

When recorded, return to:

CITY OF SALINAS
Community Development Department
65 West Alisal Street, Salinas, CA 93901
Attn: Bobby Latino, Associate Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

Title of Document

CONDITIONAL USE PERMIT NO. 2024-046
(Supersedes Conditional Use Permit 1990-026)
City of Salinas
Community Development Department

WHEREAS, the Salinas Planning Commission, at a public hearing duly noticed and held on April 16, 2025, found that the proposed location of the structure and use is in accord with the objectives of the Salinas Zoning Code and the purposes of the zoning district in which the site is located; that the location of the structure and use and the proposed conditions under which it would be operated and 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 in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; that the structure and use will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed use; that the proposed off-sale 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 off-sale 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; that although 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 23817.5, and administered by the State Department of Alcoholic Beverage Control), pursuant to Business and Professions Code Section 23817.7, the public convenience or necessity would be served by the issuance of the alcohol license by the ABC; and that this conditional use has been reviewed and evaluated in accordance with the California Environmental Quality Act and is considered Exempt to CEQA.

NOW, THEREFORE, the Salinas Planning Commission hereby grants and issues Conditional Use Permit No. 2024-046 pursuant to *Article VI, Division 8: Conditional Use Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

ISSUED TO:	Jay Waraich
PROPERTY OWNER:	Coast to Coast Property Holdings, LLC
FOR USE:	Demolish an existing service station and convenience store

and construct a new convenience store, a fuel canopy with 12 fuel pumps, a vehicle washing building with an off sale alcohol related use.

ON PROPERTY LOCATED AT: 1163 Terven Avenue

ASSESSOR'S PARCEL NO.: 003-471-032-000

ZONING DISTRICT: IG-AR (Industrial-General – Airport Overlay)

ENVIRONMENTAL REVIEW ACTION & DATE: Exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) on April 16, 2025.

EXPIRATION DATE: None, once properly established, unless the subject off-sale alcohol related use ceases operation for a continuous period of six (6) months or more.

RIGHT TO OPERATE/DEVELOP

1. The Permittee shall have the right to demolish an existing service station and convenience store and construct a new 2,500 square foot convenience store, a 3,654 square foot fuel canopy with 12 fuel pumps, a 1,080 square foot vehicle washing building with an off sale alcohol related use consisting of a Type 20 ABC License on the above-described property in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

Exhibit "A" Vicinity Map

Exhibit "B" Site Plan (Sheet SP-1)

Exhibit "C" Floor and Equipment Plan (Sheet A1.1)

Exhibit "D" Roof Plan (Sheet A1.2)

Exhibit "E" Southwest and Northeast Color Elevation (Sheet A3.1)

Exhibit "F" Southeast and Northwest Color Elevation and Building Section (Sheet A3.2)

Exhibit "G" Fuel Canopy and Trash/Recycling Enclosure Color Elevation (Sheet CA3.1)

Exhibit "H" Conceptual Landscape Plan (Sheet L-1 and L-2)

Exhibit "I" Dryer Specification Sheet for Vehicle Washing Equipment

Exhibit "J" Noise Study prepared by Bollard Acoustical Consultants Inc. on July 17, 2024

Exhibit "K" Engineer's Report, dated March 7, 2025

Exhibit "L" Republic Services Letter, dated September 27, 2024

Exhibit "M" Police Department Memorandum, dated August 30, 2024

LIMITATIONS ON USE

2. Alcohol shall not be sold between the hours of 10:00 p.m. and 6:00 a.m. Coolers containing alcoholic beverages shall be locked between the hours of 10:00 p.m. and

6:00 a.m.

3. The premises shall be maintained free of litter at all times.
4. No alcoholic beverages shall be consumed on the premises.
5. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
6. No display of alcoholic beverages shall be made from an ice tub.
7. No "single-serving" or "one-can" sales of alcoholic beverages shall be made from the premises. A sign to this effect in English and Spanish shall be maintained at the cashier station at all times. Exception: "single serving" or "one-can" non-chilled or non-refrigerated alcoholic beverages may be sold from those premises with at least eight thousand square feet of gross floor area and located in a shopping center with a minimum of ninety thousand square feet of gross floor area.
8. No more than four (4) cooler doors shall be allocated to alcohol sales. Coolers without doors shall be limited to 32 lineal feet.
9. No alcoholic beverage shall be displayed within five feet of the cash register or within five feet of the front door of the permitted premises.
10. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
11. All business owners and managers shall complete a program certified by the Department of Alcoholic Beverage Control (ABC) as a qualified responsible beverage service (RBS) program prior to the commencement of the use. Any business established after the effective date of the ordinance codified in this section shall require such training of all owners and managers within ninety days of ownership transfer or hire. Failure of managers to obtain training shall be the liability of the owner. The owner shall maintain on the premises a file containing the certificates of training and shall present the file and its contents upon request by the City at any time during normal business hours. The provisions of this section regarding responsible beverage training shall be suspended upon a finding by the City Planner that the training is not reasonably available.
12. An electronic age verification scanner shall be installed, maintained, and utilized for all off-sale alcohol sales.
13. Signs shall be posted at the location in English and Spanish with regard to prohibitions of open containers and loitering at the location, and no loitering shall be tolerated.

14. No single 40 oz. containers of beer may be sold from the premises.
15. No malt liquor or fortified wine products (wines with greater than 15% alcohol content) shall be sold.
16. Sales of wine shall be in containers of at least 750 ml.
17. 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.
18. The City Planner may conduct a review of this Permit after inauguration, and may require modifications, if appropriate. The City Planner may also schedule a review by the Salinas Planning Commission, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Permittee shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.
19. If the subject off-sale alcohol related use or other uses authorized herein cease operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.
20. No outdoor storage, display, or sale of merchandise of any kind will be permitted except as authorized subject to the issuance of a Temporary Use of Land Permit in accordance with the Salinas Municipal Code.
21. Prior to operation of the off-sale alcohol related use, related site improvements shall be complete.

CRIME PREVENTION REQUIREMENTS

22. The applicant shall comply with all requirements of the Salinas Police Department identified in Exhibit “M”.

NOISE STUDY

23. Per the Exhibit “T” Dryer Specification Sheet for Vehicle Washing Equipment, identifies the vehicle washing dryer equipment producing noise that exceeds the maximum noise level of 70 dBA in the IG District per Section 37-50.180, Table 37-50.50. Therefore, per Section 37-50.180(a)(2), an acoustic study was required. Per Exhibit “J”, Noise Study prepared by Bollard Acoustical Consultants Inc. on July 17, 2024, identifies construction of a nine (9) foot high solid noise barrier along the western project property near the location of the exit to vehicle washing dryer equipment (as identified in the Site Plan) to mitigate noise not exceed the 70 dBA.

AVIGATION EASEMENT

24. Prior to issuance of a building permit, the Applicant or successor in interest, shall record an Avigation Easement on the property. Recordation of the Avigation Easement shall be coordinated with Public Works Department (200 Lincoln Avenue, 831-758-7241). File No. CUP 2024-046 shall be referenced on the Avigation Easement document.

AGRARIAN EASEMENT

25. Prior to issuance of a building permit, the Applicant or successor in interest, shall record an Agrarian Easement on the property. Recordation of the Agrarian Easement shall be coordinated with the Public Works Department (200 Lincoln Avenue, 831-758-7241).

FIRE PROTECTION REQUIREMENTS

26. All applicable requirements of the Salinas Fire Department including those items identified Titles 19, 24 and 25 of the California Administrative Code must be met and may include, but not be limited to, provisions for fire alarm systems, fire extinguishers, sprinkler systems, emergency vehicle access and installation of fire hydrants.
27. If required, all fire sprinkler apparatus shall be incorporated into the overall site plan and building design. Such apparatus shall be located within building interiors, garages, stairwells, utility areas, trash areas and/or other areas substantially out of the public view. Fire Department connection pipes shall be painted to match the adjacent building.

PARKING REQUIREMENTS

28. A minimum of eight (8) off-street parking spaces shall be provided including one (1) off-street parking space designated for people with disabilities in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting*. Bicycle parking (rack) shall be provided in accordance with Zoning Code Section 37-50.400.
29. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting* of the Salinas City Code.

SIGNS

30. The existing 34'-9" high, 251.75 square foot (double sided) freestanding freeway sign is entitled by Freeway Signing Plan 1989-002.

31. A Sign Permit issued in accordance with *Article V, Division 3: Signs* of the Salinas City Code, shall be required for all signs.
32. No canvas signs, banners, pennants, flags, streamers, balloons or other temporary or wind signs; no mobile, A-frame, or portable signs; no roof or canopy signs extending above a building roof; no signs that resemble any official marker erected by the city, state or any governmental agency, or that by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic; no signs which produce odor, sound, smoke, fire or other such emissions; and no animated, flashing, moving or rotating signs shall be permitted unless permitted in accordance with *Article 5, Division 3: Signs* of the Salinas Zoning Code, as may be amended from time to time.

OUTDOOR LIGHTING

33. Exterior lighting may be installed in accordance with Zoning Code Section 37-50.480 under the following limitations:
 - a. No floodlighting will be allowed on any structure.
 - b. Parking lot lighting shall be shielded to confine light spread to within the site boundaries and shall not exceed 40 feet in height in the IG District.
 - c. Prior to the issuance of a Building Permit, the applicant shall submit a detailed lighting plan for review and approval by the Community Development Department.

BUILDING MATERIALS AND COLORS

34. Prior to the issuance of a building permit, the materials and colors shall be identified on the plans in accordance with the Color and Material Elevations attached as Exhibits “E”, “F”, and “G”.

LANDSCAPING

35. Prior to the issuance of a Building Permit, the applicant shall submit detailed final landscape and irrigation plans for review and approval by the City Planner. Landscaping shall comply with Exhibit “H” Conceptual Landscape Plan, the requirements of the State of California “Model Water Efficient Landscape Ordinance” (AB 1881), and *Article V, Division 4* of the Salinas Zoning Code. The landscape and irrigation plans shall include the following:
 - a. Per Zoning Code Section 37-20(b)(4), landscape areas shall incorporate plantings using a three-tier system: 1) grasses and groundcovers, 2) shrubs, and 3) trees.

- b. Landscape plans shall show the location, type, size, and names of all plantings: ground covers (1-gallon minimum), shrubs (5-gallon minimum), and trees (15-gallon minimum).
- c. Irrigation plans shall show size and location of irrigation pipe, heads, bibs, and backflow devices.
- d. Provide minimum 20-foot -wide landscape planter along Terven Avenue that shall include a landscaped berm and/or hedge with a minimum height of 32 inches and maximum height of 42 inches for screening.
- e. Provide minimum 10-foot-wide landscape planter along U.S. Highway 101 off ramp that shall include a landscaped berm and/or hedge with a minimum height of 32 inches and maximum height of 42 inches for screening.
- f. Provide minimum 5-foot-wide landscape planter along the U.S. Highway 101 that shall include a landscaped berm and/or hedge with a minimum height of 32 inches and maximum height of 42 inches for screening.
- g. Plants shall be maintained and trimmed to three feet in height within the Areas of Unrestricted Visibility triangles at the driveways (15 feet) and street corners (25 feet).
- h. All landscape islands within the parking area shall include a minimum of one 15-gallon tree; the island shall have a minimum dimension of five feet exclusive of curbs.
- i. Per Zoning Code Section 37-50.700(d)(5), all trees and shrubs shall be staked as shown in Figure 37-50.150 (Landscape Staking Detail)
- j. Planters adjacent to the buildings shall be landscaped with shrubs of a minimum of 5-gallon size, 1-gallon containers for mass planting, and groundcover.
- k. Exposed soil shall be landscaped with drought resistant groundcover that will propagate and take root quickly. A minimum two-inch layer of mulch shall be applied except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- l. Turf shall be limited to 25% of the total landscaping area. No turf shall be permitted in areas with a dimension of less than eight (8) feet, or on slopes exceeding ten-percent.

m. Plant material shall conform to the following spacing standards:

- i. A minimum of thirty feet from the property corner at a street intersection to the center of the first tree or large shrub;
- ii. A minimum of fifteen feet between center of trees and ten feet between large shrubs to light standards;
- iii. A minimum of ten feet between center of trees or large shrubs and fire hydrants;
- iv. A minimum of fifteen feet from the intersection of a driveway (for commercial, mixed use, or public/semipublic and industrial uses) with a street right-of-way to the center of any tree having a diameter larger than eighteen inches at maturity or large shrub and a minimum of ten feet for residential uses.

36. The applicant shall install street trees at a maximum 60-foot spacing based on street frontages, per City Standard Plans. For this property a minimum of two (2) trees are required. If the site cannot accommodate the trees, the applicant shall pay the street impact fee of in lieu of the street tree installation per Exhibit "K", Engineer's Report.

RECYCLING AND SOLID WASTE DISPOSAL AREA

37. A recycling and solid waste enclosure shall be provided with capacity adequate to achieve 50 percent recycling of the total recyclable wastes generated onsite. Instructional signs shall be provided for use of recycling bins and containers. The enclosure shall be constructed with a six-foot high solid masonry wall and screened from public view with a minimum two-foot-wide perimeter planter. Colors and materials of the enclosure shall match those of the primary structures (example: exterior plaster - stucco). Doors of the enclosure shall be constructed of a solid material and colored to match the buildings. The enclosure shall be designed to allow walk-in access without having to open the main enclosure gate. Details of the enclosure shall be in accordance with "Exhibit "G" Trash/Recycling Enclosure Color Elevation. Per Exhibit "L" Republic Services Letter, the City's solid waste service provider has ensured that the recycling and solid waste provisions of the project will meet their service needs

MAINTENANCE

38. All parking areas, driveways, other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All traffic signs and pavement markings shall be clear and legible at all times. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions of this Permit.

39. The Applicant, or successor-in-interest, shall eradicate graffiti painted or marked on the facility within seventy-two (72) hours of occurrence pursuant to Municipal Code Section 5-03.19(a)(4).

PUBLIC IMPROVEMENTS

40. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
41. Public improvements to serve the development shall be reviewed and approved by the City Engineer and shall be installed in accordance with City standards. All utilities shall be installed underground with details to be included on the final improvement plans.

UTILITIES/EQUIPMENT SCREENING

42. All new utility lines shall be placed underground and all new power transformers shall be placed underground where permitted by the utility company. Where transformers must be pad-mounted above ground, they shall be located away from the general public view or shall be effectively concealed by landscaping or a screen fence of a design approved by the utility company and the City Planner.
43. All new mechanical equipment and appurtenances (i.e. gas, water meters, electrical boxes, HVAC systems, refrigeration equipment, etc.), building or ground mounted, shall be screened from public view and adjacent properties. Roof vents shall be painted to blend with roof materials. Details shall be shown on the final construction and/or land plans subject to review and approval by the City Planner.

PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS

44. The issuance of this Permit is required in addition to the issuance of an alcoholic beverage sales license from the State Alcoholic Beverage Control Board.
45. The issuance of this Permit shall not relieve the Permittee of any requirement to obtain permits or licensing from any county, regional, state or federal agencies. If applicable, a City Business License shall be obtained prior to commencement of use.

CANCELLATION OF PREVIOUS PERMIT

46. Upon execution of this Permit, Conditional Use Permit No. 1990-026 shall become null and void.

MODIFICATION OF APPROVED USE AND PLANS

47. Any modification to the terms and conditions of this Permit are subject to the issuance of a new Permit. The City Planner may approve minor modifications to this Permit if the City Planner finds the modification to be in substantial compliance with the original approval.

VIOLATION; REVOCATION

48. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the City. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provision of this Permit shall be guilty of a misdemeanor or an infraction, as charged. Alternatively, any violation of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance and/or other applicable laws, regulations or codes. Upon determination by the City Planner that there are reasonable grounds for revocation of this Permit, a revocation hearing shall be set to be heard before the Salinas Planning Commission in accordance with *Article VI, Division 18: Enforcement and Penalties* of the Salinas Zoning Code or such codes as may be subsequently adopted.

SUBSTANTIAL ACTION TIME LIMIT

49. This Permit shall expire one year after its effective date unless:
 - a. A building permit has been issued and construction diligently pursued;
 - b. A certificate of occupancy has been issued;
 - c. The use is established in conformance with the provisions of the Zoning Code;
or
 - d. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

PERMIT VALIDATION

50. Pursuant to Zoning Code Section 37-60.530, this Permit shall be null and void and all terms and conditions shall have no force or effect unless this Permit is signed by the Permittee(s) and returned to City of Salinas Community Development Department within 90 days of approval. ***It is the applicant's responsibility to track the 90-day expiration date. No notice will be sent.***

STANDARD CONDITIONS

51. Pursuant to **Salinas City Code Section 1-8.1: Civil action enforcement**, and **Section 1-8.2: Liability for costs**, permittee shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects,

engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.

52. The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
53. Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state and federal laws and regulations.
54. No further development other than that shown on this permit or attached exhibits shall be allowed unless or until an amendment to this permit has been approved. Requests for a minor modification of an approved permit may be granted by the City Planner provided the modification is substantially in compliance with the original approval and conditions.

NOTICE OF CHALLENGE LIMITATIONS

55. Code of Civil Procedure Section 1094.6 requires all Court challenges to the decision to grant this Permit be initiated within 90 days of the final decision of the City in this matter.

EXECUTIONS

THIS CONDITIONAL USE PERMIT was approved by action of the Salinas Planning Commission on April 16, 2025, and shall become effective on the following date unless appealed to the City Council of the City of Salinas in accordance with Article VI, Division 17: Appeals:

Effective Date: April 29, 2025

Courtney Grossman
Planning Manager, City of Salinas

(Signatures Listed Below on Pages 12 through 14 Must Be Notarized)

THIS CONDITIONAL USE PERMIT is hereby accepted upon the express terms and conditions hereof, and the undersigned Permittee agrees to strictly conform to and comply with each and all of this Permit's terms and conditions.

Dated: _____

Jay Waraich, Applicant
Permittee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____ 202__, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

CONSENT is hereby granted to the Permittee to carry out the terms and conditions of this Conditional Use Permit.

Date _____

Hamdi Alzghoul, Managing Member
Coast to Coast Property Holdings, LLC
Property Owner

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Date _____

Mohammad Alzghoul, Managing Member
Coast to Coast Property Holdings, LLC
Property Owner

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WITNESS my hand and official seal.

Signature _____

I:\ComDev\Planning Share Space\Conditional Use Permits\2024 CUP's\CUP 2024-046 and CUP 2024-047 - 1163 Terven Ave\PC\CUP 2024-046 - 1163 Terven Ave..docx