The background of the entire page is an aerial photograph of a valley. In the foreground, there are rolling hills with sparse, dry vegetation. Below the hills, a residential area with houses and trees is visible. In the distance, a range of mountains stretches across the horizon under a clear blue sky.

LAZER BROADCASTING FACILITY

ENVIRONMENTAL IMPACT REPORT

SCH No: 2008041082

PREPARED FOR:

County of San Bernardino Land Use Services Department
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Contact:

Kevin White, Planner III

PREPARED BY:

Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408

Contact:

Natalie P. Patty

DRAFT EIR
MAY 2016

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1.0 EXECUTIVE SUMMARY/INTRODUCTION

This Environmental Impact Report (EIR), State Clearinghouse No. 2008041082, has been prepared for the Lazer Broadcasting Facility Project. Lazer Broadcasting Corporation is proposing the construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment building on a 38.12-acre site. The Project Site is located near Wildwood Canyon and Oak Gen Roads, west of Pisgah Peak Road in an unincorporated area of San Bernardino County, and within the Oak Glen Community Plan area.

Project Location

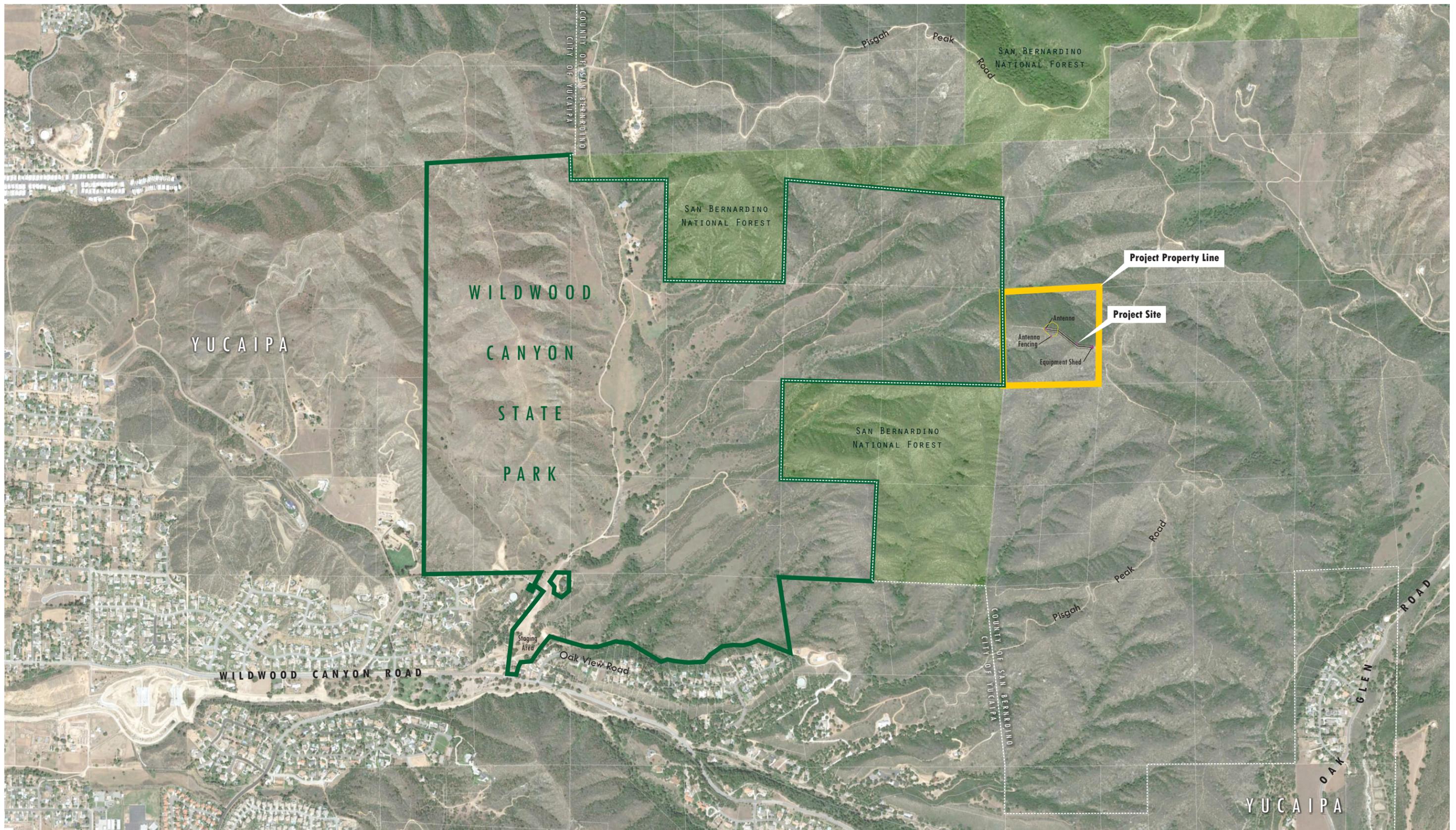
The Project Site is situated in the steep foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen (see Figure 1-1 Regional Location). The Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of its intersection with Wildwood Canyon Road within an unincorporated portion of San Bernardino County and in the Oak Glen Planning Area (see Figure 1-2 Vicinity Map).

The Project Site is located approximately 1.5 miles south of the San Bernardino National Forest, on a west facing slope below the ridgeline, and is currently vacant. In 2010, a demonstration pole was installed to identify the location of the monopole and represent the pole height; the pole was removed in 2015. The Project Site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire Project Site consists of densely mixed chaparral and occurs on steep slopes greater than 30 percent.

Project Site History

In June 2007, Lazer Broadcasting originally submitted an Application for a Conditional Use Permit (CUP) to construct a proposed 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the 38.12-acre Project Site. The application also included a Major Variance to reduce the fuel modification area from 100 feet to 30 feet on a 425 square-foot portion of the 38.12-acre site. In October 2008 upon the review of the concerns and comments received from the County's noticing, the applicant revised the proposed project to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the project site. The Major Variance to reduce the fuel modification from 100 feet to 30 feet was a part of the October 2008 project. In November 2008 the project was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission subsequently approved the project.

On January 27, 2009 and continued to March 3, 2009, the Board of Supervisors held a public hearing on the appeal to the prior Planning Commission action at which time the BOS granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial.



- LEGEND**
- Existing Lazer Broadcasting Property Line
 - Wildwood Canyon State Park
 - Yucaipa City Limits (shown as a white line)

PROJECT VICINITY

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 1-2

On May 6, 2010, Lazer Broadcasting submitted a revised project including the request to approve a CUP to construct a new FM Radio Broadcast Facility consisting of one free-standing 43-foot tall triangular-shaped lattice tower and one, 10-foot by 10-foot single-story (nine (9) feet tall) equipment building on the project site. A Major Variance was also a part of the submittal and included a reduced Fuel Modification Area from 100 feet to 30 feet which included 10 feet of clearing and 20 feet of selected thinning to be coordinated with the County Fire Department and monitored by a third-party biologist. A demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed.

On March 17, 2011 the Planning Commission held a public hearing for the project and planning staff recommended denial of the project. The Project hearing was continued by the Planning Commission to May 5, 2011 at the request of the applicant, so that revisions to the proposed project (replacement of the 43-foot lattice tower with a 43-foot wooden monopole) could be provided. At the May 5, 2011 hearing, the Planning Commission adopted an intent to approve the Project, with directions to staff to complete the required environmental analysis and to prepare findings for approval.

As part of the environmental analysis, Staff determined that a third party expert should be commissioned to prepare a visual assessment. In response to a Request for Proposal, the Lilburn Corporation was deemed the optimal visual impact consultant and a Purchase Order was completed for their services. The completed Visual Assessment was received from Lilburn on October 26, 2011 and staff began working to finalize the Initial Study/Mitigated Negative Declaration (IS/MND) (see Appendix A). The IS/MND was completed and sent to the State Clearinghouse as required by the California Environmental Quality Act.

During the comment period, it was discovered that a portion of the equipment building and proposed parking space were within the Pisgah Peak road easement. On February 13, 2012, the County received a revised site plan which relocated the equipment building and the proposed parking space. Those plans were reviewed by staff and further revisions were required to clarify the maximum height of the proposed retaining wall and clear up some discrepancies found on the exhibit.

The Visual Impact Assessment completed by Lilburn Corporation, under contract to the County, evaluated the project design submitted before aforementioned revisions were made. The revised plans submitted in February, 2012 required new photo simulations, a new visual analysis, and a new set of conclusions regarding the project design. Therefore the County found it necessary to request Lilburn to supplement the report by adding new photo simulations, and to reevaluate the project.

In October 2011, a proposed mitigated negative declaration was issued. Issues in which impacts were found to be “less than significant with mitigation incorporated” included aesthetics, biological resources, geology and soils. All other potential impacts reviewed were found to have no impact or to be less than significant. Comments were received and further assessments were made. A Planning Commission Staff Report for a hearing on September 20, 2012 recommended adoption of a MND and approval of a CUP and major variance. An attachment to the report included a “September 2012 Attachment to the Initial Study/MND”; the attachment noted that

after the circulation of the MND, the proposed project was revised in response to comments. The revisions included a change in the location of the equipment building and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed. The fencing around the monopole was described as a five-foot high wrought iron fence or a five-foot high, three-strand wire fence around the monopole. Revisions were considered minor to the project and did not constitute a substantial revision as set forth in CEQA Guidelines, Section 15073.5. The Staff Report Attachment also noted that following the modifications, new site plans were provided to Lilburn Corporation for further visual analysis to determine if the changes would result in additional impacts. Lilburn Corporation completed a Scenic Report (dated September 12, 2012), using the visual impact assessment methodology developed by the U.S. Forest Service. The final conclusion was that the Project would not have a significant impact on scenic resources. The Planning Commission conditionally approved the Project, and CPRL appealed.

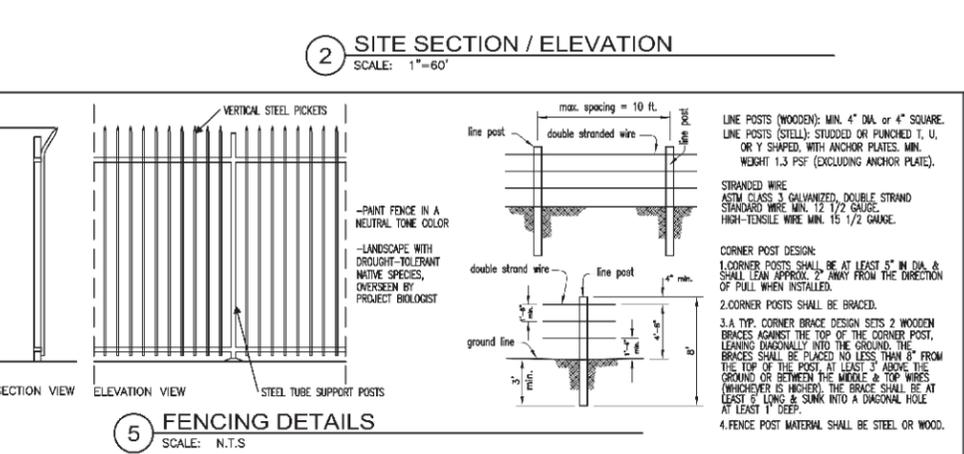
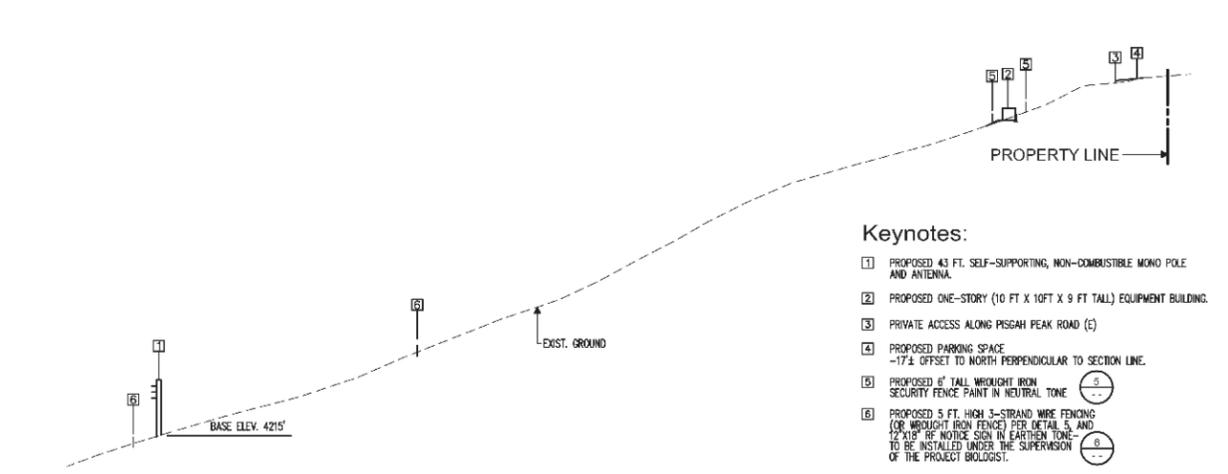
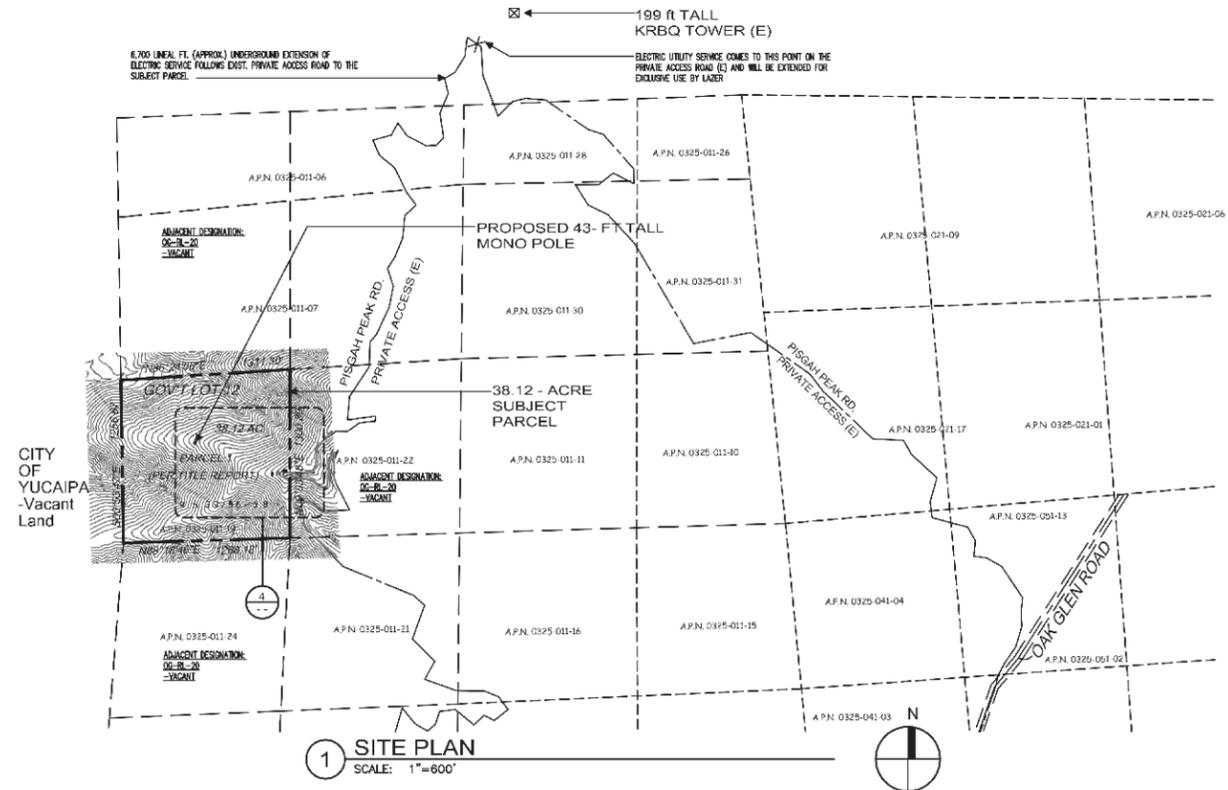
At a hearing on November 27, 2012, the appeal of the CUP was denied and the MND was adopted. On December 21, 2012, CPRL filed its petition for writ of mandate (see Appendix B), which alleged the following causes of action: 1) violation of CEQA related to the MND and Initial Study; 2) the findings with respect to issuance of the CUP are not supported by substantial evidence; and, 3) the County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, in a Superior Court of the State of California, in and for the County of San Bernardino, San Bernardino District, the court on its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and major variance. The court also ruled for the County to undertake the preparation of an EIR on the Proposed Project.

Brief Project Description

Lazer Broadcasting Corporation is currently proposing the construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment building on a 38.12-acre site located near Wildwood Canyon and Oak Gen Roads, west of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County.

The proposed monopole would be a self-supporting, fire-preventative treated wood pole that would either remain in a natural wooden “as-is” condition, painted a neutral color (light beige, sage) to blend with the surrounding environment or would be a painted metal pole in a non-metallic, weathered gray color. The monopole would support a 25-foot long antenna that would be mounted per industry standards on the monopole’s southwesterly facing side. The antenna would extend from the surface of the monopole out to 21 inches and would be constructed of metal, and include four (4) “arms” that would extend from the main monopole support at 45 degree angles (see Figure 1-3 - Site Plan). The antenna would be approximately 4 inches in diameter and constructed of a non-glare, metallic material.



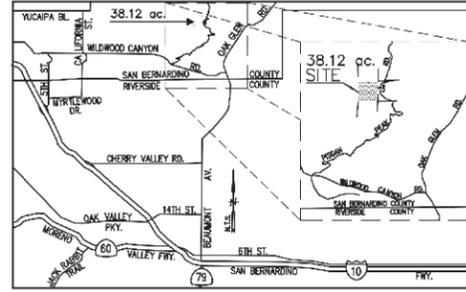
Project Summary:

PROPOSED COVERAGE: LESS THAN 1%
 PROPOSED LANDSCAPING: MAINTAIN EXISTING NATURAL LANDSCAPING AS APPROVED BY COUNTY FIRE DEPARTMENT & CONDUCT MINIMAL VEGETATION CLEARANCE AS RECOMMENDED BY THE PROJECT BIOLOGIST.
 PROPOSED UNDEVELOPED/OPEN SPACE: GREATER THAN 95%

Legal Description:

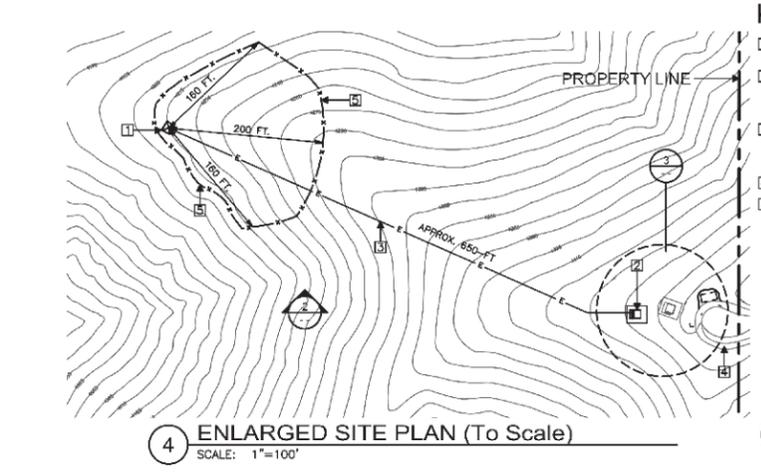
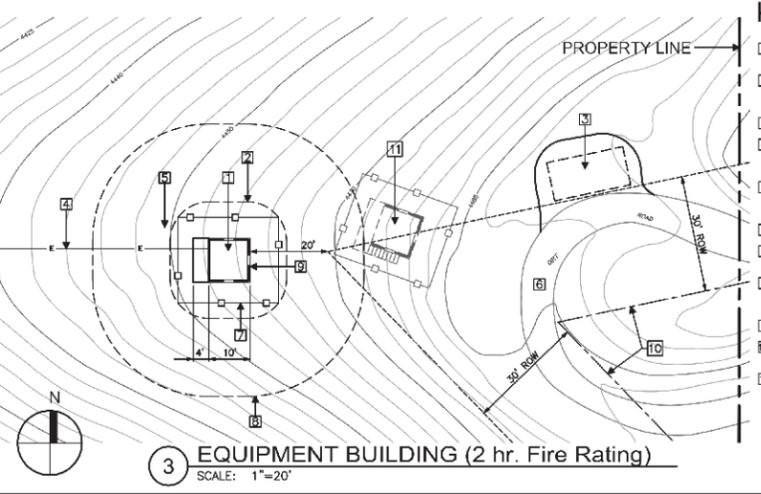
GOVERNMENT LOT 12, SECTION 3, TOWNSHIP 2 NORTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT TOWNSHIP PLAT.
 SAID PROPERTY IS ALSO SHOWN ON LICENSED LAND SURVEYOR'S MAP, RECORDED JANUARY 29, 1990, IN MAP BOOK 39, PAGES 56 THROUGH 58 INCLUSIVE, OF RECORDS OF SURVEY.

Vicinity Map: not to scale



Project Description:

- PROJECT APPLICANT:** LAZER BROADCASTING, INC. ("LAZER", "APPLICANT") IS A PROFESSIONALLY MANAGED BROADCAST COMPANY. LAZER OWNS AND OPERATES KXRS FM-105.5 SERVING THE GREATER SAN BERNARDINO AND RIVERSIDE COUNTY AREAS.
- ENTITLEMENTS REQUESTED:**
 - CONDITIONAL USE PERMIT ("CUP"):** A CUP TO CONSTRUCT A NEW FM RADIO BROADCAST FACILITY CONSISTING OF ONE FREE-STANDING 43-FOOT UTILITY POLE WITH A FOUR-BAY ERI ANTENNA AND ONE 10 FT. X 10 FT. ONE-STORY (9 FT TALL) EQUIPMENT SHELTER ON A 38.12-ACRE ("38-ACRE") VACANT PARCEL OWNED BY LAZER NEAR WILDWOOD CANYON AND OAK GLEN ROADS - EAST OF PISGAH PEAK RD. IN THE UNINCORPORATED YUCAIPA AREA OF SAN BERNARDINO COUNTY. RADIO TOWERS ARE DEFINED AS AN "ADDITIONAL USE" [SDCC §. 84.0410(N)], CUP FINDINGS [SDCC §. 85.06.040] ARE PROVIDED WITH INITIAL SUBMITTAL DOCUMENTS.
 - MAJOR VARIANCE TO REDUCE THE FUEL MODIFICATION AREA FROM 100 FT. TO 30 FT.:** A MAJOR VARIANCE TO REDUCE THE FUEL MODIFICATION AREA FROM 100 FT. TO 30 FT. WHICH INCLUDES 10 FT OF CLEARING AND 20 FT OF SELECTED THINNING TO BE COORDINATED WITH THE FIRE DEPARTMENT AND MONITORED BY A THIRD-PARTY BIOLOGIST. MAJOR VARIANCE FINDINGS [SDCC §. 85.17.060] ARE PROVIDED WITH INITIAL SUBMITTAL DOCUMENTS.
- FM RADIO BROADCAST FACILITY DESCRIPTION:** THE PROPOSED STRUCTURE WILL BE A 43-FOOT WOODEN UTILITY POLE WITH A FOUR-BAY ERI ANTENNA.
 - FAA LIGHTING AND PAINT:** NO LIGHTING OR RED/WHITE STRIPES ARE REQUIRED BY FAA OR FCC GUIDELINES FOR THIS POLE.
 - VISUAL MITIGATION:** THE POLE WILL BE EITHER A NEUTRAL COLOR THAT BLENDS WITH THE SURROUNDING TOPOGRAPHY OR WILL BE NON-METALLIC, WEATHERED GRAY COLOR.
 - ANTENNA:** ONE 75-FT TALL X 42-IN DIAMETER FOUR-BAY FM BROADCAST ANTENNA WILL BE MOUNTED BELOW THE TOP 43-FT LEVEL AND CLOSE TO THE POLE FACE (SEE SCHEMATIC DRAWING EXHIBIT ATTACHED HEREWITH).
 - EQUIPMENT BUILDING:** CONSTRUCT A 10 X 10 FT X 9-FT TALL (100 SQ. FT.) BUILDING NEAR PISGAH PEAK RD TO MINIMIZE GRADING AND BIOLOGICAL IMPACTS.
 - SECURITY FENCING:** 6-FT TALL WROUGHT IRON FENCING WITH APACHE POINTS WILL BE INSTALLED AROUND THE EQUIPMENT SHELTER, PAINTED A NEUTRAL COLOR TO BLEND WITH THE TOPOGRAPHY. IN THE EVENT FCC REGULATIONS REQUIRE FENCING DUE TO RF CONDITIONS FENCING OPTIONS (AS DEPICTED ON SITE PLAN AND CONCEPTUAL GRADING PLAN) SHALL BE CONSTRUCTED ON SITE IN PROXIMITY TO THE ANTENNA DEVICE.
 - FUEL MODIFICATION:** 30 FT. OF CLEARANCE/THINNING OF VEGETATION WILL BE CARRIED OUT IN COORDINATION WITH THE FIRE DEPARTMENT FOR FIRE CONTROL PURPOSES - 10 FT. OF CLEARANCE AND 20 FT OF THINNING AROUND THE POLE AND SHELTER. THE REDUCTION FROM THE REQUIRED 100 FT. [SDCC §. 82.13.056-6-4] TO 30 FT. NECESSITATES THE REQUEST FOR A MAJOR VARIANCE. NON IRRIGATED, DROUGHT RESISTANT LANDSCAPING, APPROVED BY THE COUNTY ARBORIST, SHALL BE INSTALLED AROUND THE FENCE AND BUILDING TO MITIGATE POTENTIAL VISUAL IMPACTS.
 - UTILITY SERVICE:** A PRIVATE UNDERGROUND UTILITY RUN FOR POWER AND TELEPHONE AS SUGGESTED BY THE CITY OF YUCAIPA, PLACED ALONG PISGAH PEAK RD. SPANNING 6,700 FT TO THE SUBJECT PARCEL.
 - ACCESS:** CONTINUE TO TAKE ACCESS TO THE 38-AC. PARCEL FROM PISGAH PEAK RD - A PRIVATE UN-GRADED ACCESS ROAD. THERE WILL BE NO DIRECT VEHICULAR ACCESS TO THE POLE. TECHNICAL PERSONNEL WILL ACCESS THE POLE AND BUILDING BY FOOT FROM THE PARKING SPACE, ADJACENT TO THE UNPAVED ACCESS ROAD, ON AN INFREQUENT BASIS.
 - GRADING:** LESS THAN 50 CU YDS (APPROX.) BALANCED ON SITE TO CONSTRUCT THE EQUIPMENT BUILDING AND CREATE ONE PARKING SPACE ADJACENT TO PISGAH PEAK RD, WHICH ALSO SERVES AS A MAINTENANCE VEHICLE TURN-AROUND AND SHORT-TERM CONSTRUCTION STAGING AREA.
 - CONSTRUCTION:** COORDINATE CONSTRUCTION VIA A GROUND CREW AND A HELICOPTER TO INSTALL THE POLE WHICH IS COMMON FOR INSTALLING A POLE IN A RURAL, HILLY LOCATION.
 - SIGNAGE:** HOWEVER SHOULD FCC REGULATIONS REQUIRE FENCING DUE TO RF CONDITIONS SIGNAGE AS DEPICTED ON THE SITE PLAN (DETAIL 6) SHALL BE INSTALLED. SIGNAGE SHALL BE COMPRISED OF EARTHEN COLORS.



Keynotes:

- PROPOSED ONE STORY (10'X10' TALL) EQUIPMENT BUILDING 2 HR. FIRE RATED CONSTRUCTION.
- FUEL CLEARANCE ZONE (10'-FT RADIUS) PER COUNTY FIRE DEPARTMENT WITH SELECTIVE THINNING TO BE APPROVED BY THE PROJECT BIOLOGIST.
- PROPOSED 10'X20' PARKING SPACE/TURNAROUND
- PROPOSED UNDERGROUND RADIO TRANSMISSION CONDUIT (NOT VISIBLE FROM OFF-SITE) - TO BE INSTALLED UNDER THE SUPERVISION OF THE PROJECT BIOLOGIST.
- PROPOSED DROUGHT-RESISTANT, NON-IRRIGATED LANDSCAPING FOR VISUAL MITIGATION OF FENCE - PLANT SPECIES TO BE APPROVED BY THE PROJECT BIOLOGIST.
- EXISTING UNPAVED PRIVATE ACCESS ALONG PISGAH PEAK ROAD.
- PROPOSED 6' TALL WROUGHT IRON SECURITY FENCE PAINT IN NEUTRAL TONE.
- FUEL MODIFICATION/THINNING ZONE (30-FT RADIUS) PER COUNTY FIRE DEPARTMENT - TO BE COORDINATED WITH THE PROJECT BIOLOGIST.
- PROPOSED RETAINING WALL, H=4.9' MAX.
- C.L. OF 60' ROAD EASEMENT PER INSTRUMENT NO. 1990-011368 OR SB CO.
- ORIGINAL LOCATION OF PROPOSED EQUIPMENT BUILDING.

Keynotes:

- PROPOSED 43 FT. SELF-SUPPORTING, NON-COMBUSTIBLE BROADCAST MONO POLE AND ANTENNA, BASE ELEV. = 4215 FT.
- PROPOSED ONE STORY (10'X10' TALL) EQUIPMENT BUILDING PLACED LESS THAN 650-FT FROM MONO POLE TO MINIMIZE GRADING AND SITE DISTURBANCE, AND TO PROVIDE EASY ACCESS FOR MAINTENANCE PERSONNEL.
- 650-FT LONG (APPROX.) UNDERGROUND CONDUIT FOR RADIO TRANSMISSION LINES (NOT VISIBLE FROM OFF-SITE) - TO BE INSTALLED UNDER THE SUPERVISION OF THE PROJECT BIOLOGIST.
- EXISTING UNPAVED ACCESS ALONG PISGAH PEAK ROAD.
- PROPOSED 5 FT. HIGH 3-STRAND WIRE FENCING (OR WROUGHT IRON FENCE) PER DETAIL 5, AND 12"X18" RF NOTICE SIGN IN EARTHEN TONE - TO BE INSTALLED UNDER THE SUPERVISION OF THE PROJECT BIOLOGIST.

Official Use Only:

APN: 0325-011-19

Conditional Use Permit & Major Variance for:
Lazer Broadcasting
 Pisgah Peak Road
 Yucaipa, CA
 92399

Property Owner & Applicant: Lazer Broadcasting
 1950 South SW Lane
 Suite #302
 San Bernardino, CA
 92408

Civil Engineer Consultant:
 M3 Civil, Inc.
 400 Rosewood Avenue,
 Suite #201
 Camarillo, CA 93010
 Ph: (805) 445-4404

Issuances & Revisions:

Site Plans & Notes

A-1

SITE PLAN

Lazer Broadcasting - EIR
 APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

Source: M3 Civil, Inc.; 2015



A “Determination of No Hazard to Air Navigation” is typically required for towers higher than 200 feet; unless the towers are located in close proximity to an airport. The nearest airport (Redlands Municipal Airport) is located over five miles northwest of the Project Site. Based on guidelines of the Federal Aviation Administration and Federal Communications Commission, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

Responsible, Trustee, and Other Interested Public Agencies

Prior to implementation of the project, the following permits and other approvals would be required. These include, but are not limited to the following:

Federal Communications Commission (FCC)

- Construction Permit (the Project Proponent received a permit [FCC CP No. BMPH-20090210AEA] for the Proposed Project.

SUMMARY OF ENVIRONMENTAL ANALYSES

Impacts Previously Reviewed Under Mitigated Negative Declaration

Certain environmental factors required to be considered under CEQA were previously reviewed in the October 26, 2011 Mitigated Negative Declaration (MND) approved by the County of San Bernardino Board of Supervisors on November 27, 2012. Since the adequacy of the analysis for these environmental were not challenged as part of the December 21, 2012 petition for writ of mandate filed by CPRL, they are not being further evaluated within this EIR. These environmental factors include: Agricultural and Forestry Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. Since no substantial changes have occurred to the Proposed Project as previously reviewed, mitigation measures contained with the October 26, 2011 MND are still applicable and will be incorporated as part of the Project’s Conditions of Approval should it be approved. A discussion of the Lead Agency’s determination that no further evaluation is required is presented herein.

Agricultural and Forestry Resources

The Project Site is situated in the steep foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The site is located on a west facing slope below the ridgeline, and is currently vacant; a demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. The site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire parcel consists of steep slopes greater than 30 percent and is dominated by dense mixed chaparral.

The Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County

and in the Oak Glen Planning area. The Project Site is approximately 1.5 miles south of the San Bernardino National Forest.

The Proposed Project would not convert prime farmland, unique farmland or farmland of Statewide importance as show on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, since the Proposed Project is not designated as such. There are no agricultural uses onsite; and therefore no significant adverse impacts would result.

Similarly, since there is not an existing agricultural use or Williamson Act contract on the site, the Proposed Project and its location would not impact any agricultural land use or Williamson Act land conservation contract. No impacts to Williamson Act contracts or conversion of Farmland to non-agricultural use would result.

The Project Site does not occur within forest land and would not require rezoning of forest land. No loss of forest land would result from the Proposed Project. The Project Site is designated Rural Living by the County of San Bernardino. Forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production would not be impacted by the Proposed Project as no rezoning from timberland to a non-timberland designation would result.

Air Quality

The County determined that the Proposed Project would not conflict with or obstruct implementation of the South Coast Air Quality Management Plan. Additionally, the Proposed Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation, as the proposed project would not exceed South Coast Air Quality Management District (SCAQMD) thresholds.

Short-term impacts to air quality would occur during construction of the Proposed Project from soil disturbance and equipment exhaust. The Proposed Project would not exceed SCAQMD thresholds due to the relatively small size of the Proposed Project, and the minimal amount of grading (less than 25 cubic yards) required. The Proposed Project would be constructed within 25 days over an 8-week period. A helicopter may be utilized to deliver the proposed tower and to set the pier foundations and pour cement for the tower, equipment building and single parking space. The use of the helicopter, if needed, would occur over three construction days and would not cause a substantial increase in air emissions.

The Proposed Project proposes to underground utilities within the existing roadway (Pisgah Peak Road) which is unpaved. Implementation of Conditions of Approval would ensure PM₁₀ emissions are reduced to a less than significant level.

The operational emissions of the proposed radio tower are considered negligible because the primary source of emissions would be from maintenance vehicles visiting the site.

The Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. The project would contribute criteria

pollutants in the area during the short-term project construction period. None of activities associated with the Proposed Project would create a substantial permanent increase in the emissions of criteria pollutants. In addition, the Proposed Project would not create objectionable odors due to the nature of proposed operations.

Cultural Resources

The lead agency determined that the Proposed Project would not result in a substantial adverse impact to historical resources, because no such resources have been identified in the project vicinity. Additionally, no substantial impacts to archaeological or paleontological resources as no such resources have been identified at the site. Since there are no known cemeteries on the Project Site, no human remains are anticipated to be disturbed during the construction phase. However, in accordance with applicable regulations, construction activities would cease in the event human remains are encountered, and consultation and treatment would occur in accordance with applicable laws.

Greenhouse Gas Emissions

Project construction would result in greenhouse gas emissions from construction equipment and construction worker personal vehicles traveling to and from the site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment and number of personnel. Primary emissions that would result include carbon dioxide (CO₂) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (NO) and methane (CH₄) as well as other GHG emissions related to vehicle cooling systems.

An interim threshold of 3,000 MTCO_{2E} (metric tons of carbon dioxide equivalent) per year has been adopted by SCAQMD for determining a project's potential for significant impact to global warming for stationary/industrial projects (Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD, October 2008). For the purposes of determining whether or not GHG emissions from a project are significant, SCAQMD recommends summing emissions from amortized construction emissions over the life of the project, generally defined as 30 years, and operational emissions, and comparing the results with the established interim GHG significant threshold. While the individual project emissions would be less than significant, it is recognized that small increase in GHG emissions associated with construction and operations of the Proposed Project would contribute to regional increase in GHG emissions. However, it is not likely that the Proposed Project would impede the State's ability to meet the reduction targets of AB32 due to the limited amount of operational emissions associated with maintenance vehicle trips. No additional analysis within this EIR is warranted.

Hydrology and Water Quality

The Lead Agency determined that the Proposed Project would not violate any water quality standards or waste discharge requirements, because the Proposed Project does not include or require water service, nor would it require any sewer service. In addition the Proposed Project would not require the use of groundwater, and therefore would not deplete groundwater supplies or interfere substantially with groundwater recharge. Most of the Proposed Project area would be

left permeable, so water percolation and groundwater recharge would not be significantly impacted by the implementation of the Proposed Project.

The Proposed Project would not substantially alter the existing drainage pattern of the site, as the Proposed Project would require minor grading and minimal conversion of permeable surface to impermeable surfaces. There are no existing rivers or streams on site or within the vicinity of the site.

The Proposed Project would not substantially degrade water quality, as no waste water discharge would result. The Proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, because the Project Site is not within an identified path of a potential inundation flow that might result in the event of a dam or levee failure or that might occur from a river, stream, lake or sheet flow situation. The Project Site does not occur within a 100-year flood hazard area, and no housing or habitable structures are proposed as part of the Proposed Project. Due to the inland location of the Project Site, tsunamis would not pose a risk at the site. Similarly, there are no large bodies of water within the vicinity of the site and therefore no impacts from a seiche are anticipated. Soils in the Project area are moderately well-drained, vegetation is established at the site, and historically mudflows have not been an issue. Therefore, since no impacts to hydrology and water quality would result, no further analysis is warranted in this EIR.

Mineral Resources

The Project Site is not identified on the Mineral Resource Zone Overlay as containing any important mineral resources. Therefore, implementation of the Proposed Project would not result in the loss of a known available mineral resource. No further analysis is warranted in this EIR.

Noise

The Lead Agency determined that implementation of the Proposed Project would result in less than significant impacts related to noise. The Project Site is not located within the County's Noise Hazard Overlay District and is not subject to severe noise levels according to the General Plan Noise Element. During normal operations the Project would only generate noise via its air-conditioning units, which would meet County standards. Operation of the tower would not generate audible levels of noise or perceptible levels of vibration in the surrounding community. Noise generation from construction equipment/vehicle operation would be localized, temporary, and transitory in nature. Construction of the project may potentially create some elevated short-term construction noise impacts from construction equipment; however, these activities shall be limited to daytime hours in accordance with the County Noise Ordinance. Furthermore, the Project Site is located in a remote area with very limited development occurring in the project vicinity, and temporary noise impacts were determined to be less than significant. The Project would not result in significant impacts to noise and requires no mitigation; no further analysis is warranted in this EIR.

Population/Housing

The Proposed Project would not result in the introduction and/or an increase in new residential homes and the Proposed Project would not involve the introduction of a temporary or permanent

human population into the area. Because the project would not result in population increase, the project would have no impact on local schools and parks. Implementation of the project is anticipated to have less than significant impacts on fire and police protection services. The Lead Agency concluded that there is a low probability and short-term nature of potential fire protection needs during construction. The Project Proponent met with County Fire Department prior to submitting a CUP application and incorporated the Department suggestions into the project description. The project would not result in significant impacts to public services and requires no mitigation; no further analysis is warranted in this EIR.

Public Services

The Proposed Project would not result in the introduction and/or an increase in new residential homes and the Proposed Project would not involve the introduction of a temporary or permanent human population into the area. Because the project would not result in population increase, the project would have no impact on local schools and parks. Implementation of the project is anticipated to have less than significant impacts on fire and police protection services. The Lead Agency concluded that there is a low probability and short-term nature of potential fire protection needs during construction. The Project Proponent met with County Fire Department prior to submitting a CUP application and incorporated the Department suggestions into the project description. The project would not result in significant impacts to public services and requires no mitigation; no further analysis is warranted in this EIR.

Transportation/Traffic

Vehicle trips on Pisgah Peak Road would increase temporarily during construction but would not exceed the capacity of the road. During regular operation, service personnel would visit the site for routine maintenance 2-4 times per month. In previous environmental analysis the Lead Agency determined that implementation of the project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, because the increase in the number of vehicle trips, the volume-to-capacity ratio on roads, and the congestion level at intersections would remain below the planned thresholds for those facilities. Additionally, the project would not exceed, either individually or cumulatively, any level of service standards established by the county congestion management agency.

Pisgah Peak Road is a private, gated road that does not receive regular traffic. The project would not include design features that would affect traffic on local roads, and would not result in inadequate emergency access to the project area. Implementation of the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Lastly, the Project would not result in a change to air traffic patterns. No significant impacts related to transportation and/or traffic are anticipated and no further analysis is warranted in this EIR.

Utilities and Service Systems

Per the Lead Agency's previous analysis, implementation of the Proposed Project would result in less than significant impacts related to utilities and service systems. The Proposed Project would not result in the construction of new or expansion of existing water, wastewater, or storm water

drainage facilities. The Proposed Project would not have an impact on existing water supplies because no water is required for operation of the proposed monopole antenna.

Implementation of the project would result in short-term waste generation limited to minor quantities of construction debris; no long-term waste generation would occur associated with operation of the antenna. Solid wastes produced during the construction phase of the project, would be appropriately disposed of at a local landfill or at a recycling facility by the project Contractor. The project would comply with all federal, state, and local statutes and regulation related to solid waste. No significant impacts related to utilities and service systems are anticipated and no further analysis is warranted in this EIR.

EIR Impacts and Mitigation Measures

Mitigation measures or imposed conditions of approval have been developed to reduce, or eliminate impacts determined to be potentially significant. All of the potentially significant impacts evaluated in the EIR can be avoided, eliminated, or reduced to less than significant levels with implementation of the recommended mitigation measures, or conditions of approval and compliance with County standard requirements.

Executive Summary Table 1-1 lists the potential environmental impacts associated with the Proposed Project, the mitigation measures that would reduce or eliminate potentially significant impacts, and the level of significance of an impact that would occur after mitigation is implemented. This information is presented in detail in Chapter 4.0 of the Draft EIR. The table summarizes all impacts that could occur with implementation of the Proposed Project. The second column presents the results of the EIR analysis prior to the implementation of any mitigation measures, but with consideration of design features, adherence to regulatory requirements and compliance with permit conditions. The final column presents the level of significance of the impact after implementation of any required mitigation measures.

Alternatives to the Proposed Project

Chapter 6.0 of the EIR includes an evaluation of a reasonable range of alternatives to the Proposed Project. The alternatives identified achieve the basic objectives of the Proposed Project while substantially lessening or avoiding significant environmental damage. Chapter 6.0 focuses on feasible alternatives capable of either eliminating any significant adverse effects, or reducing them to a less than significant level. Chapter 6.0 also includes a summary of alternatives considered and found to be infeasible.

Alternatives considered and rejected include the following:

Reduced Scale Alternative: This alternative would be a reduced scale design of the Proposed Project, which is itself a reduced scale of the original design proposed in June 2007 that included the construction of a 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank. In October 2008 upon the review of the concerns and comments received from the County's noticing, the applicant revised the Application to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building and a 500-gallon propane tank on the project

site. In November 2008 the project was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission subsequently approved the project. On January 27, 2009 and continued to March 3, 2009, the Board of Supervisors held a public hearing on the appeal to the prior Planning Commission action at which time the BOS granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial. Final revisions to the Project in May 2011 resulted in a wooden monopole design height of 43-feet. That alternative is the Proposed Project evaluated herein.

This alternative was rejected for further evaluation since the Proposed Project could not be further reduced without jeopardizing the Project's intent of providing services to an expanded audience or potentially being compliant with FCC rules. Additionally, since reducing the height of the monopole would have a decrease in the total population reached or reduce the applicant's ability to reach the target audience in Hemet, this alternative was rejected for further evaluation.

Evaluation of Feasible Alternatives

Three potentially feasible alternatives to the Proposed Project are evaluated in Chapter 6.0. These are:

- **No Project/Development Under RL Land Use Designation Alternative:** The Project Site would be developed under the current County of San Bernardino Land Use designation of Rural Living within a single-family residence located near a ridgeline, and the monopole would be removed.
- **Other Location Alternative:** There are a number of sites in the general vicinity that may be developed with a radio broadcast facility. However, a limited number of locations that are in San Bernardino County and the Yucaipa area could possibly lessen aesthetic impacts and still meet most of the objectives of the Project. Therefore, using the FCC criteria, and a technical report prepared for this EIR (referenced below), the one site that could be selected for evaluation is in Riverside County. This alternative evaluates an approximate 30-acre property located near the community of Cherry Valley, California in the unincorporated area of Riverside County.

