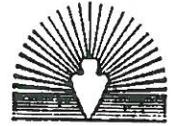




**LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT**



HEARING DATE: May 23, 2013

AGENDA ITEM NO: 2

Project Description

Vicinity Map

APN: 0256-041-50
Applicant: Verizon Wireless (RealCom Associates, LLC)
Community: Bloomington / 5th Supervisorial District
Location: West Side of Locust Avenue Approximately 953 Feet North Of Santa Ana Avenue
Project No: P201200364
Proposal: A) Conditional Use Permit for an unmanned telecommunications facility with A 58' mono-eucalyptus and an equipment shelter on a portion of 2.8 Acres; B) Minor Variance to allow an increase in height from 45' To 58' maximum height.



28 Hearing Notices Sent: May 9, 2013
PC Field Inspection Date: May 22, 2013

Report Prepared by: Christney Barilla
Field Inspected by: Commissioner Mathews

SITE DESCRIPTION:

Parcel Size: Parcel total 2.8 acres.
Terrain: Relatively flat and level with a slight change in elevation on-site west to east.
Vegetation: Windrow of Eucalyptus trees located along the northern property line; two trees exist at the project site, one to remain and one to be replaced with three live Eucalyptus trees similar to the proposed MonoEucalyptus.

EXISTING LAND USES AND DISTRICT DESIGNATIONS:

AREA	EXISTING LAND USE	ZONING/OVERLAY DISTRICT
Site	Residential	BL/RS-1-AA (Bloomington Community Plan/Single Residential-1 Acre Minimum-Additional Agricultural Overlay); Biological
North	Residential	BL/RS-1-AA (Bloomington Community Plan/Single Residential-1 Acre Minimum-Additional Agricultural Overlay); Biological
South	Residential	BL/RS-1-AA (Bloomington Community Plan/Single Residential-1 Acre Minimum-Additional Agricultural Overlay); Biological
East	Residential	BL/RS (Bloomington Community Plan/Single Residential); Biological (Residential Disturbed Site - Burrowing Owl) Biological
West	Residential	BL/RS-1-AA (Bloomington Community Plan/Single Residential-1 Acre Minimum-Additional Agricultural Overlay); Biological

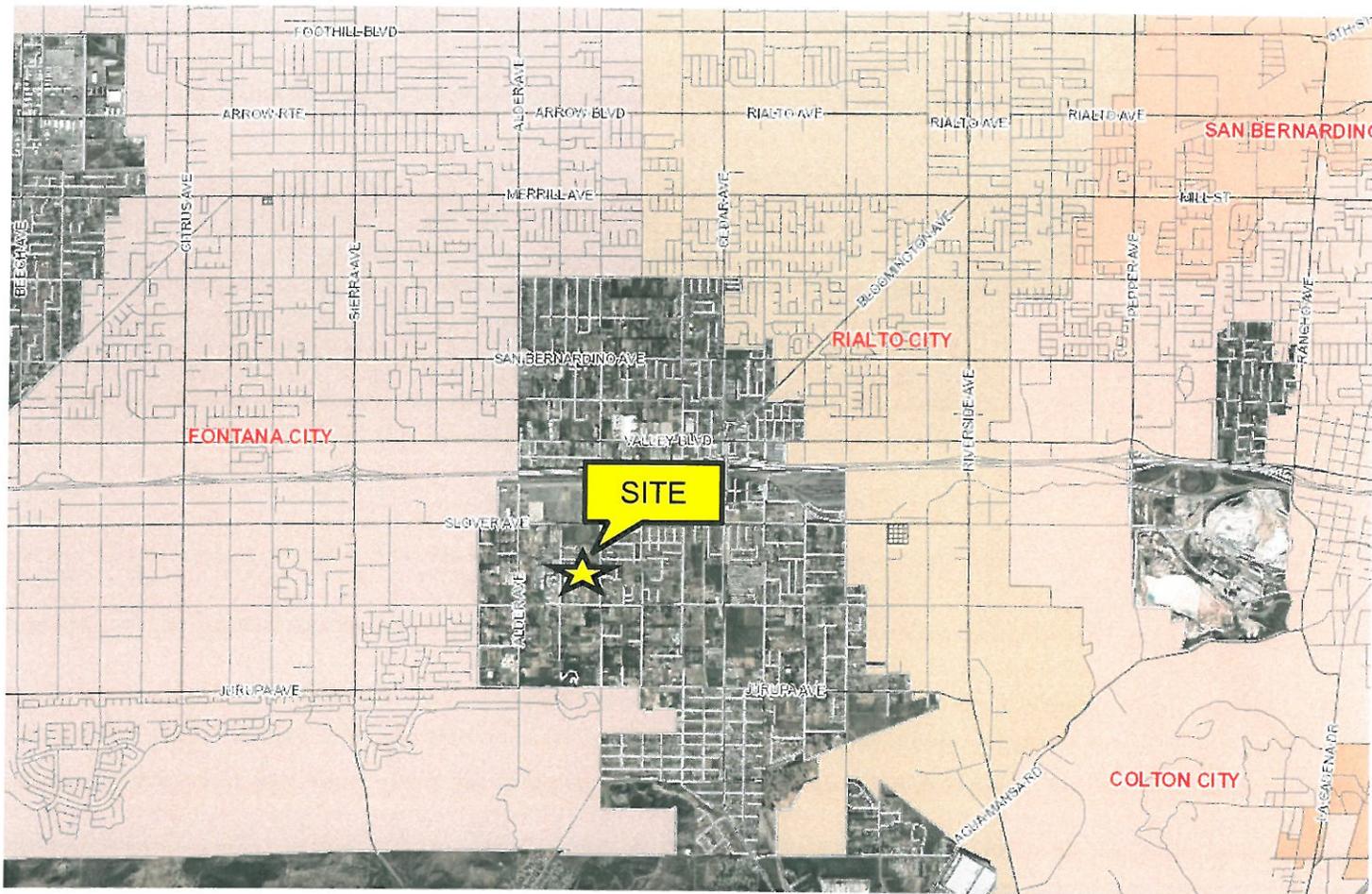
	AGENCY	COMMENTS
City Sphere of Influence MAC/CAP:	Rialto	No Comments
Water Service:	N/A	Not required
Septic/Sewer Service:	N/A	Not required

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit and the Minor Variance.

