

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

**A RESOLUTION OF THE SALINAS CITY COUNCIL APPROVING A CONDITIONAL
USE PERMIT TO ESTABLISH AND OPERATE A PROPOSED OFF-SALE ALCOHOL
USE (TYPE 20 ABC LICENSE) AT AN EXISTING FOOD AND BEVERAGE SALES
USE LOCATED AT 695 EAST ALISAL STREET IN THE COMMERCIAL RETAIL –
EAST ALISAL STREET/EAST MARKET STREET FOCUSED GROWTH OVERLAY
(CR-FG-5) ZONING DISTRICT
(CUP 2024-058)**

WHEREAS, on April 2, 2025, the Salinas Planning Commission, at the request of the Applicant, RJK Liquor Incorporated, held a duly noticed public hearing to consider Conditional Use Permit 2024-058 to establish and operate a proposed off-sale alcohol related use (Type 20 ABC license) at an existing 2,960 square-foot and beverage sales use (La Corona Market) located at 695 East Alisal Street in the Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5) Zoning District (Assessor's Parcel Number 004-074-016-000); 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, Commissioners expressed concerns with the distance of the project site to nearby parks and schools and with the high number of off-sale alcohol outlets in the surrounding area; and

WHEREAS, on April 2, 2025, the Planning Commission voted 2-2 (tie vote) resulting in no action thereby requiring the item to be forwarded directly to the City Council; and

WHEREAS, the Salinas City Council held a duly noticed public hearing on April 22, 2025 and 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 approves Conditional Use Permit 2024-058; 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 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 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 Mixed Use by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer and wine for off-site consumption at the food and beverage sales use 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. 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.

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 at 695 East Alisal Street would be regulated by a Conditional Use Permit (CUP). As shown on the official Zoning Map, the site is in the CR-FG-5 (Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay) Zoning District. Per Zoning Code Section 37-30.300(e)(1), 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 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 Mixed Use by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer and wine for off-site consumption at the existing retail sales use 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. 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. The project will be required to comply with conditions of approval contained in the Conditional Use Permit, including the Police Department conditions requiring installation of a digital surveillance system and ample on-site lighting.

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. 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 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 5.01 (CT 5.01). Per ABC, there are currently five (5) active off-sale licenses within CT 5.01 which are shown below:

| <u>Name of Licensee</u> | <u>Address</u> |
|----------------------------------|------------------------|
| 1. East Market Store (Type 20) | 701 East Market Street |
| 2. Maritza Market (Type 20) | 549 East Market Street |
| 3. Young's Market (Type 21) | 660 East Market Street |
| 4. Neighborhood Market (Type 20) | 505 East Market Street |
| 5. Los Primos Market (Type 20) | 825 East Market Street |

Per ABC, four (4) off-sale licenses are authorized in CT 5.01. Currently, the subject CT 5.01 is undue concentrated for the number of off-sale alcohol licenses (four (4) authorized, five (5) active). Approval of the proposed Type 20 off-sale alcohol license would result in six (6) off-sale alcohol licenses in census tract that is already undue concentrated in terms of the number of off-sale alcohol licenses. The Applicant is transferring an active Type 20 off-sale alcohol license (License No. 570016 – Fresh Market and Produce) from 201 East Alisal Street to the project site.

The closest off-sale license to the project site is located at 606 East Alisal Street (GL Liquor), which is in CT 9 and is approximately 650 feet to the west of the project site. The average distance to other off-sale alcohol outlets in CT 5.01 is 1,346 feet, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a Census Tract since 2010.

The closest residences are located on the subject property and residentially zoned land located adjacent to the north of the proposed alcohol related use (15 Hebborn Avenue). The nearest park is La Paz Neighborhood Park (560 Roosevelt Street), which is located approximately 830 feet to the northwest of the subject site. The nearest public school is Sherwood Elementary School (110 South Wood Street),

which is located approximately 630 feet southwest from the subject site.

The subject property is located less than the average distance of similar projects to residences, residentially zoned properties, parks/playgrounds, and other public schools 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 October 18, 2024, the Police Department reports an average of 61.21 reported crimes across all Police Reporting Districts (PRD) for 2023, 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 2023 Salinas Police Department (SPD) crime statistics indicated 241 reported crimes in PRD 52, which is above the 73.45 threshold, indicating that it is appropriate to label the site 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 2024-058, if the following recommended conditions, which are included as conditions of approval in the Conditional Use Permit, are required:

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 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 2024-058 if the comments stated in their memorandum dated October 18, 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. 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 APPROVED this 22nd day of April 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Dennis Donohue, Mayor

ATTEST

Patricia M. Barajas, City Clerk

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