



LAND USE SERVICES DEPARTMENT

Planning Division

PLANNING COMMISSION STAFF REPORT



HEARING DATE: September 20, 2012

AGENDA ITEM NO: 4

Project Description

Vicinity Map



APPLICANT: LAZER BROADCASTING CORPORATION
APN: 0325-011-19
PROPOSAL: A) CONDITIONAL USE PERMIT TO CONSTRUCT AN UNMANNED RADIO BROADCASTING FACILITY, CONSISTING OF A FREE STANDING 43 FOOT TALL MONOPOLE AND A 100 SQUARE FOOT EQUIPMENT BUILDING ON 38.12 ACRES.
 B) MAJOR VARIANCE TO REDUCE THE FUEL MODIFICATION AREA FROM 100 FEET TO 30 FEET ON A 425 SQUARE FOOT PORTION OF 38.12 ACRES
COMMUNITY: OAK GLEN/3RD SUPERVISORIAL DISTRICT
LOCATION: PISGAH PEAK ROAD, WEST SIDE APPROXIMATELY 1.5 MILES NORTH OF WILDWOOD CANYON ROAD.
PROJECT NO.: P201000215
STAFF: KEVIN WHITE
REP(S): DAVE MYLNARSKI



325 Hearing Notices sent on: September 7, 2012
PC Field Inspection Date: September 17, 2012

Report Prepared By: Kevin White
Field Inspected by: Comm. Kwappenberg

SITE DESCRIPTION:

Parcel Size: 38.12 acres.
Terrain: Steep Slopes greater than 30%.
Vegetation: Dense Chaparral shrub species

EXISTING LAND USES AND ZONING DISTRICT DESIGNATIONS:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	OVERLAYS
Site	Vacant	Oak Glen/Rural Living – 20 Acre Minimum Lot Size.	Fire Safety 1 / Low To Moderate Landslide Suceptability
North	Vacant	Oak Glen/Rural Living – 20 Acre Minimum Lot Size.	Fire Safety 1 / Low To Moderate Landslide Suceptability
South	Vacant	Oak Glen/Rural Living – 20 Acre Minimum Lot Size.	Fire Safety 1 / Low To Moderate Landslide Suceptability
East	Vacant	Oak Glen/Rural Living – 20 Acre Minimum Lot Size.	Fire Safety 1 / Low To Moderate Landslide Suceptability
West	Wildwood Canyon State Park	City of Yucaipa, San Bernardino National Forest	N/A

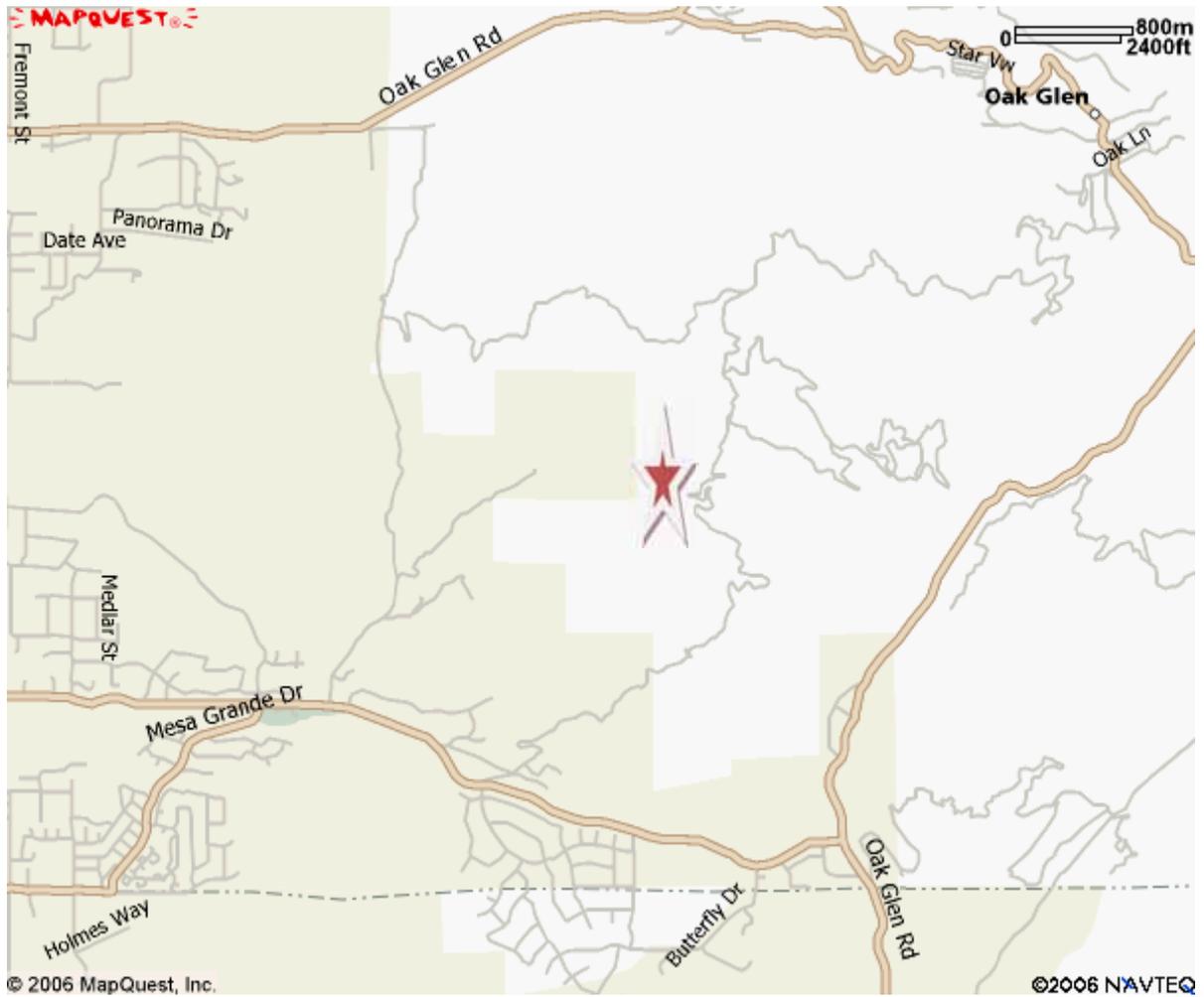
	<u>AGENCY</u>	<u>COMMENTS</u>
City Sphere of Influence:	None	Not in Sphere
Water Service:	None	Yucaipa opposes
Septic/Sewer Service:	None	N/A - Unmanned
		N/A - Unmanned

STAFF RECOMMENDATION: THE PLANNING COMMISSION PREVIOUSLY HEARD THIS ITEM AND DIRECTED STAFF TO RETURN WITH FINDINGS FOR APPROVAL OF THE PROJECT

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

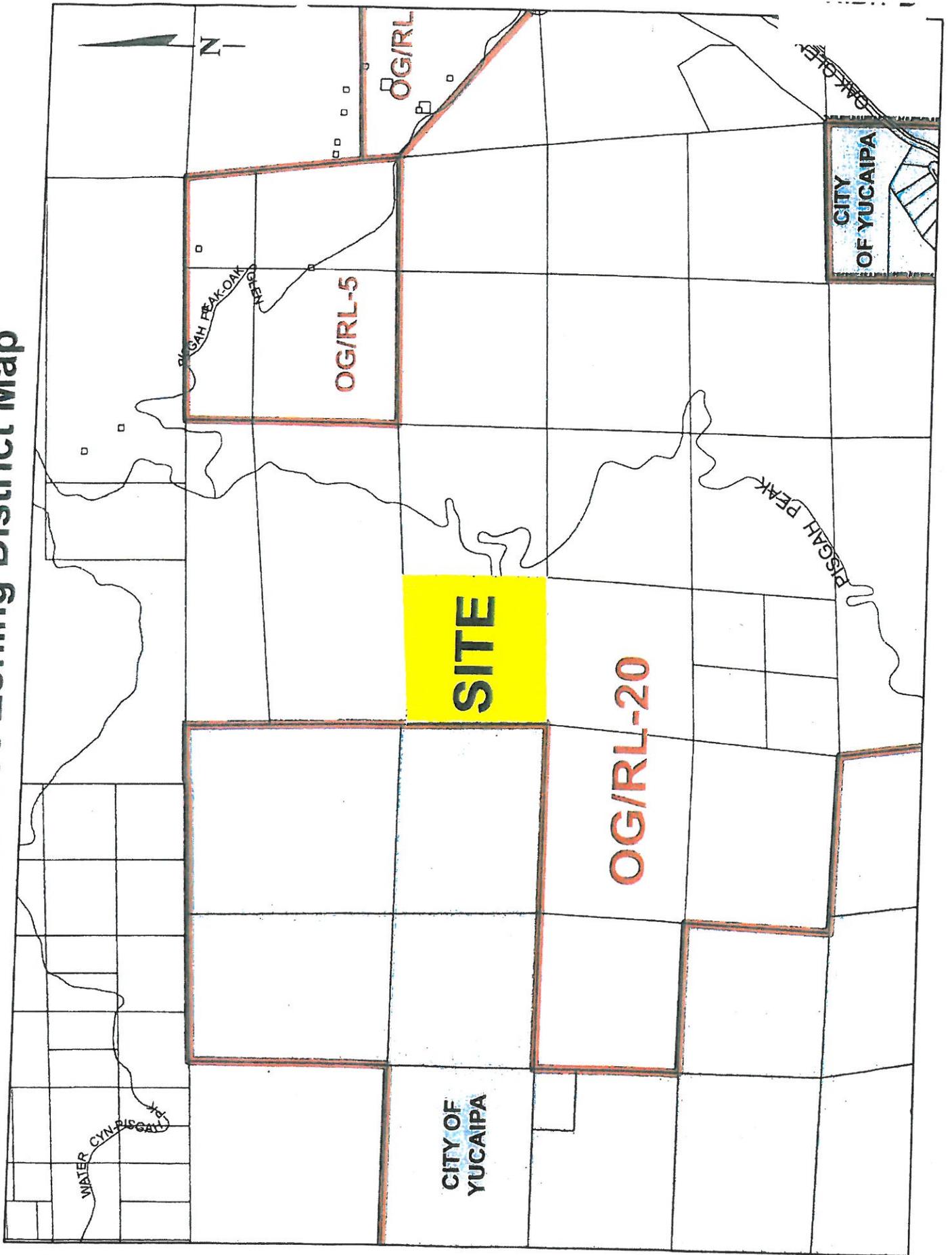
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Vicinity Map



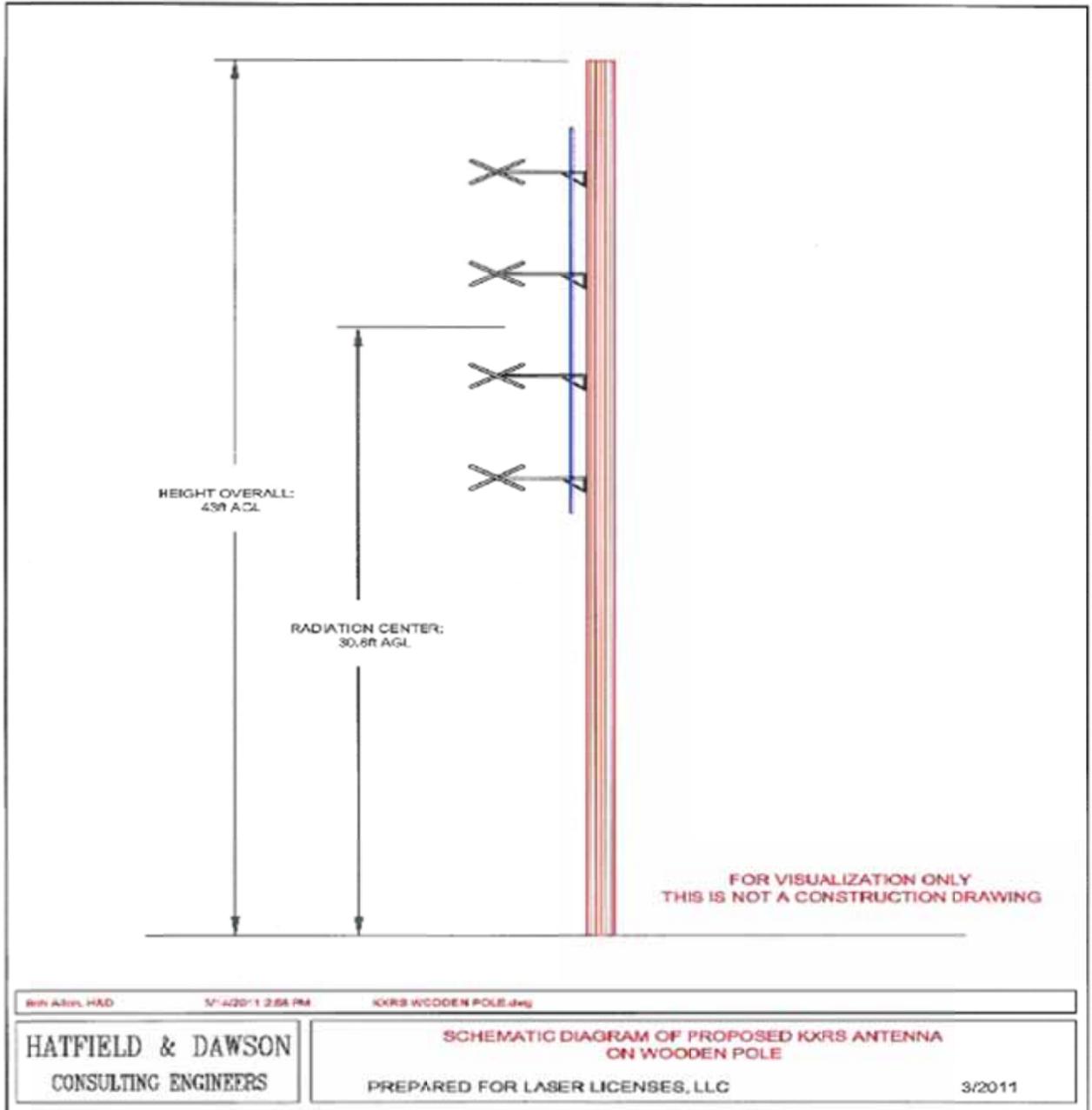
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Land Use Zoning District Map



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Schematic Diagram



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PROJECT DESCRIPTION:

The proposal ("Project") is an application to establish an unmanned self-supporting (no guy wires), 43-foot tall monopole and radio broadcast facility with a Conditional Use Permit and a Major Variance to reduce the required fuel modification area. The radio broadcast facility includes the monopole, a 100-square foot equipment shelter, a parking space and fencing on 38.12 acres. The Major Variance would reduce the required 100-foot perimeter fuel modification area to 30 feet. The 30 foot fuel modification area consists of 10 feet of clearing followed by twenty feet of thinning around the monopole and the equipment shelter. The Project site is located in the general proximity of the intersection of Oak Glen and Wildwood Canyon Roads, west of Pisgah Peak Road, in the Oak Glen Planning Area. The General Plan designates the Land Use District for the Project site as OG/RL-20 (Rural Living – 20-acre minimum lot size), and the site is within the FS-1 fire safety overlay district.

BACKGROUND:

The Lazer Broadcasting Corporation owns and operates 19 Spanish Language Radio Stations in 10 California markets, plus one affiliated station in the Lancaster market. The proposed Project will allow Lazer Broadcasting to vastly increase the number of potential listeners on KXRS FM, broadcasting from Hemet, from 190,495 people to over 2 million people in portions of San Bernardino County and Riverside Counties.

The applicant previously applied for a radio broadcast facility (Original Project) on the same parcel in 2007. The previous submittal was based on a different design, including a lattice type tower, 140 feet in height, located lower on the hill, with a 250 square foot equipment shelter, overhead electrical lines, and a backup generator with 500 gallon fuel tank. The Original Project was revised to reduce the tower height to 80 feet and to underground the electrical lines. Staff recommended approval of the Original Project design, and on November 6, 2008, the Planning Commission conditionally approved it by a 4-1 vote (Commissioner Collazo opposed).

The Planning Commission's conditional approval of the Original Project was appealed to the Board of Supervisors (BOS) and by a vote of 4-0 (Supervisor Biane absent) that appeal was granted, thereby denying the Original Project, with prejudice (meaning a minimum 12-month wait before resubmitting the same or substantially similar application), on March 3, 2009. At the BOS hearing, findings were adopted to deny the Original Project based on reasons stated in testimony provided at the BOS public hearing, which represented the Board of Supervisors' judgment that the Original Project was not appropriate for the site and that the Original Project was not compatible with the existing and future land uses in the vicinity.

On May 6, 2010 the Project application was refiled by the applicant. The application was modified again, reducing the height of the tower to 43 feet, changing the antenna apparatus from a lattice tower to a monopole, eliminating the fuel tank component, and reducing the equipment shelter to 100 sq. ft. Based largely on the previous denial of the Original Project by the Board of Supervisors, staff recommended that the Project be denied. The Project was heard by the Planning Commission on March 17, 2011, and continued to May 5, 2011. At the May 5, 2011, hearing, the Planning Commission by a 3-1 vote (Commissioner Allard opposing and Commissioner Collazo abstaining) adopted an intent to approve the Project with directions to staff to complete the required environmental analysis and to prepare findings for approval. The matter was taken off calendar to allow staff to comply with the Planning Commission's directives.

ANALYSIS:

The 43-foot tall monopole is proposed to be placed on a western facing slope, approximately 200 feet below the ridgeline. The Project will require minimal grading (approximately 40 cubic yards) to establish a small pad for the equipment shelter and one parking space for maintenance personnel. The shelter will be nine feet tall and will be engineered to retain earth between four to seven feet, allowing the equipment shed to be recessed into the hillside. The Project also includes undergrounding of approximately 6,700 feet of electrical and telecommunication lines from a location northeast of the Project site, to the proposed equipment shed along Pisgah Peak Road. Undergrounding of the electrical and telecommunication lines would continue from the equipment shed to the monopole for a distance of approximately 680 feet. The unmanned facility will not require water or sewer service.

Around August 2010, a mockup power pole was installed by the applicant to demonstrate the location and visibility of the proposed tower. (After this action the project was revised to a monopole design). The applicant proposes to utilize this pole or a pole of the same height and diameter to mount the necessary antennas to broadcast its signal.

Aesthetics. The primary issue of controversy regarding this Project has been the potential visual impacts of the proposed tower. A lesser visual impact is created by the equipment shelter, but that is discussed separately under the variance sub-heading below.

The proposed improvements can only be viewed from properties west of the site, which primarily means the Wildwood Canyon State Park. Some portions of the improvements may be visible from locations outside of the park, perhaps from the rear yards of nearby homes in the vicinity.

Since 2007 when the Original Project design was filed for review, several modifications have been made to reduce the visual impacts of the Project. They include:

- *Downsizing:* Reducing the scale of the Project (height) has helped to fit the Project more comfortably into its surroundings. The Project was reduced from a 140-foot lattice tower to a 43-foot monopole and has been moved higher in elevation, approximately 200 feet below the ridgeline.
- *Redesign:* The previous Project design, a lattice tower; was redesigned as a monopole to allow more opportunity for blending in with the natural setting. Additionally, the equipment shelter was repositioned lower on the slope and at an angle to decrease visibility.
- *Infrastructure Design:* The Project includes undergrounding electrical and telecommunication lines.

After the May 2011 Planning Commission Hearing, the Planning Division contracted with Lilburn Corporation to prepare a Visual Impact Assessment. The three most widely used methodologies for evaluating visual impacts are: 1) U.S. Bureau of Land Management's (BLM) Visual Resource Management System; 2) U.S. Federal Highway Administration's (FHWA) Visual Impact Assessment Methodology; and 3) U.S. Department of Agriculture, Forest Service (Forest Service) Scenery Management System. The Forest Service and BLM approaches are very similar and both were developed for establishing visual management objectives or classes for lands under the jurisdiction of each agency.

In 2010, the applicant's representative submitted a visual study/report which was based on the FHWA methodology. This report concluded the previous version of the project would not have a significant impact on scenic resources. Therefore, when discussing the methodology for the Lilburn report, it was decided that a different analysis methodology should be utilized, and the visual assessment method of the BLM was selected. The report was prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines, to identify and address any potentially significant visual impacts that may result from approval and construction of the Project, based on the following objectives:

- Defining the Project and its visual setting;
- Identifying sensitive viewpoints for assessment;
- Analyzing the baseline visual quality and character of the identified views;
- Depicting the visual appearance of the Project from identified views;
- Assessing the Project's impacts to those views in comparison to their baseline visual quality and character, and;
- Proposing methods to mitigate any potentially significant visual impacts identified.

The report concluded the proposed Project would result in a weak level of visual contrast, and would not be considered a significant visual impact. Upon receipt of the report, staff completed an Initial Study/Draft Mitigated Negative Declaration and circulated the document for comments. Comments received during the public review period resulted in minor modifications to the proposed Project which included a change in location for the equipment shelter and proposed parking space, additional fencing around the monopole and clarification of the amount of grading proposed. The new site plans were resubmitted to Lilburn Corporation to determine if the changes to the Project would result in additional impacts that could be considered significant. In preparing this final update and review of the visual analysis, Planning staff requested that Lilburn utilize the methodology adopted by the U.S. Forest Service.

The final conclusion of the visual analysis was that the Project would not have a significant impact on scenic resources. The report noted that the impacts of the Project on views of the scenic landscape are considered less than significant because very little if any of the landscape visibility would be impacted by the Project. Although the Project site may be visible to trail users in the Park; the analysis noted that trail users entering the Park would experience a greater visual impact from the existing utility poles and utility lines because of the number of poles and their heights. Therefore, although the Project may have adverse visual 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 and visibility of Project views.

Since 2010 when the application was submitted, each of the three federal agency methodologies have been applied to evaluate the Radio Broadcast Facility plans for the Project site, with respect to the possible visual impacts to nearby properties, scenic highways and vistas. The conclusions of each of the three different methodologies were that with the implementation of mitigation measures no changes of significance would occur.

Variance/Fire Safety. The proposed Project is located within the Fire Safety Overlay Review Area One (FS-1), which identifies areas with moderate to steep terrain and moderate to heavy fuel loading. The Development Code requires a fuel modification plan to reduce fuels in a minimum 100-foot perimeter for projects located within FS-1. The applicant requests the variance to reduce the visual impact by significantly reducing the amount of area required to be cleared and thinned to 30 feet. This request is supported by unique circumstances of an unmanned tower and equipment shelter designed to multi-hour fire rated construction standards, with an internal fire extinguishing system. The Fire Department has reviewed the proposed Project and supports the variance proposal.

General Plan/Oak Glen Community Plan. The Oak Glen Community Plan encourages the County to support and to actively pursue the expansion of the Wildwood Canyon State Park with cooperation with the Wildlands Conservancy and Yucaipa Valley Conservancy. The Project site is adjacent to the park; however the proposed Project would disturb only a small portion of the 38.12 acre parcel. Furthermore, the applicant has agreed to provide an open space easement to the Wildwood Canyon Park and to relinquish future development rights for the greater portion of the parcel not occupied by the Project, and within the FCC guidelines and safety regulations.

Biological Resources. Biological resource investigations for the Project site were conducted by Biological Assessment Services on four separate occasions, to determine if there were significant biological resources on the site or the access road. Wildlife observed on or near the site at the time of the surveys were common chaparral species, with the exception of migratory birds overhead. The Western Fence Lizard was common on the shoulder of Pisgah Peak Mountain Road and several Coast Horned Lizards (a sensitive faunal species) were noted as well.

In order to reduce or eliminate direct mortality to the coast horned lizard during construction, a mitigation measure is proposed to require pre-construction surveys of the construction site and access road each day prior to the start of work and periodically throughout the day during construction. Any coast horned lizards (or other wildlife incidentally observed) found to be in harm's way will be relocated to a safe place by a person qualified to handle the species.

CEQA. An Initial Study was prepared in compliance with CEQA. The Initial Study concludes that the Project would not have any adverse impacts that would be significant, with implementation of the recommended mitigation measures. Therefore, if the Project is approved, a Mitigated Negative Declaration (MND) is recommended. The Initial Study was submitted to the State Clearinghouse, for review which began on October 28, 2011 and ended on December 9, 2011. In response to comment letters addressing the issue of aesthetics, additional analysis of the potential visual impact of the Project has been completed. The additional information supports the conclusions of the Initial Study and does not require any additional mitigation measures. In accordance with CEQA Guideline Section 15073.5, the County is not required to recirculate a revised MND prior to adoption, because the Project changes are not considered a substantial revision.

Public Input. Substantial correspondence has been received expressing both opposition and support of this proposal since the Project was refiled in 2010. The letters and signatures submitted opposing the Project (16,000 est.) raised issues regarding aesthetics, fire safety, biological resources, growth inducement, cultural resources, and requests for an EIR. The letters in support of the Project (3500 est.) noted the need for Lazer Broadcasting Corporation to increase its coverage area and expand its listenership.

RECOMMENDATION: At the Planning Commission meetings of March 17, 2011, and May 5, 2011, staff originally recommended denial, based on the findings of the Board of Supervisors when the Original Project was considered and denied. When the Planning Commission considered this new application, at the end of the May 5, 2011, hearing the Planning Commission adopted a notice of intent to approve the Project and directed staff to prepare an environmental evaluation and findings supporting an approval, along with conditions for such an approval. Therefore the following actions are recommended.

A) **ADOPT** the Mitigated Negative Declaration based on a finding that the Initial Study was completed in compliance with the California Environmental Quality Act, that it has been reviewed and considered prior to approval of the Project, and that the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the County of San Bernardino;

B) **APPROVE** the Conditional Use Permit to construct a maximum 43-foot tall lattice tower with a radio broadcast antenna, an equipment building on a portion of 38.12 acres, subject to the Conditions of Approval;

C) **APPROVE** the Major Variance, to reduce the required fuel modification area to 30 feet in lieu of the required 100 feet around the perimeter of the Project structures;

D) **ADOPT** the Findings as contained in the Staff Report; and

E) **File** a Notice of Determination.

Attachments:	Exhibit A:	Findings
	Exhibit B:	Conditions of Approval
	Exhibit C:	2012 Visual Assessment
	Exhibit D:	September 2012 Attachment to the Initial Study/MMD
	Exhibit E:	Initial Study
	Exhibit F:	2011 Visual Assessment
	Exhibit G:	Correspondence

EXHIBIT A

FINDINGS

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FINDINGS: Conditional Use Permit

At the Planning Commission meetings of March 17, 2011, and May 5, 2011, staff recommended denial of the project, based on the findings of the Board of Supervisors when the Original Project was considered and denied. When the Planning Commission considered this new application, at the end of the May 5, 2011 hearing, the Planning Commission adopted a notice of intent to approve the Project and directed staff to prepare findings supporting an approval. The following findings reflect points brought up in testimony and discussion of the project at the May 5, 2011 hearing and current recommendations based on the updated visual analysis.

- (1) The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all open spaces, parking areas, setbacks, yards, and other required features pertaining to the application because the project site is located on a 38.12 acre parcel and the developed portion encompasses less than 1% of the parcel. Although the site is adjacent to the Wildwood Canyon State Park, the proposed development will not be detrimental to the goals of the state park as documented in three visual assessments completed for the proposed project using the three most widely used methodologies from the U.S. Bureau of Land Management's (BLM) Visual Resource Management System; the U.S. Federal Highway Administration's (FHWA) Visual Impact Assessment Methodology; and the U.S. Department of Agriculture, Forest Service (Forest Service) Scenery Management System. .
- (2) The site for the proposed use has adequate access to the tower and the equipment shelter, because a portion of Pisgah Peak Road, a graded, unpaved access road transverses through the project site. This access road is adequate for the proposed project because the project is an unmanned facility and will require limited trips per year for maintenance. Access as required by the Fire Safety Overlay is not necessary. Improved access (roads that are widened, paved and less than a 14% grade) is generally required to get fire response vehicle to the necessary locations and to provide an appropriate path of travel that will allow residents to evacuate while fire personnel is moving to the site to protect habitable structures. Because the proposed facility contains no habitable structures the Fire Department has asserted that in the case of a fire in the area, fire crews would not be sent to the location to protect the inhabitable structures since their primary objective would be to protect lives and nearby homes. Furthermore, the facility does not create a need for evacuation.

- (3) The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, since the use will not generate excessive noise, traffic, vibration, or other disturbance, because the radio broadcast tower is in an unmanned facility and it will not cause or have activities or equipment that will generate excessive noise, traffic or vibration. The tower and equipment shelter may be viewed by properties west of the project site, but this potential visual impact will not be substantial as documented in the Scenic Report. The project incorporates the following elements to reduce visual impacts: a) underground power lines, b) no lights on the tower, c) facilities painted to blend with surroundings, d) placement below ridgeline, and f) incorporation of open space easements.
- (4) The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and Oak Glen Community Plan. The project is specifically consistent with the following General Plan and Oak Glen Community Plan goals and policies:

GENERAL PLAN – Open Space Element

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.

Project Policy Implementation: The project is required to dedicate the remaining undeveloped acreage as an Open Space Easement. The project utilizes design elements to reduce visual impacts, namely underground utilities, structures painted to blend with the hillside, and location below ridgeline.

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.

Project Policy Implementation: The monopole will require no grading. The project is located below the ridgeline. The shelter will be engineered to retain earth between four to seven feet, allowing the equipment shed to be recessed into the hillside.

OAK GLEN COMMUNITY PLAN:

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.

AND

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.

Project Policy Implementation: The project has been required to dedicate an open space easement to benefit the expansion and preservation of the area surrounding Wildwood Canyon State Park

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.

Project Policy Implementation: The project has been required to re-vegetate all previous and future disturbed areas.

- (5) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels, because the project only requires the extension of electricity which will be placed underground along Pisgah Peak Road.

- (6) The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and general welfare; because the conditions of approval include mitigation measures to reduce impacts on the environment, with respect to aesthetics, open space, and fire safety. Specifically, the project will be required to re-vegetate the disturbed areas, paint the proposed equipment to blend with the predominate background. Allow passive use of the majority of the site for passive use by visitors to the Wildwood Canyon State Park, and complete fuel modification to the satisfaction of the Fire Department.
- (7) The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities. However, because of the nature of the unmanned facility, the use of natural heating and cooling is unnecessary. In addition, the use of solar energy systems could increase the footprint and visibility associated with the project contrary to project objectives to minimize visual impacts.
- (8) The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures.

FINDINGS: Major Variance

- (1) The granting of the Variance to reduce the fuel modification area from 100 feet to 30 feet will not be materially detrimental to other properties or land uses in the area. The goal of the fuel modification standard is to provide greater public safety in areas prone to wild land brush fires. The purpose of the requested variance is to preserve the native landscape as much as possible and to minimize the visual impacts of the project by reducing the amount of vegetation required to be removed or thinned. Without the variance a significantly larger portion of vegetation would have to be removed and/or thinned causing a greater visual impact. The County Fire Department has determined that the imposition of alternative fire protection measures will eliminate the need for 100' fuel modification area. Conditions of approval have been determined by County Fire to be sufficient fire protection measures for the project: the equipment structure shall be a multiple-hour fire-rated structure that can better withstand a wild land fire; a fire suppression system shall be installed within the equipment structure and, a 30 foot fuel modification area.

- (2) There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district. The land use is an unmanned, radio broadcast monopole and a multiple-hour, fire-rated, equipment shelter that differs from a majority of the existing structures in the vicinity. The other structures, in the same vicinity and zoning district, are mostly habitable residential uses and/or do not have the internal fire suppression system that this project is required to install. Imposition of a fuel modification standard would result in an unnecessary disturbance and thinning of native vegetation and create a visual impact.

- (3) The strict application of the land use zoning district and fire safety overlay deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district. The combination of the specific site topography and vegetation, the adjacency of the site to visual resources of the Wildwood Canyon State Park and the unmanned status of the proposed project creates a unique situation that is not applicable to other properties or projects in the general vicinity that are similarly zoned. Imposition of the fuel modification standard would result in the unnecessary removal of native vegetation and create a visual impact. Fire Protection can be accomplished by requiring the project to increase the fire resistance of the proposed structures by using a multiple-hour, fire-rated, equipment shelter, and an internal fire suppression system. Approval of the variance would allow the applicant to use its property in a manner consistent with the established regulations, with such minor variation, and will place the applicant in parity with other properties in the same vicinity and zone. Specifically there are numerous cell towers, transmission towers and radio broadcast facilities currently in operation in the fire safety area, that do not have fuel modification.
- (4) The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, because it allows the project to minimize visual impacts and reduce the amount of native vegetation necessary for clearing and thinning.
- (5) The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the project. The project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures.

EXHIBIT B

CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

Lazer Broadcasting, Inc.
Conditional Use Permit

GENERAL REQUIREMENTS Conditions of Operation and Procedures

LAND USE SERVICES/ Planning (909) 387-8311

1. Project Approval Description. This project is approved to be constructed and operated in compliance with the following Conditions of Approval, the approved site plan and any other required and approved displays (e.g. landscape plan & elevations) and/or reports. This Conditional Use Permit is approved to establish an unmanned radio broadcast facility consisting of a free standing 43' tall monopole, and 100 sq. ft. equipment building on a 38.12 acre parcel.
2. Project Location. The project is located in the general proximity of the intersection of Oak Glen and Wildwood Canyon Roads, east of Pisgah Peak Road. The project site is in the unincorporated portion of the County of San Bernardino in the Oak Glen Planning Area and is within the 3rd Supervisorial District. The County General Plan designates the Land Use District for the project site as OG/RL-20. APN: 0325-011-19; Project Number. P201100215.
3. "Developer" Defined. The term "developer" as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
4. Revisions. Any proposed change to the approved use/activity on the site (e.g. from radio tower to cell tower); or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants, (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an approved Action) be submitted to County Planning for review and approval.

5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

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

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

6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

7. Expiration. This Conditional Use Permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an Extension of Time is granted. The permit is deemed “exercised” when either 1) the permittee has commenced actual construction or alteration under a validly issued Building Permit, or 2) the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit [SBCC 86.06.060]. Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and a final inspection is approved.
 - The land use is determined by the County to be abandoned or non-conforming.
 - The land use is determined to be not operating in compliance with either these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected and the land use is revoked.

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

8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

10. MND - NOD/CDFG Fees. The California Environmental Quality Act (CEQA) requires the County prepare an initial study for this project. This was completed and a Mitigated Negative Declaration (MND) will be issued indicating that all impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50).

11. Project Account. The Job Costing System (JCS) account number is P201000215. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).

12. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.

13. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies applicable to the development and operation of the approved land use and project site. These include:
- a) FEDERAL: US Fish and Wildlife, USFS, FAA, FCC;
 - b) STATE: Regional Water Quality Control, South Coast Air Quality Management District, State Fish and Game, State Fire Marshall
 - c) COUNTY: Land Use Services-Building and Safety/Code Enforcement, County Fire; Public Health-Environmental Health Services.
14. Continuous Maintenance. The project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both the public and on-site users (e.g. employees). The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are repaired in a timely manner. Elements to be maintained, including but not limited to, are:
- Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - Graffiti and Debris shall be removed immediately with weekly maintenance.
 - Landscaping shall be maintained in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - Erosion Control measures shall be maintained to reduce water run off, siltation, and promote slope stability.
 - Architectural Controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor
 - Emissions: No emission of dirt, dust, fly ash, and other forms of particulate matter.
 - Smoke: No smoke from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.

- Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
16. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. No lighting is allowed on the tower. All lighting shall be limited to that necessary for maintenance activities and shall not be on continually for security purposes. This is to allow minimum obstruction of night sky remote area views.
17. Utilities Design. No new above ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner, which avoids disturbing any existing/natural vegetation or the site appearance.
18. Avian Guidelines and Monitoring: The proposed project meets all four criteria for reducing avian mortality as recommended in the Longcore report. The tower is not located on a peak or ridgeline; at 43 feet, it is short; it is not lighted; and it is not guyed. Although the tower would be built within all the recommended parameters for minimizing avian mortality resulting from accidental bird strikes, the following measures will be implemented to further reduce avian mortality.
- The developer will follow the Fish and Wildlife Service's "*Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning*"
 - If diversion devices intended to reduce avian mortality are unsuccessful, additional mitigation measures may be suggested.
 - Monitor for five years for avian mortality. All species of birds found dead around the towers will be recorded. Tower maintenance workers will note bird mortality and will call the project biologist to retrieve and identify dead birds.
 - If a problem of avian mortality is determined by the project biologist, additional mitigation measures intended to reduce bird mortality will be developed. An annual report will be submitted to the CDFG and Planning Division for each of the first five years of operation. [*Mitigation Measure BIO-2*]

19. FCC-RF Regulation Reevaluation. The applicant/operator of the radio station facility shall operate the proposed radio equipment in strict conformance with Federal Communications Commission (FCC) regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to nearby properties and their radio and television reception. If, in the future, the FCC adopts more stringent Radio Frequency (RF) emission regulations, the applicant shall submit an application to the County of San Bernardino to modify the Conditional Use Permit (CUP) in order to demonstrate compliance with the revised FCC regulations. Failure by the applicant to apply for such a review of the subject CUP to conform to the FCC approval of revised RF emission regulations, shall subject this approval to possible revocation of the approval.

LAND USE SERVICES/ Code Enforcement (909) 884-4056

20. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.

PUBLIC HEALTH/Environmental Health Services [DEHS] (909) 387-4666

21. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For information, call DEHS/Land Use at (909) 387-4666.
22. Refuse Removal. All refuse shall be removed from the premises after each visit in conformance with San Bernardino County Code Chapter 8, Section 33.081 et seq. For information, please call DEHS/LEA at: 909-387-4655.

COUNTY FIRE/ Community Safety (909) 386-8400

23. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
24. FS-1. The County General Plan designates this property as being within the Fire Safety Review Area 1 (One) and all future construction shall adhere to all applicable standards and requirements of this overlay district. [F04A]
25. Additional Requirements. In addition to the Fire requirements stated herein, other on site and off site improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

26. PSTS Interference. Broadcasting site installation and operation of the proposed system shall not cause harmful interference to the County's Public Safety Telecommunications System (PSTS). If it is determined that the system causes harmful interference with PSTS operations the cell tower operations shall cease immediately upon order of the Fire Chief or other County official.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR LAND DISTURBING ACTIVITY**
The Following Shall Be Completed

LAND USE SERVICES/ Planning (909) 387-8311

27. AQ – Dust Control Plan. The developer shall submit to County Planning a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include these elements to reduce dust production:
- Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities
 - Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.
 - Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.
 - Tires of vehicles will be washed before the vehicle leaves the project site and enters a paved road.
 - All trucks hauling dirt away from the site shall be covered
 - During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.
 - Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder, covered with plastic or re-vegetated.
32. Cultural Resources. If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.
33. Biology Monitoring: *In order to reduce or eliminate direct mortality to the coast horned lizard 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. Any coast horned lizards (or other wildlife incidentally observed) found to be in harm's way will be relocated to a safe place. [Mitigation Measure BIO-1]*

34. Nest Disturbance Construction Months and Monitoring: *To prevent the take of nesting native bird species, all clearing and grubbing of the project site and tower construction shall take place between August 15 and February 15. Winter site clearing and construction will insure that nesting birds are not present and impacted. If construction is scheduled during bird nesting season (February 15 to August 15), a qualified biologist will 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 is disturbing nesting birds. If nesting activity is being compromised, construction will be suspended in the vicinity of the nest until fledging is complete.*
[Mitigation Measure BIO-3]
35. Noise. The developer shall submit to County Planning a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the following noise attenuation requirements:
- All construction activities shall be limited to weekdays and Saturday between 7 a.m. and 7 p.m. No construction, other than interior finish work shall be conducted any time on Sundays.
 - All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.

COUNTY FIRE/Hazardous Material Division (909) 386-8401

36. Fuel Modification Plan. A Final Fuel Modification Plan shall be submitted for review and approval by the Fire Department that complies with the approved variance to allow 30 feet of fuel modified area in lieu of the normally required 100' and that is otherwise in compliance with the Fire Safety Overlay.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

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

37. Professionally Prepared Plan. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
38. Foundation and Footings. *The developer shall submit foundation plans to the County Geotechnical Engineer for review and approval. Alternatively, the project Geotechnical Engineer may submit a written review of the plan, but must indicate whether the plans appear to incorporate the geotechnical recommendation for site development as outlined in the preliminary geotechnical report. The project Geotechnical Engineer shall also inspect and approve footing excavations prior to the pouring of concrete. [Mitigation Measure GEO-1].*

LAND USE SERVICES/ Planning (909) 387-8311

39. Painting: *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. The applicant shall submit for review and approval to County Planning suitable color 'paint chips' to blend the color of the proposed structures into the prevailing color of the Predominate Viewing Background. [Mitigation Measure AES-1]*
40. Underground Utilities: The developer shall place any required utilities underground along Pisgah Peak Road.

41. Fire-Resistant Landscaping. *The developer shall submit for review and approval of both County Planning and the County Fire Department (4) four copies of a landscape plan for drought tolerant, fire resistive plants in the 10 foot, cleared, fuel modification area. The plan shall be approved by the Planning Division and The County Fire Department. The Landscape Plans shall be prepared by a landscape professional. The plan shall indicate the location of all existing and proposed landscape materials. The proposed landscaping shall be fire-resistant, and require minimal irrigation. The proposed landscaping shall be designed to blend with the existing vegetation and minimize visual impacts to the area of the project affected by the fuel modification plan. [Mitigation Measure AES -3]*

PUBLIC HEALTH/Environmental Health Services (909) 387-4666

42. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the Division of Environmental Health Services (DEHS) for review and approval. For information and acoustical checklist, contact DEHS at 909-387-4666. (Specifically address noise issues for emergency generators, impact on existing business, or adjacent properties)

COUNTY FIRE/ Community Safety (909) 386-8465

43. Broadcasting Towers. Broadcasting towers that are proposed in the FS1, FS2 or FS3 Overlay Districts with a camouflaged covering [e.g. tree] shall submit two (2) sets of plans to the Fire Department for approval. These plans shall indicate that all such exterior camouflaged coverings shall be of an approved fire resistive material.
44. Broadcasting Site Buildings. The applicant shall submit for review and approval three sets of building plans to the Fire Department. The equipment storage buildings shall include a fire suppression system. This site is within the FS1 Overlay District and all such buildings shall have a fire suppression system.
45. Fire Suppression. The shelter shall be a pre-fabricated structure, with fire suppression mechanisms built-in. The walls are required to have a multi-hour fire rating, and there will be a fire suppression system that utilizes an inert gas.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

COUNTY FIRE/Hazardous Material Division (909) 386-8401

46. Business Emergency Plan. The operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
47. Hazardous Material Permits. The developer shall be required to apply for one or more of the following: A Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit.

LAND USE SERVICES/ Code Enforcement (909) 387-8311

48. Special Use Permit. The applicant shall submit for review and gain approval for a Special Use Permit (SUP). Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all CDFG reporting of avian mortality, fuel modification, camouflaging, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the property owners and/or project proponents. Such actions may cause a hearing or action that could result in revocation of this approval and imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection.
49. Facility Maintenance. All required landscaping, screening, buffering, painting, and project camouflaging shall be maintained in good standing.
50. Continued Compliance. Special Use Permit shall authorize and ensure continued compliance in areas of telecommunication facility FCC-RF regulation reevaluation, site restoration upon project abandonment, termination and co-location agreements.

LAND USE SERVICES/ Planning (909) 387-8311

51. Revegetation. *The Project Proponent shall revegetate the portion of the ridge in which the telephone pole currently occupies. During placement of the telephone pole 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.*

52. Open Space Easement: *The Developer shall deed restrict the unused portion of the 38.12-acre parcel – more than 37 acres – for passive use by visitors to the Wildwood Canyon State Park.*

End of Conditions –

EXHIBIT C

2012 VISUAL ASSESSMENT

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Scenic Report

**LAZER BROADCASTING RADIO MONOPOLE
PISGAH PEAK ROAD
SAN BERNARDINO COUNTY**

Submitted to:

**County of San Bernardino
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182**

Prepared by:

**LILBURN
CORPORATION**

**1905 Business Center Drive
San Bernardino, CA 92408**

September 2012

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- Appendix A: Viewpoint Inventory and Analysis Summary
- Appendix B: Methodology

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND/DESCRIPTION

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) and 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 Proposed Project is a Conditional Use Permit (CUP) Application submitted by Lazer Broadcasting to construct 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 (APN: 0325-011-19) (see Figure 2). 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 Project also includes undergrounding of 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 to be located on the Project Site. 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 Project would not require any grading along Pisgah Peak Road. The 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.

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.

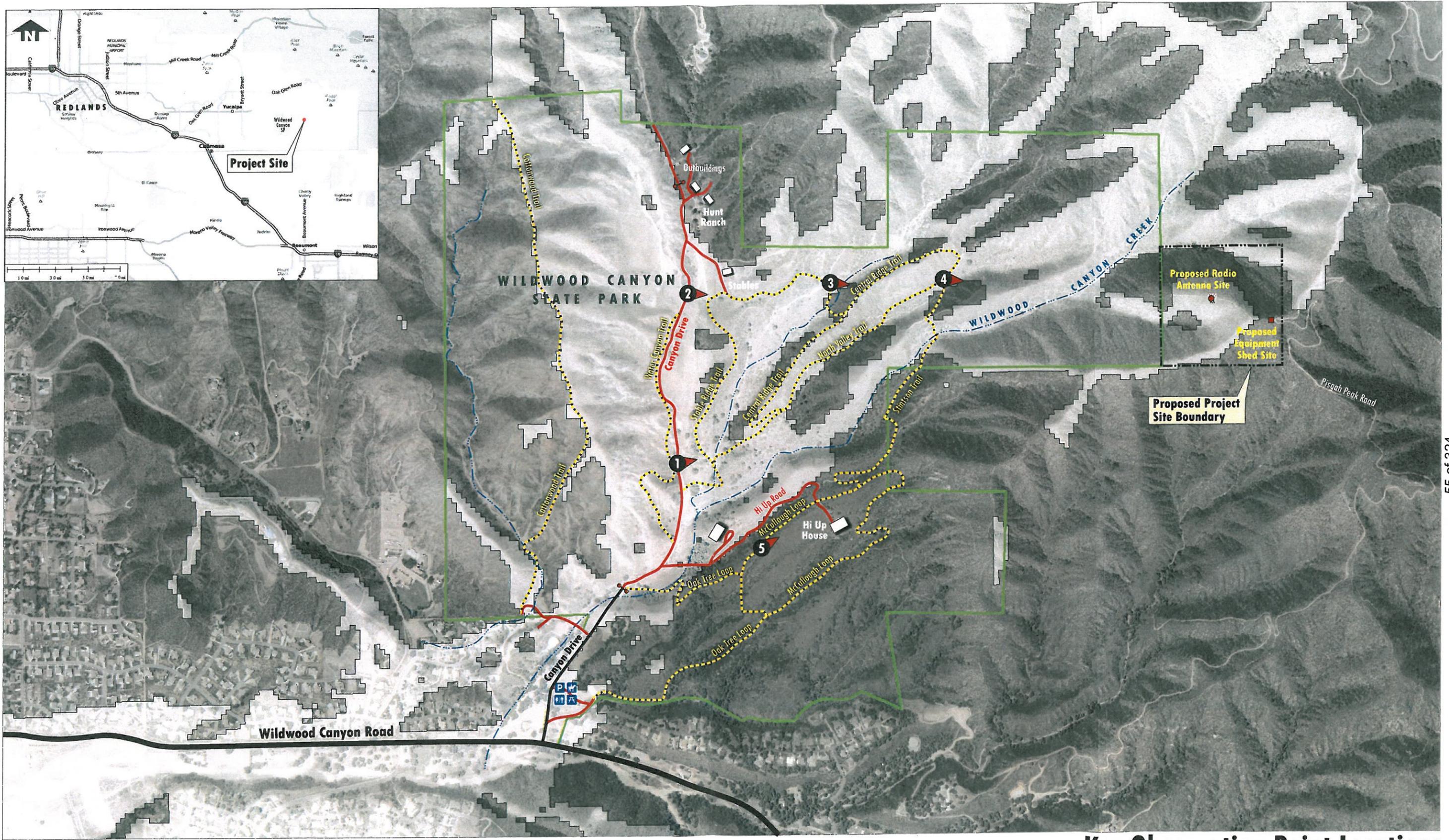
1.2 PROJECT DESIGN FEATURES

Certain visual impacts will be inevitable with any radio broadcasting project. In accordance with the U.S. Forest Service Scenery Management System applied herein, reducing or minimizing negative impacts can be achieved in a number of ways as listed below. A well-sited and designed project will have incorporated some of the impact reduction techniques into the original application. If there appear to be significant visual impacts resulting from the project, additional mitigation approaches can be used. Design features that have been incorporated into the Proposed Project include the following:

- *Appropriate Siting:* This design feature involves avoiding a site that appears very prominent throughout a region. Selecting a site that can comfortably accommodate the project without visually overwhelming sensitive scenic resources on or near the site and the region as a whole is important. The site lies within the San Bernardino Mountains and was selected based on engineering requirements and including an objective to minimize visual impacts to the scenic landscape as a whole.
- *Downsizing:* Reducing the scale of the Project (height of Project) has helped to fit the Project more comfortably into its surroundings. The Project was reduced from a 140-foot lattice tower to a 43-foot monopole.
- *Redesign:* The previous Project design, a lattice tower; appearing utilitarian and industrial in design, was redesigned as a monopole to allow for repeated design elements within the Park (i.e., existing electrical/telephone poles) and provide more opportunity for blending in with the natural setting. In addition the equipment shed was repositioned lower on the slope and at an angle to decrease visibility.
- *Infrastructure Design:* The Project includes undergrounding electrical and telecommunication lines.
- *Color:* White or metallic paint can appear industrial and introduce glare into an area. The Proposed Project includes a wooden pole that would either be a neutral color that blends with surrounding tones or a non-metallic, weathered gray color. The 6-foot high wrought iron fence would also be finished with a non-metallic, neutral color to blend with the surrounding tones.
- *Minimizing Vegetation Removal:* Existing vegetation should be retained to the greatest extent possible. Clear cuts generally have negative visual impacts. The Proposed Project 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.

The Proposed Project includes a neutral pole to blend with surrounding tones or allowing weathering to a non-glare finish and fencing to be finished with a non-metallic, neutral paint color that would blend with surrounding tones. The pole is not required by the Federal Aviation Administration and Federal Communication Commission to be lit for air navigation safety.

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. Figure 3 illustrates the detail of the antenna.

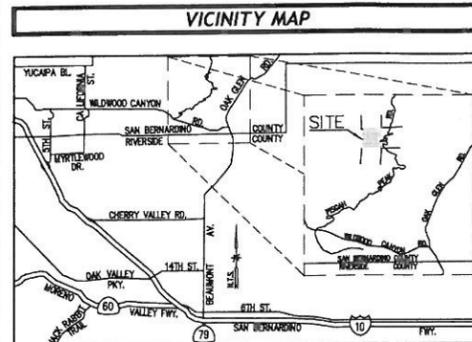
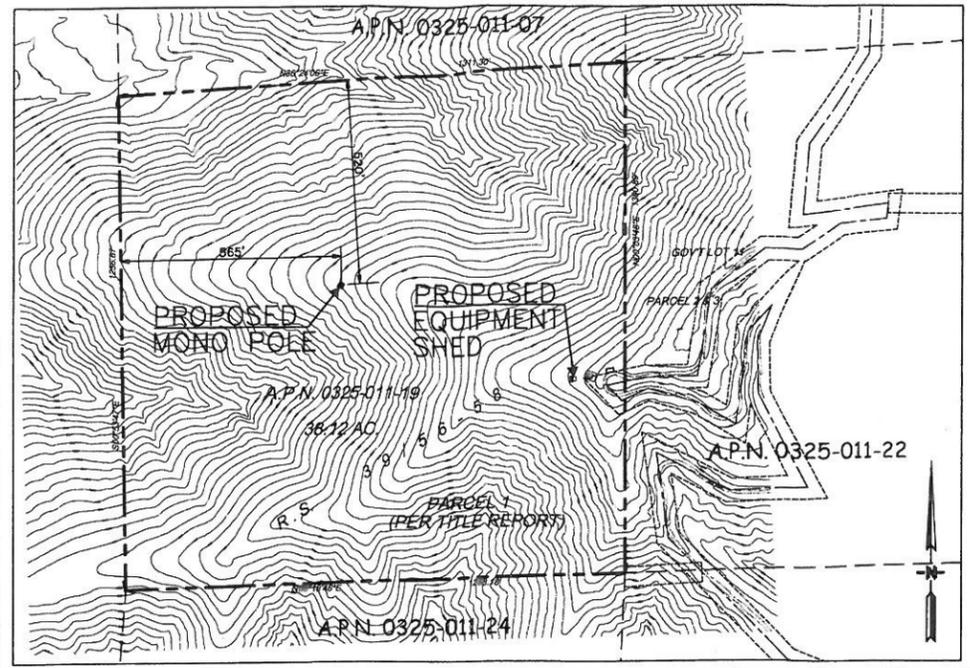
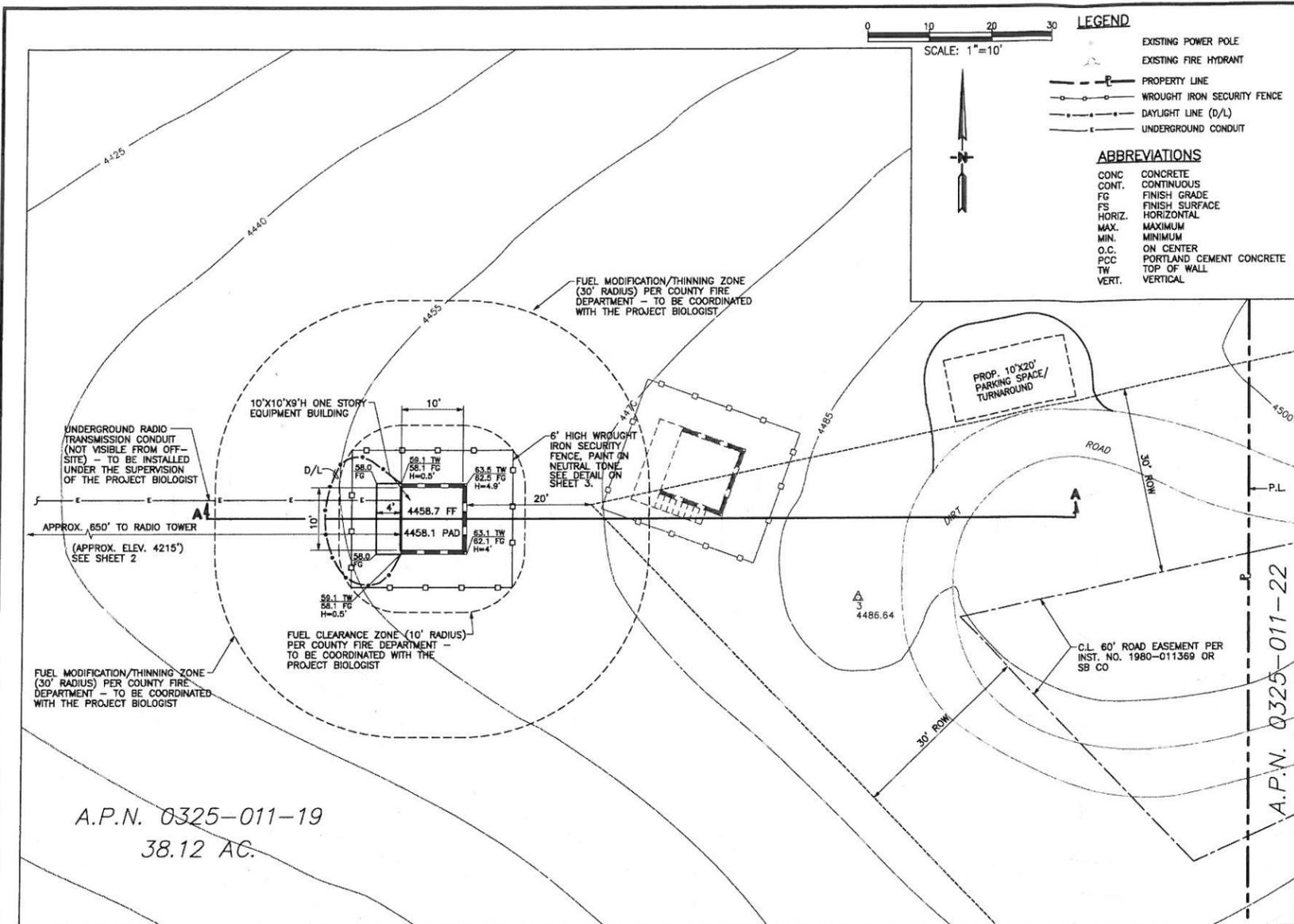


Key Observation Point Locations April 2012 Proposed Project

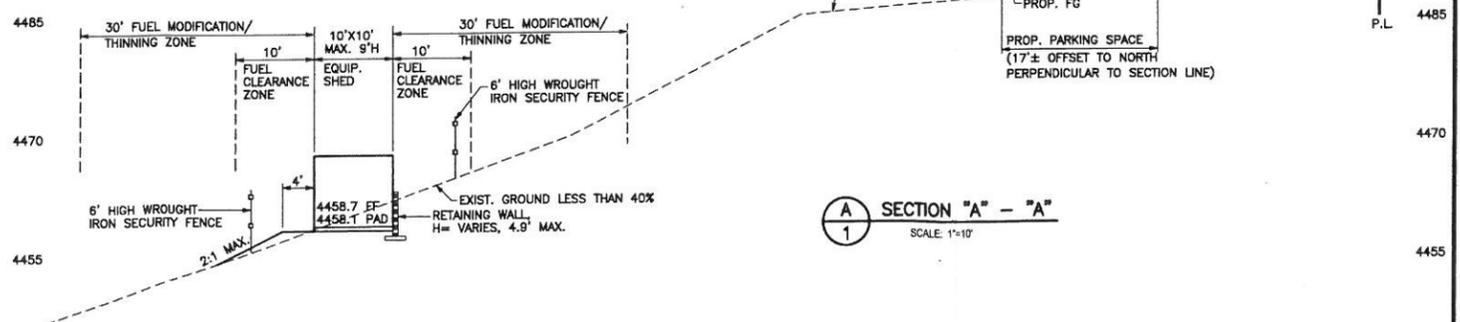
Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

- LEGEND**
- Area of Potential Radio Antenna Visibility (lighter areas on aerial)
 - Area Radio Antenna will not be Visible
 - Note: The Viewshed Analysis data comprised of only USGS Digital Elevation Models. The data set did not account for trees, houses and other obstructions above ground elevation.
 - Key Observation Point (KOP) Number, Location and Direction of View (5 total)
 - Proposed Project Site Boundary
 - Wildwood Canyon State Park
 - Trail
 - Locked Gate
 - Horseback Trail
 - Parking
 - Picnic Areas
 - Restrooms

Figure 1



- STANDARD NOTES**
- ALL WORK SHALL BE IN ACCORDANCE WITH TITLE 15 OF THE COUNTY OF SAN BERNARDINO MUNICIPAL CODE, THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK) LATEST EDITION, AND ALL SUPPLEMENTS, AND ANY SPECIAL REQUIREMENTS OF THE PERMIT.
 - APPROVAL OF THIS PLAN BY THE COUNTY OF SAN BERNARDINO DOES NOT CONSTITUTE A REPRESENTATION AS TO THE ACCURACY OF THE LOCATION OR OF THE EXISTENCE OR NONEXISTENCE OF ANY UNDERGROUND UTILITY PIPE OR STRUCTURE WITHIN THE LIMITS OF THIS PROJECT. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR THE PROTECTION OF ALL UTILITIES WITHIN THE LIMITS OF THIS PROJECT.
 - PROPOSED STARTING DATE: TBD
 - CUT YARDAGE: 40 CUBIC YARDS
 - DUST SHALL BE CONTROLLED BY WATERING.
 - FINISH GRADING WILL BE COMPLETED AND APPROVED BEFORE OCCUPANCY OF BUILDINGS.
 - PUBLIC STREETS SHALL BE KEPT CLEAN AND FREE FROM DIRT AND/OR DEBRIS. THE GRADING CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED IN STREET CLEANING NECESSITATED BY THIS OPERATION.
 - THE FACE OF ALL CUT AND FILL SLOPES SHALL BE PLANTED WITH A GRASS COVER APPROVED BY THE COUNTY ENGINEER.



DATE	BY

BENCH MARK:
THE N.G.S. GPS MONUMENT
A11843 (C.O.R.S. "BMR"),
ELEVATION = 2690.05 FEET
(NAVD 86).

PREPARED FOR:
LAZER BROADCASTING

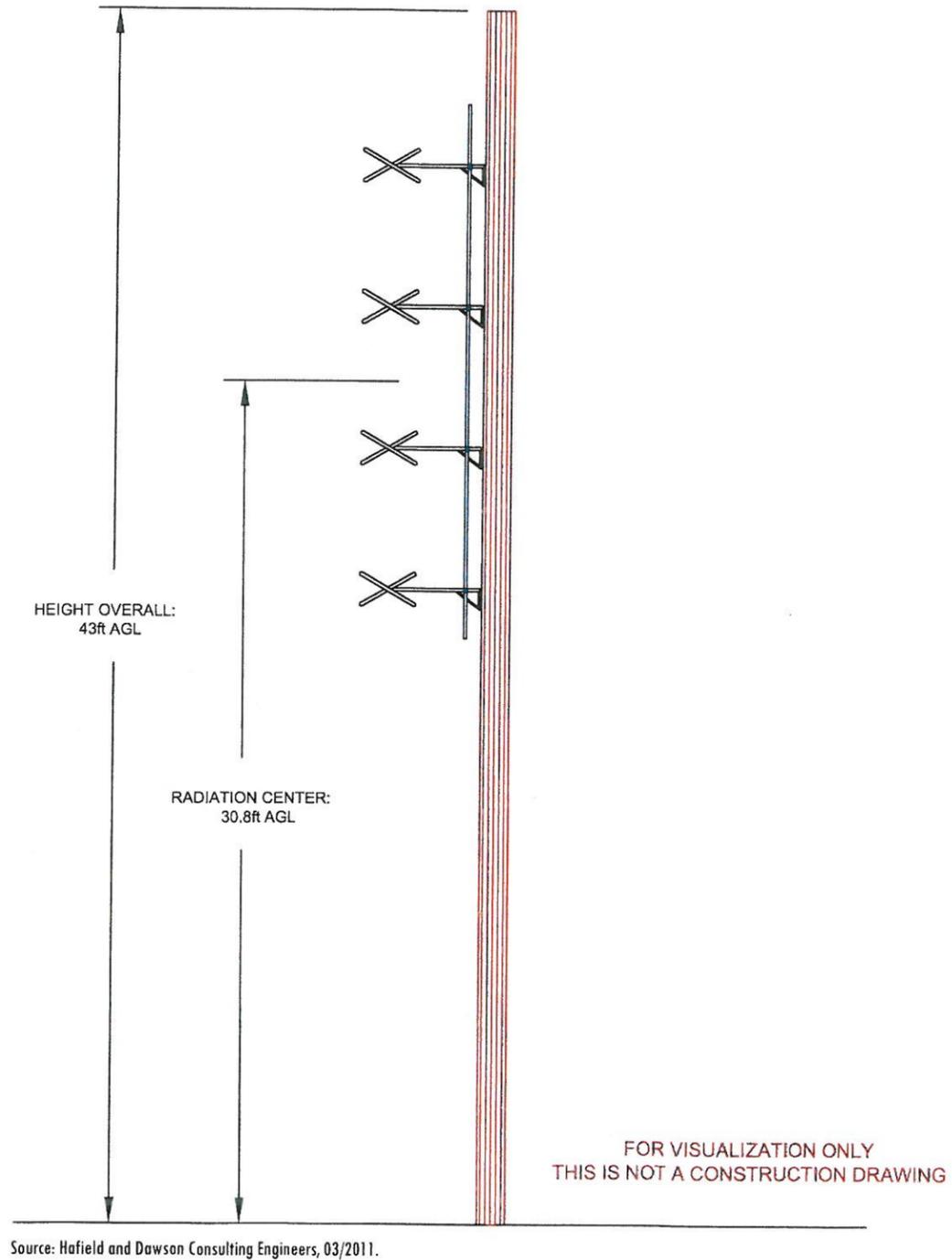
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(805) 445-4404
FAX (805) 445-4401
JACOB G. LUKIEWSKI, RCE 71534, EXP. 12-31-13 DATE

COUNTY OF SAN BERNARDINO			
DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY:
SUBMITTED BY		CHIEF, TRAFFIC DIVISION	
RECOMMENDED/APPROVED BY		LAND DEVELOPMENT ENGINEER	

GRADING AND DRAINAGE PLAN
PARCEL 1, GOV'T LOT 12
PISGAH PEAK ROAD
YUCAIPA, CA 92399
APN: 0325-011-19

W.O. NO.	
ROAD NO.	
LIMITS	
SHEET	1 OF 3



Radio Broadcast Antenna Detail April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 3

1.3 IMPACT ANALYSIS METHODOLOGY

The County of San Bernardino Land Use Services Department has determined that the U.S. Forest Service Scenery Management System should be applied for evaluation of the Proposed Project's potential scenic or visual impacts even though the Project Site is not located within the National Forest. The terminology and impact assessment guidance used herein is as recommended by the U.S. Forest Service.

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) and act as a CEQA Lead Agency in reviewing a project's potential impacts to the environment. The CEQA-defined aesthetic issues of concern are:

1. **Would the proposed Project or its alternatives cause substantial, adverse effects on a scenic vista?** This is typically interpreted as - would the project features interfere with a scenic vista by screening the vista from view or blocking access to a previously available public viewing position, or more broadly, would the project result in adverse effects on the visual resources within the view?
2. **Would the proposed Project or its alternatives cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway?** The specific resources are first determined to be within view of a designated scenic highway, and then a determination is made as to whether the project blocks the views.
3. **Would the proposed Project or its alternatives cause a substantial degradation of existing visual character or quality of a site and its surroundings?** The issue here is a project's conflict with the character of lands within critical public views or a change to surrounding landscape features.
4. **Would the proposed Project or alternatives result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area?** Specific aspects of the project that may include light or materials that could result in glare are reviewed and then a determination is made as to whether the change is significant.

A technical approach to Aesthetics and Visual Resource Impact Assessment was developed by Lawrence Headley & Associates (LH&A, 1988) to conform to the documentation requirements of both NEPA and CEQA. LH&A's approach adds a fifth threshold to the CEQA list, which is:

5. **Would the proposed Project or Alternatives result in impacts not consistent with regulations established to protect Aesthetic/Visual Resources?** Whether or not a visual impact is significant partly depends on whether it is consistent with regulations supporting planning policies and objectives applicable to the protection of visual resources.

Most federal agencies have established their own NEPA regulations and guidance which are tailored to the specific mission and activities of each agency. There are three best known and most widely used; these are: 1) U.S. Bureau of Land Management's Visual Resource Management System (1978); 2) U.S. Federal Highway Administration's Visual Impact Assessment Methodology (1981); and 3) U.S. Department of Agriculture, Forest Service Scenery Management System (1974, 1995). The U.S. Forest Service and BLM approaches are very similar and both were developed for establishing visual management objectives or classes for lands under their jurisdiction. The FHWA methodology differs in that it focuses on the design of highway projects that occur on lands subject to various jurisdictions by identifying and mitigating adverse visual effects, however thresholds of significance are not defined.

Under both CEQA and NEPA methodologies, the resources being evaluated for potential impacts are views, viewsheds, or vistas. In urban planning, for example, viewsheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. Viewsheds are often spaces that are readily visible from public areas such as from public roadways, public parks or high-rise buildings (www.wikipedia.org).

It should be noted that federal regulations conforming to the National Environmental Protection Act (NEPA) are not binding on a project that requires environmental review only under the California Environmental Quality Act (CEQA). The Proposed Project has been defined as a project under CEQA and therefore the CEQA checklist thresholds of significance are the subject of a visual resources assessment for the County to fulfill its role as Lead Agency.

1.4 PREVIOUS ANALYSIS

Methodologies that have been previously applied to evaluate the Proposed Project's visual impacts to nearby properties, scenic highways and vistas include each of the three federal agency methodologies listed above, inclusive of this report. The conclusions of each of the three different methodologies that were applied to evaluating the Proposed Project's visual impacts were that with the implementation of mitigation measures, no changes or no changes of significance would occur. The conclusions of these federally-based methodologies may be considered by the County when providing answers to the four CEQA questions as listed above.

1.5 SCENERY MANAGEMENT SYSTEM

This Scenic Report inventories and analyzes the Proposed Project using the United States Forest Service Scenery Management System. The Scenery Management System (SMS), developed in 1974 and updated in 1995, presents a systematic approach for determining the relative value and importance of scenery and analyzing scenery as a manageable resource. Appendix A, at the end of this document, includes the SMS viewpoint inventory and analysis summary of the five viewpoints that were selected based on the Park's trail system where the majority of hikers would be located, within the context of achieving overall scenic resource goals and objectives of the U.S. Forest Service. The SMS process is documented in Agricultural Handbook 701-Landscape Aesthetics, by the United States Department of Agriculture and is described in Appendix B of this document.

1.6 AESTHETIC MANAGEMENT STANDARDS

The San Bernardino National Forest Land Management Plan (LMP) was revised in 2005 under the 1982 Planning Rule, and the SMS was incorporated into the revision. The revised plan defines a number of Plan Standards. The two standards related to scenic resources are Aesthetic Management Standards (Part 3 Design Criteria for the Southern California National Forests; page 6). These standards are:

- Design management activities to meet the Scenic Integrity Objectives (SIO) shown on the Scenic Integrity Objectives Map (S9) (see Figure 4); and
- Scenic Integrity Objectives will 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).

1.7 SCENIC INTEGRITY OBJECTIVES

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 (see Section 2.2 *Existing Landscape Character and Condition*). Scenic Integrity Objectives are prescribed in the LMP. 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.

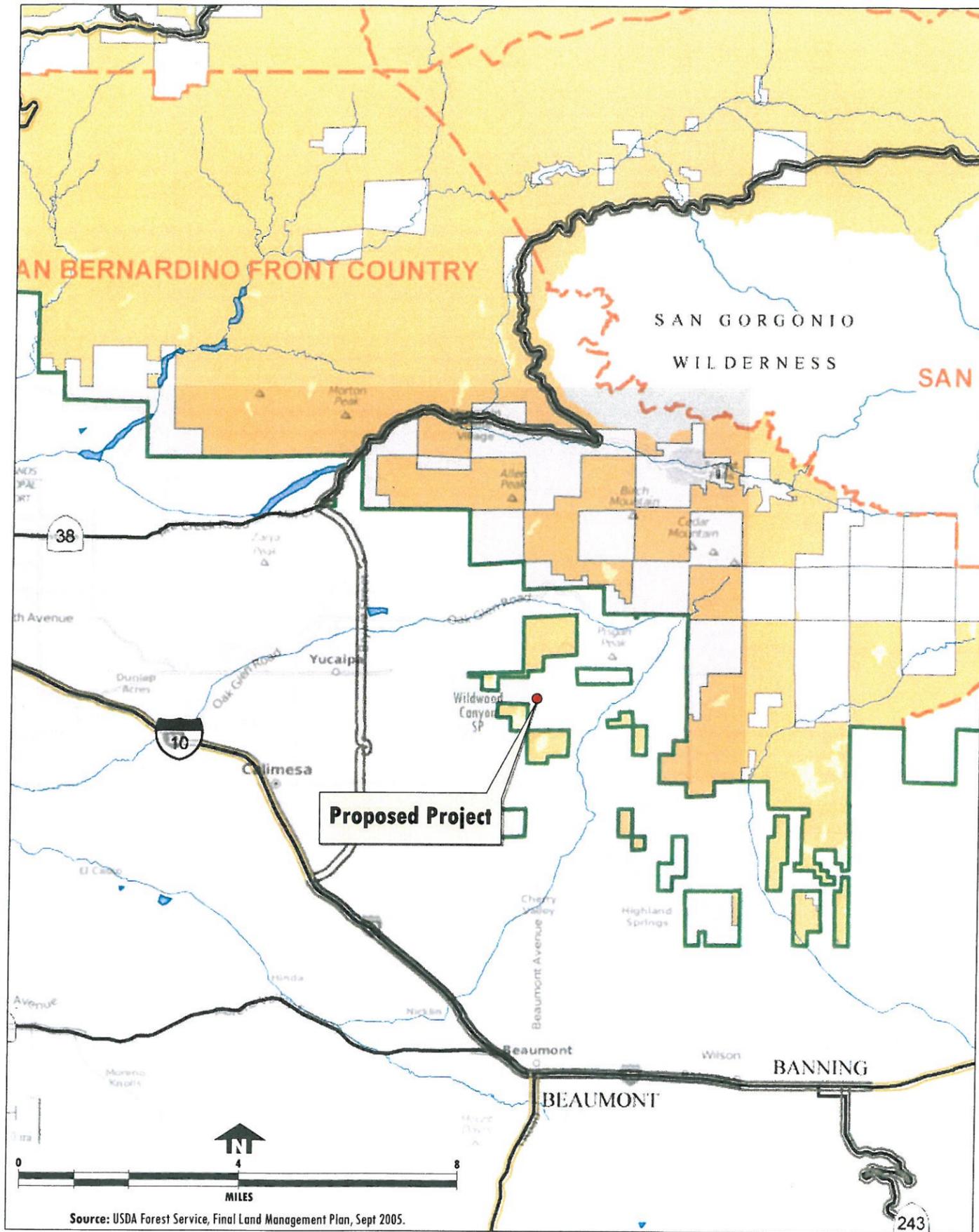
The SIO for these areas are shown on Figure 4 and include designations of High with areas of Moderate for the area north, Moderate with areas of High to the southwest, High with areas of Moderate for the area south, and Moderate for the area east of the Project Site. Since certain National Forest lands 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 this scenic inventory.

2.0 AFFECTED ENVIRONMENT

2.1 PROJECT SITE

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, 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



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

Scenic Integrity Objectives

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California

Figure 4

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 telephone pole was placed at the Project Site by the Applicant. 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. The existing graded access would continue to be used during construction and operation of the Proposed Project. No additional grading would be required. The current telephone pole, or a similar replacement would serve as the monopole for the broadcasting tower upon approval of the Proposed Project. Currently, the telephone pole (hereinafter referred to as monopole) appears weathered and darkened from the elements.

2.2 WILDWOOD CANYON STATE PARK

Wildwood Canyon State Park (Park) is located west and adjacent to the Project Site in east 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 monopole is barely visible, and is difficult to find. However, from eastern trails (i.e. North Valley and Stintson trails) within the Park the monopole is 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.



Photograph 1: View from trailhead at Wildwood Canyon State Park looking northeast along Canyon Drive.

2.3 NEARBY RESIDENTIAL AREAS

During a field visit conducted on August 18, 2011, the nearby residential neighborhoods were visited. A neighborhood determined to be nearest to the Project Site, was reviewed for potential visual impacts from the Proposed Project. The visit included a windshield survey along Oakview Road, Oak Grove Road and Peak Road.

From these roadways and the vantage point of a vehicle, the Project Site was not visible. It is possible that the monopole and/or the 10-foot by 10-foot equipment shed may be visible from the backyards or second stories of residents with views of the Project Site; however without access to those properties, the exact visual impact is unknown. Based on the views observed from the neighborhood, the height of the 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.

2.4 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 August 2011 field visit, the monopole was also not visible along Wildwood Canyon Road or Oak Glen Road.

Since the Project Site is not visible from public roadways, and would not impact views along either Oak Glen Road or a County-designed Scenic Route, this Visual Impact Assessment does not include views from these roads.

This Scenic Report focuses on potential visual impacts of the Proposed Project as viewed from users within the Park and as evaluated with the five terrain model based project simulations. Viewpoints for the simulations were selected by the County and based on locations providing representative vistas of the hillside areas of the Project Site and from within Wildwood Canyon State Park.

3.0 VISUAL ANALYSIS

3.1 SCENIC INTEGRITY

The existing scenic landscape character of the Project Site consists of foothills, slopes, ridges, and canyons with coastal sage scrub, chaparral and nonnative grassland vegetation. Vegetation tends to be denser within gullies, and more open on slopes and along ridges.

Scenic integrity levels as defined by the SMS 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. The Project Site's current state exhibits the contrast of dark vegetation against non-vegetated soil that was disturbed during prior field work associated with the monopole demonstration installation. Photographs located on the left or top of the page for Figures 5a – 8b, show the existing viewshed of the Project Site. The contrast between the natural landforms and the linear lines of the monopole and non-vegetated ground is the extent of the landscape alteration.

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 minute if any deviations. The existing landscape character and sense of place is expressed at the highest possible level.

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 they borrow valued attributes such as 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 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

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 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.

Figure 1 shows the location of the five viewpoints. From the visitor's entrance of the Wildwood Canyon Park, continuing northeast to a locked gate marks the beginning of the Water Canyon Trail. This north-south trending trail is centrally located within the Park and is west of Cottonwood Trail, the easternmost marked trail within the Park. Along Water Canyon Trail two viewpoints were selected (refer to Figure 1). Viewpoint-1 is located about midway along the trail. From Viewpoint-1, the Project Site is visible (see Figure 4). However the monopole is difficult to find among all the ridgelines along the eastern edge of the Park. Ground scraping and vegetation removal that occurred during the placement of the monopole, created a linear path that is visible between the top and toe of the ridgeline. This distinct linear mark allows travelers at four of the five viewpoints to easily locate the Project Site.

Viewpoint 1 – Canyon Drive/Water Canyon Trail (Figures 5a and 5b)

Views from Viewpoint 1 as they relate to travel ways and use areas (looking east from Canyon Drive) within the Park and southwest of the Project Site are considered Concern Level 2 due to the less intense use of this travel way and visual appearance along the route (i.e., utility poles, etc.). This travel way is located over one-mile from the Project Site and has a Middleground (0.5 to 4 miles) distance zone.

The Project Site is located approximately one-mile northeast and near the ridgeline of the scenic backdrop as viewed looking northeast from Canyon Drive/Water Canyon Trail within the Wildwood Canyon State Park. The viewshed is described as open. The existing scenic integrity for the area is considered Moderate due to the existing area that appears barren of vegetation on the saddle of the slope. Figures 5a and 5b show the faint line of the non-vegetated area created during past field work. As shown in Figures 5a and 5b, the non-vegetated area and monopole are visible and do not appear to change with the Proposed Project. However, next to the ridgeline at the site of the proposed equipment shed, a slight modification is noted between the marked boundaries. Modifications appear in the form of additional areas of disturbed ground which creates a contrast between vegetated and non-vegetated areas. The scenic integrity of the view would remain Moderate since previous field/geologic work created an altered or Moderate scenic integrity for the area. The Proposed Project, while incrementally adding to the disturbances within the Project area, would not substantially decrease the scenic integrity.

Viewpoint 2 – Canyon Drive/Water Canyon Trail (Figures 6a and 6b)

Views from Viewpoint 2, looking east from Canyon Drive from within the Park, provide a more direct view of the Project Site and occur within a more likely visited area due to its close



View looking northeast from Canyon Drive (KOP 1) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

NOTE: Antenna fencing is shown as 5' high 3-strand wire.

NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

Viewpoint 1
April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California



View looking northeast from Canyon Drive (KOP 1) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

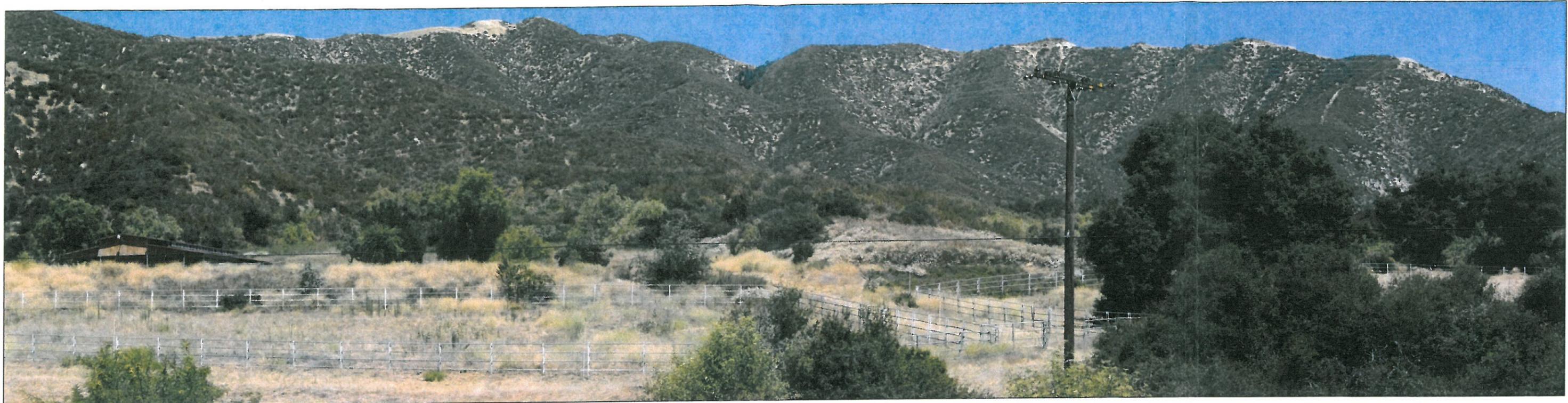
NOTE: Antenna fencing is shown as 5' high wrought iron.

NOTES:

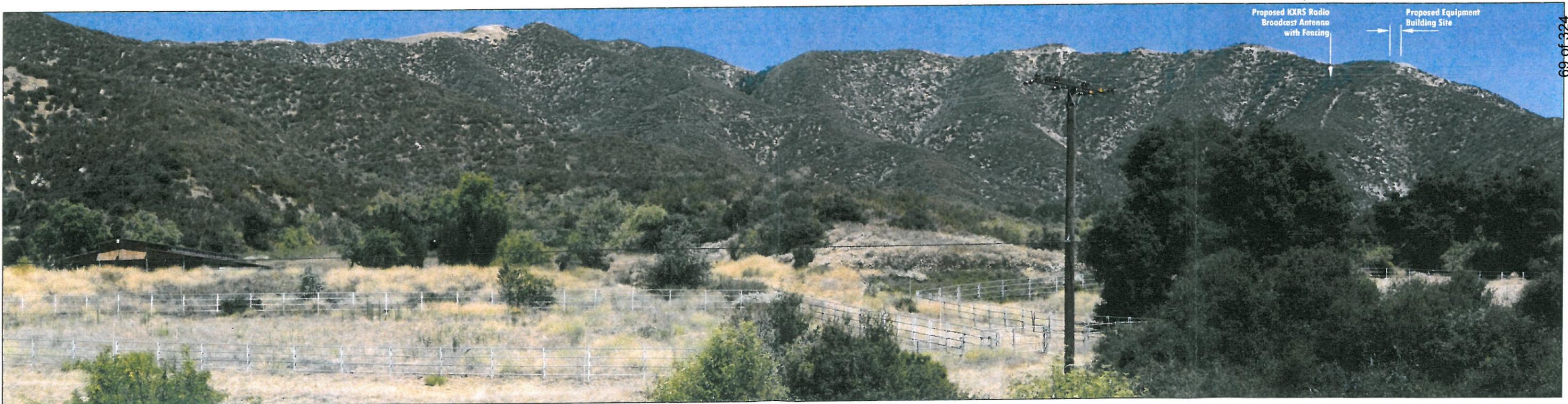
1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

Viewpoint 1
April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California



View looking northeast from Canyon Drive (KOP 2) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

NOTE: Antenna fencing is shown as 5' high 3-strand wire.

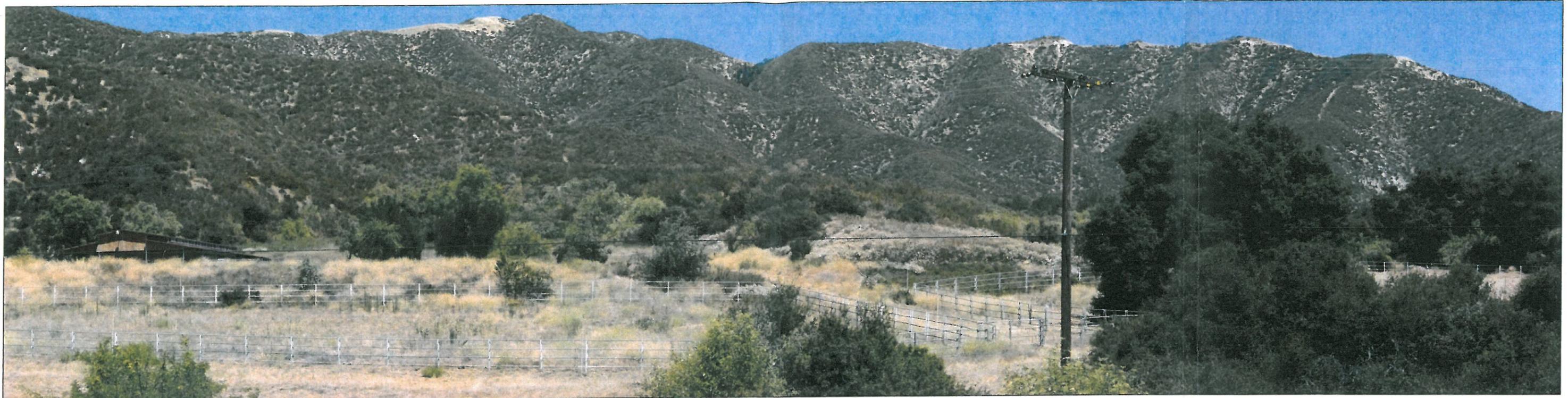
NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

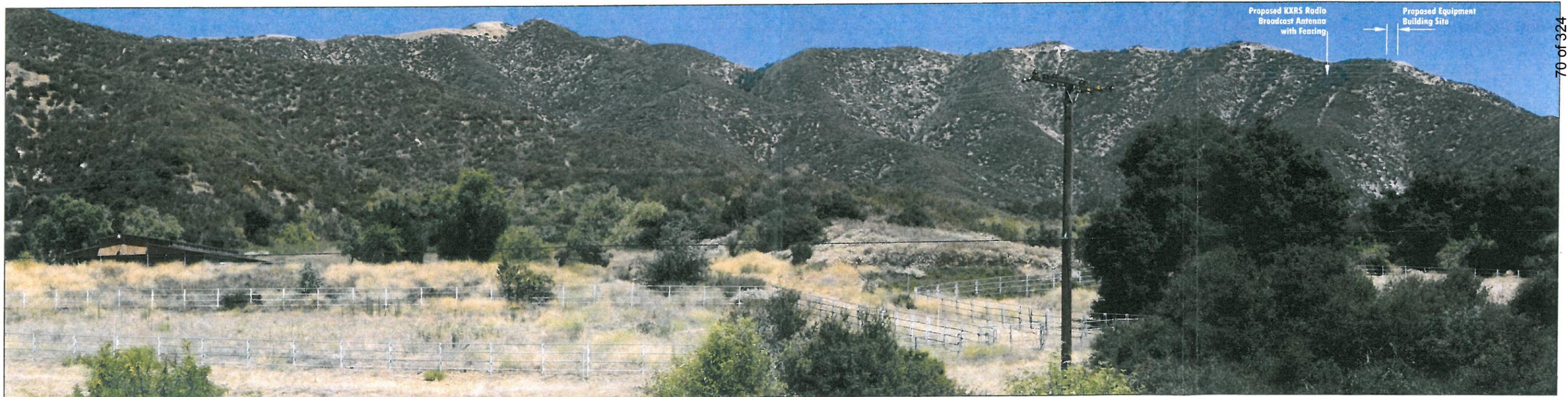
Viewpoint 2
April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California

Figure 6a



View looking northeast from Canyon Drive (KOP 2) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

NOTE: Antenna fencing is shown as 5' high wrought iron.

NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

**Key Observation Point 2
April 2012 Proposed Project**

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

proximity to the Park's horse stables and corals. Manmade structures including a barn, corals, and utility poles and above-ground lines provide for a more urban setting as compared to the rest of the Park. For this reason the travel ways and use areas are considered Concern Level 2 with a Middleground (0.5 to 4 miles) distance zone.

The Project Site is located approximately one-mile east of Viewpoint 2. The Project Site is visible just above the foreground vegetation. The existing scenic integrity is considered Low due to the altered landscape created by the existing utility pole with above-ground wires, horse corals, barn and other metal fencing within the foreground. Figures 6a and 6b show a distinct line (disturbed area created during past field work) running along one of the saddles within the foothills. As shown in Figures 6a and 6b, the non-vegetated area and monopole are visible and do not appear to change for the Proposed Project. However, next to the ridgeline at the site of the proposed equipment shed, a slight modification is noted between the marked boundaries. Modifications appear in the form of additional areas of disturbed ground which creates a contrast between vegetated and non-vegetated areas, and the visual appearance of a faint structure or square form. The proposed fuel modification is not visually significant and blends with other natural areas void of vegetation along the ridgeline.

Given the closer distance and presence of the existing equestrian activities within the foreground, the scenic integrity for the area would not substantially decrease and would remain Low under the Proposed Project.

Viewpoint 3 – Stable Ridge Trail (Figures 7a and 7b)

Views from Viewpoint 3 from the Stable Ridge Trail are considered Concern Level 1 since it is a remote hiking trail located near the northeastern portion of the Park, and users of this trail are expecting a high level of natural scenery. Distance zones for this travel way is Middleground (0.5 to 4 miles).

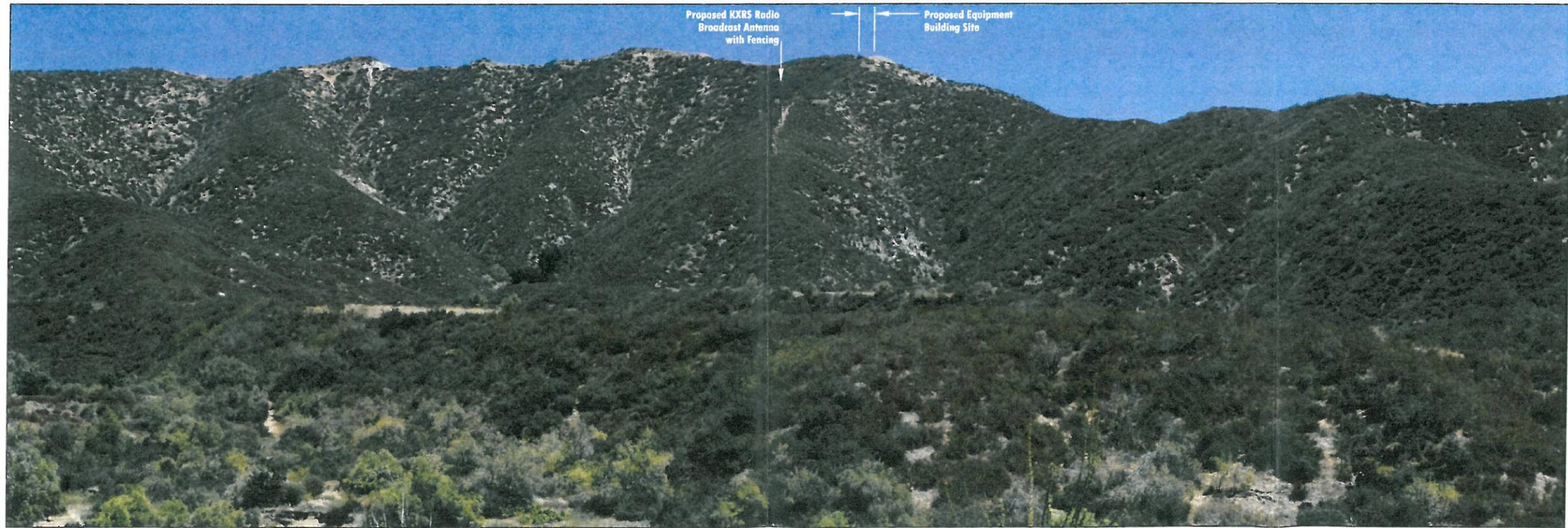
The Project site is located below the ridgeline of the scenic backdrop as viewed from approximately 4,200 feet west and along Stable Ridge Trail. Figure 7a and 7b illustrates the vantage point from Viewpoint-3, which is located along Stable Ridge Trail (see Figure 1). From Viewpoint-3 the Project Site appears most visible in relation to marked trails within the Park. The soil disturbance that occurred during the placement of the monopole is distinct as is the darkened, weathered pole.

The viewshed is described as open with low-lying scrub intermittently mixed with non-vegetated soil. The existing scenic integrity for the area is considered Low due to the altered landscape along the saddle within the Project area. As shown in Figures 7a and 7b, the exposed slope areas along the foothill backdrop appear uniform, and allow for the proposed equipment shed, fuel modification and parking space to blend. The equipment shed appears grey and blends with other areas that appear non-vegetated along the ridgeline north of the project site.

Due to the presence of past geologic/field work activities, the scenic integrity for the area would not substantially decrease and would remain Moderate under the Proposed Project.



View looking east from Stable Ridge Trail (KOP 3) towards the Proposed Project Site.

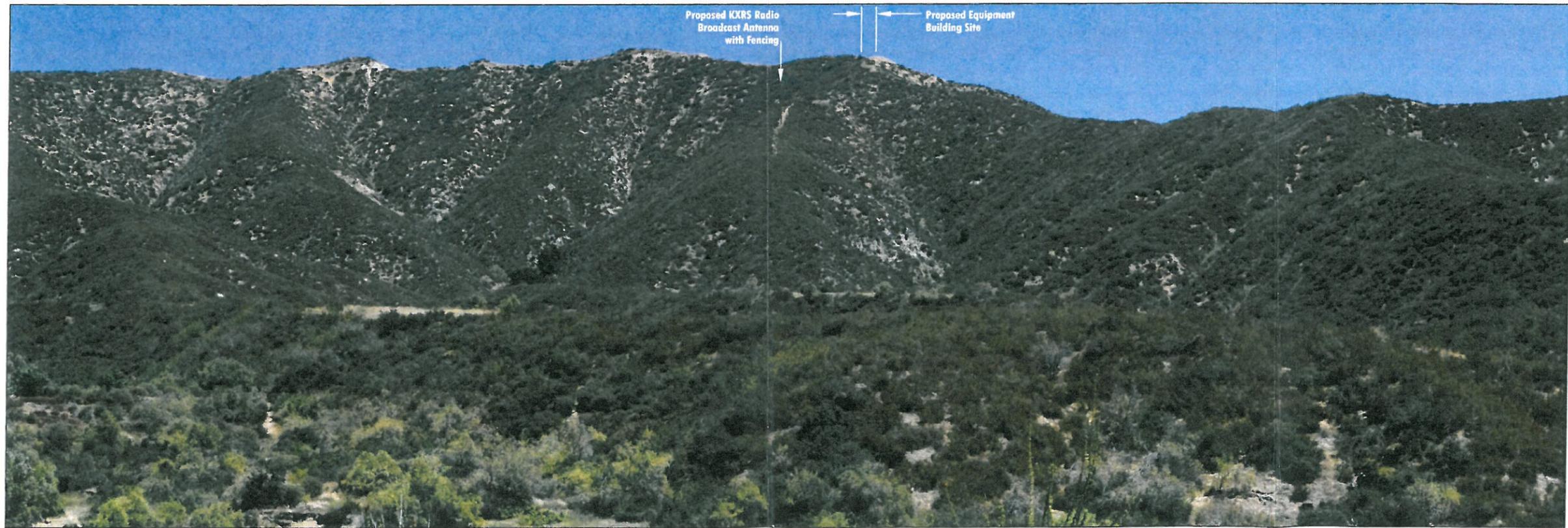


View with the Proposed Project in place. Both the antenna and equipment shed will be visible.
NOTE: Antenna fencing is shown as 5' high 3-strand wire.

NOTES:
 1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.



View looking east from Stable Ridge Trail (KOP 3) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.
NOTE: Antenna fencing is shown as 5' high wrought iron.

NOTES:
 1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

Viewpoint 4 – Intersection of Stintson Trail and North Valley Trail (Figures 8a and 8b)

Near the intersection of Central Ridge Trail, North Valley Trail and the Stetson Trail, the Project Site is visible in the background as viewed from Viewpoint-4 (see Figure 8a). From this Viewpoint, the soil disturbance area appears shortened as compared to the view from Viewpoint-3. Vegetation in the foreground and middle ground is mature and dominates the view from Viewpoint-4.

Viewpoint 4 is located approximately 3,000 feet west of the Project Site at the intersection of Stintson Trail and North Valley Trail within the Wildwood Canyon State Park. The viewshed within the area is described as open with mature trees and scrub occupying the foreground and the Project Site and foothills occurring in the background. The Project Site and foothills are viewed below the tree line. The viewpoint selected occurs in an opening where two trails intersect. The existing scenic integrity for the area is considered Moderate as views of past geotechnical/field work was performed at the Project Site.

The Project Site is located on the third saddle from the left as viewed looking east toward the ridgeline. The Proposed Project would include the construction of an antenna near the top of the existing monopole and either a 5-foot high, three-strand wire fence or a 5-foot high wrought iron fence around the pole. The Project also includes the construction of an equipment shed and parking space. As shown in figures 8a and 8b, the equipment shed would be visible just below the ridgeline, but would not create a substantial contrast based on other sparse areas that occur along the ridgeline. Therefore, the scenic integrity both existing and with the Proposed Project would be considered Moderate as a slightly altered landscape would be visible in the middleground from this particular viewpoint.

Viewpoint 5 – McCullough Loop (Figure 9)

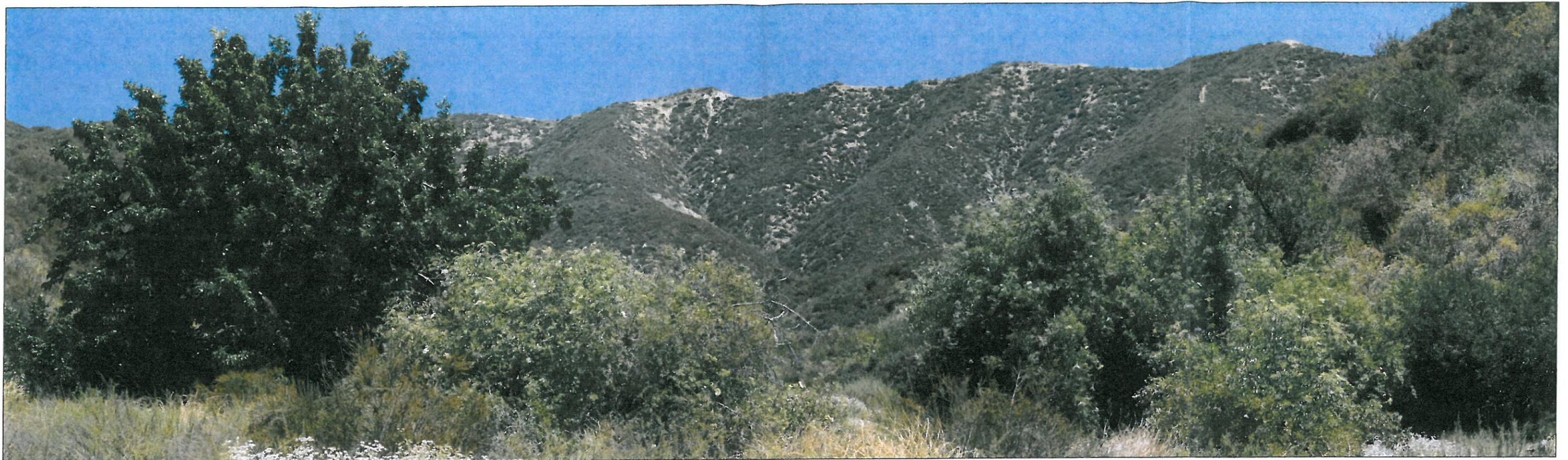
Viewpoint 5 was selected because it represents a view of the project vicinity from the identified trails and use areas from within the Wildwood Canyon State Park. Views from Viewpoint 5 to the Project Site however are completely screened due to surrounding topography; this represents several areas within the Park from which the Project Site would not be visible. The portion of the trail where the photograph was taken occurs approximately one-mile from the Project Site and has a Middleground (0.5- to 4 miles) distance zone and is considered Concern Level 1.

The existing scenic integrity for the area, Moderate due to existing structure impacts, would remain unchanged by the Proposed Project.

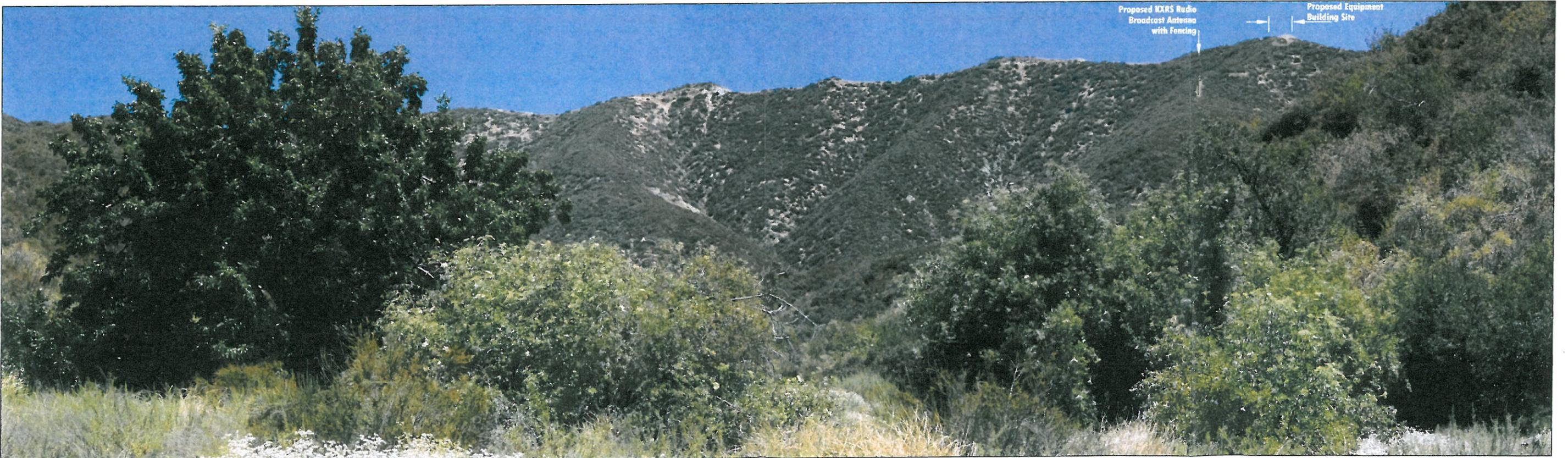
4.2 CONCLUSIONS

The LMP, Part 2 (2005) outlines the desired Landscape Character for the Proposed Project as follows:

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



View looking east from Stintson Trail (KOP 4) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

NOTE: Antenna fencing is shown as 5' high 3-strand wire.

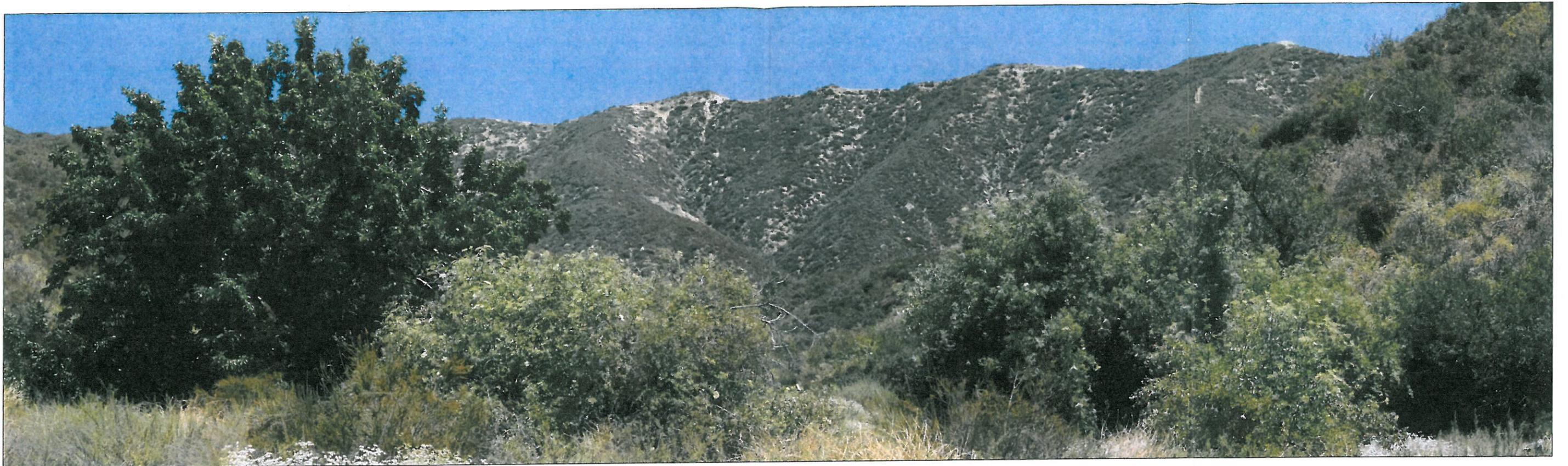
NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

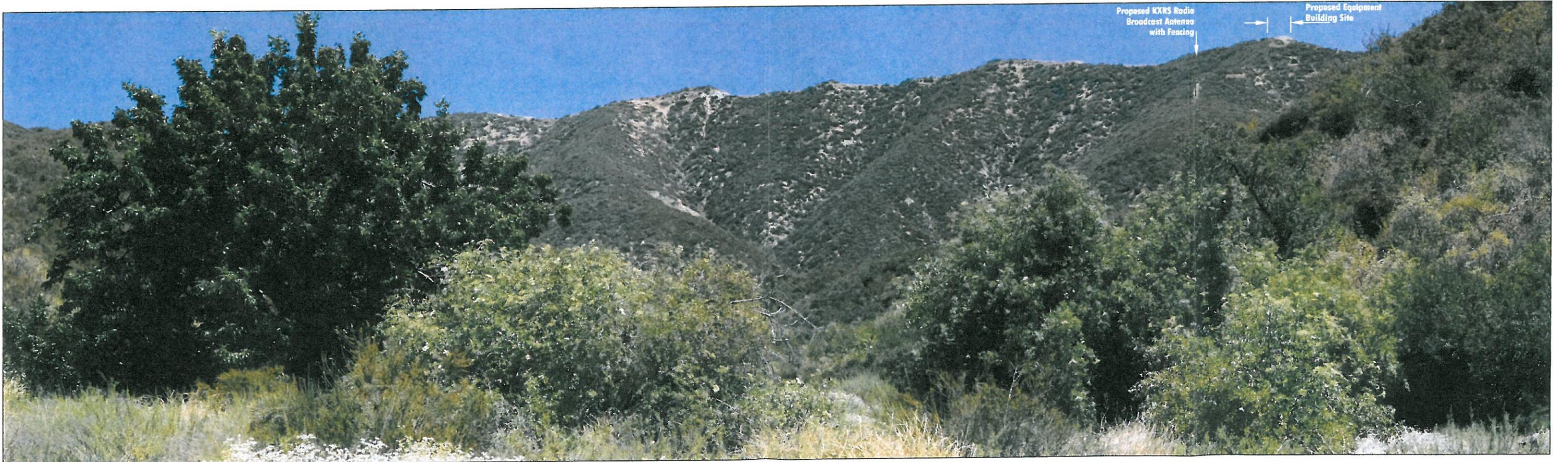
Viewpoint 4 - April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 8a



View looking east from Stintson Trail (KOP 4) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.
NOTE: Antenna fencing is shown as 5' high wrought iron.

NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

Viewpoint 4 - April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California

Figure 8b



View looking northeast from McCullough Loop (KOP 5) towards the Proposed Project Site. Neither the antenna or equipment shed will be visible due to foreground ridgelines.

NOTES:

1. The Visual Simulation includes all aspects of the Proposed Project as outlined in Site Plan dated April 19, 2012.

Viewpoint 5
April 2012 Proposed Project

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

The LMP's Aesthetic Management Standards are:

- Design management activities to meet the Scenic Integrity Objectives (SIO) shown on the Scenic Integrity Objectives Map (S9) (see Figure 4).
- Scenic Integrity Objectives will 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).

Table 3 identifies the potential for change in the Scenic Integrity of the existing landscape character related to the Proposed Project.

Table 3
Comparison of Change in Scenic Integrity Levels
Between Existing Conditions and Proposed Project

	Viewpoint	Visibility ¹	Scenic Integrity Objective	Scenic Integrity Level	
				Existing	Proposed Project
1	Canyon Drive/Water Canyon Trail	Mg	High	Moderate	Moderate
2	Canyon Drive/Water Canyon Trail	Mg	High	Low	Low
3	Stable Ridge Trail	Mg	High	Moderate	Moderate
4	Intersection of North Valley Trail and Stintson Trail	Mg	High	Moderate	Moderate
5	McCullough Loop Trail	Mg	High	Moderate	Moderate

¹ - Visibility: Mg = Middleground

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 Section 4.0 of this report, the weather-darkened 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 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 S9 standard above.

Viewers from Viewpoint 5 within the Wildwood Canyon State Park along McCullough Loop would not be able to see the Proposed Project due to intervening ridges and the scenic integrity would remain unchanged.

The impact of the Proposed Project on views of the scenic landscape as depicted in the five viewpoints and project simulations are 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 herein. 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 is concluded that trail users entering the Park would experience greater adverse effect from the existing utility poles and utility lines (see Photo 1) 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.

5.0 RECOMMENDATIONS

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.

The Project Proponent shall revegetate the portion of the ridge in which the monopole currently occupies. During placement of the monopole 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.

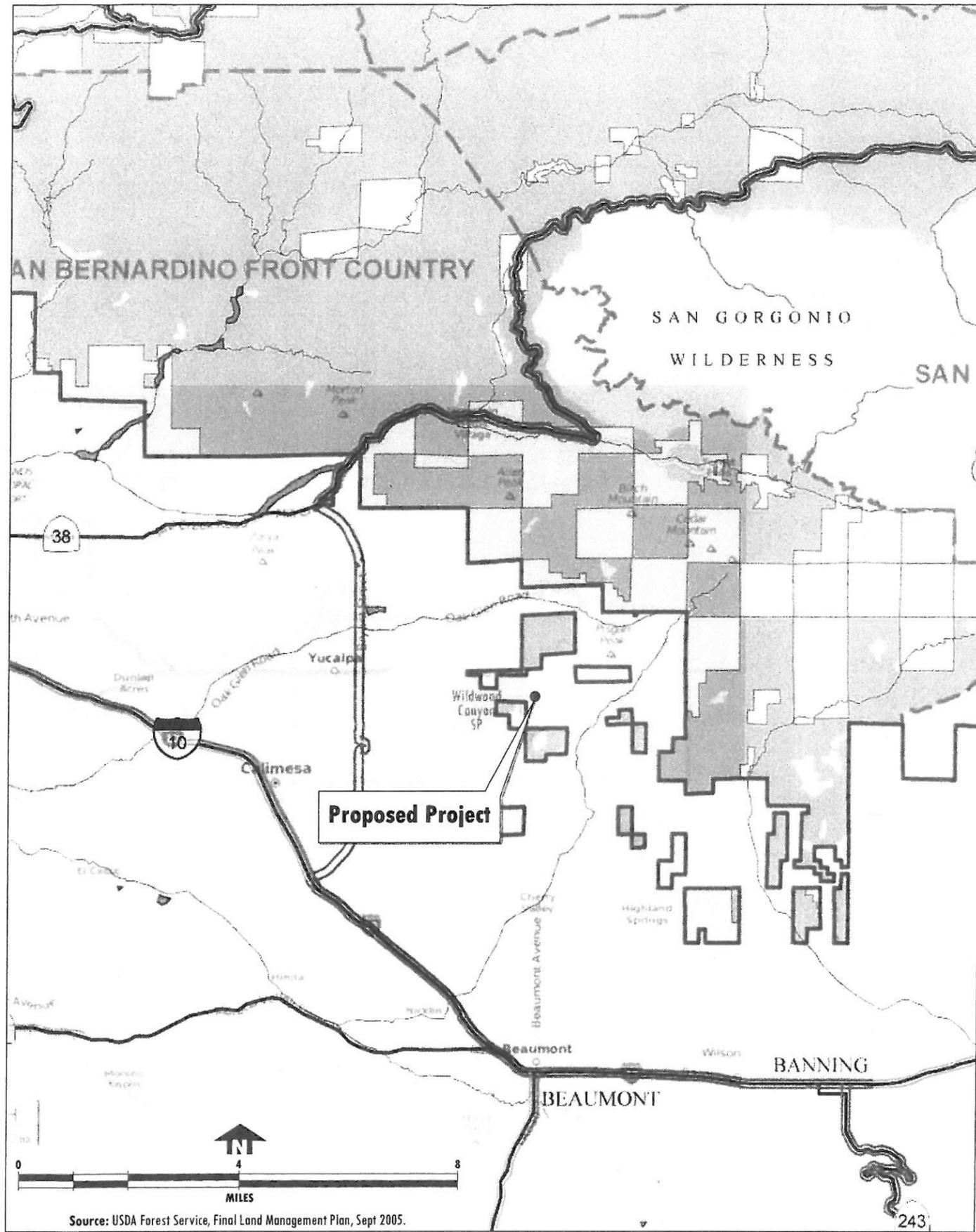
6.0 REFERENCES

USDA Forest Service. 2005. San Bernardino National Forest Land Management Plan (LMP).

USDA Forest Service. 2005. Land Management Plan, Part 2 San Bernardino National Forest Strategy.

USDA Forest Service. 1995. Landscape Aesthetics; A Handbook for Scenery Management. Washington D.C.

APPENDIX A
VIEWPOINT INVENTORY AND ANALYSIS
SUMMARY



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

Scenic Integrity Objectives

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 4

Lazer Broadcasting
Viewpoint 1 – Canyon Drive/Water Canyon
Trail
July 2012

Scenic Assessment Ratings:

Landscape Visibility	
Type of Travel Way or Use Area	Secondary roadway & Hiking trail
Concern Levels 1, 2 or 3	2
Distance Zone (Proposed Project Site approx. one-mile northeast)	Middleground (Mg)
Landscape Visibility	Mg2

Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Scenic Attractiveness	
Variety, Unity, Vividness, Mystery, Intactness, Coherence, Harmony, Uniqueness, Patterns, and Balance	
Scenic Attractiveness Class	B

Landscape Character Description	
Foreground (300 feet- 1/2 mile) Unpaved roadway/trail, utility poles, low growing scrubs/bushes and scattered trees	
Middleground (1/2 mile-4 miles) Scrub landscape with hills and scattered exposed earth	
Background (4 miles to horizon) N.A.	

IMPACT ANALYSIS FROM VIEWPOINT

Proposed Action Alternative	
Potential Magnitude of Change (after 3 years)	
Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Comments:

The Project Site is located approx. one-mile northeast and just below the ridgeline of the scenic backdrop as viewed from the Canyon Drive within the Wildwood Canyon State Park. The viewshed is not obscured by any vegetation, trees or structures. The existing scenic integrity for the area (Moderate) would remain Moderate upon approval of the Lazer Broadcasting monopole since previous geotechnical/field work created an exposed area resulting in an altered landscape character for the area.

HIERARCHY OF CONCERN LEVELS

	High	Interest in Scenery Moderate	Low
Primary Travelway/Use Area High Use	1	2	2
Primary Travelway/Use Area Moderate Use	1	2	2
Primary Travelway/Use Area Low Use	1	2	3
Secondary Travelway/Use Area High Use	1	2	2
Secondary Travelway/Use Area Moderate Use	1	2	3
Secondary Travelway/Use Area Low Use	1	2	3

Scenic Integrity Summary

Criteria for Scenic Integrity of the L.C. Image/Sense of Place	(VII) Very High	(II) High	(M) Moderate	(L) Low	(VI.) Very Low	(U.) Unacceptably Low
Dominance, Landscape Character vs. Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
Degree of Deviation from the Landscape Character	None	Not Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
Intactness of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Largely Expressed	Slightly Altered and Character Expression Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

Lazer Broadcasting
Viewpoint 2 – Canyon Drive/Water Canyon
Trail
July 2012

Scenic Assessment Ratings:

Landscape Visibility	
Type of Travel way or Use Area	Secondary Roadway & Hiking Trail
Concern Levels 1, 2 or 3	2
Distance Zone (Project Site approx. 6 miles southeast)	Middleground (Mg)
Landscape Visibility	Mg2

Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Low
Degree of Deviation from the Landscape Character	Low
Intactness of Landscape Character	Low
Total Scenic Integrity	Low

Scenic Attractiveness Variety, Unity, Vividness, Mystery, Intactness, Coherence, Harmony, Uniqueness, Patterns, and Balance
Scenic Attractiveness Class B

Landscape Character Description
Foreground (300 feet to ½ mile) Metal pipe fencing, utility pole and above-ground wires, mature trees.
Middleground (1/2 mile to 4 miles) Shrubs, scattered areas of bare earth, and foothills.
Background (4 miles to horizon) N.A. - Distant ridgeline obscures view to distant areas and horizon.

IMPACT ANALYSIS FROM VIEWPOINT

Proposed Action Alternative Potential Magnitude of Change (after 3 years)	
Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Low
Degree of Deviation from the Landscape Character	Low
Intactness of Landscape Character	Low
Total Scenic Integrity	Low

Comments:

The Project Site is located approximately one-mile east and near the ridgeline as viewed from this portion of Canyon Drive/Water Canyon Trail. The Project Site is visible and is not screened by foreground vegetation. The existing scenic integrity is considered Low due to the dominant deviation and altered landscape of the existing equestrian area, urban use, and visible area of bare earth at the Project Site. Given the presence of these equestrian activities, and existing void of vegetation along a foothill saddle at the Project Site, the scenic integrity for the area would not change and would remain Low upon implementation of the Proposed Project.

HIERARCHY OF CONCERN LEVELS

	Interest in Scenery		
	High	Moderate	Low
Primary Travelway/Use Area High Use	1	2	2
Primary Travelway/Use Area Moderate Use	1	2	2
Primary Travelway/Use Area Low Use	1	2	3
Secondary Travelway/Use Area High Use	1	2	2
Secondary Travelway/Use Area Moderate Use	1	2	3
Secondary Travelway/Use Area Low Use	1	2	3

Scenic Integrity Summary

Criteria for Scenic Integrity of the L.C. Image/Sense of Place	(VII) Very High	(II) High	(M) Moderate	(L) Low	(VI) Very Low	(U) Unacceptably Low
Dominance Landscape Character vs. Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
Degree of Deviation From the Landscape Character	None	Not Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
Intactness of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Largely Expressed	Slightly Altered and Character Expression Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

Lazer Broadcasting
Viewpoint 3 – Stable Ridge Trail
 July 2012

Scenic Assessment Ratings:

Landscape Visibility	
Type of Travel Way or Use Area	Hiking/Equestrian Trail
Concern Levels 1, 2 or 3	1
Distance Zone (Project Site approx. 4 to 5 miles south)	Middleground (Mg)
Landscape Visibility	Mg1

Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Scenic Attractiveness (existing landscape character) Variety, Unity, Vividness, Mystery, Intactness, Coherence, Harmony, Uniqueness, Patterns, and Balance	
Scenic Attractiveness Class	B

Landscape Character Description	
Foreground (300 feet to 1/2 mile) Shrubs, foothills	
Middleground (1/2 mile to 4 miles) Inland foothill vegetation, foothills and ridgeline.	
Background (4 miles to horizon) N.A. - Ridgeline obscures view to distant areas and horizon.	

IMPACT ANALYSIS FROM VIEWPOINT

Proposed Action Alternative Potential Magnitude of Change (after 3 years)	
Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Comments:

The project area is located below the ridgeline of the scenic backdrop as viewed from Stable Ridge Trail approximately 4,200 feet west of the Project 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 previous geotechnical field work created the dominant area that is void of vegetation and created an altered or Moderate scenic integrity for the area.

HIERARCHY OF CONCERN LEVELS

	High	Interest in Scenery Moderate	Low
Primary Travelway/Use Area High Use	1	2	2
Primary Travelway/Use Area Moderate Use	1	2	2
Primary Travelway/Use Area Low Use	1	2	3
Secondary Travelway/Use Area High Use	1	2	2
Secondary Travelway/Use Area Moderate Use	1	2	3
Secondary Travelway/Use Area Low Use	1	2	3

Scenic Integrity Summary

Criteria for Scenic Integrity of the L.C. Image/Sense of Place	(VII) Very High	(II) High	(M) Moderate	(L) Low	(VI) Very Low	(III) Unacceptably Low
Dominance: Landscape Character vs. Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
Degree of Deviation From the Landscape Character	None	Not Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
Intactness of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Largely Expressed	Slightly Altered and Character Expression Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

Lazer Broadcasting
Viewpoint 4 – Intersection of North Valley & Stintson Trails
 July 2012

Scenic Assessment Ratings:

Landscape Visibility	
Type of Travel Way or Use Area	Hiking/Equestrian trail
Concern Levels 1, 2 or 3	1
Distance Zone (Project Site approx. 1.5 miles north)	Middleground (Mg)
Landscape Visibility	Mg1

Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Scenic Attractiveness	
Variety, Unity, Vividness, Mystery, Intactness, Coherence, Harmony, Uniqueness, Patterns, and Balance	
Scenic Attractiveness Class	B

Landscape Character Description	
Foreground (300 feet - 1/2 mile)	Grasses, trees at different stages of development, and shrubs looking toward the Project Site.
Middleground (1/2 mile to 4 miles)	Tree/shrub covered foothills. Project Site is visible and marked from past field work. Ridgeline has random pattern of areas void of vegetation.
Background (4 miles to horizon)	Ridgeline obscures view to distant areas and horizon.

IMPACT ANALYSIS FROM VIEWPOINT

Proposed Action Alternative Potential Magnitude of Change (after 20 years)	
Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Comments:

The project area is located in the middle of a saddle within the middle ground foothills and at the ridgeline as viewed from the intersection of North Valley Trail and Stintson Trail. The viewshed in the future could be obscured by trees. The viewpoint selected is in an opening along the trail. The existing scenic integrity for the area is considered Moderate as views of an area void of vegetation mark the location of the Project Site. However from this viewpoint the scrap along the saddle appears shorter in length due to elevation and distance to the Project Site from this viewpoint. The Proposed Project would construct an equipment shed and parking space near the ridgeline and remove vegetation to allow for fuel modification. The equipment shed, thinned vegetation, parking space would not be a dominant feature along the ridgeline given the areas of bare earth and rock to the east or left of the Project Site as viewed from this viewpoint. Therefore the scenic integrity would be considered Moderate and the Proposed Project would be consistent with the existing Scenic Integrity of Moderate.

HIERARCHY OF CONCERN LEVELS
Interest in Scenery

	High	Moderate	Low
Primary Travelway/Use Area High Use	1	2	2
Primary Travelway/Use Area Moderate Use	1	2	2
Primary Travelway/Use Area Low Use	1	2	3
Secondary Travelway/Use Area High Use	1	2	2
Secondary Travelway/Use Area Moderate Use	1	2	3
Secondary Travelway/Use Area Low Use	1	2	3

Scenic Integrity Summary

Criteria for Scenic Integrity of the L.C.	(VII) Very High	(II) High	(M) Moderate	(L) Low	(VI) Very Low	(I) Unacceptably Low
Image Sense of Place						
Dominance Landscape Character vs. Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
Degree of Deviation From the Landscape Character	None	Not Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
Intactness of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Largely Expressed	Slightly Altered and Character Expression Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

Scenic Assessment Ratings:

Landscape Visibility	
Type of Travel Way or Use Area	Hiking/Equestrian Trail Area
Concern Levels 1, 2 or 3	1
Distance Zone (Project Site approx. 1 mile northwest)	Middleground (Mg)
Landscape Visibility	Mg1

Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Scenic Attractiveness	
Variety, Unity, Vividness, Mystery, Intactness, Coherence, Harmony, Uniqueness, Patterns, and Balance	
Scenic Attractiveness Class	B

Landscape Character Description	
Foreground (300 feet - 1/2 mile)	Grasses, foothill shrub-covered hills and residential structure.
Middleground (1/2 mile to 4 miles)	Mountain shrub-covered foothills and ridgeline
Background (4 miles to horizon)	Horizon not visible

IMPACT ANALYSIS FROM VIEWPOINT

Proposed Action Alternative Potential Magnitude of Change (after 3 years)	
Scenic Integrity (see table below)	
Dominance: Landscape Character vs. Deviation	Moderate
Degree of Deviation from the Landscape Character	Moderate
Intactness of Landscape Character	Moderate
Total Scenic Integrity	Moderate

Comments:

The Project Area is blocked from the view of trail users on all portions of McCullough Loop due to foothills. The existing scenic integrity for the area (Moderate) would remain unchanged if the Proposed Project is approved.

HIERARCHY OF CONCERN LEVELS

	Interest in Scenery		
	High	Moderate	Low
Primary Travelway/Use Area High Use	1	2	2
Primary Travelway/Use Area Moderate Use	1	2	2
Primary Travelway/Use Area Low Use	1	2	3
Secondary Travelway/Use Area High Use	1	2	2
Secondary Travelway/Use Area Moderate Use	1	2	3
Secondary Travelway/Use Area Low Use	1	2	3

Scenic Integrity Summary

Criteria for Scenic Integrity of the L.C. Image/Sense of Place	(VII) Very High	(H) High	(M) Moderate	(L) Low	(VI) Very Low	(U) Unacceptably Low
Dominance Landscape Character vs. Deviation	Landscape Character	Landscape Character	Landscape Character	Deviation	Deviation	Deviation
Degree of Deviation From the Landscape Character	None	Not Evident	Evident but not dominant	Dominant	Very Dominant	Extremely Dominant
Intactness of the Landscape Character	Landscape Character Fully Expressed	Landscape Character Largely Expressed	Slightly Altered and Character Moderate	Altered and Low Expression of Character	Heavily Altered and Very Low Expression of Character	Extremely Altered

APPENDIX B
METHODOLOGY

Visual Inventory Study Methods

Scenery Management System

The purpose of the visual resources inventory was to identify and document landscape scenery and views of the proposed project area. 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 lies outside of the boundaries of the SBNF San Bernardino Front Country Place, and the Wildwood Canyon State Park. The visual resources inventory consisted of a detailed evaluation of the proposed project area. The inventory is consistent with the principles of the Scenery Management System established by the U.S. Forest Service (1995).

The Scenery Management System measures the degree of scenic integrity, or human-caused deviation in the landscape. Research has shown that high-quality scenery related to natural appearing forests improves the viewer's physiological well-being.

The inventory was conducted in June 2011. Studies included field observations and meeting with San Bernardino County Staff to review key issues, management strategies and inventory requirements. Data was collected through field work, existing mapped data, and aerial photography interpretation. In addition, extensive ground reconnaissance was conducted in support of these efforts.

Scenery Impact Assessment Methods

Impacts on visual resources were assessed by determining the potential for change to the views of landscape scenery. This section describes criteria, methods, and models used to assess visual impacts of the Proposed Project. Key components of the assessment include Landscape Character goals, Scenic Integrity Objectives and predictions of potential effects on scenery for each alternative evaluated. The existing Landscape Character serves as a baseline from which to judge deviation in a landscape.

Existing and Desired Landscape Character

An existing landscape character description was determined for the Project Area. This was developed by describing distinct elements in the landscape that create an unique visual and cultural image. It consists of a combination of physical, biological, climatic and cultural attributes that make the area identifiable. It serves as a baseline for determining existing scenic integrity.

The desired landscape character for the project area was identified from the "Place" descriptions within the 2005 San Bernardino National Forest Land Management Plan (LMP). It expresses the most optimal combination of socially-valued scenery attributes that can be sustained in the specified Place. This inventory's primary focus was on the effect of the project proposal on the desired Landscape Character and Scenic Integrity Objectives as established in the LMP.

Scenic Integrity

Dominance indicates which element has the strongest visual weight within the Landscape Character and assesses the amount of divergence from it. Scenic Integrity is a measure of the degree of deviation or visual contrast in the landscape. It refers to the amount of perceptible change that would occur (with reference to form, line, color, and/or texture) as a result of the Proposed Action. Two major components that contribute to the degree of deviation include the addition of structural elements in the landscape and removal of vegetation. Intactness of the landscape also helps evaluate the impacts to scenery.

Visual contrast includes potential vegetation contrast that would result from the clearing of vegetation for road, structures and utilities. Vegetation contrast was determined through an evaluation of the proposed fuel treatment area. Existing scenic integrity is determined by evaluating the landscape based upon deviation or alterations of the existing Landscape Character.

Scenic Integrity Objectives

Scenic Integrity Objectives are prescribed by forest land management plans. They determine the overall importance of scenic resources and set minimum acceptable levels of natural landscape character. Levels of scenic integrity are described below:

- Very High—unaltered
- High—appears unaltered
- Moderate—slightly altered
- Low—moderately altered
- Very Low—heavily altered

Scenic Classes

Scenic Classes are used to compare the value of scenery to the value of other resources, and are derived from combining the visibility mapping and the scenic attractiveness mapping. A suitability map is created that is used by land managers in forest planning. Scenic Classes 1 through 7 identify a public value that can be tied to the landscape. The higher the Scenic Class, the more important it is to maintain the highest scenic value.

Scenic Attractiveness

Scenic attractiveness measures the scenic importance of a landscape based on human perceptions of the intrinsic beauty of landform, water, vegetation patterns and cultural features. Higher scenic attractiveness occurs in landscapes with a greater degree of naturalness, diversity of features and uniqueness. The relative scenic value of lands within a particular Landscape Character are classified as; class A- distinctive, class B- typical, and class C- indistinctive.

Landscape Visibility

Landscape visibility is a function of many interconnected considerations such as the context of viewers, the duration of view, the number of viewers and the degree of discernable detail. Landscape visibility is determined using three elements:

- Travelways and Use Areas
- Concern Levels
- Distance Zones

As part of this inventory, travelways and use areas were identified within the proximity of the project area, and their concern levels and distance zones documented.

Most landscape viewing occurs from travelways and use areas. Travelways are defined as linear concentrations of public-viewing, including freeways, highways, roads, railroads, trails, commercial flight paths, rivers, canals, and other waterways. Use Areas are locations that receive concentrated public-viewing use. They include vista points, trailheads, campgrounds, swim beaches, parks, ski resorts, and other recreation sites.

Concern levels are a measure of the degree of relative importance the public places on a landscape being viewed from a particular travelway or use area. Concern level is a function of both the number of visitors as well as their intent. Three (3) concern levels are used:

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

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

Level 3 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. The zones are divided into three general categories:

Foreground - 300 feet to ½ mile

Middleground - ½ to 4 miles

Background - 4 miles to horizon

Foreground distance zones have a high level of detail, yet commonly allow more opportunities for screening. Middleground designations usually reveal deviations in the landscape related to form, line, color and/or texture, but have less discernable detail overall. Background designations usually increase scenic value as the terrain allows people to have longer views.

Viewsheds

Visibility to and from developed areas and travel routes was determined by the edge conditions bordering individual areas. Edge conditions are described as screened, partially screened or open conditions. For example, a screened edge condition refers to a situation where views of the project area are blocked by topography, vegetation, and/or development. Partial screening occurs where there are dispersed patterns of vegetation and development. Open edge conditions do not have anything blocking views of the project area, hence they lack screening.

Impact Assessment

In general, significant visual impacts in High Scenic Integrity landscape settings are the result of high to moderate visibility (foreground and middleground views) from sensitive viewing areas.

Significant visual impacts can be any, or a combination of the following:

- Dominance of deviation over landscape character

- Deviations from landscape character are evident but not dominant

- The intactness of the landscape character becomes altered, resulting in a change scenic integrity

Potentially significant impacts in High Scenic Integrity areas occur when the project would be noticeable in moderate visibility location. A moderate visibility location is characterized by partially screened or intermittent foreground views toward the project area or as noticeable from open views, but at a greater distance (1.0 mile, middleground view) from the project area.

Where views are located in conditions that do not attract attention or are seldom seen, impacts are visually non-significant. These include areas where the views are generally beyond 1.0 mile or screened by vegetation in a middleground setting.

Mitigation

Initial impact levels were determined based on the description of the Proposed Project. Selective mitigation was considered to reduce visual impacts. The effectiveness of mitigation techniques in conjunction with the Landscape Character and visibility can be best determined at the project design stage. Selective mitigation that would reduce visual impacts includes measures presented in section 4.0 *Mitigation*.

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EXHIBIT D

**SEPTEMBER 2012 ATTACHMENT TO THE INITIAL
STUDY/MMD**

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SAN BERNARDINO COUNTY

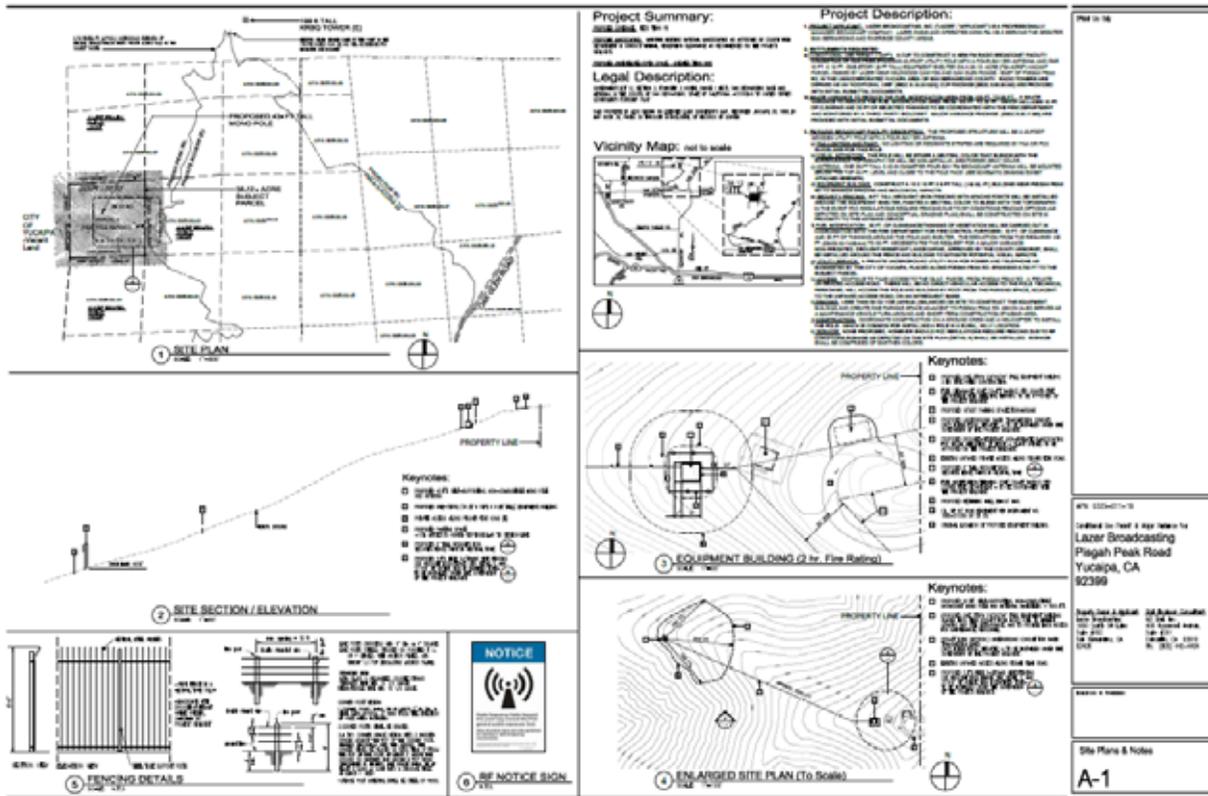
SEPTEMBER 2012 ATTACHMENT TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION Lazer Broadcasting Inc P201000215 SCH # 2008041082

PROJECT DESCRIPTION:

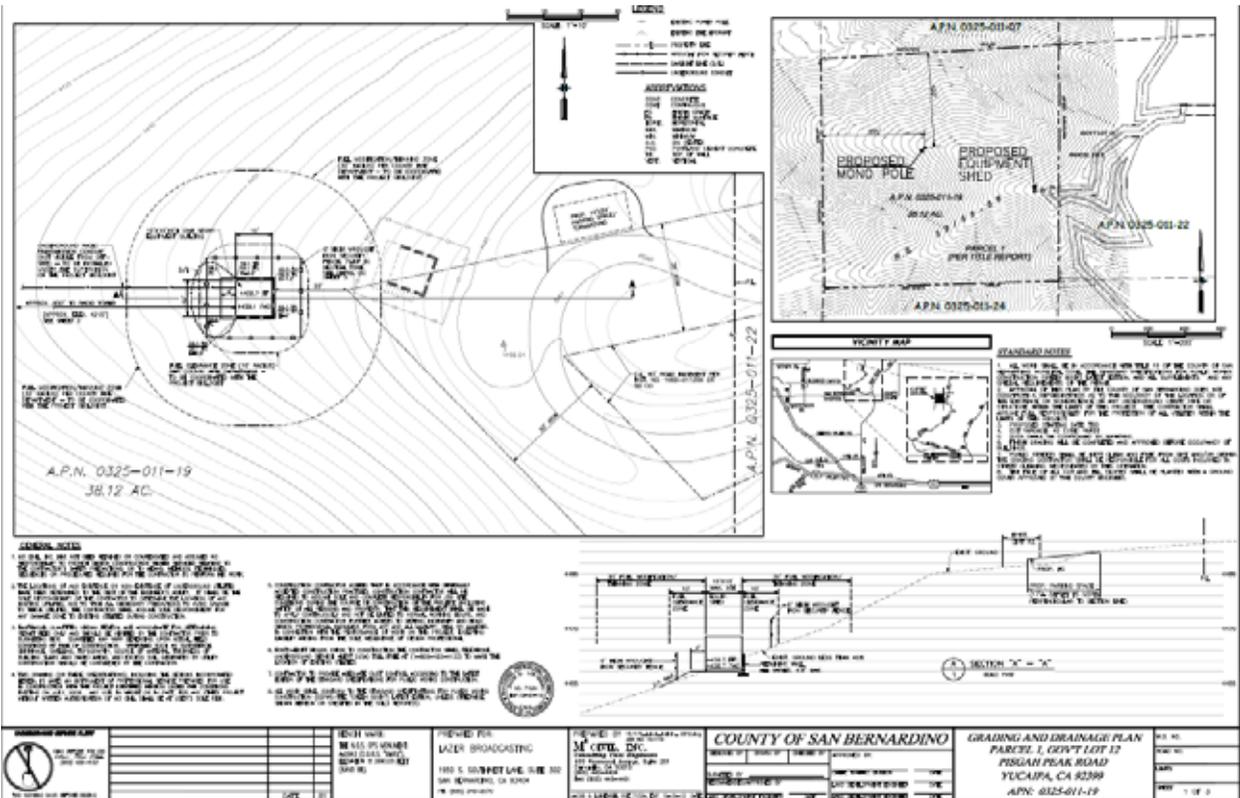
The proposal ("Project") is an application to establish an unmanned self-supporting (no guy wires), 43-foot tall monopole and radio broadcast facility with a Conditional Use Permit and a Major Variance to reduce the required fuel modification area. The radio broadcast facility includes the monopole, a 100-square foot equipment shelter, a parking space and fencing on 38.12 acres. The Major Variance would reduce the required 100-foot perimeter fuel modification area to 30 feet. The 30 foot fuel modification area consists of 10 feet of clearing followed by twenty feet of thinning around the monopole and the equipment shelter. The Project site is located in the general proximity of the intersection of Oak Glen and Wildwood Canyon Roads, west of Pisgah Peak Road, in the Oak Glen Planning Area. The General Plan designates the Land Use District for the Project site as OG/RL-20 (Rural Living – 20-acre minimum lot size), and the site is within the FS-1 fire safety overlay district.

The Initial Study/Draft Mitigated Negative Declaration was circulated for review by the public and state agencies. The review period began on October 28, 2011 and ended on December 9, 2011. After the circulation of the Initial Study/Mitigated Negative Declaration (IS/MND) the proposed project was revised in response to comments that were received. The revisions included a change in location of the equipment shelter and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed (approximately 40 cubic yards).

The County of San Bernardino issues this attachment to the IS/MND document in order to note minor revisions to the project proposal and to present additional information that confirms the analysis and conclusions of the IS/MND. Pursuant to Section 15073.5 of the CEQA Guidelines, the IS/MND need not be re-circulated for public review, because the additional information does not constitute a substantial revision as described in CEQA Guideline Section 15073.5 (b).



Revised Site Plan: The revised site plan shows the proposed location of the equipment shelter, the previous location of the proposed equipment shelter, the proposed fence around the monopole, as well all other facets of the project.



Grading Plan: This revised grading plan is added to illustrate the elevation of the proposed equipment shelter, the limited amount of grading required, and how the structure will be recessed into the hillside, retaining a maximum of 4.5 feet. The plan also shows the locations of the fencing surrounding the equipment shelter and the proposed parking space.

I. AESTHETICS.

Comments received on the IS/MND during the public review period resulted in minor modifications to the proposed project which included a change in location for the equipment shelter and proposed parking space, additional fencing around the monopole and clarification of the amount of grading proposed. The new site plans were provided to Lilburn Corporation for further analysis to determine if the changes to the project would result in additional impacts that could be considered significant. In preparing the attached update and review of the visual analysis, Planning staff requested that Lilburn utilize the visual impact analysis methodology adopted by the US Forest Service and review and compare the results with the previous visual analyses. The additional visual impact analysis is hereby appended to and incorporated in the IS/MND.

The final conclusion of the visual analysis was that the project would not have a significant impact on scenic resources. The report noted that the impacts of the Project on views of the scenic landscape are considered less than significant because very little if any of the landscape visibility would be impacted by the Project. Although the Project site may be visible to trail users in the adjacent Wildwood Canyon State Park; the analysis noted that trail users entering the Park would experience a greater visual impact from the existing utility poles and utility lines because of the number of poles and their heights. Therefore, although the Project may have adverse visual 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 and visibility of Project views.

VII. GREENHOUSE GAS EMISSIONS

On December 6, 2011, (after completion of the Draft Mitigated Negative Declaration) the San Bernardino County Board of Supervisors adopted the County Greenhouse Gas (GHG) Reduction Plan. The GHG Reduction Plan does not require mitigation measures for projects that generate less than 3,000 metric tons of CO₂ emissions per year, the threshold established for potential significance.

The project will result in minor short-term greenhouse gas emissions from construction and installation activities associated with the proposed improvements. GHG emissions will also result from worker and maintenance trips to and from the project site and electricity usage. These emission factors are not expected to exceed the 3000 metric tons of CO₂ emissions per year. The GHG Reduction Plan list several sample projects consisting of residential, commercial, and industrial uses, with estimated GHG Emissions. The GHG Reduction Plan does not consider unmanned facilities such as cell towers and radio broadcast facilities. However, based on the projected number of vehicle trips, construction type, and the limited amount of grading, the proposed project is comparable to a single family residence, which has an estimated GHG emission total of 41 metric tons per year.

EXHIBIT E

INITIAL STUDY

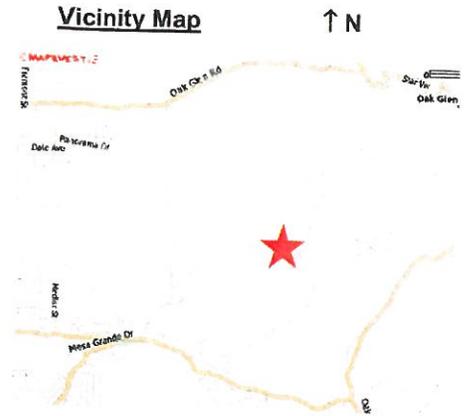
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San Bernardino County Land Use Services Department, Current Planning Division
(PROPOSED) MITIGATED NEGATIVE DECLARATION
 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

Project Description

APPLICANT: **LAZER BROADCASTING, INC**
 APN: **0325-011-19-0000**
 PROPOSAL: A. CONDITIONAL USE PERMIT TO CONSTRUCT AN UNMANNED RADIO BROADCAST FACILITY CONSISTING OF A FREE STANDING 43' MONOPOLE, AND A 100 SQ. FT. EQUIPMENT BUILDING ON 38.12 ACRES.
 B. MAJOR VARIANCE TO THE FIRE SAFETY OVERLAY TO REDUCE THE FUEL MODIFICATION AREA FROM 100 TO 30 FEET.
 COMMUNITY: OAK GLEN/3RD SUPERVISORIAL DISTRICT
 LOCATION: PISGAH PEAK ROAD, WEST SIDE APPROXIMATELY 1.5 MILES NORTH OF WILDWOOD CANYON.
 PROJECT NO.: P201000215
 STAFF: KEVIN WHITE



_____ **Effective date of Mitigated Negative Declaration**
 (After appeal period)

Plans and specifications for the referenced project are available for public inspection in the San Bernardino County Land Use Services Department, Planning Division.

Pursuant to provisions of the California Environmental Quality Act and the San Bernardino County Environmental Review Guidelines, the above referenced project has been determined not to have a significant effect upon the environment. An Environmental Impact Report will not be required.

Reasons to support this finding are included in the written Initial Study prepared by the San Bernardino County Land Use Services Department, Planning Division.

The decision may be appealed by any aggrieved person, organization or agency to the Board of Supervisors. Appeals shall be filed before the effective date of the Mitigated Negative Declaration listed above. The Notice of Appeal shall be in writing and shall be filed with the appropriate fee at the San Bernardino County Government Center Public Information Counter during normal business hours.

 Kevin White, Senior Planner

 Date of Action

**SAN BERNARDINO COUNTY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

APN: 0325-011-19
Applicant: Lazer Broadcasting, Inc. 200 S A Street, Suite 400 Oxnard, CA. 93030
Community: Oak Glen
Location: Pisgah Peak Road, West side, Approx 1.5 miles south of Wildwood Canyon Road.
Project No: P201000215
Staff: Kevin White
Rep: David Mylnarski, Transtech
Proposal: A) Conditional Use Permit to construct an unmanned radio broadcast facility consisting of a free standing 43' monopole, and a 100 sq. ft. equipment building on 38.12 acres. B) Major Variance to the Fire Safety Overlay to reduce the Fuel Modification area from 100 feet to 30 feet.

USGS Quad: Forest Falls
Lat/Long: 34°01'38.13" N
-116°58'36.32" W
T, R, Section: T2S R4W Sec. 3 NW1/4
Thomas Bros Page 650 Grid H-3

Community Plan: Oak Glen
LUZD: OG/RL-20
Overlays: FS-1, Geologic Hazard - Low to Moderate Landslide

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0182

Contact person: Kevin White, Senior Planner
Phone No: (909) 387-4131 Fax No: (909) 387-3223
E-mail: kwhite@lusd.sbcounty.gov

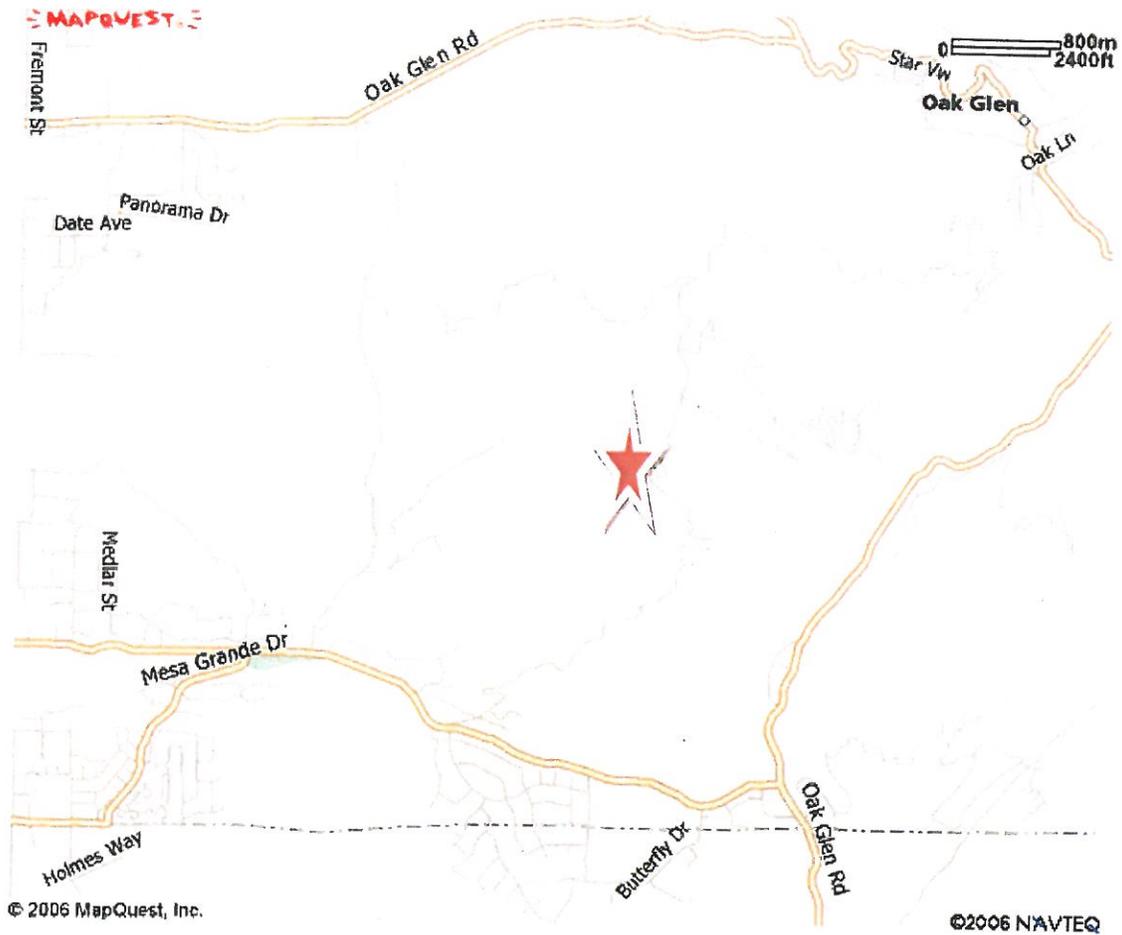
PROJECT DESCRIPTION:

The Conditional Use Permit (CUP) would establish an unmanned self-supporting (no guy wires), 43-foot tall monopole for radio broadcast (KXRS-FM 105.5). The CUP also includes a 100-square foot equipment shelter. A Major Variance is also requested to reduce the required 100-foot perimeter fuel modification area to 30 feet. These proposed improvements (Project) are located in the general proximity of the intersection of Oak Glen and Wildwood Canyon Roads, west of Pisgah Peak Road. The Project site is in the unincorporated portion of the County of San Bernardino in the Oak Glen Planning Area. The County 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 is within the Fire Safety Overlay Review Area One (FS-1) overlay district.

The project area is situated roughly in the Northwest quarter of Section 3, Township 2 South, Range 4 West, S.B.B.&M. of the Forest Falls, CA USGS 7.5-minute topographic quadrangle at approximately Lat/Long 34°01'38.13" N /-116°58'36.32" W (See **Figure 1: Vicinity Map**).

Exhibit A – Regional Location Map

Lazer Broadcasting, Inc.
Pisgah Peak Rd.



Project 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 with the exception of a telephone pole that has been installed to identify the location of the monopole and represent the pole height. The site elevation varies from 3,850 ft above mean sea level (amsl) to 4,500 ft amsl. The entire parcel consists of steep slopes greater than 30%, 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 (see Figure 1). The Project site is approximately 1.5 miles south of the San Bernardino National Forest.

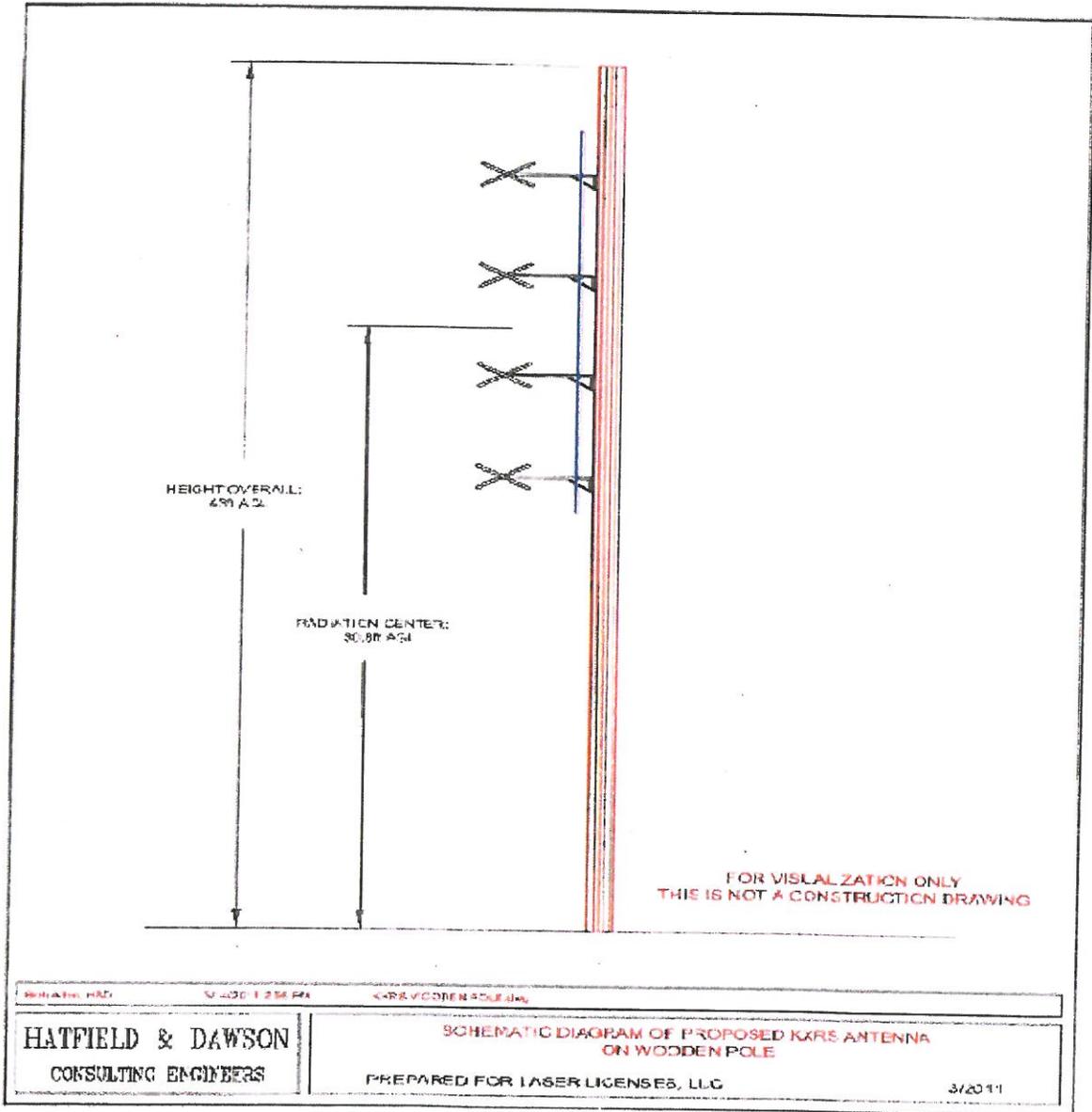
Existing land uses and Land Use Zoning Districts on and adjacent to the proposed Project site are listed below.

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Vacant	OG/RL-20 – Rural Living
North	Vacant	OG/RL-20 – Rural Living
South	Vacant	OG/RL-20 – Rural Living
East	Vacant	OG/RL-20 – Rural Living
West	Vacant	Wildwood Canyon State Park

VIEW OF THE PROJECT SITE LOOKING EAST FROM WILDWOOD CANYON STATE PARK



Schematic Diagram



Monopole.

The pole is proposed on a western facing slope approximately 227 feet below the ridgeline. 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.

Security Fence

A 6-ft tall wrought-iron fence with apache points will be installed around the equipment building . Non-irrigated, drought resistant landscaping around the fence and building.

Grading

Less than 25 cubic yards, balanced on site.

Traffic

Construction worker commute (car pooling will be implemented) vehicles will account for up to five vehicle trips to and from the site per day depending upon construction activity which is expected to be 8 weeks. Delivery of materials and supplies will account for up to 3 vehicle trips to and from the site per day depending upon construction activity.

During project operation, the project will be unmanned; as a result, minimal traffic (approximately one vehicle trips per month) will be generated by facility operation for periodic maintenance.

Construction Schedule:

It is anticipated that this project will be constructed in approximately 8 weeks and will require a maximum of 10 workers onsite per day.

Utility Service.

A private 6,700 ft underground utility run for power and telephone along Pisgah peak road.

Water will be delivered to the site as needed for grading/dust suppression and to establish landscaping and revegetation.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Federal Communications Commission

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self-monitoring or as requiring a Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

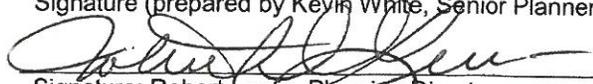
- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Signature (prepared by Kevin White, Senior Planner)


 Signature: Robert Lewis, Planning Director.
 Land Use Services Department

10/26/2011
 Date

10/26/2011
 Date

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
I. AESTHETICS - Will the project				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: (Check if project is located within the view-shed of any Scenic Route listed in the General Plan):

- a) **Less than Significant Impact with Mitigation.** The project places the proposed tower and equipment shelter on a vacant and undeveloped parcel and includes a fuel modification plan which will thin vegetation within a 30 foot radius of the equipment shelter and monopole, and clear all existing vegetation within 10 feet of the equipment shelter and monopole. The 43 foot monopole is proposed to be located on the western facing slope, 227 feet below the ridgeline of the foothills. Therefore, the proposed improvements will not create negative visual impacts on properties to the east or to the south since the tower will not be significantly visible from these vantage points due to proximity and existing vegetation.

The tower will be visible to some properties west of the project site, including the eastern portions of Wildwood Canyon State Park, and possibly some partially obstructed views from the southwest. The project site is located approximately one-mile west of Oak Glen Road, a County of San Bernardino designated Scenic Route. The proposed improvements are not visible from this roadway as discussed above because the facility is below the ridgeline of the foothills.

A Visual Assessment was conducted by Lilburn Corporation. The Visual Resources Management (VRM) System established by the U.S. Bureau of Land Management ("BLM") was utilized to objectively rate the quality of visual resources and evaluating changes in scenic quality attributed to the proposed facility. The VRM is a contrast rating system designed to be a systematic process to analyze potential visual impacts of proposed projects and activities. Simulations of the Proposed Project elements were overlain on photographs taken of the Project Site from various viewpoints.

The contrast rating is performed from the most critical viewpoints. This is generally along commonly traveled routes or at other likely observation points. Factors considered in selecting the Project's Key Observation Points (KOPs) included: angle of observation, number of viewers, length of time the project is in view, relative project size, season of use, and light condition. Since the Project is linear, it was also rated from several viewpoints representing the following:

- Most critical viewpoints (e.g. views from easternmost trails);
- Typical views encountered in representative landscapes, if not covered by critical viewpoints; and
- Any special project or landscape features such as skyline crossings, river crossings, substations, etc.

Lilburn chose 5 KOP's to evaluate the project site, all from within the Wildwood Canyon State Park, which is the primary location where the project would be visible. Wildwood Canyon State Park (Park) is located west and adjacent to the Project Site in east 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 areas, and meeting areas.

The Project Site and proposed monopole 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 visible from the gated entrance to the trails 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.

The Project Site occurs within an unincorporated area of the County and is not located within the BLM Resource Management Plan. Nevertheless, according to VRM Manual 8431, in the event that BLM Resource Management Plan generated objectives are not designated for an area, then interim VRM classes shall be developed using the guidelines in Handbook H-8410-1.

The purpose of Visual Resource Classes is to establish categories assigned to public lands to serve as: 1) an inventory tool that portrays the relative value of the visual resources; and 2) a management tool that portrays the visual management objectives. There are a total of four classes (I, II, III, and IV) that may be assigned.

Visual resource inventory classes are assigned through the inventory process. Class I is assigned to those areas where a management decision has been made previously to maintain a natural landscape. This includes areas such as national wilderness areas, the wild section of national wild and scenic rivers, and other congressionally and administratively designed areas where decisions have been made to preserve a natural

landscape. Classes II, III and IV are assigned based on a combination of scenic quality, sensitivity levels, and distance zones, and accomplished by combining the three overlays for scenic quality, sensitivity levels, and distance zones and using the guidelines within Handbook H-8410-1 to assign the proper class. According to the BLM Handbook H-8410-1, inventory classes are informational and provide the basis for considering visual values, and do not establish management direction and should not be used as a basis for constraining or limiting surface disturbing activities. Since the Project Site is adjacent to a State park and visible from locations within the park, and because the park was formed to preserve the wilderness aspects of the area, the visual impacts are assessed under the BLM VRM category of Class I.

A contrast rating worksheet was complete of each of the five visual simulations prepared. In order to properly assess the contrasts between the proposed and existing situation, the worksheet reviews the basic features (i.e., landform/water, vegetation, and structures) and basic elements (i.e., form, line, color, and texture) so that the specific features and elements that create contrast can be accurately identified.

As discussed in the Federal VRM Manual 8431, in order to determine whether the VRM objectives are met, the contrast ratings are compared with the objectives for the VRM Class. For comparative purposes, the four levels of contrast (i.e., none, weak, moderate, and strong) roughly correspond with classes I, II, III and IV, respectively. In making these comparisons, the cumulative effects of all the contrast ratings should be considered. The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

Based on the results of the contrast rating completed for the Proposed Project at the five KOP's it was determined would that the project was not considered a significant visual impact. The Project is not intrusive or dominate. As an example the assessment discussed hiker's perspective along the Stable Ridge Trail. The assessment noted the Project Site is visible at intermittent times (e.g., brief stops) given the importance of footing and safety concerns (i.e., wild animals, poison oak). However, on horseback the Project Site can be viewed for a greater amount of time. The overall degree of contrast for the potential visual impacts is considered weak. The proposed monopole and equipment shelter can be seen but do not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not change. Additionally, the proposed fuel modification does not seem out of place and blends with other natural areas void of vegetation along the ridgeline.

-
- b) **No Impact.** The project will not substantially damage scenic resources or historic buildings within a state-designated scenic highway, as none exist onsite and the closest state designated scenic highway is more than 3.5 miles away.
- c) **Less than Significant Impact with Mitigation.** The Project will be visible to some properties west of the project site, including the eastern portions of Wildwood Canyon State Park, and partially obstructed views from the southwest. As noted in Section A, a visual assessment was prepared to evaluate the impacts of the proposed project.

The visual assessment evaluated the project with a contrast rating process, which include four key elements including form, line, color, and texture. It also considered other items such as relative size or scale and distance. This process places the project within four levels of contrast. The four levels of contrast are defined below:

None: The element contrast is not visible or perceived.

Weak: The element contrast can be seen but does not attract attention.

Moderate: The element contrast begins to attract attention and begins to dominate the characteristic landscape.

Strong: The element contrast demands attention, will not be overlooked, and is dominant in the landscape.

Based on the results of the contrast rating completed for the Proposed Project at the five KOP's it was determined the Project was not considered a significant visual impact. The Project would not be considered intrusive or dominate. The overall degree of contrast for the potential visual impacts is considered weak. Therefore the project will not substantially degrade the existing visual character of the site and its surroundings. However, to reduce the contrast of the Project-related form, line and color mitigation measures shall be implemented.

- d) **Less than Significant Impact.** The proposed project will not create a new source of substantial light or glare which will adversely affect day or nighttime views in the area. The proposed 43-ft tall monopole is not required by the FAA to be lit for air navigation safety. The proposed 100 sq. ft. equipment shelter may have an exterior light for safety purposes when the site is visited for maintenance after dark.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

Mitigation Measures:

- 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.
- AES 2** The Project Proponent shall revegetate the portion of the ridge in which the telephone pole currently occupies. During placement of the telephone pole 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.
- AES 3** The developer shall submit a landscape plan for drought tolerant, fire resistive plants in the ten foot, cleared, fuel modification area. The plan shall be approved the Planning Division and the County Fire Department.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<p>II. AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, 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 (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Important Farmlands Overlay):

- a) **No Impact.** The proposed Project will not convert prime farmland, unique farmland, or farmland of Statewide Importance (Farmland), as shown 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 on the site currently. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

- b) **No Impact.** The proposed Project will not conflict with existing zoning for agricultural use, or a Williamson Act contract. The current General Plan land use designation for the proposed Project area is OG/RL-20 (Rural Living), which allows the development of radio broadcast facility with a Conditional Use Permit (CUP). The proposed Project area is not under a Williamson Act contract.
- c) **No Impact.** The proposed Project will not conflict with existing zoning for, or cause rezoning of, 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 (as defined by Government Code section 51104(g)). The proposed Project area is currently vacant land, which has never been designated as forest land or timberland. No rezoning of the project site will be required as the proposed energy facility is compatible with the current zoning designation: OG/RL-20 (Rural Living).
- d) **No Impact.** The proposed Project will not result in the loss of forest land or conversion of forest land to non-forest use. The proposed Project area is not forest land or timberland.
- e) **No Impact.** The proposed Project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Will the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Discuss conformity with the Mojave Air Quality Management Plan, if applicable):

- a) **Less than Significant Impact.** The project will not conflict with or obstruct implementation of the South Coast Air Quality Management Plan, nor will the project violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed uses do not exceed the thresholds established for air quality concerns within the CEQA Air Quality Handbook developed by the South Coast Air Quality Management District. (SCAQMD)

Air quality plans are strategies designed to reduce long-term operational emissions and comply with the Federal and State ambient air quality standards. The operation of the proposed radio tower would generate emissions considered to be negligible. Operational emissions are considered to be negligible because the primary source of emissions would be from maintenance vehicles used by workers to visit the site, and electricity usage. Therefore, operation emissions are expected to be very negligible and well below the significance thresholds, and would not create significant air quality impacts.

Air quality impacts were considered for short-term impacts and long-term regional impacts. Short-term impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Long-term regional impacts are those associated with stationary sources and mobile sources involving any project related change during the operation of the proposed project.

Construction Impacts

Major sources of emissions during demolition, grading, site preparation and construction include: 1) exhaust emissions; 2) equipment and fugitive dust generated by construction equipment and vehicles. The site is vacant and no impacts will occur from demolition.

The project will not exceed the thresholds of significance with respect to exhaust emissions established by the SCAQMD, due to the small size of the project, the minimal amount of grading, and crew size. The entire construction time is expected to be approximately 25 days over an 8 week period. The tower is expected to be constructed by utilizing a helicopter to deliver the proposed tower in sections and to set the pier foundations and pour cement. Therefore a single helicopter is expected to be utilized on three construction days, which would not cause a substantial increase of any specific pollutant.

The project would create emission of PM₁₀, although not a significant amount based on the amount of development. The project will require very little grading (less than 25 cubic yards) for construction of the equipment shelter and a single parking space. The project proposes to underground utilities within the existing roadway (Pisgah Peak Road) which is unpaved. Mitigation measures below have been required to control fugitive dust from the grading process and undergrounding of the utility trench.

Long-Term Regional Impacts

Major sources of emissions during the operations phase include: 1) vehicular emissions; 2) stationary emissions.

The proposed radio broadcast tower will result in the emission of very few pollutants. Implementation of the proposed project would generate less than one vehicle trip per week which is well below the thresholds of significance. Therefore the impacts are below the thresholds of the AQMD, and less than significant.

The project is not expected to create total (vehicular and stationary) daily emissions that exceed the daily emissions thresholds established by CEQA.

The project will not violate an air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use does not exceed established thresholds of concern as established by the SCAQMD. A dust control plan may be required as mitigation measure to regulate construction activities that could create wind blown dust.

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- b) **No Impact.** The proposed Project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Air quality impacts will include construction exhaust emissions generated from construction equipment, vegetation clearing and earth movement activities (if necessary), construction workers' commute, and construction material hauling for the entire construction period. These activities will involve the use of diesel- and gasoline-powered equipment that will generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NO_x), Reactive Organic Gases (ROG) or Volatile Organic Compounds (VOC), Sulfur Oxides (SO_x), Particulate Matter less than 10 microns (PM₁₀), and Particulate Matter less than 2.5 microns (PM_{2.5}). The construction component for this project is considered very minor, and will not exceed the thresholds of concern.

Construction-related increases in emissions of fugitive dust, exhaust from construction equipment, and employee commute vehicles will be temporary and localized during the construction phase. The proposed Project will also include dust abatement measures that will limit the generation of pollutants, including particulate matter 10 microns or less in diameter (PM₁₀), consistent with Rule 403.2 *Fugitive Dust Control*.

The proposed radio broadcast tower will result in the emission of very few pollutants. Implementation of the proposed project would generate less than one vehicle trip per week which is well below the thresholds of significance.

- c) **Less than Significant Impact.** The proposed Project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). The project will contribute criteria pollutants in the area during the short-term project construction period. None of the activities associated with the proposed Project will create a substantial permanent increase in the emissions of criteria pollutants that will be cumulatively considerable. Occasional routine maintenance and repairs of the facility will have no impact on the emissions of criteria pollutants that will be cumulatively considerable. There are no sources of potential long-term air impacts associated with the implementation of the proposed project. Therefore, impacts will be less than significant.
- d) **Less than Significant Impact.** The proposed Project will not expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors include residences, schools, daycare centers, playgrounds and medical facilities, none of which are in close proximity to the project site. Furthermore the County's general conditions and standards as well as project-specific design and construction features incorporated into the proposed Project such as dust suppression techniques per Rule 403 will reduce any potential impacts from the project. Dust Suppression techniques may include non toxic chemical stabilizers and covering any temporary storage piles. No significant adverse impacts are identified or
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anticipated and no additional mitigation measures are required.

- e) **No Impact.** The proposed Project will not create objectionable odors that will affect any substantial number of people. Potential odor generation associated with the proposed Project will be limited to construction sources such as diesel exhaust and dust that will be temporary and not be substantial. No significant odor impacts related to project implementation are anticipated due to the nature and short-term extent of potential sources, as well as the intervening distance to sensitive receptors. Therefore, the operation of the project will have a less than significant impact associated with the creation of objectionable odors affecting a substantial number of people.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Will the project:				
a) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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 Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):
 Category N/A

- a) **Less than Significant with Mitigation Incorporated.** The project with mitigation will not 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 (CDFG) or U.S. Fish and Wildlife Service (USFWS).

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 Area which supports a diversity of wildlife species including large mammals.

The primary impact of project implementation would be the ground disturbance associated with the installation of the tower, support building, and supply lines. The actual footprint of the proposed project is small (less than 350 sq. ft. including the tower, shelter, and parking maintenance area) and is located outside of any sensitive habitat areas. No significant impacts are expected as a result of equipment shelter construction. The proposed power and communication supply line would be installed underground in the existing road and would not disturb existing native vegetation.

A biological investigation of the proposed radio tower was conducted by Biological Assessment Services on four separate occasions to determine if there were significant biological resources on the site, and access road. The visits were made June 2, 2006, December 30, 2006, March 5, 2007 and August 10, 2007. Updates to the biological investigation were completed in 2009 and 2010. The biological investigation noted that the none of the site conditions were ephemeral and therefore the results of the field investigation remain accurate. Wildlife previously observed on or near the site at the time of the surveys were common chaparral species, with the exception of migratory birds high overhead. The Western Fence Lizard was common on the shoulder of Pisgah Peak Mountain Road and several Coast Horned Lizards (a sensitive faunal species) were noted as well.

Coast Horned Lizard - There is limited potential to impact sensitive faunal resources, the coast horned lizard and protected bird species, in particular. The coast horned lizard forages on Pisgah Mountain Road. The species' primary defense is cryptic coloration and it "freezes" when it senses danger to minimize its visibility. The species also buries itself in the sand when the temperatures get too hot or cold. The developer has stated they will reduce or eliminate direct mortality to the coast horned lizard during construction, by requiring a biologist to complete a pre-survey the construction site and access road each day prior to the start of work and periodically throughout the day during construction. Any coast horned lizards (or other wildlife incidentally observed) found to be in harm's way will be relocated to a safe place. The

Avian Impacts From Towers - It is documented that communication towers can cause mortality in migratory birds and the compilation of data presented in Travis Longcore, Ph.D. et al., *Scientific Basis to Establish Policy Regulating Communications towers to Protect Migratory Birds*, Land Protection Partners (2005) presents a summary of most of the relevant studies on the subject. Evidence presented in the Longcore paper leads to the conclusion that the four factors increasing avian mortality from tower strikes are tower placement on the topography, tower height, lighting, and guy wires. Towers 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.

Avian Impacts from Construction- Site clearing and construction during nesting season could result in the disruption of successful reproduction of bird species considered sensitive or protected under the California Fish and Game Code and Migratory Bird Treaty Act. Per CEQA, any disruption of successful reproduction for sensitive or protected wildlife species is considered independently and cumulatively significant.

With the mitigation measures below, this project will not have a substantial adverse effect, 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, because mitigation measures are proposed to reduce potential impacts to a level of insignificance.

- b) **No Impact.** The project implementation will not have any impacts to sensitive or regulated habitat because the project site is devoid of native riparian vegetation or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.
- c) **No Impact.** This project will 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, because the project is not within an identified protected wetland.
- d) **Less than Significant.** This project will not 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, because there are no such corridors or nursery sites within or near the project site.
- e) **Less than Significant Impact.** This project will not conflict with any local policies or ordinances protecting biological resources, as the site has been previously disturbed and there are no identified biological resources that are subject to such regulation.
- f) **No Impact.** The project area is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There will be no take of critical habitat and, therefore, no land use conflict with existing management plans will occur.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

Mitigation Measures.

BIO-1 Biology Monitoring: In order to reduce or eliminate direct mortality to the coast horned lizard 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. Any coast horned lizards (or other wildlife incidentally observed) found to be in harm's way will be relocated to a safe place.

BIO-2 Avian Guidelines and Monitoring: The proposed project meets all four criteria for reducing avian mortality as recommended in the Longcore report. The tower is not located on a peak or ridgeline; at 100 feet, it is short; it is not lighted; and it is not guyed.

Although the tower would be built within all the recommended parameters for minimizing avian mortality resulting from accidental bird strikes, the following measures will be implemented to further reduce avian mortality.

- The developer will follow the Fish and Wildlife Service's "*Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning*"
- If diversion devices intended to reduce avian mortality are unsuccessful, additional mitigation measures may be suggested.
- Monitor for five years for avian mortality. All species of birds found dead around the towers will be recorded. Tower maintenance workers will note bird mortality and will call the project biologist to retrieve and identify dead birds.
- If a problem of avian mortality is determined by the project biologist, additional mitigation measures intended to reduce bird mortality will be developed. An annual report will be submitted to the CDFG for each of the first five years of operation.

BIO-3 Construction Months and Monitoring: To prevent the take of nesting native bird species, all clearing and grubbing of the project site and construction shall take place between August 15 and February 15. Winter site clearing and construction will insure that nesting birds are not present and impacted. If construction is scheduled during bird nesting season (February 15 to August 15), a qualified biologist will 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 is disturbing nesting birds. If nesting activity is being compromised, construction will be suspended in the vicinity of the nest until fledging is complete.]

BIO-4 Open Space Easement: The Developer has offered to deed restrict the unused portion of the 38.12-acre parcel – more than 37 acres – for passive use by visitors to the Wildwood Canyon State Park.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No impact</i>
V. CULTURAL RESOURCES - Will the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if the project is located in the Cultural or Paleontologic Resources overlays or cite results of cultural resource review):

- a) **No Impact.** This project will not cause a substantial adverse change in the significance of a historical resource, because there are no such resources identified in the project vicinity.
- b) **No Impact.** The proposed Project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 because there are no such resources identified in the project vicinity.
- c) **No Impact.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no such resources have been identified on the site..
- d) **No Impact.** The project site is not located a known cemetery, and no human remains are anticipated to be disturbed during the construction phase. However, in accordance with applicable regulations, construction activities will halt in the event of discovery of human remains, and consultation and treatment will occur as prescribed by law.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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VI. GEOLOGY AND SOILS - Will the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if project is located in the Geologic Hazards Overlay District):

a) **Less than Significant Impact.** (i-iii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, or iii) Seismic-related ground failure, including liquefaction, because there are no such geologic hazards identified in the immediate vicinity of the project site. The project will be reviewed and approved by County Building and Safety with appropriate seismic standards.

iv) **Less than Significant Impact.** The project is within the Geologic Hazards Overlay District, as the site is designated on County maps as having low-to-moderate potential for landslides. A soil and geotechnical report was submitted to the County Building and Safety Geologist by Southern Californai Geotechnical. The report determined that the site is

suitable for the proposed development.

The geotechnical report was completed for a larger scale project which included 250 square foot structure and a 100+foot high tower. The project components have now been significantly reduced to a 100 square foot structure for equipment and a 43 foot monopole antenna.

- b) **No Impact.** No substantial grading or vegetation removal will occur for the installation of the proposed Project. It is expected that vegetation will be cleared for the footprints of the equipment building (being less than 350 sq. ft) and ten feet around the building and monopole for fuel modification. This allows the retention of the majority of the vegetation onsite, which consist primarily of mixed chapparal. Therefore the proposed project does not threaten to produce substantial soil erosion or loss of top soil.
- c) **Less than Significant Impact.** The project is not located on a geologic unit that may become unstable as a result of the project, and potentially result in on or off site, lateral spreading, subsidence, liquefaction or collapse. The project is within the Geologic Hazards Overlay District, as the site is designated on County maps as having low-to-moderate potential for landslides. See Section VI-a (IV) above.
- d) **Less than Significant.** The project site is not located in an area which has been identified by the County Building and Safety Geologist as having the potential for expansive soils, as determined by a required soils report.
- e) **No Impact.** The project does not propose to use septic tanks or alternative wastewater disposal systems; therefore, no impacts are anticipated.

Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as conditions of project approval to reduce these impacts to a level below significant.

- GEO-1 Foundation and Footings. The developer shall submit foundation plans to the County Geotechnical Engineer for review and approval. Alternatively, the project Geotechnical Engineer may submit a written review of the plan, but must indicate whether the plans appear to incorporate the geotechnical recommendation for site development as outlined in the preliminary geotechnical report. The project Geotechnical Engineer shall also inspect and approve footing excavations prior to the pouring of concrete.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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VII GREENHOUSE GAS EMISSIONS - Will the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a) **Less than Significant Impact.** The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. In September 2006 Governor Schwarzenegger signed the Global Warming Solutions Act (Assembly Bill 32), which was created to address the Global Warming situation in California. The Act requires that the greenhouse gas (GHG) emissions in California be reduced to 1990 levels by 2020. This is part of a larger plan in which California hopes to reduce its emissions to 80 percent below 1990 levels by 2050. This reduction shall be accomplished through an enforceable statewide cap on GHG emissions that shall be phased in starting in 2012 and regulated by the California Air Resources Board (CARB). With this Act in place, CARB is in charge of setting specific standards for different source emissions, as well as monitoring whether they are being met.

As discussed in Section III of this document, the proposed project's primary contribution to air emissions is attributable to construction activities. Project construction will result in greenhouse gas (GHG) emissions from construction equipment and construction workers 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.

The primary emissions that will result from the proposed Project occur as carbon dioxide (CO₂) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (N₂O) and methane (CH₄), as well as other GHG emissions related to vehicle cooling systems. Although construction emissions are a one-time event, GHG emissions such as CO₂ can persist in the atmosphere for decades.

Currently, neither the AQMD nor the County has established a quantitative threshold or standard for determining whether a project's GHG emissions are significant. In December 2008, SCAQMD adopted interim CEQA GHG significance thresholds of 10,000 metric tons of CO₂e (MTCO₂e) per year for stationary/industrial projects that include a tiered approach for assessing the significance of GHG emissions from a project (SCAQMD 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 proposed project, generally defined as 30 years, and operational emissions, and comparing the result with the established interim GHG significance threshold. While the individual project emissions will be less than 10,000 MTCO₂e/yr, it is recognized that small increases in GHG emissions associated with construction and operation of the proposed Project will contribute to regional increases in GHG emissions.

The project size is considered very small, requiring less than 25 cubic yards of grading, very limited traffic trips, and minimal construction impacts. For these reasons, it is unlikely that this project will impede the State's ability to meet the reduction targets of AB32.

- b) **Less than Significant Impact.** The proposed Project will not significantly conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Currently, neither the AQMD nor the County has adopted any Plan, policy or regulation intended to reduce greenhouse gas emissions. (see also VII(a)).

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VIII HAZARDS AND HAZARDOUS MATERIALS - Will the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) **Less than Significant Impact.** Implementation of the proposed Project will not entail the routine transport, use or disposal of hazardous materials, with the potential exception of short-term construction-related substances such as fuels, lubricants, adhesives, and solvents. The potential risk associated with the accidental discharge during use and storage of such construction-related hazardous materials during project construction is considered low because the handling of any such materials will be addressed through the

implementation of Best Management Practices (BMPs) pursuant to the intent of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

- b) **Less than Significant Impact.** The proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. With the exception of construction-related hazards such as fuels, lubricants, adhesives, solvents and asphalt wastes, the proposed Project will not generate or require the use or storage of significant quantities of hazardous substances. There is no a battery backup component, thus minimizing the need for transporting, using, or disposing of the hazardous materials that may be associated with the project. Furthermore, standard operating procedures will prevent the use of these materials from causing a significant hazard to the public or environment.
- c) **No Impact.** There are no existing or proposed schools within one-quarter mile of the proposed Project site. Additionally, operation and maintenance of the project will not produce hazardous emissions. No significant adverse impacts are anticipated and therefore, no mitigation measures are required.
- d) **No Impact.** The Project site is not located on a known site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The proposed Project shall not create a significant hazard to the public or the environment. No impacts to this topic shall occur as a result of implementing the proposed Project and, therefore, no mitigation measures are required.
- e) **No Impact.** The proposed Project area is not located within an Airport Land Use Compatibility Plan Area and it is not within two miles of a public airport.
- f) **No Impact.** The proposed Project area is not located within the vicinity of a private airstrip; therefore, it will not result in a safety hazard for people residing or working in the project area.
- g) **No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project is in an unpopulated area that will not require evacuation.

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- h) **Less than Significant Impact.** The proposed project is located within the Fire Safety Area 1 Overlay District, which is characterized by areas with moderate to steep terrain and moderate to heavy fuel loading. The project does not include any habitable structures or residences. The project will included a fuel modification plan which will thin the vegetation within a 30 foot radius of the equipment shelter and monopole, and clear all existing vegetation within 10 feet of the equipment shelter and monopole. The shelter shall be a pre-fabricated structure, with fire suppression mechanisms built-in. The walls are required to have a multi-hour fire rating, and there will be an automated fire suppression system that utilizes an inert gas to extinguish fire inside the shelter.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IX HYDROLOGY AND WATER QUALITY - Will the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that will result in substantial erosion or siltation on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **No Impact..** The project will not violate any water quality standards or waste discharge requirements, because the project does not require or include water service, nor does it

require any wastewater discharge.

- b) **No Impact.** The proposed Project will not entail the use of groundwater and; thus will not deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. Most of the ground within the proposed Project area will not be covered with impermeable material, so water percolation and groundwater recharge will not be significantly impacted by the implementation of the project.
- c) **No Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, because the project consists of less very minor grading and very little conversion of permeable surface to impermeable surface. The project is located on a steep sloping hillside with no stream or rivers.
- d) **No Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, because the project consists of less very minor grading and very little conversion of permeable surface to impermeable surface. The project is located on a steep sloping hillside with no stream or rivers.
- e) **No Impact.** The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, because County Public Works has reviewed the proposed project drainage and has determined that the proposed systems are adequate to handle anticipated flows. Impermeable soil will encompass less than 1% of the project site.
- f) **No Impact.** The project will not otherwise substantially degrade water quality, as the project involves no waste water discharge.
- g) **No Impact.** The proposed Project will not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The project proposes no habital structures.
- h) **No Impact.** The proposed Project will not place within a 100-year flood hazard area structures that will impede or redirect flood flows.
- i) **No Impact.** The Project will 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 any 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.
- j) **No Impact.** The Project site will not be subject to inundation by seiche, tsunami, or mudflow. A tsunami is a series of ocean waves generated in the ocean by an impulsive

disturbance. Due to the inland location of the proposed project, tsunamis are not considered a threat. A seiche is an oscillating surface wave in a restricted or enclosed body of water generated by ground motion, usually during an earthquake. Inundation from a seiche can occur if the wave overflows a containment wall or the banks of a water body. No impacts are expected to occur because the project is not adjacent to any marine or inland water bodies. The soils in the project area are moderately well-drained, the terrain is relatively flat, and mudflows have not historically been an issue in the proposed Project area.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
X. LAND USE AND PLANNING - Will the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **No Impact.** The project will not physically divide an established community, because there are no established community present in the Project area. The proposed Project area is located in an unincorporated part of the County that has sparse residential development and will occupy an area that is currently vacant.
- b) **Less than Significant Impact.** The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is consistent with all applicable land use policies and regulations of the County Code and General Plan, including the Oak Glen Community Plan. The project complies with all hazard protection, resource preservation and land use modifying Overlay District regulations. The proposed use is allowed within the Official Land Use Zoning District, and is not prohibited by the Community Plan.

The project site is adjacent to the Wildwood Canyon State Park. The Oak Glen Community Plan encourages the support and to actively pursue the expansion of the park with cooperation with the Wildlands Conservancy and Yucaipa Valley Conservancy. The proposed project would only develop approximately 425 sq. ft. of the 38.12 acre project site. Furthermore, the developer has agreed to provide an open space easement to the Wildwood Canyon Park and relinquish future development rights for the greater portion surrounding the parcel, within the FCC guidelines and safety regulations. The Community Plan does encourage utilities to be placed underground, which has been implemented into the project design

- c) **No Impact.** The proposed Project does not conflict with any applicable habitat conservation plans or natural community conservation plans.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. MINERAL RESOURCES - Will the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located within the Mineral Resource Zone Overlay):

- a) **No Impact.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, because there are no identified important mineral resources on the project site and the site is not within a Mineral Resource Zone Overlay.
- b) **No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there are no identified locally important mineral resources on the project site.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. NOISE - Will the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element):

- a) **Less than Significant.** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, because no noise exceeding these standards is anticipated to be generated by the proposed uses. During normal operations, the project will only generate noise via the air-conditioning units, which will meet County standards. Noise generation from construction equipment/vehicle operation will be localized, temporary, and transitory in nature; therefore, no significant impacts will be anticipated. Operation of the proposed Project will not generate audible levels of noise or perceptible levels of vibration in the surrounding community.
- b) **No Impact.** The project will not create exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, because no vibration exceeding these standards is anticipated to be generated by the proposed uses.

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- c) **No Impact.** The proposed Project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Specifically, the project will result in temporary noise increases during construction but will not create any substantial permanent increase in the ambient noise levels due to the operation activities consisting of maintenance vehicles and equipment onsite with hardly discernible noises.
- d) **Less than Significant.** The proposed Project is adjacent to mostly undeveloped and/or vacant lands; therefore, noise generated from the proposed Project could potentially result in some temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the projects. Specifically, construction of the proposed Project may potentially create some elevated short-term construction noise impacts from construction equipment; however, these activities shall be limited to daytime hours. Furthermore, the site is in a remote area with very limited development occurring in the project vicinity, the impact will not be significant.
- e) **No Impact.** The proposed Project area is not located within an airport land use plan and it is not within two miles of a public airport or public use airport.
- f) **No Impact.** The proposed Project area is not located within the vicinity of a private airstrip.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING - Will the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **No Impact.** The proposed Project will not induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). No houses are being proposed as part of the proposed Project for construction workers or those that will be employed during operation of the facility. During operation, the project site will be un-manned. Accordingly, the proposed Project will not result in any impacts to housing or related infrastructure, nor will it require construction of additional housing. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.
- b) **No Impact.** The proposed Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere because the project site is currently undeveloped. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.
- c) **No Impact.** The proposed Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere because the project site is currently undeveloped. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XIV. PUBLIC SERVICES

a) Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

a) **Fire - Less than Significant Impact.** The proposed Project area is serviced by the San Bernardino County Fire Department. The proposed Project will not substantially impact service ratios, response times, or other performance objectives related to fire protection.

Any development, along with the associated human activity, in previously undeveloped areas increases the potential of the occurrence of wildfires. Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations will be implemented for the proposed Project that will minimize the occurrences of fire due to project activities during construction and for the life of the project. Because of the low probability and short-term nature of potential fire protection needs during construction, the proposed Project will not result in associated significant impacts.

The developer met with County Fire Department prior to submitting the CUP application and incorporated the department suggestions into the project description.

Police Protection – Less than Significant Impact. The proposed Project area and other unincorporated portions of the County are served by the San Bernardino County Sheriff's Department. The proposed Project will not impact service ratios, response times, or other performance objectives related to police protection.

Schools – No Impact. Long-term operation of the proposed facilities will place no demand on school services because it will not involve the construction of facilities that require such services (e.g., residences) and will not involve the introduction of a temporary or permanent human population into this area.

Parks – No Impact. Long-term operation of the proposed facilities will place no demand on parks because it will not involve the construction of facilities that require such services (e.g., residences) and will not involve the introduction of a temporary or permanent human population into this area.

Other Public Facilities – No Impact. The proposed Project will not result in the introduction and/or an increase in new residential homes and the proposed Project will not involve the introduction of a temporary or permanent human population into this area. Based on these factors, the proposed Project will not result in any long-term impacts to other public facilities.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XV. RECREATION				
a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:

- a) **No Impact.** The proposed Project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated. No new residences or recreational facilities will be constructed as part of the proposed Project and the proposed Project will not induce population growth in adjacent areas. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.
- b) **No Impact.** The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. No new residences or recreational facilities will be constructed as part of the proposed project. The proposed Project will not induce population growth in adjacent areas and will not increase the use of recreational facilities in surrounding neighborhoods. No significant adverse impacts are anticipated and, therefore, no mitigation measures are required.

The Developer has offered to deed-restrict the unused portion of the 38.12-acre site for passive Open Space uses in conjunction with the adjacent Wildwood Canyon State Park.

XVI. TRANSPORTATION/TRAFFIC - Will the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and greenways, pedestrian and bicycle paths, and mass transit. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a) **Less-Than-Significant Impact.** The project will 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 remains below the planned thresholds for those facilities. Pisgah Peak Road is a private, gated road that does not receive regular traffic.

Vehicle trips on Pisgah Peak Road will increase temporarily during construction but will not exceed the capacity of the road. During regular operation, service personnel will visit the site for routine maintenance 2-4 times per month.

- b) **No Impact.** The project will not exceed, either individually or cumulatively, any level of service [LOS] standard established by the county congestion management agency for designated roads or highways, because traffic will only increase by routine maintenance visits once or twice monthly.

- c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed.
- d) **No Impact.** The proposed Project will not include design features that will affect traffic safety, nor will it cause incompatible uses (such as farm equipment) on local roads. In addition, no new roads are being proposed as part of this project; consequently, there shall be no impacts.
- e) **No Impact.** The proposed Project will not result in inadequate emergency access to the project area. During project construction, all vehicles will be parked off public roads and will not block emergency access routes. The proposed Project will not result in any road closures.
- f) **No Impact.** The proposed Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No alternative transportation policies, plans, or programs have been designated for the proposed Project area.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. UTILITIES AND SERVICE SYSTEMS - Will the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded, entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

- a) **No Impact.** The proposed Project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. The County General Plan defers to applicable Regional water control requirements, and the proposed project's water discharge does not require treatment or permitting according to the regulations of the RWQCB.
- b) **No Impact.** The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which will cause significant environment effects.
- c) **No Impact.** The proposed Project will not require the construction or expansion of storm water drainage facilities. Most of the ground within the proposed Project area will not be covered with impermeable material.
- d) **No Impact.** The proposed project will have no impact on existing water supplies because water is not required for the proposed use.

- e) **No Impact.** The proposed Project will not require or result in the construction of new wastewater treatment facilities or the expansion of existing wastewater treatment facilities. Accordingly, no impacts are anticipated from implementation of the proposed project.
- f) **Less than Significant Impact.** Less than significant impacts related to landfill capacity are anticipated from the proposed project. The proposed Project largely consists of short-term construction activities (with short-term waste generation limited to minor quantities of construction debris) and will not result in long-term solid waste generation. Solid wastes associated with the proposed Project will be disposed as appropriate in local landfill or at a recycling facility.
- g) **Less than Significant Impact.** The proposed Project will comply with all federal, state, and local statutes and regulation related to solid waste. The project will consist of short-term construction activities (with short-term waste generation limited to minor quantities of construction debris) and thus will not result in long-term solid waste generation. Solid wastes produced during the construction phase of this project, will be disposed of in accordance with all applicable statutes and regulations. Accordingly, no significant impacts related to landfill capacity are anticipated from the proposed project.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which shall cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

- a) **Less than Significant.** Implementation of the proposed Project, with mitigation, will not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

Refer to *Section 1, Aesthetics*, where the visual resources are discussed. The project was determined to have a less than significant effect on the environment with the incorporation of mitigation measures

Refer to *Section IV, Biological Resources*. The project has the potential to affect, a special status species, particularly the coast horned lizard and various bird species. Implementation of mitigation measures will reduce potential impacts to a level considered less than significant.

- b) **Less than Significant Impact.** Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The proposed project's impacts are considered cumulatively less than significant when considered in conjunction with related past, present, and reasonably foreseeable or probable future developments in the area. An existing tower is located in the vicinity of the project site. The Project could have a cumulative impact with

respect to aesthetics however because the existing tower and proposed Project are on opposite sides of the ridge, the two projects can not both be seen from a single vantage point.

- c) **Less than Significant Impact.** The incorporation of design measures, County policies, standards, and guidelines will ensure that there will be no substantial adverse effects on human beings, either directly or indirectly. Impacts of the proposed Project will be less than significant.

MITIGATION MEASURES

(The following mitigation measures, which are also included within the Conditions of Approval and coupled with the required Condition Compliance Release Forms (CCRF) shall serve as the Mitigation Monitoring and Reporting Program for this project.)

AESTHETICS

- 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.
- AES 2** The Project Proponent shall revegetate the portion of the ridge in which the telephone pole currently occupies. During placement of the telephone pole 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.
- AES 3** The developer shall submit a landscape plan for drought tolerant, fire resistive plants in the ten foot, cleared, fuel modification area. The plan shall be approved the Planning Division and the County Fire Department.
- BIO-1** Biology Monitoring: In order to reduce or eliminate direct mortality to the coast horned lizard 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. Any coast horned lizards (or other wildlife incidentally observed) found to be in harm's way will be relocated to a safe place.
- BIO-2** Avian Guidelines and Monitoring: The proposed project meets all four criteria for reducing avian mortality as recommended in the Longcore report. The tower is not located on a peak or ridgeline; at 100 feet, it is short; it is not lighted; and it is not guyed.

Although the tower would be built within all the recommended parameters for minimizing avian mortality resulting from accidental bird strikes, the following measures will be implemented to further reduce avian mortality.

- The developer will follow the Fish and Wildlife Service's "*Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning*"
- If diversion devices intended to reduce avian mortality are unsuccessful, additional mitigation measures may be suggested.

-
- Monitor for five years for avian mortality. All species of birds found dead around the towers will be recorded. Tower maintenance workers will note bird mortality and will call the project biologist to retrieve and identify dead birds.
 - If a problem of avian mortality is determined by the project biologist, additional mitigation measures intended to reduce bird mortality will be developed. An annual report will be submitted to the CDFG for each of the first five years of operation.

- BIO-3 Construction Months and Monitoring: To prevent the take of nesting native bird species, all clearing and grubbing of the project site and construction shall take place between August 15 and February 15. Winter site clearing and construction will insure that nesting birds are not present and impacted. If construction is scheduled during bird nesting season (February 15 to August 15), a qualified biologist will 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 is disturbing nesting birds. If nesting activity is being compromised, construction will be suspended in the vicinity of the nest until fledging is complete.]
- BIO-4 Open Space Easement: The Developer has offered to deed restrict the unused portion of the 38.12-acre parcel – more than 37 acres – for passive use by visitors to the Wildwood Canyon State Park.
- GEO-1 Foundation and Footings. The developer shall submit foundation plans to the County Geotechnical Engineer for review and approval. Alternatively, the project Geotechnical Engineer may submit a written review of the plan, but must indicate whether the plans appear to incorporate the geotechnical recommendation for site development as outlined in the preliminary geotechnical report. The project Geotechnical Engineer shall also inspect and approve footing excavations prior to the pouring of concrete.

GENERAL REFERENCES

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

California Department of Water Resources Bulletin #118 (Critical Regional Aquifers).

CEQA Guidelines, Appendix G

California Standard Specifications, July 1992

County Museum Archaeological Information Center

County of San Bernardino Hazard Overlay Map FI-25

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998

County of San Bernardino, Countywide Integrated Waste Management Plan.

County of San Bernardino, *San Bernardino County Stormwater Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards

Environmental Impact Report, San Bernardino County General Plan, 2007.

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.

County of San Bernardino Road Planning and Design Standards

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, *San Bernardino County Important Farmland 2000*, December 2001.

South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993

San Bernardino County General Plan (Available online at http://www.co.san-bernardino.ca.us/landuseservices/general_plan/Default.asp)

San Bernardino County Development Code (Available online at <http://www.co.san-bernardino.ca.us/landuseservices/DevCode/Default.asp>)

PROJECT SPECIFIC STUDIES::

Lilburn Corporation., October, 2011, *Visual Impact Assessment for Lazer Broadcasting Radio Monopole.*

Biological Assessment Services, *Biological Investigation.*

Southern California Geotechnical, Geotechnical Report.

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EXHIBIT F

2011 VISUAL ASSESSMENT

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**VISUAL IMPACT ASSESSMENT
FOR
LAZER BROADCASTING RADIO MONOPOLE
SAN BERNARDINO COUNTY**

Submitted to:

County of San Bernardino
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Prepared by:

LILBURN
CORPORATION
1905 Business Center Drive
San Bernardino, CA 92408
(909) 890-1818

October 2011

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Attachment A Computer Simulation Methodology

Attachment B Visual Contrast Rating Worksheets

1.0 INTRODUCTION

Lilburn Corporation was contracted by the County of San Bernardino Land Use Services Department to prepare this Visual Assessment of Lazer Broadcasting, Inc.'s proposed KXRS-FM Radio Broadcast Facility (the "Proposed Project"). The Project is proposed to be located on a 38.12-acre parcel in the Yucaipa area in the foothills of the San Bernardino Mountains (the "Project Site"). The Project Applicant previously prepared two visual analyses; the most recent supplemental report was prepared by David Moss & Associates, Inc. and is dated July 24, 2008. The 2008 report addressed changes to the project including lowering the height of the pole from 100-feet to 80-feet. The project design has since been amended by the Project Applicant and is described in Section 2.2. The visual reports prepared by the Applicant's consultants employed a methodology that was developed by the Federal Highways Administration ("Visual Impact Assessment for Highways Projects (Pub. No. FHWA-HI-88-054)"). Lilburn Corporation reviewed the analyses provided by the Applicant and employed a different and also widely-accepted methodology for performing visual analyses for surface disturbing activities that occur in wilderness or natural landscape areas.

This visual impact assessment was prepared pursuant to the California Environmental Quality Act (CEQA) to identify and address any potentially significant visual impacts that may result from approval and construction of a radio broadcast facility proposed to include a 43-foot monopole and a one-story, 10-foot by 10-foot by 9-foot high equipment shed, and a 10-foot by 20-foot parking area. This assessment is based on the approved visual assessment practices as employed by the U.S. Bureau of Land Management. In summary, the methodology includes the following tasks:

- Defining the project and its visual setting;
- Identifying sensitive viewpoints for assessment;
- Analyzing the baseline visual quality and character of the identified views;
- Depicting the visual appearance of the project from identified views;
- Assessing the project's impacts to those views in comparison to their baseline visual quality and character, and;
- Proposing methods to mitigate any potentially significant visual impacts identified.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

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 (see Figure 1). The Project site is approximately 1.5 miles south of the San Bernardino National Forest and 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.

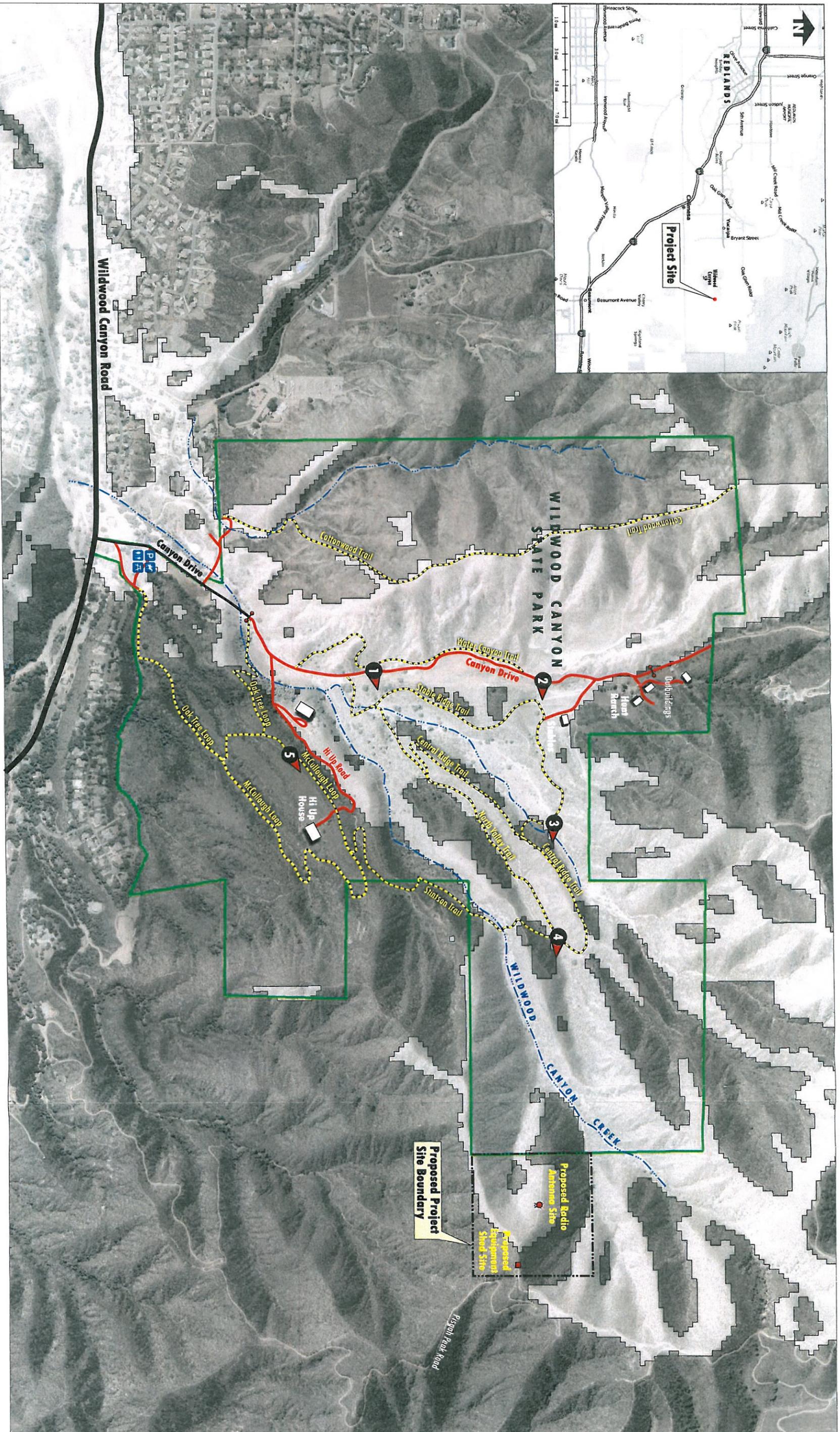
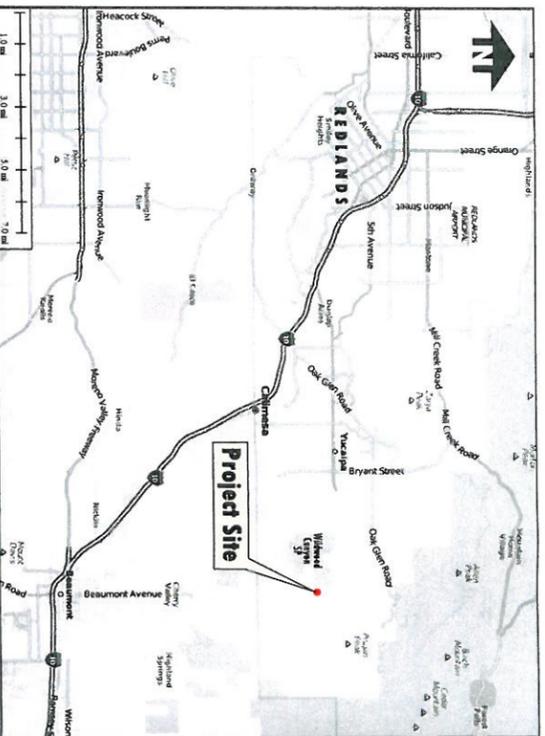
2.2 PROPOSED PROJECT

The Proposed Project includes approval of a Conditional Use Permit (CUP) to construct 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 (APN: 0325-011-19) (see Figure 2). 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 Project also includes undergrounding of approximately 6,700 feet of electrical and telecommunication lines from the existing KQRB Tower, located northeast of the Project Site, to the proposed equipment shed along Pisgah Peak Road. Undergrounding of the electrical and telecommunication lines would continue from the equipment shed to the monopole for a distance of approximately 680 feet. The Project would not require any grading along Pisgah Peak Road. The 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 and the monopole, followed by vegetation thinning within a 30-foot radius of the equipment shed and monopole, per the County Fire Department. Revegetation with fire-resistant plants would occur within the 30-foot radius of the monopole per the County Fire Department. Vegetation removal, thinning and subsequent replanting would be coordinated with a County-approved biologist and the Fire Department.

2.3 PROJECT DESIGN FEATURES

Some visual impacts will be inevitable with any radio broadcasting project. Reducing or minimizing negative impacts can be achieved in a number of ways. A well-sited and designed project will have incorporated some of the techniques into the original application. If there appear to be significant visual impacts resulting from the project, additional mitigation approaches can be used. Design features incorporated into the Proposed Project include the following:

- *Appropriate Siting:* This design feature involves avoiding a site that appears very prominent throughout a region. Selecting a site that can comfortably accommodate the project without visually overwhelming sensitive scenic resources on or near the site and the region as a whole is important.
- *Downsizing:* Reducing the scale of the Project (height of Project) has helped to fit the Project more comfortably into its surroundings. The Project was reduced from a 140-foot lattice tower to a 43-foot monopole.
- *Redesign:* The previous Project design, a lattice tower; appearing utilitarian and industrial in design, was redesigned as a monopole to allow for repeated design elements within the park (i.e., existing electrical/telephone poles) and provide more opportunity for blending in with the natural setting.
- *Infrastructure Design:* The Project includes undergrounding electrical and telecommunication lines.



Source: Lillburn Corporation and USGS

LEGEND

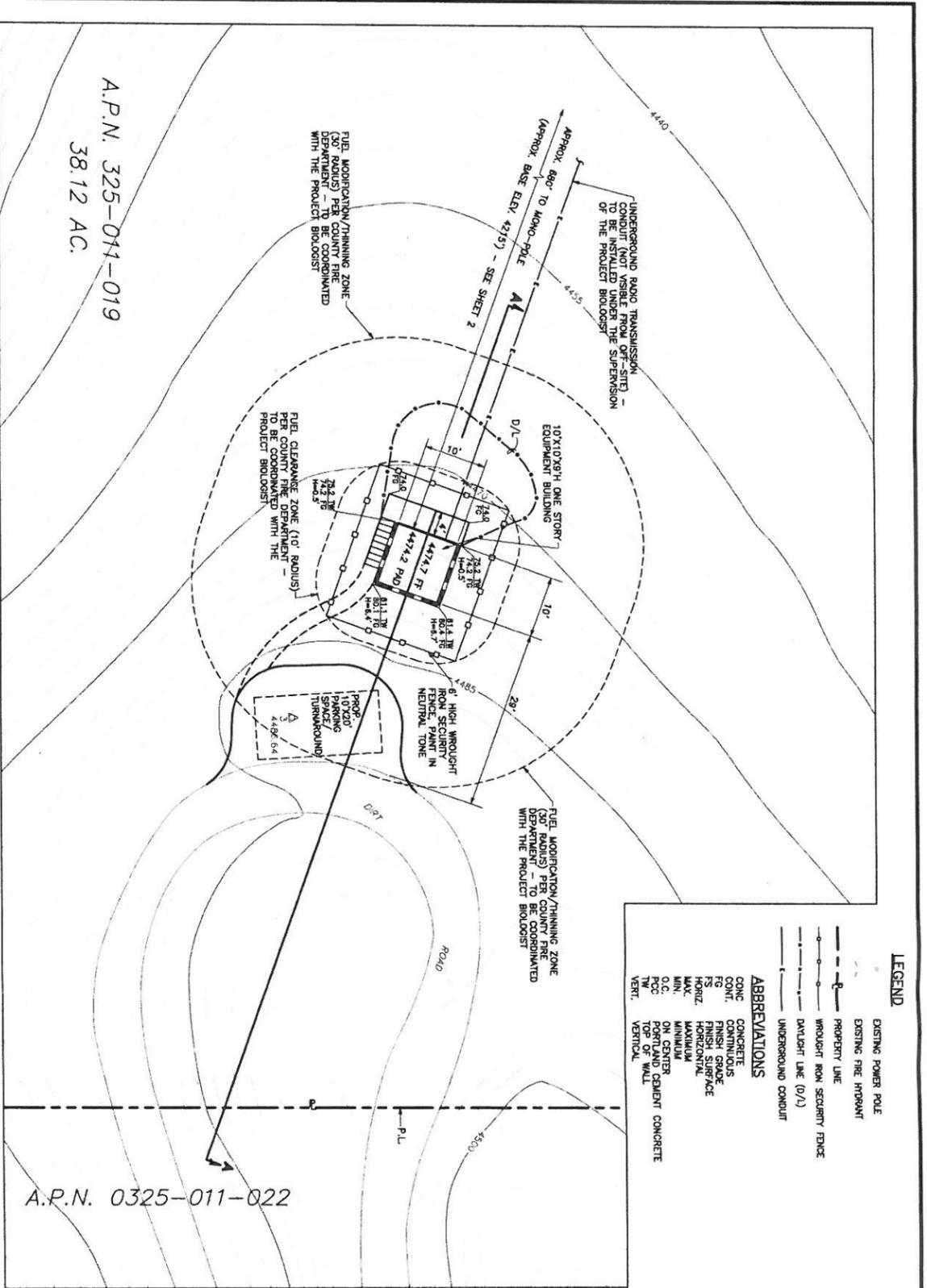
- Area of Potential Radio Antenna Visibility (lighter areas on aerial)
- Area Radio Antenna will not be Visible
- Note: The Viewshed Analysis data comprised of only USGS Digital Elevation Models. The data set did not account for trees, houses and other obstructions above ground elevation.
- Key Observation Point (KOP) Number, Location and Direction of View (5 total)
- Proposed Project Site Boundary

- Wildwood Canyon State Park
- Trail
- Locked Gate
- Horseback Trail
- Parking
- Picnic Areas
- Restrooms

Key Observation Point Locations

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 1



LEGEND

- EXISTING POWER POLE
- EXISTING FIRE HYDRANT
- PROPERTY LINE
- WROUGHT IRON SECURITY FENCE
- DIMENSION LINE (D/L)
- UNDERGROUND CONDUIT

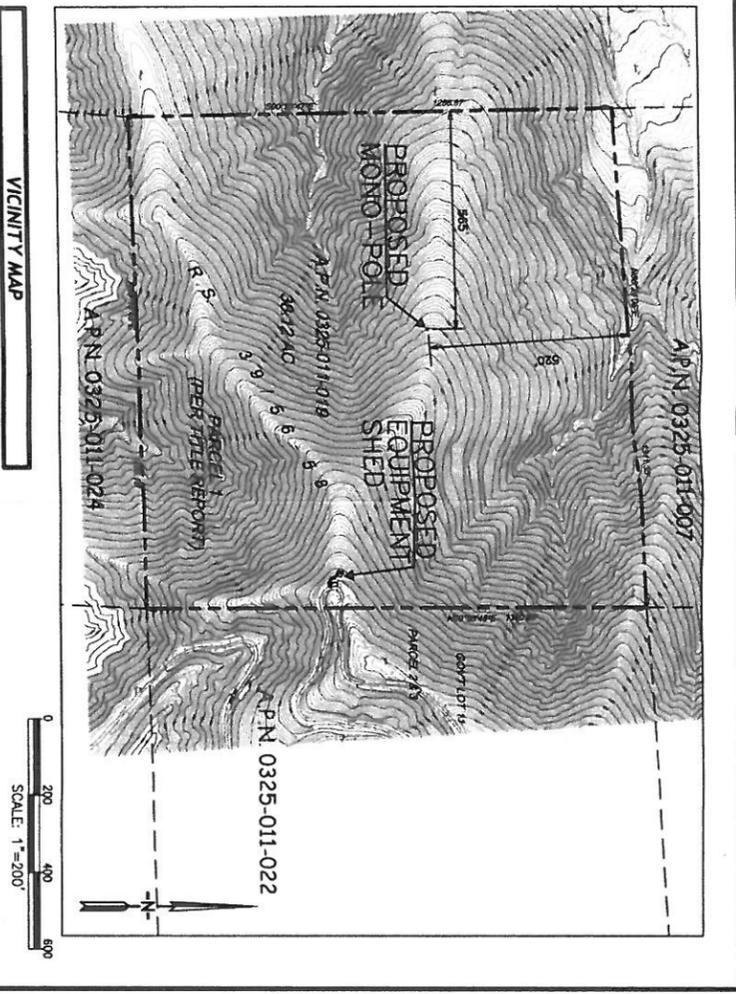
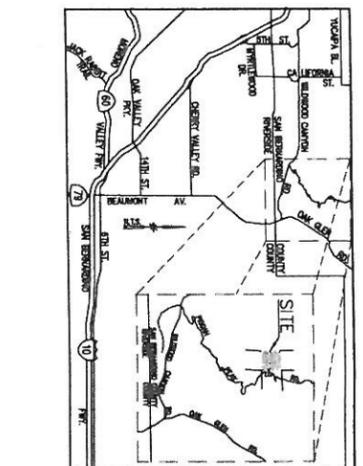
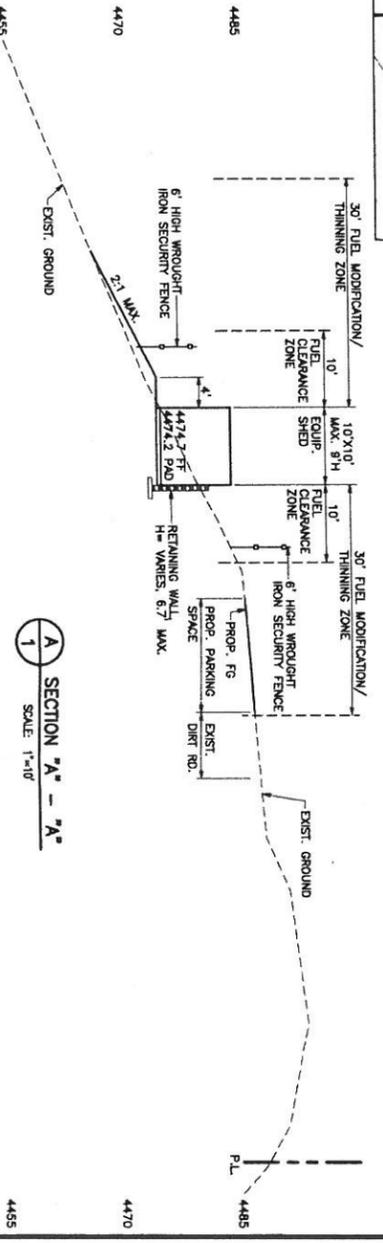
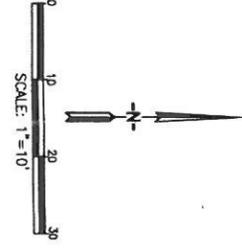
ABBREVIATIONS

- CONC. CONCRETE
- CONT. CONTINUOUS
- FIN. FINISH
- HORIZ. HORIZONTAL
- MAX. MAXIMUM
- MIN. MINIMUM
- O.C. ON CENTER
- TCC TOP OF CURB
- VERT. VERTICAL

A.P.N. 325-011-019
38.12 AC.

A.P.N. 0325-011-022

- GENERAL NOTES**
1. AS CIVIL, INC. HAS NOT BEEN RETAINED OR COMPENSATED AND ASSUMES NO RESPONSIBILITY TO PROVIDE DESIGN CONSTRUCTION REVIEW SERVICES RELATING TO THE CONTRACTOR'S SAFETY PRECAUTIONS, OR TO MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES REQUIRED FOR THE CONTRACTOR TO PERFORM HIS WORK.
 2. THE LOCATIONS OF AND EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES HAVE BEEN DETERMINED TO THE BEST OF THE ENGINEER'S UNDERSTANDING. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF ANY INFORMATION TO THESE UTILITIES. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR ANY DAMAGE DONE TO EXISTING UTILITIES DURING CONSTRUCTION.
 3. EXISTING QUANTITIES SHOWN HEREON ARE APPROXIMATE FOR DETERMINING PERMIT FEES ONLY AND SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO SUBMITTING BIDS. QUANTITIES MAY VARY DEPENDING UPON ACTUAL FIELD CONDITIONS AT THE TIME OF CONSTRUCTION. VARIABLES SUCH AS SUBSIDENCE, SHRINKAGE, SWELLING, TOPOGRAPHY, SOURCE OF MATERIAL, THICKNESS OF SOILS, AND OTHER FACTORS MAY AFFECT THE QUANTITIES SHOWN HEREON. CONSTRUCTION SHOULD BE CONSIDERED BY THE CONTRACTOR.
 4. THIS DRAWING (OR THESE SPECIFICATIONS), INCLUDING THE DESIGNS INCORPORATED HEREIN, IS MADE WITH REFERENCE TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS EXISTING ON JULY, 2008. ANY USE, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF AS CIVIL SHALL BE AT USER'S SOLE RISK.
 5. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSURE THE COMPLETION OF THE PROJECT WITHIN THE SPECIFIED TIME FRAME AND TO MAINTAIN THE SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO OBTAIN NECESSARY AND HEARD IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT. EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.
 6. PORTY-EIGHT HOURS PER DAY TO CONSTRUCTION, THE CONTRACTOR SHALL TELEPHONE THE SAN BERNARDINO COUNTY PUBLIC WORKS DEPARTMENT (1-909-425-4113) TO MARK THE LOCATION OF EXISTING UTILITIES.
 7. CONTRACTOR TO PROVIDE ADEQUATE DUST CONTROL ACCORDING TO THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 8. ALL WORK SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC-THE "GREEN BOOK") LATEST EDITION, UNLESS OTHERWISE SHOWN HEREON OR SPECIFIED IN THE SO'S REPORT(S).



- STANDARD NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH TITLE 15 OF THE COUNTY OF SAN BERNARDINO SPECIFIC REGULATIONS, LATEST EDITION, AND ALL SUPPLEMENTS, AND ANY SPECIAL REQUIREMENTS OF THE PERMIT.
 2. APPROVAL OF THIS PLAN BY THE COUNTY OF SAN BERNARDINO DOES NOT CONSTITUTE A REPRESENTATION AS TO THE UNDERGROUND UTILITIES OR OF STRUCTURE WITHIN THE LIMITS OF THIS PROJECT. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR THE PROTECTION OF ALL UTILITIES WITHIN THE LIMITS OF THIS PROJECT.
 3. CONSTRUCTION SHALL BE COMPLETED AND APPROVED BEFORE OCCUPANCY OF BUILDINGS.
 4. DUST SHALL BE CONTROLLED BY WATERING.
 5. FINISH GRADING WILL BE COMPLETED AND APPROVED BEFORE OCCUPANCY OF BUILDINGS.
 6. STREETS SHALL BE KEPT CLEAN AND FREE FROM DIRT AND/OR DEBRIS.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED IN STREET CLEANING NECESSARY BY THIS OPERATION.
 8. THE FACE OF ALL CUT AND FILL SLOPES SHALL BE PLANTED WITH A GROUND COVER APPROVED BY THE COUNTY ENGINEER.



UNDERGROUND SERVICE ALERT

CALL BEFORE YOU DIG
CALL TOLL FREE
(800) 482-4133

TWO WORKING DAYS BEFORE DIGGING

DATE	BY

BENCH MARK:
THE N.G.S. GPS MONUMENT A11843 (G.O.R.S. "BURY")
ELEVATION = 2690.05 FEET (NAVD 88).

PREPARED FOR:
LAZER BROADCASTING
1950 S. SOUTHWEST LANE, SUITE 302
SAN BERNARDINO, CA 92404
PH: (909) 240-2070

PREPARED BY:
M³ CIVIL, INC.
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Corvallis, CA 95310
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FAX (509) 445-4401

DESIGNED BY: _____
CHECKED BY: _____
APPROVED BY: _____

DESIGNED BY: _____
CHECKED BY: _____
APPROVED BY: _____

DATE: _____
DATE: _____
DATE: _____

COUNTY OF SAN BERNARDINO
GRADING AND DRAINAGE PLAN
PARCEL 1, GOVT LOT 12
PISGAH PEAK ROAD
YUCAIPA, CA 92399
APN: 325-011-019

W.O. NO.	
ROAD NO.	
LIMITS	
SHEET	1 OF 3

- *Color:* White or metallic paint can appear industrial and introduce glare into an area. The Proposed Project includes painting the pole to blend with surrounding topography/vegetation or allowing weathering to a non-glare finish and a 6-foot high wrought iron fence to be finished to the same specifications.
- *Minimizing Vegetation Removal:* Existing vegetation should be retained to the greatest extent possible. Clear cuts generally have negative visual impacts. The Proposed Project 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 and the monopole, followed by vegetation thinning within a 30-foot radius of the equipment shed and monopole, per the County Fire Department. Revegetation with fire-resistant plants would occur within the 30-foot radius of the monopole per the County Fire Department. Vegetation removal, thinning and subsequent replanting would be coordinated with a County-approved biologist and the Fire Department.

The Proposed Project includes painting the pole to blend with surrounding topography/vegetation or allowing weathering to a non-glare finish and a 6-foot high wrought iron fence to be finished to the same specifications. The pole is not required by the Federal Aviation Administration and Federal Communication Commission to be lit for air navigation safety.

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. Figure 3 illustrates the detail of the antenna.

3.0 EXISTING VISUAL SETTING

3.1 PROJECT SITE

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, 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.



Photograph 1: View from trailhead at Wildwood Canyon State Park looking northeast along Canyon Drive.

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

In 2010, to mark the location of the Project Site and to demonstrate to viewers the scale of the project, a 43-foot high telephone pole was placed at the proposed Project Site by the Applicant. The current pole would serve as the monopole for the broadcasting tower upon approval of the Project. Currently, the telephone pole (hereinafter referred to as monopole) appears weathered and darkened from the elements.

3.2 WILDWOOD CANYON STATE PARK

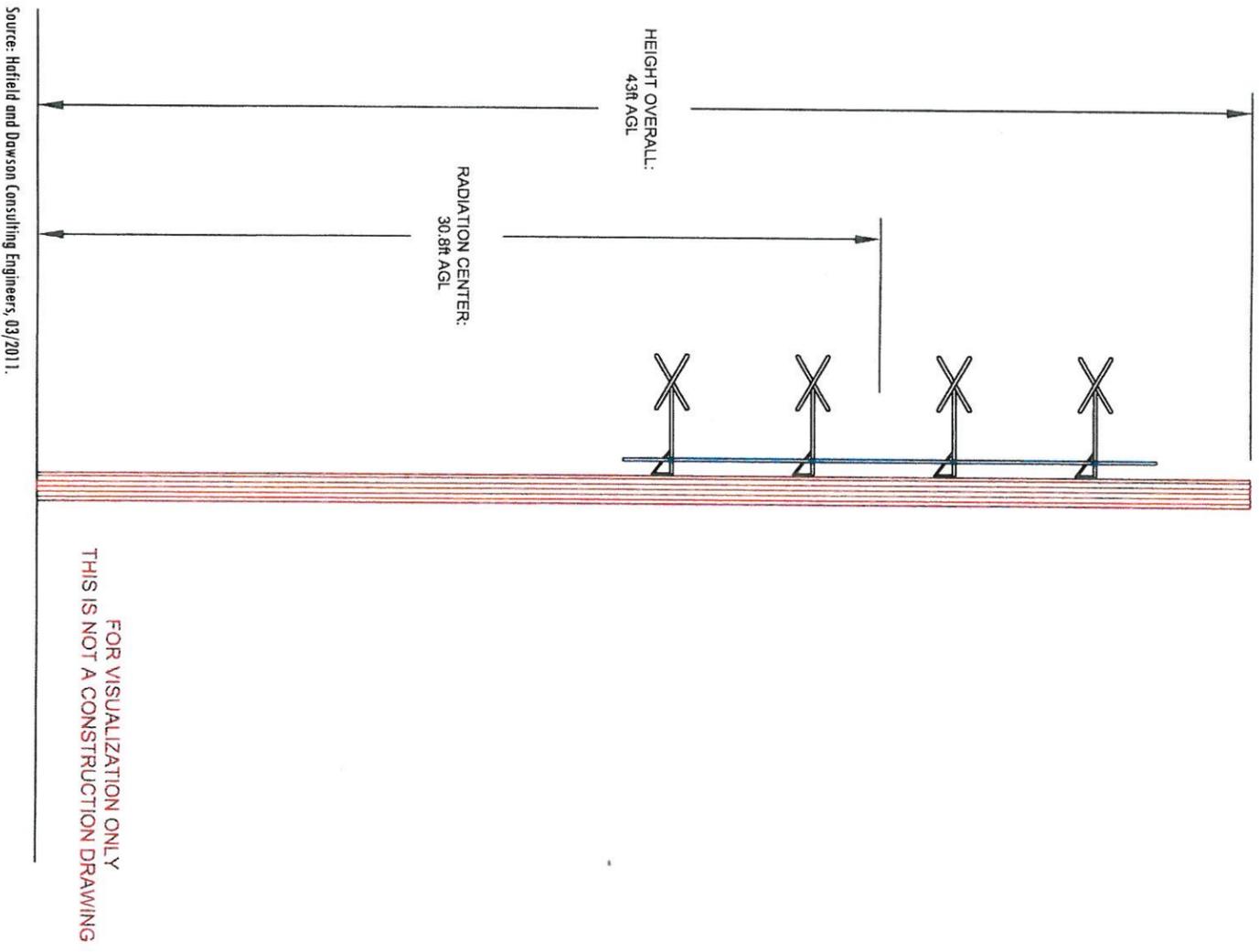
Wildwood Canyon State Park (Park) is located west and adjacent to the Project Site in east Yucaipa. The State Park consists of 900 acres of land and provides trails for hikers, mountain bikers and equestrian users. As noted on its website (<http://wildwoodcanyonstatepark.com>), the Park is home to wild animals, ancient oaks, wide open wildlands, and facilities including horse corals and arenas, picnic area, and meeting area.

The Project Site and proposed monopole 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 visible from the gated entrance to the trails 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.

Proposed KXRS Radio Broadcast Antenna Detail

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 3



Off-site residential structures are visible throughout portions of the site and are generally visible along ridgelines. 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 near the western boundary of the Project Site, the telephone pole is barely visible, and is difficult to find. However, from along the easternmost trail near the central portion of the Park the telephone pole is 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.

3.3 ADJACENT RESIDENTIAL AREAS

During a field visit conducted on August 18, 2011, a tour of an adjacent neighborhood to the southwest, nearest to the Project Site, was reviewed for potential visual impacts from the Proposed Project. The visit included a windshield survey along Oakview Road, Oak Grove Rd and Peak Road.

From these roadways and the vantage point of a vehicle, the Project Site was not visible. It is possible that the monopole and/or the 10-foot by 10-foot equipment shed may be visible from the backyards or second stories of residents with views of the Project Site; however without access to those properties, the exact visual impact is unknown. Given the height of the monopole, 43 feet, its location along the western-facing slope, and its distance below the ridgeline, approximately 227 feet, it is unlike that any potentially significant visual impacts would result from the proposed monopole. However, the equipment shed given its proposed location of approximately 7.5 feet below the ridgeline, may possibly be visible from adjacent residences.

3.4 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 August 2011 field visit, the monopole was also not visible along Wildwood Canyon Road or Oak Glen Road.

Since the Project Site is not visible from public roadways, and would not impact views along Oak Glen Road, a County-designed Scenic Route, this Visual Impact Assessment will focus on potential visual impacts of the Proposed Project as viewed from users within the Park.

4.0 VISUAL IMPACT ASSESSMENT

4.1 OVERVIEW

This section utilizes the Visual Resources Management (VRM) System established by the U.S. Bureau of Land Management (“BLM”) for objectively rating the quality of visual resources and evaluating changes in scenic quality attributed to a proposed change in land use. The contrast rating system is a systematic process used by the BLM to analyze potential visual impacts of

proposed projects and activities. According to BLM's Visual Resource Management Manual 8431, the basic philosophy underlying the system is that: "The degree to which a management activity affects the visual quality of a landscape depends on the visual contrast created between a project and the existing landscape." This system is used to measure the degree of contrast and impact between the existing landscape and the proposed FM Radio Broadcasting Facility. Potential impacts are assessed and mitigation measures are recommended to reduce or limit impacts.

(Note: a "management activity" would be for example BLM's approval of or permitting of a change in land use and in this case, is the terminology of BLM's Visual Resource Management methodology applied to assessing the visual change represented by construction of the proposed broadcasting tower and associated structures).

Simulations of the Proposed Project elements were overlain on photographs taken of the Project Site from various viewpoints. The computer simulation procedures employed by Lilburn Corporation are explained in Section 4.5 and summarized in Attachment A.

4.2 VISUAL RESOURCE MANAGEMENT OBJECTIVE

The Project Site occurs within an unincorporated area of the County and is not under the jurisdiction of the BLM. According to VRM Manual 8431, in the event that BLM Resource Management Plan generated objectives are not available for an area, then interim VRM classes shall be developed using the guidelines in Handbook H-8410-1.

The purpose of Visual Resource Classes is to establish categories assigned to public lands to serve as: 1) an inventory tool that portrays the relative value of the visual resources; and 2) a management tool that portrays the visual management objectives. There are a total of four classes (I, II, III, and IV) that may be assigned.

Visual resource inventory classes are assigned through the inventory process. Class I is assigned to those areas where a management decision has been made previously to maintain a natural landscape. This includes areas such as national wilderness areas, the wild section of national wild and scenic rivers, and other congressionally and administratively designed areas where decisions have been made to preserve a natural landscape. Classes II, III and IV are assigned based on a combination of scenic quality, sensitivity levels, and distance zones, and accomplished by combining the three overlays for scenic quality, sensitivity levels, and distance zones and using the guidelines within Handbook H-8410-1 to assign the proper class. According to the BLM Handbook H-8410-1, inventory classes are informational and provide the basis for considering visual values, and do not establish management direction and should not be used as a basis for constraining or limiting surface disturbing activities.

Since the Project Site is adjacent to a State park and visible from locations within the park, and because the park was formed to preserve the wilderness aspects of the area, the visual impacts are assessed under the BLM VRM category of Class I.

4.3 VISUAL RESOURCES CLASS I OBJECTIVE

The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

4.4 KEY OBSERVATION POINTS

The contrast rating is performed from the most critical viewpoints. This is generally along commonly traveled routes or at other likely observation points. Factors considered in selecting the Project's Key Observation Points (KOPs) included: angle of observation, number of viewers, length of time the project is in view, relative project size, season of use, and light condition. Since the Project is linear, it was also rated from several viewpoints representing the following:

- Most critical viewpoints (e.g. views from easternmost trails);
- Typical views encountered in representative landscapes, if not covered by critical viewpoints; and
- Any special project or landscape features such as skyline crossings, river crossings, substations, etc.

4.4.1 Existing Visual Setting from KOPs

Figure 1 shows the location of the five KOPs. From the visitor's entrance of the Wildwood Canyon Park, continuing northeast to a locked gate marks the beginning of the Water Canyon Trail. This north-south trending trail is centrally located within the Park and is west of Cottonwood Trail, the easternmost marked trail within the Park. Along Water Canyon Trail two KOPs were selected - KOP-1 and KOP-2 (refer to Figure 1). KOP-1 is located about midway along the trail. From KOP-1, the Project Site is visible (see Figure 4). However the monopole is difficult to find amongst all the ridgelines along the eastern edge of the Park. Ground scraping and vegetation removal that occurred during the placement of the monopole, created a linear path that is visible between the top and toe of the ridgeline. This distinct linear mark allows travelers at KOP-1 to easily locate the Project Site.

KOP-2 is located further north along Water Canyon Trail near the equestrian area as depicted in Figure 1. Hikers and equestrian users along this portion of the trail have a clearer view of the project site which is visible in the center of the face of the slope (see Figure 5) versus along the ridgeline as viewed from KOP-1. The soil disturbance that occurred during the placement of the monopole is as distinct as is the darkened, weathered pole.

Figure 6 illustrates the vantage point from KOP-3, which is located along Central Ridge Trail as depicted on Figure 1. From KOP-3 the Project Site appears most visible in relation to marked trails within the Park. The soil disturbance that occurred during the placement of the monopole is distinct as is the darkened, weathered pole.



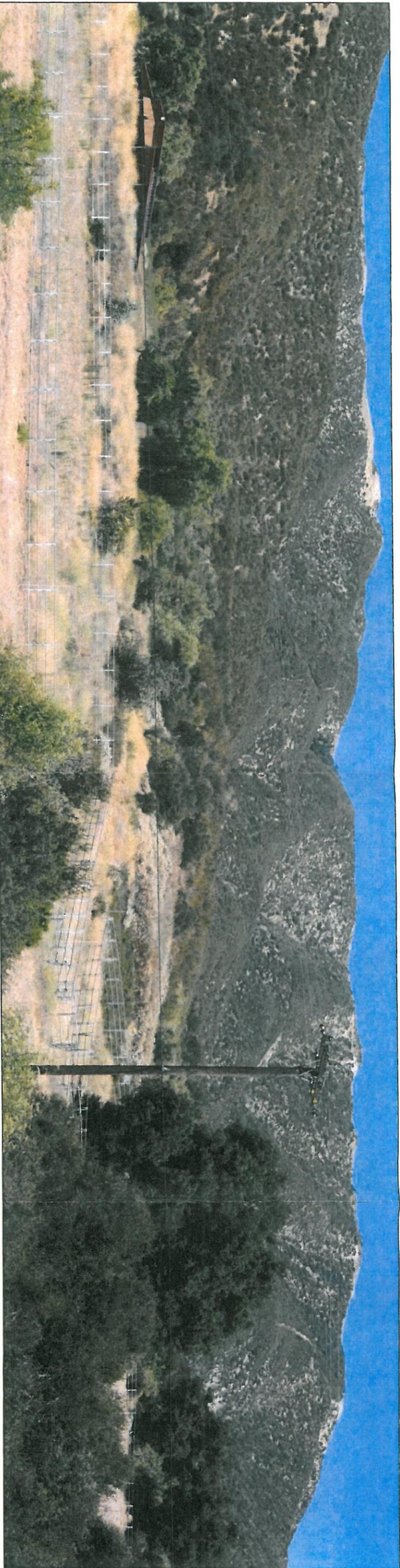
View looking northeast from Canyon Drive (KOP 1) towards the Proposed Project Site.



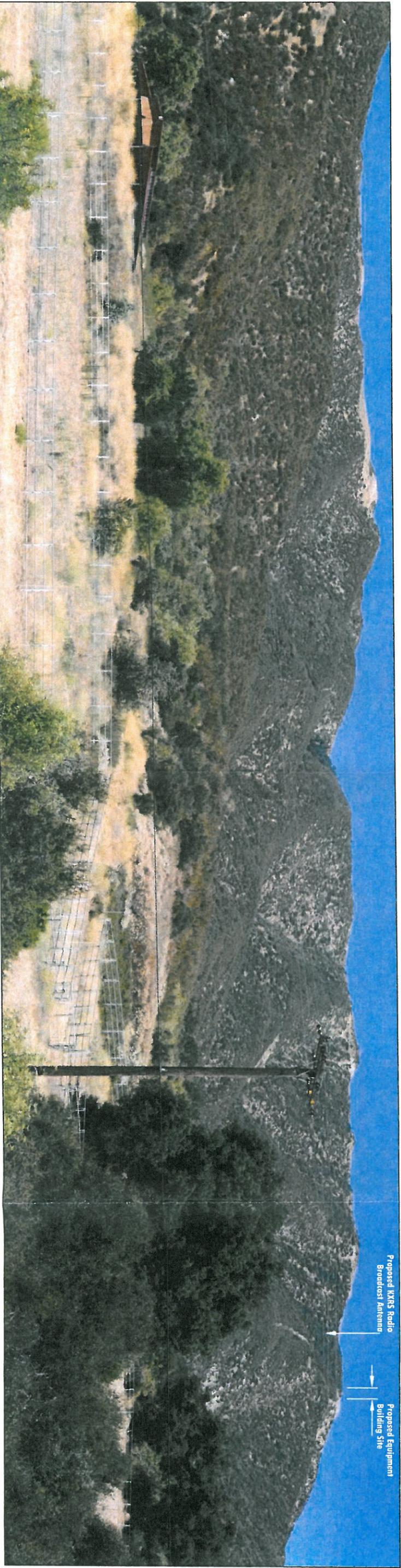
View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

Key Observation Point 1

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California



View looking northeast from Canyon Drive (KOP 2) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

Key Observation Point 2

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 5



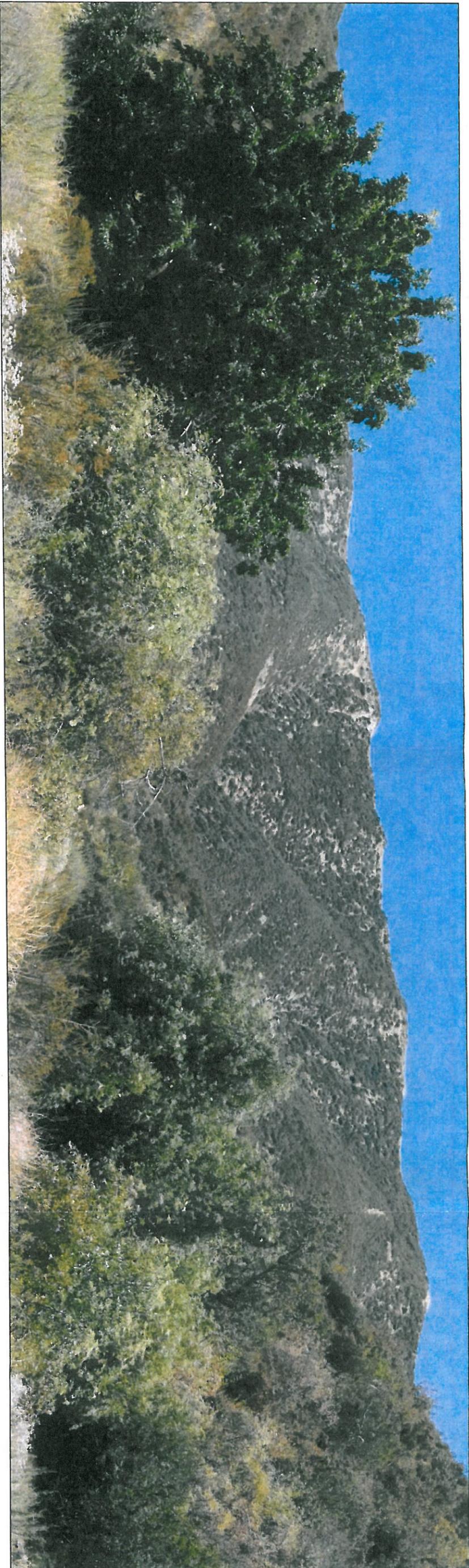
View looking east from Stable Ridge Trail (KOP 3) towards the Proposed Project Site.



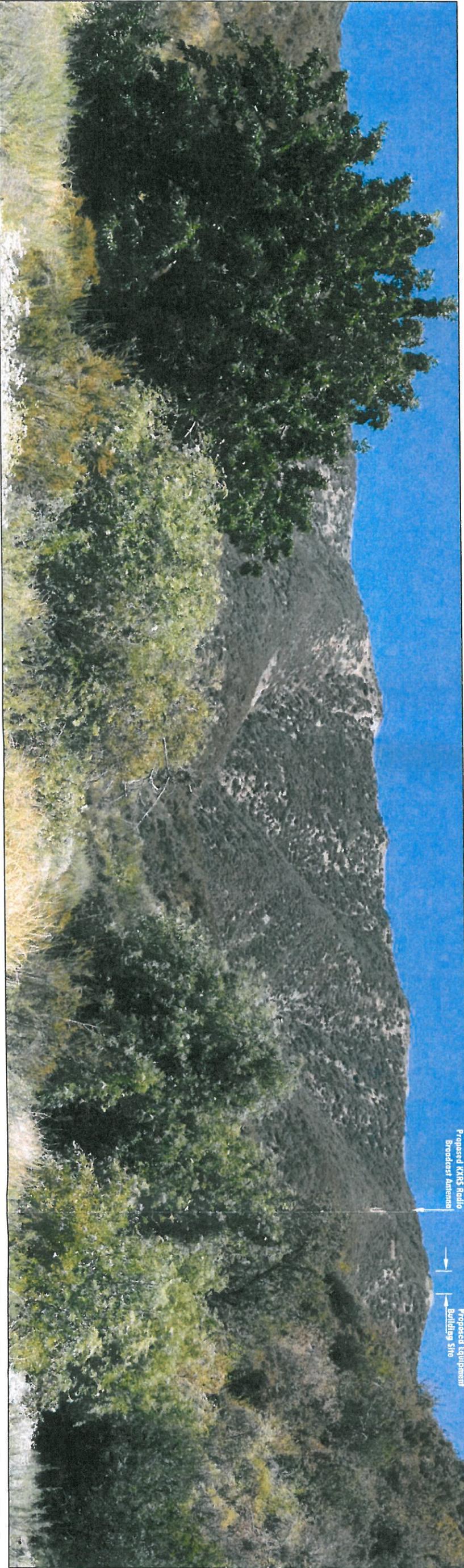
View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

Key Observation Point 3

Lazer Broadcasting - Pisgah Peak Road
 County of San Bernardino, California



View looking east from Stinson Trail (KOP 4) towards the Proposed Project Site.



View with the Proposed Project in place. Both the antenna and equipment shed will be visible.

Key Observation Point 4

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California



View looking northeast from McCullough Loop (KOP 5) towards the Proposed Project Site. Neither the antenna or equipment shed will be visible due to foreground ridgelines.

Key Observation Point 5

Lazer Broadcasting - Pisgah Peak Road
County of San Bernardino, California

Figure 8

Near the intersection of Central Ridge Trail, North Valley Trail and the Stetson Trail, the Project Site is visible in the background as viewed from KOP-4 (see Figure 7). From this KOP, the soil disturbance area appears shortened as compared to the view from KOP-3. Vegetation in the foreground and middle ground is mature and dominates the view from KOP-4.

From KOP-5 along the McCullough Loop the Project Site is not visible due to foreground ridgelines (see Figure 8). As shown on Figure 1, the Project Site is not visible from KOP-5 as well as all other areas shaded in green.

4.5 VISUAL SIMULATIONS

Visual simulations are an effective tool for evaluating the impacts of a project, as they portray the relative scale and extent of the project. The methodology within the BLM's publication *Visual Simulation Techniques* was used to compile appropriate simulations.

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 proposed 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 monopole and equipment shed were created on the DEM using programs such as 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.

4.6 CONTRAST RATING PROCESS

Degree of Contrast Criteria

In order to rate the degree of contrast, a matrix is provided in the worksheet. The matrix includes four levels of contrast for determining the potential degree of contrast. The four levels of contrast are defined below:

None: The element contrast is not visible or perceived.

Weak: The element contrast can be seen but does not attract attention.

Moderate: The element contrast begins to attract attention and begins to dominate the characteristic landscape.

Strong: The element contrast demands attention, will not be overlooked, and is dominant in the landscape.

Assessing the Degree of Contrast

Four key elements including: form, line, color, and texture, are used to determine the degree of contrast and are described as follows:

Form: Contrast in form results from changes in the shape and mass of landforms or structures. The degree of change depends on how dissimilar the introduced forms are to those continuing to exist in the landscape.

Line: Contrasts in line results from changes in edge types and interruption or introduction of edges, bands, and silhouette lines. New lines may differ in their sub-elements (boldness, complexity, and orientation) from existing lines.

Color: Changes in value and hue tend to create the greatest contrast. Other factors such as chroma, reflectivity, color temperature, also increase the contrast.

Texture: Noticeable contrast in texture usually stems from differences in the grain, density, and internal contrast. Other factors such as irregularity and directional patterns of texture may affect the rating.

When applicable, the following additional factors should be considered when applying the criteria:

Distance: The contrast created by a project usually is less as viewing distance increases.

Angle of Observation: The apparent size of a project is directly related to the angle between the viewer's line-of-sight and the slope upon which the project is to take place. As this angle nears 90 degrees (vertical and horizontal), the maximum areas is viewable.

Length of Time the Project Is In View: If the viewer has only a brief glimpse of the project, the contrast may not be of great concern. If, however, the project is subject to view for along period, as from an overlook, the contrast may be very significant.

Relative Size or Scale: The contrast created by the project is directly related to its size and scale as compared to the surroundings in which it is placed.

Season of Use: Contrast rating should consider the physical conditions that exist during the heaviest or most critical visitor use season, such as snow cover and tree defoliation during the winter, leaf color in the fall, and lush vegetation and flowering in the spring.

Light Conditions: The amount of contrast can be substantially affected by the light conditions. The direction and angle of lighting can affect color intensity, reflection, shadow, form, texture, and may other visual aspects of the landscape. Light conditions during heavy periods must be a consideration in contrast rating.

Recovery Time: The amount of time required for successful revegetation should be considered. Recovery usually takes several years and goes through several phrases (e.g., bare ground to grasses, to shrubs, to trees, etc.).

Spatial Relationships : The special relationship within a landscape is a major factor in determining the degree of contrast.

Atmospheric Conditions: The visibility of projects due to atmospheric conditions such as air pollution or natural haze should be considered.

Contrast Rating Worksheets

A contrast rating worksheet was complete of each of the five visual simulations prepared. In order to properly assess the contrasts between the proposed and existing situation, the worksheet reviews the basic features (i.e., landform/water, vegetation, and structures) and basic elements (i.e., form, line, color, and texture) so that the specific features and elements that create contrast can be accurately identified.

As discussed in BLM Manual 8431, in order to determine whether the VRM objectives are met, the contrast ratings are compared with the objectives for the VRM Class. For comparative purposes, the four levels of contrast (i.e., none, weak, moderate, and strong) roughly correspond with classes I, II, III and IV, respectively. In making these comparisons, the cumulative effects of all the contrast ratings should be considered. The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

4.7 VISUAL IMPACTS BY KOP

Findings from the worksheets are summarized herein and worksheet details are included in Attachment B of this Visual Impact Assessment.

4.7.1 Visual Simulation 1 - Worksheet 1

Proposed elements, as seen from KOP-1 and shown in Figure 4, are small in scale and appear weak within the background; the proposed monopole and equipment shed can be seen but do not attract attention or distract from the scenic aspects within the State Park. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not change. Additionally, the proposed fuel modification is not visually significant and blends with other natural bare areas along the ridge line.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility).

4.7.2 Visual Simulation 2 – Worksheet 2

Proposed elements, as seen from KOP-2 and shown in Figure 5, are minimal. The foreground landscape including its existing forms, lines, color and texture would remain the dominant elements in the landscape. The introduction of small-scale vertical lines, rectangular forms, and contrasting colors within the background would not distract from the existing visual aspects of the State Park. Although the proposed monopole and equipment shed can be seen, they would not contrast with the existing elements within the area. Additionally, the proposed fuel modification is not visually significant and blends with other natural areas void of vegetation along the ridgeline.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility).

4.7.3 Visual Simulation 3 – Worksheet 3

Proposed elements, as seen from KOP-3 and shown in Figure 6, are small in scale in relationship to the hills and level, broad foreground. The proposed monopole and shed would be most visible from this KOP and area within the State Park. However, based on their scale, they are not intrusive or dominate. From a hiker's perspective along the Stable Ridge Trail, the Project Site is visible at intermittent times (e.g., brief stops) given the importance of footing and safety concerns (i.e., snakes, poison oak). However, on horseback the Project Site can be viewed for a greater amount of time. The overall degree of contrast for the potential visual impacts is considered weak for this KOP. The proposed monopole and equipment shelter can be seen but do not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not change. Additionally, the proposed fuel modification does not seem out of place and blends with other natural areas void of vegetation along the ridgeline.

In addition to Project Design Features listed in Section 2.3 of this Visual Impact Assessment, mitigation measures contained in Section 4.7 of this report will further reduce the contrast created from Project-related form, line and color.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space

relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility).

4.7.4 Visual Simulation 4 – Worksheet 4

Along this portion of the North Valley/Stintson Trail, mature trees in the foreground tend to dominate the landscape (see Figure 7). Background hills with triangular lines meet in the centers and toes of the slopes. The Project Site is visible off to the side and tends to blend more in this location. However, there is still an introduction of a thin vertical line a few degrees below the ridge line, and rectangular form nestled at the top of the ridge; although its color and form blend into the hillside. As seen from all of the KOP's, with the exception of KOP-5, the Proposed Project elements appear small in scale relative to the landscape and have a weak level of contrast within the surrounding area. The determination of the Project to have a weak level of contrast indicates that the proposed monopole and equipment shelter would be visible but would not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not be altered in a significant way. General maintenance within a Class I area is permitted. It is reasonable to determine that the Proposed Project would require no more than minimal maintenance and human activities would be discreet when compared to a residence, which is a permitted use at the site.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility). The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

4.7.5 Visual Simulation 5 – Worksheet 5

Since the Project Site is not visible from KOP-5 no simulations were created. Therefore the contrast worksheet prepared for KOP-5 indicates no changes to the categories of form, line, color and texture for all of the features (land/water body, vegetation, structures) within the landscape.

4.8 CONCLUSIONS AND RECOMMENDATIONS

As previously discussed, the contrast worksheet prepared for KOP-5 indicate that no change would result to the existing form, line, color and/or texture for all of the features (land/water body, vegetation, structures) within the landscape as viewed from KOP-5. Based on the results of the contrast rating worksheets completed for KOP-1, KOP-2, KOP-3 and KOP-4, the Proposed Project would result in a weak level of contrast not considered a significant visual impact. However, to reduce the contrast of the Project-related form, line and color the following mitigation measures shall be implemented:

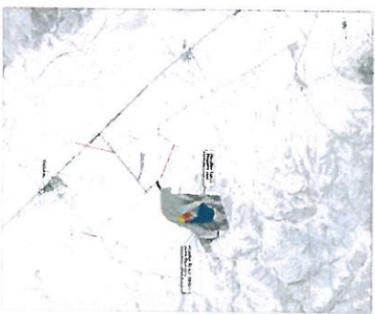
Mitigation Measure 1: The monopole, antenna and shed shall be painted olive green to blend with the surrounding vegetation. In addition to this first layer of treatment, a second layer of paint shall be worked in a random pattern in colors of deep olive, light sage and light brown to further mimic a vegetative pattern or camouflage effect. The random pattern shall be applied in a stippling or sponging in manner to avoid sharp lines.

Mitigation Measure 2: The Project Proponent shall revegetate the portion of the ridge in which the telephone pole currently occupies. During placement of the telephone pole 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.

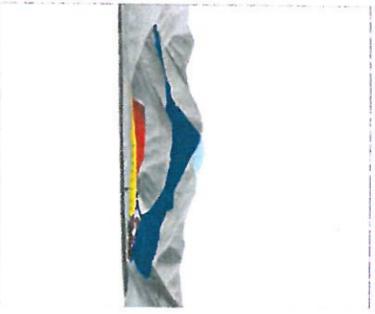
ATTACHMENT A
COMPUTER SIMULATION METHODOLOGY



Project elements and computer terrain models were constructed from design plans and merged with existing topography. The final terrain model is meshed, consisting of triangles or squares, and becomes a close representation of the physical environment.



The model is then registered to a three dimensional coordinate system by using USGS topo quads and aerial imagery. This allows the designer to quickly identify locations for visual simulation viewpoints. Once identified, computer "cameras" are positioned.



Rendering the meshed terrain model utilizes real world lighting schemes, position of the sun, site latitude and longitude, elevation and the characteristics of the camera lens originally used for site photographs.



the computer rendered model is then overlaid or matched to existing site photography. Merging proposed design elements with existing features is based on color-coding the facilities. Proposed design elements are isolated and textured to more closely represent real world coloring.

Generalized Computer Simulation Procedures

ATTACHMENT B
VISUAL CONTRAST RATING WORKSHEET

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date August 18, 2011

VISUAL CONTRAST RATING WORKSHEET

District N.A.
Resource Area N.A.
Activity (program) Radio Broadcasting Monopole

SECTION A. PROJECT INFORMATION

1. Project Name Lazer Broadcasting	4. Location Township T2S Range R1W Section 3 NW 1/4	5. Location Sketch Water Canyon Trail KOP Project Site N
2. Key Observation Point KOP-1 along Canyon Drive		
3. View Class Class I		

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat to rolling terrain	Simple forms with natural patterns	_____
LINE	Horizontal and diagonal	Transitional edge	_____
COLOR	Foreground includes olive, deep and light greens, and scattered white, with muted blues, tans and grays in the background.	Foreground includes olive, deep and light greens, and scattered white, with muted blues, tans and grays in the background.	_____
TEXTURE	Rugged with scattered areas of smooth ground.	Uneven/random rugged to medium grain in an overall dense pattern	_____

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Flat to rolling terrain; introduction of geometric and vertical forms in the background.	Simple forms with natural patterns; no change	Geometric and vertical
LINE	Horizontal, diagonal, with thin and faint, vertical and rectangular lines.	Transitional edge; no change	Vertical and rectangular
COLOR	Foreground includes olive, deep and light greens, and scattered white, with muted blues, tans and grays in the background; introduction of brown in background	Foreground includes olive, deep and light greens, and scattered white, with muted blues, tans and grays in the background. No change.	Brown
TEXTURE	Rugged with scattered areas of smooth; no change.	Uneven/random rugged to medium grain in an overall dense pattern; no change.	Smooth to medium

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

DEGREE OF CONTRAST	LAND/WATER BODY (1)			VEGETATION (2)			STRUCTURES (3)			3. Additional mitigating measures recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)	
	Strong	Moderate	Weak	Strong	Moderate	Weak	Strong	Moderate	Weak		None
Form			✓			✓			✓		2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side) 3. Additional mitigating measures recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side) Evaluator's Names Natalie Patry Troy Goodwalt Date August 18, 2011
Line			✓			✓			✓		
Color			✓			✓			✓		
Texture			✓			✓			✓		

Comments from item 2.

Proposed elements, as seen from KOP-1 and shown in Figure 4, are small in scale and appear weak within the background; the proposed monopole and equipment shed can be seen but do not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not change.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility). The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

Additional Mitigating Measures (See item 3)

Mitigation Measure 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.

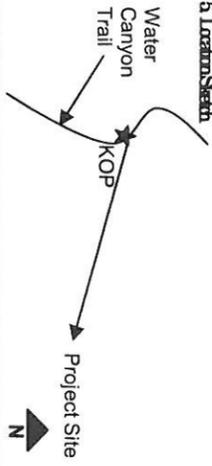
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date August 18, 2011

VISUAL CONTRAST RATING WORKSHEET

District: N.A.
Resource Area: N.A.
Activity (optional): Radio Broadcasting Monopole

SECTION A. PROJECT INFORMATION

1 Project Name Lazer Broadcasting	4 Location Township T2S Range R1W Section 3 NW1/4	5 Location Sketch 
2 Key Observation Point KOP-2 along Canyon Drive	Range R1W	
3 View Class Class I	Section 3 NW1/4	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1 LANDWATER	2 VEGETATION	3 STRUCTURES
FORM	Dimensional shape and mass with trapezoidal and linear elements. Flat to rolling hills.	2-dimensional shape created by areas of a contrast in vegetative color.	Definite; rectangular forms, bold, vertical line.
LINE	Horizontal and diagonal	Bold, irregular in both the foreground and middle ground.	Bold vertical, horizontal and diagonal lines
COLOR	Cream and olive greens	Cream, green and deep hunter green, with olive and taupe/olive in the background.	Red, tan and brown, light gray/non-glare metallic silver with white highlights.
TEXTURE	Smooth to rugged	Medium to rugged	Smooth to medium

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1 LANDWATER	2 VEGETATION	3 STRUCTURES
FORM	Dimensional shape and mass with trapezoidal and linear elements. Flat to rolling hills; no change	2-dimensional shape created by areas of a contrast in vegetative color; no change	2-dimensional shape created by areas of a contrast in vegetative color; no change
LINE	Horizontal and diagonal; no change	Bold, irregular in both the foreground and middle ground; no change	Bold, irregular in both the foreground and middle ground; no change
COLOR	Cream and olive greens; no change	Cream, green and deep hunter green, with olive and taupe/olive in the background; no change	Cream, green and deep hunter green, with olive and taupe/olive in the background; no change
TEXTURE	Smooth to rugged; no change	Medium to rugged; no change	Medium to rugged; no change

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1

DEGREE OF CONTRAST	FEATURES						3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LANDWATER BODY (1)		VEGETATION (2)		STRUCTURES (3)		
Strong							2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side) Evaluators' Names: Natalie Patry, Troy Goodwalt Date: August 18, 2011
Moderate							
Weak							
None							
Strong							
Moderate							
Weak							
None							

SECTION D. (Continued)

Comments from item 2.

Proposed elements, as seen from KOP-2 and shown in Figure 5, are minimal. The foreground landscape including its existing forms, lines, color and texture would remain the dominant elements in the landscape. The introduction of small-scale vertical lines, rectangular forms, and contrasting colors within the background would not distract from the existing visual aspects of the State Park. Although the proposed monopole and equipment shed can be seen, they would not contrast with the existing elements within the area.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility). The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

Additional Mitigating Measures (See item 3)

No mitigation measures are proposed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date August 18, 2011

VISUAL CONTRAST RATING WORKSHEET

District N.A.
Resource Area N.A.
Activity (program) Radio Broadcasting Monopole

SECTION A. PROJECT INFORMATION

1. Project Name Lazer Broadcasting	4. Location Township T2S Range R1W Section 3 NW1/4	5. Location Sketch
2. Key Observation Point KOP-3 on Stable Ridge Trail		
3. View Class Class I		

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Simplistic and regular with moderate to steep slopes.	Relatively solid with scattered portions of sparse to no coverage.	_____
LINE	Horizontal; soft angles	Rugged	_____
COLOR	Warm and cool colors distinguish the foreground from the middle ground. Areas of bare earth are light tan to peach.	Even mix of red-browns, olives, and deep greens.	_____
TEXTURE	Medium density in an overall uneven pattern.	Medium density with an even pattern.	_____

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LANDWATER	2. VEGETATION	3. STRUCTURES
FORM	Simplistic and regular with moderate to steep slopes; introduction of geometric and vertical forms in the background.	Relatively solid with scattered portions of sparse to no coverage; no change	Geometric and vertical
LINE	Horizontal; soft angles with thin and faint, vertical and rectangular lines.	Rugged; no change.	Vertical and rectangular
COLOR	Warm and cool colors distinguish the foreground from the middle ground. Areas of bare earth are light tan to peach; introduction of brown in background	Even mix of red-browns, olives, and deep greens; no change.	Brown
TEXTURE	Medium density in an uneven pattern; no change.	Medium density with an uneven pattern; no change.	Smooth to medium

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1. DEGREE OF CONTRAST	FEATURES						3. Additional mitigating measures recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)
	LANDWATER BODY (1)		VEGETATION (2)		STRUCTURES (3)		
Strong							Evaluators' Names Natalie Parry Troy Goodwalt Date August 18, 2011
Moderate							
Weak	<input checked="" type="checkbox"/>						
None	<input checked="" type="checkbox"/>						

2. Does project design meet visual resource management objectives? Yes No (Explain on reverse side)

Comments from item 2.

Proposed elements, as seen from KOP-3 and shown in Figure 6, are small in scale in relationship to the hills and level, broad foreground. The proposed monopole and shed would be most visible from this KOP and area within the State Park. However, based on their scale, they are not intrusive or dominate. From a hiker's perspective along the Central Ridge Trail, the Project Site is visible at intermittent times (e.g., brief stops) given the importance of footing and safety concerns (i.e., snakes, poison oak). However, on horseback the Project Site can be viewed for a greater amount of time. The overall degree of contrast for the potential visual impacts is considered weak for this KOP. The proposed monopole and equipment shelter can be seen but do not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not change.

In addition to utilizing the general guidance for accessing contrast (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility). The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

Additional Mitigating Measures (See item 3)

Mitigation Measure 2: The Project Proponent shall revegetate the portion of the ridge in which the telephone pole currently occupies. During placement of the telephone pole 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.

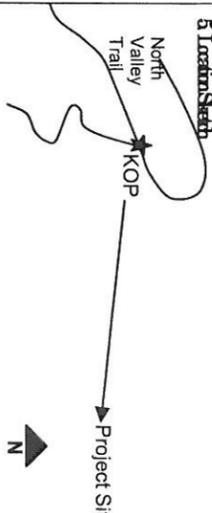
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date August 18, 2011

VISUAL CONTRAST RATING WORKSHEET

District: N.A.
Resource Area: N.A.
Activity (Program): Radio Broadcasting Monopole

SECTION A. PROJECT INFORMATION

1 Project Name Lazer Broadcasting	4 Location Township T2S Range R1W Section 3 NW1/4	5 Location Sketch 
2 Key Observation Point KOP-4 along North Valley/Sinson Trail		
3 Vernal Class Class I		

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1 LANDWATER	2 VEGETATION	3 STRUCTURES
FORM	Smooth to rugged with triangular forms in background.	Solid, round, low to high oval forms in foreground, with a backdrop of irregular, low growing shrubs	
LINE	Soft, curving in foreground; angular lines along the background.	Oval, irregular in foreground; rugged in background.	
COLOR	Pale sage, highlights of white and yellow in the foreground; random taupe/green and light tan in the background.	Bright greens with light green highlights, with muted olive greens in background.	
TEXTURE	Surface variation creates a medium density with a rugged texture, and intermitted smooth areas.	Foreground grain is coarse and dense; background is a medium, random grain.	

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1 LANDWATER	2 VEGETATION	3 STRUCTURES
FORM	Smooth to rugged with triangular forms in background; introduction of thin, vertical forms.	Solid, round, low to high oval forms in foreground, with a backdrop of irregular, low growing shrubs; no change.	Geometric and vertical
LINE	Soft, curving in foreground; angular lines with thin and faint, vertical and rectangular lines along the background.	Oval, irregular in foreground; rugged in background; no change.	Vertical and rectangular
COLOR	Pale sage, highlights of white and yellow in the foreground; random taupe/green and light tan in the background; introduction of brown in background.	Bright greens with light green highlights, with muted olive greens in background; no change.	Brown
TEXTURE	Surface variation creates a medium density with a rugged texture, and intermitted smooth areas; no change.	Foreground grain is coarse and dense; background is a medium, random grain; no change.	Smooth to medium

1. DEGREE OF CONTRAST

ELEMENTS	SECTION D. CONTRAST RATING									2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side)	3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LANDWATER BODY (1)			VEGETATION (2)			STRUCTURES (3)				
Form	Strong	Moderate	Weak	Strong	Moderate	Weak	Strong	Moderate	Weak	None	Evaluators' Names Natalie Patty Troy Goodwalt Date August 18, 2011
Line			✓				✓		✓		
Color			✓				✓		✓		
Texture			✓				✓		✓		

Along this portion of the North Valley Trail, mature trees in the foreground tend to dominate the landscape (see Figure 7). Background hills with triangular lines meet in the centers and toes of the slopes. The Project Site is visible off to the side and tends to blend more in this location. However, there is still an introduction of a thin vertical line a few degrees below the ridgeline, and rectangular form nestled at the top of the ridge; although its color and form blend into the hillside. As seen from all of the KOP's, with the exception of KOP-5, the Proposed Project elements appear small in scale relative to the landscape and have a weak level of contrast within the surrounding area. The determination of the Project to have a weak level of contrast indicates that the proposed monopole and equipment shelter would be visible but would not attract attention or distract from the scenic aspects of the area. Introduction of small, thin, vertical and horizontal lines would occur in the background. However, the overall existing landscape including its form, line, color and textures would not be altered in a significant way. General maintenance within a Class I area is permitted. It is reasonable to determine that the Proposed Project would require no more than minimal maintenance and human activities would be discreet when compared to a residence, which is a permitted use at the site.

In addition to utilizing the general guidance for accessing contract (e.g., form, line, color, and texture), factors considered during the evaluation of the degree of contrast included: distance, angle of observation, relative size and scale, recovery time (re-vegetation), and space relationships (the space surrounding the Project Site is enclosed and is bounded by slopes, limiting visibility). The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.

Additional Mitigating Measures (See item 3)

No additional mitigation measures are proposed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date August 18, 2011

VISUAL CONTRAST RATING WORKSHEET

District N.A.

Resource Area N.A.

Activity/Program Radio Broadcasting Monopole

SECTION A. PROJECT INFORMATION

1. Project Name Lazer Broadcasting	4. Location Township T2S	5. Location Sketch Project Site
2. Key Observation Point KOP-5 along McCullough Loop	Range R1W	
3. View Class Class I	Section 3 NW1/4	

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM Small 3-dimensional mass; flat and wide middle ground, with steep vertical background.	Complex with dense, solid forms transitioning to flat, level forms.	Singular, residential type structure.
LINE Horizontal, diagonal	Bold, butt edges in foreground and middle ground.	Small and stout, vertical chimney; vertical porch supports.
COLOR Pale yellow and soft white, mixed with olives, and dark greens.	Olive green with rusty brown and butter yellows. Scattered areas of hunter green with silvery green highlights.	Light gray, dark gray, and white.
TEXTURE Difference in surface variations creates a sparse to medium density.	Fine, medium, with coarse grain variations.	Smooth

SECTION C. PROPOSED ACTIVITY DESCRIPTION

1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM No change to existing form.	No change to existing form.	No change to existing form.
LINE No change to existing lines.	No change to existing lines.	No change to existing lines.
COLOR No change in color.	No change in color.	No change in color.
TEXTURE No change in texture.	No change in texture.	No change in texture.

SECTION D. CONTRAST RATING SHORT TERM LONG TERM

1

DEGREE OF CONTRAST	FEATURES									3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side)
	LAND/WATER BODY (1)			VEGETATION (2)			STRUCTURES (3)			
Strong										2. Does project design meet visual resource management objectives? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Explain on reverse side) 3. Additional mitigating measures recommended? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain on reverse side) Evaluator's Names Natalie Parry Troy Goodwalt Date August 18, 2011
Moderate										
Weak										
None										
Form										
Line										
Color										
Texture										

SECTION D. (Continued)

Comments from item 2.

Since the Project Site is not visible from KOP-5 no simulations were created. Therefore the contrast worksheet prepared for KOP-5 indicates no changes to the categories of form, line, color and texture for all of the features (land/water body, vegetation, structures) within the landscape.

Additional Mitigating Measures (See item 3)

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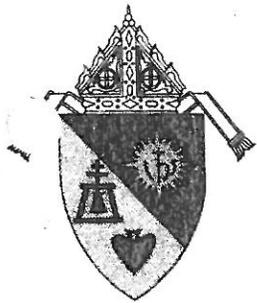
EXHIBIT G

CORRESPONDENCE

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Diocese of San Bernardino

OFFICE OF CHARISMATIC RENEWAL



Marina Carrion

E-mail: mcarrion@sbdiocese.org

September 15, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

The Office of Charismatic Renewal in the Diocese of San Bernardino is an established organization in San Bernardino County with 63 prayer groups, serving thousands of Catholics on a weekly basis. We reach our Spanish-speaking listeners through our weekly radio program and the advertising on KXRS Lazer radio. We wish to go on record in support of the permit for the proposed tower.

It is critical that Lazer provide the on-going and enhanced broadcast opportunity for this organization to reach our core customers. Alfredo Plascencia, the owner at Lazer, has gone out of his way to help our chain grow and prosper in the County.

As a local business serving the needs of local and regional businesses and individuals, we hope this letter demonstrates our unwavering support of the proposed tower, and the local and regional benefits that follow. Thank you for the opportunity to provide this letter of support.

Sincerely,


Marina Carrion
Director

cc Lazer Broadcasting

***" Al que es, Al que era, y Al que ha de venir
Todo Honor y Toda Gloria!"***

1201 E. Highland Ave., San Bernardino, CA 92404 ♦ Phone: (909) 475-5365 ♦ Fax: (909) 475-5369 ♦ e-mail: crc@sbdiocese.org
www.sbdiocese.org



Tutienda
sin fronteras

Appliances★Electronics★Furniture

"A SUBSIDIARY OF GRUPO FAMSA MEXICO"

September 10, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

Famsa is an established furniture retailer in San Bernardino County that serves the families by selling furniture, electronics and appliances at affordable prices and also by offering in-house credit. We wish to go on record in support of the permit for the proposed tower.

Famsa benefits from Lazer's programming and community service efforts by entertaining and informing our customers.

It is critical that Lazer provide the on-going and enhanced broadcast opportunity for Famsa to reach our core customers. Lazer's service has helped our business grow and prosper in the County.

As a local business serving the needs of local and regional residents and businesses, we support the proposed project, and the local and regional benefits that follow.

Sincerely,

A handwritten signature in black ink, appearing to read "Federico Uribe", is written over a horizontal line.

Federico Uribe
Marketing Director

12801 Leffingwell Avenue
Santa Fe Springs, CA 90670
Tel: (562) 207-3800
Fax: (562) 207-3890



a proud member hospital of Children's Miracle Network

September 10, 2010

Mr. Alfredo Plascencia
President and CEO
Lazer Broadcasting Corporation
200 South A Street, Suite 400
Oxnard, CA 93030

Dear Alfredo,

I am honored and delighted to send thanks to you and everyone at Lazer Broadcasting for your generosity and commitment to Children's Hospital Los Angeles, through Children's Miracle Network. The 2009 Lazer Broadcasting Milagros Para Los Niños Radiotón was in immense success, raising more than \$150,000 for Children's Hospital Los Angeles alone, with other Children's Miracle Network hospitals also benefitting from your kindness.

With the support of generous community partners like you, Children's Miracle Network enables the fulfillment of Children's Hospital Los Angeles's mission to make a world of difference in the lives of children, adolescents, and their families by integrating medical care, education, and research. Your efforts help us provide the highest quality care and service to our community. In the complex world of pediatrics, in which the area of greatest need is constantly changing, these all-important gifts allow the doctors, nurses, researchers, and other caregivers to continue performing the miracles that occur here each and every day.

Lazer Broadcasting Corporation's commitment to the Radiotón is a wonderful demonstration of your passion for the advancement of pediatric care here and beyond. Thank you for helping our patient and families. You are a shining example of a corporation that truly cares about the well-being of children in the communities you serve. We are very much looking forward to partnering with you again for the 2010 Milagros Para Los Niños Radiotón.

Warmest regards,

A handwritten signature in cursive script that reads "Joanne Reyes".

Joanne Reyes
Director, Children's Miracle Network

RECEIVED
CURRENT PLANNING
2011 JAN -4 AM 9:44

NELSON COMIS KAHN & SEPULVEDA LLP

ATTORNEYS AT LAW

Stuart A. Comis
Mitchel B. Kahn
Kerry M. Kinney
Mark A. Nelson*
Keri J. Sepulveda*

*Certified Family Law Specialist
California State Bar Board of Legal Specialization

Anson M. Whitfield, *Of Counsel*

300 Esplanade Drive, Suite 1170
Oxnard, California 93036-0238
p 805.604.4100 | f 805.604.4150
www.calattys.com

December 28, 2010

Robert W. Schroeder, *(Ret.)*

5224-0

Ms. Dena M. Smith, Director
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Ave., First Floor
San Bernardino, California 92415-0182

Re: CUP Project No. 201000215/CF
Lazer Communications

Dear Ms. Smith:

This law firm represents Lazer Broadcasting Corporation ("Lazer") with regard to the application for a radio tower, Project No. 201000215/CF. We are in receipt of a letter dated December 20, 2010, addressed to you from attorney John K. Mirau stating, in part, objections to the issuance of a temporary use permit on behalf of his client.

We appreciate the issuance of the temporary permit so the public has a chance to see how insignificant the physical and visual intrusion of our proposed antenna will actually be if permitted. It is, of course, my client's intent to comply with the terms of the temporary permit. Not doing so would be foolish when seeking your assistance and the County's approval for a permanent antenna.

As you may expect, this letter is not simply to address those matters stated above. Rather, it is also intended to address the continuing onslaught of misinformation and unrestrained advocacy presented by opponents to the application. First, our client is accused on page 3 of the Mirau letter of deceiving everyone as to its intentions. That accusation is patently false and ridiculous. Nothing would be more foolish than for an applicant to misrepresent the facts to a knowledgeable staff and governing body in light of the sophisticated opposition looking at every detail as Mr. Mirau's client is capable of doing. Lazer believes that Mr. Mirau's actual client is Liberman Broadcasting, Lazer's broadcast competitor in the San Bernardino area. Elliott Klein,

December 28, 2010

Page 2

the author of the "Klein Study" being relied on by Mr. Mirau, prepared the FCC license application filed for Liberman's competing station KRQB.

Second, the letter states that the temporary pole requires flags or balloons on it so the public can see it more readily. This example of adversarial zeal does more to prove our point than to advance a legitimate claim. If the pole is not visible as Mr. Mirau and his "clients" claim, there obviously is no visual impact. In any event, it is not the owner's intention to place flags or balloons on either the temporary or permanent antenna in order to call public attention to it.

We trust that the staff and the approving bodies will remain vigilant in following the laws and policies of the County when considering our client's application, and will not be swayed by the misstatements and half-truths of those who may not benefit, or who may choose not to benefit from the transmission of the radio signal that will not only serve over 900,000 additional persons living and working in your County, but also spur much-needed economic development.

Very truly,

MITCHEL B. KAHN

MBK:ls

cc: Lazer Broadcasting Corporation
John K. Mirau, Esq.



689 South "E" Street
San Bernardino, CA 92408
tel (909) 888-6788
fax (909) 889-7666
www.nosevents.com

August 12, 2010

San Bernardino County LUSD
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

RE: Case No.:P200700557

To Whom It May Concern:

On behalf of the National Orange Show I would like to express the importance of upgrading KXRS 105.7 in order to improve radio coverage in our community. The National Orange Show is a non-profit for public benefit organization and serves thousands of people on average per month. We service a wide variety of customers ranging from promoters to vendors, to the average consumer.

Lazer Broadcasting is one of the media sources used for the promotion of events held at the NOS.

In conclusion we feel that the NOS along with the region would benefit from the upgraded coverage that KXRS 105.7 could provide and respectfully ask that the San Bernardino County Planning Commission approve the Lazer Broadcasting project.

Sincerely,

Dan Jimenez, CEO

8/13/1010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

Freeway Insurance is an established Insurance Broker in San Bernardino County that serves the community in the Inland Empire. We wish to go on record in support of the permit for the proposed tower.

Freeway Insurance benefits from Lazer's programming and community service efforts of providing low cost insurance for drivers.

It is critical that Lazer provide the on-going and enhanced broadcast opportunity for Freeway Insurance to reach our core customers. Lazer's service has helped our business grow and prosper in the County.

As a local business serving the needs of local and regional residents and businesses, we support the proposed project, and the local and regional benefits that follow.

Sincerely,

Barney Harris
Director Of Advertising
Freeway Insurance
714-252-2700

HARRY F. COLE
ANNE GOODWIN CRUMP
PAUL J. FELDMAN
JEFFREY J. GEE
CHRISTINE GOEPP*
KEVIN M. GOLDBERG
FRANK R. JAZZO
M. SCOTT JOHNSON
DANIEL A. KIRKPATRICK
MITCHELL LAZARUS
STEPHEN T. LOVELADY*
SUSAN A. MARSHALL
HARRY C. MARTIN
MICHELLE A. McCLURE
MATTHEW H. McCORMICK
FRANCISCO R. MONTERO
LEE G. PETRO*
RAYMOND J. QUIANZON
JAMES P. RILEY
DAVINA SASHKIN
PETER TANNENWALD
KATHLEEN VICTORY
HOWARD M. WEISS

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW
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ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com

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RICHARD HILDRETH
GEORGE PETRUTSAS

OF COUNSEL
ALAN C. CAMPBELL
THOMAS J. DOUGHERTY, JR.
DONALD J. EVANS
ROBERT M. GURSS*
RICHARD F. SWIFT

WRITER'S DIRECT

(703) 812-0416
MARTIN@FHHLAW.COM

October 14, 2010



* NOT ADMITTED IN VIRGINIA

VIA FEDERAL EXPRESS

Honorable Chairman and Members
San Bernardino County Planning Commission
385 North Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182

**Re: FM Station KXRS, Proposed Move to Pisgah Peak
Project No. P21000215/CF**

Dear Chairman Cramer and Members:

This letter is written on behalf of our client, Lazer Broadcasting Corporation ("Lazer"), and responds in part to the September 29, 2010, letter to the Planning Commission from the City of Yucaipa (the "City").

The Klein Report Should be Eliminated From the Record

The City's letter picks up on erroneous material included in Mirau, Edwards, Cannon, Lewin & Tooke's June 18, 2010, letter to the planning staff about the availability of alternate transmitter sites for KXRS. Specifically, the City makes reference to the "Klein Report," which is mentioned on page 15-17 of the Mirau letter, for the proposition that there are alternative sites for KXRS. But the Klein Report has no validity. As shown below, the report ignores a key factor in determining site availability under the FCC's rules. Moreover, as shown in the Engineering Statement of Hatfield & Dawson submitted by Lazer (the "Eng. Statement") and my covering memo of July 12, 2010, there are in fact no alternative sites available.

Section 73.315 of the FCC's rules, 47 CFR Sec. 73.315, prescribes the restrictions on FM station transmitter site location. The rule requires that a minimum signal strength ("70 dBu") be placed over the community of license—here, Hemet. The rule also requires that "line of sight" must be obtained over the community of license, and adds, "in no event should there be a major obstruction in this path." Line of sight is important because terrain obstacles such as mountains distort FM signals. Eng. Statement, page 4.

Honorable Chairman and Members
San Bernardino County Planning Commission
October 14, 2010
Page 2

The Klein Report is defective because it ignores *completely* these line-of-sight and terrain obstruction requirements. These factors cannot be ignored due the mountainous terrain in the areas considered in the Klein Report. Indeed, terrain is a factor of paramount importance in locating an FM station in or near the San Jacinto Mountains. The Eng. Statement shows that the Klein-selected sites—in proximity to the “funnel” shown in Exhibit C of the Eng. Statement-- are not acceptable under FCC Rule Section 73.315 because (a) in the areas below Pisgah Peak intervening terrain blocks the signal or (b) in the areas above Pisgah Peak, prospective sites would be too far away from Hemet to permit placement of the minimum signal strength over the city. Eng. Statement, pages 4-6.

Hatfield & Dawson otherwise shows that, due to the proximity of other radio stations (as shown by the funnel in Exhibit C of the Eng. Statement, which shows required mileage separations to other stations), there are no alternate sites for KXRS.

Based on these showings, the Klein Study should be eliminated from the record in this proceeding.

Approving Lazer’s Application Will Not Usher In New Towers

The City also states its concern that letting Lazer bring power to its site will mean other communications sites will follow. This argument, like the use of the Klein Report, is based on faulty information. Lazer will pay for and own a discrete private power run to its site. No one else will be able to use this facility. While it is possible others in the area may apply to construct communications facilities in the future, that will be true whether Lazer’s application is approved or rejected. Such followers would have to meet all County requirements, just as Lazer is doing, and pay for their own power runs. Thus, the City is asking that Lazer be penalized on the basis of what others may lawfully do in the future.

The City need not worry about a Lazer approval from a legal standpoint. The precedent that would be created by such an approval, *i.e.*, that it is permissible to erect a 43-foot pole on a 38-acre parcel of private property in an uninhabited area so a new radio service (and new business opportunities) can be brought to 1,917,637 persons—would not open the floodgates as the City fears.

FLETCHER, HEALD & HILDRETH, P.L.C.

Honorable Chairman and Members
San Bernardino County Planning Commission
October 14, 2010
Page 3

Questions about the matters addressed in this letter should be directed to the undersigned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry C. Martin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Harry C. Martin
FCC Counsel to
Lazer Broadcasting Corporation

HCM:jpg

cc: Supervisor Neil Derry
Mr. Kevin White
Mayor Dick Riddell

Unizas

FULL ADVERTISING AGENCY

August 13, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

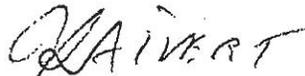
Dear Planning Department and Supervisor,

Unizas Corporation is an established organization in Los Angeles County with some clients in San Bernardino and Los Angeles County. With our campaigns, we reach Spanish-speaking customer base through advertising on **KXRS Lazer Radio**. We wish to go on record in support of the permit for the proposed tower.

It is critical that Lazer provide the on-going and enhanced broadcast opportunity for this organization to reach our core customers. Alfredo Plascencia, the owner at Lazer, has gone out of his way to help our chain grow and prosper in the County.

As a local business serving the needs of local and regional businesses and individuals, we hope this letter demonstrates our unwavering support of the proposed tower, and the local and regional benefits that follow. Thank you for the opportunity to provide this letter of support.

Sincerely,



HAIVERT MENDEZ
Advertising Manager

cc Lazer Broadcasting

August 23, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

Los Defensores is an established joint legal advertiser in San Bernardino County that serves the community by providing access to quality legal help throughout Southern California. We wish to go on record in support of the permit for the proposed tower.

Los Defensores benefits from Lazer's programming and community service efforts by helping hundreds of thousands of individuals across California in need of legal help get access to experienced personal injury attorneys and experts in workers' compensation law.

It is critical that Lazer provide the on-going and enhanced broadcast opportunity for Los Defensores to reach our core customers. Lazer's service has helped our business grow and prosper in the County.

As a local business serving the needs of local and regional residents and businesses, we support the proposed project, and the local and regional benefits that follow.

Sincerely,



Paola Alvarez
Marketing Manager
310.427.3408



September 1, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

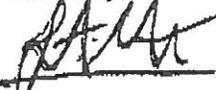
Pass Physical Therapy is an established medical practice in San Bernardino County that serves the communities of Yucaipa, Calimesa, and Redlands. We wish to go on record in support of the permit for the proposed tower.

Pass Physical Therapy benefits from Lazer's programming and community service efforts. The ability to broadcast to potential Spanish speaking clients is very powerful.

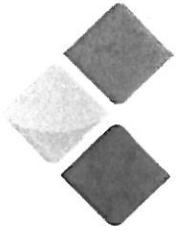
It is critical that Lazer provide the on-going and enhanced broadcast opportunity for Pass Physical Therapy to reach our core customers. Lazer's service has helped our business grow and prosper in the County.

As a local business serving the needs of local and regional residents and businesses, we support the proposed project, and the local and regional benefits that follow.

Sincerely,

 09/01/2010

Dr. Leo Adorador, PT, DPT
CEO



Latino Business Chamber
of Greater Los Angeles

RECEIVED
CURRENT PLANNING
2010 AUG 27 AM 9:55

August 24, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

RE: Lazer Radio Project # 2010-00215

Although a vote has already been taken on the construction of a new Lazer Radio broadcasting tower, we feel it was not a decision in the best interests of the community. We write to you to express our support for the diversity of media services to the people of San Bernardino County. We represent many businesses in the greater Los Angeles region, including San Bernardino County. We want to express our interest and Radio Lazer's interest in media growth and media diversity.

As a chamber representing individuals with diverse backgrounds, with many located in San Bernardino County, it is critical that we voice our displeasure with the decision made concerning the broadcast tower as a harmful one to our constituents located in the area. Radio Lazer merits reconsideration on your part. Not only will Radio Lazer promote media diversity but it will also have an inconsequential impact on the environment.

We hope you will reconsider your actions and promote growth, jobs and diversity.

Sincerely,

Jorge C. Corralejo
Chairman & CEO
Latino Business Chamber of Greater Los Angeles

July, 2010

San Bernardino Planning Commission
Land Use Services Department
385 N. Arrowhead Avenue, 1st floor
San Bernardino, Ca 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 N. Arrowhead Avenue, 5th Floor
San Bernardino, Ca 92415-0182

RE: Lazer Radio Project # 2010-00215

Dear Planning Department and Supervisor,

I am writing in support of this expansion project and new tower for Lazer Broadcasting.

I believe that Lazer has shown a great deal of support to local and regional members of the community. I am a frequent listener and resident of Yucaipa and I consider their broadcast to be a primary source of public service announcements, News and generally all types of useful information for me as a listener. This plan to increase their service area is needed. In reaction of how we as patrons of their station and the many services they provide, please count me in total support.

Thank You,

Name JOSEFA Ceballos

Address 35647 PANORAMA DR.

City YUCAIPA CA 92399

Phone (909) 790-0012

Signature Josefa Ceballos,


Supporters of Wildwood
Canyon State Park
P.O. Box 1033
Yucaipa CA 92399



April 15, 2011

Kevin White, Project Planner
San Bernardino County Planning Department
385 N. Arrowhead Ave.
San Bernardino, CA 923415

RE: Lazer Broadcasting Corporation radio tower/pole

Dear Mr. White:

Please be advised that the Supporters of Wildwood Canyon State Park continue to be adamantly opposed to the location of a radio tower or pole in the proximity of Wildwood Canyon State Park.

The Supporters continue to endeavor to improve the natural beauty and resources of the land and future properties for the park, and believe this project would be a detriment to the visual appeal of the park to the hikers, riders and future campers who utilize the facilities.

Please feel to contact me if I can be provide more information.

Sincerely,

Ray Monroe
Acting President
RM/cmt



June 17, 2010

County of San Bernardino
Land Use Services Department, Current Planning Division
Attn: Kevin White, Senior Associate Planner
385 N. Arrowhead Avenue, 3rd Floor
San Bernardino, CA 92415-0110

Re: Lazer Broadcast Corp: CUP/Major Variance—Radio Broadcast Tower
Assessor Parcel Number: 0325-011-19

Dear Mr. White and Supervisor Derry:

We OPPOSE the Lazer proposal to construct a 43 foot tall radio broadcast tower in the Wildwood Canyon State Park and Pisgah Peak areas and we DEMAND that a full Environmental Impact Report be prepared.

In 2009, Lazer proposed to build a radio tower on exactly the same parcel of land on which this radio tower is proposed. The County Board of Supervisors denied the 2009 radio tower application and made the following findings that continue to apply to this substantially similar radio tower application:

- Construction of the radio tower will have a negative impact upon the scenic vistas from Wildwood Canyon State Park
- No feasible mitigation measures have been identified that would allow the radio tower to be constructed without disrupting the scenic views from the park
- Neither a Conditional Use Permit nor a Major Variance can be granted because the radio is inconsistent with the County General Plan and the Oak Glen Community Plan, including the goal to provide a pristine wilderness experience to park visitors

The current application for construction of a radio tower is substantially similar to the 2009 radio tower application that was denied by the Board of Supervisors. Although the tower has been reduced to 43 feet, the base of the tower has been moved 60 feet higher up the slope so that the tower will have more visibility from Wildwood Canyon State Park than the 2009 radio tower application that was denied. All of the same community leaders and organizations that opposed the 2009 tower continue to oppose this slightly modified tower.

We are especially CONCERNED with the following environmental issues that need complete and clear analysis in an Environmental Impact Report that are not adequately assessed and mitigated.

- Aesthetic/Land Use Impacts to this pristine open space area
- Biological impacts to sensitive vegetation, migratory birds and species of concern that inhabit the area
- Recreational impacts including view impacts from surrounding areas including Canyon State Park and San Bernardino Mountains
- Precedent setting, which could result in even more broadcast towers being located in this area (this would already be the second)

This radio tower has been denied in 2009. There is no basis for approving the radio tower today. Consideration of this project should not proceed forward without a full EIR. When considered, the tower project should be denied due to inconsistency with the General Plan and Oak Glen Community Plan and because it will cause significant, unavoidable adverse impacts to the environment.

Thank you,

CITY OF YUCAIPA - TRAILS & OPEN SPACE COMMITTEE

By: DOTTIE PETER - CHAIR

Address: _____

E-mail: dottie@cybertime.net

If checked, please add my name to County's distribution list to receive notices of hearings and additional information regarding the proposed project.

May 4, 2011

County Planning Commission
County Commissioners
County Government Center
385 N. Arrowhead Ave.
San Bernardino, CA

RE: Please say NO once and for all to lazer tower in Wildwood Canyon State Park.

Dear Commissioners:

A community is healthy if it has the power to control actions and the environment within its borders. A healthy community should be able to evaluate the contracts that are made with outside entities (or entities within the community) and determine whether or not the contracts benefit the community in some way. If there will be detrimental effects from a contract, the community should be able to weigh the pros and cons and decide what is best for it. If a community loses control of this contracting process, it is no longer a fully healthy community.

It appears to me that the community of Yucaipa has weighed the pros and cons of the proposed lazer tower and has decided the costs to the community are not worth any potential benefits.

Please support the vibrant, healthy community of people who make up the City of Yucaipa by voting "no" to locating the lazer tower within Wildwood Canyon State Park.

Thank you for your consideration,



Jill Trick
35155 Avenue H
Yucaipa, CA 92399
909-795-1970

June 14, 2010

San Bernardino County Land Use Services Department
Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, California 992415-0182

RECEIVED
CURRENT PLANNING

2010 JUN 21 AM 9:56

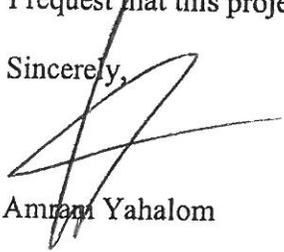
Re: Project Number P201000215/CF, Lazer Broadcasting Corporation

I am the owner of the property designated as APN 0325-022-0-000 in San Bernardino County. I am in receipt of your notification of the development proposal by Lazer Broadcasting Corporation to erect a 43-foot FM radio broadcasting tower and equipment shelter on the nearby property designated as APN 0325-011-19.

This is the second attempt by Lazer Broadcasting Corporation to obtain approval by the Planning Division for this project. I want to register my strong opposition to this proposal. The radio tower would destroy the ascetic balance of the area, including my property. The site is near a state park, and would negatively affect the views to which the public is entitled in their use of that park. In addition, the potential radiation from the tower would be a mandated disclosure to any purchaser of my property, and would be expected to reduce the property value significantly, and it's future potential use.

I request that this project again be rejected.

Sincerely,



Amram Yahalom

6055 Maury av
Woodland Hills CA 91367

6/15/2010



THE WILDLANDS CONSERVANCY

June 18, 2010

San Bernardino County Land Use Services Department
Attn: Kevin White, Senior Associate Planner
385 N. Arrowhead Avenue, Third Floor
San Bernardino, CA 92415-0110

Re: Project # P20100021

Dear San Bernardino Planning Commissioners:

Wildwood State Park is again threatened by a laser radio tower from Lazer Broadcast Corporation similar to the way our Oak Glen Preserve was threatened by the 500 kilovolt steel lattice towers proposed by Los Angeles Department of Water and Power. This is such a unique community where over 350,000 visitors come each year and more than 40,000 visitors from all over the United States have signed postcards opposing this project because of the visual impact on Oak Glen.

We support the continued opposition to this radio tower from the City of Yucaipa and the Yucaipa Conservancy. We ask the Planning Commissioners to remember the position the San Bernardino County Supervisors have taken to oppose the Green Path North Project and their unanimous vote to deny this previous radio tower project in the same location. State Parks protect remnants of California's most significant and treasured landscapes and public planning decisions should seek to preserve their scenic beauty.

Sincerely,

A handwritten signature in cursive script that reads "Dana Rochat".

Dana Rochat
Projects Coordinator

June 14, 2010

Kevin White, Project Planner
Land Use Services Department/Planning
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting, Inc. (APN: 0325-011-19)
Conditional Use Permit and Major Variance (P201000215/CF)

RECEIVED
CURRENT PLANNING
2010 JUN 17 PM 2:38

Dear Mr. White:

This is in response to the Project Notice for Case Number P201000215/CF. Please be advised that the City of Yucaipa appreciates the opportunity to review and comment on this project.

While the level of information that was provided in the Project Notice was beneficial in our efforts to evaluate the development of this FM broadcasting tower and its ancillary facilities, the City still has the same concerns that were submitted for the company's previous application. For this reason, we continue to believe that a fair argument can be made that this project will result in a significant and unavoidable adverse impact on the scenic resources of Wildwood Canyon State Park. Although the visual impact analysis prepared by David Moss & Associates indicates that the tower height has been reduced to 43 feet, as noted previously, once electrical service has been established at this remote site, nothing in the current project proposal will preclude the development of a taller tower, or additional antennae towers in the future.

The City of Yucaipa continues to support the position of the Friends of Wildwood Canyon State Park and the Yucaipa Conservancy regarding this proposal, as this facility would be inconsistent with their long range plans for this area. Furthermore, we believe that the cumulative impact associated with larger and/or additional towers would have a significant effect on the relatively pristine scenic resources of this area, and we would strongly encourage the County to require that an Environmental Impact Report be prepared to fully evaluate these potential impacts, as well as alternative tower locations. All available evidence indicates that the proposed tower would have a substantial adverse effect on an undeveloped scenic vista, and that it would substantially degrade the existing visual quality of the site and its surroundings.

Sincerely,

CITY OF YUCAIPA

JOHN McMAINS, Director
Community Development Department

cc: Ray Casey, City Manager

Yucaipa Valley Conservancy

P. O. Box 102 Yucaipa, Calif. 92399-0102
Phone (909) 790-2226

June 12, 2010

Mr. Kevin White, Project Planner
San Bernardino County Planning Division
385 N. Arrowhead Ave.
San Bernardino, CA 92415-0182

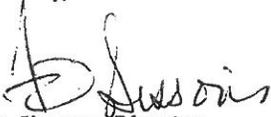
Re: Project Number #P 201 0002 15/CF
Assessor Parcel #0325-011019

The San Bernardino County Plan (Open Space Element) specifically identifies area 47 (Pisgah Peak), and more specifically Section 3 of R1W T25, as an area that should be protected and habitat values maintained.

The proposed antenna tower is directly above Wildwood Canyon State Park and will be clearly visible from approximately two-thirds of the park. The area is unique in that it has seen no development, and it supports deer, bear and many other forms of wildlife.

The Yucaipa Valley Conservancy, the Crafton Hills Open Space Conservancy, and a vast majority of the citizens of Yucaipa (and others who use this area) oppose this project. This will be detrimental to our existing open space and is contrary to good planning and the San Bernardino County General Plan.

Sincerely,



F. O. Sissons, Director
Yucaipa Valley Conservancy

RECEIVED
CURRENT AFFAIRS
2010 JUN 17 PM 2:39



December 1, 2011

Mr. Kevin White
San Bernardino County Planning Commission
Land Use Department
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415

RE: Opposition to Lazer Broadcasting's proposed Tower.

Dear Mr. White/Planning Commission,

I am writing to you on behalf of the Supporters of Wildwood Canyon State Park, a 501(c)3 non-profit organization dedicated to the preservation of Wildwood Canyon State Park in its most scenic and natural state. This letter is in response to your Notice of Availability/Notice of Intent to Adopt an Initial Study/Negative Declaration for Lazer Broadcasting.

This is yet another attempt by Lazer Broadcasting to build a radio tower on the exact same property in the area of Wildwood Canyon State Park (the Park) and within the Pisgah Peak Open Space area. Like the prior proposed tower, this project would threaten our treasured landscapes and ruin the most scenic vistas within the Park, specifically the entire eastern border of the Park.

In 2009, the communities of Oak Glen and Yucaipa spoke out against this project. Our community strongly opposes this project. Now Lazer has falsely told our community that this tower is different and that our concerns have been allayed. Nothing could be further from the truth. This tower is substantially the same as the 2009 proposed tower and our communities, and the Supporters of Wildwood Canyon State Park continue to strongly oppose this major project.

The proposed Lazer Tower would result in significant, unavoidable adverse impacts on the scenic resources of the Park. The tower would have substantial adverse effects on the undeveloped scenic vistas, would degrade the visual quality of the Park and its surroundings and would upset the natural balance of our rural environment. Hikers, bicyclists and equestrian riders of the Park do not want their unspoiled trails and pristine mountain peaks to be turned into a radio tower broadcast zone, just like what happened at Chino Hills State Park.

We believe that it's important to note that the "mock" pole that was installed by Lazer as part of the visual impact report isn't an accurate visual assessment at all. It is nothing more than a dark pole

and doesn't contain any of the large arrays that will be mounted to the Tower structure, the 8 foot fencing required to surround the power building, the power building itself, nor does it accurately depict the serious visual scarring that will be seen from more than two thirds of the park after 30-100 feet of fire brush clearance has been completed as part of this major project.

It is vitally important that the natural wilderness values within Wildwood Canyon State Park and the Pisgah Peak area remain intact. Construction of the radio tower and transmission complex place several threatened animals, birds and plants in danger including the coast horned lizard, western yellow bat, rufous-crowned sparrow and Lawrence goldfinch.

Further, installation of underground utility lines to feed power to the transmission station will impact miles of sensitive vegetation. Rare and threatened species of concern in San Bernardino County must be preserved and protected for future generations.

In 2009, the Board of Supervisors voted unanimously to deny an almost identical project in the same location, by Lazer Broadcasting. We strongly encourage the Planning Commission to follow the 2009 findings of the Board of Supervisors in finding that this project would have a very serious adverse visual impact on Wildwood Canyon State Park and would be totally inconsistent with the Oak Glen Community Plan goal of preserving open space adjacent to the Park for generations to come.

Our community worked very hard to acquire these wildlands for everyone to enjoy, and our organization has worked tirelessly for nearly a decade as Stewards of the Park to ensure that Wildwood Canyon State Park remains wild. We strongly urge the County of San Bernardino to DENY this major project and encourage Lazer to fully evaluate alternative tower locations. Thank you for your time and consideration.

Sincerely,



Raymond Monroe
President
Supporters of Wildwood Canyon State Park
A 501(c)3 non-profit organization
rmonroe@wildwoodcanyonstatepark.com

Supporters of Wildwood Canyon State Park
P.O. Box 1033, Yucaipa, CA 92399
www.wildwoodcanyonstatepark.org
(909) 214-9405



DEPARTMENT OF PARKS AND RECREATION

Inland Empire District • 17801 Lake Perris Drive • Perris, CA 92571
(951) 443-2423 • FAX (951) 657-2736

Ruth Coleman, Director

RECEIVED
CURRENT PLANNING

2012 DEC -8 PM 4: 12

December 6, 2011

Kevin White
County of San Bernardino
Land Use Services Department, Current Planning
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: Initial Study for Lazer Broadcasting, SCH# 2008041082

Dear Mr. White:

The Inland Empire District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the Lazer Broadcasting project.

State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA). State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation.

As the office responsible for the stewardship of State Parks property in the Wildwood Canyon area, we have an interest and concern about the proposed project. Although Wildwood Canyon has yet to be planned, we remain committed to preserving the biological, cultural and recreational integrity of the area. We have an interest and concern about contemplated alterations of land use in the vicinity of the park. The long-term health of Wildwood Canyon is dependent on the health of the regional ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries.

State Parks has reviewed the supporting documents and is concerned that the visual impact assessment is not comprehensive. The results of the survey show that the visual impacts are weak in most categories. However, the assessment only included a monopole and did not have the antenna array attached. This attachment can possibly alter the results of this assessment and it should be studied further to show the potential impacts. The material and reflective properties of this array material should also be closely reviewed. Although the monopole will be painted a color to blend into the natural environment will the antenna array and support building also be modified to serve this purpose? In addition to the monopole and antenna, we would like to see the supporting 10' x 10' structure be included in this visual impact assessment. Since all three of these components will be installed on the hillside, all three have the potential to be a visual impact and should be assessed in its entirety.

If this project is approved, we support the reduced fire clearance abatement around the facility. If a 100 foot clearance is required we strongly feel it will be a scar on the topography and landscape and take away from the hillsides natural condition. We would

Mr. Kevin White
Lazer Broadcasting
December 6, 2011
Page 2 of 2

also recommend an additional visual assessment if this 100 foot fire clearance was required.

We recommend against using plants identified as invasive, exotics by the California Invasive Plant Counsel as they could alter the natural landscape within the park and nearby areas.

Feel free to contact me, or John Rowe at (951) 940-5668, if you have any questions or comments.

Sincerely,



Ron Krueper
District Superintendent

cc:

White, Kevin - LUS

From: Francis O. Sissons <kmss1@yahoo.com>
Sent: Tuesday, December 06, 2011 1:53 PM
To: White, Kevin - LUS
Cc: Derry, Neil; Supervisor Derry
Subject: Response To: "Proposed Mitigated Negative Declaration, Lazer Broadcasting, Inc."
Importance: High

Project Description

The County General Plan , Land Use Plan, Open Space Element, indentifies sixty-two open space areas in the county. Area forty-seven (Pisgah Peak) specifically identifies six sections of land which should be protected from habitat destruction. The proposed Lazer Broadcasting project lies in section three, R1W T2S and is in violation of the County General Plan.

Page 4: Project Setting, paragraph 2

The project site is within area forty-seven of the County General Plan, Open Space Element.

Page 6: Security Fence

What are "Apache Points"?

Page 8:

The boxes for "Land Use/Planning" and "Cultural Resources" should be checked.

Page 9:

#1a,b,c are significant impacts and violate the County General Plan, Open Space Element.

Page 10:

Paragraph 4; The project site is located in the County General Plan, Open Space Element, area forty-seven

Paragraph 6; A management decision to protect this area has been made in the County General Plan, Open Space Element.

Page 15:

Add "f.) The impact of this project violates the County General Plan, Open Space Element, area forty-seven".

Page 20:

IV, b.) Mark X to "significant impact" and include "County General Plan, Open Space Element, area forty-seven".

IV, f.) Same as above.

Page 22:

f.) The project is located within an adopted County Conservation Plan, and there is a significant land use conflict.

Conclusion:

This Initial Study/Negative Declaration is **incomplete, biased, does not include available material**, and does **not** recognize the County General Plan as the controlling document.

A **complete** environmental impact review is required.

Signed,
Frank Sissons
Yucaipa Valley Conservancy

White, Kevin - LUS

From: dherkelrath@roadrunner.com
Sent: Thursday, December 08, 2011 6:00 PM
To: White, Kevin - LUS
Subject: Re: FW: Lazer Broadcasting - Wildwood Canyon State Park - Yucaipa/Oak Glen

While I support requests that bring the county revenue, the allowance of a conditional use permit places the facility and thus presents the same hazards, which were previously rejected on behalf of county residents. Though it may be subject to a conditional use permit, that it will be less than a permanent danger to the area is highly unlikely. The unmanned facility, fed by generator, requiring transport of flammable material through an area that was recently scarred by a major fire present too grave a risk to this pristine treasure. As an existing tower was allowed with the understanding that it would meet the needs of the area, the necessity of this additional structure cannot be justified. I beg the commission to reconsider these issues in order to deny this request.

Thank you,

Dennis Herkelrath

Administrator of the Dennis A Herkelrath trust Government Lots 3 and 4 T2S R1W Pisgah Peak

---- "White wrote:

>
>
> -----Original Message-----
> From: White, Kevin - LUS - Current Planning
> Sent: Friday, October 28, 2011 1:41 PM
> To: 'David Mlynarski'; 'Diane Sanchez'
> Subject: Lazer Broadcasting - Wildwood Canyon State Park - Yucaipa/Oak
> Glen
>
> Notice of Availability/Notice of Intent
>
> http://www.sbcounty.gov/ehlus/Depts/Planning/eirs_eiss.aspx

December 7, 2011

Kevin White, Senior Planner
Current Planning Division
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting FM Radio Broadcast Facility (Project No. P201000215)

Dear Mr. White:

Thank you for providing us with a copy of the Revised Initial Study Environmental Checklist Form (the "Initial Study") for the project referenced above. This project has been revised several times over the past four (4) years, but unfortunately, none of the changes have attempted to address the issues that have been at the forefront of our concerns since the first submittal.

As you are aware, the project represents the re-submittal of an application that was unanimously rejected by the Board of Supervisors in December of 2008. Although the new application now proposes the construction of a smaller antenna and ancillary equipment structure, they would still be located on the border of Wildwood Canyon State Park, but at a higher elevation to make up for the reduced height of the antenna. This nearly pristine natural area was chosen for State Park status primarily because of its exceptional aesthetic and natural values, and it should go without saying that the presence of a very prominent broadcast antenna and its accessory equipment building in this environment are entirely contrary to the mission of the State Park.

Substantial evidence indicates that this project will result in significant adverse impacts on the environment, but County staff members have continued to downplay this evidence. The County commissioned a study of the aesthetic impacts of the proposal (the "Lilburn Study"), which concluded that significant aesthetic impacts would not result. The locations from which the aesthetic impacts were assessed, however, are exceedingly far from the project site – in fact the closest location is approximately 3,000 feet from the proposed antenna. Inexplicably, the study fails to evaluate the impacts from Pisgah Peak Road (which is approximately 600 feet from the facility), or from the closest trail within Wildwood Canyon State Park, which is located approximately 900 feet to the southwest of the project site. We find that the selection of such distant analysis sites substantially undermines the Lilburn Study's credibility.

Further, the extensive public testimony and comment regarding the potential aesthetic impacts of this proposal based on personal observations constitutes substantial evidence of a fair argument that significant impacts might result, thus triggering the preparation of an environmental impact report (EIR). (See *Pocket Protectors v. City of Sacramento* (2004) 1124 Cal.App4th 903,937; *Ocean View States Homeowners Assn., Inc., v. Montecito Water Dist.* (2004) 116 Cal.App4th 396, 401) As indicated in the CEQA Initial Study Checklist Section I c), substantial evidence of a fair argument of any substantial degradation of the existing character or quality of the site and its surroundings is a sufficient trigger to require the preparation of an EIR. The record before the County contains substantial evidence of the potential of significant aesthetic impacts, thus an EIR must be prepared before action can be taken on the proposal.

Our personal evaluation last year of the applicant's antenna mock-up also indicates that this project will result in significant aesthetic impacts to park visitors, but the Revised Initial Study continues to ignore this evidence. Without question, this antenna tower will have a substantial adverse effect on a major scenic vista (Wildwood Canyon State Park), and it will substantially degrade the existing visual character or quality of the site and its surroundings. In addition, once electricity is extended to this facility, it is very likely that the County will receive additional land use applications for more communication towers on this site, or in the same immediate area, and therefore, the cumulative impacts associated with this project also must be considered as potentially significant.

While Section X b) of the Initial Study indicates that the developer "has agreed" to provide an open space easement to the Wildwood Canyon Park and relinquish future development rights for the greater portion of the surrounding parcel, the dedication of this easement is not listed as a mitigation measure, and therefore, it is not mandatory that the developer must comply with it. Consequently, the balance of the site could foreseeably remain available for additional antennas, as would all of the other privately owned parcels in the same general vicinity, as they would now be much closer to the electrical service that would be installed for this project. Section XVII b) of the Initial Study does not consider these issues at all, and therefore, in our opinion it is inherently inadequate and fails to provide any evidence whatsoever that the potential cumulative impacts of this project have been mitigated to a less-than-significant level.

We believe that these issues alone warrant the preparation of a full environmental impact report, but equally important, and equally lacking from the current environmental assessment, is any discussion of alternative sites. An EIR should be required to address this issue in detail, as we believe that the burden of proof is on the applicant to demonstrate that there are no alternative sites for this facility. Apparently, this is the only location where they can broadcast to their listeners in Hemet, but we would submit that most, if not all of the residents in Hemet currently receive radio broadcasts, and none of them are currently originating from this location.

We have been advised that an independently prepared study (the Kline Report) clearly demonstrates that other suitable locations exist for this broadcast antenna, either on existing antenna towers or on other vacant property several miles to the east of the currently proposed site. We understand that the applicant would be required to lease space on an existing tower, or purchase additional property, but financial considerations do not overcome the obligation to consider alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.

At a hearing held by the City Council on November 28, 2011, we observed continuing opposition to this proposal from many of our residents, as well as from representatives from the Supporters of Wildwood Canyon State Park, the Yucaipa Conservancy, and the Wildlands Conservancy. This facility is clearly inconsistent with their long-range goals for this natural area, and they indicated that over 17,500 people have signed their petitions opposing this project. This opposition was focused on the belief that the border of Wildwood Canyon State Park was simply the wrong location for this facility and that a less obtrusive site must surely exist somewhere else.

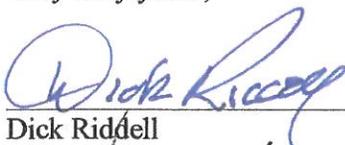
Kevin White
December 7, 2011
Page 3

These sentiments were echoed by all Council members during our discussion of the proposal, and it was noted that this proposal would be in direct violation of the City's policies and standards for ridgeline development if it was under our jurisdiction. We understand that the Board of Supervisors adopted rather extensive Findings in their action to deny the previous proposal, including a Finding that the facility was inconsistent with the land use policies of the Oak Glen Community Plan, and yet Section X b) of the Initial Study indicates that the project is consistent with all applicable land use policies and regulations of the General Plan, including the Oak Glen Community Plan. We believe that additional information needs to be provided in order to fairly assess this possible discrepancy between the administrative record for this project and the analysis of this potentially significant impact that is contained in the Initial Study.

Two final issues of concern are related to CEQA Guidelines Section 15097, which requires a mitigation monitoring or reporting program to include monitoring requirements, reporting requirements, or both, and the requested Major Variance from the 100-foot perimeter fuel modification zone. The Initial Study provides no requirements for monitoring or reporting, makes no mention of the agencies that would be responsible to ensure and document compliance, and fails to establish the deadlines for when compliance must occur. As such, the document fails to meet the requirements for a monitoring or reporting program. With regard to the Major Variance, there is no discussion or analysis of this substantial deviation from standard protocol in either the fire paragraph of the Public Services section or the Hazards Section of the Initial Study. As such, these analyses have not taken into account the whole of the project, and the analysis is not adequate.

In summary, we believe that the negative visual impact of this antenna tower is completely out of character with the existing environment, and that it will not be possible to mitigate the adverse impacts of this ill-conceived project to a less-than-significant level as required by the California Environmental Quality Act. Consequently, we are requesting that the County require the preparation of a full environmental impact report to adequately address this issue, as well as the others that have been noted above, including the evaluation of alternative sites for this facility. We believe that this so-called "compromise" project does very little to eliminate or adequately mitigate any of its potentially significant adverse impacts.

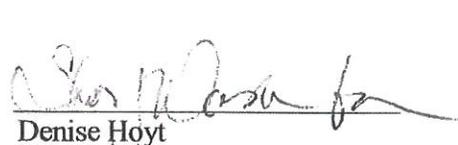
Very truly yours,



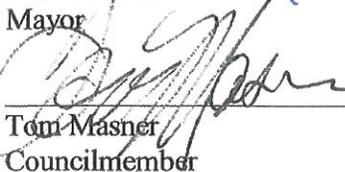
Dick Riddell
Mayor



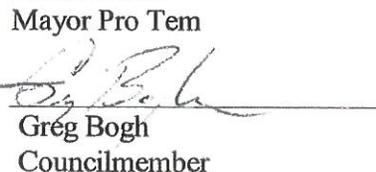
Diane Smith
Mayor Pro Tem



Denise Hoyt
Councilmember



Tom Masner
Councilmember



Greg Bogh
Councilmember

cc: Neil Derry, 3rd District Supervisor

JOHN K. MIRAU*
MARK C. EDWARDS
ROBERT W. CANNON†
MICHAEL J. LEWIN
WILLIAM P. TOOKE

LAW OFFICES OF
MIRAU, EDWARDS, CANNON, LEWIN & TOOKE
A PROFESSIONAL CORPORATION

* Certified Specialist, Taxation
Law, The State Bar of California
Board of Legal Specialization
† Certified Specialist, Estate
Planning, Trust and Probate
Law, The State Bar of California
Board of Legal Specialization

1806 Orange Tree Lane
Suite "C"
Post Office Box 9058
Redlands, CA 92375
909-793-0200
Fax 793-0790

December 8, 2011

S2197-002

Ms. Dena M. Smith, Director
Mr. Kevin White, Project Planner
San Bernardino County Land Use Services Department
Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

**RE: Project No. P201000215/CF - Radio Tower Application
Lazer Parcel - APN 0325-011-19-0000
Mitigated Negative Declaration; Visualization Study**

RECEIVED
CURRENT PLANNING
2012 DEC -9 PM 2:58

Dear Ms. Smith and Mr. White:

This firm represents the Citizens for the Preservation of Rural Living ("CPRL"). CPRL is a public interest association that seeks to ensure that the open space and natural wilderness values of Wildwood Canyon State Park and the Pisgah Peak areas are preserved. We have previously submitted comments to the project application submitted by Lazer Broadcasting, Inc., which proposes the construction of a 43-foot tall radio tower ("Project") on an undeveloped 40-acre parcel of land in the San Bernardino Mountains.

We have reviewed the Draft Proposed Mitigated Negative Declaration ("MND") for the project submitted by Lazer Broadcasting, Inc., which proposes the construction of a 43-foot tall radio tower on an undeveloped 40-acre parcel of land in the San Bernardino Mountains ("Project"). As detailed below, it is clear that several potential significant environmental impacts would be caused by the Project requiring that it be analyzed in an environmental impact report ("EIR") pursuant to the California Environmental Quality Act ("CEQA").

Please enter these comments in the official administrative record for this Project, and keep us notified of any proceedings related to the Project's and the MND's consideration by the County. Please note that we reserve the right to supplement these comments, particularly should any additional information be submitted by the applicant related to the Project or additional analysis prepared by the County.

1. Proposed Project is Substantially Similar to Prior Denied Project.

In 2007, Lazer proposed a substantially similar project which was denied by the County Board of Supervisors. The Lazer application fails to reference that denial, and in fact is completely misleading as to the findings made by the County Board of Supervisors in denying the project.

In denying that project, the Board of Supervisors made adverse findings relating to the requirements for granting a conditional use permit or variance. Those findings include the following:

- A. The site for the proposed use is inadequate in terms of open space because the project site is completely visible from portions of The Wildwood Canyon State Park.
- B. The site for the proposed use does not have adequate access to the project site because Pisgah Peak Road is a very narrow, unpaved road and contains grades that are greater than 14%. Therefore, the project does not comply with the access requirements of the Fire Safety Overlay.
- C. The proposed use will have a substantial adverse effect on the abutting properties and the allowed uses of the abutting properties since the proposed radio broadcast tower is located on property adjacent to Wildwood Canyon State Park. The radio broadcast facility would have a negative visual impact, because the tower can be seen from several locations within the park. The facility is also not compatible with existing and future residential development on other properties adjacent to the project site.
- D. The proposed use and manner of development are not consistent with the goals, maps, policies and standards of the General Plan and Oak Glen Community Plan. More specifically, the findings found that the project is inconsistent with General Plan, Open Space Element, Goal LU2 to improve and preserve open space corridors throughout the mountain regions; Oak Glen Community Plan, Goal OG/C 1 to preserve the unique environmental features of Oak Glen including native wildlife, vegetation and scenic vistas; Policy OG/C 1.1 to recognize Pisgah Peak as an important open space area that provides for wildlife movement and other important linkage values.

- E. There is currently a lack of adequate supporting infrastructure to accommodate the proposed development.
- F. Proposed conditions of approval will not adequately protect the general welfare of the public because no feasible mitigation measures have been identified that would allow the project to be developed without disrupting the scenic views from Wildwood Canyon State Park and preservation of the open space corridor. [Underlining added]

As previously indicated in my letter to you dated August 12, 2011, these findings are binding on the current proposed project because the slightly modified project is substantially similar to the denied project. The only new evidence in the file relating to this project is a visualization study prepared by Lilburn Corporation (Visual Impact Assessment for Lazer Broadcasting Radio Monopole San Bernardino County, dated October 2011; (herein "Lilburn Visualization Study"). As discussed below, the Lilburn Visualization Study is materially defective and fails to take into account the goals and objectives of the County General Plan, the Oak Glen Community Plan, and the requirements of the open space overlays.

The other new factor involved in processing the application is that on May 5, 2011, the County Planning Commission held a hearing on the Project. Staff recommended denial of the Project, and submitted detailed resolutions supporting denial. The Planning Commission rejected those recommendations and resolutions and instructed the planning staff to prepare resolutions approving the Project and to develop a justification for approval. The Lilburn Visualization Study is just that, a justification for approval of the Project.

2. Lilburn Visualization Study is defective and fails to follow the General Plan.

A. Lilburn Visualization Study applies incorrect standard.

The Lilburn Visualization Study analyzes the visual impact of the Lazer Tower using visual assessment practices employed by the U. S. Bureau of Land Management (BLM). However, rather than using the BLM assessment methodology as a system for determining whether or not the Lazer Tower complies with the General Plan goals regarding open space and natural areas, the Lilburn Visualization Study adopts the BLM standards themselves as the governing rule that would determine whether or not the Lazer Tower complies with County standards.

The BLM visualization assessment methodology has two main components. The inventory stage involves identifying the visual resources of an area and assigning them to inventory classes by using BLM's visual resource inventory process. The second stage of the process is the analysis stage which involves determining whether the potential visual impacts from proposed surface-disturbing activities and developments will meet the management objectives established [by the BLM] for the area, or whether design adjustments will be required. The Lilburn Visualization Study in essence skips the inventory stage and concludes that the project should be assigned to Class I, which is the class which is most highly protected.

However, in the analysis stage the Lilburn Visualization Study utilizes the BLM standards and rules for determining the appropriateness of the project, rather than using the goals and objectives of the County General Plan, the Oak Glen Community Plan and the open-space overlays.

On page 10 of the Lilburn Visualization Study, Section 4.3, the study quotes and adopts the following standards by which the project is analyzed pursuant to the study:

"The objective of Class I is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention."

The BLM standards (rather than the County standards) set forth above are the ones utilized in this study to determine the appropriateness of the Lazer Tower. As stated above, the correct standard is that set forth in the General Plan, Oak Glen Community Plan, and open space overlays. However, even if the BLM standards were the correct ones to be applied to this Project, they have not been applied properly. The study concludes that the tower, antennae and building constitute permissible "management activity." The term "management activity" is defined within the BLM rules as follows:

"management activity: a surface disturbing activity undertaken on the landscape for the purpose of harvesting, traversing, transporting, protecting, changing, replenishing or otherwise using resources."

There are no legal sources cited that would indicate in any way that construction of a equipment building, tower, and antennas falls within the definition of a "management activity." Furthermore, the conclusion that building an industrial radio transmission facility constitutes "a very limited management activity" and that the level of change is "very low" and will not "attract attention" defies reason and is in direct contradiction with the prior findings of fact by the Board of Supervisors. In addition, the construction of the tower, antennas, building and fencing do not fall within the commonsense definition of "very limited management activity". Quite the opposite. The tower will be highly visible and intrusive from the adjacent State Park.

B. The BLM Website Shows Examples of Towers as Impermissible.

The BLM has a website dealing with the Visual Resource Management (VRM) system which addresses the following question: "What is VRM? The web address for the website is as follows: <http://www.blm.gov/nstc/VRM/whatis.html>. The BLM website explains the purpose of the VRM system as follows: "visual resource management (VRM) is a system for minimizing the visual impacts of surface-disturbing activities and maintaining scenic values for the future." That webpage further contains the following quote "When visual resources are not carefully managed and the visual impacts of poorly designed surface-disturbing activities are ignored, there can be dire consequences to the scenic values of American landscapes." Below that quote

are three pictures. One is a picture of clear cutting of timber, but the other two show towers and poles. One of the pictures is of towers constructed in scenic open space areas, and the other is of monopoles supporting wind generators. Beneath those pictures there is a further quote: "The benefits to be gained by carefully designing surface-disturbing activities to minimize visual impacts are readily apparent. BLM is committed to sound management of the scenic values on public lands in order to assure that these benefits are realized and scenic values are protected." Below the pictures of projects which severely damaged the scenic values is the following quote: "Joy comes from simple and natural things, mists over meadows, sunlight on leaves, the path of the moon over water." [Sigurd Olsen] A copy of these pages of the BLM website is attached as **Exhibit "A"**.

Based upon the quotes above from the BLM site, and two specific examples of towers being given as the types of activities that destroy the scenic values of America, it is clear that if the VRM system had been applied by the BLM rather than by a paid consultant whose job it was to justify the Project, the conclusion reached would have been the opposite, namely that the proposed tower would constitute an "adverse visual impact" and does not fit within the standard of very limited management activity which would not attract attention. Under the VRM, the definition of "adverse visual impact" is: "any modification in landforms, water bodies, or vegetation, or any introduction of structures, which negatively interrupts the visual character of the landscape and disrupt the harmony of the basic elements (i.e., form, line, color, and texture)."

In summary, the VRM methodology was misused by a paid consultant to minimize the visual impact of the proposed tower project. In addition to using the system to justify what the BLM itself describes as "poorly designed surface-disturbing activity", the study has many other defects. The pictures set forth in the report are not clear and readable. There is no true visualization of what the tower, antennas, fencing, and building will look like. The proposed mitigation measures (painting the pole and building olive green to blend with the surrounding vegetation, and revegetation of a portion of the ridge) are so minimal as to be meaningless. The study in no way deals with the proliferation of additional towers in the future, since approval of this project will set a precedent for additional towers in the future. The one positive feature of the study is that it admits and confirms that the tower and antennas will be visible from about two thirds of the adjacent State Park.

C. CPRL Visualization of Tower Is More Accurate Depiction of Tower Project.

At the planning commission meeting held on May 5, 2011, CPRL submitted to the Planning Commission a depiction of the proposed radio tower, antennas and equipment building as seen from a hiking/horse riding trail located within Wildwood Canyon State Park across from the prominent slope on which the proposed tower will be located. A copy of that depiction of the radio tower is enclosed and marked **Exhibit "B"**.

The CPRL visualization of the radio tower was prepared by a licensed architect, Michael DeBell ("Architect"). Architect began with an actual photograph of the proposed project site taken from a hiking trail near the eastern border of Wildwood Canyon State Park. Architect

developed an accurate, to-scale, rendering of the tower Project based on the revised Site Plans and Notes, dated April 27, 2010, submitted to the San Bernardino County Land Use Services Department by Lazer Broadcasting and attached to the Interoffice Memo from Kevin White to the Planning Commission, dated April 25, 2011, which included a detailed project description and various to scale drawings.

As described in revised Lazer's Site Plans and Notes, Architect's rendering included the following:

a. A 10 ft X 10 ft X 9 ft tall equipment building surrounded by a 6 ft tall security fence with 10 ft wide complete vegetative clearing around the building and 20 ft of vegetative thinning beyond that; and

b. A 43 ft tall monopole with a 25 ft tall X 42 in diameter 6 bay FM broadcast antenna mounted below the top of the monopole, also surrounded by a 6 ft tall security fence which took into consideration the dangerous radio frequency radiation against the up-slope immediately behind the monopole [Note: fence required by FCC rules]. The site of the monopole also included a 10 ft wide complete vegetative clearing and 20 ft of vegetative thinning; and

c. A 6 ft wide path cleared of all vegetation approximately 680 ft long, running from the equipment building down the mountain to the monopole.

At the upcoming Planning Commission hearing on the tower project, Architect will testify that, based on his professional review and analysis of the Project's site plans and notes, etc., the visualization prepared by him accurately represents the view of the project by a visitor to the park who is standing on a State Park trail located opposite from the slope on which the tower project is proposed to be built.

D. The Proper Standard of Review arises from the County General Plan.

As stated above, the proper standards for review of the visual impact of the Lazer Tower are the policies and objectives set forth in the Oak Glen Community Plan, and the standards set forth in the open-space overlay. In this case, the Oak Glen Community Plan as well as the Environmental Impact Report for the updated General Plan provide useful guidance as to the importance of scenic views and State Parks:

1. Goal OG/CO 1 of the Oak Glen Community Plan specifically establishes a policy and goal to "preserve the unique environmental features of Oak Glen, including native wildlife, vegetation and scenic vistas [emphasis added]."

2. In the General Plan Update Final Environmental Impact Report and Appendices, Chapter IV, Aesthetics, page IV-4, the environmental analysis specifically sets forth sensitive areas that must be protected against potential adverse visual impacts. That report specifically

designates both State Parks as well as Bureau of Land Management Wilderness Areas as “significant scenic vistas.”

3. Open Space Policy Area No. 47 designates the proposed project area and surrounding BLM and State Park land as the Pisgah Peak Open Space overlay area. County Development Code Section 82.19.010 specifically states that the “Open Space Overlay seeks to preserve these resources and to provide additional opportunities for the public to enjoy these pleasing features.”

The Lilburn Visualization Study concludes that the tower will be visible from Wildwood Canyon State Park, which is a significant, adverse aesthetic impact. If the above referenced County plans and policies are used as a “threshold of significance”, then the County must conclude that the adverse aesthetic impact of the proposed tower will be significant. The Oak Glen area (included within Open Space Policy Area No. 47) has been specifically designated as including scenic vistas that will be preserved. State parks and BLM Wilderness Areas, which surround the proposed tower site on three sides, are designated as “significant scenic vistas”. The proposed 43-foot tower has a significant adverse impact on this area which has been designated by County’s own policies and ordinances as sensitive, unique scenic vistas that should be preserved.

None of these policies, procedures and standards are utilized in the Lilburn Visualization Study to determine the appropriateness of the Lazer Tower and its impact on the visual landscape. If these procedures would be utilized, it is clear that the determination would have been the opposite, namely that the proposed tower is adjacent to significant scenic vistas and will be very visible and will change the nature of the landscape as seen by horseback riders, hikers and mountain bikers or utilizing the trails within the adjacent State Park.

E. Project Description used in Study is Erroneous.

Another major defect in the Lilburn Visualization Study is that the project description of the Lazer Tower that was visualized in the study is not consistent with the actual project that will be built. In a letter dated August 12, 2011, CPRL cited authorities to the effect that FCC rules will require that fencing be placed around the tower and antennas as well as around the building. CPRL sent that letter to make sure that the consultant who prepared the visualization study was informed of this requirement and would include fencing within the visualization of the project. That failed to happen. Rather, the visualization in no way includes the required fencing for the project. The fencing alone will provide significant visual impact to the area and further gives the project an industrial feeling in an area of natural settings and open-space.

Regarding the requirement of the fence around the tower and antenna, two things should be noted. First, in the application filed by Lazer on May 5, 2010, page 4, under section 4 – “Mitigation Measures”, Lazer admits that fencing is required around the pole and antenna. The application includes the following paragraph:

"Fencing: install a six-foot tall rod-iron fence with Apache points around the tower and equipment building, painted a neutral color that blends with the natural background of the surrounding topography, and do not use chain-link fence." [Emphasis added].

Secondly, in the construction permit for the tower granted by the FCC on February 13, 2009, there are special operating conditions or restrictions listed. The first operating restriction is that Lazer must "demonstrate compliance with the FCC radiofrequency electronic magnetic field exposure guidelines." As set forth in my letter of August 12, 2011, compliance required fencing around the tower and antennas. The second special operating condition specifically requires that the site must reduce power and cease operation as necessary to protect persons having access to the site. In light of the fact that the site is immediately adjacent to the State Park, and that as a mitigation measure Lazer is permitting access to the general public to utilize most of its parcel for hiking and other purposes, pursuant to this operating condition the tower would need to be powered down or cease operation while there are persons on the site that could be subjected to radiofrequency electromagnetic field exposure.

In addition to the failure to include fencing in the visualization, the study also fails to take into account that the proposed Lazer Tower project is wrongfully proposed to be built in an exclusive roadway easement area that prohibits construction of anything other than roadway improvements. By letter dated March 16, 2011, CPRL pointed out this significant defect in the project, namely that portions of the project are being built in locations which building is prohibited. Again, this comment was ignored and the project has proceeded forward under the assumption that the building and parking space can be constructed in the exclusive road easement area.

In order to further clarify this issue, CPRL has engaged a civil engineer to survey the roadway easement that provides access to the Lazer parcel. Attached is a copy of a letter from Goodman & Associates, dated October 24, 2011 (**Exhibit "C"**), which sets forth the results of the survey. In the letter, engineer Douglas Goodman concludes as follows:

- A. Under the site plan for the Lazer Tower project, a portion of the one-story equipment building and the parking space are located within the existing road easement; and
- B. The area on which the equipment building is proposed is located on a slope of greater than 40%.

The conclusions reached by the engineer are significant in several ways. First, construction of a portion of the project within the exclusive roadway easement violates the rights of other owners of adjacent properties who have rights under the easement agreement for access to their property. Put simply, Lazer does not have the right to build either a portion of its equipment building or the parking space within the 60 foot roadway easement. CPRL is the owner of an approximate 40 acre parcel immediately adjacent to the Lazer parcel. CPRL obtains access to that parcel by way of the same roadway easement that gives access to the Lazer parcel.

CPRL fully intends to protect its rights under the easement agreement, including, but not limited to, taking all legal action necessary to prevent encroachment into the roadway easement by Lazer in connection with its tower project. A further discussion of this issue is set forth below.

The second significant impact of this finding is that it will be necessary for Lazer to move the location of the parking space as well as the building in order to avoid violating the terms and provisions of the easement agreement. This means that the location and profile of the project will be significantly different than the project that was visualized pursuant to the Lilburn Visualization Study. In essence, the visualization study visualizes the wrong project. It will be necessary for Lazer Broadcasting to revise its project. After those revisions are made, a new visualization study will be necessary to determine the visual impact of the project that will actually be built, as opposed to the project proposed by Lazer which cannot be built because it is in violation of the easement agreement.

The third significant impact of this finding is that the proposed equipment shelter is being proposed to be constructed on a slope of greater than 40%. As discussed below, Development Code Section 83.08 .020 provides that grading of a pad on slopes exceeding 40% is prohibited. Again this means that the parking space and driveway to the parking space will change the visual look of the overall project, again necessitating a new visualization study.

3. Portion of Lazer Project Built on Exclusive Private Easements.

As noted above, CPRL engaged Goodman & Associates, civil engineers, to verify that the proposed parking space as well as a portion of the equipment shelter proposed to be built by Lazer are located within the 60 foot exclusive roadway easement granted by that certain Declaration of Easement-- Pisgah Peak, dated January 8, 1980, recorded on January 14, 1980 in as Instrument No. 80-011369 (the "Road Easement"). A copy of the Road Easement is enclosed for your reference as **Exhibit "D"**.

The Road Easement which provides access to the Lazer parcel is 60 feet in width (see page 1 of Exhibit B to the Easement). The Road easement is therefore 30 feet on either side of the center point of Pisgah Peak Road. Goodman and Associates have now confirmed that the 30 foot easement area on the north side of the centerline of Pisgah Peak Road extends beyond and includes 100 percent of the flat area of the property located on the Lazer parcel adjacent to Pisgah Peak Road. The slope immediately north of the Pisgah Peak Road easement has a grade of greater than 40%.

The enclosed letter from Goodman & Associates, includes three exhibits. Exhibit A is a copy of the site plan for the Lazer Tower, with a delineation of the location of the 60-foot roadway easement marked in red. You will see that approximately half of the equipment building and 100% of the proposed parking space are located within the easement. Exhibit B to the Goodman Letter is a copy of the site plan for the 18,000 ft.² home previously proposed by Lazer for the Lazer parcel. That site plan, prepared by an engineer retained by Lazer, shows the centerline of the 60 foot easement. Again, Goodman has marked in red the dimensions of the 60

foot roadway easement. This was included to show that Goodman's conclusion as to the location of the easement is identical to the conclusion reached by engineers for Lazer. Although this plan shows the single-family residence rather than the tower project, this exhibit clearly shows that the parking area and a portion of the equipment shelter for the tower project will be located within the easement area. Lastly, Exhibit C to the Goodman letter is a plot of contours Goodman Associates developed based upon a survey taken on the property. Based on that survey, Goodman concludes that "the proposed construction site for either use mentioned above is in an area that has a slope greater than 40% and will violate the 60-foot road easement."

Development Code Section 83.08 .020, et seq, sets forth the County Hillside Grading Standards. Table 83-8 sets forth site standards for different slope categories, depending upon whether the slope is 15% to 30% slope, 30% to 40% slope, or greater than 40% slope. For grading on slopes of 40% or greater, the following standard applies:

"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." [Emphasis added]

Application of this rule to the slope north of Pisgah Peak Road means that grading in that area is absolutely prohibited by the Development Code. With respect to the tower application, there is no flat area available for parking or for construction of the proposed equipment building. It will be necessary for Lazer to grade slopes that are greater than 40% in order to create a pad for the proposed equipment yard and also for parking, but as set forth above the Development Code prohibits grading of those slopes to create a pad.

Pursuant to Development Code Section 83.11.40 and Table 83-15, an industrial project in the nature of the radio tower requires at least one parking space (1 space for each 1,000 s.f. of the first 40,000 s.f. of GFA). Based on the fact that the only flat area adjacent to the Lazer parcel is located within the exclusive roadway easement, it will be almost impossible for Lazer to construct the required parking space. In addition, any such parking space would be required to be graded on a slope that is greater than 40%, which means that the grading is prohibited. In addition, because the slope adjacent to Pisgah Peak is so extreme, it will not be possible to drive the vehicle straight down that slope to the parking space. It will probably be necessary to have a driveway to the parking space that in essence is a switchback type of access in order to have a driveway that is usable. Again, based upon the severe slope adjacent to Pisgah Peak Road, such an access to the parking area is probably not feasible. It has been Lazer's approach to apply for a variance to any development regulation that it cannot comply with. Any such variance would directly conflict with Development Code §83.1 1.030 (a) which provides as follows: "Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading facilities." CPRL will vigorously oppose a variance for a required parking space in light of the fact that the sole access to CPRL's property is on the same easement road. The parking of maintenance vehicles on the Pisgah Peak easement road would prevent access to other vehicles, which is unacceptable and in violation of the language and intent of the recorded easement agreement.

4. Alternative Sites are Available and have not been Analyzed.

Alternative Sites are Available for Lazer Radio Tower; Lazer is demanding a “Super Tower” to Maximize Profits Ignoring its Adverse Environmental Impacts.

At the Planning Commission hearing on May 5, 2011, Lazer representatives asserted (again) that the proposed Project site on Pisgah Peak road was the *only* place the Project could be located due to the site’s unique features, elevation and FCC requirements. Lazer has attached an “RF Engineering Statement”, dated April 2010, prepared by Hatfield & Dawson to its current application. The essence of that Engineering Statement, again, is that the proposed project site is the only place in the world **acceptable to Lazer** in which they can locate a new radio tower for the Lazer radio station, KXRS.

However, in this case there is a more detailed analysis, and now Lazer admits (for the first time) that there is an alternative location at which it can build a radio tower in full compliance with FCC rules and regulations. On page 5 of the Hatfield & Dawson Engineering Statement (dated April 10), Lazer’s own consultants admit that there is a location on a ridgeline as one enters the San Jacinto mountains and the Badlands that would comply with FCC rules and regulations. The report states as follows: “From a location on this ridgeline, assuming that the land were available for sale or lease, operation of KXRS from a 105 foot tower would provide service to 652,218 persons within this 60 dBu contour.”

Despite the admission that this site would comply with FCC rules, Lazer’s engineer rejects this site because it would only increase the radio station listener base from 190,495 listeners to 652,218 listeners, which is in excess of a 300% increase over the current KXRS location.

CPRL has engaged Edward Paul De La Hunt, a former FCC employee, electrical engineer and radio tower expert to review the Lazer Report and advise if there were any other locations to which Lazer could relocate its tower and still meet applicable Federal Communications Commission (“FCC”) requirements. The Engineering Statement prepared by De La Hunt Communications Service (“De La Hunt Report”) has been previously submitted.

As discussed in detail in the De La Hunt Report, the “Area to Locate” (the funnel shaped area) in which a tower site could be found is over *over 73 square miles* in size. The De La Hunt Report identifies two areas, one in Cherry Valley and one in the Beaumont area, in which a tower could be located that satisfies the FCC requirements. In fact, in 2000, a radio operator applied for and obtained a CUP for a 400 foot tower on one of the parcels (APN 401-050-007) in the Cherry Valley area. The fact that another operator located a site, found an owner willing to sell or lease the site, and actually obtained all necessary entitlements for a 400 foot tower in the very area which could adequately serve Lazer’s community of license (Hemet) provides potent evidence that Lazer has failed to seek alternative sites to relocate its radio tower.

Given the identified alternative sites (including one identified by Lazer's own engineer) and the potential for additional ones where Lazer could locate and expand its operations without creating *any* new environmental impacts, there is simply no reason why the County should permit the construction of the proposed 43-foot tower adjacent to the Wildwood Canyon State Park in the Pisgah Peak open space area.

5. Prior Comments Incorporated into this Letter

CPRL has previously submitted comment letters to the Lazer Project. Because the current proposed project is substantially similar to the prior projects, the prior letters, summarized below, are incorporated into this letter. We request that all prior letters and the comments therein be included within the administrative record for this current tower application, including but not limited to:

- i. Letter from John Mirau, attorney for CPRL, to Dena M. Smith and/or Kevin White dated June 15, 2010 which discusses (i) the misleading character of the Lazer application (which fails to mention the prior Board of Supervisors denial of the Project and findings of adverse environmental impacts), (ii) that a Conditional Use Permit (CUP) cannot be granted because the findings required under the Development Code to grant a CUP cannot be made, (iii) that the prior findings of the Board of Supervisors in connection with Lazer's prior application are res judicata and are binding on this new application, (iv) that the Lazer tower will have a significant negative impact on the open space and conservation resources associated with Pisgah Peak and Wildwood Canyon State Park, (v) that an environmental impact report (EIR) must be prepared because it can be fairly argued that the project "may have a significant effect on the environment, and (vi) that the project will have adverse aesthetic and land use impact, adverse biologic impacts, construction impacts that have not been analyzed, significant hazard and safety impacts, possible historic and archeological and paleontological impact that have not been studies, cumulative impacts, etc.
- ii. Letter from John Mirau, attorney for CPRL, to Dena M. Smith and/or Kevin White dated August 12, 2011 regarding the requirement under FCC rules that a fence be constructed around the tower and antennas to prevent personal injury to person in the area. The letter also requested that the fencing be included within the visualization of the project, because the fence will be a key visible portion of the project. That letter has been totally disregarded. The Lilburn Visualization Study does not include in

the visual representations of the project fencing that will be required around the tower and antennas.

- iii. Letter from John Mirau, attorney for CPRL, to Dena M. Smith and/or Kevin White dated August 16, 2011 regarding the defective and misleading nature of the prior visualization studies and the need to direct the consultant retained to prepare a third visualization study to use viewpoints that would be used by active users of the park, and to include the antennas and the required fencing in the third visualization study.

6. An EIR Must Be Prepared.

CEQA requires the County to consider the environmental impacts of the Project before any approvals are granted for the Project. Among the purposes of CEQA are (1) informing the government decision makers and the public about the potential environmental impacts of proposed activities, (2) identifying ways to avoid or reduce environmental damage from such activities, (3) preventing environmental damage by requiring changes in projects, either by adoption of mitigation measures or alternatives, and (4) disclosure to the public of why a project is approved if the project would have significant effects on the environment. Cal. Pub. Res. Code §§ 21000, 21001.

To accomplish these purposes, CEQA requires agencies such as the County to first conduct an initial study of non-exempt projects to determine if the project may have a significant effect on the environment and second, depending on the results of the initial study, prepare either a negative declaration (“ND”), mitigated negative declaration (“MND”) or EIR. *Id.* §§ 21080.1, 21080.3, 21002.1, 21061, 21064, 21064.5, 21080; CEQA Guidelines §§ 15063, 15065; *Gentry v. City Murrieta* (1995) 36 Cal.App.4th 1359, 1371-1372. Preparation of an EIR is required whenever it can be fairly argued that a project “*may* have a significant effect on the environment.” Pub. Res. Code §§ 21000(a), 21151 (emphasis added); *No Oil v. County of Los Angeles* (1974) 13 Cal.3d 68, 85. CEQA sets a low threshold for requiring preparation of an EIR. *Ocean View Estates Homeowners Ass’n, Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 399-400. Thus, preparation of a ND or a MND is only permitted if there is no substantial evidence of a “fair argument” that the project may adversely affect the environment. CEQA Guidelines § 15063(b)(2); *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.

The issue of whether there is a “fair argument” that the project may adversely affect the environment must be determined in light of the findings previously made by the Board of Supervisors in connection with the 2007-09 Lazer application. The following findings of fact were made relating to the project's impact on the environment:

1. “The radio broadcast facility would have a negative visual impact, because the tower can be seen from several locations within the Wildwood Canyon State Park.”

2. "Development of the project will have a negative impact upon the environmental features of this portion of Oak Glen. The project would specifically affect scenic vistas from Wildwood Canyon State Park and reduce the natural vegetation on-site."
3. "Development of the project would negatively impact the preservation of the natural conditions of the open space corridor and the maintenance of the scenic vistas from Wildwood Canyon State Park."
4. "Proposed conditions of approval will not adequately protect the general welfare of the public because no feasible mitigation measures have been identified that would allow the project to be developed without disrupting the scenic views from Wildwood Canyon State Park and preservation of the open space corridor."

These findings of fact continue to be applicable to the 2010 radio tower application. The only difference made with respect to the tower is that it is 43 feet in height rather than 80 feet in height; however, the base of the radio tower is now located 60 feet higher up the mountain so that the top of the tower is similar to where it was when the tower was 80 feet in height. Accordingly, the tower remains visible from many areas within the park.

The Lilburn Visualization Study confirms that the proposed tower will be visible from approximately 2/3 of the state park (see Figure 1). In testimony before the Planning Commission and Board of Supervisor in connection with the hearing for the 2007-09 Lazer application as well as the 2010 application, Frank Sissons (Yucaipa Valley Conservancy) testified that the proposed 80 foot tower was visible from approximately 65% of the areas within the park. Although this tower is shorter, the top of the tower is approximately at the same location as the top of the 80 foot tower, so the visibility within the park will be similar to the 80 foot tower.

In summary, the findings made in connection with the 2007-09 Lazer application are applicable to the 2010 Project. This means that findings have already been made that the project will have significant adverse impacts to the environment. Accordingly, the determination made with respect to the 2007-09 Lazer application that a full environmental impact report was not necessary cannot be made in connection with the 2010 Project. In addition, the Project must be modified to provide for fencing around the tower and antennas, and relocation of the building and the parking space so they no longer violate the exclusive roadway easement which encumbers the Lazer parcel.

We at CPRL appreciate your consideration, and reserve all of our rights. Please feel free to call me with any questions or comments you may have.

Very truly yours,

MIRAU, EDWARDS, CANNON,
LEWIN & TOOKE

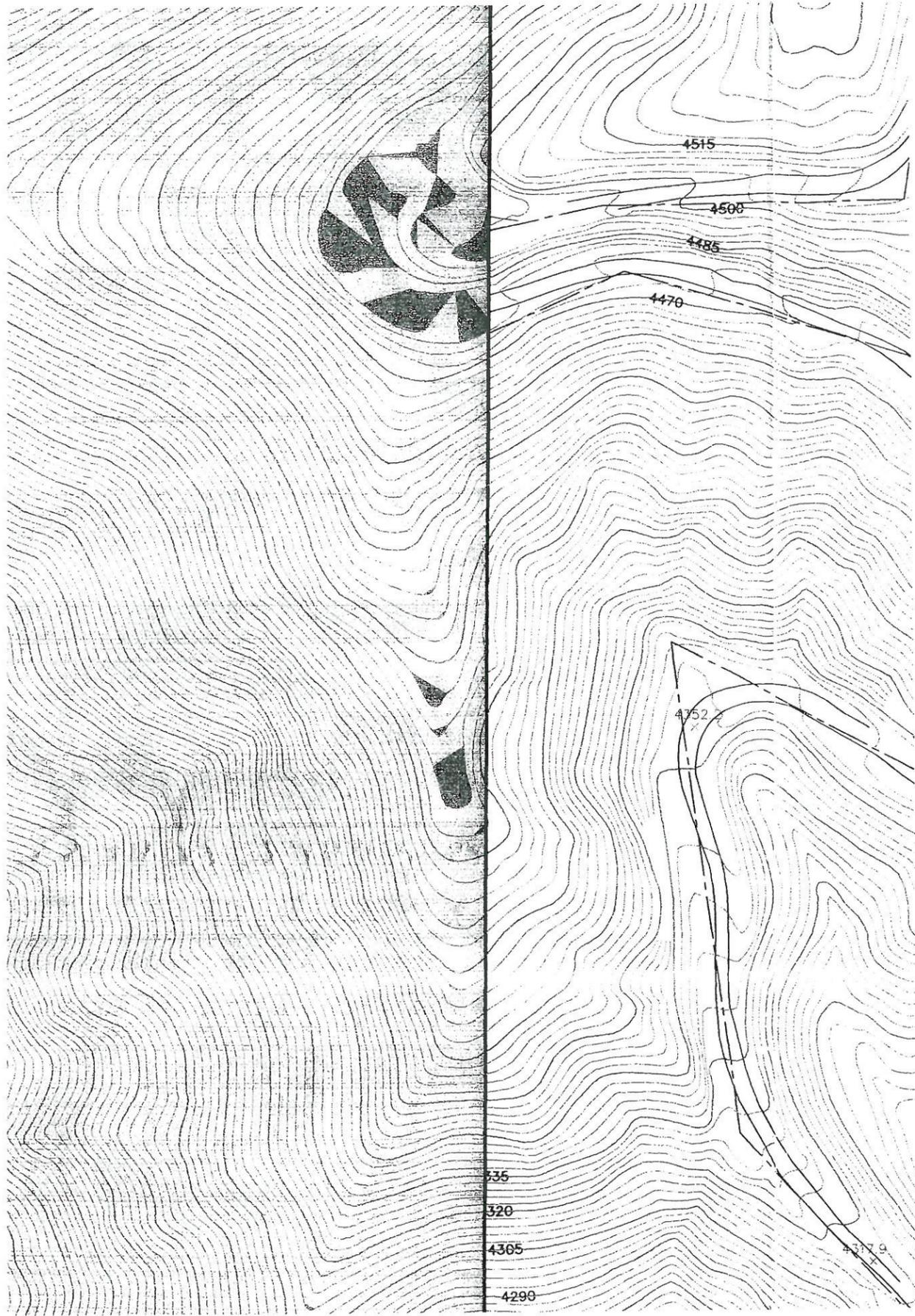
By:



John K. Mirau, Esq.

Cc w/out Encl: Supervisor Neil Derry
Mayor Dick Riddell
Mr. Bill Collazo
Mr. Kevin White
Mr. David Myers, The Wildlands Conservancy
Mr. Frank Sissons, Yucaipa Valley Conservancy





GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

EXHIBIT A

SLOPE ANALYSIS					
Color	Range Beg.	Range End	Percent	Area (Sf)	Area (Ac)
■	0.00	15.00	0.4	5935.77	0.136
■	15.00	30.00	2.0	32712.60	0.751
■	30.00	And Over	97.6	1621834.01	37.232
TOTAL				1,660,482.37 Sf	38.12 Ac

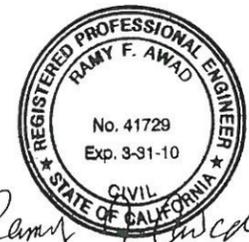
LEGAL DESCRIPTION

REAL PROPERTY IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

GOVERNMENT LOT 12, AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 39, PAGES 56 THROUGH 58, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ASSESSOR'S PARCEL NO.: 325-011-019

A.P.N. 0325-011-019



Ramy F. Awad

B & E ENGINEERS CIVIL ENGINEERING, SURVEYING, & LAND PLANNING	24 W. ST. JOSEPH STREET ARCADIA, CA 91007-2854 TEL (626) 446-4449 FAX (626) 446-6566
---	---

SLOPE ANALYSIS MAP

RADIO TOWER SITE

When Recorded Mail to:

GEORGE W. DICKINSON
2700 W. 3rd STREET
LOS ANGELES, CALIF. 90057

80-011369
19.00
B

RECORDED IN
OFFICIAL RECORDS

1980 JAN 14 PM 4: 48

DECLARATION OF EASEMENT

PISGAH PEAK

SAN BERNARDINO
COUNTY, CALIF.

This declaration made this 8th day of January, 1980, by George Investment Exchange Consultants, Inc., a California corporation W. Dickinson and Virginia N. Dickinson, husband and wife, and George W. Dickinson, successor Trustee under the Will of William G. Dickinson, deceased, hereinafter jointly referred to as "Declarant";

WITNESSETH THAT:

1. George W. Dickinson and Virginia N. Dickinson, husband and wife, and George W. Dickinson, Successor Trustee under the Will of William G. Dickinson, deceased, are the owners of record of that certain real property situated in the County of San Bernardino, State of California, described as Exhibit "A" attached hereto and made a part hereof;

2. For the benefit of themselves, their successors in interest, and for the benefit of any successor in ownership of any portion of any plot, lot, or parcel of the above described real property in said Exhibit "A", the Declarant, by this declaration hereby declares that those portions of said real property hereinafter described as non-exclusive easements for ingress and egress and private road easements and public utilities and incidental purposes, defined on Exhibit "B" attached hereto and made a part hereof, shall be and hereby are reserved and Declarant covenants and agrees in that on behalf of themselves and their several successors in interest that such non-exclusive easements for ingress and egress and private road easements and public utilities and incidental purposes shall at all times be available for the exclusive use as easements, and it is further covenanted and agreed that any future conveyance by the Declarant of any lot or parcel of said real property or portion thereof shall be subject and subordinate to the rights and easements herein specified and declared, and that the non-exclusive use of the non-exclusive easement for ingress and egress and private road easements and public utilities and incidental purposes shall be appurtenant to the lots and parcels, or portions hereof, served by such private road easements to such lots and parcels now and in the future.

3. Each of the rights, easements, and servitudes reserved hereunder shall at all times be and remain a continuing right, easement and servitude which may be exercised, used, availed of and/or assigned, at any time and from time to time, and the exercise, use and/or assignment of any such right, easement and/or servitude shall never affect or impair the power of the

80-011369

declarant grantor, their successors or assigns to again exercise, sue and/or assign each and every of said rights, easements, and servitudes at any subsequent time.

IN WITNESS WHEREOF, the Declarant has caused their names to be hereunto subscribed the day and year first above written.

DECLARANTS:

INVESTMENT EXCHANGE CONSULTANTS, INC.
a California corporation

BY:

John Herbert

George W. Dickinson
George W. Dickinson

Virginia N. Dickinson
Virginia N. Dickinson

George W. Dickinson
George W. Dickinson, Successor
Trustee under the Will of William
G. Dickinson, Deceased

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)) SS.:

On this 12th day of JANUARY A. D., 1980,
before me, STEPHANIE A. OLSSON a Notary Public in and for said
County and state, residing therein, duly commissioned and sworn, personally
appeared George W. Dickinson and Virginia N. Dickinson, and George W. Dickinson,
Successor Trustee under the Will of William G. Dickinson, Deceased known to me to
be the persons whose names subscribed to the within instrument, and acknowledged
to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my official seal the day and year in this certificate first
above written.

Stephanie A. Olsson
Notary Public in and for
said County and State

80-011369

Seal



DECLARATION OF EASEMENT

PISGAH PEAK

(Continued)

EXHIBIT "E"

The undersigned, being all the parties in interest hereby declare they cancel and rescind that certain Declaration of Easement for Pisgah Peak and the grant thereof recorded October 5, 1979, under instrument NO. 165 in Book 9786 pages 261-275 Official Records of San Bernardino County.

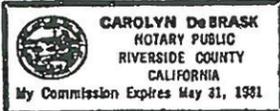
Investment Exchange Consultants, INC.

By [Signature]
Dennis Herkelrath
President

[Signature]
George V. Dickinson
[Signature]
Virginia N. Dickinson
[Signature]
Virginia N. Dickinson Attorney in Fact
[Signature]
George V. Dickinson, Successor
Trustee under the Will of
William G. Dickinson, Deceased

80-011359

STATE OF CALIFORNIA }
 COUNTY OF Riverside } ss.
 On January 14, 1980, before me, the undersigned, a Notary Public in and for
 said State, personally appeared DENNIS HERKELRATH,
 known to me to be the President, and
 known to me to be the Secretary of the corporation that executed the within instrument,
 and known to me to be the persons who executed the within
 instrument on behalf of the corporation therein named, and ac-
 knowledged to me that such corporation executed the within
 instrument pursuant to its by-laws or a resolution of its board of
 directors.
 WITNESS my hand and official seal.
 Signature Carolyn DeBrask
 Name (Typed or Printed)



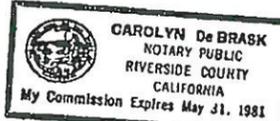
(This area for official notarial seal)

STATE OF CALIFORNIA }
 COUNTY OF Riverside } ss.
 On January 14, 1980, before me, the undersigned, a Notary Public in and for
 said State, personally appeared GEORGE W. DICKINSON, individually and
as Successor Trustee
 known to me to be the person is
 subscribed to the within instrument and acknowledged to me
 that he executed the same.
 WITNESS my hand and official seal.
 Signature Carolyn DeBrask
 Name (Typed or Printed)



(This area for official notarial seal)

STATE OF CALIFORNIA }
 COUNTY OF Riverside } ss.
 On January 14, 1980, before me, the undersigned, a Notary Public in and for
 said State, personally appeared GEORGE W. DICKINSON
 known to me to be the person whose name is subscribed to the within instrument as the Attorney in fact of
VIRGINIA N. DICKINSON
 and acknowledged that he subscribed the name of
VIRGINIA N. DICKINSON
 thereto as principal party, and his
 own name as Attorney in fact.
 WITNESS my hand and official seal.
 Signature Carolyn DeBrask
 Name (Typed or Printed)



(This area for official notarial seal)

EXHIBIT "A"

DESCRIPTION:

The land referred to in this report is situated in the State of California, County of San Bernardino, and is described as follows:

PARCEL NO. 1:

That portion of Government Lots 10, 11, 13 and 14 of Section 2; and of Government Lot 4 of Section 11, all in Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township map thereof, described as follows:

COMMENCING at a 3/4ths inch iron pipe set in concrete at the Northeast corner of said Government Lot 11; thence North 85° 43' East along the North line of Government Lot 10 a distance of 35.33 feet to a one-half inch pipe set in the Westerly line of the Oak Glen County Road, as shown on the Licensed Land Surveyor's Map recorded August 8, 1947, in Book 5 of Records of Survey, page 89, for the true point of beginning; thence along the Westerly line of said road South 33° 30' West, 1,086.14 feet to the intersection of the West line of said road with the Westerly line of the land described in Parcel 2 in the deed from A. A. Warren and wife to Beaumont Irrigation District recorded September 13, 1926, in Book 175, page 69, Official Records; thence along the center line of the Oak Glen County Road, 40 feet wide, the center line of said County Road being described in Parcel 2 of the deed from A. A. Warren and wife to the Beaumont Irrigation District, above referred to, South 25° 38' West, 276.37 feet; South 40° 2' West, 459 feet; South 12° 11' West, 265.70 feet; South 18° 46' West, 178.30 feet; thence South 33° 59' West 161.50 feet; South 45° 27' West, 240.80 feet; South 11° 9' West, 171.20 feet; South 56° 21' West, 165.60 feet; South 36° 43' West, 277.91 feet to the South line of said Section 2; said point being distant thereon North 87° 32' 15" East 635.97 feet, more or less, from the Granite Stone at the Southwest corner of said Section; thence along the North line of Section 11, Township 2 South, Range 1 West San Bernardino Meridian, South 87° 32' 13" West, 31.17 feet to the Easterly line of the County Road as shown on Licensed Land Surveyor's Map recorded in Book 5 of Records of Surveys, page 89, records of said County; thence along the Easterly line of said road South 36° 40' West, 109.12 feet; thence leaving said road North 53° 27' 30" East, 151.08 feet to a point in the North line of said Section 11; thence North 36° 43' East, 258.15 feet; thence North 56° 21' East 162.14 feet; thence following the edge of an old apple orchard and the top of a steep slope to Edgar Canyon as follows:

South 56° 15' 30" East, 287.62 feet; North 42° East, 301.66 feet; North 0° 32' 50" West, 80.58 feet; North 37° 40' 10" East, 220.69 feet; North 19° 32' 50" West, 256.50 feet; North 34° 25' 20" East, 304.85 feet; North 22° 33' 30" East, 251.37 feet; North 28° 34' East, 635.65 feet; North 35° 36' East, 296.49 feet; North 22° 08' 10" East, 347.38 feet; North 32° 03' 50" East, 196.90 feet; North 15° 46' 20" East, 53.40 feet; North 38° 47' 30" West, 51.97 feet to the North line of Government Lot 10; thence along the North line of said Government Lot 10; South 85° 43' West, 37.96 feet to the point of beginning.

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DESCRIPTION: (continued)

EXCEPT THEREFROM any portion in the Oak Glen County Road as located and described in the deed from A. A. Warren and Betsy Warren, his wife, to Beaumont Irrigation District, a public corporation, recorded December 9, 1926, in Book 175, page 69, Official Records.

ALSO EXCEPTING any portion thereof lying within said Section 11, as may have been conveyed by the Beaumont Irrigation District to James S. Leonard by deed dated December 5, 1922 and recorded September 6, 1927, in Book 267, page 327, Official Records.

Said land is also shown on Licensed Land Surveyor's Map recorded in Book 5 of Records of Surveys, page 89, Records of said County.

PARCEL 2A:

That portion of Government Lot 6, Section 2, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Map thereof, lying within the West 60 acres of Government Lots 5 and 6 of said Section 2.

PARCEL 2B:

That portion of Lot 11, Section 2, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Plat thereof, described as follows:

COMMENCING at the Northwest corner of said Government Lot 11; thence East along the North line of said Lot 11 a distance of 600 feet, more or less, to the bottom of Wildwood Canyon, so-called at a point South 85° 43' West along the North line of Government Lot 11, a distance of 675.73 feet from a 3/4ths inch iron pipe set in concrete at the Northeast corner of said Government Lot 11; thence Southerly along the Westerly line of the land conveyed by Beaumont Irrigation District to Sims Reeves Davies, by deed dated March 3, 1948, and recorded March 25, 1948, in Book 2200 of Official Records, page 155, along the bottom of Wildwood Canyon South 10° 53' West, 40.20 feet; thence South 31° 38' West 58.08 feet; thence South 46° 38' West, 68 feet; thence South 26° 34' West, 59.80 feet; thence South 5° 23' East, 48.80 feet; thence South 24° 12' West, 170.50 feet; thence South 16° 05' East 72.33 feet; thence South 23° 30' West, 130.68 feet; thence continuing along the bottom of Wildwood Canyon to the North line of the land conveyed by A. A. Warren, et al, to James S. Leonard, recorded July 24, 1919, in Book 658 of Deeds, page 88; thence Southwesterly along the Northwesterly line of the land so conveyed to James S. Leonard to the West line of said Government Lot 11; thence North along the West line of Government Lot 11 to the point of beginning.

80-011369

DESCRIPTION: (continued)

PARCEL NO. 2C:

That portion of Government Lots 10 and 11 of Section 2. all in Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Plat thereof, described as a whole as follows:

BEGINNING AT a 3/4ths inch iron pipe set in concrete at the Northeast corner of said Government Lot 11; thence South 85° 43' West along the North line of said Government Lot 11; 675.73 feet to the bottom of Wildwood Canyon, being the Westerly line of the land described as Parcel 3 in the deed from A. A. Warren and wife to the Beaumont Irrigation District, recorded September 13, 1926, in Book 175, page 69, Official Records; thence along the bottom of Wildwood Canyon and the Westerly line of the land described in Parcel 3 of the deed above referred to South 10° 53' West, 40.20 feet; South 31° 38' West, 58.08 feet; South 46° 38' West, 68 feet; South 26° 34' West, 59.80 feet; South 5° 23' East, 48.80 feet; South 24° 12' West, 170.50 feet; South 16° 05' East, 72.33 feet; South 25° 30' West, 130.68 feet to the North line of the land conveyed by A. A. Warren and others to James S. Leonard, recorded July 24, 1919, in Book 658, page 88, of Deeds; thence North 76° 55' East (recorded North 76° 50' East) 352.58 feet to the center line of the Oak Glen County Road, 40 feet wide, the alignment of said County Road being described in Parcel 2 of the deed from A. A. Warren and wife to the Beaumont Irrigation District referred to above; thence along said center line of said road the following courses and distances; South 20° 49' East, 132.28 feet; South 12° 34' West, 177 feet; South 25° 38' West, 61.43 feet as a one-half inch pipe in the West line of the 60 foot County Road as shown on Licensed Land Surveyor's Map recorded in Book 5 of Records of Survey, page 89; thence North 33° 30' East along the Westerly line of said 60 foot County Road, 1,086.14 feet to the North line of Lot 10; thence South 85° 43' West along the North line of Lot 10 to the point of beginning.

EXCEPTING THEREFROM any portion in the Oak Glen County Road as located and described in the deed from A. A. Warren and Betsy Warren, his wife, to Beaumont Irrigation District, a public corporation, recorded December 9, 1926, in Book 175 of Official Records, page 69.

PARCEL NO. 3:

Government Lot 5 in Section 2, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Plat.

PARCEL NO. 4A:

Government Lots 13 to 20, inclusive, Section 3, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to the United States Government Township Plat.

80-011389

DESCRIPTION: (continued)

PARCEL NO. 4B:

Portion of Section 2, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN; in the County of San Bernardino, State of California, according to United States Government Township Plat, described as follows:

BEGINNING at the Southwest corner of the Southwest 1/4 of Section 2, Township 2 South, Range 1 West; thence North 44° 22' East, 114 feet; thence North 34° 45' East, 415 feet; thence North 41° 38' East, 560 feet; thence North 12° 48' East 236 feet; thence North 39° 50' West, 354 feet; thence South 65° 10' West 662 feet to the Westerly line of the Southwest 1/4 of said Section 2; thence along the Westerly line of Section 2, 1,070 feet, more or less, to the place of beginning.

PARCEL No. 4C:

That portion of Government Lots 12 and 13, Section 2, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to Government Survey, described as follows:

COMMENCING at the Northeast corner of said Government Lot 12; thence West along the North line of said Lot to the Northwest corner of said Lot 12; thence South along the West line of said Lots 12 and 13 to the Northwesterly corner of that certain land conveyed to A. A. Warren, et al, to John H. Faggetter by deed dated September 23, 1919 and recorded November 17, 1920, in Book 696 of Deeds, page 399; thence along the Northerly and Easterly lines of the lands described in said deed to John E. Faggetter, North 66° 10' East, 662 feet; thence South 38° 50' East, 354 feet; thence South 12° 48' West, 236 feet to an angle point in the Northwesterly line of the land conveyed by A. A. Warren, et al, to James S. Leonard, dated June 6, 1919, and recorded July 24, 1919, in Book 658 of Deeds, page 88; thence along the Northwesterly line of the lands described in said Deed to James S. Leonard, North 27° 22' East, 821 feet; thence North 23° 58' East to the intersection of the Northwesterly line of the land so conveyed to James S. Leonard with the Easterly line of said Government Lot 12; thence North along the Easterly line of Government Lot 12 to the point of beginning.

PARCEL NO. 5A:

Government Lots 1 to 12, inclusive, Section 3, Township 2 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Plat.

PARCEL NO. 5B:

The South 1/2 of the Southeast 1/4 and the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 1 South, Range 1 West, SAN BERNARDINO MERIDIAN, in the County of San Bernardino, State of California, according to United States Government Township Plat.

80-011359

DESCRIPTION: (continued)

PARCEL NO. 6:

That portion of Section 2, Township 2 South, Range 1 West SAN BERNARDINO BASE AND MERIDIAN, in the County of San Bernardino, State of California, according to Government Survey, described as follows:

BEGINNING at the Southwest corner of the Southwest 1/4 of Section 2, Township 2 South, Range 1 West, SAN BERNARDINO BASE AND MERIDIAN, in the County of San Bernardino, State of California; thence North $44^{\circ} 22'$ East, 114 feet; thence North $34^{\circ} 45'$ East, 415 feet; thence North $41^{\circ} 38'$ East 560 feet; thence North $27^{\circ} 22'$ East, 821 feet; thence North $23^{\circ} 58'$ East, 350 feet; thence $76^{\circ} 50'$ East, to the West line of Beaumont and Oak Glen County Roadway as it existed on June 6, 1919; thence in a Southwesterly direction along the West line of said property to the intersection of said roadway with the South line of said section; thence West along the South line of said Section, 650 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM any portion within roads and highways.

PARCEL NO. 7:

All that portion of Lot 4 in Section 11, Township 2 South Range 1 West, SAN BERNARDINO BASE AND MERIDIAN, in the County of San Bernardino, State of California, described as follows:

BEGINNING at the Northwest corner of said Section 11; thence East 659.7 feet to the center line of the Oak Glen County Road, so-called, adjoining said property; thence along the center line of said road, South $34^{\circ} 27'$ West, 228.5 feet; thence South $43^{\circ} 45'$ West, 622 feet; thence South $34^{\circ} 30'$ West, 201.7 feet to the West line of said Lot 4; thence North 1° East, 804 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within roads and highways.

80-011369

EXHIBIT "B"

A non-exclusive easement of ingress and egress and private road easement and public utilities and incidental purposes, 60 feet in width, over and across portions of Section 2 and 3, Township 2 South, Range 1 West, San Bernardino Meridian, and a portion of Section 34, Township 1 South, Range 1 West, San Bernardino Meridian, in the County of San Bernardino, State of California according to the United States Government Township Plat.

The center line of the 60 foot easement within said Section 3 and said Section 34 being described as follows:

BEGINNING at a point on the East line of said Section 3, which is South 5° 13' 28" East a distance of 1,931.69 feet from the Northeast corner of said Section 3 and referred to as Station NO. 2 on the attached Survey Plat as Exhibit "C" hereto;

thence North 54° 22' 15" West, 153.85 feet to Station # 3 on said plat;
thence South 79° 46' 40" West, 450.41 feet to Station # 4;
thence North 29° 58' 02" West, 864.18 feet to Station # 5;
thence North 29° 58' 02" West, 31.67 feet to Station # 6;
thence North 42° 05' 02" West, 304.10 feet to Station # 7;
thence North 63° 11' 39" West, 170.65 feet to Station # 8;
thence North 31° 42' 29" West, 185.62 feet to Station # 9;
thence South 89° 32' 49" East, 180.89 feet to Station # 10;
thence North 52° 23' 45" East, 37.67 feet to Station # 11;
thence North 52° 23' 45" East, 105.27 feet to Station # 12;
thence South 62° 18' 47" East, 133.78 feet to Station # 13;
thence South 62° 18' 47" East, 46.44 feet to Station # 14;
thence North 0° 12' 32" East, 22.00 feet to Station # 15;
thence North 0° 12' 32" East, 90.15 feet to Station # 16;
thence North 40° 46' 05" West, 357.86 feet to Station # 17;
thence North 71° 41' 59" West, 121.19 feet to station # 18;
thence North 54° 34' 30" West, 372.77 feet to station # 19;
thence North 54° 34' 30" West, 28.60 feet to Station # 20;
thence North 84° 41' 52" West, 156.33 feet to Station # 21;
thence South 77° 08' 25" West, 104.15 feet to Station # 22;
thence South 45° 30' 28" West, 23.23 feet to Station # 23;
thence South 45° 30' 28" West, 135.73 feet to station # 24;
thence North 19° 49' 02" West, 97.19 feet to station # 25;
thence North 19° 49' 02" West, 232.96 feet to station # 26;
thence North 3° 10' 32" West, 225.86 feet to station # 27;
thence North 55° 10' 40" West, 129.33 feet to station # 28;
thence South 8° 02' 44" West, 147.35 feet to station # 29;
thence South 32° 20' 20" West, 145.06 feet to station # 30;
thence South 60° 15' 04" West, 94.22 feet to station # 31;
thence South 13° 17' 30" East, 118.24 feet to station # 32;
thence South 22° 57' 18" West, 107.94 feet to station # 33;
thence South 22° 57' 18" West, 58.58 feet to station # 34;
thence South 7° 47' 44" East, 188.54 feet to station # 35;
thence South 42° 56' 16" West, 80.08 feet to station # 36;
thence South 86° 21' 23" West, 79.75 feet to station # 37;
thence North 61° 26' 09" West, 169.65 feet to station # 38;
thence North 35° 12' 39" West, 120.92 feet to station # 39;
thence South 28° 31' 37" West, 105.87 feet to station # 40;
thence South 75° 14' 09" West, 148.42 feet to station # 41;
thence South 22° 16' 11" East, 125.75 feet to station # 42;
thence South 49° 58' 17" East, 155.84 feet to station # 43;
thence South 25° 09' 46" East, 190.18 feet to station # 44;
thence South 25° 09' 46" East, 16.07 feet to station # 45;
thence South 36° 16' 34" East, 124.69 feet to station # 46;
thence South 47° 26' 49" West, 119.03 feet to station # 47;
thence South 6° 15' 45" West, 174.01 feet to station # 48;
thence South 23° 09' 13" West, 161.45 feet to station # 49;
thence South 33° 42' 59" West, 101.65 feet to station # 50;
thence South 17° 13' 42" East, 145.23 feet to station # 51;
thence South 11° 54' 12" West, 163.73 feet to station # 52;
thence South 25° 48' 21" West, 235.20 feet to station # 53;
thence South 41° 26' 46" West, 71.14 feet to station # 54;
thence South 2° 54' 49" West, 180.40 feet to station # 55;

continued

80-011369

EXHIBIT "B"
Continued

thence South 2° 54' 49" West, 14.15 feet to station # 56;
thence South 34° 12' 26" West, 275.26 feet to station # 57;
thence South 5° 05' 44" West, 181.32 feet to station # 58;
thence North 82° 57' 57" East, 218.50 feet to station # 59;
thence South 07° 31' 02" West, 39.40 feet to station # 60;
thence South 85° 10' 41" West, 122.01 feet to station # 61;
thence South 54° 57' 45" West, 113.91 feet to station # 62;
thence North 88° 35' 57" West, 88.91 feet to station # 63;
thence South 53° 18' 46" West, 170.22 feet to station # 64;
thence South 09° 42' 11" West, 223.83 feet to station # 65;
thence North 89° 59' 34" West, 135.90 feet to station # 66;
thence South 78° 45' 12" West, 48.33 feet to station # 67;
thence South 78° 45' 12" West, 50.21 feet to station # 68;
thence South 43° 25' 36" East, 54.72 feet to station # 69;
thence North 66° 22' 01" East, 12.22 feet to station # 70;
thence North 66° 22' 01" East, 62.44 feet to station # 71;
thence South 73° 03' 10" East, 133.65 feet to station # 72;
thence South 58° 57' 18" East, 109.74 feet to station # 73;
thence North 08° 08' 27" East, 238.71 feet to station # 74;
thence North 43° 00' 01" East, 88.42 feet to station # 75;
thence South 22° 28' 08" West, 95.77 feet to station # 76;
thence South 0° 10' 51" East, 135.86 feet to station # 77;
thence South 26° 31' 33" East, 265.37 feet to station # 78;
thence South 87° 59' 18" West, 194.96 feet to station # 79;
thence North 61° 45' 33" West, 209.21 feet to station # 80;
thence South 07° 20' 00" East, 219.95 feet to station # 81;
thence South 43° 41' 09" East, 122.05 feet to station # 82;
thence South 43° 41' 09" East, 307.99 feet to station # 83;
thence South 67° 06' 46" East, 592.23 feet to station # 84;
thence South 46° 22' 19" East 111.57 feet to station # 85;
thence South 20° 28' 47" West, 275.79 feet to station # 86;
thence South 44° 25' 10" East, 243.62 feet to station # 87;
thence South 29° 57' 18" West, 158.75 feet to station # 88;
thence South 69° 40' 59" East, 257.64 feet to station # 89;
thence South 88° 18' 03" East, 21.94 feet to station # 90;
thence South 88° 18' 03" East 198.34 feet to station # 91;
thence South 67° 13' 20" East 118.16 feet to station # 92;
thence South 36° 02' 39" East, 51.15 feet to station # 93;
thence South 36° 02' 39" East, 71.17 feet to station # 94;
thence South 52° 43' 56" West, 137.10 feet to station # 95;
thence North 62° 07' 22" West, 87.33 feet to station # 96;
thence South 47° 38' 46" West, 107.82 feet to station # 97;
thence North 50° 14' 30" West, 151.32 feet to station # 98;
thence North 50° 14' 30" West, 35.62 feet to station # 99;
thence South 84° 05' 28" West, 121.29 feet to station # 100;
thence South 18° 32' 44" West, 106.02 feet to station # 101;
thence South 50° 56' 18" West, 78.49 feet to station # 102;
thence North 60° 02' 47" West, 110.15 feet to station # 103;
thence North 38° 42' 29" West, 159.32 feet to station # 104;
thence South 16° 06' 20" West, 221.05 feet to station # 105;
thence South 21° 45' 44" East, 119.73 feet to station # 106;
thence South 19° 53' 17" East, 193.03 feet to station # 107;
thence South 28° 34' 38" West, 382.23 feet to station # 108;
thence South 03° 20' 03" West, 141.05 feet to station # 109;
thence South 49° 55' 13" West, 135.06 feet to station # 110;
thence South 47° 30' 34" West, 132.13 feet to station # 111;
thence South 66° 27' 23" West, 122.23 feet to station # 112;
thence South 52° 46' 30" West, 189.50 feet more or less to
station #113, being on the South line of said Section 3 and
the terminus of said 60 foot easement.

The center line of the 60 foot easement within said Section 2
being described as follows:

BEGINNING at a point on the East line of the above referred Section 3
(being also the West line of said Section 2) which is South 5° 13' 28"
East, a distance of 1,931.69 feet from the Northeast corner of said
Section 3, referred to as Station No. 2 on the attached survey plat
as Exhibit "C" hereto and hereinabove;

continued

660770 00

EXHIBIT "B"
Continued

thence South 54° 22' 15" East, 405.11 feet to Station # 1 on said plat;
thence South 36° 53' 05" East, 165.65 feet to point A;
thence South 45° 38' 01" East, 534.84 feet to point B;
thence South 87° 07' 30" East, 235.38 feet to point C;
thence South 29° 17' 60" East, 127.67 feet to point D;
thence South 46° 43' 22" East, 265.31 feet to point E;
thence South 16° 27' 05" West, 192.74 feet to point F;
thence South 07° 01' 50" East, 123.59 feet to point G;
thence South 74° 32' 30" East, 283.32 feet to point H;
thence South 29° 23' 04" East, 120.93 feet to point I;
thence South 06° 17' 20" West, 121.35 feet to point J;
thence South 82° 30' 50" East, 98.54 feet to point K;
thence South 60° 03' 23" East, 134.13 feet to point L;
thence South 33° 13' 25" East, 289.41 feet to point M;
thence South 05° 35' 46" West, 115.12 feet to point N;
thence South 02° 15' 26" East, 109.36 feet to point O;
thence South 17° 39' 28" West, 166.55 feet to point P;
thence South 35° 26' 15" West, 148.39 feet to point Q;
thence South 28° 11' 01" West, 122.64 feet to point R;
thence South 08° 17' 50" West, 58.56 feet to point S;
thence South 19° 30' 20" West, 540.56 feet to point T;
thence North 20° 01' East 540.50 feet per record of Survey recorded
in Book 5, page 89 of Records of Survey, San Bernardino County)
said point being in existing Oak Glen Road, as shown on above
record of survey, to the terminus of said 60 foot easements.

Also, seven easements, 50 feet in width, for ingress, egress, private road easement, public utilities and incidental purposes, the exact location to be determined at a later date, the approximate locations are described as follows:

Within Section 3, T2S, R1W, S.B.B. & M: the center lines of the easement being described as follows:

- 1: BEGINNING at Station NO. 41 of the easement described hereinabove and on attached survey plat, shown as Exhibit "C" attached hereto; thence in a Westerly direction on said East line of Government Lot 4 of said Survey plat attached as Exhibit "C".
- 2: ALSO BEGINNING at Station No. 50 of the easement described hereinabove and on attached survey plat, shown as Exhibit "C" attached hereto; thence in a Westerly direction to the East line of Government Lot 5 of said survey plat, attached as Exhibit "C".
- 3: ALSO BEGINNING at Station NO. 59 of the easement of the easement described hereinabove and on the attached survey plat as Exhibit "C" attached hereto; thence in a Easterly direction to the West line of Government Lot 10 of said survey plat attached as Exhibit "C".
- 4: ALSO BEGINNING at Station NO. 82 of the easement described hereinabove and on the attached survey plat as Exhibit "C" attached hereto; thence in a Westerly direction to the Southeast corner of Government Lot 12 of said survey plat attached as Exhibit "C".
- 5: ALSO BEGINNING at Station NO. 111 of the easement described hereinabove and on the attached survey plat as Exhibit "C" attached hereto; thence in a Westerly direction to the East line of Government Lot 20 of said survey plat attached as Exhibit "C".
- 6: ALSO BEGINNING at Station NO. 4 of the easement described hereinabove and on the attached survey plat as Exhibit "C" attached hereto; thence North 29° 58' 02" West a distance of 243 feet to a point being the intersection of a road from the Southwest at an approximate elevation of 4,380 feet, said point being the TRUE POINT OF BEGINNING; thence in a Southeasterly and Southwesterly direction along said existing intersecting road, over a portion of Government Lots 8 and 9 in said Section 3, through arcs of curves and rising in an elevation of 4,480 feet to a ridge near the center of said Government Lot 9; thence Southeasterly along the ridge line to the East line of said Government Lot 9 of said survey plat attached as Exhibit "C" (also being the West line of Section 2, T2S R1W, S.B.B. & M.); ALSO, from said near center of said Government Lot 9; thence in a Northwesterly direction to the East line of Government Lot 10 of said survey plat attached as Exhibit "C"

continued

SECTION

EXHIBIT "B"
Continued

Within Sections 2 and 3, T2S, RLW, S.B.B.&M: The center lines of the easement being described as follows:

7. ALSO BEGINNING at Point "L" of the hereinabove described easement, being within Government Lot 11 of said Section 2, where said easement is intersected by an existing road from the West and as shown on the attached topographic map as Exhibit "D" attached hereto; thence in a Southwesterly and westerly direction over the existing road through Government Lots 11 and 12 of Section 2 to the Northeasterly edge of the meadow in Government Lot 12 in Section 2; thence continuing above the meadow in a Westerly direction along the 4,100 foot contour across said Government Lot 12, Section 2 to the West line thereof, said line also being the East line of Government Lot 16 of Section 3; thence continuing in a Westerly direction across said Government Lot 16, Section 3 to the East line of Government Lot 15, Section 3 of said survey palt attached as Exhibit "C".

80-011369

Exhibit "C"

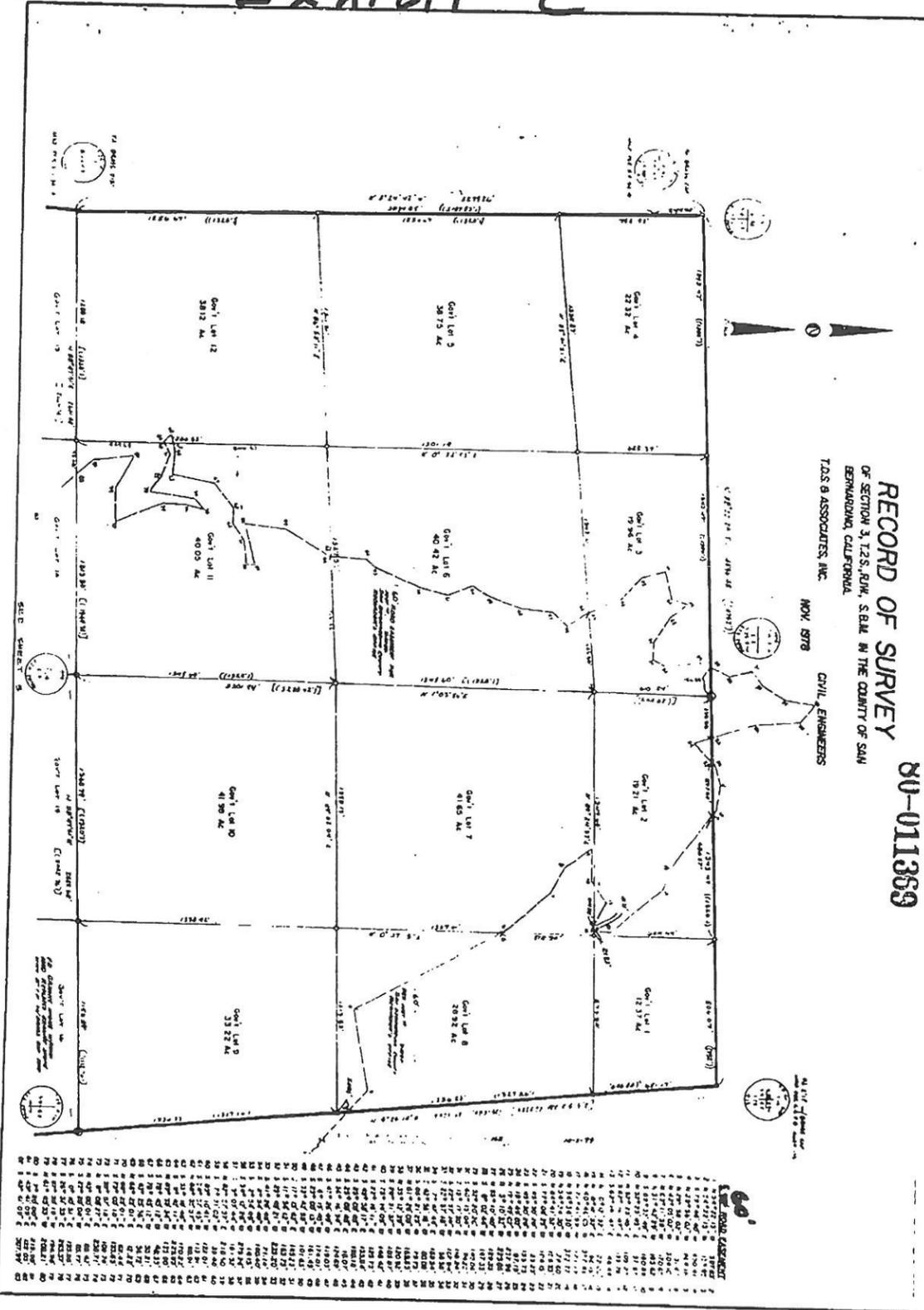
RECORD OF SURVEY
OF SECTION 3, T2S, R1W, S8M IN THE COUNTY OF SAN
BERNARDINO, CALIFORNIA

80-011369

T.O.S. & ASSOCIATES, INC.

NOV. 1978

CIVIL ENGINEERS



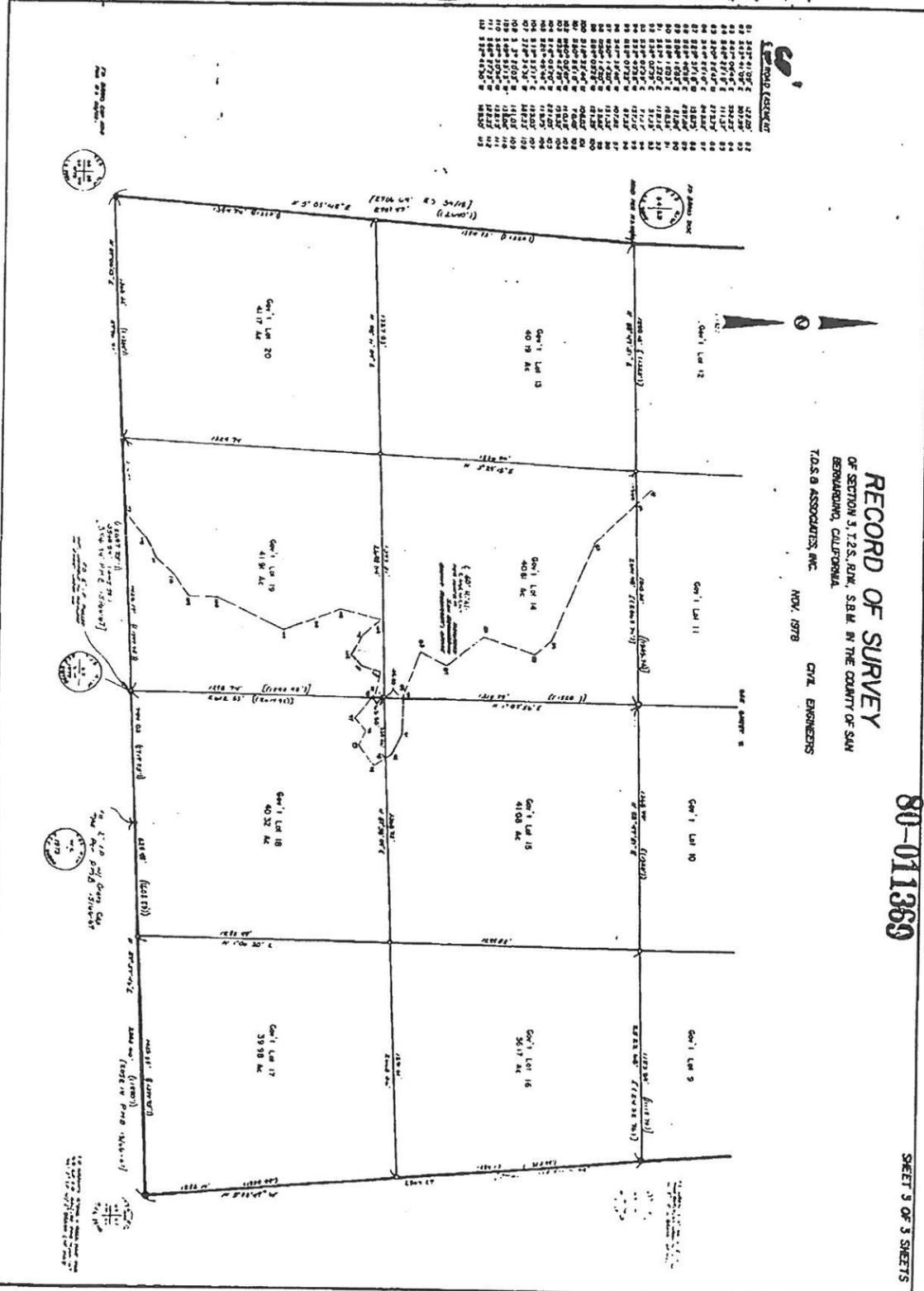
60'

LINE	BEARING	DISTANCE
1	N 89° 59' 54" W	100.00
2	S 89° 59' 54" E	100.00
3	S 89° 59' 54" E	100.00
4	N 89° 59' 54" W	100.00
5	N 89° 59' 54" W	100.00
6	S 89° 59' 54" E	100.00
7	S 89° 59' 54" E	100.00
8	N 89° 59' 54" W	100.00
9	N 89° 59' 54" W	100.00
10	S 89° 59' 54" E	100.00
11	S 89° 59' 54" E	100.00
12	N 89° 59' 54" W	100.00
13	N 89° 59' 54" W	100.00
14	S 89° 59' 54" E	100.00
15	S 89° 59' 54" E	100.00
16	N 89° 59' 54" W	100.00
17	N 89° 59' 54" W	100.00
18	S 89° 59' 54" E	100.00
19	S 89° 59' 54" E	100.00
20	N 89° 59' 54" W	100.00
21	N 89° 59' 54" W	100.00
22	S 89° 59' 54" E	100.00
23	S 89° 59' 54" E	100.00
24	N 89° 59' 54" W	100.00
25	N 89° 59' 54" W	100.00
26	S 89° 59' 54" E	100.00
27	S 89° 59' 54" E	100.00
28	N 89° 59' 54" W	100.00
29	N 89° 59' 54" W	100.00
30	S 89° 59' 54" E	100.00
31	S 89° 59' 54" E	100.00
32	N 89° 59' 54" W	100.00
33	N 89° 59' 54" W	100.00
34	S 89° 59' 54" E	100.00
35	S 89° 59' 54" E	100.00
36	N 89° 59' 54" W	100.00
37	N 89° 59' 54" W	100.00
38	S 89° 59' 54" E	100.00
39	S 89° 59' 54" E	100.00
40	N 89° 59' 54" W	100.00
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42	S 89° 59' 54" E	100.00
43	S 89° 59' 54" E	100.00
44	N 89° 59' 54" W	100.00
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47	S 89° 59' 54" E	100.00
48	N 89° 59' 54" W	100.00
49	N 89° 59' 54" W	100.00
50	S 89° 59' 54" E	100.00
51	S 89° 59' 54" E	100.00
52	N 89° 59' 54" W	100.00
53	N 89° 59' 54" W	100.00
54	S 89° 59' 54" E	100.00
55	S 89° 59' 54" E	100.00
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63	S 89° 59' 54" E	100.00
64	N 89° 59' 54" W	100.00
65	N 89° 59' 54" W	100.00
66	S 89° 59' 54" E	100.00
67	S 89° 59' 54" E	100.00
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69	N 89° 59' 54" W	100.00
70	S 89° 59' 54" E	100.00
71	S 89° 59' 54" E	100.00
72	N 89° 59' 54" W	100.00
73	N 89° 59' 54" W	100.00
74	S 89° 59' 54" E	100.00
75	S 89° 59' 54" E	100.00
76	N 89° 59' 54" W	100.00
77	N 89° 59' 54" W	100.00
78	S 89° 59' 54" E	100.00
79	S 89° 59' 54" E	100.00
80	N 89° 59' 54" W	100.00
81	N 89° 59' 54" W	100.00
82	S 89° 59' 54" E	100.00
83	S 89° 59' 54" E	100.00
84	N 89° 59' 54" W	100.00
85	N 89° 59' 54" W	100.00
86	S 89° 59' 54" E	100.00
87	S 89° 59' 54" E	100.00
88	N 89° 59' 54" W	100.00
89	N 89° 59' 54" W	100.00
90	S 89° 59' 54" E	100.00
91	S 89° 59' 54" E	100.00
92	N 89° 59' 54" W	100.00
93	N 89° 59' 54" W	100.00
94	S 89° 59' 54" E	100.00
95	S 89° 59' 54" E	100.00
96	N 89° 59' 54" W	100.00
97	N 89° 59' 54" W	100.00
98	S 89° 59' 54" E	100.00
99	S 89° 59' 54" E	100.00
100	N 89° 59' 54" W	100.00

Exhibit "C" continued

FIELD NOTES

1	1000	1000	1000
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96	1000	1000	1000
97	1000	1000	1000
98	1000	1000	1000
99	1000	1000	1000
100	1000	1000	1000



ACCOMMODATION ONLY

RECORDING REQUESTED BY

Stewart-West Coast Title Co

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME Stanley A. Beck
ADDRESS Paul Stehrenberger
CITY & STATE c/o Century 21 West End Realtors
ZIP 5640 Moreno Avenue Suite A
Montclair, California 91763
Title Order No. Escrow No. 3-7343-R

3.00 E

SPACE

ACCOMODATION ONLY

GRANT DI

The undersigned declares that the documentary transfer tax is \$...
[] computed on the full value of the interest or property conveyed
[] computed on the full value less the value of liens or encumbrances or realty is located in
[] unincorporated area [X] city of Ontario

FOR A VALUABLE CONSIDERATION, receipt of which is her

TERRY L. THOMPSON and JEANETTE E. THOMPSON

hereby GRANT(S) to STANLEY A. BECK, a married man, as Tenants in Common

the following described real property in the City of Ontario, state of California, county of San Bernardino

Lot 46 of Tract No. 9597, as per plat record of Maps, in the office of the County Recorder of

Dated December 28, 1979

79

STATE OF CALIFORNIA
COUNTY OF San Bernardino } SS.
On December 31, 1979 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Terry L. Thompson and Jeanette E. Thompson

to be the person whose names are subscribed to the within instrument and acknowledged that they executed the same.

Judith A. Grilly
Signature of Notary

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE

Name Street Ad
CAL-1 (Rev. 3-79) END OF DOCUM

RECORDING REQUESTED BY
Stewart West Coast Title Co.
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

80-011371

NAME _____
STREET ADDRESS Mr. & Mrs. Rick L. Jacobs
4048 Aspen Lane
CITY, STATE, ZIP Chino, CA.
TITLE ORDER NO. 232472 ESCROW NO. 3-7291 W

4.00
E

RECORDED IN OFFICIAL RECORDS
JAN 15 1980 AT 8 A.M.
SAN BERNARDINO COUNTY, CALIF.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED AP# 1017-201-15

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX is \$19.80 *unincorp*
 computed on full value of property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DAVID L. MC ALISTER and KATHRYN E. MC ALISTER, husband and wife

hereby GRANT(S) to

RICK L. JACOBS and DEBRA J. JACOBS, husband and wife, as Joint Tenants

the following described real property in the

County of San Bernardino, State of California:

Lot 177 of Tract 7363 as per map recorded in book 94 pages 32 to 38 inclusive
of maps in the office of the County Recorder of said County.

Dated November 27th, 1979

STATE OF CALIFORNIA }
COUNTY OF _____ } ss.

On _____ before me, the
undersigned, a Notary Public in and for said State, personally appeared

David L. McAlister
David L. McAlister
Kathryn E. McAlister
Kathryn E. McAlister
Witness
Witness

_____, known to me
to be the person _____ whose name _____ subscribed to the within
instrument and acknowledged that _____ executed the same.
WITNESS my hand and official seal.

Signature _____

(This area for official notarial seal)

NOTARY NO

De La Hunt Communications Service

Edward P De La Hunt, Engineer Consultant
17487 Driftwood Lane
Park Rapids, MN 54670
PH: (703) 887-6000
FX: (218) 732-3307
EM: eddelahunt@unitelc.com

ENGINEERING STATEMENT**EXECUTIVE SUMMARY**

I, Edward Paul De La Hunt, De La Hunt Communications Service , have been retained by the Citizens for Preservation of Rural Living (hereafter “CPRL”), San Bernardino County, California to prepare this Engineering Statement related to the proposed relocation of Radio Stations KXRS(FM), Hemet, California. This Engineering Statement will review the Federal Communication Commission (hereafter “FCC”) Rules, Regulations and Policies related to transmitter site relocation and determine alternative areas KXRS(FM) could locate its transmitter site and continue to serve Hemet, California.

Before the Planning Commission of the County of San Bernardino is a request to construct a tower for Radio Station KXRS(FM) owned and operated by Lazer Broadcasting Corporation (hereafter “Lazer”). Lazer seeks to construct a new tower to host KXRS(FM) as part of a relocation project to make improvements to the existing licensed operations of KXRS(FM). Radio Station KXRS(FM) is licensed by the FCC to serve Hemet, California. The licensed KXRS(FM) transmitting facilities originate from Polly Butte in full compliance with FCC’s Rules and Regulations. Lazer argues that the existing “FCC Licensed Site” no longer

satisfies current FCC standards; namely the licensed site does not comply with FCC spacing standards, the site is “grandfathered”, and the station cannot improve service absent relocating to a site near Pisgah Peak.

Contrary to Lazer’s suggestion, the licensed operations of Radio Station KXRS(FM) are in full compliance with current FCC Rules and Regulations. Indeed, as Lazer notes the station is “grandfathered”, which means it is under no compulsion to move or modify its facilities. In fact, there are many stations in California and elsewhere throughout the country that are in the same “grandfathered” status as KXRS(FM). Finally, as shown below, there are other locations where KXRS(FM) could locate its operations. The licensed operations of Radio Station KXRS(FM) adequately serves Hemet, California. In February 2004, Lazer sought approval from the FCC on its own volition to change transmitter location and operating frequency to a new site near Pisgah Peak. On May 3, 2006, the FCC granted the February 2004 Application.¹

As presented herein, even though Lazer sought a frequency change and a transmitter site relocation, additional transmitter site opportunities and modification options are available in full compliance with the FCC Rules and Regulations.

¹ The February 2004 application (BPH-20040205AAK) was subsequently modified in December 2008 (FCC File No BMPH-20081212ABT, granted December 18, 2008) and in February 2009 (FCC File No BMPH-20090210AEA, granted February 13, 2009). The underlying applications are subject to FCC appeal and are not final. The underlying construction permits were due to expire on May 3, 2009. However, due to a subject appeal and FCC Administrative Review, the construction permits are subject to “tolling”. See **FCC Authorizations, Exhibit D**.

BACKGROUND

Presently, Radio Station KXRS(FM) operates on Channel 289A (**105.7 MHz**) pursuant to License Authorization BLH-119881116KE, granted September 1, 1989. On February 5, 2004, Lazer filed its first construction permit application to change to a transmitter site near Pisgah Peak and proposed a frequency change to Channel 288A (**105.5 MHz**). The FCC granted the application for construction permit on May 3, 2006. Two subsequently filed modification applications (FCC File No BMPH-20081212ABT and FCC File No BMPH-20090210AEA) proposed slight changes in the tower height near Pisgah Peak; the latest modification application was granted by the FCC on February 13, 2009.

PISGAH PEAK TRANSMITTER LOCATION

The proposed transmitter site for Radio Station KXRS(FM) near Pisgah Peak on Channel 288A (105.5 MHz) Hemet, California is uniquely described by the FCC at geographical coordinates:

North Latitude 34 degrees 01 minutes 41 seconds

West Longitude 116 degrees 58 minutes 40 seconds

The authorized FCC Class for Radio Station KXRS(FM) is a Class A (6.0 kilowatts, maximum antenna height above average terrain (HAAT) of 100 meters).

The Center of City for Hemet, California is uniquely described by the FCC at the following coordinates:

North Latitude 33 degrees 44 minutes 31 seconds

West Longitude 116 degrees 58 minutes 59 seconds

The proposed transmitter site is 31.8 kilometers (19.8 miles) North of the city center of Hemet, California

ALLOCATION REVIEW KXRS(FM)

The Pisgah Peak site is not the only location where KXRS(FM) could operate and be both fully spaced to other radio stations and serve more area and population than at its currently licensed Polly Butte site.

FCC SECTION 73.207 SPACING REVIEW

An FM allocation study was performed to determine the permissible area KXRS(FM) could locate and continue to provide service to Hemet, California, the FCC Community of License. The FM allocation study examined the domestic minimum spacing requirements to other authorized co-channel, adjacent channel (1st, 2nd, and 3rd), intermediate frequency (53rd and 54th) channel stations and vacant allotments in the region in accordance with the separation requirements of Section 73.207 of the FCC Rules and Regulation.² *See Attachment A Exhibit 1A and 1B.*

² Additional site selection flexibility may also be available should KXRS(FM) seek modification pursuant to the contour protection provisions of Section 73.215 of the FCC Rules and Regulation. In addition to interference contour protection, Section 73.215 requires minimum spacing requirements to all other

Footnote continued on next page

ALTERNATIVE SITES EXIST IN FULL SPACED AREA

A review of the allocation confirms there are alternative sites located within the “full spaced” allotment area. The full spaced allotment area is defined to a “funnel” shaped area.

See Attachment B.

Alternative sites of particular interests are located within the “funnel” area in full compliance with the FCC spacing rules are as follows:

FCC Tower Registration No 1202850, 2.25 km North of Cherry Valley, CA

FCC Tower Registration No. 1263499, Beaumont, CA

USE OF ALTERNATIVE TRANSMITTER SITES

A technical review of the above-reference fully spaced transmitter sites for compliance with the FCC Community Coverage requirements (coverage to Hemet, CA) yields the following results.

Footnote continued from previous page

authorized co-channel, adjacent channel (1st, 2nd, and 3rd), intermediate frequency (53rd and 54th) channel stations and vacant allotments in the region. For the purposes of this review, the contour protection constraints were not studied as in many cases it would require directional antenna pattern development.

FCC TOWER REGISTRATION NO. 1263499 Site #1

This registered tower is located North of Oak Valley Parkway near the intersection of 14th Street and Elm Avenue in Beaumont, California; 8.975 kilometers (5.6 miles) south of the proposed KXRS(FM) transmitter site (*hereafter* "Beaumont Site"). The FCC has authorized MBR Licensee, LLC., licensee of Radio Station KAEH(FM), a construction permit at the Beaumont Site. The FCC tower registration records have this tower registered with an overall tower height of 328 feet. The transmitter site coordinates are uniquely described by the FCC at the following coordinates (NAD1927):

North Latitude 33 degrees 56 minutes 51 seconds

West Longitude 116 degrees 59 minutes 03 seconds

The Beaumont Site is 22.9 kilometers (14.2 miles) North of the city center of Hemet, California.

An engineering study utilizing the FCC standard propagation analysis concludes that coverage to the Community of License, Hemet, California, will be achieved from the Beaumont Site. At the Beaumont Site tower location, a maximum effective radiated power of 6.0 kilowatts with an antenna height above average terrain of 38 meters could be proposed to cover 51.9 square kilometers; 78.2 % of the land area and **81.5% of the population** of Hemet, California. Line-of-site will occur and no major obstructions have been identified that would compromise this coverage. From this location, KXRS(FM) would provide service to 1,134,441 persons within the 60 dBu service contour; 3186 square kilometers.

Under FCC policy, substantial community coverage compliance to Hemet, California is achieved since greater than 80% of the population in the community of license receives a 70 dBu or greater signal. *See Attachment C, Exhibit 1.*

FCC TOWER REGISTRATION NO. 1202850 Site #2

This site is located 2.25 kilometers North of Cherry Valley, Riverside County, California; 3.86 kilometers south (2.4 miles) of the proposed KXRS(FM) transmitter site (hereafter “Cherry Valley Site”). The FCC tower registration records have this tower site registered with an overall tower height of 403 feet. The transmitter site coordinates are uniquely described by the FCC at the following coordinates (NAD1927):

North Latitude 33 degrees 59 minutes 36 seconds

West Longitude 116 degrees 58 minutes 37 seconds

The Cherry Valley Site is 27.96 kilometers (17.4 miles) North of the city center of Hemet, California.

An engineering study utilizing the FCC standard propagation analysis concludes that coverage to the Community of License, Hemet, California will be achieved from the Cherry Valley Site. At the Cherry Valley Site, a maximum effective radiated power of 6.0 kilowatts with an antenna height above average terrain of 100 meters (maximum Class A facilities) could be proposed to cover 61.7 square kilometers; **92.9% of the land area** of Hemet, California. Line-of-sight will be achieved and no major obstructions were identified that would compromise the coverage. From this location, KXRS(FM) would provide service to 1,799,507 persons within the 60 dBu service contour; 5552 square kilometers.

Under FCC policy, substantial community coverage compliance to Hemet, California is achieved since greater than 80% of the area of the community of license receives a 70 dBu or greater signal. *See Attachment C, Exhibit 1.*

OTHER ALTERNATIVE TRANSMITTER SITES

Other potential transmitter site alternatives may be located within the funnel full spaced area. This report focused on existing registered tower locations within the large funnel full spaced area consisting of over 73 square miles. However, it is noteworthy to state that KXRS(FM) is licensed by the FCC to serve Hemet, California. Under the Communications Act of 1934, and the FCC Rules and Regulations which foster a fair and balanced distribution of radio services to the United States, Radio Station KXRS(FM)'s primary service obligation is to provide radio service to Hemet, California. To meet this service obligation, in addition to the transmitter sites referenced in this report, just to the North of Hemet, California is Gilman Hot Springs. There are potential communications sites located in the Gilman Hot Springs area within the funnel full spaced area which would provide coverage to Hemet, California.

COMPLIANCE WITH CITY GRADE COVERAGE SECTION 73.315

STANDARD FCC PREDICTION METHOD

Pursuant to Section 73.315 of the Commission's Rules, contour distances for city grade compliance are calculated in accordance with the methods described in Section 73.313 of the Commission's Rules utilizing the appropriate F(50,50) propagation curves (Section 73.333, Figure 1); contours based upon the proposed effective radiated power; and the proposed antenna

height above average terrain. Pursuant to FCC community coverage requirement, the proposed 3.16 mV/m (70 dBu) principal community contour must provide adequate coverage to the legal boundaries of the community of license; Hemet, California.

Under current Commission policy, substantial compliance with the community coverage requirements is achieved if greater than 80% of the area of the community of license or greater than 80% of the population in the community of license receives a 70 dBu or greater signal.³

CONCLUSION

After a thorough review of the record, and an examination of the area within which a transmitter site for KXRS(FM) might be located in compliance with applicable FCC requirements, I conclude that additional permissible transmitter sites for KXRS(FM) exist in accordance with the FCC Rules and Regulations. The record has established that alternatives are available which will improve service to the public and mitigate the need to construct an additional tower near Pisgah Peak while still meeting the service objectives and improvements sought by KXRS(FM).

Respectfully submitted,

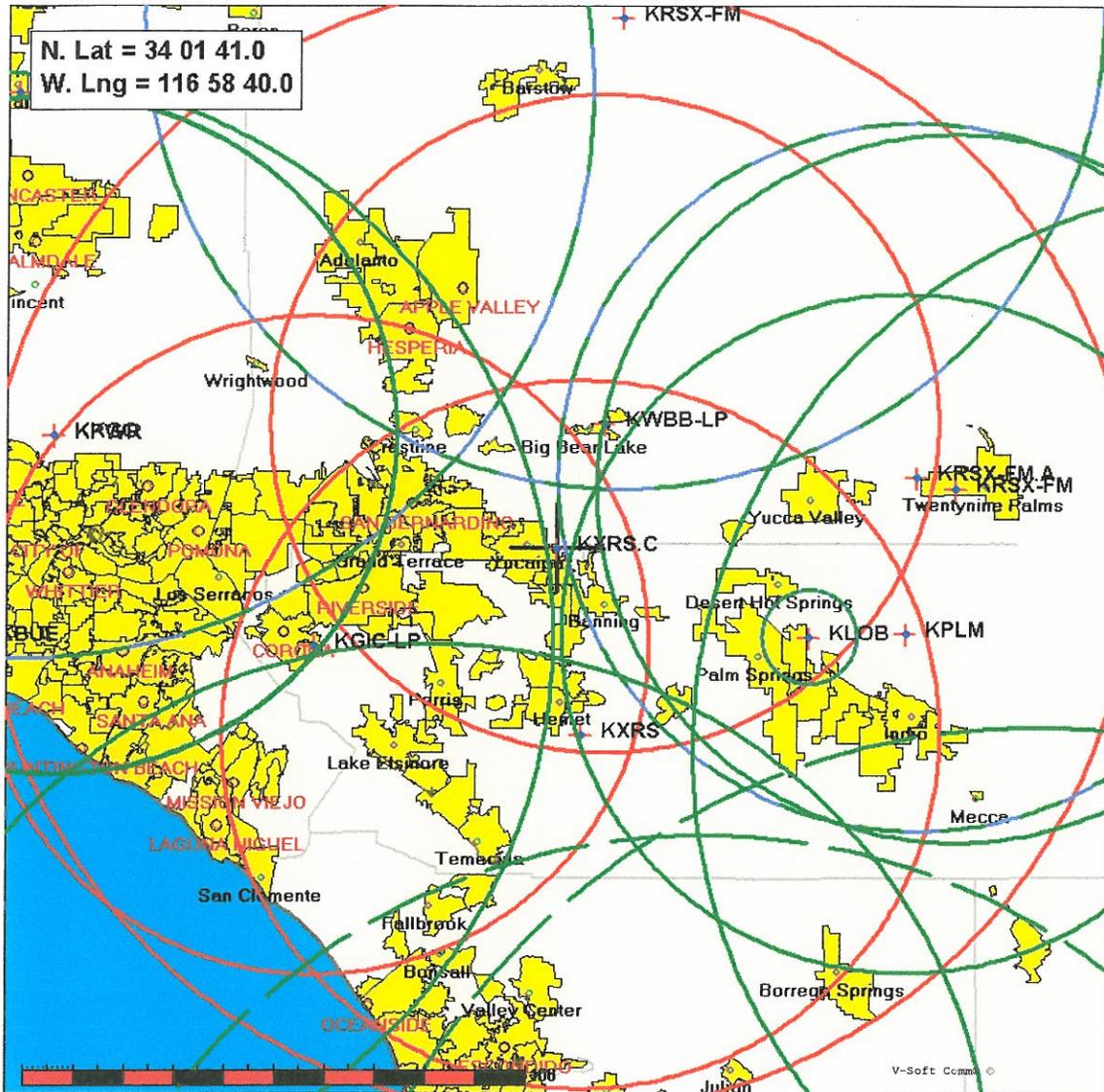

Edward P. De La Hunt

Dated: 3/10/2011

³ See John R. Hughes, 50 FR 5679 (February 11, 1985) and Richard Culpeper, 5 FCC Rcd 2893 n.2 (1990). Also see Rush County Broadcasting Co., Inc., 26 FCC 2d 480 (1970) regarding Line-of-Site to the entire community of license is not an absolute requirement as adequate coverage may still be obtained from a diffracted signal.

ATTACHMENT A
FULL SPACED ALLOCATION STUDY

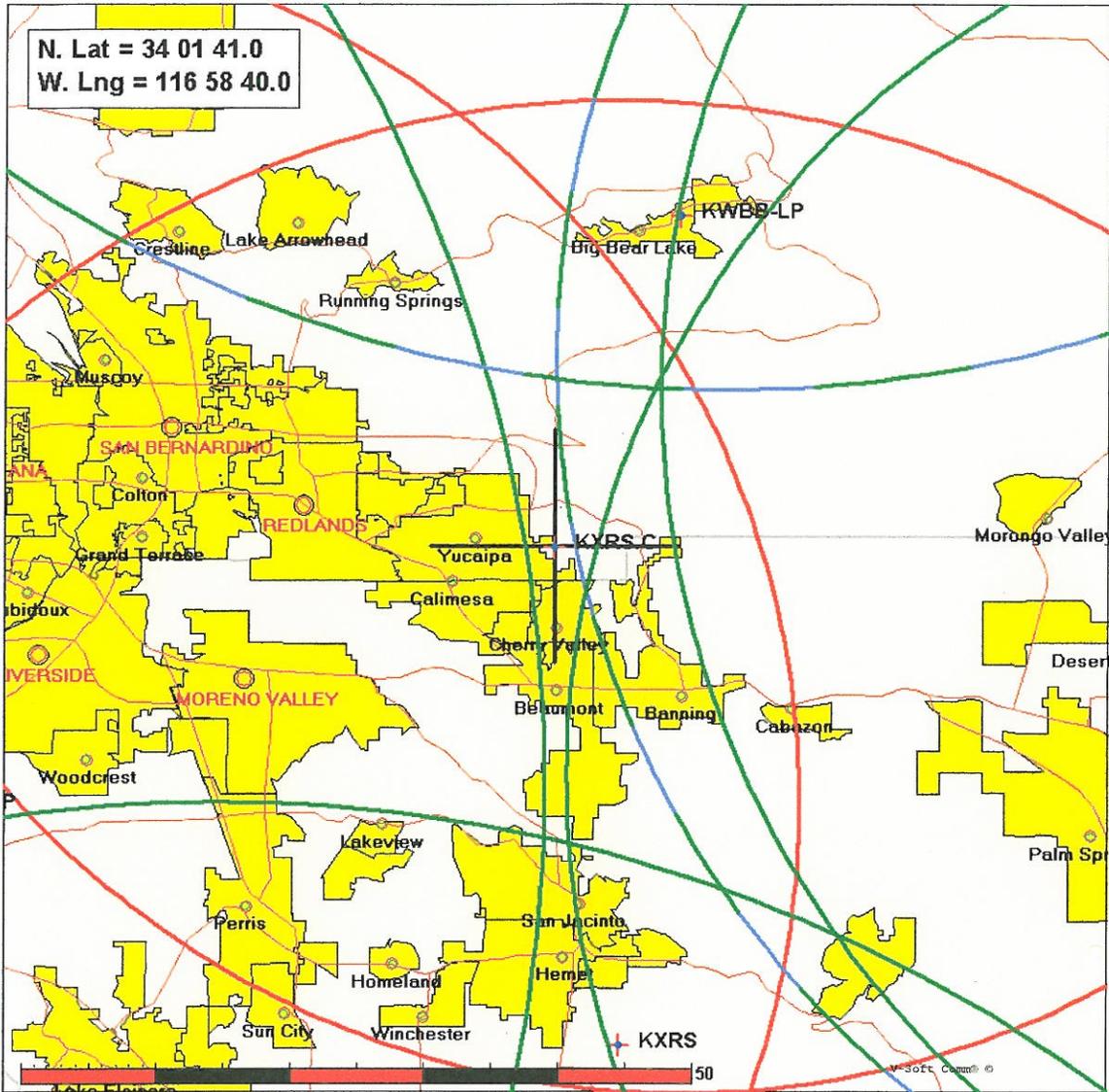
Lazer Licenses, Llc



Data Date:10-30-10 Job Date:11-02-10

Call	CH#	Type	Location	Azi	D-KM	FCC	Margin	
KXRS	289A	LIC	Hemet	CA	172.7	38.0	71.5	-33.5
KXRS	288A	CP	Hemet	CA	0.0	0.0	114.5	-114.5
KWBB-LP	288L1	LIC	Big Bear Lake	CA	20.5	26.8	66.5	-39.7
KGIC-LP	288L1	LIC	Corona	CA	247.8	52.0	66.5	-14.5
KRSX-FM	287A	APP-N	Twentynine Palms	CA	78.7	73.0	71.5	1.5
KBUE	288A	LIC	Long Beach	CA	261.0	116.7	114.5	2.2
KPLM	291B	LIC	Palm Springs	CA	104.0	71.5	68.5	3.0
KRSX-FM	287A	RSV-A	Twentynine Palms	CA	81.4	80.3	71.5	8.8
KRSX-FM	287B1	LIC-N	Yermo	CA	6.8	108.1	95.5	12.6
KIOZ	287B	LIC	San Diego	CA	190.8	134.3	112.5	21.8
KVVS	288A	LIC-N	Rosamond	CA	310.6	141.6	114.5	27.1
VA0805	288A	VAC	Desert Center	CA	106.0	147.4	114.5	32.9
KPWR	290B	LIC-D	Los Angeles	CA	282.8	102.8	68.5	34.4
KKGO	286B	LIC	Los Angeles	CA	282.9	103.0	68.5	34.5
KLOB	234A	LIC-Z	Thousand Palms	CA	109.6	53.5	9.5	44.0
XHBCE	289C1	OPE-D	Tecate	BN	171.2	192.8	132.5	60.3
AL8894	289C1	OPE-D	Tecate	BN	171.2	192.8	132.5	60.3

Lazer Licenses, Llc



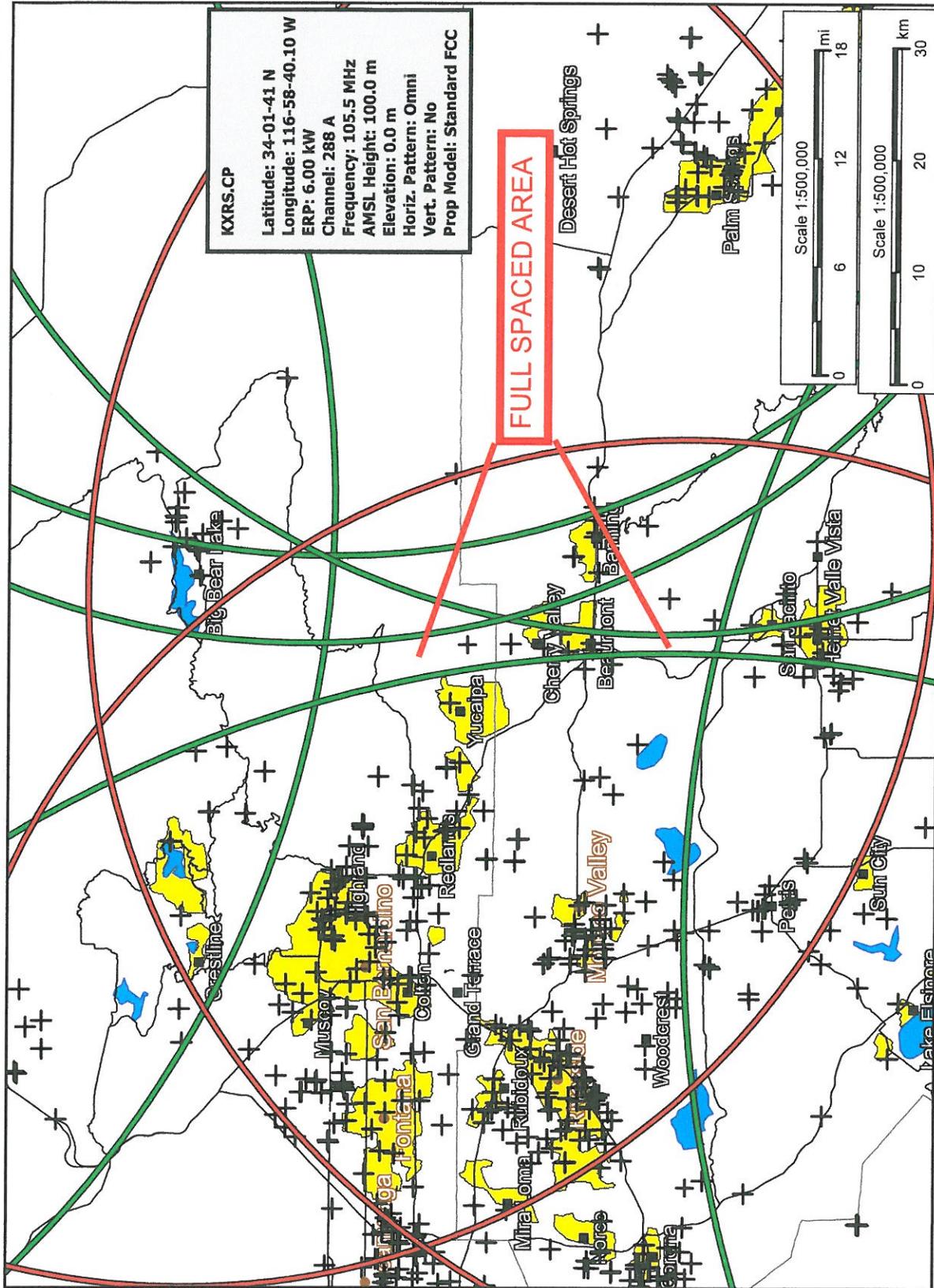
Data Date:10-30-10 Job Date:11-02-10

Call	CH#	Type	Location	Azi	D-KM	FCC	Margin	
KXRS	288A	CP	Hemet	CA	0.0	0.0	114.5	-114.5
KXRS	289A	LIC	Hemet	CA	172.7	38.0	71.5	-33.5
KWBB-LP	288L1	LIC	Big Bear Lake	CA	20.5	26.8	66.5	-39.7
KGIC-LP	288L1	LIC	Corona	CA	247.8	52.0	66.5	-14.5
KRSX-FM	287A	APP-N	Twentynine Palms	CA	78.7	73.0	71.5	1.5
KBUE	288A	LIC	Long Beach	CA	261.0	116.7	114.5	2.2
KPLM	291B	LIC	Palm Springs	CA	104.0	71.5	68.5	3.0
KRSX-FM	287A	RSV-A	Twentynine Palms	CA	81.4	80.3	71.5	8.8
KRSX-FM	287B1	LIC-N	Yermo	CA	6.8	108.1	95.5	12.6
KIOZ	287B	LIC	San Diego	CA	190.8	134.3	112.5	21.8

RSV-R, reserved, needs protection, RSV-A, allocation, does not if a CP or LIC has been granted. (Reference station has protected zone issue); Mexico

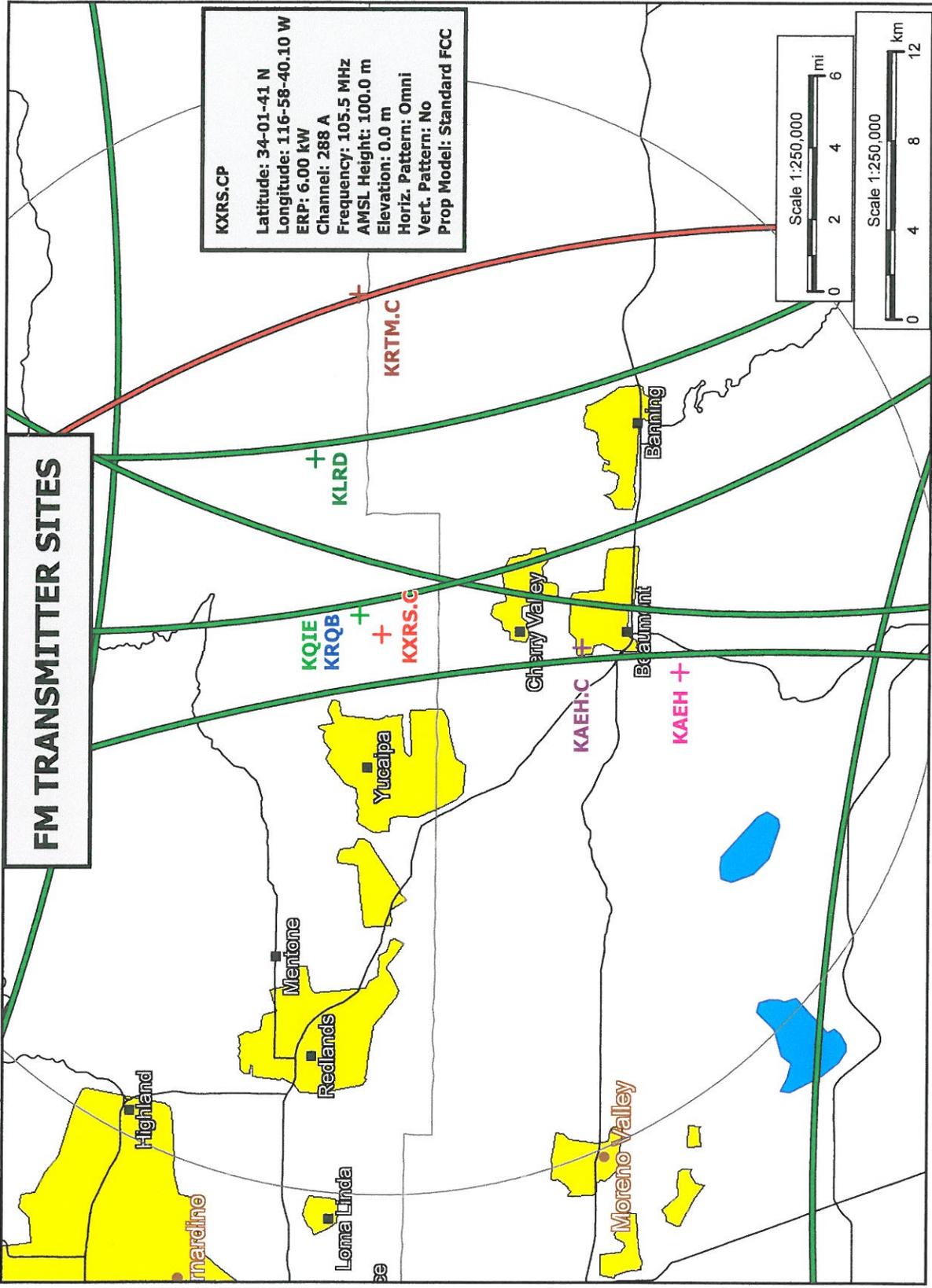
ATTACHMENT B
RADIO STATIONS AND TOWERS
WITHIN FULL SPACED AREA

FULL SPACED AREA



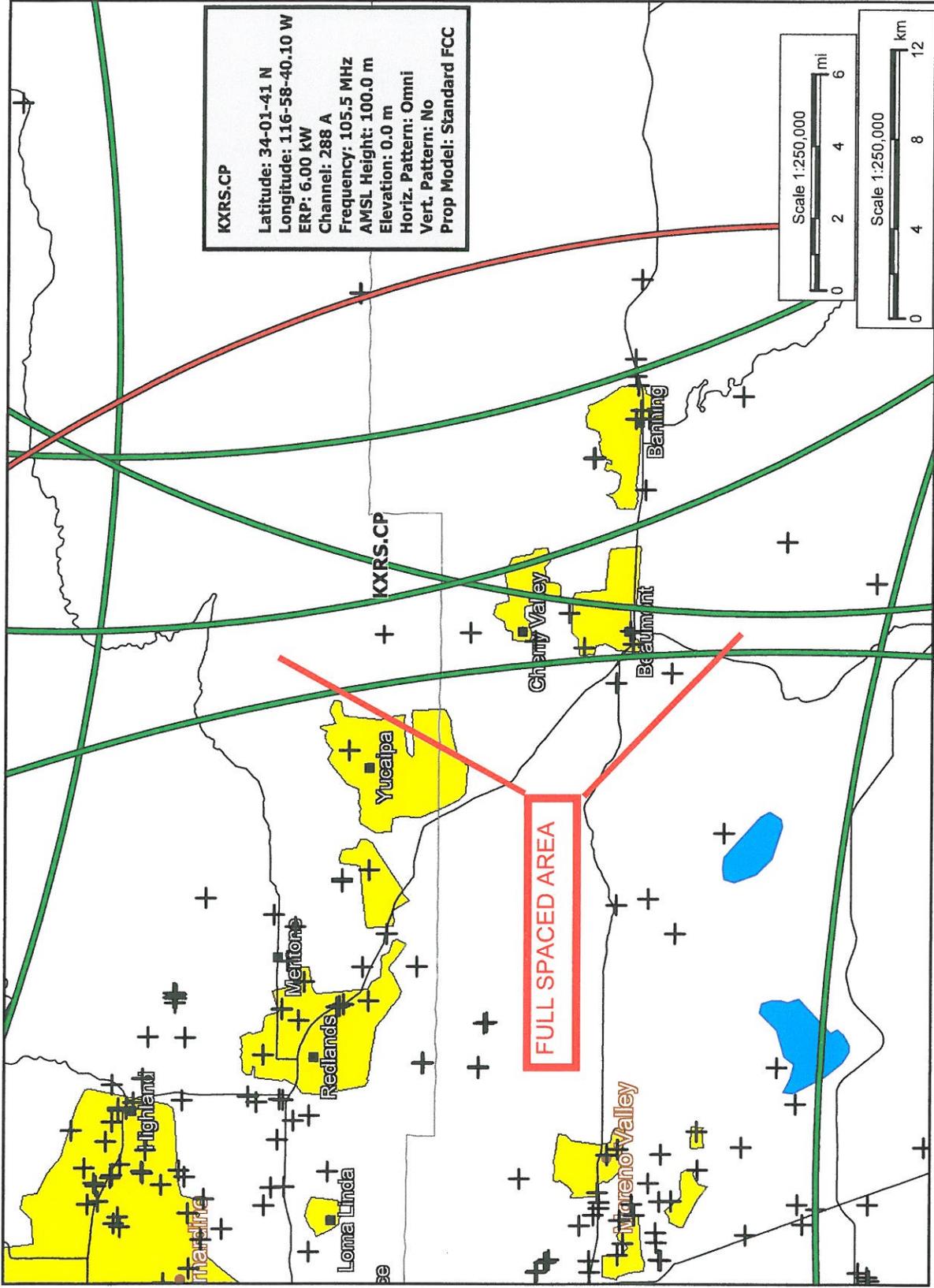
FM TRANSMITTER SITES WITHIN FULL SPACED AREA

Exhibit 2B



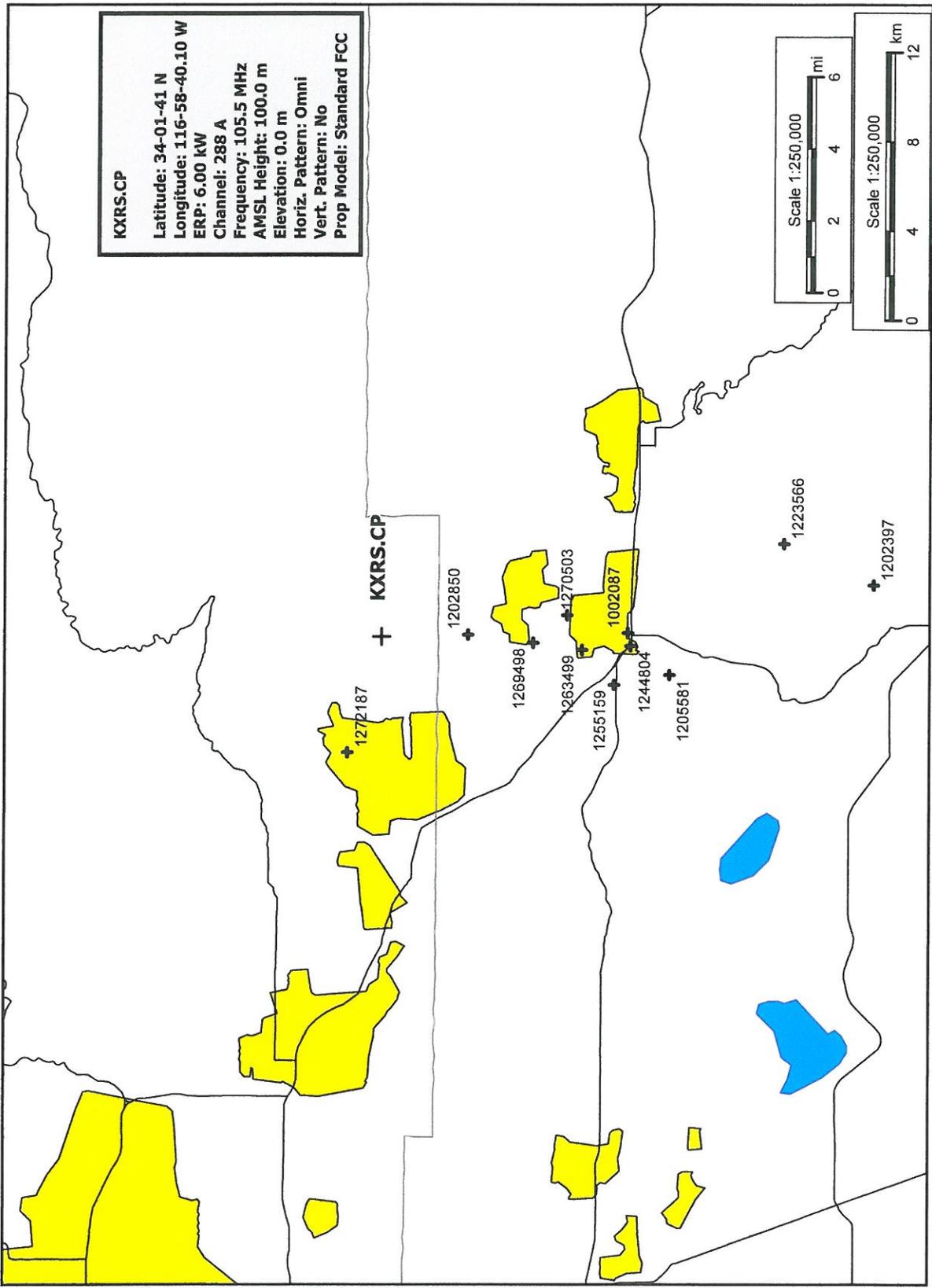
TOWERS WITHIN FULL SPACED AREA EXPANDED

Exhibit 2C



FCC TOWER REGISTRATIONS WITHIN AND CLOSE TO FULL SPACED AREA

Exhibit 2D



ASR Search Results

11 Records Found

Exhibit 2E

DB Updated: 10/31/2010

<u>FAA Study Number</u>	<u>Registration No.</u>	<u>File Number</u>	<u>FRN:</u>						<u>Phone Number</u>
<u>ET Name</u>				<u>Latitude</u>	<u>Longitude</u>				
<u>City, State</u>				<u>Structure - AGL</u>	<u>Elevation</u>				<u>Structure Type</u>
<u>Tip - AMSL</u>	<u>Tip - AGL</u>	<u>Structure - AGL</u>	<u>Structure - AGL</u>	<u>Elevation</u>	<u>FAA EMI Flag</u>				<u>Current/Archive</u>
<u>Date FCC Issued</u>	<u>Date of FAA Determination</u>	<u>FAA Circular #</u>	<u>FAA Circular #</u>	<u>App Purpose</u>		<u>Status</u>			<u>Construct Date</u>
<u>Painting & Lighting</u>		<u>Content Indicator</u>							
96-AWP-2206-OE	1002087	A0002298							
O BEAUMONT CHERRY VALLEY WATER DISTRICT									(909)845-9581
BEAUMONT, CA				N 33° 55' 44.0"	W 116° 58' 37.0"				
818.3 m/2,685 ft	15.2 m/50 ft	3.7 m/12 ft			803.1 m/2,635 ft				B
10/07/1996	08/29/1996								CUR
NONE		REG		NE				1	01/01/1957
						CON			
<u>Structure Address:</u>	560 MAGNOLIA AVE				BEAUMONT				CA
<u>Owner Address:</u>					BEAUMONT				CA 92223-
2005-AWP-2571-OE	1202397	A0564739	0005885231						
O American Towers, Inc.									(847)240-1508
Banning, CA				N 33° 49' 49.2"	W 116° 57' 14.1"				
1,178.9 m/3,868 ft	39.0 m/128 ft	36.6 m/120 ft			1,139.9 m/3,740 ft				TOWER
10/03/2007	05/23/2005				N				CUR
NONE		REG		OC				1	12/17/1998
						CON			
<u>Structure Address:</u>	40700 Soboba Road (Daniel Peak #8672)				Banning				CA
<u>Owner Address:</u>	1101 Perimeter Drive				Schaumburg				IL 60173-
99-AWP-0618-OE	1202850	A0095382	0006153449						
O Magic Broadcasting, Inc.									(909)929-5088
Cherry Valley, CA				N 33° 59' 36.1"	W 116° 58' 40.1"				
1,153.3 m/3,784 ft	122.8 m/403 ft	121.9 m/400 ft			1,030.5 m/3,381 ft				TOWER
09/15/1999	05/14/1999	70/7460-1J							CUR
3, 4, 5, 13		REG		NE				1	
						GRN			
<u>Structure Address:</u>	2.25 km N of Cherry Valley, Riverside Co., C				Cherry Valley				CA
<u>Owner Address:</u>	475 W. Stetson, Ste. U				Hemet				CA 92543-
99-AWP-1716-OE	1205581	A0101857	0001535582						
O Southern California Gas Company									(213)780-5441
Beaumont, CA				N 33° 54' 44.0"	W 116° 59' 50.1"				
863.7 m/2,834 ft	10.7 m/35 ft	9.1 m/30 ft			853.0 m/2,799 ft				TOWER
11/02/1999	09/17/1999								CUR
NONE		REG		NE				1	
						GRN			
<u>Structure Address:</u>	2 MI SW of				Beaumont				CA
<u>Owner Address:</u>	Terminal Annex ML 711Q				Los Angeles				CA 90051-

<u>FAA Study Number</u>	<u>Registration No.</u>	<u>File Number</u>	<u>FRN:</u>		<u>Phone Number</u>
<u>ET Name</u>					
<u>City, State</u>		<u>Latitude</u>	<u>Longitude</u>		
<u>Tip - AMSL</u>	<u>Tip - AGL</u>	<u>Structure - AGL</u>	<u>Elevation</u>		<u>Structure Type</u>
<u>Date FCC Issued</u>	<u>Date of FAA Determination</u>	<u>FAA Circular #</u>	<u>FAA EMI Flag</u>		<u>Current/Archive</u>
<u>Painting & Lighting</u>		<u>Content Indicator</u>	<u>App Purpose</u>	<u>Status</u>	<u>Construct Date</u>
2004-AWP-3506-OE	1223566	A0562817	0014344485		
O Spectrasite Communicatons, Inc., through American Tower, Inc.					(847)240-1508
Desert Hot Springs, CA		N 33° 51' 59.3"	W 116° 56' 01.7"		
507.5 m/1,665 ft	30.4 m/100 ft	30.4 m/100 ft	477.1 m/1,565 ft		TOWER
10/02/2007	08/16/2004		N	I	CUR
NONE		REG	OC	CON	04/15/1999
<u>Structure Address:</u>	700090 Varner Road		Desert Hot Springs		CA
<u>Owner Address:</u>	1101 Perimeter Drive		Schaumburg		IL 60173-
2004-AWP-2415-OE	1244804	A0401224	0001539048		
O UNION PACIFIC RAILROAD COMPANY					(402)544-1777
BEAUMONT, CA		N 33° 55' 40.0"	W 116° 59' 00.0"		
803.0 m/2,634 ft	18.2 m/60 ft	18.2 m/60 ft	784.8 m/2,575 ft		TOWER
08/16/2004	07/23/2004		N	I	CUR
NONE		REG	NT	CON	09/17/1999
<u>Structure Address:</u>	CTC BLDG SP YARD		BEAUMONT		CA
<u>Owner Address:</u>	1400 DOUGLAS ST. STOP 0650		OMAHA		NE 68179-
2006-AWP-4215-OE	1255159	A0629439	0018530147		
O TowerCo Assets LLC					(919)469-5559
Beaumont, CA		N 33° 56' 03.7"	W 117° 00' 07.1"		
795.0 m/2,608 ft	21.3 m/70 ft	21.3 m/70 ft	773.7 m/2,538 ft		POLE
03/26/2009	07/11/2006		N	I	CUR
NONE		REG	OC	CON	08/15/2006
<u>Structure Address:</u>	950 Western Knoll Avenue		Beaumont		CA
<u>Owner Address:</u>	5000 Valleystone Drive, Suite 200		Cary		NC 27519-
2007-AWP-4547-OE	1263499	A0595231	0005031349		
O Moon Broadcasting Riverside, LLC					(213)745-6224
Beaumont, CA		N 33° 56' 51.1"	W 116° 59' 05.7"		
894.3 m/2,934 ft	100.0 m/328 ft	100.0 m/328 ft	794.3 m/2,606 ft		TOWER
05/28/2008	09/13/2007	70/7460-1K		I	CUR
4, 8, 12		REG	NE	GRN	
<u>Structure Address:</u>	North of Oak Valley Pkwy near intersection of		Beaumont		CA
<u>Owner Address:</u>	1200 W. Venice Blvd.		Los Angeles		CA 90006-
2009-AWP-3376-OE	1269498	A0645533	0018530147		
O TowerCo Assets LLC					(919)469-5559
Cherry Valley, CA		N 33° 58' 02.5"	W 116° 58' 54.1"		
858.8 m/2,818 ft	24.0 m/79 ft	20.8 m/68 ft	834.8 m/2,739 ft		TOWER
08/04/2009	07/24/2009		N	I	CUR
NONE		REG	NT	CON	11/16/2004
<u>Structure Address:</u>	38989 Cherry Valley Boulevard-1		Cherry Valley		CA
<u>Owner Address:</u>	5000 Valleystone Drive, Suite 200		Cary		NC 27519-

<u>FAA Study Number</u>	<u>Registration No.</u>	<u>File Number</u>	<u>FRN:</u>			
<u>ET Name</u>				<u>Latitude</u>	<u>Longitude</u>	<u>Phone Number</u>
<u>City, State</u>				<u>Structure - AGL</u>	<u>Elevation</u>	<u>Structure Type</u>
<u>Tip - AMSL</u>	<u>Tip - AGL</u>			<u>FAA Circular #</u>	<u>FAA EMI Flag</u>	<u>Current/Archive</u>
<u>Date FCC Issued</u>	<u>Date of FAA Determination</u>			<u>Content Indicator</u>	<u>App Purpose</u>	<u>Status</u>
<u>Painting & Lighting</u>						<u>Construct Date</u>

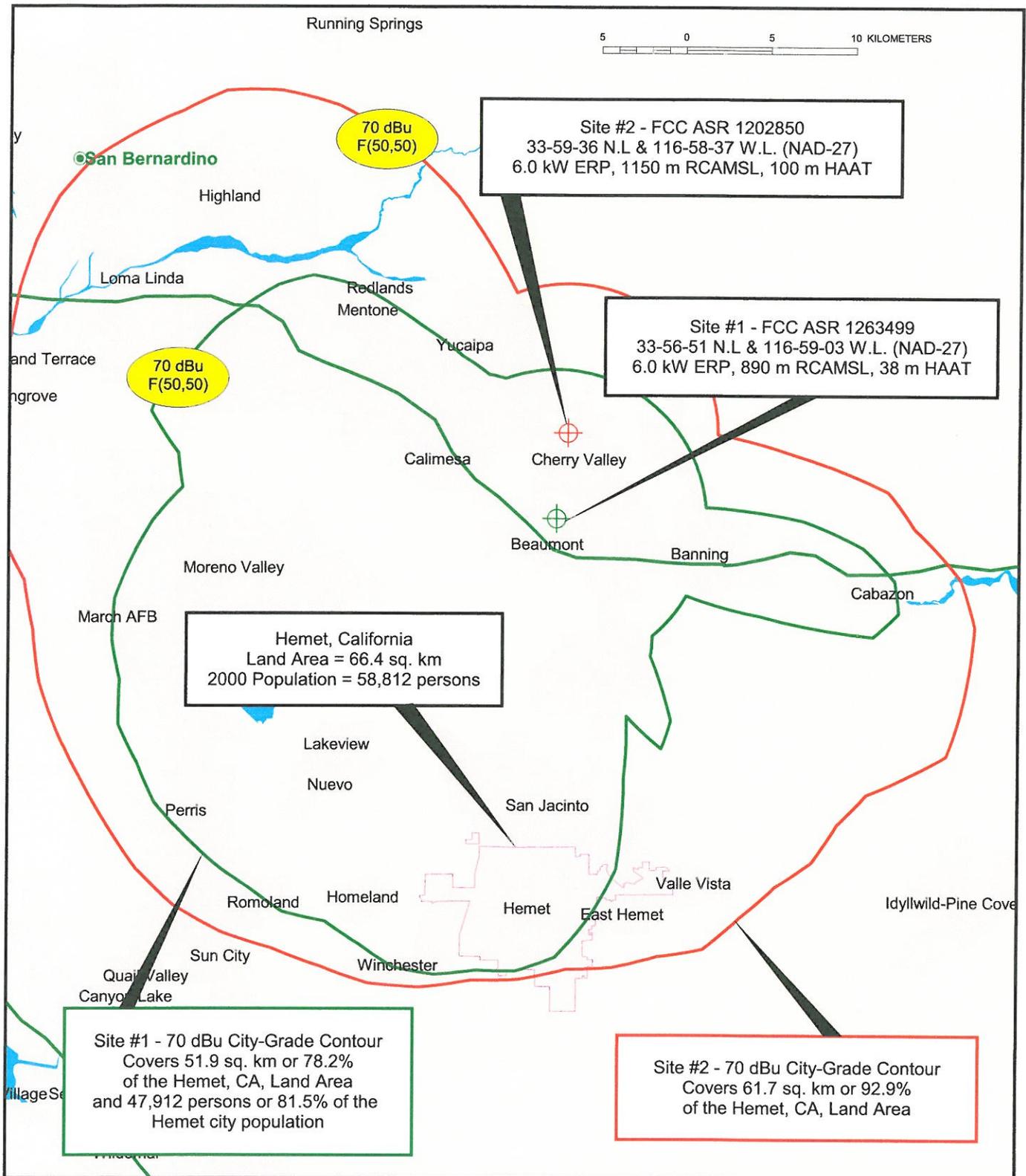
2009-AWP-4221-OE	1270503	A0650070	0018530147			
O TowerCo Assets LLC						(919)469-5559
Beaumont, CA		N 33° 57' 12.9"		W 116° 58' 06.1"		
846.5 m/2,777 ft	24.9 m/82 ft	22.6 m/74 ft		821.6 m/2,696 ft		TOWER
09/08/2009	09/03/2009			N		1 CUR
NONE	REG		NT			CON 12/03/2002

<u>Structure Address:</u>	1001 Cougar Way	Beaumont	CA
<u>Owner Address:</u>	5000 Valleystone Drive, Suite 200	Cary	NC 27519-

2009-AWP-6129-OE	1272187	A0682069	0017959800			
O Mobilitie Investments II, LLC						(949)515-1500
Yucaipa, CA		N 34° 02' 29.9"		W 117° 02' 05.6"		
863.5 m/2,833 ft	19.8 m/65 ft	19.8 m/65 ft		843.7 m/2,768 ft		TOWER
04/07/2010	12/03/2009			N		1 CUR
NONE	REG		AU			CON 12/08/2009

<u>Structure Address:</u>	Green Valley Church 2CA31988	Yucaipa	CA
<u>Owner Address:</u>	660 Newport Center Drive, Ste 200	Newport Beach	CA 92660-

ATTACHMENT C
CITY GRADE COVERAGE
ALTERNATIVE SITES #1 AND #2
WITHIN
FULL SPACED AREA



Predicted City-Grade Coverage Contours
KXRS(FM), Hemet, California
Channel 288A

ATTACHMENT D
FCC AUTHORIZATIONS



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

LAZER LICENSES, LLC
200 SOUTH A STREET
SUITE 400
OXNARD CA 93030

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 36829

Grant Date: May 03, 2006

Call Sign: KXRS

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

Permit File Number: BPH-20040205AAK

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: LAZER LICENSES, LLC

Station Location: CA-HEMET

Frequency (MHz): 105.5

Channel: 288

Class: A

Hours of Operation: Unlimited

Callsign: KXRS

Permit No.: BPH-20040205AAK

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 34 deg 01 min 41 sec
West Longitude: 116 deg 58 min 40 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	6.0	6.0
Height of radiation center above ground (Meters):	27	27
Height of radiation center above mean sea level (Meters):	1294	1294
Height of radiation center above average terrain (Meters):	85	85

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 30 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- Pursuant to the grant of this construction permit and the authority found in Sections 4(i), 5(c)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), 0.283, 1.420, 73.203(b), and 73.3573 of the Commission's Rules, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

Community	Channel No.
Hemet, CA	Add 288A, Delete 289A

Pursuant to Section 316(a) of the Communication Act of 1934, as amended, license BLH-19881116KE IS MODIFIED to specify operation on Channel 288A in lieu of Channel 289A.

Special operating conditions or restrictions:

- 2 Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

EPA Type 1, four sections, 0.5 wavelength spacing

- 3 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.
- 4 This application is being granted prior to the completion of the international notification process. Therefore, any construction of and operation with the facilities specified herein is at applicant's own risk and subject to modification, suspension or termination without right to hearing, if objected to by the Secretaria de Comunicaciones Y Transportes (SCT) in Mexico or if found by the Commission or the SCT to be necessary in order to conform to the 1992 USA-Mexico FM Broadcasting Agreement. This condition will be removed if formal acceptance of the facilities granted herein is received from SCT.

*** END OF AUTHORIZATION ***



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

LAZER LICENSES, LLC
200 SOUTH A STREET
SUITE 400
OXNARD CA 93030

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 36829

Grant Date: December 18, 2008

Call Sign: KXRS

The authority granted herein has no effect on the expiration date of the underlying construction permit.

Permit File Number: BMPH-20081212ABT

This permit modifies permit no.: BPH-20040205AAK

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: LAZER LICENSES, LLC

Station Location: CA-HEMET

Frequency (MHz): 105.5

Channel: 288

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 34 deg 01 min 41 sec
West Longitude: 116 deg 58 min 40 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	6.0	6.0
Height of radiation center above ground (Meters):	20	20
Height of radiation center above mean sea level (Meters):	1294	1294
Height of radiation center above average terrain (Meters):	85	85

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 24 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

ERI "rototiller" (EPA Type 3), four sections, 0.5 wavelength spacing

Callsign: KXRS

Permit No.: BMPH-20081212ABT

Special operating conditions or restrictions:

- 2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

LAZER LICENSES, LLC
200 SOUTH A STREET
SUITE 400
OXNARD CA 93030

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 36829

Grant Date: February 13, 2009

Call Sign: KXRS

The authority granted herein has no effect on the expiration date of the underlying construction permit.

Permit File Number: BMPH-20090210AEA

This permit modifies permit no.: BPH-20040205AAK,
as modified by permit no.: BMPH-20081212ABT

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Callsign: KXRS

Permit No.: BMPH-20090210AEA

Name of Permittee: LAZER LICENSES, LLC

Station Location: CA-HEMET

Frequency (MHz): 105.5

Channel: 288

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 34 deg 01 min 41 sec
 West Longitude: 116 deg 58 min 40 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	6.0	6.0
Height of radiation center above ground (Meters):	9	9
Height of radiation center above mean sea level (Meters):	1294	1294
Height of radiation center above average terrain (Meters):	85	85

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 13 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

ERI "Rototiller" (EPA Type 3), four sections, 0.5 wavelength spacing

Callsign: KXRS

Permit No.: BMPH-20090210AEA

Special operating conditions or restrictions:

- 2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

ATTACHMENT E
QUALIFICATIONS OF EDWARD PAUL DE LA HUNT

De La Hunt Communications Service

Edward P De La Hunt, Engineer Consultant
17487 Driftwood Lane
Park Rapids, MN 54670
PH: (703) 887-6000
EM: eddelahunt@unitelc.com

Edward Paul De La Hunt is an expert telecommunications engineering consultant. Mr. De La Hunt is an expert in radio broadcasting technical regulatory rules and policies regulated by the Federal Communication Commission. Mr. De La Hunt received a BS in Electrical Engineering from the University of North Dakota.

Mr. De La Hunt, as owner of De La Hunt Communications Service, has served as a technical engineering consultant for numerous broadcast companies. Prior, Mr. De La Hunt served a 14 year appointment at the Federal Communications Commission in Washington, D.C. Mr. De La Hunt position before departing the Federal Communications Commission was Deputy Chief of Engineering, Audio Division, Media Bureau.

As a technical consultant for De La Hunt Communications Service, Mr. De La Hunt has conducted numerous technical reviews for AM and FM broadcasting facilities throughout the United States. These technical reviews include analysis of broadcast facilities for compliance with Federal Communication Commission Rules and Regulations. The technical reviews included the selection of transmitter sites utilizing software-based tools related to frequency allocation and station interference and coverage analysis to demonstrate compliance with Federal Communication Commission Rules and Regulations. Mr. De La Hunt has represents numerous clients on technical matters before the Federal Communication Commission, Local Zoning Authorities and the Federal Aviation Administration related to AM and FM radio station proposals for compliance with Federal, State and Local environmental rules and regulations.

Mr. De La Hunt's final appointment at the Federal Communication Commission was Deputy Chief Engineering, Audio Division, Media Bureau. As Deputy Chief of Engineering, Mr. De La Hunt was tasked with overseeing the regulatory review of AM and FM applications for compliance with the Federal Communication Commission Rules and Regulations. These duties included the establishment of policies and the drafting of rules and regulations to address changes in the broadcasting industry. Mr. De La Hunt's duties included establishing rules and regulations related to: AM and FM full service broadcast stations; FM booster/translator stations; AM and FM Digital Radio broadcast stations, and Low Power FM broadcast stations. Mr. De La Hunt was the author of numerous technical rule changes during his appointment. Mr. De La Hunt represented the Federal Communication Commission as a technical expert on numerous interference matters, industry technical forums and conventions.

Page 2

Mr. De La Hunt has prepared this report regarding the possible transmitter locations KXRS(FM) could be authorized in full compliance with Federal Communications Commission Rules and Regulations. Mr. De La Hunt's report reviewed the subject full spaced area for compliance with Federal Communication Commission rules, regulations and policies. Mr. De La Hunt, based on his knowledge of Federal Communication Commission rules, Mr. De La Hunt's report concludes that additional permissible transmitter sites exists in accordance with the FCC Rules and Regulations. The record has established that alternatives are available which will improve service to the public and mitigate the need to construct an additional tower near Pisgah Peak while still meeting the service objectives and improvements sought by KXRS(FM).

Copies of Mr. De La Hunt's resume and report are attached. Mr. De La Hunt has authored thousands of publications, rulings and decisions as part of his duties at the Federal Communication Commissions for which he has not kept any formal records. Mr. De La Hunt has presented to the Federal Communications Commission expert opinions related to rule changes. Mr. De La Hunt has not testified as an expert witness in the past 2 years.

EDWARD PAUL DE LA HUNT

17487 Driftwood Lane
Park Rapids, Minnesota 56470
United States Citizen

Home: (218) 237-3306
Work: (703) 887-6000
eddelahunt@unitelc.com

SUMMARY OF QUALIFICATIONS

Extensive experience in Telecommunications Industry. **Engineering, Managerial and Supervisory** experience. Strong **leadership** and **motivational** skills. Solid technical background in **interference analysis, signal propagation and FCC Rules and Regulations**. Accomplish tasks through active participation and team involvement. **Excellent written communication and interpersonal skills**. Interact effectively with diverse individuals and groups.

PROFESSIONAL EXPERIENCE

Nov 2008 - BEMDIJI RADIO, INC. RADIO STATION KKWB(FM)
Present Owner, Radio Station KKWB(FM)

Duties and Accomplishments:

- Construction of Radio Station
- Prepare Applications for FCC filing
- Prepared application for compliance with FCC rules, policies and procedures

May 2004 - DE LA HUNT COMMUNICATIONS SERVICE
Present Owner Broadcast Consulting Business

Duties and Accomplishments:

- Conduct Engineering Review for Radio Stations
- Prepare Applications for FCC filing
- Study applications for compliance with FCC rules, policies and procedures

May 2004 - DE LA HUNT BROADCASTING COMPANY
Present Account Executive KK Radio Network
Engineer Assistant

Duties and Accomplishments:

- Monitor FCC Related activities for group owned stations
- Assisted Chief Engineer in performance checks and repairs
- Sales Executive, commercial advertising
- Assisted in building and tuning AM directional antenna
- Monitored transmitting and on-air equipment

1996- **FEDERAL COMMUNICATIONS COMMISSION, Washington, D.C.**
May 2004 **Deputy Chief, Audio Division, Media Bureau**

Duties and Accomplishments:

- Supervised engineering staff and prepare performance appraisals
- Authored changes in FCC rules, policies and processing procedures
- Rendered decisions on complex technical proposals of FM and AM radio stations
- Represented the Media Bureau on Tower Standardization Team
- Commission-sponsored Instructor, U. S. Telecommunications Training Institute
- Conducted propagation and interference studies
- Trained new and current employees on rules and processing procedures
- Authorized construction permits under designated authority

1995- **FEDERAL COMMUNICATIONS COMMISSION, Washington, D.C.**
1996 **Supervisory Engineer, Audio Division, Media Bureau**

Duties and Accomplishments:

- Facilitated team to design action plan for reorganization
- Coordinated and Audio Division's re-engineering program
- Authorize construction permits under designated authority
- Team Leader, reviewed work product of lower level engineers
- Conducted propagation and interference studies on complex proposals
- Studied proposals for Federal Aviation Administration clearance
- Reviewed technical proposals of FM and AM radio stations
- Authored changes in FCC rules, policies and processing procedures
- Primary public contact regarding FCC technical rules
- Trained new and current employees on rules and processing procedures

1990- **FEDERAL COMMUNICATIONS COMMISSION, Washington, D.C.**
1995 **Electronics Engineer, Audio Division, Media Bureau**

Duties and Accomplishments:

- Facilitated team to design action plan for reorganization
- Coordinated Audio Division's reengineering program
- Facilitated a team to reengineer the broadcast license renewal process
- Team Leader, review work product of lower level engineers
- Conducted propagation and interference studies
- Studied proposals for Federal Aviation Administration clearance
- Reviewed technical proposals of FM and AM radio stations
- Authored changes in FCC rules, policies and processing procedures
- Primary public contact regarding FCC technical rules
- Trained new employees

EDWARD PAUL DE LA HUNT

**17487 Driftwood Lane
Park Rapids, Minnesota 56470
United States Citizen**

**Home: (218) 237-3306
Work: (703) 887-6000
eddelahunt@unitelc.com**

RELATED EXPERIENCE

**1983- Sales Executive and Engineer's Assistant
1990 KPRM/KDKK Radio, Park Rapids, MN**

Duties and Accomplishments:

- Assisted Chief Engineer in performance checks and repairs
- Sales Executive, sold commercial advertising
- Assisted in building and tuning a 3-tower AM directional antenna
- Monitored transmitting and on-air equipment

**1984- Station Manager, KEHG Radio, Fosston, MN
1985**

Duties and Accomplishments:

- Managed operation of radio station and sales staff
- Repaired break-downs in transmitting equipment
- Conducted field tests on transmitting facility
- Hired and trained new employees

EDUCATION

University of North Dakota, Grand Forks, North Dakota 58201

Major: Bachelor Science Electrical Engineering, December 1989
Concentration in Communications and Radiating Systems
Minor: Mathematics

The George Washington University, Washington, District of Columbia

Continuing Education Program, 4 Graduate Credits
Course: Antennas and Propagation, October 1994-February 1995

Park Rapids Area High School, Park Rapids, Minnesota

High School Diploma, May 1983

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CERTIFICATION AND TRAINING

Supervisory Certification of Training Program, completed May 1997
Influence Interact Training, FCC, November 1994
Structural and Stylistic Legal Writing, The Whelan Group, September 1994
Facilitator Training, FCC July 1994
Meyers-Briggs Group Decision-Making, April 1994
Quality Improvement Team Training, FCC, March 1992
Engineer In Training, State of Virginia, Certificate received 1990
Advance Class FCC Amateur Radio License, FCC, License received 1982

AFFILIATIONS

Board Member Minnesota Broadcaster Association, May 2004 to present
Association of Federal Communications Consulting Engineers, Associate Member
Headwaters Amateur Radio Club, Member, 1982-present
Sioux Amateur Radio Club, President, 1987-1989; Member, 1983-1990



Richard K. Lashbrook
Agency Director

COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



Aleta I. Lawrence
Director of Planning

Planning Department APPLICATION FOR LAND USE AND DEVELOPMENT

CHICK ONE AS APPROPRIATE

- CHANGE OF ZONE
- PLOT PLAN
- CONDITIONAL USE PERMIT
- PUBLIC USE PERMIT
- TEMPORARY USE PERMIT
- VARIANCE
- COMMERCIAL WFC'S PERMIT
- SECOND UNIT PERMIT

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER PP 16084
EA 37745

A. APPLICATION INFORMATION

1. Applicant's Name KWRP RADIO STATION

Mailing Address: 475 W. STETSON AVENUE

HEMET CA 92543 STREET

HEMET CITY STATE ZIP

Telephone No. (909) 929-5088 (8am - 5pm)

2. Owner's Name: RICHARD AND SUSAN ROBERTS

Mailing Address: 17576 UPLAND AVENUE

FONTANA CA 92335 STREET

FONTANA CITY STATE ZIP

Telephone No. (909) 929-5088 (8am - 5pm)

If the property is owned by more than one person, attach a separate page which lists The names and addresses of all persons having an interest in the property.

3. Eng./Rep. Name: SOUTHLAND ENGINEERING

Mailing Address: 2200 BUSINESS WAY, SUITE 100, RIVERSIDE CA 92501

Telephone No. (909) 788-8488 FAX: (909) 788-8538 (8am - 5pm)

The Planning Department will primarily direct communications regarding a permit to the person identified above as the Eng./Rep. The representative may be the land owner, applicant or agent. A name, address a phone number must be provided for an application to be acceptable.

SIGNATURE OF APPLICANT: [Signature] DATE 1/21/99

1080 Lemon Street, 2nd Floor • (909) 955-3200
295-1010 (5/98) P O Box 1409 • Riverside, California 92502-1409 • FAX (909) 955-1806

7. How much grading is proposed for the project size?

Amount of cut = cubic yards

Amount of fill = cubic yards

8. Does the project need to import or export dirt?

Import _____ Export _____ Neither X

9. How many truck loads? 0 truck loads

10. What is the source/destination of the import/export? N/A

11. What is the square footage of the usable pad area? (That area excluding all slopes?)
2,086 square feet

12. If this is a commercial WICS permit, or involves the generation of electric power.

Indicate total rated power output: N/A

13. If this is a residential parcel or tract map, or other residential project, is it located in a Recreation and Park District or County Service Area authorized to collect fees for park and recreational services?

Yes

No

If yes, do you intend to dedicate land or pay fees, or a combination of both?

Dedicate Land

Pay fees

Combination of Both

If you intend to dedicate land, provide proof of your agreement with the applicable agency.

In accordance with Ordinance No. 460, all tentative Parcel and Tract maps subject to Park and Recreation fees and/or dedications of park land (all residential tracts and condominiums within Park Districts or County Service Areas authorized to collect fees) shall be accompanied by a written statement from the applicant stating whether he intends to dedicate land, pay fees in lieu thereof, or a combination of both. If he states a desire to dedicate land, the subdivider shall first consult with the appropriate County and public agency as to the appropriate area to be dedicated and such areas shall be shown on the tentative map.

RIVERSIDE COUNTY PLANNING DEPARTMENT CASE SUBMITTAL PACKAGES

To insure that all applications are processed smoothly, and to minimize time between submittal of the application and completion, the applicant must provide the following information, plans, and fees, together with the completed application.

*ALL CASES WILL CONTAIN THE FOLLOWING ITEMS IN THE QUANTITY INDICATED

1. Completed and signed application
2. Signed Hazardous Site Disclosure form
3. Panoramic photographs (color prints) clearly showing the whole project site, or an aerial photo of the site. If color photographs are utilized, include a map identifying:
 - a. The position from which each photograph was taken
 - b. The area of coverage of each photograph

2 8.5" X 11" photocopies of the U.S Geological Survey quadrangle map delineating the boundaries of the site. The photocopies must indicate the quadrangle name, section, township and range for the site.

8 typed sets of self-sticking labels of the applicant, owner, engineer/representative, and school district with their mailing addresses as they appear on the application. Do not include duplicate sets where applicant and owner, etc. are the same. These are to be in a legal size envelope.

*THE FOLLOWING ITEMS WILL BE SUBMITTED IN THE QUANTITY INDICATED FOR EACH "TYPE" CASE

CHANGE OF ZONE

Change of Zone Fee and Environmental Assessment Fee.

30 copies (40 if submitted at the Indio Planning Office) of complete and accurate plot plan (See Information checklist under column Change of Zone).

1 copy of Assessor's Map showing parcel (if not used for plot plan).

2 copies of property's legal description as recorded in the Office of the County Recorder.

CONDITIONAL USE PERMIT/PUBLIC USE PERMIT

Conditional Use Permit/Public Use Permit Fee and Environmental Assessment Fee.

30 copies (40 if submitted at the Indio Planning Office) of complete and accurate Plot Plan (See Information Checklist under column Conditional Use or Public Use). The maps must be folded

to a size no greater than 8.5" X 14".
1 copy of Assessor's Map showing parcel(s).

6 copies (9 if submitted at the India Planning Office) of the building floor plans and elevations as indicated on the bottom of Primary Exhibit Requirements.

PLOT PLANS

Plot Plan Fee

30 copies (40 if submitted at the India Planning Office) of complete and accurate plot plan (see Information Checklist under Plot Plan column) The maps must be folded to a size no greater than 8.5" X 14".

6 copies (9 if submitted at the India Planning Office) of building floor plans and elevations as indicated on the bottom of Primary Exhibit Requirements)

Plot Plans not exempt from CFRA will submit the following, in addition to above Environmental Assessment Fee.

VARIANCE

Variance Fee and Environmental Assessment Fee

30 copies (40 if submitted at the India Planning Office) of complete and accurate plot plan. The maps must be folded to a size no greater than 8.5" X 14".

1 copy of Assessor's Map showing parcel.

6 copies (9 if submitted at the India Planning Office) of building floor plans and elevations as indicated on the bottom of Primary Exhibit Requirements).

2 copies of property's legal description as recorded in the Office of the County Recorder.

TEMPORARY USE PERMIT

Temporary Use Permit Fee and Environmental Assessment Fee.

10 copies (25 if submitted at the India Planning Office) of complete and accurate plot plan (See Information Checklist under column Plot Plan). The maps must be folded to a size no greater than 8.5" X 14".

1 copy of Assessor's Map showing parcel.

2 copies of property's legal description as recorded in the Office of the County Recorder.

COMMERCIAL WECS PERMIT

WECS Permit Fee and Environmental Assessment Fee

40 copies of complete and accurate site plan (the maps must be folded to a size no greater than

8.5" 40 copies of complete and accurate site plan (the maps must be folded to a size no greater than 8.5" X 11").

40 copies of complete and accurate site disturbance plan (the maps must be folded to a size no greater than 8.5" X 11").

1 photograph or detailed drawing of each WECS model indicating tower and foundation. This may be placed on project site plan. Indicate total height, tower height, rotor diameter, manufacturer and model type.

1 visual analysis using photographic simulation showing the site fully developed with WECS and accessory structures.

4 copies of site specific geotechnical report.

1 copy of written notification to the local electric utility of the proposed interconnection.

1 copy of microwave communications link owners notification form and required attachments

1 copy of dust control summarization sheet and required attachments.

1 copy of written report documenting off-site construction and operation access routes.

1 copy of a map adequately locating all residences within 2 miles of project boundary. Identify any residences which are not served by cable television.

FAILURE TO PROVIDE THE INFORMATION REQUIRED BY ANY OF THE APPLICABLE ITEMS ON THIS LIST MAY RESULT IN THE REJECTION OF YOUR APPLICATION.

If you have any questions concerning your application, feel free to contact the Planning Department at the appropriate office listed below.

Main Office
4080 Lemon Street, 9th Floor
P.O. Box 1409
Riverside, CA 92502-1409
(909) 955-3208
Fax (909) 955-3157

Indio Office
46209 Oasis Street, 2nd Floor
Indio, CA 92201
(760) 863-8277
Fax (760) 863-7040

978.46



COUNTY OF RIVERSIDE TRANSPORTATION AND LAND MANAGEMENT AGENCY



RECEIVED
RIVERSIDE COUNTY
PERMIT ASSISTANCE CENTER

Richard K. Lashbrook
Agency Director

Planning Department

NOV 17 1999

Aleta J. Laurence
Director of Planning

APPLICATION FOR APPEAL

11/17/99 BZ
RIVERSIDE

RE: CASE NO(S): Plot Plan 16084

LIST ALL RELATED CASE NO(S): _____

APPELLANT'S NAME: KWRP Radio Station

ADDRESS: 475 W. Stetson Avenue

CITY: Hemet, CA STATE: CA ZIP: 92543

TELEPHONE NUMBER: (909) 929-5088

PLEASE COMPLETE REVERSE SIDE OF THIS FORM STATING REASON(S) FOR APPEAL. THIS APPLICATION MUST BE ACCOMPANIED BY APPROPRIATE FILING FEES AND SURROUNDING PROPERTY OWNER'S LABELS. OBTAIN LABEL PACKAGE INSTRUCTIONS FROM INFORMATION SERVICES CENTER.

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH:
Planning Director	<u>East Area Planning Council</u> for: Parcel Maps, Plot Plans, Accessory WECS, 18.45 Plot Plan (Kennels and Catteries), Temporary Use Permits, and Certificates of Historic Appropriateness in Eastern Riverside County. <u>Board of Supervisors</u> for: Temporary Outdoor Events and Substantial Conformance Determinations for WECS. <u>Planning Commission</u> for all other decisions.	<u>Planning Department</u> for appeals before the East Area Planning Council and the Planning Commission. <u>Clerk of the Board of Supervisors</u> for appeals before the Board of Supervisors.
East Area Planning Council	Board of Supervisors	Clerk of the Board of Supervisors
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
Change of Zone Denial by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denial by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.
Land Divisions (Tract Maps and Parcel Maps) Revised Tentative Map Minor Change to Tentative Map Extension of Time for Land Division (Not Vesting Map)	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.
Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisors' agenda.
Large Family Day Care Home Permits	Within 10 days after the date of the mailing of the decision of the Planning Director or within 10 days after the Planning Commission decision appears on the Board's agenda.
Outdoor Advertising Displays (Off-site signs)	If no public hearing is held: Within 10 days after the notice of decision is mailed to the applicant by the Planning Director. If a public hearing is held: Within 10 days after the notice of decision appears on the Board's agenda.
General Plan or Specific Plan Consistency Determination Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
Environmental Impact Report	Within 10 days of receipt by project sponsor of Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.

295-1013 (10/98)

TYPE OF CASES BEING APPEAL	DEADLINE
Plot Plan Second Unit Permits Temporary Use Permits Accessory WECS Section 18.45 Plot Plan (Kennels and Catteries)	Within 10 calendar days after the date of mailing of the decision.
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisors' agenda.
Revised Permit	Same appeal deadline as for original permit
Certificate of Compliance	Within 10 calendar days after the date of the decision by Planning Director.
Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10 days after the notice of decision of the Planning Commission or East Area Planning Council appears on the Board of Supervisors' agenda.

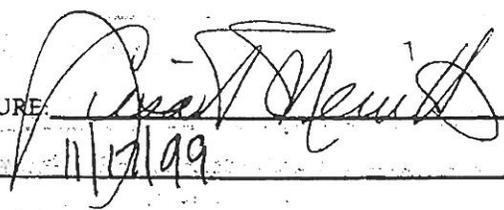
Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

The Planning Director indicates in her letter regarding the denial that the proposed use is not compatible with the future logical development in the area. We believe the use is compatible with the surrounding area.

1. The zoning for the property is W-2 and is consistent with the Riverside County General Plan.
2. The location of the proposed tower is logical, as it is tall, but slender and grey in color to blend in with the surrounding hills and trees. (Power poles to serve electricity to the area are located on hills adjacent to the east of this site.) Transmission Lines for electricity.
3. The project proponent, their attorney, the landowner and the civil engineer were not notified of the date and time of the public hearing, therefore, the proper representative was not there to present their case (their attorney)

USE ADDITIONAL SHEETS, IF NECESSARY.

APPELLANT'S SIGNATURE



DATE:

11/17/99

ENVIRONMENTAL INFORMATION FORM

Please complete Part I and II of this form and provide all of the additional materials requested in Part III. Failure to do so may delay the review and process of your project. If you are unable to provide the information, or you need assistance, please feel free to contact the Planning Department at (909) 275-3200.

PART I: General Information

- 1a. What is the Total Acreage of the site? 30.01 / 0.017 AC.
1b. What is the Total Acreage being developed? 0.017 AC.
2. Is there a previous application filed for the same site? YES NO
If "Yes," provide Case Number. Also provide the Environmental Assessment Number, if known, and Environmental Impact Report Number, if applicable.
CASE NO. _____ (Parcel Map, Zone Change, etc.)
E.A. NO. _____ (If known), EIR NO. _____ (If applicable)
3. Additional comments you may wish to supply regarding your project. (Attach an additional sheet if necessary.)

PART II: Environmental Questionnaire

1. Is the project within an Alquist-Priolo Earthquake Fault Zone? YES NO
To determine if your project is located in a Earthquake Fault Zone, contact the Public Information Section, or refer to the Earthquake Fault Zones Maps available at the Public Information Counter of the Planning Department. If the project is within a zone, refer to Ordinance 547, or discuss the situation with the County Geologist.
If a fault hazard report is necessary, complete the investigation prior to submitting your application and provide 6 copies of the report with this form. If a waiver of the requirements is granted, submit a copy of the waiver with this form.
2. Is the project located within a hazard management zone or liquefaction area as shown on maps of the "Seismic Safety Element Technical Report"? YES NO
To determine if your project is subject to the geologic hazards noted above you should consult the "Seismic Safety & Safety Element Technical Report" which is available at the Public Information Counter of the Planning Department.
If the answer to question #2 is "Yes" contact the appropriate Geographic Planning Team Section to discuss appropriate measure to minimize the hazard, incorporate any mitigation measures into the project design prior to submitting the application or indicate in the space provided below the results of your discussions with the Planning Team.
3. If your project is in the desert area, is it within a blowsand hazard area? YES NO
The Planning Offices in Bermuda Dunes and Riverside will provide you with information concerning blowsand hazards. You may also wish to contact the U.S. Soil Conservation Service.
If your project is subject to blowsand hazards, submit a blowsand control plan with the application. (If your project is a parcel map or subdivision, refer to Section 14.1 of Ordinance 460.)
4. Is water service available at the project site? YES NO n/a
If "No," how far must the water line(s) be extended to provide service? _____ feet or _____ miles
Further explanation:
5. Is sewer service available at the site? YES NO n/a
If "No," how far must the water line(s) be extended to provide service? _____ feet or _____ miles
6. Additional Comments:

PART III: Additional Materials

The following items must be submitted with this form:

1. At least three (3) panoramic photographs (color prints no xerox copies) of the project site, or an aerial photo of the site. If color photographs are utilized, include a map identifying:
a. The position from which each photograph was taken.
b. The area of coverage of each photograph.
2. A clear photocopy (Xerox or similar copy) of the appropriate portion of the U.S. Geological Survey quadrangle map, delineating the boundaries of the project site. Also note the title of the quadrangle map.

I certify that I have investigated the questions in Parts I and II and the answers are true and correct to the best of my knowledge.

[Signature] PROJ. COORD.
NAME & TITLE OF PERSON COMPLETING FORM
[Signature]
SIGNATURE

White, Kevin - LUS

Sent: Monday, September 10, 2012 12:57 PM
To: White, Kevin - LUS
Subject: Letter of opposition from Citizens for the Preservation of Rural Living



Dear Mr. White/Planning Commission:

In 2009 and again in 2011, the communities of Yucaipa and Oak Glen spoke out against the proposed Lazer Broadcasting radio tower project. Our communities continue to strongly oppose this project. In an overwhelming response to Lazer's second attempt to forever spoil the scenic vistas of Wildwood Canyon State Park (the Park), concerned citizens submitted more than **16,000 opposition letters** to the Planning Commission. Lazer has falsely told our community that this tower is different and that our concerns have been allayed. Nothing is farther from the truth; this tower is substantially the same as the 2009 proposed tower.

The current proposed Lazer Tower will still result in significant, unavoidable adverse impacts on the scenic resources of the Park. The tower will have substantial adverse effects on the undeveloped scenic vistas, will degrade the visual quality of the Park and its surroundings and upset the natural balance of our rural environment. Hikers, bicyclists and equestrian riders of the Park do not want their unspoiled trails and pristine mountain peaks to be turned into a radio tower broadcast zone.

Additionally, it is vitally important that the natural wilderness values within Wildwood Canyon State Park and the Pisgah Peak Open Space area remain intact. Construction of the radio tower and transmission complex place several threatened animals, birds and plants in danger including the coast horned lizard, western yellow bat, rufous-crowned sparrow and Lawrence goldfinch. Installation of underground utility lines to feed power to the transmission station could impact miles of sensitive vegetation. Rare and threatened species of concern in San Bernardino County must be preserved and protected for future generations.

In 2009, the Board of Supervisors voted unanimously to deny an almost identical project by Lazer Broadcasting. We strongly encourage the Planning Commission to follow the 2009 findings of the Board of Supervising and again find that this project would have an adverse visual impact on Wildwood Canyon State Park, it would have a substantial adverse effect on abutting properties and would be inconsistent with the goals, maps, policies and standards of the General Plan and the Oak Glen Community Plan.

I strongly urge the County of San Bernardino to **DENY** this project and encourage Lazer to fully evaluate alternative tower locations.

March, 22, 2011

County of San Bernardino
Land Use Services Department, Current Planning Division
Attn: Kevin White, Senior Associate Planner
385 N. Arrowhead Avenue, 3rd Floor
San Bernardino, CA 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 North Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-0110

Dear Mr. White and Supervisor Derry:

I was shocked when I visited the picture page of stopthetowernow.org website and saw our family home in plain view from the tower site proposed by Lazer Broadcasting. My family has lived in Yucaipa since 1945 and purchased 120 acres adjacent to what is now the Wildwood Canyon State Park in 1977. We are outraged that Lazer Broadcasting would be able to come and destroy what has been an untouched pristine view for our family to enjoy. We built our home in 1978 with the surrounding landscape in mind, leaving every single oak tree standing and preserving 95% of the natural land. We have fought to limit development that would deface our scenic views. It is disturbing that a corporation with interests in Hemet/Riverside County would be given the permission to destroy all that we have fought for.

Lazer Broadcasting is now putting our family and home in danger, the tower would be very likely to attract lighting. Fire is one of the largest hazards to our home, we have had to evacuate many times over the years not knowing if we would have a home to return to. The grading and trenching could create a landslide, putting the residents below in danger. The 2009 fire has already stressed the surrounding land. The native species will have their habitats disturbed or destroyed by Lazer Broadcasting. Also animals could be put in danger from the wires, cables and razor wire installed. We are also concerned about our health and our neighbor's health. These radio towers are known to have dangerous radio frequencies; this will affect us and generations to come.

This area is one of Yucaipa's last rural untouched areas; please do not give Lazer Broadcasting the chance to destroy it. I do not want to have a 50 foot steel tower as my view from my backyard or when I am hiking or riding my horse in the park. There are more appropriate locations for a 50-ft tower, this is not the place.

Sincerely,
Kenneth and Amber Rice

OUR HOME
OUR LAND



PROPOSED SITE OF TOWER

LAW OFFICES

FULLERTON, LEMANN, SCHAEFER & DOMINICK, LLP

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

March 11, 2011

Via Facsimile to (909) 387-3249 and U. S. Mail

San Bernardino County Planning Commission
San Bernardino County Land Use Services Department, Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: Applicant : Lazer Broadcasting Corporation
APN : 0325-011-19
Proposal : (a) Conditional Use Permit to Construct FM Radio
Broadcast Facility consisting of a free-standing
43' tower and an equipment shelter on 38.12 acres
(b) Major variance to reduce the required fuel
modification area from 100 feet to 30 feet on 38.12
acres
Community : Oak Glen/3rd Supervisorial District
Location : Pisgah Peak Road, West Side, Approx. 1.5 miles north of
Wildwood Canyon Road
Project No. : P201000215
Staff : Kevin White
Representative: Dave Mylnarski
Hearing date : March 17, 2011

Dear Sir or Madam:

This firm represents Amram Yahalom, the owner of property designated as APN 0325-011-022-0-000, which is directly next to the proposed site. Mr. Yahalom strongly opposes the approval by the Planning Commission of this project.

This is the third attempt in four years to obtain approval for erecting a broadcast tower on this site.

San Bernardino County Planning Commission
March 11, 2011
Page 2

Mr. Yahalom purchased his property for residential purposes and its panoramic views. His plan, in the next few years, is to build a home there on his 40 acre parcel, where he can live in peaceful enjoyment with unobstructed views.

If approved, this project would materially lower his property values, as well as those of all his neighbors. The project would destroy the aesthetic beauty of Mr. Yahalom's future homesite and of the entire area. This site is near Wildwood Canyon State Park and would adversely affect the views which the public now enjoys in using the park.

The proposed site can only be accessed by crossing Mr. Yahalom's property on Pisgah Peak Road, a private road. The Declaration of Easement creating this road recorded in the official records of San Bernardino County as document 80-011369, states that the purpose of the easement is "a non-exclusive easement of ingress and egress and private road easement and public utilities and incidental purposes." This does not authorize the use of this road for commercial purposes. Mr. Yahalom objects to any commercial use of the easement, and to any new easement being created on his property for access to or service of the tower project which would constitute an unlawful and unconstitutional taking without just compensation.

Further, Mr. Yahalom is concerned about the potential of noise pollution and the potential for fuel spillage, pollution and fire danger on his property that would be occasioned by the approval of this project. Reducing the fuel modification area from 100 feet to 30 feet surrounding the structure to be built will be a fire hazard, and endanger the health and safety of Mr. Yahalom and his neighbors and their surrounding properties.

Additionally, the potential radiation from the tower would require disclosure by Mr. Yahalom to any purchaser of his property, which would significantly reduce its salability, future potential use, and property values.

Finally, there has been no Environmental Impact Report prepared for this project to determine the potential harm to the environment. No account has been taken of drainage issues that would result if the project is permitted, and this is a particular concern to Mr. Yahalom, who is the downslope neighbor to the project. No study has been performed as to whether this project will affect area wildlife, endangered species, or native flora.

Mr. Yahalom respectfully requests that the proposed project be disapproved.

Very truly yours,

FULLERTON, LEMANN,
SCHAEFER & DOMINICK, LLP



Lee B. Madinger

LBM:nel

Email Sent: 12/11/2011 6:24am

* First Name: Janet

* Last Name: Aragon

* Email Address: jl.aragon@yahoo.com

Address: 35139 Hollow Creek Dr.

Apt. or Ste.:

* City: Yucaipa

Phone:

Dear Mr. White/Planning Commission:

This letter is in response to your Notice of Availability/Notice of Intent to Adopt an Initial Study/Negative Declaration for Lazer Broadcasting. This is just another attempt by Lazer Broadcasting to build a radio tower on the exact same property in the area of Wildwood Canyon State Park (the Park) and within Pisgah Peak Open Space area. Like the prior proposed tower, this project would threaten our treasured landscapes.

In 2009, the communities of Oak Glen and Yucaipa spoke out against this project. Our community strongly opposes this project. Now Lazer has falsely told our community that this tower is different and that our concerns have been allayed. Nothing is farther from the truth. This tower is substantially the same as the 2009 proposed tower and our communities continue to strongly oppose this project.

The proposed Lazer Tower would result in significant, unavoidable adverse impacts on the scenic resources of the Park. The tower would have substantial adverse effects on the undeveloped scenic vistas, would degrade the visual quality of the Park and its surroundings and would upset the natural balance of our rural environment. Hikers, bicyclists and equestrian riders of the Park do not want their unspoiled trails and pristine mountain peaks to be turned into a radio tower broadcast zone.

Additionally, is it vitally important that the natural wilderness values within Wildwood Canyon State Park and the Pisgah Peak area remain intact. Construction of the radio tower and transmission complex place several threatened animals, birds and plants in danger including the coast horned lizard, western yellow bat, rufous-crowned sparrow and Lawrence goldfinch. Installation of underground utility lines to feed power to the transmission station could impact miles of sensitive vegetation. Rare and threatened species of concern in San Bernardino County must be preserved and protected for future generations.

In 2009, the Board of Supervisors voted unanimously to deny an almost identical project, in the same location, by Lazer Broadcasting. We strongly encourage the Planning Commission to follow the 2009 findings of the Board of Supervising in finding that this project would have an adverse visual impact on Wildwood Canyon State Park and would be inconsistent with the Oak Glen Community Plan goal of preserving open space adjacent to the Park.

I strongly urge the County of San Bernardino to DENY this project and encourage Lazer to fully evaluate alternative tower locations.

Mr. Kevin White, Project Manager
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Ave, 1st Floor
San Bernardino, Calif. 92415

Dear Mr. White:

I am writing to appose the proposed Project No. P201000215/CF, Lazer Parcel No. 0325-011-19. I am a private landowner whose property borders the Wildwood Canyon State Park. I have resided at this location which is within the park boundaries for 40 years, long before this property became a park. My father farmed what is now park property and 2,300 acres of surrounding properties in the 70's and 80's so I am very familiar with the property for the proposed tower.

The applicant has requested a major variance for the construction of a very obtrusive structure in a very ecologically sensitive area which, to me is preposterous. The property the applicant owns is of little or no use for any structure as it is basically a ridgeline with very steep slopes on both sides. It would be difficult for a mountain goat to live on this property but at least a mountain goat would maintain the ecological stability of the land.

I do not feel that anyone is obligated to approve a major variance for this tower. It is not the publics fault the applicant purchased an unusable piece of land. It is also not within the general plan designation for this use as I am sure you are aware. If this project is recommended for approval it would prove the county officials making this decision are not only uninformed but irresponsible.

I am urging you to recommend disapproval of this project for all the above stated reasons.

Sincerely,



Kris Woolard
36855 Cactus Trail
Yucaipa, Ca. 92399
909-797-7188

County of San Bernardino
Land Use Services Department, Current Planning Division
Attn: Kevin White, Senior Associate Planner
385 N. Arrowhead Avenue, 3rd Floor
San Bernardino, CA 92415-0182

Neil Derry, 3rd District Supervisor
County Government Center
385 North Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-0110

Dear Mr. White and Supervisor Derry:

I am **OUTRAGED** by Lazer's attempt to resubmit their proposal to construct their radio broadcast tower adjacent to the Wildwood Canyon State Park and Pisgah Peak areas.

We already voiced our opposition with more than **1,000** petitioners **against** this tower. We have been through this fight before. Residents of Yucaipa, Oak Glen and all of San Bernardino County need to be heard!

Lazer's radio tower will certainly cause detrimental aesthetic/land use impacts on this pristine open space area. It will be clearly visible from the Wildwood Canyon State Park and will mar the wilderness views for years to come.

The almost 50-ft tower will undoubtedly increase the risk of wildfires and threaten the habitat of native species and migratory birds. Hikers, bikers and horse riders of the Wildwood Canyon State Park do not want their unspoiled trails and pristine mountain peaks to be turned into a tower-dotted broadcast zone.

There are other, more appropriate locations for Lazer to place its radio tower -- this is not the place! Supervisor Neil Derry's support to protect our rural landscape did not go unnoticed, but we need the Planning Commission to stand up with us. Please **DENY** the project once and for all and help us **PRESERVE** the Wildwood Canyon State Park and Pisgah Peak areas.

Name: Katy Galeano

Address: 11556 Deerfield Dr Yucaipa

Email: _____

If checked, please add my name to County's distribution list to receive notices of hearings and additional information regarding the proposed project.

**County of San Bernardino
Land Use Services Department, Current Planning Division**

Attention: Kevin White, Senior Associate Planner,
Christina Kelley, Director of Land Use Services
Judy Chapman, Associate Director of Planning
CC: Greg Devereaux, County Administrative Officer
385 N. Arrowhead Avenue, 3rd Floor
San Bernardino, CA 92415-00110

Neil Derry, 3rd District Supervisor
County Government Center
385 North Arrowhead Avenue, Fifth Floor
San Bernardino, CA 92415-00110

Dear Mr. White and Supervisor Derry:

OUTRAGED no longer describes how I feel about Lazer's ongoing persistence to destroy the scenic vistas of Wildwood Canyon State Park and Pisgah Peak areas. At the Planning Commission Hearing held on May 5th, it was made clear that project opponents are concerned about the location and nature of this project and that this is not the place for a 43-foot radio structure.

If approved, **Lazer plans to grade 6,700 feet for utilities** across the most prominently visible section of land overlooking the unspoiled Wildwood Canyon State Park. This will be done to benefit the expansion of a large **Oxnard-based corporation** without consideration of the nearly **60,000 Yucaipa residents**.

The Citizens for the Preservation Rural Living have been fighting tirelessly for the past four years and have successfully secured more than **12,000 supporters** in our fight to protect the scenic vistas above Wildwood Canyon State Park.

Officials of Lazer Broadcasting continue to claim that the tower will not be visible from hiking trails and equestrian paths, however, studies show that **the tower will be visible** from more than 67% of the park and that the visibility of the proposed tower in the areas surrounding Wildwood Canyon State park is indisputable.

There are alternative locations for Lazer to build broadcasting tower while maximizing its listenership without destroying the sensitive environment of our region – **but Lazer doesn't seem to want to work with us**.

We need the planning commission to stand up with us and realize this is more than an application for a radio broadcast tower. There are alternative locations that will not destroy our park.

Supervisor Neil Derry stood with us before, but now we need the Planning Commission to stand up as well. Please **DENY** the project once and for all and help us **PRESERVE** the Wildwood Canyon State Park and Pisgah Peak areas.

Sincerely,

Signature

Print Name: M. SEHLER

Address: 33895 ENOCH AVE YUCAIPA 92399

Email: _____

- Precedent setting, which could result in even more broadcast towers being located in this area (this would already be the second)

This radio tower has been denied in 2009. There is no basis for approving the radio tower today. Consideration of this project should not proceed forward without a full EIR. When considered, the tower project should be denied due to inconsistency with the General Plan and Oak Glen Community Plan and because it will cause significant, unavoidable adverse impacts to the environment.

Thank you,

Karen Pope

Name: Karen Pope (Catter Hill Community Center)

Address: P.O. Box 1475 Yuba City, CA 95999

Email: kpope66989@aol.com

If checked, please add my name to County's distribution list to receive notices of hearings and additional information regarding the proposed project.

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