



**STAFF REPORT**  
**2/15/2023**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Adrian Moreno, Associate Planner

**SUBJECT:** Mr. Clamato – Alcohol Sales

**SPECIFICS:** Conditional Use Permit No. 361 to allow liquor sales (ABC Type 41, On-Sale Beer and Wine – Eating Place) within a 1,843 square-foot restaurant located at 51557 Cesar Chavez Street. Applicant: Eric Aguilar

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**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. PC 2023-02 approving Conditional Use Permit (CUP) No. 360 to allow a liquor sales license (Type 41, On-Sale Beer and Wine– Eating Place) at the Mr. Clamato restaurant and bar located at 51557 Cesar Chavez St, pursuant to the findings and conditions of approval contained in the attached resolution.

**BACKGROUND:**

Mr. Clamato is a proposed restaurant within an existing commercial building located on .15 acres at 51557 Cesar Chavez Street (APN: 768-232-013). The site was previously occupied by the restaurant Tacolima, which held a Type 41 License. The applicant has been approved for tenant improvements and outdoor patios on the north and east sides of the building that would provide outdoor seating for patrons.

**DISCUSSION/ANALYSIS:**

The applicant, Eric Aguilar, submitted a request for a CUP to allow the on-sale and off-sale of liquor (beer and wine) at the proposed Mr. Clamato restaurant. The zoning designation of the property where the restaurant is proposed is within C-G (General Commercial) and allows liquor sales with approval of a CUP. In December of 2016, the City adopted an ordinance requiring a conditional use permit for any off-sale and on-sale alcohol sales establishment, with additional land use regulations contained in Section 17.74.015 of the Zoning Code. The Conditional Use Permit findings are required to be made by the Planning Commission.

The subject site is located within Census Tract 457.04 with a population of 2,772 persons, where ABC concentration standards allow a maximum of 2 on-sale licenses, where 4 active licenses exist. One of these active licenses is held by the restaurant that previously occupied the site at 51557 Cesar Chavez, and will expire on 2/28/2023.

**Table 2 – On-Sale Alcohol Licenses**

<b>On-Sale Alcohol License within Census Tract 457.04</b>			
<b>Business Name</b>		<b>Address</b>	<b>License Type</b>
1	TACOS EL VIEJON	51697 HARRISON ST	41 (On-Sale Beer & Wine – Eating Place)
2	MARISCOCOS CULIACAN	51697 CESAR CHAVEZ ST	41 (On-Sale Beer & Wine – Eating Place)
3	TACOLIMA	51557 HARRISON ST	41 (On-Sale Beer & Wine – Eating Place)
4	LA MANGO	51704 CESAR CHAVEZ ST	41 (On-Sale Beer & Wine – Eating Place)

Additionally, on-sale establishments may not fall within 700 feet of a church, school, park, playground, residence or another existing on-sale use as measured from property line to property line. The subject site is within 700 feet of the following churches; New Life Coachella Church, The Potters House, La Luz Del Mundo Church, and Calvary Landmark. The subject site is within 700 feet of several other on-sale establishments (Mariscocos Culiacan – 330 foot distance), (Tacos El Viejon – 420 foot distance), and (La Mango Botanas – 550 foot distance). Staff contacted the Lieutenant Vasquez with the Riverside County Sheriff regarding any concerns for the proposed business that the Planning Commission may want to consider when making findings or including conditions of approval for the CUP. Lieutenant Vasquez did not identify any concerns with the business and does not recommend any conditions of approval. No comments have been received from the public with any concerns about approval of the proposed conditional use permit for Type 41 alcohol sales.

The floor plan for Mr. Clamato restaurant includes a dining area of 747 sq. ft. Beer and wine are proposed to be displayed within the prep area through a refrigerator with a glass door. Refrigerators in the prep area and office storage area will store the beer and wine. The applicant has been approved for tenant improvements and outdoor patios, the latter of which would provide an outdoor dining area of approximately 960 sq.ft where alcohol may be served.

Hours of Operation:

The hours of operation for Mr. Clamato are Monday through Sunday from 10 a.m. to 7 p.m.

Environmental Setting:

The subject business is on the Cesar Chavez commercial corridor at 51557 Cesar Chavez Street substantially surround by commercial and residential uses, with adjoining zoning and land uses as follows:

North: Vacant / (C-G, General Commercial)

South: Alba’s Towing and Auto Repair / (C-G, General Commercial)

East: Cesar Chavez Street and Clinica Medica Familiar / (C-G, Commercial)

West: Single Family Residences / (R-S, Residential Single Family)

Site Plan / Parking and Circulation:

The site is fully developed and the parking on-site is existing non-conforming. Section 17.54.010(C)(4)(m) of the Municipal Code requires restaurants and other eating, drinking, and food establishments to provide one space for each 45 square feet of customer area, plus one space for each 200 square feet of noncustomer area. The property, with 747 square feet of dining area, and with a gross floor area of 1,843 square feet, would be required to provide 23 parking spaces if the project were not existing non-conforming. Staff identified a 1994 Community Development Department staff communication with the property owner regarding the expansion of the original building and the need to accommodate three (3) additional parking spaces on the site that would require improvements to the property to the north. The additional parking space improvements never occurred and staff presumes this is likely due to the site plan that required parking improvements on a separate property under separate ownership.

**ENVIRONMENTAL REVIEW:**

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as “Existing Facilities” (CEQA Guidelines, Section 15301). The proposed project consists of the operation, licensing and minor alteration of an existing private commercial structure involving negligible or no expansion of existing or former commercial use on the property. The subject site has been used for commercial retail establishments and no expansions of floor area are proposed.

**ALTERNATIVES:**

- 1) Adopt Resolution No. PC 2023-02 recommending that the City Council approve CUP 361 with the findings and conditions as recommended by Staff.
- 2) Adopt Resolution No. PC 2023-02 with the modification that additional parking be required.
- 3) Not approve Resolution No. PC 2023-02 and request that staff prepare a Planning Commission Resolution for denial of CUP 361
- 3) Continue this item and provide staff and the applicant with direction.

**CONCLUSIONS AND RECOMMENDATIONS**

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 361 with the findings and conditions listed in Resolution No. PC 2023-02. Staff recommends that the Planning Commission makes the finding that the public convenience or necessity is justified to issue the on-sale and off-sale beer and wine license as alcoholic beverages are offered in combination with a bonafide eating place at a location that has previously held a Type 41 license (On-Sale Beer and Wine – Eating

Place). Furthermore, The Sherriff's Department has not raised concerns about granting the Conditional Use Permit for Type 41 alcohol sales.

Attachments:

1. Resolution No. PC 2023-02
2. Vicinity Map
3. Mr. Clamato Site Plan