



## PLANNING COMMISSION STAFF REPORT

DATE: MAY 13, 2015

SUBJECT: SPECTRUM SERVICES (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY-FIVE (55) 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).

FROM: Department of Planning Services

---

### SUMMARY

The Planning Commission to consider a revised application by Verizon Wireless for a Conditional Use Permit to install a fifty-five (55) foot high wireless communication tower designed like a palm tree and a Variance application to exceed the maximum antenna height of forty (40) 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. **Revised site / landscape plan to be presented at meeting.**

### ISSUES:

- Previous project as recommend by the Planning Commission was reviewed by the City Council on February 18, 2014 and voted 2-3 to deny the project as designed giving direction to the applicant as follows:
  1. Change structure to a "monopalm" design
  2. Equipment shelter block wall material to match existing Escena development
  3. Eliminate proposed 5 palm trees planted in a row on the Escena property as shown on landscape plan
- Revised application as a "monopalm" raises tower height to fifty-five (55) feet
- Increased height requires re-noticing and public hearing by Planning Commission

- Planning Commission at their April, 22, 2015 meeting directed the applicant to meet with a sub-committee to discuss the planting of additional trees along San Joaquin Drive

**BACKGROUND AND SETTING:**

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

<b>Neighborhood Meeting</b>	
None	Not Required

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

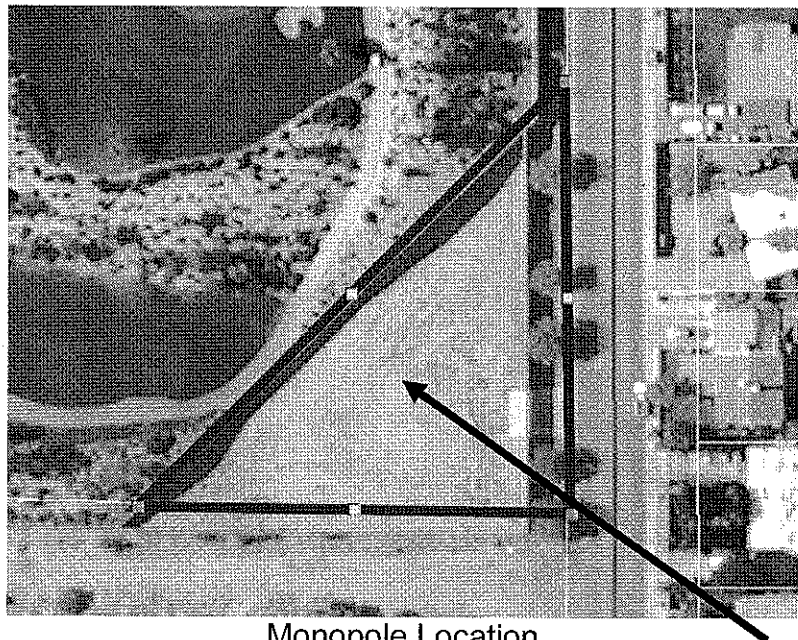
<b>Site Posting</b>	
1/13/14	"Project Under Consideration" sign posted on site.

<b>Field Check</b>	
April 2015	Staff visited the site to observe existing conditions.

<b>Related Relevant City Actions by Planning, Fire, Building, etc...</b>	
2/24/2014	AAC reviewed as a monopalm and recommended conditional approval: <ul style="list-style-type: none"> <li>• Cluster palm trees to provide visual buffer.</li> <li>• Plant 5 Washingtonian Robusta, 25' tall inside DWA well site perimeter wall.</li> <li>• Use largest fronds available on tower.</li> </ul>
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 adopts Resolution #6461 granting approval of a 50' tall monopole structure and Variance request; and recommending approval to the City Council
2/18/2015	City Council reviewed the proposal and votes 2-3 to deny the project as designed giving direction of the applicant as follows: <ol style="list-style-type: none"> <li>1. Change structure to a "monopalm" design</li> <li>2. Equipment shelter block wall material to match existing Escena development</li> <li>3. Eliminate proposed 5 palm trees in a line planted on Escena property as shown on landscape plan</li> </ol>

4/11/2015	Planning Commission votes to continue public hearing to a date certain of May 13, 2015; and direct applicant to meet with sub-committee to address planting trees along San Joaquin Drive.
4/30/15	Planning Commissioner Middleton met with applicant to discuss planting of three Mexican Fan Palms interspersed between existing trees along San Joaquin Drive.

