



## 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 FORTY-FIVE FOOT TALL COMMERCIAL  
COMMUNICATIONS ANTENNA AT 4733 EAST PALM CANYON DRIVE,  
CASE 5.1227 CUP AND 6.517 VAR.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider a proposed forty-five foot high wireless communications antenna at 4733 East Palm Canyon Drive. The project is also seeking a Variance approval to exceed the maximum antenna height permitted from fifteen feet to forty-five feet. The request includes the addition of four equipment cabinets surrounded by a ten-foot high block wall that will be stucco to match the existing adjacent building. 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. 5.1227 TO INSTALL A FORTY-FIVE FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA AND VARIANCE CASE NO. 6.517 TO EXCEED MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 4733 EAST PALM CANYON DRIVE."

### PRIOR ACTIONS:

On August 10, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 5-0-1 (Sahlin absent) recommended approval of a slim-line monopole (instead of the proposed monopalm) that is desert tan in color.

ITEM NO. 1.B.

On September 9, 2009, the proposed monopalm project was reviewed by the Planning Commission and recommended approval to the City Council by a vote of 6-0-1 (Munger absent), subject to the monopole structure being:

- a. *Designed as a slim-line monopole with the antennas concealed within the pole (slim-line monopole),*
- b. *Light-to-medium brown in color,*
- c. *No more than forty-five feet in height and*
- d. *Structurally engineered to allow co-location capabilities.*

The applicant has agreed to these modifications and staff has included these criteria in the attached draft conditions of approval.

**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 project site is a flat developed lot, located on the southeast corner of East Palm Canyon Drive and Matthew Drive within the Rimrock Plaza shopping center. The wireless facility is proposed at the southeast portion of the property. There is an existing building to the north of the proposed monopole. There are also two forty-five foot monopalms in the same shopping center located at the southwest corner of the site.

The proposed wireless communication antenna was originally designed as a monopalm with artificial palm fronds and a textured trunk. However, the applicant has changed the design to a slim-line monopole with the antennas contained entirely within the pole to reflect the preference of the AAC and Planning Commission. The proposal also includes the placement of four mechanical equipment cabinets, which may have to be elevated three feet due to flood hazard mitigation. The equipment will be surrounded by a ten foot high block wall for screening and safety purposes.

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

	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Land Uses</b>
North	HDR (High Density Residential)	R-3 (Multiple Family & Hotel)	Multiple Family Residential
South	OS – M (Open Space – Mountain)	O-20 (Open Land)	Mountains
East	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant
West	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant

**STAFF ANALYSIS:**

The General Plan designation of the subject site is NCC (Neighborhood / Community 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 cellular needs of the surrounding commercial and residential uses.

The zoning designation is W-C-D-N (Designed Neighborhood Shopping Center), and the use is permitted with the approval of a Type II Conditional Use Permit, pursuant to Section 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**

	<b>93.08.03(A)(2)(c)(ii) and W-C-D-N Requirements</b>	<b>Proposed Project (approx.)</b>
Height (feet)	15	45 feet
Front (North) Yard Setback	125 feet from Centerline	410 feet
Side (West) Yard Setback	50 feet	610 feet
Side (East) Yard Setback	50 feet	265 feet
Rear (South) Yard Setback	50 feet	90 feet

*Antenna Height*

Pursuant to Section 93.08.03(A)(2)(c)(ii) of the PSZC, the height and placement limitations of communication antennas within Commercial and Professional Zones is required to comply with the provisions governing broadcast receiving antennas or Section 93.08.03(A)(1)(c)(B) of the PSZC; according to this Section, "if the antenna is not mounted on the building, no part of the antenna structure shall extend to a height of more than fifteen (15) feet..." The top of the slim-line monopole structure is proposed to be forty-five feet above the existing grade. The applicant has submitted a variance application and provided propagation maps that support the monopole height at forty-five feet. Findings in support of the project are found in the 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 two other monopoles that are 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 required findings

in the attached draft resolution of approval based on the Planning Commission's direction.

*Conditional Use Permit Analysis*

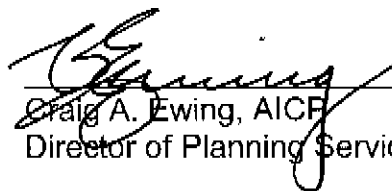
The request is subject to the required findings of a Conditions Use Permit as contained in Section 94.02.00 of the PSZC. The findings require that the use is properly one for the said location, is necessary or desirable for the development of the community and is not detrimental to existing uses or to 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 W-C-D-N 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 monopoles, which are a similar environment for the location of wireless communications antennas. The mountain to the south and the live trees that exist on the property will help soften the antenna's appearance. Staff has provided recommended findings in the attached draft resolution of approval based on the Planning Commission's direction.

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 simulations depict the proposed monopole behind the existing structures on site with the mountain in the background. 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 surroundings. Findings in support of approving the proposed slim-line monopole 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.

  
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Craig A. Ewing, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Thomas J. Wilson,  
Assistant City Manager

