



## CITY COUNCIL STAFF REPORT

DATE: December 1, 2010

PUBLIC HEARING

SUBJECT: T-MOBILE WEST CORPORATION – AN APPEAL OF THE DECISION BY THE PLANNING COMMISSION TO DENY A TYPE II CONDITIONAL USE PERMIT AND VARIANCE APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A FORTY-SEVEN AND ONE-HALF FOOT HIGH WIRELESS COMMUNICATION MONOPOLE PROPOSED AT 2100 EAST RACQUET CLUB ROAD (APN 501-272-025, ZONE PD-160).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

T-Mobile West Corporation is requesting that the City Council overturn the Planning Commission's decision of September 9, 2010, to deny a Conditional Use Permit and Variance application for the construction and operation of a forty-seven and one-half foot tall sculptural monopole containing wireless antennas at 2100 East Racquet Club Road. The application included a Variance to Section 93.08.03(A)(2)(c)(iii) of the Zoning Code to vary the maximum antenna height permitted from thirty-nine feet to forty-seven and one-half feet.

### 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, DENYING THE APPEAL BY T-MOBILE WEST CORPORATION AND UPHOLDING THE DECISION OF PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT AND VARIANCE APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A FORTY-SEVEN AND ONE-HALF FOOT HIGH WIRELESS COMMUNICATION MONOPOLE LOCATED AT 2100 EAST RACQUET CLUB ROAD, CASE NO. 5.1246 CUP & 6.523 VAR."

ITEM NO. 1A

### PRIOR ACTIONS:

On July 26, 2010, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 4-3 (Sahlin absent) recommended approval with the following revisions:

1. Relocate monopole structure on site as follows:
  - a. Preference 1: Expand the planter in the center of parking lot by removing two adjacent nose-to-nose parking spaces, and install monopole structure in middle of planter; or
  - b. Preference 2: Install monopole structure in planter area adjacent to the existing building;
2. Monopole concrete should not be painted;
3. Structure should use natural concrete color, preferably white;
4. Match fiberglass element at top of structure to concrete color; and
5. Use low-level lighting to illuminate structure at night.

The applicant has revised the project to be consistent with the above revisions, including preference 1.a.

On September 8, 2010, the Planning Commission reviewed the revised project and by a vote of 6-0 denied the proposed monopole.

On September 30, 2010, the applicant filed an appeal of the Planning Commission's decision. The appeal letter is attached to this staff report.

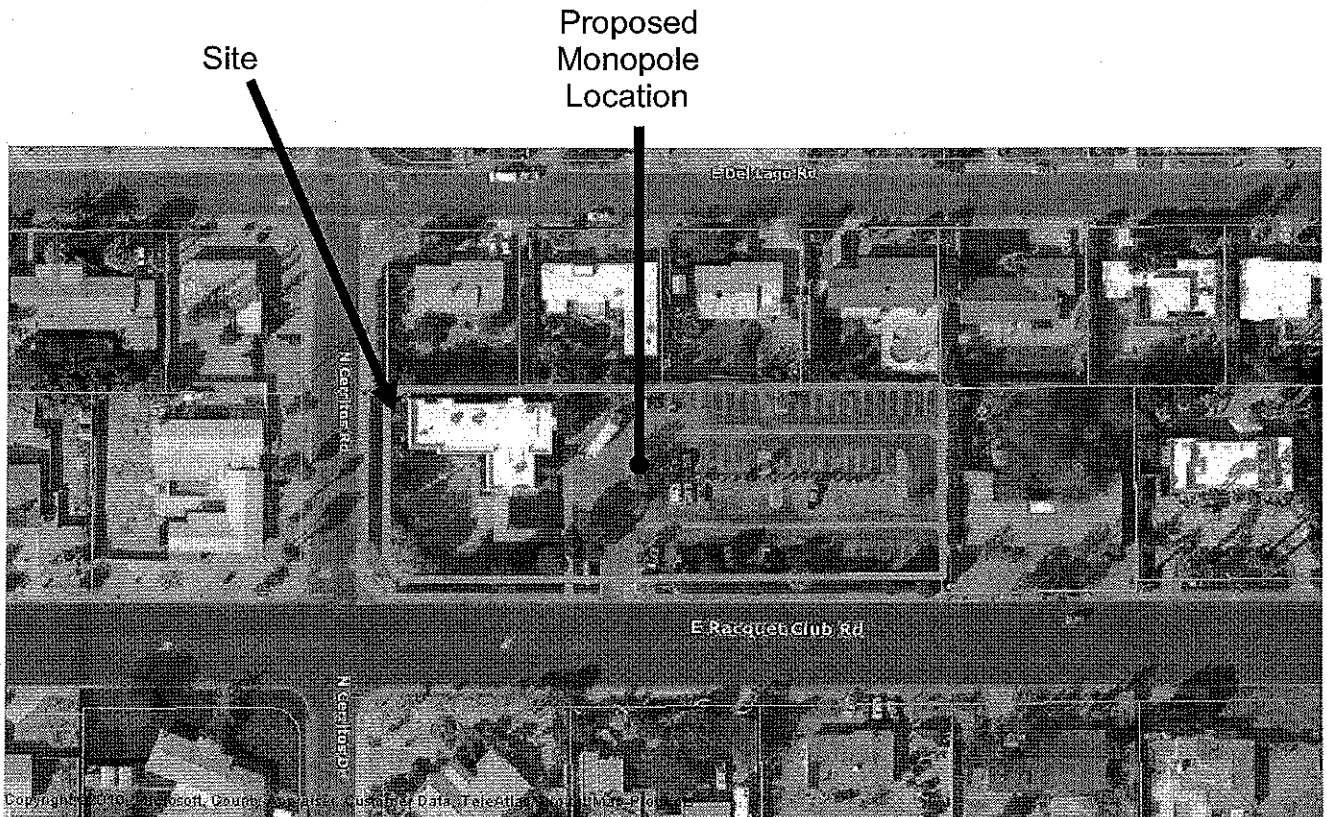
### BACKGROUND AND SETTING:

The project site is approximately 59,241 square feet in size and located on the northeast corner of East Racquet Club Road and Cerritos Road. In 1984, the City Council approved a preliminary planned development (PD 160) to allow the construction of a two-phase project which included a multi-purpose room, kitchen area and administration offices in Phase I and a main sanctuary in Phase II. Phase I of the project was constructed in 1987 and exists today on the northwesterly portion of the property. Phase II has not been constructed.

The sculptural monopole is proposed at the center of the property in an expanded planter adjacent to a drive aisle and the parking lot. The proposed monopole is constructed of primarily concrete and has fiberglass at the top to contain the antenna array. The antennas and associated equipment will be located entirely within the monopole structure. Low-level up-lighting is proposed to be installed to illuminate the monopole at night.

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

	General Plan	Zoning	Existing Land Uses
North	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
South	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
East	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
West	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential



**STAFF ANALYSIS:**

On September 8, 2010, the Planning Commission reviewed and denied the proposed sculptural monopole at the church site located at 2100 East Racquet Club Road. Staff has summarized some of the Commissioner's comments on the project below:

1. Commissioner Donenfeld expressed concern of a monopole being located in a residential community.

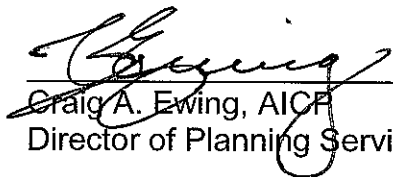
2. Chair Caffery was encouraged by the design but concluded that the structure was too tall and should not be located in a residential neighborhood. He stated that the buffer between the commercial and residential should be greater.
3. Vice Chair Scott concurred with Chair Caffery.

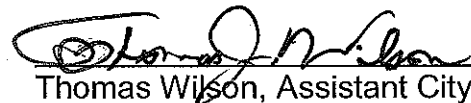
The applicant has submitted an appeal and requested that the City Council overturn the Planning Commission's decision to deny the project (see attached letter). The appeal letter provides a response to the concerns of the public, but there is no response to the Commission's comments for denying the project.

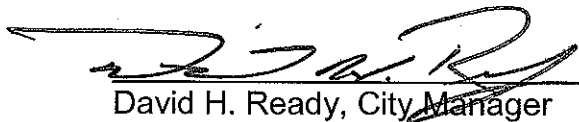
Based on the above, staff is recommending that the City Council reject the appeal and uphold the Planning Commission's decision to deny the Conditional Use Permit and Variance application for a forty-seven and one-half foot high wireless communication monopole at 2100 East Racquet Club Road.

FISCAL IMPACT:

No Fiscal Impact.

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

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

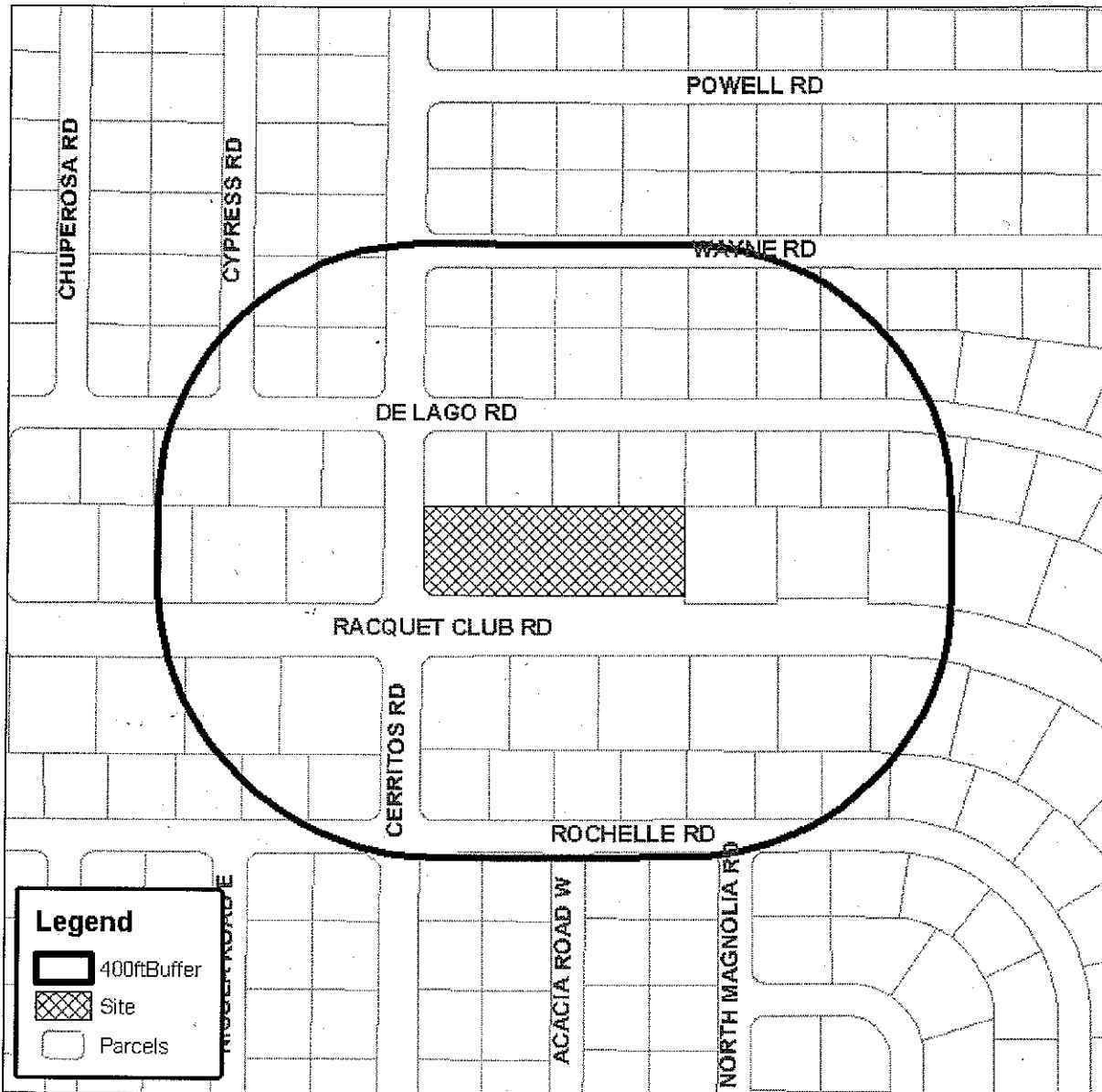
  
\_\_\_\_\_  
David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Letter of Appeal
4. Planning Commission Minutes, September 8, 2010 (excerpt)
5. Planning Commission Staff Report (w/ exhibits), September 8, 2010



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE:** 5.1246 CUP & 6.523 VAR

**APPLICANT:** T-Mobile West Corp.

**DESCRIPTION:** To consider an appeal of the Planning Commission's September 8, 2010, denial of a Conditional Use Permit and Variance application for the construction and operation of a forty-seven and one-half foot tall commercial communication antenna contained within a sculptural monopole located at 2100 East Racquet Club Road, Zone PD 160, Section 1.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY T-MOBILE WEST CORPORATION AND UPHOLDING THE DECISION OF PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT AND VARIANCE APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A FORTY-SEVEN AND ONE-HALF FOOT HIGH WIRELESS COMMUNICATION MONOPOLE LOCATED AT 2100 EAST RACQUET CLUB ROAD, CASE NO. 5.1246 CUP & 6.523 VAR.

WHEREAS, the T-Mobile West Corporation ("Applicant") filed an application with the City pursuant to Section 94.02.00 and 94.06.00 of the Zoning Code for a forty-seven and one-half foot high wireless communication monopole for the property located at 2100 East Racquet Club Road (APN: 501-272-025), Zone PD-160, Section 1; and

WHEREAS, on September 8, 2010, a noticed public hearing was conducted by the Planning Commission in accordance with applicable law; and

WHEREAS at said public hearing, the Planning Commission carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented, and voted 6-0 to deny the subject project; and

WHEREAS, on September 30, 2010, T-Mobile West Corporation ("Appellant") filed an appeal with the City Clerk, pursuant to Chapter 2.05 of the Municipal Code, of the Planning Commission's decision to deny the proposed monopole at 2100 East Racquet Club Road; and

WHEREAS, on December 1, 2010, a public hearing on the appeal was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the appeal 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. Pursuant to Sections 94.02.00 and 94.02.00 of the Palm Springs Zoning Code, the Planning Commission is required to make certain findings when approving a Conditional Use Permit and Variance application. The Planning Commission was unable to make these findings for the following reasons:

1. The commercial communication monopole is located on a parcel that is entirely surrounded by residential, and the buffer between the monopole and residential should be greater.
2. The height of the structure is too tall and does not fit within the neighborhood and its surroundings.

SECTION 2. Pursuant to Municipal Code Section 2.05.030, the appellant submitted a written notice of appeal but did not state any grounds for the appeal.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council hereby denies the appeal and upholds the Planning Commission's decision to deny a conditional use permit and variance application for a forty-seven and one-half foot high wireless communication monopole located at 2100 East Racquet Club Road.

ADOPTED this 1<sup>st</sup> day of December, 2010.

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David H. Ready, City Manager

ATTEST:

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James Thompson, City Clerk

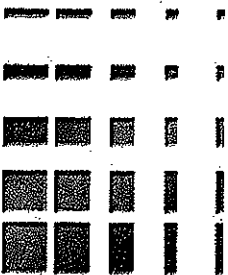
CERTIFICATION

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



September 29, 2010

RECEIVED  
CITY OF PALM SPRINGS  
2010 SEP 30 AM 10:42  
JAMES THOMPSON  
CITY CLERK

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

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ARCHITECTS, ENGINEERS, P.C.

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**RE: Request for Appeal of Planning Commission  
Action (Case No. 5.1246 CUP and 6.523 VAR) -  
Proposed T-Mobile Commercial Communication  
Antenna Structure, 2100 E. Racquet Club Road**

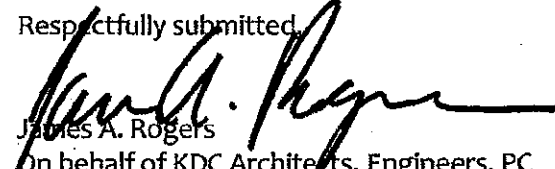
Dear Mr. Thompson:


KDC Architects, Engineers, P.C., on behalf of T-Mobile West Corporation, respectfully requests an appeal to the City Council of the City of Palm Springs of Planning Commission actions on September 8, 2010 pertaining to Case No. 5.1246 CUP and 6.523 VAR. This appeal is submitted in accordance with Section 2.05.040 of the Palm Springs Municipal Code for the City Council's review, consideration and action. As required, please find a check attached to cover the cost of the appeal filing fees.

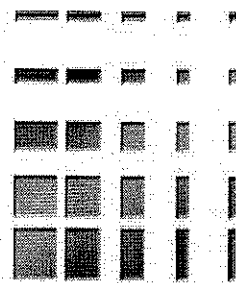
At this public hearing, the Planning Commission did not make the required findings and denied the application for the proposed project. We hereby request an appeal of this action, and for the City Council to overturn the Planning Commission's denial and to approve the requested Conditional Use Permit and Variance.

Thank you for your time and consideration in the processing of this appeal request. Please contact me at 949-295-9031 to discuss and coordinate the scheduling of this appeal before the City Council.

Respectfully submitted,

  
James A. Rogers  
On behalf of KDC Architects, Engineers, PC  
Authorized Agent for T-Mobile

T-Mobile would prefer City Council schedule  
hearing for November 3<sup>RD</sup> or 17<sup>TH</sup>. T-Mobile  
wishes to hold a neighborhood meeting in  
late October. THANK YOU,  9/30/10



November 16, 2010

**RECEIVED**

NOV 17 2010

Honorable Mayor Steve Pougnet  
City Council Members  
**City of Palm Springs**  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**PLANNING SERVICES  
DEPARTMENT**

**KDC**

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**RE: Proposed T-Mobile Commercial Communication Antenna  
Structure, 2100 E. Racquet Club Road,  
Center for Spiritual Living  
(Case No. 5.1246 CUP and 6.523 VAR)**

Dear Mr. Mayor and Members of the City Council:

T-Mobile West Corporation (T-Mobile) has requested the City Council of the City of Palm Springs to review and reverse the Planning Commission denial of Case No. 5.1246 CUP and 6.523 VAR on September 8, 2010.

At the Planning Commission public hearing, several members of the public offered letters and spoke in opposition to the proposed T-Mobile wireless facility to be located at the Center for Spiritual Living (CSL) on Racquet Club Road. Briefly, the reasons given for opposition included; 1) increase in lightning strikes, 2) increase in aviation safety, 3) adverse impact on home-based businesses, 4) increase in health risks, 5) visual aesthetics, and 6) decrease in property values.

In response to these items, T-Mobile would like to offer the following statements and attached information:


- 1) Lightning strikes – the proposed wireless sculpture will be properly grounded, meeting all necessary building & safety codes. Additionally, there are existing trees and power poles in the area which are 35-50 ft. in height, so this one structure will not significantly increase the number of lightning strikes in the area.
- 2) Increased risk in aviation safety – the proposed wireless facility will meet all Federal Aviation Administration (FAA) safety regulations, including, if necessary, registration and lighting.
- 3) Adverse impact on home-based businesses – the proposed wireless facility will meet all Federal Communication Commission (FCC) regulations regarding radio frequency to ensure that there is no interference with existing electronic equipment, including cell phone reception.

- 3) Increase in health risks – the FCC has established regulations regarding the amount of radio frequency (RF) emissions that may be emitted by wireless sites and pose no health risk to the public. The emissions generated by T-Mobiles' wireless facilities is typically less than 1% of that allowed by FCC regulations. Attached is a T-Mobile Fact Sheet addressing Health Issues.
- 4) Visual aesthetics - a property owner has stated that his "unobstructed" view of the mountains will be blocked by the proposed wireless sculpture. This statement disregards the numerous existing features, including both trees and power poles, in the area which are the same height and which may block his view. Additionally, the view photos submitted by the property owner grossly misrepresent the location, height and mass of the proposed wireless facility. T-Mobile has reviewed the design discussions by the City Council and Planning Commission in an attempt to create an aesthetically pleasing stealth wireless facility. We believe, and the Planning Commission agreed, that the proposed wireless sculpture accomplishes this objective.
- 5) Decrease in property values – the newspaper article referenced was discussing a visible antenna array being placed on a wooden pole at the front of a residential property, not a stealth wireless sculpture. The percent decreases stated in the article came from a local real estate agent and an attorney, not a licensed appraiser familiar with wireless facilities. Attached is a T-Mobile Fact Sheet addressing Property Values, which concludes that properties close and far from wireless facilities increase and decrease in value at the same rates.

To address and respond to the statements and incorrect information circulating regarding the proposed T-Mobile facility, an invitation to a Neighborhood Meeting was mailed to all property owners within 400 feet of the CSL property on October 18<sup>th</sup>. On October 27<sup>th</sup>, the Neighborhood Meeting was held at the CSL Fellowship Hall. Two residents of the surrounding neighborhood attended, limiting T-Mobile's attempt to have an open dialogue with local neighbors.

Thank you for your time and consideration in reviewing this appeal. We strongly believe that it is in the best interest of the City of Palm Springs to approve this project.

Respectfully,

  
James A. Rogers  
On behalf of KDC Architects, Engineers, PC  
Authorized Agent for T-Mobile



# Cell Sites and Property Values

## REAL ESTATE APPRAISALS SHOW PRESENCE OF NEARBY CELL SITES DOES NOT ADVERSELY AFFECT PROPERTY VALUES<sup>1</sup>

- *"Cellular phone towers do not have a measurable or identifiable impact on residential property values."*
- The Valuation Group, Inc. in a study conducted for Twin Cities 13-County Metropolitan Area, Minnesota and Western Minnesota, January 2007
- *"Not a single example was found to support the test hypothesis that property values decline after the installation of a Wi-Fi or wireless antenna."*
- Tarantello and Associates in a study of numerous properties and communities in southern California, April 2009
- *"There is no diminution in the value of homes with a view of a telecommunications facility."*
- Lane Appraisals, Inc. in a study of Airmont, New York, May 2006

Growing demand for wireless service creates the need to add wireless communications facilities in residential neighborhoods. While there has been public concern about the impact these sites may have on property values, to date there is no convincing evidence that there is any adverse effect. T-Mobile recognizes that maintaining property values in the vicinity of a new site is of critical concern to homeowners. We carefully consider the needs of local communities when selecting new cell site locations as we strive to meet your needs for reliable service.

## Importance of reliable wireless coverage to customers

Cell sites need to be located where people use their cell phones, and people increasingly use them at home and throughout their neighborhoods for personal communications, commerce, business communications, and more. In fact, recent studies indicate that more than half of all cell phone calls are made from homes. What's more, according to a study from The Nielsen Company, more than 20 million U.S. households (17 percent) do not have landlines and rely solely on mobile phones.<sup>2</sup>

## Dependable wireless service is critical to personal and public safety

Another reason wireless networks need to provide reliable coverage and handle high capacity is because both people in distress and emergency responders now rely on cell phones in times of emergency.

- The National Emergency Number Association (NEMA) estimates that more than half the emergency 9-1-1 calls in the U.S. today are made from cell phones.<sup>3</sup>
- Per Pew Research, 74 percent of Americans who own mobile phones said they have used their handheld devices in an emergency and gained valuable help.<sup>4</sup>

## Questions about wireless and home values

Some homeowners have questions about whether the presence of new cell sites affects their ability to sell their homes. One issue is whether there are undesirable health effects from living or working near a tower. The Federal Communications Commission and independent organizations like the American Cancer Society and World Health Organization consistently say there is no evidence that exposure to the low level of RF signals emitted by cell sites poses a health risk.

Another issue is the assumption that new towers may degrade views or otherwise be unsightly. Wireless carriers are sensitive to the needs of each community and work to reduce the visual impact of a cell site on the local community through design elements like camouflage and landscaping. In addition, T-Mobile is committed to minimizing the need for new freestanding structures, and roughly two-thirds of our wireless facilities are built on existing structures, such as local government buildings, rooftops, and utility poles.

# T-Mobile

<sup>1</sup>Property values in the United States are reported by the U.S. Dept. of Commerce, Bureau of Economic Analysis, and the U.S. Census Bureau. <sup>2</sup>U.S. Census Bureau, "Cellular Phone Use in the U.S.", 2007. <sup>3</sup>NEMA, "National Emergency Number Association", 2007. <sup>4</sup>Pew Research Center, "Cell Phone Use in the U.S.", 2007.



## How wireless availability can enhance neighborhoods

Real estate professionals continually tell us that reliable wireless coverage is of significant value to homeowners. Many buyers test the wireless signal of a prospective home as they walk to the front door, and most won't consider a home without reliable coverage. This anecdotal information is reinforced by an article published in the professional journal of the Appraisal Institute. In looking at real estate appraisals conducted in the northeast U.S., the article states, "The advantages afforded by telecommunication facilities more often than not outweigh any negative effects." The conclusion is that wireless communication service "enhances local communication, education, productivity, work efficiency efforts, and public safety services and security."<sup>8</sup>

## Increased wireless usage drives need for expanded wireless network

Clearly, the availability of reliable wireless service has become a "must-have" for new homes and neighborhoods. In order to accommodate the increasing call and data volume, as well as avoid unreliable coverage, wireless carriers must add sites to wireless networks in local areas. Independent appraisers across the country have analyzed the potential impact new sites might have on local property values. These studies demonstrate that having a cell site nearby does not diminish property values.

### LEARN MORE

Please visit [www.t-mobile-takeaction.com](http://www.t-mobile-takeaction.com) for additional information about wireless communications.

### CONTACT US

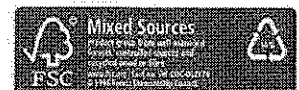
If you have questions on the information provided in this fact sheet, please contact [natextaffairs@t-mobile.com](mailto:natextaffairs@t-mobile.com).

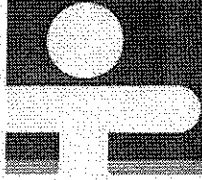
© Thomas S. Andrus - "The Wireless Business" Communications Source (2008) study. The Appraisal Institute, July 2004, real estate appraisal technology for future business development.

### T-MOBILE USA

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Bellevue, Washington 98006

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# Cell Sites and Your Health

## EXPERT OPINION ON SAFETY OF WIRELESS FACILITIES

- *"There is no convincing scientific evidence that base stations and wireless networks cause adverse health effects."*  
— World Health Organization<sup>1</sup>
- *"There is no reason to believe that [cell] towers could constitute a potential health hazard to nearby residents or students."*  
— Federal Communications Commission<sup>2</sup>
- *"The chance of health problems occurring among people living and working below base stations is negligible."*  
— The Health Council of the Netherlands<sup>3</sup>
- *"Cell phone antennas or towers are unlikely to cause cancer."*  
— American Cancer Society<sup>4</sup>

Scientists have studied radio frequencies (RF), the kind of energy emitted by cell sites and other common household items, for decades. Hundreds of studies have been conducted around the world with results published in highly-respected scientific journals. These studies consistently conclude that there is no evidence that exposure to the low level of RF signals emitted by cell sites poses a health risk.

## How cell sites work

A wireless network operates on a grid that's divided into geographic areas or "cells." Within each geographic cell is a wireless facility or cell site that contains antennas, cables, and low-powered radio equipment required to send and receive calls from wireless devices.

In the process of sending and receiving signals, wireless networks emit low levels of RF energy. Some of this energy is emitted by the wireless device, and some by the cell site. This document addresses current scientific findings on the amount of RF signals that people are exposed to from cell sites.

## FCC regulates RF emissions to ensure public safety

To ensure that routine exposure to cell sites is safe, the Federal Communications Commission (FCC) regulates the level of radio frequency that a site may emit. Note that the level of exposure to RF energy from a cell site depends on a variety of factors, including your location relative to the cell site and the amount of cellular traffic at a given time.

The FCC's RF exposure guidelines are based on recommendations from two expert organizations—the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE)—and from a variety of U.S. federal safety and health agencies, including the Environmental Protection Agency (EPA), Federal Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), and National Institute for Occupational Safety and Health (NIOSH). The guidelines are tested under scenarios presenting abnormally high RF emission conditions, in which a site operates at 100 percent capacity 100 percent of the time. Such an event is unlikely to occur, therefore providing a wide margin of safety.

# T-Mobile

<sup>1</sup>World Health Organization, "Electromagnetic Fields and Public Health: Power Lines and Wireless Technologies," Fact sheet 304, May 2005. <sup>2</sup>Federal Communications Commission, Office of Engineering and Technology, "FCC's FAQ on the safety of radio frequency (RF) exposure," updated 12/1/05. <sup>3</sup>The Health Council of the Netherlands, "Cellphone Towers," 2005, published on 2/20/06. <sup>4</sup>American Cancer Society, "What Are Cellphone Towers?" (updated 01/15/06).



## RF IS RADIO

Cell phones and cell sites use radio frequency (RF) energy to send and receive voice, text, images, and more. Calls are delivered in the form of radio waves, also called "signals" or "radio frequencies." This is the same technology that has been used for radio broadcasts since the late 1900s. RF signals also transmit television broadcasts and enable common devices in your home to work, such as wireless routers, cordless telephones, and baby monitors.

## Typically, actual RF emissions are well under safety limits

In practice, the ground-level exposure to wireless cell sites is typically well under the FCC's exposure limits. For example:

- When standing approximately 300 feet away from a typical cell site, the RF emission is a very small percentage, less than 1 percent of what the FCC allows. At this distance, it would take more than 400 cell sites at a location to even come close to reaching the limits allowed by the FCC.
- Even when someone is standing approximately 100 feet away, the RF emission is only 1.08 percent of the allowable limits, and it would take more than 90 sites to reach these limits.

At a cell site, signals are directed from the antenna toward the horizon, and RF energy dissipates exponentially with distance. So the height of cell site antennas, the fenced-off areas around them, and their low power levels combine to assure that the actual RF exposure is a fraction of the FCC's limits for safe exposure.

## What experts say

The RF level that cell sites use to transmit phone calls is very low. It's much lower than the levels emitted by radio and television broadcasts and common wireless devices like cordless phones and baby monitors.

In addition, the RF emitted by cell sites is what's called "non-ionizing" energy. This kind of energy is too weak to produce molecular changes that can lead to damage in biological tissue.

## Independent organizations concur with FCC guidelines

Doctors, biologists, engineers, and other scientists from leading independent organizations throughout the world have conducted or participated in studies of RF energy over the last fifty years. These organizations include the American Cancer Society, the World Health Organization, and the Health Council of the Netherlands. The results of these studies have been replicated and their findings have been published in notable scientific journals that are reviewed and/or scrutinized by scientific or academic peers prior to publication.

The consensus of these studies, which is consistent with the FCC's findings, is that there is no evidence that the level of exposure the public receives from cell site RF emissions is hazardous to health. For these reasons, it is considered safe for people to live, work, and play near a cell site.

## LEARN MORE

Please visit [www.t-mobile-takeaction.com](http://www.t-mobile-takeaction.com) for additional information about wireless communications and links to the American Cancer Society, CTIA, FCC, and others.

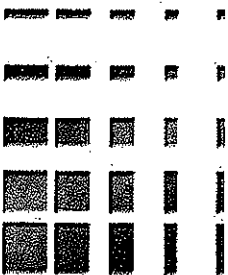
## CONTACT US

If you have questions on the information provided in this fact sheet, please contact [netextaffairs@t-mobile.com](mailto:netextaffairs@t-mobile.com).

## T-MOBILE USA

12920 SE 38th Street  
Bellevue, Washington 98006





September 29, 2010

RECEIVED  
CITY OF PALM SPRINGS  
2010 SEP 30 AM 10:42  
JAMES THOMPSON  
CITY CLERK

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

**KDC**

**ARCHITECTS. ENGINEERS, P.C.**

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Fax 303-750-0236

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**KDC Asia Ltd.**

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**RE: Request for Appeal of Planning Commission  
Action (Case No. 5-1246 CUP and 6.523 VAR) -  
Proposed T-Mobile Commercial Communication  
Antenna Structure, 2100 E. Racquet Club Road**

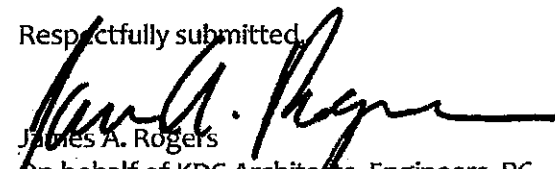
Dear Mr. Thompson:

KDC Architects, Engineers, P.C., on behalf of T-Mobile West Corporation, respectfully requests an appeal to the City Council of the City of Palm Springs of Planning Commission actions on September 8, 2010 pertaining to Case No. 5.1246 CUP and 6.523 VAR. This appeal is submitted in accordance with Section 2.05.040 of the Palm Springs Municipal Code for the City Council's review, consideration and action. As required, please find a check attached to cover the cost of the appeal filing fees.

At this public hearing, the Planning Commission did not make the required findings and denied the application for the proposed project. We hereby request an appeal of this action, and for the City Council to overturn the Planning Commission's denial and to approve the requested Conditional Use Permit and Variance.

Thank you for your time and consideration in the processing of this appeal request. Please contact me at 949-295-9031 to discuss and coordinate the scheduling of this appeal before the City Council.

Respectfully submitted,

  
James A. Rogers  
On behalf of KDC Architects, Engineers, PC  
Authorized Agent for T-Mobile

T-Mobile would prefer City Council schedule  
hearing for November 3<sup>rd</sup> or 17<sup>th</sup>, T-Mobile  
wishes to hold a neighborhood meeting in  
late October.  
THANK YOU,

16  
9/30/10



**2. PUBLIC HEARINGS:**

- 2A. Case 5-1246 CUP / 6.523 VAR - A request by T-Mobile West Corporation for a Conditional Use Permit to construct a 47.5-foot tall commercial communication antenna within a sculptural monopole and a Variance application to exceed the maximum antenna structure height permitted at 2100 East Racquet Club Road (Center for Spiritual Living), Zone PD-160, Section 1. (Project Planner: David A. Newell, Associate Planner)**

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated September 8, 2010.

Chair Caffery opened the public hearing:

- James Rogers, representing T Mobile West, provided details on proposed wireless site, non-coverage areas and the design and fabrication of the capsule structure.
- Mike Tucci, spoke in opposition to the proposed antenna structure because of health and safety risks to the nearby pre-school, decreased property values and the obstructive view.
- Tom Huff, spoke in opposition to the antenna structure, expressed concern with the public hearing held during the summer months, decrease in property values and requested more time for input from neighbors.
- Vicky Starke, spoke in opposition to the antenna structure, commented on the view obstruction to her property, decreased property values and existing cell towers in the vicinity.
- Andrew Starke, spoke in opposition to the antenna structure, expressed concern with the obstruction of his view, the insufficient open space at this site and existing cell towers in the neighborhood.
- James Rogers, applicant rebuttal, responded to the public testimony pertaining to the health and safety risks, property values and adjacent cell towers.

There being no further appearances the public hearing was closed.

Commission Hudson questioned if the possibility of co-locations were considered for this site. Mr. Rogers explained that since the structure is prefabricated with the radio equipment inside the issue of co-location would need to be worked on.

Chair Caffery spoke in favor of the cell tower design, however, noted that this structure is not appropriate in a residential zone.

Vice Chair Scott concurred with Chair Caffery and stated that the cell tower is a great design but is in the wrong location.

M/S/C (Vice Chair Scott/Doug Donenfeld, 6-0, 1 absent/Leslie Munger) To deny Case 5.1245 CUP / 6.523 VAR.

Director Ewing reported that the Planning Commission's decision may be appealed to the City Council within 10 working days.

**2B. Case 5.1224 Zone Text Amendment - A zone text amendment consolidating conditions for Specific Uses into a single code section. (Planner: Ken Lyon, Associate Planner)**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated September 8, 2010.

Chair Caffery opened the public hearing and no appearances coming forward the public hearing was closed.

M/S/C (Doug Donenfeld/Tracy Conrad, 6-0, 1 absent/Leslie Munger) To recommend approval of the Zone Text Amendment to the City Council.

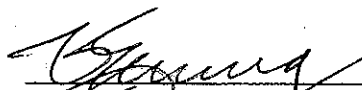
**A. Annual Schedule for Planning Commission Representation to the Architectural Advisory Committee meetings.**

Director Ewing provided an update on the upcoming planning items scheduled for the City Council meeting and reminded the Commission to submit their questions and/or concerns pertaining to the Desert Palisades project.

Director Ewing reported that the October 6th Planning Commission study session would consist of a joint meeting with the AAC.

**ADJOURNMENT:**

There being no further comments the Planning Commission adjourned at 3:36 p.m. to Wednesday, September 22, 2010, at City Hall Council Chamber, 3200 East Tahquitz Canyon Way.

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services



## Planning Commission Staff Report

Date: September 8, 2010

Case No.: 5.1246-CUP / 6.523-VAR

Type: Conditional Use Permit and Variance

Location: 2100 East Racquet Club Road

APN: 501-272-025

Applicant: T-Mobile West Corporation

General Plan: VLDR (Very Low Density Residential)

Zone: PD 160 (Planned Development District 160)

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

Project Planner: David A. Newell, Associate Planner

---

### **PROJECT DESCRIPTION:**

The application is a request by T-Mobile West Corporation for a Type II Conditional Use Permit to install commercial communication antennas within a new forty-seven and one-half foot high sculptural monopole for the property located at 2100 East Racquet Club Road. The applicant is also requesting approval of a Variance application to exceed the maximum antenna height permitted from thirty-nine feet to forty-seven and one-half feet.

### **RECOMMENDATION:**

That the Planning Commission recommends approval of the Conditional Use Permit and Variance to the City Council for the installation of a forty-seven and one-half foot tall monopole structure for the housing of commercial communication antennas located at 2100 East Racquet Club Road.

### **PRIOR ACTIONS:**

On July 26, 2010, the Architectural Advisory Committee (AAC) reviewed the proposed project and by a vote of 4-3 (Sahlin absent) recommended approval with the following revisions:

1. Relocate monopole structure on site as follows:
  - a. Preference 1: Expand the planter in the center of parking lot by removing two adjacent nose-to-nose parking spaces, and install monopole structure in middle of planter; or
  - b. Preference 2: Install monopole structure in planter area adjacent to the existing building;
2. Monopole concrete should not be painted;
3. Structure should use natural concrete color, preferably white;
4. Match fiberglass element at top of structure to concrete color; and
5. Use low-level lighting to illuminate structure at night.

The applicant has revised the project to be consistent with the above revisions, including preference 1.a..

### **BACKGROUND AND SETTING:**

T-Mobile West Corporation has submitted an application for a Type II Conditional Use Permit and Variance. The applicant has secured a Letter of Authorization with the property owner to proceed with these applications.

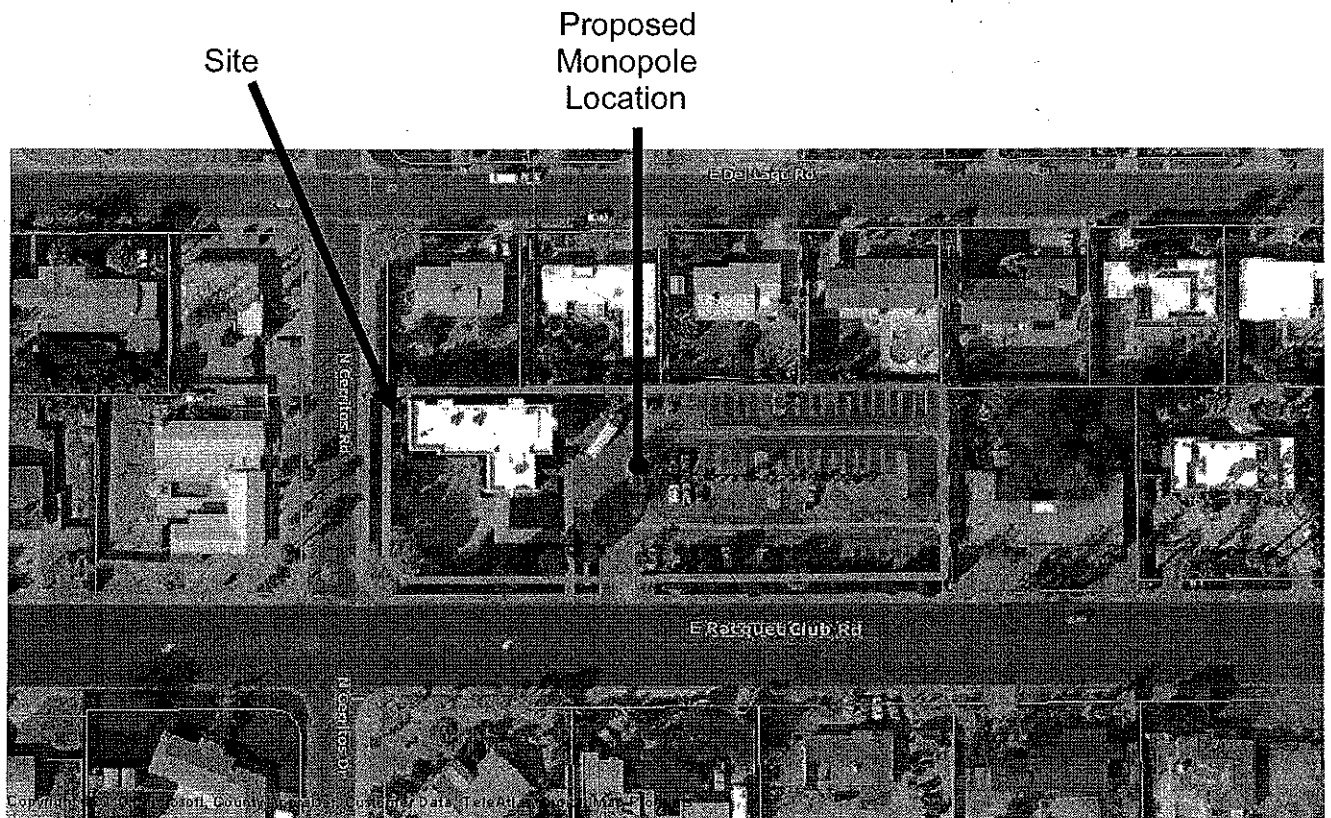
The project site is approximately 59,241 square feet in size and located on the northeast corner of East Racquet Club Road and Cerritos Road. In 1984, the City Council approved a preliminary planned development (PD 160) to allow the construction of a two-phase project which included a multi-purpose room, kitchen area and administration offices in Phase I and a main sanctuary in Phase II. Phase I of the project was constructed in 1987 and exists today on the northwesterly portion of the property. Phase II has not been constructed.

The sculptural monopole is proposed at the center of the property in an expanded planter adjacent to a drive aisle and the parking lot. The monopole is constructed of primarily concrete and has fiberglass at the top to contain the antenna array. The antennas and associated equipment will be located entirely within the monopole structure. Low-level up-lighting is proposed to be installed to illuminate the monopole at night.

Table 1 below shows the surrounding land uses, Zoning and General Plan designations.

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

	General Plan	Zoning	Existing Land Uses
North	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
South	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
East	VLDR (Very Low Density Residential)	R-1-C (Single Family Residential)	Single Family Residential
West	VLDR (Very Low Density Residential)	R-1-D (Single Family Residential)	Single Family Residential



**ANALYSIS:**

The General Plan designation of the subject site is VLDR (Very Low Density Residential). 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 residential uses.

The zoning designation is PD 160, 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(A)(2)(f) of the

Palm Springs Zoning Code (PSZC). Table 2 below displays the PSZC's and proposed project's development standards:

**Table 2:** Antenna Development Standards and Proposed Project

	<b>93.08.03(A)(2)(c)(iii) Requirements</b>	<b>Proposed Project (approximate)</b>
Height (feet)	39 feet (25 feet above the highest roof of the principal building)	<b>47.5 feet</b>
Front (West) Yard Setback	25 feet	180 feet
Side (North) Yard Setback	10 feet	65 feet
Street Side (South) Yard Setback	25 feet	76 feet
Rear (East) Yard Setback	15 feet	218 feet

*Monopole Height:*

Pursuant to Section 93.08.03(A)(2)(c)(iii) of the PSZC, "No part of the antenna structure shall extend to a height of more than twenty-five (25) feet above the highest point of the roof of the principal building on the property." The height of the existing church building is approximately fourteen feet, which would allow an antenna height of thirty-nine feet. The monopole is proposed at forty-seven and one-half 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.

*Text on Monopole*

Since the project was reviewed by the AAC, the applicant has stated that the church would like to utilize the sculpture as a "Peace Pole". As they describe it, "a 'Peace Pole' has a philosophical phrase or quote written on the sides of the pole in 3-4 different languages." The elevation plan shows the areas on the monopole where the text would be located.

Staff notes that this is signage and not permitted under the sign ordinance. Therefore, staff has included a condition of approval in the draft resolution that prohibits any signage on the monopole.

*Landscape Changes:*

The proposal will require the removal of one large tree that is about eighteen feet in height to accommodate the new monopole in the parking lot planter. Staff believes a replacement shade tree should be planted in a different area of the parking lot and has included this requirement as a Condition of Approval in the draft resolution.

*Parking Analysis:*

Two parking spaces will be removed adjacent to the proposed monopole to meet the AAC's recommendation for a larger planter area. There are currently eighty-four parking spaces existing onsite. A two-phase planned development was approved for the church facility in 1984. Phase One consisted of a multi-purpose room, kitchen and administrative office and Phase Two consisted of a sanctuary with seating for 255 people. It was determined in 1984 that 85 parking spaces would adequately serve both phases. Since Phase Two was never constructed, the loss of two parking spaces will be insignificant. Should Phase Two be proposed in the future, a new parking analysis will be necessary.

**REQUIRED FINDINGS:**

*Variance*

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

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

The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of thirty-nine feet. The applicant has provided radio frequency maps that display coverage of an antenna at thirty-nine feet and forty-seven and one-half feet in height. These maps show that a thirty-nine 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.

- 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-seven and one-half 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 Commission 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 thirty-nine feet will not provide the coverage necessary to serve the needs of wireless users in the area. Diagrams have been provided that show the top of the antenna at a height of thirty-nine feet compared to forty-seven and one-half feet, and the height of thirty-nine feet does not appear to achieve and maintain satisfactory coverage within the specified height limitations.

#### *Conditional Use Permit*

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

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

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Code, a commercial communications antenna is authorized within a planned development (PD-160) 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 VLDR (Very Low Density Residential). 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.

All of the antennas will be contained within the monopole structure which will be located at the center of the site. Therefore, the proposal is unlikely to be detrimental to existing or future uses permitted in the zone.

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

The proposal includes a variance to the antenna height requirement; the equipment will be contained within the monopole. Parking at the site will be adequate for the existing development. 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 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).

**NOTIFICATION:**

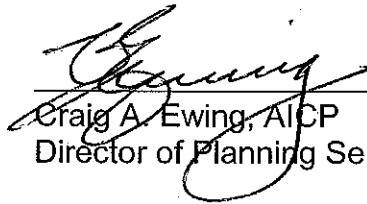
A notice was published in the Desert Sun and mailed to all property owners within a four hundred (400) foot radius in accordance with state law. As of the writing of this report, no correspondence from the public has been received by staff.

**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 sculptural monopole at a height of no more than forty-seven and one-half feet, subject to the conditions attached to the draft resolution.



David A. Newell  
Associate Planner



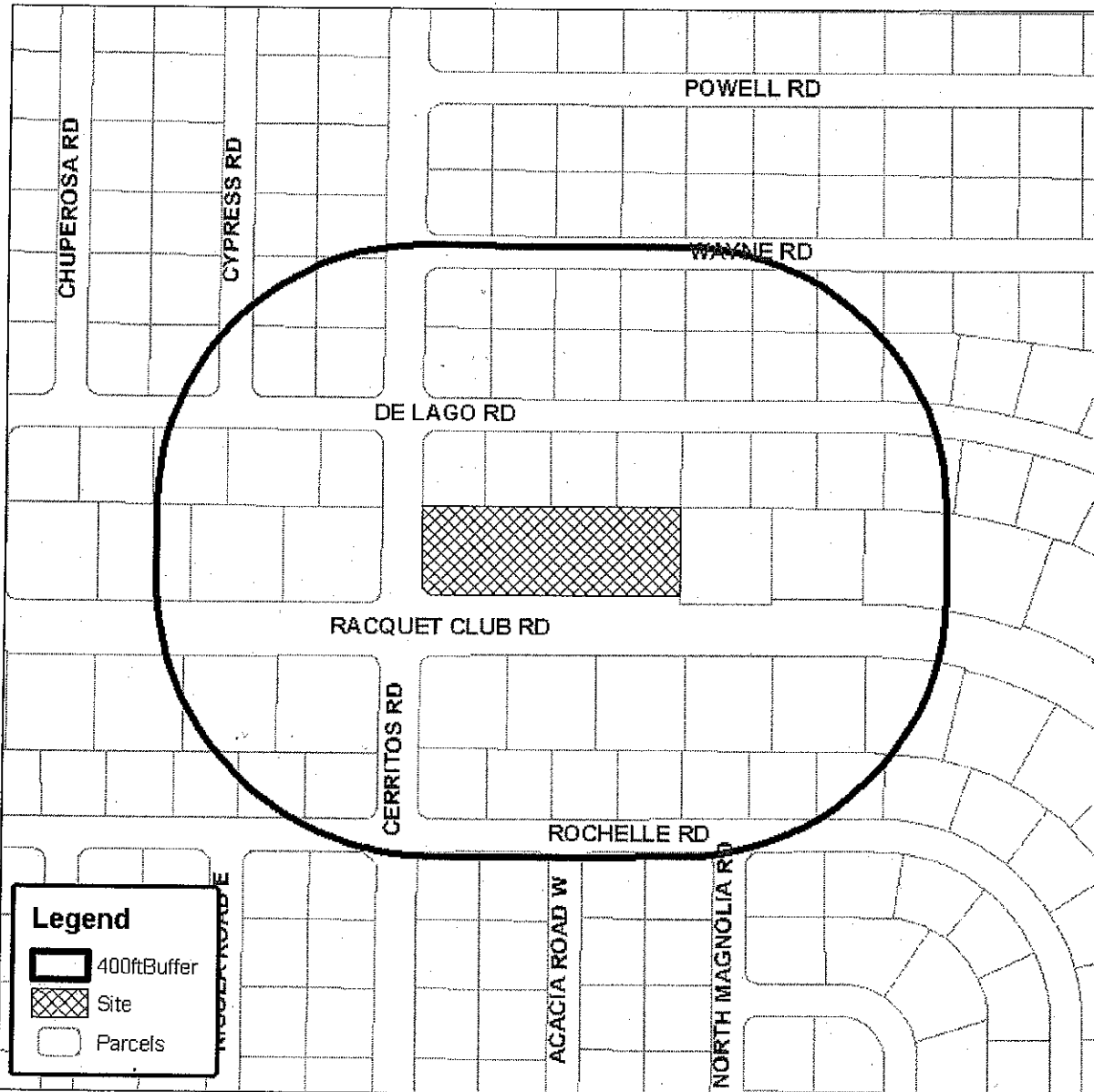
Craig A. Ewing, AICP  
Director of Planning Services

**ATTACHMENTS:**

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



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

CASE: 5.1246 CUP & 6.523 VAR

APPLICANT: T-Mobile West Corp.

DESCRIPTION: A request by T-Mobile West Corporation for a Conditional Use Permit and Variance application to construct a forty-seven and one-half foot high monopole at the property located at 2100 East Racquet Club Road, Zone PD 160, Section 1.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL CASE NO. 5.1246, A TYPE II CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A FORTY-SEVEN AND ONE-HALF FOOT HIGH COMMERCIAL COMMUNICATIONS ANTENNA WITHIN A MONOPOLE AND CASE NO. 6.523, A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 2100 EAST RACQUET CLUB ROAD.

WHEREAS, T-Mobile West Corporation ("Applicant") has filed an application with the City pursuant to Sections 94.02.00, 93.08.00 and 94.06.00 of the Palm Springs Zoning Code (PSZC) for the installation of a commercial communications antenna on a forty-seven and one-half foot tall monopole, which exceeds the maximum antenna height of thirty-nine feet, located at 2100 East Racquet Club Road, APN: 501-272-025, PD-160 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. 5.1246, and Variance, Case No. 6.523, was given in accordance with applicable law; and

WHEREAS, on September 8, 2010, a public hearing on the application for Conditional Use Permit, Case No. 5.1246, and Variance, Case No. 6.523, was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed Conditional Use Permit is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 – In-Fill Development) of the California Environmental Quality Act (CEQA).; and

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

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

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

Section 2: State law requires four (4) findings be made for the granting of a variance. The Planning Commission finds as follows:

1. *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application*

*of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The subject property has properties in the vicinity that contain buildings and landscaping which inhibit cellular frequency at a height of thirty-nine feet. The applicant has provided radio frequency maps that display coverage of an antenna at thirty-nine feet and forty-seven and one-half feet in height. These maps show that a thirty-nine 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.

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-seven and one-half 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 Commission makes the following finding in addition to those required above. The Planning Commission finds as follows:

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

The applicant provided a study which shows that the height limit of thirty-nine feet will not provide the coverage necessary to serve the needs of wireless users in the area. Diagrams have been provided that show the top of the antenna at a height of thirty-nine feet compared to forty-seven and one-half feet, and the height of thirty-nine 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 Planning Commission finds that:

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

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Code, a commercial communications antenna is authorized within a planned development (PD-160) 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 VLDR (Very Low Density Residential). 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.

All of the antennas will be contained within the monopole structure which will be located at the center of the site. Therefore, the proposal is unlikely to be detrimental to existing or future uses permitted in the zone.

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

The proposal includes a variance to the antenna height requirement; the equipment will be contained within the monopole. Parking at the site will be adequate for the existing development. 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, based upon the foregoing, the Planning Commission hereby recommends approval of Conditional Use Permit Case No. 5.1246 and Variance Case No. 6.523 to the City Council, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED this 8<sup>th</sup> day of September, 2010.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1246 CUP and Case 6.523 VAR  
T-Mobile West Corporation

2100 East Racquet Club Road  
APN: 501-272-025  
IE24205E

September 8, 2010

**CONDITIONS OF APPROVAL**

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

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

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1246 CUP and Case 6.523 VAR, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans including site plans, architectural elevations and colors on file in the Planning Division except as modified by the approved by conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City, County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of

Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1243 CUP and Case 6.523 VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 10. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

## PLANNING DEPARTMENT CONDITIONS

- PLN 1. Signage. The applicant shall remove references to signage on the elevation plan. Signage is prohibited on the exterior of the monopole.
- PLN 2. Landscape. The applicant shall either (a) install a new thirty-six inch box tree in the parking lot planter, or (b) re-locate the existing tree that will be removed as a result of the monopole installation. Prior to doing either option, the applicant shall submit their proposal to the Planning Department for approval.
- PLN 3. Outdoor Lighting Conformance. Exterior lighting shall conform to Section 93.21.00, Outdoor Lighting Standards, of the Palm Springs Zoning Code. Manufacturer's cut sheets of all exterior lighting shall be submitted to the Planning Department for approval prior to the issuance of building permits. No lighting of hillsides is permitted.
- PLN 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 Services 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 forty-seven and one-half feet, 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 & FCC Compliance. The applicant shall comply with the requirements of the Federal Aviation Administration (FAA) and Federal Communications Commission (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.

#### **POLICE DEPARTMENT CONDITIONS**

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

#### **BUILDING DEPARTMENT CONDITIONS**

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

**END OF CONDITIONS**





PLANS PREPARED FOR:  
**T-Mobile**  
 Stick Together®  
 2327 E. QUAKER ROAD, SUITE 200  
 ONTARIO, CA 91761

PROJECT INFORMATION:  
 IE24205F  
 SPIRITUAL LIVING  
 2103 E. RACQUET CLUB ROAD  
 PALM SPRINGS, CA 92262  
 RIVERSIDE COUNTY

CURRENT ISSUE DATE:  
 08/06/2010

ISSUED FOR:  
 REV. ZONING SUBMITTAL

REV.	DATE	DESCRIPTION	BY
1	06/02/2010	ISSUED FOR ZONING REVIEW	JPL
2	06/15/2010	ISSUED FOR REVISED ZONING REVIEW	MCS
3	09/04/2010	ISSUED FOR ZONING SUBMITTAL	MCS
4	09/06/2010	ISSUED FOR REVISED ZONING SUBMITTAL	MCS

DRAWN BY: CHK  
 ARM  
 EIC

PLANS PREPARED BY:  
**KDC**  
 ARCHITECTS ENGINEERS, P.C.  
 1000 W. WASHINGTON ST. SUITE 100  
 ANAHEIM, CA 92801  
 PHONE: 714.237.1244  
 FAX: 714.237.1244

LICENSE NUMBER:  
 SHEET TITLE:  
 OVERALL SITE PLAN

SHEET NUMBER:  
**A-1**  
 REVISION:  
**3**  
 209052

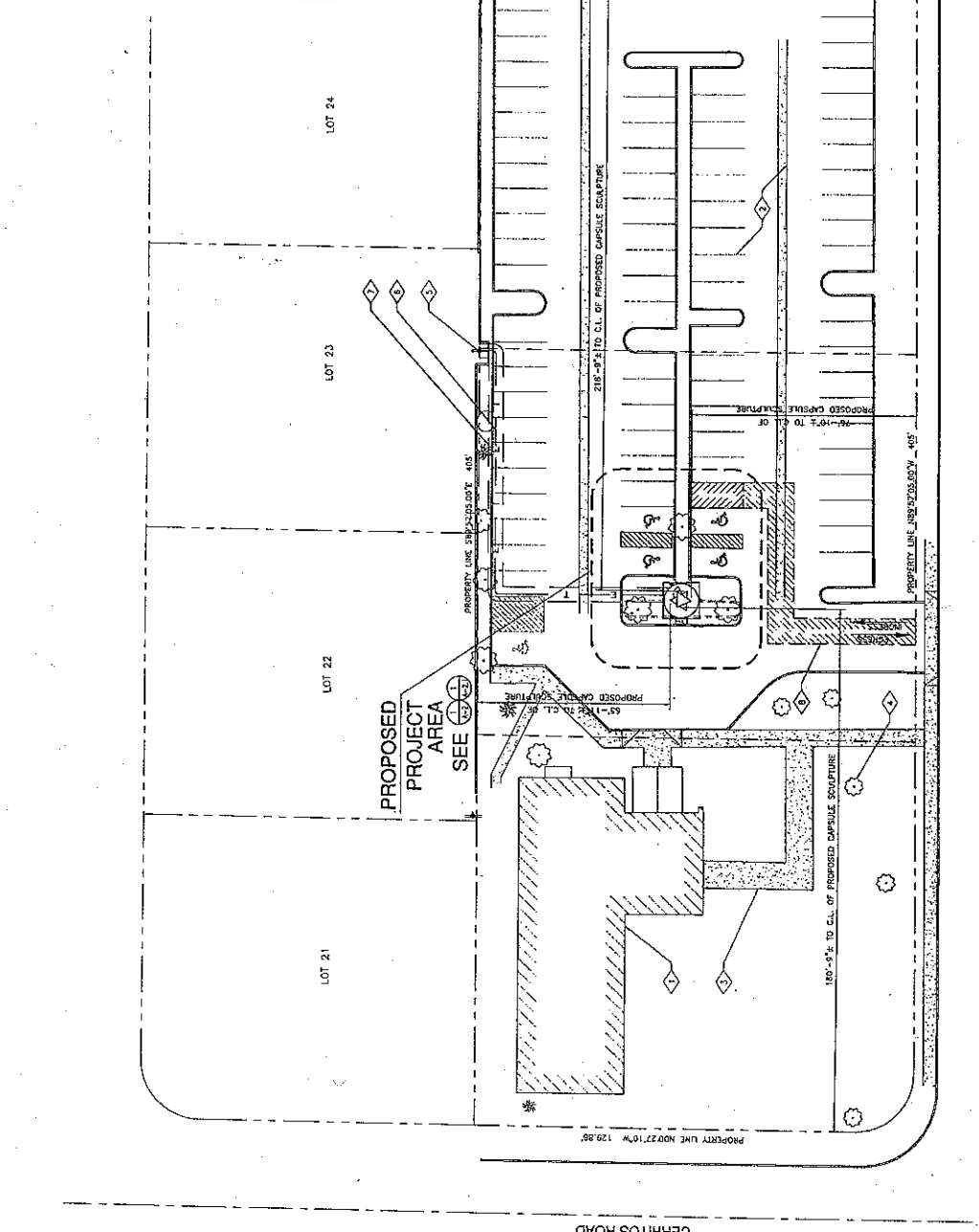
- KEY NOTES**
- ◇ EXISTING BUILDING (TYPICAL)
  - ◇ EXISTING PAVED PARKING LOT (TYPICAL)
  - ◇ EXISTING CONC. SIDEWALK (TYPICAL)
  - ◇ EXISTING LANDSCAPE (TYPICAL)
  - ◇ EXISTING UTILITY POLE #12110
  - ◇ POINT OF T-MOBILE POWER/TELCO CONNECTION (APPROX. 18'-0" x 4')
  - ◇ PROPOSED T-MOBILE (I.E. POWER/TELCO CONNECTION) (APPROX. 18'-0" x 4')
  - ◇ PROPOSED T-MOBILE 5'-0" WIDE UTILITY EASEMENT
  - ◇ PROPOSED T-MOBILE ACCESS ROADS FOR EMERGENCY GENERATOR AND SITE MAINTENANCE TRUCKING

**GENERAL NOTES**

1. DIMENSIONS, UNLESS OTHERWISE NOTED, ARE TO FACE UNLESS INDICATED OTHERWISE.

2. ALL DIMENSIONS ARE TO FACE UNLESS INDICATED OTHERWISE.

3. THE NORTH SIDE OF THE SUBJECT PARCEL CORRELATES TO THE UNDERGROUND TO PROPOSED EQUIPMENT LOCATION. APPROX. TOTAL LENGTH IS 143'-0" x 21'



RACQUET CLUB ROAD

**OVERALL SITE PLAN**

SCALE FOR PLANS: 1" = 30'-0"

SCALE FOR ELEVATIONS: 1" = 4'-0"

0 10' 20' 30' 40'

**T-Mobile**  
Stick Together®  
1327 E. CUSHI ROAD, SUITE 200  
DARTMOUTH, CA 91761

PROJECT INFORMATION:  
#242055  
SPIRITUAL LIVING  
2100 E. RACQUET CLUB ROAD  
PALM SPRINGS, CA 92262  
RIVERSIDE COUNTY

CURRENT ISSUE DATE:  
08/06/20

ISSUED FOR:  
REV. ZONING SUBMITTAL

REV.	DATE	DESCRIPTION	BY
1	08/06/2010	ISS. ZONING REVIEW	JPM
2	08/15/2010	REVISED PER PLAN	MCS
3	08/24/2010	ISS. ZONING REVIEW	MCS
4	08/24/2010	ISS. ZONING REVIEW	MCS
5	08/24/2010	ISS. ZONING REVIEW	MCS

DRAWN BY: CHK  
MCS  
APR  
EJC

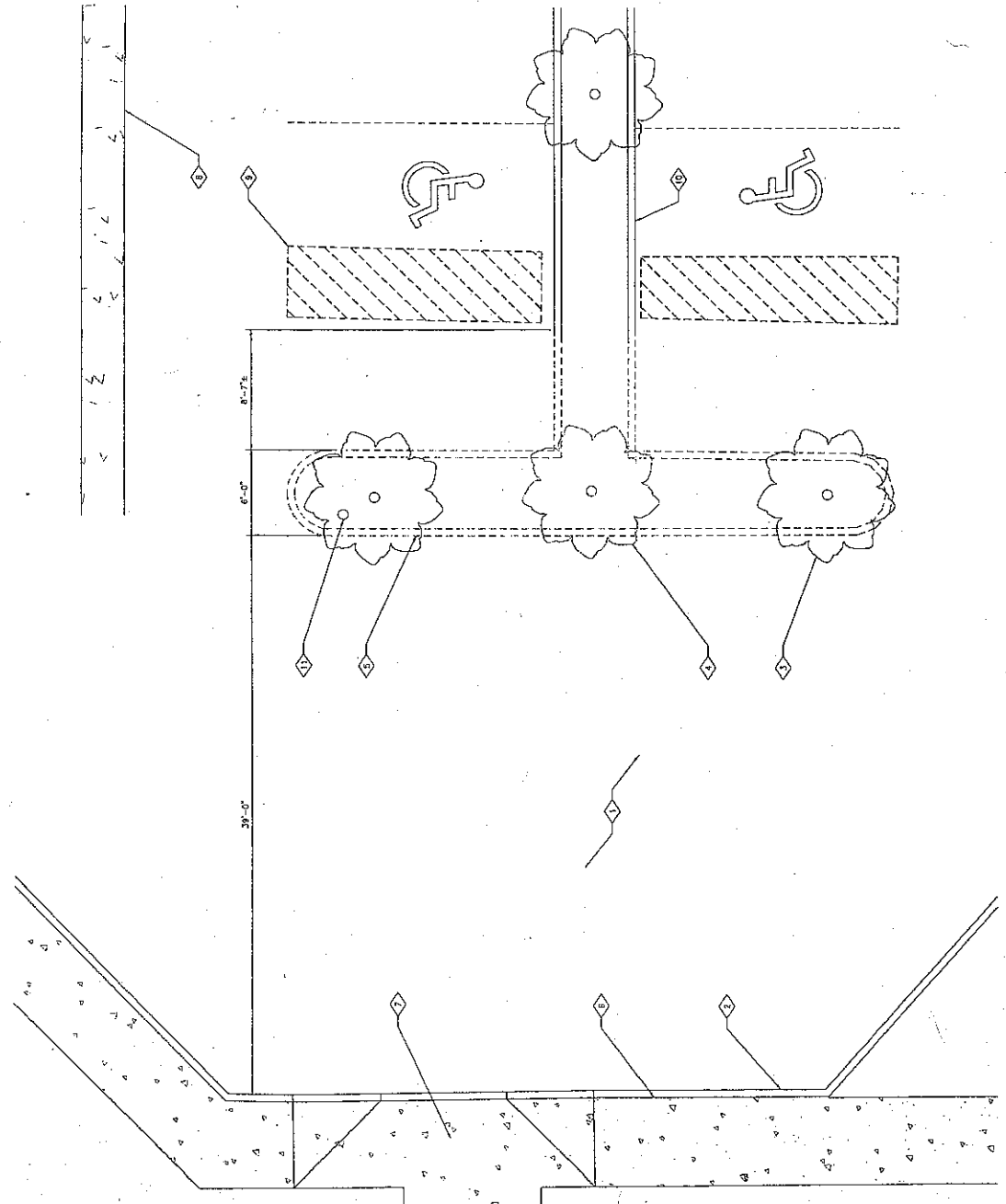
PLANS PREPARED BY:  
**KDC**  
ARCHITECTS ENGINEERS, INC.  
4700 JOHN STREET, SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: 951-772-8877  
FAX: 951-772-2046

ISSUES:

SHEET TITLE:  
EXISTING ENLARGED SITE PLAN

SHEET NUMBER: A-2  
REVISION: 3  
209052

- KEYED NOTES**
- ◇ EXISTING PAVED PARKING LOT (TYPICAL)
  - ◇ EXISTING VERTICAL CONC. CURB (TYPICAL)
  - ◇ EXISTING LANDSCAPING TO REMAIN (TYPICAL)
  - ◇ EXISTING CONC. CURB TO BE REMOVED (1 TOTAL)
  - ◇ EXISTING CONC. CURB TO BE REMOVED
  - ◇ EXISTING CONC. SIDEWALK (TYPICAL)
  - ◇ EXISTING LOT LINE
  - ◇ EXISTING PARKING LOT DRAINAGE CUTTER
  - ◇ EXISTING PARKING STRIPES TO BE RELOCATED AS REQUIRED (TYP)
  - ◇ EXISTING CONC. CURB
  - ◇ EXISTING CURB LIGHT



1 EXISTING ENLARGED SITE PLAN  
SCALE FOR THIS: 1/4" = 1'-0" SCALE FOR OTHER: 1/8" = 1'-0"  
A-2  
NORTH

**T-Mobile**  
Stick Together.  
3327 E. QUINN ROAD, SUITE 200  
ONTARIO, CA 91761

PROJECT INFORMATION:  
IF24205E  
SPIRITUAL LIVING  
2100 E. RACQUET CLUB ROAD  
PALM SPRINGS, CA 92262  
RIVERSIDE COUNTY

CURRENT ISSUE DATE:  
08/06/2010

ISSUED FOR:  
REV. ZONING SUBMITTAL

REV.	DATE	DESCRIPTION	BY
1	06/02/2010	ISSUED FOR PLAN ZONING REVIEW	JPM
2	06/15/2010	ISSUED FOR REVISED ZONING REVIEW	MGS
3	06/04/2010	ISSUED FOR ZONING SUBMITTAL	MGS
4	06/09/2010	ISSUED FOR REVISED ZONING SUBMITTAL	MGS

DRAWN BY: CHK  
MGS  
ARM  
EJC

PLANS PREPARED BY:

**KDC**  
ARCHITECTS ENGINEERS  
4232 SOUTH STREET SUITE 200  
PALM SPRINGS, CA 92262  
PHONE: 951-770-8851  
FAX: 951-771-0646

LICENSE NUMBER:

SHEET TITLE:  
PROPOSED ENLARGED  
SITE PLAN

SHEET NUMBER: **A-2.1**  
REVISION: **3**  
209052

- KEYED NOTES**
- 1 EXISTING PAVED PARKING LOT (TYPICAL)
  - 2 EXISTING VERTICAL CONC. CURB (TYPICAL)
  - 3 EXISTING LANDSCAPING TO REMAIN (TYPICAL)
  - 4 EXISTING PARKING STRIPES
  - 5 EXISTING CURB LIGHT
  - 6 EXISTING CONC. SIDEWALK (TYPICAL)
  - 7 EXISTING LOT LINE
  - 8 EXISTING PARKING LOT DRAINAGE GUTTER
  - 9 PROPOSED T-MOBILE CAPSULE SCULPTURE
  - 10 PROPOSED T-MOBILE PANEL ANTENNAS (6 TOTAL, 2 PER SECTOR)
  - 11 PROPOSED T-MOBILE REPLACEMENT CURB (RELOCATE EXISTING PARKING STRIPES IF REQUIRED)
  - 12 PROPOSED T-MOBILE U.G. POWER/TELEO ROUTE; REFER TO SHEET 1/4-1 FOR CONTINUATION
  - 13 PROPOSED T-MOBILE 5'-0" WIDE UTILITY EASEMENT
  - 14 PROPOSED T-MOBILE 12'-5" x 12'-0" LEASE AREA
  - 15 PROPOSED T-MOBILE CAPSULE SCULPTURE CIRCULAR FOUNDATION
  - 16 PROPOSED T-MOBILE 3'-0" WIDE CAPSULE SCULPTURE ACCESS DOOR (5 TOTAL)
  - 17 PROPOSED T-MOBILE IN-GROUND, UP-FACING LIGHT FIXTURE
  - 18 PROPOSED T-MOBILE 5'-0" WIDE CONC. ACCESS WALKWAY

**GENERAL NOTES**

1. T-MOBILE CAPSULE SCULPTURE IS BEING PROPOSED AT THIS TIME. FUTURE LANDSCAPING IS TO BE DETERMINED BY THE LANDOWNER.

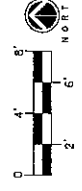
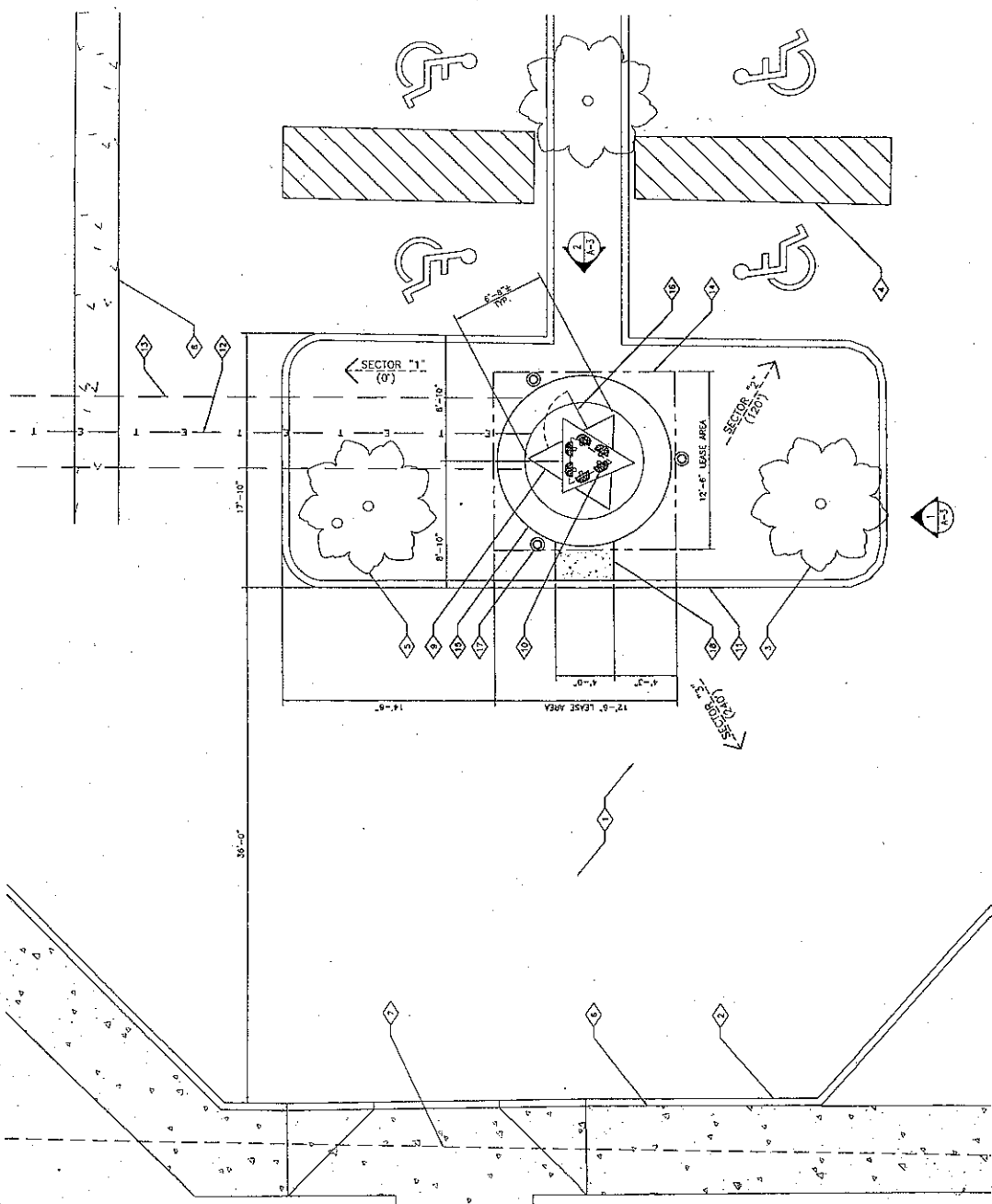
2. T-MOBILE CAPSULE SCULPTURE TO BE NATURAL CONCRETE.

3. T-MOBILE CAPSULE SCULPTURE TO BE FINISHED WITH POLISHED CONCRETE.

4. T-MOBILE CAPSULE SCULPTURE TO BE FINISHED WITH POLISHED CONCRETE.

5. T-MOBILE CAPSULE SCULPTURE TO BE FINISHED WITH POLISHED CONCRETE.

SECTOR	ANTENNA / COAX SCHEDULE	ANTENNA MODEL NUMBER	NUMBER OF ANTENNAS	COAX RUNS	COAX SIZE	LENGTH
1	1	1	1	1	1/2"	75'
2	2	2	2	2	1/2"	75'
3	3	3	3	3	1/2"	75'
4	4	4	4	4	1/2"	75'
5	5	5	5	5	1/2"	75'



PROPOSED ENLARGED SITE PLAN  
SCALE FOR THIS DRAWING: 1/4" = 1'-0" SCALE FOR THIS DRAWING: 1/8" = 1'-0"

PLANS PREPARED FOR:  
**T-Mobile**  
**Stok Together**  
 1557 E. QUARTZ ROAD, SUITE 200  
 BIRMGHAM, CA 91781

PROJECT INFORMATION:  
 IE24205E  
 SPIRITUAL LIVING  
 2100 E. RACQUET CLUB ROAD  
 PALM SPRINGS, CA 92262  
 RIVERSIDE COUNTY

CURRENT ISSUE DATE:  
 08/06/2010

ISSUED FOR: REV. ZONING SUBMITTAL

REV.	DATE	DESCRIPTION	BY
1	08/02/2010	ISSUED FOR SIDE ZONING REVIEW	JPH
2	08/15/2010	ISSUED FOR REVISED SIDE ZONING REVIEW	MCS
3	08/04/2010	ISSUED FOR ZONING SUBMITTAL	MCS
4	08/04/2010	ISSUED FOR REVISED ZONING SUBMITTAL	MCS

DRAWN BY: CHK  
 ADM  
 EIC

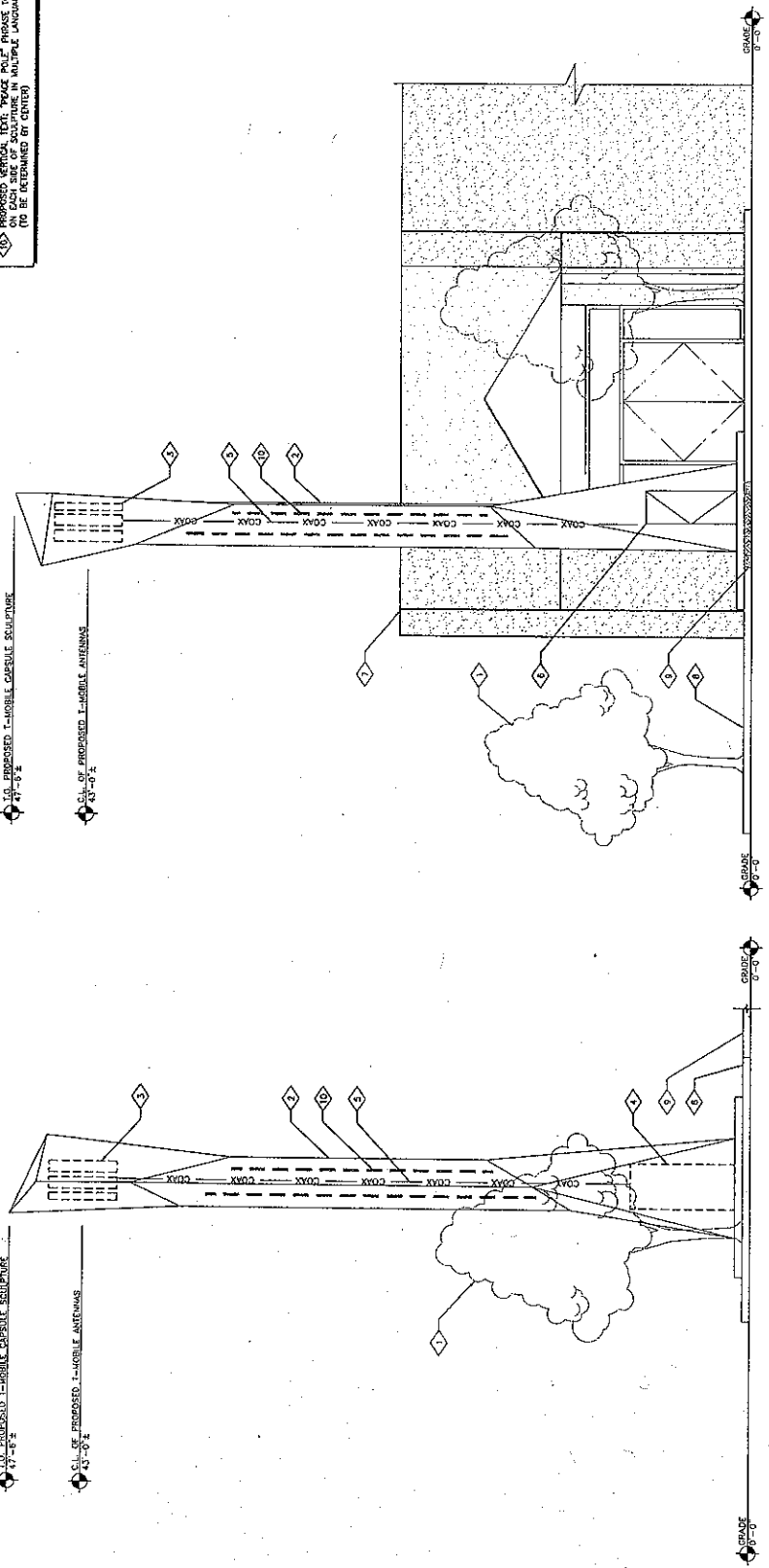
PLANS PREPARED BY:

**KDC**  
 ARCHITECTS ENGINEERS, P.C.  
 1000 W. UNIVERSITY AVENUE, SUITE 200  
 UPLAND, CA 91786  
 PHONE: 951-772-2941  
 LICENSE NO. 405-712-2941

SHEET TITLE:  
 SOUTH & EAST ELEVATION

SHEET NUMBER: **A-3**  
 REVISION: 3  
 209052

- KEYED NOTES**
- 1. EXISTING LANDSCAPE TO REMAIN (TYPICAL)
  - 2. PROPOSED T-MOBILE CAPSULE SCULPTURE
  - 3. PROPOSED T-MOBILE PANEL ANTENNAS (6 TOTAL, 2 PER SECTOR)
  - 4. PROPOSED T-MOBILE EQUIPMENT MOUNTED WITHIN SCULPTURE
  - 5. PROPOSED T-MOBILE COAX ROUTE WITHIN SCULPTURE
  - 6. PROPOSED T-MOBILE 3'-0" WIDE CAPSULE ACCESS DOOR
  - 7. EXISTING CHURCH BUILDING (IN BACKGROUND)
  - 8. PROPOSED T-MOBILE REPLACEMENT CURB
  - 9. EXISTING CONC. CURB
  - 10. PROPOSED T-MOBILE CAPSULE SCULPTURE
  - 11. PROPOSED T-MOBILE ANTENNAS



1 SOUTH ELEVATION  
 SCALE FOR THIS DRAWING: 3/16" = 1'-0"



2 EAST ELEVATION  
 SCALE FOR THIS DRAWING: 3/16" = 1'-0"



# ERICSSON CAPSULE SITE

SUPERIOR SITE DESIGN, FOR FASTER  
MOBILE BROADBAND ROLLOUT

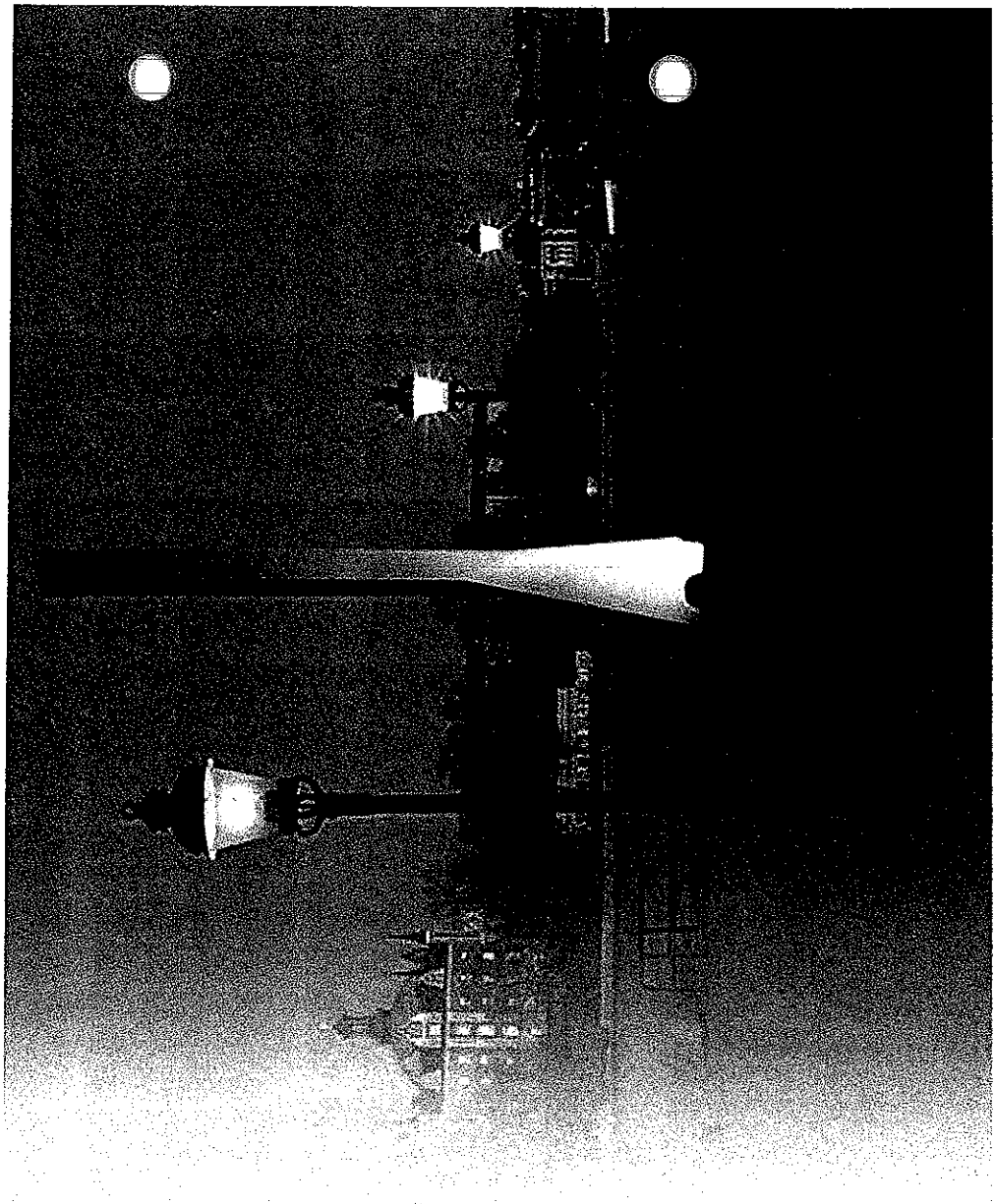


# ERICSSON CAPSULE SITE - WHAT IS IT?

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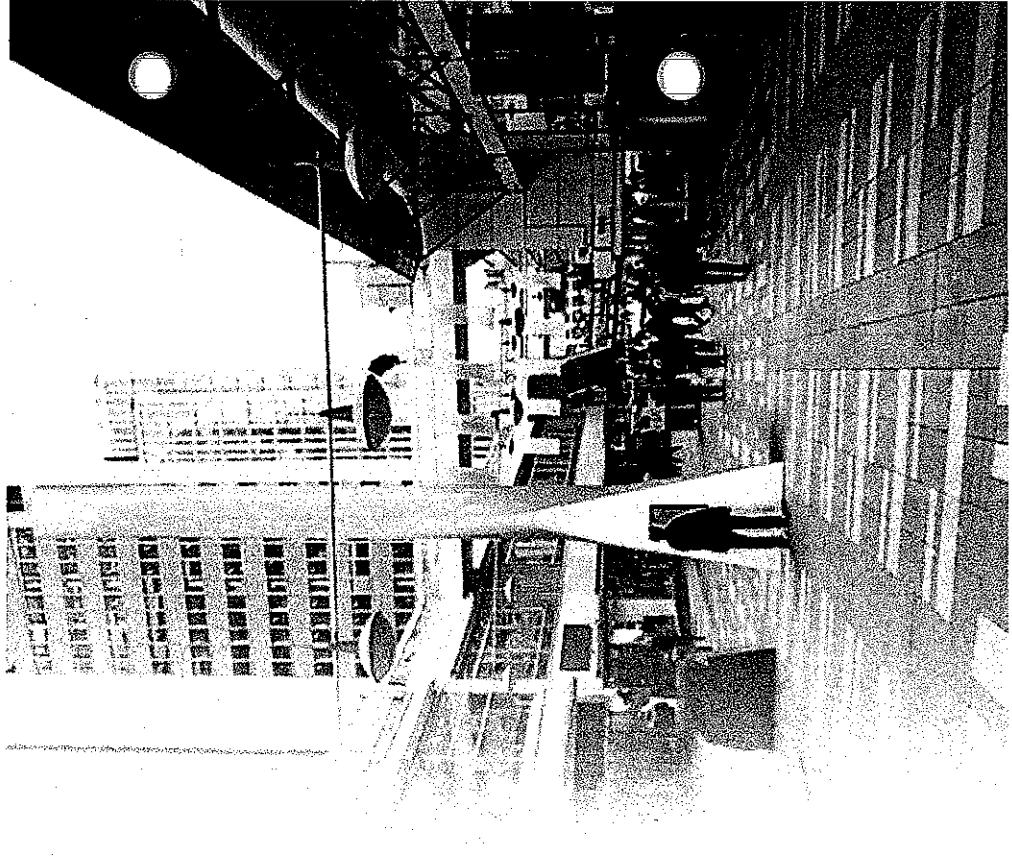
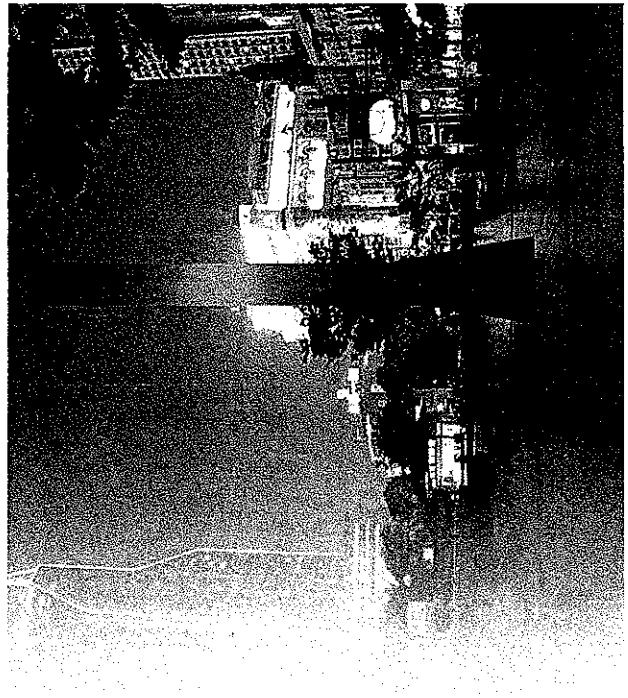
- > A piece of art intended for prime display
- > An all-in-one radio base station site



# THE SUPERIOR DESIGN

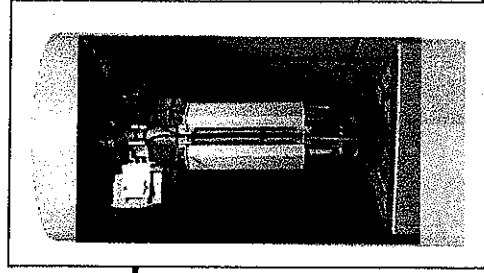
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- > Prime display and branding
- > Customized with colors and lighting

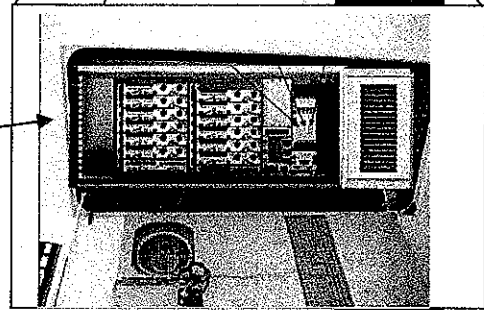


# ALL-IN-ONE

- > Encapsulated and pre-assembled
  - no climbing personell during installation
- > Footprint < 50% of standard site
  - Faster and easier site placement and lower rental costs
- > Up to 50 % faster installation than standard site
- > HEX cooler door: Acoustic Noise 57 – 63 dBA
- > Dimensions: 14m or 20 m tall, 2x2x2m triangle base
- > Wind speed : 45 m/s (max 80 m/s)



RBS6201 w BBU6201



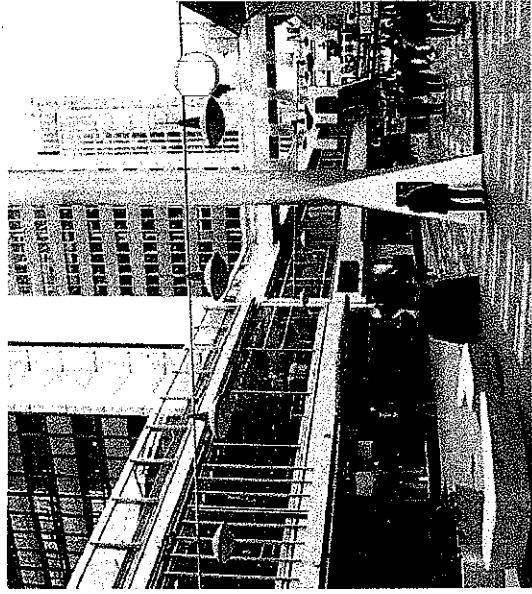
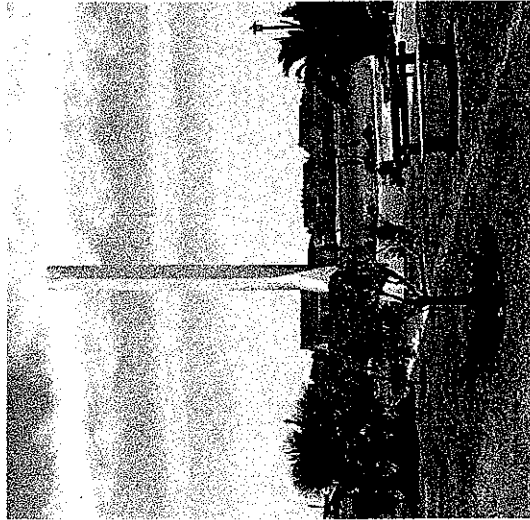
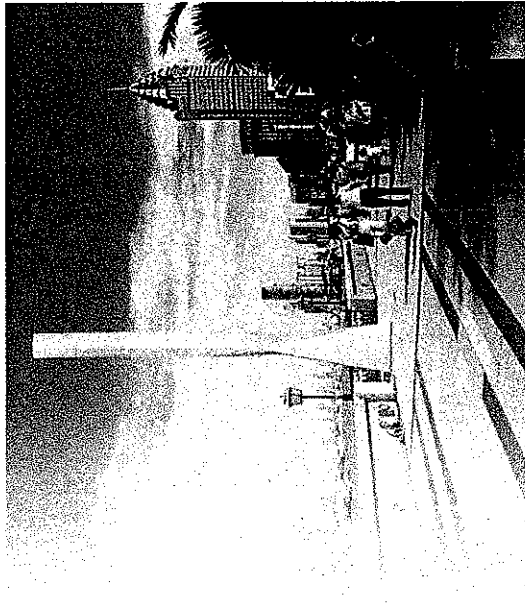
Lower site TCO



# CAPSULE SITE SUMMARY

---

- > Mobile broadband coverage now!
  - Fast complement to inbuilding solutions
- > Branding opportunities with colors and lighting
- > Integrated touchscreen and scrolling advertising panel
  - Info central, wall-newspaper, time-table, promotions...

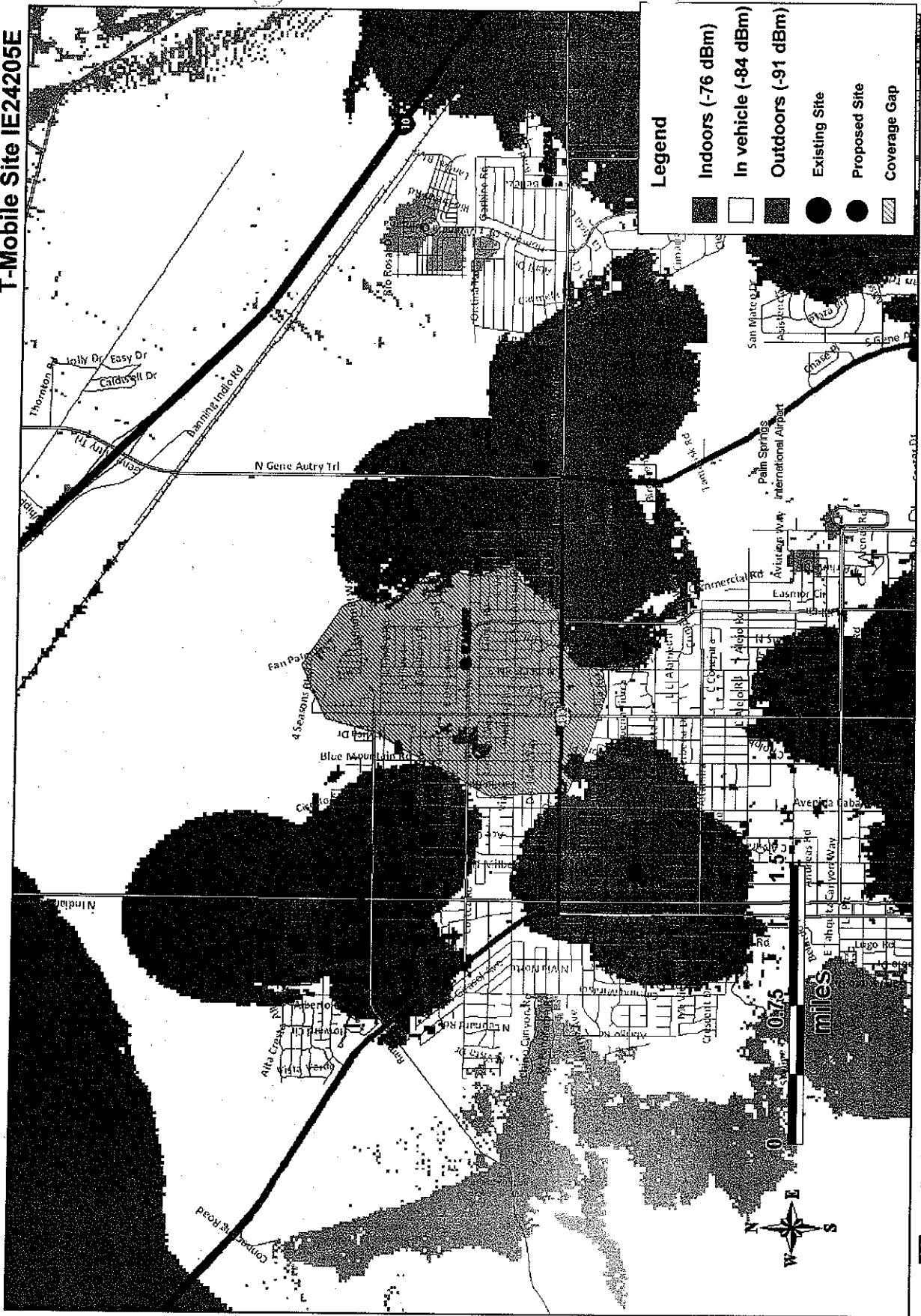


# Zoning RF Map Summary

## IE24205E

# Predicted Coverage w/o the Proposed Site

T-Mobile Site IE24205E

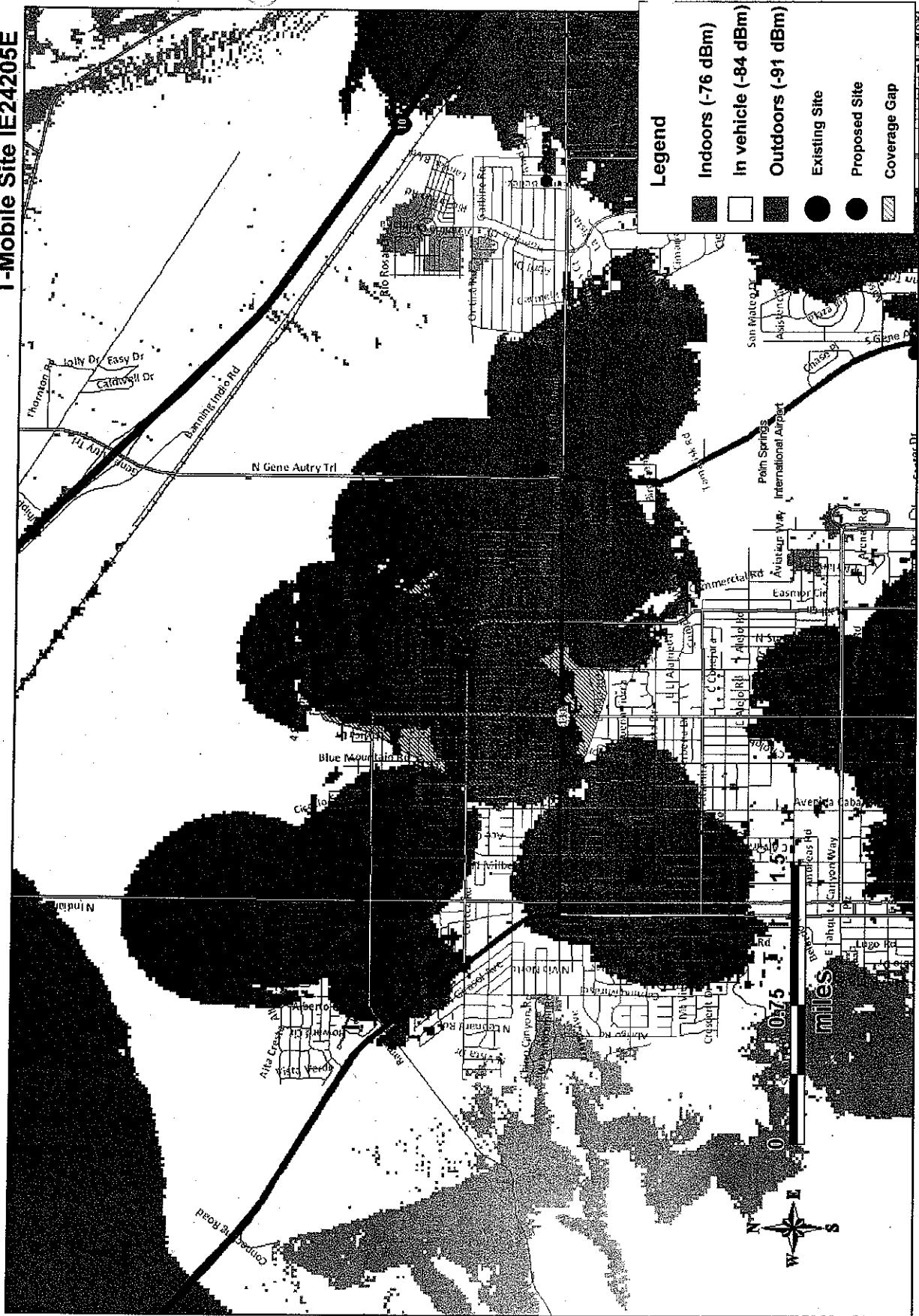


**T-Mobile. stick together.**

Confidential and Discretionary Information of T-Mobile USA

Predicted Coverage with the Proposed Site @ 47' Top of Capsule

T-Mobile Site IE24205E

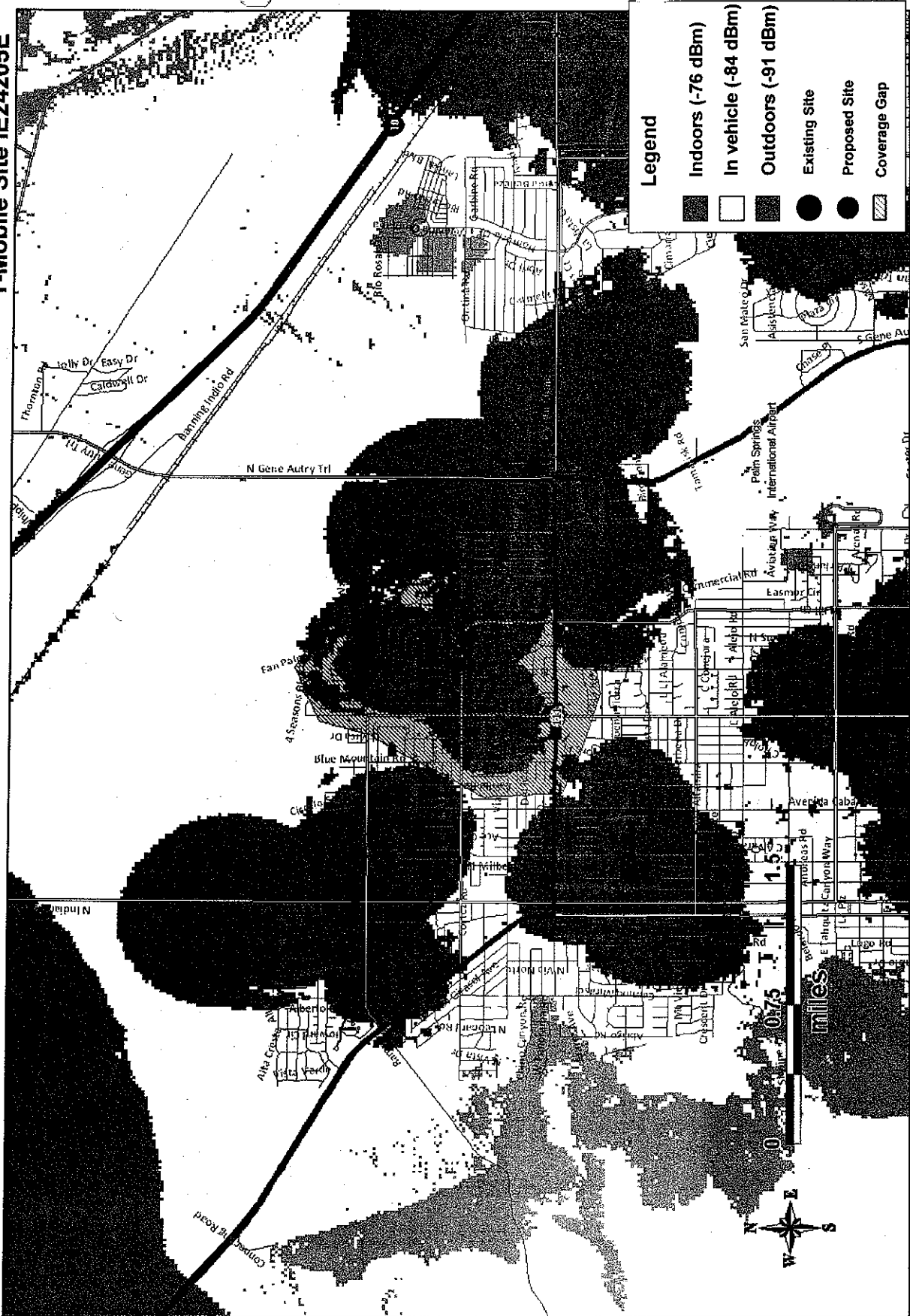


T-Mobile stick together

Confidential and Proprietary Information of T-Mobile USA

Predicted Coverage with the Proposed Site @ 39' Top of Capsule

T-Mobile Site IE24205E

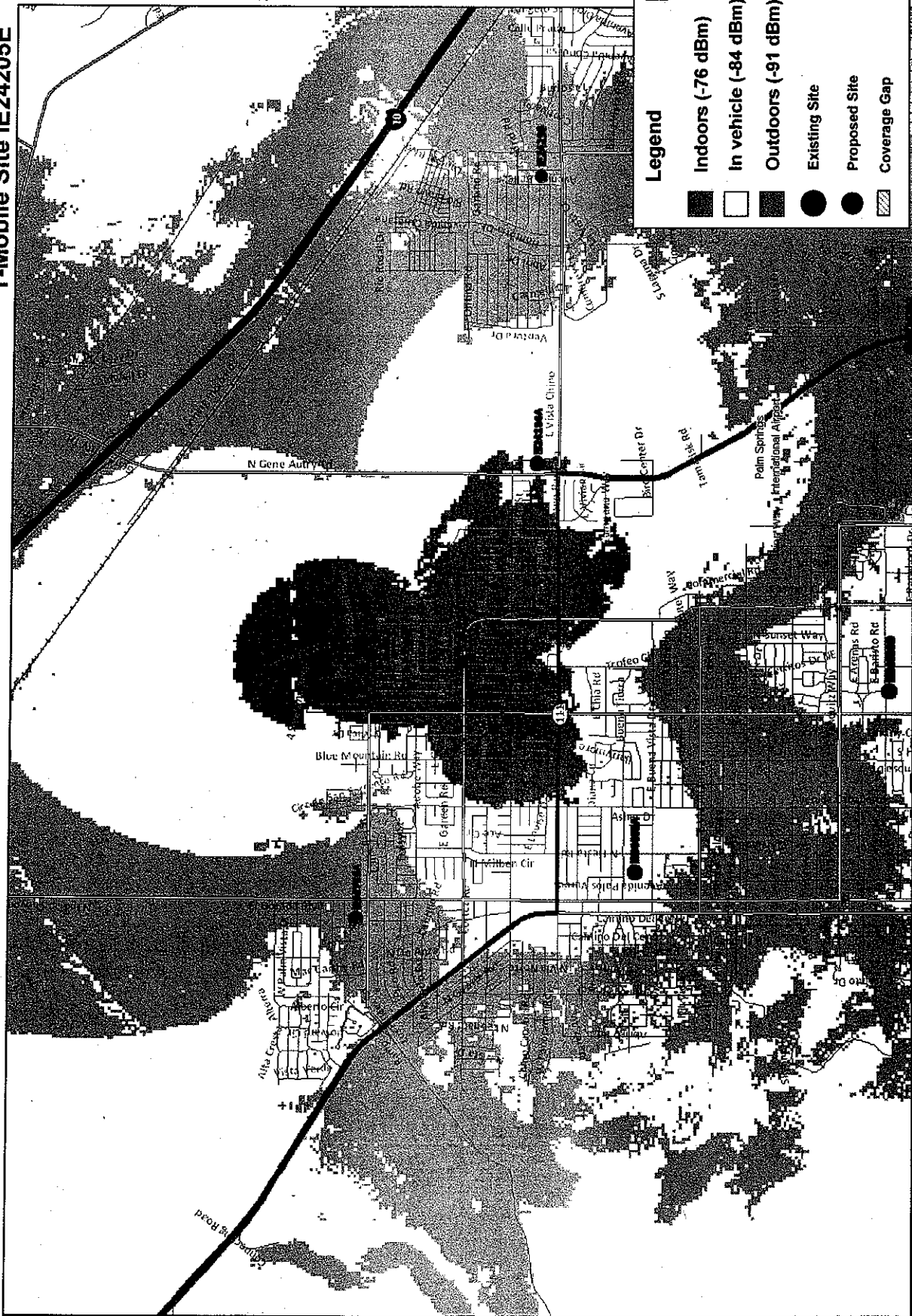


T-Mobile stick together™

Confidential and Proprietary Information of T-Mobile USA

Predicted Coverage with the Proposed Site only

T-Mobile Site IE24205E



T-Mobile stick together

Confidential Land Provision Information of T-Mobile USA

## Coverage Improvement Comparison Table

<b>Overall Coverage Improvement comparison</b>		
<b>Coverage Gap</b>	1.35	sq miles
<b>Coverage Gap Improvement from</b>	<b>Area (sq miles)</b>	<b>% Improvement on the Coverage Gap (Overall)</b>
Primary site @ 17'	1.13	87%
Primary site @ 39'	0.91	67%
	2	

\*Losing approximately 20% of coverage improvement if the height is reduced by 8'

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

APPEAL OF CASE NO. 5.1246 CONDITIONAL USE PERMIT & 6.523 VARIANCE  
T-MOBILE WEST CORPORATION  
2100 EAST RACQUET CLUB 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 Wednesday, December 1, 2010. 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 appeal of the Planning Commission's September 8, 2010, denial of a Conditional Use Permit and Variance application for the construction and operation of a forty-seven and one-half foot tall commercial communication antenna contained within a sculptural monopole. The application included a Variance application to exceed the maximum antenna height permitted from thirty-nine feet to forty-seven and a one-half feet for the property located at 2100 Racquet Club Road, Zoned PD 160.

**ENVIRONMENTAL DETERMINATION:** This project is categorically exempt from environmental review pursuant to Section 15332 (Class 32 – In-Fill Development Projects) 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. to 11:00 a.m. and 2:00 p.m. to 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.

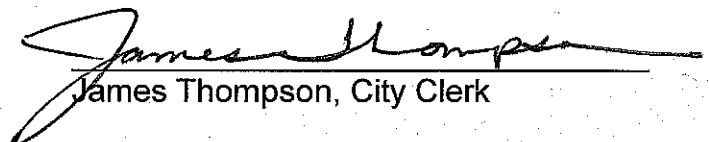
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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]).

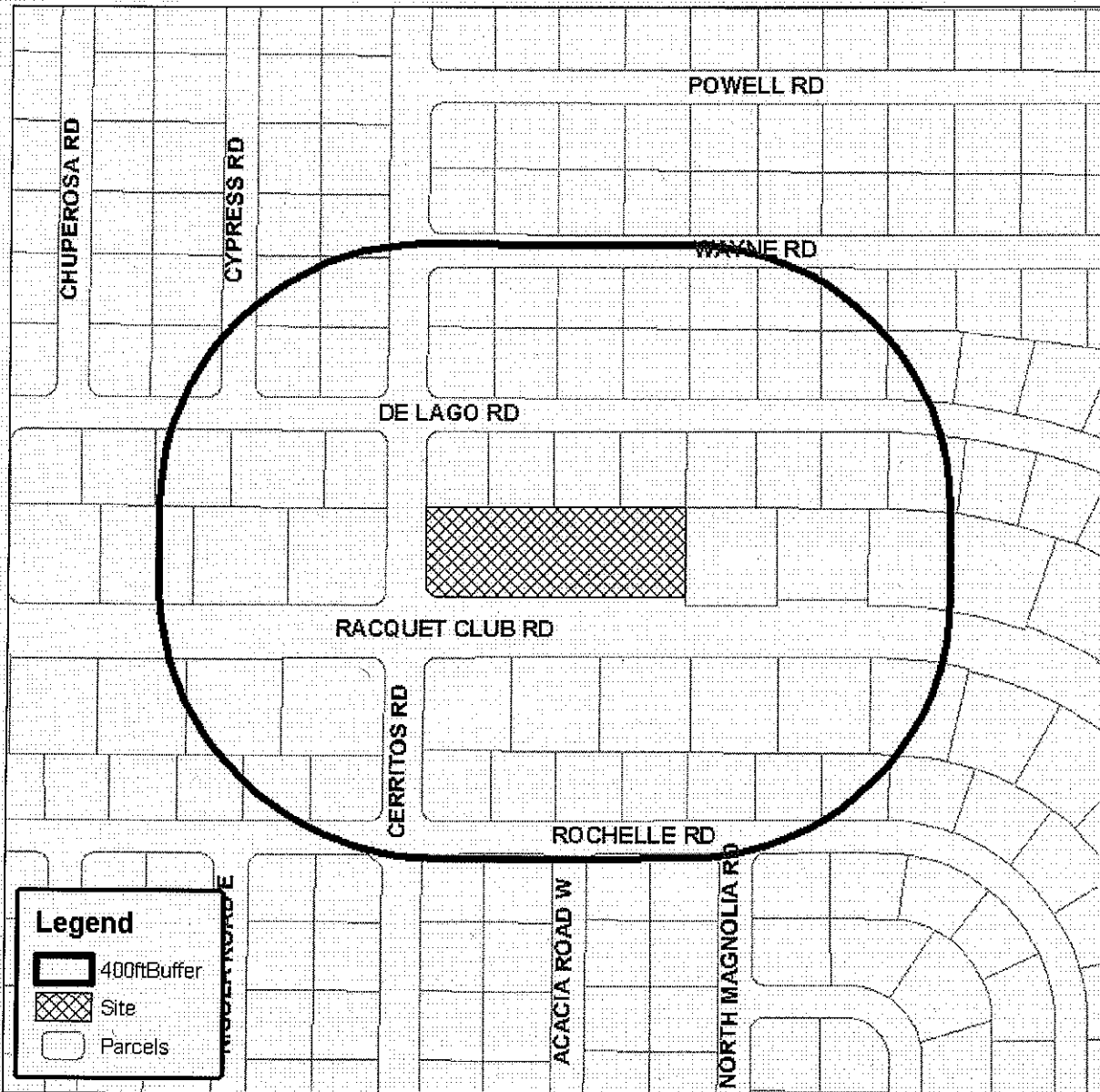
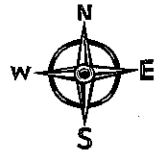
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Planning Services Department at (760) 323-8245.

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

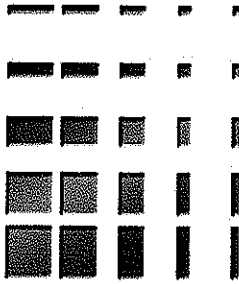


## CITY OF PALM SPRINGS

**CASE:** 5.1246 CUP & 6.523 VAR

**APPLICANT:** T-Mobile West Corp.

**DESCRIPTION:** To consider an appeal of the Planning Commission's September 8, 2010, denial of a Conditional Use Permit and Variance application for the construction and operation of a forty-seven and one-half foot tall commercial communication antenna contained within a sculptural monopole located at 2100 East Racquet Club Road, Zone PD 160, Section 1.



September 29, 2010

RECEIVED  
CITY OF PALM SPRINGS  
2010 SEP 30 AM 10:42  
JAMES THOMPSON  
CITY CLERK

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

**KDC**

**ARCHITECTS. ENGINEERS, P.C.**

**Seattle Office**

4720 200<sup>th</sup> St. SW,  
Suite 200  
Lynnwood, WA  
98036  
425-670-8651  
Fax 425-712-0846

**Denver**

**Corporate/Main Office**

7442 S. Tucson Way,  
Suite 180,  
Englewood, Colorado  
80112  
303-750-6999  
Fax 303-750-0236

**Corona Office**

411 Jenks Circle  
Suite 101  
Corona, CA 92880  
951-273-9237  
Fax 951-273-1816

**Santa Rosa Office**

1220 N Dutton Ave  
Suite 107  
Santa Rosa, CA 95401  
707-541-2344  
Fax 707-541-2301

**KDC Asia Ltd.**

472 Expand Building Level 5  
Rajchadapisek Road, Samsen  
Noak,  
Huaykwang,  
Bangkok 10320  
+66 (0) 2938 9083  
Fax +66 (0) 2938 9087

**RE: Request for Appeal of Planning Commission  
Action (Case No. 5.1246 CUP and 6.523 VAR) –  
Proposed T-Mobile Commercial Communication  
Antenna Structure, 2100 E. Racquet Club Road**

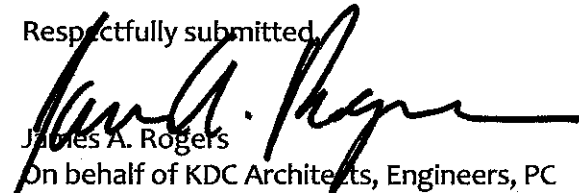
Dear Mr. Thompson:


KDC Architects, Engineers, P.C., on behalf of T-Mobile West Corporation, respectfully requests an appeal to the City Council of the City of Palm Springs of Planning Commission actions on September 8, 2010 pertaining to Case No. 5.1246 CUP and 6.523 VAR. This appeal is submitted in accordance with Section 2.05.040 of the Palm Springs Municipal Code for the City Council's review, consideration and action. As required, please find a check attached to cover the cost of the appeal filing fees.

At this public hearing, the Planning Commission did not make the required findings and denied the application for the proposed project. We hereby request an appeal of this action, and for the City Council to overturn the Planning Commission's denial and to approve the requested Conditional Use Permit and Variance.

Thank you for your time and consideration in the processing of this appeal request. Please contact me at 949-295-9031 to discuss and coordinate the scheduling of this appeal before the City Council.

Respectfully submitted,

  
James A. Rogers  
On behalf of KDC Architects, Engineers, PC  
Authorized Agent for T-Mobile

T-Mobile would prefer City Council schedule  
hearing for November 3<sup>RD</sup> or 17<sup>TH</sup>, T-Mobile 55  
wishes to hold a neighborhood meeting in 9/30/10  
late October. THANK YOU, 

CITY OF PALM SPRINGS

RECVD BY: CR 01000037741  
PAYOR: KDC ARCHITECTS ENG  
TODAY'S DATE: 09/30/10  
REGISTER DATE: 09/30/10 TIME: 10:54

DESCRIPTION	AMOUNT
OTHER CHARGES SVCS	\$546.00
CUST ID: APPEAL FILE	
TOTAL DUE:	\$546.00

CHECK PAID: \$546.00  
CHECK NO: 5955  
TENDERED: \$546.00  
CHANGE: \$0.00

**Kathie Hart**

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**From:** David Newell  
**Sent:** October 11, 2010 8:16 AM  
**To:** Jay Thompson; Kathie Hart  
**Subject:** FW: T-Mobile Site at 2100 E. Racquet Club Road, Palm Springs - Planning Case 5.1246 CUP & 6.523 VAR

Jay / Kathie,

T-Mobile has waived the 45-day appeal review requirement. Please see the email below.

**David A. Newell**

Associate Planner  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
P.O. Box 2743  
Palm Springs, CA 92263-2743  
Office: (760) 323-8245 Fax: (760) 322-8360

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**From:** Paul, Linda (Ontario CA) [mailto:Linda.Paul6@T-Mobile.com]  
**Sent:** Friday, October 08, 2010 10:12 AM  
**To:** David Newell; Jim Rogers  
**Subject:** RE: T-Mobile Site at 2100 E. Racquet Club Road, Palm Springs - Planning Case 5.1246 CUP & 6.523 VAR

Hi David,

T-Mobile is willing to waive the 45-day requirement. Please schedule us for the council hearing on November 17 if possible. If you need a more formal letter from me, let me know.  
Best regards,  
Linda Paul

**Linda Paul**

*Zoning and Government Relations Manager*  
**T-Mobile West Corporation**  
Inland Empire  
3257 E. Guasti Rd., Suite 200  
Ontario, CA 91761  
Office 909-975-3698  
Mobile 909-292-5095  
Fax 909-975-3637  
[linda.paul6@t-mobile.com](mailto:linda.paul6@t-mobile.com)

The information provided in this email is proprietary and confidential.

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**From:** David Newell [mailto:David.Newell@palmsprings-ca.gov]  
**Sent:** Thursday, October 07, 2010 6:08 PM  
**To:** Jim Rogers  
**Cc:** Paul, Linda (Ontario CA)  
**Subject:** T-Mobile Site at 2100 E. Racquet Club Road, Palm Springs - Planning Case 5.1246 CUP & 6.523 VAR

James,

The City received your appeal and we are required to schedule your appeal for Council review within 45 days of the appeal date. Unless you waive 45-day requirement, the appeal would be scheduled for November 3, 2010. The next possible Council meeting date is November 17, 2010. Would you like the project to be reviewed on November 3, or would you like the 45-day requirement waived at this time so that the project can be reviewed by the Council on November 17, 2010? Please advise.

Thank you,

**David A. Newell**

Associate Planner

City of Palm Springs

3200 E. Tahquitz Canyon Way

P.O. Box 2743

Palm Springs, CA 92263-2743

Office: (760) 323-8245 Fax: (760) 322-8360



# City of Palm Springs

## Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

September 16, 2010

Ms. Linda Paul  
Zoning & Governmental Manager  
T-Mobile West Corporation  
3257 East Guasti Road, Suite 200  
Ontario, California 91761

RE: Case No. 5.1246 CUP & 6.523 VAR – Commercial Communication Antenna Structure at  
2100 East Racquet Club Road

Ms. Paul,

On September 8, 2010 the Planning Commission held a public hearing for Case Nos. 5.1246 CUP & 6.523 VAR. The Planning Commission evaluated all the evidence presented including but not limited to the staff report, and all written and oral testimony provided. The Planning Commission was unable to make the required findings for the project and **DENIED** the applications. The Planning Commission's minutes will be forthcoming once adopted by the Commission.

In accordance with section 2.05.040 of the Palm Springs Municipal Code, you may appeal the decision of the Planning Commission to the City Council within fifteen days of the date of Commission's action. The appeal request must be in writing and presented to the City Clerk with a fee of \$546.00 by 6:00 PM Monday, October 4, 2010. If you have any questions about this letter, please contact me at (760) 323-8245.

Sincerely,

David A. Newell  
Associate Planner

cc: Mr. James Rogers  
Case File  
City Clerk

**2.05.040 Time of filing.**

The notice required by Section 2.05.030 shall be filed no later than ten days following the date of mailing to appellant of notice of the action from which the appeal is taken or, if there is no such mailing and/or none is required, no later than fifteen days following the date of the action which is the subject of the appeal. The city clerk shall furnish a copy of the appeal to the respondent within five days after filing. (Ord. 1226 § 1 (part), 1984)

**2.05.050 Time of hearing—Notice.**

(a) The city clerk, upon receipt of the notice of appeal, shall set a time and place for the hearing of such appeal by the council. The appeal shall be heard no more than forty-five days following the filing of the notice of appeal unless the parties waive such time limits.

(b) Notice of the time and place of the hearing shall be mailed or otherwise delivered by the city clerk to the appellant, respondent and all other persons, if any, to whom notice of the initial application or action was required, not less than ten days prior to hearing. If publication of the initial application or action being appealed was required, the notice of appeal shall be published in like manner. (Ord. 1233 § 1, 1985; Ord. 1226 § 1 (part), 1984)

**Kathie Hart**

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**From:** David Newell  
**Sent:** November 02, 2010 5:58 PM  
**To:** Jay Thompson; Kathie Hart  
**Cc:** Craig Ewing; Edward Robertson  
**Subject:** FW: IE24205E Center for Spiritual Living - Request for Extended CC Hearing Date

Jay & Kathie,

The applicant / appellant for the T-Mobile wireless facility (Planning Case 5.1246 CUP & 6.523 VAR) has requested that their project be rescheduled for review at a later date. Please see their email below, and let me know the next possible date.

Thanks,  
David

---

**From:** Paul, Linda (Ontario CA) [mailto:Linda.Paul6@T-Mobile.com]  
**Sent:** Tuesday, November 02, 2010 4:56 PM  
**To:** David Newell  
**Cc:** Richard Laird; Les Cooley; Gonzales, Jarryd; Jim Rogers  
**Subject:** RE: IE24205E Center for Spiritual Living - Request for Extended CC Hearing Date

Hi David,

Please reschedule our City Council appeal hearing for December 1 if possible. If the agenda for that day is full, then the 15th will be OK.

Thanks for your help,  
Linda

**Linda Paul**  
*Zoning and Government Relations Manager*  
T-Mobile West Corporation  
Inland Empire  
3257 E. Guasti Rd., Suite 200  
Ontario, CA 91761  
Office 909-975-3698  
Mobile 909-292-5095  
Fax 909-975-3637  
[linda.paul6@t-mobile.com](mailto:linda.paul6@t-mobile.com)

The information provided in this email is proprietary and confidential.

---

**From:** Jim Rogers [mailto:jim.rogers@jamesrogersconsulting.com]  
**Sent:** Tuesday, November 02, 2010 4:52 PM  
**To:** Paul, Linda (Ontario CA)  
**Cc:** Richard Laird; Les Cooley; Gonzales, Jarryd  
**Subject:** IE24205E Center for Spiritual Living - Request for Extended CC Hearing Date

Linda,

Per our earlier discussion today, I spoke with David Newell, Palm Springs Planning Dept. about extending the City Council hearing date beyond the planned November 17th.

David is okay with extending the City Council hearing to a later date. The two dates available in December are the 1st and 15th. He requested that you (since you okayed the original 45 day waiver) send him an email today or tomorrow formally asking for the hearing to be re-scheduled for which ever date you prefer, 12/1 or 12/15.

Regards,

Jim Rogers

JAMES ROGERS CONSULTING  
31097 Via Sonora  
San Juan Capistrano, CA 92675  
Office : 949.388.3973  
Mobile : 949.295.9031  
Fax : 949.388.3973  
E-mail : [Jim.Rogers@jamesrogersconsulting.com](mailto:Jim.Rogers@jamesrogersconsulting.com)  
[www.jamesrogersconsulting.com](http://www.jamesrogersconsulting.com)



# City of Palm Springs

## Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

September 16, 2010

Ms. Linda Paul  
Zoning & Governmental Manager  
T-Mobile West Corporation  
3257 East Guasti Road, Suite 200  
Ontario, California 91761

RE: Case No. 5.1246 CUP & 6.523 VAR – Commercial Communication Antenna Structure at  
2100 East Racquet Club Road

Ms. Paul,

On September 8, 2010 the Planning Commission held a public hearing for Case Nos. 5.1246 CUP & 6.523 VAR. The Planning Commission evaluated all the evidence presented including but not limited to the staff report, and all written and oral testimony provided. The Planning Commission was unable to make the required findings for the project and **DENIED** the applications. The Planning Commission's minutes will be forthcoming once adopted by the Commission.

In accordance with section 2.05.040 of the Palm Springs Municipal Code, you may appeal the decision of the Planning Commission to the City Council within fifteen days of the date of Commission's action. The appeal request must be in writing and presented to the City Clerk with a fee of \$546.00 by 6:00 PM Monday, October 4, 2010. If you have any questions about this letter, please contact me at (760) 323-8245.

Sincerely,

David A. Newell  
Associate Planner

cc: Mr. James Rogers  
Case File  
City Clerk

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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City Council  
Meeting Date: December 1, 2010  
Subject: T-Mobile Appeal - 2100 East Racquet Club Road

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**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 November 20, 2010.

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

Kathie Hart  
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 November 18, 2010.

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

Kathie Hart  
Kathie Hart, CMC  
Chief Deputy City Clerk

**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 November 18, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (86 notices)

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

Kathie Hart  
Kathie Hart, CMC  
Chief Deputy City Clerk

Date: November 22, 2010

To: Palm Springs City Council

From: Victoria Starke                      Michael Tucci  
2140 E. Rochelle Rd.                      2213 E. Del Lago Rd.  
Palm Springs, CA 92262                      Palm Springs, CA 92262

Re: Case No. 5.1246 Conditional Use Permit / 6.523 Variance  
T-Mobile West Corporation  
2100 East Racquet Club Road

On behalf of the 99<sup>1</sup> signatories of the attached petition<sup>2</sup>, this document serves as our formal opposition to:

- 1) T-Mobile's request for a 22% (8.5') height variance for their proposed installation of a 47.5' tall commercial communication antenna contained within a sculptural monopole at 2100 East Racquet Club Road.
- 2) The installation of a 39' tall commercial communication antenna contained within a sculptural monopole at 2100 East Racquet Club Road.

In obtaining the attached petitioner signatures, primary focus was given to the residences within the 500' buffer area identified by the Palm Springs Department of Planning Services. The results are:

- 85 Total residences within 500' buffer area
- 17 No one home (after repeated visits)
- 4 Residences opposed to cell phone tower, but reluctant to sign petition
- 6 Residences that didn't want to get involved
- 1 Residence that wanted to do their own research
  
- 57 Total responding residences within 500' buffer

**96%** (55 out of 57 responding residences) expressed their opposition to the cell phone tower by signing the attached petition. This represents 71 of the 99 signatory petitioners.

**4%** (2 out of 57 responding residences) expressed their support for the cell phone tower

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<sup>1</sup> 2 duplicate signatures have been excluded from the total count of 101. Actual number of unique signatories is 99.

<sup>2</sup> The original of the first 22 signatures was previously submitted to the Palm Springs Planning Commission on September 8, 2010.

---

We reserve the right in court to address any other issue or concern regarding this proposed project that is identified via legal, technical, industry or other relevant expert/expertise not previously identified.

The most cited reasons for the petitioner's opposition are:

1. A residential area is an inappropriate location for a commercial cell phone tower. This comment/concern was echoed by the City of Palm Springs Planning Commission's unanimous 6-0 vote denying T-Mobile's request. The Planning Commission noted this would be the closest co-located cell phone tower to a residential area in the City of Palm Springs (literally within 75' of several adjacent residences).
2. Reduced property value and marketability.
3. An eyesore. Residents within viewing range of the tower (from all directions and from both sides of Racquet Club Drive don't want to be forever stuck with the sight of this tower from their respective front yards, back yards, and/or side yards (regardless of the cell phone tower's architectural design).
4. Night time light "pollution" from the 4 upward flood lights and the probable accompanying 2.5' aviation light at the top of the cell phone tower. Given Palm Springs' continued dedication and promotion of night time sky and star visibility, and it's aversion to night time lighting pollution, this truly seems ironic.
5. Loss of unobstructed natural views.
6. Electronic interference (e.g. wireless networks, cell phone reception from non-T-Mobile service providers, remote control devices, air wave radio/TV reception, etc. )
7. Increased susceptibility of lightning strikes in the adjoining (within 75') residential area.
8. Aviation safety (as residents of this specific area, we have first-hand experience that aborted take-offs and emergency landings occasionally cause planes to fly significantly lower than usual, and, directly over the proposed location of the 47.5' cell phone tower).
9. Health concerns.

In addition to the above, 28 other people (mostly from nearby and/or adjacent residences outside the 500' buffer) also expressed their opposition to the cell phone tower by signing the attached petition.

Several residents within the affected area have placed "NO CELL TOWER" signs on their property (see attached) to express their opposition to T-Mobile's request. And, two petitioners have included a "before" and "after" view from their back yard (without and with the cell phone tower) to demonstrate the adverse effect the cell phone tower will have on their backyard view.

Federal law allows local governments to disapprove a proposed cell phone tower location if the placement adversely impacts the property value of nearby residences, or, if it adversely affects the esthetics of the surrounding area.

Therefore, for all the reasons cited above, the 99 signatories of the attached petition respectfully request and urge the Palm Springs City Council to affirm the Palm Springs Planning Commission's unanimous 6-0 decision to deny T-Mobile's request to install a cell phone tower at this location.

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We reserve the right in court to address any other issue or concern regarding this proposed project that is identified via legal, technical, industry or other relevant expert/expertise not previously identified.

11/22/10

■ = NO CELL TOWER (signed PETITION)

A = SUPPORTS CELL TOWER

B = WILL DO THEIR OWN RESEARCH

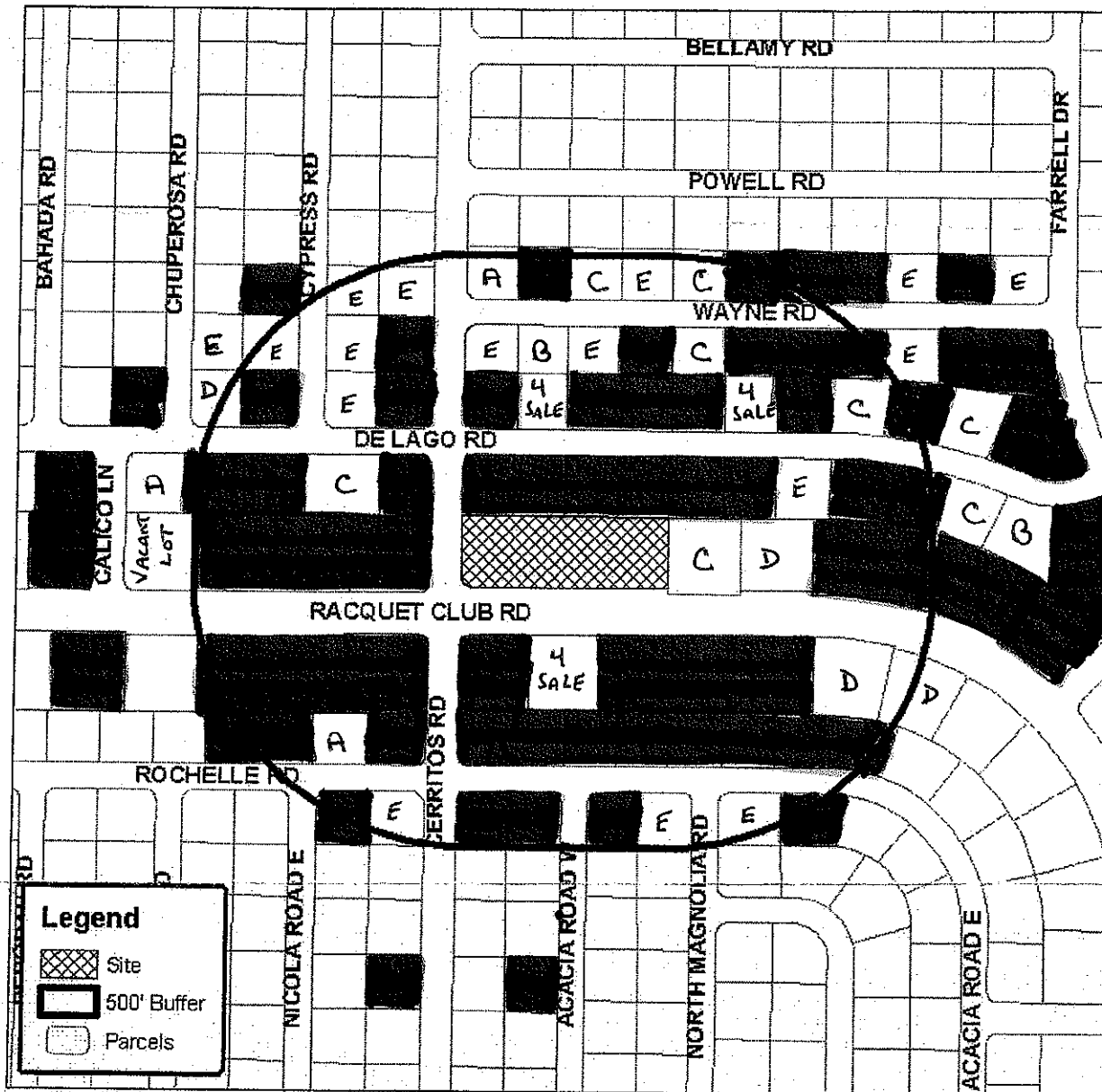
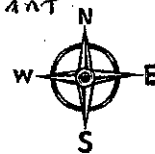
C = DON'T WANT TO GET INVOLVED

D = OPPOSED TO CELL TOWER, BUT RELUCTANT TO SIGN PETITION

E = NO ONE HOME (AFTER REPEATED VISITS)



# Department of Planning Services Vicinity Map

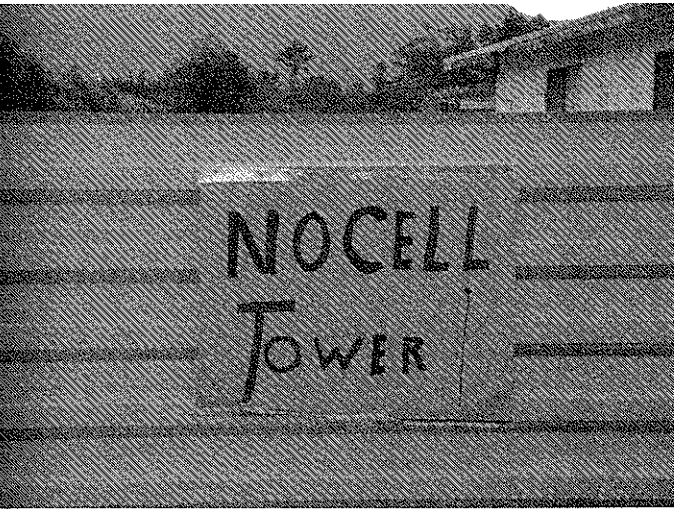


## CITY OF PALM SPRINGS

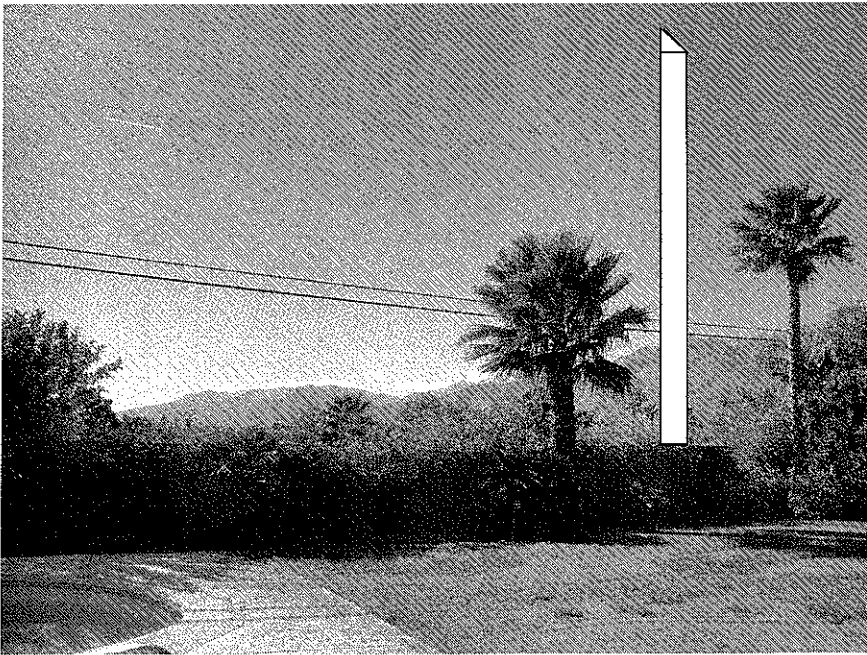
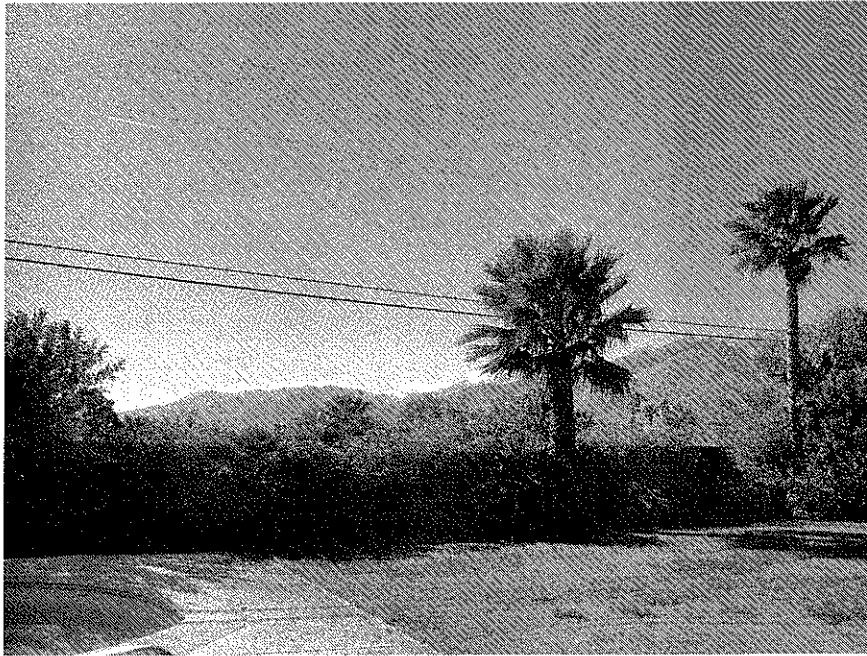
**CASE:** 5.1246 CUP & 6.523 VAR

**APPLICANT:** T-Mobile West Corp.

**DESCRIPTION:** A request by T-Mobile West Corporation for a Conditional Use Permit and Variance application to construct a forty-seven and one-half foot high monopole at the property located at 2100 East Racquet Club Road, Zone PD 160, Section 1.



We reserve the right in court to address any other issue or concern regarding this proposed project that is identified via legal, technical, industry or other relevant expert/expertise not previously identified.



---

We reserve the right in court to address any other issue or concern regarding this proposed project that is identified via legal, technical, industry or other relevant expert/expertise not previously identified.

**Petition on file in**  
**THE OFFICE OF THE CITY CLERK**