



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** February 18, 2016

**AGENDA ITEM:** 3

Project Description:

Vicinity Map N↑

**APNs:** 0335-101-53  
**Applicant:** Verizon Wireless  
**Community:** Lake Arrowhead/Second Supervisorial District  
**Location:** North side of Hwy. 189 (Lakes Edge Road) approximately 600 feet west of the Lake Arrowhead Village Peninsula  
**Project No.:** P201400264  
**Staff:** Chris Warrick  
**Rep.:** Spectrum Services, Inc.  
**Proposal:** A) Conditional Use Permit (CUP) to construct a wireless telecommunications facility that includes twelve panel antennas, two parabolic antennas and twelve wireless remote radio units on a 93-foot Monopine tower within a 604 sq. ft. lease area on a portion of an 8.76 acre parcel, and  
 B) A Minor Variance to construct a 93-foot Monopine Telecommunications Tower within 300 feet of an existing off-site residential structure.



**115 Hearing Notices Sent On:** February 4, 2016

**Report Prepared By:** Chris Warrick

**SITE INFORMATION:**

**Parcel Size:** 8.76 Acres  
**Terrain:** Relatively flat, paved area at the existing hotel site  
**Vegetation:** Existing resort landscaping

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING/OVERLAY DISTRICTS
Site	Hotel/Resort	Lake Arrowhead General Commercial (LA/CG)
North	Lake	Lake Arrowhead Floodway (LA/FW)
South	Single Family Residential and Commercial	Lake Arrowhead General Commercial (LA/CG), and Lake Arrowhead Single Residential (LA/RS-14M)
East	Multi-Family Residential and Commercial	Lake Arrowhead General Commercial (LA/CG)
West	Multi-Family Residential	Lake Arrowhead Multiple Residential (LA/RM)

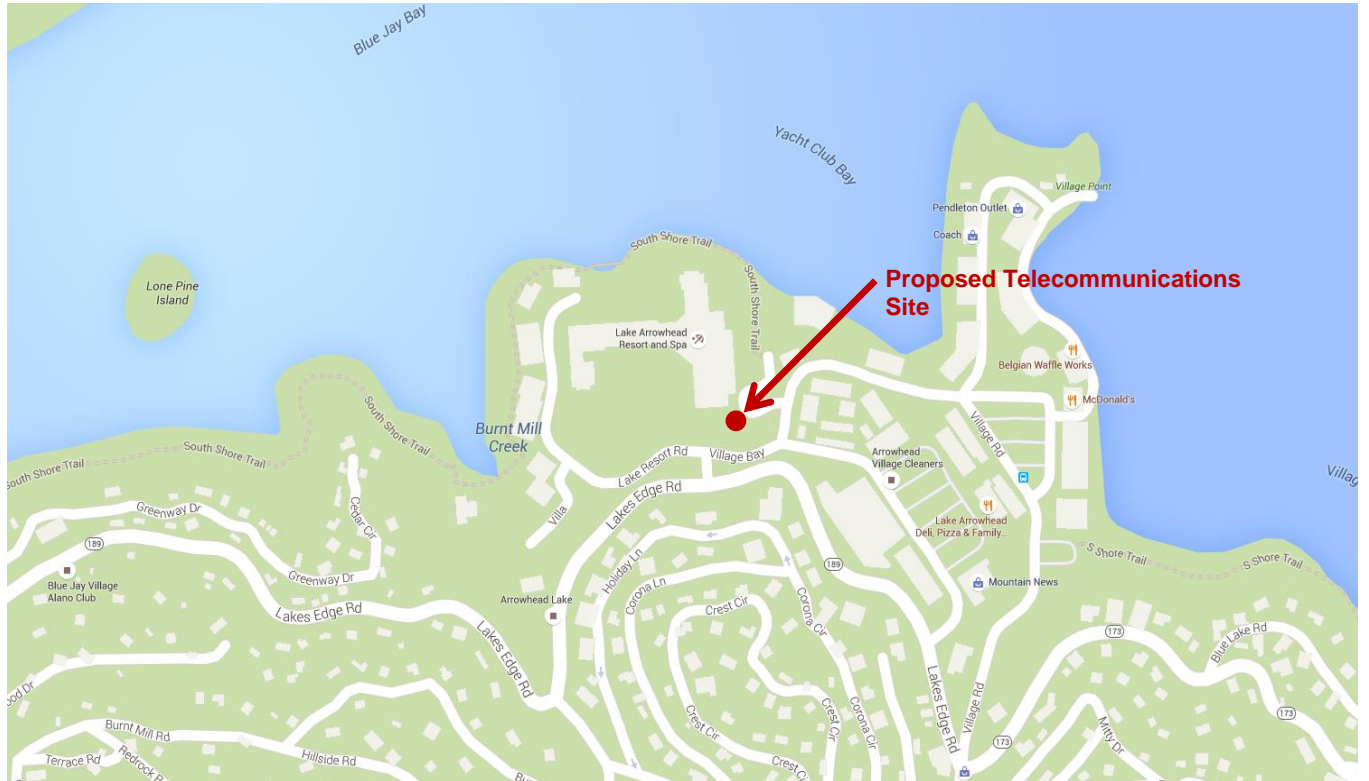
	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	None	
Water Service:	Not Required for Development	N/A
Septic/Sewer Service:	Not Required for Development	N/A

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

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

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# VICINITY MAP (Regional)



# AERIAL MAP

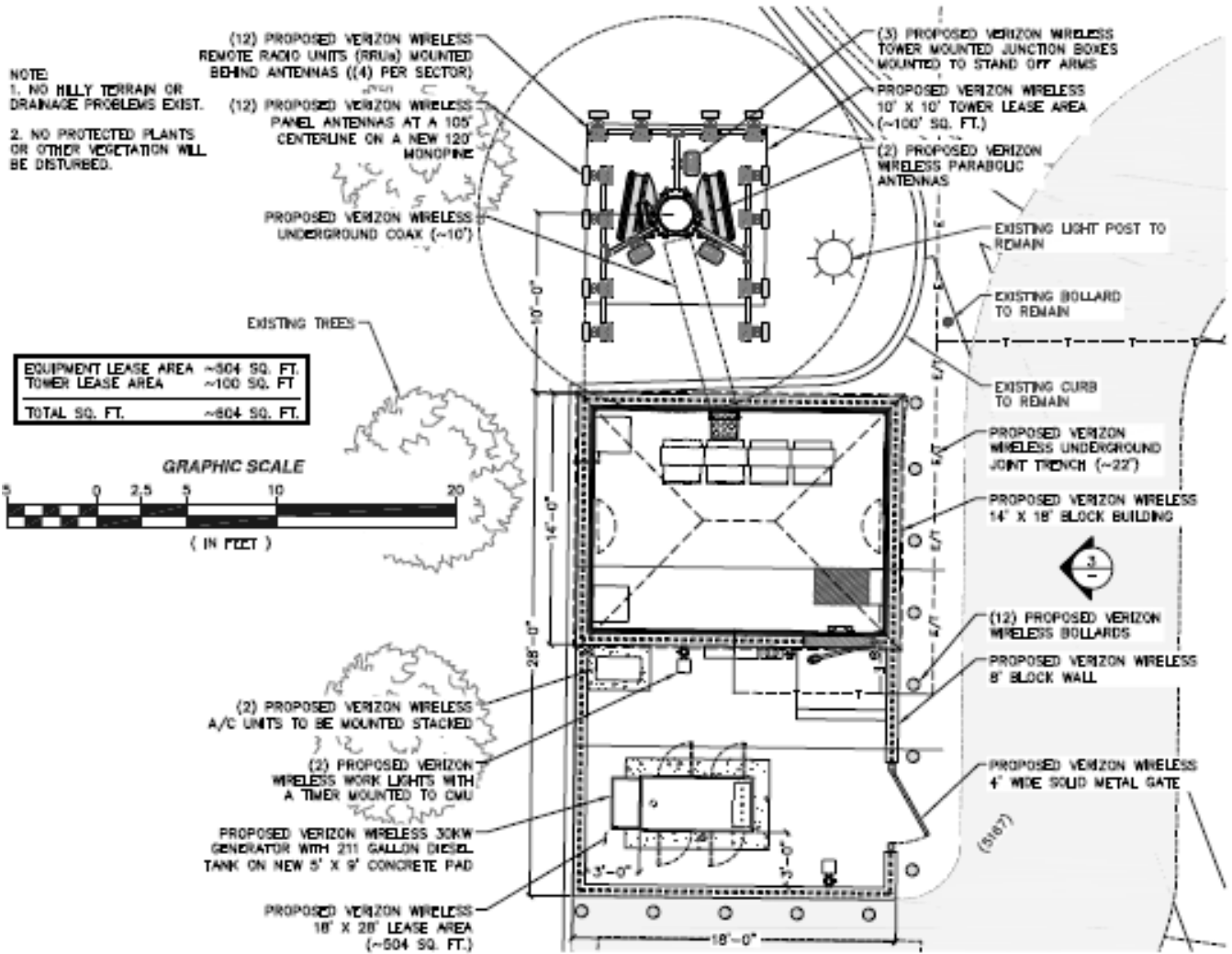


# OFFICIAL LAND USE DISTRICT MAP

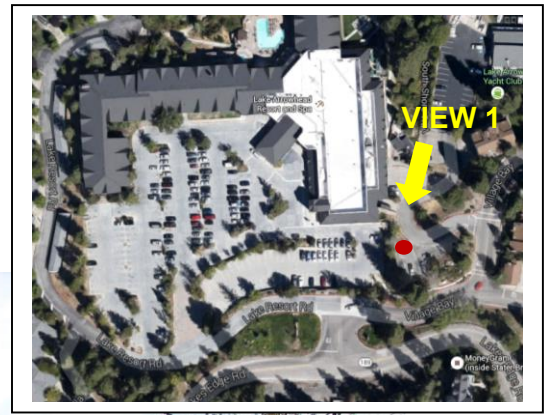




# ENLARGED SITE PLAN



# SITE PHOTOS



**PROPOSED TOWER  
LOCATION**



**VIEW 1 - Looking south from access road**



# SITE PHOTOS



**VIEW 2 - Looking southeast across hotel parking lot**

# PHOTOGRAPHIC SIMULATION



**EXISTING VIEW 3 – Looking northeast from Lakes Edge Road**



**PROPOSED INSTALLATION - 93' Monopine Tower**

# PHOTOGRAPHIC SIMULATION



**EXISTING VIEW 4 – Looking east from hotel parking lot**



**PROPOSED INSTALLATION - 93' Monopine Tower**

Examples of other  
Verizon Wireless  
Monopine Towers



## **PROJECT DESCRIPTION AND BACKGROUND:**

**Project.** The applicant is requesting approval of a Conditional Use Permit (CUP) to construct a 93-foot high wireless telecommunications tower with a Minor Variance to allow the Monopine Tower to be constructed approximately 180 feet from an existing off-site residence (Project). The proposed telecommunications facility is in the Community of Lake Arrowhead at the site of the Lake Arrowhead Resort and Spa. Access to the site will be provided by means of Lakes Edge Road. The County General Plan land use zoning designation of the property is General Commercial (CG). The CG zone allows telecommunications facilities with towers up to 75 feet in height except where the site is forested, the maximum height shall be 20 feet above the predominant height of the trees in the prime direction of signal propagation.

The actual telecommunications facility will occupy a 604-square foot area that will be screened with an 8-foot high perimeter block wall. The proposed telecommunications tower will be located within a small paved area on the east side of the property, adjacent to a delivery access drive for the hotel. This area is relatively flat and contains dense groupings of pine trees which will provide further camouflaging of the proposed Monopine Tower.

## **ANALYSIS:**

**Tower Height.** The proposed telecommunications tower will be constructed in a stealthed Monopine design that will blend in with the natural landscape because the tower is located in an area that has several existing pine trees. The maximum allowed height of telecommunications towers in the General Commercial (CG) Zoning District is 75 feet. However, where the site is forested, the proposed tower can be 20 feet higher than the predominant height of the trees in the prime direction of signal propagation. The existing trees immediately surrounding the tower range in height from 26 to 66 feet in height. However, the existing trees that impede signal propagation are across the lake to the north. These trees range in height from 102 to over 200 feet in height. Based on the signal propagation maps provided by the applicant, the 93-foot tower height is necessary in order to obtain the best signal for the telecommunications facility.

**Variance.** The applicant has requested a Minor Variance for the proposed Monopine Tower based on the locational criteria requiring the tower to be at least 300 feet from any existing off-site residence. The proposed tower will be located on the easterly side of the hotel site, which is adjacent to an existing condominium complex. This condominium complex is in the General Commercial zoning district and is located between the hotel site and the Arrowhead Village Retail Center.

The proposed tower will be approximately 180 feet from the nearest off-site condominium unit. There are approximately 23 condominium units that would be located within 300 feet of the tower. The applicant conducted an alternative site analysis for the 93-foot high tower and determined that the proposed site was necessary to accomplish the desired service coverage for the area. Given the mixed-use nature of this area, with residential uses intermixed with commercial uses, it would be difficult to find a location for a telecommunications tower that is less than 300 feet from a residential structure.

The applicant considered three other site locations in the Lake Arrowhead Village before choosing the hotel site. The first location would have required co-locating with T-Mobile on the existing Lake Arrowhead Village clock tower. This would have required modifications to the clock tower, which was not allowed by the landlord. The other two locations that were considered were both located near the Lake Arrowhead Village Stater Brothers Shopping market. One of these sites

was located in a very low-lying area that would not deliver the necessary signal for the telecommunications facility. The other location was in an area Stater Brothers has been considering for expansion.

The east side of the hotel site offers a more suitable location, because it's located in an area surrounded by existing pine trees that will provide additional camouflaging of the proposed tower. Generally, this location has the fewest constraints and is therefore the most appropriate location for the site. This tower will provide a much needed and necessary facility for emergency and other communications purposes for the community.

**Local Opposition to the Project.** In response to the notices that were sent to the surrounding property owners, County staff has received two emails inquiring about the Project, two emails in opposition to the Project and two letters in opposition to the Project. The Project plans and the simulation photos were sent to the individuals who inquired about the Project. No further correspondence from these individuals was received. The emails and letters are attached for your review.

The inquiry and complaints were related specifically to the appearance of the tower, the potential obstruction of lake views, compensation for a reduction in property values and radio frequency emissions. Regarding the concerns about radio frequency emissions, the County is preempted by the Federal Telecommunications Act from attempting to regulate and control any potential electromagnetic radiation produced by wireless telecommunication facilities. Also, pursuant to Section 84.27.060 (a) of the Development Code, projects shall not be considered controversial solely on the basis of radio frequency emissions.

**Compliance with County Development Code.** The proposed Project complies with the County Development Code and General Plan objectives, goals and policies in that it will minimize the adverse effects of siting a telecommunication facility. The design of the Project maximizes the beneficial effects of a facility that will serve as an integral part of a whole communications system, and improve the telecommunications coverage for an area with limited coverage.

## **ENVIRONMENTAL REVIEW**

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

**RECOMENDATION:** That the Planning Commission:

- A. **APPROVE** the Conditional Use Permit (CUP) to construct the proposed a wireless telecommunications facility on a 93-foot Monopine Tower subject to the conditions of approval.
- B. **APPROVE** the Minor Variance to construct a 93-foot Monopine Telecommunications Tower within 300 feet of an existing off-site residential structure.
- C. **ADOPT** the Findings as contained in the staff report.
- D. **FILE** the Notice of Exemption.

