



CITY COUNCIL STAFF REPORT

DATE: October 7, 2009

PUBLIC HEARING

SUBJECT: ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC,
APPLICATION FOR A CONDITIONAL USE PERMIT AND VARIANCE TO
INSTALL A FIFTY-FIVE FOOT TALL COMMERCIAL
COMMUNICATIONS ANTENNA DESIGNED AS A MONOPALM AT 2101
SAHARA ROAD, CASE 5.1226 CUP AND 6.513 VAR.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a proposed fifty-five foot high wireless communications antenna designed as an artificial palm tree (monopalm) at 2101 Sahara Road. The project is also seeking a Variance approval to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet. The request includes the addition of four equipment cabinets surrounded by a six-foot high block wall. 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 CASE NO. 5.1226 TO INSTALL A FIFTY-FIVE FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA DESIGNED AS AN ARTIFICIAL PALM TREE AND VARIANCE CASE NO. 6.513 TO EXCEED MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 2101 SAHARA ROAD."

ITEM NO. 1.C.

PRIOR ACTIONS:

On July 6, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 6-0 recommended approval to the Planning Commission with the following requirements:

1. The monopole should not mimic a palm tree but be a slim-line monopole with the antennas contained entirely within the pole.
2. The monopole should be desert tan in color; a similar tone has been approved for other monopoles in the past.
3. Provide a three foot high block wall along street frontages, five feet back from property line.
4. Install desert landscape between new wall and street.

On September 9, 2009, the proposed monopole project was reviewed by the Planning Commission and recommended approval to the City Council by a vote of 4-2-1 (Caffery & Hudson opposed, Munger absent), subject to the applicant installing three live palms adjacent to the proposed monopalm and to a revision to Condition of Approval PLN 13 to include language that ensures the new monopalm will be structurally capable for co-location.

The AAC and Planning Commission's recommendations are discussed further in the Staff Analysis portion of the staff report.

BACKGROUND AND SETTING:

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

The subject property is approximately 0.38 acres in size and mostly vacant except for the existing monopalm, equipment shelter and live palm trees that are located on the southeast corner of the site. The existing monopalm is fifty-five feet in height and mimics the appearance of a Mexican Fan Palm.

The proposed wireless communication antenna would be located on a second fifty-five foot high monopole designed to mimic the appearance of a Mexican Fan Palm. However, the antenna arrays will be located in the artificial palm fronds. The proposal also includes the placement of four mechanical equipment cabinets surrounded by a new six foot high block wall.

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

	General Plan	Zoning	Existing Land Uses
North	VLDR (Very Low Density Residential)	N-R-1-C (Single Family Residential with Noise Overlay)	Vacant
South	O (Office)	P (Professional)	Parking Lot
East	O (Office)	P (Professional)	Vacant
West	O (Office)	P (Professional)	Vacant

STAFF ANALYSIS:

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

The site is located within the P (Professional) Zone. 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)(ii) Requirements	Proposed Project (approx.)
Height (feet)	15 feet	55 feet
Front (West) Yard Setback	25 feet	89 feet
Street Side (North) Yard Setback	50 feet	94 feet
Side (South) Yard Setback	10 feet	24 feet
Rear (East) Yard Setback	15 feet	48 feet

Antenna Height

Pursuant to Section 93.08.03(A)(2)(c)(ii) of the PSZC which references 93.08.03(A)(1)(c)(B) of the PSZC, "If the antenna is not mounted on a building, no part of the antenna structure shall extend to a height of more than fifteen (15) feet above ground level..." The top of the antenna panels are proposed to be located forty-eight feet above the existing grade and the structure including artificial palm fronds will not exceed fifty-five feet in height. The applicant has submitted a variance application to allow the antenna at its proposed height and provided justification diagrams to support it. Findings in support of the project are found in the draft resolution.

Variance Analysis

When a variance is approved, a special circumstance applicable to the subject property must exist which is not considered a special privilege. With regards to the height, the subject property is surrounded by development and landscaping that would inhibit transmission of an antenna at fifteen feet in height. Diagrams supporting this have been provided which displays coverage at the maximum antenna height permitted and the proposed antenna height. Since the property has another monopalm that is similar in height, the strict application of the Zoning Code would deprive the subject carrier of privileges enjoyed by other carriers in the vicinity. Staff has provided recommended findings in the attached draft resolution of approval based on the Planning Commission's direction.

Conditional Use Permit Analysis

The request is subject to the required findings of a Conditions 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 P 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 another monopalm, which is a similar environment for the location of wireless communications antenna designed as an artificial palm tree. Over ten palm trees exist on the property that will help soften the antenna's appearance. Staff has provided required findings in the attached draft resolution of approval based on the Planning Commission's direction.

AAC and Planning Commission Recommendations

The AAC recommended approval of the project, subject to the following comments:

1. The monopole should not mimic a palm tree but be a slim-line monopole with the antennas contained entirely within the pole.
2. The monopole should be desert tan in color; a similar tone has been approved for other monopoles in the past.
3. Provide a three foot high block wall along street frontages, five feet back from property line.
4. Install desert landscape between new wall and street.

The applicant has agreed to install the block wall and landscaping. Staff is recommending Conditions of Approval No. PLN 3:

PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:

1. Provide a three foot high block wall along street frontages, five feet back from property line.
 2. Install desert landscape between new wall and street.
- This Condition must be shown on the final landscape plan that is required per Condition of Approval No. PLN 2.*


The applicant requested the Planning Commission to consider recommending approval of the monopalm design instead of the slim-line design that was recommended by AAC. After discussion, the Commission ultimately recommended approval of the monopalm design based on the attached conditions of approval, and staff has carried this recommendation forward.

CONCLUSION:

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



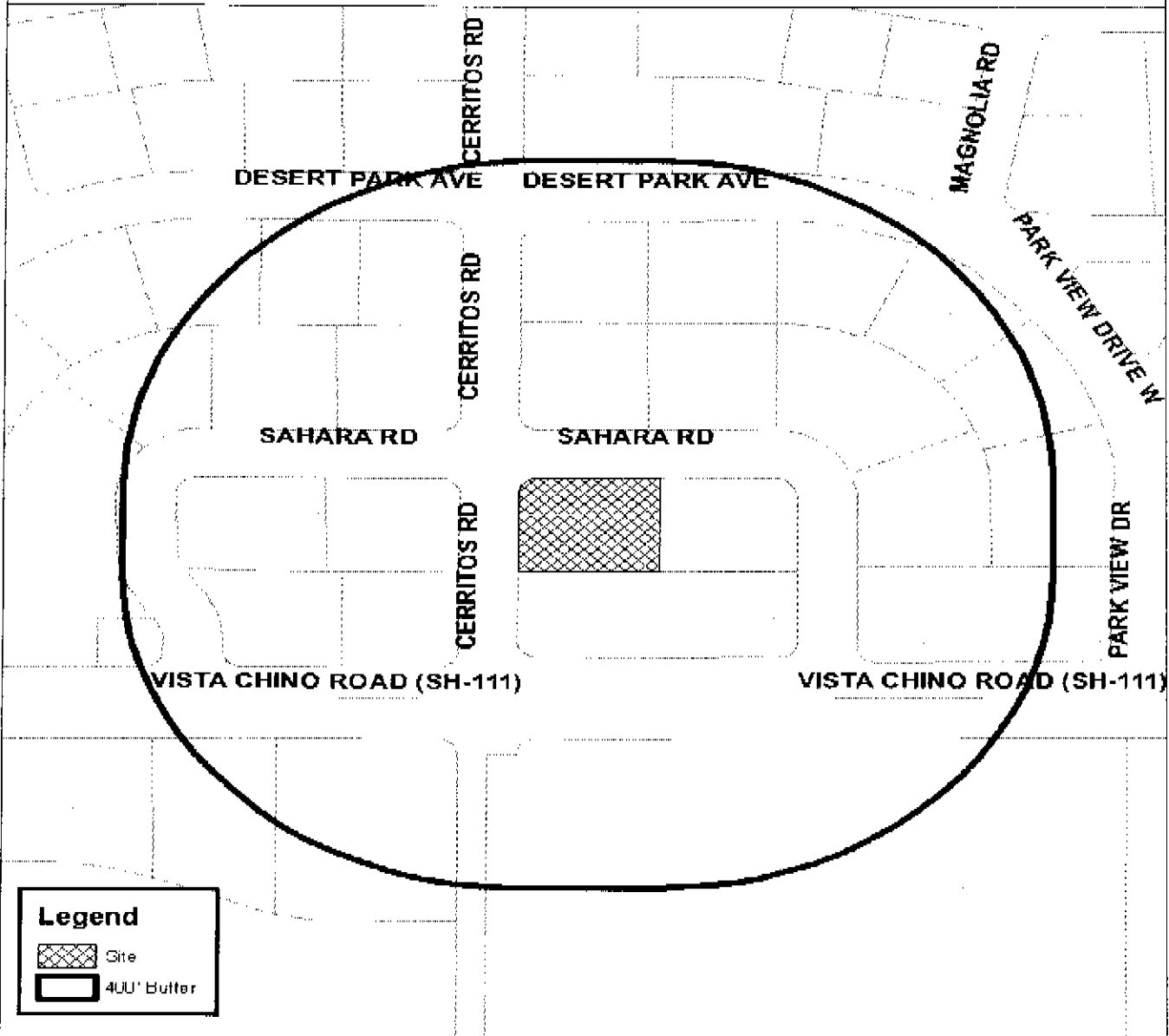
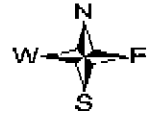
for David H. Ready,
City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
3. Site Plan and Elevations
4. Planning Commission staff report dated 09/09/09
5. Planning Commission minutes dated 09/09/09 (excerpt)
6. Photo-simulations of Monopalm
7. Variance Height Study
8. Correspondence from the Public



Department of Planning Services
Vicinity Map



Legend

-  Site
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1226 CUP &
6.513 VAR

APPLICANT: Royal Street
Communications

DESCRIPTION: To consider an application by Royal Street Communications for a Conditional Use Permit to install a new fifty-five foot tall commercial communication antenna. The hearing will also include a Variance application to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet for the property located at 2101 Sahara Road, Zoned P (Professional).

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. 5.1226 TO INSTALL A FIFTY-FIVE FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA DESIGNED AS AN ARTIFICIAL PALM TREE AND VARIANCE CASE NO. 6.513 TO EXCEED MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 2101 SAHARA ROAD.

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 fifty-five foot high commercial communications antenna designed as an artificial palm tree and an area for equipment cabinets surrounded by a block wall located at 2101 Sahara Road, P Zone, Section 1; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513 was given in accordance with applicable law; and

WHEREAS, on September 9, 2009, a public hearing on the application for Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on September 9, 2009, the Planning Commission recommended approval of Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513 to the City Council; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider the application for Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513 was given in accordance with applicable law; and

WHEREAS, on October 7, 2009, a public hearing on the application for Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513 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 15303 (Class 3 – New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA); and

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

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

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

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

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

The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided radio frequency maps that display coverage of an antenna at fifteen feet in height and forty-eight feet in height. These maps show that a fifteen foot high antenna will not satisfy the necessary coverage due to inhibiting factors such as terrain variations, foliage and man-made structures enjoyed by other properties, or in this case cellular providers, in the vicinity and under identical zone classification.

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

The subject property will be conditioned similar to other properties that have received height variances for antennas. These conditions include removal of the structure upon abandonment of the use, compliance with Federal Aviation Administration (FAA) requirements and restriction to limit the antenna structure to no more than fifty-five feet in height. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

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

The monopalm will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to

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

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

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

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

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

The applicant provided a study which shows that the height limit of fifteen feet will not provide the coverage necessary to compete with other wireless communications carriers. Diagrams have been provided that show the top of the antenna at a height of fifteen feet compared to forty-eight feet, and the maximum height of fifteen 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 Code, a commercial communications antenna is authorized within the P 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 General Plan designation of the subject site is O (Office). The General Plan does not specifically regulate the installation and operation of wireless communications facilities; however, the use as proposed is compatible with this

designation as it supports cellular needs of the surrounding commercial and residential uses and the development of adequate cellular phone levels of services serves the ultimate benefit of the community.

The antenna will be located near an existing fifty-five foot tall monopalm and adjacent to live palm trees that exceed heights of forty feet. The proposal is unlikely to be detrimental to existing or future uses permitted in the zone, since it will be located in a similar environment.

- c. *The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.*

The proposal includes a variance to the antenna height requirement; the equipment will be placed on an unused portion of the site. A new wall and landscaping will be installed and the use will occupy only a small portion of the site. Therefore, the site for the intended use will easily accommodate the proposed facility.

- d. *The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

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

- e. *The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.*

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

NOW, THEREFORE BE IT RESOLVED that the City Council approves Conditional Use Permit Case No. 5.1226 and Variance Case No. 6.513, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 7th day of October, 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 CASE NO. 5.1226
VARIANCE CASE NO. 6.513

ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC.

2101 SAHARA ROAD

OCTOBER 7, 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 5.1226 CUP and Case 6.513 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 April 23, 2009, including site plans, architectural elevations and colors 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 5.1226 CUP and Case 6.513 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. 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 11. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

PLN 1. 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. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code. 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. Refer to Chapter 8.60 of the Municipal Code for specific requirements.

PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:

1. Provide a three foot high block wall along street frontages, five feet back from property line.
2. Install desert landscape between new wall and street.

This Condition must be shown on the final landscape plan that is required per Condition of Approval No. PLN 2.

PLN 4. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 5. 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 6. 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 7. Property Use and CUP. If the use of the subject property is ever changed, the City reserves the right to modify or revoke this Conditional Use Permit application pursuant to Section 94.02.00(I) of the Zoning Code.
- PLN 8. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be fifty-five feet, as indicated on the conceptually approved plans, as measured from finished grade to the highest point of the structure.
- PLN 9. 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 10. 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 11. FAA Compliance. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA) and Federal Communications Administration (FCC).
- PLN 12. 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 13. 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. *The applicant shall provide a monopalm structure capable of allowing co-location for another wireless communications provider.*
- PLN 14. Conditions Imposed by the Planning Commission. *The applicant shall install a minimum of three additional live palm trees adjacent to the new monopalm.*

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.

FIRE DEPARTMENT CONDITIONS

- FID 1. Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes.
- FID 2. Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.

END OF CONDITIONS

Royal Street Communications California, LLC

LA3607A
 CERRITOS STREET MONOPALM
 SW CORNER OF CERRITOS RD. & SAHARA RD.
 PALM SPRINGS, CA 92262

Royal Street Communications California, LLC 2513 EL CAJON BOULEVARD PALM SPRINGS, CA 92262	
PROJECT INFORMATION CERRITOS STREET MONOPALM SW CORNER OF CERRITOS RD. & SAHARA RD. PALM SPRINGS, CA 92262	
PROJECT NO.: 11/14/08	ZONING:
NATIONAL ENGINEERING & CONSULTING, INC. 1100 N. GARDEN AVENUE, SUITE 100 PALM SPRINGS, CA 92262 (951) 485-1100	
TITLE SHEET	

NO.	DESCRIPTION	SHEET INDEX
1	GENERAL NOTES	
2	PROPOSED PLAN	
3	SECTION 101	
4	SECTION 102	
5	SECTION 103	
6	SECTION 104	
7	SECTION 105	
8	SECTION 106	
9	SECTION 107	
10	SECTION 108	
11	SECTION 109	
12	SECTION 110	
13	SECTION 111	
14	SECTION 112	
15	SECTION 113	
16	SECTION 114	
17	SECTION 115	
18	SECTION 116	
19	SECTION 117	
20	SECTION 118	
21	SECTION 119	
22	SECTION 120	
23	SECTION 121	
24	SECTION 122	
25	SECTION 123	
26	SECTION 124	
27	SECTION 125	
28	SECTION 126	
29	SECTION 127	
30	SECTION 128	
31	SECTION 129	
32	SECTION 130	
33	SECTION 131	
34	SECTION 132	
35	SECTION 133	
36	SECTION 134	
37	SECTION 135	
38	SECTION 136	
39	SECTION 137	
40	SECTION 138	
41	SECTION 139	
42	SECTION 140	
43	SECTION 141	
44	SECTION 142	
45	SECTION 143	
46	SECTION 144	
47	SECTION 145	
48	SECTION 146	
49	SECTION 147	
50	SECTION 148	
51	SECTION 149	
52	SECTION 150	
53	SECTION 151	
54	SECTION 152	
55	SECTION 153	
56	SECTION 154	
57	SECTION 155	
58	SECTION 156	
59	SECTION 157	
60	SECTION 158	
61	SECTION 159	
62	SECTION 160	
63	SECTION 161	
64	SECTION 162	
65	SECTION 163	
66	SECTION 164	
67	SECTION 165	
68	SECTION 166	
69	SECTION 167	
70	SECTION 168	
71	SECTION 169	
72	SECTION 170	
73	SECTION 171	
74	SECTION 172	
75	SECTION 173	
76	SECTION 174	
77	SECTION 175	
78	SECTION 176	
79	SECTION 177	
80	SECTION 178	
81	SECTION 179	
82	SECTION 180	
83	SECTION 181	
84	SECTION 182	
85	SECTION 183	
86	SECTION 184	
87	SECTION 185	
88	SECTION 186	
89	SECTION 187	
90	SECTION 188	
91	SECTION 189	
92	SECTION 190	
93	SECTION 191	
94	SECTION 192	
95	SECTION 193	
96	SECTION 194	
97	SECTION 195	
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100	SECTION 198	
101	SECTION 199	
102	SECTION 200	

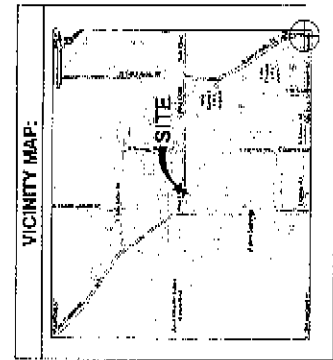
CODE COMPLIANCE:

1. THE PROJECT SHALL BE DESIGNED TO COMPLY WITH ALL APPLICABLE CITY ORDINANCES, LOCAL ORDINANCES, AND STATE AND FEDERAL REGULATIONS. THE PROJECT SHALL BE DESIGNED TO COMPLY WITH THE LATEST EDITION OF THE FOLLOWING CODES:

- 2002 MINIMUM STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES
- 2002 CALIFORNIA ENGINEERING CODE BOOK
- 2002 CALIFORNIA ELECTRICAL CODE
- 2002 CALIFORNIA MECHANICAL CODE
- 2002 CALIFORNIA PLUMBING CODE
- 2002 CALIFORNIA FIRE CODE
- 2002 CALIFORNIA BUILDING CODE
- 2002 CALIFORNIA LAND DEVELOPMENT CODE
- 2002 CALIFORNIA ENVIRONMENTAL CODE

DRIVING DIRECTIONS:

DRIVE WEST ON I-15 TO EXIT 104. TURN LEFT ON SAHARA RD. DRIVE SOUTH ON SAHARA RD. TO THE CORNER OF CERRITOS RD. TURN RIGHT ON CERRITOS RD. TO THE PROJECT SITE.



PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF A MONOPALM AT THE SW CORNER OF CERRITOS RD. & SAHARA RD. IN PALM SPRINGS, CA. THE PROJECT WILL PROVIDE SERVICE TO THE SURROUNDING COMMUNITY.

PROJECT INFORMATION:

APPLICANT: ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC
 2513 EL CAJON BOULEVARD
 PALM SPRINGS, CA 92262
 (951) 485-1100

CO-APPLICANT: NATIONAL ENGINEERING & CONSULTING, INC.
 1100 N. GARDEN AVENUE, SUITE 100
 PALM SPRINGS, CA 92262
 (951) 485-1100

UTILITY PROVIDERS:
 CALIFORNIA STATE WATER SERVICE
 SOUTHERN CALIFORNIA GAS COMPANY
 PALM SPRINGS WATER TREATMENT PLANT

PROPERTY INFORMATION:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 AREA OF DEVELOPMENT: 1.5 AC.
 CLIENT: ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC
 DATE: 11/14/08

PROJECT TEAM:

SITE ACQUISITION:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

ZONING:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

ENGINEER:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

CONSTRUCTION MANAGER:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

SURVEYOR:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

CIVIL ENGINEER:
 PROJECT NO.: LA3607A
 PROJECT NAME: CERRITOS STREET MONOPALM
 PROJECT ADDRESS: SW CORNER OF CERRITOS RD. & SAHARA RD., PALM SPRINGS, CA 92262
 DATE: 11/14/08

6-513

RECEIVED

APR 23 2009
 PLANNING SERVICES DEPARTMENT

5.1226

Royal Street
 Communications
 California, LLC
 2413 O. GARDNER, SUITE 406
 PALM BEACH, FL 33480
 561.833.1111

PROJECT INFORMATION
 11114/08
 11/14/08

OWNER
 SW CORNER OF CERRITOS RD
 PALM BEACH, FL 33480

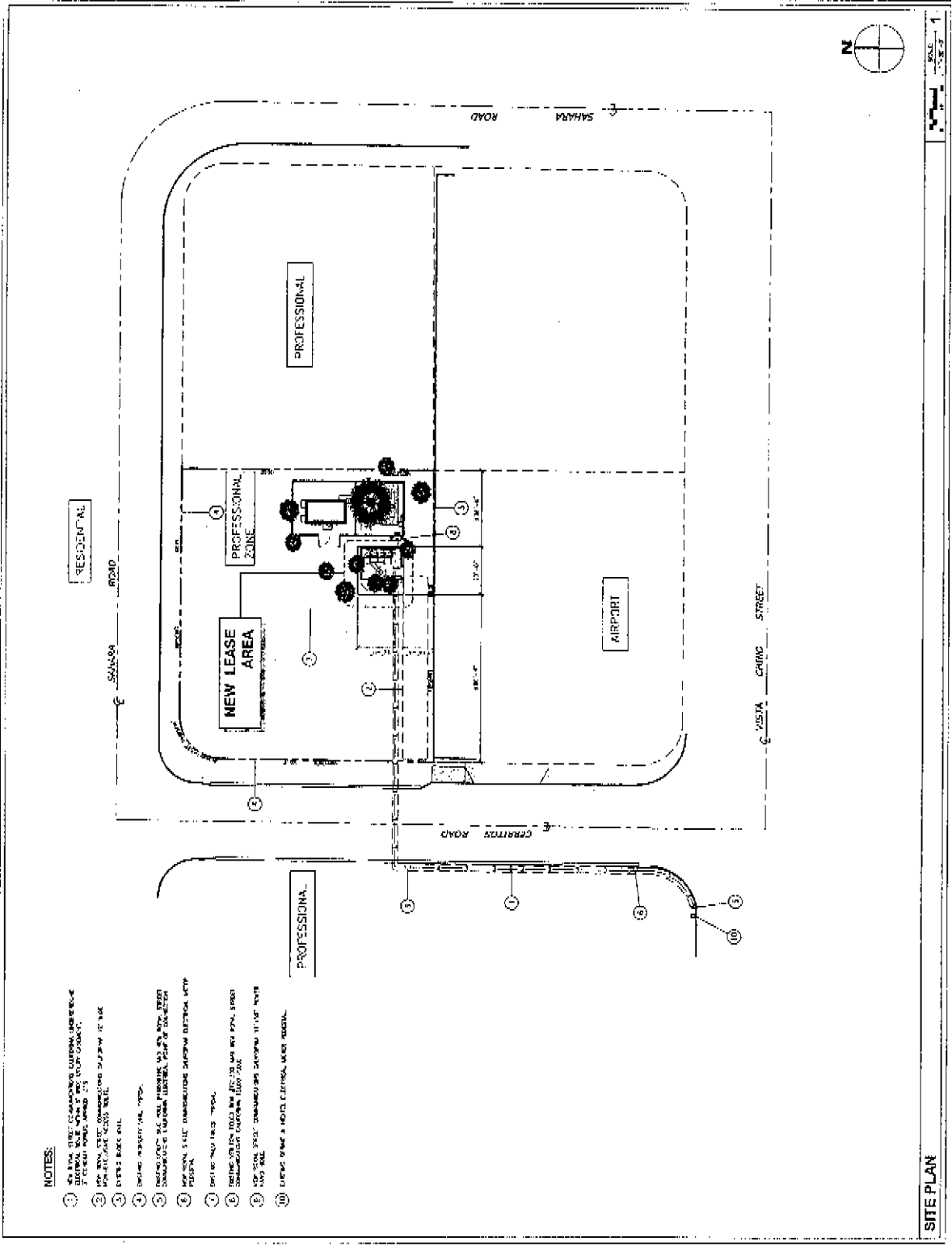
ZONING

PROPOSED ZONING	RESIDENTIAL
EXISTING ZONING	
APPLICABLE ZONING	
PERMITTED USES	
REQUIREMENTS	
REMARKS	

NATIONAL
 ARCHITECTURAL
 11114/08

DATE: 11/14/08
 DRAWN BY: []
 CHECKED BY: []
 APPROVED BY: []

SHEET NUMBER
 A-1



- NOTES:
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 3. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
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 9. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 10. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.

SITE PLAN

Royal Street Communications California, LLC
 2513 E. DAVENPORT RD. #48
 LOS ANGELES, CA 90058

PROJECT INFORMATION:
LA335074
 GERRITDS STREET BOMHPAN
 SW CORNER OF CERRITOS RD
 AND 34th AVE RD
 PALM SPRINGS, CA 92262

11/14/08

ZONING

DESCRIPTION

1	1/4" X 1/4" X 1/4" X 1/4"	ON
2	1/4" X 1/4" X 1/4" X 1/4"	ON
3	1/4" X 1/4" X 1/4" X 1/4"	ON

NATIONAL
 ENGINEERING & ARCHITECTURE
 1000 N. GARDEN ST. SUITE 200
 ANAHEIM, CA 92810
 (714) 771-1100
 WWW.NATIONAL-ENG.COM

DATE: 11/14/08

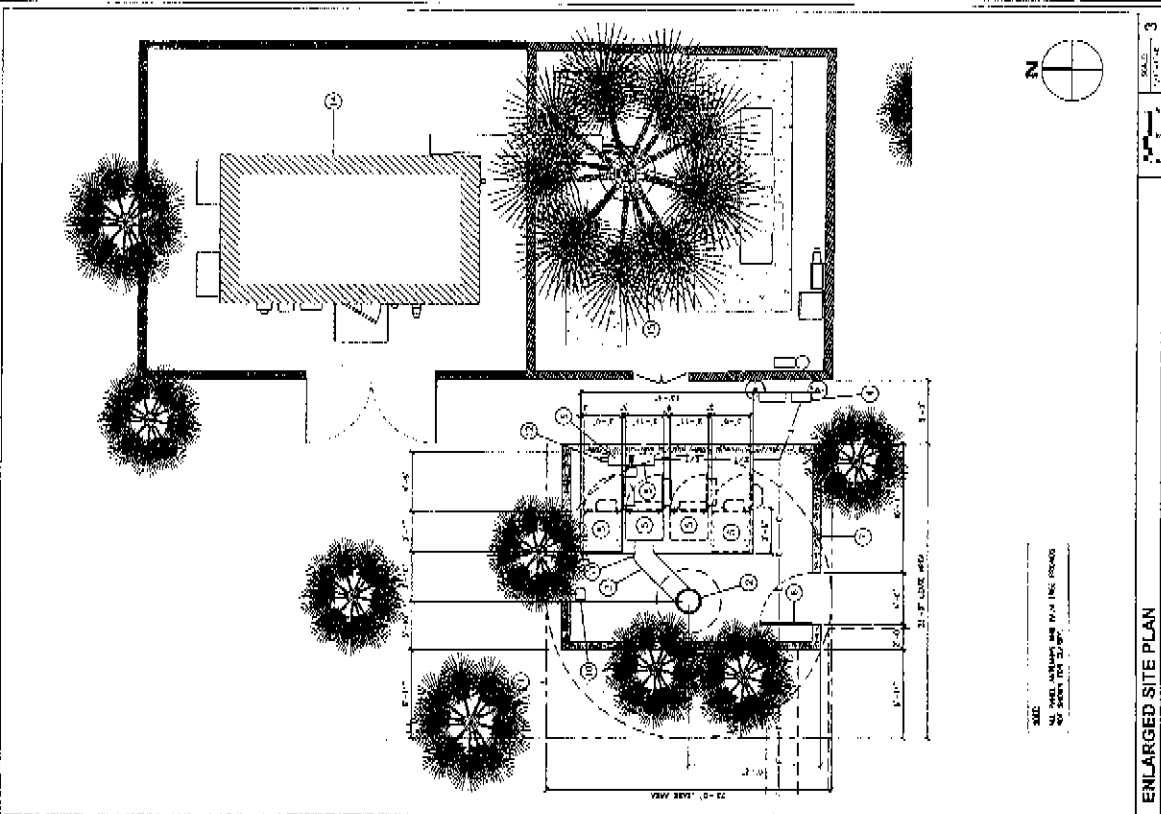
SCALE: 1" = 100'

BY: [Signature]

CHECKED: [Signature]

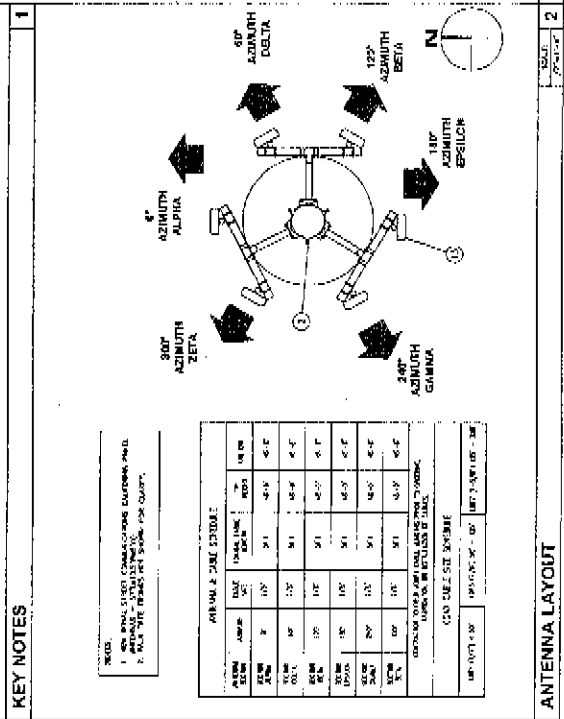
ENLARGED SITE PLAN

A-2



NOTES:

1. ALL DIMENSIONS ARE PER THE RECORD AS SHOWN ON SHEET 100-100.
2. ALL DIMENSIONS ARE PER THE RECORD AS SHOWN ON SHEET 100-100.
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19. ALL DIMENSIONS ARE PER THE RECORD AS SHOWN ON SHEET 100-100.
20. ALL DIMENSIONS ARE PER THE RECORD AS SHOWN ON SHEET 100-100.





Planning Commission Staff Report

Date: September 9, 2009

Case No.: 5.1226-CUP / 6.513-VAR

Type: Conditional Use Permit and Variance

Location: 2101 Sahara Road

APN: 501-351-001

Applicant: Royal Street Communications California, LLC (Metro PCS)

General Plan: O (Office)

Zone: P (Professional)

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 California, LLC, (Metro PCS) for a Type II Conditional Use Permit to install a fifty-five-foot high wireless communication monopole designed as an artificial palm tree and a Variance application to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet for the property located at 2101 Sahara Road. The request includes the addition of four equipment cabinets surrounded by a six-foot high block wall.

RECOMMENDATION:

That the Planning Commission recommends approval of the Conditional Use Permit and Variance to the City Council for the installation of a fifty-five foot tall commercial communication antenna located at 2101 Sahara Road.

PRIOR ACTIONS:

On July 6, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 6-0 recommended approval to the Planning Commission with the following requirements:

1. The monopole should not mimic a palm tree but be a slim-line monopole with the antennas contained entirely within the pole.
2. The monopole should be desert tan in color; a similar tone has been approved for other monopoles in the past.
3. Provide a three foot high block wall along street frontages, five feet back from property line.
4. Install desert landscape between new wall and street.

The AAC's recommendation is discussed further in the Analysis portion of the staff report.

BACKGROUND AND SETTING:

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

The subject property is approximately 0.38 acres in size and mostly vacant except for the existing monopalm, equipment shelter and live palm trees that are located on the southeast corner of the site. The existing monopalm is fifty-five feet in height and mimics the appearance of a Mexican Fan Palm.

The proposed wireless communication antenna would be located on a fifty-five foot high monopole designed to mimic the appearance of a Mexican Fan Palm. However, the antenna arrays will be located in the artificial palm fronds. The proposal also includes the placement of four mechanical equipment cabinets surrounded by a new six foot high block wall.

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

	General Plan	Zoning	Existing Land Uses
North	VLDR (Very Low Density Residential)	N-R-1-C (Single Family Residential with Noise Overlay)	Vacant
South	O (Office)	P (Professional)	Parking Lot
East	O (Office)	P (Professional)	Vacant
West	O (Office)	P (Professional)	Vacant

ANALYSIS:

The General Plan designation of the subject site is O (Office). The General Plan does not specifically regulate the installation and operation of wireless communication

facilities; however, staff has determined that the use as proposed is compatible with this designation as it supports cellular needs of the surrounding commercial and residential uses.

