

## RESOLUTION NO. 99-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT APPROVING CONDITIONAL USE PERMIT #99-C09, TO UPGRADE AN EXISTING BEER AND WINE LICENSE TO ALLOW FULL ALCOHOL (BEER, WINE AND DISTILLED SPIRITS) FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH A BONA FIDE RESTAURANT LOCATED AT 310 YALE AVENUE. APPLICANT- NANGYALAI GHAFARSHAD.**

WHEREAS, Nangyalai Ghafarshad submitted a proposal on July 28, 1999, to upgrade an existing beer and wine license to allow full alcohol (beer, wine and distilled spirits) for on-site consumption in conjunction with a bona fide restaurant located at 310 Yale Avenue, and;

WHEREAS, current zoning designation for the property is CVO; and

WHEREAS, the proposed license is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301; and

WHEREAS, notice of public hearing was duly given and published; and

WHEREAS, the Planning Commission held a public hearing on October 5, 1999, at which time all persons wishing to testify in connection with said proposal were heard and said proposal was fully studied.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Claremont as follows:

Section A. The Planning Commission finds:

1. The site for the proposed sale of beer, wine, and distilled spirits is adequate in size and shape to accommodate the proposed use in that it is a fully improved restaurant specifically designed for the preparation and serving of food and beverages. Moreover, the off-street parking requirements specified in the Claremont Land Use and Development Code are based solely on the underlying use of the facility as a restaurant, so the proposed addition of full alcohol service will bear no direct burden on the availability of off-street parking.
2. The site for the proposed use relates to streets and highways properly designed to carry the type and quantity of traffic generated by the subject use. The sale of alcoholic beverages (including distilled spirits) for on-site consumption in conjunction with food service will not significantly increase vehicle traffic beyond that of a restaurant without such sales. In addition, the upgraded alcoholic beverage license specifically will not generate traffic volumes beyond the capacity of streets serving the subject property.

3. The proposed use will not impair the integrity and character of the Claremont Village zone or otherwise have an adverse effect on adjacent property. The sale of alcoholic beverages for on-site consumption is a common component of restaurant establishments and is consistent with other similar restaurant uses in the Village.
4. The proposed use is not contrary to the General Plan, in that the policies of the General Plan encourage a variety of uses within the City that it will help to broaden the local tax base, create employment, and provide additional options for social activities.
5. The proposed use will not endanger or otherwise constitute a menace to the public health, safety or welfare in that alcohol service is provided in conjunction with a bona fide eating establishment, as opposed to a stand-alone bar or entertainment use where the sale of alcohol for on-site consumption would raise compatibility and enforcement concerns. Moreover, the proposed use is subject to the operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold.

Section B. The Planning Commission hereby approves Conditional Use Permit #99-C09 based on the findings of Section 624 of the Land Use and Development Code, and subject to the following conditions:

1. This approval shall be valid for one year from the date of Planning Commission action. If an ABC Type 47 license is not issued within that time frame or an extension is not granted, then this approval shall automatically expire without further action by the City.
2. Prior to the serving of alcohol, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), and shall thereafter comply with all conditions applicable thereto. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
3. The restaurant shall maintain a full service (bona fide) eating establishment, serving meals during all times alcohol is served for consumption on the premises.
4. No off-site consumption of alcohol is authorized. All alcoholic beverages served at the premises shall be consumed on-site within restaurant buildings and in outdoor dining areas specifically approved.
5. All persons selling alcoholic beverages shall be 18 years of age or older and shall be supervised by someone 21 years of age or older. A supervisor shall be present in the same area as point of sale.
6. Prior to the construction of any bar area at the subject site, the applicant shall observe the following requirements:

- a. Locate the bar area within an enclosed building approved for use as a restaurant;
  - b. Ascertain and comply with all applicable Building Division and Department of Alcoholic Beverage Control (ABC) requirements, including the issuance of building permits.
7. Any violations of the Claremont Municipal Code, Claremont Land Use and Development Code or conditions of approval of this conditional use permit shall be grounds for initiation of revocation proceedings for this conditional use permit.
8. The above conditions shall run with the land and shall be binding upon all future owners, operators, or successors thereto of the restaurant.
9. The applicant/owner by utilizing the benefits of this approval shall thereby agree to defend at its sole expense any action against the City, its agents, officers and employees because of the issues of such approval. In addition, the applicant/owner shall reimburse the City et al for any court costs and attorney fees which the City et al may be required to pay as a result of any such action. The City may at its sole discretion participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant/owner of its obligation hereunder.

Section C. The Planning Commission Chair shall sign this Resolution and the Secretary shall attest to the adoption thereof.

Passed, approved, and adopted this 5th day of October, 1999.

  
SHARON HIGHTOWER, Chair  
Planning Commission

ATTEST:

  
CARRIE RICHARDSON, Secretary