

# PLANNING COMMISSION AGENDA

## ***REGULAR MEETING***

**Date: February 12, 2015**

**Time: 6:30 P.M.**

### COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Bell- Hahn, Commissioner

Bob Rogers, Commissioner

\* - \* - \* - \* - \* - \* - \* - \*

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



**CITY OF HESPERIA**  
9700 Seventh Avenue  
Council Chambers  
Hesperia, CA 92345  
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution 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 delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

February 12, 2015

**AGENDA  
HESPERIA PLANNING COMMISSION**

*Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.*

**CALL TO ORDER**

**6:30 p.m.**

- A. Installation of Newly Appointed Planning Commissioner and Administration of Oath of Office
- B. Pledge of Allegiance to the Flag
- C. Invocation
- D. Roll Call:
  - Chair Tom Murphy
  - Vice Chair William Muller
  - Commissioner James Heywood
  - Commissioner Joline Bell-Hahn
  - Commissioner Bob Rogers

**JOINT PUBLIC COMMENTS**

*Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.*

*Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.*

**CONSENT CALENDAR**

- F. Approval of Minutes: January 8, 2015 Planning Commission Meeting Draft Minutes. -1-

**PUBLIC HEARINGS**

- 1. Consideration of Conditional Use Permit CUP14-00011 to construct an 85-foot high wireless communications facility within an existing water tank site and Variance VAR14-00008 to exceed the 35-foot height limitation of the A1 zone located on the west side of Pinon Avenue, 550 feet south of Sycamore Street (APNs: 0406-101-21 & 22; Applicant: LA Verizon Wireless). 1-1
- 2. Consideration of Conditional Use Permit CUP14-00014 to construct a wireless communications facility on an existing 87-foot Southern California Edison tower located at 7419 Third Avenue (APN: 0412-172-04; Applicant: LA SMSA Verizon Wireless). 2-1

- 3. Consideration of Conditional Use Permit CUP14-00013 to allow live entertainment for an existing hookah lounge at 15923 Bear Valley Road (APN: 0414-021-20; Applicant: Akram Abdelmaseih) 3-1
  
- 4. Public Workshop to discuss Tapestry Specific Plan 4-1

**PRINCIPAL PLANNER'S REPORT**

*The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.*

- G. DRC Comments
  
- H. Major Project Update

**PLANNING COMMISSION BUSINESS OR REPORTS**

*The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.*

**ADJOURNMENT**

The Chair will close the meeting after all business is conducted.

I, Andrea Ngalo, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, February 5, 2015 at 5:30 p.m. pursuant to California Government Code §54954.2.

  
Andrea Ngalo  
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
January 8, 2015  
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 06:30 p.m. by Chair Elvert in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Installation of Newly Appointed Planning Commissioner and Administration of Oath of Office

Roll Call:

Present: Tom Murphy  
William Muller  
James Heywood  
Joline Bell-Hahn

Reorganization of the Planning Commission

1. Election of Chair

**Motion by William Muller to approve Tom Murphy as Planning Commission Chair Seconded by Joline Bell Hahn, passed with the following roll call vote:**

AYES: Tom Murphy, James Heywood, William Muller, and Joline Bell Hahn  
NOES: None

2. Election of Vice Chair

**Motion by Tom Murphy to approve William Muller as Planning Commission Vice Chair, Seconded by James Heywood, passed with the following roll call vote:**

AYES: Tom Murphy, James Heywood, William Muller, and Joline Bell Hahn  
NOES: None

CONSENT CALENDAR

F. Approval of Minutes: December 11, 2014 Planning Commission Meeting Draft Minutes.

**Motion by James Heywood to approve December 11, 2014 Planning Commission Meeting Draft Minutes, Seconded by William Muller, passed with the following roll call vote:**

AYES: Tom Murphy, James Heywood, William Muller  
NOES: None  
ABSTAIN: Joline Bell Hahn

JOINT PUBLIC COMMENTS

Chair Murphy opened Public Comments at 6:39 p.m.

Bob Nelson spoke about the legality of a 5 minute comment period as opposed to a 3 minute comment period. Also spoke of the history of the Tapestry project.

Chair Murphy closed Public Comments at 6:43 p.m.

### PUBLIC HEARING

#### Public Workshop to discuss Tapestry Specific Plan

Terra Verde gave a presentation on the project.

Chair Murphy opened Public Comments at 7:45 p.m.

24 members of the public spoke in opposition of the project. The transcribed comments are available as part of the Environmental Record for the project.

Chair Murphy closed Public Comments at 9:04 p.m.

### PRINCIPAL PLANNER'S REPORT

#### G. DRC Comments

#### H. Major Project Update

Dave Reno, Principal Planner AICP, commented on The Ranchero Interchange and the Aquaduct Bridge Projects.

### PLANNING COMMISSION BUSINESS OR REPORTS

### ADJOURNMENT

#### **ADJOURNMENT**

Chair Tom Murphy adjourned the meeting at 9:34 p.m. until February 12, 2015.

Tom Murphy  
Chair

By: Andrea Ngalo  
Commission Secretary



**DATE:** February 12, 2015  
**TO:** Planning Commission  
**FROM:**  Dave Reno, AICP, Principal Planner  
**BY:**  Daniel S. Alcayaga, AICP, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP14-00011 & Variance VAR14-00008; Applicant: LA Verizon Wireless; APNs: 0406-101-21 & 22

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-01 and Resolution No. PC-2015-02, approving Conditional Use Permit CUP14-00011 and Variance VAR14-00008.

### BACKGROUND

**Proposal:** A Conditional Use Permit to construct an 85-foot high wireless communications facility, and a Variance to exceed the 35-foot height limitation.

**Location:** On the west side of Pinon Avenue, 550 feet south of Sycamore Street (Attachment 1).

**Current General Plan, Zoning and Land Uses:** The properties are within the Limited Agricultural (A1) zone. The surrounding land is zoned as noted on Attachment 2. The proposed 85-foot high wireless communications facility will be located north of existing water tanks. Single-family residences exist to the north, east, and west. The property to the south of the water tank facility is vacant (Attachment 3).

### ISSUES/ANALYSIS

**Land Use:** Victorville Water District operates a water production well on the site on which the project is proposed. Verizon Wireless, the service provider, has demonstrated on a service plan that there is a service need in the area which necessitates installation of an additional wireless communications facility (Attachment 4). The proposed facility will provide the necessary coverage to improve the network as well as provide coverage for two additional carriers. The intent of the proposed facility is to help off load service capacity from Verizon's surrounding facilities. The proposal will also benefit the City of Victorville's Water Department in that they will be installing Supervisory Control and Data Acquisition (SCADA) equipment on this tower at about 70 feet. SCADA is a software program that monitors and controls Victorville's water equipment from a remote location.

The wireless communications facility encompasses an 85-foot high faux water tank and mechanical equipment within a 900 square foot lease area (Attachment 5). Access to Verizon Wireless' equipment will be from Pinon Avenue through an on-site access easement. The proposed wireless communications facility is designed as an old fashioned, rustic water tank to be consistent with the rural character of the community (Attachments 6 and 7). The proposed elevations and photosimulations illustrate its ability to blend into the neighborhood (Attachments 6 and 7). Attachment 5 also shows the facility's ground equipment surrounded by an eight-foot high split-face wall.

The facility can accommodate a total of three service carriers as well as Victorville's SCADA antenna. The proposed antennae and Victorville's equipment will be installed inside the faux water tank. Victorville requires their SCADA equipment to be positioned at about 70 feet in order to improve their system. Verizon will be at the top and Victorville's equipment will be below them. The facility is designed tall enough to reduce the amount of new sites proposed in the area. These factors dictate the overall height of the tower. Two carriers outside the tank would be partially hidden by the legs of the tower.

**Drainage:** The proposed project will not interfere with the current drainage flows of the site.

**Street Improvements:** Public street improvements are not required.

**Environmental:** Approval of the conditional use permit and variance are exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures.

**Conclusion:** Staff believes this proposal balances the stealthing requirements, as well as maximizes the number of carriers that can go on a wireless communications facility. The proposed facility is consistent with the zoning standards, including accessory structure height. Staff recommends approval because the project meets the standards of the Development Code and is consistent with the General Plan.

#### **FISCAL IMPACT**

None.

