



City of Clearlake
Planning Commission

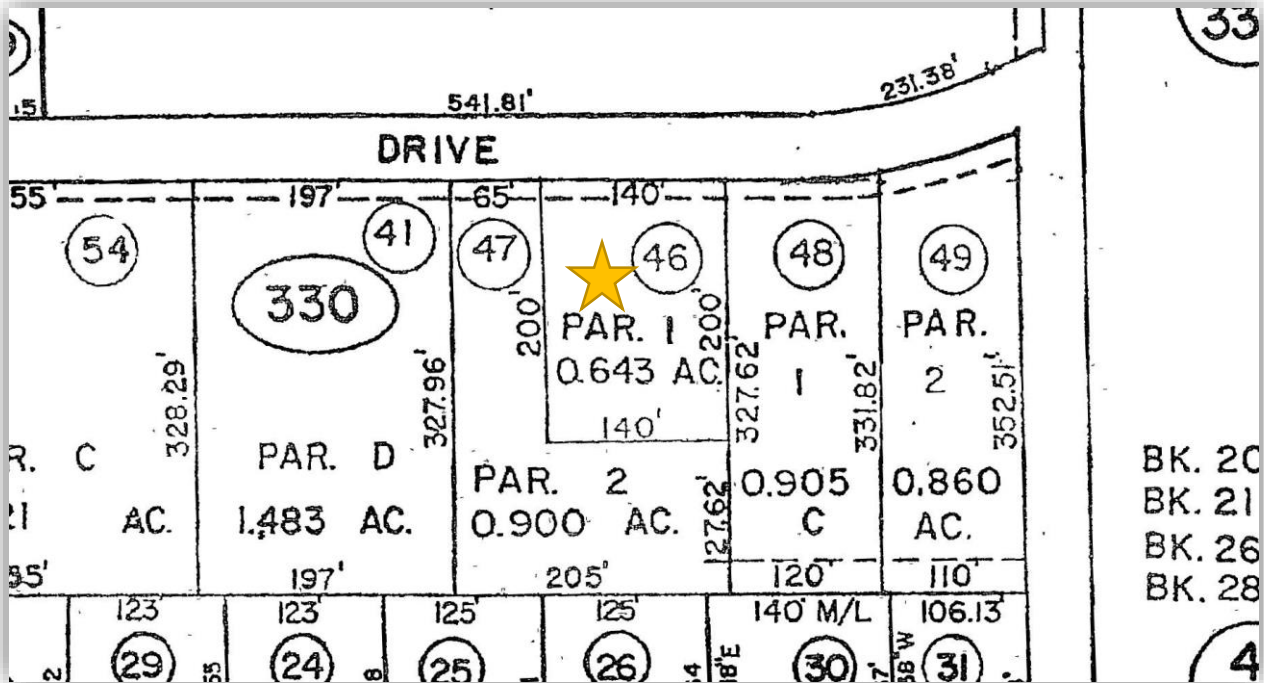
STAFF REPORT	
SUBJECT: Conditional Use Permit, CUP 2022-17 Categorical Exemption, CE 2022-25	MEETING DATE: 12/13/2022 Regular
SUBMITTED BY: Mark Roberts, Senior Planner and Michael Taylor, Assistant Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only	
LOCATION: 15165 Lakeshore Drive Clearlake, CA 95422	APPLICANT: Denisse Herrera
APN: 040-330-460-000	PROPERTY OWNER: Raj Chabra
ZONING: General Commercial (GC)	GENERAL PLAN: Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

Denisse Herrera (business owner) has applied for a Conditional Use Permit (CUP 2022-17) and associated environmental filing (Categorical Exemption, CE 2022-25) to allow alcoholic beverage sales (on-site consumption) of beer, wine, and distilled spirits at an existing restaurant, known as La Chilanguita Mexican Restaurant. The restaurant is located at 15165 Lakeshore Drive and is in the General Commercial (GC) Zone.



Aerial Map



Assessor Parcel Map, APN 040-330-460-000

PROJECT SUMMARY

Proposed Use

The business owner is currently licensed by the California Department of Alcoholic Beverage Control (ABC) to serve beer and wine only (Type 41 On-Sale Beer and Wine-Eating Place, License Number 614401). The business owner is now seeking a Type 47 On-Sale General-Eating Place license, through ABC, which would allow distilled spirits, in addition to beer and wine, expanding their beverage menu and food items available for purchase.

An ABC Type 47 On-Sale General-Eating Place (restaurant), authorizes the sale of beer, wine, and distilled spirits for consumption on the premises, however, only authorizes the sale of beer and wine for consumption off the license's premises. The licenses must operate and maintain the 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.

Prior to ABC finalizing a business owners' application for a liquor license the applicant must secure a permit from the local jurisdiction.

Operation

- Operating Hours: 11:00 a.m. to 9:00 p.m., Tuesday through Sunday
- Number of Employees during normal or peak shifts: 6
- Pick-ups/Day: 30
- Customers/Day: 80
- Lunch, Dinner

Existing Building and Parcel

Located on the south side of Lakeshore Drive and approximately one-quarter mile west of Old Highway 53 the existing restaurant building is approximately 3,000 square feet in size and has an outdoor dining patio of approximately 1,200 square feet in area.

The parcel is rectangular in shape and approximately 28,000 square (0.64 acres) feet in area. Approximately 140 lineal feet of lot front Lakeshore Drive.

As depicted on the city’s Public & Private Streets” map Lakeshore Drive is designated as a public road. Per the city municipal code projects are subject to the installation of curb, gutter, and sidewalk, or in-lieu fees for the portion of public road adjacent the parcel if not already improved. Curb, gutter, and sidewalk exist along Lakeshore Drive at the subject project parcel therefore is not subject to the required improvements.

Tenant Improvements

No significant or permanent interior or exterior improvements are proposed at the submittal of this use permit application. No beverage service bar is proposed.

Parking and Vehicular Access

Pursuant to Municipal Code Section 18-20.090 Parking Space Requirements for restaurants with drive-in or drive-through one (1) parking space is required for each sixty (60) square feet of restaurant floor area and one (1) space for loading. And according to the Department of Justice, 2010 ADA Standards for Accessible Design one (1) accessible parking space is required for up to 25 parking spaces and one (1) parking space for each additional 25 parking spaces up to 100 spaces is required.

Required Parking		
Use	Area in square feet	Spaces
Restaurant (Drive-Through)	3,000	50
Loading		1
Total Required		51
ADA Required Spaces		2

The subject parcel has a total of twenty-two (20) standard parking spaces and three (3) ADA spaces. To achieve the municipal code requirement of 51 spaces an improved parking area with thirty (30) parking spaces and additional ingress-egress from Lakeshore Drive is located on the adjacent parcel to the west and is being utilized by the property owner of the subject parcel. A grant deed (Doc# 2006004072) in favor of the subject parcel guarantees a perpetual, non-exclusive easement for the parking and ingress-egress. The adjacent parcel has the assessor number 040-330-47 and is commonly known as 15155 Lakeshore Drive.

Signage

The applicant has not proposed a reface of existing signs or new signage with the submittal of the use permit application. If signage updates are proposed by the applicant, the administrative use permit conditions of approval require the submittal and approval of a signage plan that complies with Section 18-21 (Sign Regulations) of the City’s Municipal Codes.

Landscaping

The applicant has not provided a landscape and irrigation plan for review. Any new landscape and irrigation will be subject to compliance with Section 18-20.130, Water Efficient Landscaping of the City's Municipal Codes/Zoning Ordinance, including the City's Landscaping and Irrigation Design Standards. Use permit conditions of approval requires the applicant to submit a Landscape and Irrigation Plan for review and approval that complies with these standards.

Exterior Lighting

The applicant has not proposed any exterior lighting with submittal of the use permit. If new exterior lighting is proposed by the applicant, the lighting is subject to the use permit conditions of approval.

AGENCY AND PUBLIC REVIEW

A request for review (RFR) was distributed to various local agencies for review and comment. The RFR was circulated on November 8, 2022, which allowed agencies to provide and submit comments no later than November 28, 2022. No adverse comments were received.

PARCEL SETTING

The subject parcel is rectangular in shape and developed with an existing building, outdoor dining patio and parking. The surrounding land uses include general commercial to north, west and east, and low density residential to the south. The surrounding parcels are predominantly developed with buildings, accessory structures, and parking areas. The nearest public and quasi-public use, as the crow flies, is Redbud Park located approximately 1,100 feet to the west and a church located approximately 400 feet to the northeast respectively.

GENERAL PLAN AND ZONING CONFORMANCE

General Plan Conformance

The General Plan identifies the project site for Commercial.

Located within the Lakeshore Drive Corridor, one of nine (9) General Plan key focused growth areas, the project is subject to the general plan implementation through the zoning ordinance.

Zoning Ordinance Consistency/Regulations

Alcoholic beverage sales including distilled spirits require a use permit pursuant to section 18-9, 18-18, and 18-19 of the City Municipal Code. Upon review of the submitted application, including agency review, staff has determined the proposed use is in conformance with all applicable regulations with the incorporated conditions of approval.

- Section 18-9.020 Property Development Standards, f, Parking Requirements.
- Section 18-18.030 Commercial, Recreation and Amusement Uses Allowed by Zones, Table 5, Alcoholic Beverage Sales (on-site consumption) requires a use permit.
- Section 18-19.110 Alcoholic Beverage Regulations, Table 8, Alcoholic Beverage Use, Sells or serves alcoholic beverages (except beer and wine alone) requires a use permit from the Planning Commission.

To grant a discretionary permit Planning Commission must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity.

The Planning Commission may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record (Section 18-28.040, Findings).

ENVIRONMENTAL REVIEW (CEQA)

Upon review, staff has determined the project to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Statute and Guidelines, Article 19 Categorical Exemptions, 15301 Existing Facilities, Class 1, as the operation will be utilizing existing structure and improvements with no expansion of use.

LEGAL NOTICE & PUBLIC COMMENT

The public hearing was noticed at least ten (10) days in advance in an electronic publication of the Lake County Record Bee on December 3, 2022 and mailed (via USPS) to all surrounding property owners within 300 feet of the subject parcel as required pursuant to the Clearlake Municipal Code, Section 18-28, Use Permits.

- All mailing addresses are drawn from the electronic database supplied by the Lake County Assessor Office database.
- The City of Clearlake did not receive any written public comment or concerns regarding the project.

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2022-24, A Resolution of the City of Clearlake Planning Commission approving Use Permit Application UP 2022-17 and Categorical Exemption, CE 2022-25 to allow alcoholic beverage sales (on-site consumption) in an existing restaurant located at 15165 Lakeshore Drive, Clearlake, CA 95422, further described as Assessor Parcel Number 040-330-460-000.
2. Move to deny Resolution PC 2022-24, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS

- 1) PC Resolution 2022-24
- 2) Conditions of Approval, UP 2022-17
- 3) Project Description