



LAND USE SERVICES DEPARTMENT

PLANNING COMMISSION STAFF REPORT

HEARING DATE: September 03, 2015
Project Description

AGENDA ITEM # 2
Vicinity Map

APN: 0588-221-01
 Applicant: SAC for Verizon Wireless
 Community: Joshua Tree
 Location: 7475 Sunny Vista Road, Joshua Tree
 Project No: P201500180
 Staff: Lisette Sanchez-Mendoza, Contract Planner
 Rep: Dail Richards
 Proposal: Conditional Use Permit to construct a 55-foot wireless telecommunications facility designed as a sign and consisting of the installation of the following: 12 panel antennas; a 30-foot X 30-foot block building with a 8-foot wide gate; installation of a 30-kilowatt generator mounted on a 5-foot X 10-foot concrete pad, and; installation of 2 GPS antennas on 1.9 acres.



24 Hearing Notices Sent On: August 23, 2015

Report Prepared By: Lisette Sanchez-Mendoza

SITE INFORMATION

Parcel Size: 1.9 acres, Assessor's Parcel Number 0588-221-01
Terrain: Unimproved
Vegetation: Disturbed Site

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Church	RS-1 (Single Residential)
North	Single family residence	RS-1 (Single Residential)
South	Unimproved, vacant land	RS-1 (Single Residential)
East	Unimproved, vacant land	RS-1 (Single Residential)
West	Single family residence	RS-14M (Single Residential)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	None	N/A
Water Service:	None	N/A
Sewer Service:	None	N/A

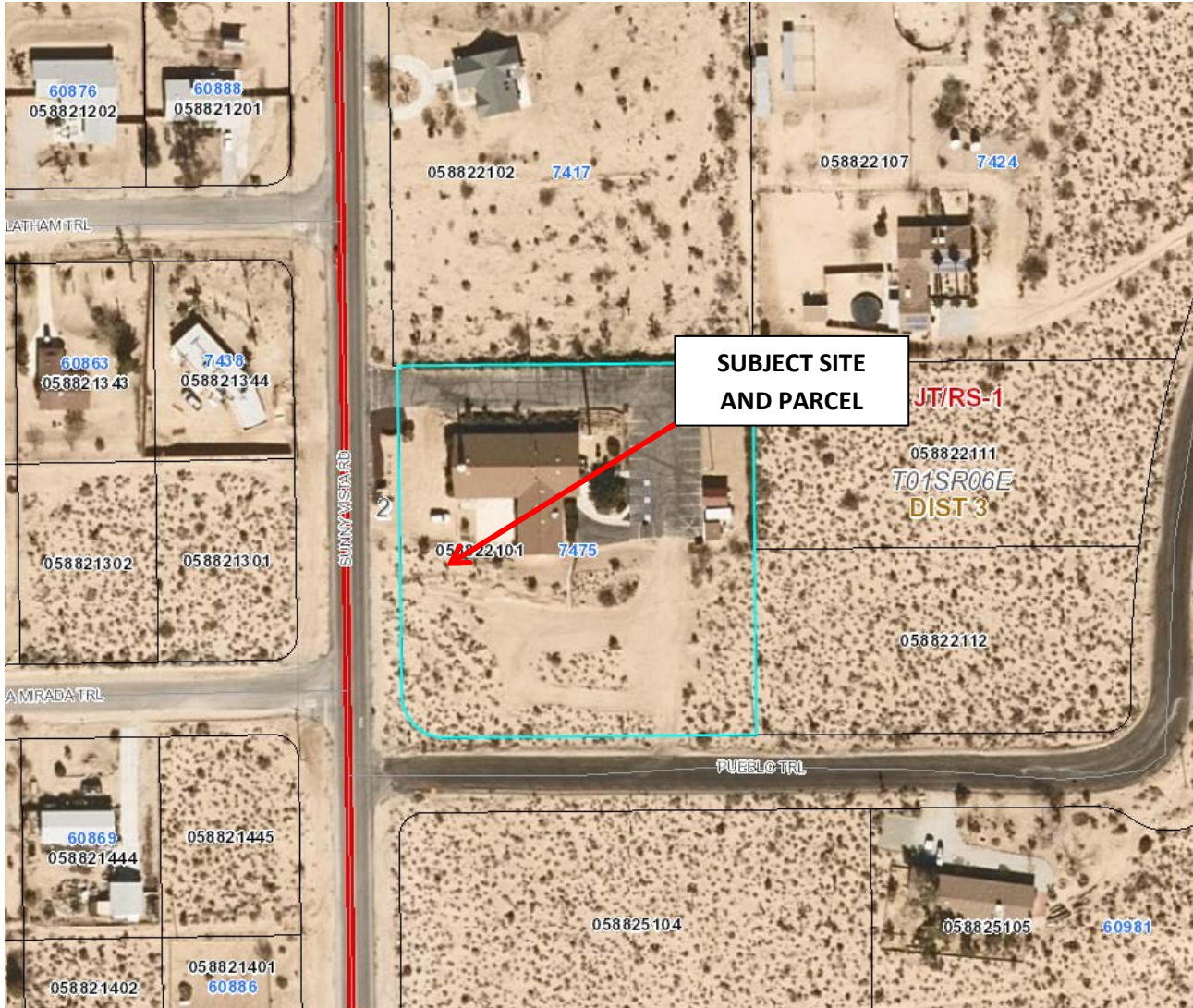
STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the proposed Findings, **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval.