The site is located within the P (Professional) Zone. 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)(ii) Requirements	Proposed Project (approx.)
Height (feet)	15 feet	55 feet
Front (West) Yard Setback	25 feet	89 feet
Street Side (North) Yard Setback	50 feet	94 feet
Side (South) Yard Setback	10 feet	24 feet
Rear (East) Yard Setback	15 feet	48 feet

Antenna Height:

Pursuant to Section 93.08.03(A)(2)(c)(ii) of the PSZC which references 93.08.03(A)(1)(c)(B) of the PSZC, "If the antenna is not mounted on a building, no part of the antenna structure shall extend to a height of more than fifteen (15) feet above ground level..." The top of the antenna panels are proposed to be located forty-eight feet above the existing grade and the structure including artificial palm fronds will not exceed fifty-five feet in height. The applicant has submitted a variance application to allow the antenna at its proposed height and provided justification diagrams to support it. Findings in support are found below in the Required Findings portion of the staff report and in the draft resolution.

AAC Recommendation:

The AAC recommended approval of the project, subject to the following comments:

1. The monopole should not mimic a palm tree but be a slim-line monopole with the antennas contained entirely within the pole.
2. The monopole should be desert tan in color; a similar tone has been approved for other monopoles in the past.
3. Provide a three foot high block wall along street frontages, five feet back from property line.
4. Install desert landscape between new wall and street.

The applicant has agreed to install the block wall and landscaping. Staff is recommending Conditions of Approval No. PLN 3:

PLN 1. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:

- 1. Provide a three foot high block wall along street frontages, five feet back from property line.*
 - 2. Install desert landscape between new wall and street.*
- This Condition must be shown on the final landscape plan that is required per Condition of Approval No. PLN 2.*

The applicant is seeking approval of the artificial palm tree design at the request of the property owner. Considering the property contains an existing artificial palm tree and a grove of live palm trees, staff is recommending approval of the artificial palm tree design. This type of artificial palm tree has been approved in the recent past at a site with a similar situation. Should the Commission determine that its preference is the slim-line monopole design even with existing monopalm and live palms on site, staff will move forward with that direction in the future.

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 and a six foot high block wall around the lease area. Based on visits to the site and review of the elevations, staff believes that the proposed slim-line monopole will have a minimal visual impact on the surrounding area.

REQUIRED FINDINGS:

Variance

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

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

Height: The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of fifteen feet. The applicant has provided radio frequency maps that display coverage of an antenna at fifteen feet in height and forty-eight feet in height. These maps show that a fifteen foot high antenna will not satisfy the necessary coverage (due to inhibiting factors such as terrain variations, foliage and man-made structures) enjoyed by other properties, or in this case cellular providers, in the vicinity and under identical zone classification.

- 2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege*

inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The subject property will be conditioned similar to other properties that have received height variances for antennas. These conditions include removal of the structure upon abandonment of the use, compliance with Federal Aviation Administration (FAA) requirements and restriction to limit the antenna structure to no more than fifty-five feet in height. Therefore, the approval of this Variance would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other providers in the vicinity and zoning designation.

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

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

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

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

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

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

The applicant provided a study which shows that the height limit of fifteen feet will not provide the coverage necessary to compete with other wireless communication carriers. Diagrams have been provided that show the top of the antenna at a height of fifteen feet compared to forty-eight feet, and the maximum height of fifteen 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 Code, a commercial communications antenna is authorized within the P 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 General Plan designation of the subject site is O (Office). The General Plan does not specifically regulate the installation and operation of wireless communication facilities; however, the use as proposed is compatible with this designation as it supports cellular needs of the surrounding commercial and residential uses and the development of adequate cellular phone levels of services serves the ultimate benefit of the community.

The antenna will be located near an existing fifty-five foot tall monopalm and adjacent to live palm trees that exceed heights of forty feet. The proposal is unlikely to be detrimental to existing or future uses permitted in the zone, since it will be located in a similar environment.

- c. *The site for the intended use is adequate in size and shape to accommodate said use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses of the land in the neighborhood.*

The proposal includes a variance to the antenna height requirement; the equipment will be placed on an unused portion of the site. A new wall and landscaping will be installed and the use will occupy only a small portion of the site. Therefore, the site for the intended use will easily accommodate the proposed facility.

- d. *The site for the proposed use related to streets and highways is properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

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

- e. *The conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare, including any minor modifications of the zone's property development standards.*

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

ENVIRONMENTAL DETERMINATION:

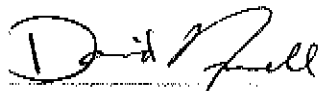
This project is categorically exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA).

NOTIFICATION:

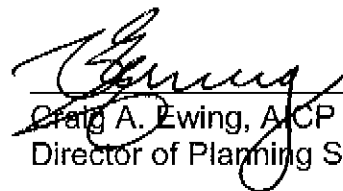
A notice was published in the Desert Sun and mailed to all property owners within a four hundred (400) foot radius in accordance with state law. As of the writing of this report, no correspondence from the public has been received by staff.

CONCLUSION:

The proposed project was reviewed by Staff and the AAC. Staff is able to make the required findings for both the Variance and Conditional Use Permit requests. Therefore, staff is recommending approval of the proposed monopalm.



David A. Newell
Associate Planner



Craig A. Ewing, ACP
Director of Planning Services

ATTACHMENTS:

- 400' Radius Map
- Draft Resolution with Conditions of Approval
- Site Plans
- Elevations
- Slim-line Monopole Design
- Photographic Simulations
- Height Study Maps

- a. To incorporate elements of the original shopping center in the design of the main monument sign.

M/S/C (Conrad/Caffery, 5-1, Donenfeld, 1 absent/Munger) To approve the sign program with the exception of the main monument sign, subject to Conditions of Approval, with direction to staff:

-To simplify the design of the main monument sign based on Commissioners' comments.

-To create an ad hoc subcommittee consisting of: Doug Hudson and Jon Caffery to provide final review on the main monument sign and approval by the Planning Director.

5. PUBLIC HEARINGS:

- 5A. **Case 3.3333 MAP / TTM 36185 / 7.1320 MM** - A request by Community Dynamics for architectural approval of a 5-unit moderate income for-sale townhouse complex and a condominium map on an approximate 3.6-acre parcel located at 3130 North Indian Canyon Drive, Zone R-2, Section 2. (Project Planner: Ken Lyon, Associate Planner)

M/S/C (Scott/Caffery, 6-0, 1 absent/Munger) To continue the hearing to a date to be determined.

- 5B. **Case 5.1226 CUP / 6.513 VAR** - A request by Royal Street Communications for a Conditional Use Permit to install a new fifty-five foot tall commercial communication antenna and a Variance to exceed the maximum height permitted from fifteen feet to fifty-five feet located at 2101 Sahara Road, Zone P, Section 1. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated September 9, 2009.

Chair Cohen opened the public hearing:

-Veronica Arvizu, representing Royal Street Communications, provided details on the location and responded to questions from the Commission.

-Bill Ferra, Palm Springs, noted his preference to have a view of a lot with palm fronds instead of a two-story commercial building and spoke in support of the project.

-David Hacker, Hacker Engineering, spoke of parking lot expansion for the Kingdom Hall and is looking forward to landscaping improvements to this site.

There being no further comments the public hearing was closed.

The Commission discussed maintenance of the palm fronds (monopalms), co-locations for additional antennas and slim line poles versus monopalms.

Commissioners Hudson and Caffery noted their preference for slim-line monopoles.

M/S/C (Scott/Donenfeld, 4-2, Caffery/ Hudson, 1 absent/Munger) To recommend approval to the City Council, subject to Conditions of Approval, as amended:

- Install desert landscape including three live palms trees adjacent to the monopalm.
- Revise condition PLN 13 to include, ". . . the applicant shall provide a monopalm structure capable of allowing co-location for another wireless communication provider."

5C. Case 5.1227 CUP / 6.517 VAR - A request by Royal Street Communications for a Conditional Use Permit to install a fifty-five foot tall commercial communication antenna and a Variance to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet located at 4733 East Palm Canyon Drive, Zone W-C-D-N, Section 30. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated September 9, 2009.

The public hearing was opened.

- Veronica Arizu, representing Royal Street Communications, responding to questions from the Commission and provided details on the height and location of the monopalm.

There being no further appearances the public hearing was closed.

M/S/C (Caffery/Conrad, 6-0, 1 absent/Munger) To recommend approval to the City Council, subject to Conditions of Approval, as amended:

- The maximum height of the slim-line monopole antenna structure shall be forty-five feet.
- The slim-line monopole shall be light-to-medium brown in color.
- The slim-line monopole shall be structurally engineered to allow one additional co-locator.

Royal Street
Communications
California, L.L.C.

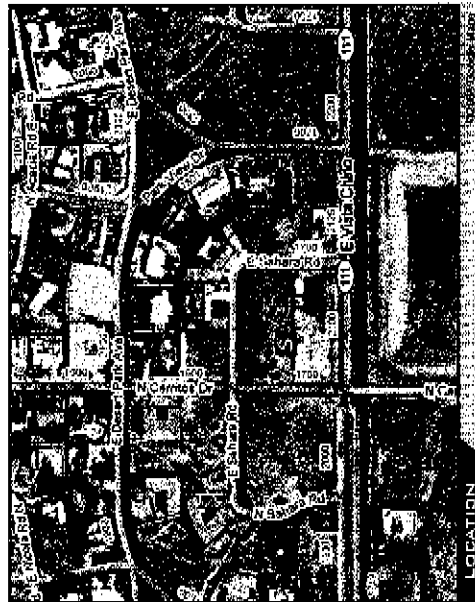
LA3607A

CERRITOS STREET MONOPALM

SOUTHWEST CORNER OF CERRITOS DRIVE & SAHARA ROAD PALM SPRINGS CA 92262



NEW



0.5031 APR 23 2009

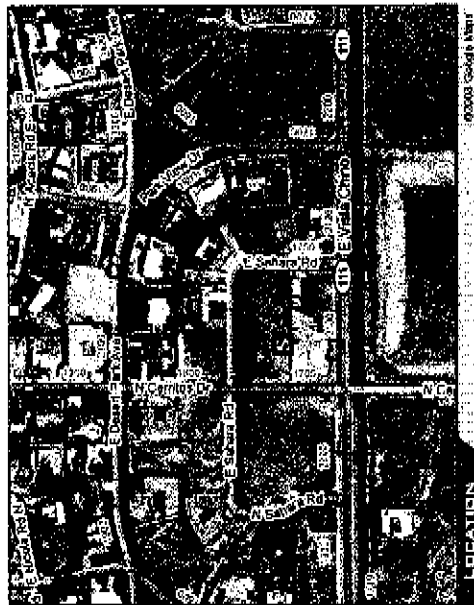
3.1228 PLANNING SERVICES DEPARTMENT

Royal Street
 Communications
 California, L.L.C.

LA 3607A

CERRITOS STREET MONDPALM

SOUTHWEST CORNER OF CERRITOS DRIVE & SAHARA ROAD PALM SPRINGS CA 92262



LOCATION



PROPOSED MONDPALM

PROPOSED - LOOKING SOUTHWEST FROM EAST DESERT PARK AVENUE



EXISTING

RENDERING OF PROPOSED SITUATION. DESIGN & CONSTRUCTION INFORMATION PROVIDED BY APPLICANT. APPROXIMATE

LA3607A

Site Name:

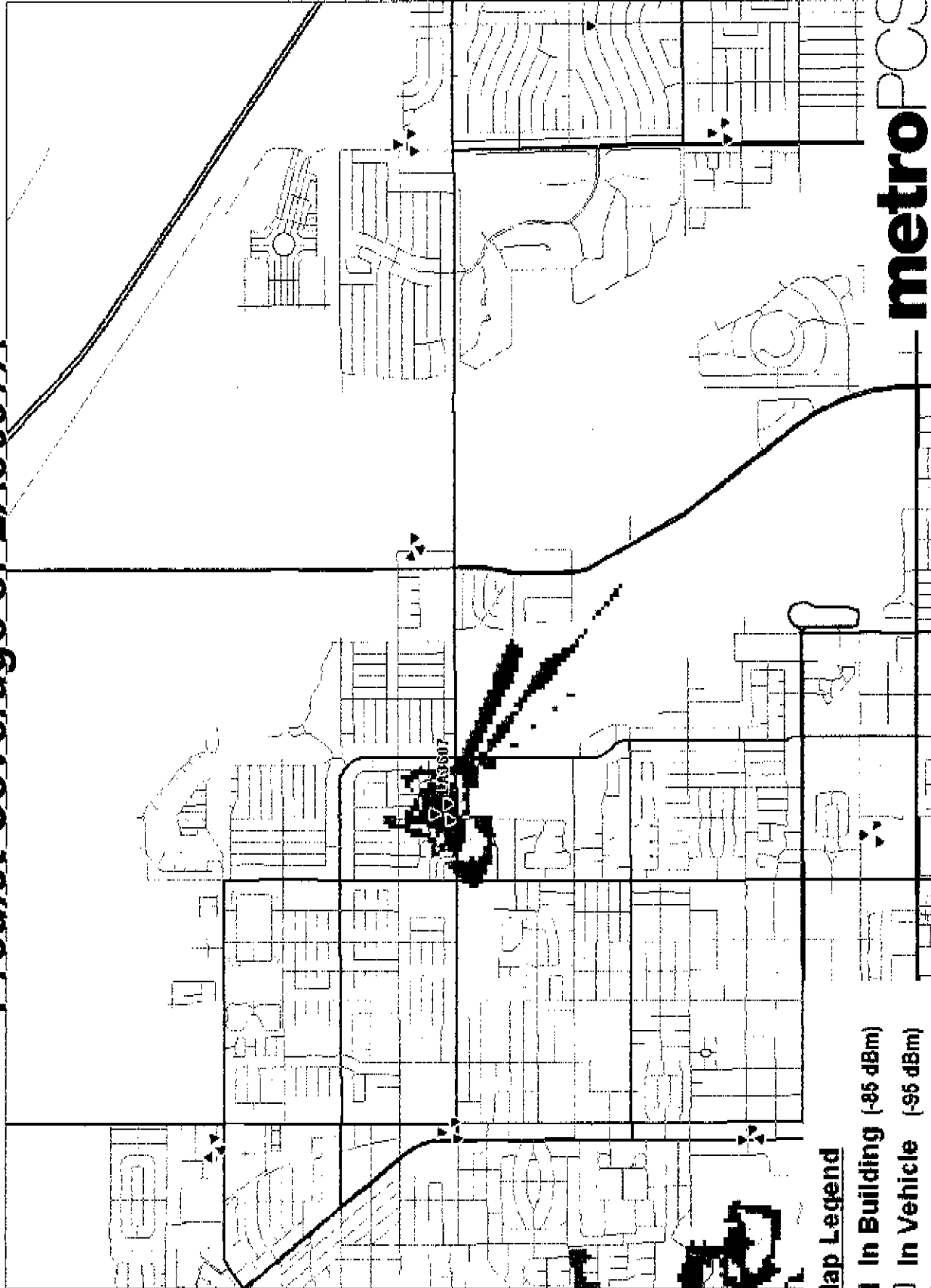
BTS-BobbyT

2101 Sahara Road, Palm Springs CA92262.

Radcenter @ 15'

metroPOS.
Unlimit Yourself.

Predict Coverage of LA3607A



Map Legend

- In Building (-85 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

metroPOS
Unlimit Yourself.

