



## City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

### Action Report

### Planning Commission

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**File #:** 21-2293  
**Agenda #:** PH-C

**Agenda Date:** 7/18/2023  
**Category:** Public Hearing

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**FROM:**

Planning Department

**TITLE:**

Master Case No. 23-062 and Appeal No. 23-015 - Appeal of the Director of Planning's decision approving Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007, a request to install a new wireless telecommunications facility consisting of a 75' mono-palm with 14 antennas, supporting equipment, and an equipment enclosure of 347 square feet total pursuant to CEQA determinations.

**RECOMMENDATION:**

Based on the information in the staff report and subject to the attached Findings, staff recommends that the Planning Commission:

1. Deny Appeal No. 23-015, thereby upholding the decision of the Director of Planning, for Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007, for the request to install a new wireless telecommunications facility consisting of a 75' mono-palm with 14 antennas, supporting equipment, and an equipment enclosure of 347 square feet total.
2. Direct staff to prepare, execute, and file a CEQA Notice of Determination and a Notice of Exemption with the County Clerk, as appropriate, within five (5) working days of the Commission's final action on Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007

**APPLICANT:**

Robert Constant  
28871 Blythewood Drive  
Rancho Palos Verdes, CA 90275

**LOCATION:**

17010 Sierra Lakes Parkway (APN: 119-221-69)

**REQUEST:**

Master Case No. 23-062 and Appeal (APL) No. 23-015 - Appeal of the Director of Planning's decision approving Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 for a request to install a new wireless facility consisting of a 75' mono-palm with 14 antennas, 36 RRU's, supporting equipment, and an equipment enclosure of 347 square feet total.

**PROJECT PLANNER:**

Mai Thao, Assistant Planner

**PROJECT DESCRIPTION:**

Land Use Designation:

	<u>General Plan</u>	<u>Zoning /Overlay</u>	<u>Existing Land Use</u>
Site:	Regional Mixed-Use (RMU)	Regional Mixed-Use (RMU)	Under Construction
North:	Regional Mixed-Use (RMU)	Regional Mixed-Use (RMU)	Vacant
South:	Regional Mixed-Use (RMU)	Regional Mixed-Use (RMU)	Commercial Center
West:	Regional Mixed-Use (RMU)	Regional Mixed-Use (RMU)	Commercial Center
East:	Regional Mixed-Use (RMU)	Regional Mixed-Use (RMU)	Gas Station

**ANALYSIS:**

**Background**

Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 consist of a request to install a new wireless telecommunications facility consisting of a 75' mono-pole with 14 antennas, supporting equipment, and an equipment enclosure of approximately 347 square feet that was approved by the Director of Planning at a scheduled public hearing on May 11, 2023. Mr. Nikos Constant, representing the abutting property owner, communicated concerns verbally during the hearing that follow the concerns provided in the Appellant's appeal justification letter as well as unrelated matters about various contractors trespassing on the abutting property owner's property. Subsequent to the Director's approval, Mr. Constant submitted written communications describing certain concerns raised.

The appeal period for the project was fifteen (15) calendar days after a decision had been made on May 11, 2023, therefore the appeal period closed on May 26, 2023. Since the City is closed on Fridays this extended the closing period until Monday, May 29, 2023. Staff received one (1) appeal application in opposition of the project. The appellant, Robert Constant, is the adjoining property owner located at APN: 1119-221-54, just north of the project site. The appellant has provided one (1) appeal justification letter citing six concerns which is attached hereto as Attachment No. 1. The grounds for the appeal stated in the appeal justification letter included concerns relating to: setback issue to fee simple relating to potential fall concerns, setback issue to private easements, high winds and liability insurance, security, privacy, and safety, unlimited future use, and view impairment.

**Minor Use Permit (MUP) No. 22-007**

Brett Smirl, on behalf of AT&T submitted the application for a Minor Use Permit No. 22-007 on September 26, 2022, for the operation of an unmanned wireless telecommunications facility within

the Regional Mixed-Use zone, which was approved by the Director of Planning on May 11, 2023. This use is considered a public utility structure and facility and is allowed within the Regional Mixed Use zoning district with the approval of a Minor Use Permit. The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The Regional Mixed-Use zoning is intended for a wide range of retail commercial, office, medium density residential, civic, open space and job-rich light manufacturing uses. The wireless facility will support the intended uses for the areas within the Regional Mixed Use land use designation.

### **Administrative Site Plan (ASP) No. 22-028**

Brett Smirl, on behalf of AT&T submitted the application of an Administrative Site Plan (ASP) No. 22-028 on September 26, 2022, for the site and architectural review for the unmanned wireless telecommunications facility that was approved by the Director of Planning on May 11, 2023. According to the information submitted in the ASP22-028 application, AT&T will be the only carrier on the mono-palm tower at this time. The equipment enclosure is approximately eight (8) feet high and is 347 square feet in size and secured with a decorative stucco finish with a gate. The equipment enclosure will be accessed via a 12' non-exclusive access path on Mango Avenue for maintenance and service for the mono-palm tower.

### **Appeal Concerns:**

The following is a summary of the items raised in the previously reference appeal; Attachment No. 1 is a copy of the appeal letter.

- 1. Setback issue to fee simple: The height of the tower at 75 feet, with a 65-foot setback would encroach on Constant's fee simple by, at the minimum, ten feet if it falls. Constant demands that air and land rights be secured for this encroachment.**

*Response:* The Appellant does not claim that the proposed facility violates the Fontana Municipal Code's requirement for setbacks and admits that the proposed facility will not encroach on his property once constructed. The Appellant is speculating about a scenario in which the proposed wireless facility would fall or collapse on his property. If the Appellant is attempting to claim that his property rights would be impaired by the City's approval of the proposed wireless facility, those concerns are not germane to the required findings for approval or would not serve as a basis for denial because the proposed facility will not actually encroach onto the Appellant's property as constructed. Further, Chapter 32 Wireless Telecommunications Towers and antennas provides development standards for new towers and antennas. The maximum height allowed for a single user is 75 feet in height with the tower set back required to be a distance equal to at least 75 percent of the height of the tower from any adjoining lot line. The project complies with the development standards outlined in Chapter 32, with a setback distance proposed at 85 percent (approximately 64-foot setback) to the northern property line. Therefore, the project meets this development standard. The proposed AT&T tower and equipment has been reviewed and approved by the City of Fontana Building and Safety and Fire Departments and structural plans would be reviewed once again prior to issuance of building permits.

- 2. Setback issue to fully negotiated private easements: The height of the tower, if it falls, also encroaches on several private easements secured by the Constant with both subservient neighbor as well as third parties. Constant demands further rights be**

**secured for this encroachment.**

*Response:* Appellant's concerns raised here are similar to those raised in Issue 1 and concern a speculative scenario where the proposed wireless facility may fall or collapse onto the Appellant's property. The Appellant's claims that the proposed facility may in such a speculative circumstance impair certain unspecified property rights, would not serve as a basis for denial because the proposed facility will not actually encroach onto the Appellant's property as proposed. The AT&T wireless telecommunications facility will be installed at 17010 Sierra Lakes Parkway (APN:1119-221-69). As mentioned above, the project complies with the setback requirements as outlined in Chapter 32. The proposed AT&T tower and equipment has been reviewed by the City of Fontana Building and Safety and Fire Departments and structural plans would be reviewed prior to issuance of building permits. The project will be built pursuant to all applicable building, zoning, fire codes and standards and complies with all applicable FCC and FAA regulations.

**3. High winds and liability insurance: Due to year-round high winds in the area, Constant demands to be a named party on all liability insurance and be completely indemnified with any damages to Constant property paid out at treble damages rate, secured by a lien against tower.**

*Response:* The Appellant has raised potential remedies that are not requirements of the Fontana Municipal Code and are not a condition of approval the City requires. The Appellant has no basis for his requests to be named a party on all liability insurance (it is unspecified whose policy this request would attach), to be indemnified, to receive treble damages, or to secure a lien on the proposed wireless facility. The proposed AT&T tower and equipment has been reviewed by the City of Fontana Building and Safety and Fire Departments and structural plans would be reviewed prior to issuance of building permits. The project will be built pursuant to all applicable building, zoning, fire codes and standards and complies with all applicable FCC and FAA regulations.

**4. Security, Privacy, and Safety: Due to the sensitive nature of telecommunications infrastructure locally, nationally, and internationally, as well as future unknowns to health and safety from EMF, Constant demands a more thorough public vetting of this project by City Council in an open forum.**

*Response:* The City's review of the application and the Director's approval of Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 followed the procedures and process required by the Fontana Municipal Code. The Appellant has also raised concerns regarding the perceived health and medical risks posed by the proposed wireless facility. The City may not deny a wireless facility application based on concern about RF emissions exposure if the facility complies with FCC guidelines.<sup>1</sup>

<sup>1</sup> In *AT&T Wireless Servs. v. City of Carlsbad*, 308 F. Supp. 2d 1148, 1161 (S.D. Cal. 2003), the city made a finding that the wireless facility would "negatively affect property values of nearby homes based upon the perceived fear of the health effects cause by the RF emissions." The court held against Carlsbad, ruling that cities may not regulate based on the "direct or indirect concerns over the health effects of RF." The court explained that a denial could not be based on substantial evidence (as required by law) "...if the fear of property value depreciation is based on concerns over the health effects caused by RF emissions."



The health risks associated with the public's exposure to radio frequency (RF) energy has been an area of public concern particularly in light of the public's increasing reliance on mobile devices and the proliferation of mobile technology and its supporting infrastructure. Setting the safety standards for RF emissions is exclusively the responsibility of the federal government, and the responsible agency is the Federal Communications Commission. Thus, Section 332 (c)(7)(B)(iv) prohibits the City from denying a wireless facility application based on concerns about RF emissions so long as the applicant has demonstrated that its facilities will comply with FCC standards. The Applicant has provided a certification that the proposed facility will comply with FCC standards for RF emissions. Further, the applicant's facility must comply with state and federal law and as such, the Applicant may only use equipment that is FCC approved.

**5. Unlimited future use: Due to the open ended and unlimited nature of future usage of the project, Constant demands a renegotiation of all terms at any and every change of future use.**

*Response:* The Director's approval of Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 will not result in open ended or unlimited use. Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 authorize the construction and operation of a wireless facility to be used for personal wireless services in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. The City is authorized by Government Code Section 65964 to place a ten year limit on the term of the requested wireless permits, which would require the permittee to reapply for new permits at that time and the permittee would be required to comply with all City requirements in effect at that time. The permittee is required to follow all City requirements and processes for any changes to the wireless facility improvements or to any changes in use. Future uses will be analyzed by the City in light of requirements existing at the time of such proposals. Such proposals may or may not include discretionary approvals and/or conditions.

**6. View: as a 75-foot tower with a large "monopalm" ball of technology and "camouflage" at the apex, Constant demands monetary settlement of view impairment to be negotiated in good faith before start of project with a complete sightline analysis provided by developer to fully assess impact on Constant's property value.**

*Response:* The Appellant has requested a monetary settlement of view impairment but has not specified the party that would enter into such a settlement. Without an easement in place encumbering the property subject to new development that has resulted in view impairment, property owners have no inherent right to prevent other property owners from obstructing their view. See *Mira Mar Mobile Community v City of Oceanside*, 119 Cal.App.4th 477 (2004). Further, the City does not have a view protection ordinance in place which could provide alternative relief. As stated previously, the tower as approved complies with the maximum height requirement outlined in Chapter 32, with a maximum

height of 75 feet for a single user. The wireless tower is proposed to be disguised as a mono-palm with faux fronds and a faux growth pod, which will complement the surrounding neighborhood, which is characterized by existing commercial and industrial uses, and blend with the existing area. The proposed equipment enclosure will have a stucco finish with a desert color to match the drive-thru restaurant buildings. The enclosure will be surrounded by mature landscaping to compliment the landscaping of the surrounding properties which will match the surrounding neighborhood.

### **Findings for Approval for Minor Use Permit No. 22-007**

Minor Use Permit No. 22-007, as approved on May 11, 2023, meets the mandatory MUP findings required pursuant to Section 30-178 Findings for approval. The original findings below were prepared by staff for Director of Planning's consideration:

- 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, General Plan, any applicable Specific Plan or area plan, and City regulations/standards.*

The project site is located on the north side of Sierra Lakes Parkway and west side of Mango Avenue. The proposed project is for the installation a new 75-foot wireless facility disguised as a mono-palm. The new mono-palm will include fourteen (14) panel antennas, supporting equipment, and an equipment enclosure. The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The Regional Mixed-Use zoning is intended for a wide range of retail commercial, office, medium density residential, civic, open space and job-rich light manufacturing uses. This use is considered a public facility and is allowed within the Regional Mixed Use zoning district with the approval of a Minor Use Permit. The wireless facility will support the intended uses for the areas within the Regional Mixed Use land use designation.

- 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.*

The physical characteristics of the site are sufficient to accommodate the requested wireless mono-palm, supporting equipment, and equipment enclosure. The project site is approximately 1.8 acres in size and developed with two drive-thru restaurants pads and associated parking, landscaping, and drive aisles. The proposed mono-palm and equipment enclosure meets all applicable development standards including access, setbacks, parking, and drive aisles. There are no changes to the existing site circulation and access for the proposed project. The new wireless tower has been reviewed by Planning, Building and Safety, Engineering, and Fire Prevention and will meet or exceed all requirements.

- 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.*

The proposed project has been reviewed by Planning, Engineering, Building and Safety, and

County Fire Prevention for site circulation, access, and safety. In addition, the site meets all the development standards of the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance and will provide a safe, well-designed facility.

### **Findings for Approval for Administrative Site Plan No. 22-028**

Administrative Site Plan No. 22-028, as approved on May 11, 2023, meets the mandatory ASP findings required pursuant to Section 32-7.2 Findings for approval. The original findings below were prepared by staff for Director of Planning's consideration:

1. *The proposal meets or exceeds contained in this Chapter and is consistent with the General Plan and the applicable land use designation.*

The project site is located on the north side of Sierra Lakes Parkway and west side of Mango Avenue. The proposed project is for the installation a new 75-foot wireless facility disguised as a mono-palm. The new mono-palm will include fourteen (14) panel antennas, supporting equipment, and an equipment enclosure. The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The Regional Mixed-Use zoning is intended for a wide range of retail commercial, office, medium density residential, civic, open space and job-rich light manufacturing uses. This use is considered a public facility and is allowed within the Regional Mixed Use zoning district with the approval of a Minor Use Permit and an Administrative Site Plan for site and architectural review of the proposed wireless facility. The proposed project is consistent with the General Plan, the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance.

2. *That the site for the intended use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use and all the required provisions of this chapter.*

The project site is an irregular shaped property consisting of one (1) parcel of approximately 1.8 acres, located at 17010 Sierra Lakes Parkway. The new wireless tower has been reviewed by Planning, Building and Safety, Engineering, and Fire Prevention and will meet or exceed all requirements. The proposed project will be built/installed pursuant to all applicable building, zoning, fire codes, and standards which will result in an appropriate, safe, and desirable development, as well as conditions of approval referenced herein. The site is adequate in parking, circulation, and access to the property including the addition of the proposed wireless facility.

3. *The proposal of the tower and/or antenna is in its design and appearance consistent with the development and design of the surrounding structures and neighborhood.*

The project proposal in its design and appearance as a result from this review will be compatible with the site and other similarly approved wireless facilities. The wireless tower is proposed to be disguised as a mono-palm with faux fronds and a faux growth pod, which will complement

the surrounding neighborhood and blend with the existing area. The proposed equipment enclosure will have a stucco finish with a desert color to match the drive-thru restaurant buildings. The enclosure will be surrounded by mature landscaping to compliment the landscaping of the surrounding properties and will match the surrounding neighborhood. The proposed project provides a safe and well-designed site that is both aesthetically and architecturally pleasing.

4. *That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the area as intended by the general plan.*

The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The operation and maintenance of the facility will be regulated by specific requirements set forth in the Minor Use Permit and attached in the Conditions of Approval. In addition, the project will conform to the requirements of the Zoning and Developments Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance.

The proposed project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, and safety. The proposed project identified in Findings No. 1-3, meet or exceeds the standards of the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance and will provide a safe design.

5. *That adequate streets and highways exist to carry the type and quantity of traffic anticipated to accommodate access for maintenance and/or service vehicles.*

The proposed project has been designed to accommodate access for maintenance and/or service vehicles and will not conflict with existing easements or access on-site. The project site is accessed from Mango Avenue and Sierra Lakes Parkway, which are publicly maintained streets. The proposed project will have one designated parking stall adjacent to the equipment enclosure for maintenance and/or service vehicles and will not conflict with the existing center.

6. *The Director of the Planning Department shall make those findings enumerated in this section as amended from time to time, prior to approving any ASP pursuant to this chapter.*

As a part of the approval of this Minor Use Permit and Administrative Site Plan, the Director of Planning made the required findings.

Staff prepared the above-listed findings for the Director of Planning's consideration pursuant to Section 32-7.2 and Section 30-178, Findings for Approval. On May 11, 2023, the Director of Planning determined that the findings were consistent with the Fontana Municipal Code and FCC statues and regulations and approved the project. The proposed project has met all the requirements of the Fontana Municipal Code and the General Plan. As such, staff recommends the Planning Commission deny the request for appeal and uphold the approval of ASP No. 22-028 and MUP No. 22-007.

### **Environmental:**

The installation of a new wireless telecommunications facility and ancillary equipment as described above associated with Master Case No. (MCN) 22-107 and Administrative Site Plan (ASP) No. 22-

028 and Minor Use Permit (MUP) No. 22-007 is exempt pursuant to Section No. 15311 Class No. 11 (Accessory Structures) and Section No. 15332 Class No. 32 (In-Fill Development Project) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 City of Fontana Local Guidelines for Implementing the California Environmental Quality Act.

**MOTION:**

1. Deny Appeal No. 23-015, thereby upholding the decision of the Director of Planning, for Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007, for the request to install a new wireless telecommunications facility consisting of a 75' mono-palm with 14 antennas, supporting equipment, and an equipment enclosure of 347 square feet total.
2. Direct staff to prepare, execute, and file a CEQA Notice of Determination and a Notice of Exemption with the County Clerk, as appropriate, within five (5) working days of the Commission's final action on Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-07.

**ATTACHMENTS:**

1. Uniform Appeal Letter from Appellant
2. Vicinity Map
3. Project Plans
4. Project Packet
5. Notice of Public Hearing
6. Responses from AT&T
7. Letter in Support of Original Project



# Attachment No. 1



City of Fontana  
Planning Department  
8353 Sierra Avenue, Fontana, CA 92335 ~ (909) 350-6718  
Website: [www.fontana.org/834/Planning](http://www.fontana.org/834/Planning) ~ E-Mail: [planning@fontana.org](mailto:planning@fontana.org)

## APPEAL APPLICATION FORM

### APPEAL APPLICATION FORM

Any action taken by the Planning Commission, or the Director of Planning may be appealed as indicated in Section 30-25 of the Development Code by the applicant or any interested party. An application for appeal shall be filed within fifteen (15) calendar days after the hearing from which the decision is made.

#### APPELLANT INFORMATION

Name(s): ROBERT CONSTANT, THE CONSTANT FAMILY TRUST			City Staff Only	
Mailing Address: 28871 BLYTHEWOOD DR.			Project No.:	
City: RANCHO PALOS VERDES	State: CA	Zip: 90275	Received By:	Date:
Phone Number: 310-541-1297				
Email Address: bobcon56@cox.net				

#### SUBJECT OF APPEAL

This application is hereby filed pursuant to the Fontana Development Code Section 30-25 (Appeals), appealing a decision or action of the following authority:

☒ Directors Action

☐ Planning Commission

#### PROJECT INFORMATION

Project Number: MCN No. 22-107; MUP No. 22-007	ASP 22-028	Date of Action / Decision: MAY 11, 2023
Project Name: UNMANNED WIRELESS FACILITY		
Address / Intersection: 17010 SIERRA LAKES PARKWAY (APN 1119-221-69)		
City: FONTANA	State: CA	Zip: 92335
APN(s): 1119-221-69		
Applicant/Appellant: COASTAL BUSINESS GROUP		

#### APPLICANT/APPELLANT CERTIFICATION

I acknowledge the filing of this application and certify that all the above information is true and correct.

Signature: Robert Constant	Date: 5/24/23
Full Name: Robert Constant	Title: Owner

04/04/2023



City of Fontana  
Planning Department  
8353 Sierra Avenue, Fontana, CA 92335 ~ (909) 350-6718  
Website: [www.fontana.org/834/Planning](http://www.fontana.org/834/Planning) ~ E-Mail: [planning@fontana.org](mailto:planning@fontana.org)

## APPEAL APPLICATION FORM

### APPEAL CHECKLIST

#### SECTION 1: Application Procedure and Filing Requirement

- A. **Right of appeal:** Any action taken by the Planning Commission, or the Director of Planning may be appealed as indicated in Section 30-25 of the Development Code by the applicant or any interested party. An application for appeal shall be filed within fifteen (15) calendar days after the hearing from which the decision is made. No fee shall be charged for such appeal by an adjoining property owner.
- B. **First Submittal (at Filing Deadline):** This first submittal will be reviewed internally by city staff and responsible agencies only. Submittal of application by delivery service or by mail such as FedEx, U.S. Postal, U.P.S., will not be accepted.

The following items are required with the application and can be uploaded online at <https://www.fontana.org/834/Planning> under Apply for a Project:

- ☒ 1. **Application Form:** Appeal application shall be completed.
- ☒ 2. **Filing Fee:** The appropriate fees will need to be submitted at the time of application. See below

Project Applicant Appeal	65% of original application
Aggrieved Person Appeal	\$299 +\$31 Archive Fee
Aggrieved Adjoining Property	No Charge

- ☒ 3. **Appeal Information:** Provide a letter stating the specific reasons for the appeal and include the Master Case Number (MCN) of the project being appealed.



Robert Constant, The Constant Family Trust  
28871 Blythewood Dr.  
Rancho Palos Verdes, CA 90275  
[Bobcon56@cox.net](mailto:Bobcon56@cox.net)  
310-541-1297

May 23, 2023

To Whom It May Concern:

Robert Constant, next door neighbor directly to the north of proposed cell phone tower (located at 17010 Sierra Lakes Pkwy APN 1119-221-69 Project MCN no. 22-10-7; MUP No. 22-007; ASP 22-028) appeals the May 11, 2023 decision by the Fontana Planning Department Director's Action to approve tower. Until the following safety, land use, and liability issues and demands are addressed, the Constant Family Trust opposes the tower development.

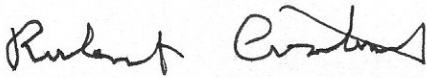
1. Setback issue to fee simple: The height of the tower at 75 feet, with a 65-foot setback would encroach on Constant's fee simple by, at the minimum, ten feet if it falls. Constant demands that air and land rights be secured for this encroachment.
2. Setback issue to fully negotiated private easements: The height of the tower, if it falls, also encroaches on several private easements secured by Constant with both subservient neighbor as well as third parties. Constant demands further rights be secured for this encroachment.
3. High winds and liability insurance: Due to year-round high winds in the area, Constant demands to be a named party on all liability insurance as completely indemnified with any damages to Constant property paid out at treble damages rate, secured by a lien against tower.
4. Security, Privacy, and Safety: Due to the sensitive nature of telecommunications infrastructure locally, nationally, and internationally (see May 9, 2023 New York Times article "Rip and Replace: The Tech Cold War is Upending Wireless Carriers), as well as future unknowns to health and safety from EMF, Constant demands a more thorough public vetting of this project by City Council in an open forum.
5. Unlimited future use: Due to the open ended and unlimited nature of future usage of the project, Constant demands a renegotiation of all terms at any and every change of future use.
6. View: As a 75-foot tower with a large "monopalm" ball of technology and "camouflage" at the apex, Constant demands monetary settlement of view impairment to be negotiated in good faith before start of project with a complete sightline analysis provided by developer to fully assess impact on Constant's property value.

Considering all issues and demands listed above, and in a neighborly attempt to minimize future litigation, Constant requests that the above demands be met, or tower is moved from any-and-all encroachments. This appeal in no way limits any future causes of action that may arise from project.



Constant asks for reason in this appeal, so that both proportion and neighbor impacts be considered so that all parties are satisfied with current planning. Fees to be waived as Constant is an adjoining property owner.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Constant". The signature is written in a cursive style with a large, stylized "R" and "C".

Robert Constant  
Nicholas Constant, Esq.



## VICINITY MAP

**DATE:** July 18, 2023

**CASE:** Master Case No. 23-062  
Appeal No. 23-015





AT&T MOBILITY

SITE NUMBER: CSL02952  
SITE NAME: SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978

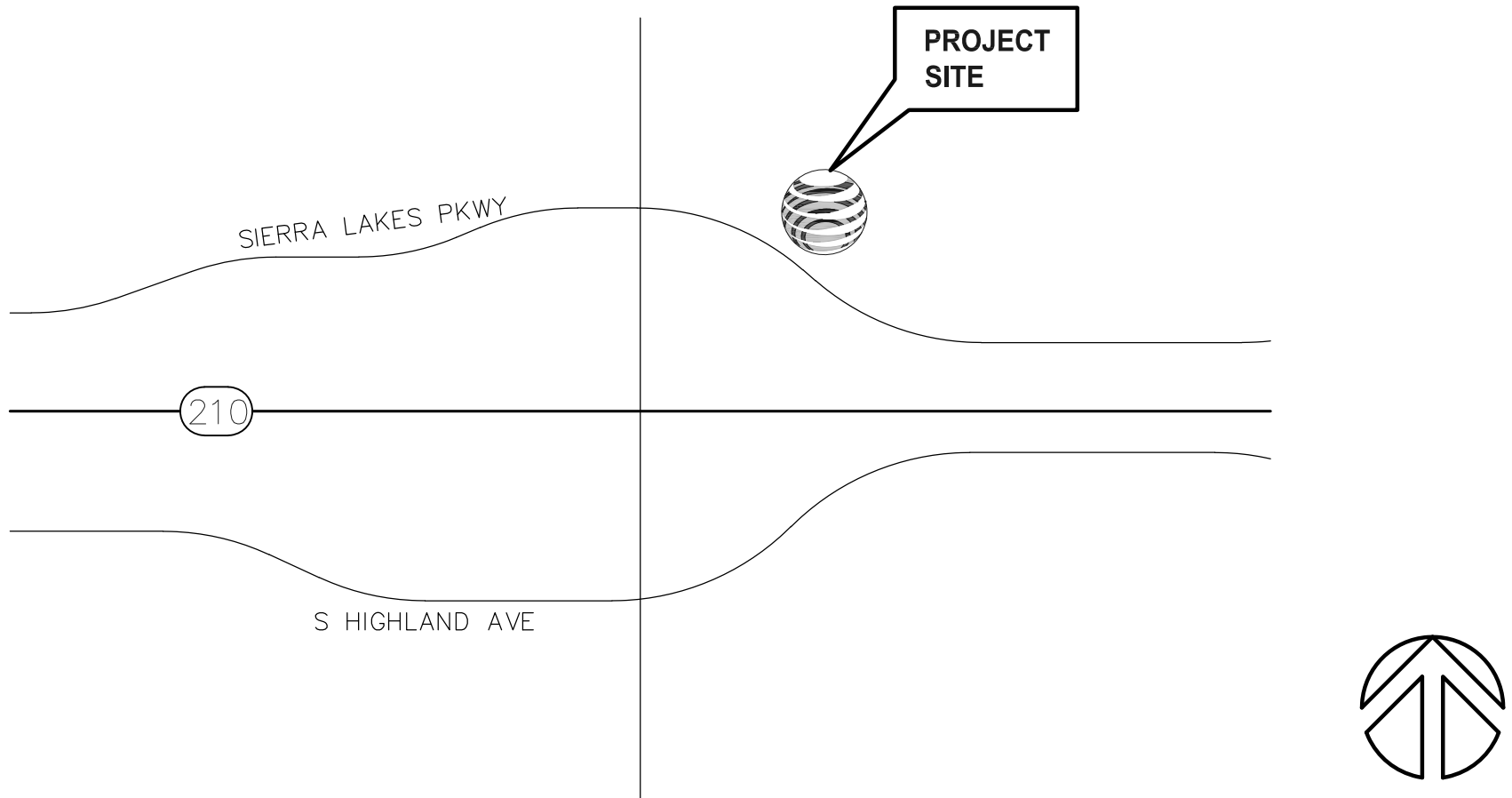

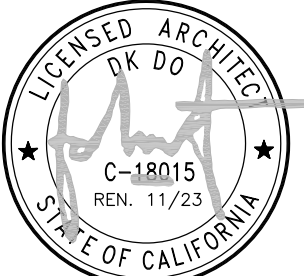
A/E DOCUMENT REVIEW STATUS

Status Code

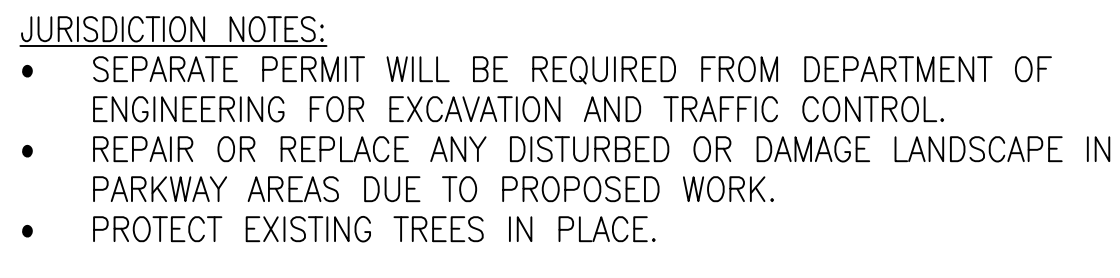
1	Accepted – With minor or no comments, construction may proceed
2	Not Accepted – Please resolve comments and resubmit
4	Review not required. Construction may proceed.

Acceptance does not constitute approval of design details, calculations, analysis, test methods or materials developed or selected by the subcontractor and does not relieve subcontractor from full compliance obligations.

	ENG	CONST				
Reviewed						
Status By					Date	

DRAWING INDEX (ZONING)		REV.	DIRECTIONS	PROJECT INFORMATION																																																	
AA-CSL02952-T01	TITLE SHEET	8	<div>DRIVING DIRECTIONS FROM AT&amp;T WIRELESS, TUSTIN</div> <div>1. TURN LEFT ONTO EDINGER AVE 2. TURN LEFT ONTO DEL AMO AVE 3. TAKE THE RAMP AND MERGE ONTO CA-55 N 4. MERGE ONTO CA-91 E 5. MERGE ONTO I-15 N 6. TAKE EXIT 115A FOR ROUTE 210 TOWARD 115A 7. MERGE ONTO CA-210 E 8. TAKE EXIT 68 FOR ALDER AVE 9. TURN LEFT ONTO N ALDER AVE 10. TURN LEFT ONTO SIERRA LAKES PKWY 11. ARRIVE AT 17010 SIERRA LAKES PKWY ON THE RIGHT</div>	SCOPE OF WORK: AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING THE INSTALLATION OF: 1. 8'-0"H CMU ENCLOSURE WITH WROUGHT IRON LID AND EVERGREEN HEDGE AROUND ENCLOSURE 2. 75'-0" HIGH MONOPALM 3. (14) PANEL ANTENNAS ON MONOPALM 4. (36) RRUS AND (6) DC SURGE SUPPRESSORS (DC9) AT ANTENNA LEVEL 5. (1) 2'-0" DIAMETER MICROWAVE DISH ANTENNA 6. (1) 3-BAY WUC CABINET WITH OVERHEAD FRP CANOPY 7. (1) 20KW AC COMPACT GENERAC GENERATOR WITH 105 GAL. DIESEL TANK WITHIN CMU ENCLOSURE 8. (1) GPS ANTENNA 9. POWER, TELCO, FIBER AND COAX PANELS AND RUNS																																																	
AA-CSL02952-A01	SITE PLAN	8		<div>VICINITY MAP</div> <div></div>	SITE ADDRESS: 17010 SIERRA LAKES PARKWAY FONTANA, CA 92336 POWER COMPANY: SCE CONTACT PERSON: YOLANDA HUNTER (626) 238-4792																																																
AA-CSL02952-A02	ENLARGED SITE PLAN	8	<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>		PROPERTY OWNER: 1836 SIERRA LAKES PARTNERS, LLC. 606 S. OLIVE ST., STE. 2450 LOS ANGELES, CA 90014 CONTACT: ERIC SILVERMAN PHONE: (213) 709-3729 EMAIL: ESILVERMAN@SBH-REG.COM TEL COMPANY: TBD CONTACT PERSON: TBD																																																
AA-CSL02952-A03	EQUIPMENT LAYOUT PLAN	8		<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>	APPLICANT: AT&T WIRELESS 1452 EDINGER AVE., 3RD FLOOR TUSTIN, CA 92780 JURISDICTION: CITY OF FONTANA APN: 1119-22-169-0000 CURRENT ZONING: REGIONAL MIXED USE (RMU) CURRENT LAND USE: COMMERCIAL PROPOSED OCCUPANCY/USE: TYPE U (UNMANNED TELECOMMUNICATIONS FACILITY) LEASE AREA: 347 SQ.FT. COORDINATES (NAD 83) LATITUDE: N 34°08'21.69" (34.139358°) LONGITUDE: W 117°25'57.00" (-117.432501°) ELEVATION (NAVD88) 1,561.7 FT.																																																
AA-CSL02952-A04	ANTENNA LAYOUT PLAN AND SCHEDULE	8	<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>		SITE QUALIFICATION PARTICIPANTS																																																
AA-CSL02952-A05	ELEVATION	8		<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>	NAME/CONTACT COMPANY NUMBER A/E D.K. DO/BOK YU DCI PACIFIC (949) 475-1000 SAC BRETT SMIRL COASTAL BUSINESS GROUP (909) 202-1596 ZONING BRETT SMIRL COASTAL BUSINESS GROUP (909) 202-1596 RF TARIK QUAZZANI AT&T (505) 730-4726 CONST RON VANDERWAL BECHTEL COMMUNICATIONS (714) 343-0931 LL/OWNER ERIC SILVERMAN - (213) 709-3729																																																
AA-CSL02952-A06	ELEVATION	8	<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>		SITE QUALIFICATION PARTICIPANTS																																																
AA-CSL02952-GN01	POWER COORDINATION REPORT	8		<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>	SITE QUALIFICATION PARTICIPANTS																																																
AA-CSL02952-B01	TOPOGRAPHIC SURVEY (FOR REFERENCE ONLY)	1	<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>		SITE QUALIFICATION PARTICIPANTS																																																
AA-CSL02952-B02	TOPOGRAPHIC SURVEY (FOR REFERENCE ONLY)	1		<div>CODE COMPLIANCE</div> <div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div> <div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div>	SITE QUALIFICATION PARTICIPANTS																																																
DCI PACIFIC A E C WORKS ARCHITECTURE   ENGINEERING   CONSULTING 26 EXECUTIVE PARK   SUITE 170 IRVINE   CA 92614		CSL02952 SIERRA LAKES FA#: 12889584   PACE#: MRLOS078888   USID#: 315978 17010 SIERRA LAKES PARKWAY FONTANA, CA 92336			 1452 EDINGER AVENUE, 3RD FLOOR TUSTIN, CA 92780		<table><tr><td>8</td><td>02/27/23</td><td>INCORP. PLANNING COMMENTS</td><td>RF</td><td>BOK</td><td>DKD</td></tr><tr><td>7</td><td>01/04/23</td><td>INCORP. POWER REPORT</td><td>HL</td><td>BOK</td><td>DKD</td></tr><tr><td>6</td><td>07/18/22</td><td>INCORP. PLANNING COMMENTS</td><td>HL</td><td>BOK</td><td>DKD</td></tr><tr><td>5</td><td>09/01/22</td><td>INCORP. PLANNING COMMENTS</td><td>HL</td><td>BOK</td><td>DKD</td></tr><tr><td>4</td><td>08/02/22</td><td>INCORP. PLANNING COMMENTS</td><td>RF</td><td>BOK</td><td>DKD</td></tr><tr><td>NO.</td><td>DATE</td><td>REVISIONS</td><td>BY</td><td>CHK</td><td>APP'D</td></tr><tr><td>SCALE</td><td>AS SHOWN</td><td>DESIGNED</td><td colspan="3">DRAWN</td></tr></table>		8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD	7	01/04/23	INCORP. POWER REPORT	HL	BOK	DKD	6	07/18/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD	5	09/01/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD	4	08/02/22	INCORP. PLANNING COMMENTS	RF	BOK	DKD	NO.	DATE	REVISIONS	BY	CHK	APP'D	SCALE	AS SHOWN	DESIGNED	DRAWN					AT&T MOBILITY TUSTIN, CA
8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD																																																
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— (N) 12'-0" WIDE AT&T  
NON-EXCLUSIVE ACCESS PATH

SECTOR 'B'  
220° AZIMUTH

**SITE PLAN**  
SCALE: 1"=30'-0"

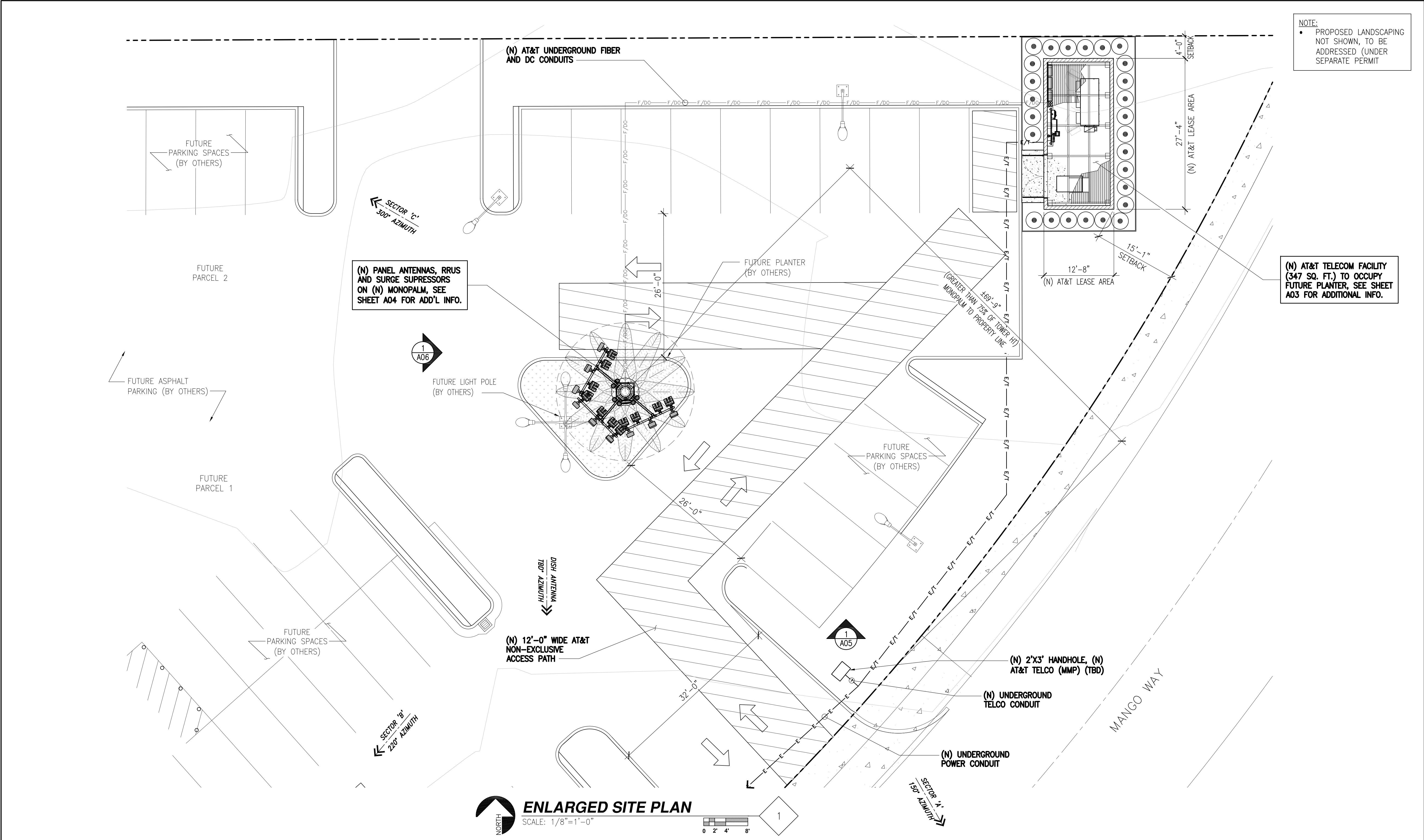
## Mobility

1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

JOB NO		DRAWING NUMBER	REV.
		AA-CSL02952-A01	8



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NOTE:  
• PROPOSED LANDSCAPING NOT SHOWN, TO BE ADDRESSED (UNDER SEPARATE PERMIT

(N) AT&T TELECOM FACILITY (347 SQ. FT.) TO OCCUPY FUTURE PLANTER, SEE SHEET A03 FOR ADDITIONAL INFO.

(N) PANEL ANTENNAS, RRUS AND SURGE SUPPRESSORS ON (N) MONOPALM, SEE SHEET A04 FOR ADD'L INFO.

1  
A06

1  
A05

**ENLARGED SITE PLAN**  
SCALE: 1/8"=1'-0"  
0 2' 4' 8'

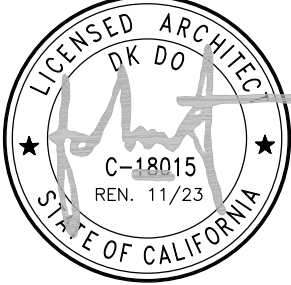
**DCI PACIFIC**  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978  
17010 SIERRA LAKES PARKWAY  
FONTANA, CA 92336

1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

8	02/27/23	INCRP. PLANNING COMMENTS	RF	BOK	DKD
7	01/04/23	INCRP. POWER REPORT	HL	BOK	DKD
6	07/18/22	INCRP. PLANNING COMMENTS	HL	BOK	DKD
5	09/01/22	INCRP. PLANNING COMMENTS	HL	BOK	DKD
4	08/02/22	INCRP. PLANNING COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		

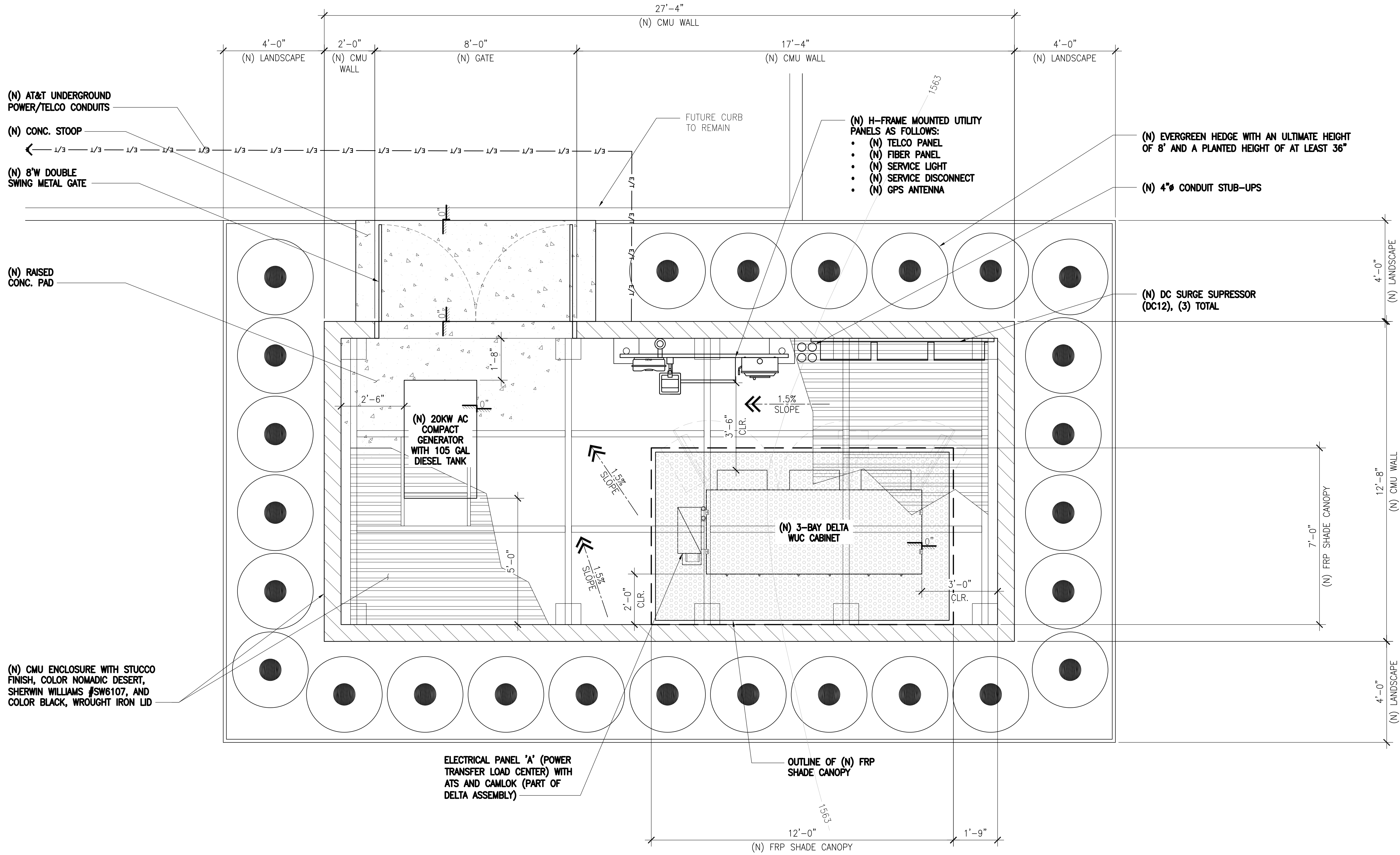


AT&T MOBILITY  
TUSTIN, CA

**ENLARGED SITE PLAN**

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A02	8

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**EQUIPMENT LAYOUT PLAN**  
SCALE: 1/2"=1'-0"  
1

**DCI PACIFIC**  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978  
17010 SIERRA LAKES PARKWAY  
FONTANA, CA 92336

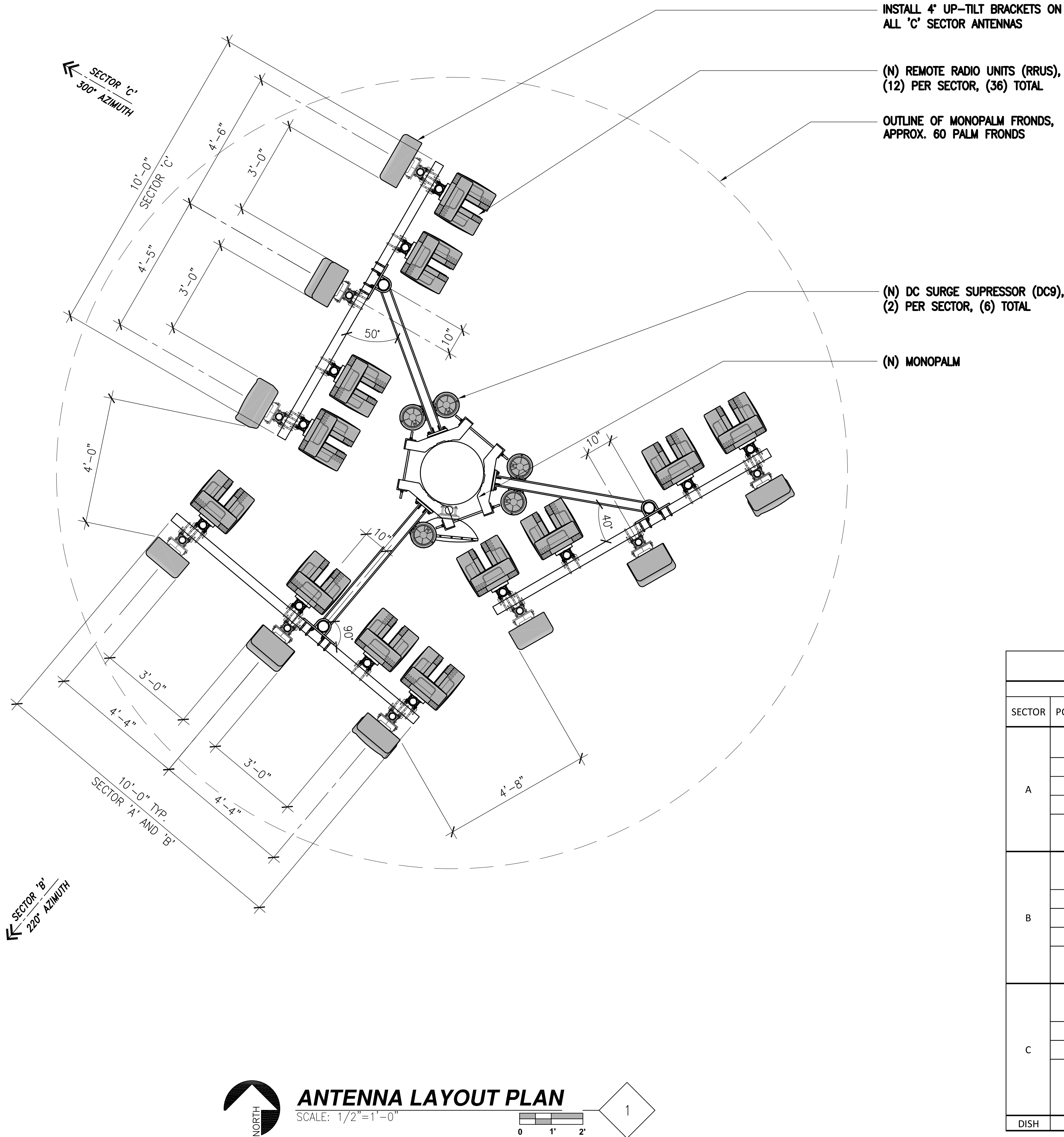


8	02/27/23	INCRP. PLANNING COMMENTS	RF	BOK	DKD
7	01/04/23	INCRP. POWER REPORT	HL	BOK	DKD
6	07/18/22	INCRP. PLANNING COMMENTS	HL	BOK	DKD
5	09/01/22	INCRP. PLANNING COMMENTS	HL	BOK	DKD
4	08/02/22	INCRP. PLANNING COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		



AT&T MOBILITY TUSTIN, CA		
EQUIPMENT LAYOUT PLAN		
JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A03	8

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NOTES:  
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRUS AND MOUNTING BRACKETS TO MATCH MONOPALM.

CSL02952 ANTENNA & RRU SCHEDULE																				
ANTENNAS AND MW DISHES						REMOTE RADIO UNITS (RRU'S)			FIBER TRUNKS			DC TRUNKS			JUMPERS		MW CABLES			
SECTOR	POSITION	MFR	MODEL NO.	AZIMUTH	RAD CENTER	TYPE	QTY	UP OR DOWN	QTY	LENGTH	DIA	QTY	LENGTH	DIA	LENGTH	DIA	QTY	LENGTH	DIA	
A	A1	CCI	TPA-45R-KU8AA-K	150	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"	NA	NA	NA	
	A2	ERICSSON	AIR 6449 B77D	150	69°-9"	NONE		UP							<12'	1/2"				
	A3	CCI	TPA-45R-KU6AA-K	150	65°-0"	RRUS 4478 B14		UP							<12'	1/2"				
	A4	ERICSSON	AIR 6419 B77G	150	69°-9"	NONE		NA							<12'	1/2"				
	A5	QUINTEL	QS6458-5	150	65°-0"	RRUS 2012 B29		UP							<12'	1/2"				
						RRUS 4415 B30		UP												
B	B1	CCI	TPA-45R-KU8AA-K	220	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"				
	B2	ERICSSON	AIR 6449 B77D	220	69°-9"	NONE		UP							<12'	1/2"				
	B3	CCI	TPA-45R-KU6AA-K	220	65°-0"	RRUS 4478 B14		UP							<12'	1/2"				
	B4	ERICSSON	AIR 6419 B77G	220	69°-9"	NONE		NA							<12'	1/2"				
	B5	QUINTEL	QS6458-5	220	65°-0"	RRUS 2012 B29		UP							<12'	1/2"				
						RRUS 4415 B30		UP												
C	C1	COMMSCOPE	NNH4-65C-R6-V3	300	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"				
	C2	ERICSSON	AIR 6419 B77G	300	69°-9"	NONE		UP							<12'	1/2"				
	C3	ERICSSON	AIR 6449 B77D	300	66°-3"	NONE		NA							<12'	1/2"				
	C4	QUINTEL	QD8612-7	300	67°-0"	RRUS 4478 B14		UP							<12'	1/2"				
						RRUS 2012 B29		UP												
						RRUS 4415 B30		UP												
DISH	#1	MW	2'-0" MW DISH	TBD	58°-0"	NA											2	80'	TBD	

DCI PACIFIC  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

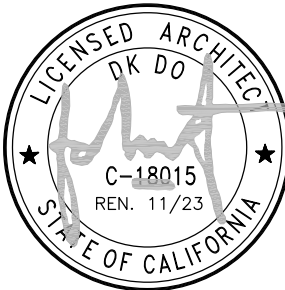
CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978

17010 SIERRA LAKES PARKWAY  
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1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD
7	01/04/23	INCORP. POWER REPORT	HL	BOK	DKD
6	07/18/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
5	09/01/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
4	08/02/22	INCORP. PLANNING COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		



AT&T MOBILITY  
TUSTIN, CA

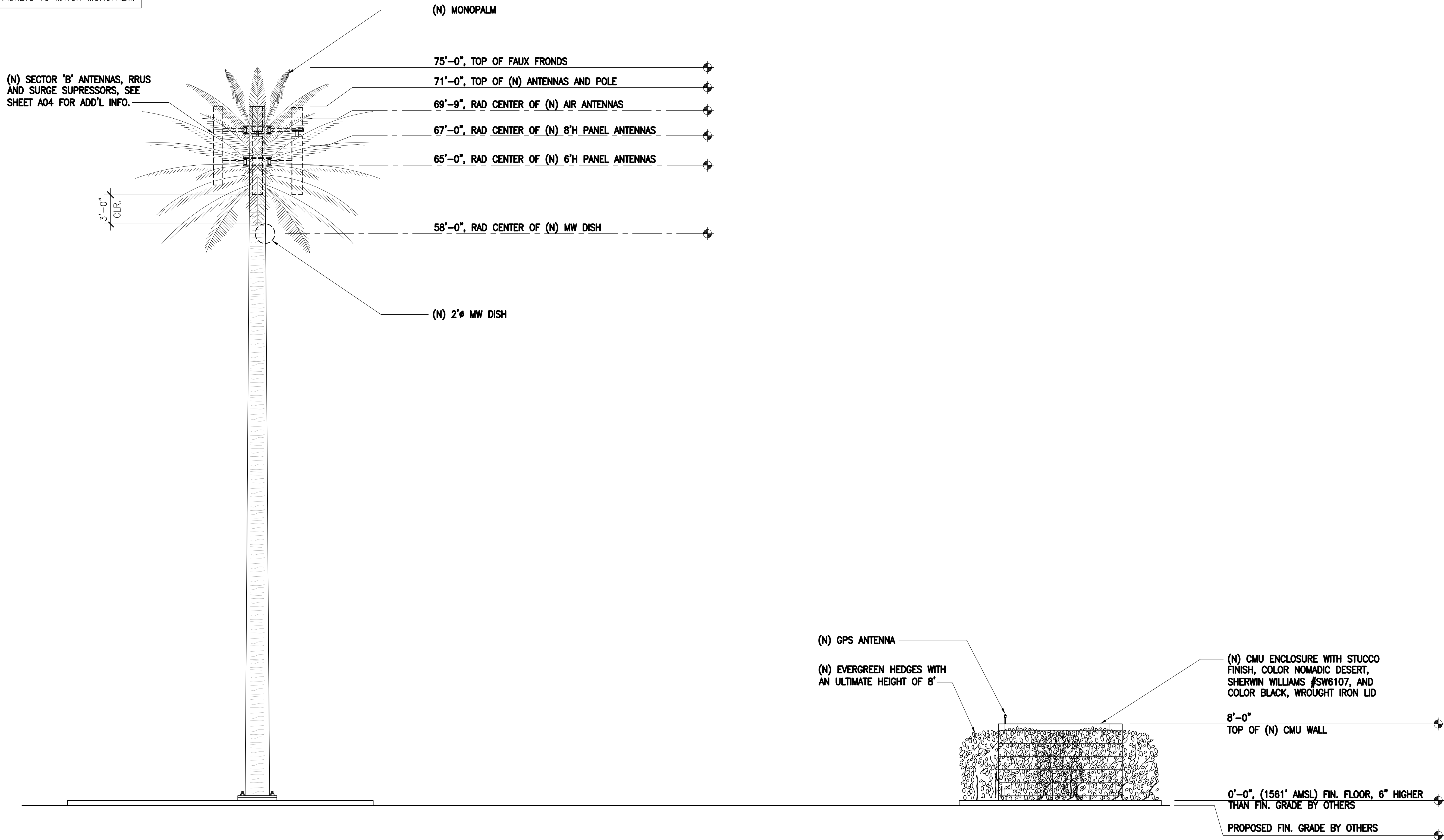
ANTENNA LAYOUT PLAN  
AND SCHEDULE

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A04	8



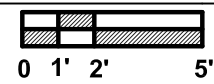
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NOTES:  
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRUS AND MOUNTING BRACKETS TO MATCH MONOPALM.



**SOUTH ELEVATION**

SCALE: 3/16"=1'-0"



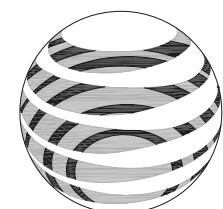
1

**DCI PACIFIC**  
**A|E|C WORKS**

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

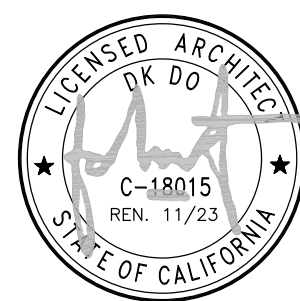
CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRL0S078888 | USID#: 315978

17010 SIERRA LAKES PARKWAY  
FONTANA, CA 92336



1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD
7	01/04/23	INCORP. POWER REPORT	HL	BOK	DKD
6	07/18/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
5	09/01/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
4	08/02/22	INCORP. PLANNING COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		



AT&T MOBILITY  
TUSTIN, CA

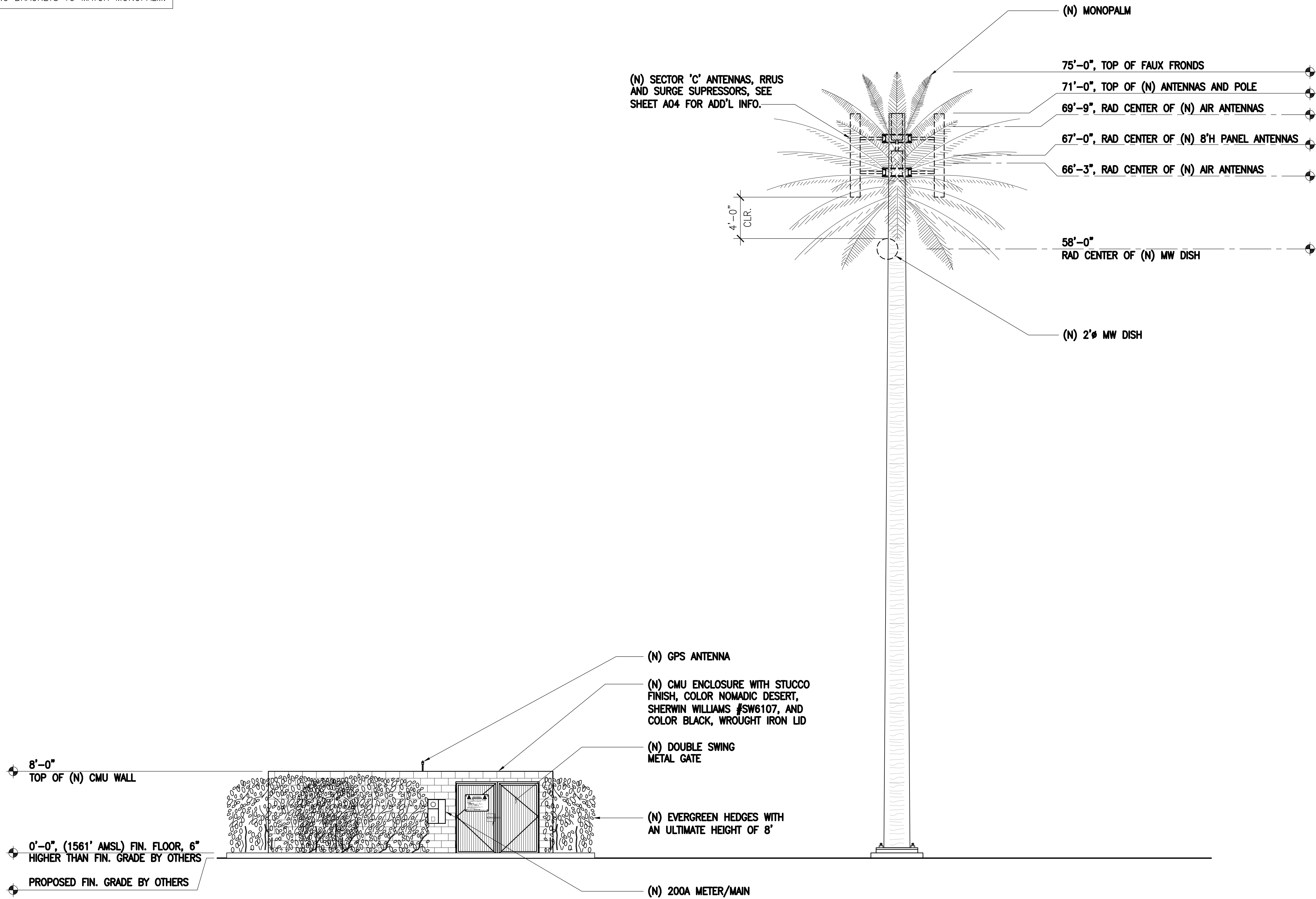
**ELEVATIONS**

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A05	8



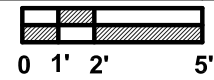
COPYRIGHT: BECHTEL INFRASTRUCTURE AND POWER CORPORATION 2022-2023. THIS ITEM CONTAINS CONFIDENTIAL INFORMATION PROPRIETARY TO BECHTEL INFRASTRUCTURE AND POWER CORPORATION THAT IS NOT TO BE USED, DISCLOSED, OR REPRODUCED IN ANY FORMAT BY ANY NON-BECHTEL PARTY WITHOUT BECHTEL'S PRIOR WRITTEN PERMISSION. NOTWITHSTANDING THE ABOVE, "AT&T MOBILITY" HAS THE RIGHT TO USE THE INFORMATION CONTAINED IN THIS DOCUMENT PURSUANT TO CONTRACT 26377 BETWEEN BECHTEL INFRASTRUCTURE AND POWER CORPORATION AND "AT&T MOBILITY". ALL RIGHTS RESERVED.

NOTES:  
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRUS AND MOUNTING BRACKETS TO MATCH MONOPALM.



### WEST ELEVATION

SCALE: 3/16"=1'-0"



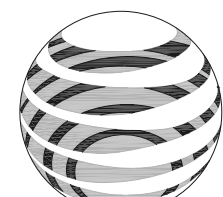
1

**DCI PACIFIC**  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

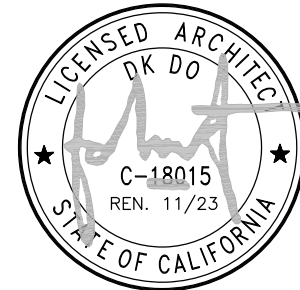
CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978

17010 SIERRA LAKES PARKWAY  
FONTANA, CA 92336



1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD
7	01/04/23	INCORP. POWER REPORT	HL	BOK	DKD
6	07/18/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
5	09/01/22	INCORP. PLANNING COMMENTS	HL	BOK	DKD
4	08/02/22	INCORP. PLANNING COMMENTS	RF	BOK	DKD
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		



AT&T MOBILITY  
TUSTIN, CA

### ELEVATIONS

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A06	8

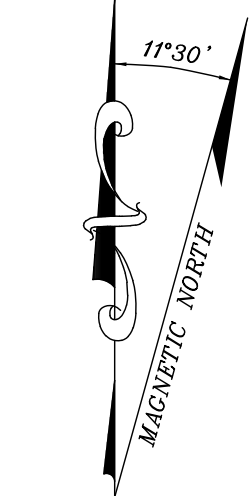
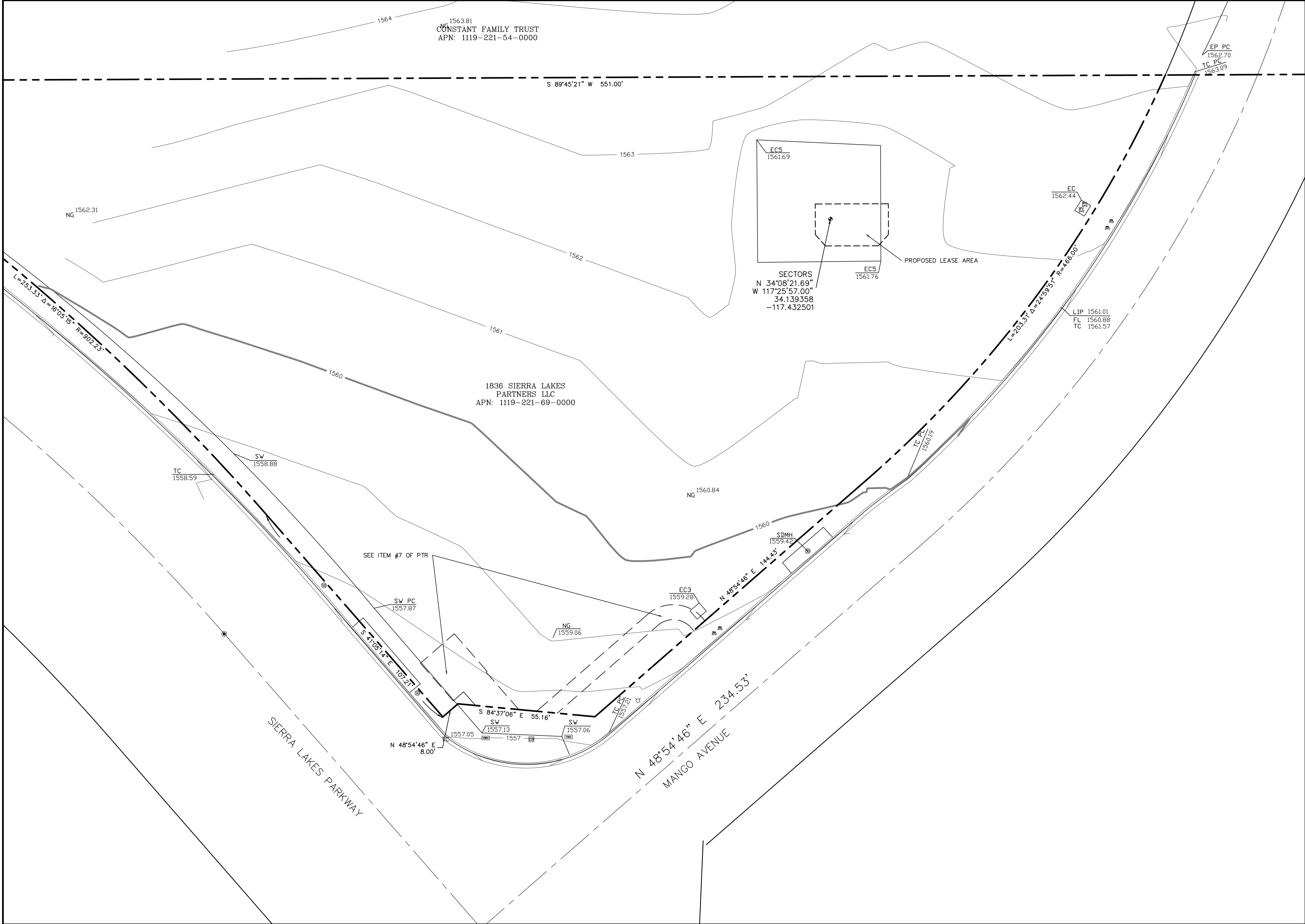












LEGEND

- ELECTRIC BOX
- FIRE HYDRANT
- MONUMENT FOUND
- STORM DRAIN MANHOLE
- TRAFFIC SIGNAL BOX
- WATER METER
- WATER VALVE
- EDGE OF CONCRETE
- EDGE OF PAVEMENT
- FLOWLINE, CURB & GUTTER
- LIP OF GUTTER
- GROUND SPOT ELEVATION
- STORMDRAIN MANHOLE
- SIDEWALK
- TOP OF CURB
- BOUNDARY LINE
- CENTER LINE
- MISC. PROPERTY LINE
- MISC. TIE LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- FENCE LINE
- BUILDING EDGE
- OVERHEAD WIRES

1) This is not a boundary survey. This is a specialized topographic map. The property lines and easements shown hereon are from record information as noted hereon. Floyd Surveying translated the topographic survey to record information using the two found monuments shown hereon. No title research was performed by Floyd Surveying.

2) Any changes made to the information on this plan, without the written consent of Floyd Surveying relieves Floyd Surveying of any and all liability.

3) These drawings & specifications are the property & copyright of Floyd Surveying & shall not be used on any other work except by agreement with the Surveyor. Written dimensions shall take preference over scaled & shall be verified on the job site. Any discrepancy shall be brought to the notice of the Surveyor prior to commencement of any work.

4) Field survey completed on April 5, 2022



FLOYD SURVEYING  
34006 GALLERON STREET  
TEMECULA, CA 92592  
OFFICE: (949) 200-0626  
EMAIL: fsi@floydsurveying.com

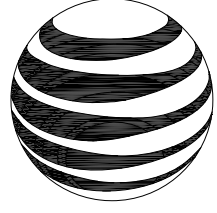
DCI PACIFIC

A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170 | IRVINE | CA 92614  
T 949.475.1000 | 949.475.1001 F

CSL02952  
SIERRA LAKES

17090 SIERRA LAKES PARKWAY  
FONTANA, CA 92336



at&t  
Mobility

1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

1	4/22/22	TITLE REVIEW	DAF	DAF	DAF
0	4/07/22	ISSUED FOR ZONING SUBMITTAL	DAF	DAF	DAF
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE AS SHOWN		DESIGNED	DRAWN		



DETAIL SITE PLAN

SCALE: 1"=20'  
20 10 0 20

SHEET TITLE

SHEET NUMBER

TOPOGRAPHIC SURVEY

B02

**City Council**

**Acquanetta Warren**  
Mayor

**Peter A. Garcia**  
Mayor Pro Tem

**John B. Roberts**  
Council Member

**Jesus "Jesse" Sandoval**  
Council Member

**Phillip W. Cothran**  
Council Member

**PLANNING DEPARTMENT**

May 11, 2023

Coastal Business Group  
AT&T Mobility  
Brett Smirl  
24310 Moulton Parkway  
Laguna Hills CA 92637

**RE: Master Case No. (MCN) 22-107; Administrative Site Plan No. (ASP) 22-028; Minor Use Permit No. (MUP) 22-007: A request for site and architectural review of a new wireless facility disguised as a mono-palm located at 17010 Sierra Lakes Parkway (APN: 1119-221-69).**

Dear Mr. Smirl:

The above-referenced project was **approved** by the Director of Planning at the Planning Director's Hearing meeting held on May 11, 2023.

Please note that this action is subject to a fifteen (15) calendar day appeal period following the approval to allow for the filing of appeals with the Planning Commission of the City of Fontana. An appeal automatically stays at the Director's decision until the Planning Commission conducts a public hearing and renders a decision on the appeal. After the fifteen (15) day appeal period, the applicant shall remove the Notice of Filing sign from the project site. The applicant may request a refund of the \$600.00 sign deposit; the request shall be in writing and submitted to the Planning Department.

Enclosed are the Findings and Conditions of Approval on this project per the Fontana Municipal Code. Should you have any questions regarding this approval, please contact the project planner, Mai Thao, at (909) 350-6650, or by email at [mthao@fontana.org](mailto:mthao@fontana.org). Additionally, if you have any questions concerning next steps in the development process, please call the City's Development Services Supervisor, Carla Pursel, at (909) 350-6712.

Sincerely,

Patty Nevins  
Director of Planning

**Attachments:**

1. Findings and Conditions of Approval
2. Approved Plan





## **FINDINGS FOR MINOR USE PERMIT**

**CASE:** Minor Use Permit No. 22-007  
Master Case No. 22-107

**DATE:** May 11, 2023

- 1. That the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning and Development Code, General Plan, any applicable Specific Plan or area plan, and City regulations/standards.**

The project site is located on the north side of Sierra Lakes Parkway and west side of Mango Avenue. The proposed project is for the installation a new 75-foot wireless facility disguised as a mono-palm. The new mono-palm will include fourteen (14) panel antennas, supporting equipment, and an equipment enclosure. The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The Regional Mixed-Use zoning is intended for a wide range of retail commercial, office, medium density residential, civic, open space and job-rich light manufacturing uses. This use is considered a public facility and is allowed within the Regional Mixed Use zoning district with the approval of a Minor Use Permit. The wireless facility will support the intended uses for the areas within the Regional Mixed Use land use designation.

- 2. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints and can be conditioned to meet all related performance criteria and development standards.**

The physical characteristics of the site are sufficient to accommodate the requested wireless mono-palm, supporting equipment, and equipment enclosure. The project site is approximately 1.8 acres in size and developed with two drive-thru restaurants pads and associated parking, landscaping, and drive aisles. The proposed mono-palm and equipment enclosure meets all applicable development standards including access, setbacks, parking, and drive aisles. There are no changes to the existing site circulation and access for the proposed project. The new wireless tower has been reviewed by Planning, Building and Safety, Engineering, and Fire Prevention and will meet or exceed all requirements.

- 3. Granting the permit would not be detrimental to the public interest, health, safety, convenience, welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.**

The proposed project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, and safety. In addition, the site meets all the development standards of the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance and will provide a safe, well-designed facility.



## **FINDINGS FOR ADMINISTRATIVE SITE PLAN**

**CASE:** Administrative Site Plan 22-028  
Master Case No. 22-107

**DATE:** May 11, 2023

**1. The proposal meets or exceeds contained in this Chapter and is consistent with the General Plan and the applicable land use designation.**

The project site is located on the north side of Sierra Lakes Parkway and west side of Mango Avenue. The proposed project is for the installation a new 75-foot wireless facility disguised as a mono-palm. The new mono-palm will include fourteen (14) panel antennas, supporting equipment, and an equipment enclosure. The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The Regional Mixed-Use zoning is intended for a wide range of retail commercial, office, medium density residential, civic, open space and job-rich light manufacturing uses. This use is considered a public facility and is allowed within the Regional Mixed Use zoning district with the approval of a Minor Use Permit and an Administrative Site Plan for site and architectural review of the proposed wireless facility. The proposed project is consistent with the General Plan, the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance.

**2. That the site for the intended use is adequate in size, shape, topography, accessibility, and other physical characteristics to accommodate the use and all the required provisions of this chapter.**

The project site is an irregular shaped property consisting of one (1) parcel of approximately 1.8 acres, located at 17010 Sierra Lakes Parkway. The new wireless tower has been reviewed by Planning, Building and Safety, Engineering, and Fire Prevention and will meet or exceed all requirements. The proposed project will be built/installed pursuant to all applicable building, zoning, fire codes, and standards which will result in an appropriate, safe, and desirable development, as well as conditions of approval referenced herein. The site is adequate in parking, circulation, and access to the property including the addition of the proposed wireless facility.

**3. The proposal of the tower and/or antenna is in its design and appearance consistent with the development and design of the surrounding structures and neighborhood.**

The project proposal in its design and appearance as a result from this review will be compatible with the site and other similarly approved wireless facilities. The wireless tower is proposed to be disguised as a mono-palm with faux fronds and a faux growth pod, which will complement the surrounding neighborhood and blend with the existing area.



The proposed equipment enclosure will have a stucco finish with a desert color to match the drive-thru restaurant buildings. The enclosure will be surrounded by mature landscaping to compliment the landscaping of the surrounding properties and will match the surrounding neighborhood. The proposed project provides a safe and well-designed site that is both aesthetically and architecturally pleasing.

4. **That the proposed use will be organized, designed, constructed, operated and maintained so as to be compatible with the character of the area as intended by the general plan.**

The General Plan Land Use designation is Regional Mixed-Use (R-MU) and the zoning designation is Regional Mixed Use (RMU). The operation and maintenance of the facility will be regulated by specific requirements set forth in the Minor Use Permit and attached in the Conditions of Approval. In addition, the project will conform to the requirements of the Zoning and Developments Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance.

The proposed project has been reviewed by Planning, Engineering, Building and Safety, and County Fire Prevention for site circulation, access, and safety. The proposed project identified in Findings No. 1-3, meets or exceeds the standards of the Zoning and Development Code and Chapter 32 of the Fontana Municipal Code (FMC) as outlined in the Wireless Telecommunications Towers and Antennas ordinance and will provide a safe design.

5. **That adequate streets and highways exist to carry the type and quantity of traffic anticipated to accommodate access for maintenance and/or service vehicles.**

The proposed project has been designed to accommodate access for maintenance and/or service vehicles and will not conflict with existing easements or access on-site. The project site is accessed from Mango Avenue and Sierra Lakes Parkway, which are publicly maintained streets. The proposed project will have one designated parking stall adjacent to the equipment enclosure for maintenance and/or service vehicles and will not conflict with the existing center.

6. **The Director of the Planning Department shall make those findings enumerated in this section as amended from time to time, prior to approving any ASP pursuant to this chapter.**

Upon approval of this Minor Use Permit and Administrative Site Plan, the Director of Planning has made the required findings in the affirmation.





CITY OF FONTANA

## CONDITIONS OF APPROVAL

**CASE:** Administrative Site Plan No. 22-028  
Master Case No. 22-107

**DATE:** May 11, 2023

**LOCATION:** 17010 Sierra Lakes Parkway

### **PLANNING DEPARTMENT:**

1. All Conditions of Approval contained herein shall be incorporated into all applicable final construction plans and a copy of these conditions, signed by the property owner or legal representative, shall be placed on the first sheet of the final building plans prior to issuance of any building permits.
2. The rights and privileges granted by this project shall not become effective, nor shall the Applicant commence the use for which this project is granted, until both of the following have occurred:
  - A. All of the improvements, construction, alteration and other work set forth in this project have been completed and have been accepted by the City, as evidenced by the City's issuance of a Certificate of Occupancy or other document evidencing the City's final inspection and acceptance of the work; and
  - B. All other Conditions of Approval imposed by this project have been fulfilled.
3. Administrative Site Plan shall become null and void two (2) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Department inspection, has commenced within this period.
4. Prior to the construction of any modifications, all structural and aesthetic changes to the project design must be requested and approved in writing by the Director of Planning or his/her designee.
5. This project will comply with all applicable provisions, regulations, and development standards of the City of Fontana Municipal Code.
6. In the event that one or more of the Conditions of Approval for this project needs to be amended and/or deleted due to health, safety or welfare concerns, the City Manager is authorized to approve or conditionally approve such amendment/deletion, provided that City Manager shall bring such proposed amendment/deletion to the City Council at the next available meeting for City Council ratification, but in no event later than sixty (60)

days following the City Manager's decision. The noticing of such City Council meeting for possible ratification shall be pursuant to Sections 30-30 and 30-31 of the Municipal Code.

7. The applicant/property owner shall defend, indemnify, protect and hold harmless the City of Fontana or its agents, officers, attorneys and employees from any and all actual or alleged claims, actions or proceedings against the City of Fontana or its agents, officers, attorneys or employees to attack, set aside, void, annul or seek monetary damages arising out of any challenge to the proposed project or to any approvals of the Planning Commission and/or City Council concerning this project, including but not limited to actions challenging CEQA actions, permits, variances, plot plans, design plans, maps, licenses, and amendments. The City of Fontana shall promptly notify the applicant of any claim, action, or proceeding and the City of Fontana shall cooperate in the defense.

In the event of any such third-party action or proceeding, the City shall have the right to retain its own separate legal counsel to defend the interests of the City. The applicant shall be responsible for reimbursing the City for such legal fees and costs, in their entirety, including actual attorneys' fees, which may be incurred by the City in defense of such action or proceeding. This indemnification shall also include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such claim, action, or proceeding whether incurred by applicant, the City and/or any parties bringing such forth.

The City of Fontana and the applicant acknowledge that the City would not have approved this project if the City were to be liable to applicant in damages under or with respect to all or any part of this application or this condition of approval. Accordingly, applicant shall not sue the City for damages or monetary relief for any matter arising from or related to this condition of approval. Applicant's sole and exclusive remedy shall be limited to declaratory/injunctive relief, mandate, and/or specific performance.

8. The applicant shall post a publicly visible sign on the project site with the telephone number and 24-hour point of contact for dust, noise, and construction complaints. The 24-hour point of contact shall be available 24 hours a day, 7 days a week and have authority to commit additional assets to control dust, or respond to construction complaints after hours, on weekends and on holidays. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays.
9. The construction contractor will use the following source controls at all times:
  - A. Use of noise-producing equipment will be limited to the interval from 8:00 a.m. to 5:00 p.m., Monday through Friday. Construction shall be limited to 7:00 am to 6:00 pm on weekdays, 8:00 am to 5:00 pm on Saturdays, and no construction on Sundays and Holidays unless it is approved by the building inspector for cases that are considered urgently necessary as defined in Section 18-63(7) of the Municipal Code.
  - B. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.

- C. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
- D. Have only necessary equipment onsite.
- E. Use manually adjustable or ambient-sensitive backup alarms. When working adjacent to residential use(s), the construction contractor will also use the following path controls, except where not physically feasible, when necessary:
  - 1. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
  - 2. Temporarily enclose localized and stationary noise sources.
  - 3. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

10. Historic Archaeological Resources

- B. Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, interested Tribes (as a result of correspondence with area Tribes) shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation takes place.
  - C. Preservation in place shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resource along the subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.
  - D. Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel shall meet the Secretary of the Interior standards for archaeology and have a minimum of 10 years' experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.
11. To discourage graffiti, the applicant shall include anti-graffiti coating on the exterior of the enclosure.
12. Graffiti and unauthorized markings on any wall, sign, or structure must be removed within twenty-four (24) hours.

13. All site improvements shall be completed prior to the issuance of a Building Permit final, to the satisfaction of the Director of Planning. (Added by the Director of Planning on May 11, 2023)
14. Ingress and egress to and from the site shall only occur via the driveways on South Highland Avenue and Mango Avenue. (Added by the Director of Planning on May 11, 2023)

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

15. A Planning Department final inspection fee shall be paid prior to issuance of the Certificate of Occupancy for Industrial and Commercial Developments.
16. Applicant shall pay all applicable service fees pursuant to the City of Fontana Municipal Code.

**END OF CONDITIONS OF APPROVAL**



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CITY OF FONTANA  
PLANNING DEPARTMENT

APPROVED

Mai Thao

MAY 11, 2023

MCN22-107  
ASP22-028  
MUP22-007

Project Planner

Date

Case #'s



SITE NUMBER: CSL02952

SITE NAME: SIERRA LAKES

FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978

A/E DOCUMENT REVIEW STATUS					
Status Code					
1		Accepted – With minor or no comments, construction may proceed			
2		Not Accepted – Please resolve comments and resubmit			
4		Review not required. Construction may proceed.			
Acceptance does not constitute approval of design details, calculations, analysis, test methods or materials developed or selected by the subcontractor and does not relieve subcontractor from full compliance obligations.					
	ENG	CONST			
Reviewed					
Status By				Date	

DRAWING INDEX (ZONING)			REV.	DIRECTIONS	PROJECT INFORMATION																																										
AA–CSL02952–T01	TITLE SHEET	8	<div>DRIVING DIRECTIONS FROM AT&amp;T WIRELESS, TUSTIN</div> <div>1. TURN LEFT ONTO EDINGER AVE 2. TURN LEFT ONTO DEL AMO AVE 3. TAKE THE RAMP AND MERGE ONTO CA–55 N 4. MERGE ONTO CA–91 E 5. MERGE ONTO I–15 N 6. TAKE EXIT 115A FOR ROUTE 210 TOWARD 115A 7. MERGE ONTO CA–210 E 8. TAKE EXIT 68 FOR ALDER AVE 9. TURN LEFT ONTO N ALDER AVE 10. TURN LEFT ONTO SIERRA LAKES PKWY 11. ARRIVE AT 17010 SIERRA LAKES PKWY ON THE RIGHT</div> <div>VICINITY MAP</div> <div></div> <div>CODE COMPLIANCE<div>** NOTE: ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THESE CODES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.</div><div>1. 2022 CALIFORNIA ADMINISTRATIVE CODE (CAC) 2. 2022 CALIFORNIA BUILDING CODE (CBC), VOLUMES 1, AND 2 3. 2022 CALIFORNIA ELECTRICAL CODE 4. 2022 CALIFORNIA MECHANICAL CODE (CMC) 5. 2022 CALIFORNIA ENERGY CODE 6. 2022 CALIFORNIA FIRE CODE (CFC) 7. 2022 CALIFORNIA GREEN CODE 8. 2022 CALIFORNIA REFERENCES STANDARDS CODE</div></div>	SCOPE OF WORK: AN UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING THE INSTALLATION OF: <div>1. 8’–0”H CMU ENCLOSURE WITH WROUGHT IRON LID AND EVERGREEN HEDGE AROUND ENCLOSURE</div> <div>2. 75’–0” HIGH MONOPALM</div> <div>3. (14) PANEL ANTENNAS ON MONOPALM</div> <div>4. (36) RRUS AND (6) DC SURGE SUPPRESSORS (DC9) AT ANTENNA LEVEL</div> <div>5. (1) 2’–0” DIAMETER MICROWAVE DISH ANTENNA</div> <div>6. (1) 3–BAY WUC CABINET WITH OVERHEAD FRP CANOPY</div> <div>7. (1) 20KW AC COMPACT GENERAC GENERATOR WITH 105 GAL. DIESEL TANK WITHIN CMU ENCLOSURE</div> <div>8. (1) GPS ANTENNA</div> <div>9. POWER, TELCO, FIBER AND COAX PANELS AND RUNS</div>																																											
AA–CSL02952–A01	SITE PLAN	8		SITE ADDRESS: 17010 SIERRA LAKES PARKWAY FONTANA, CA 92336	POWER COMPANY: SCE																																										
AA–CSL02952–A02	ENLARGED SITE PLAN	8		PROPERTY OWNER: 1836 SIERRA LAKES PARTNERS, LLC. 606 S. OLIVE ST., STE. 2450 LOS ANGELES, CA 90014	CONTACT PERSON: YOLANDA HUNTER																																										
AA–CSL02952–A03	EQUIPMENT LAYOUT PLAN	8		CONTACT: ERIC SILVERMAN	CONTACT PERSON: (626) 238–4792																																										
AA–CSL02952–A04	ANTENNA LAYOUT PLAN AND SCHEDULE	8		PHONE: (213) 709–3729	TEL COMPANY: TBD																																										
AA–CSL02952–A05	ELEVATION	8		EMAIL: ESILVERMAN@SBH–REG.COM	CONTACT PERSON: TBD																																										
AA–CSL02952–A06	ELEVATION	8		APPLICANT: AT&T WIRELESS 1452 EDINGER AVE., 3RD FLOOR TUSTIN, CA 92780																																											
AA–CSL02952–GN01	POWER COORDINATION REPORT	8		JURISDICTION: CITY OF FONTANA																																											
AA–CSL02952–B01	TOPOGRAPHIC SURVEY (FOR REFERENCE ONLY)	1		APN: 1119–22–169–0000																																											
AA–CSL02952–B02	TOPOGRAPHIC SURVEY (FOR REFERENCE ONLY)	1		CURRENT ZONING: REGIONAL MIXED USE (RMU)																																											
					CURRENT LAND USE: COMMERCIAL																																										
					PROPOSED OCCUPANCY/USE: TYPE U (UNMANNED TELECOMMUNICATIONS FACILITY)																																										
					LEASE AREA: 347 SQ.FT.																																										
					COORDINATES (NAD 83)																																										
					LATITUDE: N 34°08’21.69” (34.139358°)																																										
					LONGITUDE: W 117°25’57.00” (–117.432501°)																																										
					ELEVATION (NAVD88) 1,561.7 FT.																																										
					SITE QUALIFICATION PARTICIPANTS																																										
					<table><tr><th></th><th>NAME/CONTACT</th><th>COMPANY</th><th>NUMBER</th></tr><tr><td>A/E</td><td>D.K. DO/BOK YU</td><td>DCI PACIFIC</td><td>(949) 475–1000</td></tr><tr><td>SAC</td><td>BRETT SMIRL</td><td>COASTAL BUSINESS GROUP</td><td>(909) 202–1596</td></tr><tr><td>ZONING</td><td>BRETT SMIRL</td><td>COASTAL BUSINESS GROUP</td><td>(909) 202–1596</td></tr><tr><td>RF</td><td>TARIK QUAZZANI</td><td>AT&amp;T</td><td>(505) 730–4726</td></tr><tr><td>CONST</td><td>RON VANDERWAL</td><td>BECHTEL COMMUNICATIONS</td><td>(714) 343–0931</td></tr><tr><td>LL/OWNER</td><td>ERIC SILVERMAN</td><td>–</td><td>(213) 709–3729</td></tr></table>		NAME/CONTACT	COMPANY	NUMBER	A/E	D.K. DO/BOK YU	DCI PACIFIC	(949) 475–1000	SAC	BRETT SMIRL	COASTAL BUSINESS GROUP	(909) 202–1596	ZONING	BRETT SMIRL	COASTAL BUSINESS GROUP	(909) 202–1596	RF	TARIK QUAZZANI	AT&T	(505) 730–4726	CONST	RON VANDERWAL	BECHTEL COMMUNICATIONS	(714) 343–0931	LL/OWNER	ERIC SILVERMAN	–	(213) 709–3729														
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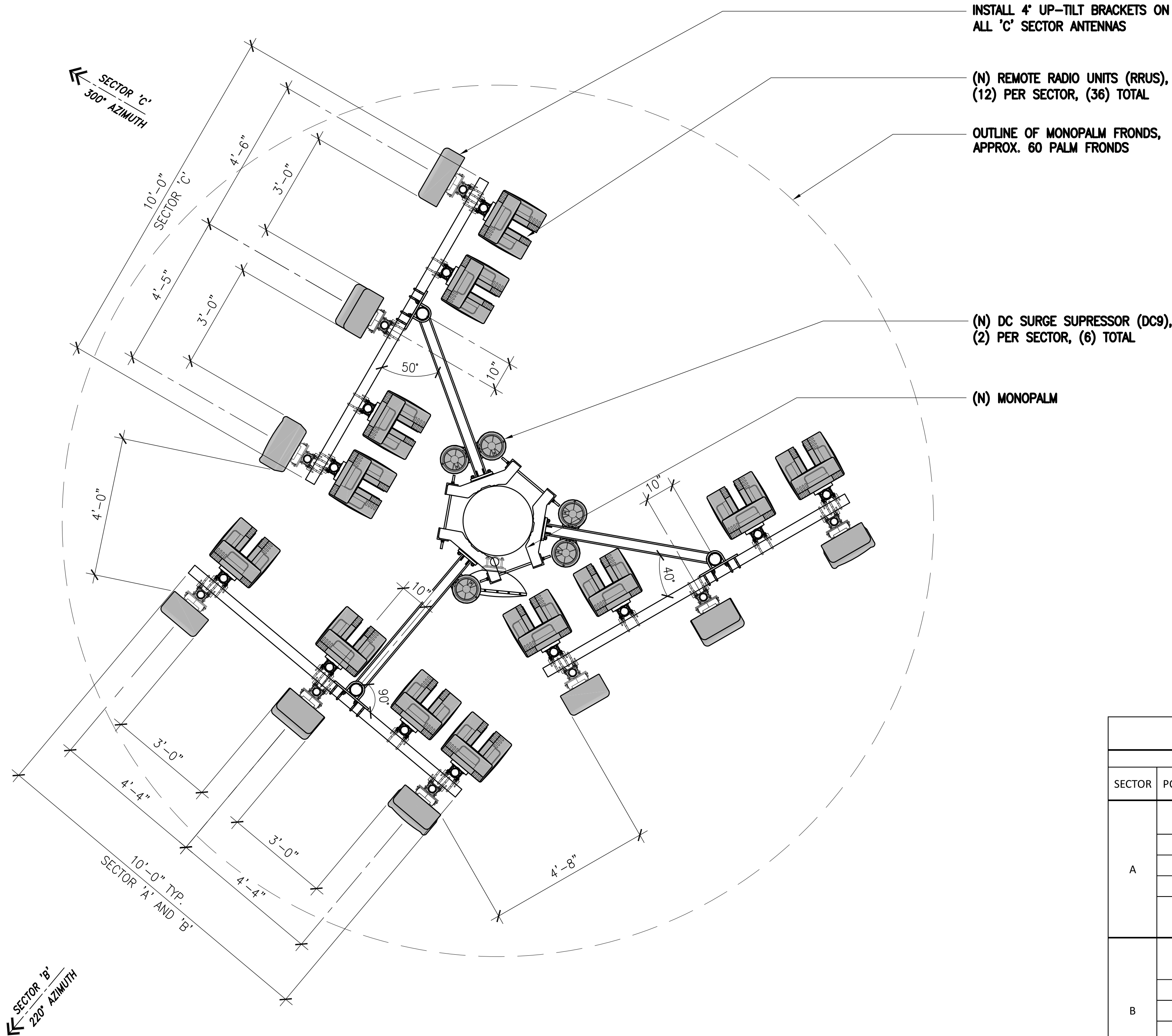
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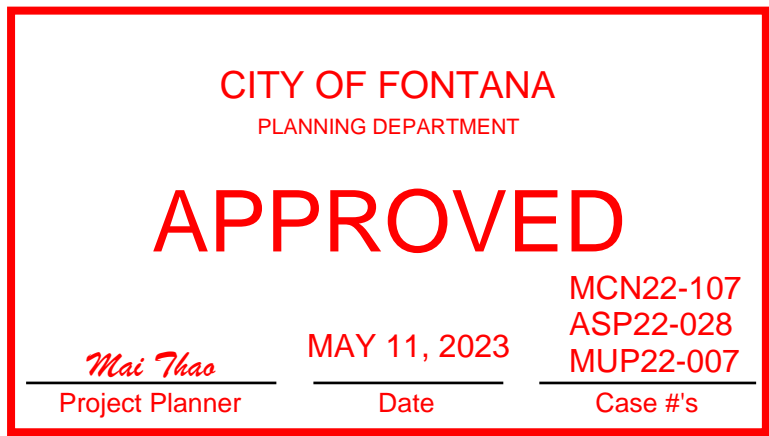




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NOTES:  
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRUS AND MOUNTING BRACKETS TO MATCH MONOPALM.



CSL02952 ANTENNA & RRU SCHEDULE																				
ANTENNAS AND MW DISHES						REMOTE RADIO UNITS (RRU'S)			FIBER TRUNKS			DC TRUNKS			JUMPERS		MW CABLES			
SECTOR	POSITION	MFR	MODEL NO.	AZIMUTH	RAD CENTER	TYPE	QTY	UP OR DOWN	QTY	LENGTH	DIA	QTY	LENGTH	DIA	LENGTH	DIA	QTY	LENGTH	DIA	
A	A1	CCI	TPA-45R-KU8AA-K	150	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"	NA	NA	NA	
	A2	ERICSSON	AIR 6449 B77D	150	69°-9"	NONE		UP							<12'	1/2"				
	A3	CCI	TPA-45R-KU6AA-K	150	65°-0"	RRUS 4478 B14		UP							<12'	1/2"				
	A4	ERICSSON	AIR 6419 B77G	150	69°-9"	NONE		NA							<12'	1/2"				
	A5	QUINTEL	QS6458-5	150	65°-0"	RRUS 2012 B29		UP							<12'	1/2"				
						RRUS 4415 B30		UP												
B	B1	CCI	TPA-45R-KU8AA-K	220	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"				
	B2	ERICSSON	AIR 6449 B77D	220	69°-9"	NONE		UP							<12'	1/2"				
	B3	CCI	TPA-45R-KU6AA-K	220	65°-0"	RRUS 4478 B14		UP							<12'	1/2"				
	B4	ERICSSON	AIR 6419 B77G	220	69°-9"	NONE		NA							<12'	1/2"				
	B5	QUINTEL	QS6458-5	220	65°-0"	RRUS 2012 B29		UP							<12'	1/2"				
						RRUS 4415 B30		UP												
C	C1	COMMSCOPE	NNH4-65C-R6-V3	300	67°-0"	RRUS 4449 B5/B12 RRUS 8843 B2/B66A	12	UP	2	90'	2"	6	90'	2"	<12'	1/2"				
	C2	ERICSSON	AIR 6419 B77G	300	69°-9"	NONE		UP							<12'	1/2"				
	C3	ERICSSON	AIR 6449 B77D	300	66°-3"	NONE		NA							<12'	1/2"				
	C4	QUINTEL	QD8612-7	300	67°-0"	RRUS 4478 B14		UP							<12'	1/2"				
						RRUS 2012 B29		UP												
						RRUS 4415 B30		UP												
DISH	#1	MW	2'-0" MW DISH	TBD	58°-0"	NA												2	80'	TBD

**DCI PACIFIC**  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

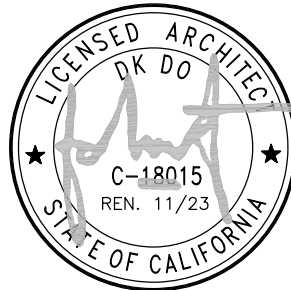
CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRLOS078888 | USID#: 315978

17010 SIERRA LAKES PARKWAY  
FONTANA, CA 92336



1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

8	02/27/23	INCORP. PLANNING COMMENTS	RF	BOK	DKD
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NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		



AT&T MOBILITY  
TUSTIN, CA

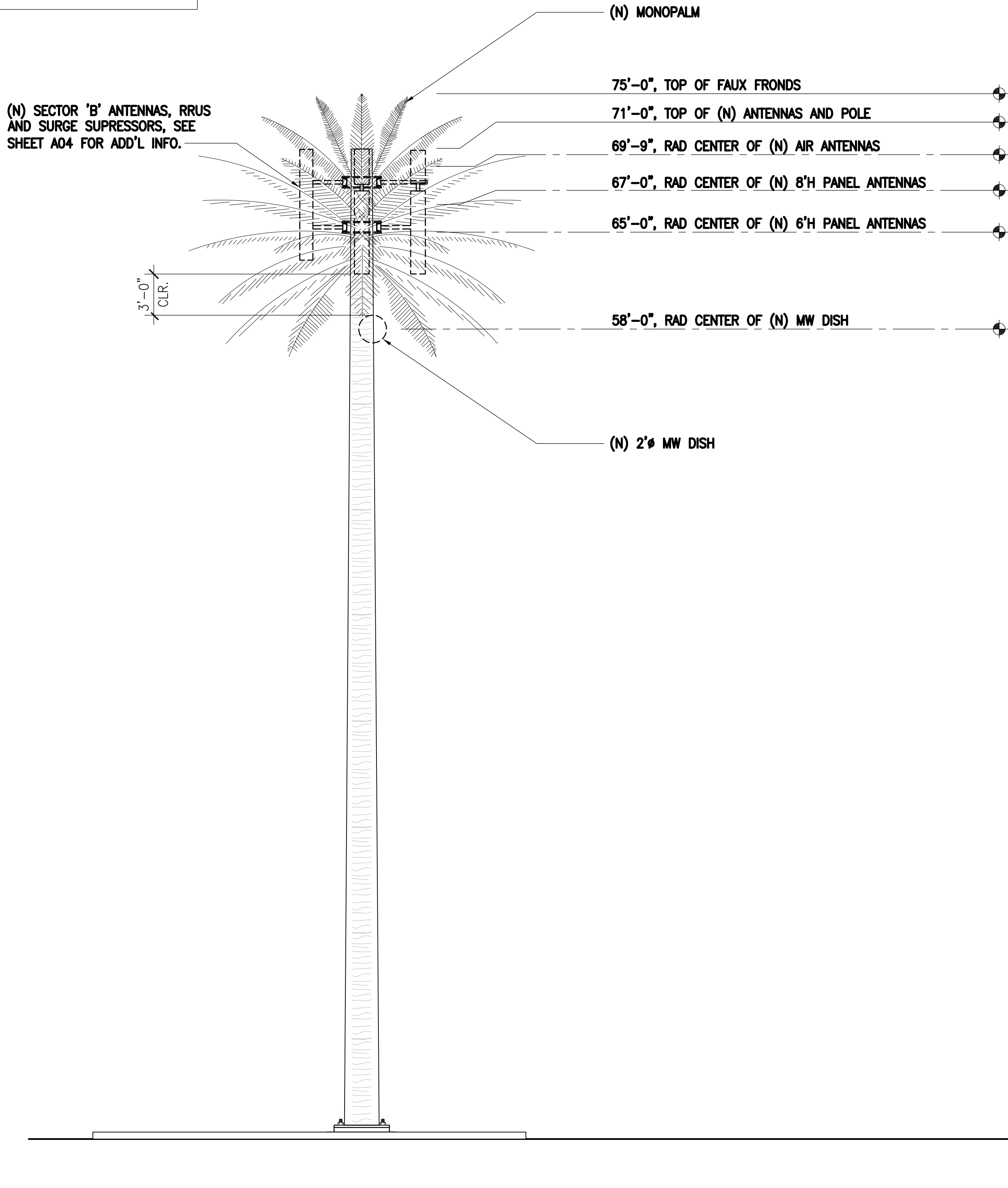
**ANTENNA LAYOUT PLAN  
AND SCHEDULE**

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A04	8



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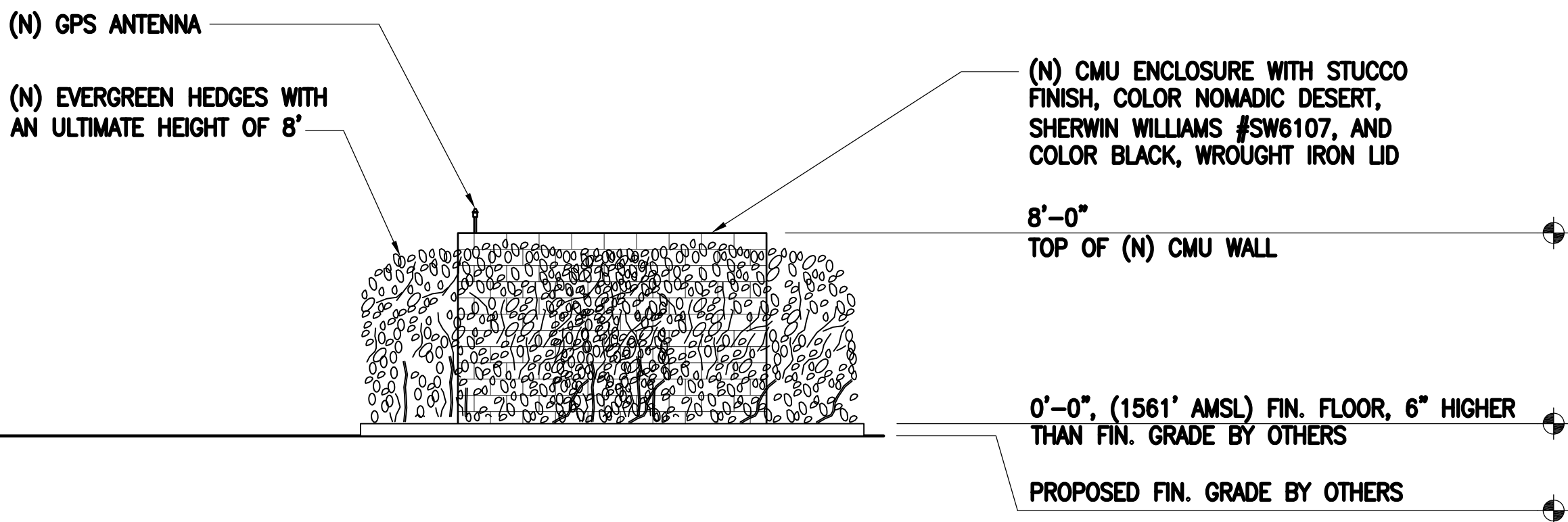
CITY OF FONTANA  
PLANNING DEPARTMENT

APPROVED

Mai Thao  
Project Planner

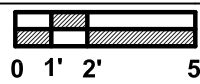
MAY 11, 2023  
Date

MCN22-107  
ASP22-028  
MUP22-007  
Case #'s



**SOUTH ELEVATION**

SCALE: 3/16"=1'-0"



1

**DCI PACIFIC**  
**A|E|C WORKS**

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

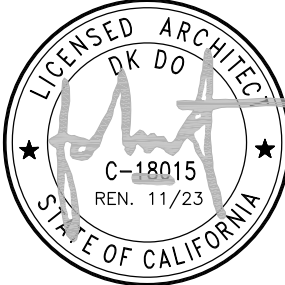
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SIERRA LAKES  
FA#: 12889584 | PACE#: MRL0S078888 | USID#: 315978

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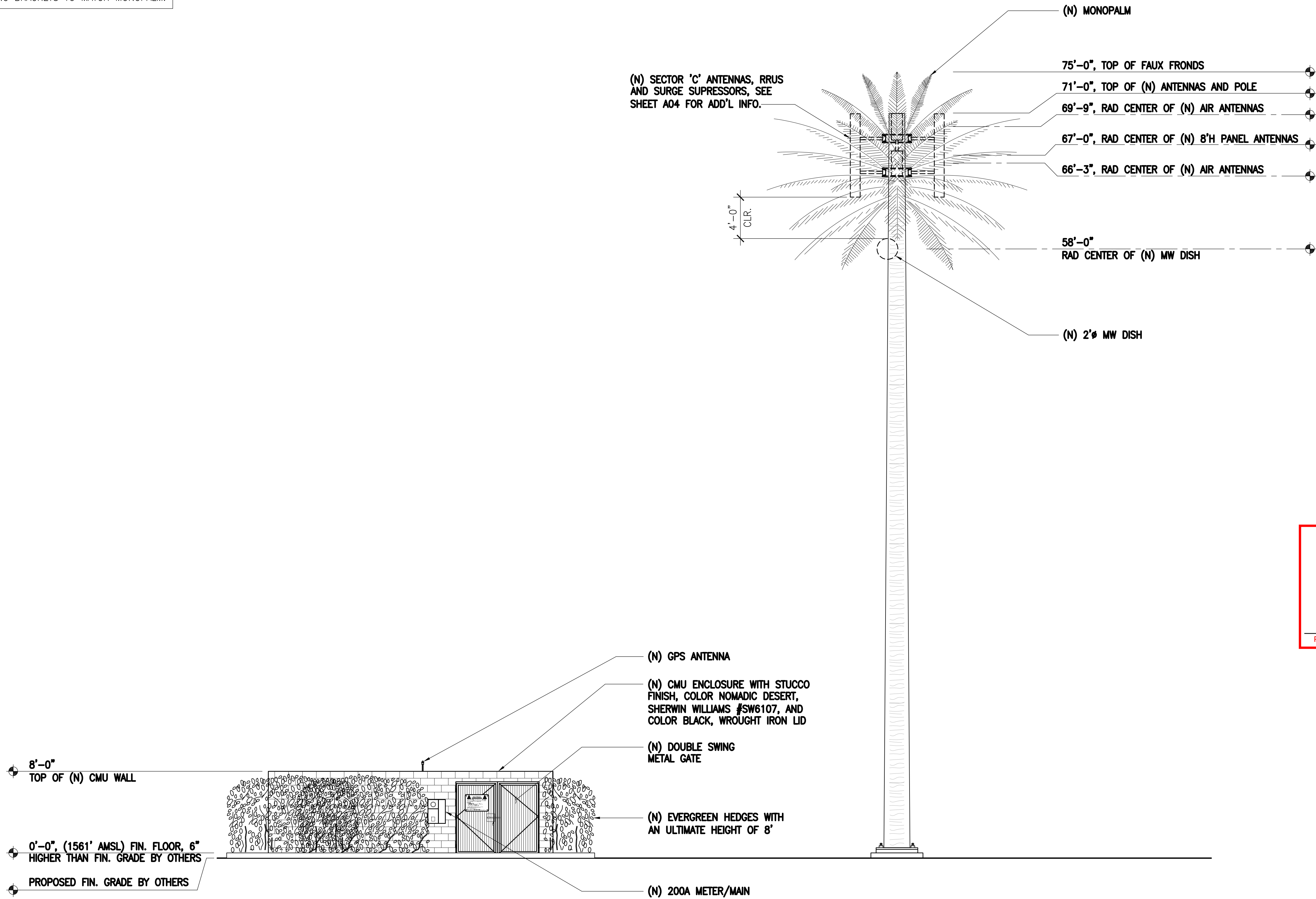
AT&T MOBILITY  
TUSTIN, CA

**ELEVATIONS**

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A05	8

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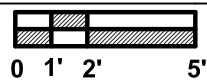
NOTES:  
1. PAINT ALL NEW ANTENNAS, SURGE SUPPRESSORS, RRUS AND MOUNTING BRACKETS TO MATCH MONOPALM.



CITY OF FONTANA  
PLANNING DEPARTMENT  
**APPROVED**  
MCN22-107  
ASP22-028  
MUP22-007  
Mai Thao MAY 11, 2023  
Project Planner Date Case #s

WEST ELEVATION

SCALE: 3/16"=1'-0"



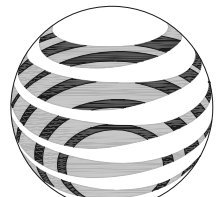
1

DCI PACIFIC  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170  
IRVINE | CA 92614

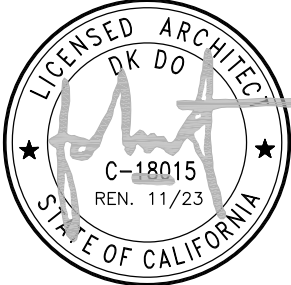
CSL02952  
SIERRA LAKES  
FA#: 12889584 | PACE#: MRL0S078888 | USID#: 315978

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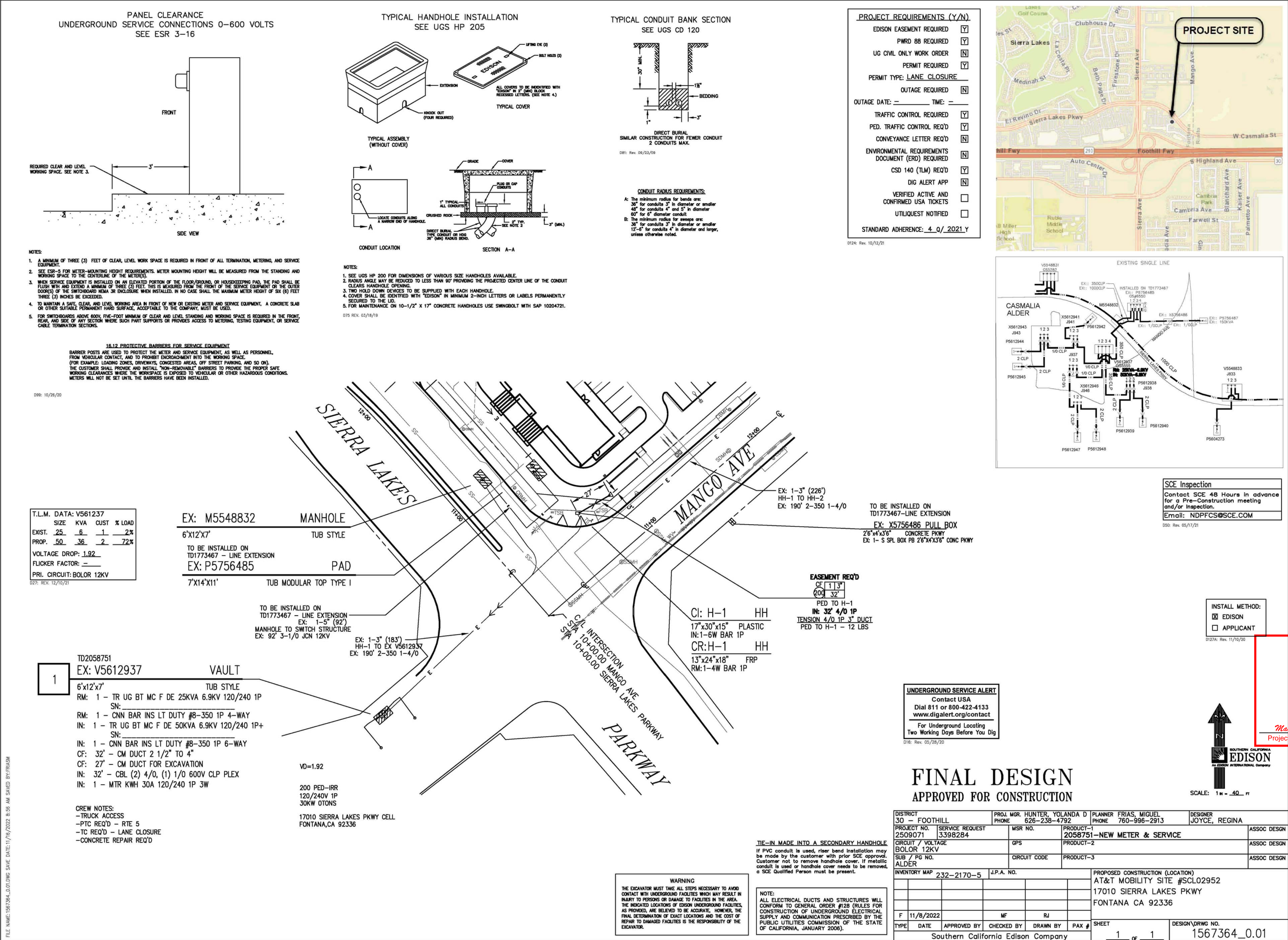


AT&T MOBILITY  
TUSTIN, CA

ELEVATIONS

JOB NO.	DRAWING NUMBER	REV.
	AA-CSL02952-A06	8







OWNER'S NAME: 1836 SIERRA LAKES PARTNERS LLC

ASSESSOR'S PARCEL NUMBER(S) 1119-221-69-0000

BASIS OF BEARINGS: (NAD83; EPOCH 2010)  
THE BEARINGS SHOWN HEREON ARE BASED CALIFORNIA STATE PLANE COORDINATE SYSTEM - ZONE 5. AS DETERMINED BY G.P.S. OBSERVATIONS, USING TRIMBLE 5700/5800 RECEIVERS AND TRIMBLE GEODETIC OFFICE 1.60 SOFTWARE.

BASIS OF ELEVATIONS: NAVD 1988  
ELEVATIONS ARE BASED ON GPS OBSERVATIONS FROM TWO NATIONAL GEODETIC SURVEY C.O.R.S. REFERENCE STATIONS: 1) JPLM, ELEVATION = 1503.49' AND 2) TORP, ELEVATION = 103.77' WITH GEOID 2012 CORRECTIONS APPLIED.

SITE BENCHMARK IS THE TOP OF STORMDRAIN MANHOLE, LOCATED SE OF SITE, AS SHOWN HEREON. ELEVATION = 1559.42'

FEMA FLOOD ZONE DESIGNATION: National Flood Insurance Program:

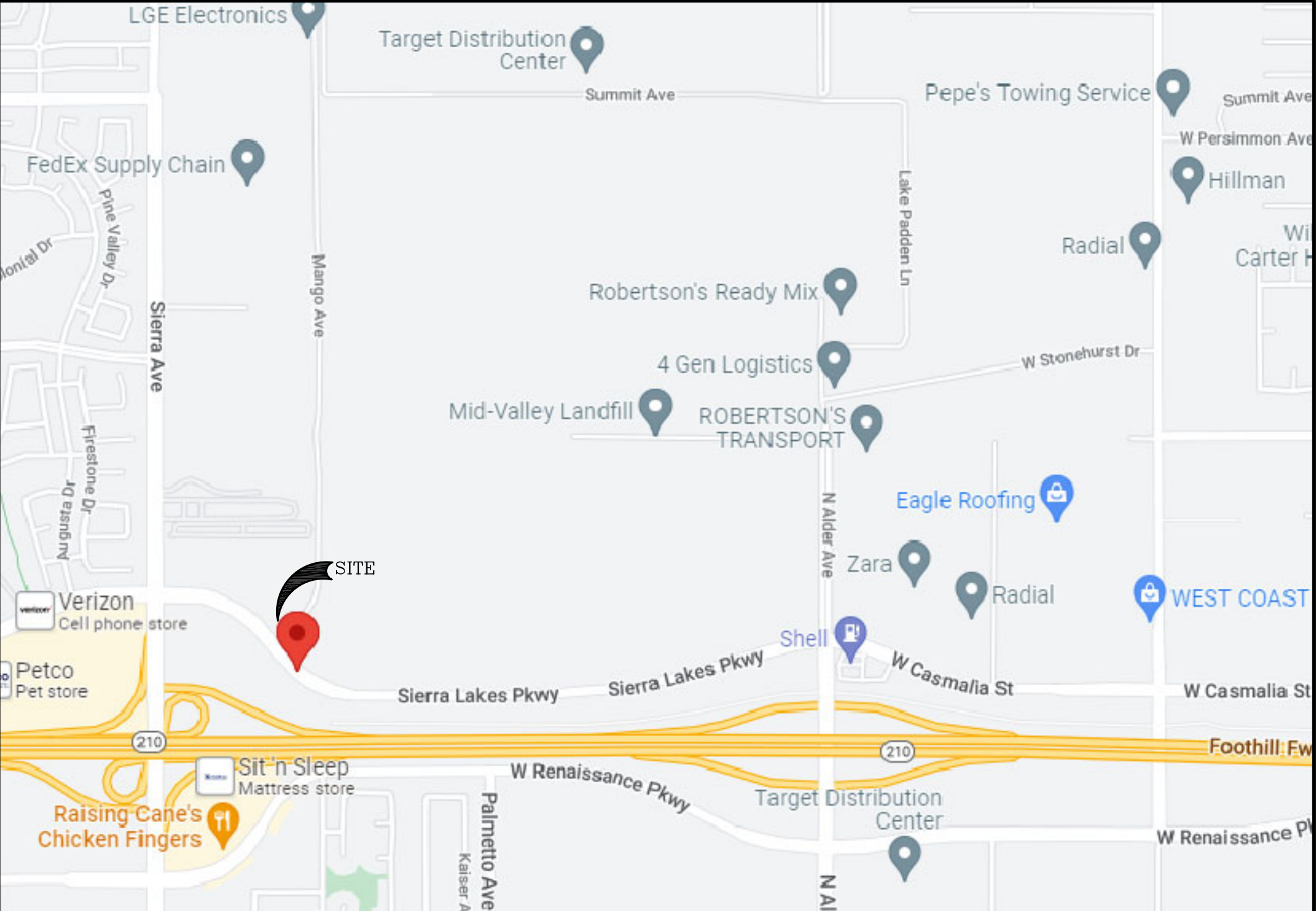
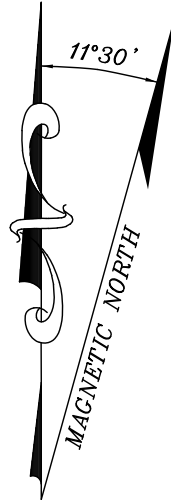
County: SAN BERNARDINO  
Map/Panel: 06071C7920H  
Effective Date: 8/28/2008  
The Flood Zone Designation for this site is: ZONE: X

PROPERTY LEGAL DESCRIPTION

THAT PORTION OF THE EAST ONE HALF OF LOT 6 OF BAIRD PARK ACRES, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS RECORDED IN BOOK 19, PAGE 92 OF MAPS, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF SIERRA LAKES PARKWAY AND MANGO AVENUE AS SHOWN ON PARCEL MAP NO. 18189, AS FILED IN BOOK 229, PAGES 98 THROUGH 101 OF PARCEL MAPS, RECORDS OF SAID COUNTY; THENCE NORTH 48° 52' 47" EAST, A DISTANCE OF 44.00 FEET TO THE NORTHEASTERLY LINE OF SAID SIERRA LAKES PARKWAY; THENCE NORTH 41° 07' 13" WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 73.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 48° 52' 47" EAST, A DISTANCE OF 8.00 FEET; THENCE SOUTH 84° 39' 05" EAST, A DISTANCE OF 55.17 FEET TO THE NORTHWESTERLY LINE OF SAID MANGO AVENUE; THENCE NORTH 48° 52' 47" EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 144.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 466.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 203.31 FEET, THROUGH A CENTRAL ANGLE OF 24° 59' 49" TO THE NORTH LINE OF SAID LOT 6; THENCE SOUTH 89° 43' 22" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 551.00 FEET TO THE NORTHWEST CORNER OF SAID EAST ONE HALF OF LOT 6; THENCE SOUTH 00° 26' 16" EAST, ALONG SAID WEST LINE, A DISTANCE OF 8.95 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID SIERRA LAKES PARKWAY, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 902.23 FEET, A RADIAL LINE FROM SAID POINT BEARS SOUTH 32° 47' 32" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 253.33 FEET, THROUGH A CENTRAL ANGLE OF 16° 05' 15"; THENCE SOUTH 41° 07' 13" EAST, CONTINUING ALONG SAID NORTHEASTERLY LINE OF SAID SIERRA LAKES PARKWAY, A DISTANCE OF 107.21 FEET TO THE TRUE POINT OF BEGINNING.

SAID DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE, RECORDED SEPTEMBER 24, 2019 AS INSTRUMENT NO. 2019-342563 OF OFFICIAL RECORDS.



VICINITY MAP

TITLE REPORT NOTES

TITLE REPORT NOTES:

THE FOLLOWING EASEMENTS EFFECT SAID PARCEL ACCORDING TO PRELIMINARY TITLE REPORT:

PREPARED BY - COMMONWEALTH LAND TITLE INSURANCE COMPANY  
TITLE NO. - 92017644-920-CMM-CM8  
DATED - APRIL 6, 2022

SEE SAID TITLE REPORT FOR OTHER DOCUMENTS (NON-EASEMENTS) EFFECTING SAID PROPERTY. NO RESEARCH WAS PERFORMED BY FLOYD SURVEYING BUT RELIED UPON SAID TITLE REPORT FOR THE EASEMENTS REVIEWED BELOW:

ITEM #2 - Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Southern California Edison Company, a corporation  
Purpose: Public utilities  
Recording No: Book 9718, Page 3216 of Official Records  
(DOES NOT CROSS PROJECT AREA)

ITEM #4 - Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Southern California Edison Company  
Purpose: Public utilities  
Recording Date: January 14, 2009  
Recording No: 2009-15762 of Official Records  
LESS The effect of a document entitled "Partial Quitclaim Easement".  
Recorded November 7, 2019 as Instrument No. 2019-403381 of Official Records  
(DOES NOT CROSS PROJECT AREA)

ITEM #5 - Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Fontana, a municipal corporation  
Purpose: Street, highway and public utility  
Recording Date: July 18, 2014  
Recording No: 2014-260802 of Official Records  
(AS SHOWN HEREON - AS MANGO RIGHT-OF-WAY)

ITEM #7 - Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Southern California Edison Company, a corporation  
Purpose: To construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence, data and/or communications  
Recording Date: November 2, 2021  
Recording No: 2021-496135 of Official Records  
(AS SHOWN HEREON - DOES NOT CROSS PROJECT AREA)

END OF EASEMENTS

LEGEND

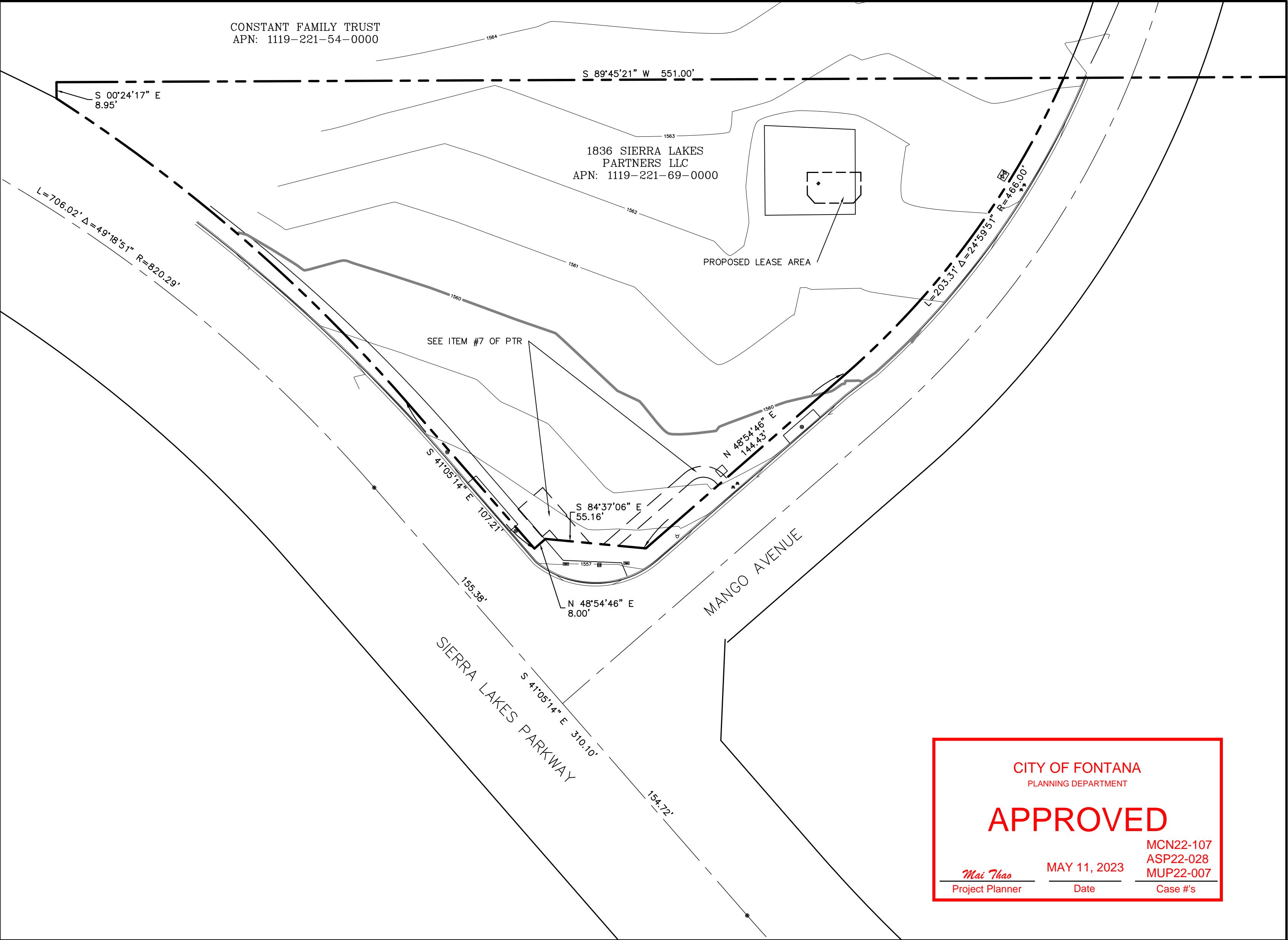
- ELECTRIC BOX
- FIRE HYDRANT
- MONUMENT FOUND
- STORM DRAIN MANHOLE
- TRAFFIC SIGNAL BOX
- WATER METER
- WATER VALVE
- EDGE OF CONCRETE
- EDGE OF PAVEMENT
- FLOWLINE, CURB & GUTTER
- LIP OF GUTTER
- GROUND SPOT ELEVATION
- STORMDRAIN MANHOLE
- SIDEWALK
- TOP OF CURB
- BOUNDARY LINE
- CENTER LINE
- MISC. PROPERTY LINE
- MISC. TIE LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- FENCE LINE
- BUILDING EDGE
- OVERHEAD WIRES

1) This is not a boundary survey. This is a specialized topographic map. The property lines and easements shown hereon are from record information as noted hereon. Floyd Surveying translated the topographic survey to record information using the two found monuments shown hereon. No title research was performed by Floyd Surveying.

2) Any changes made to the information on this plan, without the written consent of Floyd Surveying relieves Floyd Surveying of any and all liability.

3) These drawings & specifications are the property & copyright of Floyd Surveying & shall not be used on any other work except by agreement with the Surveyor. Written dimensions shall take preference over scaled & shall be verified on the job site. Any discrepancy shall be brought to the notice of the Surveyor prior to commencement of any work.

4) Field survey completed on April 5, 2022



OVERALL SITE PLAN

SCALE: 1"=40'  
40 20 0 40

SHEET TITLE SHEET NUMBER

TOPOGRAPHIC SURVEY

B01

FLOYD SURVEYING  
34006 GALLERON STREET  
TEMECULA, CA 92592  
OFFICE: (949) 200-0626  
EMAIL: fsi@floydsurveying.com

DCI PACIFIC  
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING  
26 EXECUTIVE PARK | SUITE 170 | IRVINE | CA 92614  
T 949 475.1000 | 949 475.1001 F

CSL02952  
SIERRA LAKES

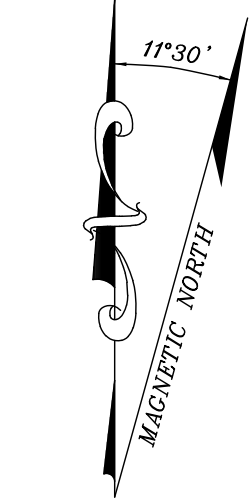
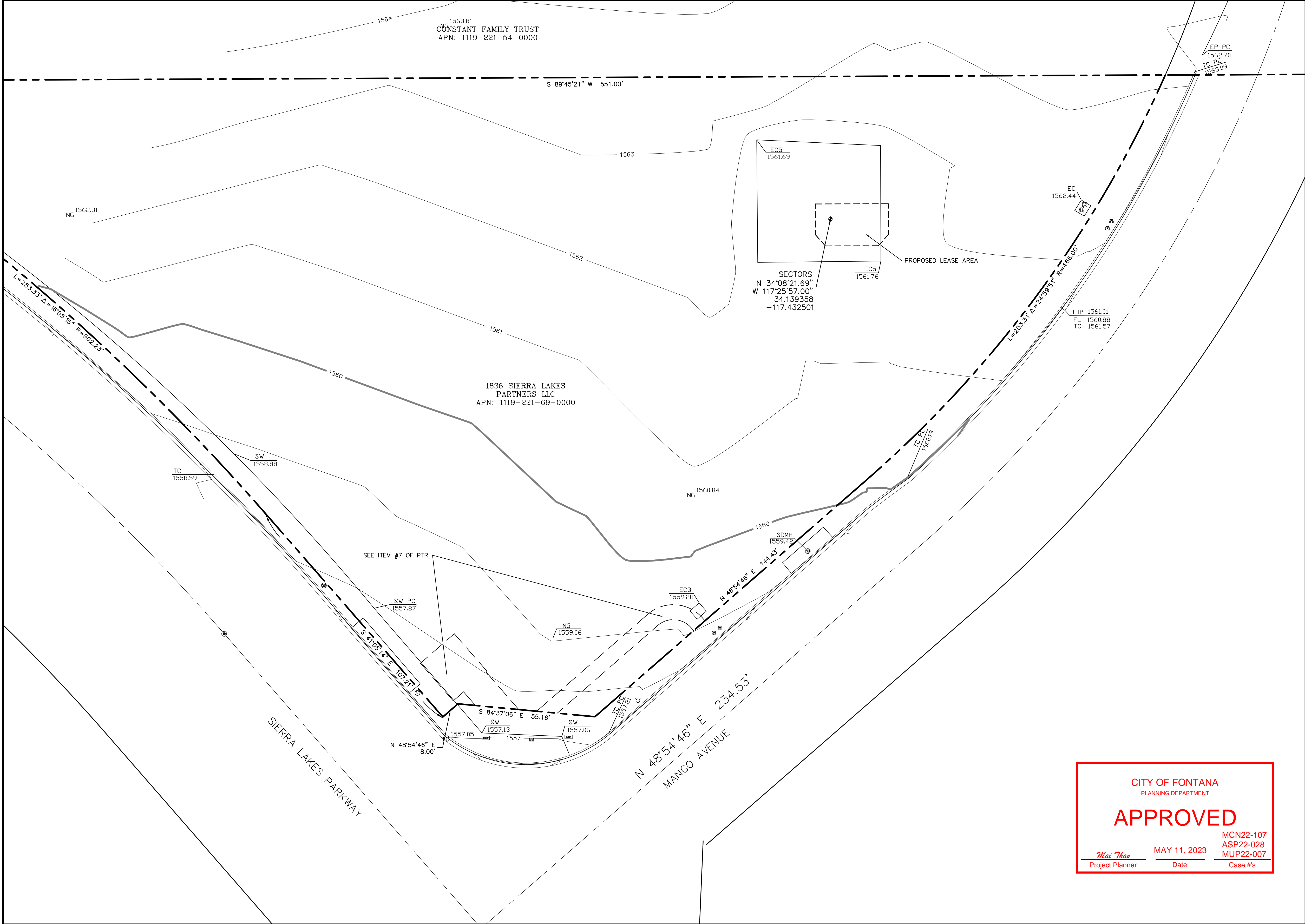
17090 SIERRA LAKES PARKWAY  
FONTANA, CA 92336

at&t  
Mobility  
1452 EDINGER AVENUE, 3RD FLOOR  
TUSTIN, CA 92780

1	4/22/22	TITLE REVIEW	DAF	DAF	DAF
0	4/07/22	ISSUED FOR ZONING SUBMITTAL	DAF	DAF	DAF
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE	AS SHOWN	DESIGNED	DRAWN		







LEGEND

- ELECTRIC BOX
- FIRE HYDRANT
- MONUMENT FOUND
- STORM DRAIN MANHOLE
- TRAFFIC SIGNAL BOX
- WATER METER
- WATER VALVE
- EDGE OF CONCRETE
- EDGE OF PAVEMENT
- FLOWLINE, CURB & GUTTER
- LIP OF GUTTER
- GROUND SPOT ELEVATION
- STORMDRAIN MANHOLE
- SIDEWALK
- TOP OF CURB
- BOUNDARY LINE
- CENTER LINE
- MISC. PROPERTY LINE
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- RIGHT-OF-WAY LINE
- EASEMENT LINE
- FENCE LINE
- BUILDING EDGE
- OVERHEAD WIRES

CITY OF FONTANA  
PLANNING DEPARTMENT

APPROVED

Mai Thao  
Project Planner

MAY 11, 2023  
Date

MCN22-107  
ASP22-028  
MUP22-007  
Case #s

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NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE AS SHOWN		DESIGNED	DRAWN		

TOPOGRAPHIC SURVEY

B02

DETAIL SITE PLAN

SCALE: 1"=20'

20 10 0 20

SHEET TITLE

SHEET NUMBER



## NOTICE OF PUBLIC HEARING

***SI DESEA INFORMACION EN ESPAÑOL REFERENTE A ESTA NOTIFICACION O PROYECTO, FAVOR DE COMUNICARSE AL (909) 350-6728.***

In compliance with Section No. 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section No. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the Planning Department by calling (909) 350-6718. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE PLANNING COMMISSION OF THE CITY OF FONTANA FOR THE FOLLOWING:

### **Master Case No. 23-062 and Appeal No. 23-015**

Review of an appeal to overturn the Director of Planning's decision on May 11, 2023, approving Master Case No. 22-107, Administrative Site Plan No. 22-028 and Minor Use Permit No. 22-007 for a new wireless telecommunications facility consisting of a 75' mono-palm with 14 antennas, supporting equipment, and an equipment enclosure totaling approximately 347 square feet.

#### **Environmental Determination:**

The installation of a new wireless telecommunications facility and ancillary equipment as described above associated with Master Case No. 22-107, Administrative Site Plan No. 22-028, and Minor Use Permit No. 22-007 is exempted pursuant to Section No. 15311 Class No. 11 (Accessory Structures) and Section No. 15332 Class No. 32 (In-Fill Development Project) of the California Environmental Quality Act (CEQA), and Section No. 3.22 of the 2019 City of Fontana Local Guidelines for Implementing the California Environmental Quality Act.

#### **Location of Property:**

17010 Sierra Lakes Parkway (APN:1119-221-69)

#### **Date of Hearing:**

July 18, 2023

#### **Place of Hearing:**

City Hall Council Chambers, 8353 Sierra Avenue  
Fontana, CA 92335







**Time of Hearing:** 6:00 P.M.

Should you have any questions concerning this project, please contact **Mai Thao, Assistant Planner**, at (909) 350-6650 or by e-mail at [mthao@fontanaca.gov](mailto:mthao@fontanaca.gov).

ANY INTERESTED PARTY MAY PROVIDE INFORMATION BY LETTER OR EMAIL WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE APPLICATION AND ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR INSPECTION. PLEASE CONTACT THE PLANNER LISTED ABOVE.

IF YOU CHALLENGE ANY ACTION TAKEN CONCERNING THIS ITEM IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE PROVIDED TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: July 7, 2023

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DAYTON  
NAPLES  
PITTSBURGH  
TAMPA  
WASHINGTON, DC

June 30, 2023

City of Fontana Planning Commission  
([Planning@fontana.org](mailto:Planning@fontana.org))  
8353 Sierra Avenue  
Fontana, CA 92335

RE: AT&T's Response to Appeal from Approval of  
Administrative Site Plan (ASP) No. 22-028; Minor Use  
Permit (MUP) No. 22-007  
17010 Sierra Lakes Parkway, Fontana, CA 92335  
AT&T Site ID CSL02952

Dear Chair Fort, Vice Chair Sanchez, Secretary Thrasher, and  
Commissioners Sangha and Quintana:

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (AT&T), to respectfully request the Planning Commission uphold the Planning Director's approval of AT&T's application to construct a stealth wireless telecommunications facility, disguised to appear as a palm tree ("Proposed Facility") located at 17010 Sierra Lakes Parkway in the City of Fontana. The Proposed Facility is needed for AT&T to provide more robust and competitive wireless services in this portion of the city.

This carefully sited and well-designed facility will minimize visual impacts and it is the best available and least intrusive means to close AT&T's significant service coverage gap in this area. The appeal raises a few general concerns that have been fully addressed by AT&T's careful adherence with the city's design and development regulations. Thus, AT&T requests the Commission deny the appeal and affirm approval of AT&T's application for the Proposed Facility.

### *AT&T's Proposed Facility*

Consistent with Chapter 32 of the Fontana Municipal Code, AT&T seeks to construct the Proposed Facility as an alternative tower structure, which will be a stealth facility disguised as a palm tree. This "mono-palm" structure will be 75 feet tall, will be aesthetically and architecturally blended with the surrounding area, and will be subject to all applicable health and safety regulations as the city requires.



### ***Response to Appellant's Criticisms***

The appeal raises six (6) issues, none of which support upending the Planning Department Director's approval. AT&T responds to each of these six issues as follows:

1. Setback issue to fee simple. Appellant complains that the tower is taller than the distance from his property line. As the Planning Department found, however, AT&T's Proposed Facility meets or exceeds all applicable City Code provisions, including in particular Chapter 32, Wireless Telecommunications Towers and Antennas. The Planning Director specifically found that "The proposed project will be built/installed pursuant to all applicable building, zoning, fire codes, and standards which will result in an appropriate, safe, and desirable development, as well as conditions of approval referenced herein." In addition, the structural report for the tower, which will be submitted in connection with the city's building permit process, will demonstrate the tower's safety. Moreover, the appellant explains the tower will be located 65 feet from his property, which is even greater than the 75% of height setback applied in the more stringent conditional use process (see Fontana Code Section 32-7(b)(5)). There is, therefore, no basis to deny AT&T's application with respect to the setback.

2. Setback issue to fully negotiated private easements. Appellant also raises a concern that the height of the tower "encroaches on several private easements." Again, however, the Proposed Facility meets all applicable building and safety requirements, as well as design and development standards. Further, as the Planning Director found, the Proposed Facility will be compatible with the "size, shape, topography, accessibility, and other physical characteristics" of the site. This concern does not support denial.

3. High winds and liability insurance. Appellant raises a concern about the high winds in the area. Again, "The proposed project will be built/installed pursuant to all applicable building, zoning, fire codes, and standards which will result in an appropriate, safe, and desirable development, as well as conditions of approval referenced herein." The structural report for the tower, which will be submitted in connection with the city's building permit process, will include the effects from wind and will demonstrate the tower's safety. Further, operating the facility will be conditioned on the City's inspection. The appellant's demands to be a named insured with specific benefits is not based on any city requirement and is not appropriate. These issues do not support denial.

4. Security, privacy, and safety. Appellant raises various vague concerns about wireless facilities generally, including the effects from RF emissions. AT&T submitted a Radio Frequency Theoretical Modeling Jurisdictional Report that demonstrates the Proposed Facility will comply with the Federal Communications Commission's RF emissions regulations. As a result, the city is preempted from considering appellant's concerns about effects of RF emissions by the federal Telecommunications Act, 47 U.S.C. § 332(c)(7)(B)(iv).

5. Unlimited future use. Appellant asks the city to give him a right to "renegotiation of all terms at any and every change of future use." While unclear exactly what is appellant's concern here, AT&T notes that future requests to modify the Proposed Facility or the site will be

subject to the relevant city processes at that time. There is, therefore, no need to condition approval of the Proposed Facility on potential future changes to the facility or the site.

6. Views. Finally, appellant asks to be compensated based on his unsupported statement that the Proposed Facility might cause him damages due to its appearance. But the Proposed Facility fully complies with the city's design requirements, including its specific design as an "alternative tower structure" as explicitly contemplated and preferred by the City Code. Indeed, the Planning Director found that the design and appearance of the proposed faux palm tree is appropriate:

The project proposal in its design and appearance as a result from this review will be compatible with the site and other similarly approved wireless facilities. The wireless tower is proposed to be disguised as a mono-palm with faux fronds and a faux growth pod, which will complement the surrounding neighborhood and blend with the existing area.

The Planning Director went further to find that "The proposed project provides a safe and well-designed site that is both aesthetically and architecturally pleasing." Whereas the Proposed Facility design is fully in line with the city's requirements, the appellant's request for compensation is neither supported in fact nor based on the city's regulations.

## Conclusion

AT&T is working diligently to upgrade its network to provide and improve wireless services in this area. There has been no substantial evidence proffered on which the city could deny AT&T's application. AT&T urges the Planning Commission to deny the appeal and affirm approval of AT&T's application.

Sincerely,



Aaron M. Shank

cc: Mai Thao, Assistant Planner ([mthao@fontana.org](mailto:mthao@fontana.org))  
Patty Nevins, Planning Director ([pnevins@fontana.org](mailto:pnevins@fontana.org))



## RP Taft 711 LLC

1187 Coast Village Road  
Ste 1, #561  
Santa Barbara, CA 93108

July 5, 2023

Mai Thao  
Assistant Planner - Planning  
City of Fontana  
8353 Sierra Ave.  
Fontana, CA 92335  
E-mail: mthao@fontanaca.gov

Re: Master Case No. (MCN) 22-107; Administrative Site Plan No. (ASP)-028; Minor Use Permit No. (MUP) 22-007; New Wireless facility disguised as a mono-palm located at 17010 Sierra Lakes Parkway (APN:1119-221-69) **ON APPEAL.**

Dear Ms. Thao,

By way of introduction, I am the Manager and General Counsel of RP Taft 711 LLC who owns the property located at 17064 Sierra Lakes Parkway, Fontana, CA 92336. Our tenant is 7-Eleven who is anticipating opening in August. We are a neighboring landowner of the proposed project.

We enthusiastically support this project. I have reviewed the recommendation of the Planning Department Findings and Conditions of Approval and Approved Plan dated May 11, 2023.


The Planning Department has given careful and thoughtful consideration to this necessary project. These towers serve critical needs for surrounding businesses as well as residential users.

Aesthetic considerations have been well addressed consistent with other approved projects of this nature and with the surrounding neighborhood. The site is well suited for this project. Safety considerations have been fully evaluated and engineered.

**We ask that this project be FULLY APPROVED.**

Should have any questions please feel free to contact me.

Best Regards



Michael P. Mallery  
Manager and General Counsel  
RP Taft 711 LLC  
Michael.mallery@eightn.com  
(559) 341 4217  
Delivered via e mail: mthao@fontanaca.gov