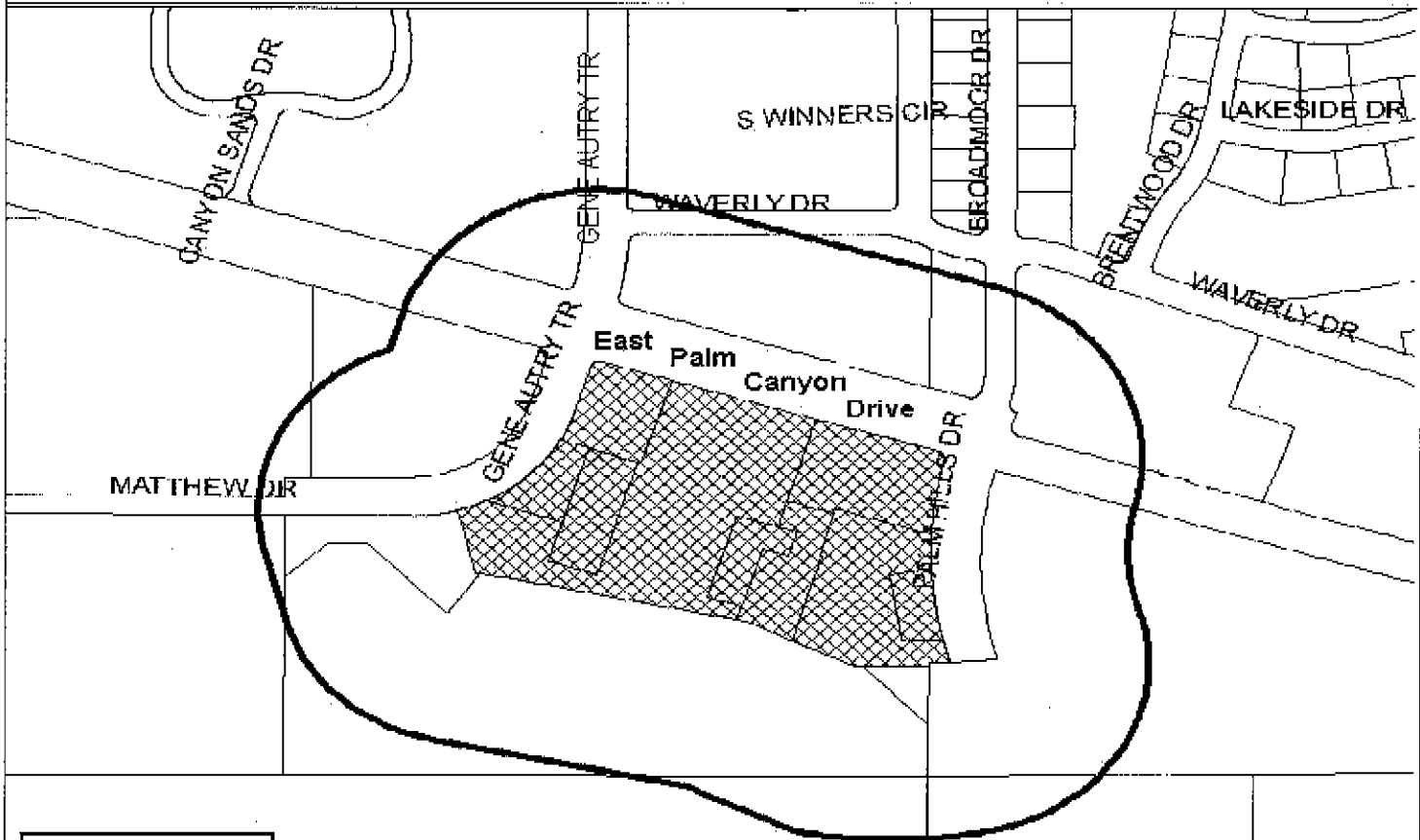
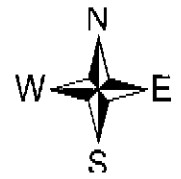
  
\_\_\_\_\_  
David H. Ready,  
for City Manager

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-Simulation of Monopole
7. Variance Height Study



# Department of Planning Services Vicinity Map



**Legend**

-  400' Buffer
-  Site

## CITY OF PALM SPRINGS

**CASE NO:** 5.1227 CUP /  
6.517 VAR

**APPLICANT:** Royal Street  
Communications  
California, LLC  
(Metro PCS)

**DESCRIPTION:** To consider an application by Royal Street Communications California, LLC for a Conditional Use Permit application to install a forty-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 forty-five feet for the property located at 4733 East Palm Canyon Drive, Zoned W-C-D-N.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. 5.1227 TO INSTALL A FORTY-FIVE FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA AND VARIANCE CASE NO. 6.517 TO EXCEED MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 4733 EAST 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 forty-five foot high commercial communications antenna and an area for equipment cabinets surrounded by a block wall located at 4733 East Palm Canyon Drive, APN: 681-170-058, W-C-D-N Zone, Section 30; 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. 5.1227 and Variance Case No. 6.51 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. 5.1227 and Variance Case No. 6.517 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. 5.1227 and Variance Case No. 6.517 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. 5.1227 and Variance Case No. 6.517 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. 5.1227 and Variance Case No. 6.517 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.*

*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-three 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 forty-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 monopole will be structurally engineered in accordance with all applicable codes for the proposed height and location. Therefore, the project is unlikely to



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

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

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

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

- 5) *That in the area involved, transmission or reception is adversely affected by obstructions and, as verified by at least one (1) person holding a valid 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-three 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 W-C-D-N 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 NCC (Neighborhood / Community Commercial). 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 existing forty-five foot tall monopalms and 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. Parking in the shopping center will not be affected. 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. 5.1227 and Variance Case No. 6.517, 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. 5.1227  
VARIANCE CASE NO. 6.517

ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC.

4733 EAST PALM CANYON DRIVE

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 5.1227 CUP and Case 6.517 VAR, except as modified by the conditions below.
- ADM 2. The site shall be developed and maintained in accordance with the approved plans 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 5.1227 CUP and Case 6.517 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. 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 pursuant to Section 94.02.00(I) of the Zoning Code.
- PLN 6. Antenna Structure Height. The maximum height of the commercial communications antenna structure shall be forty-five feet, which must be modified from the conceptually approved plans date stamped June 18, 2009, as measured from finished grade to the highest point of the structure.
- 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. FAA Compliance. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA) and Federal Communications Administration (FCC).
- PLN 10. 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 11. 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.
- PLN 12. Conditions Imposed by the Planning Commission. The monopole structure shall be:
- a. *Designed as a slim-line monopole with the antennas concealed within the pole,*
  - b. *Light-to-medium brown in color,*
  - c. *No more than forty-five feet in height and*
  - d. *Structurally engineered to allow co-location capabilities.*

#### **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, CA LLC  
17100 S. HAYWARD AVE  
FREMONT, CA 94538

NATIONAL  
ENGINEERING & SURVEYING, INC.  
17100 S. HAYWARD AVE  
FREMONT, CA 94538

CALVADA  
SURVEYING, INC.  
4180 S. HAYWARD AVE  
FREMONT, CA 94538

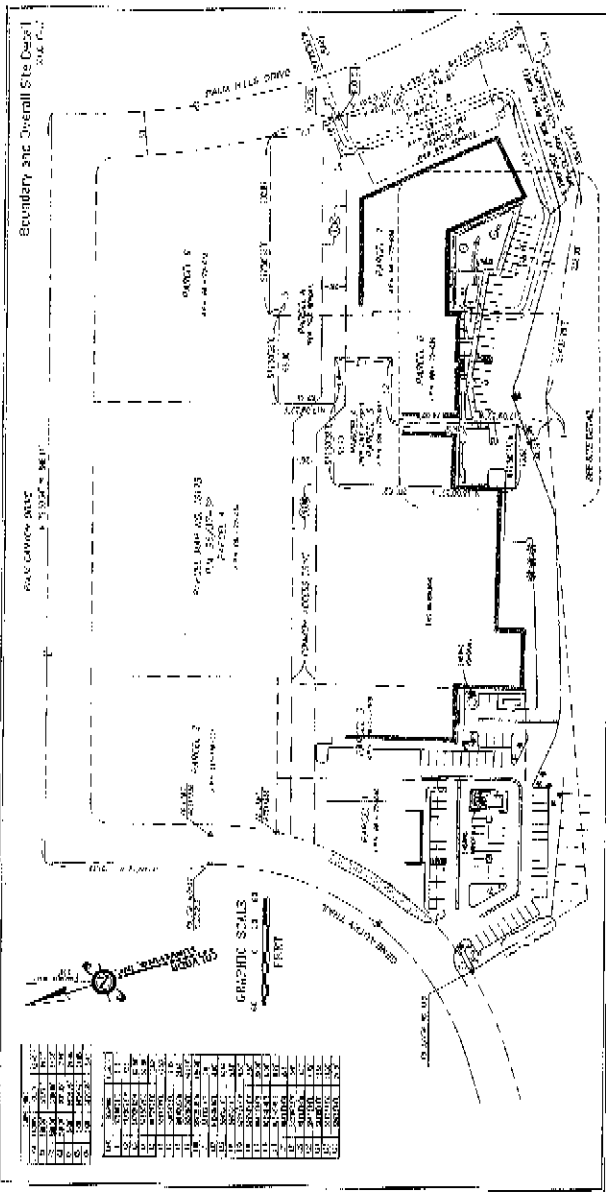


NO.	DESCRIPTION	DATE
1	PREPARED	11/15/11
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

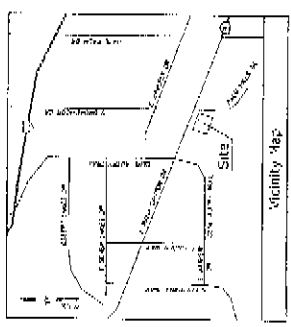
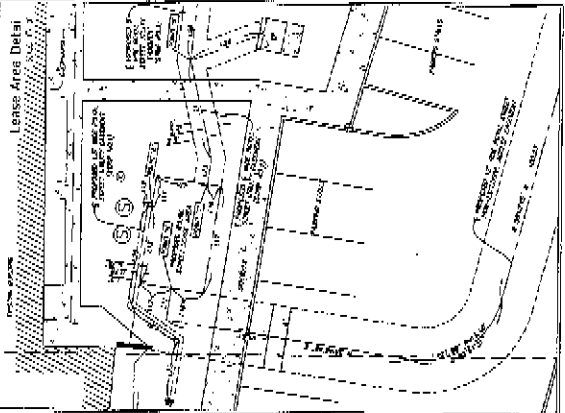
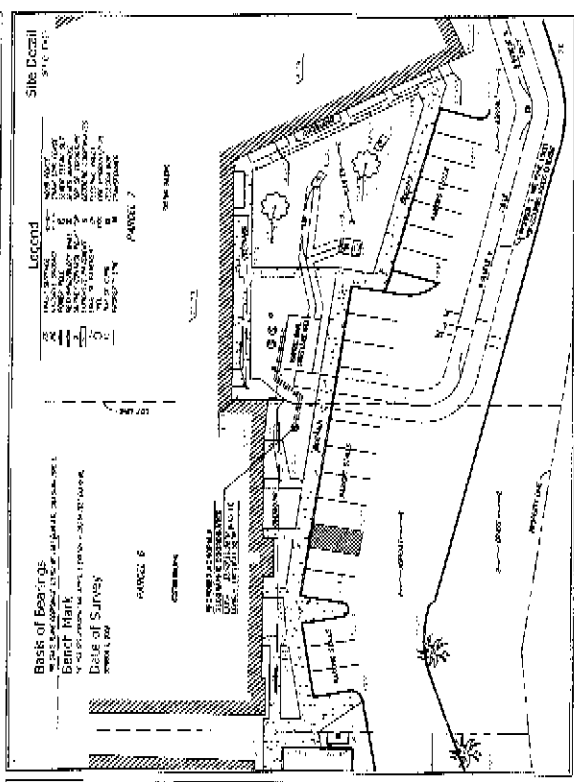
LA9624A  
RIMROCK PLAZA  
4733 S. PALM CANYON DRIVE  
PALM SPRINGS, CA 92262  
RIVERSIDE COUNTY

TOPOGRAPHIC  
SURVEY

LS-1  
SHEET 1 OF 1



NO.	DESCRIPTION	DATE
1	PREPARED	11/15/11
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	



Title Report  
Map of the Property  
Map of the Project

Site Description  
The site is located on the east side of Pala Hills Drive, south of Palm Canyon Drive. The site consists of seven parcels, each with a different area and zoning. The parcels are shown in the attached map. The site is currently vacant and is being proposed for development as a multi-story office building. The proposed building will be approximately 100 feet high and will have a total area of approximately 100,000 square feet. The building will be surrounded by a parking lot and will have access to the site from Pala Hills Drive. The site is located in an area that is zoned for office use and is surrounded by other office buildings. The site is well-served by public transportation and is easily accessible to major freeways. The site is a prime location for a new office building and is being proposed for development as such.

Access Easement/Lease Area  
The site is located on the east side of Pala Hills Drive, south of Palm Canyon Drive. The site consists of seven parcels, each with a different area and zoning. The parcels are shown in the attached map. The site is currently vacant and is being proposed for development as a multi-story office building. The proposed building will be approximately 100 feet high and will have a total area of approximately 100,000 square feet. The building will be surrounded by a parking lot and will have access to the site from Pala Hills Drive. The site is located in an area that is zoned for office use and is surrounded by other office buildings. The site is well-served by public transportation and is easily accessible to major freeways. The site is a prime location for a new office building and is being proposed for development as such.

Utility Easements  
The site is located on the east side of Pala Hills Drive, south of Palm Canyon Drive. The site consists of seven parcels, each with a different area and zoning. The parcels are shown in the attached map. The site is currently vacant and is being proposed for development as a multi-story office building. The proposed building will be approximately 100 feet high and will have a total area of approximately 100,000 square feet. The building will be surrounded by a parking lot and will have access to the site from Pala Hills Drive. The site is located in an area that is zoned for office use and is surrounded by other office buildings. The site is well-served by public transportation and is easily accessible to major freeways. The site is a prime location for a new office building and is being proposed for development as such.

Geographic Coordinates at Proposed Microalim  
The site is located on the east side of Pala Hills Drive, south of Palm Canyon Drive. The site consists of seven parcels, each with a different area and zoning. The parcels are shown in the attached map. The site is currently vacant and is being proposed for development as a multi-story office building. The proposed building will be approximately 100 feet high and will have a total area of approximately 100,000 square feet. The building will be surrounded by a parking lot and will have access to the site from Pala Hills Drive. The site is located in an area that is zoned for office use and is surrounded by other office buildings. The site is well-served by public transportation and is easily accessible to major freeways. The site is a prime location for a new office building and is being proposed for development as such.

**Royal Street Communications California, LLC**  
 410 N. CALIF. BLVD., 4TH FLOOR  
 SAN ANTONIO, TX 78202

**LA3624A**  
 HILLCROCK PLAZA  
 420 N. CALIF. BLVD., 4TH FLOOR  
 SAN ANTONIO, TX 78202

3/29/2009

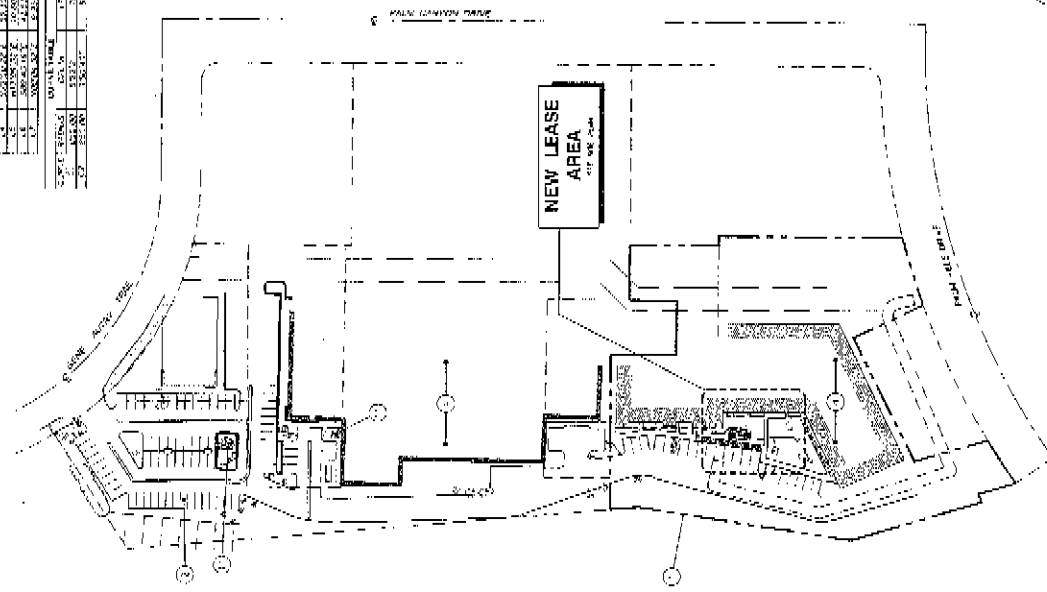
**ZONING**

**NATIONAL**  
 ENGINEERING & SURVEYING, L.L.C.  
 10000 N. LOOP WEST, SUITE 1000  
 HOUSTON, TEXAS 77037

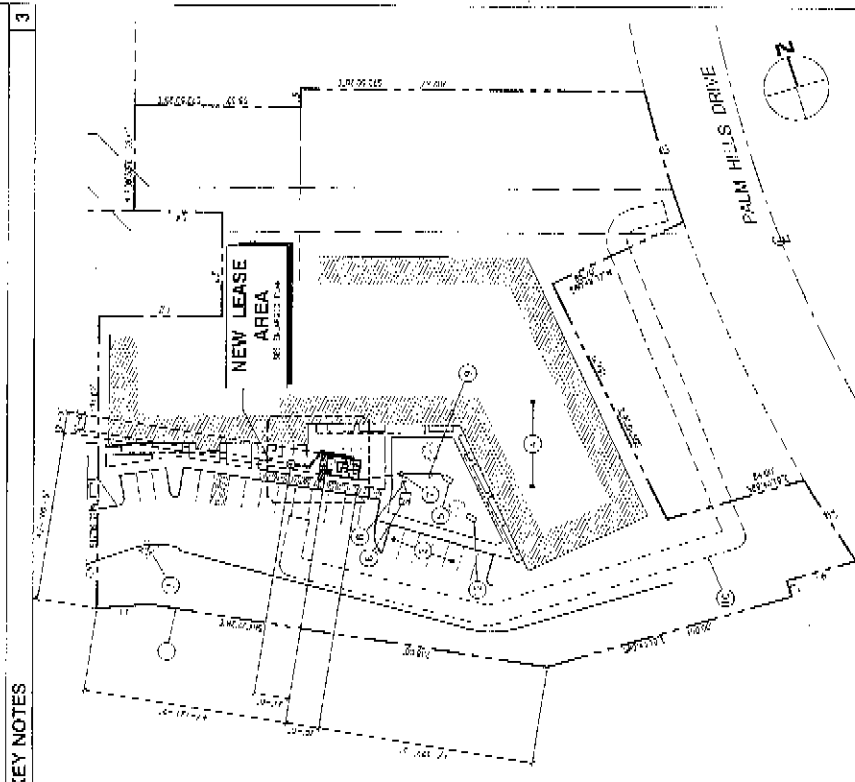
**SITE PLAN & BOUNDARY DETAIL**

**A-1**

LINE	REASON	DATE	BY
1	ISSUED FOR PERMITS	3/29/09	NS
2	REVISIONS	3/29/09	NS
3	REVISIONS	3/29/09	NS
4	REVISIONS	3/29/09	NS
5	REVISIONS	3/29/09	NS
6	REVISIONS	3/29/09	NS
7	REVISIONS	3/29/09	NS
8	REVISIONS	3/29/09	NS
9	REVISIONS	3/29/09	NS
10	REVISIONS	3/29/09	NS



- NOTES:**
- EXISTING IMPROVEMENTS SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.
  - EXISTING UTILITIES SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.
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  - EXISTING UTILITIES SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.
  - EXISTING UTILITIES SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.



**KEY NOTES**



Royal Street  
Communications  
California, LLC  
2815 EL CAMINO BLVD., SUITE  
1000, SAN DIEGO, CA 92108

LA3624A  
HIMROCK PLAZA  
4735 E PALM CANYON DRIVE  
PALM SPRINGS, CA 92264  
PACIFIC SOUTHERN ENERGY  
C. BREN, P.E. SELE, C.E.

ISSUED FOR: 9/29/2009

ZONING  
DESCRIPTION

NO.	DATE	BY	DESCRIPTION
1	9/29/09	SELE	ISSUED FOR PERMITS
2	10/29/09	SELE	ISSUED FOR PERMITS
3	11/17/09	SELE	ISSUED FOR PERMITS

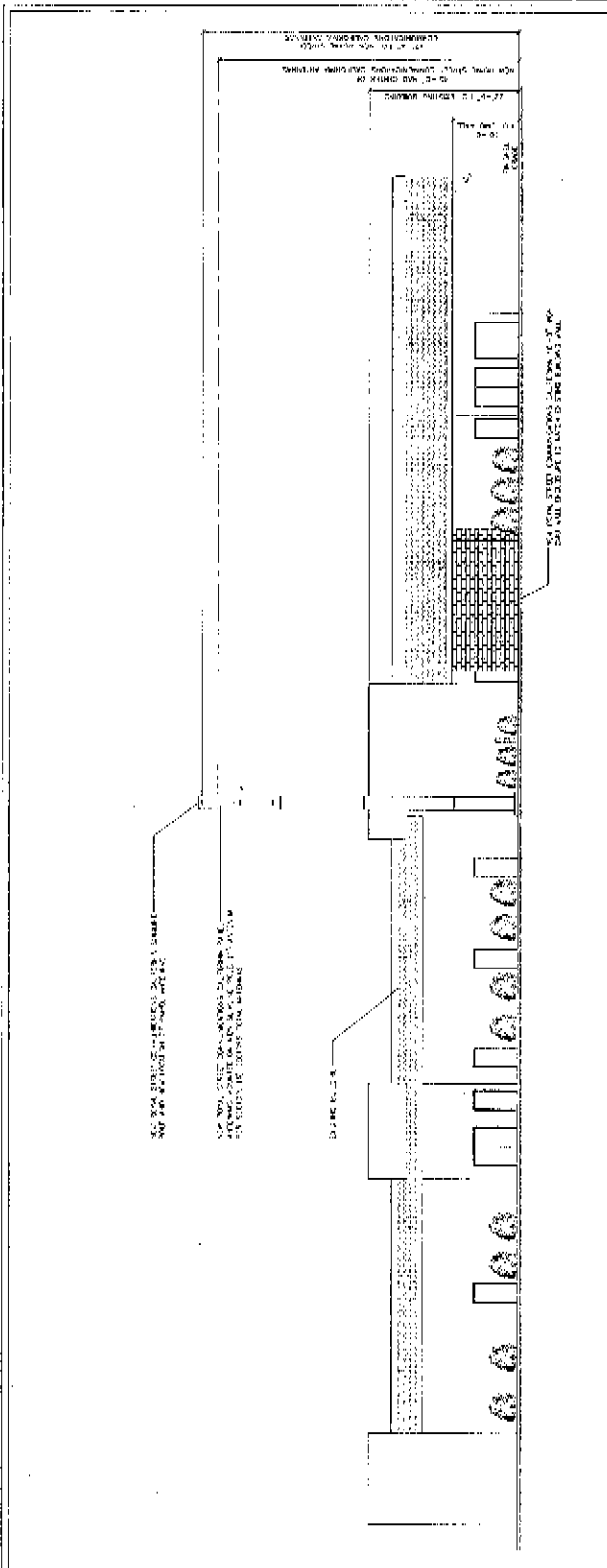
NATIONAL  
ARCHITECTURAL & CONSULTING, INC.  
10000 SAN DIEGO AVENUE, SUITE 100  
SAN DIEGO, CA 92131  
TEL: 619-591-1100  
WWW.NATIONALARCHITECT.COM

DATE: 9/29/09  
DRAWN BY: J. SELE  
CHECKED BY: J. SELE  
SCALE: AS SHOWN

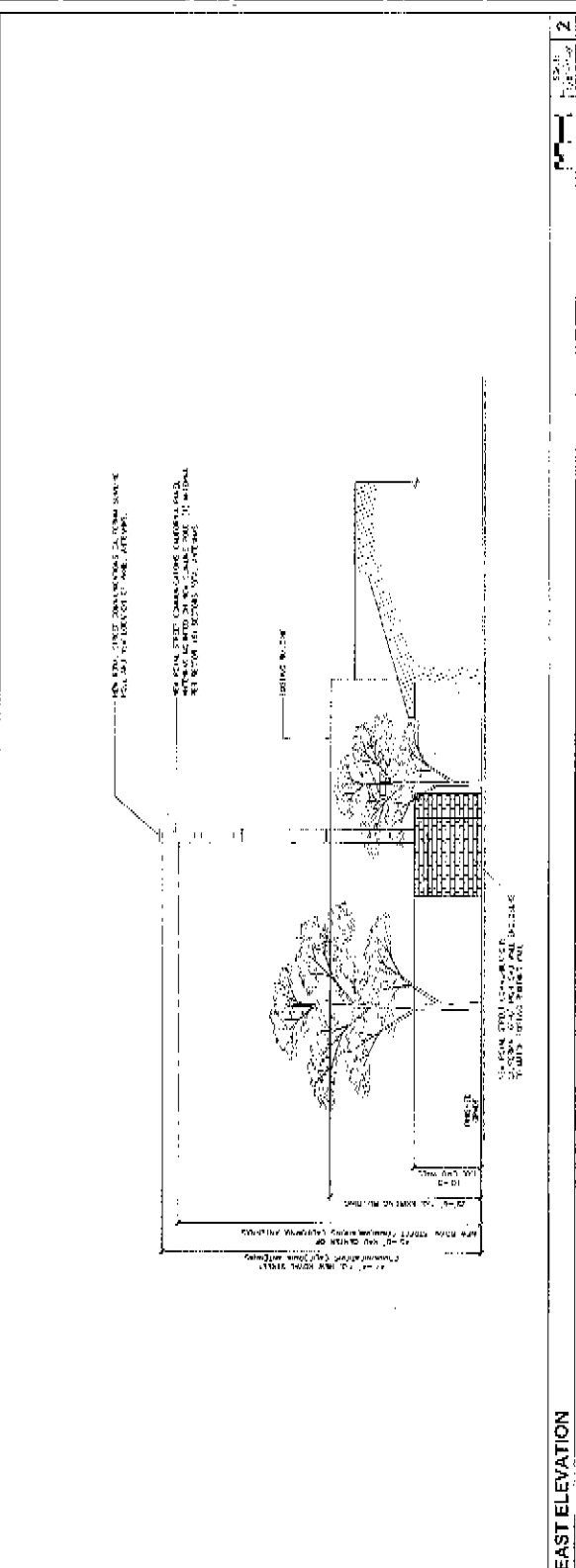
PROJECT NO.:  
SHEET NO.:  
SHEET TITLE:

ARCHITECTURAL  
ELEVATIONS

SHEET NUMBER  
**A-3**



**SOUTH ELEVATION** SCALE: 1/8" = 1'-0"



**EAST ELEVATION** SCALE: 1/8" = 1'-0"



## Planning Commission Staff Report

Date: September 9, 2009

Case No.: 5.1227-CUP / 6.517-VAR

Type: Conditional Use Permit and Variance

Location: 4733 East Palm Canyon Drive

APN: 681-170-058

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

General Plan: NCC (Neighborhood / Community Commercial)

Zone: W-C-D-N (Designed Neighborhood Shopping Center)

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-three-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-three feet for the property located at 4733 East Palm Canyon Drive. The request includes the addition of four equipment cabinets surrounded by a ten-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 forty-five foot tall commercial communication antenna located at 4733 East Palm Canyon Drive.

**PRIOR ACTIONS:**

On August 10, 2009, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 5-0-1 (Sahlin absent) recommended approval of a slim-line monopole (instead of the proposed monopalm) that is desert tan in color. 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 project site is a flat developed lot, located on the southeast corner of East Palm Canyon Drive and Matthew Drive within the Rimrock Plaza shopping center. The wireless facility is proposed at the southeast portion of the property. There is an existing building to the north of the proposed monopalm. There are also two forty-five foot monopalms in the same shopping center located at 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, which may have to be elevated three feet due to flood hazard mitigation. The equipment will be surrounded by a ten foot high block wall for screening and safety purposes.

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

	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Land Uses</b>
North	HDR (High Density Residential)	R-3 (Multiple Family & Hotel)	Multiple Family Residential
South	OS - M (Open Space - Mountain)	O-20 (Open Land)	Mountains
East	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant
West	MU / MU (Mixed Use / Multi-Use)	W-R-3 (Multiple Family & Hotel with Watercourse overlay)	Vacant

**ANALYSIS:**

The General Plan designation of the subject site is NCC (Neighborhood / Community 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 cellular needs of the surrounding commercial and residential uses.

The zoning designation is W-C-D-N (Designed Neighborhood Shopping Center), and the use is permitted with the approval of a Type II Conditional Use Permit, pursuant to Section 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

	<b>93.08.03(A)(2)(c)(ii) and C-D-N Requirements</b>	<b>Proposed Project (approx.)</b>
Height (feet)	15	53 feet
Front (North) Yard Setback	125 feet from Centerline	410 feet
Side (West) Yard Setback	50 feet	610 feet
Side (East) Yard Setback	50 feet	265 feet
Rear (South) Yard Setback	50 feet	90 feet

*Antenna Height:*

Pursuant to Section 93.08.03(A)(2)(c)(ii) of the PSZC, the height and placement limitations of communication antennas within Commercial and Professional Zones is required to comply with the provisions governing broadcast receiving antennas or Section 93.08.03(A)(1)(c)(B) of the PSZC; according to this Section, *"if the antenna is not mounted on the building, no part of the antenna structure shall extend to a height of more than fifteen (15) feet above the ground level nor shall it be located within any required yard."* The top of the antenna panels are proposed to be located forty-seven feet and four inches above the existing grade and the structure including artificial palm fronds will not exceed fifty-three feet in height. The applicant has submitted a variance application to allow the antenna at its proposed height and provided a justification letter to support it. Findings in support are found below in the Required Findings portion of the staff report and in the draft resolution; however staff is recommending that the monopalm structure, including palm fronds, be permitted to a height of no more than forty-five feet above the existing grade as this will be consistent with the other two monopalms in the shopping center.

*AAC Recommendation:*

The Architectural Advisory Committee (AAC) reviewed the proposed project and recommended approval of a slim-line monopole (instead of the proposed monopalm) that is desert tan in color. The applicant wishes to seek approval of the artificial palm tree design at the request of the property owner. Considering the property contains existing artificial palm trees and numerous live palm trees, staff is recommending approval of the artificial palm tree design. However, should the Commission determine that its preference is the slim-line monopole design even with existing monopalms 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 ten 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 and equipment enclosure 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-three 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 forty-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-three 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 W-C-D-N 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 NCC (Neighborhood / Community Commercial). 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 existing forty-five foot tall monopals and 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. Parking in the shopping center will not be affected. 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:**

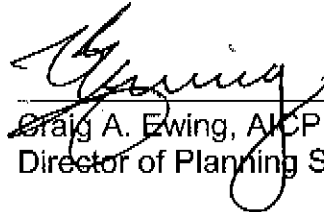
A notice was published in the Desert Sun and mailed to all property owners within a four hundred (400) foot radius in accordance with state law. As of the writing of this report, no correspondence from the public has been received by staff.

**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 at a height of no more than forty-five feet and subject to the conditions attached to the draft resolution.



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~~
- ~~- Slim-line Monopole Design~~
- ~~- Photographic Simulations~~
- ~~- Height Study Maps~~

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.

**LA3624A**  
 RIMROCK PLAZA

4733 EAST PALM CANYON DRIVE PALM SPRINGS CA 92264



VIEW 1



LOCATION

©2008 Google Maps



PROPOSED

LOOKING SOUTHWEST FROM PALM HILLS DRIVE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



EXISTING

# LA3624A

**Site Name:**

**Rimrock Plaza**

**4733 E. Palm Canyon Drive, Palm Springs CA92264.**

**Radcenter @ 15'**

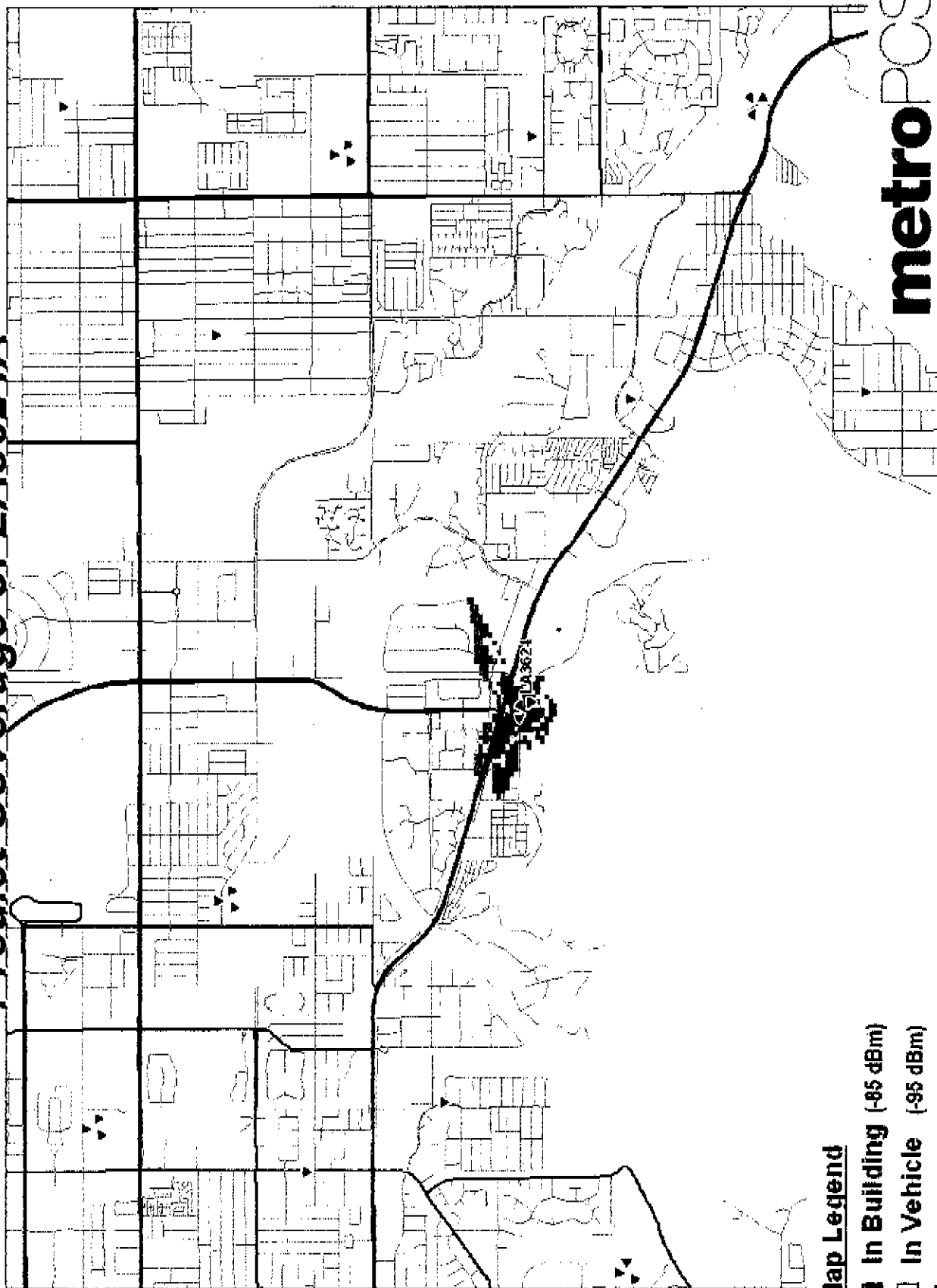
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**metroPCS**  
Unlimit Yourself.

# Predict Coverage of LA3624A



### Map Legend

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

**metro**POS  
Unlimit Yourself.



# LA3624A

**Site Name:**

**Rimrock Plaza**

**4733 E. Palm Canyon Drive, Palm Springs CA92264.**

**Radcenter @ 40'**

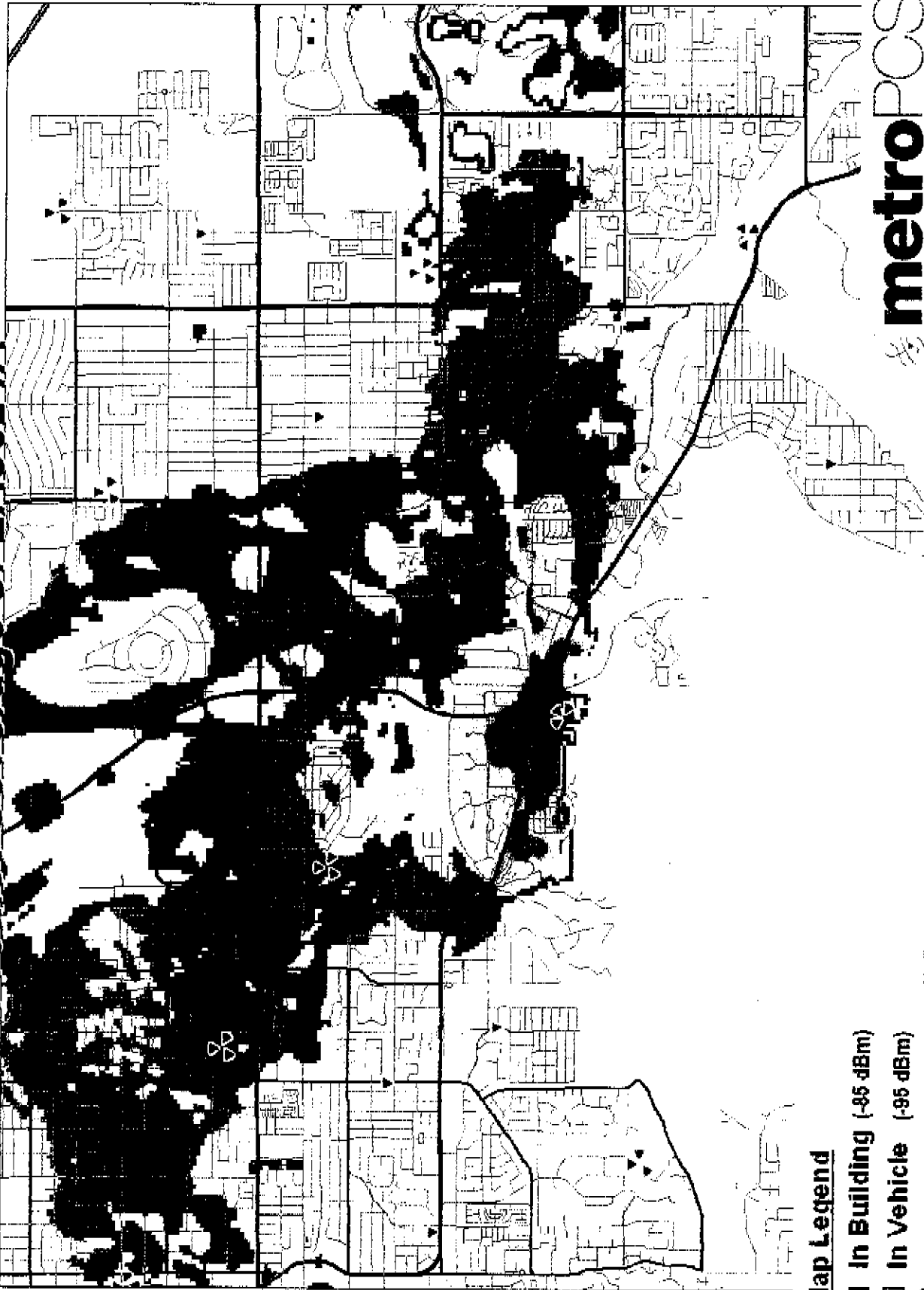
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**Predict Coverage of LA3624A**



