



CITY OF CLEARLAKE

Planning Commission

STAFF REPORT	
SUBJECT: Conditional Use Permit, CUP 2021-33 Categorical Exemption, CE 2021-12	MEETING DATE 1/25/2022 (Regular):
SUBMITTED BY: Mark Roberts and Michael Taylor, Planning Department	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	
LOCATION: 14094 Lakeshore Drive Clearlake, CA 95422 APN: 040-033-060-000	APPLICANT/OWNER: Lizbeth Vargas/ Thomas C. Carney, Trustee
ZONING: "CD" Downtown Commercial	GENERAL PLAN: Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

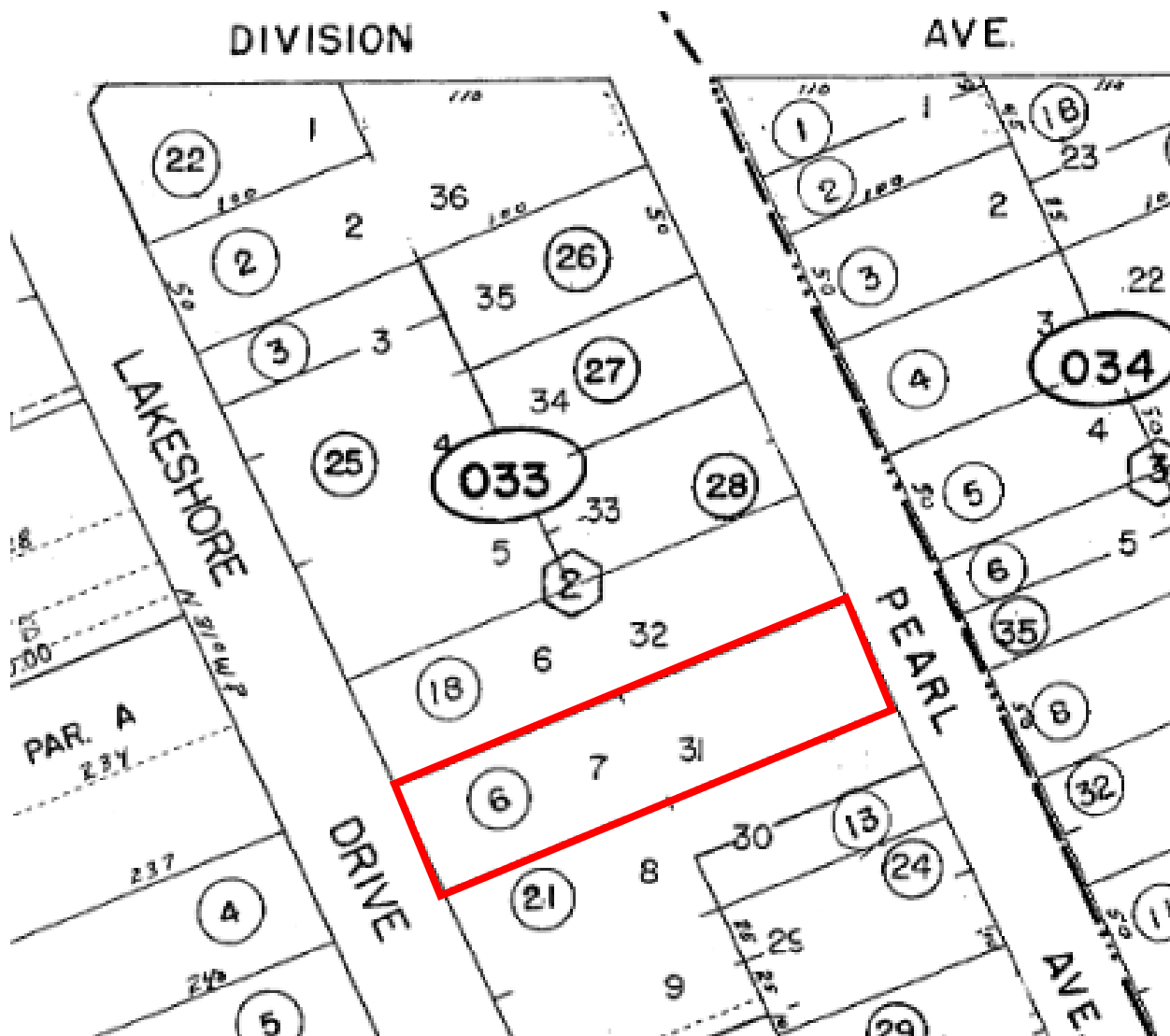
Lizbeth Vargas, representative of Delicias Alvarez, is applying for a Conditional Use Permit and associated environmental filing to allow alcoholic beverage sales (on-site consumption) in an existing established restaurant located at 14094 Lakeshore Drive, Clearlake CA 95422. This location currently has a valid California Department of Alcoholic Beverage Control (ABC) license, offering beer and wine. The intent of this permit application is to expand their business operation to include beer, wine, and distilled spirits for onsite beverage consumption in addition to the food items available for purchase.

The Planning Commission is being asked to consider CUP 2021-33 and CE 2021-12 authorizing alcoholic beverage sales (on-site consumption) .

- **CUP 2021-33: Alcoholic Beverage Sales, (On-site Consumption):** A business whose floor space is primarily devoted to the sale of beer, wine or other alcoholic beverages for on-premise consumption and which requires a license under state regulations (*Definitions, CZC*).
- **Categorical Exemption CE 2021-12:** Pursuant to California Environmental Quality Act (CEQA) guidelines, the project is considered Categorical Exempt from additional environmental review in accordance with Section 15301, Existing Facilities – Class 1 of the California Environmental Quality Act (CEQA).

BACKGROUND/DISCUSSION:

The proposed use permit is to be utilized by an existing single-tenant commercial space on the landlocked side of the Lakeshore Drive Corridor, approximately 4,700 feet (~.9 miles) west of Old Hwy 53 and ~400' south of Austin Park. The parcel is regularly shaped and comprised of Lots 7 and 31 (both 50' x 100') fronting 50ft of Lakeshore Drive and extending 100ft eastward to Pearl Avenue. The 1,124 square foot principal structure, which operates as a restaurant,¹ was built in 1958 and is settled squarely on Lot 7. Nearby development is mostly comprised of other 'Commercial Downtown' sites, intended to "provide for a wide range of retail sales, service and entertainment uses," with Medium Density Residential neighboring to the East. Served by Highlands Water. Overlay zones include FEMA Flood zone AO.



¹ Consistent with LA County Assessor's 'Use Type' designation.



Figure 1 "Base Zoning"



Figure 2 "FEMA Flood Map"

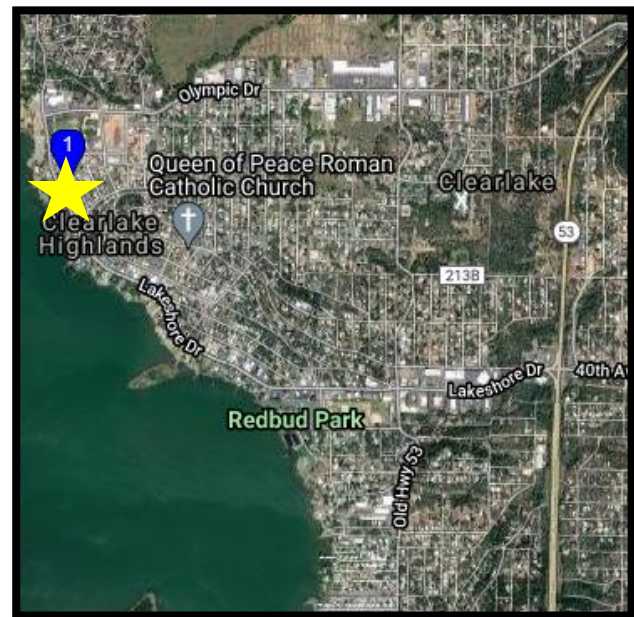


Figure 3 "Vicinity Map"

- The applicant currently holds an active business license.
- The business is in possession of a valid ABC license for the sale of beer and wine only, proposing to expand the sale of alcohol to liquor as well, for onsite consumption.
- They have submitted an application for a 47 “On-Sale General – Eating Place” License through the ABC, which authorizes²: the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed 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.
- The proposed hours of operation are 11 A.M.-2 A.M..
- The project is anticipated to have up to up to 6 employees during typical operations.

12001109 Figure 4 "Business License"

Business Status: Active

Start Date:

End Date:

License Status: Current

Issue Date: 10/1/2021

Expire Date: 9/30/2022

Balance Due: 0

State License # 12001109

State License Type:

State License Status:

State License Exp Date: 9/30/2021



Figure 5 "Site Plan"

- The site appears to accommodate 15 parking spaces, with 3 designated for handicapped access.
- Most of the parking spaces are clustered in the lot located behind the structure (neighboring Pearl Avenue).
- Most of the frontage off Lakeshore is dedicated to parking as well, in line with neighboring properties.
- A vicinity map (Figure 3) and site plan (Figure 5) are included for reference.

² Source: <https://www.abc.ca.gov/licensing/license-types/>

GENERAL PLAN CONSISTENCY, AND ZONING AND DESIGN STANDARDS COMPLIANCE:

General Plan Consistency:

- The General Plan identifies the project site for commercial land uses. The project involves the sale of alcoholic beverages (other than beer and wine) for onsite consumption, consistent with the commercial land use designation.
- The site falls within the Lakeshore Drive Corridor, one of nine key growth areas of Clearlake's Preferred Growth Scenario, as described by the General Plan (2040):
 - **Program LU 4.1.1.3:** Direct tourist-serving and hospitality uses to Lakeshore Drive.
 - **Program CI 1.2.2.2:** Facilitate infill development, reduce off-street parking requirements located along the Lakeshore Drive Corridor, and require construction of sidewalks where they do not currently exist.
 - **Program ED 2.2.1.1:** Through the Zoning Code Update, the City shall designate appropriate land for commercial land use along highly accessible commercial corridors such as Lakeshore and Olympic Drives and State Route 53.
 - **Policy ED 4.1.1:** The City should attract growth and revitalization along the Lakeshore Drive and Olympic Drive loop.
 - **Program ED 4.3.1.1:** The City should implement streamline programs for permitting and development applications for commercial revitalization projects along Lakeshore Drive and Olympic Drive.

Zoning Ordinance Regulations:

- Planning Commission Approval: The proposed operations would involve the sale of liquor, which requires a Conditional Use Permit (CUP) in the Downtown Commercial CD zone.

In order to grant a use permit, the Director or Planning Commission or on appeal, the Council, 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 Director, Planning Commission or Council 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 (CZC Section 18-28.040, *Findings*)

- Off-Street Parking:
 - Additions and changes in use for existing uses or structures which do not meet current parking standards (CZC 18-20.090(0) - Parking Space Requirements):

- Minor additions. Minor additions to existing legal structures or uses, which are non-conforming because they do not meet current parking standards, may be permitted if they meet the following requirements:
 - ❖ The parking spaces required for the addition are provided in conformance with this Chapter, in addition to all parking spaces already provided for the existing use or structure; and
 - ❖ All existing parking shall be in substantial compliance with parking and driveway standards; and
 - ❖ The addition is not more than 25% of the existing gross floor area or 1000 square feet, whichever is greater
- As indicated on the site plan, 15 parking spaces are available and there appears to be sufficient space for loading (1 required). The number of parking spaces complies the number of required spaces per the City's Off-Street Parking Code requirements for the size of commercial space (using the median of 100 vs. 60ft²):

Restaurants and Bars, with or without Dancing	1 space per 60 sf. of dining space + 1 space per 100 sf. of kitchen space + 1 space per 100 sf. of outdoor dining	1 space
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Figure 6 "Table 23: Required Parking & Loading..." (CZC)

- To comply with ADA standards, the site requires one (1) van accessible parking space (ADA space width for car: 8' space and 5' access aisle, with 3 additional feet on either side for van; 11'/5' or 8'8' for a total of 16' in width.
 - The parking lot design must comply with the City's *Parking Design Standards* in terms of size, orientation and access, as well as fulfill all ADA requirements. 14 standard and one van accessible handicapped space are required, as approved by the City Engineer.
- Exterior Lighting: The applicant has not provided a lighting plan at this time. Any new lighting will be subject to compliance with **Section 18-20.120** of the Zoning Code regarding night sky preservation as well as the City's *Lighting Standards*. Use permit conditions of approval requires submittal and approval by staff of a detailed lighting plan that complies with these standards.
 - Trash/Recycling Containment: In accordance with **Section 18-20.070**, a condition of approval requires that such installation shall be completed, consistent with the City's *Trash/Recycling Enclosure Design Standards* prior to occupancy.
 - Signage: The applicant has not indicated any new signage for the facility. As a condition of approval, the applicant will need to submit a sign program (if proposed in the future) for staff review for compliance with the Zoning Code prior to installation of any signs.

- Landscaping: Application materials did not include any upgrades to landscaping, which would have to be compliant with the City's *Landscaping and Irrigation Standards*. Use permit conditions of approval requires submittal and approval by staff of a detailed landscaping and irrigation plan that complies with these standards (specifically for the parking area).

ENVIRONMENTAL REVIEW (CEQA):

Categorical Exemption CE 2021-12

In accordance with CEQA section 15301. Existing Facilities (Class 1) and the City's Environmental Guidelines, the Planning Commission will need to concur that the project is exempt from environmental review.

AGENCY AND PUBLIC REVIEW:

The following agencies were contacted on September 30, 2021, for review and comment on the proposed project application, CUP 2021-33 and CE 2021-12 (Attachment 2):

- City of Clearlake: Building Department, Code Enforcement, Police Department, Public Works, Fire.
- County of Lake: Assessor/Recorder Office, Environmental Health Department, Tax Collector, Lake County Fire Protection District.
- State of California: California Department of Alcoholic Beverage Control
- Tribal Organizations: Koi Nation of NCA

The Lake County Environment Health responded on October 4, 2021 (Attachment 3).

No other local agency departments or organizations provided comments.

The City did not receive any adverse comments from the General Public.

MOTION/OPTIONS:

1. Move to Adopt Resolution PC 2022-07 (Attachment 1), A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permit Application CUP 2021-33 & Categorical Exemption, CE 2021-12 to allow alcoholic beverage sales (on-site consumption) in an existing established restaurant located at 14094 Lakeshore Drive.
2. Move to Deny Resolution PC 2022-07 and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS:

1. Resolution PC 2022-07 with Conditions of Approval (Exhibit A)
2. RFR
3. Agency Comments
4. Application Materials