In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days after the Planning Commission hearing.

Project Name: Verizon Wireless Telecommunications Facility
Project Number/APN: P201500180, APN 0588-221-01
Planning Commission Staff Report
Date of Hearing: September 3, 2015

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VICINITY MAP



SITE PHOTOS

Project site looking northeast approximate location of proposed equipment shelter



Project site looking southeast location of existing flag pole



Project site looking east; location of wireless facility



Southeast corner of the development along Sunny Vista Road approximate location of the proposed wireless facility.

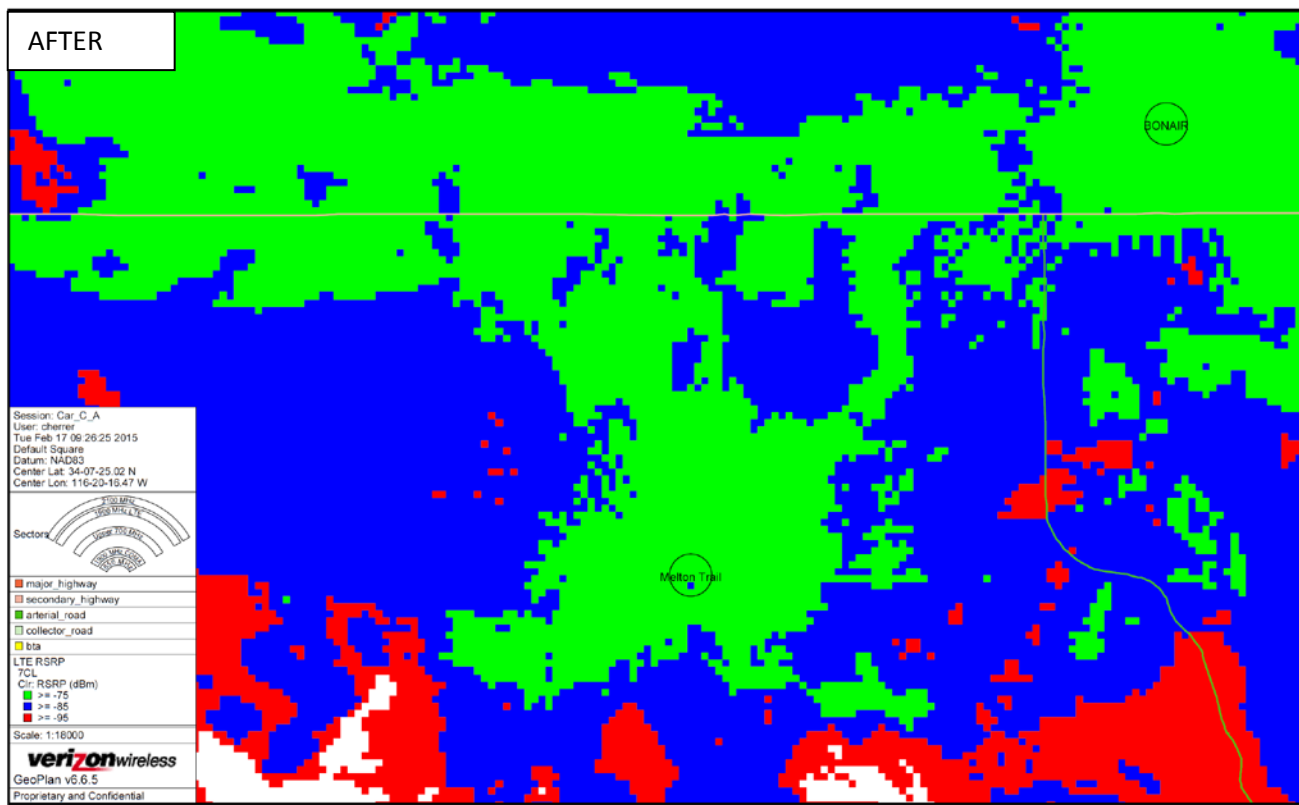
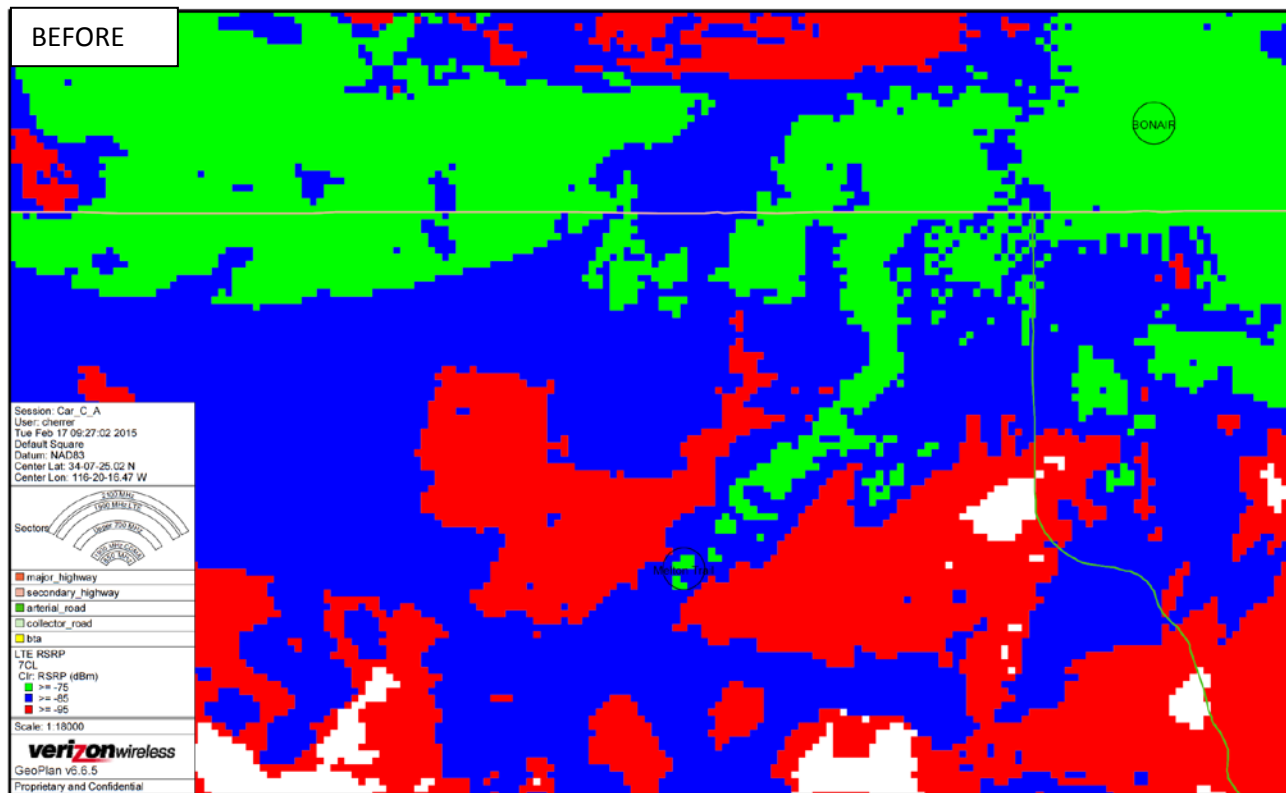


PHOTOSIMULATIONS





PROPAGATION MAPS



BACKGROUND:

Project: The proposed project (Project) is a wireless telecommunications facility on a 1.9 acre parcel in the Joshua Tree community. The proposed facility consists of 12 panel antennas mounted on a 55-foot sign; a 30-foot x 30-foot block equipment building with an 8-foot wrought iron gate; installation of a 30-kilowatt generator mounted on a 5-foot x 10-foot concrete pad; and installation of 2 GPS antennas. The applicant states that the facility is required in order to improve the current cell phone coverage in the area. Propagation maps showing the “before” and “after” coverage have been provided to show that there is a service gap that will be improved with the proposed facility.

Location and Access: The site of the proposed facility is approximately 900 square feet and is located on a 1.9 acre parcel that includes a church, APN 0588-22101. Access to the property is from Sunny Vista Road.

ANALYSIS: CONDITIONAL USE PERMIT

Consistency with General Plan

The current General Plan Land Use District is RS (Single Residential). This designation allows development of unmanned telecommunication facilities, subject to approval of a CUP.

Development Code Compliance

The Project meets all of the applicable Development Code standards, including use within the RS District and its associated maximum height restrictions of 55 feet (Section 84.27.030).

Visual Impact

The proposed tower will not cause adverse visual impacts as the facility is designed as a sign and is within the 55 feet maximum height limit of the RS District. The sign is compatible with existing development as it incorporates colors similar to those on the existing church.

Development Code Section 84.27.040 contains the separation distance for new telecommunications towers from residential structures on adjacent properties. The proposed tower is exempt from the separation standard because the improvements are completely enclosed within the proposed sign.

The Project does propose a stealth design as a sign to minimize the visual impacts 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 equipment shelter will be surrounded by an 8-foot concrete masonry unit wall, as part of this Project.

Public Health

Wireless telecommunication facilities are required to comply with Federal Communication Commission (FCC) regulations related to Electromagnetic field (EMF) emissions. These FCC regulations preclude local jurisdictions from considering potential health impacts of EMF emissions when reviewing telecommunications projects, because the effects have already been studied by the federal government.

Public Notifications: Project Notices were mailed and circulated on June 15, 2015, after project acceptance. Public hearing notices were mailed out August 23, 2015. Staff has received a total of 6 comment letters in opposition to the Project. Health risks along with reduction in property values, and inconsistency with surrounding development are concerns that were raised. Also, one of the letters mentioned the existence of another tower on the site. The Telecommunication Act of 1996 precludes the County from regulating these facilities based on the effects of radio frequency emissions. The impact to property values is not evaluated as part of this review as it is not considered an environmental impact.