Specifically the Alternative Site is located south, east and west of View Avenue Lane and north of Rancho Drive at 9030 Rancho Drive, Beaumont, California (APN: 401-050-007, Township 2 South, Range 1 West within Section 15). The Alternative Site is located approximately two (2) miles southwest of the Project Site and is currently developed with a single-family residence. The Alternative Site occurs within the County of Riverside Foundation Component of Rural and has an area land use designation of Rural Mountainous (RM). The Alternative Site is zoned Open Space Water (W2). The Proposed Project would be consistent with the land use designation and zoning at the Alternative Location and would require the approval of a Major Plot Plan.

Environmentally Superior Alternative

Based on the evaluation of the two alternatives in this section, implementation of the "No Project/Development Under the RL Land Use Designation Alternative" would result in impact

levels similar to the Proposed Project but would not meet project objectives. The “Other Location Alternative” would have potentially greater impacts than the Proposed Project. The “Other Location Alternative” would meet most of the objectives of the Project by: 1) Rectifying Lazer’s FCC short-spacing deficiency by relocating its broadcasting antenna to a location that complies with FCC requirements; 2) Maintaining and operating a fully licensed FM Radio Broadcast Facility in accordance with all applicable local, state and federal requirements; and 3) Providing enhanced coverage of public service and commercial programming for San Bernardino and Riverside County residents. However the “Other Location Alternative” would not meet the Project’s objective of: 1) Contributing to the expansion of Wildwood Canyon State Park (WCSP) through the implementation of a passive, non-active land use; and 2) Creating long term buffering of passive land uses within and adjacent to the eastern WCSP boundary through dedication of development rights and/or transfer of ownership in fee of close to four percent of the current WCSP land area.

In comparison to the Proposed Project, impacts resulting from the “No Project/Development Under RL Land Use Designation Alternative” would be similar and potentially greater than the Proposed Project, as demonstrated in the above analysis. None of the alternatives evaluated provide significant improvements over the Proposed Project. This is particularly evident in the comparison to the “Other Location Alternative” which, although potentially capable of providing the necessary coverage to Hemet brings potentially greater impacts to aesthetics due to its overall necessary height of 400 feet and footprint to support the development; and possibly to biological resources due to MSHCP requirements. However, the “Other Location Alternative” although still subject to potentially greater aesthetic impacts, appears to be the environmentally superior alternative of the two considered. None of the alternatives completely satisfy the objectives outlined for achievement by the Proposed Project or improve the aesthetic impacts the Proposed Project attempts to rectify.

Cumulative Impacts

Chapter 5.0 discusses cumulative impacts of the Proposed Project in conjunction with other recently approved and reasonably foreseeable projects in the area. Based on the cumulative impacts analysis, the Proposed Project would result in no cumulatively significant impacts.

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/ REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
SECTION 4.1 AESTHETICS			
<p>AES-1: The Proposed Project would result in the development of a 43-foot monopole and related equipment including a 100 square-foot equipment shed, security fencing and vehicle parking space. The Proposed Project also includes fuel modification around the equipment shed and monopole. Development of the Proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings.</p>	<p>Potentially Significant</p>	<p>AES-1: The monopole, antenna and shed shall be painted olive green to blend with the surrounding vegetation. In addition to this first layer of treatment, a second layer of paint shall be worked in a random pattern in colors of deep olive, light sage and light brown to further mimic a vegetative pattern or camouflage effect. The random pattern shall be applied in a stippling or sponging in manner to avoid sharp lines.</p> <p>AES-2: The Project Proponent shall revegetate the portion of the ridge where the demonstration pole was placed. During placement of the demonstration pole and conducting geotechnical field testing, vegetation was removed. The scraped area, which appears in the form of a line down the slope, and any other areas that may be disturbed during site development shall be revegetated at the direction of a County-approved biologist prior to issuance of occupancy permits.</p>	<p>Less Than Significant</p>
SECTION 4.2 BIOLOGICAL RESOURCES			
<p>BIO-1: The Proposed Project would result in the construction of a 43-foot high monopole with antenna, a 10-foot by 10-foot equipment building, a 10-foot by 20-foot single parking space/turnaround area, installation of</p>	<p>Potentially Significant</p>	<p>BIO-1: Biology Monitoring: In order to reduce or eliminate direct mortality to Blainville's horned lizard, San Diego mountain kingsnake, and the northern red diamond rattlesnake during construction, a biologist will pre-survey the construction site and access road</p>	<p>Less than Significant</p>

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/ REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
<p>approximately 650 LF of underground conduit for radio transmission line, and approximately 6,700 feet of underground electric service from the existing KRBQ tower, along Pisgah Road to the Project Site. Construction of the Proposed Project and operation of the antenna may result in adverse effects to CDFW species of special concern including: Blainville's horned lizard, San Diego mountain kingsnake, and the northern red diamond rattle snake, as well as avian species protected under the California Fish and Game Code and the Migratory Bird Treaty Act.</p>		<p>each day prior to the start of work and periodically throughout the day during construction. These or other wildlife incidentally observed, found to be in harm's way, will be relocated to a safe place.</p> <p>BIO-2: Nesting Bird Surveys: If construction is scheduled during bird nesting seasons (February 1 to August 31), a qualified biologist shall survey the area within 200 feet (or up to 300 feet depending on topography or other factors and 500 feet for raptors) of the construction activity to determine if construction would disturbing nesting birds. If observed in the Project impact area, occupied nest shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either: (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is not able to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 500 feet of raptor nests, during the breeding season so as to avoid abandonment of the young (CDFW 2012b). This mitigation measure does not apply if construction occurs during the non-nesting season, September 1 through January 31.</p> <p>BIO-3: The proposed project meets all four criteria for reducing avian mortality as recommended in the</p>	

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
		Loncore report. The proposed monopole is not proposed to be located on a peak or ridgeline; at 43 feet, it would be below the County Development Code standard and below the APLIC recommendations; it would not be lighted; and there would be no supporting guy wires.	
SECTION 4.3 GEOLOGY AND SOILS			
GS-1: The Proposed Project is located within the Geologic Hazard Overlay District designated by San Bernardino County to include areas suspected to have a potential for slope instability.	Potentially Significant	<p>GS-1: Prior to issuance of grading and/or building permits for the Proposed Project, the Project Proponent shall submit a Geologic Investigation Report and an Updated Geotechnical Report. Recommendations included in all geologic and geotechnical reports prepared for the Proposed Project shall be implemented.</p> <p>GS-2: The proposed development shall be completed in accordance with the requirements of the latest edition of the California Building Code as well as the recommendations included within the geologic investigation report and updated geotechnical report required prior to issuance of grading and/or building permits.</p> <p>GS-3: To ensure the structural safety of the Proposed Project in the event of an earthquake, the Proposed Project shall be designed and constructed in accordance with the seismic design requirements of the latest edition of the California Building Code.</p>	Less Than Significant
GS-2: The Proposed Project is located in close proximity (within approximately 5 miles) of the San Andreas Fault system and would be subject to strong ground shaking.	Potentially Significant		Less Than Significant

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/ REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
<p>GS-3: The Proposed Project would involve grading and utility trench excavation, resulting in the potential for increased soil erosion.</p>	<p>Potentially Significant</p>	<p>GS-4: All on-site excavation activities shall be conducted in accordance with Cal-OSHA regulations. Adequate moisture content shall be maintained within the removed and recompacted fill soils to improve stability.</p> <p>GS-5: A National Pollutant Discharge Elimination System permit shall be obtained before construction is started. In addition, a Water Quality Management Plan and Storm Water Pollution Prevention Program must be submitted to the County and shall show how storm waters will be controlled through Best Management Practices to avoid off-site sedimentation.</p>	<p>Less Than Significant</p>
<p>SECTION 4.4 FIRE SAFETY HAZARDS</p>			
<p>HAZ-1: The Project could increase the risk of wildfires by creating a new source of electricity and a 43-foot tall wooden monopole that could attract lightning during a storm event.</p>	<p>Potentially Significant</p>	<p>HAZ-1: The Project Proponent shall install an earthing system during the installation of the monopole. An appropriate system shall be selected based on the standards set forth by the United States National Electrical Code (NEC) or National Fire Project Association (NFPA) 70¹. The County Building and Safety Officer shall inspect the system for compliance with these standards.</p>	<p>Less Than Significant</p>

¹ The National Electrical Code (NEC) or National Fire Project Association (NFPA 70), is a regionally adoptable standard for the safe installation of electrical wiring and equipment in the United States.

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
		<p>HAZ-2: The Project Proponent shall apply a latex-based, fire protective coating to the monopole. The selected coating shall have high adhesion quality and provide long-term protection.</p> <p>HAZ-3: The existing monopole at the site shall be replaced with a new monopole that is free of the initial treatment of creosote or pentachlorophenol that is typically applied to wooden poles. These initial treatments may contain a preservative that could prevent the long-term adhesion of a latex base fire retardant.</p> <p>HAZ-4: The fuel modification area shall be inspected on a quarterly basis throughout the life of the project to ensure the initial clearing area is maintained. Upon inspection, appropriate trimming and clearing shall be initiated. In addition, any fuel sources at the base of the monopole shall be removed.</p>	
<p>HAZ-2: The Project conflicts with the County Development Code 82.13.060 (e)(1), as it pertains to fire access within the Fire Safety Overlay (FS1). Requirements include a 20-foot wide and less than 14 percent in grade access road to facilitate the transportation of fire department vehicles. Access to the Project Site is from Pisgah Peak Road; a narrow road that contains steep grades that are</p>	<p>Potentially Significant</p>	<p>No mitigation required.</p>	<p>N.A.</p>

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES/REGULATORY REQUIREMENTS FOR THE PROPOSED PROJECT**

IDENTIFIED IMPACTS	LEVEL OF SIGNIFICANCE (Before Mitigation)	MITIGATION MEASURES/REGULATORY REQUIREMENTS	LEVEL OF SIGNIFICANCE (After Mitigation)
greater than 14 percent.			
4.5 LAND USE AND PLANNING			
<p>LU-1: The Proposed Project is in direct conflict with the goals and policies of the County of San Bernardino General Plan and the Oak Glen Community Plan.</p>	Potentially Significant	<p>LU-1: Since the Project Site is located directly adjacent to Wildwood Canyon State Park and to ensure development of the site does not prevent the expansion of the Park to include Pisgah Peak, the Project Proponent shall be required to deed restrict the unused portion of the 38.12-acre Project Site for passive use by visitors to the Wildwood Canyon State Park (AR 5:188:3243).</p>	Less Than Significant

2.0 PURPOSE OF EIR

2.1 INTRODUCTION

An Environmental Impact Report (EIR) as defined in Section 21061 of the California Environmental Quality Act (CEQA) Statute & Guidelines, is an informational document to be considered by every public agency prior to its approval or disapproval of a project. The purpose of an EIR is to generally inform public agency decision-makers and the public of the potentially significant environmental effects associated with a Proposed Project, identify ways to minimize or eliminate the significant effects, and evaluate a reasonable range of alternatives that would meet the major objectives of the Proposed Project but further reduce or avoid significant environmental effects.

This EIR has been prepared in compliance with CEQA, the State Guidelines for Implementation of CEQA, and the County of San Bernardino Guidelines for CEQA Implementation to document existing environmental conditions and evaluate the potentially significant environmental effects that could result from the implementation of the Lazer Broadcasting Facility. The 38.12-acre Project Site is situated in the steep foothills of the San Bernardino Mountains in an unincorporated area of the County and within the Oak Glen Community Plan area. The Project Site is located west of, and accessed by Pisgah Peak Road, a private dirt road. See Figure 1-1 – Regional Map and Figure 1-2 – Vicinity Map.

Lazer Broadcasting Corporation (Lazer) is proposing the construction and operation of a new FM radio broadcast facility to include a 43-foot tall monopole with attached antenna, a 10-foot by 10-foot single-story (nine-foot tall) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a 38.12-acre site. The Proposed Project also includes a 30-foot radius fuel modification zone on the perimeter of the monopole and equipment building, security fencing on the perimeter of the monopole and equipment building, and installation of approximately 650-lineal feet (LF) of underground radio transmission lines between the monopole and the equipment building. Off-site, the Proposed Project includes the extension of an electrical supply line approximately 6,700 LF in Pisgah Peak Road. The electricity supply will be the existing KRBQ tower and the extension will be for exclusive use by Lazer and placed underground.

2.2 AUTHORITY

An EIR provides objective planning and environmental information to guide and assist decision-makers, lead agency staff and the public in their evaluation of the potential environmental effects that may result from implementation of the project as proposed. The California Environmental Quality Act (CEQA) Guidelines Section 15151 contains the following standards of adequacy:

“An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a Proposed Project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR

should summarize the main points of disagreement among the experts. The courts have looked not for perfection; but for adequacy, completeness, and good faith effort at full disclosure.”

This EIR considers a series of actions that are needed to achieve the implementation of the proposed broadcasting facility, and was prepared in accordance with the *California Environmental Quality Act of 1970* (Public Resources Code, Section 21000 et seq.), the *Guidelines for Implementation of the California Environmental Quality Act* published by the Resources Agency of the State of California, and the County of San Bernardino’s local CEQA Guidelines. This EIR was prepared by Lilburn Corporation, a private environmental consulting firm.

During the development review process, the County must consider implementation of all feasible mitigation measures and alternatives addressed in the EIR to substantially lessen anticipated environmental impacts of the project. As mandated by the CEQA Guidelines, this EIR reflects the independent judgment of the County of San Bernardino regarding the Proposed Project in accordance with CEQA Guidelines Section 15084(e)).

2.3 LEAD AGENCY

The County of San Bernardino Land Use Services is the lead agency as defined in section 15051(b) of the Guidelines for implementing the California Environmental Quality Act (CEQA) which states “If the project is to be carried out by a non-governmental person, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.” Additionally, other agencies may have authority over resources that may be affected by the project, or may be required to issue permits or give other input on implementation of the project. The “responsible agencies” for the Proposed Project includes the Regional Water Quality Control Board (RWQCB).

2.4 ORGANIZATION OF THE EIR

The Draft EIR is organized into the following chapters:

Chapter 1.0 – Executive Summary: Summarizes the Proposed Project, areas of controversy, issues to be resolved, regulatory compliance requirements, the potential environmental effects that may result from the implementation of the Proposed Project (including cumulative), the mitigation measures proposed to reduce or eliminate significant effects, and a summary of the proposed alternatives.

Chapter 2.0 – Purpose of EIR: Provides an introduction and overview of the EIR and describes the intended use of the document and the Lead Agency authority under CEQA. This chapter also includes a brief description of the Proposed Project, describes the purpose of an EIR, summaries the review process, and lists the documents incorporated by referenced. This chapter also includes a list of acronyms and glossary of terms.

Chapter 3.0 - Project Description: Provides a detailed description of conditions on the Project Site and vicinity and the various components of the Proposed Project. This chapter includes a

statement of project objectives and provides background data on the project and Project Site. This chapter also includes a list of permits required to implement the project.

Chapter 4.0 – Environmental Setting and Impact Evaluation: Describes the existing environmental conditions on the site and in the vicinity of the Project Site, and the regulatory environment. Describes the Proposed Project's characteristics related to each of the topical environmental issues and states the significance criteria used to evaluate potentially significant effects of the Proposed Project. Evaluates the potential environmental effects, identifies mitigation measures to reduce or eliminate effects found to be significant, and determines the level of significance of the effect after measures have been implemented.

Chapter 5.0 - Other CEQA-Required Analysis: Evaluates environmental effects of the project when considered with the effects of other approved and/or reasonably foreseeable projects that when combined, would be cumulatively significant. Also includes descriptions of: 1) ways in which the project may foster economic or population growth and thereby be growth inducing; and 2) any significant irreversible environmental changes which may result with the implementation of the Proposed Project (CEQA Guidelines section 15126.2(c)(d)).

Chapter 6.0 - Alternatives: Describes a reasonable range of alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects identified in the environmental analysis of the project.

Chapter 7.0 - References: Includes a list of lead agency staff members who participated in the preparation of the EIR as well as the consultants who prepared the technical reports to support the environmental analysis. Chapter 7.0 also includes a bibliography of information used to prepare the EIR and lists persons and organizations consulted during report preparation.

2.5 INCORPORATION BY REFERENCE

As permitted by section 15150 of the CEQA Guidelines, this Draft EIR has referenced several technical studies, analyses, and reports, which are included in the technical appendices included in the EIR. Information from documents incorporated by reference has been summarized in the appropriate section(s) that follow. The following documents are hereby incorporated by reference and are available for review at the County of San Bernardino Land Use Service Division offices located at 385 North Arrowhead Avenue, First Floor:

- County of San Bernardino General Plan
- County of San Bernardino Development Code
- Oak Glen Community Plan

2.6 REQUIRED PERMITS AND APPROVALS

The discretionary actions listed below are required prior to implementation of the Lazer Broadcasting Facility. The lead agency and responsible agencies will use the EIR in their consideration of Lazer's application for the various permits and approvals.

County of San Bernardino

- Conditional Use Permit
- Grading and Building Permits

Regional Water Quality Control Board

- Storm Water Pollution prevention Plan (SWPPP)
- Waste Quality Management Plan (WQMP)

The Environmental Impact Report (EIR) (State Clearinghouse No. 2008041082) has been prepared by the County of San Bernardino to evaluate the environmental effects of the Proposed Project, a radio broadcasting facility on a portion of an approximate 38.12-acre site.

The County of San Bernardino is the lead agency as defined in Section 15051(b) of the Guidelines for implementing California Environmental Quality Act (CEQA) which states “If the project is to be carried out by a non-governmental person, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.”

2.7 PROJECT UNDER REVIEW

The Project Applicant (Lazer Broadcasting Corporation [Lazer]) is proposing the construction and operation of a new FM radio broadcast facility to include a 43-foot tall monopole with attached antenna, a 10-foot by 10-foot single-story (nine-foot tall) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a 38.12-acre site. The project is located near Wildwood Canyon and Oak Glen Roads, on the west side of Pisgah Peak Road in the unincorporated area of San Bernardino County (see Figure 1-1 – Regional Map and Figure 1-2 – Vicinity Map). The Proposed Project also includes a 30-foot radius fuel modification zone on the perimeter of the monopole and equipment building, security fencing on the perimeter of the monopole and equipment building, and installation of approximately 650-lineal feet (LF) of underground conduit for radio transmission lines between the monopole and the equipment building. Off-site, the Proposed Project includes the extension of an electric utility lines approximately 6,700 LF located in Pisgah Peak Road and from the existing KRBQ tower. The electric utilities will be extended for exclusive use by Lazer and placed underground.

Currently, KXRS-FM 105.5 Lazer Radio programming consists of commercial services and public services, which consists of one to three hours per week of PSA (Public Service Association) broadcasts. These services are limited to Hemet, California in Riverside County. The Proposed Project Site was selected by Lazer to provide coverage to both Riverside and San Bernardino counties and to a population that is interested in and relies on ethnic (Spanish speaking) programming uniquely provided by the radio station. At the Proposed Project Site, KXRS-FM 105.5 radio would expand its coverage area to include: San Bernardino, Riverside, Hemet, Perris, and other Inland Empire communities.

The existing radio broadcast facility located at Polly Butte southeast of Hemet, California does not satisfy current Federal Communication Commission (FCC) antenna spacing and field strength requirements and exists on a grandfathered basis. As such, the facility cannot improve

its service at this location without impermissibly increasing interference with KPLM, a Palm Springs based broadcaster. The Proposed Project Site complies with FCC standards, and the agency has already evaluated and approved the proposed operations at the Project Site. By operating from the Proposed Site, Lazer would address the existing station short-spacing requirements, expand its service within the parameters of FCC regulations, and comply with the FCC's minimum field strength of 70 dBu over its community of license. In addition operations at the proposed Project Site would permit significantly improved service to San Bernardino and Riverside counties. Services would expand from 322,199 people to over 2.5 million people.

The proposed monopole and antenna would be self-supporting. The monopole would be fire preventative as it is proposed to be constructed of treated wood. The proposed antenna would be attached to the side of the monopole in a due south or due west direction and would begin approximately midway up the pole (about 21.5 feet above the ground) to within one-foot below the top of the pole. The antenna would extend approximately 4.5 feet out from the side of the pole and would have an overall length of 21 feet. The antenna would be composed of four bent dipoles (elements) and be made of copper. Based on Federal Aviation Administration (FAA) and FCC guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

2.8 ENVIRONMENTAL REVIEW PROCESS

2.8.1 CEQA Process

The purpose of this EIR is to evaluate the potential environmental effects of approval of the Proposed Project. A Notice of Preparation (NOP) (see Appendix A) was issued by the County on October 24, 2014 pursuant to State CEQA Guidelines, Section 15082 (a), 15103, and 15375 (State Clearinghouse No. 2008041082). The County circulated the NOP to responsible and trustee state agencies, local organizations, and interested individuals for a 30-day review period to identify issues to be addressed in the EIR. Comments that were received on the NOP have been addressed during the preparation of the EIR, and copies of the comments letters are included in Appendix A.

2.8.2 Scope of the EIR

Evaluation of prior CEQA documents prepared, public hearings, review of the Ruling On Petition for Writ of Mandate, meetings with the applicant, and evaluation of comment letters received during circulation of the NOP determined that the following potential environmental issues should be analyzed in this EIR:

- Aesthetics
- Biological Resources
- Geology and Soils
- Fire Safety Hazards
- Land Use

2.8.3 Issues Raised in Comments on the NOP

The following issues were raised in comments received on the NOP:

- Department of Fish and Wildlife
 - The Department requested that the EIR contain sufficient, specific and current biological information of the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters.
 - The Department recommends that a CESA ITP be obtained if the project has the potential to result in “take” of State-listed CESA species, either through construction or over the life of the Project.
 - The EIR should satisfy the requirements of the Department’s Lake and Streambed Alteration Program and CESA (if deemed necessary).
 - Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130.
 - The CEQA document should analysis a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6)
- City of Yucaipa
 - The City questions why a Focused EIR is being prepared when a Master EIR was not previously certified. The EIR should address all environmental factors listed in the Environmental Checklist Form.
 - Address cumulative impacts associated with multiple antennas at this location.
 - The City requests an analysis of alternative site locations for this facility as submitted in previous correspondence.
- Citizens for the Preservation of Rural Living (CPRL)
 - CPRL request the analysis of three alternative to the proposed site location including Location 1 – San Jacinto Site (located on a ridge line at the entry of San Jacinto Mountains and the Badlands; Location 2 – Beaumont Site identified as FCC Tower Registration No. 1263499; and Location 3 – Cherry Valley Site also identified as FCC Tower Registration No. I20-2850.
 - The Aesthetics impact should include the visual impact of multiple radio towers, as the existing KRQB tower and the Lazer tower would provide a precedent for future approvals. It is inadequate to study a single tower.
 - The visualization study should include review of the proposed tower from the terminus of the trail at the Lazer property line. The visual impact should also include all areas of the utility pipeline installation and brush clearance, including the access road that would alter existing views. The impact of other fire-control measures must also be evaluated.

- The visualization study for the EIR should not only study views of the proposed tower from Wildwood Canyon State Park, but also views from all of the other adjacent parcels and nearby properties held by open-space conservancies and government agencies.
 - The NOP did not mention growth inducing impacts of the project and therefore should be revised to adequately set forth the potential growth inducing impacts of the project and that those impacts will be studied in the EIR.
 - The EIR for the current tower application should include an updated biological survey and studies that comply with the County Development Code and adequately identify biological impacts of the project.
 - The project fails to address protections for road access, including widening the access road, brush clearance zones on both sides of the access road, construction of adequate turnouts and installation of an on-site water tank. The aesthetic and biological impacts of all fire-control measures should be considered in the EIR.
 - CPRL requests that the Administrative Record, and all prior tower entitlement records for the prior project be incorporated by reference into the record for Lazer's current tower project.
- Native American Heritage Commission
 - NAHC recommends contacting the appropriate archeological information center for a record search.
 - Contact NAHC for a Sacred Lands File Check.
 - State and Federal regulations should be followed for the accidental discovery of archeological resources; mandated processes are required in the event human remains are unearthed during construction.

2.8.4 Public Scoping Meeting

Due to the public hearings that were held in the past for previous versions of the Proposed Project, the County determined that a public scoping meeting was not necessary for the Proposed Project since the areas of potential impacts and concerns are known and part of the administrative record.

2.8.5 Draft EIR

Circulation of the Draft EIR begins when a Notice of Completion (NOC) is filed with the State Office of Planning and Research (State Clearinghouse). Filing the NOC starts the 45-day review period for the Draft EIR. Concurrent with the filing of the NOC, the lead agency will also provide a Notice of Availability of the Draft EIR to all organizations and individuals that have previously requested such notice or are located in proximity to the Project Site. This notice briefly describes the Proposed Project; identifies the date when comments must be received and where they are to be sent; and provides locations where copies of the Draft EIR can be reviewed (CEQA Guidelines section 15085 through section 15087).

Anyone reviewing the document may submit written comments to the County during this period. Responses to the comments received will be prepared and included in the Final EIR to be prepared prior to the County taking action on the Proposed Project during a public hearing before the Board of Supervisors meeting.

Comments on the Draft EIR may be sent to:

San Bernardino County
Land Use Services Department
Attention: Kevin White, Planner III
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
(909) 387-3067
Email: kwhite@lusc.sbcounty.gov

In conjunction with the preparation of the Draft EIR, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared (CEQA section 21081.6). The MMRP contains the mitigation measures along with the action that must be taken to implement them and the method that would be used to document or verify fulfillment of the measure. A procedure for determining and recording compliance is outlined for each action that must be implemented by the project applicant to mitigate impacts as identified in the EIR and adopted when the project is approved. This procedure identifies what action would be taken and when, designates who would be responsible for implementing the action, and to whom and when compliance would be reported. Comment letters received may result in amendments to the MMRP which will therefore be finalized with the Final EIR.

2.8.6 Final EIR

At the end of the public review period, written comments on the project will be compiled and responses generated in conjunction with the preparation of the Final EIR. The Final EIR will consist of a list of all persons, organizations, and public agencies commenting on the Draft EIR; copies of the comments received on the Draft EIR; responses to comments; and any other pertinent information added by the lead agency (CEQA Guidelines section 15132).

The Final EIR will serve as the CEQA compliance document for the County of San Bernardino and any other agencies that may be responsible for review of the Proposed Project and issuance of required permits (see Section 1.2.2).

2.9 ACRONYMS

AC	Alternating current
AGL	Above Ground Level
AGR	Agricultural Supply
Amsl	Above mean sea level
APLIC	Avian Power Line Interaction Committee
APN	Assessor's Parcel Number

BACT	Best available control technology
BLM	Bureau of Land Management
BMP	Best Management Practices
BOS	County of San Bernardino Board of Supervisors
BR	Biotic Resources
Bus	Beneficial uses
CBC	California Building Code
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CPRL	Citizens for the Preservation of Rural Living
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CUP	Conditional Use Permit
CWA	Clean Water Act
dBu	Microvolts per meter
DEMs	Digital-Elevation Models
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Endangered Species Act
EPA	Environmental Protection Agency (federal and state)
°F	Degrees Fahrenheit
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FESA	Federal Endangered Species Act
FM	Frequency Modulation
FS	Fire Safety
FS1	Fire Safety Overlay Review Area One
GWR	Groundwater Recharge
IND	Industrial Service Supply
IS/MND	Initial Study/Mitigated Negative Declaration
KRBQ	Existing broadcast tower (¾ miles north of Project site)
KXRS	Call Numbers for existing Lazer broadcasting station
kW	Kilowatt
LF	Linear Feet
LMP	San Bernardino National Forest Land Management Plan
MBTA	Migratory Bird Treaty Act
MHz	MegaHertz
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
mph	Miles per hour
MSL	Mean sea level
MUN	Municipal and Domestic Supply

M_w	Moment Magnitude
NAHC	North American Heritage Commission
NEC	National Electrical Code
NFPA	National Fire Protection Association
NLDN	National Lighting Detection Network
NOAA	National Oceanic and Atmospheric Administration
NOC	Notice of Completion
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
OES	Office of Emergency Services
OGCP	Oak Glen Community Plan
OHWM	Ordinary High Water Mark
PROC	Industrial Process Supply
PSA	Public Service Association
REC2	Non-Contact Water Recreation
RF	Radio Frequency
RL	Rural Living
RWQCB	Regional Water Quality Control Board
SBCD	County of San Bernardino Development Code
SBNF	San Bernardino National Forest
SCE	Southern California Edison
SF	square feet
SIO	Scenic Integrity Objectives
SR	State Route
SWPPP	Stormwater Pollution Prevention Program
UBC	Uniform Building Code
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WARM	Warm Freshwater Habitat
WCSP	Wildwood Canyon State Park
WILD	Wildlife Habitat
WQMP	Water Quality Management Plan

2.10 GLOSSARY OF TERMS

Acre-foot: Volume of liquid or solid required to cover an area of one acre to a depth of one foot. Equals approximately 325,850 gallons of water.

Active fault: Geologic fault with recent seismic activity that has displaced materials not more than 12,000 years old.

Alquist-Priolo Fault Zone: State-identified areas of potentially active and recently active faults.

Alquist-Priolo Special Studies Zones Act: Places specific responsibilities on local governments for identification and evaluation of seismic and geologic hazards, and formulation of programs and regulations to reduce risk in identified locations.

Aquifer: A geological formation that is sufficiently permeable to conduct groundwater and to yield significant quantities of water to wells and springs.

California Endangered Species Act: California state legislation, enacted in 1984, with the intent to protect floral and faunal species by listing them as “rare,” “threatened” “endangered,” or “candidate” and by providing a consultation process for the determination and resolution of potential adverse impact to the species.

California Environmental Quality Act (CEQA): Policies enacted in 1970, and subsequently amended (through September 2004), the intent of which is the maintenance of a quality environment for the people of California now and in the future.

dBu: Stands for “dB above 1 $\mu\text{V}/\text{m}$ ”, or “decibels above one microvolt per meter”, and is used as a measure of signal strength at receive locations. 70 dBu is equal to 3.16 mV/m (millivolts per meter). The terms are interchangeable, and some references in the FCC Rules use the latter designation.

Discretionary actions: Conditions which can be imposed on a project action prior to approval for implementation. The approval would thus be “at the discretion” of an agency.

Endangered species: A species whose prospects of survival and reproduction in the wild are in immediate jeopardy from one or more causes.

Environmental Impact Report (EIR): Document in which the impacts of any state or local, public or private project action which may have a significant environmental effect are evaluated prior to its approval and subsequent construction or implementation, as required by the California Environmental Quality Act.

Fault: A geologic fracture or fracture zone along which there has been displacement of the sides relative to one another.

FM: FM frequency assignments are commonly referred to as “channels” in broadcast nomenclature. The portion of the electromagnetic spectrum used for FM broadcasting begins at 87.9 MegaHertz (“MHz”) and runs through 107.9 MHz. FM stations are assigned to use a 0.2 MHz “channel” the center frequency of which is the dial position which the general public is familiar with. In part for the sake of convenience in calculating relationships to other FM station assignments, channel numbers are assigned to each frequency, starting with Channel 200. For example, 87.9 MHz is referred to as Channel 200, 88.1 MHz as Channel 201, and so on, up to 107.9 MHz which is referred to as Channel 300. The use of channel numbers in FM broadcasting is analogous to the use of channel numbers in television broadcasting. The only difference is that television channel numbers are used by the general public, while FM channel numbers are generally only used within the broadcast community.

Groundwater: Water found beneath the land surface in the zone of saturation below the water table.

Hazardous material: Substance which, because of its potential for either corrosivity, toxicity, ignitability, chemical reactivity, or explosiveness, may cause injury to persons or damage to property.

Lead Agency: The public agency which has the principal responsibility for carrying out or approving a project.

Notice of Preparation (NOP): A brief notice sent by the public agency with principal responsibility for carrying out or approving a project to notify other agencies that an EIR is being prepared.

Rare species: A species which, although not presently threatened with extinction, is in such small numbers throughout its range that it may become endangered if its present environmental worsens.

Regional Water Quality Control Board (RWQCB): Agency which administers the requirements of the California Administrative Code, Title 23, Division 3, Chapter 15 (Section 2595,g,7) to ensure the highest possible water quality consistent with all demands.

Responsible agency: A public agency which proposes to carry out or approve a project for which a lead agency has prepared an EIR. A responsible agency is any agency with discretionary approval over a project.

Right-of-way (ROW): The right to pass over property owned by another. The strip of land over which facilities such as roadways, railroads, or power lines are built.

Seismicity: The likelihood of an area being subject to earthquakes.

Sensitive species: Generic term for any plant or animal species which is recognized by the government or by any conservation group as being depleted, rare, threatened, or endangered.

Significant environmental impact: As defined by CEQA, Chapter 3, Article 1, Section 15002(g), “a substantial adverse change in the physical conditions which exist in the area affected by the Proposed Project.”

Threatened Species: Species which, although not presently threatened with extinction, is likely to become endangered in the foreseeable future in the absence of special protection and management efforts.

Trustee Agency: A state agency having jurisdiction over natural resources that may be affected by the project, which are held in trust by the state. These include the California Department of Fish and Game, State Lands Commission, and State Department of Parks and Recreation.

Waste discharge requirements: Regulation described in Title 23, Division 3, Chapter 15, of the California Code of Regulations which governs discharge of wastes to land in order to preserve the quality of the state's surface and ground waters.

3.0 PROJECT DESCRIPTION

3.1 INTRODUCTION

3.1.1 Purpose and Need for the Project

Lazer Broadcasting Corporation (Lazer) is proposing the construction and operation of a new FM radio broadcast facility to include a 43-foot tall monopole with attached antenna, a 10-foot by 10-foot single-story (nine-foot tall) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a 38.12-acre site. The project is located near Wildwood Canyon and Oak Glen Roads, west of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County (see Figure 1-1 – Regional Map and Figure 1-2 – Vicinity Map). The project also includes a 30-foot radius fuel modification area on the perimeter of the monopole and equipment building, security fencing on the perimeter of the monopole and equipment building, and installation of approximately 650-lineal feet (LF) of underground conduit for radio transmission lines between the monopole and the equipment building. Off-site, the proposed project includes the extension of electrical lines and utility approximately 6,700 LF located adjacent to Pisgah Peak Road. The electric utility line will be extended for exclusive use by Lazer and placed underground.

Currently Lazer's station KXRS-FM 105.5 radio programming includes commercial services as well as public services, which also provide PSA (Public Service Association) broadcasts. Currently, these services are limited to Hemet, California in Riverside County. The Proposed Project Site is strategically located so as to provide coverage to both Riverside and San Bernardino counties and to a population that is interested in and relies on ethnic (Spanish speaking) programming uniquely provided by the radio station. At the Proposed Project Site, KXRS-FM 105.5 radio would significantly expand its coverage area to include: San Bernardino, Riverside, Hemet, Perris, and other Inland Empire communities and thus increase service to the Spanish-speaking community.

The existing radio broadcast facility located at Polly Butte southeast of Hemet, California does not satisfy current Federal Communication Commission (FCC) antenna spacing and field strength requirements and exists on a grandfathered basis. As such, the facility cannot improve its service at that location without impermissibly increasing interference with KPLM, a Palm Springs based broadcaster. The Proposed Project Site complies with FCC standards, and that agency has already evaluated and approved the proposed operations at the Project Site. By operating from the Proposed Site, Lazer would address the existing station short-spacing requirements, expand its service within the parameters of FCC regulations, and comply with the FCC's minimum field strength of 70 dBu over its community of license. In addition operations at the proposed Project Site would permit significantly improved service to San Bernardino and Riverside counties. Services would expand from 322,199 people to over 2.5 million people.

The proposed monopole and antenna would be self-supporting. The monopole would be fire preventative as it is proposed to be constructed of treated wood. The proposed antenna would be attached to the side of the monopole in a due south or due west direction and would begin approximately midway up the pole (about 21.5 feet above the ground) to within one-foot below

the top of the pole. The antenna would extend approximately 4.5 feet out from the side of the pole and would have an overall length of 21 feet. The antenna would be composed of four bent dipoles (elements) and be made of copper. Based on Federal Aviation Administration (FAA) and FCC guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

3.2 REGIONAL SETTING

The Project Site is located in the unincorporated portion of the County of San Bernardino in the Oak Glen Planning Area. The Oak Glen Community Plan describes the community as being located at the foot of the San Bernardino Mountains and adjacent to the San Bernardino National Forest, just east of the City of Yucaipa. Oak Glen Road is the only main access road through the Oak Glen community. The plan area includes approximately 14,213 acres, or 22 square miles of unincorporated County area.

The elevation of the Oak Glen community ranges from 4,000 to 6,000 feet above sea level. It is a mountainous region with oak woodland, scattered coniferous forest, and streams. The San Andreas Fault cuts through the most densely populated portion of the community. The composition of the soil, coupled with the fault line on which the community lies creates a significant seismic hazard. The thin alluvium of the valley south of Oak Glen and the semi-consolidated alluvium and bedrock of the remainder of the area are subject to strong/very strong shaking due to earthquakes. Some portions of the hills and mountains of Oak Glen also have a moderate to high potential for landslides, particularly during earthquakes, with the highest risk for large-scale landsliding located along the slopes of the Yucaipa Ridge in the northern portion of the planning area. Although there are no major flood problems, the steep slopes in the Oak Glen area can create a high velocity of water flow in stream beds which causes greater than normal erosion to occur in and adjacent to drainage courses.

The entire Oak Glen community is within a hazardous fire zone due to the ruggedness of the terrain, the types and amounts of vegetation present, and the climatic factors. Oak Glen features a somewhat cooler version of a Mediterranean climate with cool to chilly winters, with occasional frost and snow flurries, and hot, dry summers. The arid climate during the summer prevents tropospheric clouds from forming, which accounts for area's high temperatures with the highest recorded summer temperature at 114 °F in 1995 (Yucaipa, CA). Oak Glen receives an annual average of 21.82 inches of rain.

3.3 LOCAL SETTING

3.3.1 Location

The Project Site is situated in the steep foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County and in the Oak Glen Planning Area.

The Project Site is located approximately 1.5 miles south of the San Bernardino National Forest, and occurs on a west facing slope below the ridgeline. The site is currently vacant; a demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. The Project Site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire Project site consists of densely mixed chaparral and occurs primarily on steep slopes greater than 30 percent.

3.3.2 Surrounding Land Uses

Land uses surrounding the 38-acre site include vacant land to the north, south, east and west. Table 3-1 lists surrounding land uses, and General Plan/Zoning designations for surrounding properties as well as the Project Site.

**Table 3-1
Existing Land Use and General Plan/Zoning Designations**

Direction	Existing Land Use	Official Land use District/Zoning
Project Site	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
North	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
South	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
East	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
West	Wildwood Canyon State Park	City of Yucaipa

Broadcasting facilities, defined as towers, antennas, and related equipment in the County of San Bernardino Development Code (SBCD) are a permitted use within the Rural Living land use zoning designation (SBDC §84.27). Per SBDC §84.27.060(a): Broadcasting facility projects shall be subject to a Conditional Use Permit in compliance with SBDC §85.06; this includes controversial projects requiring a public hearing before the Commission.

3.3.3 Legal Description

The Project Site is found on the Forest Falls USGS 7.5-minute quadrangle map in Section 3, Township 2 South, Range 4 West, San Bernardino Baseline and Meridian. The property totals 38.12 acres (APN 0325-011-19) and is located at approximately latitude 34°01'38.13" North and longitude -116°58'36.32" West.

The County of San Bernardino General Plan designates the Land Use District for the Project Site as OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size). The Project Site is also within the Fire Safety Overlay Review Area One (FS-1) Overlay District.

3.3.4 History of the Project Site

In June 2007, Lazer Broadcasting originally submitted a proposal for a Conditional Use Permit (CUP) to construct a 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the 38.12-acre Project Site. The application also included a Major Variance to reduce the fuel modification area from 100 feet to 30 feet on a 425 square-foot portion of the 38.12-acre site. In October 2008 upon the review of the concerns and comments received from the County's noticing, the applicant revised the proposed project to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the project site. The Major Variance to reduce the fuel modification from 100 feet to 30 feet was a part of the October 2008 project. In November 2008 the project was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission subsequently approved the project. This decision was appealed to the Board of Supervisors by the Citizens for the Preservation of Rural Living (CPRL).

On January 27, 2009 and continued to March 3, 2009, the Board of Supervisors held a public hearing on the appeal to the prior Planning Commission action at which time the County of San Bernardino Board of Supervisors (BOS) granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial.

On May 6, 2010, Lazer Broadcasting submitted a revised project including the request to approve a CUP to construct a new FM Radio Broadcast Facility consisting of one free-standing 43-foot tall triangular-shaped lattice tower and one, 10-foot by 10-foot single-story (nine (9) feet tall) equipment building on the project site. A Major Variance was also a part of the submittal and included a reduced Fuel Modification Area from 100 feet to 30 feet which included 10 feet of clearing and 20 feet of selected thinning to be coordinated with the County Fire Department and monitored by a third-party biologist. In August of 2010, Lazer Broadcasting also installed a demonstration pole to demonstrate the location and height of the proposed tower (the pole was removed in 2015).

On March 17, 2011 the Planning Commission held a public hearing for the project and planning staff recommended denial of the project. The Project hearing was continued by the Planning Commission to May 5, 2011 at the request of the applicant, so that revisions to the proposed project (replacement of the 43-foot lattice tower with a 43-foot wooden monopole) could be provided. At the May 5, 2011 hearing, the Planning Commission adopted an intent to approve the Project, with directions to staff to complete the required environmental analysis and to prepare findings for approval.

As part of the environmental analysis, Staff determined that a third party expert should be commissioned to prepare a visual assessment. In response to a Request for Proposal, Lilburn Corporation (Lilburn) was deemed the optimal visual impact consultant and a Purchase Order was completed for their services. The completed Visual Assessment was received from Lilburn on October 26, 2011 and staff began working to finalize the Initial Study/Mitigated Negative Declaration (IS/MND) (see Appendix B). The IS/MND was completed and sent to the State Clearinghouse as required by the California Environmental Quality Act.

During the comment period, it was discovered that a portion of the equipment building and proposed parking space were within the Pisgah Peak road easement. On February 13, 2012, the county received a revised site plan which relocated the equipment building and the proposed parking space. Those plans were reviewed by staff and further revisions were required to clarify the maximum height of the proposed retaining wall and clear up some discrepancies found on the exhibit.

The Visual Impact Assessment completed by Lilburn, evaluated the project design submitted before aforementioned revisions were made. The revised plans submitted in February, 2012 required new photo simulations within the visual analysis that could possibly alter the conclusions reached in the report. Therefore the County found it necessary to request Lilburn to supplement the report by adding new photo simulations, and to reevaluate the project.

In October 2011, a proposed mitigated negative declaration was issued. Issues in which impacts were found to be “less than significant with mitigation incorporated” included aesthetics, biological resources, geology and soils. All other potential impacts reviewed were found to have no impact or to be less than significant. Comments were received and further assessments were made. A Planning Commission Staff Report for a hearing on September 20, 2012 recommended adoption of a MND and approval of a CUP and major variance. An attachment to the report included a “September 2012 Attachment to the Initial Study/MND. The attachment noted that after the circulation of the MND, the proposed project was revised in response to comments. The revisions included a change in the location of the equipment building and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed. The fencing around the monopole was described as a five-foot high wrought iron fence or a five-foot high, three-strand wire fence around the monopole. Revisions were considered minor to the project and did not constitute a substantial revision as set forth in CEQA Guidelines, Section 15073.5. The Staff Report Attachment also noted that following the modifications, new site plans were provide to Lilburn Corporation for further visual analysis to determine if the changes would result in additional impacts. On September 12, 2012, Lilburn Corporation issued a Scenic Report using the visual impact assessment methodology developed by the U.S. Forest Service. The final conclusion was that the Project would not have a significant impact on scenic resources. The Planning Commission conditionally approved the Project, and CPRL appealed.

At a hearing on November 27, 2012, the appeal of the CUP was denied and the MND was adopted. On December 21, 2012, CPRL filed its petition for writ of mandate (see Appendix C), which alleged the following causes of action: 1) violation of CEQA related to the MND and Initial Study; 2) the findings with respect to issuance of the CUP are not supported by substantial evidence; and, 3) the County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, in a Superior Court of the State of California, in and for the County of San Bernardino, San Bernardino District, the court on its review of the Petition of Writ of Mandate

(Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and major variance. The court also ruled for the County to undertake the preparation of an EIR on the Proposed Project.

Therefore, the focus of this EIR includes the findings of the MND supplemented with issues brought forth in the mandate in the environmental areas of Aesthetics, Fire Hazards and Land Use. Since the areas of Geology and Soils and Biology included mitigation measures, as analyzed in the MND, these sections have also been included in this EIR. Mitigation measures included within Geology and Soils are those from the 2011 Initial Study, and the recommendations included in the 2007 geotechnical investigation, and as updated in the 2015 letter report, as applicable. Mitigation measures included in the Biology section of this EIR are also those from the 2011 Initial Study, as well as new recommendations from the 2015 Biological Spring Survey.

The pre-pole conditions, including no wooden pole, no vegetation removal (scar) as created by the installation of the pole, is used as the CEQA Baseline (“before” condition) for the assessment of potential impacts of the Proposed Project.