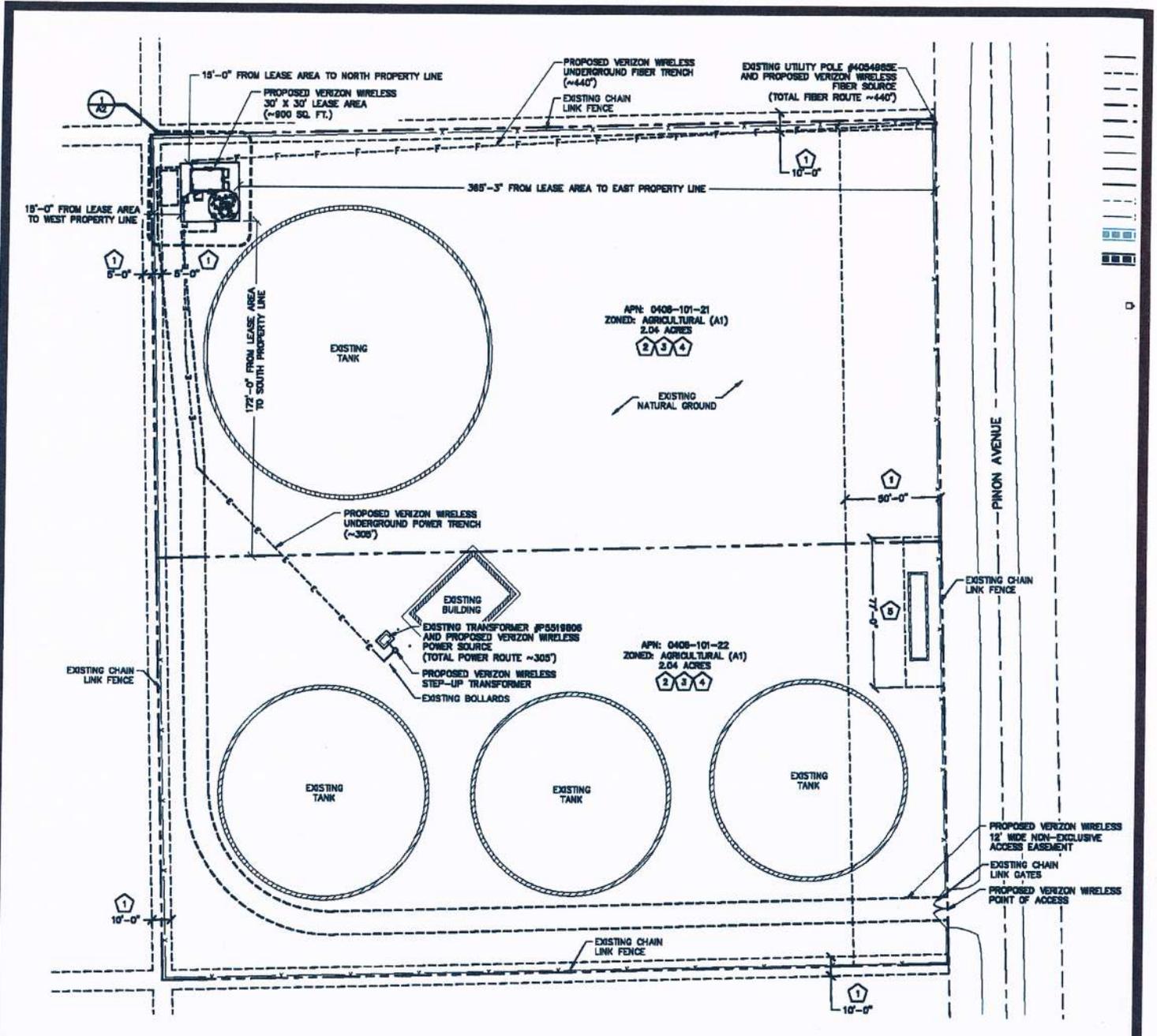
#### **ALTERNATIVES**

1. Provide alternative direction to staff.

#### **ATTACHMENTS**

1. Location map
2. General Plan land use
3. Aerial photo
4. Service plan
5. Site Plan
6. Elevations of the faux water tank
7. Photosimulation
8. Resolution No. PC-2015-01 (CUP14-00011), with list of conditions
9. Resolution No. PC-2015-02 (VAR14-00008)

# ATTACHMENT 1



**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

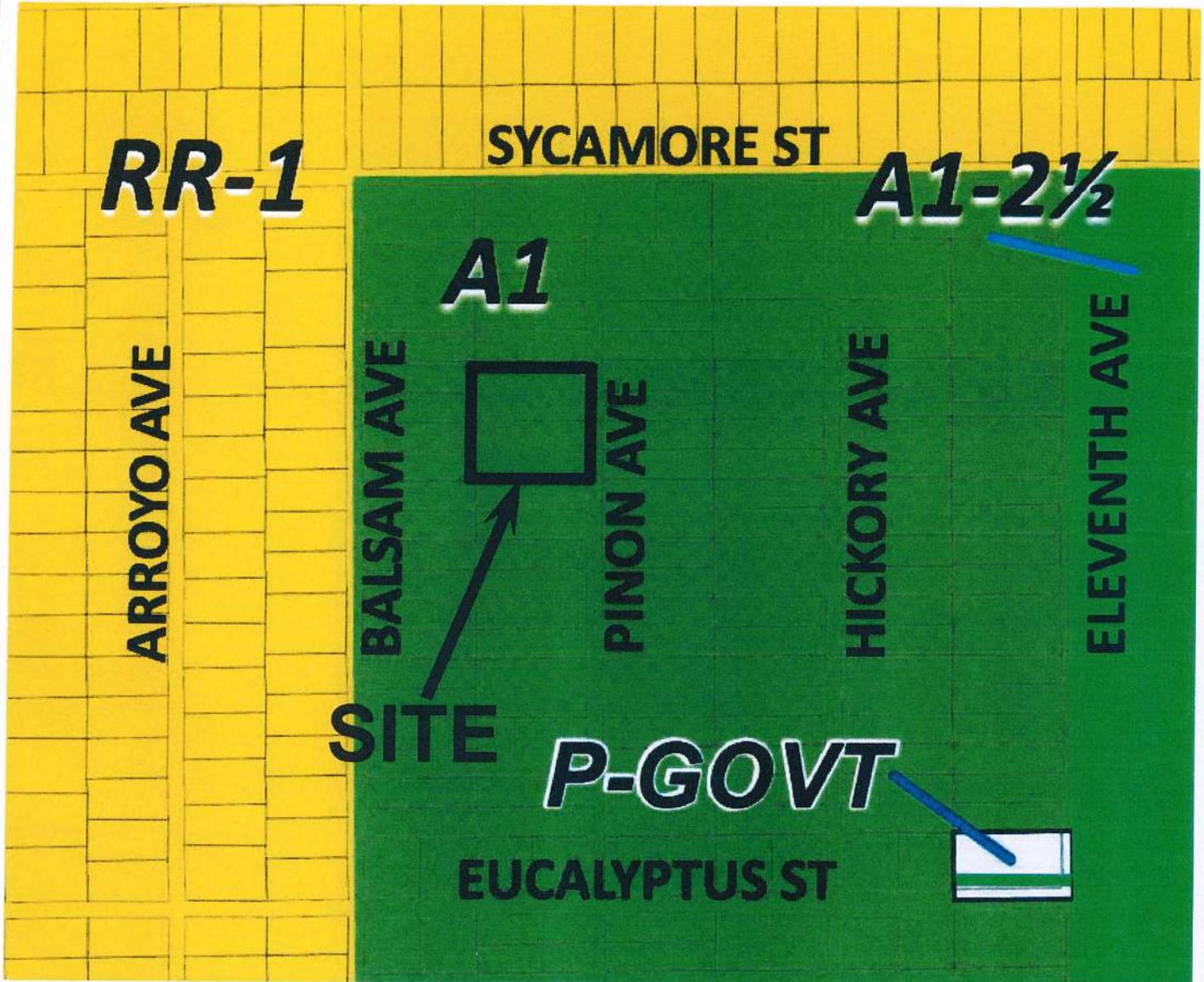
**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



## LOCATION MAP

**ATTACHMENT 2**



<b>APPLICANT(S):</b> LA VERIZON WIRELESS	<b>FILE NO(S):</b> CUP14-00011 & VAR14-00008	
<b>LOCATION:</b> ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET	<b>APN(S):</b> 0406-101-21 & 22	
<b>PROPOSAL:</b> CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION		<b>N</b> ↑

**GENERAL PLAN LAND USE**

# ATTACHMENT 3



**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

**APN(S):**  
0406-101-21 & 22

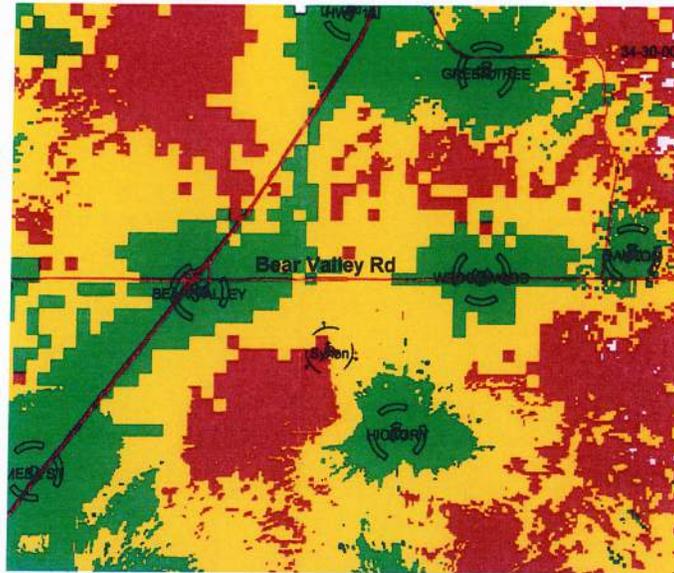
**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



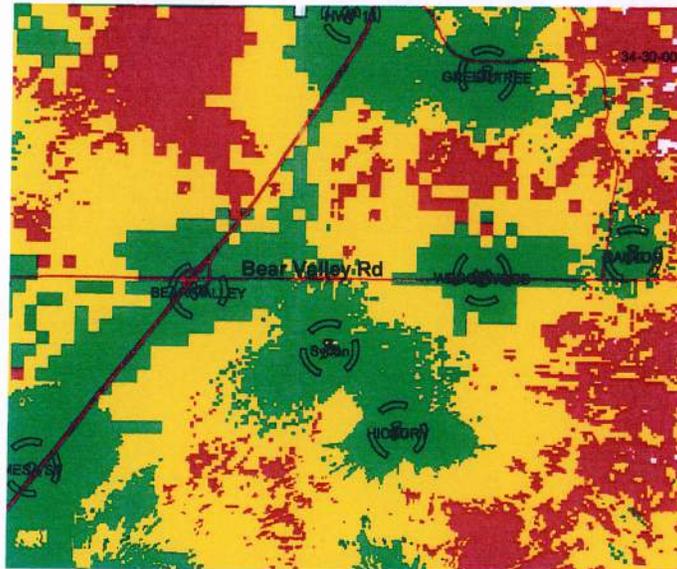
## AERIAL PHOTO

# ATTACHMENT 4

- Indoors
- In vehicle
- Outdoors



**Service without the facility**



**Service with the facility**

**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

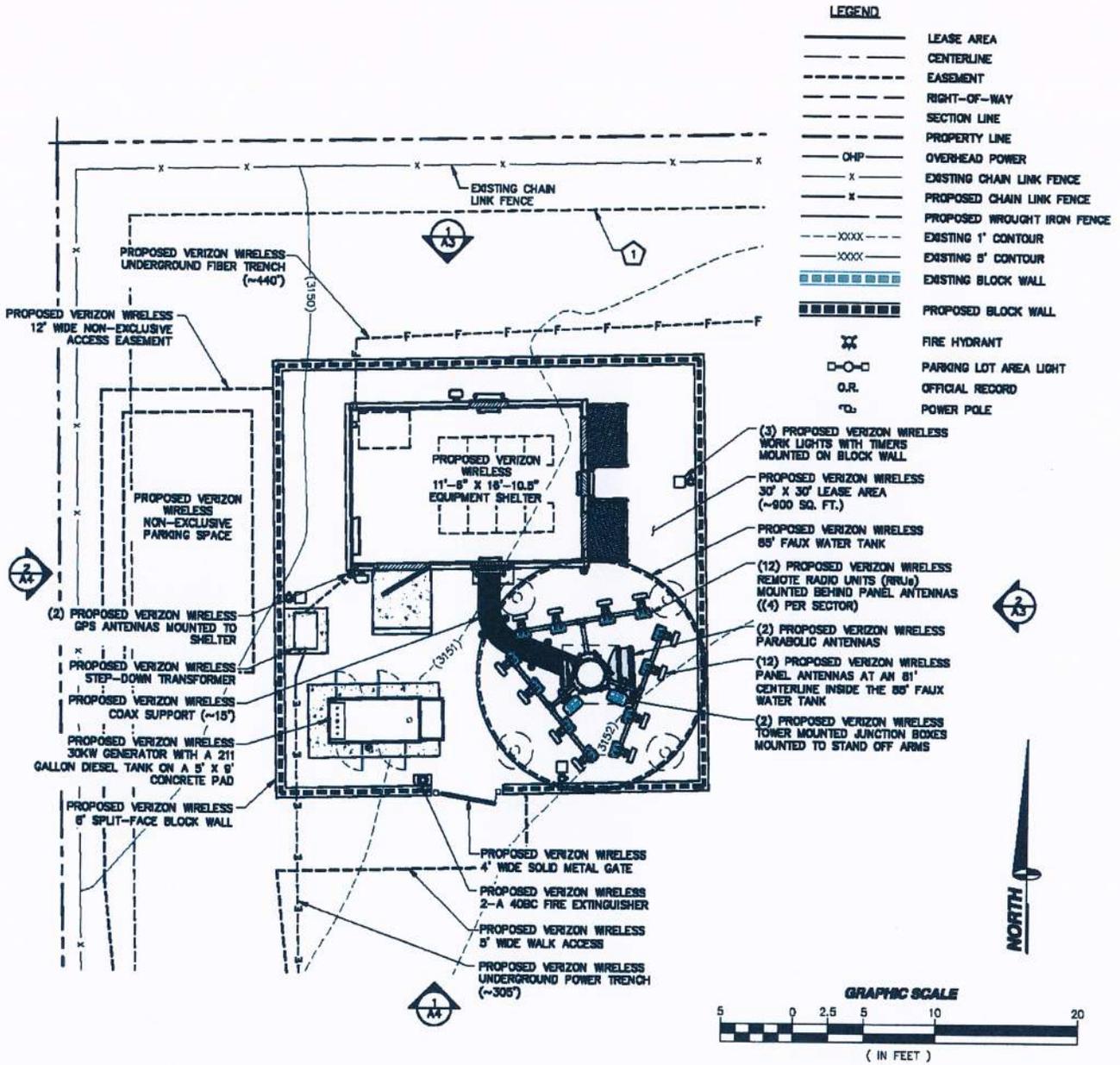
**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



## SERVICE PLAN

# ATTACHMENT 5



**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

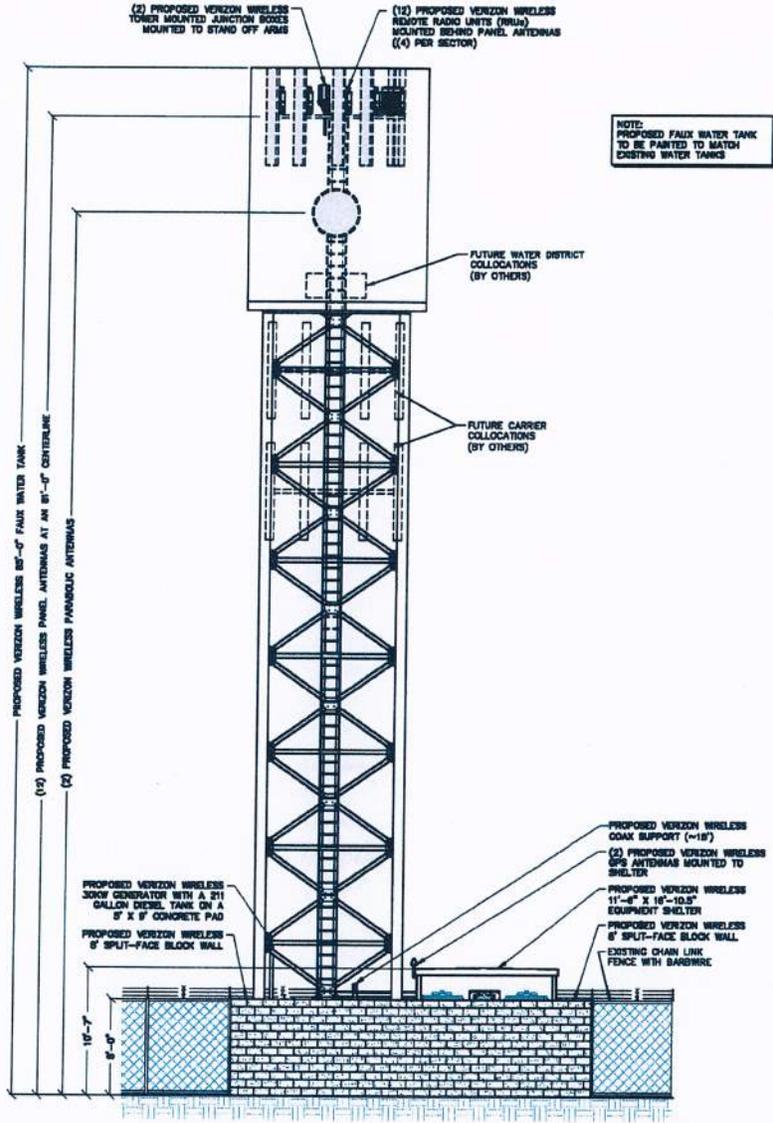
**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



## SITE PLAN

# ATTACHMENT 6



EAST ELEVATION

11" x 17" SCALE (4" x 8" SCALE) 2

**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION

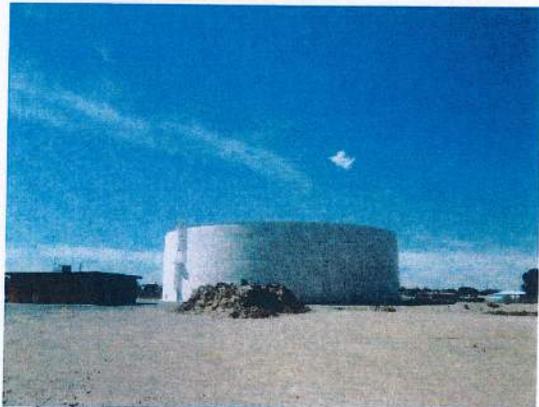


## ELEVATION OF FAUX WATER TANK

# ATTACHMENT 7.1

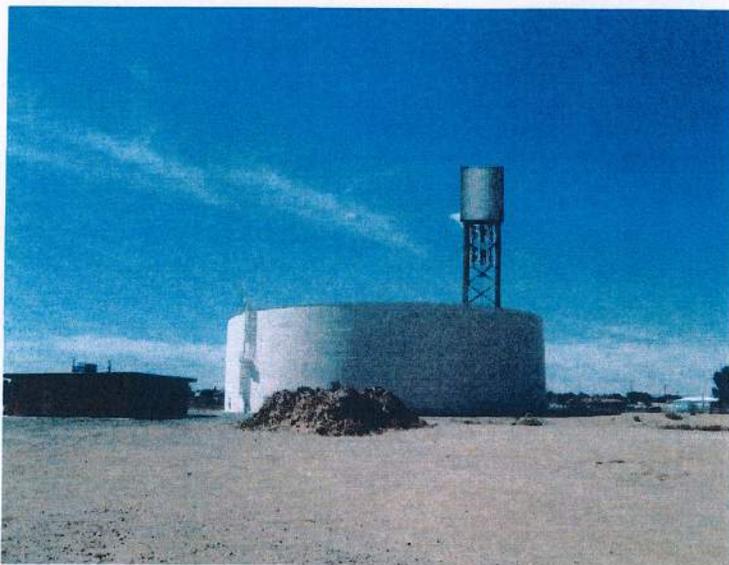


SYNON



EXISTING -VIEW 2:  
LOOKING NORTHWEST

PHOTOGRAPHIC SIMULATION -  
VIEW 2: LOOKING NORTHWEST



PROPOSED INSTALLATION OF 85' STEALTH WATER TANK WITH VERIZON ANTENNA ARRAY INSIDE. FUTURE CARRIER COLOCATIONS ADDED TO THIS VIEW. ADDITION OF EQUIPMENT COMPOUND, ENCLOSED BY A 8' CMU SCREENING WALL (COMPOUND NOT VISIBLE IN THIS VIEW).



**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



## PHOTOSIMULATION

# ATTACHMENT 7.2

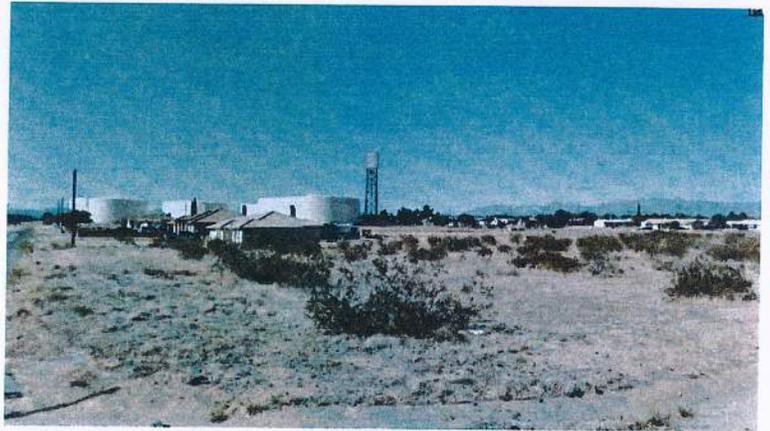


SYNON



EXISTING -VIEW 1:  
LOOKING SOUTHWEST

PHOTOGRAPHIC SIMULATION -  
VIEW 1: LOOKING SOUTHWEST



PROPOSED INSTALLATION OF 85' STEALTH WATER TANK WITH VERIZON ANTENNA ARRAY INSIDE. FUTURE CARRIER COLOCATIONS ADDED TO THIS VIEW. ADDITION OF EQUIPMENT COMPOUND, ENCLOSED BY A 8' CMU SCREENING WALL.



**APPLICANT(S):**  
LA VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00011 & VAR14-00008

**LOCATION:**  
ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET

**APN(S):**  
0406-101-21 & 22

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, AND A VARIANCE TO EXCEED THE 35-FOOT HEIGHT LIMITATION



## PHOTOSIMULATION

# ATTACHMENT 8

## RESOLUTION NO. PC-2015-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT AN 85-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY LOCATED ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET (CUP14-00011)**

**WHEREAS**, LA Verizon Wireless has filed an application requesting approval of Conditional Use Permit CUP14-00011 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to land within the Limited Agricultural (A1) zone located on the west side of Pinon Avenue, 550 feet south of Sycamore Street and includes Assessor's Parcel Numbers 0406-101-21 & 22; and

**WHEREAS**, the Application, as contemplated, proposes to construct an 85-foot high wireless communications facility on the subject properties; and

**WHEREAS**, LA Verizon Wireless has also filed Variance VAR14-00008 to exceed the 35-foot height limitation; and

**WHEREAS**, the subject site has a water production well, which is operated by the Victorville Water District. Single-family residences exist to the north, east, and west. The property to the south of the water tank facility is vacant; and

**WHEREAS**, the subject site is within the Limited Agricultural (A1) zone. Surrounding properties are also within the A1 zone; and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures; and

**WHEREAS**, on February 12, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:**

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 12, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Land Use Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The site for the proposed use will have adequate access based upon the required access easement from the site to Pinon Street.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00011, subject to the conditions of approval as shown in Attachment "A."

Section 4. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of February 2015.

\_\_\_\_\_  
Tom Murphy, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Andrea Ngalo, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP14-00011**

Approval Date: February 12, 2015  
Effective Date: February 24, 2015  
Expiration Date: February 24, 2018

This list of conditions applies to: Consideration of Conditional Use Permit CUP14-00011 to construct an 85-foot high wireless communications facility within an existing water tank site and Variance VAR14-00008 to exceed the 35-foot height limitation of the A1 zone located on the west side of Pinon Avenue, 550 feet south of Sycamore Street (APNs: 0406-101-21 & 22; Applicant: LA Verizon Wireless).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**ADDITIONAL CONDITIONS**

COMPLETED                      COMPLIED BY VARIANCE. These conditions are concurrent with approved Variance VAR14-00008  
NOT IN COMPLIANCE                      becoming effective. (P)

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

COMPLETED                      COMPLIED BY CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet  
NOT IN COMPLIANCE                      stamped by a California licensed Civil or Structural Engineer or Architect shall be  
submitted to the Building Division with the required application fees for review. (B)

COMPLETED                      COMPLIED BY INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall  
NOT IN COMPLIANCE                      indemnify, defend, and hold the City and its officials, officers, employees, agents,  
servants, and contractors harmless from and against any claim, action or proceeding  
(whether legal or administrative), arbitration, mediation, or alternative dispute resolution  
process), order, or judgment and from and against any liability, loss, damage, or costs  
and expenses (including, but not limited to, attorney's fees, expert fees, and court costs),  
which arise out of, or are in any way related to, the approval issued by the City (whether  
by the City Council, the Planning Commission, or other City reviewing authority), and/or  
any acts and omissions of the Applicant or its employees, agents, and contractors, in  
utilizing the approval or otherwise carrying out and performing work on Applicants project.  
This provision shall not apply to the sole negligence, active negligence, or willful  
misconduct of the City, or its officials, officers, employees, agents, and contractors. The  
Applicant shall defend the City with counsel reasonably acceptable to the City. The City's  
election to defend itself, whether at the cost of the Applicant or at the City's own cost,  
shall not relieve or release the Applicant from any of its obligations under this Condition.  
(P)

**CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

COMPLETED                      COMPLIED BY AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave  
NOT IN COMPLIANCE                      Desert Air Quality Management District. (B)

COMPLETED                      COMPLIED BY ACCESS EASEMENT. An access easement shall be recorded, allowing access from a  
NOT IN COMPLIANCE                      public right-of-way to the wireless communications facility for the benefit of each wireless  
communications provider using the site for construction and maintenance of the wireless  
communications facilities during the operating life of the facility. As an alternative, the  
access easement requirement may be satisfied by an easement established as part of a  
recorded lease agreement. The easement and the required application and fees shall be  
submitted to the Planning Division prior to review and approval by the City. (P)

COMPLETED                      COMPLIED BY CO-LOCATION AGREEMENT. The applicant shall record a co-location agreement

NOT IN COMPLIANCE

permitting at least two other wireless communications providers to place at least two other communications facilities upon the site. The co-location agreement shall be binding for the life of the facility. The agreement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

CONSISTENCY WITH APPROVED GRAPHICS. Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

FACILITY REQUIREMENTS. The faux water tower shall be designed consistent with the approved photo simulations.

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

FENCING REQUIREMENTS. An eight-foot high decorative wall shall be used to screen the mechanical equipment and other appurtenant elements of the wireless communications facility. The use of barbed wire or other types of fencing is not permitted. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

UTILITIES. The wireless communications facility shall be served by independent utility connections and shall be separately metered. (B, P)

**CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY**

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (F)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. (B)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

ON-SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. Any exceptions shall be approved by the Director of Development Services. (P)

**ONGOING CONDITIONS**

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

REMOVAL BOND. The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. As an alternative, the removal bond requirement may be included as part of a recorded lease agreement. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

ABANDONMENT OF FACILITY. Should the facility fail to be used as approved for more than 180 consecutive days or should its 25 year effective life expire, then the applicant shall cause the removal of the monopole, fencing and all related equipment at its sole cost and expense. The monopole and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the facility's removal is verified by the Planning Division. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

MAINTENANCE OF THE FACILITY. The monopole, perimeter fencing, and all related equipment shall be maintained in good condition during the 25-year life of the wireless communications facility. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

USE OF GENERATORS. A generator will only be allowed for backup emergency power to the facility and shall be located within the approved fenced area. Use of a generator to provide power for any other purpose is prohibited unless specifically approved by the

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>

# ATTACHMENT 9

## RESOLUTION NO. PC-2015-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 35-FOOT HEIGHT LIMITATION OF THE A1 ZONE LOCATED ON THE WEST SIDE OF PINON AVENUE, 550 FEET SOUTH OF SYCAMORE STREET (VAR14-00008)**

**WHEREAS**, LA Verizon Wireless has filed an application requesting approval of Variance VAR14-00008 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to land within the Limited Agricultural (A1) zone located on the west side of Pinon Avenue, 550 feet south of Sycamore Street and includes Assessor's Parcel Numbers 0406-101-21 & 22; and

**WHEREAS**, the Application, as contemplated, proposes to construct an 85-foot high wireless communications facility on the subject properties; and

**WHEREAS**, LA Verizon Wireless has also filed an application requesting approval of Conditional Use Permit CUP14-00011 to construct a wireless communications facility; and

**WHEREAS**, the subject site has a water production well, which is operated by the Victorville Water District. Single-family residences exist to the north, east, and west. The property to the south of the water tank facility is vacant; and

**WHEREAS**, the subject site is within the Limited Agricultural (A1) zone. Surrounding properties are also within the A1 zone; and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures; and

**WHEREAS**, on February 12, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:**

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced on February 12, 2015, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the height restriction would reduce the effectiveness of the wireless communications facility, which would result in the need to establish additional wireless communications facilities in the vicinity. In approving the additional height, a co-location agreement is being implemented which will allow additional wireless communications providers the ability to utilize the site, further reducing the number of wireless communications facilities necessary to serve the City of Hesperia.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the site includes a water production well, and the addition of the wireless communications facility will not materially affect the character of the site or neighborhood.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because other similar wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code. In approving the variance, additional wireless communications will be allowed on the facility and reduce the number of wireless communications facilities throughout the City.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the City's Development Code and the 2013 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR14-00008.

Section 4. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of February 2015.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Andrea Ngalo, Secretary, Planning Commission



**DATE:** February 12, 2014  
**TO:** Planning Commission  
**FROM:** *[Signature]* Dave Reno, AICP, Principal Planner  
**BY:** *[Signature]* Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** Conditional Use Permit CUP14-00014; Applicant: Los Angeles SMSA LP  
Verizon Wireless; APN: 0412-172-04.

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-03, approving Conditional Use Permit CUP14-00014.

### BACKGROUND

**Proposal:** A Conditional Use Permit to construct a wireless communications facility with antennas installed 49 feet high on an existing 84-foot Southern California Edison tower.

**Location:** The property is located north side of Rancho Road, approximately 900 feet east of Seventh Avenue (Attachment 1).

**Current General Plan, Zoning and Land Uses:** The site is within the Utility Corridor (UC) General Plan Land Use designation. The surrounding land is designated as noted on Attachment 2. The wireless communications facility will be placed on a transmission tower, which sits on a major utility corridor with transmission lines running northeast and southwest. The width of the corridor spans approximately 200 feet in this area. The utility corridor is otherwise vacant. Single-family homes exist directly to the north and to the south. Properties directly to the east and west are vacant.

### ISSUES/ANALYSIS

**Land Use:** Verizon Wireless, the service provider, has demonstrated on a service plan that there is a service gap which necessitates installation of an additional wireless communications facility in the area (Attachment 4). The proposed facility will provide the necessary coverage to improve the network in this residential area without construction of a new tower. The facility includes nine panel antennas, one parabolic antenna, and three remote radio units installed at a height of 46 feet. All antennas will be painted to match the electric transmission tower (Attachment 6). The total leasable area, which houses the facility's ground equipment, will be 420 square feet and will be surrounded by an eight-foot high block wall (Attachment 5). Staff has included a condition of approval (Attachment 7), which will require the wall to be made of split face block. The proposed wireless communications facility is consistent with the General Plan land use and zoning standards.

**Drainage:** The proposed project will not interfere with the current drainage flows of the site.

**Street Improvements:** Public street improvements are not required. Recordation of an irrevocable access easement will be required from Rancho Road to the site in accordance with Condition 6 (Attachment 7).

**Environmental:** Approval of the Conditional Use Permit is exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures.

**Conclusion:** The project is consistent with the City's intent to locate new wireless facilities on existing buildings and structures, or to conceal their appearance through other means (i.e. use of monopines and other stealth technologies). The project meets the standards of the Development Code and staff recommends approval.

#### **FISCAL IMPACT**

None.

#### **ALTERNATIVE(S)**

Provide alternative direction to staff.

#### **ATTACHMENTS**

1. Location map
2. General Plan land use map
3. Aerial photo
4. Service plan
5. Site plan
6. Tower elevations
7. Resolution No. PC-2015-03, with list of conditions

# ATTACHMENT 1



▲ LOCATION OF TRANSMISSION TOWER

**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

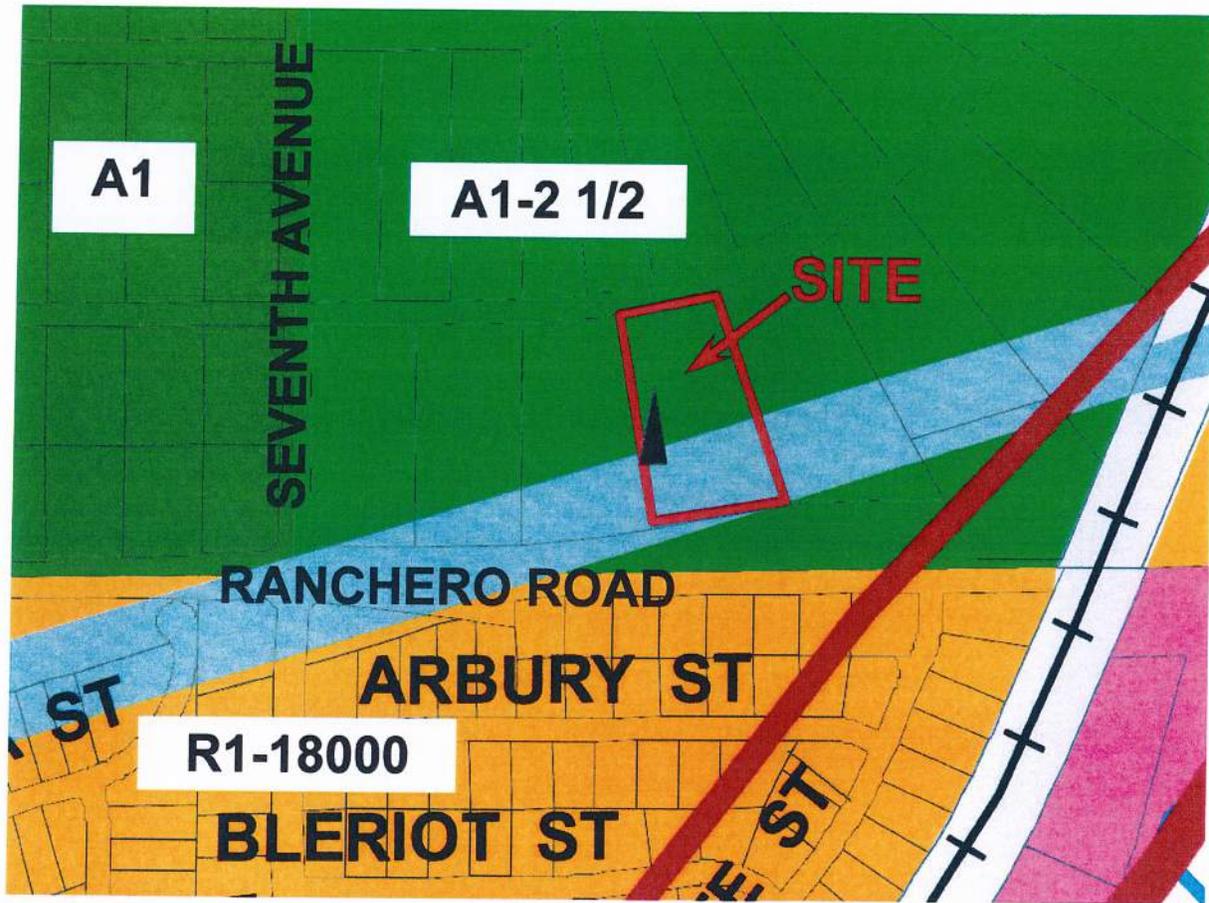
**APN(S):**  
0412-172-04

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



## LOCATION MAP

# ATTACHMENT 2



▲ LOCATION OF TRANSMISSION TOWER

<b>APPLICANT(S):</b> VERIZON WIRELESS		<b>FILE NO(S):</b> CUP14-00014	
<b>LOCATION:</b> NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE			<b>APN(S):</b> 0412-172-04
<b>PROPOSAL:</b> CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER			<b>N</b> ↑

## GENERAL PLAN LAND USE MAP

# ATTACHMENT 3



LOCATION OF TRANSMISSION TOWER

**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

**APN(S):**  
0412-172-04

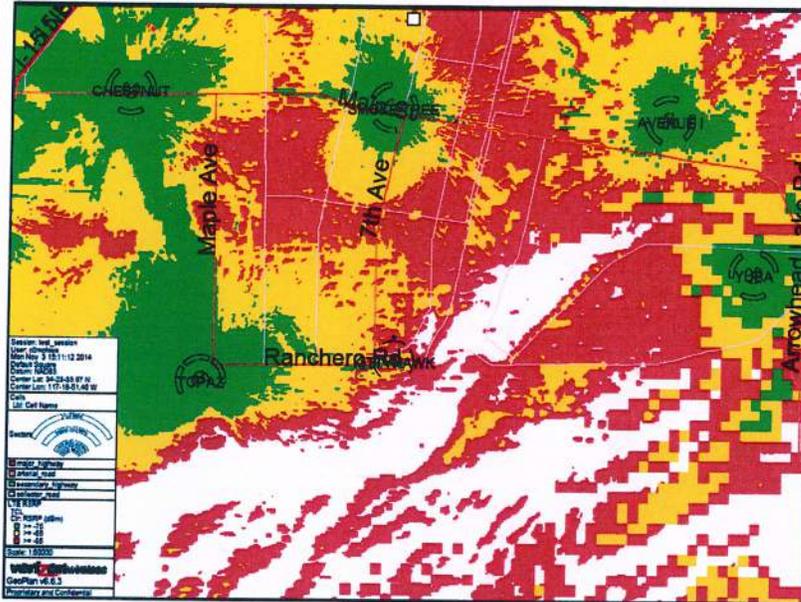
**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



## AERIAL PHOTO

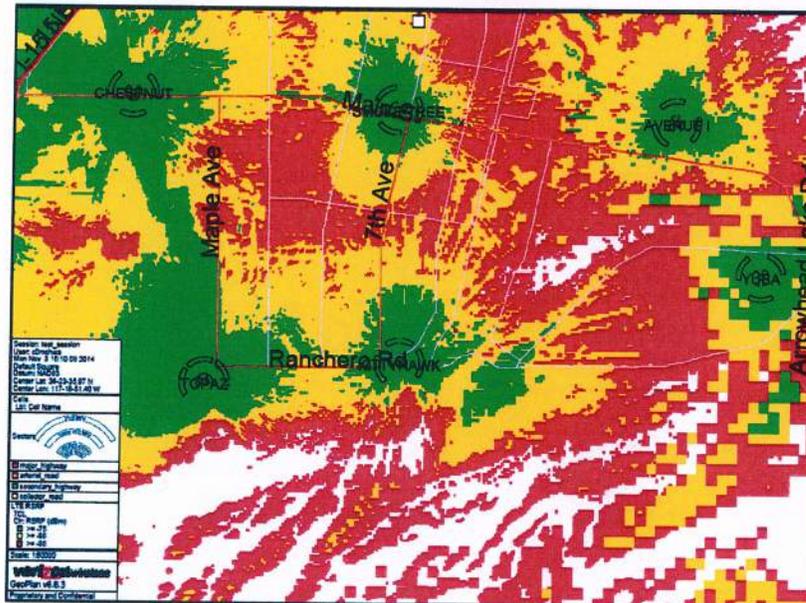
# ATTACHMENT 4

**BEFORE**



- Indoor signal
- In-transit signal
- Outdoor signal

**AFTER**



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

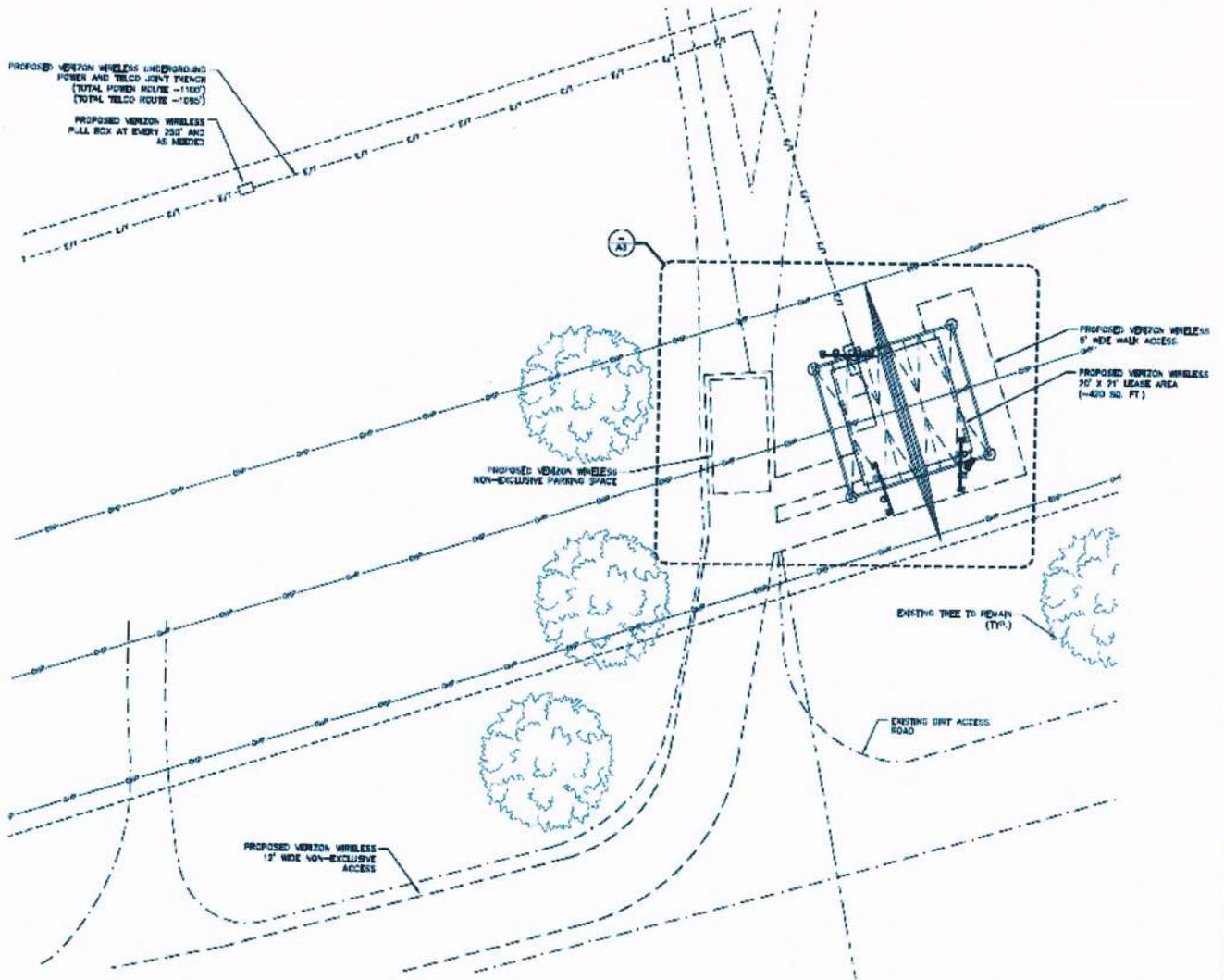
**APN(S):**  
0412-172-04

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



## SERVICE PLAN

# ATTACHMENT 5.2



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

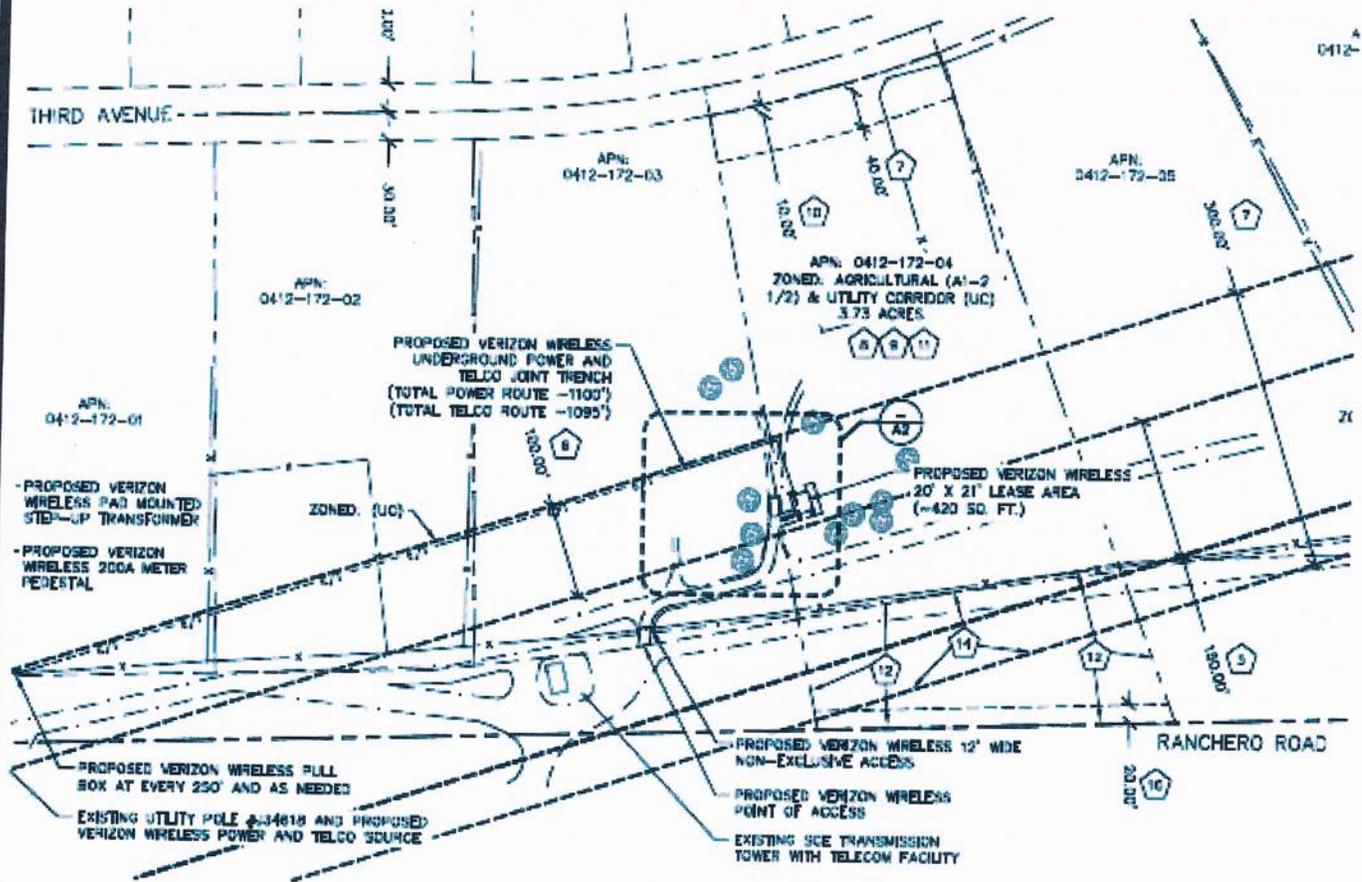
**APN(S):**  
0412-172-04

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



## SITE PLAN

# ATTACHMENT 5.1



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

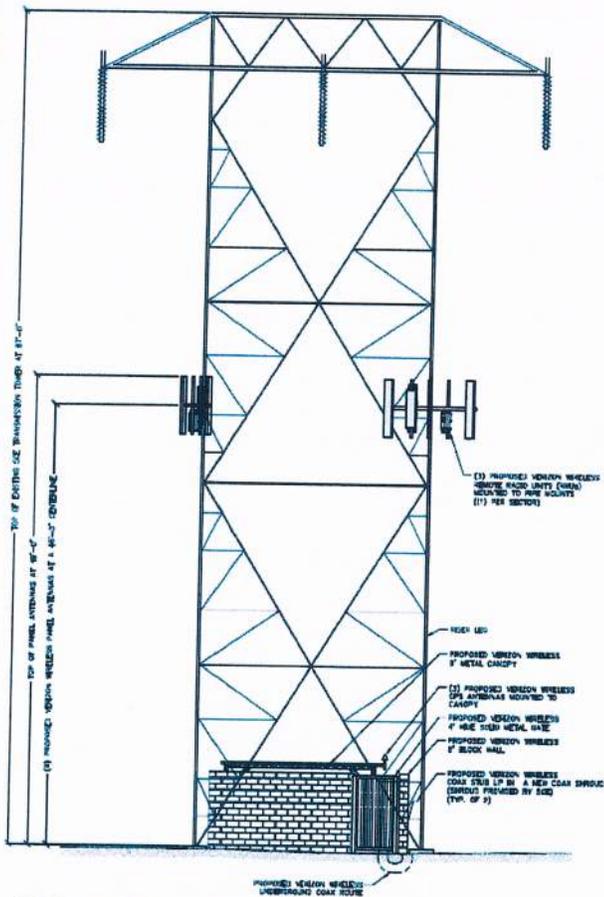
**APN(S):**  
0412-172-04

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER

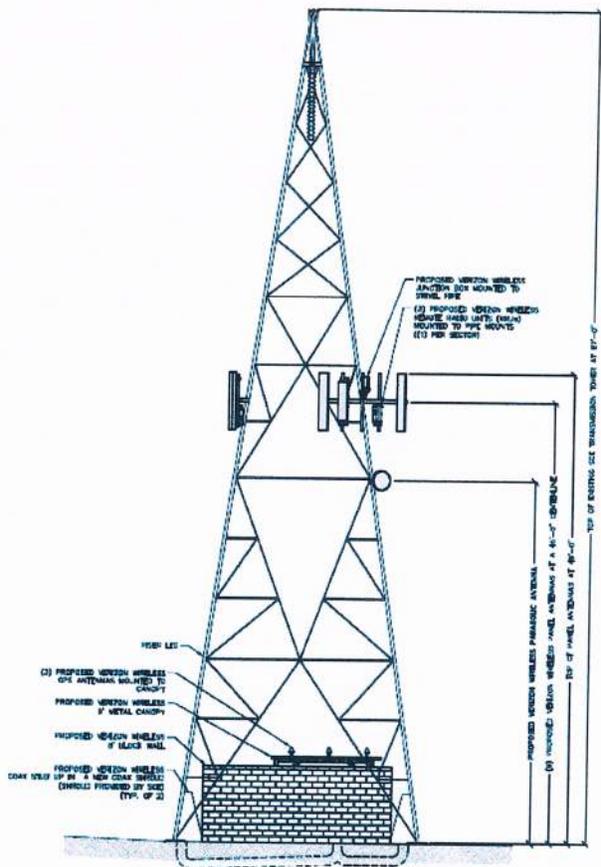


## SITE PLAN (EXPANDED)

# ATTACHMENT 6



West Elevation



South Elevation

**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP14-00014

**LOCATION:**  
NORTH OF RANCHERO RD., APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE

**APN(S):**  
0412-172-04

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



## ELEVATIONS

# ATTACHMENT 7

## RESOLUTION NO. PC-2015-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO INSTALL AN 49-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 84-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER LOCATED NORTH OF RANCHERO ROAD, APPROXIMATELY 900 FEET EAST OF SEVENTH AVENUE (CUP14-00015)**

