

Planning Commission Staff Report

Date: June 10, 2009

Case No.: 5.0902-CUP-C / 6.516-VAR

Type: Conditional Use Permit and Variance

Location: 1776 North Palm Canyon Drive

APN: 504-320-023

Applicant: Royal Street Communications California, LLC

General Plan: TRC (Tourist Resort Commercial)

Zone: C-1 (Central Retail Business Zone) &

R-3 (Multi-Family & Hotel Zone)

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The application is a request by Royal Street Communications, LLC, authorized agent for Doug Jones, for a Conditional Use Permit to install a sixty foot tall commercial communication antenna designed as a monopalm and a Variance to exceed the maximum antenna height permitted (forty-one feet) and to allow reduced setbacks for the property located at 1776 North Palm Canyon Drive. The request includes the addition of four equipment cabinets surrounded by a six-foot high wrought iron fence and the planting of three live palm trees for screening purposes.

RECOMMENDATION:

That the Planning Commission recommends approval of the Conditional Use Permit and Variance to the City Council for the installation of a sixty foot tall commercial communication antenna designed as an artificial palm tree located at 1776 North Palm Canyon Drive, C-1 & R-3 Zones, Section 3.

PRIOR ACTIONS:

On May 26, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 3-2-1 (O'Donnell & Hudson against; Ortega absent) recommended approval with the following comments:

- 1. Live and artificial palm trees should be the same species type.
- 2. Trees should range between 20 and 40 feet in height.
- 3. If Mexican Fan Palm is used, tree barks should be skinned.
- 4. If Date Palm is used, tree barks should be diamond cut.
- 5. Plant 15-gallon Pyracantha 12-feet on center adjacent to exterior of new wrought iron fence.

The applicant has agreed to comply with these comments and has incorporated them into the plans.

BACKGROUND AND SETTING:

Royal Street Communications California, LLC, ("the applicant"), agent for Doug Jones ("owner"), has submitted an application for a Type II Conditional Use Permit. The applicant has secured a Letter of Authorization with the owner to proceed with the Type II Conditional Use Permit application.

The facility is proposed to be sixty-feet in height and located at the northeast corner of the site. Two similar facilities at comparable heights exist currently on the site. One of these facilities is located approximately thirty-five feet west of the proposed monopalm; the other facility is on the southwest corner of the site.

The proposed wireless communication antenna is designed as a monopalm with artificial palm fronds and a textured trunk which most closely resembles a Mexican Fan Palm. The proposal also includes the placement of four mechanical equipment cabinets surrounded by a new six foot high wrought iron fence.

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses						
North	TRC	C-1 / R-3	Restaurant						
South	TRC	C-1 / R-3	Restaurant & Gas Station						
East	TRC	R-3	Hotel						
West	TRC	C-1	Hotel						

ANALYSIS:

The General Plan designation of the subject site is TRC (Tourist Resort Commercial). While the General Plan does not specifically regulate the installation and operation of

wireless communication facilities, staff believes the use as proposed is compatible with this designation as it supports the tourist and resident population needs.

The site is split zoned C-1 (Central Retail Business Zone) and R-3 (Multi-Family & Hotel Zone). The proposed monopalm is located within the R-3 portion of the site and the use is permitted with the approval of a Type II Conditional Use Permit, pursuant to Sections 93.08.00 and 94.02.00 of the Palm Springs Zoning Code (PSZC). Table 2 below displays the PSZC's development standards and the proposed project's development standards:

Table 2: Antenna Development Standards and Proposed Project

	93.08.03(A)(2)(c)(iii) Requirements	Proposed Project (approx.)
Height (feet)	25 + principal building height = 41 feet maximum	60
Front (West) Yard Setback	60 feet	224 feet
Side (North) Yard Setback	60 feet	9 feet
Side (South) Yard Setback	60 feet	8 feet
Rear (East) Yard Setback	See Front Yard Setback	25 feet

Antenna Height

Pursuant to Section 93.08.03(A)(2)(c)(iii) of the PSZC, "No part of the antenna structure shall extend to a height of more than twenty-five (25) feet above the highest point of the roof of the principal building on the property." The height of the existing commercial building is approximately sixteen feet, which would allow an antenna height of forty-one feet. The monopalm is proposed at sixty feet in height. The applicant has submitted a variance application to allow the antenna at its proposed height. Findings in support are found below in the Required Findings portion of the staff report and in the draft resolution.

Setback

Pursuant to Section 93.08.03(A)(2)(c)(iii) of the PSZC, "antennas, exceeding six (6) feet in height, shall not be located within required setback areas..." As shown in Table 2 above, the proposed antenna is located in the rear yard setback and both side yard setbacks. Therefore, the applicant has submitted a variance application to allow the antenna at its proposed location. Findings in support are found below in the Required Findings portion of the staff report and in the draft resolution.

The applicant has submitted photographs of the existing site and simulations of how it would appear in the current visual environment with its surroundings. These simulations depict the proposed monopalm, four equipment cabinets and a six foot high wrought iron fence around the lease area. Based on visits to the site and review of the elevations, staff believes that the proposed monopalm together with the existing and proposed live palm trees will have a minimal visual impact.

REQUIRED FINDINGS:

Variance

Pursuant to the procedure set forth in Section 94.06.01 of the Zoning Code, the director of planning and building may grant variances to Section 93.08.03 of the PSZC. 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.

Height: The subject property is surrounded by developments that contain buildings and landscaping that exceed heights of twenty-four feet. The applicant has provided radio frequency maps that display coverage of an antenna at forty-one feet in height and fifty-six feet in height. These maps show that a forty-one foot antenna will not satisfy the necessary coverage (due to inhibiting factors such as terrain variations, foliage and man-made structures) enjoyed by other properties, or in this case cellular providers (Verizon & AT&T), in the vicinity and under identical zone classification.

Setback: The property is an oddly shaped through lot with a narrow leg of approximately nineteen feet in width that connects to Indian Canyon Drive. Since the development has two monopalms with similar setbacks and one in a similar location, the strict application of the Zoning Code would deprive the subject carrier of privileges enjoyed by other carriers in the vicinity and under identical zone classification.

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

Two similar antennas have been approved at the height of sixty feet with reduced setbacks on the same property as the said request. Many of the conditions of approval are similar to those required by this applicant. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

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

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

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

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

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

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

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

Conditional Use Permit

The request is subject to the required findings of a Conditions Use Permit as contained in Section 94.02.00 of the PSZC. Staff has analyzed the request in light of the findings as follows:

- 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 Ordinance, a commercial communications antenna is authorized within the R-3 zone with the approval of a Type II 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 development of adequate cellular phone levels of services serves the ultimate benefit of the community. The antenna will be located on a lot with two other monopalms, which are of a similar environment for the location of wireless communication antenna designed as an artificial palm tree. Many live trees exist in the area and will help soften the antenna's appearance. The proposal is unlikely to be detrimental to existing or future uses permitted in the zone.

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.

While the proposal includes a variance to height and setback, the proposed location is on an unused portion of the site. This portion will easily accommodate the proposed facility and allow for additional planting and palm trees that will soften the facility's appearance to adjust the said use to those existing and permitted future uses of the land in the neighborhood.

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 proposed use is located close to an on-site parking lot. The only traffic generated from the said use to and from the site will be for servicing, 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 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, removal of antenna upon use-change or abandonment of the subject property and compliance with all Federal Airport Administration requirements.

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).

NOTIFICATION:

A notice was published in the Desert Sun and mailed to all property owners within a four hundred (400) foot radius in accordance with state law. As of the writing of this report, no correspondence or inquiries from the public have been received by staff.

David A. Newell Associate Planner

Craig A. Ewing, AIOP

Director of Planning Services

ATTACHMENTS:

- 400' Radius Map
- Draft Resolution with Conditions of Approval
- Site Plans
- Elevations
- Height Study Maps



CITY OF PALM SPRINGS

CASE NO: 5.0902-C CUP

6.516 VAR

APPLICANT: Royal Street Communi-

cations, LLC

DESCRIPTION: The purpose of the hearing is to consider application by Royal an Communications California, LLC, for a Conditional Use Permit to install a sixty foot tall commercial communication antenna designed as a monopalm and a Variance to exceed the maximum antenna height permitted (forty-one feet) and to reduce the setbacks for the property located at 1776 North Palm Canyon Drive, Zoned C-1 & R-3.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT NO. 5.0902-C FOR THE INSTALLATION OF A SIXTY FOOT HIGH COMMERCIAL COMMUNICATIONS ANTENNA AND OF VARIANCE 6.516 TO EXCEED THE MAXIMUM ANTENNA HEIGHT AND REDUCE THE MINIMUM ANTENNA SETBACK FOR THE PROPERTY LOCATED AT 1776 NORTH PALM CANYON DRIVE.

WHEREAS, Royal Street Communications, LLC, ("Applicant") has filed an application 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 commercial communications antenna on a sixty foot tall monopole designed as a date palm, which exceeds the maximum antenna height and is located in the setback area at a commercial property located at 1776 North Palm Canyon Drive, C-1 / R-3 Zones, Section 3; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit 5.0902-C and Variance 6.516 was given in accordance with applicable law; and

WHEREAS, on June 10, 2009, a public hearing on the application for Conditional Use Permit 5.0902-C and Variance 6.516 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 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

<u>Section 1:</u> The Planning Commission finds that this Conditional Use Permit is Categorically Exempt from environmental review pursuant to Section 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).

<u>Section 2:</u> Pursuant to the procedure set forth in Section 94.06.01 of the Zoning Code, the director of planning and building may grant variances to Section 93.08.03 of the PSZC. State law requires four (4) findings be made for the granting of a variance. The Planning Commission finds as follows:

 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.

