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CITY OF SALINAS
Community Development Department
65 West Alisal Street, Salinas, CA 93901
Attn: Thomas Wiles, Senior Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

Title of Document

CONDITIONAL USE PERMIT NO. 2022-005
City of Salinas
Community Development Department

WHEREAS, the Salinas City Council, at a public hearing duly noticed and held on ____ 2023, found that the proposed location of the use and structure is in accord with the objectives of the Salinas Zoning Code and the purposes of the zoning district in which the site is located; that the location of the use and structure and the proposed conditions under which it would be operated and maintained will be consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; that the use and structure will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed use and structure; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas City Council has reviewed and considered an Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, the Salinas City Council hereby grants and issues Conditional Use Permit No. 2022-005 pursuant to *Article VI, Division 8: Conditional Use Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

- ISSUED TO:** Capitol Hotel – Ray Patel
- PROPERTY OWNER:** Janika Corporation DBA Capitol Motel
- FOR USE:** Establish and operate an Extended Stay Hotel (22 of 25 on-site rooms)
- ON PROPERTY LOCATED AT:** 2110 North Main Street
- ASSESSOR'S PARCEL NO.:** 253-074-005-000
- ZONING DISTRICT:** Commercial Retail (CR)

ENVIRONMENTAL REVIEW ACTION & DATE: Mitigated Negative
Declaration and Mitigation Monitoring and Reporting Program: _____, 2023.

EXPIRATION DATE: None, once properly established, unless the subject Hotel, Extended Stay use ceases operation for a continuous period of six (6) months or more.

RIGHT TO OPERATE/DEVELOP

1. The Permittee shall have the right to establish and operate an Extended Stay Hotel (22 of 25 rooms) on the above-described property in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

Exhibit "A" Vicinity Map

Exhibit "B" Site Plan (Sheet A-0)

Exhibit "C" Exterior Elevations

Exhibit "D" Zone & Parcel Map (Sheet A-1)

Exhibit "E" Floor Plan (Sheet A-2)

Exhibit "F" Photometric Plans (Sheet A-3)

Exhibit "G" Landscaping (Sheet L-1)

Exhibit "H" Capitol Hotel Management Plan

Exhibit "I" Engineer's Report dated January 28, 2022

Exhibit "J" Police Department comments dated August 23, 2022

Exhibit "K" Mitigation Monitoring and Reporting Program

LIMITATIONS ON USE

2. Each room shall have a minimum one hundred fifty square feet of floor area, including bathroom. Kitchen floor area is not included in the minimum area calculation.
3. Each room shall contain a bathroom including a toilet, sink, and shower or tub.
4. A minimum of five hundred square feet of common area shall be provided, which could include a dining area.
5. Laundry facilities consisting of individual or common washer and dryer shall be provided. A minimum of one washer and one dryer shall be provided for every twenty-five rooms.
6. The Permittee or successor-in-interest shall comply with the Management Plan attached as Exhibit "H" Capitol Motel Management Plan, which requires twenty-four hour on-site property management, provides for the loading and unloading of transportation and provision of food services between the hours of 5:00 a.m. to 7:00 p.m.
7. The Permittee or successor-in-interest shall comply with the Transportation Plan

attached as a part of Exhibit “H” Capitol Hotel Management Plan. Buses, vans and similar vehicles shall be permitted to load and unload passengers on site that complies with the Transportation Plan and shall not impede traffic and circulation, emergency access, pedestrian pathways and sidewalks, and/or ADA access.

8. The Permittee or successor-in-interest shall comply with the Security Plan attached as a part of Exhibit “H” Capitol Hotel Management Plan, which requires twenty-four hour on-site security.
9. The “Conditions of Approval” stated in the Engineer’s Report dated January 28, 2022 and attached as Exhibit “I” shall be incorporated into the project.
10. The Permittee or successor-in-interest shall comply with the rules and regulations stated in the Salinas Police Department comments dated August 23, 2022 attached as Exhibit “J”.
11. The Permittee or successor-in-interest shall comply with the Emergency Evacuation Plan attached as a part of Exhibit “H” Capitol Hotel Management Plan.
12. The Permittee or successor-in-interest shall comply with the Neighborhood Outreach Plan attached as a part of Exhibit “H” Capitol Hotel Management Plan.
13. The Permittee, or successor-in-interest, shall be responsible for registering the three (3) rooms as a Hotel use subject to the transient occupancy tax (TOT) with the City.
14. Prior to operation of the Hotel, Extended Stay use, the Permittee or successor-in-interest shall provide written documentation to the Community Development Department of any approved Employee Housing Facility Application from the State of California Department of Housing and Community Development.
15. Extended Stay Hotel shall be operated in a manner that will not adversely affect adjoining properties or be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
16. On-site outdoor activities except food and transportation services shall be conducted between the hours of 7:00 a.m. and 10:00 p.m. Outdoor activity may include recreational games and activities, musical performances, and such other similar activities as deemed appropriate by the City Planner.
17. Extended Stay Hotel shall be subject to Section 37-80.180 Performance Standards.
18. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance. Street address numbers shall be legibly posted on each building comprising the facility as required by the Fire Department.
19. Existing parking spaces shall be retained. Buses, trailers, and portable toilets shall

