

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

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO DEMOLISH AN
EXISTING SERVICE STATION AND CONVENIENCE STORE AND CONSTRUCT A
NEW SERVICE STATION, CONVENIENCE STORE, AND VEHICLE WASHING
BUILDING WITH AN OFF SALE ALCOHOL RELATED USE (TYPE 20 ABC
LICENSE) LOCATED AT 1163 TERVEN AVENUE IN THE IG-AR (INDUSTRIAL-
GENERAL – AIRPORT OVERLAY) ZONING DISTRICT
(CUP 2024-046)**

WHEREAS, on April 16, 2025, the Salinas Planning Commission, at the request of the Applicant, Jay Waraich, held a duly noticed public hearing to demolish an existing service station and convenience store and construct a new 2,500 square foot convenience store, a 3,654 square foot fuel canopy with 12 fuel pumps, a 1,080 square foot vehicle washing building with an off sale alcohol related use consisting of a Type 20 ABC License located at 1163 Terven Avenue (Assessor's Parcel Numbers 003-471-032-000); 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 by the Salinas Planning Commission that the Commission finds the project to be Exempt from the California Environmental Quality Act (CEQA) and approves Conditional Use Permit 2024-046; 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 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines;***

The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Sections 15332 (In-Fill Development Projects) and 15061(b)(3) of the CEQA Guidelines. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services. Furthermore, the 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.

2. ***The proposed location of the use is in accordance with the objectives of the Salinas General Plan, this Zoning Code and the purposes of the district in which***

the site is located;

The site is designated General Industrial by the 2002 Salinas General Plan. The proposed project is consistent with General Plan Goals and Policies. Located on an in-fill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The project will revitalize an existing industrial area within the City consistent with Land Use Policy LU-3.7. The project conforms with Community Design Element Policy CD-2.3, which requires infill development to be consistent with the scale and character of the existing buildings. Furthermore, the proposed development applies high-quality design standards visible from U.S. Highway 101 consistent with Community Design Policy CD-1.8. Retail sales of beer and wine for off-site consumption would provide City residents in the community with opportunities for jobs and shopping, consistent with Land Use Goal LU-1 and Policy LU-1.1. Providing an off-sale alcohol use it would be consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new investment in property and land development.

As shown on the official Zoning Map, the site is in the Industrial-General District. Per Section 37-30.300, the purpose of the Industrial-General District is to provide for the full range of manufacturing, industrial processing, general service, and distribution uses deemed suitable for location in Salinas; and protect Salinas' general industrial areas from competition for space from unrelated commercial uses that could more appropriately be located elsewhere in the city.

Development Regulation Compliance Table

Development Regulation	Standard	Existing	Proposed
Use Classification	CUP for Convenience Store w/ Gas Pumps and SPR for Vehicle Washing, and Alcohol Related Use.	Gas station/convenience store/truck and auto rental facility, and Alcohol Related Use.	Compliant. Convenience Store w/ Gas Pumps, Vehicle Washing, and Alcohol Related Use.
Lot Size – Minimum (s.f.)	43,560 (1 acre)	31,283 s.f. existing nonconforming	Compliant. 31,283 existing nonconforming
Lot Width – Minimum (ft.)	150 ft.	129.5 ft. existing nonconforming	Compliant. 129.5 ft. existing nonconforming
Lot Depth – Minimum (ft.)	150 ft.	204 ft.	Compliant. 204 ft.
Lot Frontage – Minimum (ft.)	100 ft.	150 ft. and 168.32 ft. (corner lot)	Compliant. 150 ft. and 168.32 ft.

			(corner lot)
Front Yard – Minimum (ft.)	20 ft.	24 ft.	Compliant. 45 ft.
Interior Side Yard – Minimum (ft.)	0	74 ft. and 0 ft..	Compliant. 2 ft.
Corner Side Yard – Minimum (ft.)	20 ft..	10 ft.	Compliant. 47 and 66.5 ft.
Rear Yard – Minimum (ft.)	0	134 ft. and 46 ft.	25 and 108 ft.
Height – Maximum (ft.)	No height limit	Approx. 12-14 ft.	Compliant. 25 ft.
FAR – Maximum	.50	.06 (1,735/31,283)	Compliant. .12 (3,580/31,283)
Landscaping – Minimum (Percent of Parking Lot Area)	5%	Approx. 21% (558 s.f./2,565 s.f.)	Compliant. 26% (411 s.f./1,564 s.f.)
Driveway Width – Maximum (ft.)	40 s.f.	Approx. 35-40 ft.	Compliant. 40 ft.
Off-Street Parking - Minimum	1:250 s.f. of retail space	15 spaces	Compliant. 8 spaces (1,866 s.f. of retail/250=8* rounded up from 7.46)

Per Section 37-50.030(a), the purpose of Alcohol License Review regulations is to provide for the orderly integration of alcohol-related uses in the City. In accordance with Section 37-50.030(c), the off-sale alcohol-related use would continue to be regulated by a Conditional Use Permit (CUP), which current conditions stipulated by the 2006 Zoning Code.

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

The site is designated General Industrial by the 2002 Salinas General Plan. The proposed project is consistent with General Plan Goals and Policies. Retail sales of beer and wine for off-site consumption would provide City residents in the community with opportunities for jobs and shopping, consistent with Land Use Goal LU-1 and Policy LU-1.1. By providing a new off-sale alcohol use it would be consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new investment in property and land

development.

Additional conditions have been added, including those recommended by the Salinas Police Department to ensure public health, safety, and welfare of persons:

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.
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, a condition requires compliance with a Noise Study, prepared by Bollard Acoustical Consultants Inc. on July 17, 2024, which identifies construction of a nine (9) foot high solid noise barrier along the western project property near the location of the exit to vehicle washing dryer equipment (as identified in the Site Plan) to mitigate the noise to be reduced to not exceed the maximum 70 dBA.

Per Zoning Code Section 37-50.030(f), conditions required for an off-sale alcohol-related use include, but are not limited to, the following: the premises shall be maintained free of litter at all times; and, 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.

Additional conditions of approval in the Conditional Use Permit require a digital surveillance system with high quality cameras and ample lighting in the exterior area of entrances/exits.

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; and***

The proposed location is within Census Tract 13 (CT 13). Per ABC, there are currently six (6) active off-sale licenses within CT 13, including the existing license on the subject site, 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	10,166 feet
2.Salinas AM PM (Type 20)	970 Work Street	1,995 feet
3.Central Gas Valero (Type 20)	1163 Terven Avenue	Same Site
4.El Toro Liquor & Taqueria (Type 21)	124 Abbott Street	7,527 feet
5.AS Convenience & Energy (Type 20)	945 Abbott Street	3,331 feet
6.Michoacan Produce (Type 20)	241 John Street	7,616 feet

Per ABC, two (2) off-sale licenses are authorized in CT 13. Currently, the subject CT 13 is classified as undue concentration as there are six (6) active off-sale alcohol licenses plus one pending license located at 1012 Abbott Street, which is higher than the two (2) authorized. Approval of the proposed Type 20 off-sale alcohol license would not result in an increase in number of licensees because the subject site includes one of the licenses (ref. Central Gas Valero located at 1163 Terven Avenue). ABC records incorrectly identify the number of off-sale alcohol licenses in CT 13, which has been corrected in this report.

The average distance to off-sale alcohol outlets in CT 13 is 6,127, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a Census Tract since 2010. The closest residences and residentially zoned land are located approximately 1,416 feet to the north of the site of the alcohol related use (526 Carol Drive). The nearest park is Los Padres Neighborhood Park (1210 John Street), which is located approximately 3,178 feet to the north of the subject site. The nearest public school is Los Padres Elementary School (1130 John Street), which is located approximately 2,852 feet north from the subject site.

The subject property is located more 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. For the above reasons, the proposed project will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods.

Salinas Police Department reports an average of 61.21 reported crimes across all Police Reporting Districts (PRD) for 2022, the most recent date of PRD records. Adding 20%, the formula allows for no more than 73.45 reported crimes within this PRD to avoid the “undue concentration” designation. The 2022 Salinas Police Department (SPD) crime statistics indicated 48 reported crimes in PRD 107, which is below the 73.45 threshold, indicating that the site is not within an area of undue concentration due to crime.

The Salinas Police Department does not object to the approval of Conditional Use

Permit 2024-046 per a Police Department memorandum dated August 30, 2024, provided the following recommended conditions are required, which are included as conditions of approval in the Conditional Use Permit:

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.
6. ***The location of the proposed Off-sale Alcohol-Related use is located within an area of undue concentration (as defined by Business and Professions Code Sections 23958.4 and administered by the State Department of Alcoholic Beverage Control), pursuant to Business and Professions Code Sections 23817.7, the public convenience or necessity would be served by the issuance of the alcohol license by the ABC.***

The proposed project is in an area of undue concentration due to the number of off-sale retail licenses within the census tract. The Salinas Police Department does not object to the approval of Conditional Use Permit 2024-046 provided the comments stated in their memorandum dated August 30, 2024, are included as conditions of approval in the Conditional Use Permit. Public convenience or necessity would be served by the issuance of the license by the ABC because it would provide a 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.

PASSED AND APPROVED this 16th day of April 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 April 16, 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