

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: December 10, 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.

**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. Pledge of Allegiance to the Flag
- B. Invocation
- C. 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**

- D. Approval of Minutes: November 12, 2015 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

1. Consideration of Conditional Use Permit CUP15-00005 and Variance VAR15-00001, to construct a 75-foot high wireless communications facility on a vacant 2.2 gross acre parcel located on the southwest corner of Hercules Street and Hesperia Road (Applicant: Verizon Wireless; APN: 0407-061-11)

1-1

**PRINCIPAL PLANNER'S REPORT**

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

E. DRC Comments

F. 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, Erin Baum, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Tuesday, November 24, 2015 at 5:30 p.m. pursuant to California Government Code §54954.2.



Erin Baum  
Planning Commission Secretary



**HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
November 12, 2015  
MINUTES**

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

**CALL TO ORDER 6:30 p.m.**

**Pledge of Allegiance to the Flag**

**Invocation**

**Roll Call:**

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

**JOINT PUBLIC COMMENTS**

Chair Murphy opened Public Comments at 6:34 p.m.

There were no speakers.

Chair Murphy closed Public Comments at 6:34 p.m.

**CONSENT CALENDAR**

**Approval of Minutes: September 24, 2015 Planning Commission Special Meeting Draft Minutes.**

Motion by James Heywood to approve September 24, 2015 Planning Commission Special Meeting Draft Minutes, Seconded by Bob Rogers, passed with the following roll call vote:

**AYES: Bob Rogers, James Heywood, Joline Bell-Hahn, William Muller, and Tom Murphy**  
**NOES: None**

**PUBLIC HEARING**

**Consideration of Conditional Use Permit CUP15-00008, to construct a 35,963 square foot high school on 10.3 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Sultana Street and Lassen Road (Summit Leadership Academy; APN: 3064-581-02)**

Daniel Alcayaga, Senior Planner gave a presentation.

Chair Murphy opened Public Comment at 6:56 p.m.

The applicant spoke and answered questions from Commissioners.

Chair Murphy closed Public Comment at 7:13 p.m.

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
November 12, 2015  
MINUTES

Motion by Joline Bell-Hahn to adopt Resolution No. PC-2015-27, approving CUP15-00008, seconded by James Heywood, passed with the following roll call vote:

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

Consideration of a Development Code Amendment DCA15-00002, to modify the standards that regulate separation requirements between wireless communications facilities. (Applicant: City of Hesperia; Area affected: Citywide)

Ryan Leonard, Associate Planner, gave a presentation.

Commissioner discussion ensued.

Chair Murphy opened Public Comment at 7:29 p.m.

There were no speakers.

Chair Murphy closed Public Comments at 7:29 p.m.

Motion by Joline Bell-Hahn to adopt Resolution No. PC-2015-28 recommending that the City Council introduce and place on first reading an ordinance approving DCA15-00002, seconded by William Muller, passed with the following roll call vote:

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

DRC Comments

Dave Reno, Principal Planner, gave updates on projects.

Major Project Update

ADJOURNMENT

Chair Murphy adjourned meeting at 7:33 p.m. until Thursday, December 10, 2015

Tom Murphy  
Chair

By: Erin Baum  
Commission Secretary



**DATE:** December 10, 2015

**TO:** Planning Commission

**FROM:** Dave Reno, Principal Planner

**BY:** Stan Liudahl, Senior Planner

**SUBJECT:** Conditional Use Permit CUP15-00005 and VAR15-00001; Applicant: Verizon Wireless; APN: 0407-061-11

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2015-29 and PC-2015-30, approving CUP15-00005 and VAR15-00001.

### BACKGROUND

**Proposal:** A Conditional Use Permit and Variance to construct a 75-foot high wireless communications facility on a vacant 2.2 gross acre parcel adjacent to an existing church. Approval of a Variance is needed to allow the tower to exceed the 45-foot height limitation.

**Location:** On the southwest corner of Hercules Street and Hesperia Road (Attachment 1).

**Current General Plan, Zoning and Land Uses:** The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated and zoned as noted on Attachment 2. This facility will be on the southwest corner of Hercules Street and Hesperia Road, adjacent to an existing church. This facility will be accessed from the parking facilities for the church property. All surrounding properties are vacant, except for the property to the south containing the church and apartments to the west (Attachment 3).

### 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 location of all proposed, approved, and constructed wireless communications facilities is shown on Attachment 5. The proposed facility will provide the necessary coverage to improve the network in this area and will provide coverage for two additional carriers. The proposed wireless communications facility consists of a 75-foot high faux water tank within a 784 square foot lease area (Attachment 1). The proposed facility meets all development standards with approval of the variance, including the minimum 20-foot rear yard setback regulation from the adjacent apartments. An eight-foot high block wall is proposed along the perimeter of the lease area in order to secure the facility and to provide adequate screening of equipment. The wall shall be constructed using split-face block and a decorative cap, pursuant to the Specific Plan. The elevations and photosimulations of the proposed faux water tank illustrate its ability to blend into the neighborhood (Attachments 6 and 7). Staff believes that a water tower is superior to a monopine or other stealth design at this location, given its proximity to commercial development.

The proposed wireless communications facility is consistent with the General Plan and all zoning standards, except the 45-foot structure height limitation of the NC Zone of the Specific Plan. The Wireless Communications Ordinance provides justification for exceeding this height limitation, based upon its providing space for future co-locations. The proposed 75-foot tower will allow up to three carriers. The antennae for two carriers will be hidden within the faux water tank. The carrier that is lowest on the tower will be below the water tank. A proposal to have all the carriers inside the tank makes the tank look out of proportion to the overall height of the tower. Therefore, staff supports the third antennae being below the tank, as it will be partially hidden by the legs of the tower.

**Drainage:** The site is not impacted by drainage from upstream properties and its impact upon properties downstream is negligible, as its 784 square foot lease area encircled by an eight-foot high split face block wall will pose a less than significant increase in surface runoff.

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

**Environmental:** Approval of the conditional use permit and variance 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 communications facilities on existing buildings and structures, or to conceal their appearance through other means (i.e. use of a monopine, monoelm, or other stealth technology). The project meets the standards of the Specific Plan and the Development Code with approval of the variance. Consequently, staff recommends approval.

## **FISCAL IMPACT**

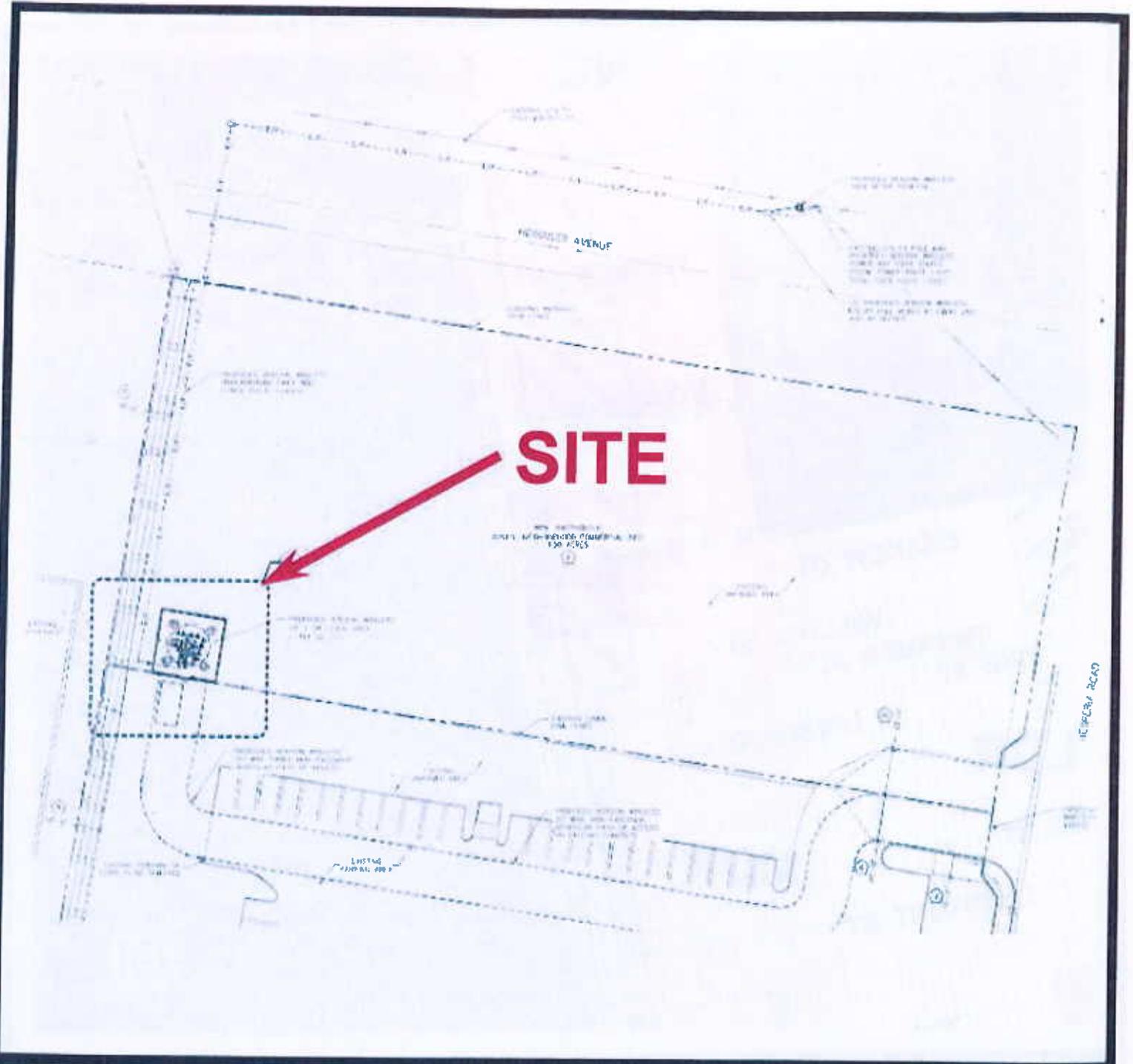
None.

## **ALTERNATIVES**

1. The Planning Commission may consider redesigning the facility using a different stealth scheme. Inasmuch the site is close to near downtown, staff believes the faux water tank will blend into the neighborhood better than a simulated tree. Therefore, this alternative is not recommended.
2. Provide alternative direction to staff.

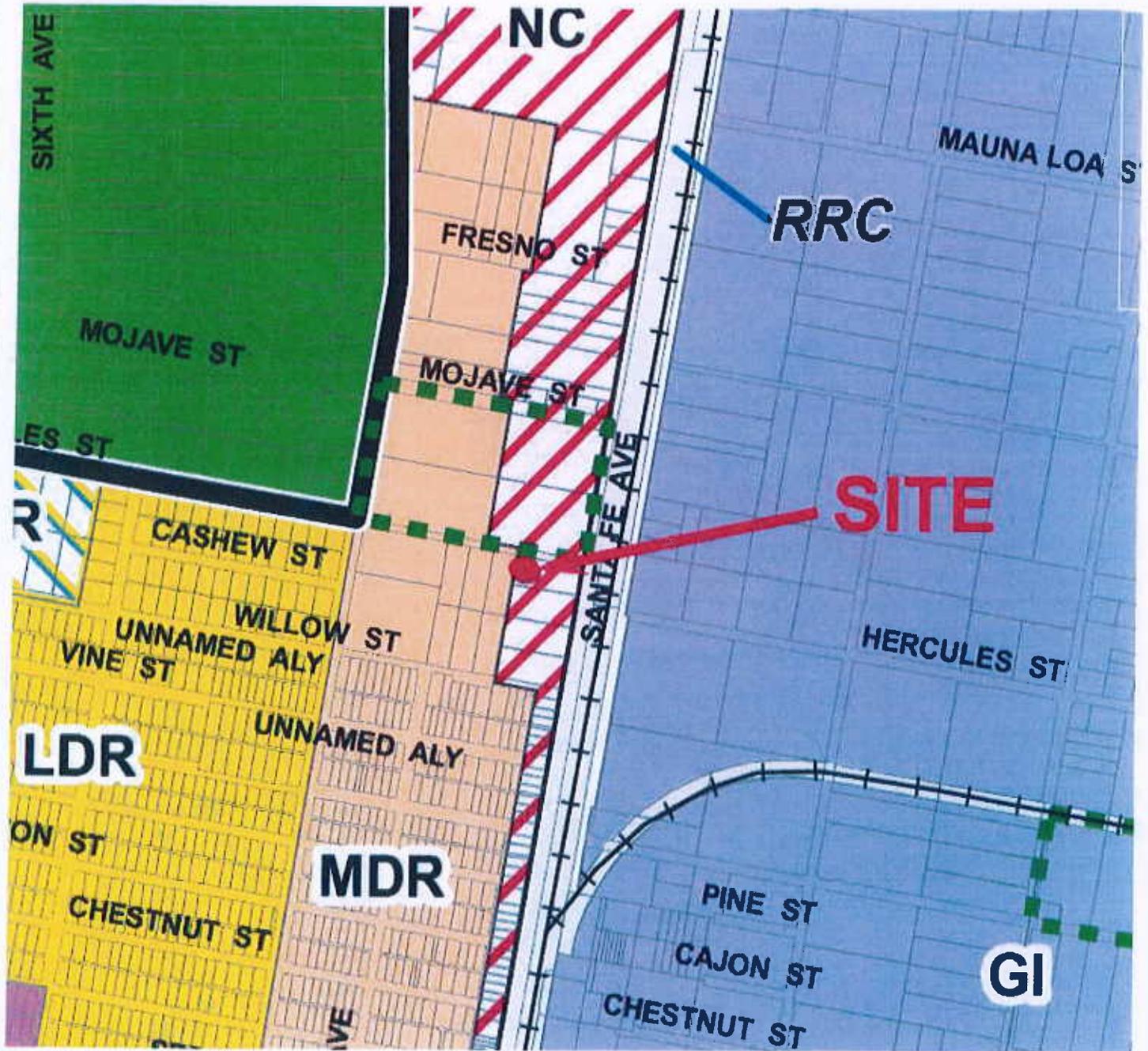
## **ATTACHMENTS**

1. Site plan
2. General Plan land use and zoning map
3. Aerial photo
4. Service plan
5. Location plan
6. Wireless communications facility elevations
7. Wireless communications facility photosimulations
8. Resolution No. PC-2015-29, with list of conditions (CUP15-00005)
9. Resolution No. PC-2015-30 (VAR15-00001)



<b>APPLICANT(S):</b> VERIZON WIRELESS	<b>FILE NO(S):</b> CUP15-00005 & VAR15-00001	
<b>LOCATION:</b> ON THE SOUTHWEST CORNER OF HERCULES STREET AND HESPERIA ROAD	<b>APN(S):</b> 0407-061-11	
<b>PROPOSAL:</b> CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION		<b>N</b> ↑

**SITE PLAN**



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP15-00005 & VAR15-00001

**LOCATION:**  
ON THE SOUTHWEST CORNER OF HERCULES STREET AND  
HESPERIA ROAD

**APN(S):**  
0407-061-11

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH  
WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND  
A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION



**GENERAL PLAN LAND USE MAP**



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP15-00005 & VAR15-00001

**LOCATION:**  
ON THE SOUTHWEST CORNER OF HERCULES STREET AND  
HESPERIA ROAD

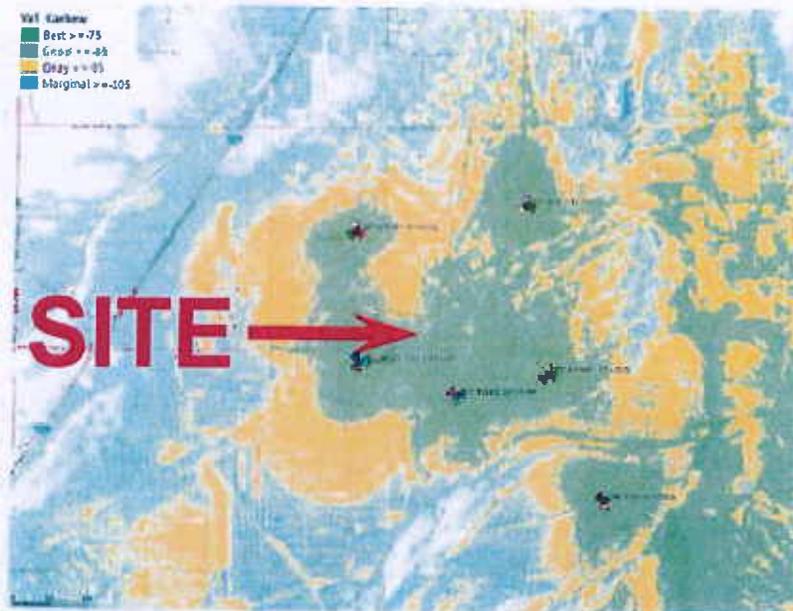
**APN(S):**  
0407-061-11

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH  
WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND  
A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION

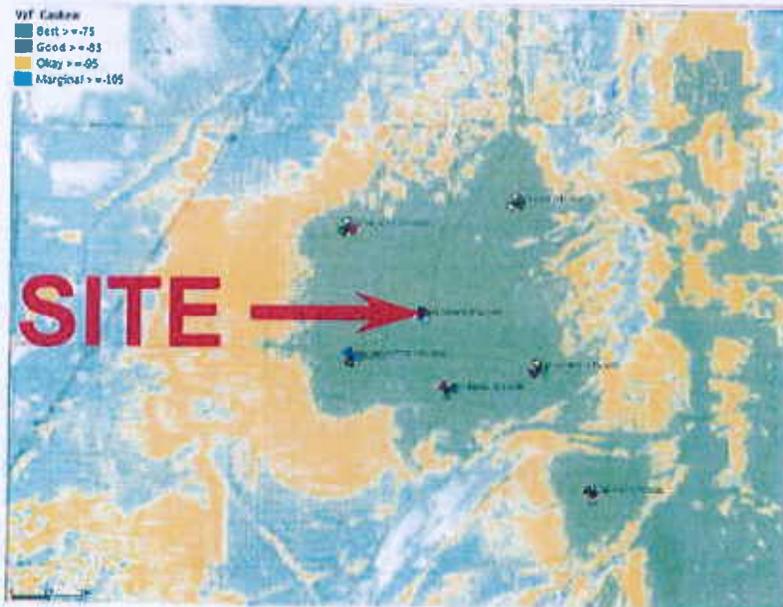


**AERIAL PHOTO**

# ATTACHMENT 4



**COVERAGE WITHOUT NEW FACILITY**



**COVERAGE WITH NEW FACILITY**

**APPLICANT(S):**  
 VERIZON WIRELESS

**FILE NO(S):**  
 CUP15-00005 & VAR15-00001

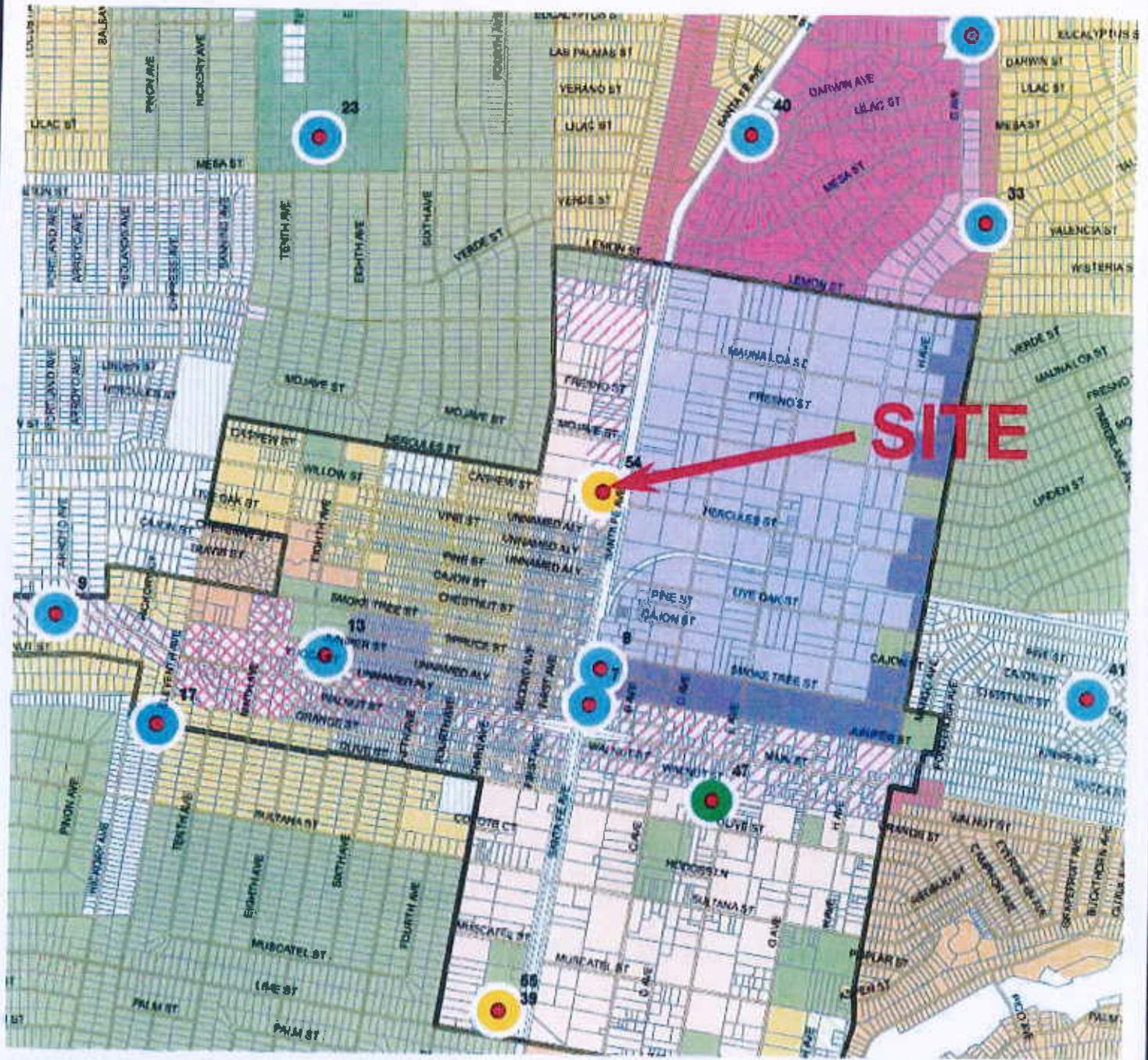
**LOCATION:**  
 ON THE SOUTHWEST CORNER OF HERCULES STREET AND  
 HESPERIA ROAD

**APN(S):**  
 0407-061-11

**PROPOSAL:**  
 CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH  
 WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND  
 A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION



## SERVICE PLAN



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP15-00005 & VAR15-00001

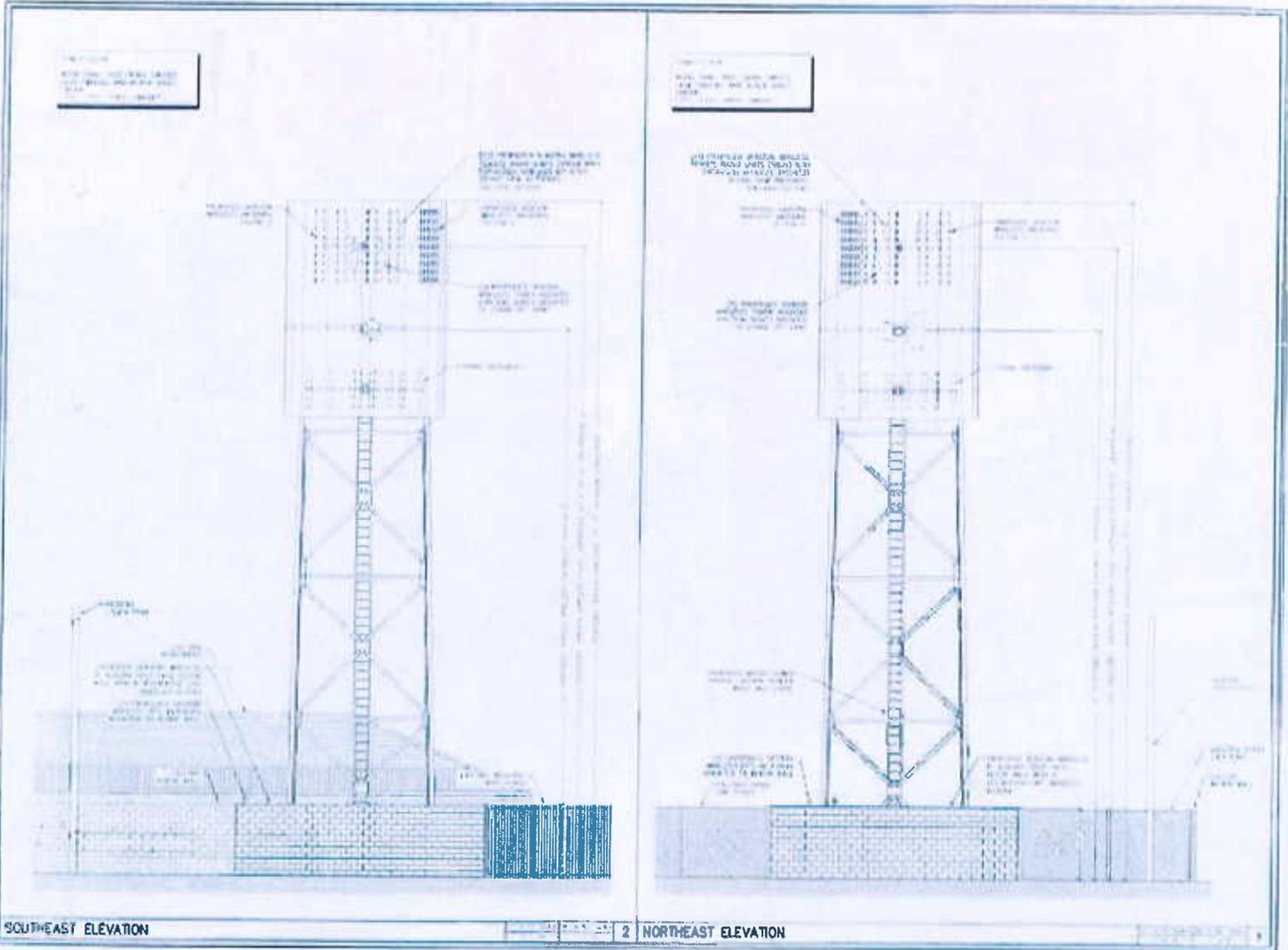
**LOCATION:**  
ON THE SOUTHWEST CORNER OF HERCULES STREET AND  
HESPERIA ROAD

**APN(S):**  
0407-061-11

**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH  
WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND  
A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION



**LOCATION PLAN**



**APPLICANT(S):**  
VERIZON WIRELESS

**FILE NO(S):**  
CUP15-00005 & VAR15-00001

**LOCATION:**  
ON THE SOUTHWEST CORNER OF HERCULES STREET AND  
HESPERIA ROAD

**APN(S):**  
0407-061-11

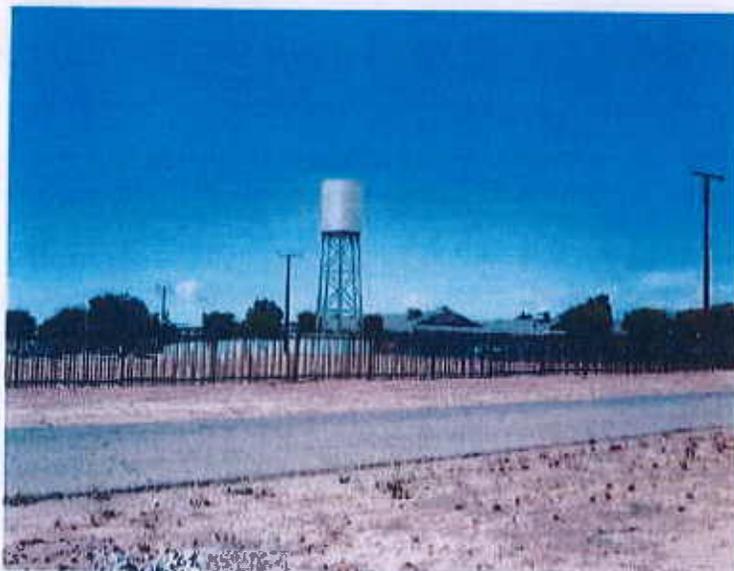
**PROPOSAL:**  
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH  
WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND  
A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION



**WIRELESS COMMUNICATIONS FACILITY ELEVATIONS**



EXISTING VIEW 2:  
LOOKING SOUTHWEST



PROPOSED INSTALLATION OF 75' STEALTH WATER TANK WITH ANTENNA ARRAY AND TWO (2) PARABOLIC ANTENNAS INSIDE, ALONG WITH INSTALLATION OF EQUIPMENT COMPOUND SCREENED BY A 8' CMU WALL.

<b>APPLICANT(S):</b> VERIZON WIRELESS	<b>FILE NO(S):</b> CUP15-00005 & VAR15-00001	
<b>LOCATION:</b> ON THE SOUTHWEST CORNER OF HERCULES STREET AND HESPERIA ROAD	<b>APN(S):</b> 0407-061-11	
<b>PROPOSAL:</b> CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION		N ↑

# WIRELESS COMMUNICATIONS FACILITY PHOTOSIMULATIONS

# ATTACHMENT 8

## RESOLUTION NO. PC-2015-29

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON A VACANT 2.2 GROSS ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF HERCULES STREET AND HESPERIA ROAD (CUP15-00005)**

**WHEREAS**, Verizon Wireless has filed an application requesting approval of Conditional Use Permit CUP15-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a 2.2 gross acre parcel within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southwest corner of Hercules Street and Hesperia Road and includes Assessor's Parcel Number 0407-061-11; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 75-foot high wireless communications facility on the subject property; and

**WHEREAS**, Verizon Wireless has also filed Variance VAR15-00001 to exceed the 45-foot height limitation; and

**WHEREAS**, the subject site is vacant, but is adjacent to an existing church to the south and multiple-family residences to the west. The properties to the north and east are vacant; and

**WHEREAS**, the subject site is within the Neighborhood Commercial (NC) Zone of the Specific Plan. The properties to the north and south are also within the NC Zone of the Specific Plan. The properties to the west are within the Medium Density Residential (MDR) Zone and the properties to the east are within the General Industrial (GI) Zone of the Specific Plan; 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 December 10, 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 December 10, 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 the south.
- (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 CUP15-00005, 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 10<sup>th</sup> day of December 2015.

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

ATTEST:

\_\_\_\_\_  
Erin Baum, Secretary, Planning Commission

**ATTACHMENT "A"  
List of Conditions for CUP15-00005**

**Approval Date: December 10, 2015  
Effective Date: December 22, 2015  
Expiration Date: December 22, 2018**

This list of conditions applies to: a conditional use permit to construct a 75-foot high wireless communications facility disguised as a water tower and Variance VAR15-00001, to exceed the 45-foot height limitation within the Neighborhood Commercial (NC) zone on 2.2 gross acres located on the southwest corner of Hesperia Road and Hercules Street (Project ID: Cashew; Applicant: Verizon Wireless; APN: 0407-061-11).

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 PRIOR TO BUILDING PERMIT ISSUANCE**

- |                                       |                    |   |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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)   |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SOILS REPORT. The Developer shall provide soils reports to substantiate the foundation design. (B)  |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)   |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | UTILITIES. The wireless communications facility shall be served by independent utility connections and shall be separately metered. (B, P)  |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SPECIALTY PLANS. The following plans/reports shall be required for businesses with special environmental concerns: (F)<br>A. Any battery equipment used in conjunction with the telecommunications facility shall comply with the provisions of Article 64 and 80 of the California Fire Code. (F)  |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | VARIANCE. These conditions are concurrent with approved Variance VAR15-00001 becoming effective. (P)  |
| <u>COMPLETED</u><br>NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 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) |
| <u>COMPLETED</u>                      | <u>COMPLIED BY</u> | ACCESS EASEMENT. The Developer shall record an access easement to provide   |

facility. Prior to recordation of the access easement, it shall be reviewed and approved by the Planning Division. The easement shall be submitted with the required application and fees to the Planning Division prior to review by the City. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

**CO-LOCATION AGREEMENT.** The applicant shall record a co-location agreement permitting at least two additional wireless communications providers to develop a wireless communications facility upon the site. The co-location agreement shall be binding for the entire 25-year 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**

**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**

**SOLID MASONRY WALLS AND FENCES.** The Developer shall submit four sets of masonry wall plans to the Building Division with the required application fees for the required eight-foot high split face masonry wall with decorative cap along the perimeter of the wireless communications facility in accordance with the Development Code. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

**FACILITY DESIGN REQUIREMENTS.** Improvement plans for the proposed wireless communications facility, including its faux water tower, antennae, perimeter wall and ground-mounted equipment and all other equipment shall be consistent with the approved site plan, elevations and photo simulations. In addition, all co-locations shall be designed consistent with and shall not detract from the aesthetic look of the facility. Any exceptions shall be approved by the Director of Development Services / Community Development. (P)

## **CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

**UTILITY CLEARANCE AND C OF O.** The Building Division will provide utility clearances after required permits and inspections and after the issuance of a Certificate of Occupancy for the wireless communications facility. (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, floor plan, elevations, and photosimulations shall be completed in accordance with all applicable Title 16 requirements. In addition, all co-locations shall be designed consistent with and shall not detract from the aesthetic look of the wireless communications facility. Any exceptions shall be approved by the Director of Development Services. (P)

## **ONGOING CONDITIONS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

**MAINTENANCE OF FACILITY.** The monopole, perimeter fencing, and all related equipment shall be maintained in good condition during the 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 Director of Development Services. (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

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

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

# ATTACHMENT 9

## RESOLUTION NO. PC-2015-30

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 45-FOOT HEIGHT LIMITATION OF THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (VAR15-00001)

**WHEREAS**, Verizon Wireless has filed an application requesting approval of Variance VAR15-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a 2.2 gross acre parcel within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southwest corner of Hercules Street and Hesperia Road and includes Assessor's Parcel Number 0407-061-11; and

**WHEREAS**, the Application, as contemplated, proposes to allow a wireless communications facility to exceed the 45-foot height limitation on the subject property; and

**WHEREAS**, Verizon Wireless has also filed an application requesting approval of Conditional Use Permit CUP15-00005 to construct the 75-foot high wireless communications facility; and

**WHEREAS**, the subject site is vacant, but is adjacent to an existing church to the south and multiple-family residences to the west. The properties to the north and east are vacant; and

**WHEREAS**, the subject site is within the Neighborhood Commercial (NC) Zone of the Specific Plan. The properties to the north and south are also within the NC Zone of the Specific Plan. The properties to the west are within the Medium Density Residential (MDR) Zone and the properties to the east are within the General Industrial (GI) Zone of the Specific Plan; 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 December 10, 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 December 10, 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 is adjacent to an existing church which will provide the required signal propagation and 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 VAR15-00001.

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

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of December 2015.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Erin Baum, Secretary, Planning Commission

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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, November 18, 2015**

**A. PROPOSALS:**

**1. GREG CRUMP (SPRE15-00006)**

**Proposal:** A Site Plan Review Extension, for a fifth extension of approved Site Plan Review SPR-2006-06, to construct a three-story, 14-unit condominium development on 1.4 gross acres within the R3 designation.

**Location:** Southeast corner of Donert Street and A Avenue ( APN: 0415-093-09).

**Planner:** Ryan Leonard

**2. ANTONIO ORTEGA (SPR15-00009)**

**Proposal:** Consideration of Site Plan Review to construct two 3,500 square foot office buildings and two 3,500 square foot warehouse buildings on 1.6 gross acres designated C2.

**Location:** West side of Hesperia Road, 315 feet north of Mesa Street (APNs: 0415-161-16 and 17)

**Planner:** Daniel Alcayaga

**3. MICHAEL GALLAGHER (PMNR15-00001)**

**Proposal:** A revision to approved Tentative Parcel Map TPM15-00003 (PM-19574), replacing all proposed private access ways with public streets on 50 gross acres within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan.

**Location:** South side of Rancho Road, east of Interstate 15 ( APNs: 0357-561-65 & 66)

**Planner:** Stan Liudahl



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, December 2, 2015**

**A. PROPOSALS:**

**1. LEWIS RETAIL CENTERS (SPR15-00011)**

**Proposal:** To construct an extension of the existing High Desert Gateway shopping center comprising an 18,000 square foot health club (Planet Fitness) and a 6,577 square foot multi-tenant retail building on 3.3 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan.

**Location:** East side of Cataba Road, approximately 1,700 feet south of Main Street (APNs: 3064-611-29 & 30)

**Planner:** Stan Liudahl