

PLANNING COMMISSION STAFF REPORT

DATE:

January 8, 2014

SUBJECT:

AT&T MOBILITY ON BEHALF OF SHARON DEAN FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A FORTY-EIGHT FOOT TALL MONOPOLE DISGUISED AS A PALM TREE AND A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED FROM 15' TO 48' LOCATED AT 4185 EAST PALM CANYON, ZONE C-2, SECTION 30. (CASE 5.1295 CUP / 6.528 VAR)

FROM:

Department of Planning Services

SUMMARY

The Planning Commission will consider a Conditional Use Permit and Variance application for the construction and operation of a wireless telecommunications facility located at 4185 East Palm Canyon Drive. The proposal includes a forty-eight (48) foot high monopole disguised as a Date Palm Tree.

RECOMMENDATION:

Recommend approval to the City Council, subject to Conditions of Approval.

ISSUES:

- Variance is required to exceed antenna height limit of fifteen feet.
- Existing off-street parking areas need to be restriped.

BACKGROUND:

Planning Areas		
Specific Plan	None	
Design Plan	None	
Airport Overlay	Yes	Zone E of Airport Influence Area, Riverside County Airport Land Use Compatibility Plan
Indian Land	None	

Most	Recent Ownership
11/27/2001 Applicant purchased the	property.

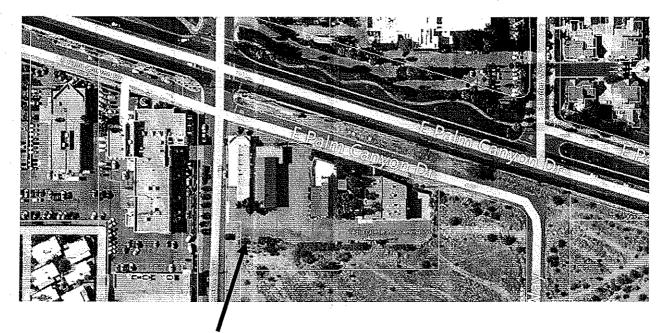
Neighborho	ood Meeting
None	Not Required

Field Check				
Feb. Aug.	Staff visited the site to observe existing conditions.			
and Dec.				
2013				

Related Relevant City Actions by Planning, Fire, Building, etc					
	The Architectural Advisory Committee (AAC) tabled the project and requested a redesign of the structure to appear as a high quality monopalm, using an integral color block and providing enhanced landscaping around the facility.				
08/26/2013	 The AAC recommended conditional approval: Add 5 palms within the bollard area pursuant to staff recommendation. Bollards to be painted more neutral color and allowed no closer than 7' on center. 				

Neighborhoo	d Meeting
None	Not required

Site Area		
Net Area	99,316-square feet	



PROJECT LOCATION

Surrounding Property	Existing General Planesignations	n Existing Land Use	Existing Zoning Designations
Subject Property	RC (Regional Commercial)	Antique Furniture Stores	C-2 (General Commercial)
North	TRC (Tourist Resort Commercial)	Parker Hotel	R-3 (Multi-family & Hotel)
South	RC	Vacant Land	C-2 and I.L. (Indian Land)
East	RC	Vacant Land	C-2 and I.L.
West	RC	Automobile Dealership	C-2

PROJECT DESCRIPTION:

The subject property is approximately 2.28 acres in size and located at the southeast corner of East Palm Canyon Drive and Cherokee Way. A frontage road exists between the site and East Palm Canyon Drive. Most of the parcel is developed, consisting of four single story buildings, parking and landscaping; the rear portion is vacant land with various native bushes.

The proposed wireless telecommunications facility will be located within the developed portion of the site at the southwest corner. Structures consist of an equipment shelter and a forty-eight foot tall monopole disguised as a Date Palm Tree. Twelve antenna panels that are eight by one feet in size will be installed within the branch area near the top of the faux tree. The applicant has submitted photographs of the existing site and simulations of the structures' appearance in the current environment.

ANALYSIS:

General Plan			***************************************			
Land Use Designation	F.A.R. / Density	Reque	est			Compliance
Regional Commercial	0.50 Floor Area Ratio	Cell To	ower	(Commercial	Use	Yes
		with no	FAR)			

Zoning			
Zone	Proposed Use	Permitted?	
C-2 (General Commercial)	Monopalm / Commercial Communication Antennas	Yes, proposed use allowed pure 94.02.00(A)(2)(f) of Zoning Cod	
Development Standards	Proposed	Requirement	Compliance
Height	48 feet	15 feet above ground, unless variance is approved	No, variance being requested
Setback			
Front (Cherokee Way)	7 feet	5 feet	Yes
Street Side (Frontage Road)	200 feet	0 feet	Yes
Interior Side (south property line)	70 feet	0 feet	Yes
Rear (east property line)	465 feet	0 feet	Yes

Above development standards may be found in Sections 93.23.08 and 92.12.03 of the Zoning Code.

Antenna Height: Pursuant to Section 93.08.03(A)(2)(c)(ii) of the PSZC, the height and placement limitations of communication antennas within Commercial and Professional Zones is required to comply with the provisions governing broadcast receiving antennas or Section 93.08.03(A)(1)(c)(B) of the PSZC; according to this Section, "if the antenna is not mounted on the building, no part of the antenna structure shall extend to a height of more than fifteen (15) feet above the ground level nor shall it be located within any required yard." The top of the monopole structure is proposed at forty-eight feet above the existing ground level. The applicant has submitted a variance application to allow the antenna at its proposed height and provided a radio frequency maps showing coverage at fifteen feet and forty-eight feet. Findings in support are found below.

REQUIRED FINDINGS:

Architectural Review: Staff evaluated the proposal against the architectural review guidelines, pursuant to Section 94.04.00 of the Zoning Code, and prepared the following response:

Item	Guideline:	Conforms?	Staff Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	N/a	Communication tower
2	Is the proposed development compatible with the character of adjacent and surrounding developments?		
3	Is the proposed development of good composition, materials, textures, and colors?	N/a	
4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	N/a	
5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	N/a	
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	Yes	Facility will be designed to mimic palm tree.

7	Building design, materials and colors to be sympathetic with desert surroundings	Yes	Proposed structure will use a stealth design.
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	N/a	
9	Consistency of composition and treatment	N/a	
10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Yes	As conditioned, the project will include the addition of five palm trees within 100 feet of wireless facility. Trees will range in height between twenty-five feet and forty-five feet.

Variance: State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

1) Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided radio frequency maps that display coverage of an antenna at fifteen feet in height and forty-eight feet in height. These maps show that a fifteen foot high antenna will not satisfy the necessary coverage due to inhibiting factors such as terrain variations, foliage and man-made structures enjoyed by other properties, or in this case cellular providers, in the vicinity and under identical zone classification.

2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The subject property will be conditioned similar to other properties that have received height variances for antennas. These conditions include removal of the structure upon abandonment of the use, compliance with Federal Aviation Administration (FAA) requirements and restriction to limit the antenna structure to

no more than forty-eight feet in height. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

3) The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.

The monopalm will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the area.

4) The granting of such variance will not adversely affect the general plan of the city.

The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found.

Pursuant to Section 93.08.03(B) of the PSZC, in cases involving applications for height limit variances, no such variance shall be granted unless the director makes the following finding in addition to those required above:

5) That in the area involved, transmission or reception is adversely affected by obstructions and, as verified by at least one (1) person holding a valid radio-telephone first-class operator's license issued by the Federal Communications Commission, it is not feasible to achieve and maintain satisfactory communications within the specified height limitations.

The applicant provided a study which shows that the height limit of fifteen feet will not provide the coverage necessary to compete with other wireless communication carriers. Diagrams have been provided that show the top of the antenna at a height of fifteen feet compared to forty-eight feet, and the maximum height of fifteen feet does not appear to achieve and maintain satisfactory coverage within the specified height limitations.

Conditional Use Permit: The Planning Commission must make certain findings in order to approve this Conditional Use Permit pursuant to Section 94.02.00 of the Palm Springs Zoning Code; those findings are analyzed by staff below:

a. The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by the City Zoning Ordinance.

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Code, a commercial communications antenna is authorized within the C-2 zone with the approval of a Conditional Use Permit.

b. The use applied for is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.

The General Plan designation of the subject site is Regional Commercial. The General Plan does not specifically regulate the installation and operation of wireless communication facilities; however, the use as proposed is compatible with this designation as it supports cellular needs of the surrounding commercial and residential uses and the development of adequate cellular phone levels of services serves the ultimate benefit of the community.

