



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: September 17, 2015

Project Description

AGENDA ITEM # 2

Vicinity Map

APN:	3098-271-01
Applicant:	Henry Castro c/o Verizon Wireless
Community:	Phelan/1st Supervisorial District
Location:	On the south side of Sacramento Road, approximately 600 feet east of the intersection of Sheep Creek Road and Sacramento Road.
Project No:	P201400045
Staff:	Jim Morrissey
Applicant Rep:	Henry Castro, CORE Development Services
Proposal:	A Conditional Use Permit to erect an 80 foot high wireless telecommunication tower designed as a faux broad-leaf monopole, with ground mounted diesel generator and equipment shelter, enclosed by an eight foot high solid block wall on approximately 900 sq. ft. lease area within a portion of a vacant 4.6 acre parcel.



52 Hearing Notices Sent On: September 3, 2015

Report Prepared By: Jim Morrissey

SITE INFORMATION

Parcel Size: 4.6 ACRES

Terrain: Generally flat with only minor topographic variations; elevation is approximately 3,596.4 feet above Mean Sea Level (AMSL)

Vegetation: Desert scrub.

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant, unimproved	RL/Rural Living
North	Vacant, unimproved	RL/Rural Living
South	Large lot residential	RL/Rural Living
East	Crops	RL/Rural Living
West	Vacant, unimproved	RL/Rural Living

AGENCY

COMMENT

City Sphere of Influence:

None

Water Service:

Not required for development

N/A

Sewer Service:

Not required for development

N/A

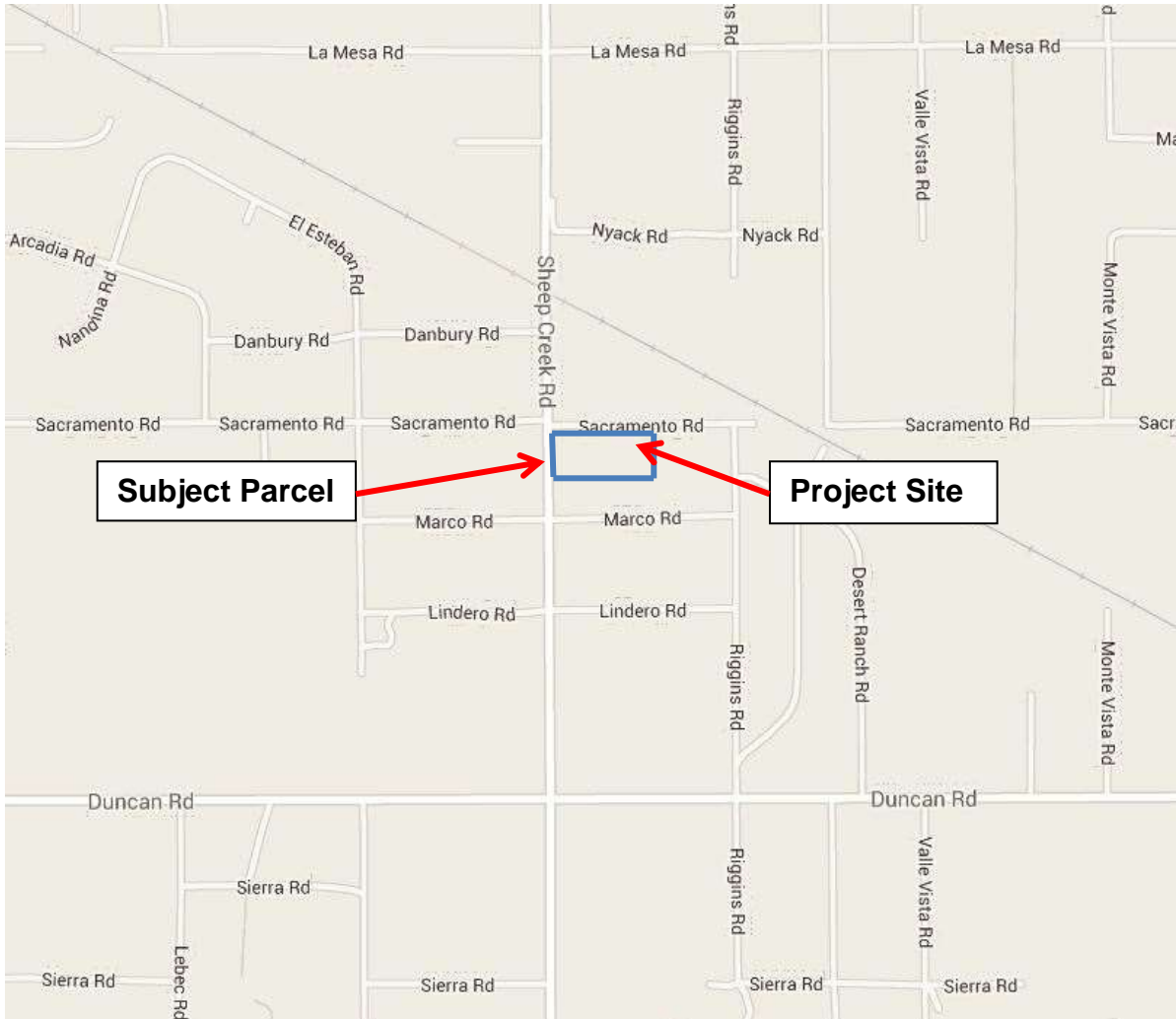
STAFF RECOMMENDATION: That the Planning Commission ADOPT the proposed Findings, APPROVE the Conditional Use Permit, subject to the attached Conditions of Approval, and File a Notice of Exemption.

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.

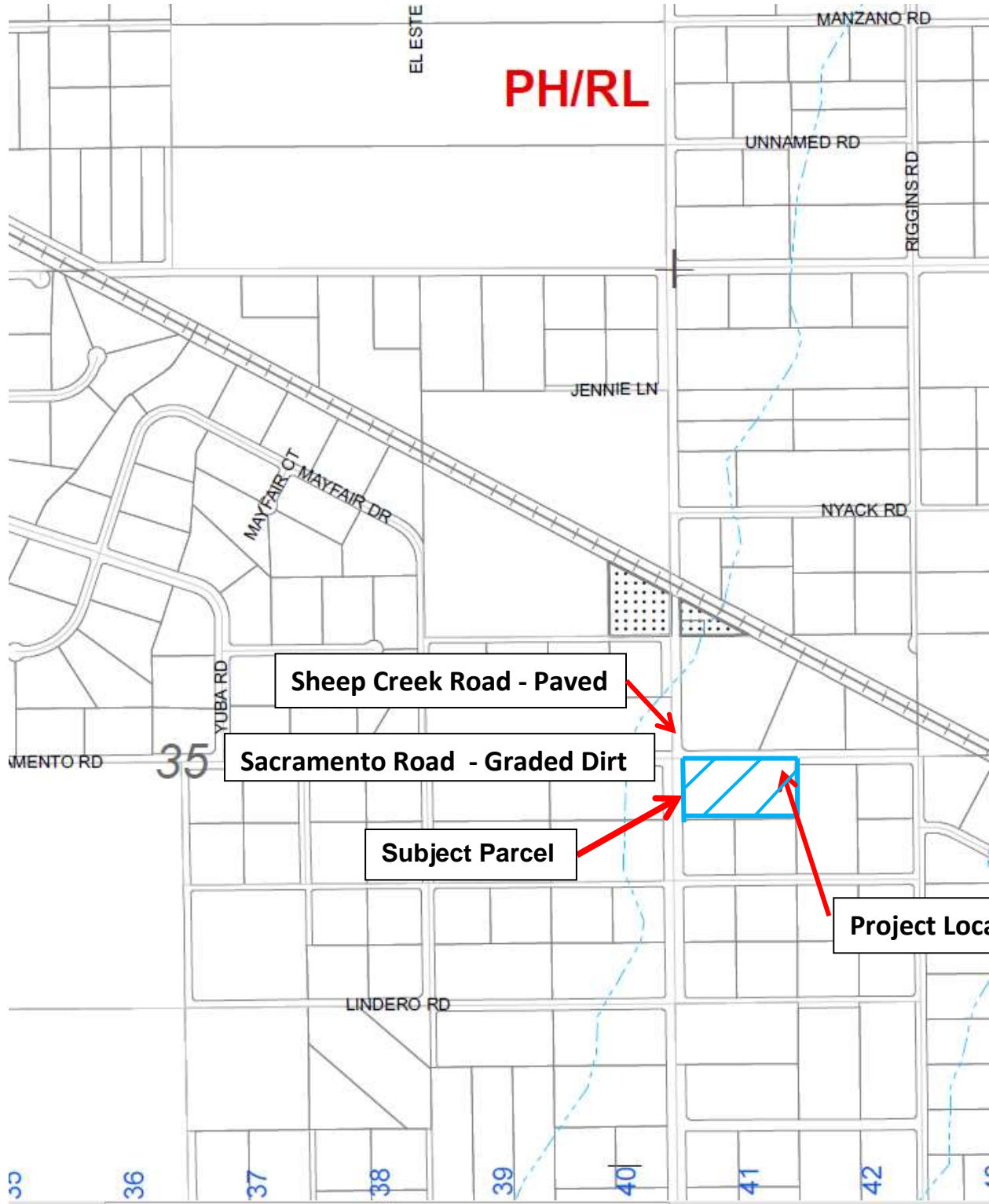
Verizon Wireless Telecommunications Facility
P201400045/3098-271-01
Planning Commission Staff Report
September 17, 2015

