



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: APRIL 22, 2025 – CONTINUED
MAY 6, 2025s

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

FROM: THOMAS WILES, SENIOR PLANNER

TITLE: **CONDITIONAL USE PERMIT 2024-058; REQUEST TO ESTABLISH AND OPERATE AN OFF-SALE ALCOHOL RELATED 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**

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 (CUP) 2024-058.

EXECUTIVE SUMMARY:

RJK Liquor Incorporated is proposing to establish and operate an off-sale alcohol related use (Type 20 ABC license – Off-sale beer and wine) at an existing 2,960 square-foot food and beverage sales use (La Corona Market) located at 695 East Alisal Street. The site is developed with multiple structures and is classified by the Zoning Code as a mixed-use development containing both commercial and residential uses. On April 2, 2025, the Planning Commission considered the CUP request and reached a tie vote of 2 to 2, as not all members were present. Per Section 6 of the Bylaws for the Planning Commission (Resolution No. 21165), because of the tie vote, the Planning Commission public hearing resulted in no action and the item is to be forwarded to the City Council for final determination. (See attached draft April 2, 2025, Planning Commission minutes).

BACKGROUND:

RJK Liquor Incorporated is proposing to establish and operate an off-sale alcohol related use (Type 20 ABC license – License No. 663957) at an existing 2,960 square-foot food and beverage sales use (La Corona Market). A Type 20 license includes sales of beer and wine for off site consumption (see attached Site Plan and Floor Plans). The Applicant is proposing to transfer an active Type 20 off-sale alcohol license (License No. 570016 – Fresh Market and Produce) from 201 East Alisal Street to the project site. There was a previous Type 20 off-sale alcohol license (License No. 136372) on-site, which per ABC records was canceled on May 4, 2011.

The subject property is owned by Hebbbron Properties LLC. The site is developed with multiple structures consisting of an existing food and beverage sales use (La Corona Market), an adjacent business and professional office use (Amezcu Insurance) at 7 North Hebbbron Avenue, and three (3) residential units (13 North Hebbbron Avenue #A, #B, and #C) located to the rear of the property without direct access to the main entrance of the food and beverage sales use which is facing East Alisal Street. Per the Zoning Code, the site is classified as a mixed-use development containing both commercial and residential uses.

The subject property is in the CR-FG-5 (Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay) Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

- North: Residential / Residential Medium Density (R-M-2.9)
- South: Restaurant / Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5)
- East: Restaurant / Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5)
- West: Restaurant / Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5)

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 is located exceeds the ratio of off-sale retail licenses to population in the county in which the premises is located: or (2) the premises is located in a crime reporting district that has a twenty percent (20%) 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 5.01 (CT 5.01). Per ABC, there are currently five (5) active off-sale licenses within CT 5.01 as shown below:

<u>Name of Licensee</u>	<u>Address</u>	<u>Distance from Project Site</u>
1. East Market Store (Type 20)	701 East Market Street	1,150 feet
2. Maritza Market (Type 20)	549 East Market Street	1,600 feet
3. Young’s Market (Type 21)	660 East Market Street	1,060 feet
4. Neighborhood Market (Type 20)	505 East Market Street	1,900 feet

5. Los Primos Market (Type 20)

825 East Market Street

1,020 feet

Per ABC, four (4) off-sale licenses are authorized in CT 5.01. Currently, the subject CT 5.01 is classified as undue concentration as there are five (5) active off-sale alcohol licenses, which is higher than the four (4) authorized. Approval of the proposed Type 20 off-sale alcohol license would result in six (6) off-sale alcohol licenses in a census tract that is already undue concentrated for the number of off-sale alcohol licenses.

The attached Map of off-sale Alcohol Licenses dated October 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 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 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 CT since 2010 (see Table 1 below).

The project site is in a PRD which exceeds the number of reported crimes. As shown on Table 1 below, the average level of undue concentration for Conditional Use Permits processed since 2010 is 119%. The proposed project exceeds this number (150% vs. 119%). The crime rate for the subject PRD is 182% over the average rate considered as undue concentration for crime (328% vs. 146%).

