

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2025-__**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH AND
OPERATE AN ALCOHOL RELATED USE CONSISTING OF ON-SALE BEER AND
WINE (TYPE 41 LICENSE) AT AN EXISTING 1,320 SQUARE FOOT RESTAURANT
WITHIN 100-FEET OF A RESIDENCE LOCATED AT 864 EAST ALISAL STREET IN
THE CR - FG-5 (COMMERCIAL RETAIL – EAST ALISAL STREET/ EAST MARKET
STREET FOCUSED GROWTH OVERLAY) ZONING DISTRICT
(CUP 2024-033)**

WHEREAS, on April 22, 2025, the Community Development Department, at the request of Hipolito Vazquez Orellana, sent a Notice of Intent to Approve Conditional Use Permit 2024-033, a request to establish and operate an alcohol related use consisting of an on-sale alcohol (Type 41 Beer and Wine ABC License #663916) at an existing 1,320 square-foot restaurant located within 100-feet of a residence at 864 East Alisal Street in the CR-FG-5 (Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay District (Assessor's Parcel Number 004-631-022-000); and

WHEREAS, on April 24, 2025, the Community Development Department received a protest via email regarding the Notice of Intent to Approve Conditional Use Permit 2024-033 and Conditional Use Permit 2024-033 was scheduled for the next available Planning Commission hearing date; and

WHEREAS, on May 13, 2025, the Applicant provided an e-mail request for a one-time 90-day extension of the Permit Streamlining Act pursuant to Government Code Section 65957 to allow time for noticing compliance; and

WHEREAS, on June 4, 2025, the Salinas Planning Commission held a duly noticed public hearing to consider Conditional Use Permit 2024-033; 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

NOW, THEREFORE, BE IT RESOLVED that the Salinas Planning Commission finds the project to be Exempt from the California Environmental Quality Act (CEQA) and approves Conditional Use Permit 2024-033; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission 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 15061(b)(3) 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 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. The proposed project 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.

2. *The proposed location of the use is in accord with the objectives of the General Plan, the Zoning Code, and the purposes of the district in which the site is located.*

The subject site is designated Retail by the 2002 Salinas General Plan. Per the General Plan, Retail provides for a variety of retail uses such as retail stores, restaurants, hotels, personal services, business services and financial services. The project is consistent with General Plan Goals and Policies. The project occurs within an existing building within an existing shopping center which would help maintain a compact City form, consistent with Land Use Policy LU-2.4.

Per the official Zoning Map, the site is located in the Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5) Zoning District. Per Section 37-30.190, the purpose of the CR District is to provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to the city and region; strengthen the city's economic base, provide employment opportunities close to home for residents of the city and surrounding communities; and ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. A restaurant with on-sale alcohol is consistent with the purpose of the CR zoning district. As defined by Zoning Code Section 37-50.030(b)(6), the use is an On-sale (On-premises Consumption) Alcohol-Related Use, where alcoholic beverages, including distilled spirits, beer, and wine, would be sold on the premises to be consumed on the premises. However, based on the proposed application, per ABC license Type 41, sales are limited to Beer and Wine.

3. *The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working adjacent to the neighborhood of such use, nor detrimental to the properties, or improvements in the vicinity or to the general welfare of the City.*

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The proposed on-sale alcohol use would not be detrimental to the public health, safety, and general welfare of the people of the City. Conditions of the CUP would prohibit off-sale alcohol sales, limit the hours of operation, ensure use is compliant

with Noise Standards, and recycling and solid waste provisions are met. The hours of operation of the subject use are 8:00 a.m. to 8:00 p.m., seven days a week. Per the Police Department Memorandum dated May 12, 2025, the Salinas Police Department does not object to the approval of the Conditional Use Permit after giving due consideration to surrounding residentially zoned uses, crime rates and emergency service calls and have set forth recommended conditions of approval:

- a. 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.
- b. Ample lighting in the parking lots, exterior area of entrances/exits and situated in areas to enhance video surveillance equipment.
- c. All legal requirements be met so that the business be posted for trespassing and enforceable by the Police Department for Salinas City Code (SCC) 21-35.