not be parked overnight on site. Passenger vans may be parked overnight.

20. Temporary storage and structures shall be prohibited unless otherwise approved through a separate Temporary Use of Land Permit (TULP).
21. One catering vehicle, not to exceed fifty feet, shall be permitted for the purposes of providing food service to those living onsite for ninety minutes, no more than three times per day. The catering vehicle shall be licensed with the health department.
22. Consumption of alcohol shall be permitted indoors. Outdoor consumption of alcohol shall be prohibited.
23. The site shall be maintained and kept free of weeds, litter, and debris. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired.
24. The City Planner may conduct a review of this Permit after inauguration, and may require modifications, if appropriate. The City Planner may also schedule a review by the Salinas Planning Commission, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Permittee shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.
25. If the subject Extended Stay Hotel use ceases operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.

ENVIRONMENTAL MITIGATIONS

26. All environmental mitigation measures contained in the Mitigation Monitoring and Reporting Plan (MMRP), attached as Exhibit “K”, shall be conditions of approval incorporated herein by reference.

PARKING REQUIREMENTS

27. A minimum of 13 on-site parking spaces shall be provided including one (1) on-site parking space designated for people with disabilities in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting*. Bicycle parking (rack) shall be provided in accordance with Zoning Code Section 37-50.400.
28. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting* of the Salinas City Code.

OUTDOOR LIGHTING

29. Exterior lighting may be installed in accordance with Zoning Code Section 37-50.480 under the following limitations:
 - a. No floodlighting will be allowed on any structure.
 - b. Parking lot lighting shall be shielded to confine light spread to within the site boundaries and shall not exceed 25 feet in height.
 - c. Prior to the installation of any new lighting, the Permittee or successor-in-interest shall submit a detailed photometric plan for review and approval by the Community Development Department.

LANDSCAPING

30. Within 60 days of the effective date of this Conditional Use Permit, the Permittee, or successor in interest, shall install street trees at a maximum 60-ft spacing based on street frontage, per City Standard Plans. For this property a minimum of six (6) trees are required. If the site cannot accommodate six (6) trees, the Permittee, or successor in interest shall pay the street tree impact fee of in lieu of the street tree installation per Exhibit "I" Engineer's Report dated January 28, 2022.
31. Within 60 days of the effective date of this Conditional Use Permit, the Permittee, or successor in interest, shall install landscaping and irrigation along the Soto Street and North Main Street frontages as per Exhibit "G" Landscaping. Per Zoning Code Section 37-50.700(b)(4), landscape areas shall incorporate plantings using a three-tier system: 1) grasses and groundcovers, 2) shrubs, and 3) trees. Landscaping shall include: ground covers (1-gallon minimum), shrubs (5-gallon minimum), and trees (15-gallon minimum). Irrigation plans shall show size and location of irrigation pipe, heads, bibs, and backflow devices.

RECYCLING AND SOLID WASTE DISPOSAL AREA

32. Within 60 days of the effective date of this Conditional Use Permit, the Permittee or successor in interest, shall construct a recycling and solid waste enclosure with capacity adequate to achieve 50 percent recycling of the total recyclable wastes generated onsite. The enclosure shall be constructed with a six-foot high solid masonry walls and screened from public view with a minimum two-foot wide perimeter planter. Colors and materials of the enclosure shall match those of the primary structures (example: exterior plaster - stucco). Doors of the enclosure shall be constructed of a solid material and colored to match the buildings (chain-link fencing with slats is not allowed). The enclosure shall be designed to allow walk-in access without having to open the main enclosure gate. Prior to issuance of a building permit for the recycling and solid waste enclosure, written confirmation from the City's solid waste service provider, is required to ensure that the recycling and solid waste provisions of the project will meet the service needs of the service provider. Instructional signs shall be provided for use of recycling bins and

containers. Trash and recycling cans shall be provided on site and emptied daily by the Permittee or successor in interest. Trash cans shall be equipped with lids or other devices to prevent airborne trash. The Permittee, or successor in interest, also shall provide documentation that regular commercial trash service is being provided on site pursuant to city regulations.

