

**RESOLUTION No. PC 2025-05**

**A Resolution of the Planning Commission  
City of Clearlake, State of California  
Approving Conditional Use Permit CUP 2025-03 and  
Categorical Exemption CE 2025-04  
to allow Tobacco Sales**

**WHEREAS**, Musaed S. Alagi. applied for approval of a conditional use permit to allow tobacco sales located at 14270 Lakeshore Drive, Clearlake, CA 95422, APN 040-091-140-000; and

**WHEREAS**, the following applications have been made in accordance with Section 18-18 and Article 6-10 of the City Municipal Code; 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 Municipal Code; and

**WHEREAS**, the City's Zoning designates the project site as "CD" Commercial Downtown as conditioned, the proposed use and design would be consistent with the General Plan; and

**WHEREAS**, the General Plan designates the project site as Commercial 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 Section 18-18 and Article 6-10 regarding tobacco sales; Therefore, in accordance Section 18-28.040 of the Zoning Code regarding use permits, the Planning Commission finds that these uses as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.
- b) The accessibility and traffic patterns for people and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- c) The safeguards afforded to prevent noxious offensive emissions such as noise, glare, dust and odor,
- d) 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 Zoning 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 2025-03  
CATEGORICAL EXEMPTION, CE 2025-04  
MUSAED S. ALAGI**

Pursuant to the approval of the Planning Commission on June 10, 2025, there is hereby granted to Musaed S. Alagi, a Conditional Use Permit CUP 2025-03 and corresponding Categorical Exemption, CE 2025-03 to allow tobacco sales in an existing commercial building located at 14270 Lakeshore Drive, Clearlake, CA 95422, further described as Assessor Parcel Number 040-091-140-000 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 15, 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 10, 2025, including all requirements of the City of Clearlake Municipal Codes.
2. The applicant shall obtain and maintain a valid tobacco retailer license issued by the County of Lake Environmental Health Department, in accordance with the City of Clearlake's Ordinance No. 272-2024, which designates the County as the local licensing authority. No tobacco sales may occur unless this license is active and in good standing. **A copy shall be submitted to the City prior to the start of business operations.**
3. **Prior to commencing any retail sales of tobacco products**, the applicant shall obtain and maintain a valid California Tobacco Retailer License issued by the California Department of Tax and Fee Administration (CDTFA), as required by California Business and Professions Code §§ 22970–22995. A copy of the license shall be submitted to the Clearlake Community Development Department and kept on file.
4. The sale or distribution of any flavored tobacco product, including menthol cigarettes, flavored cigars, flavored e-cigarettes, or any tobacco product with a characterizing flavor other than tobacco, is prohibited pursuant to California Business and Professions Code § 104559.5 and local ordinance. The applicant's inventory must always remain in full compliance.
5. The applicant shall ensure that no person under 21 years of age is sold, provided, or allowed access to tobacco products, per California BPC § 22958. Staff shall require age verification using valid, government-issued identification for any customer who appears under 30 years of age.
6. **Prior to installation of signage**, the applicant shall apply for and secure the required signage permits with the City of Clearlake. All signs shall adhere to all applicable Federal, State and local agency requirements.
7. The business shall post signage required by the Stop Tobacco Access to Kids Enforcement (STAKE) Act, including a warning that sales to minors are illegal and displaying the state's toll-free complaint number, in a clearly visible location at the point of sale (BPC § 22952).
8. All tobacco products shall be sold in original manufacturer packaging and must comply with all state and federal labeling and packaging requirements, including child-resistant standards, if applicable. Product prices must be clearly displayed at the point of sale or on product shelving, according to local and state law.
9. The distribution of free or nominally priced tobacco products as samples or promotions is strictly prohibited.

10. Smoking or sampling of any tobacco or nicotine product is prohibited on the premises and within 25 feet of all entrances, in accordance with state and local public health laws.
11. The applicant shall comply with all California tobacco excise tax laws under the Revenue and Taxation Code §§ 30001–30483, including recordkeeping and availability of records for inspection by tax or enforcement authorities.
12. Both the State of California and County of Lake tobacco retailer licenses shall be prominently displayed in a publicly visible location within the retail premises.
13. The use permit shall be valid only as long as the applicant remains in full compliance with all applicable local, county, and state laws and regulations. Violation of any condition may result in revocation of the use permit and/or referral to the appropriate licensing authority for enforcement.
14. 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.
15. The applicant shall always keep a copy of the approved conditions of approval, required County of Lake Environmental Health permits and certifications, and City of Clearlake business license on the premises.
16. 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.
17. This Conditional Use Permit does not abridge or supersede the regulatory powers and permits 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.
18. The applicant is responsible for ensuring that all employees including third party vendors are informed of, understand, and agree to abide by the approved plans and project conditions.
19. **Prior to operation**, the permit holder shall meet and operate in full compliance with fire safety rules and regulations of the Lake County Fire District.
20. 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.
21. **Prior to operation and/or development**, the applicant shall secure/maintain any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department, Lake County Special Districts and/or all applicable Federal, State and local agency permits.
22. In lieu of installing curb, gutter, and sidewalk improvements along all required frontages, as normally required, the applicant shall pay a fee to the City equal to the cost of installing the improvements to the City standard. This is in recognition of the project's location within the area of a city project including road and pedestrian improvements to the Lakeshore Drive corridor. The costs shall be determined by City Engineer. **Said Conditional Use Permit shall not become**

**valid, vested, or operative until the fee has been paid to the City.**

23. **Prior to Operation**, the applicant shall have obtained and maintain an active a Business License from the City of Clearlake.
24. All graffiti shall be removed on any part of the property within 48 hours of its appearance.
25. 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.
26. 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.
27. 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.
28. Any modifications and/or additions to a use requiring permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premise occupied by a conditionally allowed use shall require permit approval of the type required for the existing use. The Community Development Director shall determine when such an addition and/or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
29. 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.
30. 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 the 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.
31. 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 the conditions herein are held as valid.
32. 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.

33. 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.
34. Said Conditional Use Permit shall be subject to revocation or modification by the review authority if the review authority finds that there has been:
- a. Noncompliance with any of the foregoing conditions of approval; or
  - b. The Planning Director finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons 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.
  - c. If the approved use permit is not established within one (1) year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire.
  - d. Expiration of Use Permit. When a use that was allowed by approval of a use 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:** \_\_\_\_\_