



# County of Fresno

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

## Planning Commission Staff Report Agenda Item No. 4 October 13, 2022

- SUBJECT:** Director Review and Approval Application No. 4701
- Allow a 70-foot Ham Radio Tower within the R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size) Zone District.
- LOCATION:** The subject parcel is located on the east side of N. Arthur Ave., approximately 270 feet north of W. Swift Ave, approximately 0.17 miles north of the City of Fresno (APN: 426-202-09) (4352 N. Arthur Ave.) (Sup. Dist. 2).
- OWNER/  
APPLICANT:** Jesus Rivas
- STAFF CONTACT:** Ricky Vang, Planner  
(559) 600-4224
- David Randall, Senior Planner  
(559) 600-4052
- RECOMMENDATION:**
- Approve Director Review and Approval Application No. 4701 with recommended Findings and Conditions; and
  - Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

- 1. Conditions of Approval and Project Notes
- 2. Location Map
- 3. Existing Zoning Map
- 4. Existing Land Use Map
- 5. Site Plans and Detail Drawings
- 6. Applicant's Operational Statement
- 7. Photographs
- 8. Opposition Letters

**SITE DEVELOPMENT AND OPERATIONAL INFORMATION:**

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
General Plan Designation	Residential	No change
Zoning	R-1-B (Single-Family Residential, 12,500 square-foot minimum parcel size) Zone District	No change
Parcel Size	0.81	No change
Project Site	Residential property	No change
Structural Improvements	Existing Residence and existing accessory structure	70-foot Ham Radio Tower
Nearest Residence	Approximately 40 feet south	No change
Surrounding Development	Single family residence	No change
Operational Features	Residence	Appurtenance to residence
Employees	N/A	N/A
Customers	N/A	N/A
Traffic Trips	Residential Traffic	No change
Lighting	N/A	N/A
Hours of Operation	N/A	N/A

**EXISTING VIOLATION (Y/N) AND NATURE OF VIOLATION: N**

**ENVIRONMENTAL ANALYSIS:**

It has been determined, pursuant to the State of California Environmental Quality Act Guidelines (CEQA) that this proposal is categorically exempt from CEQA requirements, based on Section 15061(b)(3) Common Sense Exemption: It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**PUBLIC NOTICE:**

Notices were sent to 69 property owners within 600 feet of the subject parcel, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Director Review and Approval may be approved only if four Findings specified in the Fresno County Zoning Ordinance, Section 872-C are made. As per Section 872.A, at the Directors discretion the proposed use is being referred directly to the Planning Commission for a public hearing and decision.

The decision of the Planning Commission on a referral of a Director Review and Approval Application is final, unless appealed to the Board of Supervisors within 15 days of the Commission's action.

**BACKGROUND INFORMATION:**

The proposed Ham Radio Tower will be located on a 0.81-acre parcel designated as a low-density residence in the Fig Garden Community Plan. The tower is retractable VIA an electric motor with a max height of 70 feet and can be retracted to 25.6 feet. The Ham Radio Tower will be for the owner's personal use and not commercial use.

The proposed tower will be located adjacent to the rear of the house approximately 125 feet from the front property line and approximately 40 feet from the southern side property line.

***Finding 1: That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.***

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Setbacks	R-1-B Front Yard: 35 feet Side Yard: 20 feet Rear Yard: 20 feet	No change	Y
Parking	One parking space/garage for every dwelling unit	No change	Y

	<b>Current Standard:</b>	<b>Proposed Operation:</b>	<b>Is Standard Met (y/n)</b>
Lot Coverage	Maximum lot coverage by buildings and structures shall not exceed thirty-five percent of the total lot area.	No change	Y
Space Between Buildings	Accessory buildings shall be a minimum of six feet from the main building. Accessory buildings connected to the main building by a breezeway roof shall also maintain a minimum six-foot separation.	No change	Y
Wall Requirements	Wall requirement if pool is present	No change	Y

**Reviewing Agency/Department Comments Regarding Site Adequacy:**

**Fresno County Zoning Division:**

Zoning has no setback requirements for HAM Radio Towers. The proposed height is allowed.

No other comments specific to the adequacy of the site were expressed by reviewing Agencies or Departments.

**Finding 1 Analysis:**

Zoning division provided information that there are no setback requirements, and the proposed height is allowed. The project has been reviewed by outside agencies and various county divisions and there were no other comments regarding the adequacy of site.

Based on reviews and no comments received regarding adequacy of the site staff finds that the proposed use is adequate in size and shape to accommodate the proposed use.

**Recommended Conditions of Approval:**

*None.*

**Finding 1 Conclusion:**

Finding 1 can be made based on the foregoing analysis there were no setback or problems with size and shape of the parcel.

***Finding 2:*** *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

		Existing Conditions	Proposed Operation
Private Road	No	No private road	N/A
Public Road Frontage	Yes	Frontage along N. Arthur Ave.	No change
Direct Access to Public Road	Yes	Driveway access along N. Arthur Ave.	No change
Road ADT		100 VPD	No change
Road Classification		Local	No change
Road Width		60 feet	No change
Road Surface		Paved Asphalt	No change
Traffic Trips		Daily residential traffic	No change
Traffic Impact Study (TIS) Prepared	No	No TIS required	None required
Road Improvements Required		N/A	None required

**Reviewing Agency/Department Comments Regarding Adequacy of Streets and Highways:**

**Fresno County Road and Maintenance Operation Division:**

Arthur Ave is a County maintained road classified as a local road with an existing 60 feet of road right-of-way and an ultimate right-of-way of 60 feet per the Fresno County General Plan. Total pavement width is 15.1 feet with dirt shoulders, ADT is 100 VPD, and PCI is 64. Roadway is in fair condition.

Proposed Ham Radio tower should have minimal effect on County maintained roads. As such, Road Maintenance and Operations has no comments on this application.

No other comments specific to the adequacy of streets and highways were expressed by reviewing Agencies or Departments.

**Finding 2 Analysis:**

The project has been reviewed by the Road Maintenance and Operations Division and the Design Division. Review of the operational statement shows that ham radio tower is for the owner’s personal use and would not create any additional traffic. Based on this information, both the Road Maintenance and Operations Division and the Design Division did not express concern for N. Arthur Avenue.

**Recommended Conditions of Approval:**

*None.*

**Finding 2 Conclusion:**

Finding 2 can be made the proposed use will not create additional traffic and the existing street can adequately serve the proposed use.

***Finding 3: That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.***

**Surrounding Parcels**

	Size:	Use:	Zoning:	Nearest Residence:
North	0.81 acres	Single Family	R-1-B	Approximately 80 feet
South	0.81 acres	Single Family	R-1-B	Approximately 40 feet
East	0.81 acres	Single Family	R-1-B	Approximately 180 feet
West	0.81 acres	Single Family	R-1-B	Approximately 180 feet

**Reviewing Agency/Department Comments:**

No comments specific to the proposed project having an adverse effect on the surrounding neighborhood were expressed by reviewing Agencies or Departments.

**Finding 3 Analysis:**

Comments submitted by the Department of Public Health, Environmental Health Division, the Fire Protection District, and the San Joaquin Valley Air Pollution Control District indicate that the project will be subject to mandatory compliance with regulatory agencies. These requirements would be applied by the regulatory agency and would ensure that the project would not result in adverse impacts on adjacent properties.

The purposed design of the 70-foot tower is a narrow triangular lattice structure that retracts to 26 feet in height which is below the allowed height of a residential structure of 35 feet. No guide wires or lighting that would be a significant aesthetic impact.

No other comments were provided regarding the proposed project having an adverse effect on the neighborhood.

**Recommended Conditions of Approval:**

Development shall be in accordance with the approved site plan.

**Finding 3 Conclusion:**

Finding 3 can be made as the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.

**Finding 4:** *That the proposed development is consistent with the General Plan.*

**Reviewing Agency/Department Comments:**

**Fresno County Policy Planning Unit:**

The subject parcel is not enrolled in the Williamson Act Program. The subject parcel is designated as Low Density in the Fig Garden Community Plan. There is no specific General Plan policy related to the proposed project.

No other comments specific to General Plan Policy were expressed by reviewing Agencies or Departments.

**Finding 4 Analysis:**

The Policy Planning Unit indicated that this parcel is not in the Williamson Act Program and that there is no General Plan policy relating to the proposed 70-foot Ham Radio Tower.

**Recommended Conditions of Approval:**

*None.*

**Finding 4 Conclusion:**

Finding 4 can be made as there is no specific General Plan policy relating to the proposed Ham Radio Tower.

**PUBLIC COMMENT:**

Nine letters in opposition to the proposed Ham Radio Tower were received. Two of the nine letters are from the same neighbor, however one of those two letters consisted of 14 signatures supporting the opposition. The letters relayed concerns about the safety of the tower, health hazards such as exposure to radio frequency radiation, interference with other frequencies such as television, Wi-Fi, and cellular coverage and the change to the character and aesthetics of the neighborhood.

**SUMMARY CONCLUSION:**

Based on the factors cited in the analysis, staff believes the required Findings can be made. Staff therefore recommends approval of Director Review No. 4701 subject to the Conditions of Approval and Project notes as listed in Exhibit 1.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to determine the required Findings can be made and move to approve Director Review No. 4701, subject to the Conditions of Approval and Project Notes listed in Exhibit 1; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to determine that the required Findings cannot be made (state basis for not making the Findings) and move to deny Director Review and Approval No. 4701
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Mitigation Measures, Recommended Conditions of Approval and Project Notes:**

See attached Exhibit 1.

RV:jp

G:\4360Devs&PIn\PROJSEC\PROJDOCS\DRA\4700-4799\4701\Staff Report\Staff Report PC updated.docx



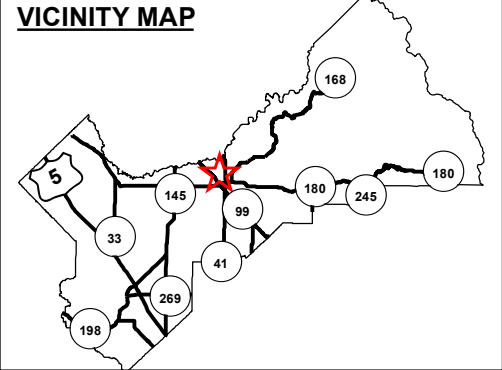
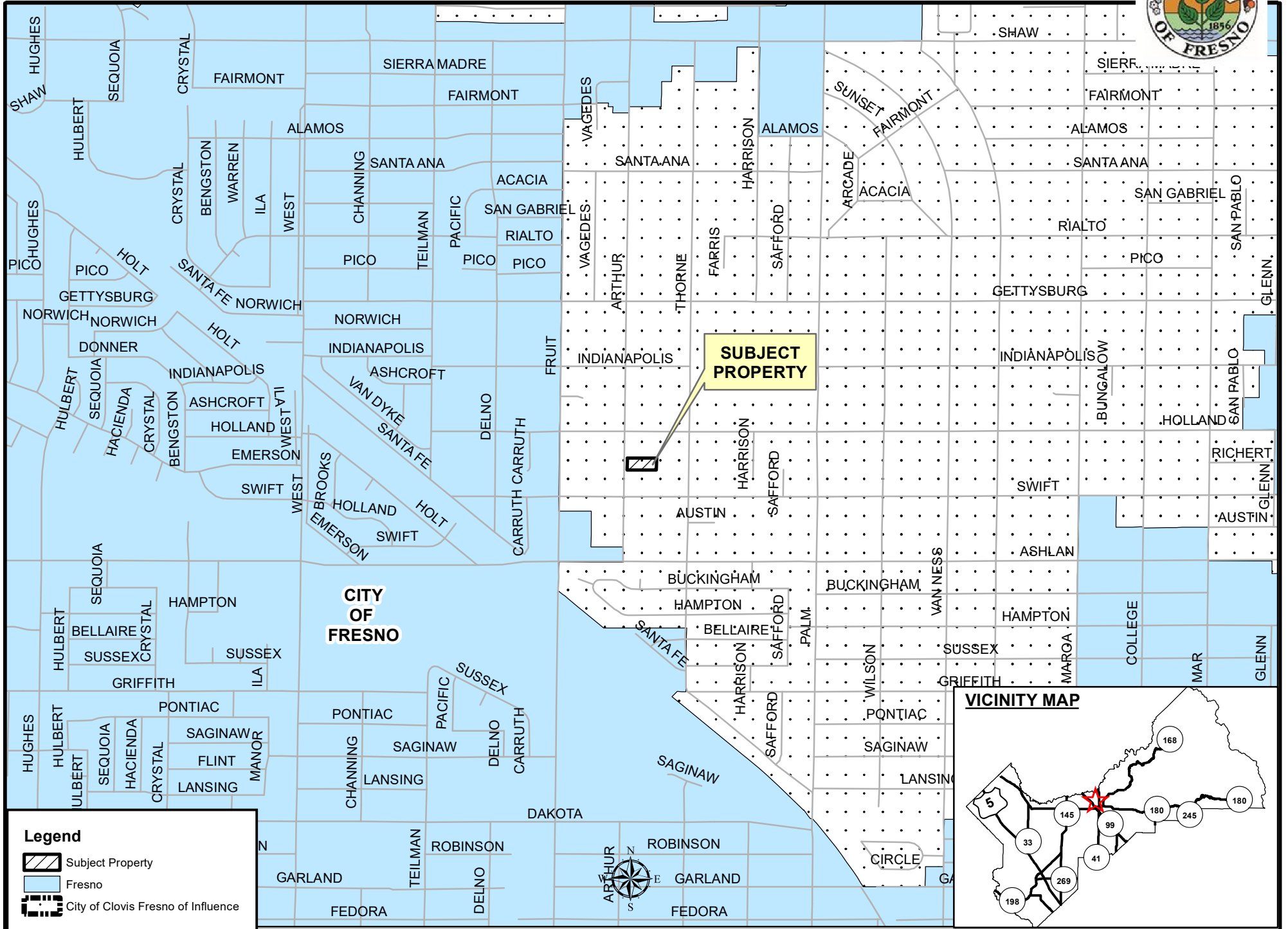
EXHIBIT 1  
**Director Review and Approval Application No. 4701**  
**Conditions of Approval and Project Notes**

<b>Conditions of Approval</b>	
1.	Development shall be in accordance with the approved site plan
<b>Special Standards</b>	
1.	In addition to the above cited conditions, a DRA approval is subject to the following mandatory standards of the Fresno County Zoning Ordinance, Section 855-N-23:
<b>Notes</b>	
<b>The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.</b>	
1.	<p>Environmental Health Division provides the following:</p> <ul style="list-style-type: none"> <li>a. Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<a href="http://cers.calepa.ca.gov/">http://cers.calepa.ca.gov/</a>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</li> <li>b. If any underground storage tank(s) are found during construction, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.</li> <li>c. As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.</li> </ul>

EXHIBIT 1



# LOCATION MAP



### Legend

- Subject Property
- Fresno
- City of Clovis Fresno of Influence

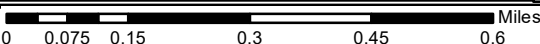




EXHIBIT 3  
**EXISTING ZONING MAP**

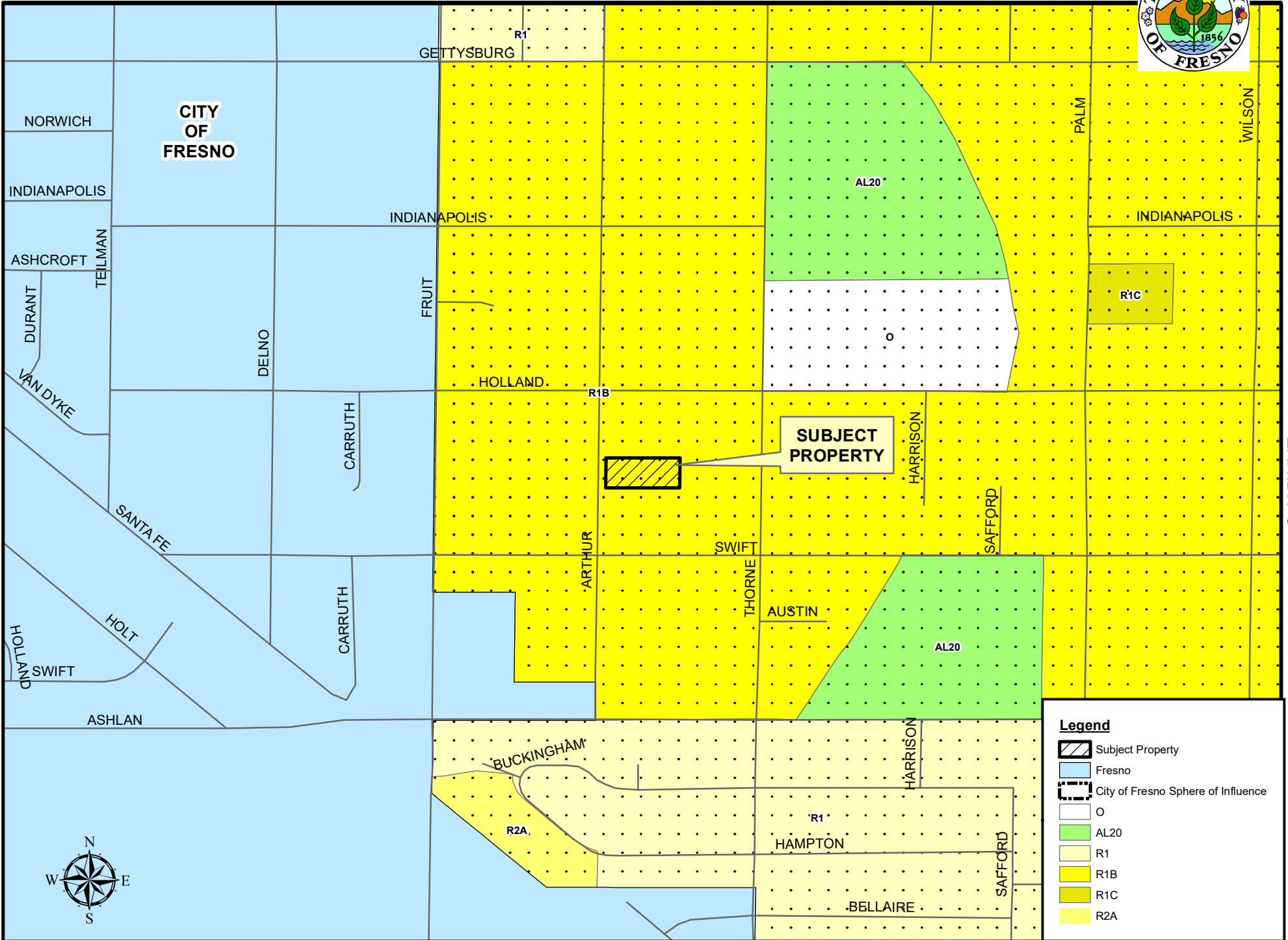











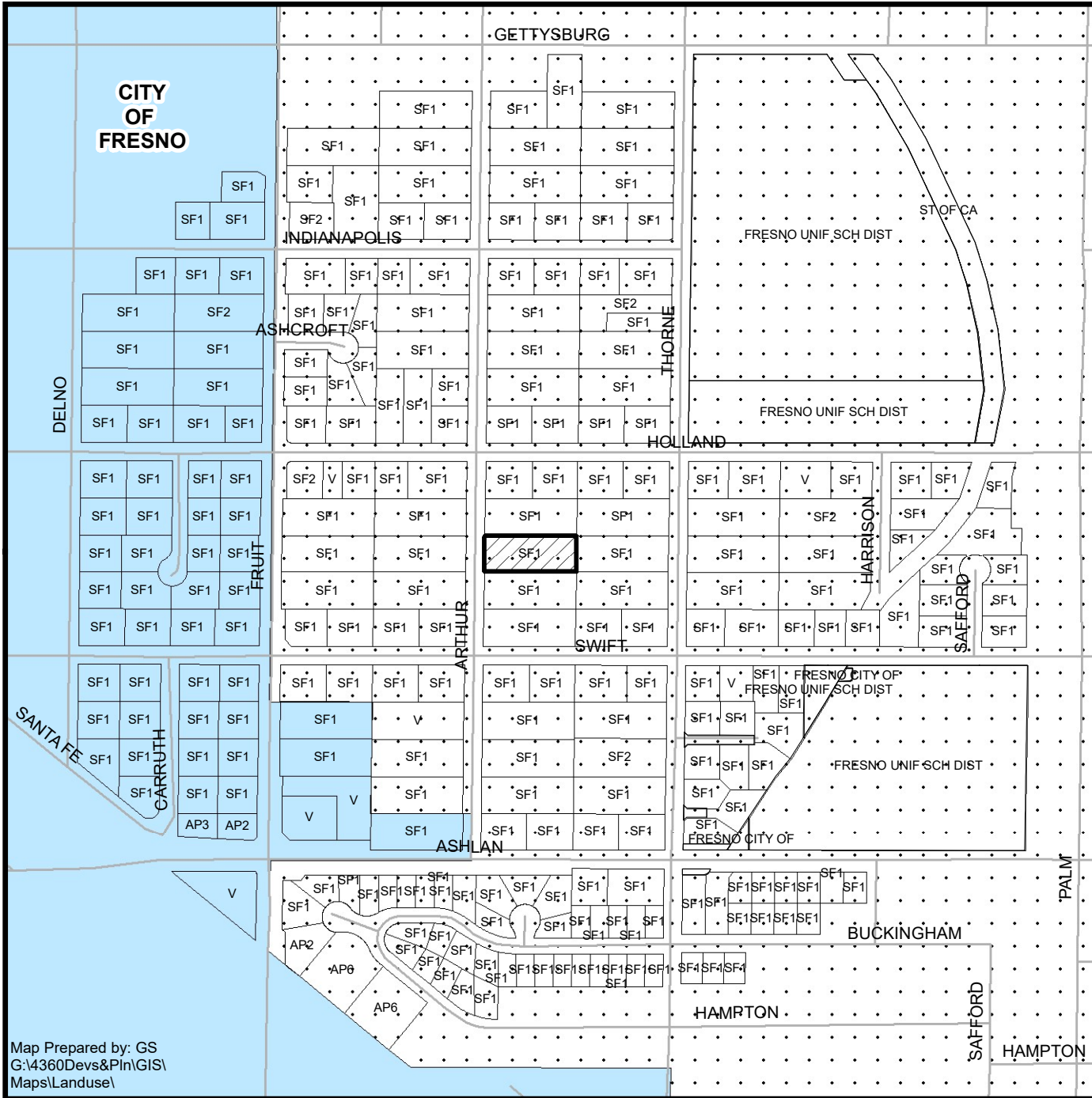
EXHIBIT 3

**Legend**

-  Subject Property
-  Fresno
-  City of Fresno Sphere of Influence
-  O
-  AL20
-  R1
-  R1B
-  R1C
-  R2A






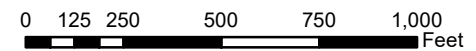
# EXHIBIT 4 EXISTING LAND USE MAP



LEGEND	
AP1	- APARTMENT
C#	- COMMERCIAL
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

### Legend

-  Subject Property
-  Fresno
-  City of Fresno Sphere of Influence



Department of Public Works and Planning  
Development Services Division

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

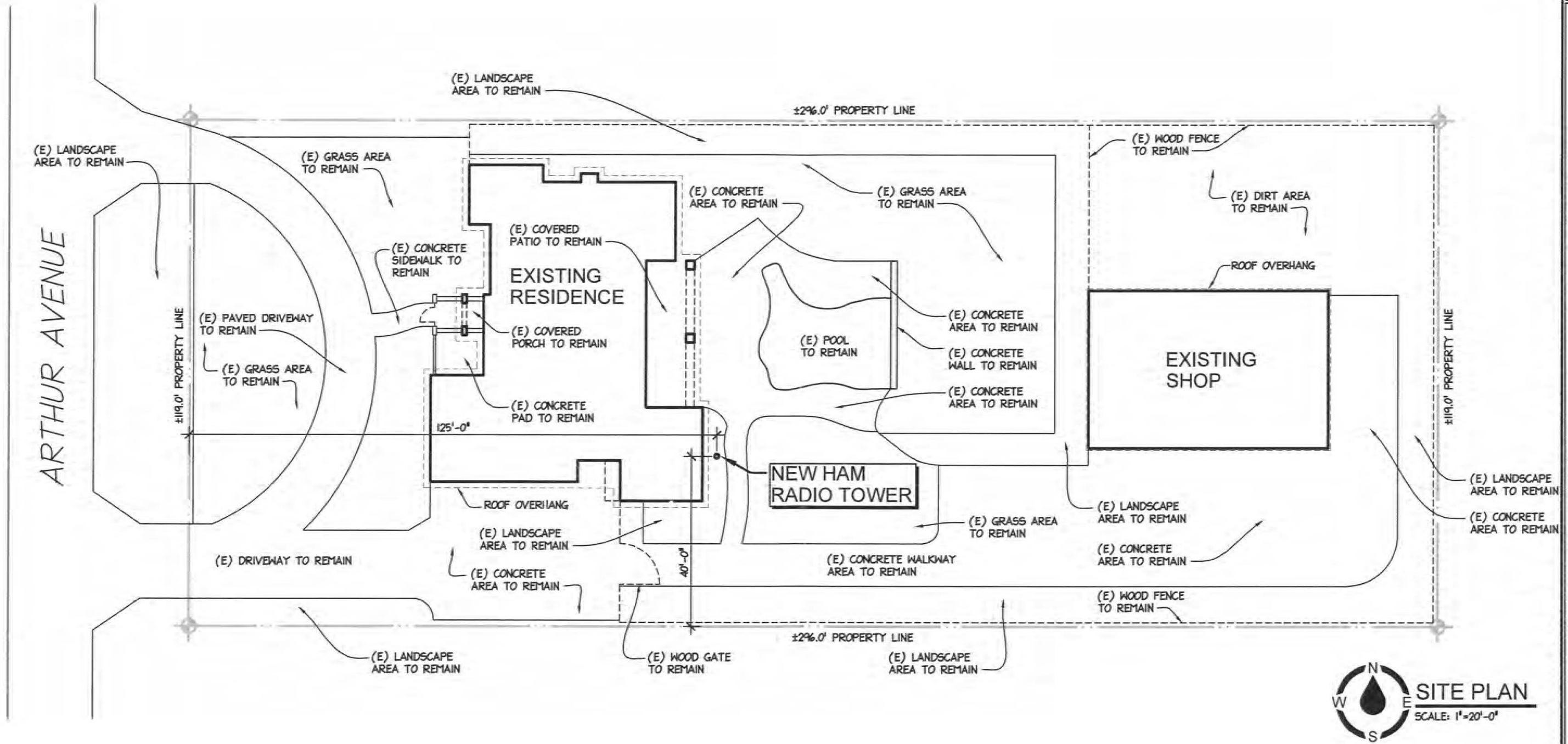
EXHIBIT 4





**NEW HAM RADIO TOWER**  
4352 N. Arthur Ave, Fresno, CA 93705

EXHIBIT 5



DATE:	5-26-2022
PROJECT NO.	2222
SHEET NO.	1



## EXHIBIT 6

### **JESUS RIVAS LOPEZ & LINA RIVAS**

4352 NORTH ARTHUR AVENUE  
FRESNO, CA 93705

#### **OPERATIONAL STATEMENT**

The purpose of this operational statement is to address the nature of the operation that is proposed to be conducted at 4352 North Arthur Avenue, Fresno, CA 93705. The APN for this property is 426-202-09. The current Zoning designation is R1B Single-Family Residential. The owners of the property are Jesus Rivas Lopez and Lina Rivas.

