

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM  
1.2  
(ID # 5614)

**MEETING DATE:**

Tuesday, November 14, 2017

**FROM :** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: RECEIVE AND FILE THE PLANNING COMMISSION'S DECISION TO APPROVE Public Use Permit NO. 927 – CEQA Exempt, Sections 15301 (Existing Facilities) & 15303 (New Construction or Conversion of Small Structures) – Applicant: Level 3 Communications, c/o Robert Diorio – Engineer: Albert A. Webb Associates – First Supervisorial District – Lake Mathews/Woodcrest Area Plan – Good Hope Zoning Area – General Plan: Rural: Rural Residential (R:RR), and Rural: Rural Mountainous (R:RM) – Zoning: Residential Agriculture Five Acre Minimum (R-A-5) – Location: South of Rocky Hills Road and east of Post Road – REQUEST: PUP00927 is a Public Use Permit to re-entitle an existing communications facility, which includes the continued operation of 21 existing antennas and the construction and operation of 11 new antennas, for a total of 32 antennas. The location of the new antennas will be within the existing 4.7-acre development footprint, and the entire project site is comprised of 31.3 acres. [Applicant fees 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **RECEIVE AND FILE** the Notice of Decision for the above referenced case acted on by the Planning Commission on October 4, 2017.

**ACTION:** Consent

Charissa Leach, Assistant TLMA Director 10/30/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter of approval is received and filed as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: November 14, 2017  
xc: Planning, Applicant

Kedia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>SOURCE OF FUNDS: Applicant Fees 100%</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	N/A

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

PUP00927 is a Public Use Permit to re-entitle an existing communications facility which includes the continued operation of 21 existing antennas and the construction and operation of 11 new antennas for a total of 32 antennas. The location of the new antennas will be within the existing 4.7-acre development footprint. The entire project site is comprised of 31.3 acres.

The project site is located south of Rocky Hills Road, east of Post Road, and is within the Lake Mathews/Woodcrest Area Plan and the First Supervisorial District.

The Planning Commission heard the project on October 4, 2017. After taking public testimony, the Planning Commission directed staff to revise Condition of Approval 10. PLANNING 28, 20. PLANNING 7, and 90. PLANNING 28. The revised Conditions are included as Attachment C. The Planning Commission closed the public hearing, found that PUP00927 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) and approved the project with a 5-0 vote.

**Board Action**

The Planning Commission's decision is final, and no action by the Board of Supervisors is required unless the Board assumes jurisdiction by ordering the matter set for a future noticed public hearing, or the applicant or an interested person files a complete appeal application within 10 days of this notice appearing on the Board's agenda.

**Impact on Residents and Businesses**

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and at the Planning Commission.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

All fees are paid by the applicant. No General Fund dollars will be used.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**ATTACHMENTS:**

- A. Planning Commission Staff Report**
- B. Planning Commission Minutes**
- C. Revised Conditions of Approval**

  
Melissa Noone, Associate Management Analyst 11/3/2017



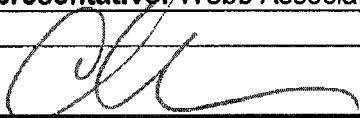
**COUNTY OF RIVERSIDE  
PLANNING DEPARTMENT  
STAFF REPORT**

Agenda Item No.

4.1

Choose an item. October 4, 2017

**PROPOSED PROJECT**

<b>Case Number(s):</b>	PUP00927	<b>Applicant:</b> Level 3 Communications, LLC c/o Robert Diorio
<b>CEQA Exempt</b>	Sections 15301 & 15303	
<b>Area Plan:</b>	Lake Mathews/Woodcrest	
<b>Zoning Area/District:</b>	Good Hope Area	<b>Representative:</b> Webb Associates
<b>Supervisory District:</b>	First District	
<b>Project Planner:</b>	Deborah Bradford	 Charissa Leach, P.E. Assistant TLMA Director
<b>Project APN(s):</b>	343-040-012 & 343-040-013	
<b>Continued From:</b>	N/A	

**PROJECT DESCRIPTION AND LOCATION**

PUP00927 is a Public Use Permit to re-entitle an existing communications facility, which includes the continued operation of twenty-one (21) existing antennas, and the construction and operation of eleven (11) new antennas, for a total of thirty-two (32) antennas. The location of the new antennas will be within the existing 4.7-acre development footprint, and the entire project site is comprised of 31.3 acres.

The project site is located south of Rocky Hills Road, east of Post Road, and is within the Lake Mathews/Woodcrest Area Plan and the First Supervisory District.

**PROJECT RECOMMENDATION**

**STAFF RECOMMENDATIONS:**

**THAT THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:**

**FIND** that PUP No. 927 is **EXEMPT** from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures), and based on the findings and conclusions incorporated in the staff report; and,

**APPROVE PUBLIC USE PERMIT NO. 927**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**PROJECT DATA**

<b>Land Use and Zoning:</b>	
Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Rural
Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Rural Residential & Rural Mountainous
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	N/A
<b>Surrounding General Plan Land Uses</b>	
North:	Rural Residential
East:	Rural Mountainous
South:	City of Lake Elsinore
West:	Rural Residential
Existing Zoning Classification:	Residential Agricultural (5-acre minimum) (R-A-5)
Proposed Zoning Classification:	N/A
<b>Surrounding Zoning Classifications</b>	
North:	Residential Agricultural (5-acre minimum) (R-A-5)
East:	Residential Agricultural (10-acre minimum) (R-A-10)
South:	City of Lake Elsinore
West:	Residential Agricultural (5-acre minimum) (R-A-5)
Existing Use:	Telecommunications Facility
<b>Surrounding Uses</b>	
North:	Commercial Nursery
South:	City of Lake Elsinore – Vacant Land
East:	Vacant Land
West:	Vacant Land

**Located Within:**

City's Sphere of Influence:	No
Community Service Area ("CSA"):	No
Recreation and Parks District:	No
Special Flood Hazard Zone:	Riverside County Flood Control
Area Drainage Plan:	No
Dam Inundation Area:	No

Agricultural Preserve	No
Liquefaction Area:	Yes – Liquefaction Potential Classified as Low
Subsidence Area:	Yes – Subsidence Potential Classified as Susceptible
Fault Zone:	No – Not Within a Half-Mile
Fire Zone:	Yes – Very High Fire Zone
Mount Palomar Observatory Lighting Zone:	Yes – Within Zone “B”
WRCMSHCP Criteria Cell:	Yes – Criteria Cell No. 3370
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat (“SKR”) Fee Area:	Yes – Within the Fee Area
Airport Influence Area (“AIA”):	Yes – Within March Air Reserve

**PROJECT LOCATION MAP**

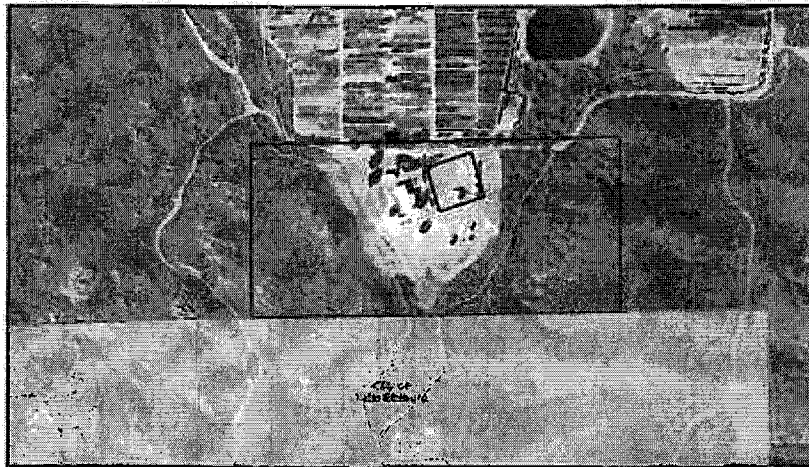


Figure 1: Project Location Map

**PROJECT BACKGROUND AND ANALYSIS**

*Project History*

The project site has historically been used as a communication facility and has been in operation for approximately 30 years. The site is particularly suitable for supporting a communication facility, due to the property’s relatively isolated location and elevation. Due to changing Riverside County Land Use Ordinance requirements and multiple proposed additions to the facility over the years, entitlement approval became required in the 1990s. As a result, Public Use Permit No. 760 was approved by the Planning Commission on March 28, 1995. The Planning Commission adopted a Negative Declaration for Environmental Assessment 36757 and approved Public Use Permit No. 760, to re-activate/entitle the existing communication facility. The site, as approved at that time, included five (5) existing antennas/dishes and accompanying equipment structures, located on a 4.27-acre, developable portion of the 30.3-acre property.

On October 7, 1997, a revision to Public Use Permit No. 760 (PUP00760R1) to allow for additional square footage to an existing building and the addition of fifteen (15) dish antennas, was approved by the Planning Commission. The developable area was noted on the site plan as 4.7 acres, at that time. The revision also imposed a 10-year lifespan of the Public Use Permit, expiring on October 7, 2007.

Between the approval of the revision and prior to the 10-year expiration of the entitlement, there are records of two Substantial Conformances being submitted to the County for minor modifications and reconfigurations of the approved plan. However, it's unclear as to the specific details of the modifications as the records are incomplete.

The ownership of the property changed hands several times throughout the past couple of decades. Due to the ownership changes, expiration of the entitlement was not closely followed. The current owners are proposing several minor revisions to the site and have requested to build-out the balance of the remaining communication dish antennas, approved under the previous entitlement. Since the previous entitlement expired, a new Public Use Permit (PUP00927) was submitted to the County on March 11, 2015. The re-entitlement will result in allowing for the construction of 11 new antenna/dishes of varying sizes and minor modifications and additions to the existing equipment enclosures. Dish antenna sizes range from 3.5 meters to 16 meters in diameter and range from 20-feet to 45-feet tall. All dishes and structures will be constructed within the existing 4.7-acre disturbed development footprint. This plan does not expand beyond the existing established area.

The use is considered a Public Utility. The project applicant, Level 3 Communications, LLC, constructs and maintains the facility's communication equipment. The services that Level 3 Communications, LLC provides at the project site are voice, data, internet connectivity, video transmission, and other general telecommunications and information services, for a wide range of users including the U.S. government and military services, commercial airlines, United Nations traffic, internet streaming for major broadcasters, ship to shore connectivity for merchant vessels (such as cruise lines) and oil platforms, satellite television for most of the major cable program providers, and also occasional video services for national sports and entertainment networks.

