



## **CITY OF SALINAS PLANNING COMMISSION REPORT**

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**DATE:** SEPTEMBER 3, 2025

**TO:** PLANNING COMMISSION

**FROM:** COURTNEY GROSSMAN, PLANNING MANAGER

**BY:** THOMAS WILES, SENIOR PLANNER

**TITLE:** **CONDITIONAL USE PERMIT 2024-024; APPEAL OF CITY PLANNER'S APPROVAL TO ESTABLISH AND OPERATE A 23,412 SQUARE-FOOT COMMERCIAL RECREATION AND ENTERTAINMENT USE (DAVE & BUSTER'S) WITH ON-SALE ALCOHOL SALES LOCATED AT 1104 NORTHRIDGE MALL IN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT**

### **RECOMMENDED MOTION:**

A motion to approve a resolution finding the project exempt pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines and affirming the findings to deny the appeal of the City Planner's approval of Conditional Use Permit 2024-024.

### **EXECUTIVE SUMMARY:**

Dave & Buster's is requesting approval of a Conditional Use Permit (CUP) to establish and operate a 23,412 square foot Commercial Recreation and Entertainment use with on-sale alcohol sales of beer, wine, and distilled spirits and a separate bar area (Type 47 ABC license – On-Sale General – Eating Place) located on the second floor of a former Sears store at the Northridge Mall. On July 3, 2025, a Notice of Intent to Approve (NOI) the CUP was mailed to properties located within 300 feet of the site and interested parties. No protest was received by 5:00 p.m. on July 14, 2025. Pursuant to Zoning Code Section 37-60.500(c), the City Planner approved the CUP on July 15, 2025. Subsequently, on July 25, 2025, a timely 10-day appeal of the City Planner's approval was received. Per Zoning Code Section 37-60.1300(a), the CUP has been scheduled for the next available Planning Commission hearing date within 60 days of the appeal.

## DISCUSSION:

### Background:

The project site is owned by Ethan Conrad Properties. The Applicant, Dave & Buster's, is requesting approval of a Conditional Use Permit (CUP) to establish and operate a 23,412 square foot Commercial Recreation and Entertainment use consisting of an arcade, restaurant, and on-sale alcohol sales of beer, wine, and distilled spirits with a separate bar area (Type 47 ABC license – On-Sale General – Eating Place) located on the second floor of a former Sears store at the Northridge Mall. Per Zoning Code Section 37-30.200, Table 37-30.90, a Commercial Recreation and Entertainment use exceeding 2,000 square feet is subject to approval of a Conditional Use Permit. Per Section 37-50.030(c), a Conditional Use Permit is required for all alcohol related uses except as provided in Section 37-50.030(g).

The proposed project consists of a 22,717 square foot space on the second floor, with a 695 square-foot first floor lobby. The site was vacated following the closing of the Sears store. The exterior façade improvements, including the building materials and colors were approved by Planned Unit Development Permit 2024-001 (PUD 2024-001).

The Applicant is proposing to transfer an existing Type 47 On-Sale General Eating Place License from “The Village Restaurant” (ABC License No. 529633) located at 1490 Constitution Boulevard #A to the project site. A Type 47 On-Sale General Eating Place License includes sale of beer, wine, and distilled spirits for consumption on the licensed premises. The Conditional Use Permit prohibits off-sales of alcohol. Hours of operation shall be limited to 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. Friday and Saturday. Per the attached Police Department memorandum dated July 3, 2025, all alcohol sales and consumption shall cease by 2:00 a.m. daily and no alcohol sales or consumption shall occur on the premises when the use is not open for business.

The project site 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:	Shopping center / CR – GW-1 (Commercial Retail – West Boronda Road @ U.S. 101 Overlay)
South:	Multifamily dwellings / R-H-2.1 (High Density Residential)
East:	Harden Ranch Shopping Center / CR – SP-1 (Commercial Retail – Harden Ranch Specific Plan Overlay)
West:	U.S. Highway 101

The City generally requires a CUP for alcohol-related uses (Salinas City Code §37-50.030) and may lawfully regulate through its land use and zoning authority the potentially negative social and environmental effects of alcohol serving businesses. Per Zoning Code Section 37-50.030(e)(2), findings for public convenience or necessity are not required or applicable for on-sale alcohol related uses. The CUP contains the following conditions of approval:

- Hours of operation shall be limited to 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10:00 a.m. to 2:00 a.m. Friday and Saturday. Alcohol sales and consumption shall cease at 12:00 a.m. Sunday through Thursday and by 2:00 a.m. Friday and Saturday. No alcohol sales or consumption shall occur on the premises when the use is not otherwise open for business.
- Any alcohol license violation and/or suspension by the Alcohol Beverage Control Board or significant criminal activity, in the opinion of the City Police Chief, shall constitute grounds for review and modification or revocation of this use Permit in accordance with *Section 37-60.640: Expiration- transferability; recordation; rescission; revocation*, of the Salinas Zoning Code.
- No alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises. No off-site sales of alcohol shall be allowed.
- No live entertainment of any type including, but not limited to, live music, disc jockey, dancing, fashion shows, shall be permitted on-site. At no time shall this business allow table or chairs to be moved to create an open space which could be used as a dance floor.
- Alcohol sale shall not occur except in conjunction with the maintenance of the premises as a "bona fide public eating place," i.e., a place which is regularly, and in a bona fide manner, used and kept open for the serving of meals to guests for compensation and which has on-site kitchen facilities for cooking an assortment of foods required for ordinary meals.
- Pursuant to Zoning Code Section 37-50.030(f)(6), all business owners and managers shall complete a program certified by the Department of Alcoholic Beverage Control (ABC) as a qualified responsible beverage service (RBS) program prior to the commencement of the use. Such training is required within ninety days of ownership transfer or hire. Failure of managers to obtain training shall be the liability of the owner. The owner shall maintain on the premises a file containing the certificates of training and shall present the file and its contents upon request by the City at any time during normal business hours. The provisions regarding responsible beverage training shall be suspended only upon a finding by the City Planner that the training is not reasonably available.
- The Permittee shall keep the exterior access doors closed during evening and nighttime hours. Permittee shall control parking lot noise and associated impacts generated by patrons.
- No outdoor storage, display, or sale of merchandise of any kind shall be permitted.

- 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.
- The “Conditions of Approval” stated in the Engineer’s Report dated April 12, 2024 (Exhibit “Q”) shall be incorporated into the project.
- If the subject Commercial Recreation and Entertainment use and/or on-sale alcohol use, respectively and independent of one another, ceases operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.

#### Salinas Police Department Comments and Conditions

Per the attached Salinas Police Department Memorandum dated July 3, 2025 (Exhibit “P” of CUP 2024-024), the project site is located in Police Reporting District (PRD) 201. The Police Department’s 2024 average for statistics for Police Reporting Districts (PRDs) is 73.43. The crime statistics for this PRD 201 in 2024 is 199, which is above average. Based on the crime reporting in PRD 201 many of the crimes are for Part Two Crimes (Forgery, Embezzlement, Fraud, Vandalism, Theft, Drug Abuse, DUI, Public Intoxication, Loitering, and others). Although the crime rate in PRD 201 is more than double the overall average for PRDs, the Police Department does not object to the approval of the Conditional Use Permit subject to the following recommendations stated in their Memorandum dated July 3, 2025, which has been included as Exhibit “P” and Condition No. 15 of the CUP approval document:

- Installation and operation of a digital surveillance system with high quality cameras focused on the points of sales, all entrances/exits, and the parking lots located adjacent to the use that is controlled by Dave & Buster’s, with the capability to store the digital images (videos and photos) captured. The digital images (video and photos) must be retained for at least thirty (30) days and be made available to the Salinas Police Department upon request.
- Installation and maintenance of ample lighting in the parking lots located adjacent to the use, the exterior area of all entrances and exits to the use that is controlled by Dave & Buster’s, and in areas to enhance the capability of the digital surveillance system.
- All parking lots adjacent to the proposed use and all driveways and buildings that is controlled by Dave & Buster’s shall be posted with “No Trespassing” signs in the form and manner determined by the Salinas Police Department consistent with Salinas City Code (SCC) Section 21-35, the text of which is provided below.
- Alcohol sales and consumption shall cease by 2:00 A.M. daily and no alcohol sales or consumption shall occur on the premises when the use is not otherwise open for business. All managers and persons engaged in serving alcohol must receive

responsible beverage training that is certified by the Department of Alcoholic Beverage Control prior to serving any alcohol.

