

RESOLUTION NO. 2025-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT AMENDMENT #07-C09AMD, A REQUEST FOR MUSIC ENTERTAINMENT IN CONJUNCTION WITH AN EXISTING BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE VILLAGE EXPANSION AT 101 NORTH INDIAN HILL BOULEVARD, UNIT C-2 103. APPLICANT – CASA MAGUEY RESTAURANT**

WHEREAS, on December 4th, 2025, the applicant submitted an application for Conditional Use Permit Amendment File #07-C09AMD to allow various forms of music entertainment in conjunction with an existing restaurant in the Village Expansion Specific Plan area at 101 North Indian Hill Boulevard, Unit C-2 103; and

WHEREAS, the restaurant is located within the General Plan designation of Claremont Village and zoning designation of Village Expansion Specific Plan (VESP) – Specific Plan 8 in the Commercial Mixed Use (CMX) sub-area, where music entertainment outside of the scope of Claremont Municipal Code (CMC) Chapter 5.45 is subject to the approval of a Conditional Use Permit (CUP); and

WHEREAS, notice of a public hearing was duly given, and the above-mentioned site was posted; and

WHEREAS, the Planning Commission held a public hearing on December 16, 2025, at which time all persons wishing to testify in connection with said proposal were heard and said proposal was fully studied.

NOW, THEREFORE, THE CLAREMONT PLANNING COMMISSION DOES HEREBY RESOLVE:

SECTION 1. The Planning Commission has determined that the proposed music entertainment is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 (Class 1) for existing facilities, in that the project consists of allowing limited indoor music entertainment within an existing restaurant tenant space and does not involve any physical expansion of the structure or intensification of use beyond established commercial activity. Therefore, no further environmental review is necessary.

SECTION 2. The Planning Commission makes the following findings in regard to the amendment to the existing CUP for the above-described project:

- A. Casa Maguey occupies an existing restaurant tenant space within a fully developed commercial center at 101 North Indian Hill Boulevard, Unit C-2 103. The existing facility is adequate in size and configuration to accommodate the proposed indoor music entertainment, including a solo or up to a three-piece band live musician(s) on a weekly basis. All proposed entertainment activities will occur entirely within the interior of the existing tenant space, and no structural modifications or expansion of the building footprint are proposed. As such, the proposed amendment is compatible with the existing commercial development and will not result in adverse impacts related to size and shape.

- B. The proposed restaurant with entertainment relates to streets and highways in that it can be directly accessed from roadways that are sufficiently sized to accommodate the mix of uses in the Village Square area. Approval of this requested CUP is not anticipated to generate a significant increase in traffic that will not relate properly to the streets serving the site.
- C. The proposed amendment to allow limited indoor music entertainment will not impair the integrity or character of the zone in which the restaurant is located, nor will it be detrimental to adjacent properties or permitted uses. The existing CUP already allows for live music within defined parameters, and the proposed amendment further clarifies and regulates entertainment activities. The small-scale nature of solo or three-piece musician performances, along with the additional conditions of approvals, will minimize potential noise impacts and ensure compatibility with nearby uses.
- D. The proposed amendment is consistent with the City's General Plan. Approval of the requested CUP amendment will support the goals of the General Plan to encourage economic and social activity in commercial and mixed-use areas of the City. Specifically, approval of the project supports General Plan Goal 3-1, to "Maintain a strong, diversified economic base," and General Plan Policy 3-1.1 to "Encourage a variety of businesses to locate in Claremont, including...restaurants/entertainment, to promote the development of a diversified local economy."
- E. The proposed amendment will not endanger or otherwise constitute a menace to public health, safety, or general welfare. The entertainment activities will occur indoors, will be subject to specific operational conditions, and may be revoked if violations occur. Casa Maguey will continue to operate under the conditions of its existing CUP and any additional conditions imposed through this amendment. The business also remains subject to enforcement by the California Department of Alcoholic Beverage Control (ABC), and the conditions of approval included in the Resolution give the City of Claremont the authority to revoke the CUP if it is discovered that the restaurant operator is violating state regulations or any condition(s) of this approval.

SECTION 3. The Planning Commission hereby approves CUP file #25-C05, based on the findings of Section 16.303.040 of the Claremont Municipal Code (CMC) outlined in Section 2 above, and subject to the following conditions:

- A. This CUP approval allows for indoor music entertainment in the form of live musicians, consisting of a one to three-piece band and general amplified music in conjunction with a bona-fide restaurant at 101 North Indian Hill Boulevard, Unit C-2 103.
- B. Alcohol sales and service hours are as follows:
 - Monday through Thursday: 11:30 AM to midnight
 - Friday & Saturday: 11:30 AM to 2:00 AM
 - Sunday: 10:00 AM to midnight.

The approved hours of live musician(s) entertainment are limited to Thursdays through Sundays from 9:00 AM to 9:30 PM.

The Planning Commission shall approve any changes to the hours during which alcohol is sold/served and live music entertainment is conducted.

- C. The use of disc jockeys (DJ) is prohibited.
- D. During live music performances, all exterior doors of the building should not be propped open but remain closed, with the exception of patrons or employees using the doors to enter or exit the restaurant space.
- E. Noise sources associated with the entertainment use or any amplified music shall not exceed the noise levels of 60 dBA from 10:00 PM to 7:00 AM, and 65 dBA from 7:00 AM to 10:00 PM, as measured from the exterior of the restaurant as set forth in Chapter 16.154 of the Claremont Municipal Code.
- F. Musical entertainment shall be limited to the eastern area of the interior dining area as identified on the approved floor plan with all speakers facing south. If different floor plan configurations are utilized, the alternative floor plans shall be submitted for review and approval to the Community Development Director 14 days prior to commencement of an alternative floor plan configuration.
- G. Noncompliance with any condition of approval shall constitute a violation of the CMC. Violations may be enforced in accordance with the provisions of Title 16 and/or the administrative fines program of Title 1 of the CMC up to and including suspension, revocation or modification of the CUP

The dining area and music entertainment shall be continuously supervised by management or employees of the business

- H. The permitted entertainment events shall remain consistent with the operation of the premises as a bona-fide restaurant. At no point shall the use of any space on the property be operated as a stand-alone bar, nightclub, dance club, or similar use, including after regular dining hours. All entertainment and special events shall be accessory to the restaurant use, with full food service provided at all times in accordance with the requirements of a bona-fide eating establishment. Private events may be permitted provided they are well-documented, pre-arranged, and maintain continuous food service consistent with restaurant standards. No Disc Jockeys shall be allowed for private events.
- I. No signs advertising music entertainment shall be installed on the exterior of the premises, or within the interior of the premises, directed and intended to be visible toward the exterior of the premises without prior City approval in accordance with sign regulations in the Claremont Municipal Code.
- J. If the use for which this CUP was granted for (music entertainment) is discontinued for a period of 12 months or more, such use shall not be re-established, and the

matter shall be referred to the Planning Commission to initiate the proceedings for the revocation of this Conditional Use Permit.

- K. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provisions of Title 16 and/or the administrative fines program of Title 9 of the CMC. Continued or repeated violations of any municipal or health code, or other violation, as determined by the City of Claremont, Los Angeles Health Services Department, Department of Alcoholic Beverage Control, or County of Los Angeles Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP.
- L. The applicant/owner shall defend, indemnify, and hold harmless the City of Claremont and its agents, officers, and employees from and against any claim, action, or proceeding against the City agency or its agents, officers, or employees relating to this discretionary approval, including without limitation, a claim, action, or proceeding to attack, set aside, void, or annul this approval, and/or an action by an advisory agency, appeal board, or legislative body concerning this approval. This defense and indemnification shall include the payment of all legal costs incurred on behalf of the City in connection with the application, and the defense of any claim, action, or proceeding challenging the approval. The City will promptly notify the applicant/owner of any claim, action, or proceeding and will cooperate fully in the defense. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made to the challenger, the applicant/owner shall be responsible to pay the full amount of such an award.
- M. Failure to comply with any of the conditions set forth above, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

SECTION 4. The Planning Commission Chair shall sign this Resolution and the Commission Secretary shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 16th day of December, 2025.

Planning Commission Chair

ATTEST:

Planning Commission Secretary