

PLANNING COMMISSION STAFF REPORT

DATE:

March 12, 2014

SUBJECT:

SPECTRUM SERVICES (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A SEVENTY FOOT HIGH MONOPOLE STRUCTURE (DESIGNED AS A PALM TREE) WITH ASSOCIATED EQUIPMENT SHELTER AND A VARIANCE REQUEST TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED AT THE RIMROCK SHOPPING CENTER AT 4721 EAST PALM CANYON DRIVE, ZONE

CDN (CASE NOS. 5.1324 CUP & 6.534 VAR).

FROM:

Department of Planning Services

SUMMARY

The Planning Commission to consider a request by Verizon Wireless for a Conditional Use Permit to install a seventy (70) foot high wireless communication monopole designed as an artificial Fan Palm tree and a Variance application to exceed the maximum antenna height permitted from fifteen (15) feet to seventy (70) feet in the Rimrock Shopping Center for the property located at 4721 East Palm Canyon Drive. The request includes the use of an existing equipment enclosure with six foot tall block wall surrounding facility.

RECOMMENDATION:

Recommend approval of the Conditional Use Permit and Variance request to the City Council, subject to Conditions of Approval.

ISSUES:

- Variance is required to exceed antenna height limit of fifteen feet.
- Two existing communication towers exist on site; one is a monoplam design and the other is a slim line pole both at approximately 45 feet tall.

BACKGROUND AND SETTING:

Planning Areas				
Design Plan	None			
Airport Overlay	None			
Indian Land	None			

		Most Recent Ownership	
4/24/2008	Don Chikasawa		

Neighborh	ood Meeting
None	Not Required

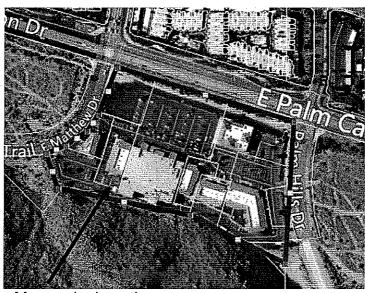
Field Check	
	Staff visited the site to observe existing conditions.
2014	

Related Re	Related Relevant City Actions by Planning, Fire, Building, etc			
9/26/2007 Planning Commission recommends approval to the City Council for a T-Mobile monopalm cell tower at 45 feet tall at Rimrock Shopping Center				
10/7/2009	City Council approves a slim line design pole at 45.			
2/24/2014	The AAC recommended conditional approval:			
	 Fan Palm design to utilize maximum number of fronds. 			
	Plant one Washingtonian Robusta at least 25 feet tall.			

Neighborhoo	d Meeting	
None	Not required	

Neighbor	hood Notification	
None	No neighborhood organization within ½ mile.	

Si	te Area		
Ne	et Area	11.3 - acres	



Monopalm Location

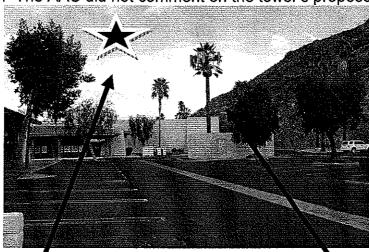
PROJECT DESCRIPTION:

The Rimrock Shopping Center is approximately 11.3-acres in size located along East Palm Canyon Drive. The site contains the Von's grocery store and gas station as well as other in-line retail shops. Two existing communication facilities (a monopalm and one slim line pole) at approximately 45 feet tall currently exist at the rear of the property. Another 45 foot tall tower was recently removed with the equipment room and block wall left undisturbed. Verizon proposes to lease a 508-square feet area behind the Von's grocery store utilizing the existing equipment cabinet with six (6) foot tall block wall. The new pole will be sited on the south side of the equipment enclosure, in the same location as the recently razed tower.

The proposed wireless telecommunications facility is proposed to consist of a 508-square foot existing equipment shelter and a seventy (70) foot tall monopole designed as a Date Palm tree. Twelve (12) antenna panels that are six by one feet in size will be installed within the branch area near the top of the structure. A four foot parabolic antenna will be mounted below the panel antennas. The monopole will be placed at the rear of the Von's grocery store resulting in the removal of one existing Olive tree. The equipment enclosure is surrounded by a six (6) foot high block wall painted a light beige color. Staff is requesting that the pole mimic a Fan Palm and not a Date Palm as presented. The change in tower style will match the existing wireless facility and other mature Fan palm trees. In addition, Staff recommends planting a 30 foot tall Fan palm on the south side of the equipment shelter to replace the removed Olive tree.

ARCHITECTURAL ADVISORY COMMITTEE:

The AAC reviewed the project on February 24, 2014 and recommend that the pole mimic a Fan Palm tree with the maximum number of fronds possible. In addition, a 30 foot tall Fan Palm tree is to be planted in an existing turf area on the south side of equipment shelter. The AAC did not comment on the tower's proposed height.



Location of proposed 70' monopalm

Existing monopalm at 45'

ANALYSIS:

General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses
Subject Site	Neighborhood Community Commercial	C-D-N (Designed Community Commercial)	Shopping Center
North	HDR (High Density Residential)	R-3 (Multiple Family & Hotel)	Multiple Family Residential
South	OS - M (Open Space – Mountain)	O-20 (Open Land)	Mountains
East	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant
West	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant

The General Plan designation of the subject site is NCC (Neighborhood / Community Commercial). The General Plan does not specifically regulate the installation and operation of wireless communication facilities; however, staff has determined that the use as proposed is compatible with this designation as it supports cellular needs of the surrounding commercial and residential uses.

