



# LAND USE SERVICES DEPARTMENT

## PLANNING COMMISSION STAFF REPORT

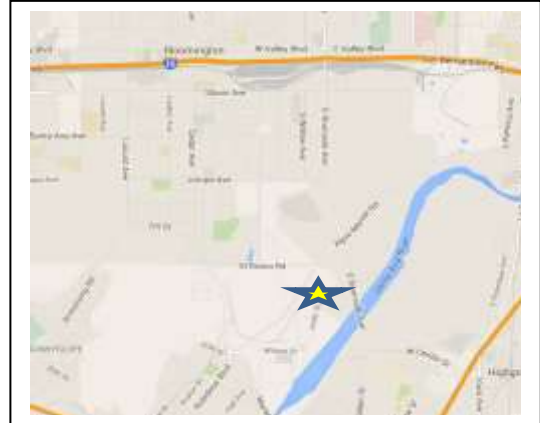
**HEARING DATE: May 7, 2015**

**AGENDA ITEM # 6**

Project Description

Vicinity Map

<b>APN:</b>	0260-113-15
<b>Applicant:</b>	Smart link
<b>Community:</b>	Agua Mansa/5thSupervisorial District
<b>Location:</b>	Northeast Corner of Agua Mansa Road and Holly Street
<b>Project No:</b>	P201400289
<b>Staff:</b>	Kevin White, Senior Planner
<b>Applicant Rep:</b>	Barbara Saito
<b>Proposal:</b>	Conditional Use Permit to establish an unmanned wireless telecommunications facility, including 12 antennas and ancillary equipment concealed in enclosure to be constructed on a portion of a 32 acre parcel.



11 Hearing Notices Sent On: April 24, 2015

Report Prepared By: Kevin White

**SITE INFORMATION**

**Parcel Size:** 32 acres  
**Terrain:** Developed Parcel  
**Vegetation:** Ornamental Landscaping

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Warehouse	Agua Mansa Specific Plan – Medium Industrial
North	Warehouse	City of Rialto
South	Lumber Yard	Agua Mansa Specific Plan – Medium Industrial
East	Single family residence	Agua Mansa Specific Plan – Single Family Residential
West	Warehouse	Agua Mansa Specific Plan – Heavy Industrial

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	Rialto	None
Water Service:	West Valley Water District	Serves Site
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, and **FILE** a Notice of Exemption

In accordance with Section 86.08 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: Smartlink, LLC  
Project Number/APN: P201400289, APN 0260-113-15  
Planning Commission Staff Report  
Date of Hearing: May 7, 2015

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## VICINITY MAP

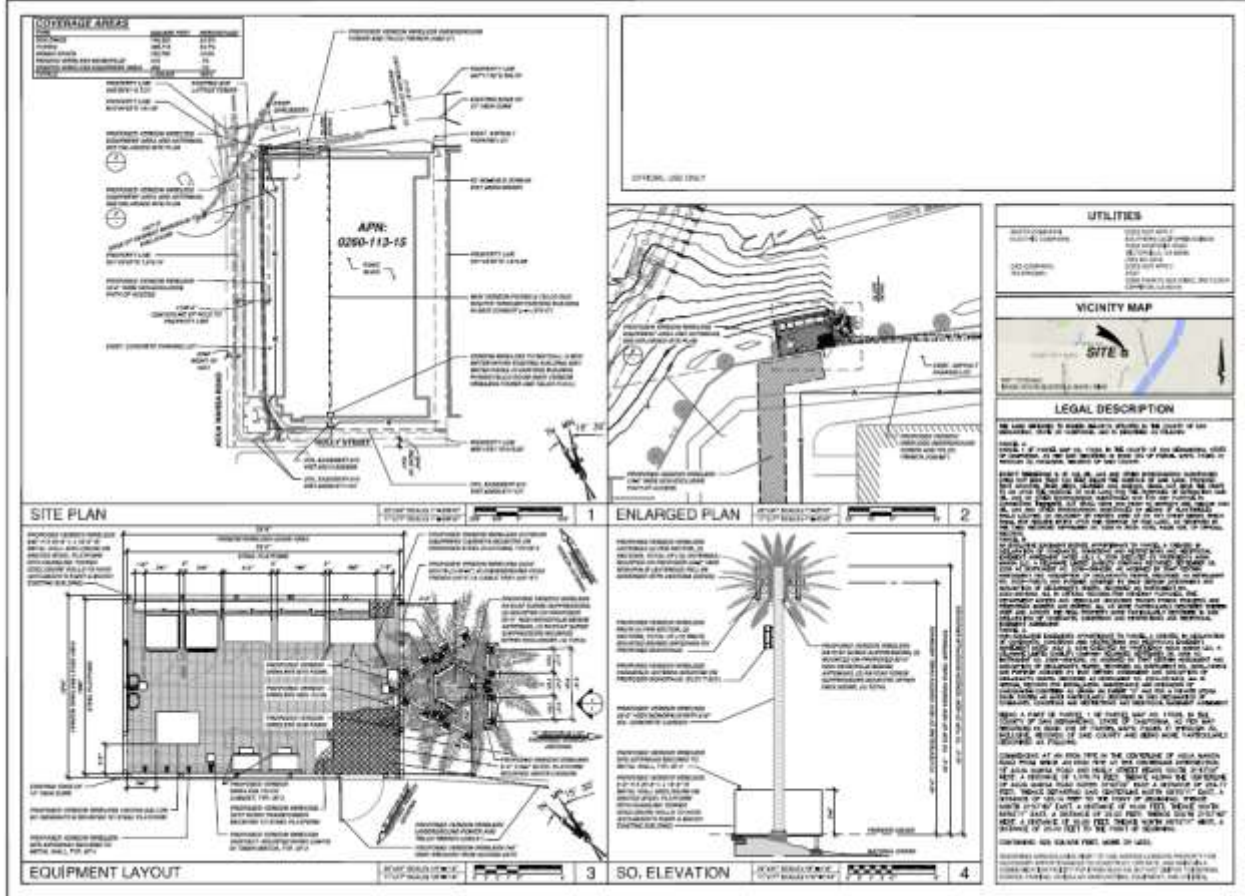


## OFFICIAL LAND USE DISTRICT MAP





← PLOT PLAN  
 North



**SITE PHOTO**



Photo Simulation



## **BACKGROUND:**

Project: The proposed project (Project) is a wireless telecommunications facility on a 32 acre parcel in the Agua Mansa Area. The Project would allow the construction of an unmanned wireless telecommunications facility, including 12 antennas mounted on a 55 foot tall mono-palm and ancillary equipment concealed in an 8-ft. tall, 400 square foot enclosure to be constructed within a 600-sq. ft. lease area.

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 as evidence and placed in the case file as public records.

Location and Access: The Project is located on a completely disturbed site that is improved with 750,000 square foot warehouse facility. The Project will utilize a small portion of the site that is adjacent to the existing driveway and truck parking area of the warehouse facility.

## **ANALYSIS:**

The Project is located in the Agua Mansa Specific Plan (AM/SP). The AM/SP was the result of a master economic development plan and was created by four jurisdictions which included the Counties of Riverside and San Bernardino as well as the Cities of Colton and Rialto. The primary purpose of the AM/SP was to attract large, employee-intensive industry. The AM/SP does not address Wireless Telecommunications Facilities because the plan was approved in 1986 before the proliferation of such facilities was envisioned. The AM/SP does allow land uses that were not specifically allowed in the AM/SP to be approved by the respective jurisdiction; however such approval requires action by the Planning Commission of that jurisdiction to determine that the proposed land use is compatible. Wireless Facilities are allowed in every County land use district that is not a part of a Specific Plan subject to a discretionary permit. Given the focus of the AM/SP focused on industrial development, staff recommends that this Project be designated a compatible use.

As noted, the AM/SP does not include development standards for Wireless Telecommunications Facilities. Further, the Development Code’s development standards do not directly apply to the AM/SP since the AM/SP includes its own standards. The Development Code standards for Wireless Communications Facilities were utilized by the applicant in the design of the Project and staff concurs with this approach. The Project meets all of the applicable Development Code standards including the following.

- 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 proposed antennas are more than 300 feet from all off-site residences.

- Development Code Section 84.27.030, Table 84-15, “*Maximum Heights of Wireless Telecommunications Towers*”, allows a maximum height of 90 feet in the Community Industrial (IC) zone in the Valley Region. The IC Zoning district is the most compatible designation to the Medium Industrial designation in the AM/SP and was utilized as the basis for determining a maximum height for this property.