Height: The subject property is surrounded by developments that contain buildings and landscaping that exceed heights of twenty-four feet. The applicant has provided radio frequency maps that display coverage of an antenna at forty-one feet in height and fifty-six feet in height. These maps show that a forty-one foot antenna will not satisfy the necessary coverage (due to inhibiting factors such as terrain variations, foliage and man-made structures) enjoyed by other properties, or in this case cellular providers (Verizon & AT&T), in the vicinity and under identical zone classification.

Setback: The property is an oddly shaped through lot with a narrow leg of approximately nineteen feet in width that connects to Indian Canyon Drive. Since the development has two monopalms with similar setbacks and one in a similar location, the strict application of the Zoning Code would deprive the subject carrier of privileges enjoyed by other carriers in the vicinity and under identical zone classification.

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

Two similar antennas have been approved at the height of sixty feet with reduced setbacks on the same property as the said request. Many of the conditions of approval are similar to those required by this applicant. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

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

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

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

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

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

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

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

<u>Section 3:</u> Pursuant to Zoning Ordinance Section 94.02.00, the Planning Commission finds that:

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

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Ordinance, a commercial communications antenna is authorized within the R-3 zone with the approval of a Type II 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 development of adequate cellular phone levels of services serves the ultimate benefit of the community. The antenna will be located on a lot with two other monopalms, which are of a similar environment for the location of wireless communication antenna designed as an artificial palm tree. Many live trees exist in the area and will help soften the antenna's appearance. The proposal is unlikely to be detrimental to existing or future uses permitted in the zone.

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.

While the proposal includes a variance to height and setback, the proposed location is on an unused portion of the site. This portion will easily accommodate

the proposed facility and allow for additional planting and palm trees that will soften the facility's appearance to adjust the said use to those existing and permitted future uses of the land in the neighborhood.

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 proposed use is located close to an on-site parking lot. The only traffic generated from the said use to and from the site will be for servicing, 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 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, removal of antenna upon use-change or abandonment of the subject property and compliance with all Federal Airport Administration requirements.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends approval of Conditional Use Permit Case No. 5.1150 and Variance Case No. 6.500 to the City Council, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 10th day of June, 2009.

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP Director of Planning Services

EXHIBIT A

Case 5.0902 CUP-C and Case 6.516 VAR Royal Street Communications California, LLC

1776 North Palm Canyon Drive

June 10, 2009

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. <u>Project Description</u>. This approval is for the project described per Case 5.0902 CUP-C and Case 6.516 VAR, except as modified with the approved Mitigation Monitoring Program and the conditions below.
- ADM 2. The site shall be developed and maintained in accordance with the approved plans, date stamped June 3, 2009, including site plans, architectural elevations, exterior materials and colors and landscaping on file in the Planning Division except as modified by the approved by conditions below.
- ADM 3. 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. 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 5.0902 CUP-C and Case 6.516 VAR. The City of

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

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. <u>Time Limit on Approval</u>. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts

Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 11. <u>Tribal Fees Required</u>. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council shall be paid prior to consideration of this project by the Planning Commission.
- ADM 12. 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 22. <u>Conditional Use Permit Availability.</u> The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. <u>Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP)</u>
 <u>Local Development Permit Fee (LDMF) required</u>. All projects within the City of Palm Springs are subject to payment of the CVMSHCP LDMF prior to the issuance of certificate of occupancy.
- ENV 2. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. 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 on the building and in the landscaping shall be submitted to the Planning Department for approval prior to the issuance of building permits. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. <u>Outside Storage Prohibited</u>. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 3. <u>Modification or Addition</u>. 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 and Zoning for review and approval prior to installation.
- PLN 4. 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 5. <u>Property Use and CUP</u>. If the use of the subject property is ever changed, the City reserves the right to modify or revoke this Conditional Use Permit application.
- PLN 6. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be sixty feet, as indicated on the conceptually approved plans, as measured from finished grade to the highest point of the antenna including the artificial palm fronds.
- PLN 7. <u>Valid Lease Agreement Required</u>. If the lease agreement between the property owner and the applicant expires and is not renewed, the CUP will become null and void, and the applicant shall remove the antenna and equipment to the satisfaction of the Director of Planning Services.
- PLN 8. <u>Use Abandonment</u>. If the antenna(s) and/or monopole are ever abandoned or if this Conditional Use Permit ever expires, the monopole and antenna(s) shall be removed within 30 days.
- PLN 9. <u>Final Landscape Design</u>. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. A minimum of three (3) live palm trees, tiered in height and similar in appearance to the mono-palm, shall be installed at the location within 25 feet of the monopalm. The perimeter fence shall measure 6 feet in height and

shall be constructed of decorative metal or other alternative material. Chainlink fencing is prohibited.

- PLN 10. <u>FAA Compliance</u>. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA).
- PLN 11. Antenna Visibility and Safety. The City reserves the right to require, at any time in the future, one obstruction light on the tallest point of the structure extending 12" 24" above the highest point of the pole/fronds if deemed necessary by the Director of Planning and Zoning.
- PLN 12. <u>Co-location</u>. The applicant / operator of the facility shall agree to allow the colocation of equipment of other wireless communications providers at this site when applications are received by the City and it is considered feasible, subject to an agreement between the applicant/operator, the other proposed wireless communications provider and the property owner.

POLICE DEPARTMENT CONDITIONS

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

BUILDING DEPARTMENT CONDITIONS

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

END OF CONDITIONS

Royal Street Communications California, LLC

N. PALM CANYON MONOPALM LA3609A

1776 N. PALM CANYON DRIVE PALM SPRINGS, CA. 92262

PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE INSTALLATION AND OFFICIALS OF ANTIFINAL AND SCHOOL TICHNICATION COMMUNICATION OF PERSONAL COMMUNICATION INSTALLS TREATMENT AND THE OFFICIAL OFFICIAL AND THE OFFICIAL AND THE OFFICIAL OFFICIAL

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29932 HUNTER ROAD: SUITE 105--11
MURRETA, CA. 92563
VEROING-ARAZU
(858) 602-6380

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PROJECT TEAM:

CODE COMPLIANCE:

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7. ANS/TEA-222-F'LIFE SAFETY CODE NFPA-101 1. 2007 CLUFORNA FLECTRICAL CODE (CEC) B. LOCAL BUILDING CODE 2005 MATIONAL ELECTRICAL CODE WITH -8. CITY/COUNTY ORDANAN ALPENDATORYS) 1. 2007 CALIFORNIA BUILDING CODE (CBC) 22005 HTTENMENAL BUILDING CODE WITH 24[FORMIA AMENDATS)

2007 CALIFDRINA NECIONICAL CODE IC) (2005 INTERNATIONAL MECHANICA SE WITH CALIFORNIA AMENDMENTS) 4. 2007 CALIFORNIA ENERGY CODE

DRIVING DIRECTIONS:

PROJECT INFORMATION:

CONSTRUCTION MANAGER:
NUE STRIP PES 45 CONSTRUCTION MANAGER:
NUE STRIP PES 45 CONTROL OF STRUCTION STRUCTI

SURVEYOR:

NOT

NOT

NOT

CALVADA SURGENIG NO.

ACT STREE OF CHRONIC A. UPBER

CRY, STREE 2P. CORROW, CA. UPBER

CRY, STREE 2P. (591) 280-9806

FAX. (581) 280-9748

DRAFO DECIDIOS FROM 19704, STREET COMMUNICATIONS CAUGISTICS, AC, GFTZET, STREET COMMUNICATIONS CAUGISTICS, AC, GFTZET, STREET COMMUNICATIONS CAUGISTICS, COMMO ACA, STREET COMMUNICATIONS CAUGISTICS, COMMO ACA, STREET COMMUNICATIONS CAUGISTICS, COMMO ACA, STREET COMMUNICATIONS CAUGISTICS, STREET COMMUNICATIONS CAUGISTICS, STREET COMMUNICATIONS CAUGISTICS, STREET COMMUNICATIONS CAUGISTICS, STREET CAUGISTICS, COMMUNICATIONS CAUGISTICS, CAUGISTI

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APPLICANT:

ROYAL STREET COUNDINGATIONS CALFORNA 2013 E. CANING RELL FOOT MARK CANING CANING (714) 730—3163

KOME. ADDRESS: CRY, STATE 21P-CONTACT: PHONE:

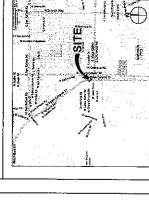
CIVIL ENGINEER:
WAS NUMBER STORY OF CONSULTING, INC.
MITIDAM, ENGINETRING & CONSULTING, INC.
TOTAL STAR ZP.
RENCHO SMALL MORPHIA, CA. 25684-213.
FORCE.
(649) 756-7794

SCE. JERRY CHAMBERLAN (309) 820-5681 UTILITY PROVIDERS:
POWER COMPACT: SEE CHARGERAN
PRONE: (309) 820–5681

VERIZON N/A (800) 483-5000

VICINITY MAP:

THOMAS GLADE 2008 REGION: RIVERSIDE COUKTY PLACE: 756 GRID JR D—6



CRY OF PALM SPRINGS 288 SQ. FT, CENTRAL BUSINESS/ HOTEL ZONE

MUDICES DOUBLES CATERINE B JONE MUDICES 3500 E 1ACHEMA DE 424 CONTINUES DOUBLES CA 12500 E 1ACHEMA DE 4250 DOUBLES CANES TOUR CATERIA STRUMENTO CA 12500 E 125 PROPERTY INFORMATION:

504-320-023 LATITUDE 3750'44,63" N LONGTUDE 116'32'45,43" W

SHEET INDEX:	DESCRIPTIONS	MILE SHEET	TOPOGRAPHIC SURVEY	SITE PLAN	EGUIPMENT PLAN AND ANTERNA, LAYOUT	ARCHITECTURAL ELEVATIONS							
	SHEET	Ī	LS-21	į	4-2	7							

	APPROVALS:	
APPROVED BY:	i3mn	ONTE:
OWNER		
LEASING.		
ZONRIOZ		
CONSTRUCTION MANAGER:		
H, ENGINEER:		
PROJECT MAKAGER:		
NET CPS:		
UTILITY COORDINATOR:		

Royal Streel Communications California, LLC

2913 EL CAMINO REAL #561 TUSTIN, CA 92782 PROJECT INFORMATION:

LA3609A

N. PALM CANYON MONOPAL
1778 N. PAL CANYON DRIVE:
PALM SPRINGS CO.
RIVERSIDE COUNTY

RENT ISSUE DATE

6/02/09 SUED FOR: ZONING

REV.: DATE: ____DESCRIPTION

L	_	ŀ	L	중	οN	3	Š
				CLIENT COMMENTS	UTILITY REV.	- SNINDZ 14001	BOX ZONING
				6/05/09	2/12/09	11/19/08	11/11/08
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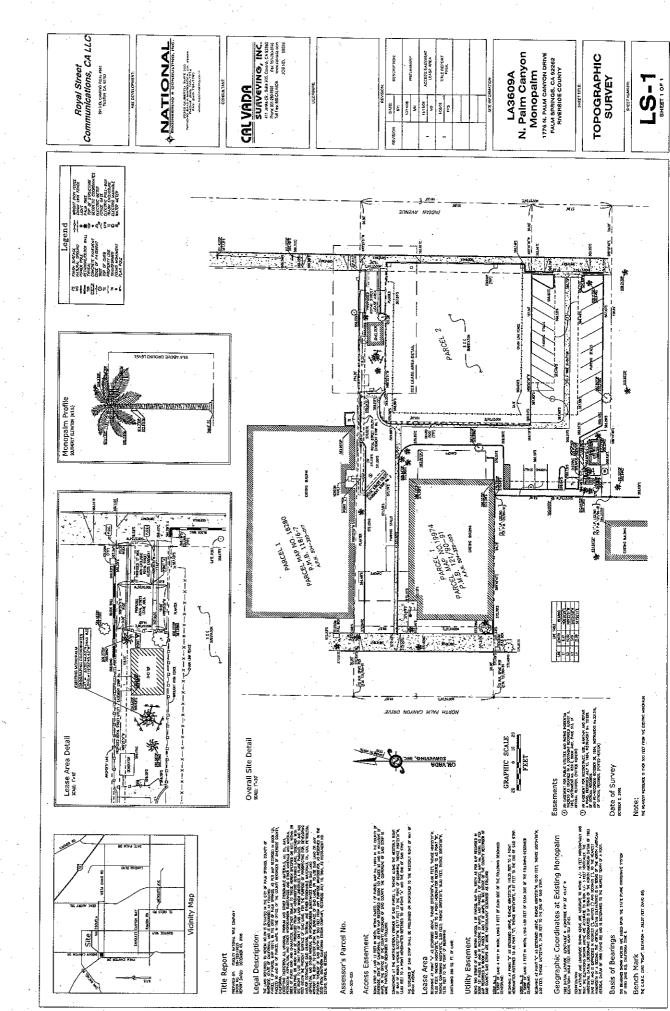
NATIONAL SONECTING INC.

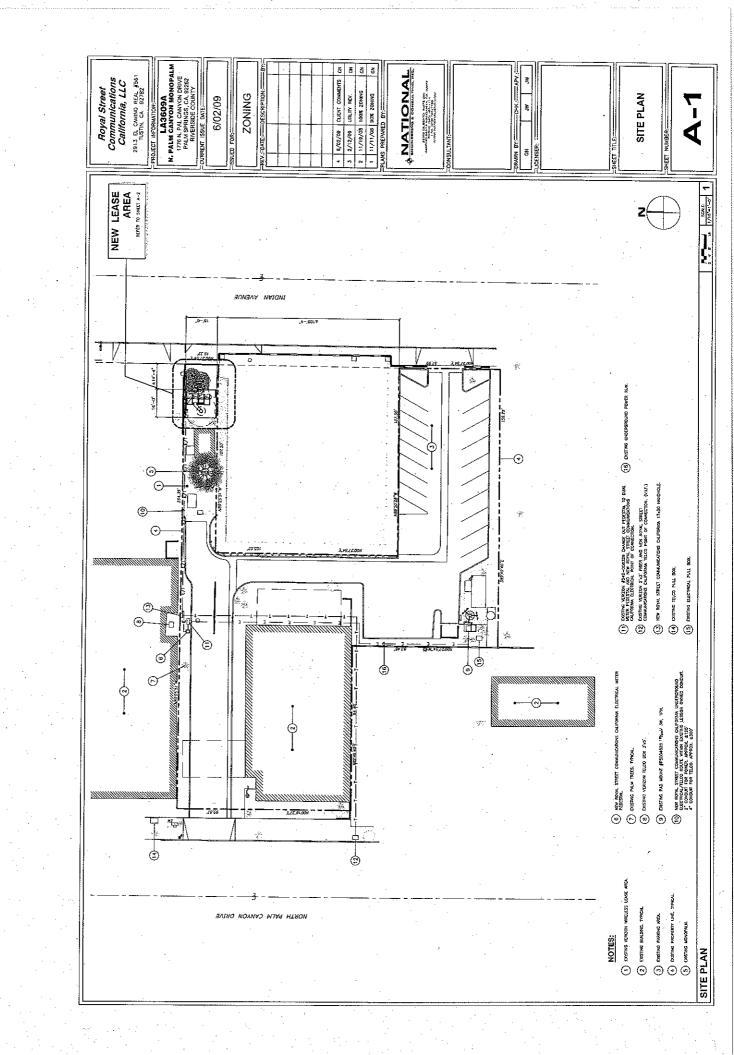
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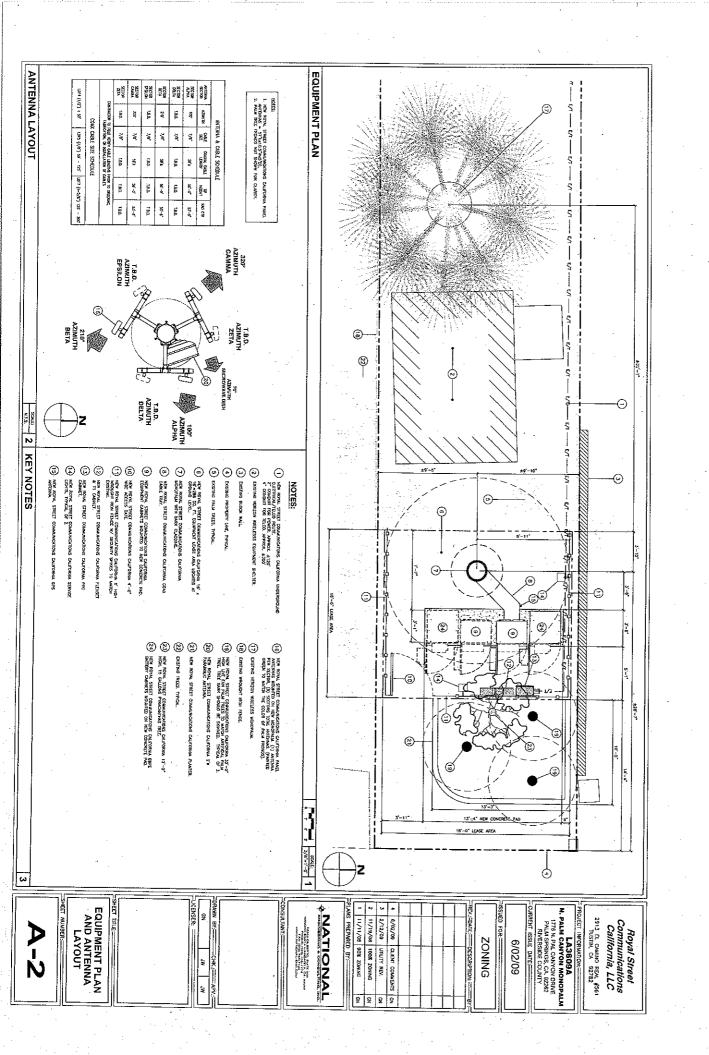
TITLE SHEET

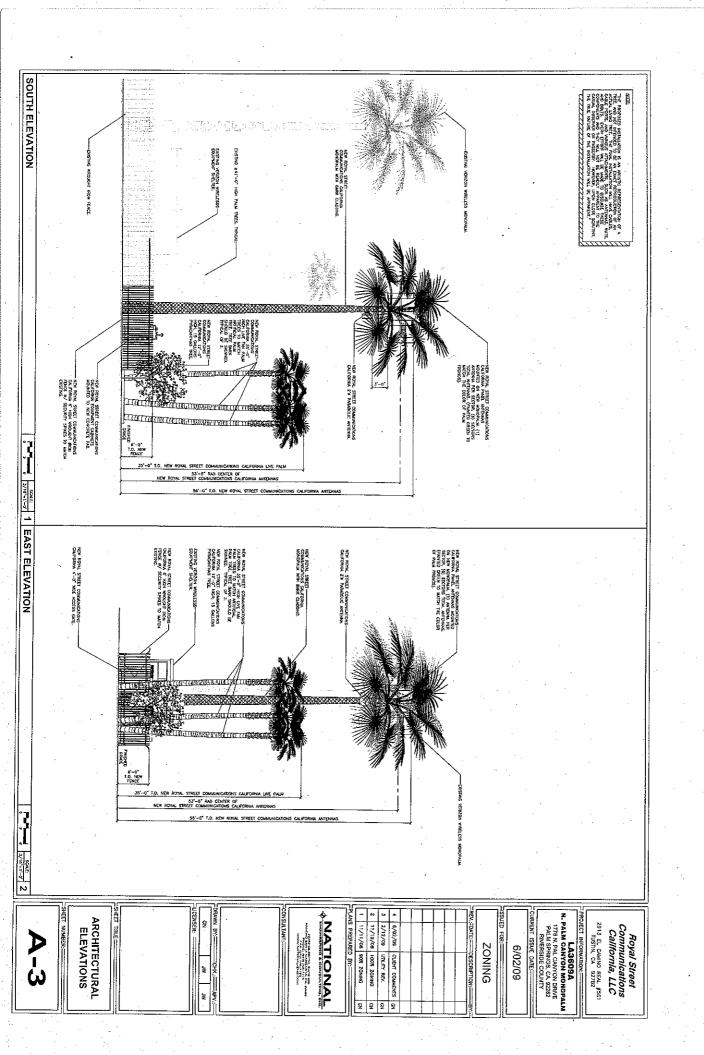
EET NUMBER

7.7









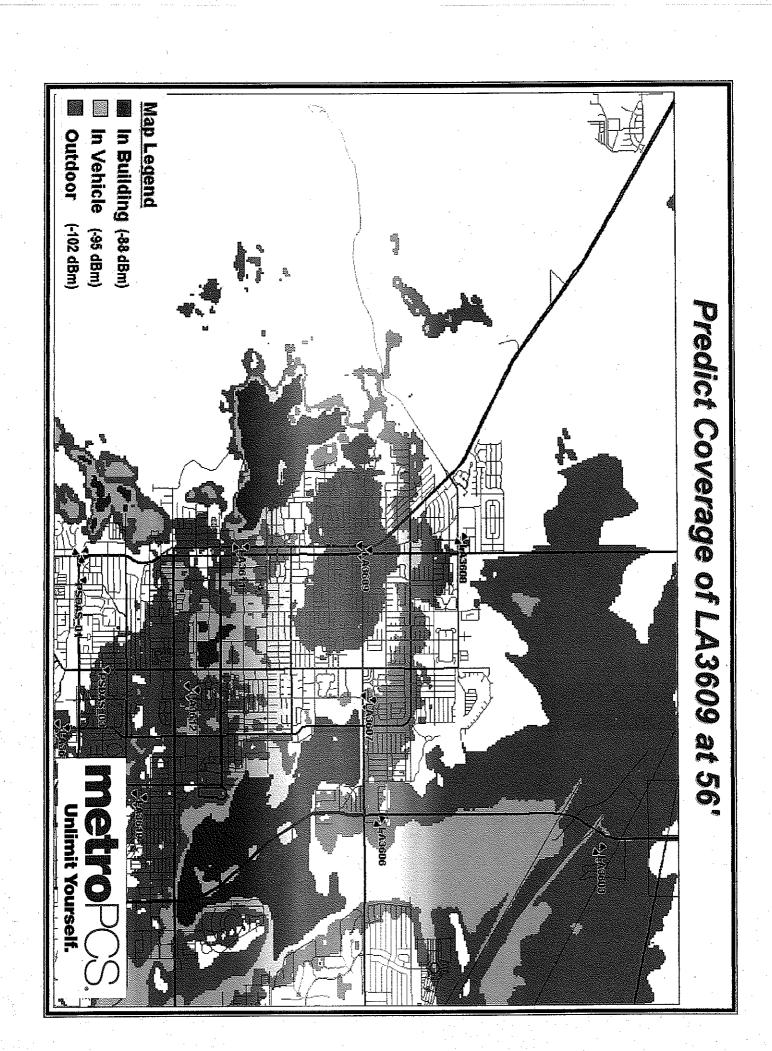
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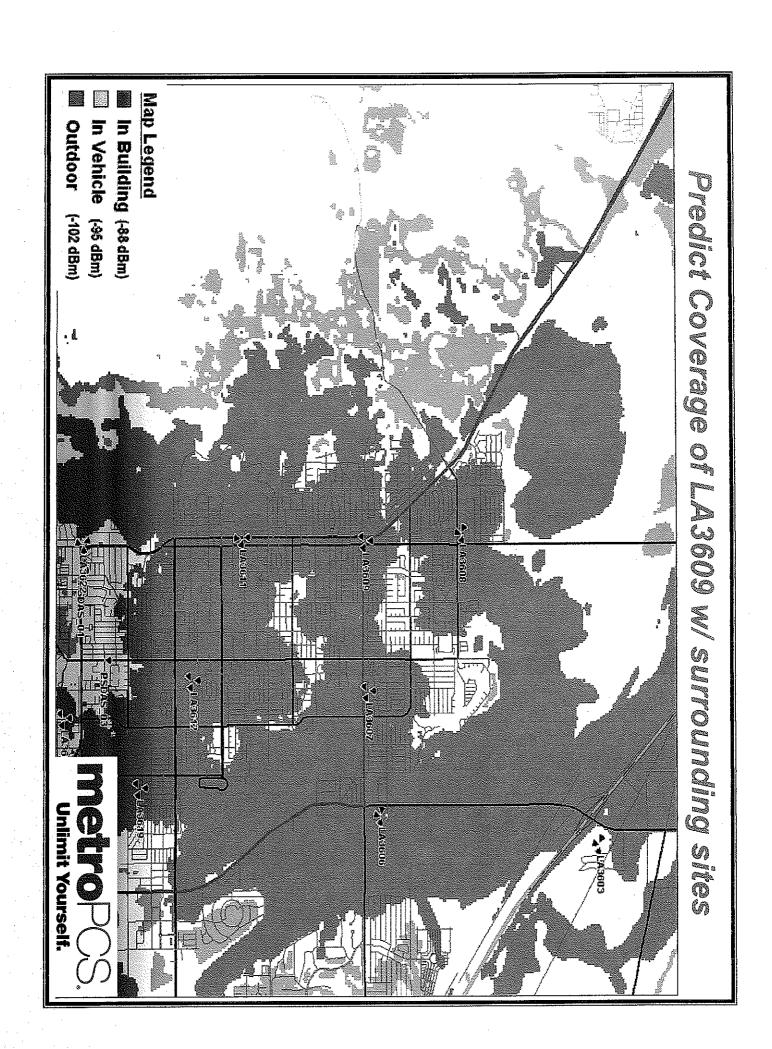
1776 N. Palm Canyon, Palm Springs, CA

