



CITY COUNCIL STAFF REPORT

DATE: July 1, 2009

PUBLIC HEARING

SUBJECT: ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC,
APPLICATION FOR A CONDITIONAL USE PERMIT AND VARIANCE TO
INSTALL A 60 FOOT TALL COMMERCIAL COMMUNICATION
ANTENNA DESIGNED AS A MONOPALM AT 1776 NORTH PALM
CANYON DRIVE, CASE 5.0902-C AND 6.516.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a proposed sixty foot high wireless communication antenna designed as an artificial palm tree (monopalm) at 1776 North Palm Canyon Drive. The project is also seeking a Variance approval to exceed the maximum antenna height of forty-one feet and to reduce the rear and side yard setbacks. 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. Staff has noticed this meeting for a public hearing.

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 5.0902-C TO INSTALL A SIXTY FOOT HIGH WIRELESS COMMUNICATION ANTENNA DESIGNED AS AN ARTIFICIAL PALM TREE AND VARIANCE 6.516 TO EXCEED MAXIMUM ANTENNA HEIGHT AND REDUCE THE ANTENNA SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 1776 NORTH PALM CANYON DRIVE."

ITEM NO. 1.A.

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

On June 10, 2009, the project was reviewed by the Planning Commission and recommended approval to the City Council by a vote of 4-1-1 (Conrad against / Caffery absent).

BACKGROUND AND SETTING:

Royal Street Communications California, LLC, agent for Doug Jones, 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

STAFF ANALYSIS:

The General Plan designation of the subject site is TRC (Tourist Resort Commercial). The General Plan does not specifically regulate the installation and operation of wireless communication facilities; however, staff has determined that the use as proposed is compatible with this designation as it supports the tourist and resident population needs.

The site is split zoned C-1 (Central Retail Business Zone) on the west portion and R-3 (Multi-Family & Hotel Zone) on the east portion. 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, which includes the antennas at fifty-six feet in height and four additional feet for the artificial palm fronds. The applicant has submitted a variance application to allow the antenna at its proposed height. Findings in support are found 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 draft resolution.

Variance Analysis

A special circumstance applicable to the subject property must exist which is not considered a special privilege when approving variances. With regards to the height request, the subject property is surrounded by development and landscaping that would inhibit transmission of an antenna at forty-one feet in height. Diagrams supporting this have been provided which displays coverage at the maximum antenna height permitted and the proposed antenna height. With regards to the setback requests, 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 monopalm trees with similar setbacks that are sixty feet in height, the strict application of the Zoning Code would deprive the subject carrier of privileges enjoyed by other carriers in the vicinity. Further analysis is found in the attached Planning Commission staff report, and staff has provided recommended findings in the attached draft resolution of approval.

Conditional Use Permit Analysis

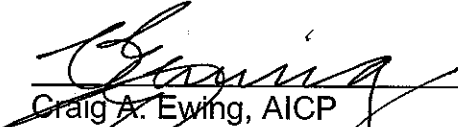
The request is subject to the required findings of a Conditional Use Permit as contained in Section 94.02.00 of the PSZC. The findings require that the use is properly one for the said location, is necessary or desirable for the development of the community and is not detrimental to existing uses or to future uses in the zone. 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. 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 monopalm trees, 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. Further analysis is found in the attached Planning Commission staff report, and staff has provided recommended findings in the attached draft resolution of approval.

CONCLUSION:

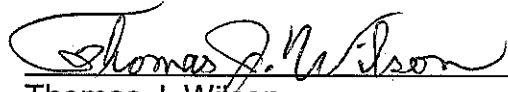
The applicant has submitted photographs of the existing site and simulations of how it would appear in the current visual environment with its surroundings. These simulations depict the proposed monopalm, four equipment cabinets and a six foot high wrought iron fence around the lease area. Based on visits 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. Findings in support of approving the proposed monopalm have been made by the Planning Commission and are included in the attached draft resolution of approval.

FISCAL IMPACT:

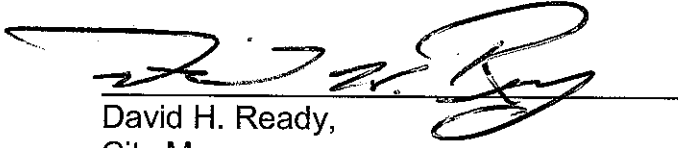
There is no cost to the City associated with the construction of the proposed wireless communications facility.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson,
Assistant City Manager



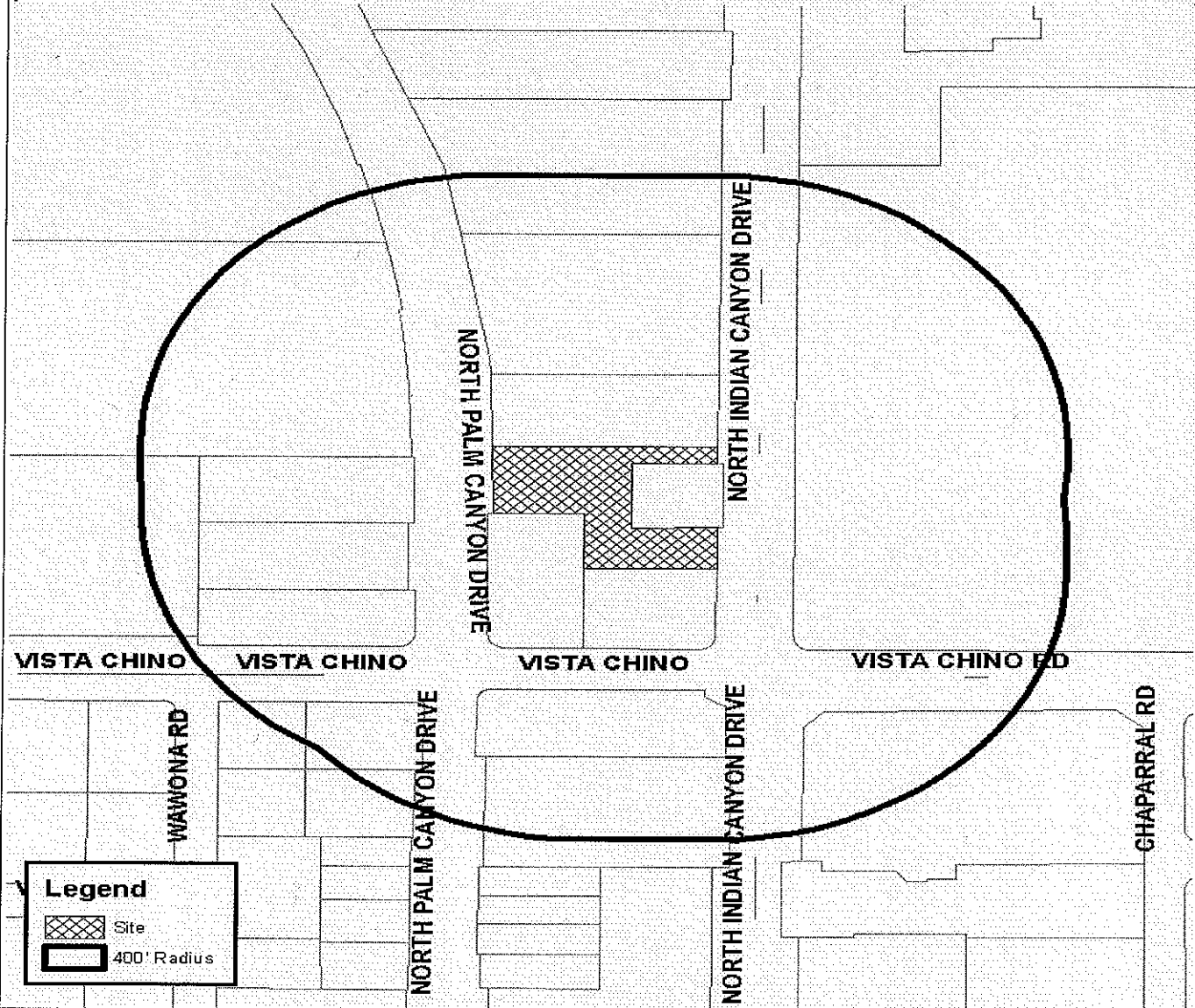
David H. Ready,
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Site Plan and Elevations
4. Planning Commission staff report dated 6/10/09
5. Planning Commission minutes dated 6/10/09 (excerpt)
6. Variance Height Study



Department of Planning Services Vicinity Map



Legend

- Site
- 400' Radius

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 an application by Royal Street 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 reduce rear and side yard setback requirements for the property located at 1776 North Palm Canyon Drive, Zoned C-1 & R-3.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 5.0902-C TO INSTALL A SIXTY FOOT HIGH WIRELESS COMMUNICATION ANTENNA DESIGNED AS AN ARTIFICIAL PALM TREE AND VARIANCE 6.516 TO EXCEED MAXIMUM ANTENNA HEIGHT AND REDUCE THE ANTENNA SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 1776 NORTH PALM CANYON DRIVE.