The Planning Division sent out public notices to 11 surrounding property owners within the required 300-foot radius of the site at the time the Project was accepted as complete, in compliance with the 10-day public hearing notification requirements. In addition, a legal advertisement was published in the local newspaper on April 10, 2015, advertising the Planning Commission hearing.

One comment letter was received as of the writing of this staff report, which discusses the health effects of these facilities. As to this comment, 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 as part of the land use approval process for cell towers.

The proposed tower will not cause adverse visual impacts. The Project proposes a stealth design as a mono-palm to minimize 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 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.

**RECOMMENDATION:** That the Planning Commission:

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

**ATTACHMENTS:**

- Exhibit A: Findings  
Exhibit B: Conditions of Approval  
Exhibit C: Public Comment Letters
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# EXHIBIT A

## Findings

**FINDINGS:** Conditional Use Permit for an unmanned stealth wireless telecommunications facility with a 55 foot tall monopalm, including 12 antennas and ancillary equipment enclosure to be constructed in an 600-sq. ft. lease area on a 32 acre parcel (Project).

- 1) **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open space, parking, setbacks, wall and fences, yards and other required features pertaining to the application.**

The 32.81-acre site is of sufficient size to accommodate the current existing use as well as the proposed wireless telecommunication facility. The proposed site plan complies with the requirements established by the County Development Code and ordinances regarding the design and location, including the distance criteria from off-site residences.

- 2) **The site for the proposed facility has adequate legal and physical 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. The site is accessed from Holly Street which is a legally established road. There will be adequate access for periodic inspection and maintenance to support the proposed unmanned facility.

- 3) **The proposed telecommunications facility will not have a substantial adverse effect on abutting property or the allowed use of 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 proposed use does not generate excessive noise during normal operations above and beyond the existing industrial uses and the Project will not add to the existing ambient noise in the area. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems because it will not project a sufficiently sun-blocking shadow across a potential site for such solar energy system due to its minimal lot coverage.

- 4) **The proposed telecommunication facility and manner of development are consistent with the goals, maps, policies and standards of the County General Plan and any applicable community or specific plan.**

The Project specifically implements the following San Bernardino County 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.”

- 5) **There is supporting infrastructure, existing or available, consistent with the intensity of development to accommodate the proposed development without significantly lowering service levels.**

The proposed telecommunication facility will be unmanned with limited scope of activities. The use will not increase demands for water or sewer. Electric and telecommunication trench lines will be run underground and the Project will not impact circulation in the vicinity of the Project.

- 6) **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.**

All development issues have been evaluated by the appropriate County agencies and conditions have been required to address their concerns and areas of responsibility. When implemented, the conditions will reduce any potential impacts to the public health, safety and general welfare.

- 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 could not feasibly implement solar energy systems due to the size of the lease area. However, the parcel site includes a large warehouse building which could potential add rooftop solar in the future.

- 8) **There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts.**

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

## **EXHIBIT B**

### **Conditions of Approval**



## CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT

#### Verizon Wireless Smart Link

### GENERAL REQUIREMENTS

#### Conditions of Operation and Procedures

#### LAND USE SERVICES – Planning (909) 387-8311

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved for an unmanned wireless telecommunications facility, including 12 antennas and ancillary equipment concealed in an 8-ft. tall, 400 square foot enclosure to be constructed in a 420-sq. ft. lease area on a 600 square foot portion of a 32 acre parcel. The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code, the following conditions of approval, a complete 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. Project Number P201400289; APN 0260-113-15
2. Project Location. The project site is located at the Northeast Corner of Agua Mansa Road and Holly Street within the Agua Mansa Specific Plan.
3. 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.

4. 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.
5. 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 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 this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Extensions 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) 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. 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.
8. Revisions. Any proposed change to the approved use/activity on the site (e.g. from cell tower to a convenience store); or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocations, landscaping, lighting, allowable number of occupants 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).
9. 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.
10. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
  - FEDERAL: N/A;
  - STATE: N/A
  - 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
  - LOCAL: N/A

11. 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) Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
  - 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 are NOT allowed.
  - f) Metal Storage Containers are NOT allowed as part of this approval.
  - g) Screening shall be visually attractive to ensure wireless facility, the lease area and supporting equipment are screened from public view from street level.
  - h) 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
  - i) Parking on site shall be for wireless company employees ONLY while servicing the site limited to the designated area per approved site plan.
12. 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.
13. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
14. Structure Maintenance. 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.
15. Property Access. The access to the existing property driveway and access to the facility shall remain unobstructed at all times.
16. Renewable Occupancy. 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 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 owner shall be granted 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.

17. 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.
18. 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 and their radio and television reception. If, in the future, the FCC adopts more stringent Radio Frequency (RF) emission regulations, the developer shall submit an application to the County of San Bernardino to modify the Minor Use Permit (CUP) in order to demonstrate compliance with the revised FCC regulations. Failure by the developer 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.
19. Telecommunications 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. Project Account. The Job Costing System (JCS) account number is P201400289. 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.
21. Non-Reflective Colors. Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors to provide concealment of the facilities.
22. 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.
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. No outdoor storage. No outdoor storage of equipment, materials or supplies shall be allowed.

**LAND USE SERVICES – Code Enforcement (909) 387-8311**

26. 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. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal
27. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**SAN BERNARDINO COUNTY FIRE – (909) 386-8400**

28. 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 applicant 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.

**PRIOR TO ISSUANCE OF BUILDING PERMITS  
THE FOLLOWING SHALL BE COMPLETED**

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

29. 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.

**SAN BERNARDINO COUNTY FIRE – (909) 386-8400**

30. Fire Fee. The required fire fees, currently \$732.00, have been paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices. (909) 386-8400.
31. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, if required. [F89]
32. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
33. Cell Site buildings. The applicant shall submit three (3) sets of building plans to the Fire Department for review and approval. When the proposed cell site equipment storage buildings include a fire suppression system, four (4) sets of plans shall be submitted for approval. (Add to plan when applicable) This site is within the FS1, 2 or 3 Overlay District and all such buildings shall have a fire suppression system.
34. 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. [F51]

35. Storage Tanks. Any tank 55 gallons or more requires a separate permit.

**LAND USE SERVICES – Planning (909) 387-8311**

36. 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 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.

37. 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.



38. Termination Agreement. The owner of the Telecommunications facility and the property owner shall sign an agreement with the County, prior to the issuance of any permits, 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) to the telecommunication facility without first notifying the prospective purchaser(s) of the provisions, limitations and conditions of this approval; and
  - Agree that this agreement will be enforced through the required Special Use Permit (SUP).
39. 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 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.
40. 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.
41. 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 Staff 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. An 8 foot high, fence 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 of variegated color with a matching cap or match existing fence.
  - Paint or coating. The facility and any coaxial cable shall contain non-reflective paint or coating. The tower shall be located within the lease area and shall be a color that blends with the predominant desert environment and on-site and nearby water tanks. 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 – Code Enforcement Division (909) 387-8311**

42. **SUP Annual Inspection & Removal Surety.** 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 Co-location Agreement.
- Termination Agreement.
- Telecommunication Tower Removal Surety

**PRIOR TO FINAL INSPECTION OR OCCUPANCY  
THE FOLLOWING SHALL BE COMPLETED**

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

43. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

**LAND USE SERVICES – Planning (909) 387-3811**

44. 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 P201400289.

**SAN BERNARDINO COUNTY FIRE (909)386-8400**

45. Haz-Mat. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all buildings 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 2-3-3 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. Standard 704.
46. Inspection by 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 "fire final".
47. 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.
48. Additional Requirements. Provide (1) 2A10BC minimum rating fire extinguisher and serviced by a certified company.

**END OF CONDITIONS**

# **EXHIBIT C**

## **Public Comment Letters**

**From:** Daisy Reyna [mailto:daisyd.reyna@yahoo.com]

**Sent:** Friday, November 28, 2014 3:33 PM

**To:** White, Kevin - LUS

**Subject:** parcel 0260-113-15 applicant smart link llc for verizon wireless barbara saito

Hello; my name is Daisy Reyna, owner and resident of the two parcels adjacent to parcel # 0260-113-15. I strongly oppose to this project because, there've been some studies done in Germany and Israel that demonstrate that RF (radio frequency energy) emitted by Cell Towers can cause Cancer and very hazardous health problems. Risks of cancer quadrupled among people living within 400 meters. This radiation emitted by phone towers can damage cell tissues and DNA. Believe me! I've been working in communication industry for 20 yrs. I know, what I am taking about.

Best Regards,

Daisy Reyna