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)	Average Alcohol outlets in Salinas CT's (% - proposed/allowed)	Crime rate in PRD's (%) (120% = undue concentration)	Number of crimes reported
Average	484	1,900	1,919	956	119%	146%	61.21
Minimum	0	450	400	1,200	40%	29%	1
Maximum	3,200	5,800	5,400	6,960	800%	386%	261
CUP 2024-058	0	630	830	1,346	150% (6/4)	328% (241/73.45) (2023 PRD)	241

Salinas Police Department Comments and Conditions

Salinas 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 twenty percent (20%), the formula allows for no more than 73.45 reported crimes within this PRD to avoid the “undue concentration” designation. 2023 Salinas Police Department (SPD) crime statistics showing 241 reported crimes in PRD 52, which is above the 73.45 threshold, which places the site within an area of undue concentration due to crime. The attached 2024 Salinas PRD statistics shows that the crime rate in PRD 52 has increased from 241 to 259. Per the Salinas Police Department

memorandum, while an increase in police services for this project is anticipated, the Police Department does not object to the approval of Conditional Use Permit 2024-058 with the conditions of approval stated in the memorandum (see attached Salinas Police Department memorandum dated October 18, 2024).

Because the proposed site is located within an area of undue concentration due to number of alcohol licenses in the CT 5.01 and the number of reported crimes in PRD 52, a finding that Public Convenience or Necessity is served by approving the off-sale alcohol use is required should the City Council 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 are located on the subject property and residentially zoned land located adjacent to the north of the proposed alcohol related use (15 Hebbbron 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 subject site is located approximately 1,830 feet to the south of Cesar Chavez Park. 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 other 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. Table 2 below lists the 59 Conditional Use Permit (CUP) applications for alcohol related uses that have been processed since 2010. 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 2016-006	Approved	Off-Sale Alcohol	150 Main St.	6/24/2016	City Planner		N/A
26.	CUP 2016-013	Withdrawn	Off-Sale Alcohol	1000 Market St.	N/A			
27.	CUP 2016-019	Approved	Off-Sale Alcohol	201 Monterey St.	03/21/2017	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	04/07/2017	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	Approved	On-Sale	1600	02/27/2018	City Planner		No

	2018-001		Alcohol	Northridge Mall				
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.	02/26/2018	City Planner		No
35.	CUP 2018-005	Approved	Off-Sale Alcohol	1764 N. Main St.	10/02/2019	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.	01/09/2019	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.	04/30/2019	City Planner		No
41.	CUP 2018-029	Approved	On-Sale Alcohol	1790 Northridge Mall	02/20/2029	City Planner		No
42.	CUP 2019-009	Approved	On-Sale Alcohol	210 Main St.	08/22/2019	City Planner		Not determined
43.	CUP 2019-020	Approved	On-Sale Alcohol	1582 Constitution Blvd.	01/07/2020	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.	04/02/2021	City Planner		No
46.	CUP 2021-022	Approved	Off-Sale Alcohol	1640 N. Main St.	09/15/2021	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.	01/03/2022	City Planner		No
49.	CUP 2021-030	Approved	On-Sale Alcohol	1259 De La Torre St.	12/20/2021	City Planner		No
50.	CUP 2022-017	Approved	On-Sale Alcohol	216 John St.	04/01/2022	City Planner		No
51.	CUP 2022-026	Approved	On-Sale Alcohol	66 W. Alisal St.	05/06/2022	City Planner		No
52.	CUP 2022-030	Approved	On-Sale Alcohol	215 Monterey St.	08/15/2022	City Planner		No
53.	CUP 2022-054	Approved	Off-Sale Alcohol	933 W. Alisal St.	12/21/2022	Planning Commission	No	Yes
54.	CUP 2022-061	Approved	On-Sale Alcohol	344 Main St.	02/28/2023	City Planner		No

