



City of Clearlake
 Conditional Use Permit
 Planning Commission

STAFF REPORT	
SUBJECT: Conditional Use Permit, CUP 2024-01 Categorical Exemption, CE 2024-03	MEETING DATE: 07/09/2024 6:00 p.m.
SUBMITTED BY: Michael Taylor, Associate Planner	
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only	
LOCATION: 15176 Lakeshore Drive Clearlake, CA 95422	APPLICANT: Maria Veronica Onate Solis (Monterrey Mexican Grill and Bar)
APN: 040-330-37	PROPERTY OWNER: Raymond Choy Lakeshore Drive II, LLC
ZONING: General Commercial (GC)	GENERAL PLAN: Commercial

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is being asked to consider Conditional Use Permit, CUP 2024-01, and corresponding environmental filing, Categorical Exemption, CE 2024-03 to allow live music and disk jockey entertainment within the Monterrey Mexican Grill and Bar located at 15176 Lakeshore Drive, Clearlake, CA.



SUMMARY:

Highlands Center Shopping Center

Business Types

Monterrey Mexican Grill and Bar Restaurant, also known as Tequila's Mexican Grill, is within the Highlands Center Shopping Mall, which fronts the Lakeshore Drive General Commercial Corridor.

Highlands Center comprises a variety of tenant spaces including multi-tenant lease spaces. The businesses that currently occupy the tenant spaces include medical offices, general offices, grocery, restaurant, salon, and apparel stores.

Surrounding Uses

Within 300 feet of Highlands Center property line are a mix of uses including residential to the north and west, and general commercial to the south and east along Lakeshore. Redbud Park is approximately 800 feet to the southwest of the restaurant.

Access and Parking

Primary vehicular access is from Lakeshore Drive and Old Highway 53. West 40th Street, an east west local collector road, serves as primary access to residential neighborhoods to the north and as well as secondary access to Highlands Center. Monterrey Mexican Grill backs onto West 40th Street. There are approximately 330 total parking spaces in the shopping center with about 105 parking spaces within 300 feet of the restaurant.

Monterrey Mexican Grill and Bar

Current Operation

Operating since 2013, also known as Tequila's Mexican Grill & Bar, the restaurant is comprised of two (2) tenant spaces sharing a common wall and pass through. Each tenant space is approximately 2,700 square feet for a total floor area of 5,400 square feet (Attachment 2, Page 13).

The west tenant space currently serves as the as the main restaurant which includes food storage, preparation, server station, and dining space while the east tenant space includes full bar and additional dining area. The maximum capacity for the main restaurant is 75 people, and 145 people for the full bar space according to a recent fire inspection report by the Lake County Fire Protection District.

The applicant currently holds a California Department of Alcoholic Beverage Control type 47-On-Sale General-Eating Place license which authorizes the sale of beer, wine, and distilled spirits for consumption on the licensed premises, and must operate and maintain the licensed premises as a bona fide eating place. The license expires on August 31, 2024.

The current hours of operation are daily 11:00 a.m. to 1:30 a.m., closed on Tuesdays.

Proposed Live Music

The applicant proposes to add live music to the existing restaurant and bar operations. A stage for bands, dance floor, and 13 VIP tables, would be in the tenant space for the existing bar, and a disk jockey stage and second dance floor would be in the main restaurant (Attachment 2, page 11). Food, beverages, beer, wine and distilled spirits will be available during the live music.

Hours of Live Music: Friday and Saturday only, 9:00 p.m.-1:30 a.m.
Expected Customers: Up to 210 per day
Peak Shift Employees: 10
Valet Parking: None

According to the applicant security will be provided during the live music by one or more security companies, with up to four (4) security guards during the live music, depending on the number of customers. The applicant will station a security guard at the entrance checking identification and handheld metal detector, second guard patrolling the bar and restaurant, and third at the restrooms and second entrance. See Attachment 2, page 9-10.

Security companies that the applicant has contracted with in the past:

- Park Security
- Classic Security and Event Services
- Professional Event Services, Inc.

Temporary Use Permits

Live music events were approved in the past by temporary use permit. No nuisance reports or violations were reported in conjunction with the permits.

AGENCY REVIEW

A request for review (RFR) was distributed by email on April 10, 2024, to applicable city departments and county agencies, and were asked to provide and submit comments by April 26, 2024. During the review period, the city received the following comments:

The County of Lake Environmental Health Division provided comments related to food safety certifications and knowledge of food safety principles and practices. Please see Attachment 3, Environmental Health Memorandum.

The Lake County Fire Protection District provided comments regarding corrections needed from an inspection conducted on April 2, 2024. Please see Attachment 3, Fire Inspection Report.

MUNICIPAL CODE

Zoning

Pursuant to Chapter 18-18 Use Regulations, Section 18-18.010 Uses Allowed by Zones, b. Interpretation of Use Listing. These regulations are intended to permit similar types of uses within each zone. The Director, subject to the appeal procedures of Article 18-36, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.

Live music is not specifically allowed nor identified as prohibited but is like other uses and in conjunction with other use activities such as a bar and alcoholic beverage consumption would require an administrative or conditional use permit. Live music would be like an event facility, dance hall requiring a conditional use permit.

Noise

Pursuant to Chapter V Police Regulations, Section 5-4 Noise Restrictions; Exceptions, a., 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. "Dwelling" includes apartments, duplexes, mobile homes, and conventional single-family residences. "Transient accommodation" includes hotels, motels, hospitals, travel trailer parks and campgrounds.

- *The restaurant is located within 50 feet of residential, however the live music is located indoors and at the front of the tenant space. Previous approved temporary use permits did not result in public complaints as far as staff is aware.*

ENVIRONMENTAL REVIEW (CEQA)

Upon review, the staff has determined the project to be exempt from the California Environmental Quality Act (CEQA) in accordance with Chapter 19, Section 15301, Existing Facilities, Class 1 and Section 15601(b)(3), Common Sense Exemption.

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 June 29, 2024, and mailed (via USPS) to all surrounding property owners within 300 feet of the subject parcel as required pursuant to the Clearlake Municipal Code.

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

MOTION/OPTIONS

1. Move to Adopt Resolution PC 2024-02, A Resolution of the Planning Commission of the City of Clearlake Approving Conditional Use Permit, CUP 2024-01 and Categorical Exemption, CE 2024-03 located at 15176 Lakeshore Drive, Clearlake, CA 95422, further described as Assessor Parcel Number 040-330-37.
2. Move to deny Resolution PC 2024-02, and direct staff to prepare appropriate findings.
3. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS

- 1) Resolution PC 2024-02 with Conditions of Approval
- 2) Application/Project Description
- 3) Agency Comments