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VICINITY MAP



OFFICIAL LAND USE DISTRICT MAP



SITE PHOTOS



Aerial view of parcel and Project site



Looking west from Sheep Creek Road along Sacramento Road.
Subject parcel is on the right.

Simulations of Proposed Facility



Looking east along Sacramento Road from adjoining property.



Looking southeast from Sheep Creek Road near Sacramento Road,

PROJECT DESCRIPTION AND BACKGROUND:

Project: The proposed Conditional Use Permit (Project) is a request to construct a 80-foot high telecommunications (wireless) facility designed as a faux broad-leaf monopole that encloses 12 panel antennas, 12 remote radio units, two (2) GPS antennas, one microwave dish, and ground-level facilities that include an 11'-6" x 16'-10 1/2" equipment structure, 30 kilowatt generator, and diesel storage tank within an approximately 900 sq. ft. lease area. The site/lease area is to be enclosed by an eight (8) foot high block wall.

Location and Access: The proposed Project is located in the northeast corner of a 4.6 acre vacant and unimproved parcel. The parcel is within an area with large lots and single family residences. Due to the size of the existing parcels, the closest residence is more than 400 feet from the proposed tower facility.

Environmental Setting: As noted, the Project site is vacant and unimproved. The westerly portion of the parcel fronts on Sheep Creek Road, which is a paved, two (2) lane roadway. Access to the Project site is by Sacramento Road, which is a graded dirt roadway and intersects with Sheep Creek Road along the northerly property boundary.

The property is located within a 500-year flood plain. Site vegetation consists of desert scrub. Correspondence from the U.S. Department of the Interior, dated May 2, 2014, (attached) indicated that the Project site is within the range of the federally threatened desert tortoise, but based on past surveys, the Department does not expect this species to occur on or near the property.

ANALYSIS

The Project meets all of the applicable Development Code standards. It is permitted subject to a use permit within the RL District. The proposed 80-foot height conforms to the 120-foot maximum height permitted in the Desert Region and the site is over 400 feet from surrounding residences (minimum 300 foot distance required, Section 84.27.040). The applicant states that the wireless telecommunications facility is required because the surrounding service sites are becoming overloaded and an additional facility is necessary to relieve wireless traffic congestion and improve service. Gaps in the service area would be improved with the installation of the proposed facility, as shown on the propagation maps, attached as EXHIBIT C.

The Planning Division sent out public notices to 52 surrounding property owners within the required 1,000-foot radius of the site at the time the Project application was accepted, and as part of the 10-day public hearing notification requirements in advance of the Planning Commission Hearing. In addition, a legal advertisement for the Hearing was published in the San Bernardino Sun newspaper on September 6, 2015.

Correspondence Received: One letter has been received in opposition to the proposed Project and is attached. The issues/comments raised in the letter are listed as written and Staff responses are provided below.

Public Comment/Concerns	Staff Response
Visual aesthetics	The proposed facility will be a broad-leafed stealth tree design to reflect a freestanding tree, rather than a telecommunications tower.
May impair the Sheep Creek Road visibility	The Project site is located at the northeast corner of the property, approximately 600 feet from Sheep Creek Road.
Reduction in property values	The proposed Project would be located on approximately 900 square feet, far removed from existing residences.
Fire hazard – unknown health impacts	According to the Fire Department, the potential fire hazard for this type of facility is minimal due to the proposed perimeter block wall, equipment structure, and double wall requirement for on-site generator fuel storage. 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.
Area zoned residential	The Land Use District for this area is RL (Rural Living) which allows for the installation of this type of facility.
Noise construction, dust control	Noise standards have been established through the County Development Code. However, temporary construction activities are exempt from those requirements and permitted between the hours of 7:00 a.m. and 7:00 p.m., except Sunday and Federal holidays. The Project site is flat and will not require significant grading for facility installation.
Area is not maintained now what will happen with an unmanned building	Verizon will be responsible for maintaining its facility. The property is currently vacant.
Graffiti, vandalism, inviting to homeless	An eight (8) foot high wall is to be installed around the facility. A condition has been included to require Verizon to remove any graffiti within 72 hours of being informed of such occurrence. Verizon will periodically visit the site for maintenance.

Public Comment/Concerns	Staff Response
Radio television reception disruption	Radio and television reception is regulated by the FCC. Conditions have been proposed to ensure non-interference with emergency and public service communications through the County's Information Services Division.
Flood zone	The Project site and surrounding area is within a 500-year flood plain and would be minimally affected, except during a very significant weather event.
School bus drop off and pick up area	According to correspondence from Karyn Stemrich, Director, Snowline Joint Unified School District Transportation Department, school district bus service stops adjacent to the intersection of Sheep Creek Road and Sacramento Road. The buses do not traverse Sacramento Road near the proposed Project site.

SUMMARY:

The proposed Project is consistent with the County General Plan and Development Code criteria for approval of telecommunications facilities. The potential environmental impacts are minor and the Project qualifies for an Exemption from the California Environmental Quality Act (CEQA), pursuant to Section 15303, as new construction of a small structure.

RECOMENDATION:

- A. **APPROVE** the Conditional Use Permit for an unmanned 80' high telecommunications facility designed as a faux broad-leaf tree design and equipment shelter on a 900 sq. ft. lease area within a 4.6 acre parcel, based on the Findings contained in the Staff Report and subject to the conditions of approval.
- B. **FILE** the Notice of Exemption.

ATTACHMENTS:

- Exhibit A: Findings
Exhibit B: Conditions of Approval (Conditional Use Permit)
Exhibit C: Propagation Maps
Exhibit D: Correspondence
U.S. Department of the Interior
Property Owner Letter

EXHIBIT A

Findings

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 landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other features pertaining to the application, because the proposed project has been designed to meet all applicable County standards. The broadleaf tree design is intended to mimic a tree commonly found within the area. The project is located on a large parcel and separated from surrounding residences by over 400 feet.
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 graded dirt public roadway exists adjacent to the proposed facility site to provide vehicle access.
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, located far from adjoining residences, and involve improvements over a very limited land area. A minimal amount of additional traffic will be generated due to periodic maintenance visits.
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 across the street from 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, because the proposed project will occupy approximately 900 square feet of a 4.6 acre parcel and not interfere with the placement of future solar uses.

EXHIBIT B

Conditions of Approval (Conditional Use Permit)

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT VERIZON WIRELESS RIGGIN'S SITE

GENERAL REQUIREMENTS

Conditions of Operation and Procedures

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

1. Project Description. This Conditional Use Permit (CUP) is conditionally approved for an unmanned wireless telecommunications facility, including 12 antennas and ancillary equipment concealed in a broadleaf tree design, with additional ground mounted equipment located within a 900 sq. ft. lease area that is enclosed by an 8' high block wall, on a 4.6 acre parcel in Phelan; APN 3098-271-01/Project Number P201400045.

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.

2. Project Location. The project site is located approximately 600 feet east of the intersection of Sacramento road and Sheep Creek Road, on the south side of Sacramento Road, in the Phelan area of the unincorporated area of San Bernardino County.
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 height, location, bulk or size of structures or equipment shall require that 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 San Bernardino County Development Code Section 81.01.070, the applicant 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, and employees from any claim, action, or proceeding against the County or its agents, officers, employees, volunteer, 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 the map or permit or any other action relating to or arising out of County approval, including the acts, error 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 applicant 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’s 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 developer of their obligations under this condition to reimburse the County, its agents, officers, or employees for all 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 indemnities “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator (herein “developer”) to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
7. Expiration. This Conditional Use 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 granted. 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 completed structures and operation of the approved 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 a final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined to be not operating in compliance with either of these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any extension request and the granting of such extension is a discretionary action.

8. 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.
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 (3) 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 P201400045. 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. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Condition Compliance. In order to obtain construction permits for grading, building, final inspection, and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - a) Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - b) Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - c) Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
13. 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 may include:
 - a) FEDERAL: Federal Communications Commission.
 - b) STATE: None
 - c) COUNTY: Land Use Services-Building and Safety, Land Development, Planning; and, Code Enforcement; Public Health-Environmental Health Services; County Fire/HazMat, and; Information Services.
 - d) LOCAL: None
14. Continuous Maintenance. The project property owner and "developer" shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner and "developer" shall ensure that all facets of the development are regularly Inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - a) Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking areas, 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 72 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 run-off, siltation, and promote slope stability.
 - e) Architectural controls shall be enforced by the property owner to maintain compatibility with 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 other on-site signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed within 72 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. Access Gate. The access into the cell tower site shall remain accessible for fire and emergency entrance. An approved Fire Department key box may be required.
 17. Lighting. The glare from any on-site 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 not more than once every five seconds.
 18. 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.

19. Renewable Occupancy. The occupancy and use of the telecommunication facility is limited to a renewable **10 year** period. The facility is subject to evaluation, renewal, and extension in ten-year increments. Planning staff shall evaluate the applicability of current technology to determine if the applicant should upgrade the facility, 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 telecommunication facility use, then the County shall no longer consider it 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/Zoning Administrator action to terminate operations. Any unapproved use of the Telecommunication facility beyond the termination date shall be an enforceable violation.
20. FCC Regulations. The facility shall be operated in strict conformance with Federal Communications Commission (FCC) regulations at all times.
21. Telecommunication Facility Abandoned Site Restoration. A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owners of an abandoned facility shall remove all structures within 90 days of receipt of notice from the County notifying the owner of abandonment. The owner shall return the site to its approximate natural condition. If an abandoned facility is not removed within the 90-day time period, the County may remove all such structures at the owner's expense. The applicant shall restore the site to its prior natural condition or as otherwise authorized by the County Planning Division. Once the telecommunication company vacates the site, future establishment of the same or similar facility shall require new land use approval through the County Planning Division.
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. Non-Reflective Colors. Structures, poles, towers, antenna supports, antennas and other components of each telecommunications site shall be treated with non-reflective colors.
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 shall be limited to the hours of 7:00 am to 7:00 pm, 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 the 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 - Code Enforcement Division (909) 387-8311

27. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and "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 and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
28. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation.

PUBLIC HEALTH – Environmental Health Services (800) 442-2283

29. Noise Level. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information call DEHS at (800) 442-2283.

**LAND USE SERVICES DEPARTMENT- Land Development Division-Drainage (909)
387-8311.**

30. 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.
31. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
32. 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 - (760) 955-8190

33. 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.
34. Construction 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 within 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.
35. 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
ANY LAND DISTURBING ACTIVITY
THE FOLLOWING SHALL BE COMPLETED**

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

36. Grading Plans. Grading plans shall be submitted to Building and Safety Division for review and approval prior to grading/land disturbance of more than 50 Cubic Yards.
37. 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.
38. Erosion Control Installation: Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.

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

39. FEMA Flood Zone. The Project is located within Flood Zone X Shaded according to FEMA Panel Number 6450H dated 08/28/2008 and will require the first floor to be elevated a minimum 1 foot above natural highest adjacent ground in compliance with FEMA/SBC regulations. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

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

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

40. 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.

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

41. SUP Annual Inspection. The applicant shall submit for review and gain approval of a Special Use Permit [SUP]. Thereafter, the applicant shall renew the SUP annually and shall authorize an annual inspection. The SUP shall authorize inspections to review and confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening, and buffering of the development area only; which consist of the telecommunication tower, emergency generator, fence and equipment shelter, additional live trees, and screening vegetation. Failure to comply shall cause enforcement actions to be brought against the property. Such actions may cause a hearing or action that could result in the revocation of this approval and the imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that the Code Enforcement Supervisor deems necessary shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time with a time not to exceed three hours per inspection. Specifically the SUP shall evaluate and administer the following in accordance with the related provisions of these conditions:
- Telecommunication Facility maintenance. This includes all landscaping, screening, buffering, painting, and required stealthing and camouflaging elements of the installation.
 - Telecommunication Facility time limit. Every ten years a determination shall be made through the SUP based upon technology and land use compatibility as to whether or not the authorization for the use will be renewed for an additional ten years.
 - Telecommunication Facility FCC-RF regulation reevaluation.
 - Telecommunication Facility Abandoned Site Restoration.
 - Telecommunication Co-location Agreement.
 - Termination Agreement and Surety for Removal.