The subject property has an existing single-family residence, an existing personal storage building, and an existing pool. The rest of the property is a mix of landscaped areas and concrete paving. There is access to the site from a driveway on Arthur Avenue. There are existing fences along the north, south, and east property lines. The existing property is 0.81 acres.

The proposed project is for a new 69.5 foot tall ham radio antenna tower, for the property owners' personal usage. The proposed tower will not be used for any commercial use. Refer to the attached product brochure. The proposed tower will be located on the east side of the existing house, approximately 125 feet from the front property line and approximately 40 feet from the south side property line. Due to existing trees, the proposed tower would not be visible from Arthur Avenue. Due to the property size, and locations/spacing of existing features, the property is adequate in size and shape to accommodate the proposed tower, accommodating and all required yards, spaces, walls and fences, parking, and landscaping.

The proposed tower and use will not generate any additional traffic. Therefore, the existing streets and highways will not be impacted by the proposed use. The surrounding neighborhood consists of similarly sized large properties, with a wide variety of existing residence styles and accessory buildings and structures. Therefore, the proposed tower will not be detrimental to the character of the development in the immediate neighborhood. The proposed tower will not cause any noise, glare, dust, odor, waste, etc. The proposed use is consistent with the Fresno County General Plan.





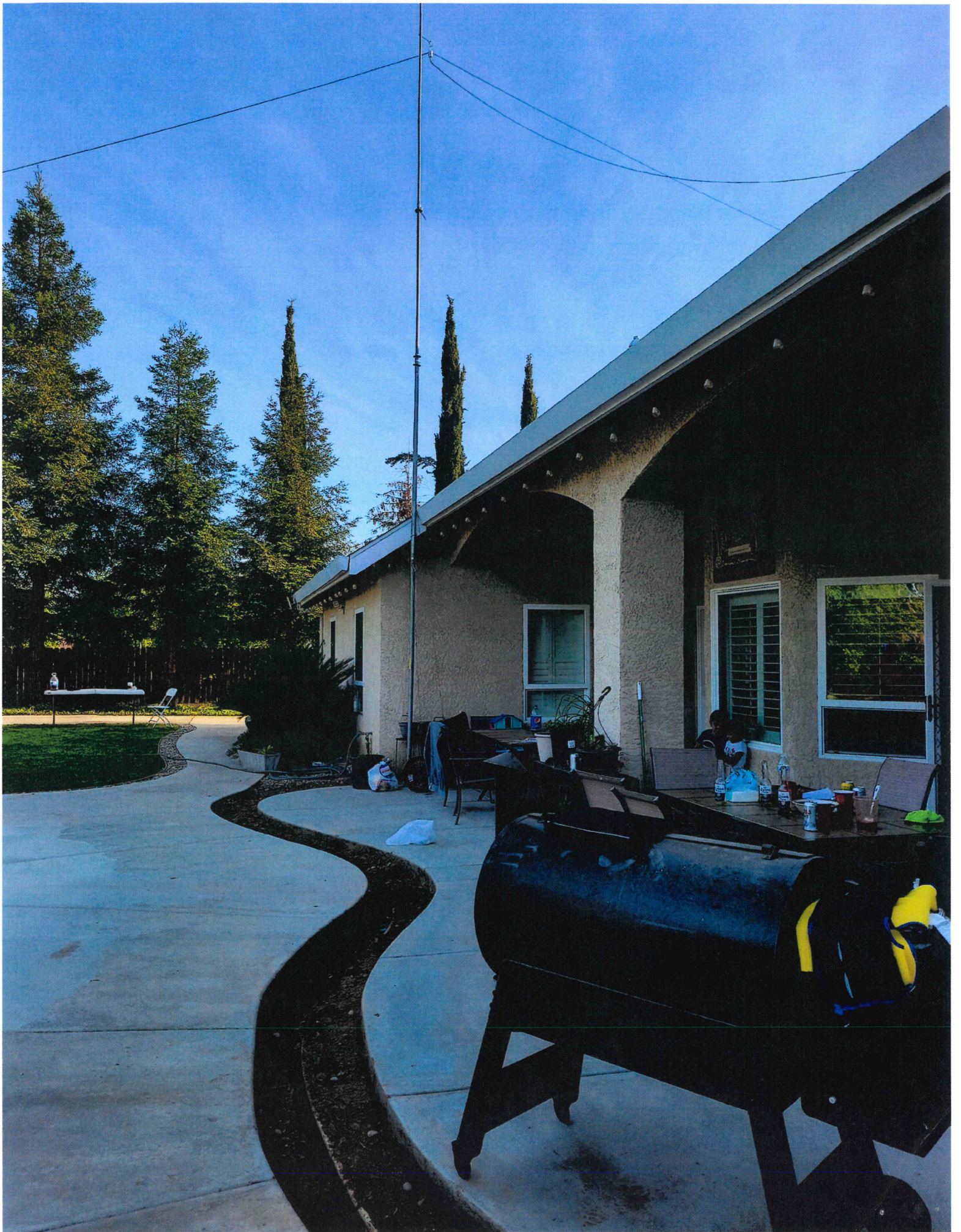






EXHIBIT 7 PAGE 4







Denise Stover  
4343 N. Thorne Ave.  
Fresno, CA 93704

July 28, 2022

Ricky Vang, Planner  
Development Services and  
Capital Projects Division  
2220 Tulare St., Sixth Floor  
Fresno, CA 93721

Dear Mr. Vang,

This is in regard to application #4701 by Jesus Rivas to construct a 69' ham radio tower on his property at 4352 N. Arthur (directly behind my property) which I oppose for these reasons:

- 1) **Health.** What are the short and long term effects of the radio waves on humans and animals (both domestic and wild)? I do not wish to take unnecessary risks regarding my health and the health of my animals.
- 2) **Safety.** If/when the 69' tower falls over (or parts fall off), the result will be injury or loss of life when it lands on power lines, neighbor's homes, garages, cars, humans, or animals. Again, I am not willing to take that risk. Also, what steps is Mr. Rivas going to take to ensure the children residing at his house (or visiting children) do not climb the tower?
- 3) **Aesthetics.** A 69' tower will be an eye sore and will lower my property value. It will not serve to improve the overall beauty of, nor positively enhance, this historic neighborhood. Any structure taller than a 2 story building does not belong in any residential neighborhood.
- 4) **Need.** Mr. Rivas already has an antennae on his roof that allows him to engage in his hobby. A 69' tower with all of the attachments is excessive and unnecessary.
- 5) **Technology interferences.** How will these powerful radio waves impact my ability to use technology in my home? Will they interfere with my internet services, my TV, my phone?

I hope you reject Mr. Rivas' application and consider the negative impact a 69' tower will have. There are health and safety issues to consider, as well as what is best for the greater good of the neighborhood.

Thank you for your consideration.