**WHEREAS**, Los Angeles SMSA LP Verizon Wireless, has filed an application requesting approval of Conditional Use Permit CUP14-00006 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to land within the Southern California Edison Transmission Lines located north of Rancho Road, approximately 900 feet east of Seventh Avenue and includes Assessor's Parcel Number 0412-172-04; and

**WHEREAS**, the Application, as contemplated, proposes to install a wireless communications facility upon the existing Southern California Edison electric transmission tower on the subject property; and

**WHEREAS**, the subject site is within the Southern California Edison electric transmission corridor, which runs northeast to southwest, and is developed with existing transmission towers and associated equipment. Single-family homes exist directly to the north and to the south. Properties to the east and west are vacant; and

**WHEREAS**, the subject site is within the Utility Corridor (UC) General Plan land use designation. The properties to the east and west are zoned Limited Agricultural 2 ½ (A1-2 ½) and Residential (R-1 18,000); and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures; and

**WHEREAS**, on February 12, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:**

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 12, 2015, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Land Use Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The site for the proposed use will have adequate access based upon the required access easement from Rancho Road.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00014, subject to the conditions of approval as shown in Attachment "A."

Section 4. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of February 2015.

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Andrea Ngalo, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP14-00014**

**Approval Date: February 12, 2015**  
**Effective Date: February 24, 2015**  
**Expiration Date: February 24, 2018**

**This list of conditions applies to: Consideration of Conditional Use Permit CUP14-00014 to construct a wireless communications facility on an existing 87-foot Southern California Edison tower located at 7419 Third Avenue (APN; 0412-172-04; Applicant: LA SMSA Verizon Wireless).**

**The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.**

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)
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**CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	CONSISTENCY WITH APPROVED GRAPHICS. Improvement plans for off site and on site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	FACILITY REQUIREMENTS. The antennae and all other equipment installed upon the electric transmission tower shall be of a matching color to the tower. (P) (use for tower installations only)
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	FENCING REQUIREMENTS. A six foot high chain link fence with view obscuring slats shall be used to screen the mechanical equipment and other appurtenant elements of the wireless communications facility. The use of barbed wire or other types of fencing is not permitted. (P)
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	REMOVAL BOND. The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit and the required application and fees shall be submitted to the Planning Division prior to review
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and approval by the City. As an alternative, the removal bond requirement may be included as part of a recorded lease agreement. (P) (co locations and facilities on existing towers owned in fee title by the utility are exempt)

**COMPLETED**      **COMPLIED BY** UTILITIES. The wireless communications facility shall be served by independent utility connections and shall be separately metered. (B, P)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** ACCESS EASEMENTS. An access easement shall be recorded, allowing access from a public right-of-way to the wireless communications facility for the benefit of each wireless communications provider using the site for construction and maintenance of the wireless communications facilities during the operating life of the facility. As an alternative, the access easement requirement may be satisfied by an easement established as part of a recorded lease agreement. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)  
NOT IN COMPLIANCE

### CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

**COMPLETED**      **COMPLIED BY** UTILITY CLEARANCES. The Building Division will provide utility clearances after required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (F)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)  
NOT IN COMPLIANCE

### ONGOING CONDITIONS

**COMPLETED**      **COMPLIED BY** USE OF GENERATORS. A generator will only be allowed for backup emergency power to the facility and shall be located within the approved fenced area. Use of a generator to provide power for any other purpose is prohibited unless specifically approved by the Director of Development Services. (P)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** MAINTENANCE OF FACILITY. The monopole, landscaping, perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** ABANDONMENT OF FACILITY. Should the facility fail to be used as approved for more than 180 consecutive days or should its 25 year effective life expire, then the applicant shall cause the removal of the monopole, fencing and all related equipment at its sole cost and expense. The monopole and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the facility's removal is verified by the Planning Division. (P) (facilities on existing towers owned in fee title by the utility are exempt)  
NOT IN COMPLIANCE

**COMPLETED**      **COMPLIED BY** REMOVAL BOND. The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. As an alternative, the removal bond requirement may be included as part of a recorded lease agreement. (P) (co locations and facilities on existing towers owned in fee title by the utility are exempt)  
NOT IN COMPLIANCE

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>



**DATE:** February 12, 2014  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** *LSM* Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** Conditional Use Permit CUP14-00013;  
Rippin Hookah Lounge, Akram Abdelmaseih; APN: 0414-021-20.

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-04, approving Conditional Use Permit CUP14-00013.

### BACKGROUND

**Proposal:** A Conditional Use Permit to allow live entertainment for an existing hookah lounge at 15923 Bear Valley Road.

**Location:** 15923 Bear Valley Road # A120 (Attachment 1).

**Current General Plan, Zoning and Land Uses:** The site is within the General Commercial (C2) General Plan Land Use designation. The surrounding land is designated as noted on Attachment 2. The properties to the north and east are commercially developed and the properties directly to the south and east vacant.

### ISSUES/ANALYSIS

**Land Use:** This project is a result of a code enforcement case that originated last year for the operation of a hookah lounge with live entertainment. Although the hookah lounge is a permitted use, the entertainment aspect of the lounge was not included in the original approval. Since then, the hookah lounge has been sold. The new owners have been in contact with the City in an effort to continue the operation of the hookah lounge. Today, Rippin Hookah is currently operating as a hookah lounge only which is open from 6:00 PM to 2:00 AM daily. The project proposes a live disc jockey (DJ) and a dance floor area, which they plan to make available to patrons on weekends from 9:00 PM to 2:00 AM. The hookah lounge is approximately 1,600 square feet, of which 322 square feet of area is dedicated for the dance floor and DJ booth (Attachment 3).

Staff has seen a number of hookah lounges open within the City and a majority of these include entertainment as part of their use. Because the entertainment component is innate to the use, staff has categorized these similarly to a bar or lounge, thus requiring a conditional use permit (CUP). Music, dancing, and the smoking of hookah are activities allowed as part of this project. No food or alcohol is permitted to be served in these types of establishments as the San Bernardino County's Environmental Health Services Department (EHS) prohibits the preparation of food and beverages wherever smoking is allowed.

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

**Conclusion:** Hookah lounges have been allowed in the C2 zone, subject to parking requirements, a business license, and tenant improvement permits. However, staff has determined that these facilities generally include entertainment as part of their use and should be subject to a conditional use permit, which is consistent the requirements set forth in the other commercial zones in the City, specifically within the Main Street and Freeway Corridor Specific Plan. Staff recommends approval of the project as it complies with the Development Code and is supportive of the land uses intended within the C2 zone. However, because of past code issues associated with this type of use with entertainment, staff recommends that conditions be imposed which require all activities associated with the use shall be contained wholly within the building. In addition, any, documented law enforcement, issues created by the proposed use shall cause this CUP to be reviewed by the Planning Commission for possible revocation.

#### **FISCAL IMPACT**

None.

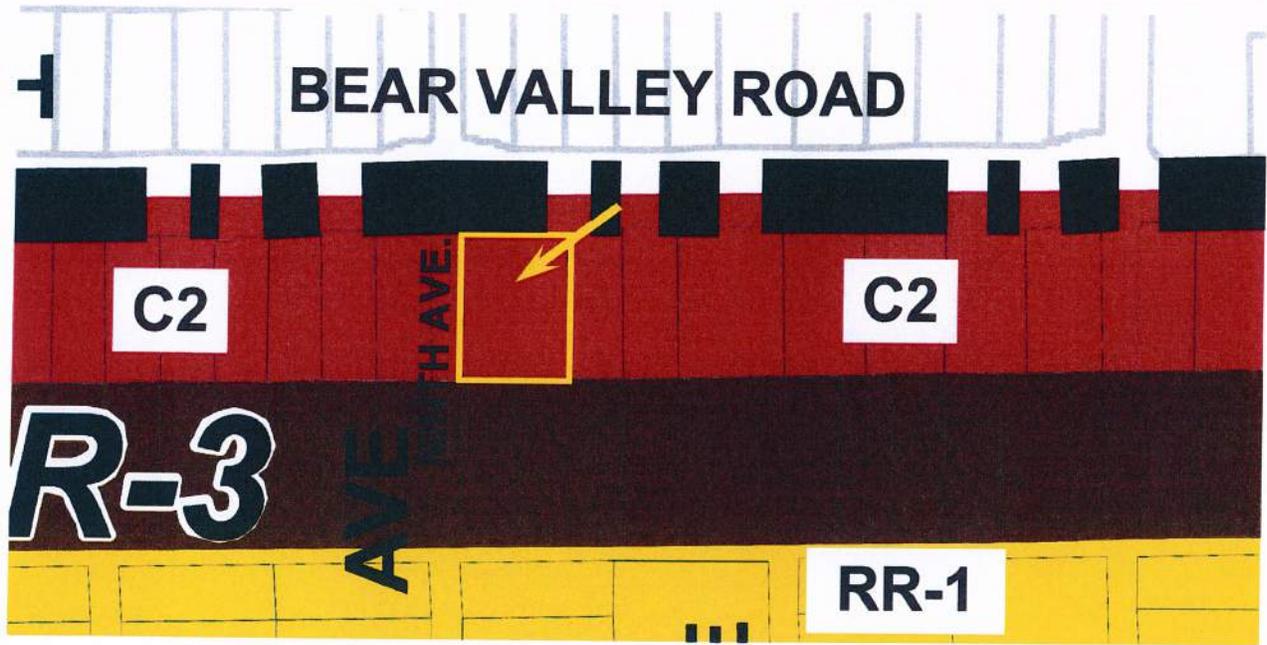
#### **ALTERNATIVE(S)**

Provide alternative direction to staff.

