

MONTEREY COUNTY PLANNING COMMISSION

Meeting: October 25, 2006	A.M./P.M.	Agenda Item No.:
Project Description: Use Permit to install a wireless communication facility consisting of three pairs of antennae installed within two false chimneys mounted on the roof of an existing hotel, and ground equipment in an existing enclosure, on a 3.25 acre parcel. The project is located at 17225 El Rancho Way, Salinas (Assessor's Parcel Number 261-146-015-000), Greater Salinas Area Plan and Boronda Neighborhood Improvement Plan.		
Project Location: 17225 El Rancho Way, Salinas		APN: 261-146-015-000
Planning File Number: PLN050582		Name: W2005/Fargo Hotels (POOL C) Realty, L.P., Property Owner Cingular Wireless, Agent
Plan Area: Greater Salinas Area Plan, Boronda Improvement Plan		Flagged and staked: No
Zoning Designation: : "LC-UR" [Light Commercial, Urban Reserve Overlay]		
CEQA Action: Categorically Exempt per Section 15301		
Department: RMA - Planning		

RECOMMENDATION:

Staff recommends that the Planning Commission approve the Use Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW:

The site is a 3.25 acre parcel with an existing hotel in a Light Commercial zoning district in the Boronda community adjacent to the City of Salinas. The hotel property is northwest of the West Laurel Drive and North Davis road intersection and north of Calle del Adobe. The applicant proposes to install a new wireless communication facility consisting of three pairs of panel antennae within two proposed false chimneys mounted on the roof of an existing hotel.

The hotel has several false chimney features that were designed to give a residential appearance. The proposed chimneys will match the existing stucco chimneys, however they will actually be made of fiberglass. This is an innovative custom-design proposed by the carrier to minimize the visual impact of the project. The dimensions of the proposed easternmost chimney will be larger than the existing chimneys, five feet wide by eight feet height, which is required for reception. The height of the existing hotel is 46'7" feet and with the additional false chimneys the height will increase to 54'7". However, chimneys and mechanical appurtenances are not usually included in the height calculation (Section 21.62.030A). A Location Measurement Unit (LMU) panel will be located within an existing roof equipment enclosure. Co-location of cellular services are encouraged, and the carrier is open to this requirement, but this low-profile, custom design cannot accommodate additional equipment within the chimneys.

Other equipment including a global position positioning system (GPS) antenna will be located within an existing masonry and stucco enclosure to the rear of the hotel. The GPS equipment is required of cellular service providers by the emergency 911 system to allow cell phones to be located in case of an emergency. The application was referred to the City of Salinas and they support the proposed project (see Exhibit E).

OTHER AGENCY INVOLVEMENT:

- ✓ Salinas Rural Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ City of Salinas

The above checked agencies and departments have reviewed this project. Conditions recommended by the Environmental Health Division and Salinas Rural Fire Protection District have been incorporated into the condition compliance reporting plan (**Exhibit C**).

There is no Land Use Advisory Committee for the area plan and project was not referred to the Boronda Community Advisory Committee for review. The wireless antennae and equipment will be installed in an existing hotel, with existing rooftop mechanical equipment and ground utilities within enclosures, is designed to blend in and have low visibility, and is not an expansion of use.

Note: The decision on this project is appealable to the Board of Supervisors.

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October 11, 2006

cc: Planning Commission; Salinas Rural Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Andrew Myrick, City of Salinas; Robert Schubert, Acting Planning & Building Services Manager/Senior Planner; Paula Bradley, Planner; Carol Allen, Senior Secretary; W2005/Fargo Hotels (POOL C) Realty, L.P., Property Owner; Luke Stamos, Cingular Wireless, Applicant/Agent; Planning File PLN050582.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Cellular Coverage Maps and Photos
 Exhibit E Letter from City of Salinas
 Exhibit F APN Map, Site Plan, Elevations

This report was reviewed by Robert Schubert, Acting Planning and Building Service Manager

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, the Boronda Neighborhood Improvement Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for the proposed use.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The property is located at 17225 El Rancho Way, Salinas (Assessor's Parcel Number 261-146-015-000), Greater Salinas Area Plan and Boronda Neighborhood Improvement Plan. The parcel is zoned "LC-UR" (Light Commercial, Urban Reserve Overlay). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development. Section 21.18.060(GG) allows wireless communication facilities with approval of a Use Permit.

(c) The project planner conducted a site inspection on 10/27/05 to verify that the project on the subject parcel conforms to the plans listed above.

(d) There is no Land Use Advisory Committee for the area plan and project was not referred to the Boronda Community Advisory Committee for review. The wireless antennae and equipment will be installed in an existing hotel, with existing rooftop mechanical equipment and ground utilities enclosures, is designed to blend in with existing improvements and have low visibility, and is not an expansion of use.

(e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed use found in Project File PLN050582.
- 2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning, Salinas Rural Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, and the City of Salinas. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) The application was referred to the City of Salinas and they support the proposed project.

(c) Staff conducted a site inspection on 10/27/05 to verify that the site is suitable for this use.

(d) Materials in Project File PLN050582.
- 3. FINDING: WIRELESS COMMUNICATION FACILITIES** – The proposed Use Permit (PLN050376) as described in the staff report and associated plans complies with all of the applicable requirements and regulations of Section 21.64.310 of the Zoning Ordinance (Regulations for the Siting, Design and

Construction of Wireless Communication Facilities).The project is consistent with the findings for wireless communication facilities including:

1. The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to insure that the appearance and integrity of wireless communication facilities to insure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.
2. General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the Commission to measure local impact and to identify alternative sites. Accordingly, the Commission will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and MTSOs (mobile telephone switching office) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.
3. While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns.
4. In order to protect the public health, safety and the environmental, it is in the public interest for local government to establish rules and regulations addressing certain and land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surround land uses.

- EVIDENCE:** (a) The project does not contribute to a proliferation of equipment. The equipment will be installed on an existing hotel in a commercial area. The proposed chimneys will match the existing stucco chimneys on the hotel giving a residential appearance, however they will actually be made of fiberglass. This is an innovative custom-design proposed by the carrier to minimize the visual impact of the project.
- (b) The application was referred to the City of Salinas and they support the proposed project.
- (c) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. The project has been reviewed by the Monterey County RMA - Planning Department, Water Resources Agency, Salinas Rural Fire District, Public Works Department and the Environmental Health Division.
- (d) Staff conducted a site inspection on 10/27/05 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN050582.

4. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15301, categorically exempts existing facilities. The wireless antennae and equipment will be installed in an existing hotel, with existing rooftop mechanical equipment and ground utilities enclosures, is designed to blend

in with the existing improvements and have low visibility, and is not an expansion of use.

- (b) No adverse environmental effects were identified during staff review of the development application during a site visit on 10/27/05.
- (c) See preceding and following findings and supporting evidence.

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040 D Monterey County Zoning Ordinance Title 21.

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: W2005/Fargo Hotels (POOL C) Realty, L.P. File No: PLN050582 Approved by: Planning Commission	APN: 261-146-015-000 Date: 10/25/2006
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PBD029 - SPECIFIC USES ONLY This Use Permit to install wireless communication facility consisting of three pair of antennae installed within three chimneys mounted on the roof of an existing hotel, and ground equipment in an existing utilities enclosure, on a 3.25 acre parcel. The project is located at 17225 El Rancho Way, Salinas (Assessor's Parcel Number 261-146-015-000), Greater Salinas Area Plan and Boronda Neighborhood Improvement Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities.	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		(Resource Management Agency (RMA) – Planning)				
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the Planning Commission for Assessor's Parcel Number 261-146-015-000 on October 25, 2006. The permit was granted subject to 8 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning)</p>	Proof of recordation of this notice shall be furnished to RMA - Planning.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use	
3.		<p>PBDS-001 – NON-STANDARD CONDITON – COLORS AND MATERIALS The colors and materials shall match the existing chimneys and ground enclosure. (RMA - Planning)</p>	Show the materials and color on the building plan set or provide cut sheets with pain samples or photos to Planning staff for approval.	Applicant/ Owner	Prior to issuance of grading or building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		<p>PBD037(A) – WIRELESS COMMUNICATION FACILITIES</p> <p>The applicant agrees as a condition and in consideration of the approval of the permit to enter into an indemnification agreement with the County whereby the applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit. Applicant shall obtain the permission of the owner on which the wireless communications facility is located to allow the recordation of said indemnification agreement, and the applicant shall cause said indemnification agreement to be recorded by the County Recorder as a prerequisite to the issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such claim, action, or proceeding and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. (RMA - Planning Department)</p>	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA – Planning for review and approval.	Applicant/ Owner	Prior to issuance of grading or building permits.	
5.		<p>PBD037(B) – WIRELESS COMMUNICATION FACILITIES</p> <p>The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility’s normal replacement schedule. (RMA - Planning)</p>	Submit written agreement to RMA - Planning for review and approval.	Applicant/ Owner	Prior to issuance of grading or building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		<p>PBD037(E) – WIRELESS COMMUNICATION FACILITIES</p> <p>The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Planning Director shall set a public hearing before the Appropriate Authority whereupon the Appropriate Authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit. (RMA - Planning)</p>	Comply with Federal Communications Commission (FCC) emission standards.	Applicant/ Owner	Ongoing	
7.		<p>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</p> <p>Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)</p>	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Ongoing	
8.		<p>FIRE030 – NON-STANDARD CONDITIONS – EMERGENCY RESPONSE SIGNAGE</p> <p>Signage shall be specified on building plans, installed and maintained which identify required hazard information and emergency notifications as required by the California Fire Code and NFPA Standard 704. (Salinas Rural Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of grading and/or building permit</p> <p>Prior to final building inspection</p>	