



PLANNING COMMISSION MEETING

Clearlake City Hall Council Chambers
14050 Olympic Dr, Clearlake, CA

Tuesday, August 24, 2021

6:00 PM

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Commission Members to attend Planning Commission meetings telephonically. On June 11, 2021, Governor Newsom extended this Order through September 30, 2021. Please be advised that some, or all, of the Clearlake Planning Commission Members may attend this meeting telephonically.

The Planning Commission meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for Commission consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the Planning Commission adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the Planning Commission prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Chair has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the Planning Commission less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/84463302441>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

D. PUBLIC COMMENT: *This is the time for any member of the public to address the Planning Commission on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Commission or staff to discuss issues brought forth under Public Comment.** The Commission cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

E. PUBLIC HEARING

1. Consideration of Appeal application 2021-02 in regards to the Director's determination of Administrative Use Permit application 2021-07 for a drive-through coffee shop
Recommended Action: Make a finding either to deny Appeal application AP 2021-02 or approving the associated Resolution PC 2021-19 in order to revoke Administrative Use Permit AUP 2021-07, for the installation of through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18.

F. CITY MANAGER AND COMMISSIONER REPORTS

G. FUTURE AGENDA ITEMS

H. ADJOURNMENT

POSTED: August 20, 2021

BY:



Melissa Swanson, Administrative Services Director/City Clerk



Planning Commission

STAFF REPORT	
SUBJECT: Appeal Application, AP 2021-02	MEETING DATE 8/24/21 (Regular):
SUBMITTED BY: Susanna Gutierrez & Mark Roberts, Planning Department	
PURPOSE OF REPORT: ☐ Information only ☐ Discussion ☒ Action Item	
LOCATION: 14760 Olympic Drive APN: 039-570-18-000	APPLICANT/OWNER: Diane Drake (Sister's Coffee)
ZONING: Mixed Use (MUX)	GENERAL PLAN: Mixed Use

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

- The Planning Commission is being asked to consider Appeal Application AP 2021-02, filed by Diane Drake (representative of Sister's Coffeehouse), contesting the Director of Community Development's adoption of Resolution CDD 2021-03 approving Administrative Use Permit application AUP 2021-07 and corresponding environmental filing Categorical Exemption CE 2021-06 at a duly noticed public administrative hearing held July 27th, 2021 authorizing the installation of through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) zoning district, within the Olympic Drive Corridor.

BACKGROUND/DISCUSSION:

- Administrative Use Permit AUP 2021-07¹
 - The applicant is requesting approval of an administrative use permit application allowing the development of a drive through and walk-up coffee shop with limited outdoor seating located at the address noted above. The development would include but is not limited to²:
 - Constructing a 10' X 16' commercial coffee kiosk (example bellow), including one (1) drive through window and one (1) walk up window.
 - Outside seating area with approximately three (3) tables/chairs with umbrellas.
 - Hours of operation Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM. During non-peak hours there would be one (1) employee and two or more employees during peak operational hours (to be determined - typically 7:00 AM to 11:00 AM).

¹ Attachment #2 (staff report)

² Any significant changes to be brought back for Director/PC approval

- The installation of a drive through entrance, approximately 24 feet in width and an exit lane approximately 12 feet in width.
 - The stacking lane measures 12 feet in width and 250 feet in length (exceeding the minimum requirement of 114 feet in length).
- Approximately 15 parking spaces and one (1) ADA parking space.
- Appeal AP 2021-02³
 - Appeal application AP 2021-02 was received August 2, 2021 (within the 10-day deadline for submittal as described in Chapter 18-36.020 of the CMC) filed by Diane Drake of Sisters Coffeehouse, located in the Burns Valley Mall at 14812 Olympic Drive on the grounds that the proposed development would be detrimental to their business. April Sides and business partners Lisa Reynolds & Shana Parker of Mudslinger's Coffee submitted rebuttal appeal documents.⁴

GENERAL PLAN, LAND USE AND ZONING COMPLIANCE:

- Zoning Code Regulations:
 - This application was filed in accordance to Land Use Table 5 from **Section 18-18.030** "Commercial, recreation and amusement uses allowed by zones", subject to the performance standards of **Section 18-19.070** "Drive-through Facilities"
 - The Zoning Code requires the approval of an administrative use permit for the operation of a drive-through restaurant in the Mixed-Use (MUX) district. Similarly, a walk-in restaurant (no drive-through) would require the same level of review. The code does not distinguish separate regulations for a coffee shop with respect to general restaurant operations.

Table 5. Commercial, Recreation and Amusement Uses								
P=Use Allowed; L=Use Subject to Administrative Permit; C=Use Subject to Use Permit from Planning Commission								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Heavy Retail, Home Center	-	-	-	C	P	C	P	-
Hotels, Motels	-	-	-	P	P	C	L	-
Restaurant, No Drive-Through	-	-	-	P	P	L	L	-
Restaurant, With Drive-Through	-	-	-	L	L	L	L	-

- Use Permit Considerations
 - In order to comply with **Section 18-28.40** of the Zoning Code, the granting of a use permit, the Planning Commission 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.

³ Attachment #3

⁴ Attachment #4

- This application is part of a larger, publicly sponsored mixed use development residential, commercial, and recreational facilities.
- General Plan:
 - **Program CI 4.1.2.3** *The City shall develop a sidewalk master plan that prioritizes sidewalk development with emphasis on: accessing parks (Austin, Highland and Redbud Parks), schools, along Lakeshore Drive, on Rumsey to Olympic to access the senior center, along Highways 53 and 29, and in the Avenues (40th Avenue, 32nd Avenue and 18th Avenue).*
 - **Program LU 4.3.1.3** Develop a gateway and landscape plan along Highway SR 53 beginning with more attractive entry monuments and landscaping treatments at Olympic Drive, Lakeshore Drive, Dam Road and the north and south City entrances interchange. The City shall coordinate with Caltrans to secure use of the right-of-way for these improvements, with an agreement as to maintenance and liability.
 - Conditions of approval contain curb/gutter/sidewalk standards.
 - **Program LU 6.1.1.2** Update the City's zoning regulations to allow for more residential-serving commercial uses along Olympic Drive.
 - **Program LU 6.3.1.3** *The uses and height and area standards will be established in the zoning code and design standards to help preserve and enhance the downtown environment.*
 - **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.
 - **Objective ED 4.4** Develop mixed-use residential, commercial, office, and retail along Lakeshore Drive and Olympic Drive.
 - **Program CI 1.2.2.2** Reduce parking requirements for nonresidential development located in commercial centers with sufficient on-street parking, or when parking can be shared with adjacent uses with different timing for parking needs.
 - **Chapter 10** defines the purpose of Clearlake's "Economic Development" as *sustaining a business climate that supports and nurtures diversified business opportunities, promotes fiscal responsibility and stability, and develops a vibrant downtown that is a welcoming and visitor-serving destination.*
- Off-Street Parking:
 - **Section 18-20.090** of the Zoning Code states: *the right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers.*
 - Furthermore, **ADA code** clarifies: *Accessible spaces are required where parking facilities are altered or added. The term 'alterations' includes resurfacing of vehicular ways (§106.5)*

- The total square footage of the proposed structure is **160 square feet in size** necessary to determine the minimum required number of parking spaces for the business (shown in the Table below). Note: Interior hallways used for access to office suites/other nonessential space need not be counted in determining gross floor area for the use. The operation is proposing approximately 15 parking spaces and one (1) ADA parking space, which exceeds the minimum requirement of one space per 250 square feet.

Commercial Lodging: Other	1 space per guest room + 2 spaces per 10 guest rooms	1 space per 75 rooms
Commercial Retail: 0 to 2,000 structure's square feet of floor area	1 space per 250 sf.	1 space per 25,000 sf.
Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area	8 spaces minimum requirement or 1 / 300	1 space per 25,000 sf.
Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.	17 spaces minimum requirement, or 1 / 400	1 space per 25,000 sf.

- Land Use:
 - Exterior Lighting, Trash/Recycling Containment, Signage, Landscaping:
 - Preliminary plans have been included as part of the original staff report (included as Attachment 2).
 - Any new lighting, trash enclosures, signage and landscaping will be subject to compliance with the City's general Design Standards.

AGENCY AND PUBLIC REVIEW:

No discretionary comments were received by the agencies noticed for this project. Staff has also provided the Commission with various written comments received before the meeting.

BUSINESS LICENSE REQUIREMENTS:

- The applicant will be required to fulfill all standard business license requirements, including: applying for a local license through HDL, providing a fictitious name statement/seller's permit, and meeting all other applicable federal/state/local regulations.

OPTIONS:

1. Move to Adopt Resolution PC 2021-19, A Resolution of the Planning Commission of the City of Clearlake Approving for application AUP 2021-02 revoking the Director's approval of Administrative Use Permit 2021 2021-07 and Categorical Exemption, CE 2021-06 for the operation of a Drive-Through Coffee Shop, based on the finding that the proposed use could not be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.
2. Move to Deny Resolution PC 2021-19, A Resolution of the Planning Commission of the City of Clearlake for Appeal application AUP 2021-02 upholding the Director's approval of Administrative

Use Permit 2021 2021-07 and Categorical Exemption, CE 2021-06 for the operation Through Coffee Shop. based on the finding that the proposed use could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings, as required by Zoning Code Section 18-28.060.