**Map Legend**

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

**metro** POS  
Unlimit Yourself.

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



---

City Council  
Meeting Date:       October 7, 2009  
  
Subject:               ROYAL COMMUNICATIONS CONDITIONAL USE PERMIT AND  
                          VARIANCE AT 4733 EAST PALM CANYON DRIVE

---

**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.  
(189 notices)

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

Handwritten signature of Kathie Hart in cursive.

---

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.

Handwritten signature of Kathie Hart in cursive.

---

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.

Handwritten signature of Kathie Hart in cursive.

---

Kathie Hart, CMC  
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE NO. 5.1227 CONDITIONAL USE PERMIT / 6.517 VARIANCE  
ROYAL STREET COMMUNICATIONS  
4733 EAST 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 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 forty-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 forty-five feet for the property located at 4733 East Palm Canyon Drive, Zoned W-C-D-N (Designed Neighborhood Shopping Center with Watercourse Overlay).

**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.

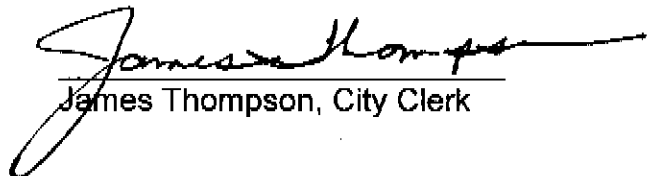
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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]).

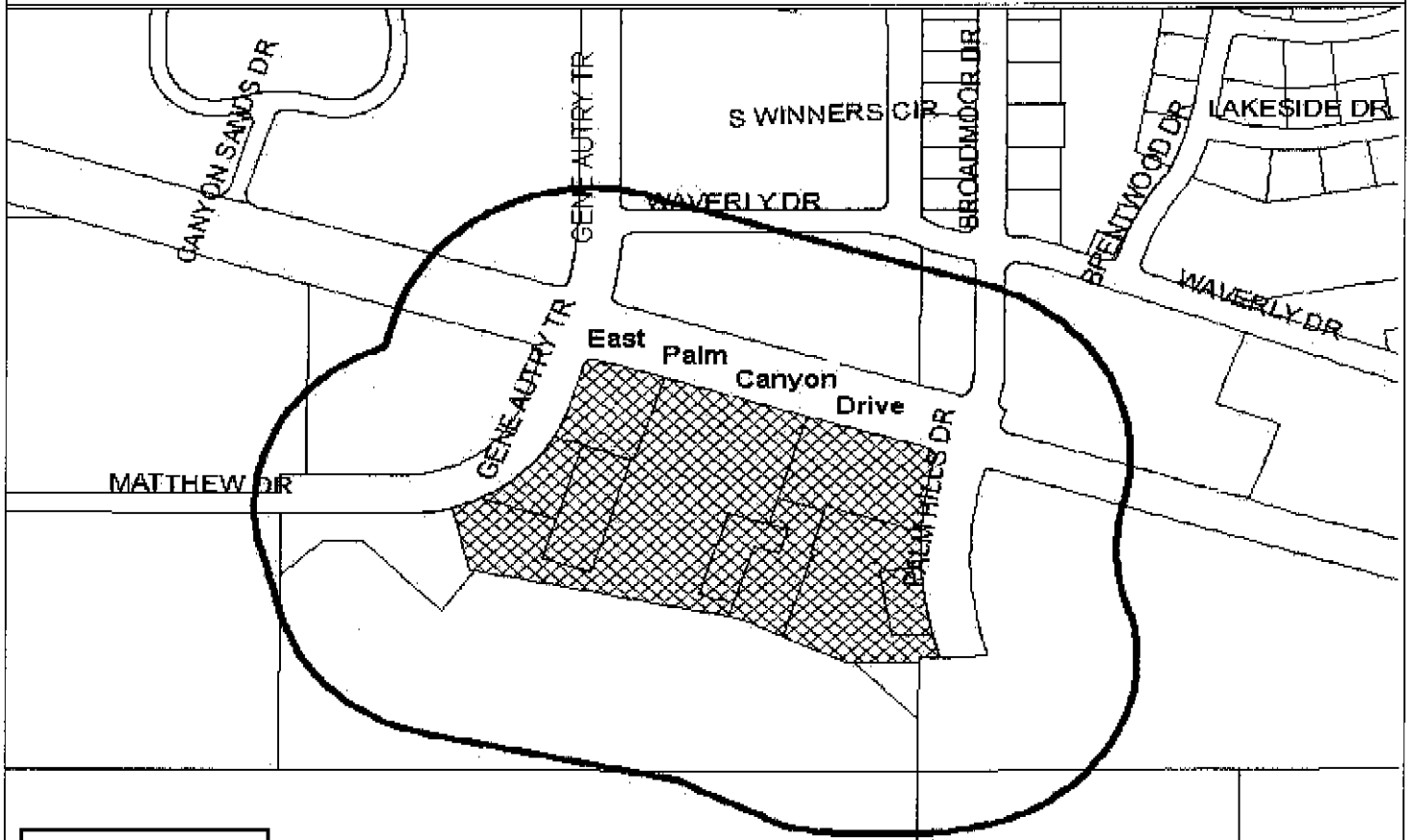
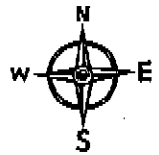
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Planning Services Department at (760) 323-8245.

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**

-  400' Buffer
-  Site

## CITY OF PALM SPRINGS

<p><b>CASE NO:</b> 5.1227 CUP / 6.517 VAR</p> <p><b>APPLICANT:</b> Royal Street Communications California, LLC (Metro PCS)</p>	<p><b>DESCRIPTION:</b> To consider an application by Royal Street Communications California, LLC for a Conditional Use Permit application to install a forty-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 forty-five feet for the property located at 4733 East Palm Canyon Drive, Zoned W-C-D-N.</p>
--	--