LA3607A

Site Name:

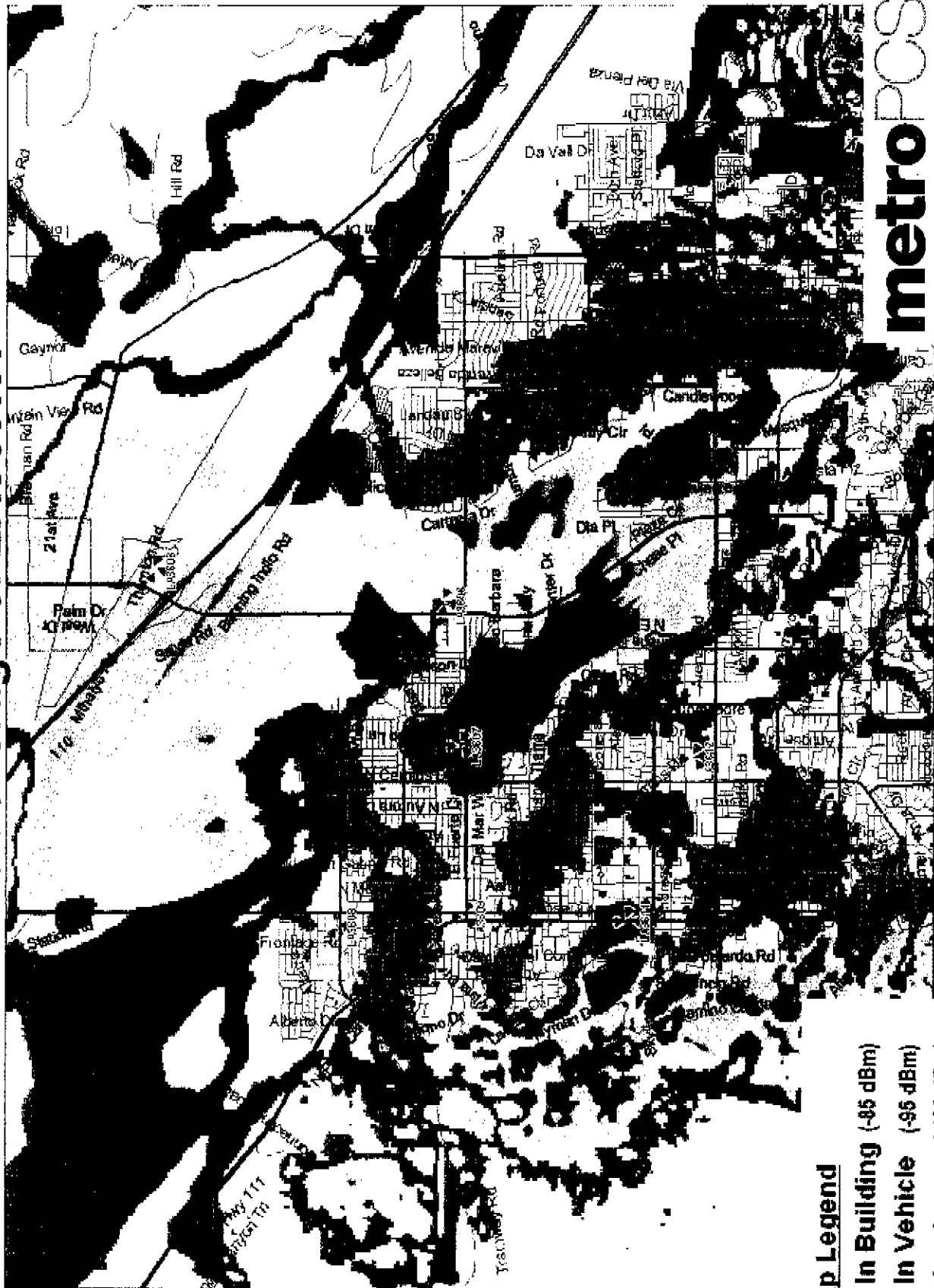
BTS-BobbyT

2101 Sahara Road, Palm Springs CA92262.

Radcenter @ 45'

metroPOS.
Unlimit Yourself.

Predict Coverage of LA3607A



Map Legend

- In Building (-85 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

metro POSSM
 Unlimit Yourself.

Ronald Zimmerman

9/1/09

2101 Desert Park Ave

Palm Springs, CA 92262

To the City of Palm Springs:

I am writing to show my support for the proposed cell antenna at Sahara and Cerritos in our wonderful City. This lot, where the fake palm tree is to be placed, is clean and I believe that to deny this application for another antenna tree would be unjust.

Thank you,



Ronald Zimmerman

Date: 9/9/09

Additional Material PC

Item 5B Meeting

RECEIVED

SEP 03 2009

38

PLANNING SERVICES
DEPARTMENT

21 July 09

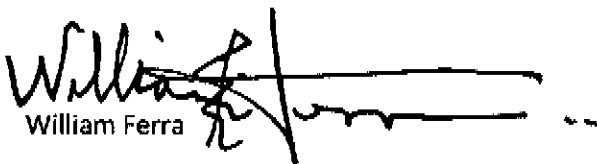
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

My name is William Ferra. I lived at 2101 Desert Park Ave for many years now. It has taken constant vigilance to preserve the tranquility and the beauty of our neighborhood. Because of the diverse use (not only single family), there are elements that degrade the peacefulness and cleanliness of our area.

There is an apartment complex to the west of my house (however the zoning is single family) that contributes the following to our community: Beer bottles in the street, rocks and gravel thrown about, loud noise to all hours of the night, and unsightly motor homes parked in the drive way.

However, the antenna property is no problem. This is the cleanest lot for miles around. The heavy planting adds to the neighborhood. I SUPPORT the petition to allow another antenna in the area.

Sincerely,


William Ferra

RECEIVED

Date: 9/9/09 PC
Additional Material Meeting
Item SB

SEP 03 2009

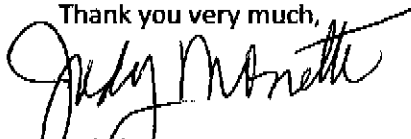
PLANNING SERVICES
DEPARTMENT

39

To whom it may concern:

I live at 2100 Desert Park Ave in Palm Springs. I am writing this letter in support of the palm tree antenna. It would be appreciated if a few more palm trees could be planted with the antenna.

Thank you very much,


Judy Monette

RECEIVED

Date: 9/9/09 PC Meeting
Additional Material
Item 5B.

SEP 03 2009

PLANNING SERVICES
DEPARTMENT

40

951-764-9861

Met Fan Palms

Petition for a palm tree antenna at the Southeast corner of Cerritos and Sahara

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

We the undersigned ask the City of Palm Springs, its staff, committees and City Council to consider the following:

The Southeast corner of Cerritos and Sahara is the heart of our neighborhood. Currently there is a palm tree antenna at this location. When this lot was vacant, before the antenna, it was a collection area for weeds and trash. Since the antenna tree was placed on the lot, it is the cleanest lot in our neighborhood. The planting of several mature palms has given our location the feel of older established community.

We support an additional palm tree antenna at this location with the stipulation that another two mature palm trees be planted on this lot.

416-3579

[Signature] 1911 Sandra Rd.

Gusta Sena Bering 1911 Sandra Rd.

DAVIDOR CUNNINGHAM 1911 SANDRA Rd

Don Bilotti 2300 E. DESERT PARK AV.

Mary E Grossick 2300 E. DESERT PARK Ave

SIGNATURE

ADDRESS

RECEIVED

SEP 03 2009

PLANNING SERVICES DEPARTMENT

Date: 9/9/09 PC
Additional Material Meeting
Item 5B

Petition for a palm tree antenna at the Southeast corner of Cerritos and Sahara

City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

We the undersigned ask the City of Palm Springs, its staff, committees and City Council to consider the following:

The Southeast corner of Cerritos and Sahara is the heart of our neighborhood. Currently there is a palm tree antenna at this location. When this lot was vacant, before the antenna, it was a collection area for weeds and trash. Since the antenna tree was placed on the lot, it is the cleanest lot in our neighborhood. The planting of several mature palms has given our location the feel of older established community.

We support an additional palm tree antenna at this location with the stipulation that another two mature palm trees be planted on this lot.

William J. Jensen .. 2101 E. Desert Park Ave.

Ronald E. Zimmerman 2101 E. DESERT PARK AVE. P.S.

Judy Monteth 2100 E. Desert Park Ave #3, PS

L. C. L. 1911 Sahara Rd, PS

Charlie Huswold 1922 Sahara Rd, PS.

