



December 22, 2014

Kevin White, Senior Planner
Current Planning Division
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182

Regarding: Lazer Radio Broadcasting Facility; Notice of Preparation of a Draft Environmental Impact Report

Thank you for the opportunity to respond to the Notice of Preparation of a Draft EIR for the above-referenced project. The primary concerns for the City of Yucaipa are included in the staff report dated November 26, 2012, Resolution 2012-71, and correspondence dated September 29, 2010 and September 19, 2012 (attached). A signed copy of Resolution 2012-71 adopted by the Yucaipa City Council opposing the Lazer Radio Broadcasting facility has been attached for your records. The concerns and requests contained in the attached documents continue to be valid and shall be addressed. In addition to the concerns set forth in the attached correspondence, the City of Yucaipa requests that the EIR address the following issues/concerns:

1. The Notice of Preparation states that the contemplated environmental document will be a "Focused EIR." Section 21158 of the State CEQA Guidelines states that "a focused environmental impact report is an environmental impact report on a subsequent project identified in a master environmental impact report. A focused environmental impact report may be utilized only if the lead agency finds that the analysis in the master environmental impact report of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment is adequate for the subsequent project." How can a Focused EIR be prepared for this project is a Master EIR was not subsequently adopted? If an EIR is being prepared, it should address all environmental factors listed in the Environmental Checklist Form. Please provide clarification.
2. Address the cumulative impacts associated with multiple antennas at this location. If this facility is constructed, it is almost certain that the County will receive additional applications for more communication towers and/or co-located facilities and therefore, the cumulative impacts associated with this project also must be considered as significant.
3. The Notice of Preparation states that alternative site locations for the Lazer Radio Broadcasting facility will be contemplated. The City of Yucaipa has requested an

analysis of alternative site locations for this facility in previous correspondence and we look forward to reviewing this information in the EIR document.

In addition to responses to the above comments, please provide me with future notice of availability of the Draft EIR, and direct all CEQA related correspondence to my attention.

Sincerely,


CITY OF YUCAIPA



Joseph M. Lambert
Director of Development Services

enclosures

**CITY OF YUCAIPA
AGENDA REPORT**

TO: Honorable Mayor and City Council
FROM:  Raymond A. Casey, City Manager
FOR: City Council Meeting of November 26, 2012
SUBJECT: Lazer Broadcasting Antenna Site Near Wildwood Canyon State Park

RECOMMENDATION:

That City Council adopt Resolution No. 2012 – 71, encouraging the San Bernardino County Board of Supervisors to again deny Lazer Broadcasting's proposal to erect a radio tower adjacent to the City of Yucaipa and Wildwood Canyon State Park.

BACKGROUND:

In June of 2007, Lazer Broadcasting, Inc. submitted an application to the San Bernardino County Land Use Services Department for a Conditional Use Permit to construct an FM radio broadcast facility (call letters: KXRS) consisting of a 140-ft tall lattice tower to support a 25-ft tall x 42-in diameter 6-bay FM broadcast antenna. Included in the project were a 250 sq ft equipment building, a 20kW generator, and a 500-gallon fuel tank. The facility was to be located on the company's 38-acre parcel immediately adjacent to Wildwood Canyon State Park, and utility services were to be provided by installing 33 new 40-ft tall utility poles on Pisgah Peak Road.

On July 31, 2007, staff responded to the County's Project Notice with a fairly routine letter based on the limited information that we had received. Our comments noted some concerns with the proposed power lines and indicated that the project could have a significant effect on the visual resources of the State Park. In April of 2008, staff received the Initial Study from the County detailing their environmental review of the project, and the tower had been reduced to 100-ft in height, and the utility lines were going to be placed underground. This was an improvement from the original plan, but the cumulative impact of having additional towers at this location was still not being addressed, and in our April 17, 2008, letter staff again submitted comments suggesting that an environmental impact report should be prepared.

In October of 2008, the County circulated a Revised Initial Study, with the proposed tower reduced to 80-ft in height, but it did not address staff's earlier concerns regarding the cumulative impacts associated with the potential proliferation of multiple towers, and we advised the County of our concerns in a letter dated October 16, 2008. On November 6, 2008, the County Planning Commission voted 4-1 to approve the project, and this action was then appealed to the County Board of Supervisors. On November 10, 2008, the Mayor informed the Council of this matter during the Mayor and Councilmember Business portion of the City Council meeting, and the consensus of Council was that staff should prepare a letter for the Mayor's signature expressing their opposition to the project.

DISCUSSION:

In December of 2008, after carefully reviewing the administrative record, and encountering substantial opposition from a large number of concerned citizens in the East Valley, the County Board of Supervisors voted unanimously to overturn their Planning Commission's approval of the project. At this point, nothing occurred until June of 2010, when staff received a Project Notice from the County for a Conditional Use Permit to construct a 43-ft tall lattice tower and a 100 sq ft equipment building. The generator and the fuel tank had been removed from the project, and the application also included a Major Variance to reduce the fuel modification zone from 100 ft to 30 ft in order to reduce the amount of disturbed area.

Staff responded to this Project Notice with a letter dated June 14, 2010, which once again expressed our concerns regarding the environmental review procedures being used by the County. Because of the potential for this project to adversely affect the significant scenic resources of Wildwood Canyon State Park, staff believes that an environmental impact report needs to be prepared to fully evaluate this situation, and equally important, to conduct an independent evaluation of alternative sites for the broadcast antenna. The applicant has stated that there are no alternative sites, but staff is aware of at least one professional study that has identified various alternative locations that are away from Wildwood Canyon State Park.

At the September 27, 2010, Council meeting, staff provided the Council with all of the letters that had been previously submitted for this project, and Council directed that another comment letter (see attached) be prepared for the latest proposal. Staff then received a revised environmental assessment of the project's potential impacts, and it concluded that all such impacts could be mitigated to a less-than-significant level. While it provided a more detailed analysis of the project's effect on the environment, it still does not address the City's key issues – the cumulative impacts associated with multiple antennas at this location, and the ability to develop the project on at an alternative location. These specific issues would only be addressed in an Environmental Impact Report, which our letters have been requesting from the beginning, and if Council is still concerned about these issues, we should reiterate our previous comments.

In September of this year, the County Planning Commission conducted a public hearing to review the latest incarnation of Lazer Broadcasting's proposal for a radio broadcast antenna, and once again the City submitted a comment letter to reiterate our on-going concerns with this project. Unfortunately, the project was again approved by a 4 – 1 vote, but an appeal of this action was filed in a timely manner, and the project is once again being reviewed by the Board of Supervisors. It is virtually the same project that was unanimously rejected by the Board of Supervisors in 2008, but the City Council may wish to take this opportunity to once again go on record in opposition to the project. The attached resolution also requests that the Board strongly consider the position of local cities when reviewing land use projects.

Attachments: Resolution No. 2012 - 71
9-19-12 Comment Letter
09-29-10 Comment Letter

RESOLUTION NO. 2012-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, ENCOURAGING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISOR TO AGAIN DENY LAZER BROADCASTING'S PROPOSAL TO ERECT A RADIO TOWER ADJACENT TO THE CITY OF YUCAIPA AND WILDWOOD CANYON STATE PARK

WHEREAS, the City of Yucaipa believes that local control on local land use issues should be respected by all government entities; and

WHEREAS, the City of Yucaipa believes that local municipalities have a strong understanding of potential impacts to their residents and communities related to land use proposals; and

WHEREAS, the City of Yucaipa supports other cities in San Bernardino County in their efforts to advocate for land use issues that are of importance to their local constituents; and

WHEREAS, land use issues in the County can have a significant impact on nearby City residents' quality of life; and

