

## PLANNING COMMISSION RESOLUTION NO. 2012-05 A

A RESOLUTION OF THE CLAREMONT PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT #12-C02, ALLOWING THE SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT (RESTAURANT) AND OUTDOOR PATIO DINING, LOCATED AT 211 W. FIRST STREET. APPLICANT – SUNDAY BBQ INC.

**WHEREAS**, on February 2, 2012, the applicant submitted an application for a Conditional Use Permit (File #12-C02) to allow the sale of beer and wine and outdoor dining, in conjunction with a new restaurant located at 211 W. First Street; and

**WHEREAS**, the new restaurant is within the Claremont Village Overlay (CVO) zoning district, where on-site full alcohol consumption and outdoor seating areas of this nature are allowed with the approval of a Conditional Use Permit (CUP); and

**WHEREAS**, On March 12, 2012, a letter was mailed to the applicant addressing the required (Category II) in-lieu parking credits which must be purchased for the proposed restaurant and outdoor seating area; and

**WHEREAS**, On March 13, 2012, the applicant provided payment for the required parking space credits related to the new restaurant and outdoor seating. This was based on the restaurant hiring between 15 -18 new positions pursuant to City Council Resolution No. 2010-40; and

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

**WHEREAS**, the Planning Commission held a public hearing on March 20, 2012, 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 A.** The Planning Commission has determined that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15303.C (Class 3) as it involves the conversion of an existing small structure and the addition of a small, detached restroom structure for a new restaurant use. The existing building is only 240 square feet; the new building is only approximately 166 square feet; and, the associated outdoor seating area is only approximately 460 square feet. Therefore, no further environmental review is necessary.

**Section B.** The Planning Commission makes the following findings in regards to the Conditional Use Permit for the above-described project:

1. The existing 240 square foot historic structure, 166 square foot new accessory building, and outdoor seating area are adequate in size and shape to accommodate the operation of a new restaurant. Parking for the tenant spaces has been satisfied through the Category II in-lieu fee payment requirement, as adequate parking exists to meet the demand.

**FILE COPY**

2. The site for the proposed use relates to streets and highways properly in that the adjacent streets will be able to accommodate the amount of traffic generated by the restaurant use.
3. The proposed use will not impair the integrity and character of the zoning in which it is located or otherwise have an adverse effect on adjacent property or the permitted use thereof, in that the on-site sale of beer and wine is appropriate, as such sales occur in conjunction with the food menu and food service hours as required by the Claremont Municipal Code. There are numerous restaurant uses in the Village, many of which serve beer and wine and have done so without incident. Additionally, the restaurant will serve meals at all times during which full alcoholic beverages are served for consumption at the subject site.
4. The proposed outside dining and alcohol sales (beer and wine) are consistent with the 'Claremont Village' land use designation placed on the site by the General Plan. The proposed use is consistent with Goal 2-3 of the General Plan, which encourages the accommodation of a range of land uses that meet the needs of the City. In addition, the use is consistent with Policy 3-1.4 of the General Plan, which encourages the City to pursue businesses that add to the City's economic base, particularly those which generate sales tax and property tax increment revenue. The restaurant will bring in between 15 and 18 new jobs to the local community. Specifically, the proposed project will assist with the following economic development activities in that it will improve a poorly maintained historic structure and once occupied, the new restaurant will fill an existing underutilized site within the City. Its addition will also add to the diverse mix of commercial uses which currently exist within the Claremont Village Overlay (CVO) zoning district and help the City to maintain a competitive edge and help aid in potentially recruiting additional business to the Claremont Village area.
5. The proposed use will not endanger or otherwise constitute a menace to the public health, safety, or welfare in that the sale of alcohol is provided as an ancillary use to the primary use as a restaurant establishment, as opposed to a stand-alone bar where the sale of alcohol for on-site consumption may raise compatibility and enforcement concerns.

Conditions of approval give the City of Claremont the authority to revoke the subject Conditional Use Permit if it is discovered that the operators of the proposed use are violating state regulations or any condition(s) of this approval. 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 C.** The Planning Commission hereby approves an amendment to Conditional Use Permit (File #12-C02) based on the findings of Section 16.303.040 Claremont Municipal Code outlined in Section B above, and subject to the following conditions:

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1. This approval is for the establishment of an outdoor patio dining area of approximately 460 square feet and the sale of beer and wine for on-site consumption in conjunction with a bona fide public eating establishment (restaurant). The project area is located at 211 W. First Street as described in the staff report, and depicted on the approved site and floor plan.
2. The approval shall be valid for two (2) years from the date of the Planning Commission action. If an Alcoholic Beverage Control (ABC) license is not secured within that time frame or an extension is not granted, then this approval shall automatically expire without further action by the City.
3. The business hours for beer and wine sales shall be limited to Monday – Saturday: 11:00 a.m. to 10:00 p.m.
4. The applicant shall submit within five (5) days of Planning Commission approval, a check in the amount of \$75 payable to the Los Angeles County Clerk for filing a Notice of Exemption (NOE), as required by the California Environmental Quality Act.
5. Prior to the issuance of a building permit, the applicant shall comply with the following:
  - a. Pay any and all outstanding review fees related to the Conditional Use Permit (File #12-C02).
  - b. Obtain City staff and/or Architectural Commission approval for the related restaurant improvement plans. Specifically the plans should include improvements to the historic building, landscaping, fencing or gates, outside furniture, trash and recycle facilities, signs, and any other related items.
  - c. Work with the property owner and replace the existing chain-link fence with a wood fence or other alternative approved by City staff, so that the entire rear area of the property is screened and enclosed.
  - d. Work with City staff on any necessary trash and recycling improvements for the proposed new restaurant use, which may include making arrangements for shared use or constructing new bin enclosures on or near the site. All related improvements that are found to be necessary shall be installed within 6 months from the start of project construction.
6. Prior to commencing the service of beer and wine on the premises, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), comply with the licensing requirements, and provide evidence of said license to the Planning Division. 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.

7. At all times beer and wine is served, the applicant and subsequent successors in interest, shall offer full menu service in compliance with the State Business and Professions Code for a bonafide public eating establishment. Failure to do so will be grounds for revocation of this CUP.
8. All persons selling beer, wine, and distilled spirits shall be 18 years of age or older, and shall be supervised by another person over 21 years of age and duly permitted to sell alcoholic beverages pursuant to ABC regulations. A supervisor shall be present in the same area as point of sale for alcoholic beverages.
9. Three or more verified sales of beer, wine, or distilled spirits to minors within a one year time interval, measured from the time of the first such violation, as verified by the Claremont Police Department and/or the California Department Alcoholic Beverage Control, shall be grounds for initiation of proceedings for the revocation of this CUP.
10. 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 provision of Section 9.80 of the Claremont Municipal Code (CMC). Continued or repeated violations of any municipal, Health Code, or other violations, as determined by the City of Claremont, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP.
11. The maximum number of patrons and staff allowed in the establishment shall not exceed the maximum occupancy for the site as set by the Building Official.
12. No signs advertising the sale of beer, wine, distilled spirits, or other products 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 in accordance with the provisions of the Claremont Municipal Code.
13. No signage is approved in association with this Conditional Use Permit. Any proposed signage must be a separate City review.
14. If the use for which this CUP was granted for (beer and wine, service for on-site consumption and outdoor dining) 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.
15. All employees of the business are required to park their vehicles in all-day parking spaces on the outskirts of the Village.
16. Noncompliance with any condition of approval shall constitute a violation of the City's Municipal Code. Violations may be enforced in accordance with the

provisions of the Claremont Municipal Code and/or the administrative fines program of Chapter 1.14.

17. 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 that the City et al may be required to pay as a result of 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.
18. 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 D.** The Planning Commission Chair shall sign this resolution and the commission's Administrative Secretary shall attest to the adoption thereof.

Passed, approved, and adopted this 20<sup>th</sup> day of March, 2012.

