



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: **JANUARY 27, 2026**

DEPARTMENT: **COMMUNITY DEVELOPMENT DEPARTMENT**

FROM: **LISA BRINTON, DIRECTOR**

THROUGH: **COURTNEY GROSSMAN, PLANNING MANAGER**

BY: **THOMAS WILES, SENIOR PLANNER**

TITLE: **CONDITIONAL USE PERMIT 2025-023; APPEAL OF PLANNING COMMISSION DENIAL OF A REQUEST TO ESTABLISH AND OPERATE AN OFF-SALE ALCOHOL RELATED USE (TYPE 21 ABC LICENSE) AT A PROPOSED CONVENIENCE STORE LOCATED AT THE LAUREL WEST SHOPPING CENTER AT 1018 NORTH DAVIS ROAD IN THE COMMERCIAL RETAIL (CR) ZONING DISTRICT**

RECOMMENDED MOTION:

A motion to approve a resolution upholding the Planning Commission's denial of Conditional Use Permit 2025-023, denying a request to establish and operate an off-sale alcohol related use (Type 21 ABC License) at a proposed convenience store located at the Laurel West Shopping Center at 1018 North Davis Road in the Commercial Retail (CR) Zoning District.

EXECUTIVE SUMMARY:

The Applicant (Simon Maida) submitted a Conditional Use Permit application requesting approval to establish and operate an off-sale alcohol related use (Type 21 Alcoholic Beverage Control (ABC) license – Off-sale beer, wine, and distilled spirits) at a proposed 2,618 square-foot convenience store located in the Laurel West Shopping Center at 1018 North Davis Road. On November 19, 2025, the Planning Commission considered the request and denied the Conditional Use Permit based on findings contained in the attached Planning Commission Resolution 2025-11. The Planning Commission determined that it could not establish a finding of Public Convenience or Necessity which is required to approve an alcohol related use in a census tract that is already undue concentrated for the number of off-sale alcohol licenses. The Planning Commission's findings for denial included proximity to a similar off-sale alcohol related use, proximity to a school, and potential for Driving Under the Influence (DUI) related accidents. On December 1, 2025, the Applicant appealed the Planning Commission decision to deny the Conditional Use Permit. Conditional Use Permit 2025-023 was originally scheduled for City Council consideration on January 13, 2026, but was continued until January 27, 2026.

BACKGROUND:

Simon Maida is requesting approval of a Conditional Use Permit to establish and operate an off-sale alcohol related use (Type 21 ABC license) at proposed 2,618 square-foot convenience store in the Laurel West Shopping Center. The property owner is Rexford Title Incorporated. The new convenience store would be named Clink Liquor Store. The name of the former tenant is LaLa Land Smoke Shop. A Type 21 ABC license includes sales of beer, wine, and distilled spirits for off-site consumption. Refer to the attached Site Plan and Floor Plans for store layout and more information. Should the City Council overturn the Planning Commissions denial of Conditional Use Permit 2025-023, the Applicant would be required to obtain a Type 21 ABC license from the California Department of Alcoholic Beverage Control (ABC) for off-sale alcohol use.

The property is in the CR (Commercial Retail) Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Retail/Commercial Retail (CR)
South: Residential/Residential Medium Density (R-M-3.6)
East: Residential/Residential Medium Density (R-M-3.6)
West: Retail and Government/Commercial Retail (CR) and Public and Semipublic (PS)

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 18.02 (CT 18.02). Per ABC, there are currently six (6) active off-sale licenses within CT 18.02 which are shown below:

<u>Name of Licensee</u>	<u>Address</u>	<u>Distance from Project site</u>
1. Smart and Final (Type 21)	319 East Market Street	8,712 feet
2. Chin Brothers Grocery & Liquor (Type 21)	132 North Main Street	7,392 feet
3. Hasco Stations, LLC (Type 21)	417 North Main Street	5,914 feet
4. Clearwater Express (Type 20)	306 North Main Street	6,653 feet
5. T-Mart (Type 20)	430 North Main Street	6,125 feet
6. Vallarta Supermarket (Type 21)	1050 North Davis Road	500 feet

Per ABC, five (5) off-sale licenses are authorized in CT 18.02. Currently, the subject CT 18.02 is classified as undue concentration as there are six (6) active off-sale alcohol licenses, which is higher than the five (5) authorized. Approval of the proposed Type 21 off-sale alcohol license would result in seven (7) off-sale alcohol licenses in a census tract that is already undue concentrated for the number of off-sale alcohol licenses. Because the proposed site is located within an area of undue concentration due to number of alcohol licenses in the CT 18.02, a finding that Public Convenience or Necessity is served by approving the off-sale alcohol use is required 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.

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 1050 North Davis Road (Vallarta Supermarket), which is in CT 18.02 and is approximately 500 feet to the north of the project site in the same shopping center. The average distance to off-sale alcohol outlets in CT 18.02 is 5,883 feet, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a census tract since 2010. A list of the 61 Conditional Use Permit (CUP) applications for alcohol related uses that have been processed since 2010 is provided as an attachment to this report. 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 1 below provides a comparison to off-sale alcohol CUPs approved since 2010 including Police Reporting District crime rates and distance calculations to other off-sale alcohol CUPs, residences, schools and parks.

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%	73.43
Minimum	0	450	400	1,200	40%	29%	1
Maximum	3,200	5,800	5,400	6,960	800%	386%	261
CUP 2025-023	0	570	2,200	5,883	120% (6/5)	89% (78/88.12) (2024 PRD)	78

Salinas Police Department Comments and Conditions

The project site is in a Police Reporting District (PRD) which does not exceed the threshold average number of reported crimes. As shown on Table 1 above, the average level of undue

concentration for off-sale alcohol Conditional Use Permits processed since 2010 is 119%. The proposed project is below this number (89% vs. 119%). The crime rate for the subject PRD is 57% below the average rate considered as undue concentration for crime (89% vs. 146%).

Salinas Police Department reports an average of 73.43 reported crimes across all PRDs for 2024, the most recent date of PRD records. Adding twenty percent (20%), the formula allows for no more than 88.12 reported crimes within this PRD to avoid the “undue concentration” designation. 2024 Salinas Police Department (SPD) crime statistics show 78 reported crimes in PRD 181, which is below the 88.12 threshold. Therefore, the site is within an area that is not undue concentration due to crime.

Per the Salinas Police Department Memorandum dated August 1, 2025, while an increase in police services for this project is anticipated, the Police Department does not object to the approval of Conditional Use Permit 2025-023 with the conditions of approval stated in the Memorandum, which is provided as Exhibit D to the CUP. Conditions include installation of high-quality surveillance cameras, lighting of exterior entrances and exits to enhance camera visibility, and the posting of no trespassing signage. See draft Conditional Use Permit conditions attached to this report for more detail.

Proximity to Residences, Parks, and Schools

The subject property is located less than the average distance of other CUP applications (approved, denied, or expired) dating back to the year 2010 to residences, residentially zoned properties, parks/playgrounds, and public schools. Two (2) residential units (836 and 838 Howe Drive) are located off site to the south of the property behind a solid wall without direct access to the main entrance of the proposed convenience store. The nearest park is Laurelwood Park (915 Victor Street), which is located approximately 2,200 feet to the southeast of the subject site. The nearest public school is Boronda Meadows Elementary School (915 Larkin Street), which is located approximately 570 feet southwest from the subject site. See Table 1 above.

November 19, 2025, Planning Commission Meeting

On November 19, 2025, the Planning Commission considered and denied CUP 2025-023 by a 3 to 2 vote per the attached Planning Commission Resolution 2025-11 and meeting minutes. The Planning Commission determined that it could not establish a finding of Public Convenience or Necessity which is required to approve an alcohol related use in a census tract that is already undue concentrated for the number of off-sale alcohol licenses in the census tract. The Planning Commission cited the proximity (approximately 500 feet) to a similar off-sale alcohol related use located at 1050 North Davis Road (Vallarta Supermarket), a school located at 915 Larkin Street (Boronda Meadows Elementary School) (approximately 570 feet), and the potential increase in the number of incidents of Driving Under the Influence (DUI) in the surrounding neighborhood.

Appeal of Planning Commission determination

On December 1, 2025, pursuant to Zoning Code Sections 37-60.1290(a) and (b), John L. Bailey, the Attorney for the Applicant (Simon Maida) filed the attached timely appeal of the Planning

Commission's November 19, 2025, denial of CUP 2025-023. Per the attached December 1, 2025 appeal letter, the Applicant's Attorney cites the following pursuant to Zoning Code Section 37-60.1280(a)(1-4)(see attached Applicant Appeal of Planning Commission Decision dated December 1, 2025) (staff responses in italics):

1. *A determination or interpretation that is not in accord with the purposes of this article:*

Applicant response:

The project site is properly zoned for retail commercial uses including convenience stores with alcohol sales. The project site is not located in a crime area, because the Police Reporting District 181 with 78 reported crimes is below the 88.12 threshold for undue concentration. The project site exceeds the average distance to other off-sale alcohol related uses in CT 18.02 (5,883 ft. to other off-sale alcohol related uses in CT 18.02 vs. City average of 956 ft.). The Salinas Police Department in their response does not object to CUP 2025-023 subject to standard security conditions. Finally, Planning staff recommended approval of CUP 2025-023 if all required findings could be made.

Staff Response:

One of the findings for Planning Commission denial of the Conditional Use Permit was that it would be located approximately 500-feet from a similar off-sale alcohol related use in the same shopping center (Vallarta Supermarket). The Planning Commission determined that it could not establish a finding of Public Convenience or Necessity which is required to approve an alcohol related use in a census tract that is already undue concentrated for the number of off-sale alcohol licenses. Refer to the attached Planning Commission Resolution 2025-11 for the basis for denial.

2. *There was an error or abuse of discretion:*

Applicant response:

The Planning Commission disregarded the Salinas Police Department assessment that the location does not present undue public safety concerns. The Planning Commission misapplied "Undue Concentration" standards because even though the number of allowed off-sale licenses exceeds the number of authorized in CT 18.02, the crime rate is significantly below the threshold and distances between outlets are exceptional. The Planning Commission also ignored evidence that customers would benefit from one-stop shopping convenience in established shopping center. Finally, the Planning Commission approved a similar off-sale alcohol related use (Vallarta Supermarket)

approximately 500 feet away in the same shopping center.

Staff Response:

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. In this case, the site is undue concentrated due to the number of outlets. The Planning Commission determined that it could not establish a finding of Public Convenience or Necessity which is required to approve an off-sale alcohol related use in a census tract that is already undue concentrated for the number of off-sale alcohol licenses. As stated in No. 1 above, the Planning Commission denied CUP 2025-023 because it would be located approximately 500-feet from a similar off-sale alcohol related use (Vallarta Supermarket). Refer to the attached Planning Commission Resolution 2025-11 for the basis of denial.

3. *The record includes inaccurate information:*

Applicant response:

One Planning Commissioner stated that the floor plan looks different from her floor plan, suggesting review of incorrect or outdated documents; and asked for DUI statistics which the Salinas Police Department could not provide at the hearing, which could have influenced the Planning Commission’s determination. Finally, there appears to be confusion on whether the liquor store is a part of the convenience store use and whether food would be served, indicating fundamental misunderstanding of the project.

Staff Response:

The Planning Commission was provided with the proposed floor and site plans that were submitted with the Conditional Use Permit application. During the hearing, the Planning Commission was informed that the proposed convenience store use includes sales of food. The Planning Commission findings include potential increase for DUI related accidents. Refer to the attached Planning Commission Resolution 2025-11 for the basis of denial.

4. *A decision is not supported by the record.*

Applicant response:

The Community Development Department staff report recommended approval with detailed findings. The Salinas Police Department had no objection to approval of the CUP as per their Memorandum. The proposed project was recommended for a categorical exemption from the California Environmental Quality Act (CEQA). The Applicant agreed with all 41 proposed conditions of approval of the draft CUP approval document. Finally, the proposed project is consistent with applicable General Plan Goals and Policies.

Staff Response:

While the staff recommendation was to approve the CUP, the Commission ultimately determined otherwise. Refer to the attached Planning Commission Resolution 2025-11 for the basis of denial.

Alternatives Available to the Council:

It is generally typical for staff to support the Planning Commission by carrying forward the Commission's determination. However, should the City Council determine to overturn the Commission's denial of the Conditional Use Permit, the City Council should refer to the attached alternative resolution containing findings overturning the appeal and approving the Conditional Use Permit, including findings with respect to compliance with the California Environmental Quality Act (CEQA). A draft Conditional Use Permit is also attached containing conditions of approval, including the Police Department Recommendations listed above. Should the Council determine to overturn the Planning Commission's denial, the following motion is suggested:

Motion to approve a resolution overturning the Planning Commission's denial of Conditional Use Permit 2025-023, approving a request to establish and operate an off-sale alcohol related use (Type 21 ABC License) at a proposed convenience store located at the Laurel West Shopping Center at 1018 North Davis Road in the Commercial Retail (CR) Zoning District.

Findings:

The City Council may uphold the Planning Commission denial of an application for Conditional Use Permit to establish and operate an off-sale alcohol related use (Type 21 ABC license) for a proposed 2,618 square-foot convenience store (Clink Liquor Store) located at the Laurel West Shopping Center, if all the findings set forth in the draft City Council Resolution for denial are established.

The City Council may also overturn the Planning Commission denial of Conditional Use Permit 2025-023 to establish and operate an off-sale alcohol related use (Type 21 ABC license) for a proposed 2,618 square-foot convenience store (Clink Liquor Store) located at the Laurel West Shopping Center, if all the findings set forth in the draft City Council Resolution for approval are established.

CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). If the Planning Commission denial of Conditional Use Permit 2025-023 (CUP 2025-023) is upheld, then the project would be determined exempt from the CEQA Section 15270 (Projects Which Are Disapproved).

If the City Council overturns the Planning Commission's denial of CUP 2025-023, and the project is approved by the City Council, the project would be determined to be exempt from CEQA Guidelines Section 15061(b)(3). In this case, the 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.

Timing Consideration:

The project was denied by the Planning Commission on November 19, 2025. The appeal of the Planning Commission denial was received by staff on December 1, 2025. Pursuant to Zoning Code Section 37-60.1300(a), an appeal shall be scheduled for a hearing before the appellate body within 60-days of the City's receipt of an appeal. Per the Zoning Code, the deadline for scheduling a public hearing is January 30, 2026, sixty (60) days from the date of receipt of the appeal.

CALIFORNIA GOVERNMENT CODE §84308 APPLIES:

Yes.

STRATEGIC PLAN INITIATIVE:

If approved, this action supports the Council's Strategic Goals of Economic Development through the support and engagement with both new and established businesses to drive economic growth and job creation.

DEPARTMENTAL COORDINATION:

The proposed project has been discussed among the Current Planning, the City Attorney, and the Police Department.

FISCAL AND SUSTAINABILITY IMPACT:

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

ATTACHMENTS:

City Council Resolution for Denial
City Council Resolution for Approval

Draft Conditional Use Permit 2025-023 with the following exhibits:

Exhibit "A" Vicinity Map
Exhibit "B" Site Layout (Sheet S1)
Exhibit "C" Floor Plan (Sheet A1)

Exhibit "D" Police Department Memorandum dated August 1, 2025

Planning Commission Resolution 2025-11

Official November 19, 2025, Planning Commission Minutes

Planning Commission Staff Report dated November 19, 2025, without exhibits

Applicant appeal of Planning Commission Decision on CUP 2025-023 dated December 1, 2025

Map of Off-sale Alcohol Licenses in Census Tract 18.02

Map of Off-sale Alcohol Licenses in Salinas

Map of CUP 2025-023 to Park and Schools

List of Conditional Use Permit Applications for Alcohol Related Uses

Cc: Simon Maida, Applicant
Rexford Title Inc., Property Owner
Liliger Damiso
John L. Bailey, Attorney for Applicant
Sgt. Gerardo Magana, Salinas Police Department
Sun Street Centers
Other interested parties

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