The zoning designation is C-D-N (Designed Neighborhood Shopping Center), and the use is permitted with the approval of a Conditional Use Permit, pursuant to Section 93.08.00 and 94.02.00 of the Palm Springs Zoning Code (PSZC). Table 2 below displays the PSZC's development standards and the proposed project's development proposal:

Zoning				
Zone	Proposed Use	Permitted?	The second continue product of product of the second continue of the	
CDN (Neighborhood Community Commercial)	Monopalm / Commercial Communication Antennas			
Development Standards	Proposed	Requirement	Compliance	
Height	70 feet	15 feet above ground, unless variance is approved	No, variance being requested	
Setback				
East (side property line)	660 feet	25 feet	Yes	
South (rear property line)	105 feet	50 feet to open space zone	Yes	
North (front property line)	460 feet	125 feet from CL of E. Palm Canyon Drive	Yes	
West (side property line)	260 feet	25 feet	Yes	

Above development standards may be found in Sections 93.23.08 and 92.10.03(D) of the Zoning Code

<u>Antenna Height</u>: 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 seventy (70) 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 (15) feet and forty-five (45) feet and seventy (70). 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?	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 one palm trees at thirty feet tall adjacent to the wireless facility.

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 (15) feet, forty-five (45) feet, and seventy (70) feet in height. These maps show that a fifteen and forty-five 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, and compliance with Federal Aviation Administration (FAA) requirements. There are additional conditions that are proposed as recommended by the AAC to mitigate visual impacts. 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 public 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, forty-five feet, and seventy feet. The documentation shows that 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 CDN 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 Neighborhood Community 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 within the Rimrock Shopping Center and are similar in 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.

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 a palm tree, 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).

Glenn Mlaker, AICP Assistant Planner

Margo Wheeler, AICP

Director of Planning Services

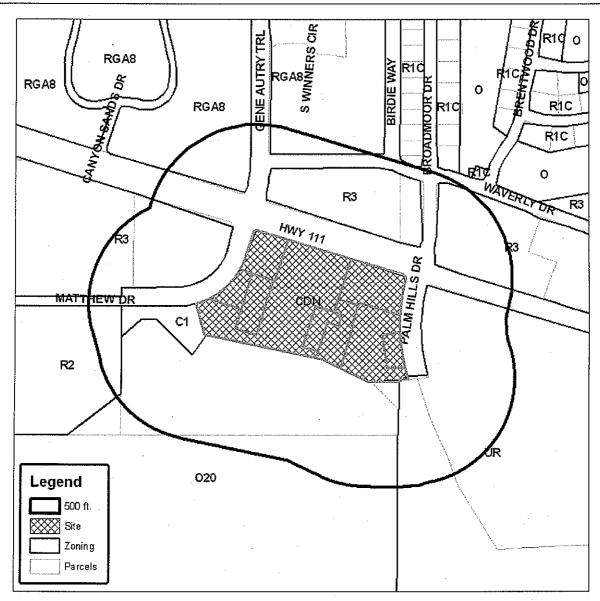
Attachments:

- 1. Vicinity Map
- 2. Draft Resolution with Conditions of Approval
- 3. 2/24/14 AAC Minutes (excerpt)
- 4. Reduced Plans
- 5. Site Photos
- 6. Photo Simulations



Department of Planning Services Vicinity Map





CITY OF PALM SPRINGS

CASE NO:

5.1324 CUP & 6.534

VAR

APPLICANT: Verizon Wireless

<u>DESCRIPTION:</u> Verizon Wireless to construct a 70 foot high monopalm with associated equipment shelter behind the Rimrock Shopping Center at 4721 East Palm Canyon Drive, Zone CDN, Section 3.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS. **CALIFORNIA** RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT, CASE NO. 5.1324, TO THE CITY COUNCIL FOR THE INSTALLATION OF A SEVENTY FOOT HIGH COMMERCIAL COMMUNICATIONS **ANTENNA** STRUCTURE AND OF A VARIANCE APPLICATION, CASE NO. 6.534. TO EXCEED THE MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 4721 EAST PALM CANYON DRIVE.

WHEREAS, Spectrum Services for Verizon Wireless, ("Applicant") has filed an application on behalf of Don Chikasawa (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 seventy foot tall monopalm and existing equipment shelter located at 4721 East Palm Canyon Drive, APN: 681-170-048, CDN 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. 5.1324 and Variance, Case No. 6.534 was given in accordance with applicable law; and

WHEREAS, on March 12, 2014, a public hearing on the application for Conditional Use Permit, Case No. 5.1324 and Variance, Case No. 6.534 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 one palm trees at thirty feet tall adjacent to the wireless facility.

<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 (15) feet, forty-five (45) feet, and seventy (70) feet in height. These maps show that a fifteen and forty-five 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. 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 public 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, forty-five feet, and seventy feet. The documentation shows

that the maximum height of fifteen feet does not appear to achieve and maintain satisfactory coverage within the specified height limitations.

<u>Section 3:</u> 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 CDN 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 Neighborhood Community 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 within the Rimrock Shopping Center and are similar in 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. 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 a palm tree, 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. 5.1324 and Variance Case No. 6.534 to the City Council, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 12th day of March, 2014.

