

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2025-__**

**RESOLUTION DENYING AN APPEAL OF THE CITY PLANNER'S APPROVAL OF A
CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A 23,412 SQUARE-
FOOT COMMERCIAL RECREATION AND ENTERTAINMENT USE (DAVE &
BUSTER'S) WITH ON-SALE ALCOHOL SALES (TYPE 47 ABC LICENSE) LOCATED
AT 1104 NORTHRIDGE MALL IN THE COMMERCIAL RETAIL (CR) ZONING
DISTRICT
(CUP 2024-024)**

WHEREAS, on July 3, 2025, the Community Development Department, at the request of Dave & Buster's, sent a Notice of Intent to Approve Conditional Use Permit 2024-024, a request 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 located at 1104 Northridge Mall (Assessor's Parcel Number: 253-021-054-000); and

WHEREAS, on July 15, 2025, the City Planner approved Conditional Use Permit 2024-024 as referenced above; and

WHEREAS, on July 25, 2025, the Community Development Department received a timely 10-day appeal via email of the City Planner's approval of Conditional Use Permit 2024-024, which was then scheduled for the next available Planning Commission hearing date; and

WHEREAS, on September 3, 2025, the Salinas Planning Commission held a duly noticed public hearing to consider the appeal of the City Planner's approval of Conditional Use Permit 2024-024; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, including the staff report which is on file at the Community Development Department together with the record of environmental review; and

NOW, THEREFORE, BE IT RESOLVED that the Salinas Planning Commission finds the project to be Exempt from the California Environmental Quality Act (CEQA) and denies the appeal of the City Planner's approval of Conditional Use Permit 2024-024; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

- 1. *The project has been found to be Exempt pursuant to Sections 15301 of the California Environmental Quality Act (CEQA) Guidelines;***

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).

For the Conditional Use Permit:

2. ***The proposed location of the use is in accord with the objectives of the General Plan, the Zoning Code, and the purposes of the district in which the site is located.***

The site is designated Retail by the 2002 Salinas General Plan. The proposed project is consistent with General Plan Goals and Policies. The proposed project achieves a balance of land uses in providing a recreational facility for residents consistent with Land Use Policy LU-1.1. Located on an in-fill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. Located within an existing Shopping Center, the proposed Commercial Recreation use and on-sale alcohol related use would create of an activity center focal point for the adjacent neighborhoods located at the north, west, and south, consistent with Community Design Policy CD-3.9.

As shown on the official Zoning Map, the site is located in the Commercial Retail (CR) District. Per Section 37-30.190, the purpose of Commercial districts is to provide appropriately located areas consistent with the General Plan for a full range of uses including service commercial uses needed by residents of the City and strengthen the City's economic base and provide employment opportunities close to home for residents of the City. Per Section 37-30.190(k)(3), the purpose of Commercial Retail districts is to allow a wide range of uses including commercial recreation uses. Commercial Recreation includes, but it is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, bingo parlors, ice/roller skating rinks, golf courses, miniature golf courses, model courses, shooting galleries, tennis and racquetball courts, amusement centers and arcades, martial arts studios, dance studios, health and fitness clubs, or facilities equipped and used for sports training and conditioning; excludes adult entertainment facilities per Section 37-10.270. Per Section 37-30.200, Table 37-30.90, a Conditional Use Permit is required for the proposed Commercial Recreation use because the floor area exceeds 2,000 square feet in size.

3. ***The proposed location of the conditional use and the proposed conditions under which it would be operated or 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 adjacent to the neighborhood of such use, nor detrimental to the properties, or improvements in the vicinity or to the general welfare of the City***

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Recreation use and on-sale alcohol related use would create of an activity center focal point for the adjacent neighborhoods located at the north, west, and south, consistent with Community Design Policy CD-3.9.

Existing commercial and residential uses and U.S. Highway 101 surround the project site. The proposed project consists of a 22,717 square foot space on the second floor, with a 695 square-foot first floor lobby. The 23,412 square foot space was created following the closing of the Sears store at the Northridge Mall. The proposed Commercial Recreation and Entertainment use and on-sale alcohol use would not be detrimental to the public health, safety and general welfare of the people of the City because the following conditions are set forth in the Conditional Use Permit: hours of operation are 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 at 2:00 a.m. Friday and Saturday. In addition, 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 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, no alcoholic beverages shall be sold/dispensed/or offered for consumption except within the licensed premises, and any alcohol license violation and/or suspension by ABC or significant criminal activity shall constitute grounds for review and modification or revocation of the Conditional Use Permit.

Per a Salinas Police Department Memorandum dated July 3, 2025, one (1) armed security officer is to be present on the premises from at least the hours of 5:00 P.M. to close on Friday & Saturday and a second armed security officer is to be present on the premises from at least the hours of midnight (12:00 A.M.) to close on 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 Police Reporting District (PRD). Per the memorandum, ample lighting in the parking lots and enhanced video surveillance equipment shall be provided.

4. *The proposed conditional use will comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use.*

Conditions have been recommended for this permit to ensure that, when implemented, the project will conform and comply with the provisions of the Salinas Zoning Code. For example, the Salinas Police Department memorandum dated July 3, 2025 requires that 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 otherwise open for business. All managers and persons engaged in serving alcohol shall receive responsible beverage training that is certified by the Department of Alcoholic Beverage Control (ABC). Dave & Buster's staff are

required to monitor underage consumption of alcohol and eject anyone who is underage and consuming or anyone who has provided alcohol to underage persons.

5. ***The alcohol-related use will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods, giving due consideration to the distance of the proposed use from other alcohol-related uses; residentially zoned property, public schools, public playgrounds, and other similar uses; and giving further consideration to crime rates, calls for emergency services, and residential densities in the surrounding area.***

The proposed project consists of a 22,717 square foot space on the second floor, with a 695 square-foot first floor lobby. The 23,412 square foot space was created following the closing of the Sears store at the Northridge Mall. Residential uses are located adjacent to the mall's southerly boundary. The closest residences (1633 Madrid Street) are approximately 967 feet away to the south, behind Northridge Mall and across a parking lot, separated by a 6-foot high masonry wall, and approximately 2,365 feet away walking distance from the subject site. Northgate Park (1600 Seville Street) is located approximately 2,275 feet away to the south, which is 1,975 feet further than what would qualify as an exception by Zoning Code Section 37-50.030(g)(2)(D). The nearest school, Santa Rita School (2014 Santa Rita Street), is located approximately 2,593 feet away to the northeast, which is 2,003 feet further than what would qualify as an exception by Zoning Code Section 37-50.030(g)(2)(D). The proposed alcohol related use does not qualify as an exception to the requirement to obtain a Conditional Use Permit because the primary use is not primarily used a restaurant as stipulated by the Zoning Code.

The Police Department's 2024 average for statistics for Police Reporting Districts (PRDs) is 73.43. The site is located within PRD 201. The crime statistics for this PRD 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:

- a. 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.
- b. 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.

- c. 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.
- d. 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.
- e. 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.
- f. Provide one armed security officer present on the premises from at least the hours of 5:00 P.M. to close. (Friday & Saturday).
- g. 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).
- h. 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.
- i. 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.

The proposed on-sale alcohol related use will not adversely affect the welfare of the area or surrounding residential neighborhood due to residences / park / school are not nearby, the use is located in an existing shopping center (Northridge Mall), and the Police Department does not object to the approval of the Conditional Use Permit subject to the conditions of approval.

PASSED AND APPROVED this 3rd day of September 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a meeting held on September 3, 2025, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary