



## **CITY OF SALINAS PLANNING COMMISSION REPORT**

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**DATE:** MAY 21, 2025

**TO:** PLANNING COMMISSION

**FROM:** COURTNEY GROSSMAN, PLANNING MANAGER

**BY:** THOMAS WILES, SENIOR PLANNER

**TITLE:** **CONDITIONAL USE PERMIT 2024-033; A REQUEST 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**

### RECOMMENDED MOTION:

A motion to approve a resolution finding the project exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, affirming the findings, and approving Conditional Use Permit 2024-033.

### EXECUTIVE SUMMARY:

Hipolito Vazquez Orellana is requesting to establish and operate an alcohol related use consisting of on-sale beer and wine (Type 41 ABC License – On-Sale Beer & Wine – Eating Place) at an existing 1,320 square-foot restaurant at the Cardenas Shopping Center located at 864 East Alisal Street. A Conditional Use Permit (CUP) is required because the site is located within 100 feet of a residence. On April 22, 2025, a Notice of Intent to Approve (NOI) the CUP was mailed to properties located within 300 feet of the site. Subsequently, on April 24, 2025, a protest was received from a nearby resident stating concerns about existing alcohol serving establishments located in the area near the project site.

### DISCUSSION:

#### Background:

Hipolito Vazquez Orellana is requesting approval a Conditional Use Permit (CUP) to establish and

operate an alcohol related use consisting of an on-sale alcohol (Type 41 Beer and Wine ABC License On-Sale Beer & Wine – Eating Place) at an existing restaurant (El Mananero). 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 existing restaurant is located within the Cardenas Shopping Center, which has shared parking, access, and landscaping. The closest alcohol related uses are La Movida, an existing nightclub and Jugueria La Tropical, a restaurant, both with on-sale alcohol sales located within the same shopping center. The La Movida is subject to the conditions of CUP 2000-008 and the Jugueria La Tropical is subject to the conditions of CUP 2021-029. Both businesses are also adjacent to and within 100 feet of a residential parcel. The nearest park (La Paz Neighborhood Park) is approximately 1,618 lineal feet away, and the nearest school (Sherwood Elementary School) is approximately 740 lineal feet away from the project site.

The property is in the Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5) Zoning District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Shopping Center / CR – FG-5 (Commercial Retail - East Alisal Street / East Market Street Focused Growth Overlay)  
South: Single-family Detached Dwellings / R-L-5.5 (Residential Low Density)  
East: Shopping Center / CR – FG-5 (Commercial Retail - East Alisal Street / East Market Street Focused Growth Overlay)  
West: Offices and Single-family Detached Dwelling / CR – FG-5 (Commercial Retail - East Alisal Street / East Market Street Focused Growth Overlay) and R-L-5.5 (Residential Low Density)

Per Zoning Code Section 37-50.030(d)(1), the City Planner shall have the authority to grant a Conditional Use Permit (CUP) for any on-sale alcohol-related use. Accordingly, on April 22, 2025, a Notice of Intent to Approve (NOI) was mailed to all property owners located within 300 feet of the site. On April 24, 2025, a protest was received from a nearby resident. Due to receipt of the protest, CUP 2024-033 requires consideration by the Planning Commission at a public hearing.

#### Analysis:

#### Conditions of Approval

The City generally requires a CUP for alcohol-related uses (Salinas City Code §37-50.030) and may lawfully regulate through its land use and zoning authority the potentially negative social and environmental effects of alcohol serving businesses. Per Zoning Code Section 37-50.030(e)(2), findings for public convenience or necessary are not required or applicable for on-sale alcohol

related uses. The CUP would contain the following conditions of approval:

1. Hours of public operation shall be limited to: 8:00 a.m. to 8:00 p.m. seven (7) days a week.
2. 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.
3. 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.
4. 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.
5. No off-sale alcohol sales shall be allowed. No alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises.
6. The alcohol related use shall be limited to 10:30 a.m. to 8:00 p.m. seven (7) days per week.
7. Pursuant to Zoning Code Section 37-50.030(f)(6), 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. Such training is required 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 regarding responsible beverage training shall be suspended only upon a finding by the City Planner that the training is not reasonably available.
8. The applicant shall keep exterior access doors closed during evening and nighttime hours.
9. Live entertainment shall not be permitted on-site.
10. No outdoor storage, display, or sale of merchandise of any kind will be permitted.

