

When recorded, return to:

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:

**PLANNED UNIT DEVELOPMENT PERMIT NO. 2024-001**  
**(Third Amendment to PUD 2014-001)**  
**City of Salinas**  
**Community Development Department**

**WHEREAS**, the Salinas City Council, at a public hearing duly noticed and held on November 19, 2024, found that the location of the Planned Unit Development is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located; The Planned Unit Development and the proposed conditions under which it would be developed or maintained are 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 Planned Unit Development, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City; and the Planned Unit Development does not represent an exception to the standards of the Zoning Code but rather an alternative resulting in an equal or superior design in comparison to development which strictly complies with base property development regulations; and that this Planned Unit Development Permit has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas City Council has reviewed and considered an Exemption to the California Environmental Quality Act.

**NOW, THEREFORE**, the Salinas City Council hereby grants and issues Planned Unit Development Permit No. 2024-001 pursuant to *Division 26: Planned Unit Development Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

- ISSUED TO/PROPERTY OWNER:** Ethan Conrad Properties
- FOR:** Change exterior building elevations, add new exterior colors to the approved colors and materials board, add new exterior signs, increase maximum sign area in connection with a proposal to create multiple tenants within the former two-story 137,366 square-foot Sears store.
- ON PROPERTY LOCATED AT:** 1100 Northridge Mall
- ASSESSOR'S PARCEL NO.:** 253-201-054-000

**ZONING DISTRICT:**

Commercial Retail (CR)

**ENVIRONMENTAL REVIEW ACTION & DATE:** Exempt from the California Environmental Quality Act (CEQA) under Section 15332 (In-Fill Development Projects) on November 19, 2024.

**EXPIRATION DATE:** None, once properly established.

**RIGHT TO OPERATE/DEVELOP**

1. The Permittee shall have the right to change the exterior building elevations, add new exterior colors to the approved colors and materials board, add new exterior signs, and increase maximum allowed sign area by 20.2% (136.15 square-foot increase to the maximum allowed 675.48 square-feet for a total of 811.63 square-feet of sign area) in connection with a proposal to create multiple tenants within the former two-story 137,366 square-foot Sears store on a 2.85-acre project site located at the Northridge Mall Shopping Center 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” – Cover Sheet (Sheet G001)**

**Exhibit “C” – Site Plan (Sheet A001)**

**Exhibit “D” – First Floor Plan (Sheet A101)**

**Exhibit “E” – Second Floor Plan (Sheet A102)**

**Exhibit “F” – Construction Details (Sheet A103)**

**Exhibit “G” – As-Built Landscape Plan (Sheet A104)**

**Exhibit “H” – As-Built Irrigation Plan (Sheet A105)**

**Exhibit “I” – Overall Exterior Elevations (Sheet A401)**

**Exhibit “J” – Enlarged Exterior Elevation (Sheet A402)**

**Exhibit “K” – Enlarged Exterior Elevation (Sheet A403)**

**Exhibit “L” – Enlarged Exterior Elevation (Sheet A404)**

**Exhibit “M” – Enlarged Exterior Elevation (Sheet A405)**

**Exhibit “N”- Material Color Board (Sheet A406)**

**Exhibit “O” – Eastern Elevation Signage Area (Sheet A407)**

**Exhibit “P” – Southern Elevation Signage Area (Sheet A408)**

**Exhibit “Q” – Construction Details (Sheet A600)**

**Exhibit “R” – Engineer’s Report dated July 4, 2024**

2. Prior to the issuance of a final inspection of the first building permit in connection with the proposed reconfiguration of the former Sears building, the Applicant, or successor-in-interest, shall obtain a written recorded Reciprocal Easement Agreement (REA) allowing access into and within the Northridge Mall Shopping Center for Assessor Parcel Number 253-201-054-000. A copy of the recorded REA shall be provided to the City of Salinas.
3. 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 City Council, 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.

4. All remaining terms and conditions of Planned Unit Development Permits 1978-008 (PUD 1978-008) and 2014-001 (PUD 2014-001), the First Amendment to PUD 2014-001 (PUD 2018-001), and the Second Amendment to PUD 2014-001 (PUD 2022-001) shall remain in full force and effect.
5. The conditions of approval listed in the “Comments to be addressed prior to Building Permit issuance” section of the Engineer’s Report dated July 4, 2024, shall be implemented into the Building Permit plans (see Exhibit “R”).
6. No outdoor storage, display, or sale of merchandise of any kind will be permitted.

#### **NPDES REQUIREMENTS**

7. The development shall conform to all National Pollutant Discharge Elimination System (NPDES) and Low Impact Development (LID) requirements and standards in effect and required by the City Engineer when building permits are issued. The project will require a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to be incorporated into the project (see attached Exhibit “R”).

#### **FIRE PROTECTION REQUIREMENTS**

8. All applicable requirements of the Salinas Fire Department including those items identified in Titles 19, 24 and 25 of the California Administrative Code must be met and may include, but not be limited to, provisions for fire alarm systems, fire extinguishers, sprinkler systems, emergency vehicle access and installation of fire hydrants.
9. All fire sprinkler apparatus shall be incorporated into the overall site plan and building design. Such apparatus shall be located within building interiors, garages, stairwells, utility areas, trash areas and/or other areas substantially out of the public view. Fire Department connection pipes shall be painted to match the adjacent building.

#### **PARKING REQUIREMENTS**

10. A minimum of 5,224 on-site parking spaces shall be provided including 62 on-site parking spaces designated for people with disabilities shall be provided for the entire Northridge Mall Shopping Center in accordance with *Division 18: Off-Street Parking and Loading Regulations*. Bicycle parking (rack) shall be provided in accordance with Zoning Code Section 37-50.400. The project site is covered by AB 2097 and no additional off-street parking is required.
11. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Division 18: Off-Street Parking and Loading*

**SIGNS**

12. This PUD authorizes a deviation in the maximum allowed sign area for a total of 811.63 square-feet of sign area per the table below: (136.15 square-feet increase to the maximum allowed 675.48 square-feet (20.2%)). All signs shall comply with the terms and conditions of Planned Unit Development Permit 2024-001, the Northridge Mall Master Sign Plan, and Zoning Code Section 37-50.620.

Tenant Name	Sign Location	Occupancy Frontage	Max. allowed sign area per Northridge Mall Master Sign Plan	Proposed sign area
Dave & Buster's	East elevation	83-feet, 11-inches (83'-11")	104.9 sf. (83'-11" x 1.25)	<u>258.75 sf.</u> 1. 81 sf. logo (9' x 9') 2. 177.75 sf. wall sign (19'-9" x 9')
Burlington	East elevation	108-feet, 8-inches (108'-8")	135.8 sf. (108'-8" x 1.25)	<u>131.78 sf.</u> 1. 131.78 sf. wall sign (25' x 5'-3")
Gohan Ayce Buffett	East elevation	86-feet, 7-inches (86'-7")	108.23 sf. (86'-7" x 1.25)	<u>33.66 sf.</u> 1. 33.66 sf. wall sign (10'-11" x 3'-1")
Gohan Ayce Buffett	South elevation	69-feet, 2-inches (69'-2")	86.45 sf. (69'-2" x 1.25)	108.17 sf. 1. 108.17 sf. wall sign (19'-8" x 5'-6")
O'Reilly's Auto Parts	South elevation	154-feet, 2-inches (154'-2")	192.71 sf. (154'-2" x 1.25)	231.88 sf. 1. 231.88 sf. wall sign (37'-1" x 6'-3")
Tenant	South elevation	37-feet, 11-inches (37' - 11")	47.39 sf. (37' x 11")	None proposed

13. Sign Permits issued in accordance with *Article 5, Division 3: Signs*, of the Salinas City Code, shall be required for all signs.
14. Signs shall not be located above the building roof.
15. No canvas signs, banners, pennants, flags, streamers, balloons or other temporary or wind signs; no mobile, A-frame, or portable signs; no roof or canopy signs extending above a building roof; no signs that resemble any official marker erected by the city, state or any

governmental agency, or that by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic; no signs which produce odor, sound, smoke, fire or other such emissions; and no animated, flashing, moving or rotating signs shall be permitted unless permitted in accordance with Article 5, Division 3: Signs of the Salinas Zoning Code, as may be amended from time to time.

## **OUTDOOR LIGHTING**

16. Any new exterior lighting may be installed in accordance with Zoning Code Section 37-50.480 under the following limitations:
  - a. No roof 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 issuance of a Building Permit, the applicant shall submit detailed lighting plan for review and approval by the Community Development Department.

## **BUILDING MATERIALS AND COLORS**

17. Prior to issuance of a building permit, all building materials and colors shall be identified on the electronically submitted building plans to the Permit Center including color elevations and a colors and materials board along with the electronically submitted building plans shall be submitted by the Applicant for review and approval by the Community Development Department. The building colors and materials shall comply with the approved colors and materials for the Northridge Mall Shopping Center and Exhibit "N" (Material Color Board).

## **LANDSCAPING**

18. Prior to the issuance of a Building Permit, the applicant shall submit detailed landscape and irrigation plans for review and approval by the Community Development Department. The Applicant, or successor-in-interest, will be required to replace all missing landscaping and irrigation located within the project site: landscaped islands on the both the west and east side of the project site which are missing landscaping and irrigation; and landscaped areas on the southwest portion of the building and to the south side of the loading dock. Landscaping shall be installed prior to final inspection.
19. All landscaping shall comply with *Article V, Division 4: Landscaping and Irrigation*, of the Salinas Zoning Code, including, but not limited to, standards, drought resistant plants and turf, irrigation, parking lot landscaping and installation and maintenance.

## **RECYCLING AND SOLID WASTE DISPOSAL AREA**

20. A recycling and solid waste enclosure shall be provided with capacity adequate to achieve 50 percent recycling of the total recyclable wastes generated onsite. Instructional signs

shall be provided for use of recycling bins and containers. The enclosure shall be constructed with a six-foot high solid masonry wall 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. Details of the enclosure need to be shown on the plan. Prior to issuance of a building permit, written confirmation from the City's waste disposal service provider, is required to ensure that the recycling and solid waste provisions of the project will meet the service needs of the City's waste disposal service provider.

## **MAINTENANCE**

21. 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.

## **PUBLIC IMPROVEMENTS**

22. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
23. 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**

24. All utility lines shall be placed underground and all power transformers shall be placed underground where permitted by the utility company. Where transformers must be pad-mounted above ground, they shall be located away from the general public view or shall be effectively concealed by landscaping or a screen fence of a design approved by the utility company and the City Planner.
25. All 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**

26. The issuance of this Permit shall not relieve the Permittee of any requirement to obtain necessary permits or licensing from city, county, regional, state or federal agencies.
27. This Permit may be subject to water and sanitary sewer allocations. The Permittee 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**

28. 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**

29. 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, in the discretion of the City Attorney, violations of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance. 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 City Council 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**

30. This Permit shall expire one year after its approval date unless:
  - a. A Building Permit has been issued and construction diligently pursued; or
  - b. A certificate of occupancy has been issued; or
  - c. The City Planner determines that other substantial action has been commenced to carry out the terms and intent of this Permit.

#### **PERMIT VALIDATION**

31. Pursuant to Zoning Code Section 37-60.1040, 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 the 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**

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

**8.2: Liability for costs**, permittee 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.

- 33. 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.
- 34. 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.
- 35. 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**

- 36. 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 PLANNED UNIT DEVELOPMENT PERMIT 2024-001** was approved by action of the Salinas City Council on November 19, 2024, and shall become effective immediately:

Effective Date: November 19, 2024

\_\_\_\_\_  
Lisa Brinton  
Community Development Department Director

(All Signatures Listed Below on Pages 9 and 10 Must Be Notarized)



*This **PLANNED UNIT DEVELOPMENT 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: \_\_\_\_\_

\_\_\_\_\_  
Taylor Lander  
Ethan Conrad Properties, Permittee

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, \_\_\_\_\_, 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 \_\_\_\_\_

*CONSENT is hereby granted to the Permittee to carry out the terms and conditions of this Planned Unit Development Permit.*

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ethan Conrad  
Ethan Conrad Properties, 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.

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WITNESS my hand and official seal.

Signature \_\_\_\_\_