3. Provide alternate direction to Staff.

- Attachments:**
- 1) Resolution PC 2021-19
 - 2) Staff Report AUP 2021-07
 - 3) Appeal Application 2021-02
 - 4) Appeal Rebuttal from Mudslinger's

RESOLUTION No. PC 2021-19

**A Resolution of the Planning Commission of the
City of Clearlake Approving Appeal, AUP 2021-02, Administrative Use Permit AUP 2021-07 and
Categorical Exemption, CE 2021-06 authorizing the installation of through/walk up coffee shop with
limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the
Mixed Use (MUX) zoning district**

WHEREAS, applicant Lisa Reynolds (Representative of Mudslingers Coffee) applied for approval of an administrative use permit AUP 2021-07 to install a through/walk up coffee shop with limited outdoor seating located at 14760 Olympic Drive, further described as APN 039-570-18 in the Mixed Use (MUX) zoning district in accordance with Section 18-28 of the Zoning Code; and

WHEREAS, this application, filed by Diane Drake (representative of Sister's Coffee) AP 2021-02 appealing the determination of the Director of Administrative Use Permit AUP 2021-07, is in compliance of section 18-36 of the Zoning Code; and

WHEREAS, the appeal and administrative use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

WHEREAS, adequate public noticing was made for the project in accordance with section 18-28.030 the Municipal Code; and

WHEREAS, In accordance with Section 18-28 of the Zoning Code the use as proposed **will** 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 persons 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 or 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; and

WHEREAS, based on certain conditions of approval, the project does not comply with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that Appeal 2021-02 is hereby approved and Administrative Use Permit 2021-07 nullified.

PASSED AND ADOPTED on this 24th day of August 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman, Planning Commission

ATTEST: _____
City Clerk, Planning Commission



**STAFF REPORT
CLEARLAKE ADMINISTRATIVE USE PERMIT HEARING
FOR THE MEETING OF July 27, 2021**

To: City of Clearlake Planning Commission

From: Mark Roberts – Senior Planner
Susanna Gutierrez – Assistant Planner

Application File(s): Administrative Use Permit application AUP 2021-07
Categorical Exemption, CE 2021-06

Subject: Mudslingers Drive Through and Walk-up Coffee Shop

Data Summary:

Location: 14760 Olympic Drive, Clearlake, CA 95422

Assessor Parcel Number(s): 039-570-18-000

Applicant(s): Lisa Reynolds (Representative of Mudslingers Coffee)

Land Use Designation: MUX, Mixed Use

General Plan Designation: Mixed Use

I. RECOMMENDATIONS:

- Adopt Resolution CDD 2021-03 approving Administrative Use Permit application AUP 2021-07 for the operation of a drive through and walk-up coffee shop with limited outdoor seating and find the project exempt (CE 2021-06) from the California Environment Quality Act (CEQA) Guidelines under Section 15303 (Class 3 New Construction or Conversion of Small Structures) located at 14760 Olympic Drive, Clearlake, CA, further described as assessor parcel number 039-570-18-000.

II. BACKGROUND/SITUATION: The applicant is requesting approval of an administrative use permit application allowing the development of a drive through and walk-up coffeeshop with limited outdoor seating located at the address noted above. The development would include but is not limited to:

- Constructing a 10' X 16' commercial coffee kiosk (example bellow), including one (1) drive through window and one (1) walk up window.
- Outside seating area with approximately three (3) tables/chairs with umbrellas.

- Hours of operation Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM. During non-peak hours there would be one (1) employee and two or more employees during peak operational hours (to be determined - typically 7:00 AM to 11:00 AM).
- The installation of a drive through entrance, approximately 24 feet in width, with an exit lane approximately 12 feet in width.
 - The stacking lane measures 12 feet in width and 250 feet in length (*exceeding the minimum requirement of 114 feet in length*).
- Approximately 15 parking spaces and one (1) ADA parking space.

ABOUT MUDSLINGERS

The retail drive-thru coffee concept is the fastest growing niche in the retail coffee industry. Helped by the enormous success of major chains like Starbucks, many “mom and pop” drive-thru operations started in the northwest part of the country. The concept was immediately successful, but, in most cases, was unrefined. Other opportunities that have arisen out of this market are Franchises, with excessive start-up costs, royalties, and fees that hinder new business owners. Mudslingers Drive-Thru Coffee; a Manufacturer, Licensor and Consulting service in the drive-thru coffee industry has helped to bring a refinement to this fast-growing industry. With a very successful 18 years in business we provide customizable turnkey drive-thru units, strong branding, menu, extensive consulting services and operational systems.



The drive-thru concept offers its customers coffee and espresso-based products that maintain all of the quality of a high class “sit-down” coffee house while providing the convenience of a drive-thru. In most cases, because overhead and operational costs are lower in the drive-thru concept, the menu is priced lower than the competition. In short, why pull into a “sit down” coffee house, take the kids out of the car seats, and wait in line to pay for a higher price latte than you can get down the street at a Mudslingers Drive-Thru Coffee.



THE KIOSK

Mudslingers Drive-Thru Coffee kiosks are unique in that there is no interior sit down; drive-thru only. The building is 10' x 16' long. There is no order box. Customers pull up to the window, order at the window, pay at the same window as well as receive their drink, in an average of under a minute.



Additional noted items:

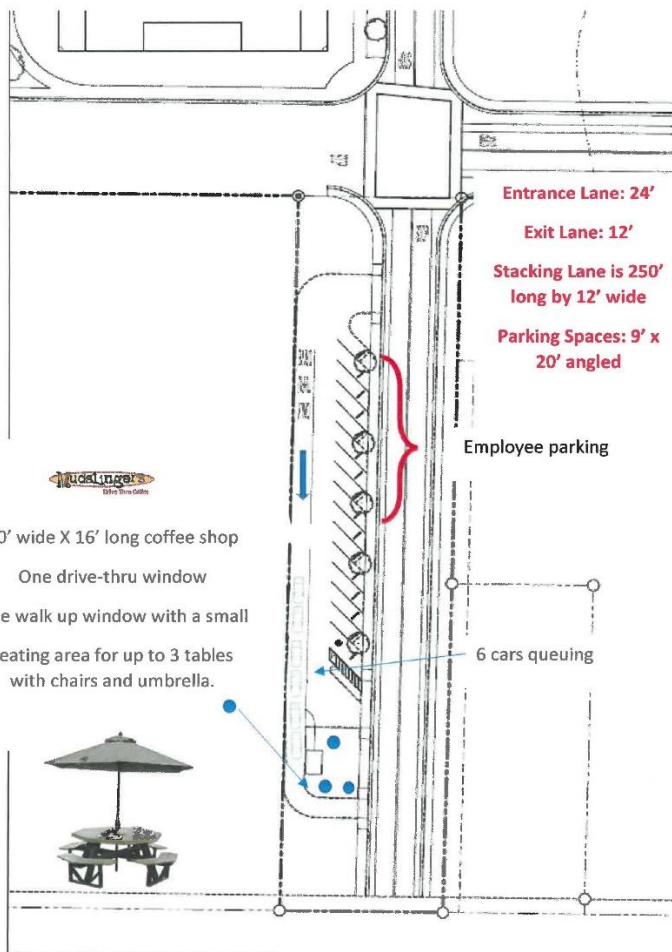
1. Hours of operation will be Mon – Fri 6:00 a.m. – 6:00 p.m., Sat & Sun 8:00 a.m. – 5:00 p.m.
2. One employee will work the majority of the shifts with two employees at peak hours as the business grows (peak hours are typically morning from 7:00 a.m. – 11:00 a.m.).
3. There is a restroom inside for employees only.
4. Garbage is typically one bag per day and will be removed with the closing employee. A dumpster will either be shared with another business in the plaza or Mudslingers will place their own dumpster behind the plaza with the others.
5. All buildings have heat and ac units.
6. The ceiling has storage for paper goods.
7. Exterior lighting, landscaping, and signage will be per the ordinance.
8. Lighting will be minimal and pointed back at the building in order to light up the menu boards and the entryway to the building.

THE MENU

Products will consist of espresso-based drinks such as: mocha, latte, cappuccino, blended and hot. Smoothies will be 100% fruit-based liquid that is blended with ice. Regular and hot tea and of course the Mudslingers house blend coffee (decaf and regular). Some food products will be provided that are shelf stable and pre-packaged such as to go oatmeal and granola bars.



Mudslingers	
If you don't see what you want, please ask!	
Signature Drinks	SALE FROM 10:00 AM TO 11:00 AM
Latte \$3.50	12oz \$3.50
Cappuccino \$3.50	12oz \$3.50
Mocha \$3.50	12oz \$3.50
Smoothie \$4.50	12oz \$4.50
Hot Tea \$2.50	12oz \$2.50
Coffee \$2.50	12oz \$2.50
Granola Bar \$1.50	12oz \$1.50
Oatmeal \$1.50	12oz \$1.50
Donut \$1.50	12oz \$1.50
Cookie \$1.50	12oz \$1.50
Ice Cream \$1.50	12oz \$1.50
Hot Chocolate \$2.50	12oz \$2.50
Chocolate Milk \$2.50	12oz \$2.50
Apple Cider \$2.50	12oz \$2.50
Pumpkin Spice \$2.50	12oz \$2.50
Peppermint \$2.50	12oz \$2.50
Vanilla \$2.50	12oz \$2.50
Chocolate \$2.50	12oz \$2.50
Strawberry \$2.50	12oz \$2.50
Blueberry \$2.50	12oz \$2.50
Raspberry \$2.50	12oz \$2.50
Lemonade \$2.50	12oz \$2.50
Orange Juice \$2.50	12oz \$2.50
Apple Juice \$2.50	12oz \$2.50
Hot Tea \$2.50	12oz \$2.50
Coffee \$2.50	12oz \$2.50
Granola Bar \$1.50	12oz \$1.50
Oatmeal \$1.50	12oz \$1.50
Donut \$1.50	12oz \$1.50
Cookie \$1.50	12oz \$1.50
Ice Cream \$1.50	12oz \$1.50
Hot Chocolate \$2.50	12oz \$2.50
Chocolate Milk \$2.50	12oz \$2.50
Apple Cider \$2.50	12oz \$2.50
Pumpkin Spice \$2.50	12oz \$2.50
Peppermint \$2.50	12oz \$2.50
Vanilla \$2.50	12oz \$2.50
Chocolate \$2.50	12oz \$2.50
Strawberry \$2.50	12oz \$2.50
Blueberry \$2.50	12oz \$2.50
Raspberry \$2.50	12oz \$2.50
Lemonade \$2.50	12oz \$2.50
Orange Juice \$2.50	12oz \$2.50
Apple Juice \$2.50	12oz \$2.50



Front of building facing road
Walk up window with seating



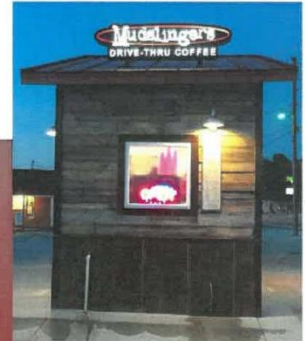
One drive-thru window
One walk up window with a small seating area

LIGHTING

There are three exterior lights that shine back onto the building menu boards. There is one light above the door to light the entry way. The Mudslingers Sign up top is a lit sign from within.



Mudslingers sign lights from within.



Lights that shine back onto the menu boards on the building.



Light under the awning above the door to light the entryway.



HEIGHT

The building at its highest point is 14'8" tall.



SIGNAGE



Menu Boards: 3' wide x 4' tall
Mudslingers Brand Sign: 60" wide x 18" high
Mudslinger lit sign on top: 6' wide x 2' high

- Three menu boards on the building and one sandwich board for patrons in the seating area.
- One lit sign on top of the building
- One Mudslingers Brand sign on the back of the building



III. ENVIRONMENTAL SETTING: The project site lies on a slightly westward sloping, rectangular parcel located on the north side of Olympic Drive just east of the intersection with Old Hwy 53 containing approximately 43,560 square feet. The property is currently undeveloped but is the proposed site of a multi-phase mixed use development, tentatively including the City's new Public Works yard, baseball fields, housing, and more.

The project site is surrounded by vacant parcels to the north and northeast; there is multifamily residential development located to the south and southeast; retail (Rite Aid) to the southwest, and professional offices (Bank of the West) and [Shopping Plaza – Grocery Outlet, Dollar General, Safeway Plaza, etc.] to the West.

IV. GENERAL PLAN, LAND USE AND ZONING COMPLIANCE CONSIDERATION:

The project is located within the MUX, Mixed Use Zoning District and is designated Mixed Use by the General Plan Land Use Map. The Zoning Code determines drive-thrus (defined a "special use") allowable upon securing an administrative use permit. On May 19, 2021, the applicant submitted a use permit application to the City of Clearlake for processing/consideration.

Conditions of Approval: Based on Staff review and agency/public concerns, Conditions of Approval have been incorporated to ensure the proposed use will not be use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity.

Parking: Staff has interpreted the proposed parking facilities - fifteen (15) standard and one (1) ADA parking space - to be sufficient to support the proposed use as there will be no more than +/- two employee during peak shift and limited outdoor seating.

Circulation: The site is currently accessible via Olympic Drive. The envisioned configuration proposes customers to access the property through the proposed twenty-four (24) foot wide entrance located on the northwestern portion (as referenced in the application materials above). Once the vehicles have entered, they are directed down a twelve (12) foot wide, 250 feet long stacking lane (exceeding the minimum requirement of 114 feet in length) until reaching the drive through window. All vehicles will exit through the proposed twelve (12) foot wide exit lane located in the southern portion of the project parcel.

V. ENVIRONMENTAL DETERMINATION: Upon review, staff determined the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303(c) [New Construction or Conversion of Small Structures – Class 3]. The project qualifies for the above exemption as the proposed use is similar to that of a restaurant and is less than 10,000 square feet in size (actual size of structure is approximately 160 square feet) and will not involve the use of hazardous substances/materials. Final operational plans will require compliance with all applicable Federal, State, and local regulations, including approval from Lake County Environmental Health.

VI. AGENCY COMMENTS: The Community Development circulated the project to various Federal, State, local agencies for review, including the City of Clearlake (Police Department, Public Works, City Engineer and Building Department), Lake County Fire Protection District, Lake County Special Districts, Lake County Environmental Health Department, and the local water district/tribal organizations. The City received comments from the following agencies: (Refer to Attachment C for full details).

- *Lake County Environmental Health Comments dates May 28, 2021.*
- *Lake County Special Districts dated June 1, 2021.*
- *Lake County Air Quality Management District dated June 9, 2021.*

All agency’s comments and/or concerns have been incorporated into the proposed Conditions of Approval.

VII. PUBLIC COMMENTS: The public hearing was noticed at least ten (5) days in advance in an electronic publication of the *Lake County News* on July 20th, 2021 and mailed (via USPS) to all surrounding property owners (*including those who have requested to be notified in writing or via email*) within 300 feet of the subject parcel, as required pursuant to the Clearlake Municipal Code. All property owners’ mailing addresses are drawn from the electronic database supplied by the Lake County Assessor Office. Staff has included the public comment received in Attachment B.

VIII. FINDINGS OF APPROVAL: Pursuant to Section 18-28.040, to grant a use permit, the Community

Development Director, Planning Commission or City Council must evaluate the application in compliance with the following regulations: (1)*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;* (2) *The Community Development Director, Planning Commission or the City 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.*

The project was circulated to various CA State and local agencies for review/commenting from May 25, 2021, to June 9, 2021. It was also sent to the local Tribal Organizations in accordance with AB 52 (Section 21080.3.1(b) of the PRC). As previously stated, the City did not receive any adverse comments during this time. The few agency comments (indicated in Section VI of the Staff Report) we did receive has been incorporated into the Conditions of Approval. Additionally, the project is in an area that is heavily developed with residential and commercial uses and is adequate in size, and shape, to accommodate the proposed use. Therefore, staff has determined the project will not be detrimental to the health, safety and general welfare of the public and has met all applicable Federal, State and local agency requirements with the incorporated Conditions of Approval.

IX. ALTERNATIVES: The Director should open and close the public hearing, consider the applicant's, staff's and public comments and then either approve the project by adoption of the attached resolution or decline and provide alternative direction to staff.

X. ATTACHMENTS:

- Attachment A – Resolution No. CDD 2021-03
- Attachment B – Public Comments
- Attachment C– Agency Comments

Attachment A: Resolution**RESOLUTION No. CDD 2021-03**

**A Resolution of the Planning Commission of the
City of Clearlake Approving an Administrative Use Permit AUP 2021-07 and Categorical
Exemption, CE 2021-06 for
the operation of a Mudslingers Coffee Kiosk at 14760 Olympic Drive**

WHEREAS Lisa Reynolds applied for approval of a conditional use permit to for the operation of a drive through/walk-up coffee shop in the MUX, Mixed Use Zoning District located at 14760 Olympic Drive, Clearlake, APN 039-570-18; and

WHEREAS, the Director, on July 27th 2021, concurred with the City Zoning Code Section 18-19.07 and 18-18.02, Drive through Facilities are subject to a use permit; and

WHEREAS this use permit application has been made in accordance with Section 18-19.07 and 18-18.02 of the Zoning Code, as further defined as uses general allowed; and

WHEREAS the project is Categorical Exempt from Environmental Review in Pursuant to Section 15301 of the State California Environment Quality Act (CEQA) Guidelines under Section 15303 (Class 3 New Construction or Conversion of Small Structures) and,

WHEREAS the use permit application has been processed in accordance with the City's Environmental Review Guidelines; and

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

WHEREAS the General Plan designates the project site as Mixed Use. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, in accordance with Section 18-1.4.445 (b) of the Zoning Code the use 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 persons 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 or 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, based on certain conditions of approval included as Exhibit A, the project complies with the Clearlake Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Director of Community Development of the City of Clearlake that the project is hereby approved, subject to the associated Conditions of Approval.