Sincerely,



Denise Stover  
(559) 388-1882

Department of Public Works and Planning

Steven E. White, Director

2220 Tulare Street, Sixth Floor

Fresno, CA 93721

ATTN: Ricky Vang, Planner

Development Services and Capital Projects Division RV

DRA 4701

My name is:

Jackie Boyajian

235 West Holland

Fresno, CA 93705

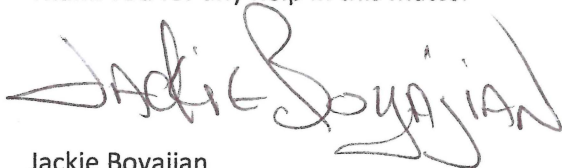
Phone – 559-224-6643 - home

I am writing this note to let you know-----THAT I DO NOT wish to have the Ham Radio Tower located in my neighborhood as requested by Jesus Rivas.

I have lived in my home since 1970 and have enjoyed a quiet, peaceful and BEAUTIFUL neighborhood. I believe, the sight of such a tower will certainly change things. I am of the opinion that having this sight does not take into consideration of what neighbors would like to look at while being outside.

I am hoping the County will also consider this to be something unsightly and NOT approve a tower in our neighborhood.

Thank You for any help in this matter

A handwritten signature in black ink that reads "Jackie Boyajian". The signature is written in a cursive, flowing style with a large initial "J".

Jackie Boyajian

**Vang, Ricky**

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**From:** Victor Salazar <voteman@sbcglobal.net>  
**Sent:** Saturday, July 30, 2022 2:04 PM  
**To:** Vang, Ricky  
**Subject:** Opposition to Jesus Rivas' Application for Director's Review and Approval, No. 4701

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

I live in a neighborhood where Mr. Rivas has proposed the construction of a 69' ham radio tower in a single family residential zone district. I am writing to register my opposition to this application.

Our neighborhood is zoned for residential purposes, not commercial use. The proposed construction of such a large tower will be an eyesore and detract from the beauty and character of our neighbor. This area is zoned residential and the tranquility and character of our neighborhood must have been one of the reasons for Mr. Rivas' moving here. He should not be allowed to alter the character or disturb the tranquilly of our lifestyle. Consequently, I am opposed to the intrusive and detrimental consequences of this application.

Victor Salazar  
4387 N. Thorne Ave.  
Fresno, CA 93704  
(559) 355-6540

Mr. Ricky Vang  
County of Fresno  
Department of Public Works and Planning  
2220 Tulare St, 6th Floor  
Fresno, CA 93721

Dear Mr. Vang,  
In response to your notice RE: Jesus Rivas approval of the installation of a 69' Ham Radio Tower on 4352 N. Arthur

We are adamantly opposed to this the installation of this for the following reasons:

- It is not going to be aesthetically pleasing to any of the surrounding neighbors
- It may interfere with our existing technology such as wifi , internet and cable.
- It may be harmful to people and animals alike.
- It could become a safety issue in windy or storm conditions.

These are just a few of many reasons that my husband and I are not happy about this request as he is right behind our property. Thank you for your consideration in not allowing this to be installed.

Warm regards,

Catherine & Rodney Vose  
4371 N. Thorne Ave  
Fresno, CA 93704

August 2, 2022

Dave & Ann Lantis  
4372 N. Thorne Ave  
Fresno, CA 93704  
5599065358/5599065359

**VIA EMAIL**

Mr. Ricky Vang, Planner  
Development Services and Capital Projects Division  
County of Fresno Public Works and Planning  
2220 Tulare Street Sixth Floor  
Fresno, CA 93721

**RE: Notice of Application No. 4701 4352 N. Arthur Fresno, CA 93705**

Dear Mr. Vang,

We are writing to notify our opposition to the proposed 69' Ham Radio Tower, Mr. Jesus Rivas wants to allow within the R-1-B SFR Zone District. We purchased our Old Fig home (my wife's childhood neighborhood) and spent the past 10 years updating it, finally moving in August, 2020. We left the city for the bit of country life Fig Gardens provides. We love it here and enjoy the view of the deodar cedars we planted, continuing the theme of Old Fig Garden.

We also have no problem with what people create within their property. However, this is an exception due to many knowns/unknowns, accommodating one homeowner while most neighbors are against this proposal or simply unaware. We have children and pets in our home that is surrounded by wildlife, and wish to continue living in this safe environment.

We do not want to look at a 69' COMMERCIAL Ham Radio Tower. Spending time researching these towers (not specified in NOA), brought to light many dangers:

UHF/VHF high-capacity dangers/interference with all associated neighboring electronics/frequencies.

A tower this size is not fitting, nor is it necessary in our well-known historic Fig Garden area. The subject should consider a country home away from a populated area that meets the required conditions.

Upon researching this tower, the dangers and downfalls of having such a powerful tower in a residential neighborhood is really unheard of (RF factors included) and should definitely not even be open for discussion. We could go into detail, which we will gladly provide upon request, as even we were stunned at the negative impact(s) from this tower.

We will in no way welcome any sort of this type of device in our neighborhood and would like to thank you for providing this notice of application to neighbors.

Best regards,

Dave Lantis  
Ann Lantis

cc: file

# Corey Frantzich

---

4352 N. Thorne Ave Fresno, CA 93704 / 559-351-0495 / CoreyVette8@yahoo.com

**Aug. 1, 2022**

Mr. Vang

Planner

Development Services and Capital Projects Division

2220 Tulare Street, Sixth Floor / Fresno, CA 93721

**Dear Mr. Vang:**

I am writing in regards to the review and approval of application #4701, the installation of a 69' (7 story high) Ham Radio Tower. I am opposed to this as I don't feel it should be in a residential area so close to occupied homes. Also, with as many schools that are in the area this poses an even greater risk to the curious nature of so many children! There isn't anything aside from an armed guard to guarantee keeping any child from wanting to get closer to see it or lord forbid climbing on it getting injured or getting killed. With there being 3 schools in the area 2 out of the 3 being in the immediate area.

An article on <https://radiotackle.com/ham-radio-tower/> I read had 4 things to consider before installing this type of radio. I felt 3 of them were very important in this case especially.

1. It should be set up in a way that it does not fall on the neighbor's property.
2. It should not be installed where the tower can fall on power lines.
3. **You should take necessary steps to stop children from climbing the ham radio tower.**

The applicant already has a fairly tall tower in his yard now.

If this poses even minimal health risks to the immediate surroundings, I urge you to please deny this application.

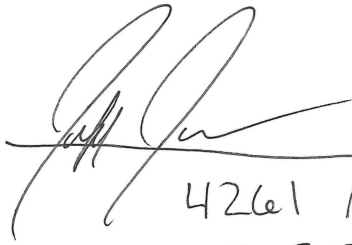
Sincerely,



**Corey Frantzich**



I agree with Mr. Carlson's concern. I have lived in this neighborhood my entire life and the potential of a large radio tower and how it may effect both the birds and wildlife were become accustomed to concerns me. Its effects of RF radiation and the unsightliness of it is also an issue



Jeff Jones

4261 N Arthur  
559-313-1454

July 27, 2022

Mr. Ricky Vang  
County of Fresno  
Department of Public Works and Planning  
2220 Tulare St, Sixth floor  
Fresno, CA 93721

Re: Application No. 4701

Dear: Mr. Vang

Let this letter serve as my and my neighbor's opposition to the proposed Radio Tower at 4352 N. Arthur Ave. Fresno, CA 93705.

