

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

April 18, 2017

**FROM: TOM HUDSON, Director
Land Use Services Department**

**SUBJECT: LAZER BROADCASTING CONDITIONAL USE PERMIT FOR A RADIO TOWER
BROADCAST FACILITY**

RECOMMENDATION(S)

1. Set aside and vacate the adoption of a Mitigated Negative Declaration and the approval of a Conditional Use Permit to establish a radio tower broadcast facility with a Major Variance to reduce the Fire Safety Overlay setback requirements.
2. Conduct a public hearing for a Conditional Use Permit to establish a radio broadcast facility on 38.12 acres in the community of Oak Glen and take the following actions:
 - a. Certify the Final Environmental Impact Report (EIR)(SCH # 2008041082)
 - b. Adopt the Findings of Fact and Statement of Overriding Considerations;
 - c. Approve the Conditional Use Permit for the Project, subject to the Conditions of Approval.
 - d. Direct the Clerk of the Board to file a Notice of Determination.

Hearing opened approximately 11:20 a.m.

Public Comment: Kendra Aleman, Lisa Baca, Carol Bouldin, DeDe Chudy, Ken Coate, Fred Deharo, Juan Delacruz, David Earle, Steve Figueroa, Dr. Liliana Gallegos (Monique Garcia read statement on her behalf into record), Shazy Garcia, Bert Goldman, Jane Hunt-Ruble, Caecilia Johns, Lacey A. Kendall, Russell Louks, Jason Martinez, Jordan McMichael, Joshua L. Mednicer, David Miller, John Mirau, Dave Mlynarski, Kristine Mohler, Danny Morales, Enrique Murillo, John Nolan, Jesse Nunez, Josue Ortuno, Jack Payaslyan, Elizabeth Plascencia, Gabriela Quiroga (read statement on her behalf into record), Vanessa Register, Carlos Reyes, Dick Riddell, Dana Rochat, Stephen Rogers, Alejandro Romero, Ron Sellers, and Mary Valdemar.

The following record their position in support of project: Item #84 (Position Only): Mariscos Espinoza, Joel Figueroa, Armando Gutierrez, Lorena Gutierrez, Guldino Mercado, Gustavo Mora, Alfredo Plascencia, Jose Plascencia, Michael Rivera and Jesus Zarate. (Terrence Janisch no position indicated)

Hearing closed

Board discussion commenced

Supervisor Rutherford arrived approximately 1:19 p.m.

Presenter: Terri Rahhal, Planning Director, 387-4431)

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cc: LUSD-Hudson
LUSD-Rahhal
CAO-Trussell
File - Land Use Services w/attach
jr 5/9/17

ITEM 84

Record of Action of the Board of Supervisors
COUNTY OF SAN BERNARDINO Board of Supervisors

	REC #1 - APPROVED				
MOTION	<u>AYE</u>	<u>ABSTAIN</u>	<u>MOVE</u>	<u>SECOND</u>	<u>AYE</u>
	1	2	3	4	5
	MOTION TO POSTPONE THE HEARING TO A FUTURE BOARD DATE TO ALLOW SUPERVISOR RUTHERFORD TO REVIEW THE TESTIMONY FOR ITEM #84 DIES FOR LACK OF A MAJORITY VOTE				
MOTION	<u>NAYS</u>	<u>ABSTAIN</u>	<u>NAYS</u>	<u>MOVE</u>	<u>SECOND</u>
	2	3	4	5	5
	REC. #2 (M) - MOTION TO DENY DIES FOR LACK OF A MAJORITY VOTE				
MOTION	<u>SECOND</u>	<u>ABSTAIN</u>	<u>MOVE</u>	<u>NAYS</u>	<u>NAYS</u>
	2	3	4	4	5

REC. #2 (M) - (M) - NO ACTION TAKEN SINCE EIR NOT CERTIFIED

LAURA H. WELCH, CLERK OF THE BOARD
BY _____

DATED: April 18, 2017

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS AND OBJECTIVES

**Create, Maintain and Grow Jobs and Economic Value in the County.
Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

FINANCIAL IMPACT

Consideration of this item will not result in the use of additional Discretionary General Funding (Net County Cost). Adequate appropriation and revenue to complete this action have been included in the Land Use Services (LUS) Department 2016-17 budget. The costs of project review and public hearings are paid by the applicant.