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1324 CUP and Case 6.534 VAR
Spectrum Services (Verizon Wireless) on behalf of Don Chikasawa

4721 East Palm Canyon Drive APN: 681-170-048

March 12, 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 5.1324 CUP and Case 6.534 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 February 24, 2014, including site plans, architectural elevations and colors on file in the Planning Division except as modified by the approved by conditions below.
- ADM 3. <u>Conform to all Codes and Regulations</u>. 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 5.1324 CUP and Case 6.534 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. Signage. Signage is prohibited on the exterior of the monopole structure.
- PLN 2. <u>Landscape</u>. Prior to final inspection, the applicant shall plant one 30 foot tall palm trees in turf area south of existing equipment shelter. The species shall be a Washingtonian Robusta Palm consistent with the appearance of the 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. Off-street parking areas shall be maintained in conjunction with the Rimrock Shopping Center.
- 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. Fan Palm design to be utilized with maximum number of fronds.
 - b. Plant one Washingtonian Robusta Palm at least 30 feet tall.
- 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. <u>Outdoor Display of Merchandise</u>. 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. <u>Property Use and CUP</u>. 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 seventy 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

Recommend approval to City Council with further study of landscape and entry Mall color and materials.

8. SPECTRUM SERVICES (VERIZON WIRELESS) FOR ARCHITECTURAL REVIEW TO CONSTRUCT A SIXTY FOOT TALL MONOPOLE STRUCTURE (DESIGNED AS A PALM TREE) WITH ASSOCIATED EQUIPMENT SHELTER AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P (CASE NOS. 5.1315 CUP & 6.531 VAR) (GM)

Assistant Planner Mlaker presented the proposed project

MIKE HAYES, APPLICANT, provided additional information.

COMMITTEE MEMBER FREDRICKS AND MICE-CHAIR FAUBER had questions on Sheet A5 and asked if there are larger from that can be used.

APPLICANT HAYES responded yes

VICE-CHAIR FAUBER asked for the tower to have the maximum size fronds.

COMMITTEE MEMBER FREDRICKS asked for more palms to provide clustering - Washingtonian Robust at 25 maximum inside the perimeter.

M/S/C (Fredricks/Father, 4-0-3 absent Hirschbein, Purnel and Song) Recommend approval to the Planning Commission and City Council subject to conditions, as directed.

- More palms for clustering
 - 15 Washingtonian Robusta 25' inside perimeter
 - Largest fronds to be used on the tower
- 9. SPECTRUM SERVICES (VERIZON WIRELESS) FOR ARCHITECTURAL REVIEW CONSTRUCT A SEVENTY FOOT TALL MONOPOLE STRUCTURE (DESIGNED AS A PALM TREE) WITH USE OF AN EXISTING EQUIPMENT, SHELTER AT THE RIMROCK SHOPPING CENTER AT 4721 EAST PALM CANYON DRIVE, ZONE CDN (CASE NOS. 5.1324 CUP & 6.534 VAR). (GM)

Associate Planner Maker indicated that the monopole structure will be designed as a Fan Palm.

MIKE HAYES, APPLICANT, provided additional information.

M/S/C (Fauber/Fredricks, 4-0-3 absent Hirschbein, Purnel and Song) Recommend approval to the Planning Commission and City Council subject to conditions, with the following additions:

- Fan palm with maximum fronds.
- Washingtonian Robusta, 25'.

TOLL CA II, L.P. FOR ARCHITECTURAL REVIEW OF FINAL DEVELOPMENT PLANS FOR 128 SINGLE FAMILY HOMES WITHIN PLANNING AREA 6 OF PD-231 (ESCENA) LOCATED AT 1000 NORTH GENE AUTRY TRAIL (CASE 5.0666 PD-231). (DN)

Associate Planner Mlaker presented the proposed project

ALLEN JANISCH, ROBERT TYLER AND TOM DULCE, PROJECT APPLICANTS, provided additional information and noted that this is Toll Brothers' first project at Escena Development. They referenced the benefit to the community and commented on the burdened easement. They noted that the 2nd story is optional and pools will be in models including a barrier, yards will be open to golf course.

APPLICANT TYLER stated the design will include three different styles with historic reference to mid-century.

VICE-CHAIR FAUBER asked if the mid-century model has a sloped roof.

COMMITTEE MEMBER CASSADY AND CHAIR SECOY-JENSEN asked about the proposed type of roof materials and color.

APPLICANT TYLER responded that it is off-white and there are other colors.

APPLICANT JANISCH responded Fibertite will be used on flat roofs.

CHAIR SECOY-JENSEN questioned the type of materials for the doors.

APPLICANT JANISCH said it is vinyl - they are going for energy efficiency for better R values.

COMMITTEE MEMBER FREDRICKS asked about the color palette; he said it would be nice to see other colors than brown. He recommended no turf be used.

VICE-CHAIR FAUBER concurred. Colors can get monotonous. He questioned if full detail has been provided.

Verizon Wire/essarthen And word of season of season from JAN 1 & 2014

WAVERLY

/erizonwireless 15505 SAND CANYON AVENUE BUILDING D, IST FLOOR RYNNE, CALFORNIA 92618 ROJECT INFORMATION

4721 & 4733 EAST PALM CANYCH DRIVE PALM SPRINGS, CALIFORNIA 92264

WAVERLY

ENT ISSUE DATE: 01/15/14

SONING

PALM CANYON DRIVE 4721 & 4733 EAST

PALM SPRINGS, CALIFORNIA 92264

15505 SAND CANYON AVENUE RVINE, CALIFORNIA 92618 BUILDING D, 1ST FLOOR

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CODE COMPLIANCE

SITE ACQUISTICNA/ PLANNING.
SPECTRUM SERVICES.
SOO MARE PL. SUIT 10
MARCHO CACAMONA, CALFORNIN S1720
WIRE KAYES.
PRIORE (686) 515–3358
FAZ. (686) 515–3358

CAMERON HALL SSST RILAND EMPIRE BOULEVARD, SLITTE ZOO ONTARD, CALIFORNIA 91764 (949) 943-9042

AREA OF CONSTRUCTION:

DON S. CHIKASAWA AND KAREN K. CHIKASAWA

PROPERTY INFORMATION OWNER

NSTALLATION OF (6) VERIZON WRELESS REMOTE RADIO UNITS (RRUS) (2 PER SECTOR)

NSTALLATION OF A VERIZOM WRELESS PARABOLIC ANTENNI

Installation of a verizon wireless tower mounted Junction Box Installation of (2) verizon wireless GPS antennas

NSTALLATION OF (12) VERIZON WRELESS PANEL ANTENNAS AT A 61' CENTERUNE AOUNTED ON A NEW 70' MONOPALM

CONTACT

INSTALLATION OF A VERIZON WIRLESS JOKW GENERATOR WITH A 211 GALLON DIESEL TANK MOUNTED ON A 5' X 9' CONCRETE PAD

INSTALLATION OF A VERIZON WIRELESS 4" WIDE SOLID METAL GATE

INSTALLATION OF A VERIZON WRELESS 6" BLOCK WALL

CÓANAL AND HYBRELEX CABLE RUNS FROM RADIOS TO ANTENNAS NEW TELEPHONE CONDUIT RUN TO CABINETS

NEW 200A DEDICATED ELECTRICAL SERVICE TO METER

PROJECT DESCRIPTION

CIVIL ENGINEER
SPECTRUM SERVICE, INC.
8350 LIAPLE PA, SMITE IND
FORMERO CIDAMONA, CARPORNIA 81730
FORMERO (860 515—3359
FAX. (885) 515—3359

DESIGNED NEIGHBORNOOD SHOPPING CENTER ZONE (CDN) 681-170-04B & 681-170-056

RIVERSIDE COUNTY

IRUCTURAL ENGINEER. T.B.D. FACULTY IS UNMARNED AND MOT FOR KUMAN HABITATION, HANDICAPPED ACCESS NOT REQUIRED.

LECTRICAL ENGINEER.
302 CONSULTION DEDOREBNO SERVICES ILC 8011 W. CHARLESTON BOULEWARD, SHIE 2539 AN UGAS, MENON, 88117 PEONE, (702) 885–1552 MANEYOR:
DAMONDOLC LAND SURVEYNG
SOOS SYNTH FORT PROJEC, SUITE 110
LIN YEARS, NEVAN, 89148
FROME, (702), 823–3257 PROJECT TEAM

PROJECT SUMMARY

SHEET	SHEET DESCRIPTION		Æ
F	TILE SHEET		⋖
¥	SIE PLAN		K
A2	ENLARGED STE PLAN		K
A3	SITE DETAIL, ANTENNA & CABLE SCHEDULE AND ANTENNA LAYOUT	AND ANTENNA CAYOUT	K
44	SOUTHWEST & NORTHWEST ELEVATIONS		K
A5	HORTHEAST & SOUTHEAST ELEVATIONS		K
		ISSUED FOR-	
	SHEET INDEX	SONING	
			l

SPECTRUM SERVICES, INC. 8390 WARE PLACE, SUITE 110 RAHCHO CUDAMONICA CA 91730 PH. (866) 515-3358 FAX (866) 515-3359

SPECTRUM

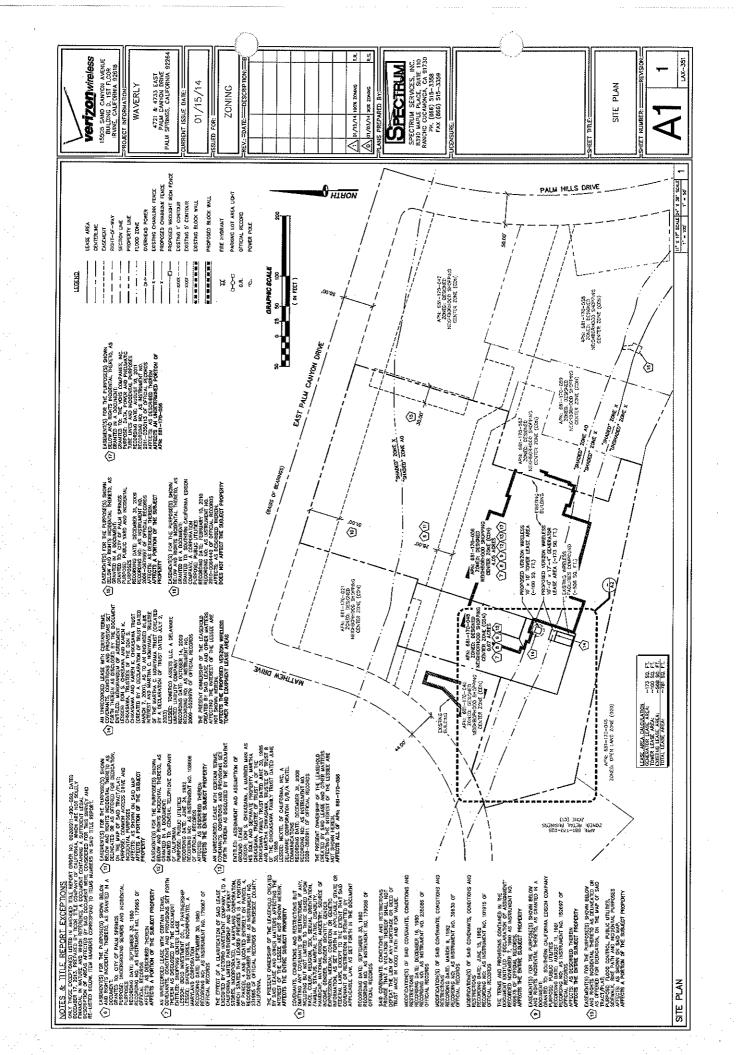
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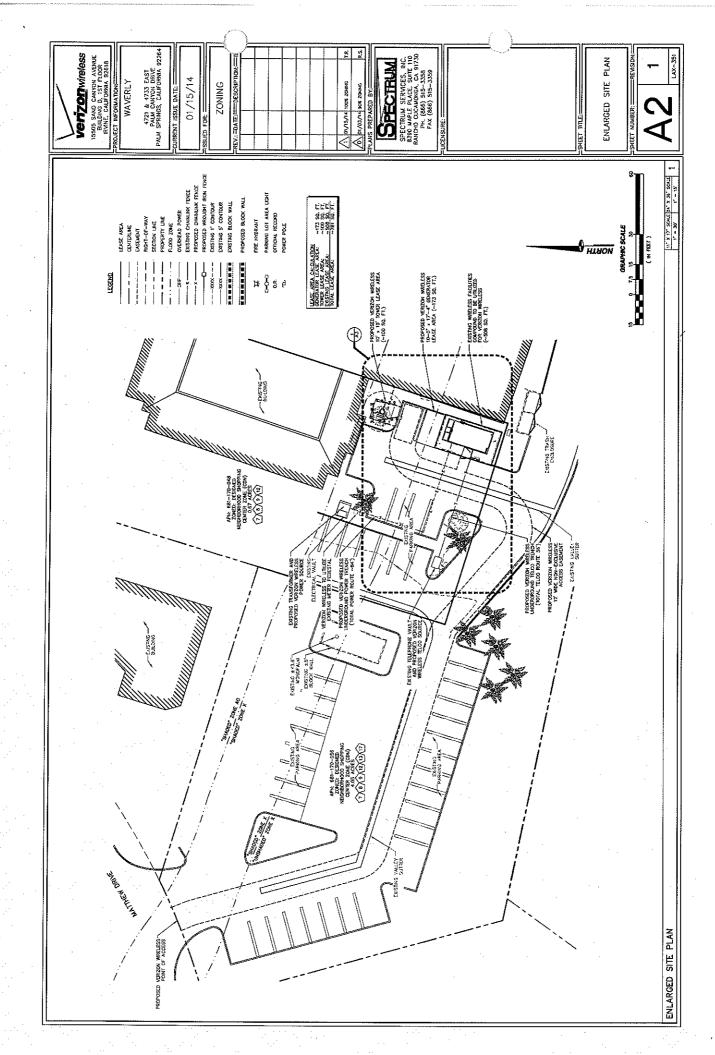
TILE	SIGNATURE	DATE
RF ENGINEER		
REAL ESTATE		
PROPERTY OWNER		
ZONING APPROVAL		
CONSTRUCTION DIRECTOR		
ADDITIONAL APPROVAL		
	APPROVAL LIST	

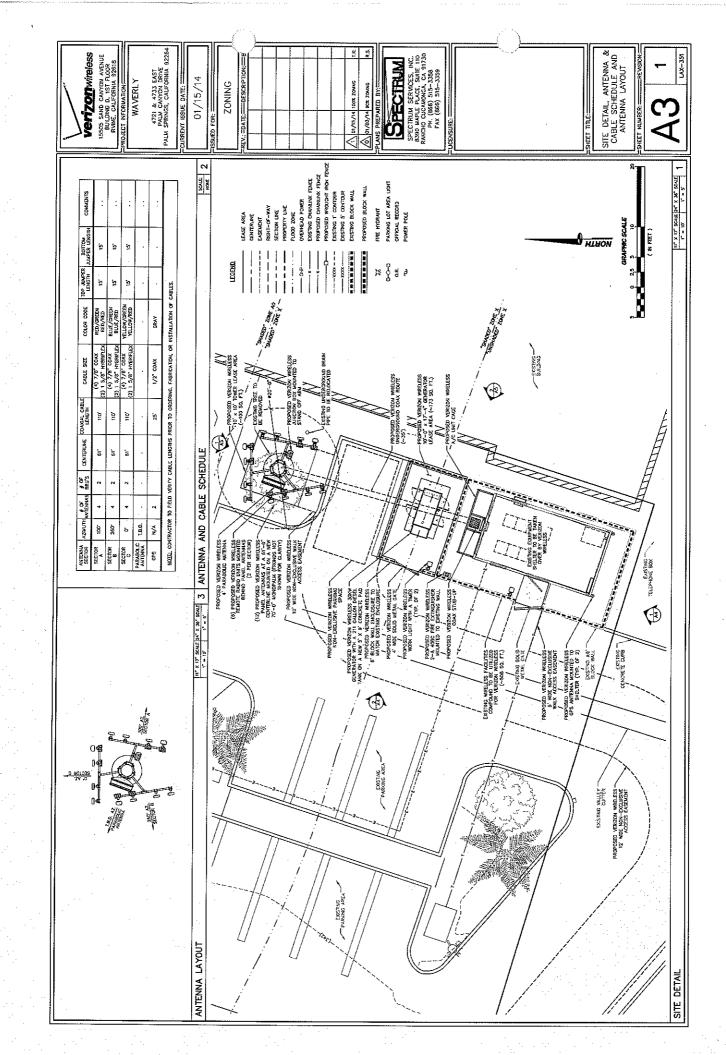
TITLE SHEET

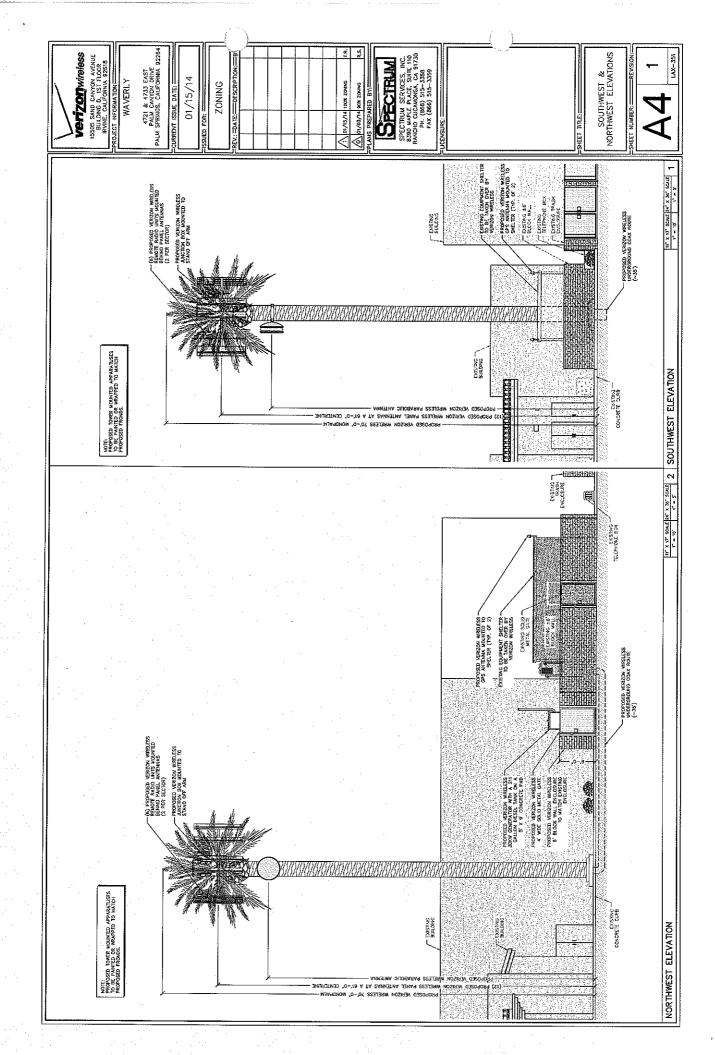
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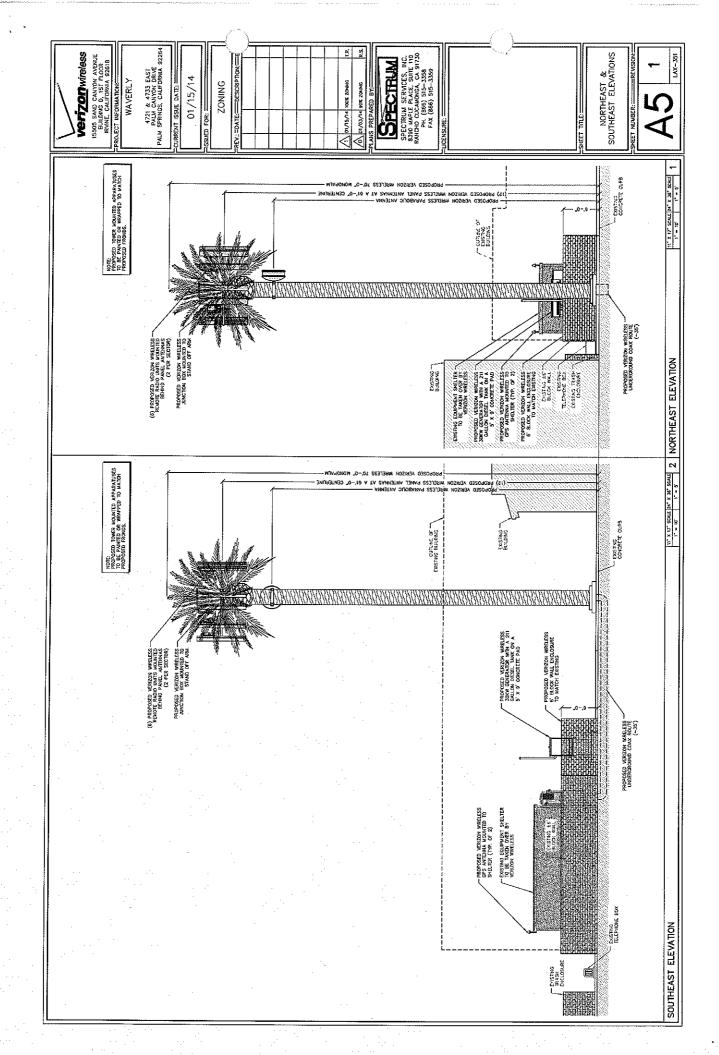
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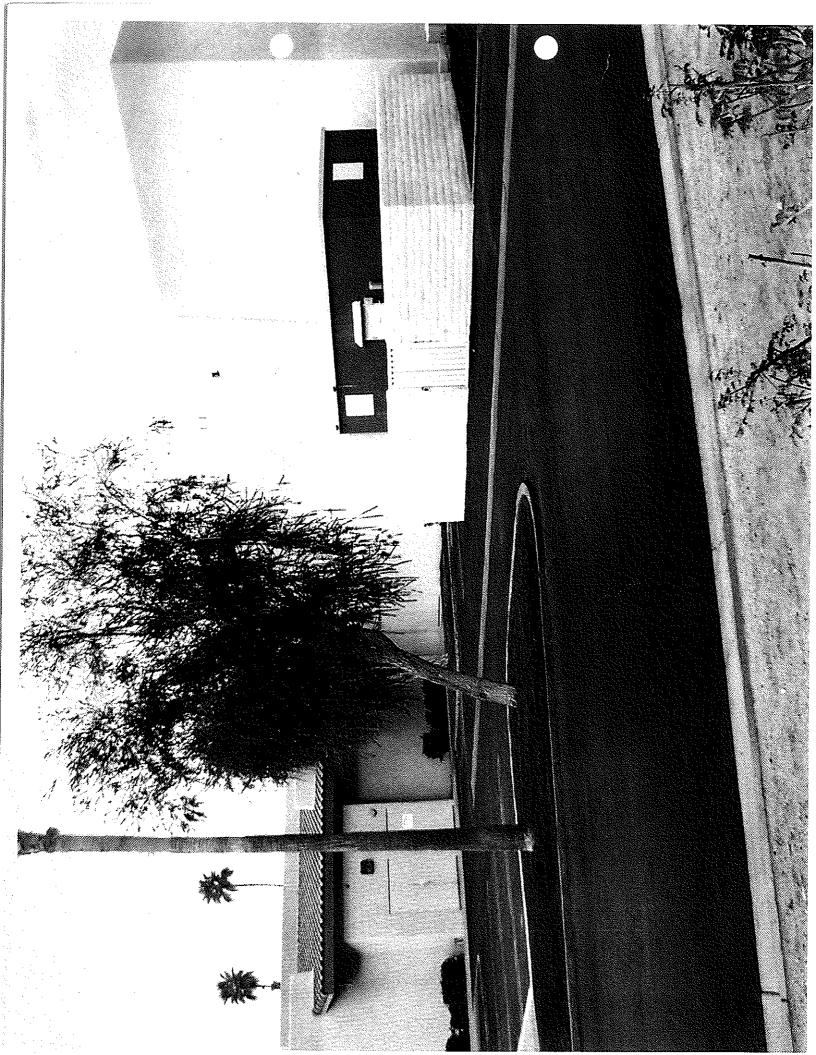


