

RESOLUTION No. PC 2025-04

A Resolution of the Planning Commission City of Clearlake, State of California Approving Conditional Use Permit CUP 2025-02 and Categorical Exemption CE 2025-03 to allow a Tattoo Parlor

WHEREAS, *Johnny Silveira (Applicant)* applied for approval of a Conditional Use Permit, CUP 2025-02 to allow a tattoo Parlor within an existing building/unit located at 15140 Lakeshore Drive, Clearlake, CA 95422, APN 040-330-37-000; and

WHEREAS, the following applications have been made in accordance with the following section of the City Municipal Code Regulations Chapter 18.18, Section 18.18.030 – Commercial, Recreation, and Amusement Uses -Table 5; and

WHEREAS, these applications have been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS, the project is Categorical Exempt from Environmental Review Pursuant to Article 19, Categorical Exemptions of the State of California Environment Quality Act (CEQA) Statute and Guidelines, Section 15301 (Class 1 - Existing Facilities); and

WHEREAS, adequate public noticing was made for the project in accordance with the City's Municipal Code; and

WHEREAS, the City's Zoning and General Plan Designates the project site as General Commercial and as conditioned, the proposed use and design would be consistent with the General Plan; and

WHEREAS, the project is subject to obtaining a Conditional Use Permit from the Planning Commission in accordance with Chapter 18 - Section 18-18.030 (Commercial, Recreation, and Amusement). Therefore, in accordance with Section 18-28.040 of the Zoning Code regarding use permits, the Planning Commission finds the following:

- a) The use will not be detrimental to the health, safety, convenience, or general welfare of citizens residing or working in the vicinity, or injurious to the property, improvements or potential developments in the vicinity.
- b) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.
- c) The accessibility and traffic patterns for citizens and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading.
- d) The safeguards afforded to prevent noxious offensive emissions such as noise, glare, dust and odor.
- e) Treatment given, as appropriate to such aspects as landscaping, open spaces, parking areas, loading areas, service areas, lighting, and signs.

WHEREAS, with the incorporated conditions of approval, referenced as Exhibit A herein, the project complies with the Clearlake Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City of Clearlake – Planning Commission of the City of Clearlake that the project is hereby approved, subject to approved Conditions of Approval (Exhibit A).

PASSED AND ADOPTED on this 10th day of June 2025 by the following vote:

Planning Commissioners	AYES	NOES	ABSTAIN	ABSENT
Chair Fawn Williams				
Vice Chair Jack Smalley				
Commissioner Ray Silva				
Commissioner Chris Inglis				
Commissioner Derek Counts				

City of Clearlake – Planning Commission Chair

ATTEST: _____
City of Clearlake Clerk/Deputy Clerk

EXHIBIT A

**CITY OF CLEARLAKE
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT, CUP 2025-02
CATEGORICAL EXEMPTION, CE 2025-03
JOHNNY SILVEIRA**

Pursuant to the approval of the Planning Commission on **June 10th, 2025**, there is hereby granted to **Jonny Silveira (Red Rose Ink, LLC)**, a Conditional Use Permit CUP 2025-02 and corresponding Categorical Exemption, CE 2025-03 to allow a Tattoo Parlor located at **15140 Lakeshore Drive, Clearlake, CA 95422, further described as Assessor Parcel Number 040-330-37** is subject to the following terms and conditions of approval.

GENERAL CONDITIONS

1. The use hereby permitted shall substantially conform to the site plan(s), and project descriptions submitted with the application dated March 5th, 2025, and any conditions of approval imposed by the above Conditional Use Permit and Review Authority as shown on the approved site plan and project description for this action dated June 10th, 2025, including all requirements of the City of Clearlake Municipal Codes.
2. The applicant must comply with the city noise ordinance and ensure that sound levels are kept within acceptable limits to minimize disturbance to neighboring properties. No person shall produce any noise by any means between the hours of 10:00 p.m. and 7:00 a.m., which when measured within fifty (50') feet of any dwelling or transient accommodation exceeds 55 decibels.
3. **Prior to operation**, the applicant shall apply for and maintain an active Business License from the City of Clearlake. A copy of the Business License shall be always kept onsite.
4. **Prior to operation**, the permit holder shall meet and operate in full compliance with the fire safety rules and regulations of the Lake County Fire Protection District.
5. **Prior to installation of signage**, the applicant shall apply for and secure the required signage permits from the City of Clearlake. All signs shall adhere to all applicable Federal, State and local agency requirements.
6. The applicant shall keep a copy of the approved conditions of approval, and all associated permits (i.e. Lake County Environmental Health, Fire Department, etc.) on the premises.
7. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Director, Planning Commission or on appeal, the City Council, may establish a schedule for certain conditions to be met after the establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting the deferred conditions.

8. The operator shall be responsible for paying all sales, use, business and other applicable taxes, and all licenses, registration, and other fees and permits required under federal, state, and local laws.
9. The applicant is responsible for ensuring that all employees including third party vendors are informed of, understand, and agree to abide by the approved project and conditions of approval.
10. All building access and bathrooms shall meet the American with Disabilities Act (ADA) requirements and must be reviewed and approved by a Certified Accessibility Access Specialist (CASP). Handicapped accessibility routes and handicapped parking spaces shall not be affected by the operation.
11. All graffiti shall be removed on any part of the property within 48 hours of its appearance.
12. All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all federal, state, and local agency requirements, including all requirements in darksky.org.
13. The review authority may revoke or modify the Conditional Use Permit if the review authority finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action.
14. Any modifications and/or addition to an approved use permit, the applicant shall apply for and secure an amendment to an approved use and go before the Planning Commission. Unless the City Manager/Community Development Director can deem such addition and/or modification incidental in nature and that the intent of these regulations can be met without further use permit control.
15. This permit does not abridge or supersede the regulatory powers and permit requirements of any federal, state, or local agency requirements, which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain and maintain permits as may be required from each agency.
16. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator,

property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. The developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

17. All conditions are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, the whole entitlement shall be invalid. The Director specifically declares that it would not have approved of this entitlement unless all conditions herein are held as valid.
18. The use permit may be transferred to new owners at the same location/use upon notifying the City Planning Department of said ownership transfer and upon the new owner's written agreement to maintain all conditions of approval.
19. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - Noncompliance with any of the foregoing conditions of approval; or
 - The Planning Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to people or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code. 15.
20. Said Conditional Use Permit shall be subject to revocation or modification by the review authority if the review authority finds that there has been:
 - Noncompliance with any of the foregoing conditions of approval; or
 - The Planning Director finds that the use for which this permit is hereby granted is detrimental to people or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.
 - If the approved use is not established within one (1) year of the date of approval or such a longer time as may be stipulated as a condition of approval, the use permit shall expire.
 - Expiration of Use Permit: When a use that was allowed by approval of said permit ceases operation for one (1) year or such other time-period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.

To be Completed by Authorized Representative/Applicant

ACCEPTANCE

I have read and understand the foregoing Conditional Use Permit and agree to each term and condition of approval and/or mitigation measure(s) thereof.

Name: _____

Signature: _____

Date: _____

To Be Completed by Authorized Personnel

Name: _____

Signature: _____

Title: _____

Date: _____