BACKGROUND INFORMATION

Project Description

Lazer Broadcasting Corporation ("Lazer" or "Applicant") has proposed a Conditional Use Permit (CUP) to establish a radio broadcast facility (Project). The Project includes a 43-foot tall monopole, a 100-square foot equipment shelter, a parking space, and security fencing on 38.12 acres, located near the intersection of Oak Glen and Wildwood Canyon Roads, west of Pisgah Peak Road, in the Oak Glen Community Plan area. Existing access to the site is via Pisgah Peak Road, a private access road. Immediate access to the proposed equipment building and monopole antenna would be available on foot from a single parking space/turnaround on the subject parcel and adjacent to Pisgah Peak Road. Upon completion of construction of the Project, the site would be accessed one to two times per month for operation and maintenance by technical personnel.

The proposed 43-foot tall monopole would be placed approximately 200 feet below the prominent ridgeline. The Project, including construction of the parking space and equipment building, would require grading of approximately 50 cubic yards of soil that would remain in balance on-site upon completion of the Project. The 100 square-foot equipment building is designed to be partially recessed into the hillside. The single parking space would provide access for vehicular turnaround and serve as a construction staging area. The Project also includes undergrounding of approximately 6,700 feet of electrical and telecommunication lines from a location northeast of the Project site to the proposed equipment shed along Pisgah Peak Road. Undergrounding of the lines would continue from the equipment shed to the monopole, a distance of approximately 650 feet. The unmanned facility will not require water or sewer service.

Lazer owns and operates 20 Spanish Language Radio Stations in 10 regional markets in California and in Reno, Nevada. KXRS is licensed by the Federal Communications Commission (FCC) to Lazer for operation in Hemet, California, to operate on 105.7 MHz. Lazer has been granted a construction permit by the FCC to change the KXRS operating frequency to 105.5 MHz and relocate the transmitter for KXRS to the Project site. These actions will significantly increase the population currently served by KXRS.

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RECEIVED
ADMINISTRATION

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Original Project History

The applicant previously applied for a CUP for a radio broadcast facility (Original Project) on the same parcel in 2007. However, the previous submittal was based on a different design, including a steel lattice tower 140 feet in height located lower on the hill, a 250-square foot equipment shelter (also housing a backup generator with a 500-gallon fuel tank), and overhead electrical lines. During the review process, the Original Project was revised to reduce the tower height to 80 feet and to underground the electrical lines. The original Project also included an application for a Major Variance to reduce the fuel modification requirement around the tower and the equipment structure.

Staff recommended approval of the Original Project, and on November 6, 2008, the Planning Commission conditionally approved it by a 4-1 vote (Commissioner Collazo opposed).

The Planning Commission's conditional approval of the Original Project was appealed to the Board of Supervisors (Board) by a community-interest organization, the Citizens for Preservation of Rural Living (CPRL). That appeal was initially heard on January 27, 2009 (Agenda Item # 84) and continued to March 3, 2009 (Agenda Item # 59) when the appeal was granted and the Original Project denied with prejudice. Denial with prejudice means that the applicant must wait at least 12 months before resubmitting the same or substantially similar application (San Bernardino County Development Code (Development Code) § 86.06.080). At the appeal hearing, the Board adopted findings to deny the Original Project based on reasons stated in testimony provided at the public hearing. This action by the Board represented the independent judgment of the Board that the Original Project was not appropriate for the site and that the Original Project was not compatible with the existing and future land uses in the vicinity.

Current Project History

On May 6, 2010, the Applicant refiled the Project application, with the 43-foot tower height proposal, as described above.

Based largely on the previous findings for denial of the Original Project by the Board, staff recommended that the Project be denied. The Project was heard by the Planning Commission on March 17, 2011 (Agenda Item #3), and continued to May 5, 2011 (Agenda Item #2). At the May 5, 2011, hearing, the Planning Commission voted 3-1 (Commissioner Allard opposing and Commissioner Collazo abstaining) to adopt an intent to approve the Project with directions to staff to complete the required environmental analysis pursuant to the California Environmental Quality Act (CEQA) and to prepare findings for approval. The matter was taken off-calendar to allow staff to comply with the Planning Commission directives.

On September 20, 2012, the Project was again presented to the Planning Commission with a Mitigated Negative Declaration (MND), findings for approval, and Conditions of Approval, in accordance with the Planning Commission's previous direction. At the hearing, the Planning Commission conditionally approved the Project by a 3-2 vote (Commissioners Kwappenberg and Allard opposing). On September 21, 2012, an appeal to the Board was filed by CPRL. At its meeting on November 27, 2012 (Agenda item # 81), the Board denied the appeal and upheld the

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Planning Commission's approval of the Project by a 4-0 vote (Supervisor Rutherford absent).