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

42. 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.
43. 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 the 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, 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 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.
44. 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 telecommunications 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.
 - Facility Design. The telecommunications facility shall be designed in accordance with the following:
 - a) Tower. The applicant shall install the approved broad-leafed tree per the approved site plan.
 - b) Accessory Support Facility Design. All accessory support facilities, the pre-fabricated equipment shelter and emergency generator to the telecommunication facility shall be installed within the lease area and/or equipment shelter.
47. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
48. Facility Design Plan. Provide a minimum of two copies of a painting and design plan that demonstrates compliance with the painting, color, screening, and

stealth 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.
- Painting or coating. The facility paint and coating shall 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.

49. 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.

INFORMATION SERVICES – Network Services (909) 388-5971

45. 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.

COUNTY FIRE DEPARTMENT - (760) 955-8190

46. 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.
47. Access. The development shall have a minimum of 1 point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width:

All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

48. 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.
49. 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.
50. Additional Plan Requirements. Plans must be submitted for any above ground storage tanks.
51. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
52. 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.

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

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

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

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

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 affected agency.

COUNTY FIRE DEPARTMENT - (760) 955-8190

55. 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".
56. 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

END OF CONDITIONS

EXHIBIT C

Propagation Maps

RIGGINS CELL COVERAGE

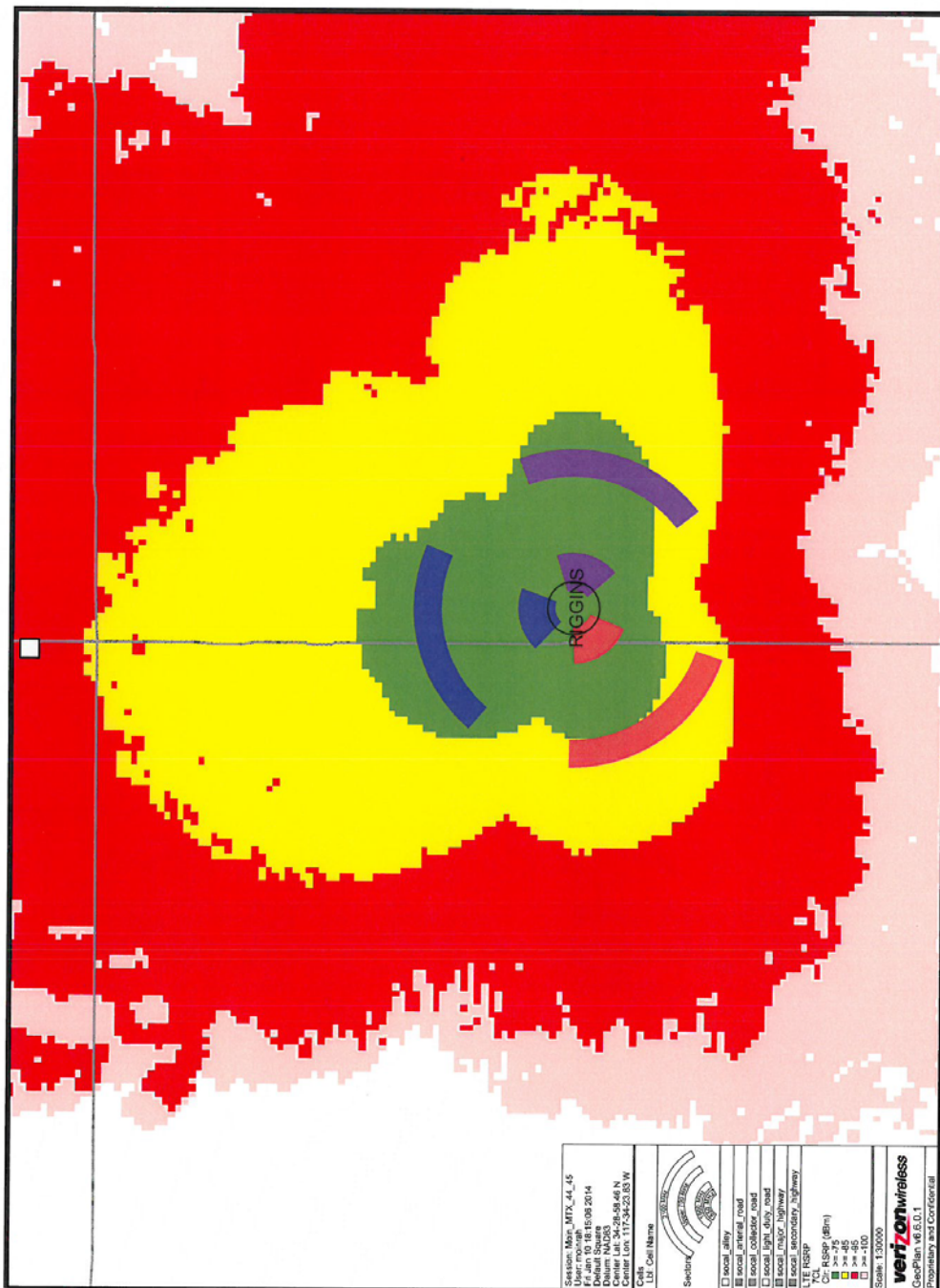


EXHIBIT D

Correspondence U.S. Department of the Interior Property Owner Letter



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Ventura Fish and Wildlife Office
 2493 Portola Road, Suite B
 Ventura, California 93003



IN REPLY REFER TO:
 08EVEN00-2014-CPA-0124
 and
 08EVEN00-2014-CPA-0125

May 2, 2014

Nina Shabazz, Planner
 Land Use Services
 County of San Bernardino
 15900 Smoke Tree Street
 Hesperia, California 92345

Subject: Verizon Wireless: APN 3098-271-01 and APN 3100-461-09, Phelan, San Bernardino County, California

Dear Ms. Shabazz:

We have reviewed the referenced planning project notices, both of which are dated April 21, 2014, which request comments on the proposed development of telecommunications facilities. We are providing these comments under the authorities of the Endangered Species Act of 1973, as amended (Act), the Migratory Bird Treaty Act, and other authorities of the Department of the Interior.

Although the proposed sites are within the range of the federally threatened desert tortoise (*Gopherus agassizii*), based on the results of past surveys, we do not expect individuals of this species to occur on or near the project sites. Consequently, we are not recommending that surveys for the desert tortoise be conducted. In the unlikely event that the desert tortoise is found on either one of the sites, we recommend that the County of San Bernardino require Verizon Wireless or its contractors contact us immediately. Please be aware that section 9 of the Act and its implementing regulations prohibit the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The U.S. Fish and Wildlife Service's (Service) regulations (50 Code of Federal Regulations 17.3) define harass as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined as an act which actually kills or injures wildlife and includes significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

RECEIVED
 MAY 06 2014

PLANNING DIVISION

Nina Shabazz

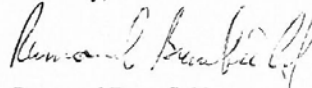
2

The project sites are unlikely to support any other species listed as threatened or endangered under the Endangered Species Act and are not within designated critical habitat for any listed species.

Collisions with communication towers and their antennae and guy wires may kill 4 to 5 million birds per year. Migratory birds, especially the numerous species of night-migrating birds, are particularly vulnerable. Migratory birds are a trust resource of the Service, are important in controlling pests (such as some insects and rodents), and are an important economic resource for communities where bird watching is an attraction. Therefore, we encourage the County of San Bernardino to require Verizon Wireless to use appropriate measures to minimize threats to birds by following the guidance found in the Service's Guidance on the siting, construction, operation, and decommissioning of communication towers; you can find this document at www.fws.gov/habitatconservation/com_tow_guidelines.pdf.

If you have any questions, please contact me at (805) 644-1766, extension 317.

Sincerely,



Raymond Bransfield
Acting Assistant Field Supervisor

Assessor Parcel Number: 3098-271-01

Applicant: Yumi, Kim C/O Verizon Wireless

Located: Sacramento Road and Sheep Creek Road, southeast corner

We are opposed to the project of an unmanned telecommunications being constructed in a Rural living zone for several reasons as noted below:

Visual aesthetics

May impair the Sheep Creek Road visibility

Reduction of property values

Fire Hazard - unknown Health impacts

Zoned residential area

Noise construction, dust control

Area is not maintained now what will happen with an unmanned building

Graffiti, vandalism, inviting to homeless

Radio Television reception disruption

Flood zone?

School bus drop off and pick up area

Thank you for letting us give our input to this proposal.

We would like to be notified in the outcome of the final decision.

Benny and Melrita Evens

4277 Sacramento Road

Phelan, Ca 92371