

When recorded, return to:

CITY OF SALINAS
Community Development Department
65 West Alisal Street, Salinas, CA 93901
Attn: Thomas Wiles, Senior Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

Title of Document

CONDITIONAL USE PERMIT NO. 2024-033

City of Salinas

Community Development Department

WHEREAS, the Salinas Planning Commission, at a public hearing duly noticed and held on May 21, 2025 has found that the proposed location of the use and the proposed conditions under which it would be operated and maintained will be in accordance with the objectives of the Salinas General Plan, the Salinas Zoning Code, and the purposes of the district in which the site is located; that the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are 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 to the general welfare of the City; and that the proposed conditional use complies with the provisions of this Zoning Code, including any specific conditions required for the proposed use; that the proposed on-sale alcohol-related use will neither adversely affect the welfare of the area nor nearby residentially zoned neighborhoods, giving due consideration to the distance of the proposed use from 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; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; an exemption from the California Environmental Quality Act,

NOW, THEREFORE, the Salinas Planning Commission hereby grants and issues Conditional Use Permit No. 2024-033 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:	Hipolito Vazquez Orellana
PROPERTY OWNER:	East Alisal Associates et. al.
FOR USE:	Establish and operate an on-sale alcohol related use (Type 41-On-Sale Beer and Wine – Eating Place) at an existing 1,320 square-foot restaurant.

ON PROPERTY LOCATED AT: 864 East Alisal Street

ASSESSOR'S PARCEL NO.: 004-631-022-000

ZONING DISTRICT: Commercial Retail – East Alisal Street/East Market Street Focused Growth Overlay (CR-FG-5)

ENVIRONMENTAL REVIEW ACTION & DATE: Exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) on May 21, 2025.

EXPIRATION DATE: None, once properly established, unless the subject 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 operate an on-sale alcohol related use (Type 41 – On-Sale Beer and Wine – Eating Place) within an existing 1,320 square-foot restaurant located at the Cardenas Shopping Center within 100 feet of a residential dwelling unit.

Exhibit "A" Vicinity Map

Exhibit "B" Site Plan

Exhibit "C" Floor Plan

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

LIMITATIONS ON USE

2. Hours of public operation shall be limited to: 8:00 a.m. to 8:00 p.m. seven (7) days a week.
3. 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.
4. 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 Permit in accordance with *Section 37-60.540: Expiration- transferability; recordation; rescission; revocation*, of the Salinas Zoning Code.
5. 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.

6. No off-sale alcohol sales shall be allowed. No alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises.
7. The alcohol related use shall be limited to 10:30 a.m. to 8:00 p.m. seven (7) days per week.
8. 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.
9. The applicant shall keep exterior access doors closed during evening and nighttime hours.
10. Live entertainment shall not be permitted on-site.
11. No outdoor storage, display, or sale of merchandise of any kind will be permitted.
12. 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.
13. 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.

FIRE PROTECTION REQUIREMENTS

14. All applicable requirements of the Salinas Fire Department including those items identified in 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.

CRIME PREVENTION REQUIREMENTS

15. The applicant or successor-in-interest shall comply with all requirements of the

RECYCLING AND SOLID WASTE DISPOSAL AREA

16. 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.

SIGNS

17. A Sign Permit issued in accordance with *Article V, Division 3: Signs* of the Salinas City Code and any applicable Master Sign Plan shall be required for all signs.
18. 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.

MAINTENANCE

19. All paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. 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.
20. 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).

UTILITIES/EQUIPMENT SCREENING

21. 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 and are subject to the approval of the City Planner.

PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS

22. 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.
23. 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.

MODIFICATION OF APPROVED USE AND PLANS

24. 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

25. 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

26. This Permit shall expire one year after its effective date unless:
 - a. The Alcohol Related use is established in conformance with the provisions of the Zoning Code and the State of California Alcoholic Beverage Control; or
 - b. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

PERMIT VALIDATION

27. 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

28. 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.
29. 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.
30. 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.
31. 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

32. 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 May 21,

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: June 3, 2025

Courtney Grossman
Planning Manager, City of Salinas

(Signatures Listed Below on Pages 7 through 8 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: _____

Hipolito Vazquez Orellana
Applicant and 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 _____

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: _____

Andrew South, authorized signatory
East Alisal Associates et. al.,
Property Owner

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COUNTY OF MONTEREY

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Signature _____

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