11. 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.
12. If the subject on-sale alcohol use ceases operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.

Salinas Police Department Comments and Conditions

Per the attached Salinas Police Department Memorandum dated May 12, 2025 (Exhibit “D” of CUP 2024-033), the project site is located in Police Reporting District (PRD) #54. According to the Salinas Police Department in 2023, the average crime rate per PRD is 61.21, the crime rate for PRD #54 is 67, which is above average. Per the Memorandum, the majority of the crimes that occur in this area are Forgery, Embezzlement, Fraud, Vandalism, Theft, Drug Abuse, DUI, Public Intoxication, Loitering, and others. Per the Memorandum, there may be an increase for police services for this project based on the fact PRD #54 has higher-than-average crime in the City of Salinas. However, the Salinas Police Department does not object to the approval of CUP 2024-033, subject to the following recommendations:

1. 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.
2. Ample lighting in the parking lots, exterior area of entrances/exits and situated in areas to enhance video surveillance equipment.
3. 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.

The above recommendations are included as conditions of approval of CUP 2024-033 per Exhibit “D” and Condition No. 15.

Protest Letter (e-mail):

On April 24, 2025, a protest was received via email from a nearby resident. The protest states a concern about existing alcohol serving establishments located in the area near the project site. Per the protest, concerns include negative impacts primarily from a nearby nightclub and multiple hit and run incidents and disturbances that put residents, children, and property at serious risk. The protest email is attached to this report.

Staff Response:

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 hours of limitation of the restaurant will be limited to 8:00 a.m. to 8:00 p.m., seven (7) days a week. The hours of the alcohol related use will be limited to 10:30 a.m. to 8:00 p.m. seven (7) days per week. Per the draft CUP, alcohol sales 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. In addition, no off-sale alcohol sales shall be allowed, and no alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises. Recommendations from the Salinas Police Department per the Memorandum dated May 12, 2025 (Exhibit "D" of CUP 2024-033) are proposed to be incorporated into the project.

Findings:

The Planning Commission may approve an application for Conditional Use Permit to establish and operate an On-sale alcohol related use (Type 41 ABC license) for an existing 1,320 square-foot restaurant (El Mananero) located at the Cardenas Shopping Center, if all the findings set forth in the proposed Planning Commission Resolution are established.

CEQA CONSIDERATION:

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.

Time Consideration:

The project was deemed complete on March 29, 2025. Final action is required by May 28, 2025, pursuant to Government Code Section 65950(a)(5).

Alternatives Available to the Commission:

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, find the application exempt from the California Environmental Quality Act (CEQA), and approve Conditional Use Permit 2024-033 with modifications; or

2. Find that the proposal is not appropriate and establish findings at the public hearing stating the reasons for not approving Conditional Use Permit 2024-033.

ATTACHMENTS:

Proposed Planning Commission Resolution

Draft approval document CUP 2024-033 with the following exhibits:

Exhibit "A" Vicinity Map

Exhibit "B" Site Plan

Exhibit "C" Floor Plan

Exhibit "D" Salinas Police Department Memorandum dated May 12, 2025

Protest e-mail from resident received on April 24, 2025

Cc: Hipolito Vazquez Orellana, Applicant  
East Alisal Associates, Property Owner  
Salinas United Business Association (SUBA)  
Sgt. Gerardo Magana, Salinas Police Department  
Resident submitting protest  
Other interested parties

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