- Provide one armed security officer present on the premises from at least the hours of 5:00 P.M. to close. (Friday & Saturday).
- Provide a second armed security officer present on the premises from at least the hours of midnight (12:00 A.M.) to close. (Friday & Saturday).
- Security Officers shall be state licensed (BSIS), uniformed and equipped with cell phones to communicate with Northridge Mall Security. Management is encouraged to collaborate with the Salinas Police Department on safety and awareness training for the PRD.
- Management shall promptly contact Salinas Police Department dispatch if there is any violent crime, threats, display, use, threats of a weapon. The Northridge Mall property has exterior/interior and parking lot Security Officers. Dave & Buster's security should develop a working relationship with Northridge Mall Security regarding communications, notifications and working together. Dave & Buster's should notify Northridge Mall Security of any ejections so Northridge Mall Security can move available resources to the parking lot in that area as well as focusing their cameras on the area.

#### Appeal of City Planner's approval of Conditional Use Permit 2024-024

Per Zoning Code Section 37-60.500(a) and (b) the City Planner shall have the authority to administratively grant a Conditional Use Permit (including, but not limited to, live entertainment) without a public hearing based on review of the project if the proposed use or structure is statutorily or categorically exempt from the California Environmental Quality Act (CEQA); and no protest of the City Planner's decision is received prior to or on the date intended for approval. Section 37-50.030(d)(1)(A) provides City Planner authority for any on-sale alcohol related use. Per the Zoning Code, a notice shall be mailed or delivered by the City Planner to all owners of real property as shown on the latest equalized assessment roll (or other reliable method as approved by the City Council) within 300-feet of the subject property at least 10-days prior to the City Planner's intended date of approval of the conditional use permit.

On July 3, 2025, a Notice of Intent to Approve (NOI) was sent to all property owners within 300-feet of the subject property and all interested parties with a deadline of July 14, 2025 (the 10<sup>th</sup>-day ended on a Sunday). On July 15, 2025, the City Planner approved the Conditional Use Permit. Following the date of approval, a 10-day appeal period begins, which ended on July 25, 2025. The appeal was received on July 25, 2025, before 5:00 pm at the close of business. Per Zoning Code Section 37-60.1280(b), decisions that are appealed shall not become effective until the appeal is resolved.

Per Zoning Code Section 37-60.1280, an appeal shall be initiated by submitting an application to the Community Development Department in accordance with Division 2 of the Zoning Code. The appeal application shall state, as appropriate, any of the following:

1. A determination or interpretation that is not in accord with the purposes of this article (Zoning Code);
2. There was an error or abuse of discretion;
3. The record includes inaccurate information; or
4. A decision is not supported by the record.

On July 25, 2025, staff received the attached email correspondence from Steerpoint Capital appealing the City Planner's approval of the Conditional Use Permit per the following reasons with staff responses:

1. Approval documents for CUP 2024-024 were not available: The appellant indicates that the approval documents were not available in a timely manner for review and that no such documents existed until July 25, 2025.

*Staff Response:* On July 3, 2025, staff determined the state of the draft approval documents were sufficient for the mailing of the Notice of Intent (NOI) on the same date. No protest of the NOI was received by 5:00 p.m. on July 14, 2025. Staff continued to finalize the approval documents at the time correspondence was received from the would-be Appellant on July 21, 2025. There was a period of approximately 4 days between the request for documents and delivery was provided.

2. CUP 2024-024 is not in accord with the purposes of the Zoning Code and the decision is not supported by the record: The appellant states that approval of CUP 2024-024 would be detrimental to the public health, safety, and welfare of persons residing or working in the adjacent neighborhood, and detrimental to properties in the vicinity due to crime, hours of operation, and past activities at other Dave & Buster's facilities.

*Staff Response:* Per the Salinas Police Department Memorandum dated July 3, 2025, the Police Department does not object to the approval of the Conditional Use Permit subject to the following recommendations stated in their Memorandum, which have been included as conditions of approval. The proposed commercial recreation and entertainment use with on-sale alcohol sales would not be detrimental to the public health, safety, and welfare of persons residing or working in the adjacent neighborhood because the conditions of approval are included in the Conditional Use Permit.

3. The CEQA exemption for CUP 2024-024 is improper: The appellant states that the exemption from the California Environmental Quality Act (CEQA) due to Section 15301 (*Existing Facilities*) is improper because it does not discuss or analyze impacts due to alcohol use, such as drunken noise and other activities.

*Staff Response:* The proposed use can be determined to be exempt from CEQA pursuant to Section 15301 (*Existing Facilities*) because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure, which involves negligible or no expansion of a former use. The project includes

interior and exterior alterations pursuant to Section 15301(a).

In addition, after receipt of the original appeal from Steerpoint Capital on July 25, 2025, staff received the following items (see attachments):

- a. Correspondence SSJ Law, the Applicant's legal counsel, dated August 21, 2025; and
- b. Correspondence from Cox Castle, the Appellant's legal counsel, dated August 28, 2025.

Findings:

The Planning Commission may deny the appeal of the City Planner's approval of an application for a Conditional Use Permit to establish and operate a Commercial Recreation and Entertainment use with on-sale alcohol sales if all of the findings set forth in the proposed Planning Commission Resolution are established.

Time Consideration:

The project was deemed complete on May 16, 2025. Pursuant to CEQA Section 65950(a)(5), final action was required by July 15, 2025. On June 18, 2025, the Applicant e-mailed a request for a one-time 90-day time extension pursuant to Government Code Section 65957, which extended the final deadline to October 13, 2025. The Conditional Use Permit was approved by the City Planner on July 15, 2025. However, on July 25, 2025, staff received a timely 10-day appeal of the approval of the Conditional Use Permit. Per Zoning Code Section 37-60.1300(a), an appeal shall be scheduled for a hearing before the appellate body (Planning Commission) within 60-days of the City's receipt of an appeal unless both the applicant and appellant consent to a later date. Per the Zoning Code, the final deadline for consideration of the appeal is September 23, 2025.

Alternatives Available to the Commission:

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, find the application exempt from the California Environmental Quality Act (CEQA), and deny the appeal of the City Planner's decision to approve Conditional Use Permit 2024-024 with modifications; or
2. Find that the project proposal is not appropriate, uphold the appeal of the City Planner's approval and establish findings at the public hearing stating the reasons for not approving Conditional Use Permit 2024-024.

CEQA CONSIDERATION:

The project has been determined to be exempt from the California Environmental Quality Act

under Section 15301 (*Existing Facilities*) of the CEQA Guidelines, because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, and minor alteration of an existing private structure, which involves negligible or no expansion of a former use. The project includes interior and exterior alterations pursuant to Section 15301(a).

ATTACHMENTS:

Proposed Planning Commission Resolution

Draft CUP 2024-024 approval document with the following exhibits:

- Exhibit "A" Vicinity Map
- Exhibit "B" Dave & Buster's – Proposed First Floor Plan
- Exhibit "C" Dave & Buster's – Proposed Second Floor Plan
- Exhibit "D" Dave & Buster's – Proposed Exterior Elevations
- Exhibit "E" Dave & Buster's – Proposed Exterior Elevations (Night)
- Exhibit "F" Dave & Buster's – Exterior Perspective I
- Exhibit "G" Dave & Buster's – Exterior Perspective (Night)
- Exhibit "H" Dave & Buster's – Exterior Perspective II
- Exhibit "I" Dave & Buster's – Exterior Perspective II (Night)
- Exhibit "J" Dave & Buster's – Exterior Perspective III
- Exhibit "K" Dave & Buster's – Exterior Perspective III (Night)
- Exhibit "L" Dave & Buster's – Digital Material Board
- Exhibit "M" Dave & Buster's – Signage Details
- Exhibit "N" Trash Enclosure with Republic Services letter dated June 3, 2024 (Sheet A103)
- Exhibit "O" Roof Exhibit (Sheet A501)
- Exhibit "P" Police Department Memorandum dated July 3, 2025
- Exhibit "Q" Engineer's Report dated April 12, 2024
- Exhibit "R" Fire Department comments dated April 4, 2025
- Exhibit "S" Permit Center comments dated May 1, 2024

Appeal of approval of Conditional Use Permit 2024-024 (CUP 2024-024) from Steerpoint Capital received via e-mail on July 25, 2025

Correspondence from SSJ Law, the Applicant's legal counsel, dated August 21, 2025

Correspondence from Cox Castle, the Appellant's legal counsel, dated August 28, 2025

CUP 2024-024 NOI Administrative Approval Report

Cc: Dave & Buster's, Applicant  
Ethan Conrad Properties, Property Owner  
LTD Development  
Solomon, Saltsman & Jamieson  
Steerpoint Capital  
Bridge Group Investments, LLC  
Mersho Investments, LLC  
Cox Castle  
Other interested parties