



GENERAL APPLICATION

Variance

FOR TOWN USE ONLY

Date Submitted: 11/18/23 Case No.: 103-23 Received By: Even
 Planning Fee: \$865.00 Other Fees: _____ Case Planner: _____

Please type or print legibly in ink

TYPE OF APPLICATION:

Conditional Use Permit	<u>✓</u>	Specific Plan	_____
Temporary Use Permit	_____	Tentative Parcel Map	_____
Modification or Amendments	_____	Tentative Tract Map	_____
General Plan Amendment	_____	Variance	<u>✓</u>
Special Use Permit	_____	Zone Change	_____
Other	_____		

Site Plan Review _____
 Case No. (Staff) _____

Project Address/Location Description 56750 Mountain View Trail, Yucca Valley, CA 92284

APPLICANT INFORMATION:

Property Owner: Synod of Southern California Telephone: _____
 Address: 1875 N D St City: San Bernardino State: CA Zip: 92405
 Applicant: Assurance Development obo VB BTS II, LLC Telephone: _____
 Address: 1499 Huntington Dr City: S. Pasadena State: CA Zip: 91030
 Contact Person: Samantha Herrmann Telephone: 310-488-6237

Town of Yucca Valley
 Community Development Department
 Planning Division
 58928 Business Center Drive
 Yucca Valley, CA 92284
 760 369-6575 Fax 760 228-0084
www.yucca-valley.org

PROJECT INFORMATION:

Related Projects: N/A

Assessor’s Parcel No.(s) 0587-411-42 Tract: 10680-1 Lot: R.S. 5/5

Property Size: Gross Acres: 4.35 Net Acres: _____ Square Feet: _____

Total Square Footage of Proposed Building(s): 40'x60' lease area No. of Units: N/A

General Plan Designation: Rural Residential (RR-0.5) Zoning: RS-2

Proposed Use of Land/Building(s): Wireless communications tower & associated equipment

Detailed Description of Project (**Required**): _____

Construction of a 70' monopine with wireless installation. It will consist of the following:

6 new panel antennas, 3 new antenna mount arms, 1 PPC AC & Telco combination cabinet,

1 new equipment cabinet, 1 new Emerson fiber cabinet, 1 new battery cabinet with 3 strings of

batteries, 3 new HCS 2.0 trunk cable, 2 new worklights, 1 GPS Antenna, within a 40' x 60'


fenced lease area. This will be an unmanned facility.

OWNER’S AUTHORIZATION AND AFFIDAVIT:

I am/We are the legal owner(s) of said property and do hereby certify that I am/we are the legal owner(s) of the property described in the project application and do hereby authorize the listed representative to filed this and represent my/our interest in the application.

Signature: *see Entry Agreement

(A letter of authorization form may be submitted in lieu of the legal owner’s signature.)

Signature of Representative:  Date: 11/8/2023

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SUPPLEMENTAL VARIANCE STATEMENT

The applicant must provide detailed answers to the questions listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Specific Development Code Section for which relief is being sought:
9.44.070 (D) - Wireless tower setbacks

2. Explain the hardship or practical difficulty that would result from the strict interpretation and enforcement of this Code.

Due to the gap in wireless coverage in this area, there is limited availability for parcels in which a wireless tower would meet the 275' setback from properties zoned for residential use. The need for wireless coverage that this tower satisfies is the South West portion of Yucca Valley, a predominantly residential area. This specific site was chosen based on the Synod of Southern California's interest in locating a wireless tower on their property.

3. What is the alternative means of compliance being proposed?

While we do not meet the required setbacks for this property, we do comply with all other restrictions regarding wireless communication facilities. The 70' tower will be disguised as a monopine, meeting height and screening requirements for this location. As per Section 9.44.070 (D) this tower will be a non monopole and we are hereby requesting a reduced setback based on its height, dimensions, and compatibility with the surrounding structures.

4. What are the special circumstances that apply only to the property to which the application pertains, and do not apply generally to the other properties in the vicinity?

This property, located in the RS-2 Zoning Designation, is not a residential dwelling. This parcel contains the Presbytery of Riverside, which provides the community with religious services. The property as it exists provides the community with services needed to accomodate the population. The proposed telecommunications facility will also provide a need to the community in which other uses of this land may not.

5. Explain how, if the Variance is approved, it will not constitute a granting of special privilege which will not be available to other properties in the vicinity?

As this tower will be constructed, it will eliminate the gap in wireless service in this area, and will provide space for future wireless carriers to co-locate on the facility. As this unique need would be fulfilled, it is extemely unlikely that this situation and privilege would be necessary to grant to other properities in the vicinity.

Signed: _____



Date: 11/8/2023

Print Name: Samantha Herrmann/Assurance Development obo VB BTS II, LLC

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FINDINGS REQUIRED TO GRANT A VARIANCE

The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting document such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

The acreage of this property is significantly above the minimum for this designation, as it is 4.35 acres.

As the parcel is larger than many of the surrounding properties, and as the existing Church provides necessary services to the surrounding community, the setbacks of a wireless communications facility on this parcel will not be detrimental to the surrounding residential area.

2. Granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

This structure is consistent with Section 9.07.020(B)(3) as it provides a need in communication services to this area. The tower secures access to emergency services in the case of a manmade

or natural disaster. As population is projected to increase, the need for communication services will increase accordingly and sufficient communication facilities will be vital to the connectivity of the community.

3. Granting of the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

The tower fulfills a gap in coverage that includes in-building residential service in the Southwest portion of the Town of Yucca Valley and beyond. The properties within the vicinity of 56750 Mountain View Trail will be given access to higher wireless connectivity, benefitting the community in its entirety and preparing the community for future population density increases.

4. Granting of the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

This wireless tower will not be materially detrimental to the public health, safety, or welfare, or injurious to the property. This tower will abide by the FCC guidelines regarding the radio emission frequency of cellular towers, as shown in the report provided. The tower will be regulated by the federal government and if found to not be in compliance the tower will be immediately and effectively taken out of service.

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5. Granting of the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.


The granting of the Variance does not constitute a special privilege, as the tower is compliant with all other limitations. This development is an unique and specific request that is unlikely to be requested in this zoning district and General Plan land use designation.in the future.

6. Granting of the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

The construction of a wireless communication facility is allowed in this district, as per 9.44.040, which states that facilities may be permitted in all zoning districts. It complies with all design standards within special design areas as it will be adequately disguised and screened as a monopine tower.

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Signature: 

Name: Samantha Herrmann/Assurance Development obo VB BTS II, LLC

Date: 11/8/2023

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

to act as my agent and is further authorized to sign any and all documents on my behalf.

Signature: *see Entry Agreement

Name: _____

Date: _____

The Town of Yucca Valley is granted release to copy and reproduce electronically, in whole or in part, drawings and all other materials submitted with this development application for the Town’s regulatory, administrative, and legal functions, including sharing of information with other governmental entities and for compliance with the California Public Records Act (CPRA). If any of these statements cannot be affirmatively acknowledged, please inform the planner before submitting a development application.

Signature: _____

Name: _____

Date: _____

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Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: \$ \$865.00

Applicant Signature *Samantha Herrmann*

Applicant Name Samantha Herrmann/Assurance Development obo VB BTS II, LLC
(Please print)

Remaining balance refunded to:

Assurance Development

1499 Huntington Dr, Ste 305

South Pasadena, CA 91030

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