WHEREAS, Royal Street Communications California, LLC ("Applicant") has filed an application with the City pursuant to Section 94.02.00 and Section 94.06.00 of the Palm Springs Zoning Code (PSZC) for the installation of a sixty foot high commercial communications antenna designed as an artificial palm tree and a fenced area for equipment cabinets located at 1776 North Palm Canyon Drive, C-1 / R-3 Zone, 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, on June 10, 2009, the Planning Commission recommended approval of Conditional Use Permit 5.0902-C and Variance 6.516 to the City Council; and

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

WHEREAS, on July 1, 2009, a public hearing on the application for Conditional Use Permit 5.0902-C and Variance 6.516 was held by the City Council 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 City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that this Conditional Use Permit is Categorically Exempt from environmental review pursuant to Section 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).

SECTION 2. State law requires four (4) findings be made for the granting of a variance. Pursuant to the procedure set forth in Section 94.06.01 of the Zoning Code, the City Council finds as follows:

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

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 public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

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

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

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

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

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

The applicant provided a study which shows that the height limit of 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.

SECTION 3. Pursuant to Zoning Ordinance Section 94.02.00, the City Council 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; these 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.*

The proposal includes a variance to height and setback requirements; 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 the City Council approves Conditional Use Permit Case No. 5.0902-C and Variance Case No. 6.516, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 1st day of July, 2009.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A

CONDITIONAL USE PERMIT 5.0902-C
VARIANCE 6.516

ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC.

1776 NORTH PALM CANYON DRIVE

JULY 1, 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, 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 5.0902 CUP-C and Case 6.516 VAR, except as modified by 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. 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. 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. 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 12. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Permit Fee (LDMF) required. 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. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 3. 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 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. 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.
- 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. 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 8. 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 9. Final Landscape Design. 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. Chain-link fencing is prohibited.

PLN 10. FAA Compliance. 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. 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.

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

Royal Street Communications California, LLC

LA3609A
N. PALM CANYON MONOPALM
 1776 N. PALM CANYON DRIVE
 PALM SPRINGS, CA. 92262

Royal Street
 Communications
 California, LLC
 2913 EL CAMINO REAL, #561
 INSRING, CA. 92782

PROJECT INFORMATION:
LA3609A
N. PALM CANYON MONOPALM
 1776 N. PALM CANYON DRIVE
 PALM SPRINGS, CA. 92262
 RIVERSIDE COUNTY
 CURRENT ISSUE DATE: 6/02/09

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY

PLANS PREPARED BY:
NATIONAL
 ENGINEERING & CONSULTING, INC.
 2700 S. CALIFORNIA AVENUE, SUITE 200
 PALM SPRINGS, CA. 92262
 (951) 795-7282
 FAX: (951) 795-7274

CONSULTANT:
 DRAWN BY: CHK. BY: DATE: ON JUN JW USER:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

SHEET INDEX:

SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	TOPOGRAPHIC SURVEY
A-1	SITE PLAN
A-2	EQUIPMENT PLAN AND ANTENNA LAYOUT
A-3	ARCHITECTURAL ELEVATIONS

APPROVALS:

APPROVED BY:	NAME:	DATE:

CODE COMPLIANCE:

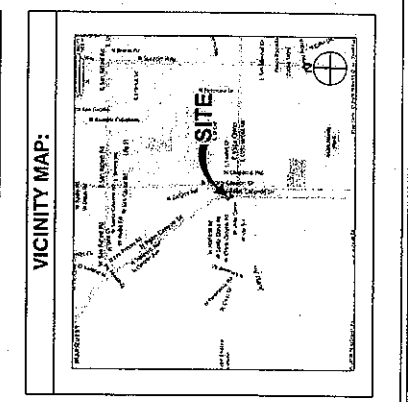
ALL WIRE AND ANTENNA SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE CITY OF PALM SPRINGS. THE CITY ENGINEER SHALL BE NOTIFIED BY THE APPLICANT TO PERMIT WORK NOT PERTAINING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

- 2007 CALIFORNIA STRUCTURES ADMINISTRATIVE CODE (CALIFORNIA ADMINISTRATIVE CODE)
- 2007 CALIFORNIA BUILDING CODE (CBC) (CALIFORNIA BUILDING CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA ELECTRICAL CODE (CEC) & LOCAL BUILDING CODE (CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA FIRE CODE (CALIFORNIA FIRE CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA MECHANICAL CODE (CALIFORNIA MECHANICAL CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA PLUMBING CODE (CALIFORNIA PLUMBING CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA PUEBLO CODE (CALIFORNIA PUEBLO CODE WITH CALIFORNIA ADDENDUMS)
- 2007 CALIFORNIA WELDERING CODE (CALIFORNIA WELDERING CODE WITH CALIFORNIA ADDENDUMS)
- CITY/COUNTY ORDINANCES

DRIVING DIRECTIONS:

DRIVING DIRECTIONS FROM ROYAL STREET COMMUNICATIONS CALIFORNIA, INC. OFFICE:

- START FROM OFFICE, 2700 S. CALIFORNIA REAL, PALM SPRINGS, CA. 92262
- TURN RIGHT ONTO 28th STREET, PALM SPRINGS, CA. 92262
- TURN RIGHT ONTO 28th STREET, PALM SPRINGS, CA. 92262
- TURN LEFT ONTO 1776 N. PALM CANYON DRIVE, PALM SPRINGS, CA. 92262
- DRIVE SOUTH ON 1776 N. PALM CANYON DRIVE TO THE LEFT HAND SIDE OF THE ROAD
- DRIVE SOUTH ON 1776 N. PALM CANYON DRIVE TO THE 3RD CROSS STREET, 1776 N. PALM CANYON DRIVE, PALM SPRINGS, CA. 92262



PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNA AND ASSOCIATED EQUIPMENT ON THE EXISTING MONOPALM ANTENNA SUPPORT STRUCTURE. THE ANTENNAS WILL BE INSTALLED ON THE EXISTING ANTENNA SUPPORT STRUCTURE AT GRADE LEVEL. SEE PROPOSED

PROJECT INFORMATION:

APPLICANT:
 NAME: ROYAL STREET COMMUNICATIONS CALIFORNIA, INC.
 ADDRESS: 2700 S. CALIFORNIA REAL, PALM SPRINGS, CA. 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

UTILITY PROVIDERS:
 NAME: VISION
 ADDRESS: 311 W. 10th Street, Suite 200, Palm Springs, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

PROPERTY INFORMATION:
 ADDRESS: 288 S.D. ST., PALM SPRINGS, CA 92262
 COUNTY: RIVERSIDE
 OCCUPANCY: COMMERCIAL
 APN: 564-330-023
 COORDINATES: LATITUDE 33°50'44.81" N, LONGITUDE 116°32'45.81" W

PROJECT TEAM:

SITE ACQUISITION:
 NAME: DMK CONSULTING GROUP
 ADDRESS: 288 S.D. ST., SUITE 108-106, PALM SPRINGS, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 PHONE: (951) 852-3533

ZONING:
 NAME: DMK CONSULTING GROUP
 ADDRESS: 288 S.D. ST., SUITE 108-106, PALM SPRINGS, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 PHONE: (951) 852-3533

RF ENGINEER:
 NAME: MARK CHAMBERLAIN
 ADDRESS: 2700 S. CALIFORNIA REAL, SUITE 200, PALM SPRINGS, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

CONSTRUCTION MANAGER:
 NAME: METRO FES
 ADDRESS: 411 W. 10th Street, Suite 200, Palm Springs, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 PHONE: (951) 795-7282

SURVEYOR:
 NAME: JAMES W. HARRIS, CIVIL ENGINEER
 ADDRESS: 411 W. 10th Street, Suite 200, Palm Springs, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 PHONE: (951) 795-7282

CIVIL ENGINEER:
 NAME: NATIONAL ENGINEERING & CONSULTING, INC.
 ADDRESS: 2700 S. CALIFORNIA REAL, SUITE 200, PALM SPRINGS, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

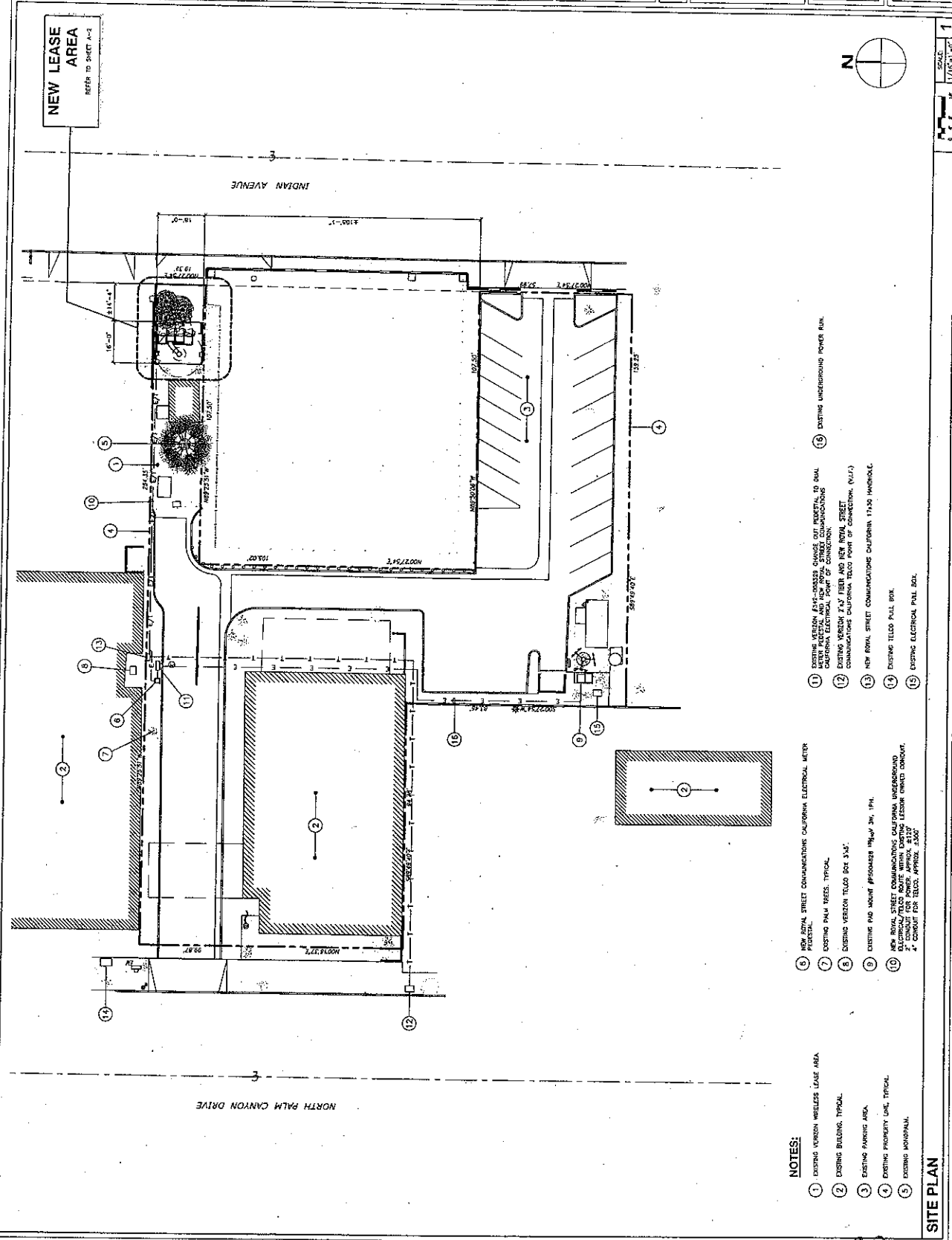
PROJECT INFORMATION:

APPLICANT:
 NAME: ROYAL STREET COMMUNICATIONS CALIFORNIA, INC.
 ADDRESS: 2700 S. CALIFORNIA REAL, PALM SPRINGS, CA. 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

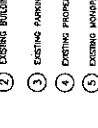
UTILITY PROVIDERS:
 NAME: VISION
 ADDRESS: 311 W. 10th Street, Suite 200, Palm Springs, CA 92262
 CITY, STATE, ZIP: PALM SPRINGS, CA 92262
 CONTACT: MARK CHAMBERLAIN (951) 795-7282

PROPERTY INFORMATION:
 ADDRESS: 288 S.D. ST., PALM SPRINGS, CA 92262
 COUNTY: RIVERSIDE
 OCCUPANCY: COMMERCIAL
 APN: 564-330-023
 COORDINATES: LATITUDE 33°50'44.81" N, LONGITUDE 116°32'45.81" W

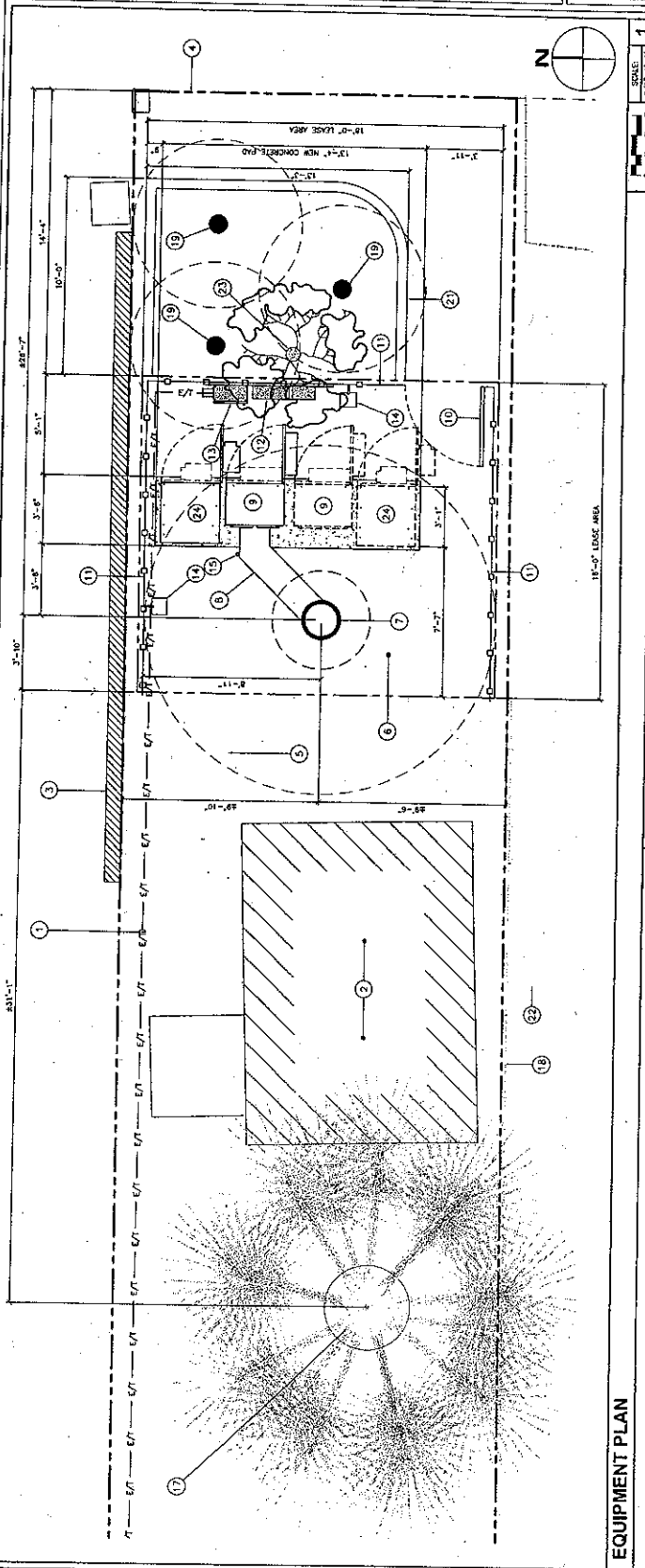
Royal Street Communications, LLC 2913 EL CAMINO REAL #561 TUSTIN, CA 92782		PROJECT INFORMATION: LA3609A N. PALM CANYON PALM 1776 N. PALM CANYON DRIVE PALM SPRINGS, CA 92262 RIVERSIDE COUNTY CURRENT ISSUE DATE:		6/02/09 ISSUED FOR:		ZONING REV. DATE: DESCRIPTION: BY:		<table border="1"> <tr><td>4</td><td>6/02/09</td><td>CLIENT COMMENTS</td><td>DN</td></tr> <tr><td>3</td><td>2/12/09</td><td>UTILITY REV.</td><td>DN</td></tr> <tr><td>2</td><td>11/19/08</td><td>100% ZONING</td><td>DN</td></tr> <tr><td>1</td><td>11/11/08</td><td>SOX ZONING</td><td>DN</td></tr> </table>		4	6/02/09	CLIENT COMMENTS	DN	3	2/12/09	UTILITY REV.	DN	2	11/19/08	100% ZONING	DN	1	11/11/08	SOX ZONING	DN	NATIONAL ENGINEERING & CONSULTANTS, INC. 2825 CAHILL ROAD, SUITE 200 PALM SPRINGS, CA 92262 (951) 435-1111 WWW.NATIONAL-ENGINEERING.COM		CONSULTANT:		DRAWN BY: CHK: APV: JWF JWF JWF		SITE PLAN		A-1	
4	6/02/09	CLIENT COMMENTS	DN																																
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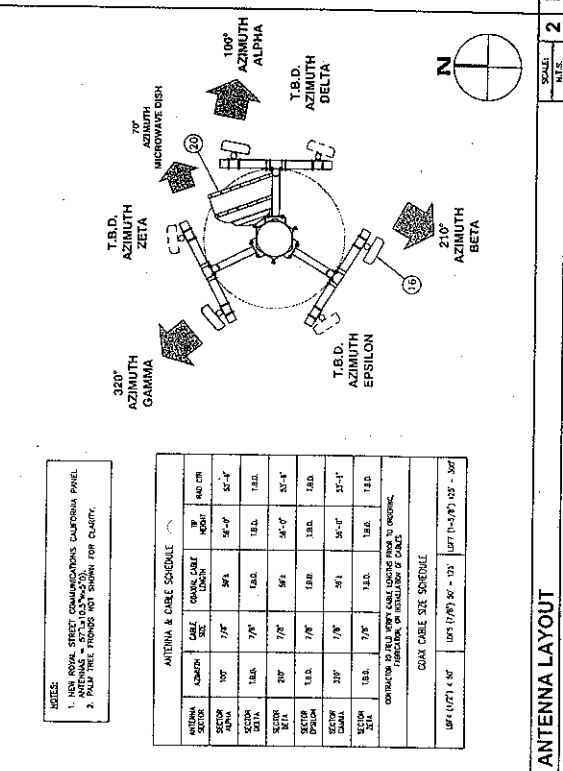
- NOTES:**
- EXISTING WERSON WIRELESS LOCAL AREA NETWORK (WLAN) TYPICAL
 - EXISTING BUILDING TYPICAL
 - EXISTING PARKING AREA
 - EXISTING PROPERTY USE, TYPICAL
 - EXISTING MOTORPOOL
 - NEW ROYAL STREET COMMUNICATIONS CALIFORNIA ELECTRICAL METER PERMITAL
 - EXISTING PAVI TREES, TYPICAL
 - EXISTING WERSON TELCO BOX 3x3'
 - EXISTING PAVI MOUNT #1000000 1/2" x 1/4" 1PH.
 - NEW ROYAL STREET COMMUNICATIONS CALIFORNIA UNDERGROUND CONDUIT PERMITAL APPROX. 3" DIA. APPROX. 30' LONG
 - EXISTING UNDERGROUND POWER RUN
 - EXISTING WERSON TELCO BOX 3x3'
 - EXISTING WERSON TELCO BOX 3x3'
 - NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 17x30 INVERTIBLE
 - EXISTING TELCO PULL BOX
 - EXISTING ELECTRICAL PAVI BOX



Royal Street Communications California, LLC 2813 EL CAMINO REAL #561 DUBLIN, CA 92018	PROJECT INFORMATION: LA3609A N. PALM CANYON MONOPALM 1775 N. PALM CANYON DRIVE PALM SPRINGS, CA 92266 RIVERSIDE COUNTY CURRENT ISSUE DATE: 6/02/09	ISSUED FOR: ZONING REV. DATE: DESCRIPTION: BY:	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td>1</td> <td>6/02/09</td> <td>CLIENT COMMENTS</td> <td>GH</td> </tr> <tr> <td>2</td> <td>2/12/09</td> <td>UTILITY REV.</td> <td>GH</td> </tr> <tr> <td>3</td> <td>11/19/08</td> <td>LOOK ZONING</td> <td>GH</td> </tr> <tr> <td>4</td> <td>11/17/08</td> <td>BOX ZONING</td> <td>GH</td> </tr> </table>	REV.	DATE	DESCRIPTION	BY	1	6/02/09	CLIENT COMMENTS	GH	2	2/12/09	UTILITY REV.	GH	3	11/19/08	LOOK ZONING	GH	4	11/17/08	BOX ZONING	GH
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3	11/19/08	LOOK ZONING	GH																				
4	11/17/08	BOX ZONING	GH																				
NATIONAL TELECOMMUNICATIONS & CONSULTANTS, INC. 4212 CALIFORNIA AVENUE, SUITE 300 SAN DIEGO, CALIFORNIA 92121 (619) 594-7777 WWW.NATIONALTELECOM.COM		CONSULTANT: DRAWN BY: CN, JR, JWF CHECKED BY: APV, JWF LICENSE:																					
SHEET TITLE: EQUIPMENT PLAN AND ANTENNA LAYOUT		SHEET NUMBER: A-2																					



- NOTES:**
1. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA UNDERGROUND CABLE TRUNK, 1" COMPACT GUYE AREA LOCATED AT 4" CONDUIT FOR FENCE, APPROX. 110'.
 2. EXISTING WIRELESS WIRELESS EQUIPMENT SHELTER.
 3. EXISTING BLACK WALL.
 4. EXISTING PROPERTY USE, TYPICAL.
 5. EXISTING PALM TREES, TYPICAL.
 6. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 14" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 7. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA CABLE TRUNK.
 8. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA EQUIPMENT CABINET MOUNTED TO NEW CONCRETE PAD.
 9. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 4" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 10. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 4" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 11. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 4" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
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 14. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 4" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 15. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 4" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 16. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA PANEL EQUIPMENT CABINET MOUNTED TO NEW CONCRETE PAD, 2" CONDUIT FOR FENCE, APPROX. 110'.
 17. EXISTING WIRELESS WIRELESS EQUIPMENT SHELTER.
 18. EXISTING WIRELESS WIRELESS EQUIPMENT SHELTER.
 19. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 14" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 20. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 14" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 21. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 14" HIGH CONCRETE WALL, COMPACT GUYE AREA LOCATED AT MONOPALM WITH MARK CLADDING.
 22. EXISTING TREES, TYPICAL.
 23. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 12" HIGH 15 GALLONS PROTECTORIAL TREE.
 24. NEW ROYAL STREET COMMUNICATIONS CALIFORNIA 12" HIGH 15 GALLONS PROTECTORIAL TREE.



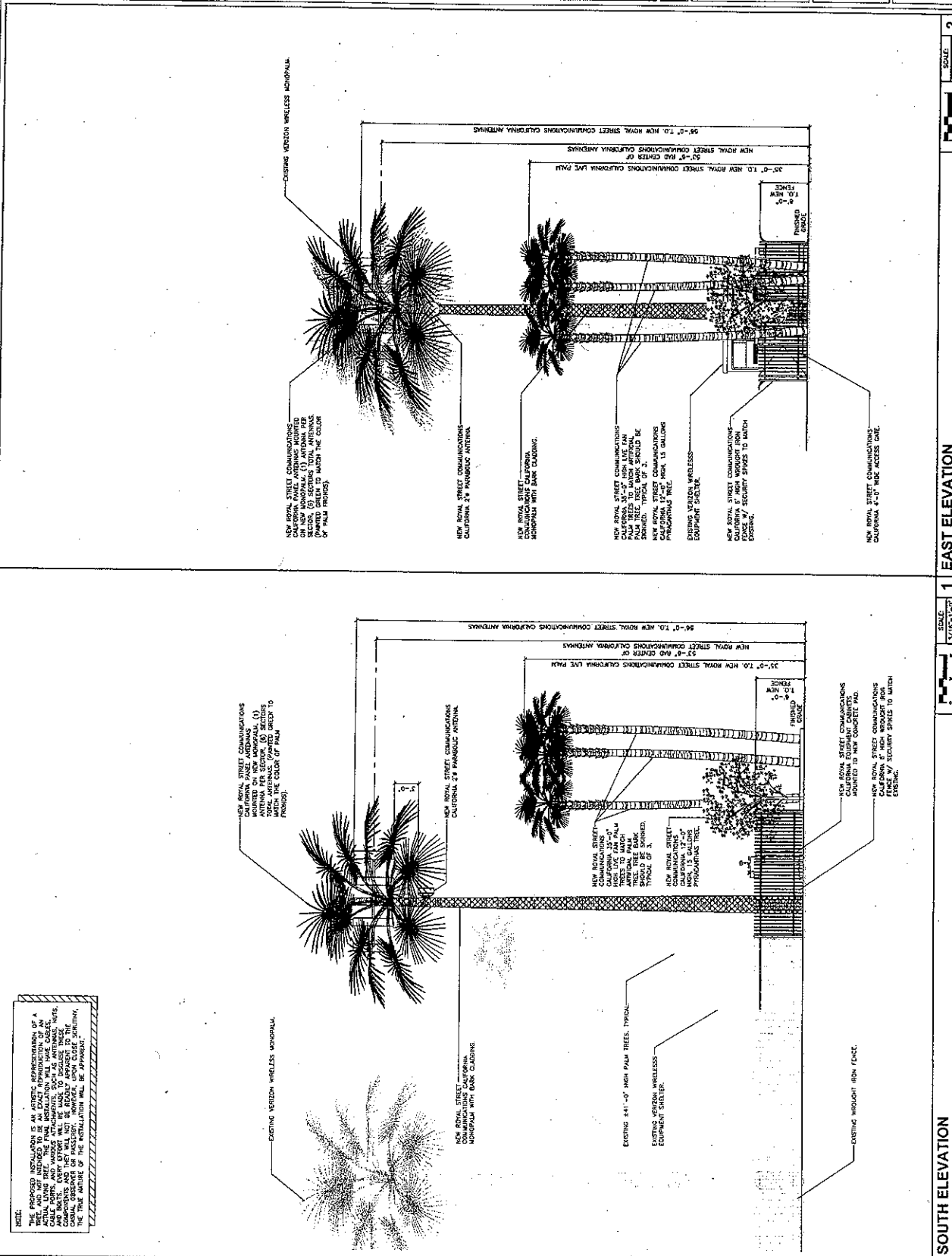
ANTENNA & CABLE SCHEDULE

ANTENNA	SECTOR	HEIGHT	ANGLE	TYPE	MODEL	WIND	WIND	WIND
ANTENNA ALPHA	100°	7'6"	90°	18.0	18.0	18.0	18.0	18.0
ANTENNA BETA	210°	7'6"	90°	18.0	18.0	18.0	18.0	18.0
ANTENNA GAMMA	330°	7'6"	90°	18.0	18.0	18.0	18.0	18.0
ANTENNA DELTA	100°	7'6"	90°	18.0	18.0	18.0	18.0	18.0
ANTENNA EPSILON	210°	7'6"	90°	18.0	18.0	18.0	18.0	18.0

CABLE SCHEDULE

TYPE	SIZE	LENGTH
1/2" (1/2")	3/8"	100'

NOTE:
 THE PROPOSED INSTALLATION IS AN ARTISTIC REPRESENTATION OF A COMMUNICATIONS ANTENNA. THE ACTUAL INSTALLATION WILL BE AN ACTUAL LIVING TREE. THE TREE SPECIES, SIZE, COLOR, AND BARK TEXTURE WILL BE SELECTIONS MADE BY THE ARCHITECT. THE TREE SPECIES, SIZE, COLOR, AND BARK TEXTURE WILL NOT BE REARLY APPARENT TO THE COMMUNITY. THE TREE SPECIES, SIZE, COLOR, AND BARK TEXTURE WILL BE SELECTIONS MADE BY THE ARCHITECT.



Royal Street Communications California, LLC 2913 EL CAMINO REAL #561 USTUN, CA 92282		PROJECT INFORMATION: LA3609A N. PALM CANYON MONOPALM 1776 N. PAL CANYON DRIVE PALM SPRINGS, CA 92282 RIVERSIDE COUNTY		ISSUED FOR: ZONING		REV. DATE: DESCRIPTION: 4 6/02/09 CLEAR COMMENTS CN 3 2/12/09 UTILITY REV. CN 2 11/19/08 100% ZONING GR 1 11/11/08 90% ZONING GR		PLANS PREPARED BY: NATIONAL ENGINEERING & CONSTRUCTION, INC. 1776 N. PAL CANYON DRIVE PALM SPRINGS, CA 92282 (951) 771-1111 www.nationaleng.com		CONSULTANT:		DRAWN BY: CHK: APY, JW JWB		ISSUES:		SHEET TITLE: ARCHITECTURAL ELEVATIONS		SHEET NUMBER: A-3	
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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 monopals 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 public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

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

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

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

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

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

The applicant provided a study which shows that the height limit of 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 Conditional 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.*

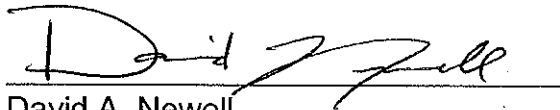
The project is unlikely to have a significant impact on the proposed project site or its surroundings. Conditions to ensure the protection of public health, safety and general welfare are required to be fulfilled by the applicant for approval and include, but are not limited to, removal of antenna upon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

ENVIRONMENTAL DETERMINATION:

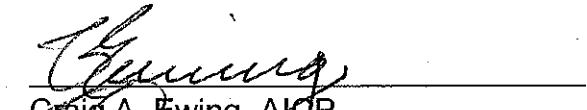
This project is categorically exempt from environmental review pursuant to Section 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).

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, AICP
Director of Planning Services

~~ATTACHMENTS:~~

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

1. CONSENT CALENDAR:

1A. Minutes of May 27, 2009.

M/S/C (Scott/Vice Chair Cohen, 4-0, 1 absent/Caffery, 1 abstained/ Donenfeld) To approve, minutes of May 27, 2009.

1B. Case 5.1056 PD 314 / TTM 33575 (The Cameron) - A request by David Hilliard of Palm Canyon 102, LP, for a one-year time extension for a previously approved project located at 850 and 990 South Palm Canyon Drive, Zone PD 314, Section 23, APN 508-172-005, -007 and -009. (Project Planner: Glenn Mlaker, Assistant Planner)

M/S/C (Donenfeld/Vice Chair Cohen, 5-0, 1 absent/Caffery) To approve of a one-year time extension from July 12, 2009 to July 12, 2010.

2. MISCELLANEOUS:

2A. Case 5.1037 PD 309 AMND / TTM 33161 (Vista San Jacinto) - An amendment to a previously approved Planned Development District to allow 73 rentals and 5 for sale residential dwellings on an approximately 5.95 acre lot located at 301 Rosa Parks Road, Zone R2, Section 34, APN's: 669-441-014 through -048. (Project Planner: Ken Lyon, Associate Planner).

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated June 10, 2009. *(This item will be conducted for informational purposes only and no action will be taken at this meeting.)*

Commissioner Conrad and Chair Hochanadel expressed their interest in accepting the housing affordability limit as a public benefit.

3. PUBLIC HEARING:

3A. Case 5.0902 CUP-C / 6.516 VAR - An application by Royal Street 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 allow reduced setbacks for the property located at 1776 North Palm Canyon Drive, Zone C-1 / R-3, Section 3, APN: 504-320-023. (Project Planner: David A. Newell, Associate Planner)

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated June 10, 2009.

Chair Hochanadel opened the Public Hearing:

-Veronica Arvizu, representing Royal Street Communications, provided background information on the new network and provider to the area; noting their preference for co-locations.

There being no further appearances, the Public Hearing was closed.

M/S/C (Donenfeld/Vice Chair Cohen, 4-1/Conrad) (1 absent/Caffery) To recommend approval of Case 5.0902 CUP-C and Case 6.516 VAR to the City Council, subject to Conditions of Approval.

3B. Case 5.1225 ZTA - An application by the City of Palm Springs to amend the Palm Springs Zoning Code relating to the definition and measurement of building heights. (Project Planner: Craig A. Ewing, Director of Planning)

Director Ewing provided background information as outlined in the staff report dated June 10, 2009.

Chair Hochanadel opened the Public hearing and there being no appearances, the Public Hearing was closed.

M/S/C (Scott/Donenfeld, 5-0, 1 absent/Caffery) To adopt the draft resolution recommending that the City Council amend Section 91.00.01, with the correction to the first paragraph, as follows:

-"Whereas, Section 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the development of buildings and structures."

PLANNING COMMISSION COMMENTS;

Commissioner Scott requested staff follow-up on restoring the sign area for a previous tenant located at the southeast corner of Ramon Road and South Palm Canyon (former Alan Ladd building).

Commissioner Donenfeld questioned the status of the construction fencing located at the Port Lawrence site.

LA3609

Site Name:

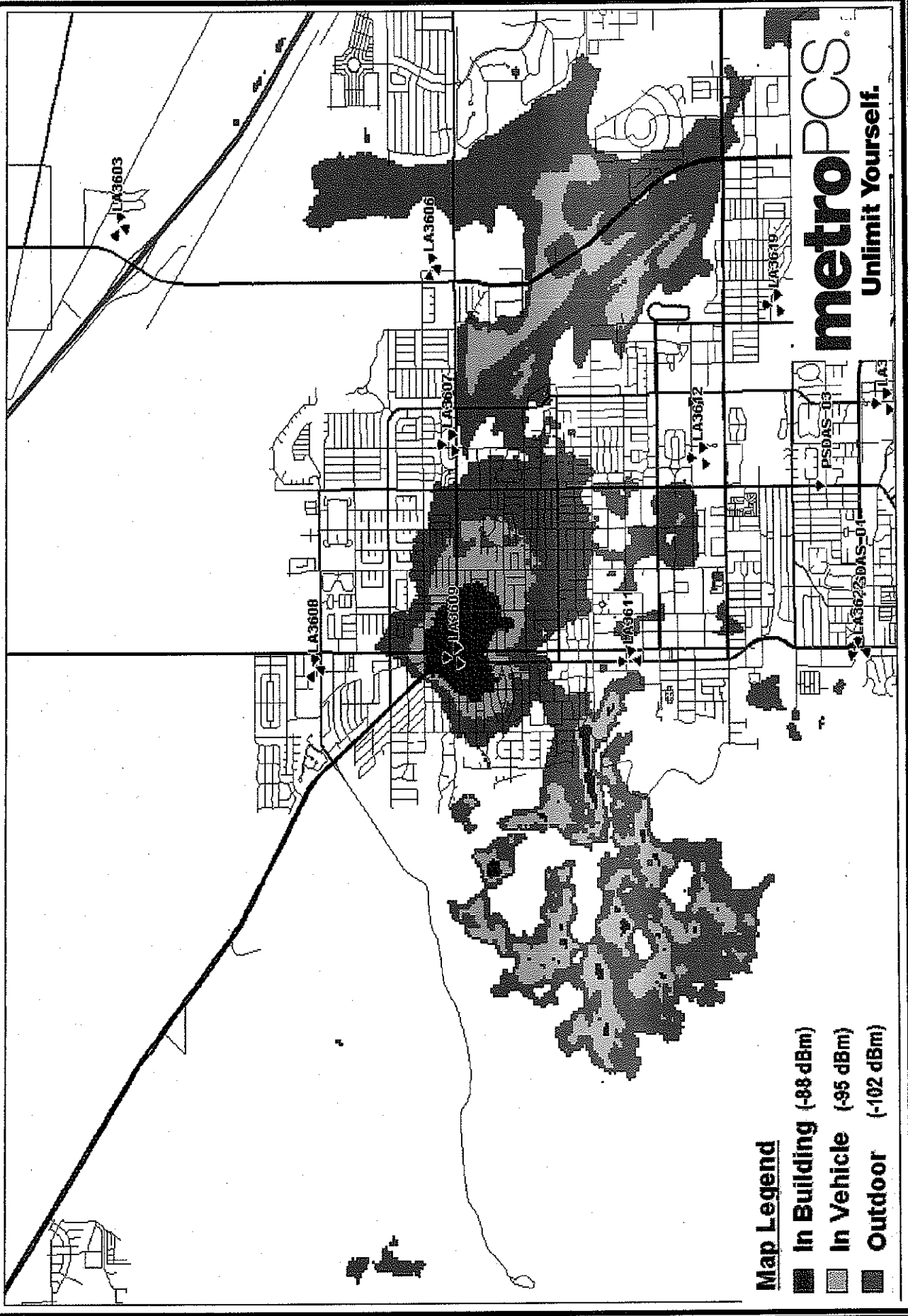
BTS – N. Palm Canyon Monopalm

1776 N. Palm Canyon, Palm Springs, CA




RC at 40' Height

metroPCS.
Unlimit Yourself.

Predict Coverage of LA3609 at 40'



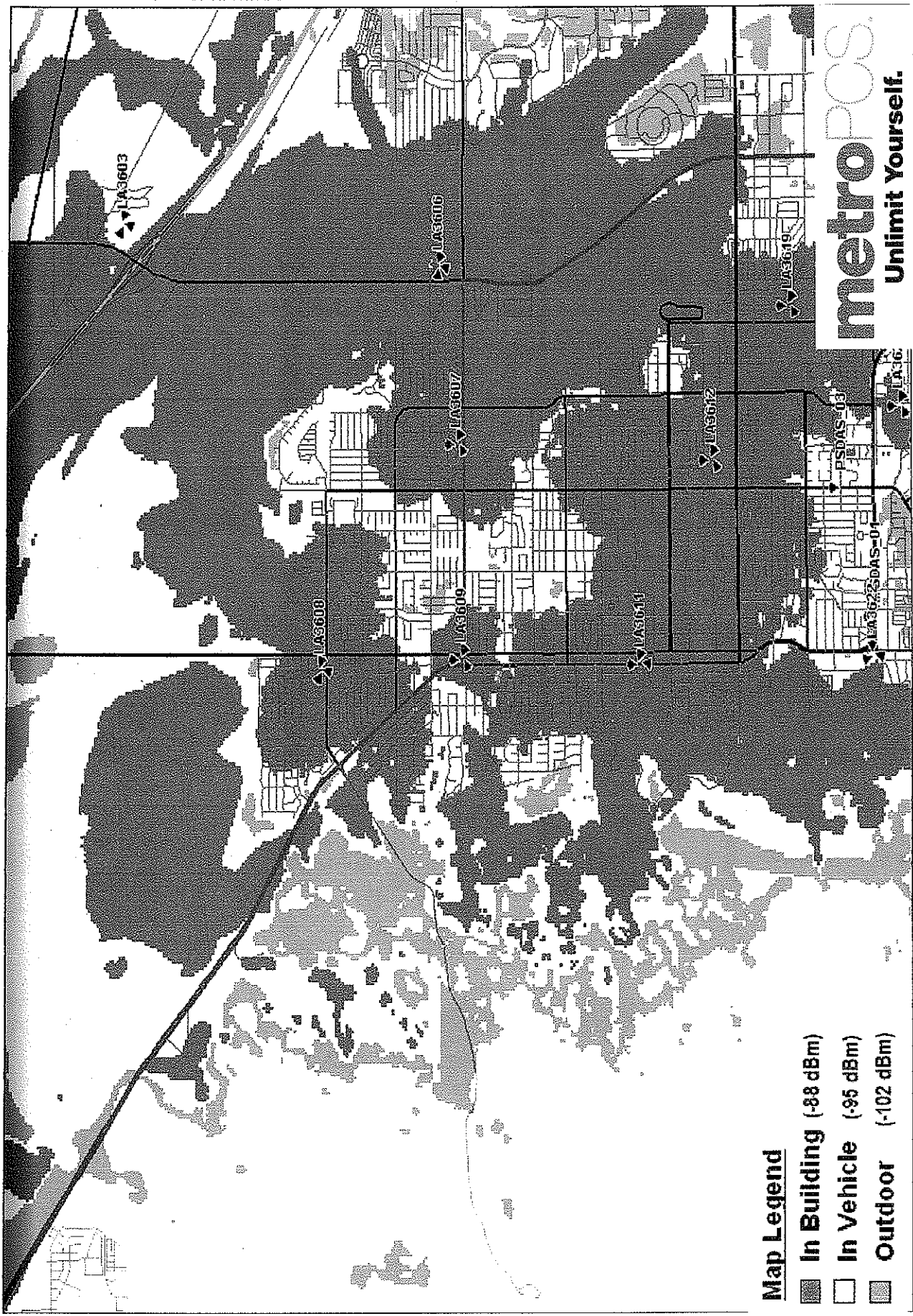
Map Legend

-  In Building (-88 dBm)
-  In Vehicle (-95 dBm)
-  Outdoor (-102 dBm)

metroPCS

Unlimit Yourself.

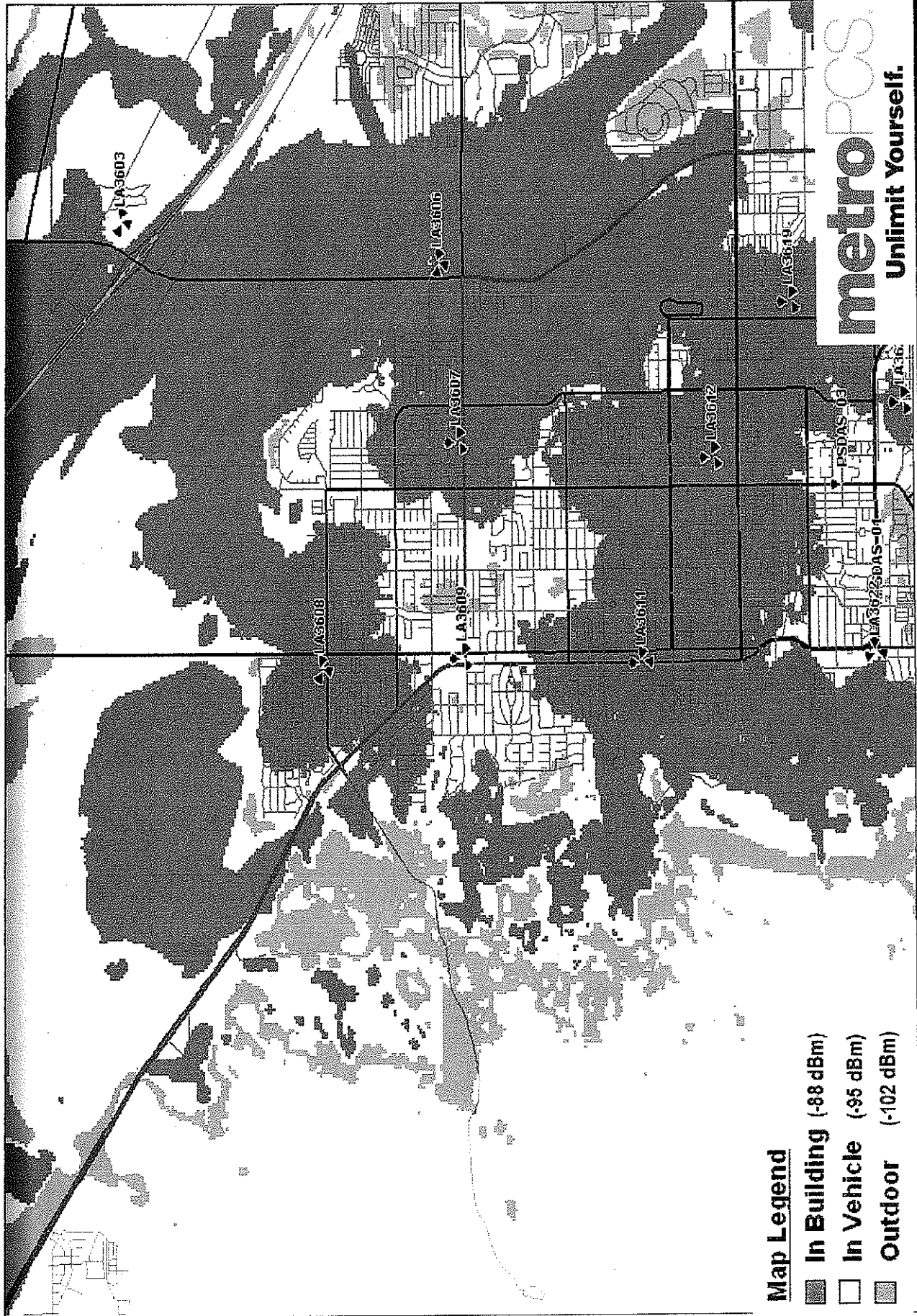
Predict Coverage of LA3609 w/ surrounding sites



- Map Legend**
- In Building (-88 dBm)
 - In Vehicle (-95 dBm)
 - Outdoor (-102 dBm)

metroPOS
Unlimit Yourself.

Predict Coverage w/o LA3609, Surrounding Sites



Map Legend

- In Building (-88 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

metroPOS
Unlimit Yourself.

LA 3609

Site Name:

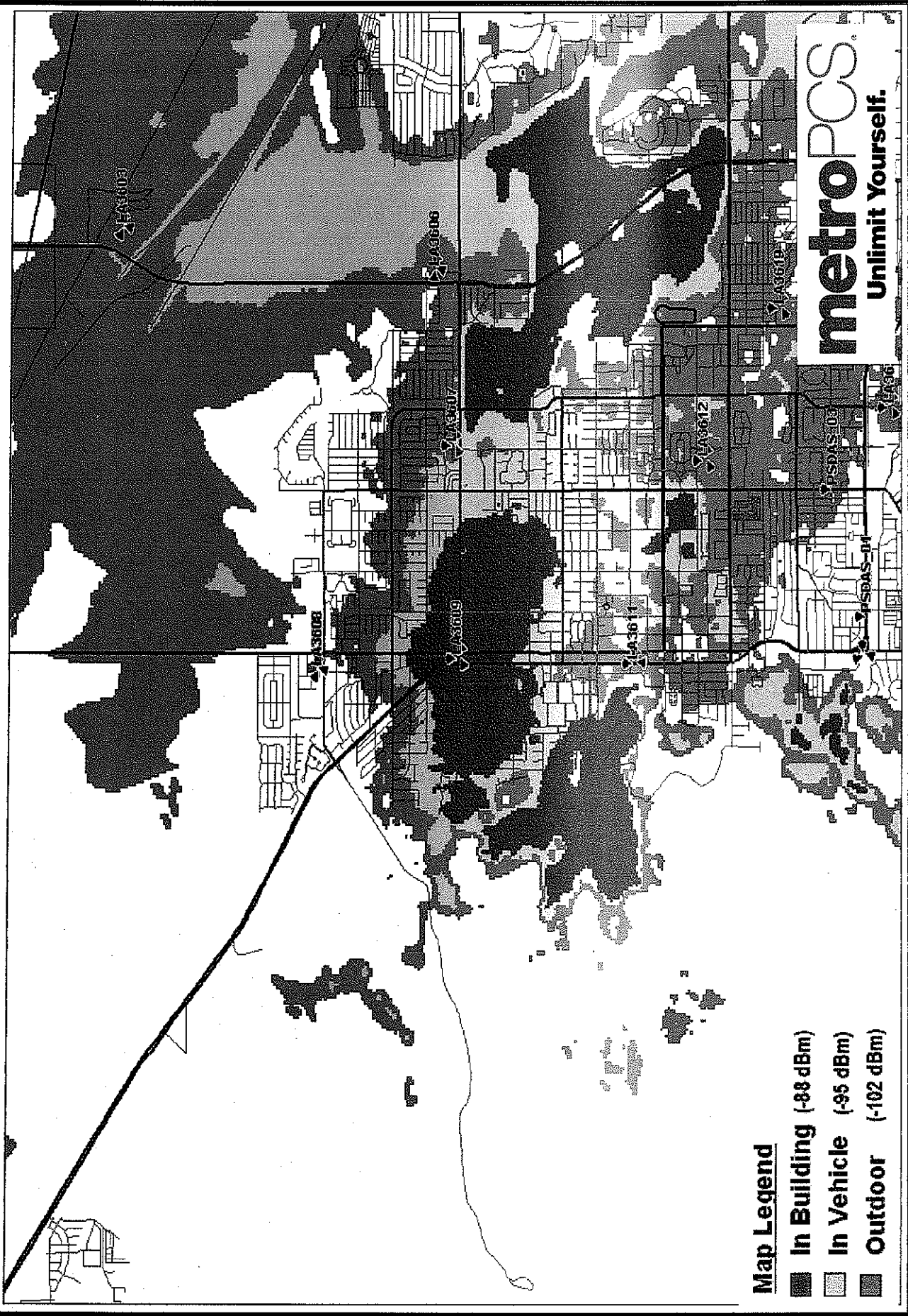
BTS – N. Palm Canyon Monopalm

1776 N. Palm Canyon, Palm Springs, CA

RC at 56' Height

metroPCS.
Unlimit Yourself.

Predict Coverage of LA3609 at 56'

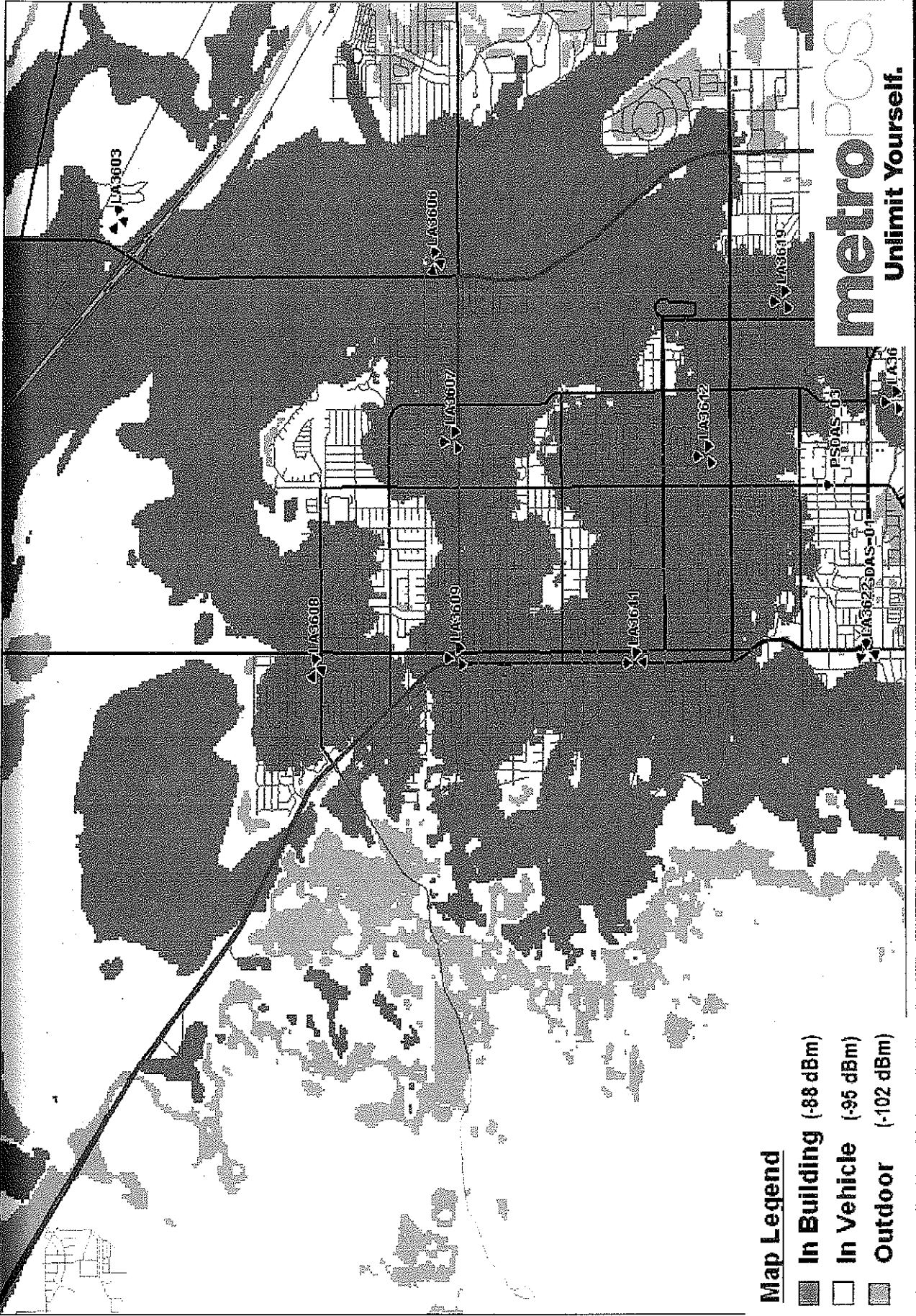


metroPOS
Unlimit Yourself.

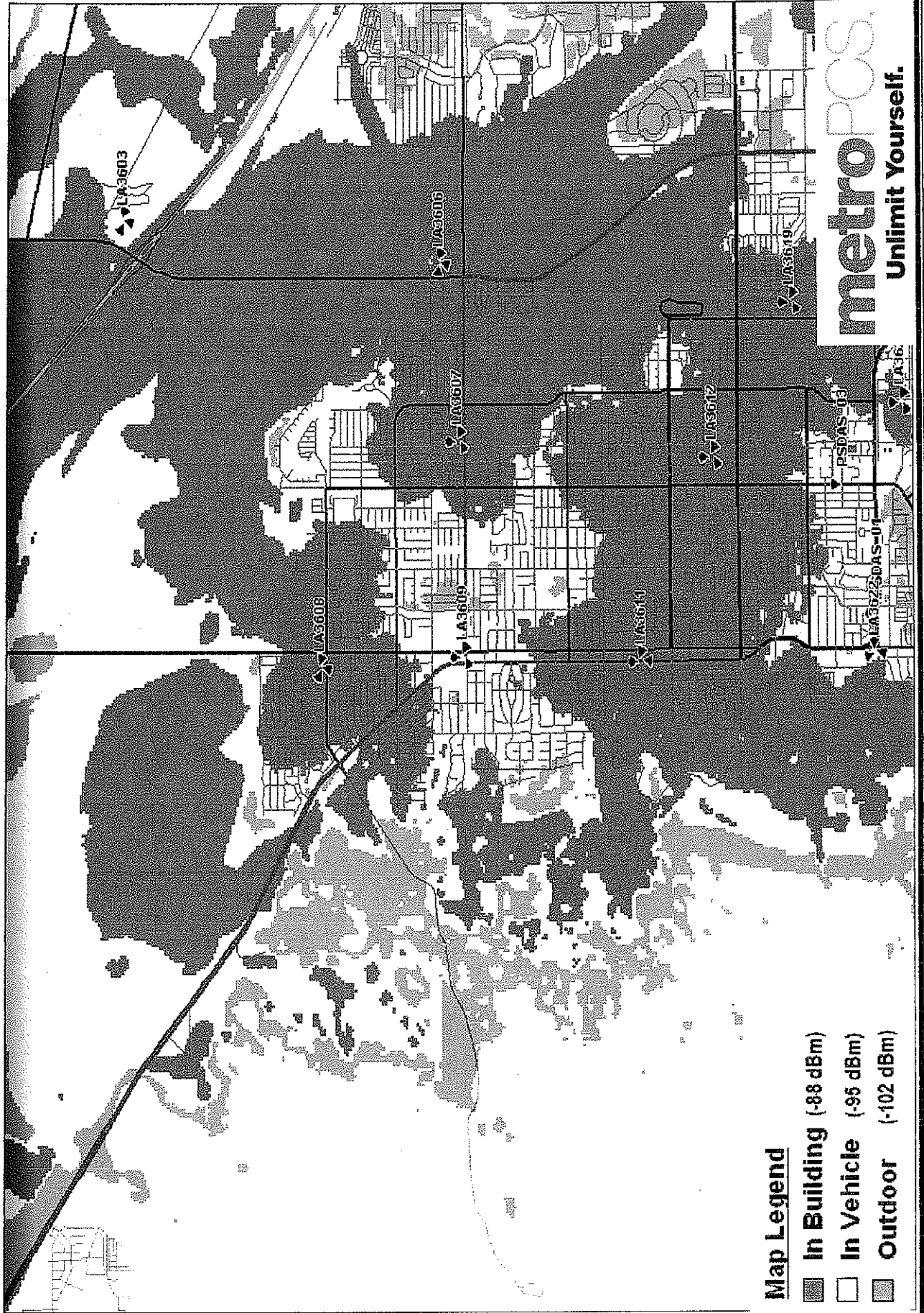
Map Legend

- In Building (-88 dBm)**
- In Vehicle (-95 dBm)**
- Outdoor (-102 dBm)**




Predict Coverage of LA3609 w/ surrounding sites



Predict Coverage w/o LA3609, Surrounding Sites



Map Legend

-  In Building (-88 dBm)
-  In Vehicle (-95 dBm)
-  Outdoor (-102 dBm)

metroPCS
Unlimit Yourself.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



CITY CLERK'S DEPARTMENT
James Thompson, City Clerk

City Council
Meeting Date: July 1, 2009
Subject: Royal Street Communications California LLC
Case 5.0902-CUP, Conditional Use Permit

AFFIDAVIT OF MAILING

I, Kathie Hart, CMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on or before June 18, 2009, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(70 notices)

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

KHart
Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, CMC, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on June 20, 2009.

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

KHart
Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Dolores Strickstein, Secretary, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on June 18, 2009.

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

Dolores Strickstein
Dolores Strickstein
Secretary

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE NO. 5.0902-C CONDITIONAL USE PERMIT / 6.516 VARIANCE
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC
1776 NORTH PALM CANYON DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of July 1, 2009. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider an application by Royal Street 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 reduce rear and side yard setback requirements for the property located at 1776 North Palm Canyon Drive, Zoned C-1 & R-3.

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

REVIEW OF PROJECT INFORMATION: The proposed application, site plan and related documents are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

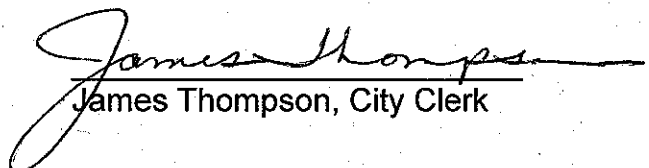
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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

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

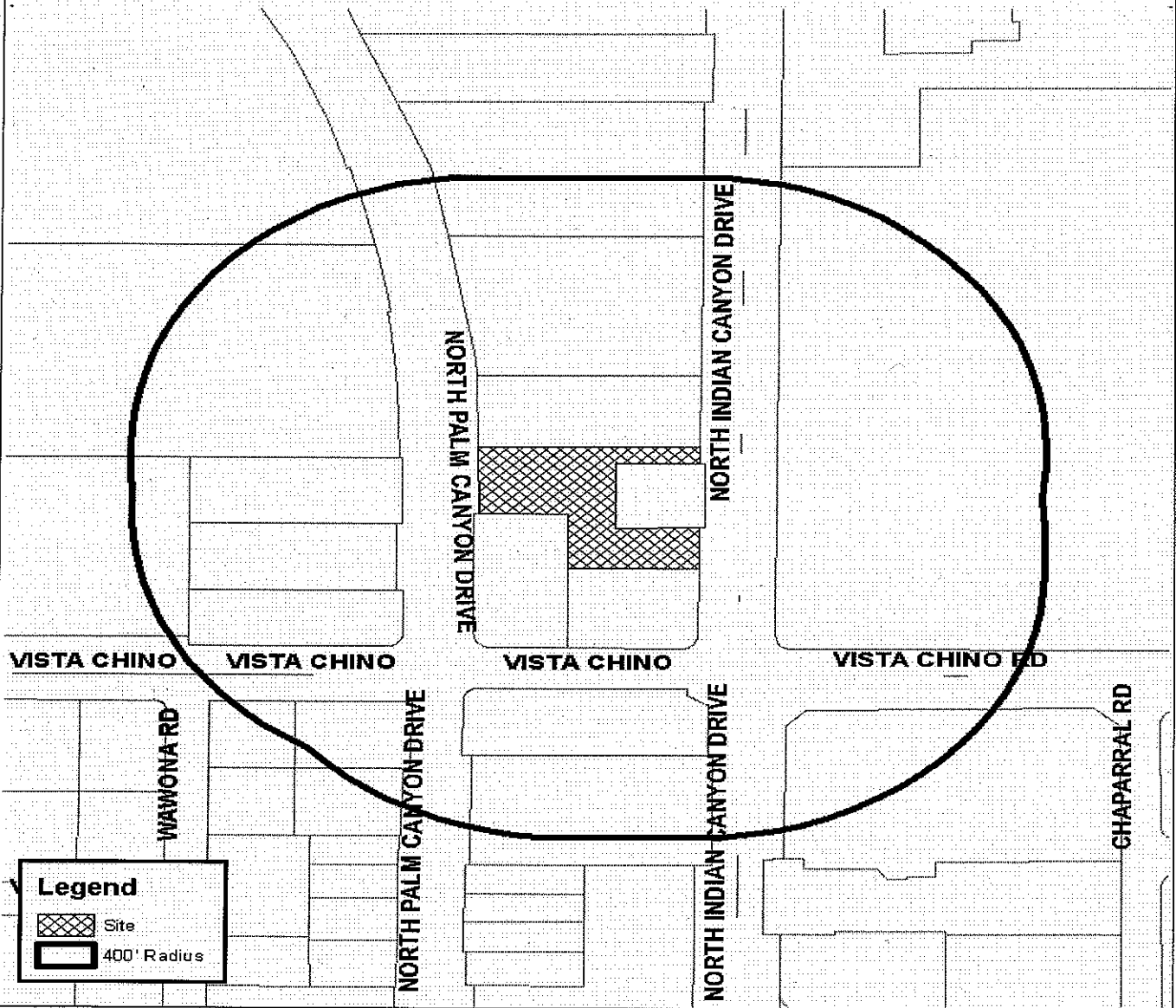
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

-  Site
-  400' Radius

CITY OF PALM SPRINGS

CASE NO: 5.0902-C CUP
6.516 VAR

APPLICANT: Royal Street Communi-
cations California, LLC

DESCRIPTION: The purpose of the hearing is to consider an application by Royal Street 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 reduce rear and side yard setback requirements for the property located at 1776 North Palm Canyon Drive, Zoned C-1 & R-3.