Other telecommunication facilities are located to the east of the proposed facility and are similar in height and design. Further, live palm trees exist and will be planted to soften the visual impact. Therefore, the proposal is unlikely to be detrimental to existing or future uses permitted in the zone, since it will be located in a similar environment.

c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.

The proposal includes a variance to the antenna height requirement; the equipment will be placed on an unused portion of the site. Existing parking in the complex will adequately serve the proposed facility and existing commercial businesses. The use will occupy only a small portion of the site. Therefore, the site for the intended use will accommodate the proposed facility.

d. The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

The only traffic generated from the said use to and from the site will be for maintenance, and the existing infrastructure is anticipated to accommodate the traffic necessary for the maintenance of the facility.

e. The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.

The project is unlikely to have a significant impact on the proposed project site or its immediate surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, installation of additional palm trees, removal of antenna upon use-change or abandonment of the subject property and compliance with all Federal Airport Administration requirements among others.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a Class III exemption per Section 15303 (New Construction or Conversion of Small Structures).

David A. Newell
Associate Planner

Margo Wheeler, AICP Director of Planning Services

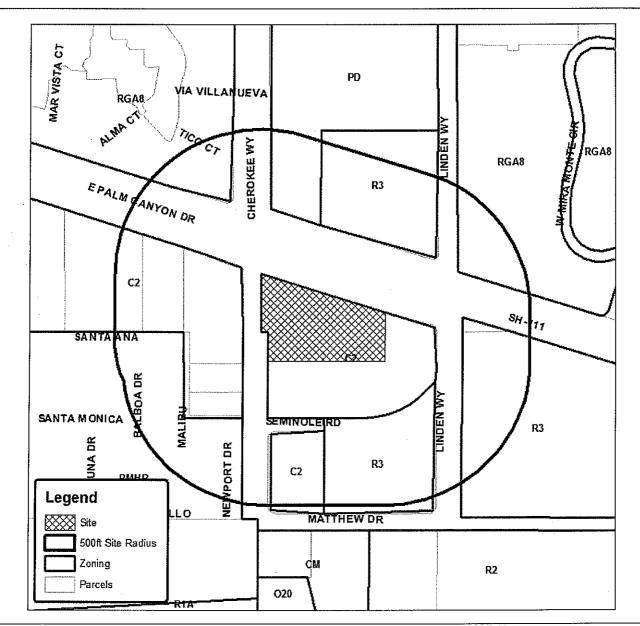
Attachments:

- 1. Vicinity Map
- 2. Draft Resolution with Conditions of Approval
- 3. 02/25/2013 AAC Minutes (excerpt)
- 4. 08/26/2013 AAC Minutes (excerpt)
- 5. Coverage Maps
- 6. Reduced Plans



Department of Planning Services Vicinity Map





CITY OF PALM SPRINGS

CASE:

5.1295 CUP &

6.528 VAR

APPLICANT: Sharon Dean

<u>DESCRIPTION:</u> A request for a Conditional Use Permit and Variance to construct and operate a wireless communication facility on a 48-foot high monopalm structure located at 4185 East Palm Canyon Drive, Zone C-2, Section 30.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, **CALIFORNIA** RECOMMENDING APPROVAL OF TYPE CONDITIONAL USE PERMIT, CASE NO. 5,1295, TO THE CITY COUNCIL FOR THE INSTALLATION OF A FORTY-EIGHT FOOT HIGH COMMERCIAL COMMUNICATIONS ANTENNA STRUCTURE AND OF Α VARIANCE APPLICATION, CASE NO. 6.528, TO EXCEED THE MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 4185 EAST PALM CANYON DRIVE.

WHEREAS, AT&T Mobility, ("Applicant") has filed an application on behalf of Sharon Dean (property owner) with the City pursuant to Sections 94.02.00, 93.08.00 and 94.06.00 of the Palm Springs Zoning Code (PSZC) for the installation of a telecommunications facility, including a forty-eight foot tall monopalm and equipment shelter located at 4185 East Palm Canyon Drive, APN: 681-170-067, C-2 Zone, Section 30; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit, Case No. 5.1295 and Variance, Case No. 6.528 was given in accordance with applicable law; and

WHEREAS, on January 8, 2014, a public hearing on the application for Conditional Use Permit, Case No. 5.1295 and Variance, Case No. 6.528 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed Conditional Use Permit is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

<u>Section 1:</u> The Planning Commission finds that this Conditional Use Permit is Categorically Exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act.

<u>Section 2:</u> **Architectural Review**: Pursuant to Section 94.04.00 of the Zoning Code, the Planning Commission has evaluated the project and architectural review guidelines as follows:

Item	Guideline:	Conforms?	Evaluation:
1	Does the proposed development provide a desirable environment for its occupants?	N/a	Communication tower
2	Is the proposed development compatible with the character of adjacent and surrounding developments?	N/a	
3	Is the proposed development of good composition, materials, textures, and colors?	N/a	
4	Site layout, orientation, location of structures and relationship to one another and to open spaces and topography. Definition of pedestrian and vehicular areas; i.e., sidewalks as distinct from parking lot areas	N/a	
5	Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community, avoiding both excessive variety and monotonous repetition, but allowing similarity of style, if warranted	N/a	
6	Maximum height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, screens, towers or signs) and effective concealment of all mechanical equipment	Yes	Facility will be designed to mimic palm tree.
7	Building design, materials and colors to be sympathetic with desert surroundings	Yes	Proposed structure will use a stealth design.
8	Harmony of materials, colors and composition of those elements of a structure, including overhangs, roofs, and substructures which are visible simultaneously	N/a	
9	Consistency of composition and treatment	N/a	
10	Location and type of planting, with regard for desert climate conditions. Preservation of specimen and landmark trees upon a site, with proper irrigation to insure maintenance of all plant materials	Yes	As conditioned, the project will include the addition of five palm trees within 100 feet of wireless facility. Trees will range in height between twenty-five feet and forty-five feet.

<u>Section 3:</u> State law requires four (4) findings be made for the granting of a variance. The Planning Commission finds as follows:

1. Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application

of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided radio frequency maps that display coverage of an antenna at fifteen feet in height and forty-eight feet in height. These maps show that a fifteen foot high antenna will not satisfy the necessary coverage due to inhibiting factors such as terrain variations, foliage and man-made structures enjoyed by other properties, or in this case cellular providers, in the vicinity and under identical zone classification.

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The subject property will be conditioned similar to other properties that have received height variances for antennas. These conditions include removal of the structure upon abandonment of the use, compliance with Federal Aviation Administration (FAA) requirements and restriction to limit the antenna structure to no more than forty-eight feet in height. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

3. The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.

The monopalm will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the area.

4. The granting of such variance will not adversely affect the general plan of the city.

The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found.

Pursuant to Section 93.08.03(B) of the PSZC, in cases involving applications for height limit variances, no such variance shall be granted unless the director makes make the following finding in addition to those required above. The Planning Commission finds as follows:

5. That in the area involved, transmission or reception is adversely affected by obstructions and, as verified by at least one (1) person holding a valid radio-

telephone first-class operator's license issued by the Federal Communications Commission, it is not feasible to achieve and maintain satisfactory communications within the specified height limitations.

The applicant provided a study which shows that the height limit of fifteen feet will not provide the coverage necessary to compete with other wireless communication carriers. Diagrams have been provided that show the top of the antenna at a height of fifteen feet compared to forty-eight feet, and the maximum height of fifteen feet does not appear to achieve and maintain satisfactory coverage within the specified height limitations.

Section 3: Pursuant to Zoning Ordinance Section 94.02.00, the Planning Commission finds that:

a. The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by the City Zoning Ordinance.

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Code, a commercial communications antenna is authorized within the C-2 zone with the approval of a Conditional Use Permit.

b. The use applied for is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.

The General Plan designation of the subject site is Regional Commercial. The General Plan does not specifically regulate the installation and operation of wireless communication facilities; however, the use as proposed is compatible with this designation as it supports cellular needs of the surrounding commercial and residential uses and the development of adequate cellular phone levels of services serves the ultimate benefit of the community.

Other telecommunication facilities are located to the east of the proposed facility and are similar in height and design. Further, live palm trees exist and will be planted to soften the visual impact. Therefore, the proposal is unlikely to be detrimental to existing or future uses permitted in the zone, since it will be located in a similar environment.

c. The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.

The proposal includes a variance to the antenna height requirement; the equipment will be placed on an unused portion of the site. Existing parking in the complex will adequately serve the proposed facility and existing commercial

businesses. The use will occupy only a small portion of the site. Therefore, the site for the intended use will accommodate the proposed facility.

d. The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

The only traffic generated from the said use to and from the site will be for maintenance, and the existing infrastructure is anticipated to accommodate the traffic necessary for the maintenance of the facility.

e. The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.

The project is unlikely to have a significant impact on the proposed project site or its immediate surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, installation of additional palm trees, removal of antenna upon use-change or abandonment of the subject property and compliance with all Federal Airport Administration requirements among others.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends approval of Conditional Use Permit Case No. 5.1295 and Variance Case No. 6.528 to the City Council, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 8th day of January, 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1295 CUP and Case 6.528 VAR AT&T Mobility on behalf of Sharon Dean

4185 East Racquet Club Road APN: 681-170-067

January 8, 2014

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. <u>Project Description</u>. This approval is for the project described per Case 5.1295 CUP and Case 6.528 VAR, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped August 14, 2013, including site plans, architectural elevations and colors on file in the Planning Division except as modified by the approved by conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City, County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. <u>Minor Deviations</u>. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. <u>Indemnification</u>. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of

Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1295 CUP and Case 6.528 VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. <u>Time Limit on Approval</u>. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 10. <u>Conditional Use Permit Availability.</u> The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. <u>Signage</u>. Signage is prohibited on the exterior of the monopole structure.
- PLN 2. <u>Landscape</u>. Prior to final inspection, the applicant shall plant five palm trees on-site within one hundred feet of the facility. The species shall be a Date Palm consistent with the appearance of the appearance of the monopole structure. The location of the palm trees shall be approved by the Director of Planning Services or his / her designee.
- PLN 3. Off-street Parking Areas. Prior to final inspection, the applicant or property owner shall restripe all parking areas to the satisfaction of the Director of Planning Services or his / her designee.
- PLN 4. Outdoor Lighting Conformance. Exterior lighting shall conform to Section 93.21.00, Outdoor Lighting Standards, of the Palm Springs Zoning Code. Manufacturer's cut sheets of all exterior lighting shall be submitted to the Planning Department for approval prior to the issuance of building permits. No lighting of hillsides is permitted.
- PLN 5. <u>Conditions Imposed from AAC Review</u>. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
 - a. Bollards to be painted more neutral color and allowed no closer than 7' on center.
- PLN 6. <u>Outside Storage Prohibited</u>. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 7. Outdoor Display of Merchandise. Unless specifically permitted by Land Use Permit, all driveways and parking areas shall remain clear of merchandise display at all times. Violations to this condition may result in fines, CUP revocation proceedings or other actions as deemed appropriate by the City.
- PLN 8. Modification or Addition. If the communication antenna(s), monopole or equipment cabinets are ever proposed to be modified in any manner such as the inclusion of other antennas, satellite dishes and / or other support equipment, the proposed modifications shall be submitted to the Director of Planning Services for review and approval prior to installation.
- PLN 9. Obsolete Technology. If the technology regarding the communications antenna(s) changes in where the antenna(s) and / or equipment cabinets as approved become obsolete, then the antenna shall be removed.
- PLN 10. Property Use and CUP. If the use of the subject property is ever changed, the City reserves the right to modify or revoke this Conditional Use Permit application pursuant to Section 94.02.00(I) of the Zoning Code.

- PLN 11. <u>Antenna Structure Height</u>. The maximum height of the commercial communications antenna structure shall be forty-eight feet, as measured from finished grade to the highest point of the structure.
- PLN 12. <u>Valid Lease Agreement Required</u>. If the lease agreement between the property owner and the applicant expires and is not renewed, the CUP will become null and void, and the applicant shall remove the antenna and equipment to the satisfaction of the Director of Planning Services.
- PLN 13. <u>Use Abandonment</u>. If the antenna(s) and/or monopole are ever abandoned or if this Conditional Use Permit ever expires, the monopole and antenna(s) shall be removed within 30 days.
- PLN 14. <u>FAA & FCC Compliance</u>. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
- PLN 15. Antenna Visibility and Safety. The City reserves the right to require, at any time in the future, one obstruction light on the tallest point of the structure extending 12" 24" above the highest point of the pole / fronds if deemed necessary by the Director of Planning Services.
- PLN 16. <u>Co-location</u>. The applicant / operator of the facility shall agree to allow the colocation of equipment of other wireless communications providers at this site when applications are received by the City and it is considered feasible, subject to an agreement between the applicant / operator, the other proposed wireless communications provider and the property owner.

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

END OF CONDITIONS

yon gave a summary of the project.

AAC members asked about the following:

1. Where are the mailboxes? (ans: On the outside of the gate in a collective mailbox)

2. How are the roofdecks configured? (ans: third floor as optional item; walled and in the center of the roof area (for privacy) and roofed (thus constitute a third floor) with views further controlled by walls.)

3. The project should have pedestrian gates along the perimeter roads to further

conflect this gated community to the rest of the neighborhood.

4. The private roads within the proposed development will have precast pavers.

5. Some homes have front yard pools and others have back yard pools based on views.

6. The small common green space is a good amenity.

7. The glass panel on the garage doors may be either translucent or opaque.

First motion (Harlan/Fauber) approve with requirement of pedestrian gates at perimeter public streets (failed 2/2)

Second motion (Harlan/Fauber) approve with recommendation that developer consider perimeter pedestrian gates (4-0) approved.

ACTION: M/S/C (Harlan / Fauber, 4-0) To recommend approval as submitted with the recommendation that the developer consider perimeter pedestrian gates to the back yards.

AGENDA ITEM #4: Gase 5.1295 CUP / 6.528 VAR - AT&T Mobility

Cable Engineering Services on behalf of AT&T Mobility for a wireless telecommunications facility consisting of a forty-eight foot high broadleaf mono-tree and an 800-square foot equipment area surrounded by a ten-foot high block wall at the southeast corner of the property located at 4185 East Palm Canyon Drive, Zone C-2, Section 30. (DN)

Associate Planner Newell presented the project to the AAC as outlined in the staff memorandum. He stated that the applicant is proposing a co-locatable antenna structure designed to mimic a broadleaf tree. Staff is opposed to this type of design and would recommend a simple monopole structure or monopole designed to mimic a palm tree.

Rob Searcy of Prescott Communications stated that the broadleaf tree was proposed due to its higher durability than that of a monopalm structure. This design also allows for easier colocation of telecommunication carriers.

No other comments from the public were received.

Member Fauber stated his preference for a simple monopole tower. He felt the maintenance with the proposed design may be an issue.

Member Purnel expressed concern with the esthetics of a monopole, but did not feel the proposed broadleaf tree was acceptable either. A high quality monopalm would be better.

Member Thompson agreed and believed landscaping should be installed around the facility to soften the appearance.

Chair Kleindienst was not in favor of the proposed design, but would accept a monopole or monopalm design.

ACTION: M/S/C (Harian / Fauber, 5-0) To re-study the proposal, subject to redesigning the structure to appear as a high quality monopalm, using an integral color block and providing enhanced landscaping around the facility.

AGENDA ITEM #5: Case 5.1132 PDD - 333 - Dolce Hotel

Preliminary discussion of future amendment to an approved Planned Development for hot and condominiums by CDI Ventures LLC, located at northeast corner of Amado Road and Calle Alvarado, Zone HR, Section 14. (CE)

Planning Director Ewing stated that this item is before the AAC for preliminary discussions with no action and a formal submission will be filed at a later date. He gave a brief history of the project pointing out that the original approval for this site occurred in 2007 with an amendment on 2009 and subsequent time extensions of the PD.

John Raymond, City Economic Director described the history of the past and future needs of the Convention Center and discussed the need to increase group meeting business. The new site proposal is for an upscale boutique hotel to meet today's market of business groups and pleasure travelers. Studies have shown that Palm Springs needs 800 to 1,000 additional new hotel rooms to meet the need of bringing in larger conventions.

Laurie Kibby, developer of the site stated that the revised project will include 200 hotel rooms and possible 200 residential villa units with structured parking. The Dolce brand is a high end boutique hotel with meeting space, restaurants, and outdoor pool areas. The proposed hotel will have a height of 54 feet which is less than what was originally approved with underground parking. Access to the site will be from Amado Road with below grade check-in.

Vice Chair Harlan asked for clarification on future phasing. He is concerned with the pedestrian experience and feels that as proposed the hotel has a weak entry. The placing of a sidewalk next to the sloping driveway does not provide a good walking experience.

Member Purnel asked if the surfacing parking shown would be used by the Convention Center. He stated that he likes the hotel location setback from the street and the site plan is well thought out. He does not have an issue with the hotel height being that the originally approved plan includes a higher structure.

Member Faube, asked about pedestrian connections from the hotel and Convention Center. He supports the proposed hotel siting with the large curve design.

