

363When 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

Planned Unit Development Permit No. 2022-001

PLANNED UNIT DEVELOPMENT PERMIT NO. 2022-001
(Second 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 January 9, 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. 2022-001 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:** Add an additional 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 87.6 square foot increase in maximum sign area.
- ON PROPERTY LOCATED AT:** 1700 North Main Street
- 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 January 9, 2024.

EXPIRATION DATE: None, once properly established.

RIGHT TO OPERATE/DEVELOP

1. The Permittee shall have the right to add an additional 1.651-acre building pad (Lease Area) to construct a 3,501 square-foot restaurant with a drive-through, outdoor seating, 41 off-street parking spaces, including two (2) accessible spaces, and a 58.6% increase in maximum allowed sign area (87.6 square-foot increase to the maximum allowed 149.48 square-feet for a total of 237.08 square-feet of sign area) at the Northridge Mall Shopping Center in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

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 December 15, 2023

2. 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.

3. All remaining terms and conditions of Planned Unit Development Permits 1978-008 (PUD 1978-008) and 2014-001 (PUD 2014-001) and the First Amendment to PUD 2014-001 (PUD 2018-001) shall remain in full force and effect.
4. The conditions of approval listed in the “Comments to be addressed prior to Building Permit issuance” section of the Engineer’s Report dated November 16, 2023, shall be implemented into the Building Permit plans (see Exhibit “X”).
5. No exterior non-flashing neon lighting or colored lighting used as a building accent rather than an advertising feature shall be permitted unless approved by a Conditional Use Permit pursuant to Zoning Code Section 37-30.220(o)(5).

NPDES REQUIREMENTS

6. 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 “X”).

FIRE PROTECTION REQUIREMENTS

7. 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.
8. 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.

CRIME PREVENTION REQUIREMENTS

9. Prior to the issuance of any building permit, the applicant shall consult with the Police Department regarding crime prevention and security. Written confirmation from the Police Department demonstrating compliance with this condition shall be submitted to the Community Development Department prior to issuance of a building permit.

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.

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 Regulations*, of the Salinas City Code.

SIGNS

12. This PUD authorizes a deviation in the maximum allowed sign area for a total of 237.08 square-feet of sign area: (87.6 square-feet increase to the maximum allowed 149.48 square-feet). All signs shall comply with the terms and conditions of Planned Unit Development Permit 2022-001, the Northridge Mall Master Sign Plan, and Zoning Code Section 37-50.620. Per Zoning Code Section 37-50.580(y), two (2) on-site freestanding or wall menu/pre-menu board signs not exceeding a maximum 50 square-feet in total sign area and a maximum of eight (8) feet in height for commercial drive-through or drive-in uses shall be permitted.
13. Sign Permits shall be required for all signs in accordance with *Article 5, Division 3: Signs*, of the Salinas Zoning Code.
14. Signs shall not be located above the building roof.
15. All window signs shall be in compliance with Zoning Code Section 37-50.580(q).
16. 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

17. 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

18. 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,

LANDSCAPING

19. This PUD authorizes a deviation to the requirement to provide landscaped islands for every five (5) parking spaces along the west side of the parking lot pursuant to Zoning Code Section 37-50.690(g)(4). 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. Landscape improvements shall be applicable to the portions of the parking areas required to satisfy the minimum off-street parking requirement for each of the individual pads, i.e. one space per each 200 square feet of building area. A minimum of five (5) percent of the parking areas shall be landscaped. Landscaping shall be installed prior to final inspection.
20. 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

21. 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

22. 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

23. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
24. 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

25. 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.
26. 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

27. 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.
28. 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

29. 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

30. 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

31. 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

32. 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

33. 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.
34. 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.

- 35. 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.
- 36. 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

- 37. 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 2022-001 was approved by action of the Salinas City Council on January 9, 2024, and shall become effective immediately:

Effective Date: January 9, 2024

 Lisa Brinton
 Community Development Department Director

(All Signatures Listed Below on Pages 8 and 9 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: _____

 Nina Correia, Project Manger
 Kimley Horn, 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.

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.

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WITNESS my hand and official seal.

Signature _____