  
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JEFF HAMMILL, Chair  
Planning Commission

ATTEST:

  
\_\_\_\_\_  
Planning Commission Administrative Secretary

Planning Commission  
Agenda Report

Item No.: 2  
Reviewed by:  
Finance Director n/a

TO: CLAREMONT PLANNING COMMISSION

FROM: BRIAN DESATNIK, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: MARCH 20, 2012

SUBJECT: **CONDITIONAL USE PERMIT #12-C02, REQUEST TO ALLOW THE SALE OF BEER AND WINE, IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING ESTABLISHMENT AND OUTDOOR PATIO DINING, LOCATED AT 211 W. FIRST STREET. APPLICANT – SUNDAY BBQ INC.**

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**SUMMARY**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine for on-site consumption in conjunction with a new bona fide public eating establishment (restaurant) located at 211 W. First Street. The new restaurant will include the site's small historic structure, which is to be converted into a kitchen, as well as a new outdoor seating area and new accessory bathroom structure located at the rear of the site.

Staff finds the proposal is appropriate at the above-referenced address, and that the required parking for the outdoor seating has been satisfied.

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the attached resolution approving Conditional Use Permit #12-C02 (Attachment A). This will permit the sale of beer and wine for on-site consumption in conjunction with a restaurant and an outdoor seating area located at 211 W. First Street. This approval is based on the findings of Section 16.303.040 of the Claremont Municipal Code and subject to the conditions listed in the resolution.

**FINANCIAL REVIEW**

All costs associated with the review of this project, including preparation of this staff report, have been borne by the applicant.

**ANALYSIS**

**Background**

- Constructed in 1887, the building on the site is one of the oldest structures within the City, and is listed on the Register Site of Historic and Architectural Merit in Claremont (the "Register"). The building was originally a real estate office and became the second ticket office for the Pacific Electric Railroad. In more recent years it has housed various real estate and retail uses.

**FILE COPY**

- Existing commercial uses which are immediately adjacent to the site include a real estate office, bicycle shop, and restaurant.
- Claremont's General Plan designates the subject site as "Claremont Village." The zoning designation for this site is Claremont Village Overlay zoning district (CVO) which is consistent with the General Plan's designation, and is in Area 1 of the Claremont Village Design Plan (VDP). The plan provides design guidelines for the development of the Village, and identifies this site to be within the Central Commercial Core which is typical of many small town main streets (e.g. buildings side by side, continuous street wall, no setbacks, etc.).
- The CVO district permits the on-site sale of alcoholic beverages in conjunction with a bona fide public eating-place, as defined in the State Business and Professions Code Section 23038 and with approval of a CUP, pursuant to Chapter 16.303 in the Claremont Municipal Code. Such eating-places shall make meals available to patrons at all times when serving alcoholic beverages. The term "Meals" means the usual assortment of food commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed in compliance with this requirement.
- Prior to the sale of alcohol at the site, approvals are required from the City of Claremont, Department of Alcoholic Beverage Control (ABC), and the Los Angeles County Department of Health.
- All exterior improvements to the historic building as well as the new accessory bathroom structure and outdoor seating area, will be subject to Architectural Commission review.

### **Project Description**

The applicant is requesting approval for the sale of beer and wine for on-site consumption with a new restaurant located at 211 W. First Street. The proposed hours of operation are 11:00 a.m. – 10:00 p.m. The new restaurant will include the site's existing small historic structure, which is to be converted into a kitchen, as well as the addition of a new outdoor seating area and a new accessory bathroom structure at the rear of the site. The existing historic building is 240 square feet; the new building will be approximately 166 square feet; and, the associated outdoor seating area will be approximately 460 square feet.

All proposed seating will be outdoors within the new rear patio area on the northside of the existing historic building. The site would be secured by the existing and new six-foot high wood fences and enhanced with new landscaping and nontraditional outdoor garden features.

Copies of the proposed site plans and the applicant's justification statement are Attachments B and C, respectively. The proposed menu has been provided as Attachment D. In addition Claremont Heritage is in support of the proposed changes and has included a written statement, which is included as Attachment E.

## **PARKING**

City records indicate that the subject site (211 W. First Street) has one existing parking credit and staff has determined that five parking spaces are required for the proposed restaurant use and outdoor seating area. This calculation is based on the site's small historic building being converted from retail to restaurant kitchen use, as well as, a new outdoor seating area and new accessory bathroom structure, located at the rear of the site. The Claremont Municipal Code requires that one parking space be provided for every 150 square feet of restaurant space, and one parking space for every 200 square feet of outdoor seating provided.

Pursuant to City Council Resolution No. 2010-40, the Director of Community Development has the authority to approve payment of parking credits for the conversion of retail space to restaurant uses based on the proposed restaurant's hiring between 15-18 new employees.

On March 12, 2012, a letter was mailed to the applicant addressing the four required in-lieu parking space credits which must be purchased for the proposal. The applicant provided payment for the required parking space credits on March 12, 2012.

## **Basis for Recommendation**

The approval of a CUP requires that the Planning Commission make certain findings as set forth in Section 16.303.040. Staff believes that all the positive findings can be made in regards to the outdoor seating area and on-site alcohol sales (beer and wine) in conjunction with a restaurant at the proposed location and as identified in the draft resolution.

Some of the positive findings are that restaurants are a permitted use and the on-site sale of beer and wine is appropriate, as such sales occur in conjunction with the food menu and food service hours.

The proposed outside dining and alcohol sales (beer and wine) is consistent with the 'Claremont Village' land use designation placed on the site by the General Plan. This encourages the accommodation of a range of land uses that meet the needs of the City. In addition, the use is also consistent with the General Plan, which encourages the City to pursue businesses that add to the City's economic base, particularly those which generate sales tax and property tax increment revenue. The restaurant will bring in between 15 and 18 new jobs to the local community. The proposed project will also improve a poorly maintained historic structure and, once occupied, the new restaurant will fill an existing underutilized site within the City. Its addition will also add to the diverse mix of commercial uses which currently exist within the Claremont Village Overlay (CVO) zoning district and help the City to maintain a competitive edge. This will also help aid in potentially recruiting additional business to the Claremont Village area.

The project's conditions of approval listed in the resolution also give the City of Claremont the authority to revoke the subject Conditional Use Permit if it is discovered that the operators of the proposed use are violating state regulations or any condition(s) of this approval. 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.

### **CEQA REVIEW**

The Director of Community Development has determined that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303.C (Class 3) as it involves the conversion of an existing small structure and the addition of a small, detached restroom structure for a new restaurant use. The existing building is only 240 square feet; the new building is only approximately 166 square feet; and, the associated outdoor seating area is only approximately 460 square feet. Therefore, no further environmental review is necessary.

### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Copies are available at the City Hall public counter, the Claremont Public Library, Alexander Hughes Community Center, the Youth Activity Center, and the City's website.

On Thursday, March 2, 2012, the property was posted and written notices were mailed to property owners within 300 feet of the boundaries of the site and all village business merchants. Copies of this staff report have been sent to the applicant and other interested parties.

### **ALTERNATIVES TO STAFF RECOMMENDATION**

In addition to staff's recommendation, the following alternatives have been identified:

1. Continue the item for additional information.
2. Express intent to modify components of the request, and if needed, continue the matter to the April 3, 2012, meeting so that staff can prepare an amended resolution.
3. Express an intent to deny Conditional Use Permit #12-C02, specifically identifying the required findings of Section 16.303 of the Claremont Municipal Code that cannot be made, and continue the item to the April 3, 2012, meeting so that staff can prepare a resolution for denial.

Submitted by:



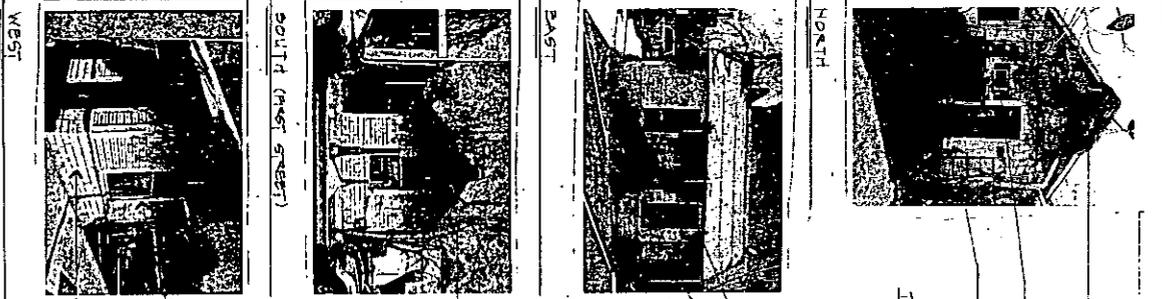
Brian Desatnik  
Director of Community Development

