

RESOLUTION NO. 2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAREMONT, CALIFORNIA APPROVING CONDITIONAL USE PERMIT #25-C05, A REQUEST FOR THE SALE OF BEER AND WINE (DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TYPE-41 LICENSE) IN CONJUNCTION WITH A NEW BONA-FIDE EATING ESTABLISHMENT, LOCATED IN THE VILLAGE EXPANSION AT 175 NORTH INDIAN HILL BOULEVARD, UNIT 102B. APPLICANT – STEPSELL LLC

WHEREAS, on June 26th, 2025, the applicant submitted an application for Conditional Use Permit File #25-C05 to allow the sale of beer and wine for on-site consumption for a new eating establishment, Kozu Izakaya, in the Village Expansion Specific Plan area at 175 North Indian Hill Boulevard, Unit 102B; 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 on-site alcohol sale and consumption in conjunction with a restaurant 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 on July 3, 2025; and

WHEREAS, the Planning Commission held a public hearing on July 15, 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 on-site sales and service of beer and wine 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 entails the leasing of an existing tenant space within a private structure involving a negligible expansion of use beyond that which currently exists. 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. Kozu Izakaya will occupy a tenant space in the Village Square of approximately 1,400-square feet, of which 500 square feet is for interior dining. This is adequate in size and shape to accommodate a restaurant use with on-site sales of beer and wine, with the extended hours of operation. The Village Square was designed for a variety of retail, restaurant, and service-related businesses, and the proposed hours of operation will not have an adverse impact on the mixed-use environment as it will be located in an existing tenant space with no

additional square footage added to the building footprint or existing outdoor patio.

- B. The proposed restaurant with alcohol sales and service 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 restaurant with alcohol sales and service will not impair the integrity and character of the zone in which it is located or otherwise have an adverse effect on adjacent property or the permitted use thereof. The alcohol sales and service are appropriate as there are other nearby restaurant uses in the Village Square and surrounding Village Expansion Specific Plan area that serve beer, wine, and distilled spirits without incident. The business hours of operation will cease at 11:30 PM each night will eliminate adverse effects such as excessive noise.
- D. The proposed hours of operation is not contrary to the General Plan. Rather, approval of the requested CUP 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 CUP for a new restaurant with beer and wine 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 restaurant with alcohol sales and service will not endanger or otherwise constitute a menace to public health, safety, or general welfare as it will allow for an additional restaurant with alcohol within the Village Square to operate in an established area intended for such uses. 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. Moreover, the use continues to be 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 in the State.

SECTION 3. The Planning Commission hereby approves CUP #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 the on-site sales and service of beer and wine (California Department of Alcoholic Beverage Control Type-41 License) in conjunction with a bona-fide restaurant at 175 North Indian Hill Boulevard, Unit 102B.

- B. The approved hours of operation are Sunday through Saturday (seven days a week):
 - 11:00 AM to 11:30 PM.
- C. 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.
- D. The restaurant shall operate as a bona-fide restaurant use as defined in the State Business and Professions Code Section 23038 and serve meals at all times that alcohol is served for consumption on the premises.
- E. The approved floor plan, furniture type, and layout shall not be modified without prior approval of the Community Development Director or designee.
- F. The dining area shall be continuously supervised by management or employees of the business.
- G. Prior to final Building permit issuance, the applicant shall show compliance with all Fats, Oils, and Grease (FOG) Management and Control Program requirements. The applicant/owner and successors shall operate with continued compliance with FOG requirements.
- H. Noise sources associated with this restaurant use 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 set forth in Chapter 16.154 of the Claremont Municipal Code.
- I. No entertainment shall occur on-site as defined in CMC Chapter 5.45 without City authorization and permit as outlined in Chapter 5.45.
- J. No signage shall be installed on the building exterior or windows prior to approval of a sign permit.
- K. 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.
- L. If the use for which this CUP was granted for (beer and wine 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.
- M. Prior to commencing the service of a full line of 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.

- N. 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.
- O. 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.
- P. 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 15th day of July, 2025.

Planning Commission Chair

ATTEST:

Planning Commission Secretary