Below I will give you some maybe not all the reasons for denying this application.

1. As you are aware we live in what is considered Old Fig Garden. This is a neighborhood that is as old as Fresno and considered historic and a desirable place to live. The look of the area IS what makes Old Fig different from the rest of the city. To this day home values along with property values are higher than the surrounding city. We believe that the tower would negatively impact all of Mr. Rivas's neighbors.
2. After doing some research on the subject "Fieldradio.org" has stated that 10-15' of height was sufficient for most Ham Radio operators.
3. Several of the neighbor's still use over the air TV reception. According to the FCC Ham Radios can interfere with people's ability to use their TV's. ( see exhibit A )
4. There is a safety factor that needs to be addressed here as well especially for me as I would be the one closest to the Tower when in operation. From FCC 96-326 pages 59, "Nonetheless, we are concerned that amateur radio operations are likely to be located in residential neighborhoods and may expose persons to RF fields in excess of the MPE guidelines.
5. The FCC in November of 2019 also updated its rules regarding RF exposure. First that Amateur radio's categorical exclusion has been eliminated. Second that the Radio operator must be able to prove that his station is safe.
6. The safe distance from the tower is up for debate. Apparently the Tower creates a shadow directly beneath itself and the strongest radiation occurs some distance away between 150-500'.
7. Wildlife, Old fig is alive with all type of animals. Foxes, Quail, Raccoons, Hawks, and Owls to name a few but certainly not all. We have no way of judging how the Tower might affect these animals. (See the enclosed pictures they were taken this year less than 75 feet from the proposed tower.
8. Question currently Mr. Rivas has his Ham radio up and running he has also told me that he has spoken to people in Japan. If that is the case why does he need a bigger antenna?

In closing do the rights of one override the rights of the rest of his neighbor's?

Sincerely

David N. Carlson  
4332 N. Arthur Ave.  
Fresno, CA 93705

July 27, 2022

Mr. Ricky Vang  
County of Fresno  
Department of Public Works and Planning  
2220 Tulare St, Sixth floor  
Fresno, CA 93721

**Re: Application No. 4701**

Dear: Mr. Vang

This letter is to express my and my neighbors' opposition to the proposed privately-owned residential radio tower at 4352 N. Arthur Ave. Fresno, CA 93705.

I, and all of the undersigned neighbors to this property, have the following concerns regarding this tower's existence near us:

1. We live in what is considered "Old Fig Garden." This is a neighborhood that is as old as Fresno and considered both historic and a desirable place to live. The aesthetics of the area ARE what make Old Fig different from the rest of the city. It is a place where greenery comes first and eyesores are hard to find. To this day home values along with property values are higher than the surrounding city. We believe that the tower would negatively impact the property values of all of the neighbors, be out of place and visually offensive to all who view it.
2. I, and several other neighbors, still use over-the-air TV reception and we are concerned that the additional wattage and frequency of this tower will interfere with our reception. According to the FCC, ham radios are known for doing exactly that. (*See exhibit A.*)
3. We are also highly concerned about the safety aspects of the tower. This is especially true for me as I, and my family, would be the closest to the tower. I have a 36-year-old severely handicapped son who has been that way since birth who would not benefit from additional health issues. I call your attention to this entry from the FCC 96-326 handbook, page 59: "Nonetheless, we are concerned that amateur radio operations are likely to be located in residential neighborhoods and may expose persons to RF fields in excess of the MPE guidelines. Neighbors cannot exercise control over their RF exposure." Furthermore, according to the FCC: "exposure to high RF intensities can result in heating of biological tissue and an increase in body temperature. Tissue damage in humans could occur during exposure to high RF levels because of the body's inability to cope with or dissipate the excessive heat that could be generated." My handicapped son is always on the premises and will always be only feet away from this tower. Furthermore, does

anyone living in Fresno really need additional ways to increase their body temperature?

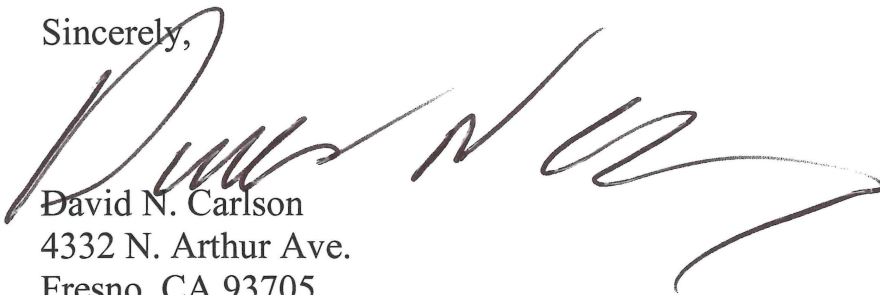
4. The FCC, in November of 2019, updated its rules removing the exclusion for amateur radio operators and requiring that amateur radio operators at least initially prove that their stations are safe. We are concerned that we will not have any regular, ongoing, proof that this station is safe and remains that way.
5. The distance where you could be considered safe from the effects of the tower is ill defined. Towers create a shadow directly beneath themselves and the strongest radiation occurs some distance away, upwards of 500 feet, with lesser but still measurable exposure the further out you go.
6. If the RF is dangerous to us humans it can be no better for wildlife. And Old Fig is alive with all types of animals: bats, foxes, quail, raccoons, hawks, and owls to name a few but certainly not all. We have no way of knowing how this tower might affect these animals. *(See the enclosed pictures that I took this year less than 75 feet from the proposed tower location.)*

I have had friendly conversations with permit applicant Jesus Rivas about his ham radio hobby and he has told me that he has spoken to people in Japan with his current wire set-up. That being true, why does he need a bigger antenna that negatively impacts all his neighbors just to do what he is already doing?

In closing, we ask you to consider that the rights of one should not override the rights and concerns of the rest of us and deny this permit application. In the event that you approve Mr. Rivas' application, we, the undersigned, each request a copy of his liability insurance on the radio tower within 30 days of installation.

I request immediate email notification of the County's decision on this matter. My email address is: [dnc@sportspoint.com](mailto:dnc@sportspoint.com).

Sincerely,



David N. Carlson  
4332 N. Arthur Ave.  
Fresno, CA 93705  
(559) 243-9165—Home  
(559) 276-8339—Office  
(559) 930-4951—Cell

CC: to each of the undersigned neighbors

Name Marcy Schwabenland  
Address 4433 N. Arthur Ave, Fresno CA 93705  
Telephone Number 559-999-9710  
Signature / Date Michaela 7/28/22

Name Spencer Freeman  
Address 4353 N. Arthur Ave, Fresno Ca 93705  
Telephone Number 559-301-9605  
Signature / Date [Signature] 7/28/22

Name Jodie Bouajian  
Address 235 West Holland, Fresno, CA 93705  
Telephone Number 559-224-6643  
Signature / Date Jodie Bouajian

Patrick McKenzie

Name

4333 N. Arthur Ave

Address

559-351-0872

Telephone Number

Patrick McKenzie 7/28/22

Signature / Date

Kristi Carlson

Name

4372 N Arthur Ave

Address

559-349-1492

Telephone Number

Kristi Carlson

Signature / Date

Leroy Dawsby

Name

4387 N. Arthur Ave

Address

(559)-433-7814

Telephone Number

Leroy Dawsby

Signature / Date

Dana Harding  
Name  
4251 N. Arthur Ave ; Fresno, Ca. 93705  
Address  
(559) 269-0760  
Telephone Number  
Dana Harding 7/28/22  
Signature / Date

Bob Kirkpatrick  
Name  
246 W Swift  
Address  
559-630-2079  
Telephone Number  
Bob Kirkpatrick 7-28-22  
Signature / Date

Cole Pilegard  
Name  
120 W Swift Ave  
Address  
(559) 476-6788  
Telephone Number  
C. Pilegard 7/28/22  
Signature / Date

Anita & Carl Dyck


Name

410 W SWIFT Fresno CA 93705

Address

559-284-7260

Telephone Number

 7/28/22

Signature / Date

Karen Shaver

Name

4287 N. Arthur

Address

559-375-2866

Telephone Number

 7/28/22

Signature / Date

Debbie Boligian

Name

4268 N. Arthur, Fresno, CA 93705

Address

559-227-9357/559-9079627

Telephone Number

 7/28/22

Signature / Date



REBEKAH PALMATIER-BARISIC

Name

4313 NO. THORNE AVE.

Address

559.999.6231

Telephone Number

Rebekah Palmatier-Barisic 7/31/22

Signature / Date

Name

Address

Telephone Number

Signature / Date

Name

Address

Telephone Number

Signature / Date

### Interference with Radio, TV and Cordless Telephone Signals

Interference occurs when unwanted radio frequency signals disrupt the use of your television, radio or cordless telephone. Interference may prevent reception altogether, may cause only a temporary loss of a signal, or may affect the quality of the sound or picture produced by your equipment. The two most common causes of interference are transmitters and electrical equipment.

#### Transmitter interference

Communication systems that transmit signals capable of generating interference include amateur radios, CBs and radio and television stations.

Design flaws such as insufficient filtering and inadequate shielding or frayed or corroded wires may make equipment susceptible to transmitter interference.

To determine whether the interference is caused by a transmitter or electrical equipment, unplug one household electronic component at a time to see if you can isolate any electrical interference source.

If your equipment is reacting to nearby transmitters such as an amateur radio or CB, you will have interference only when the radio operator is talking and you will be able to hear only half of the conversation. If this is the case, you may be able to verify the interference source if you see an antenna mounted on a nearby house or car.

Cordless telephones use radio frequencies and have no protection from interference. If you are experiencing interference on your cordless phone, you should contact the equipment manufacturer for assistance.

#### Electrical interference and your TV

In the presence of electrical interference, you may experience frozen images or intermittent audio while viewing over-the-air television programs. This interference may be caused by equipment in your home, such as hair dryers, sewing machines, electric drills, doorbell transformers, light switches, smartphone chargers, power supplies, computing devices, washing machines, clothes dryers, fluorescent lights, LED lights, or garage door openers.

Electrical interference may also be caused by power lines. Interference caused by your power company's electrical equipment is normally continuous, and your power company should be notified.

A simple method of determining the location of electrical interference is by using a portable battery-powered AM radio tuned to a quiet frequency at the lower end of the dial. You should hear static or a buzzing sound as you get close to the source of the interference. The closer you get, the more intense the static will be.

If you cannot locate the interference source in your own house, check with your neighbors to see if they also experience interference. The source may be in their home.

If you cannot determine the source of the electrical interference, contact the customer service

After explaining how RF exposure can be harmful, Dan explained how the rules are changing: The biggest change, he notes, is that amateur radio's categorical exclusion has been eliminated. What this means is that now every radio amateur will have to perform an RF exposure evaluation of their stations. This now includes mobile and portable stations, including HTs, SOTA/POTA stations, and Field Day and special event stations.

He noted that you must be able to prove that your station is safe. This includes not only performing the evaluation, but also documenting these evaluations, should this data be requested by FCC personnel.

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Finally, Professor Overbeck suggests that we promulgate an amateur service version of OST Bulletin No. 65 that would include charts and tables showing required separation distances between antennas and inhabited areas for various power levels. He also suggests that amateurs be tested on this topic as part of operator license examinations.

160. Decision. The Commission expects all its licensees to comply with the RF guidelines specified in our rules, or, if not, to file an Environmental Assessment for review under our NEPA procedures. After a thorough review of the comments and the results of an FCC/EPA measurement study,<sup>196</sup> we conclude that, although it appears to be relatively small, there is a potential for amateur stations to cause exposures to RF radiation in excess of these guidelines. Amateur stations can transmit with up to 1500 watts peak envelope power on frequencies in specified bands from 1,800 kHz to over 300 GHz. Certain of the emission types permitted have high duty cycles, for example frequency or phase shifted digital signals. Amateur stations are not subject generally to restrictions on antenna gain, antenna placement and other relevant exposure variables. Even though situations where exposures are excessive may be relatively uncommon and even though most amateur stations transmit for short periods of time at power levels considerably lower than the maximum allowed, the possibility of human exposure to RF radiation in excess of the guidelines cannot be disregarded. Therefore, a blanket exemption for all amateur stations does not appear to be justified, and we will apply our new guidelines to amateur stations. We will rely upon amateur licensees to demonstrate their knowledge of our guidelines through examinations. We will also rely on amateur licensees to evaluate their own stations if they transmit using more than 50 watts of output power. Applicants for new licenses and renewals also will be required to demonstrate that they have read and that they understand our applicable rules regarding RF exposure.

161. We find it to be the duty of the licensee of an amateur station to prevent the station from transmitting from any place where the operation of the station could cause human exposure to levels of RF radiation that are in excess of the limits we are adopting. We concur with the ARRL that amateur operators should follow a policy of prudent avoidance of excessive RF exposure. We will continue to rely upon amateur operators, in constructing and operating their stations, to take steps to ensure that their stations comply with the MPE limits for both occupational/controlled and general public/uncontrolled environments. In this regard, we recognize and agree with the ARRL's position that the occupational/controlled limits generally can be considered adequate for situations involving amateur stations considering the most commonly used power levels, intermittent operation and frequencies involved. We recognize that operation in the amateur radio service presents certain unique conditions. **Nonetheless, we are concerned that amateur radio operations are likely to be located in residential neighborhoods and may expose persons to RF fields in excess of the MPE guidelines.** We will consider amateur

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<sup>196</sup> See, note 194, *supra*.



*David N. Carlson*



