above ground level (AGL).

Nancy Arroyo
Page 2 of 2
9/26/23

2. Regardless of location within San Joaquin County, ALUC review is required in addition to Federal Aviation Administration (FAA) notification in accordance with Code of Federal Regulations, Part 77, (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) for any proposal for construction or alteration under the following conditions:
 - a. If requested by the FAA.
 - b. Any construction or alteration that is more than 200 ft. AGL at its site.
 - c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
 - ii. 50 to 1 for a horizontal distance of 10,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway no more than 3,200 ft.
 - iii. 25 to 1 for a horizontal distance of 5,000 ft. of the nearest takeoff and landing area of a public use heliport
 - d. Any highway, railroad, or other traverse way whose prescribed adjusted height would exceed the above noted standards.
 - e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

Thank you again for the opportunity to comment. Please contact ALUC staff Isaiah Anderson (209-235-0452 or ianderson@sjcog.org) if you have any questions or comments.

Sincerely,

Isaiah Anderson

Isaiah Anderson
Associate Regional Planner



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San Joaquin County Airport Land Use Commission (ALUC)

Certificate of Payment PA-2300166 (A)

David Bellinger
CHAIR

Diane Lazard
VICE-CHAIR

Diane Nguyen
EXECUTIVE DIRECTOR

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MANTEGA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF SAN
JOAQUIN

This Certificate of Payment serves as acknowledgement for payment of development fee pursuant to SJCOG Resolution R-20-15 ALUC Fee Schedule. The project and fee amount paid are provided below.

Project: 100' monopole development

Project Jurisdiction: San Joaquin County

Assessor Parcel Number(s): 241-150-01

Payment Date: 8/29/23

Fee Amount: \$1,851.35

Total Amount Paid: \$1,851.35

Certificate Prepared By: Isaiah Anderson

Payment Received By Signature: *Isaiah Anderson*

Date: 9/26/23



SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

August 8th, 2023

San Joaquin County Community Development Department
Development Services Division
Attn: Nancy Arroyo
1810 E. Hazelton Avenue
Stockton, CA 95205

RE: PA- 2300166 (A)

Dear Ms. Arroyo:

The San Joaquin Farm Bureau Federation is a private, not for profit, volunteer organization. The Farm Bureau is San Joaquin County's oldest agricultural organization, dedicated to the promotion and advancement of agriculture for over one hundred years. We would like to express our concern regarding this application, a Site Approval for an unmanned telecommunications project to include a 100-foot tower with associated ground equipment.

Aerial sprayers provide many valuable services to both the agricultural industry and to the community at large. In agriculture, we use crop dusters to eliminate crop damaging pests and the County's Mosquito and Vector Control District also regularly uses aerial spraying for mosquito abatement purposes to control disease carrying insects for the public. Pursuant to the San Joaquin County Development Title¹, the proposed project shall not significantly displace or impair agricultural operations. Here, we have reservations about this project in a highly agricultural area that regularly utilizes the services of aerial sprayers. Following best agricultural practices, crop dusters fly lower than regular air traffic to maximize their efficiency and only spray the crop, eliminating drift to the greatest extent possible. Thus, we must make certain that the monopole communication tower is clearly marked and maintained to ensure adequate visibility to protect the aerial sprayers, so we can maintain the existing agricultural operations in the region.

As a condition of approval for this application, we recommend the county require that the applicant follow the FAA painting and lighting recommendations for structures that may pose a hazard to air navigation. The unique circumstances of the project and the site warrant such consideration and it would best serve the agricultural and public safety interests at stake. If you have any further questions, please do not hesitate to contact the Farm Bureau at (209) 931-4931.

Sincerely,

Andrew Watkins
SJFB President

3290 NORTH ADART ROAD • STOCKTON, CA • 95215 • (209) 931-4931 • (209) 931-1433 Fax

WWW.SJFB.ORG



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AWP-11199-OE

Issued Date: 08/23/2023

Richard Hickey
VB BTS II, LLC
750 Park of Commerce Dr, Suite 200
Boca Raton, FL 33487

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower US-CA-5391 Anastasio
Location:	tracy, CA
Latitude:	37-40-22.37N NAD 83
Longitude:	121-16-22.22W
Heights:	48 feet site elevation (SE) 110 feet above ground level (AGL) 158 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 02/23/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (424) 405-7641, or tamera.burch@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-11199-OE.

Signature Control No: 592981797-597296586
Tamera Burch
Technician

(DNE)

Attachment(s)
Additional Information
Frequency Data

cc: FCC

Additional information for ASN 2023-AWP-11199-OE

At a distance of 8.2 nautical miles from the site emissions from the 2496-2690 MHz transmitters must be less than -155 dBm in the 2700-3100 MHz Surveillance Radar frequency band.

BASIS FOR DECISION

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and en route procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency (5G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5G C band

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

Frequency Data for ASN 2023-AWP-11199-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
3700	3980	MHz	1640	W

Arroyo, Nancy [CDD]

From: DoNotReply@auburnrancheria.com
Sent: Monday, August 7, 2023 3:51 PM
To: Arroyo, Nancy [CDD]
Subject: PA-2300166 (A) Notification Confirmation
Attachments: Thank you for consulting with the UAIC.pdf



The United Auburn Indian Community thanks you for your commitment to consultation for the following project:

PA-2300166 (A)
Submission Date: 8/7/2023 8/7/2023 3:50:59 PM

You will find a copy of your consultation submission attached for your records.

Our Tribal Historic Preservation Department will review the project and respond as soon as possible. If you need to speak with someone regarding the project or your submission, please contact the Tribal Office at (530) 883-2390.

The United Auburn Indian Community is now accepting electronic consultation requests and project notifications. To learn more, [click here](#).

****This is an automated email. Replies to this address will not be received.**



August 8, 2023

Nancy Arroyo
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Ref: Gas and Electric Transmission and Distribution

Dear Nancy Arroyo,

Thank you for submitting the PA-2300166 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

August 28, 2023

Nancy Arroyo
County of San Joaquin
1810 E Hazelton Ave
Stockton, CA 95205

Re: PA-2300166
30000 Kasson Road

Dear Nancy Arroyo,

Thank you for providing PG&E the opportunity to review the proposed plans for PA-2300166 dated 8/7/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

Public

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SAN JOAQUIN
—COUNTY—
Greatness grows here.

Community Development Department

Planning · Building · Code Enforcement · Fire Prevention · GIS

Attachment D **Support and** **Opposition Letters**

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To whom it may concern,

RE: Application number PA-2300166(A)

I just received your letter in regards to the proposed cell tower to be located at 30000 Kasson Rd. Tracy, CA. I just want to say that I am in favor of this project. Cell service is terrible in this area and this will benefit many that live here as well as those driving through.

Thank you very much for the information.

Gary Boswell

30000-194 Kasson Rd.

Tracy, CA

Arroyo, Nancy [CDD]

From: Billy Dias <billyd84@yahoo.com>
Sent: Sunday, August 13, 2023 2:09 PM
To: Planning [CDD]
Subject: General Inquiry

Hello this message is in regards to apn# pa-2300166(a) . What would I need to do to voice my concerns against this tower being put up on our property , I'm a member of the San Joaquin river club and we are supposed to be a wildlife refuge, I was never asked to vote on this matter from the club I'm apart of and had no say on putting such an unsightly tower in front of of beautiful community , also being so close to my home , it would destroy the attractive natural beauty of the land , lakes , river not only destroy the wildlife and surrounding agriculture. Not only the beauty and nature will be hurt but the health effects are astronomical being so close to others homes and my home, I would like to stand against this project for my community I love and live in and would like to know what to do to push the topic in my community leaders to not approve this project .
Thank you ,

Yours truly, bill dias

Sent from my iPhone

Arroyo, Nancy [CDD]

From: Robin Bell White <robinb9rb@gmail.com>
Sent: Thursday, August 17, 2023 7:28 PM
To: Arroyo, Nancy [CDD]
Subject: Application Number PA-2300166 (A)

Dear Ms Arroyo,

I am writing in response to Application Number PA-2300166 (A), the application by Vertical Bridge of Boca Raton, Florida to place a 100 feet monopole Telecommunications Towers on the property of the San Joaquin River Club, Inc., Tracy California.

I am making this Freedom of Information Act request as a private citizen residing within the San Joaquin River Club for any and all information regarding the effects of the 5G millimeter microwave radiation that will be emitted from the planned telecommunications tower at the above location. I am requesting any and all papers, scientific studies, governmental surveys, private surveys, legal documents, medical information and anything else pertaining to the "safety" of or potential damage caused by the radiation emitted from all 5G telecommunications towers in this area including the one planned for the San Joaquin River Club property.

As you may know, the FCC has refused to comply with court orders to review the safety of cell phone radiation and electromagnetic radiation in general.

<https://childrenshealthdefense.org/defender/fcc-court-mandate-cellphone-radiation-guidelines/>

There is a wealth of information showing that EMFs are damaging to humans, animals, and all life within range of the EMF emissions.

<https://childrenshealthdefense.org/emr/emf-wireless-health-impacts/>

I am therefore requesting the above stated information, along with any and all information used to justify placing the telecommunications tower on the San Joaquin River Club property, in printable PDF format to the above email address: robinb9rb@gmail.com.

I look forward to your response.

Sincerely,
Robin Bell White
BA, RVT

Arroyo, Nancy [CDD]

From: Robin Bell White <robinb9rb@gmail.com>
Sent: Wednesday, August 23, 2023 4:35 PM
To: Arroyo, Nancy [CDD]
Subject: Re: Application Number PA-2300166 (A)
Attachments: image001.png; VID_20230821_183121_770.mp4; VID_20230821_183121_770.mp4

Hi Nancy,

Thank you for your quick response.

With regard to the telecommunications tower going in at the San Joaquin River Club, I would like to also submit this short video and request that you deny this application due to the harmful effects to everyone that lives close by, humans and animals alike.

VID_20230821_183121_770.mp4

If you are not able to view it, please let me know and I will send it a different way. It is from <https://emfscientist.org/>.

Thank you,

Robin Bell White
BA, RVT

On Fri, Aug 18, 2023, 4:09 PM Arroyo, Nancy [CDD] <narroyo@sigov.org> wrote:

Hello,

Thank you for this comment for PA-2300166 (A).

I will review.

Nancy Arroyo

Associate Planner

Community Development Department
Main Office: (209) 468-3121

Direct: (209) 468-3140

Fax: (209) 468-3163

Please also visit us On-line: <https://www.sigov.org/commdev>

Direct: (209) 468-3140

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From: Robin Bell White <robinb9rb@gmail.com>

Sent: Thursday, August 17, 2023 7:28 PM

To: Arroyo, Nancy [CDD] <narroyo@sjgov.org>

Subject: Application Number PA-2300166 (A)

Dear Ms Arroyo,

I am writing in response to Application Number PA-2300166 (A), the application by Vertical Bridge of Boca Raton, Florida to place a 100 feet monopole Telecommunications Towers on the property of the San Joaquin River Club, Inc., Tracy California.

I am making this Freedom of Information Act request as a private citizen residing within the San Joaquin River Club for any and all information regarding the effects of the 5G millimeter microwave radiation that will be emitted from the planned telecommunications tower at the above location. I am requesting any and all papers, scientific studies, governmental surveys, private surveys, legal documents, medical information and anything else pertaining to the "safety" of or potential damage caused by the radiation emitted from all 5G telecommunications towers in this area including the one planned for the San Joaquin River Club property.

As you may know, the FCC has refused to comply with court orders to review the safety of cell phone radiation and electromagnetic radiation in general.

<https://childrenshealthdefense.org/defender/fcc-court-mandate-cellphone-radiation-guidelines/>

There is a wealth of information showing that EMFs are damaging to humans, animals, and all life within range of the EMF emissions.

<https://childrenshealthdefense.org/emr/emf-wireless-health-impacts/>

I am therefore requesting the above stated information, along with any and all information used to justify placing the telecommunications tower on the San Joaquin River Club property, in printable PDF format to the above email address: robinb9rb@gmail.com.

I look forward to your response.

Sincerely,

Robin Bell White

BA, RVT

Arroyo, Nancy [CDD]

From: normaray05 <normaray05@aol.com>
Sent: Monday, August 28, 2023 8:27 PM
To: Arroyo, Nancy [CDD]
Subject: Cell tower at 30000 kasson rd. Tracy ca

Ms. Arroyo

My name is Fara Alvarez and I am a member of the San Joaquin River Club. I am writing to to ask that the final approval on the tower be postponed. We were not fully informed of the possible risks to our health or the explicit terms of the contract. The membership was not allowed a vote or input on such a huge undertaking and we did not give our consent. As additional landlords of the corporation of SJRC INC., we did not give the board of directors a power of attorney or proxy to decide on this issue for us. Please allow an emergency postponement of the application of approval so we can investigate this further and allow time for our attorney to review the the information in its entirety

Thank you

Fara Alvarez

Sent via the Samsung Galaxy S23 5G, an AT&T 5G smartphone

Arroyo, Nancy [CDD]

From: Beverly Plummer <bevplum1@caldsl.net>
Sent: Monday, August 28, 2023 11:47 AM
To: Planning [CDD]
Subject: General Inquiry

I received an Application Referral, application number PA-2300166 (A) Letter stated that comments regarding this project were to be sent to The Community Development Department.

Project Planner is Nancy Arroyo

I am against this cell tower project because I live at The San Joaquin River Club. We are a Membership community and these plans for a cell tower on our land were made by our Board of Directors with no inclusion of the Membership.

I understand that this is an internal problem, but we were asked to make our recommendations and comments on this project known so let it be known that for the above stated reason I do not want this project to go forward. Thank you, Beverly A Plummer, Member of The San Joaquin River Club

Get BlueMail for Android

Arroyo, Nancy [CDD]

From: monica smith <monicasmith2020@gmail.com>
Sent: Thursday, August 31, 2023 8:57 PM
To: Arroyo, Nancy [CDD]
Subject: Cell tower at 30000 kasson rd. Tracy ca

Ms. Arroyo,

My name is Monica Smith and I am a member of the San Joaquin River Club. I am writing to ask that the final approval on the tower be postponed.

We were not fully informed of the possible risks to our health or the explicit terms of the contract. The membership was not allowed a vote or to give input on such a huge undertaking and we did not give our consent. As additional landlords of the corporation of SJRC INC., we did not give the board of directors a power of attorney or proxy to decide on this issue for us.

The current SJRC President held an informal meeting last night 8/30/23 at 6:00pm where we as members were told we could ask questions. A representative from one of the companies involved with the tower contract was supposed to be at the meeting however he informed us that he could only attend by phone. This made it very difficult for us as members to adequately ask questions as well as it was very difficult for everyone to hear him.

We were not permitted to address the board but rather told we must submit our questions to the board for approval for our next monthly meeting. Unfortunately, our meeting will be after the deadline you posted on your letter to us which means we will not have the ability to address our concerns or the legal consequences of this contract with the board prior to your decision being made.

Please allow an emergency postponement of the application of approval so we can investigate this further and allow time for our attorney to review the information in its entirety.

One member was provided a copy of the contract on 8/17/2023, then the board provided us a copy at the town hall meeting last night. We have discovered discrepancies as well as changes in the contract after it was notarized, signatures from our former club president stating that he is the owner as well as the landlord to which he is neither, and we as members did not give him permission, consent, votes, or power of attorney to enter into this contract.

The board claims that they have talked about this deal for over two years yet the representative who spoke with us last night stated several times that they have been working on this deal for a year and at times he even stated less than a year.

Last night was the first time we as members/owners/landlords were not only furnished with the contract but able to speak about the project with the company.

Our community is full of full time residents with not only elderly individuals but children as well. The area in which they plan on placing the tower is approximately 120 feet away from the nearest home with other family residents not much further away. He claims that they should not be affected in any way yet would not provide evidence to support his claims that the tower is safe.

At the meeting last night several members asked the representative to disclose any and all hazards including RF levels however, he avoided answering the questions directly but rather said that there is no evidence of concerns.

We also brought up concerns about preventing potential accidents such as possible injuries if someone especially a child tries to climb the tower. We asked what measures they are taking to insure that the tower will not be accessible however he did not take our concerns seriously.

I apologize for the lengthy email however it is paramount that we have the ability in this matter as members/owners/landlords to take the necessary steps to ensure that our safety and wellbeing is being appropriately/legally represented by our board. As of current, we have not been provided full disclosure on this deal nor have we been provided the opportunity to vote on this per our bi-laws.

Thank you for your time.

Sincerely,

Monica Smith

209-612-6044

Arroyo, Nancy [CDD]

From: JASON SANTOS <santosjason7@aol.com>
Sent: Thursday, August 31, 2023 9:25 PM
To: Arroyo, Nancy [CDD]
Subject: 30000 Kasson rd Cell Tower

Good morning Nancy.

My name is Jason Santos, and live at 300000 Kasson Rd. I was notified 2 days ago, that there are plans to install a Cell tower, on the Property that I myself and others own. I do not authorize any cell tower to be put on our property, and the people who signed for it, has no legal right to have signed for it.

Please review all authorization for this project.

There are homes, right across the street from the purposed location.

The owners / Members, did not approve any of this, and plans to take legal action , if this project continues.

Thank you for your time.
From Jason Santos, 510-760-7759.
Santosjason7@aol.com.

San Joaquin County
Attn: Nancy Arroyo
PA-3200166 (A)

I am reaching out to you as a member/homeowner at the San Joaquin River Club Inc (member owned common interest development community) located at 30,000 Kasson Rd Tracy, CA 95304 regarding the application for permit submitted by Vertical Bridge.

First thing I would like to say is the San Joaquin River Club Inc is a nonprofit common interest development member owned established in 1939 with governing bylaws and resolutions. I don't feel comfortable this project is inline with our current guidelines for operation.

Please see governing resolution below.