Member Thompson is concerned with pedestrian access.

Chair Kleindienst stated that pedestrian movement will need to be studied. A mid-block cross walk may work with the internal layout of the convention center. He likes the location of the hotel pulled away from the street to allow for the pool and outdoor activities. Proposed

TM ELLIS, owner representative, said that the project had been built in three phases, dating back to the Oasis Hotel and the newest section added 24 years ago when the current owners took possession.

Committee Member Fauber asked about the Cahuilla balconies because the balconies are not ADA compliant.

TIM ELLIS said that improvements will continue.

FRANK TYSEN, neighboring property owner, stated that AAC items should be given notice like Planning Commission items. He said he was pleased the project had been scaled down.

CRAIG BLAU, neighboring hotel owner, said he was concerned about parking.

Committee Member Song wanted new doors arched like others and the 3 windows be recessed.

Committee Member Secoy-Jensen supported Song's suggestions.

M/S/C (Song/Fauber, 5-0) To approve with conditions:

- New doors' geometry to match existing.
- Triple windows on south, near parking to be recessed
- 5. ARCHITECTURAL REVIEW REQUEST BY SHARON DEAN TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY FOR AT&T COMMERCIAL COMMUNICATION ANTENNAS ON A FORTY-EIGHT FOOT HIGH MONOPOLE DISGUISED AS PALM TREE AT 4185 E. PALM CANYON DRIVE (CASE 5, 1295 CUP) 6.525 VAR). (DN)

Associate Planner Newell gave a short report referencing that this item had been to the AAC previously and the minutes were attached to the staff report.

Committee Member Fauber confirmed with the applicant that the tower had been relocated on the site.

APPLICANT ROB SEARCY, said he disagreed with staff's recommendations to create a Mexican fan palm as maintenance of the larger leaves, susceptible to winds, was more costly, as was landscaping.

Committee Member Fauber suggested no palm just a pole.

Chair Secoy-Jensen agreed but said it is difficult to promote based upon prior review.

Committee Member Cassady commented that the bright yellow bollards are unsightly.

M/S/C (Secoy-Jensen/Fauber, 5-0) To approve with conditions:

1

- Add 5 palms within the bollard area pursuant to staff recommendation.
- Bollards to be painted more neutral color and allowed no closer than 7' on center.

COMMITTEE MEMBER COMMENTS:

Committee Member Song asked about having only one meeting in August.

Director Wheeler replied the Committee Members, of course, are free to take time off but that the priority was serving the development community.

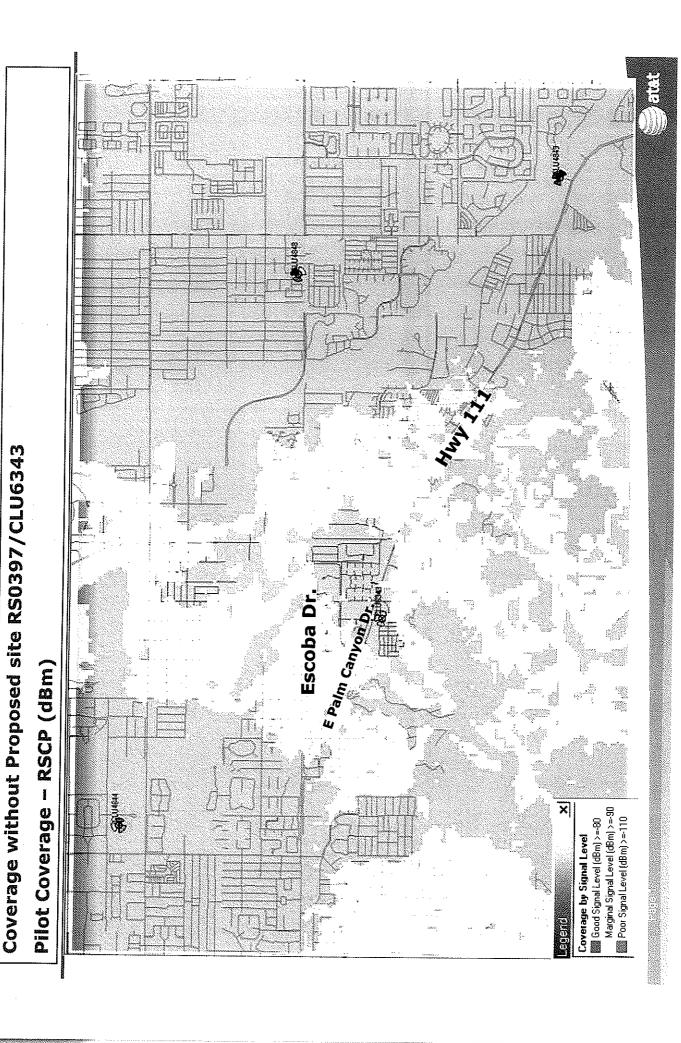
STAFF MEMBER COMMENTS:

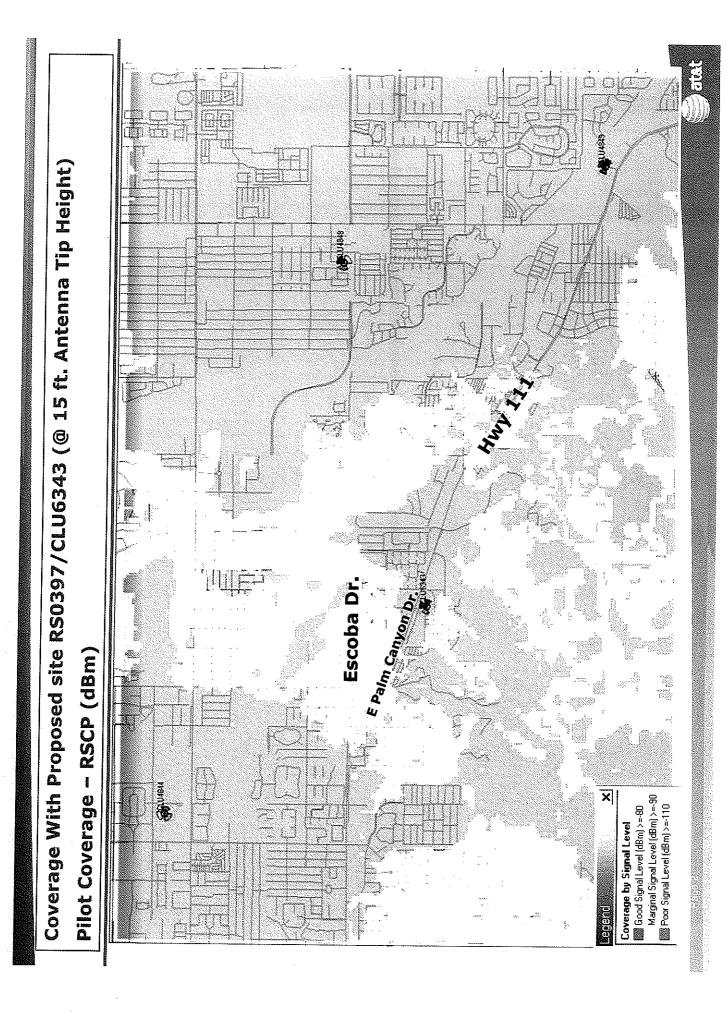
Director Wheeler reported that the AAC's Rule of Procedures would be presented at the next meeting.

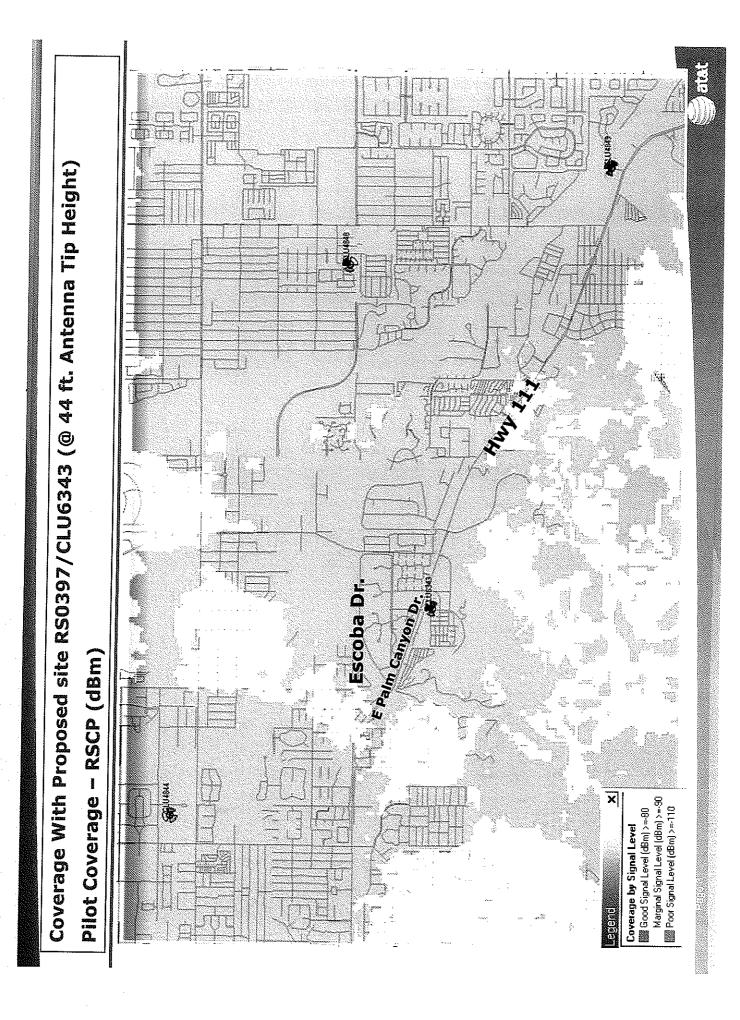
The Joint Meeting with the Planning Commission will be scheduled for September 11th.

ADJOURNMENT: The Architectural Advisory Committee adjourned at 4:41 pm to Monday, September 9, 2013, at 3:00 pm, Council Chamber, City Hall, 3200 East Tahquitz Canyon Way Palm Springs.

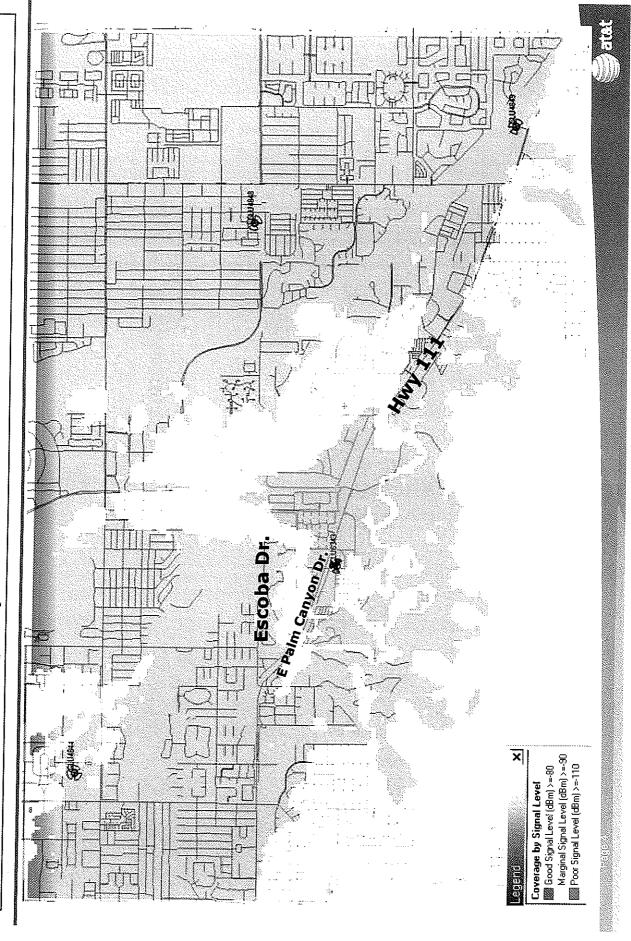
M. Margo Wheeler, AICP Director of Planning Services



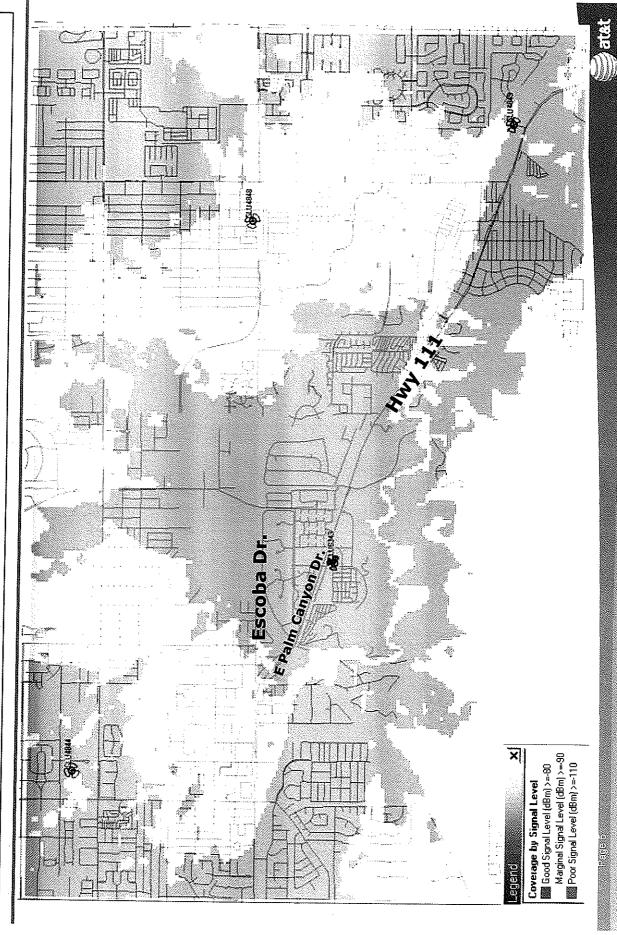




Coverage With Proposed site RS0397/CLU6343 only (@ 15 ft. Antenna Tip Height) Pilot Coverage - RSCP (dBm)



Coverage With Proposed site RS0397/CLU6343 only (@ 44 ft. Antenna Tip Height) Pilot Coverage - RSCP (dBm)



ENGINEERING

GENERAL NOTES

THE FACULTY IS UNIVANCED AND NOT FOR HOUMAN HABITATION
A TECHNICAM WILL WIST THE SITE AS EXCOURTED FOR ROUTING
WHITEWORKE, THE PROLIECT WILL NOT RESULT IN ANY
SIGHERANCH DISTURBANCE OF EFFECT ON DRAWAGE, NO
SHAMMAY SERVE STRANCE, POTSAIE WATER, OF TRESH
DISPOSEL, IS REQUIRED AND NO COMMERCIAL, SIGNAGE IS



UNDERGROUND SERVIDE ALERT OF SOUTHERN CALIFORNIA 800-227-2500

46 NOURS BEFORE YOU DIE

SHARON DEAN 7793D LAGO DR. LA OUNTA, CA 92253

SITE INFORMATION

CCS 10640 SEPULNEDA BLVO, SUITE MISSION HLLS, CA 91345 NT&T 12900 PARK PLAZA DRNE DERRITOS, CA 90703 D 83 2.20' AMSL 1-170-067 Y OF PALM SPRINGS 116 30' 01.00" W -116.500844 33, 47' 38.06" N 33,78405 APPLICANT REPRESENTATIVE: ADDRESS: ONGITUDE/LATTITUDE TYPE: SROUND ELEVATION: LONGITUDE (NAO 83): ATTUDE (NAD 83):

Unimanned telecom facility Bod (SF) ONNO JURISDICTION, CORNELL ZONNO; COCUPANOY; POWER COMPANY; TELCO COMPANY; PROPOSED USE: PROPOSED USE:

(TELECOM)

PROJECT TEAM

PROJECT WANGER 10545 SEPULYEDA BLYO. SUITE 1 NOSSON HILLS, CA 81345 CONTACT ROS SERARY PRONE (618) 489-1034 EMAIL: rob.sovry@coobleang.c

SITE ACQUISITION:
CESS
TOBAG SEPULYEDA BLVO.
SINTE I
NISSION HILLS, CA 91345
FOUNTATI: ROB SECARY
PHONE: (\$16) 489-1034
EMAIL: rob.seorcy@cobleeag.c

RE EXCINER: 1290b PARK PLAZA DRNE CERRITOS, CA 90703 CONTACT ADL DAZI PHONE (714) 624–8957 EMNL 9429190 ettoem

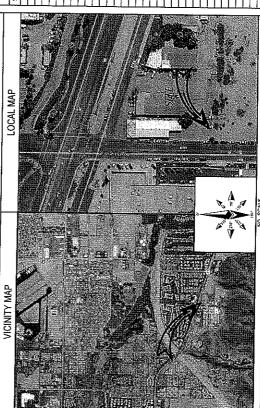
SITE NAME: PALM CANYON Dr. SITE NUMBER: RS0397



SITE TYPE: MONOTREE PROJECT: NSB

SITE ADDRESS: 4185 E. PALM CANYON DR. PALM SPRINGS, CA 92264

LOCATION MAPS



SHEET NO:

DRIVING DIRECTIONS

DIRECTIONS FROM ATAT OFFICE: FROM PARK PLAZA DRIVE.

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CONSTRUCTION DRAWING

IF USING 11"X17" PLOT, DRAWINGS WILL BE HALF SCALE

APPROVALS

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SITE ACQUISITION MANAGER:
PROJECT MANAGER:

12800 PARK PLAZA DRIVE CERRITOS, CA 90703

CONSTRUCTION MANAGER.

PROJECT DESCRIPTION

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> NSTALL (1) 48 IROH MONOPALL WITH (24) RRUIT'S
> NSTALL (12) AUTRANS 6 FT X 1 FT
> NSTALL (12) AUTRANS 6 FT X 1 FT

DRAWING INDEX

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RS0397 4185 E. Palm Canyon Dr. Palm Springs, CA 92264 Cell Site

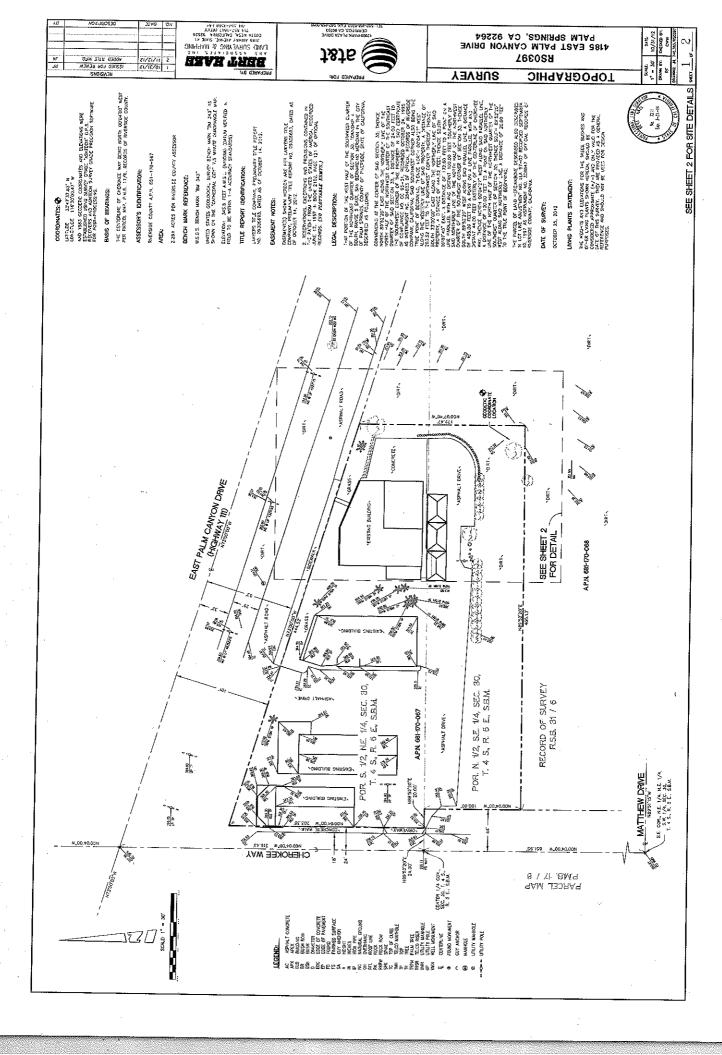
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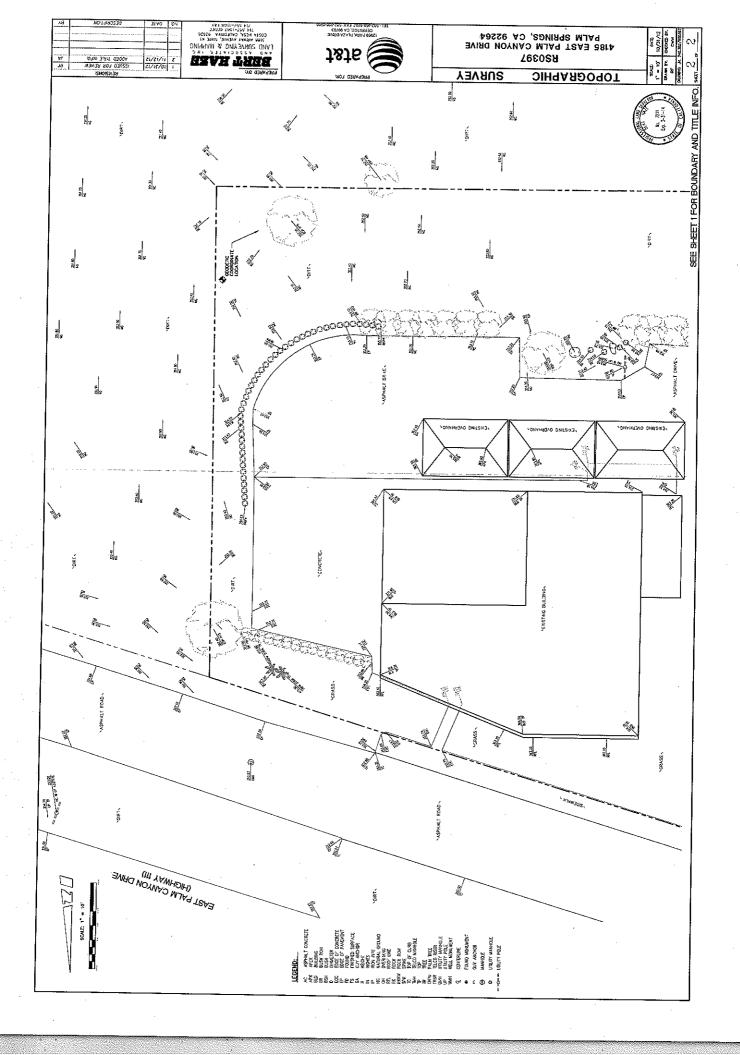
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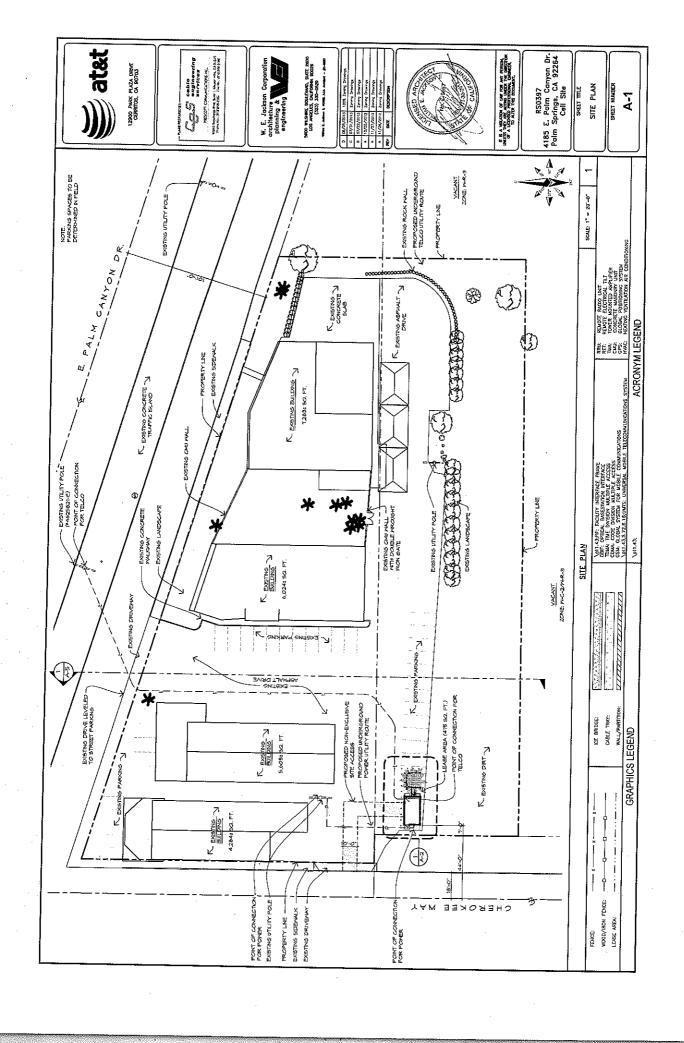
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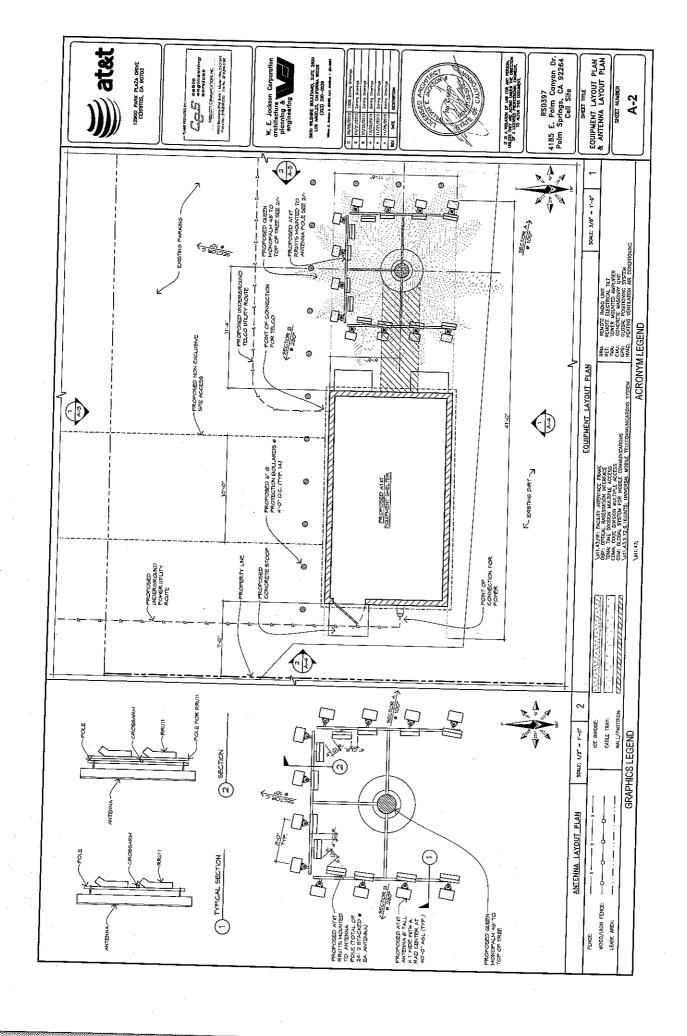
DO NOT SCALE DRAWINGS

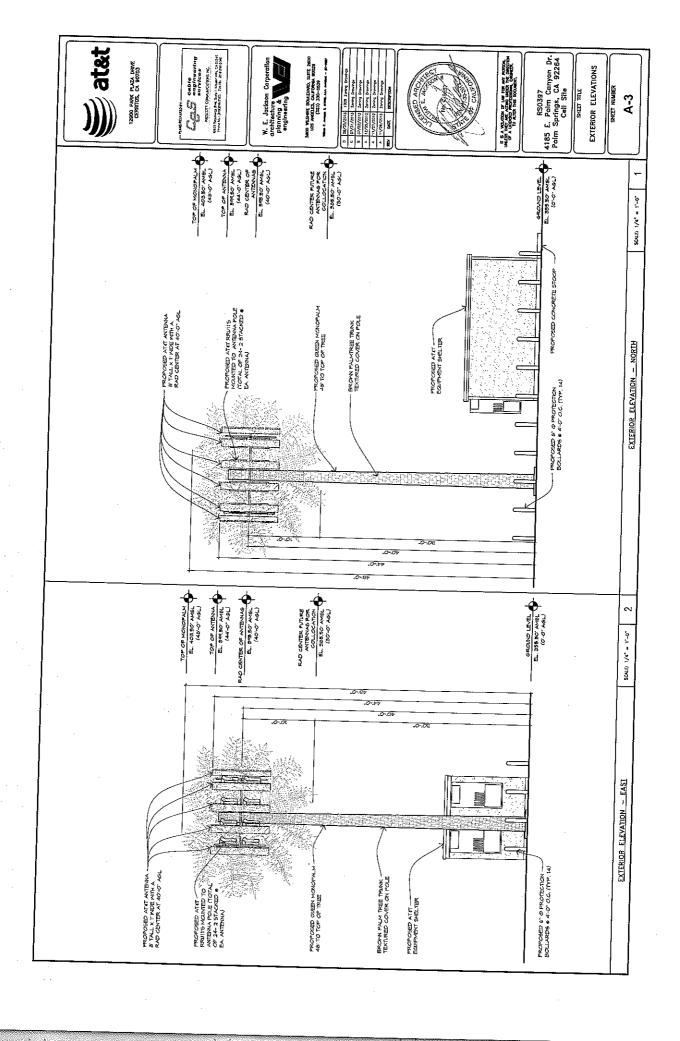
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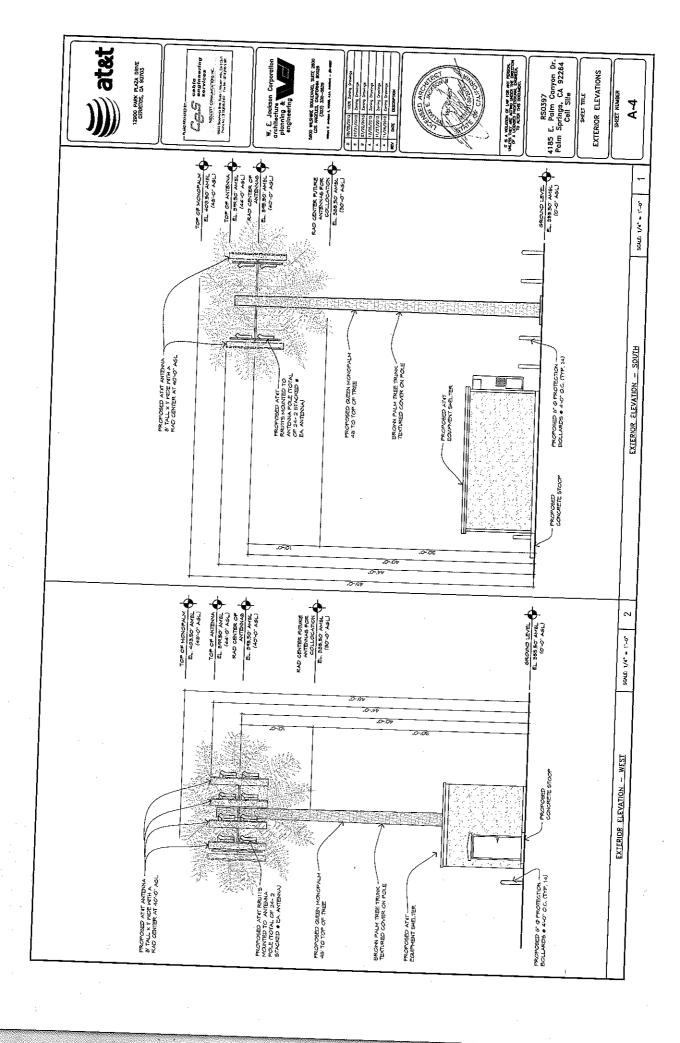


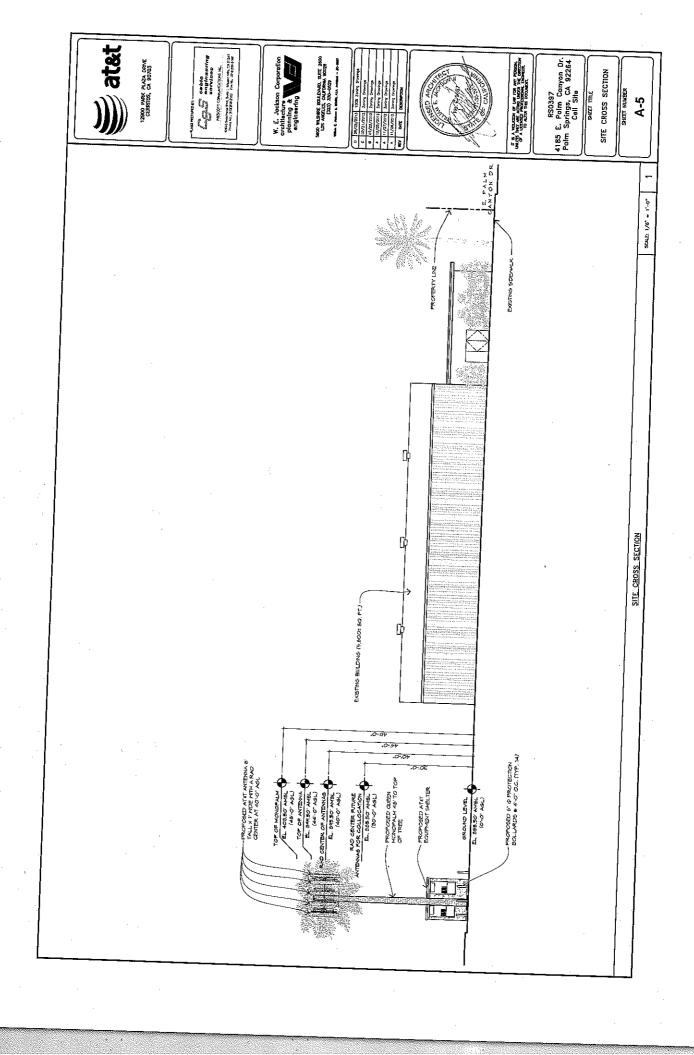










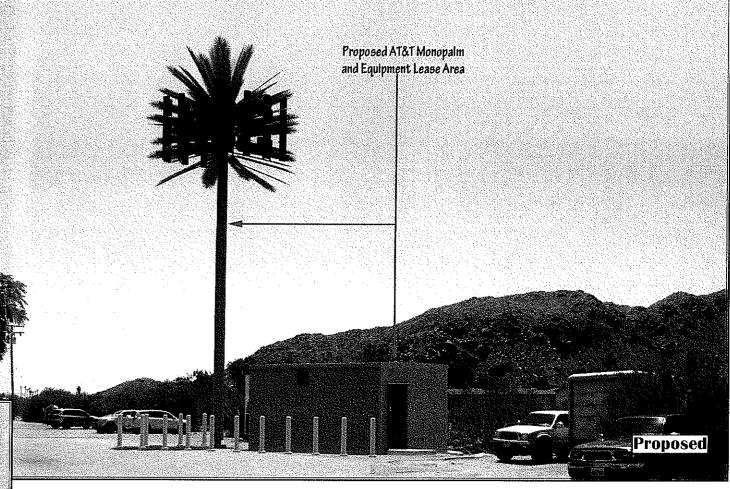


RS0397

4185 E. Palm canyon Dr., ~ Palm Springs, CA 92264







View 1

View Notes: Looking south east at proposed project



Applicant



cable engineering services

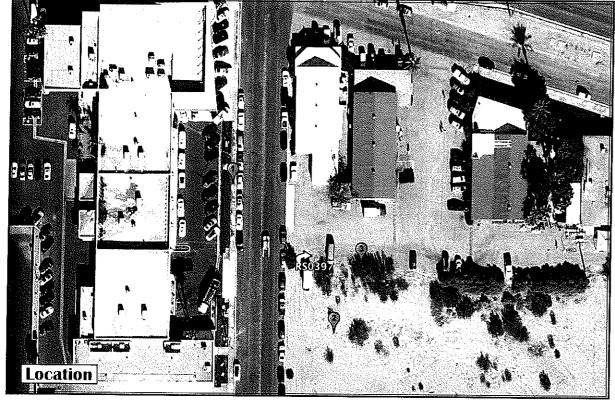
PRESCOTT COMMUNICATIONS INC.

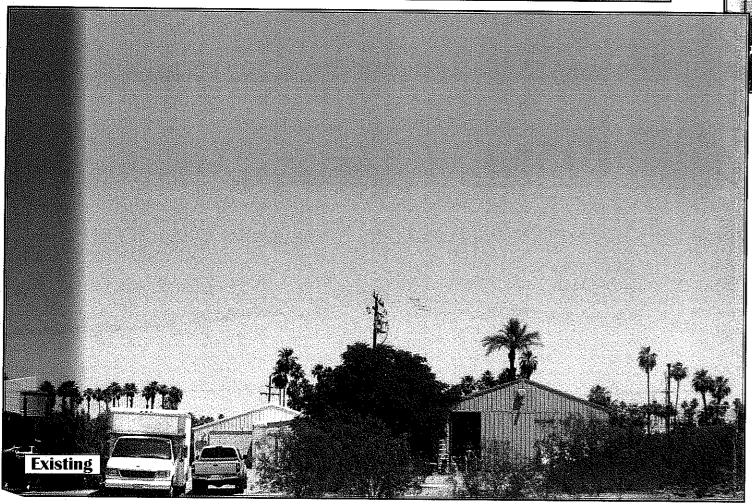
10640 SEPULVEDA BLVD. SUITE 1 MISSION HILLS, CA 91345 (818) 898-2352 FAX (818) 898-9186

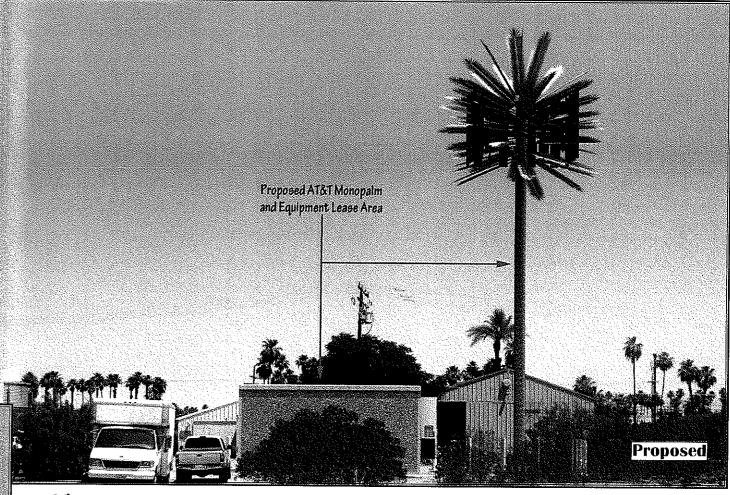
Contact

RS0397

4185 E. Palm canyon Dr., ~ Palm Springs, CA 92264







View Notes:
Looking north at proposed project



Applicant



cable engineering services

PRESCOTT COMMUNICATIONS INC.

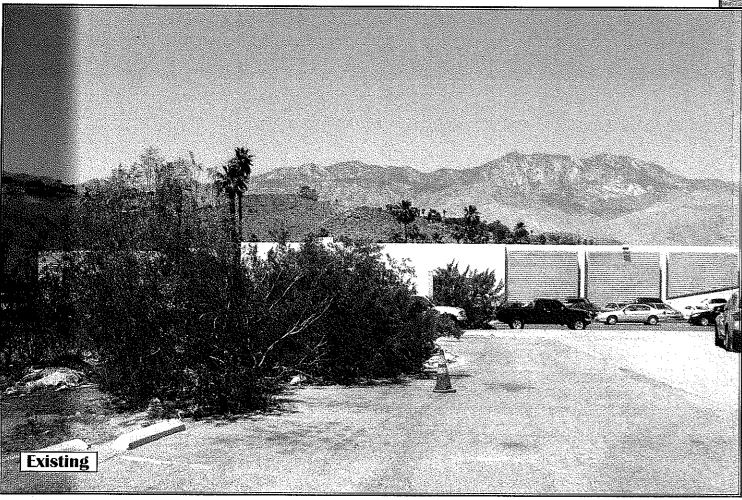
10640 SEPULVEDA BLVD. SUITE 1 MISSION HILLS, CA 91345 (818) 898-2352 FAX (818) 898-9186

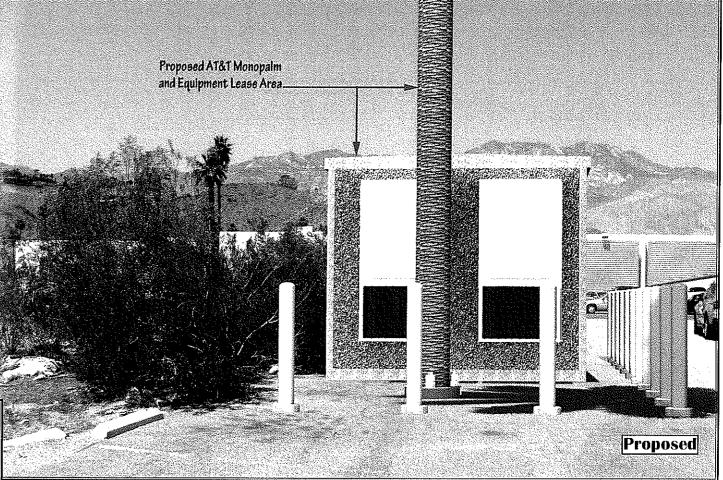
Contact

RS0397

4185 E. Palm canyon Dr., ~ Palm Springs, CA 92264







View 3

View Notes:
Looking west at proposed project



Applicant



cable engineering services

PRESCOTT COMMUNICATIONS INC.

10640 SEPULVEDA BLVD. SUITE 1 MISSION HILLS, CA 91345 (818) 898-2352 FAX (818) 898-9186

Contact