Finally, as part of the analysis, Staff researched the permits associated with the property and found that an entitlement for a previous wireless facility was approved in 2010 and was constructed in 2012. The facility was designed as a flag pole. Staff found demolition permits that show that the wireless facility has been demolished, all equipment associated with the facility has been removed with the exception of the flag pole. Any new carrier that would request use of the existing flag pole would be required to file a new entitlement application as the facility is not in operation.

SUMMARY

The Project has been evaluated and no significant impacts were identified. The Project is consistent with the requirements of the County Development Code and meets the intent of the Wireless Telecommunications Facilities Ordinance to locate and design these facilities in a way that minimizes impacts.

ENVIRONMENTAL REVIEW:

Staff determined that the Project proposal qualifies for a Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act (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, Staff recommends the filing of a Notice of Exemption.

RECOMENDATION:

That the Planning Commission:

- A. **APPROVE** the Conditional Use Permit to establish an unmanned telecommunications facility consisting of a 55-foot cell tower designed as a sign and associated facilities;
- B. **ADOPT** the proposed Findings for approval of the Conditional Use Permit as contained in the staff report; and
- C. **FILE** the Notice of Exemption

ATTACHMENTS:

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Project Notice and Hearing Comment Letters

EXHIBIT A

FINDINGS: CONDITIONAL USE PERMIT

Conditional Use Permit for the construction of an unmanned telecommunications facility.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all parking areas, setbacks, walls, and other features pertaining to the application, because the proposed project has been designed to meet all applicable County standards.
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, because an existing paved roadway extends near the proposed facility site.
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, because the facility will be unmanned and mitigation measures, including preparation of a dust control plan, requiring use of noise muffling of equipment, and implementation of specific construction mitigation measures to reduce greenhouse gas emissions. A minimal amount of additional traffic will be generated as the access to the facility is for periodic maintenance only. The sign design is intended to completely enclose the wireless facility in order to minimize the impact to the surrounding residences.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the project site is permitted in the existing Land Use District and County General Plan Goal CI-15 states the County will improve its telecommunications infrastructure and expand access to communications technology and network resources.
5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because electrical service is located adjacent to the project site and no water or sewer lines are necessary since the facility is unmanned.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because the project has been evaluated by County agencies and appropriate conditions of approval have been required.
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 proposed project will occupy approximately 900 square feet of a 1.9 acre parcel.

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

SAC Wireless: P201500180
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved for the construction and operation of an unmanned wireless telecommunications facility (a 55-foot sign) and the installation of related accessory equipment on a 900 square foot portion of 1.9 acres in Joshua Tree; APN: 0588-221-01/Project No. P201500180.

The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, along with a completed, signed, and approved Telecom Facility Agreement (TFA), the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the project site.

2. Project Location. The project site is located at 7475 Sunny Vista Road in Joshua Tree.
3. Telecom Facility Agreement (TFA). The developer shall sign and adhere to terms of a required Telecommunications Facility Agreement, to be completed to the satisfaction of County Counsel and in coordination with County Planning, before this approval is deemed vested for continuous effect and operation.
4. Revisions. 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, including changes to the height, location, bulk or size of structure or equipment 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)
5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a 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 or County General Plan 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 and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees 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 or its indemnitees 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 indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

6. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
 - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
 - c. Occupancy of approved land use 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:
 - 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.
 - The land use is determined by the County to be abandoned or non-conforming.
 - 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 this approval's expiration date. The developer is responsible to initiate any Extension of Time application.
7. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner or developer shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
8. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
9. Extension of Time. 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)
10. Project Account. The Job Costing System (JCS) account number is P201500180. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance

Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its 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, after an on-site compliance inspection by County Planning.

12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

13. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
 - a. FEDERAL: Federal Communications Commission, Fish and Wildlife Service, Army Corps of Engineers;
 - b. STATE: Department of Fish and Wildlife, Lahontan RWQCB, Mojave Desert AQMD
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d. LOCAL: N/A

14. Continuous Maintenance. The project 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- and off-site users (e.g. wireless company employees and visiting public to this tourism destination) and surrounding properties and residences. The developer shall ensure that all facets of the development are regularly inspected, maintained and repaired in a timely fashion. Elements to be maintained are but are not limited to:
 - a. Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking area, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - b. Graffiti and debris shall be removed within 24 hours of notification.
 - c. Fuel modification zones shall be maintained annually to ensure on-going protection from wildland fire.
 - d. Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
 - e. Architectural controls shall be enforced by the developer to maintain compatibility of with the project approval.
 - f. External Storage, loading, recycling and trash storage are NOT allowed.
 - g. Metal Storage Containers are NOT allowed as part of this approval.
 - h. Screening shall be visually attractive to ensure that the wireless facility, the lease area and supporting equipment are screened from public view from street level.
 - i. Signage including posted area signs (e.g. “No Trespassing”) and all other on-site signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed within 24 hours of notification.