JUNE 13, 1948 RESOLUTION TO PROHIBIT BORROWING FUNDS

Member Vern Newell presented the following resolution for adoption:

WHEREAS, the Club, i.e., San Joaquin River Club, Inc., was organized for pleasure and not pecuniary profit, and in its By-Laws did establish a well-defined program of development, coordinated with the funds

available and to become available from the sale of memberships and from other sources, and

WHEREAS, heretofore expenditures have been made and obligations have been incurred only from funds

available and on hand, and the aforesaid Club, happy and healthy, has been kept free and clear of indebtedness and obligations,

BE IT THEREFORE RESOLVED, that the Officers and Directors of this club, i.e., San Joaquin River Club,

Inc., be and they are, singularly and collectively, forever enjoined, restrained and prohibited from borrowing

any funds, or making any loans, or creating or establishing any indebtedness or obligations, for or on behalf

of this Club, in excess of funds on hand and available and unpledged or ear-marked for other purposes at the

time of such action, and further, that they be and hereby are, forever enjoined, restrained and prohibited from pledging and/or assigning any of the assets of this Club, except that any such loans, indebtedness,

obligations, pledges or assignments, may be made when first approved and authorized by THREE-FOURTHS (3/4) OF THE MEMBERS of said Club entitled to vote, represented in person or by proxy,

assembled in meeting, regular or special meeting, shall specifically state the amount of any proposed loan,

indebtedness, obligation, pledge or assignment, and the purpose for which the funds so to be received shall

be used. Upon a motion duly made, seconded and carried by a ballot count of 217 to 17, the motion was

adopted.

My strong opinion is that this project requires to be approved and authorized by THREE-FOURTHS (3/4) OF THE MEMBERS through a vote process, which never happened. Dan Diviney as president entered into contract as the Landlord of San Joaquin River Club Inc with Vertical Bridge without the required votes and approval of the other 600 members other than himself.

Sincerely appreciate you patients as we look into a remedy to resolve this situation.

Lisa Fowler
30,000 Kasson Rd #249
Tracy, CA 95304
(house 2H11 Lakeside Rd)
1(209)954-2805

Arroyo, Nancy [CDD]

From: John Prime <primetimejohn73@yahoo.com>
Sent: Monday, September 11, 2023 7:31 PM
To: Arroyo, Nancy [CDD]
Subject: PA-2300166(A)

Hi Nancy. My name is John Prime and I am a 27 year member of the San Joaquin River Club. It has been brought to my attention that there may be fraudulent actions that have been involved in this telecommunications tower project. The members as a whole have not been informed of most of the details of the contract. It is also my understanding that there was paperwork signed by a CEO/CFO of the SJRC. There is NOT a CEO/CFO of the SJRC. I respectfully ask you to NOT approve this application. There needs to be transparency with the entire SJRC membership. Thank you for your consideration. John Prime.

Sent from Yahoo Mail for iPhone

Arroyo, Nancy [CDD]

From: Terri Brown <terri@aimsforthefuture.com>
Sent: Wednesday, September 13, 2023 1:17 PM
To: Arroyo, Nancy [CDD]
Subject: San Joaquin River Club

Hello Mrs Arroyo,

My name is Terri and I am a member of the San Joaquin River Club. I have owned a home here for 26 plus years. I live here with my husband and children(both born and raised here). I am very concerned about the cell tower issues we are now just finding out about. I have had zero communication about what the plan is and I have to say I am not for it. Dan Diveny was a voted in board member who is no longer on the board. I not now nor have I ever given Mr Diveny permission to make such decisions for me or my family.

Please, I am asking you to put this matter on hold until we as a membership to figure out what legally we can do.

Thank you for your time
Terri Brown

Arroyo, Nancy [CDD]

From: crashh1968 <crashh1968@yahoo.com>
Sent: Wednesday, September 13, 2023 6:28 PM
To: Arroyo, Nancy [CDD]
Subject: San Joaquin River Club

Hello Nancy,

Im writing to you regarding what is going on in the San Joaquin River Club. I've lived here for 26 years and been coming out her since I was about 13 years old. Back then it was to visit my Grandfather and my Great Aunts and Uncles. For the past 26 years it's been my families home as well as my Moms, Sisters and Aunts & Uncles. I haven't ever seen such shadyness and sketchy behavior as I'm seeing now with the past board of directors and this Alligent cell phone place. Dan Diviny nor Gary Boswell have the authority to make decisions for us. All decisions are supposed to go up before the members for a vote. This did not, Dan can't make financial decisions for the club, he can not take out a loan or lease any of our property that goes against our bylaws.

I along with alot of other members are in fear of possibly losing our homes to this mess and its very scary. The board says we got letters that we didn't get, and are continously have board meetings that the members are not aloud to join. I beg you to please not let this go thru.

Thank you so much for your time,
Jacquie Forbess, associate member of the SJRC
209 834 6999
crashh1968@yahoo.com

Sent from my Verizon, Samsung Galaxy smartphone

Arroyo, Nancy [CDD]

From: martinjimmie399 <martinjimmie399@gmail.com>
Sent: Thursday, September 14, 2023 2:54 PM
To: Arroyo, Nancy [CDD]
Subject: SJRC INC

HiNancy

Club member 596H my name is Jimmie Martin I was a San Joaquin River Club board member and director from July 2019 to July 2023 and secretary from 2022 to 2023 I am writing this letter to you on the cell tower information changes no membership vote on subleasing contract at 30,000 Kasson Road the board as a whole did not have all the information and changes that we needed . 2 board members were put in charge of contract research and lawyers . we never got to see the final contract nor did the membership and no vote taken . I'm not against the cell tower I do not agree with the location and some of the facts and the full disclosure to the membership was not given or a vote taken by the membership for our bylaws it was a violation of our bylaws I did not give Dan Diviney or anyone else my proxy or power of attorney to vote or sign for me I was not aware of the letter dated April 26 2023 again Dan diviney is not our landlord he's a 1% share holder just like we all are

Thank you Jim L. Martin
209 407 9290

Sent via the Samsung Galaxy A51 5G, an AT&T 5G smartphone

Arroyo, Nancy [CDD]

From: failetracy@aol.com
Sent: Friday, September 15, 2023 12:49 PM
To: Arroyo, Nancy [CDD]
Subject: Regarding US-CA-5391

Dear Project Planner Nancy Arroyo,

My name is Alene Faile, I am a member here at the San Joaquin River Club Inc.
Recently our Board of Directors illegally made a Business contract with Assurance Development/Assurance Reality and Vertical Bridge BITS II LLC
Assurance Development filed an application with your department Community Development pertaining to tenant VB BITS II, LLC 750 Park of Commerce Drive suite 200 Boca Raton, Florida 33487.
I am writing to you because the Board of Directors have conducted an illegal business practice with the help of Assurance Development Company.
The illegal business practices the Board of Directors have taken are against our bylaws and against the Oath they took when after they were voted in July 2023, by the members of The San Joaquin River Club inc.
The Board of Directors never had a members vote on this Business transaction concerning the lease agreement Dan Diviney signed on April 25, 2023.
*Our Bylaws also state all Business decisions have to be approved by vote of members having a 3/4 % of membership in attendance held at a townhall meeting.
*see attachment
No Townhall meeting for a vote by membership ever took place.
Only up until this month or so the lease contract was revealed to members, it was not only caught off by surprise but, it was very disheartening.
The deceitful handling by our Board of directors was blatant corruption, purposely misleading verbal information from the beginning to members at Board meetings around about July 2022 to about September 2023.
At a early September 2023 special meeting conducted by our Board President Jeremy Levin was held. Because, a high membership pushback regarding the lease contract, many members wanted answers.
Unfortunately The Board of Directors and Assurance Development representative (on phone) , were not totally forthcoming to members concerning this contract lease recently laid at our feet.
The health risks were addressed and many members were pleased in that aspect but many members were still concerned with how the wording in the contract was done and how members were not allowed a proper vote on it.
I did not vote yes for this lease contract.
I was never given a chance to vote on it.....period.
I wasnt allowed to review the lease contract before it was signed by Dan Diviney then President of Board of Directors and currently seated as member of the Board of Directors.

My voice matters, my decision was taken from me illegally and the Cell Tower application has to be not only denied but investigated by the County or FCC/FTC.
I will be reaching out to FCC/FTC to file a complaint and ask for an investigation into this illegal lease contract.
Please consider my request for this Cell Tower Application site number US-CA-5391 to be denied.

Thank you for your consideration
Respectfully Submitted
Arlene Lily Faile
Member 378D
30000-17 Kasson Rd
Tracy Ca 95304

Homesite: 1A110 Redwood Dr.
Tracy Ca 95304
1(209)200-2550

Sent from AOL on Android

Arroyo, Nancy [CDD]

From: Dorothy Womack <riverclublady@gmail.com>
Sent: Sunday, September 3, 2023 3:57 PM
To: Arroyo, Nancy [CDD]
Cc: Rickman, Robert [BOS]
Subject: Application Number PA-2300166 (A)

This is a request for delay in the above application from Vertical Bridge.