PASSED AND ADOPTED on this 27th day of July 2021:

BY: _____
Alan Flora, Director

ATTEST: _____
Mark Roberts, Senior Planner

Exhibit A: Conditions of Approval

CITY OF CLEARLAKE CONDITIONS OF APPROVAL

MUDSLINGERS COFFEE

Pursuant to the approval of the Community Development Director on **July 27, 2021** there is hereby granted to Lisa Reynolds of Mudslingers Coffee an **Administrative Use Permit, AUP 2021-07 and a Categorical Exemption, CE 2021-06** with the following conditions of approval to allow a Drive Through/Walk Up Coffee Shop located at **14760 Olympic Drive, Clearlake, CA 95422 further described as APN: 039-570-18.**

GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the **Site Plan(s), and Project Description** and any conditions of approval imposed by the above **Conditional Use Permits** and Review Authority as shown on the approved site plan.
2. This application for Use Permit AUP 2021-07 was submitted, pursuant to Section 18-19.07 and 18-18.02 of the Zoning Ordinance, by Lisa Reynolds, for the for the operation of a drive through/walk up Coffee Shop, in the MUX, Mixed Use Zoning District located at 14760 Olympic Drive, Clearlake, APN 039-570-18.
3. The Administrative Use Permit may be transferred to new owners at the same location upon notifying the City Planning Department of said ownership transfer and upon the new owner's written agreement to maintain all conditions of approval.
4. The Administrative Use Permit shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission 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.
5. At no time shall vehicles block and/or create traffic congestion along Olympic Drive and/or the neighboring roadways.
6. The drive through facility shall always maintain sufficient stacking to accommodate a minimum of six (6) vehicles (approximately +/- 144 feet.
7. The drive through facility shall maintain a minimum of a twelve (12) foot wide land on curves and eleven (11) feet on straight sections. All drive through lanes shall be integrated with on-site circulation arrows and shall merge with the driveway.
8. Drive-through aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City's approval. Landscaping shall screen drive-through aisles to the extent feasible.

9. Driveways, access roads and parking areas shall be surfaced with asphalt concrete in a manner to minimize dust. Driveway approaches shall be constructed of concrete and built to minimum City of Clearlake standards. An encroachment permit shall be obtained from the City of Clearlake – Public Works Department for any work within the right-of-way.
10. All refuse generated by the facility shall be stored in the approved disposal/storage containers, and appropriately covered. Removal of waste shall be on a weekly basis to avoid excess waste. All trash receptacles/containers shall always remain covered to prevent fugitive odors and rodent infestation.
11. **Prior to operation**, for the proposed development the following shall be completed:
 - a) *Civil site plans identifying existing and proposed storm drains, drainage ditches, curbs, sidewalks, gutters, and striping, as regulated by the City's Design and Construction Standards, Off-Street Parking Regulations, and Parking Design Standards to be found in compliance with all other applicable local/federal/state laws (including ADA and CASP requirements)*
 - b) *Submit for review and approval by the City Planning Department final landscaping and irrigation. Plans shall demonstrate compliance with the City's Municipal Code regarding landscaping.*
 - c) *Submit for review and approval by the City Planning Department revised building elevations that adds brick or rock wainscot to the front and sides of the building.*
 - d) *Submit for review and approval by the City Planning Department a detailed trash enclosure plan. The plans shall show that the enclosure will be constructed of block with an attractive cap and the gates should incorporate solid metal materials painted to match the building colors. The gates should be mounted on separate posts mounted inside the enclosure. A hose bib should be located next to the enclosure for maintenance.*
 - e) *Submit for review and approval by the City Planning Department an exterior lighting plan. Lighting poles, if used, should not exceed 15 feet in height. All lighting shall be shield and directed downwards and adhere to all Federal, State and local agency requirements, including the dark-sky requirements found at <https://www.darksky.org/>. All lighting shall not project beyond the project parcel boundaries*
 - f) *Submit for review and approval by the City Planning Department a detailed sign program for all existing and proposed signs. The sign plan shall comply with the City's.*
12. **Prior to operation**, all handicap parking areas, routes of travel, building access and bathrooms shall meet American with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
13. **Prior to operation**, the applicant shall meet all requirements of Lake County Special Districts.
14. **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.
15. **Prior to operation**, the applicant shall secure 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 and/or all applicable Federal, State and local agency permits.

16. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
17. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
18. Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines and must meet local regulations. Contact LCAQMD for more details.
19. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the district recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
20. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the district recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi-truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.
21. During construction activities, if any subsurface archaeological remains are uncovered, all work shall be halted within 100 feet of the find and the applicant shall retain a qualified cultural resources consultant from the City's approved list of consultants to identify and investigate any subsurface historic remains and define their physical extent and the nature of any built features or artifact-bearing deposits. Significant historic cultural materials may include finds from the late

19th and early 20th centuries including structural remains, trash pits, isolated artifacts, etc.

- The cultural resource consultant’s investigation shall proceed into formal evaluation to determine their eligibility for the California Register of Historical Resources. This shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the features and artifacts do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists – e.g., there is an intact feature with a large and varied artifact assemblage – it will be necessary to mitigate any Project impacts. Mitigation of impacts might include avoidance of further disturbance to the resources through Project redesign. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during Project excavation or testing, curation may be an appropriate mitigation. This language of this mitigation measure shall be included on any future grading plans and utility plans approved by the City for the Project.
- If human remains are encountered, no further disturbance shall occur within 100 feet of the vicinity of the find(s) until the Lake County Coroner has made the necessary findings as to origin (California Health and Safety Code Section 7050.5). Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Lake County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”, which parties agree will likely be the Koi Nation based upon the Tribe’s ancestral ties to the area and previous designation as MLD on projects in the geographic vicinity. The landowner shall engage in consultations with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98.
- The developer/landowner shall relinquish ownership of all sacred items, burial goods and all archaeological artifacts that are found on the project area to the Koi Nation for proper treatment and disposition.

22. Any modifications and/or additions to a use requiring use 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 use 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.
23. This use 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 maintained permits as may be required from each agency.

24. The applicant 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 shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the applicant post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Applicant 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.
25. 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.
26. If a structure(s) or associated site development authorized by use permit is not issued building permits (if building permits are required) within three (3) years of the date of approval, the use permit shall expire.
27. **Upon written request received prior to expiration**, the Community Development Director may grant renewals of use permit approval for successive periods of not more than one (1) year each.
 - a. *Approvals of such renewals shall be in writing and for a specific period.*
 - b. *Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed.*
 - c. *Renewal of a use permit shall not require public notice or hearing unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Community Development Director must make the findings required for initial approval.*
28. The Planning Commission may revoke or modify the use permit in the future if the Commission 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 taken by the Planning Commission.
29. Said Use Permits shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been:
 - a. *Noncompliance with any of the foregoing conditions of approval; or*

- b. *The Planning Commission 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. 15.*

30. The applicant shall adhere to all applicable requirements in the City of Clearlake Municipal Code.

ACCEPTANCE

I have read and understand the foregoing Use Permit and agree to each and every term and condition/mitigation measure thereof.

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent

To be Completed by Authorized Staff Only:	
Date of Project Approved: _____	
_____	_____
Staff Name	Date

Attachment B – Public Comments

From: diane drake <dianedrk@yahoo.com>
Sent: Tuesday, February 16, 2021 4:00 PM
To: Mark Roberts <mroberts@clearlake.ca.us>
Subject: Sisters Coffeehouse/Mudslingers

Good Afternoon Mark,

My name is Diane and I own Sisters Coffeehouse with my sister Erin. We recently found out about the proposal for the Mudslingers drive-thru set to go in the lot by the recycling center in the Burns Valley Mall. I would like to know what we can do to petition against this business going in so close to our coffee shop as this would most certainly put us out of business.

Just to give you a brief background, Sisters Coffeehouse has been open for just over 3 years. We made the decision to go into business together because we work extremely well together and family is everything to us. We have both worked with the public in this community for a combined 25+ years. We have created a fun, relaxing, inviting atmosphere where people can get a consistent drink and be part of our family. In fact, up until Covid-19 and the stay at home orders, my 4 year old daughter was at the shop everyday helping customers and being a sort of shop mascot. Many of our customers would say she was their favorite employee! She would greet several customers by name calling each one of them her "friends" and could even recite some of our regular customers orders.

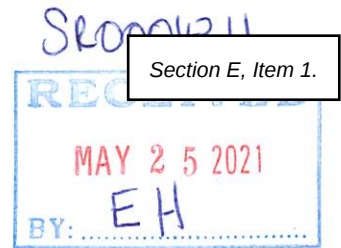
We have grown our business from a struggling coffeeshop to a thriving business. We have built a loyal customer base, participated in the 4th of July parade and street fair for 2 years (we were unable to participate this year for obvious reasons), we have donated to several causes through-out our community including schools, special needs groups, sports teams etc. We have survived power outages and this global pandemic, to now be faced with a competitor in a lot so close to us it would block all potential new business coming in off of Olympic Dr. as well as take away customers coming in/leaving from doing their daily shopping. We have looked at the possibility of doing some kind of drive-up/ drive-thru for our business but with where we are in the strip mall there is no safe way we could offer that service to our customers.

We just want the chance to continue to grow and serve the community we live in. We want to have the opportunity to remain open and after the world can get back to some sort of normal I would love to be able to have my daughter back in our coffee shop helping her "friends". We would like to continue to be contributing members of Clearlake. We truly believe if the Mudslingers drive-thru is allowed to build so close to us, and with Marcel's already approved and opening within the month, we will be put out of business. Please help us keep our dream alive.

Sincerely,
Diane Drake
Owner at Sisters Coffeehouse
707-349-4674



City of Clearlake
 14050 Olympic Drive, Clearlake, California 95422
 (707) 994-8201 Fax (707) 995-2653



Distribution Date: May 25, 2021

REQUEST FOR REVIEW (RFR)
Project: Mudslingers Coffee

	CITY DEPARTMENTS		LOCAL AGENCIES		STATE/FEDERAL AGENCIES
@	Building Dept	@	Air Quality Management		CalTrans
@	Code Enforcement	@	Assessor's/Recorders Office		BLM
@	Police Department	@	Environmental Health Dept.		CA Dept. of Fish & Wildlife
@	Public Works/Engineering.		Lakebed Management		Army Core of Eng.
			Lake County Surveyor		U.S Fish & Wildlife Serv.
			Lake County Water Resources		Sonoma State (NWIC)
			Lake County Tax Collector		CHP
	OTHER AGENCIES		Lake Transit	@	CA Dept. of Drinking Water
	PG&E		Lake Area Planning Council		Cal Fire
					ABC
			WATER DISTRICT		
			Golden State Water		CANNABIS PROJECTS
		@	Konocti Water Co,		Cal Cannabis (all cannabis projects)
			Highlan Water Co.		CA Dept. Public Health (Manufacturing)
					Bureau of Cannabis Control (retailers, distributors, 3 rd party testing laboratories and microbusinesses)

Request: Please review and comment on the enclosed application packet material for the proposed project below. Please return all comments by June 9, 2021. Please email your comments to mroberts@clearlake.ca.us or mail them to the address listed in the letterhead above.

Application: Conditional Use Permit, CUP 2021-30 & Categorical Exemption, CE 2021-06

From: Mark Roberts – Senior Planner

Applicant: Lisa Reynolds

Owner(s): City of Clearlake

APN(s): 039-570-18

Location: 14760 Olympic Drive; Clearlake, CA 95422

Land Use Designation(s): "MUX" Mixed Use Commercial

General Plan Designation(s): "MUX" Mixed Use Commercial

Project Description: The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.
- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

Access Lanes:

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
- The staking lane is approximately 12 feet in width and 250 feet in length.
- There will be approximately 15 parking's spaces and one 91) ADA parking space.

Prosed Signage:

- Menu Board is 3' wide X 4' tall.
- Mudslingers Brand Sign: 60" wide X 18" tall.
- Mudslingers Lighted Sign (Roof top): 6' wide X 2 tall.

COMMENTS:

See attached memorandum

NAME: Tina Rubin

DATE: 5/28/21



COUNTY OF LAKE

Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Health Officer

Craig Wetherbee
Environmental Health Director

MEMORANDUM

DATE: May 28, 2021
TO: Mark Roberts, Planner
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: CUP 2021-30 Conditional Use Permit, CE 2021-26
Mixed Use Commercial
APN: 039-570-18 14760 Olympic Dr, Clearlake

Lake County Division of Environmental Health (EH) does not have any files for this parcel. Environmental Health Division does not have any concerns on the wastewater treatment system if the property is connected to a public sewer & water system.

The applicant must comply with the California Retail Food Code Regulations and applicant must have a potable water supply.

The applicant must apply and pay for plan check application: submit three sets of complete plans and supporting documents for review of any proposed retail food facility and must obtain approval from the Division of Environmental Health for construction before obtaining any building permits. Food facilities must be permitted and inspected prior to opening to the public.

From: [Lori Baca](#)
To: [Mark Roberts](#)
Subject: RE: Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee
Date: Tuesday, June 1, 2021 11:17:10 AM
Attachments: [image003.png](#)
[image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mark,

Parcel 039-570-18 located at 14760 Olympic Drive in Clearlake is within LACOSAN service area and is an actively billed sewer account with 1 SFD entitlement. The proposed Drive-Thru project shouldn't require additional Capacity Fees, however, the developer should contact our office at (707) 263-0119 and speak with Steven Phillips regarding the appropriate sizing and installation of a grease trap.

Have a wonderful day!

Lori A. Baca
Customer Service Supervisor
Lori.Baca@lakecountyca.gov
Office Number (707) 263-0119
Fax (707) 263-3836



From: Mark Roberts [mailto:mroberts@clearlake.ca.us]
Sent: Tuesday, May 25, 2021 2:42 PM
To: Lori Baca <Lori.Baca@lakecountyca.gov>
Subject: [SUSPICIOUS MESSAGE] Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee
Importance: High

This Message contains suspicious characteristics and has originated outside your organization. This message appears to be from an individual who works for the County, but does not come from a County address.

Good Afternoon,

This email is in regards to the Request for Review (RFR) for the proposed drive through/walk up coffee shop located at 14760 Olympic Drive. Please review the attached project description packet and if you have any comments or concerns, please submit them via email to mroberts@clearlake.ca.us or in writing to the address noted on the **RFR no later than June 9, 2021. Below is a brief summary of the project.**

Project Description: The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.
- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

Access Lanes:

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
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Prosed Signage:

- Menu Board is 3' wide X 4' tall.
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- Mudslingers Lighted Sign (Roof top): 6' wide X 2 tall.



Mark Roberts | *Senior Planner*

City of Clearlake

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

From: [Fahmy Attar](#)
To: [Mark Roberts](#)
Subject: Re: Request for Review (RFR) Conditional Use Permit, CUP 2021-30 - Mudslingers coffee
Date: Wednesday, June 9, 2021 4:10:49 PM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Here is a list of Air Quality requirements that may be applicable to the site location:

1. Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to the District at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.
2. Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.
3. If the construction activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from LCAQMD prior to beginning any construction activities. Contact LCAQMD for more details.
4. Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet RICE NESHAP/NSPS requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations. Contact LCAQMD for more details.
5. Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.
6. Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in

the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Grading and re-graveling roads should utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Best,

Fahmy Attar

Air Quality Engineer

Lake County Air Quality Management District

2617 S. Main Street, Lakeport, CA, 95453

(707) 533-3469 | fahmya@lcaqmd.net

On May 25, 2021, at 10:22 AM, Mark Roberts <mroberts@clearlake.ca.us> wrote:

Good Morning,

This email is in regards to the Request for Review (RFR) for the proposed drive through/walk up coffee shop located at 14760 Olympic Drive. Please review the attached project description packet and if you have any comments or concerns, please submit them via email to mroberts@clearlake.ca.us or in writing to the address noted on the **RFR no later than June 9, 2021. Below is a brief summary of the project.**

Project Description: The applicant is requesting approval for a Conditional Use Permit to allow a drive to through/walk up coffee shop located at the above noted address. According to the application packet, the development would consist of the following: *(Refer to attached Application packet for full details)*

- Construction of a 10' X 16' structure, consisting of one (1) drive through window and one (1) walk up window. There would be an outside seating area with approximately three (3) tables/chairs with umbrellas.

- The hours of operation would be Monday through Friday 6:00AM to 6:00PM and Saturday/Sunday from 8:00AM to 5:00 PM.
- During non-peak hours there would be one (1) employee and two or more employee during peak operational hours. (peak hours are typically 7:00 AM to 11:00 AM)

Access Lanes:

- The entrance land is approximately 24 feet in width.
- The exist land is approximately 12 feet in width.
- The staking lane is approximately 12 feet in width and 250 feet in length.
- There will be approximately 15 parking’s spaces and one 91) ADA parking space.

Prosed Signage:

- Menu Board is 3’ wide X 4’ tall.
- Mudslingers Brand Sign: 60” wide X 18” tall.
- Mudslingers Lighted Sign (Roof top): 6’ wide X 2 tall.

<image001.png>

Mark Roberts | Senior Planner

City of Clearlake

14050 Olympic Drive | Clearlake, CA 95422

707-994-8201

<CUP 2021-30 Request for Review (RFR) - Mudslingers.pdf>



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

(Please type or print)

Planning Application

Type: Administrative Use permit application AUP 2021-07
Project Name: Mudslingers Drive through and Walk-up coffee shop
Assessor's Parcel #: 039-570-18-000

INITIAL FEES:

Permit	\$880.00
CEQA	
Receipt #	
Received By	ML
Date	8-2-2021
	\$880

APPLICANT:

NAME: Diane Drake / Sisters Coffeehouse
MAILING ADDRESS: 14812 Olympic Dr.
CITY: Clearlake
STATE: CA ZIP: 95422
PRIMARY PHONE: (707) 349-4674
EMAIL: dianedrk@yahoo.com
SIGNATURE:

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

PROPERTY OWNER (IF NOT APPLICANT):

NAME: _____
MAILING ADDRESS: _____
CITY: _____
STATE: _____ ZIP: _____
PRIMARY PHONE: () _____
EMAIL: _____
SIGNATURE: _____

I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application

PROJECT LOCATION:

ADDRESS: 14760 Olympic Dr. Clearlake CA.
PROPERTY SIZE: _____
PRESENT USE OF LAND: _____
WATER SUPPLY: _____
SEWER/SEPTIC: _____
FLOOD ZONE: _____

OFFICE ONLY:

ZONING: _____
GENERAL PLAN: _____
APPROVED: _____ DATE: _____
RELATED FILES: _____
NOTES: _____

DESCRIPTION OF PROJECT:

~~See attached.~~

See attached.

Also attached are over 200 signatures of Lake County residents opposed to Mudslingers Drive Through and Walk-up coffee shop being built at 14760 Olympic Dr. Clearlake CA. Signatures were collected in 2 1/2 days only.

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CITY OF CLEARLAKE

Appeal of Administrative Use Permit for Mudslingers Drive Through and Walk-up Coffee Shop, 14760 Olympic Dr. Clearlake, Ca. 95422.

Parcel Number 039-570-18-000

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To whom it may concern,

CITY OF CLEARLAKE

I am writing this appeal on behalf of Diane Drake and Erin Elward, Owners of Sisters Coffeehouse. The intent of this appeal is to bring to attention things that are concerning to us as business owners and residents of Clearlake.

We respectfully appeal the Administrative Use Permit for Mudslingers Drive Through and Walk-up Coffee that is being considered by the planning commission and ask that it be denied. According to the intentions set forth in the 2020 Zoning Regulations, we believe that allowing the Mudslingers Drive Through and Walk-up Coffee building set to be built at 14760 Olympic Dr. Clearlake, Ca 95422 would be detrimental to our business. We believe there should be a limit to the use permits granted to coffee shops within a half mile or less of each other for the following reasons.

Certain studies show the percent of people who go out for coffee is higher among people with a higher income. While statistically 79% of people brew coffee at home, of the remaining population, 66% of people making more than \$30,000 annually will purchase their coffee at a coffee shop and 58% of people making less than \$30,000 annually will go out for coffee on a regular basis. With the average household income in Clearlake at \$31,551 and the unemployment rate at 14.20% there are not many Clearlake residents that choose their daily cup of

Java from a coffee shop. That does not include the number of residents that commute out of Clearlake to work and purchase their coffee out of town.

Over the last three and a half years we have been in business we have relied heavily on new customers to help us grow our business. We, at Sisters Coffeehouse, were very excited to learn of the MUX zone and the plans to bring new customers to the Burns Valley Mall area giving us the potential for new customers. From construction workers, Clearlake and visiting Lake County residents attending ball games to the people staying in the housing area being built behind us. Allowing another coffee shop limits potential growth for us. As outlined in point A. on pg. 25 of the 2020 Zoning Regulations, one of the purposes of the MUX is to “encourage mixed-use projects that combine residential with nonresidential uses in the same building or building site area as a means to create and active street life, enhance the vitality of businesses and reduce the need for automobile travel”. We feel that dividing the already small customer base with another coffee shop decreases the vitality of our business. With 2 vacant store fronts in the Burns Valley Mall alone, not to mention all of the empty and dilapidating businesses in Clearlake, building a competing business so close to an existing business will add to the struggling/failed businesses and empty store fronts keeping small business owners from being able to grow and/or expand. We also don’t believe building a drive-thru (while Mudslingers Drive Through and Walk-up Coffee will have limited outdoor seating) promotes “creating and active street life” as the customer base will be primarily drive-thru, based on the location of the building outlined in the diagram in the staff report submitted. And the

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fact that it will be at one of the entrance/exits to the housing and ball parks being built.

Point B. pg. 25 of the 2020 Zoning Regulations says to “provide a meaningful blend of residential and nonresidential uses that enhances and builds upon the City’s commercial base”. We feel that the enhancement of Sisters Coffeehouse was not considered when deciding the placement of Mudslingers Drive Through and Walk-up Coffee. During non-tourist seasons, all businesses in Clearlake (and all around Lake County) rely on local customers to sustain them. The last 2 years have been a perfect example of locals having to sustain local businesses. Through fires, blackouts, Coronavirus and now a severe drought, tourism in Lake County has been almost non-existent. Not even close to what it has been in years past. We have seen longtime businesses have to close their doors because the challenges have been too many and too difficult to overcome. We have been working tirelessly and yet we still struggle to not be added to the list of failed businesses and ultimately end up another empty store front in Clearlake. Between the the rise in Covid cases, drop in tourism, the homeless population and aggressive panhandling that is prevalent in heavily commercialized areas (Walmart, Foods, Burns Valley Mall), we have fought hard to retain customers and gain new customers. Once Starbucks opens at 15881 Dam Rd. Ext. Clearlake Ca, we will be losing some of the “new” customers we would have gained simply from being on the Google search when you type in ‘Starbucks near me’ or similar Web search. Pasqual has been working to open Marcel’s for months and once he is operational we will lose “new” customers coming in from Hwy 53 down Olympic Dr. simply because his coffee shop is before ours and most people looking for something other than

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Starbucks visit the first coffee shop they see and assume that in a small town such as Clearlake, there wouldn't be another coffee shop a block further. If Mudslingers Drive Through and Walk-up Coffee is built at 14760 Olympic Dr. Clearlake, Ca. we would also lose "new" customers coming up Olympic Dr. from Lakeshore Dr. because Mudslingers Drive Through and Walk-up Coffee would be before us coming in that direction too. With that being said, we would then be restricted to our loyal customers limiting our growth and completely blocking us from the chance to exceed in this community and hopefully be successful enough to expand OUR business.

Point F. pg. 25 of the 2020 Zoning Regulations says one of the purposes of the MUX is to "ensure compatibility of mixed-use projects with surrounding uses and development patterns". While some competition is healthy and keeps businesses honest and prices fair, we feel Sisters Coffeehouse and the long term success of our established, contributing business was not considered in the approval of the placement of the Mudslingers Drive Through and Walk-up Coffee. We would like to see the City of Clearlake limit the number of use permits for coffee shops on Olympic Dr. to give already established and operational businesses a chance to exceed and not contribute to the empty store fronts and struggling businesses in Clearlake. Thriving businesses means more money that stays in the community, the ability to hire more people creating more jobs and not have to lay off current employees, a more consistent and stable economy that customers can count on and will continue to trust and patronize rather than expecting "any business that opens here will be closed in a couple years anyway so don't get your hopes up for success". This is an actual quote someone told my sister and I when we started Sisters Coffeehouse.

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Did Mudslingers Drive Through and Walk-up Coffee solicit Clearlake for space in the MUX? If so, why was the property offered next to an established coffee shop offered? Where is the research that shows having a drive-thru (Muslingers) next to another drive-thru (Marcel's) on either side of a walk-in coffee shop (Sisters) does not negatively affect one if not all three businesses? Or was this approved without considering the longevity of ALL businesses involved? The consideration that 1, 2 or all 3 of the businesses could fail based on the small amount of coffee drinkers in the area, thus creating more failed businesses and more blight in the community with empty buildings? The distrust among potential businesses looking to venture into Clearlake but, would then turn away based on the fact that a typical new business in Clearlake is only guaranteed to last a few years of struggling? Did the City of Clearlake solicit Mudslingers? If so, is the property being offered at fair market value? If the City is covering the costs of the building is the rent/lease of the building being offered at fair market or is it being offered at a discount just to bring more businesses into Clearlake? Why weren't any other businesses that aren't already represented in Clearlake sought? Why not try to create MORE customers rather than pull from the same small pool of coffee drinkers? Even with new people moving into any housing/hotels being built, the fact is that a large portion of people brew their coffee at home and we do not have enough residents in the area to support three coffee shops within .3 miles and have them all be successful thriving businesses. We are a small city with a potential for new customers for a variety of different businesses. Allowing three coffee shops to operate within a block of each other is not economically responsible.

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We would like to see something go into the MUX that we ourselves, as business owners and residents of Clearlake could patronize. We would love to be able to send our loyal customers to another new exciting business to help build this community while supporting that new business, not to the detriment of our and other existing businesses. While we all hope to increase residents and tourism to Clearlake, our customers and the general public would like a variety of things to choose from, causing them to spend more money per day/ outing creating more tax revenue for the City of Clearlake and helping to grow our economy.

Just to be clear, we are absolutely not against Mudslingers Drive Through and Walk-up Coffee nor are we against someone following their dream to open a business. We are, however, against letting three coffee shops open and operate within .3 miles of each other. That business model may work in a large metropolis like Seattle, where over 50,000 of the 724,305 people that live there, walk to work daily. Here in the beautiful, growing City of Clearlake, we need to support and uplift the businesses that work hard to stay open, that have carried this city through these troubling times and help prepare for a prosperous future by diversifying the opportunities set forth on the blank slate that is laid out in the MUX.

Thank you for your time and consideration of this appeal.

On behalf of Sisters Coffeehouse,

Diane Drake

Owner at Sisters Coffeehouse

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CITY OF CLEARLAKE

14812 Olympic Dr. Clearlake, Ca. 95422

707-349-4674

dianedrk@yahoo.com

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CITY OF CLEARLAKE

Help us stop Mudslingers from being built less than a block away from us!

**The city approved the
permit for them to build
a drive-thru right next to
the recycle center.**

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CITY OF CLEARLAKE

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Muddslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

SIGNATURE	DATE	ADDRESS
Chris Spurlock	7-30-21	3602 Jefferson St. Clearlake CA
Sharon Janscher	8-1-21	PO BOX 1145 Clearlake CA
PAUL HARRIS	7-31-21	P.O. Box 6351 Clearlake
Monica Clifford	7-31-21	P.O. Box 1729 /lowerlake.ca
Brian E. Buzyn	7-31-21	P.O. Box 849 middle town, CA
Renee Stumberg	7-31-21	P.O. Box 1103 Clearlake CA 95422
COY KICKS	7-31-21	3509 mountain view st. cvlt
Hopero M	7-31-21	3550 PO BOX 3530 Clearlake CA 95425
Juan Martinez	7-31-21	
Javier Olivares	7-31-21	
Sophia LaRose	7/31/21	PO Box 4002 Clearlake, CA
Christina Flaherty	7/31/21	5840 32nd Clearlake CA
Alejandra Horan	7/31/21	Clearlake, CA
Luis Tena	7/31/21	Clearlake, CA
Mindy Ramos	7/31/21	Napa, CA
Sebastian Soto	7/31/21	Napa, CA
Brandy Vallejo	7/31/21	Clearlake Oaks CA
Jolene Murphy	7/31/21	Clearlake, CA.
Carol Vasquez	7/31/21	Clearlake, Ca.
Victor Pulido	7/31/2021	Clearlake, CA.
Joshua Boring	7/31/2021	Loch Lomond, Ca
Darin Wilk	7/31/2021	KEISEYVILLE
Cate Small	7/31/2021	Clearlake CA
TERRY McNEIL	7/31/21	CLEARLAKE, CA.
Donte Price	7/31/21	clearlake, Ca

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

[Signature]
[Signature]
[Signature]
 C.V. VEST

Clearlake
 14641 Hwy 29 Lowerlake Ca 95457
 Clearlake resident
 Clearlake

Jennifer Chan

CLEARLAKE
 Hidden Valley Lake

7/31

Cherlyn Mary
 Gladis Tenorio
 Maria Alvarez

14360 Aluita Ave Clearlake Ca
 Clearlake resident
 Clearlake resident

Mary E Martin
 Mary Newberry

Clearlake, CA
 3646 Gleander Ct

Layla Bawaly 7/31

Clearlake resident

Charlene Christie 7/31

Clearlake Ca

7/31

3572 Moose Trail, 95422

Raelynn Guerra 7/31

Clearlake resident

Linda Williams 7/31

16173 13th Ave
 5810 Old Hwy 53 CK, CA. 95422

Shelly Harlan 7/31

1854 84th St Ct 94522

Cheyenne Williamson 7-31

Clearlake

Lex Vella

Mirabel - Clearlake

Eric Gallo

Clearlake

Natalya Fortino 7/31

Clearlake

Damian Burrus 7/31

Clearlake

Darren Gardette 7-31-21

3681 Madison Dr Clearlake

Tam Landrum 7-31-21

3572 Moose Trl Clearlake

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CITY OF CLEARLAKE

Sarah Duschka	8/1/2021	Clearlake Oaks, P.O. Box 283
John Johnson	8/1/2021	Clearlake Oaks, 2625 Spring Valley
John Johnson	8/1/2021	Clearlake Oaks, 2625 Spring Valley
Josh O'Neal	8/1/2021	Lower Lake, 1195 Perini Rd.
Ruben Jacques	8/2/2021	Lower Lake May Hollow Rd
Samuel Sheridan	8/2/2021	Clearlake, CA 6805 Meadowbrook
David Wilson	8-2-2021	Lakeport CA 1075 Martin St
Robert Tulewicz	8-2-2021	Clearlake CA 9750 Spreen

**Help us stop
Mudslingers from
being built less
than a block
away from us!**

**The city approved the
permit for them to build
a drive-thru right next to
the recycle center.**

CITY OF CLEARLAKE

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA 95422

SIGNATURE	DATE	ADDRESS
Diane Drake	7/31/21	3602 Jefferson Ave Clearlake
Christina LaRose	7/31/21	14946 Burns valley Clearlake
James [unclear]		14187 Sorbus [unclear] Legal Lake
Rapdall Pines	7-31-21	POB 301 Clearlake
Sergio Ceyra	7-31-21	3160 1th St Clearlake
Erin Axel	7/31/21	12938 Clearlake Oaks
Diana Wilson	7-31-21	9982A Sequoia Rd Kelseyville
[unclear]	7-31-21	2705 Old Hwy 53
Wendell Shaffer	7-31-21	15455 Rumsey Rd Clearlake 95422
Eric K. Howell	7-31-21	15455 Rumsey Rd Clearlake CA 95422
Tim Shields	7-31-21	15860 32nd Ave Clearlake 95422
Dorothy Hurst	7-31-21	5845 Old Highway 53 95422
Leah [unclear]	7/31/21	16080 Dam Rd Clearlake CA 95422
Jessica Jones	7/31/21	PO Box 3355 Clearlake
Richard Bussear	7-31-21	PO Box 2721 Clearlake
Pick England	7-31-21	PO Box 2108 Clearlake
Jerry Bloom	7-31-21	3650 Locust St Clearlake
Bella Bloom	7-31-21	3650 Locust St Clearlake
Jesse Maren [unclear]	7-31-21	4016 Sunset Ave Clearlake
[unclear]		Clearlake Resort
Dakyla Lamonte		PO Box 6998 Clearlake, CA
Darisha Cohn		PO Box 6998 Clearlake CA
Garsun Elliott		PO Box 6998 Clearlake, CA
Sidney Bates		PO Box 6998 Clearlake CA
Marylin Lamonte		PO Box 6998 Clearlake CA

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

SIGNATURE	DATE	ADDRESS
Robert J. C.	7-31-21	CL RES
Eduardo Torres	7-31-21	14630 Walnut Ave. Clearlake
Danniah Senthil	7-31-21	16280 Ridgeway Dr.
Pamela Senthil	7-31-21	Clearlake Ca.
Gabriela Crest	7-31-21	16881 Morgan Valley Rd
Reston Yorking	7-31-21	16851 Morgan Valley Rd
Brandon Emery	7-31-21	
Sam Donahue	7-31-21	CL RES
Kenny Moran	7-31-21	215 Alicia Ave
Sabrina Farnan	7-31-21	Clearlake Res.
Kym Vaughn	7-31-21	Clearlake Res. Burns Road
Halei Blake	7-31-21	30th Ave Clearlake CA
Michelle Blakely	7-31-21	4213 Cedar Ave CA
Rosa Fabian	7-31-21	4372 Sunset Ave CL CA
Jesse Casf. 110	7-31-21	1560 Hys+4 Drive HOP AS
Jon Fallon	7-31-21	18966 Hidden Valley Road
Heather Hunter	7-31-21	24 Hoover St GANS
Patricia Russell	7-31-21	Clearlake Resident
Charota Jones	7-31-21	Clearlake Resident
Katherine Eastburn	7-31-21	3155 Smith Ln #60 Clearlake
Jenna Ortega	7/31/21	3046 15th St. Clearlake
Trevor Gilbert	7/31/21	3324 Grey St Clearlake
Bryton	7/31/21	3220 10th St. Clearlake
	7/31/21	3220 10th St. Clearlake
Jeff Geller	7-31-21	3785 Schunk Ave Clearlake
Jasmine Garcia	7-31-21	14880 Clement Dr Clearlake CA
Sharon Hoshui	7-31-21	Clearlake CA
Dee Edick	7-31-21	Clearlake CA

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Mudslingers Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA 95422

SIGNATURE	DATE	ADDRESS
Rodriguez S. Lavel	7-31-21	14375 Austin Rd
Andrew Johnson	07/31/21	Clearlake
Blaze Pearson	7/31/21	clearlake
Steven Hunt	7/31/21	Clearlake 3584 ciwa sr.
Jack Biederbeck	7/31/21	Clearlake
Jason Smith	7-31-21	Kelseyville/Clearlake
Brooke Mackay	7-31-21	Nevada City
Alex Resch	7-31-21	Clearlake
[Signature]	7-31-21	clearlake
[Signature]	7-31-21	CLEARLAKE
[Signature]	7-31-21	Clearlake
[Signature]	7-31-21	Clearlake
Sandra Scott	7-31-21	Clearlake
Susan Heidebrecht	7-31-21	Clearlake
Judi Engle	7-31-21	Lower Lake
Gary Valenzuela	7/31/21	clearlake
Rick Corwin	7/31/21	Lower Lake
Fran Caluso	7-31-21	Lower Lake
[Signature]	7-31-21	1517 OLYMPIC DR
Mamari Javier	7/31/21	clearlake
Kerlin Schaefer	7-31-21	clearlake
Larsen Braun	7-31-21	Kelseyville
J Buckner-Bridges	7-31-21	Lakeport
Whitney R.	7-31-21	Clearlake
Man [Signature]	8-1-21	clearlake
Armanda Gardette	8-1-21	3687 madison DR. 95429

we, the undersigned, do hereby petition against the building
of Muddling's Drive-thru coffee at 14760 Olympic Dr Clearlake, CA 95422

NAME	DATE	ADDRESS
Vicky Wickham	8-1-2021	3596 Sacramento Way CL.
George Davis	8-1-2020	3250 Oakton Ln
CHARLIE AGEE	8-1-20	Clearlake resident
Katie Davis	8/1/21	
Kim Stevens	8/1/21	Clearlake, 15227 Jeff Dr.
Marlene Schollard	8/1/21	Clearlake, Ca 5895 Old Hwy 53
Auracynne Vineyard	8/1/21	15237 Jeff Dr Clearlake
Kaitlynn Vineyard	8/1/21	Same as above
Taylor Churchill	8/1/21	3566 Halika St.
Alfred Lewis	8-1-21	3566 Halika St.
Ben Schallert	8-1-21	14375 Walnut Ave.
Dale Robbers		Clearlake
Hazel Wayman	8-1-21	Clearlake Ca 707.262.2435
Xavier Miller	8-1-21	15235 Lakeview Ave Clearlake Ca.
Samantha Phillip	8-1-21	3504 Risher Dr Clearlake Ca
Jeremy Strunk	8-1-21	15248 Polk Dr. 95422
Joey Strunk	8-1-21	15248 Polk Dr. 95422
Amanda Plumeau	8/1/21	3662 Cypress St 95422
Aaron Sprague	8/1/21	3662 Cypress St 95422
Melinda	8-1-21	
Saul Campos	8-1-21	
Sandra Yahn	8-1-21	15255 Highland Ave, CL
Kim Lepore	8-1-21	Clearlake resident
Jamie Howkins	8/2/21	Clearlake resident

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building
of Muddling's Drive-thru coffee at 14760 Olympic Dr. Clearlake, CA. 95422

SIGNATURE	DATE	ADDRESS
Isiah Poyett	8/1/2021	Clearlake Resident
Sean Poyett	8-1-21	Clearlake
Chris Poyett	8-1-21	Clearlake
Christina Poyett	8-1-21	Clearlake
Katrina Poyett	8-1-21	Clearlake
Jeff Poyett	8-1-21	Clearlake
Thyle Poyett	8/1/21	Clearlake
Melissa Hill	8/1/21	Clearlake
Daniel Poyett	8/1/21	Lower Lake
Sylvia Pham	8/1/21	Clearlake
Thyle Poyett	8/1/21	Clearlake
Brandon Clark	8/1/21	Clearlake
Vern Churchill	8/1/21	Clearlake
Goddie Mordaza	8/1/21	Clearlake
Nora Montes	8/1/21	Clearlake
CORRIS GONZALES	8/1/21	CLEARLAKE
Jolina Gonzales	8/1/21	Clearlake
Moi-ya Greary	8/1/21	Clearlake
Adreana Gonzales	8/1/21	Clearlake
Decky Martin	8/2/21	Clearlake
Jeffrey White	8/2/21	Clearlake
Jeffrey White	8/2/21	Clearlake
Thyle Poyett	8/2/2020	2815 Robin Ln
Thoms Poyett	8/2/2020	Clearlake
Thyle Poyett	8/2/21	Clearlake

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CITY OF CLEARLAKE

we, the undersigned, do hereby petition against the building of Mudslingers Drive-thru coffee at 14760 Olympic Dr Clearlake, CA 95422

SIGNATURE	DATE	ADDRESS
Cassie Lauman	8/2/21	11237 Loch Lomond Rd.
Anthony Bigness	8-2-21	13961 Lakeshore Dr #8
Rebecca Sines	8-2-21	7055 Old Highway 53 Apt. 124 Clearlake
Gaston	8-2-21	PO Box 2366
Regina Castro	8/2/21	Clearlake, CA
R. Kyp	8/2/21	lilyvaliente87@gmail.com
Shalinda	8/2/21	Shalindaclaire21@gmail.com
Steve	8/2/21	9243 Lower Lake
JoAnn	8/2/2021	2980 Smith Ln, Clearlake.
JoAnne Moore	8/2/2021	16032 23rd Ave Clearlake
Cody Moore	8/2/2021	16032 23rd Ave Clearlake
James E. Prater	8/2/21	
Q. W.	8/2/21	Clearlake Res
Bradley M. M. M.	8/2/21	Clearlake
Alyssa Gueple	8/2/21	Clearlake Oaks
NICHOLAS H. VINING	8/2/21	CLEARLAKE 3460 HARRISON ST.
Olanna Bobbitt	8/2/21	Clearlake 3872 Schultz
Heather Pike	8/2/21	16080 Dam Rd Clearlake

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CITY OF CLEARLAKE



August 4, 2021

City of Clearlake
14050 Olympic Drive
Clearlake, California 95422

RE: Administrative Use Permit (039-570-18-000) Rebuttal Sister's Coffeehouse (Diane Drake)

Dear Planning Commission,

I will be clear and short as I feel this appeal, unfortunately, is clothed in emotion. As I stated in the previous meeting, I can empathize with Sister's Coffee but the facts are we have to look at the ordinances. Capitalism is competition in a free market, and Clearlake is no different than any other town in America with an ordinance. That ordinance, once followed, allows a person/company the ability to open a business in a free market.

As was stated in the appeal, Sister's Coffee is requesting that the city of Clearlake limits the amount of coffee shops within a half mile of each other. When does it stop? Do you limit the amount of burger joints? Do you tell McDonalds yes and then tell Burger King to move on down the road? The city simply cannot and that is a benefit to the public that they do not have that kind of control. The same way that Mudslingers was concerned about Marcel's we never dreamed of appealing Marcel's.

As you are well aware since you have a business, there was a structure and a process you had to complete in order to open your business. Mudslingers pursued the city and worked through the process of approval and followed the city's ordinances. I could go into each detail of your rebuttal but I feel that my point above trumps all of the points that were brought up as well as being mostly emotional points.

We hope that ultimately Mudslingers and Sister's Coffee can be on the same team that provides products and services enjoyable to the people in Clearlake and its visitors.

Sincerely,

April Sides
Director of License Development
Mudslingers Drive-Thru Coffee
Direct: 989-858-0645
Fax: 989-688-6000
TOLL FREE: 877-306-0645
www.mudslingerscoffee.com

August 3, 2021

City of Clearlake
14050 Olympic Dr
Clearlake, CA 95422

RE: Mudslinger's Rebuttal to appeal; Parcel# 039-570-18-000,
14760 Olympic Dr. Clearlake

Good afternoon planning commission,

We are writing in response to the appeal filed by Diana Drake, the owner of Sister's Coffee House located at 14812 Olympic Dr., Clearlake on August 2, 2021.

We fully understand and empathize with the feelings of the petition by what you might consider competitors to their coffee house. It is understandable and almost expected. We would simply point out some factual matters at hand in our endeavor to help liven the business districts of the city of Clearlake by offering its citizens more choices of things they desire.

We fully respected and patiently endured the process to gain approval from the city of Clearlake and were fully aware that the city had already pre-zoned the districts and our being added to the area in respect to the location of the Sister's Coffee House. We felt that by bringing our services and products to the area, we'd be able to offer services they were not, like a drive thru.

Some services being offered by the Sister's Coffee House are services that Mudslinger's Drive-thru may not have to offer and vice versa.

This is not only fair practice in business competition but the opportunity to award the citizens of the city of Clearlake as well as Lake County and those that travel to visit our beautiful area, variety in what they get to discover in the ever-growing city of Clearlake.

It is already proven that offering the hard-working citizens variety to make the informed selections they would like has been working successfully for many years and such can be displayed, for example look at the proximity of Napa Auto, O'Reilly Auto Parts, and Auto Zone, they all offer the same type of products only different. People come from all around the Lake and beyond when they find something they need is within reach in the city of Clearlake. Some people may prefer Starbucks, others are happy with coffee at home, while others love supporting any local coffee shop but may prefer one over the other.

By offering a drive-thru we can serve a paraplegic the opportunity to drive up and grab their favorite cup of coffee when otherwise they might be deterred from driving to town, unloading, then making their way to a storefront coffee shop, or a mother in a rush to get her kids to school or an appointment that just wants coffee, doesn't have to look for a parking spot then walk in possibly with her child or children, it's convenience. You see what Sister's Coffee House doesn't have to offer, Mudslinger's does.

In closing we would just like to add that we are long time residents of Lake County, Shana was born and raised in Clearlake, and I moved to Lakeport in 1976 from southern CA. We both love the community and want to establish a friendly establishment and become familiar faces to the area. We will find our "pay it forward" at some point to support the community as well.

Best Regards,



Lisa Reynolds & Shana Parker

Partner's/Owner's Mudslingers Drive-Thru Coffee