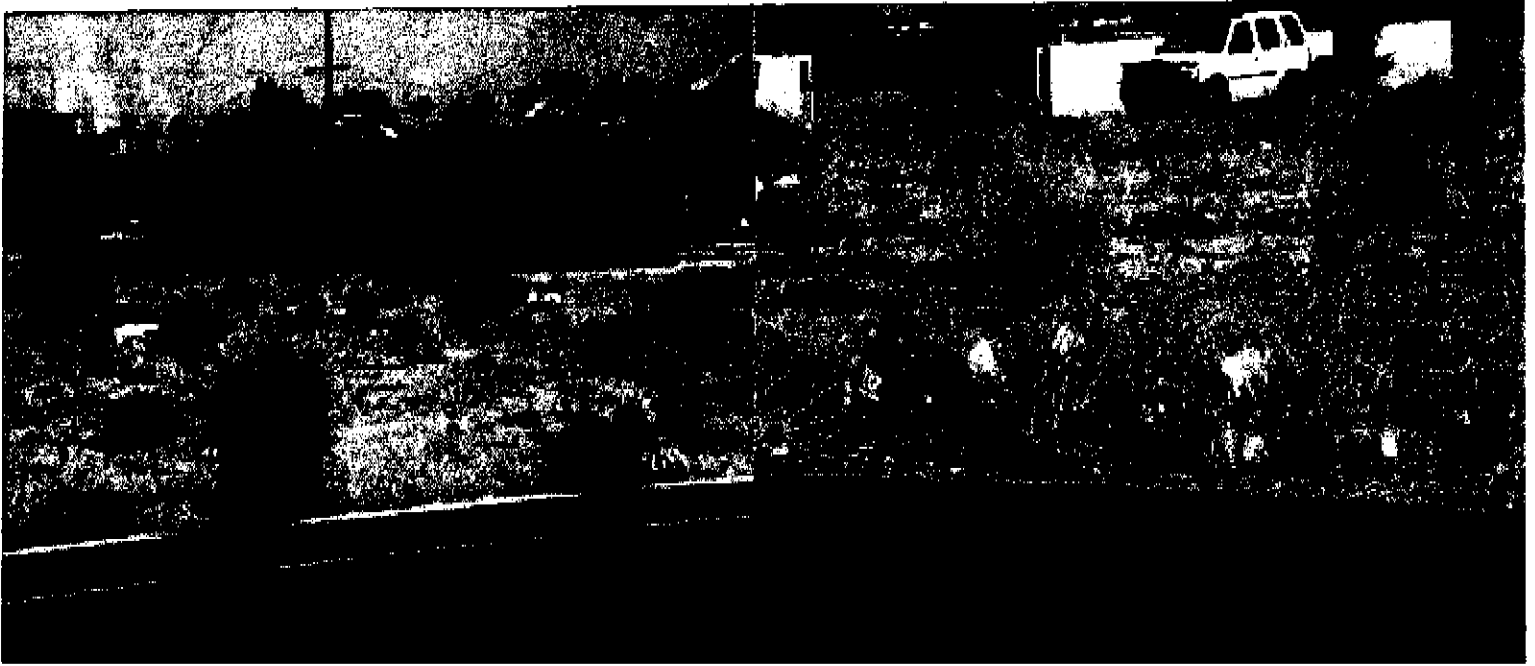
SIGNATURE

ADDRESS

RECEIVED

Date: 9/9/09
Additional Material PC Meeting
Item SB

SEP 03 2009
PLANNING SERVICES
DEPARTMENT



↑ Vacant Lots ↑

↓ Antenna Lot ↓



**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**




City Council
Meeting Date: October 7, 2009

Subject: ROYAL COMMUNICATIONS CONDITIONAL USE PERMIT AND
 VARIANCE AT 2101 SAHARA ROAD

AFFIDAVIT OF MAILING

I, Kathie Hart, 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 September 24, 2009, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(43 notices)

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, 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 September 26, 2009.

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, 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 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 September 24, 2009.

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



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE NO. 5.1226 CONDITIONAL USE PERMIT / 6.513 VARIANCE
ROYAL STREET COMMUNICATIONS
2101 SAHARA ROAD

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of October 7, 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 for a Conditional Use Permit to install a new fifty-five foot tall commercial communication antenna. The hearing will also include a Variance application to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet for the property located at 2101 Sahara Road, Zoned P (Professional).

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from environmental review pursuant to Section 15303 (New Construction or Conversion of Small Structures) 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.

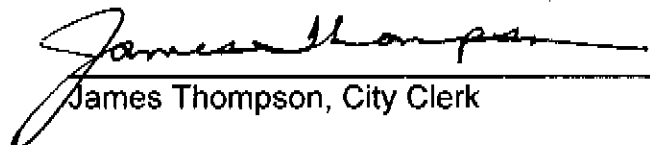
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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]).

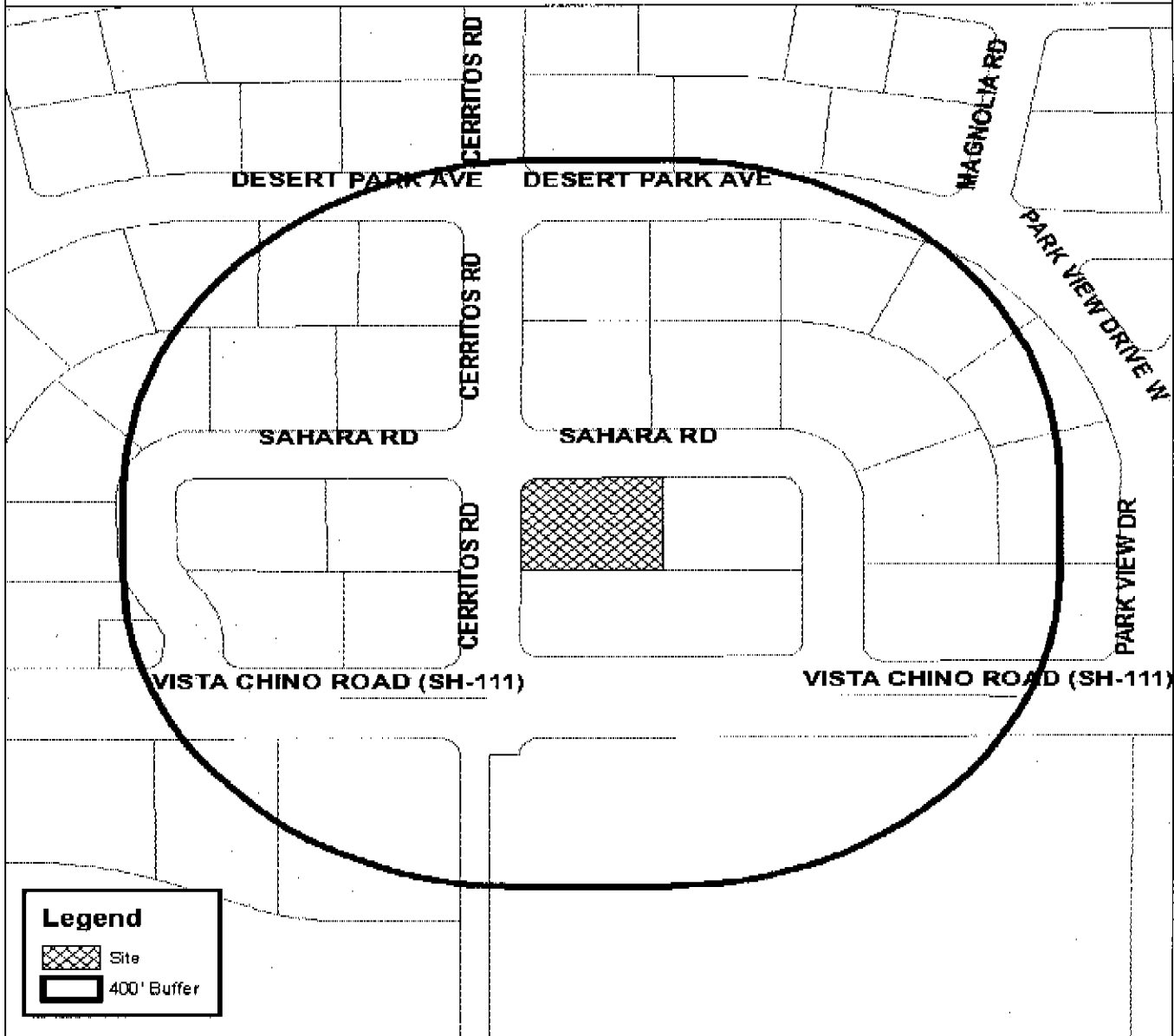
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Planning Services Department at (760) 323-8245.

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' Buffer

CITY OF PALM SPRINGS

<p>CASE NO: 5.1226 CUP & 6.513 VAR</p> <p>APPLICANT: Royal Street Communications</p>	<p>DESCRIPTION: To consider an application by Royal Street Communications for a Conditional Use Permit to install a new fifty-five foot tall commercial communication antenna. The hearing will also include a Variance application to exceed the maximum antenna height permitted from fifteen feet to fifty-five feet for the property located at 2101 Sahara Road, Zoned P (Professional).</p>
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