At this time San Joaquin River Club is not in a position to go forward based on my concerns as follows;

1. There has not been a financial plan put into place to protect the club from Assurance Development, a acquisition company. Our club board has not researched costs or the effect this would have on our non-profit status. When questioned in a townhall meeting, Dan Diviney, the signer of the contract stated, "we will just pay more taxes." This was the only answer to a financial plan as the board admitted not having one in place. We are a very special community that over the years has afforded to allow low cost housing. If we should lose this to the lack of planning several families, the majority low income and senior citizens would be forced out of their homes. A state concerned about homeless may be adding to another housing situation.

2. I also did not find any information on Seismic studies. Several homes are in the direct path of this proposed 100 foot tower which could fall on their homes along with a high traffic intersection that is a thoroughfare for school busses, emergency vehicles and heavy commute traffic. Lives are at risk without the knowledge or study of the ground stability.

3. A report is being forwarded to the Secretary of State with concerns regarding proper notary procedures.

As this email indicates the San Joaquin River Club has issues that need to be resolved. Therefore it is respectfully requested a delay of at least one calendar year be granted.

Sincerely,

Dorothy Womack

Member 96H

San Joaquin River Club

209-606-4165

Arroyo, Nancy [CDD]

From: Daryl Reese <daryl@darylreeselaw.com>
Sent: Wednesday, October 11, 2023 9:05 AM
To: Arroyo, Nancy [CDD]
Cc: 'Monica Smith (Work)'; Zachary Stephens; Ashley Crosland
Subject: RE: Cell tower at 30000 kasson rd. Tracy ca

Hi Nancy,

On behalf of our client, we will be requesting that the County deny the application for the cell tower at 30000 Kasson Rd in Tracy due to the lack of corporate authority to file the request with the County and to enter the contract in the first place.

The bylaws of the corporation restrict the corporation's authority regarding its purpose, and renting land to a third-party is not permitted. In addition, the application to the County includes a significant misrepresentation from the applicant, who did not have the corporate authority to sign on behalf of the corporation, nor to represent that he was the property owner.

In light of the above, can you please provide me with the appropriate contact information at County Counsel's office so that I can communicate our objection directly to that person?

Thank you,
Daryl

Note: I will be out of the office and unavailable from October 16 through October 27.

~~~~

Daryl J. Reese  
Attorney at Law



DARYL  
REESE

3843 Brickway Blvd. Ste 204  
Santa Rosa, CA 95403  
(707) 858-5000 phone  
(707) 851-0858 fax  
[daryl@darylreeselaw.com](mailto:daryl@darylreeselaw.com)  
<https://darylreeselaw.com>

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**Arroyo, Nancy [CDD]**

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**From:** Craig Koloske <craigotime@gmail.com>  
**Sent:** Thursday, October 12, 2023 11:12 AM  
**To:** Arroyo, Nancy [CDD]  
**Subject:** Application No: PA-2300166 (A)

Good morning Nancy.

I am a member of the San Joaquin River Club, Inc., where the proposed Telecommunications Tower is to be located per the application number referenced.

I have a home located directly across from said tower. According to the parcel map, it shows the distance from tower to house property line to be 131', 4". My site/lot is 2Q5 Saratoga Rd if that is referenced anywhere.

I am interested in the following information if it is available:

1. Safety data (including potential health effects) as it relates to the proximity of my home and the tower.
2. Whether the tower is using transmitters, receivers, or both, and how many of each.
3. Drawings showing the planned "direction" of both transmitters and/or receivers.
4. Planned power transmission or "RF energy" (typically stated in MHz).

A current resident in my home is currently undergoing cancer treatments. It's important that they understand the risks associated with this tower, and any other resident within proximity where personal health and safety is at stake.

Thank you.  
Craig Koloske

**Arroyo, Nancy [CDD]**

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**From:** Donna Barbera-Diaz <dlbarberadiaz@gmail.com>  
**Sent:** Tuesday, November 7, 2023 12:32 PM  
**To:** pcrecords [CDD]  
**Subject:** PA-2300166 San Joaquin River Club c/o Vertical Bridge unmanned Telecommunication Tower

To Whom It May Concern:

I am not in favor of the approval of the aforementioned cell tower construction. The agreement was entered into without the approval of the members of the San Joaquin River Club in its entirety.

Mr. Dan Diviney was the President at the time of signing the contract but was never the "owner" therefore not having the authority to approve such agreement. Unless this proposed contract is subject to a vote of all the members of the corporation it should not go forward at all.

Respectfully submitted,

Donna L. Barbera-Diaz 745D  
1% owner in the San Joaquin River Club Corporation.  
30000 Kasson Rd #337  
Tracy, CA 95304

**Arroyo, Nancy [CDD]**

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**From:** Lisa Fowler <fowlerlisa7@gmail.com>  
**Sent:** Thursday, November 9, 2023 10:14 AM  
**To:** pcrecords [CDD]  
**Subject:** PA-3200166 (A) San Joaquin River Club

San Joaquin County

Attn: Planning Commission

PA-3200166 (A)

I Lisa Fowler (Membership #071G House 2H11 Lakeside Drive) and Randy Fowler (Membership #192F House 4D12 Coconing) are shareholders of the San Joaquin River Club Inc and its land(411 acres/1 parcel of land).

The San Joaquin River Club is a Nonprofit Mutual Benefit Corporation with last I checked 600 shareholders in the corporation. All shareholders are equal meaning no one shareholder has any more shares, nor the authority to enter into any obligation without 75% of the shareholders vote. Period...

As shareholders we knew nothing about this project until receiving the first letter from the County, so let us both go on record "As shareholders we didn't approve nor authorize this contract".. If this goes through we will be forced to filing lawsuits against all parties involved that have been made aware of this since my first letter sent September 1, 2023

Please confirm you have received this email.

Lisa & Randy Fowler

1(209)954-2804

February 28, 2024

Dear County Supervisors Planning Commission,

This letter is regarding a memorandum from San Joaquin County Community Planning Development on November 8, 2023 stating Administrative use permit no. PA-2300166 of San Joaquin River Club inc. (c/o Vertical Bridge) has been removed from the November 16, 2023 planning commission agenda.

The permit PA- 2300166 ( US CA 5391) that has been deferred must be denied and no longer to be considered, reviewed or allowed any revisions.

The San Joaquin River Club inc. is a Non- profit Mutual Benefit Corporation established in January 4, 1939 with The State of California Department of State (0178159).

The San Joaquin River Club inc. Articles of Incorporation clearly state ...."The Corporation is a Corporation which does not contemplate pecuniary gain or profit to the members thereof."

The San Joaquin River Club inc. Board of Directors that filed along with Vertical Bridge signed and filed an application with an illegal contract.

The San Joaquin River Club inc. Board of Directors members involved with the application and illegal contract should never have exercised any power or authority nor should they have ever directly or indirectly engaged in any activity that would prevent the corporation from qualifying and continue to qualify as a corporation (0178159) described in Section 501 (c) (3) of the Internal Revenue Code of 1954.

Non-profit Mutual Benefit Corporation entity status is to have its mission to serve its members and not the public.

The San Joaquin County Community Development Planning Commission from the start should of factored in The San Joaquin River Club inc. Corporations tax status and denied the application (US-CA-5391). The permit (PA-2300166) must be retracted.

Thank you for your consideration

Respectfully Submitted

Arlene Lily Faile

San Joaquin River Club inc. Shareholder

Member #378D

RECEIVED

MAR 04 2024

San Joaquin County  
Community Development

C/c Ron Freitas District Attorney  
& San Joaquin River club inc. Board of Directors.

**Arroyo, Nancy [CDD]**

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**From:** pcrecords [CDD]  
**Sent:** Wednesday, May 29, 2024 2:17 PM  
**To:** Arroyo, Nancy [CDD]  
**Subject:** FW: Public comment on PA-2300166 (Cell tower at 30,000 Kasson Rd. Tracy, CA)

**From:** Gary Boswell <gdboswell21@gmail.com>  
**Sent:** Wednesday, May 29, 2024 12:57 PM  
**To:** pcrecords [CDD] <pcrecords@sjgov.org>  
**Subject:** Public comment on PA-2300166 (Cell tower at 30,000 Kasson Rd. Tracy, CA)

San Joaquin County Planning Commission,

I want to express my opinion in favor of the cell tower to be located at 30,000 Kasson Rd. Tracy, CA. The tower will be a huge benefit to the San Joaquin River Club community as well as the surrounding rural area. We are a small community with 411 homes and it will improve our cell coverage tremendously. You will hear from those opposed to the tower, indicating the contract is not perfect and that our community did not vote on the matter. The fact is, our board of directors presented the project to our members in our open session of board meetings and held a town hall type meeting explaining the ins and outs to those members who chose to attend. Please vote in favor of our tower.

Thank you,

Gary Boswell,

San Joaquin River Club Member

**Arroyo, Nancy [CDD]**

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**From:** pcrecords [CDD]  
**Sent:** Thursday, May 30, 2024 1:21 PM  
**To:** Arroyo, Nancy [CDD]  
**Subject:** FW: Public Comment re: Administrative Use Permit no. PA-2300166 of San Joaquin River Club Inc.

**From:** Donna Barbera-Diaz <dlbarberadiaz@gmail.com>  
**Sent:** Thursday, May 30, 2024 12:29 PM  
**To:** pcrecords [CDD] <pcrecords@sjgov.org>  
**Subject:** Public Comment re: Administrative Use Permit no. PA-2300166 of San Joaquin River Club Inc.

I am a resident at the San Joaquin River Club. The total number of homes in this AG40 property is more than 400 homes. It was noted that the PA-2300166 stated known residential uses but not to the breath of more than 400 homes. This residential AG40 property is governed by a corporation. Each member is a 1% owner and major changes and obligations are required to be presented to the membership and voted on. This contract was entered into fraudulently by the Board of Directors and signed by Dan Diviney as "owner".  
Legal counsel has been secured to protect the rights of this membership. I ask that you decline the acceptance of this use permit based on the fact that it was fraudulently obtained. Ilf the membership is allowed to vote for this, then they can proceed if the membership wants it.  
Respectfully submitted,  
Donna L. Barbera-Diaz

## **Arroyo, Nancy [CDD]**

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**From:** pcrecords [CDD]  
**Sent:** Monday, June 3, 2024 10:32 AM  
**To:** Arroyo, Nancy [CDD]  
**Subject:** FW: Pa-2300166 san joaquin river club cell tower application

**From:** billyd84 <billyd84@yahoo.com>  
**Sent:** Saturday, June 1, 2024 3:26 AM  
**To:** pcrecords [CDD] <pcrecords@sjgov.org>  
**Subject:** Pa-2300166 san joaquin river club cell tower application

Hello and thank you for your time, I am a life long resident here at the san joaquin river club and would like to voice my concerns on this proposed project . A 100 ft tall monopole telecommunications tower erected upon our property would not only create an eyesore for our community and all passerbys commuters but it would also be seen from the historic san joaquin city ca historic landmark #777 which is directly across the street from the proposed site , it would impose upon on our lake views and view of altamont hills disrupt our family recreation area it is not compatible with the existing land usage and club , park and landmark , and break many regulations with not only a negative visual impact , non compatability with existing land usage, and negative impacts on the welfare of general public the wild life and the community around it , but negatively lowering property values in area , there is a couple inhabited homes about 200 ft away from proposed site , it would be Erected in a flood zone where the road just collapsed last year swallowing 2 cars and causing much havoc, aquafir is directly underneath unsettled land , and right next to the river and a historic landsite , one that is a very important part of our history in the san joaquin valley and county , which in turn would be detrimental to the general public and ever growing city of tracy and surrounding city's building out this way. . The weight benefit of merely improving an existing coverage against the negative aesthetic impact the tower would cause does not add up. It should be erected in a commercial area or over by the shooting range about a mile up the road , and nowhere near the historic cite of san joaquin city, or anywhere inside our beautiful almost 100 year old san joaquin river club . I frequently ride bikes with my kids over looking our lakes in the very spot it's to be erected , it would strip that from us , you would see it from sitting down at the lake benches recreation area destroying our beautiful view of preserved nature, you would see it from kasson rd as you enter our club greeted by an unsightly unneeded cell tower , being a longtime member of this club whos great grandfather was a charter member in 1942 grandparents and father were also members , I was never asked to vote on this topic , it was kept " hush " from majority of our members which doesnt make sense to me , my cell phone works fine .as it is now there's no gap in service here nor see a need to diminish our beauty for a " couple more bars of service" the tower does not belong in this area of land nor does the club need whatever leasing payment for its negative impacts , upon all of us and many generations to come, please deny this application for reasons stated I can think of 100 more reasons and regulations stopping this , it is not exempt and is not permitted , and will destroy the value in property and future development in area , and create a visual nuisance negatively effecting usage of our non profit recreation club and the historically cited land ca #777 across the street As well as the river activities within eyesight . Thank you for consideration and your time it is much appreciated

Yours truely ,  
Bill dias

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone



**From:** [Robin Bell White](#)  
**To:** [pcrecords \[CDD\]](#)  
**Cc:** [Arroyo, Nancy \[CDD\]](#); [Jolley, Jennifer \[CDD\]](#); [King, Corinne \[CDD\]](#)  
**Subject:** July 18 Community Meeting RE: ADMINISTRATIVE USE PERMIT NO. PA-2300166 OF SAN JOAQUIN RIVER CLUB INC. (C/O VERTICAL BRIDGE AND ASSURANCE DEVELOPMENT)  
**Date:** Saturday, July 6, 2024 12:45:06 PM

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Hello,

I am writing this letter to register my EXTREME OPPOSITION to the cell tower land acquisition deal between the San Joaquin River Club, Inc., Vertical Bridge, Assurance Development and Barclays Bank aka ADMINISTRATIVE USE PERMIT NO. PA-2300166.

And let's just call it what it is. This is a land acquisition deal for our 422+ acre parcel of land located at 30,000 Kasson Rd, Tracy California 95304, and not just for the proposed cell tower site. The land acquisition will not just stop at the corner of Airport and Kasson roads where they plan to locate the cell tower. These are 50-year contracts where Vertical Bridge, Assurance Development, and Barclays Bank have all rights to encroachments, easements and basically anything they want without the shareholders of the San Joaquin River Club Inc. being able to cancel or exit the contracts at any time within those 50 years, and possibly longer. These contracts give Vertical Bridge, Assurance Development, and Barclays Bank complete control over part of or all of our parcel of land, which is jointly owned by the shareholders of the San Joaquin River Club corporation, (not just Dan Diviney,) for 50 years without the consent, approval or vote of the shareholders.

First, the San Joaquin River Club, Inc is a mutual benefit non-profit corporation and the previous Board of Directors had no legal authority to enter into the contracts with Vertical Bridge and Assurance Development, and Barclays Bank without a full vote of the Shareholders aka "members".

Gary Boswell, Jeff Wagner, and Dan Diviney, along with others, acted mostly in secret to push this deal through without the knowledge, approval, consent, or vote of the Shareholders of the SJRC corporation as required by our By-Laws, Articles of Incorporation and California Corporations Code. They committed corporate fraud, real estate fraud and bank fraud. They also failed in their fiduciary duty to do what is in the best interest of the shareholders.

Gary Boswell has publicly admitted that he brought the deal to the previous Board of Directors. Jeff Wagner has publicly admitted to negotiating the terms of the deal for Gary Boswell. Dan Diviney signed the contracts as "Owner" of the property located at 30000 Kasson Rd, Tracy CA 95304. Dan Diviney is NOT the owner of this property. We, the shareholders and members, each own one equal share and we were not allowed to decide or vote on if we wanted this deal at all. We were not sent copies of the contracts for our review and approval. Our rights as shareholders were ignored because Gary Boswell, Jeff Wagner, Dan Diviney and others thought they knew better and most likely received some sort of incentive to sign the contracts. This was an obvious financial deal on their part. Stanley Price, who was "elected" to the Board of Directors last July after his part in this last April, notarized the fraudulent contracts without seeing the actual documents he was notarizing.

These contracts very heavily benefit Vertical Bridge, Assurance Development and Barclays Bank. The SJRC Corporation would be locked into 50-year contracts with no way for us to cancel them. Only Vertical Bridge, Assurance Development or the lender Barclays Bank can

cancel the contracts. These contracts were signed less than 3 months before our annual elections where we could have and absolutely should have been given the opportunity to vote on them and to decide whether or not we wanted a cell tower on our property. We were not allowed this option. We were not informed of these contracts until we received the initial letter from the San Joaquin County Community Development Department informing us of this application last year.

The SJRC corporation supposedly received \$5,000 for these contracts. The question is, where is the rest of the money? These companies have paid hundreds of thousands to millions of dollars to put a cell tower on someone's property. Where is the rest of the money? Below is just one example of financial incentives to place cell towers on certain properties. The Detroit Public Schools got \$6.8 million for 15 towers on their school properties. That is \$453,333 per tower. Again, where is the rest of the money that should have gone to the corporation and the shareholders?

[https://childrenshealthdefense.org/defender/detroit-schools-get-millions-from-cell-tower-company/?utm\\_source=luminate&utm\\_medium=email&utm\\_campaign=defender&utm\\_id=20240621](https://childrenshealthdefense.org/defender/detroit-schools-get-millions-from-cell-tower-company/?utm_source=luminate&utm_medium=email&utm_campaign=defender&utm_id=20240621)

Second, the fact that Vertical Bridge and Assurance Development are requesting a Class 3 Exemption to California Code of Regulations, Title 14, Section 15303 is ridiculous. This project does not meet the criteria listed for such an exemption. Cell towers are not small structures and this will not be in an urbanized area. Despite purposefully being zoned Ag40, this is a small community rural residential area and the proposed cell tower will be within 100 feet of homes where people live year round. Some of these people are elderly with chronic diseases including cancer. There is extensive evidence that these cell towers DO have a detrimental effect on the environment and that the electromagnetic radiation has a seriously negative effect on humans, animals, and all life within the vicinity. The FCC has not updated it's safety guidelines for electromagnetic radiation since 1996 and they have been instructed to do so by the United States Supreme Court in 2021. To this date they have not. Therefore any safety data used by Vertical Bridge, Assurance Development or Barclays Bank is outdated by almost 30 years. These are just a few examples of the information available.

[https://childrenshealthdefense.org/legal\\_justice/chd-successfully-challenges-the-fccs-outdated-wireless-radiation-exposure-guidelines/](https://childrenshealthdefense.org/legal_justice/chd-successfully-challenges-the-fccs-outdated-wireless-radiation-exposure-guidelines/)

<https://bioinitiative.org/>

<https://ehtrust.org/?emci=492cd47d-661c-ee11-a9bb-00224832eb73&emdi=8f232253-f43a-ef11-86d2-6045bdd9e096&ceid=19842803>

<https://ehtrust.org/why-electrohypersensitivity-ehs-is-a-biologically-expected-reaction-to-harmful-radiation/>

<https://mn.childrenshealthdefense.org/newsletters/april-newsletter-microwave-sickness-emr-exposure>

<https://expose-news.com/2024/03/12/health-impacts-of-electromagnetic-fields-emf/>

[https://open.substack.com/pub/francesleader/p/the-invisible-third-world-war-by?utm\\_source=share&utm\\_medium=android&r=b6yjj](https://open.substack.com/pub/francesleader/p/the-invisible-third-world-war-by?utm_source=share&utm_medium=android&r=b6yjj)

[https://open.substack.com/pub/francesleader/p/all-my-substack-articles-on-emfc19?utm\\_source=share&utm\\_medium=android&r=b6yjj](https://open.substack.com/pub/francesleader/p/all-my-substack-articles-on-emfc19?utm_source=share&utm_medium=android&r=b6yjj)

I am making a formal request that this application be denied due to the the fact that these contracts were entered into fraudulently and are in reality a land acquisition deal. The shareholders, other than the previous board of directors, did not consent to, approve, or vote for this land deal or cell tower. And again, where is the rest of the money and who received it?

I am also requesting that this application be denied due to the well-documented adverse health and environmental effects of these cell towers. I have provided a few links and can provide many more. These things are dangerous to humans, pets, birds, wildlife and even insects such as bees. Bees are extremely important to agriculture especially in this area, and without them we would have no food.

If this application is approved and these contracts/deals are allowed to move forward, our small rural community could be destroyed. Over 1,000 people could lose their homes. The San Joaquin River Club is considered an indigent community by San Joaquin County. Many of the people who live here are low income, have families with children, are elderly, in poor health and have nowhere else to go. It seems that some on our previous and current board of directors may be benefitting financially by entering into these contracts fraudulently with Vertical Bridge, Assurance Development, and Barclays Bank.

Please unanimously REJECT and DENY the Administrative Use Permit Application PA-2300166 for Vertical Bridge and Assurance Development. This cannot be allowed to move forward.

Thank you for your time.  
Sincerely,

Robin Bell White  
BA, RVT

P.S. This is the person that signed the Assurance Development contract - Shafeeq Shamsid-Deen.  
Arrested for Felonies Against Children.

<https://nypost.com/2017/09/14/principal-accused-of-locking-5-year-old-student-in-closet-with-spiders-and-roaches/>

<https://www.dailymail.co.uk/news/article-4881626/Louisiana-principal-locked-child-closet-warrant.html>

<https://www.wbrz.com/news/school-principal-accused-of-locking-5-year-old-in-closet-suspended/>

<https://www.wafb.com/story/36646778/new-charges-surface-for-former-principal-accused-of-locking-children-in-closet/>

[https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/former-principal-accused-of-locking-two-students-in-closet-according-to-arrest-warrants/article\\_5581e3ba-b5d2-11e7-83bb-3f4be17d8db9.html](https://www.theadvocate.com/baton_rouge/news/crime_police/former-principal-accused-of-locking-two-students-in-closet-according-to-arrest-warrants/article_5581e3ba-b5d2-11e7-83bb-3f4be17d8db9.html)

<https://www.wafb.com/story/36376329/principal-accused-of-locking-5-year-old-in-closet-released-after-posting-50k-bond/>

<https://ca.cair.com/losangeles/member/shafeeq-shamsid-deen/>

<https://lusk.usc.edu/membership/people/shafeeq-shamsid-deen-jr>

**From:** [pcrecords \[CDD\]](#)  
**To:** [Arroyo, Nancy \[CDD\]](#)  
**Subject:** FW: Project PA-2300166  
**Date:** Monday, July 8, 2024 2:45:30 PM

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**From:** Donna Barbera-Diaz <dlbarberadiaz@gmail.com>  
**Sent:** Sunday, July 7, 2024 12:09 PM  
**To:** pcrecords [CDD] <pcrecords@sjgov.org>  
**Subject:** Project PA-2300166

Attn: Board of Supervisors

The aforementioned Project for a cell tower on San Joaquin River Club was fraudulently procured. The Corporation was not offered a vote to determine if we wanted a cell tower or not. The terms of this contract take the first right of refusal from the shareholders for eminent domain and give it to the tower company. Besides the refusal to allow the corporation of shareholders to vote, the financial arrangement violates the bylaws that this corporation is run by. This land although states AG40 is the home to 416 homes and at least a minimum of 1000 people. Many of these people are elderly, disabled and financially could not live anywhere else. Many residents living directly across from the subject location of the cell tower have already experienced health issues of brain aneurysm and dementia. I ask the Board to deny this project and refer the cell company to reapproach the shareholders with a revised contract that meets our concerns.

Respectfully submitted,

Donna L. Barbera Diaz  
2C24 Elm Dr  
Tracy Ca. 95304

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—COUNTY—  
*Greatness grows here.*

## Community Development Department

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### **Attachment E** **Telecommunication** **Tower Coverage**

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# Before Telecommunication Tower Coverage



T-Mobile

T-Mobile Confidential

Slide 3

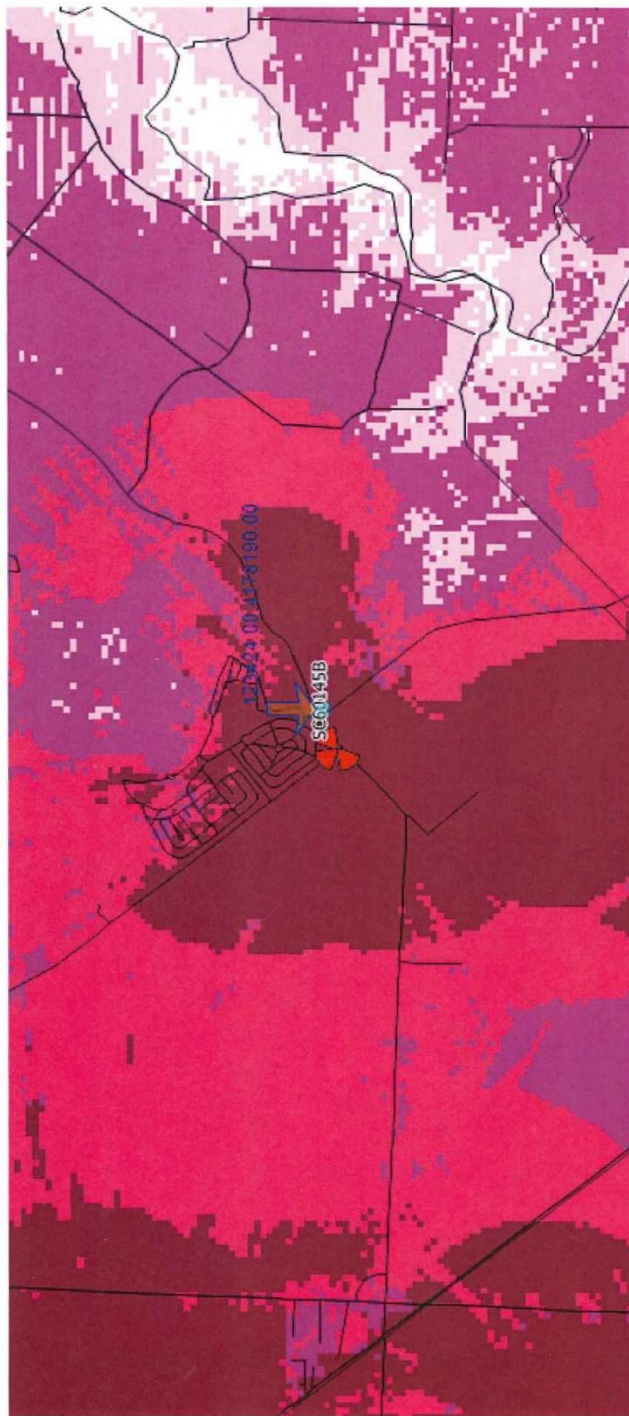
This page intentionally left blank

# After Telecommunication Tower Coverage

Legend

| Minimum | Maximum | Label | Color |
|---------|---------|-------|-------|
| -114    | -107    | 4     |       |
| -107    | -97     | 3     |       |
| -97     | -88     | 2     |       |
| -88     | 0       | 1     |       |

SC60145B ON AIR @ 95' RC, 50/230/320 Degrees Azimuth



Slide 4

T-Mobile Confidential

T-Mobile

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## Community Development Department

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### **Attachment F Radio Frequency Exposure Report**

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**Vertical Bridge • Site No. US-CA-5391  
T-Mobile West LLC • Proposed Base Station No. SC60145B  
30000 Kasson Road • Tracy, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Vertical Bridge, a wireless telecommunications facilities provider, to evaluate the T-Mobile West LLC base station (Site No. SC60145B) proposed to be located near 30000 Kasson Road in Tracy, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

**Executive Summary**

T-Mobile proposes to install antennas on a tall pole to be sited near 30000 Kasson Road in Tracy. The proposed operation will comply with FCC guidelines limiting public exposure to RF energy.

**Prevailing Exposure Standard**

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 <sup>2</sup>      | 5.0 mW/cm <sup>2</sup>              |
| Millimeter-wave                    | 24–47              | 1.0                         | 5.0                                 |
| Part 15 (WiFi & other unlicensed)  | 2–6                | 1.0                         | 5.0                                 |
| C-Band                             | 3,700 MHz          | 1.0                         | 5.0                                 |
| CBRS (Citizens Broadband Radio)    | 3,550              | 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") that are connected to the traditional wired telephone lines, and the antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. Because of the short



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**Vertical Bridge • Site No. US-CA-5391**  
**T-Mobile West LLC • Proposed Base Station No. SC60145B**  
**30000 Kasson Road • Tracy, California**

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"). This methodology is an industry standard for evaluating RF exposure conditions and has been demonstrated through numerous field tests to be a conservative prediction of exposure levels.

#### **Site and Facility Description**

Based upon information provided by Vertical Bridge, including drawings by Assurance Development, dated June 28, 2023, T-Mobile proposes to install twelve directional panel antennas – three CommScope Model FFVV-65C-R3-V1, three Ericsson Model AIR6419, and six\* antennas for future operation – on a 100-foot steel pole to be sited on the undeveloped parcel about 180 feet north of Kasson Road at its intersection with Durham Ferry Road in Tracy, about ½ mile south of the San Joaquin River Club at 30000 Kasson Road. The CommScope and Ericsson antennas would employ 2° and up to 19° downtilt, respectively, would be mounted at an effective height of about 95 feet above ground, and would be oriented† in identical groups of four toward 50°T, 230°T, and 320°T. The maximum effective radiated power in any direction would be 27,730 watts, representing simultaneous operation at 8,900 watts for BRS,‡ 6,200 watts for AWS, 8,140 watts for PCS, 950 watts for 700 MHz, and 3,540 watts for 600 MHz service. Also proposed to be located on the pole, at an effective height of about 90 feet above ground, is a microwave "dish" antenna, for interconnection of this site with others in the T-Mobile network. There are reported no other wireless telecommunications base stations at the site or nearby.

\* It is recommended that the RF exposure conditions be re-evaluated for compliance with FCC limits at such time as these antennas are to be put into service.

† Based on information received from T-Mobile subsequent to the date of the drawings.

‡ T-Mobile reports maximum effective radiated power in this band of 37,100 watts, to which a duty cycle of 75% is applied; a statistical factor of 32% is also included, to account for spatial distribution of served users, based on the United Nations International Telecommunication Union ITU-T Series K, Supplement 16, dated May 20, 2019.



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Page 2 of 3



**Vertical Bridge • Site No. US-CA-5391**  
**T-Mobile West LLC • Proposed Base Station No. SC60145B**  
**30000 Kasson Road • Tracy, California**

**Study Results**

For a person anywhere at ground, the maximum RF exposure level due to the proposed T-Mobile operation, including the contribution of the microwave dish, is calculated to be 0.017 mW/cm<sup>2</sup>, which is 2.2% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building<sup>§</sup> is 2.0% 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 Mitigation Measures**

Due to their mounting height, the T-Mobile 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 T-Mobile will, as an FCC licensee, take adequate steps to ensure that its 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 operation of the base station proposed by T-Mobile West LLC near 30000 Kasson Road in Tracy, 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 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 No. E-23220, which expires on June 30, 2024. This work has been carried out by him or 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.



Manas S. Reddy, P.E.  
707/996-5200

September 14, 2023

<sup>§</sup> Located at least 160 feet away, based on the drawings.



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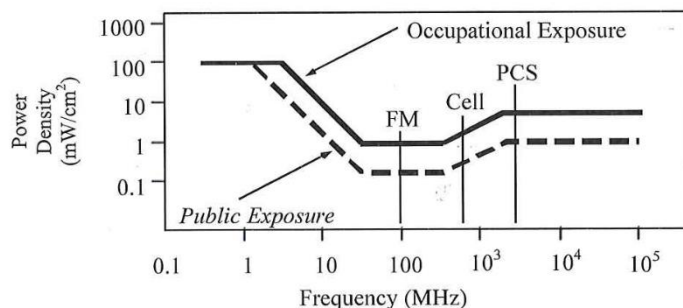
(September 14, 2023) X8XD  
Page 3 of 3

## 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 IEEE C95.1-2019, "Safety Levels with Respect to Human Exposure to Electric, Magnetic, and Electromagnetic Fields, 0 Hz 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<br>Applicable<br>Range<br>(MHz) | Electromagnetic Fields (f is frequency of emission in MHz) |                |                                     |               |                                                                |                          |
|-------------------------------------------|------------------------------------------------------------|----------------|-------------------------------------|---------------|----------------------------------------------------------------|--------------------------|
|                                           | Electric<br>Field Strength<br>(V/m)                        |                | Magnetic<br>Field Strength<br>(A/m) |               | Equivalent Far-Field<br>Power Density<br>(mW/cm <sup>2</sup> ) |                          |
| 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/f<sup>2</sup></i> |
| 3.0 – 30                                  | 1842/f                                                     | <i>823.8/f</i> | 4.89/f                              | <i>2.19/f</i> | 900/f <sup>2</sup>                                             | <i>180/f<sup>2</sup></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√f                                                     | <i>1.59√f</i>  | √f/106                              | <i>√f/238</i> | f/300                                                          | <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. Hammett & Edison has incorporated conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels 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 allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain more accurate projections.



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FCC Guidelines  
Figure 1

## RFE.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

Hammett & Edison has incorporated the FCC Office of Engineering and Technology Bulletin No. 65 (“OET-65”) formulas (see Figure 1) in a computer program that calculates, at millions of locations on a grid, the total expected power density from any number of individual radio frequency sources. The program uses the specific antenna patterns from the manufacturers and allows for the inclusion of uneven terrain in the vicinity, as well as any number of nearby buildings of varying heights, to obtain accurate projections of RF exposure levels. The program can account for spatial-averaging when antenna patterns are sufficiently narrow, and time-averaging is typically considered when operation is in single-frequency bands, which require time-sharing between the base station and the subscriber devices.

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

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

where ERP = total Effective Radiated Power (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 reflections, assuming a reflection coefficient of 1.6 ( $1.6 \times 1.6 = 2.56$ ). This factor is typically used for all sources unless specific information from FCC filings by the manufacturer indicate that a different reflection coefficient would apply. 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.

Because antennas are not true “point sources,” their signal patterns may not be fully formed at close distances and so exposure levels may be lower than otherwise calculated by the formula above. OET-65 recommends the cylindrical model formula below to account for this “near-field effect”:

$$\text{power density } S = \frac{180}{\theta_{\text{BW}}} \times \frac{0.1 \times P_{\text{net}}}{\pi \times D \times h} \text{ in mW/cm}^2$$

where  $P_{\text{net}}$  = net power input to antenna, in watts,

$\theta_{\text{BW}}$  = half-power beamwidth of antenna, in degrees,

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

h = aperture height of antenna, in meters.

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

OET-65 confirms that the “crossover” point between the near- and far-field regions is best determined by finding where the calculations coincide from the two different formulas, and the program uses both formulas to calculate power density.



**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

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Calculation Methodology  
Figure 2

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### **Attachment G** **Notice of Exemption**

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**NOTICE OF EXEMPTION**

TO: ☒ Office of Planning & Research  
P. O. Box 3044, Room 212  
Sacramento, CA 95812-3044

☒ County Clerk, County of San Joaquin

FROM: San Joaquin County  
Community Development Department  
1810 East Hazelton Avenue  
Stockton, CA 95205

**Project Title:** Administrative Use Permit No. PA-2300166

**Project Location - Specific:** The project site is east side of S. Kasson Rd., 2,340 feet north of E. Durham Ferry Rd., east of Tracy. (APN/Address: 241-150-01 / 30000 Kasson Rd., Tracy) (Supervisory District: 5)

**Project Location - City:** Tracy

**Project Location - County:** San Joaquin County

**Project Description:** Administrative Use Permit application for a 100 feet monopole Telecommunication Tower with related equipment within a 2,046 square foot lease area unmanned facility.

The Property is zoned AG-40 (General Agriculture, 40-acre minimum) and the General Plan designation is A/G (General Agriculture).

**Project Proponent(s):** San Joaquin River Club, Inc. / Vertical Bridge

**Name of Public Agency Approving Project:** San Joaquin County Planning Commission

**Name of Person or Agency Carrying Out Project:** Nancy Arroyo, Associate Planner  
San Joaquin County Community Development Department

**Exemption Status:**  
Categorical Exemption. (Section 15303 Class 3)

**Exemption Reason:**  
Processed under the provisions of the California Code of Regulations Section 15303, which are exempt from CEQA.

This project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303. Class 3 Categorical Exemptions includes a list of classes of projects that have been determined not to have a significant effect on the environment and that are, therefore, exempt from the provisions of CEQA. Section 15303 lists Class 3 projects, which include "construction and location of limited numbers of new, small facilities or structures: installation of small new equipment and facilities in small structure." The proposed telecommunications tower is a small structure with no expected significant effect on the environment and, therefore, the project is not subject to CEQA.

**Lead Agency Contact Person:**  
Nancy Arroyo Phone: (209) 468-3140 Fax: (209) 468-3163 Email: narroyo@sjgov.org

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Allen Asio Title: Deputy County Clerk

Signed by Lead Agency

Date Received for filing at OPR: \_\_\_\_\_

*Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.*

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## **Attachment H** **Findings**

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## FINDINGS FOR ADMINISTRATIVE USE PERMIT

PA-2300166

### SAN JOAQUIN RIVER CLUB INC / VERTICAL BRIDGE

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Special Purpose Plan, Specific Plan, and Planned Development zone; and any other applicable plan adopted by the County.
  - **This finding can be made because the proposed telecommunications tower and ancillary equipment may be conditionally permitted in the AG-40 (General Agriculture, 40 acre minimum) zone with an approved Administrative Use Permit application subject to the provisions of the Development Title (Title 9). The project site has a General Plan designation of OS/RC (Open Space Resource Conservation), and the AG-40 zone is an implementing zone for this designation. Pursuant to Development Title regulations, the proposed telecommunication tower will be concealed to blend into the surrounding area and will be setback a minimum of 100 feet (equivalent to the height of the tower) from all property lines. Therefore, the proposed telecommunication tower facility is consistent with the goals, policies, standards and maps of the General Plan, and there are no Master Plans, Specific Plans, and/or Special Purpose Plans in the project vicinity.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
  - **This finding can be made because the proposed project will be accessed along a non-exclusive easement from the eastside of S. Kasson Road located 1,970 feet south from the roadway used by the San Joaquin County River Club. A telecommunications tower is an unmanned facility and will not impact existing public utilities. An encroachment permit shall be required by the Department of Public Works and will be subject to compliance with their requirements. This project will not require services for water, sewage, and all storm water will be retained on site.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This finding can be made because the 411.96-acre project site is of adequate size and is relatively flat to accommodate the proposed use. Pursuant to Development Title Section 9-411.050(c)(1), freestanding towers and associated antennas shall be setback from the property line a distance that is at least equal to the maximum height of the tower and associated antennas. The Site Plan shows that all setbacks, and other requirements of the Development Title can be met.**
4. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
  - **This finding can be made because the proposed telecommunications tower encompasses a small area and is exempt from environmental review pursuant to Section 15303 Class 3. The proposed project is a compatible use in the AG-40 zone and is not anticipated to adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.**
5. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions.
  - **This finding can be made because the proposed use is not anticipated to create any**

**nuisances related to the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions with the inclusion of the proposed Conditions of Approval. Requirements from the Planning and Building Divisions will address noise, vibration, and glare, while the Fire Prevention Bureau has provided conditions to prevent smoke and heat.**

6. The site of the proposed use is adequately served by highways, streets, water, sewer, storm drainage, and other public facilities and services.
  - **The project proposes a new access from East Kasson Road. The Department of Public Works has provided Conditions of Approval for an encroachment permit that will ensure the proposed use is adequately served by highways and streets. The proposed use does not require water or sewer, and all storm water will be retained on site.**
7. The proposed use complies with all applicable provisions of this title.
  - **The proposed use is classified under the Communication Facility - Tower use type, which may be conditionally permitted in the AG-40 (Agricultural General- 40 acre minimum) zone subject to an Administrative Use Permit. The proposed use will be consistent with the Development Title if the project is approved with the proposed Conditions of Approval provided by the reviewing departments and agencies.**



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### **Attachment I** **Conditions of Approval**

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# CONDITIONS OF APPROVAL

PA-2300166

## SAN JOAQUIN RIVER CLUB INC. / VERTICAL BRIDGE

Administrative Use Permit Application No. PA-2300166 was approved by the Planning Commission on \_\_\_\_\_. The effective date of approval is \_\_\_\_\_. This approval will expire on \_\_\_\_\_, which is 36 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Contact: [209] 468-3121)

- a. **BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundation and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-802.110(a)(2))
- b. **APPROVED USE:** This approval is for a 100-foot-tall monopole telecommunications facility as shown on the Site Plan dated July 21, 2023. The project also includes the installation of ancillary equipment within a 2,046-square-foot leased area. (Use Type- Communications Facility – Tower)
- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-610.070)
- d. **SETBACKS:** The structure shall comply with the following setback requirements;
  1. The freestanding tower, and associated antennas, shall be setback a minimum of 100 feet from property lines. (Development Title Section 9-411.050(c)(1))
- e. **CONCEALMENT:** All facilities must be designed to visually blend into the surrounding area. (Development Title Section 9-411.050(a)(6))
- f. **LIGHTS:** Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and fully-shielded lights such that the light source is not directly visible from any adjacent residential land uses. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts on residential land uses to the maximum extent feasible. (Development Title Section 9-411.050(a)(1))
- g. **FENCES, ENCLOSURES AND SECURITY:** The facility must comply with the following standards. (Development Title Section 9-411.050(a)(6))
  1. No barbed wire, razor ribbon, electrified fences or any similar measures shall be allowed to secure a wireless facility, unless the applicant demonstrates to the satisfaction of the Approval Authority that the need for such measures significantly outweighs the potential danger to the public.
  2. Anti-climbing measures, such as a ladder guard or removable ladder rungs, to prevent unauthorized access, vandalism and other attractive nuisances must be incorporated.

- h. **GROUND MOUNTED EQUIPMENT:** All ground-mounted equipment must be concealed within an existing or new structure, opaque fences, or other enclosures subject to the Approval Authority's approval. (Development Title Section 9-411.050(c)(3))
  - i. **PERMITTEE'S CONTACT INFORMATION:** The applicant shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one specific person. All such contact information for responsible parties shall be provided to the Zoning Administrator. (Development Title Section 9-411.100(e))
  - j. **MAINTENANCE:** The facility, must be maintained in a neat and clean manner and in accordance with all approved plans and Conditions of Approval. (Development Title Section 9-411.100(g))
  - k. **REMOVAL OF FACILITIES:** Freestanding structures, antennas, and supporting equipment associated with wireless communication shall be removed by the provider of such facilities and the site restored if the facilities have not been operational for 6 consecutive months. (Development Title 9-411.130)
  - j. **TREE PRESERVATION:** Future development on the underdeveloped portion shall be consistent with the requirements of the County's Tree Preservation Ordinance (Development Title Section 9-400-080)
2. DEPARTMENT OF PUBLIC WORKS (Contact: [209] 468-3000, see memo dated October 24, 2023)
- a. A County encroachment permit shall be required for all work within the County road right-of-way. (Note: Driveway encroachment permits are for flatwork only – all vertical features, including but not limited to fences, walls, private light standards, rocks, landscaping and cobbles are not allowed in the right-of-way.) (Development Title Sections 9-607.020 and 9-607.040)
  - b. Prior to issuance of the building permit, the driveway approach shall be improved in accordance with the requirements of San Joaquin County Improvement Standards Drawing No. R-17 [return radii for truck-trailer egress shall be designed to prevent encroachment onto opposing lanes of traffic]. (Development Title Section 9-607.040)
  - c. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolution R-00-433)
  - d. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
  - e. A copy of the Final Site Plan shall be submitted prior to release of building permit.
  - f. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-606)
3. ENVIROMENTAL HEALTH DEPARTMENT (Contact: [209] 616-3032, see memo dated August 31, 2023)
- a. Any existing wells or septic systems to be abandoned shall be destroyed under permit and inspection by the EHD. (San Joaquin County Development Title, Section 9-605.010 & 9-601.020)
  - b. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department. (San Joaquin County Development Title, Section 9-601.010(b) and 9-601.020(i))



4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Contact: [209] 235-0600, see memo dated August 8, 2023)
  - a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) must provide a Certificate of Payment prior to issuance of any grading or building permits.
5. AIRPORT LAND USE COMMISSION (Contact: [209] 235-0452, see memo dated September 26, 2023)
  - a. This project is subject to the rules and regulations of the Airport Land Use Commission's 2018 San Joaquin County Airport Land Use Compatibility Plan (ALUCP) and must provide confirmation of compliance prior to issuance of any grading or building permits.

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