

# ATTACHMENT 8

## RESOLUTION NO. PC-2022-09

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS TELECOMMUNICATIONS FACILITY TO EXCEED THE 35-FOOT HEIGHT LIMITATION OF THE GENERAL COMMERCIAL (C2) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (VAR22-00002)**

**WHEREAS**, AT&T Mobility has filed an application requesting approval of Variance VAR22-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a 7.67 gross acre parcel with a lease area of 1,173 square feet within the General Commercial (C2) zone at 11616 Hesperia Road and includes Assessor Parcel Number 0415-081-50; and

**WHEREAS**, the Application, as contemplated, proposes to allow a wireless telecommunications facility designed as a faux eucalyptus tree to exceed the 35-foot height limitation on the subject property; and

**WHEREAS**, AT&T Mobility has also filed an application requesting approval of Conditional Use Permit CUP22-00005 to construct a 69-foot-high wireless telecommunications facility designed as a faux eucalyptus tree; and

**WHEREAS**, the subject site operates as a church and school facility. The surrounding properties consist of vacant sites and single-family residential homes; and

**WHEREAS**, the subject site has zoning designation of General Commercial (C2) and Rural Residential (RR-1), but the project location is only within the C2 zone. The properties to the north and south are zoned C2 and RR-1. The properties to the west are zoned RR-1 and the properties to the east are zoned C2; 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 September 8, 2022, 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 September 8, 2022 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 telecommunications 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 two additional wireless telecommunication providers the ability to utilize the site, further reducing the number of wireless telecommunications 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 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 telecommunications facilities have previously been constructed in the City that exceed the height limitations within the Specific Plan and 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 telecommunications facilities have previously been constructed in the City that exceed the height limitations within the Specific Plan and Development Code. In approving the Variance, two additional wireless telecommunication providers will be allowed on the facility, therefore reducing the number of new wireless telecommunications 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 2019 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR22-00002.

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

**ADOPTED AND APPROVED** this 8<sup>th</sup> day of September 2022.

---

Roger Abreo, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission