

**RESOLUTION NO. 2026-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (FILE #26-C02), TO ALLOW FOR THE SALE OF BEER AND WINE ALCOHOLIC BEVERAGES (DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE-41 LIQUOR LICENSE) IN CONJUNCTION WITH A BONA-FIDE EATING ESTABLISHMENT IN A RESTAURANT SPACE, CRAB N SPICE, LOCATED AT 806 SOUTH INDIAN HILL BOULEVARD. APPLICANT – MARGERIT SHOKRALLA**

**WHEREAS**, on April 8, 2026, the applicant submitted an application for an amendment to an existing Conditional Use Permit (File #26-C02) to allow for the sale and service of beer and wine alcoholic beverages, in conjunction with a restaurant (ABC Type 41 License) located at 806 South Indian Hill Boulevard; and

**WHEREAS**, the existing restaurant is within the Commercial Freeway (CF) zoning district, where on-site beer and wine alcohol consumption is allowed with 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 on June 25, 2026; and

**WHEREAS**, notice of the public hearing was published in the June 26, 2026 edition of the Claremont Courier; and

**WHEREAS**, the Planning Commission held a public hearing on July 7, 2026, 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 project, approval of a CUP to allow the service of alcoholic beverages (beer and wine only) for a new restaurant in an existing restaurant space, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1) for existing facilities, in that the project entails the continuation of a previously existing use within a private structure and involves a negligible expansion of use beyond that which currently exists. Therefore, no further environmental review is required under CEQA.

**SECTION 2.** The Planning Commission makes the following findings in regards to the Conditional Use Permit for the above-described project:

- A. The existing 1,985-square-foot restaurant tenant space is adequate in size and configuration to accommodate the proposed restaurant use. Parking for the tenant spaces has been satisfied in accordance with City requirements. The subject tenant space requires a total of eight parking spaces, while the overall property provides a surplus of 20 parking spaces beyond the minimum required. Therefore,

adequate on-site parking exists to meet the anticipated demand of the proposed use.

- B. 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 existing restaurant use.
- C. 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 alcoholic beverages is appropriate, as such sales occur in conjunction with the food menu and food service hours as required by the Claremont Municipal Code. Additionally, the restaurant will serve meals at all times that alcoholic beverages are being served for consumption at the subject site.
- D. The proposed alcohol sales (beer and wine alcoholic beverages for on-site consumption in conjunction with an existing bona-fide eating establishment) is consistent with the 'Commercial Freeway' 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 hosts a number of jobs in the local community and its ability to provide a unique dining experience in the Commercial Freeway corridor adds to the diverse mix of commercial, retail, and restaurant uses that currently exist within the Commercial Freeway (CF) zoning district and helps the City to maintain competitiveness in potentially recruiting additional business to the Commercial Freeway area.
- E. 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.

Additionally, 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 3.** The Planning Commission hereby approves Conditional Use Permit (File #26-C02) based on the findings of Section 16.303.040 Claremont Municipal Code outlined in Section B above, and subject to the following conditions:

- A. This approval is for the sale and service of beer and wine alcoholic beverages for on-site consumption in conjunction with a bona fide public eating establishment

(restaurant). The project area is located at 806 South Indian Hill as described in the staff report and depicted on the approved site plan and floor plan.

B. 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.

C. The business hours for alcohol sales shall be limited to:

- Monday through Friday: 12:00 PM - 8:00 PM
- Saturday and Sunday: 12:00 PM - 9:00 PM

The Community Development Director shall approve or deny any requested changes to the stated operating and alcohol service hours upon written request.

D. Prior to the issuance of a building permit, the applicant shall pay any and all outstanding review fees related to the Conditional Use Permit (File #26-C02).

E. Prior to commencing the service of beer and wine alcoholic beverages 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.

F. At all times alcohol 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 bona-fide public eating establishment. Failure to do so will be grounds for revocation of this CUP.

G. All persons selling beer and wine shall be 18 years of age or older or 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.

H. Three or more verified sales of beer and wine 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.

I. 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.

- J. This CUP is subject to the City Council Policy Regarding Enforcement of Conditions of Approval for Conditional Use Permits, adopted January 27, 2026 through the adoption of City Council Resolution No. 2026-05, as amended from time to time. If a violation of one or more conditions of approval of this CUP interferes with, disturbs, or creates a nuisance for one or more surrounding uses and/or businesses and results in two (2) or more uncontested or upheld citations within a thirty (30) day period and/or three (3) or more uncontested or upheld citations within a one hundred and eighty day (180) day period, the City's Community Development Director shall schedule a public hearing before the City's Planning Commission to consider the potential revocation or modification of this CUP. If this condition is inconsistent with or less protective of surrounding uses and businesses than the City Council Policy Regarding Enforcement of Conditions of Approval for Conditional Use Permits or any other City Council policy, then the City Council Policy shall prevail. Nothing in this condition precludes the Community Development Director from scheduling a public hearing before the City's Planning Commission to consider the potential revocation or modification of this CUP for a violation of one or more conditions of approval of a CUP, even if the violation has not resulted in any uncontested or upheld citations within a thirty (30) day period. Nothing in this condition shall prevent the City from using any other enforcement mechanisms to ensure compliance with conditions of approval, including without limitation, courtesy notices, criminal citations, administrative citations, and initiating administrative, civil, criminal, or other legal or equitable proceedings in addition to or as an alternative to any of the proceedings set forth in this condition and the City Council Policy.
- K. 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.
- L. No signs advertising the sale of beer, wine, 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.
- M. No signage is approved in association with this Conditional Use Permit. Any proposed signage must be reviewed by the City separately. Existing painting on the exterior of the building shall be reviewed and approved by City staff to ensure any copy does not represent signage or create a distraction to passing motorists. The applicant shall also address any existing unpermitted signage, including paint colors and murals, by submitting the appropriate sign application to the Planning Division for review and approval.
- N. If the use for which this CUP was granted for (beer and wine alcoholic beverage service for on-site consumption) 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.

- O. Noncompliance with any conditions 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.
- P. 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.
- Q. 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 7<sup>th</sup> day of July, 2026.

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Planning Commission Chair

ATTEST:

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Planning Commission Secretary