In accordance with Section 86.08.010 of the Development Code, this action may be appealed to the Board of Supervisors.

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VICINITY MAP



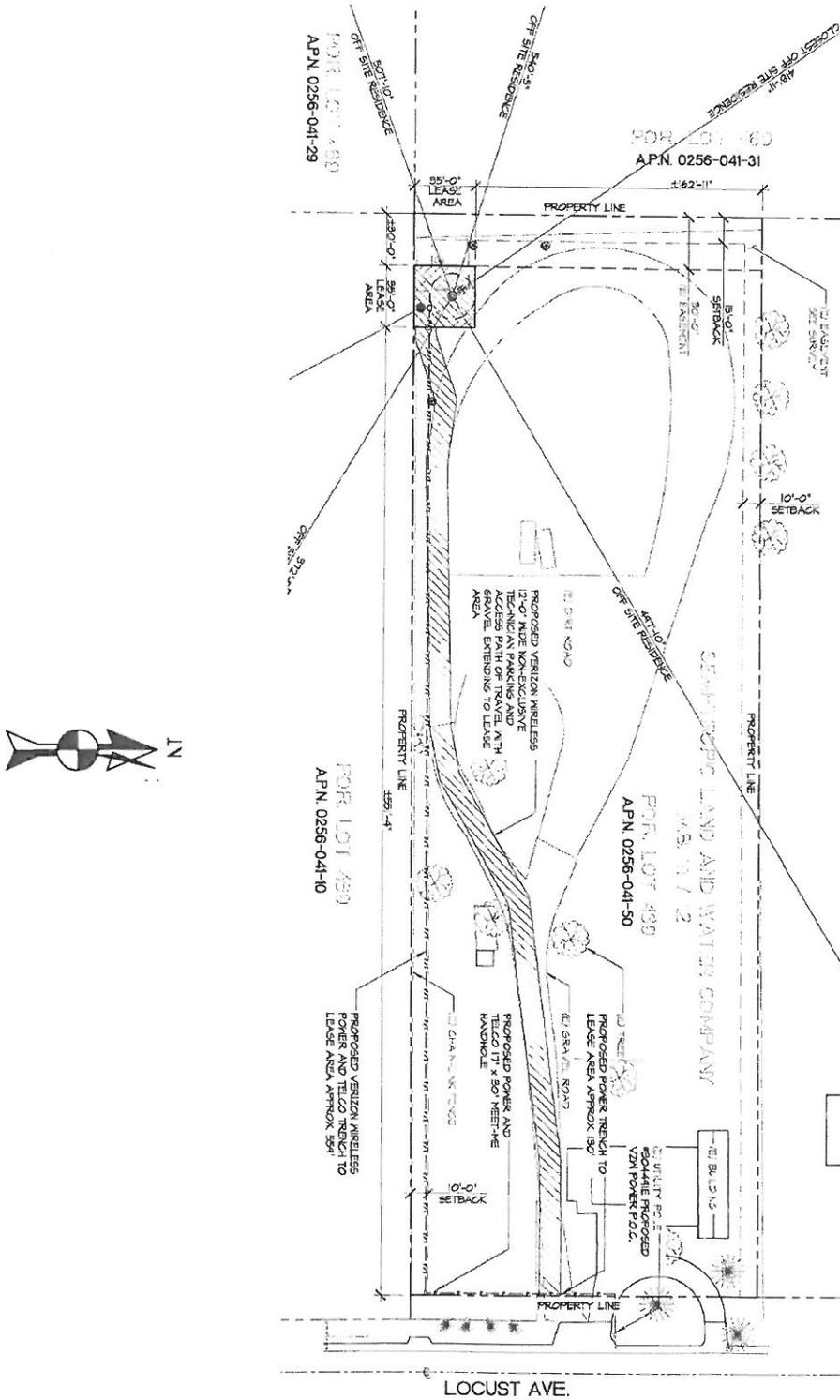
AERIAL VIEW



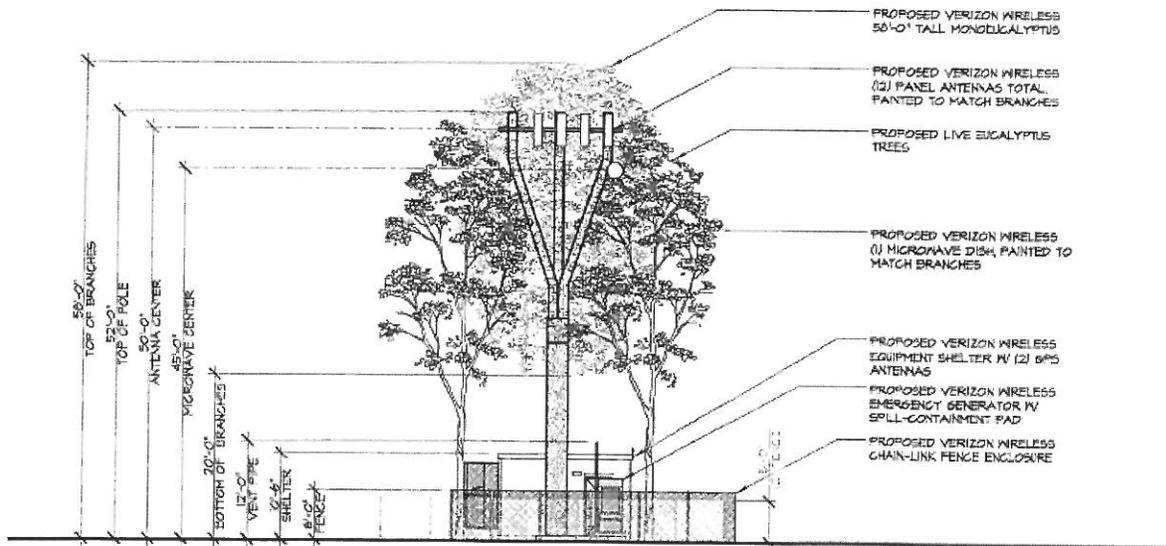
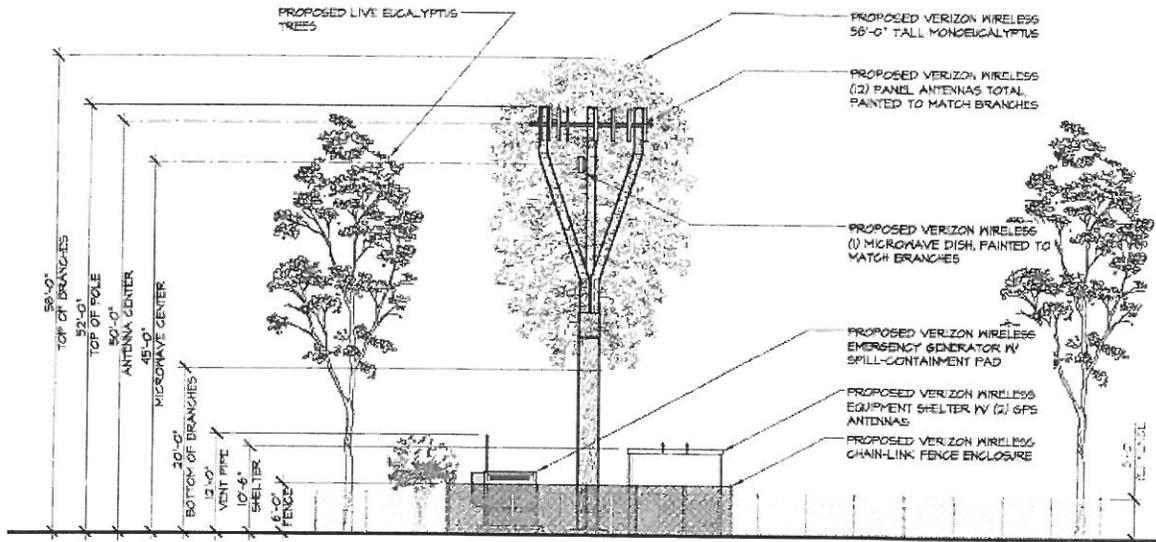
LAND USE ZONING DISTRICT MAP



SITE PLAN



ELEVATIONS



SITE PHOTOS



View looking east into the property from rear property line



View looking west into the property from Locust Avenue

PHOTO SIMULATIONS



PHOTO SIMULATIONS - CONTINUED



BACKGROUND:

The proposed project (Project) is an application for a Conditional Use Permit to establish a 49-foot wireless communications facility tower camouflaged as a 58-foot mono-eucalyptus, a pre-fabricated equipment shelter with two GPS antennas, and one emergency generator within a 1,225 square-foot lease area on 2.8 acres. The tower includes three sector antenna arrays consisting of four panel antennas within each sector, and one six foot microwave dish antenna. The Project also includes a minor variance for an increase in height for the wireless facility support structure (mono-eucalyptus) from 45' to 58' maximum height. The antenna array has a center-line height of 49 feet, while the eucalyptus tree “branches and leaves” will extend up to a height of 58 feet.

The Project site is on Locust Avenue between Slover Avenue and Santa Ana Avenue in the unincorporated Bloomington area of the County of San Bernardino. The project site is also within the City of Rialto Sphere of Influence and the Fifth Supervisorial District. The location of the proposed mono-eucalyptus (wireless facility) is approximately 585 feet from Locust Avenue on the south west corner of the parcel. The Project site is zoned Single Residential - 1 Acre Minimum - Additional Agricultural Overlay, in the Bloomington Community Plan area (BL/RS-1-AA). The proposed Project site contains a single family residence at the front east side of the property. The nearest off-site residence is located to the southeast of the proposed wireless facility at a distance of approximately 372 feet. Access to the project site will be via the existing property drive and a 12 foot wide non-exclusive travel access and parking area.

ANALYSIS: CONDITIONAL USE PERMIT

Pursuant to Chapter 82.04, Residential Land Use Zoning Districts, of the San Bernardino County Development Code, the use is permitted in the RS zone subject to the specific regulations of Chapter 84.27, Telecommunication Facilities, which requires approval of a Conditional Use Permit.

The project meets all of the applicable Development Code standards with the exception of height, for which a variance is being requested. Development Code Section 84.27.030, Table 84-15, “*Maximum Heights of Wireless Telecommunications Towers*”, allows a maximum height of 45 feet in the RS zone. The stealth tower is proposed at 58 feet. Therefore, a Variance is required and has been analyzed in the section following this CUP analysis.