- j. Parking on site shall be for wireless company employees ONLY while servicing the site limited to the designated area per approved site plan.
15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code 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.
16. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or into adjacent native vegetated areas that may disturb nocturnal wildlife. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
17. Grading and Excavation. During grading and excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the South Central Coastal Information Center at California State University, Fullerton shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the Information Center at (657) 278-5395.
18. Renewable Occupancy. The occupancy and use of the Telecommunications facility is limited to a renewable **10 year period**. The facility is subject to evaluation, renewal and extension in 10 year increments. Planning staff shall evaluate the applicability of current technology to determine if the facility should be required to be upgraded, continue as approved or be terminated. 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 Telecommunications facility use, then it shall no longer be considered a valid legal use of the land after the established termination date. The wireless service provider will be granted a minimum of one year from the date of the Planning Commission action to terminate operations. Any unapproved use of the Telecommunications facility beyond the termination date shall be an enforceable violation.
19. 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 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 Planning Division.
20. FCC Regulations. The facility shall be operated in strict conformance with Federal Communications Commission (FCC) regulations at all times.
21. FCC Signage. All site signage required by the Federal Communications Commission, if any, shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.

22. Non-Reflective Colors. Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors.
23. Access Gate. The access gate into the cell tower site shall remain accessible for fire and emergency entrance. An approved Fire Department key box may be required.
24. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
25. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
26. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
 - All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387-8311

27. 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.
28. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
29. 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.

COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8190

30. Constriction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend

the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

31. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire 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.
32. PSTS Interference. 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.

PRIOR TO ISSUANCE OF GRADING PERMITS

OR LAND DISTURBING ACTIVITIES

The Following Shall Be Completed

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

33. Facility Design Plan. 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 Division review and approval. The design plans shall include the following:
 - Screening. The plan shall show voltage boxes, maintenance structures, automatic controls, air conditioning/heating units, etc., which shall be screened with decorative fencing. Parking areas shall be screened where practical.
 - Fencing/Walls. A solid masonry block wall shall be installed around the entire perimeter of the facility lease area. The wall shall be of decorative concrete, split-face, or slump concrete block, stone, brick, stucco/plaster, tile, or similar type of masonry units.
 - Paint or coating. The facility paint and coating be non-reflective. The tower shall be located within the lease area and shall be a color that blends with its predominant environment. County Planning shall approve all structure and equipment color. The applicant shall submit a suitable color "paint chip" to County Planning staff for reference and approval.

LAND USE SERVICES DEPARTMENT– Land Development Division – Drainage Section (909) 387-8311

34. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 8880H dated 08/28/2008. Flood Hazards are undetermined in this area but possible.

LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8304

35. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
36. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.

37. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

LAND USE SERVICES DEPARTMENT – Planning Division (760) 995-8169

38. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
39. Power Lines. 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.
40. Telecom Facility Agreement (TFA). The developer shall sign and adhere to terms of a required Telecommunications Facility Agreement, to be completed to the satisfaction of County Counsel and in coordination with County Planning, before this approval is deemed vested for continuous effect and operation.
- a) TFA – Co-location. 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.
- b) TFA – Termination. The developer of the Telecommunications facility and the property owner shall sign an agreement with the County which states that they:
- Agree to terminate the described land use within ten (10) years from its approval, OR as extended, OR before any termination date established through a public hearing before the Planning Commission.
 - Agree that no vested right to such land use shall exist after such termination date is established.
 - Agree not to transfer ownership of the described property or operation rights of this Telecommunications facility without first notifying the prospective purchaser(s) of the provisions, limitations and these “Conditions of Approval” and the “Telecom Facility Agreement” signed to the satisfaction of County Counsel and Planning; and
 - Agree that this agreement shall be enforced through a required Special Use Permit.
41. Telecom Tower Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the complete removal of the telecommunication tower and other elements of the facility, and submitted to Code Enforcement along with the Special Use Permit (SUP) application. 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 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 manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120% of the cost estimate provided by a licensed civil engineer and approved by the Land Use Services Director.
42. Stealthing Requirements. 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 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.
Facility Design. The telecommunication facility shall be designed in accordance with the following:
- Tower. The applicant shall install the approved sign per the approved site plan.
 - 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 lease area and/or equipment shelter.
43. Avigation Easements. An Avigation Easement shall be granted to the appropriate military agency and recorded prior to the issuance of a building permit. The Applicant is responsible for having signed, notarized and recorded the "Grant of Avigation Easement" with the County Recorder's Office. A copy of the recorded easement document shall be sent to the Planning Division and Building and Safety Division prior to the issuance of building permits.

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

44. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8190

45. FS-2. The County General Plan designates this property as being within the Fire Safety Review Area 2 (two) and all future construction shall adhere to all applicable standards and requirements of this overlay district.
46. Cell Towers. Cell towers that are proposed in the FS1, FS2 or FS3 Overlay Districts with a camouflaged covering [e.g. tree] shall submit four (4) sets of plans to the Fire Department for approval. These plans shall indicate that all such exterior camouflaged coverings shall be of an approved fire resistive material.
47. Cell Site buildings. When the proposed cell site equipment storage buildings include a fire suppression system, four (4) sets of plans shall be submitted for approval. This site is within the FS1, 2 or 3 Overlay District and all such buildings shall have a fire suppression system.
48. Additional Plan Requirements. Plans must be submitted for any above ground storage tanks.
49. Construction permits. Including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is

commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

50. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

INFORMATION SERVICES – Network Services (909) 388-5971

51. ISD Clearance. 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

52. SUP Annual Inspection. The applicant shall submit for review and gain approval of a Special Use Permit (SUP). The Telecommunication Tower Removal Surety shall also be submitted with the SUP application. 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 Facility Agreement.
- Telecommunication Tower Removal Surety.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

53. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201500103.
54. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.

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

55. Condition Compliance Release Form Sign-off: Prior to occupancy all Department/Division requirements and signoffs shall be completed.

COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8100

56. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the “fire final”.
57. Material Identification Placards. The applicant shall install Fire Departments approved material identification placards on the outside of all building and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional Placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 1-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
58. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- “Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or the property line, whichever is less”.
 - “Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less”.
- County Ordinance #3586

OFFICE OF THE FIRE MARSHALL– Hazardous Materials Division (760) 386-8401

59. Hazardous Materials Permit. Prior to occupancy, applicant shall be required to apply for one or more of the following or apply for exemption from hazardous materials laws and regulations: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

END OF CONDITIONS

EXHIBIT C

Project Notice and Hearing Comment Letters



NOTICE OF HEARING

**A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE
SAN BERNARDINO COUNTY PLANNING COMMISSION
TO CONSIDER THE FOLLOWING APPLICATIONS:**

PROJECT DESCRIPTION

Conditional Use Permit to construct a 55-foot wireless telecommunications facility designed as a sign and consisting of the installation of the following: 12 panel antennas; a 30-foot x 30-foot block building with a 8-foot wide gate; installation of a 30-kilowatt generator mounted on a 5-foot x 10-foot concrete pad, and installation of 2 GPS antennas on 1.9 acres.

APN: 0588-221-01
APPLICANT: SAC
COMMUNITY: JOSHUA TREE
LOCATION: 7475 SUNNY VISTA ROAD
PROJECT NO.: P201500180
STAFF: LISETTE SANCHEZ-MENDOZA
REP: DAIL RICHARD
PROPOSAL: WIRELESS COMMUNICATION FACILITY

DATE AND TIME OF HEARING: September 3, 2015 at 9:00 a.m. or thereafter.

PLACE OF HEARING: SAN BERNARDINO COUNTY GOVERNMENT CENTER
Covington Chamber, First Floor
385 North Arrowhead Avenue - [Between 3rd and 5th Streets]
San Bernardino, CA 92415

Any person affected by this application may submit their concerns in writing prior to the hearing or appear in person and be heard in support or opposition to the proposal at the time of the hearing.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Due to time constraints and the number of persons wishing to give oral testimony, time restrictions may be placed on oral testimony at the public hearing regarding this proposal. You may wish to make your comments in writing to assure that you are able to express yourself adequately.

The proposed project applications and environmental findings may be viewed at the Land Use Services Department, Planning Division at 385 Arrowhead Avenue, 1st Floor, San Bernardino, CA from 8:00 a.m. until 5:00 p.m. To assure that someone will be available to assist you, it is suggested that you call the Planning Division at 909-387-8311 to set a time to review the documents.

The Planning Commission, upon deliberation, could approve, approve with conditions or modifications, or deny the project.

Sanchez-Mendoza, Lisette

From: ELDENPATTY@aol.com
Sent: Tuesday, July 14, 2015 9:10 AM
To: Sanchez-Mendoza, Lisette
Subject: RE: Project 6114008891-JC (county ID P21500180)

Patricia Carpenterhughes
7544 Sunny Vista Road
Joshua Tree Ca 92252
eldenpatty@aol.com

07-13-2015

Lisette Sanchez-Mendoza
County Planner
San Bernardino County, CA

I oppose Project 6114008891-JC (county ID P21500180) for the following reasons:

1. I along with neighborhood children live less than two blocks away and **uphill** from the existing and proposed cell phone tower. The head of my bed and my bedroom window is on an even par with the upper third portion of the current cell phone tower, AKA flag pole (not aware of its contents until recently) thereby unknowingly being constantly exposed to RF waves. According to the American Cancer Society <http://www.cancer.org/cancer/cancercauses/othercarcinogens/athome/cellular-phone-towers>
 - *Very few human studies have focused specifically on cellular phone towers and cancer risk.*
 - *At very high levels, RF waves can heat up body tissues*
 - *exposure levels approaching or exceeding the FCC safety guidelines are only likely to be found very close to and directly in front of the antennas. If this is the case, access to these areas should be limited.*
2. Studies have only focused on cancer and not on other possible ill effects. According to the Environmental Protection Agency (EPA) <https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites> states: *normal ground-level exposure is much less than*

the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam.

Those of us uphill *are* in its main transmitted beam and are also subjected to any reflection that may occur from the hill behind us thereby potentially subjecting us to double exposure. Being in otherwise perfect health, in the past couple of years I have developed a non clinical goiter which may or may not be due to RF waves. No studies have been done and yet these close-in proximity towers are promoted as completely safe.

3. No formal government notice was sent to those of us directly affected. The notification was apparently published in the local newspaper, noticed by someone and passed out as a handout. I recently found mine, weathered, stuck in my fence.

Being older it is not as critical for me as it is for the young children who populate this neighborhood. The question is: Without proper studies and for an approximate gain of \$1200/month, do you really want to play Russian roulette with children's lives?

Thank you for your considerations.

Patricia Carpenterhughes

Sanchez-Mendoza, Lissette

From: David Cohen <dcohen@telus.net>
Sent: Wednesday, July 15, 2015 2:40 PM
To: Creason, Tracy - LUS
Cc: Sanchez-Mendoza, Lissette
Subject: RE: P201500180
Attachments: Melton Trail_Photosimulations.pdf; US Property0001.pdf

Importance: High

Dear Lissette

Attached please find a copy of the letter that was sent to me. I'd like to be notified of the decision, however, I'm unable to supply a self addressed stamped envelope as I cannot purchase US Stamps in Canada.

I protest against the proposed sign and cell tower for the following reasons.

1. This sign/tower will affect and lower my property values and may make it difficult to sell.
2. I'm concerned about the long-term effects of having a cell tower within a few yards of my home. For example, radiation and micro waves.
3. The sign/tower is extremely tall for the area (taller than anything else around it) and will be an eye sore.
4. My property is directly across the street and I do not want to look at a commercial sign in a residential area.
5. If the sign is illuminated at night, then the lights will brighten my home at night and disturb our sleep.
6. The church has been located at this address for many years, why now do they require a sign that's taller than their building?

Please let me know if you require additional information.

Thank you

David Cohen

From: Creason, Tracy - LUS [<mailto:Tracy.Creason@lus.sbcounty.gov>]
Sent: Monday, June 29, 2015 2:35 PM
To: dcohen@telus.net
Cc: Sanchez-Mendoza, Lissette
Subject: P201500180

Per your request, here are the photo simulations for the proposed project.

Please take a moment to complete our 1 Minute Satisfaction Survey <https://www.surveymonkey.com/r/KC8KJ2J>



Tracy Creason

Land Use Services
Senior Planner

Phone: 760-995-8143 | Fax: 760-995-8176

www.SBCounty.gov

*Our job is to create a county in which
those who reside and invest can prosper
and achieve well-being.*

Sanchez-Mendoza, Lisette

From: Christine Pfranger <cowriechris@aol.com>
Sent: Wednesday, June 17, 2015 1:50 PM
To: Sanchez-Mendoza, Lisette
Subject: P21500180

I am **OPPOSED** to the additional cell tower proposed at Sky View Chapel 7475 Sunny Vista in Joshua Tree.

Cell towers should not be in the middle of residential neighborhoods.

<http://www.celltowerdangers.org/>

http://www.naturalnews.com/040905_cell_phone_towers_radiation_cancer.html

<http://emwatch.com/cell-tower-health-risks/>

Sanchez-Mendoza, Lisette

From: noreen lawlor <nlawlor44@gmail.com>
Sent: Monday, July 27, 2015 1:43 PM
To: Sanchez-Mendoza, Lisette
Subject: P21500180

Dear Ms, Sanchez,

We hope it is not too late to voice a concern about this project....we are sure that the church needs the money but our concern is for community safety and we certainly do not need further exposure to Microwaves... further more, there is a grade school very close by and this exposes all the children to this as well...This tower is not in any way a benefit to this area....my son and I live at 60929 Prescott Trail In Joshua Tree, approximately 5 blocks from the Sky View Chapel...we vote regularly and attend community planning meetings and this is another example of putting our beautiful desert at risk as wells having little concern for the welfare of the inhabitants.

Noreen Lawlor and Joseph Bottari



SAN BERNARDINO COUNTY
LAND USE SERVICES
PLANNING PROJECT NOTICE
 15900 Smoke Tree Street, Hesperia, CA 92345

Referral Date:
 June 15, 2015

ATTENTION PROPERTY OWNERS

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than June 29, 2015 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, LISETTESANCHEZ-MENDOZA at (760) 995-8140, by email at Lisette.Sanchez-Mendoza@lus.sbcounty.gov, or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 995-8167.

ASSESSOR PARCEL NUMBER: 0588-221-01 (See map below for more information)
PROJECT NUMBER: P201500180/CUP-CELL
APPLICANT: SAC WIRELESS (DAIL RICHARD FOR VERIZON WIRELESS)
LAND USE DISTRICT (ZONING): JT/RS-1
IN THE COMMUNITY OF: JOSHUA TREE/3RD/ SUPERVISORIAL DISTRICT
LOCATED AT: 7475 SUNNY VISTA RD JOSHUA TREE 92252
PROPOSAL: CONDITIONAL USE PERMIT TO CONSTRUCT A 55-FOOT WIRELESS COMMUNICATIONS FACILITY DESIGNED AS SIGN AND A 900 SQUARE FOOT EQUIPMENT SHELTER WITHIN A 1.9 ACRE SITE CURRENTLY DEVELOPED WITH A CHURCH IN THE SINGLE RESIDENTIAL (RS-1) LAND USE ZONING DISTRICT; JOSHUA TREE/3RD SUPERVISORIAL DISTRICT; PROJECT NO. P201500180; APN: 0588-221-01 (PROJECT REFERENCE - MELTON TRAIL)

If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

PLEASE
 SEE
 ATTACHED
 THANK
 YOU



Neighborhood

6/22/15

HOME OWNER

SIGNATURE

DATE

AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

I AM NOT PUTTING MY NAME BECAUSE LAST TIME MY NEIGHBOR DID PUT HIS NAME AND WHEN THESE LETTERS BECAME PUBLIC (AT A MEETING) HIS MAIL BOX GOT KNOCKED DOWN & TAKEN AWAY - IT MIRACULOUSLY RETURNED WITHOUT THIS ISSUE WAS SETTLED,

June 22, 2015

To Whom It May Concern:

Thank you for taking the time to read the residents' comments on this issue of putting up yet another communications device at this location. There is a nearby hilltop in which other communication devices are on already and is not in a residential area. Being unsightly would not be an issue up on a hill. One would think the device would operate even better at the higher elevation, and thus be a better choice for placement.

This church already has one of these devices, in which it is involved in a commercial / business agreement for profit, in a residential neighborhood. Do they have a business license for earning income from this partnership? Does this church pay income tax on this income? Oh that's right, this church also does not pay property taxes, thus would not be concerned about how this communications device would **lower the residents' home values.**

This church seems to be able to bypass and not adhere to San Bernardino County ordinances as well (i.e., The Dark Sky Ordinance). Nor do the people at the church seem to be concerned for the EMF radiation that could possibly affect the Friendly Hills School children and the neighbors (results from longitudinal studies – long term - are not available yet)... Oh that's right – they do not live on the premises to be affected so.

Sorry to be so sardonic, but would you agree to put one of these communication devices in your front or backyard to have to look at every day? The ones making these decisions will not have to view this everyday, but we, the neighbors, will!





ATTENTION PROPERTY OWNERS

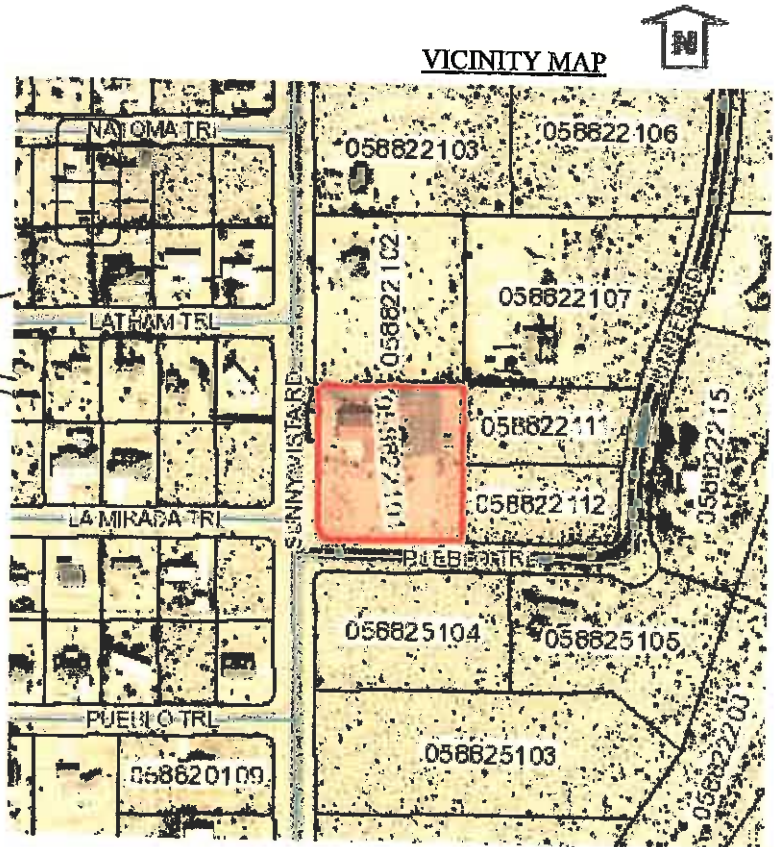
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 Comments (If you need additional space, please attach additional pages):

Here are the reasons to NOT Approve this.
 1) There is already a cell tower on this property.
 2) A 55' sign is in consistent with a residential neighbor-hood
 3) The tax paying neighbors do NOT want a church turning into an antenna farm. ✓



Mark A. [Signature] 6-22-2015 Neighbor
 SIGNATURE DATE AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

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