



CITY COUNCIL STAFF REPORT

DATE: FEBRUARY 18, 2015 PUBLIC HEARING

SUBJECT: SPECTRUM SERVICES (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY FOOT TALL MONOPOLE WITH ASSOCIATED EQUIPMENT SHELTER AND A VARIANCE REQUEST TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P (CASE NOS. 5.1315 CUP & 6.531 VAR).

CASE: 5.1315 CUP & VAR 6.531

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council to consider a request by Verizon Wireless for a Conditional Use Permit to install a fifty (50) foot high wireless communication monopole and a Variance application to exceed the maximum antenna height of thirty-five (35) feet above the permitted fifteen (15) feet located at a Desert Water Agency site on San Joaquin Drive. The request includes a 900-square foot equipment enclosure with an eight foot tall block wall surrounding the facility.

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT CASE 5.1315 CUP TO CONSTRUCT A FIFTY FOOT TALL MONOPOLE AND ASSOCIATED EQUIPMENT SHELTER; AND CASE 6.531 A VARIANCE REQUEST TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED LOCATED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P SECTION 18.

ISSUES:

- Planning Commission reviewed the case on January 14, 2015 and voted 6-1 to recommend approval to City Council.
- Variance is required to exceed antenna height limit of fifteen feet.

ITEM NO. 13

- No other communication antennas located in the immediate area.
- Proposed site is located adjacent to Palm Springs city limit line.

BACKGROUND:

Ownership	
4/24/2008	Desert Water Agency

Neighborhood Meeting	
None	Not Required – Staff has contacted the City of Cathedral City to alert the Dream Homes neighborhood.

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

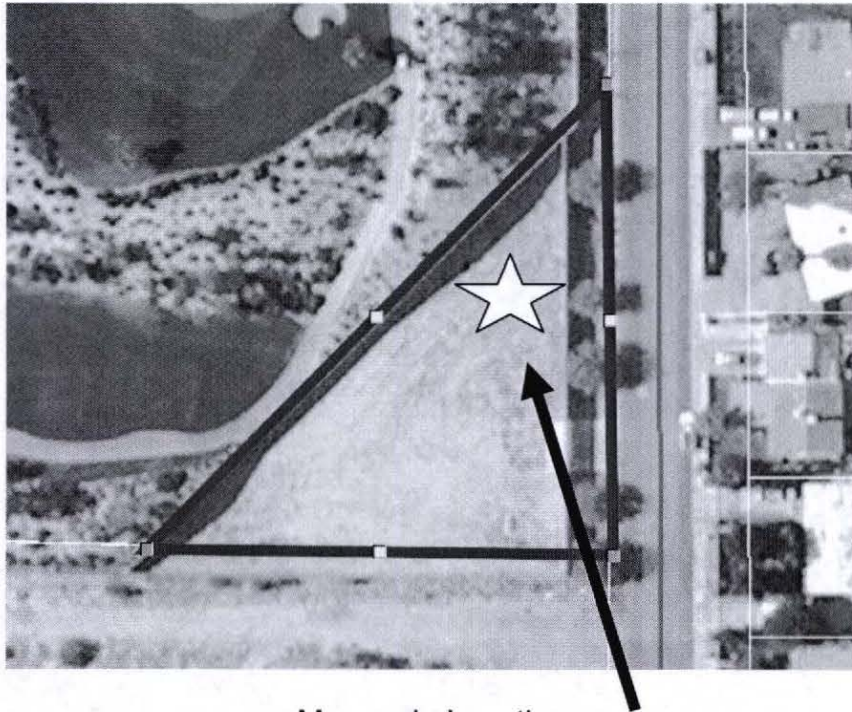
Site Posting	
1/13/14	"Project Under Consideration" sign posted on site.

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

Related Relevant City Actions by Planning, Fire, Building, etc...	
2/24/2014	The AAC recommended conditional approval: <ul style="list-style-type: none"> • Cluster palm trees to provide visual buffer. • Plant 5 Washingtonian Robusta, 25' tall inside DWA well site perimeter wall. • Use largest fronds available on tower.
3/12/2014	Planning Commission reviews application and votes to Table.
11/12/2014	Planning Commission conducts Study Session to discuss cell towers.
1/14/2015	Planning Commission holds public hearing, approves monopole design at 50 feet and recommends approval to City Council.

Neighborhood Notification	
None	Staff has contacted the City of Cathedral City Planning Department to discuss proposed cell tower and its potential impact on the Dream Homes Neighborhood.
	No Palm Springs neighborhood organization within ½ mile.

Site Area	
Net Area	25,268-square feet



Monopole Location

PROJECT DESCRIPTION:

The subject property owned by the Desert Water Agency (DWA) is approximately 25,268-square feet in size located at the City boundary to Cathedral City along San Joaquin Drive. The site contains limited mechanical apparatus used by DWA to monitor/measure underground wells. Verizon proposes to lease 900-square feet located in the northwest corner of the triangular parcel. New construction will include a 50-foot monopole; a 194-square foot equipment shelter; and an inner eight (8) foot tall block containment wall. No other telecommunication facility is present on the site; however the use of a monopole could allow co-location by other telecommunication carriers.

The proposed wireless telecommunications facility will consist of a 194-square foot equipment shelter and a 50 foot tall monopole. Twelve (12) antenna panels that are six by one feet in size will be installed at the top of the structure. A four foot parabolic antenna will be mounted below the panel antennas. The monopole to be painted "Desert Tan" and equipment enclosure is proposed to be surrounded by an eight foot high block wall. The area between the DWA site perimeter wall and the street is currently landscaped and maintained by the Escena Community.

The location of the proposed cell tower is within Zone "D" of the Airport influence area

as shown on the Riverside County Airport Land Use Compatibility Map. This document is administered by the Riverside County Airport Land Use Commission (ALUC). In their letter dated, February 5, 2014, ALUC states:

“Given the site’s proximity to the runway (approximately 2,050 feet), the applicant filed Form 7460-1 with the Federal Aviation Administration Obstructive Evaluation Service and obtained a Determination of No Hazard to Air Navigation, therefore ALUC finds the project Consistent with the 2005 Palm Springs International Airport Land Use Compatibility Plan subject to conditions as listed”

The compatibility letter lists eight conditions which have been included in the project’s Conditions of Approval.

The location of the proposed communication pole is 117 feet from the nearest residential property line along San Joaquin Drive. This street is the dividing line between Palm Springs and the City of Cathedral City. The PSZC development standards for the M-1-P zone require a minimum set back of 100 feet from the cell tower to a residential property.

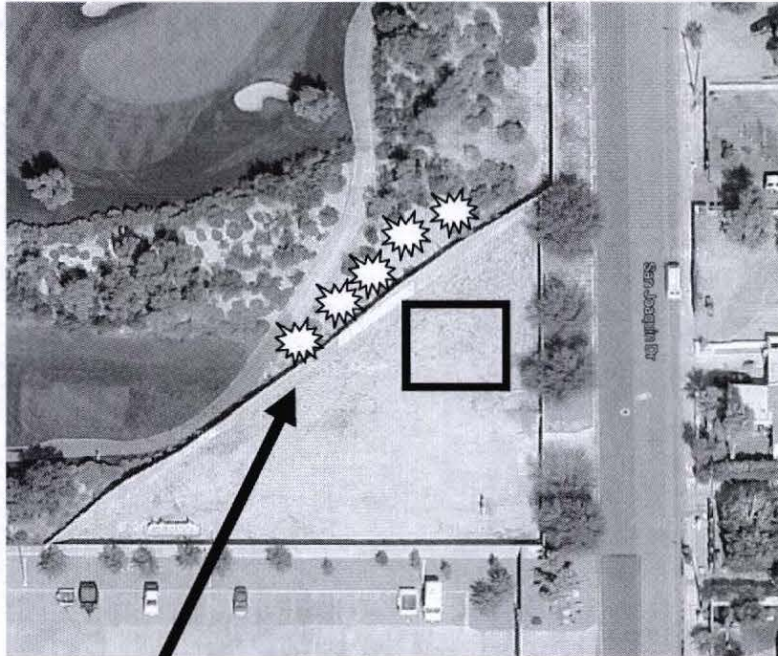
Planning Staff has prepared several maps showing the locations of existing cell towers color coded to each carrier. These maps are to help determine the appropriateness of a CUP application. The nearest cell towers to the proposed site are located at the corner of East Vista Chino Drive and North Gene Aurty Trail; and at the Palm Springs Police Station complex. From these maps, a gap in service can be seen in the area east of the Airport and south of Escena.

ARCHITECTURAL ADVISORY COMMITTEE:

The AAC reviewed the project on February 24, 2014 and recommend that the pole mimic a Date Palm tree with the largest maximum number of fronds possible. In addition, five Washingtonian Robusta Palm trees at least 25 feet tall to be planted within the DWA site to form a palm grove. The AAC did not comment on the tower’s proposed height.

Staff’s Response

The applicant has entered into an agreement with the Escena Golf Course operator; Verizon will pay for five (5) Washingtonian Robusta’s to be planted on the Golf Course property maintained by Escena Golf Club. The location of the trees to be on the west side of the DWA site within an existing landscape area surrounded by other existing mature trees. The five new trees will be at least 25 feet tall. The diagram below shows the location of trees as they relate to proposed cell tower.



Location of 5 new palm trees

PLANNING COMMISSION REVIEW

The Planning Commission first reviewed this project on March 12, 2014 and voted to Table based upon the following items:

- Broader discussion on evaluating cell tower heights.
- Siting of tower adjacent to the Dream Homes neighborhood.
- Expert opinion sought through a Planning Commission work session.
- Planting of large trees to represent a palm grove.

In response to the Planning Commission's concerns, Staff organized a Study Session on evaluating cell tower CUP applications which took place on November 12, 2014. At this meeting, the Commission received testimony from Dennis Hurvitz, PE, of Desert Engineers providing a discussion of cell tower technology and coverage analysis (see attached minutes). Staff notes that direction from this work session is on-going and will continue into the New Year.

The Planning Commission conducted a second public hearing on January 14, 2015 and reviewed a revised project. Staff worked with the applicant to re-evaluate several elements of the original project. Previously the tower was disguised as a Date Palm with a height of sixty (60) feet. The revised application has lowered the tower to fifty (50) feet in a monopole design. The elimination of the fake palm tree could allow co-location with other telecommunication carries thus reducing the overall number of towers in the City.

In addition, an overall coverage map of all Verizon towers in the City has been submitted. From viewing this coverage map an underserved area is clearly visible in the area around Gene Autry Trail and the Airport. Staff also prepared several maps showing the location of all permitted cell towers within the City.

Staff contacted the Planning Office in Cathedral City alerting them of the pending application in the hopes of reaching a neighborhood organization in the Dream Homes area. As of the writing of this report, formal contact has not been made, however the subject site has been posted for 11 months and public hearing notices have been sent to all property owners within 500 feet.

At the Planning Commission hearing, testimony was received from the applicant; coverage maps for Verizon service area were reviewed; with a final vote of 5-1-1 taken to approve the CUP and Variance request and recommend approval to the City Council.

ANALYSIS:

Surrounding Property	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Subject Site	Industrial	M-1-P (Light Industrial)	Desert Water Agency Well Site
South	Industrial	M-1-P (Light Industrial)	Palm Springs Unified School District Operation
East	Cathedral City	Cathedral City / Residential	Single-Family Residential
West	Industrial	M-1-P (Light Industrial)	Vacant
North	Open Space	Open Space	Escena Golf Course

Plan Designations, Zones and Land Uses:

The General Plan designation of the subject site is Industrial. 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 M-1-P (Planned Research and Development), 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). The table below displays the PSZC's development standards and the proposed project's development proposal:

Zoning			
Zone	Proposed Use	Permitted?	
M-1-P (Planned Research and Development)	Monopole / Commercial Communication Antennas	Yes, proposed use allowed pursuant to Section 94.02.00(A)(2)(f) of Zoning Code.	
Development Standards	Proposed	Requirement	Compliance
Height	50 feet	15 feet above ground, unless variance is approved	No, variance being requested
Setback			
East (front property line)	100 feet	100 feet to residential property	Yes
South (side property line)	119 feet	No Requirement	Yes
North (side property line)	20 feet	No Requirement	Yes
Rear (east property line)	40 feet	No Requirement	Yes

Above development standards may be found in Sections 93.23.08 and 92.16.03(D) 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 fifty (50) 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 map for all existing Verizon towers in the City. This map shows a gap in service in the general area of Gene Autry Trail and the Airport. Findings in support are found below.

REQUIRED FINDINGS:

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 site has parcels in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has

provided a radio frequency map for all Verizon cell towers in the City which displays a gap in service in the area around Gene Autry Trail and the Airport. An additional map shows coverage after the 50 foot tower is in place greatly improving overall service to the immediate area and the greater network.

- 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 monopole 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 coverage maps sufficient to determine that an increase in height to 50 feet will 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 fifty 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 City Council 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 M-1-P 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 Industrial. 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.

There are no other telecommunication facilities located within the City limits in the immediate area of the proposed site. Further, the planting of five tall palm trees on the Escena Golf Course forming a palm grove will 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 proposed height of the tower is within the required setbacks for the M-1-P zone. The use will occupy only a small portion of the parcel located within an existing Desert Water Agency site behind an eight (8) foot tall block wall. 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.*

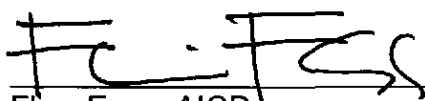
The only traffic generated from the said use to and from the site will be for maintenance, and the existing infrastructure is anticipated to accommodate the traffic necessary for the maintenance of the facility.

- 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.*

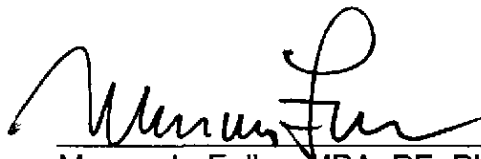
The project is unlikely to have a significant impact on the proposed project site or its immediate surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, installation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

ENVIRONMENTAL DETERMINATION:

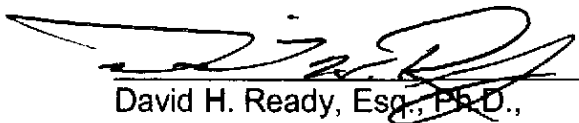
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a Class III exemption per Section 15303 (New Construction or Conversion of Small Structures).



Flinn Fagg, AICP
Director of Planning Services



Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.,
City Manager

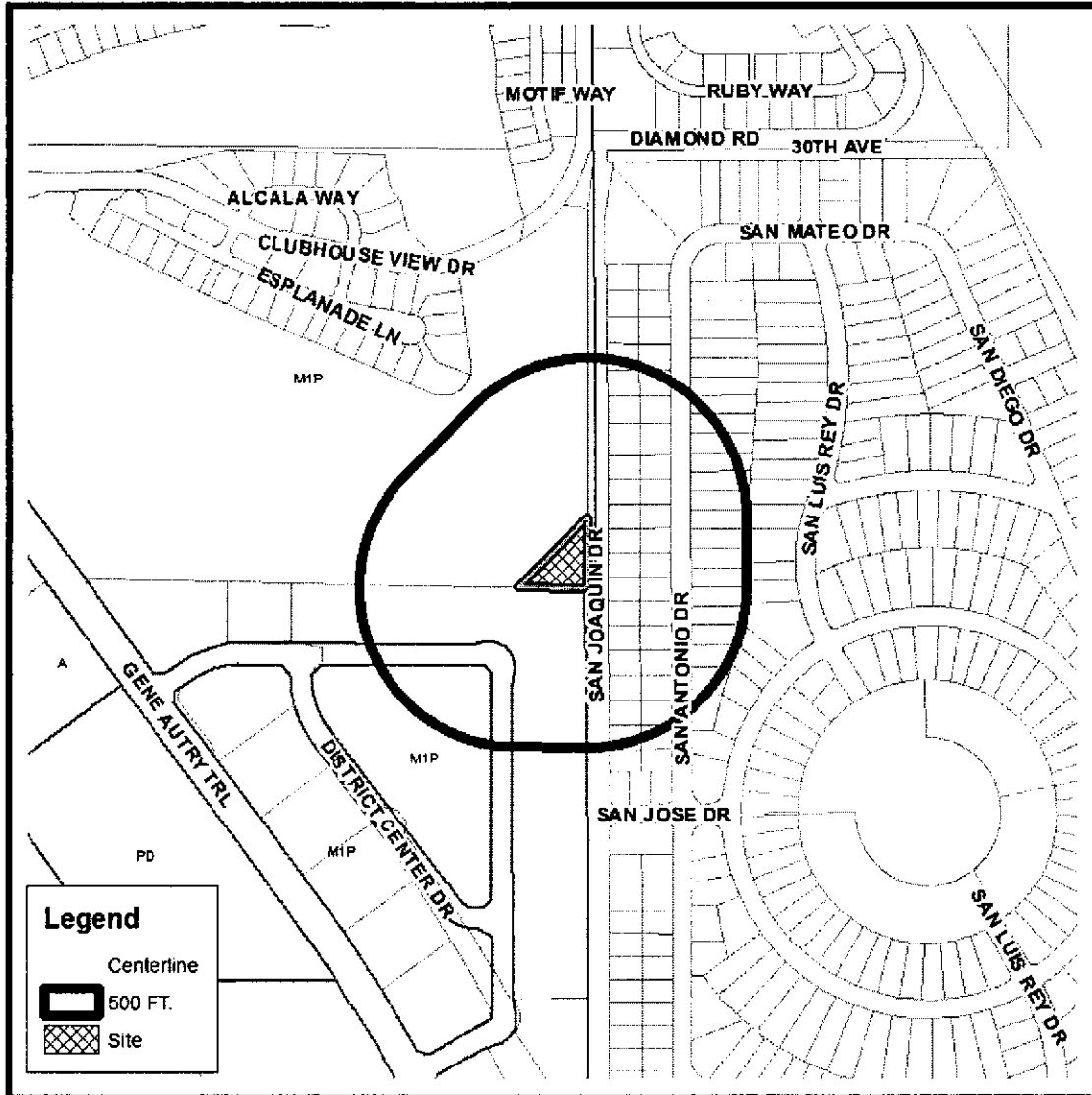
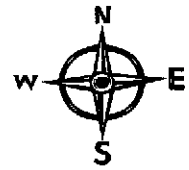
Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Planning Commission Staff Report, January 14, 2015
4. Planning Commission Resolution #6461
5. Minutes of the January 14, 2015 Planning Commission Meeting
6. Minutes of the March 12, 2014 Planning Commission Meeting

7. Minutes of the November 12, 2014 Planning Commission Study Session
8. Minutes of AAC February 2, 2014 Meeting (excerpt)
9. Reduced Plans
10. Coverage Maps
11. Planning Department Maps showing location of all cell towers in City
12. Letter from Riverside County Airport Land Use Commission
13. Photo Simulations



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1315 CUP &
6.531 VAR

APPLICANT: Verizon Wireless

DESCRIPTION: A Conditional Use Permit to allow a 50 foot tall monopole and associated equipment shelter at San Joaquin Drive, Zone M-1-P, Section 18

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**




Date: February 18, 2015
Subject: Verizon Wireless CUP for Commercial Communication Antenna
On San Joaquin Drive Adjacent to Escena Golf Club

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on February 7, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

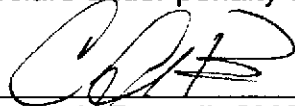


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on February 5, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

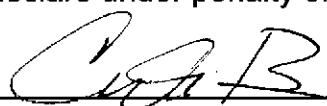


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on February 5, 2015, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (125 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CONDITIONAL USE PERMIT 5.1315 & VARIANCE 6.531
SPECTRUM SERVICES (VERIZON WIRELESS)
DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of February 18, 2015. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider an application by Spectrum Services representing Verizon Wireless, for a Conditional Use Permit to install a fifty (50) foot tall commercial communication antenna. The hearing will also include a Variance request to increase the antenna height thirty-five (35) feet above the permitted fifteen (15) feet for the property located at the Desert Water Agency Site on San Joaquin Drive adjacent to Escena Golf Club and 711-feet north of San Jose Avenue, Zoned M-1-P.

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from environmental review pursuant to Section 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

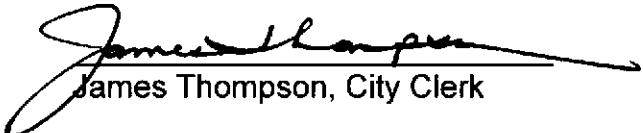
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

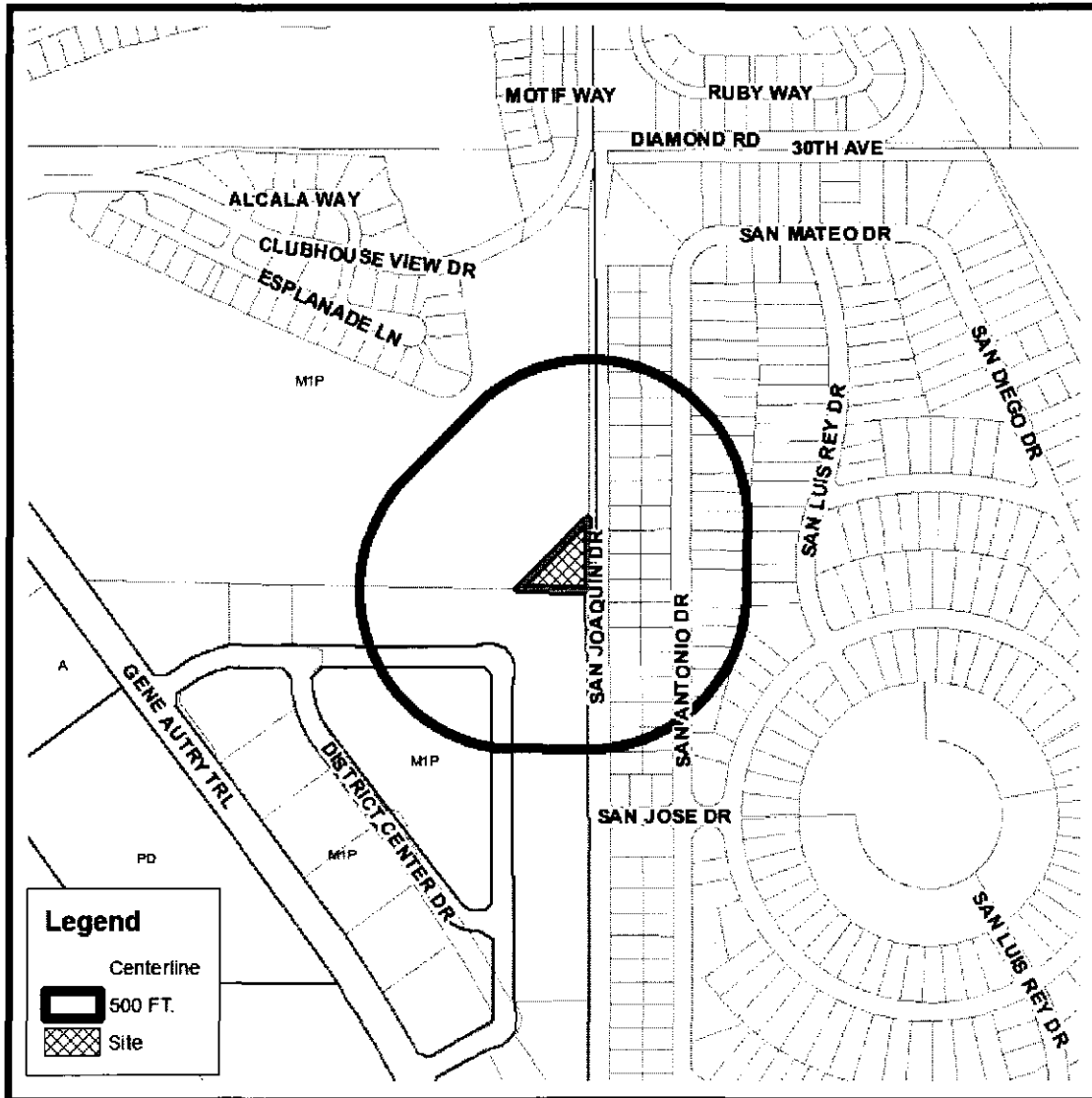
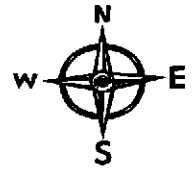
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Glenn Mlaker, Assistant Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

- Centerline
- 500 FT.
- Site

CITY OF PALM SPRINGS

CASE NO: 5.1315 CUP &
6.531 VAR

APPLICANT: Verizon Wireless

DESCRIPTION: A Conditional Use Permit to allow a 50 foot tall monopole and associated equipment shelter at San Joaquin Drive, Zone M-1-P, Section 18

Cindy Berardi

From: Joanne Bruggemans
Sent: Wednesday, February 04, 2015 7:51 AM
To: Cindy Berardi
Subject: FW: Case 5.1315 CUP & 6.531 VAR - Spectrum Services
Attachments: CC PHN 5 1315 CUP.pdf

Morning Cindy –

There are no neighborhood organizations within the ½ mile radius.

Thanks,

Joanne

Joanne Bruggemans
City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Phone: (760) 323-8245 Fax: (760) 322-8360
Email: joanne.bruggemans@palmspringsca.gov

From: Cindy Berardi
Sent: Tuesday, February 03, 2015 6:26 PM
To: Joanne Bruggemans
Subject: RE: Case 5.1315 CUP & 6.531 VAR - Spectrum Services

Hi Joanne,

The attached is for distribution to the affected neighborhoods. Please carbon copy me when you send it. Thank you.

Cynthia A. Berardi, CMC
Deputy City Clerk
City of Palm Springs
P. O. Box 2743
Palm Springs, CA 92263
(760) 323-8204
(760) 322-8332 fax

Please note: City Hall is open Monday-Thursday 8:00am-6:00pm, and we are closed on Fridays.

From: Joanne Bruggemans
Sent: Tuesday, February 03, 2015 11:13 AM
To: Jay Thompson; Cindy Berardi; Kathie Hart
Subject: Case 5.1315 CUP & 6.531 VAR - Spectrum Services

Morning –

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT, CASE NO. 5.1315, TO CONSTRUCT A FIFTY FOOT TALL MONOPOLE WITH ASSOCIATED EQUIPMENT SHELTER AND VARIANCE, CASE NO. 6.531, TO EXCEED MAXIMUM ANTENNA HEIGHT PERMITTED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE.

WHEREAS, Spectrum Services for Verizon Wireless ("Applicant") has filed an application on behalf of the Desert Water Agency ("Property Owner" or "Owner") with the City pursuant to Section 94.02.00 and Section 94.06.00 of the Palm Springs Zoning Code (PSZC) for the installation of a telecommunications facility, including fifty foot high commercial communications monopole, an equipment enclosure and block wall located at a Desert Water Agency Site on San Joaquin Drive, APN: 677-270-036, M-1-P Zone, Section 18; 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. 5.1315 and Variance Case No. 6.531 was given in accordance with applicable law; and

WHEREAS, on January 14, 2015, a public hearing on the application for Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on January 14, 2015, the Planning Commission recommended conditional approval of Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531 to the City Council; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider the application for Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531 was given in accordance with applicable law; and

WHEREAS, on February 18, 2015, a public hearing on the application for Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531 was held by the City Council in accordance with applicable law; and

WHEREAS, the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council 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 CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that this Conditional Use Permit and Variance are Categorically Exempt from environmental review pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

SECTION 2. Variance: State law requires four (4) findings be made for the granting of a variance. Pursuant to the procedure set forth in Section 94.06.01 of the Zoning Code, the City Council 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 site has parcels in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided a radio frequency map for all Verizon cell towers in the City which displays a gap in service in the area around Gene Autry Trail and the Airport. An additional map shows coverage after the 50 foot tower is in place greatly improving overall service to the immediate area and the greater network.

- 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 monopole 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 coverage maps sufficient to determine that an increase in height to 50 feet will 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 fifty 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.

SECTION 3. Conditional Use Permit: The City Council must make certain findings in order to approve this Conditional Use Permit pursuant to Section 94.02.00 of the Palm Springs Zoning Code:

- 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 M-1-P 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 Industrial. 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.

There are no other telecommunication facilities located within the City limits in the immediate area of the proposed site. Further, the planting of five tall palm trees on the Escena Golf Course forming a palm grove will 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 proposed height of the tower is within the required setbacks for the M-1-P zone. The use will occupy only a small portion of the parcel located within an existing Desert Water Agency site behind an eight (8) foot tall block wall. 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 five palm trees to form a palm grove, 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 the City Council approves Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531, to install and operate telecommunications monopole and related equipment at a Desert Water Agency Site on San Joaquin Drive, subject to those conditions set forth in Exhibit A.

ADOPTED this 18th day of February, 2015.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

RESOLUTION NO.

EXHIBIT A

Case 5.1315 CUP and Case 6.531 VAR
Spectrum Services (Verizon Wireless) on behalf of Desert Water Agency

San Joaquin Drive
APN: 677-270-036

February 18, 2015

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. Project Description. This approval is for the project described per Case 5.1315 CUP and Case 6.531 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 December 18, 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. 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. Minor Deviations. 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. Indemnification. 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 5.1315 CUP and Case 6.531 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. Time Limit on Approval. 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. Conditional Use Permit Availability. 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. Landscape. Prior to final inspection, the applicant shall plant five – 25 foot tall palm trees within the Escena Golf Course located adjacent to the Desert Water Agency site to form a palm grove. The species shall be a Washingtonian Robusta Palm. The location of the palm trees is reflected on approved site plan.
- PLN 3. Off-street Parking Areas. Off-street parking areas shall be located within the Desert Water Agency site.
- 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. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 6. 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 7. 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 8. 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 9. 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(l) of the Zoning Code.
- PLN 10. Antenna Structure. Antenna shall be a monopole design with twelve (12) antenna panels that are six by one feet in size installed at top of structure with a four foot parabolic antenna mounted below. The monopole to be painted "Desert Tan".

- PLN 11. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be fifty (50) feet, as measured from finished grade to the highest point of the structure.
- PLN 12. Valid Lease Agreement Required. 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. Use Abandonment. 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. FAA & FCC Compliance. 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 if deemed necessary by the Director of Planning Services.
- PLN 16. Co-location. The applicant / operator of the facility shall agree to allow the co-location 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.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION CONDITIONS (ALUC)

- ALUC 1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either spillage of lumens or reflection into the sky
- ALUC 2. The following uses shall be prohibited:
- a. Any use which would direct a steady light or flashing light red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which causes sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

c. Any use which generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including but not limited to, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, incinerators, and fly ash disposal.

d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and or aircraft instrumentation.

- ALUC 3. The attached notice shall be provided to all potential purchasers of the property and tenants of any habitable buildings thereon.
- ALUC 4. The Federal Aviation Administration has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2013-AWP-7124-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and / or lighting for aviation safety are accomplished on a voluntary basis, such marking and / or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
- ALUC 5. The maximum height of the proposed structure shall not exceed 60 feet above ground level, and the maximum elevation of the proposed structure, including all towers and antennas, shall not exceed 464 feet above mean sea level.
- ALUC 6. The specific coordinates, height, top point elevation of the proposed structure, frequencies, and power shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.
- ALUC 7. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
- ALCU 8. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction of Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for information) This requirement is also applicable in the event the project is abandoned.

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



PLANNING COMMISSION STAFF REPORT

DATE: JANUARY 14, 2015

SUBJECT: SPECTRUM SERVICES (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY FOOT HIGH MONOPOLE WITH ASSOCIATED EQUIPMENT SHELTER AND A VARIANCE REQUEST TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P (CASE NOS. 5.1315 CUP & 6.531 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 fifty (50) foot high wireless communication monopole and a Variance application to exceed the maximum antenna height of thirty-five (35) feet above the permitted fifteen (15) feet located at a Desert Water Agency site on San Joaquin Drive. The request includes a 900-square foot equipment enclosure with an eight foot tall block wall surrounding the facility.

RECOMMENDATION:

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

ISSUES:

- Planning Commission previously reviewed this case on March 12, 2014 and voted to Table discussion for further information.
- Variance is required to exceed antenna height limit of fifteen feet.
- No other communication antennas located in the immediate area.
- Proposed site is located adjacent to Palm Springs city limit line.

BACKGROUND AND SETTING:

<i>Ownership</i>	
4/24/2008	Desert Water Agency

Neighborhood Meeting	
None	Not Required – Staff has contacted the City of Cathedral City and the Dream Homes neighborhood.

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

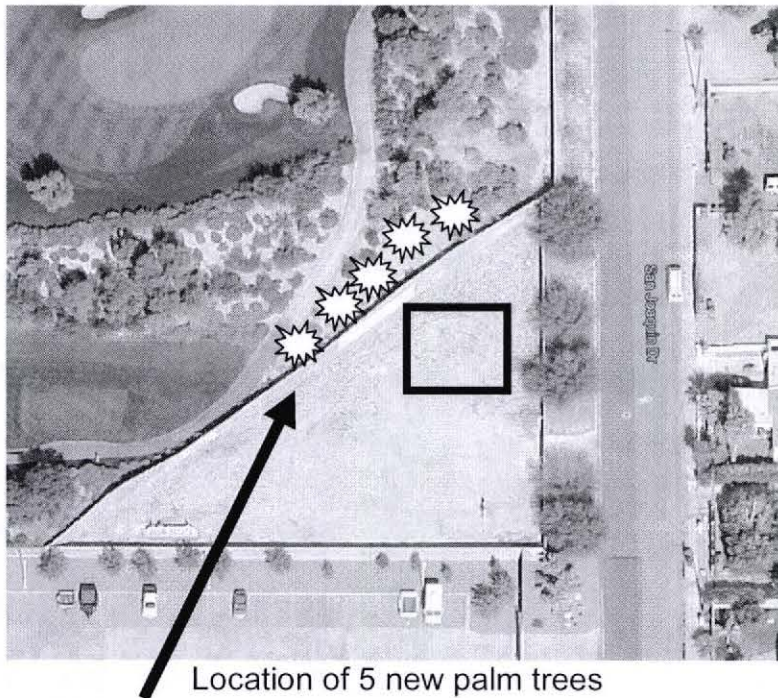
Site Posting	
1/13/14	“Project Under Consideration” sign posted on site.

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

Related Relevant City Actions by Planning, Fire, Building, etc...	
2/24/2014	The AAC recommended conditional approval: <ul style="list-style-type: none"> • Cluster palm trees to provide visual buffer. • Plant 5 Washingtonian Robusta, 25’ tall inside DWA well site perimeter wall. • Use largest fronds available on tower.
3/12/2014	Planning Commission reviews application and votes to Table.
11/12/2014	Planning Commission conducts Study Session to discuss cell towers.

Neighborhood Notification	
None	Staff has contacted the City of Cathedral City Planning Department to discuss proposed cell tower and its potential impact on the Dream Homes Neighborhood.
	No Palm Springs neighborhood organization within ½ mile.

Site Area	
Net Area	25,268-square feet



Location of 5 new palm trees

PREVIOUS PLANNING COMMISSION REVIEW

The Planning Commission previously reviewed this project on March 12, 2014 and voted to Table based upon the following items:

- Broader discussion on evaluating cell tower heights.
- Siting of tower adjacent to the Dream Homes neighborhood.
- Expert opinion sought through a Planning Commission work session.
- Planting of large trees to represent a palm grove.

In response to the Planning Commission's concerns, Staff organized a Study Session on evaluating cell tower CUP applications which took place on November 12, 2014. At this meeting, the Commission received testimony from Dennis Hurvitz, PE, of Desert Engineers providing a discussion of cell tower technology and coverage analysis (see attached minutes). Staff notes that direction from this work session is on-going and will continue into the New Year.

REVISED APPLICATION

Staff has worked with the applicant to re-evaluate several elements of the proposed project. Previously the tower was disguised as a Date Palm with a height of sixty (60) feet. The revised application has lowered the tower to fifty (50) feet in a monopole design. The elimination of the fake palm tree could allow co-location with other telecommunication carries thus reducing the overall number of towers in the City.

In addition, an overall coverage map of all Verizon towers in the City has been submitted. From viewing this coverage map an underserved area is clearly visible in the area around Gene Autry Trail and the Airport.

Staff has contacted the Planning Office in Cathedral City to determine if a neighborhood organization is present in the Dream Homes area. As of the writing of this report, formal contact has not been made, however the subject site has been posted for 11 months and public hearing notices have been sent out to all property owners within 500 feet.

ANALYSIS:

Surrounding Property	Existing General Plan Designations	Existing Zoning Designation	Existing Land Use
Subject Site	Industrial	M-1-P (Light Industrial)	Desert Water Agency Well Site
South	Industrial	M-1-P (Light Industrial)	Palm Springs Unified School District Operation
East	Cathedral City	Cathedral City / Residential	Single-Family Residential
West	Industrial	M-1-P (Light Industrial)	Vacant
North	Open Space	Open Space	Escena Golf Course

Plan Designations, Zones and Land Uses:

The General Plan designation of the subject site is Industrial. 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 M-1-P (Planned Research and Development), 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). The table below displays the PSZC's development standards and the proposed project's development proposal:

Zoning			
Zone	Proposed Use	Permitted?	
M-1-P (Planned Research and Development)	Monopole / Commercial Communication Antennas	Yes, proposed use allowed pursuant to Section 94.02.00(A)(2)(f) of Zoning Code.	
Development Standards	Proposed	Requirement	Compliance
Height	50 feet	15 feet above ground, unless variance is approved	No, variance being requested
Setback			
East (front property line)	100 feet	100 feet to residential property	Yes

South (side property line)	119 feet	No Requirement	Yes
North (side property line)	20 feet	No Requirement	Yes
Rear (east property line)	40 feet	No Requirement	Yes

Above development standards may be found in Sections 93.23.08 and 92.16.03(D) 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 fifty (50) 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 map for all existing Verizon towers in the City. This map shows a gap in service in the general area of Gene Autry Trail and the Airport. Findings in support are found below.

REQUIRED FINDINGS:

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 site has parcels in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided a radio frequency map for all Verizon cell towers in the City which displays a gap in service in the area around Gene Autry Trail and the Airport. An additional map shows coverage after the 50 foot tower is in place greatly improving overall service to the immediate area and the greater network.

- 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 monopole 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 coverage maps sufficient to determine that an increase in height to 50 feet will 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 fifty 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 M-1-P 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 Industrial. 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.

There are no other telecommunication facilities located within the City limits in the immediate area of the proposed site. Further, the planting of five tall palm trees on the Escena Golf Course forming a palm grove will 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 proposed height of the tower is within the required setbacks for the M-1-P zone. The use will occupy only a small portion of the parcel located within an existing Desert Water Agency site behind an eight (8) foot tall block wall. 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.*

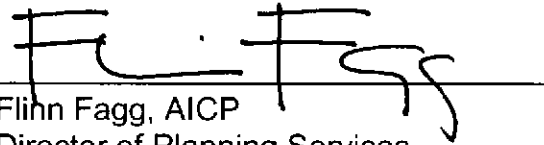
The project is unlikely to have a significant impact on the proposed project site or its immediate surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, installation of five palm trees to form a palm grove, 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



Flihn Fagg, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Minutes of the March 12, 2014 Planning Commission Meeting
4. Minutes of the November 12, 2014 Planning Commission Study Session
5. 2/24/14 AAC Minutes (excerpt)
6. Reduced Plans
7. Coverage Maps
8. Planning Department Maps showing location of all cell towers in City
9. Letter from Riverside County Airport Land Use Commission
10. Photo Simulations

RESOLUTION NO. 6461

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT, CASE NO. 5.1315, TO THE CITY COUNCIL FOR THE INSTALLATION OF A FIFTY FOOT HIGH COMMERCIAL COMMUNICATIONS ANTENNA STRUCTURE AND OF A VARIANCE APPLICATION, CASE NO. 6.531, TO EXCEED THE MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE.

WHEREAS, Spectrum Services for Verizon Wireless, ("Applicant") has filed an application on behalf of Desert Water Agency (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 fifty foot tall monopole and existing equipment shelter located at a Desert Water Agency site on San Joaquin Drive, APN: 677-270-036, M-1-P Zone, Section 18; 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. 5.1315 and Variance, Case No. 6.531 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. 5.1315 and Variance, Case No. 6.531 was held by the Planning Commission in accordance with applicable law and a vote was taken to Table; and

WHEREAS, on January 14, 2015, a public hearing on the application for Conditional Use Permit, Case No. 5.1315 and Variance, Case No. 6.531 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 Riverside Airport Land Use Commission has reviewed the request and in a letter dated February 5, 2014 has deemed the project consistent with the 2005 Palm Springs International Airport Land Use Compatibility Plan; 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:

Section 1: 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.

Section 2: Variance: 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 site has parcels in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided a radio frequency map for all Verizon cell towers in the City which displays a gap in service in the area around Gene Autry Trail and the Airport. An additional map shows coverage after the 50 foot tower is in place greatly improving overall service to the immediate area and the greater network.

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 monopole 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 coverage maps sufficient to determine that an increase in height to 50 feet will 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 fifty 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.

Section 3: Conditional Use Permit: 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 M-1-P 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 Industrial. 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.

There are no other telecommunication facilities located within the City limits in the immediate area of the proposed site. Further, the planting of five tall palm trees

on the Escena Golf Course forming a palm grove will 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 proposed height of the tower is within the required setbacks for the M-1-P zone. The use will occupy only a small portion of the parcel located within an existing Desert Water Agency site behind an eight (8) foot tall block wall. 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 five palm trees to form a palm grove, removal of antenna upon use-change or abandonment of the subject property and compliance with all Federal Airport Administration requirements among others

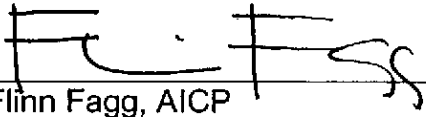
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends approval of Conditional Use Permit Case No. 5.1315 and Variance Case No. 6.531 to the City Council, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 14th day of January, 2015.

- AYES: 5, Commissioner Calerdine, Commissioner Middleton, Commissioner Lowe, Vice-Chair Klatchko and Chair Hudson
NOES 1, Commissioner Roberts
ABSENT: 1, Commissioner Weremiuk
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA


Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. 6461

EXHIBIT A

Case 5.1315 CUP and Case 6.531 VAR
Spectrum Services (Verizon Wireless) on behalf of Desert Water Agency

San Joaquin Drive
APN: 677-270-036

CITY OF PALM SPRINGS

APPROVED BY PLANNING COMMISSION

Case # 5.1315 Date 1/14/15 Initial GM

APPROVED BY CITY COUNCIL

January 14, 2015

Case # _____ Date _____ Initial _____

CONDITIONS OF APPROVAL Resolution # _____ Ordinance # _____

APPROVAL SUBJECT TO ALL REQUIRED

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. Project Description. This approval is for the project described per Case 5.1315 CUP and Case 6.531 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 December 18, 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. 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. Minor Deviations. 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. Indemnification. 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 5.1315 CUP and Case 6.531 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. Time Limit on Approval. 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. Conditional Use Permit Availability. 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. Landscape. Prior to final inspection, the applicant shall plant five – 25 foot tall palm trees within the Escena Golf Course located adjacent to the Desert Water Agency site to form a palm grove. The species shall be a Washingtonian Robusta Palm. The location of the palm trees is reflected on approved site plan.
- PLN 3. Off-street Parking Areas. Off-street parking areas shall be located within the Desert Water Agency site.
- 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. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 6. 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 7. 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 8. 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 9. 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(1) of the Zoning Code.
- PLN 10. Antenna Structure. Antenna shall be a monopole design with twelve (12) antenna panels that are six by one feet in size installed at top of structure with a four foot parabolic antenna mounted below. The monopole to be painted "Desert Tan".

- PLN 11. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be fifty (50) feet, as measured from finished grade to the highest point of the structure.
- PLN 12. Valid Lease Agreement Required. 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. Use Abandonment. 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. FAA & FCC Compliance. 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 if deemed necessary by the Director of Planning Services.
- PLN 16. Co-location. The applicant / operator of the facility shall agree to allow the co-location 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.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION CONDITIONS (ALUC)

- ALUC 1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either spillage of lumens or reflection into the sky
- ALUC 2. The following uses shall be prohibited:
- a. Any use which would direct a steady light or flashing light red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which causes sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

c. Any use which generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including but not limited to, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, incinerators, and fly ash disposal.

d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and or aircraft instrumentation.

ALUC 3. The attached notice shall be provided to all potential purchasers of the property and tenants of any habitable buildings thereon.

ALUC 4. The Federal Aviation Administration has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2013-AWP-7124-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and / or lighting for aviation safety are accomplished on a voluntary basis, such marking and / or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.

ALUC 5. The maximum height of the proposed structure shall not exceed 60 feet above ground level, and the maximum elevation of the proposed structure, including all towers and antennas, shall not exceed 464 feet above mean sea level.

ALUC 6. The specific coordinates, height, top point elevation of the proposed structure, frequencies, and power shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.

ALUC 7. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

ALCU 8. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction of Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for information) This requirement is also applicable in the event the project is abandoned.

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

Assistant Planner Mlaker provided an overview of the proposed CUP request.

Chair Hudson opened the public hearing:

STEVE RAWLINGS, representing Caliente Tropics LLC, concur with conditions as proposed. He spoke about the recent purchase of the hotel and their plans to open the restaurant and remodel the interior and exterior of the building.

There being no further appearances the public hearing was closed.

Commissioner Roberts suggested the possibility of adding a rolled curb to increase parking along Twin Palms Drive.

Vice-Chair Hudson did not share the concern for additional parking since many of the restaurant patrons will be hotel occupants.

Commissioner Calerdine commented that the restaurant area parking is remote from the hotel; and if there is parking shortage it may affect people in the hotel. He suggested a shared parking program.

Commissioner Middleton said it's important to add adequate parking on site and there is considerable traffic and speed in this area. She applauded the applicant for refurbishing the hotel in this part of town.

Commissioner Lowe said East Palm Canyon needs a lot of development and is happy to see this property will be developed.

ACTION: Approve with conditions as submitted.

Motion: Commissioner Lowe, seconded by Commissioner Calerdine and unanimously carried 6-0-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Vice-Chair Klatchko, Chair Hudson

ABSENT: Commissioner Weremiuk

2B. SPECTRUM SERVICES REPRESENTING VERIZON WIRELESS, FOR A CONDITIONAL USE PERMIT TO INSTALL A FIFTY (50) FOOT TALL COMMERCIAL COMMUNICATION ANTENNA; AND VARIANCE REQUEST TO INCREASE ANTENNA HEIGHT THIRTY-FIVE (35) FEET LOCATED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P. (CASE NO. 5.1315 CUP; VAR 6.531). (GM)

Assistant Planner Mlaker presented the proposed project as outlined in the staff report.

Commissioner Calerdine asked about adding screening on the Dream Homes side.

MIKE HAYES, applicant, Spectrum Services, addressed questions from the Commission noting that DWA will not allow any trees within their compound and the area in front of the Dream Homes subdivision is currently landscaped.

Chair Hudson opened the public hearing and with no appearances coming forward the public hearing was closed.

Commissioner Middleton concurred with the applicant that the existing Palo Verdes on the Dream Homes side will camouflage better than palm trees.

Mike Hayes said it is fairly common for utility companies not to allow plantings inside their compound possibly for future expansion.

Commissioner Lowe noted the Commission has recommended monopoles to encourage co-location by other telecommunication carriers and the applicant has done so.

ACTION: Approve with conditions and recommend approval to City Council.

Motion: Commissioner Calerdine, seconded by Commissioner Middleton and carried 5-1-1 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Vice-Chair Klatchko, Chair Hudson
NOES: Commissioner Roberts
ABSENT: Commissioner Weremiuk

3. NEW BUSINESS:

3A. MIDTOWN PALOMINO FOR A MAJOR ARCHITECTURAL APPROVAL TO CONSTRUCT THE FINAL PHASE OF THE PALOMINO PROJECT CONSISTING OF 6 TWO-STORY CONDOMINIUM STRUCTURES AT THE EXISTING PALOMINO CONDOMINIUM DEVELOPMENT LOCATED AT 401 AVENIDA CABALLEROS, ZONE HR-IL, SECTION 14; (CASE NO. 3.3790-MAJ). (ER)

1. CONSENT CALENDAR:

ACTION: Approve, Items 1A and 1B as part of the Consent Calendar.

Motion: Commissioner Weremiuk, seconded by Commissioner Calerdine and unanimously carried 5-0-2 on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Roberts, Commissioner Weremiuk, Chair Donenfeld

ABSENT: Vice Chair Hudson, Commissioner Lowe

1A. APPROVAL OF MINUTES: FEBRUARY 26, 2014

Approve, as amended.

1B. HANWHA Q CELLS USA FOR ARCHITECTURAL REVIEW OF NEW ENTRY GATE AND LANDSCAPING AT FUTURE SOLAR ENERGY GENERATION STATION LOCATED AT 5400 NORTH INDIAN CANYON DRIVE, ZONE W AND W-M-1-P, SECTION 23 (CASE 5.1252 MAA). (DN)

Approve, as submitted.

2. PUBLIC HEARINGS:

2A. SPECTRUM SERVICES (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A SIXTY FOOT TALL MONOPOLE STRUCTURE (DESIGNED AS A PALM TREE) WITH ASSOCIATED EQUIPMENT SHELTER AND A VARIANCE REQUEST TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P (CASE NOS. 5.1315 CUP & 6.531 VAR). (GM)

Associate Planner Newell presented the proposed project and provided an overview of the AAC's recommendations.

Commissioner Calerdine requested more information on how the coverage works.

Commissioner Roberts expressed concern with not having sufficient data from the carriers and said that he does not feel comfortable with structures 60 and 70 feet in height. He would like staff to bring back additional information from an expert in this field.

Commissioner Weremiuk said she not comfortable with the location of the cell tower within a neighborhood.

Commissioner Roberts clarified that the Commission is not against cell towers and monopoles but wants to allow them in a responsible manner.

Chair Donenfeld opened the public hearing:

MIKE HAYES, Spectrum Services, authorized agent for Verizon Wireless, said they have a total of four cell towers surrounding the airport that tie into each other. He explained that the terrain has a lot to do with the height. He said they do their best not to be intrusive and the location is determined where the gaps are in coverage.

There being no further appearances the public hearing was closed.

Commissioner Klatchko noted that the expert opinion sought is general in nature and not based on these two locations.

Commissioner Weremiuk said she prefers to evaluate all four locations at the same time, if possible. She reiterated her concern with the cell tower location within a residential neighborhood and would like to see tree groves in this area as well. She prefers the applicant consider an alternate location.

Commissioner Roberts requested a continuance to allow staff to gather more information from a neutral consultant relating to coverage area, smaller monopoles versus larger ones and the latest EMF reports.

ACTION: Table.

Motion: Commissioner Roberts, seconded by Chair Donenfeld and unanimously carried 5-0-2 on a roll call vote.

AYES: Commissioner Calderine, Commissioner Klatchko, Commissioner Roberts, Commissioner Weremiuk, Chair Donenfeld

ABSENT: Vice Chair Hudson, Commissioner Lowe

2B. SPECTRUM SERVICES (VERIZON WIRELESS) FOR CONDITIONAL USE PERMIT TO CONSTRUCT A SEVENTY FOOT TALL MONOPOLE STRUCTURE (DESIGNED AS A PALM TREE) WITH ASSOCIATED EXISTING 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). (GM)

Associate Planner Newell presented the proposed project as outlined in the staff report.

CITY OF PALM SPRINGS
PLANNING COMMISSION STUDY SESSION MINUTES
November 12, 2014
Large Conference Room, City Hall
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

CALLED TO ORDER:

Chair Hudson called the meeting to order at 11:32 am.

ROLL CALL:

PRESENT: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko and Chair Hudson

ABSENT: None

ALSO PRESENT: Planning Director Fagg and Principal Planner Roberts

REPORT OF POSTING OF AGENDA: The agenda was available for public access at the City Hall exterior bulletin board (west side of Council Chamber) and the Planning Services counter by 10:00 am on Tuesday, November 4, 2014.

PUBLIC COMMENTS: None.

DISCUSSION ITEMS:

1. REVIEW OF CELL TOWER REGULATIONS.

Discussion:

- Presentation by Dennis Hurvitz, PE, of Desert Engineers, regarding cell tower technology and coverage.
- Commissioner Roberts voiced concerns about cell tower height and the accuracy of coverage maps. He expressed a preference for evaluating applications on a case-by-case basis, and was comfortable with the city's current cell tower ordinance. However, he would prefer that there be independent consultation and neutral analysis of coverage maps, and offered that applicants should pay for any additional costs related to this review.
- Commissioner Weremiuk noted that the city's ordinance is outdated and needs to be updated to properly address height, setbacks, and adequate guidelines for review of cell tower applications. She also noted a preference for monopoles versus the "monopalm" design. She also suggested that applicants need to

show the locations of all their towers as part of any new applications, and that wireless equipment should be inconspicuously mounted on the new hotel buildings that are being proposed. The Commissioner noted any new ordinance would need the support of City Council, and that the goals for cell tower regulation for both groups should be aligned.

- Chair Hudson noted that residents may prefer the monopalm design, but the monopole is necessary to get co-location of equipment. He also suggested that the city needs a coordinated master plan for cell towers, and to look ahead at continued growth in wireless usage.
- Commissioner Middleton noted that context is important when installing a monopalm tower and that an isolated monopalm is of no value.
- Commissioner Lowe questioned if there were other technologies available to screen or disguise cell towers equipment. He also suggested that a map should be prepared, locating all current cell tower within the city, and to distinguish which towers are monopoles and which are monopalms. The Commissioner felt that the city should increase its review fee to pay for independent analysis of the coverage maps submitted with cell tower applications.
- Commissioner Calerdine noted that coverage maps prepared by cell tower companies rely on a standard set of variables, and can be accurate as long as the assumptions are correct. He also recommended that it's important to understand the net current cell coverage and how a new tower improves coverage in the decision making process.
- Vice Chair Klatchko suggested that companies need to provide a map showing all coverage for the company, and agreed that the city's ordinance is out of date. He also noted that the Conditional Use Permit (CUP) process is still an appropriate means for reviewing cell tower applications, and that changing technology may reduce the required height of towers in the future.
- The Commissioners questioned if the city could require co-location of providers on cell towers and if allowing added height would get greater co-location and reduce the overall number of towers.

Direction to Staff:

1. Staff to begin work on an updated cell tower ordinance.
2. A cell tower subcommittee should be appointed to work with staff in the development of a new ordinance.
3. Staff to investigate the use of an independent consultant or peer review in the evaluation of coverage maps, as well as any associated costs.
4. Staff to prepare a map of all existing cell towers within the City of Palm Springs, noting the carrier and type of tower.

from street, different species and spacing.

M/S/C (Secoy-Jensen/Fredricks, 4-0-3 absent Hirschbein, Purnel and Song) Recommend approval to City Council with further study of landscape and entry wall 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 VICE-CHAIR FAUBER had questions on Sheet A5 and asked if there are larger fronds 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/Fauber, 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
- 5 Washingtonian Robusta, 25' inside perimeter
- Largest fronds to be used on the tower

9. SPECTRUM SERVICES (VERIZON WIRELESS) FOR ARCHITECTURAL REVIEW TO 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 Mlaker indicated that the monopole structure will be designed as a Fan Palm.



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

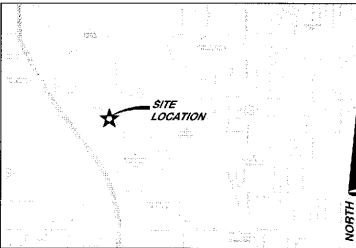
NIGHTSHADE

UNADDRESSED
APN: 677-270-036
PALM SPRINGS, CALIFORNIA 92263

THE PROPOSED PROJECT INCLUDES:

- INSTALLATION OF A 900 SQ. FT. VERIZON WIRELESS TELECOMMUNICATIONS FACILITY
- INSTALLATION OF (12) VERIZON WIRELESS PANEL ANTENNAS AT A 45' CENTERLINE MOUNTED ON A NEW 50' MONOPOLE
- INSTALLATION OF (2) VERIZON WIRELESS PARABOLIC ANTENNAS
- INSTALLATION OF (12) VERIZON WIRELESS REMOTE RADIO UNITS (RRUs) (14 PER SECTION)
- INSTALLATION OF (3) VERIZON WIRELESS TOWER MOUNTED JUNCTION BOXES
- INSTALLATION OF (2) VERIZON WIRELESS 11'-6" X 16"-10.5" EQUIPMENT SHELTER
- INSTALLATION OF (2) VERIZON WIRELESS GPS ANTENNAS
- INSTALLATION OF A VERIZON WIRELESS 8' BLOCK WALL
- INSTALLATION OF A VERIZON WIRELESS 4" WIDE SOLID METAL GATE
- INSTALLATION OF A VERIZON WIRELESS 30KW GENERATOR WITH A 211 GALLON DIESEL TANK ON A NEW 2' X 8' CONCRETE PAD
- COAXIAL CABLE/FIBER/FLEX CABLE RUNS FROM RADIOS TO ANTENNAS
- NEW FIBER CONDUIT RUN TO CABINETS
- NEW 200A DEDICATED ELECTRICAL SERVICE TO METER

PROJECT DESCRIPTION



VICINITY MAP

APPLICANT/LESSEE

VERIZON WIRELESS
15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR
IRVINE, CALIFORNIA 92618
(949) 256-7000

PROPERTY INFORMATION

OWNER: DEBERT WATER AGENCY
PO BOX 1710
PALM SPRINGS, CALIFORNIA 92263
CONTACT: MARK KEARSE
PHONE: (760) 323-4971 EXT. 110
AREA OF CONSTRUCTION: ~900 SQ. FT.
OCCUPANCY TYPE: S-2
CONSTRUCTION TYPE: M-B
CURRENT ZONING: PLANNED RESEARCH AND DEVELOPMENT PARK ZONE (M-1P)
JURISDICTION: CITY OF PALM SPRINGS
APN: 677-270-036
HANDICAP REQUIREMENTS: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION; HANDICAPPED ACCESS NOT REQUIRED.

PROJECT SUMMARY

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTWITHSTANDING, THESE PLANS ARE TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

1. 2013 CALIFORNIA ADMINISTRATIVE CODE
2. 2013 CALIFORNIA BUILDING STANDARDS CODE
3. 2013 CALIFORNIA ELECTRICAL CODE
4. 2013 CALIFORNIA MECHANICAL CODE
5. 2013 CALIFORNIA PLUMBING CODE
6. 2013 CALIFORNIA ENERGY CODE
7. 2013 CALIFORNIA FIRE CODE

CODE COMPLIANCE

SITE ACQUISITION / PLANNING

SPECTRUM SERVICES, INC.
4405 EAST AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
MICHAEL BATES
PHONE: (909) 456-8401
FAX: (909) 456-8408

CIVIL ENGINEER

SPECTRUM SERVICES, INC.
4405 EAST AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
CHRIS MEYER
PHONE: (909) 456-8401
FAX: (909) 456-8408

STRUCTURAL ENGINEER

T.B.D.

ELECTRICAL ENGINEER

DSS CONSULTING ENGINEERING SERVICES LLC
8811 W. CHARLESTON BOULEVARD, SUITE 2539
LAS VEGAS, NEVADA 89117
DEREK G. STUBERLAC
PHONE: (702) 885-1552

SURVEYOR

SHAMBERG LAND SURVEYING
3309 S. TONY AVENUE, ROAD SUITE 110
LAS VEGAS, NEVADA 89148
TERRY J. KEESMAN
PHONE: (702) 823-3257

PROJECT TEAM

SHEET	DESCRIPTION	REV.
T1	TITLE SHEET	
A1	SITE PLAN	
A2	ENLARGED SITE PLAN	
A3	SITE DETAIL, ANTENNA & CABLE SCHEDULE AND ANTENNA LAYOUT	
A4	SITE DETAIL WITH DIMENSIONS	
A5	NORTH & EAST ELEVATIONS	
A6	SOUTH & WEST ELEVATIONS	

SHEET INDEX ZONING

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

APPROVAL LIST

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

PROJECT INFORMATION

NIGHTSHADE

UNADDRESSED
APN: 677-270-036
PALM SPRINGS, CALIFORNIA 92263

CURRENT ISSUE DATE: 12/15/14

ISSUED FOR: ZONING

REV. DATE DESCRIPTION BY

12/15/14	PLANNING REVISIONS	R.S.
06/11/14	PLANNING REVISIONS	D.C.
02/14/14	PLANNING REVISIONS	G.H.
01/31/14	PLANNING REVISIONS	G.H.
10/24/13	100% ZONING	R.S.
10/17/13	80% ZONING	R.S.

PLANS PREPARED BY: SPECTRUM

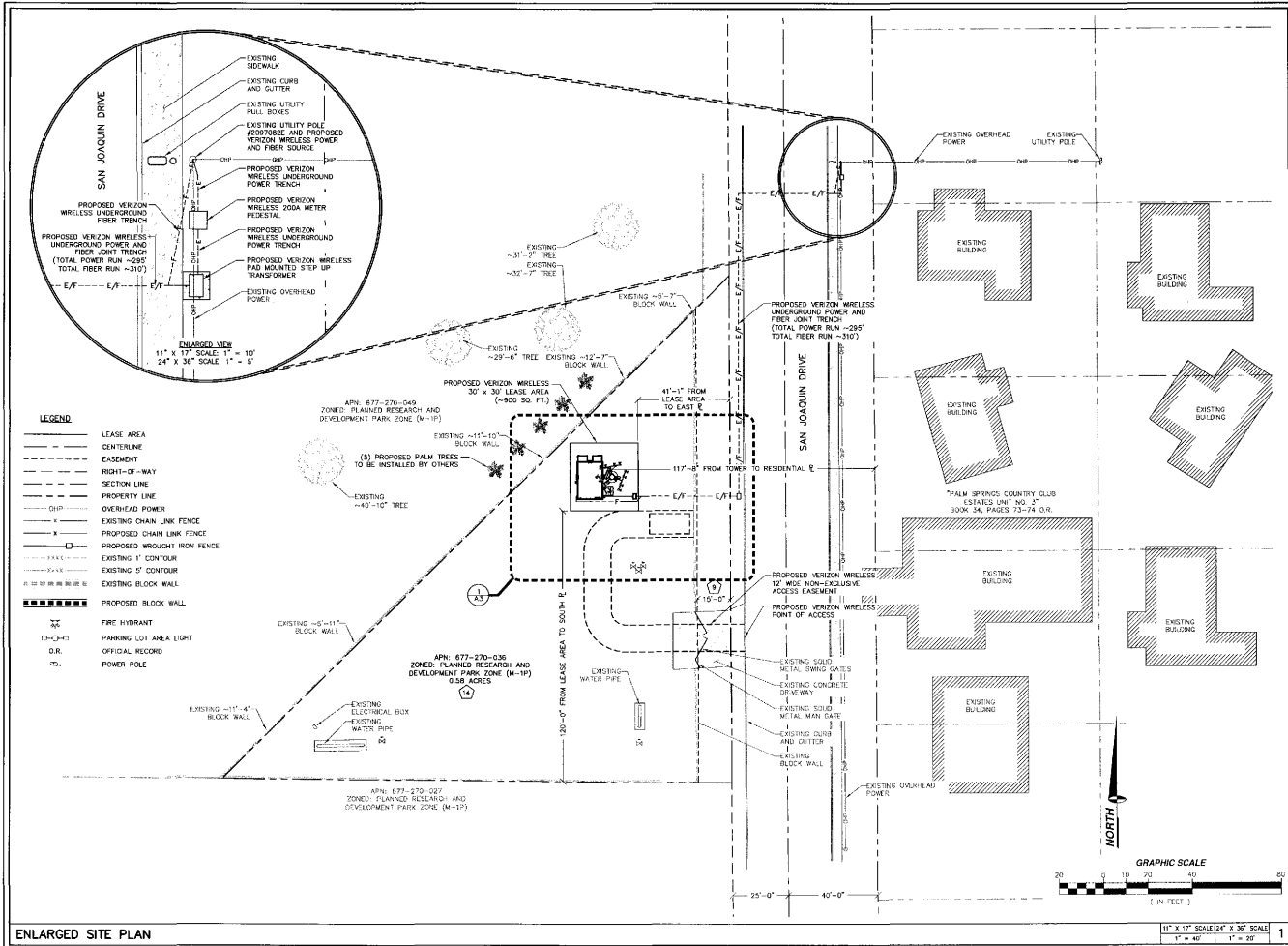
SPECTRUM SERVICES, INC.
4405 E. AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
PHONE: (909) 456-8401
FAX: (909) 456-8408

LICENSURE:

SHEET TITLE: TITLE SHEET

SHEET NUMBER: T1 REVISION: 5

LAX-294



verizon wireless
 15505 SAND CANYON AVENUE
 BUILDING D, 1ST FLOOR
 IRVINE, CALIFORNIA 92618

PROJECT INFORMATION

NIGHTSHADE

UNADDRESSSED
 APN: 677-270-036
 PALM SPRINGS, CALIFORNIA 92263

CURRENT ISSUE DATE: **12/15/14**

ISSUED FOR: **ZONING**

REV. DATE DESCRIPTION BY:

12/15/14	PLANNING REVISIONS	R.S.
08/11/14	PLANNING REVISIONS	D.C.
02/11/14	PLANNING REVISIONS	C.H.
01/31/14	PLANNING REVISIONS	C.H.
10/24/13	100% ZONING	R.S.
10/17/13	90% ZONING	R.S.

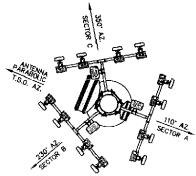
PLANS PREPARED BY:

SPECTRUM
 SPECTRUM SERVICES, INC.
 4405 E. AIRPORT DRIVE, SUITE 100
 ONTARIO, CALIFORNIA 91761
 PHONE: (909) 456-8403
 FAX: (909) 456-8408

SHEET TITLE:
 ENLARGED SITE PLAN

SHEET NUMBER: **A2** **5**

LAX-294



ANTENNA SECTOR	AZIMUTH	# OF ANTENNAS	# OF RRU'S	CENTERLINE	COAXIAL CABLE LENGTH	CABLE SIZE	COLOR CODE	TOP JUMPER LENGTH	BOTTOM JUMPER LENGTH	COMMENTS
SECTOR A	110°	4	4	46'	70'	(4) 7/8" COAX	RED/GREEN RED/RED	15'	15'	...
SECTOR B	230°	4	4	46'	70'	(4) 7/8" COAX	BLUE/GREEN BLUE/RED	15'	15'	...
SECTOR C	350°	4	4	46'	70'	(4) 7/8" COAX	YELLOW/GREEN YELLOW/RED	15'	15'	...
MISC	-	-	-	-	70'	(3) 1 5/8" HYDRIFLEX	-	-	-	...
PARABOLIC ANTENNA	T.B.D.	2	-	-	-	-	-	-	-	...
GPS	N/A	2	-	-	25'	1/2" COAX	GRAY	-	-	...

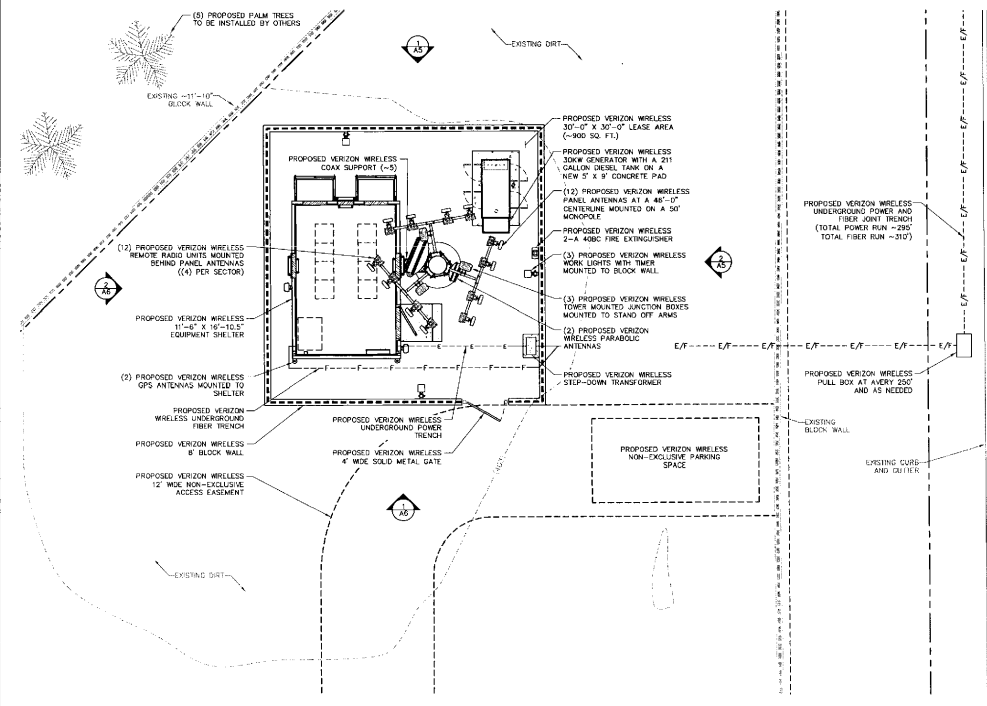
NOTE: CONTRACTOR TO FIELD VERIFY CABLE LENGTHS PRIOR TO ORDERING, FABRICATION, OR INSTALLATION OF CABLES.

ANTENNA LAYOUT

1" = 10' SCALE 24" x 36" SCALE
1" = 10' 1" = 5'

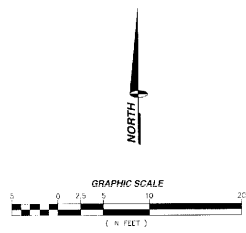
ANTENNA AND CABLE SCHEDULE

SCALE: NONE



LEGEND

- LEASE AREA
- CENTERLINE
- EASEMENT
- RIGHT-OF-WAY
- SECTION LINE
- PROPERTY LINE
- GHP
- OVERHEAD POWER
- EXISTING CHAIN LINK FENCE
- PROPOSED CHAIN LINK FENCE
- PROPOSED WROUGHT IRON FENCE
- EXISTING 1' CONTOUR
- EXISTING 3' CONTOUR
- EXISTING BLOCK WALL
- PROPOSED BLOCK WALL
- FIRE HYDRANT
- PARKING LOT AREA LIGHT
- OFFICIAL RECORD
- POWER POLE



SITE DETAIL

1" = 10' SCALE 24" x 36" SCALE
1" = 10' 1" = 5'



PROJECT INFORMATION
NIGHTSHADE
 UNADDRESSED
 APN: 877-210-036
 PALM SPRINGS, CALIFORNIA 92263
 CURRENT ISSUE DATE:
 12/15/14

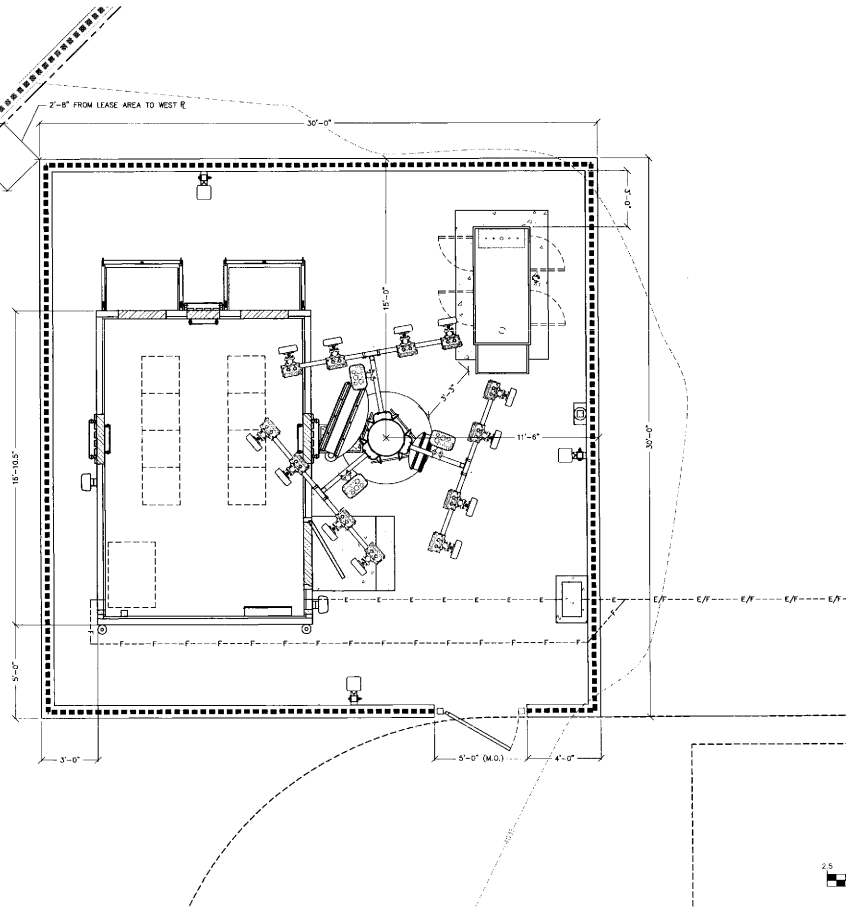
ISSUED FOR: ZONING

REV.	DATE	DESCRIPTION	BY
12/15/14		PLANNING REVISIONS	R.S.
06/11/14		PLANNING REVISIONS	D.C.
02/14/14		PLANNING REVISIONS	G.H.
01/23/14		PLANNING REVISIONS	G.H.
10/24/13		100% ZONING	R.S.
10/17/13		SUB ZONING	R.S.

PLANS PREPARED BY:
SPECTRUM
 SPECTRUM SERVICES, INC.
 4405 E. AIRPORT DRIVE, SUITE 100
 ONTARIO, CALIFORNIA 91761
 PHONE: (909) 456-8401
 FAX: (909) 456-8408

LICENSURE:
 SHEET TITLE:
 SITE DETAIL, ANTENNA & CABLE SCHEDULE AND ANTENNA LAYOUT

SHEET NUMBER: **A3** REVISION: **5**
 LAX-294



LEGEND

- LEASE AREA
- CENTERLINE
- EASEMENT
- RIGHT-OF-WAY
- SECTION LINE
- PROPERTY LINE
- OVERHEAD POWER
- EXISTING CHAIN LINK FENCE
- PROPOSED CHAIN LINK FENCE
- PROPOSED MOUNTED IRON FENCE
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- EXISTING BLOCK WALL
- PROPOSED BLOCK WALL
- ⊕ FIRE HYDRANT
- ⊕ (C) PARKING LOT AREA LIGHT
- D.R. OFFICIAL RECORD
- ⊕ POWER POLE

verizon wireless
 15505 SAND CANYON AVENUE
 BUILDING 0, 1ST FLOOR
 IRVINE, CALIFORNIA 92618

PROJECT INFORMATION

NIGHTSHADE
 UNADDRESSED
 APN: 877-270-036
 PALM SPRINGS, CALIFORNIA 92263
 CURRENT ISSUE DATE:
12/15/14

ISSUED FOR:
ZONING

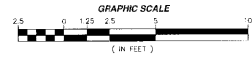
REV.	DATE	DESCRIPTION	BY
Δ	12/15/14	PLANNING REVISIONS	R.S.
Δ	06/11/14	PLANNING REVISIONS	D.C.
Δ	02/14/14	PLANNING REVISIONS	C.H.
Δ	01/31/14	PLANNING REVISIONS	C.H.
Δ	10/24/13	1000 ZONING	R.S.
Δ	10/17/13	1000 ZONING	R.S.

PLANS PREPARED BY:
SPECTRUM
 SPECTRUM SERVICES, INC.
 4400 E. AIRPORT DRIVE, SUITE 100
 ONTARIO, CALIFORNIA 91761
 PHONE: (909) 456-8401
 FAX: (909) 456-8408

LICENSURE:
 SHEET TITLE:
SITE DETAIL WITH DIMENSIONS

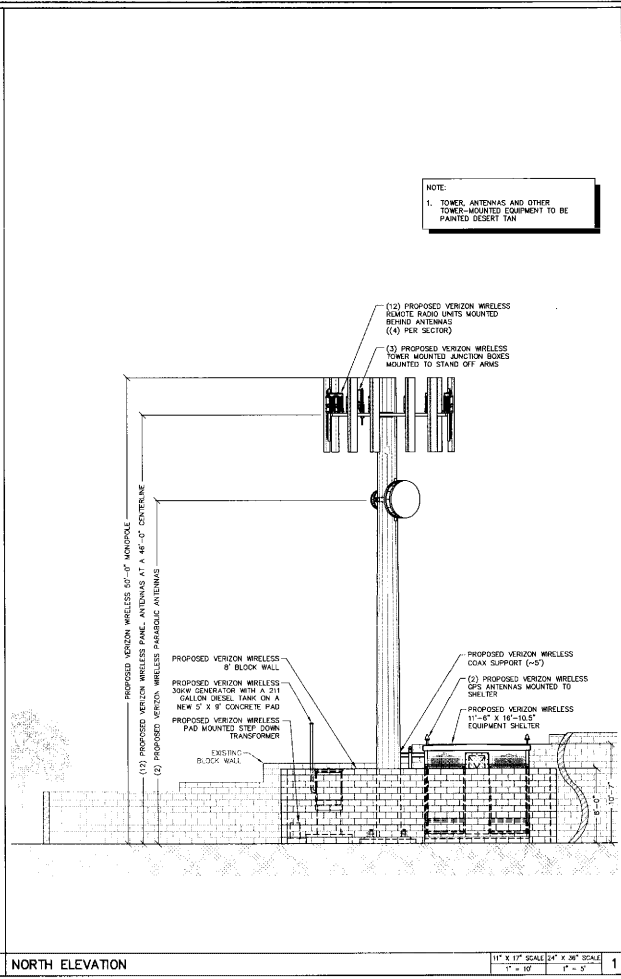
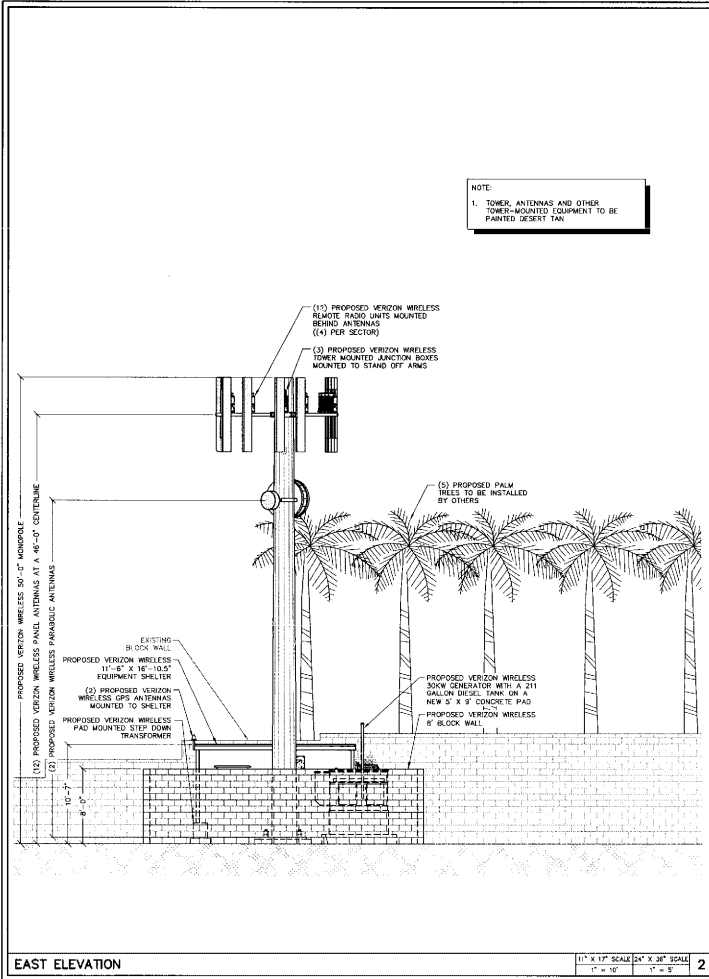
SHEET NUMBER: REVISION:
A4 5

LAX-294



11" x 17" SCALE 1/4" = 1'-0" SCALE
 1" = 5' 1" = 2'-0" 1

SITE DETAIL WITH DIMENSIONS



verizon wireless
15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR
IRVING, CALIFORNIA 92618

PROJECT INFORMATION:
NIGHTSHADE
UNADDRESSSED
APN: 677-270-036
PALM SPRINGS, CALIFORNIA 92263

CURRENT ISSUE DATE:
12/15/14

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
△	12/15/14	PLANNING REVISIONS	R.S.
△	06/11/14	PLANNING REVISIONS	D.C.
△	02/14/14	PLANNING REVISIONS	G.H.
△	01/23/14	PLANNING REVISIONS	G.H.
△	10/24/13	100K ZONING	R.S.
△	10/17/13	90K ZONING	R.S.

PLANS PREPARED BY:
SPECTRUM
SPECTRUM SERVICES, INC.
4405 E. AIRPORT DRIVE, SUITE 100
ONTARIO, CALIFORNIA 91761
PHONE: (909) 456-8401
FAX: (909) 456-8408

LICENSURE:

SHEET TITLE:
NORTH & EAST ELEVATIONS

SHEET NUMBER: A5 **REVISION:** 5
LAX-294



PROJECT INFORMATION

NIGHTSHADE

UNADDRESSED
APN: 877-270-036
PALM SPRINGS, CALIFORNIA 92263

CURRENT ISSUE DATE:

12/15/14

ISSUED FOR:

ZONING

REV. # DATE DESCRIPTION BY

REV. #	DATE	DESCRIPTION	BY
12/15/14		PLANNING REVISIONS	R.S.
06/11/14		PLANNING REVISIONS	D.C.
02/14/14		PLANNING REVISIONS	G.H.
01/21/14		PLANNING REVISIONS	G.H.
10/24/13		100% ZONING	R.S.
10/17/13		90% ZONING	R.S.

PLANS PREPARED BY:



LICENSURE:

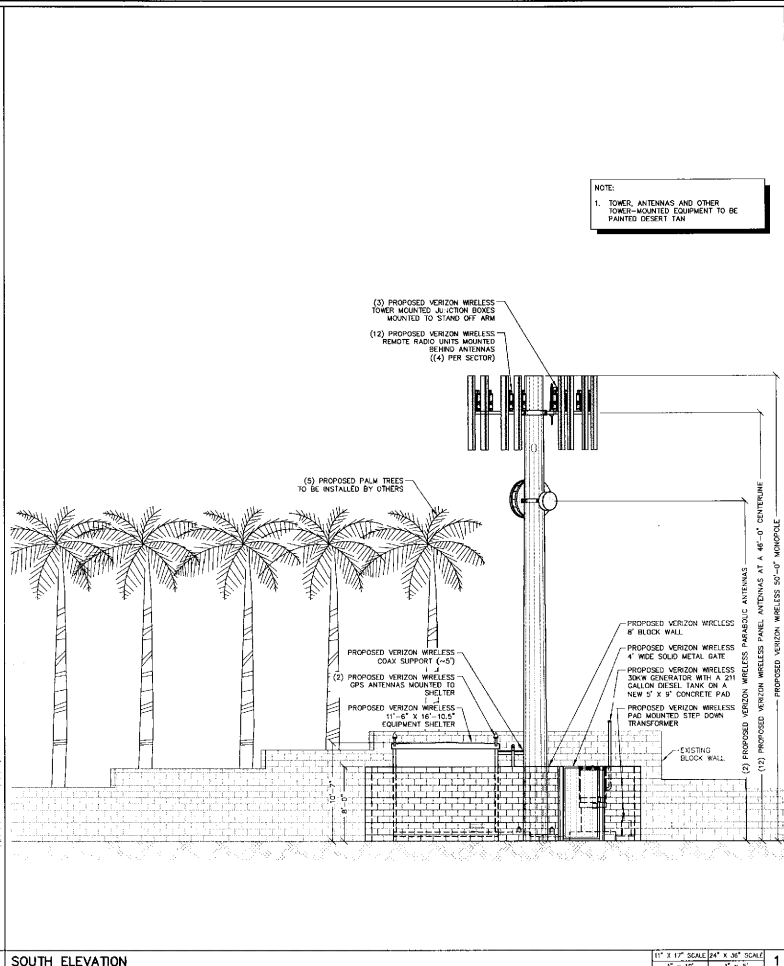
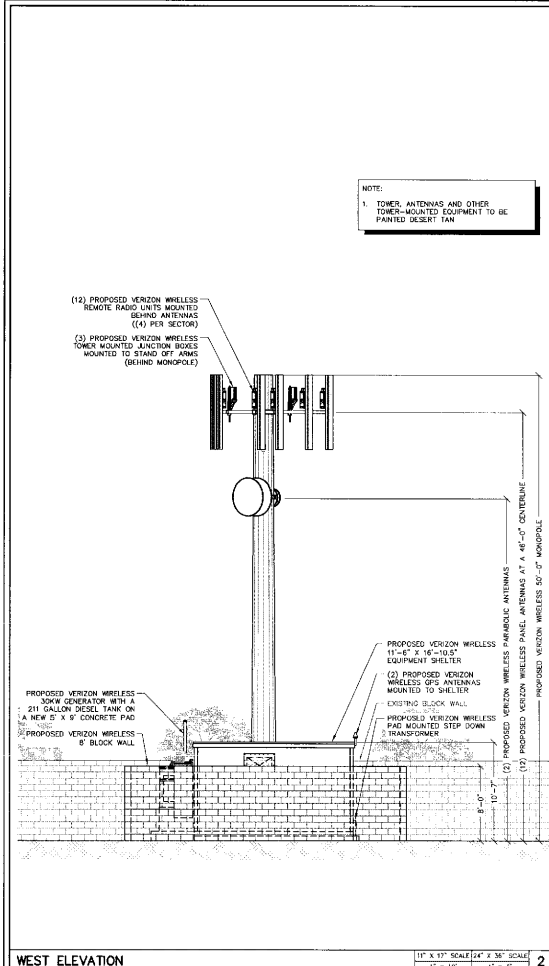
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SHEET TITLE:

SOUTH & WEST ELEVATIONS

SHEET NUMBER: REVISION

A6 5
LAX-294



WEST ELEVATION 1/4\"/>

2 SOUTH ELEVATION 1/4\"/>

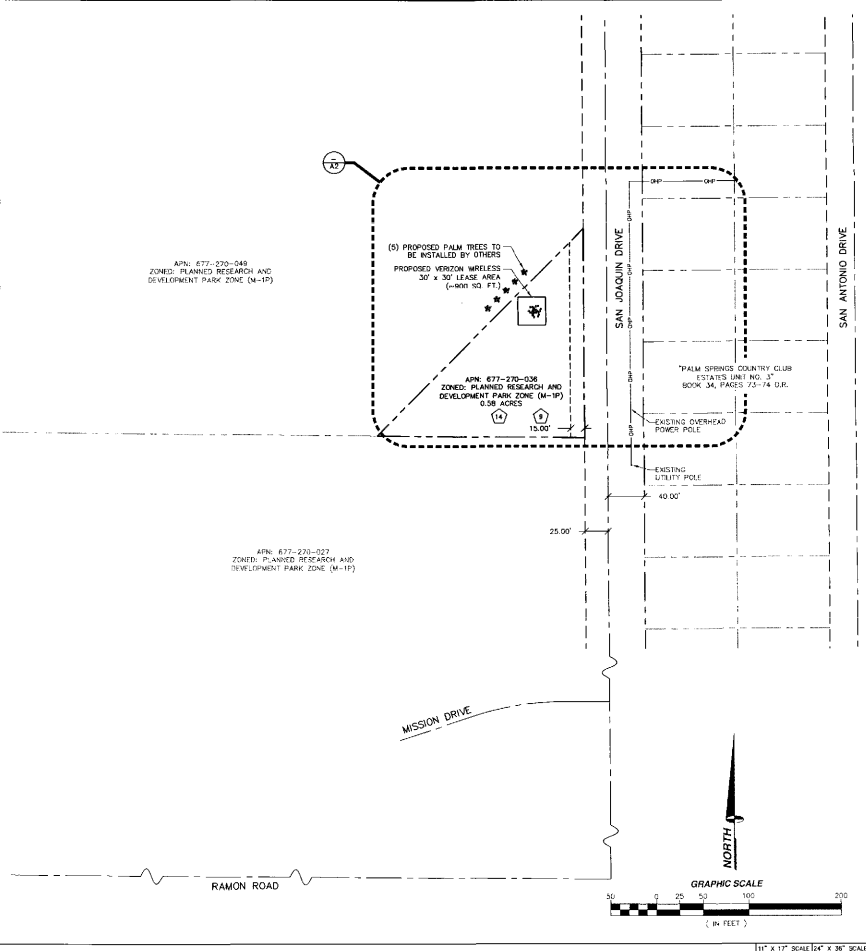
NOTES & TITLE REPORT EXCEPTIONS

ONLY THOSE EXCEPTIONS LISTED IN TITLE REPORT ORDER NO. 00193415-990-002, DATED SEPTEMBER 6, 2013, 2013, PREPARED BY TCM TITLE COMPANY OF CALIFORNIA WHICH ARE NOT SOLELY FINANCIAL IN NATURE AND WHICH REFERENCE A DOCUMENT CONTAINING A SUFFICIENT LEGAL DESCRIPTION OF AREAS AFFECTED BY SAID DOCUMENT WERE CONSIDERED FOR THIS SURVEY AND RE-LISTED BELOW. ITEM NUMBERS CORRESPOND TO ITEM NUMBERS IN SAID TITLE REPORT.

- (6) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: AUGUST 26, 1960
RECORDING NO. BOOK 7653, PAGE 31, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (7) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: PUBLIC UTILITIES AND INCIDENTAL PURPOSES
RECORDING DATE: OCTOBER 29, 1960
RECORDING NO. 92186, IN BOOK 2769 PAGES 28-30, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (8) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: DRAINAGE, INGRESS, EGRESS AND INCIDENTAL PURPOSES
RECORDING DATE: DECEMBER 18, 1960
RECORDING NO. 106577, IN BOOK 2817, PAGE 476, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (9) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: PUBLIC UTILITIES
RECORDING DATE: APRIL 24, 1979
RECORDING NO. BOOKS OF OFFICIAL RECORDS
AFFECTS SAID LAND
AFFECTS A PORTION OF THE SUBJECT PROPERTY
- (10) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: STREETS, HIGHWAY UNDERGROUND SEMI-PUBLIC UTILITY INSTALLATIONS AND INCIDENTAL PURPOSES
RECORDING DATE: MARCH 13, 1989
RECORDING NO. 1895-76283, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (11) RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, AS HOLDER OF AN EASEMENT FOR FLOOD CONTROL, INGRESS, EGRESS AND INCIDENTAL PURPOSES BY DEED RECORDED SEPTEMBER 24, 1959 AS INSTRUMENT NO. 1999-427787, OFFICIAL RECORDS AND WATERMETER RIVER CHANNEL FIELD SURVEY ALIGNMENT MAP DATED OCTOBER 17, 1966, RIVERSIDE COUNTY SURVEYOR MAP NO. 800-N, DOES NOT AFFECT THE SUBJECT PROPERTY
- (12) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: INGRESS AND EGRESS
RECORDING DATE: SEPTEMBER 24, 1999
RECORDING NO. 1999-427786, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (13) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: WATER DRAINAGE AND RETENTION
RECORDING DATE: DECEMBER 2, 2003
RECORDING NO. 2003-94329, OF OFFICIAL RECORDS
AFFECTS SAID LAND
DOES NOT AFFECT THE SUBJECT PROPERTY
- (14) EASEMENTS FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: PORTULACA AIR OR FLIGHT EASEMENT, ALSO REFERRED TO AS "NAVIGATION RIGHTS"
RECORDING DATE: MAY 9, 2005
RECORDING NO. 2005-026564, OF OFFICIAL RECORDS
AFFECTS ALL THE AIR SPACE ABOVE SAID LAND
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
AFFECTS THE ENTIRE SUBJECT PROPERTY

LEGEND

- LEASE AREA
- CENTERLINE
- EASEMENT
- RIGHT-OF-WAY
- SECTION LINE
- PROPERTY LINE
- OVERHEAD POWER
- EXISTING CHAIN LINK FENCE
- PROPOSED CHAIN LINK FENCE
- PROPOSED BROUGHT IRON FENCE
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR
- EXISTING BLOCK WALL
- PROPOSED BLOCK WALL
- FIRE HYDRANT
- PARKING LOT AREA LIGHT
- OFFICIAL RECORD
- POWER POLE



PROJECT INFORMATION
NIGHTSHADE
 UNADDRESSED
 APN: 677-270-036
 PALM SPRINGS, CALIFORNIA 92263
CURRENT ISSUE DATE:
 12/15/14

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
12/15/14		PLANNING REVISIONS	R.S.
06/11/14		PLANNING REVISIONS	D.C.
02/14/14		PLANNING REVISIONS	C.H.
01/31/14		PLANNING REVISIONS	C.H.
10/24/13		100% ZONING	R.S.
10/17/13		50% ZONING	R.S.

PLANS PREPARED BY:
SPECTRUM
 SPECTRUM SERVICES, INC.
 4405 E. AIRPORT DRIVE, SUITE 100
 ONTARIO, CALIFORNIA 91761
 PHONE: (909) 456-8401
 FAX: (909) 456-8408

LICENSURE:

SHEET TITLE:
SITE PLAN
SHEET NUMBER: A1 **REVISION:** 5
 LAX-294

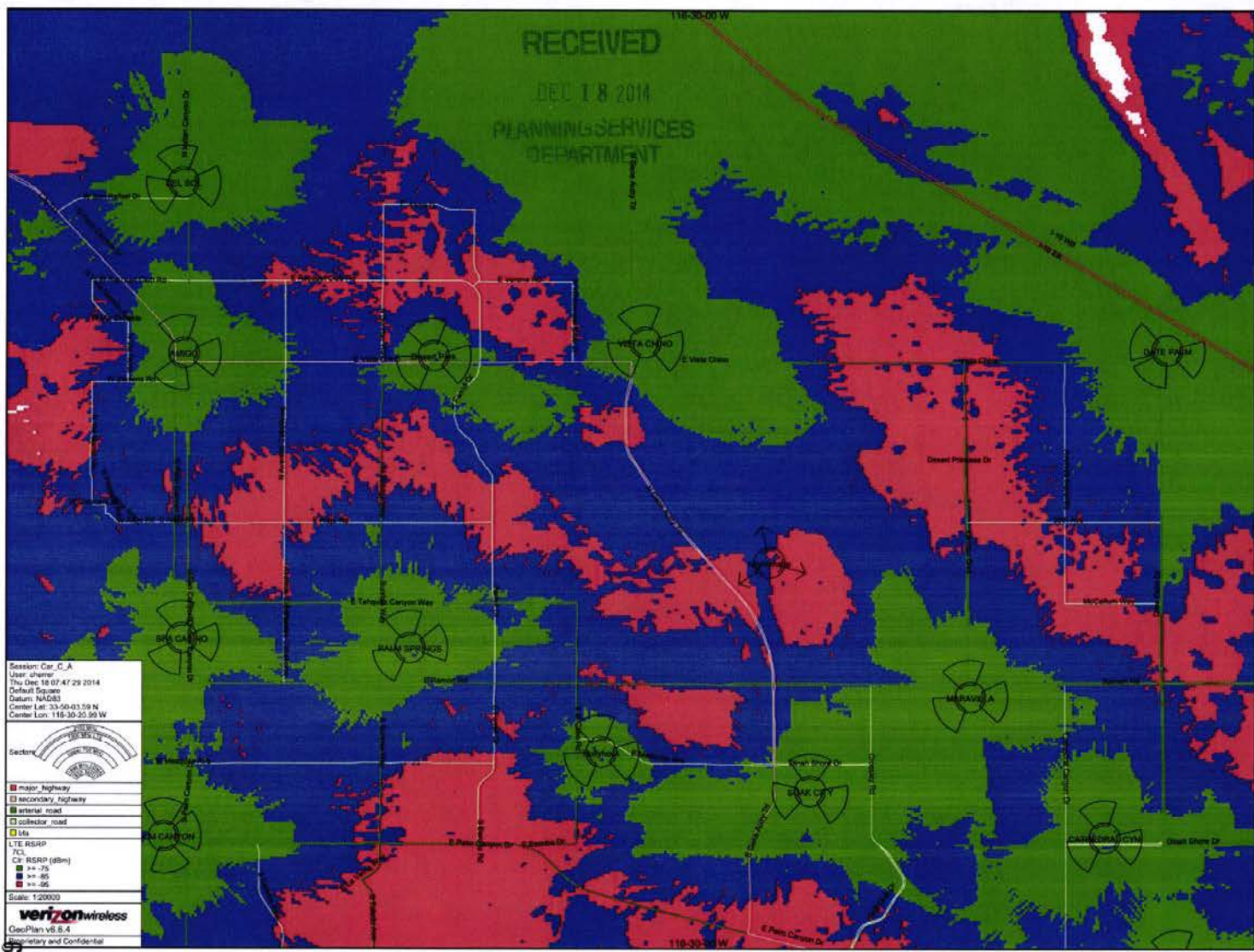
SITE PLAN

11" x 17" SCALE 14" x 36" SCALE
 1" = 100' 1" = 50'

RECEIVED

DEC 18 2014

PLANNING SERVICES
DEPARTMENT



Session: Car_C_A
User: dherm
Thu Dec 18 07:47:29 2014
Default Square
Datum: NAD83
Center Lat: 33-50-03.59 N
Center Lon: 118-30-25.99 W

Sectors:
[Diagram showing signal strength contours]

major highway
secondary highway
arterial road
collector road
lta

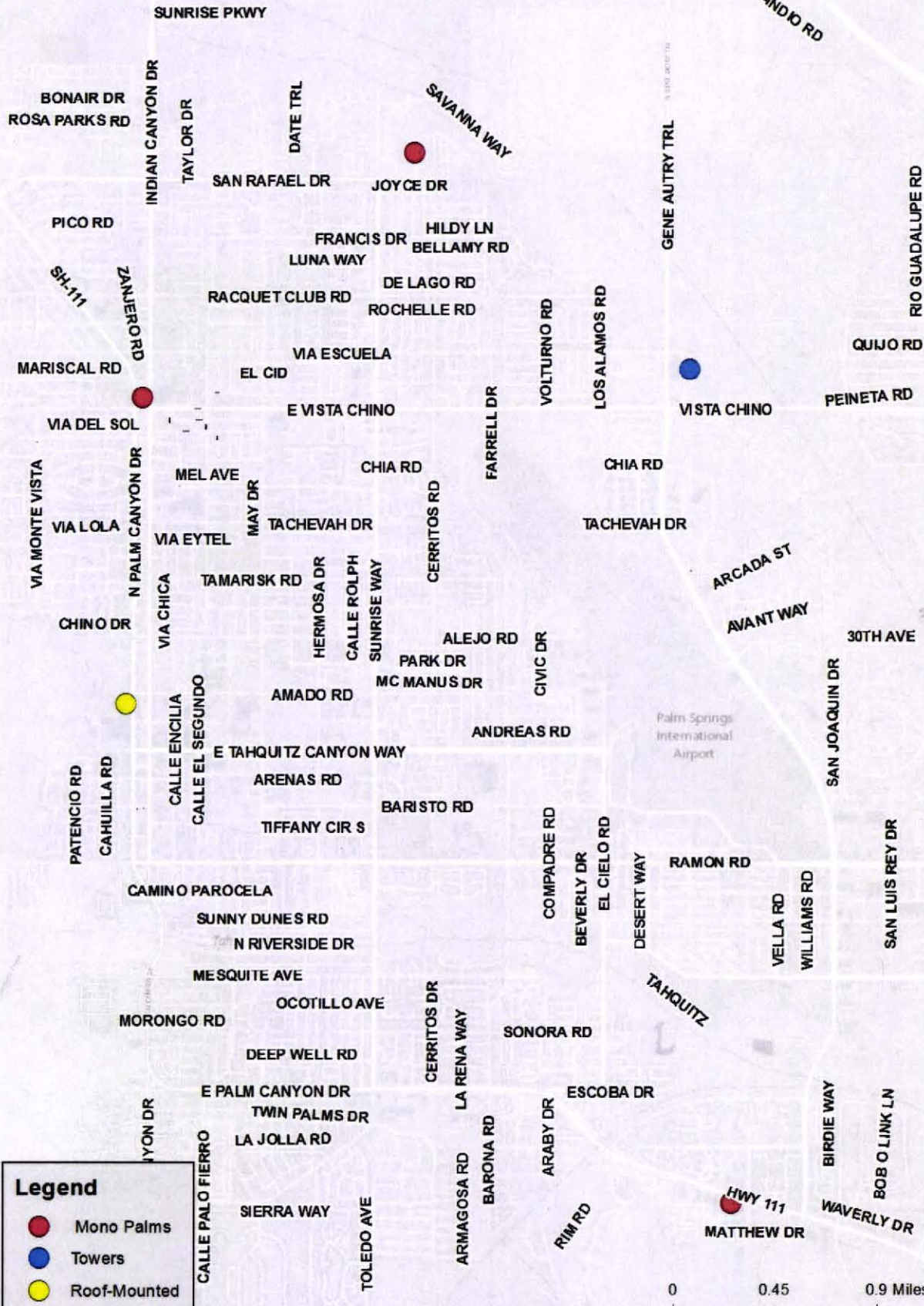
LTE RSRP
75.0
CR RSRP (dBm)
■ >= -75
■ >= -85
■ >= -95

Scale: 1:20000

verizonwireless
GeoPlan v8.8.4
Proprietary and Confidential

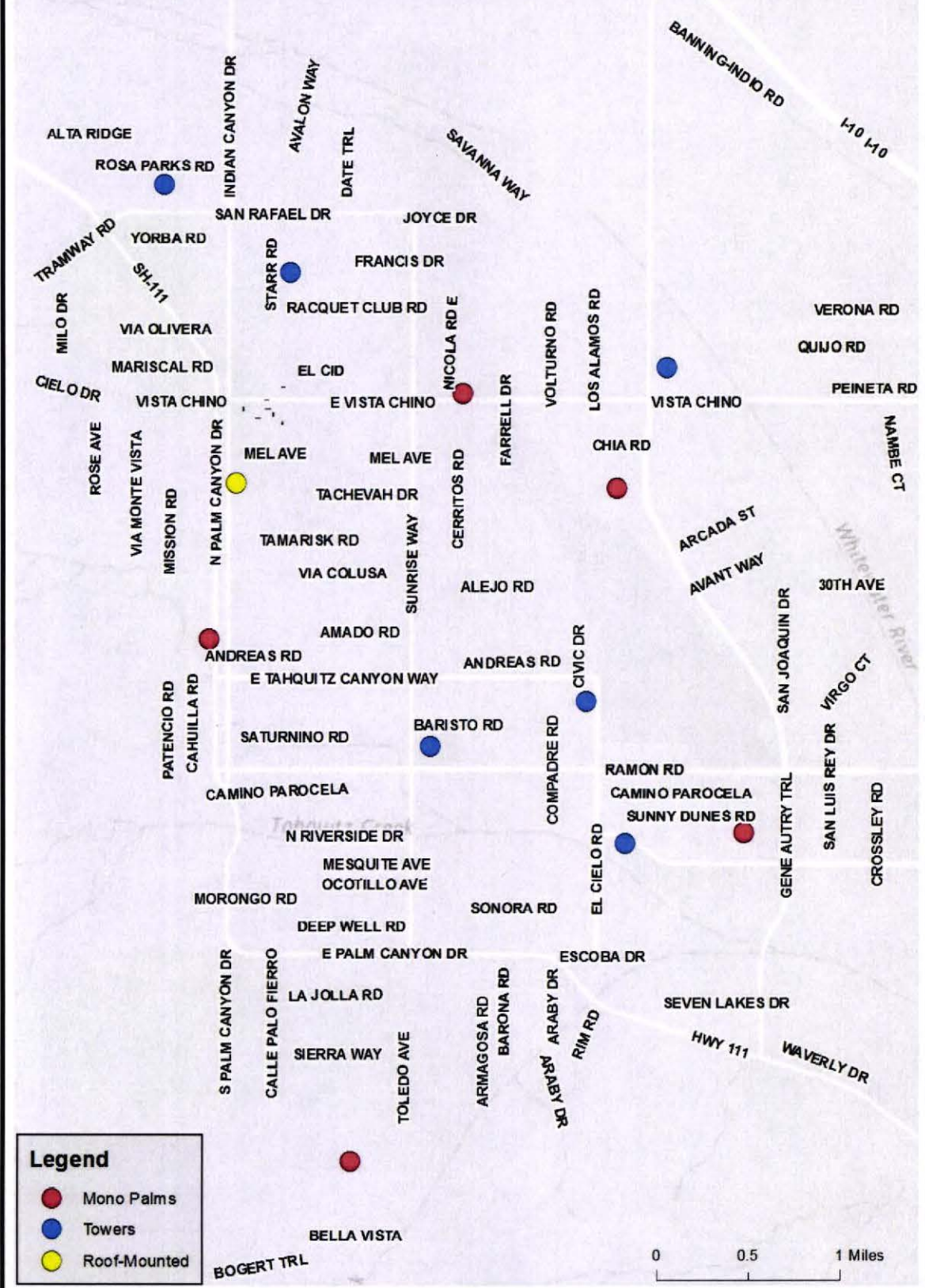


AT&T Cellular Antennas



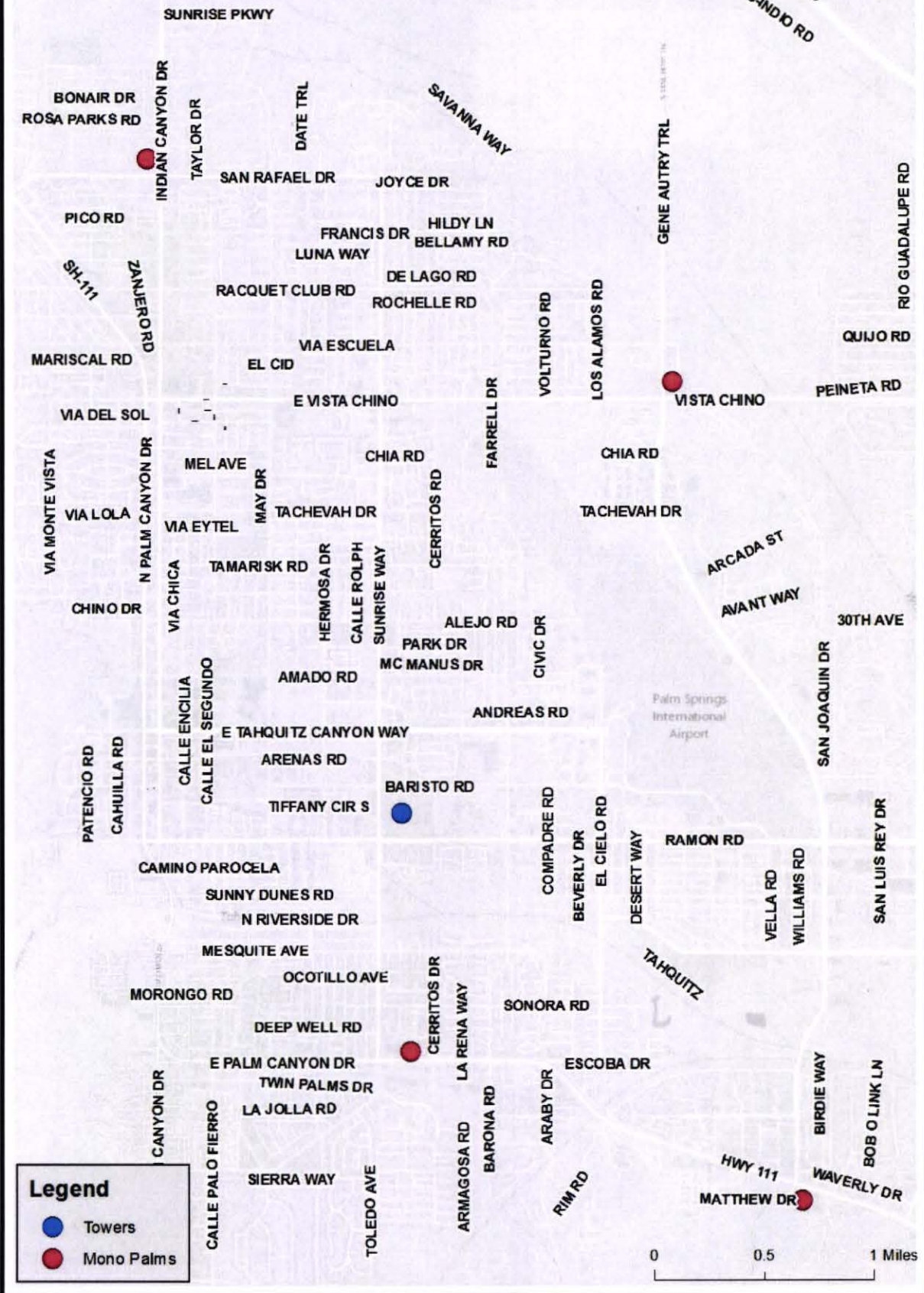


Sprint Cellular Antennas





T-Mobile Cellular Antennas



**AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY**



RECEIVED

FEB 10 2014

PLANNING SERVICES
DEPARTMENT

February 5, 2014

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

Glen Holmes
Hemet

John Lyon
Riverside

Greg Pettis
Cathedral City

Richard Stewart
Moreno Valley

STAFF

Director
Ed Cooper

John Guerin
Russell Brady
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

Mr. Glenn Mlaker, Assistant Planner
City of Palm Springs Planning Services Department
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1018PS14
Related File No.: 5.1315 CUP, 6.531 VAR
APN: 677-270-036

Dear Mr. Mlaker:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC), staff reviewed the above- referenced proposal for the establishment of an unmanned telecommunications facility consisting of antennas on a 60-foot high monopole, with associated equipment shelter, on a 900 square foot lease area within a 0.58-acre parcel owned by Desert Water Agency located on the westerly side of San Joaquin Drive, northerly of its intersection with San Jose Drive, southeasterly of a golf course, and northeasterly of the Palm Springs Unified School District offices, in the City of Palm Springs.

The site is located within Airport Compatibility Zone D of the Palm Springs International Airport Influence Area (AIA). Given the site's proximity to the runway (approximately 2,050 feet), the applicant filed Form 7460-1 with the Federal Aviation Administration Obstruction Evaluation Service and obtained a "Determination of No Hazard to Air Navigation." (Therefore, ALUC did not charge an additional fee for review of the variance in this case.)

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2005 Palm Springs International Airport Land Use Compatibility Plan, subject to the following conditions:

CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an

initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including but not limited to, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, incinerators, and fly ash disposal.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers of the property and tenants of any habitable buildings thereon.
 4. The Federal Aviation Administration has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2013-AWP-7124-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
 5. The maximum height of the proposed structure shall not exceed 60 feet above ground level, and the maximum elevation of the proposed structure, including all towers and antennas, shall not exceed 464 feet above mean sea level.
 6. The specific coordinates, height, top point elevation of the proposed structure, frequencies, and power shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.
 7. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
 8. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also

applicable in the event the project is abandoned.

If you have any questions, please contact John Guerin, Principal Planner, at (951) 955-0982 or Russell Brady, Contract Planner, at (951) 955-0549.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Edward C. Cooper, Director

RB:bks

cc: Thomas Nolan, Manager, Palm Springs International Airport
Brett Smirl, Spectrum Services
Spectrum Services, Las Vegas (payee)
Desert Water Agency (Attn.: Mark Kranse), property owner
ALUC Staff

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Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193



Aeronautical Study No.
 2013-AWP-7124-OE

Issued Date: 01/07/2014

Jim O'Dowd
 Verizon Wireless
 180 Washington Valley Rd
 Bedminster, NJ 07921

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole Nightshade
 Location: Palm Springs, CA
 Latitude: 33-49-36.75N NAD 83
 Longitude: 116-29-35.87W
 Heights: 404 feet site elevation (SE)
 60 feet above ground level (AGL)
 464 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 07/07/2015 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 321-7760. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2013-AWP-7124-OE.

Signature Control No: 201659477-204911606

(DNE)

Joan Tengowski
Technician

Attachment(s)
Frequency Data
Map(s)

cc: FCC



EXISTING -VIEW 1

PHOTOGRAPHIC SIMULATION -
VIEW 1



PROPOSED INSTALLATION OF 60' MONOPOLE WITH ANTENNA ARRAY AND RRU'S, INCLUDING EQUIPMENT COMPOUND WITH SHELTER, GENERATOR, AND 8' BRICK WALL.





EXISTING -VIEW 2

PHOTOGRAPHIC SIMULATION -
VIEW 2



PROPOSED INSTALLATION OF 60' MONOPOLE WITH ANTENNA ARRAY AND RRU'S, INCLUDING EQUIPMENT COMPOUND WITH SHELTER, GENERATOR, AND 8' BRICK WALL.