Development Code Section 84.27.040, “*Separation from Residences*”, requires a minimum distance separation of 300 feet between telecommunication towers and antennae to off-site residences or a distance equal to 200 percent of the height of the tower, whichever is greater. The tower is greater than 300 feet from all off-site residences. The site plan has adequately identified all surrounding structures to show compliance with this standard.

The project also meets the applicable requirements of Development Code Section 84.27.050, “*Minimizing Impacts*”, by utilizing a stealth design (i.e. “mono-eucalyptus”) to minimize or eliminate the visual obtrusiveness of the facility. Photo simulations have been provided to illustrate the views of the facility from surrounding properties and the public right-of-way. The facility will be surrounded by a six foot high chain-link fence for security. The antenna array has a center-line height of 49 feet, while the “branches and leaves” will extend up to a height of 58 feet and help obscure the antennas, which will be painted to match the color of the eucalyptus leaves. The proposed mono-eucalyptus and three proposed live eucalyptus trees will blend with the surrounding visual environment.

The proposed cell site will use the latest generation of quiet air condition units, specifically designed for noise impacted areas, such as a residential neighborhood. Additionally, the air conditioning units are oriented to the north, into the subject property and away from the adjacent property lines. The

emergency generator generates an attenuated noise level of approximately 67 dBA at a distance of 23 feet. At the nearest property line (30 feet +), the sound level will have dropped to approximately 64 dBA due to the distance law of sound.

ANALYSIS: VARIANCE

The applicant requested a Minor Variance to allow an increase in height for the mono-eucalyptus from 45' to 58'. The Project proponent, Verizon, has determined that radio signal strength of greater than 75 dBm is necessary to provide reliable and consistent voice and data services to customers both outdoor and in-building. The increase is necessary to achieve adequate coverage as well as for stealth/screening of branches and leaves of the mono-eucalyptus structure.

PUBLIC NOTICES:

On December 20, 2012, County Staff mailed the Project notices to 27 owners of property within 300 feet of the Project site, as required by Development Code Section 84.27.070. In response, Staff received 24 letters and several telephone calls in opposition. In response to the concerns expressed by the nearby residents, Verizon provided comments to the letters of opposition submitted to the County. All of the letters were a form letter and identified the following concerns:

LOCATION

Opponents' Concerns: The wireless telecommunication facility and generator will be built on a residential property.

Staff Response: The proposed wireless telecommunication facility is located at the rear of the 2.8-acre parcel (southwest corner). As mentioned in the analysis above, pursuant to Chapter 82.04, Residential Land Use Zoning Districts, of the San Bernardino County Development Code, the use is permitted in the RS zone subject to the specific regulations of Chapter 84.27, Telecommunication Facilities, which requires approval of a Conditional Use Permit.

PUBLIC SAFETY

Opponents' Concerns: The height of the fence, adequate security, metal thieves, taggers, vandals, animals and birds living in the cell tower, persons not following warning signs, homeless person living near the cell tower.

Staff Response: The existing developed property is entirely fenced by a 5ft chainlink fence. The proposed wireless facility will be enclosed further by a 6ft high chain-link fence, which provides adequate security. The County includes Maintenance Conditions of Approval which requires removal of graffiti by the wireless company. Additionally, the applicant shall submit for review and gain approval of a Special Use Permit [SUP], which authorizes inspections to review and confirm continuing compliance with the listed conditions of approval.

PUBLIC HEALTH

Opponents' Concerns: Radiation associated with the Project would be detrimental to the residents and children specifically and to the area in general.

Staff Response: Wireless telecommunication facilities are required to comply with Federal Communication Commission regulations related to EMF (Electromagnetic field) emissions. These regulations preclude local jurisdictions from considering potential health impacts of EMF emissions when reviewing telecommunications projects.

DECOMMISSIONING OR REMOVAL

Opponents' Concerns: The future property owner may not want the cell tower or Verizon could discontinue upkeep of the cell tower.

Staff Response: The County of San Bernardino will place Conditions of Approval on the proposed facility, including an agreement signed by the property owner and the County. This agreement includes provisions for maintenance, time limits, and abandoned site restoration. Additionally, the conditions require a performance or other equivalent surety bond issued by an admitted surety insurer guaranteeing the complete removal of the telecommunication tower and other elements of the facility.

ENVIRONMENTAL DETERMINATION:

In compliance with the California Environmental Quality Act (CEQA), it has been determined that the project qualifies for a Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines. This exemption includes the construction and location of limited numbers of new small facilities or structures and installation of small new equipment. Therefore, a Categorical Exemption is recommended.

SUMMARY:

The applicant conducted a site analysis for the 59-foot high tower and determined that the current site is necessary to accomplish the desired coverage for the service area. The addition of this tower will provide a needed and necessary facility for emergency and other communication purposes. The required operational details, height, and location of telecommunication facilities are determined on a site-by-site basis by an engineering evaluation. This proposed facility requires the requested location to operate effectively within the design parameters of the telecommunications network.

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Findings for approval of a Conditional Use Permit and a Major Variance as contained in the Staff Report;
2. **APPROVE** Conditional Use Permit for an unmanned telecommunications facility with A 58' mono-eucalyptus and an equipment shelter on a portion of 2.8 Acres with a Minor Variance to allow an increase in height from 45' To 58' maximum height.
3. **ADOPT** the Findings as contained in the staff report; and
4. **FILE** the Notice of Exemption.

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Correspondence

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EXHIBIT A

FINDINGS

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CONDITIONAL USE PERMIT FINDINGS

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open spaces, parking areas, walls and fences, yards, and other required features pertaining to the application. The 2.8-acre site is of sufficient size to accommodate the proposed telecommunication facility. The proposed facility complies with the requirements established by County ordinances regarding the design and location of telecommunication facilities, including the distance criteria from off-site residences. Further, it is determined that this proposal will not contribute to unnecessary proliferation of such facilities since the project is in compliance with the distance criteria between similar structures. Although the Conditional Use Permit is subject to approval of a variance for height, positive findings have been made in support of the variance to support this finding.
2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use. The project has legal and physical access to the site via Locust Avenue. Periodic maintenance personnel will access the cell site via the existing property driveway, and a 12-foot wide non-exclusive travel access and parking area.
3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The site design incorporated an existing tree and three newly planted eucalyptuses. The mono-eucalyptus tower is approximately 372 feet from the nearest off-site residence.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and the Bloomington Community Plan. The General Plan contains Goal CI 15, which states that the County will improve its telecommunications infrastructure and expand access to communications technology. Policy CI 15.3 states that the County will work with telecommunication industries to provide a reliable and effective network of facilities that is commensurate with open space aesthetics and human health and safety concerns. The Community Plan is silent on telecommunications.

5. There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels. Because of the unmanned nature of the proposed project and its limited scope of activities, the use will minimally increase service demands. Due to the occasional nature of inspection and maintenance trips created by this proposal, no significant adverse impact is anticipated.
6. The County deems the lawful conditions stated in the approval reasonable and necessary to protect the public health, safety, and general welfare. The appropriate agencies evaluated all development issues and required applicable conditions to the project.
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities. The project cannot feasibly implement solar energy systems and passive or natural heating and cooling opportunities due to the nature of the use. Therefore, there is no practical manner to implement such opportunities on this facility.
8. There is no substantial evidence that the project will have a significant effect on the environment, as determined and justified by the Notice of Exemption.

VARIANCE FINDINGS

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems. The project meets the applicable requirements of Development Code Section 84.27.050 "*Minimizing Impacts*" by utilizing a stealth design (i.e. "Mono-eucalyptus") that minimizes or eliminates the visual obtrusiveness of the facility. In addition, the proposed mono-eucalyptus and three proposed live eucalyptus trees will blend with the surrounding visual environment.
2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district. The required functional/operational height and location limitations of this telecommunication facility are determined on a site-by-site basis by an engineering evaluation and this proposed facility requires the requested height and location to effectively operate within the designed telecommunications system network parameters..
3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district. The required operational height and location of this digital telecommunications facility is determined on a site-by-site engineering evaluation and analysis that includes such factors as line-of-sight, strength of signal, frequency of signal, and other engineering constraints related to the evolving state-of-the-art personal telecommunication technology. The project has been designed to blend-in with the visual character of the surrounding area and it will not be readily identifiable as a tower from a scenic route or other scenic vista point
4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan. The project is consistent with the following General Plan goal:

Goal CI-15, which states that "the County will improve its telecommunications infrastructure and expand access to communications technology and network resources to improve personal convenience, reduce dependency on non-renewable resources, take advantage of the ecological and financial efficiencies of new technologies, maintain the County's economic competitiveness, and develop a better-informed citizenry."

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EXHIBIT B

CONDITIONS OF APPROVAL

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CONDITIONAL USE PERMIT **CONDITIONS OF APPROVAL**

ON-GOING PROCEDURAL OR OPERATIONAL CONDITIONS OF APPROVAL

LAND USE SERVICES DEPARTMENT/Planning Division (760) 995-8140

1. This Conditional Use Permit (CUP) is to establish a 49-foot wireless communications facility tower camouflaged as a 58-foot mono-eucalyptus, a pre-fabricated equipment shelter with two GPS antennas, and one emergency generator within a 1,225 square-foot lease area on 2.8 acres. The tower includes three sector antenna arrays consisting of four panel antennas within each sector, and one six foot microwave dish antenna. The Project also includes a minor variance for an increase in height for the wireless facility support structure (mono-eucalyptus) from 45' to 58' maximum height. Project #P201200364; APN: 0256-041-50.
2. The Project site is on Locust Avenue between Slover Avenue and Santa Ana Avenue in the unincorporated Bloomington area which is within the City of Rialto Sphere of Influence and the Fifth Supervisorial District.
3. In compliance with SBCC §81.01.070, the “developer” shall agree, to defend, indemnify, and hold harmless the County or its agents, officers, employees and volunteers from any claim, action, or proceeding against the County or its agents, officers, employees or volunteers (Indemnitees) to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the Indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the “developer” may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code shall include a requirement that the County acts reasonably to promptly notify the “developer” of any claim, action, or proceeding and that the County cooperates fully in the defense. The “developer” shall reimburse the County, its agents, officers, or employees for all expenses resulting from such actions, including any court costs and attorney’s fees, which the County, its agents, officers or employees may be required by a court to pay as a result of such action. The County may at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the “developer” of their obligations under this condition to reimburse the County, its agents, officers, or employees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The Developer’s indemnification obligation applies to the Indemnitee’s “passive” negligence but does not apply to the Indemnitee’s “sole” or “active” negligence” or “willful misconduct” within the meaning of Civil Code Section 2782.

4. This Conditional Use Permit approval shall become null and void if all conditions have not been complied with and the occupancy or use of the land has not taken place within three years of the date of approval. The County may grant one extension of time, not to exceed three years upon written request and submittal of the appropriate fee, not less than 30 days prior to the date of expiration. PLEASE NOTE that this will be the only notice given for the specified expiration date. The applicant is responsible for initiating an extension request.
5. This project permit approval shall expire and become void if it is not "exercised" within THREE years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either the permittee has commenced actual construction or alteration under a validly issued building permit, or commenced the approved land use activities on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
Occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
 - a. Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
 - b. The land use is determined by the County to be abandoned or non-conforming.
 - c. The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the approval expiration date. The developer is responsible to initiate any Extension of Time application.

6. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060) Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)

7. All of the conditions of this Conditional Use Permit are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer, or any operator to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the Conditional Use Permit. The County shall provide adequate notice, time, and opportunity to the property owner or other interested party to correct the non-complying situation.
8. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - a) Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - b) Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - c) Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
9. The applicant shall ascertain and comply with requirements of all federal, State, County and local agencies as are applicable to the proposed use and the project area. They may include, but are not limited to: **1) Federal**, Federal Communications Commission; **2) State**: South Coast Air Quality Management District; **3) County**: Department of Land Use Services - Divisions of Building & Safety and Code Enforcement, Department of Public Works, Fire Department.
10. The current project property owner and developer shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The developer shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a) Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety.
 - b) Graffiti and debris shall be removed within 24 hours notice from the County.
 - c) Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability, if any.
 - d) Architectural controls shall be enforced by the developer to maintain compatibility of with the project approval.
 - e) External Storage, loading, recycling and trash storage areas shall be kept neat, orderly, and fully screened from public view.

- f) Metal Storage Containers are NOT allowed as part of this approval.
11. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
 - Odors: No offensive or objectionable odor
 - Emissions: No emission of dirt, dust, fly ash, and other particulate matter.
 - Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
 12. Additional fees may be required prior to issuance of development permits. Applicant shall pay fees as specified in adopted fee ordinances.
 13. The applicant and/or property owner shall maintain all fencing and structures regularly so that all facets of the development are in continual good repair, including but not limited to the removal of graffiti. Applicant shall screen all trash and storage areas, loading areas, mechanical equipment, and roof top mechanical equipment from public view. Applicant shall maintain the property so that it is visually attractive and not dangerous to the health and welfare of the surrounding properties.
 14. Applicant shall maintain all on-site "No Trespassing" or other "Posted Area" signs in a clean readable condition at all times. The applicant shall remove all graffiti and repair any vandalism on a regular basis.
 15. Any diesel/electrical generators and air conditioning units installed on this site shall use noise-muffling equipment. If noise levels are in excess of local requirements, the applicant shall take appropriate additional steps to correct the problem.
 16. Applicant shall arrange all lighting provided to illuminate the site to reflect away from adjoining properties and abutting streets. There shall be no lighting on the telecommunication facility unless required by the Federal Aviation Administration (FAA).
 17. The access to the existing property driveway and 12-foot wide non-exclusive travel access to the facility shall remain unobstructed at all times.

18. Telecommunication Facility Time Limit. The occupancy and use of the telecommunication facility is limited to a renewable ten-year period. The facility is subject to evaluation, renewal, and extension in ten-year increments. Planning staff shall evaluate the applicability of current technology to determine if the applicant should upgrade the facility, allow continuing as approved, or terminate the tower. Planning staff will also evaluate whether the facility remains compatible with adjacent land uses and if any additional buffering and screening measures are appropriate. If Planning Staff determines that the use should be terminated then a public hearing before the Planning Commission shall be scheduled to validate the staff determination and to determine a reasonable amortization period. Should the Planning Commission act to terminate the telecommunication facility use, then the County shall no longer consider it a valid legal use of the land after the established termination date. The County will grant the wireless service provider a minimum of one year from the date of the Planning Commission action to terminate operations. Any unapproved use of the telecommunication facility beyond the termination date shall be an enforceable violation.

19. FCC Conformance. The applicant/operator of the telecommunication facility shall operate the proposed radio/telephone equipment in strict conformance with Federal Communications Commission (FCC) regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to nearby properties and their radio and television reception. If, in the future, the FCC adopts more stringent Radio Frequency (RF) emission regulations, the applicant shall submit an application to the County of San Bernardino to modify the Conditional Use Permit (CUP) in order to demonstrate compliance with the revised FCC regulations. Failure by the applicant to apply for such a review of the subject CUP to conform to the FCC approval of revised RF emission regulations shall subject this approval to possible revocation of the approval.

20. FCC Regulations. The applicant/operator shall operate the proposed wireless communication equipment in strict conformance with FCC regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to nearby properties.

21. Telecommunication Facility Abandoned Site Restoration. A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owners of an abandoned facility shall remove all structures within 90 days of receipt of notice from the County notifying the owner of abandonment. The owner shall return the site to its approximate natural condition. If an abandoned facility is not removed within the 90-day time period, the County may remove all such structures at the owner's expense. The applicant shall restore the site to its prior natural condition or as otherwise authorized by the County Planning Division. Once the telecommunication company vacates the site, future establishment of the same or similar facility shall require new land use approval through the County Planning Division.

LAND USE SERVICES/Code Enforcement Division (909) 387-8311

22. Weed Abatement. The developer shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).
23. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.

DEPARTMENT OF PUBLIC WORKS/Land Development Division (909) 387-8145

24. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
26. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PUBLIC HEALTH DEPARTMENT/Environmental Health Services Division (909) 387-4666

27. The applicant shall maintain noise levels at or below County Standards as contained in Development Code Section 83.01.080. For information, please call DEHS at (909) 387-4666.

COUNTY FIRE DEPARTMENT/Community Safety Division (909) 386-8400

28. Cell site installation and operation of the proposed system shall not cause harmful interference to the County's Public Safety Telecommunications System (PSTS). If it is determined that the system causes harmful interference with PSTS operations, the cell tower operations shall cease immediately upon order of the Fire Chief or other County official.
29. The site is under the jurisdiction of the San Bernardino County Fire Department. Prior to any construction occurring on the parcel, the applicant shall contact the

First Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

PRIOR TO ISSUANCE OF GRADING PERMITS, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT/Building and Safety Division (909) 387-8311

30. If grading exceeds 50 cubic yards, approved plans will be required.

LAND USE SERVICES DEPARTMENT/Planning Division (909) 387-8311

31. In order to obtain building and occupancy permits, the developer shall process a Condition Compliance Review through County Planning in accordance with the directions stated in the Conditional Approval letter. A minimum balance of \$1,000.00 must be in the project account at the time the applicant initiates the Condition Compliance Review. Sufficient funds must remain in the account to cover the charges during each compliance review.

32. GHG – Construction. The developer shall submit for review and approval to County Planning a letter agreeing to include the following as conditions of all construction contracts/subcontracts to reduce impacts to GHG by implementing, where appropriate. The construction contractor shall do the following:

- a) Select the construction equipment used on site based on low emissions factors and high energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
- b) Ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

33. AQ – Construction. Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality: During construction, each contractor and subcontractor shall implement the following, whenever feasible:

- a) Approved Dust Control Plan (DCP) submitted with the Grading Plans.
Provide documentation prior to beginning construction demonstrating that the project proponents will comply with all SCAQMD regulations including 402, 403, 1113 and 1403.
- b) Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).
- c) Trucks/equipment shall not be left idling on site for periods in excess of 10 minutes.

- d) Provide temporary traffic control during all phases of construction.
 - e) Provide on-site food service for construction workers.
 - f) Use reformulated low-sulfur diesel fuel in equipment and use low-NOx engines, alternative fuels and electrification. Apply 4-6 degree injection timing retard to diesel IC engines. Use catalytic converters on gasoline-powered equipment.
 - g) Minimize concurrent use of equipment through equipment phasing.
 - h) Substitute electric and gasoline-powered equipment for diesel-powered equipment.
 - i) Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.
 - j) Maintain construction equipment engines in good order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.
 - k) Install storm water control systems to prevent mud deposition onto paved areas.
 - l) Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
34. Air Quality (AQ) – Dust Control Plan. The developer shall submit to the satisfaction of County Planning a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the approved DCP. The DCP shall include activities to reduce on-site and off-site fugitive dust production, including:
- m) Exposed soil shall be kept continually moist through a minimum of twice daily watering to reduce fugitive dust during all grading and construction activities.
 - n) Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
 - o) Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
 - p) Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.
 - q) All truck-beds hauling dirt away from the site shall be covered.
 - r) During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
 - s) Storage piles that are to be left in place for more than three working days shall either be: Sprayed with a non-toxic soil binder, or covered with plastic or re-vegetated.

DEPARTMENT OF PUBLIC WORKS/Land Development Division (909) 387-8145

35. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties.
36. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

PRIOR TO ISSUANCE OF BUILDING PERMITS, THE FOLLOWING CONDITIONS SHALL BE MET:

LAND USE SERVICES DEPARTMENT/Building and Safety Division (909) 387-8311

37. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Land Use Services, Building and Safety Division.

COUNTY FIRE DEPARTMENT/Community Safety Division (909) 386-8400

38. When the proposed cell site involves new building construction, the applicant shall submit three sets of building plans to the Fire Department for review and approval.

INFORMATION SERVICES DEPARTMENT/Network Services (909) 388-5971

39. Obtain clearance from ISD, to ensure non-interference with emergency and public service communications. For information, contact Network Services at (909) 388-5971.

LAND USE SERVICES DEPARTMENT/Code Enforcement Division (909) 387-8311

40. SUP Annual Inspection. The applicant shall submit for review and gain approval of a Special Use Permit [SUP]. Thereafter, the applicant shall renew the SUP annually and shall authorize an annual inspection. The SUP shall authorize inspections to review and confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening, and buffering. Failure to comply shall cause enforcement actions to be brought against the property. Such actions may cause a hearing or action that could result in the revocation of this approval and the imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that the Code Enforcement Supervisor deems necessary shall constitute a special inspection and shall be charged at a rate in accordance

with the County Fee Schedule, including travel time with a time not to exceed three hours per inspection. Specifically the SUP shall evaluate and administer the following in accordance with the related provisions of these conditions:

- Telecommunication Facility maintenance. This includes all landscaping, screening, buffering, painting, and required stealthing and camouflaging elements of the installation.
- Telecommunication Facility time limit. Every ten years a determination shall be made through the SUP based upon technology and land use compatibility as to whether or not the authorization for the use will be renewed for an additional ten years.
- Telecommunication Facility FCC-RF regulation reevaluation.
- Telecommunication Facility Abandoned Site Restoration.
- Telecommunication Co-location Agreement.
- Termination Agreement and Surety for Removal.

41. Surety for Removal – Tower. The County shall require surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director for the complete removal of the telecommunication tower and other elements of the facility. The applicant shall either:
- a. Post a performance or other equivalent surety bond issued by an admitted surety insurer guaranteeing the complete removal of the telecommunication tower and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate therefore provided by a licensed civil engineer and approved by the Land Use Services Director; OR
 - b. Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the complete removal of the telecommunication tower and other elements of the facility in a form in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate therefore provided by a licensed civil engineer and approved by the Land Use Services Director.

LAND USE SERVICES DEPARTMENT/Planning Division (909) 387-8311

42. As required in County Development Code Section 84.27.050(k), the applicant shall not extend any new aboveground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits.

43. Provide a minimum of two copies of a painting and design plan that demonstrates compliance with the painting, color, screening, and stealthing requirements for this telecommunication facility for Planning review and approval. The design plans shall include the following:
- Screening. Decorative coverings shall screen the exterior doors of the storage structure. These shall blend with the existing look of the structures in the area and on site. Show such screening details on the plan.
 - Facility Design. The telecommunication facility shall be designed in accordance with the following standards:
 - * MonoEucalyptus. The applicant shall install a 49-foot wireless communications tower camouflaged as a 58-foot MonoEucalyptus. The tower pole will be covered in a “bark” material, giving the appearance of a Eucalyptus tree. The camouflaged tower shall include heavy-density branch coverage per the manufacturer’s specifications. These branches shall incorporate variegated hues of green and brown to mimic the look of nearby Eucalyptus trees. The applicant shall paint the antennas to match the Eucalyptus leaves color to further blend with the MonoEucalyptus to camouflage them with an approved concealment. The applicant shall paint the microwave dish to match the simulated bark covering or camouflage it with an approved concealment. County Planning will approve specific painting and design. The applicant shall submit suitable painting examples for antenna and microwave dish camouflage, Eucalyptus branch example, a simulated bark example, and visual renderings to County Planning staff for reference and approval. Submittal of photographs of the site from various viewing positions during a sunny day to establish the predominant viewing background is required. At a minimum, such photographs shall include ground level views from Locust Avenue.
 - * Accessory Support Facility Design. All accessory support facilities, the pre-fabricated equipment shelter and the emergency generator, to the telecommunication facility shall be with installed within the enclosure with the exception of the two GPS antenna, which can be affixed to the exterior of the structure. The applicant shall ensure that any changes to the exterior of the storage structure shall integrate with the structural architecture of the on-site and adjacent uses and/or those predominant in the area.
44. Telecommunication Co-location Agreement: The applicant shall sign an agreement with the County that clearly establishes a commitment both in design and policy to allow for future joint use or co-location of other telecommunications facilities at this same cell site. The document will be reviewed and approved by County Planning Staff, enforced through the required SUP, and retained for future reference to allow coordination with future telecommunications providers/networks in this region.

45. Termination Agreement. The owner of the telecommunication facility and the property owner shall sign an agreement with the County, prior to the issuance of any permits which states that they:
- (a) Agree to terminate the described land use within ten years from approval or as extended, or before any termination date established through a public hearing before the Planning Commission;
 - (b) Agree that no vested right to such land use will exist after such termination date is established;
 - (c) Agree to not transfer ownership of the described property or operation rights to the telecommunication facility without first notifying the prospective purchaser(s) of the provisions, limitations, and conditions of this approval; and
 - (d) Agree that the County will enforce this agreement through the required Special Use Permit (SUP).

PRIOR TO FINAL INSPECTION OR OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE MET:

COUNTY FIRE DEPARTMENT/Hazardous Materials Division (909) 386-8401

46. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
47. Prior to occupancy, the applicant is required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

LAND USE SERVICES DEPARTMENT/Current Planning Division (909) 387-8311

48. The exterior façade of the existing storage structure is required to remain unchanged. A MonoEucalyptus-camouflaged tower with three panel antennas and two two-foot diameter microwave antenna is required. Provide digital photographs of the site from various viewing positions. Such photographs shall include ground level views from Locust Avenue.
49. Applicant shall construct the facilities per the design approved on the painting and design plans and the original site plan as revised on 09/19/2012. The applicant shall submit digital photographs of the site from various viewing positions during a sunny day.

50. Applicant shall pay in full all expenses incurred under actual cost job number **P201200364** with sufficient funds remaining for file closure and archiving.
-

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EXHIBIT C

CORRESPONDENCE

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SAMPLE FORM LETTER RECEIVED 24 LETTERS

January 5th, 2013

2013 JAN -7 PM 2:22

PLANNER: Christney Barilla

APPLICANT: VERIZON WIRELESS
Jennifer Carney

ASSESSOR PARCEL # 0256 - 041 - 50

PROJECT # P201200364 / CF

I am writing to inquire where the cell phone tower will be built

AND

The size of the generator and the fence.

I strongly do not want a VERIZON WIRELESS cell phone tower built on residential property in Bloomington on ASSESSOR PARCEL # 0256 - 041 - 50 and PROJECT #P201200364 / CF

for the following reasons:

1. There will be no security on the site to stop potential problems from occurring.
2. The cell phone tower is NOT SAFE for people to be near it.
3. Some problems that may occur are:
 - A. Metal thieves
 - B. Children playing nearby exposed to radio frequencies emitted from the cell phone tower.
 - C. Taggers putting grafitti on the cell phone tower.
 - D. Vandals destroying the cell phone tower.
 - E. Animals or birds living in the cell phone tower.
 - F. People NOT FOLLOWING the warning signs on the cell phone tower.
 - G. Homeless people living near the cell phone tower.

OTHER CONCERNS:

1. If current or future owners of the property do not want the cell phone tower, What steps must be taken to remove it?
2. IF VERIZON WIRELESS cannot or will not maintain the upkeep of the cell phone tower, What can be done?

IN SUMMARY:

I believe the cell phone tower is VERY UNSAFE to be built on residential property in Bloomington with CHILDREN, ADULTS and PETS nearby.

I also DO NOT THINK an artificial tree is very pleasant to look at.

NAME: Mary & Sonja Philips

ADDRESS: 18146 Byene St
Bloomington, Ca 92316