4. *The proposed conditional use will comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use.*

Conditions have been recommended for this permit to ensure that, when implemented, the project will conform and comply with the provisions of the Salinas Zoning Code. For example:

- a. Hours of operation for the restaurant and alcohol use shall be limited to 8:00 a.m. to 8:00 p.m., seven days a week.
- b. The use is subject to the Zoning Code Noise Performance Standards per Section 37-50.180(a), including, but not limited to, the noise standard shall be 5.0 dBA lower between 9:00 p.m. and 7:00 a.m. in residential zone.
- c. 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 37-60.540: Expiration- transferability; recordation; rescission; revocation, of the Salinas Zoning Code.
- d. Alcohol sale shall not occur except in conjunction with the maintenance of the premises as a "bona fide public eating place," i.e. a place which is regularly, and in a bona fide manner, used and kept open for the serving of meals to guests for compensation and which has on-site kitchen facilities for cooking an assortment of foods required for ordinary meals.
- e. No off-sale alcohol sales shall be allowed. No alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises.
- f. The applicant shall keep exterior access doors closed during evening and nighttime hours.
- g. A recycling and solid waste enclosure shall be maintained with capacity

adequate to achieve 50 percent recycling of the total recyclable wastes generated onsite and the recycling and solid waste provisions shall be in conformance the City's solid waste service provider.

5. ***The alcohol-related use will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods, giving due consideration to the distance of the proposed use from other alcohol-related uses; 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.***

The alcohol related use would not adversely affect the welfare of the area and the surrounding residentially zoned neighborhood. The closest residences (two single-family detached dwellings; 841 and 903 Garden Way) are located to the south of the subject site. The site is located adjacent to a residential parcel, which is within 100 feet of the project site and is therefore subject to the Conditional Use Permit process pursuant to Section 37-50.030(c). The measured distance from the project site to the adjacent residential parcel when walking is approximately 280 feet away and located across a service drive aisle separated by a 6-foot-high wood fence. The closest park is La Paz Neighborhood Park (560 Roosevelt Street), which is located approximately 1,618 lineal feet away, and the closest school is Sherwood Elementary School (110 South Wood Street) is approximately 740 lineal feet away.

The closest alcohol related uses in the Cardenas Shopping Center are La Movida, an existing nightclub, Jugueria La Tropical, a restaurant, China House, a restaurant, El Barrio, a bar all with on-sale alcohol sales located within the same shopping center, and the Cardenas Market, which is an off-sale alcohol related use. The La Movida is subject to the conditions of CUP 2000-008, the Jugueria La Tropical is subject to the conditions of CUP 2021-029. Per City records, El Barrio, China House, and the Cardenas Market are not subject to any CUP. There has been an off-sale alcohol related use at Cardenas since at least 1987, El Barrio since at least 1985, and China House since 1982. Both La Movida and Jugueria La Tropical are located approximately 300-feet away at the opposite end of the Cardenas Shopping Center. El Barrio is located adjacent to the west, China House is located approximately 45 feet to the west, and the Cardenas Market is located approximately 180 feet to the east. The proposed alcohol related use does not qualify as an exception to the requirement to obtain a Conditional Use Permit because the proposed use is located within 100-feet of a residence as stipulated by the Zoning Code.

Per a Police Department Memorandum dated, May 12, 2025, the Salinas Police Department does not object to the approval of the Conditional Use Permit after giving due consideration to surrounding residentially zoned uses, nearby schools and playgrounds, crime rates and emergency service calls. The Police Department's overall 2023 average for statistics for Police Reporting Districts (PRDs) is 61.21. The site is located within PRD #54. The crime statistics for this

PRD are 67, which is above the PRD average. The Salinas Police Department does not object to the approval of the Conditional Use Permit after giving due consideration to surrounding residentially zoned uses, crime rates and emergency service calls and have set forth recommended conditions of approval including, but not limited to the following:

- a. 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.
- b. Ample lighting in the parking lots, exterior area of entrances/exits and situated in areas to enhance video surveillance equipment.
- c. All legal requirements be met so that the business be posted for trespassing and enforceable by the Police Department for Salinas City Code (SCC) 21-35.

PASSED AND APPROVED this 4th day of June 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a meeting held on June 4, 2025, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary