

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06055

A.P.# 261-146-015-000

In the matter of the application of
Fargo Hotels (PLN050582)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, 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, Greater Salinas Area Plan and Boronda Improvement Plan, and came on regularly for hearing before the Planning Commission on November 8, 2006.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

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 development of the proposed wireless communications facility will not significantly affect any public viewshed, scenic corridor or any identified environmentally sensitive area or resource as defined in the Monterey County General Plan, Area Plan or Local Coastal Plan.
- 2. The site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the most adequate for the provision of services as required by the FCC.
- 3. The proposed wireless communication facility complies with all of the applicable requirements of Section 21.64.310 of this Title.
- 4. The proposed wireless communication facility will not create a hazard for aircraft in flight.

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.
- (f) See evidence for Findings 1 through 6.

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.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 8th day of November, 2006, by the following vote:

AYES: Errea, Brown, Salazar, Vandever, Padilla, Sanchez, Diehl, Rochester, Ottone
NOES: None
ABSENT: Isakson


MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **NOV 21 2006**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DEC - 1 2006**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County RMA - Planning Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

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: 11/08/2006
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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.*

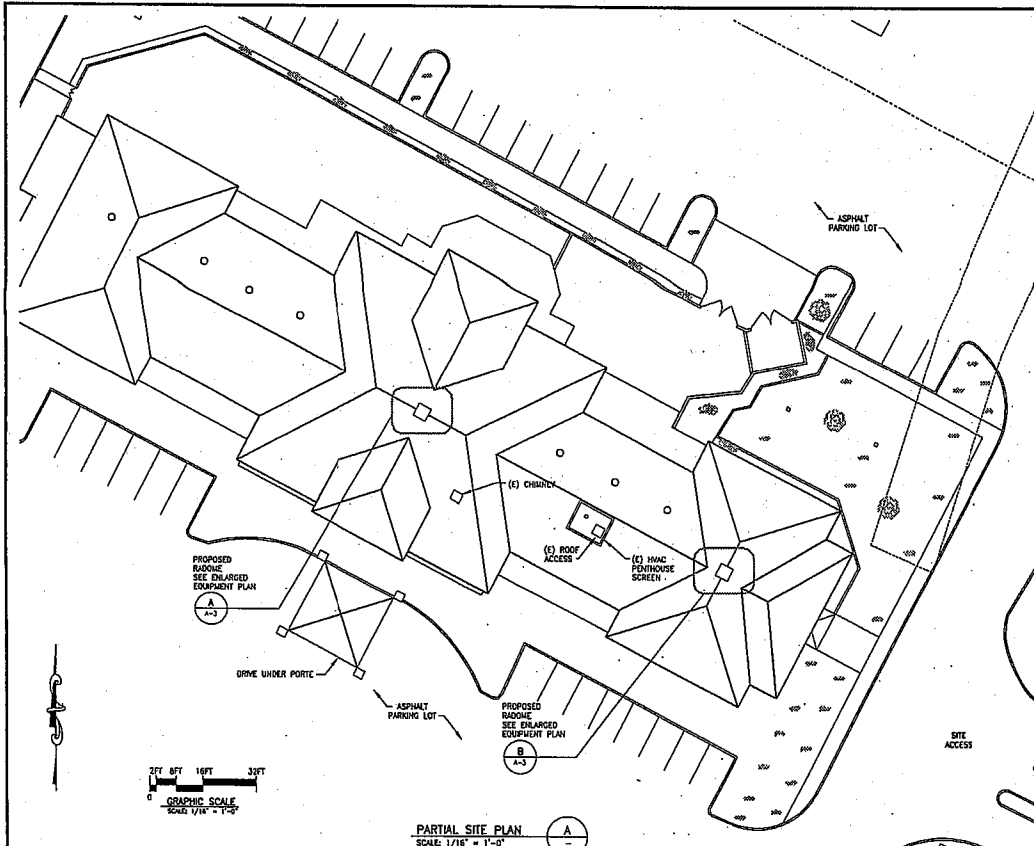
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party 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. (Resource Management Agency (RMA) – Planning)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 060055) was approved by the Planning Commission for Assessor's Parcel Number 261-146-015-000 on November 8, 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)	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.		PBDSP-001 – NON-STANDARD CONDITON – COLORS AND MATERIALS The colors and materials shall match the existing chimneys and ground enclosure. (RMA - Planning)	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	
4.		PBD037(A) – WIRELESS COMMUNICATION FACILITIES 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	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.	

