

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2024-__**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR CONDITIONAL
USE PERMIT TO ESTABLISH AND OPERATE A PROPOSED OFF-SALE ALCOHOL
USE (TYPE 20 ABC LICENSE) IN A PROPOSED CONVENIENCE STORE WITH GAS
PUMPS LOCATED AT 1012 AND 1016 ABBOTT STREET IN THE IGC (INDUSTRIAL-
GENERAL COMMERCIAL)
(CUP 2024-022)**

WHEREAS, on November 6, 2024, the Salinas Planning Commission, at the request of the Applicant, Morton & Pitalo, held a duly noticed public hearing to consider Conditional Use Permit 2024-022 to establish and operate a proposed off-sale alcohol related use (Type 20 ABC license) in a proposed 3,710 square foot Convenience Store with Gas Pumps (Circle K) located at 1012 and 1016 Abbott Street (Assessor's Parcel Numbers 002-881-043-000 and 002-881-015-000); 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

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission finds the project to be Exempt from the California Environmental Quality Act (CEQA) and approves Conditional Use Permit 2024-022; 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. Where it can be seen 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 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 General Commercial/Light Industrial by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer and wine for off-site consumption at the existing retail sales use would provide City residents in the community with opportunities for jobs and shopping, consistent with Land Use Goal LU-1 and Policy LU-1.1. By providing a new off-sale alcohol use it would be consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new

investment in property and land development.

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. In accordance with Section 37-50.030(c), the proposed off-sale alcohol-related use at 1012 and 1016 Abbott Street would be regulated by a Conditional Use Permit (CUP). As shown on the official Zoning Map, the site is located in the IGC (Industrial-General Commercial) District. Per Zoning Code Section 37-30.300(e)(1), the IGC district provides for a range of retail, wholesale, and service businesses not generally suitable in commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

3. ***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 the general welfare of the City of Salinas; and***

The site is designated General Commercial/Light Industrial by the 2002 Salinas General Plan. The proposed use is consistent with General Plan Goals and Policies. Retail sales of beer and wine for off-site consumption at the existing retail sales use would provide City residents in the community with opportunities for jobs and shopping, consistent with Land Use Goal LU-1 and Policy LU-1.1. By providing a new off-sale alcohol use it would be consistent with Economic Development Element Policy ED-LU-1.17, which identifies and promotes opportunities for new investment in property and land development.

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. Per Zoning Code Section 37-50.030(f), conditions required for an off-sale alcohol-related use include but are not limited to the following: the premises shall be maintained free of litter at all times; and, 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.

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; and

Concerning off-sale alcohol-related uses, “undue concentration” is defined per California Business and Professions Code Section 23958.4 as either: (1) the ratio of off-sale retail licenses to population in the census tract or census division in which the premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the premises is located: or (2) the premises are located in a crime reporting district that has a 20 percent greater number of reported crimes (i.e., the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic violations) than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

The proposed location is within Census Tract 13 (CT 13). Per ABC, there are currently six (6) active off-sale licenses within CT 13 which are shown below:

<u>Name of Licensee</u>	<u>Address</u>
1. Star Market (Type 21)	1275 South Main Street
2. Salinas AM PM (Type 20)	970 Work Street
3. Central Gas Valero (Type 20)	1163 Terven Avenue
4. El Toro Liquor & Taqueria (Type 21)	124 Abbott Street
5. AS Convenience & Energy (Type 20)	945 Abbott Street
6. Michoacan Produce (Type 20)	241 John Street

Per ABC, two (2) off-sale licenses are authorized in CT 13. Currently, the subject CT 13 is undue concentrated for the number of off-sale alcohol licenses (2 authorized, 6 active). Approval of the proposed Type 20 off-sale alcohol license would result in 7 off-sale alcohol licenses in census tract that is already undue concentrated in terms of the number of off-sale alcohol licenses. Note that ABC records incorrectly indicate the number of existing off-sale alcohol licenses in CT 13, which has been corrected in this report.

The closest off-sale license to the project site is located at 945 Abbott Street (AS Convenience & Energy), which is located in CT 13 and is approximately 376 feet to the northeast of the project site. The average distance to off-sale alcohol outlets in CT 13 is 4,186 feet, which is greater than the average of 956 feet for approved off-sale alcohol CUPs in a Census Tract since 2010.

Salinas Police Department reports an average of 56.65 reported crimes across all PRDs for 2020, the most recent date of PRD records. Adding 20%, the formula allows for no more than 67.98 reported crimes within this PRD to avoid the “undue

concentration” designation. The 2020 Salinas Police Department (SPD) crime statistics indicated 22 reported crimes in PRD 108, which is below the 67.02 threshold, indicating that it is appropriate to label the site not within an area of undue concentration. Per the Police Department comments, the site is well below the average crime rate. Because the proposed site is located within an area of undue concentration due to number of alcohol licenses in the census tract, a finding that Public Convenience or Necessity is served by approving the off-sale alcohol use is required should the Planning Commission determine to approve the CUP. A finding of Public Convenience or Necessity could be determined because the proposed off-sale alcohol related use would provide convenience to the public that allows customers to avoid additional trips to other stores to purchase beer and wine which minimizes additional trips on the street network.

The Salinas Police Department does not object to the approval of Conditional Use Permit 2024-022 per a Police Department memorandum dated August 30, 2024, as long as the following recommended conditions are required, which are included as conditions of approval in the Conditional Use Permit:

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.

The closest residences and residentially zoned land are located approximately 1,416 feet to the west of the site of the alcohol related use (691 Santa Cruz Avenue). The nearest park is Claremont Manor Neighborhood Park (1220 San Fernando Drive), which is located approximately 3,542 feet to the southwest of the subject site. The nearest public school is Monterey Park Elementary School (410 San Miguel Avenue), which is located approximately 3,896 feet southwest from the subject site.

The subject property is located less than the average distance to residences, residentially zoned properties, parks, and other public schools than other CUP applications (approved, denied, or expired) dating back to the year 2010. The subject property is above average in minimum distance concerning its location to, residences, schools, and parks/playgrounds in comparison with other off-sale alcohol CUP applications. For the above reasons, the proposed project will neither adversely affect the welfare of the area nor of surrounding residentially zoned neighborhoods.

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 be served by the issuance of the alcohol license by the ABC.

Concerning off-sale alcohol-related uses, “undue concentration” is defined per California Business and Professions Code Section 23958.4 as either: (1) the ratio of off-sale retail licenses to population in the census tract or census division in which the premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the premises is located: or (2) the premises are located in a crime reporting district that has a 20 percent greater number of reported crimes (i.e., the most recent yearly compilation by the local law enforcement agency of reported offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors, except traffic violations) than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency.

The proposed project is in an area of undue concentration due to the number of off-sale retail licenses within the census tract. The Salinas Police Department does not object to the approval of Conditional Use Permit 2024-022 as long as the comments stated in their memorandum dated August 30, 2024, are included as conditions of approval in the Conditional Use Permit. Public convenience or necessity would be served by the issuance of the license by the ABC because it would provide a convenience to the public that allows customers to avoid additional trips to other stores to purchase beer and wine which minimizes additional trips on the street network.

PASSED AND APPROVED this 6th day of November 2024, 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 November 6, 2024, 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