<b>Site Area</b>	
Net Area	25,268-square feet



Monopole Location

PLANNING COMMISSION AND CITY COUNCIL PAST REVIEWS

The Planning Commission reviewed a proposal at their January 14, 2015 meeting requesting a Conditional Use Permit and Variance request for the construction of a fifty (50) foot tall monopole structure. The Commission voted 5-1-1 to approve the project as a monopole to encourage colocation and recommend approval to the City Council.

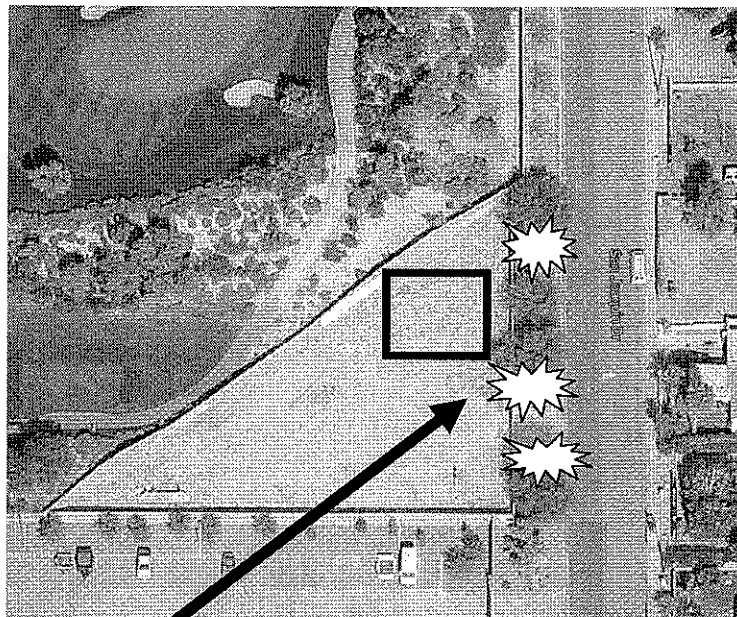
The City Council reviewed the project at their February 18, 2015 meeting and voted 2-3 to deny the project and give direction to the applicant as follows:

1. Change structure to a “monopalm” design.
2. Equipment shelters block wall material to match existing Escena development.
3. Eliminate proposed 5 palm trees planted in a line on Escena property as shown on landscape plan.

The minutes of the City Council meeting include a discussion of a monopalm design versus a monopole; the location of the proposed five (5) palm trees on the Escena Golf Club property planted in a line and if they provide screening; and the equipment enclosure block wall material to match the Escena perimeter wall.

The Planning Commission at their April 22, 2015 meeting vote to continue a public hearing to a date certain of May 13, 2015. At this meeting the Commission directed the applicant to meet with a sub-committee consisting to Members Middleton and Roberts to discuss the option of providing screening for the Dream Homes neighborhood to the East. Commissioner Middleton met with the applicant on Thursday, April 30, 2015 and reached a consensus with Verizon agreeing to remove proposed trees from the Escena Golf Course and the planting of three Mexican Fan Palms in the landscaped area adjacent to San Joaquin Drive. The trees are to be 25-30 foot tall interspersed with existing mature shade trees providing additional screening of the proposed tower.

Staff has worked with the applicant to revise the drawings to include a tower designed as a monopalm which raises the structure height to fifty-five (55) feet. In addition, three fan palms 25-30 feet tall to be planted in the landscaped area adjacent to street. Due to the long lead time required by the applicant to prepare revised drawings, final landscape plans will be presented at the Planning Commission meeting. Staff believes that applicant has been given clear direction and is comfortable with the project moving to public hearing.



Location of 3 new palm trees

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 55-foot monopole designed as a palm tree; 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 55 foot tall monopole designed as a palm tree. 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 projects Conditions of Approval.

The location of the proposed communication pole is 117 feet away 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.

