

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION OF THE SALINAS CITY COUNCIL OVERTURNING THE
PLANNING COMMISSION DENIAL AND APPROVING A CONDITIONAL USE
PERMIT TO ESTABLISH AND OPERATE AN OFF-SALE ALCOHOL USE (TYPE 21
ABC LICENSE) AT A PROPOSED CONVENIENCE STORE LOCATED AT THE
LAUREL WEST SHOPPING CENTER AT 1018 NORTH DAVIS ROAD IN THE
COMMERCIAL RETAIL (CR) ZONING DISTRICT
(CUP 2025-023)**

WHEREAS, on November 19, 2025, the Salinas Planning Commission, at the request of the Applicant, Simon Maida, held a duly noticed public hearing to consider Conditional Use Permit 2025-023 to establish and operate an off-sale alcohol related use (Type 21 ABC license) at a proposed 2,618 square-foot convenience store located at the Laurel West Shopping Center at 1018 North Davis Road in the Commercial Retail (CR) Zoning District (Assessor's Parcel Number 261-711-070-000); 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

WHEREAS, the Planning Commission expressed concerns with the distance of the project site to a nearby off-sale alcohol related use and a school, a potential increase in the number of incidents of Driving Under the Influence (DUI), and with the increase of undue concentration of off-sale alcohol outlets in Census Tract 18.02 (CT 18.02); and

WHEREAS, on November 19, 2025, the Planning Commission voted 3-2 to deny Conditional Use Permit 2025-023 pursuant to Planning Commission Resolution No. 2025-11; and

WHEREAS, on December 1, 2025, pursuant to Zoning Code Sections 37-50.1280 and 37-50.1290, the Applicant (Simon Maida), appealed the Planning Commission denial of Conditional Use Permit 2025-023 to City Council; and

WHEREAS, the Salinas City Council pursuant to Zoning Code Section 37-60.1300, scheduled a duly noticed public hearing on January 13, 2026; and

WHEREAS, the Salinas City Council continued the public hearing for Conditional Use Permit 2025-023 to January 27, 2026; and

WHEREAS, the City Council 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 City Council that it overturns the Planning Commission denial, finds the project exempt from the California Environmental Quality

Act (CEQA), and approves Conditional Use Permit 2025-023; and

BE IT FURTHER RESOLVED that the Salinas City Council 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 15270(a) of the California Environmental Quality Act (CEQA) Guidelines;***

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.

- 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 Retail by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer, wine, and distilled spirits for off-site consumption at a proposed convenience store within an existing shopping center 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. The proposed off-sale alcohol related use is consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new investment in property and land development.

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 proposed off-sale alcohol-related use would be regulated by a Conditional Use Permit (CUP). As shown on the official Zoning Map, the site is in the CR (Commercial Retail) Zoning District. Per Zoning Code Section 37-30.190(k)(3), the CR district provides for a range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services, offices, financial services, mixed use residential and/or limited residential uses.

- 3. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are not consistent with the Salinas General Plan and will be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, and detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; and***

The site is designated Retail by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer, wine, and

distilled spirits for off-site consumption at the proposed convenience store located within an existing shopping center 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. The proposed off-sale alcohol related use is consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new investment in property and land development. The project will be required to comply with conditions of approval contained in the Conditional Use Permit, including the Police Department conditions.

4. *The proposed conditional use will not 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. 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, ample lighting in the exterior area of entrances/exits, and the posting of trespassing signs.

5. *The Alcohol-Related use will adversely affect the welfare of the area including the surrounding residentially zoned neighborhoods, the proximity of an existing Alcohol-Related use located at 1050 North Davis Road, 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 18.02 (CT 18.02). Per ABC, there are currently six (6) active off-sale licenses within CT 18.02 which are shown below:

<u>Name of Licensee</u>	<u>Address</u>
1. Smart and Final (Type 21)	319 East Market Street
2. Chin Brothers Grocery & Liquor (Type 21)	132 North Main Street
3. Hasco Stations, LLC (Type 21)	417 North Main Street
4. Clearwater Express (Type 20)	306 North Main Street
5. T-Mart (Type 20)	430 North Main Street
6. Vallarta Supermarket (Type 21)	1050 North Davis Road

Per ABC, five (5) off-sale licenses are authorized in CT 18.02. Currently, the subject CT 18.02 is undue concentrated for the number of off-sale alcohol licenses (five (5) authorized, six (6) active). Approval of the proposed Type 21 off-sale alcohol license would result in seven (7) off-sale alcohol licenses in census tract that is already undue concentrated in terms of the number of off-sale alcohol licenses.

The closest off-sale license to the project site is located at 1050 North Davis Road (Vallarta Supermarket), which is in the same Census Tract (18.02) and is approximately 500 feet to the north of the project site. The average distance to other off-sale alcohol outlets in CT 18.02 is 5,883 feet, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a Census Tract since 2010.

Two (2) residential units (836 and 838 Howe Drive) are located off site to the south of the property behind a solid wall without direct access to the main entrance of the proposed convenience store. The nearest park is Laurelwood Park (915 Victor Street), which is located approximately 2,200 feet to the southeast of the subject site. The nearest public school is Boronda Meadows Elementary School (915 Larkin Street), which is located approximately 570 feet southwest from the subject site.

The subject property is located less than the average distance of similar projects to residences and parks/playgrounds; but is more than the average distance to public schools and other off-sale alcohol related uses in the same Census Tract than other CUP applications (approved, denied, or expired) dating back to the year 2010. For the above reasons, the proposed project will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods.

Per the Salinas Police Department memorandum dated August 1, 2025, the Police Department reports an average of 73.43 reported crimes across all Police Reporting Districts (PRD) for 2024, the most recent date of PRD records. Adding 20%, the formula allows for no more than 88.12 reported crimes within this PRD to avoid the “undue concentration” designation. The 2024 Salinas Police Department (SPD) crime statistics indicated 78 reported crimes in PRD 181, which is below the 88.12 threshold, indicating that the project site is not located within an area of undue concentration due to crime. Per the Salinas Police Department memorandum, an increase in police services for this project is anticipated. However, the Salinas Police Department does not object to the approval of Conditional Use Permit 2025-023, if the following recommended conditions, which are included as conditions of approval in the Conditional Use Permit, are met:

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.
3. All legal requirements be met so that the business be posted for trespassing and enforceable by the police department for Salinas Code (SCC) 21-35.

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 not be served by the issuance of the alcohol license by the ABC.

The project site is in an area of undue concentration due to the number of off-sale retail licenses within the census tract and crime within the Salinas Police Reporting District (PRD). The Salinas Police Department does not object to the approval of Conditional Use Permit 2025-023 if the comments stated in their memorandum dated August 1, 2025, 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 the issuance of the license would provide a convenience to the public that allows customers to avoid additional trips to other stores to purchase beer, wine, and distilled spirits which minimizes additional trips on the street network. The operator of the proposed off-sale alcohol related use shall be required to obtain a beverage sales license from the State Alcoholic Beverage Control Board (ABC) and comply with all applicable regulations of the state permit, including the terms and conditions of the City of Salinas Conditional Use Permit.

PASSED AND ADOPTED this 27th day of January 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Dennis Donohue, Mayor

ATTEST

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM

Christopher A. Callihan, City Attorney

DRAFT