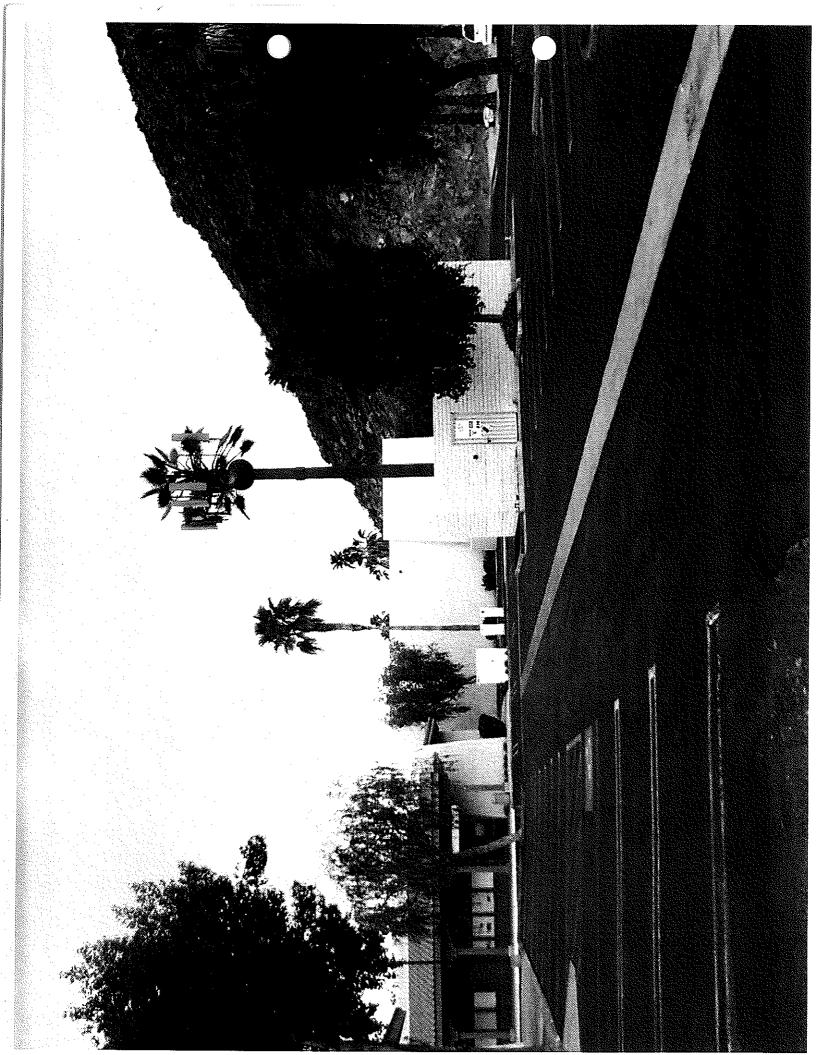












PHOTOGRAPHIC SIMULATION

PROPOSED WIRELESS COMMUNICATIONS FACILITY



SPECTRUM

SITE NAME:

WAVERLY (LAX-351)

SITE ADDRESS: 4721 & 4733 E. PALM CANYON DR.

PALM SPRINGS, CA 92264

DATE:

1/13/2014

APPLICANT:

VERIZON WIRELESS

15505 SAND CANYON AVE.

BUILDING D, 1ST FLOOR

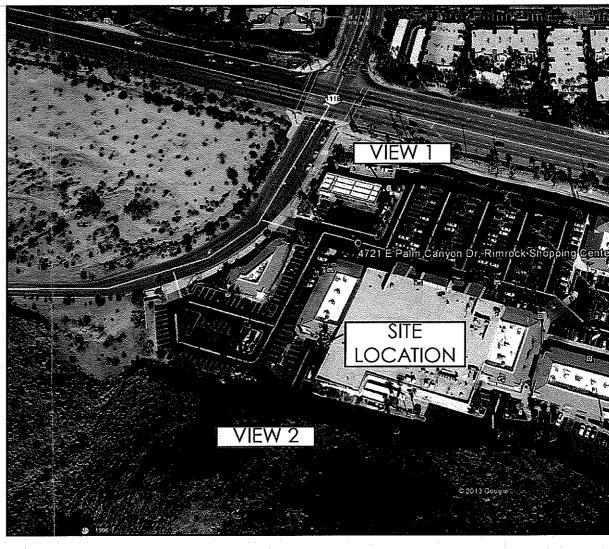
IRVINE, CA 92618

(949) 286-7000

CONTACT:

MICHAEL HAYES

SITE LOCATION MAP



國 5.1324

RECEWED

JAN 1 6 2014 PLANNING SERVICES DEPARTMENT

2014 @GOOGLE MAPS

The included Photograph Simulation(s) are intended as visual representations only and should not be used for construction purposes. The materials represented within the included Photograph Simulation(s) are subject to change.

PHOTOGRAPHIC SIMULATION -





EXISTING -VIEW 1 LOOKING SOUTHEAST



PROPOSED INSTALLATION OF 60' MONOPALM WITH ANTENNA ARRAY AND ADDITION TO EXISTING EQUIPMENT COMPOUND (ADDITION TO COMPOUND NOT VISIBLE FROM THIS VIEW).

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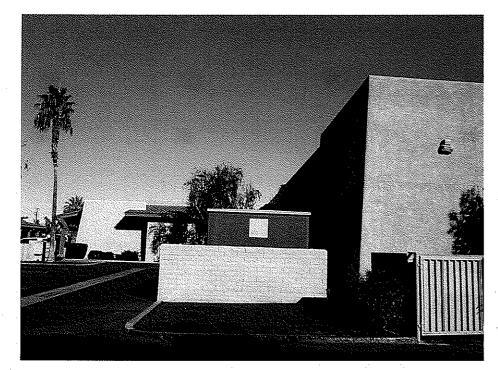
JAN 16 2014

PLANNING SERVICES
DEPARTMENT

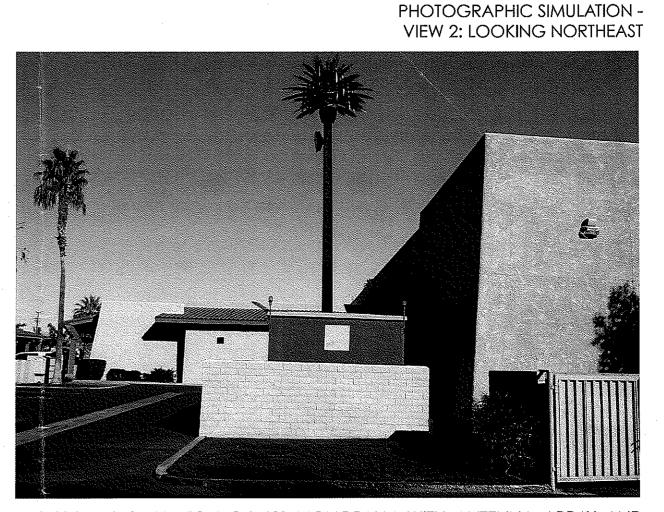
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EXISTING -VIEW 2 LOOKING NORTHEAST



PROPOSED INSTALLATION OF 60' MONOPALM WITH ANTENNA ARRAY AND ADDITION TO EXISTING EQUIPMENT COMPOUND (ADDITION TO COMPOUND NOT VISIBLE FROM THIS VIEW).

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JAN 16 2014

PLANNING SERVICES DEPARTMENT

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