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 93.23.08 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:

<b>Zoning</b>			
<b>Zone</b>	<b>Proposed Use</b>	<b>Permitted?</b>	
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.	
<b>Development Standards</b>	<b>Proposed</b>	<b>Requirement</b>	<b>Compliance</b>
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 93.23.08(C)(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 93.23.08(C)(1)(c)(ii) 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 monopalm structure is proposed at fifty-five (55) 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 55 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 monopalm will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to be

materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the area.

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

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

Pursuant to Section 93.23.08(D) 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 55 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-five 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 monopole designed as a palm tree, and the planting of three (3) 25-30 foot tall fan palms in the landscaped area adjacent to San Joaquin Drive will provide screening for the adjacent Dream Home neighborhood. 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.*

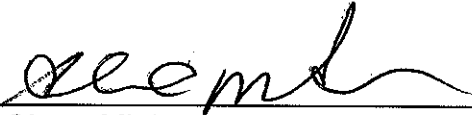
The project is unlikely to have a significant impact on the proposed project site or its immediate surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, installation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

CONCLUSION

The proposed project has been revised several times to reflect the direction from City Staff, AAC, Planning Commission and City Council. The applicant has willingly made changes based upon comments and actions. The request before the Planning Commission reflects the direction of the City Council and the Planning Commission sub-committee for the applicant to plant three (3) 25-30 foot tall Mexican Fan Palms interspersed within the landscaped area along San Joaquin Drive.



Glenn Mlaker, AICP  
Assistant Planner



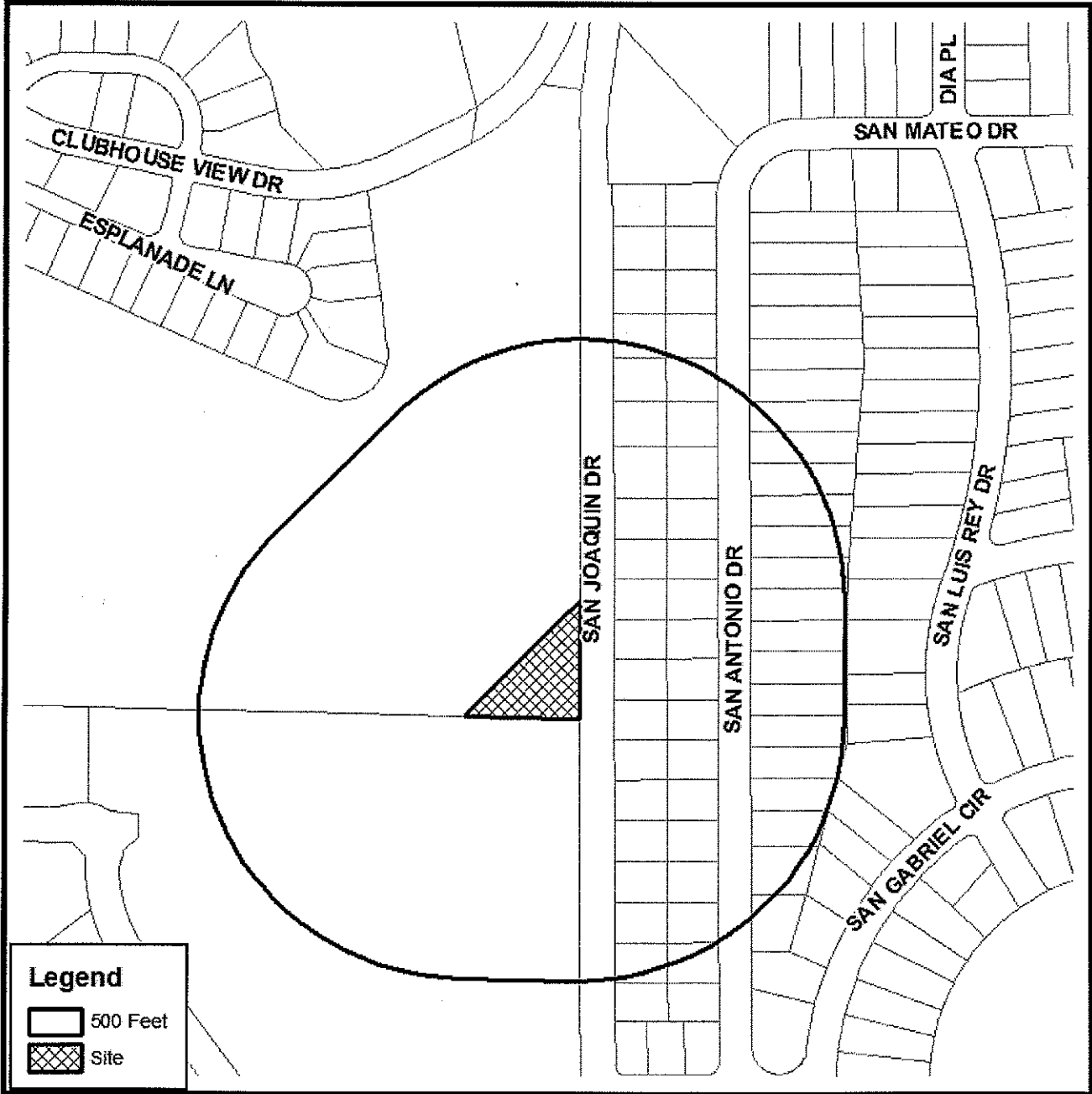
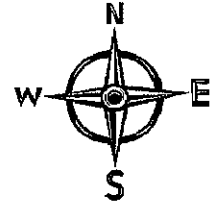
Flinn Fagg, AICP  
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Planning Commission Resolution # 6461
4. Minutes of the February 18, 2015 City Council Meeting
5. Minutes of the January 14, 2015 Planning Commission Meeting
6. Site Plan / Elevations **(to be presented at meeting)**
7. Photo Simulations **(to be presented at meeting)**



# Department of Planning Services Vicinity Map



### Legend

- 500 Feet
- Site

CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT, CASE NO. 5.1315, TO THE CITY COUNCIL FOR THE INSTALLATION OF A FIFTY-FIVE FOOT HIGH MONOPALM 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, 93.23.08 and 94.06.00 of the Palm Springs Zoning Code (PSZC) for the installation of a telecommunications facility, including a fifty-five foot tall monopole designed like a palm tree 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, 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 by a vote of 5-1-1 approved application and recommend approval to the City Council; and

WHEREAS, on February 18, 2015, a public hearing on the application for Conditional Use Permit Case No. 5.1315 and Variance No. 6.531 was held by the City Council in accordance with applicable law and by a vote of 2-3 denied the application as submitted giving direction to the applicant; and

WHEREAS, on May 13, 2015 a public hearing of the Planning Commission of the City of Palm Springs to consider a revised application for Conditional Use Permit, Case No. 5.1315 and Variance, Case No. 6.531 was given 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 55 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 monopalm will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the area.

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

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

Pursuant to Section 93.23.08(D) 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 55 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-five 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 monopole designed as a palm

tree, and the planting of three (3) 25-30 foot tall fan palms in the landscaped area adjacent to San Joaquin Drive will provide screening for the adjacent Dream Home neighborhood. 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 three palm trees to help screen the adjacent residential neighborhood, 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 13th day of May, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Flinn Fagg, AICP  
Director of Planning Services



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

May 13, 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 May 13, 2015, 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 three – 25 foot tall palm trees located in the landscape area between the Desert Water Agency site and San Joaquin Drive to provide screening the Dream Homes neighborhood. The species shall be a Washingtonian Robusta Palm. The location of the palm trees is reflected on approved site plan.
- PLN 3. Equipement Shelter. Block wall surrounding equipment shelter to be eight (8) feet tall constructed of concrete block to match perimeter Escena Development block wall.
- PLN 4. Off-street Parking Areas. Off-street parking areas shall be located within the Desert Water Agency site.
- PLN 5. 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 6. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 7. Outdoor Display of Merchandise. Unless specifically permitted by Land Use Permit, all driveways and parking areas shall remain clear of merchandise display at all times. Violations to this condition may result in fines, CUP revocation proceedings or other actions as deemed appropriate by the City.
- PLN 8. Modification or Addition. If the communication antenna(s), monopole or equipment cabinets are ever proposed to be modified in any manner such as the inclusion of other antennas, satellite dishes and / or other support equipment, the proposed modifications shall be submitted to the Director of Planning Services for review and approval prior to installation.
- PLN 9. Obsolete Technology. If the technology regarding the communications antenna(s) changes in where the antenna(s) and / or equipment cabinets as approved become obsolete, then the antenna shall be removed.
- PLN 10. Property Use and CUP. If the use of the subject property is ever changed, the City reserves the right to modify or revoke this Conditional Use Permit application pursuant to Section 94.02.00(I) of the Zoning Code.
- PLN 11. Antenna Structure. Antenna shall be a monoplam 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 monopalm to utilize the maximum amount to palm fronds to provide a full tree canopy. This condition must be maintained throughout for the duration of this CUP approval.

- PLN 12. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be fifty-five (55) feet, as measured from finished grade to the highest point of the structure.
- PLN 13. 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 14. 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 15. FAA & FCC Compliance. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
- PLN 16. 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 17. Co-location. When feasible, 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**

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 14<sup>th</sup> 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(I) 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**

2118118

**ACTION:** Adopt Resolution No. 23766, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS (ANNEXATION NO. 8) (DESERT PALISADES, TRACT 35540)." **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

City Clerk Thompson stated he canvassed the results of the special election and executed the Canvass and Statement of Result of election as follows: Annexation No. 8, 117 votes cast, 117 yes votes cast, zero no votes cast, 2/3rds of the property owners voting yes for the Annexation, the City Council may proceed with adopting the resolution and introduce the ordinance.

**ACTION:** 1) Adopt Resolution No. 23767, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN (ANNEXATION NO. 8) (DESERT PALISADES, TRACT 35540);" and 2) Waive reading of the full text and introduce on first reading by title only, Ordinance No. 1872, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 8) (DESERT PALISADES, TRACT 35540)." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

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

## Item 1B Staff Report

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated February 18, 2015.

Mayor Pougnet opened the public hearing, and the following speakers addressed the City Council.

MICHAEL HAYES, Applicant, requested the City Council approve the project.

No further speakers coming forward, the public hearing was closed.

The City Council discussed and/or commented on the following with respect to the cell tower: mono-palm v. mono-pole installation, the location and/or the removal of the five-palm trees, the proposed eight-foot wall should match the current Escena wall.

**ACTION:** Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY FOOT TALL MONOPOLE AND ASSOCIATED EQUIPMENT SHELTER, A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, AND A CEQA CATEGORICAL EXEMPTION, ZONE M-1-P SECTION 18 (CASES 5.1315 CUP AND CASE 6.531 VAR)," in a mono-pole style, requiring the eight-foot fence match the existing Escena fence, and removing the condition for five additional palm trees. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and failed 2-3 on a roll call vote.**

**AYES:** Councilmember Hutcheson, and Councilmember Mills.

**NOES:** Councilmember Foat, Mayor Pro Tem Lewin, and Mayor Pougnet.

**ACTION:** Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY FOOT TALL MONOPOLE AND ASSOCIATED EQUIPMENT SHELTER, A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED

AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, AND A CEQA CATEGORICAL EXEMPTION, ZONE M-1-P SECTION 18 (CASES 5.1315 CUP AND CASE 6.531 VAR)," in a mono-pole style, requiring the eight-foot fence match the existing Escena fence, and requiring the installation of five additional palm trees. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and failed 2-3 on a roll call vote.**

**AYES:** Councilmember Foat, and Councilmember Hutcheson.

**NOES:** Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnet.

---

**PUBLIC COMMENT:**

KATHLEEN ERCOL, announced the upcoming Riverside County Public Health Community Forum.

AL SMOOT thanked the City Council for the opportunity to serve the City in his various capacities constructing capital projects in the City of Palm Springs.

BUNNI BENARON, Rancho Mirage, commented on Item 5.A. and requested the R. Hero sculpture be placed at the Palm Springs Public Library.

KAREN BARONE, commented on Item 5.A. and requested the R. Hero sculpture be placed at the Palm Springs Public Library.

LEXIE MARTONE, Palm Springs, commented on golf-course noise in the early morning.

NANCY STUART, Palm Springs, provided an update on the Palm Springs Aerial Tramway.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet requested the City Manager provide information on traffic calming on Murray Canyon and the other issues in the Indian Canyons.

**CITY MANAGER'S REPORT:** City Manager Ready provided an update on the City Hall Parking Lot Repaving Project.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P. 2.Q., 2.R., and 2.S. **Motion**

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

**AYES:** Commissioner Calderine, 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)**