SALINAS PLANNING COMMISSION
RESOLUTION NO. 2017-01

Resolution Denying a Conditional Use Permit to Establish and Operate an Alcohol Related Use Consisting of a beer and wine off-sale license (Type 20) at an existing service station and convenience store with gas pumps use located at 201 Monterey Street in the Mixed Use – Central City Overlay – Downtown Core Area (MX-CC-DC) Zoning District
(CUP 2016-019)

WHEREAS, on January 18, 2017, the Salinas Planning Commission, at the request of the Applicant, 3D Investment Group, Incorporated, held a duly noticed public hearing to consider Conditional Use Permit 2016-019 to establish and operate an alcohol related use consisting of a beer and wine off-sale license (Type 20) at an existing service station and convenience store with gas pumps located at 201 Monterey Street (Assessor's Parcel Number 002-231-018-000); 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 that the Salinas Planning Commission denies Conditional Use Permit 2016-019 because it could not establish the findings required by Zoning Code Section 37-60.520 (for a Conditional Use Permit) and Zoning Code Section 37-50.030 (for an off-sale alcohol use located in an area of undue concentration) and herein adopts the following as the basis for its determination of denial:

1. ***The proposed location of the use is not 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. Per the General Plan, Mixed Use provides for a mixture of retail, commercial, office and residential uses in the same building, parcel, or area. The proposed off-sale alcohol related use is inconsistent with General Plan Goal CD-2, as it does not encourage the design, maintenance, and revitalization of neighborhoods that enhance the quality of life.

   As shown on the official Zoning Map, the site is located in the base MX-CC-DC (Mixed Use – Central City Overlay – Downtown Core Area) District. Per Section 37-30.230, the purpose of the Mixed Use District is to provide opportunities for commercial uses that emphasize retail and service activities and promote compact development that is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. The proposed off-sale alcohol related use would not comply with the provisions of the Zoning Code because the use would not provide for orderly integration of alcohol-related uses in accordance with the purpose of the

alcohol license review regulations pursuant to Zoning Code Section 37-50.030.

The proposed off-sale alcohol-related use would adversely affect the welfare of the surrounding neighborhood. The proposed location is in a neighborhood with a mix of residential, commercial, and public and semipublic uses including three schools (Temple Philadelphia Christian Academy, Roosevelt School, and Sacred Heart School), which are located 140, 1,670, and 1,970 feet from the subject site and a park (Bataan Memorial Park), which is located 780 feet from the subject site. Residences are located adjacent to the east across Lodge Alley, to the east of the subject site. Considering the high crime statistics, high number of existing off-sale alcohol outlets, and the character of land uses in the surrounding neighborhood, the proposed off-sale alcohol use would be detrimental to public health, safety, and welfare of the area and neighborhood residences.

2. ***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 would 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;***

The site is designated Mixed Use by the 2002 Salinas General Plan. Per the General Plan, Mixed Use provides for a mixture of retail, commercial, office and residential uses in the same building, parcel, or area. The proposed off-sale alcohol related use is inconsistent with General Plan Goal CD-2, as it does not encourage the design, maintenance, and revitalization of neighborhoods that enhance the quality of life.

The proposed off-sale alcohol-related use would adversely affect the welfare of the surrounding neighborhood. The proposed location is in a neighborhood with a mix of residential, commercial, and public and semipublic uses including two schools (Roosevelt School and Sacred Heart School), and a park (Bataan Memorial Park), all within a mile of the subject site. Residences are located adjacent to the east across Lodge Alley, to the east of the subject site. Considering the high crime statistics, high number of existing off-sale alcohol outlets, and the character of land uses in the surrounding neighborhood, the proposed off-sale alcohol use would be detrimental to public health, safety, and welfare of the area and neighborhood residences.

The Planning Commission finds that the proposed transfer of a surrendered Type 20 off-sale alcohol license from Seaside to Salinas would be detrimental to the public health, safety, or welfare because it would increase the total number of off-sale licenses in the City of Salinas.

3. ***The proposed conditional use would not comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use;***

The proposed off-sale alcohol related use would not comply with the provisions of the Zoning Code because the use would not provide for orderly integration of alcohol-related uses in accordance with the purpose of the alcohol license review regulations pursuant to Zoning Code Section 37-50.030.

4. ***The Alcohol-Related use would adversely affect the welfare of the area and 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 subject alcohol related use would adversely affect the welfare of the area and surrounding residential neighborhood due to the close proximity of other nearby off-sale alcohol outlets, Downtown Salinas, and the combination of residences, schools, and parks. The close proximity of adversely affected uses and undue concentration due to the high number of crimes, render the proposed location unsuitable for a new off-sale alcohol outlet.

5. ***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 proposed location is in an area of "undue concentration" in regards to a crime reporting district that has a 20 percent greater number of reported crimes. The Police Department's 2014 average for statistics for Police Reporting Districts (PRDs) is 104.71 reported crimes. Adding 20%, this amounts to approximately 125.652 reported crimes. Crime statistics for PRD 132 are 356 reported crimes. The Planning Commission finds that increasing the number of off-sale alcohol outlets in an area of undue concentration of crimes reported would result in a negative impact on the surrounding neighborhood.

The California Department of Alcohol Beverage Control (ABC) shows eight (8) active off-sale licenses located within Census Tract 13 (CT 13). The proposed off-sale alcohol use would increase the number of off-sale outlets to a total of nine (9) off-sale licenses in CT 13, would exceed the maximum number of three (3) off-sale outlets specified by the ABC. The Planning Commission cannot support the proposed transfer of a surrendered Type 20 off-sale alcohol license from Seaside to

Salinas because it would increase the total number of off-sale licenses in the subject Census Tract from eight (8) to nine (9). Therefore, the Planning Commission finds that public convenience or necessity would not be served by the issuance of the license by the ABC due to the number of reported crimes and the number nearby off-sale alcohol outlets. The existing alcohol outlets sufficiently meet public convenience or necessity.

PASSED AND ADOPTED this 18th day of January 2017 by the following vote:

AYES: Chairperson Hill, Commissioners Anzo, Nohr

NOES: Commissioner Giffin

ABSTAIN: Commissioner Meeks

ABSENT: Commissioners Griffin, Huerta

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 adopted by the affirmative and majority vote of said Planning Commission at a meeting held on January 18, 2017 and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 2/8/17

Courtney Grossman
Secretary

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