



ALTERNATIVE DISPUTE RESOLUTION
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December 1, 2025

Hand Delivered, and sent Via Email: currplanwebmail@ci.salinas.ca.us

City of Salinas
Community Development Department
Attn: Tom Wiles, Senior Planner
65 West Alisal Street, 2nd Floor
Salinas, CA 93901



Re: Development Review Application - Appeal of Planning Commission
Decision - UP 2025-023 - Applicant: Simon Maida

Dear Mr. Wiles:

I am writing as legal counsel for Simon Maida to formally submit this Development Review Application for an appeal of the Planning Commission's decision regarding Use Permit Application UP 2025-023, rendered on November 19, 2025.

This appeal is timely filed pursuant to Zoning Code Section 37-60.1290(a), as it is being submitted within the 10-day appeal period, with today, December 1, 2025, being the deadline as calculated under Section 37-60.1290(b).

In accordance with Zoning Code Section 37-60.1280(a), this appeal is based upon the following grounds:

1. Error or Abuse of Discretion [Section 37-60.1280(a)(2)]: The Planning Commission erred in its interpretation and application of the relevant zoning standards to the facts presented in this case.
2. Decision Not Supported by the Record [Section 37-60.1280(a)(4)]: The Planning Commission's findings and conclusions are not supported by substantial evidence in the administrative record, and the decision fails to adequately address evidence favorable to the applicant's position.

3. Determination Not in Accord with the Purposes of the Zoning Article [Section 37-60.1280(a)(1)]: The Commission's determination conflicts with the stated purposes and intent of the applicable zoning provisions.

Enclosed with this cover letter are:

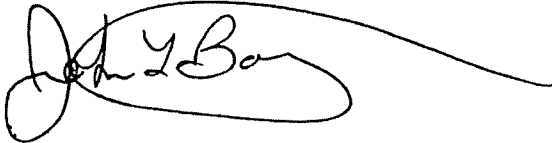
- Completed Development Review Application form
- Processing fee of \$972.30 (payable to "City of Salinas")
- Detailed statement of appeal grounds with supporting documentation

We respectfully request that this matter be scheduled for hearing before the City Council at the earliest available date. We are prepared to provide any additional information or documentation that may be required to process this appeal.

Please confirm receipt of this appeal application and advise regarding the anticipated hearing schedule.

Thank you for your attention to this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "John L Bailey", with a long, sweeping horizontal line extending to the right.

John Leonard Bailey

Attorney for Applicant Simon Maida

SBN252783

cc: Simon Maida, Applicant

CITY OF SALINAS
Community Development Department
65 West Alisal Street
Salinas, CA 93901
(831) 758-7206

Fee: _____

Planner: _____

Official Use Only

Permit No.: _____

Date Received: _____

Official Use Only

DEVELOPMENT REVIEW APPLICATION

- | | |
|---|---|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Master Sign Plan |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Subdivision Map (TM, Parcel, LLA, etc.) |
| <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Other (Please specify) <u>Appeal of PC Decision Re: UP 2025-023</u> |

APPLICANT INFORMATION

Simon Maida

Name

1018 North Davis Road.

Address

Salinas CA 93907

City

State

Zip

(831) 783-0779

Phone

Fax

JOHN@BaileyADR.com

E-mail

Signature*

John L. Bailey

Printed Name

PROJECT DESCRIPTION

1018 N. Davis Rd.

Site Address

261-711-070-000

Assessor's Parcel Number

Description of Proposal:

Appeal of PC Decision
Re UP 2025-023

PROPERTY OWNER INFORMATION

Rexford Title Inc.

Name

1018 N. Davis Rd

Address

Salinas CA 93907

City

State

Zip

E-mail

Signature*

Printed Name

RELATED FILES

COMMENTS

Official Use Only

* I/we declare under penalty of perjury that the information contained in this Application, including any plans and documents submitted herewith, are true and correct to the best of my/our knowledge. I/we further declare that I/we agree to the Standard Permit Conditions shown on the reverse side. I/we recognize that this application(s) may be subject to the California Environmental Quality Act, §21000 et seq. of the Public Resources Code.

APPEAL OF PLANNING COMMISSION DECISION
CONDITIONAL USE PERMIT 2025-023
TO THE SALINAS CITY COUNCIL

PROJECT INFORMATION

Applicant: Simon Maida

Property Owner: Rexford Title Incorporated

Location: 1018 North Davis Road (Laurel West Shopping Center)

Proposed Use: 2,618 square foot convenience store with Type 21 ABC License (Off-sale beer, wine, and distilled spirits)

Business Name: Click Liquor Store

Date of Planning Commission Decision: November 19, 2025

Appeal Filing Deadline: December 1, 2025

GROUND FOR APPEAL

This appeal is filed pursuant to Salinas Zoning Code Section 37-60.1280 on all four statutory grounds:

1. The determination is not in accord with the purposes of the Zoning Code;
2. There was an error or abuse of discretion;
3. The record includes inaccurate information;
4. The decision is not supported by the record.

DETAILED ARGUMENTS

I. THE DETERMINATION IS NOT IN ACCORD WITH THE PURPOSES OF THE ZONING CODE

The Planning Commission's denial contradicts the fundamental purposes of the Zoning Code's alcohol license review regulations. Section 37-50.030(a) states the purpose is to 'provide for the orderly integration of alcohol-related uses in the City.' The proposed convenience store meets all objective criteria and operational standards required by the

Code.

Key Facts Supporting Approval:

- **Location in Commercial Retail (CR) Zone:** The site is properly zoned for retail commercial uses, including convenience stores with alcohol sales.
- **Not in Crime Area:** The site is located in PRD 181 with 78 reported crimes in 2024, which is below the 88.12 threshold for undue concentration (89% vs. 120% required for undue concentration).
- **Exceptional Distance from Other Outlets:** The average distance to other off-sale outlets in CT 18.02 is 5,883 feet, far exceeding the 956-foot average for approved CUPs since 2010.
- **Police Department Support:** The Salinas Police Department explicitly stated it 'does not object to the approval of CUP 2025-023' subject to standard security conditions.
- **Staff Recommendation:** Planning staff recommended approval, finding all required findings could be made.

II. THERE WAS AN ERROR OR ABUSE OF DISCRETION

The Planning Commission abused its discretion by denying a permit that meets all objective standards and has support from both staff and police. The denial appears to be based on subjective concerns not supported by evidence in the record.

Errors in the Commission's Decision:

1. **Disregarding Police Analysis:** The Commission ignored the Police Department's professional assessment that the location does not present undue public safety concerns.
2. **Misapplying 'Undue Concentration' Standard:** While CT 18.02 has 6 licenses (one over the 5 authorized), the Commission failed to properly weigh that the crime rate is significantly below the threshold and distances between outlets are exceptional.
3. **Failure to Find Public Convenience or Necessity:** The Commission ignored evidence that customers would benefit from one-stop shopping convenience in an established shopping center.
4. **Inconsistent Application of Standards:** The Commission approved Vallarta Supermarket's Type 21 license (CUP 2023-017) just 500 feet away in the same shopping center under similar circumstances.

III. THE RECORD INCLUDES INACCURATE INFORMATION

Based on the transcript excerpt, Commissioner Wruck's questions reveal confusion and potentially inaccurate understanding of key facts:

1. **Floor Plan Confusion:** Commissioner Wruck stated the 'floor plan looks different than her floor plan,' suggesting review of incorrect or outdated documents.

2. DUI Statistics Request: Commissioner Wruck asked for DUI statistics that the Police Sergeant could not provide, yet this unavailable information may have influenced the decision despite not being part of the required analysis under the Code.

3. Misunderstanding of Use: There appears to be confusion about whether the liquor store is 'part of the convenience store use' and whether food would be served, indicating fundamental misunderstanding of the proposal.

IV. THE DECISION IS NOT SUPPORTED BY THE RECORD

The evidentiary record overwhelmingly supports approval of this permit. Every objective criterion and professional analysis favors approval:

Evidence Supporting Approval:

- **Planning Staff Analysis:** 10-page staff report recommending approval with detailed findings
- **Police Department Memorandum:** No objection to approval (August 1, 2025)
- **CEQA Exemption:** Project found exempt under Section 15061(b)(3)
- **Compliance with All Conditions:** Applicant agreed to all 41 conditions of approval
- **General Plan Consistency:** Site designated Retail, consistent with Land Use Goal LU-1 and Policy LU-1.1
- **Economic Development:** Consistent with Policy ED-LU-1.17 promoting new investment

Evidence Against Approval:

The record contains no substantial evidence against approval. The only potential negative factor - being in CT 18.02 with 6 existing licenses versus 5 authorized - is mitigated by:

- Crime rate well below threshold (89% vs. 120%)
- Exceptional distances between outlets (5,883 feet average)
- Police Department's non-objection
- Previous approval of similar use 500 feet away is a large store, not a convenience store, and the one stop shopping in a convenience store is necessary for the success of the business.

COMPARATIVE ANALYSIS TO APPROVED PERMITS

This project compares favorably to the 61 alcohol-related CUPs processed since 2010:

Distance Comparisons:

- To other outlets: 5,883 feet (this project) vs. 956 feet (average)
- To schools: 570 feet (this project) vs. 1,900 feet (average) - still exceeds 600-foot state minimum
- To parks: 2,200 feet (this project) vs. 1,919 feet (average)

Crime Rate Comparison:

- This project: 89% (below threshold)
- Average approved: 146% (above threshold)

The Commission has approved permits with significantly worse metrics than this application, including locations with crime rates as high as 386% and with existing alcohol outlet concentrations as high as 800%.

PUBLIC CONVENIENCE OR NECESSITY FINDING

Public convenience and necessity would be served by this permit because:

- 1. One-Stop Shopping Convenience:** Customers can complete shopping needs without multiple trips, reducing traffic and emissions.
- 2. Established Shopping Center Location:** The Laurel West Shopping Center is designed for retail uses and has adequate parking and infrastructure.
- 3. Enhanced Security Measures:** Applicant commits to high-quality surveillance, enhanced lighting, and all Police Department recommendations.
- 4. Responsible Operator:** All owners and managers will complete ABC-certified responsible beverage service training.
- 5. Economic Benefits:** Creates jobs and generates tax revenue for the City.
- 6. Distance from Other Outlets:** At 5,883 feet average distance, this location serves an underserved area of the census tract.

REQUESTED RELIEF

For the foregoing reasons, Appellant respectfully requests that the City Council:

1. REVERSE the Planning Commission's denial of Conditional Use Permit 2025-023;
2. FIND that the project is exempt from CEQA pursuant to Section 15061(b)(3);

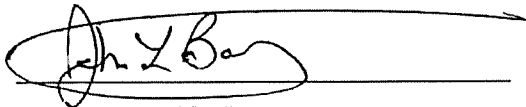
3. MAKE all required findings for approval as detailed in the staff report;
4. FIND that public convenience or necessity would be served; and
5. APPROVE Conditional Use Permit 2025-023 with the conditions recommended by staff and the Police Department.

CONCLUSION

This is not a close case. Every objective measure, every professional analysis, and every comparable precedent supports approval. The Planning Commission's denial represents an arbitrary departure from established standards and precedent. The City Council should correct this error and approve the permit with appropriate conditions.

The applicant has demonstrated full compliance with all applicable regulations, has agreed to comprehensive conditions of approval, and has the support of both professional planning staff and law enforcement. Denial under these circumstances constitutes an abuse of discretion that should be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L Bailey", is written over a horizontal line. The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

John Leonard Bailey

Attorney for Appellant Simon Maida

Date: December 1, 2025