WHEREAS, the City of Yucaipa recommends that the San Bernardino County Board of Supervisors strongly consider the position of local cities when reviewing land use projects; and

WHEREAS, the City of Yucaipa has opposed for years the proposal of Lazer Broadcasting to build a radio tower that would cause irreparable harm to the scenic vistas and open spaces surrounding Wildwood Canyon State Park; and

WHEREAS, the placement of one communication tower can create a precedent for the future development of communication towers in open space areas near other San Bernardino County communities; and

WHEREAS, the San Bernardino County Board of Supervisors has denied similar proposals in the past and should remain consistent in their decision-making;

NOW THEREFORE, BE IT RESOLVED that the City of Yucaipa encourages the San Bernardino County Board of Supervisors to again deny Lazer Broadcasting's proposal to erect a radio tower adjacent to the City of Yucaipa and Wildwood Canyon State Park.

RESOLUTION NO. 2012-71

BE IT FURTHER RESOLVED, that this resolution be noted in the Minutes of this Council and that a copy be presented to the San Bernardino County Board of Supervisors.

Executed this 26th day of November, 2012, by the Council Members of the City of Yucaipa.

PASSED. APPROVED and ADOPTED this 26th day of November 2012.



DICK RIDDELL, MAYOR

ATTEST:


JENNIFER SHANKLAND, CITY CLERK

September 19, 2012

Honorable Chair and Members
of the Planning Commission
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting FM Radio Broadcast Facility (Project No. P201000215/CUP)

Dear Chairwoman Mathews and Members of the Commission:

The project referenced above represents the re-submittal of an application that was unanimously rejected by the Board of Supervisors in December of 2008. Although the current application now proposes the construction of a smaller tower and ancillary equipment structure, they would still be located on the border of Wildwood Canyon State Park, but at a higher elevation to make up for the reduced tower height. This nearly pristine natural area was chosen for State Park status primarily because of its exceptional aesthetic and natural values, and it should go without saying that the presence of a very prominent monopole antenna and its equipment building in this environment is entirely contrary to the mission of the State Park.

All available evidence indicates that this project will result in significant adverse impacts on the environment, but County staff members have downplayed this evidence. Without question, this antenna monopole will have a substantial adverse effect on a major scenic vista (Wildwood Canyon State Park), and it will substantially degrade the existing visual character or quality of the site and its surroundings. In addition, once utilities are extended to this facility, it is almost certain that the County will receive additional applications for more communication towers, and therefore, we believe the cumulative impacts associated with this project also must be considered as significant.

We believe that these three issues alone warrant the preparation of a full environmental impact report, but equally important, and equally lacking from the current environmental assessment, is any discussion of alternative sites. An environmental impact report should be required to address this issue in detail, and we believe that the burden of proof is on the applicant to demonstrate that there are no alternative sites for this facility. Supposedly, this is the only location where they can reach their listeners, but we would submit that most, if not all of the residents in Hemet currently receive radio broadcasts, and none of them are originating from this location.

We have been advised that an independently prepared study (Kline Report) clearly demonstrates that other suitable locations exist for this broadcast antenna, either on existing antenna towers or other vacant property several miles to the east of the currently proposed site. We understand that

City of Yucaipa
34272 Yucaipa Boulevard, Yucaipa, CA 92399-9950
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Honorable Chair and Members of the Commission
Lazer Broadcasting Project
September 19, 2012
Page 2

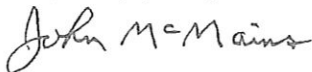
the applicants would be required to lease space on an existing tower, or purchase additional property, but financial considerations do not overcome the obligation to consider alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.

At a hearing held by our City Council on September 27, 2010, we observed considerable opposition to this proposal from many Yucaipa residents, as well as from representatives from the Supporters of Wildwood Canyon State Park, the Yucaipa Conservancy, and the Wildlands Conservancy. This facility is clearly inconsistent with their long-range goals for this natural area, and they indicated that over 2,500 people have signed their petitions opposing this project. This opposition was focused on the belief that the border of Wildwood Canyon State Park was simply the wrong location for this facility and that a less obtrusive site must surely exist somewhere else.

These sentiments were echoed by each of our Council members during the discussion of the proposal, and it was also noted that this proposal would be in direct violation of the City's policies and standards for ridgeline developments if it were subject to our jurisdiction. We understand that the Board of Supervisors adopted rather extensive Findings in their action to deny the previous proposal, including a Finding that the facility was inconsistent with the land use policies of the Oak Glen Community Plan, and we have not seen anything to date that would indicate that the current proposal will eliminate or even reduce any of the previously identified adverse impacts.

In summary, we believe that the negative visual impact of this antenna monopole is completely out of character with the existing environment, and that it will not be possible to mitigate the adverse impacts of this ill-conceived project to a less-than-significant level as required by the California Environmental Quality Act. Consequently, we are requesting that you deny this application, or at a minimum, require the preparation of a full environmental impact report to adequately address this issue, as well as the others, including the evaluation of alternative sites for this facility. We believe that this so-called "compromise" project does nothing to eliminate these negative impacts.

Very truly yours,



John McMains, Director
Community Development Department

cc: Neil Derry, 3rd District Supervisor
Kevin White, Sr. Associate Planner

September 29, 2010

Honorable Chairman and Members
of the Planning Commission
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting FM Radio Broadcast Facility (Project No. P201000215/CF)

Dear Chairman Cramer and Members of the Commission:

The project referenced above represents the re-submittal of an application that was unanimously rejected by the Board of Supervisors in December of 2008. Although the new application now proposes the construction of a smaller tower and ancillary equipment structure, they would still be located on the border of Wildwood Canyon State Park, but at a higher elevation to make up for the reduced tower height. This nearly pristine natural area was chosen for State Park status primarily because of its exceptional aesthetic and natural values, and it should go without saying that the presence of a very prominent metal tower and its equipment building in this environment is entirely contrary to the mission of the State Park.

All available evidence indicates that this project will result in significant adverse impacts on the environment, but County staff members have downplayed this evidence. Without question, this antenna tower will have a substantial adverse effect on a major scenic vista (Wildwood Canyon State Park), and it will substantially degrade the existing visual character or quality of the site and its surroundings. In addition, once utilities are extended to this facility, it is almost certain that the County will receive additional applications for more communication towers, and therefore, the cumulative impacts associated with this project also must be considered as significant.

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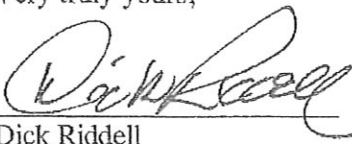
Honorable Chairman and Members of the Commission
Lazer Broadcasting Project
September 29, 2010
Page 2

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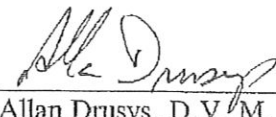
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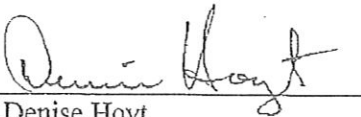
Very truly yours,



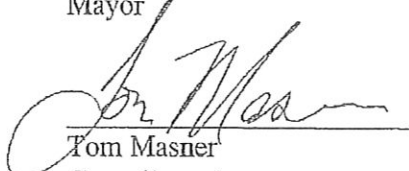
Dick Riddell
Mayor



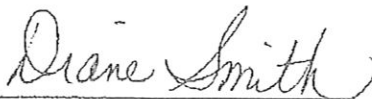
Allan Drusys, D.V.M.
Mayor Pro Tem



Denise Hoyt
Councilmember



Tom Masner
Councilmember



Diane Smith
Councilmember

cc: Neil Derry, 3rd District Supervisor
Kevin White, Sr. Associate Planner