



**CITY OF SALINAS  
PLANNING COMMISSION REPORT**

---

**DATE: NOVEMBER 6, 2024**

**TO: PLANNING COMMISSION**

**FROM: COURTNEY GROSSMAN, PLANNING MANAGER**

**BY: BOBBY LATINO, ASSOCIATE PLANNER**

**TITLE: CONDITIONAL USE PERMIT 2024-022; REQUEST TO ESTABLISH AND OPERATE A PROPOSED OFF-SALE ALCOHOL RELATED USE (TYPE 20 ABC LICENSE) IN A PROPOSED CONVENIENCE STORE WITH GAS PUMPS LOCATED AT 1012 AND 1016 ABBOTT STREET IN THE IGC (INDUSTRIAL-GENERAL COMMERCIAL) ZONING DISTRICT**

RECOMMENDED MOTION:

A motion to approve a resolution finding the project exempt pursuant to Sections 15061(b)(3) of the CEQA Guidelines, affirming the findings, and approving Conditional Use Permit 2024-022.

EXECUTIVE SUMMARY:

Morton & Pitalo is proposing to establish and operate an off-sale alcohol related use (Type 20 ABC license) in a proposed Convenience Store with Gas Pumps (Circle K). Site Plan Review 2024-007 was approved for the construction of a 3,710 square foot Convenience Store building with six Gas Pumps (Circle K), construction of 1,270 square foot Food and Beverage Sales building with a drive-through (Starbucks) and an approximately 168 square foot mural on the Starbucks building. A related Lot Line Adjustment (Resubdivision 2024-001) was approved to adjust existing lot lines for two separate lots.

DISCUSSION:

Background:

Morton & Pitalo is proposing to establish and operate an off-sale alcohol related use (Type 20 ABC license) which includes sales of beer and wine in a proposed Convenience Store with Gas Pumps (Circle K). Property ownership consists of 5 different Trusts and two individuals. The proposed alcohol related use would be located in a proposed 3,710 square foot Convenience Store

with Gas Pumps (see attached Site Plan and Floor Plans). A related Site Plan Review 2024-007 was approved for the construction of the 3,710 square foot Convenience Store building with six Gas Pumps (Circle K), construction of 1,270 square foot Food and Beverage Sales building with a drive-through (Starbucks) and an approximately 168 square foot mural on the Starbucks building. Two existing buildings consisting of 6,027 square feet and 2,480 square feet are proposed to be demolished. A related Lot Line Adjustment (RS 2024-001) was approved to adjust existing lot lines for two separate lots. Proposed Condition No. 22, SPR 2024-007 and RS 2024-001 requires completion of the improvements per the SPR prior to operation of the off-sale alcohol related use.

The property is located in the IGC (Industrial – General Commercial) Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Agricultural processing facility / Industrial – General (IG)  
 South: California Highway Patrol facility / Public/Semipublic (PS)  
 East: Restaurant / Commercial Retail (CR)  
 West: Industry, Limited use / Industrial – General Commercial (IGC)

Analysis:

Undue Concentration

Concerning off-sale alcohol-related uses, “undue concentration” is defined per California Business and Professions Code Section 23958.4 as either: (1) the ratio of off-sale retail licenses to population in the census tract or census division in which the premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the premises is located: or (2) the premises are located in a crime reporting district that has a 20 percent greater number of reported crimes (i.e., the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic violations) than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

The proposed location is within Census Tract 13 (CT 13). Per ABC, there are currently six (6) active off-sale licenses within CT 13 which are shown below:

<u>Name of Licensee</u>	<u>Address</u>	<u>Distance from Project Site</u>
1. Star Market (Type 21)	1275 South Main Street	6,647 feet
2. Salinas AM PM (Type 20)	970 Work Street	2,921 feet
3. Central Gas Valero (Type 20)	1163 Terven Avenue	3,419 feet
4. El Toro Liquor & Taqueria (Type 21)	124 Abbott Street	5,873 feet
5. AS Convenience & Energy (Type 20)	945 Abbott Street	376 feet
6. Michoacan Produce (Type 20)	241 John Street	5,880 feet

Per ABC, two (2) off-sale licenses are authorized in CT 13. Currently, the subject CT 13 has undue concentration as there are six (6) active off-sale alcohol licenses, which is three times higher than the two authorized. Approval of the proposed Type 21 off-sale alcohol license would result in 7 off-sale alcohol licenses in a census tract that is already undue concentrated for the number of off-sale alcohol licenses. ABC records incorrectly identify the number of off-sale alcohol licenses in CT 13, which has been corrected in this report.

The attached Map of off-sale Alcohol Licenses from 2019 shows the location of the proposed off-sale alcohol license to other off-sale alcohol licenses. The closest off-sale license to the project site is located at 945 Abbott Street (AS Convenience & Energy), which is located in CT 13 and is approximately 376 feet to the northeast of the project site. The average distance to off-sale alcohol outlets in CT 13 is 4,186 feet, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a CT since 2010 (see Table 1 below).

Table 1: Comparison to Off-sale Alcohol Conditional Use Permits Since 2010

	Distance to residentially zoned property (feet)	Distance to public schools (feet)	Distance to parks/playgrounds (feet)	Average Distance to off-sale alcohol outlets in CT (feet)	Alcohol outlets in Census Tract (%) - proposed/allowed	Crime rate in PRD (%) (120% = undue concentration)	Number of crimes reported
Average	484	1,900	1,919	956	119%	146%	56.65
Minimum	0	450	400	1,200	40%	29%	2
Maximum	3,200	5,800	5,400	6,960	800%	386%	259
CUP 2024-022	1,416	3,896	3,542	4,186	300%	30%	22

Salinas Police Department reports an average of 56.65 reported crimes across all PRDs for 2020, the most recent date of PRD records. Adding 20%, the formula allows for no more than 67.98 reported crimes within this PRD to avoid the “undue concentration” designation. The 2020 Salinas Police Department (SPD) crime statistics indicated 22 reported crimes in PRD 108, which is below the 67.02 threshold, indicating that it is appropriate to label the site *not* within an area of undue concentration. Per the Police Department comments, the site is well below the average crime rate and the Salinas Police Department does not object to the approval of Conditional Use Permit 2024-022 with conditions of approval (see attached Salinas Police Department memorandum dated August 30, 2024).

Because the proposed site is located within an area of undue concentration due to number of alcohol licenses in the CT 13, a finding that Public Convenience or Necessity is served by approving the off-sale alcohol use is required should the Planning Commission determine to approve the CUP. A finding of Public Convenience or Necessity could be determined as customers would be able to complete their shopping needs without having to travel to a range of retail outlets.

### Proximity to Residences, Parks, and Schools

The closest residences and residentially zoned land are located approximately 1,416 feet to the west of the site of the alcohol related use (691 Santa Cruz Avenue). The nearest park is Claremont Manor Neighborhood Park (1220 San Fernando Drive), which is located approximately 3,542 feet to the southwest of the subject site. The nearest public school is Monterey Park Elementary School (410 San Miguel Avenue), which is located approximately 3,896 feet southwest from the subject site.

The subject property is located less than the average distance to residences, residentially zoned properties, parks, and other public schools than other CUP applications (approved, denied, or expired) dating back to the year 2010. The subject property is above average in minimum distance concerning its location to, residences, schools, and parks/playgrounds in comparison with other off-sale alcohol CUP applications.

As stated above, the project site is in a Census Tract that if this is CUP is approved, would exceed the number of allowed off-sale alcohol outlets. As shown on the above table, the average level of undue concentration for Conditional Use Permits processed since 2010 is 119%. The crime rate for the subject PRD is 30% under the average rate considered as undue concentration for crime (30% vs. 120%).

### One-for-One Policy

The Planning Commission had previously determined that a One-for-One policy should be required for off-sale licenses located in areas of undue concentration. A One-for-One policy would require the elimination of one existing, active off-sale alcohol-related use located within City limits to be either from an area of “undue concentration” (based on either the number of retail off-sale ABC licenses or the number of reported crimes) or a nonconforming use (i.e., without a Conditional Use Permit). The One-for-One Policy was originally established in 2007 by the City Council to limit the number of off-sale alcohol outlets in the City, by requiring new outlets to retire an existing license within the City of Salinas. However, the policy was eliminated by City Council on July 9, 2013. The Application has requested not to acquire the transfer an off-sale license because the policy has been eliminated by the City Council.

The table below shows completed 54 Conditional Use Permit (CUP) applications for alcohol related uses that have been processed since 2010. Per Table 2 below, five (5) off-sale alcohol related CUPs located in an area of undue concentration have been required to comply with the City’s former one-for-one policy.

Table 2: Conditional Use Permit Applications for Alcohol Related Uses

No.	Project Number	Status	Type	Address	Approval Date	Approval Body	1:1 Req?	Off-sale?
1.	CUP 2010-004	Approved	Off-Sale Alcohol	970 Work St.	4/19/2011	City Council	Yes	Yes

2.	CUP 2010-006	Expired	Off-Sale Alcohol	1532 N. Main St.	6/14/2011	City Council	Yes	Yes
3.	CUP 2010-007	Approved	Off-Sale Alcohol	615 W. Laurel Dr.	6/6/2010	Planning Commission	Yes	Yes
4.	CUP 2010-013	Approved	Off-Sale Alcohol	306 N. Main St.	10/12/2010	City Planner	No	Yes
5.	CUP 2010-018	Approved	On Site Alcohol	242 Williams Rd.	8/2/2011	City Planner		No
6.	CUP 2011-005	Denied	Off-Sale Alcohol	575 N. Sanborn Rd.	N/A			
7.	CUP 2011-009	Approved	Off-Sale Alcohol	1375 N. Davis Rd.	6/1/2011	Planning Commission	Yes	Yes
8.	CUP 2011-010	Approved	Off-Sale Alcohol	1800 N. Main St.	6/14/2011	City Council	Yes	Yes
9.	CUP 2011-022	Approved	On-Sale Alcohol	1730 N. Main St.	10/10/2011	City Planner		No
10.	CUP 2011-023	Withdrawn	Off-Sale Alcohol	1730 N. Main St.	N/A			
11.	CUP 2012-001	Approved	On-Sale Alcohol	1391 N. Davis Rd.	2/12/2012	City Planner		No
12.	CUP 2012-003	Approved	On-Sale Alcohol	1748 N. Main St.	3/27/2012	City Planner		No
13.	CUP 2012-005	Denied	Off-Sale Alcohol	8 Williams Rd.	N/A			
14.	CUP 2013-003	Approved	Off-Sale Alcohol	1045 N. Main St.	9/24/2013	City Council	No	Yes
15.	CUP 2013-006	Approved	On-Sale Alcohol	1988 N. Main St.	7/1/2013	City Planner		No
16.	CUP 2014-004	Withdrawn	On-Sale Alcohol	242 Williams Rd.	N/A			
17.	CUP 2014-025	Denied	Off-Sale Alcohol	1532 N. Main St.	N/A			
18.	CUP 2015-004	Approved	On-Sale Alcohol	124 Abbott St.	8/4/2015	City Planner		No
19.	CUP 2015-011	Approved	On-Sale Alcohol	1938 N. Main St.	6/9/2015	City Planner		No
20.	CUP 2015-016	Approved	Off-Sale Alcohol	215 E. Alisal St.	9/16/2015	Planning Commission	No	Yes
21.	CUP 2015-023	Denied	Off-Sale Alcohol	602 Williams Rd.	N/A			
22.	CUP 2015-034	Denied	Off-Sale Alcohol	170 E. Laurel Dr.	N/A			
23.	CUP 2016-002	Withdrawn	On-Sale Alcohol	242 Williams Rd.	N/A			
24.	CUP 2016-005	Approved	On-Sale Alcohol	66 W. Alisal St.	6/7/2016	City Planner		No
25.	CUP	Approved	Off-Sale	150 Main	6/24/2016	City Planner		N/A

	2016-006		Alcohol	St.				
26.	CUP 2016-013	Withdrawn	Off-Sale Alcohol	1000 Market St.	N/A			
27.	CUP 2016-019	Approved	Off-Sale Alcohol	201 Monterey St.	3/21/2017	City Council	No	
28.	CUP 2016-020	Approved	On-Sale Alcohol	1000 Davis Rd.	12/12/2016	City Planner		No
29.	CUP 2017-003	Approved	On-Sale Alcohol	350 Northridge Mall	4/7/2017	City Planner		No
30.	CUP 2017-005	Withdrawn	Off-Sale (Type 20 To 21)	980 Acosta Plaza.	N/A			
31.	CUP 2017-014	Withdrawn	On-Sale Alcohol	309 Williams Rd.	N/A			
32.	CUP 2018-001	Approved	On-Sale Alcohol	1600 Northridge Mall	2/27/2018	City Planner		No
33.	CUP 2018-002	Approved	On-Sale Alcohol	723 Alisal St.	10/12/2018	City Planner		No
34.	CUP 2018-003	Expired	On-Sale Alcohol	1220 S. Main St.	2/26/2018	City Planner		No
35.	CUP 2018-005	Approved	Off-Sale Alcohol	1764 N. Main St.	10/2/2019	Planning Commission	No	Yes
36.	CUP 2018-008	Expired	Off-Sale Alcohol	1438 S. Main St.	N/A			
37.	CUP 2018-012	Withdrawn	On-Sale Alcohol	1366 s. Main St.	N/A			
38.	CUP 2018-023	Approved	On-Sale Alcohol	309 Williams Rd.	1/9/2019	City Planner		No
39.	CUP 2018-024	Approved	On-Sale Alcohol	213 Monterey St.	11/27/2018	City Planner		No
40.	CUP 2018-025	Approved	On-Sale Alcohol	242 Williams Rd.	4/30/2019	City Planner		No
41.	CUP 2018-029	Approved	On-Sale Alcohol	1790 Northridge Mall	2/20/2029	City Planner		No
42.	CUP 2019-009	Approved	On-Sale Alcohol	210 Main St.	8/22/2019	City Planner		Not deter mined
43.	CUP 2019-020	Approved	On-Sale Alcohol	1582 Constitutio n Blvd.	1/7/2020	City Planner		No
44.	CUP 2020-015	Approved	Off-Sale Alcohol	1264 De La Torre	10/23/2020	City Planner	No (Not Und. )	Yes

45.	CUP 2021-008	Approved	On-Sale Alcohol	1220 S. Main St.	4/2/2021	City Planner		No
46.	CUP 2021-022	Approved	Off-Sale Alcohol	1640 N. Main St.	9/15/2021	Planning Commission	No	Yes
47.	CUP 2021-025	Approved	On-Sale Alcohol	835 S. Main St.	12/15/2021	Planning Commission		No
48.	CUP 2021-029	Approved	On-Sale Alcohol	822 E. Alisal St.	1/3/2022	City Planner		No
49.	CUP 2021-030	Approved	On-Sale Alcohol	1259 De La Torre St.	12/20/2021	City Planner		No
50.	CUP 2022-026	Approved	On-Sale Alcohol	66 W. Alisal St.	5/6/2022	City Planner		No
51.	CUP 2022-030	Approved	On-Sale Alcohol	215 Monterey St.	8/15/2022	City Planner		No
52.	CUP 2022-054	Approved	Off-Sale Alcohol	933 W. Alisal St.	12/21/2022	Planning Commission	No	Yes
53.	CUP 2022-061	Approved	On-Sale Alcohol	344 Main St.	2/28/2023	City Planner		No
54.	CUP 2023-017	Approved	Off-Sale Alcohol	1050 N. Davis Rd.	10/4/2023	Planning Commission	No	Yes

### Conditions of Approval

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. In this regard, the City's Zoning Code imposes a variety of specific requirements for alcohol-related uses and for all alcohol-related uses located in areas of undue concentration, which are discussed in turn below.

Pursuant to Zoning Code Section 37-50.030(f), if the Planning Commission determines that the public convenience or necessity would be served by the approval of the CUP and the subsequent issuance of an alcohol license by ABC, the CUP would contain the following conditions of approval:

1. Alcohol shall not be sold between the hours of 10:00 p.m. and 6:00 a.m. Coolers containing alcoholic beverages shall be locked between the hours of 10:00 p.m. and 6:00 a.m.
2. The premises shall be maintained free of litter at all times.
3. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
4. No display of alcoholic beverages shall be made from an ice tub.
5. No "single-serving" or "one-can" sales of alcoholic beverages shall be made from the premises. A sign to this effect in English and Spanish shall be maintained at the

cashier station at all times.

6. No alcoholic beverage shall be displayed within five feet of the cash register or the front door of the premises unless displayed in a permanently affixed cooler.
7. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
8. 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. Any business established after the effective date of the ordinance codified in this section shall require such training of all owners and managers 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 of this section regarding responsible beverage training shall be suspended upon a finding by the City Planner that the training is not reasonably available.
9. An electronic age verification scanner shall be installed, maintained, and utilized for all off-sale alcohol sales.
10. Signs shall be posted at the location in English and Spanish with regard to prohibitions of open containers and loitering at the location, and no loitering will be tolerated.
11. No single 40 oz. containers of beer may be sold from premises.
12. No malt liquor or fortified wine products (wines with greater than 15% alcohol content) shall be sold.
13. Sales of wine shall be in containers of at least 750 ml.
14. No coin operated video or arcade games and no adult magazines or videos shall be sold.
15. No pay telephone booths shall be permitted on the premises.
16. 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.



Additional conditions could be added, including those recommended by the Salinas Police Department per the attached comments dated August 30, 2024 (Exhibit “H” of CUP 2024-022):

1. Digital surveillance system with high quality cameras focused on the points of sales, entrances/exits of the business and the parking lot, with the capability to store the digital images captured. The video/photos must be retained for 30 days and be made available to Police upon request.
2. Ample lighting in the parking lots, exterior area of entrances/exits and situated in areas to enhance video surveillance equipment.

The Applicant has provided a “Justification for a Determination of Public Convenience or Necessity” which was received by staff on October 10, 2024 and is attached. Per the document, the Applicant states that the Salinas Police Department is supportive of the proposed off-sale alcohol use CUP based on low crime statistics in the area and with the proposed conditions provided by Police and the proposed off-sales of alcohol will not be detrimental to the public and will provide convenience to the public that allows customers to avoid additional trips to other stores to purchase beer and wine which minimizes additional trips on the street network.

Findings:

The Planning Commission may approve an application for Conditional Use Permit to establish and operate an Off-sale alcohol related use (Type 20 ABC license) in a proposed Convenience Store with Gas Pumps (Circle K) if all the findings set forth in the 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 project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. The proposed project is exempt because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

TIME CONSIDERATION:

The project was deemed complete on October 23, 2024. Final action is required by December 22, 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, find the application exempt from the California Environmental Quality Act (CEQA), and approve Conditional Use Permit 2024-022 with modifications; or
2. Find that the proposal is not appropriate and establish findings at the public hearing stating the reasons for not approving Conditional Use Permit 2024-022.

ATTACHMENTS:

Proposed Planning Commission Resolution

Draft Conditional Use Permit 2024-022 with the following exhibits:

- Exhibit "A" Vicinity Map
- Exhibit "B" Site Plan (Sheet SP-1)
- Exhibit "C" Convenience Store Floor Plan (Sheet 1)
- Exhibit "D" Convenience Store Color Elevations (Sheet 2)
- Exhibit "E" Canopy Color Elevations
- Exhibit "F" Convenience Store - Recycling and Solid Waste Enclosure Details and Color Elevation (Sheet 4)
- Exhibit "G" Convenience Store Renderings (Sheet 6)
- Exhibit "H" Police Department Memorandum, dated August 30, 2024

Map of Areas of Undue Concentration of Off-sale Licenses and Reported Crimes (Combined)

Map of Census Tracts with Undue Concentration of Off-sale Alcohol Licenses

Map of PRDs with Undue Concentration of 20% Greater Number of Reported Crimes than the Average Number of Reported Crimes

Map of off-sale Alcohol Licenses

“Justification for a Determination of Public Convenience or Necessity” from Circle K received on October 10, 2024

Cc: Morton & Pitalo, Applicant  
Other interested parties

I:\ComDev\Planning Share Space\1012 and 1016 Abbott St\CUP 2024-022 - 1012 and 1016 Abbott St\PC\CUP 2024-022 PC Staff Report.docx