ATTACHMENTS:

- Exhibit A: Letters of inquiry and opposition
- Exhibit B: Findings
- Exhibit C: Conditions of Approval

# **EXHIBIT A**

## **Letters of Inquiry and Opposition**



## Warrick, Chris - LUS

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**From:** Jim Grant <JGrant@ALA-CA.ORG>  
**Sent:** Monday, March 23, 2015 3:49 PM  
**To:** Warrick, Chris - LUS  
**Cc:** Christina Ellsworth; Ken Nelsen; Patti McGonigle; Murray, Lewis; Theresa Imlay  
**Subject:** Project P201400264/CUP-CELL  
**Attachments:** Cell Tower Project.pdf

Good afternoon Chris,

This morning we received your Planning Project Notice for the installation of a new cellular telephone tower on parcel 0335-101-53 in Lake Arrowhead. Our records show the property is commonly referred to as the Lake Arrowhead Resort and Spa.

We would like to ask for the following information:

- \* A specific location where the tower will be located,
- \* A confirmation of any methods that will be used to 'camouflage' the structural framework,
- \* Photographs of similar towers with the twelve panel antennas, two parabolic antennas and twelve wireless remote radio units on a 120 foot monopole tower, and
- \* A 'flag test' to identify the visibility of the tower from the surrounding residential, recreational and business areas.

Lastly, please keep me updated on the meetings and discussions of this project and notify me of the project decision.

Thank you,  
Jim Grant, General Manager  
Arrowhead Lake Association  
Direct phone: (909) 337-2595, extension 111  
E-mail: [jgrant@ala-ca.org](mailto:jgrant@ala-ca.org)

## Warrick, Chris - LUS

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**From:** Matthew Wadalawala <mw@sensipack.com>  
**Sent:** Friday, May 01, 2015 10:15 AM  
**To:** Warrick, Chris - LUS  
**Subject:** Re: Arrowhead Resort Cell Tower

Chris,

Here are some photos of the repeater units affixed to a building we discussed a few weeks ago.

Discussion Points:

- Resolves safety concerns by moving to a location inaccessible by general public.
- Nice when used properly and more architecture friendly than traditional repeater towers. (In some cases they are hard to see making them a desirable alternative.)
- Require less space which is always a plus when talking about the limited space in The Village.
- Can be strategically placed on the structure depending on the desired signal direction.

Would it be possible to ask the applicant for a list of options they reviewed and completed due diligence?

Let me know what you thinks; thank you for the time and consideration.





- Sent Via iPhone

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Matthew Wadalawala  
Sensipack  
Managing Director  
+1 310.428.6301  
[mw@sensipack.com](mailto:mw@sensipack.com)



**[Sensipack](http://sensipack.com)**

On Apr 10, 2015, at 7:58 AM, Warrick, Chris - LUS <[Chris.Warrick@lus.sbcounty.gov](mailto:Chris.Warrick@lus.sbcounty.gov)> wrote:

Matt,

Yes, if you received the original notice for the project you will also receive another notice for the Public Hearing.

<image001.png>

**Chris Warrick**

Land Use Services  
**Senior Planner**

Phone: 909.387.4112 | Fax: 909.387.3223

[www.SBCounty.gov](http://www.SBCounty.gov)

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

**From:** Matthew Wadalawala [<mailto:mw@sensipack.com>]  
**Sent:** Thursday, April 09, 2015 4:29 PM  
**To:** Warrick, Chris - LUS  
**Subject:** Re: Arrowhead Resort Cell Tower

Chris,

Appreciate the follow up call and the information. Will review it and let you know if I have any questions.

Once you set the hearing, will a letter be with that information? In the meantime I will try getting you some information and/or photos regarding those panels we discussed.

--

Matthew Wadalawala  
Sensipack  
Managing Director  
[mw@sensipack.com](mailto:mw@sensipack.com)

On Thu, Apr 9, 2015 at 4:14 PM, Warrick, Chris - LUS  
<[Chris.Warrick@lus.sbcounty.gov](mailto:Chris.Warrick@lus.sbcounty.gov)> wrote:

Hi Matt,

Attached is the site plan for the proposed telecommunications tower. I have also attached an aerial photo, which provides a better description of the site location. If you have further questions after reviewing the attached plans please call me at [909-387-4112](tel:909-387-4112).

## Warrick, Chris - LUS

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**From:** Bhelgoe <mrhelgoe@gmail.com>  
**Sent:** Monday, March 23, 2015 8:53 PM  
**To:** Warrick, Chris - LUS  
**Cc:** Craig & Stephanie Coston; Gene Johnson; Lee Johnson; Tom; Mary Jenney; Robert Jenney  
**Subject:** Opposition to 120' Monopine cell phone tower in Lake Arriwhead

Dear Mr. Warrick,

This email is in regards to project number: P201400264/CUP-CELL

I am opposed to the construction of such a large cell phone tower complex in front of my house in Lake Arrowhead without more information to help me understand the impact of such construction. Please let me know how to determine:

1. Where will the Monopine tower be placed on the 8.6 acre Lake Arrowhead resort property? Will the Monopine tower obstruct my view?
2. Will the antennas be aimed at the residential area behind the resort? Because the antennas may be pointed straight at my house (potentially a distance of less than 100 yards as the crow flies) what are the implications for safety of my children and family?
3. What additional electricity requirements will the new facility require and will any new electrical infrastructure requirements impact our neighborhood?
4. If my property value declines as a result of the construction of the Monopine, what mechanism do I have to seek compensation?
5. Is there an environmental impact report that looks at alternative antennae locations (on the roof of the resort for instance) that states the only feasible location is a 120' Monopine?

I have cc'ed some neighbors on this email and hope, Chris, that you will respond to all of us.

Neighbors, if this is alarming to you also, please let Chris know. Please forward this to other neighbors as well.

I look forward to learning more about the proposal and, if warranted, what we can do to prevent such a large structure being erected in our neighborhood and the deleterious impact it could have on our health, esthetic enjoyment, and property values.

Sincerely,

Brian Helgoe  
310-890-0564

## Warrick, Chris - LUS

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**From:** Craig Coston <cscoston@msn.com>  
**Sent:** Wednesday, March 25, 2015 3:45 PM  
**To:** Warrick, Chris - LUS  
**Cc:** Brian Helgoe; stephanie Coston  
**Subject:** Re: Opposition to 120' Monopine cell phone tower in Lake Arriwhead

Another atrocious attempt to shove down our throats an ugly, fake looking tree in the middle of no other trees, in the center of a barren parking lot, to try to disguise it! Come on guys!! With all the technology available today, you can do better than this! Stop ruining the lake view which we pay premium dollar (and taxes) for! We will fight it!

Craig & Stephanie Coston (residence) 252 Corona Cir., Lake Arrowhead,  
Ca. 92352 (909) 337-3371

Owner/Broker  
Lake Arrowhead Insurance  
PO Box 3052  
Lake Arrowhead CA 92352  
Direct: 909-289-6946 Fax: 909-337-3371  
Email: [arrowheadinsurance@msn.com](mailto:arrowheadinsurance@msn.com)

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\*CERTIFIED SPECIALIST  
PROBATE, ESTATE PLANNING & TRUST LAW  
THE STATE BAR OF CALIFORNIA  
BOARD OF LEGAL SPECIALIZATION

March 30, 2015

San Bernardino County Land Use Services  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415

Re: Project Number P201400264/CUP-CELL  
Applicant: LASMSA LPDBA VERIZON WIRELESS

2015 MAR 31 AM 8:51  
RECEIVED  
ADMINISTRATION

Gentlemen:

I represent The Lakeside at the Resort Homeowners Association and write to express its opposition to the cell tower proposed for construction on the Lake Arrowhead Resort property. The Association represents 34 property owners located on Lake Resort Road, immediately to the west of the Lake Arrowhead Resort.

The Association finds the proposed tower to be completely inappropriate for the area. It is inappropriate, totally out of keeping with the area and will be an eyesore viewed by every resident every time they drive by the resort.

The attempt to make the tower appear to be a tree does not make it any more acceptable. The cell tower "tree" does not resemble and is completely out of proportion with the natural trees on the property. It is obviously a cell tower and not a tree.

The tower is placed in a highly visible location very near the shoreline. It will be visible from many heavily travelled areas including the lake itself. This is simply not the location for this cell tower.

Very truly yours,

FULLERTON, LEMANN,  
SCHAEFER & DOMINICK, LLP



Michael R. Schaefer

MRS:mr

**RECEIVED**

MAR 31 2015

San Bernardino County  
Planning Division



SAN BERNARDINO COUNTY  
LAND USE SERVICES  
PLANNING PROJECT NOTICE

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0187

Referral Date:  
March 18, 2015

ATTENTION PROPERTY OWNERS

Page 1 of 2

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

Your comments must be received by Planning no later than April 01, 2015 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, CHRIS WARRICK at (909) 387-4112, by email at Chris.Warrick@lus.sbcounty.gov, or mail your comments to the address above. If you wish, you may also FAX your comments to (909) 387-3223.

ASSESSOR PARCEL NUMBER: 0335-101-53 (See map below for more information)

PROJECT NUMBER: P201400264/CUP-CELL

APPLICANT: LASMSA LPDBA VERIZON WIRELESS

LAND USE DISTRICT (ZONING): LA/CG

IN THE COMMUNITY OF: LAKE ARROWHEAD/2ND/ SUPERVISORIAL DISTRICT

LOCATED AT: HWY 189, NORTH SIDE (LAKES EDGE RD); PENINSULA, APPROX 600' WEST OF ?

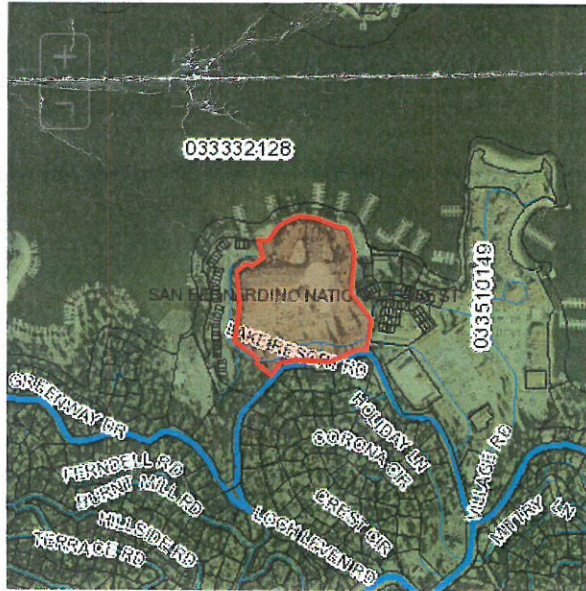
PROPOSAL: MINOR USE PERMIT TO CONSTRUCT A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF TWELVE PANEL ANTENNAS, TWO PARABOLIC ANTENNAS AND TWELVE WIRELESS REMOTE RADIO UNITS ON A 120-FOOT MONOPINE TOWER WITHIN A 604 SQUARE FOOT LEASE AREA LOCATED ON A PORTION OF A 8.76 ACRE PARCEL.

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

WE ARE AGAINST THIS PROPOSAL FOR THREE REASONS!

1. HEALTH/SAFETY CONCERNS.
  2. UNSIGHTLINESS OF 120' POLE.
  3. WE ASKED FOR, AND DID NOT RECEIVE, INFO AS TO EXACT LOCATION OF THE POLE/TOWER
- RECEIVED LOCATION DETAILS JUST BEFORE WE MAILED THIS.

VICINITY MAP



Jayne A. Handschumacher

*[Signature]*

SIGNATURE

03-30-15

DATE

PRIVATE LANDOWNERS  
314 Villa Way  
Lake Arrowhead, CA

AGENCY

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

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



# EXHIBIT B

## Findings

## EXHIBIT B

### FINDINGS: CONDITIONAL USE PERMIT

**Conditional Use Permit (CUP) to construct a wireless telecommunications facility that includes twelve panel antennas, two parabolic antennas and twelve wireless remote radio units on a 93-foot Monopine Tower within a 604 square foot lease area located on a portion of an 8.76 acre parcel.**

1. **The site is adequate in size and shape to accommodate the proposed monopine telecommunications tower and support equipment, and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** The proposed facility conforms with the development standards established by the County Development Code with respect to height, setbacks, design and location of telecommunication facilities, specifically incorporating alternative site, co-location and stealth alternatives. The proposed telecommunications facility will not contribute to unnecessary proliferation of such facilities.
2. **The proposed lease site for this facility has adequate access,** which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use. The project has legal access by means of Lakes Edge Road which is the primary access road serving the hotel site where the telecommunications facility will be located. No additional access roads, right-of-way, or public road improvements are necessary to accommodate the proposed project.
3. **The proposed uses 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 disturbances, because the facility lease area is located within the boundaries of the subject property and stealth/camouflage measures and screen walls have been incorporated into the design of the structure. The monopine stealth features are being utilized because the proposed telecommunications tower is located in an area that has a dense population of existing natural pine trees
4. **The proposed use 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 goals and policies:
  - **Goal CI 15.** “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.”
  - **Policy CI 15.1.** “Maximize the use of telecommunications to reduce transportation and land use demands.”

- **Policy CI 15.3.** “Work with telecommunication industries to provide a reliable and effective network of facilities that is commensurate with open space aesthetics and human health and safety concerns.”
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 project will require the extension of underground electrical lines, although will not require water, sewer or other supporting infrastructure.
  6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare,** because the project would require further ministerial permits through the County of San Bernardino. All development issues have been evaluated by the appropriate County agencies and appropriate conditions have been required to address their concerns and areas of responsibility. When implemented, the conditions will ensure compliance with all local, state and federal regulations pertaining to the proposed facility.
  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.** There is limited application for solar energy systems on a project of this type. Also, the proposed structures are non-habitable, which provides little opportunity for passive or natural heating and cooling. In addition, the proposed project will not substantially interfere with the present or future ability to use solar energy systems because the project will occupy only 604 square feet of the 8.76 acre site, leaving sufficient space for future consideration of solar energy systems.
  8. In compliance with the California Environmental Quality Act (CEQA), it has been determined that the project qualifies for a Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines. This exemption includes the construction and location of limited numbers of new small facilities or structures and installation of small new equipment. Therefore, a Categorical Exemption is recommended.

### **FINDINGS: VARIANCE**

**Minor Variance to construct a 93-foot Monopine Telecommunications Tower within 300 feet of an off-site residential structure.**

1. **The granting of the Variance to allow the telecommunications facility to be constructed 180 feet, rather than 300 feet, to the nearest off-site residence will not be materially detrimental to other properties or land uses in the vicinity and will not substantially interfere with the present or future ability to use solar energy systems,** because the proposed lease area and facility will be adequately setback within the property boundaries and camouflaged with stealth design to mitigate any visual, aesthetic or land use conflicts. The telecommunications facility will occupy a 604-square foot area and will include an 8-

foot high concrete block screen wall at its perimeter. The location of the monopine tower among the natural pine trees in the area is much less visually obtrusive than a non-stealth designed tower.

2. **There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district**, because the required functional/operational height and location limitations of this facility have been determined by engineering analysis and propagation maps provided by the applicant. The proposed telecommunications tower is located at the site of the existing Lake Arrowhead Resort Hotel. The closest off-site residence is approximately 180 feet from the proposed tower within an adjacent condominium complex. The condominium complex is located in an area that is zoned General Commercial (CG) and is located between the hotel site and the Lake Arrowhead Village Retail Center. Given the mixed-use nature of this area, with residential uses intermixed with commercial uses, it difficult to identify a location for a telecommunications tower that is less than 300 feet from a residential structure.

There is a small area in the center of the 8.76-acre hotel site where the proposed telecommunications tower could be constructed without being 300-feet from an off-site residence. However, the proposed location was more appropriate because it's located in a low lying area surrounded by existing pine trees that will provide additional camouflaging of the proposed tower. Generally the proposed location, near the residential areas, has the fewest constraints and is therefore the most appropriate location.

