

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

**A RESOLUTION OF THE SALINAS CITY COUNCIL UPHOLDING THE PLANNING
COMMISSION DENIAL OF A CONDITIONAL USE PERMIT TO ESTABLISH AND
OPERATE AN OFF- SALE ALCOHOL 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
(CUP 2025-023)**

WHEREAS, on November 19, 2025, the Salinas Planning Commission, at the request of the Applicant, Simon Maida, held a duly noticed public hearing to consider Conditional Use Permit 2025-023 to establish and operate an off-sale alcohol related use (Type 21 ABC license) at a proposed 2,618 square-foot convenience store located at the Laurel West Shopping Center at 1018 North Davis Road in the Commercial Retail (CR) Zoning District (Assessor's Parcel Number 261-711-070-000); 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

WHEREAS, the Planning Commission expressed concerns with the distance of the project site to a nearby off-sale alcohol related use and a school, a potential increase in the number of incidents of Driving Under the Influence (DUI), and the increase of undue concentration of off-sale alcohol outlets in Census Tract 18.02 (CT 18.02); and

WHEREAS, on November 19, 2025, the Planning Commission voted 3-2 to deny Conditional Use Permit 2025-023 pursuant to Planning Commission Resolution No. 2025-11; and

WHEREAS, on December 1, 2025, pursuant to Zoning Code Sections 37-50.1280 and 37-50.1290, the Applicant (Simon Maida), appealed the Planning Commission denial of Conditional Use Permit 2025-023 to the City Council; and

WHEREAS, the Salinas City Council pursuant to Zoning Code Section 37-60.1300, scheduled a duly noticed public hearing on January 13, 2026; and

WHEREAS, the Salinas City Council continued the public hearing for Conditional Use Permit 2025-023 to January 27, 2026; and

WHEREAS, the City Council 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 by the Salinas City Council that it upholds the Planning Commission denial of Conditional Use Permit 2025-023; 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 project has been found to be Exempt pursuant to Sections 15270(a) of the California Environmental Quality Act (CEQA) Guidelines;*

The project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15270(a) of the CEQA Guidelines. The proposed project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

2. *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 Retail by the 2002 Salinas General Plan. As shown on the official Zoning Map, the site is in the CR (Commercial Retail) Zoning District. Per Zoning Code Section 37-30.190(k)(3), the CR district provides for a range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services, offices, financial services, mixed use residential and/or limited residential uses.

Although an off-sales alcohol related use may be considered at the subject site with approval of a Conditional Use Permit (CUP), the City Council determined that due to a lack of demonstrated public convenience or necessity, proximity to schools, and potential for DUI related accidents, retail sales of beer, wine, and distilled spirits for off-site consumption at a proposed convenience store within an existing shopping center would not be in accordance with the objectives of the Zoning Code. Per Section 37-50.030(a), the purpose of Alcohol License Review regulations is to provide for the orderly integration of alcohol-related uses in the City.

Because of the proximity to a similar off-sale alcohol related use located at 1050 North Davis Road (Vallarta Supermarket), and a school located at 915 Larkin Street (Boronda Meadows Elementary School), approval of the alcohol related use would not be in accordance with the objectives of the Zoning Code.

3. *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 will 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; and*

The site is designated Retail by the 2002 Salinas General Plan. The City Council determined that due to the lack of demonstrated public convenience or necessity, proximity to schools, and potential DUI related accidents, retail sales of beer, wine,

and distilled spirits for off-site consumption at a proposed convenience store within an existing shopping center would be detrimental to the health, safety and welfare of persons residing or working in or adjacent to the neighborhood of such use, and detrimental to properties or improvements in the vicinity of the project site and the general welfare of the City of Salinas.

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

This finding is inapplicable because the City Council denied the request for a Conditional Use Permit.

5. *The Alcohol-Related use will adversely affect the welfare of the area including the surrounding residentially zoned neighborhoods, the proximity of an existing Alcohol-Related use located at 1050 North Davis Road, 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 proposed location is within Census Tract 18.02 (CT 18.02). Per the California Department of Alcoholic Beverage Control (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>
1. Smart and Final (Type 21)	319 East Market Street
2. Chin Brothers Grocery & Liquor (Type 21)	132 North Main Street
3. Hasco Stations, LLC (Type 21)	417 North Main Street
4. Clearwater Express (Type 20)	306 North Main Street
5. T-Mart (Type 20)	430 North Main Street
6. Vallarta Supermarket (Type 21)	1050 North Davis Road

Per ABC, five (5) off-sale licenses are authorized in CT 18.02. Currently, the subject CT 18.02 is unduly concentrated for the number of off-sale alcohol licenses (five (5) authorized, six (6) active). 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 unduly concentrated in terms of the number of 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 the same Census Tract (18.02) and is only approximately 500 feet to the north of the project site and is located within the same shopping center (Laurel West Shopping Center). The average distance to the other five (5) off-sale alcohol outlets located in CT 18.02 is 6,959 feet. This distance is greater than the average of 956 feet for approved off-sale alcohol CUPs in a Census Tract since 2010 and are located to the southeast of the project site.

Two (2) residential dwelling units (836 and 838 Howe Drive) are located 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.

The subject property is located less than the average distance of similar projects to residences and parks/playgrounds; but is more than the average distance to public schools and other off-sale alcohol related uses in the same Census Tract than other CUP applications (approved, denied, or expired) dating back to the year 2010.

Per the Salinas Police Department Memorandum, the Police Department reports an average of 73.43 reported crimes across all Police Reporting Districts (PRD) for 2024, the most recent date of PRD records. Adding 20%, the formula allows for no more than 88.12 reported crimes within this PRD to avoid the “undue concentration” designation. The 2024 Salinas Police Department (SPD) crime statistics indicate 78 reported crimes in PRD 181, which is above the 73.43 average of reported crimes, but below the 88.12 threshold, indicating that the project site is not located within an area of undue concentration due to crime. Per the Salinas Police Department Memorandum, an increase in police services for this project is anticipated.

The City Council denied the proposed off-sale alcohol related use because it was determined that the increase in the number of active off-sale licenses within CT 18.02 from six (6) to seven (7) would not be appropriate because it would result in an increase proliferation of alcohol related uses in the surrounding neighborhood. Further, the City Council denied the proposed off-sale alcohol use due to its proximity to a school (Boronda Meadows Elementary School), lack of demonstrated public convenience or necessity, and potential DUI related accidents.

6. *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 project site is in an area of undue concentration due to the number of off-sale retail licenses within the census tract. The City Council determined that public convenience or necessity would **not** be served by the issuance of the license by the ABC because alcohol is already available approximately 500-feet away at the Vallarta Supermarket which is also located within the Laurel West Shopping Center.

PASSED AND ADOPTED this 27th day of January 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Dennis Donohue, Mayor

ATTEST

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM

Christopher A. Callihan, City Attorney

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