*Multiple Species Habitat Conservation Plan ("MSHCP")*

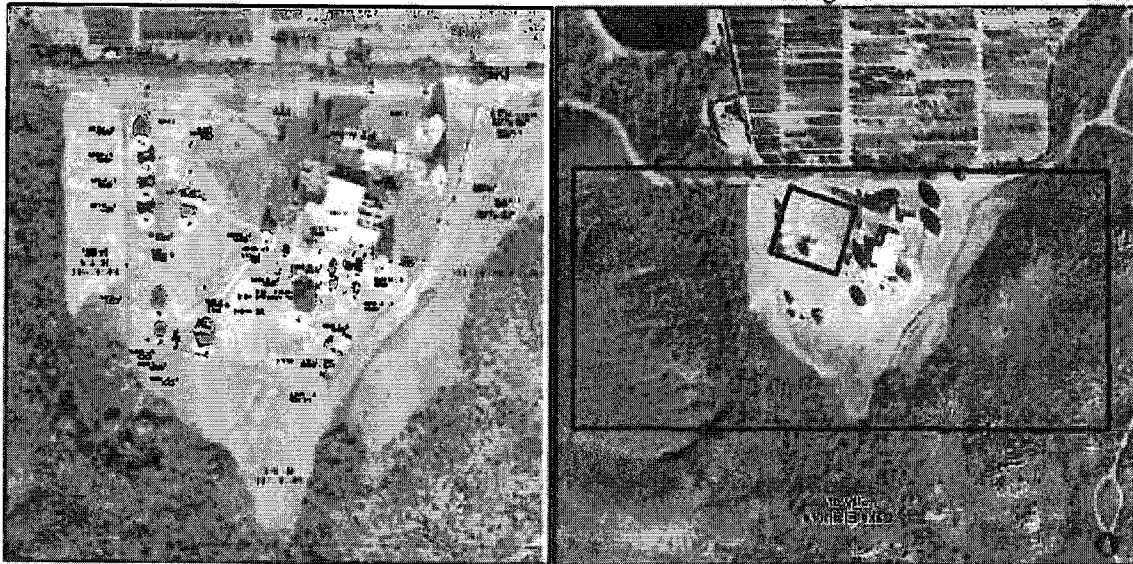
The County of Riverside's Multiple Species Habitat Conservation Plan ("MSHCP") was adopted by the Board of Supervisors on June 17, 2003 and the project site is now located within a Criteria Cell of the MSHCP. However, during the initial approval process of the first Public Use Permit (PUP00760), the plan had not yet been established and was therefore not subject to the HANS process. Although no conservation plan was in place at that time, the project resulted in establishing a small 4.7-acre development footprint, in a logical, already disturbed location. The entire site includes 31.3 acres and a majority of it is largely unsuitable for development, due to steep slopes and access challenges. All iterations of plans that have been submitted to the County over the past 20 years show development occurring only within that same established 4.7-acre area.

To address the potential conservation issues, a Habitat Assessment and Negotiation Strategy ("HANS") application was submitted to the County on August 17, 2015. After a substantial review of the proposed use and history of the site, staff from the Environmental Programs Division ("EPD") determined that the withdrawal of the HANS application would be appropriate, as the development footprint has not changed since the original Public Use Permit (PUP00760) entitlement on March 28, 1995 and the fact that no new area beyond this established footprint will be disturbed as a result of Public Use Permit (PUP00927). However, EPD staff has included conditions of approval stating that if the use is to expand beyond the established development footprint, the HANS process will be required. In addition, condition of approval

80. EPD. 1 has been incorporated to ensure that the blue-line stream located outside of the previous entitlement's development footprint that was impacted by grading activities in 2004 be re-vegetated to the satisfaction of EPD. The photos below illustrates the 4.7-acre developed area, with the existing and proposed antennas and an aerial of the entire 31.3-acre site. The development area is surrounded by chain link fencing.

Site Plan PUP No.927 dated 3/29/17

Aerial Photo showing the entire 31.3 acres



#### *Airport Influence Area ("AIA")*

The Project site is located within Airport Compatibility Zone "E" of the March Air Reserve Base Airport Influence Area. As a result, the project was reviewed by the Airport Land Use Commission ("ALUC") and on August 13, 2015 File No. ZAP1127MA15 was determined to be conditionally consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the Federal Aviation Administration (FAA) Obstruction Evaluation for Aeronautical Study No. 2015-AWP-7129-OE. This project includes conditions of approval, provided by ALUC, as a result of their evaluation.

#### **ENVIRONMENTAL REVIEW**

The proposed project has been determined to be categorically exempt from CEQA, as set forth per Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures). Section 15301 allows for the operation, maintenance, permitting, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Section 15303 allows for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

An example of Section 15301 exemption criteria includes additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. This project proposes the addition of 11 antennas and small expansions to the appurtenant equipment shelters. Furthermore, the additions are located within



the existing 4.7-acre development footprint and do not expand beyond this existing developed area. The overall use of the site is not changing and all public services and facilities are currently available. Another example of the 15301 exemption is operation and minor alteration of facilities or mechanical equipment involving negligible expansion of use of existing facilities of investor or publicly owned utilities used to provide electric power, natural gas, or other public utility services.

An example of Section 15303 exemption criteria includes the construction of new or an addition to existing structures, in support of a primary use. Small additions to existing equipment shelters are proposed under this plan, in support of the new antennas. To reiterate, all new construction is proposed within the existing 4.7-acre development footprint.

Because all aspects of the project are exempt under Sections 15301 and 15303, PUP No. 927 is exempt from CEQA and no further environmental review is required. In addition, no exception to Sections 15301 or 15303 exemptions apply:

- a. The project site is located in a Criteria Cell and a HANS application had been submitted. The project was originally approved in 1995 and was comprised of the same developed area as exists currently. The MSHCP was adopted and approved in 2003 and was not in effect at the time of the original application, no Criteria Cell or HANS process existed. Staff from the Environmental Programs Division ("EPD") has determined that the withdrawal of the HANS application is appropriate in the developed area has not changed since the original entitlement in 1995 and is not proposed to be expanded. The location of the additional 11 antennas will occur within the same developed area boundaries as approved in 1995. The project site is located in an area with low potential for paleontological resources. However, in an abundance of caution, Conditions of Approval will be applied to the project to ensure that, in the unlikely event that any fossils are found, work will cease until the proper steps are taken to ensure protection of the resource. Also, should the County receive future proposals for development beyond the existing 4.7-acre footprint, additional biological studies will be required, including submission of a new HANS application.
- b. There are no successive projects of the same type in the same place expected over time. The proposed project site is located within an area that is sparsely developed with residential and agricultural uses. The project site is approximately 4.7-acres and is currently developed as a communication facility with 21 existing antennas. The proposal is to add 11 antennas to the site. No additional construction or expansion of the development area will occur. No applications have been submitted to the County for the future development of this type of use similar in nature to what the applicant is proposing.
- c. The project area has some scattered residential and agricultural uses within the vicinity of the site. The entire site consists of a flat valley between two well-defined watercourses and two hilltops. However, the antennas will be located on the developed portion of the site away from the existing watercourses. No unusual circumstances such as scenic resources, historic buildings, trees, or rock outcroppings will be affected by the project, given that the project site is already developed as a Communication Facility with existing antennas on site. The proposed project proposes to add 11 antennas within the developed 4.7 acre portion of the site. No construction or expansion of the developed area will occur. No faults are located on the site, nor is the site within a half mile of a fault. The site is not located within a flood zone. Activity on the site will remain as existing. No additional employees or construction of buildings will occur. No storage of hazardous materials will be onsite other than those typical for cleaning of the existing buildings and restroom on site.

Therefore, the activity on-site will not create a significant effect on the environment due to unusual circumstances existing on or near the project site.

- d. The project is not on a hazardous waste site. As provided in the applicant's application packet, a signed Hazardous Waste and Substances Statement has been submitted stating the project is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

Accordingly, no exceptions to Sections 15301 or 15303 of the CEQA exemptions apply.

## **FINDINGS**

**In order for the County to approve a proposed project, the following findings are required to be made:**

### **Public Use Permit Findings:**

1. The proposed use conforms to all the requirements of the General Plan, with all applicable requirements of State law, and the ordinances of Riverside County. This proposed project is consistent with the Riverside County General Plan for the following reasons:

General Plan Land Use Element, Policy LU 1.1 states, "Allow for the continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of the adoption of the General Plan and become non-conforming due to use, density, and/or development requirements." This project was previously approved under Public Use Permit No. 760, which included a 10-year life span. The use has since expired and this project will result in a re-establishment of the entitlement, allowing for the telecommunication facility's continued use and minor expansion, consistent the County's General Plan to allow for continued operation and maintenance of legal uses.

Furthermore, the General Plan Vision Statement, Chapter 2, Man-made Environment section states, "We acknowledge and respect the long heritage of economic endeavors that have shaped portions of our environment through mining, agriculture, renewable energy development, and similar enterprises and continue to take their value into consideration in shaping our environmental management." This project includes an existing telecommunication facility, which has been in operation for approximately 30 years and provides communication technology in support of the military, government agencies, cable providers, and emergency services. Approval of this project will re-entitle the use, allow additional antennas and appurtenant structures to be constructed, while remaining within the existing 4.7-acre development footprint of the 31.3-acre site. This project strikes a balance between enabling necessary development and maintaining a responsible management of open space, meeting the County's Vision Statement.

Lastly, this project will be consistent will all applicable State laws and other County requirements. Construction plans will be required to be submitted and reviewed for consistency with all State building codes and local requirements, pertaining to construction.

2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare. The project site is not located adjacent to sensitive uses, which could be impacted as a result of the use. Furthermore, through compliance with California State Building

Code use Riverside County Development Code, the project will not negatively affect the public health or safety.

3. The proposed use conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property. The project site contains an existing telecommunications facility, which has been in operation for approximately 30-years. This project will result in re-establishing a Public Use Permit entitlement and enable the site to continue the existing operations and expand through the construction of additional antennas. The expansion is a logical development of the land and is compatible with the surrounding area, which includes a large-scale nursery and vacant land.
4. That plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof. The project site includes an existing telecommunication facility. There is adequate access to the site from Gilmer Road on the east, to allow for maintenance and emergency services. No additional right-of-way dedication or road improvements are required in conjunction with this project.
5. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 (Subdivisions) in such a manner that each building is located on a separate legally divided parcel. The scope of this project does not include the subdivision of any land. However, should the site or any portion thereof, be proposed for sale in the future and a subdivision would be required, further analysis will be conducted to ensure compliance with Ordinance No. 460.

**Fire Findings:**

6. The project site is located within a Very High fire hazard area and is within the State Responsibility Area ("SRA") for fire protection services. As a part of being within an SRA the Director of the Department of Forestry and Fire Protection or his/her designee shall be notified of applications for building permits, tentative parcel maps, tentative maps and use permits for construction or development with SRA's. Riverside County Code Section 8.32.050 (C) (2) states that the Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the Board of Supervisors. Assistant Fire Marshall Swarhout stated that given they have the authority to enforce all applicable State fire laws that the notification requirement of Title 14 has been met. The following additional findings are required to be met:
  - a. The proposed Public Use Permit is to permit an existing communication facility with 21 antennas and to add an additional eleven (11) antennas. This project will occur within the existing developed area of the facility and will not expand beyond its boundaries. No new construction is proposed. The proposed project is in compliance sections 4290 and 4291 of the Public Resources Code. Fire protection services can access the site, from Rocky Hills Road.

- b. Fire protection and suppression services are available for the site through the California Department of Forestry and Fire Protection.
- c. The project meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 et seq. of the Public Resources Code, the regulations adopted thereto, and Riverside County Ordinance No. 787. All necessary roadway infrastructure exists and the project site is located adjacent to Rocky Hills Road. There is adequate accessibility to the project site for all emergency service vehicles.

**Other Findings:**

- 7. The Zoning Classification for the project site is Residential Agricultural (5-acre minimum) (R-A-5). Pursuant to Ordinance No. 348, Section 18.29 Public Use Permits ("PUP"), A.6, states that Public Utilities are allowed within any Zone, including R-A, provided a PUP entitlement is obtained. Ordinance No. 348 recognizes that public utility uses can include, but are not limited to, radio broadcasting stations, telephone exchanges, television broadcasting stations, antennas, cable installations, and microwave relay stations. Given the wide range of communication services established and proposed at the project site, the use has been determined to meet the criteria of a Public Utility.
- 8. The project site is located within Criteria Cell No. 3370 of the Western Riverside County Multiple Species Habitat Conservation Plan ("WRCMSHCP") and it was determined that no further biological assessment is required. This project scope includes the re-entitlement of an existing telecommunication facility, which has been in operation for approximately 30-years. Furthermore, the project does not expand beyond the established 4.7-acre development footprint.
- 9. The project site is located in or partially within the Fee Assessment Area for the Stephen's Kangaroo Rat Habitat Conservation Plan ("SKRHCP"). Per County Ordinance No. 663 and the SKRHCP, all applicants for development permits within the boundaries of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcels proposed for development. Payment of the SKRHCP Mitigation Fee for this Project, instead of on-site mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

**PUBLIC HEARING NOTIFICATION AND OUTREACH**

Public hearing notices were mailed to property owners within 2,400 feet of the project site. As of the writing of this report Planning Staff has received no written communication or phone calls either in support or opposed to the project.

**APPEAL INFORMATION**

Actions taken at the Director's Hearing or Planning Commission may be appealed to the next highest approving authority. Appeals may be submitted within 10 calendar days after the Notice of Decision has been made available.

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**Template Location:** Y:\Planning Master Forms\Templates\Staff Report\Staff\_Report\_Template\_DH\_PC.docx  
**Template Revision:** 09/14/17

**RIVERSIDE COUNTY PLANNING DEPARTMENT  
PUP00927  
VICINITY/POLICY AREAS**

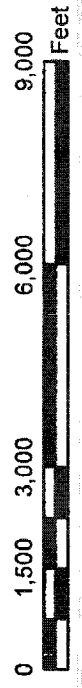
Supervisor: Jeffries  
District 1

Date Drawn: 08/15/2017  
Vicinity Map



Zoning Area: Good Hope

Author: Vinnie Nguyen



NOTES: On October 2, 2003, the County of Riverside adopted a new General Plan. The planning and design services for the development of Riverside County General Plan were provided by the County of Riverside Planning & Development Services. The County of Riverside Planning & Development Services is responsible for the design and development of the map. The County of Riverside Planning & Development Services is not responsible for the accuracy of the map. The County of Riverside Planning & Development Services is not responsible for the accuracy of the map.

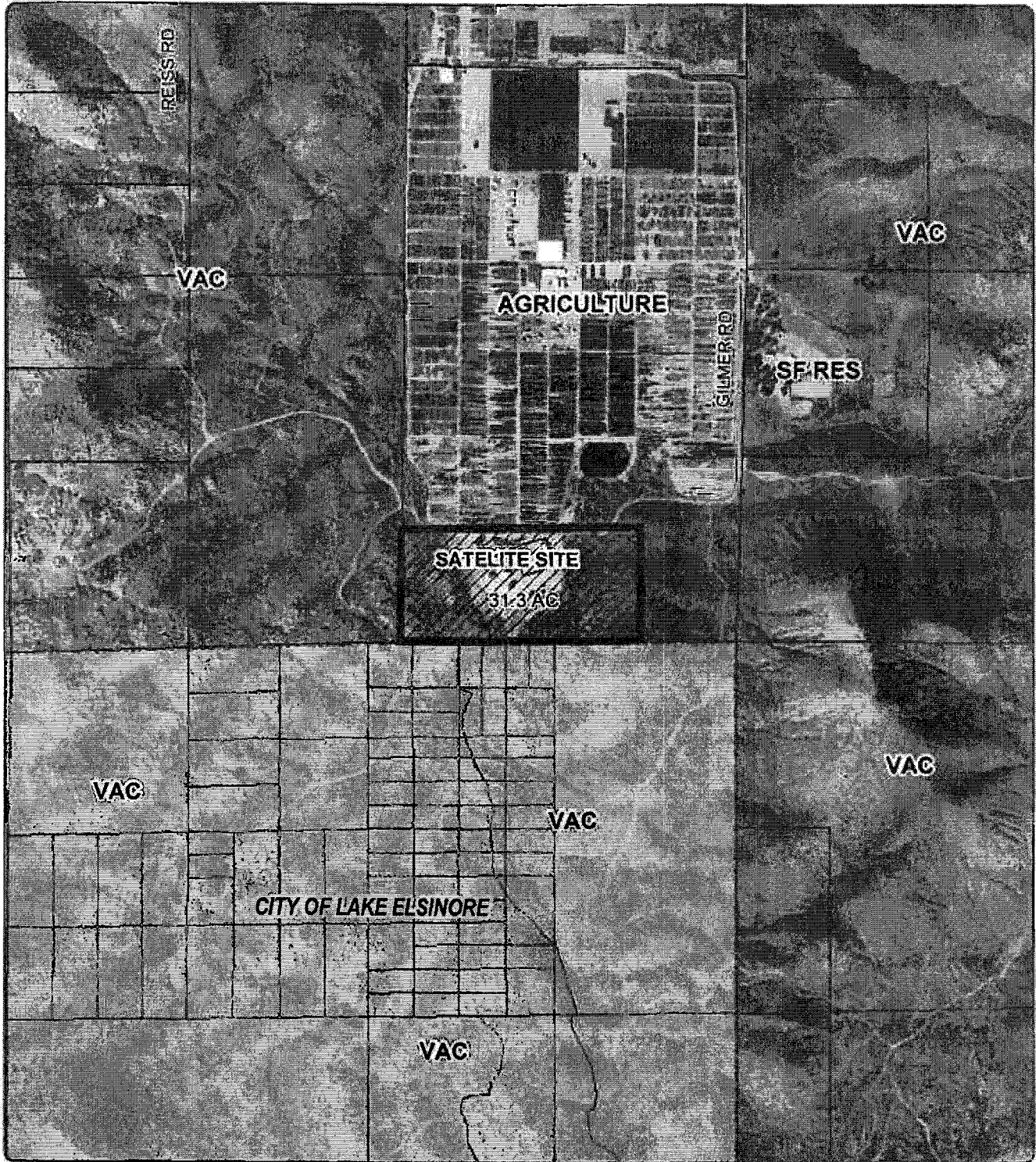
RIVERSIDE COUNTY PLANNING DEPARTMENT

PUP00927

LAND USE

Supervisor: Jeffries  
District 1

Date Drawn: 08/16/2017  
Exhibit 1



Zoning Area: Good Hope

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctdnet.org>

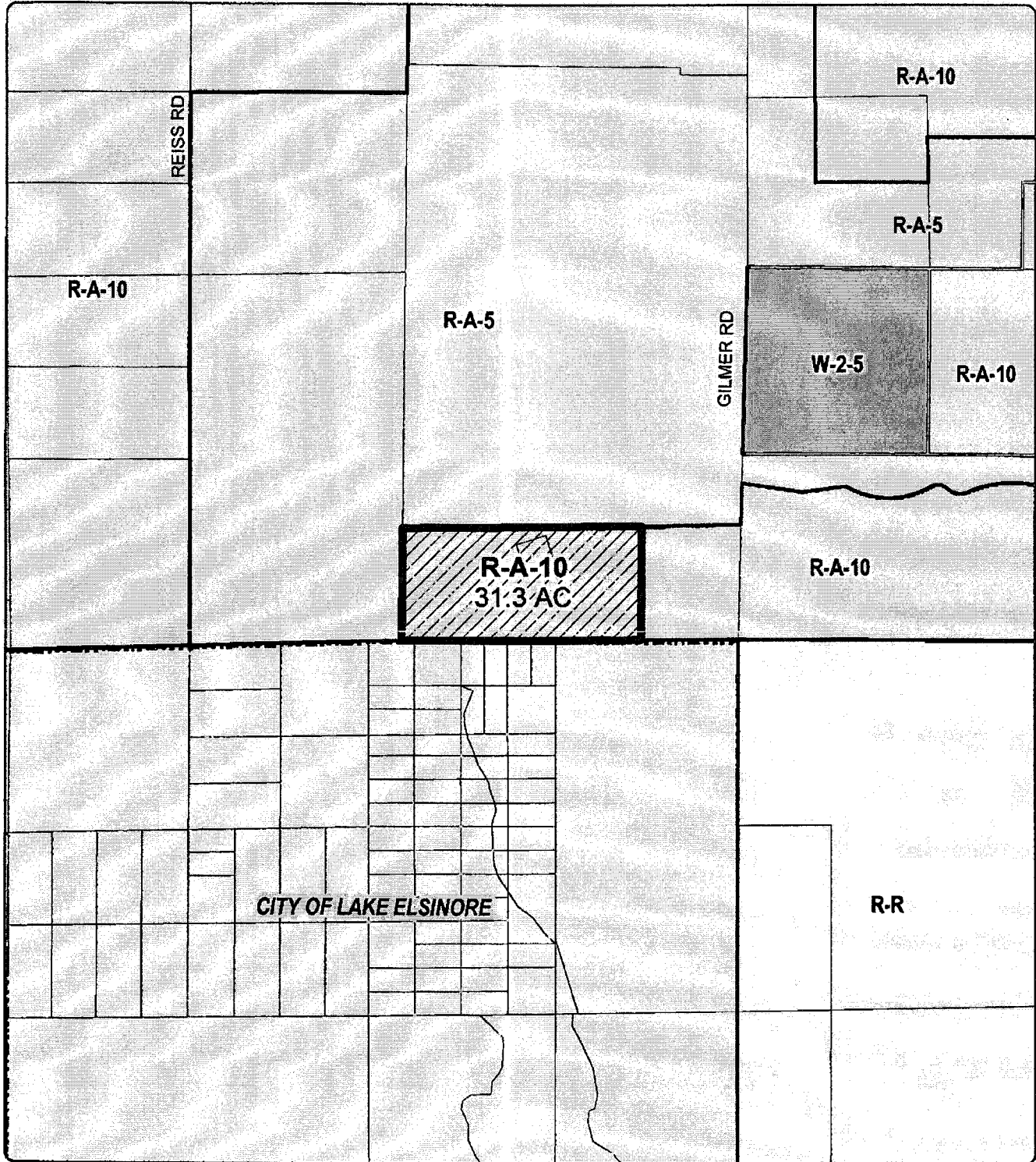
RIVERSIDE COUNTY PLANNING DEPARTMENT

PUP00927

EXISTING ZONING

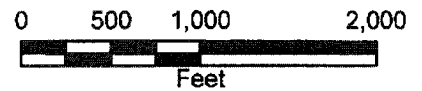
Supervisor: Jeffries  
District 1

Date Drawn: 08/16/2017  
Exhibit 2



Zoning Area: Good Hope

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rcplma.org>



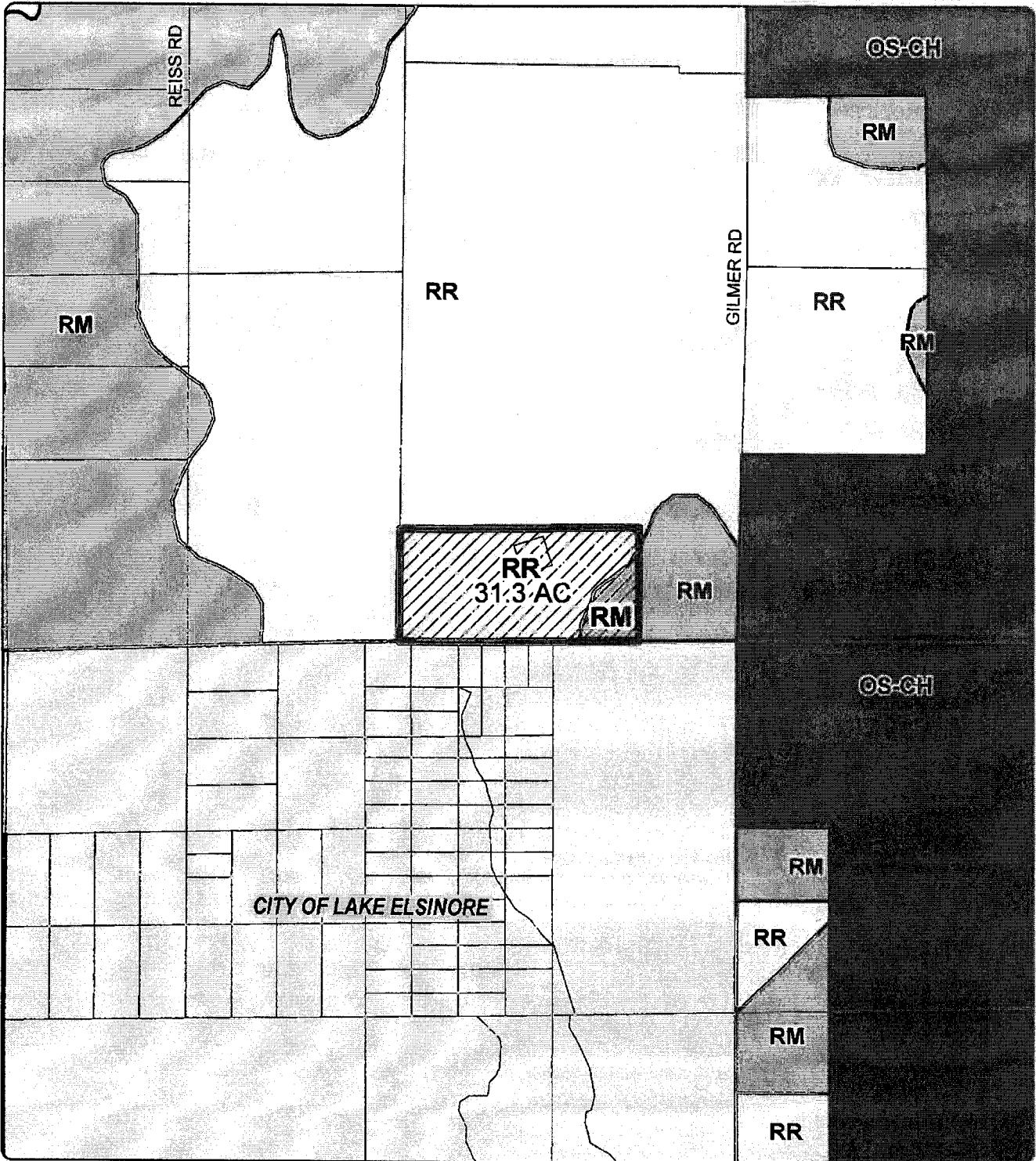
RIVERSIDE COUNTY PLANNING DEPARTMENT

PUP00927

EXISTING GENERAL PLAN

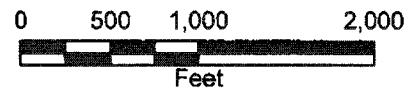
Supervisor: Jeffries  
District 1

Date Drawn: 08/16/2017  
Exhibit 5



Zoning Area: Good Hope

Author: Vinnie Nguyen



**DISCLAIMER:** On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-9277 (Eastern County) or Website <http://planning.ucrimsa.org>



# Level 3 Communications Aerial Photo





PUBLIC USE PERMIT Case #: PUP00927

Parcel: 343-040-013

10. GENERAL CONDITIONS

EVERY DEPARTMENT

~~10. EVERY. 1~~ USE - PROJECT DESCRIPTION ~~RECOMMND~~

The Public Use Permit proposes to allow for an existing Communication Facility with twenty one (21) antennas to install an additional eleven (11) satellite communication antennas for a total of thirty two (32) antennas. No building, building additions, parking or other structures are proposed. The location of the additional antennas will occur within the 4.7 acre developed area of the existing facility.

The project site is located southerly of Rocky Hills Rd., and easterly of Post Rd and is within the Lake Mathews/Woodcrest Area Plan.

10. EVERY. 2 USE - HOLD HARMLESS RECOMMND

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the [PLOT PLAN] [CONDITIONAL USE PERMIT] [PUBLIC USE PERMIT]; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the [PLOT PLAN] [CONDITIONAL USE PERMIT] [PUBLIC USE PERMIT], including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee

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10. GENERAL CONDITIONS

10. EVERY. 2 USE - HOLD HARMLESS (cont.) RECOMMND

shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 USE - DEFINITIONS DRAFT

The words identified in the following list that appear in all capitals in the attached conditions of Public Use Permit No.927 shall be henceforth defined as follows:

APPROVED EXHIBIT A = Public Use Permit No.927 , Exhibit A, dated March 29, 2017.

10. EVERY. 4 USE - 90 DAYS TO PROTEST RECOMMND

The project developer has 90 days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.

PLANNING DEPARTMENT

10.PLANNING. 1 USE - COMPLY WITH ORD./CODES RECOMMND

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes.

The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 2 USE - FEES FOR REVIEW RECOMMND

Any subsequent submittals required by these conditions of approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Ordinance No. 671. Each submittal shall be accompanied with a letter clearly indicating which

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10. GENERAL CONDITIONS

10.PLANNING. 2 USE - FEES FOR REVIEW (cont.) RECOMMND

condition or conditions the submittal is intended to comply with.

10.PLANNING. 3 USE - LIGHTING HOODED/DIRECTED RECOMMND

Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way.

10.PLANNING. 8 USE- LIMIT ON SIGNAGE RECOMMND

Signage for this project shall be subject to approval by the Planning Department pursuant to the requirements of Section 18.30 (Planning Department review only) of Ordinance No. 348.

10.PLANNING. 19 USE - EXTERIOR NOISE LEVELS RECOMMND

Exterior noise levels produced by any use allowed under this permit, including, but not limited to, any outdoor public address system, shall not exceed 45 db(A), 10-minute LEQ, between the hours of 10:00 p.m. to 7:00 a.m., and 65 db(A), 10-minute LEQ, at all other times as measured at any residential, hospital, school, library, nursing home or other similar noise sensitive land use. In the event noise exceeds this standard, the permittee or the permittee's successor-in-interest shall take the necessary steps to remedy the situation, which may include discontinued operation of the facilities. The permit holder shall comply with the applicable standards of Ordinance No. 847.

10.PLANNING. 22 USE - CAUSES FOR REVOCATION RECOMMND

In the event the use hereby permitted under this permit,  
a) is found to be in violation of the terms and conditions of this permit,  
b) is found to have been obtained by fraud or perjured testimony, or  
c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

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10. GENERAL CONDITIONS

10. PLANNING. 23 USE - CEASED OPERATIONS RECOMMND

In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become null and void.

10. PLANNING. 27 USE - MT PALOMAR LIGHTING AREA RECOMMND

Within the Mt. Palomar Special Lighting Area, as defined in Ordinance No. 655, low pressure sodium vapor lighting or overhead high pressure sodium vapor lighting with shields or cutoff luminaires, shall be utilized, or an equivalent type subject to County approval.

10. PLANNING. 28 USE - ORD 810 O S FEE (1) RECOMMND

