

**SALINAS PLANNING COMMISSION  
RESOLUTION NO. 2019-\_\_\_\_**

Resolution Approving a Conditional Use Permit authorizing demolition and reconstruction of an existing Convenience Store with Gas Pumps and modification of an existing off-sale alcohol license located at 417 North Main Street in the Mixed Arterial District – North Main Street/Soledad Street Focused Growth Overlay (MAF-FG-2) Zoning District (CUP 2018-007)

**WHEREAS**, on May 15, 2019, the Salinas Planning Commission, at the request J.R. Beard - LHB & Associates on behalf of 3030 Fuels, LLC, Property Owner, held a duly noticed public hearing to consider Conditional Use Permit 2018-007 a Conditional Use Permit to authorize the following;

1. Demolish an existing 1,676 square-foot convenience store (Shell) and a 1,180 square-foot fueling canopy with four (4) fuel dispensers and retain an existing carwash structure;
2. Construct a new 3,035 square-foot convenience store with 1,462 square-feet of gross retail space with 10 off-street parking spaces;
3. Construct a new 3,200 square-foot canopy, including the installation of two (2) additional fuel dispensers for a total of six dispensers; and
4. Modify an existing off-sale alcohol related use to be relocated from the existing 1,676 square-foot convenience store to the new 3,035 square-foot convenience store.

The project is located at 417 North Main Street in the Mixed Arterial District – North Main Street/Soledad Street Focused Growth Overlay (MAF-FG-2) Zoning District (Assessor's Parcel Number 003-201-013-000); 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 Categorically Exempt from the California Environmental Quality Act (CEQA) and approves Conditional Use Permit 2018-007; and

**BE IT FURTHER RESOLVED** by the Salinas Planning Commission that Conditional Use Permits 1966-021, 2010-017, and 2011-012 are hereby superseded by this Conditional Use Permit 2018-007 and are hereby rescinded in their entireties and no longer of any force or effect; and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 15303(c) 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 15303(c)(3) of the CEQA Guidelines, because the proposed convenience store building is under 10,000 square-feet and located in an urbanized area.

**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 Mixed Use by the 2002 Salinas General Plan. Per the General Plan, the Mixed-Use land use designation provides for a mixture of retail, office, and residential uses in the same building, on the same parcel or in the same area. The use is consistent with General Plan Goals and Policies. The proposed expansion of an existing Convenience Store with Gas Pumps 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.

As shown on the official Zoning Map, the project site is currently located in the MAF-FG2 (Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay) District, which provides for commercial uses. Per Zoning Code Section 37-30.230(e)(2), the specific purpose of the MAF (Mixed Arterial Frontage) District is to provide opportunities for a combination of mixed use, commercial, and small-scale non-nuisance industry along certain areas of North Main Street, East and West Market Streets, and other arterials that have highly mixed land use patterns of existing development.

Per Zoning Code Section 37-30.240, Table 37-30.110, Convenience Store with Gas Pumps requires consideration through the administrative Site Plan Review process. However, because the existing Convenience Store with Gas Pumps was originally approved through Conditional Use Permit 1966-021, a revision is required. The new convenience store is larger than what was originally approved by Conditional Use Permit 2010-007 for an off-sale alcohol use on the subject property, and a carwash structure to serve the use by Conditional Use Permit 2011-012 these Permits will also need to be amended. The project meets Zoning Code requirements for setbacks, off-street parking, and non-residential FAR. In accordance with Section 37-50.030(c), the existing off-sale alcohol-related use at 417 North Main Street would continue to be regulated by a modified Conditional Use Permit.

**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 Mixed Use by the 2002 Salinas General Plan. Per the General Plan, the Mixed-Use land use designation provides for a mixture of retail, office, and residential uses in the same building, on the same parcel or in the same area. The existing use is consistent with General Plan Goals and Policies. The proposed demolition and reconstruction of an existing Convenience Store with Gas Pumps 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.

Conditions will ensure that, when implemented, the project will conform and comply with the provisions of the Salinas Zoning Code and the use will not be detrimental to the adjacent neighborhood. Conditions include, but are not limited to the following: alcohol shall not be sold between the hours of 10:00 p.m. and 6:00 a.m. and coolers containing alcoholic beverages shall be locked between the hours of 10:00 p.m. and 6:00 a.m.; 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.

The proposed location is within Police Reporting District (PRD) 182, which is an area of "undue concentration" as determined by the Salinas Police Department based on the number of reported crimes. There were 124 reported crimes in PRD 182 in 2017, as compared with the overall City average of 79.72 reported crimes per PRD. The Salinas Police Department does not object to approval of the project as stated in a memorandum from the Salinas Police Department dated April 16, 2018 as long as requirements for digital surveillance and ample lighting on-site are requirement. The draft CUP approval document includes the conditions.

**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:

- No alcoholic beverages shall be consumed on the premises.
- No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
- No display of alcoholic beverages shall be made from an ice tub.
- 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.

- 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.***

As shown on the official Zoning Map, the site is located in the MAF – FG-2 (Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay) Zoning District. Per Zoning Code Section 37-30.230(e)(2), the specific purpose of the MAF (Mixed Arterial Frontage) District is to provide opportunities for a combination of mixed use, commercial, and small-scale non-nuisance industry along certain areas of North Main Street, East and West Market Streets, and other arterials that have highly mixed land use patterns of existing development. Zoning Code Section 37-50.030(b)(5) defines an off-sale (off-premises consumption) alcohol-related use as alcoholic beverages, including distilled spirits, beer, and wine, sold in original, unopened containers for consumption off the premises where sold. The previously approved Off-Sale Alcohol-Related use does not include the sale of distilled spirits, and is limited to the sale of beer and wine only per Conditional Use Permit 2010-017. Per Zoning Code Section 37-30.230(c), a Conditional Use Permit is required for an off-sale alcohol-related use. 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.

- 6. *Although the proposed Off-Sale Alcohol-Related use is located within an area of undue concentration (as defined by Business and Professions Code Sections 23958.4 and 23817.5, and administered by the State Department of Alcoholic Beverage Control), pursuant to Business and Professions Code Section 23817.7, the public convenience or necessity would be served by the issuance of the alcohol license by the ABC.***

The proposed location is in an area of “undue concentration” in regards to a crime reporting district that has a 20 percent greater number of reported crimes. The Police Department’s 2017 average for statistics for Police Reporting Districts (PRDs) is 79.72 reported crimes. Adding 20%, this amounts to approximately 95.66 reported crimes. Crime statistics for PRD 182 are 124 reported crimes. Although in an area of undue concentration, the Salinas Police Department does not object to the project at this location subject to conditions of approval including, but not limited, to the following requirements:

- Digital surveillance system shall be provided with high quality cameras focused on the location of the in-store stocked alcohol, at points of sales transactions, at entrance/exits of the store and the parking lot, with the

capability to store the digital images captured. The video/photos shall be made to the police upon request.

- Ample lighting shall be provided in parking lots, exterior area of entrances/exits and situated in areas to enhance video surveillance equipment.

These conditions have been included in the draft CUP approval document. Per the California Department of Alcoholic Beverage Control (ABC), the subject property is also undue concentrated due to number of off-sale alcohol licenses (5 active, 4 authorized for Census Tract 18.02). However, this Application is requesting to maintain an existing off-sale alcohol license and will not increase the number of licenses.

**PASSED AND ADOPTED** this 15th day of May 2019, 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 adopted by the affirmative and majority vote of said Planning Commission at a meeting held on May 15, 2019, 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