55.	CUP 2023-017	Approved	Off-Sale Alcohol	1050 N. Davis Rd.	10/04/2023	Planning Commission	No	Yes
56.	CUP 2023-038	Approved	On-Sale Alcohol	1447 N. Main St.	09/09/2024	City Planner		No
57.	CUP 2023-047	Approved	On-Sale Alcohol	1002 Del Monte Ave. Ste. A	09/17/2024	City Planner		No
58.	CUP 2024-054	Approved	On-Sale Alcohol	66 W. Alisal St.	10/01/2024	City Planner		No
59.	CUP 2024-022	Approved	Off-Sale Alcohol	1012 Abbott St.	11/19/2024	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 City Council determines that a 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 more than four (4) cooler doors shall be allocated to alcohol sales. Coolers without doors shall be limited to 32 lineal feet.
7. 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.
8. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.

9. 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.
10. An electronic age verification scanner shall be installed, maintained, and utilized for all off-sale alcohol sales.
11. 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.
12. No single 40 oz. containers of beer may be sold from premises.
13. No malt liquor or fortified wine products (wines with greater than 15% alcohol content) shall be sold.
14. Sales of wine shall be in containers of at least 750 ml.
15. No coin operated video or arcade games and no adult magazines or videos shall be sold.
16. No pay telephone booths shall be permitted on the premises.
17. 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 October 18, 2024 (Exhibit “E” of CUP 2024-058):

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.

April 2, 2025, Planning Commission Meeting

On April 2, 2025, the Planning Commission considered CUP 2024-058. Commissioners expressed concerns with the distance of the project site to nearby parks and schools and the high number of off-sale alcohol outlets in the surrounding area. The Planning Commission voted 2 to 2 (tie vote). Per Section 6 of the Bylaws for the Planning Commission (Resolution No. 21165), because of the tie vote, the Planning Commission public hearing resulted in no action and the item was forwarded to the City Council for final determination (see draft April 2, 2025. Planning Commission minutes).

TIME CONSIDERATION:

The project was deemed complete on March 23, 2025. Final action is required by May 22, 2025, pursuant to the Permit Streamlining Act.

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.

Alternatives Available to the Council:

The City Council 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 2024-058 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 2024-058.

Findings:

The City Council may approve an application for Conditional Use Permit to establish and operate an off-sale alcohol related use (Type 20 ABC license) for an existing 2,960 square-foot food and beverage sales use (La Corona Market) located on a mixed-use property, if all the findings set forth in the proposed City Council Resolution are established.

CALIFORNIA GOVERNMENT CODE §84308:

No.

STRATEGIC PLAN INITIATIVE:

If approved, this action supports the Council's Strategic Goals of Economic Development through the provision of additional commercial opportunities for the community.

DEPARTMENTAL COORDINATION:

The proposed project has been discussed among the Community Development Department and the Police Department.

FISCAL AND SUSTAINABILITY IMPACT:

No significant impacts to the City's General Fund are anticipated with this application.

ATTACHMENTS:

Proposed City Council Resolution

Draft Conditional Use Permit 2024-058 with the following exhibits:

- Exhibit "A" Vicinity Map
- Exhibit "B" Site Layout (Sheet A0.0)
- Exhibit "C" Floor Plan (Sheet A2.1)
- Exhibit "D" Building Elevations (Sheet A3.1)
- Exhibit "E" Police Department Memorandum, dated October 18, 2024

April 2, 2025 Planning Commission Staff Report without exhibits

Draft April 2, 2025 Planning Commission minutes

Map of off-sale Alcohol Licenses

Salinas 2024 PRD Statistics

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

Cc: RJK Liquor Inc., Applicant
Hebbron Properties, LLC, Property Owner
Sgt. Gerardo Magana, Salinas Police Department
Sun Street Centers
Other interested parties

I:\ComDev\Planning Share Space\Conditional Use Permits\2024 CUP's\CUP 2024-058 - 695 E Alisal St\CUP 2024-058 CC Staff Report.docx