#### **ATTACHMENTS**

1. General Plan land use map
2. Aerial photo
3. Floor Plan
4. Resolution No. PC-2015-04, with list of conditions

# ATTACHMENT 1



**APPLICANT(S):**  
AKRAM ABDELMASEIH/RIPPIN HOOKAH

**FILE NO(S):**  
CUP14-00013

**LOCATION:**  
15923 BEAR VALLEY ROAD

**APN(S):**  
0414-021-20

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT FOR AN EXISITNG HOOKAH LOUNGE



## GENERAL PLAN LAND USE MAP

# ATTACHMENT 2



**APPLICANT(S):**  
AKRAM ABDELMASEIH/RIPPIN HOOKAH

**FILE NO(S):**  
CUP14-00013

**LOCATION:**  
15923 BEAR VALLEY ROAD

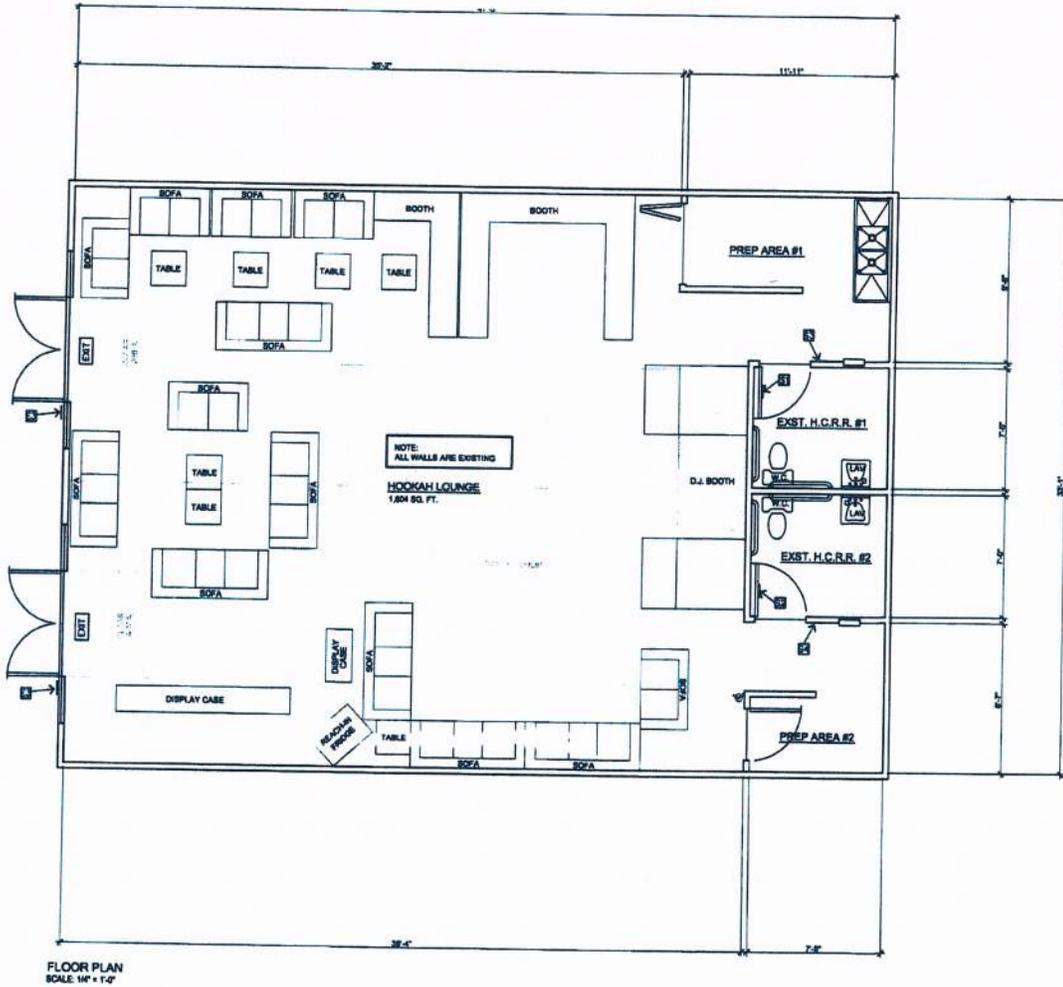
**APN(S):**  
0414-021-20

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT FOR AN EXISITNG HOOKAH LOUNGE



## AERIAL PHOTO

# ATTACHMENT 3



**APPLICANT(S):**  
AKRAM ABDELMASEIH/RIPPIN HOOKAH

**FILE NO(S):**  
CUP14-00013

**LOCATION:**  
15923 BEAR VALLEY ROAD

**APN(S):**  
0414-021-20

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT FOR AN EXISTING HOOKAH LOUNGE



## FLOOR PLAN

# ATTACHMENT 4

## RESOLUTION NO. PC-2015-04

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT FOR AN EXISTING HOOKAH LOUNGE AT 15923 BEAR VALLEY ROAD (CUP14-00013)

**WHEREAS**, Akram Abdelmaseih, has filed an application requesting approval of Conditional Use Permit CUP14-00013 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a developed lot within the General Commercial (C2) Land Use Designation located on the southeast corner of Bear Valley and Ninth Avenue and consists of Assessor's Parcel Number 0414-021-20; and

**WHEREAS**, the Application, as contemplated, proposes to allow live entertainment for an existing hookah lounge; and

**WHEREAS**, the subject site and is developed with a multi-tenant, 2-story commercial building. Commercial development exists directly to the north and west and properties to the east and south are vacant; and

**WHEREAS**, the subject site is within the General Commercial (C2) General Plan land use designation. The properties to the east and west are also zoned C2, and the properties directly to the south are within the Multi-Family Residence (R3) General Plan land use designation.

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

**WHEREAS**, on February 12, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced February 12, 2015, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Land Use Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The site for the proposed use has adequate access along Bear Valley Road and Ninth Avenue.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00013, subject to the conditions of approval as shown in Attachment "A."

Section 4. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of February 2015.

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Andrea Ngalo, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP14-00013**

**Approval Date: February 12, 2015**  
**Effective Date: February 24, 2015**  
**Expiration Date: February 24, 2018**

**This list of conditions applies to: Consideration of Conditional Use Permit CUP14-00013 to allow live entertainment for an existing hookah lounge at 15923 Bear Valley Road (APN: 0414-021-20; Applicant: Akram Abdelmaseih).**

**The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.**

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>INDEMNIFICATION.</b> As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)
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**CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY**

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>UTILITY CLEARANCE AND C OF O.</b> The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
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**ONGOING CONDITIONS**

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>FIRE SPRINKLERS.</b> Fire Sprinklers shall be maintained in compliance with NFPA 13 & 25 at all times.
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>FIRE ALARM.</b> Fire Alarm shall be maintained in compliance with NFPA 72 at all times.
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>VENTILATION SYSTEM.</b> Adequate ventilation shall be provided. Existing system, or equivalent, shall be maintained while the building is occupied.
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<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<b>ASSEMBLY OCCUPANCY REQUIREMENTS.</b> Tenants shall comply with all requirements of the California Fire Code pertaining to Assembly Occupancies to include but not limited to: Maintaining exit pathways, emergency and egress lighting, fire extinguishers, and
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**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, January 14, 2015**

**A. PROPOSALS:**

**1. LA VERIZON WIRELESS (CUP14-00011/ VAR14-00008)**

**Proposal:** Consideration to construct an 85' wireless communications facility within an existing water tank site

**Location:** West side of Pinon Avenue approximately 685 feet south of Sycamore Street (APN: 0406-101-21)

**Planner:** Daniel Alcayaga

**2. LA SMSA VERIZON WIRELESS (CUP14-00014)**

**Proposal:** Consideration of a wireless communication facility on an existing SCE tower

**Location:** 7419 3<sup>rd</sup> Avenue (APN: 0412-172-04)

**Planner:** Lisette Sanchez-Mendoza



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, January 28, 2015**

**A. PROPOSALS:**

**1. CARLOS AND SUSAN FUENTES (SPR14-00004)**

**Proposal:** Consideration to convert an existing single-family residence into an industrial use

**Location:** 16876 Live Oak Street (APN: 0410-082-01)

**Planner:** Daniel Alcayaga

**2. AARAM HOSPITALITY INC. (SPRR14-00010)**

**Proposal:** Consideration to allow a 276 square foot addition to an existing motel

**Location:** 14320 Main Street (APN: 0405-271-22)

**Planner:** Daniel Alcayaga

**3. SATURINO CORIA (SPR14-00010)**

**Proposal:** Consideration for an auto repair and smog business

**Location:** 16175 Yucca Street (APN: 0413-044-20)

**Planner:** Lisette Sanchez- Mendoza



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, February 11, 2015**

**A. PROPOSALS:**

**1. PARADISE HOOKAH LOUNGE (CUP15-00001)**

**Proposal:** Consideration to allow live entertainment for an existing hookah lounge

**Location:** 14466 Main Street #B104 (APN: 0405-271-46)

**Planner:** Lisette Sanchez-Mendoza

**2. GRANITE SPRINGS (SPRE15-00001)**

**Proposal:** Consideration of a second extension of time to construct 164 detached condominium units.

**Location:** 9999 Topaz Avenue (APN: 0405-271-32)

**Planner:** Daniel Alcayaga