Prepared by:



Mark Carnahan  
Senior Planner

Attachments: A – Resolution Approving Conditional Use Permit #12-C02  
B – Project site plans  
C – Justification Statement  
D – Menu  
E – Statement from Claremont Heritage

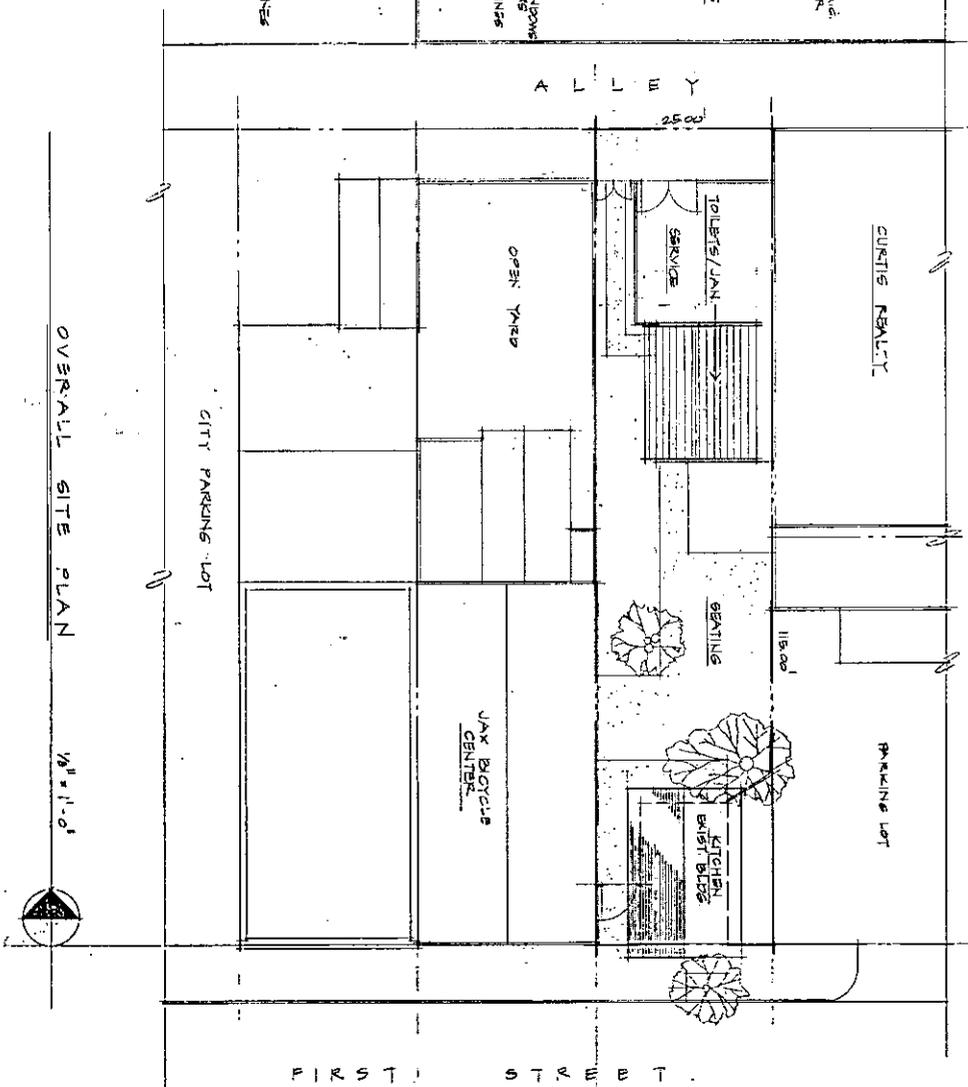


WEST: REMOVE SIGNS, REMOVE DAMAGED SIGNS

SOUTH (WEST STREET): REMOVE VINES

EAST: REMOVE VINES, REPAIR WINDOWS & SHUTTERS, REMOVE VINES & WHITE WOODS

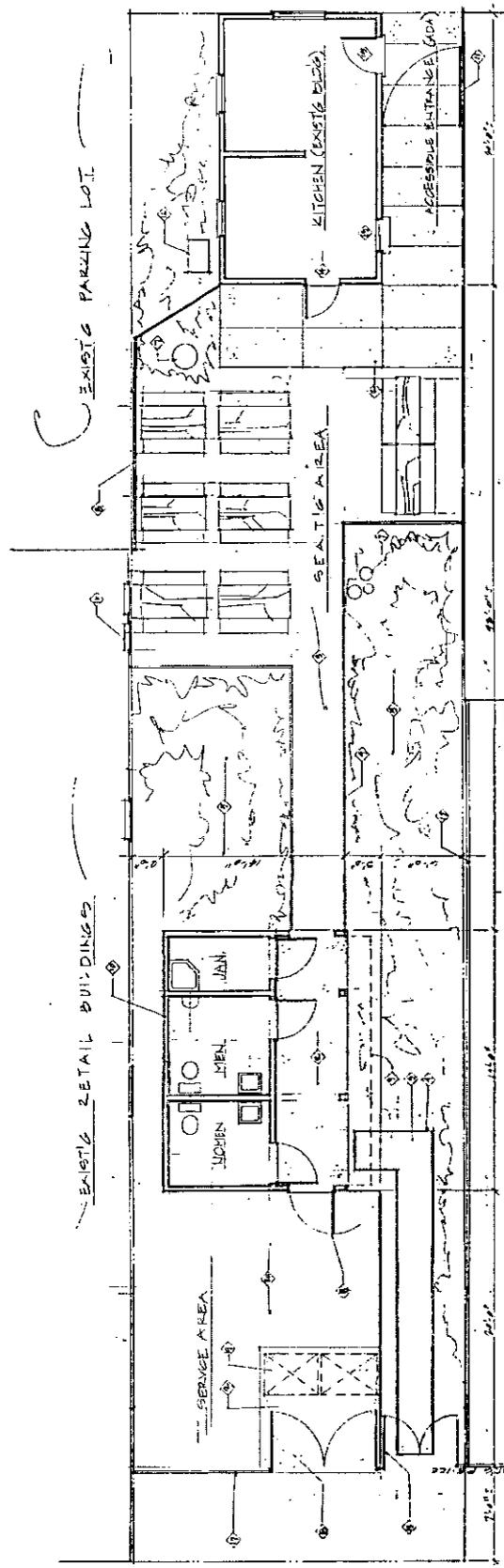
NORTH: REMOVE VINES, REMOVE A/C UNIT, REPAIR WINDOW, REPAIR DAMAGED SIDING, THE FREEST



SON OF N.T.B.A.:  
**BL TACO STAND**

211 WEST FIRST STREET  
CLAREMONT, CA 91711

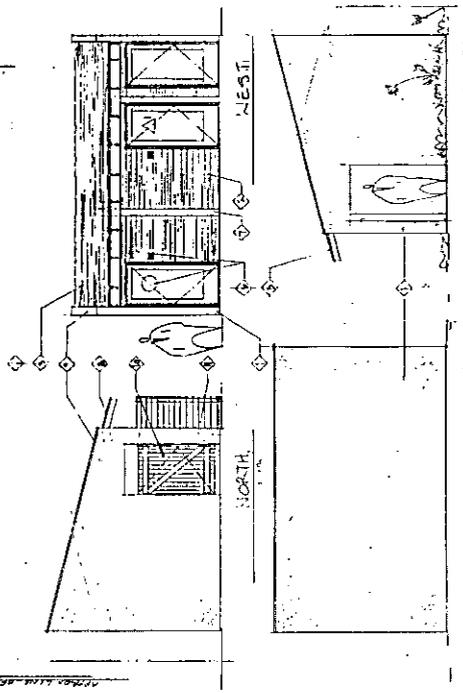
THE TUCKER SCHOEMAN VENTURE ARCHITECTS  
3001 624 8640 (architects)



FLOOR & SITE PLAN 4.1.12

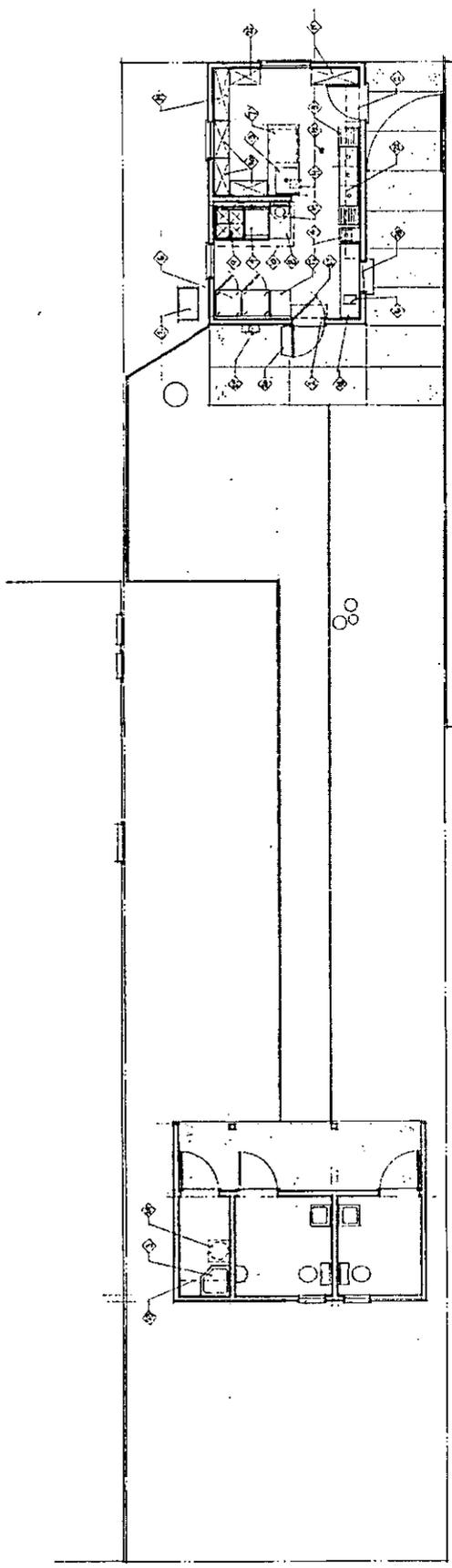
**PARKING CALC:**  
 LITERATURE 100'  
 TOILET BLDG 200'  
 TOTAL INCOME 1000 SF + 190 = 2.1  
 OUTSIDE SPACE 400 SF + 100 = 2.5  
 TOTAL SPACES REQ'D = 5

- KEYNOTES:**
1. PROPOSED WORK
  2. EXISTING BUILDING
  3. EXISTING PARKING
  4. EXISTING SIDEWALK
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TOILET BUILDING ELEVATIONS 4.1.12

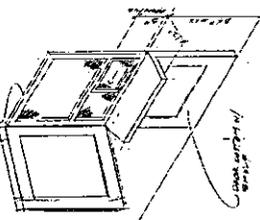
- ELEVATION KEYNOTES:**
1. EXISTING BUILDING
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EQUIPMENT PLAN  
4'-11-0"

ROOM	NO.	MADE	FINISH	COMMENTS
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WOMEN	2	CT	PT	1/2" x 1/2" x 1/2"
UNION	3	CT	PT	1/2" x 1/2" x 1/2"
KITCHEN	4	CT	PT	1/2" x 1/2" x 1/2"
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	93	CT	PT	1/2" x 1/2" x 1/2"
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	95	CT	PT	1/2" x 1/2" x 1/2"
	96	CT	PT	1/2" x 1/2" x 1/2"
	97	CT	PT	1/2" x 1/2" x 1/2"
	98	CT	PT	1/2" x 1/2" x 1/2"
	99	CT	PT	1/2" x 1/2" x 1/2"
	100	CT	PT	1/2" x 1/2" x 1/2"

Overhead - 10'0" ceiling, installation of pipes thru



Block up under sink  
color match on cabinet  
8'-11-0"

KITCHEN HOT WATER CALC

FIXTURE	RATE	DRAWING
SINK	2 gpm	1 gpm
STOVE	2 gpm	1 gpm
DISHWASHER	2 gpm	1 gpm
TOTAL	6 gpm	3 gpm

(80 GPM MIN. OPENING)  
ok.

TOILET ROOM HOT WATER CALC

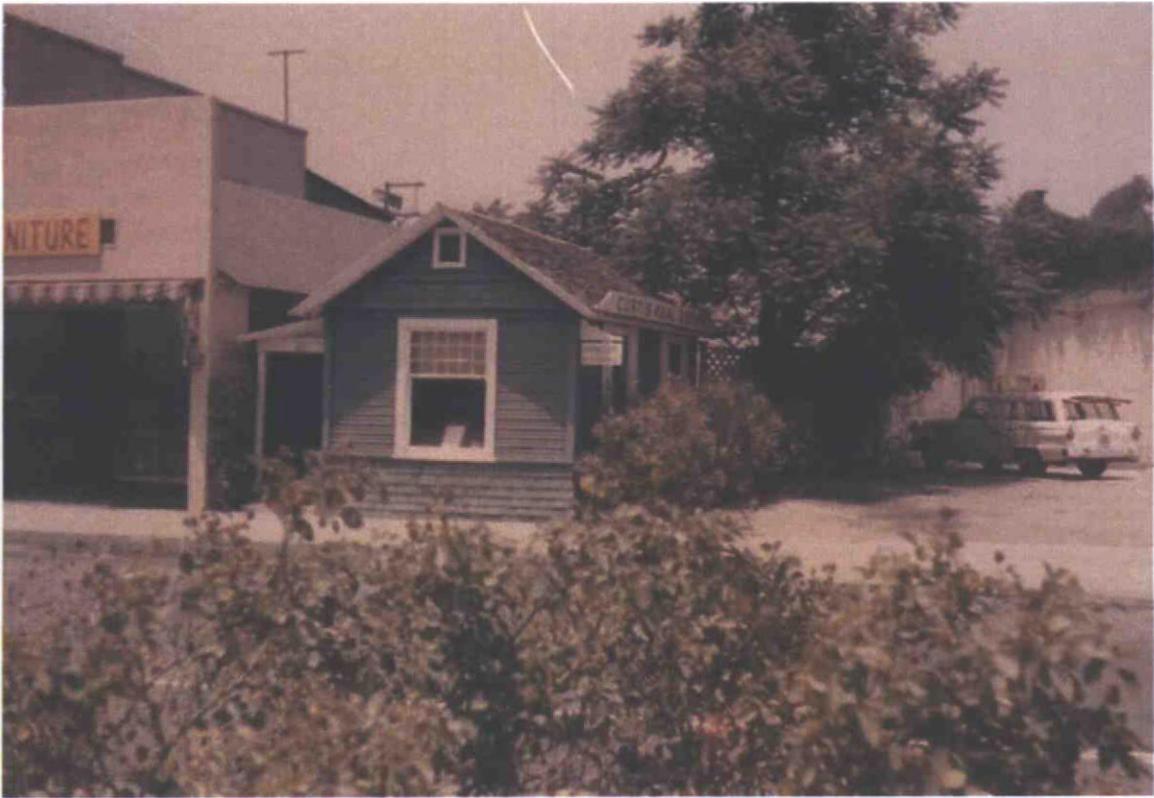
FIXTURE	RATE	DRAWING
HAND SINK	2 gpm	1 gpm
TOILET	2 gpm	1 gpm
TOTAL	4 gpm	2 gpm

Good near  
HOT WATER

#	EQUIPMENT	MFR & MODEL	QTY	FINISH	COMMENTS
1	CARBIDE TRAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
2	AIR CURTAIN	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
3	HAND SINK	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
4	STOVE	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
5	DISHWASHER	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
6	REF	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
7	TOASTER	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
8	GRIDDLE	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
9	SAFETY VALVE	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
10	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
11	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
12	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
13	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
14	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
15	WATER TAP	UNION 1/2" x 1/2"	1	PT	SEE HOOD DRAINAGE
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83	WATER TAP	UNION 1/2" x 1/2"	1		



1940's



Circa 1954

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