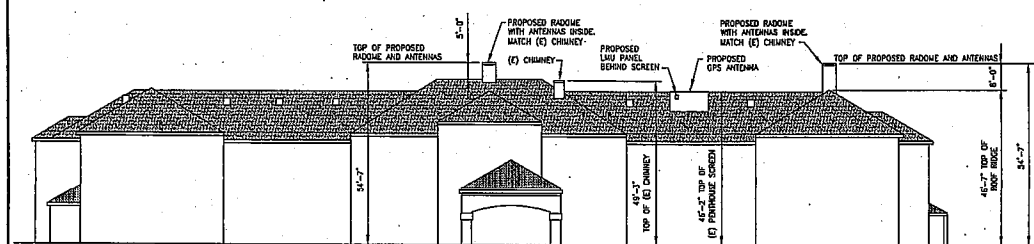
		proceeding and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. (RMA - Planning Department)				
5.		PBD037(B) – WIRELESS COMMUNICATION FACILITIES 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)	Submit written agreement to RMA - Planning for review and approval.	Applicant/ Owner	Prior to issuance of grading or building permits	
6.		PBD037(E) – WIRELESS COMMUNICATION FACILITIES 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)	Comply with Federal Communications Commission (FCC) emission standards.	Applicant/ Owner	Ongoing	
7.		EH28 - HAZ MAT BUSINESS RESPONSE PLAN 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)	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant	Ongoing	

8.		FIRE030 – NON-STANDARD CONDITIONS – EMERGENCY RESPONSE SIGNAGE 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)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Owner/ Applicant	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Owner/ Applicant	Prior to final building inspection	

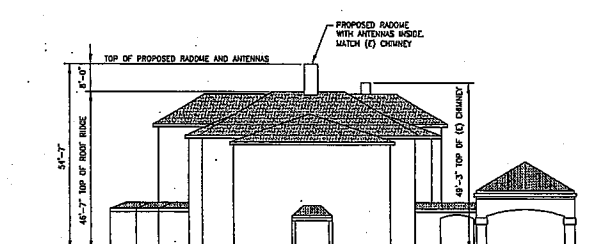
END OF CONDITIONS



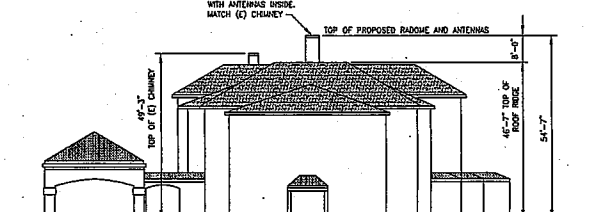
PARTIAL SITE PLAN
SCALE: 1/16" = 1'-0"



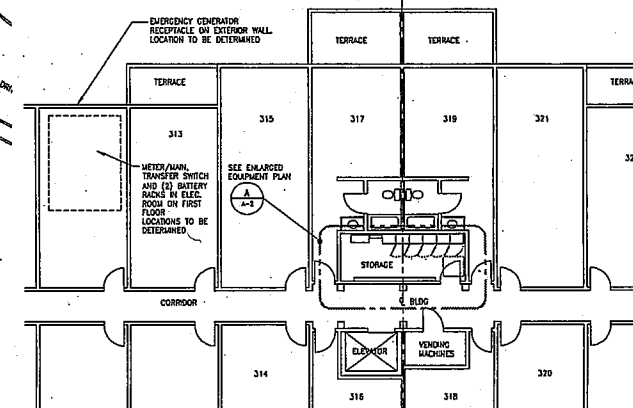
SOUTH ELEVATION
SCALE: 1/16" = 1'-0"



WEST ELEVATION
SCALE: 1/16" = 1'-0"



EAST ELEVATION
SCALE: 1/16" = 1'-0"



PARTIAL THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

cingular
WIRELESS
4420 Rosewood Dr. Bldg. 2 3rd Floor
Pleasanton, CA 94586



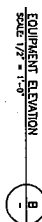
CRDC
ENGINEERS
1625 Julian Drive El Cerrito, CA 94530
phone: 510.234.9088 fax 510.234.6188

DATE:	09/12/05	
DRAWN BY:	AS	
FILE NO.:	MT-210-02	
REVISIONS		
DATE	DESCRIPTION	BY
09/22/05	BOX ZONING ISSUE	AS

CN3210-02 / MT-210-02
COURTYARD
17225 EL RANCHO WAY
SALINAS, CA

PLAN AND ELEVATIONS

A-1



DATE:	09/12/05	
DRAWN BY:	AS	
FILE NO.:	MT-210-02	
REVISIONS		
DATE	DESCRIPTION	BY
09/22/05	EGG ROOMS ISSUED	AS

CNS210-02.MT-210-02

17255 E. BURLINGAME
SALINAS, CA

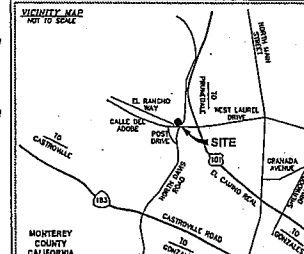
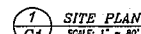
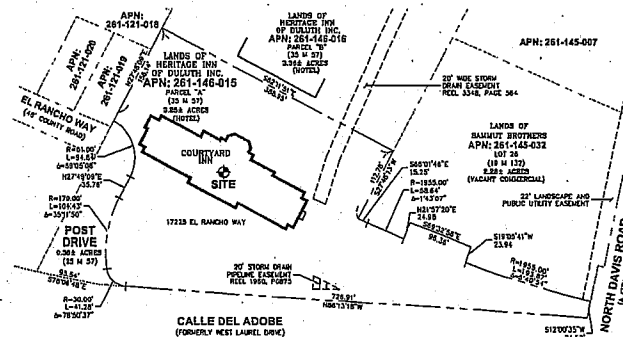
PLAN AND
ELEVATION

A-2

CRDC
ENGINEERS
1625 Julian Drive El Cerrito, CA 94530
phone: 510.234.9088 fax 510.234.6188

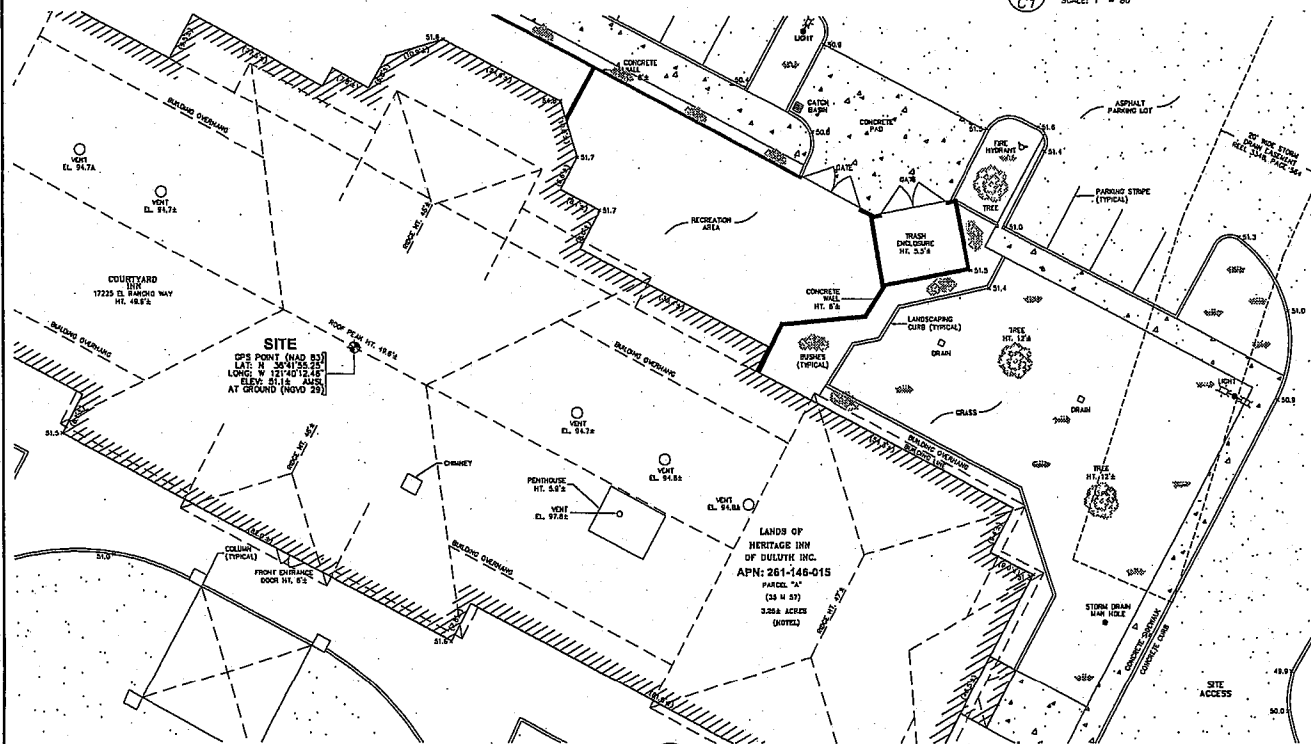


4420 Rosewood Dr. Bldg. 2, 3rd Floor
Pleasanton, CA 94588



x cingularSM WIRELESS
4420 Rosewood Drive, Building 2, 3rd Floor
Pleasanton, CA 94588

44420 Rosewood Drive, Building 2, 3rd Floor
Piedmont, CA 94588



PROPERTY INFORMATION

Owner: HERBERT BEN OF TRUTH INC
Address: 1701 PAGE DRIVE SOUTH
FARGO, NORTH DAKOTA 58103

Site: COURTYARD
Address: 17225 EL RAYMOND WAY
SALINAS, CA 93007

Title Report:
NO TITLE REPORT FURNISHED. EXCEPTIONS TO THE TITLE AND RESERVATIONS THEREON COULD NOT BE DETERMINED. BOUNDARY INFORMATION SHOWN IS COMPILED FROM AVAILABLE RECORD DATA.

Legal Description:
REAL PROPERTY SITUATED IN THE CITY OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA, BEING IDENTIFIED AS PARCEL "A" ON RECORD OF SURVEY, FILED MAY 1, 2002, IN VOLUME 25, AT PAGE 57, IN RECORD OF SALE COUNTY.

FEMA FLOOD ZONE DESIGNATION National Flood Insurance Program
County: MONTEREY Effective Date: NOVEMBER 4, 1981

SURVEY DATA
 NAD 83 Datum
 Lat: N 30°14'33" Long: W 121°40'24"
 Datum Base: NAD 83 Equipment Used: Topcon Hi-Meter Receiver
 (See Note 3)
 Site Ground Elevation: 151.6 ASLR (NGVD 29) AT S E BUILDING CORNER
 Basis of Elevations:
 GLOBAL POSITONING SYSTEM (GPS)
 (SEE NOTE 2)
 Books of Bearings:
 PACEK HAS FILED VOLUME 25, AT PAGE 57, AND A BEST FIT WITH
 EXISTING STREET IMPROVEMENT WITH LINES OF OCCUPATION AS SHOWN.
 Date of Field Survey: 8/20/05

[illegible]

SURVEYOR'S STATEMENT

I, the undersigned, a Registered Professional Land Surveyor licensed under the laws of the State of California do hereby state that the information, measurements, calculations, notes and boundary data, bearings and distances as shown herein are based upon a field survey by me and other persons duly licensed as land surveyors, and that the same were taken in accordance with laws and rules of practice of the State of California, and that the same are correct to within 1/16 inch horizontal, and 1/32 inch vertical. The standards of survey and description are those set forth in the California Surveying Act of 1907, Chapter 1073, and the rules and regulations of the State Board of Surveyors, and the general division of the Surveyor General of the State of California, and that the same are correct to within the 1/16 inch accuracy class of measurement as stated in the A.S.A. Instruction Sheet 811 and are accurate to the best of my knowledge and belief.

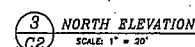
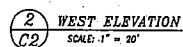
LEGEND		
APR	ASSESSOR'S PARCEL NUMBER	ASPHALT
CP	CONTROL POINT	CONCRETE
EL	ELEVATION	CONTROL POINT
FM	FIRE HYDRANT	FOUND MONUMENT
FOU	FOUND	GPS POINT
HL	HOCKET	PARAPET/ROOF ELEVATION
MON	MONUMENT	SPOT ELEVATION
(M-N)	MONUMENT TO MONUMENT	TEMPORARY MONUMENT
P.B.	POINT OF BEGINNING	
P.O.C.	POINT OF COMMENCEMENT	
PP	POWER POLE	
TURN	TURN	

**et
üver**

EXISTING SITE CONDITIONS

MT-210-02
COURTYARD
NORTH DAVIS
17225 EL RANCHO WAY
SAUNAS, CA 93907

C1
OF 2 SHE



cingularsm
WIRELESS

**Quiet
River**

Land Services, Inc.

5673 West Los Peñasco Boulevard, Suite 215
Tucson, Arizona 85706
(520) 724-6788 Fax
(520) 724-6788 Phone
(520) 724-6732 Fax

EXISTING SITE CONDITIONS

MT-210-02
COURTYARD
NORTH DAVIS
17225 EL RANCHO WAY
SALINAS, CA 93907

C2
OF 2 SHEETS