Furthermore, the engineering analysis identified a need for a cellular tower in this vicinity in order to provide adequate service to the community. The surrounding area is comparably zoned and developed with a mix of residential and commercial uses. Therefore, this is a rather unique situation in that there is not a more suitable location for this telecommunications facility, which is necessary in order to provide cellular communications coverage for the community.

3. **The strict application of the land use zoning district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district** in that other similar facilities have been developed in comparable commercially zoned areas in the valley areas, which do not have the same physical and locational constraints as properties in the mountain areas. Additionally, much of the Lake Arrowhead community, and surrounding area, is comparably zoned as General Commercial with mixed-use development and, therefore, there is not a more appropriate location to construct this facility in the immediate area without encountering similar limitations and constraints.
4. **The granting of a Variance to allow a telecommunications facility to be constructed less than 300 feet from the nearest off-site residence is**

**compatible with the maps, goals, policies, programs, and general land uses specified in the General Plan and any applicable Specific** in that the project specifically implements the following San Bernardino County General Plan goals and policies:

- **Goal CI 15.** “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.”
- **Policy CI 15.1.** “Maximize the use of telecommunications to reduce transportation and land use demands.”
- **Policy CI 15.3.** “Work with telecommunication industries to provide a reliable and effective network of facilities that is commensurate with open space aesthetics and human health and safety concerns.”

The operational height and location of this telecommunications facility is determined by engineering evaluation and analysis that includes such factors as strength of signal, frequency of signal, and other engineering constraints related to the evolving telecommunication technology. Additionally, the proposed 93-foot high monopine tower will be constructed among natural pine trees to provide further camouflage and stealthing of the facility.

# **EXHIBIT C**

## **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

LA SMSA LP dba Verizon Wireless  
Conditional Use Permit/Variance

### **GENERAL REQUIREMENTS**

Conditions of Operation and Procedure

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

1. Project Approval Description. This Conditional Use Permit (CUP) and Minor Variance (VAR) is conditionally approved for an unmanned wireless telecommunications facility. The proposed telecommunications facility includes twelve panel antennas, two parabolic antennas and twelve wireless remote radio units on a 93-foot Monopine Tower within a 604 square foot lease area and a Minor Variance to construct the 93-foot Monopine Tower within 300 feet of an off-site residential structure located on a portion of a 8.76 acre parcel (Project). The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, 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. APN 0335-101-53; Project Number P201400264.
2. Project Location. North side of Highway 189 (lakes Edge Road) approximately 600 feet west of the peninsula.
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 structures, building locations, elevations, signs, parking, 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)
5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully

in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

6. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
  - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
  - The land use is determined by the County to be abandoned or non-conforming.
  - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

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

7. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner or developer shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
8. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
9. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The



granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

10. Project Account. The Job Costing System (JCS) account number is P201400264. This is an actual cost project with a deposit account to which hourly charges are assessed by various county staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
  - a. Grading Permits: A copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
  - b. Building Permits: A copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
  - c. Final Inspection: A copy of the signed CCRF for final inspection, after an on-site compliance inspection by County Planning.
12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
13. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
  - a. FEDERAL: Federal Communications Commission
  - b. STATE: N/A
  - c. COUNTY: Land Use Services: Building and Safety, Code Enforcement, Land Development. County Fire/HazMat. Public Health: Environmental Health Services. Public Works: Traffic, County Surveyor, and
  - d. LOCAL: N/A
14. Continuous Maintenance. The project developer shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on- and off-site users (e.g. wireless company employees and visiting public to this tourism destination) and surrounding properties and residences. The developer shall ensure that all facets of the development are regularly inspected, maintained and repaired in a timely fashion. Elements to be maintained are but are not limited to:
  - a. Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking area, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
  - b. Graffiti and debris shall be removed within 48 hours of notification.

- c. Fuel modification zones shall be maintained annually to ensure on-going protection from wildland fire.
  - d. Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
  - e. Architectural controls shall be enforced by the developer to maintain compatibility of with the project approval.
  - f. External Storage, loading, recycling and trash storage are NOT allowed.
  - g. Metal Storage Containers are NOT allowed as part of this approval.
  - h. Screening shall be visually attractive to ensure wireless facility, the lease area and supporting equipment are screened from public view from street level.
  - i. Signage including posted area signs (e.g. "No Trespassing") and all other on-site signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed within 24 hours of notification
  - j. Parking on site shall be for wireless company employees ONLY while servicing the site limited to the designated area per approved site plan.
15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
16. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or into adjacent native vegetated areas that may disturb nocturnal wildlife. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
17. Renewable Occupancy. The occupancy and use of the Telecommunications facility is limited to a renewable 10 year period. The facility is subject to evaluation, renewal and extension in 10 year increments. Planning staff shall evaluate the applicability of current technology to determine if the facility should be required to be upgraded, continue as approved or be terminated. Planning staff will also evaluate whether the facility remains compatible with adjacent land uses and if any additional buffering and screening measures are appropriate. If planning staff determines that the use should be terminated then a public hearing before the Planning Commission shall be scheduled to validate the staff determination and to determine a reasonable amortization period. Should the Planning Commission act to terminate the Telecommunications facility use, then it shall no longer be considered a valid legal use of the land after the established termination date. The wireless service provider will be granted a minimum of one year from the date of the Planning Commission action to terminate operations. Any unapproved use of the Telecommunications facility beyond the termination date shall be an enforceable violation.
18. Telecommunication Facility Abandoned Site Restoration. A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owners of an abandoned facility shall remove all structures within 90 days of receipt of notice from the County notifying the owner of abandonment. The owner shall return the site to its approximate natural condition. If an abandoned facility is not removed within the 90-day time period, the County may remove all such structures at the owner's expense. The applicant shall restore the site to its prior natural condition or as otherwise authorized by the Planning Division.

Once the telecommunication company vacates the site, future establishment of the same or similar facility shall require new land use approval through the Planning Division.

19. FCC Regulations. The developer of the Telecommunications 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 developer 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 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.
20. 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.
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. 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.
23. 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
24. No outdoor storage. No outdoor storage of equipment, materials or supplies shall be allowed.
25. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays
26. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - a. All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - b. 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.
  - c. 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 (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. This includes removal of all Russian thistle (tumbleweeds).

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.

COUNTY FIRE DEPARTMENT – Community Safety (909) 386-8400

30. 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.
31. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and 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.
32. Fire Access. A knock lock shall be installed if property is gated.

## **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

33. 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.
34. Retaining Wall Plans: Submit plans and obtain separate permits for any required walls or retaining walls.
35. Erosion & Sediment Control Plan: An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to issuance of a building permit.
36. Erosion Control Installation: Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.

### INFORMATION SERVICES – Network Services (909) 388-5971

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

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

38. SUP Annual Inspection. The applicant shall submit for review and gain approval of a Special Use Permit (SUP). The Telecommunication Tower Removal Surety shall also be submitted with the SUP application. Thereafter, the applicant shall renew the SUP annually and shall authorize an annual inspection. The SUP shall authorize inspections to review and confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening, and buffering. Failure to comply shall cause enforcement actions to be brought against the property. Such actions may cause a hearing or action that could result in the revocation of this approval and the imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that the Code Enforcement Supervisor deems necessary shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time with a time not to exceed three hours per inspection. Specifically the SUP shall evaluate and administer the following in accordance with the related provisions of these conditions:
  - a. Telecommunication Facility maintenance. This includes all landscaping, screening, buffering, painting, and required stealthing and camouflaging elements of the installation.
  - b. 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.
  - c. Telecommunication Facility FCC-RF regulation reevaluation.
  - d. Telecommunication Facility Abandoned Site Restoration.
  - e. Telecommunication Co-location Agreement.
  - f. Termination Agreement.
  - g. Telecommunication Tower Removal Surety.

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

39. 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.
40. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
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:
- a. 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.
  - b. Fencing/Walls. An 8 foot high, 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 of variegated color with a matching cap.
  - c. 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.
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. 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.

44. Stealth 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:
- a. 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.
  - b. Accessory Support Facility Design. All accessory support facilities, the pre-fabricated equipment shelter and the emergency generator, to the telecommunication facility shall be with installed within the enclosure with the exception of the two GPS antenna, which can be affixed to the exterior of the structure. The applicant shall ensure that any changes to the exterior of the storage structure shall integrate with the structural architecture of the on-site and adjacent uses and/or those predominant in the area.
45. Termination Agreement. The developer of the Telecommunications facility and the property owner shall sign an agreement with the County which states that they:
- a. 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.
  - b. Agree that no vested right to such land use shall exist after such termination date is established.
  - c. Agree not to transfer ownership of the described property or operation rights of this Telecommunications facility without first notifying the prospective purchaser(s) of the provisions, limitations and these “Conditions of Approval” and the “Telecom Facility Agreement” signed to the satisfaction of County Counsel and Planning; and
  - d. Agree that this agreement shall be enforced through a required Special Use Permit.

#### PUBLIC WORKS – Surveyor – (909) 387-8149

46. Monuments. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
47. Record of Survey. A Record of Survey/Corner Record shall be filed in the following instances:
- a. Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
  - b. Monuments set to mark the property lines.
  - c. Pursuant to applicable sections of the Business and Professions Code.

#### COUNTY FIRE DEPARTMENT – Community Safety (909) 386-8400

48. Permits. Construction permits including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection.

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

49. Fire Protection Standards. All construction must comply with all appropriate fire protection installation standards as adopted by the San Bernardino County Fire Department.
50. Flammable Liquids. This review did not include analysis of any flammable liquids or hazardous materials to be present. If there are to be any hazardous materials present in excess of exempt amounts, the applicant must provide a letter identifying the materials to be stored and/or used and return it to the Fire Department for review and approval prior to introduction of such materials into the building.
51. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
52. Fire Fee. The required fire fees (currently \$732.00) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400. This fee is in addition to fire fees that are paid to the County of San Bernardino.
53. 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. Fee: \$639.00
54. Combustible Vegetation. Combustible vegetation shall be removed as follows:
  - a. 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 to the property line, whichever is less.
  - b. 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
55. Override Switch. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required. Standard 902.4
56. Above Ground Storage Tank. Permit required for AST exceeding 50 Gallons: Separate Permit and Fee: \$550.00
57. 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 FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

58. California Environmental Reporting System (CERS). Prior to occupancy, operator shall submit disclosure information using the California Environmental Reporting System (CERS) for emergency release or threatened release of hazardous materials and wastes or apply for exemption from hazardous materials laws and regulations. Contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

59. HAZ MAT Handler Permit. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8463.

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

60. 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 P201400264.

61. 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.

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

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

**END OF CONDITIONS**