SALINAS PLANNING COMMISSION

Staff Report

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Planning Manager Approval	Agenda Item ID15#-890

DATE: September 21, 2016

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

SUBJECT: STUDY SESSION REGARDING ALCOHOL LICENSE PROCESSING

BACKGROUND

The purpose of this Study Session is to discuss alcohol license processing with regards to the following:

1. Off Sale Licenses in Areas of Undue Concentration; and
2. Breweries and Wineries in the General Industrial (IG) Zoning District.

It is recommended that the Planning Commission:

1. Receive the staff report; and
2. Initiate discussion on the issues described below.

1. Off Sale Licenses in Areas of Undue Concentration.

On April 20, 2016, the Planning Commission requested a study session regarding alcohol license processing following a pair of Planning Commission decisions that were overturned by the City Council. The Planning Commission indicated a concern that the final outcomes involving Conditional Use Permits for alcohol licenses in areas of undue concentration needed additional clarity. Other Study Sessions on alcohol license processing with a focus on the former "one for one" policy have been conducted by the City Council on May 8, 2012, Planning Commission on July 18, 2012, and the Planning Commission on May 15, 2013. Copies of the study session staff reports are attached for additional background information.

Under the City's Zoning Code, a Conditional Use Permit (CUP) is generally required for alcohol-related uses. (Salinas City Code §37-50.030.) The CUP requirement provides local control of alcohol licenses, particularly when located in an area of "undue concentration," in which case the ABC "shall deny" an application, except if the local governing body such as the Planning Commission determines that "the public and convenience or necessity would be served by the issuance." See attached Salinas City Code §37-50.030 (Alcohol License Review) and 37-60.520 (Required Findings) for additional information.

"Undue concentration" is defined per California Business and Professions Code Section 23958.4 as 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 as determined by the ABC based on the number of existing retail off-sale ABC licenses. "Undue concentration" also occurs if 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] for the number of crimes reported by the Salinas Police Department. See attached maps showing areas of undue concentration in the City of Salinas.

Earlier this year, one member of the Planning Commission suggested that findings for public and convenience or necessity could possibly not be established for applications involving undue concentration where off sale licenses are proposed to be transferred to the City from outside of the City limits. Other factors that may be considered include the extent to which a Police Reporting District (PRD) exceeds the City's average, the extent to which a Census Tract exceeds the maximum number set by the Department of Alcohol Beverage Control (ABC), and/or minimum distances to sensitive uses such schools, parks and residential areas. Additional clarity in these areas can assist staff in better explaining the expectations and potential outcomes of the CUP process to prospective applicants.

Key Issues include, but not limited to, the following:

1. Determine whether licenses transferred to the City from outside of the City limits are appropriate if associated with undue concentration.
2. Determine whether other factors should be considered such as the extent to which a Police Reporting District (PRD) exceeds the City's average, the extent to which a Census Tract exceeds the maximum number set by the Department of Alcohol Beverage Control (ABC), and/or minimum distances to sensitive uses such schools, parks, and residential areas.

<u>2. Breweries and Wineries in the General Industrial (IG) Zoning District.</u>

On November 4, 2015, the Planning Commission approved Conditional Use Permit 2015-025 (CUP 2015-025), which authorized the establishment and operation of Alvarado Street Brewery with a

tasting area for up to seven seats, and off-sales of beer (Type 23 alcohol license). On August 31, 2016, the Alvarado Street Brewery applied for a Minor Modification to CUP 2015-025 to change the seating condition, clarify the boundaries of the seating area, expand brewery operations into a vacant space located adjacent to the north, and to install an outdoor seating area for employees. Alvarado Street Brewery is requesting that brewery uses be processed in the same manner as wineries. In this case, an administrative solution was identified and the approval is pending.

Per Table 37-30-130 Footnote 4, in the Industrial Districts, ancillary retail sales limited to 30% of the total square footage of all structures on a site or 2,500 square feet, whichever is less, shall be allowed. The purpose of the maximum retail area is to allow limited retail sales while ensuring that the purpose of the industrial zoning district is maintained. At the time of the Alvarado Street Brewery CUP submittal, it was unclear whether the maximum 30% or 2,500 square feet of retail space was exceeded on the subject site. As a part of the Minor Modification process, Alvarado Street Brewery has indicated that no other tenants on site contain retail areas although one building is entirely vacant.

Per Zoning Code Section 37-50.030(c), Alvarado Street Brewery is subject to a Conditional Use Permit because the project includes a tasting area open to the public and off-sales of alcohol. Per Zoning Code Section 37-50.330(d)(2), Planning Commission consideration was required because the site is located in an area of undue concentration due to the number of off-sale alcohol licenses in the subject Census Tract. Staff notes that Zoning Code Section 37-50.030(g)(1)(C) exempts the wholesale distribution or manufacturing of alcoholic beverages from the requirement to obtain a Conditional Use Permit or a Site Plan Review. Notwithstanding the tasting room and/or off-sales of alcohol, the project would have been considered a "General Industrial" use similar to wineries, which would have been allowed in subject General Industrial (IG) District with an administrative Site Plan Review. Staff notes that the Department of Alcohol Beverage Control would not restrict the license to exclude off sales or tasting because the Small Beer Manufacturer Type 23 license provides for those ancillary uses. For background information on the various license types from the State of California, see attached Common Alcohol Beverage Control License Types.

The Salinas General Plan indicates that the General Industrial land use designation provides for uses that often create nuisances that cannot readily be mitigated and are desirably separated from other uses. The IG District allows the most intensive uses in the City including, but not limited to, chemical manufacturing/processing, transfer stations, truck depots, and other general industrial uses such as agricultural processing and coolers, asphalt and concrete batch plants. These uses are not allowed in any other zoning districts and must located in the IG District.

Establishment and expansion of breweries and wineries with large scale tasting areas could have an adverse impact on the operations of nearby general industrial users. In the event of an emergency, such as an ammonia leak from an agricultural cooler, surrounding properties may be exposed to dangerous substances. The owner or operator of a stationary source that has more than a threshold quantity of a regulated substance (RS) in a process is covered by the California Accidental Release Prevention (CalARP) Program. The CalARP Program includes the Federal Accidental Release Prevention Program with certain additions specific to the State of California pursuant to Article 2, Chapter 6.95 of the Health and Safety Code (HSC). The purpose of the CalARP Program

is to prevent the accidental releases of regulated substances. Examples of substances include toxic gases such as chlorine, ammonia, and sulfur dioxide. Stationary sources are defined in CalARP as any buildings, structures, equipment, installations, or substance emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur. A stationary source also includes transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source for loading and unloading. Per CalARP, stationary sources with more than a threshold quantity of a regulated substance shall be evaluated to determine the potential for impacts of accidental releases from that covered process. Under conditions specified by CalARP, the owner or operator of a stationary source may be required to develop and submit a Risk Management Plan (RMP). Due to the requirements of CalARP, allowing breweries and wineries with large scale tasting rooms in the IG District may impact nearby existing and future industrial users because an adverse RMP could limit or curtail their operations.

Breweries, or the production of ales, beers, and similar alcoholic beverages are not specifically defined in the Zoning Code, other than as a General Industrial use. A related activity "Brew Pubs", is defined by Zoning Code Sections 37-10.260 and 37-50.030(b), as "an establishment in which beer is manufactured in limited quantities for on-site and off-site sales, distribution, and consumption". An example of a Brew Pub is the Monterey Coast Brewing Company located in the 100 block of Main Street.

Wineries are defined by Zoning Code Sections 37-10.470 and 37-50.030(b)(10) as follows:

A facility used for the purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, warehousing, wine-tasting facilities, administrative offices, and wholesale and accessory retail sales of associated wine and wine-related items. A winery does not include a boutique winery.

Per Zoning Code Section 37-10.330, "Wineries" are included under the definition of "Industrial – General" and may be permitted in General Industrial (IG) Zoning District through the administrative Site Plan Review (SPR) process. Industrial – General uses, such as Wineries are not permitted in any other Zoning District.

Zoning Code Sections 37-10.470 and 37-50.030(b)(1) define "Wine Tasting Rooms" and "Winery, Boutique" as follows:

Wine Tasting Room. An establishment in which wine and wine-related products are available for off-site sale, distribution, and consumption, and where wine, limited to that offered for sale, is sampled on the premises. Nothing in this Zoning Code shall be construed to require that any food be sold or purchased with any beverage. A wine tasting room may include a boutique winery.

Winery, Boutique. A facility where wine is produced from preprocessed ingredients. Processing permitted at boutique wineries shall be limited to blending ingredients, fermenting wine in sealed

containers, bottling of wine, warehousing of ingredients, short-term storage, wine-tasting facilities, administrative offices, and retail and accessory wholesale sales of associated wine and wine-related items. Boutique wineries do not include crushing, pressing, or other processing of fruits or vegetables, and do not include the blending or mixing of ingredients through the use of any machinery or mechanical means."

Per Zoning Code Section 37-50.030(g)(4)(A) and (B), Wine Tasting Rooms and Brew Pubs in the Downtown Alcohol-Related Use License Area and Wineries are not subject to the on-site consumption restrictions of Zoning Code Section 37-50.030(f)(2) and (f)(3)(A).

Key issues include, but not limited to, the following:

1. Determine whether the zoning regulations for breweries and/or wineries with tasting areas and/or off-sales in IG Districts should be modified.
3. Determine whether tasting areas and/or off-sales of alcohol are appropriate in the IG Districts.
4. Determine whether a tiered or scaled approach to breweries and wineries may be appropriate whereby definitions are created as consistent with the license types specified by the Department of Alcohol Beverage Control.

Next Steps:

Schedule a follow up Planning Commission meeting and provide staff with direction regarding the issues noted above.

COURTNEY GROSSMAN
Planning Manager

Attachments:

City Council Staff Report dated May 8, 2012
Planning Commission Staff Report dated July 18, 2012
Planning Commission Staff Report dated May 15, 2013
Salinas City Code §37-50.030 (Alcohol License Review) and 37-60.520 (Required Findings)
Common Alcohol Beverage Control License Types
Undue concentration maps
General Plan Map
Zoning Map

REPORT TO THE CITY COUNCIL
City of Salinas, California

Agenda Item Number
SS1

Department Director Approval

Finance Director Review

City Attorney Review

City Manager Approval

DATE: May 8, 2012

FROM: Jeffrey Weir, Community and Economic Development Director

THROUGH: Alan Stumpf, Assistant Development Director

BY: Courtney Grossman, Planning Manager

SUBJECT: **STUDY SESSION: SIGNS, DESIGN REVIEW BOARD, USE OF CITY LOGO, AND ALCOHOL ONE-FOR-ONE**

RECOMMENDATION:

It is recommended that the City Council study the items below and direct staff on key policy issues, as follows:

1. Signs (A-frame, billboards);
2. Design Review Board;
3. Use of the City logo; and
4. Alcohol one-for-one policy

DISCUSSION:

Signs

A-Frame Signs:

Recently, businesses located on South Main Street have approached the City regarding use of A-frame (portable) signs on the sidewalk, as a result of enforcement activity by the City to remove these signs. These types of signs are prohibited in the public right of way due to a number of reasons ranging from obstruction of the public right of way, safety and liability, visual clutter in the community, and even to First Amendment issues. South Main Street is also a Caltrans right-of-way, and Caltrans staff indicate that the placement of any signs directly on Caltrans right-of-way is not permitted and that such signs would be permissible on this right-of-way only through a change to "State Legislation.". Caltrans looks to the City for enforcement and there is an agreement between Caltrans and the City that allows City jurisdiction and enforcement of illegal signs along this right-of-way.

The South Main businesses have noted the benefits to their businesses from the placement of the A-frame signs and also the high costs of putting up new, permanent signs on buildings. To partially address this, there is a section of the Sign Code recently added that allows for a small projecting, or "blade" sign, no more than four square feet per face, to be attached to the building. A blade sign only requires a building permit from the City - no sign permit - but if it does project over the sidewalk, it would need a Caltrans encroachment permit. The City regulation is in Municipal Code Section 37-50.580 (z) as an exempt sign, as follows:

Projecting/Blade Signs and Hanging Signs: One on-site two-sided, pedestrian oriented, blade sign not exceeding a maximum of four square feet per sign face, which may include advertising material including logos and business names in accordance with Section 37-50.610 Measurement of sign area and height; subject to city planner approval and building permit issuance, sign must comply with California Building Codes in effect at the time of submittal.

Due to the existing State law prohibition against A-frame signs within the public right-of-way, even with a change to the City Code relative to such signs, the change could not permit such signs on South Main Street; however, as the City's prohibition applies city-wide, the Council could choose to lift the prohibition in the other areas of the City. Before doing so, though, Staff recommends the City Council consider the public health and safety concerns, as well as the aesthetic concerns, associated with the placement of A-frame signs in the public right-of-way in any area of the city.

Billboards:

Recently, staff received a request to reconstruct/relocate an existing, nonconforming billboard located along U.S. 101 across from the Salinas Auto Center. Such billboard signs are defined in the Zoning Code as "off-site advertising" and are generally not permitted, except in the case of existing nonconforming signs. This particular sign is currently one-sided and is in a declining state of repair. Existing vegetation was recently removed along the right-of-way and a new sound wall is proposed by Caltrans that may impact the visibility of the existing billboard. While new billboards are prohibited by the City Code, there is allowance for existing, nonconforming billboards to be reconstructed/relocated as provided in Section 37-50.630, below.

Sec. 37-50.630. - Off-site sign regulations.

c) Other Off-site Advertising Signs. Except for temporary off-site subdivision directional signs and specified exempt signs, off-site advertising signs are not permitted within the city. Existing off-site advertising signs shall be considered nonconforming. Nonconforming off-site advertising signs may only be reconstructed or relocated pursuant to the following:

(1) In accordance with a relocation agreement between the city and the sign owner, consistent with Section 5412 of the California Business and Professional Code;

(2) Relocation is allowed only if the sign is located within the IGC district; and

(3) If the sign area (including the sign structure) does not exceed a maximum dimension of twelve feet by twenty-five feet per sign face and twenty-two feet in height above existing or street grade, whichever is higher. Both sides of off-site advertising signs may be used for purposes of advertising.

In applying this Code section to the cited billboard, if it were reconstructed/relocated on the same property consistent with maximum 22-foot height and 12 by 25-foot dimensions, a portion of the sign would still be blocked by the new sound wall.

In addition to the height and sign area limitations, other issues with reconstructed/relocated billboards include number of sides, and type of illumination. All of these issues can negatively reflect upon the overall appearance of the community and must be carefully balanced with any potential benefits of having the billboards, and/or the property rights of the owner(s). There are several billboards within Salinas, including two additional signs along U.S. 101 in the southern part of the City. A draft

ordinance amendment has been prepared to address billboard relocation and is ready for City Council consideration.

Design Review Board

The Design Review Board (DRB) was created by the Central City Revitalization Plan to promote orderly and harmonious development in the Central City Project Area. The City Council adopted the Revitalization Plan for the Central City Project Area by Ordinance No. 1571 on June 8, 1974. The DRB's Rules and Regulations, as established by the Salinas Redevelopment Agency, lay out the board's membership, procedures and responsibilities. Originally, the DRB had the authority to approve all design features not governed by the Zoning Code, approve sign permits, and other specific design standards. As the permit process was streamlined, and the zoning codes enhanced to include more technical detail regarding design, these responsibilities were reduced to more of an advisory capacity. In 2005, the purview of the Design Review Board expanded to include the Sunset Avenue Project Area, and representation from the Salinas United Business Association. A project located within the redevelopment project areas typically received approval by the Design Review Board prior to receiving its entitlement permits, and if applicable, prior to review by the Planning Commission.

The DRB was supported by the Redevelopment Project Manager and a Clerical Aide through December 2010, and just the Redevelopment Project Manager in its final year. It would meet as needed approximately once every two months, and consider between 4 and 10 projects per year. The DRB last met December 19, 2011, to discuss the Taylor project on the 100 Block of Main Street. With the dissolution of redevelopment on February 1, 2012, its authority and funding have ended.

The City Council needs to determine whether to continue the DRB, and if it so chooses to do so the Council needs to determine the scope of the DRB's duties, including the area of the City over which it will have purview (or whether it have purview over the entire City) and the types of projects (commercial, residential, industrial) which would be subject to DRB review, and also including its duties vis-à-vis the Planning Commission. Staff would also seek input from the Business Development Task Force and other interested stakeholders on the issue of the DRB's scope and purview of review. The scope of the DRB's duties, should it continue, would dictate the number of projects annually that would require DRB review and, thus, the staff time required to support a DRB and the review process (i.e. application processing, agendas, minutes, staff reports, etc.). Currently, the DRB is unfunded and so if it continues a funding source will need to be identified. The previous DRB, given the limited areas within the City over which it had purview, required approximately 10% of a staff position. This could increase to as much as a half-time position depending on the number of projects required to be reviewed by the DRB.

Use of City Seal

Earlier this year with the development of the new restaurants at the Harden Ranch Plaza Shopping Center, use of the City's seal was raised. Harden Ranch Plaza Shopping Center installed three flag poles near the BJ's restaurant and requested approval to display the City's seal on the third flag. Specific to the issue of placing the City seal on a flag and flying the "City flag" at a commercial property, Salinas City Code section 20-124 authorizes the flying of only the flags of the United States, the State of California or of any other state or nation, so long as the display of any such flag or flags is for other than commercial advertising purposes. Flying a "City flag" is prohibited by this section of the City Code. Zoning Code section 37-50.580(o), on the other hand, provides that "Governmental flags of any governmental entity" are exempt signs for which a sign permit is not required. This section of the City Code, at least, contemplates that flags of governmental entities other than those listed in City Code section 20-124 are a possibility. If the City Council determines to allow use of the

City seal on a flag, this City Code section 20-124 will need to be amended to allow the flying of flags of local jurisdictions.

Private Use:

Currently, the City does not allow the use of the City seal for private, commercial purposes.

The decision as to whether to permit use of the City seal could be at the discretion of the City Council. Only those uses directly connected with the business of the City would be permitted or those uses which are expressly approved by the City Council. Having the Council consider all requests for use of the City seal is suggested because each request can be reviewed on a case-by-case basis, based on requested use with public purpose findings as needed to justify the use. As an alternative to the City Council having to consider all requests for private commercial use of the City seal, Council could direct staff to develop specific criteria and standards for the Council's consideration (including where the City seal may be used and under what circumstances) which would guide the use of the City seal in this way. With clear criteria and standards, such requests could be processed administratively and thereby alleviate the burden on Council to consider all such requests.

Public Use:

Use of the City seal in connection with campaign literature or mass mailings is strictly regulated by the State. State law provides that "any person who uses or allows to be used any reproduction or facsimile of the seal of the City in any campaign literature or mass mailing with the intent to deceive the voters, is guilty of a misdemeanor." (Cal. Govt. Code section 34501.5) This statute defines "intent to deceive" as the use of a reproduction or facsimile of a seal that creates a "misleading, erroneous, or false impression that the document is authorized by a public official." To the extent a privately funded mailing by an individual Council Member uses the seal to suggest it is sanctioned or approved by the City, such action may be misleading and create a false impression that the City has endorsed the content of the mailing. Absent a specific policy on this issue, individual Council Members should refrain from use of the City seal in their individual mailings.

Alcohol One for One Policy

Under the City's Zoning Code, a Conditional Use Permit (CUP) is generally required for alcohol-related uses. (Salinas City Code §37-50.030.) The CUP requirement provides local control of alcohol licenses, particularly when they are in an area of "undue concentration," in which case the ABC "shall deny" an application, except if the local governing body such as the Planning Commission determines that "the public and convenience or necessity would be served by the issuance." "Undue concentration" is defined per California Business and Professions Code Section 23958.4 as 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 as determined by the ABC based on the number of existing retail off-sale ABC licenses. "Undue concentration" also occurs if 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] for the number of crimes reported by the Salinas Police Department.

A "One-for-One" condition of approval for new off-sale alcohol-related uses located in areas of "undue concentration" has been established City policy in all such Conditional Use Permits approved since approximately 2007. The original "One-for-One" condition of approval required elimination of one existing, active off-sale alcohol-related use within City limits, to be either from an area of "undue concentration" (based on either the number of retail off-sale ABC licenses or the number of reported crimes) or a nonconforming use (i.e., without a Conditional Use Permit). In concept, the original condition resulted in no net gain of alcohol licenses in the City of Salinas. Three off-sale alcohol-related uses located in areas of "undue concentration" have been established in conformance with the original "One-for-One" requirement: Circle K Stores, Inc. located at 1593 North Sanborn Road (CUP 2006-033); Beverages and More located at 1900 North Davis Road (CUP 2007-032); and Quick Shop located at 615 West Laurel Drive (CUP 2010-007).

An off-sale alcohol-related use located in an area of "undue concentration" was approved by the Planning Commission for an AM/PM store at 970 Work Street (CUP 2010-004), and an appeal of the "One-for-One" condition was filed by the applicant. The applicant's appeal was considered at a public hearing before the City Council on April 19, 2011, and the "One-for-One" condition was modified. As modified by the City Council, the "One-for-One" condition includes an alternative which allows the Permittee to obtain and transfer a "surrendered" (non-active) ABC license that has been out of operation for more than 180 days from the date of approval of the CUP, provided such license is located in the City of Salinas and is from an area of area of "undue concentration." Four off-sale alcohol-related uses located in areas of "undue concentration" have been approved with the modified "One-for-One" requirement as shown in the following table:

	Application	**Status**	*License Type*
1.	Salinas AM/PM 970 Work Street CUP 2010-004	April 19, 2011 – City Council approved Applicant's Appeal and modified "One-for-One" condition of approval to allow alternative	20 Off-Sale, Beer and Wine
2.	Walgreens 1532 North Main Street CUP 2010-006	May 11, 2011 – Planning Commission voted 3:3 June 14, 2011 – City Council approved	20 Off-Sale, Beer and Wine
3.	Wal-Mart 1800 North Main Street CUP 2011-010	June 1, 2011 – Planning Commission voted 3:3 June 14, 2011 – City Council approved	21 Off-Sale, General
4.	Wal-Mart 1375 North Davis Road CUP 2011-009	June 1, 2011 – Planning Commission approved CUP 2011-009 (4:2 vote)	21 Off-Sale, General

An additional off-sale alcohol related use (CUP 2011-005 for a Type 20 license for Walgreen's located at 1575 North Sanborn Road) was denied by Planning Commission on September 7, 2011. The proposal incorporated the modified "One-for-One" requirement as recommended by staff. Walgreen's filed an appeal on September 19, 2011, and the City Council upheld the Commission's decision to deny the CUP on November 15, 2011.

The current "One for One" policy results in the exchange for either: elimination of an active off-sale alcohol-related use at another location within the City limits of the City of Salinas that is either located in an area of "undue concentration" (based on number of ABC licenses and/or crime) or is a nonconforming use; or, alternatively, transfer of an existing "surrendered" (non-active) off-sale ABC license located in an area of "undue concentration" within City limits. Per the attached ABC List of All Surrendered Retail Licenses in the Salinas District dated April 13, 2012, there is only one (1) "surrendered" off-sale alcohol license within City limits, which is a Type 21 (Off-Sale, General) ABC license: Lucky Stores, Inc., 1223 North Davis Road (surrendered on 1/09/12), while there are approximately 9 Surrendered Type 20 licenses within the County. It appears that the "One for One"

policy was mostly effective at preventing proliferation of alcohol outlets in its early years. However, as the availability of active and surrendered licenses was reduced within the City, staff has been informed by the development community that the policy is constraining to retailers desiring alcohol sales.

Staff notes that the "One for One" policy is not codified in the Municipal Code; the One-for-One policy was established by the Council as part of its action on a previous alcohol-related use and, therefore, the policy can be modified or eliminated by the City Council at its discretion. If the policy is eliminated, alcohol-related uses would be reviewed according to the requirements and findings set out in the existing Zoning Code regulations and State law. The City Council could also direct Staff to develop more specific criteria for making a Public Convenience and Necessity finding. For example, the City of Oakland has an extensive and comprehensive set of regulations on alcohol-related uses, including regulations on the proximity of such uses to each other and to other uses, such as schools and residential neighborhoods. The implementation of such regulations would require a Zoning Code amendment and significant Staff time to develop and vet with the community and stakeholder groups.

The City Council could also direct staff to develop an alternative to the One-for-One policy for alcohol-related uses involving a Type 20 (Beer and Wine) license. Council is reminded that for Type 20 licenses, the State has implemented a moratorium on the issuance of new licenses within the county. Consequently, since no new license will be issued, a person interested in obtaining a Type 20 license for use within the City would need to obtain a license from somewhere within the County and transfer that license to a location within the city.

ISSUE:

The City Council is requested to provide direction to staff on the following issues:

1. Shall the Council continue the existing prohibition on the placement of A-frame signs within the public right-of-way?
2. Shall staff present for the City Council's consideration an amendment to the Zoning Code to permit the relocation of certain billboards located along the U.S. Highway 101 corridor, as presented in this report?
3. Shall the Design Review Board be continued? If so, what will be the scope and purview of authority of the Design Review Board?
4. Shall the City Council permit the private, commercial use of the City seal? If so, shall all such requests be considered by the City Council or shall the City Council direct staff to prepare standards and criteria for the Council's consideration on the private, commercial use of the City seal?
5. Shall the existing One-for-One policy continue in its present form, or shall it be modified? If the existing One-for-One policy is eliminated, shall Staff be directed to prepare specific criteria for the Council's consideration relative to the public convenience and necessity?

FISCAL IMPACT:

Direct fiscal impacts are not expected to be significant; however, each of these decisions has a potential fiscal impact on the City and individual businesses currently operating in the city and those considering operations within the city.

TIME CONSIDERATIONS:

Each of the above subjects has implications for one or more pending issues in the community. Direction provided by Council can assist in prioritizing staff to address those issues in a timely manner.

ALTERNATIVES/IMPLICATIONS:

Alternatives and implications depend on the Council direction.

CITY COUNCIL GOALS:

The items discussed herein most closely relate to the Prosperity Initiative and the Organizational Effectiveness Initiative.

CONCLUSIONS:

With this study session, the City Council has the opportunity to review these and other land use issues that have arisen that may or may not be appropriately addressed by current policies and regulations. Direction from Council on these issues will allow staff to more effectively move forward with appropriate responses.

Distribution:

City Council
City Manager
City Attorney
Department Directors

Back Up Pages:

ABC List of All Surrendered Retail Licenses, dated April 13, 2012

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SALINAS PLANNING COMMISSION

Staff Report

Planning Manager Approval	Agenda Item
	G

City of Salinas
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DATE: July 18, 2012

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

SUBJECT: STUDY SESSION: ALCOHOL ONE FOR ONE POLICY

BACKGROUND

On May 8, 2012, the City Council held a Study Session to discuss a number of issues, including the Alcohol One for One Policy. Council referred the alcohol issue back to the Planning Commission to develop a recommendation for Council consideration.

Under the City's Zoning Code, a Conditional Use Permit (CUP) is generally required for alcohol-related uses. (Salinas City Code §37-50.030.) The CUP requirement provides local control of alcohol licenses, particularly when located in an area of "undue concentration," in which case the ABC "shall deny" an application, except if the local governing body such as the Planning Commission determines that "the public and convenience or necessity would be served by the issuance." See attached Salinas City Code §37-50.030 (Alcohol License Review) and 37-60.520 (Required Findings) for additional information.

"Undue concentration" is defined per California Business and Professions Code Section 23958.4 as 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 as determined by the ABC based on the number of existing retail off-sale ABC licenses. "Undue concentration" also occurs if 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] for the number of crimes reported by the Salinas Police Department.

A "One-for-One" condition of approval for new off-sale alcohol-related uses located in areas of "undue concentration" has been established City policy in all such Conditional Use Permits approved since approximately 2007. The original "One-for-One" condition of approval required elimination of one existing, active off-sale alcohol-related use within City limits, to be either from an area of "undue concentration" (based on either the number of retail off-sale ABC licenses or the number of reported crimes) or a nonconforming use (i.e., without a Conditional Use Permit). In concept, the original condition resulted in no net gain of alcohol licenses in the City of Salinas. Three off-sale alcohol-related uses located in areas of "undue concentration" have been established in conformance with the original "One-for-One" requirement:

1. Circle K Stores, Inc. located at 1593 North Sanborn Road (CUP 2006-033);
2. Beverages and More located at 1900 North Davis Road (CUP 2007-032); and
3. Quick Shop located at 615 West Laurel Drive (CUP 2010-007).

An off-sale alcohol-related use located in an area of "undue concentration" was approved by the Planning Commission for an AM/PM store at 970 Work Street (CUP 2010-004), and an appeal of the "One-for-One" condition was filed by the applicant. The applicant's appeal was considered at a public hearing before the City Council on April 19, 2011, and the "One-for-One" condition was modified. As modified by the City Council, the "One-for-One" condition includes an alternative which allows the Permittee to obtain and transfer a "surrendered" (non-active) ABC license that has been out of operation for more than 180 days from the date of approval of the CUP, provided such license is located in the City of Salinas and is from an area of area of "undue concentration." Four off-sale alcohol-related uses located in areas of "undue concentration" have been approved with the modified "One-for-One" requirement as shown in the following table:

	Application	**Status**	***License Type***
1.	Salinas AM/PM 970 Work Street CUP 2010-004	April 19, 2011 – City Council approved Applicant's Appeal and modified "One-for-One" condition of approval to allow alternative	20 Off-Sale, Beer and Wine
2.	Walgreens 1532 North Main Street CUP 2010-006	May 11, 2011 – Planning Commission voted 3:3 June 14, 2011 – City Council approved	20 Off-Sale, Beer and Wine
3.	Wal-Mart 1800 North Main Street CUP 2011-010	June 1, 2011 – Planning Commission voted 3:3 June 14, 2011 – City Council approved	21 Off-Sale, General
4.	Wal-Mart 1375 North Davis Road CUP 2011-009	June 1, 2011 – Planning Commission approved CUP 2011-009 (4:2 vote)	21 Off-Sale, General

An additional off-sale alcohol related use (CUP 2011-005 for a Type 20 license for Walgreen's located at 1575 North Sanborn Road) was denied by Planning Commission on September 7, 2011. The proposal incorporated the modified "One-for-One" requirement as recommended by staff. Walgreen's filed an appeal on September 19, 2011, and the City Council upheld the Commission's decision to deny the CUP on November 15, 2011.

The current "One for One" policy results in the exchange for either: elimination of an active off-sale alcohol-related use at another location within the City limits of the City of Salinas that is either located in an area of "undue concentration" (based on number of ABC licenses and/or crime) or is a nonconforming use; or, alternatively, transfer of an existing "surrendered" (non-active) off-sale ABC license located in an area of "undue concentration" within City limits. Per the attached ABC List of All Surrendered Retail Licenses in the Salinas District dated June 20, 2012, there is only one (1) "surrendered" off-sale alcohol license within City limits, which is a Type 21 (Off-Sale, General) ABC license: Lucky Stores, Inc., 1223 North Davis Road (surrendered on 1/09/12), while there are approximately 8 Surrendered Type 20 licenses within the County. It appears that the "One for One" policy was mostly effective at preventing proliferation of alcohol outlets in its early years. However, as the availability of active and surrendered licenses was reduced within the City, staff has been informed by the development community that the policy is constraining to retailers desiring alcohol sales.

Staff notes that the "One for One" policy is not codified in the Municipal Code; the "One-for-One" policy was established by the Council as part of its action on a previous alcohol-related use and, therefore, the policy can be modified or eliminated by the City Council at its discretion. If the policy is eliminated, alcohol-related uses would be reviewed according to the requirements and findings set out in the existing Zoning Code regulations and State law. Upon Planning Commission recommendation, the City Council could also direct Staff to develop more specific criteria for making a Public Convenience and Necessity finding. For example, the City of Oakland has an extensive and comprehensive set of regulations on alcohol-related uses, including regulations on the proximity of such uses to each other and to other uses, such as schools and residential neighborhoods. The implementation of such regulations would require a Zoning Code amendment and significant Staff time to develop and vet with the community and stakeholder groups.

An alternative to the "One-for-One" policy for alcohol-related uses involving a Type 20 (Beer and Wine) license could also be developed. The Commission is reminded that for Type 20 licenses, the State has implemented a moratorium on the issuance of new licenses within Monterey County. Consequently, since no new license will be issued, a person interested in obtaining a Type 20 license for use within the City would need to obtain a license from somewhere within the County and transfer that license to a location within the City.

CONCLUSION

With this Study Session, the Planning Commission has the opportunity to review the Alcohol "One-for-One" policy and provide a recommendation to the Council as to whether it should be retained or modified. If the existing "One-for-One" policy is recommended to be eliminated, the Commission may direct Staff to prepare specific criteria for the Council's consideration relative to the public convenience and necessity.

COURTNEY GROSSMAN
Planning Manager

BY: _____
Courtney Grossman
Planning Manager

Attachments: ABC List of All Surrendered Retail Licenses, dated June 20, 2012
Salinas City Code §37-50.030 and 37-60.520

SALINAS PLANNING COMMISSION

Staff Report

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Matt Nohr

Planning Manager Approval	Agenda Item
	F

DATE: May 15, 2013

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

SUBJECT: CONSIDERATION: ALCOHOL ONE FOR ONE POLICY

BACKGROUND

On May 8, 2012, the City Council held a Study Session to discuss a number of issues, including the City's Alcohol One for One Policy. The Policy was originally put in place by the Council to limit the number of off-sale alcohol outlets in the City, by requiring that new outlets retire an existing license within the City. The City Council referred the issue back to the Planning Commission to develop a recommendation for City Council consideration. On July 18, 2012, the Planning Commission held a Study Session to discuss the One for One Policy. For additional reference, a copy of the July 18, 2012 Planning Commission Study Session One for One Policy staff report is attached. At that meeting, a subcommittee of the Planning Commission was formed consisting of Chairperson Araujo and Commissioners Carrillo and Nohr, to further study the Policy and return to the Commission with recommendations

At the Planning Commission meeting of October 3, 2012, Chairperson Araujo requested additional detail of the City's procedures regarding implementation of the existing One for One Policy. The Planning Manager provided a summary of the One for One process to the subcommittee on November 1, 2012, which is attached to this report for the full Commission's reference.

On December 19, 2012, the subcommittee met with Planning staff and noted that implementation of the existing One-for-One policy is challenged in its present form due to the lack of ABC licenses available in the City of Salinas. On January 3, 2013, staff presented

the One for One Policy issue to the Business Development Task Force. The Task Force noted their support for eliminating the policy. Since then, several meetings with alcohol community groups have occurred as follows:

1-29-13	Sun Street Centers and staff
2-20-13	Sunrise House with the subcommittee and staff
3-6-13	Sunrise House with the subcommittee and staff
3-13-13	Sun Street Centers with subcommittee and staff

Key Issues discussed at the meetings included the following:

1. On August 9, 2012, ABC released 6 additional licenses in Monterey County.
2. Concern with raising revenues with alcohol sales.
3. Need for a cost benefit analysis.
4. It's easy for youth to obtain alcohol.
5. Studies show a relationship between alcohol sales and crime.
6. Alcohol is an image issue for Salinas.
7. Name brand stores were noted violating alcohol regulations.
8. Sales violations are mostly mom and pop stores.
9. Avoid increasing the number of licenses in the City of Salinas.
10. Enforce Responsible Beverage Service (RBS) training.
11. Window sign regulations need to be enforced.
12. Establish a fee for enforcement purposes.
13. Expand the public notice requirement greater than the typical 300 foot radius.
14. Include occupants/renters on the mailing list – not just property owners.
15. Respect the neighborhoods and local residents.
16. Review existing CUP's for compliance.
17. How many licenses are too many?
18. How to convert existing alcohol licenses to new CUP's?
19. Avoid alcohol sales near schools.
20. One for One policy has worked well at limiting the number of alcohol outlets.

Currently, there are two pending Conditional Use Permits involving off-sales of alcohol in areas of undue concentration that would be subject to the typical One for One condition:

1. Off-sale beer and wine (Type 20) at a convenience store located at 8 Williams Road.
2. Off-sale beer, wine and spirits at a retail store located at 1045 North Main Street.

These applications create a need to reach a conclusion on the One for One Policy in the near future.

CONCLUSION

With this public meeting and consideration, it is requested that the subcommittee formally provide its recommendation to the full Commission. Subsequently, the full Planning Commission has the opportunity to review the findings of the subcommittee regarding the One-for-One Policy and provide a recommendation to the Council as to whether it should be retained or modified. If the existing One-for-One Policy is recommended to be eliminated, the Commission may include specific criteria for the City Council's consideration relative to the public convenience and necessity findings required to support approval of a Conditional Use Permit.

COURTNEY GROSSMAN
Planning Manager

BY: _____
Courtney Grossman
Planning Manager

Attachments: Summary: One for One Policy
ABC List of All Surrendered Retail Licenses, dated April 5, 2013
July 18, 2012 Planning Commission Staff Report

Sec. 37-50.030. - Alcohol license review.

(a) **Purpose.** The purpose of this section is to provide for the orderly integration of alcohol-related uses in the city, including the sale of beer, wine, and distilled spirits.

(b) **Definitions.** The following definitions shall apply to this section:

(1) Brew Pubs. An establishment in which beer is manufactured in limited quantities for on-site and off-site sales, distribution, and consumption.

(2) Downtown Alcohol-related Use License Area. All parcels located within the six-block area bounded by Monterey Street, East and West San Luis Street, Salinas Street, and East and West Market Streets as shown on **Figure 37-50.10** . Parcels must be contained within the area defined by these streets. Frontage on the listed streets is not sufficient to meet the definition.

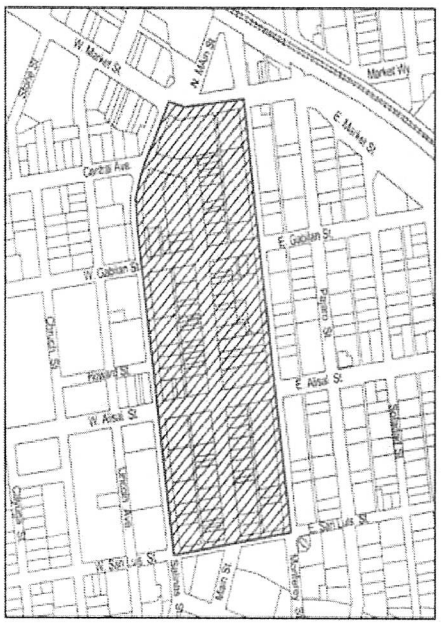

Figure 37-50.10
Downtown Alcohol-related Use License Area

(3) Guests. Persons who, during the hours when meals are regularly served, come to a restaurant for the purposes of ordering and obtaining, in good faith, a meal.

(4) Meals. The usual assortment of foods commonly ordered at various hours of the day and prepared on the premises.

(5) Off-sale (Off-premises Consumption) Alcohol-related Use. Alcoholic beverages, including distilled spirits, beer, and wine, sold in original, unopened containers for consumption off the premises where sold.

(6) On-sale (On-premises Consumption) Alcohol-related Use. Alcoholic beverages, including distilled spirits, beer, and wine, sold on the premises to be consumed on the premises.

(7) Premises. A lot or parcel, together with all related buildings, structures, open spaces, and parking areas.

(8) Restaurant. A commercial establishment, with kitchen facilities, which is regularly, and in a bona fide manner, used principally for the preparation, cooking, and serving of food to customers for compensation and where seating or other physical accommodation is provided for on-site dining. May also include accessory catering services.

(9) Wine Tasting Room. An establishment in which wine and wine-related products are available for off-site sale, distribution, and consumption, and where wine, limited to that offered for sale, is sampled on the premises. Nothing in this Zoning Code shall be construed to require that any food be sold or purchased with any beverage. A wine tasting room may include a boutique winery.

(10) Winery. A facility used for the purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, warehousing, wine tasting facilities, administrative offices, and wholesale and accessory retail sales of associated wine and wine-related items. A winery does not include a boutique winery.

(11) Winery, Boutique. A facility where wine is produced from preprocessed ingredients. Processing permitted at boutique wineries shall be limited to blending ingredients, fermenting wine in sealed containers, bottling of wine, warehousing of ingredients, short-term storage, wine-tasting facilities, administrative offices, and retail and accessory wholesale sales of associated wine and wine-related items. Boutique wineries do not include crushing, pressing, or other processing of fruits or vegetables, and do not include the blending or mixing of ingredients through the use of any machinery or mechanical means.

(c) **Conditional Use Permit Required.** A conditional use permit shall be required for all alcohol-related uses (including changes of existing alcohol license type as administered by the state of California Alcoholic Beverage Control Department) except as provided in *Section 37-50.030(g): Exceptions below* .

(d) **City Planner and Planning Commission Authority.**

(1) The city planner shall have the authority to grant a conditional use permit for:

(A) Any on-sale alcohol-related use;

(B) Any off-sale alcohol-related use not located in an area of undue concentration; and

(C) Any alcohol-related use (such as brew pubs and wine tasting rooms) with both off-sale and on-sale licenses located in the downtown alcohol-related use license area.

(2) The planning commission shall have the authority to grant a conditional use permit for all other alcohol-related uses.

(e) **Required Findings.** In addition to findings required pursuant to *Article VI, Division 8: Conditional Use Permits*, the following findings shall be made prior to the approval of a conditional use permit for alcohol-related uses:

(1) 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.

(2) For any off-sale alcohol-related use located within an area of undue concentration (as defined by Business and Professions Code Sections 23958.4, 23817.5, and 23817.7, and administered by the State Department of Alcoholic Beverage Control), *Section 37-60.500: Administrative conditional use permits* shall not apply except as authorized in *Section 37-50.030(e)(3)* below. For off-sale alcohol-related uses located in an area of undue concentration, the planning commission shall also make the findings required by Business and Professional Code Section 23958.4, 23817.5, and 23817.7 that public convenience or necessity would be served by the issuance of the alcohol license by the ABC, even though such premises is located within an area of undue concentration. The planning commission is authorized by the city council to make the determination of public convenience or necessity through the conditional use permit process. Such findings are not required or applicable to on-sale alcohol-related uses located in an area of undue concentration.

(3) For alcohol-related uses that have both on-sale and off-sale alcohol sales (specifically brew pubs and wine tasting rooms) in the downtown alcohol-related use license area, the city council authorizes the city planner in accordance with *Section 37-60.500: Administrative conditional use permits* to approve an administrative conditional use permit for such uses, if applicable, and to make a determination of public convenience or necessity in conformance with the required findings specified in *Section 37-50.030(e)(2)* above. The city council authorizes this authority in order to facilitate and implement the redevelopment and entertainment goals for the downtown alcohol-related use license area.

(f) **Additional Requirements for Alcohol-related Uses.** The following conditions shall be imposed as part of a conditional use permit issued for an alcohol-related use:

(1) The premises shall be maintained free of litter at all times.

(2) For on-sale alcohol-related uses, no alcoholic beverages shall be sold, dispensed, or offered for consumption except within the licensed premises.

(3) For off-sale alcohol-related uses:

(A) No alcoholic beverages shall be consumed on the premises;

(B) No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window;

(C) No display of alcoholic beverages shall be made from an ice tub; and

(D) 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.

(4) For service stations which include off-sale liquor establishments:

(A) No alcoholic beverage shall be displayed within five feet of the cash register or the front door of the permitted premises unless displayed in a permanently affixed cooler;

(B) No advertisement of alcoholic beverages shall be displayed at or located on motor fuel islands, nor shall self-illuminated advertising for alcoholic beverages be located on buildings or windows; and

(C) 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.

(5) As applicable, conditions including, but not limited to, requirements for employee security, buffering of neighboring uses, exterior lighting, hours of operation, and coin- or token-operated amusement games may be imposed.

(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. 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.

(g) **Exceptions.**

(1) The following uses are not subject to the requirement to obtain a conditional use permit or a site plan review:

(A) Any bona fide nonprofit organization which conducts an event or activity not more than twelve days in each calendar year, at which event or activity any alcoholic beverage is to be sold, served, given away, or consumed at such event or activity;

(B) An establishment that changes business ownership. This exemption shall not apply if the previous (alcohol-related) use has been discontinued for more

than six months;

(C) Wholesale distribution or manufacture of alcoholic beverages.

(2) An on-sale alcohol use at a restaurant (not located in the downtown alcohol-related use license area) is allowed with a site plan review (in lieu of a conditional use permit) provided all of the following requirements are met:

(A) The primary use of the restaurant is for sit-down food service of patrons. Seating for sit-down food service of patrons is provided on the premises and constitutes at least fifty percent of the establishment's seating area. The on-sale alcohol use is accessory to the food service use and there is not a distinguishable separate bar area.

(B) Alcohol shall not be sold on Sunday through Thursday after 11:00 p.m. until 6:00 a.m. the following day, and after 12:00 midnight on Friday and Saturday until 6:00 a.m. the following day.

(C) The use is not located within one hundred feet of a residence or within three hundred feet of a park or five hundred feet of a school. The distance shall be measured from the closest exterior wall of the building/suite or property line (if there is no building) where the alcohol-related facility is located to the nearest property line of the site containing a residential dwelling unit or zone, school, or park site. This requirement does not apply to restaurants in the downtown alcohol-related use license area.

(3) Accessory on-sale alcohol-related uses in the downtown alcohol-related use license area are permitted subject to the issuance of a site plan review (in lieu of a conditional use permit) if it meets the following requirements:

(A) The primary use is limited to a restaurant (including those with outdoor seating), hotel, bed and breakfast inn, or theater and the alcohol-related use is clearly accessory to that use.

(B) Any bar and related seating area comprises less than fifty percent of the floor area of the principal uses in the building or one thousand square feet, whichever is less.

(C) For restaurants, the primary use shall be for sit-down food service of patrons. Seating for food service shall be provided on the premises and constitutes at least fifty percent of the establishment's seating area.

(D) Alcohol shall not be sold on Sunday through Thursday after 11:00 p.m. until 6:00 a.m. the following day, and after 12:00 midnight on Friday and Saturday until 6:00 a.m. the following day.

(4) The following uses shall not be subject to the requirements of *Sections 37-50.030(f)(2)* and *37-50.030(f)(3)(A)*:

(A) Wine tasting rooms and brew pubs located in the downtown alcohol-related use license area; and

(B) Wineries.

(Ord. No. 2463 (NCS); Ord. No. 2482 (NCS), § 2; Ord. No. 2483 (NCS), § 1.)

(Ord. No. 2507 (NCS), § 35, 5-18-2010; Ord. No. 2569 (NCS), § 7, 4-19-2016)

Sec. 37-60.520. - Required findings.

The city planner or planning commission, as applicable, shall approve an application for a conditional use permit as it was applied for or in modified form if, on the basis of the application and testimony submitted, all of the following findings can be made:

(a) That 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;

(b) 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

(c) That the proposed conditional use complies with the provisions of this Zoning Code, including any specific conditions required for the proposed use.

(Ord. No. 2463 (NCS).)

Department of Alcoholic Beverage Control

State of California

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	**BEER MANUFACTURER -** (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	**WINEGROWER -** (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	**OFF SALE BEER & WINE -** (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	**OFF SALE GENERAL -** (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	**SMALL BEER MANUFACTURER -** (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	**ON SALE BEER -** (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	**ON SALE BEER & WINE – EATING PLACE -** (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	**ON SALE BEER & WINE – PUBLIC PREMISES -** (Bar, Tavern) **Authorizes** the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	**ON SALE GENERAL – EATING PLACE -** (Restaurant) **Authorizes** the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	**ON SALE GENERAL – PUBLIC PREMISES -** (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	**ON SALE GENERAL – SEASONAL -** Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.

LICENSEE EDUCATION ON ALCOHOL AND DRUGS LEAD

LICENSE TYPE	DESCRIPTION
51	**CLUB -** Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	**VETERAN'S CLUB -** Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	**SPECIAL ON SALE GENERAL -** Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	**ON SALE BEER AND WINE – SEASONAL -** Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	**ON SALE BEER – SEASONAL -** Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	**ON SALE BEER – PUBLIC PREMISES -** (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	**BED AND BREAKFAST INN -** Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	**ON SALE GENERAL – RESTRICTIVE SERVICE -** Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	**ON SALE GENERAL – BREWPUB -** (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	**BED AND BREAKFAST INN – GENERAL -** Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	**INSTRUCTIONAL TASTING LICENSE**–Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.

List Of License Types

TEMPORARY LICENSES

License Code	Description of License
30	Temporary Retail Permit (Only in conjunction with a Person to Person transfer)

NON-PROFIT TEMPORARY LICENSES

License Code	Description of License
31	Special Daily License (Temporary Beer or Wine)
32	Daily Beer
33	Daily Wine
34	Daily Beer and Wine
37	Daily On-Sale General

OFF-SALE LICENSES

License Code	Description of License
20	Off-Sale Beer and Wine
21	Off-Sale General
85	Limited Off-Sale Retail Wine License

ON-SALE LICENSES

License Code	Description of License
40	On-Sale Beer
41	On-Sale Beer and Wine for Bona Fide Public Eating Place
42	On-Sale Beer and Wine for Public Premises
43	On-Sale Beer and Wine for Train
44	On-Sale Beer for Fishing Party Boat
45	On-Sale Beer and Wine for Boat
46	On-Sale Beer and Wine for Airplane
47	On-Sale General for Bona Fide Public Eating Place
48	On-Sale General for Public Premises
49	On-Sale General for Seasonal Business
50	On-Sale General for Club
51	Club
52	Veterans' Club
53	On-Sale General for Train
54	On-Sale General for Boat
55	On-Sale General for Airplane
56	On-Sale General for Vessel of more than 1,000 tons burden
57	Special On-Sale General
58	Caterer's Permit
59	On-Sale Beer and Wine for Seasonal Business
60	On-Sale Beer for Seasonal Business
61	On-Sale Beer for Public Premises
62	On-Sale General Bona Fide Public Eating Place Intermittent Dockside Vessel
63	On-Sale Beer and Wine for Hospital
64	Special On-Sale General Theatre
65	Special On-Sale Beer and Wine, Symphony
66	Controlled Access Cabinet Permit
67	Bed and Breakfast Inn
68	Portable Bar
69	Special On-Sale Beer & Wine Theater
70	On-Sale General Restrictive Service
71	Special On-Sale General License
75	On-Sale General Brew-Pub

Popular Links

- Press Releases
- Application / Selection & Forms
- Industry Advisories
- License Types / Fees
- License Query System
- Licensing Reports
- Public Records Requests
- Server Awareness (LEAD) Training
- License Application, Protest and Disciplinary Processes
- Annual Reports

Licensing

- ABC Licensing
- License Types

76	On-Sale General Maritime Museum Association
77	Event Permit
78	On Sale General Wine, Food and Art Cultural Museum
80	Special On-Sale General Bed and Breakfast Inn
83	On-Sale General Caterer's License
86	Instructional Tasting License

NON-RETAIL LICENSES

License Code	Description of License
01	Beer Manufacturer
02	Winegrower
03	Brandy Manufacturer
04	Distilled Spirits Manufacturer
05	Distilled Spirits Manufacturer's Agent
06	Still
07	Rectifier
08	Wine Rectifier
09	Beer and Wine Importer
10	Beer and Wine Importer's General
11	Brandy Importer
12	Distilled Spirits Importer
13	Distilled Spirits Importer's General
14	Public Warehouse
15	Customs Broker
16	Wine Broker
17	Beer and Wine Wholesaler
18	Distilled Spirits Wholesaler
19	Industrial Alcohol Dealer
22	Wine Blender
23	Small Beer Manufacturer
24	Distilled Spirits Rectifier's General
25	California Brandy Wholesaler
26	Out-of-State Beer Manufacturer's Certificate
27	California Winegrowers Agent
28	Out-of-State Distilled Spirits Shipper's Certificate
29	Winegrape Grower's Certificate
74	Craft Distiller
79	Certified Farmers' Market Sales Permit
81	Wine Sales Event Permit
82	Direct Shippers Permit
84	Certified Farmers' Market Beer Sales Permit

Want to learn more about the most common license types and their privileges?
Download the informational PDF.

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SPECIAL EVENTS

The Department also issues licenses and authorizations for the retail sale of beer, wine and distilled spirits on a temporary basis for special events. The most common are listed below. Other less common ones are found in Business and Professions Code Section 24045.2, et seq.

SPECIAL DAILY BEER AND/OR WINE LICENSE - (Form ABC-221) Authorizes the sale of beer and/or wine for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to non-profit organizations. (Rule 59, California Code of Regulations)

DAILY ON SALE GENERAL LICENSE - (Form ABC-221) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. No off-sale privileges. Minors are allowed on the premises. May be revoked summarily by the Department if, in the opinion of the Department and/or the local law enforcement agency, it is necessary to protect the safety, welfare, health, peace and morals of the people of the State. In some instances, the local ABC office may require the applicant to obtain prior written approval of the local law enforcement agency. Issued to political parties or affiliates supporting a candidate for public office or a ballot measure or charitable, civic, fraternal or religious organizations. (Section 24045.1 and Rule 59.5 California Code of Regulations)

CATERING AUTHORIZATION - (Form ABC-218) Authorizes Type 47, 48, 51, 52, 57, 75 and 78 licensees (and catering businesses that qualify under Section 24045.12) to sell beer, wine and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events. Type 47, 48 and 57 licensees may cater alcoholic beverages at any ABC-approved location in the State. Type 51 and 52 licensees may only cater alcoholic beverages at their licensed premises. All licensees wishing to cater alcoholic beverages must obtain prior written authorization from the Department for each event. At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399 and Rule 60.5 California Code of Regulations)

EVENT AUTHORIZATION - (Form ABC-218) Authorizes Type 41, 42, 47, 48, 49, 57, 75 and 78 licensees to sell beer, wine and distilled spirits for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. *The licensee shall obtain prior approval of the local law enforcement agency.* At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises (including any license conditions) and violations of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises. (Section 23399)

WINE SALES EVENT PERMIT - (Form ABC-239) Authorizes Type 02 licensees to sell bottled wine produced by the winegrower for consumption off the premises where sold and only at fairs, festivals or cultural events sponsored by designated tax exempt organizations. The licensee must notify the city and/or county where the event is being held and obtain approval from ABC for each event (Form ABC-222). The licensee must also comply with all restrictions listed in Business and Professions Code Section 23399.6.

Note:

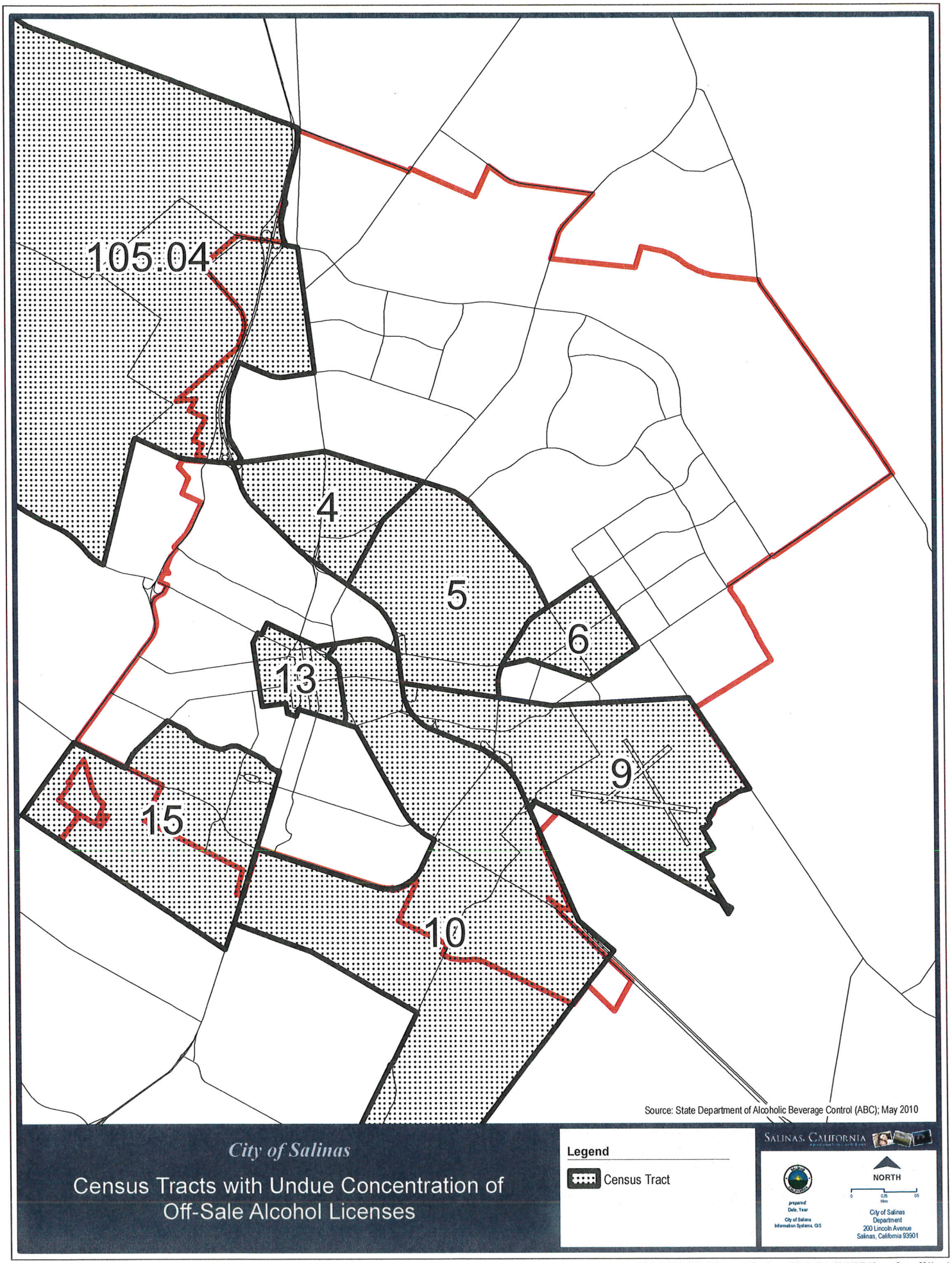
1. "Minor" means any person under 21 years of age.

2. Consult Section 25663(b) regarding age of employees in off-sale premises; consult Sections 25663(a) and 25663.5 regarding age of employees in on-sale premises.

3. In certain situations, ABC may place reasonable conditions upon a license, such as restrictions as to hours of sale, employment of designated persons, display of signs, restrictions on entertainment or dancing, etc. If a license has been conditioned, it will be endorsed as such on the face of the license. (Conditional licenses, Sections 23800-23805.)

4. Licensees whose license allows minors on the premises may have a "house policy" restricting minors from entering certain areas of the premises or prohibiting minors in the premises during certain hours.

5. This handout contains only abbreviated information. Contact your local ABC office for full information before doing anything which may jeopardize your license. Also available from the ABC: Quick Summary of Selected ABC Laws (form ABC-608); Alcoholic Beverage Control Act (complete laws); Rules & Regulations; and P-90 (describes privileges of non-retail licenses).



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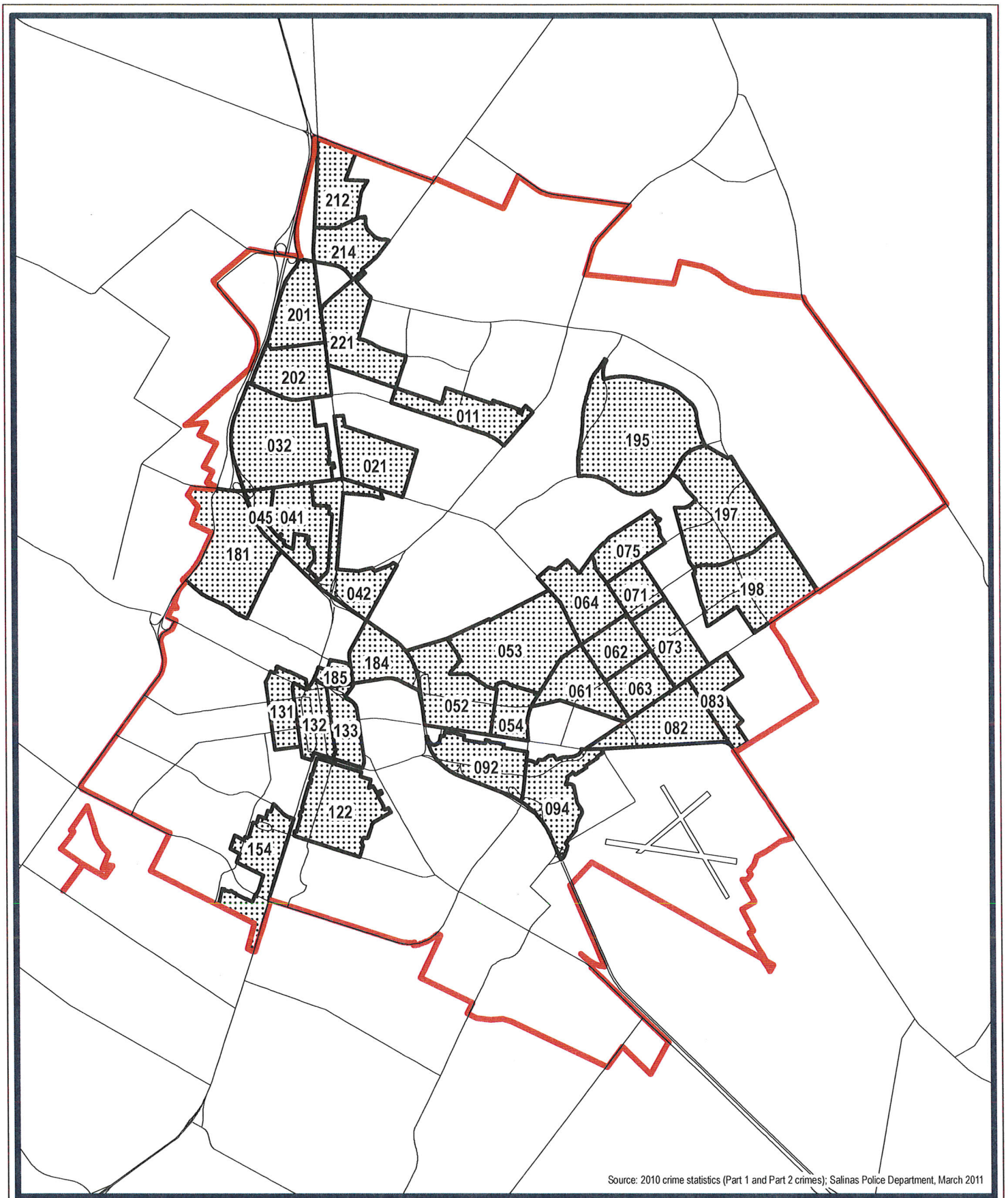

Source: 2010 crime statistics (Part 1 and Part 2 crimes); Salinas Police Department, March 2011

City of Salinas

Police Reporting Districts with Undue Concentration of 20% Greater Number of Reported Crimes than the Average Number of Reported Crimes

Legend

Police Reporting District (#)

SALINAS, CALIFORNIA

prepared
Date, Year
City of Salinas
Information Systems, GIS

NORTH

0 0.25 0.5
Miles

City of Salinas
Department
200 Lincoln Avenue
Salinas, California 93901

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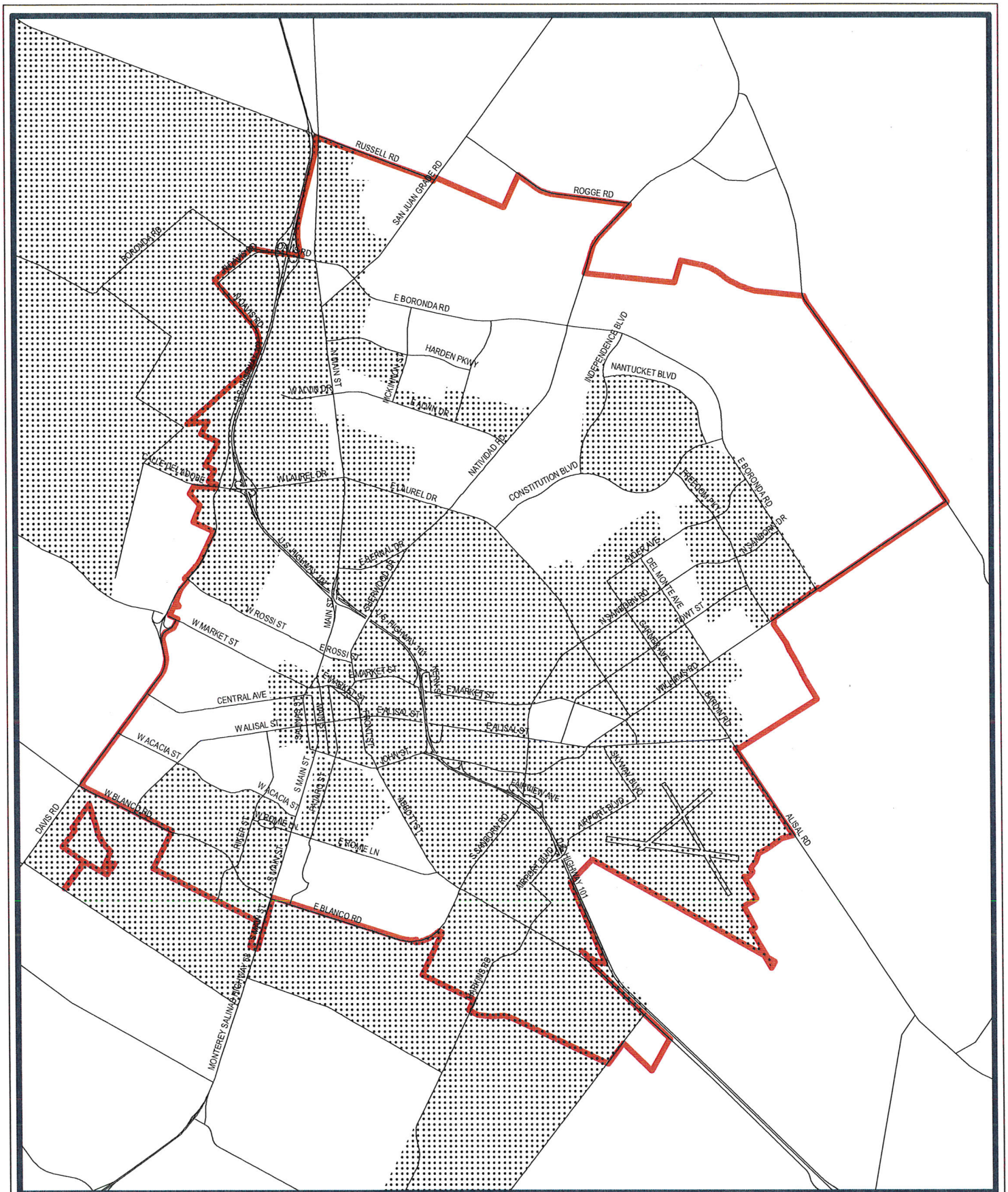

City of Salinas

Areas of Undue Concentration of Off-Sale Licenses and Reported Crimes (Combined)

Legend

Combined Census Tracts & PRDs

SALINAS, CALIFORNIA

NORTH

0 0.25 0.5 Miles

prepared
Date, Year
City of Salinas
Information Systems, GIS

City of Salinas
Department
200 Lincoln Avenue
Salinas, California 93901

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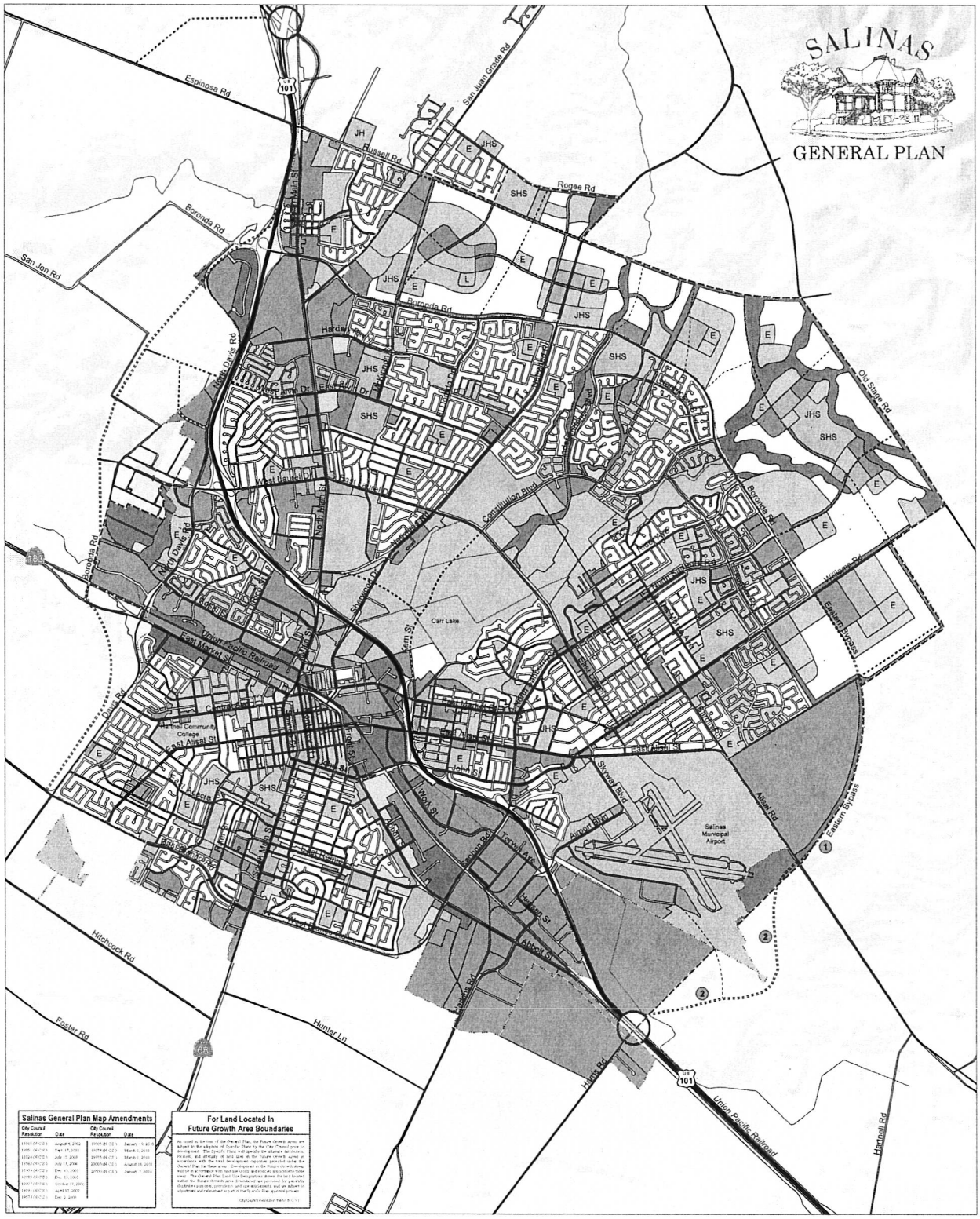

Source: City of Salinas; and P&D Consultants.

Note: (1) Eastern Bypass Alignment is Conceptual. Actual alignment to be determined by Airport Master Plan.
(2) No development is planned for areas inside the Eastern and Western Bypasses.

General Plan Land Use Designations

- Residential Low Density (1-8 units/net acre; average 6.5 units/gorss acres)
- Residential Medium Density (8-15 units/net acre; average 11.75 units/gorss acres)
- Residential High Density (15-24 units/net acre; average 16.75 units/gorss acres)
- Retail
- Arterial Frontage
- Office
- Mixed Use
- General Commercial/Light Industrial
- General Industrial
- Business Park
- Public/Semipublic
- Park
- Agricultural
- Open Space

Circulation System

- Freeway/New Interchange
- Highway
- Highway (Proposed)
- Major Arterial (Proposed)
- Minor Arterial (Proposed)
- Collector (Proposed)
- City Boundary
- Future Growth Area Boundary

NORTH 0 0.5 1 Miles

Land Use and Circulation Policy Map

Projection: Lambert Conformal Conic

OFFICIAL ZONING MAP
CITY OF SALINAS

CLARK LAKE

SALINAS MUNICIPAL AIRPORT

Salinas City Limits

Map Amendments

A copy of the Zoning Regulations and the Zoning Map, together with all and all amendments, is kept on file with the City Clerk of the City of Salinas and constitutes the original record.

Ordinance Number	Adoption Date	Effective Date
[illegible]	November 7, 2006	December 7, 2006
[illegible]	April 17, 2007	May 17, 2007
[illegible]	December 11, 2007	January 10, 2008
[illegible]	December 11, 2007	January 10, 2008
[illegible]	January 21, 2009	February 20, 2009
[illegible]	March 12, 2011	April 12, 2011
[illegible]	March 12, 2011	April 12, 2011
[illegible]	August 23, 2011	September 22, 2011
[illegible]	October 11, 2011	November 24, 2011

Central City Overlay Districts

(See Zoning Map Areas 8 and 9)

Legend
- Downtown Core Overlay Area
- Downtown Neighborhood Area

Flood Overlay District

(Boundaries Not Shown On Zoning Map)

Legend
- City Limits
- Flood Zone Overlay
- Flood Affected Parcels

Airport Overlay District

(Boundaries Not Shown On Zoning Map)

Legend
- City Limits
- Airport Area of Influence
- Airport Runway Protection Zones
- Airport Airshow Boundary
- Affected Parcels (Area of Influence)

References: Salinas Municipal Code

Chapter 37: Zoning

Article II: Establishment of Zoning Districts and Designations

Sec. 37-20.010: Districts established

Sec. 37-20.030: Official Zoning Map

http://library.municode.com/index.aspx?clientId=16574&stateId=5&stateName=California

Copies of the Zoning Map may be obtained at:

City of Salinas
Community & Economic Development Department

65 West Alisal Street Salinas, California 93901 (831) 758-7206

The City of Salinas has made every effort to assure the accuracy of this map. The City of Salinas assumes no liability for any errors, omissions, or inaccuracies and makes no representation or warranty as to the suitability for any intended or particular purpose.

California

Coordinate System: NAD 1983 State Plane California IV FIPS 0404 Feet

Zoning District Legend

A	Agriculture	MAF	Mixed Arterial Frontage
R-L-5.5	Residential Low Density	IGC	Industrial - General Commercial
R-M-3.6	Residential Medium Density	IBP	Industrial - Business Park
R-M-2.9	Residential Medium Density	IG	Industrial - General
R-H-2.1	Residential High Density	PS	Public / Semipublic
R-H-1.8	Residential High Density	P	Parks
CO/R	Commercial Office / Residential	OS	Open Space
CO	Commercial Office	NE	Neighborhood Edge/Low Density Residential
CR	Commercial Retail	NG-1	Neighborhood General 1/Medium Denisty Residential
CT	Commercial Thoroughfare	NG-2	Neighborhood General 2/High Density Residential
MX	Mixed Use	VC	Village Center
		NI	New Urbanism Interim

Overlay Legend

Gateway Overlay Districts:
1. West Boronda Road @ U.S. 101
2. North Main Street @ U.S. 101
3. West Market Street @ Davis Road
4. South Main Street @ Blanco Road
5. Sanborn Road @ U.S. 101

Focused Growth Overlay Districts:
6. FG 1 Laurel Drive at North Main Street
7. FG 2 North Main Street/Soledad Street
8. FG 3 South Main Street
9. FG 4 Abbott Street
10. FG 5 East Alisal Street/East Market Street

Specific Plan Overlay Districts:
11. SP-1 Harden Ranch
12. SP-2 Williams Ranch
13. SP-3 Westridge Center
14. SP-4 Salinas Auto Center
15. SP-5 Mountain Valley
16. SP-6 Boronda Crossing
17. SP-NI New Urbanism Interim
18. SP-7 Salinas Ag-Industrial Center
19. SP-8 Gateway Center Specific Plan Overlay

Other:
20. East Romie Lane Corridor Overlay District
21. Central City Overlay District
22. Downtown Core Area

SALINAS, CALIFORNIA

N W E S

Scale: 1 inch = 1000 feet / 10 miles (approx.) / 30 kilometers (approx.)

5 Acres
20 Acres
40 Acres

Scale: 1 sq. inch = approx. 23 acres