On December 21, 2012, CPRL filed a petition for a Writ of Mandate, seeking an order that the County be required to set aside its adoption of the MND and all Project approvals. CPRL alleged that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreational resources, land use, and fire safety. Because of this, CPRL claimed: 1) the County violated CEQA and the Project required an Environmental Impact Report (EIR); 2) the findings required for the CUP were not supported by substantial evidence; and 3) the County violated the Development Code with respect to the enforcement of fire-safety development standards. Significantly, the County's evaluation of all other environmental impacts was not challenged.

On October 1, 2013, the Superior Court granted the writ petition, but only as to impacts to visual and recreational resources, land use and fire safety. The Court ordered the County to vacate approval of the MND, CUP, and Major Variance and prepare an EIR for the Project. The Applicant appealed the Court's ruling to the Court of Appeal of California, Fourth Appellate District, but the appeal was denied.

Project Analysis

The San Bernardino County General Plan (General Plan) land use designation for the Project site is OG/RL-20 (Oak Glen/Rural Living – 20-acre minimum lot size), and the site is within the FS-1 (Fire Safety) overlay district. Broadcasting antennas and towers are permitted by the Development Code in the Rural Living land use zoning district, subject to a use permit. The Project site abuts the eastern boundary of Wildwood Canyon State Park (Park). The Park is located in the City of Yucaipa (City), but the Project site is not within the City's Sphere of Influence. All properties abutting the Project site are vacant.

Lazer's KXRS is licensed as a "Class A" FM station and is currently limited to a maximum of 3 kW effective radiated power ("ERP") due to its proximity to neighboring stations on the same and immediately adjacent frequencies. The FCC Rules for Class A stations were revised in 1989 to allow an increase in the maximum operating power of a Class A station to 6 kW ERP in certain circumstances. In particular, the change in the rules also increased the minimum distance that radio stations must be separated from one another based on their frequency (channel) relationship.

In order for Lazer to increase KXRS to the maximum 6 kW ERP, the station must be relocated to another site that meets the current FCC Rules. Choosing any site that meets all transmitter location requirements is not a simple matter, particularly in the mountainous regions of southern California. All minimum distance separation requirements must be met or a station's signal strength must be reduced to protect neighboring stations on neighboring frequencies. Coverage of the principal community receiving the radio transmission signal must also be maintained. Other criteria, including protection of the public from radio frequency energy and availability of equipment space, must also be considered.

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There is an additional limitation to KXRS being located at its current channel. It is believed to be part of a specially negotiated short-spacing agreement the FCC has made with Mexico with regard to co-channel Mexican FM station XHBCE. KXRS is likely to be prohibited from doing anything to increase its signal strength toward the XHBCE station on its current licensed frequency. This limitation does not exist if the KXRS operating frequency changes to 105.5 MHz as proposed in the FCC construction permit. While operationally constrained by the current limitations, the station could choose to remain licensed at the present location and operating power for the foreseeable future.

Throughout its history, the technical need for the Project to be located at the proposed site has been debated. The Applicant provided an engineering statement which indicates that there are no other alternative locations for the Project that will allow Lazer to meet the objectives sought to be achieved from relocation. CPRL has also provided a contradictory engineering statement that concluded there are additional sites that could meet Lazer's objectives. Cavell Mertz & Associates, Inc. (CMA) was retained to provide the County an independent technical analysis of the rules and policies of the FCC as they relate to the location of FM radio stations. CMA was asked to consider and evaluate the merits of the KXRS proposal to construct a facility on the Project site and for additional sites proposed by CPRL. CMA also reviewed and provided comments on the engineering statements provided by Lazer and CPRL.

Although the engineering statements provided by CPRL suggested four alternative locations, CMA found that only Alternative Site #2, located in the community of Cherry Valley in Riverside County, would meet the FCC criteria. This alternative would require construction of a 400-foot tall tower. Further, CMA noted that more than half of the city of Hemet would not be served from this alternative location. CMA concluded that the current Project as proposed would provide a much greater coverage in area and population than that predicted from Alternative Site #2. The feasibility of building Alternative Site #2 was beyond the scope of the CMA analysis, since it would be within the regulatory jurisdiction of Riverside County.

Environmental Impact Report

As noted, the Court's ruling directed the County to undertake the preparation of an EIR. Certain environmental factors required to be considered under CEQA were analyzed in the MND adopted by the Board on November 27, 2012, and were not challenged as part of the December 21, 2012, petition for a Writ of Mandate filed by CPRL. Evaluation of these topics and the reasons for determining that associated impacts would be less than significant are summarized in the EIR. The topics with less-than-significant impacts include: Agricultural and Forestry Resources, Air Quality, Cultural Resources, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems.

Under Section 15128 of the California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), if the Lead Agency determines that an EIR will be required for a project, the Lead Agency must focus on the significant effects of a project and indicate the reasons that other effects would not be significant or potentially significant. The County issued a Notice of

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Preparation (NOP) to surrounding property owners, interested parties, and state agencies on October 24, 2014, pursuant to the CEQA Guidelines. The NOP indicated the following topics would be analyzed as potentially significant impacts in the EIR: Aesthetics, Biological Resources, Geology and Soils, Fire Safety Hazards, and Land Use and Planning.

Aesthetics

The Project site is adjacent to the Park, which is located in the City of Yucaipa. The Park consists of 900 acres of land and provides trails for hikers, mountain bikers and equestrians. Portions of the Project would be visible along portions of trails within the Park. The primary view shed for hikers and equestrians within the Park is northeast toward Pisgah Peak, as a majority of the marked trails trend in this direction. Existing utility poles and wires are located along a Park trail and are visible from the gated entrance to the Park. Rolling hills, valleys and steep slopes occur throughout the Park, with marked and unmarked trails trending generally southwest to northeast. Residential structures located outside of the Park are visible along ridgelines from within the Park. Recreational areas for Park users include: a horse staging area, corrals, a meeting area with picnic tables, portable toilets, and an event/meeting building. Portions of the Park contain above-ground electrical utility poles and overhead wires that are visible at the Park entrance, along trails, and near the horse corrals.

A demonstration pole was previously installed on the Project site and has since been removed. The purpose of the demonstration pole was to help interested individuals observe the Project location and evaluate visual impacts of the Project. From trails within the Park located approximately one mile west of the Project site, the demonstration pole was barely visible, to the extent that it was difficult to locate visually. However, from eastern trails (e.g. North Valley and Stinson trails) within the Park, the monopole was visible due to the contrast created by the darkened weathered wood that stood out against the lighter colored vegetation on the surrounding hills.

The Applicant is proposing to completely revegetate the Project site after the Project is constructed. Landscape plans will be prepared under the direction of a biologist to ensure restoration of the vegetation affected by construction or testing activities. Complete revegetation will not apply to areas within the fuel modification zones that are required around the monopole and the equipment building. The first 10 feet of the fuel modification area (closest to the pole/structure) will allow only fire resistant plants to be planted; these plants shall be approved by the San Bernardino County Fire Department (County Fire).

Staff has determined that with implementation of mitigation measures requiring revegetation of the Project site and painting of the facility to blend with surrounding vegetation, potential visual impacts perceived by sensitive receptors, including nearby residents and Park visitors, would be reduced to a less than significant level. However, this area of CEQA is highly subjective, and public comments previously received by the Board indicate a high level of viewer sensitivity to the monopole's visual impact. In consideration of this sensitivity, and the lack of a feasible alternative site that could avoid these visual impacts, the EIR concludes that the visual impact is significant and unavoidable, at least to some portion of the population.

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Biological Resources

The Project footprint is less than a total of 350 square feet, including the monopole with antenna, equipment building, and parking space. Additional permanent impacts to vegetation would occur on a 30-foot vegetation removal and thinning radius around the equipment building, consistent with the requirements defined in the Development Code §82.13.060(h) for fire fuel safety modification.

As previously noted, the Project site is located near the boundaries of both the Park and the San Bernardino National Forest. The Project site is entirely within the Pisgah Peak Open Space Policy Area of the General Plan, an area that supports a diversity of wildlife species, including large mammals. One of the goals of this Policy Area is to maintain habitat values, potentially by consolidating public/private ownership to reduce the potential for destruction of habitat. Vegetation at the Project site is generally described as mixed chaparral with varying degrees of disturbance occurring near Pisgah Peak Road and along the ridgeline trail that would provide access to the equipment building and monopole with attached antenna.

The firm of Biological Assessment Services (BAS) conducted biological surveys on four separate occasions to determine if the Project would result in significant impacts to biological resources at the Project site and along the access road. BAS made site visits on June 2, 2006; December 30, 2006; March 5, 2007; and August 10, 2007. Updates to the biological investigations were completed in 2009 and 2010. Most recently, a biological survey was conducted in the spring of 2015. A General Biological Assessment report of the Project site was also completed by the firm of Natural Resources Assessment, Inc., in August 2015. All reports conclude that no native riparian vegetation or other sensitive natural community occurs on the Project site.

Geology and Soils

The Project is located within the Geologic Hazard (GH) Overlay District designated by the General Plan. The GH overlay in this area indicates a potential for slope instability. The Geotechnical investigation and updates prepared for the Project detail the results of field exploration, laboratory testing and geotechnical analysis. The conclusion of the geotechnical investigation is that the Project is considered feasible from a geotechnical standpoint, provided that recommendations included in the 2007 Geotechnical Investigation are implemented. These recommendations include requirement of an Updated Geotechnical Report to confirm these findings prior to construction. Recommendations included in all geologic and geotechnical reports prepared for the Project will be implemented as conditions of approval. In addition, the Project is subject to the requirements of the latest edition of the California Building Code. These mitigation measures and standard requirements ensure that impacts associated with geological hazards would be less than significant.

Fire Safety Issues

Three primary fire safety concerns have been analyzed in the EIR: 1) an increase in the risk of wildfires caused by introducing a new source of electricity and a 43-foot tall wooden monopole that could attract lightning during a storm event; 2) a reduction in the fuel modification requirements from 100 feet to 30 feet; and 3) access from Pisgah Peak road that contains steep grades exceeding 14 percent.

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The concern of a lightning strike will be mitigated by the requirement for the Applicant to install an earthing system to safely ground the monopole and equipment. County Building and Safety will inspect the system for compliance with safety standards. In addition to grounding the antennas, the Applicant will be required to apply a latex-based, fire protective coating to the monopole. The selected coating shall have high adhesion quality and provide long-term protection. The monopole shall be free from creosote or pentachlorophenol, materials that are often applied to wooden poles and that may affect the adhesion of the required fire retardant.

Fuel modification and emergency access to the Project site have been reviewed by County Fire. County Fire staff noted that the Project site is remote in terms of providing tactical firefighting methods. It is located at the top of an upward slope, with limited access and no alternative escape routes. Placing firefighters at this location to defend equipment would not be authorized by County Fire. Therefore, emergency access to fight fire on the site is not an issue. With regards to fuel modification, since the Project involves unoccupied structures, there is no life safety risk. Fuel modification fulfills two primary functions for occupied structures: 1) providing defensible space where firefighters can successfully defend a home or business (the original 100-foot modification zone was the standard for protecting homes – not for equipment); and 2) providing for passive fire protection in remote areas where firefighter response is not likely. County Fire concluded that the 30-foot fuel modification proposed at the site is appropriate for the unmanned facility.

County Fire staff also concluded that the access standard stated in the Fire Safety Overlay is a standard designed for sites that may require emergency fire-fighting response, a concern which is not relevant to the Project. Generally, improved access (roads paved to a minimum width, with less than 14 percent grade) is required in the Fire Safety Overlay. Improved access allows fire response vehicles access to protect areas, while maintaining safe egress to evacuate residents. As previously stated, fire-fighting access and emergency evacuation requirements are not applicable for a project site with unmanned structures. The fuel modification zone in the Project design ensures that Project-related impacts to fire safety will be less than significant. Previously, the Project proposal required a variance from the fire safety overlay improvement standards. However, the Development Code has since been revised to allow flexibility in the improvement standards with respect to unmanned facilities, as recommended by County Fire.

To evaluate the Project for potential fire safety impacts, the County contracted with Don Oaks, a Fire Safety expert with over 50 years of experience. Mr. Oaks was asked to evaluate the Project, the potential fire safety impacts, and the proposed mitigation measures concerning the fire safety. Mr. Oaks provided a report outlining the Project and the concerns raised by CPRL. Mr. Oaks concurred with the conclusions of County Fire regarding lightning strikes, fuel modification and the recommendation to approve the Project from a fire safety standpoint.

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Land Use Planning

CPRL challenged the consistency of the Project with the goals and policies of the General Plan and the Oak Glen Community Plan, both of which encourage protection and enhancement of open space resources. For example, the General Plan Open Space Element, Goal OS 7 states, "The County will minimize land use conflict between open spaces and surrounding land uses." Since the Project is located adjacent to Wildwood Canyon State Park, the EIR analyzes potential environmental impacts of the Project in terms of creating a conflict with enjoyment of the Park or the potential future expansion of the Park.

The following General Plan policies stem from Goal OS 7, and have been considered in the environmental analysis of land use and planning, as well as in the Project review for consistency with the General Plan:

- Policy OS 7.2 – "For natural open space areas that require separation from human activities to preserve their function and value, limit construction of roads into or across natural open space areas."
- Policy OS 7.5 – "Require that natural landform and ridgelines be preserved by using the following measures: a) Keep cuts and fills to an absolute minimum during the development of the area; b) Require the grading contours that do occur to blend with the natural contours on site or to look like contours that would naturally occur; c) Encourage the use of custom foundations in order to minimize disruption of the natural landform; and d) Require that units located in the hillsides be so situated that roof lines will blend with and not detract from the natural ridge outline."
- Policy OS 7.6 – "Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality."

The Project design minimizes potential impacts of the Project on the Park. The equipment building is designed to be partially concealed within the hillside, and the entire site design respects the natural features of the site, preserving its natural character. The monopole placement is proposed below the ridgeline, and at a scale that would minimize visual impacts to the extent feasible, as viewed from adjacent open space areas. Access to the site is planned to come from Pisgah Peak Road, and no additional roadways are proposed from the parking space to the monopole. Access to the monopole would be limited to a foot path.

Upon approval of a CUP, the Project would be consistent with the General Plan and Oak Glen Community Plan Land Use and Zoning designations, as well as the policies and guidelines of the General Plan and Oak Glen Community Plan. However, to ensure that the Project would not conflict with the future expansion of Wildwood Canyon State Park, a mitigation measure requires

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that a deed restriction be applied to the unused portion of the 38.12-acre Project site, to allow for passive use by the public. This measure would ensure that the Project is consistent with Conservation Goal (OG/CO-1) of the Oak Glen Community Plan, by promoting conservation of the natural features of Oak Glen, including native wildlife, vegetation and scenic vistas. The Project does not preclude potential expansion of the Park.

CEQA Findings

A Project-level focused Final EIR (SCH #201000405) has been prepared for the Project. The EIR is comprised of analysis of the potentially significant environmental impacts of the Project identified by the court, mitigation measures proposed to avoid or reduce Project impacts, comments on the Draft EIR, responses to the comments and errata. Together with the conclusions of the MND that were not challenged in court, and are also summarized in it, the EIR concludes that all potentially significant environmental impacts of the Project will be reduced to less than significant levels except for aesthetic impacts, which were determined to be significant and unavoidable, at least to some portion of the population.

Pursuant to Section 15093 of the State CEQA Guidelines, decision-makers are required to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. In the event the benefits of a project outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Because not all of the Project's impacts can be reduced to a level that is less than significant, Findings of Fact and a Statement of Overriding Considerations must be adopted to approve the Project as proposed. Overriding benefits of the Project proposed for consideration include, but are not limited to:

- Rectifying Lazer's short-spacing deficiency by relocating its broadcasting antenna to a location that complies with FCC location criteria, minimum field strength requirements over its community of license, and allowing for operation at maximum effective radiated power of 6 kW (approximate service radius of 28 kilometers).
- Maintaining and operating a fully-licensed FM Radio Broadcast Facility in accordance with all applicable local, state and federal requirements.
- Significantly enhancing coverage of emergency broadcast, public service announcements, and commercial programming for San Bernardino and Riverside County residents.
- Increasing County broadcast coverage of the above emergency broadcast and public service announcements to include an additional estimated 1 million Spanish-speaking listeners.

Public Input

More than 10,000 letters have been received expressing both opposition to and support of this Project. Approximately 8,000 letters express opposition, based on issues of aesthetics, fire safety, biological resources, growth inducement, cultural resources, and requests for the preparation of an EIR. Included within the opposition correspondence are letters submitted by

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the City of Yucaipa, CPRL and the Wildlands Conservancy. The letters in support of the Project (approximately 2,000) generally speak to the desire for Lazer to increase its coverage area and expand its listenership.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel, 387-5455) on March 6, 2017; Finance (Amanda Trussell, Administrative Analyst, 387-4773) on March 28, 2017; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on March 29, 2017.