



| STAFF REPORT | |
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| SUBJECT: Appeal of the Planning Commission’s Decision on 12/13/2022 for the approval of the Hotel Development and 18 th Avenue Extension Project. | MEETING DATE: February 2, 2023 |
| SUBMITTED BY: Alan Flora – City Manager | |
| PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item | |

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The appellant, Kronick Moskovitz Tiedemann & Girard, representatives of the KOI Nation of California are appealing the Planning Commission’s decision of December 13th, 2022, for the approval of Conditional Use Permit Application, CUP 2022-02, Design Review, DR 2022-02 and corresponding environmental analysis (CEQA IS 2022-06) located at 6356 Armijo Avenue Clearlake, CA 95422 further described as Assessor’s Parcel Number 042-121-25.

BACKGROUND/DISCUSSION

Hotel Development: The project is located within the General Commercial (GC) Land Use Zoning District, and per Table 5 of Chapter 18-18.030 (*Commercial, Recreation and Amusement Uses*) of the Zoning Ordinance “Hotels/Motels” is an allowed use by right.

Conditional Use Permit: The hotel facility is proposing to sell and consume alcoholic beverages onsite as part of its operation. Per Table 5 of Chapter 18-18.030 (*Commercial, Recreation and Amusement Uses*) of the Zoning Ordinance, a Conditional Use Permit is required to allow “Alcoholic Beverage Sales (onsite consumption).”

Design Review: The hotel facility and related aesthetic improvements to the 2.8 acres site is subject to approval of Design Review in accordance with Chapter 18-33 of the Municipal Code. The purpose of design review is to assure new development and related community appearance changes will enhance the design characteristic in all neighborhoods within the City of Clearlake.

ENVIRONMENTAL DETERMINATION:

Pursuant to California Environmental Quality Act (CEQA) Guidelines, staff prepared an Initial Study to assess the potential adverse environmental effects of the proposed project. The study concludes that any potentially significant adverse environmental impacts from the project would be reduced to a level of non-significance with the incorporated Mitigation Measures/Conditions of Approval.

The Notice of Intent (NOI) for the proposed Mitigated Negative Declaration based on Initial Study, IS 2022-06, was properly noticed and circulated in accordance with CEQA State Guidelines.

- The NOI was emailed to various Federal, State, and local agencies/organizations (including Tribal Nations/Sovereign Governments); uploaded to the State Clearing House (*SCH Number 2022100562*); published in a local newspaper; and mailed to all property owners within 300 feet of the project parcel. The commenting period for the NOI was from October 26th, 2022, to November 30, 2022.
 - **The following agencies commented on the Notice of Intent.**
 - Caltrans

- *Central Valley Regional Water Quality Control Board*
- *Konocti County Water District*
- *Lake County Health Services Department.*

The City of Clearlake Planning Commission held a public hearing on the project on December 13, 2022, and with no input from the public or agencies other than that provided through the planning process, unanimously approved the project. The appeal of the Koi Nation was received within the time allowed by the Clearlake Municipal Code.

OPTIONS:

1. Move to Adopt Resolution 2023-08, A Resolution of the City Council of the City of Clearlake denying Appeal Application, APCC 2022-01 and upholding the Planning Decisions of December 13th, 2022, approving the referenced projects.
2. Move to Adopt Resolution 2023-08, A Resolution of the City Council of the City of Clearlake approving the Appeal Application, APCC 2022-01 and denying the referenced projects.
3. Move to continue the item and provide alternate direction to staff.

Attachments:

- 1) Resolution 2023- 08 with Conditions
- 2) Appeal Application dated 12/22/2022.
- 3) Staff Report Packet from December 13th, 2022, PC Meeting
- 4) CUP 2022 – 02 RFR & AB 52 Packet List of Agencies Contacted
- 5) RFR & AB 52 18th Avenue Improvement Project
- 6) Notice of Intent (NOI) for CEQA
- 7) KOI Nation/Habematolel Letters