

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

**A RESOLUTION OF THE CITY OF SALINAS CITY COUNCIL UPHOLDING
APPEAL OF PLANNING COMMISSION DENIAL OF SELECTION COMMITTEE
DENIAL OF COMMERCIAL CANNABIS PERMIT 2025-004 TO AMEND
COMMERCIAL CANNABIS PERMIT 2024-009 TO RELOCATE FROM 1610
MOFFETT STREET TO 2033 NORTH MAIN STREET IN THE COMMERCIAL
RETAIL – WEST BORONDA ROAD AT U.S. 101 GATEWAY OVERLAY (CR–GW-1)
ZONING DISTRICT
(CCP 2025-004)**

WHEREAS, on November 21, 2025, the Applicant, Emerald Skyway LLC (doing business as “Valley Farms”) applied for a Major Amendment to Commercial Cannabis Permit 2024-009, known as Commercial Cannabis Permit 2025-004 (CCP 2025-004), to relocate an existing Cannabis Dispensary with accessory Delivery and Distribution from 1610 Moffett Street to 2033 North Main Street (Assessor's Parcel Number: 253-061-025-000); and

WHEREAS, on April 13, 2026, the Selection Committee denied Commercial Cannabis Permit 2025-004 due to the proposed location (2033 North Main Street) being within one thousand (1,000) feet of a school (Santa Rita Elementary School - 2014 Santa Rita Street, Salinas), measured parcel to parcel; and

WHEREAS, on April 21, 2026, the Applicant, pursuant to Municipal Code Section 5-07.10, submitted a timely appeal of the Selection Committee’s April 13, 2026 denial to the Planning Commission; and

WHEREAS, on June 3, 2026, the Salinas Planning Commission, at the request of the Applicant, held a duly noticed public hearing to consider the appeal of the Selection Committee’s April 13, 2026 denial of Commercial Cannabis Permit 2025-004; and

WHEREAS, at the June 3, 2026, public hearing, the Salinas Planning Commission considered the Amendment Application, staff reports (both oral and written), the General Plan and Zoning on the subject property, the Zoning Code codified at Chapter 37 and Public Peace and Morals (Cannabis) codified at Chapter 5 of the Salinas Municipal Code, testimony, written comments, and all other materials presented at the public hearing and upheld the Selection Committee’s denial of Commercial Cannabis Permit 2025-004 pursuant to Planning Commission Resolution 2026-05; and

WHEREAS, on June 9, 2026, the Applicant appealed the Planning Commission’s upholding of the Selection Committee’s denial of Commercial Cannabis Permit 2025-004; and

WHEREAS, the City Council held a duly noticed public hearing on August 4, 2026, and considered the Staff Report, meeting minutes, Planning Commission Resolution, Selection Committee denial, public testimony, and correspondence regarding Commercial Cannabis Permit 2025-004 (CCP 2025-004).

NOW, THEREFORE, BE IT RESOLVED by the Salinas City Council that it upholds the Planning Commission's June 3, 2026 upholding of the Selection Committee's April 13, 2026 denial and denies Commercial Cannabis Permit 2025-004; 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 City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty 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. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines Section 15378, this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

For the Commercial Cannabis Permit (Dispensary):

2. Pursuant to City Code Section 5-07.09(a)(2), the City Council determines the following:

- a. **The new site is located within the sensitive distances specified in City Code Section 5-07.27, and no exception has been approved pursuant to this Section;**

Pursuant to State Law, the proposed site must not be located within a 600-foot radius of a day care, preschool, private/charter school or school. In addition, pursuant to Municipal Code Section 5-07.27(a), no Commercial Cannabis Business may operate within 1,000 feet of any of the following sensitive uses:

- (1) School, college or university (including public, private, charter, and other non-traditional schools, but excluding trade schools that exclusively serve adults at least eighteen years of age);
 - (2) Park, daycare center, library, or publicly-owned and operated recreational facility;
 - (3) Church or other house of worship;
 - (4) Smoke-shops, hookah lounges or businesses engaged in the same or a similar activity, and locations where alcohol is sold or served for individual consumption on or off the premises;

- (5) Card rooms and retail firearm sales businesses;
- (6) Any other commercial cannabis business operating as a dispensary, excepting therefrom the occasional and transient operation of a commercial cannabis delivery business, or
- (7) Any other public or private business or facility where the presence of the commercial cannabis activity would cause a public nuisance or other situation which may result in repeated police department response.

No exception has been approved by the City Council. The new site is located within 1,000 feet of sensitive uses pursuant to Municipal Code Section 5-07.27(a). Pursuant to Municipal Code Section 5-07.27(a)(1), the site is located within 1,000 feet of a school (Santa Rita School, at 2014 Santa Rita Street). Pursuant to Municipal Code Section 5-07.27(a)(4), the site is also located within 1,000 feet of locations of where alcohol is sold for individual consumption on or off the premises, and a smoke shop. See Table 1 below:

Table 1: Distance to Sensitive Uses

	Address	Use	Distance <i>Parcel to Parcel</i>	Business Name
1.	2014 Santa Rita Street	School	995 feet away	Santa Rita Elementary School
2.	2015 N. Main Street	On-site alcohol sales	Same parcel	El Michoacano Restaurant
3.	2010 N. Main Street	Off-site alcohol sales	105 feet away	Fish & Chips
4.	2087 N. Main Street	Off-site alcohol sales	505 feet away	La Consentida Market
5.	1988 N. Main Street	On-site alcohol sales	242 feet away	Buffalo Wild Wings
6.	2068 N. Main Street	Off-site alcohol sales	560 feet away	7-Eleven
7.	1962 N. Main Street	Off-site alcohol sales	242 feet away	Foodmaxx
8.	1912 N. Main Street	Smoke Shop	242 feet away	Santa Rita Smoke Shop
9.	2034 N. Main Street	Off-site alcohol sales	110 feet away	Tony's market
10.	95 Castro Street	Residential	Adjacent	93 North Apartments

Per Municipal Code Section 5-07.27(d), no commercial cannabis business may

operate within any residential area or district of the city or adjacent to a residential area or district if, in the opinion of the Chief of Police or the Community Development Director, the operation of a commercial cannabis business in such location would tend to cause a public nuisance or a situation which may result in repeated police department response or a negative impact on the adjacent residential units. Staff notes there is an existing multi-family residential development located at 95 Castro Street (93 North Apartments) adjacent to the north of the site.

Per a Police Department Memorandum dated March 16, 2026, the Police Chief is not aware of any information or conditions sufficient to form an opinion regarding the potential of either a public nuisance or repeated Police response to result from Valley Farms' operation of a cannabis dispensary at 2033 North Main Street.

b. The relocation of the new site would create significant negative impacts greater than those existing at the original site;

The new site is located within 1,000 feet of sensitive uses pursuant to Municipal Code Section 5-07.27(a). Pursuant to Municipal Code Section 5-07.27(a)(1), the site is located within 1,000 feet of a school (Santa Rita School, at 2014 Santa Rita Street). In addition, pursuant to Municipal Code Section 5-07.27(a)(4), the new site is also located within 1,000 feet of locations of where alcohol is sold for individual consumption on or off the premises, and a smoke shop. Because the site is located within an area of sensitive uses pursuant to Municipal Code Section 5-07.27(a), the relocation would create significant negative impacts greater than those existing at the original site of 1610 Moffett Street.

c. The new site is located in an appropriate Zoning District for the proposed use; and

The proposed Cannabis Dispensary with accessory Delivery and Distribution is considered a retail use, which is permitted in the Commercial Retail – West Boronda Road at U.S. 101 Gateway Overlay (CR–GW-1) Zoning District.

d. Owners of real property located within 300-feet of the new site have been notified and have had the opportunity to provide information to the City regarding the proposed site.

City staff mailed public hearing notices to all property owners within 300-feet of the new site and interested parties and July 17, 2026 and posted notices on July 20, 2026. The public hearing notice was published in the Monterey County Weekly on July 23, 2026.

PASSED AND APPROVED this 4th day of August 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Dennis Donohue, Mayor

ATTEST

Patricia Soratos, City Clerk