3.3.5 Project Objectives

CEQA Guidelines Section 15124(b) requires that the project description include a statement of objectives sought by the proposed project. The statement of objectives will assist the Lead Agency in developing a reasonable range of alternatives for evaluation in the EIR. The objectives will also assist the Lead Agency in developing findings for a statement of overriding considerations, if required.

The specific Project Objectives stated below are intended to be consistent with the County’s goals for implementing the General Plan, and include the following:

- Rectify Lazer’s FCC short-spacing deficiency by relocating its broadcasting antenna to a location that complies with FCC location criteria, minimum field strength requirements over its community of license, and allows for operation at maximum effective radiated power of 6 kW (approximate service radius of 28 kilometers (Sections 73.207 and 73.315 of Part 73 of the Code of Federal Regulations).
- Maintain and operate a fully licensed FM Radio Broadcast Facility in accordance with all applicable local, state and federal requirements.
- Significantly enhance coverage of emergency broadcast, public service announcements, and commercial programming for San Bernardino and Riverside County residents.
- Increase County’s broadcast coverage of above emergency broadcast and public service announcements to include an additional estimated 1 million Spanish-speaking listeners.
- Increase San Bernardino City Unified School District’s listening audience (Spanish-speaking) for its educational show (“Buenas Escuelas, Buenas Noticias”).
- Increase Casa de San Bernardino’s and other social programs’ listening audience (Spanish-speaking) for social educational information.

- Contribute to the expansion of Wildwood Canyon State Park (WCSP) through the implementation of a passive, not active, land use. As a passive land use broadcast towers have been implemented in many CA State Parks
- Create long term buffering of passive land uses within and adjacent to the eastern WCSP boundary through dedication of development rights and/or transfer of ownership in fee of an area equal to approximately four percent of the current WCSP land area.

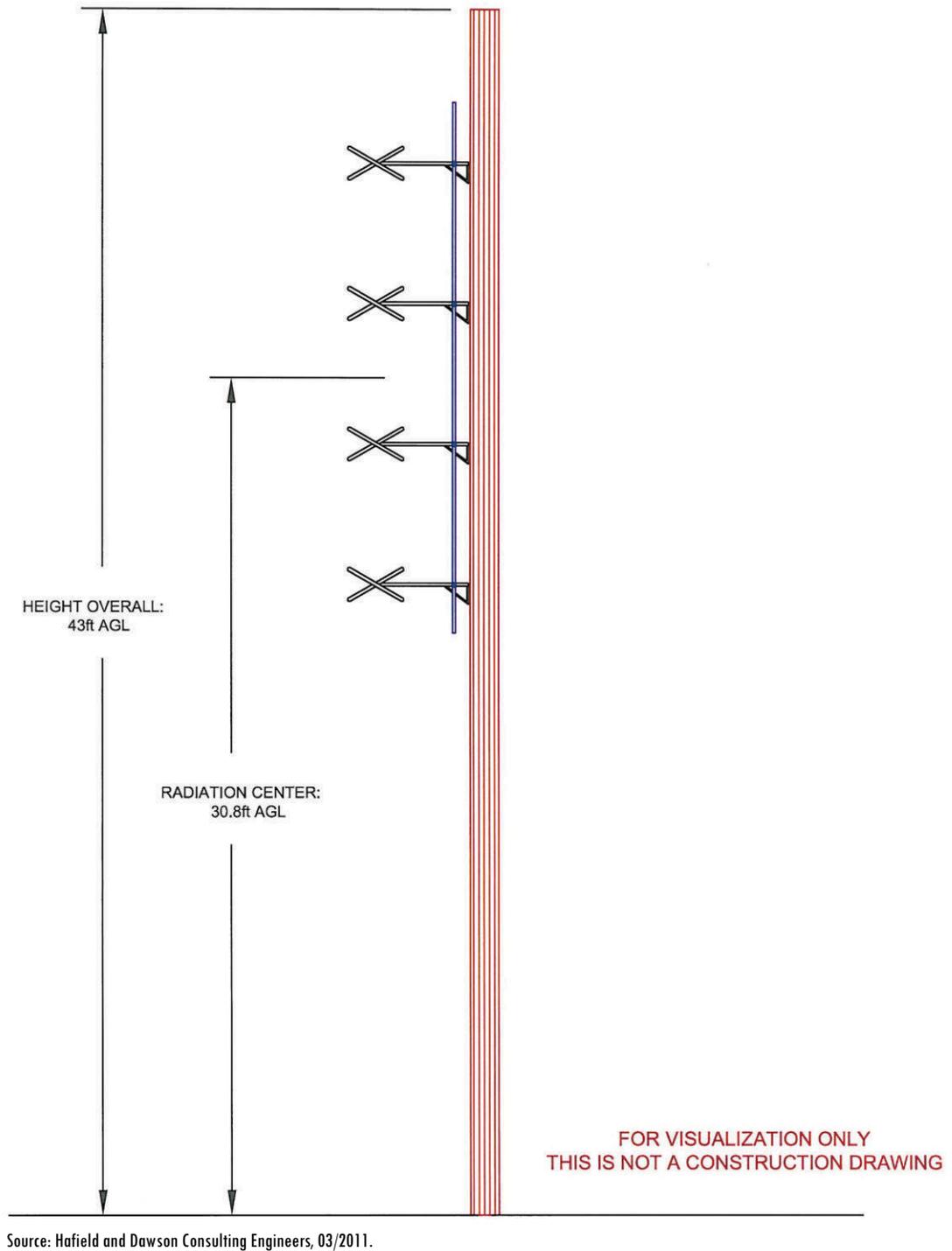
3.4 PROJECT DESCRIPTION

Lazer Broadcasting Corporation (Lazer) is proposing the construction and operation of a new FM radio broadcast facility to include a 43-foot tall monopole with attached antenna, a 10-foot by 10-foot single-story (nine-foot tall) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a 38.12-acre site. The project is located near Wildwood Canyon and Oak Glen Roads, west of Pisgah Peak Road in an unincorporated area of San Bernardino County (see Figure 1-1 – Regional Map and Figure 1-2 – Vicinity Map). The project also includes a 30-foot radius fuel modification area on the perimeter of the monopole and equipment building, security fencing on the perimeter of the monopole and equipment building, and installation of approximately 650-lineal feet (LF) of underground conduit for radio transmission lines between the monopole and the equipment building. Off-site, the proposed project includes the extension of electric lines and utility approximately 6,700 LF located within Pisgah Peak Road, near the existing KRBQ tower. The electric utility line will be extended for exclusive use by Lazer.

The proposed monopole and antenna would be self-supporting. The monopole would be fire preventative as it is proposed to be constructed of treated wood. The proposed antenna would be attached to the side of the monopole in a due south or due west direction and would begin approximately midway up the pole (about 21.5 feet above the ground) to within one-foot below the top of the pole. The antenna would extend approximately 4.5 feet out from the side of the pole and would have an overall length of 21 feet (refer to Figure 3-1 – Antenna Detail). The antenna would be composed of four bent dipoles (elements) and be made of copper. Based on Federal Aviation Administration (FAA) and FCC guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

Fuel Modification

The subject parcel is located within the San Bernardino Fire Safety Overlay Review Area One (FS-1) Overlay District and therefore development of the project site is subject to fuel modification requirements. Per SBDC §82.13.040(f)(3) a Fuel Modification Plan must be submitted as part of the preliminary and/or final plan. Lazer proposes a 30-foot wide fuel modification area on the perimeter of the monopole and equipment building. Vegetation within the inner 10-foot radius from the building walls would be cleared and/or selectively thinned per the direction of the County Fire Department and coordinated through a third party biologist. Vegetation in the next 20-foot radius from the initial clearance area would be selectively thinned per the direction of the County Fire Department and coordinated through a third-party biologist. The fuel modification plan has been designed to minimize visual impacts and soil erosion at the



RADIO BROADCAST ANTENNA DETAIL

Lazer Broadcasting - EIR

APN: 0325-011-19

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FIGURE 3-1

site and is consistent with SBDC §82.13.060(h) for development of unoccupied structures located within a Fire Safety Overlay.

Security

Security fencing is proposed on the perimeter of the equipment building and monopole. At the equipment building, wrought iron security fencing would be placed approximately five (5)-feet from the building walls within the vegetation clearance area. The fencing would consist of six (6)-foot tall steel tube supports with vertical steel pickets (apache points) painted in a neutral color to blend in with the surrounding environment. At the monopole, the security fencing would be installed only if required by regulations of the FCC due to radio frequency (RF) conditions. Security fencing would follow site topography and be placed up to 200-feet away from the monopole. Fencing would consist of five (5)-foot tall 3-strand wire fencing. Line post would be wooden with a minimum diameter of four (4)-inches and studded or punched with anchor plates. Corner posts would be at least five (5)-inches in diameter and braced. Three strands of standard galvanized double strand wire would span the line posts. Alternatively, security fencing at the monopole may consist of wrought iron as previously described for the equipment building.

Utility Service

Under existing conditions no utilities are available on-site. Because the Project would require electrical service, extension of a private underground line would be installed in Pisgah Peak Road from the KRBQ tower site to the subject parcel. The total extension of utility service from the KRBQ tower to the subject parcel is approximately 6,700 LF. Approximately 650 LF of underground conduit for radio transmission lines would be installed within the subject parcel from the equipment building to the monopole. During construction, water would be delivered to the site on an as-needed basis by the same light duty, 4-wheel drive vehicle, for dust suppression and to establish landscaping and revegetation. No revegetation of the disturbance proposed along the 6,700 linear-foot area of Pisgah Peak Road is proposed as the road is currently unpaved and does not support vegetation.

Access

Existing access to the subject parcel is via Pisgah Peak Road, a private access road. Access to the proposed equipment building and monopole antenna would be available on foot from a single parking space/turnaround on the subject parcel and adjacent to Pisgah Peak Road. Upon completion of the Project, access to the site would be by technical personnel for operation and maintenance of the site one to two times per month. The monopole would be self-supporting and would require occasional maintenance (1 to 4 times per year).

Grading

The Proposed Project including the construction of the parking space and equipment building would require the movement of approximately 50 cubic yards of soil to be balanced on-site. The construction of the 100 square-foot equipment building would be partially recessed approximately 10 feet into the hillside. The single parking space would provide access for vehicular turn-a-round and also serve as a short-term construction staging area.

Revegetation

The Applicant is proposing to completely revegetate the project site after the project is constructed. Landscape plans will be prepared under the direction of a biologist to restore the vegetation of areas that were effected by construction related activities or testing activities. Complete revegetation will not apply to areas within the fuel modification zones that are required around the monopole and the equipment building. The first 10 feet of the fuel modification area (closest to the pole/structure) will require only fire resistant plants, as shall be approved by the Fire Department.

Signage

The applicant is proposing radio frequency (RF) notice signage to comply with FCC Regulations related to fence installation. Signs would be posted along the exposed sides of the equipment building and around the 3-strand wire fencing surrounding the monopole. Signs would be approximately 9-inches by 12-inches and would be an earthen tone to blend with the surrounding environment.

Construction

Construction of the monopole antenna, security fencing, 100 square-foot equipment building, parking space, fuel modification/landscaping, and installation of transmission line conduit would be completed as one phase and would be coordinated with a ground crew and a helicopter (or a light duty, 4-wheel drive vehicle with trailer). Use of a helicopter would be short-term and required for the delivery of material from an off-site construction staging area to the Project Site. The helicopter would transport and assist in the placement of the monopole and antenna. The helicopter (if used) would also deliver materials for the construction of the equipment building including the delivery of lumber, steel reinforcements and other hardware, concrete and paint. Earthwork required for the placement of the equipment building within the hillside would be via manual labor. No heavy equipment (i.e., bulldozer, loaders) would be used during construction at the Project Site.

Construction Schedule

It is anticipated that the Project, including the installation of utility lines, would be constructed in approximately eight (8) weeks and would require a maximum of ten workers on-site per day.

3.5 REQUIRED AGENCY REVIEW, PERMITS AND APPROVALS

A “Determination of No Hazard to Air Navigation” is typically only for towers higher than 200 feet; unless the towers are located in close proximity to an airport. Since the nearest airport (Redlands Municipal Airport) is located over five miles northwest of the Project Site, no determination is required. Prior to implementation of the project, the following permits and other approvals would be required. These include, but are not limited to the following:

County of San Bernardino

- Certification of the EIR and Notice of Determination

Federal Communications Commission (FCC)

- Construction Permit (the Project Proponent received a permit [FCC CP No. BMPH-20090210AEA] for the Proposed Project.

Regional Water Quality Control Board

- General Construction Permit, Storm Water Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES)

4.0 ENVIRONMENTAL IMPACT EVALUATION

This section presents a description of the affected environment and the potential environmental impacts that would result from implementation of the Proposed Project. Cumulative impacts are discussed in Section 5.0 and an evaluation of project alternatives are discussed in Section 6.0.

The County of San Bernardino significance thresholds were used to assess the Project impacts on individual resources. The significance thresholds are provided for each resources area for which impacts were evaluated. The impact analysis discusses potential impacts in the order of the thresholds presented for each resource area.

Under CEQA, Section 15128, if the Lead Agency determines that an EIR will be required for a project, the Lead Agency must focus on the significant effects of a project and indicate the reasons that other effects would not be significant or potentially significant. The County of San Bernardino issued a Notice of Preparation (NOP) to surrounding property owners and local organization on October 24, 2014 pursuant to State CEQA Guidelines, Section 15082 (a), 15103, and 15375.

The following topics have been included in the EIR analysis appearing in subsequent chapters.

- 4.1 Aesthetics
- 4.2 Biological Resources
- 4.3 Geology and Soils
- 4.4 Fire Safety Hazards
- 4.5 Land Use and Planning

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4.1 AESTHETICS

4.1.1 Introduction

This section of the EIR discusses the visual setting of the Project Site and the general scenic quality of the surrounding area that may be impacted by the Proposed Project. The aesthetic and visual quality analysis provided herein is based on prior Visual Resources Assessments prepared, supplemental site photographs taken in November 2014 and May 2015, and additional visual simulations prepared for the EIR. Analysis of the Proposed Project was undertaken to study the impact to adjacent properties, existing views of the Project Site, and visitors at the Wildwood Canyon State Park. The most recent report relied on for conditions when the demonstration pole was in place is the 2012 Scenic Report prepared for the County by Lilburn Corporation and included as Appendix D.

4.1.2 Environmental Setting

Area-Wide Visual Character

The Project Site is located within the foothills of the San Bernardino Mountains west of Pisgah Peak Road, and northwest of Wildwood Canyon and Oak Glen roads in an unincorporated area of San Bernardino County. The Project Site is located approximately 1.5 miles south of the San Bernardino National Forest and over one-mile northwest of Oak Glen Road; a County of San Bernardino designated Scenic Route.

The site is at an approximate elevation of 4,450 feet amsl, and has an on-site topography consisting of two east-west trending ridgelines that descend from a north-south ridge along the eastern boundary of the site. The site is predominately covered in mixed chaparral and consists of moderate to steep slopes. Access to the site is provided by Pisgah Peak Road, a 12-foot wide, unpaved private road.

Surrounding land uses include vacant land to the north, east, south and west, the Wildwood Canyon State Park and portions of the City of Yucaipa to the west, and San Bernardino National Forest land to the north and south.

In 2010, to mark the location of the Project Site and to demonstrate to viewers the scale of the Proposed Project, a 43-foot high wooden demonstration pole was placed at the Project Site by the Applicant. The demonstration pole was utilized to help analyze the visual impacts of the project, and was removed in 2015. Access to the site is provided by Pisgah Peak Road, a 12-foot wide, unpaved private road. The existing graded access would continue to be used during construction and operation of the Proposed Project. Limited grading of the road, less than 50 cubic yards would be required. A wooden pole, or a similar replacement would serve as the monopole for the broadcasting tower upon approval of the Proposed Project.

Views From Wildwood Canyon State Park (Park)

Wildwood Canyon State Park is located west and adjacent to the Project Site in the eastern portion of Yucaipa. The State Park consists of 900 acres of land and provides trails for hikers, mountain bikers and equestrian users. As noted on its website

(<http://wildwoodcanyonstatepark.com>), the Park is home to wild animals, ancient oaks, wide open wildlands, and facilities including horse corals and arenas, picnic area, and meeting area.

Portions of the Proposed Project would be visible along portions of trails within the Park. The primary viewshed for hikers and equestrian users within the Park is northeast toward Pisgah Peak, as a majority of the marked trails trend in this direction. Existing utility poles and wires are located along a Park trail and are visible from the gated entrance to the Park. These poles affect this viewshed as shown in Photograph 1 below. Rolling hills, valleys and steep slopes occur throughout the Park with marked and unmarked trails trending generally southwest to northeast.

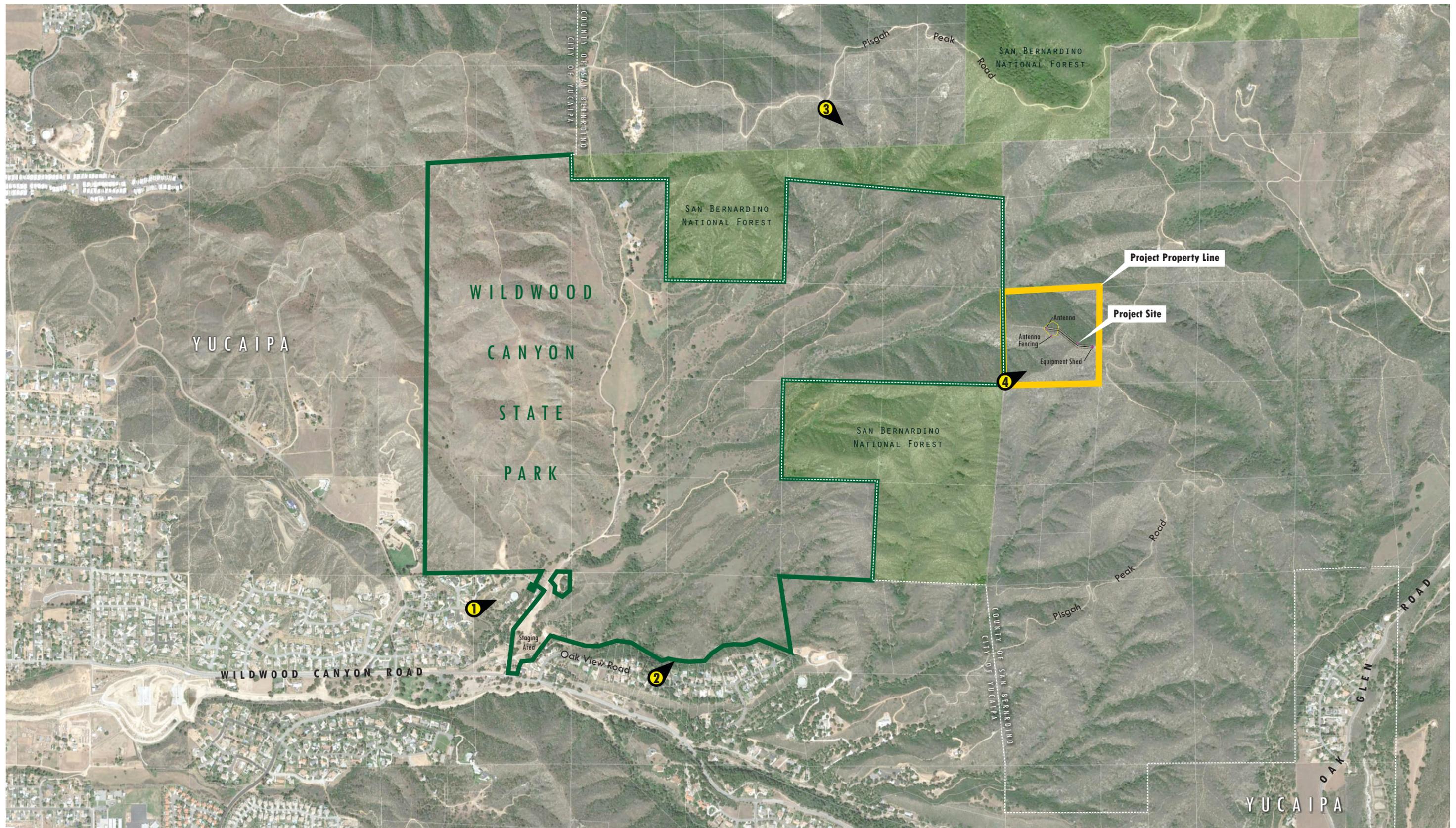
Residential structures located outside of the Park are visible along ridgelines from within the Park. Recreational areas for Park users include: a horse staging area, corals, and meeting area with picnic tables, port-a-potty, and an event/meeting building. Portions of the Park include above-ground electrical utility poles and overhead wires that are visible at the Park entrance, along trails, and near the horse corals.

From trails within the Park located approximately one-mile west of the Project Site, the demonstration pole was barely visible, and difficult to find as demonstrated in the most recent 2012 Scenic Report prepared when the pole was in place. However, from eastern trails (i.e. North Valley and Stintson trails) within the Park the monopole was visible due to the contrast created by the darkened weathered wood and linear lines of the pole which stand out in contrast to the lighter vegetation along the hills. See Figure 4.1-1 – Simulation Viewpoint Locations, for the location of viewpoints analyzed within this EIR.

Views From Nearby Residential Areas

A field visit of the adjacent residential areas was conducted on November 19, 2014 when the demonstration pole was still in place. The neighborhood was determined to be nearest to the Project Site and was reviewed for potential visual impacts from the Proposed Project. The visit included a windshield survey and walking along Oak View Road, Oak Grove Road and Peak Road. From Parkview Terrace (see Figure 4.1-2 – Simulation Viewpoint 1), the demonstration pole was visible.

From a vacant residential lot located along Oak View Road, a photograph of the Project Site was taken (see 4.1-3 – Simulation Viewpoint 2). From this location along Oak View Road, only the equipment shed and not the monopole would be visible at buildout. Given the grade of Oak View Road, residences located at the beginning of the street (west end) could see the Project Site and demonstration pole (see Photograph 1). However, as the road continues east an increase in elevation eliminates the ability to view the demonstration pole as is the case in Figure 4.1-3. Based on the views observed from the neighborhood, the height of the demonstration pole and proposed monopole, its location along a western-facing slope, and its distance below the ridgeline, it was determined that significant visual impacts to these residential areas would be unlikely. There are a few private residence that occur along Pisgah Peak Road, but due to topography the Project Site is not visible. There are portions of the Pisgah Peak Road where the Project Site is visible (see Figure 4.1-4). An additional photograph of the Project site was taken from the intersection of Oak Mountain Road and Wildwood Canyon Road (see Photograph 2). As shown in the photograph the demonstration pole was visible at the time.



- LEGEND**
- Existing Lazer Broadcasting Property Line
 - Wildwood Canyon State Park
 - Yucaipa City Limits (shown as a white line)
 - 1 Simulation Viewpoint Location and Direction of View

SIMULATION VIEWPOINT LOCATIONS

Lazer Broadcasting - EIR
 APN: 0325-011-19
 Oak Glen Community, County of San Bernardino, California

FIGURE 4.1-1



Simulated Baseline Conditions: View looking east from a residential area at the end of Parkview Terrace before placement of the existing monopole.



Existing Conditions: Current monopole in place.



Proposed Project: Simulation of the Proposed Project in place.

IMAGE INFORMATION
 Image Date: 11/19/2014 PM
 Camera: Pentax K-3
 Sensor: 24 mp (6016x4000)
 Lens: 50mm Prime
 ISO: 200

NOTE:
 This 11"x17" visual simulation figure approximates on-site conditions when held 15 inches away from viewers eyes.

LILBURN
 CORPORATION

SIMULATION VIEWPOINT 1

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 4.1-2



Simulated Baseline Conditions: View looking northeast from a residential area along Oak View Road before placement of the existing monopole.



Existing Conditions: Current monopole in place is not visible.



Proposed Project: Simulation of the Proposed Project in place. Monopole antenna will not be visible.

IMAGE INFORMATION
 Image Date: 11/19/2014 PM
 Camera: Pentax K-3
 Sensor: 24 mp (6016x4000)
 Lens: 50mm Prime
 ISO: 200

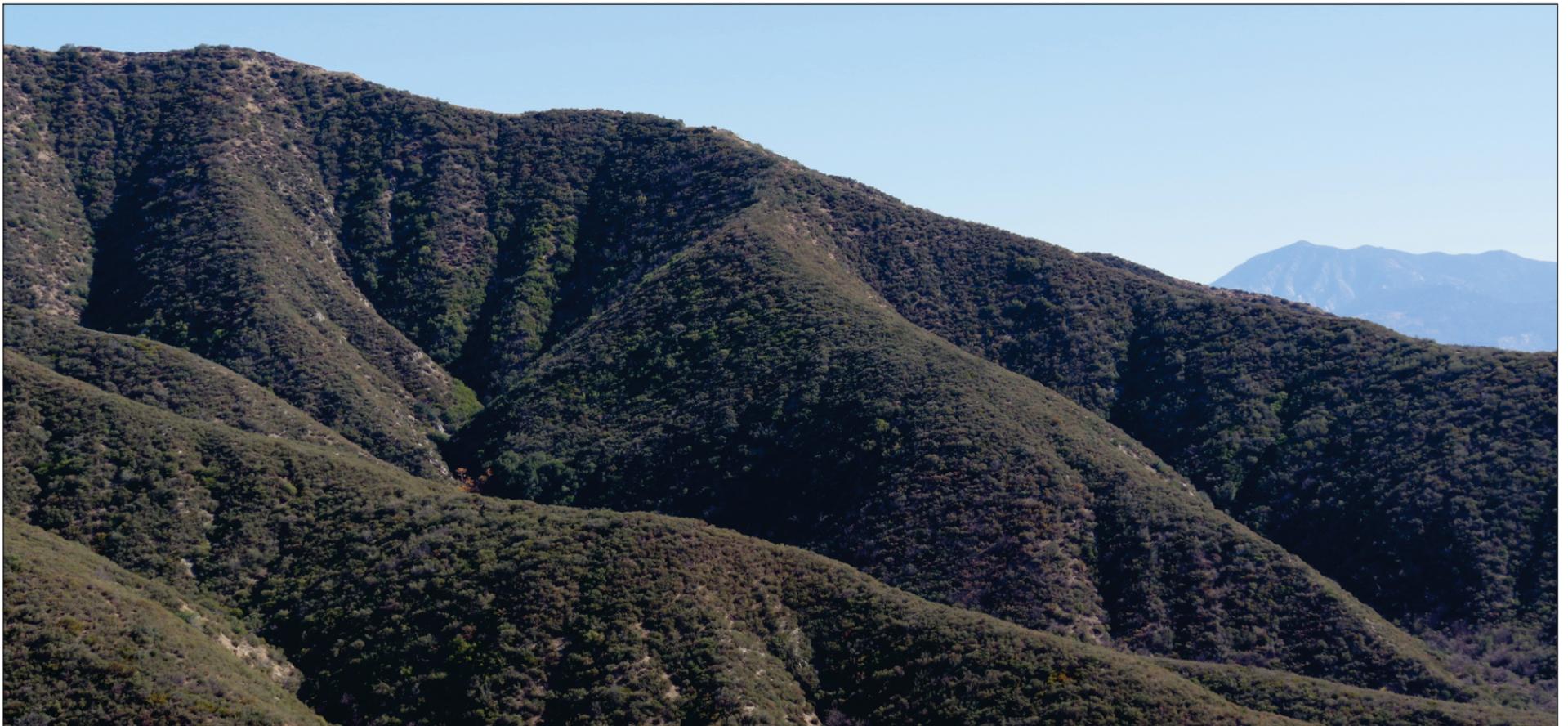
NOTE:
 This 11"x17" visual simulation figure approximates on-site conditions when held 15 inches away from viewers eyes.

SIMULATION VIEWPOINT 2

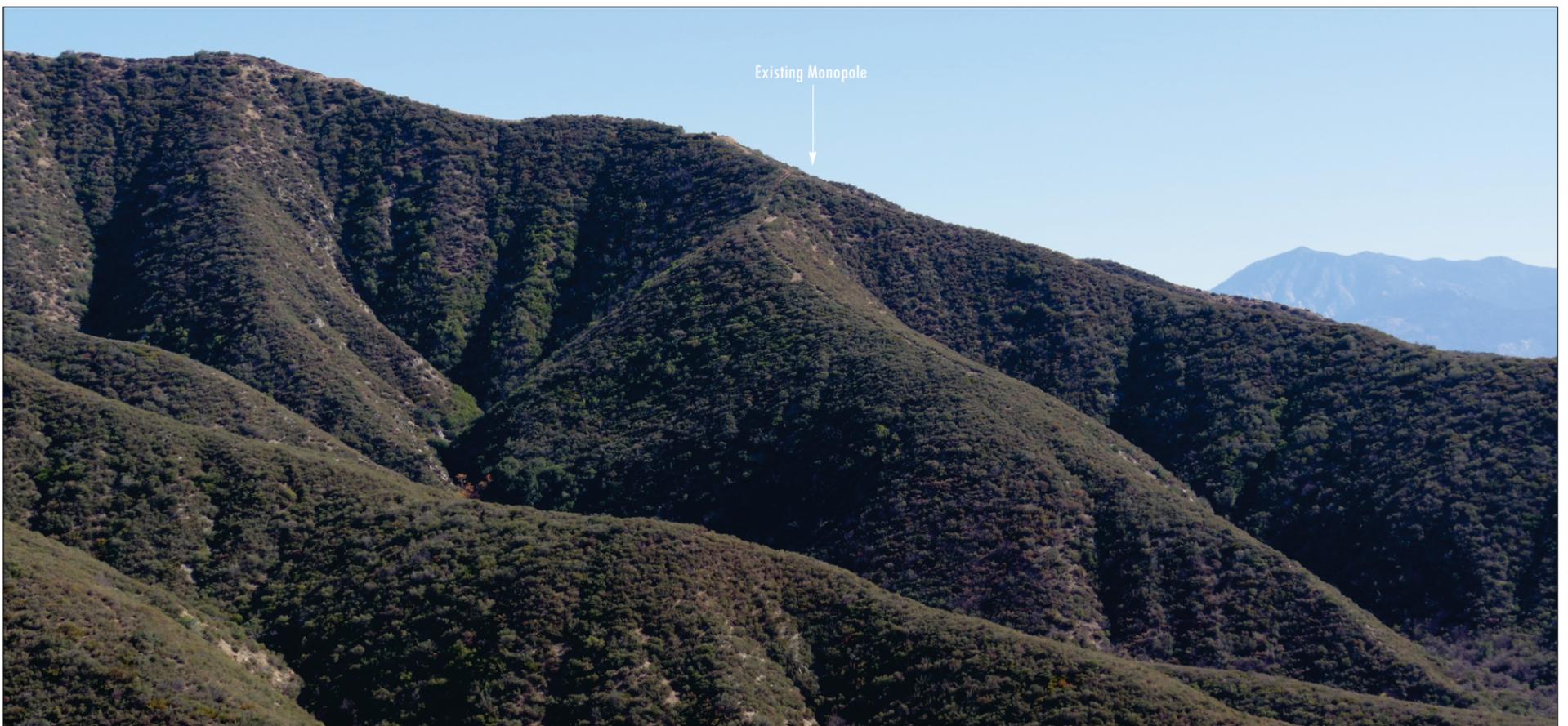
Lazer Broadcasting - EIR

APN: 0325-011-19

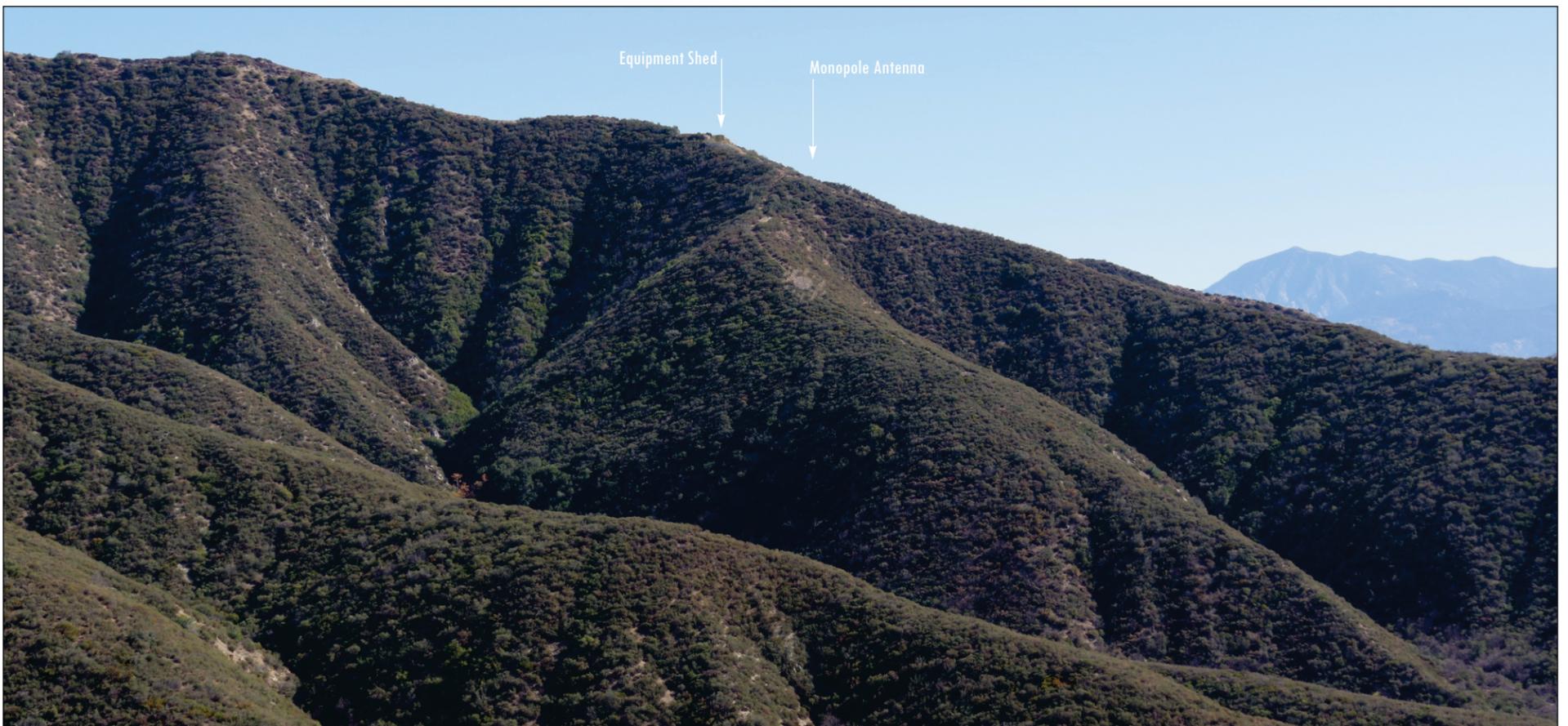
Oak Glen Community, County of San Bernardino, California



Simulated Baseline Conditions: View looking southeast from Pisgah Peak Road before placement of the existing monopole.



Existing Conditions: Current monopole in place.



Proposed Project: Simulation of the Proposed Project in place.

IMAGE INFORMATION
 Image Date: 11/19/2014 PM
 Camera: Pentax K-3
 Sensor: 24 mp (6016x4000)
 Lens: 50mm Prime
 ISO: 200

NOTE:
 This 11"x17" visual simulation figure approximates on-site conditions when held 15 inches away from viewers eyes.

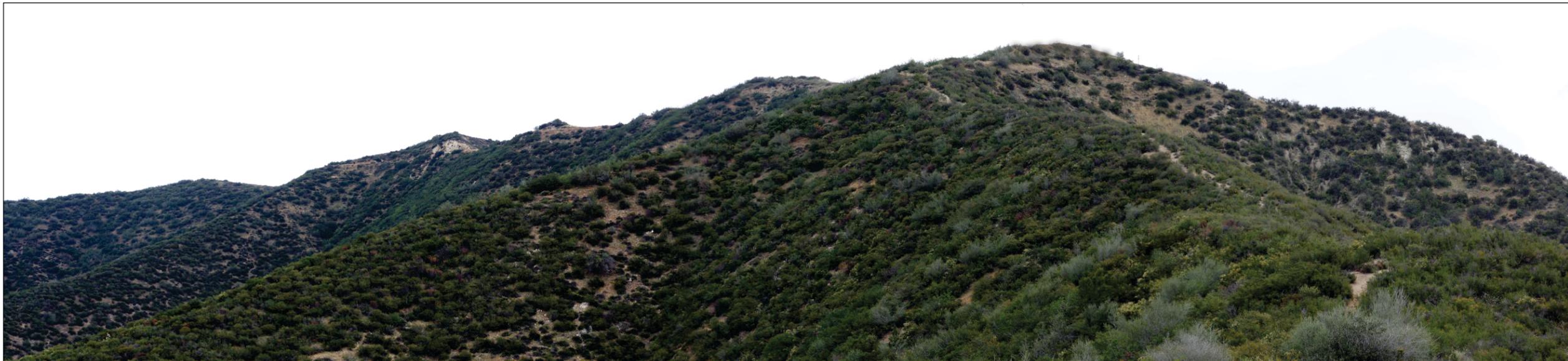
Views From Other Trails

There are a number of trails within the vicinity that occur outside of the Wildwood Canyon State Park. Trails occur west of the Project Site and begin in Wildwood Park on the south side of Wildwood Canyon Road approximately 1.4 miles southwest of the Project Site. The Project Site can be seen from the parking lot of Wildwood Canyon Park on the west side of Wildwood Canyon Road across the street.



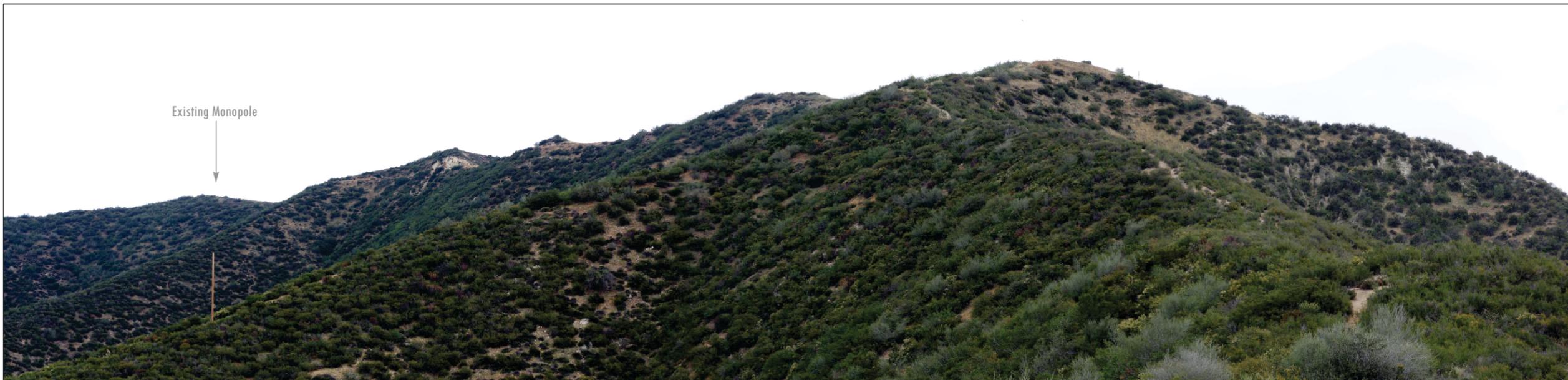
Photograph 1: View of the Project Site from the parking lot of Wildwood Canyon Park on the south side of Wildwood Canyon Road.

There are also unmarked trails that begin near the Project Site and trend toward the Wildwood Canyon State Park. The nearest one to the Project Site begins adjacent to the Project Site and is accessed from Pisgah Peak Road (see Photograph 3). As determined in site visits conducted in November 2014 and May 2015, from certain portions of this trail, the Project Site is visible (see Figure 4.1-5).



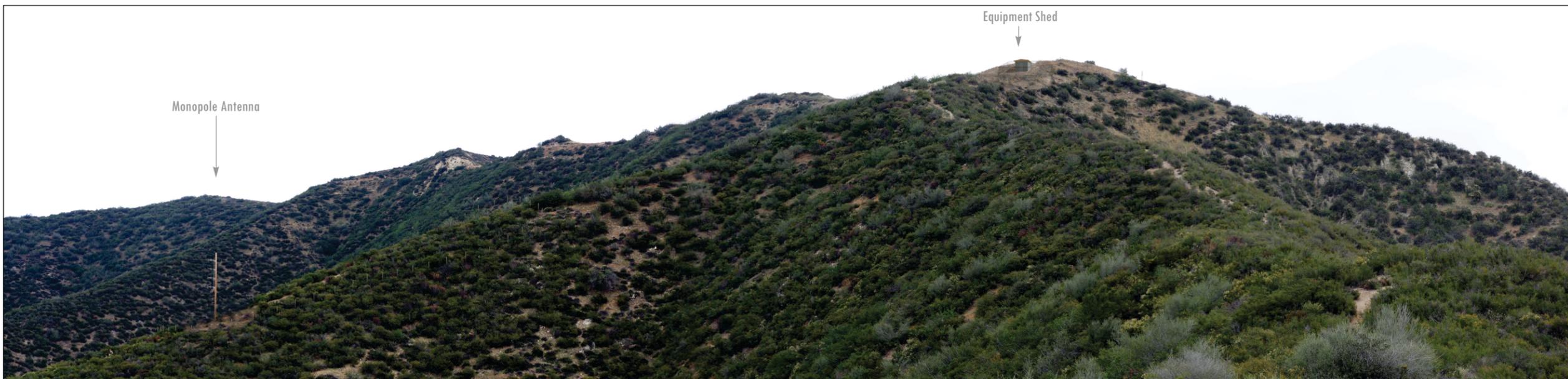
Simulated Baseline Conditions:

View looking northeast from a trail approximately 1,200' southwest from the Proposed Project before placement of the existing monopole.



Existing Conditions:

Current monopole in place.



Proposed Project:

Simulation of the Proposed Project in place.

**SIMULATION
VIEWPOINT 4**

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California



Photograph 2 – Looking west from the intersection of Oak Mountain Road and Wildwood Canyon Road toward the Project Site.



Photograph 3 – Aerial photograph of the Project Site and unmarked trail that begins/ends from Pisgah Peak Road.

Views From Oak Glen and Wildwood Canyon Roads

The Project Site is located approximately one-mile northwest of Oak Glen Road, a County of San Bernardino designated Scenic Route. During the November 2014 field visit, the demonstration pole was also not visible from Wildwood Canyon Road or Oak Glen Road.

4.1.3 Applicable Policies, Plans and Regulations

California Environmental Quality Act (CEQA)

CEQA Section 15125(a)(d)(e) states that an EIR shall include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time of publication of the Notice of Preparation (NOP) or if no Notice of Preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective; discuss any inconsistencies between the Proposed Project and applicable general plans and regional plans; and, where a Proposed Project is compared with an adopted plan, the analysis shall examine the existing physical conditions as well as the potential future conditions discussed in an adopted plan.

However, for the Proposed Project the NOP publication date is not used as the “baseline” for the site’s existing conditions on which to evaluate project impacts. Because of the circumstances of a Temporary Use Permit being granted for installation of the demonstration pole, the pre-pole conditions are established as the baseline – a time when the entire Project Site remained undisturbed.

County of San Bernardino General Plan

The Project Site is located within the planning limits of the County of San Bernardino General Plan and the Oak Glen Community Plan. Development is guided by the County of San Bernardino Development Code. The Project Site is located within the Pisgah Peak Open Space Area as identified in the General Plan Open Space Overlay.

Applicable policies and regulations related to land use include Goals and Policies of the County’s planning documents, as listed below.

County of San Bernardino – Land Use Element

Goal M/LU 1: Retain the existing alpine character of the Mountain Region.

Applicable Policies of Goal M/LU 1

M/LU 1.20 Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on

development of private land that may have an adverse effect on adjoining National Forest land.

County of San Bernardino General Plan - Open Space Element
 Goal OS 7 The County will minimize land use conflict between open spaces and surrounding land uses.

Applicable Policies of Goal OS 7

OS 7.2 For natural open space areas that require separation from human activities to preserve their function and value, limit construction of roads into or across natural open space areas.

OS 7.4 Discourage residential development on land with slopes greater than 30 percent, ridge saddles, canyon mouths, and areas remote from existing access.

OS 7.5 Require that natural landform and ridgelines be preserved by using the following measures:

- a. Keep cuts and fills to an absolute minimum during the development of the area.
- b. Require the grading contours that do occur to blend with the natural contours on site or to look like contours that would naturally occur.
- c. Encourage the use of custom foundations in order to minimize disruption of the natural landform.
- d. Require that units located in the hillsides be so situated that roof lines will blend with and not detract from the natural ridge outline.

OS 7.6 Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality.