MAINTENANCE

33. All parking areas, driveways, other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All traffic signs and pavement markings shall be clear and legible at all times. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions of this Permit.
34. The Permittee, or successor-in-interest, shall eradicate graffiti painted or marked on the facility within seventy-two (72) hours of occurrence pursuant to Municipal Code Section 5-03.19(a)(4).

PUBLIC IMPROVEMENTS

35. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards.
36. Public improvements to serve the development shall be reviewed and approved by the City Engineer and shall be installed in accordance with City standards. All utilities shall be installed underground with details to be included on the final improvement plans.

UTILITIES/EQUIPMENT SCREENING

37. All new mechanical equipment and appurtenances (i.e. gas, water meters, electrical boxes, HVAC systems, refrigeration equipment, etc.), building or ground mounted, shall be screened from public view and adjacent properties. Roof vents shall be painted to blend with roof materials. Details shall be shown on the final construction and/or land plans and are subject to the approval of the City Planner.

PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS

38. The issuance of this Permit shall not relieve the Permittee or successor in interest, of any requirement to obtain permits or licensing from any county, regional, state or federal agencies. If applicable, a City Business License shall be obtained prior to operation of the use.

39. This Permit may be subject to water and sanitary sewer allocations. The Permittee or successor in interest will proceed at their own risk as water and sanitary sewer allocation may not be available at the time requested.

MODIFICATION OF APPROVED USE AND PLANS

40. Any modification to the terms and conditions of this Permit are subject to the issuance of a new Permit. The City Planner may approve minor modifications to this Permit if the City Planner finds the modification to be in substantial compliance with the original approval.

VIOLATION; REVOCATION

41. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the City. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provision of this Permit shall be guilty of a misdemeanor or an infraction, as charged. Alternatively, any violation of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance and/or other applicable laws, regulations or codes. Upon determination by the City Planner that there are reasonable grounds for revocation of this Permit, a revocation hearing shall be set to be heard before the Salinas Planning Commission in accordance with *Article VI, Division 18: Enforcement and Penalties* of the Salinas Zoning Code or such codes as may be subsequently adopted.

SUBSTANTIAL ACTION TIME LIMIT

42. This Permit shall expire one year after its effective date unless:
- a. The use is established in conformance with the provisions of the Zoning Code; or
 - b. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

PERMIT VALIDATION

43. Pursuant to Zoning Code Section 37-60.530, this Permit shall be null and void and all terms and conditions shall have no force or effect unless this Permit is signed by the Permittee(s) and returned to City of Salinas Community Development Department within 90 days of approval. ***It is the applicant's responsibility to track the 90-day expiration date. No notice will be sent.***

STANDARD CONDITIONS

44. Pursuant to **Salinas City Code Section 1-8.1: Civil action enforcement**, and

Section 1-8.2: Liability for costs, Applicant shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.

- 45. The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
- 46. Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state and federal laws and regulations.
- 47. No further development other than that shown on this permit or attached exhibits shall be allowed unless or until an amendment to this permit has been approved. Requests for a minor modification of an approved permit may be granted by the City Planner provided the modification is substantially in compliance with the original approval and conditions.

NOTICE OF CHALLENGE LIMITATIONS

- 48. Code of Civil Procedure Section 1094.6 requires all Court challenges to the decision to grant this Permit be initiated within 90 days of the final decision of the City in this matter.

EXECUTIONS

THIS CONDITIONAL USE PERMIT was approved by action of the Salinas City Council on _____, 2023, and shall become effective immediately:

Effective Date: , 2023

Courtney Grossman
Planning Manager, City of Salinas

:

(Signature Listed Below on Page 9 Must Be Notarized)

THIS CONDITIONAL USE PERMIT is hereby accepted upon the express terms and conditions hereof, and the undersigned Permittee agrees to strictly conform to and comply with each and all of this Permit's terms and conditions.

Dated: _____

Ray Patel
Janika Corporation DBA Capitol Motel
Property Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____ 202__, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____