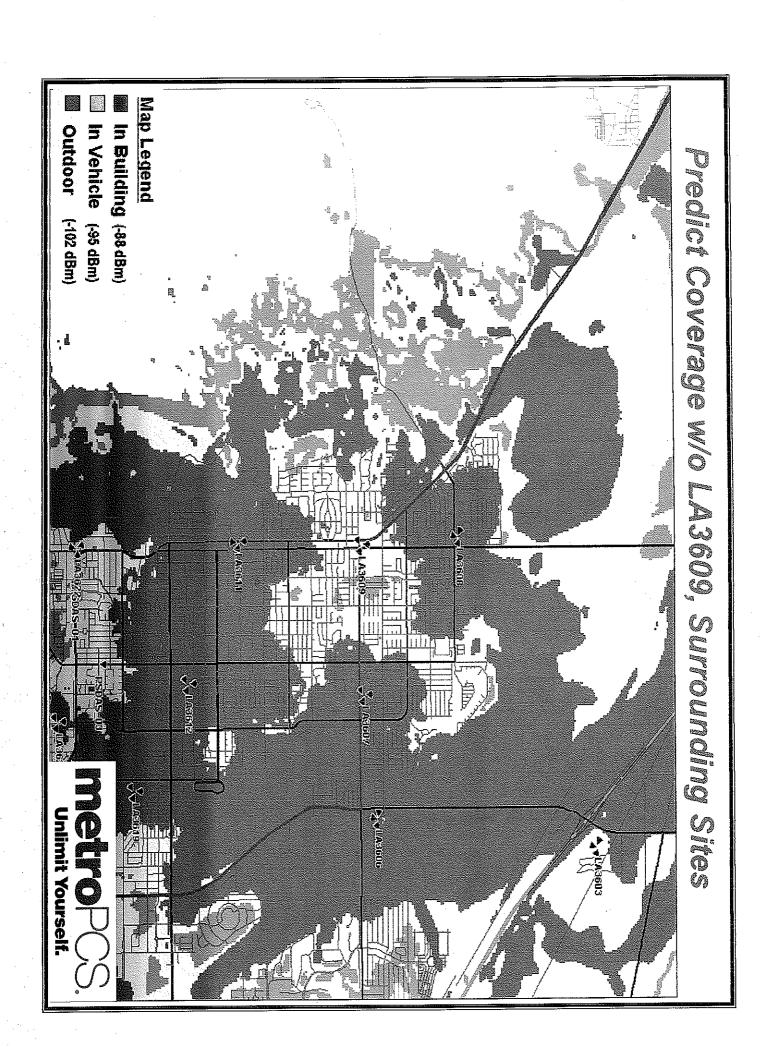
RC at 56' Height



Unlimit Yourself.







Site Name: BTS – N. Palm Canyon Monopalm

1776 N. Palm Canyon, Palm Springs, CA

RC at 40' Height



