



**CITY OF SALINAS
PLANNING COMMISSION REPORT**

DATE: DECEMBER 6, 2023

TO: PLANNING COMMISSION

FROM: COURTNEY GROSSMAN, PLANNING MANAGER

BY: THOMAS WILES, SENIOR PLANNER

TITLE: PLANNED UNIT DEVELOPMENT PERMIT 2022-001; SECOND AMENDMENT TO PLANNED UNIT DEVELOPMENT PERMIT 2014-001 TO ADD A 1.651-ACRE BUILDING PAD, CONSTRUCT A 3,501 SQUARE-FOOT RESTAURANT WITH A DRIVE-THROUGH, OUTDOOR SEATING, 41 OFF-STREET PARKING SPACES, AND AN INCREASE IN SIGN AREA LOCATED AT THE NORTHRIDGE MALL SHOPPING CENTER AT 1700 NORTH MAIN STREET IN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT

RECOMMENDED MOTION:

A motion to approve a Resolution recommending that the City Council find the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 and approve Planned Unit Development Permit 2022-001 to add a new 1.651-acre building pad, construct a 3,501 square-foot restaurant with a drive-through, outdoor seating, 41 off-street parking spaces, and an increase in maximum sign area of 87.6 square-feet above the maximum allowed 149.48 square-feet for a total of 237.08 square-feet of sign area located at the Northridge Mall Shopping Center at 1700 North Main Street.

EXECUTIVE SUMMARY:

Kimley Horn, on behalf of Raising Cane's, has applied for a Second Amendment to Planned Unit Development Permit 2014-004 (PUD 2014-001) to add a new 1.651-acre building pad construct a 3,501 square-foot restaurant with a drive-through, outdoor seating, 41 off-street parking spaces, and an increase in sign area located at 1700 North Main Street in the Commercial Retail (CR) Zoning District. Development at the Northridge Mall is regulated by PUD 2014-001.

DISCUSSION:

Background:

Kimley Horn on behalf of Raising Cane's is requesting approval of a Second Amendment to Planned Unit Development Permit 2014-001 (PUD 2014-001) to add a 1.651-acre building pad to construct a 3,501 square-foot restaurant with a drive-through, outdoor seating, 41 off-street parking spaces, and an increase in sign area. The project site is located on a 1.651-acre lease area portion of APN: 253-201-054-000 which consists of approximately 10.221-acres located at the Northridge Mall Shopping Center located at the northwest corner of North Main Street and Madrid Street. The parcel is currently owned by Ethan Conrad Properties.

Access to the site is from an existing driveway onto Madrid Street as well as through the internal drive aisles within the Northridge Mall. The project consists of a restaurant with a pair of 12-car long drive-through lanes, 41 off-street parking spaces (including two (2) accessible parking spaces), indoor seating, and outdoor seating located along the front and corner side yards. The proposed structure height would be 23-feet, 6-inches (23'-6") and the exterior consists of cement stucco, wood, and metal paneling, with a stone base and articulation, similar to the nearby Panera Bread and Chick-Fil-A pad restaurants. As a part of the proposed Second Amendment to PUD 2014-001, the Applicant is requesting approval to exceed the maximum allowed sign area and waive a requirement to construct a landscape island along the western portion of the parking lot (see Analysis below).

Northridge Mall consists of 12 individual lots totaling approximately 93.74-acres (4,083,410 square-feet) located in the Commercial Retail (CR) District. The property is located in the Commercial Retail (CR) Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North:	Commercial Retail/Commercial Retail (CR)
South:	Multi-Family Residential/High Density Residential (R-H-2.1)
East:	Commercial Retail/Commercial Retail (CR) and Commercial Office (CO)
West:	U.S. Hwy. 101 and the Salinas Auto Center/Industrial – General Commercial/Salinas Auto Center Precise Plan Overlay (IGC-SP-4)

Per City records, the Mall was originally authorized by Planned Unit Development Permit 1969-006 (PUD 1969-006) and related Amendments One and Two. Planned Unit Development Permit 1978-008 (PUD 1978-008) was approved by the City Council on January 15, 1979, and again on May 14, 1979, to clarify technical changes in the wording. Planned Unit Development Permit 1978-008 superseded the original Planned Unit Development Permit 1969-006 and related Amendments One and Two and approved the Phase Two expansion of the mall, including the addition of the former Sears store and an expansion to the former Mervyns store.

Planned Unit Development Permit 2014-001 (PUD 2014-001), which amended Planned Unit Development Permit 1978-008, was approved by the City Council on April 14, 2015. The project

approved by PUD 2014-001 consisted of several phases. One of the phases included development of five (5) new commercial pads: four (4) along North Main Street and one (1) along the U.S. Highway 101 frontage. Another phase of PUD 2014-001 included the addition of approximately 48,337 square feet of retail space to accommodate the relocation of J.C. Penney, which occurred a few years ago. Currently, two of the four pads along North Main Street have been developed with Panera Bread and Chick-Fil-A. The two remaining pads have had requests for development from Starbucks and In-N-Out Burger, but development on those two pads has yet to occur. There are currently no requests for development of the fifth pad located along U.S. Highway 101. The proposed Second Amendment to PUD 2014-001 includes creation of a sixth commercial pad located at the northwest corner of North Main Street and Madrid Street south of the current Big 5 Sporting Goods store (see Vicinity Map).

A First Amendment to PUD 2014-001 was approved by the City Council on January 22, 2019, which authorized development of an LED reader board sign located along US 101 and installation of a new 17-foot-high sign shaped as a bowling pin for Round One (PUD 2018-001). The reader board sign has yet to be built. Round One was authorized by Conditional Use Permit (CUP 2018-001), which included reuse of approximately 53,500 square feet of the former JC Penney retail area for a Commercial Recreation use consisting of a bowling alley, arcade, billiards, dining area with on-sale alcohol sales of beer and wine (Type 41 ABC license).

Analysis:

Restaurant with a drive-through:

Per Zoning Code Section 37-30.200, Table 37-30.90, restaurants with a drive-throughs are permitted in the CR District with a Site Plan Review (SPR). However, since the Northridge Mall Shopping Center is governed by Planned Unit Development Permit 2014-001 (PUD 2014-001), an Amendment to the PUD is required.

Per Zoning Code Section 37-60.1030, the following findings for Planned Unit Development Permits are required to be established (refer to the findings contained in the draft Resolution):

- (a) The location of the Planned Unit Development is in accord with the objectives of this Zoning Code and the purposes of the district in which the site is located;
- (b) The Planned Unit Development and the proposed conditions under which it would be developed or maintained are consistent with the Salinas General Plan, applicable specific plan, and other plans and policies adopted by the Salinas City Council 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

- (c) The Planned Unit Development does not represent an exception to the standards of this Zoning Code but rather an alternative resulting in an equal or superior design in comparison to development, which strictly complies with base district property development regulations.

The proposed development can be found to be in accord with the Zoning Code and the purposes of the Commercial Retail (CR) District. Per Zoning Code Section 37-30.190(k)(3), one of the purposes of the CR District is to provide areas for a wide range of commercial uses, such as the proposed restaurant with a drive-through.

The proposed restaurant with a drive-through would include 41 off-street parking spaces, with two (2) accessible spaces on the project site. Condition No. 12 of PUD 2014-001 requires a minimum of 5,229 off-street parking spaces for the entire shopping center. Currently, a total of 5,288 off-street parking spaces are available for the entire shopping center. Therefore, the project conforms with the minimum Zoning Code requirement to provide off-street parking. Queuing area for the two adjacent drive-through lanes is 12 vehicles, which exceeds the minimum required five (5) cars. Proposed colors, materials, and design of the proposed structure are in compliance with those for the Northridge Mall. The proposed project includes a nine (9) foot, one (1) inch (9'-1") high recycling and solid waste enclosure and a 12-foot-high standalone canopy above two (2) menu boards.

Landscaped islands are proposed within the interior of the parking lot and a tree line along the eastern side of the driveway entrance at Madrid Street; however, the project does not include a landscaped island for every five (5) spaces along the west side of the parking lot pursuant to Zoning Code Section 37-50.690(g)(4). The omission of the planter can be considered as a deviation and is being requested by the Applicant to allow for additional off-street parking. Staff supports the proposed deviation as a part of the PUD process because the parking lot landscaping will include 13 trees, which exceeds the minimum required 8 trees (41 parking spaces/5), 22.9% of the project site (Lease Area) will be landscaped and landscaping along the North Main Street and Madrid Street frontages will be retained and enhanced and additional trees will be located along the driveway entrance at Madrid Street and in the northern portion of the Lease Area.

Signs:

The project includes a vast amount of sign area, which is calculated to be approximately 2.5 times the allowable sign area. The project plans refer to the signs as “works of art” as illustrated in Exhibit R attached to the draft PUD. Per Zoning Code Section 37-50.540, “Sign or Signage” is defined as the following:

“Sign or Signage. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, color, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service.”

In addition, per Zoning Code Section 37-50.390, the following are the purposes of the Salinas Sign Ordinance:

- (a) Implement the City's community design and safety standards as set forth in the General Plan;
- (b) Maintain and enhance the City's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;
- (c) Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs which facilitate the safe and smooth flow of traffic (e.g., traffic directional signs) without an excess of signage which may distract motorists, overload their capacity to quickly receive information, visually obstruct traffic the signs, or otherwise create congestion and safety hazards;
- (d) Eliminate the traffic safety hazards to pedestrians and motorists posed by off-site signs bearing commercial messages;
- (e) Generally, limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;
- (f) Allow the communication of information for commercial and noncommercial purposes without regulating the content of noncommercial messages;
- (g) Allow the expression of political, religious, and other noncommercial speech at all times and allow for an increase in the quantity of such speech in the period preceding elections;
- (h) Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other noncommunicative aspects of signs, generally for the public health, safety, welfare, and, specifically, to serve the public interests in traffic and pedestrian safety and community aesthetics;
- (i) Minimize the possible adverse effects of signs on nearby public and private property;
- (j) Serve the City's interests in maintaining and enhancing its visual appeal for tourists and other visitors, by preventing the degradation of visual quality which can result from excess signage;
- (k) Defend the peace and tranquility of residential zones and neighborhoods by prohibiting commercial signs on private residences, while allowing residents the opportunity, within reasonable limits, to express political, religious, and other noncommercial messages from their homes; and

- (1) Enable the fair, consistent, and efficient enforcement of the sign regulations of the City.

The Applicant is requesting to exceed the maximum allowed sign area to allow for typical advertising signs and additional “works of art” signs. Per the Zoning Code, sign area is calculated as 1.25 sf. for each one (1) foot of occupancy frontage (maximum of 2 frontages may be calculated). Per the Applicant, there is 119.58 lineal-feet of occupancy frontage, which would allow for a maximum sign area of 149.48 square-feet for the proposed project ($119.58 \times 1.25 = 149.48$ sf.). Per the attached proposed sign area calculations for the project, 70 square-feet of typical sign area is proposed, consisting of four (4) 2’-10” x 6’ logo wall signs (70 sf.), which is within the maximum allowed 149.48 square-feet of sign area. The Applicant is requesting approval of the following four (4) exterior “works of art” signs:

1. Painted Heart Mural (69.87 sf.)
2. Red “1” Tower (129.25 sf.)
3. Painted Flame Arrow Mural (62.42 sf.)
4. Custom Salinas Artwork (32 sf.)

The proposed artwork signs total 293.54 square-feet, which exceeds the maximum allowed sign area by 144.06 square-feet, a 96% increase. In addition, when totaled with the proposed sign area (70 sf. + 293.54 sf.), it equals 363.54 square-feet, a 143% increase, or 2.4 times greater than than the maximum allowed 149.48 square-feet.

The primary advertising color for the Raising Cane’s restaurant is red and one of the brand icons is a dog. The background color of the artwork is red and the caricature of a dog is featured in the mural. The artwork also includes a red “1” located on the south elevation (see attached draft PUD approval document). Because the color and symbols of the artwork are identical to the corporate brand of Raising Cane’s, they are considered signs pursuant to Zoning Code Section 37-50.540. The artwork cannot be considered a mural as defined by Zoning Code Section 37-50.150 based on the following definition of a mural:

Mural or Mural Exhibit. A noncommercial painted or mosaic tile style exhibit which covers all or a major portion of a wall or a building facade and which contains no sign, gang affiliation symbols, or "specified anatomical areas."

The First Amendment to PUD 2014-001 (PUD 2018-001) allowed a Commercial Recreation and Entertainment use (Round One) to install a 17-foot-high non-illuminated freestanding sign with a maximum diameter of 56-inches shaped as a bowling pin to be located adjacent to east side of the Northridge Mall near the entrance of their approved use at 1600 Northridge Mall. Round One requested the sign to advertise the commercial recreation use similar to other locations. The 17-foot-high sign did not exceed the maximum allowed 20-foot freestanding sign height, but the 79.3 square-feet of sign area exceeded the maximum allowed freestanding sign area of 50 square-feet, a 58.6% increase. The bowling pin sign was approved by the City Council because it was established that the unique design will not be detrimental to the surrounding neighborhood, will

provide a superior design in comparison to strictly required freestanding sign regulations, and would not be detrimental to the surrounding neighborhood since it would be located adjacent to the Northridge Mall entrance and not along the North Main Street frontage.

The Master Sign Plan for the Northridge Mall Shopping Center limits exterior signs for the mall and the northern Convenience Center to those with either exterior access or a minimum of 20,000 square-feet of gross floor area if they do not have exterior access. Maximum allowed sign area for both the existing Panera Bread and Chick-Fil-A comply with maximum allowed sign area. Allowing the proposed 363.54 square-foot sign area for the subject Raising Cane's restaurant would result in an economic and competitive advantage over similar adjacent commercial uses and contribute to visual clutter to the community.

Staff recommends that the proposed Raising Cane's restaurant be allowed a 58.6% increase in maximum allowed sign area based on the Council's action regarding the Round One freestanding sign as referenced above. A maximum sign area of 237.08 square-feet would be allowed, which is 87.6 square-feet above the maximum 149.48 square-feet allowed. For any subsequent Sign Permit, the Applicant or successor-in-interest, would need to choose which of the proposed artwork signs would comply with the terms and conditions of the PUD Amendment.

Findings:

The Planning Commission may recommend City Council approval of an application for an Amendment to Planned Unit Development Permit 2022-001 if all the findings set forth in the attached proposed Planning Commission Resolution are established.

CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed project is categorically exempt (Class 32) from further environmental analysis per CEQA Guidelines Section 15332 (In-Fill Development Projects). The project site consists of the 1.651-acre "Lease Area" within APN: 253-201-054-000, which is less than five (5) acres. The project site is served by existing utilities and public services and approval of the project does not result in any significant effects relating to traffic, noise, air quality or water quality.

TIME CONSIDERATION:

The project was deemed complete on November 29, 2023. Final action is required within 60-days by January 29, 2024, pursuant to the Permit Streamlining Act.

ALTERNATIVES AVAILABLE TO THE COMMISSION:

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution and approve Planned Unit Development Permit 2022-001 with modifications; or
2. Find that the proposal is not appropriate and establish findings at the public hearing stating the reasons for not approving Planned Unit Development Permit 2022-001.

ATTACHMENTS:

Proposed Planning Commission Resolution

Draft PUD 2022-001 approval document with the following exhibits:

- Exhibit "A" - Vicinity Map
- Exhibit "B" – Preliminary Site Plan (Sheet C1.0)
- Exhibit "C" – Preliminary Site Details (Sheet C1.1)
- Exhibit "D" – Preliminary Grading Plan (Sheet C2.0)
- Exhibit "E" – Preliminary Utility Plan (Sheet C3.0)
- Exhibit "F" – Preliminary Parking Exhibit (Sheet C4.0)
- Exhibit "G" – Preliminary Storm Control Plan (Sheet C5.0)
- Exhibit "H" – Preliminary Erosion Control Plan (Sheet C6.0)
- Exhibit "I" – Preliminary Erosion Control Details (Sheet C6.1)
- Exhibit "J" – Sign Sitemap (Page 2)
- Exhibit "K" –South and East Exterior Elevations (Page 7)
- Exhibit "L" –North and West Exterior Elevations (Page 8)
- Exhibit "M" – Floor Plan (Sheet A1.10)
- Exhibit "N" – Trash Enclosure detail
- Exhibit "O" – Legal Description for Lease Area (Exhibit "A")
- Exhibit "P" – Map of Lease Area (Exhibit "B")
- Exhibit "Q" – Primary sign (Page 9)
- Exhibit "R" – "One Love Heart" sign (Page 12)
- Exhibit "S" – Directional arrow sign (Page 13)
- Exhibit "T" – Custom artwork sign (Page 14)
- Exhibit "U" – Drive Thru Menu Board (Page 17)
- Exhibit "V" – Pre-sell board sign (Page 18)
- Exhibit "W" – Conceptual Landscape Plan (Sheet L0.1)
- Exhibit "X" – Engineer's Report dated November 16, 2023

Surrounding site photos

Raising Cane's proposed sign area calculations

Cc: Kimley Horn, Applicant
Ethan Conrad Properties, Property Owner
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