**County of San Bernardino General Plan
 Mountain Region Goals and Policies of the Open Space Element**

Goal M/OS 2 To improve and preserve open space corridors through the Mountain Region.

Applicable Policies of Policies

M/OS 2.1 Utilize setbacks, building coverage, the Planned Development concepts and other measures to protect the forest environment.

Oak Glen Community Plan

OS2.2 Goals and Policies

Goal OG/LU 1. Retain the existing rural agricultural character of the community.

Policies applicable to Goal OG/LU 1.

OG/LU 1.4 **Avoid developing environmentally sensitive areas in which growth should be limited and establish means for their preservation.**

Goal OG/CO 1. Preserve the unique environmental features of Oak Glen including native wildlife, vegetation and scenic vistas.

Oak Glen Community Plan - Open Space Element

Goal OG/CO 4. Limit the removal of trees and other natural vegetation.

Policies applicable to Goal OG/CO 4.

OG/CO 4.2 Limit the removal of natural vegetation other than trees to that necessary for fire protection and development purposes in the hillside areas.

4.1.4 Project Impact Analysis and Mitigation Measures

4.1.4.1 Thresholds of Significance

The County of San Bernardino does not have adopted guidelines for conducting visual resource impact assessments. Instead, they rely on the thresholds of significance established in the California Environmental Quality Act (CEQA). Significant impacts related to aesthetics are determined from criteria stated with the CEQA Checklist. Potential impacts to scenic vistas, historic buildings, state scenic highways, and impacts from light or glare are addressed in the CEQA process to identify and evaluate possible impacts to aesthetic resources that could potentially result from implementation of the Proposed Project. The Proposed Project would have a significant effect on Aesthetics if it would:

- Have a substantial adverse effect on a scenic vista as identified in the County's General Plan.
- Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The impact analyses provided below is based on construction and operation of an unmanned self-supporting 43-foot tall monopole for radio broadcast. The Project also includes a 100 square-foot equipment building and parking space. Upon approval of a CUP, the Project would be consistent with the County General Plan and zoning but may have aesthetic impacts given its close proximity to Wildwood Canyon State Park as discussed below.

4.1.4.2 Issues Identified to Have No Impact or Less Than Significant Impact

The Proposed Project was determined to not have the potential to result in significant impacts in the issue area listed below. An explanation of the impact and a determination of no need for mitigation measures is provided.

Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

The Proposed Project would not substantially damage scenic resources including any trees or rock outcroppings as none occur on-site. In addition, the Proposed Project would not substantially damage scenic resources or historic buildings within a state-designated scenic highway, as none exist within on or adjacent to the Project Site. The Project Site is located approximately one-mile northwest of Oak Glen Road, a County of San Bernardino designated Scenic Route. During the November 2014 and May 2015 field visits, the Project Site was also not visible along Wildwood Canyon Road or Oak Glen Road. Therefore, no significant impacts would result.

Have a substantial adverse effect on a scenic vista as identified in the County's General Plan.

There are no clearly defined areas or maps that outline scenic vistas within the County of San Bernardino General Plan. However, vast, open space areas including both mountainous areas and desert landscapes are considered scenic vistas within the General Plan, and there are a number of goals and policies that seek to protect these scenic resources. The Project Site is one of several private parcels that occur within the foothills of the San Bernardino Mountains. Although the Project Site itself may not be considered a scenic vista, the area that is it a part of, namely the San Bernardino National Forest is a scenic vista. Both looking toward the Project Site at the rolling hills and distant mountains, and looking west from the Project Site out toward the valley and distant mountains would be considered a scenic vista. As state in Goal OS 7.5, natural landforms and ridgelines should be preserved by either: a) Keeping cuts and fills to an absolute minimum during the development of the area; b) Requiring the grading contours that do occur to blend with the natural contours on site or to look like contours that would naturally occur; c) Encourage the use of custom foundations in order to minimize disruption of the natural landform; or d) Require that units located in the hillsides be so situated that roof lines will blend with and not detract from the natural ridge outline.

The design of the Proposed Project has included each of these goals to minimize potential impacts to the surrounding scenic vista. Therefore a less than significant impact would result.

Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The Proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The proposed monopole would not be required by the FAA to be illuminated for air navigation safety. In addition, the proposed 100 square-foot equipment shed would have exterior lighting directed and shielded on-site and for safety purposes only. No impacts are anticipated.

4.1.4.3 Issues Determined to Have Potentially Significant Impacts

The Proposed Project could potentially result in significant impacts in the issue area listed below. For the issue, the potential impact is provided in a numbered impact statement, followed by analysis, and mitigation measures if the impact is determined to remain significant after the analysis.

Substantially degrade the existing visual character or quality of the site and its surroundings.**Impact AES-1:**

The Proposed Project would result in the development of a 43-foot monopole and related equipment including a 100 square-foot equipment shed, security fencing and vehicle parking space. The Proposed Project also includes fuel modification around the equipment shed and monopole. Development of the Proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings. This is a potentially significant impact.

The Project Site is located within the foothills of the San Bernardino Mountains west of Pisgah Peak Road, and northwest of Wildwood Canyon and Oak Glen roads in an unincorporated area of San Bernardino County. The Project Site is located approximately 1.5 miles south of the San Bernardino National Forest at an approximate elevation of 4,450 feet amsl, and has an on-site topography consisting of two east-west trending ridgelines that descend from a north-south ridge along the eastern boundary of the site. The site is predominately covered in mixed chaparral and consists of moderate to steep slopes. Access to the site is provided by Pisgah Peak Road, a 12-foot wide, unpaved private road.

Surrounding land uses include vacant land to the north, east, south and west, the Wildwood Canyon State Park and portions of the City of Yucaipa to the west, and San Bernardino National Forest land to the north and south.

Portions of the Proposed Project would be visible along sections of trails within the Wildwood Canyon State Park, located west and adjacent to the Project Site. In addition, trails west and outside of the Park would also have a view of the monopole. The primary viewshed for hikers and equestrian users is northeast toward Pisgah Peak, as a majority of the marked trails trend in

this direction. Rolling hills, valleys and steep slopes occur throughout the Park with marked and unmarked trails trending generally southwest to northeast.

In 2010, to mark the location of the Project Site and to simulate to viewers the scale of the Proposed Project, a 43-foot high demonstration pole was placed at the Project Site by the Applicant.

From trails within the Park located approximately one-mile west, of the Project Site, the demonstration pole was barely visible, and was difficult to find. However, from eastern trails (i.e. North Valley and Stintson trails) within the Park the demonstration pole was visible due to the contrast created by the darkened weathered wood and linear lines of the pole which stand out in contrast to the lighter vegetation along the hills. Pre-monopole conditions have been used as the baseline for purposes of this analysis.

The Proposed Project includes the construction of an unmanned radio broadcast facility to include a 43-foot monopole with attached antenna, a one-story, 10-foot by 10-foot by 9-foot high equipment shed, and a 10-foot by 20-foot parking space on an approximate 38.12-acre vacant parcel. At the site of the equipment shed, the existing slope would be cut back to allow the equipment shed to be recessed into the hillside. The back and sides of the equipment shed would be engineered to retain earth between four to seven feet. The proposed antenna would be attached to the side of the monopole in a due south or due west direction and would begin approximately midway up the pole (about 21.5 feet above the ground) to within one-foot below the top of the pole. The antenna would extend approximately 4.5 feet out from the side of the pole and would have an overall length of 21 feet. The antenna would be composed of four bent dipoles (elements) and be made of copper. The Proposed Project also includes a six-foot high wrought iron fence around the equipment shed, and either a five-foot high wrought iron fence or a five-foot high, three-strand wire fence around the monopole. In addition, the Proposed Project would underground approximately 6,700 feet of electrical and telecommunication lines from a location near the existing KQRB Tower, located northeast of the Project Site, to the proposed equipment shed. Undergrounding of the electrical and telecommunication lines would continue from the equipment shed to the monopole for a distance of approximately 680 feet.

Access to the Project Site is from Pisgah Peak Road and the Proposed Project would not require any grading along Pisgah Peak Road. The Proposed Project also includes vegetation removal and the application includes a variance to reduce the fuel modification area from 100 feet to 30 feet. Proposed fuel modifications would include removal of all vegetation within a ten-foot radius of the equipment shed, followed by vegetation thinning within a 30-foot radius of the equipment shed, per San Bernardino County Fire Department requirements. Vegetation removal and thinning would be coordinated with a County-approved biologist.

In order to reduce potential visual impacts to the surrounding area, certain design features were implemented including a reduced scale and height monopole verses a typical lattice tower, recessed equipment shed to blend in with the site, a neutral color monopole and a reduced fuel modification area to blend in with the surrounding environment. Access to the monopole would be restricted to a foot path in order to avoid additional vegetation removal.

Visual Analysis Methodology

The San Bernardino National Forest Land Management Plan (LMP) maintains Aesthetic Management Standards (Part 3 Design Criteria for the Southern California National Forests; page 6) including requiring that design management activities meet the Scenic Integrity Objectives (SIO) shown on the Scenic Integrity Objectives Map (S9) (see Figure 4.1-6).¹ Scenic Integrity refers to the alteration of the landscape created by human activities. Integrity is stated in degrees of change from the existing landscape character.

The Proposed Project area does not occur within the National Forest however scattered areas of National Forest occur approximately ½-mile north, approximately ¼-mile southwest, approximately ½-mile south, and approximately ¾-miles east of the Project Site. The SIO for these areas include designations of High Scenic Integrity (High) with areas of Moderate Scenic Integrity (Moderate) for the area north, Moderate with areas of High to the southwest, High with areas of Moderate for the area south, and Moderate for the area east of the Project Site. Since certain National Forest lands that are near the Project Site are designated as High and since the Project Site is adjacent to a State Park, the Project Site will be considered as having a High SIO for the purposes of the analysis.

Scenic integrity levels as defined by the SIO range from High to Low for the areas within the Park, with High occurring in open space areas, and Low occurring along service roads. Disturbances within the areas determined to have a Low scenic integrity level are evident due to the presence of above-ground utility poles, lines, and scattered urban debris. Grading and vegetation removal is present along recreational trails. Baseline conditions were used for the analysis of the Project Site and include a natural, undisturbed state exhibiting vegetation and no field work as associated with the demonstration pole installation. Photographs located on the top of Figures 4.1-2 – 4.1-5, show the existing conditions (baseline – pre-pole placement) at the Project Site.

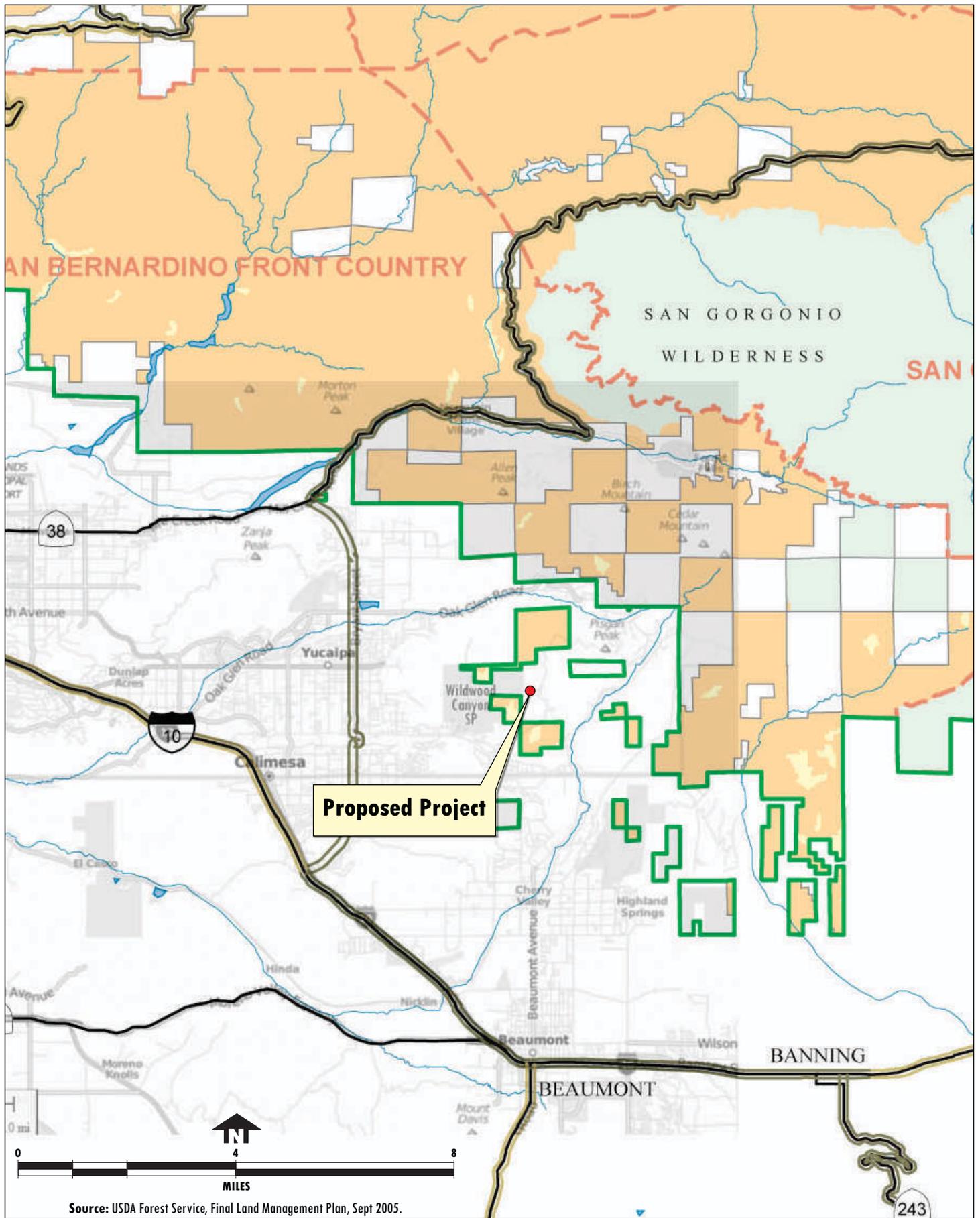
The frame of reference for measuring achievement of scenic integrity levels, as defined in Chapter 2 Scenic Integrity of the United States Forest Service's *Landscape Aesthetics Handbook for Scenery Management*, is the valued attributes of the existing landscape character being viewed. In nature or natural appearing character this is limited to natural or natural appearing vegetative patterns and features, water, rock and landforms. Direct human alterations may be included if they have become accepted over time as positive landscape character attributes.

The scenic integrity levels are:

VERY HIGH (Unaltered)...preservation

Very High scenic integrity refers to landscapes where the valued landscape character is intact with only minimal if any deviations. The existing landscape character and sense of place is expressed at the highest possible level.

¹ Scenic Integrity Objectives are required to be met with the following exceptions: minor adjustments, not to exceed a drop of one SIO level, are allowable with the Forest Supervisor's approval. Temporary drops of more than one SIO level may be made during and immediately following project implementation providing they do not exceed three years in duration (S10).



- Adjacent Forest Land
- Non-Forest System Land
- Scenic Integrity Objectives**
- Very High
- High
- Moderate

SCENIC INTEGRITY OBJECTIVES

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

Figure 4.1-6

HIGH (Appears Unaltered)...retention

High scenic integrity refers to landscapes where the valued landscape character appears intact. Deviations may be present but must repeat the form, line, color, texture, and pattern common to the landscape character so completely and at such scale that they are not evident.

MODERATE (Slightly Altered)...Partial retention

Moderate scenic integrity refers to landscapes where the valued landscape character appears slightly altered. Noticeable deviations must remain visually subordinate to the landscape character being viewed.

LOW (Moderately Altered)...modification

Low scenic integrity refers to landscapes where the valued landscape character appears moderately altered. Deviations begin to dominate the valued landscape character being viewed by changes in size, shape edge effect and pattern of natural openings, vegetative type changes or architectural styles outside the landscape being viewed. They should not only appear as valued character outside the landscape being viewed by compatible or complimentary to the character within.

VERY LOW (Heavily Altered) maximum modification

Very Low scenic integrity refers to landscapes where the valued landscape character appears heavily altered. Deviations may strongly dominate the valued landscape character. They may not borrow from valued attributes such as size, shape, edge effect and pattern of natural openings, vegetative type changes or architectural styles within or outside the landscape being viewed. However deviations must be shaped and blended with the natural terrain (landforms) so the elements such as unnatural edges, roads, landings and structures do not dominate the compositions.

Unacceptably low scenic integrity refers to landscapes where the valued landscape character being viewed appears extremely altered. Deviations are extremely dominant and borrow little if any form, line, color, texture, pattern or scale from the landscape character. Landscapes at this level of integrity need rehabilitation. This level should only be used to inventory existing integrity.

In general, a specific integrity level can be achieved by decreasing the visual contrast of the deviations being viewed. The approach applicable to areas with existing High and Moderate scenic integrity, such as the Project Site, include repeating form, line, color, texture, pattern and scale common to the valued landscape character. If repetition is accurate and well designed, the deviation may blend so well the change is not evident (High). It may only borrow well enough to be noticeable but visually subordinate (Moderate). Utility structures are generally geometric, forceful and large. Careful placement and design, including simpler forms, would blend better with the setting.

Table 4.1-1 provides a summary of these integrity level descriptions. The first line, labeled “dominance,” indicates which element has the strongest visual weight (stands out visually over

the other); the landscape character or the deviation from it. The second line describes the “Degree of Deviation” from the landscape character in terms of dominance. The third row describes the degree of “Intactness” of the landscape character. The columns provide a summary of each level of integrity.

**Table 4.1-1
Scenic Integrity Summary**

Criteria for Scenic Integrity of the Landscape Character Image	Very High	High	Moderate	Low	Very Low	Unacceptably Low
<u>Dominance</u> - Landscape Character verses Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
<u>Degree of Deviation</u> from the Landscape Character	None	No Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
<u>Intactness</u> of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Fully Expressed	Slightly Altered and Character Expression Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

Desired Landscape Character and Condition

The SBNF has been divided into a series of geographical units defined in the LMP as “Places.” Each Place has its own landscape character. Landscape character has been described as an overall visual and cultural impression of landscape attributes, the physical appearance and cultural context of a landscape that gives it an identity and “sense of place.” The Project Site does not occur within the SBNF or a designated Place, however, for purposes of this analysis it is being considered within the influence of the San Bernardino Front Country Place.

The San Bernardino Front Country Place is a rugged, scenic backdrop to a dynamic urban interface, prominently identified by a large historic ‘Arrowhead’ landmark on Arrowhead Peak. Rising to the north of the cities of San Bernardino, Redlands, Highland and Yucaipa, the steep brush-covered mountains quickly climb in elevation from 1,500 feet to 6,000 feet. Narrow canyons of critical riparian habitat and rounded summits with patches of montane conifer are found here. There are diverse and unique physical and biological resources that are strongly influenced by human activities from the nearby urban interface.

The LMP, Part 2 (2005) outlines the desired condition for each Place within the SBNF. The desired Landscape Characters for the area of the San Bernardino Forest that includes properties nearest the Project Site are as follows:

San Bernardino Front Country Place – is maintained as a natural appearing ‘first impression’ landscape the functions as a scenic backdrop and forest portal with high-quality, natural–appearing landscape vistas providing managed recreation opportunities. The valued

landscape attributes to be preserved over time are craggy silhouettes of the mountain peaks, the mosaic of rock outcrops, an age-class mosaic in chaparral, coastal sage scrub, riparian habitat and the presence of conifers in the higher elevations and canyons. Chaparral and forested areas are managed to provide fire protection for adjacent urban communities, recreation areas and wildlife habitat. Habitat conditions for threatened, endangered, and sensitive species are improving over time. The Santa Ana River above the Seven Oaks Dam is a healthy aquatic ecosystem capable of supporting native fish and wildlife populations and a quality rainbow trout fishery. Invasive animal and plant species are reduced over time. Heritage properties and Native American gathering areas are identified and protected. Partnerships between the national forest and Native American tribes increase. Property lines are located and managed.

According to the National Forest Management Act of 1976, which guided the development of the LMP, landscape aesthetics are treated as a visual resource that, "...shall be inventoried and evaluated as an integrated part of evaluating alternatives in the forest planning process, addressing both the landscape's visual attractiveness and the public's visual expectation". Proposed Actions within the SBNF need to be executed in a manner consistent with the LMP by preserving the Scenic Integrity of the project's area through blending and visually integrating the proposed elements into the larger landscape.

Public's Visual Expectations

Visual expectations directly influence the relative importance and sensitivity of what is seen and perceived in the landscape. The visual importance given to the landscape is influenced by multiple factors, including distance, duration, existing conditions, and the viewer's intention. The importance of the scenic resource is weighed against other land resources and activities using Scenic Classes.

Scenic Classes

Scenic Classes are used to compare the value of scenery to the value of other resources. They are determined and mapped by combining the measure of scenic attractiveness with the concern levels and distance zones of landscape visibility.

Scenic attractiveness measures the scenic importance of a landscape. Higher scenic attractiveness occurs in landscapes with a greater degree of naturalness, diversity of features and uniqueness. The relative scenic value of a landscape is classified as: Class A - distinctive; Class B - typical; and Class C - indistinctive. The scenic attractiveness of the Project Site area set within an unincorporated area of San Bernardino County near the eastern portion of the City of Yucaipa is Class B.

Landscape visibility is determined using three elements: 1) travel ways and use areas; 2) concern levels; and 3) distance zones.

Travel ways are linear concentrations of public-viewing, including roads and trails. *Use areas* are locations that receive concentrated public-viewing use. They include vista points,

trailheads and other recreation sites. Most landscape viewing occurs from travel ways and use areas.

Concern levels are a measure of the degree of public importance placed on landscapes as viewed from travel ways and use areas. Concern level is a function of both the number of visitors as well as their intent. Three concern levels are used:

Level 1 (High) is the most important. Users have a high level of concern for scenery. It is associated with major highways, areas of concentration such as recreational facilities, special designations such as scenic byways or national recreation/historic trails and cultural sites.

Level 2 (Moderate) areas are of lesser importance such as state highways, county roads, secondary trails, scenic overlooks, summer home tracts etc.

Level 3 (Low) refers to low use areas and low volume roads, trails, waterways or recreation facilities.

Distance zones are measured from key viewpoints. As distance between the viewer and the landscape increases, the level of visible landscape detail decreases. Distance zones are divided into three general categories: Foreground (300 feet to 0.5 miles), Middleground (0.5 to 4 miles), and Background (4 miles to the horizon).

Visibility levels for the SBNF were established in the 2005 LMP scenery analysis process and verified by field observation in 2010. Since the Project Site and the Park occur outside of the SBNF, travel ways and use areas were not identified nor were concern levels and distance zones. However for purposes of this analysis, visibility levels of the Project Site were reviewed with the concern of users within the Park and nearby residential uses. The concern levels and distance zones vary for each of the four viewpoint locations (see Figure 4.1-1) are shown in Table 4.1-2.

Viewsheds and Viewpoints. Viewsheds are visible portions of the landscape as seen from viewpoints. Viewpoints were identified, documented and included as part of this analysis. Each viewpoint was evaluated based on levels of screening by topography, vegetation, and/or development blocking the direct view of the project area. Viewshed visibility was determined by the edge conditions of viewpoint locations. Edge conditions are described as screened, partially screened or open conditions. A screened edge condition would block views of the project area. Partial screening occurs where there are dispersed patterns of vegetation and development. Open edge conditions lack any screening.

Visual simulations are an effective tool for evaluating the impacts of a project, as they portray the relative scale and extent of the project. Computer-generated digital-elevation models (DEMs) illustrate where any hypothetical point (such as the top of the monopole) could potentially be visible within a given area, such as a 10-mile radius around the Proposed Project. The surface model is based on digital-terrain modeling and may not account for surface elements like vegetation or buildings that might block views. Field analysis is essential to verify actual visibility.

Photographs of the Project Site were taken with a 50-mm lens which most closely matches human visual perception. Ideal field conditions included clear weather to provide the best clarity of the scene as well as “worst-case conditions,” which are represented in all of the simulations to allow a complete evaluation.

Using a DEM, various 3D programs were used to create accurate digital models of the terrain from a particular point along the angle of view. The Proposed Project’s site plan was used to insert the exact locations for the monopole, proposed equipment shed, other project infrastructure, areas of fuel modification, and roads into the model. Images of the demonstration monopole and equipment shed were created on the DEM using Microstation and Sketchup and merged with a photograph using a digital photo editing program. The color, brightness, shadows, and sharpness of the Proposed Project are then adjusted to appear consistent with the photograph. Depending on lighting conditions, the monopole may appear white or black if silhouetted against the sky.

Summary of Viewpoints as Analyzed in the 2012 Scenic Report

The following is a summary of viewpoints selected for analysis in the 2012 Scenic Report. The assessment reviewed trails within the Wildwood Canyon State Park. Based on public hearings for the Project, it was determined that viewpoints should include sensitive receptors near the Project Site (residential) and trails outside the Wildwood Canyon State Park. Therefore additional viewpoints were selected and are presented in the following section of this EIR.

As concluded in the 2012 Scenic Report, the Proposed Project would not result in a decrease to the Moderate and Low scenic integrity from views within the Wildwood Canyon State Park along Canyon Drive and other interior trails. After implementation of proposed recommendations provided in the report, the weather-darkened demonstration pole would be replaced with a neutral tone pole that would blend with surrounding colors and hues, and the exposed earth would be revegetated to visibly reduce the contrast along the ridgeline. The scenic integrity would continue to be considered Moderate/Low as signs of an altered landscape would be visible in the middleground from the selected viewpoints.

The overall scenic integrity from the four (4) viewpoints selected and analyzed in the 2012 Scenic Report within the Wildwood Canyon State Park would not change and would remain at Moderate/Low levels for all views meeting the LMP’s Aesthetic Management Standards.

The 2012 Scenic Report further concluded that the impact of the Proposed Project on views of the scenic landscape as depicted in the viewpoints and project simulations were considered less than significant because very little if any of the landscape visibility is impacted. The scenic integrity from these viewpoints does not measurably change based on the methodology employed. The existing Scenic Integrity at the entrance to the Wildwood Canyon Park and trailhead is currently influenced by the existing utility poles and utility lines. Although the Proposed Project may subjectively exhibit some adverse effect on trail users; it was concluded that trail users entering the Park would experience greater adverse effect from the existing utility poles and utility lines because of the number of poles and their heights. Therefore, although the Proposed Project may have adverse effects, they are determined to be less than significant under

CEQA because of the scenic integrity of the existing environment (both distant views and from adjacent trails) and the limited duration of views.

New Viewpoint Analysis

Photo simulations were prepared for the four selected viewpoints to simulate potential visual views of the Project Site from key viewpoint areas. The evaluation of deviations for the Proposed Project is based on views from the identified viewing locations. The locations were visited and photographs taken during the November 2014 and May 2015 site visits. The visual simulations display representational changes in the landscape caused by the Proposed Project. Viewpoints 1, 2, 3 and 4 include: 1) a simulated baseline condition (pre-pole conditions); 2) existing conditions photograph with the demonstration pole in place; and 3) a simulation of the Proposed Project.

Figure 4.1-1 shows the location of the four viewpoints selected for analysis in the EIR. The viewpoint is marked with a number (1 through 4) and an arrow indicated which direction the photograph was taken. Figure 4.1-2 through 4.1-5 display three images including: 1) a simulation of the “baseline conditions” including pre-pole conditions; 2) existing conditions including wooden pole and “scarring” from its placement; and 3) a simulation of the Proposed Project including monopole with antenna, equipment shed, fuel modification around both structures and a parking space. An analysis of each of the viewpoints selected is included herein.

Viewpoint 1 is located at the end of Parkview Terrace looking east from a residential area toward the Project Site. The Project Site is located approximately 1.5 miles northeast and just below the ridgeline of the scenic backdrop as viewed from Parkview Terrace just outside the Wildwood Canyon State Park. The viewshed is not obscured by any vegetation, trees or structures. The existing scenic integrity for the area is considered Moderate as indicated on the Viewpoint Inventory Forms (see Appendix E) would remain Moderate upon approval of the Lazer Broadcasting monopole since the Project includes a monopole versus a lattice tower creating a less intense use and visual impact. In addition, as seen from just a few residential units and not along a highly traveled scenic route, the impact is considered less than significant.

From Viewpoint 2, the Project Site is located below the ridgeline of the scenic backdrop as viewed from a vacant residential lot on Oak View Road approximately 1.4 miles southwest of the site. The viewshed is not obscured by any vegetation, trees or structures. The existing scenic integrity for the area is considered Moderate and would remain Moderate if the Proposed Project is approved since the monopole would not be visible from the location and the equipment shed would be constructed within the hillside and below the ridgeline, which would assist with the blending in of the Project.

Viewpoint 3 captures the Project Site along a saddle below the ridgeline as viewed from Pisgah Peak Road, a private roadway that provides access to the Project Site. The photograph for simulations was taken less than one-mile northwest of the site. The viewshed is not obscured by any vegetation, trees or structures. The existing scenic integrity for the area (Moderate) would remain Moderate if the Proposed Project is approved since the monopole and equipment shed would not be a dominant feature in the landscape and would result in a slightly altered landscape.

In Viewpoint 4, the project area is located just below the ridge line. The viewshed is not obscured by any trees nor would it be in the future. The viewpoint selected is in an opening along an unmarked trail that begins east and outside of Wildwood Canyon State Park. The existing scenic integrity for the area is considered Moderate. The Proposed Project would construct an equipment shed and parking space near the ridgeline and remove vegetation to allow for fuel modification around both structures. The monopole, equipment shed, fuel modification, and parking space would not be a dominant feature in the landscape. The equipment shed, which occurs at the base of the ridgeline, is adjacent to areas of bare earth and rock as see in Figure 4.1-5. Thus fuel modification would blend with the spare areas of vegetation within the landscape. The vertical form of the monopole would be new in an area that does not have tall, thin trees; however, the proposed new form is relatively small as viewed within the rolling landscape and would not be a dominate feature. The existing scenic integrity is considered Moderate and the Proposed Project would be consistent with the existing Scenic Integrity of Moderate.

Table 4.1-2 below is a summary of the four viewpoints evaluated for potential visual resource impacts from the Proposed Project. These key viewpoints were selected because they are representative views from nearby residential areas and trails outside of the Wildwood Canyon State Park. Viewpoints from trails and other areas within the Park were analyzed in a previous Scenic Report prepared for the Project in 2012 (see Appendix D). The table provides: 1) a description of the location of the viewpoint; 2) relative distance to the Project Site from the viewpoint; 3) existing visibility of the Project Site from the viewpoint; and 4) the existing concern level at the viewpoint.

**Table 4.1-2
Selected Viewpoint Locations**

Viewpoint	Trail and/or Use Areas	Distance To Project Site	Existing Visibility	Existing Concern Level
1	<u>Parkview Terrace</u> – Low use travel way & residential area. North of the Wildwood Canyon State Park entrance and Wildwood Canyon Road.	Middleground (approximately 1.5-miles southwest of site)	Open	2 Moderate
2	<u>Residential Area Along Oak View Road</u> – Low use travel way along a residential street. East of the Wildwood Canyon State Park entrance and north Wildwood Canyon Road	Middleground (approximately 1.4-miles southwest of site)	Open - However, only the equipment shed would be visible from this portion of Oak View Road due to natural topography	2 Moderate
3	<u>Pisgah Peak Road</u> – private, unpaved road.	Middleground (less than one mile northwest)	Open	3 Low
4	<u>Trail outside of Wildwood Canyon State Park</u>	Foreground (approximately 1,200 feet southwest of the site)	Open	1 High

Out of the four new viewpoints selected, the Proposed Project is most prominent within Viewpoint 4, which would have the least amount of views since it is along an unmarked hiking trail that occurs outside the Park and near the Project Site. Since the Project would not have a significant number of views, would not create a significant change in the landscape and is considered a less intense land use than what could potentially be developed onsite (i.e., single-family unit and related uses), impacts are considered less than significant. However due to the sensitive receptors in the area including single-family residences and trail users, potential impacts may be considered significant and should be reduced.

Mitigation Measures

Mitigation Measure AES-1:

The monopole, antenna and shed shall be painted olive green to blend with the surrounding vegetation. In addition to this first layer of treatment, a second layer of paint shall be worked in a random pattern in colors of deep olive, light sage and light brown to further mimic a vegetative pattern or camouflage effect. The random pattern shall be applied in a stippling or sponging in manner to avoid sharp lines.

Mitigation Measure AES-2:

The Project Proponent shall revegetate the portion of the ridge where the demonstration pole was placed. During placement of the demonstration pole and conducting geotechnical field testing, vegetation was removed. The scraped area, which appears in the form of a line down the slope, and any other areas that may be disturbed during site development shall be revegetated at the direction of a County-approved biologist prior to issuance of occupancy permits.

Level of Significance After Mitigation

The Lead Agency determines that implementation of Mitigation Measures AES-1 and AES-2 would reduce potential visual impacts at the Wildwood Canyon State Park and nearby sensitive receptors including residences and trail users to a less than significant level. This is supported by the analysis that relied on the USFS model and other federal agency models for determining and ranking visual changes in the environment. However, this area of CEQA is highly subjective and public comments previously received by the County Board of Supervisors indicate a high level of viewer sensitivity to the monopole's visual impact. In consideration of this and the alternatives analysis showing that no other feasible Project Sites could avoid such impacts, although the project is considered highly beneficial, the County determines that the visual impact, at least to some portion of the population, is significant and unavoidable.

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4.2 BIOLOGICAL RESOURCES

4.2.1 Introduction

This section of the EIR discusses the biological setting of the Project Site and the surrounding area that may be impacted by the Proposed Project. The analysis provided herein is based on the background information documented in the following biological evaluation reports:

- Biological Assessment Services, April 14, 2009: Radio Facility at Pisgah Peak Road, San Bernardino County, CA
- Biological Assessment Services, April 19, 2010: Radio Facility at Pisgah Peak Road, San Bernardino County, CA
- Biological Assessment Services, October 26, 2012: Radio Facility at Pisgah Peak Road, San Bernardino County, CA
- San Bernardino County Land Use Services Department, October 2011, Proposed Mitigated Negative Declaration – Lazer Broadcasting, Inc. (see Appendix B).
- Natural Resources Assessment, Inc., August 17, 2015: General Biological Assessment Lazer Radio Tower and Support Structures Assessor’s Parcel Number 0325-011-19

The biological reports are included in their entirety as Appendix F to this EIR. The Mitigated Negative Declaration is in Appendix B.

4.2.2 Environmental Setting

As described in Chapter 3: Project Description, the pre-pole conditions, including no wooden pole, no vegetation removal (scar) as created by the installation of the demonstration pole, is used as the CEQA Baseline (“before” condition) for the assessment of potential impacts of the Proposed Project. The earliest available description of the Project Site’s biological environmental setting is that included in the Biological Assessment Services (BAS) April 14, 2009 letter report. As described in the 2009 BAS report the total area within the 32.18-acre Lazer parcel that was analyzed for purposes of the biological investigation included the areas affected by geologic testing, including an access path cleared from Pisgah Peak Road to the proposed monopole location. As such, the biological baseline conditions described below reflects site conditions as reported in 2009 following disturbance of the site related to geotechnical surveys.

The area surrounding the site is typical of the region, with steep hills dominated by mixed chaparral. The chaparral is dense, with few openings that allow herbaceous species to recruit. Among the dominant chaparral shrub species present are chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus berberidifolia*), laurel sumac (*Malosma laurina*), mountain mahogany (*Cercocarpus betuloides*), heart leaved keckiella (*Keckiella cordifolia*), silk-tassel bush (*Garrya veatchii*), and flowering ash (*Fraxinus dipetela*). Less woody clambering and shrubby species found among the chaparral include California buckwheat (*Eriogonum fasciculatum*), wild heliotrope (*Phacelia distans*), deerweed (*Lotus scoparius*), golden yarrow (*Eriophyllum*

confertiflorum), southern honeysuckle (*Lonicera subspicata*), dodder (*Cuscuta californica*), and butterweed (*Scencio douglasii*). Yucca (*Yucca whipplei*) is also prominent in this habitat. Pisgah Peak Road provides a continuous opening where some herbaceous plant species have become established. Dominant among the herbaceous and annual species present on the Project Site and access road are nonnative grasses such as red brome (*Bromus madritensis rubens*) and slender wild oats (*Avena barbata*). Other nonnative weedy species present in this habitat include short-podded mustard (*Hirschfeldia incana*), chickory (*Chicorium intybus*), and red-stemmed filaree (*Erodium cicutarium*). Native species present in the chaparral interstices (spaces) are diverse and include: California fescue (*Festuca californica*), chia (*Salvia columbariae*), common cryptantha (*Cryptantha intermedia*), twiggy wreathplant (*Stephanomeria vigata*), purple false-gilly flower (*Allophyllum divaracatum*), showy penstemon (*Penstemon speciosus*), Coulter's snapdragon (*Antirrhinum coulterianum*), splendid mariposa lily (*Calochortus splendens*), and golden bowl mariposa lily (*Calochortus concolor*).

4.2.3 Applicable Policies, Plans and Regulations

The Project Site is located within the planning limits of the County of San Bernardino General Plan and the Oak Glen Community Plan. Development is guided by the County of San Bernardino Development Code (SBDC). The Project Site is located within the Pisgah Peak Policy Area as identified in the County General Plan Open Space Overlay.

Applicable policies and regulations related to biological resources include Goals and Policies of the County's planning documents and Development Code, as listed below. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional or state habitat conservation plans that cover the Project Site or vicinity.

County of San Bernardino General Plan

Applicable policies and regulations related to land use include Goals and Policies of the County's planning documents, as listed below.

County of San Bernardino – Conservation Element

Goal CO 2: The County will maintain and enhance biological diversity and healthy ecosystems throughout the County.

Applicable Policies of Goal CO2

CO 2.3 In addition to conditions of approval that may be required for specific future development proposals, the County shall establish long-term comprehensive plans for the County's role in protection of native species because preservation and conservation of biological resources are statewide, Regional, and local issues that directly affect development rights. The conditions of approval and any land use application approved within the BR (Biotic Resources) overlay district shall incorporate the mitigation measures identified in the report required by

Section 82.13.030 (Application Requirements), to protect and preserve the habitats of the identified plants and/or animals.

CO 2.4 All discretionary approvals requiring mitigation measures for impacts to biological resources will include the condition that the mitigation measures be monitored and modified, if necessary, unless a finding is made that such monitoring is not feasible.

Goal M/CO 1 Preserve the unique environmental features of the Mountain Region including native wildlife, vegetation and scenic vistas.

Applicable Policies of Goal M/CO 1

M/CO 1.7 Encourage conservation and sound management of the mountain forest character and natural resources, including water, streams, vegetation, soils and wildlife. Require the planting of native or drought-tolerant cultivar species, capable of surviving the mountain environment and climate.

Goal M/CO 2 Maintain the health and vigor of the forest environment.

Applicable Policies of Goal M/CO 2

M/CO 2.3 Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion.

M/CO 2.7 Through the development review process, require replanting of ground cover in denuded areas with vegetation, either indigenous to the area or compatible with the montane climate and soil characteristics.

County of San Bernardino General Plan - Open Space Element

Goal OS 6 Improve and Preserve open space corridors throughout the County.

Applicable Policies of Goal OS 6

OS 6.1 Support and actively pursue an open space preservation and acquisition program which will create a linked system of both privately and publicly owned open space lands throughout the County.

OS 6.2 Use open space corridors to link natural areas.

County of San Bernardino Oak Glen Community Plan

Oak Glen Community Plan – Conservation Element

Goal OG/CO 1 Preserve the unique environmental features of Oak Glen including native wildlife, vegetation, and scenic vistas.

Applicable Policies of Goal OG/CO 1

OB/CO 1.1 The following areas are recognized as important open space areas that provide for wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to these corridors.

- a. Little San Gorgonio
- b. Pisgah Peak
- c. Wildwood Canyon State Park

Goal OG/CO 2 Maintain the health and vigor of the forest environment.

Applicable Policies of Goal OG/CO 2

OG/CO 2.3 Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion unless other landscaping or suitable agricultural crop is approved.

Goal OG/CO 4 Limit the removal of trees and other natural vegetation.

Applicable Policies of Goal OG/CO 4

OG/CO 4.2 Limit the removal of natural vegetation other than trees to that necessary for fire protection and development purposes in the hillside areas.

County of San Bernardino Development Code

Chapter 82.11 Biotic Resources (BR) Overlay

The Biotic Resources (BR) Overlay implements General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats, which have been identified within unincorporated areas of the County. The overlay applies to policy areas of the Open Space Overlay.

The Project Site is located within the Pisgah Peak Policy Area as identified in the General Plan Open Space Overlay. Per §82.11.030 of the Development Code, when a land use is proposed within the BR Overlay a biotic resources report must be prepared and must incorporate mitigation measures as required by §82.11.030 of the Development Code.

Chapter 88.01 Plant Protection and Management

Chapter 88.01 provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership.

The provisions of Chapter 88.01 apply to the removal or relocation of regulated trees or plants and to any encroachment (for example grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified (Development Code §88.01.020).

Per the Development Code, protected trees and plants in the mountain and valley regions include native trees and palm trees (applicability defined in §88.01.070(b)). Trees and plants identified in this section of the Development Code may only be removed with an approved permit issued in compliance with §88.01.050 of the Development Code.

4.2.4 Project Impact Analysis and Mitigation Measures

4.2.4.1 Thresholds of Significance

Significant impacts related to biological resources are determined from criteria stated within the CEQA Checklist. The Checklist identifies the primary thresholds of significance related to CEQA issues. Habitat, species identified as candidate sensitive or special status, and land use plans and policies relating to the protection of biological resources are addressed in the CEQA process to identify and evaluate potentially significant impacts that could result from implementation of a Proposed Project. A Proposed Project would have a significant effect on biological resources if it would:

- Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

4.2.4.2 Issues Identified to Have No Impact or a Less Than Significant Impact

The Proposed Project was determined to not have the potential to result in significant impacts in the issue areas listed below. A discussion of the issue, analysis of the potential for significant impacts, and a determination of no need for mitigation measures are provided for each CEQA topic as applicable.

Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

The Project is located on 38.12 acres of undeveloped land near the boundaries of the San Bernardino National Forest. The Project Site is entirely within the Pisgah Peak Open Space Policy Area which supports a diversity of wildlife species including large mammals. Per the Open Space Element of the General Plan, habitat values in the Policy Area should be maintained, potentially by consolidating public/private ownership to reduce the potential for destruction of habitat.

The project footprint is less than 350 square feet and includes the monopole with antenna, equipment building, and parking space. Additional permanent impacts to vegetation would occur on a 30-foot vegetation removal and thinning radius around the equipment building consistent with the requirements defined in SBDC §82.13.060(h) for fuel safety modification.

Biological investigations, consistent with Goal CO 2 and Policies CO 2.3 and CO 2.4 of the County General Plan and SBDC Chapter 82.11 were completed by BAS and Natural Resources Assessment, Inc. (NRAI). Biological Assessment Services conducted biological surveys on four separate occasions to determine if the Proposed Project would result in significant impacts to biological resources at the Project Site and along the access road. Biological Assessment Services made site visits on June 2, 2006; December 30, 2006; March 5, 2007; and August 10, 2007. Biological Assessment Services completed updates to the biological investigation in 2009 and 2010. Most recently, a biological survey was conducted in the Spring of 2015 and a General Biological Assessment report of the Project Site was completed by Natural Resources Assessment, Inc. in August 2015. All reports conclude that no native riparian vegetation or other sensitive natural community occurs on the Project Site. Vegetation at the Project Site is generally described as mixed chaparral with varying degrees of disturbance occurring near Pisgah Peak Road and along the ridgeline trail that would provide access to the equipment building and monopole with attached antenna.

Common shrub species recorded during the Spring 2015 survey included chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus bederidifolia*), hoary-leaved ceanothus (*Ceanothus crassifolius*), deerweed (*Lotus scoparius*), and California buckwheat (*Eriogonum fasciculatum*). Common wildflowers observed on the trail and in the mixed chaparral included slender buckwheat (*Eriogonum gracile*), chia (*Salvia mellifera*), caterpillar phacelia (*Phacelia cicutaira*), leafy fleabane (*Erigeron foliosus*), and bicolored lupine (*Lupinus foiosus*). Ruderal weedy species recorded along Pisgah Peak Road and the Project Site ridgeline trail included slender

wild oats (*Avena barbata*), red brome (*Bromus diandrus* ssp. *Rubens*), ripgut brome (*Bromus diandrus*), and short-pod mustard (*Hirschfeldia incanan*).

Per the findings of the biological investigations, no native riparian vegetation or other sensitive natural community identified in local or regional plans, policies, regulation, or by the CDFW or U.S. Fish and Wildlife Service occur at the Project Site and no mitigation measures are required.

Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?

No drainages, streams, or other waterways, and no wetland habitat were identified at the project site during the biological investigations. The biological assessment completed by NRAI in May 2015 included an evaluation for any jurisdictional waters that would be subject to the regulation of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or CDFW. The evaluation for each of the resource agencies is summarized as follows:

U.S. Army Corps of Engineers

The USACE regulates discharges of dredged or fill material into waters of the United States. These watersheds include wetlands and non-wetland bodies of water that meet specific criteria. The lateral limit of USACE jurisdiction extends to the Ordinary High Water Mark (OHWM) and to any wetland areas extending beyond the OHWM; thus, the maximum jurisdictional area is represented by the OHWM or wetland limit, whichever is greater.

USACE regulatory jurisdiction pursuant to Section 404 of the Clean Water Act is founded on a connection or nexus between the water body in question and interstate (waterway) commerce. This connection may be direct or through a tributary system linking a stream or channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the USACE regulations.

Biological assessments of the site document that no drainages, streams, or other waterways, and no wetland habitat occurs on the Project Site; there is no nexus for USACE jurisdiction.

Regional Water Quality Control Board

The USACE has delegated the authority for use of 404 permits to each individual state. The use of a 404 permit in California is regulated by the State Regional Water Quality Control Board under Section 401 of the Clean Water Act regulations. The RWQCB has authority to issue a 401 permit that allows the use of a 404 permit in the state, with the authority in the state being vested in regional offices.

Under the Porter-Cologne Act of 2003, (Act) the RWQCB has extended its responsibilities to include impacts to water quality from non-point source pollution.

In addition, the RQCB has the responsibility to require that projects address groundwater and quality issues, which would be evaluated as part of the geotechnical and hydrology studies. Their authority extends to all waters of the State (of California).

The Act identifies beneficial uses of waters of the state that the RWQCB use to evaluate jurisdiction. These beneficial uses (Bus) include: Warm Freshwater Habitat (WARM), Wildlife Habitat (WILD), Groundwater Recharge (GWR), Agricultural Supply (AGR), and Non-Contact Water Recreation (REC2) (which is limited by fencing), beneficial use of “rare, threatened or endangered species habitat,” Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), and Industrial Process Supply (PROC).

Biological assessments of the site document that no streams, creeks, or similar waterways that would come under the jurisdiction of the RWQCB occur at the Project Site.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW), through provision of the State of California Administrative Code, is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may adversely be affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water or historical evidence of flow. Lateral limits of jurisdiction are not clearly defined, but generally include any riparian resources associated with a stream or lake. CDFW regulates wetland areas only if those wetland are part of a river, stream or lake as defined by CDFW.

No drainages, streams, or other waterways, or wetland habitat that would come under the jurisdiction of the USACE, RWQCB, and CDFW occur at the Project Site. Implementation of the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impact would occur and therefore no mitigation measures are required.

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The Project Site is located entirely within the Pisgah Peak Open Space Area identified in the County of San Bernardino General Plan, as such; the biotic resources overlay requirements of the Development Code apply. Per the requirements of the Development Code §82.11.030 an updated biotic resources report was prepared by NRAI in August 2015.

The County of San Bernardino General Plan and the Oak Glen Community Plan include policies for the preservation of unique environmental features of the mountain region, (specifically Oak Glen) including native wildlife and vegetation. County policies as outlined above require re-vegetation of impacted areas related to development within the plan areas. Additionally, Chapter 88.01 of the San Bernardino County Development Code outlines provisions for plant protection and management in the unincorporated areas of the County. The Project Site is also

located within a fire safety overlay area, FS-1, as identified in the General Plan and is subject to fuel modification requirements.

Vegetation removal associated with implementation of the Proposed Project includes vegetation clearing for development of a ten-foot by ten-foot equipment building, a 10-foot by 20-foot single parking space/turnaround area, placement of the 43-foot monopole with attached antenna, and installation of approximately 650 linear feet (LF) of underground conduit from the monopole to Pisgah Peak Road. The underground conduit will be placed within a currently disturbed alignment; a portion of which was an existing trail prior to installation of the demonstration pole and other site modifications that occurred in 2010. A 30-foot radius fuel modification area around the equipment building and monopole is proposed. Vegetation within the inner 10-foot radius from the equipment building walls and monopole would be cleared and/or selectively thinned per the direction of the County Fire Department and coordinated through third-party biologist. Vegetation in the next 20-foot radius from the initial clearance area would be selectively thinned per the direction of the County Fire Department and coordinated through a third-party biologist.

A private underground utility run for power (as suggested by the City of Yucaipa) is proposed to be placed within Pisgah Peak Road for a length of 6,700 feet to serve the subject parcel. The utility run would begin at the point of services for the existing KRBQ tower located to the northeast. The underground utility would be within the disturbed area of Pisgah Peak Road and will not permanently impact any areas described as habitat.

Revegetation activities proposed as part of the project consistent with the County General Plan Goal M/CO 2 and Policy /CO 2.3 and with the Oak Glen Community Plan Goal OG/CO 2 and Policy OG/CO 2.3 include ...

Complete revegetation of the project site after the project is constructed. Landscape plans will be prepared under the direction of a biologist to restore the vegetation of areas that were effected by construction related activities or testing activities. Complete revegetation will not apply to areas within the fuel modification zones that are required around the monopole and the equipment building. The first 10 feet of the fuel modification area (closest to the monopole) will require only fire resistant plants, as shall be approved by the Fire Department.

Based on the results of the biological investigations completed to date, no impacts to protected plant species as described in SBDC §88.01.070(b) are identified to occur at the Project Site and no mitigation measures are required. Additionally, per SBDC §88.01.030(h) removal of vegetation as part of a fire hazard reduction program approved by the Fire Chief is exempt from the provisions of chapter 88.01: Plant Protection of the SBDC. Implementation of the Proposed Project would therefore be consistent with the County of San Bernardino policies and ordinances for the protection of plant resources. No conflicts are identified and no impacts are anticipated to occur; therefore, no mitigation measures are necessary.

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

The project site is not located within the plan area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Additionally, the site is not located within critical habitat as designated by the U.S. Fish and Wildlife Service. No land use conflict with existing management plans would occur and therefore no mitigation measures would be required.

Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The Oak Glen Community Plan Goal OG/CO 1 and Policy OG/CO 1.1 identify Pisgah Peak as an important open space area that provides for wildlife; movement and other important linkage values. Implementation of the project includes the development of approximately 350 square feet (antenna, equipment building, and parking) on a 38.12-acre private parcel. Operation of the antenna would constitute a passive land use; the antenna would be unmanned and access to the site would be limited to technical personnel, one to two times per month, for maintenance purposes. Access to the Project Site would be from Pisgah Peak Road, a private un-paved access road. There would be no direct vehicular access to the tower; maintenance personnel will access the tower and equipment building by foot from the parking space which would be adjacent to the unpaved access road.

As described in the NRAI General Biological Assessment report habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Wildlife movement is the temporal movement of species along various types of corridors. Wildlife corridors are especially important for connecting fragmented wildlife habitat areas.

Per NRAI's findings, the Proposed Project has been designed and sited in a manner that would not result in substantial habitat fragmentation, and would have no impact to wildlife movement on the ground. The Proposed Project would not significantly add to habitat fragmentation and would not impact wildlife corridors.

Additionally, as discussed in Section 4.4.4.3 of this Draft EIR, implementation of Mitigation Measure LU-1 would preclude future development within the 38.12-acre parcel. Implementation of Mitigation Measure LU-1 supports General Plan Goal OS 6 and Policies OS 6.1 and 6.2 to ensure the preservation of open space within San Bernardino County. Therefore, no future impacts to the Pisgah Peak Wildlife Corridor would occur as indirect impacts associated with the Proposed Project.

4.2.4.3 Issues Determined to Have Potentially Significant Impacts

The Proposed Project would potentially result in significant impacts as related to the CEQA issue areas listed below. The potential impacts specific to the Proposed Project are provided in a

numbered impact statement, followed by analysis, and recommended mitigation measures to reduce the impact to less than significant.

Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Impact BIO-1:

The Proposed Project would result in the construction of a 43-foot high monopole with antenna, a 10-foot by 10-foot equipment building, a 10-foot by 20-foot single parking space/turnaround area, installation of approximately 650 LF of underground conduit for radio transmission line, and approximately 6,700 feet of underground electric service from the existing KRBQ tower, along Pisgah Road to the Project Site. Construction of the Proposed Project and operation of the antenna may result in adverse effects to CDFW species of special concern including: Blainville's horned lizard, San Diego mountain kingsnake, and the northern red diamond rattle snake, as well as avian species protected under the California Fish and Game Code and the Migratory Bird Treaty Act.

The primary impact of project implementation would be ground disturbance associated with the installation of the monopole, construction of the equipment building, installation of the underground electrical supply line, and establishment and maintenance of the fuel modification zone. Additional impacts to vegetation would occur related to establishment of a fuel modification zone on the perimeter of the equipment building. Installation of approximately 650 LF of underground radio transmission lines from the monopole to the equipment building would not result in impacts to vegetation because this alignment was previously disturbed during the geotechnical surveying of the site and demonstration pole installation. As identified in the biological investigations, there are no sensitive habitat areas within the project disturbance area. The proposed 6,700 LF of electric service line would be installed underground in the existing Pisgah Peak Road right-of-way and would not disturb existing native vegetation.

As described in Chapter 3, various changes to the project siting and design have been made since the original Application submitted in 2007; the current Proposed Project has been designed to minimize disturbance to the natural landscape, existing vegetation and wildlife habitats to the maximum extent possible, consistent with SBDC Chapter 84.27.

Special Status Species

As reported in the August 2015 General Biological Assessment report, a literature review of the project area and vicinity was completed to identify special status species with the potential to occur at the Project Site and focus the field survey.

The U.S. Fish and Wildlife Service identified 28 federal resources of concern in the vicinity of the Project; the California Natural Diversity Database (CNDDDB) identified 78 resources for the Forest Falls 7.5 USGS topographic map (with some species occurring on both lists).

Federal Endangered Species Act resources identified by the U.S. Fish and Wildlife Service as known or expected to occur in the general region of the Project included southwestern willow flycatcher (*Empidonax traillii extimus*), San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*), and Santa Ana Sucker (*Catostomus santaanae*). Suitable habitat for these species was not recorded within the Project Site during the field surveys as documented in the August 2015 NRAI report. The species are not expected to occur on the Project Site and no impacts to these species are anticipated.

California Endangered species Act resources identified by the CDFW in the CNDDDB list included bald eagle (*Haliaeetus leucocephalus*), southern mountain yellow legged frog (*Rana mucosa*), southern rubber boa (*Charina umbratica*), Santa Ana River woollystar (*Eriastrum densifolium* spp. *sanctorum*), and slender-horned spineflower (*Dodecahema leptoceras*). Suitable habitat for these species was not recorded within the Project Site during the field surveys as documented in the August 2015 NRAI report. The species are not expected to occur on the Project Site and no impacts to these species are anticipated.

Additional resources identified in the CNDDDB list included species of special concern, fully protected species, watch list species (for plants), and species of no special status. The latter category of species is included in the CNDDDB list because they were observed and recorded on the Forest Falls 7.5 USGS topographic quadrangle, not because of a particular legal status. The complete list, including their probability of occurrence at the Project Site is identified in NRAI's report included in Appendix F of this EIR.

NRAI identified suitable habitat for three species of special concern as listed in the CNDDDB. NRAI concluded that Blainville's horned lizard (*Phrynosoma blainvillii*, coast horned lizard in previous BAS reports), San Diego mountain kingsnake (*Lampropeltis zonata pulchra*), and northern diamond rattlesnake (*Crotalus exsul*) are likely present at the Project Site and/or vicinity; and therefore, may be subject to impacts during construction activity. NRAI concurred with previous mitigation included in the Biological Assessment Services April 14, 2009 letter report and expanded the mitigation to include mountain kingsnake and northern diamond rattle snake. Possible adverse impacts to species of special concern have been identified or anticipated and Mitigation Measure BIO-1, as outlined below, is required as a condition of project approval to reduce this impact to a less than significant level.

Additionally NRAI identified suitable habitat with a low probability of occurrence for five plant species listed in the California Native Plant Society (CNPS) Inventory or Rare and Endangered Plants of California. The CNPS listed plants were not observed during the surveys; however, the plants were determined to be "potentially present" due to the presence of some suitable habitat. Potentially present plants included:

Species	CNPS List
Plummer's Mariposa Lily (<i>Calochortus plummerae</i>)	1B.2
Intermediate Mariposa Lily (<i>Calochortus weedii</i> var. <i>intermedius</i>)	1B.2
Johnston's bedstraw (<i>Galium johnstonii</i>)	4.3
Robinson's pepper-grass (<i>Lepidium vrginicum</i> ssp. <i>menziesii</i>)	4.3
Hall's monardella (<i>Monardella macrantha</i> ssp. <i>hallii</i>)	1B.3

None of these species were recorded to occur at the Project Site in the 2009 report and they were not recorded during the 2015 survey completed by NRAI. As such, NRAI concluded that impacts to general biological resources, including vegetation, are anticipated to be less than significant and no mitigation is required.

Migratory Bird Treaty Act

Raptors and all migratory bird species, whether listed or not, receive protection under the Migratory Bird Treaty Act (MBTA) of 1918. The MBTA prohibits individuals to kill, take, possess or sell any migratory bird or bird parts (including nests and eggs) except according to regulations prescribed by the Secretary of the Interior Department (16 U.S. Code 703).

NRAI found that the Project Site supports suitable nesting habitat for shrub nesting bird species. Very little habitat occurs for ground or tree nesting bird species and no suitable nesting habitat for raptors occurs on the site. Ground disturbing activities, including permanent vegetation clearing of approximately 350 square-feet, and impacts to vegetation related to the fuel modification zone and installation of 650 LF of underground radio transmission lines have the potential to impact shrub nesting bird species protected under the provisions of the MBTA. This is a possible adverse impact and Mitigation Measure BIO-2, as outline below, is recommended to reduce this impact to a less than significant level.

Avian Collision Impacts

The Proposed Mitigated Negative Declaration, prepared by San Bernardino County in October 2011 included analysis of potential impacts to avian species related to the proposed antenna based on Travis Longcore, Ph.D. et al. report titled - *Scientific Basis to Establish Policy Regulation Communications Towers to Protect Migratory Birds*. Evidence presented in the Longcore paper leads to the conclusion that the four factors that increase avian mortality from tower strikes are: (1) tower placement on the topography, (2) tower height, (3) lighting, and (4) guy wires. Tower placement on ridgelines and peaks kill more migratory birds than those not placed on ridgelines or peaks. Tall towers, especially those over 500 feet kill more birds than shorter towers. Lighted towers, especially those with continuous lights, kill more birds than towers with strobe lights or unlighted towers. Towers with guy wires kill more birds than towers without guy wires.

NRAI evaluated the potential for avian collision, including bats, by comparing the proposed project to available literature on the issue including studies conducted at the Altamont Pass and Tehachapi Pass and guidelines and practices published by the Avian Power Line Interaction Committee (APLIC). The APLIC is a committee formed by biologists from the utility industry,

U.S. Fish and Wildlife Service, and the National Audubon Society. In 1996, APLIC produced guidelines and practices for minimizing bird electrocutions and collisions; the guidelines provide methods for monitoring and assessment, as well as mitigation measures to minimize bird mortality associated with utility structures.

Recommendations made by the APLIC state that "... service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.) Such towers should be unlighted if Federal Aviation Administration regulations permit." Based on these recommendations NRAI found that the proposed 43-foot monopole with attached antenna complies with the design requirements and siting criteria for minimizing impacts related to avian collisions. NRAI concurred with Biological Assessment Services, April 14, 2009 recommendation that the U.S. Fish and Wildlife Service's "Service Interim Guidelines for Recommendations on Communication Tower Siting, Construction, Operation, and Decommissioning" should be implemented during Project construction, operation and decommissioning. This recommendation is included as Mitigation Measure BIO-3.

The Proposed Mitigated Negative Declaration adopted by the County of San Bernardino in November 2012 included mitigation for the monitoring of avian mortality; this will remain a Condition of Approval.

NRAI found that changes to the tower design including the change from a lattice tower to a wooden pole, and subsequent shortening of the proposed monopole from 100-foot tall to 43-foot tall, along with implementation of the interim guidelines, reduces avian collision impacts to below a level of significance.

Mitigation Measures

Mitigation Measure BIO-1:

Biology Monitoring: In order to reduce or eliminate direct mortality to Blainville's horned lizard, San Diego mountain kingsnake, and the northern red diamond rattlesnake during construction, a biologist will pre-survey the construction site and access road each day prior to the start of work and periodically throughout the day during construction. These or other wildlife incidentally observed, found to be in harm's way, will be relocated to a safe place.

Level of Significance After Mitigation:

Implementation of Mitigation Measure BIO-1 would reduce potential impacts to species of special concern to a less than significant level.

Mitigation Measures BIO-2:

Nesting Bird Surveys: If construction is scheduled during bird nesting seasons (February 1 to August 31), a qualified biologist shall survey the area within 200 feet (or up to 300 feet depending on topography or other factors and 500 feet for raptors) of the construction

activity to determine if construction would disturbing nesting birds. If observed in the Project impact area, occupied nest shall not be disturbed unless a qualified biologist verifies through non-invasive methods that either: (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is not able to verify one of the above conditions, then no disturbance shall occur within 300 feet of non-raptor nests, and within 500 feet of raptor nests, during the breeding season so as to avoid abandonment of the young (CDFW 2012b). This mitigation measure does not apply if construction occurs during the non-nesting season, September 1 through January 31.

Level of Significance After Mitigation:

Implementation of Mitigation Measure BIO-2 would reduce potential impacts to birds protected under the Migratory Bird Treaty Act of 1918 to a less than significant level.

Mitigation Measures BIO-3:

The proposed project meets all four criteria for reducing avian mortality as recommended in the Longcore report. The proposed monopole is not proposed to be located on a peak or ridgeline; at 43 feet, it would be below the County Development Code standard and below the APLIC recommendations; it would not be lighted; and there would be no supporting guy wires.

Level of Significance After Mitigation:

Implementation of Mitigation Measure BIO-3 would reduce potential impacts related to bird collisions to a level less than significant.

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4.3 GEOLOGY AND SOILS

4.3.1 Introduction

This section of the EIR describes the existing Project Site conditions related to geology and soils. The Proposed Project's potential impacts in these areas are discussed and mitigation measures are provided for impacts determined to be potentially significant. Except as noted in the text, information contained within this section has been directly extracted, summarized, or restated from the October 2011 County-prepared Initial Study/Mitigated Negative Declaration, supplemented with information from the *Geotechnical Investigation Proposed Tower Broadcast Facility, Pisgah Peak, APN 325-011-019, San Bernardino County, California*, prepared by Southern California Geotechnical, February 7, 2007 (see Appendix G). The report was completed for a larger scale project that included a 250 square-foot structure and a 100-foot tall tower. Since the preparation of the initial report, the Proposed Project has been redesigned and Memorandum Reviews/Updates to the Geotechnical Investigation have been prepared in 2009 and 2010 (see Appendix G). The updates included the review of a 43-foot tall lattice tower, a 100 square-foot single-story equipment building and a parking space.

4.3.2 Environmental Setting

The 38.12-acre Project Site is located in the unincorporated portion of San Bernardino County in the Oak Glen Planning Area. Specifically, the Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of Wildwood Canyon Road. The geographic coordinate location of the Project Site is 34°01'38.13" north latitude and -116°58'36.32" west longitude and it is located in Section 3 (Northwest ¼), Township 2 South, Range 4 West, San Bernardino Base and Meridian.

Geologically, the Project Site is located in the San Bernardino Valley - a structural basin of the northern Peninsular Ranges geomorphic province. The San Bernardino Valley is formed by a structurally down-dropped block of crystalline bedrock overlain by a thick accumulation of alluvium composed of floodplain and alluvial-fan deposits derived from highlands located to the south, east, north and northwest. The valley is bordered to the north and east by the northwest-to-southeast-trending San Andreas fault and the San Bernardino Mountains. The San Jacinto fault zone, located southwest of the Project Site, forms the boundary between two low-relief regions; the Perris Block and the San Jacinto Mountains Block (Morton and Miller, 2006).

Geologic Structure and Seismic Setting

Regionally, the Project Site is located in a zone that straddles the Peninsular and Transverse geomorphic provinces. The Peninsular Range province is characterized by northwest/southeast trending alignments of mountains, hills and intervening basins (known as badlands), reflecting the influence of northwest trending major faults and folds, such as the nearby San Jacinto and Elsinore fault zones. These faults control the general geologic structural fabric of the region. This province extends northwesterly from Baja California into the Los Angeles basin and Western San Bernardino County. Its western and eastern extents are the Southern California offshore islands and Mojave Desert, respectively. The northern boundary of the province is the

Transverse Ranges. The Transverse Ranges geomorphic province is characterized by east-west-trending mountain ranges that include the San Gabriel and San Bernardino Mountains. The eastern boundary of the province is the Colorado Desert geomorphic province along the San Jacinto fault system.

The San Bernardino area is a region of large-scale neo-tectonism, a result of the intersection of the east-west-trending Transverse Ranges Province represented by the San Bernardino Mountains and the northwest-trending Peninsular Ranges Province. The San Bernardino Valley is a structural depression between the San Jacinto Fault on the west and the San Bernardino Mountains on the north and northeast. The San Andreas Fault is located at the base of the San Bernardino Mountains.

Earthquake History

No large earthquakes have occurred on the San Bernardino Mountains segment of the San Andreas fault within the regional historical time frame. Using dendrochronological (tree ring) evidence, Jacoby and others (1987) inferred that a great earthquake on December 8, 1812 ruptured the northern reaches of this segment. Recent trenching studies have revealed evidence of rupture on the San Andreas fault at Wrightwood occurred within this time frame (Fumal and others, 1993). Comparison of rupture events at the Wrightwood site and Pallett Creek and analysis of reported intensities at the coastal missions led Fumal and others (1993) to conclude that the December 8, 1812 event ruptured the San Bernardino Mountains segment of the San Andreas fault largely to the southeast of Wrightwood, possibly extending into the San Bernardino Valley. The average recurrence interval for large earthquakes along the southern San Andreas fault at six paleoseismic sites is 182 years (Stone and others, 2002).

Active Faults

San Jacinto Fault Zone:

The active San Jacinto fault zone, considered one of the most seismically active faults in Southern California, is located approximately 15 miles southwest of the Project Site. This fault zone includes several segments (or en echelon branches) and displays many features characteristic of recent activity such as fault line scarps, sag ponds, and groundwater barriers. Historically, the San Jacinto fault zone has triggered a number of small to moderate-sized earthquakes and at least four large tremors of local magnitudes greater than 6.0. These four tremors were the Imperial Valley earthquake of May 18, 1940 (local magnitude of 7.1), the Borrego Mountain earthquake of April 9, 1968 (local magnitude of 6.5), and the November 23 and 24, 1987 Westmorland earthquakes (respective local magnitudes of 6.0 and 6.3). The Imperial Valley and the Borrego Mountain earthquakes occurred on the Imperial fault and the Coyote Creek fault, respectively, which are both considered to be part of the San Jacinto fault zone. The Westmorland earthquakes resulted from movement on the Superstition Hills fault, which is considered to be part of the San Jacinto fault zone. The California Geological Survey (2003) has assigned a maximum moment magnitude of 6.6 to 7.2 to these segments of the San Jacinto fault zone.

San Andreas Fault Zone:

The active San Andreas fault zone is located about 2 ½ miles north of the Project Site. This fault zone, California's most prominent geological feature, trends generally northwest for almost the entire length of the state. The 1857 Fort Tejon earthquake was the last major earthquake along the Andreas fault zone in Southern California. According to the California Geological Survey, the San Bernardino North Section of the San Andreas fault has a slip rate of 22 millimeters a year and a maximum moment magnitude of 7.5.

Site Conditions

Site grades range from an elevation of 4,500 feet mean sea level (msl) at Pisgah Peak Road on the eastern property line to an elevation of 3,850 feet msl at a point on the western property line. The topography of the parcel is dominated by two ridges. The northernmost ridge trends roughly east-west with inclinations as steep as 1.5 horizontal to 1 vertical (1.5h:1v) and the southernmost ridge trends northeast-southwest with inclinations of 2h:1v).

Geotechnical Conditions

The 2007 subsurface exploration conducted for the Proposed Project consisted of three (3) borings advanced to depths between 25 and 30 feet below the currently existing grades the Project Site. Colluvial soils were encountered at the ground surface at all of the boring locations, and consist of medium dense to dense silty fine sands and fine to medium sands with some bedrock fragments and extends to depths of 1.5 to 6.5 feet below the existing ground surface.

Underlying the colluvial soils, bedrock was encountered at all of the boring locations, and consisted of weakly foliated, fine and medium grained, gneiss. The bedrock units was friable, highly weathered with some iron oxide staining, generally dense to very dense, with occasional medium dense bedrock down to a depth of 4.5 feet and fractured with some jointing extending to the maximum depth explored to 30 plus feet.

Groundwater

Free water was not encountered during drilling of the borings. In addition, delayed readings taken within the open boreholes did not identify any free water. Based on the lack of any water within the borings, and the moisture contents of the recovered soil samples, the static groundwater table is considered to have existed at a depth in excess of 30 plus feet at the time of the subsurface exploration.

Liquefaction and Seismically-Induced Settlement

Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of about 50-feet or less. Liquefaction potential decreases as grain size and clay and gravel content increase. As ground acceleration and shaking duration increase during an earthquake, liquefaction potential increases. Based on the groundwater data summarized above, the historical maximum high groundwater level for the area is conservatively estimated to be deeper than 30 plus feet below ground surface. As a result of the lack of shallow

groundwater and the presence of shallow dense bedrock, liquefaction and seismically-induced settlement are not expected.

Slope Stability

The site is located within the Geologic Hazard Overlay District designated by San Bernardino County to include areas of potential slope instability. No landslides have been previously mapped onsite and no evidence of landsliding was observed during the 2007 geotechnical investigation. The presence of shallow bedrock suggests the potential for landsliding is low.

4.3.3 Applicable Policies, Plans and Regulations

State

Seismic Hazards Mapping Act

The California Geological Survey (CGS) provides guidance with regard to seismic hazards under the Seismic Hazards Mapping Act. Seismic hazard zones are identified and mapped by the CGS to assist local governments in land use planning. The intent of the Act is to protect the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes. In addition, CGS Special Publication 117, Guidelines for Evaluating and Mitigating Seismic Hazards in California, provides guidance for the evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigations. CGS has not completed any Seismic Hazards Maps in the vicinity of the site.

California Building Code (Title 24)

Title 24 of the California Code of Regulations (CCR) governs the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards. CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies, related features, and equipment throughout the State of California. The California Building Standards Code contains structural, mechanical, electrical, and plumbing system requirements and requires measures for energy conservation, green design, construction and maintenance, fire and life safety, and accessibility. Title 24 was last updated for 2013.

Cities and Counties are required by state law to enforce CCR Title 24. Due to varying local climatic, geological, and topographic conditions, city and county agencies have the prerogative of adopting requirements more restrictive than those provided for by CCR Title 24. An adoption of building standards differing from those established in CCR Title 24 must be filed with the California Building Standards Commission along with a finding of need statement. Additionally, cities and counties may adopt ordinances that require fire suppression sprinkler systems and other fire protections that are more restrictive than those found in CCR Title 24.

County of San Bernardino General Plan

The Safety Element of the General Plan provides decision makers with the information necessary to evaluate the nature of a given hazard and possible courses of action. This element identifies various hazards, where they exist, who is managing them, the probability of the hazards occurring, and the severity of the hazards should they occur.

Goal S 6. The County will protect residents from natural and manmade hazards.

Policies:

- S 6.1 Require development on hillsides to be sited in such a manner that minimizes the extent of topographic alteration required to minimize erosion, to maintain slope stability, and to reduce the potential for offsite sediment transport.
- S 6.2 Utilize the Hazard and Resources Overlay Maps to identify areas suitable or required for retention as open space. Resources and issues identified on the Overlays which indicate open space as an appropriate use may include: flood, fire, geologic, aviation, noise, cultural, prime soils, biological, scenic resources, minerals, agricultural preserves, utility corridors, water supply, and water recharge.
- S 6.3 Because public health and safety can be protected through the use of open space, the County may maintain open space where flood, fire, geologic, seismic hazards, noise, or other conditions endanger public health and safety.

Goal S 7. The County will minimize exposure to hazards and structural damage from geologic and seismic conditions.

Policies:

- S 7.1 Strive to mitigate the risks from geologic hazards through a combination of engineering, construction, land use, and development standards.**

Programs

1. Consider the formation of Geologic Hazard Abatement Districts as authorized by Public Resources Code Section 26500 et seq., where existing or proposed development is threatened by such hazards and prevention, mitigation, abatement or control of a geologic hazard is deemed feasible.
2. Require sites to be developed and all structures designed in accordance with recommendations contained in any required geotechnical or geologic reports, through conditioning, construction plans, and field inspections.
3. Require that all recommended mitigation measures be clearly indicated on all grading and construction plans.

4. Require all facilities to meet appropriate geologic hazard specifications as determined by the County Geologist for discretionary and ministerial authorizations.
5. Because of the potential for displacement along faults not classified as active, the County will reserve the right to require site-specific geotechnical analysis and mitigation for development located contiguous to potentially active faults, if deemed necessary by the County Geologist.

S 7.6 Protect life and property from risks resulting from landslide, especially in San Bernardino and San Gabriel Mountains that have high landslide potential.

Programs

1. Require that a stability analysis be required in Landslide Hazard areas designated “Generally Susceptible” and “Most Susceptible” on the Hazards Overlay Maps and where required by the County Geologist.
2. Require site development and construction comply with soil and geologic investigation report recommendations.
3. Apply the Land Use Compatibility Chart in Landslide Susceptibility Zones (Table S-4) when reviewing all discretionary and ministerial applications.
4. Fund and prepare a land use plan that is in conformance with the Land Use Compatibility Chart in Landslide Susceptibility Zones in Wrightwood and other designated high landslide hazard areas as they are identified.
5. Restrict avoidable alteration of the land that is likely to increase the hazard within areas of demonstrated or potential landslide hazard, including concentrations of water through drainage or septic systems, removal of vegetative cover, steepening of slopes, and undercutting the base of a slope.
6. Restrict grading to minimal amounts necessary to provide access and require grading permits to have an approved site plan that conforms to the recommendations of any required geologic investigation.

4.3.4 Project Impact Analysis and Mitigation Measures

The impact analyses provided below are based on baseline and Proposed Project conditions for determining impacts related to geology and soils.

4.3.4.1 Thresholds of Significance

Significant impacts related to Geology and Soils are determined from criteria stated with the CEQA Checklist. The Checklist identifies the primary thresholds of significance relating to CEQA issues. Potential impacts related to local or on-site geological and soil conditions are

addressed in the CEQA process to identify and evaluate possible impacts that could potentially result from implementation of the Proposed Project. The Proposed Project would have a significant effect if it would:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - Strong seismic ground shaking
 - Seismic-related ground failure, including liquefaction
 - Landslides
- b) Result in substantial soil erosion or the loss of topsoil.
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

4.3.4.2 Impacts Determined to Have No Impact or Less Than Significant Impact

The Proposed Project was determined to not have the potential to result in significant impacts in the issue areas listed below. For each issue, an explanation of the impact and a determination of no need for mitigation measures is provided.

Be located on expansive soil, as defined in Table 18 1 B of the Uniform Building Code (1994), creating substantial risks to life or property.

The geotechnical investigation prepared for the Project Site concluded that on-site soils are considered non-expansive. Therefore, the potential for expansive soils impacting the Proposed Project is considered to be less than significant and no mitigation measures are required.

Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

The Proposed Project does not include the use of septic tanks or alternative wastewater disposal systems; therefore no impact would occur and not mitigation measures are required.

4.3.4.3 Issues Determined to Have Potentially Significant Impacts

Impact GS-1:

The Proposed Project is located within the Geologic Hazard Overlay District designated by San Bernardino County to include areas suspected to have a potential for slope instability. This could be a potentially significant impact.

The subsurface conditions in the area of the proposed equipment building consist of surficial colluvial soils, underlain by dense to very dense bedrock. The Project Site occurs within the Geologic Hazard Overlay District and is mapped as having a low-to-moderate potential for landslides. No landslides have been previously mapped onsite and no evidence of landsliding was observed during the 2007 geotechnical investigation, or subsequent updates. The presence of shallow bedrock suggests the potential for landsliding is low.

The Geotechnical investigation and updates prepared for the Project concluded that based on the results of field exploration, laboratory testing and geotechnical analysis, the Proposed Project is considered feasible from a geotechnical standpoint provided that recommendations included in the 2007 Geotechnical Investigation are implemented. The following mitigation measures will also be implemented.

Mitigation Measures:

Mitigation Measure GS-1:

Prior to issuance of grading and/or building permits for the Proposed Project, the Project Proponent shall submit a Geologic Investigation Report and an Updated Geotechnical Report. Recommendations included in all geologic and geotechnical reports prepared for the Proposed Project shall be implemented.

Mitigation Measure GS-2:

The proposed development shall be completed in accordance with the requirements of the latest edition of the California Building Code as well as the recommendations included within the geologic investigation report and updated geotechnical report required prior to issuance of grading and/or building permits.

Level of Significance After Mitigation

Implementation of the above mitigation measures GS-1 through GS-2 would ensure that impacts associated with geological and geotechnical hazards would be less than significant pursuant to the significance criteria set forth by CEQA.

Impact GS-2:

The Proposed Project is located in close proximity (within approximately 5 miles) of the San Andreas Fault system and would be subject to strong ground shaking. This could be a potentially significant impact.

Research of available maps indicates that the Project Site is not located within an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture at the site is considered to be low.

However, the Project site is located in an area that is subject to strong ground motions due to earthquakes. Numerous faults capable of producing significant ground motions are located near the Project site. Due to economic considerations, it is not generally considered reasonable to design a structure that is not susceptible to earthquake damage. Thus, significant damage to structures may be unavoidable during large earthquakes. The proposed structures should be designed to resist structural collapse and thereby provide reasonable protection from serious injury.

Mitigation Measure GS-3:

To ensure the structural safety of the Proposed Project in the event of an earthquake, the Proposed Project shall be designed and constructed in accordance with the seismic design requirements of the latest edition of the California Building Code.

Level of Significance After Implementation

Implementation of the above Mitigation Measure GS-3 would ensure impacts from strong ground shaking are reduced to a less than significant level.

Impact GS-3:

The Proposed Project would involve grading and utility trench excavation, resulting in the potential for increased soil erosion. This is a potentially significant impact.

During construction, development of the Project Site would involve grading and filling activities that can leave soils vulnerable to wind and water erosion. The Project Site is predominately underlain with granular soils. Based on the granular content, on-site soils would be susceptible to erosion and caving. Soils left bare during construction activities can erode due to high wind speeds or the presence of swiftly moving water.

The primary impact of project implementation would be ground disturbance associated with the installation of the monopole, the equipment building, the electrical supply line, and the fuel modification zone (approximately 350 square-feet). The 6,700-foot linear portion of the Project would disturb approximately 1.22 acres; this includes an 8-foot wide area of disturbance along the 6,700 linear foot utility trench, and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements, specifically must obtain coverage

under the Construction General Permit Order 2009-0009-DWQ as amended by Order 2012-0006 DWQ and Order 2010-0014 DWQ. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The purpose of a SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction.

The RWQCB has issued an area-wide NPDES Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District, and the incorporated cities of San Bernardino County. The County of San Bernardino then requires implementation of measures for a project to comply with the area-wide permit requirements. A SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include (BMPs) to prevent project-related pollutants from impacting surface waters. These would include, but are not limited to the use of hay bales or sand bags to control erosion during the rainy season.

In addition to complying with NPDES requirements, the County of San Bernardino also requires the preparation of a Water Quality Management Plan (WQMP) for development projects that fall within one of eight project categories established by the RWQCB. Since the Proposed Project would result in a hillside development of 5,000 square feet or more and is in an area with known erosion soil conditions and where natural slopes are 25 percent or more, it is considered a Category project. Development of the Proposed Project, including the electrical service in Pisgah Peak Road, would result in a total disturbed area of approximately 1.64 acres. As part of the WQMP, all Category projects must identify any hydrologic condition of concern that would be caused by the project, and implement site design, source control, and/or treatment control BMPs to address identified impacts. To ensure potential impacts are reduced to a less than significant impact, the following mitigation measures shall be implemented.

The Project Site is predominately underlain with granular soils. Based on the granular content, on-site soils would be susceptible to erosion and caving. Soils left bare during construction activities can erode due to high wind speeds or the presence of swiftly moving water. With placement of the demonstration pole, portions of the vegetation were removed. Erosion of soils has occurred within the "scarred" area (post baseline conditions); a demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. To ensure these detrimental effects are minimized, mitigation measures would be implemented to control off-site migration of soils. In addition, as part of the NPDES, a storm water management plan would be required delineating the methods used to control the erosion process on-site and the types of containment structures that would be used to control eroding soils such as sand bags or hay bales. The NPDES permit process causes developers or contractors to reduce, to the extent practical, the discharge of pollutants into water bodies by using Best Management Practices (BMPs). Compliance with

NPDES permitting process requires storm water quality management to be considered during a project's planning phase and to be implemented during construction. A SWPPP would be prepared to identify structural and non-structural controls using BMPs to avoid storm water effluence.

After construction, erosion potential would be expected to be minimal with the implementation of BMPs and landscaping. However, to ensure the level of the Proposed Project's potentially significant impacts is reduced, mitigation measures shall be implemented.

Mitigation Measures:**Mitigation Measure GS-4:**

All on-site excavation activities shall be conducted in accordance with Cal-OSHA regulations. Adequate moisture content shall be maintained within the removed and recompacted fill soils to improve stability.

Mitigation Measure GS-5:

A National Pollutant Discharge Elimination System permit shall be obtained before construction is started. In addition, a Water Quality Management Plan and Storm Water Pollution Prevention Program must be submitted to the County and shall show how storm waters will be controlled through Best Management Practices to avoid off-site sedimentation.

Level of Significance After Implementation

Implementation of the above Mitigation Measures GS-4 through GS-5 would ensure impacts to soils or the loss of topsoil would be less than significant.

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4.4 FIRE SAFETY HAZARDS

4.4.1 Introduction

This section of the EIR focuses on potential wildfires and lighting strike hazards that currently exist in the area surrounding the Project Site, or that could exist as a result of the Proposed Project. Information about existing conditions was derived from site visits, and a review of the County of San Bernardino General Plan and Oak Glen Community Plan. The analysis included herein has been subject to a third-party review conducted on behalf of the County of San Bernardino – “Review of Lazer Broadcasting Facility - Fire Protection Analysis for San Bernardino County”, prepared by Don Oaks, dated May 13, 2016 (see Appendix H).

4.4.2 Environmental Setting

The Project Site is situated in the steep foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The site is located on a west facing slope below the ridgeline, and is currently vacant; a demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. The site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The Project Site contains slopes greater than 30 percent and is dominated by mixed chaparral.

4.4.3 Applicable Policies, Plans, and Regulations

The Proposed Project includes approval of a major variance to the Fire Safety Overlay to reduce the required fuel modification zone from 100 feet to 30 feet around the equipment building. The Proposed Project does not include the use or transport of any materials considered hazardous or hazardous waste. The analysis presented herein is therefore focused on the potential safety hazards to the public from loss of life or property from fire hazards that could result from the Proposed Project. The Ruling on Petition for Writ of Mandate includes the requirement for an EIR discussion of the Proposed Project’s fuel modification and fire vehicle access.

County of San Bernardino General Plan

The Public Health and Safety Element of the General Plan provides decision makers with the information necessary to evaluate the nature of a given hazard and possible courses of action. This element identifies various hazards, where they exist, who is managing them, the probability of the hazards occurring, and the severity of the hazards should they occur. Guiding and implementing policies of the General Plan related to fire and wildfires are listed below.

Goal S 3. The County will protect its residents and visitors from injury and loss of life and protect property from fires.

Policies

S 3.2 The County will endeavor to prevent wildfires and continue to provide public safety from wildfire hazards.

- S 3.3 Minimize the fire hazard posed by expanding development in wildland/urban intermix areas.

Programs

1. Apply the regulations of the Fire Safety Overlay Ordinance, as found in the Development Code; to all County areas subject to wildland/urban intermix fire hazards including all mountain and foothill areas.

- S 3.4 Identify and map all such areas on a continuous basis, amending the Fire Hazard Overlay maps where needed.

- S 3.5 Evaluate the Fire Hazard Overlay Ordinance regularly and revise when necessary to reflect the most current fire-safe building and development techniques and standards (e.g., provision of life safety fire sprinklers in new construction of dwelling units).

- Goal S 9. The County's emergency evacuation routes will quickly and efficiently evacuate all residents in the event of wildland fires and other natural disasters, and will ensure adequate access of emergency vehicles to all communities.

Policies

- S 9.1 Maintain projected emergency access needs in the periodic review of the County's Hazard Mitigation Plan.

Programs

1. The Office of Emergency Services (OES), County Fire Department shall be responsible for the continued update of emergency evacuation plans for wildland fire incidents as an extension of the agency's responsibility for Hazard Mitigation Planning in San Bernardino County. OES shall update evacuation procedures in coordination with MAST and provide specific evacuation plans for the Mountain Region where route planning, early warning and agency coordination is most critical in ensuring proper execution of successful evacuations. OES will monitor population growth and evaluate road capacities and hazard conditions along evacuation corridors to prepare contingency plans to correspond to the location, direction and rate of spread of wildland fires.

- S 9.2 Ensure that future developments have no less than two points of access for emergency evacuation and for emergency vehicles, in the event of wildland fires and other natural disasters.

Programs

1. Require compliance with the provisions of the access standards of the Fire Safety Overlay, the Subdivision Design and Improvement Standards of the County Development

Code and, where applicable, Planned Unit and Planned Residential Development standards.

3. Through the provisions of the Fire Safety Overlay and the development review process, require projects to provide immediate vehicular access to the perimeter of structural development within projects adjacent and exposed to wildlands.

4. In areas with predominant natural slopes greater than 30 percent and in canyon mouths and ridge saddles. Access roads will be the shortest length feasible. Grading for roads will be the minimum necessary to provide adequate access.

Goal M/S 1. The County's emergency evacuation routes will quickly and efficiently evacuate all residents in the event of wildland fires and other natural disasters, and will ensure adequate access of emergency vehicles to all communities.

Policies

M/S 1.1 Designate the following roads and highways as evacuation routes in the in the Mountain Region: State Highways 2, 18, 38, 138, 189 and 330, and Mount Baldy Road.

Programs

1. The Office of Emergency Service (OES), County Fire Department shall be responsible for the continued update of emergency evacuation plans for wildland fire incidents as an extension of the agency's responsibility for Hazard Mitigation Planning in San Bernardino County. OES shall update evacuation procedures in coordination with MAST and provide specific evacuation plans for the Mountain Region where route planning, early warning and agency coordination is most critical in ensuring proper execution of successful evacuations. OES will monitor population growth and evaluate road capacities and hazard conditions along evacuation corridors to prepare contingency plans to correspond to the location, direction and rate of spread of wildland fires.

4.4.3.1 Oak Glen Community Plan (OGCP)

Background Information

- The entire Oak Glen community is within a hazardous fire zone due to the ruggedness of the terrain, the types and amounts of vegetation present, and the climatic factors (OGCP, pg 12).
- All development within the Oak Glen community plan area, in particular residential development, is limited by provisions of the Fire Safety Overlay. The maximum build-out potential is constrained substantially by the slope-density standards and fuel modification requirements of the Fire Safety Overlay (OGCP, pg 19).

- Oak Glen has a Fire Safe Council that is part of the Mountain Area Safety Taskforce; the mission of the council is to preserve and enhance Oak Glen's man-made and natural resources by providing leadership and support that mobilizes all residents to protect their homes, the community and the environment from wildfires (OGCP, pg 49)

Goals and Policies

Goal OG/CO 2. Maintain the health and vigor of the forest environment.

Policies:

OG/CO 2.3 Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion unless other landscaping or suitable agricultural crop is approved.

Goal OG/CO 4 Limit the removal of trees and other natural vegetation.

Policies:

OG/CO 4.2 Limit the removal of natural vegetation other than trees to that necessary for fire protection and development purposes in the hillside areas.

Goal OG/S 2 Ensure that emergency evacuation routes will adequately evacuate all residents and visitors in the event of a natural disaster.

Policies:

OG/S 2.2 Require access roads to be completed prior to development in outlying areas.

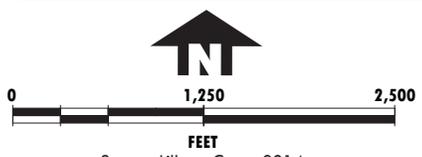
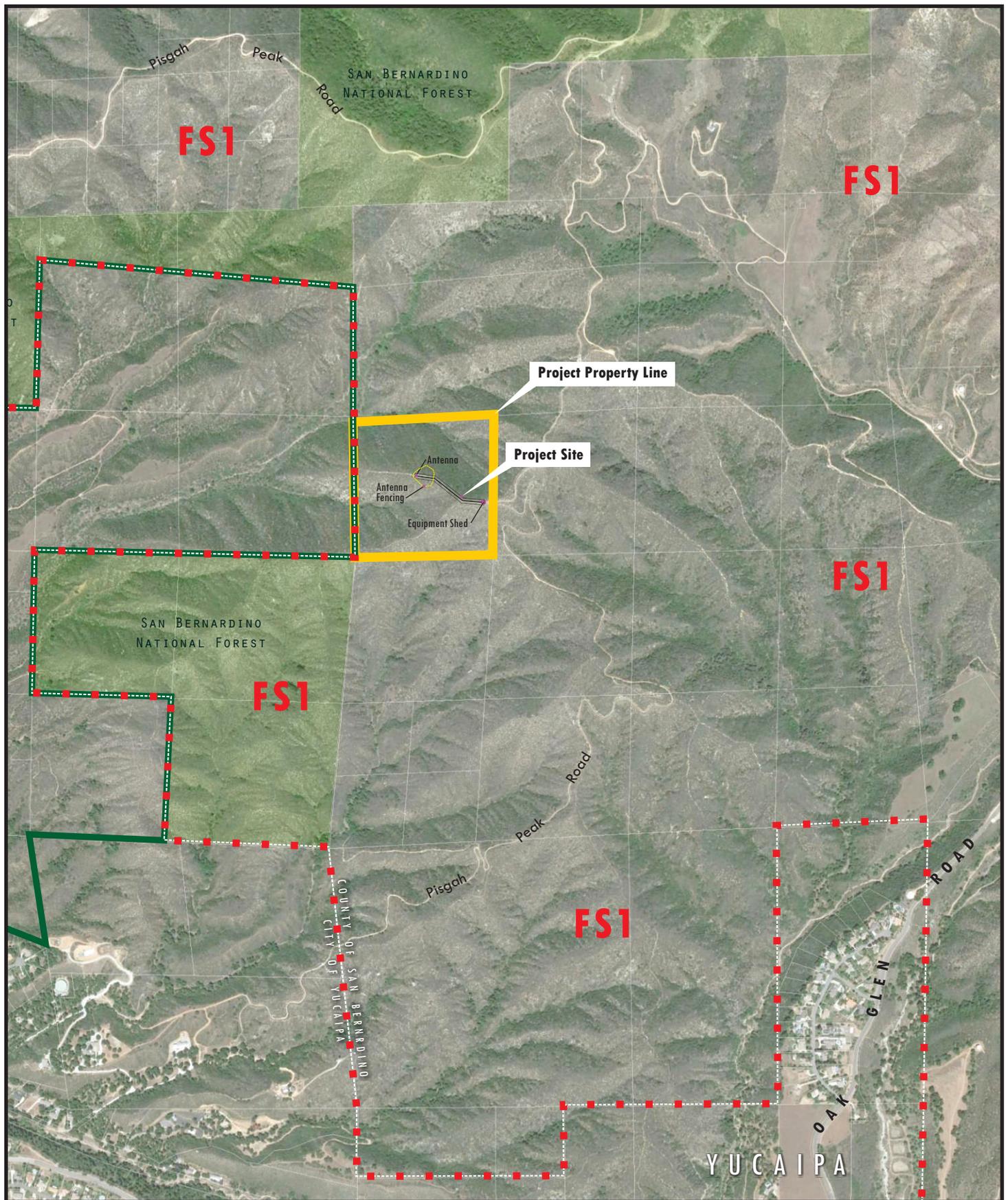
4.4.3.2 County of San Bernardino Development Code

Chapter 82.13 Fire Safety (FS) Overlay

The Fire Safety (FS) Overlay established by Sections 82.01.020 (Land Use Plan and Land Use Zoning Districts) and 82.01.030 (Overlays) is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas (see Figure 4.4-1 – Fire Safety Overlay Map).

Section 82.13.030 Fire Safety Areas

The FS Overlay is divided into three fire safety areas to correspond to distinct geographic areas and the associated wildfire hazard. The Project Site occurs within Fire Safety Area 1 (FS1). Fire Safety Area 1 (FS1) includes areas within the mountains and valley foothills. It includes all the land generally within the San Bernardino National Forest boundary and is characterized by areas with moderate and steep terrain and moderate to heavy fuel loading contributing to high fire hazard conditions.



Source: Lilburn Corp., 2014.
Aerial: 08/11/2014

LILBURN
CORPORATION

LEGEND

- Existing Lazer Broadcasting Property Line
- Wildwood Canyon State Park
- Yucaipa City Limits (shown as a white line)
- Fire Safety FS1 Zone Boundary

FIRE SAFETY OVERLAY MAP

Lazer Broadcasting - EIR
APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 4.4-1

Section 82.13.040 Application Requirements

The Proposed Project site is within the FS Overlay and is subject to review, comment and recommendations from the Fire Authority and the appropriate Natural Resource Conservation Service Office. Any recommendations received are indicated in a staff report and/or presentation for the proposed development and incorporated into project conditions of approval where possible.

Each land use and other project application is required to provide a slope analysis and a preliminary grading plan. However, a preliminary grading plan may be waived by the Director if it is determined that it is unnecessary due to site specific soils, topography or other physical conditions. The Proposed Project is also required to submit a fuel modification plan describing the fuel modification area as required in Subsection 82.15.060(b) 6. Final plans must be reviewed and approved by the responsible Fire Authority in conjunction with the County Fire Marshall.

Section 82.13.050 General Development Standards

The Proposed Project is required to comply with all other applicable standards required by the responsible Fire Authority including the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure).

Section 82.13.060 FS1, FS2, and FS3 Development Standards

The Proposed Project is subject to the following requirements:

- (b) Site Development requirements.
 - (1) **Site and emergency access.** Each development project and each development project phase, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress, designed to County road standards, with a minimum width of 26 feet of all-weather surface as defined in the California Fire Code, from existing and surrounding streets. The Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:
 - (A) Two points of nonemergency access are physically infeasible;
 - (B) Provisions have been made to reasonably ensure that the emergency access will be maintained; and
 - (C) Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.

(3) Fences

(B) Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.

(4) **Water supply:** Each development project shall provide six-inch or larger circulating (loop) water mains as required by the California Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the Fire Authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements shall be as specified by the California Fire Code.

(6) Fuel modification areas

(A) A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 82.13.040(f)(3) (Application Requirements – Fuel modification plans), above.

(7) **Setback requirements.** Each proposed structure shall comply with the following setback requirements as applicable, in addition to the setbacks required by the applicable primary land use zoning district, and the building separation requirements in Subsection C.

(D) Sloping site setbacks or fuel modification. Each structure proposed in an area with slopes exceeding 30 percent and 30 feet in height shall comply with the following requirements:

(I) Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or

100 feet, or to the property line, whichever distance is less for existing parcels or the distance prescribed by a fuel modification plan for new development.

- (II) Where grading is utilized that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure shall be set back at least 30 feet from the edges of the graded area adjacent to the natural ungraded slopes.

(10) Erosion and sediment control. Each development project, building permit, grading and any other significant land disturbing activity shall include the installation of erosion control measures in compliance with this Development Code.

(c) Building separation standards

The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

- (1) Building separation standards in FS1 and FS2 areas. In FS1 and FS2 areas, the following shall apply:
 - (A) Each building on a parcel shall have exterior wall separations of at least 30 feet except as modified by Subsection (C) below.
 - (C) When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;
 - (D) In compliance with Section 82.13.090 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in FS1 and FS2 areas:
 - (IV) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

(d) Building construction requirements

(2) Exterior doors. All exterior doors made of wood or wood portions shall be solid core wood.

(5) Roof coverings. Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.

(e) Perimeter access to fuel modified and fire hazard areas. Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 82.13.090 (Alternate Hazard Protection Measures).

(1) The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to firefighting equipment. The road shall be capable of supporting firefighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.

(2) Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.

(g) Additional requirements. Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the

modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.

- (h) **Unoccupied Structures.** At the discretion of the responsible Fire Authority, the fire safety development standards for projects located within a Fire Safety Overlay that only propose to construct unoccupied structures may be altered at the discretion of the responsible Fire Authority on a case-by-case basis without an approved variance.

82.13.080 Soil Erosion and Sediment Control Plans/Permits

This Section provides regulations and procedures for project planning, preparation of Soil Erosion and Sediment Control Plans, runoff control, land clearing, and winter operations in order to control existing and potential conditions of human induced accelerated erosion.

82.13.090 Alternative Hazard Protection Measures

This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement. Provisions of this section apply only to the standards and requirements of Subsection 82.13.060(c) (Building separation standards in FS1 and FS2 areas; Subsection 82.13.060(e) (Perimeter access to fuel modified and fire hazard areas); and Subsection 82.13.060(f) (Length of cul-de-sacs).

(c) Substitution of alternative measures for standards and requirements.

- (1) If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.
- (2) If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:
 - (A) The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.
 - (B) The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
 - (C) There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of

the site, or provide for a superior physical design, and are consistent with the intent of the FS Overlay.

4.4.4 Project Impact Analysis and Mitigation Measures

4.4.4.1 Thresholds of Significance

For purposes of this analysis, a significant impact would result if the project would:

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

4.4.4.2 Issues Determined to Have No Impact or Less Than Significant Impact

The Mitigated Negative Declaration/Initial Study prepared for the Proposed Project and approved by the Board of Supervisors in December, 2012, identified the CEQA threshold areas where no impacts or a less than significant impact would occur as being related to: the foreseeable upset or accident conditions involving the release of hazardous materials into the environment, hazardous emissions or handling of hazardous or acutely hazardous materials, or substances or waste generated or transported within one-quarter mile of an existing or proposed school. Furthermore, the Project Site was found to not be included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

The Project Site is not located within an airport land use plan and is not within two miles of a public airport or private airstrip. The nearest airports are the Banning Municipal Airport located approximately nine (9) miles southeast of the Project Site and the Redlands Airport located approximately ten (10) miles northwest of the Project Site. The Proposed Project would not create a safety hazard to people or aircraft. Therefore, no impacts would result.

No additional information was received during the public hearings to change the conclusions of the Mitigated Negative Declaration/Initial Study. The Ruling on Petition for Writ of Mandate was limited to providing a discussion of fire hazards.

Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The California Emergency Services Act requires the County to manage and coordinate the overall emergency and recovery activities within its jurisdictional boundaries. Policies within the County's General Plan including updates to the County's Emergency Plan as required by State law, would ensure the Proposed Project would not interfere with adopted policies and procedures. The Proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the Proposed

Project is in a relatively unpopulated area that would not require evacuation. No impact is anticipated; and therefore no additional discussion is warranted in this EIR.

4.4.4.3 Issues Determined to Have Potentially Significant Impacts

The Ruling on Petition for Writ of Mandate filed with the Superior Court of San Bernardino County - Central District on October 1, 2013 identified potential hazards associated with the Proposed Project that could potentially be significant thereby warranting additional analysis in an EIR. For each issue, the potential impact is provided in a numbered impact statement, followed by analysis, and mitigation measures if the impact is determined to remain significant after the analysis.

Impact HAZ-1:

The Project could increase the risk of wildfires by creating a new source of electricity and a 43-foot tall wooden monopole that could attract lightning during a storm event. This is a potentially significant impact.

Lightning is a powerful sudden flow of electricity (an electrostatic discharge) accompanied by thunder that occurs during an electric storm. The discharge will travel between the electrically charged regions within a thundercloud, between two clouds, or between a cloud and the ground surface. The charged regions within the atmosphere temporarily equalize themselves through a lightning flash, commonly referred to as a strike if it hits an object on the ground. There are three primary types of lightning; from a cloud to itself (intra-cloud or IC); from one cloud to another cloud (CC) and between a cloud and the ground (CG).

Cloud-to-ground lightning strikes usually originate from thunder clouds in the form of a leader, carrying negative charges traveling towards the Earth in a stepped fashion. This negative downward leader provokes upward-moving positive streamers from objects protruding from the ground (objects from the ground form intensified electric fields beneath the negative downward leader). The upward streamers may form into a positive leader, which then connects to the downward negative leader. The connection acts as a switch and forges a path for the negative charges to drain to the Earth. This type of lightning is referred to as negative lightning. Positive lightning (a leader carrying positive charges from a thunder cloud down towards the Earth) occurs on a less frequent basis, but consists of a higher level of energy.

Determining the most likely object to project the successful upward-bound leader will be crucial for the placement and protection of antenna towers. The physics of lightning show that upward streamers only occur when the local electric fields are very strong, and that curved conductive surfaces intensify any ambient electric fields. Elevated structures, such as antenna towers, provide these characteristics and produce the ideal environment to attract lightning. Therefore, it becomes apparent that proper lightning dissipation be designed into the towers, while considering factors that can diminish the probability of a direct lightning strike.

A total of 74,271 cloud-to-ground lightning flashes were measured in the State of California in 2012 by the National Lightning Detection network (NLDN). From 1997 to 2012 average flashes

for California were 84,490 per year. California is ranked number 47 out of 49 states (Alaska and Hawaii are not covered in the analysis), while Florida is ranked number 1 with 1,382,228 flashes per year ((National Oceanic and Atmospheric Administration (NOAA))).

Lightning may cause damage to property, structures, and may even cause death. Lightning tends to strike taller objects including towers. Buildings or tall structures hit by lightning may be damaged as the lightning seeks unintended paths to ground. By safely conducting a lightning strike to ground, a lightning protection system can greatly reduce the probability of severe property damage.

In electricity supply systems, including radio towers, an earthing system or grounding system is circuitry that connects parts of the electric circuit with the ground, thus defining the electric potential of the conductors relative to the Earth's conductive surface.

There are two types of earthing systems: the protective earth or equipment grounding conductor; and the functional earth connection. The equipment grounding conductor keeps the exposed conductive surfaces of a device at earth potential. To avoid possible voltage drop and to provide shock protection, no current is allowed to flow in the conductor under normal circumstances. In the event of a fault, current will flow that should trip or blow the fuse or circuit breaker protecting the circuit. A functional earth connection serves a purpose other than shock protection, and may normally carry current. The most important example of a functional earth connection is the neutral in an electrical supply system. It is a current-carrying conductor generally connected to earth, but not always, at only one point to avoid flow of currents through the earth. The United States National Electrical Code (NEC) calls it a grounded supply conductor to distinguish it from the equipment grounding conductor. Other examples of devices that use functional earth connections include surge suppressors and electromagnetic interference filters, certain antennas and measurement instruments. An earthing system is mainly used for these applications:

- To protect a structure from lightning strike, directing the lightning through the earthing system and into the ground rod rather than passing through the structure.
- Part of the safety system of mains electricity (*general-purpose alternating-current (AC) electric power supply*), preventing problems associated with floating ground and sky voltage.
- The most common ground plane for large monopole antenna and some other kinds of radio antenna.

In addition to appropriately grounding antennas, there are many products that protect wood poles from fire and collapsing and ultimately spreading wildfires. These products can generally be classified into one of three categories including: coatings, wraps or barriers. All three are designed to protect poles from fire, but they vary in application method, cost and function. Products that prevent future inspection and remedial treatment of the pole can be counter-productive. A fire retardant should possess the following characteristics to be considered effective:

- **Breathable:** An effective product should allow the wood pole to breath. Products that do not will may cause the pole to encapsulate moisture, promoting decay and subsequently decreasing the service life and safety of the pole.
- **Long-lasting:** The potential of the product to withstand multiple burns or to be easily repaired in the field makes it more cost-effective. Products that are only effective for one burn can be a cost-effective strategy when fire is imminent, but they will need to be replaced following an event or the pole will be vulnerable to the next fire.

Latex coating fire protection is breathable, repairable, and can withstand multiple burns.

Mitigation Measures

Mitigation Measure HAZ-1:

The Project Proponent shall install an earthing system during the installation of the monopole. An appropriate system shall be selected based on the standards set forth by the United States National Electrical Code (NEC) or National Fire Project Association (NFPA) 70¹. The County Building and Safety Officer shall inspect the system for compliance with these standards.

Mitigation Measure HAZ-2:

The Project Proponent shall apply a latex-based, fire protective coating to the monopole. The selected coating shall have high adhesion quality and provide long-term protection.

Mitigation Measure HAZ-3:

The existing monopole at the site shall be replaced with a new monopole that is free of the initial treatment of creosote or pentachlorophenol that is typically applied to wooden poles. These initial treatments may contain a preservative that could prevent the long-term adhesion of a latex base fire retardant.

Mitigation Measure HAZ-4:

The fuel modification area shall be inspected on a quarterly basis throughout the life of the project to ensure the initial clearing area is maintained. Upon inspection, appropriate trimming and clearing shall be initiated. In addition, any fuel sources at the base of the monopole shall be removed.

¹ The National Electrical Code (NEC) or National Fire Project Association (NFPA 70), is a regionally adoptable standard for the safe installation of electrical wiring and equipment in the United States.

Level of Significance After Mitigation

In the event of a lightning strike, the installation of an earthing system, application of fire protective coating, and maintenance within the fuel modification area would reduce the potential for wildfires in association with lightning strikes and the use of a wooden pole. Potential impacts from lightning and ultimately wildfires would be reduced to a less than significant level.

Impact HAZ-2:

The Project conflicts with the County Development Code 82.13.060 (e)(1), as it pertains to fire access within the Fire Safety Overlay (FS1). Requirements include a 20-foot wide and less than 14 percent in grade access road to facilitate the transportation of fire department vehicles. Access to the Project Site is from Pisgah Peak Road; a narrow road that contains steep grades that are greater than 14 percent. This is a potentially significant impact.

There is potential for a fire that starts at the Project Site to travel up Pisgah Peak and into the community of Oak Glen. Although a fuel modification zone is a part of the Proposed Project, weather conditions (e.g. high winds) could result in a fire spreading from the site. The Office of Emergency Service (OES), County Fire Department is responsible for the continued update of emergency evacuation plans for wildland fire incidents as an extension of the agency's responsibility for Hazard Mitigation Planning in San Bernardino County. OES policy is to update evacuation procedures in coordination with MAST and provide specific evacuation plans for the Mountain Region where route planning, early warning and agency coordination is most critical in ensuring proper execution of successful evacuations. OES monitors population growth and evaluates road capacities and hazard conditions along evacuation corridors to prepare contingency plans to correspond to the location, direction and rate of spread of wildland fires.

According to County Fire, the steep access road to the Project Site would be considered adequate because the Proposed Project would be an unmanned tower and fire crews would not travel to the Project Site to suppress a fire at the facility. County Fire determined that the requirements for access road and water supply are not applicable requirements for unmanned structures that would not require evacuation or fire defense. Conditions of Approval will require that the equipment building have a multi-hour fire rating and a built-in fire suppression system that utilizes an inert gas.

The Proposed Project is within the FS Overlay and is subject to review, comment and recommendations from the Fire Authority and the appropriate Natural Resource Conservation Service Office. Recommendations provided would be incorporated into the project's Conditions of Approval. The County of San Bernardino Development Code Section 82.13.060 FS1, FS2 and FS3 Development Standards outlines requirements for development proposed in the FS1, FS2 and FS3 Overlays. The proposed Project would be unmanned and would be subject to the following standard as outlined in 82.13.060 (h) Unoccupied Structures which states:

At the discretion of the responsible Fire Authority, the fire safety development standards for projects located within a Fire Safety Overlay that only propose to construct unoccupied structures may be altered at the discretion of the responsible Fire Authority on a case-by-case basis without an approved variance.

In discussions with San Bernardino County Fire Staff, the Project Site is remote in terms of providing tactical firefighting methods as it is located at the top of an upslope with limited access and no alternative escape routes. Placing firefighters at this location to defend equipment would not be acceptable and therefore would not be authorized by Fire Department management staff. With regards to fuel modification, since the Project involves un-occupied structures there is no life safety at risk. Fuel modification provides at least two functions with occupied structures including: 1) providing defensible space where firefighters can successfully defend a home or business (the 100 foot minimum was designed around protecting homes and was not designed for equipment); and 2) providing for passive fire protection in remote areas where firefighter response is not likely. San Bernardino County Fire concluded that the 30-foot fuel modification proposed at the site when coupled with the self-sufficient nature of the equipment is considered adequate.

Fire Staff concluded that access as required in the Fire Safety Overlay is not necessary at the Project site. Generally improved access (roads that are widened, paved and less than 14 percent grade) is required in the Fire Safety Overlay for several reasons including allowing fire response vehicles access to the necessary locations and providing appropriate egress to evacuate residents. As previously stated this is not applicable for a site with unmanned structures. The Proposed Project's provision of a fuel modification zone and the County's responsibility for maintaining adequate evacuation plans, would result in project-related impacts to fire safety being considered less than significant.

4.5 LAND USE AND PLANNING

4.5.1 Introduction

This section of the EIR provides a description of current land use designations and existing land uses within the vicinity of the project site and evaluates potential land use impacts of the Proposed Project within the context of local and regional land use plans, and surrounding land use compatibility. CEQA Section 15125(d) states, “an EIR shall discuss any inconsistencies between the Proposed Project and applicable general plan and regional plans. Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions as well as the potential future conditions discussed in an adopted plan.”

The Ruling On Petition for Writ of Mandate (page 23) Land Use Impacts, documents that public comments were received stating approval of the tower would lead to applications for additional radio towers (“tower farm”) in the area surrounding the State Park and would make it difficult for the County to deny future similar applications, citing AR 5:204:3527, 204:3551, 204:2582-2583, 202:3451. In addition, public testimony during consideration of the Mitigated Negative Declaration also expressed that bringing electrical power to an area which would require an extension of current service by over 1.25 linear miles, along Pisgah Peak Road may be growth inducing, and that new electrical lines provided by the Project, would encourage parcels along the road to be developed (AR 4:138:2683:2684). The County has considered these comments related to the potential for growth-inducing impacts (CEQA Guidelines Sections 15126(d)) and they are therefore discussed in Section 5.0 of this EIR.

4.5.2 Environmental Setting

The Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County and in the Oak Glen Planning area. The Project Site is located adjacent to the Wildwood Canyon State Park, and is approximately 1.5 miles south of the San Bernardino National Forest (SBNF). The site is approximately $\frac{3}{4}$ of a mile south of an existing broadcast tower (KRBQ). The Project Site is designated as Rural Living (RL-20; 20-acre minimum lot size) and within the Fire Safety Review Area One (FS-1) Overlay District.

The site is at an approximate elevation of 4,450 feet, and has an on-site topography consisting of two east-west trending ridgelines that descend from a north-south ridge along the eastern boundary of the site. The site is predominately covered in mixed chaparral and consists of moderate to steep slopes. Access to the site is provided by Pisgah Peak Road, a 12-foot wide, unpaved private road.

Surrounding land uses include vacant land to the north, east, south and west. Land uses in the vicinity include the Wildwood Canyon State Park to the immediate west, and San Bernardino National Forest land to the southwest. Residential development exists approximately 1.1 miles to the southwest and southeast.

A demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. Prior to

installation of the pole, the Applicant graded access from Pisgah Peak Road onto the pole location on private property. The graded access is not visible from within the Park because it occurs on a crest (analysis of Project Site visibility from surrounding land uses is presented in DEIR Section 4.1). The existing graded access would continue to be used during construction and operation of the Proposed Project.

Surrounding land uses, General Plan Land Use Designations and Zoning Designations for the Project are shown in Table 4.5-1 and Figure 4.5-1.

Table 4.5.1
Lazer Broadcasting
Existing Land Use and General Plan/Zoning Designations

Direction	Existing Land Use	Official Land use District/Zoning
Project Site	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
North	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
South	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
East	Vacant	OG/RL-20 (Oak Glen/Rural Living – 20 acre minimum lot size)/Rural Living
West	Wildwood Canyon State Park	City of Yucaipa, Institutional

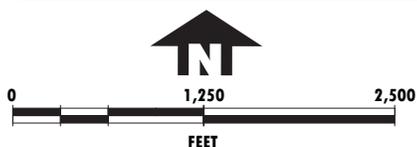
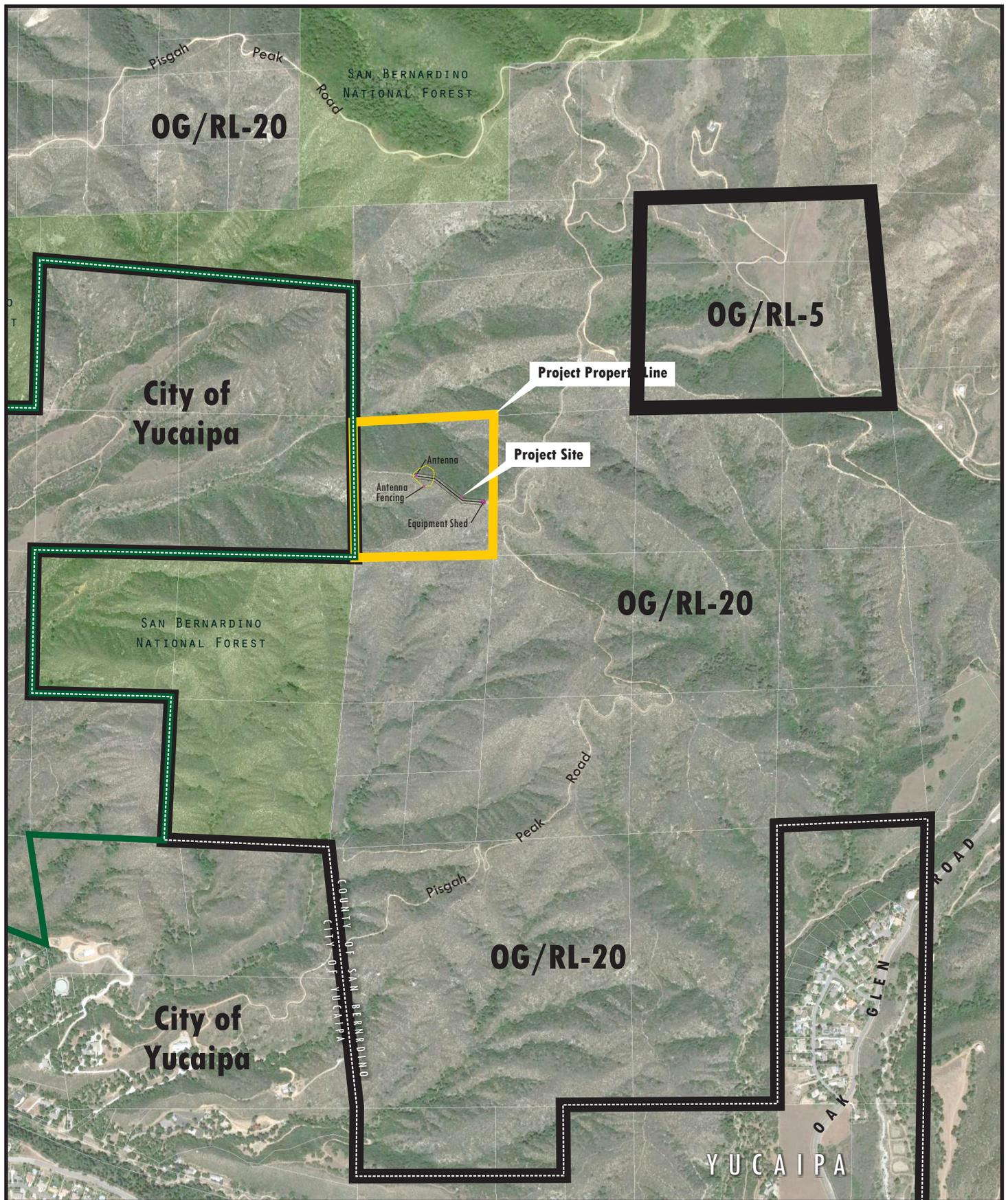
Broadcasting facilities, defined as towers, antennas, and related equipment in the County of San Bernardino Development Code (SBCD) are a permitted use within the Rural Living land use zoning designation all broadcast facilities shall be subject to a Conditional Use Permit in compliance with SBDC §85.06; this includes controversial projects requiring a public hearing before the Planning Commission.

4.5.3 Applicable Policies, Plans and Regulations

California Environmental Quality Act (CEQA)

CEQA Section 15125(a)(d)(e) states that an EIR shall include a description of the physical environmental conditions in the vicinity of the project as they exist at the time of publication of the Notice of Preparation (NOP) or if no Notice of Preparation is published, at the time the environmental analysis is commenced, from both a local and regional perspective; discuss any inconsistencies between the Proposed Project and applicable general plans and regional plans; and, where a Proposed Project is compared with an adopted plan, the analysis shall examine the existing physical conditions as well as the potential future conditions discussed in an adopted plan.

However, for the Proposed Project the NOP publication date is not used as the “baseline” for the site’s existing conditions on which to evaluate project impacts. Because of the circumstances of a Temporary Use Permit being granted for installation of the demonstration pole, the pre-pole conditions are established as the baseline – a time when the entire Project Site remained undisturbed.



Source: Lilburn Corp., 2014.
Aerial: 08/11/2014

LILBURN
CORPORATION

LEGEND

- Existing Lazer Broadcasting Property Line
- Wildwood Canyon State Park
- Yucaipa City Limits (shown as a white line)
- County of San Bernardino Land Use Boundary

**SURROUNDING
LAND USE**

*Lazer Broadcasting - EIR
APN: 0325-011-19*

Oak Glen Community, County of San Bernardino, California

FIGURE 4.5-1

County of San Bernardino General Plan

The Project Site is located within the planning limits of the County of San Bernardino General Plan and the Oak Glen Community Plan. Development is guided by the County of San Bernardino Development Code. The Project Site is located within the Pisgah Peak Open Space Area as identified in the General Plan Open Space Overlay.

Applicable policies and regulations related to land use include Goals and Policies of the County's planning documents, as listed below.

County of San Bernardino – Land Use Element

Goal M/LU 1: Retain the existing alpine character of the Mountain Region.

Applicable Policies of Goal M/LU 1

M/LU 1.20 Closely review development projects on private land adjacent to National Forest lands to ensure that development projects are capable of meeting all development requirements within the project boundaries or other non-federal land. Provide opportunities for the U.S. Forest Service to consult with the County on development of private land that may have an adverse effect on adjoining National Forest land.

County of San Bernardino General Plan - Open Space Element

Goal OS 6 Improve and Preserve open space corridors throughout the County

Applicable Policies of Goal OS 6

OS 6.1 Support and actively pursue an open space preservation and acquisition program which will create a linked system of both privately and publicly owned open space lands throughout the County.

OS 6.2 Use open space corridors to link natural areas.

Goal OS 7 The County will minimize land use conflict between open spaces and surrounding land uses.

Applicable Policies of Goal OS 7

OS 7.2 For natural open space areas that require separation from human activities to preserve their function and value, limit construction of roads into or across natural open space areas.

OS 7.4 Discourage residential development on land with slopes greater than 30 percent, ridge saddles, canyon mouths, and areas remote from existing access.

- OS 7.5 Require that natural landform and ridgelines be preserved by using the following measures:
- a. Keep cuts and fills to an absolute minimum during the development of the area.
 - b. Require the grading contours that do occur to blend with the natural contours on site or to look like contours that would naturally occur.
 - c. Encourage the use of custom foundations in order to minimize disruption of the natural landform.
 - d. Require that units located in the hillsides be so situated that roof lines will blend with and not detract from the natural ridge outline.
- OS 7.6 Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality.

County of San Bernardino General Plan Mountain Region Goals and Policies of the Open Space Element

Goal M/OS 1. Ensure the preservation and proper management of National Forest lands with the Mountain Region to maintain the alpine character of the region.

Policies

M/OS 1.5 Request referrals from the U.S. Forest Service on new recreational facilities or increases in recreational uses to help reduce conflicts with U.S. Forest Service users and mountain community residents.

Goal M/OS 2 To improve and preserve open space corridors through the Mountain Region.

Applicable Policies of Policies

M/OS 2.1 Utilize setbacks, building coverage, the Planned Development concepts and other measures to protect the forest environment.

M/OS 2.9 Where feasible, link local equestrian trail and hiking paths with other regional trails or routes.

4.5.3.1 County of San Bernardino Development Code

Chapter 83.02

83.02.040

Structure Height. Maximum Heights of Wireless Telecommunications Towers is limited to 52.5 feet in height in rural living areas of the Valley Region.

Chapter 83.08
83.08.020(a)

Applicability

Slope gradient of 15 percent or greater. The standards contained in this Chapter apply to all uses and structures within areas having a natural slope gradient of 15 percent or greater over the area being graded and requiring a Grading Permit. For the purpose of this Chapter, slope shall be computed as set forth in Section 83.08.040(b) for the area being graded before grading is commenced.

83.08.020(b)

Site conditions requiring Hillside Grading Review. If the slope gradient is 15 percent or greater and if any one of the following thresholds applies on a particular site meeting the criteria set forth in subsection (a) above, a full analysis and compliance with this Chapter shall be required and a Hillside Grading Review shall be conducted in compliance with Section 83.08.030 (Hill Grading Review):

- (1) The volume of proposed grading is more than 500 cubic yards per lot or more than a total of 2,000 cubic yards for the total project.
- (2) If retaining walls or the proposed cut or fill slopes greater than 15 feet in height will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.
- (3) The width of proposed cut or fill slopes is greater than 75 feet in the Valley and Mountain Regions and 150 feet in the Desert Region as measured at the widest point of the slope.
- (4) The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.

Chapter 83.08
83.08.040(b)(2)

(b) Slope analysis.

(2) Slope categories. Table 83-8 (Slope Categories) provides standards for hillside slopes in areas that will not be landform graded. These standards ensure that development will complement the existing character and topography of the land. The standards for one category may be applied to limited portions of the site in an adjacent category when a project is developed on a site with more than one slope category. The maximum allowable density for residential projects shall be determined by the formulas contained in Section 84.18.030 (Development Standards) or in Section 82.13.060 (FS1, FS2 and FS3 Development Standards) if the projects is located within a Fire Safety Overlay.

**Table 83-8
Slope Categories**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
1	15% to less than 30%	Structures shall conform to the natural topography and natural grade by using appropriate techniques, including stepped or split-level foundations, stem walls, stacking, and clustering. Walls shall be as natural appearing as possible. Conventional grading may be considered for limited portions of a project when its plan includes special design features, extensive open space, or significant use of greenbelts.
2	30% to less than 40%	Development within this category shall be restricted to those sites where it can be demonstrated that safety will be maximized while environmental and aesthetic impacts will be minimized. Use of large parcels, variable setbacks, and variable building structural techniques (e.g., stepped foundations) shall be expected. Extra erosion control measures may be included as conditions of approval.
3	40% and greater	This is an excessive slope condition. Pad grading shall not be allowed. Grading for driveways and roads shall be reviewed through the Minor Use Permit application process.

83.08.040(c)

(c) Grading.

(1) Grading standards.

(A) Cut and fill slopes shall not be created greater than 50 percent (2:1).

(B) Where cut or fill conditions are created, slopes shall be varied rather than left at a constant angle that may be unstable or create an unnatural, rigid, “engineered” appearance.

San Bernardino County Development Code – Chapter 82.35 Oak Glen Community Plan (Reserved Adopted Ordinance 4204 (2013))

Oak Glen Community Plan

OS2.2 Goals and Policies

Goal OG/LU 1. Retain the existing rural agricultural character of the community.

Policies applicable to Goal OG/LU 1.

OG/LU 1.4 Avoid developing environmentally sensitive areas in which growth should be limited and establish means for their preservation.

Goal OG/CO 1. Preserve the unique environmental features of Oak Glen including native wildlife, vegetation and scenic vistas.

Policies applicable to Goal OG/CO 1

- OG/CO 1.1** The following areas are recognized as important open space areas that provide for wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to these corridors.
- a. Little San Geronio
 - b. Pisgah Peak
 - c. Wildwood Canyon State Park

OG/CO 2. Maintain the health and vigor of the forest environment.

Policies applicable to Goal OG/CO 2.

- OG/CO 2.3** Require the re-vegetation of any graded surface with suitable native drought and fire resistant planting to minimize erosion unless other landscaping or suitable agricultural crop is approved.

Oak Glen Community Plan - Open Space Element

Goal OG/OS 1. Develop parks and recreation facilities to meet the recreational needs of the community.

Policies applicable to Goal OG/OS 1

- OG/OS 1.2** Support and actively pursue the expansion of Wildwood Canyon State Park, including cooperation with open space community groups such as the Wildlands Conservancy and the Yucaipa Valley Conservancy which already own land dedicated for open space adjacent to Wildwood Canyon State Park and have expressed interest in purchasing additional properties for open space purposes.

OG/OS 2. Improve and preserve open space corridors throughout the plan area.

Policies applicable to Goal OG/OS 2

- OG/OS 2.1** Where possible, require that open space areas set aside within individual developments be contiguous to natural areas adjacent to the site. Isolated open space areas within development shall be specifically discouraged, but may be accepted if no adjacent open space areas are available.
- OG/OS 2.2** Encourage preservation and connection of open space within future developments.

OG/OS 2.4 Support and actively pursue an open space preservation and acquisition program which will create a linked system of both privately and publicly owned open space lands throughout the community while respecting the rights of those residing in the community.

4.5.4 Project Impact Analysis and Mitigation Measures

4.5.4.1 Thresholds of Significance

Significant impacts related to land use are determined from criteria stated in the CEQA Checklist. The Checklist identifies the primary thresholds of significance relating to CEQA issues. Potential impacts are addressed in the CEQA process to identify and evaluate possible impacts to land use that could potentially result from implementation of the Proposed Project. The Proposed Project would have a significant effect on Land Use if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and/or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

The impact analyses provided below is based on construction and operation of an unmanned self-supporting 43-foot tall monopole for radio broadcast. The Project also includes a 100 square-foot equipment building and parking space. Upon approval of a CUP, the Project would be consistent with the County General Plan and zoning but may have generalized land use impacts that are discussed below.

4.5.4.2 Issues Identified to Have No Impact or a Less Than Significant Impact

The Proposed Project was determined to not have the potential to result in significant impacts in the issue areas listed below. For each issue, an explanation of the impact and a determination of no need for mitigation measures is provided.

Physically divide an established community.

The Project Site is situated in the foothills of the San Bernardino Mountains near Wildwood Canyon and Oak Glen roads, east of Pisgah Peak Road in the unincorporated portion of San Bernardino County and within the Oak Glen Community Plan area. The Project Site is located on a west facing slope below the ridgeline and is currently vacant; a demonstration pole was erected on the site in 2010 to identify the location of the Proposed Project and was removed in 2015. The Project site is surrounded by the Wildwood Canyon State Park to the west, and unincorporated land to the east, north and south. Surrounding land use designations include Oak Glen Community Plan/Rural Living-20 to the north, south and east, and Wildwood Canyon State Park to the west. The Project is proposed within the boundaries of private undeveloped land that is

surrounded by vacant, undeveloped land and therefore, would not divide an established community. The Project would expand its coverage area to include San Bernardino, Riverside, Hemet, Perris, and other Inland Empire communities.

Conflict with any applicable habitat conservation plan or natural community plan.

The Project Site is not located within the plan area of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Additionally, the site is not located within critical habitat as designated by the U.S. Fish and Wildlife Service. No land use conflict with existing management plans would occur and therefore no mitigation measures would be required.

Be in direct conflict with County of San Bernardino Development Code.

Review of the Project Site and project plans indicate that proposed development including construction of the equipment building, parking space and monopole would all take place on slopes that range from approximately 20.5 percent to 37.5 percent. Therefore, there are no slopes greater than 40 percent.

In addition to the general CEQA thresholds evaluated above, the following specific issues were addressed during litigation and are being addressed to focus on specific potential land use impacts associated with the Proposed Project.

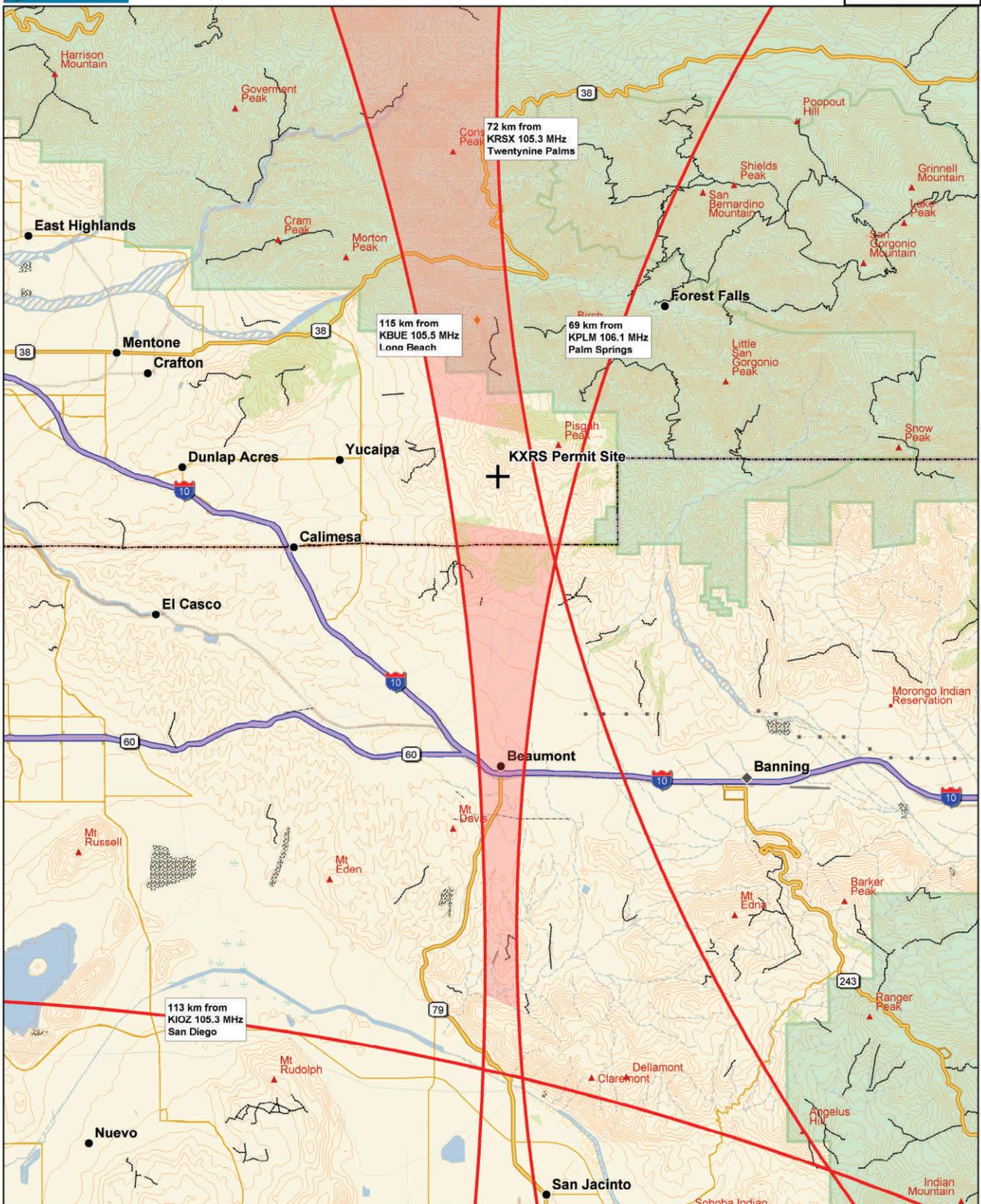
4.5.4.3 Issues Determined to Have Potentially Significant Impacts

Impact LU-1:

The Proposed Project is in direct conflict with the goals and policies of the County of San Bernardino General Plan and the Oak Glen Community Plan. This could be a potentially significant impact.

The Project includes the construction and operation of a 43-foot tall mono-pole with attached antenna, a 10-foot by 10-foot single-story (nine-foot tall) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a portion of a private 38.12-acre site located near Wildwood Canyon and Oak Glen Roads, east of Pisgah Peak Road in an unincorporated area of San Bernardino County. The Project is within the jurisdiction of the County of San Bernardino and occurs within the Oak Glen Community Plan. Within the County's Open Space Element, Goal OS 7 states, "The County will minimize land use conflict between open spaces and surrounding land uses." The Project Site is located adjacent to Wildwood Canyon State Park which is within the City of Yucaipa and is currently designated Institutional. The park is a permitted use within the Institutional zone.

The Proposed Project has been designed to reduce to the extent possible, an intrusive, manmade facility that currently includes a reduced fuel modification area from 100 feet to 30 feet. Over the course of several years the Project has been redesigned, and included a reduction in the scale and design of the antenna which has been reduced from a 140-foot tall steel lattice tower to the

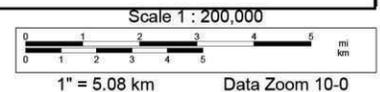


Pink shading: Approximate exclusion area due to terrain shadowing and/or distance from Hemet

Hatfield & Dawson Consulting Engineers

Nov 2012

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SPACING RESTRICTIONS and POSSIBLE TRANSMITTER LOCATION

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 4.5-2

currently proposed 43-foot tall monopole. The project would also be restricted to a 425 square-foot portion of a larger 38.12-acre site, and utilities, including the installation of 6,700 linear feet of electric, would be placed within an existing unpaved road (Pisgah Peak Road).

Applicable policies of Goal OS 7, including OS 7.2 states that, “*For natural open space areas that require separation from human activities to preserve their function and value, limit construction of roads into or across natural open space areas.* Policy OS 7.5 states, “*Require that natural landform and ridgelines be preserved by using the following measures: a) Keep cuts and fills to an absolute minimum during the development of the area; b) Require the grading contours that do occur to blend with the natural contours on site or to look like contours that would naturally occur; c) Encourage the use of custom foundations in order to minimize disruption of the natural landform; and d) Require that units located in the hillsides be so situated that roof lines will blend with and not detract from the natural ridge outline.*

The Proposed Project includes constructing the equipment building so that a portion of the structure is concealed within the hillside; working with the natural features of the site to preserve the terrain and character. The monopole is proposed below the ridgeline and at a scale that would minimize to the extent possible, impacts to adjacent open space areas. The Project is in compliance with Policy OS 7.6 which states, “*Require that hillside development be compatible with natural features and the ability to develop the site in a manner that preserves the integrity and character of the hillside environment, including but not limited to, consideration of terrain, landform, access needs, fire and erosion hazards, watershed and flood factors, tree preservation, and scenic amenities and quality.* Access to the site would be from Pisgah Peak Road, no additional roadways are proposed from the parking space to the monopole. Access to the monopole would be limited and to a foot path only. Design features of the Proposed Project also conform with Oak Glen Community Plan Goal OG/CO 1 which states, “*Preserve the unique environmental features of Oak Glen including native wildlife, vegetation and scenic vistas, and policy OG/CO 1.1 which states;*

The following areas are recognized as important open space areas that provide for wildlife movement and other important linkage values. Projects shall be designed to minimize impacts to these corridors.

- a. Little San Gorgonio*
- b. Pisgah Peak*
- c. Wildwood Canyon State Park*

Upon approval of a Conditional Use Permit, the proposed Project would be consistent with the County’s General Plan and Oak Glen Community Plan Land Use and Zoning designations and the Policies and Guidelines within the General Plan and Oak Glen Community Plan, and therefore would not represent a conflict. However to ensure the Project would not conflict with the future expansion of the Wildwood Canyon State Park, the following mitigation measure shall be implemented:

Mitigation Measures

Mitigation Measure LU-1:

Since the Project Site is located directly adjacent to Wildwood Canyon State Park and to ensure development of the site does not prevent the expansion of the Park to include Pisgah Peak, the Project Proponent shall be required to deed restrict the unused portion of the 38.12-acre Project Site for passive use by visitors to the Wildwood Canyon State Park (AR 5:188:3243).

Level of Significance After Mitigation

Implementation of the above mitigation measure would ensure that the Project is consistent with Conservation Goal (OG/CO 1) of the Oak Glen Community Plan, and ensure the preservation of the environmental features of Oak Glen, including native wildlife, vegetation and scenic vistas. The measure would also ensure the preservation and continued growth of this important open space area including the expansion of Wildwood Canyon State Park.

5.0 OTHER CEQA REQUIRED ANALYSIS

5.1 INTRODUCTION

This section includes consideration and discussion of other project-related impacts that must be evaluated in an EIR as described in CEQA Guidelines section 15126.2 and section 15130. These include the following:

- Cumulative Impacts must be discussed when project-related impacts are, or can be, mitigated to less than significant, but, when combined with other reasonably foreseeable projects, can be cumulatively considerable.
- Growth Inducing Impacts must be discussed with regard to the way in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding area.
- Significant Irreversible Environmental Changes Which Would be Involved if the Proposed Project is Implemented must be discussed when the project includes future commitments to non-renewable resources either during construction or operation. Irretrievable commitments of non-renewable resources must be evaluated to assure that the consumption can be justified. Irreversible changes may also result from environmental accidents associated with project operations.

5.2 CUMULATIVE IMPACT ANALYSIS

5.2.1 Purpose

This section discusses the potential cumulative impacts to the environment that may result from the implementation of the Proposed Project when considered with other planned or reasonably foreseeable projects. CEQA Guidelines, Section 15130, provides the following guidance concerning the format and content of the cumulative impacts analysis:

- (1)...a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.
- (2) When the combined cumulative impact associated with the project's incremental effect and the effect of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR.

When discussing cumulative impacts:

- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great of detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicability and reasonableness. The following elements are necessary to an adequate discussion of cumulative impacts:

(1) Either:

- A. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- B. A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified which described or evaluated regional or area-wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made available to the public at a location specified by the lead agency.

The County of San Bernardino 2007 Development Code defines Broadcasting Antennae and Towers as any structure or device (e.g., antennas, towers, etc.) used for radio and television broadcasting and receiving. Codes applicable to such facilities are not the same as those applicable to wireless or other telecommunication facilities. A review of County of San Bernardino Planning Department records conducted by County staff in October 2015, revealed there are no similar (broadcast towers) pending, approved, or under construction projects located in the vicinity of the Project Site. The potential cumulative project area utilized in this EIR analysis (see Figure 5-1) is an approximate area defined to identify other projects that could share direct and indirect aesthetic impacts both individually and cumulatively. Other potential cumulative impacts such as biology and air quality are assessed and analyzed on a broader regional level. Potential Cumulative Impacts for Air Quality, Biological Resources, Cultural Resources, and Greenhouse Gasses are analyzed on both a project and cumulative basis. Potential cumulative impacts analyzed within this EIR for Aesthetics and Hazards are limited to the south and west facing slopes of the San Bernardino Mountains surrounding the Oak Glen Community. Lands north and east of Pisgah Peak Road are not considered within this Cumulative Impact Analysis as they lie outside the aesthetic impact area (on the other side of the ridge and outside the view shed area of the State Park and nearby residential areas) associated with Wildwood Canyon State Park or the area of the Oak Glen community.

Therefore, for the purpose of this cumulative impact evaluation, potential cumulative projects are being assessed as potential broadcast facilities based on certain assumed criteria and requirements within the General Plan and/or related planning documents.

5.2.2 Applicable Policies, Plans and Regulations

Broadcast towers within the County of San Bernardino are regulated through the various planning and policy documents including County of San Bernardino General Plan and Development Code and Oak Glen Community Plan. In addition to the guiding documents and policies discussed in Section 4.5 Land Use, the County of San Bernardino Development Code Chapter 82.04.040 “Residential Land Use Zoning District Allowed Uses and Permit Requirements” regulates the height restriction guidelines for the siting of towers, antennas and related equipment within residential areas. In general, the Development Code standards and guidelines associated with the siting of broadcast towers, antennas, and related equipment

establish the maximum height of broadcast towers at 35 feet with a 50% increase (or 52.5 feet in height) being allowed in Rural Living designations within the Mountain Region.

5.2.3 Standards of Significance

CEQA Guidelines Section 15355 defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The Guidelines further state:

- a. The individual effects may be changes resulting from a single project or a number of separate projects.
- b. The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

5.2.4 Potential Cumulative Projects

Based upon the plans, policies, and building guidelines associated with the County of San Bernardino General Plan, Development Code, and the Oak Glen Community Plan, much of the area surrounding the Proposed Project could not be developed with additional broadcast towers as steep terrain and limited access from Pisgah Peak Road becomes a development limiting factor. In addition, State Park Lands (Wildwood State Park encompassing approximately 900 acres of land in the cumulative impact analysis area) would likely be precluded from development of additional broadcast towers. Additionally, National Forest Lands within the cumulative impact area encompass an additional approximate 300 acres that would also likely be precluded from development of additional broadcast towers.

Cumulative Impact Analysis Assumptions

For planning purposes lands were eliminated from further cumulative project impact analysis if they fell within the following criteria:

- Have a weighted average natural slope gradient in excess of 40%,
- Are located on State Parks Lands,
- Are located on National Forest Lands

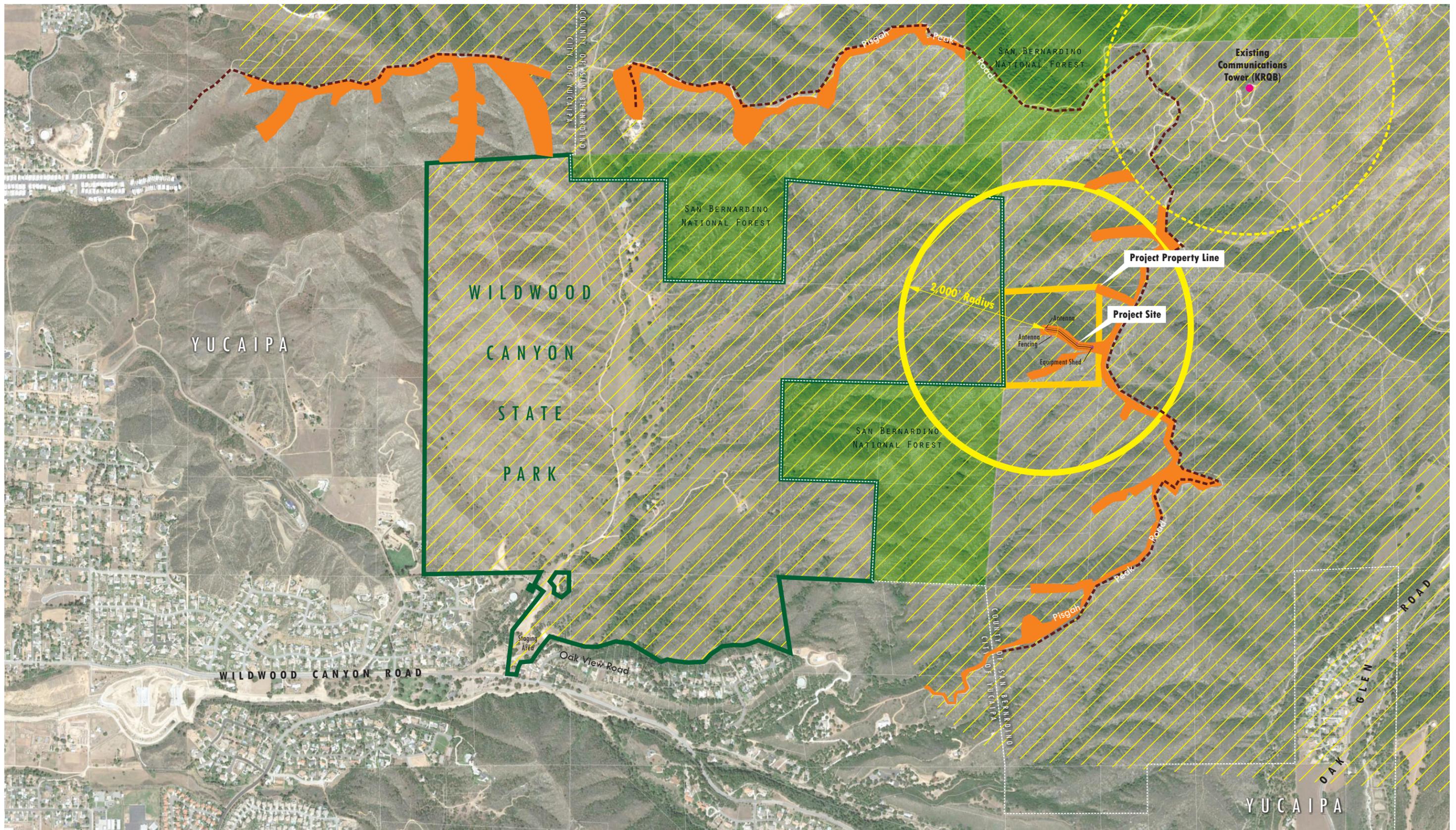
As discussed in Draft EIR Section 6.0, broadcast towers are highly regulated by the FCC in terms of location, height, broadcast frequency, and proximity to other broadcast towers. To analyze potential cumulative broadcast towers projects within the Oak Glen Community area, without the knowledge of FCC restrictions or marketing demands for radio stations to place a

tower within the area, the following planning assumptions were utilized to assess the number of reasonably foreseeable cumulative projects:

- Reasonable extension of electrical power lines (power line extension would be cost prohibitive to develop and biological impacts of the power line extension would likely be significant) and no future tie-ins to the Proposed Project's extended electrical line and:
- Be constructed at a maximum allowable height of 52.5 feet and have no portion of the tower height visible above the ridgeline as similarly required of the Proposed Project.
- Be constructed within private lands, avoiding impacts to National Forest lands and State Park lands.
- Development would meet the 20-acre minimum lot size; lot line or lot mergers assumed.
- Future broadcast towers would need to provide a deed restriction eliminating future development on the remaining portions of a large project site and provide an easement to the State Park, similar to the Proposed Project.

With application of the criteria used to establish the cumulative broadcast tower project area combined with the County of San Bernardino General Plan, Development Code, and the Oak Glen Community Plan along with the cumulative project impact assumptions discussed above, the area available for potential cumulative project development is limited to the area shown in Figure 5-1. Also shown on the figure is an existing tower (KRQB) that is located approximately 0.75 miles northeast of the Project Site.

Figure 5-1 shows the result of the potential cumulative broadcast towers projects developable area (those lands that do not exceed the 40 percent slope development requirements) highlighted in orange. As viewed from the State Park and nearby residential areas, Pisgah Peak Road marks a ridgeline, and any proposed towers adjacent to Pisgah Peak would need to be developed so that the tower would remain below the ridgeline. With the application of the cumulative impact assumptions, a broadcasting tower could be developed on any of these identified developable areas (highlighted in orange), assuming they met the spacing requirements of the FCC and the County's minimum lot size. Based upon the Development Code height restriction within a Rural Living land use district, and the stated Cumulative Projects assumptions, cumulative projects would be limited, to an estimated seven general development areas within the cumulative project area as shown on Figure 5-1. Development of any one of these sites (including the Proposed Project Site) would likely be restricted to electrical service availability, access from Pisgah Peak Road, 20-acre minimum lot size, and FCC spacing requirements. However, for the purposes of this EIR Cumulative Impact Analysis it is assumed that up to seven (7) additional broadcast towers could be developed within the cumulative project area identified.



LEGEND

- Existing Lazer Broadcasting Property Line
- Potential Area Available for Broadcast Tower Development
- Wildwood Canyon State Park
- Area NOT Available for Broadcast Tower Development
- Yucaipa City Limits (shown as a white line)
- Ridge Line (No Communication Towers within 45 Feet)

POTENTIAL CUMULATIVE BROADCAST TOWERS BASED UPON COUNTY of SAN BERNARDINO GENERAL PLAN

*Lazer Broadcasting - EIR
 APN: 0325-011-19
 Oak Glen Community, County of San Bernardino, California*

FIGURE 5-1

Chapter 4 of the Draft EIR includes an assessment of the Proposed Project's potential to impact environmental resources in the areas of:

- Aesthetics
- Biological Resources
- Geology and Soils
- Fire Safety & Hazards
- Land Use

The analyses presented in Chapter 4 of the Draft EIR conclude that the Proposed Project's impacts determined to be potentially significant before mitigation measures are implemented would occur in the areas of Aesthetics, Biological Resources, Geology and Soils, Fire Safety & Hazards, and Land Use. All potentially significant impacts assessed on an individual (Proposed Project) basis are reduced to levels of less than significant with the implementation of mitigation measures.

Cumulative Impacts Considered to Have No Impact

As identified in Section 1.0 of this EIR, the Proposed Project is anticipated to have no impact to the following CEQA Resource Areas:

- Agricultural and Forestry Resources
- Air Quality
- Cultural Resources
- Greenhouse Gasses
- Hydrology and Water Quality
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Transportation/Traffic
- Utilities and Service Systems

These resources are therefore excluded from the Cumulative Impact evaluation which is limited to the resource areas identified below.

Issues Determined to Have Potentially Significant Cumulative Impacts

Aesthetics. Potential impacts related to Aesthetics are analyzed on a project level basis in Section 4.1 of this Draft EIR. The analysis evaluated potential impacts from multiple locations around the Project Site including views from Wildwood Canyon State Park, nearby residential areas, Oak Glen and Wildwood Canyon Roads, and multiple hiking trails in the project's vicinity. This analysis concluded no, or less than significant impacts would result related to damaging scenic resources, trees, rock outcroppings, or historic buildings within a state scenic highway, scenic vista as identified in the County's General Plan, or creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The analysis concluded a potentially significant impact could occur from the Proposed Project substantially degrading the existing visual character or quality of the site and its surroundings, as the Proposed Project would result in the development of a 43-foot monopole and related equipment including a 100 square-foot equipment building, security fencing and vehicle parking space. The Proposed Project also includes a fuel modification zone around the equipment

building and monopole. This could result in potentially significant degradation of the existing visual character or quality of the site and its surroundings.

Impacts associated with this potentially significant impact are mitigated to a less than significant level with implementation of Mitigation Measures AES-1 and AES-2, which would require painting the proposed monopole to naturally blend into the surrounding visual environment, and revegetation of the areas surrounding the project that would be disturbed during construction activities.

Of the cumulative projects areas identified on Figure 5-1 their individual visual impacts although not subject to a complete Visual Resources Assessment, would not be expected to be greater than those of the Proposed Project. In addition, project-specific mitigation measures for any other future tower development within the cumulative project impact area would ensure that any potentially significant aesthetic related impacts would be mitigated individually and therefore cumulatively. Applying the criteria listed in Section 5.2.4, no more than seven (7) towers would be constructed in the vicinity and all would be subject to potentially limiting access issues due to Pisgah Peak Road being private and due to power source availability. Therefore, cumulative impacts to aesthetic resources would not be considered significant.

Biological Resources. As discussed in EIR Section 4.2, the area surrounding the site is typical of the region, with steep hills dominated by mixed chaparral. The chaparral is dense, with few openings that allow herbaceous species to recruit. Among the dominant chaparral shrub species present are chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus berberidifolia*), laurel sumac (*Malosma laurina*), mountain mahogany (*Cercocarpus betuloides*), heart leaved keckiella (*Keckiella cordifolia*), silk-tassel bush (*Garrya veatchii*), and flowering ash (*Fraxinus dipetela*). Less woody clambering and shrubby species found among the chaparral include California buckwheat (*Eriogonum fasciculatum*), wild heliotrope (*Phacelia distans*), deerweed (*Lotus scoparius*), golden yarrow (*Eriophyllum confertiflorum*), southern honeysuckle (*Lonicera subspicata*), dodder (*Cuscuta californica*), and butterweed (*Scencio douglasii*). Yucca (*Yucca whipplei*) is also prominent in this habitat.

Pisgah Peak Road provides a continuous opening where some herbaceous plant species have become established. Dominant among the herbaceous and annual species present on the Project Site and access road are nonnative grasses such as red brome (*Bromus madritensis rubens*) and slender wild oats (*Avena barbata*). Other nonnative weedy species present in this habitat include short-podded mustard (*Hirschfeldia incana*), chickory (*Chicorium intybus*), and red-stemmed filaree (*Erodium cicutarium*). Native species present in the chaparral interstices (spaces) are diverse and include: California fescue (*Festuca californica*), chia (*Salvia columbariae*), common cryptantha (*Cryptantha intermedia*), twiggy wreathplant (*Stephanomeria vigata*), purple false-gilly flower (*Allophyllum divaracatum*), showy penstemon (*Penstemon speciosus*), Coulter's snapdragon (*Antirrhinum coulterianum*), splendid mariposa lily (*Calochortus splendens*), and golden bowl mariposa lily (*Calochortus concolor*).

Other potential cumulative projects in the vicinity would incrementally increase the use of currently undeveloped land that could potentially be used by various wildlife species, including rare, threatened or endangered species. However, the Project Site area is largely undeveloped and

rural in nature with adjacent parcels to the north, south and east currently designated within the Oak Glen Community Plan as Rural Living-20 or located within National Forest lands. The Wildwood Canyon State Park occurs to the west of the Project Site and is designated Institutional by the City of Yucaipa General Plan. The cumulative project sites shown on Figure 5-1 are not in close proximity to either the Proposed Project or other development considered urban and are not anticipated to inhibit biological movement. In addition, project specific mitigation measures for other proposed development within the region would ensure that potentially significant impacts to biological resources would be mitigated. Therefore, cumulative impact to biological resources would not be considered significant.

Geology and Soils. According to the geotechnical studies conducted for the Proposed Project, numerous faults and shear zones have been identified in the vicinity of the Proposed Project. The San Bernardino area is a region of large-scale neo-tectonism, a result of the intersection of the east-west-trending Transverse Ranges Province represented by the San Bernardino Mountains and the northwest-trending Peninsular Ranges Province. The San Bernardino Valley is a structural depression between the San Jacinto Fault on the west and the San Bernardino Mountains on the north and northeast. The San Andreas Fault is located at the base of the San Bernardino Mountains. Other active faults in the Proposed Project vicinity include The San Jacinto Fault, and the San Andres Fault Zone. However as discussed in EIR Section 4.4, no large earthquakes have occurred on the San Bernardino Mountains segment of the San Andreas fault within the regional historical time frame. Using dendrochronological (tree ring) evidence, Jacoby and others (1987) inferred that a great earthquake on December 8, 1812 ruptured the northern reaches of this segment. Recent trenching studies have revealed evidence of rupture on the San Andreas fault at Wrightwood occurred within this time frame (Fumal and others, 1993). Comparison of rupture events at the Wrightwood site and Pallett Creek and analysis of reported intensities at the coastal missions led Fumal and others (1993) to conclude that the December 8, 1812 event ruptured the San Bernardino Mountains segment of the San Andreas fault largely to the southeast of Wrightwood, possibly extending into the San Bernardino Valley. The average recurrence interval for large earthquakes along the southern San Andreas fault at six paleoseismic sites is 182 years.

The Proposed Project lies outside of any Alquist Priolo Special Studies Zone and the potential for damage due to direct fault rupture is considered remote. As discussed in Section 4.3 impacts associated with geology and soils would be site-specific and are considered less than significant. Regionally, the cumulative projects identified on Figure 5-1 would also be required to comply with the Uniform Building Code. Adherence to the UBC will reduce the potential cumulative impact to less than significant. Therefore, cumulative impacts are considered to be less than significant.

Fire Safety and Hazards. Draft EIR Section 4.4 analyzes the potential impacts of Fire Safety and Hazards on an individual basis and identified the Project Site is located within a Fire Safety Overlay Area (FS1). As discussed in this EIR, The Proposed Project could potentially increase the risk of wildfires by creating a new source of electricity and a 43-foot tall wooden monopole that could attract lightning strikes during a storm event. Mitigation measures prepared to address this potentially significant impact would reduce the Proposed Project's potentially significant Fire and Safety Hazards impacts to a less than significant level. Similarly the cumulative projects

identified on Figure 5-1 would be analyzed on an individual basis for their impact on fire and safety hazards. The cumulative project sites identified are not in close proximity to either the Proposed Project or other developments within the fire safety overlay zone and would not cumulatively increase fire and safety hazards. In addition, project specific mitigation measures for other proposed development within the region would ensure that impacts to fire and safety hazards are mitigated. Therefore, cumulative impact to fire and safety hazards would not be considered significant.

Land Use. Draft EIR Section 4.5 analyzes the potential impacts of Land Use on an individual basis and identified that the Project Site is located on lands currently designated Oak Glen Community Plan/Rural Living-20. Wildwood Canyon State Park occurs to the west and is designated Institutional by the City of Yucaipa General Plan. The Proposed Project has been designed to reduce potential impacts to the extent possible, including a reduction in height and a reduced fuel modification area. As proposed, the Project would also be restricted to a 425 square-foot portion of a larger 38.12-acre site; and utilities, including the installation of 6,700 linear feet of electrical line from an existing power source, would be placed within an existing disturbed, unpaved road (Pisgah Peak Road).

In addition, Mitigation Measure LU-1 requires the Project Proponent to record deed restrictions that will ensure the unused portion of the 38.12-acre Project Site can only be used for passive use by visitors to the Wildwood Canyon State Park. Other cumulative projects identified on Figure 5-1 are not in close proximity to the Proposed Project and are unlikely to create a cumulative land use impact. Additionally, any other cumulative projects would require issuance of a Conditional Use Permit that would be subject to CEQA analysis which would be intended to reduce their individual potentially significant land use impacts to a less than significant level thereby reducing any potentially significant cumulative impacts to land use.

5.3 GROWTH INDUCING IMPACTS

CEQA Guidelines Section 15126.2(d) requires an evaluation of growth inducing impacts that may result from a Proposed Project. Growth inducing impacts can occur when a proposed project places additional stress on a community by directly inducing economic or population growth that would lead to construction of new development projects in the same area as the project. A project would also be considered growth inducing if it removed obstacles to growth such as building a road to an undeveloped area, constructing a wastewater treatment plant or extending a sewer line that would provide additional capacity and thus allow new development in the area.

As reported in the Ruling On Petition for Writ of Mandate (pg 24) public comments were received with regards to approval of the tower leading to applications for additional radio towers in the area surrounding the State Park and would make it difficult to deny future similar applications, citing AR 5:204:3527, 204:3551, 204:2582-2583, 202:3451. The Proposed Project was considered to have potentially growth-inducing impacts as pertained to CEQA Guidelines Sections 15126(d). In addition, public testimony during consideration of the Mitigated Negative Declaration also expressed that bringing electrical power to an area which would require an extension of current service by over 1.25 linear miles, along Pisgah Peak Road may be growth-inducing, and that new electrical lines provided by the Project, would encourage parcels along the road to be developed (AR 4:138:2683:2684).

The proposed Southern California Edison (SCE) utility extension from the existing power source nearest Wildwood Canyon Road extending to the equipment building is considered a “private service extension.” As such there will be no future tie-ins or connections to this utility permitted, and therefore electrical service would not be extended from this line to any other adjacent parcels. The extension of electrical service is and therefore not considered growth-inducing as it does not increase the capacity or availability of service to the general area, only to the Proposed Project.

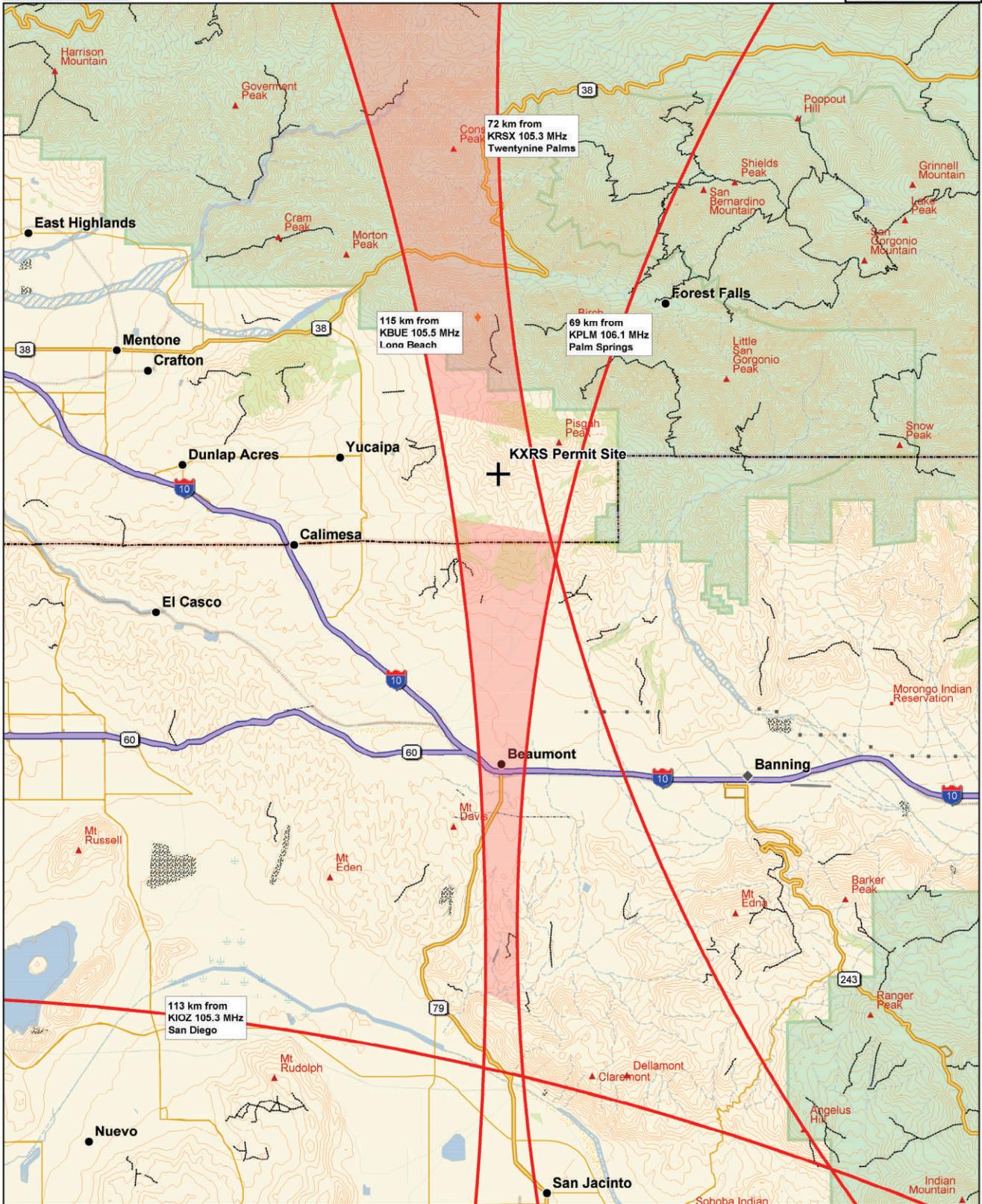
Adjacent parcels to the north, south and east are currently designated Oak Glen Community Plan/Rural Living-20, and Wildwood Canyon State Park occurs to the west and is designated Institutional by the City of Yucaipa General Plan. The parcel to the immediate east of the Project Site is of similar size and has access granted by the owner to Pisgah Peak Road as does the parcel to the south and the parcel just below that. Parcels to the immediate north and south do not have any granted access to the road. Parcels of smaller size occur north of the Project Site, however appropriate access would need to be granted from Pisgah Peak Road, a private road before any of these parcels could be considered for development. Thus, the Proposed Project would not be considered growth inducing itself as other infrastructure improvements, as well as land owner (Pisgah Peak Road access) approvals would be required before any additional development could occur.

As shown in Figure 5-2 – Spacing Restrictions and Possible Transmitter Location, which was prepared for the Applicant to demonstrate where a transmitter site could be placed and meet FCC requirements and serve an expanded market area. The “funnel-shaped” area is bounded on the north by a 72 kilometer FCC limit on how far the KXRS transmitter site can be relocated from its licensed site in Hemet, on the east by a 69 kilometer spacing restriction to KPLM 106.1 MHz in Palm Springs and by a 72 kilometer spacing restriction to KRSX 105.3 MHz in Twentynine Palms, on the south by a 113 kilometer spacing restriction to KIOZ 105.3 MHz in San Diego, and on the west by a 115 kilometer spacing restriction to KBUE 105.5 MHz in Long Beach. The surrounding parcels occur within an area that could provide necessary coverage within both San Bernardino and Riverside counties. However, any future tower projects would be required to be approved by the FCC, obtain necessary permits, comply with CEQA, and be approved.

The County has received a total of two applications for radio broadcast towers in the past 30 years. There is no precedence for determining whether approval of the Proposed Project would induce other proponents to submit similar applications. A determination of growth-inducing impacts associated with the Proposed Project is highly speculative; therefore, a less than significant impact is expected.

5.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE CAUSED BY THE PROPOSED PROJECT SHOULD IT BE IMPLEMENTED

CEQA Guidelines Section 15126.2(c) states that significant irreversible environmental changes must be discussed when the project includes future commitments to non-renewable resources either during construction and operation. Irretrievable commitments of non-renewable resources

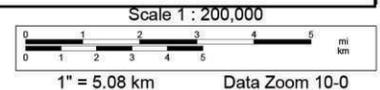


Pink shading: Approximate exclusion area due to terrain shadowing and/or distance from Hemet

Hatfield & Dawson Consulting Engineers

Nov 2012

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SPACING RESTRICTIONS and POSSIBLE TRANSMITTER LOCATION

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 5-2

must be evaluated to assure that consumption of the resource(s) can be justified. Irreversible changes may also result from environmental accidents associated with project operations.

Development of the Proposed Project would cause an irretrievable commitment to a small portion of the area's open space lands. Lands surrounding the Proposed Project are development restricted due to steep slopes and lack of available infrastructure (roads, water, sewer, power, etc.). Much of the area near the Proposed Project Site can be considered unavailable for any alternative development or use and therefore the commitment of open space is not anticipated to be significant.

Small incremental quantities of energy resources would be used for construction of the tower, and non-renewable resources would be committed primarily in the form of fossil fuels including gasoline or diesel fuels used by construction equipment and vehicles operating on and traveling to the site. Development of the Proposed Project would involve the development of an equipment building that would require aggregate resources (concrete). However the building is considered an insignificant use of resources as it measures 100 square-feet.

Development of the Proposed Project would not require significant increases in the consumption of natural resources to be used during operations.

There are no anticipated secondary resource impacts expected to result from growth and development associated with the Proposed Project. The proposed development would not result in the extension of infrastructure (sewer, water or roads) into areas not previously developed.

6.0 ALTERNATIVES

6.1 INTRODUCTION

This section evaluates alternatives to the Proposed Project. The CEQA Guidelines Section 15126.6 outlines the discussion of alternatives to a Proposed Project as follows: “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.” It further states that the lead agency is responsible for selecting a range of alternatives examined and must publically disclose its reasoning for selecting those alternatives. “There is no iron clad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason” (Citizens of Goleta Valley vs. Board of Supervisors [1990] 52 Cal. 3d 553 and Laurel Heights Improvement Association vs. Regents of the University of California [1998] 41 Cal. 3d 376). Thus, the EIR needs to evaluate those alternatives necessary to permit a reasoned choice and should not consider alternatives with effects that cannot be reasonably ascertained and whose implementation is remote and speculative.

CEQA also requires that an alternatives evaluation include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the Proposed Project (CEQA 15126.6(d)). The analysis should identify aspects of the alternative that “substantially lessen any significant effects of the project” (CEQA 15126.6(b)). The following section presents a series of project alternatives considered, evaluated and/or rejected for the Proposed Project. The alternatives were developed based on recommendation of Lead Agency staff. However it is noted that all of the potentially significant impacts associated with the Proposed Project that may be subject to being reduced by an alternative, have been determined reduced to less than significant levels with mitigation.

The following alternatives to the Proposed Project are evaluated in Section 6.3:

- No-Project/Development Under the RL Land Use Designation Alternative
- Other Location Alternative

The Environmentally Superior Alternative will be selected from among these alternatives and the Proposed Project. An alternative that is environmentally superior would result in the fewest or least significant environmental impacts and still be able to achieve the objectives of the planning effort.

The analysis of alternatives includes the assumption that all applicable mitigation measures associated with the Proposed Project would be implemented as appropriate for each of the alternatives. However, applicable mitigation measures may be scaled to reduce or avoid the potential impacts of the alternative under consideration and may not precisely match those identified for the Proposed Project.

6.1.1 Project Description

The Proposed Project is described in detail in Chapter 3.0 of this Draft EIR. In summary, Lazer Broadcasting Corporation (Lazer) is proposing the construction and operation of a new FM radio broadcast facility to include a 43-foot tall mono-pole with attached antenna, a 10-foot by 10-foot single-story (height of nine (9) feet) equipment building, and a single 10-foot by 20-foot parking space/turnaround area on a 38.12-acre site located near Wildwood Canyon and Oak Glen Roads, east of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County. The 43-foot tall mono-pole currently exists on-site as approved with the issuance of a Temporary Use Permit (TUP) by the County of San Bernardino in 2010.

Additional supporting facilities to be developed within the subject parcel include a 30-foot radius fuel modification area on the perimeter of the equipment building, security fencing on the perimeter of the mono-pole and equipment building, and installation of approximately 650-linear feet (LF) of underground conduit for radio transmission lines. Off-site, the proposed project includes the extension of electric and utility lines for approximately 6,700 LF from the existing KRBQ tower within the Pisgah Peak Road private access service road to the subject site. The electric and utilities will be extended for exclusive use by Lazer.

KXRS-FM radio station is licensed by Lazer Licenses, LLC (Lazer) to Hemet, California to operate on 105.7 megahertz (MHz)¹. Programming for the station consists of commercial services and public services, which consists of one to three hours per week of PSA (Public Service Association) broadcasts. These services are limited to the geographic area of Hemet in Riverside County. Lazer was graded a Construction Permit by the FCC to change its operating frequency to 105.5 MHz and relocate the transmitter for KXRS-FM to a site which will significantly increase the population currently serviced by KXRS-FM. The Project Site was selected to provide coverage to both Riverside and San Bernardino counties and to a population that is interested in and relies on the Spanish-speaking programming that is provided by the radio station. At the Project Site, KXRS-FM 105.5 radio would expand its coverage area to include: San Bernardino, Riverside, Hemet, Perris, and other Inland Empire communities.

Lazer operates an existing broadcasting tower for KXRS-FM that is located at Polly Butte southeast of Hemet. This facility does not satisfy current Federal Communication Commission (FCC) antenna spacing and field strength requirements and exists only on a grandfathered basis. As such, the facility cannot improve its service at this location without impermissibly increasing interference with another broadcaster. The Project Site that Lazer has selected for relocation of the non-compliant facility complies with FCC standards, and the federal agency has evaluated and approved proposed operations at the Project Site. By operating from the Proposed Site, Lazer would address the existing station short-spacing², expand its service within the parameters of

¹ Megahertz, abbreviated MHz, is a unit of alternating current (AC) or electromagnetic (EM) wave frequency equal to one million hertz (1,000,000 Hz).

² To avoid co-channel interference, short-spacing, a minimum distance needed between stations operating on the same frequency, is required. Typically stations are located 175 miles or more apart before the same channel is used again. An otherwise-desirable channel may therefore be unavailable to a community unless either it is operated at greatly reduced-power, forced onto a strongly directional antenna pattern to protect the distant co-channel station or relocated to some other, more distant location in the region to maintain proper spacing. The choice of another community as home for a station can be one possible means to avoid short-spacing, effectively shifting the entire station's coverage area to maintain the required distances between transmitters.

FCC regulations, and comply with the FCC's minimum field strength of 70 dB μ ³ over its community of license. In American broadcasting, a city of license or community of license is the community that a radio station or television station is officially licensed to serve by that country's broadcast regulator. In this case, KXRS-FM is licensed to serve Hemet, California. In addition, operations at the Project Site would permit significantly improved service to San Bernardino and Riverside counties. Services would expand from 322,199 people to over 2.5 million people.

The proposed monopole and antenna would be self-supporting. The mono-pole would be fire-retardant treated wood that would either remain in a natural wooden "as-is" condition, or painted a neutral color (light beige, sage) to blend with the surround environment. The monopole would support a 25-foot long antenna that would be mounted per industry standards on the mono-pole's south-facing side. The antenna would extend from the surface of the monopole out to 21 inches and would be constructed of metal, and include four (4) "arms" that would extend from the main mono-pole support at 45 degree angles. The antenna would be approximately 4 inches in diameter and constructed of a non-glare, metallic material. Based on Federal Aviation Administration (FAA) and FCC guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

6.1.2 Project Objectives

CEQA Guidelines Section 15124(b) requires that the project description include a statement of objectives sought by the Proposed Project. The statement of objectives will assist the Lead Agency in developing a reasonable range of alternatives for evaluation in the EIR. The objectives will also assist the Lead Agency in developing findings for a statement of overriding considerations, if required.

The following are the Proposed Project's objectives and the methods required to achieve the stated objectives. The objectives are not independent variables; rather, they work together and are intended to comply with the County's intentions in implementing the General Plan.

- Rectify Lazer's FCC short-spacing deficiency by relocating its broadcasting antenna to a location that complies with FCC location criteria, minimum field strength requirements over its community of license, and allows for operation at maximum effective radiated power of 6 kW (approximate service radius of 28 kilometers (Sections 73.207 and 73.315 of Part 73 of the Code of Federal Regulations).
- Maintain and operate a fully licensed FM Radio Broadcast Facility in accordance with all applicable local, state and federal requirements.
- Enhance coverage of public service and commercial programming for San Bernardino residents.

³ The decibel (dB) is a logarithmic unit that expresses the ratio of two values of a physical quantity, often power or intensity. In radio, signal strength refers to the magnitude of the electric field at a reference point that is a t a significant distance from the transmitting antenna. Typically it is expressed in voltage per length or signal power. In Broadcasting it is expressed in dB-millivolts per meter (dBmV/m). In broadcasting terminology, 1mV/m is 60 dB μ . In accordance with the Title 47 Telecommunication, Part 73 – Radio Broadcast Services, Subpart B – FM Broadcast Stations, the transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 dB μ will be provided over the entire principal community to be served.

- Contribute to the expansion of Wildwood Canyon State Park (WCSP) through the implementation of a passive, not active, land use. As a passive land use broadcast towers have been implemented in many CA State Parks.
- Create long term buffering of passive land uses within and adjacent to the eastern WCSP boundary through dedication of development rights and/or transfer of ownership in fee of close to four percent of the current WCSP land area.

6.2 ALTERNATIVES CONSIDERED AND REJECTED

CEQA Guidelines 15126.6(c) requires that an EIR identify any alternatives that were considered and rejected as infeasible, and briefly explain the reasons for rejection. Because the current Project is the result of a reduced scale design that was approved by the County but appealed, only one alternative was considered and rejected. The alternative considered and rejected for this EIR is: Reduced Scale Alternative. This alternative is described below, including the rationale for rejecting the alternative. Reasons for elimination included failure to meet basic project objectives, infeasibility, or inability to avoid significant environmental impacts.

Reduced Scale Alternative: This alternative would be a reduced scale design of the Proposed Project, which is itself a reduced scale of the original design proposed in June 2007 that included the construction of a 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank. In October 2008 upon the review of the concerns and comments received from the County's noticing, the applicant revised the Application to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building and a 500-gallon propane tank on the project site. In November 2008 the project was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission subsequently approved the project. On January 27, 2009 and continued to March 3, 2009, the Board of Supervisors held a public hearing on the appeal to the prior Planning Commission action at which time the BOS granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial. Final revisions to the Project in May 2011 resulted in a wooden monopole design height of 43-feet. That alternative is the Proposed Project evaluated herein.

This alternative was rejected for further evaluation since the Proposed Project could not be further reduced without jeopardizing the Project's intent of providing services to an expanded audience or potentially being compliant with FCC rules. Additionally, since reducing the height of the monopole would have a decrease in the total population reached or reduce the applicant's ability to reach the target audience in Hemet, this alternative was rejected for further evaluation.

6.3 ALTERNATIVES CONSIDERED FOR EVALUATION

The intent of a Project Alternatives evaluation is to identify ways to mitigate or avoid the significant effects that a project may have on the environment (CEQA 15126.6(b) and PRC Section 21002.1). The discussion shall focus on alternatives to the project or its location that avoid or substantially lessen significant effects even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternatives need to

be reasonable and feasible. They should be potentially feasible, accomplish most of the basic objectives of the project, and lessen one or more of the significant effects (CEQA 15126.6(c)).

The County has incorporated this rationale, as well as the results of a third-party peer review of previously prepared reports regarding Project Site selection in its evaluation for selecting the alternatives presented. Information was obtained from the third-party report “Engineering Statement for the FM Station Proposed Move to Pisgah Peak” prepared by Cavell Mertz & Associates, Inc. The report is included in the DEIR as Appendix I and summarized below in Section 6.3.1. Based on CEQA requirements and findings of the report, the following alternatives were considered and are included in the analysis herein:

- **No Project/Development Under RL Land Use Designation Alternative:** The Project Site would be developed under the current County of San Bernardino Land Use designation of Rural Living within a single-family residence located near a ridgeline, and the monopole would be removed.
- **Other Location Alternative:** There are a number of sites in the general vicinity that may be developed with a radio broadcast facility. However, a limited number of locations that are in San Bernardino County and the Yucaipa area could possibly lessen aesthetic impacts and still meet most of the objectives of the Project. Therefore, using the FCC criteria, and a technical report prepared for this EIR (referenced below), the one site that could be selected for evaluation is in Riverside County. This alternative evaluates an approximate 30-acre property located near the community of Cherry Valley, California in the unincorporated area of Riverside County.

Specifically the Alternative Site is located south, east and west of View Avenue Lane and north of Rancho Drive at 9030 Rancho Drive, Beaumont, California (APN: 401-050-007, Township 2 South, Range 1 West within Section 15). The Alternative Site is located approximately two (2) miles southwest of the Project Site and is currently developed with a single-family residence. The Alternative Site occurs within the County of Riverside Foundation Component of Rural and has an area land use designation of Rural Mountainous (RM), The Alternative Site is zoned Open Space Water (W2). The Proposed Project would be consistent with the land use designation and zoning at the Alternative Location and would require the approval of a Major Plot Plan.

6.3.1 Findings of Engineering Statement for Alternatives Selection

Cavell Mertz & Associates, Inc. was retained by the County to evaluate the merits of the Proposed Project and comments from parties opposed to the Project. Evaluation of the Project included the review of four documents including: 1) *Engineering Analysis & Statement* dated January 2009, Klein Broadcast Engineering, LLC [Klein Report]; 2) *Letter to the San Bernardino Planning Commission* of October 14, 2010 from Fletcher, Heald & Hildreth, PLC counsel for Laser Broadcasting [FHH Letter]; 3) *Engineering Statement* dated March 2011 prepared by De La Hunt Communications Service, consultant to Citizens for Preservation of Rural Living [De La Hunt Report]; and 4) *Engineering Statement* dated November 2012 prepared by Hatfield & Dawson, consultants for Lazer Broadcasting [H&D Report]. A third party review of all documents was conducted with respect to rules and policies of the FCC as

they relate to the location of FM radio stations. The report is included in the DEIR as Appendix I.

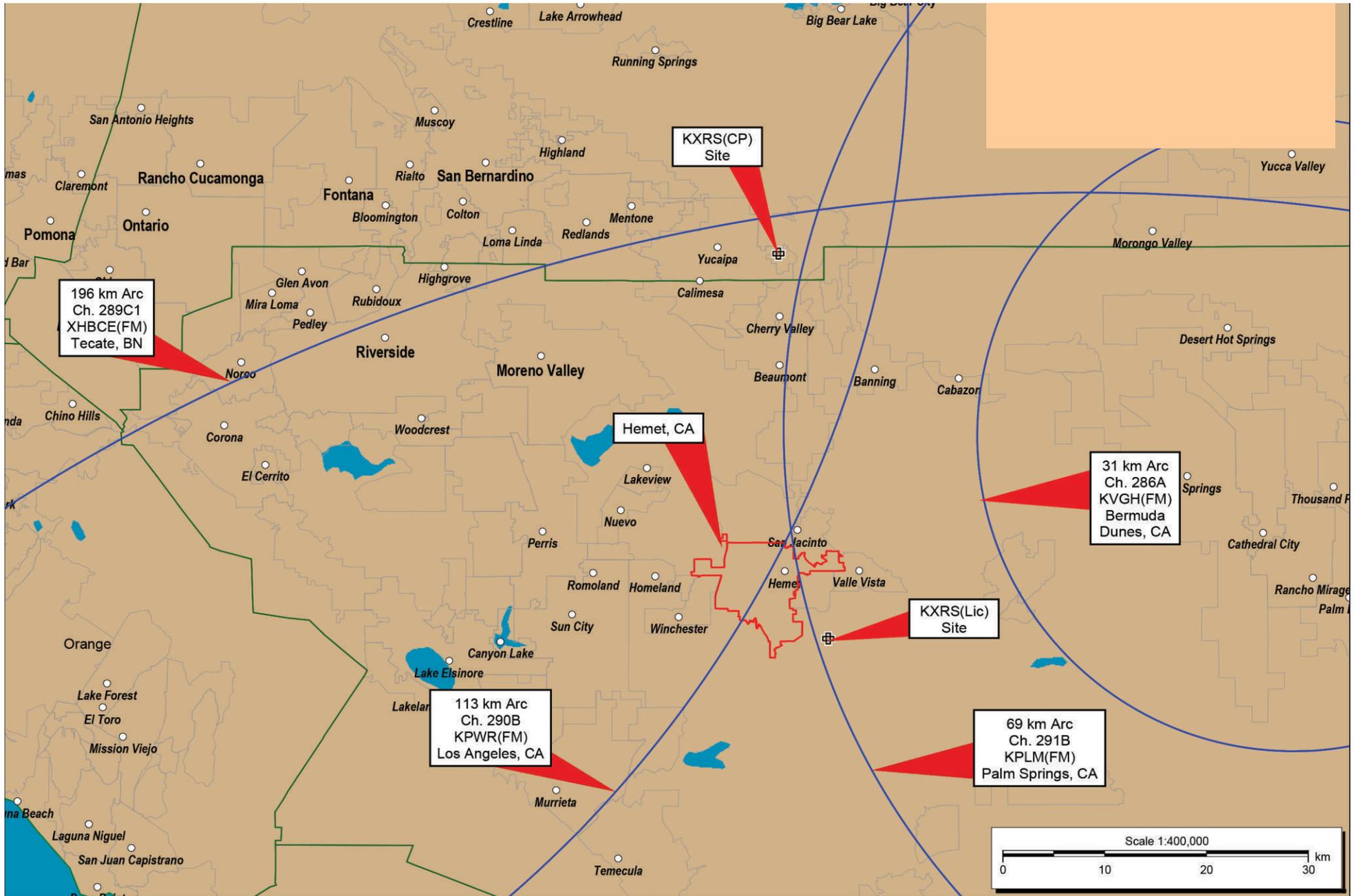
KXRS (FM) is licensed by Lazer to Hemet, California to operate on 105.7 MHz. Lazer was granted a Construction Permit by the FCC to change its operating frequency to 105.5 MHz and relocate the transmitter for KXRS to a site which would significantly increase the population currently served by KXRS. KXRS is licensed as a “Class A” FM station and is currently limited to a maximum of 3 kilowatt (kW) effective radiated power (ERP) due to its proximity to neighboring stations on the same and immediately adjacent frequencies. The FCC Rules for Class A stations were revised in 1989 to allow an increase in the maximum operating power of a Class A station to 6 kW ERP in certain circumstances. In particular, the change in the rules also increased the minimum distance stations must be separated from one another based on their frequency (channel) relationship. As shown in Figure 6-1, the current location of KXRS does not meet the current FCC minimum distance spacing rules.

In order for Lazer to increase KXRS to the maximum 6 kW ERP the station must be relocated to another site which meets the current FCC Rules. Choosing any site that meets all transmitter location constraints and parameters is not a simple matter, particularly in the mountainous regions of southern California. All minimum distance separation requirements must be met or a station’s signal strength must be reduced to maintain protection toward neighboring stations on neighboring frequencies. Coverage of the principal community must also be maintained. For any potential station location, other factors including the protection of the public from radio frequency energy, availability of equipment space, existing tower loading considerations, availability of resources, environmental and local jurisdiction considerations, and market/economic viability are other critical factors.

An area in which KXRS may locate to comply with FCC rules and policies is created by the distance spacing from other stations. The area as identified by the Cavell, Mertz Associates is shown on Figure 6-2. The area available to KXRS is referred to as the “funnel” and includes two potential sites in San Bernardino County, one being the Project Site; and two potential sites in Riverside County, one being the Alternative Site Location evaluated herein. The requirement to have line-of-sight to the Community of License (i.e., Hemet) dramatically reduces the size of this area. It is also true that the *Klein Report* discusses allocations constraints and possible coverage contours with no textual consideration of intervening terrain effects that might discount the suitability of the alternative sites.

As stated in the *H&D Report*, the Project Site would allow Lazer to both expand its service and satisfy FCC Standards, since sufficient coverage would be provided to Hemet. The FCC has granted Lazer a Construction Permit, thereby asserting that this location meets the rules and requirements for coverage to Hemet.

There is an additional limitation to KXRS on its current channel. It is believed to be part of a specially negotiated short-spacing agreement the FCC has made with Mexico with regard to co-channel Mexican FM station XHBCE (Ch. 289C1 100 kW with an antenna height above average terrain [HAAT] of 299 meters or the equivalent of 8.2 kW at 782 meters HAAT.) KXRS is likely to be prohibited from doing anything to increase its signal strength (given its close proximity to



ALLOCATION CONSTRAINTS

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

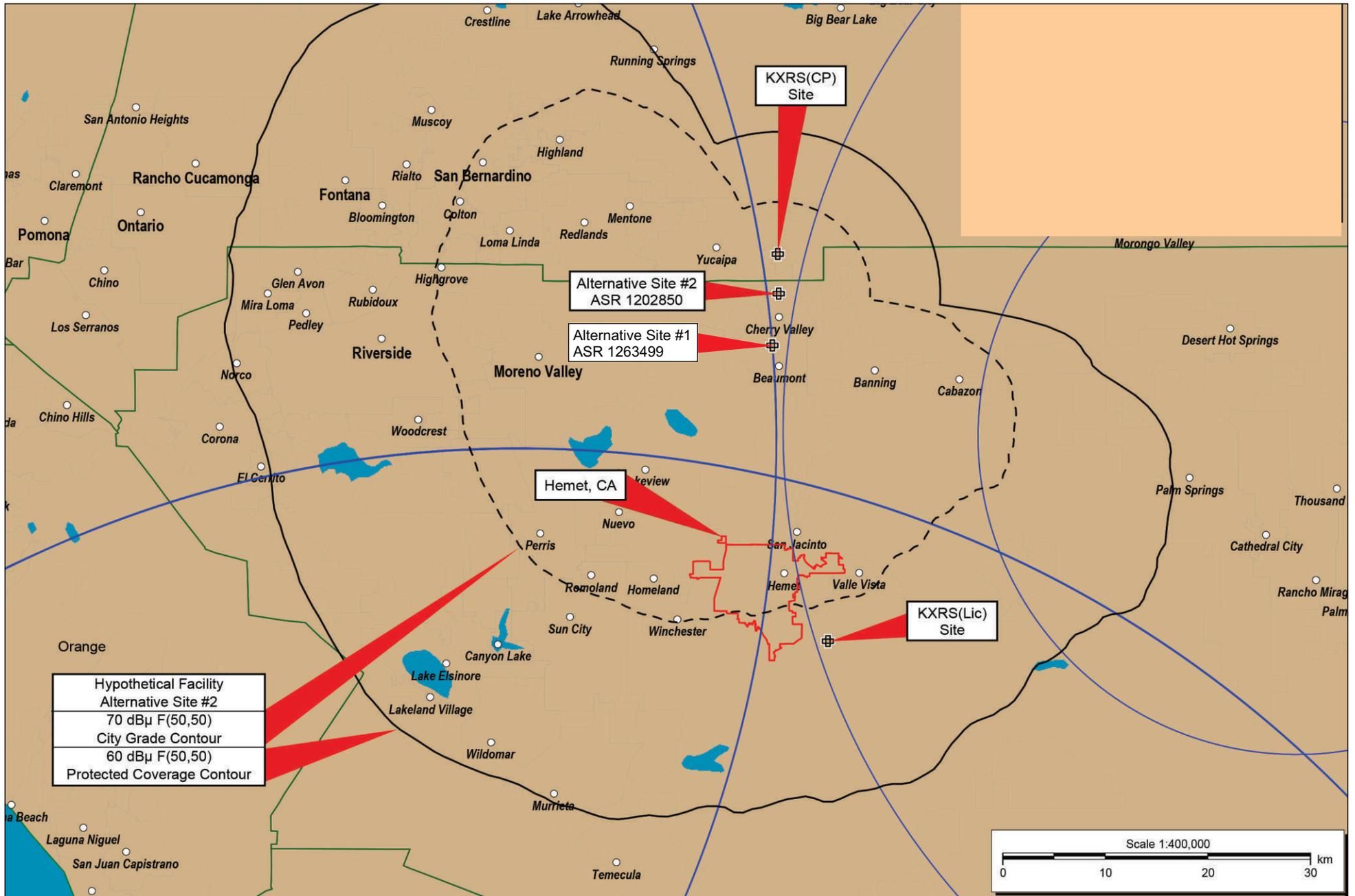
FIGURE 6-1

Note:

The current location of KXRS does not meet the current FCC minimum distance spacing rules.

Source: Cavell, Mertz & Associates, Inc.

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AREA AVAILABLE to LOCATE KXRS

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 6-2

Source: Cavell, Mertz & Associates, Inc.

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XHBCE, a neighboring station) on its current licensed frequency. This limitation does not exist if the KXRS operating frequency changes to 105.5 MHz as proposed in the FCC Construction Permit. While essentially landlocked, the station could choose to remain licensed at the present location and operating power for the foreseeable future.

FCC Rules Requiring Coverage of Hemet

In accordance with 47 CFR §73.315(a), the transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 dBu shall be provided over the entire principal community to be served. In addition, 47 CFR §73.315(b) states that the transmitter location shall be chosen to maximize coverage to the city of license while minimizing interference. This is normally accomplished by locating in the least populated area available while maintaining the provisions of paragraph (a) of this section. In general, the transmitting antenna of a station should be located in the most sparsely populated area available at the highest elevation available. The location of the antenna should be so chosen so that the line-of-sight can be obtained from the antenna over the principle city or cities to be served; in no event should there be a major obstruction in this path. Similarly, Section 47 CFR §73.315(a) states that coverage shall be provided over the entire principal community. However, it is a long-standing FCC policy that the coverage needs only to be provided to 80 percent of the either area or the population of the principal community, in this case, Hemet, California.

Alternative Sites

Alternative site #1 (ASR# 1263499) and site #2 (ASR# 1202850) (see Figure 6-2) have been identified in both the *Klein Report* and the *De La Hunt Report*. These locations are described as potential alternative transmitter sites. The towers have been registered in the FCC's ASR database but have not been constructed.

Alternative Site #1

Alternative site #1 (ASR# 1263499) was approved by the FCC to construct a 328-foot tall tower. This site has a ground elevation of 2,606 feet above mean sea level (amsl), typical of the surrounding Beaumont area. The predicted 60 dB μ contour of a hypothetical 6 kW Class A FM station with an antenna mounted at the top of this tower would encompass 1,153,758 people. The 70 dB μ "city grade" coverage contour covers 73.1 percent of the land area of Hemet and 86 percent of the people. Therefore this alternative site complies with the FCC's policy of 80 percent coverage of the land or population.

Line of sight drawings of Alternative Site #1 show that almost all of Hemet is blocked by intervening terrain. The area with line-of-sight is 11.7 percent of the area and covers 11.5 percent of the population. Based on terrain profiles, it is the opinion of Cavell, Mertz & Associates, Inc. that Alternative Site #1 would not comply with Section 47 CFR §73.315(b) of the FCC Rules.

Alternative Site #2

Alternative site #2 (ASR# 1202850) was approved by the FCC to construct a 400-foot tall tower. The elevation at this site is 3,381 feet amsl. This site is approximately 775 feet higher than

Alternative Site #1. The predicted 60 dB μ contour of a hypothetical 6 kW Class A FM station with an antenna mounted at the top of this tower would encompass 1,760,371 people. The 70 dB μ “city grade” coverage contour covers 79.3 percent of the land area of Hemet and 98.2 percent of the people. Therefore this site also complies with the FCC’s policy of 80 percent coverage of the land or population.

Alternative Site #2 was also evaluated for line-of-sight to the City of Hemet. As expected with a higher ground elevation and a slightly taller tower, the line-of-sight for Hemet is greater at Alternative Site #2 than that of Alternative Site #1. However, after reviewing the terrain path profiles, it cannot be definitively determined whether the FCC would accept the line-of-sight to Hemet from this alternate site as being compliant with its Rules.

Line of Sight from KXRS Proposed Site

The predicted 60 dB μ contour of the KXRS Construction Permit facility is predicted to encompass 2,122,976 people. The 70 dB μ city of license contour covers 76.9 percent of the land area of Hemet and 96.7 percent of the people. Therefore, the Project Site complies with the FCC’s policy of 80 percent coverage of the land or population. Figure 6-3 shows the 60 dB μ and 70 dB μ contours of the proposed facility at the Project Site. For comparison purposes, the proposed KXRS site was also studied using the same line of sight study as the alternate sites. Terrain models for the Project Site indicated that 50.5 percent of the land area is covered and approximately 41.9 percent of the population of Hemet would be covered. As mentioned above, the FCC Rules address both the 70 dB μ signal coverage and the prohibition of “major obstructions.” Since the FCC has granted a construction permit for this location, it must be concluded that this site satisfies the FCC Rules and policies at the time of the grant in 2009.

Conclusion

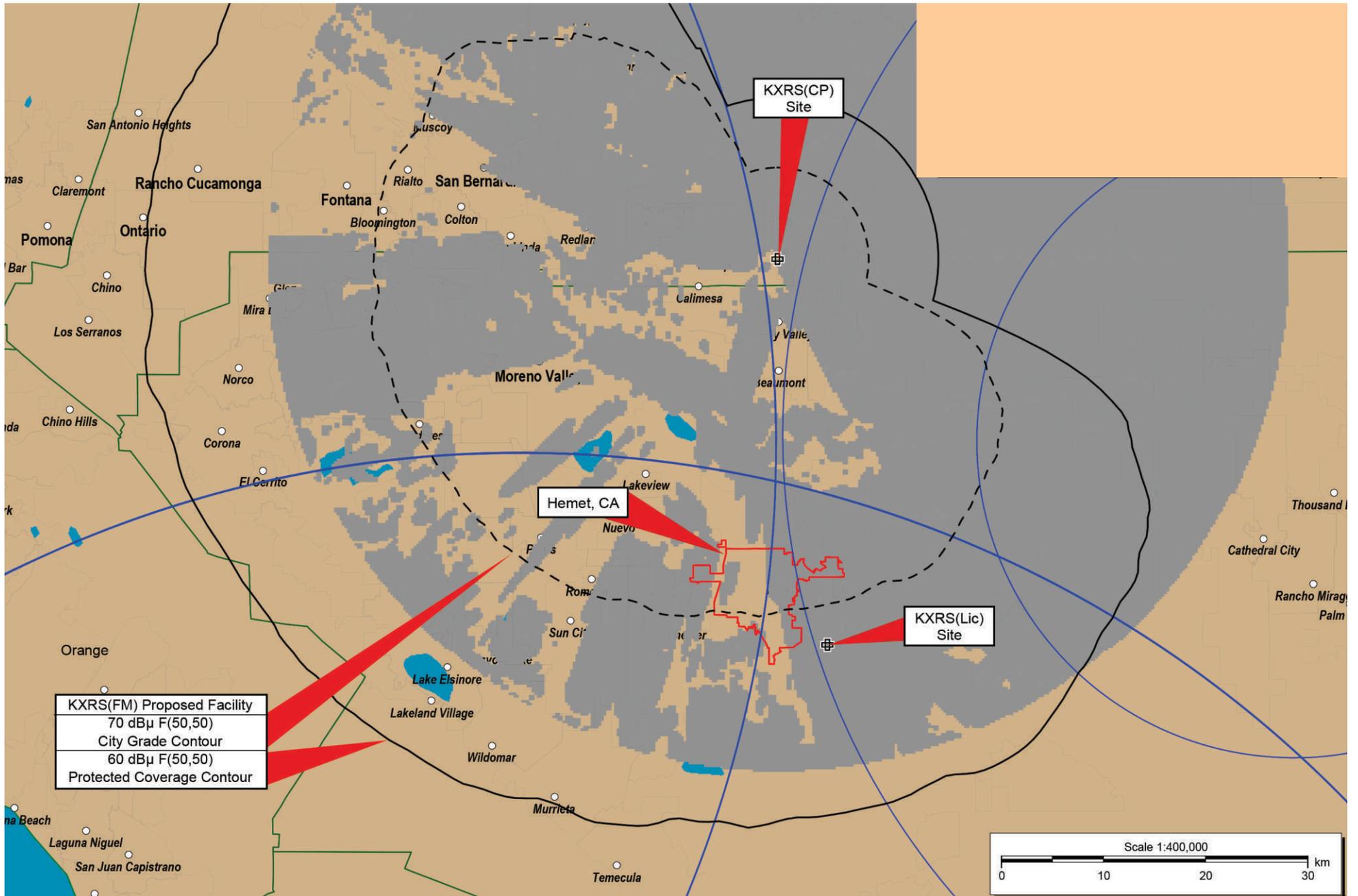
From an FCC allocations perspective of the alternative sites evaluated, Alternative Site #2 (ASR# 1202850) is the only alternative that could potentially be acceptable. However, more than half of the City of Hemet remains shadowed (based on terrain models) from the proposed 400-foot tower that would need to be built at this location. It is clear that the proposed KXRS site location on Pisgah Peak, which has been accepted by the FCC, would provide greater coverage in both area and population over that predicted from Alternative Site #2.

6.4 EVALUATION OF ALTERNATIVES SELECTED

6.4.1 No Project/Development Under the RL Land Use Designation Alternative

Under this alternative, the Proposed Project would not be developed. The Project Site would be developed under the current County of San Bernardino Land Use designation of Rural Living within a single-family residence located near the ridgeline (see Figure 6-4 for a simulation of this Alternative). The existing monopole would be removed.

The “No Project/Development Under the RL Land Use Designation Alternative” independently and in comparison to the Proposed Project is addressed briefly for each of the environmental impact topics consistent with the impact analysis conducted in Chapter 4.0 of this EIR. The



LINE-of-SIGHT STUDY KXRS (FM) CONSTRUCTION PERMIT

Lazer Broadcasting - EIR

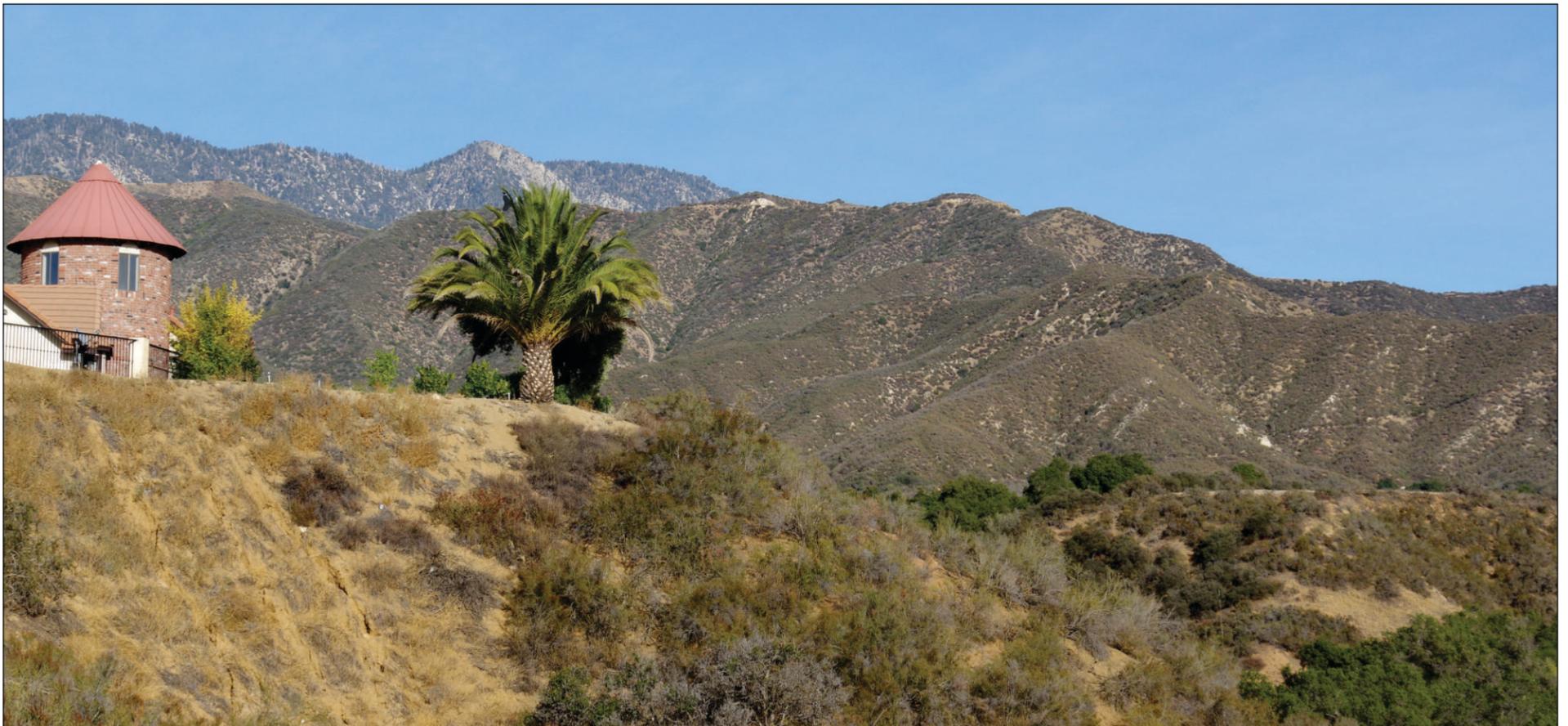
APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 6-3

Source: Cavell, Mertz & Associates, Inc.

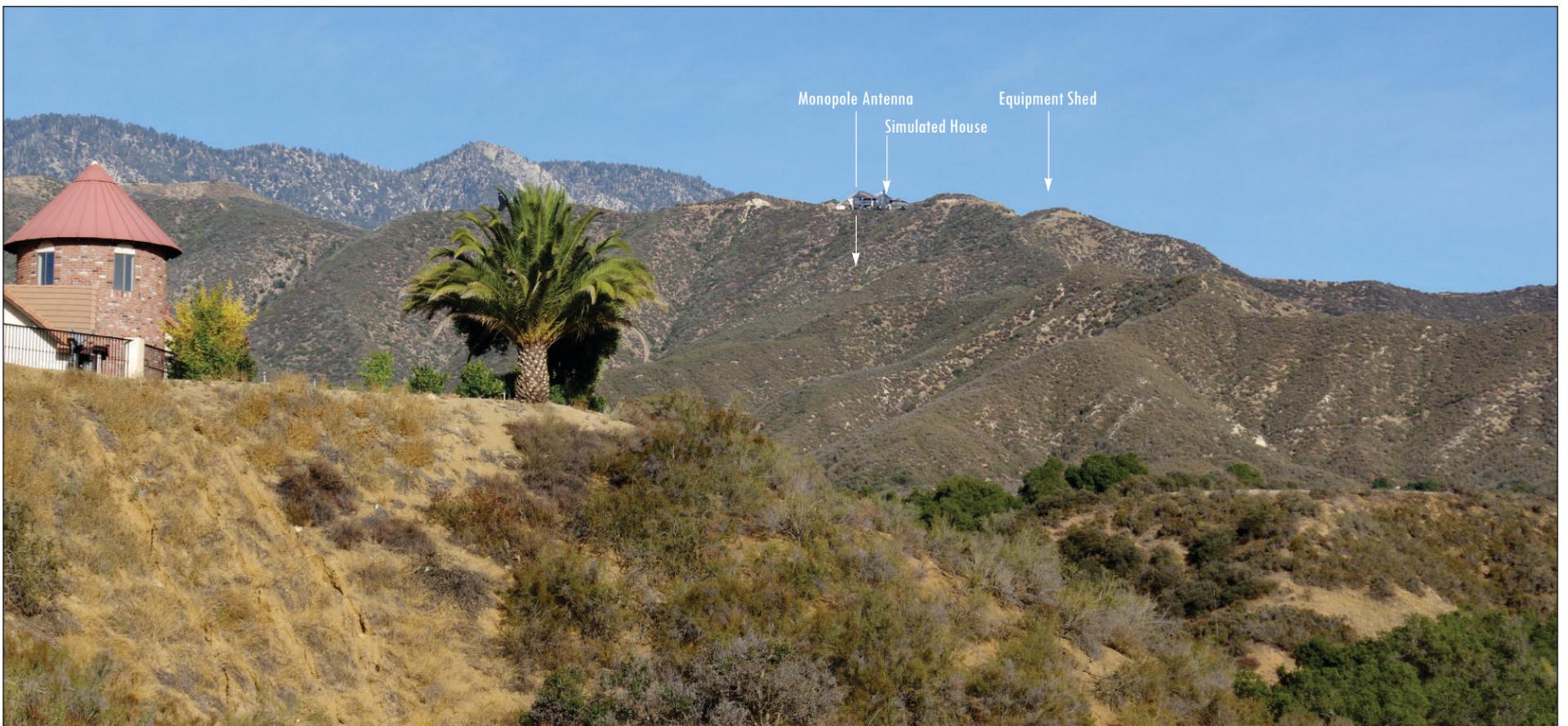
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Simulated Baseline Conditions: View looking east from a residential area at the end of Parkview Terrace before placement of the existing monopole.



Existing Conditions: Current monopole in place.



Proposed Project: Simulation of the "No Project / Development Under RL Land Use Designation Alternative".

DEVELOPMENT UNDER "NO PROJECT" ALTERNATIVE SIMULATION

Lazer Broadcasting - EIR

APN: 0325-011-19

Oak Glen Community, County of San Bernardino, California

FIGURE 6-4

IMAGE INFORMATION
 Image Date: 11/19/2014 PM
 Camera: Pentax K-3
 Sensor: 24 mp (6016x4000)
 Lens: 50mm Prime
 ISO: 200

NOTE:
 This 11"x17" visual simulation figure approximates on-site conditions when held 15 inches away from viewers eyes.

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discussion of impacts with potential significance is expanded to examine the potential for mitigation and comparison to the Proposed Project impacts.

Aesthetics

Based upon the potential visual impacts of the Proposed Project's development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. The 38.12-acre Project Site is currently undisturbed vacant land with the exception of a wooden pole that was placed on-site in May 2010 (and associated vegetation/soil disturbance) to demonstrate the scale of the Proposed Project. The "No Project/Development under the RL Land Use Designation Alternative" would develop the site under the current County General Plan designation which allows for a single-family residence. This project alternative would include the residence and potential related uses (i.e., driveway, front and backyard landscaping in accordance with fuel modification requirements, pool, detached garage, and fencing). The wooden pole would be removed to allow for the development under this Alternative. The "No Project/Development Under RL Land Use Designation Alternative" would result in similar or potentially greater impacts to aesthetics and visual quality as the Project Site would include development that would be visible from the Park and nearby residential development. The land use intensity would be greater under this alternative and would likely result in similar if not greater visual impacts than the Proposed Project. However, this Alternative could result in a more acceptable land use by patrons of the Park and nearby residential development as a residential home would blend with surrounding development more so than a tower. However, strictly based on land use intensity and overall heights and mass, development under this Alternative could result in a greater visual impact due to the building mass and height. A three-story, 60-foot high residence would be allowed and square-footage could exceed 7,000 square-feet. However, similar to the Proposed Project, potentially significant impacts would likely be reduced to a less than significant level with mitigation.

Biological Resources

Based upon the Biological Resources Assessment prepared to address the potential impacts related to the Proposed Project's development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. Under this Alternative, it is likely that more intense soil disturbing activities would be required for the construction of a single-family residence and related uses, as the footprint of the structure, pool, garage and driveway would be greater than that of the Proposed Project. The "No Project/ Development under the RL Land Use Designation Alternative" would have similar impacts on biological resources as the Proposed Project, and potentially greater depending on the area of disturbance as it relates to biological resources. Under this Alternative, the wooden pole would be removed in accordance with conditions presented in the Temporary Use Permit.

Geology and Soils

Based upon the Geotechnical reports prepared to address the potential impacts related to the Proposed Project's development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. Under the "No Project/Development under the RL Land Use Designation Alternative," the Project Site would be graded to allow for the development of a

single-family residence and related structures. The extension of electrical power to the site would still be required under this Alternative; however the length of the extension may be reduced. Impacts to geology and soils would still occur under this Alternative and would be similar if not potentially greater than the Proposed Project. However, like the Project, potential impacts would be reduced to a less than significant level with mitigation incorporated.

Fire Safety & Hazards

Based upon the review of fire safety and hazards as related to the Proposed Project's development at the Project Site, all potentially significant impacts can do reduced to a less than significant level. Under this alternative, no 43-foot tall monopole with attached antenna and related facilities would be constructed at the Project Site. Instead the site would be developed under the existing County land use designation of RL, which would allow for the construction of a single-family residence and related structures. The Project Site could be developed with a three-story residence, up to 60 feet in height and landscaping that could include trees that, over time, may could also reach up to 60 feet tall or higher. Therefore impacts from potential lightning strikes would likely be similar to the Proposed Project, although project-related potentially significant impacts can be reduced to less than significant levels with mitigation. Fire access as it pertains to the Fire Safety Overlay (FS1) District, would likely require modifications under the "No Project/Development Under the RL Land Use Designation Alternative," as development on-site would no longer be considered unmanned and according to County Fire may need to be revised under this Alternative as fire crews would need an adequate path to travel to the Project Site to suppress a fire. The potential for a fire to start at the Project Site and travel up Pisgah Peak and into the community of Oak Glen would be the same as compared to the Proposed Project under this Alternative. However, potential impacts, like the Proposed Project, would be reduced to a less than significant level with mitigation incorporated.

Land Use

Based upon the review of land use conducted as part of this EIR and as it relates to development of the Proposed Project, all potentially significant impacts can be reduced to a less than significant level. Under this Alternative, the proposed monopole and related facilities would not be constructed; instead a single-family residence would be constructed on-site in accordance with the County land use designation of RL. The potential for growth-inducing impacts as pertained to CEQA Guidelines Sections 15126(d) would result and be similar as compacted to the Proposed Project. However, as concluded in the Section 4.8 Land Use and Planning of the EIR, the proposed SCE utility extension from the existing power source nearest Wildwood Canyon Road extending to the equipment building is considered a "private service extension." As such, development of a single-family residence would either need to tie-in or have its own means of electricity (i.e., solar). There are total of seven parcels in addition to the Project Site that could be developed with a single-family residences as the parcels would have access from Pisgah Peak Road, meet the necessary 20-acre minimum lot size, and would be visible from the Park and nearly be residential development. However, each proposed residential development would require independent review by the County. The provision of infrastructure to one residence located where nearby properties may be developed could be considered growth-inducing. However potential impacts related to growth inducement under this Alternative are determined to be less than significant, which is the same as the Proposed Project

Conclusions

Although the “No Project/Development under the RL Land Use Designation Alternative” would result in similar impacts as compared to the Proposed Project, this alternative could result in only minor visual impacts since viewpoints may be different for a residential structure as compared to a radio tower. However, as discussed above, the intensity of the land as developed with a single-family residence would be greater as the structures on-site would be larger, and related structures (i.e., pool, garage, driveway, etc.) would be greater as well. The Project Site would be subject to a larger area of disturbance that would be visible from a distance including existing neighborhoods. Geology and soils impacts related to soil erosion would be similar as compared to the Proposed Project and would be short-term construction-related. However, this alternative would not meet any of the Project objectives. In addition, all potentially significant impacts associated with the Proposed Project would be reduced to less than significant levels with mitigation; these are in the areas of aesthetics, biological resources, geology and soils, fire safety and hazards, and land use.

6.4.2 Other Location Alternative

The “Other Location Alternative” involves construction and operation of a 400-foot tall tower on a 30-acre property located near the communities of Beaumont and Cherry Valley, California in the unincorporated area of Riverside County. Specifically the Alternative Site is located south, east and west of View Avenue Lane and north of Rancho Drive at 9030 Rancho Drive, Beaumont, California (APN: 401-050-007). The “Other Location Alternative” is located approximately two (2) miles southwest of the Project Site and is currently developed with a single-family residence. The Alternative Site occurs within the County of Riverside Foundation Component of Rural and has an area land use designation of Rural Mountainous (RM), which is land designated for single-family residential uses with a minimum lot size of 10 acres, including areas of at least ten (10) acres where a minimum of 70 percent of the area has slopes of 25 percent or greater. The “Other Location Alternative” site is zoned Open Space Water (W2). The Proposed Project would be consistent with the land use designation and zoning at the Alternative Location and would require the approval of a Major Plot Plan.

This site was chosen as it occurs within a “funnel shaped” area in which KXRS may locate as created by the distance spacing from other stations. The requirement to have line-of-sight to the Community of License dramatically reduces the size of this area. This site was determined to be the nearest site that would meet the project objectives and comply with FCC Rules and Policies as described in Section 6.3.1. However, this Alternative could not be selected by the Lead Agency and the Applicant would be required to initiate the Application process with the County of Riverside.

Aesthetics

Based upon the potential visual impacts of the Proposed Project’s development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. The “Other Location Alternative” would result in a substantial increase to the proposed height of the radio broadcasting facility and would result in the construction of a traditional lattice style radio tower verses a monopole (due to the 400-foot required height). The “Other Location Alternative”

would also require the construction of an equipment building, parking space, fencing and extension of electrical lines to the site. Due to the height of the tower necessary to reach the required population in Hemet, this alternative would have a greater impact to visual quality for the area related to lighting as it would likely also require lighting on the tower for aircraft safety. A Visual Resources Assessment would be required to determine whether visual impacts to surrounding land uses from the “Other Location Alternative” could be reduced to a less than significant level.

Biological Resources

Based upon the Biological Resources Assessment prepared to address the potential impacts related to the Proposed Project’s development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. The “Other Location Alternative” occurs within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which is a criteria-based plan, focused on preserving individual species through habitat conservation. The “Other Location Alternative” occurs within the *Pass Area Plan* within sub unit *SU2 – Badlands/San Bernardino National Forest*. Development of a radio broadcast tower and related facilities would require a habitat assessment to address at a minimum potential habitat for the Narrow Endemic Plant Species that are classified by the California Native Plant Society (CNPS). The two identified in the MSHCP include Marvin’s Onion (CNPS 1B.1 List) and Many-stemmed dudleya (CNPS 1B.2 List). If potential habitat for these species is determined to be located on the property, focused surveys may be required during the appropriate season. Under this alternative, the impact to biological resources would likely be greater than the Proposed Project because no species of concern were found on the Project Site. However, impacts to any species of concern could likely be mitigated to a level of less than significant. As with the Proposed Project, mitigation would also be required for potential impacts to avian species.

Geology and Soils

Based upon the Geotechnical reports prepared to address the potential impacts related to the Proposed Project’s development at the Project Site, all potentially significant impacts can be reduced to a less than significant level. Given the substantial increase in facility height (400 feet verses 43 feet), additional ground disturbance would be necessary to support the base of a traditional radio tower. However impacts would, like for the Proposed Project, be less than significant with mitigation incorporated.

Fire Safety & Hazards

Based upon the review of fire safety and hazards as related to the Proposed Project’s development at the Project Site, all potentially significant impacts can do reduced to a less than significant level. Under this alternative, a 400-foot lattice tower would be constructed along with related facilities on a 30-acre site near the communities of Beaumont and Cherry Valley. It is likely that the potential for lightning strikes would be somewhat greater given the height and material of the tower at the “Other Location Alternative”. The Proposed Project’s potentially significant impacts can be reduced to less than significant levels with mitigation. Fire access as it pertains to the County of Riverside is unknown, but given that a single-family residence is

currently located on the 30-1cre site, fire crews would likely response where as in the case of the Project Site, fire crew response would not be necessary. Therefore, the potential of lightning strikes at the “Other Location Alternative,” are determined to likely create more of a safety hazard than at the Project Site. The potential for a fire to start at the “Other Location Alternative” and travel into surrounding communities would remain the same as compared to the Project Site.

Land Use

Based upon the review of land use conducted as part of this EIR and as it relates to development of the Proposed Project, all potentially significant impacts can be reduced to a less than significant level. The “Other Location Alternative” involves construction and operation of a 400-foot tall traditional radio tower on a 30-acre property located near the communities of Beaumont and Cherry Valley, California in the unincorporated area of Riverside County. The “Other Location Alternative” occurs within the County of Riverside Foundation Component of Rural and has an area land use designation of Rural Mountainous (RM), which is land designated for single-family residential uses with a minimum lot size of 10 acres, including areas of at least ten (10) acres where a minimum of 70 percent of the area has slopes of 25 percent or greater. The Alternative Site is zoned Open Space Water (W2). The Proposed Project would be consistent with the land use designation and zoning at the Location Alterative and would require the approval of a Major Plot Plan.

Since development is restricted to a minimum 10-acre parcel size verses 20-acre parcel size as required in the County of San Bernardino Oak Glen/Rural Living designation, this alternative could potentially result in additional towers being constructed near the “Other Location Alternative” site. However, without knowledge of site specific terrain and access issues, electrical availability, and review of parcel maps for the area, it is unknown how many towers could be constructed near the “Other Location Alternative”. Therefore, growth-inducing impacts as pertained to CEQA Guidelines Sections 15126(d) could potentially result and be similar to or greater than the Project Site. However, as concluded in the Section 4.8 Land Use and Planning of the EIR, the proposed SCE utility extension from the existing power source nearest Wildwood Canyon Road extending to the equipment building is considered a “private service extension.” Therefore, it is understood that no future tie-ins or connections to this utility would be permitted, and therefore electrical service would not be extended from this line to any other adjacent parcels.

Conclusions

The “Other Location Alternative” would result in potentially greater impacts to Aesthetics, Fire Safety and Hazards, and Land Use. In addition this alternative would not meet the Project’s objectives to the same extent as the Proposed Project for contributing to the expansion of Wildwood Canyon State Park through the implementation of a passive, not active, land use. This alternative also could not be selected under this CEQA review for permitting by the current Lead Agency.

6.5 SUMMARY OF ALTERNATIVES ANALYSIS

Table 6-1 summarizes the impacts to each resource area for the two alternatives that were carried forward for analysis.

Table 6-1
Summary of Impacts for Each Alternative

Environmental Issues/Effects	No Project/Development under the RL Land Use Designation Alternative	Other Location Alternative
Aesthetics	Less Than Significant with Mitigation	Potentially Significant
Biological Resources	Less Than Significant with Mitigation	Less Than Significant with Mitigation
Geology and Soils	Less Than Significant with Mitigation	Less Than Significant with Mitigation
Fire Safety and Hazards	Less Than Significant with Mitigation	Less Than Significant with Mitigation
Land Use	Less Than Significant with Mitigation	Potentially Significant

Table 6-2 shows the impact levels of the alternatives as compared to those impacts analyzed for the Proposed Project. The two alternatives have impact levels similar to or greater than the Proposed Project and a few impacts levels are less than the Proposed Project.

6.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Based on the evaluation of the two alternatives in this section, implementation of the “No Project/Development Under the RL Land Use Designation Alternative” would result in impact levels similar to the Proposed Project but would not meet project objectives. The “Other Location Alternative” would have potentially greater impacts than the Proposed Project. The “Other Location Alternative” would meet most of the objectives of the Project by: 1) Rectifying Lazer’s FCC short-spacing deficiency by relocating its broadcasting antenna to a location that complies with FCC requirements; 2) Maintaining and operating a fully licensed FM Radio Broadcast Facility in accordance with all applicable local, state and federal requirements; and 3) Providing enhanced coverage of public service and commercial programming for San Bernardino and Riverside County residents. However the “Other Location Alternative” would not meet the Project’s objective of: 1) Contributing to the expansion of Wildwood Canyon State Park (WCSP) through the implementation of a passive, non-active land use; and 2) Creating long

term buffering of passive land uses within and adjacent to the eastern WCSP boundary through dedication of development rights and/or transfer of ownership in fee of close to four percent of the current WCSP land area.

Table 6-2
Impact Comparison of Proposed and Alternative Projects

Environmental Issues	Proposed Project	No-Project/ Development under RL Land Use Designation Alternative	Other Location Alternative
Aesthetics	Less Than Significant with Mitigation	Greater Than Proposed Project	Greater Than Proposed Project
Biological Resources	Less Than Significant with Mitigation	Similar Impact	Similar Impact
Geology and Soils	Less Than Significant with Mitigation	Similar Impact	Similar Impact
Fire Safety and Hazards	Less Than Significant with Mitigation	Similar Impact	Greater Than Proposed Project
Land Use	Less Than Significant with Mitigation	Similar Impact	Greater Than Proposed Project
Overall Impact	Less Than Significant with Mitigation	Similar Impact	Greater Than Proposed Project

Notes:

Less than Significant – If all impacts were identified as less than significant, after mitigation, as discussed in Chapter 4.0.

No Impact – No impact would occur.

Similar to Proposed Project – Level of significance is similar to the Proposed Project.

Greater than Proposed Project – Level of significance is greater as compared to the Proposed Project.

Less than Proposed Project – Level of significance is less as compared to the Proposed Project, but not necessarily to a less-than significant level or no impact level.

In comparison to the Proposed Project, impacts resulting from the “No Project/Development Under RL Land Use Designation Alternative” would be similar and potentially greater than the Proposed Project, as demonstrated in the above analysis. None of the alternatives evaluated provide significant improvements over the Proposed Project. This is particularly evident in the comparison to the “Other Location Alternative” which, although potentially capable of providing the necessary coverage to Hemet brings potentially greater impacts to aesthetics due to its overall necessary height of 400 feet and footprint to support the development; and possibly to biological resources due to MSHCP requirements. However, the “Other Location Alternative” although still subject to potentially greater aesthetic impacts, appears to be the environmentally superior alternative of the two considered. None of the alternatives completely satisfy the objectives outlined for achievement by the Proposed Project or improve the aesthetic impacts the Proposed Project attempts to rectify.

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County of San Bernardino, Land Use Services Department

Terry Rahhal, AICP, Planning Director
Kevin White, Senior Planner

Lilburn Corporation (under Contract to County)

Cheryl Tubbs, Principal
Natalie Patty, Project Manager
Mike Perry, Senior Planner/Analyst
Frank Amendola, Environmental Analyst
Lorraine Bueno, Environmental Analyst
Troy Goodwalt, Graphic Artist/CAD Operator
Mary Jones, Word Processor

Transtech (representative of Applicant)

David E. Mlynarski, Principal

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