In accordance with Riverside County Ordinance No. 810, to assist in providing revenue to acquire and preserve open space and habitat, an Open Space Mitigation Fee shall be paid for each development project or portion of an expanded development project to be constructed in Western Riverside County. The amount of the fee for commercial or industrial development shall be calculated on the basis of "Project Area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development.

Any area identified as "NO USE PROPOSED" on the APPROVED EXHIBIT shall not be included in the Project Area.

10. PLANNING. 32 USE - BUSINESS LICENSING RECOMMND

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at [www.rctlma.org.buslic](http://www.rctlma.org.buslic).

10. PLANNING. 33 USE- PALEONTOLOGY RESOURCES RECOMMND

If during in any earth moving activity any cultural or paleontological resources are unearthed. All activities shall cease at which time the County's Archeologist shall be contacted immediately to determine the proper protocols to adhere to, to ensure the protection of these resources. Contact Heather Thomson at (951)-955-2873.



PUBLIC USE PERMIT Case #: PUP00927

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10. GENERAL CONDITIONS

10.PLANNING. 34

USE-ALUC CONDITIONS

RECOMMND

1.Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

2.The following uses shall be prohibited:

(a)Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

(b)Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

(c)Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

(d)Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3.Prior to issuance of any building permits or authorization to operate the proposed facilities, the landowner shall convey and have recorded an avigation easement to March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.

4.Any proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain

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10. GENERAL CONDITIONS

10.PLANNING. 34 USE-ALUC CONDITIONS (cont.)

RECOMMND

totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

6. The attached notice shall be provided to all potential purchasers of the property and lessees of the facilities thereon.

7. Prior to issuance of any building permits or authorization to operate the proposed facilities, a "Determination of No Hazard to Air Navigation" shall be issued by the Federal Aviation Administration.

The following conditions are in regards to the FAA Obstruction Evaluation Service letter issued on August 4, 2015 for Aeronautical Study No. 2015-AWP-7129-OE:

8. The Federal Aviation Administration has conducted an aeronautical study of the proposed antenna with the greatest height and elevation above mean sea level (Aeronautical Study No. 2015-AWP-7129-OE) and has determined that neither marking nor lighting of the antenna structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

9. The maximum height of any of the proposed antenna structures shall not exceed 52 feet above ground level, and the maximum elevation of the proposed antenna structures shall not exceed 2,070 feet above mean sea level.

10. The specific coordinates, height, and top point elevation of the proposed antenna structures shall not be

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10. GENERAL CONDITIONS

10. PLANNING. 34 USE-ALUC CONDITIONS (cont.) (cont.)

RECOMMND

amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in the proposed height or elevation of the antenna structures shall not require further review by the Airport Land Use Commission.

11. Temporary construction equipment used during actual installation of the antenna structures shall not exceed 52 feet in height, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

12. Within five (5) days after the antenna structures have been installed at their maximum height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to install the proposed antenna structures.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20. PLANNING. 7 USE - EXPIRATION DATE-USE CASE

RECOMMND

This approval shall be used within eight (8) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant completion of construction and the actual occupancy of existing buildings or land under the terms of the authorized use.

The Planning Director, at his/her, discretion, may grant additional years beyond the eight (8) years stated above. Should the years be granted and the completion of construction and the actual occupancy of existing buildings or land under the terms of the authorized use not occur, the approval shall become null and void and of no effect whatsoever.

PUBLIC USE PERMIT Case #: PUP00927

Parcel: 343-040-013

60. PRIOR TO GRADING PRMT ISSUANCE

PLANNING DEPARTMENT

60.PLANNING. 7

USE- SKR FEE CONDITION

RECOMMND

Prior to the issuance of a grading permit, the applicant shall comply with the provisions of Riverside County Ordinance No. 663, which generally requires the payment of the appropriate fee set forth in that ordinance. The amount of the fee required to be paid may vary depending upon a variety of factors, including the type of development application submitted and the applicability of any fee reduction or exemption provisions contained in Riverside County Ordinance No. 663. Said fee shall be calculated on the approved development project which is anticipated to be 4.7 acres (gross) in accordance with APPROVED EXHIBIT NO. A.

If the development is subsequently revised, this acreage amount may be modified in order to reflect the revised development project acreage amount. In the event Riverside County Ordinance No. 663 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 663 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

60.PLANNING. 10

USE- FEE STATUS

RECOMMND

Prior to the issuance of grading permits for Public Use Permit No. 927, the Planning Department shall determine the status of the deposit based fees. If the fees are in a negative status, the permit holder shall pay the outstanding balance.

80. PRIOR TO BLDG PRMT ISSUANCE

EPD DEPARTMENT

80.EPD. 1

EPD - FUEL MODIFICATION NOTICE

RECOMMND

Environmental Programs Division (EPD) staff recognize that fuel modification activities are necessary and often required by the Riverside County Fire Department within Very High Fire Hazard Severity Zones. However, past fuel modification activities (2006-2009) have inadvertently impacted onsite MSHCP Riparian/Riverine Habitat outside of the proposed project area.

The applicant shall submit a plan to EPD staff outlining a

**LAND DEVELOPMENT COMMITTEE**  
**INITIAL CASE TRANSMITTAL**  
**RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE**  
**P.O. Box 1409**  
**Riverside, CA 92502-1409**

DATE: May 7, 2015

TO:

Riv. Co. Transportation Dept.  
Riv. Co. Environmental Health Dept.  
Riv. Co. Information Technology J. Sarkissian  
Riv. Co. Fire Department  
Riv. Co. Flood Control

Riv. Co. Building & Safety – Grading  
Riv. Co. Building & Safety – Plan Check  
Riv. Co. Environmental Programs Dept.  
P.D. Geology Section-D. Jones  
P.D. Archaeology H. Thomson

P.D. Landscaping Section-M. Hughes  
ALUC – John Guerin  
1st District Supervisor  
1st District Planning Commissioner  
March Air Reserve Base

**CONDITIONAL USE PERMIT NO. 3726 – EA42778 – Applicant: Level 3 Communications – Engineer Representative: Albert A Webb Associates – Owner: VYVX – First Supervisorial District – Good Hope Zoning Area – Lake Mathews/Woodcrest Area Plan – General Plan: Rural: Rural Residential (R: RR) (5 ac min) – Zoning: Residential Agriculture, 5 acre minimum (R-A-5) – Location: southerly and easterly of Rocky Hills Road, and southwesterly of Maywood Club Road. – REQUEST: Construction and operation of eleven (11) satellite communications antennas and all other necessary and required supporting equipment within an existing satellite communications center. – APNs: 343-040-012 and 343-040-013.**

Please review the attached map(s) and/or exhibit(s) for the above-described project. This case is scheduled for a **LDC meeting on May 21, 2015**. All LDC Members please have draft conditions in the Land Management System on or before the above date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the routing on or before the above date. Once the route is complete, and the approval screen is approved with or without corrections, the case can be scheduled for a public hearing.

All other transmitted entities, please have your comments, questions and recommendations to the Planning Department on or before the above date. Your comments/recommendations/conditions are requested so that they may be incorporated in the staff report for this particular case.

Should you have any questions regarding this project, please do not hesitate to contact **Mark Corcoran**, Contract Planner, at **(951)955-3025** or email, at [mcorcora@rcplma.org](mailto:mcorcora@rcplma.org) / **MAILSTOP# 1070**.

COMMENTS:

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE PRINT NAME AND TITLE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

*If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.*



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

September 14, 2015

**CHAIR**  
Simon Housman  
Rancho Mirage

**VICE CHAIRMAN**  
Rod Ballance  
Riverside

**COMMISSIONERS**

Arthur Butler  
Riverside

John Lyon  
Riverside

Glen Holmes  
Hemet

Greg Pettis  
Cathedral City

Steve Manos  
Lake Elsinore

**STAFF**

Director  
Ed Cooper

John Guerin  
Russell Brady  
Barbara Santos

County Administrative Center  
4080 Lemon St., 14<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

Mr. Mark Corcoran, Contract Planner  
Riverside County Planning Department  
4080 Lemon Street, Twelfth Floor  
Riverside, CA 92501  
(VIA HAND DELIVERY)

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW**

File No.: ZAP1127MA15

Related File No.: CUP03726 (Conditional Use Permit) and CZ07868 (Change of Zone)

APNs: 343-040-012; 343-040-013

Dear Mr. Corcoran:

On August 13, 2015, the Riverside County Airport Land Use Commission (ALUC) found Change of Zone Case No. 7868, a proposal to change the zoning of 31.3 acres located westerly of a southerly extension of Gilmer Road, southerly of a westerly extension of Olympia Avenue, and easterly of a southerly extension of Reiss Road in the unincorporated community of Lake Mathews (to wit, Assessor's parcel Numbers 343-040-012 and 343-040-013) from Residential Agricultural, five acre minimum lot size (R-A-5) to Light Agriculture, five acre minimum lot size (A-1-5), **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (March ALUCP).

This finding of consistency relates to airport land use compatibility issues and does not necessarily constitute an endorsement of this proposal, as both the existing and proposed zoning are consistent with the March ALUCP.

On August 13, 2015, the Riverside County Airport Land Use Commission (ALUC) found Conditional Use Permit No. 3726, a proposal to construct and operate eleven (11) satellite communication antennas and other supporting equipment within an existing satellite communications center on 4.7 acres within the 31.3-acre change of zone site, **CONDITIONALLY CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, pending Federal Aviation Administration (FAA) review, which has now been completed, subject to the following conditions, as amended to incorporate the provisions of the FAA's Determination of No Hazard to Air Navigation letter issued on August 4, 2015 (conditions added pursuant to FAA letter subsequent to hearing shown in **bold type**).

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of any building permits or authorization to operate the proposed facilities, the landowner shall convey and have recorded an avigation easement to March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
  4. Any proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  6. The attached notice shall be provided to all potential purchasers of the property and lessees of the facilities thereon.
  7. Prior to issuance of any building permits or authorization to operate the proposed facilities, a "Determination of No Hazard to Air Navigation" shall be issued by the Federal Aviation Administration.

**[This condition shall be considered to have been MET.]**

**The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on August 4, 2015 for Aeronautical Study No. 2015-AWP-7129-OE.**

8. The Federal Aviation Administration has conducted an aeronautical study of the

proposed antenna with the greatest height and elevation above mean sea level (Aeronautical Study No. 2015-AWP-7129-OE) and has determined that neither marking nor lighting of the antenna structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

9. The maximum height of any of the proposed antenna structures shall not exceed 52 feet above ground level, and the maximum elevation of the proposed antenna structures shall not exceed 2,070 feet above mean sea level.
10. The specific coordinates, height, and top point elevation of the proposed antenna structures shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in the proposed height or elevation of the antenna structures shall not require further review by the Airport Land Use Commission.
11. Temporary construction equipment used during actual installation of the antenna structures shall not exceed 52 feet in height, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
12. Within five (5) days after the antenna structures have been installed at their maximum height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to install the proposed antenna structures.

If you have any questions, please contact Russell Brady, ALUC Contract Planner, at (951) 955-0549, or John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

---

Edward C. Cooper, Director

Attachment: Notice of Airport in Vicinity  
FAA Aeronautical Study No. 2015-AWP-7129-OE

cc: Robert DiOrio, VYVX, Inc. (applicant/landowner)  
Level 3 Communications (applicant)  
Allen Holdings/Allen Communications (payee)  
Nicole Torstvet, Albert A. Webb Associates (representative)  
Western Riverside County Regional Conservation Authority (neighboring landowner)  
Riverside County EDA – Real Estate Division (neighboring landowner)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Denise Hauser or Sonya Pierce, March Air Reserve Base  
ALUC Case File



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 4.1

**HEARING DATE:** August 13, 2015

**CASE NUMBER:** ZAP1127MA15 – Level 3 Communications/VYVX, LLC, c/o Robert Di Orio/Allen Holdings (Representative: Albert A. Webb Associates, Nicole Torstvet)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CUP03726 (Conditional Use Permit), CZ07868 (Change of Zone)

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY for the Change of Zone and a finding of CONDITIONAL CONSISTENCY for the Conditional Use Permit, subject to the conditions included herein and such additional conditions as may be required by the Federal Aviation Administration (FAA) Obstruction Evaluation Service.

**PROJECT DESCRIPTION:** The Conditional Use Permit proposes to construct and operate eleven (11) satellite communication antennas and other supporting equipment within an existing satellite communications center. The Change of Zone proposes to change the zoning classification of the site from Residential Agricultural 5-acre minimum lot size (R-A-5) to Light Agriculture 5-acre minimum lot size (A-1-5).

**PROJECT LOCATION:** The project site is located westerly of a southerly extension of Gilmer Road, southerly of a westerly extension of Olympia Avenue, easterly of a southerly extension of Reiss Road, northerly of the City of Lake Elsinore boundaries within the unincorporated community of Lake Mathews within the County of Riverside, approximately 43,300 feet southwesterly of Runway 14-32 at March Air Reserve Base and 29,000 feet westerly of Perris Valley Airport Runway 15-33.

**LAND USE PLAN:** 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Zone E, High Terrain Zone
- c. Noise Levels: below 60 CNEL

**BACKGROUND:**

Non-Residential Intensity: The site is located within Compatibility Zone E. Compatibility Zone E does not limit non-residential intensity.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zone E within the project.

Noise: The March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan depicts the site as being outside the 60 CNEL contour relative to aircraft noise. ALUC's objective is that interior noise levels from aircraft approaching or taking off from this airport not exceed CNEL 40 dB. As standard building construction is presumed to provide adequate sound attenuation where the exterior noise exposure is not more than 20 dB greater than the interior standard, the development would not require special measures to mitigate aircraft-generated noise.

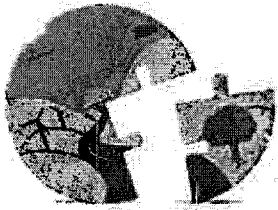
Part 77: The elevation of Runway 14-32 of March Air Reserve Base/Inland Port at its southerly terminus is approximately 1488 feet above mean sea level (1488 feet AMSL). The military Outer Horizontal Surface is set at an elevation that exceeds the runway elevation by 500 feet. Objects breaching the Outer Horizontal Surface are subject to review at distances up to 50,000 feet. At a distance of approximately 43,300 feet from the runway, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1988 feet AMSL. The site has an existing elevation of approximately 2000 to 2100 feet AMSL (more than 500 feet above the runway elevation) and proposes structures with a maximum height of 52 feet. Therefore, review by the FAA Obstruction Evaluation Service for height/elevation reasons is required in relation to March Air Reserve Base/Inland Port. The applicant has submitted the project to FAA and been assigned an Aeronautical Study Number of 2015-AWP-7129-OE. At the time of writing of this staff report, a Determination of No Hazard to Air Navigation has yet to be issued.

Open Area: Compatibility Zone E does not require land to be set aside as open areas.

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of any building permits or authorization to operate the proposed facilities, the landowner shall convey and have recorded an aviation easement to March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
  4. Any proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  6. The attached notice shall be provided to all potential purchasers of the property and lessees of the facilities thereon.
  7. Prior to issuance of any building permits or authorization to operate the proposed facilities, a "Determination of No Hazard to Air Navigation" shall be issued by the Federal Aviation Administration.



Carolyn Syms Luna  
Director

# RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ +

## APPLICATION FOR LAND USE PROJECT

CHECK ONE AS APPROPRIATE:

- PLOT PLAN                       CONDITIONAL USE PERMIT     TEMPORARY USE PERMIT  
 REVISED PERMIT                 PUBLIC USE PERMIT             VARIANCE

PROPOSED LAND USE: Existing Teleport Facility (expired PUP760)

ORDINANCE NO. 348 SECTION AUTHORIZING PROPOSED LAND USE: \_\_\_\_\_

ALL APPLICATIONS MUST INCLUDE THE INFORMATION REQUIRED UNDER ANY SUPPLEMENTAL INFORMATION LIST APPLICABLE TO THE SPECIFIC PROJECT. ADDITIONAL INFORMATION MAY BE REQUIRED AFTER INITIAL RECEIPT AND REVIEW. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: PUP00927

DATE SUBMITTED: 3/11/15

### APPLICATION INFORMATION

Applicant's Name: Level 3 Communications c/o Robert Diorio

E-Mail: robert.diorio@level3.com and bill@uplink.biz

Mailing Address: 20021 Santa Rosa Mine Road

\_\_\_\_\_  
Street  
Perris, CA 92570  
\_\_\_\_\_  
City State ZIP

Daytime Phone No: (951) 943-0820

Fax No: (951) 943-3459

Engineer/Representative's Name: Albert A Webb Associates c/o DJ Arellano

E-Mail: dj.arellano@webbassociates.com

Mailing Address: 3788 McCray Street

\_\_\_\_\_  
Street  
Riverside, CA 92506  
\_\_\_\_\_  
City State ZIP

Daytime Phone No: (951) 686-1070

Fax No: (951) 788-1256

Property Owner's Name: VVX, LLC

E-Mail: robert.diorio@level3.com

Mailing Address: 1 Technology Center No.TC11X

\_\_\_\_\_  
Street  
Tulsa, OK, 74103  
\_\_\_\_\_  
City State ZIP

Daytime Phone No: (951) 943-0820

Fax No: (951) 943-3459

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 El Duna Court, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"



**APPLICATION FOR LAND USE PROJECT**

Approximate Gross Acreage: 31.31

General location (nearby or cross streets): North of \_\_\_\_\_, South of Santa Rosa Mine Road, East of Post Road, West of \_\_\_\_\_

Thomas Brothers map, edition year, page number, and coordinates: 2012 pg. 806, Grid F7, G7

Project Description: (describe the proposed project in detail)

Entitle an existing teleport facility formerly PUP#760 located off Santa Rosa Mine in the Good Hope Area of Riverside, California. There are no buildings, building additions, parking or other structures proposed other than additional antennas proposed within the boundary of the existing facility.

Related cases filed in conjunction with this application: <sup>(eleven)</sup>

PUP00760, R1

Is there a previous application filed on the same site: Yes  No

If yes, provide Case No(s). PUP760, PUP00760S, BTW140167 (Parcel Map, Zone Change, etc.)

E.A. No. (if known) 36757, 37153, 37155 E.I.R. No. (if applicable): N/A

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes  No

If yes, indicate the type of report(s) and provide a copy: \_\_\_\_\_

Is water service available at the project site: Yes  No

If "No," how far must the water line(s) be extended to provide service? (No. of feet/miles) \_\_\_\_\_

Will the project eventually require landscaping either on-site or as part of a road improvement or other common area improvements? Yes  No

Is sewer service available at the site? Yes  No

If "No," how far must the sewer line(s) be extended to provide service? (No. of feet/miles) \_\_\_\_\_ existing private septic system

Will the project result in cut or fill slopes steeper than 2:1 or higher than 10 feet? Yes  No

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: N/A

**APPLICATION FOR LAND USE PROJECT**

Estimated amount of fill = cubic yards N/A

Does the project need to import or export dirt? Yes  No

Import \_\_\_\_\_ Export \_\_\_\_\_ Neither \_\_\_\_\_

What is the anticipated source/destination of the import/export?  
N/A

What is the anticipated route of travel for transport of the soil material?  
N/A

How many anticipated truckloads? N/A truck loads.

What is the square footage of usable pad area? (area excluding all slopes) 1.01 existing sq. ft.

Is the project located within 8½ miles of March Air Reserve Base? Yes  No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes  No

Is the project located within 1000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined by Section 65944 of the Government Code? (See California Office of Planning and Research website: <http://cmluca.projects.atlas.ca.gov/>) Yes  No

Is the project located within the boundaries of an Airport Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission? Yes  No

Does the project area exceed one acre in area? Yes  No

Is the project located within any of the following watersheds (refer to Riverside County Land Information System (RCLIS) (<http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html>) for watershed location)?

Santa Ana River                       Santa Margarita River                       Whitewater River

Please note: If your project is within the San Jacinto River as shown on the RCLIS, please check Santa Ana River above and use the Santa Ana River worksheet, "Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Santa Ana River Region" on the following pages.

**APPLICATION FOR LAND USE PROJECT**

**HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project and any alternatives are located on an identified site and shall specify any lists. Under the statute, no application shall be accepted as complete without this signed statement.

I (We) certify that I (we) have investigated our project and any alternatives with respect to its location on an identified hazardous waste site contained on all lists compiled pursuant to Government Code Section 65962.5 and that my (our) answers are true and correct. My (Our) investigation has shown that:

The development project and any alternatives proposed in this application are not contained on the lists compiled pursuant to Section 65962.5 of the Government Code.

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the following information is provided and incorporated herein. Attach a separate sheet setting forth the following information with respect to each list.

Name of Applicant:

Address:

Phone number:

Address of site (street name and number if available, and ZIP Code):

Local Agency: County of Riverside

Assessor's Book Page, and Parcel Number:

Specify any list pursuant to Section 65962.5 of the Government Code:

Regulatory Identification number:

Date of list:

Applicant (1)

Date

3/10/15

Applicant (2)

Date

**HAZARDOUS MATERIALS DISCLOSURE STATEMENT**

Government Code Section 65850.2 requires the owner or authorized agent for any development project to disclose whether:

1. Compliance will be needed with the applicable requirements of Section 25505 and Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code or the requirements for a permit for construction or modification from the air pollution control district or air quality management district exercising jurisdiction in the area governed by the County.

Yes  No



**APPLICATION FOR LAND USE PROJECT**

Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Santa Ana River Region <sup>1</sup>		
Project File No.		
Project Name:	Teleport Facility	
Project Location:	Santa Rosa Mine Road	
Project Description:	PUP Entitlement of existing Teleport Facility (formerly PUP760)	
Applicant Contact Information:	Robert Diorio, robert.diorio@level3.com	
<b>Proposed Project Consists of, or includes:</b>	<b>YES</b>	<b>NO</b>
Significant Redevelopment: The addition or replacement of 5,000 square feet or more of impervious surface on an already developed site. Does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the constructed facility or emergency redevelopment activity required to protect public health and safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Residential development that create 10,000 square feet or more of impervious surface (collectively over the entire project site), including residential housing subdivision requiring a Final Map (i.e. detached single family home subdivisions, multi-family attached subdivisions, condominiums, or apartments, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Industrial and commercial development where the land area <sup>1</sup> represented by the proposed map or permit is 10,000 square feet or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Automotive repair shops (Standard Industrial Classification (SIC) codes <sup>2</sup> 5013, 5014, 5541, 7532, 7533, 7534, 7536, 7537, 7538, 7539)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mixed use developments that create 10,000 square feet or more of impervious surface (collectively over the entire project site).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Restaurants (SIC code 5812) where the land area of development is 5,000 square feet or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hillside developments 5,000 square feet or more which are located on areas with known erosive soil conditions or where natural slope is 25 percent or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into ESA's "Directly" means situated within 200 feet of the ESA; "discharging directly" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parking lots of 5,000 square feet or more exposed to stormwater, where "parking lot" is defined as a land area or facility for the temporary storage of motor vehicles.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Retail Gasoline Outlets that are either 5,000 square feet or more of impervious surface with a projected average daily traffic of 100 or more vehicles per day.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Projects other than Transportation Projects, that are implemented by a Permittee and similar in nature to the priority projects described above and meets the thresholds described herein.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Development Projects whose site conditions or activity pose the potential for significant adverse impacts to water quality.	<input type="checkbox"/>	<input type="checkbox"/>
<sup>1</sup> Land area is based on acreage disturbed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<sup>2</sup> Descriptions of SIC codes can be found at <a href="http://www.osha.gov/pls/imis/sicsearch.html">http://www.osha.gov/pls/imis/sicsearch.html</a> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DETERMINATION: Circle appropriate determination.</b>		
If <b>any</b> question answered "YES" Project requires a project-specific WQMP.		
If <b>all</b> questions answered "NO" Project requires incorporation of Site Design and source control (BMPs) imposed through Conditions of Approval or permit conditions.		

**APPLICATION FOR LAND USE PROJECT**

Checklist for Identifying Projects Requiring a Project-Specific Standard Stormwater Mitigation Plan (SSMP) within the Santa Margarita River Region		
Project File No.	N/A	
Project Name:		
Project Location:		
Project Description:		
Applicant Contact Information:		
<b>Proposed Project Consists of, or includes:</b>		
	YES	NO
<b>Redevelopment.</b> The creation, addition or replacement of at least 5,000 square feet of impervious surfaces on an already developed site and the existing development and/or the redevelopment project falls under the project categories or locations listed below in this table. Where redevelopment results in an increase of less than 50% of the impervious surfaces of previously existing development, and the existing development was not subject to SSMP requirements, the numeric sizing criteria [MS4 Permit requirement F.1.d. (6)] applies only to the addition or replacement, and not to the entire development. [Note: Where redevelopment results in an increase of more than 50% of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development.]	<input type="checkbox"/>	<input type="checkbox"/>
<b>New Development.</b> The creation of 10,000 square feet or more of impervious surfaces (collectively over the entire project site) including commercial, industrial, residential, mixed-use, and public projects.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Automotive repair shops.</b> A facility that is categorized in any one of the following Standard Industrial Classification (SIC) Codes 5013–Motor vehicle supplies or parts, 5014–Tires & Tubes, 5541–Gasoline Service Stations, 7532–Top, Body & Upholstery Repair Shops and Paint Shops, 7533–Automotive Exhaust System Repair Shops, 7534–Tire Retreading and Repair Shops, 7536–Automotive Glass Replacement Shops, 7537–Automotive Transmission Repair Shops, 7538–General Automotive Repair Shops, 7539–Automotive Repair Shops, not elsewhere classified)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Automotive repair shops.</b> A facility that is categorized in any one of the following Standard Industrial Classification (SIC) Codes 5013–Motor vehicle supplies or parts, 5014–Tires & Tubes, 5541–Gasoline Service Stations, 7532–Top, Body & Upholstery Repair Shops and Paint Shops, 7533–Automotive Exhaust System Repair Shops, 7534–Tire Retreading and Repair Shops, 7536–Automotive Glass Replacement Shops, 7537–Automotive Transmission Repair Shops, 7538–General Automotive Repair Shops, 7539–Automotive Repair Shops, not elsewhere classified)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Restaurants.</b> (Standard Industrial Classification (SIC) Code 5812: Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption, including, but not limited to: Automats (eating places), Beaneries, Box lunch stands, Buffets (eating places), Cafes, Cafeterias, Carry-out restaurants, Caterers, Coffee shops, Commissary restaurants, Concession stands, prepared food (e.g., in airports and sports arenas), Contract feeding, Dairy bars, Diners (eating places), Dining rooms, Dinner theaters, Drive-in restaurants, Fast food restaurants, Food bars, Food service (institutional), Frozen custard stands, Grills, (eating places), Hamburger stands, Hot dog (frankfurter) stands, Ice cream stands, Industrial feeding, Lunch bars, Lunch counters, Luncheonettes, Lunchrooms, Oyster bars, Pizza parlors, Pizzerias, Refreshment stands, Restaurants, Sandwich bars or shops, Snack shops, Soda fountains, Soft drink stands, Submarine sandwich shops, and Tea rooms.) Where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SSMP requirements except for structural treatment control BMPs [MS4 Permit requirement F.2.b(3)] and numeric sizing criteria requirement [MS4 Permit Requirement F.1.d.(6)] and hydromodification requirement [MS4 Permit requirement F.1.h].	<input type="checkbox"/>	<input type="checkbox"/>
<b>All Hillside development greater than 5,000 square feet.</b> Any development that creates greater than 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will include grading on any natural slope that is 25% or greater.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmentally Sensitive Areas (ESAs).</b> 1 All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of	<input type="checkbox"/>	<input type="checkbox"/>

**APPLICATION FOR LAND USE PROJECT**

flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.		
<b>Impervious parking lots of 5,000 sq. ft. or more.</b> A land area or facility for the temporary parking or storage of motor vehicles used personally for business or commerce.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Streets, roads, highways, and freeways.</b> Includes any paved impervious surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Retail Gasoline Outlets (RGOs).</b> Includes RGOs that meet the following criteria: (a) 5,000 square feet or more, or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.	<input type="checkbox"/>	<input type="checkbox"/>
<p>Areas that include but are not limited to all CWA Section 303(d) impaired water bodies; areas designated as Areas of Special biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); State Water Quality Protected Areas; water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Natural Communities Conservation Program within the Cities and County of Orange; and any other equivalent environmentally sensitive areas which have been identified by the Copermittees.</p> <p>The Basin Plan for the San Diego Basin WQMPSSMP (also referred to as a WQMP).  <a href="http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/update082812/Chpt_2_2012.pdf">www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/update082812/Chpt_2_2012.pdf</a>.                      The most recent CWA Section 303(d) list can be found at:  <a href="http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/303d_list/index.shtml">http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/303d_list/index.shtml</a>.</p>		
<p><b>DETERMINATION: Circle appropriate determination.</b></p>		
<p>If <b>any</b> question answered "YES" SSMP (also referred to as a WQMP).</p>		
<p>If <b>all</b> questions answered "NO" Project requires incorporation of Site Design Best Management Practices (BMPs) and Source Control BMPs imposed through Conditions of Approval or permit conditions.</p>		

**APPLICATION FOR LAND USE PROJECT**

**Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Whitewater River Region**

Project File No.	N/A
Project Name:	
Project Location:	
Project Description:	
Applicant Contact Information:	

Proposed Project Consists of New Construction on a Previously Disturbed and Undisturbed Parcel includes:	YES	NO
Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is 25% or greater.	<input type="checkbox"/>	<input type="checkbox"/>
Single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is 10% or greater where erosive soil conditions are known.	<input type="checkbox"/>	<input type="checkbox"/>
Commercial and Industrial developments of 100,000 square feet or more.	<input type="checkbox"/>	<input type="checkbox"/>
Automotive repair shops (Standard Industrial Classification (SIC) Codes 5013—Motor vehicle supplies or parts, 5014—Tires & Tubes, 5541—Gasoline Service Stations, 7532—Top, Body & Upholstery Repair Shops and Paint Shops, 7533—Automotive Exhaust System Repair Shops, 7534—Tire Retreading and Repair Shops, 7536—Automotive Glass Replacement Shops, 7537—Automotive Transmission Repair Shops, 7538—General Automotive Repair Shops, 7539—Automotive Repair Shops, not elsewhere classified)	<input type="checkbox"/>	<input type="checkbox"/>
Retail gasoline outlets disturbing greater than 5,000 square feet.	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants disturbing greater than 5,000 square feet. (Standard Industrial Classification (SIC) Code 5812: Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption, including, but not limited to: Automats (eating places), Beaneries, Box lunch stands, Buffets (eating places), Cafes, Cafeterias, Carry-out restaurants, Caterers, Coffee shops, Commissary restaurants, Concession stands, prepared food (e.g., in airports and sports arenas), Contract feeding, Dairy bars, Diners (eating places), Dining rooms, Dinner theaters, Drive-in restaurants, Fast food restaurants, Food bars, Food service (institutional), Frozen custard stands, Grills, (eating places), Hamburger stands, Hot dog (frankfurter) stands, Ice cream stands, Industrial feeding, Lunch bars, Lunch counters, Luncheonettes, Lunchrooms, Oyster bars, Pizza parlors, Pizzerias, Refreshment stands, Restaurants, Sandwich bars or shops, Snack shops, Soda fountains, Soft drink stands, Submarine sandwich shops, and Tea rooms.)	<input type="checkbox"/>	<input type="checkbox"/>
Home subdivisions with 10 or more housing units.	<input type="checkbox"/>	<input type="checkbox"/>
Parking lots of 5,000 square feet or more, or with 25 or more parking spaces, and potentially exposed to Urban Runoff.	<input type="checkbox"/>	<input type="checkbox"/>

**DETERMINATION: Circle appropriate determination.**

If **any** question answered "YES" Project requires a project-specific WQMP.

If **all** questions answered "NO" Project requires incorporation of Site Design Best Management Practices (BMPs) and Source Control BMPs imposed through Conditions of Approval or permit conditions.

## INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and Wiltel Communications, LLC, a Delaware Limited Liability Company registered in the State of California ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

### WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as APN 343-040-012 and 343-040-013 ("PROPERTY"); and,

WHEREAS, on March 11, 2015, PROPERTY OWNER filed an application for Public Use Permit No. 927 ("PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge, and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. *Indemnification.* PROPERTY OWNER, at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the

COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, any award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.").

2. ***Defense Cooperation.*** PROPERTY OWNER shall have the right to lead the defense in the LITIGATION by directing the activities of defense counsel and the COUNTY agrees not to act in a manner inconsistent with or harmful to PROPERTY OWNER's litigation strategy so long as the litigation strategy is not harmful to the COUNTY or inconsistent with the COUNTY's policies, regulations and ordinances. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION and COUNTY shall make a good faith effort to appear at any court hearing upon PROPERTY OWNER's request. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. ***Representation and Payment for Legal Services Rendered.*** PROPERTY OWNER shall have the right to select any and all counsel to defend the COUNTY in the LITIGATION subject only to COUNTY's reasonable objection or for cause. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by PROPERTY OWNER to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of PROPERTY OWNER's obligations under this Agreement.

4. ***Payment for COUNTY's LITIGATION Costs.*** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1. herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, PROPERTY OWNER agrees that deposits under this section may also be used to cover staff time incurred by the COUNTY to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the PROJECT when the petitioner is using the Public

Records Act request as a means of obtaining the administrative record for LITIGATION purposes. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. **Return of Deposit.** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. **Notices.** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:  
Office of County Counsel  
Attn: Melissa Cushman  
3960 Orange Street, Suite 500  
Riverside, CA 92501

PROPERTY OWNER:  
Wiltel Communications, LLC  
Attn: Robert Diorio  
20021 Santa Rosa Mine Road  
Perris, CA 92570

With a copy to:  
Level 3 Communications, LLC  
Attn: General Counsel  
1025 Eldorado Drive  
Broomfield, CO 80021

Jeffer Mangels Butler & Mitchell, LLP  
Attn: Benjamin Reznik and Lara Leitner  
1900 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

7. **Default and Termination.** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY OWNER fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

PROPERTY OWNER has the right to withdraw its application for the PROJECT or have the PROJECT approvals rescinded at PROPERTY OWNER's request. Should such a withdrawal or rescission occur, this Agreement may be terminated. However, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. **COUNTY Review of the PROJECT.** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. **Complete Agreement/Governing Law.** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. **Successors and Assigns.** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. **Amendment and Waiver.** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. **Severability.** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. **Survival of Indemnification.** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. **Interpretation.** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the



effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. **Captions and Headings.** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. **Jurisdiction and Venue.** Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed in the Courts of Riverside County, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court or jurisdiction.

17. **Counterparts; Facsimile & Electronic Execution.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.

18. **Joint and Several Liability.** In the event there is more than one PROPERTY OWNER, each of them shall be jointly and severally liable for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

///  
///  
///

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

**COUNTY:**  
COUNTY OF RIVERSIDE  
a political subdivision of the State of California

By: [Signature]  
Charissa Leach  
Assistant Director of TLMA - Community Development

Dated: 9/10/17

**PROPERTY OWNER:**  
Witel Communications, LLC, a Delaware Limited Liability Company registered in the State of California

By: [Signature]  
Dan Dolan  
Vice President

Dated: 8-16-17

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] 8/16/17  
TIFFANY N. NORTH DATE

## NOTICE OF PUBLIC HEARING

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348,, before the RIVERSIDE COUNTY PLANNING COMMISSION to consider the project shown below:

**PUBLIC USE PERMIT NO. 927** – Exempt from the California Environmental Quality Act (CEQA), Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) – Applicant: Level 3 Communications, c/o Robert Diorio – Engineer: Albert A. Webb Associates – First Supervisorial District – Lake Mathews/Woodcrest Area Plan – Good Hope Zoning Area – General Plan: Rural: Rural Residential (R-RR) –Rural: Rural Mountainous (R-RM) – Zoning: Residential Agricultural – 5 acre minimum (R-A-5) – Location: Southerly of Rocky Hills Road and easterly of Post Road – **REQUEST:** PUP00927 is a Public Use Permit to re-entitle an existing communications facility, which includes the continued operation of 21 existing antennas, and the construction and operation of 11 new antennas, for a total of 32 antennas. The location of the new antennas will be within the existing 4.7-acre development footprint, and the entire project site is comprised of 31.3 acres.

TIME OF HEARING:	9:00 am or as soon as possible thereafter
DATE OF HEARING:	<b>OCTOBER 4, 2017</b>
PLACE OF HEARING:	RIVERSIDE COUNTY ADMINISTRATIVE CENTER BOARD CHAMBERS, 1ST FLOOR 4080 LEMON STREET, RIVERSIDE, CA 92501

For further information regarding this project please contact Project Planner Deborah Bradford at (951) 955-6646 or email at [dbradfor@rivco.org](mailto:dbradfor@rivco.org), or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing.

The case file for the proposed project may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 12th Floor, Riverside, CA 92501.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:  
RIVERSIDE COUNTY PLANNING DEPARTMENT  
Attn: Deborah Bradford  
P.O. Box 1409, Riverside, CA 92502-1409

**PROPERTY OWNERS CERTIFICATION FORM**

I, VINNIE NGUYEN certify that on Aug 15, 2017,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers PUP00927 For

Company or Individual's Name RCIT - GIS,

Distance buffered 2400'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

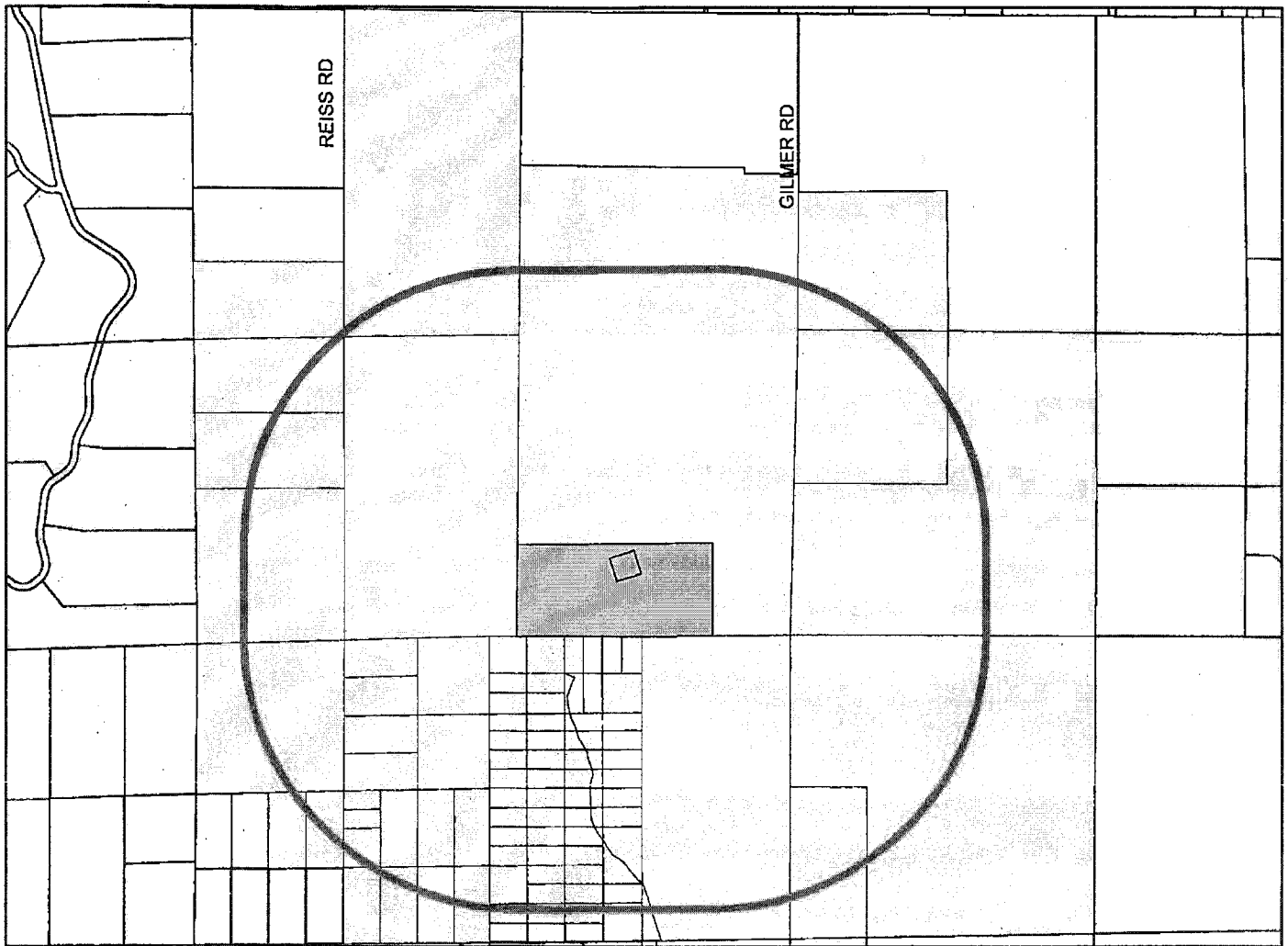
ADDRESS: 4080 Lemon Street 9<sup>TH</sup> Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. - 5 p.m.): (951) 955-8158

*D. Bradford 8/15/17*

**PUP00927 ( 2400 feet buffer )**



**Selected Parcels**

346-050-016	346-060-003	346-060-004	346-060-005	346-060-006	346-060-012	346-060-013	346-060-017	346-060-021	346-060-025
346-060-029	346-060-033	346-060-037	346-060-059	346-060-061	346-060-063	346-060-065	346-060-067	346-060-069	346-060-071
346-060-073	346-060-075	343-060-002	346-040-001	346-040-002	346-040-003	346-040-004	346-040-005	346-040-006	346-040-007
346-050-004	346-050-005	346-050-006	346-050-008	346-050-009	346-050-014	346-050-015	346-050-017	346-050-018	346-050-019
346-060-001	346-060-002	346-060-007	346-060-008	346-060-009	346-060-010	346-060-014	346-060-015	346-060-018	346-060-019
346-060-022	346-060-023	346-060-026	346-060-027	346-060-030	346-060-031	346-060-034	346-060-035	346-060-038	346-060-039
346-060-041	346-060-042	346-060-043	346-060-045	346-060-046	346-060-047	346-060-048	346-060-049	346-060-050	346-060-051
346-060-052	346-060-053	346-060-057	346-060-058	346-060-060	346-060-062	346-060-064	346-060-066	346-060-068	346-060-070
346-060-072	346-060-074	346-070-002	343-050-015	343-050-003	343-050-013	343-070-001	343-050-009	346-090-002	343-050-008
343-050-002	343-040-011	346-050-007	343-070-002	346-090-001	343-040-012	343-040-013	346-070-003		



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

5962<sup>TMAC</sup>Easy Peel® Address Labels |  
Bend along line to expose Pop-up Edge® |Go to [avery.com/templates](http://avery.com/templates) |  
Use Avery Template 5962 |

ASMT: 343040011, APN: 343040011  
STEELE VALLEY  
1589 N MAIN ST  
ORANGE CA 92867

ASMT: 343060002, APN: 343060002  
MARJORIE OVERMYER, ETAL  
6011 JAYMILLS AVE  
LONG BEACH CA 90805

ASMT: 343040013, APN: 343040013  
VYVX  
C/O DAVID NILSSON  
1 TECHNOLOGY CTR NO TC11X  
TULSA OK 74103

ASMT: 343070001, APN: 343070001  
GUN CLUB, ETAL  
14905 GARDENHILL DR  
LA MIRADA CA 90638

ASMT: 343050002, APN: 343050002  
JULIE SACKWAR, ETAL  
29905 NUEVO RD  
NUEVO CA 92567

ASMT: 346050007, APN: 346050007  
SHELLEY FLYNN, ETAL  
19205 SANTA ROSA RD  
PERRIS CA 92570

ASMT: 343050008, APN: 343050008  
RAFAELA TRUJILLO, ETAL  
314 E 7TH ST  
CORONA CA 92879

ASMT: 346050016, APN: 346050016  
BONNIE FARRAN  
725 S FLINTRIDGE DR  
SANTA ANA CA 92704

ASMT: 343050009, APN: 343050009  
NAIME OMARI  
1381 S WALNUT ST #2801  
ANAHEIM CA 92802

ASMT: 346060075, APN: 346060075  
COUNTY OF RIVERSIDE  
C/O REAL ESTATE DIVISION  
P O BOX 1180  
RIVERSIDE CA 92502

ASMT: 343050013, APN: 343050013  
MAPLES SMITH  
C/O JOSEPH C Y LEUNG  
1310 144 4TH AVE SW  
CALGARY AB CANADA T2P 3N4

ASMT: 346070002, APN: 346070002  
GM GABRYCH FAMILY LTD PARTNERSHIP  
2006 OLD HIGHWAY 395  
FALLBROOK CA 92028

ASMT: 343050015, APN: 343050015  
LORAIN GARCIA, ETAL  
8769 OMELVENY AVE  
SUN VALLEY CA 91352

ASMT: 346070003, APN: 346070003  
WESTERN RIVERSIDE COUNTY REG CONS AL  
C/O GENERAL MANAGER  
4080 LEMON ST 12TH FL  
RIVERSIDE CA 92501



5962<sup>TM/AC</sup>

Bend along line to expose Pop-up Edge®

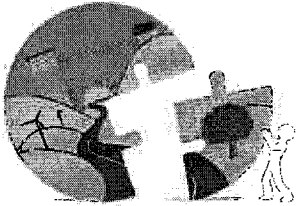
Use Avery Template 5962

ASMT: 346090002, APN: 346090002  
RAYLEN GRITTON, ETAL  
C/O NORMAN D GRITTON  
4272 SUNNYSIDE DR  
RIVERSIDE CA 92506

Gary B. Witt  
Senior Corporate Counsel  
Level 3 Communications, LLC  
10475 Park Meadows Drive, Sixth Floor  
Littleton, Colorado, 80124

Level 3 Communications  
Attn: Robert Diorio  
20021 Santa Rosa Mine  
Perris, CA 92570





# RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.  
Assistant TLMA Director

## NOTICE OF EXEMPTION

TO:  Office of Planning and Research (OPR) FROM: Riverside County Planning Department  
P.O. Box 3044 4080 Lemon Street, 12th Floor  38686 El Cerrito Road  
Sacramento, CA 95812-3044 P. O. Box 1409 Palm Desert, CA 92201  
 County of Riverside County Clerk Riverside, CA 92502-1409

Project Title/Case No.: PUP00927 / EA42778

Project Location: South of Rocky Hills Road, east of Post Road, and within the Lake Mathews/Woodcrest Area Plan (APNs: 343-040-012 and 343-040-013)

Project Description: PUP00927 is a Public Use Permit to re-establish a communications facility, which includes twenty-one (21) existing antennas and to approve the addition of eleven (11) new antennas, totaling 32 antennas. The location of the new antennas will be within the existing 4.7-acre development footprint.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Applicant & Address: Level 3 Communications – c/o Robert Diorio, 20021 Santa Rosa Mine Road, Perris, CA 92570

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)  Categorical Exemption (Sec. 15301)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  Statutory Exemption (\_\_\_\_\_)  
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  Other: \_\_\_\_\_

Reasons why project is exempt: The proposed project has been determined to be categorically exempt from CEQA, pursuant to the provisions under Section 15301 Class 1 (Existing Facilities). Section 15301 allows for minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible expansion. The project site contains existing, previously approved communication equipment. This project will allow for additional equipment to be constructed within the established developable footprint area. No further physical expansion of developable area is proposed under this project.

Deborah Bradford (951) 955-6646  
County Contact Person Phone Number

Signature Title Date  
September 20, 2017

Date Received for Filing and Posting at OPR: \_\_\_\_\_

Revised: 03/24/2014: Y:\Planning Case Files-Riverside office\PP25312\DH-PC-BOS Hearings\DH-PC\PP25312.NOE Form.docx

Please charge deposit fee case#: ZEA No. 42778 ZCFG No. 6162 - County Clerk Posting Fee  
FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE  
SPECIALIZED DEPARTMENT RECEIPT  
Permit Assistance Center

A\* REPRINTED \* R1502543

4080 Lemon Street  
Second Floor  
Riverside, CA 92502  
(951) 955-3200

39493 Los Alamos Road  
Suite A  
Murrieta, CA 92563  
(951) 694-5242

38686 El Cerrito Rd  
Indio, CA 92211  
(760) 863-8271

\*\*\*\*\*  
\*\*\*\*\*

Received from: LEVEL 3 COMMUNICATIONS \$50.00  
paid by: CK 6445  
EA42778  
paid towards: CFG06162 CALIF FISH & GAME: DOC FEE  
at parcel: 20021 SANTA ROSA MINE RD PERR  
appl type: CFG3

By \_\_\_\_\_ Mar 11, 2015 09:12  
MGARDNER posting date Mar 11, 2015

\*\*\*\*\*  
\*\*\*\*\*

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$50.00

Overpayments of less than \$5.00 will not be refunded!

**10.PLANNING 028**  
GENERAL CONDITIONS

**USE - ORD 810 O S FEE**  
**(1)**

**Status:**  
**RECOMMND**

**Conditions:**  
**Informational**

In accordance with Riverside County Ordinance No. 810, to assist in providing revenue to acquire and preserve open space and habitat, an Open Space Mitigation Fee shall be paid for each development project or portion of an expanded development project to be constructed in Western Riverside County. The amount of the fee for commercial or industrial development shall be calculated on the basis of "Project Area," which shall mean the net area, measured in acres, from the adjacent road right-of-way to the limits of the project development.

Pursuant to certain provisions within the MSHCP, this project is found to be exempt from the Open Space Mitigation Fee, as the existing 4.7-acre development footprint area is not being expanded as a result of this project. However, should expansion or development beyond the established 4.7-acre footprint occur in the future, the appropriate fees pursuant to Riverside County Ordinance No. 810 shall apply.

In the event Riverside County Ordinance No. 810 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 810 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.

**20.PLANNING 007**  
PRIOR TO A CERTAIN DATE

**USE - EXPIRATION DATE-**  
**USE CASE**

**Status:**  
**RECOMMND**

**Conditions:**  
**Informational**

This approved permit shall be used within eight (8) years of the approval date; otherwise, the permit shall become null and void. The term used shall mean the beginning of construction pursuant to a validly issued building permit for the use authorized by this approval. Prior to expiration of the 8 years, the permittee/applicant may request an extension of time to use the permit. The extension of time may be approved by the Assistant TLMA Director upon a determination that a valid reason exists for the permittee not using the permit within the required period. If an extension is approved the total time allowed for use of the permit shall not exceed ten (10) years.

**90.PLANNING 028**  
PRIOR TO BLDG FINAL  
INSPECTION

**USE - ORD NO. 659 (DIF)**

**Status:**  
**RECOMMND**

**Conditions:**  
**Informational**

Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the applicant shall comply with the provisions of Riverside County Ordinance No. 659, which requires the payment of the appropriate fee set forth in the Ordinance. Riverside County Ordinance No. 659 has been established to set forth policies, regulations and fees related to the funding and installation of facilities and the acquisition of open space and habitat necessary to address the

direct and cumulative environmental effects generated by new development project described and defined in this Ordinance, and it establishes the authorized uses of the fees collected.

The amount of the fee for commercial or industrial development shall be calculated on the basis of the "Project Area," as provided in Ordinance No. 659. The proposed project is located on property zoned R-A which is considered a commercial zone in Ordinance No. 659. In accordance with Section 13 of Ordinance No. 659, development impact fees for commercial projects are based on units of developed acreage and shall be computed on the basis of the Project Area as shown on the applicant's development plot plan submitted to the Planning Department. The Project Area shall be determined or verified by county staff. The Project Area for Public Use Permit No. 927 has been calculated to be 4.7 net acres. DIF fees shall be applied to any new construction within the 4.7 acre area only.

In the event Riverside County Ordinance No. 659 is rescinded, this condition will no longer be applicable. However, should Riverside County Ordinance No. 659 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.